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CONGRESSIONAL RECORD.

SIXTY-SECOND CONGRESS, SECOND SESSION.

SENATE.

WEDNESDAY, *April 24, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. MCCUMBER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

LAND AT CORSICANA, TEX.

Mr. CULBERSON. Mr. President, at the top of page 5467 of the RECORD this morning it reads:

Mr. CULBERSON, from the Committee on Public Lands—

Reported House bill 12013. I did not represent myself as a member of that committee. I am not a member of it. I did not speak for the committee. I ask that the change may be made to comport with the fact. As a Member of the Senate I asked that a certain order be entered, which was entered, but I did not represent myself as a member of the Committee on Public Lands or attempt to speak for the committee.

The VICE PRESIDENT. The correction will be made as requested.

Mr. SMOOT. I should like to ask the Senator if it has not been the general rule in the past, where any public lands have been disposed of, that the bill has gone to the Committee on Public Lands?

Mr. CULBERSON. I think not in a case of this kind. The bill simply authorizes the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain land for alley purposes in connection with the purchase of a site for a public building in that city. The usual course is to refer such bills, since I have been in the Senate, at least, to the Committee on Public Buildings and Grounds and not to the Committee on Public Lands.

Mr. SMOOT. Mr. President, I want to call the Senator's attention to the fact that there are a great many of such bills that do go to the Committee on Public Lands. I have no objection to this bill going to the Committee on Public Buildings and Grounds, but I simply say that many of them have been passed on by the Public Lands Committee, and I wondered whether it was the rule of the Senate or whether it was simply to be made an exception.

Mr. CULBERSON. As far as I know, there is no rule of the Senate on the subject; it is merely the practice, in my experience, to refer such bills to the Committee on Public Buildings and Grounds, which passes upon the purchase of the site and the construction of the building.

Mr. SMOOT. I ask the Senator from Texas if it is true that we have any public lands in Texas?

Mr. CULBERSON. None whatever.

Mr. HEYBURN. I was rising to that point. We have none there.

Mr. CULBERSON. Absolutely none. The State retained, when it entered into the Union, all the public domain within its limits belonging to the Republic of Texas originally.

Mr. SMOOT. That is as I understood it. This is land in Texas which was purchased by the Government for the purpose——

Mr. CULBERSON. Of erecting a public building.

Mr. SMOOT. For a public building?

Mr. CULBERSON. That is all.

Mr. SMOOT. And the bill proposes to transfer an alley or a part of an alley?

Mr. CULBERSON. It authorizes the Secretary of the Treasury to transfer to the city of Corsicana an alley for certain purposes.

Mr. SHIVELY. Mr. President, in confirmation of the view of the Senator from Texas, I think it is only a few weeks ago that there came before the Senate the question of the reference of a bill providing for the purchase of additional land for a life-saving station—that is, to enlarge the site—and it was then held that the proper reference was to the Committee on Commerce rather than to any other committee. This seems to be precisely analogous to that case.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendment to the bill (S. 405) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands, disagreed to by the Senate, agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. STEPHENS of Texas, Mr. FERRIS, and Mr. BURKE of South Dakota managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the bill (H. R. 18336) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of sundry citizens of Gorham, Me., praying for the enactment of legislation providing for the purchase and control by the Government of the express companies of the country, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Central Labor Union of Arecibo, P. R., praying for the enactment of legislation to create a department of agriculture and labor in that Territory, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of Quinsigamond Valley Lodge, Independent Order of Good Templars, of Worcester, Mass., and a petition of the Scandinavian Lake Association (Inc.), of Shrevesburg, Mass., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. BACON. I present resolutions adopted by the organization of the Brotherhood of Locomotive Engineers at Augusta, Ga., which they ask may be presented to the Senate as a memorial. The memorial is short, and I ask that it be read. It is on the subject of the employees' compensation act, I will state.

There being no objection, the resolutions were read and ordered to lie on the table, as follows:

Resolved by Lodge 717, Irvin Division of the Brotherhood of Locomotive Engineers, at Augusta, Ga., That we are opposed to the passage of the bill now pending before the Congress of the United States, known as the employees' compensation act, for the following, among many other, reasons:

1. Under existing laws employees of railroad companies can have resort to the same tribunal established by law for other litigants, and in the end obtain substantial justice, and there is no sufficient reason why a new tribunal should be established and new methods of procedure adopted for such employees.

2. Because the enactment of said bill would not diminish the delays and difficulties in the way of said employees in obtaining what they are entitled to for injuries.

3. Because said bill clothes the adjuster with power, which if it is abused, and this might be the case, could be used with great injustice to said employees.

4. Because said bill limits the extent of the recoveries.

5. Because the recoveries allowed by said bill are too small and put a cheap price upon labor and the lives and limbs of laboring people.

Resolved further, That our secretary furnish copies of the foregoing resolution to the Hon. H. M. Stanley, commissioner of commerce and labor for the State of Georgia, and the Hon. A. O. BACON and the Hon. HOKE SMITH, Senators from the State of Georgia, with the request that they present this as our memorial to the Senate of the United States; and the Hon. THOMAS W. HARDWICK, Representative in Congress from this congressional district, and that he present this our memorial to the House of Representatives, and that our said Senators and Representatives are respectfully urged to oppose the passage of said bill.

Witness the hand of the secretary and the official seal.

[SEAL.] J. L. BEARDEN.

Mr. CULLOM presented memorials of sundry members of the Illinois Federation of Women's Clubs, residents of Chicago, Ill., remonstrating against a reduction in the appropriation for the maintenance of the Forest Service, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Pekin Camp, No. 25, Department of Illinois, United Spanish War Veterans, of Pekin, Ill., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a memorial of Local Union No. 117, Bartenders' Union, of Belleville, Ill., remonstrating against the enactment of legislation governing the granting of licenses for barrooms in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Bradley and Fairbury, in the State of Illinois, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also presented a petition of the congregation of the Park Street Congregational Church, of Mazon, Ill., and a petition of sundry citizens of New Boston, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

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Mr. LIPPITT. I present a resolution adopted by the Legislature of the State of Rhode Island, and approved by the governor, relative to the Federal inspection of seagoing barges. I ask that the resolution be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

STATE OF RHODE ISLAND, ETC.,
IN GENERAL ASSEMBLY,
January session, A. D. 1912.

Resolution recommending to Congress the passage of House bill No. 17731, providing for the Federal inspection of seagoing barges.

Whereas there has been introduced in the House of Representatives of the United States House bill No. 17731, providing for the Federal inspection of all seagoing barges of 100 gross tons or over, and providing for the issuance of a certificate of inspection wherever such barges are found to be suitably equipped and in proper seaworthy condition; and

Whereas the loss of life along the shores of the State of Rhode Island is much increased by the operation of unseaworthy barges, which are in many cases without lifeboats, anchors, cables, or life preservers: Therefore be it

Resolved, That the General Assembly of the State of Rhode Island heartily approves of the provisions of said bill and respectfully requests our Senators and Representatives in Congress to urge the passage of said bill, and the secretary of state is hereby instructed to send a copy of this resolution to the Senators and Representatives in Congress from Rhode Island.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, April 12, 1912.

I hereby certify the foregoing to be a true copy of the original resolution approved by his excellency the governor on the 10th day of April, A. D. 1912.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the date first above written.

[SEAL.] J. FRED PARKER,
Secretary of State.

Mr. LIPPITT presented a petition of the Blackstone Valley Building Trades Council, of Pawtucket, R. I., and a petition of members of the Rhode Island State Conference, Brotherhood of Painters, Decorators, and Paper Hangers of America, praying for the passage of the so-called employers' liability and workmen's compensation bill, which were ordered to lie on the table.

He also presented a petition of Central Grange, No. 34, Patrons of Husbandry, of Apponaug, R. I., praying for the establishment of a parcel-post system and remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Wickford, Portsmouth, and East Greenwich, all in the State of Rhode Island, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. WORKS. I present four petitions containing 97 signatures of citizens of California, remonstrating against the Owen medical bill. A short letter accompanies the petitions. I ask that the petitions and letter lie on the table, and that the letter be printed in the RECORD.

There being no objection, the petitions were ordered to lie on the table, and the letter was ordered to be printed in the RECORD, as follows:

LOS ANGELES, CAL., *April 19, 1912.*

Senator JOHN D. WORKS,
Senate Chamber, Washington, D. C.

DEAR SENATOR WORKS: We are inclosing herewith four petitions containing 97 signatures of persons protesting against the Owen bill. Will you kindly add these sheets to those already forwarded to you? This will make a total of 10,030 signatures on petitions forwarded to you from the Southern California Branch of the League.

Cordially, yours,
THE SOUTHERN CALIFORNIA BRANCH OF THE
NATIONAL LEAGUE FOR MEDICAL FREEDOM,
FLORENCE W. SAUNDERS,
Assistant Secretary Local Committee.

Mr. JONES. I have several telegrams and letters in the nature of memorials protesting against the Owen public-health bill. First, I should like to have the names noted in the RECORD and to have the first telegram, which is short, printed in the RECORD without reading.

There being no objection, the memorials and telegrams were ordered to lie on the table and the telegram and signatures to the memorials ordered to be printed in the RECORD, as follows:

ABERDEEN, WASH., *April 23, 1912.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.:

The national health bill is not for the best interest of the people, is unprogressive, is class legislation, will lead to personal bondage and tyranny. We protest against the Owen bill in any form.

CARYLL T. SMITH.
B. F. CAUTHORN.
A. W. BARKLEY.
A. L. DAVENPORT.
J. J. CARNEY.
JOHN B. ORTON.
F. W. LOOMIS.
J. W. CLARK.
E. C. MILLER.
JAY D. CRARY.
H. N. ANDERSON.

From Edwin E. Elstone, of Seattle, Wash.; the National League for Medical Freedom, of Seattle, Wash.; James A. Sexton Post, No. 103, Grand Army of the Republic, of Seattle, Wash.; Herbert E. Coe, secretary-treasurer, King County Medical Society, of Seattle, Wash.; Edward A. Beekman, of North Yakima, Wash.; Ashley B. Palmer, M. D., president, and C. P. Bryant, M. D., secretary, Homeopathic Medical Society of Seattle, Wash.; H. T. Fowler, of Everett, Wash.; E. B. Kromey and O. B. Kromey, chiropractors and naturopaths, of North Yakima, Wash.; Homer Gray, of North Yakima, Wash.; the Zediker Institute of Drugless Healing, of North Yakima, Wash.; Lewis G. Bech, of Everett, Wash.; and Samuel A. Sizer, of Seattle, Wash.

Mr. JONES. I have also a letter with reference to the homestead conditions in the several instances in connection with difficulties in taking up lands in the West. I should like to have the letter printed in the RECORD, without reading, and referred to the Committee on Public Lands.

There being no objection, the letter was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

SPOKANE, WASH., *April 16, 1912.*

Hon. WESLEY L. JONES,
Washington, D. C.

DEAR SIR: Homesteading conditioos here are not as they have been in the Middle States and Columbia River Valley. Most homesteads are now among the foothills and mountains. The land is usually covered with the poorer kinds of forest trees, the valuable timber having been taken by squatters. It is difficult to clear land of this character, and when it is ready for the plow it must be stirred and exposed to the atmosphere a year or two before crops can be raised. I have been told that this is on account of the turpentine in the soil. In Eastern and Middle States, where hardwood timber prevailed, or on the prairie, crops were grown the first year of seed sowing.

The following facts relate to homesteaders who have lived in the north half of township 35 north, range 41 west, Willamette meridian, in the State of Washington. Incidents occurred during the past two years:

A mother and four small children alone all winter. Husband obliged to be 300 miles away at work. Nearest neighbor a widow with young daughter. Three feet of snow, 4 miles of poor road or trail to country post office, and 18 miles to a physician.

A man, wife, and baby girl from New England spent two years finding a homestead. Made wagon trip 160 miles with family; built cabin; made other improvements; remained about a year. Hardship of winter and prospect of four years more too much for the mother, and they gave up.

Fine elderly man left invalid wife in Pennsylvania and came here to homestead, hoping to be able to secure a home for them in old age. Lived on his claim about four years, making many improvements preparatory to bringing his wife. Last fall, sick himself and disheartened at the prospect of still another winter alone, he sold relinquishment for less than $100 and went away heartbroken. He had spent years at hard work and received nothing for it. If he had been on Canadian land he would have had title and could have arranged to keep his home.

An industrious Italian, with wife and family, after holding homestead about three years spent summer and fall working for winter "grub stake" on a State road. Contractor failed. Worry over approaching winter and no food supply was too much for him, and he was sent to an insane asylum. The new law permitting five months' absence would have made his burden much lighter.

Man with family from St. Louis filed on land, built a good cabin, cleared considerable land, but he was poor and she did not dare remain alone with children. They gave up because of the prospect of five years and no chance to get away to earn food.

Man and wife with family of five small children moved on a homestead in early spring. Deep snow and only a tent. Remained four years, husband necessarily absent to earn food. Wife became so nearly insane she imagined she heard voices about her in the forest. Finally the husband remained at home to care for the children and she spent last winter in Spokane scrubbing and washing and sending the family money to live on.

Many other similar instances could be given in the history of this new township where unreasonable hardship has been suffered by homesteaders. These people, and thousands of others similarly situated, are depending upon you to use every influence in your power to get prompt and favorable action upon the new homestead bill. The measure is humane and reasonable and ought by all means to become a law at once.

Respectfully,
F. C. VAN DE WALKER.

Mr. KERN. I have a letter from a distinguished citizen, former Attorney General of the United States, on the subject of the prevailing speed mania resulting so disastrously. I ask that the letter be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the letter was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

INDIANAPOLIS, *April 19, 1912.*

Hon. JOHN W. KERN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The appalling results of the speed mania which seems to possess the world are full of suggestion. It is not merely upon the sea that this mania needs to be curbed; and it is in the power of the Congress of the United States, and only of the Congress of the United States, to curb it so far as our railroads are concerned. One scarcely picks up a newspaper without reading of some railroad accident caused by this mania. Of course, so far as trolley lines, which are generally intrastate, and automobiles are concerned, they are beyond the jurisdiction generally of Congress; but, so far as the great trunk line railroads doing an interstate business are concerned, it is entirely competent and, in my judgment, it is the duty of Congress to legislate in such a way as to put a stop to the unnecessarily and unreasonably high rates of speed, which can not be done and will not be done by any of these great corporations themselves.

If the New York Central lines put on an 18-hour train from Chicago to New York, the Pennsylvania and other lines find in that an excuse and apparent necessity for doing the same thing, and vice versa.

I may say that it is ordinarily more important that travelers shall know the time of their arrival at their destination than that a part of the time a few hours be saved on a long journey; and it is a matter of common knowledge that a very large per cent of the fast trains do not and can not maintain their schedules.

It seems to me, therefore, that you can not render to your country a greater service than not only to assist in the legislation touching the manifestation of this craze for speed upon the water, but likewise upon the land, and as one of your constituents I ask you to do it.

Very truly, yours,

W. H. H. MILLER.

Mr. McLEAN presented petitions of sundry citizens of Woodbury, Hartford, New Haven, Norwich, Danbury, and Bridgeport, all in the State of Connecticut, praying that an appropriation be made for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

He also presented a petition of the Business Men's Association of Waterbury, Conn., praying for the adoption of 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE presented a petition of members of the faculty of the Technical High School of Providence, R. I., praying for the enactment of legislation providing for vocational education, which was ordered to lie on the table.

He also presented a memorial of 26 citizens of Newport, R. I., remonstrating against the enforcement of the so-called Taylor system of shop management in navy yards, which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. JONES, from the Committee on Public Lands, to which was referred the bill (S. 3638) for the relief of Norton P. Chipman, submitted an adverse report (No. 654) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the Committee on Claims, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

S. 3909. A bill for the relief of John O. Nelson (Rept. No. 655);

S. 2559. A bill for the relief of L. L. Scherer (Rept. No. 656); and

S. 3758. A bill for the relief of Paul G. Morgan (Rept. No. 657).

UNINCORPORATED JOINT-STOCK ASSOCIATIONS.

Mr. RAYNER. Mr. President, I desire to introduce a bill and to have it read. After it is read I wish to submit just a few remarks to the Senate upon it.

The bill (S. 6495) to amend the law in reference to suits and prosecutions against unincorporated joint-stock associations was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That whenever in any proceeding, civil or criminal, under any act of Congress, it shall be ascertained that the defendant or any party to the proceeding is a joint-stock association and has not been chartered or incorporated, it shall be sufficient to describe the said defendant or the said party to the proceeding by the name by which it is usually known or under which it transacts its business, and it shall not be necessary to name or designate the individuals who comprise the said association; and all indictments that may be found against any such joint-stock association shall be sufficient, if otherwise valid, if they designate the defendant as a joint-stock association, by the name by which it is usually known or under which it transacts its business, without setting forth the names of the individuals who compose it or the names of the stockholders thereof.

Mr. RAYNER. Mr. President, I want just a moment or two to call the attention of the Senate to the bill, because I consider it one of grave importance, before it goes to the Committee on Interstate Commerce. There was a decision in one of the Federal circuits last week that the Adams Express Co. is not indictable because it is neither a corporation nor an individual. I am not criticizing that decision. I merely want to read a reference to the decision, which appeared in the Washington Post:

The decision rendered by Federal Judge Hollister declaring that the Interstate Commerce Commission has no regulative jurisdiction over express companies looks to be, at first blush, as hard a facer for the Government as the recent Supreme Court ruling upholding the monopoly clause in the patent laws. Judge Hollister finds that an indictment against the Adams Express Co. on the ground of overcharging is invalid for the reason that the company is neither an individual nor a corporation, but a stock association, and that it would be necessary to proceed against its 10,000 stockholders in order to secure its indictment. The interstate-commerce laws, it seems, fail to take cognizance of other than corporations and individuals, and should Judge Hollister's decision stand, the recent investigation of the express companies, which revealed a maze of alleged infractions of the laws, comes to nothing.

Mr. President, I am not prepared to say whether Judge Hollister is right or wrong. I am inclined to think he is right. The Adams Express Co., which, in my judgment, is one of the most oppressive monopolies in the land, has been defying the law for a long time. It is not a corporation, but it is a joint-stock association, and therefore it does not come under the definition of a corporation, and in order to sue it at common law you would have to sue all its stockholders.

We had the same trouble in Maryland. We sued the Adams Express Co. over and over again as a corporation. Then we sued it by the name under which it transacted its business. The courts held in every instance that it was not suable. We could not sue the company and could not indict the company, and there it stands absolute proof against the interstate-commerce law, unless we change the law.

In Maryland we had to change the law, and we adopted a provision of this sort. This statute was passed in Maryland, which is to overcome the objections that the Adams Express Co. made to every suit that was brought against it, civil or criminal:

It shall be sufficient in any suit, pleading, or process, either at law or in equity, or before any justice of the peace, by or against any joint-stock company or association, to describe the said joint-stock company or association by the name or title by which it is commonly known, or by or under which its business is transacted.

Now, this law, unfortunately, was changed in Maryland afterwards, and I think the subsequent law is not an improvement upon that law. But I introduced the bill, and I have just risen to direct the attention of the Interstate Commerce Committee to it, for the purpose of remedying the objection that arises under this decision, which has really made this company unanswerable to the civil or criminal process of this land.

The VICE PRESIDENT. The bill will be referred to the Committee on the Judiciary.

Mr. RAYNER. I ask its reference to the Committee on Interstate Commerce. I think it belongs there.

The VICE PRESIDENT. Without objection, the reference will be to the Committee on Interstate Commerce.

SAFETY OF LIFE AT SEA.

Mr. McCUMBER. I send to the desk a bill, which I ask may be printed in the RECORD, and as the bill is the result of the work of the New York State mayors' conference, I would ask that the letter which explains it may be read and printed. It is short.

The bill (S. 6496) for the protection of passengers on ocean vessels was read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That hereafter no vessel of over 5,000 tons gross tonnage shall be cleared with passengers from any port in the United States unless there shall have been advertised and printed on each ticket issued for passage on such vessel the number of passengers that she is licensed to carry, the number of persons usually composing her crew, and the total number of persons for whom she purports to be provided with life-saving facilities capable of keeping human beings afloat entirely above water for a reasonable time in ordinary weather.

The VICE PRESIDENT. Without objection, the Secretary will read the letter.

The letter was read and referred to the Committee on Commerce, as follows:

NEW YORK STATE MAYORS' CONFERENCE,
OFFICE OF THE SECRETARY,
105 East Twenty-second Street, New York City, April 22, 1912.

Hon. P. J. MCCUMBER,
United States Senate, Washington, D. C.

MY DEAR SIR: I learn that Congress has referred to various committees many bills prepared with a view to remedying the conditions disclosed by the *Titanic* disaster.

Without any exception known to me, these bills are designed to change existing laws specifying the character or number of life-saving appliances on passenger vessels leaving our ports.

There appears to be slight probability of any of these bills being enacted for some weeks or months to come.

In view of these facts, a group of citizens in this city have caused, with expert advice, the preparation of the following short bill, capable of immediate enactment and laying upon no one any unreasonable burden whatever:

"Whereas much time must elapse before any well-considered governmental or intergovernmental change can be effected in laws requiring life-saving facilities on ocean passenger vessels: Therefore

"Be it enacted, etc., That hereafter no vessel of over 5,000 tons gross tonnage shall be cleared with passengers from any port in this country, unless there shall have been advertised and printed on each ticket issued for passage on her the number of passengers that she is licensed to carry, the number of persons usually composing her crew, and the total number of persons for whom she purports to be provided with life-saving facilities capable of keeping human beings afloat entirely above water for a reasonable time in ordinary weather."

An earlier and slightly different form of this measure is now being urged upon their respective Members of Congress by the mayors of the largest cities throughout the country, including the mayors of 41 of the 49 cities in New York State and the following outside this State:

Hon. James H. Preston, mayor of Baltimore, Md.
Hon. Clifford B. Wilson, mayor of Bridgeport, Conn.
Hon. Jacob Haussling, mayor of Newark, N. J.
Hon. Rudolph Blankenburg, mayor of Philadelphia, Pa.
Hon. Ira W. Stratton, mayor of Reading, Pa.
Hon. John Von Bergen, jr., mayor of Scranton, Pa.
Hon. Frederick W. Donnelly, mayor of Trenton, N. J.
Hon. Frank W. Rockurn, mayor of Akron, Ohio.
Hon. John F. Fitzgerald, mayor of Boston, Mass.
Hon. Michael A. Scanlon, mayor of Lawrence, Mass.
Hon. George N. Seger, mayor of Passaic, N. J.
Hon. S. P. Seifert, mayor of Roanoke, Va.
Hon. Joseph D. Smith, mayor of Wilmington, N. C.

It is the belief here that publicity stimulates self interest swiftly, and is therefore more likely to prove speedily effective than slowly stringent legislation, which will undoubtedly be enacted later. It is also the belief that such a law as proposed in this letter would slacken public clamor, which must hamper lines in an effort to do their best.

On behalf of the municipal executives who are urging the enactment of a law in which these ideas are incorporated, and on behalf also of the group of New Yorkers who believe that the immediate enactment of such legislation would at once stimulate the lines to devote to life-saving facilities time, talent, and money heretofore expended on bulkhead devices and luxurious fittings, I ask that you seriously consider either the speedy introduction of such a measure or, in case any bill of similar character has already been introduced, a motion so as to amend such bill that it may substantially conform to the ideas expressed in the bill above set forth.

Very truly, yours, W. P. CAPES, *Secretary.*

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McLEAN:

A bill (S. 6497) to protect migratory game and insectivorous birds in the United States; to the Committee on Forest Reservations and the Protection of Game.

A bill (S. 6498) granting an increase of pension to Mary M. Culver (with accompanying paper); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 6499) to provide for the disposition of military posts and reservations no longer required for the use of the Army, and for other purposes; to the Committee on Military Affairs.

By Mr. GALLINGER:

A bill (S. 6500) to provide for the grading and improving of Minnesota Avenue NE. from East Capitol Street to Hunt Place, Benning subdivision of the District of Columbia; to the Committee on the District of Columbia.

By Mr. FALL:

A bill (S. 6501) to amend section 13 of the act of June 20, 1910, being "An act to enable the people of New Mexico to form a State government," etc., and providing for two in lieu of one judicial districts in New Mexico; to the Committee on the Judiciary.

By Mr. WARREN:

A bill (S. 6502) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Order of Owls; to the Committee on Public Lands.

By Mr. JOHNSTON of Alabama:

A bill (S. 6503) authorizing and directing the Secretary of War to accept the title to 4,000 acres of land at or near Anniston, Ala., for the purpose of establishing maneuver camps, rifle and artillery ranges, etc.; to the Committee on Military Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 6504) granting to the State of Oregon the lands now covered by the waters of certain unnavigable inland lakes; to the Committee on Public Lands.

By Mr. WORKS:

A bill (S. 6505) granting a pension to Thomas F. Mangan (with accompanying paper); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 6506) authorizing the State of California to select public lands in lieu of certain lands granted to it in Imperial County, Cal.; and

A bill (S. 6507) to further assure title to lands granted the several States, in place, in aid of public schools; to the Committee on Public Lands.

By Mr. PERKINS:

A bill (S. 6508) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley, Cal.; to the Committee on Public Lands.

By Mr. LODGE:

A bill (S. 6509) granting a pension to Annie Dougherty; to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 6510) granting an increase of pension to Edward H. Baker (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6511) granting an increase of pension to P. H. Rundle;

A bill (S. 6512) granting a pension to Rachel N. Gwyn;

A bill (S. 6513) granting an increase of pension to S. Cornwell;

A bill (S. 6514) granting an increase of pension to Mrs. J. K. Fisher;

A bill (S. 6515) granting an increase of pension to James I. Richards;

A bill (S. 6516) granting a pension to Sallie A. Brown;

A bill (S. 6517) granting a pension to Mrs. J. A. McGinnis;

A bill (S. 6518) granting a pension to Charlotte Small;

A bill (S. 6519) granting a pension to Elmira L. Stiles;

A bill (S. 6520) granting a pension to Nancy E. Lamb;

A bill (S. 6521) granting an increase of pension to Hardy H. Hickman;

A bill (S. 6522) granting an increase of pension to Francis M. Chaffin;

A bill (S. 6523) granting an increase of pension to John H. Crabl;

A bill (S. 6524) granting a pension to Margaret Warren;

A bill (S. 6525) granting an increase of pension to Jasper Fleeuer;

A bill (S. 6526) granting an increase of pension to George W. Reed;

A bill (S. 6527) granting an increase of pension to John L. Tucker;

A bill (S. 6528) granting a pension to James Sullivan;

A bill (S. 6529) granting an increase of pension to Richard F. Brunnage (with accompanying paper);

A bill (S. 6530) granting a pension to Margaret Dickson (with accompanying paper);

A bill (S. 6531) granting an increase of pension to John Carr (with accompanying paper);

A bill (S. 6532) granting an increase of pension to Franklin S. Curry (with accompanying papers);

A bill (S. 6533) granting an increase of pension to Francis W. Thayer (with accompanying papers);

A bill (S. 6534) granting an increase of pension to Jennie Ashley (with accompanying papers);

A bill (S. 6535) granting an increase of pension to John P. T. Davis (with accompanying paper); and

A bill (S. 6536) granting an increase of pension to J. J. Williams (with accompanying paper); to the Committee on Pensions.

By Mr. GUGGENHEIM (by request):

A bill (S. 6537) for the relief of Catherine Maroney; to the Committee on the District of Columbia.

Mr. PERCY. I present a joint resolution and ask that it be read and referred to the Committee on Commerce.

The joint resolution (S. J. Res. 102) relative to the rebuilding of certain levees on the Mississippi River and its tributaries was read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Whereas numerous crevasses have occurred in the levees on the Mississippi River which have been constructed in whole or in part by the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river; and

Whereas it is imperatively necessary that the crevasses be closed before the June rise in said river; and

Whereas the House of Representatives has already passed a river and harbor bill which carries an item of $3,500,000 for the general improvement of said river, for the building of levees, etc., between Head of Passes and Cape Girardeau; and

Whereas it will, in all probability, be several weeks before the appropriations carried in the river and harbor act will become available; and

Whereas this delay will render it impossible for the Secretary of War to close these crevasses before the June rise: Therefore be it

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to rebuild, by contract or otherwise, in accordance with such plans, specifications, and recommendations of the Mississippi River Commission as may be approved by the Chief of Engineers, such portions of the levees on the Mississippi River and its tributaries as may have been or may hereafter be broken by the existing flood in said rivers, and the sum of $1,500,000, or so much thereof as may be necessary, is hereby appropriated for this purpose, out of funds remaining in the Treasury not otherwise appropriated: *Provided*, That the Secretary of War shall keep an account of the actual cost of all work done under the provisions of this resolution, and upon completion of the work he shall report the total cost thereof to the Secretary of the Treasury, and the Secretary of the Treasury shall cause a sum equal to the cost so reported to be deducted from the unexpended balance of appropriations that may hereafter be made for improving Mississippi River from Head of Passes to the mouth of the Ohio River and to be carried to the surplus fund and covered into the Treasury.

REGENT OF SMITHSONIAN INSTITUTION.

Mr. BACON. Mr. President, I send to the desk a joint resolution, for which I ask present consideration. I will state that it relates to the election of a Regent for the Smithsonian Institution. As the basis for the resolution, I also send to the desk, which I ask may be read, a communication from the secretary of the institution addressed to the Vice President.

The VICE PRESIDENT. Without objection the Secretary will read the communication.

The Secretary read as follows:

SMITHSONIAN INSTITUTION,
Washington, U. S. A., April 23, 1912.

The Hon. JAMES S. SHERMAN,
Vice President of the United States, Washington, D. C.

SIR: I have the honor to inform you that a vacancy exists in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, caused by the expiration of the term of Dr. Andrew D. White, a citizen of New York, appointed under joint resolution of Congress, approved April 23, 1906.

Very respectfully, yours,

CHARLES D. WALCOTT, *Secretary.*

The VICE PRESIDENT. The resolution introduced by the Senator from Georgia will now be read.

The joint resolution (S. J. Res. 101) to appoint Andrew D. White a member of the Board of Regents of the Smithsonian Institution, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution in the class other than Members of Congress shall be filled by the reappointment of Andrew D. White, a citizen of New York.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. PERCY. I submit certain amendments intended to be proposed to the river and harbor appropriation bill, which I ask may be read and referred to the Committee on Commerce.

There being no objection, the amendments were read and referred to the Committee on Commerce, as follows:

Amendments intended to be proposed by Mr. PERCY to the bill (H. R. 21477) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, viz:

Strike out the word "three," on line 23, page 34, of the bill, and substitute therefor the word "six"; and strike out the words "five hundred thousand," on line 24, page 34; and after the word "river," in line 9, page 35, insert "*Provided*, That not less than three and one-half million dollars of said sum shall be expended for the building of levees, and all levee work shall be considered extraordinary emergency work."

On line 20, page 35, after the word "appropriated," insert the following: "*And provided further*, That on and after the passage of this act the Secretary of War may enter into additional contracts for such materials and work as may be necessary to carry on continuously the plans of the Mississippi River Commission as aforesaid, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $12,000,000, exclusive of the amount herein and heretofore appropriated: *Provided further*, That the authorized sum last mentioned shall be used in prosecuting the improvement for not less than two years, beginning July 1, 1913, the work thus done each year to cost approximately $6,000,000."

Mr. NEWLANDS. I submit an amendment intended to be proposed to the river and harbor appropriation bill, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the amendment was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, viz:

Insert the following at the end of section 4:

"That the Secretary of War shall cause the Chief of Engineers of the Army and the Board of Engineers for Rivers and Harbors to report upon the relative importance of the various improvements recommended as worthy of being undertaken by the United States, the order in which the works should be taken up, and the rapidity with which they should be completed, upon methods of standardisation by which the waterways of the country may be improved uniformly in proportion to their capacities and to the existing or probable demands of general commerce, and also report upon a systematized scheme of such improvement, involving all waterways, whether heretofore examined and reported upon or not, and the sum of $50,000 is hereby appropriated for such examination and report."

Mr. BOURNE submitted an amendment proposing to appropriate $50,000 for improving Oregon Slough, Oreg., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HEYBURN submitted an amendment proposing to appropriate $15,000 for an investigation into the best methods of distillation of Douglas fir, etc., intended to be proposed by him to the Agriculture appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. TOWNSEND submitted an amendment proposing to appropriate $5,000 for the investigation and improvement of ginseng and the control of diseases and insects detrimental to the growth of the plant, etc., intended to be proposed by him to the Agriculture appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station in the State of Colorado, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Fisheries and ordered to be printed.

THE INTERNATIONAL HARVESTER CO.

Mr. JOHNSTON of Alabama submitted the following resolution (S. Res. 290), which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Attorney General be, and he is hereby, directed to furnish the Senate with copies of the reports of the Secretary of Commerce and Labor and Commissioner of Corporations and instructions of the President concerning the proposed prosecution of the International Harvester Co. of America, made in the year 1907, and showing the facts concerning such proposed prosecution and the reasons for its abandonment.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolutions:

On April 18, 1912:

S. 2. An act supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes.

On April 19, 1912:

S. J. Res. 87. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Messrs. Humberto Mencia and Juan Dawson, of Salvador; and

S. J. Res. 91. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Mr. Manuel Aguero y Junque, of Cuba.

On April 22, 1912:

S. J. Res. 77. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Grand Army of the Republic encampment to be held at Pullman, Wash., in June, 1912.

On April 23, 1912:

S. 244. An act extending the operation of the act of June 22, 1910, to coal lands in Alabama; and

S. 5050. An act granting school lands to the State of Louisiana.

On April 24, 1912:

S. 2577. An act authorizing the lease of school lands for public-park purposes by the State of Washington for a longer period than five years.

LAWS OF PORTO RICO (S. DOC. NO. 603).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying document, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

As required by section 31 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I have the honor to submit herewith copies of the acts and resolutions enacted by the Legislative Assembly of Porto Rico during the sessions beginning January 8 and ending March 14, 1912.

WM. H. TAFT.

THE WHITE HOUSE, *April 24, 1912.*

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

Mr. BRYAN obtained the floor.

The VICE PRESIDENT. The Chair lays before the Senate the bill on which the Senator from Florida gave notice of his desire to-day to address the Senate, the title of which will be stated.

The SECRETARY. A bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes.

Mr. BRYAN. Mr. President, the bill now under consideration is of such vast importance that I presume its provisions have been carefully studied by most Senators. If I thought that I could support this bill, instead of making any argument in its favor I should leave it to those much better qualified, who have given more mature study to the question. My only purpose in speaking at this time is that, being opposed to the bill, I am not sure that I shall be present when action is had upon it, and because I can not support it I think it is due to myself that I state the reasons for my opposition.

Anyone who will examine the record prepared by the commission appointed in pursuance of the resolution to provide an investigation into employers' liability and workmen's compensation must recognize and appreciate the long and patient hearing and careful consideration given to all the various propositions presented. I might go further and say that the commission itself is under obligations to many of those representing

both employers and employees, who, after much study on this question, came before the commission to express views which were well considered and matured. The commission, after its investigation, is of the opinion that the choice of compensation acts and of liability acts, or the proper system to be inaugurated in this country, lies between two methods, namely:

(a) A fund is collected by imposing an assessment in the nature of an insurance premium upon all employers, in accordance with a more or less definite classification, out of which fund, administered under governmental supervision, the injured employees or dependents are paid.

(b) The burden is put upon each employer to compensate his injured employees or their dependents in case of death by paying the amounts fixed directly to the employees or dependents.

The commission correctly state that a type of the first method is perhaps best represented by the system prevailing in Germany, and that the type best represented by the second method is the system prevailing in England. In reaching a conclusion as to the relative merits of these two systems, the commission follow both in part and neither in its entirety. They follow the German method far enough to make the remedy here provided exclusive; they follow the English method far enough to provide a compensation act, but not far enough to continue upon the statute books laws as to negligence under the common-law system and under the employers' liability act in force in England.

Among the reasons why the commission reject the German system are, first, that in Germany for the first 13 weeks of injury a sickness fund is provided, contributed to by employers and employees, but it is supposed that would not be available in this country because our population is considered to be not so stable; the people move about. It seems to me that that objection is to a mere detail. If it be a fact that our people can not be so easily identified, there is nothing fundamental in having, first, a sickness benefit, and then, afterwards, compensation.

It is stated immediately following that in the report of the commission, by way of an objection under the first heading, that this bill deals only with one industry while the German system deals with a great many industries, especially those where hazard may be involved. Well, Mr. President, there was nothing either in the joint resolution or in the authority vested in the commission to limit it in applying this remedy to only one industry. Other industries besides those connected with the transportation of interstate commerce by railroad are dangerous; in fact, it is stated that more dangerous employments are, for instance, mining, carpentering, the steel industry, and even farming, and as this legislation is intended to be a model in the enactment of similar legislation by the States and is intended to cure a defect in our system of administering the relationship between master and servant, if all industrial classes engaged in hazardous employments could have been brought in the benefit would be that much greater.

Another reason for not adopting a system similar to that in Germany is that we have not the data upon which to base legislation. On page 277 of volume 2 of the hearings before the commission, in the brief of Mr. Dawson, are gathered the employments and the insurance of the employers, running from the year 1886 until 1908, and I ask permission to incorporate in my remarks that part of the table covering the years 1902 to 1908.

The PRESIDING OFFICER (Mr. JOHNSON of Maine in the chair). Without objection, the request will be granted.

Mr. BRYAN. I do not insert the whole table, because it is quite lengthy, and the portion I have asked to have inserted will give the idea. In this table employments shown to be more dangerous than railroading, as far as insurance liability could show or tend to show that fact, are agricultural machinery work, beer bottling and shipping concerns, carpentering, flour mills, furniture factories, powder factories, sawmills, and shipbuilding plants.

The table referred to is as follows:

Rates in Germany—Insurance of employers in mutual funds.

* * * * * * *

	1902	1903	1904	1905	1906	1907	1908
Agricultural-machinery works	2.03	2.07	1.99	2.02	1.87	1.84	2.11
Beer-bottling and shipping concerns	1.80	1.77	1.73	1.71	1.70	1.77	1.89
Carpentry (general contract)	2.47	2.37	2.29	2.18	2.03	2.14	2.32
Carpet factories	.98	1.00	1.04	1.08	1.08	1.04	1.12
Carriage factories	1.42	1.45	1.20	1.21	1.12	1.11	.84
Dyeing establishments (power)	1.14	1.17	1.27	1.32	1.31	1.28	1.36
Flour mills (steam power)	3.31	3.48	3.53	3.57	3.64	3.43	3.66
Furniture factories (wood)	2.14	2.07	1.95	2.00	1.91	1.89	1.93
Metal pressing, stamping, etc	.64	.66	.77	.80	.82	.83	.88
Paint factories (color factories)	1.58	1.61	1.71	1.72	1.68	1.62	1.70
Paper hanging	.49	.47	.46	.44	.41	.43	.48
Powder factories (black)	4.34	4.44	4.05	4.00	4.00	3.84	4.04
Railways (steam)	1.81	1.89	1.83	1.84	1.82	1.76	1.82
Sawmills	4.28	4.32	4.07	4.19	3.90	3.93	4.19
Sewing-machine factories	.28	.40	.39	.39	.37	.33	.35
Shipbuilding plants	2.64	2.60	2.59	2.63	2.43	2.40	2.74

Mr. BRYAN. There is rather an interesting statement, selected from statistics, on page 669 of the report of the commission, which is most surprising to everyone, I imagine, who has not given this subject considerable study. There it is said:

During the past 10 years we have had two wars, the Spanish and the Philippine, and the aggregate loss of killed and wounded in the two was less than 6,000 men, while the number killed and wounded in our industrial army during the same period, according to lowest estimates, was more than 5,000,000; that is, for every man killed or wounded in war "victories of peace" have cost us 875 men killed and wounded.

The six bloodiest battles of the Civil War were Gettysburg, Spottsylvania, Wilderness, Antietam, Chancellorsville, and Chickamauga. The total number of killed, wounded, and missing in these six battles aggregated less than 105,000 men, while the number killed and injured upon our railways during the year ending June 30, 1906, was 108,324. (Tolman.)

Mr. President, if a system could be devised which would take within its scope these other classes in dangerous employments, I believe that everybody would admit that it would be that much more desirable. The data furnished here, together with the information gathered in this country, it seems to me, ought to furnish enough information as that we ought not to say that we are incapable, from lack of information, of dealing with this subject. I ask permission to incorporate in my remarks, without reading, two tables found on page 284 of the Statistical Abstract for the year 1910.

The PRESIDING OFFICER. Without objection, it is so ordered.

The tables referred to are as follows:

Railroad accidents: Number of employees, passengers, and other persons killed, and number injured, 1891 to 1909.

[From the statistical reports of the Interstate Commerce Commission.]

Year ended June 30—	Employees.		Passengers.		Other persons.		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
1891	2,660	26,140	293	2,972	4,076	4,769	7,029	33,881
1892	2,554	28,267	376	3,227	4,217	5,158	7,147	36,652
1893	2,727	31,729	299	3,229	4,320	5,435	7,346	40,393
1894	1,823	23,422	324	•3,034	4,300	5,433	6,447	31,889
1895	1,811	25,696	170	2,375	4,155	5,677	6,136	33,748
1896	1,861	29,969	181	2,873	4,406	5,845	6,448	38,687
1897	1,693	27,667	222	2,795	4,522	6,269	6,437	36,731
1898	1,958	31,761	221	2,945	4,680	6,176	6,859	40,882
1899	2,210	34,923	230	3,442	4,674	6,255	7,123	44,620
1900	2,550	39,643	249	4,128	5,066	6,549	7,865	50,320
1901	2,675	41,142	282	4,988	5,498	7,209	8,455	53,339
1902	2,909	50,524	345	6,683	5,274	7,455	8,588	64,662
1903	3,606	60,481	355	8,231	5,870	7,841	9,840	76,553
1904	3,632	67,067	441	9,111	5,973	7,977	10,046	84,155
1905	3,361	66,833	537	10,457	5,805	8,718	9,703	86,008
1906	3,929	76,701	359	10,764	6,330	10,241	10,618	97,706
1907	4,534	87,644	610	13,041	6,695	10,331	11,839	111,016
1908 [1]	3,405	82,487	381	11,556	6,402	10,187	10,188	104,230
1909 [1]	2,610	75,006	253	10,311	5,859	10,309	8,722	95,626

[1] Excludes accidents reported by switching and terminal companies.

Railroad accidents: Number of employees, trainmen, and passengers for one killed and number for one injured, 1891 to 1909.

[From the statistical reports of the Interstate Commerce Commission.]

Year ended June 30—	Number of employees for one—		Number of trainmen for one—		Number of passengers for one—	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
1891	296	30	104	10	1,811,642	178,604
1892	322	29	113	10	1,491,910	173,833
1893	320	28	115	10	1,985,153	183,822
1894	428	33	156	12	1,668,791	178,210
1895	433	31	155	11	2,984,832	213,651
1896	444	28	152	10	2,827,474	178,132
1897	486	30	165	12	2,204,708	175,115
1898	447	28	150	11	2,267,270	170,141
1899	420	27	155	11	2,189,023	151,998
1900	399	26	137	11	2,316,591	130,736
1901	400	26	136	13	2,153,469	121,748
1902	401	24	135	10	1,883,706	97,244
1903	364	22	123	10	1,957,441	84,424
1904	357	19	120	9	1,622,267	78,523
1905	411	21	133	9	1,375,856	70,655
1906	387	20	124	8	2,222,691	74,131
1907	369	19	125	8	1,432,631	67,012
1908	422	17	150	8	2,335,983	77,017
1909	576	20	205	9	3,523,606	86,458

Mr. BRYAN. The only other objections to this system of including all corporations or businesses engaged in hazardous enterprises are the trouble and expense. It is said that it would take an enormous number of men to handle it, and it would cost much money. Mr. President, we have the corporation tax. It takes as many men to handle it now, separated, as it would if they were consolidated. And there is this further inducement, aside from the almost universal benefit of such a statute, that

the commission, in enumerating their objections to this system in force in Germany, have not raised the question of the constitutionality of such an act. It seems to me obvious that if by this method of corporation tax you could collect the funds there would be much less danger of litigation than in taking a single industry and treating only a portion of that, and thus leaving present in every accident the question of whether the employee, at the time of injury, was engaged in intrastate or interstate commerce.

One of the strongest pleas before the commission—I have no doubt one of the strongest inducements to recommend this legislation—was the belief that it would lessen litigation. If the plan accepted will do that, Mr. President, the plan rejected would carry that much-desired end much further. While the commission, in stating its objections to the system I have been describing, did not base any upon the ground that such an act would be unconstitutional, and they contend that this act is constitutional, and I am not disposed to dispute that, Mr. President—I would hesitate to do it, to set my judgment up against that of able lawyers who have given years of study to this subject, appearing before the commission—but we must admit that a reading of this record will disclose that a large per cent of the lawyers appearing before the commission did not believe that the legislation in the form in which it comes to us would be constitutional. Some of them, in order to make it constitutional, wanted to give to the employee a right of election in theory and deny it to him as a matter of fact.

I think it would not be far wrong to say that the most controlling reason for the reporting of this bill is that it is supposed that both the railroad employers and the railroad employees favor it. The reasons suggested in the report are that it would lessen litigation, and would relieve the unfortunate wrangles that from time to time exist between capital and labor. I submit, Mr. President, that the real reason that employers favor this legislation is because it will lessen the amount of money they will have to pay, and that the real reason the laboring men favor it is because they believe they will get more benefit under it than they can get under existing legislation. That is human nature. That has been the course pursued by both heretofore.

Another reason, or perhaps a corollary to the reasons already stated, that would induce the companies to favor this legislation is this fact: Liability is now based upon negligence. If the company comes to the Interstate Commerce Commission and says, "I want to include within my necessary expenses the amount I have paid out on account of injuries," the Interstate Commerce Commission will say, "That should not be charged to the traffic and borne by the public, because it was due to your negligence, and should be taken from the earnings of the stockholders." So, at the suggestion of Mr. Thom, the attorney for the Southern Railway, who drafted that part of the bill, section 31 was incorporated.

Finally, the committee struck it out. The Senator from Mississippi [Mr. WILLIAMS] stated in debate the other day that at the proper time he would move to put that back in the bill, but to give it the contrary effect; that is to say, he would introduce an amendment to say that you shall not charge that up to the traffic. Mr. President, it seems to me that if we do that we will be rendering it quite likely that this bill will be held unconstitutional upon that sole ground, because you can not, upon the one hand, say, "We will place a burden upon the traffic, notwithstanding you are not to blame for it," and on the other hand say, "We will not allow you to charge that up to the traffic, and therefore, finally, take it out of the ultimate consumer."

The railroads favor this legislation because it will get them away from the employer's liability act. I ask permission to incorporate at this point a copy of the employer's liability act of 1908, and the amendment of it adopted in 1910.

The PRESIDING OFFICER. Without objection, the request is granted.

The acts referred to are as follows:

[Public—No. 100.]

An act (H. R. 20310) relating to the liability of common carriers by railroad to their employees in certain cases.

Be it enacted, etc., That every common carrier by railroad while engaging in commerce between any of the several States or Territories, or between any of the States and Territories, or between the District of Columbia and any of the States or Territories, or between the District of Columbia or any of the States or Territories and any foreign nation or nations, shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

SEC. 2. That every common carrier by railroad in the Territories, the District of Columbia, the Panama Canal Zone, or other possessions of the United States shall be liable in damages to any person suffering injury while he is employed by such carrier in any of said jurisdictions, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

SEC. 3. That in all actions hereafter brought against any such common carrier by railroad under or by virtue of any of the provisions of this act to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 4. That in any action brought against any common carrier under or by virtue of any of the provisions of this act to recover damages for injuries to, or the death of, any of its employees, such employee shall not be held to have assumed the risks of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 5. That any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this act, shall to that extent be void: *Provided*, That in any action brought against any such common carrier under or by virtue of any of the provisions of this act, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

SEC. 6. That no action shall be maintained under this act unless commenced within two years from the day the cause of action accrued.

SEC. 7. That the term "common carrier" as used in this act shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier.

SEC. 8. That nothing in this act shall be held to limit the duty or liability of common carriers or to impair the rights of their employees under any other act or acts of Congress, or to affect the prosecution of any pending proceeding or right of action under the act of Congress entitled "An act relating to liability of common carriers in the District of Columbia and Territories, and to common carriers engaged in commerce between the States and between the States and foreign nations to their employees," approved June 11, 1906.

Approved, April 22, 1908.

[Public—No. 117.]

An act (H. R. 17263) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908.

Be it enacted, etc., That an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, be amended in section 6 so that said section shall read:

"SEC. 6. That no action shall be maintained under this act unless commenced within two years from the day the cause of action accrued.

"Under this act an action may be brought in a circuit court of the United States, in the district of the residence of the defendant, or in which the cause of action arose, or in which the defendant shall be doing business at the time of commencing such action. The jurisdiction of the courts of the United States under this act shall be concurrent with that of the courts of the several States, and no case arising under this act and brought in any State court of competent jurisdiction shall be removed to any court of the United States."

SEC. 2. That said act be further amended by adding the following section as section 9 of said act:

"SEC. 9. That any right of action given by this act to a person suffering injury shall survive to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee, and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee; but in such cases there shall be only one recovery for the same injury."

Approved, April 5, 1910.

Mr. BRYAN. Is it not remarkable that having heretofore followed the opposite course, having heretofore opposed legislation that relaxed in some degree the rigors of the common law as to liability, having fought in States legislation based upon comparative negligence, having fought the employers' liability act of 1906 through the Supreme Court of the United States, having fought the amended act of 1908 through the Supreme Court of the United States where it was upheld January 15, 1912, these gentlemen should suddenly reverse the policy that has hitherto been pursued and all at once come in in a spirit of generosity to their workmen and say, "We want all of you to have compensation," when heretofore they have been trying to keep any of them from receiving damages for injuries suffered?

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Utah?

Mr. BRYAN. Certainly.

Mr. SUTHERLAND. I do not know that it makes any great difference one way or the other, but I suppose the Senator wants to state the fact about it. The Senator says that the railroads favored this legislation. The fact is that the railroads opposed the adoption of the original resolution, which provided for the appointment of this commission.

Mr. BRYAN. That was before the act was upheld.

Mr. SUTHERLAND. They opposed the resolution which provided for the appointment of this commission to inquire into the subject at all. The fact is that many of the railroad employers' representatives who appeared before this commission, a large proportion of them, objected very strenuously to this legislation. If the Senator has read the hearings he will have seen that, for example, Mr. Lathrop, of the great Santa Fe system, opposed it; that Mr. Warfield, of the Louisville & Nashville, opposed it; and Mr. Cary and some others.

Mr. BRYAN. If the Senator will permit me, my recollection is, although I may be mistaken, that those gentlemen opposed the bill as drawn, insisting that there ought to be an election in theory but none in practical effect.

Mr. SUTHERLAND. The Senator will see that there were several stages of the hearings. Before the bill was drafted at all these gentlemen appeared before us. Some of them were in favor of the general scheme and some of them, as I have stated, were not. When the commission had announced that it had reached the conclusion that it had the power and that it proposed to report to Congress a compensation law, then the gentlemen who had opposed this scheme made a virtue of necessity and bent their efforts to cut down the amount of compensation which should be allowed.

Mr. BRYAN. Then, I understand the Senator to say that most of the railroad companies, so far as he knows, are not in favor of this measure.

Mr. SUTHERLAND. I do not say that. I say that some of them came before our commission and opposed it, and some of them appeared and favored the general scheme.

Mr. BRYAN. But, taken as a whole, what would the Senator from Utah say was the attitude of the companies?

Mr. SUTHERLAND. I would say that perhaps the majority of the railroad companies to-day favor this sort of legislation. I think that a very large proportion of them are opposed to the bill in its present form. They think that the compensation afforded is too high.

If the Senator will permit me still further, I will say that the attitude of a great majority of employers of labor all over the country, and of the employees as well, has been favorable. There have been no less than 10 State commissions at work during the last four or five years, and in each one of those commissions there has been represented the employers through some representative men and the workmen through some of their representative labor men, and they have investigated the subject together, and employers and employees alike have indorsed this general plan of compensation, differing as to detail.

Mr. BRYAN. Mr. President, I knew that Mr. Warfield seemed to be opposed to this bill. My recollection was that he wanted to include within it a provision giving an election which could not be worked out in effect, giving the right of trial by jury to injured employees, but circumscribing it so that the injured employee could not be reasonably expected to go into court. The reason why the railroad companies should favor it was not stated by any of them in as terse and concise form as it was stated by the Senator from Utah, the chairman of the commission. While some of the provisions were being objected to, the chairman, on page 1191, said:

> It seems to me, with reference to personal-injury legislation, that we have practically reached a parting of the ways. Nearly everybody who thinks very much about the subject is convinced that the existing liability law is both unwise and unfair, and that it ought to be altered. Now, legislation, as it seems to me, is bound to take one of two courses; either the direction that this takes, of getting rid of the existing liability system altogether and put in place of it a compensation law, or of getting rid of the objectionable features, or the features which people consider objectionable, in the existing liability law.
>
> If the character of legislation now under consideration is not adopted by the Federal Government and by the various States, then legislation is going to take the direction of taking away from the railroads the various defenses which they now have. I venture to say that if legislation of this kind is not adopted, within 10 years in practically every State of the Union the doctrines of assumption of risk and contributory negligence and the fellow-servant doctrine will be practically wiped out, and you will be put upon the single proposition of negligence—negligence of the employer. If that is done, your operations under that condition will certainly be more expensive than under a law of this kind, even though this law may provide rates of compensation which will cost you a little more than you are paying now. In other words, while this law may now cost you something more than you are paying under the existing condition of affairs, it will cost you far less in 10 years than if legislation takes the other direction.

I think that is unanswerable, and I believe that is the reason it was based on.

But it is said, Mr. President, that the employees also favor this legislation, and the record has been burdened with telegrams and communications to that effect. It does seem remarkable, when the Government never undertook in all its history until six years ago to deal with this business, immediately after the litigation has been had and the legislation upheld, that we should be asked to abandon that and start all over again. It is too soon to realize the benefit that will be derived under the employers' liability act. A few States have legislation practically like it now. I judge that men are governed by their interests very largely and that where this bill is opposed the States have comparative-negligence statutes and statutes abolishing the fellow-servants' doctrine and establishing also comparative recovery even where there exists contributory negligence. Why, then, should the employees prefer the pending bill over the present legislation? It is because they believe there will not be litigation under it. They think that under this bill we will have arrived at a point where they can go down to the office and settle their case just as they can go and buy a suit of clothes; that the money will be there waiting for them. Running all through this record is the idea that if we can save the cost of litigation and the attorneys' fees we ought to favor it, and it is the idea that not so much of their recovery will be taken up in the payment of court costs and attorneys' fees.

But, Mr. President, if we look at the statistics gathered by the commission, we will find that that has not been the experience in other countries. Even under the broad provisions of the German system, after it has been in existence for nearly 30 years, 24$\frac{7}{10}$ per cent of the cases are now litigated. Again, if anyone believes that under the English law there will not be litigation under a compensation act, let him turn to page 570 of the hearings of the commission.

Is it a fact that by the passage of this legislation we make it sure to such an extent that there will not be litigation? Let us see what an attorney who filed a brief before the commission, who advocated this bill or a similar measure, said:

> Under such a law the right to trial by jury of all issues of fact would be preserved. The principal question of fact arising under that law would be:
>
> 1. Whether or not the injured person was in defendant's employ.
> 2. Whether or not he was of a class of employers to whom the law applied.
> 3. Whether or not the accident arose out of and in the course of the employment.
> 4. Whether or not the injury was due to an excepted cause.
> 5. Whether or not the injuries claimed for resulted from the accident or from an accident.
> 6. The amount of compensation.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Nebraska?

Mr. BRYAN. Certainly.

Mr. BROWN. While the law, no doubt, would not entirely stop litigation in cases arising by reason of accident, does not the Senator think it would reduce litigation?

Mr. BRYAN. To be perfectly frank with the Senator, I think it would reduce litigation this far: Under the employers' liability act, as it now is, anybody can recover unless the injury was due to his sole negligence. Under this legislation everybody, presumably, could recover, subject to the great question of whether he is engaged in interstate commerce or State commerce. That question will always be present in every case arising under this act.

Mr. BROWN. But in cases that are litigated now the defense always rests, as a rule, on the question of negligence.

Mr. BRYAN. Under the employers' liability act?

Mr. BROWN. Yes; under the present act.

Mr. BRYAN. No; a man may be guilty of contributory negligence. That does not bar him from recovery. It goes to the jury, and the jury is to say how much his contributory negligence contributed to the accident.

Mr. BROWN. Exactly. So it leaves the question of negligence, the amount of contribution on the part of the person who is injured, always a question to be litigated and decided. Now, the value of this act, it seems to me, is that it takes that question out of litigation.

Mr. BRYAN. The question of liability?

Mr. BROWN. No; not the question of liability, but the question of how much a man contributed to his own negligence, of course provided he did not willfully invite the injury. So that question is eliminated.

Mr. BRYAN. That is true.

Mr. BROWN. And that being true, the question is relied upon as a defense in these damage suits. In my observation and experience it would certainly amount to a reduction of litigation.

Mr. BRYAN. Does not the Senator think that the question of amount is responsible for as much litigation as the question of negligence?

Mr. BROWN. Of course, the amount is always an issue when the parties do not come together, but the fact that a man stands a chance to get nothing in a majority of these litigated cases keeps many of them out of court unless they can find a lawyer who will take it on a contingent fee; and many a man goes unrequited and uncompensated for an injury sustained owing to the very fear that he will not be able to recover anything.

Mr. REED. Mr. President——

Mr. BRYAN. I yield to the Senator from Missouri.

Mr. REED. The Senator from Nebraska, it seems to me, overlooks the fact that all the old common-law defenses have been wiped out by the present law of Congress; that the question to be determined now is simply whether the negligence of the company in any manner contributed to the injury. If it did, then there can be a recovery. Now, it is true, as the Senator says, that if there has been contributory negligence that fact must be taken into consideration by the jury in fixing the amount of damages to be paid. But will the Senator contend that that makes the trial any longer or postpones it a day further? It simply puts upon the jury the question of taking that one matter into consideration, so that——

Mr. BRYAN. And the same witnesses who testify to injury testify, generally, as to the question of liability.

Mr. REED. Yes. I want to say further, if the Senator will pardon me, that will scarcely be said to inject even a new proposition into the trial of one of these cases. It will be a new proposition in the fact that the court will instruct the jury to take it into consideration; but, as a matter of fact, courts or juries have always taken those facts into consideration. Any man who has ever tried any of these cases, or observed their trial, knows that where a railroad has been grossly negligent or criminally negligent and there is no justification, courts always, or juries almost invariably, award higher damages than they do when the accident was one for which the road, while liable, was not culpable to so great an extent.

I think those considerations take away the argument that it makes more litigation. On the contrary, the certainty of recovery under the Federal act as it now stands, the fact that all these common-law defenses have been wiped out, will very strongly make for the settlement of cases out of court. A larger proportion of passenger cases have always been settled than those of employees, because the same defenses do not exist; and in conversation with men who have studied this question, I have been told that it is a fact that since the enactment of the Federal liability law there has been a greater proportion of settlements than heretofore. Of course, it necessarily tends to reduce litigation.

Mr. BROWN. Mr. President, if the Senator will permit me, I was directing the Senator's attention to the point that he makes that the bill now pending, if it becomes a law, will not, in his judgment, reduce litigation. I took it for granted that the contrary was true. I was led largely to that conclusion by the fact that all the people who write to me with reference to this legislation and oppose it are men who are interested in bringing these damage suits and are men whose living depends on the recovery of judgments in court. When the attorney who makes that class of cases a specialty complains, it seems to me as though he were of the opinion that this proposed law would have a tendency to reduce his business.

Mr. BRYAN. The only complaint I have had, Mr. President, has been from a few of the railroad workmen. I do not undertake to say whether or not they represent a majority. I had a letter and a telegram from an engineer whom I know, stating that he would be at the conference to be held early in May and requesting that no action be taken until the conference could consider the matter thoroughly. I have not heard from any members of the bar with reference to the matter at all. I take it that it is true that the great majority of the laboring men favor this legislation. I believe it is because they are misled into the belief that under it there will be practically no litigation, even though the damages they recover will be less than under present conditions.

Mr. SUTHERLAND. Mr. President, if the Senator will permit me, I desire to ask him a question.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Utah?

Mr. BRYAN. I do.

Mr. SUTHERLAND. Has the Senator read the reports of the English experience with reference to this subject of litigation?

Mr. BRYAN. As incorporated in this document, does the Senator mean?

Mr. SUTHERLAND. I do not remember.

Mr. BRYAN. I think it is incorporated.

Mr. SUTHERLAND. But the recent reports, which I intend to call attention to before this debate ends, show that the English experience is that from 90 to 95 per cent of all the cases are settled without going into court.

Mr. BRYAN. Can the Senator tell me—for he is much better informed than I am—what percentage of such cases are settled in this country without litigation?

Mr. SUTHERLAND. What percentage of personal-injury cases are so settled?

Mr. BRYAN. Yes.

Mr. SUTHERLAND. No; I can not, because I think there are no statistics upon that precise question; but the statistics thus far gathered show that approximately 52 per cent of all the accidents that occur to employees in the course of their employment are inherent risks of the industry and do not result from anybody's negligence.

Mr. BRYAN. I do not know.

Mr. SUTHERLAND. I would not undertake to say that 52 per cent would be settled——

Mr. REED. Mr. President——

Mr. BRYAN. I will yield to the Senator in a moment. While I do not undertake to dispute statistics, I sometimes doubt their accuracy. I know it has been said that statistics never lie, but I remember it has also been said that in the hands of an expert they can be made to become "powerfully equivocacious."

Mr. REED. I just want to understand the Senator from Utah. Does the Senator from Utah mean to say that 52 per cent of the cases are defeated now because they are cases resulting from risks inherent to the business?

Mr. SUTHERLAND. No. I had particular reference to the report made by the Wisconsin commission, which I read the other day, which showed that they had made a thorough investigation of this whole subject in the State of Wisconsin. Their report was that 52 per cent of the accidents, fatal and nonfatal, resulted from the hazard of the industry, and were not due to any negligence either of the employee or the employer or the fellow servant, or all combined.

Mr. REED. Nor to the violation of any State or Federal statute with reference to safety appliances?

Mr. SUTHERLAND. No; nor to any such violation; but to the pure hazard of the industry. The German experience, where they have gathered their statistics with very great care, covering hundreds of thousands of cases and covering a period of 20 years, to which I referred the other day, shows that it has scarcely varied from 44 per cent for a period of 20 years.

Mr. BRYAN. Then how does the Senator account for the fact that the percentage of litigation has not decreased in Germany?

Mr. SUTHERLAND. I am not familiar with the figures to which the Senator calls attention. I know that under the German system they have a variety of ways of dealing with these questions. They do not necessarily go to court, but they have boards which investigate them, and whether or not the statistics include the investigation of the boards I do not know. I can not speak of that, because I am not at this moment familiar with the matter to which the Senator calls attention. I am speaking of the English experience, where they have the system of direct boards, as we provide in this bill, and their experience is that from 90 to 95 per cent of cases are settled without litigation.

Mr. BRYAN. This was called to the attention of the commission by Mr. Carter, and he quoted from Mr. Schwedtman and somebody else, who stated that it was one of the discouraging features connected with the German system that there was yet, after this law had been in effect for 20 years, I believe, 24.7 per cent of the cases that were carried before these boards that were litigated and appealed.

Mr. SUTHERLAND. As the Senator himself stated, and as the Senator very well knows, there is no litigation under the German law in the sense that we have litigation under our laws.

Mr. BRYAN. I understand that.

Mr. SUTHERLAND. The payments are made out of the fund.

Mr. BRYAN. The amounts proposed are contested; I do not know whether in court or not.

Mr. SUTHERLAND. The payments are made out of the fund. An application is made to the board to pay, and the board must investigate. I take it that is what is meant. There is no suit by the employee against the employer.

Mr. BRYAN. I will put in the statistics that refer to that matter when I find them here.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Nebraska?

Mr. BRYAN. I do.

Mr. BROWN. In the controversies the Senator speaks of in Germany, under the law are the complainants, the injured parties, represented by counsel?

Mr. BRYAN. Oh, I suppose so; they can be represented or need not be.

Mr. BROWN. It was stated by the Senator from Utah that the litigation was not the same in character as ours. I ask whether the Government provided a board whose duty it was to investigate such cases, or whether the injured person was de-

pendent, as he is under existing law in this country, to hire a lawyer for himself?

Mr. BRYAN. I do not know whether they have got rid of the lawyer in Germany. I think it will be a long time before we will in this country, and, for one, I am not on the affirmative side of that question.

Mr. SUTHERLAND. The fact is that in Germany the law is administered by a board of employers upon which the employee is not represented. I think it is one of the unfortunate things of the German law that the administration of this accident compensation scheme is in the hands of a board of employers.

Mr. BRYAN. And that the employee has no legal representation upon it.

Mr. SUTHERLAND. And that the employee has no representative upon the board. Of course, in the last analysis he can go to the courts, but in the first instance the question is determined by this board of employers.

Mr. BRYAN. Mr. President, the question that will always be present will be, Did the accident occur in the course of interstate commerce? The authorities on this question already are in much confusion. Mr. Dawson submitted a brief, which he said it had taken him two or three years to prepare, in which he says there is a great uncertainty at the present time as to whether employees engaged in repairing cars are included. The chairman of the commission said, on page 1052:

> Now, whether he is engaged in interstate commerce is a fact for the courts to determine in the given case.

Of course that is so, but he is of the opinion that the employer must be a railroad company. Of course the employee must be engaged in interstate commerce, and in a case in Texas a brakeman on a train carrying interstate shipments was held not to be engaged in interstate commerce because he was injured while placing a car having in it only intrastate shipments between points in Texas.

Mr. SUTHERLAND. We have that same uncertainty under the employers' liability law, of course.

Mr. BRYAN. I do not say that you will not have litigation under the employers' liability act, but I am trying now to show that you will have it under this bill if enacted into law.

Mr. REED and Mr. SUTHERLAND addressed the Chair.

Mr. BRYAN. Just a moment, until I get through with this point, and then I will yield. Now, how can an injured man know whether or not he is engaged in interstate commerce? It has been claimed that this act will be so plain that the employee need not have a lawyer to represent him, but that he will be perfectly safe in having an agent to meet in litigation the trained and highly paid counsel of the railroad company, who makes a specialty of injury cases.

Different courts have held different ways on this question of interstate shipments. For instance, a Pennsylvania district court has held that a workman engaged in repairing a bridge is not within the provisions of the Federal liability act. Another district court has come to exactly the contrary conclusion. A judge in the eastern district of Washington has held that a brakeman engaged in repairing a brake was engaged in repairing cars, and another judge in the eastern district of Washington held that a workman employed in the shops engaged in repairing interstate cars was within the provisions of the act.

Will express companies and sleeping-car companies be within the provisions of this act? Are they not engaged in interstate commerce by railroad? Yet neither an express messenger nor a Pullman conductor has any more to do with the operation of the train than a passenger has. Some lawyers before the commission stated that they would be included, while others stated they would not be. Some who had given the subject much study went so far as to say that perhaps the telegraph and telephone companies would be included. Now, is it possible that we have reached that stage of perfection in legislation that a layman can go into court and enforce his rights where these complicated questions will always be present?

This bill is different in that respect from the present law in that added to the words fixing liability in the employers' liability act are these words:

> Arising out of and in the course of his employment.

There have been many decisions, and conflicting decisions, in England in administering that clause. Is it to be expected that anybody will believe that an ordinary workman employed on a railroad train can settle such a question without the assistance of counsel?

It is urged that the law be made exclusive. It seems to me, Mr. President, that it is nothing but just and fair to allow a man who, without negligence on his part, is injured to recover more than one who contributed to the injury; and it seems that it would be just and fair to carry that one step further and to say that a man who contributed to his injury should recover more than the man who was the sole cause of the accident.

In the second place, it is supposed that if the law be merely elective an increase in the number of courts will be necessary. It is a little difficult to reconcile the statement that litigation will be much less if the law be made exclusive with the provision in the bill for the appointment of one or more adjusters for each district court in the United States.

The courts as at present established have been able to keep up with the litigation even before the employers' liability act became perfected, and ought to be more able to do so now when the rights of the men have been established and when the only case in which they can not recover is when their sole negligence caused the injury. They can recover even then if the employer violated a statute of Congress.

Mr. REED. Or of a State.

Mr. BRYAN. Or, perhaps, of a State also. Again, it is said that to retain both methods would mean that the railroad companies would have to keep up their investigations into accidents. Well, they ought to keep them up. Without an investigation they can not determine what caused an accident and can not be prepared to prevent like accidents in the future. Again, they will have to keep them up because not all employees are engaged in interstate commerce, and because they will still have passengers on their trains, and because, again, others, neither employees nor passengers, are sometimes injured. More people walking on the railroad tracks are killed every year than are employees.

It seems to me that the fundamental objection to this bill is this: It is drawn upon the theory that, inasmuch as this business is conducted for the benefit of the public, the public as a whole ought to bear the expense. I am inclined to believe that that is a good theory, but my objection is that you take a small class that can ill afford it and place the whole burden upon them and not upon the public as a whole. Why should an engineer observing every rule of his company, guilty of not the slightest negligence, be denied compensation for the damages he has suffered because the company has been negligent and have something taken out of his poor earnings to pay for a number of others who could not recover under the existing statute?

If he be killed and leave a daughter 15 years of age, she could recover for one year; and at 16, by no fault of hers, by no fault of her father, who was killed by the negligence of some one else, she would be turned out to earn her own way in the world, unless she happened to be either an idiot or a cripple.

We hear much in this day about "the greatest good to the greatest number." I have not any doubt that if all the employees were gotten together, the greatest number would say: "Well, let us divide up among all of us any damages collected by the few of us." I suppose, perhaps, they would agree to that before they were injured. One of the purposes of the establishment of courts and one reason that will maintain them in spite of all the attacks that can be made upon them is, that the minority have rights, that the humblest man shall be equal to the most powerful corporation in the courts of the land. Of course, everybody would like to see capital and labor get along harmoniously. I doubt if you can accomplish that by legislation. Here will be one of the temptations to the employer under this bill: By so much as he reduces the wages of his employees, by that much will he reduce his liability in case of injury or death. If 10 per cent reduction is made in his wages, 10 per cent of the amount recoverable under this bill will be taken from him or his beneficiaries. That is bound to be true.

There is another proposition submitted by Mr. Carter, who represented the firemen and enginemen who opposed this bill, but who, I understand, now remain neutral. I do not know whether or not it is well based as an economic fact, but he makes the statement that if you provide that the employers shall be made to pay in all events, and that the burden will be charged upon the public, the employees will be less careful, and he illustrates that by saying that a man is more careful of his property without fire insurance than if he has it, and he illustrates it again by recounting this incident:

> While passing through a small manufacturing plant recently I noted a rapidly revolving pulley operated by a belt connected with a shaft in the basement. Between this revolving pulley and another near-by machine girls were required to pass, their skirts actually touching the moving parts. I said to the proprietor, with whom I am well acquainted and who is as kindly a man as one usually meets, "Is not that a dangerous pulley?" He replied, "No; I guess not; the insurance inspector has not kicked." This simply meant that if one of the girls were killed or maimed, he, the employer, would be protected from a damage suit by the insurance company.

Then he says—and he claims to have studied the subject:

> Under all workmen's compensation schemes of which I have read, the employer is presumed to protect himself from individual loss and

responsibility of deaths and injuries of his employees by insurance in one form or another, and he recoups himself for the expense of this insurance by increasing the price of his product to the consumer.

* * * * * * *

Practically all investigators of the European situation in compiling or quoting accident statistics agree that the rate of such accidents have increased since the adoption of workmen's compensation scheme. Some attach all blame to the employee; none find the employer responsible for this unwelcome feature. Some explain the matter in one way and some in another. Messrs. Schwedtman and Emery, the gentlemen who conducted the investigation for the National Association of Manufacturers (already referred to herein), report Germany's experience as follows.

The record of new accident cases, lasting more than 13 weeks, during the 25-year period gives this result:

	New cases.
1885	268
1890	42,038
1895	75,527
1900	107,654
1905	141,121
1908	142,965

Continuing, Mr. Carter said:

These gentlemen are not among those who assert that workmen's compensation acts have materially reduced the accident rate, and say: "One would draw the natural inference from such a statement that 5 or 10 years' systematic accident prevention will reduce the number of injuries 50, or, at least, 25 per cent. There is no such favorable record in Germany after 25 years of persistent effort."

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Nebraska?

Mr. BRYAN. Yes.

Mr. BROWN. The Senator does not contend, does he, that because an employee is certain to recover compensation in case of accident, he will become more careless than he would be without the law that would give him compensation?

Mr. BRYAN. That the employee would?

Mr. BROWN. Yes; the employee.

Mr. BRYAN. I am speaking of the employer.

Mr. BROWN. I am speaking now of the employee.

Mr. BRYAN. It might have a result the other way. I am not so sure about that, although there is this difference——

Mr. BROWN. Is it conceivable that a man will become careless and invite an accident to himself simply because there is compensation provided for him in case he is hurt?

Mr. BRYAN. No; that is a reason that does not apply on the other side.

Mr. BROWN. But that applies, I think, on the side I am taking, the employee's side, and I understood the Senator to say that he thought it might have that effect.

Mr. BRYAN. It might, in some instances, although, on the whole, I think it would not have that effect, because men value their lives more than money.

Mr. BACON. If the Senator from Florida will permit me, does not the Senator from Nebraska recognize that if an employee knew that under the law he could not recover anything if he was careless and caused the accident, while he might not invite injury, he would be less careful to avoid it than if he knew that even if it had been brought on by his own carelessness he could still recover?

Mr. BROWN. Oh, no, Mr. President. I disagree on that proposition entirely. That is the most unreasonable and revolting doctrine that I ever heard advanced—that a sane man will become careless and thereby invite an accident to himself because he can receive some compensation for it after he is hurt. I submit that our human experience disproves that proposition entirely and absolutely. You might just as well argue that because a man carries a life-insurance policy he would not be so afraid of death. The principle is the same.

Mr. SUTHERLAND. Or an accident policy.

Mr. BROWN. The principle is absolutely the same.

Mr. BRYAN. I agree with the Senator, after that very lucid statement.

Mr. BROWN. I am glad that I have convinced the Senator on one proposition.

Mr. SUTHERLAND. Will the Senator permit me to interrupt him?

Mr. BRYAN. Yes.

Mr. SUTHERLAND. The Senator quoted figures showing that the number of accidents in Germany had increased during the period of 25 years. It is true that the number of accidents has increased, but——

Mr. BRYAN. Oh, I understand, if the Senator will pardon me, that perhaps the number of employees has increased in like proportion.

Mr. SUTHERLAND. Precisely; but let me suggest still further to the Senator that the German experience shows that the percentage of accidents due to the fault of the employer in the last 20 years has decreased from 20 per cent to 16 per cent. I read those figures the other day.

Mr. BROWN. Yes; and the number of appeals has decreased from about 80 per cent to about 24 per cent.

Mr. SMITH of Georgia. The Senator means by appeals, trials?

Mr. BRYAN. Not necessarily trials; appeals from the arbitration board.

Mr. BROWN. That may be true, because appeals have become easier.

Mr. BRYAN. That advantage will not be present under this bill.

Mr. BROWN. Just as under existing law a case is tried and if the employee who has been injured loses or recovers what, in his judgment, is an inadequate amount an appeal is very rarely taken by the employee, first, because of the expense, and, second, because of the inevitable delay, which amounts to a denial of justice in nine cases out of ten in these damage cases when they are appealed.

Mr. REED. Mr. President——

Mr. BRYAN. Mr. President, just a moment. I would really rather listen to other Senators speak than speak myself. I have been on my feet some time. I am perfectly willing to answer questions, but inasmuch as all these Senators intend to speak anyway, they might take it out of their own time. I only make that suggestion because I am not very well, and I have been on my feet a considerable length of time.

Much has been said about the ambulance-chasing lawyer. He has no friends either among the laymen or the lawyers, and he ought not to have. But if such lawyers have received too much in the past, why not amend the existing laws as to the amount of compensation that can be paid an attorney? Instead of that, Mr. President, with all of the many intricate legal questions that will be present under this bill, some of the best lawyers in the country doubting its constitutionality, with the great court of appeals of New York holding an act similar to be unconstitutional because it denies equal protection of the laws, is it to be supposed that a mere agent, a layman, can cope with the best legal talent that these great corporations can hire? Is this bill itself so simple as all that? Why, over the question of whether an employee suffering from a total disability could be made to suffer a reduction or whether that applied solely to one suffering from a partial disability there is disagreement between able lawyers here in the Senate. But there is one provision in the bill that meets my hearty approval, if this litigation is to be carried on on the part of the plaintiff by agents. Section 7, while providing for written notice within 30 days, provides that an extension may be had under certain circumstances for 90 days upon proof of ignorance of the law or facts. I suppose that a man injured would be cognizant of that fact, but undoubtedly it is a wise provision not to hold the claimant responsible for the ignorance of the law of his agents.

But the claim agent is to be permitted to flourish in all his glory. By persuasion and promises of settlement he may be able to prevent an employee from giving the notice within 30 days; and the employee may hesitate to give notice, fearful that it may cause him to lose his job.

And again, Mr. President, not all accidents develop the full extent of injury within 90 days. One of the most pitiable cases came before the Committee on Claims on yesterday—and I merely cite it as an instance—that of a Government employee who was walking down in a basement and stumbled over a trap-door which was perhaps an inch above the level of the floor. He supposed that he had only broken his arm. He gave up his employment and went back to Ohio, where he lived; was in the clerk's office there and afterwards in the insurance business; then married, and four years later it developed, by the statement of physicians and surgeons, beyond question that that injury, slight at the beginning, was the cause of a permanent disability; and yet under this bill an employee must give the notice within 30 days, or at the most within 90 days, and must bring his action within six months, determine whether he is an interstate employee or an intrastate employee, determine whether his employer was at the moment engaged in interstate or intrastate business; and if he fails, whatever merits his case may have, he will never be able to obtain any recovery for the damage done to him and his family.

Mr. President, the State courts can administer the present law. In your various counts in your declaration you can charge that the employer was engaged in intrastate business and interstate business; but under this bill you can not go into any State court in the land. His only possibility of recovery is in the Federal court, and how it is possible for him to solve that question without the advice of a lawyer, and a good lawyer, it is impossible for me to conceive.

The PRESIDING OFFICER. The Senator from Florida will suspend for a moment. The hour of 4 o'clock having arrived,

the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from North Caroline asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered. The Senator from Florida will proceed.

Mr. BRYAN. An additional reason for allowing men entitled to claim under this act to go into State courts is this: We have county courts, county judges' courts, and circuit courts just as able and more able to understand this act and to understand the legislation of their States than an adjuster, and it is just that in the county where the man lives the remedy and the relief to which he is entitled should be given.

I do not know how it may be in other States, but in my State a man might have to travel 500 miles to go to the place where this adjuster lives. He would have to gather up his witnesses, tender them in advance their mileage and their witness fees, get his money for the physician who can testify as to the accident or the injury, and proceed four or five hundred miles to see this adjuster. He presents his testimony and goes back home. Finding it not satisfactory to him, then he can file exceptions and get into the district court of the United States, pay the costs incurred before the adjuster, and again gather up his witnesses and his physician and tender to them pay and pay the mileage to which they are entitled and the per diem to get into court, there to be confronted with the finding of this adjuster made prima facie evidence against him.

If nothing else be done with this bill, Mr. President, I submit that that is too much hardship, too much injustice, too much cruelty to impose upon the ordinary man working for a railroad.

Mr. President, I shall not trespass upon the patience of the Senate to consider this bill in its details. In passing, however, I desire to call attention to one or two matters. I wish Senators to consider carefully the provisions relating to payments for dependents, as included in section 23—that is, where an employee is injured and there is a total disability and he afterwards dies. The method of computation there is, in effect, this: You estimate the total amount the dependent would have received for eight years. From that you deduct two items; first, the amount the employee himself had received before death, which is just, and then again the amount which the dependent would have received between the period of the accident and the death, if death had immediately resulted.

Mr. SUTHERLAND. Oh, no.

Mr. BRYAN. I will read it.

> Second. By deducting from such amount a sum equal to the payments for the period between the accident and the death, which, if the accident had immediately resulted in death, the employer, by reason of the happening of any of the contingencies mentioned in clause (A) of section 21, would have been relieved from making.

So that if he lived four years and were entitled to $50 a month and then died, he would have received half of what his dependents would have received in the eight years. From that you take the amount that would have been paid to his dependents, so that it works out that at the end of four years the dependents receive nothing.

Mr. SUTHERLAND. I want to interrupt the Senator, because I am sure that he does not want to make a misstatement about the bill.

Mr. BRYAN. I certainly do not. I have studied it as carefully as I could. I hope I am mistaken.

Mr. SUTHERLAND. The Senator is mistaken about that. The provision is that there should be deducted "from such amount a sum equal to the payments for the period between the accident and the death." That is, the amount paid to the employee.

Mr. BRYAN. Oh, no; not paid to the employee.

Mr. SUTHERLAND (reading):

> By deducting from such amount a sum equal to the payments for the period between the accident and the death.

Mr. BRYAN. Not the payment, but "a sum equal to the payments."

Mr. SUTHERLAND. Yes; a sum equal to the payments.

Mr. BRYAN. So the employer would have been relieved from making it if death had immediately resulted.

Mr. SUTHERLAND. From the period between the accident and death. That is, you deduct a sum equal to those. You can not deduct the payments, because they were already made.

Mr. BRYAN. I think the Senator will see it is "by deducting from such amount a sum equal to the payments for the period between the accident and the death" to which the dependent would not have been entitled if death had been immediate. Then you add to that the amount you have paid the employee and subtract both of them from the total amount.

Mr. SUTHERLAND. First of all we deduct from the amount which would have been paid in the eight years the amount which has been paid to the employee. That is the first deduction. Then we deduct the amount of the payments for the period between the accident and the death, which, if the accident had immediately resulted in death, the employer, by reason of the happening of any of the contingencies mentioned in clause A of section 21 would pay. The clause by reason of the happening of any of the contingencies mentioned in clause A is a limitation upon the first part of the section, and it means a contingency such as the death of a child, for example, or the death of the widow.

Mr. BRYAN. Will the Senator state what it means except that it is a sum equal to the amount that would have been paid?

Mr. SUTHERLAND. No; the language——

Mr. BRYAN. If a man had died, you pay to the widow or children dependent during that period.

Mr. SUTHERLAND. The Senator from Georgia I think unwittingly fell into exactly the same difficulty and made the same statement.

Mr. BRYAN. When I heard him make the statement I thought the provision would not have been there, but I have given careful consideration to the bill.

Mr. SUTHERLAND. There is absolutely no such intention in the bill. If the language is susceptible of any such construction, of course it ought to be made plain, because there was no such intention. I do not think it means that. I think it clear that it does not mean that. The language was drafted with some care.

Mr. BRYAN. Mr. President, so far as I am concerned, it makes no difference what this convention about to meet in May might consider with reference to this bill, because I believe that I understand its provisions. I would be willing to vote against it, notwithstanding their judgment favored it, and trust to its administration to justify my course.

There are others here supporting this legislation without complete and full investigation, because Senators have not time to consider every bill, believing that they are carrying out the wishes of the men to be benefited by it, namely, the employees. It does seem to me that we might wait long enough for them in the convention which is about to meet to say whether they approve of this legislation and are willing to be deprived of the benefit of the legislation just upheld by the court, for which they have been struggling for half a century. It seems to me that that is a fair request.

Mr. HEYBURN. Mr. President, I want to put out an interrogatory for consideration between now and the time when this measure next comes up, because it is one which, in my judgment, will have to be dealt with. It will take but a moment to state it.

This employers' liability bill is being supported upon the assumption that it is within the provisions of paragraph 3 of section 8 of the Constitution. I want Senators who give attention to legal matters to bear in mind what I say, because at another time I may urge it more at length. I think the author of this bill, the Senator from Utah [Mr. SUTHERLAND], will concede that he is proceeding under the authority of the provision to regulate commerce between the several States. If he is and it becomes a law, then, under section 2 of Article III of the Constitution, the jurisdiction will lie solely in the United States court, coming within the recent decision of the Supreme Court of the United States. Let me make that plain. If this legislation rests upon the authority of the Constitution, under the provision authorizing Congress to regulate commerce between the States, then the question of jurisdiction will follow under section 2 of Article III.

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties,

And so forth.

Senators are familiar with that provision. I find no provision here that would under any conditions entitle a State court to deal with the question of personal injury, because if we have the jurisdiction we have the exclusive jurisdiction, as has been held recently by the United States Supreme Court. We either have exclusive jurisdiction in the United States courts or we have none, and if we have the jurisdiction then the State courts have none.

That question is important to be considered in pressing this legislation. It is true it is a bill for arbitration in the main,

but the last or the next to the last provision in the bill, section 30, provides:

That nothing herein contained shall be construed as doing away with or affecting any common-law or statutory right of action or remedy for personal injury or death happening before this act shall take effect.

We have no authority to legislate that section, because the Supreme Court has said that we can not do that thing.

Mr. SUTHERLAND. The section to which the Senator directs attention simply saves existing rights.

Mr. HEYBURN. But we can not do it. The Supreme Court has said we can not confer upon the State courts any rights if the action is based upon the constitutional right reserved to the people.

Mr. SUTHERLAND. What is the number of the section the Senator referred to?

Mr. HEYBURN. While it is negative, it is the same principle. It is section 30.

Mr. SUTHERLAND. The effect of that is to provide that the law shall not be retroactive.

Mr. HEYBURN. But we can not do it. We have not the power under the Constitution. The whole difficulty arises in your very first initial step of assuming under the provisions of the Constitution authorizing Congress to regulate commerce between the States that you have the right to do something more. Just as soon as you base a statute upon that provision of the Constitution these other things fade away.

Mr. SUTHERLAND. Will the Senator from Idaho allow me?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. The bill proposes to create a new right for personal injuries sustained.

Mr. HEYBURN. That is a right at common law.

Mr. SUTHERLAND. It proposes to create a new right applying to personal injuries.

Mr. HEYBURN. That of arbitration?

Mr. SUTHERLAND. No; it proposes to give to an employee who is injured in the course of his employment a right to recover certain definite compensation, wholly irrespective of negligence.

Mr. HEYBURN. It only establishes a rule of evidence under which he may recover. He might have recovered at common law.

Mr. SUTHERLAND. No; it goes beyond that. If the Senator will be patient for a moment; let me state my proposition completely. It proposes to give to the employee a new right, namely, to recover for personal injury, whether that personal injury was due to the negligence of the employee or not. If we said nothing whatever with reference to cases arising prior to the passage of the act, the law would in all probability not be given a retroactive operation, because laws are not to be construed retroactively unless they so provide. But out of abundance of caution, so that there might be no doubt whatever as to existing cases, section 30 is inserted, which is wholly in the negative, simply "that nothing herein contained shall be construed as doing away with or affecting any common law or statutory right of action or remedy for personal injury or death happening before this act shall take effect." That is simply put in out of abundance of caution to prevent, under any circumstances, the law being given a retroactive effect.

Mr. HEYBURN. The Senator misconceives the point of my suggestion. I am not attacking section 30. I am only using it as a text to illustrate the principle that if we are going to put all the personal-injury cases that occur in connection with interstate commerce under the provisions of this law, then the jurisdiction of the court must follow. This law, in the main, is nothing but a regulation for arbitration. That is what it is in the main, but in two or three cases you have gone beyond that, and, of course, if it is an arbitration statute, it is intended to be a substitute for a law to determine the rights of parties.

I make these suggestions: There is more in the question than there might appear to be at first sight. You are taking out of the hands of the courts of the State all the power to deal with these questions. You are placing it in the courts of the United States, under section 2 of Article III, and you are giving that court jurisdiction. If it has jurisdiction, unless specifically provided otherwise, it has exclusive jurisdiction. So says the Supreme Court of the United States. Now, do you intend to give it exclusive jurisdiction in personal-injury cases? That is the question. The right of appeal is provided for from the arbitration. I would suggest that the brakes be put on this measure and we slow it down until that question is thoroughly considered. The people do not desire to lose the right to try these cases in the State courts.

Mr. BACON. I should like to ask the Senator to state specifically the ground of his objection. The colloquy was broken into to such an extent that I failed to catch, not hearing all of it, the exact point. I should like to have the Senator state it. I am very much interested in it.

Mr. HEYBURN. It is not an objection; it is a warning.

Mr. BACON. I thought the Senator made the point that there was a constitutional difficulty, and I wished to hear what it was.

Mr. HEYBURN. It is a constitutional warning. The measure is based upon a proposition that would work an exclusive jurisdiction in the United States courts. I was merely inquiring of the Senator having charge of the bill whether or not it is the intention that the personal-injury cases, the class enumerated in this bill, shall only hereafter be tried in the United States courts, because I am quite sure that lawyers who look carefully into this matter will readily see that the whole right to legislate is based upon the provision of the Constitution giving Congress the power to legislate upon matters affecting commerce between the States, and, of course, there could be no other basis upon which Congress could assume jurisdiction over controversies between parties in the States. That being the case, the legislation itself rests solely upon the provision in the Constitution. Section 2 of Article III then confers the exclusive jurisdiction upon the United States courts.

I merely inquired whether or not the Senator had given that matter consideration, and I sent out the inquiry in order that it might be considered by those who will hereafter discuss and vote upon it. I did not intend to enter upon it, but all the way through, since this bill has been upon the calendar, I have had trouble in my mind as to the question of excluding all cases arising from a claim of personal injury in the State courts.

I am not introducing telegrams and letters which I am receiving in large numbers, but the telegrams that were read here this morning are evidently, a large number of them, based upon the assumption that they will still have the right in their local courts. We have plenty of places in the United States where the United States court sits hundreds of miles from the place where the cause of action arises; it sits 125 miles from our mines; and to persons who have personal-injury cases that is a burden. Large corporations operating there sometimes trade upon the fact that the party will not be able to get his witnesses to court, and all that kind of thing.

I merely send out the suggestions to gather such thought and consideration as may come from them.

Mr. CULLOM. Mr. President——

Mr. SUTHERLAND. Will the Senator from Illinois allow me?

Mr. CULLOM. Certainly.

Mr. SUTHERLAND. The question to which the Senator from Idaho refers is one that the commission considered, and considered at considerable length. We were all anxious, if possible, to preserve the right to go to the State courts, but we were confronted in the matter with this practical difficulty. In the first place, I may say that there were two general schemes presented for the administration of the law. One was that we should create an administrative board of some kind or that we should devolve the duty of administration upon an existing political board or semipolitical board, like the Interstate Commerce Commission, and give that board or commission the authority to appoint various agents throughout the country to administer the law. After consideration we were of the opinion that that would be an unfortunate thing to do, because it would inevitably put it under more or less political influence.

For that and for other considerations that I will not stop to go into now we thought it was wise to leave the matter in the hands of the courts, and yet it was necessary that these cases should be in a position to be disposed of summarily to some extent. So we conceived the idea of having adjusters appointed. Inasmuch as in the last analysis you must preserve the right of trial by jury somewhere, we thought the simplest and easiest way to do so was to provide for these adjusters to be appointed by the Federal courts, and then provide that their findings should be filed in the Federal courts in the same way as a master or referee would do, and when they had been filed there then permit either party to have a jury trial. We can not, of course, deny a jury trial in the last analysis.

Mr. HEYBURN. In the United States court?

Mr. SUTHERLAND. Yes. Some court must appoint these adjusters. It would not do to turn that over to the various State courts. That would be of doubtful validity and would, moreover, result in a great deal of confusion. We therefore provided that they must be appointed by the Federal courts.

Now, having these adjusters appointed by the Federal courts there seemed to be legal as well as practical difficulties in the way of providing that they should make their returns to a State court. It seemed to us that being appointed by the Federal court, being in a sense an arm of the Federal court, their returns must be made to that court. I would be very glad now

if some legal and practicable scheme could be suggested by which in the last analysis the parties might go to a State court, but I can see no legal or practical way of doing it.

Mr. HEYBURN. I understand the Senator concedes it is not considered that under this bill they could go to a State court?

Mr. SUTHERLAND. No; they could not.

Mr. HEYBURN. I undertake to say that out of thousands—I do not know, perhaps 20,000—of telegrams, petitions, and letters that are coming to Members of this body, and Members of the House, doubtless, were it known to the senders that they were to be deprived of access to the State courts there would not be one-tenth of them, because all the letters that we get indicate that where they favor it, it is because it is something that can be done without the machinery of the courts.

Mr. SUTHERLAND. It will be, I venture to say——

Mr. HEYBURN. You will have to go into court in order to get the adjuster appointed.

Mr. SUTHERLAND. I know; but I am speaking of the disposition of the cases. The experience under the English law, in which there are more questions to be litigated than here——

Mr. HEYBURN. Of this class of cases?

Mr. SUTHERLAND. Where there are more questions to be litigated than under our law, because we have simplified a great many of those questions, under the administration of the English law 90 or 95 per cent of them are settled without ever going into court at all.

I venture to say that our experience will be that at least 95 per cent of these cases will be settled without going to court at all. The Senator shakes his head. The Senator may prophesy about it as well as I, but the difference between us is that I have the English experience, at least, at my back.

Mr. HEYBURN. Oh, conditions are so different in England. I did not intend to go so far into the matter. I only wanted to know whether we differed as to the primary facts. I find we do not, and that under this proposed legislation the State courts will be closed against the claimants or the defendants, as the case may be.

Mr. SUTHERLAND. There will be no recourse to settle matters under this compensation act to any of the State courts, but the adjuster——

Mr. HEYBURN. Mr. President——

Mr. SUTHERLAND. If the Senator will bear with me for a moment—but the bill provides that an adjuster may go to any part of his district, to suit the convenience of the parties and the witnesses, to take testimony, and his expenses are to be paid by the Government; so that the adjuster will go to the place, perhaps, where the accident occurred or elsewhere to suit the convenience of the parties and witnesses in the various cases.

Mr. HEYBURN. How about the jury trial when it comes on?

Mr. SUTHERLAND. When the jury trial comes on it will be the same as any jury trial in a Federal court.

Mr. HEYBURN. The Senator is better advised than many other Senators as to conditions that exist in the more sparsely settled sections of the country. We work about 4,000 miners, and accidents are occurring continually in our mines. Those injured must go to Coeur d'Alene city to reach the first United States court, which is about 125 miles. The taking of their witnesses is a burden of which they complain. I should like to see some more convenient and less expensive method provided; but I want to be right sure that it is so. I do not want to be reproached afterwards by those people saying: "We used to go just up here on the corner of Seventh Street to try our cases and walk back and forth to our luncheon, but now we must go and take a day's trip each way, and we have no wagon roads between the places at all."

I will not pursue the subject further. There are other matters that the Senate desires to consider. I want Senators, however, to give some thought to that matter before they take it for granted that all of these petitions and telegrams they are receiving are based upon a clear knowledge of what we are trying to do.

Mr. SUTHERLAND. I hope the Senator will suggest some concrete amendment on that subject.

GEORGE HALLMAN.

Mr. TOWNSEND. Mr. President, on yesterday the bill (S. 2539) for the relief of George Hallman was passed by the Senate. I desire to move to reconsider the votes by which the bill was ordered to a third reading and finally passed.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan.

Mr. SMOOT. I ask the Senator why he asks for a reconsideration?

Mr. TOWNSEND. I had supposed that the bill had been recommitted to the Committee on Claims. I had made arrangements to be recognized, and I supposed it had been done several days ago. The bill was reported from the Committee on Claims for the relief of an employee of the Government. I will state that the claimant is an old man. After the bill was reported the claimant's representatives appeared and said that he felt as though he would not like to have his claim presented and allowed, inasmuch as he is now in the employ of the Government. It is for the purpose of recognizing that condition that I desire to have the bill recommitted to the Committee on Claims, and not for the purpose of pressing it for a reconsideration or enlarging the amount.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The bill will be recommitted to the Committee on Claims.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. BRISTOW. I should like to inquire of the Senator from Illinois if——

Mr. CULLOM. I regard it as very important, Mr. President, that we should have a brief executive session.

Mr. BRISTOW. When will the Senate have an opportunity to take up the calendar again?

Mr. CULLOM. It was considered on yesterday.

Mr. GALLINGER. Probably to-morrow.

Mr. SMOOT. Does the Senator know how long it will be necessary to remain in executive session?

Mr. CULLOM. It may not take more than a few minutes.

Mr. SMOOT. Then there will be no objection, I presume, to resuming legislative business.

Mr. BACON. We do not want to be precluded by that.

Mr. SMOOT. Not by any manner of means.

Mr. GALLINGER. The motion is not debatable.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois [Mr. CULLOM].

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 25 minutes spent in executive session the doors were reopened.

INTERNATIONAL HARVESTER CO. (S. DOC. NO. 604).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Attorney General, which the Secretary will read.

The Secretary read as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., April 24, 1912.

THE PRESIDENT OF THE SENATE:

SIR: I am in receipt of a copy of a resolution of the Senate, reading as follows:

"APRIL 24, 1912.

"*Resolved*, That the Attorney General be, and he is hereby, directed to furnish the Senate with copies of the reports of the Secretary of Commerce and Labor and Commissioner of Corporations, and instructions of the President, concerning the proposed prosecution of the International Harvester Co. of America, made in the year 1907, and showing the facts concerning such proposed prosecution and the reasons for its abandonment."

In reply I am directed by the President to transmit to you, as I do herewith, copies of the following letters on the files of this department:

Letter from President Roosevelt to Charles J. Bonaparte, Attorney General, dated August 22, 1907.

Letter from William Loeb, jr., Secretary to the President, to Charles J. Bonaparte, Attorney General, dated August 23, 1907.

Letter from Herbert Knox Smith, Commissioner of Corporations, Department of Commerce and Labor, to the President, dated September 21, 1907.

Letter from Herbert Knox Smith, Commissioner of Corporations, Department of Commerce and Labor, to the President, dated September 23, 1907.

Letter from Oscar Straus, Secretary of Commerce and Labor to the President, dated September 23, 1907.

Letter from William Loeb, jr., Secretary to the President, to Charles J. Bonaparte, Attorney General, dated September 24, 1907.

I have the honor to be,
Very respectfully,
GEO. W. WICKERSHAM,
Attorney General.

Mr. BRISTOW. Mr. President, before the communication is referred, I should like to make a few inquiries. This communication is in response to a resolution that was introduced into the Senate this afternoon by the Senator from Alabama [Mr. JOHNSTON], as I understand. Is that correct?

Mr. JOHNSTON of Alabama. That is correct.

Mr. BRISTOW. Evidently the letter was prepared before the resolution was introduced and the Senator from Alabama understood just what reply the Attorney General was ready to make.

Mr. JOHNSTON of Alabama. Evidently that is not so.

Mr. BRISTOW. It is not?

Mr. JOHNSTON of Alabama. I will state that is not so. I have not had any communication whatever with the Attorney General, but I have seen in the press and heard otherwise that there was a question about this Harvester Trust, and I wanted to get the facts from the Attorney General.

Mr. BRISTOW. I was rather anxious, or rather interested. I should say, to know why the Attorney General should be so prompt in answering the resolution of the Senator from Ala-

bama, which was introduced this afternoon, while the following resolution, which was introduced——

Mr. JOHNSTON of Alabama. I will suggest to the Senator that there was a resolution adopted yesterday that required much more matter to be disclosed, and the communication possibly may have been prepared in reference to that.

Mr. BRISTOW. A resolution was introduced on April 22 by Mr. OVERMAN and agreed to by the Senate, which reads as follows:

Resolved, That the Attorney General be, and he is hereby, instructed to lay before the Senate all correspondence and information now in possession of the Department of Justice in relation to the proposed settlement between the United States and the International Harvester Co. by which the so-called Harvester Trust may be permitted to reorganize and bring its organization and business within the provision of the Sherman antitrust law as construed by the Supreme Court, together with any and all correspondence, information, and reports of the Bureau of Corporations relating thereto from January 1, 1904, to the present time.

It can be readily seen that this communication is not in reply to the Overman resolution. Now, I have been advised—at least I have seen it so stated in the public press—that a suit which was proposed to be brought against the Harvester Trust has been withheld upon the order of the President.

Mr. HEYBURN. What President?

Mr. BRISTOW. The present President within the last few weeks. Now, we have the spectacle of a resolution being prepared and introduced into the Senate this afternoon, and before it has been printed and furnished to Senators it is answered by the Attorney General, presumably because it is intended to reflect upon a man who is a candidate for the Presidency against the present occupant of that office, while the resolution that was introduced on April 22 remains unanswered by the present Attorney General, because, presumably, it might reflect upon him or his administration or the administration that is now in charge of the Government.

I simply wanted to call attention to the fact that the answer to the resolution introduced by the Senator from Alabama seems to have been prepared in advance to await the opportunity, while the resolution of the Senator from North Carolina [Mr. OVERMAN] remains unanswered; and it has not been long since the Senate was advised that the public interest would not permit the Attorney General to furnish it information it desired to have in regard to his relation with the International Harvester Co. Why is he so eager in his efforts to reflect on his predecessor while he conceals from us the facts as to his own conduct?

The VICE PRESIDENT. The communication and accompanying papers will be printed and referred to the Committee on the Judiciary.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 25, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate April 24, 1912.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Carroll S. Graves to be a lieutenant in the Navy from the 24th day of September, 1911, to fill a vacancy.

Ensign Stephen B. McKinney to be a lieutenant (junior grade) in the Navy from the 12th day of February, 1912, upon the completion of three years' service as an ensign.

POSTMASTERS.

KENTUCKY.

W. B. Buford to be postmaster at Nicholasville, Ky., in place of William M. Anderson. Incumbent's commission expired February 7, 1911.

Clarence Mathews to be postmaster at Maysville, Ky., in place of Clarence Mathews. Incumbent's commission expired December 19, 1910.

Will P. Scott to be postmaster at Dawsonsprings, Ky., in place of Will P. Scott. Incumbent's commission expired March 31, 1912.

James W. Thomason to be postmaster at Uniontown, Ky., in place of James W. Thomason. Incumbent's commission expired March 31, 1912.

Miles M. J. Williams to be postmaster at Eminence, Ky., in place of Miles M. J. Williams. Incumbent's commission expired April 9, 1912.

OKLAHOMA.

Leonard M. De Ford to be postmaster at Duncan, Okla., in place of Harry S. Bockes. Incumbent's commission expires April 28, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 24, 1912.

REGISTER OF THE LAND OFFICE.

Hal J. Cole to be register of the land office at Spokane, Wash.

POSTMASTERS.

ALASKA.

Earle L. Hunter, Juneau.

CALIFORNIA.

Edward M. Downer, Pinole.

COLORADO.

Walter I. Brush, Sterling.

ILLINOIS.

Dietrich H. Fleege, Lombard.
Charles C. Hamilton, Atwood.
John F. Mains, Stronghurst.

KANSAS.

Fred Bartlett, Baxter Springs.
Florence Lowe, Turon.

MAINE.

Frank H. Lane, Brooks.
Arthur W. Richardson, Fort Fairfield.
Palmer A. Twambley, Kennebunk Port.

MARYLAND.

William H. Medford, Cambridge.

MASSACHUSETTS.

Frank O. Johnson, Montague.

MINNESOTA.

Lemuel S. Briggs, Princeton.

MISSISSIPPI.

Thomas D. Hill, Blue Mountain.

MISSOURI.

Henry J. Bernhard, Palmyra.
Louis F. Blacketer, Braymer.
August W. Enis, Clyde.
Henry Puls, Jackson.
James Tait, Polo.

MONTANA.

Theophilus H. Symms, Broadview.

OHIO.

Charles H. Clark, Mount Sterling.
William McC. Crozier, Cumberland.
Pearl W. Hickman, Nelsonville.
George H. Huston, Rogers.
Robert H. Wiley, Flushing.

OKLAHOMA.

Harry C. Clark, McAlester.
John M. Lapham, Cement.
John B. Willeford, Olustee.

PENNSYLVANIA.

Herbert L. Bowen, Spartansburg.
Sarah V. Patton, Aliquippa.

RHODE ISLAND.

William F. Caswell, Jamestown.

SOUTH DAKOTA.

Frank Bowman, Eagle Butte.
Robert E. Grimshaw, Deadwood.

INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed from the ratification of the declaration of international naval conference, signed by the delegates of the United States to the International Naval Conference held at London, England, from December 4, 1908, to February 26, 1909. (Ex. A, 61st Cong., 1st sess.)

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 24, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, imbue us plenteously with that wisdom which is above the price of rubies, which enables us to distinguish clearly the real values of life, lifts us above the sordid, puts a premium on high thinking and clean living, makes for righteousness in the soul, and leads heavenward. For Thine is the kingdom, and the power, and the glory, forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday. The call rests with the Committee on the Territories. The unfinished business is House bill 13987, to create a legislature in the Territory of Alaska, to confer legislative power thereon, and for other purposes. The House resolves itself automatically——

LEGISLATURE FOR ALASKA.

Mr. MANN. Pending that, Mr. Speaker, I suggest to the gentleman from Virginia [Mr. FLOOD] that I see he has reported House bill 38, a substitute bill on the same subject. I understood he desired to have that bill considered instead of the bill 13987, by unanimous consent. Of course that order would have to be made in the House instead of in Committee of the Whole.

Mr. FLOOD of Virginia. I did not catch what the gentleman said.

Mr. MANN. The gentleman reported yesterday House bill 38, with a substitute amendment, on the Territorial Legislature of Alaska.

Mr. FLOOD of Virginia. Yes.

Mr. MANN. I understood the gentleman desired to ask unanimous consent to consider House bill 38 instead of the bill that we had under consideration last Wednesday. If that is to be done, it would have to be done in the House. The Committee of the Whole would not have the power to do that.

Mr. FLOOD of Virginia. I am obliged to the gentleman from Illinois.

Mr. Speaker, I ask unanimous consent that House bill 38, with amendments, be substituted for House bill 13987, and I do it for this reason, Mr. Speaker: It was the intention of the committee to have House bill 38, with amendments, reported. I, as chairman of the Committee on the Territories, undertook to make that report, but the bill was printed as H. R. 13987, and it had my name on it as the patron of the bill. As a matter of fact, the Delegate from Alaska [Mr. WICKERSHAM] is the patron of the bill. And I want to say here that Alaska has been very fortunate in the last two Congresses in having a representative of such high character and splendid ability as Judge WICKERSHAM. [Applause.] He has done an immense amount of work on this bill and is the patron of it. It was not the intention of the Committee on the Territories or my intention to deprive him of the credit of being the patron of the bill, and so we have subsequently reported the bill H. R. 38 with amendments. I ask that that be substituted for the bill under consideration.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent that House bill 38 be substituted for House bill 13987, both being of the same tenor, for the reason he stated. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I wish to inquire of the gentleman from Virginia just how much difference there is in the amendment in the nature of a substitute which is reported as House bill 38 from the bill which is now under consideration? How much difference is there?

Mr. FLOOD of Virginia. Subsequent to the time that the bill was originally reported the committee acted upon three amendments and directed that they be offered here as committee amendments. Those three amendments have been incorporated in this subsequent print. That is the only difference.

Mr. FITZGERALD. Then, the effect of the request of the gentleman, if granted, will be this: There will be pending in the Committee of the Whole House on the state of the Union an amendment in the nature of a substitute. Any amendments that the committee may adopt to that amendment will be engrafted into it, but when the bill is reported to the House there will be no opportunity to obtain separate votes on such amendments. There will be only one amendment pending.

Mr. FLOOD of Virginia. That is practically the case with the bill that is pending.

Mr. FITZGERALD. No. The bill that is pending was reported, and every amendment adopted to it in the Committee of the Whole House on the state of the Union must be adopted in the House by a separate vote, if it be demanded. The House bill 38, as reported, is in the nature of a substitute, and whatever is done in the committee will be reported to the House as one amendment.

Mr. FLOOD of Virginia. What I desire to say to the gentleman is, that the pending bill makes numerous amendments to the bill as originally introduced, and the subsequent amendments that were adopted were practically immaterial, so that all the important amendments that were adopted by the committee are embodied in the bill as reported—the bill numbered 13987.

Mr. FITZGERALD. As long as the House now understands what the situation is, I shall not object.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent to substitute House bill 38 for House bill 13987.

Mr. MANN. That is, to consider House bill 38 instead of the other bill.

The SPEAKER. To consider House bill 38 instead of House bill 13987. That eliminates the difficulty that the gentleman from New York was talking about.

Mr. FITZGERALD. House bill 38 is reported to the House with an amendment in the nature of a substitute. I shall not object, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

Accordingly, under the rule, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, with Mr. CLINE in the chair.

Mr. FLOOD of Virginia. Mr. Chairman, I yield one hour to the gentleman from Alaska [Mr. WICKERSHAM].

Mr. WICKERSHAM. Mr. Chairman, the bill now before the House is a bill to create a Territorial legislature in the Territory of Alaska.

Alaska is one of the organized Territories of the United States in the same sense that Arizona and New Mexico were Territories before their admission into the Union as States. A Territorial form of government is that form of government which Congress establishes in a Territory. While section 4 of Article IV of the Constitution provides that "The United States shall guarantee to every State in this Union a republican form of government," there is no such or any constitutional guaranty that the government created in a Territory shall be republican in form. The Constitution provides (sec. 3, Art. IV):

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

A Territory is property belonging to the United States. If once incorporated into the body of the Nation, it will, when future development shall make it proper, become a State in the Union, but during the term of its Territorial pupilage it is subject to control by such form of government as Congress in its wisdom, or want of it, may establish over it.

In pursuance to its duty to make all needful rules and regulations respecting the Territory of Alaska, Congress created an executive department there and provided that the President should appoint our governor, by and with the advice and consent of the Senate; by the same act of Congress of May 17, 1884 (23 Stat. L., 24), a judicial department was also created in the Territory, and we now have the same executive and judicial departments in Alaska that Arizona and New Mexico had while Territories. Alaska does not now have, and never has had, a legislative department. Alaska has no lawmaking body other than the Congress of the United States. For 45 years Congress has acted as the Territorial legislature of Alaska, and the bill now before the House proposes to advance one step and create a Territorial legislature to be elected by the people of that Territory. It is now proposed by the bill before the House to give the 40,000 American citizens in that Territory a legislative body, with powers so limited that while the legislature may aid in a small way in developing the Territory it can not dispose of any rights in the public property there, nor authorize or legalize any of those aids to monopoly which the people of our country condemn.

Mr. Chairman, the bill before the House simply creates an elective legislative assembly in the Territory of Alaska. That and nothing more. It provides for the election by the people of the Territory of Alaska of 24 members of a local legislature. Eight of these legislators are to be members of the upper house, or senate, as the body is called in all the Territorial organic acts, and 16 of them are to be members of the lower house. It is provided in the bill that this house shall meet in the capital of the Territory of Alaska, at Juneau, once every two years. The term of that session is limited to 60 days, and the expense of the whole meeting of the legislature amounts to not more than $35,000.

Mr. AUSTIN. Will the gentleman yield?

Mr. WICKERSHAM. Certainly.

Mr. AUSTIN. Is the representation in the upper and lower houses based on population in each division?

Mr. WICKERSHAM. No; the apportionment is not based exactly on the population. The apportionment is made equally between the four judicial divisions that now exist by act of Congress in Alaska. The first judicial division is the southeastern division of Alaska, and the census gives the population of that division 15,216. The second is the Nome division in northwest Alaska, with a population of 12,351. The third division is the southern division, with a population of 20,078. The fourth division is the middle division, with a population of

16,711. And it is proposed to assume these four judicial divisions as the apportionment districts in the bill.

These four divisions are now judicial divisions. Congress has established the boundaries of these divisions by law, and we have a United States district court in each one of those divisions now. Each one of them has also a land office, and all public business in the Territory of Alaska is apportioned according to those four judicial divisions.

Mr. SLAYDEN. Will the gentleman yield?

Mr. WICKERSHAM. Certainly.

Mr. SLAYDEN. Is that population the gentleman has given according to the census of 1910?

Mr. WICKERSHAM. It is according to the census of 1910. Now, lest somebody may think that there is something in this bill which might be harmful, lest some who are interested in conserving the great natural resources of this Territory might imagine there is something in the bill which would give unfair advantages to the big interests in that Territory, I will say that there is not any power given to the Alaskan Legislature to dispose of any part or portion of the public domain in Alaska or any of the natural resources of the Territory. The power conferred is greatly limited, and consists largely in police power. No Territorial legislature ever created west of the Mississippi was so carefully limited as the Territorial Legislature of Alaska is limited by this bill.

Mr. AUSTIN. Is this a unanimous report of the committee?

Mr. WICKERSHAM. It is a unanimous report by the Committee on Territories and a unanimous recommendation that the bill do pass.

The bill now under consideration by the House has been before Congress in substantially its present form for several years. On December 4, 1905, Mr. SULZER, of New York, introduced a bill in the first session of the Fifty-ninth Congress (H. R. 330) entitled "A bill to create the Territory of Alaska and to provide for the government of the same."

The bill provided for the creation of a Territorial legislature, with the powers usually granted to such bodies, to be composed of 28 members, to be elected by the people. One day later, in the same Congress, a bill was introduced by Mr. JONES, of Washington, now the senior Senator from that State, "Providing a Territorial form of government for Alaska." It, too, provided for the creation of an elective legislative body for Alaska of 40 members.

On June 7, 1909, in the first session of the Sixty-first Congress, I introduced the original bill, of which that now before the House is the remainder, after immaterial sections relating to other matters have been stricken out. Immediately after the introduction of the bill I sent several thousand copies of it to the people and press in Alaska, with letters asking for criticisms and suggestions. It was published in every paper in the Territory, and the people, press, and politicians of the Territory have discussed it from that day to this, and have almost unanimously urged the passage of it or some similar bill.

The spirit of the bill now before the House has been considered by the national conventions of both the great parties on several occasions, and has been approved wherever it has been considered.

APPROVAL IN NATIONAL PLATFORMS.

In the Democratic convention of 1892, held at Chicago, Grover Cleveland, of New York, was nominated for President, and Adlai E. Stevenson, of Illinois, for Vice President. The eighteenth section of the platform adopted by that convention declared in favor of the admission of New Mexico and Arizona as States and then declared in favor of Territorial government as follows:

And while they remain Territories *we hold that the officials appointed to administer the government of any territory, together with the Districts of Columbia and Alaska, shall be bona fide residents of the Territory or District in which their duties are to be performed. The Democratic Party believes in home rule and the control of their own affairs by the people of the vicinage.*

The Republican convention of 1892 met at Minneapolis. It nominated Benjamin Harrison, of Indiana, for President, and Whitelaw Reid, of New York, for Vice President, and in its platform it declared:

All the Federal officers appointed for the Territories should be selected from bona fide residents thereof *and the right of self-government should be accorded as far as practicable.*

Four years later the Democratic national convention met in Chicago. It nominated William J. Bryan, of Nebraska, for President, and Arthur Sewell, of Maine, for Vice President, and in its platform again declared in favor of the admission of the Territories of New Mexico, Arizona, and Oklahoma as States, and then said of the Territories:

While they remain Territories, we hold that the officials appointed to administer the government of any Territory, *together with the District of Columbia and Alaska,* should be bona fide residents of the Territory or District in which their duties are to be performed. *The Democratic Party believes in home rule* and that all public lands of the United States should be appropriated to the establishment of free homes for American citizens.

The Republican convention of 1896 was held in St. Louis. It nominated William McKinley for President and Garret A. Hobart for Vice President, and in its platform it favored the admission of the Territories within the United States as States and declared:

All the Federal officers appointed for the Territories should be selected from bona fide residents thereof *and the right of self-government should be accorded as far as practicable.*

The Democratic convention of 1900 met in Kansas City. It nominated William J. Bryan for President and Adlai E. Stevenson for Vice President and in its platform it declared in favor of the admission of Arizona, New Mexico, and Oklahoma as States, and then said:

We promise the people of these Territories immediate statehood and home rule during their condition as Territories, *and we favor home rule and a Territorial form of government for Alaska and Porto Rico.*

In the Democratic convention of 1904, at St. Louis, Alton B. Parker, of New York, was nominated for President and Henry G. Davis, of West Virginia, for Vice President. The platform again favored the admission of Oklahoma and Indian Territory as States.

We also favor the immediate admission of Arizona and New Mexico as separate States *and a Territorial government for Alaska and Porto Rico.*

We hold that the officials appointed to administer the government of any Territory, as well as the District of Alaska, should be bona fide residents at the time of their appointment for the Territory or District in which their duties are to be performed.

The Republican convention of 1904, at Chicago, made no declaration in respect to home rule for Alaska, but it nominated Theodore Roosevelt, of New York, for President, and in his messages to Congress he called special attention to the necessity for home rule for Alaska, and in his message of December 3, 1907, he said:

I reiterate my recommendations of last year as regards Alaska. Some form of local self-government should be provided, as simple and inexpensive as possible; it is impossible for the Congress to devote the necessary time to all the little details of necessary Alaskan legislation.

At that time Alaska had both an executive and a judicial department similar to those created in other Territories, and it was of the necessity of creating a legislative department in Alaska, which it did not have, that President Roosevelt recommended to Congress. That missing department is provided in the bill now before the House.

The Democratic convention at Denver, in 1908, nominated William J. Bryan for President and John W. Kern for Vice President, and in its platform declared:

We demand for the people of Alaska and Porto Rico the full enjoyment of the rights and privileges of a Territorial form of government and that the officials appointed to administer the government of all our Territories and the District of Columbia should be thoroughly qualified by previous bona fide residence.

I make these quotations from the great party platforms in answer to any suggestion which may be made that the bill before the House is not approved as a political measure. In principle it has been approved time and again by both the national parties, as well as by President Roosevelt in his message of 1907.

APPROVAL BY ALASKA TERRITORIAL CONVENTIONS.

Not only have both great political parties in their platforms promised the people of the country and Alaska that Congress would form a Territorial government in Alaska and give the people there the right of self-government in so far as it is usual in Territories, but the Territorial conventions in Alaska of both parties have declared in favor of the same plan. Every Democratic Territorial convention held in that Territory has substantially declared in favor of the bill now before the House.

Both the Republican and Democratic conventions, held in Juneau, Alaska, in 1900, for the selection of delegates to their respective national conventions declared in favor of home rule; both the Democratic and Republican conventions, held in Juneau, Alaska, in 1904, for the selection of delegates to the national conventions passed similar resolutions. In 1908 both the Republican and Democratic Territorial conventions in Alaska passed similar resolutions, and the Republican convention instructed its delegates for Mr. Taft at the same time. Republican and Democratic conventions were held in Alaska this month. The Democratic convention was held on March 30 and, after nominating its candidate for Delegate to Congress, it adopted a platform, in which is this pledge:

HOME RULE.

The power to make the laws which are to govern us in our local affairs is but the application to Alaska of a right sanctified by the blood of our fathers and justified by more than a century of actual experience. Every Democratic convention ever held in Alaska has insisted upon that right, and we do but reiterate the utterances of those con-

ventions when we again represent to Congress: First, that the people of Alaska want home rule; second, that the people of Alaska ought to have home rule; third, that until the people of Alaska get home rule they will never cease demanding it as the right of American citizens. And we pledge to the people of Alaska, if elected, our candidate for Delegate will use every effort to secure the enactment of a law giving to Alaska a local legislature, elected by the people, with power covering every rightful subject of legislation not essentially national in character.

Upon that platform the Democratic Party is appealing to the people of Alaska to elect their candidate for Delegate.

On the same day that the Democratic convention met in Valdez and adopted the foregoing plank in their platform the Republicans in Alaska favorable to the renomination of Mr. Taft met in Cordova. The Republican convention nominated two delegates to the Chicago convention and instructed them to vote for the renomination of Mr. Taft. At the same time and as a part of the same transaction it adopted a platform the second plank of which reads as follows:

We insist that Congress give us a full Territorial form of government, similar to that of the late Territories of Arizona and New Mexico, and that any official appointed or elected to fill an office shall be a citizen of the United States and elector of Alaska.

Both political parties in Alaska are appealing to the people there for support upon the ground that they represent a political organization which will give to the people an elective Territorial legislature similar to that provided for in this bill. The convention which nominated the Taft delegates and instructed them to vote for his renomination in Chicago adopted a plank declaring in favor of a Territorial form of government even more unrestricted than the one provided for in this bill.

APPROVED BY OREGON, WASHINGTON, AND WISCONSIN.

The Legislature of the State of Washington is Republican. On January 17, 1911, that legislature passed the following joint memorial, introduced by Hon. Frank P. Goss, of Seattle, requesting their Senators and Members in the House of Representatives to support the requests therein made:

House joint memorial No. 3.

To the honorable Senate and House of Representatives in Congress assembled:

Whereas the Territory of Alaska is settled by a hardy, active, and energetic people, numbering more than 64,000 according to the Thirteenth Census, 1910, who have in the last 10 years added in gold and fish alone more than $225,000,000 to the wealth of the Nation, and whose trade with the merchants of the United States last year amounted to more than $52,000,000, being greater than our trade with China and twice as great in value as the trade with the Philippines; and

Whereas the development of the Territory is being greatly retarded by the want of a lawmaking or legislative body therein to be elected by the people:

Resolved by the House of Representatives of the State of Washington (the Senate concurring), That the Legislature of Washington does hereby declare its most earnest opinion that it is necessary to the development of the Pacific coast and of the resources and good government in Alaska that Congress shall, at the earliest possible date, pass an enabling act creating and providing for the organization of a Territorial legislature in Alaska to be elected by the American citizens resident therein, with such powers and limitations as have been usually given to and imposed upon such legislative assemblies in other Territories; and the Senators and Representatives in the Congress of the United States from the State of Washington are hereby requested to aid and assist in the securing of the passage of such a bill.

Resolved further, That a copy of this resolution be forthwith transmitted to the Senators from the State of Washington and to each Congressman from the State of Washington; also to each member of the Committees on the Territories of the House of Representatives and the Senate for their information in the premises.

Passed by the house January 17, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed by the senate January 20, 1911.

W. H. PAULHAMUS,
President of the Senate.

The Legislature of the State of Oregon is Republican, and on January 19, 1911, that legislature passed a joint resolution similar to the one passed by the State of Washington, as follows:

House joint resolution No. 4.

Whereas the Territory of Alaska is settled by a hardy, active, and energetic people, numbering more than 64,000 according to the Thirteenth Census, 1910, who have in the last 10 years added in gold and fish alone more than $225,000,000 to the wealth of the Nation, and whose trade with the merchants of the United States last year amounted to more than $52,000,000, being greater than our trade with China and twice as great in value as our trade with the Philippines; and

Whereas the development of the Territory is being greatly retarded by the want of a lawmaking or legislative body therein, to be elected by the people:

Resolved by the Legislative Assembly of the State of Oregon (the Senate and House jointly concurring), That we do hereby declare our most earnest opinion that it is necessary to the development of the Pacific coast and of the resources of and good government in Alaska that the Congress of the United States shall, at the earliest possible date, pass an enabling act creating and providing for the organization of a Territorial legislature in Alaska, to be elected by the American citizens resident therein, with such powers and limitations as have been usually given to and imposed upon such legislative assemblies in other Territories; and the Senators and Representatives in the Congress of the United States from the State of Oregon are hereby requested to aid and assist in securing the passage of such a bill.

Adopted by the house January 19, 1911.

JOHN P. RUSK,
Speaker of the House.

Concurred in by the senate January 26, 1911.

BEN SELLING,
President of the Senate.

Indorsement: House joint resolution No. 4. Chief clerk. Filed in the office of the secretary of state January 31, 1911.

F. W. BENSON, *Secretary of State.*

The Legislature of the State of Wisconsin is Republican, and in June, 1911, at the request of Senator LA FOLLETTE, that legislature passed the following resolution declaring in favor of a Territorial legislature in Alaska:

Joint resolution (J. Res. 48, S.) memorializing Congress to grant to Alaska a Territorial form of government.

Whereas the Territory of Alaska has recently developed into a Territory of great wealth settled by a large number of worthy residents, mostly Americans, whose number is constantly increasing; and

Whereas industrial and social conditions there existent have suffered from the absence of a legislative body therein: Therefore be it

Resolved by the senate (the assembly concurring), That the Congress of the United States be respectfully memorialized promptly to take such steps as may be necessary to provide for the organization of a Territorial legislature in Alaska, to be representative of the American citizenship there resident, with such powers and limitations as have usually been given to and imposed upon legislative assemblies in other Territories of the Nation; and be it

Resolved further, That a copy of this resolution be sent to each Member of Congress and to each United States Senator representing this State, to the Speaker of the House of Representatives, and to the President of the United States.

THOMAS MORRIS,
President of the Senate.
C. A. INGRAM,
Speaker of the Assembly.
F. M. WILIE,
Chief Clerk of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.

Many other conventions of the people of the Pacific coast, without regard to politics, have passed resolutions in favor of a better government in the Territory of Alaska. Many of them have declared specifically in favor of the creation of an elective Territorial legislature in that Territory, while others have confined themselves to general phrases in respect to a better form of government there. However, all of the people of the Pacific coast understand that Alaska is without any legislative body, and it is generally recognized by the people of the coast, without regard to politics, that there can be no real development there until Congress shall have given to the people of the Territory the right to organize their own legislative body and make laws for their own government.

PRESS APPEAL TO PRESIDENT TAFT.

On September 29, 1909, before President Taft had declared any policy in respect to the creation of an elective Territorial legislature in Alaska, the united press, the mayors of incorporated towns, and the representatives of the larger business organizations sent him a telegram to Seattle, Wash., where he then happened to be, requesting him to recommend in his next message to Congress and give his support to the creation of an elective legislature in Alaska, as follows:

FAIRBANKS, ALASKA, *September 29, 1909.*

WILLIAM H. TAFT,
President of the United States, Seattle, Wash.:

A united press and people of Alaska, in aid of constructive legislation for the creation of a government by the people in this Territory, and in aid of the development of its natural resources, respectfully request you to recommend in your next message to Congress and give your support to the creation of an elective Alaskan legislature in substantial conformity with Delegate WICKERSHAM'S bill, introduced at the recent special session of Congress.

Newspapers: Fairbanks Daily News-Miner; Fairbanks Daily Times; Daily Nome Gold Digger, Nome; Daily Nome Nugget, Nome; Skagway Alaskan, Skagway; Daily Miner, Ketchikan; Daily Alaskan Dispatch, Juneau; Pioneer Press, Haines; Seward Gateway, Seward; Hot Springs Echo, Hot Springs; Tanana Leader, Fort Gibbon; Valdez Prospector, Valdez; Cordova North Star, Cordova; Tanana Miner, Chena; Daily Tanana Tribune, Fairbanks; Douglas Island News, Douglas. Mayors: E. Valentine, mayor, Juneau; W. B. Watts, mayor, Nome; T. Tonseth, mayor, Chena; L. Archibald, mayor, Valdez; C. Ott, mayor, Eagle; H. Ashley, mayor, Skagway; Jos. H. Smith, mayor, Fairbanks; E. O. Smith, president Sitka Chamber of Commerce; F. G. Hale, president Seward Chamber of Commerce.

That telegram was signed by all the newspapers in Alaska except two.

BILL APPROVED BY COMMERCIAL BODIES.

On April 20, 1911, all the commercial clubs of Seattle, with which Alaska does much of its trade, passed the following resolution:

Resolved, That this joint Alaskan committee, representing the Arctic Club, the Chamber of Commerce, the Rotary Club, the Commercial Club, and the Alaskan committee of the American Mining Congress, hereby indorses the proposition of empowering the people of Alaska to exercise the right of local self-government by means of a Territorial form of government with an elective legislature, and we respectfully urge upon

Congress and the President the enactment of the legislation necessary to carry the purposes of this resolution into effect.

BILL APPROVED BY PACIFIC COAST PRESS.

Not only have the national political conventions of the two great parties, the Legislatures of Oregon, Washington, and Wisconsin, and the political conventions of all parties in Alaska declared in favor of the development of government therein, but the matter has been widely and favorably discussed by the newspapers upon the Pacific coast and in Alaska.

The senior Senator from the State of Washington introduced the bill now before the House in the Senate at my request, and that fact has been referred to approvingly in the newspapers in his State. The leading Republican paper in the city of Seattle, of which Mr. Erastus Brainerd was for many years the editor, in its issue of May 25, 1911, in support of the nonpartisan efforts of all the commercial bodies of the city of Seattle in aid of the passage of this bill, said:

ALASKA NEEDS SELF-GOVERNMENT.

Senator JONES, of this State, and Delegate WICKERSHAM, of Alaska, are working in harmony on behalf of the bill prepared and introduced by the former providing for a full Territorial government for Alaska. As the Senate Committee on Territories, before which the matter first comes up, is almost entirely new, composed of Senators who have not committed themselves on the subject, the prospect for a favorable report on the bill is better than it was in any previous Congress.

There is not now and there has not been for years any sound argument for denying the people of Alaska the right which has been freely accorded other American communities situated as they are, that of local self-government with a local legislative body. Every one of the arguments used against the proposed form of government has been based upon misconception or upon downright misrepresentations.

These arguments can be easily refuted before any persons who care to inform themselves upon the subject. Alaska has a permanent population considerably larger than many of the States had at the time when they were admitted into the Union. Means of communication between the different parts of the Territory are far better than were the means of communication between different parts of the older Territories at the time when they were organized and given full powers of local self-government.

The influence of outside investors in Alaska has been much stronger before Congress and the departments than that of the permanent residents of the Territory. The big corporations which have made investments in Alaska do not care to find themselves subjected to the jurisdiction of a local legislature. They prefer the indifference of Congress to the activities of a local body interested in protecting the people.

Of course, each argument against granting Alaska Territorial government has to disregard absolutely every fundamental principle upon which this Government was founded, but many people are perfectly willing to abandon all questions of fundamental principle when the question is of the rights of a community in which they are not directly interested.

BRYAN FAVORS HOME RULE.

William Jennings Bryan, in a speech in the city of Seattle in October, 1909, in reference to this matter, declared:

Pioneers of this great Northwest, men far sighted, resolute in purpose, who braved the dangers of the wilderness of Alaska, have asked that they be recognized as capable of attending to their own affairs. Are you afraid to trust them? You can not refuse their request without reflecting on the principle of self-government. They have intelligence and capabilities as well as the right. Alaska should have the right of self-government.

When William Jennings Bryan, thrice a candidate for the office of President of the United States, said this in the natural amphitheater at the exposition grounds, where nearly 20,000 people had assembled to greet him, he was opposing the views of President William H. Taft, expressed on the same platform, on his recent visit to the exposition.

Mr. Taft said, in his exposition speech, September 30, that—

Local self-government or home rule in a country so large as Alaska, with a scattered nomadic population, intense local and sectional feeling, should not be given serious consideration until the population and developed resources of the country have increased to such an extent as to warrant the division of the Territory into more limited areas, where the inhabitants of each would have an opportunity of becoming acquainted and there would be some degree of similarity of interests.

He suggested that the local legislative powers be intrusted to a commission of five or more members, appointed by the President, to act with the governor in the matter of local legislation.

Alaska has a right to make her own mistakes—

Continued Mr. Bryan—

If she makes mistakes she will suffer from them and then correct them; but if we deny her self-government and, in an attempt to dictate her local affairs, make mistakes, they will be responsible for the condition of affairs which follow. Alaska is asking for just what they are fighting for the world over. They want to be the architects of their own destiny and the guardians of their own affairs.

You can not refuse this.

I wish now to put in the RECORD a few editorials from representative newspapers of the Northwest in favor of the effort of Alaska to secure an elective legislative body; it would be easy to read 10 for every 1 that is quoted, but the following may be accepted as typical of the great mass of editorial comment in favor of the bill now before the House:

[Editorial, Seattle Times, Seattle, Wash.]

WHY SHOULD ALASKANS NOT GOVERN THEMSELVES?

Why should Alaska not govern itself? The question is pertinent. It comes at a time just succeeding the visits to Seattle of America's two most distinguished citizens, the one in official life, the other in private life—President Taft and Mr. Bryan.

Both of them had something to say about Alaska, and as is usually the case, each found himself on the opposite side of the question from the other.

President Taft, having appointed a governor from a point just about as far away from Alaska as he could get and still remain within the United States, says that on the whole he favors governing Alaska by commission.

Mr. Bryan favors home rule for Alaska. He believes that pioneer American citizens who are big and brave and strong enough to develop that wonderful Territory are able to govern themselves.

If Mr. Taft, after his preliminary training in Cuba and the Philippines, had been willing to let it go at that he would not have exposed himself to a charge of inconsistency, although there is not the least doubt that Alaskans, being the twentieth century representatives of the rugged type that has always pushed forward and built America from the beginning, are entitled to resent the imputation that they are in a class with men of Spanish descent. Alaskans generally are of Anglo-Saxon stock—the race above all others in the history of the world that has embodied the genius of self-government—while Cubans and the Filipinos are tinctured with Latin blood, the volatile, effervescent quality that does not readily adapt itself to "government by the people."

Almost immediately after visiting Seattle and saying that Alaska ought to be governed by a commission President Taft speaks to the people of Arizona, another community of broad-gauge citizens who have literally carved their own way out of the resources offered by nature, and to them he says:

"I am going to help carry out the promise of statehood for Arizona as far as I can."

There is scarcely a western man throughout the broad expanse from the Arctic to the Mexican line but will agree with the President that Arizonians are entitled to statehood. They have fought for it more than a generation; and they have forced the Republican Party to come to a declaration for separate statehood after Roosevelt and Beveridge would literally have rammed down their throats the abhorrent scheme of joint statehood with New Mexico for the sole purpose of depriving the mighty West of two United States Senators.

But if Arizona is able to govern itself, why should Alaska, which is self-constrained, reliant, and long-suffering, be placed under the domination of a "foreigner" as governor or under a "foreign" commission?

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[Editorial, Seward Gateway, Seward, Oct. 2, 1909.]

ALASKA, THE RED-HAIRED BOY.

The attitude taken by President Taft in regard to a Territorial form of government for Alaska is a sore disappointment to the bona fide residents of the Territory, who have been praying for relief from the present system, under which Alaska has been misruled. Assuming that the Chief Executive will adhere to his expressed policy in this regard, all hope for relief under the present administration is useless waste of energy, for, without the powerful aid of the President, Alaska has not enough friends in Congress to pass legislation.

The President favors government of Alaska by a commission of Washington officials. The idea is repugnant to American citizens. It implies a want of confidence in the people of Alaska to govern their own affairs. It is un-American in principle. Such a form of rule merits the most caustic criticism of the inhabitants of the Territory. And we doubt not that it will get it if attempted.

It is an unfortunate state of affairs to thus be placed on a par with the semicivilized people. The citizenship of Alaska may be said, without boasting, to be composed of the most progressive, the most self-reliant, the most intelligent of any in any State or Territory in the Union, if we may be permitted to place ourselves within this Union for purposes of comparison. The people in Alaska are pioneers, engaged in throwing into the channels of commerce the great resources of the Territory. They are hewing out homes in a great country for future generations. They are qualified in every respect for the full duties of citizenship. For the President to deny them this, their heritage, subject them to taxation without representation, compel them to be governed by a commission composed of officials who have no material interest in the country, and who will undoubtedly inflict upon us all sorts of theories of government, is not an encouraging prospect. Alaska is the red-haired boy in the Nation's family.

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[Skagway Alaskan, Skagway, Oct. 20, 1909.]

PEOPLE OF SITKA ADOPT HOME-RULE RESOLUTIONS.

The following resolutions indorsing the Wickersham home-rule bill were drawn up and adopted unanimously by the people of Sitka at a mass meeting held Cession day, October 18. Dr. Goddard presided as chairman of the meeting and the resolutions were introduced by E. Otis Smith:

"We, the people of Sitka, Alaska, in public meeting assembled on this forty-second anniversary of the cession of Alaska to the United States from Russia, believing that this great Territory has reached such a stage of development that Congress can no longer refuse to admit our people 'to the enjoyment of all the rights, advantages, and immunities of citizens of the United States,' as promised in the treaty with Russia, and that it is our God-given right as American citizens to ourselves enact the laws under which we must live, do hereby

"*Resolve*, That the bill introduced by the Hon. JAMES WICKERSHAM, and now pending before the House of Representatives, to create an assembly in the Territory is to the best interests of Alaska, and will further its welfare and development."

—

[Editorial, Seattle Post-Intelligencer, Seattle, Wash.]

ALASKA WANTS HOME RULE.

Practically all of the newspapers published in Alaska, the mayors of all of the incorporated towns, and the presidents of all the organized commercial bodies in that Territory have united in a cable message to President Taft asking the support of the President for legislation for the creation of a government by the people for Alaska, and that the President urge upon Congress the creation of an Alaskan legislature in substantial conformity with the Wickersham bill.

This request should make a profound impression upon the President, who interested himself so strongly in procuring for the people of the Philippines that local self-government which Congress has persistently denied to the white Americans who people Alaska.

Alaska has been the stepchild among the Territories. All other Territories were accorded local legislatures from the moment of their creation, notwithstanding all the drawbacks of scanty population,

meager resources, and imperfect means of communication. This has been the case since the foundation of the Government. Hawaii, Porto Rico, and the Philippines, peopled by aliens to the traditions of self-government, were promptly given the privilege of conducting their local affairs. Alaska alone, for no reason save that outside investors there object, has been denied any share in its local government; can not make its local laws, or levy or disburse taxes for local purposes, save in the few and scattered municipalities.

From every standpoint the situation is outrageous. There is absolutely no excuse or warrant for it. It exists only because Congress and the Executive have been assured over and over again by representatives of the outside capital invested in Alaska that the people of the Territory did not really want a local legislature. The telegram from the representative people of Alaska to the President shows, beyond any question of a doubt, the falsity of that statement.

[Editorial, Katalla Herald, Katalla, June 19, 1909.]

THE TERRITORIAL BILL.

We gather from the press dispatches that Delegate WICKERSHAM has introduced in Congress a bill providing a form of self-government for the people of Alaska. The information contained in the dispatches is meager, and only the barest outline of the bill is obtainable. It provides, however, for a legislature consisting of two branches, the senate to have 8 members—2 from each of the 4 judicial divisions—and a house of 16 members—4 members from each division. Provision is also made to limit the amount of taxes that can be levied upon real property to 1 per cent per annum.

We assume that the bill has been carefully drawn, and by one who is thoroughly acquainted with conditions in every part of Alaska, and, so far as we are able to form an opinion of its different provisions, it should be acceptable to Alaskans. That it will meet with opposition from the big corporations doing business in the Territory may be taken for granted, but these institutions may as well heed the handwriting on the wall—Alaska is going to have home rule, and have it soon.

[Editorial, North Star, Cordova.]

PRESIDENT IS SURPRISED.

Press dispatches state that President Taft was surprised at the storm of protests raised by his declaration against home rule. He was quoted as saying unofficially that he would make no recommendations to Congress touching the interests of this Territory until after he had visited the Northland.

We hope this is true, at least so far as self-government is concerned. He would find an entirely different state of affairs from what he has been led to believe. Judging from his remarks, the "interests" and not the common people have given him his views of Alaska and Alaskans.

With every newspaper in the Territory declaring for home rule, save two, controlled by corporations, it is not a difficult matter to gauge the public sentiment. Newspapers not serving special interests may be depended upon to voice the sentiments of their respective communities.

The community interests are their interests, and the nearer a paper can come to serving these the greater will be the influence and sphere of usefulness. We are satisfied that Mr. Taft will reconstruct his views once he is made acquainted with the real conditions in Alaska. When he sees and understands the aims, views, and ambitions of the representative American citizens of this Northland he will not want to deny them the privileges that are now extended to natives in other insular possessions.

[Editorial, Daily Miner, Ketchikan, Oct. 6, 1909.]

President Taft's speech on Alaska is a disappointment. He knows nothing of Alaska except from hearsay, and the only person authorized to speak for Alaska is JAMES WICKERSHAM. It follows then that Mr. Taft has utterly ignored the Alaskan Representative and listened to some of the ward heelers who are playing the political game in the Northland. He has ignored nearly all the mayors and nearly all the newspapers and says practically that at least 40,000 people up here don't know what they want, because a half dozen carpetbaggers told him so.

Mr. Clark in his speech has not committed himself to any political belief. He comes up here, of course, primed with the Taft idea of government by carpetbag, but had not set foot in the Territory an hour until he felt the unanimous sentiment for self-government. If he favored it the administration would recall him and if he opposed it an outraged people would accomplish his overthrow; so he said nothing. And nothing is just the proper thing to keep on saying until he visits the various parts of the Territory.

[Editorial, Alaska Daily Dispatch, Juneau, Oct. 2, 1909.]

The address of President Taft, while a blow to the advocates of Territorial government in Alaska, will not dishearten the brave men of the North who have been fighting for an American form of government. That the President of the United States should so broadly oppose such a move is indeed substantial opposition and the Territorialists can only hope by honest representation to overcome this opposition. That the President has been ill advised about conditions North goes without question. Now is the time for every Territorialist to buckle to the fight and stay with it until the victory is won. We have the argument and the facts. The opposition has the ear of the President for the time being. When the great light comes they will be exposed as obstructionists seeking to sack Alaska under the guise of being its benefactors. Do not be discouraged, but remain steadfast, demanding that right prevail.

[Editorial, Cordova North Star, 1909, Cordova.]

THE WICKERSHAM BILL.

Delegate WICKERSHAM has asked for an expression of home rule from Alaskan papers. His purpose is to interest President Taft in his measure by sending him the expressions obtained when the President reaches Seattle.

A good many people seem to have the impression that the granting of autonomy to Alaska means an additional expense and greatly increased taxes; that, in fact, the Territory must cut itself adrift from the Federal craft and sink or swim through its own efforts. This is not the intent of the Wickersham bill, as we gather from reading it. It is a compromise measure, the first step, as it were, for a fuller and more complete form of Territorial government to follow afterwards. The purpose is to retain all the benefits now derived from Federal sources and at the same time exercise control over a thousand and one things which materially affect the interests of the people living in the Territory and for which Congress is too busy to devote the time.

According to the bill no law should be passed interfering with the primary disposal of the soil; the property of the United States shall not be taxed; nonresidents are to receive the same consideration in the matter of taxes as residents. No special franchise or privileges can be granted without the affirmative approval of Congress, but the legislature may, "by general act, permit persons to associate themselves together as bodies corporate for manufacturing, mining, agricultural, and other industrial pursuits, and for the conducting of business insurance, savings banks (but not of issue), loan, trust, and guaranty associations, for the establishment and conduct of cemeteries, and for the construction and operation of railroads, wagon roads, vessels, and irrigation ditches, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association."

The same laws as now in force against gambling and lotteries are included in the legislative functions, as well as the bonded indebtedness of municipalities. "No tax shall be levied for Territorial purposes in excess of 1 per cent upon the assessed valuation of property," nor shall any incorporated town levy any tax in excess of 2 per cent. All laws passed must be submitted to Congress for affirmative action. The bill provides that the expense of the legislative assembly shall be paid by the United States. Each member is to get $15 per day while the legislature is in session and 15 cents mileage for each mile traveled. The legislative assembly will take charge of the justices of the peace, probate judges, and other offices now held by commissioners, for which elections will be provided.

By the terms of the bill a "school and road fund is created from the revenues of all Federal licenses outside of incorporated towns, half of which is to be devoted to the schools and the other half to the roads outside of incorporated towns. Money from these sources is to be paid by the clerk of the courts directly into the hands of the treasurer of the Territory, instead of the United States Treasury."

It will be seen that the bill is far from being an out-and-out full-fledged Territorial bill, such as was granted to other Territories.

The people of Alaska are fully capable of looking after their own affairs. As for population, the lack of which is the principal criticism now heard, we shall have all the population we need in another three or four years' time. Meantime, we would like to have a little to say about the fashioning of this northland of ours; the people generally would like to have something to say, and some form of local government is necessary for giving them the elective representatives. This is the birthright of every American.

[Editorial, Pioneer Press, Haines, Sept. 24, 1909.]

The Pioneer Press received a wire from Delegate JAMES WICKERSHAM last Saturday asking us to join with him in sending a request to President Taft when he arrived in Seattle asking that he recommend that Congress pass a bill creating a territorial legislature for Alaska. The Pioneer Press wired Mr. WICKERSHAM, heartily indorsing the proposed move, as it knows it to represent the sentiments of an overwhelming majority of the people of Haines.

[Editorial, North Star, Cordova.]

MR. TAFT ON HOME RULE.

President Taft has spoken. He admits that this Territory has suffered from congressional neglect and that it is impossible for Congress to look after its legislative needs in detail owing to a press of other matters, and yet he would deny Alaskans the right to govern themselves.

Instead of allowing us a legislative body elected by our own people, he favors a plan for a bureau or commission at Washington, D. C. Here speaks the politician rather than the broad, conservative statesman; either that, or else Mr. Taft has been misinformed as to the real conditions in Alaska and has taken his views from those who seek to dominate the Territory politically and industrially, as they have heretofore and at the expense of the rank and file and their interests.

The press dispatches do not state whether this proposed bureau shall be elective or appointive. In either case it will prove a poor substitute for an elective legislature. If appointive, to whom will the President go for his advice in choosing men to act for Alaska? Not to the people of Alaska, that much is certain. It will be the same old game of politics that Alaskans have watched and suffered so long from already. A few persons with political debts to pay will be the real governing body, and the Territory will continue to be a dumping ground for those who can not be taken care of in the States owing to competition for congressional and senatorial favors. In the future, the same as in the past, capable, efficient, and honest Alaskans will be passed up and ignored for outside seekers of political crumbs. We hoped for better things at the hands of President Taft than that, and should the members of his commission be made elective we fail to see wherein a bureau maintained at Washington, D. C., would be an improvement over a local legislative assembly.

The old, worn-out, and threadbare statement that Alaska is not ready for self-government because it is too sparsely settled and its population too migratory has already served the purpose of designing politicians working for the big interests. How about the schools, the many fine residences, the many and growing number of farms, the costly public buildings, and more especially the thousands of women and children who now form a part of this northland? What about the natural and patriotic pride of the Alaskans for their northland? Do not these and a thousand other signs, the building of railroads, the public telephones, and electric light and power systems, the utilization of power, and the many small and growing home industries refute such an argument?

President Taft is quoted as saying that another objection to home rule is the fact that the centers of population would control politics. Certainly. Seattle and King County controlled Washington State politics for years. Portland is a greater political power than the whole of the State of Oregon. It has held absolute dominion so long that on numerous occasions the eastern Oregon people have threatened to form a separate State. During the present year the people of southern Oregon threatened to secede because of the dominating influence of Multnomah County politics. No matter how densely Alaska is populated, there will always be centers of population. The majority always rules, or are supposed to rule, in politics. Apportionment and everything else is based on population. The power of New York State politics for a long time was greater than that of the entire Western States combined. We are surprised that President Taft should urge such a reason for declaring against home rule.

The real truth of the matter is that the big interests do not want to see Alaska have any form of local government. Consciously or unconsciously, President Taft is playing into their hands. Most assuredly they do not want to see steamship rates regulated or the service interferred with in any manner, nor railroad rates and the transportation

service subjected to inquiry, and, above all, they do not want to be taxed. Their desire and aim is to take away the millions that their capital will earn them to enrich eastern stockholders and others without having to pay toll to support any form of self-government. The immense fishing interests along the coast purpose to remain free from taxation. The present form of government is their ideal.

The longer self-government is held up and the right of franchise denied American citizens the better it will be for the big interests and the longer a few will profit at the expense of the country. Capital is needed to help develop the northland, and should be given every reasonable encouragement, but it should not be allowed to keep the Territory in thraldom, and Mr. Taft's announced policy will permit it to do that very thing.

[Editorial, Dawson News (Yukon Territory), Canada.]

HOME RULE FOR ALASKA.

Ex-Judge WICKERSHAM, congressional Delegate of Alaska, has the intention of presenting President Taft at Seattle with a petition requesting him to recommend in his forthcoming message to Congress a bill for the creation of an Alaskan Territorial legislature. Mr. WICKERSHAM has asked the Alaskan newspapers to sign this petition, and it is believed at this writing that all have done so with the exception of the Juneau Record, which is a strong Hoggatt organ. By virtue of the fact that the News has a large circulation along the American Yukon and in Tanana, a request has been made for its support to this movement.

The News has no hesitation in giving it and heartily indorses the proposed bill presented by Mr. WICKERSHAM to the last Congress. This is in itself a conservative measure, which has not found favor with the ultra home rulers of Alaska because it does not go far enough. But one can not fail to have confidence in the knowledge and experience of conditions in Alaska possessed by the Delegate and his ability to frame a form of government best suited to them. That he should begin by asking only a limited form of home government is undoubtedly wisdom, for many obvious reasons.

But the underlying principle is self-government and to this principle the News heartily joins the newspapers of Alaska in supporting. It could not be otherwise, as this newspaper has always been a consistent fighter for the extension of this principle to our own Territory, and this year had the satisfaction of seeing a wholly elective Yukon council in session, charged with the duty of administering our Territorial affairs. In our case it is home rule with certain limitations, but these are eminently necessary in order that we may have opportunity to prove our self-governing capacity and our self-sustaining ability before letting go of the paternal apron strings of the Federal Government. The situation is exactly the same in Alaska, and Mr. WICKERSHAM'S efforts for the creation of a Territorial legislature for Alaska have our most sincere support.

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[Skagway Alaskan, Skagway, Oct. 21, 1909.]

CONGDON THINKS ALASKA SHOULD HAVE HOME RULE.

Frederick T. Congdon, of Dawson, member of Parliament from the Yukon, arrived in town yesterday and left to-day on the *Humboldt* for Vancouver, where he will attend the meeting of the Canadian railroad commission October 27. From there Mr. Congdon will proceed to Ottawa, where Parliament convenes November 11.

Mr. Congdon takes issue with President Taft and the other opponents of home rule, and states that he believes Alaska is entitled to home rule; that its people are amply capable of governing themselves; and that home rule in Alaska would be as successful as it has proven in the Yukon, where conditions are analogous.

"I have not read President Taft's address in its entirety," said Mr. Congdon, "but I have read so many comments that I feel perfectly familiar with it. I do not want to appear to criticize your President, but I certainly feel that he has been misinformed and does not appreciate conditions in the North. It is ridiculous to say that Alaskans are not capable of self-government. I know no people in the world where the average standard of intelligence is so high. Of course you would make mistakes at first, just as the Yukon council did, but the government would be far more satisfactory than to be governed by officials at Washington. That people are not 'fit for self-government' has been the plea of autocrats the world over. The only way for people to become fit for government is by experience."

Continuing, Mr. Congdon stated that self-government was eminently satisfactory in the Yukon, and that the peculiar local needs of the people were given better attention than they could possibly receive under a government from Ottawa. Mr. Congdon stated that he thought Alaska was too large and had too many diversified interests to be placed under one government, and to obviate these conditions he believed it should be divided into two or three distinct territories.

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[Editorial, Valdez Prospector, Valdez.]

The press dispatches do not make it clear just what kind of Territorial government in Alaska the President opposes. It already has everything that goes with an organized Territory, except a legislature and county organizations. Nobody has been heard to favor division into counties at this time. Nine-tenths of the people favor a local legislature, because they believe that such a legislature, made up of just such indifferent material as the average State legislature, can legislate for Alaska more wisely than a commission of eastern politicians who need the salary. They hope some day to convince Congress that this is so.

In the meantime it is useless to become excited and make an unseemly fuss because the cards are stacked. Some day governmental wisdom will learn that Alaska is quite as civilized as the Philippines. Until then let us keep on shouting for the old flag and an appropriation. The more appropriations the better. They always come in handy.

[Editorial, Nome Nugget, Nome.]

THE PRESIDENT'S POSITION.

The news that President Taft is opposed to a Territorial form of government for Alaska came somewhat in the nature of a bombshell explosion in its suddenness. For some time past many Alaskans had fondly deluded themselves in the hope that the election of Taft, with his predisposition to deal out justice equitably and fairly, would bring a surcease of troubles under which we labor.

Of course there is a great deal to be said for Mr. Taft's side of the argument, and he can not be accused of having taken his present stand on Alaskan affairs hurriedly. He has given the subject deep study. While it is admitted that the people of Alaska would be placed under a heavy burden of expense by Territorial form of government, we fail to see how the organic law suggested would allow the larger centers of population to dominate the smaller ones, as the Executive claims, any more than is the case in any State in the Union.

Being a lawyer of no mean ability, we should have thought that President Taft would have known that Alaska is the one country in the world where the American Constitution has not followed the American flag. One of the principles laid down by our forefathers shortly after their victory in the Revolutionary War was that there should be "no taxation without representation." Yet to-day Alaskans are in precisely the same position as were the American colonists before the tea-party episode in Boston Harbor.

Every man has a right to a voice in the making of the laws which he must obey. It is one of the inalienable rights of every free American citizen. It is true that his right of voice may not always be wisely exercised, and it is equally true that the benefits derived therefrom are often of a minor value. But it is his right just the same.

Now the question confronting Alaskans is: "Is the right of electing a legislature and making laws to suit your conditions worth to you what it will cost?"

President Taft says it is not.

Most Alaskans beg leave to differ.

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[Editorial, Tanana Leader, Fort Gibbon, Sept. 9, 1909.]

Miners and others, according to Fairbanks papers, are devoting much time to the discussion of the bills introduced into Congress by Delegate WICKERSHAM. Full criticism of the various measures was invited by the Delegate, and he is too astute a politician and too well acquainted with Alaskan characteristics to expect that they will not be attacked at every vulnerable part—their weak spots held to the light, while by many the stronger points in their make-up will be lost sight of. If the manner of man WICKERSHAM is may be taken as a criterion, he will pay heed to what he hears, accept such suggestions as he believes will add strength to the bills, and then fight for their passage by Congress in the shape he thinks the most feasible. He is not likely to incorporate in any of them anything that his own judgment or conscience does not approve, for, to put it mildly, self-reliance is the finale of WICKERSHAM'S philosophy.

Of the four bills, what is termed the Territorial bill is the most important. The section in this bill more vigorously assailed than others reads as follows:

"SEC. 26. That all laws passed by the Legislative Assembly of the Territory of Alaska shall be submitted to Congress by the President of the United States, and, if disapproved by Congress, they shall be null and of no effect."

Really, it would appear that the objectionable features of this section are microscopic, if not nonexistent. Note the difference in the necessity for Congress to approve laws before they can become effective from the necessity to disapprove them before they can become noneffective, and the danger from the above-quoted section will be seen to be small. If Congress should ever find time and inclination to nullify a law passed by the proposed assembly (which might not happen at all), Alaska would be in no worse condition with regard to that particular law than it would be—having no assembly of its own—should Congress fail to pass the law in question. And surely, if Congress should ever so nullify a law, enough good would still remain to make us all thankful we had advanced from the position occupied at the present time.

As a whole the Territorial bill is remarkably good, and Delegate WICKERSHAM, when he returns to Washington, ought to know that in the fight for its passage he has the backing of a people who, though scattered over a Territory immense in area, are as one on a subject so vital to their future welfare.

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[Editorial, Nome Gold-Digger, Nome.]

Delegate WICKERSHAM invites the friendly criticism of the Alaskan people concerning the bills he introduced in Congress last winter, and by so doing paves the way for them to work in conjunction with him on Alaska legislation.

Of course a Representative could not adopt such a wide-reaching system of arriving at the desires of the people and then actually do everything they ask, but he will be able to determine a great number of their wants and then do the best possible toward obtaining them.

Representatives of and for the people sometimes forget that they are this, and legislate according to their own ideas, giving no thought to the public popular opinion. One man thinks for the thousands. But with WICKERSHAM he wants the expression from the people themselves. He would have them respond to his circular letters containing copies of the bills he introduced offering suggestions concerning them.

It is rather nice in the Delegate to extend such an invitation to the Alaskan people, whether their suggestions are acted upon or not. It will give the people a chance to say something about the needed legislation, pleasing them much; for men are flattered when they are told that "We will do this thing or that."

The Delegate asks for suggestions as to the legislation the people want, and will take from the numerous letters he receives a general impression. He will draw his own conclusions from the letters and then act according to his own judgment. Besides, WICKERSHAM is to visit Alaska this summer, and no doubt will make an effort to get at the wants of the people by actual contact with them.

Though little was effected for Alaska the past winter, WICKERSHAM worked hard, and now that Alaska governors will not be permitted to "butt in," future Delegates may accomplish something worth while.

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[Editorial, Seward Gateway, Seward, June 12, 1909.]

While Delegate WICKERSHAM'S home-rule bill is an extremely modified form of self-government, it is a step in the right direction. At all events it can be no worse than the present system of government under which Alaska struggles, ruled as it is by officials who have never seen the Territory, know nothing of conditions maintaining, fail to recognize its commercial importance, and who are indifferent regarding its welfare and advancement.

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[Editorial, Daily Miner, Ketchikan, Alaska.]

PEOPLE NEED HOME RULE.

President Taft has declared that the present system of governing Alaska is not satisfactory. He wants to change it, and in that respect he is in accord with 90 per cent of our population. One difference between Mr. Taft and the rest of us is the way the change is to be made. Mr. Taft wants to add to his already overgrown appointive privilege by being given the power to select a commission to formulate laws for Alaska, and we want to elect our own commission to do that work.

Mr. Taft is inconsistent. He has already appointed everyone who has anything to do with the governing of this Territory, and admits it is a failure.

In order to correct that failure he proposes to appoint a lot more, who, if they consistently follow the course of the previous appointees, will only make the failure more gigantic.

No question is ever settled until it is settled right, and no system of government was ever worth living under until it got into the hands of the people who are to be governed. A commission of outsiders can never be made to stick in Alaska or any other country where the population is not chicken livered; so all this talk of an appointive commission is drivel so far as the settlement of the Alaska question is concerned. Nobody believes in it, and nobody wants to.

The nearest solution of the question is embodied in the Wickersham bill. It assures sensible legislation, and allows of nothing else. It is less expensive than the present system or the proposed commission. It restricts extravagance and forbids the creation of Territorial debt. It adopts all that has proven beneficial to other Territories and eliminates all the injurious. It is the right way to settle the question if the majority is to be given first consideration.

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[Editorial, Valdez Prospector, Valdez, June 17, 1909.]

HOME RULE FOR ALASKA.

Delegate WICKERSHAM'S bill to give Alaska a Territorial legislature will probably have to be introduced into two or three Congresses before it can get through, but local government will come sometime. A local lawmaking body which can legislate with some knowledge of local conditions and needs is the right of the Territory, and its importance is recognized by the most virulent opponents of home rule by repeated urging of a code commission to recommend legislation to Congress. The same object is sought to be accomplished by both projects.

Opponents of Territorial government have always set up a straw dummy to throw bricks at. They have pointed to the awful expense and general impracticability of county government in so sparsely settled a Territory as Alaska. It would be difficult to find a man who has ever advocated county organization in Alaska. The sole demand has always been for a local legislature, and the demand has always been made with full knowledge of the fact that Alaska legislatures would be composed of no better material than State legislatures—that is to say, an Alaska legislature would contain more cheap men than bright ones, more self-seeking curbstone politicians than capable legislators, nearly as many grafters as honest men. That is the way State legislatures are made up, but nobody seriously urges their abolition on that account. Long experience in self-government has taught the American people that legislators are generally as good as their average constituents, and that government by the people is a little better than government by monarchs and viceroys.

Since the visit of Secretary Fisher to the coal region in southern Alaska last summer, and on January 8, the people there held a nonpartisan convention at Valdez and formulated their suggestions for the settlement of the coal and other questions in which they are so deeply interested. Copies of their conclusions, in a series of resolutions, will be immediately sent to Members of Congress; and the first one of these declares in favor of home rule for Alaska in the following form:

HOME RULE.

The question of paramount importance to the 40,000 former citizens of the United States now residents of Alaska is that of the right to govern themselves and regulate their own local affairs, a right that is of inestimable value to a free people, the basic or fundamental principle of the Government of the United States, and the birthright of every American citizen.

We therefore demand the same rights of self-government that have been accorded to every other Territory of the United States occupied and settled by American citizens; and we further demand the abolishment of a bureaucratic government 5,000 miles away, often totally ignorant and usually indifferent to the actual needs of the people of this vast Territory.

I have thus quoted liberally from so many nonpartisan and partisan sources and the newspapers in and near Alaska to show the House that fairly and publicly this bill and the legislature which it purposes to establish in Alaska have long been widely and favorably discussed. These quotations are good evidence that the people in that Territory are acquainted with the proposed action of the House and unanimously indorse the pending bill. Then, too, these extracts contain conclusive evidence of my assertion that the conditions there demand the enactment of the bill, and also answer in a most able manner all objections made to its passage.

UNANIMOUS APPROVAL OF HOUSE COMMITTEE ON TERRITORIES.

Finally, by way of specific indorsement, the Committee on the Territories of this House, composed, as it is, of 16 Representatives, Democrats and Republicans, reported this bill unanimously after it had been scanned for almost three years in committee and after each line had been carefully examined and favorably approved by a subcommittee composed of both Republicans and Democrats.

THE NECESSITY FOR THE BILL ADMITTED.

The day after President Taft received the telegram from the united press and people of Alaska, on September 29, 1909, he delivered an address in Seattle, in which he strongly proclaimed the necessity for a local legislature in Alaska. He said:

Alaska is a country of immense expanse, and the governmental needs of the southeastern portion, near to Washington and the Northwest, are quite different from those of Nome and the Seward Peninsula and of the valley of the Yukon. Such a Territory has need of local legislation and local government, which can only be understood by those who are on the ground; and it is utterly impossible and impracticable for Congress, in its legislation, to govern the details by legislation required for the best development of the Territory.

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Certain general laws, like the mining laws, the forestry laws, the customs laws, and the land laws, should be passed by Congress, and perhaps executed by national officers, but this would leave a wide domain for domestic legislation which, it seems to me, ought to be intrusted to some local authority on the ground and having a knowledge of local needs. Of course, if the Territory were settled with a permanent population, more or less equally distributed through its extent, such legislative power might be intrusted to an elected legislature; but, for the reasons I have given, it seems to me that it would be much wiser to intrust this local legislative power to a commission of five or more members, appointed by the President, to act with the governor in the discharge of such legislative function. It seems wise not to confer legislative functions on the governor alone, but to assist him in its exercise by the addition of competent persons, who will live in the Territory, familiarize themselves with its local needs, and bring to the attention of Congress and the Executive such additional legislation as may from time to time be wise.

In his message to Congress at the beginning of the second session of the Sixty-first Congress, he first recommended legislation on this subject to Congress. He said, among other things:

With respect to the Territory of Alaska, I recommend legislation which shall provide for the appointment by the President of a governor and also of an executive council, the members of which shall, during their term of office, reside in the Territory, and which shall have legislative powers sufficient to enable it to give to the Territory local laws adapted to its present growth.

* * * * * * *

The present system is not adequate and does not furnish the character of local control that ought to be there.

And in his message to the third session of the Sixty-first Congress he objected to an elective form of legislature in Alaska, but strongly declared in favor of an appointive form, as follows:

With reference to the government of Alaska I have nothing to add to the recommendations I made in my last message on that subject.

* * * * * * *

It is far better for the development of the Territory that it be committed to a commission to be appointed by the Executive, with limited legislative powers sufficiently broad to meet the local needs, than to continue the present insufficient government with few remedial powers, or to make a popular government where there is not proper foundation upon which to rest it.

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The passage of a law permitting the leasing of Government coal lands in Alaska after public competition, and the appointment of a commission for the government of the Territory, with enabling powers to meet the local needs, will lead to an improvement in Alaska and the development of her resources that is likely to surprise the country.

Secretary Fisher, of the Interior Department, in his Chicago address, declared the general policy of the administration in respect to Alaska which he said had been discussed with President Taft, met with his approval, and will have his support. After paying the people of Alaska a well-deserved compliment, he said:

They are entitled to a Territorial government better adapted to their peculiar local conditions and needs.

In his recent report to the Secretary of the Interior, the governor of Alaska, while not approving the elective form of legislature for the Territory, does approve the necessity for some form of legislature there, as follows:

That the members of a Territorial legislature would have a better understanding of local needs than has been shown by the National Congress, and also that their time would be devoted to the consideration of these things, as the time of Congress is not and can not be, is obvious, and this fact is almost exclusively responsible for the attitude of those who are both sincere and thoughtful in their advocacy of a change in the form of government.

And now, after three years' consideration of the necessity for a legislative body of some sort in Alaska, after hearing the merits of each plan discussed, both in Congress and in the press, after the present elective bill has been under consideration in both Houses of Congress for that period of time and after its unanimous report by the House Committee on the Territories with a recommendation that it do pass and become the organic law of Alaska, in his special message of February 2, 1912, the President again declares, in more forceful terms, his judgment that Congress ought to provide a lawmaking body for the Territory of Alaska. In that message he says:

There is nothing in the history of the United States which affords such just reason for criticism as the failure of the Federal Governmet to extend the benefit of its fostering care to the Territory of Alaska. There was a time, of course, when Alaska was regarded as so far removed into the Arctic Ocean as to make any development of it practically impossible, but for years the facts have been known to those who have been responsible for its government and everyone who has given the subject the slightest consideration has been aware of the wonderful possibilities in its growth and development if only capital were invested there and a good government put over it.

* * * * * * *

I have already recommended to Congress the establishment of a form of commission government for Alaska. The Territory is too extended, its needs are too varied, and its distance from Washington too remote to enable Congress to keep up with its necessities in the matter of legislation of a local character.

The governor of Alaska, in his report which accompanies that of the Secretary of the Interior, points out certain laws that ought to be adopted, and emphasizes what I have said as to the immediate need for a government of much wider powers than now exists there, if it can be said to have any government at all.

Thus, again and again, the President and those by his appointment, who have even closer relations with the conditions in Alaska than he has, have approved the necessity for a law-making body in that Territory, "with," to use the exact language, "limited legislative powers, sufficiently broad to meet the local needs." No one can read the public utterances of the President, in his speeches and messages, without concluding that he believes strongly that there is an overwhelming necessity for a legislative body in Alaska, and with that judgment the people of the Pacific coast, the people of Alaska, and I distinctly agree. There is, then, but one remaining question, and that is: Shall that legislative body be appointed by the President or elected by the people of the Territory?

AN APPOINTIVE ALASKAN LEGISLATIVE COMMISSION.

There is much opposition to the appointive commission form of legislature for that American Territory, which was plainly and forcefully exhibited in the Senate two years ago in considering a bill of that nature. Immediately after the recommendation by the President in his message of December 7, 1909, that Congress pass a bill to create an appointive legislative commission for that Territory, such a bill was prepared in the Bureau of Insular Affairs, and was introduced in the Senate on January 18, 1910, reported with amendments on the 24th instant, and on the same day the Senator from Indiana moved that the Senate proceed with its consideration.

There was no printed report on the bill, but the Senator from Indiana, in his statement to the Senate, very forcibly presented the necessity for the creation of a legislative body in Alaska in the following language:

> It has become clear, Mr. President, therefore, that there must be some body of men created who can legislate for this district, this Territory, as the bill now calls it, from first-hand knowledge; men who will be absolutely, as far as legislative safeguards can provide, above any selfish consideration whatever; men who can take up the entire subject of necessary legislation for Alaska and amend or repeal or otherwise modify such existing laws as are not wise or have become out of date, or otherwise inapplicable, and enact any new legislation which the situation may require. This bill accomplishes that purpose as fully as the committee feel that legislation at present can accomplish.

The Senate bill was very earnestly supported by the Senator from Indiana and criticized by many Senators in debate on January 24, 25, 26, and on February 14, 15, and 22, 1910. A full report of the opposition to the appointive commission plan will be found in the Senate proceedings of those dates, and on the last day it went over, on motion, under Rule IX, and was never heard from or considered again.

In his testimony before the Senate Committee on Territories, on May 23, 1911, in support of Senate bill 1647, being a substantial copy of the one now before the House, Senator JONES, of Washington, was asked about the Senate opposition in 1910 to the Senate bill to create an appointive legislative council for Alaska, and he said in reply to inquiries:

> Senator BROWN. There was a bill reported by this committee, was there not, embodying the President's ideas?
> Senator JONES. There was.
> Senator BROWN. And it died on the calendar?
> Senator JONES. It died on the calendar after being called up and discussed at considerable length, and that discussion was such as to convince almost everyone that it stood no chance whatever of passing in the Senate. I do not think there is any doubt in the mind of anyone that such a bill would have absolutely no chance whatever in the House of Representatives, and I do not think it would stand any chance whatever in the Senate. So my judgment is that the only proposition now upon which we can compromise and which stands any chance of getting through is the proposition for a Territorial form of government with an elective legislature. In my judgment, legislation of this kind can pass the House and the Senate and I believe the President would sign it.

A bill creating an appointive legislative commission very similar to that introduced in the Senate was introduced in the House on February 1, 1910, and referred to the Committee on the Territories. Although many long hearings were held by that committee on the general subject of creating a legislature for Alaska, no report upon that bill was made to the House during the Sixty-first Congress, and it may fairly be said that a bill to create an appointive legislative commission could not have been reported from that committee or passed by the House in that Congress.

Two conclusions may fairly be deduced from the foregoing review of the record relating to this subject: First, that the President and the Secretary of the Interior, the Senate committee two years ago, and all others conversant with the conditions in Alaska, agree that there is a grave necessity for the creation of a legislative body in Alaska; and, second, there is no reasonable probability that Congress can ever be induced to pass an act to create an appointive legislative commission for that Territory.

It follows that unless Congress shall pass an act to create an elective Territorial legislature, such as all other American Territories have had, Alaska must continue to stagnate for the want of governmental development. The bill now before the House is such a bill. Its provisions are not new; they are drawn from those organic acts which have been copied and recopied by Congress in the creation of Territories in the great West. The utmost care has been taken to follow precedents with which Congress and the courts are entirely familiar, and also thereby to assure Congress and the country that in applying them to Alaska no new or untried power is given to the legislative body.

So far as I am informed, no objection is made to the contents or internal character of the bill before the House. The objections made are to the passage of any bill giving the people of the Territory the right to elect a legislative body. The necessity for the creation of a legislative body is admitted and the objections go only to the elective feature of the bill.

OBJECTIONS TO THE BILL BEFORE THE HOUSE.

The objections of the President to the elective form are all fairly contained in one sentence in his message of December 6, 1910, as follows:

> I am convinced that the migratory character of the population, its unequal distribution, and its smallness of number, which the new census shows to be about 50,000, in relation to the enormous expanse of the Territory, makes it altogether impracticable to give to those people who are in Alaska to-day and may not be there a year hence, the power to elect a legislature to govern an immense Territory to which they have a relation so little permanent.

It will be noticed that there are but three objections stated. First, "the migratory character of the population"; second, "its unequal distribution"; and, third, "its smallness of number in relation to the enormous expanse of territory." To these is added, in the recent report of the governor of Alaska, a fourth—the alleged increased financial burden upon the people of the Territory which such a legislature would entail.

It is my intention, now, to consider these four objections in order and to place the facts before the House, so that you may judge by a comparison with the conditions in the earlier Territories when they were created and given elective legislative bodies, whether Alaska is not now equally entitled to the same advantage.

"MIGRATORY CHARACTER" OF ALASKA'S POPULATION.

Is the population of Alaska of such a migratory character that it can not be intrusted with the power to elect a Territorial legislature with carefully limited powers, such as all other Territories have had? This objection was publicly made in Seattle by the Attorney General of the United States at the time of his visit to Alaska in 1910, and was so fully answered at the moment by an editorial in the Seattle Post-Intelligencer that I shall quote from Mr. Brainerd's editorial in answer to the objection.

It is headed "Permanent population":

> In discussing the question of the possible granting of local self-government to the people of Alaska, Attorney General Wickersham said: "In considering a government for Alaska, you must consider that the people do not go to Alaska to live, as they came to Washington. They go there to make their pile and then get out. For that reason the population of Alaska is transitory.

That is a statement by the Attorney General of the United States.

The paper then concludes:

> This sounds logical, but it is really fallacious. If Mr. Wickersham were as familiar with the history of the growth and development of the far West as are those who have spent some years on the frontier he would know that conditions to which he refers as existing in Alaska existed in precisely the same shape and with even stronger force in every one of the present great States of the Pacific. Indeed, they existed at one time in Australia, in South Africa, and in every new possession when first offered to the world.
>
> When California was admitted into the Union it is a safe bet that more than 90 per cent of the population, outside of the native Californians of Spanish stock, had no intention at the time of ever making permanent homes in California. Practically every man who went to California during the gold rush, and for many years thereafter, went there "to make a stake," expecting to return with it to his native State. Even during the sixties everyone in California spoke of the East or of the Middle West, as the case might be, as "home."
>
> The same was exactly true of the population of Nevada, of Idaho, and of Montana when they were organized as Territories. It is safe to say that Alaska at the present moment has a greater number of residents that have determined to spend the rest of their days in that Territory than either California or Nevada had when admitted into the Union, or than either Idaho or Montana had when they were erected into Territories. Mr. Wickersham, if he had gone under the surface, would have found that the man who has spent a few years in Alaska, when he leaves that Territory, always has a hankering to return to it, and that there are thousands of men who have no thought of ever making permanent homes elsewhere than within the borders of the great Territory that fascinates all who have spent any length of time within its borders.

It is a mistake to suppose that the prospectors and miners in the great West are entirely transient, nomadic, or migratory. Those who crossed the plains in 1849 remained and built San Francisco and Sacramento, laid the foundations of a hundred cities in California, and in 1850, within one year after their arrival, erected the noble superstructure of the State of California. Their kind trailed through the mountain passes of Nevada, Montana, Colorado, Idaho, Oregon, and Washington, and when miner's luck and hard labor led them to the pay streak or the mother lode they built Virginia City, Helena, Butte, Anaconda, Denver, Boise, Portland, Spokane, and Seattle. Wherever the prospector and miner in the far West found the pot of gold he set a stake, brought his family to it, and became the foremost citizen of the camp, the town, the city, and the State. And yet prospectors and miners are, to some extent, migratory, else there would never have been progress and growth in the West. The miners of Circle City stampeded to Dawson in 1897, and back to Fairbanks in 1903. Some of them went to Nome, and later to the Iditarod—yet all remained in Alaska. They built Circle, Tanana, Nome, Fairbanks, and Iditarod, and laid the foundations of many other towns in the great interior of Alaska. They are men of strength, courage, and daring. They are the best young blood of the East—they are from New England, Pennsylvania, Virginia—the South, and the West. They are your brothers, and their wives are your sisters. They are Anglo-Saxon, Irish, Dutch, Scandanavian; but at heart Americans.

Migratory? The mayor of Juneau, Emory Valentine, the wooden-legged Peter Stuyvesant of Alaska, has resided there 27 years; the mayor of Fairbanks, since 1898; the mayor of Nome, since 1900; the mayor of Skagway, for 25 years; the mayor of Valdez, for 12 years. Royal, robust, red-headed "Mother" Card, who carried her sick baby over Chilkoot Pass in 1897 and buried it on the shores of Lake Lindeman, runs a hotel and restaurant in Fairbanks, honored and respected by more old "sourdoughs" than any woman in Alaska. Thousands of her kind, brave pioneer women of Alaska, quietly tend the domestic hearth in cabins and more pretentious homes, where they have ruled for 10, 12, 15, or more years. Big Bill McPhee, who went from Juneau to Forty-Mile and Circle in the eighties, yet does more charitable work among the few unfortunate old prospectors in the Tanana Valley than the world knows about, while his friend, good old Dr. S. Hall Young, who established the Presbyterian missions in Alaska in the seventies, last winter built a church for the miners in the Iditarod. Father Munro, the gentle Catholic missionary, like Bishop Rowe, yet travels the arctic trails from camp to camp, as both have done for nearly 20 years. Prospectors like Joe Juneau and Dick Harris, who discovered Silver Bow Basin in 1880, laid the foundations of a capital city and located gold mines which increase in value and extent as the years go by; French Pete, who found and gave to John Treadwell a quartz claim which made him both famous and wealthy; Felix Pedro, the discoverer of the Tanana placers; Jack Smith, who located the Bonanza copper field on the Chitina River, to which the Morgan-Guggenheim syndicate has built a $20,000,000 railroad; Jack Dalton, who blazed the trails into the Porcupine, the Alsek, and the White; D. B. Libby and John Dexter, the pioneers of the Nome gold field, were "migratory" in that they searched for the hidden treasures of nature, but they were free, clean, vigorous-minded Americans and nation builders at the same time.

Jack McQuestion, Arthur Harper, Fred Mayo, Fred Hart, Frank Densmore, and John Minook were prospectors, trappers, and traders who first invaded the wilderness of the Yukon, Tanana, and Kuskokwim more than a quarter of a century ago. They blazed the trails, established trading posts, pacified the Indians, and ever freely gave assistance to those who followed them into the Eldorado of the Arctic. And yet the prospectors and placer miners of Alaska, like those of California, Colorado, and the placer-mining territories of the West, are migratory. Of what earthly use would a "prospector" be who is not? With his pack on his back he trudges into the wilderness, along the old Indian trail, off up some unmapped river, facing the rigors of the climate, the dangers of mountain and stream, bravely meeting the hardships of a lonely life, ever seeking the golden pay streak which nature has so cunningly hidden in the gravel beds in the most out-of-the-way and unexpected places.

Migratory? Certainly; he travels from stream to stream, digging shafts and scraping the rim in search of colors. Disappointed for ninety-nine times, often in the hundredth hole he finds the colors, which bring a stampede of his kind from less-favored localities, and in a day a new camp is "struck," a town is built, lines of transportation established, judges and officers appointed, banks and business houses established. Ten million dollars per annum in virgin gold is gathered from the gravels and put into the general wealth of the Nation, all because the prospector and placer miner is "migratory."

This "migratory" character of the Alaskan prospector and placer miner is a strong, manly virtue. It is one of the foundation stones upon which the States of the West were built. That "migratory" character has found and extracted more than $200,000,000 in virgin gold from the gravels of Alaska, and no man was made poorer thereby. These "migratory" prospectors and placer miners of the great West have added more to the real wealth of our Nation, to its prosperity, happiness, and development, than all the banks and Wall Streets in New York, Philadelphia, and Chicago. They are known, appreciated, and honored in the great West, where they laid the foundations of government and built great cities and greater States.

It is a matter of profound surprise that men intrusted with the duty of government are so unacquainted with the true worth of the nation builders of the West as to class the prospector or the placer miner as a "migratory" undesirable.

If by the objection that our prospectors and placer miners are "migratory" it is sought to show that the population of Alaska is not permanent within the Territory, it is equally wanting a basis of fact, as may readily be seen from the following table, showing the date of settlement and present population of 30 Alaskan towns:

Town.	Date settled.	Population, 1910.
Unalaska	1778	281
Kenai	1791	250
Kodiak	1792	438
Sitka	1799	1,039
Afognak	1825	318
St. Michael	1833	415
Wrangell	1834	743
Nulato	1838	230
Fort Yukon	1847	321
Juneau	1880	1,644
Treadwell	1881	1,222
Haines	1881	455
Douglas	1888	1,722
Metlakatla	1888	602
Ketchikan	1892	1,613
Unga	1894	108
Karluk	1895	549
Skagway	1897	872
Yakutat	1898	271
Nome	1898	2,800
Eagle	1898	178
Fort Gibbon	1898	398
Valdez	1898	810
Circle City	1899	144
Petersburg	1899	585
Seward	1900	634
Ellamar	1900	98
Fairbanks	1902	3,541
Chena	1902	138
Cordova	1906	1,152
Total population 30 Alaska towns		23,271

In further answer to the charge that our people are "migratory" as a class, I now call your attention to the increase in population in incorporated towns in Alaska and in unincorporated towns and communities to show that in 10 years there has been no loss in the population, no shifting, but a steady growth.

Incorporated towns in Alaska which increased in population from 1900 to 1910.

Town.	Population of community, 1900.	Population of community, 1910.	Increase.
Chena		138	138
Cordova	173	1,779	1,606
Douglas	825	1,772	947
Eagle	383	543	160
Fairbanks		3,541	3,541
Haines	85	445	360
Juneau	1,864	2,235	371
Ketchikan	459	1,613	1,154
Petersburg		585	585
Treadwell	522	1,222	700
Valdez	315	810	495
Wrangell	868	1,067	199
Total	5,494	15,750	10,256

Notice that in the communities embracing the 12 incorporated towns there was an increase in each and a total increase in the decade of 10,256.

"Places" in Alaska which increased in population, 1900–1910.

Places.	Population of community, 1900.	Population of community, 1910.	Increase.
Circle	242	478	236
Kenai	290	985	695
Nushagak	324	4,226	3,902
Rampart	211	370	159
St. Michael	857	1,127	270
Sitka	1,396	1,477	81
Unalaska	428	1,083	655
Unga	175	1,303	1,128
Metlakatla	465	602	137
Hoonah	447	462	15
Yakutat	247	271	24
Karluk	470	549	79
Tatitlek	149	156	7
Tanana	186	398	212
Koserefsky	135	231	96
Unalklik	241	247	6
Killisnoo	172	351	179
Howkan	145	200	55
Klawak	131	241	110
Saxman	142	154	12
Shakan	93	118	25
Seldovia	149	173	24
Total	7,095	15,202	8,107

In the 22 unincorporated town communities there was an actual increase in each and a total increase in the whole 22 of 8,107, making a total increase in these 34 communities of 18,363. These exact figures, drawn from the census bulletin, "Population: Alaska, 1910," disprove the charge that our people in these 34 communities are "migratory" in any general sense.

Population is quite as permanent in Alaska as elsewhere, for Sitka was the capital of Alaska before Astoria was founded. Unalaska, Kodiak, and Sitka were established and permanent towns and marts of international trade before Jefferson purchased Louisiana. These towns and St. Michael, Wrangell, and a dozen more were established trading centers before California was acquired and the great cities of the Pacific coast were founded. The first churches and schools on that coast north of Mexico were established in Alaska, and some of those early establishments yet modestly continue their labors. Alaska has been under the complete dominion of civilization longer than any State or Territory west of the Mississippi River and north of California. No Indian war or any other war ever reddened her soil with blood, and her Indian, Russian, and American peoples have always lived together in peace and friendship.

In his official report to the Secretary of the Interior for 1910, the governor of Alaska said:

> The people continue their interest and pride in the public schools, and they have been administered with gratifying results during the past year. Schools in the incorporated towns are supported largely by the license moneys collected within the towns and are under the control of the school boards and town councils.

Public schools for white children are maintained in 31 towns in Alaska, and the attendance during the last year was between 1,500 and 2,000. The governor's report for 1910 says of schools for the education of natives:

> The Government schools for the education of natives continue under the charge of the Bureau of Education, which during the last year has increased the number of its schools from 62 to 69. The number of pupils has increased from 3,067 during the fiscal year ended June 30, 1908, to 3,725 in the fiscal year ended June 30, 1909, an increase of 21 per cent.

And for the year 1911 the Bureau of Education says of the Alaskan schools for native children:

> During the fiscal year 1911 this bureau maintained 81 public schools for natives, with an enrollment of 3,841 pupils and an average attendance of 1,689.

Alaska now has more school children in actual attendance in public schools within her borders than Mississippi, Indiana, Michigan, or Dakota had white settlers when they were each organized into a Territory and given an elective legislative assembly.

Mr. JACKSON. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Certainly.

Mr. JACKSON. I would like to ask the gentleman what he has to say about the permanency of the population of Alaska. It seems to me that is an important subject for the committee to consider in connection with the authorization of a legislature.

Mr. WICKERSHAM. It is important, and I call the gentleman's attention to the table giving the statistics of population in Alaska.

Mr. SLAYDEN. What is the population of Alaska?

Mr. WICKERSHAM. By the last census, 64,356.

Mr. SLAYDEN. What is the population as compared with 10 years ago and 5 years ago?

Mr. WICKERSHAM. Ten years ago the population, according to the census, was 63,592.

Between 1900 and 1910 there was a decrease in the number of Indians in Alaska of 4,205 and a decrease in Chinese of 1,907. There was an increase in the white population of Alaska of 5,854. The population of Alaska in 1880 was 35,612, of which 6 per cent only were white people. The white population in 1890 had increased to 19 per cent, and in 1900 the white population had increased to 48 per cent, while in 1910 the white population is more than 56 per cent of the total.

Mr. SLAYDEN. It is not decreasing?

Mr. WICKERSHAM. No; the white population is increasing, as shown by every census.

Mr. JACKSON. Mr. Chairman, what I wanted more to hear was something from the gentleman's own experience, as to whether these people really live there permanently, or whether there are about that many transient people in Alaska most of the time—what per cent of the 64,356 people in Alaska can be considered permanent residents?

Mr. FLOOD of Virginia. Mr. Chairman, I would suggest to the gentleman from Kansas that that is one of the vital questions at issue in this discussion, and the gentleman from Alaska will come to it in the course of his remarks.

Mr. JACKSON. I thought from what the gentleman from Alaska had said that he was about to conclude his remarks. I wanted to call his attention to that because I know he is qualified to speak on it, and I wanted to hear what he had to say.

Mr. FLOOD of Virginia. Will the gentleman from Alaska yield for a moment?

Mr. WICKERSHAM. Certainly.

Mr. FLOOD of Virginia. Mr. Chairman, in answer to the gentleman from Texas [Mr. SLAYDEN] as to the increase of population during the last decade, I will ask the gentleman from Alaska if it is not a fact that the Census Bureau admits that the population, as reported in 1900, was greater than the actual population?

Mr. WICKERSHAM. Yes; a note added to Census Bulletin, population Alaska, expressly says that the enumeration at Nome in 1900 "includes persons on vessels in port, census having been taken during rush to the gold fields."

Mr. FLOOD of Virginia. There was a large number of people on the shore and in boats at Nome who were counted in the population, who were only there temporarily; and if these were taken from the census of 1900, it would be seen that the white population of Alaska increased about 10,000 during the past decade.

Mr. WICKERSHAM. In 1900, when the census was taken of the people in the region of Nome, all of those on the beach, more than 12,000 in number, including those on the vessels in the roadstead opposite Nome, of whom there were five or six thousand, were included in the census. Those people on the beach during the decade from 1900 to 1910 scattered through the country, but those who were on ships as crews departed with their vessels, and we lost that much of the enumeration charged against us in 1900.

Mr. SLAYDEN. I want to say to the gentleman that my purpose in asking those questions as to the population was to learn whether or not conditions in Alaska were such as they have been in nearly all the mining camps of which I have had any knowledge—that is, a large population during the period of great development and production in the mines and a decreasing population when the placer and other mines were worked out. That was the reason I asked the question, because I had read somewhere that the white population had actually decreased because of the exhaustion of the placer mines.

Mr. WICKERSHAM. Not at all. The population in the placer regions in Alaska is similar to the population you find in other placer regions in the West, and yet it is permanent and increasing.

Mr. GOODWIN of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Certainly.

Mr. GOODWIN or Arkansas. While discussing the question of the population of Alaska, will the gentleman tell the committee if he knows what the percentage of population of bona fide people is and the percentage of the exploiters of wealth of that great country?

Mr. WICKERSHAM. The exploiters of the wealth of Alaska do not live in Alaska at all. They generally live around 45 Broadway, New York. The population of Alaska is permanent, and I say again they are the same character and class of people that settled California. They are the same character of people who went to California in 1849 to mine; they are the same character of people who one year later erected the noble superstructure of the State of California. They are the same kind of people that built Virginia City, Butte, Helena, Anaconda, Spokane, and all the cities of the West that have been so largely built upon the mineral resources of that great

country. They were a permanent population in that country as they are in Alaska. Unalaska and Kadiak and more of Alaska towns that are now thriving little cities were settled before Jefferson purchased the Louisiana territory, and from the time of their settlement, a century ago, down to this time we have had a permanent white population in the Territory of Alaska.

In many of our Alaska towns, such as Nome, Fairbanks, Valdez, Cordova, Juneau, Skagway, and Ketchikan, we have electric lights, telephones, telegraph lines, city water and power, automobiles, and in all are schools, churches, hospitals, libraries, and everything which advances good government and the home. My home is at Fairbanks, a beautiful little city in the beautiful Tanana Valley. We have all the aids to civilization, including a railroad to the mines.

Mr. SAMUEL W. SMITH. How many miles of railway are there?

Mr. WICKERSHAM. We have 44 miles at Fairbanks, way in the interior of Alaska, running out to our mines, and altogether we have in Alaska about 500 miles of railway.

Mr. SAMUEL W. SMITH. Is it all standard gauge?

Mr. WICKERSHAM. No; the 44 miles at Fairbanks is not standard gauge, it is a narrow-gauge railroad. Now, the population of Alaska is increasing. It is a mining population, it is true, but all of these cities on the southern coast where we have great quartz mines have increased in population in the last 10 years, and the whole of the development in the interior country, in the Tanana Valley, has grown up in that time.

Mr. TILSON. May I interrupt the gentleman?

Mr. WICKERSHAM. Certainly.

Mr. TILSON. Before the gentleman passes from the subject of population I want to ask the gentleman if there is any provision in the bill as to the number of population in each district that is to send so many delegates or representatives to the assembly?

Mr. WICKERSHAM. No; I will say again that they are apportioned according to these four judicial divisions, which have a very equal population, as you may discover from the figures.

Mr. TILSON. At present these judicial divisions are substantially equal. Now, is there any provision for the future in case one of those divisions should increase very rapidly in population and another stand still?

Mr. WICKERSHAM. No; there is not, but there is no likelihood of anything of that kind happening, and if it does happen we can come back to the fountain head again and get some more legislation. This bill is not the end of the law, it is only the beginning of the building up of a government in Alaska.

Mr. TILSON. Then in each judicial district the representatives are chosen at large, are they?

Mr. WICKERSHAM. They are chosen at large.

Mr. TILSON. And also the members of the senate?

Mr. WICKERSHAM. Yes; members of both houses are chosen at large in each of these four judicial divisions.

Mr. RAKER. Will the gentleman permit a question?

Mr. WICKERSHAM. Yes; with pleasure.

Mr. RAKER. In regard to the city of Fairbanks, how old a city is that?

Mr. WICKERSHAM. It was established 10 years ago.

Mr. RAKER. And its population now?

Mr. WICKERSHAM. In the incorporated town 3,541, but in the community there are more than 7,500.

Mr. RAKER. You have all modern buildings and improvements in that city?

Mr. WICKERSHAM. Yes; we have two large hospitals, a high school, common schools, and more children in the schools this winter than ever before; we have churches, railroads, telephones, telegraph lines, automobiles—everything that goes to make up civilization in a good community.

Mr. RAKER. Will the gentleman permit one more question?

Mr. WICKERSHAM. Certainly.

Mr. RAKER. Under your bill who are permitted to vote and what will be the qualifications as you understand?

Mr. WICKERSHAM. The qualifications are fixed by the act of 1906 providing for the election of Delegates to Congress.

Mr. RAKER. What is that, in short?

Mr. WICKERSHAM. That the elector shall have resided for 2 years in the Territory and 30 days in the precinct in which he offers to vote.

Mr. SLAYDEN. You have universal manhood suffrage?

Mr. WICKERSHAM. Yes.

Mr. AYRES. Will the gentleman yield for a question?

Mr. WICKERSHAM. Yes; certainly.

Mr. AYRES. What, if any, agricultural production is there in Alaska, and if so, has it increased?

Mr. WICKERSHAM. The agricultural capacity of Alaska is large, surprisingly so to those who have never considered it. I will call the attention of gentlemen particularly to this photograph of one of our farmers plowing in the Tanana Valley on October 24 last, which illustrates not only the fact but the width and character of the valley. The Tanana Valley at this point [illustrating] is 50 miles wide and 200 miles long, and our agricultural department has made a careful examination into the area of arable land there and has announced that there is more agricultural land in that one valley than there is agricultural land under cultivation in Norway, Sweden, Finland, and the three northern Provinces of Russia. Permit me to call your attention to an official statement from the Alaska agricultural bureau on that question.

AGRICULTURE IN NORTHERN EUROPE COMPARED WITH ALASKA.

In order to further establish the possibility of agriculture in Alaska a comparison has been made of the countries of Norway, Sweden, Finland, and the Russian Provinces of Archangel, Vologda, and Olonetz. All these countries lie between latitudes 58° and 70° north, and for the most part they are north of 60°, the approximate latitude of the northern reach of the Gulf of Alaska. In Europe within the above limits are embraced over 985,000 square miles, or about 599,450,000 acres. Alaska, with its 570,390 square miles, or 365,049,000 acres, extends from latitude 54° 30′ in southeastern Alaska to more than 71° at Point Barrow. A study of the topography, climate, native plants, and so forth, shows that the conditions are not very dissimilar in the two regions, whatever advantage there is in climate being probably slightly in favor of the European countries. In these countries of Europe more than 11,000,000 people are living, while the census of 1910 reports 64,356 as the population of Alaska. Recent statistics show in the three countries and three Provinces in Europe which lie mostly north of 60° that 8,373,000 acres of land were producing cereals of all kinds, the total yield being: Wheat, 6,683,840 bushels; rye, 36,509,640 bushels; barley, 26,963,545 bushels; oats, 109,036,780 bushels. In addition potatoes to the amount of 100,321,190 bushels and 7,871,119 tons of hay were reported. Live stock are returned for these countries as follows: Horses, 1,516,251; cattle, 6,110,476; sheep, 4,033,578; hogs, 1,484,124; goats 368,021; and reindeer, 564,732.

The area reported under cultivation varies from less than 0.01 per cent in Archangel and 0.5 per cent in Norway to 4.1 per cent in Sweden. In Finland, Vologda, and Olonetz only about 1 per cent of the total area is in cultivation, as the term is commonly used. In nearly every country there are natural meadows of large extent used as pasture and for haymaking, so that the total under agricultural use is probably about double the figures quoted above. On a basis of 1 per cent of the total area available for crops and 2 per cent for crops, pasture, and haying, there should be over 3,650,000 acres capabale of cultivation, or 7,300,000 acres available for possible agricultural development in Alaska. In 1894 the Director of the United States Geological Survey, in a letter to the House Committee on Agriculture, estimated the area of tillable land in southeastern Alaska, in the Cook Inlet country, the Alaskan Peninsula, and adjacent islands at from 3,000 to 5,000 square miles, or 2,000,000 to 3,000,000 acres. In 1900, after traveling repeatedly throughout Alaska and comparing estimates from various sources, Prof. C. C. Georgeson estimated the tillable and pasture land of Alaska at 100,000 square miles, or 64,000,000 acres. In 1910, Mr. J. W. Neal, who is in charge of the agricultural experiment station near Fairbanks, made a reconnoissance survey of the Tanana Valley, and he estimated the agricultural and grazing lands of that valley and the small valleys leading from it as about 15,000 square miles, or 9,700,000 acres, or more than the total area reported under crops in the specified countries of Europe.

With the same development of agriculture in Alaska as in Europe to supplement its mining, fisheries, and other industries, Alaska should support a population almost equal to that of Europe north of 60° latitude and a commerce of equal or greater importance.

Comparative area of some European countries.

	Latitude north.	Population.	Total area.	Area cultivated to cereals.	
				Acres.	Per cent.
			Acres.		
Norway	58° 30′ to 70° 30′	2,000,917	76,226,000	402,000	0.5
Sweden	56° 30′ to 68°	4,919,269	101,563,000	4,113,900	4.1
Finland	60° to 70°	2,335,916	82,025,000	1,578,300	1.9
Russian Provinces:					
Archangel	62° to 70°	413,500	208,680,320	102,200	0.075
Vologda	58° to 65°	1,565,800	99,369,600	1,656,930	1.7
Olonetz	60° to 64° 30′	422,200	31,587,200	359,770	1.1

Live stock in certain European countries.

Country.	Horses.	Cattle.	Sheep.	Hogs.	Goats.	Reindeer.
Norway (1906)	172,468	1,094,101	1,393,488	318,556	296,442	142,623
Sweden (1906)	566,227	2,628,982	1,021,727	878,828	65,300	288,380
Finland (1906)	327,817	1,491,264	904,447	221,072	6,279	133,749
Russian provinces:						
Archangel (1908)	62,050	118,675	133,096	253	.....	.....
Vologda (1908)	313,872	622,619	464,138	60,957	.....	.....
Olonetz (1908)	73,817	154,835	116,682	4,458	.....	.....

Crop production in some European countries.

Country.	Wheat.	Rye.	Barley.	Oats.	Potatoes.	Hay.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Tons.*
Norway (1905)	318,880	951,360	3,357,120	9,562,880	25,033,400	2,572,920
Sweden (1905)	5,769,520	16,929,120	13,134,000	65,646,860	50,654,730	3,361,393
Finland (1907)	147,000	11,661,000	5,415,000	21,822,000	19,836,000	.....
Russian provinces:						
Archangel (1909)	5,700	451,940	1,395,250	226,200	732,880	295,151
Vologda (1909)	431,640	5,037,700	3,053,400	9,567,110	2,923,140	1,216,482
Olonetz (1909)	11,100	1,478,520	608,778	2,211,730	1,121,040	425,174

Mr. RAKER. Right there let me ask the gentleman what is the character of the crops which can be produced there and which have been produced up to the present time?

Mr. WICKERSHAM. All of the crops which can be raised in Norway, Sweden, Finland, and the northern provinces of Russia—potatoes, root crops, barley, oats, gardens, carrots, beets, turnips, celery—general crops of that kind.

Mr. RAKER. And wheat?

Mr. WICKERSHAM. Our people are miners and have not engaged in raising wheat. But there are fields of oats; and it is a valuable agricultural district.

Mr. SAMUEL W. SMITH. Can you tell the kind of timber you have there?

Mr. WICKERSHAM. We have spruce timber of a very fine variety. Here is a photograph of one of our Fairbanks sawmills, showing the big logs, which will represent exactly what we have. We have five sawmills in Fairbanks.

Mr. SLAYDEN. The gentleman made a suggestion in reference to the agricultural possibilities of Alaska that is very interesting and, I hope, is entirely correct. But let me ask the gentleman, is there not a marked difference between the climate of Alaska and that of Norway, for example—in a large part of Norway, at least, where agriculture is carried on?

Mr. WICKERSHAM. Yes; there is.

Mr. SLAYDEN. Is it not much colder in Alaska?

Mr. WICKERSHAM. It is somewhat, probably. But it is cold in December and January, and we do not have any crops in the ground then, and it does not make any difference to the crops we are going to put in next summer whether it is a few degrees colder in December and January or not.

Mr. SLAYDEN. That is not true in the western part of Scandinavia. Is it possible to raise crops in that territory with a limited season such as you must have and with your ground frozen to such depth during the winter?

Mr. WICKERSHAM. Oh, there is no doubt of our ability to raise crops in that region. We raise oats, potatoes, barley, and, as I say to you, all of the root crops, and everything of that kind, and the Agricultural Department thinks we are going to be able to raise wheat there without any difficulty.

Now, there is a very serious misapprehension in respect to the climate of Alaska. I want to call the attention of the House to this chart. On the 22d day of December we have 2 hours of sunshine at Fairbanks, in Alaska; on the 22d day of March we have 12 hours sunshine and 12 hours darkness; on the 22d day of June we have 22 hours of sunshine and but 2 hours when the sun is beneath the horizon in the north; on September 22 the sun has so far receded that we have 12 hours of sunshine and 12 hours of darkness. Again, on the 22d of December it has gone back to its southern limit and we have only 2 hours of sunshine. We have more sunshine in the Tanana Valley between the 22d day of March and the 22d day of September than California has in the same time. We have more sunshine in the Tanana Valley in that season than any other spot in United States territory.

Mr. RAKER. It is not any purpose of the gentleman in discussing the bill to attack the California climate, is it? [Laughter.]

Mr. WICKERSHAM. Not at all. I think it is the finest climate in the world, except that in the Tanana Valley. But I call the committee's attention now to this chart, which shows the exact situation in respect to sunshine and shadow in that great valley. A similar condition accounts for the sunshine and crops that are raised in the northern part of Europe and Asia on the same latitude. The temperature in the summer time is moderate. It gets up to 90 degrees sometimes, and when it gets to 90 degrees and the mosquitoes get after you you think it is 120 in the shade, for we have more mosquitoes in the central part of Alaska than New Jersey can produce. [Laughter.]

Mr. SAMUEL W. SMITH. May I ask the gentleman one more question, please?

Mr. WICKERSHAM. Yes.

Mr. SAMUEL W. SMITH. I asked you a few moments ago about the timber, and you kindly said you had spruce, but somebody interrupted you. I would like to ask you if that is all the timber you have there?

Mr. WICKERSHAM. The timber in the interior is very largely spruce timber, but on the coast cedar, spruce, and other forests grow.

Mr. SAMUEL W. SMITH. One other question. You spoke a moment ago about raising oats and potatoes. I would like to ascertain the average crop of oats and potatoes which you raise there—how many bushels to the acre—if you could tell me?

Mr. WICKERSHAM. In answer to this inquiry I will read a letter from a Fairbanks farmer who gives exact figures of what he actually raised and the price received for it:

FAIRBANKS, ALASKA, *November 8, 1909.*

Hon. JAMES WICKERSHAM,
Delegate to Congress, Fairbanks, Alaska.

MY DEAR JUDGE: In answer to your suggestion that I write you a letter about my farming operations, I take pleasure in doing so. When you and Mr. Joslin and Mr Birch and Mr. White were at my place last fall I had not begun to take in my crops, but since then I have done so. I had 3 acres of potatoes, and they yielded me 18 tons; and the market price was $120 per ton, for which I sold most of them. I had 1 acre of beets, on which I had a crop of 8 tons; 2 acres of carrots, which yielded me 7½ tons, with a market price of $140 per ton; 1 acre of turnips, from which I gathered 200 sacks of 80 pounds to the sack, or 8 tons, at $80 per ton. I had 2½ tons of rutabagas upon one-fourth of an acre of ground, for which the market price was $100 per ton. I had 1 ton of red beets on one-quarter of an acre of ground, at $140 per ton. I had 15 acres of barley which I cut and sold for hay. I had 3½ tons which I sold for $75 per ton, and still have enough left to fill my barn chock-full for my own use for the winter. I raised 2 tons of cabbages which I put away for the winter, besides which I sold between 3½ and 4 tons during the summer at an average selling price of $140 per ton.

I raised 29 sucking pigs; also 13 pigs which weighed about 100 pounds each, and 23 big hogs. I sold 5 of my hogs to the butcher for $60 each.

This fall I put in 6 acres of winter wheat, bluestem, which I sowed the second week in August, and before the snow came in October the wheat was up 2 or 3 inches high, and I never saw a better stand of wheat anywhere. I have raised good winter wheat, barley, and oats, and all kinds of vegetables, and, in my judgment as a farmer of more than 30 years' experience, the Tanana Valley is a first-class agricultural country.

My farm is near the river and is perfectly level. The soil is a sandy loam and is very rich, made up of sediment and silt and sand brought down by the river in ages gone by. The Tanana Valley opposite my farm is 60 miles wide, and there are probably 5,000,000 acres of as good ground as mine in this vicinity. I know from six years' experience on this farm that farming can be made entirely successful, and that this valley can be made to produce everything which can be raised in Minnesota and the Dakotas, and that there is no valley in the North so wide and rich and variable for agricultural purposes as the Tanana Valley.

I have several neighbors immediately around the town of Fairbanks who are engaged in successful farming, and we have in the last year raised almost enough to supply the local market, and there is no question hereafter that the whole local market in the Tanana mines can be supplied from our farms and gardens.

Respectfully,

WM. YOUNG.

Mr. SAMUEL W. SMITH. Is any corn or wheat raised there?

Mr. WICKERSHAM. No. I think we can raise the hardy varieties of wheat, but not corn.

Mr. STEPHENS of Texas. Who is doing this farming, may I ask the gentleman? I see 36,000 people are classified as whites and 25,000 are classified as Indians. I presume those that are classified as Indians are natives of that country?

Mr. WICKERSHAM. Yes; they are.

Mr. STEPHENS of Texas. Are those the people who are doing the farming, or is it the white people?

Mr. WICKERSHAM. The white people are doing the farming.

Mr. STEPHENS of Texas. Of what nationality does the gentleman consider the Indians? They are classified as Indians. Are they not, as a matter of fact, Asiatics of some kind?

Mr. WICKERSHAM. I have no doubt of that. I have a very pronounced theory on that subject.

Mr. STEPHENS of Texas. Is it not a fact that ethnologically speaking, the department here recognizes only the Aleuts and the Metlakahtlas as Indians in that country?

Mr. WICKERSHAM. I do not think so. I think they are all recognized as Indians.

Mr. STEPHENS of Texas. The Eskimos are not recognized as Indians, are they?

Mr. WICKERSHAM. They are Indians, whether they are recognized as such or not. They are all of the Mongolian type.

"UNEQUAL DISTRIBUTION" OF POPULATION.

The next charge against us is that there is an "unequal distribution" of our population. In the bill now before the House the apportionment for members for both houses of the Alaska legislature is based upon the population in each of the four judicial divisions into which Alaska is now divided by law for judicial purposes. There is no such "unequal distribution" of population in those four judicial divisions as to prevent the four district courts therein from carrying on the public business with satisfaction. The United States land offices are also limited to those four divisions, and in all the business affairs of the Territory those four divisions are the satisfactory boundaries. Nor is there any "unequal distribution," for the population, according to the census of 1910, is divided as follows:

Population for 1910 of Alaska by judicial divisions.

First judicial division	15,216
Second judicial division	12,351
Third judicial division	20,078
Fourth judicial division	16,711
Total	64,356

With 15,216 inhabitants in the first division, 12,351 in the second, 20,078 in the third, and 16,711 in the fourth, the exact census figures disprove the assertion that there is an unequal distribution of population in the different divisions in Alaska.

The voting population also shows not only that our people are quite equally distributed, but that there is a widespread unity of political thought and purpose among them. With but two slight exceptions each successful candidate for Delegate from Alaska to Congress in 1906, 1908, and 1910 carried not only his own but every district in Alaska. An inspection of the following table showing the vote of each candidate in each district at each election shows that there was a fair rivalry and a fair division of the vote. This table also shows that at each election there were more votes cast in Alaska than were cast in each of more than a dozen congressional districts in the United States for Members of Congress now sitting in this House.

ALASKA ELECTIONS.

Summary of election returns for Delegate to Congress, 1906, 1908, 1910.

RETURNS 1906, SHORT TERM.

Name.	Party.	First division.	Second division.	Third division.	Total.
Waskey	Miners	216	1,571	3,062	4,849
Swineford	Democrat	936	71	565	1,572
Murane	Republican	389	432	990	2,252
Scattering		11	11	187	209
Total		1,552	2,526	4,804	8,882

RETURNS 1906, LONG TERM.

Cale	Miners	592	1,470	3,397	5,459
Mellen	Democrat	508	106	469	1,083
Murane	Republican	387	921	1,016	2,324
Scattering		7	23	32	62
Total		1,554	2,520	4,854	8,928

RETURNS 1908.

Wickersham	Republican	738	943	2,131	3,802
Corson	do	404	308	1,367	2,139
Chilberg	Miners	166	760	1,457	2,383
Ronan	Democrat	366	200	541	1,007
Scattering		1	117	176	294
Total		1,385	2,388	3,052	9,625

RETURNS 1910.

Name.	Party.	First division.	Second division.	Third division.	Fourth division.	Total.
Wickersham	Republican	1,020	705	1,087	1,760	4,572
Orr	do	474	471	1,660	722	3,267
O'Connor	Labor	30	380	134	871	1,435
Scattering				3	5	8
Total		1,524	1,556	2,844	3,358	9,282

Not only does the census of 1910 and the election returns show that the population in these four judicial—and now proposed representative—districts is fairly equal in number, but the customs statistics also show how nearly equal the imports of merchandise purchased from the merchants of the United States is in the four divisions. The following figures are compiled from the customs report of 1911, just published:

Distribution of domestic merchandise shipped from the United States to Alaska, 1907–1911.

Imports.	Fiscal year ended June 30—				
	1907	1908	1909	1910	1911
Juneau division	$4,233,428	$4,513,006	$5,386,437	$4,439,244	$4,733,525
Valdez division	2,968,515	4,235,089	4,256,676	5,303,831	4,021,350
Nome division	5,958,731	3,964,548	3,788,784	3,864,219	3,750,275
Fairbanks division	4,550,419	3,244,933	3,754,548	4,365,353	3,222,160
Total	17,811,093	15,957,576	17,186,445	17,972,647	15,736,510

Then, too, the wealth created in and exported from each of these four divisions to the United States is as nearly equal as the population and the distribution of the imports. The following table shows how equally the wealth originating in Alaska in 1911 was divided between them. The table holds good, approximately, for the preceding years for a decade:

Value and distribution of specified exports from Alaska, 1911.

Division.	Products.	Value.	Total.
1. Juneau, southeast Alaska	Gold	$4,250,000	$12,929,712
	Fish and furs	8,464,227	
	Marble—gypsum	215,485	
2. Nome, west Alaska	Gold	3,125,000	8,253,234
	Fish and furs	5,128,234	
3. Valdez, central Alaska	Gold	475,000	6,634,443
	Fish and furs	3,260,558	
	Copper	2,898,885	
4. Fairbanks, interior Alaska	Gold	9,300,000	9,300,000
Total specified exports, Alaska, 1911			37,117,389

The small amount of exports from the third division, of which Valdez is the center, which includes the 200 miles of the completed Copper River & Northwestern and the 71 miles of the Alaska Northern Railroads, and the celebrated Matanuska and Bering River coal fields, has resulted from the neglect of the Government to open these coal fields to development.

And, then, too, the coal fields of Alaska are widely and fairly divided—the Bering and Matanuska fields lie in the Valdez division, the Cape Lisburne anthracite and Seward Peninsula coal fields are in the Nome division, while the great deposits on the south side of the Tanana Valley, within 50 miles of Fairbanks, and the greater beds on the Arctic slope lie in the Fairbanks division. No State or Territory in the country has a more equal division of population and trade imports and exports, or a more equal division of great undeveloped natural resources, within districts created for legislative apportionment, than the Territory of Alaska has under this bill. These four apportionment divisions, provided by this bill, having such equal population, trade, and resources, have also the same boundaries as the four judicial and land-office districts created by Congress in Alaska, and thus possess every element of equality and fixed business relations to commend them to the public and to Congress.

SMALL POPULATION—LARGE TERRITORY.

The third and last Executive objection to the creation of an elective, rather than an appointive, legislative body for Alaska is that the "smallness in number" of the population "in relation to the enormous expanse of the territory" makes it altogether impracticable to give Alaska such an elective body. Of course, the Territory would be just as large and the population just as small if the legislature were appointive as recommended by the President, instead of elective as provided by the bill before the House. But is the population too small in relation to the area of the Territory to justify Congress to refuse to create an elective territorial legislature for Alaska? This inquiry can only be answered fairly by comparing these items with conditions of a like character which formerly existed in other Territories.

The total area of Alaska is 590,884 square miles. The total population, according to exact census figures, is shown in the following table, which also shows the relative increase or decrease in the different classes of the population for the years 1900 and 1910.

Population of Alaska, 1900–1910.

Class.	1900	1910	Decrease.	Increase.
White	30,493	36,347		5,854
Indian	29,536	25,331	4,205	
Negro	168	209		41
Chinese	3,116	1,209	1,907	
Japanese	279	913		634
All other		247		247
Total	63,592	64,356		764

[1] Includes persons of mixed parentage; that is, of native Indian and Russian or other parentage, as follows: 1900, 2,497; 1910, 3,887.

Those Russians who remained in Alaska after 1867 became citizens of the United States under the third article of the treaty of cession, which provided:

ART. 3. The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion.

Add, then, to the total of white persons given in the census of 1910, 36,347, the number of those persons of mixed parentage—that is, of native Indian and Russian parentage—3,887, and it gives the true total of American citizens and whites in the Territory as 40,234.

Even according to the exact census figures it will be noticed in the decade from 1900 to 1910 there was an increase in the white population of Alaska of 5,844. At the same time there was a decrease in the Indian population of 4,205 and in the Chinese of 1,907. These items ought to be considered when scanning the character of the people who are to support the burden of developing Alaska and maintaining a legislature therein—the white population is increasing and the Indian and oriental elements are decreasing.

The increase of the white population in Alaska is better shown by the following table, giving the percentage of that increase in proportion to the whole population for four decades:

Per cent of increase in white population in Alaska.

	1880	1890	1900	1910
Total	33,426	32,052	63,592	64,356
White	2,186	6,121	30,493	36,347
Per cent white	6.5	19.1	48	56.5

The total number, then, of American citizens and whites in Alaska, according to the census of 1910, was 40,234, and the total area 590,884 square miles.

What historical basis is there for asserting that 40,000 white American citizens is too small a population to intrust with elective territorial legislative power, even in so large a Territory as Alaska? Compare Alaska's population and area, her known resources, development, and advancement, with those of many of the earlier Territories when first they were intrusted with legislative power, and it will be readily discovered that the advantage upon every point is decidedly with Alaska. No Territory was ever organized by the United States which had at its birth the development, resources, population, schools, churches, and general advancement that Alaska now has. Many States had less when given a constitution and a place in the Union, with two United States Senators and a Member of Congress. Comparisons in some respects are shown by the following table:

Area and population of Alaska compared with other Territories.

Name of Territory.	Date of organization.	Population, nearest census.			Approximate area, in square miles.	Density (per 1,000 square miles).
		Date.	White.	Total.		
Northwest of River Ohio	July 13, 1787			(1)	266,000	18
Mississippi	May 10, 1800	1800	5,179	8,850	92,474	96
Indiana	May 7, 1800	1800	5,343	5,641	208,474	21
Michigan	June 30, 1805	1810	4,618	4,762	58,915	81
Illinois	Mar. 1, 1809	1810	11,501	12,282	161,897	76
Missouri	Apr. 20, 1812	1810	17,227	20,845	861,008	24
Wisconsin	July 3, 1836	1840	30,749	30,945	283,137	109
Oregon	Aug. 14, 1848	1850	13,087	13,294	297,552	44
Minnesota	Mar. 3, 1849	1850	6,038	6,077	169,414	35
Utah	Sept. 9, 1850	1850	11,330	11,380	226,570	50
Washington	Mar. 2, 1853	1860	11,564	11,594	198,924	58
Dakota	Mar. 2, 1861	1860	2,576	4,837	318,005	15
Nevada	Mar. 2, 1861	1860	6,812	6,857	112,090	61
Arizona	Feb. 24, 1863	1870	9,632	9,658	115,800	83
Idaho	Mar. 3, 1863	1870	14,939	14,999	338,283	44
Wyoming	July 25, 1868	1870	8,935	9,118	97,575	93
Alaska		1910	40,234	64,356	590,884	109

[1] Less than 5,000.

Alaska now has 109 persons to each 1,000 square miles of territory. When the territory of the United States northwest of the Ohio River was organized under the ordinance of 1787 and provided with an elective Territorial legislature, "so soon as there shall be 5,000 free male inhabitants of full age in the district," it had less than 18 persons therein to each 1,000 square miles of its territory, or more than 55 square miles to each inhabitant. Congress has organized eight Territories with an elective legislative body, each having less than 50 persons to the 1,000 square miles—less than one-half the average density of Alaska's population. Alaska now has more than 13 times the population which Michigan or Dakota had, more than 11 times the population that Indiana had, more than 10 times the population that Minnesota had, more than 9 times the population Nevada had, more than 7 times the population Mississippi or Wyoming had, more than 6 times the population that Arizona had, more than 5 times the population that Illinois, Oregon, Utah, Washington, or Idaho had, and more than double the population that Missouri or Wisconsin had when each of those Territories was organized and provided with an elective Territorial legislature by the Congress of the United States. The character of the population in all those Territories was similar to that in Alaska—hard-working, honest pioneers, who went upon the western frontier to better their fortunes and to aid in building an American Commonwealth. Some question was made the other day whether the figures showing the population in these early Territories included Indians. I have ascertained from the Statistical Abstract published by the Bureau of Statistics that those figures do include the Indians in these earlier Territories just as in Alaska——

Mr. MANN. Will the gentleman yield?

Mr. WICKERSHAM. Certainly.

Mr. MANN. The gentleman does not mean that the population in Missouri included all the Indians in the Northwest at that time; no census had ever been made of Indians at that time.

Mr. WICKERSHAM. No; that is probably an exception, though the Statistical Abstract does not make the exception.

Mr. MANN. How could it be included in the census figures?

Mr. WICKERSHAM. Here is the Statistical Abstract for 1910, and I call the attention of the gentleman from Illinois to pages 36, 37, and 38 of that document. On page 36 is this head and statement:

No. 19.—Population at each census, 1790 to 1910: By color, by States and Territories, and by geographical divisions. "White" includes Chinese, Japanese, and Indians; "Colored" includes only those of African descent. From reports of the Bureau of the Census, Department of Commerce and Labor.

Mr. MANN. But the Government did not make a census of those Indians at that time, and did not pretend to.

Mr. WICKERSHAM. I do not know anything about it except what the Abstract says. That may be true of Missouri—probably was. I think probably to that extent the gentleman from Illinois is right and that the Abstract is wrong, but in all others I think the Abstract is right.

Mr. MANN. Oh, well, that represents all the Indians which they counted in the census, and certain Indians may have been counted. The bulk of the Indians which were in tribal relations were not counted.

Mr. WICKERSHAM. Nor is Alaska's population relatively small when compared with that of several States when they were admited into the Union, permitted to adopt a State constitution, and to organize a State legislature with powers limited only by the Constitution of the United States, and to elect two United States Senators and Members in the House of Representatives.

Alaska compared with States.

	Organization census.		
Delaware	1776	1790	59,096
Rhode Island	1776	1790	68,825
Ohio	1802	1800	45,365
Illinois	1818	1820	55,162
Missouri	1820	1820	66,557
Florida	1836	1840	54,477
Oregon	1857	1860	52,465
Nevada	1864	1870	42,491
Wyoming	1889	1890	60,705
Alaska		1910	64,356

Alaska now has a larger population than 16 Territories had when they were given an elective territorial legislature and a larger population than 9 States when they were organized and given sovereign constitutional control over legislation within their borders. Notice, too, that as early as 1790 and as late as 1890 States in the Union had less population than Alaska now has.

The great area of Alaska is also raised as a bar to her prayer for the organization of an elective territorial legislature.

But, again, a comparison of Alaska's area with that of earlier organized Territories shows that Alaska is smaller than the upper Louisiana Territory when it was organized in 1805 and smaller than Missouri when, in 1812, it was organized as the Territory of Missouri. Compare the area of Alaska and that of the following Territories at the date of their legislative organization:

	Square miles.
Northwest Ohio River	266,000
New Mexico Territory	266,503
Indiana Territory	268,474
Wisconsin Territory	283,137
Oregon Territory	297,552
Dakota Territory	318,005
Idaho Territory	333,283
Nebraska Territory	360,512
Michigan Territory	387,988
Alaska Territory	590,884
Missouri Territory	861,608

Missouri was more than 270,000 square miles larger than Alaska now is when it was organized and given an elective Territorial legislature in 1812–1816. In 1819 the Territory of Arkansas was carved out of the lower part of the Territory of Missouri, and Missouri Territory had remaining 747,758 square miles, or more than 156,000 square miles more than Alaska; in 1821 the State of Missouri was created; still the Territory contained 678,343 square miles, or more than 87,000 square miles more than Alaska. It remained larger than Alaska until, in 1834, the Territory of Michigan was created, with 371,997 square miles, and embracing a part of the old Missouri territory. A careful examination of the historical data proves that the great area of these Territories was not, and was not even considered to be, a sufficient or any reason for refusing them an organized Territorial government with an elective legislature, but was rather thought to be a sound reason for sharing the burden with those hardy pioneers who were willing to assume it.

The Delegate from Alaska in his Washington office has daily telegraphic communication with all parts of that Territory. It took a season's journey by stagecoach and canoe for the representative from Michigan Territory to secure such information in 1805; in 1848, when Oregon was made a Territory, her Delegate came to Washington by the Isthmus of Panama, and he had communication with his constituents only once a year. Nome, Fairbanks, and Juneau, in the Territory of Alaska, are nearer Washington to-day than Portland, Seattle, and Boise were 30 years ago.

INCREASED FINANCIAL BURDENS.

There is another class of objections to the passage of the bill now before the House which is based upon the assumption that if Congress shall, in its discretion and for good cause, create an elective legislature in Alaska it will thereafter refuse to exercise its constitutional duty under section 3 of Article IV of the Constitution, which declares:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States.

Many objections upon this score are made by the governor of Alaska in his recent report to the Secretary of the Interior and in his testimony before the various committees of Congress. He assumes that if Congress shall create an elective legislative body for Alaska it will therefore necessarily withhold many appropriations which it now makes for public uses there and thereby put such burdens upon its people that their government could not exist. For instance, he says:

> A territorial legislature being installed and a separate territorial treasury being established, if the National Government should decide to leave the care and education of the native people to the local legislature, the present appropriations for schools, reindeer, suppression of liquor traffic, and relief of destitution and medical relief would either have to be abandoned or supplied by the territorial treasury. These appropriations now amount to $224,000 per annum.

Of course, that result would follow "if the National Government should decide to leave the care and education of the native people to the local legislature." Notice the assumptions: First, that "a separate territorial treasury being established," when there is nothing in the bill about it; and, second, that if a separate territorial treasury is established, "if the National Government should decide to leave the care and education of the native people to the local legislature," when there is no such provision in the bill and no precedent in more than a hundred years' legislation to justify the assumption. Congress never did put the burden upon a Territory, having an elective legislature or not, to care for and educate the Indian tribes within its borders.

And, again, he says in his report:

> It is reasonable to be expected that under an organized territorial government, Alaska being treated like all the other Territories, the Federal Government would cease to make appropriations for roads, the protection of game, for the care of the insane and prisoners.

And, again, he overlooks the fact that it is the duty of Congress under section 8 of Article I of the Constitution "to establish post offices and post roads" and "to regulate commerce."

Certainly there is nothing in the bill now before the House which commits Congress to the policy of refusing "to make appropriations for roads, the protection of game, for the care of the insane and prisoners" in Alaska; nor is there a historical precedent to support the threat that Congress will adopt such an unfriendly policy—but quite to the contrary.

It is also declared that if Alaska shall be given an elective territorial legislature, Congress "would cease to make appropriations for the protection of game" in that Territory. Whether there would also be a refusal by Congress to continue to make appropriations to conserve the game resources and wild life in Alaska if Congress should pass an act to create an appointive legislative commission, as recommended by the President, we are not informed.

The fact is that Congress has long since established the national policy of protecting wild animals and birds in the States and Territories, and that without regard to whether the States or Territories have elective legislative assemblies or not. A brief examination of national legislation will disclose the policy which Congress has adopted.

On May 25, 1900, Congress passed "An act to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes." Section 3 of that act extends its provisions to transportation of game "frome one State or Territory to another State or Tetrritory, or from the Distict of Columbia or Alaska to any State or Territory, or from any State or Territory to the District of Columbia or Alaska,' with adequate provisions for its enforcement. Congress has established laws for the protection of game in the District of Columbia, and appropriations are annually made for their enforcement. National game preserves have been established in the various States and Territories, and reservations of the public lands have been made for breeding grounds. Annual appropriations are made to cover the support and enforcement of these national game laws in all States and Territories, including Alaska. A national game preserve has been established in the Grand Canyon of the Colorado, in the Wichita forest reserve, in Oklahoma, and bird reserves on many islands in the Gulf of Mexico and on the different coasts of the country, including Alaska. All forestry reservations in the States and Territories have been made game preserves by the acts of Congress, and all forestry officers are specially required to enforce the game laws therein. The forest reservations in Alaska embrace an area greater than the State of Ohio. Will the Government abandon them or permit the slaughter of all game and birds therein because the people there are given an elective legislature? It is an unwarranted assumption.

What authority, then, is there for the governor of Alaska to declare that if Congress shall, in its judgment, create an elective legislature in Alaska it will necessarily abandon its general policy of conserving the wild birds and animals in that Territory? Of course his assertion is without basis in fact or precedent and he has no authority to make it. It is much more likely that the United States will continue its national efforts in all the States and Territories to conserve wild bird and animal life. Alaska being the great breeding ground, the nesting place, of most migratory birds from the United States, there need be no fear that it will discontinue its small appropriations in line with the national policy merely because the Territory is being developed by the hardy men of the north, who humbly petition Congress to aid them in that work by creating there the usual form of an American legislative body to be elected by the people. The development of the Territory in population, trade, and government will not in any respect interfere with the conservation of birds and wild animals or with the national policy in that respect.

Will Congress withdraw its appropriations for the support of prisoners and insane persons if it shall create an elective legislative body in Alaska? This inquiry, like others of its kind, can be authoritatively answered only by each Congress. Of course, Congress could withdraw all appropriations from Alaska for these and all other purposes; but would it, merely because it saw fit to aid in the development of a new Territory by creating there an elective Territorial legislature?

The only answer which can be made to this argument is to observe the policy pursued by Congress in other Territories.

Section 1936 of the United States Revised Statutes, 1878, provided that:

> SEC. 1936. The care and custody of the penitentiaries in Montana, Idaho, Wyoming, and Colorado, and the personal property thereunto

belonging, and the use and occupation thereof, are transferred to such Territories, respectively, until otherwise ordered by the Attorney General, but the legal title to such penitentiaries and the property shall continue to vest in the United States.

Section 1937 then provided that the United States would then pay $1 a day board for all United States prisoners confined in either of said penitentiaries. The United States by national appropriations built and maintained penitentiaries in those and all other organized Territories. When Dakota, Montana, and Washington were organized into the States of North and South Dakota, Montana, and Washington the penitentiaries belonging to the United States therein were conveyed to the States by the enabling act of February 22, 1889, which reads as follows:

SEC. 15. That so much of the lands belonging to the United States as have been acquired and set apart for the purpose mentioned in 'An act appropriating money for the erecting of a penitentiary in the Territory of Dakota,' approved March 2, 1881, together with the buildings thereon, be, and the same is hereby, granted, together with any unexpended balances of the moneys appropriated therefor, by said act to said State of South Dakota for the purpose therein designated; and the States of North Dakota and Washington shall, respectively, have like grants for the same purpose and subject to the like terms and conditions as provided in said act of March 2, 1881, for the Territory of Dakota. The penitentiary at Deer Lodge City, Mont., and all lands connected therewith and set apart and reserved therefor are hereby granted to the State of Montana.

The same liberal policy has always been pursued by the United States in respect to the building of insane asylums in the Territories, and most extraordinarily liberal grants of lands have always been made in aid of the erection and maintenance of such institutions.

Every effort to develop the Territory of Alaska is objected to by some one who fears that his friends who have special interests there must pay a cent or two of taxes. In 1903, when the Senate subcommittee on Territories, consisting of Senators DILLINGHAM, NELSON, BURNHAM, and Patterson, visited Alaska and proposed to build wagon roads in that untracked wilderness, the same argument now made against home rule in Alaska was urged against the building of wagon roads in that Territory. The whole of the receipts and expenditures of the United States in Alaska for a year were arrayed, and it was assumed that Congress ought not to build wagon roads there, because the annual expenditures already exceeded the annual receipts from Alaska. But the subcommittee pointed out that the Government of the United States had a duty to perform in such cases quite apart from the amount which a Territory may or may not pay into the Treasury. Referring to the same array of figures as that offered by the governor of Alaska in opposition to the pending bill, the subcommittee of the Senate, in its report (No. 282, 58th Cong., 2d sess., Jan. 12, 1904), said:

It will be seen that every item of expense that can under any theory be charged in the debit and credit account against Alaska appears in the foregoing table of expenditures, and it will at once occur to everyone that if the Government of the United States were to assume the payment of such items as it assumes and pays in all Territories of the United States where a Territorial government has been established, the following items should not enter into the account, to wit:

Salaries, governor, etc	$51,124.43
Expenses of the United States courts	534,000.00
Expenses office United States marshal	2,016.72
Expenses of revenue vessels in Alaskan waters	115,000.00
Military, telegraph, and cable lines	384,007.20
Light and fog-signal stations	183,485.12
Supplies for native inhabitants	19,586.20
Miscellaneous	5,940.52
Total	1,295,160.19

With these items thrown out, the legitimate charges which should be paid by the people of the district would appear to amount to only $138,506.22, or the difference between $1,443,666.41 and $1,295,160.19; and as the receipts by the Government are $468,017.04, a balance of $329,510.82 appears, which, in the opinion of the committee, should be devoted to internal improvements which will tend to develop that district.

It is a waste of time, however, to follow up and attempt to answer objections to the bill based, as these made by the governor of Alaska are, upon the mere assumption of the objector.

To assume that because Congress shall create an agency in Alaska to assist it in its constitutional duty to govern that Territory, it will therefore abandon both the agency and its duty and so conduct itself as to delay the performance of its constitutional trust, is to assume a position not justified by anything which Congress has ever done in the course of the development of any of our American Territories.

Having now very briefly considered the objections urged against the creation of any elective legislative assembly for Alaska, let us consider the body to which we are to fit the coat as to its present legislative and political status.

TREATY OF CESSION, MARCH 30, 1867.

By the third article of the treaty of cession it was agreed by the United States and Russia that:

ART. 3. The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country.

Nothing has ever been done by the United States to keep its agreement in respect to those Russian subjects who chose to abandon their allegiance to their native country and continue to reside in Alaska. If affirmative action of Congress is necessary to admit them "to the enjoyment of all the rights, advantages, and immunities of citizens of the United States," they have not been admitted. They and their descendants live along the coast in the old Russian villages from Unalaska to Sitka, and have never been allowed to take land, or mines, or even to act as officers of ships or steamboats. Are they citizens of the United States? And if not, when will the United States keep its solemn treaty agreement to admit them to naturalization as such?

THE UNORGANIZED TERRITORY OF ALASKA.

From the date of cession, in 1867, to May 14, 1884, Alaska was an unorganized territory. The laws of the United States relating to customs, commerce, and navigation were extended over it by the act of Congress of July 27, 1868, but no attempt was made by Congress to establish either courts, executive officers, or a legislature.

A DECADE OF MILITARY RULE.

On Friday, October 18, 1867, the Russians hauled down their flag and Gen. Rosseau, escorted by a company of the Ninth United States Infantry, raised that of the United States. Alaska began a decade of military government which is described by the historian Bancroft in terms too humiliating to repeat. In 1877 the military was recalled to the States, and thereafter a revenue-cutter service became the government of Alaska until, in 1884, it was organized as a Territory under the act of Congress of that year.

ORGANIC ACT OF MAY 17, 1884.

The act of 1884, organizing the Territory of Alaska, was drawn by Benjamin Harrison, a Senator from Indiana. The first section of the act provided that "Alaska shall constitute a civil and judicial district, the government of which shall be organized and administered as hereinafter provided." The act then provided for the appointment of a governor, a district judge, clerk, marshal, district attorney, and other officers by the President of the United States; it extended the laws of Oregon to Alaska, created a land district, and provided for land officers. Under this act the President appointed a governor, judge, and other officers, and the Oregon laws were enforced as if enacted by a local legislature.

CRIMINAL CODE OF 1899.

In 1899 Congress passed a special criminal code for Alaska, based primarily upon the code of Oregon and other Western States. It is still in effect and generally satisfactory.

ADDITIONAL ORGANIC ACT AND CARTER'S CIVIL CODE, 1900.

The act of June 6, 1900, provided for a system of three district courts in Alaska, greatly extending the provisions of the organic act of 1884, and contained a complete civil code of laws. Carter's Alaska codes were prepared and published by Senator Carter, of Montana, in 1900, and embraced in one code the whole of the laws then in force in Alaska, including both the criminal code of 1899 and the civil code of 1900. As a local legislature Congress had thus done for Alaska what it had not done for any other Territory, except the District of Columbia, in the history of the Government—it enacted and provided a complete system of local laws.

Alaska now has a complete criminal code, a complete civil code, and a complete system of courts, with appeals to the United States circuit court of appeals, ninth circuit, and, in the cases provided for by law, appeals to the Supreme Court of the United States.

DELEGATE ACT OF MAY 7, 1906.

The act of Congress of May 7, 1906, provided for the election by the people of the Territory of Alaska of a Delegate from Alaska to the House of Representatives. Under that authority elections have been held in Alaska, and three Delegates have respectively heretofore been elected and occupied seats in Congress from that Territory.

DEPARTMENTS OF GOVERNMENT IN ALASKA.

The American system of government is divided into three general departments—the executive, the judicial, and the legislative. An executive department, consisting of a governor of the Territory and other executive officers, was provided by the organic act of 1884; the executive department is as completely organized in Alaska as in any other Territory.

A district court of general jurisdiction was established by the organic act of 1884; and by the act of June 6, 1900, the courts of the Territory were reorganized, increased in number, their jurisdiction greatly extended, and the judicial department became as effective as that department is in Arizona and New Mexico. Instead of creating a supreme court for the Territory, however, Congress provided that appeals from district courts shall go to the United States circuit court of appeals, thus providing a complete judicial department for Alaska.

Congress has not, however, created a legislative department in Alaska. Though it has provided for the election of a Delegate in Congress, Congress has continued to exercise all the functions and powers of a Territorial legislature of that Territory, a function which it has not exercised in any other similar instance in the history of our Government. Alaska now has in practical shape every department of government created for and granted to other Territories except a Territorial legislature—a department which is greatly needed in aid of her future development.

ALASKA IS A CUSTOMS-COLLECTING DISTRICT.

The treaty by which the United States acquired the cession of Alaska from Russia was proclaimed on June 20, 1867. On July 27, 1868, Congress passed "An act to extend the laws of the United States relating to customs, commerce, and navigation over the territory ceded to the United States by Russia, to establish a collection district therein, and for other purposes." (15 Stat. L., 240.) This act gave the district courts of the United States in California or Oregon and the district courts of Washington Territory jurisdiction over all violations of the laws therein extended to Alaska.

The real purpose, however, in passing the act of July 27, 1868, was to create the customs collection district of Alaska, which was done in section 2 thereof, in which it is provided:

That all of the said Territory * * * shall constitute a customs collection district, to be called the District of Alaska, for which said district a port of entry shall be established * * *

at Sitka. When the revision of 1874 was enacted, section 2 of that act was both redrafted and reenacted into and became sections 2591 and 2592 of the United States Revised Statutes, 1878, and there read and appear as follows:

SEC. 2591. There shall be in the Territory of Alaska one collection district, as follows:
"The District of Alaska to comprise all the Territory of Alaska, in which Sitka shall be the port of entry."
SEC. 2592. There shall be in the collection district of Alaska a collector, who shall reside at Sitka.

It must therefore be conceded that Alaska is the customs collection "District of Alaska," and has been such "District of Alaska" since July 27, 1868, when the United States first extended its laws there. This is not an unusual situation; witness the State of Delaware (U. S. Rev. Stat., 1878):

SEC. 2546. There shall be in the State of Delaware one collection district, as follows:
"The district of Delaware to comprise the State of Delaware, in which Wilmington shall be the port of entry and New Castle, Port Penn, and Delaware City ports of delivery."

As Delaware is both the customs collection "District of Delaware" and the political State of Delaware, so is Alaska both the customs collection "District of Alaska" and the political Territory of Alaska.

ALASKA IS A JUDICIAL DISTRICT.

For 16 years—from 1868 to 1884—Alaska had no courts, but in the latter year the act of May 17, 1884, was passed, adopting the district-court plan there. However, Congress departed from the general rule, since but one district court was thought to be needed in that Territory, and in the first section of that act it was provided that Alaska—

* * * shall constitute a civil and judicial district (23 Stat. L., 24)—

And section 3 provided:

SEC. 3. That there shall be, and hereby is, established a district court for said district, with the civil and criminal jurisdiction of district courts of the United States, and the civil and criminal jurisdiction of district courts of the United States exercising the jurisdiction of circuit courts, and such other jurisdiction, not inconsistent with this act, as may be established by law;
And a district judge shall be appointed for said district * * *.

And thus Alaska was created and organized into a judicial district in accordance with the general plan, although given but one court instead of three, as in other Territories.

ALASKA IS A LAND DISTRICT.

The act of May 17, 1884, also created a land district in Alaska, as follows:

SEC. 8. That the said District of Alaska is hereby created a land district, and a United States land office for said district is hereby located at Sitka.

So that, beginning in 1884, there were three separate legal "Districts of Alaska" in the Territory of Alaska, viz, the customs collection "District of Alaska," the judicial "District of Alaska," and the land office "District of Alaska," and each of these was created and established under the general plan then and now adopted under our departmental system of government, and each of which was, and is, found in all other Territories, and neither has ever heretofore been supposed to detract anything from the political dignity of the Territory in which it existed.

ALASKA IS ALSO A TERRITORY.

That provision of Article IV, section 3, of the Constitution which declares "the Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," is said to be one of the sources, probably the principal source, of the power of Congress to govern the Territories. If Alaska is a Territory in the sense that New Mexico and Arizona are Territories, and occupies the same legal and constitutional status as a Territory that all other Territories have occupied, it is an interesting fact and suggests a plain and well-understood basis for legislation. On the other hand, if it does not occupy that status it is important to have its true legal character stated, so that intelligent action in respect to it may be had by Congress.

Fortunately, the question has been determined by the highest authority and is not open to serious doubt. In a number of cases from Alaska, and in the insular cases, the Supreme Court of the United States has laid down the rules which determine the political character of the Territory, and these rules only need to be known and applied to give Alaska that standing to which it is entitled by reason of its great resources and the vigorous character and manhood of its citizens.

In the case of Steamer *Coquitlam* *v.* United States (163 U. S., 346–352), the political status of Alaska first came squarely before the Supreme Court of the United States for consideration, and the court said:

Alaska is one of the Territories of the United States. It was so designated in that order (assigning Alaska to the ninth judicial circuit), and has always been so regarded. And the court established by the act of 1884 is the court of last resort within the limits of that Territory.

Held, that the district court of Alaska was "in every substantial sense the supreme court of that Territory."

Again, in 1903, the same court, in deciding the case of Binns *v.* United States (194 U. S., 486–490), wherein the constitutionality of the license laws of Alaska was involved, quoted from the *Coquitlam* case, and then affirmed it, as follows:

It has been therefore held by this court in Steamer *Coquitlam* *v.* United States (163 U. S., 346–352) that "Alaska is one of the Territories of the United States. It was so designated in that order (the order assigning the Territory to the ninth judicial circuit), and has always been so regarded. And the court established by the act of 1884 is the court of last resort within the limits of the Territory." Nor can it be doubted that it is an organized Territory, for the act of May 17, 1884 (23 Stat., 24), entitled "An act providing a civil government for Alaska," provided "that the territory ceded to the United States by Russia by the treaty of March 30, 1867, and known as Alaska, shall constitute a civil and judicial district, the government of which shall be organized and administered as hereinafter provided." (See also 31 Stat., 321, sec. 1.)

Having thus affirmed its former decision that "Alaska is one of the Territories of the United States," and having then declared that it was an "organized Territory," the court turned its attention to the form of government which Congress had power to establish in a Territory, and said:

It must be remembered that Congress, in the government of the Territories, as well as of the District of Columbia, has plenary power, save as controlled by the provisions of the Constitution, that the form of government it shall establish is not prescribed and may not necessarily be the same in all the Territories. We are accustomed to that generally adopted for the Territories of a quasi State government, with the executive, legislative, and judicial officers, and a legislature endowed with the power of local taxation and local expenditures, but Congress is not limited to this form. In the District of Columbia it has adopted a different form of government, and in Alaska still another. It may legislate directly in respect to local affairs of a Territory or transfer the power of such legislation to a legislature elected by the citizens of the Territory It has provided in the District of Columbia for a board of three commissioners, who are the controlling officers for the District. It may intrust to them a large volume of legislative power or it may by direct legislation create the whole body of statutory law applicable thereto. For Alaska Congress has established a government of a different form. It has provided no legislative body, but only executive and judicial officers. It has enacted a penal and civil code. Having created no local legislative body and provided for no local legislation in respect to the matter of revenues, it has established a revenue system of its own, applicable alone to that Territory.

And the court held that Congress had the power, as the legislature of the Territory of Alaska, to enact the license laws in question and that they were not unconstitutional.

In the last and most important case wherein the status of Alaska has been defined—Rasmussen *v.* United States (197 U. S., 516–524)—the Supreme Court for the third time declared "Alaska is one of the Territories of the United States;" and again, upon a very careful examination of the identical point, held that Alaska is also an organized Territory of the United States.

And in a case decided by the United States Circuit Court of Appeals, Ninth Circuit, on October 2, 1911, that court, following the decisions of the Supreme Court of the United States, held (191 Fed. Rep., 141):

Since the passage of act of May 17, 1884 (ch. 53, 23 Stat., 24), providing a civil government for Alaska, that Territory has been an organized Territory of the United States, and by virtue of Revised Statutes, section 1891, which provides that "the Constitution and all the laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized Territories and in every Territory hereafter organized as elsewhere within the United States" all laws of Congress of general application not locally inapplicable are in effect in Alaska.

The President of the United States approved the opinion of the Judge Advocate General of the United States Army who, after quoting the foregoing decisions of the United States Supreme Court, held that—

In view of the express legislative and judicial recognition of the status of Alaska as a Territory, it is the opinion of this office that Alaska is a "Territory" within the meaning of section 1315, Revised Statutes, as amended, and as such is entitled to a cadet at the Military Academy.

The President thereupon appointed a cadet from the Territory of Alaska.

On May 7, 1906, Congress passed an act for the election of a Delegate to the House of Representatives from the Territory of Alaska, and the first section provides—

That the people of the Territory of Alaska shall be represented by a Delegate in the House of Representatives of the United States, chosen by the people thereof in the manner and at the time hereinafter prescribed, and who shall be known as the Delegate from Alaska.

That Alaska is one of the organized Territories of the United States has thus been expressly declared. First, by the Supreme Court of the United States, the judicial department of the Government; second, by the President of the United States, the executive department of the Government; third, by Congress, the legislative department of the Government.

THE CONSTITUTION EXTENDS OVER ALASKA.

Section 1891 of the Revised Statutes provides:

SEC. 1891. The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized Territories, and in every Territory hereafter organized as elsewhere within the United States.

In Binns against United States, supra, the Supreme Court declared that "Alaska is one of the Territories of the United States," and then adds, "Nor can it be doubted that it is an organized Territory." It follows by the direct enactment of Congress and the force of section 1891, above quoted, that the Constitution has the same force and effect within the Territory of Alaska as elsewhere within the United States. Fortunately, again, we are not left in any doubt upon this point, for in the case of Rasmussen *v.* United States (197 U. S., 516) the Supreme Court, upon a most careful examination of the question, decided that—

Under the treaty with Russia ceding Alaska, and the subsequent legislation of Congress, Alaska has been incorporated into the United States, and the Constitution is applicable to that Territory.

The court held that the Constitution had been extended to Alaska, but declined to admit that the result was due solely to the force of the act of Congress as expressed in section 1891, saying:

Without attempting to examine in detail the opinions in the various cases, in our judgment it clearly results from them that they substantially rested upon the proposition that where territory was a part of the United States the inhabitants thereof were entitled to the guaranties of the fifth, sixth, and seventh amendments, and that the act or acts of Congress purporting to extend the Constitution were considered as declaratory merely of a result which existed independently by the inherent operation of the Constitution.

The Constitution, then, was extended to Alaska by its own inherent operation when Alaska became incorporated into and a part of the United States, and section 1891, Revised Statutes, was merely declaratory of the rule.

It is not necessary to cite other authorities or argument to demonstrate that—

1. Alaska is one of the Territories of the United States.
2. It is an organized Territory.
3. The Constitution of the United States extends over it.
4. It is incorporated into the United States.
5. It occupies the identical plane of relationship to the United States and to the several States that Arizona and New Mexico do.
6. The treaty of cession pledged the United States that the inhabitants thereof "shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States," and therefore.
7. In the natural course of events, when its territory shall be settled and organized and when its growth and permanent development shall make it desirable, one or more sovereign States will be organized out of the Territory of Alaska and admitted into the Union.

EXTENSION OF REPUBLICAN INSTITUTIONS.

In Alaska, then, we find a great Territory, equal in extent to one-sixth of the whole area of the United States, now a part of the body of our Nation, entitled to all those constitutional rights which every other American Territory has received, and dedicated to constitutional freedom. Without Alaska shall be ceded to a foreign nation by the United States, it must inevitably continue to be developed, guided, and controlled by its people, under the Constitution of the United States, until finally it shall become one (or more) of the sovereign States in the American Union. That result can not finally be avoided, though it may long be delayed by the refusal of Congress to give its active aid and assistance to bring it to fruition.

Sumner and Seward, and that group of statesmen which represented the ideas of their great leader, Abraham Lincoln, clearly foresaw the strategic and material value of the Territory to the United States and intended that Alaska should become a member of the family of the United States upon exact constitutional equality with every other member thereof. The Supreme Court of the United States has clearly, forcefully, and finally determined that their efforts were effectual.

William H. Seward, Secretary of State, who signed the emancipation proclamation with Abraham Lincoln, wrote the treaty by which the United States acquired Alaska. The third article of that treaty was drawn from and based upon similar articles in the Louisiana, Florida, and Mexican treaties, all of which gave national pledges that the territory thereby included within the extended dominion of the United States should be created into sovereign States and admitted, as soon as may be, into the Union of the United States. Alaska has the same pledge for the establishment of a republican form of government that lies at the foundation of every State government west of the Mississippi River.

In his great speech, delivered in the United States Senate on May 28, 1867, urging the immediate ratification of the treaty for the acquisition of Russian America, Charles Sumner, the Senator from Massachusetts, in chaste and beautiful language expressed the purpose of the United States in thus acquiring and extending their dominion over Alaska. His words are so fraught with meaning and importance to my Territory that I shall quote them in full:

More than the extension of dominion is the extension of republican institutions, which is a traditional aspiration. It was in this spirit that independence was achieved. In the name of human rights our fathers overthrew the kingly power, whose representative was George the Third. They set themselves openly against this form of government. They were against it for themselves, and offered their example to mankind. They were Roman in character, and turned to Roman lessons. With a cynical austerity the early Cato said that the kings were "carniverous animals," and at his instance the Roman Senate decreed that no king should be allowed within the gates of the city. A kindred sentiment, with less austerity of form, has been received from our fathers; but our city can be nothing less than the North American continent with its gates on all the surrounding seas.

John Adams, in the preface to his Defense of the American Constitution, written in London, where he resided at the time as minister, and dated January 1, 1787, at Grosvenor Square, the central seat of aristocratic fashion, after exposing the fabulous origin of the kingly power in contrast with the simple origin of our republican institutions, thus for a moment lifts the curtain of the future: "Thirteen governments," he said plainly, "thus founded on the natural authority of the people alone, and without any pretense of miracle or mystery, and *which are destined to spread over the northern part of that whole quarter of the globe*, is a great point gained in favor of the rights of mankind." (John Adams's works, vol. 4, p. 293.) Thus, according to this prophetic minister, even at that early day was the destiny of the Republic manifest. It was to spread over the northern part of the American quarter of the globe; and it was to be a support to the rights of mankind.

By the text of our Constitution the United States are bound to guarantee a "republican form of government" to every State in this Union; but this obligation, which is only applicable at home, is an unquestionable indication of the national aspiration everywhere. The Republic is something more than a local policy; it is a general principle, not to be forgotten at any time, especially when the opportunity is presented of bringing an immense region within its influence. Elsewhere it has for the present failed, but on this account our example is more important. Who can forget the generous lament of Lord Byron, whose passion for freedom was not mitigated by his rank as an hereditary legislator of England, when he exclaims in memorable verse:

"The name of commonwealth is past and gone
O'er the three fractions of the groaning globe."

Who can forget the salutation which the poet sends to the "one great clime," which, nursed in freedom, enjoys what he calls "the proud distinction" of not being confounded with other lands—

"Whose sons must bow them at a monarch's motion,
As if his senseless scepter were a wand."

The present treaty is a visible step in the occupation of the whole North American Continent. As such it will be recognized by the world and accepted by the American people. But the treaty involves something more. By it we dismiss one more monarch from this continent. One by one they have retired; first France, then Spain, then France again, and now Russia, all giving way to that absorbing unity which is declared in the national motto, "E pluribus unum."

Seward wrote the Nation's pledge for the extension of republican government to Alaska; Sumner announced, amplified, and successfully defended it before the Senate; the Supreme Court of the United States has affirmed and applied it in many de-

cisions; it is now the duty of the Congress of the United States to recognize and carry it into execution.

A CENTURY OF SERVITUDE TO RUSSIA.

Even if it be conceded that Alaska, as soon as may be, is entitled to have a republican form of government organized within its borders, it must also be conceded that Congress would not be justified in establishing it there until by sufficient population and other development of its resources the people would be benefited thereby. That concession requires those who are urging upon Congress the necessity for such action at this time to demonstrate that the time has arrived when Alaska has reached that period of development. Undoubtedly, as Senator Sumner so forcibly declared, the principle upon which the right of the people to a republican form of government is based was extended to Alaska at the moment of its incorporation into the political body of the United States; but as a practical matter Congress must determine, in its discretion, when the time shall arrive to move forward along the line of the principle and erect the framework of the government. If that time has arrived, as I think it has, Congress should act in compliance with the existing principle and enact the necessary legislation.

The time had not arrived in 1867. The vital principle upon which a republican form of government is based had no existence in the autocratic system which governed the Russian Empire.

Before Thomas Jefferson became President of the United States, and in 1799 Alaska and all its resources were leased by the Czar of all the Russias to the Russian-American Co. While it had been previously explored and its resources prospected by hardy and independent traders and subjects of the Czar, while they had blazed the trails and located the natural wealth of the land and the sea, this first leasing bill destroyed their pioneer rights and compelled them to return to Siberia in despair or to accept such employment as the company might give its serfs, at such wages as it pleased to bestow.

Again, 20 and 40 years later, he extended the lease, and that fur-trading monopoly was the ruler of the land and sea until in 1867 the United States purchased the Territory for $7,200,000. The conditions prevailing there in 1867 demonstrated that an autocratic leasing system, based upon a Government monopoly, had failed in a century of trial to create such a development in population and trade as to justify the United States in supplanting it with even the simple expedient of an American Territorial government. In his faithful photographic review of the conditions existing in Alaska when the United States acquired it in 1867, Senator Sumner declared:

These general considerations are reenforced when we call to mind the little influence which Russia has thus far been able to exercise in this region. Though possessing dominion over it for more than a century, this gigantic power has not been more genial or productive there than the soil itself. Her government there is little more than a name or a shadow. It is not even a skeleton. It is hardly visible. Its only representative is a fur company, to which has been added latterly an ice company. The immense country is without form and without light, without activity and without progress. Distant from the imperial capital and separated from the huge bulk of Russian Empire, it does not share the vitality of a common country. Its life is solitary and feeble. Its settlements are only encampments or lodges. Its fisheries are only a petty perquisite, belonging to local or personal adventurers rather than to the commerce of nations.

A CONTRAST—RUSSIAN POWER V. AMERICAN PRINCIPLE.

It ought to be a matter of profound satisfaction to every advocate of the principle of free government to compare the Alaska of to-day, after less than 45 years of American effort, with the photographic sketch of its century of stagnation and failure under Russian autocracy, just quoted from Senator Sumner's masterly description. I present that contrast with pride in the marvelous achievements of my constituents and countrymen, with renewed fealty to the principles of free government which made it possible for them to accomplish the work, and with the hope that the Members of this House will share that just pride with me and give such further aid to the continued growth of our institutions there as will result from the passage of the pending bill.

Before entering upon a discussion of the trade and commerce of Alaska, as shown upon the charts and statistical tables which I now exhibit to the House, I wish to refer to the concluding remarks of the Massachusetts Senator in urging the United States Senate to ratify the treaty for the purchase of Alaska. After having suggested to the Senate some of the labors necessary to the creation of a commonwealth in Alaska, and after having pointed out the necessity for a coast and geodetic survey of her waters and shores and an examination of her fisheries and mineral resources, he concluded his great oration with these words, which ought to be emblazoned in letters of gold upon Alaska's monument to Charles Sumner:

But your best work and most important endowment will be the republican government which, looking to a long future, you will organize, with schools free to all, and with equal laws before which every citizen will stand erect in the consciousness of manhood. Here will be a motive power without which coal itself will be insufficient. Here will be a source of wealth more inexhaustible than any fisheries. Bestow such a government and you will bestow what is better than all you can receive, whether quintals of fish, sands of gold, choicest furs, or most beautiful ivory.

Permit me now to call your attention to this map of the northern parts of America and Asia. It correctly delineates the positions of the northern parts of the American Continent in their relation to Siberia, Japan, China, and the Philippine Islands, and you will notice that Alaska occupies the midposition between them. Your attention is called to the fact that Alaska is on the North Pacific steamship route from Panama, San Francisco, Seattle, Vancouver, and Prince Rupert to the Orient. A careful study of the situation must demonstrate that Alaska not only occupies a strategic position in respect to the trade and commerce between the United States and the Orient, but also in respect to military and naval affairs in the north Pacific Ocean, since the most direct route from San Francisco and Seattle to Yokohama and the Philippine Islands passes the southern coasts of Alaska. Alaska must be the base of supplies, the coaling station and harbor for our fleet in the North Pacific. I call your attention to the fact that from San Francisco to Yokohama via the coast of Alaska is but 4,470 miles, while from San Francisco to Yokohama via the Hawaiian Islands is 5,540 miles, or more than a thousand miles greater than the Alaskan route.

Mr. Chairman, I desire now to call to the attention of the House some of the great resources of Alaska. We have a population of 36,347 white people in Alaska, according to the census, but really more than 40,000 white people. Considered from the amount of trade originating in Alaska, these 40,000 white people are the most valuable in the United States trade territory.

I call your attention to the statistics of Alaska fisheries. Alaska has the richest fisheries in the world. The chart which I now exhibit shows the total pack of canned salmon on the Pacific coast from 1864 to 1911:

Pack (cases) of canned salmon on the Pacific coast, by years and waters, 1864 to 1911.

[A case contains 48 one-pound cans.]

Year.	Washington.	Columbia River.	Coastal streams of Oregon.	California.	Alaska.	British Columbia.	Total.
1864	.....	.....	.....	2,000	.....	.....	2,000
1865	.....	.....	.....	2,000	.....	.....	2,000
1866	.....	4,000	.....	.....	.....	.....	4,000
1867	.....	18,000	.....	.....	.....	.....	18,000
1868	.....	28,000	.....	.....	.....	.....	28,000
1869	.....	100,000	.....	.....	.....	.....	100,000
1870	.....	150,000	.....	.....	.....	.....	150,000
1871	.....	200,000	.....	.....	.....	.....	200,000
1872	.....	250,000	.....	.....	.....	.....	250,000
1873	.....	250,000	.....	.....	.....	.....	250,000
1874	.....	350,000	.....	2,500	.....	.....	352,500
1875	.....	375,000	.....	3,000	.....	.....	378,000
1876	.....	450,000	.....	10,000	.....	7,247	467,247
1877	5,500	380,000	7,804	30,000	.....	58,387	481,691
1878	5,658	460,000	16,634	48,974	8,159	89,946	629,191
1879	1,300	480,000	8,571	13,855	12,530	61,003	577,349
1880	5,100	530,000	7,772	75,750	6,539	61,849	687,010
1881	8,500	550,000	12,320	181,200	8,977	169,576	930,573
1882	7,900	541,300	19,186	200,000	21,745	240,461	1,030,592
1883	1,500	629,400	16,156	123,000	48,337	163,438	981,831
1884	5,500	620,000	12,376	81,450	64,889	123,706	907,918
1885	12,000	553,800	9,310	90,000	83,415	108,517	857,042
1886	17,000	448,500	49,147	39,300	142,065	152,964	848,976
1887	22,000	356,000	73,996	36,500	206,677	204,083	899,256
1888	81,475	372,477	92,863	74,822	412,115	184,040	1,217,792
1889	11,674	309,885	98,800	57,300	719,196	417,211	1,614,066
1890	8,000	435,774	47,009	25,065	682,591	411,257	1,609,696
1891	29,029	398,953	24,500	10,353	801,400	314,511	1,578,746
1892	57,426	487,338	83,600	2,281	474,717	248,721	1,354,083
1893	127,969	415,876	52,778	26,436	643,654	610,202	1,876,915
1894	131,900	490,100	54,815	31,663	686,440	492,232	1,887,150
1895	214,017	634,696	77,878	29,035	626,530	587,692	2,169,848
1896	241,879	481,697	87,300	13,387	966,707	617,782	2,408,812
1897	536,926	552,721	60,158	38,543	909,078	1,027,183	3,124,609
1898	433,720	487,944	75,679	29,731	965,097	492,551	2,484,722
1899	965,165	332,774	82,041	34,180	1,078,146	765,519	3,257,825
1900	526,550	358,772	12,237	39,304	1,548,139	606,540	3,091,542
1901	1,456,090	390,183	58,618	17,500	2,016,804	1,247,212	5,186,407
1902	652,651	317,143	44,236	16,543	2,536,824	627,161	4,194,558
1903	484,378	339,577	54,361	8,200	2,246,210	473,847	3,607,073
1904	345,447	395,104	98,874	17,807	1,953,756	465,894	3,276,882
1905	1,055,641	397,273	89,055	2,780	1,894,516	1,167,822	4,607,087
1906	467,042	394,898	107,332	.....	2,219,044	629,460	3,817,776
1907	725,462	324,171	79,712	.....	2,169,873	547,459	3,846,677
1908	483,222	253,341	52,478	.....	2,606,973	566,303	3,962,317
1909	1,664,760	274,087	58,169	5,633	2,395,477	993,060	5,391,185
1910	633,521	391,415	103,617	14,016	2,413,054	760,830	4,316,453
1911	1,644,550	543,331	153,828	11,746	2,820,066	948,965	6,122,483
Total	13,070,452	17,503,530	1,983,770	1,445,674	36,389,737	16,644,721	87,037,884
Per cent of total	15.02	20.11	2.28	1.66	41.81	19.12	.....

I call your attention to the fact that out of the 87,037,884 cases of salmon canned upon the Pacific coast since 1864 only 15.02 per cent were canned in the State of Washington, 20.11 per cent on the Columbia River, 2.28 per cent in Oregon, 1.66 per cent in California, 19.12 per cent in British Columbia, and 41.81 per cent were canned in Alaska. The salmon of Alaska are more valuable, too, in proportion to the pack than in any of the other districts on account of the fact that Alaska produces a larger proportion of the higher grade fish.

Mr. YOUNG of Kansas. Mr. Chairman, I want to make a suggestion to the gentleman before he leaves the question of fisheries.

The CHAIRMAN. Does the gentleman from Alaska yield to the gentleman from Kansas?

Mr. WICKERSHAM. Yes.

Mr. YOUNG of Kansas. The gentleman did not give the value of fisheries production for the last year and the year before?

Mr. WICKERSHAM. No; I have not done so yet.

Mr. YOUNG of Kansas. I have it here for the last two years, and I would like to suggest it. In 1910 there was taken from the Alaska salmon fisheries alone $11,086,322, and in 1911 $14,593,237.

Mr. WICKERSHAM. Yes; and in the same year, when Alaska produced $14,593,237 worth of fish, the Newfoundland bank fisheries landed at Gloucester and Boston were of the value of only $4,833,341.

I now exhibit another table showing the value of the sea and fur products and mineral production of Alaska from 1880 to 1911, inclusive, and I call your attention to the fact that during that period the miners of Alaska have extracted from the earth more than $195,000,000 in gold and more than $206,000,000 in mineral products. I then call your attention to the output of our fisheries, $222,710,036, and the total sum of our sea and fur products and minerals, which is the enormous sum of $429,523,630.

Value of the output of sea, fur, and mineral products from Alaska, 1868 to 1911, inclusive.

Year.	Sea and fur products.						Mineral products.						Grand total.
	Fur-seal skins.	Aquatic furs, except seals.[1]	Furs of land animals.	Walrus and whalebone products.	Fishery products.	Total.	Gold.	Silver.	Copper.	Gypsum, marble, and tin.	Coal.	Total.	
1868	$708,734	$446,245			$306,638	$1,461,617							$1,461,617
1869	653,113	446,245			276,630	1,375,993							1,375,993
1870	188,126	446,245			263,648	898,019							898,019
1871	1,584,986	437,555	$61,012		175,268	2,258,821							2,258,821
1872	1,531,580	437,555	281,838		157,300	2,108,273							2,108,273
1873	1,430,307	437,555	127,478		101,200	2,105,540							2,105,540
1874	1,498,176	437,555	129,149		116,182	2,181,062							2,181,062
1875	1,402,662	437,555	135,931		137,646	2,113,794							2,113,794
1876	857,203	437,555	189,203		231,201	1,715,462							1,715,462
1877	853,283	437,555	150,340		122,700	1,563,878							1,563,878
1878	1,110,145	437,555	149,394		184,422	1,881,516							1,881,516
1879	2,451,954	437,555	171,200		246,399	3,307,108							3,307,108
1880	2,465,539	437,555	200,651		179,200	3,282,946	$20,000		$826			$20,826	3,303,772
1881	2,167,172	523,205	152,664		168,008	3,011,049	40,000					40,000	3,051,049
1882	1,436,906	523,205	128,952		257,111	2,346,174	150,000					150,000	2,496,174
1883	1,710,580	523,205	179,148		467,692	2,880,625	301,000	$11,146				312,146	3,192,771
1884	1,454,650	523,205	209,710		560,145	2,747,710	201,000					201,000	2,948,710
1885	1,641,101	523,205	256,217		527,679	2,948,202	300,000					300,000	3,248,202
1886	1,987,793	523,205	266,134		746,186	3,523,318	446,000					446,000	3,969,318
1887	1,716,476	523,205	258,604		917,007	3,445,292	675,000					675,000	4,120,292
1888	2,298,204	523,205	232,185		1,447,478	4,501,072	850,000	2,181				852,181	5,353,253
1889	2,035,005	523,205	201,940		2,352,652	5,203,402	900,000	7,490				907,490	6,110,892
1890	1,673,757	523,205	294,562		2,360,500	4,852,024	762,000	6,071				768,071	5,620,095
1891	1,370,376	86,225	265,010		2,756,742	4,478,353	900,000	7,920				907,920	5,386,273
1892	1,018,184	86,225	286,768		1,784,510	3,175,687	1,080,000	7,000				1,087,000	4,262,687
1893	584,680	86,225	287,294		2,322,308	3,380,507	1,038,000	6,570				1,044,570	4,425,077
1894	859,259	86,225	383,235		2,486,852	3,815,571	1,282,000	14,257				1,296,257	5,111,828
1895	877,614	86,225	367,615		2,123,107	3,454,561	2,328,500	44,222				2,372,722	5,827,283
1896	872,454	86,225	227,432		3,120,844	4,306,955	2,861,000	99,087			$84,000	3,044,087	7,351,042
1897	455,758	86,225	144,048		3,132,976	3,819,007	2,439,500	70,741			28,000	2,538,241	6,357,248
1898	474,320	86,225	81,372		3,429,529	4,071,446	2,517,000	54,575			14,000	2,585,575	6,657,021
1899	787,334	86,225	45,724		3,749,110	4,668,393	5,602,000	84,276			16,800	5,703,076	10,371,469
1900	1,282,096	86,225	147,633		5,303,294	6,819,248	8,166,000	45,494			16,800	8,228,294	15,047,542
1901	1,137,611	37,167	243,784		6,685,262	8,103,824	6,932,700	28,598	40,000		15,600	7,016,898	15,120,722
1902	1,160,306	37,167	240,589		8,310,304	9,748,366	8,283,400	48,590	41,400		19,048	8,392,438	18,140,804
1903	1,066,254	37,167	287,013		7,505,245	8,895,679	8,683,600	77,843	156,000		9,782	8,927,225	17,822,904
1904	620,940	37,167	126,829		6,458,585	7,243,521	9,160,000	114,934	275,676		7,225	9,557,835	16,801,356
1905	762,120	[2] 232,230	182,326	[2] $910,959	7,908,243	9,995,878	15,630,000	80,165	749,617		13,250	16,473,032	26,468,910
1906	756,757	30,369	108,049	196,838	8,524,372	9,616,385	22,036,794	136,345	1,133,260		17,974	23,324,373	32,940,758
1907	851,427	23,351	231,747	373,543	9,518,918	10,998,986	19,349,743	98,857	1,261,757	$125,644	53,600	20,889,601	31,888,587
1908	822,970	31,828	323,480	148,382	11,140,161	12,466,821	19,292,818	71,906	605,267	141,348	14,810	20,126,149	32,592,970
1909	[4] 601,506	69,508	[5] 318,605	194,073	10,422,169	11,287,256	20,411,716	76,934	536,211	168,747	12,300	21,205,908	32,493,164
1910	[4] 473,207	111,790	[5] 318,605	136,791	12,650,191	13,371,979	16,126,749	85,239	538,695	169,626	15,000	16,935,309	30,307,288
1911	[4] 432,913	39,733	313,730	114,877	16,377,463	17,278,716	[5] 17,150,000	[5] 220,000	2,898,885	215,485	[3]	20,484,370	37,763,086
Total	51,835,143	12,496,063	8,350,290	2,075,463	147,953,077	222,710,036	195,916,320	1,500,441	8,237,594	820,850	338,189	206,813,594	429,523,630

[1] The following data of the Bureau of Fisheries with respect to aquatic furs have been distributed by annual averages: 1868–1870, $1,338,735; 1871–1880, $4,375,551; 1881–1890, $5,232,050; 1891–1900, $862,250; 1901–1904, $148,668.

[2] Includes hair seal, 1868–1905, which can not be accurately distributed by years.

[3] 1868–1905.

[4] Product of seal islands only.

[5] Estimated.

Mr. MANN. Mr. Chairman, will the gentleman yield to a question?

The CHAIRMAN. Does the gentleman from Alaska yield to the gentleman from Illinois?

Mr. WICKERSHAM. With pleasure.

Mr. MANN. Under the provisions of this bill would the Territorial legislature have any jurisdiction over the matter of game and fisheries?

Mr. WICKERSHAM. Undoubtedly, except as it might come in conflict with an act of Congress.

Mr. MANN. Does not the bill expressly provide that if it does come in conflict with the act of Congress, the Territorial legislature may repeal the act of Congress.

Mr. WICKERSHAM. Not at all.

Mr. MANN. I am glad to hear the gentleman's opinion about that, although that is very plainly in the bill.

Mr. WICKERSHAM. I do not think a Territorial legislature could be given power to control Congress or repeal its legislation.

Mr. MANN. Not without authority, but the express authority is given in this bill to repeal an act of Congress.

Mr. WICKERSHAM. Congress passed a criminal code for Alaska in 1899 and a civil code in 1900, a class of legislation never before given to a Territory by the Congress, and it is necessary for the Alaska Legislature to have authority to change, correct, or amend those codes. It is an unusual situation.

Mr. MANN. Very likely that is true, but what I wanted to know was whether under the provisions of this bill the practical power of Congress over the protection of the game and fisheries of Alaska is not turned over to the Territorial legislature, so that we practically have nothing further to do with it.

Mr. WICKERSHAM. Of course Congress can pass any law it sees fit upon both those subjects, and such a law passed by Congress would be paramount.

Mr. MANN. Does the gentleman believe that the legislature of Alaska is as likely to conserve the game and fisheries of Alaska as is Congress? I will not ask the gentleman that question——

Mr. WICKERSHAM. I wish the gentleman would ask me that question.

Mr. MANN. He will say that the Territorial legislature is as likely to conserve the game and fisheries of Alaska as is Congress.

Mr. WICKERSHAM. I certainly do say so.

Mr. MANN. I suppose the gentleman will say that they would also conserve the land and the coal as well as Congress would.

Mr. WICKERSHAM. I might even say that.

Mr. SAMUEL W. SMITH. What is a fair average price for these agricultural lands which you say are valuable for the raising of oats and potatoes?

Mr. WICKERSHAM. There is no price except that fixed by the Government. There is an act of Congress giving settlers in Alaska the right to locate 320 acres each for a homestead, and any man the head of a family may go to Alaska and locate upon and acquire 320 acres of this land without price, except the price which he pays at the land office—$1.25 or $2.50 an acre.

Now, I call the attention of the House to a statement of the amount of money which the people of the Territory of Alaska have paid in to the Government of the United States by way of internal revenue, customs, and public lands, and all other items. It amounts to $14,792,000.

The United States, dr., to Alaska. Statement of Government revenues from Alaska under specified heads during years ended June 30, from 1869 to 1911, inclusive.

Year.	Internal revenue.[1]	Customs.	Public lands.	Tax on seal-skins.	Rent of seal islands.	Alaska fund.[2]	Agricultural experiment station.	Miscellaneous.	Total.
1869		$18,504.30						$316.72	$18,821.02
1870		4,655.22						12,997.82	17,653.04
1871		4,097.47		$101,080.00				1,159.27	106,336.74
1872		1,019.94		322,863.38				1,800.74	325,684.06
1873				252,181.12	$55,000.00			671.53	307,852.65
1874		221.93		272,081.25	55,000.00			37,915.78	365,318.96
1875		405.89		262,494.75	55,000.00			1,037.92	318,938.56
1876				262,584.00	55,000.00			366.48	317,950.48
1877		$0.54		236,155.50	55,000.00			380.55	291,536.59
1878		4,815.75		198,255.75	55,000.00			1,264.63	259,336.13
1879		437.18		262,447.50	55,000.00			403.38	318,288.06
1880		1,950.50		262,400.25	55,000.00			836.31	320,187.06
1881		2,188.63		262,594.50	55,000.00			514.78	320,297.91
1882		1,046.66		261,885.75	55,000.00			741.89	318,674.30
1883		2,856.52		262,295.25	55,000.00			1,587.03	321,738.80
1884		645.40		196,875.00	55,000.00			919.56	253,439.96
1885		298.09		262,400.25	55,000.00			469.98	318,168.32
1886		1,276.42		262,489.50	55,000.00			[3] 2,043.74	320,809.66
1887		3,262.56	$375.00	262,452.75	55,000.00			1,556.73	322,647.04
1888		2,338.44		262,500.00	55,000.00			1,727.50	321,565.94
1889		5,037.36	2,610.00	262,500.00	55,000.00			2,701.29	327,848.65
1890	$1,961.55	6,926.83	750.00	262,500.00				18,862.32	291,000.70
1891	2,917.33	3,256.17	2,661.00	214,673.88	55,000.00			23,863.77	302,372.15
1892	3,576.00	5,831.03	420.00	46,749.23				3,950.59	60,526.85
1893	2,714.53	6,723.33	515.00	23,972.60				7,301.22	41,226.68
1894	2,111.50	16,322.00	2,730 47	96,159.82	500.00			6,435.59	124,259.38
1895	2,788.00	12,480.68	985.00	163,916.97	700.00			8,647.06	189,517.71
1896	3,682.58	8,335.58	550.00	153,375.00	1,100.00			8,948.44	175,991.60
1897	7,261.68	10,858.80	345.00	306,750.00	1,100.00			9,745.52	336,061.00
1898	15,946.21	35,586.60	135.00	212,332.35	700.00			19,338.20	284,038.36
1899	23,900.60	47,979.86	591.00	184,377.20	900.00			44,546.87	302,295.53
1900	13,601.96	57,623.62	2,376.32	224,476.47	1,200.00			195,658.85	494,937.22
1901	19,725.02	86,593.15	1,889.66	229,755.75	2,900.00			182,750.20	523,022.78
1902	23,281.17	62,682.47	5,819.96	231,821.20				150,720.29	474,325.09
1903	17,494.58	70,938.66	2,286.56	286,133.40	100.00			126,956.92	503,910.12
1904	16,656.86	44,996.52	5,739.82	197,260.70	200.00			260,539.55	525,393.45
1905	18,419.84	133,978.25	9,686.37	134,233.80	200.00	$40,172.23	$300.31	122,308.32	459,299.12
1906	18,348.66	77,878.45	13,818.32	146,912.80	100.00	160,660.28	350.70	115,492.64	533,561.85
1907	18,544.16	98,449.46	54,195.21	148,017.10	100.00	164,656.14	4,796.28	91,418.88	580,177.23
1908	15,723.95	70,439.73	17,182.83	153,006.90	100.00	205,773.63	1,446.39	116,032.52	579,705.95
1909	18,217.40	67,025.79	79,116.26	153,375.00	(4)	155,305.26	1,154.84	107,185.81	581,380.36
1910	20,332.93	56,348.23	131,264.05	153,375.00	(4)	260,040.26	866.42	112,374.21	734,601.10
1911	23,035.24	45,016.22	136,657.91	403,946.94		175,490.59	2,536.41	114,561.70	901,166.01
Total	290,241.75	1,081,430.23	472,621.74	8,855,658.61	900,900.00	1,162,098.39	11,451.35	1,919,062.10	14,792,464.17

[1] The Territory of Alaska was attached to the District of Oregon, Dec. 27, 1872, and on Sept. 1, 1883, Washington and Oregon were consolidated; again on Sept. 1, 1903, Washington and Alaska were detached from the District of Oregon and made a separate district.
[2] Act of Jan. 27, 1905. [3] Forfeiture for taking seals unlawfully, included, $1,000. [4] Included under "Tax on sealskins."

Mr. NYE. In what length of time?

Mr. WICKERSHAM. Since 1867. This includes the amounts paid for customs, internal revenue, public lands, tax on sealskins, rent of seal islands, Alaska fund, and miscellaneous, and the total is $14,792,464.17, but this does not include the sum paid to the United States for telegraph tolls upon lines which are charged against Alaska. That gives us a further credit of about $2,000,000.

Mr. AUSTIN. What about the timber resources of Alaska?

Mr. WICKERSHAM. We have bodies of timber in southeastern Alaska—cedar, spruce, and other varieties of that kind—but in the central part of Alaska we only have spruce trees of merchantable size, and at Fairbanks we have sawmills, sash and door factories, and shops for the manufacture of such carpentry as we need in that country.

I now call your attention to the trade and commerce of Alaska, and those of you who have any interest in the growth and development of the trade and commerce of the United States ought to consider that with Alaska. It is supposed by some uninformed persons that there is nothing in Alaska except ice fields, and that it has no trade or commerce of any kind, but I now inform the House that Alaska has a greater trade with the United States than 43 other countries of the world.

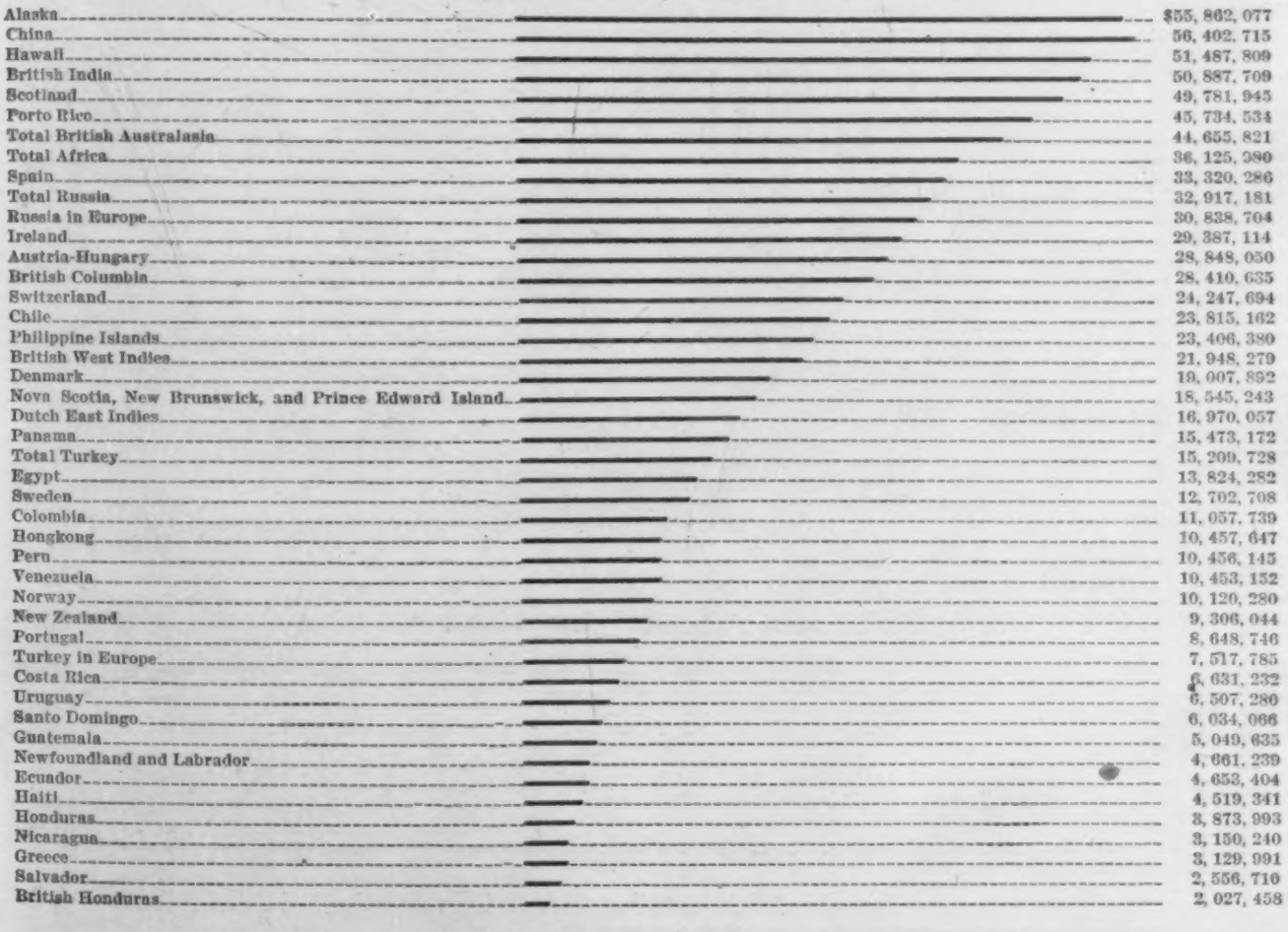
Comparative statement of the total commerce of Alaska and the commerce of specified insular possessions and foreign countries with the United States during years ended June 30, from 1904 to 1911, inclusive.

Countries.	1904	1905	1906	1907	1908	1909	1910	1911	Average.
Alaska	$49,244,606	$56,633,701	$55,873,942	$65,207,986	$47,950,373	$55,840,971	$60,220,132	$55,924,404	$55,862,077
Europe:									
Scotland	51,526,053	42,118,601	51,394,833	55,362,547	50,367,896	47,480,827	48,753,807	51,250,997	49,781,945
Spain	24,108,517	25,824,981	29,788,989	34,757,049	36,059,091	33,756,067	37,417,681	44,849,914	33,320,286
Russia in Europe	30,838,222	28,340,284	29,538,475	36,337,593	37,455,798	26,684,746	32,986,084	34,528,431	30,838,704
Ireland	31,382,909	24,411,264	31,635,870	29,886,595	28,346,013	29,224,579	30,651,469	29,558,214	29,357,114
Austria-Hungary	18,597,971	22,176,950	28,755,452	31,145,814	31,600,397	29,063,290	32,371,641	36,472,886	28,848,050
Switzerland	19,805,695	20,662,055	23,820,608	27,443,053	25,344,876	24,582,228	25,965,929	26,357,107	24,247,694
Denmark	14,746,357	15,890,318	24,200,589	24,510,934	22,814,634	19,147,521	15,843,237	14,909,550	19,007,892
Sweden	9,715,803	10,132,752	11,336,641	13,584,913	14,305,482	11,217,446	12,822,373	16,506,242	12,702,708
Norway	6,883,195	6,625,049	9,148,633	9,477,895	10,510,535	10,449,722	12,501,315	15,365,895	10,120,280
Portugal	7,178,705	8,529,053	6,602,471	9,266,922	8,053,994	10,141,967	9,731,588	9,685,268	8,648,746
Turkey in Europe	4,351,948	5,700,740	7,382,967	8,064,360	5,972,533	3,289,717	10,302,937	10,076,581	7,517,785
Greece	1,831,175	1,432,762	2,272,134	4,720,848	4,310,470	3,619,499	3,072,675	3,760,369	3,129,991

Comparative statement of the total commerce of Alaska and the commerce of specified insular possessions and foreign countries with the United States during years ended June 30, from 1904 to 1911, inclusive—Continued.

Countries.	1904	1905	1906	1907	1908	1909	1910	1911	Average.
North America:									
Porto Rico	$22,932,886	$29,607,215	$38,367,342	$47,756,418	$48,568,637	$50,012,857	$39,193,551	$69,437,367	$45,734,534
British Columbia	22,127,858	22,625,068	26,426,296	27,516,289	28,626,118	29,065,151	32,439,438	38,458,835	28,410,635
British West Indies	17,910,991	20,467,310	19,965,907	22,946,991	24,604,735	23,125,673	22,432,646	24,131,980	21,948,279
Nova Scotia, New Brunswick, and Prince Edward Island	16,318,976	15,127,141	17,528,051	18,498,417	19,083,000	18,606,375	21,482,526	21,717,457	18,545,243
Panama	1,420,471	5,558,716	13,526,176	17,903,267	19,702,010	18,474,524	22,825,560	24,374,654	15,473,172
Costa Rica	5,465,457	6,065,163	6,960,614	7,436,020	7,101,900	5,017,090	6,691,806	8,311,792	6,631,232
Santo Domingo	4,429,186	6,330,998	5,104,589	5,880,716	7,286,937	6,233,200	5,569,118	7,437,782	6,034,066
Guatemala	3,883,133	5,736,175	6,294,982	6,721,402	4,120,867	4,854,645	3,791,570	4,994,257	5,049,635
Newfoundland and Labrador	3,794,073	3,633,634	4,329,241	4,398,608	4,756,808	5,067,718	5,304,490	5,985,317	4,661,239
Haiti	3,808,873	3,308,730	4,493,317	4,190,782	4,338,217	4,463,306	5,289,028	6,172,474	4,519,341
Honduras	3,575,368	3,841,657	3,357,116	4,129,612	4,637,065	3,650,384	3,617,718	4,783,023	3,873,993
Nicaragua	3,416,489	3,458,433	3,349,260	2,951,277	2,735,711	2,360,098	3,012,559	3,918,091	3,150,240
Salvador	1,885,580	2,431,595	2,533,010	2,774,353	2,339,012	2,432,272	2,493,350	3,564,505	2,556,710
British Honduras	1,706,983	1,591,360	1,893,626	2,035,121	2,036,534	1,930,823	2,278,261	2,746,956	2,027,451
South America:									
Chile	15,600,667	16,462,970	26,612,703	28,482,686	23,972,471	19,178,659	29,225,572	31,985,578	23,815,162
Colombia	12,610,102	9,992,582	10,575,907	9,393,398	9,533,130	10,689,374	11,465,027	13,900,394	11,057,739
Peru	6,861,275	6,810,159	7,288,250	11,033,941	13,630,195	10,944,408	12,169,550	14,911,153	10,456,145
Venezuela	10,043,813	10,323,425	11,292,834	10,876,843	9,281,047	10,881,820	9,498,562	11,426,876	10,453,152
Uruguay	3,779,734	5,149,550	5,617,143	6,573,676	5,233,457	7,087,190	11,686,041	6,931,447	6,507,280
Ecuador	3,713,401	4,252,553	4,642,067	4,785,862	4,310,314	4,580,029	5,075,665	5,867,344	4,653,404
Oceania:									
Hawaii	36,840,648	47,865,235	38,918,874	43,507,538	56,678,660	58,213,723	66,743,366	63,132,828	51,487,809
Philippine Islands	16,899,847	18,858,534	17,797,371	20,171,862	21,625,955	20,623,427	34,150,542	37,123,511	23,406,380
Total British Australasia	34,535,854	38,246,225	40,516,560	49,701,402	49,009,259	46,360,681	52,248,534	46,627,454	44,655,821
New Zealand				10,498,444	9,542,590	8,311,302	9,745,213	8,432,832	9,306,044
Africa:									
Egypt	8,433,201	9,333,240	10,554,749	17,840,783	14,989,434	12,494,648	13,158,953	23,789,249	13,824,282
Total Africa	33,656,902	29,884,225	32,191,075	37,638,492	36,631,240	32,144,061	36,041,119	50,830,727	36,125,980
Asia:									
China	42,027,513	81,237,903	72,305,581	59,141,074	48,364,579	48,218,747	46,310,982	53,515,339	56,402,715
British India	36,224,842	39,727,722	52,961,064	66,317,212	53,703,600	51,919,484	52,881,501	53,366,250	50,887,709
Dutch East Indies	11,935,390	20,132,433	22,341,680	13,442,093	16,277,316	25,590,590	12,893,169	13,147,761	16,970,057
Hongkong	11,977,766	12,321,982	8,873,947	11,072,850	11,104,417	9,036,821	8,798,938	10,474,453	10,457,647
Total Russia:									
Europe and Asia	31,306,575	28,811,412	32,634,226	39,486,537	29,870,340	29,113,825	35,207,023	36,907,511	32,917,181
Total Turkey:									
Europe and Asia	10,697,462	12,083,388	14,514,294	16,360,003	12,732,970	14,947,270	18,711,573	21,630,865	15,209,728

COMPARATIVE DIAGRAM SHOWING TOTAL AVERAGE ANNUAL COMMERCE OF ALASKA AND OTHER SPECIFIED COUNTRIES WITH THE UNITED STATES DURING EIGHT YEARS FROM 1904 TO 1911, INCLUSIVE.



I call your attention to this chart, showing the trade of Alaska for eight years from 1904 to 1911, with an average trade of $55,862,077 per year. I then call your attention to the fact that this statement shows that there are 43 countries of the world whose trade with the United States is less than that of Alaska. Scotland has an average trade of only $49,000,000 per annum, while Spain, Russia in Europe, Ireland, Switzerland, Denmark, Sweden, Norway, Portugal, Turkey in Europe, and Greece each has less trade with the United States than Alaska. Coming to North America, Porto Rico had a trade with the United States for the eight years shown on this chart averaging only $45,734,534, while 13 other North American countries shown below Porto Rico had a less trade with the United States than $28,000,000 each. In South America, Chile, Colombia, Peru, Venezuela, Uruguay, and Ecuador each had a less trade with the United States than Alaska; as a matter of fact, the trade with all of them is a little more than that of Alaska with the United States. Then notice the trade of Hawaii, which averages only $51,487,809 per annum for the last eight years; the Philippine Islands, which averages only $23,406,380 for the last eight years. Total British Australasia is much less than Alaska, while New Zealand is less than one-fifth as much. Alaska has more than twice the trade with the United States that the Philippine Islands have. I call your attention to Africa, where Egypt has less than one-fourth of the trade with the United States that Alaska has, and the whole trade of the Continent of Africa with the United States is nearly $20,000,000 less than the trade of Alaska.

China, with her 450,000,000 people, had a trade with the United States for the eight years shown on this chart averaging $56,402,715, only $600,000 per annum more than that of Alaska. The whole trade of Russia with the United States is less than that of Alaska; the whole trade of Turkey with the United States is less than that of Alaska.

COMPARATIVE DIAGRAM SHOWING TOTAL COMMERCE OF ALASKA AND THAT OF SPECIFIED COUNTRIES.



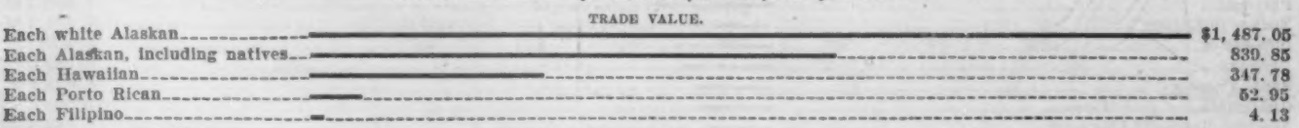
I now call your attention to a comparative diagram showing the total commerce of Alaska and that of specified countries of the world. The total trade and commerce of Alaska for the year 1910 was $60,220,132. Now, this chart shows 27 countries of the world, each of which had a less total trade with the world than Alaska had in the same year. For instance, Peru in 1909 had a total trade with the world of $52,516,000. Greece in 1909 had a total trade with the world of $43,598,000. Colombia, Venezuela, Honduras, Ecuador, Morocco, Guatemala, Panama, and Salvador—each of these countries had a less trade with the world in the year 1910 than Alaska. I call your special attention to this fact that Alaska has a larger total trade with the world than each of these 27 countries, because I wish to refer to the fact that many of them support national governments upon that trade. It is charged against Alaska that she ought not to have an elective territorial legislature, all the expenses of which would be paid by the United States, because she could not maintain a few slight, independent, financial burdens which Territories ordinarily meet. There is nothing in the bill before the House to require Alaska to assume any financial burden whatever, and in view of the fact that the bill does provide that neither the Territory of Alaska nor any municipal division therein can become indebted for any purpose whatever, it is apparent that whatever financial burdens she creates must be met immediately with the cash. If she does not have the money she can not assume the burden. But in view of the fact that Peru, Colombia, Venezuela, Honduras, and these 27 countries of the world, each with a less total trade than Alaska, find themselves able to maintain national as well as municipal governments ought to convince this House that Alaska can raise a small sum of money for the beginning of a territorial government therein.

Of course, it may be said that this great trade and commerce in Alaska is ephemeral and will not continue, but the truth is, and the evidence in the Bureau of Statistics shows it, and these charts drawn therefrom show it, that from 1867 to this moment trade with Alaska has been steadily increasing, notwithstanding the fact that Congress has given little aid, support, or sympathy to that Territory. The trade there is growing year by year, and if Congress would only understand the situation and give the Territory sympathetic development by passing the necessary legislation, that great Territory will continue to increase its trade as the years go on.

Your attention is called to the trade value of white Alaskans in comparison with the trade value of the people of Hawaii, Porto Rico, and the Philippines.

Diagram showing commercial worth to the United States of each inhabitant (according to population census of 1910) of the noncontiguous Territories and insular possessions for the fiscal year 1910.

TRADE VALUE.



COMPARATIVE TRADE VALUE.

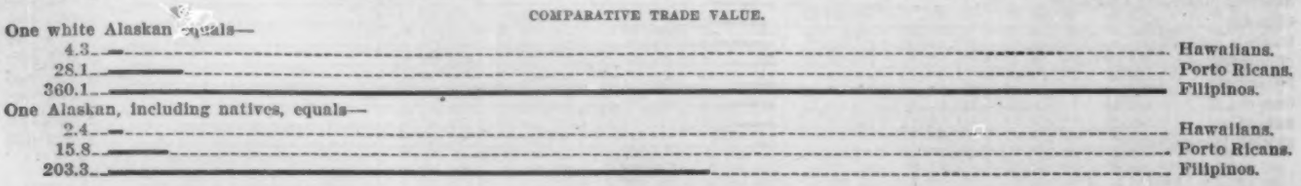
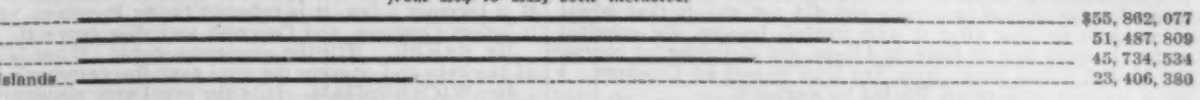


Diagram showing the total average commerce of Alaska and the total average commerce of specified insular possessions with the United States from 1904 to 1911, both inclusive.



Dividing the total trade of Alaska for the year 1910 by the total number of white people shown by the census to inhabit the Territory, it will be found that each white Alaskan in that year was worth $1,487.75 in trade with the United States. If to the white population you add all the Indians—men, women, and children—then each inhabitant in Alaska was worth $839.85. By the same analysis each Hawaiian in 1910 was worth $347.78, each Porto Rican $52.95, and each Filipino only $4.13. In other words, every white man, woman, and child in Alaska was worth 4.3 Hawaiians, or 28 Porto Ricans, or 360 Filipinos.

I now call your attention to the Alaska balance sheet, which shows upon the one hand the total production of Alaska from 1867 to 1911, and upon the other hand the total cash disbursements made by the Government of the United States for every purpose in the Territory of Alaska from the date we purchased it until 1911. We have produced in Alaska from 1867 until 1911, $206,813,594 in minerals, and in sea and fur products the sum of $222,710,036, and we have paid into the Treasury of the United States from customs, internal revenue and license taxes, and other cash items $17,117,354.79, making a total production and export from Alaska into the United States of $446,640,984.79. [Applause.]

Balance sheet of United States in account with Alaska, 1867 to 1911, both inclusive.

Production:		Total cash disbursements:	
Minerals:		Original purchase price	$7,200,000.00
Gold	$195,916,520.00	Treasury, 1867–1911	23,158,120.06
Silver	1,500,441.00	Post Office, 1867–1911	5,458,549.19
Copper	8,237,594.00		
Gypsum	547,345.00		
Marble	185,443.00		
Tin	88,062.00		
Coal	338,189.00		
Seal and fur products—			
Fur-seal skins	51,835,143.00		
Aquatic furs, except seals	12,496,063.00		
Furs of land animals	8,350,290.00		
Walrus products	368,053.00		
Whalebone	1,707,410.00		
Fishery products	147,953,077.00		35,816,674.25
Total cash receipts	17,117,354.79	To balance due Alaska	410,824,310.54
	446,640,984.79		446,640,984.79

On the other side of that balance sheet is the $7,200,000 which the Government of the United States paid to Russia for Alaska; then the Treasury statements for the payments made from 1867 to 1911, inclusive, except the expenses which are in the next item. The total moneys expended by the Government of the United States in Alaska from 1867 to 1911 in maintaining the National Government there, collecting customs and the revenues, maintaining the courts, the fur-seal fisheries, boundary commissions, and generally all items of governmental expense in the Territory of Alaska have amounted only to $35,816,674.25. That leaves a difference between the productions of Alaska and the amount the Government of the United States has expended therein of $410,824,310.54. [Applause.] That is the gross sum which the people—the merchants, banks, and the trade in the United States—have received from Alaska over the sum expended in buying and maintaining that Territory. All that wealth has been produced by Alaskans, who now ask the poor boon of permission to create an agency there in aid of Congress in governing themselves and creating more wealth.

Mr. TILSON. Does that include expenditures made by the War Department for the Army?

Mr. WICKERSHAM. It does for military cables, telegraph lines and roads, but not for military posts and the support of the Army. I have here a statement of the Treasury Department, showing all the items, which has been exhibited to the committee in detail.

Mr. SLAYDEN. What does that $17,117,354.79 include?

Mr. WICKERSHAM. All the receipts of the Government from internal revenues, customs, public lands, moneys paid into the Alaskan fund, and everything of that kind—cash received by the United States from Alaska. Between 1867 and 1911 the merchants and the people of the United States have received in cash, in gold and silver and copper and fish, $410,824,310.54 more than the Government of the United States has actually expended in the Territory of Alaska. I challenge any man in this House to show a better balance sheet for his State than that.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. RAKER. The gentleman has given us a statement of the amount of money received and the amount that the Government has expended for Alaska.

Mr. WICKERSHAM. Yes.

Mr. RAKER. The amount of appropriations, the amount for the post offices, but the gentleman has overlooked entirely the value in land and gold in Alaska, all belonging to the Government of the United States.

Mr. WICKERSHAM. Yes; that is a matter for fair consideration. These 40,000 white people are in Alaska working on your lands. We are developing your country; we are establishing civilization; we are building roads, churches, schools, and all that goes to make life safe and sacred in that Territory; and we are paying the bills ten times over out of our labor. Now, we say to you that we are good American citizens, that there are 40,000 of us who have the ideals of American citizens, and we want to be treated just as other American citizens have been treated in the Territories of the United States. [Applause.] We want to be treated like men who believe in the principles of the Declaration of Independence—like you ought to treat your own brothers and sisters who are engaged in nation building on the distant frontier.

Mr. SAMUEL W. SMITH. Mr. Chairman, is it the gentleman's intention to put into the RECORD in connection with his speech the charts to which he has referred?

Mr. WICKERSHAM. It is.

Mr. Chairman, I shall be very glad to take up the subject of this bill and to answer any inquiry which may be made concerning it. When it was first introduced in this House three years ago I sent 5,000 copies of it out to the people of the Territory of Alaska. It has been published in all of the newspapers of that Territory. Our people are all in favor of it. It has been before both Senate and House committees of Congress for three years. It has been examined in every aspect, and our people are for it. The people of the Pacific coast favor it, and I am satisfied that the Members of this House will pass it.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. RAKER. Outside of the productiveness of Alaska and the benefit it has been to the United States, the purpose of this bill is that these people living in this community may be given an opportunity to pass the laws under which they live and can control and conduct their business. Is not that the main object and purpose of the legislation?

Mr. WICKERSHAM. That is the main purpose and the only purpose of the bill.

Mr. RAKER. And ought not these people to be given an opportunity to pass laws under which they must live and control themselves as the people of any other part of the United States?

Mr. WICKERSHAM Yes. We think so.

Mr. BUTLER. Mr. Chairman, will the gentleman permit a question?

Mr. WICKERSHAM. I will.

Mr. BUTLER. I feel very well satisfied with the presentation the gentleman is making and I know it is very interesting; it has satisfied me thoroughly and I am ready to vote for his bill.

Mr. WICKERSHAM. Thank you, sir. I have not labored in vain.

Mr. BUTLER. But I would like to ask the gentleman whether or not in the third section of this bill there is not authority conferred upon the legislature to repeal the acts of Congress that we passed?

Mr. WICKERSHAM. It is necessary to give the legislature authority to alter, amend, or repeal some of the laws passed by Congress, such as our civil and criminal codes, but there is a special exception in section 3 that this power shall not extend to the customs, internal revenue, postal, or other general laws of the United States.

Mr. BUTLER. I appreciate that. At the same time I understood the gentleman to say, in answer to the gentleman from Illinois, that there was no authority conferred upon this legislature to repeal existing acts of Congress applicable to Alaska.

Mr. WICKERSHAM. I think the legislature does have some proper authority in that respect, and it is necessary. If you created a legislature in Alaska and did not give it that power it could do nothing after it was created, because the criminal and civil codes now in force in Alaska, not including, of course, the United States penal laws, are laws passed by Congress. I think the matter is safely limited by section 3.

Mr. BUTLER. The gentleman appreciates the efforts that have been made by the Government to conserve the property of the Government.

Mr. WICKERSHAM. I do, and I sympathize with them thoroughly.

Mr. BUTLER. I have known the gentleman's position these years we have served together. Is there anything anywhere in this proposed act that would authorize the legislature to change the laws in regard to conservation, so as to interfere with the policy of the Government in any way in that direction?

Mr. WICKERSHAM. I think not.

The CHAIRMAN. The time of the gentleman from Alaska [Mr. WICKERSHAM] has expired.

Mr. BUTLER. Mr. Chairman, the gentleman has been very generous in permitting us to ask him questions. I ask unanimous consent that he may have five minutes——

Mr. MANN. The time is under control and it can be yielded to him.

Mr. FLOOD of Virginia. Does the gentleman desire more time?

Mr. WICKERSHAM. I would like to have 15 minutes, so that I may answer questions.

Mr. FLOOD of Virginia. I yield 15 minutes to the gentleman from Alaska.

Mr. WILLIS. Will the gentleman yield to a suggestion? I want to call his attention to the last section of the bill.

Mr. WICKERSHAM. While that is being done I want to call the attention of the House to the 9th section, as follows:

> The legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States.

After having granted that power, the section proceeds with limitations. The first of those limitations is this one:

> But no law shall be passed interfering with the primary disposal of the soil.

So that the legislature in Alaska would have no power to dispose of the public domain or anything contained within it. The legislature would have no authority to dispose of any part or portion of the public lands of Alaska, the water power, or the coal or gold, or any of the natural resources of that Territory contained in or upon the public lands.

Mr. BUTLER. Mr. Chairman, does the last section—section 17—cover all the laws or embrace all the laws that may be passed?

Mr. WICKERSHAM. It does.

Mr. BUTLER. So that the Congress will have the opportunity of passing upon these laws before they become effective in Alaska?

Mr. WICKERSHAM. Congress has the constitutional right and duty to legislate for the Territories. Congress can repeal any act of a Territorial legislature by an act of Congress.

Mr. TILSON. Do I understand the gentleman to say that these laws will have no effect until they are submitted to Congress?

Mr. WICKERSHAM. I did not say that.

Mr. TILSON. But after they have gone into effect they may be disapproved and set aside by Congress?

Mr. WICKERSHAM. Yes, sir; that is the situation exactly. Until Congress shall disapprove an act of the legislature, however, it would be the law. It would be effective until disapproved.

Mr. FLOOD of Virginia. I do not think the gentleman exactly understood the question. These laws are submitted to Congress, and if disapproved by Congress they do not become effective.

Mr. TILSON. They go into effect, though, from the time of their passage, or from the time stated, and remain in effect until disapproved of by Congress?

Mr. WICKERSHAM. I think so. That has been the rule in all the Territories.

Mr. WILLIS. Will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. WILLIS. I want to suggest this: As to this fear that the Territorial legislature is going to do something it ought not to do, in addition to the limitation in this last section, the governor, appointed by the President, has the veto power.

Mr. WICKERSHAM. Yes. There are two vetoes on everything the legislature may do. There is a veto by the governor, appointed by the President of the United States, and if he vetoes a bill it shall not become a law. If he approves it, and if it becomes a law, it is referred to the President, and he lays it before Congress, and Congress may disapprove it.

Mr. RAKER. Will the gentleman yield? What is the power of the veto and passing the veto over the governor's head?

Mr. WICKERSHAM. It is the usual veto power given to the governor in all the Territories.

Mr. MANN. A vetoed bill can not become a law.

Mr. WICKERSHAM. Not unless it is passed over the veto.

Mr. MANN. By a two-thirds vote?

Mr. WICKERSHAM. Yes. That is the usual provision in all Territorial organic acts. I want to say further to the House that every provision, as I remember it, in this bill has been taken bodily from some other Territorial organic act heretofore passed by Congress. Generally they are the old, tried provisions of the organic acts which have been enacted into law in creating Territories ever since the first Territory was created in 1787. [Applause and cries of "Vote!" "Vote!"]

Mr. MANN. Mr. Chairman, I would like to ask the gentleman a question or two.

The CHAIRMAN. Does the gentleman from Alaska yield?

Mr. WICKERSHAM. With pleasure.

Mr. MANN. I see you have an election in Alaska now for Delegate, in August, have you not?

Mr. WICKERSHAM. Yes.

Mr. MANN. What is the object in having another election in November for the Territorial legislature?

Mr. WICKERSHAM. Only to make it conform to the general rule. And I will say to the gentleman that formerly this bill contained a provision requiring the election intended to be held in August to be held in November, so that both might be held at the same time, but it was thought best by the committee not to do that, in view of the doubt as to whether this bill might be passed in time, because the August election for Delegate in Alaska is drawing near at hand. On that account it was changed in that respect. I think both elections ought to be held on the same day, if that is what the gentleman has in mind. There is no necessity for two elections in the same year in Alaska. I think that ought to be amended at the next meeting of Congress, so that we can have both of them held at the same time.

Mr. MANN. Why does the gentleman say "the next meeting of Congress"? Is Congress at any other meeting more apt to legislate on the subject than at this?

Mr. WICKERSHAM. I do not know of any reason for holding two elections in the same year.

Mr. MANN. What is the object of changing the date from August to November in Alaska?

Mr. WICKERSHAM. My purpose was twofold. First, that both elections might be held on the national election day; and, second, that we might hold our elections in Alaska in November, when the transient fishermen who are imported from Seattle and San Francisco to fish in the summer time are away. Those fishermen frequently take it into their heads to vote at the elections in Alaska. They are there in August and they are not there in November, and, being disqualified, ought not to be allowed to vote.

Mr. MANN. The gentleman does not know whether they become citizens of Alaska or not, does he? Do I understand the purpose of changing the date is to prevent people from voting who are absent at that time?

Mr. WICKERSHAM. Not at all. It is merely to prevent illegal voting by persons who are not citizens of Alaska.

Mr. MANN. Is it not more convenient to the people to have an election in August than in November?

Mr. WICKERSHAM. No; it is not. It is more convenient to hold it in November. It was supposed when the act was passed, in 1906, when the election was fixed for Delegate, that it would be more convenient to have it in August, but it has been found by experience that it is more convenient to have it in November.

Mr. MANN. Of course, I have not had the honor or pleasure of visiting Alaska, and the gentleman overturns many preconceptions I have had heretofore about Alaska. Under the same conditions it would be preferable here to have the election in August, but certainly it is not desirable to hold an election in August and then another one in November in a place where the population is small and the Territory sparsely settled and the number of officers not very great. We have abolished that in almost every State in the Union.

Mr. WICKERSHAM. I agree so nearly with the gentleman that I do not like to have any controversy with him about it.

Mr. MANN. The gentleman can not have any controversy with me. I was appealing to the gentleman for information as to why this was.

Now, I would like to ask the gentleman, further, with reference to the game and fish laws and the control over railroads, and other things of that kind, in this bill: Is the gentleman quite sure that the laws that we have passed for the preservation of game in Alaska will be as safe in the hands of the Territorial legislature as they will be in the control of Congress?

Mr. WICKERSHAM. I think they would be; but I hope that Congress will not put them there. I think that Congress has entered upon a great national policy of conserving the wild animals and wild game of our country, and I hope it will not abandon it.

Mr. MANN. But it would abandon it by this bill.

Mr. WICKERSHAM. I do not think so.

Mr. MANN. Why not? Does not this bill confer upon the legislature of Alaska the absolute authority to legislate in reference to the preservation of game, subject, of course, to our repealing their laws?

Mr. WICKERSHAM. You must assume, then, that the legislature of Alaska is going to destroy the game. I do not agree with the gentleman about that. The people of Alaska have as great an interest in conserving the game as Congress, and more so, because they depend upon it to some extent. They are interested in it. They are good people, and they will protect that game as well as Congress could, but I hope that Congress will continue its policy in that matter.

Mr. MANN. The bulk of the people of Alaska are located in a few centers. They are not specially interested in the control of game. The moment you pass a law giving the Territorial legislature authority over the game and the fisheries, of course you excite the desire on the part of those who wish to change the law about conservation and fisheries to control elections to the legislative body. We have not been very good about the conservation of fisheries and game in Alaska. I think you are likely to be much worse.

Mr. WICKERSHAM. I should have no objection to the House putting in a provision reserving the right to Congress to control the game laws. We do not regard that as one of the important things.

Mr. MANN. We have a very good game law there now.

Mr. WICKERSHAM. Yes.

Mr. MANN. The trouble is about the enforcement of it.

Mr. WICKERSHAM. I do not know that there is any trouble in that regard.

Mr. MANN. The people of Alaska are not very anxious to have the game laws enforced.

Mr. WICKERSHAM. On the contrary, I think they are.

Mr. MANN. There are a great many complaints that they are not. I do not know what the facts are.

Mr. WICKERSHAM. I think no citizen of Alaska has been convicted of a violation of the game laws.

Mr. MANN. I have no doubt that is true. I doubt whether it is very practicable to convict a citizen of Alaska, under ordinary conditions, in the courts up there. For the same reason if they had power to change the game laws I doubt whether it would be possible to have a law preserving the game of Alaska.

Mr. WICKERSHAM. I think the gentleman does not know the people of Alaska as well as I do.

Mr. MANN. Oh, the people of Alaska are not very different from the rest of the people of the United States.

Mr. WICKERSHAM. That is probably true.

Mr. MANN. I do not think they are angels, and I do not think they are devils.

Mr. WILLIS. Will the gentleman yield to a question?

Mr. MANN. I have not the floor, but I will answer the gentleman.

Mr. WILLIS. Would it meet the objection of the gentleman to add in line 9, page 23, the words "or game laws"?

Mr. MANN. That would meet the objection.

Mr. RAKER. Will the gentleman from Alaska yield for a question?

Mr. WICKERSHAM. Yes.

Mr. RAKER. The gentleman's answer to the gentleman from Illinois might be misinterpreted. The gentleman from Alaska said there had been no convictions of citizens of Alaska for violations of the game laws. Now, I would take that to mean that there had been no necessity for prosecutions.

Mr. WICKERSHAM. That is true; and I know of but one prosecution, though there may have been more.

Mr. RAKER. The statement should not be construed to mean that, although there had been many arrests and many violations of the law, it had been impossible to secure convictions; but, on the contrary, the gentleman means to convey the idea that the people of Alaska have been trying to obey the laws, and that there has been no necessity to arrest them, and therefore there have been no convictions.

Mr. WICKERSHAM. The people of Alaska have been trying to obey the laws, and there have been few arrests, although the Government of the United States has game wardens all over the Territory.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNELL. Mr. Chairman, it would seem unnecessary for any Member to plead with this House in behalf of self-government in any place under the American flag. Indeed, I will not plead, but I feel that I express not only my own sentiment, but the sentiment of every American in this House or out of it, when I demand that the people of Alaska be given the right to govern themselves under a measure of local government readily and promptly passed by this Congress.

That there are conditions in Alaska which cry out for relief there is no longer doubt, and this in spite of all that the Government has done there. Indeed, it can be claimed that even Russia has shown more concern for her subjects in desolate Siberia than our Government has shown for the people of Alaska.

The first of all problems in any land is that of humanity, and it is to the conditions of humanity in Alaska that I would call the attention of the House, because we believe that the unhappy situation complained of can best be reached and remedied under the legislation proposed in this bill. In this connection, Mr. Chairman, I desire to incorporate in my remarks part of an editorial printed in the Seattle Post-Intelligencer, April 18, 1911, as follows:

[Seattle Post-Intelligencer, Apr. 18, 1911.]

ALASKA AND CANADA.

While the talk of the possible annexation of Alaska by Canada is too absurd for serious consideration at this time, the fact remains that all who are interested in Alaska are compelled to realize that the Alaskans themselves would be far better off under such an administration as Canada would give them, and that the Territory would develop infinitely faster than it can by any possibility if the policies which have been in force for the last few years continue unbroken.

The trouble with Alaska is twofold. It is dependent upon the National Congress for every particle of its legislation, and Congress has such an infinite amount of national work to perform that it has no time to spare to consider the local affairs of a remote Territory, about which the average Member of Congress knows nothing. Further and even more injurious to the interests of the Territory, the one thing which of all others has operated to arrest its development, discourage investment, and drive out of the country those who have gone there in the hope of getting an opportunity to develop the country, is that the faddists have been given a free hand and the Territory has been tied up in every conceivable way to meet the demands of a "conservation" the only object of which seems to be to prevent the present utilization of any of the natural resources of the great Territory.

If the situation could be approached with any sort of common sense; if Alaska could be accorded now precisely the same treatment as that accorded other Territories in the past, and that was none too good, Alaska would develop as other Territories developed; it would receive a great influx of population; its resources would be opened, and it would be among the greatest wealth producers of this continent.

Everyone in Alaska knows that if it were under Canadian rule it would have local self-government at once, and that every encouragement would be lent to the development of the country and the utilization of its resources. Everyone who has looked into the situation at all knows further that the wrongs of the Thirteen Original Colonies, which led to the Revolutionary War, were petty, indeed, beside the wrongs of the people of Alaska, but, save on this coast, no one in the whole country seems to consider that this amounts to anything.

I quote this expression from a reliable American newspaper as reflecting the state of mind of people in an American Territory as well as that of students of Alaska in the States.

And so directly does still another editorial in the same newspaper, April 13, 1911, bear upon the question now before the House that I shall incorporate it in my remarks, as follows:

[The Seattle Post-Intelligencer, Apr. 13, 1911.]

TWO NORTHERN TERRITORIES.

A member of the Yukon council while in Skagway the other day, in speaking about the absence of any system of home rule in Alaska, as contrasted with that which is accorded the Canadian Yukon, gave some pertinent illustrations. He pointed out that, so long as the Canadian territory was governed exclusively from Ottawa by federal officials, conditions were unsatisfactory in every way. The administration given was both expensive and dishonest.

For some years past Yukon territory has had a wholly elective council, which has entire control over all local affairs, and there has never been a time in the history of the territory when conditions were as entirely satisfactory as they are now. Alaska, in this respect, stands where the Yukon territory of Canada did 10 years ago.

In all of the talk about the impossibility of giving Alaska a local government, why is it that no attention is paid to Yukon territory and the Canadian method of dealing with the same problem? The Yukon territory is very much smaller than Alaska, and it has nothing like as large a number of people. In the whole territory there is practically but one industry—that of gold mining—while Alaska exports other products annually of but little less value than its gold. The British Yukon has no coast line. It is isolated far in the interior, and it is difficult to reach any portion of it in the wintertime.

Yet the Canadian Yukon has complete self-government, and full representation in the Dominion Parliament as well. Can it be argued that the Canadians are more capable of self-government that the people of Alaska? Is a gold-mining population on one side of an imaginary line more nomadic than on the other?

The simple truth is that the Canadian Government has treated its people in the North far better than has the Government of the United States and with far more actual respect for the principles upon which our Government is founded than has ever been displayed by Congress.

And now let me add the demand of a Democratic convention held at Fairbanks November 27, 1910. I quote:

[Fairbanks Citizen, Nov. 27, 1910.]

TANANA DEMOCRATS WANT FULL TERRITORIAL GOVERNMENT.

At a meeting of the prominent Democrats of Fairbanks plans were laid for an aggressive campaign for full Territorial government for Alaska.

Resolutions were adopted and a petition is being circulated for signatures, which will be forwarded to the Democratic Members of Congress. The Democrats expressed the belief that the hated Beveridge bill, even though revised, would not be given serious attention by Congress at its next session.

Following are the resolutions:

"Whereas it has been deemed expedient for several years by the vast majority of the American citizens residing in Alaska that the interests of Alaska can be more effectually conserved under a full form of Territorial government, with the lawmaking power vested in a local legislature; and

"Whereas, although this desire of the people of Alaska has frequently, through the duly elected Delegate and other sources, been made known to the Government of the United States at Washington, no action has been taken by any Republican administration looking toward the granting of such form of government, the contrary being the case, as expressed in the un-American form of government outlined in the Beveridge bill; and

"Whereas the Democratic Party, at its annual convention held in the city of Denver in July, 1908, embodied as a plank in its platform the recommendation that Alaska be granted the government its people desired, the paragraph relating thereto being as follows:

"'We demand for the people of Alaska and Porto Rico the full enjoyment of the rights and privileges of a Territorial form of government, and the officials appointed to administer the government of all our Territories and the District of Columbia should be thoroughly qualified by previous bona fide residence;' and

"Whereas the people of Alaska have faith in the Democratic Party and its promises and feel assured that its platform will be adhered to: Now, therefore be it

"*Resolved*, That we, the undersigned citizens of Alaska, hereby appeal to our Democratic Senators and Representatives to bring about the enactment of a law which will grant to Alaska 'the fullest enjoyment of the rights and privileges of a Territorial form of government in accordance with the platform adopted at Denver and the wishes of the people of Alaska.'"

While Gov. Walter E. Clark, of Alaska, seems less enthusiastic than others for a local government in that Territory, I desire to quote from the hearing on conditions in Alaska held by the Committee on the Territories February 6, 1912. I quote from page 22 of the report of the hearing in question, where Gov. Clark is quoted thus:

But to return to matters mentioned in my report, after leaving these great questions of coal and fuel and transportation, I want to urge some of the minor needs of the Territory. They are only relatively less important than these other things, and are in themselves absolutely important. I have grouped a number of them there [in his annual report] under the head of "Six minor laws." If I remember correctly, they are quarantine, sanitation and public health, registration of vital statistics, supervision of banks, compulsory school attendance, and relief of destitute white persons.

Now, those are provisions that are entirely lacking in Alaska, which I suppose are afforded to every other part of the civilized world, not only every part under American jurisdiction, but everywhere in the world where civilized people live. We don't have these facilities. If we had a local legislative body—whatever kind of legislative body it might be—some of these things could be supplied; a great many of the more important things could not be, because the Territorial legislature would never have the power to pass that sort of laws.

Mr. YOUNG. Do you attribute the lack of those laws to the neglect of Congress to take hold of this matter?

Gov. CLARK. The neglect of several Congresses. I have the greatest respect for Congress, and don't want to criticise any particular one, but several Congresses have borne the responsibilities pertaining to Alaska, and all of them have neglected these things; and, of course, they are becoming more pressing as the Territory develops.

Mr. Chairman, behind all these political considerations lie the conditions which can be best reached, as I believe, by a local government. Important, indeed, are quarantine, sanitation, vigilant protection of the public health, school attendance, and the keeping of vital statistics. That these necessary duties have been unperformed in Alaska is proved by the fact that that country and its people are suffering from negligence in these necessary services.

I wish every Member of this House, and indeed every citizen of this country, would read the testimony of Bishop Peter T. Rowe, of the Episcopal Church, who is devoting his life to the work of relief for the sufferers in Alaska, whose testimony was given at the hearings before the Committee on the Territories January 16, 1912. Bishop Rowe told of the hardships endured by certain human beings, Indians and others, in Alaska, and of his efforts to raise funds for the establishment of hospitals in which to do the work of common civilization, as against leaving God's afflicted creatures to die from loathsome disease, neglect, and abject poverty. Remembering that such conditions are appealing for alleviation under the Stars and Stripes, I can not imagine this House hesitating for a moment to extend help.

I shall not go into the details of the bishop's testimony; they are too awful, but I will add the following from page 7 of the hearing before the Committee on the Territories on January 16, 1912:

Mr. MARTIN. To what do you attribute the diseased condition of the tribes which you state are in that condition? Is it due to association with the white men?

Bishop ROWE. In part. I think they have inherited it largely from the former conditions prevailing. It probably started under the influence of the Russians, has continually spread, and now it is largely enhanced, and all that, through the perfect ability of the Indians to get liquor.

The CHAIRMAN. You say their perfect ability to get it?

Bishop ROWE. Yes; in spite of the law.

Mr. CONNELL. That is the point I had in mind about local government. Could not that be stopped more effectively if you had it under control of the local government?

Bishop ROWE. I think so.

Mr. Chairman, give Alaska this measure of local government. I can not conceive of an agency better calculated to interest all the people of Alaska in their Territory than local government. Give the people there a government of their own, within Federal possiblities in a Territory, and you will do a nation's duty toward one of its integral parts.

I can readily see how a local government, representing the will as well as the patriotism of the people, shall become its most vigilant watcher, lest the Territory be exploited and, above all, lest the human being whose lot is cast there shall suffer neglect, to the shame of a Christian nation.

Mr. Chairman, I shall not discuss the details of the bill, these having been so well presented, both in the bill itself and during this debate. I shall vote for the passage of the measure, and earnestly plead with the House to pass the bill as it is.

Mr. DAVENPORT. Mr. Chairman, if this bill becomes a law, the Territory of Alaska will become fully organized as a Territory and will have all the branches of a government necessary to make a complete Territorial organization—the legislative, the executive, and the judicial. Alaska up to this time has had no Territorial legislature, but has had a governor appointed by the President of the United States and a judicial tribunal established, but has had no legislature to pass local laws.

Upon an examination we find that Alaska was acquired from Russia by the treaty of March 30, 1867; that the United States paid as a consideration $7,200,000. As early as 1868 certain laws relating to customs, commerce, and navigation were extended over Alaska, but it was several years before any local government was established. In March, 1884, Congress passed an act providing for a civil government for Alaska, which act provided for a governor and the establishment of a United States court of general jurisdiction. From time to time Congress passed acts extending certain laws of the United States over Alaska, placing in force in Alaska a commercial and civil code.

Alaska has 590,884 square miles—almost one-fifth as large as the United States. The population of Alaska, according to the census of 1910, was 64,356. The Territory of Alaska was larger than many of the Territories when organized. The Territory of Alaska when organized had a larger population in 1910 than 14 of the Territories had when they were given an elective legislature and a larger population than 9 of the States had when they were organized and given full power as a State.

In 1890 the State of Wyoming only had a population of 60,705. It is true that in Alaska the population is scattered over a large area of country, the Territory being so large, but it has been shown that the population has been classified by judicial divisions and has been gradually increasing, as shown by the census reports since 1890.

The United States receives the benefit of the entire trade with Alaska, and the trade with Alaska is worth more than it is with many countries. In 1909 there was shipped from the United States to the different divisions of Alaska different commodities amounting to $18,923,887. In the same year, 1909, the custom reports show that the total trade with Alaska was $50,724,986. This trade, it seems to me, not only shows permanence in trade and in population, but shows that the resources are abundant, and under proper laws and regulations they would soon be largely increased. In fact, the development of Alaska is in its infancy, and no one at this time can fix a limit as to the future value or increase of the trade with Alaska.

The trade with Alaska is large and especially valuable to the United States, as every dollar of the trade that comes into the United States from Alaska is practically an American dollar, and every dollar that has gone or will go into Alaska is money that is spent by American capital.

It is clear to me and it seemed clear to the members of the committee when this bill was being considered by our committee that Alaska and her people needed a legislative body created from their own citizens with limited powers to pass laws

for their own local self-government; that it would be an inducement for capital to invest and hasten the building of railroads and other public utilities in the Territory and would in a general way assist in the rapid development of the abundant resources of this great country. The most important thing to-day that Alaska needs is a home government, the right of her citizens to make laws to govern themselves, a right that all Americans enjoy and have a right to expect. The people in Alaska want Territorial government in the fullest sense. They demand the same rights that the citizens of other unorganized Territories have heretofore demanded; that is, a right to make laws, levy and collect taxes and expend the taxes for the improvement and upbuilding of public schools, public buildings, charitable institutions, municipal affairs, and for the other improvements incident to a well-organized and established government. With the increase in population in Alaska and with her unlimited resources only partly developed, why should the people of that Territory be denied the right of self-government? All must agree who have had any experience that the worst form of government a civilized people under any republican form of government can have is a bureaucratic government administered at long range, and too often by inexperienced, if not to say incompetent, men. The best way to develop a country and to build up amongst its people good citizenship is to give that people the right of local self-government and the right to make their own laws for the future development of their country.

When the people realize that they have assumed the responsibility of their own Government and that they must depend for their future advancement upon the laws made by their own citizens, you find a better class of laws and a better organized and controlled government.

Both political parties have heretofore expressed the desire to give to Alaska an organized government complete in all respects, and the time has now come when we should show our faith by our work and pass this bill. Alaska needs the legislative power to assist in developing her country, and there has already been established in its progressive towns and cities daily and weekly newspapers and other modern means of bringing the attention of the public to the magnitude of Alaska's resources and development and of her claim to a right among the States and Territories of the United States. Next to a local self-government Alaska needs more capital invested in her territory in the construction of railroads and other public utilities for transportation purposes, so that her great wealth of minerals may be placed on the market.

If you will give to Alaska a local self-government so that it may regulate its own internal affairs, it will be but a short while until there will be developed many sections of Alaska where no one at this time lives and will be populated by a class of good citizens. Under the regulation of her own laws the resources of Alaska will soon be developed and protected, and the revenues collected will be ample to maintain the Territorial government and to pay its obligations.

Alaska to-day has as great a right to Territorial government as many of the other Territories, now States, when they were organized as a Territory. I am in favor of the expenditure of the money collected for taxes in Alaska for Alaska and Alaska's citizens and stop the Federal tax gatherer in that Territory and give to Alaska her taxes, collected by officers elected by Alaska; spend them by authority of Alaskan laws passed by a legislature of Alaskan citizens elected by the legal voters of Alaska, and you will then have given to Alaskan citizens their just rights, for which they have been petitioning for many years.

I sincerely hope that Alaskans may get their just rights by unanimous vote of the House by passing this bill.

Mr. MANN. Mr. Chairman, in an article read before the American Mining Congress last fall, a distinguished gentleman from Alaska, Mr. Baldwin, of Valdez, among other things referred to a memorial presented to the Secretary of the Interior by the citizens of that town. In that memorial this statement is made, which I think largely represents the sentiment of the people of Alaska:

> Primarily, Alaska demands and needs the same right of untrammeled development that has been accorded to every other Territory of the United States pioneered by Americans. Alaskans ask that American citizens and all other industrious men be permitted to create property for themselves out of the limitless resources of this vast Territory, unhampered by bureaucratic dictation and interference. The people of Alaska are a unit in opposition to Federal landlordism over its mines, forests, and water power.

And much more of the same kind. The gentleman also stated:

> We will be satisfied with no makeshift, no halfway measure; it is our right as Americans, and it is rights we demand, and not permits and privileges that we sue for.

This bill does not quite meet the demand. How far it goes no one knows. What the people of Alaska really want is not merely a legislature, which is a sort of a toy, but the exercise of legislation which will permit the development of the natural resources of that country.

I have hoped for some years, but up to date hoped in vain, that some one would solve the problem of the conservation and the use of the natural resources of Alaska, and that we might have passed, before this, a bill concerning, not merely the land and the coal and the water power, but the other natural resources of Alaska.

The Committee on the Public Lands has jurisdiction of the lands of Alaska. They have not reported any bill, and I do not know whether they intend to. I do not know whether the intention of this bill is to confer upon the Territorial legislature control over the water power of Alaska or not. Can the gentleman say?

Mr. WICKERSHAM. I think not. It is a part of the public domain.

Mr. MANN. I find nothing in the bill about the public domain except the primary disposition of the soil.

Mr. WICKERSHAM. The water power is a part of the soil. You can not dispose of the water power without disposing of the soil.

Mr. MANN. No; but you can pass laws regulating the water power without disposing of the soil. The bill provides that the legislature of Alaska may alter, amend, modify, or repeal the laws now in force in Alaska, except the customs laws, the internal-revenue laws, the postal laws, or other general laws of the United States. A large share of the laws that relate to everything in Alaska are special laws and not general laws.

Mr. WICKERSHAM. The gentleman is mistaken.

Mr. MANN. I beg the gentleman's pardon, but I am not mistaken. We have repeatedly passed laws that are in force only in Alaska. Most of the general laws regulating land in the United States are not in force in Alaska. We have special laws for them, and they might not be effective; I do not know whether they would be effective or not. I do not know whether the mining laws would be effective—I do not know whether anybody else knows—under the provisions of this bill.

I do not object to the passage of the bill, although it is perfectly plain that it either will not accomplish what the people of Alaska want it to accomplish, or else it will go away beyond what Congress intends to confer upon Alaska.

I have no objection to the people of Alaska controlling themselves in the ordinary police control. That is local; but the resources of Alaska do not belong to the people who now happen to be there, most of whom are not there for their natural lives, most of whom do not intend to remain there any longer than is necessary to accumulate a little and then come back to the States. In the control of the police matters it may be fair to give them power, although everyone knows that if they were given unrestricted powers over police matters it would not be to their interest. This bill recognizes that fact by proposing to take away from them, or by not conferring upon them, the power over gambling and lotteries and things of that sort. The bill when enacted into law, and the legislature when it meets, will be a disappointment both to the people of Alaska and the Congress. It does not meet the problems which ought to be met in relation to Alaska.

Think of it. With great coal fields there, they ship coal in from outside. We have not attempted by legislation, so far, to properly meet those questions. I am not criticizing anyone, because it is a great problem, which possibly no one yet has solved. We ought to sit down seriously and solve it. Does the gentleman from Alaska [Mr. WICKERSHAM] or anyone else think that we are more likely to develop the railroads in Alaska, which is a very important matter, after giving to a legislature authority over the matter? We give a legislature to Alaska, but provide in the bill that no municipal corporation may issue bonds. It can not make any improvements. The Territory can make no improvements, and having given the authority to a legislature, Congress is much less likely to make the improvements. Which would the people of Alaska prefer, to have a legislature for a toy or to have the real development which may come with a transfer of a part of the implements now upon the Panama Canal to Alaska to help develop that Territory? You may say they will get both. The chances are they will not. The two do not go together. When we give to the local legislature authority over these matters we do not pay much more attention to them. A provision in the bill, which has been frequently referred to, provides that Congress reserves the right to set aside any law that is passed. That right was reserved in connection with New Mexico and Arizona and possibly various other Territories. I have been here 15 years. I remember only one time when we set aside a law

passed by the legislature of one of those Territories. It was a law that did not amount to anything, did not affect anybody, which was rushed through both Houses of Congress as though it was the most important thing in the world. It was of absolutely no importance except locally as to the location of a country or its boundaries. I think that is the only case where Congress has done anything of the sort, not because they have to approve the law, but because, having given the responsibility to the people there, they let the people exercise the responsibility, often at their own expense and to their disadvantage.

The CHAIRMAN. The Clerk will read.

Mr. MANN. Mr. Chairman, I suggest to the gentleman from Virginia that he ask unanimous consent to dispense with the reading of the original bill, and that the substitute may be read with the right to amend the same as though it was the original bill.

Mr. FLOOD of Virginia. Mr. Chairman, I make that request. I ask unanimous consent that the reading of the original bill be dispensed with, and that the substitute be read.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the reading of the original bill be dispensed with, and that the substitute be read in lieu thereof.

Mr. MANN. As though it were the original bill, with the same right of amendment.

Mr. FLOOD of Virginia. Yes.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Alaska Territory organized.—That the territory ceded to the United States by Russia by the treaty of March 30, 1867, and known as Alaska, shall be and constitute the Territory of Alaska under the laws of the United States, the government of which shall be organized and administered as provided by said laws.

[Mr. KINDRED addressed the committee. See Appendix.]

The Clerk read as follows:

SEC. 3. Constitution and laws of United States extended.—That the Constitution of the United States, and all the laws thereof which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States; that all the laws of the United States heretofore passed establishing the executive and judicial departments in Alaska shall continue in full force and effect until amended or repealed by act of Congress; that except as herein provided all laws now in force in Alaska shall continue in full force and effect until altered, amended, or repealed by Congress or by the legislature: *Provided*, That the authority herein granted to the legislature to alter, amend, modify, and repeal laws in force in Alaska shall not extend to the customs, internal-revenue, postal, or other general laws of the United States. And the legislature shall pass no law depriving the judges and officers of the district court of Alaska of any authority, jurisdiction, or function exercised by like judges or officers of district courts of the United States.

Mr. WILLIS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 9, page 23, after the word "States," insert the words "or to the game laws of the United States applicable to Alaska."

Mr. MANN. Why not make it game and fish laws?

Mr. WICKERSHAM. Mr. Chairman, I think the fish laws ought to be left alone.

Mr. MANN. Why not make it game and fish laws, so that they can not repeal the fish laws? They can pass new fish laws.

Mr. WILLIS. Mr. Chairman, I will accept that amendment, and ask unanimous consent that it be so modified and reported as modified.

The CHAIRMAN. Without objection, the amendment will be so modified, and the Clerk will report the amendment as modified.

The Clerk read as follows:

Line 9, page 23, after the word "States," insert the words "or to the game and fish laws of the United States applicable to Alaska."

Mr. WICKERSHAM. Mr. Chairman, I do not think that the word "fish" ought to be in there. I think the fisheries in Alaska need protection. They belong to the people of the State or to the Territory, and they do not belong to the Government of the United States. They are not now being protected. They are not being conserved, and if this legislature will do something toward conserving and protecting the fish it ought to be allowed to do it. This simply bars the legislature from protecting the fisheries in that Territory, and it ought not to be in the bill.

Mr. MANN. The gentleman will notice this provision does not apply to passing laws, but only to the repealing of laws.

Mr. WILLIS. It seems to me the observation of the gentleman from Illinois answers the objection of the gentleman from Alaska. It simply provides, if it shall be adopted, that the legislature of the Territory of Alaska shall not have the power to alter, amend, or repeal the United States fish or game laws now in force in the Territory. It does not take away from the legislature the power to pass additional laws of that character. It seems to me that meets the objection.

Mr. WICKERSHAM. I think they ought to be allowed to amend them.

Mr. WILLIS. We have a Federal fish law in Alaska. The gentleman is not objecting to that.

Mr. WICKERSHAM. No.

Mr. WILLIS. That is all this amendment provides—that the legislature shall not have the power to amend the present fish or game laws.

Mr. WICKERSHAM. What does that mean?

Mr. WILLIS. It means that the present law shall stand.

Mr. FLOOD of Virginia. Suppose Congress passes a law revising and extending the fish laws there?

Mr. WILLIS. Well, undoubtedly that will be the paramount law of Alaska.

Mr. FLOOD of Virginia. What will be the effect of the gentleman's amendment?

Mr. WILLIS. The effect of this amendment will be, as I understand it, simply to take away from the legislature of Alaska the power to amend the fish or game laws now in effect in Alaska.

Mr. FLOOD of Virginia. It would not have the effect to take away from the legislature of Alaska the power to amend the fish laws we hereafter pass.

Mr. WILLIS. No; I do not think it would, as I have worded it, although I did not have that in mind when I drafted the amendment.

Mr. MANN. They would not have that power.

Mr. WILLIS. They would not have that power now.

Mr. FLOOD of Virginia. The gentleman is aware of the fact there is a proposition to revise the fish laws?

Mr. WILLIS. Yes; I think the bill is a good one and ought to pass.

Mr. FLOOD of Virginia. And will in all probability become the law.

Mr. WILLIS. It seems to me this meets the objection that has been raised in a perfectly fair manner, and I think it is a fair objection, but I do not believe the legislature ought to repeal the present game or fish laws.

Mr. MANN. We have endeavored to provide in a way for the conservation of the fisheries and game up there. We ought not to permit those laws to be repealed, but if they want to make them more stringent, and probably do, they ought to have that right.

Mr. FLOOD of Virginia. I do not think the amendment means anything, but if it will please anybody to put it in, why, let it go.

Mr. WICKERSHAM. I withdraw my objection.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. The legislature.—That the legislative power and authority of said Territory shall be vested in a legislature, which shall consist of a council and a house of representatives. The council shall consist of eight members, two from each of the four judicial divisions into which Alaska is now divided by act of Congress, each of whom shall have at the time of his election the qualifications of an elector in Alaska, and shall have been a resident and an inhabitant in the division from which he is elected for at least two years prior to the date of his election. The term of office of each member of the council shall be four years: *Provided*, That immediately after they shall be assembled in consequence of the first election they shall, by lot or drawing, be divided in each division into two classes; the seats of the members of the first class shall be vacated at the end of two years and the seats of the members of the second class shall be vacated at the end of four years, so that one member of the council shall, after the first election, be elected biennially at the regular election from each division. The house of representatives shall consist of 16 members, 4 from each of the 4 judicial divisions into which Alaska is now divided by act of Congress. The term of office of each representative shall be for two years; and each person shall possess the same qualifications as prescribed for members of council. The persons having the highest number of legal votes in each of said council districts for members of the council shall be declared elected, and the persons having the highest number of legal votes for the house of representatives shall be declared elected: *Provided*, That in case two or more persons voted for have an equal number of votes, and in case a vacancy otherwise occurs in either branch of the legislature the governor shall order a new election. That each member of the legislative assembly shall be paid by the United States the sum of $15 per day for each day's attendance while the legislative assembly is in session, and mileage, in addition, at the rate of 15 cents per mile for each mile from his home to the capital and return by the nearest traveled route, and no more.

Mr. BUTLER. Mr. Chairman, I move to strike out the last word. May I ask the gentleman from Virginia—I want to confess my stupidity here and I would like to ask the gentleman to relieve it. Why does the United States Government pay these members of the legislature?

Mr. FLOOD of Virginia. Well, it has been the custom in every Territory that we have had for the United States Government to pay the salaries of the members of the legislature.

Mr. BUTLER. I am not criticizing the custom, but I am endeavoring to learn. I understand that has been the practice in all the Territorial organizations we have made.

Mr. FLOOD of Virginia. Yes; in all the Territorial legislatures.

Mr. BUTLER. To pay the members of the legislature out of the Treasury, and that is upon the theory——

Mr. WICKERSHAM. That it is an aid to this Congress in governing the Territory.

Mr. BUTLER. And this is no variation from the rule that has always been practiced?

Mr. FLOOD of Virginia. The United States Government paid the per diem of the members of the Territorial legislatures of Arizona and New Mexico up to the very day that they became States, and every other Territory. Mr. Chairman, the word "council" as it appears in this section ought to be "senate," and I move where the word "council" appears in that section that the word "senate" be substituted in its place.

Mr. MANN. I suggest to the gentleman he make the motion as to one place, and if it carries, ask unanimous consent that wherever the word "council" appears in the bill it be changed to the word "senate."

Mr. FLOOD of Virginia. If that pleases the gentleman better.

Mr. MANN. It runs all through the bill.

Mr. FLOOD of Virginia. I do not understand that it does.

Mr. MANN. Yes; and the former bill in some places had the word "council" and in some places had the word "senate."

Mr. FLOOD of Virginia. Mr. Chairman, I move that, on page 23, line 15, section 4, the word "council" be stricken out and the word "senate" be substituted therefor.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 15, strike out the word "council" and insert the word "senate" in lieu thereof.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FLOOD of Virginia. Now, I ask unanimous consent, Mr. Chairman, that wherever the word "council" occurs in the bill that the word "senate" be substituted in its place.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that wherever the word "council" appears in the bill that the word "senate" shall be substituted in its stead. Is there objection? [After a pause.] The Chair hears none.

Mr. BUTLER. I understand those who will be qualified to vote under the provisions of the bill are those who are now qualified to vote for Delegate to this Congress?

Mr. FLOOD of Virginia. Exactly.

Mr. BUTLER. And that qualification is provided by an act of Congress?

Mr. FLOOD of Virginia. Yes.

Mr. WICKERSHAM. That is true.

Mr. MANN. Mr. Chairman, on page 24, line 21, I move to strike out the word "fifteen" and insert in lieu thereof the word "ten."

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 24, line 21, strike out the word "fifteen" and insert the word "ten" in lieu thereof.

Mr. MANN. Mr. Chairman, I can see no reason for paying $15 a day to a member of the Territorial legislature. Ten dollars is twice as much as has ever been paid to any member of any other Territorial legislature in the United States, I guess. And they are paid traveling expenses and per diem in addition to this amount. Why should we fix such an exorbitant amount?

Mr. FLOOD of Virginia. Mr. Chairman, when I first saw that this bill provided a per diem of $15 for members of the legislature it impressed me just as it has impressed the gentleman from Illinois [Mr. MANN], but upon investigation of conditions in Alaska I learned that everything there is double the price that it is in the Territories that we have had in this country and what it is in the States. Living is very high and everything is expensive. Labor is very high. A laborer will get $7 or $8 a day, and a legislator ought to be worth as much as a placer miner.

Mr. BUTLER. As two laborers.

Mr. FLOOD of Virginia. He ought to be worth as much as one laborer. The laborers get $7 or $8 a day and their board. When the legislators will have paid their board, and at the rate it is at Juneau, they will not have much left.

Mr. BUTLER. Did not the gentleman ascertain in the hearing the price of board in Juneau?

Mr. FLOOD of Virginia. I heard it was very high.

Mr. BUTLER. Did you learn the figures?

Mr. FLOOD of Virginia. We did not. Something was said about the price of eggs and of other articles to eat, but I do not remember any testimony as to the cost of board per month.

Mr. MANN. We have heard a good deal from the gentleman about the agricultural resources of Alaska. Let them be developed.

Mr. FLOOD of Virginia. You have not developed them. You have put a reservation all over the agricultural land in Alaska, and it is not developed and can not be developed until this policy is changed.

Mr. MANN. There is plenty of land that can be developed there. Five dollars a day is the usual price, and I think in some places the legislators have been paid less than that. Here is a proposition to pay $15 a day—the highest that has ever been paid, I think, and during the winter months when these gentlemen are not busy.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. FLOOD of Virginia. The bill provides the legislature shall be in session for 60 days every two years. There are 24 members, and gentlemen of this committee can see what a small amount is involved. The evidence before our committee was that $15 a day would not be more than is paid to the miners up in that country.

Mr. BUTLER. Sixty days in two years?

Mr. FLOOD of Virginia. Yes.

Mr. BUTLER. They can not stay longer than 60 days?

Mr. FLOOD of Virginia. No. Fifteen dollars a day in Alaska is not as much as $5 a day in Illinois. At $15 a day the Alaskan legislator will get $900 in two years; in the gentleman's State they get $1,000 a year. In some States the legislators get quite a good salary; in my State they do not get very much; but $15 a day in Alaska will be small pay, and I hope the House will not change this.

Mr. MANN. This will remain some time after it becomes a law. I think $15 a day is exceedingly high now. If these gentlemen are going to get the benefit from this law that they say they are going to get, there will be an influx of people up there and rates will not be so high.

Mr. WHITE and Mr. KINKAID of Nebraska rose.

Mr. WHITE. Mr. Chairman——

Mr. KINKAID of Nebraska. Mr. Chairman, will the gentleman from Illinois yield?

Mr. MANN. My time has expired, but I will answer a question of the gentleman.

Mr. KINKAID of Nebraska. Or the gentleman from Alaska?

Mr. WHITE. I wanted to ask the gentleman from Virginia [Mr. FLOOD] if it is not a fact that living is not so much higher along the coast, where Juneau is, than on the western coast of the United States?

Mr. FLOOD of Virginia. That was not the information that our committee had.

Mr. WHITE. I am quite sure that it is a fact that it is a very small percentage more, but it increases very largely as you get into the interior. However, in regard to the question of the gentleman from Illinois, after having spent some time in Alaska, I would say that $15 is not too large a sum to give these members of the legislature. The fact is, Mr. Chairman, that some good price must be given to them, not that they lack in loyalty to the country, but because of the conditions up there. I suspect that if a stampede somewhere in that country were inaugurated about the time of the meeting of the legislature, it would take a good big price to hold them to the capital.

Mr. KINKAID of Nebraska. Mr. Chairman, I wish to inquire of the Delegate from Alaska whether the per diem covers the mileage, or whether the mileage is provided for separately?

Mr. WICKERSHAM. Mileage is provided for separately.

If the House will let me have a word on this matter, I will say it is true that $15 a day seems a good deal to gentlemen down here who are receiving $25 a day for performing no better service and the same kind of service that these men would perform in the Territory.

If they can not earn $15 a day in the same kind of work in the Territory of Alaska they would be very poor members of the legislative body. They have only 60 days' service in two years, and that is only $900 each, and they have got to cross that country four or five hundred miles to get to the capital. That will be 15 cents a mile, but it would not pay the bill; and no man can go to the legislature and not be compelled to spend twice the sum he will get out of this mileage proposed. It is

not excessive. In fact, it is not half enough. It is a very small sum when you consider that they have only 60 days of service and that it may take them 10 or 15 or 20 days to come and go.

Mr. MANN. For which they receive 30 cents a mile.

Mr. WICKERSHAM. And for which you in Illinois pay $1,000 per annum.

Mr. MANN. We do not pay it out of the General Treasury.

Mr. WICKERSHAM. No; but the Federal Treasury should be as generous as the State of Illinois.

Mr. COOPER. I may say that it also appeared by the recent investigation into the affairs of the State Legislature of Illinois that a large percentage of the members of that legislature did not pay anything for mileage at all. They traveled on passes all the time.

Mr. MANN. They do not get 15 cents a mile.

Mr. WICKERSHAM. The legislature in Alaska will cost only $24,000 in two years.

Mr. MANN. That is true; but I may say to the gentleman that I have wards in my district that contain twice the population of all Alaska—wards merely—and we would consider it grossly extravagant to pay at that rate.

Mr. WICKERSHAM. I have no doubt it would be, in that place.

Mr. MANN. The gentleman makes his figures on the basis of what Members of Congress receive. One reason why we pay ourselves reasonable salaries is to keep down other expenses. When we do not do it we do not earn our salaries. Of course this may be the last Territorial legislature that will be organized for some time, but there can be absolutely no excuse for gross extravagance in the organization of the Territory up there. Ten dollars a day and how much mileage? Because the mileage will be a considerable sum for the long distances.

Mr. WICKERSHAM. Fifteen cents a mile.

Mr. MANN. Fifteen cents a mile, each way.

Mr. WICKERSHAM. The total mileage for all the members for the two years will amount to $5,994.

Mr. MANN. What is the farthest distance any one of them has to travel?

Mr. WICKERSHAM. The farthest distance is 2,000 miles, from Nome.

Mr. MANN. Six hundred dollars—a pretty high rate.

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 11, noes 27.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 5. Election of members of the legislature.—That the first election for members of the Legislature of Alaska shall be held on the Tuesday next after the first Monday in November, 1912, and all subsequent elections for the election of such members shall be held on the Tuesday next after the first Monday in November biennially thereafter; that the qualifications of electors, the regulations governing the creation of voting precincts, the appointment and qualifications of election officers, the supervision of elections, the giving of notices thereof, the forms of ballots, the register of votes, the challenging of voters, and the returns and the canvass of the returns of the result of all such elections for members of the legislature shall be the same as those prescribed in the act of Congress entitled "An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska," approved May 7, 1906, and all the provisions of said act which are applicable are extended to said elections for members of the legislature, and shall govern the same, and the canvassing board created by said act shall canvass the returns of such elections and issue certificates of election to each member elected to the said legislature; and all the penal provisions contained in section 15 of the said act shall apply to elections for members of the legislature as fully as they now apply to elections for Delegate from Alaska to the House of Representatives.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 26, line 2, by inserting after the word "Representatives" the following: "*Provided, however,* That section 3 of said act, entitled 'An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska,' approved May 7, 1906, is hereby amended so as to read as follows:

"'SEC. 3. That all citizens of the United States, 21 years of age and over, who are actual and bona fide residents of Alaska, and who have been such residents continuously during the entire year immediately preceding the election, and who have been such residents continuously for 30 days next preceding the election in the precinct in which they vote, shall be qualified to vote for the election of a Delegate from Alaska.'"

Mr. MANN. Mr. Chairman, this amendment proposes a change in the existing election law of Alaska, to strike out, before the word "citizens," the word "male."

Mr. BUTLER. Is not this rather sudden? [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment.

The question being taken, on a division (demanded by Mr. FLOOD of Virginia) there were—ayes 26, noes 26.

Mr. MANN. I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. MANN and Mr. FLOOD of Virginia.

Mr. RODDENBERY. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

Mr. MANN. I shall not object, but one word will tell more than the reading of the amendment. The amendment changes the qualifications of electors in Alaska by striking out, before the word "citizens," the word "male."

Mr. AUSTIN. Is it to provide votes for women in Alaska?

The committee again divided, and the tellers reported—ayes 41, noes 41.

Accordingly the amendment was rejected.

Mr. MANN. Mr. Chairman, I should like to ask the gentleman from Virginia if we can not have some arrangement about a uniform date for elections in Alaska?

Mr. WICKERSHAM. Make them all in November.

Mr. FLOOD of Virginia. Has the gentleman from Illinois any amendment to offer on that?

Mr. MANN. It was proposed to change from November to August. I do not pretend to know which is the more desirable date.

Mr. FLOOD of Virginia. If the gentleman will offer an amendment to change from August to November, for the election of Delegate, the committee will accept it.

Mr. MANN. That can be inserted when we reach it at the proper place in the bill.

Mr. FLOOD of Virginia. Yes.

The Clerk read as follows:

SEC. 7. Organization of the legislature.—That when the legislature shall convene under the law, the council and house of representatives shall each organize by the election of one of their number as speaker, and by the election by each body of the subordinate officers provided for in section 1861 of the United States Revised Statutes of 1878, and each of said subordinate officers shall receive the compensation provided in that section: *Provided,* That no person shall be employed for whom salary, wages, or compensation is not provided in the estimate made by the Secretary of the Treasury and included in the appropriation made by Congress.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RAKER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 13988. An act to authorize the Director of the Census to collect and publish additional statistics of tobacco;

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 19721. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5272. An act appropriating $55,000 for the protection of Valdez, Alaska, from glacial floods;

S. 3625. An act for the purchase or construction of a launch for the customs service at and in the vicinity of Los Angeles, Cal.;

S. 5606. An act to provide for repairs and improvements at the lighthouse depot and headquarters, San Juan, P. R.;

S. 4985. An act to provide for the purchase of a site and for the erection of a public building thereon at Klamath Falls, Oreg.;

S. 4128. An act for the relief of the estates of Frances M. Stuart and William H. Bush;

S. 4153. An act for the relief of the estate of Alton R. Dalrymple;

S. 4186. An act for the relief of the estates of Milton T. Carey and others;

S. 4208. An act for the relief of the estates of Edward Christie and Louis Feldman;
S. 4564. An act for the relief of the estate of Maurice T. Smith and Ella P. Williams;
S. 4661. An act for the relief of the estate of T. B. Cowan and others;
S. 4960. An act to erect a public building in the city of Vancouver, in the State of Washington;
S. 186. An act for the relief of Francis Grinstead, alias Francis M. Grinstead;
S. 5874. An act to increase the limit of cost for the erection and completion of the United States post-office building at Albany, Oreg.;
S. 5877. An act to increase the limit of cost for the erection and completion of the United States post-office building at The Dalles, Oreg.;
S. 15. An act for the relief of the North American Transportation & Trading Co.;
S. 5810. An act for the relief of the estate of Andrew Nash;
S. 6084. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;
S. 409. An act to provide for the erection of a public building in the city of Redfield, S. Dak.;
S. 5910. An act granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes;
S. 4113. An act for the relief of Isaac J. Reese;
S. 1484. An act for the relief of Ferdinand Tobe;
S. 6001. An act providing for gas-buoy and other aids to navigation in the channels leading to Baltimore, Md.;
S. 6096. An act to amend subchapter 2, chapter 19, of the Code of Law for the District of Columbia, by providing a penalty for omission to return library property in the District of Columbia;
S. 4850. An act to establish on the coast of the Pacific States a station for the investigation of problems connected with the marine-fishery interests of that region;
S. 239. An act to establish a fish-cultural station in the State of Alabama;
S. 90. An act to establish a fish-cultural station in the State of Colorado;
S. 142. An act to establish a fish-cultural station in the State of Idaho;
S. 263. An act to establish a fish-cultural station in the State of Minnesota;
S. 4757. An act to establish a fish-cultural station in the State of Nevada;
S. 231. An act to establish a fish-cultural station in the State of South Dakota;
S. 423. An act to establish a fish-cultural station in the State of Utah;
S. 5882. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.;
S. 5883. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by Yankton, Norfolk & Southern Railway Co.;
S. 1569. An act to establish a fish-cultural station in the State of North Carolina;
S. 6340. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;
S. 6369. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;
S. 6161. An act to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River, in the county of Dawson, State of Montana;
S. 6167. An act to authorize the Williamson & Pond Creek Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, Mingo County, W. Va.;
S. 6160. An act to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River in the State of North Dakota;
S. 6384. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;
S. 5776. An act authorizing the Secretary of the Interior to adjust and settle the claims of the attorney of record involving certain Indian allotments, and for other purposes;
S. 3975. An act to acquire a site for a public building at Monte Vista, Colo.;
S. 389. An act to authorize the acquisition of a site and the erection of a Federal building at Fallon, Nev.;
S. 6177. An act for the purchase of a site and erection of a Federal building at Cambridge, Md.;
S. 392. An act to authorize the acquisition of a site and the erection of a Federal building at Winnemucca, Nev.;
S. 80. An act to acquire a site for a public building at Glenwood Springs, Colo.;
S. 4862. An act authorizing and directing the Secretary of the Interior to investigate and settle certain accounts, and for other purposes;
S. 4479. An act to provide for the erection of a public building at Mount Carmel, Ill.;
S. 6095. An act to increase the limit of cost for the erection and completion of the United States post-office and courthouse building on a site already acquired and possessed at Brattleboro, Vt.;
S. 5962. An act to increase the limit of cost of the addition to the site of the Federal building at Utica, N. Y.;
S. 6252. An act to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal.;
S. 908. An act for the relief of Henry G. Roetzel and Paul Chipman;
S. 2751. An act providing for the erection of a post-office building at Hastings, Mich.;
S. 1911. An act for the relief of James R. Brown;
S. 5462. An act for the relief of Mary C. Mayers; and
S. 5008. An act for the relief of the estate of Emily A. Auten and others.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 12623. An act to incorporate the American Numismatic Association;
H. R. 1647. An act to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes";
H. R. 20491. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries;
H. R. 8784. An act to supplement the act of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands";
H. R. 18792. An act for the relief of homestead entrymen under the reclamation projects in the United States;
H. R. 20286. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River;
H. R. 21960. An act to authorize the Port Arthur Pleasure Pier Co. to construct a bridge across the Sabine-Neches Canal, in front of the town of Port Arthur; and
H. R. 12211. An act to amend the act of February 18, 1909 (35 Stat. L., 626), entitled "An act to create the Calaveras Big Tree National Forest, and for other purposes."

LEGISLATURE FOR ALASKA.

The committee resumed its session.

Mr. MANN. Mr. Chairman, I should like to ask in reference to the subordinate officers provided in section 1861 of the Revised Statutes, which I have before me. I notice that in section 16 there is a provision that the laws passed by the legislature shall be transmitted to the various persons certified to by the chief clerk of each house. I do not know what the practice has been in the past about Territorial legislatures, but apparently, under section 1861, the clerks can not be employed after the legislature adjourns. I do not know how you would get them to certify to the laws unless you paid them for it.

Mr. WICKERSHAM. I took these provisions out of the general act.

Mr. MANN. Out of what general act?

Mr. WICKERSHAM. Out of the general organic laws of other Territories. I think that ought to be amended to give these clerks extra compensation.

Mr. MANN. The chief clerk under this act gets $8 a day, other clerks get $5 a day. Under the statement made by the distinguished chairman of the committee of course none of them can live there on that pay, because the boarding expense is $8 to $10 a day, and common laborers get $8.50 a day.

Mr. FLOOD of Virginia. If the gentleman will offer an amendment increasing the per diem pay of these clerks we will accept it.

Mr. MANN. I am simply calling the attention of the committee to these things, and particularly whether the chief clerk can be

paid after the session ends when he is required to go over the laws and certify them.

Mr. FLOOD of Virginia. Like the clerks of many legislatures, he is the keeper of the rolls. He has a per diem, and he would perform certain functions after the legislature adjourns.

Mr. MANN. I do not know whether a chief clerk, employed for 60 days, would be willing to work 90 days for nothing because he was getting $8 a day—less than a common laborer—for the 60 days he was employed.

Mr. FLOOD of Virginia. I think we had better amend the section and give these clerks a larger per diem.

Mr. MANN. Now, I want to ask the gentleman in reference to the provision on page 27, same section. It says:

No person shall be employed for whom salary, wages, or compensation is not provided in the estimate made by the Secretary of the Treasury and included in the appropriation made by Congress.

Why should we provide that we can not appropriate for any officers connected with the Territorial legislature unless the Secretary of the Treasury sends in an estimate for it?

Mr. WICKERSHAM. If the gentleman will allow me.

Mr. MANN. Certainly.

Mr. WICKERSHAM. On page 34, in line 12, it is provided that these laws passed by the legislature shall be forwarded to the President and certified to by the chief clerk of the house. Now, that can be cured by providing that the certification shall be by the secretary of the Territory, and if the gentleman will permit me——

Mr. MANN. I think that is better.

Mr. LONGWORTH. I would like to ask the gentleman if it is intended in the case of the senate that the presiding officer shall be designated as speaker?

Mr. WICKERSHAM. Yes.

Mr. LONGWORTH. No senate in history has a presiding officer called the speaker. It seems to me that that ought to be changed.

Mr. WICKERSHAM. That is a mere question of verbiage.

Mr. LONGWORTH. Mr. Chairman, I move, in line 20, page 26, that the word "speaker" be stricken out and the words "presiding officer" be inserted.

Mr. FLOOD of Virginia. That will not do.

Mr. LONGWORTH. If this amendment is agreed to, I then propose to add, by another amendment, the words "who shall be designated as speaker in the case of the house and as president in the case of the senate."

Mr. MANN. Why does not the gentleman offer it as one amendment?

Mr. LONGWORTH. I will offer it as an amendment all together. Mr. Chairman, I will put it in writing and offer it later.

Mr. MANN. Mr. Chairman, I move to strike out on page 27, lines 2 and 3, the words "in the estimate made by the Secretary of the Treasury and included."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 27, lines 2 and 3, strike out the words "in the estimate made by the Secretary of the Treasury and included."

Mr. MANN. That will leave the matter so that it will read:

Provided, That no person shall be employed for whom salary, wages, or compensation are not provided in the appropriation—

leaving to Congress to determine whether it will make the appropriation and not the Secretary of the Treasury.

Mr. FLOOD of Virginia. That is all right and we accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. LONGWORTH. Mr. Chairman, I have not quite finished the amendment I propose to offer, and I ask unanimous consent that this section be passed without prejudice.

The CHAIRMAN. Without objection, the section will be passed without prejudice at the request of the gentleman from Ohio.

There was no objection.

The Clerk read as follows:

SEC. 9. Legislative power—limitations.—The legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States, but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of nonresidents be taxed higher than the lands or other property of residents; nor shall the legislature grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the affirmative approval of Congress; nor shall the legislature pass local or special laws in any of the cases enumerated in the act of July 30, 1886; nor shall it grant private charters or special privileges, but it may, by general act, permit persons to associate themselves together as bodies corporate for manufacturing, mining, agricultural, and other industrial pursuits, and for the conducting of business of insurance, savings banks, banks of discount and deposit (but not of issue), loans, trust, and guaranty associations, for the establishment and conduct of cemeteries, and for the construction and operation of railroads, wagon roads, vessels, and irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association; no divorce shall be granted by the legislature, nor shall any divorce be granted by the courts of the Territory, unless the applicant therefor shall have resided in the Territory for two years next preceding the application; nor shall any lottery or the sale of lottery tickets be allowed; nor shall the legislature or any municipality interfere with or attempt in any wise to limit the acts of Congress to prevent and punish gambling, and all gambling implements shall be seized by the United States marshal or any of his deputies, or any constable or police officer, and destroyed; nor shall spirituous or intoxicating liquors be sold, except under such regulations and restrictions as Congress shall provide; nor shall any public money be appropriated by the Territory or any municipal corporation therein for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of the Government; nor shall the government of the Territory of Alaska or any political or municipal corporation or subdivision of the Territory make any subscription to the capital stock of any incorporated company, or in any manner lend its credit for the use thereof; nor shall the Territory, or any municipal corporation therein, have power or authority to create or assume any bonded indebtedness whatever; nor to borrow money in the name of the Territory or of any municipal division thereof; nor to pledge the faith of the people of the same for any loan whatever, either directly or indirectly; nor to create, nor to assume, any indebtedness, except for the actual running expenses thereof; and no such indebtedness for actual running expenses shall be created or assumed in excess of the actual income of the Territory or municipality for that year, including as a part of such income appropriations then made by Congress, and taxes levied and payable and applicable to the payment of such indebtedness and cash and other money credits on hand and applicable and not already pledged for prior indebtedness: *Provided*, That all indebtedness incurred, or warrants or other evidences of indebtedness issued, shall be paid in the order of creation; and all taxes shall be equal and uniform, and no distinction shall be made in the assessments between different kinds of property, but the assessments shall be according to the value thereof. No tax shall be levied for Territorial purposes in excess of 1 per cent upon the assessed valuation of property therein in any one year; nor shall any incorporated town or municipality levy any tax, for any purpose, in excess of 2 per cent of the assessed valuation of property within the town in any one year: *Provided*, That the Congress reserves the exclusive power for five years from the date of the approval of this act to fix and impose any tax or taxes upon railways or railway property in Alaska, and no act or laws passed by the Legislature of Alaska providing for a county form of government therein shall have any force or effect until it shall be submitted to and approved by the affirmative action of Congress; and all laws passed, or attempted to be passed, by such legislature in said Territory inconsistent with the provisions of this section shall be utterly null and void.

Mr. LONGWORTH. Mr. Chairman, I now offer an amendment to section 7, which section we have passed, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 26, line 20, amend by striking out the word "speaker" and insert in lieu thereof the words "presiding officer, who shall be designated in the case of the senate as president of the senate, and in the case of the house of representatives as speaker of the house of representatives."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent to return to section 8, page 27, line 11, for the purpose of offering an amendment to the bill.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to return to section 8, page 27, line 11, for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. FLOOD of Virginia. Mr. Chairman, I move to amend by striking out the word "object," in line 11, page 27, and inserting in lieu thereof the word "subject."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 27, line 11, strike out the word "object" and insert in lieu thereof the word "subject."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 30, line 17, after the word "void," insert: "*Provided*, That the assessed valuation shall be based on actual value."

Mr. MANN. I think that is already in that section.

Mr. MADDEN. No; I think it is not.

Mr. MANN. In lines 1 and 2, page 30, there is the language:

But the assessments shall be according to the value thereof.

Mr. WICKERSHAM. Yes.

Mr. MADDEN. Does the gentleman think that that covers it?

Mr. WICKERSHAM. I do.

Mr. MADDEN. I shall offer an amendment to insert the word "actual" before the word "value" there. I think that word ought to be there. Mr. Chairman, I ask unanimous consent to

withdraw the amendment which I have just sent to the desk and which has been reported.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I now move to amend by inserting the word "actual" before the word "value," line 2, page 30.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 30, line 2, insert before the word "value" the word "actual."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 28, line 17, after the word "application," insert: "Nor for any cause except adultery or extreme and repeated cruelty."

Mr. MANN. Mr. Chairman, one of the scandals in connection with the administration or the maladministration of justice in our country has been the freedom of obtaining divorces in some of the States and Territories. The amendment which I have offered proposes to limit the right of the Territorial legislature in authorizing a law to grant divorces, so that divorces may not be granted for any reason except adultery or extreme and repeated cruelty.

Mr. FLOOD of Virginia. Mr. Chairman, I hope that amendment will be voted down. There is no reason why any such law as this should be passed as to Alaska. There has been no abuse of divorce laws in Alaska, and I see no reason why we should incorporate such a provision in the bill.

Mr. MANN. Mr. Chairman, there has been no abuse of the divorce laws in Alaska. There has been no possibility of abuse of divorce laws in Alaska. Let us hope there will be no abuse of divorce laws in Alaska, but we know there has been the greatest abuse of divorce laws in some of our States and Territories, and there is now. We have restricted the power of this legislature over various things, including lotteries and gaming, and it does not seem to me to be any invidious distinction to provide against granting divorces in Alaska, say, for instance, for desertion. I do not believe that we ought to allow the legislature of Alaska to say that a man may come to Alaska, tell his wife to come with him, have her decline to come, and then after he has been there for a year get a divorce upon the ground of desertion. I think we ought to guard against that. I do not see how anybody can defend a proposition of that sort. It is no reflection upon the legislature, and only one addition to a number of restrictions already contained in the bill.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 25, noes 36.

Mr. MANN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty-four gentlemen are present—not a quorum. The doors will be closed and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	De Forest	Houston	Moon, Pa.
Adamson	Denver	Howard	Moore, Tex.
Allen	Dickson, Miss.	Hubbard	Needham
Ames	Donohoe	Hughes, N. J.	Nelson
Anderson, Minn.	Dwight	Hughes, W. Va.	Olmsted
Anderson, Ohio	Estopinal	James	O'Shaunessy
Andrus	Fairchild	Johnson, Ky.	Padgett
Ansberry	Fields	Kahn	Palmer
Anthony	Fordney	Kennedy	Parran
Barchfeld	Gardner, Mass.	Kent	Patten, N. Y.
Bartholdt	Garrett	Kitchin	Porter
Bates	George	Knowland	Pou
Bell, Ga.	Gillett	Konig	Powers
Borland	Godwin, N. C.	Korbly	Prince
Bradley	Goldfogle	Langham	Prouty
Broussard	Good	Langley	Rainey
Buchanan	Graham	Lawrence	Randell, Tex.
Bulkley	Greene, Mass.	Levy	Ransdell, La.
Burke, Pa.	Gregg, Pa.	Lindsay	Reilly
Burke, Wis.	Griest	Littleton	Reyburn
Calder	Gudger	Lloyd	Richardson
Callaway	Hamill	Lobeck	Riordan
Clark, Fla.	Hanna	McCall	Roberts, Mass.
Claypool	Hardwick	McCoy	Roberts, Nev.
Clayton	Hardy	McCreary	Rodenberg
Copley	Harris	McDermott	Rothermel
Cox, Ind.	Harrison, N. Y.	McGuire, Okla.	Rouse
Cravens	Hay	McHenry	Rucker, Colo.
Curley	Hayden	McKellar	Rucker, Mo.
Currier	Hayes	McKenzie	Saunders
Danforth	Heflin	Maher	Scully
Davidson	Hensley	Matthews	Sheppard
Davis, W. Va.	Hinds	Mays	Sherwood
Slemp	Sulloway	Tuttle	Wilson, N. Y.
Smith, Cal.	Switzer	Underwood	Wood, N. J.
Smith, N. Y.	Taggart	Utter	Woods, Iowa
Sparkman	Taylor, Ala.	Weeks	Young, Mich.
Stack	Thistlewood	Whitacre	
Stanley	Thomas	Wilder	
Stevens, Minn.	Townsend	Wilson, Ill.	

The committee rose; and Mr. SHERLEY having assumed the chair as Speaker pro tempore, Mr. CLINE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 38, and finding itself without a quorum, he ordered the roll to be called, that 234 Members answered to their names, and he reported back to the House the absentees.

The SPEAKER pro tempore. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee having found itself without a quorum, he ordered the roll to be called, whereupon 234 Members answered to their names—a quorum. The absentees will be noted upon the record and the committee will resume its session.

Accordingly the committee resumed its session.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the amendment may be again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois, and the Clerk will again report the amendment.

The amendment was again reported.

Mr. MANN. Mr. Chairman, the bill provides "nor shall any divorce be granted by the courts of the Territory unless the applicant therefor shall have resided in the Territory for two years next preceding the application," and the amendment which I have offered provides "nor for any cause except adultery or extreme and repeated cruelty," which would confine the granting of divorce under the laws to be passed by the Territorial legislature to the two causes named, which, if I remember correctly, are the causes now in force in the District under an act of Congress.

We have provided in the District of Columbia that causes for divorce shall be adultery or extreme and repeated cruelty. We think we ought to make the same provision in reference to Alaska, so that there shall never arise the scandal in regard to granting divorces for desertion after people move to the Territory which has arisen in some of the Territories and, I regret to say, in some of the States of the Union.

Mr. FINLEY. Mr. Chairman, I move to amend the amendment by striking out after the words in the bill:

No divorce shall be granted by the courts in the Territory.

I offer it by way of substitute for the amendment pending.

The CHAIRMAN. The Clerk shall report the substitute.

The Clerk read as follows:

Substitute by striking out, in lines 15 and 16, the following: "Unless the applicant therefor shall have resided in the Territory for two years next preceding the application——

Mr. MANN. Mr. Chairman, I make the point of order that the amendment offered by the gentleman from South Carolina is not a substitute by way of amendment.

Mr. FINLEY. I offer it by way of substitute.

Mr. MANN. I make a point of order that it is not in any way a substitute. My amendment is to insert a provision in the bill. The gentleman offers an amendment to strike something out of the bill that is not in it.

Mr. FINLEY. I offer it by way of amendment.

The CHAIRMAN. The Chair will hear the gentleman from Illinois [Mr. MANN] on the point of order.

Mr. MANN. The bill provides in reference to divorces. Now, I have offered to insert after the word "application" certain language.

Mr. FINLEY. Mr. Chairman, if the gentleman will indulge me one moment, in view of his proposition that his amendment is by way of perfecting the text, I withdraw my amendment and will offer it later.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from South Carolina [Mr. FINLEY] will be withdrawn.

There was no objection.

Mr. FLOOD of Virginia. Mr. Chairman, I hope the amendment offered by the gentleman from Illinois will not be adopted. The gentleman says he wishes to avoid the scandals that have occurred in certain States of the Union by reason of people going temporarily to these States and securing divorces. This bill, as reported from the committee and as now pending, provides that no divorce shall be granted in Alaska until the party asking for it shall have been a resident of Alaska for two years. That answers the first argument of the gentleman.

As to the limitations of the grounds of divorce, I think they are unwise. The fact that Congress passed such a law for the District of Columbia does not necessarily make it wise. It has

never passed it for any other district or Territory in the country. At present divorces can be granted in Alaska for the following reasons:

1. Impotency existing at the time of the marriage and continuing to the commencement of the action.
2. Adultery.
3. Conviction of felony.
4. Willful desertion for a period of two years.
5. Cruel and inhuman treatment calculated to impair health and endanger life.
6. Habitual gross drunkenness contracted since marriage and continued for one year prior to the commencement of the action.

It does not seem to me, Mr. Chairman, that a question of this character should be taken up and disposed of in the time in which we have to consider a general legislative bill for Alaska. If there are dangers in the divorce evil, as claimed by the gentleman from Illinois—and I agree with him that there has been great abuse in certain States—we had better take up this general divorce law and amend it, after having duly considered the amendments.

I do not think the limitations which the gentleman from Illinois offers are wise. There are other grounds than adultery and cruelty that should be reasons for a divorce. Desertion certainly should be one. But even if the contentions of the gentleman are correct it would be wiser to let this matter be dealt with in some other bill than in this legislative act.

Mr. YOUNG of Kansas. Will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. YOUNG of Kansas. Allow me to make the suggestion further that if this passes in this way and becomes a law the husband or wife that is convicted of a felony could not be divorced.

Mr. FLOOD of Virginia. Certainly. A husband who deserts his wife and stays away from her for 5 or 10 or 15 years, with never any intention of returning, would be immune from the law and the wife would have no remedy whatever. There are a number of causes which in the wisdom of the legislature of a Territory would be sufficient to justify its courts in granting divorces that we ought not to cut off from consideration. I do not think it is wise in enacting an organic law for the people of Alaska to hedge them about with limitations of this kind, and deny them and their legislature the right that has been extended to every other Territorial legislature in the country.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BLACKMON. Mr. Chairman, I desire to offer an amendment to the amendment. I want to move to strike out the words "and repeated" in the amendment offered by the gentleman from Illinois.

The CHAIRMAN. The Chair did not observe the gentleman from Alabama standing. The Clerk will report the amendment offered by the gentleman from Alabama to the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend the amendment by striking out the words "and repeated."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama to the amendment of the gentleman from Illinois.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 50, noes 71.

So the amendment was rejected.

Mr. FINLEY. Mr. Chairman, I move to amend, on page 28, line 15, by striking out, after the word "Territory," the words "unless the applicant therefor shall have resided in the Territory for two years next preceding the application."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

Amend, page 28, line 15, by striking out, after the word "Territory," the words "unless the applicant therefor shall have resided in the Territory for two years next preceding the application."

Mr. FINLEY. Mr. Chairman, if there is one question that is of greater moment and greater importance to the people of the United States to-day, that is of greater moment to the civilization of this country than any other, it is the question of divorce.

I know that divorces are granted in a great majority of the countries of the world. Everybody knows that. But what are the results? How does it affect home life, the family, and so on? In the opinion of millions of people it affects the home, civilization, and the family for evil. In South Carolina no divorce can be obtained for any cause, and I defy the man to stand up here and challenge the civilization of South Carolina from the standpoint of home, of family, of virtue, and morality. [Applause.]

The man who would stand here and cast any aspersion upon the State of South Carolina on any of those grounds would not be speaking the truth. I say that woman in South Carolina stands upon a plane as high as man can place her, and it follows that her civilization is secure. I assert that this is true because in the State of South Carolina there is no divorce law. You can get married there; yes. Once in awhile, but very rarely, somebody will suffer; somebody will be unfortunate. But these cases are exceedingly rare. You can take an isolated case here and there, but the instances are so few that the good results that come from there being no divorce law in the State outweigh ten thousand times the evils that can be complained of on the ground that there is no divorce law in South Carolina.

Mr. KINKEAD of New Jersey. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from New Jersey?

Mr. FINLEY. Certainly.

Mr. KINKEAD of New Jersey. Has there been any substantial demand in South Carolina for a change in the divorce laws of the State?

Mr. FINLEY. I will say to the gentleman that the sentiment of South Carolina is unanimous that there should be no divorce law in the State. There is no demand for one.

Mr. KINKEAD of New Jersey. That was my understanding.

Mr. FINLEY. Absolutely none.

We are here legislating for a Territory. The Congress is called upon to pass a fundamental law for the Territory of Alaska. This is the last Territory, I believe, that we have, so let us make a model law for Alaska. Let us say to the people of Alaska, to the people of the United States, and all the world that on this question we will take high ground and legislate in such a way for Alaska that there will be no scandalous divorce proceedings, breaking up homes and families, and undermining our civilization—evils which, if they continue as they have existed and as they have grown in the last three decades, will undermine the institutions of this country. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. FLOOD of Virginia. I hope the committee will vote down the amendment of the gentleman from South Carolina. No one here could or would say aught in detraction of the splendid civilization of South Carolina; but we must remember that there are 47 other States in this Union, with as high a civilization as South Carolina, and the civilization and wisdom of those 47 States have led to a different conclusion on this subject from that of South Carolina. They have taken a different view of this question; and in this bill we are crystallizing the wisdom of 47 States against that of the one.

Mr. FINLEY. And the 47 are wrong.

The CHAIRMAN. The question is on the amendment of the gentleman from South Carolina.

The question being taken, on a division (demanded by Mr. FINLEY) there were—ayes 50, noes 71.

Accordingly the amendment was rejected.

Mr. MONDELL. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend, page 30, line 17, by inserting the following:
"*Provided further*, That nothing herein contained shall be held to abrogate the right of the legislature to modify the qualifications of electors by extending the elective franchise to women."

Mr. MONDELL. Mr. Chairman, a few minutes ago the Committee of the Whole—very unwisely, in my opinion—voted down by a tie vote an amendment which would have been of very great value to Alaska, an amendment giving the better half of the population of Alaska the right to vote. [Applause.] While the committee made that mistake, I do not think the committee is prepared to make the further mistake, in granting this limited form of self-government to Alaska, of so legislating that the people of Alaska themselves can not call to their aid in legislation and administration the most virtuous and intelligent half of their population. [Applause.]

My amendment simply provides that the people of Alaska shall have the power to dispose of this matter as they think fit—may grant the elective franchise to women. If they desire to do so, it simply enlarges the scope of the self-government provided for by the act.

Mr. FLOOD of Virginia. There is nothing in this bill to prevent the legislature of Alaska from passing such an act and submitting it to Congress if it desires to do so, so there is no use in adopting this amendment, and I am opposed to inject-

ing the question of woman suffrage into the bill providing a Territorial legislature for the people of Alaska.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. FLOOD of Virginia. Yes.

Mr. MONDELL. If the gentleman will kindly turn to section 5, he will discover that the qualifications of electors are fixed by this legislation, and there is no authority given the legislature of Alaska to change those qualifications in any wise, unless we grant the right provided in this amendment. As the matter now stands in the bill, Alaska has no control whatever over the question of the qualifications of electors. This amendment would give them the right to change those qualifications, so far as extending the franchise to women is concerned.

Mr. FLOOD of Virginia. The statement I made was that there was nothing in this law to prevent the legislature of Alaska from petitioning Congress to pass a law of this kind.

Mr. MONDELL. Oh, there is nothing to prevent that legislature petitioning Congress to repeal the Constitution of the United States, for that matter.

Mr. FLOOD of Virginia. This bill does not change the qualifications of electors from what they are in the existing law. There is nothing in the pending bill that changes the qualifications of electors from existing law. If Congress wants to go into the question of female suffrage at any time, it can take up the existing law and change it. I do not think we ought to.

Mr. MONDELL. This is a proposition to give the people of Alaska the opportunity to take up the question of whether or not they desire to extend the franchise to women. Does the gentleman believe in local self-government?

Mr. FLOOD of Virginia. I do.

Mr. MONDELL. Does the gentleman desire to withhold from the people of Alaska the opportunity to extend the franchise?

Mr. FLOOD of Virginia. I do not.

Mr. MONDELL. Then vote for my amendment.

Mr. FLOOD of Virginia. If the gentleman from Wyoming had been as much interested in giving the people of Alaska local self-government for the last 10 years, when the Republican Party was in power, as he seems to be now, they would have had it.

I say there is no occasion to burden this bill with amendments of this character. The people of Alaska, through their legislature, can petition Congress to make this change if they wish to. This bill does not deny to the people of Alaska that right. It does not change the qualifications of electors in Alaska.

Mr. MADDEN. Does the gentleman from Virginia think, in the face of the fact that the House has already voted against the proposition granting woman suffrage, presented by a Member of the House, that it would pay any attention to a request made by the legislature of Alaska?

Mr. FLOOD of Virginia. I hope it would not. I do not think the people of Alaska would make such a request.

Mr. MONDELL. Then the gentleman from Virginia is against woman suffrage?

Mr. FLOOD of Virginia. I am unqualifiedly against it.

[Mr. MACON addressed the committee. See Appendix.]

Mr. RAKER. Mr. Chairman, unfortunately, when the matter came up in reading section 5 of the bill, I was called out to a committee room. I intended to offer the following amendment, to follow the word "legislature," line 22, page —, of the bill, to read as follows:

Provided, That all male and female citizens of the United States, residents of Alaska, having the qualifications specified in section 3 of said act of May 7, 1906, shall be qualified electors at that election under the provisions of this act.

I find section 3 of the act of May 7, 1906, reads as follows:

That all male citizens of the United States 21 years of age and over, who are actual and bona fide residents of Alaska and who have been such residents continually during the entire year immediately preceding the election and who have been such residents continually for 30 days next preceding the election in the precinct in which they vote, shall be qualified to vote for Delegates for Alaska.

The provision of the bill and act will leave it entirely with Congress to take it out of the hands of the legislature of Alaska, if this bill passes, in relation to giving women a vote. I will now yield to the gentleman from Illinois.

Mr. MANN. Is the gentleman aware that when section 5 of the bill was reached—the proper place for an amendment of this kind—I offered an amendment such as the gentleman now suggests, and it was twice lost on a tie vote because the gentleman was not here?

Mr. RAKER. Mr. Chairman, I am here now, and here for the purpose of speaking in behalf of the amendment introduced by the gentleman from Wyoming [Mr. MONDELL] and in behalf of the proposed amendment by myself. It has been stated upon the floor of this House that this is legislation for the purpose of giving the citizens of Alaska an opportunity for self-government and allow all to participate in such government, that they might pass laws to govern themselves; and yet, while you are asking us to adopt such a law by this bill, you exclude one-half of the qualified citizens as voters—citizens who should be undoubtedly permitted to vote and to pass upon such legislation as should be passed in Alaska.

I want to call the attention of the committee to the fact that the State of California has already adopted a constitutional amendment giving women the right to vote. As a result of that, instead of the back rooms of old buildings and undesirable places being used as voting places, since that time we have found that the schoolhouses, the best rooms in the town, are prepared for the use of our voters, and our women vote; and they are taking an active and earnest interest and are making an honest effort in behalf of passing proper legislation, electing the best-qualified persons for office, and in making better laws, so that the people living under those laws might have a better opportunity, that the children may be provided with better conditions, and that better laws may be passed for the regulation of schools and the sanitary conditions of towns, better water systems may be installed, and that the people may be in a better position generally. The purpose of passing this bill is to give 40,000 people the right to govern themselves, and yet, at the very moment of passing it, you deny 20,000 citizens of that country the right to participate in the elections of the country and to say who shall be their officers and what laws shall be passed.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Certainly.

Mr. BARTLETT. Have they had any elections in California since the granting of suffrage to women in that State?

Mr. RAKER. Yes; we have had many of them.

Mr. BARTLETT. Has the State had an election upon the whisky question lately?

Mr. RAKER. We have voted on all questions.

Mr. BARTLETT. And the State of California went wet, I believe, upon that vote?

Mr. RAKER. The State did not vote upon this question. There never has been any vote taken upon it except in the counties and the districts; and besides, that is no excuse for denying citizens the opportunity to vote. I want to say further upon the general subject of extending the right of the franchise to women that——

The CHAIRMAN. The time of the gentleman from California has expired.

[Mr. TAYLOR of Colorado addressed the committee. See Appendix.]

Mr. STEPHENS of California. Mr. Chairman and gentlemen——

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, in order to shorten time, I wish to ask unanimous consent that all gentlemen here coming from woman's-suffrage States be permitted to extend their remarks in the RECORD. I mean those who are making their speeches for home consumption.

Mr. STEPHENS of California. Mr. Chairman, in answer to the gentleman from New York I desire to state that what I have to say is for his benefit, and not for my own use in the State of California. [Applause.]

Mr. MICHAEL E. DRISCOLL. Oh, put it in the RECORD.

Mr. STEPHENS of California. The State of California, as the Members know, has adopted woman's suffrage. I was for equal suffrage before election as well as after election, and I worked for it because I believed in it. Woman's suffrage in California has convincingly demonstrated its usefulness and its value to the people. I am in favor of the amendment offered, for I believe we should have equal suffrage in every State and Territory of the United States. This afternoon when this subject first came up I had the pleasure of voting for it, and later the honor of being the first man to pass between the tellers and have my vote counted for woman's suffrage. [Applause.]

Mr. HOBSON. Mr. Chairman, I am in favor of women's suffrage [applause], and for two fundamental reasons. The first is because I believe that the political conditions of the world need the benefit of the exercise of political power by these specialists in the field where woman is a specialist. The laws on the statute books of the world to-day are woefully lacking in dealing with questions that bear upon child life, upon public morals, upon public health. The great reforms so urgently needed for the betterment of the conditions of living of the masses must look to woman's emancipation for their fulfillment.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield for a question?

Mr. HOBSON. I have but five minutes.

Mr. MICHAEL E. DRISCOLL. Just one question. Does the gentleman expect if ladies were elected to Congress that they would vote for battleships?

Mr. HOBSON. I believe as compared with the gentleman from New York they would show a commendable intelligence and patriotism on such questions. [Laughter and applause.] Mr. Chairman, man is engaged chiefly in business, in dealing with questions of property, questions of commerce, and the like, and the statutes and the laws of the world are confined in large measure to those matters and are largely deficient in dealing with questions relating to life itself, the home, the welfare of the child, conditions of health, the morals of the community, and even education. We find ample provisions of law for dealing with cholera in hogs or foot-and-mouth disease in cattle, but there is nothing to reach infant mortality and little to reach child labor, debauchery, and moral obliquity. To get these questions properly dealt with in the statutes and the laws of the world we must invoke the political aid of that part of humanity that gives daily attention to those matters.

The second fundamental reason is this: Self-government is a trait that is evolved in humanity. Humanity does not escape the great law of heredity that governs the rest of creation. If you want to create a great pacer, you look to the development of the mother of the pacer as much as and even more than to the development of the father. If we wish to produce a race of men of the highest capacity for self-government, of the highest wisdom in politics, we must see that those faculties involved in government and in politics are developed in the women of the race. Historically the great achievements of the ages have not been by men alone, but have been by men whose women were with the men in the field of achievement. [Applause.]

The Roman Empire was overthrown by the women of the Gauls, who went with their husbands, their fathers, their sons, their brothers, and who stayed with them, gathering the powers of conquest in their own brains and their own hearts and their own blood, and giving birth to the race of warriors that finally conquered Rome. For any other great race achievement in the world the scientific way to get the highest and best results is to develop the qualities required in the mothers of the men. We are weak in the development of our men wherever we are weak in the development of our women. If we would have a race and a nation capable of the highest forms of self-government and containing the greatest wisdom in public affairs, we must overcome the weakness along these lines of our average heredity, the weakness in the political development of the mothers of the Nation.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. GREEN of Iowa and Mr. BERGER rose.

Mr. FLOOD of Virginia. Mr. Chairman, I move that all debate on the pending amendment close in 10 minutes.

Mr. MANN. Give us a little more time.

Mr. BERGER. All I want is five minutes.

Mr. FLOOD of Virginia. What I am trying to arrange is for the time.

Mr. MANN. I want five minutes.

Mr. FLOOD of Virginia. I ask, Mr. Chairman, that all debate on this amendment close in 15 minutes.

Mr. MONDELL. There are four or five gentlemen who desire to talk. Can you make it 25 minutes?

Mr. FLOOD of Virginia. We are compelled to pass this bill this afternoon.

Mr. MONDELL. We will do that.

Mr. FLOOD of Virginia. We will not do it if we keep on talking. I move that all debate on the pending amendment close in 15 minutes.

The CHAIRMAN. The gentleman from Virginia moves that all debate on the pending amendment close in 15 minutes.

The question was taken, and the motion was agreed to.

Mr. GREEN of Iowa. Mr. Chairman, I have often observed that many who profess having the highest regard for women are most afraid that women should exert their influence in public affairs; but the question, Mr. Chairman, at this time before this House is not the question of woman suffrage. On the contrary, the question is simply that of local self-government, and that is all we are voting on now. It is a question that ought not to be determined by the ideas of the gentleman from Arkansas [Mr. MACON], or even of the gentleman from Alabama [Mr. HOBSON], no matter whether I or others agree with them. The question ought to be determined by the inhabitants of Alaska, those who are qualified under this law to vote and determine it. It is so determined in every State.

Mr. FLOOD of Virginia. May I interrupt the gentleman a moment? I will say to him that there are a great many powers that this bill could confer upon the legislature of Alaska, which it has not done, which would go to make up local self-government, but we restricted the powers we confer upon it.

Mr. GREEN of Iowa. That is very true; but this is one which, above all, ought to be conferred on the people of that Territory. [Applause.] They know for themselves whether the influence of women will be for good or for bad, and they ought to have the privilege of determining it. I do not, by anything I say, intend to express any approval or disapproval of the general principles implied in women exercising the function of the ballot. That is not the question now to be determined. The other powers which have been conferred by this bill can not be properly exercised unless the inhabitants of Alaska also have this privilege which is sought to be conferred by this amendment. And that is all the House should consider at this time. [Applause.]

Mr. MANN. Mr. Chairman, I would like to be recognized for three minutes only.

Mr. BERGER. I would like five minutes.

Mr. MANN. I would like the Chair to call me down at the end of three minutes, if I do not stop before.

Mr. Chairman, when the section of this bill which relates to the qualifications of electors was reached I offered an amendment amending the law now on the statute books and fixing the qualifications of electors so as to strike out the word "male," which would have conferred the right of the elective franchise upon both men and women. That motion was lost by a tie vote on a division and by a tie vote by tellers, the last vote that could be obtained in the Committee of the Whole.

I have heard three gentlemen of the House already apologize for not being here, two of them sent here by women's votes, or two men who hope to be returned by women's votes.

Mr. RAKER. Will the gentleman yield for a question?

Mr. MANN. I will not. I have only three minutes.

Now, if these gentlemen had been here when this provision of the bill was reached and voted for the amendment, it would have prevailed. [Applause.]

I appreciate the desire of the gentlemen to apologize for their absence. I hope that in the future, if they endeavor to represent the women of their States, they will be "on the job" when the question comes up and have no occasion for offering an apology.

But the House, having had a tie vote, at that time declined to insert that provision in the bill directly, and I made a point of no quorum and obtained the presence of more Members of the House, and the gentleman from Wyoming [Mr. MONDELL] has now offered an amendment to let the legislature of Alaska give the right of franchise to women.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from California?

Mr. MANN. I can not yield. I have only three minutes' time.

The CHAIRMAN. The gentleman declines to yield.

Mr. RAKER. Just for a question.

Mr. MANN. Oh, well, I will yield to the gentleman. The gentleman forces me to yield. By the time I have yielded I suppose my time will have expired.

Mr. RAKER. The call of the House was on another proposition altogether, not upon the vote.

Mr. MANN. Does the gentleman need to tell the House that? Everybody in the House knows it and the RECORD shows it. I made the point of no quorum to bring the House here, because I knew the gentleman from Wyoming [Mr. MONDELL] proposed to offer this amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BERGER rose.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. BERGER. Mr. Chairman, it is quite remarkable that the people of the fifth district of Wisconsin, covering a part of the city of Milwaukee, are so progressive as to send the first Socialist to Congress. I am proud that I have the honor to represent them. I am proud of Milwaukee.

Mr. Chairman, I am in favor of the amendment offered by the gentleman from Wyoming [Mr. MONDELL] for three reasons.

The first reason is that women are entitled to the franchise as a matter of justice, not because women will elevate politics. They have not elevated politics in Colorado. They have not done so in Wyoming. They are the mainstay of Mormonism in Utah and in Idaho. [Laughter.]

But I favor the amendment as a matter of justice. While they have not elevated politics, as voters they are, after all, fully as good as men. And women are not making any worse a job of it where they have a vote than the men do where men alone vote. [Applause.]

My second reason is a political reason. I favor woman suffrage as a matter of democracy. Women form a part of our population—fully one-half of the adult population. They are folks, like men. They ought to have the same rights and the same privileges as men. All just government is founded on the consent of the governed. We can not have a free country, we can not claim to have a real democracy, as long as fully one-half of the citizens of the country are disfranchised. To paraphrase a sentence of Abraham Lincoln: "A country can not endure that is half free and half not free."

But there is also one more reason, and that is an economic reason.

In former days, especially among Germans, the good hausfrau—the housewife—was the ideal woman. In the days of our fathers and grandfathers the woman, the housewife, had nothing else to do—could do nothing else—than take care of the family, the kitchen, and the household. That time is passed, especially in large cities. Women now must go out into the world and work. They have to support themselves, and very often they also must help to support their family. Women work in stores, offices, schoolrooms, and millions of them go into factories. The number of women at work in 1900 was 5,319,397. I do not have the figures for 1910 at hand.

Working like men, they ought to have the same economic and political rights as a man. That is all there is to it. Not because women are better—although I believe they are better—and they are better looking, of course. [Laughter and applause.] As a matter of justice, democracy, and economic fairness women citizens should have the same political and economic rights as men citizens.

Mr. FERRIS. Mr. Chairman, will the gentleman yield there for a question?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Oklahoma?

Mr. BERGER. With pleasure.

Mr. FERRIS. Does the gentleman think that if women had an equal political right to vote with men they would have enjoyed the privileges which they did enjoy the other day when the *Titanic* sank?

Mr. BERGER. I do. And for this reason: After all, woman is of more importance to the race than is the man, and every real man realizes that by instinct. The safe-keeping of the race is left to the women. [Applause.] I hope I will never be on a boat like the *Titanic*—I mean in a situation of that kind. But I, for one, and I believe every Member of this House, would stay back at any time and give way to the women and children, whether women enjoyed suffrage or not.

Gentlemen, I say again, I am in favor of the amendment, and I hope it will prevail. [Applause.]

Mr. Chairman, I yield back the remainder of my time. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. MONDELL. Division!

Mr. FLOOD of Virginia. A division, Mr. Chairman.

The committee divided; and there were—ayes 73, noes 41.

Mr. FLOOD of Virginia. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. FLOOD of Virginia and Mr. MONDELL.

The committee again divided; and the tellers reported—ayes 81, noes 35.

Accordingly the amendment was agreed to.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California is recognized for five minutes.

Mr. RAKER. Mr. Chairman, I should like to ask unanimous consent to return to section 5, line 22, for the purpose of offering an amendment.

Mr. JACKSON. The gentleman is asking unanimous consent?

Mr. RAKER. I am going to when I finish reading this amendment.

Mr. JACKSON. I desire to offer an amendment to this section before returning to a former section.

SEVERAL MEMBERS. Regular order.

The CHAIRMAN. The regular order is demanded.

Mr. RAKER. I have moved to strike out the last word, and I wish to make a statement before I get to my amendment.

The CHAIRMAN. The Chair understood the gentleman subsequently to make a request for unanimous consent, and to that request a demand for the regular order is equivalent to an objection.

Mr. RAKER. I have not yet submitted my request for unanimous consent. I am heartily in favor of this legislature proposed by this bill. The people of Alaska should have a right to govern themselves as far as possible. I hope the bill will pass. Some amendments should be made, and in the five minutes which I have I desire to say that I shall, when the time comes, present the following as one of those amendments:

Provided, That all male and female citizens of the United States, residents of Alaska, having the qualifications specified in section 3 of said act of May 7, 1906, shall be qualified electors at all elections under the provisions of this act.

Now, I understand that the original vote on this proposition was 26 to 26 and then 41 to 41, so that it was a tie both times.

In response to the gentleman from Illinois, I want to say that since I have had the privilege of being a Member here, there has not been one roll call when I have been absent from my place in this House. I have at all times been present and doing my duty as a Member of this House. In addition to that, at the time when this matter came up to-day, I was in attendance before a committee which had under consideration important legislation bearing upon the interests of the State of California. I was here when the bill was being first considered this morning, as the record will show. While I was there this amendment was voted on. I believe, under the circumstances, after the vote which has been taken here, no man will permit himself to object to a proper request to return to this paragraph in order that the House may have an opportunity to vote upon this amendment.

Now, Mr. Chairman, I ask unanimous consent that we return to paragraph 5 for the purpose of presenting the amendment just read, so that the House may have an opportunity to vote upon it.

Mr. MACON. Mr. Chairman, I object.

The CHAIRMAN. Objection is made by the gentleman from Arkansas [Mr. MACON].

Mr. JACKSON. Mr. Chairman, I desire to offer the following amendment:

Page 28, line 17, insert, after the word "application," the following: "Which residence and all causes for divorce shall be determined by the court upon evidence adduced in open court."

Mr. Chairman, I prepared this amendment before the question of equal suffrage was introduced into the debate the second time; and for that reason, when the gentleman from California [Mr. RAKER] sought to introduce it again, I was inclined to object. I want to say that I voted for it both times; but it seems to me that this section concerning divorce, as well as many other good amendments for which I have voted here to-day, have been sought to be written into this law for the purpose of preventing any scandal or any fraud in obtaining divorces in that new and distant Territory. It seems to me that the principal source of fraud in the granting of divorces rests in court procedure rather than in the causes for divorce, or even in the requirements as to residence.

I presume all lawyers here are acquainted with the practice of proving residence by affidavit, especially in cases where service is sought by publication. I think it is well, therefore, for us to provide that all questions of residence shall be established in open court, by testimony taken before the court; and I think it is also well, in order to guard againt any collusion between the parties desiring divorce, that the cause for divorce shall also be established before the court, upon testimony regularly adduced in court. That is the law in a number of States, and it has a salutary effect in preventing collusive and fraudulent divorces.

Mr. TOWNER. Mr. Chairman, I rise to earnestly ask this committee to adopt the amendment that has been offered by the gentleman from Kansas. I hope the committee will not object to this very important amendment.

Mr. FLOOD of Virginia. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. FLOOD of Virginia. Do I understand the gentleman is in favor of the amendment?

Mr. TOWNER. Yes.

Mr. FLOOD of Virginia. I will say that we are willing to accept the amendment. It is now the law or the practice in Alaska at this time, and the committee thinks it is a good amendment.

Mr. TOWNER. Mr. Chairman, I am glad to learn that, but if the committee will permit me I desire to say one or two things in direct connection with it. It appears to me, Mr. Chairman, that we are making a mistake in regarding these matters as of little importance. The Nation does not so regard them. There has been a demand, Nation wide in extent, that the evils that are apparent in divorce proceedings, the scandals that have attended divorce proceedings in the United States,

shall be remedied. Demands have been made that the National Government itself should seek to legislate upon this question. Of course, that demand is met by the answer, which is sufficient, that the Nation ought not to seek to invade and can not invade the province of the State in that regard. But a responsibility is placed upon us, Mr. Chairman, whenever legislation upon great and important questions of this kind for a Territory come before us. We must consider the rights of the people of the Territory which are involved in that determination and action, and we should also remember that the action we take will be considered as an expression of the sentiment of the people of the United States with regard to that question. And so I would very much like, if it could be possible, that this great question of divorce could be carefully considered not only in regard to the people of the Territory of Alaska, but as an expression, somewhat at least, of the sentiment of the people of the United States in regard to that question. [Applause.]

Mr. FOWLER. Mr. Chairman, I want to ask the author of this amendment a question. Is it the intention of this amendment to cut out such evidence as depositions in court?

Mr. JACKSON. No; depositions, of course, would be evidence. The purpose of the amendment is to cut out the secret granting of diverces, the star-chamber proceedings, and, what is perhaps more important, granting the publication of service on affidavits, so that any person who is divorced must appear in court and prove his case on testimony adduced in court.

Mr. FOWLER. The amendment does not deal with the method of getting into court, as I understand it.

Mr. JACKSON. That is true; but the provision of the statute is that no divorce shall be granted except upon two years' residence, which would be jurisdictional. The amendment provides that that must be established in open court on the testimony, so that if anyone sought a publication service, which, of course, they will in most cases of divorce in Alaska, they would some time during the case have to prove residence by producing the testimony in court.

Mr. RAKER. Mr. Chairman, I would like to offer an amendment to the amendment by providing that no divorce shall be granted by default.

Mr. MANN. If you could not grant it by default, you could not grant it at all if nobody appears.

Mr. JACKSON. The amendment provides that it shall not be granted on default alone, but only upon residence in open court.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was considered, and the amendment was agreed to.

Mr. TURNBULL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 29, in lines 25 and 26, and line 1, on page 30, strike out the words "and all taxes shall be equal and uniform, and no distinction shall be made in the assessment between different kinds of property, but," and insert in lieu thereof the words "all taxes shall be uniform upon the same class of subjects and shall be levied and collected under general laws and"——

Mr. FLOOD of Virginia. Mr. Chairman, we have conferred with the gentleman from Virginia about the amendment, and I think it is an improvement to the bill, and we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment: On page 28, line 15, after the word "have," insert the following: "Been a bona fide resident of and actually," so that as amended the bill would read:

No divorce shall be granted by the legislature, nor shall any divorce be granted by the courts of the Territory unless the applicant therefor shall have been a bona fide resident of and actually resided in the Territory for two years, etc.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 28, line 15, by adding after the word "have" the words "been a bona fide resident of and actually."

Mr. WILLIS. Mr. Chairman, will the gentleman please explain the effect of that amendment? How does it change the meaning of the statement as it appears in the bill?

Mr. RAKER. Mr. Chairman, a man may be a resident of a State and only be there in the year three or four weeks at a time. That has been one of the defects in the laws and the cause of so much trouble in States where they grant a divorce to a man where it is provided only that he shall be a resident.

Mr. WILLIS. In that case he will not have resided in the Territory for two years. The bill provides that he must have resided there for two years. How could he do that and not be a bona fide resident? The gentleman has simply taken the method of circumlocution to accomplish the same thing already provided for in the bill.

Mr. RAKER. Not at all. The language of the bill is:

Unless the applicant therefor shall have resided in the Territory for two years.

Mr. WILLIS. The bill says that he must have resided there for two years.

Mr. RAKER. That does not say that he shall have been an actual resident there during that time.

Mr. WILLIS. If a man resides in a place for two years is he not an actual resident for two years?

Mr. RAKER. Not necessarily.

Mr. WILLIS. Oh, vote!

Mr. RAKER. Mr. Chairman, it is all very well to say "Vote," but the courts have settled that question very distinctly in a number of cases. He may be a resident of the Territory, but where he is actually residing is another question. This makes it so that he must not only be a resident but he must be actually residing there in that Territory for two years.

Mr. GREEN of Iowa. Mr. Chairman, the gentleman from California is simply confusing the word "domicile" with the word "residence." That is all there is to it.

Mr. RAKER. Not at all.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Certainly.

Mr. MANN. The gentleman will notice that the bill does not say that he shall be a resident, but it says that the person shall reside there for two years.

Mr. RAKER. It does not say that, but it says "shall have resided."

Mr. MANN. Very well; "shall have resided." If that does not mean shall reside there, then I do not know what it does mean.

Mr. RAKER. Clearly, to me, it does not cover the question, and a man may go there and stay a couple of weeks and then go away for a month or two and come back, and though that will have been his residence, in contemplation of the law, under the use of the word, he will not have been an actual, bona fide resident actually residing there during all of two years' time. I want him to actually reside in the Territory as well as being a bona fide resident thereof. I am now residing here in Washington, but by no means a bona fide resident of the District of Columbia. I am here on business. The applicant for divorce should not be a resident of Alaska on business—that of getting a divorce—but should be a bona fide resident, actually residing in Alaska.

Mr. MANN. If a man resides at a place for two years, he is an actual resident, and he actually resides there. How the courts may construe it does not make any difference, and the gentleman's language will not change it at all. If he wants to make a man stay there all of the time for two years, he will have to use the word "continuously."

Mr. RAKER. I think this language means continuously, and that is the purpose of it.

Mr. FLOOD of Virginia. Mr. Chairman, I can not accept that amendment. I do not think a man or a woman ought to be denied the right of divorce because sometime during the two years that he was a resident of the Territory he happened to be out of Alaska. I do not think the language the gentleman proposes changes the section at all, but rather than have a debate I accepted it. I did not, however, mean to accept the word "continuously," and if that is the construction put upon it I think it ought to be voted down.

Mr. NYE. Mr. Chairman, there is this distinction which the gentleman's amendment would cover: A man might go to a place and actually live there for two years for the purpose of getting a divorce, but he would not be a bona fide resident for the purpose of divorce. I think that the term "bona fide" should go into the law relating to all divorce proceedings and should be essential.

Mr. BARTLETT. If the statute said that a man should actually reside in a place for two years, can it mean anything else except that he shall be a bona fide resident and actually live there?

Mr. NYE. Not if he goes there and lives for the purpose of getting a divorce, as they have done in some of the Northern States. He is not then a resident in good faith.

Mr. BARTLETT. Then he is not an actual resident.

Mr. NYE. It is not a residence that is sufficient for a divorce.

Mr. BARTLETT. The statute says he must have actually resided there for two years.

Mr. NYE. Oh, well, I think the gentleman understands my proposition.

Mr. BARLETT. I understand it.

Mr. NYE. A man may live in a State 10 years for the purpose of getting a divorce and not be a bona fide resident.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. RAKER) there were—ayes 7, noes 35.

So the amendment was rejected.

Mr. RODDENBERY. Mr. Chairman, I desire to offer an amendment. On page 28, in line 24, insert, after the word "be" and before the word "sold," the words "manufactured or."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 28, line 24, by inserting, after the word "be," the words "manufactured or."

Mr. RODDENBERY. Mr. Chairman, I do not care to discuss the amendment at length, but the report of the bill does not cover this amendment in any way, and I would like to have an expression——

Mr. FLOOD of Virginia. Mr. Chairman, I would like to say to the gentleman from Georgia that the committee accepts that amendment.

The question was taken, and the amendment was agreed to.

Mr. RODDENBERY. Mr. Chairman, I wish to move an amendment. On page 28, lines 24 and 25, strike out the following words:

Except under such regulations and restrictions as Congress shall provide.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 28, lines 24 and 25, by striking out the words "except under such regulations and restrictions as Congress shall provide."

Mr. FLOOD of Virginia. Mr. Chairman, I hope that amendment will be voted down. The people of Alaska want Congress to pass and the Federal officers to administer these laws, and they do not want to turn it over to the Territorial legislature.

Mr. RODDENBERY. Mr. Chairman, the object of this amendment was not designed to bring about the condition the distinguished chairman has suggested. The object of the amendment was to leave the Alaska act with a definite provision establishing prohibition in the Territory. The proposed act now reads: "Nor shall spirituous or intoxicating liquors be sold except under such regulations and restrictions as Congress shall provide." I am moving to strike out the words "except under such regulations and restrictions as Congress shall provide," so that it will leave the statute thus: "Nor shall spirituous or intoxicating liquors be manufactured or sold."

I recognize that although that were done it would be within the power of Congress hereafter to legislate if it saw fit, but the pending bill itself carries with it the implication that Congress will hereafter legislate upon the subject, and I merely desire to affect a straight prohibition law against the manufacture and sale of spirituous and intoxicating liquors in the District of Alaska.

Mr. FLOOD of Virginia. Mr. Chairman, I do not think the amendment would accomplish the result the gentleman has in view. The striking out of these words would not keep Congress from passing another law granting the right to sell and manufacture liquor up there. I think the bill as it stands is in the best form.

Mr. RODDENBERY. Will the gentleman accept an amendment to change the word "shall," on page 28, line 25, to the word "may"?

Mr. FLOOD of Virginia. Which line?

Mr. RODDENBERY. Line 25, the word "shall," where it first appears in line 25, and amend that by substituting therefor the word "may."

Mr. FLOOD of Virginia. "Except under such regulations and restrictions as Congress may provide"—oh, yes; I accept that.

Mr. RODDENBERY. I withdraw the original amendment—no; I do not withdraw the original amendment.

Mr. MANN. Let us have the amendment again reported.

The amendment was again reported.

Mr. RODDENBERY. The Clerk, Mr. Chairman, evidently misapprehends. I insist on the original amendment.

Mr. FLOOD of Virginia. What is the original amendment?

Mr. RODDENBERY. I move to strike out the clause "except under such regulations and restrictions as Congress shall provide."

Mr. FLOOD of Virginia. You want to strike that out entirely?

Mr. RODDENBERY. Entirely.

Mr. FLOOD of Virginia. Well, I would not want to accept it.

The CHAIRMAN. The Clerk will report, without objection, the original amendment.

The original amendment was again reported.

Mr. FLOOD of Virginia. There is no necessity of my accepting an amendment if the gentleman is going to insist upon his original amendment. I thought he was going to withdraw this.

Mr. RODDENBERY. I understand the gentleman's statement in no way binds him, because I am insisting on my original amendment.

Mr. FLOOD of Virginia. The situation comes up on the amendment of the gentleman from Georgia [Mr. RODDENBERY] providing that the words "except under such regulations and restrictions as Congress shall provide" be stricken out. The committee is opposed to striking the words out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. RODDENBERY].

The question was taken, and the amendment was rejected.

Mr. RODDENBERY. Mr. Chairman, I move to amend, page 28, line 25, by striking out the word "shall" where it first occurs in line 25 and substituting therefor the word "may."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 28, line 25, by striking out the word "shall," after the word "Congress," and insert in lieu thereof the word "may."

Mr. MANN. Mr. Chairman, I take it the only effect of changing "shall" to "may" there will make "may" relate to the future. I do not know what other effect it would have. If the intention is to only make it relate to future regulations of Congress it ought not to go in there, because we have now provided for the regulations and have provided restrictions which ought to be enforced, and I am sure the gentleman does not wish to change those regulations and restrictions by this act. And that is the only effect I can see of the gentleman's amendment.

Mr. FLOOD of Virginia. Mr. Chairman, my understanding of the amendment is that it really makes no change in the effect of the bill, not the slightest. The word "shall" and "may" would be considered to mean exactly the same thing. That is my understanding, Mr. Chairman, of what would be the effect of this amendment, and for that reason I agreed to accept it, but I would not like to throw any doubt on what the position of this law is, and, in view of the statement of the gentleman from Illinois [Mr. MANN], I think this ought to be voted down.

Mr. HOBSON. Mr. Chairman, will the gentleman from Georgia [Mr. RODDENBERY] yield, in order that I may ask a question of the gentleman from Illinois [Mr. MANN]?

Mr. RODDENBERY. I yield.

Mr. HOBSON. I want to ask the gentleman from Illinois if I understand him to say that there are now regulations in effect that would apply under this statute to the Territory of Alaska?

Mr. MANN. I understand there are very strict regulations passed by Congress in regard to the sale of intoxicating liquors in Alaska.

Mr. WICKERSHAM. And the whole matter is under charge of Congress and the departments.

Mr. RODDENBERY. The gentleman from Illinois [Mr. MANN] is precisely correct as to existing laws touching the sale of liquors in Alaska. The use of the word "may" here in its legal determination relates back just as much as the word "shall" would relate back. Neither the word "may" nor the word "shall" interferes with any proviso of the existing law. But the word "shall" in this connection may be obligatory and mandatory, while the word "may" would not be; so that if the word "may" is used it undoubtedly would relate back to the existing law, but would not declare in legal terms that it is the determined policy of Congress to continue present statutes or enact others permitting and regulating the sale of intoxicating liquors in Alaska. The word "may" will leave it wholly within the power of Congress as to continuing and administering the existing law and as to the enactment of any future or other law relative to that subject, but could not be construed as mandatory in its nature.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. RODDENBERY].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 10. Rules, quorum, and majority.—That the council and house of representatives shall each choose its own officers, determine the rules of its own proceedings not inconsistent with this act, and keep a journal of its proceedings; that the ayes and noes of the members of either house on any question shall, at the request of one-fifth of the members present, be entered on the journal; that a majority of the number of members to which each house is entitled shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice, but the final passage of a law in each house shall require the vote of a majority of all the members to which such house is entitled; that a smaller number than a quorum may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may provide; that for the purpose of ascertaining whether there is a quorum present the presiding officer shall count the number of members present.

Mr. FOWLER and Mr. MANN rose.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Chairman, I move to strike out, on page 31, lines 1, 2, 3, and 4, commencing with the word "but" in line 1, the following:

But the final passage of a law in each house shall require the vote of a majority of all the members to which such house is entitled.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 31, line 1, strike out the word "but" at the end of the line, and all of lines 2 and 3, and the words "is entitled," on line 4.

Mr. MANN. The purpose of that amendment is not to change that requirement. That requirement is contained in section 13 in this language:

That a bill in order to become a law shall have three separate readings in each house, the final passage of which in each house shall be by a majority vote of all the members to which such house is entitled, taken by ayes and noes, and entered upon its journal.

That is where it requires that a bill shall pass by a majority vote in each house, which is precisely the same thing that was attempted to be covered the second time in this provision, although here it relates to a law instead of a bill.

Mr. FLOOD of Virginia. The gentleman from Illinois is correct about that provision. It is unnecessary there, and the amendment might just as well be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

Mr. FOWLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] offers an amendment, which the Clerk will read.

The Clerk read as follows:

Amend, page 31, line 9, after the word "count," by inserting the words "and report"; and in the same line, after the word "the," insert the word "actual."

Mr. FOWLER. Mr. Chairman, the object of this amendment is to require the presiding officer to count and report the actual number of members of the house who are present, so that the line would read, "officer shall count and report the actual number of members present."

Mr. McLAUGHLIN. Report to whom? To the President of the United States?

Mr. FOWLER. No. When the question of no quorum is raised by any member the presiding officer might look over the house and count a portion of the number, or he might count more than is present, and decide that a quorum is present, when really a quorum is not present. This amendment seeks to compel the speaker to give a fair and correct count of all members present when the question of a quorum is raised, and to compel him to report from the chair the exact number of members present after he makes his count.

Now, Mr. Chairman, I have been in the legislature of my own State, wherein I have seen the presiding officer, who had the power, scan the number of votes and count for a quorum, and declare a quorum present when there was not a half or a third of a quorum present. The object of this amendment is to get the actual number who were present counted and reported.

Mr. FLOOD of Virginia. I accept the amendment, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 11. Legislator shall not hold other office.—That no member of the legislature shall hold or be appointed to any office which has been created, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected and for one year after the expiration of such term; and no person holding a commission or appointment under the United States shall be a member of the legislature or shall hold any office under the government of said Territory.

Mr. MANN. Mr. Chairman, I ask that the word "Territory" may be properly spelled at the end of line 18.

The CHAIRMAN. The Clerk will report the amendment.

Mr. FOWLER. Mr. Chairman, I desire to ask the gentleman a question regarding the spelling of that word. Is it not the duty of the engrossing and enrolling clerk properly to spell the word when the bill is engrossed? [Laughter.]

Mr. MANN. It may be that the engrossing clerk will do that. I do not know. I know that the printer made a mistake in spelling this word. I suppose it could be corrected without attracting the attention of the House. It may be that some gentlemen in the House do not know that the word is misspelled. [Laughter.]

The CHAIRMAN. The Clerk will make the proper correction. The Clerk will read.

The Clerk read as follows:

SEC. 14. The veto power.—That, except as herein provided, all bills passed by the legislature shall, in order to be valid, be signed by the governor. That every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses, and shall thereupon be presented to the governor. If he approves it, he shall sign it and it shall become a law. If the governor does not approve such bill, he may return it, with his objections, to the legislature. He may veto any specific item or items in any bill which appropriates money for specific purposes, but shall veto other bills, if at all, only as a whole. That upon the receipt of a veto message from the governor each house of the legislature shall enter the same at large upon its journal and proceed to reconsider such bill or part of a bill and again vote upon it by ayes and noes, which shall be entered upon its journal. If, after such reconsideration, such bill or part of a bill shall be approved by a two-thirds vote of all the members to which each house is entitled, it shall thereby become a law. That if the governor neither signs nor vetoes a bill within three days after it is delivered to him it shall become a law without his signature, unless the legislature adjourns sine die prior to the expiration of such three days. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by their adjournment, prevents its return, in which case it shall not be a law.

Mr. MANN. Mr. Chairman, I move to amend, page 33, line 8, by inserting, after the word "days," at the end of the line, in parentheses, the words "Sundays excepted."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend, page 33, line 8, by inserting at the end of the line, after the word "days," in parentheses, the words "Sundays excepted."

Mr. MANN. That makes it conform to the provision in the latter part of the section, and it is necessary for that purpose.

Mr. FLOOD of Virginia. I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

Mr. FOWLER. Mr. Chairman, on page 33, line 8, after the word "within," strike out the word "three" and insert the word "ten."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The Clerk read as follows:

Amend, page 33, line 8, after the word "within," by striking out the word "three" and inserting the word "ten."

Mr. FOWLER. Mr. Chairman, it strikes me that three days for a governor to examine bills is a very short time for him to make up his mind as to whether the provisions thereof are salutary or not. It looks to me as though the number of days is too short. There ought to be at least 10 days, and my recollection is, Mr. Chairman, that that is the number of days that are usually given in the various States, especially those that I am acquainted with.

In my own State of Illinois, as I recall it, 10 days are accorded to the governor for the purpose of inspecting and examining bills that have been submitted to him after they pass both branches of the legislature. To confine it to three days would, in my opinion, be unwise, because it would not give the governor an opportunity to examine a great number of bills that might be rushed to him in the closing days of the session, as is very common, among which bad bills might become laws and good bills might be vetoed because of a lack of time to make the proper examination. I hope that the amendment may pass.

Mr. MANN. Mr. Chairman, I am very much inclined to agree with my colleague, but I wish the committee had provided here for the governor having a right to veto a bill after the adjournment of the session of the legislature. It seems to me that is quite important where the session of the legislature is limited to 60 days. As we all know, a large proportion of the bills in any legislative body are passed toward the wind-up, and necessarily so. There is no other way for bills in conference to become laws, as a rule, and, in my judgment, the executive ought to have the right to sign or veto an appropriation bill or other bill after the legislature adjourns. If the legislature want to obviate that, they can pass the bills earlier in the session. I think the provision which I suggest is the law in most States, is it not?

Mr. FLOOD of Virginia. Oh, no; it is not the law in any State with which I am familiar.

Mr. MANN. It is the law in a great many States, and it works admirably. We know how it is here in this Congress. Nearly half the printed volumes of published laws of the United States passed at the short session of Congress bear date of March 3, and the President is called upon to sign a large number of bills in the last moments of Congress. The President has his Cabinet officers here, with a corps of men watching every bill that is likely to be passed to report upon it to him; but the governor of the Territory can not have that assistance, and if he does not sign a bill before the legislature adjourns it does

not become a law, and there is no way of making it become a law. It seems to me it is desirable to give the governor the authority to sign a bill after the adjournment of the 60-day session of the legislature.

Mr. FLOOD of Virginia. Mr. Chairman, I think the provision suggested by the gentleman from Illinois [Mr. FOWLER], as supplemented by the other gentleman from Illinois [Mr. MANN], is certainly not wise. Ten days is too long a time to give the governor to hold a bill. All of us who are familiar with the workings of State legislatures know that some of the most important measures are passed during the last 10 days of a session. In fact, where the legislative session is limited to 60 days the most important measures generally come up during the last 10 days. This amendment would put it in the power of the governor to hold such bills for 10 days, or until the legislature adjourned, and deprive the legislature of the power of passing bills over the governor's veto; and if the further suggestion of the gentleman from Illinois [Mr. MANN] is carried out—that the governor be permitted to wait until the legislature adjourns and then veto the bills—it seems to me you had just as well not give Alaska a legislature. Ever since we have owned that Territory we have governed it by carpetbaggers. They pick up men here and send them there who have not the interest in the Territory that a resident has and make him the governor. That is true of the governor as well as other officials. Now we are passing a bill that allows these people to elect a legislature of residents of Alaska, but the governor may still be a nonresident. He still may be appointed by the President from Washington City or elsewhere, and may not have at heart the real interest or desire the development of this Territory.

We purchased Alaska 45 years ago, and in the contract of purchase we solemnly agreed to admit the civilized people of that Territory to the enjoyment of all the rights, advantages, and immunities of citizens of the United States. During all of these years that compact has been ignored; for 45 years the civilized people of Alaska and 35,000 other American citizens who have joined them have been governed, when governed at all, by carpetbaggers, and now that a semblance of self-government is being provided for, these amendments are offered, which, if adopted, will leave the legislature powerless in the hands of a governor appointed from Washington. They ought not to be put in this bill.

Mr. MANN. Will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. MANN. The gentleman spoke of my proposing to give the governor the right to veto a bill after the legislature adjourned. Of course, in a way, the gentleman is correct, but what I want to give the governor is the right to sign a bill after the legislature adjourns. He has the right of pocket veto now, without either signing or vetoing.

Mr. FLOOD of Virginia. That is my objection to the 10 days. If he has to sign a bill or veto it within three days, the handicap to the legislature is not as great.

Mr. MANN. I know, but whatever time is fixed he can exercise his pocket veto during that time. If he does not want to sign a bill that is passed in the last three days before the end of the legislative session, he does not have to do anything about it. The bill does not become a law. He is not required to veto it.

Mr. FLOOD of Virginia. That may be a misfortune of the legislature of Alaska, but we have limited it to three days, and he can only impose a pocket veto on the legislation of the last three days. The amendment of the gentleman from Illinois would give the governor 10 days in which to do that. The subjects of legislation in Alaska are not so very numerous, but all of us know, because every man probably has had to do with short sessions of State legislatures, that they do crowd the most important business of the session into the last few weeks.

Mr. FOWLER. That being the fact, can the governor pass intelligently on those bills to give his approval or disapproval of them?

Mr. MADDEN. Will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. MADDEN. The statement of the gentleman from Virginia, to the effect that the most important legislation is crowded into the last two or three days, is the best argument for giving the governor the right to sign or veto a bill after the adjournment. He ought to have time to consider the bills. He is not a member of the legislature. How are you going to get him to consider, before adjournment, 50 bills handed to him at the last minute?

Mr. FLOOD of Virginia. The governor is a part of the legislative department of the State. If he has attended to the duties of his office he knows the important measures that are pending before the legislature. Every governor knows the important measures that are to come to him. If he is attending to his duties he will follow the discussion of these measures, first in one house and then in the other, and will have ample time to digest the provisions of the bills and know whether he wishes to sign or veto them. Besides, there will not be the rush in legislation in Alaska that there is in the State legislatures. There is going to be a good deal of legislation of a local character, but not so much as we have in State legislatures.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. FLOOD of Virginia. Certainly.

Mr. TAYLOR of Colorado. Is it not true that the governor is confined to the executive branch of the government, and can not, and does not, follow the discussion of the bills, and could not be expected to follow them like members do?

Mr. FLOOD of Virginia. I did not say that he was expected to know them as members do, but a governor who is at all mindful of his duty keeps up with the discussions of important matters in the two bodies, and knows the important measures that are pending before the two bodies, and when they come to him knows pretty well what they contain.

Mr. TAYLOR of Colorado. But is it not better to give him a chance to consider them and prevent hasty legislation?

Mr. FLOOD of Virginia. We do give him a chance; we give him three days to consider bills after they come to him.

Mr. AINEY. Will the gentleman yield?

Mr. FLOOD of Virginia. I will.

Mr. AINEY. In view of the last statement that the governor has three days, I would like to ask the gentleman's construction of the bill. Suppose a measure passes the house the last day that the legislature is in session?

Mr. FLOOD of Virginia. Well, I suppose the governor would have to do as the President of the United States does, be at the Capitol and sign the bills as they are passed.

Mr. AINEY. Suppose it required the governor to take some time for examination, what becomes of the bill?

Mr. FLOOD of Virginia. The governor has a right to veto it. If he is not willing to sign a bill, he has a right to veto it. I think it would be much wiser that the governor should veto important measures at times than that a governor not elected by the people should be intrusted with the power of signing and vetoing acts after the legislature has adjourned, and especially of vetoing them when the legislature would have no chance of passing them over his veto.

I do not think this amendment would be objectionable where the governor was elected by the people and was answerable to the people, but I would never vest such power in a governor responsible only to an appointing power thousands of miles away from the Territory whose chief executive he is.

Mr. WICKERSHAM. Mr. Chairman, I want to call the attention of the House to the fact that under the statutes of the United States, as they now exist, this is the law applicable to all of the organized Territories. As I remember, the statutes of 1878, section 1842, is substantially in these same words. It is also the law in Idaho, Nebraska, Kansas, Minnesota, Montana; exactly this same provision prevails in these States. If the gentleman from Illinois has the statute I wish he would read it.

Mr. MANN. As to the time, section 1842 of the Revised Statutes, among other things, provides as follows:

> If any bill is not returned by the governor within three days, Sundays excluded, except in Washington and Wyoming, where the term is five days, Sundays excluded, after it has been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislative assembly, by adjournment sine die prevents its return, in which case it shall not be the law.

That does not apply to Utah or Arizona.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. FOWLER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

> On page 32, line 8, strike out the word "three" after the word "within" and insert the word "five."

Mr. FOWLER. Mr. Chairman, if that amendment is agreed to I propose to offer amendments in two other instances, to make the section correspond to that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. FOWLER) there were—ayes 35 and noes 44.

So the amendment was rejected.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. FINLEY having taken the chair as Speaker pro tempore, a message, in writing, from

the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved signed bills of the following titles:

On April 15, 1912:

H. R. 18661. An act to provide for an extension of time of payment of all unpaid payments due from homesteaders on the Coeur d'Alene Indian Reservation, as provided for under an act of Congress approved June 21, 1906; and

H. R. 20190. An act to extend the time for the construction of a dam across Rock River, Ill.

On April 16, 1912:

H. R. 23246. An act appropriating $300,000 for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River and rivers tributary thereto.

On April 18, 1912:

H. R. 9420. An act authorizing the Secretary of War to donate to the city of Jackson, Miss., carriage and cannon or field-pieces; and

H. R. 20486. An act authorizing the construction of a bridge across the Willamette River at or near Newberg, Oreg.

On April 22, 1912:

H. R. 19638. An act to authorize the San Antonio, Rockport & Mexican Railway Co. to construct a bridge across the Morris and Cummings Channel;

H. R. 20117. An act to authorize the Nebraska-Iowa Interstate Bridge Co. to construct a bridge across the Missouri River near Bellevue, Nebr.; and

H. R. 21821. An act to authorize the city of South Sioux City, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa.

On April 24, 1912:

H. R. 16306. An act to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war.

LEGISLATURE FOR ALASKA.

The committee resumed its session.

Mr. WILLIS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

In line 15, page 33, strike out the word "their" and insert the word "its"; strike out "its," after the word "prevents," and insert in lieu thereof the word "the"; and after the word "return" insert the words "of the bill."

Mr. WILLIS. Mr. Chairman, it is quite evident that the English of this line is not perfect, and the object of the amendment is to put it in proper form.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 15. Payment of legislative expenses.—That upon an estimate to be made by the Secretary of the Treasury of the United States, there shall be annually appropriated by Congress a sum sufficient to pay the salaries of members and authorized employees of the legislature of Alaska, the printing of the laws, and other incidental expenses thereof; the said sums shall be disbursed by the governor of Alaska, under sole instructions from the Secretary of the Treasury, and he shall account quarterly to the Secretary for the manner in which the said funds shall have been expended; and no expenditure, to be paid out of money appropriated by Congress, shall be made by the governor or by the legislature for objects not specially authorized by the acts of Congress making the appropriations, nor beyond the sums thus appropriated for such objects.

Mr. MANN. Mr. Chairman, I move to strike out, page 33, lines 18 and 19, the words "upon an estimate to be made by the Secretary of the Treasury of the United States."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 33, lines 18 and 19, by striking out the words "upon an estimate to be made by the Secretary of the Treasury of the United States."

Mr. MANN. Mr. Chairman, the Secretary will make an estimate in any event. The general law requires it. I do not think that Congress ought to tie its hands so that the House can not amend an appropriation bill, as this would provide. It is the same thing to which I called attention some time ago.

Mr. FLOOD of Virginia. Is not this different from that to which the gentleman called attention?

Mr. MANN. We adopted an amendment awhile ago about this.

Mr. WICKERSHAM. Will the Secretary make the estimate anyway?

Mr. MANN. The Secretary under the general law is required to make an estimate of everything, but this would restrict the power of Congress to make the appropriation to the estimate made by the Secretary.

Mr. FLOOD of Virginia. And the gentleman desires to strike out down to and including the words "United States"?

Mr. MANN. Yes; so as to make it read "That there shall be annually appropriated by Congress," and so forth.

Mr. FLOOD of Virginia. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, in this section it is provided—

There shall be annually appropriated by Congress a sum sufficient to pay the salaries of members and authorized employees of the Legislature of Alaska, etc., and no expenditure to be paid out of money appropriated by Congress shall be made by the governor or by the legislature for objects not specially authorized by the act of Congress making the appropriations.

That is, no money can be expended unless it is specially authorized by the act of Congress making the appropriations. It seems to me that if there is authorization by the act of Congress that is sufficient, and that that authorization might be general and not special.

Mr. WICKERSHAM. Mr. Chairman, I agree with the gentleman about that.

Mr. MANN. The gentleman might find himself in a very bad box. Mr. Chairman, I move to strike out, in line 4, page 34, the word "specially."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 34, line 4, strike out the word "specially."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 16. Laws transmitted to President and printed.—That the governor of Alaska shall, within 90 days after the close of each session of the Legislature of the Territory of Alaska, transmit a correct copy of all the laws and joint resolutions passed by the said legislature, certified to by the chief clerk of each house and by the secretary of the Territory, with the seal of the Territory attached; one copy to the President of the United States and one each to the President of the United States Senate, the Speaker of the House of Representatives, and to the Secretary of State of the United States; and the legislature shall make provision for printing the session laws and joint resolutions within 90 days after the close of each session and for their distribution to public officials and sale to the people of the Territory.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This section contains a provision requiring the transmission of a copy of the laws certified to the President of the Senate and the Speaker of the House of Representatives. That conforms with the general law upon the subject of the legislatures of Territories. This bill also contains, in section 17, a requirement that the President shall submit all of the laws of the Territory to Congress. There can be no earthly reason for requiring the secretary of the Territory to send a copy of the laws to both Houses of Congress and also requiring the President to transmit a copy of the same laws to Congress. It only cumbers up everybody's record. I suggest to the gentleman that the provision ought not to be in both places.

Mr. FLOOD of Virginia. The gentleman might offer an amendment to strike out that provision in section 16.

Mr. MANN. Mr. Chairman, I offer to amend, in section 16, by striking out that language in lines 14, 15, and 16.

Mr. FLOOD of Virginia. I will accept such an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 34, lines 14, 15, and 16, strike out the words: "And one each to the President of the United States Senate, the Speaker of the House of Representatives."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. WICKERSHAM. Mr. Chairman, I call the attention of the committee to the words "chief clerk of each house," in the twelfth line, requiring the certification of the chief clerk of each house, and the gentleman from Illinois called attention to that a while ago and thought it ought to be amended.

Mr. MANN. It is certified to by the clerk of the Territory.

Mr. WICKERSHAM. I think that is sufficient, and I move to strike out the words, in line 12, on page 34, "the chief clerk of each house and."

Mr. MANN. "The chief clerk of each house and by."

Mr. WICKERSHAM. The words "the chief clerk of each house and by."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 34, line 12, strike out the words "the chief clerk of each house and by."

Mr. WICKERSHAM. So the certification will only need to be made by the secretary of the Territory.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to insert, in line 16, after the word "and," the word "one," so as to provide for one copy.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 16, page 34, after the word "and," insert the word "one."

The question was taken, and the amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. BUTLER. Mr. Chairman, I would like to ask the gentleman from Virginia a question. By this section Congress has the power to nullify any act passed by this Territorial legislature?

Mr. FLOOD of Virginia. Yes.

Mr. BUTLER. Congress may, as I understand, at any time in the future annul any of these acts. Did the Committee on Territories consider the wisdom of inserting a limitation or a date after which these laws may not be annulled? It may not be fair to the Territory to annul a law 5, 6, 7, 8, or 10 years after it has been passed, as rights may have been acquired in the meantime.

Mr. FLOOD of Virginia. The committee did not consider that. The committee incorporated in this bill the usual provisions in Territorial organic acts. I do not agree with the gentleman about the wisdom of putting a limitation on it. If five or six years after the law is enacted Congress reaches the conclusion that it is an unwise law, I do not see why Congress should not annul it. Under similar circumstances Congress would repeal one of its own laws.

Mr. BUTLER. I agree with the gentleman as far as the rights or privileges of Congress are concerned, but it may not be as far as the rights of the people of the Territory are concerned, and it seems to me it might not be just to the people of the Territory to annul a law years after rights may have been acquired under the Territorial laws.

Mr. FLOOD of Virginia. It simply means the repeal of the law. If Congress has allowed a law to go along and it has been in effect five or six years and then Congress decides to annul it, it would do so just as it would repeal a law with reference to the affairs of this country.

Mr. BUTLER. What about the rights that may have been acquired in the meantime under the Territorial law?

Mr. FLOOD of Virginia. You can not pass a law that will impair the rights of the kind of which the gentleman speaks.

Mr. BUTLER. That may or may not be so. Now, would not this be against the development of the Territory where men have acquired rights and privileges under the Territorial act?

Mr. FLOOD of Virginia. I take it, Mr. Chairman, if that is the case, Congress in the disapproval of the law, which will amount to its repeal, would take into consideration any rights that have been acquired while it permitted that law to be upon the statute books of Alaska.

Mr. BUTLER. I presume the committee and the gentleman from Alaska have considered it with a great degree of care and secured to the people of the Territory full opportunity to make their development.

Mr. MANN. If the gentleman will permit a suggestion, I would suggest that this does not add to or detract in the slightest degree from the power of Congress. We can nullify any law passed by the local legislature of Alaska, whether we have such a provision in this bill or not. That is not all. We are not bound by the provisions of the Constitution against impairing obligations and contracts. We have that right and having the right we exercise very diligently the right not to do it.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be adopted and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CLINE, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, and had directed him to report the same to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5874. An act to increase the limit of cost for the erection and completion of the United States post-office building at Albany, Oreg.; to the Committee on Public Buildings and Grounds.

S. 5877. An act to increase the limit of cost for the erection and completion of the post-office building at The Dalles, Oreg.; to the Committee on Public Buildings and Grounds.

S. 15. An act for the relief of the North American Transportation & Trading Co.; to the Committee on Claims.

S. 998. An act for the relief of Henry G. Roetzel and Paul Chipman; to the Committee on Claims.

S. 2751. An act providing for the erection of a post-office building at Hastings, Mich.; to the Committee on Public Buildings and Grounds.

S. 1911. An act for the relief of James R. Brown; to the Committee on Claims.

S. 5462. An act for the relief of Mary C. Mayers; to the Committee on Claims.

S. 5008. An act for the relief of the estate of Emily A. Auten and others; to the Committee on Claims.

S. 5810. An act for the relief of the estate of Andrew C. Nash; to the Committee on Claims.

S. 6084. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 409. An act to provide for the erection of a public building in the city of Redfield, S. Dak.; to the Committee on Public Buildings and Grounds.

S. 5910. An act granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes; to the Committee on Public Buildings and Grounds.

S. 4113. An act for the relief of Isaac J. Reese; to the Committee on Military Affairs.

S. 1484. An act for the relief of Ferdinand Tobe; to the Committee on Military Affairs.

S. 6001. An act providing for gas buoys and other aids to navigation in the channels leading to Baltimore, Md.; to the Committee on Interstate and Foreign Commerce.

S. 6096. An act to amend subchapter 2, chapter 19, of the Code of Law for the District of Columbia, by providing a penalty for omission to return library property in the District of Columbia; to the Committee on the District of Columbia.

S. 4850. An act to establish on the coast of the Pacific States a station for the investigation of problems connected with the marine fishery interests of that region; to the Committee on the Merchant Marine and Fisheries.

S. 239. An act to establish a fish-cultural station in the State of Alabama; to the Committee on the Merchant Marine and Fisheries.

S. 90. An act to establish a fish-cultural station in the State of Colorado; to the Committee on the Merchant Marine and Fisheries.

S. 142. An act to establish a fish-cultural station in the State of Idaho; to the Committee on the Merchant Marine and Fisheries.

S. 263. An act to establish a fish-cultural station in the State of Minnesota; to the Committee on the Merchant Marine and Fisheries.

S. 4757. An act to establish a fish-cultural station in the State of Nevada; to the Committee on the Merchant Marine and Fisheries.

S. 231. An act to establish a fish-cultural station in the State of North Dakota; to the Committee on the Merchant Marine and Fisheries.

S. 423. An act to establish a fish-cultural station in the State of Utah; to the Committee on the Merchant Marine and Fisheries.

S. 5883. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk & Southern Railroad Co.; to the Committee on Interstate and Foreign Commerce.

S. 5882. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.; to the Committee on Interstate and Foreign Commerce.

S. 1569. An act to establish a fish-cultural station in the State of North Carolina; to the Committee on the Merchant Marine and Fisheries.

S. 186. An act to correct the military record of Francis Grinstead, alias Francis M. Grinstead; to the Committee on Military Affairs.

S. 4862. An act authorizing and directing the Secretary of the Interior to investigate and settle certain accounts, and for other purposes; to the Committee on Irrigation of Arid Lands.

S. 6340. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 6369. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 6161. An act to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River, in the county of Dawson, State of Montana; to the Committee on Interstate and Foreign Commerce.

S. 6167. An act to authorize the Williamson & Pond Creek Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, Mingo County, W. Va.; to the Committee on Interstate and Foreign Commerce.

S. 6160. An act to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River in the State of North Dakota; to the Committee on Interstate and Foreign Commerce.

S. 6384. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 5776. An act authorizing the Secretary of the Interior to adjust and settle the claims of the attorney of record involving certain Indian allotments, and for other purposes; to the Committee on Indian Affairs.

S. 3975. An act to acquire a site for a public building at Monte Vista, Colo.; to the Committee on Public Buildings and Grounds.

S. 389. An act to authorize the acquisition of a site and the erection of a Federal building at Fallon, Nev.; to the Committee on Public Buildings and Grounds.

S. 6177. An act for the purchase of a site and erection of a Federal building at Cambridge, Md.; to the Committee on Public Buildings and Grounds.

S. 392. An act to authorize the acquisition of a site and the erection of a Federal building at Winnemucca, Nev.; to the Committee on Public Buildings and Grounds.

S. 80. An act to acquire a site for a public building at Glenwood Springs, Colo.; to the Committee on Public Buildings and Grounds.

S. 4479. An act to provide for the erection of a public building at Mount Carmel, Ill.; to the Committee on Public Buildings and Grounds.

S. 6095. An act to increase the limit of cost for the erection and completion of the United States post office and courthouse building on a site already acquired and possessed at Brattleboro, Vt.; to the Committee on Public Buildings and Grounds.

S. 5962. An act to increase the limit of cost of the addition to the site of the Federal building at Utica, N. Y.; to the Committee on Public Buildings and Grounds.

S. 6252. An act to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal.; to the Committee on Public Buildings and Grounds.

S. 4153. An act for the relief of the estate of Alton R. Dalrymple; to the Committee on Claims.

S. 4186. An act for the relief of the estates of Milton T. Carey and others; to the Committee on Claims.

S. 4208. An act for the relief of the estates of Edward Christie and Louis Feldman; to the Committee on Claims.

S. 4564. An act for the relief of the estate of Maurice T. Smith and Ella P. Williams; to the Committee on Claims.

S. 4661. An act for the relief of the estate of T. B. Cowan and others; to the Committee on Claims.

S. 4960. An act to erect a public building in the city of Vancouver, in the State of Washington; to the Committee on Public Buildings and Grounds.

S. 3625. An act for the purchase or construction of a launch for the customs service at and in the vicinity of Los Angeles, Cal.; to the Committee on Interstate and Foreign Commerce.

S. 5606. An act to provide for repairs and improvements at the lighthouse depot and headquarters, San Juan, P. R.; to the Committee on Interstate and Foreign Commerce.

S. 4985. An act to provide for the purchase of a site and for the erection of a public building thereon at Klamath Falls, Oreg.; to the Committee on Public Buildings and Grounds.

S. 4128. An act for the relief of the estates of Frances M. Stuart and William H. Bush; to the Committee on Claims.

S. 5272. An act appropriating $55,000 for the protection of Valdez, Alaska, from glacial floods; to the Committee on Appropriations.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 21170. An act granting to the El Paso & Southwestern Railroad Co., a corporation organized and existing under the laws of the Territory and State of Arizona, a right of way through the Fort Huachuca Military Reservation, in the State of Arizona, and authorizing said corporation and its successors or assigns to construct and operate a railway through said Fort Huachuca Military Reservation, and for other purposes; and

H. R. 22642. An act providing for the protection of the interests of the United States in lands and waters comprising any part of the Potomac River, the Anacostia River, or Eastern Branch, and Rock Creek and lands adjacent thereto.

LEAVE OF ABSENCE.

Mr. NEEDHAM, by unanimous consent, was granted leave of absence for one week, on account of illness.

THIRD PRESIDENTIAL TERM.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to print in the RECORD an editorial on some chapters of political history in this country to-day, which is an editorial of unusual and historic interest.

Mr. MANN. Let the gentleman advertise a part of it and let us know what paper it appeared in.

Mr. SLAYDEN. It appeared in the Courier Journal of April 23, and is called: The First Assault and Repulse of Third Termism—A chapter of half-forgotten history.

The SPEAKER. The gentleman from Texas [Mr. SLAYDEN] asks unanimous consent to print in the CONGRESSIONAL RECORD a certain editorial from the Louisville Courier Journal of April 23. Is there objection?

There was no objection.

The following is the article above referred to:

"THE FIRST ASSAULT AND REPULSE OF THIRD TERMISM—A CHAPTER OF HALF-FORGOTTEN HISTORY.

"I.

"Thrice since the close of the War of Sections—which strained the timbers of the ship of state and for a time put the Constitution out of line—has our representative system of checks and balances perilously approached the rocks of revolution—first, in 1867, when it was proposed to Mexicanize the Government by impeaching and removing Andrew Johnson, a President out of favor with the radical majority in Congress; second, in 1876, when, having centralized in its own hands what it believed sufficient power at Washington, a party beaten in the preceding national election contrived to defeat the will of the people and to seat in office a President who had just been rejected at the polls; and thirdly, in 1880, when a puissant and imposing body of public men, led by Roscoe Conkling, proposed to return Gen. Grant for a third term to the White House, presaging life tenure under the rule of the Man on Horseback.

"Seven self-sacrificing Senators saved us from the first of these dangers; the patriotic submission of the Democrats to the Electoral Tribunal from the second; and a majority of the national Republican convention, which turned down Grant and nominated Garfield, from the last.

"The country is now menaced with a fourth assault upon its integrity and intelligence by the scheme to nominate and elect Theodore Roosevelt to the Chief Magistracy upon a platform of revolution yet more drastic than any ever framed outside of anarchism, the pretext being that none other can be trusted safely and surely to lead the people away from a thralldom of their own creation, and to rescue liberty from a bondage which, whilst he was President, he did much to strengthen, in order that he may purify and return their own to a body of freemen from whom it has never for a moment departed.

"Third termism implies not merely life tenure. It means the centralization of power and its consolidation in the fewest hands. Aiming at autocracy, absolutism, and self-perpetuation, it sets itself against the principles and underpinning of all our institutions. If there were no tradition to oppose and resist its pretensions, however plausible, its very nature, quality, and argument should be sufficient to expose and defeat it. All the framers of our Federal fabric strove to limit its power. They sought to accomplish this by a just distribution of power. The simple distribution of power was to work its limitation. The Roosevelt teaching and purpose is the rescinding of this, and in that character it is a subversion not less treasonable in spirit

and unpatriotic at heart because it puts on the habiliments of reform to masquerade as a progressive.

"The Courier-Journal, which has lived through and seen the country survive the first three of these historic episodes, meets the fourth with composure, confident that, under the all-seeing and benign dispensation of Providence, we shall come through with the drums of liberty beating and the colors of the law flying, the ark and the covenant of the Constitution intact. In nowise did we quail before the power and glory of Grant. We are undismayed by the genius and audacity of Roosevelt. We still believe in the virtue and intelligence of the people. We are sure that now, as before, the result will vindicate the truth, and, in preserving the Republic, 'justify the ways of God to men.'

"II.

"The Courier-Journal of May 11, 1874, printed the following letter from the National Capital. There had been some buzzing about Grant as a would-be Cæsar during the campaigns of 1868 and 1872. But the thought did not take serious hold and had quieted down after his second election. It had never much impressed the writer of this letter. How he came to write it and from whom he got the information and inspiration, since it made a prodigious stir at the time, may be of present interest as relevant to the immediate political situation. The letter was modestly printed without headlines or any attempt at display. We lift it bodily from an inside page, as follows:

"THE POLITICAL OUTLOOK.

"WASHINGTON, *May 9, 1874.*

"It is generally conceded here that the inflation balloon has collapsed and with it two or three presidential aspirants. The veto did certainly cook the goose of the Senator from Indiana, and from all appearances was so designed by the ingenious gentleman who put his name to it. Say what you will of Grant, that he is an offense to the crusaders and the grammarians, that he is a whirligig employed by the gods to bring in their revenges, it can not be denied that there has been method in his operations, both political and military.

"I have a memory that the Courier-Journal used to observe, in its unreflecting, facetious way, that there was danger that he might never be got out of the White House except upon a stretcher. Well, this silly conceit, in a rather milder form, begins to obtain something like credence here. It is now believed in Washington, soberly and by the coolest-headed men, that Grant contemplates a third term, and that he does not reckon without his host.

"I confess that I think he has more than that in mind. When I look backward into the origin, course, and tenor of his administration, how he played with parties before he became President, and how he has played with the politicians since, when, rather bewildered if not awestruck, I reflect upon the make-up of his Cabinet; when I consider the cool way he disposed of Morton and the smooth way he would dispose of Washburne; when I see his equipage rolling through the streets in a defiant, regal style, as if unused to the simplicity of a republican court, and am told that his private habits are equally defiant; and, impressed by these things, when I remember that nobody is shocked or alarmed, I can work out in my mind no other result as the natural, the inevitable purpose of his mind than that sort of personal government to which Prince Louis Napoleon addressed himself after his elevation in 1848 to the Chief Magistracy of the French Republic.

"And why not? What is to prevent him, and who? Look at the state of parties. There are in the Republican Party but two considerable men remaining on the scene as presidential possibilities—Blaine and Washburne. The veto killed Morton as dead as a doornail. It set Logan back a thousand years. Conkling is not in Grant's way. He and Grant have made a league, offensive and defensive. If Washburne comes home and goes into the Cabinet, that will be the end of him. Blaine is a man of extraordinary energy and spring—by odds the brightest man in Congress—but with a divided party what show will he have?

"Cross we over to the Democratic Party. It is not only divided, but it has not one single leader of real genius and nerve. Thurman is a solemn respectability, cold and virtuous. Hendricks is but an amiable commonplace.

"The Grangers come in between the two parties. They are merely slate smashers. They embrace only a class, are sectional and visionary. The straight Liberals are scattered. The South is a cipher. It is helpless, demoralized, in a condition to sell out or be crushed out.

"Thus behold the opportunity and the man; a dismal prospect indeed, but a real and dangerous prospect.

"The late Arkansas outrage is grist to Grant. Instead of injuring his administration it adds to his individual strength and prestige. It contributes to the complexities of the situation. It arouses and augments popular discontent. Strangely enough, there is little disposition to hold him responsible for such occurrences as, under his sanction and through his agents, have disgraced the whole country in the various Southern States. They only render it the easier for him to solidify the North and overcome the South.

"Thus matters stand at the present moment. Grant is the central figure. The Democrats are just strong enough to lose. The Grangers are just weak enough to sit in the game. The Liberals are neither strong enough nor weak enough to count, except as idealists. Everything seems to favor Grant. No matter what is done, it leans Grantward. If the presidential election should come off this year, nothing could keep him from a third term, and elected for a third term, the Courier-Journal's stretcher will be the last resort of the impracticables. They will not be able to compass his overthrow by the old peaceful means. A third term means revolution, and Grantism and revolution are synonymous. They imply the same thing. They are convertible terms.

"Enough of this, however. I scribble down a few stray thoughts which come to me between the sherry and the champagne, none the less serious for the wine, believe me. It makes a southern man of liberal ideas and good intentions, schooled in the dangerous field of practical revolution, sick at heart to contemplate the indurated spirit of the North in Congress. Take any or all of the leaders and then turn to the rank and file of adventurers, Democratic and Republican, who are crowding the scene and playing for all in sight, and one is tempted to exclaim: 'There is but one honest man at Washington, and that man is old Ben Butler!'

"It may seem cynical, but it is at least half true, for the would-be leaders are for the most part humbugs or imbeciles, and it can not be said, whatever his deformities, that 'Old Ben' is either.

"H. W."

"III.

"The writer of this letter received the suggestions on which it was based from James G. Blaine, who was then Speaker of the National House of Representatives. Before committing them to paper they were confirmed by Oliver P. Morton, then a Senator in Congress from Indiana. Although differing in politics from the writer, their relations in the intercourse of private life were altogether amicable, and remained such to the end of the lives of the two Republican statesman.

"The publication of the letter gave the signal for a great outpouring of ridicule and abuse. As an active member of the Liberal group of 1872, and foremost among southern men in accepting the issues settled by the war of sections and urging their acceptance on the South, he had many intimates among the northern leaders and editors, with whom his word had come to pass as worth something. These embraced many of the regular Republicans. Those who best knew him knew that he was not writing loosely out of hand but by the card and under a sense of responsibility.

"The Grant crowd, led by Conkling, turned loose with a kind of fury. They were not prepared to spring. Their plans had not yet ripened. The precise nature of the Courier-Journal's publication, anticipating their conspiracy, hit home, and they suspected where it had come from and who were back of it. The anti-Grant editors, led by Whitelaw Reid and Murat Halstead, having returned to the fold and owing party allegiance, treated the writer with a kind of amiable persiflage. The phrase, 'between the sherry and the champagne,' was seized upon as an apt cue for the expression of political fidelity along with the exploitation of the real matter in hand. Nast, who was devoted to Grant, let himself go with cartoons as ugly as the Harpers, who were personal friends, would allow him.

"Never did a piece of newspaper writing less intentionally sensational prove more sensational. 'Between the sherry and the champagne' lasted half as long and served very much the same purpose to deprecate and discredit as 'through a slaughter-house to an open grave,' the one instance of mistaken forecast which for 20 years has done duty as the nonsequitur of those who would disdainfully describe and dispiteously use him. Thus may a single slip of tongue or pen outweigh a hundred predictions that never went astray. Yet, after all, 20 years is a long time for even a slip of tongue or pen to be remembered, and the writer has reason to thank his critics for a world of advertising and at the same time a substantial tribute to his parts of speech.

"The fire grew too hot even for Roscoe Conkling. Ridicule and abuse of the Courier-Journal gradually changed to serious consideration of the import of its warning. Sectional hatred, the passions of war, the lust for power and plunder had not yet deadened the northern sense of precedents and tendencies, had not yet hardened the North to the claims of liberty and law.

"Congress by a well-nigh unanimous vote passed a resolution declaring against a third term. The third termers had laid the nucleus of an organization in New York, Pennsylvania, and Illinois. But, in the teeth of an overwhelming demonstration of hostile sentiment, they wisely concluded that it was unsafe to proceed with this. Hence they failed to show themselves in any State and did not turn up in the national Republican convention in 1876. Not until Grant had gone out of the White House and made a spectacular journey around the world did the conspiracy take heart and move again.

"Gen. Grant's personal popularity was indisputable. Everywhere in Europe he had been well received. He came home glorified. The masses of the people seemed to rise to him. All that is being said now in favor of Roosevelt was then said with greater plausibility and better effect of Grant. For a while the prospect was radiant for the third termers.

"Conkling, who looked and loomed a kind of war god, made an inspiring leader and cut a superb figure. His speech nominating Grant in the national Republican convention of 1880 was an event. His colleagues, Cameron and Logan, were captains of political industry and past grand masters in the arts of machine-made public opinion. But the Republican Party—still true to Republican principles and institutions—would not have it. The third termers made a melodrama, where they are now making a circus, but they went down to defeat as the '306,' that being the highest vote they were able to cast in favor of the Man-on-Horseback and the exchange of constitutional government for a dictatorship and life tenure in the presidential office.

"As it was in 1880 shall it be in 1912. The moorings of liberty and law may be somewhat loosened in the commercialized understanding of a generation of money grubbers. Corrupt political methods may have disturbed the faith of many good people in free institutions. Fraud, greed, and force everywhere, the proclamation of war against bosses and bossism appeals to a universal sentiment. But deep down in the heart of men there are still the embers of liberty so long taken as a matter of course that they may need to be blown into life—vital still—the blood of the fathers yet flowing in the veins of the sons, the ideas of the founders in the minds of their descendants.

"Graft may not be exterminated by cant. A multitude of bosses can not be driven out by consolidating bossism into the keeping of a single boss. It is something worse than impudent charlatanry to propose it.

"They who do propose it are shallow fakers, self-seeking politicians in fact, and traitors at heart. If their leader be of unsound mind, he should be taken to an asylum; if he be of sound mind, he should be whipped with scorpions from one end of the land to the other. That which was denied Grant will never be granted to Roosevelt. The proceeding is as transparent as it is ignoble. It is indeed as clumsy and as obvious as the old thimblerigging game of now-you-see-it and now-you-don't, which in the days of the Mississippi steamboat era, used to catch a few greenhorns upon the packets plying between Vicksburg and New Orleans. Yet, nevertheless, it took time and effort to drive the tin-horn gamblers off the river, as it will take time and effort to drive these tin-horn reformers off the Nation's reservation of liberty and law."

MINING LAWS OF ALASKA.

Mr. FLOOD of Virginia. Mr. Speaker, I am directed by the Committee on the Territories to call up the bill (H. R. 18033) "to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes." It is on the Union Calendar.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. I understand the gentleman has called up the bill H. R. 18033. If the House should now adjourn, would that be the unfinished business on next Calendar Wednesday?

The SPEAKER. Yes. The Clerk will report the bill.

The Clerk read as follows:

H. R. 18033. A bill to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes.

Mr. FLOOD of Virginia. Mr. Speaker, I understand that if the House adjourns now that the bill will be the unfinished business on next Wednesday?

The SPEAKER. That is the understanding of the Chair.

EXTENSION OF REMARKS.

Mr. HAYES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill which has just been passed—H. R. 38.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the bill which has just been passed. Is there objection?

There was no objection.

Mr. MACON. Mr. Speaker, I ask the same privilege.

The SPEAKER. The gentleman from Arkansas [Mr. MACON] asks the same privilege. Is there objection? [After a pause.] The Chair hears none.

Mr. MORSE of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, very briefly, in correction of a census bulletin.

The SPEAKER. To what bulletin does the gentleman refer?

Mr. MORSE of Wisconsin. A recent bulletin issued by the department, particularly with regard to agriculture in the State of Wisconsin.

The SPEAKER. The gentleman from Wisconsin [Mr. MORSE] asks unanimous consent to extend his remarks in the RECORD on a census bulletin which has reference to the agricultural development of Wisconsin. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I desire to ask unanimous consent to extend my remarks in the RECORD upon the bill H. R. 38, which has been passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, I want to ask whether or not there is general consent given to extend remarks on this bill?

The SPEAKER. No, sir.

Mr. TAYLOR of Colorado. Then I ask unanimous consent to extend my remarks.

The SPEAKER. The gentleman from Colorado [Mr. TAYLOR] asks unanimous consent to extend his remarks in the RECORD on the bill just passed. Is there objection?

Mr. FLOOD of Virginia. Mr. Speaker, there was consent given on last Wednesday to everybody who spoke on the bill to extend their remarks for five legislative days after the passage of the bill.

The SPEAKER. Is the gentleman certain about that?

Mr. FLOOD of Virginia. Yes, sir.

Mr. MANN. It did not apply to anybody who had not then spoken.

Mr. TAYLOR of Colorado. Then I renew my request, Mr. Speaker.

The SPEAKER. The gentleman from Colorado [Mr. TAYLOR] asks unanimous consent to extend his remarks in the RECORD on the bill just passed. Is there objection?

There was no objection.

Mr. DIFENDERFER. Mr. Speaker, I ask the same privilege.

The SPEAKER. The gentleman from Pennsylvania [Mr. DIFENDERFER] asks the same privilege. Is there objection?

There was no objection.

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent for five days in which to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Alaska [Mr. WICKERSHAM] asks unanimous consent to have five legislative days in which to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FOSTER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOSTER. Under the rules of the House, on Calendar Wednesday is it in order, when a bill is called up, to transact other business before going into Committee of the Whole?

Mr. MANN. Not except by unanimous consent.

The SPEAKER. All of these matters have to be construed in the light of reason and convenience, and such requests as are necessary might be admitted. The Chair will not let in any other bills, the Chair will state to the gentleman from Illinois.

ADJOURNMENT.

Mr. FLOOD of Virginia. Mr. Speaker, I move that when the House adjourns to-day it adjourn until to-morrow morning at 10.30 o'clock.

The SPEAKER. The gentleman from Virginia moves that when the House adjourns to-day it adjourn until 10.30 o'clock to-morrow morning.

Mr. MANN. Mr. Speaker, I make the point of order that under the rules of the House it is specifically provided that no motion for recess shall be made on Wednesday, and by a parity of reasoning the same thing should apply to adjournment.

Mr. FLOOD of Virginia. It is not a motion to recess.

Mr. MANN. If the gentleman asks unanimous consent, that would be another thing.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn until to-morrow morning at 10.30 o'clock.

The SPEAKER. The gentleman from Virginia asks unanimous consent that when the House adjourns to-day it adjourn until 10.30 to-morrow morning. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Thursday, April 25, 1912, at 10 o'clock and 30 minutes a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PETERS, from the Committee on Ways and Means, to which was referred the bill (S. 3160) to establish at Holeb, Me., a subport of entry in the customs collection district of Bangor, Me., and for other purposes, reported the same without amendment, accompanied by a report (No. 595), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 275) to make the special examiner of drugs, medicines, and chemicals an assistant appraiser at the port of Boston, reported the same without amendment, accompanied by a report

(No. 504), which said bill and report were referred to the House Calendar.

Mr. NORRIS, from the Committee on the Judiciary, to which was referred the bill (H. R. 16689) legalizing certain conveyances heretofore made by the Union Pacific Railroad Co., reported the same with amendment, accompanied by a report (No. 593), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 17404) granting an increase of pension to Marshall D. Watson; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9457) for the relief of Bessie McAlister McGuirk; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred, as follows:

By Mr. GOEKE: A bill (H. R. 23713) to regulate commerce with foreign countries and between the States, and to increase the facilities and efficiency of the postal service; to the Committee on Interstate and Foreign Commerce.

By Mr. TALBOTT of Maryland: A bill (H. R. 23714) creating the grade of chief pharmacist in the Navy; to the Committee on Naval Affairs.

By Mr. GUERNSEY: A bill (H. R. 23715) to permit the Grand Army of the Republic to have its journal of each meeting of the national encampment and its stationery printed free of cost at the United States Government Printing Office; to the Committee on Printing.

By Mr. BERGER: A bill (H. R. 23716) to provide for Government ownership of wireless telegraphs; to the Committee on Interstate and Foreign Commerce.

By Mr. HOBSON: A bill (H. R. 23717) to provide for the establishment of a memorial in celebration of a century of peace with England, in the form of an elementary utilitarian school for the practical education of the Anglo-Saxon mountaineers of the Southern Appalachian States—a memorial to Andrew Jackson and the patriots of the Southern Appalachian Mountains whose brave services and victory at New Orleans in 1815 strengthened the treaty of Ghent and marked the beginning of a hundred years of peace; to the Committee on Appropriations.

Also, a bill (H. R. 23718) to provide for the survey of a highway from New Orleans to the Canadian border; to the Committee on Agriculture.

By Mr. LAFFERTY: A bill (H. R. 23719) supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," etc.; to the Committee on the Public Lands.

By Mr. BLACKMON: A bill (H. R. 23720) providing for punishment of persons making false statements concerning mineral deposits on homesteads; to the Committee on the Public Lands.

By Mr. STEENERSON: A bill (H. R. 23721) for regulation of railway mail pay; to the Committee on the Post Office and Post Roads.

By Mr. ALEXANDER: A bill (H. R. 23722) to amend sections 4400 and 4488 of the Revised Statutes of the United States, relating to the inspection of steam vessels, and section 1 of chapter 379 of the United States Statutes at Large, approved June 24, 1910; to the Committee on the Merchant Marine and Fisheries.

By Mr. MONDELL: A bill (H. R. 23723) to amend enlarged homestead law; to the Committee on the Public Lands.

By Mr. NELSON: Resolution (H. Res. 512) to correct and protect the health of consumers of meats and meat food products shipped in interstate trade; to the Committee on Expenditures in the Department of Agriculture.

By Mr. HUMPHREYS of Mississippi: Joint resolution (H. J. Res. 309) appropriating money for the repair of levees on the Mississippi River; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRUS: A bill (H. R. 23724) granting a pension to Thomas Hannon; to the Committee on Pensions.

Also, a bill (H. R. 23725) for the relief of Mary E. Kelly and Francis Kelly; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 23726) granting an increase of pension to Nathan M. Wells; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 23727) granting a pension to Catherine Kroft; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 23728) for the relief of the estate of the late John H. Calef; to the Committee on War Claims.

By Mr. BROWN: A bill (H. R. 23729) for the relief of Charles Price; to the Committee on War Claims.

Also, a bill (H. R. 23730) granting a pension to George Simpson; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 23731) granting an increase of pension to James A. Mullen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23732) granting an increase of pension to John B. Cothran; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 23733) granting a pension to Charles E. Kilby; to the Committee on Pensions.

By Mr. CURRY: A bill (H. R. 23734) granting a pension to Pedro Pena; to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 23735) granting a pension to Kittie E. Farr; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 23736) granting an increase of pension to Aaron Frost; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23737) granting an increase of pension to Adelbert Knight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23738) granting an increase of pension to Reuel A. Hollis; to the Committee on Invalid Pensions.

By Mr. GREGG of Pennsylvania: A bill (H. R. 23739) granting a pension to Mary Roberts; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 23740) granting a pension to Sarah Gunsolly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23741) granting a pension to Margaret E. Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23742) granting an increase of pension to Roswell Corbett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23743) to remove the charge of desertion and grant an honorable discharge to George W. Noyes; to the Committee on Military Affairs.

By Mr. HEALD: A bill (H. R. 23744) granting an increase of pension to Ruth A. Hazzard; to the Committee on Invalid Pensions.

By Mr. HUGHES of Georgia: A bill (H. R. 23745) granting a pension to Swain M. Bunn; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 23746) granting an increase of pension to Joseph Williams; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 23747) granting an increase of pension to Harrison Ratliff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23748) granting an increase of pension to George L. Davis; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 23749) granting an increase of pension to Perry Hanshaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23750) for the relief of the widow and heirs of Martin Hughes, deceased; to the Committee on War Claims.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 23751) granting a pension to Louisa Gunn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23752) granting an increase of pension to David B. Wolfe; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 23753) granting an increase of pension to Thomas J. Denny; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 23754) for the relief of the heirs of David P. Coffey, deceased; to the Committee on War Claims.

By Mr. O'SHAUNESSY: A bill (H. R. 23755) granting a pension to Annie E. Baker; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 23756) granting a pension to Margaret Fynaut; to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 23757) for the relief of the legal representatives of George Hicks, deceased; to the Committee on War Claims.

By Mr. SPEER: A bill (H. R. 23758) granting an increase of pension to Lester R. Warner; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 23759) to pay the heirs of Jerome Parker Sullivan, deceased, $900, the value of property taken from him by troops of the United States Army; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Minnesota: Petition of John Costello & Co. and 3 others, of Kellogg, Minn., against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANDRUS: Petition of citizens of Cortland, N. Y., for building one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. BARNHART: Petition of citizens of Elkhart, Ind., for old-age pensions; to the Committee on Pensions.

By Mr. BATES: Petition of Fulton Manufacturing Co., of Erie, Pa., against passage of House bill 18788, to regulate motor boats, etc.; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Business Men's Exchange, Erie, Pa., favoring passage of House bill 17756, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Division No. 32, Order of Railway Conductors, Meadville, Pa., favoring passage of workmen's compensation bill (H. R. 20487); to the Committee on Interstate and Foreign Commerce.

By Mr. BERGER: Petition of citizens and firms in Milwaukee, Wis., against passage of bills to prohibit the retail sale of wine, beer, and liquor in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BURNETT: Memorial of the Medical Society of Mobile County, Ala., for legislation increasing the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNS of Tennessee: Papers accompanying bill for increase of pension to John B. Cothran and James A. Mullen, of Nashville, Tenn.; to the Committee on Invalid Pensions.

By Mr. CALDER: Memorial of Marine Firemen, Oilers, and Water Tenders' Union of the Atlantic and Gulf, for legislation to promote the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Farmers' National Committee, for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

Also, petition of Strauss Bros., of Chicago, Ill., protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of Schwabacher Bros. & Co., of Seattle, Wash., for enactment of House bill 4667; to the Committee on Interstate and Foreign Commerce.

Also, memorial of North Side Board of Trade, in the city of New York, for improvement of a certain portion of Harlem River; to the Committee on Rivers and Harbors.

Also, petition of the Horse Aid Society, of New York, and the Society for the Prevention of Cruelty, of Muskegon, Mich., favoring passage of House bill 17222, to regulate interstate transportation of immature calves; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the board of directors of the San Francisco Chamber of Commerce, San Francisco, Cal., against the operation through the Panama Canal of any railroad owned or controlled ship engaged wholly or partly in coastwise traffic; also urging enactment of laws that will exempt from canal tolls all ships sailing under the American flag engaged in coastwise traffic; to the Committee on Interstate and Foreign Commerce.

Also, petition of Carl Vogis Sons, importers and packers of leaf tobacco, of New York, favoring passage of House bill 22766, prohibiting use of trading coupons; to the Committee on Ways and Means.

Also, petition of the National Board of Trade, Washington, D. C., protesting against all bills to amend the patent law; to the Committee on Patents.

Also, petition of E. & W. S. Finley, importers and manufacturers, of New York, against bill to alter tariff to permit returning tourists to bring in free of duty goods in value of $300 instead of $100; to the Committee on Ways and Means.

By Mr. COX of Ohio: Memorial of Ohio Society, Sons of the Revolution, for publication of records relating to the War of the Revolution; to the Committee on Military Affairs.

By Mr. ESCH: Petition of the Cream City Brewing Co., of Milwaukee, Wis., opposing legislation to prohibit the retail sale of wine, beer, and liquors in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of citizens of the State of Wisconsin, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. FORNES: Petition of the Stationers' Board of Trade, relative to proposed patent legislation; to the Committee on Patents.

Also, memorial of the U. T. Hungerford Brass & Copper Co., relative to operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER: Petition of G. T. Welling and other citizens of Germantown, Ill., against a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of the Society of the Sons of the Revolution in the State of Illinois, favoring the passage of Senate bill 271, relating to collection and publication of archives of Revolutionary War; to the Committee on the Library.

Also, petition of the Seventy-second Regiment Illinois Infantry Volunteer Society, of Chicago, Ill., in favor of the passage of House bill 14398, for the relief of Miss Annie Robb; to the Committee on Invalid Pensions.

By Mr. GOULD: Petition of Silver Harvest Grange, No. 66, Waldo, Me., favoring passage of House bill 19133, for postal-express service by the Government; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petitions of residents of San Francisco, Cal., relative to water rights at Waianae-Uka, island of Oahu, Hawaii; to the Committee on Insular Affairs.

Also, petitions of the Charles Nelson Co. and the Hammond Lumber Co., of San Francisco, Cal., opposing House bill 21100; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of San Francisco, Cal., favoring passage of bill for 1-cent postage; to the Committee on the Post-Office and Post Roads.

Also, petition of the Chamber of Commerce of San Francisco, Cal., requesting the United States Government to recognize the new Republic of China; to the Committee on Foreign Affairs.

By Mr. McKELLAR: Petition of citizens of Somerville, Fayette County, State of Tennessee, against passage of any parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. MURRAY: Petition of the Second Congregational Church of Dorchester, Suffolk County, Mass., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. RAKER: Petition of citizens of California, asking congressional investigation of the arrest of Messrs. Warren, Wayland, and Phifer, editors of the Appeal to Reason; to the Committee on the Judiciary.

By Mr. REILLY: Petition of F. C. Leas, of Salem, Va., for passage of House bill 21480; to the Committee on Coinage, Weights, and Measures.

By Mr. SABATH: Memorial of the International Dry-Farming Congress, urging that the unsurveyed portions of the public domain be surveyed, etc.; to the Committee on the Public Lands.

Also, memorial of the Council of the City of Pittsburgh, remonstrating against extension of the permit to build a highway bridge over the Monongahela River in the city of Pittsburgh; to the Committee on Interstate and Foreign Commerce.

Also, petition of American Cotton Manufacturers' Association, relative to proposed legislation affecting the sale and purchase of cotton on exchanges; to the Committee on Agriculture.

Also, memorial of the Chicago Veterinary Society, for enactment of House bill 16843, to consolidate the Veterinary Service of the United States Army and to increase its efficiency; to the Committee on Military Affairs.

Also, petition of the Municipal Council of Chicago, Department of Illinois, United Spanish War Veterans, Chicago, Ill., favoring passage of House bill 17470, providing pensions for widows and minor children of Spanish War veterans; to the Committee on Pensions.

By Mr. SLAYDEN: Petition of citizens of Brownwood, Tex., opposing the enactment of any parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. SAMUEL W. SMITH: Petition of citizens of Detroit, Mich., and elsewhere, requesting immediate enactment of bill to reduce postal rates, to improve the postal service, and to increase postal revenues; to the Committee on the Post Office and Post Roads.

By Mr. SPEER: Papers to accompany House bill 22452, granting an increase of pension to John A. Reeher; to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of the Commercial Club of Ketchikan, Alaska, protesting against the raising of the rate of post-

office box rents in said town; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Hazleton, Pa., for enactment of House bill 14, providing for a general parcel-post system; to the Committee on the Post Office and Post Roads.

Also, memorial of the Chamber of Commerce of San Diego County, protesting against House bills 11372 and 20576, to prohibit the towing of log rafts or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. TAGGART: Petition of citizens of the State of Kansas, for enactment of House bill 21225; to the Committee on Agriculture.

By Mr. TAYLOR of Alabama: Petition of Birmingham Division, No. 186, Order of Railway Conductors, for enactment of the proposed employers' liability and workmen's compensation act; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of S. A. McNeil and 15 other citizens of Richwood, Ohio, asking for the passage of House bill 23107, granting an increase of pension to John C. Babbs; to the Committee on Invalid Pensions.

Also, petition of Frank S. Ansley and 15 other veterans of the Spanish-American War, of Kenton, Ohio, asking for the passage of House bill 17470, to pension widows and minor children of any officers or enlisted men who served in the War with Spain or the Philippine insurrection; to the Committee on Pensions.

By Mr. WILSON of New York: Petition of the Stationers' Board of Trade, relative to proposed patent legislation; to the Committee on Patents.

Also, petition of the North Side Board of Trade, for improvement of a certain portion of Harlem River; to the Committee on Rivers and Harbors.

Also, petition of Brooklyn Council, No. 23, Daughters of America, for incorporation of a literacy test in the immigration laws; to the Committee on Immigration and Naturalization.

Also, memorial of the National Grange, for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *April 25, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Clara J. Scott, widow of William Scott, deceased, *v.* United States (S. Doc. No. 613);

Lucinda Shanks *v.* United States (S. Doc. No. 612);

Mark H. Sherman *v.* United States (S. Doc. No. 611);

William N. Shibley *v.* United States (S. Doc. No. 610);

Sylvester M. Snell *v.* United States (S. Doc. No. 609);

Harley S. Sprague *v.* United States (S. Doc. No. 608);

Ella K. Platt, widow of Don Platt, deceased, *v.* United States (S. Doc. No. 607);

Alexander Sholl *v.* United States (S. Doc. No. 606); and

John T. Taylor *v.* United States (S. Doc. No. 605).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19212) making appropriation for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 1647. An act to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes";

H. R. 8784. An act to supplement the act of June 22, 1910, entitled "An act to provide for agricultural entries";

H. R. 12211. An act to amend the act of February 18, 1909 (25th Stats. L., 626), entitled "An act to create the Calaveras Big Tree National Forest, and for other purposes";

H. R. 12623. An act to incorporate the American Numismatic Association;

H. R. 18792. An act for the relief of homestead entrymen under the reclamation projects in the United States;

H. R. 20286. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River;

H. R. 20491. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries;

H. R. 21170. An act granting to El Paso & Southwestern Railroad Co., a corporation organized and existing under the laws of the Territory and State of Arizona, a right of way through the Fort Huachuca Military Reservation, in the State of Arizona, etc.;

H. R. 21960. An act to authorize the Port Arthur Pleasure Pier Co. to construct a bridge across the Sabine-Neches Canal, in front of the town of Port Arthur; and

H. R. 22642. An act providing for the protection of the interests of the United States in lands and waters comprising any part of the Potomac River, the Anacostia River, the Eastern Branch, and Rock Creek, and lands adjacent thereto.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Woman's Christian Temperance Union of Sparta, Ill., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry representatives of the remaining Pokagon Tribe of Pottawatomie Indians, of Michigan and Indiana, remonstrating against the so-called Chicago Harbor project, which was referred to the Committee on Commerce.

Mr. WETMORE presented resolutions adopted by the committee of conference of the Rhode Island State Federation of Women's Clubs, favoring the appointment of a Federal commission on industrial relations, which were referred to the Committee on Education and Labor.

Mr. WORKS. I present two short telegrams in the nature of memorials, which I ask may lie on the table and be printed in the RECORD without reading.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

[Telegram.]

LOS ANGELES, CAL., *April 24, 1912.*

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.:

Regret committee reported Owen bill favorably. Consider bill even as amended serious menace to liberty of people in United States. Would be entering wedge for other objectionable and harmful legislation of like character. Hope you will do all in your power to defeat it.

THOS. EARLEY,
Chairman Los Angeles County Highway Commission.

[Telegram.]

SAN FRANCISCO, CAL., *April 24, 1912.*

United States Senator JOHN D. WORKS,
Senate Chamber, Washington, D. C.:

I am opposed to the Owen bill, because it gives official countenance and support to one school or branch of medicine and because the position of that school is uncertain and chaotic, its conclusions and practice continuously changing, as is demonstrated by the medical history of the past decade.

D. C. FARNHAM, D. O.,
Past President California Osteopathic Association.

Mr. WORKS presented a memorial of the Chamber of Commerce of San Diego County, Cal., remonstrating against the enactment of legislation to prohibit the towing of log rafts or lumber rafts through the open sea, which was referred to the Committee on Commerce.

Mr. GALLINGER presented a memorial of Local Grange No. 204, Patrons of Husbandry, of Charlestown, N. H., remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Grange No. 204, Patrons of Husbandry, of Charlestown, N. H., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. HITCHCOCK presented a memorial signed by 3,000 citizens of Nebraska, remonstrating against the passage of the so-called Owen bill to create a bureau of public health, which was ordered to lie on the table.

He also presented a petition of Custer Center Grange, Patrons of Husbandry, of Custer County, Nebr., praying for the

enactment of legislation to provide for the general welfare and to regulate commerce with foreign countries and between the several States and to increase and enlarge the facilities and efficiency of the Post Office Department, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Pleasant Dale and Wisner, in the State of Nebraska, remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the First Congregational Church of Red Cloud, Nebr., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Weeping Water and Crete, in the State of Nebraska, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

Mr. POMERENE. I present a number of petitions in the form of letters and telegrams from citizens and labor organizations of Ohio, praying for the passage of the so-called employers' liability and workmen's compensation bill, which I ask may lie on the table and be noted in the RECORD.

There being no objection, the petitions were ordered to lie on the table and to be noted in the RECORD, as follows:

From M. O'Connor, of Corning; Frank Apathy, of Cleveland; Brotherhood of Locomotive Engineers, Division No. 36, of Newark; August Belmont, chairman department on compensation for industrial accidents and their prevention of the National Civic Federation; Brotherhood of Locomotive Engineers, Division of Cleveland; Brotherhood of Locomotive Engineers, Division of Ashtabula; William M. Brown, of Columbus; J. A. Davidson, of Cleveland; Brotherhood of Locomotive Engineers, Division of Galion; F. De Muth, secretary of International Association of Machinists of Cleveland; Brotherhood of Locomotive Engineers, Division of Collinwood; W. E. Dunigan, of Cleveland; E. F. Edeburn, of Akron; Brotherhood of Locomotive Engineers, Division of Toledo; Brotherhood of Locomotive Engineers, Divisions of Chillicothe and Corning; R. T. Hirsch, of Columbus; H. E. Jamison, of Cleveland; Order of Railway Conductors of Newark; E. L. Mitchell, of Cleveland; Frank Needham, of Cleveland; Order of Railway Conductors, Division No. 14, of Cleveland; Brotherhood of Railroad Trainmen, Lodge No. 432, of Akron; Emil Pfeifer, of Akron; P. Tecumseh Sherman, of New York City, N. Y.; J. W. Snyder, of Akron; John Sweeney, of Lima; H. E. Wills, of Washington, D. C.; H. G. Wilson, of Cleveland; Brotherhood of Railway Trainmen, Lodge No. 425, of Cleveland; Brotherhood of Railway Trainmen, Lodge No. 397, of Toledo; James Steward, of Corning; B. J. Nichols, of Corning; J. E. Rodgers; Arthur Thoxton, of Corning; Brotherhood of Locomotive Engineers, Division of Collinwood; Brotherhood of Locomotive Engineers, Division of Cincinnati; Brotherhood of Locomotive Engineers, Divisions of Ashtabula and Toledo; and of Brotherhood of Railway Trainmen Lodges of Bellevue, Mansfield, Bradford Junction, Massillon, Lorain, Wellsville, Columbus, Middleport, Ashtabula Harbor, and Ironton, Ohio.

Mr. GRONNA presented a petition of sundry citizens of Manning, N. Dak., praying that an investigation be made into the prosecution of the editors of the Appeal to Reason, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Jessie, N. Dak., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Subdivision No. 695, Brotherhood of Locomotive Engineers, of Minot, N. Dak., remonstrating against the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

Mr. PENROSE. I present a large number of memorials from representatives of organized labor and employees of industrial establishments in the country remonstrating against the passage of the bill (H. R. 18642) to reduce duties on metals and manufactures of metals. I ask that the memorials be noted in the RECORD and referred to the Committee on Finance.

There being no objection, the memorials were referred to the Committee on Finance and ordered to be noted in the RECORD, as follows:

From 5,646 employees of the Jones & Laughlin Steel Co., of Pittsburgh, Pa.;

From 415 employees of the West Penn Steel Co., of Brackenridge, Pa.;

From 252 employees of the Canonsburg Steel & Iron Works, of Canonsburg, Pa.;

From 68 employees of the Washington Tin Plate Co., of Washington, Pa.;

From 72 chain makers of Carlisle, Pa.;

From 1,127 employees of steel mills in the State of Pennsylvania;

From 98 employees of the Standard Chain Co., of Braddock, Pa.;

From 377 steel workers of Leechburg, Pa.;

From 121 steel workers employed in the State of Pennsylvania;

From 351 steel workers in the State of Pennsylvania;

From 663 employees of the Hamilton Watch Co., of Lancaster, Pa.;

From 294 employees of the N. & G. Taylor Co., of Cumberland, Md.;

From 126 employees of the cutlery industry in the borough of Winsted, Conn.;

From 794 employees of the Keystone Watch Case Co. employed at its New York Standard Watch Factory, Jersey City, N. J.;

From 203 employees of the Keystone Watch Case Co. at its E. Howard Watch Factory, Waltham, Mass.;

From 175 employees of the Berger Manufacturing Co.;

From 253 employees in the pocket-cutlery industry, Ellenville, N. Y.;

From 128 business men and citizens of Parkersburg, W. Va.;

From 125 employees of the Robeson Cutlery Co., of Perry, N. Y.;

From 46 employees in the pocket-cutlery industry of Naponoch, N. Y.;

From 131 employees of steel companies of Holyoke, Mass.;

From 717 employees of the Phillips Sheet & Tin Plate Co., Clarksburg Works, Clarksburg, W. Va.;

From 342 steel workers of Middletown, Ohio;

From 87 employees of the Columbus Chain Co., of Columbus, Ohio;

From 48 employees of the Woodhouse Chain Works, of Trenton, N. J.;

From 118 chain makers and chain-factory employees of Wapakoneta, Ohio;

From 57 employees of the Cleveland Chain & Manufacturing Co., of Cleveland, Ohio;

From 212 employees of the Carnahan Tin Plate & Sheet Co., of Canton, Ohio;

From 71 employees of the Massillon Rolling Mill Co., of Massillon, Ohio;

From 589 employees of the Phillips Sheet & Tin Plate Co., of Weirton, W. Va.;

From 289 employees of the Pope Tin Plate Co., of Steubenville, Ohio;

From 192 employees of the Seneca Iron & Steel Co., of Buffalo, N. Y.;

From 182 members of National Amalgamated Association of Iron, Steel, and Tin Workers, of Columbus, Ohio;

From 322 employees of the Youngstown Iron & Steel Co., of Youngstown, Ohio;

From 198 employees of the Parkersburg Iron & Steel Co., of Parkersburg, W. Va.;

From 154 employees of the McCullough Iron Co., of Wilmington, Del.;

From 521 employees of Follansbee Bros. Co., of Follansbee, W. Va.; and

From 1,522 employees of the Inland Steel Co., Chicago, Ill.

Mr. NELSON presented a petition of members of the Commercial Club of Little Falls, Minn., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Tyler, Minn., remonstrating against the enactment of legislation to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory, which was referred to the Committee on the Judiciary.

Mr. ROOT presented a petition of sundry citizens of North Rose, N. Y., praying for the establishment of a governmental system of postal express, which was referred to the Committee on Post Offices and Post Roads.

Mr. CRANE presented a petition of the congregation of the Second Congregational Church, of Dorchester, Mass., praying for the enactment of an interstate-liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a memorial of members of the Sierra Club, of San Francisco, Cal., remonstrating against any change being made in the western boundary of the Yosemite National Park, which was referred to the Committee on Public Lands.

He also presented resolutions adopted by the California Wholesale Grocers' Association, favoring the enactment of legislation to prevent the manufacture, sale, or transportation of adulterated or misbranded goods, which were referred to the Committee on Manufactures.

He also presented a petition of J. J. Cahill Camp, No. 52, Department of California, United Spanish War Veterans, of Chico, Cal., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a memorial of the Chamber of Commerce of San Diego County, Cal., remonstrating against the enactment of legislation to prohibit the towing of log rafts or lumber rafts through the open sea, which was referred to the Committee on Commerce.

Mr. CLAPP (for Mr. LA FOLLETTE) presented a memorial of sundry citizens of Kewaunee County, Wis., remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

He also (for Mr. LA FOLLETTE) presented a petition of members of the Commercial Club of Superior, Wis., praying for the enactment of legislation to exempt from tolls all American ships passing through the Panama Canal engaged in coastwise traffic, which was referred to the Committee on Interoceanic Canals.

He also (for Mr. LA FOLLETTE) presented a memorial of sundry citizens of Edgerton, Wis., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also (for Mr. LA FOLLETTE) presented a memorial of sundry citizens of Beloit, Wis., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also (for Mr. LA FOLLETTE) presented a memorial of the Grundy Beet Growers' Association, remonstrating against any reduction of the duty on sugar, which was referred to the Committee on Finance.

He also (for Mr. LA FOLLETTE) presented a petition of sundry citizens of Green Bay, Wis., praying for the passage of the so-called eight-hour bill, which was ordered to lie on the table.

He also (for Mr. LA FOLLETTE) presented a petition of members of the faculty of the State Normal School of Whitewater, Wis., and resolutions adopted by the Wisconsin School of Arts and Home Economics Association, in convention at Eau Claire, Wis., favoring the enactment of legislation providing for vocational education, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. JONES, from the Committee on Military Affairs, to which was referred the amendment submitted by himself on the 2d instant, proposing to appropriate $25,750 for a target range for Vancouver Barracks, Wash., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

He also, from the same committee, to which was referred the bill (S. 5608) providing for the abandonment of the Vashon Island Military Reservation, in the State of Washington, and for other purposes, reported it with an amendment and submitted a report (No. 662) thereon.

Mr. BRISTOW, from the Committee on Military Affairs, to which was referred the bill (S. 1792) to correct the military record of Adam D. Shriner, reported it with amendments and submitted a report (No. 659) thereon.

He also, from the same committee, to which was referred the bill (H. R. 17937) authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvement or economy in manufacturing processes or plant, reported it without amendment and submitted a report (No. 660) thereon.

He also, from the same committee, to which was referred the bill (S. 2067) to remove the charge of desertion from the military record of Benjamin Ipock, submitted an adverse report (No. 667) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 6244) to restore Capt. Harold L. Jackson, retired, to the active list of the Army, reported it with an amendment and submitted a report (No. 661) thereon.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (S. 3459) for the relief of Erskine R. K. Hayes, reported it with amendments and submitted a report (No. 663) thereon.

Mr. SANDERS, from the Committee on Military Affairs, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

S. 3743. A bill providing for the honorable discharge of Thomas B. Kirk (Rept. No. 664);

S. 2503. A bill to amend and correct the military record of Henry H. Willis (Rept. No. 665); and

S. 3941. A bill for the relief of Samuel C. Rowe (Rept. No. 666).

STEAMERS "SYRACUSE" AND "BOSTON."

Mr. OLIVER. From the Committee on Commerce, I report back favorably without amendment the bill (H. R. 22580) to authorize the change of the names of the steamers *Syracuse* and *Boston*, and I submit a report (No. 658) thereon. I call the attention of the junior Senator from Michigan [Mr. TOWNSEND] to the bill.

Mr. TOWNSEND. I ask for the present consideration of the bill just reported by the Senator from Pennsylvania.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER LEVEES.

Mr. PERCY. From the Committee on Commerce, I report back favorably with an amendment the joint resolution (S. J. Res. 102) relative to the rebuilding of certain levees on the Mississippi River and its tributaries, and I request immediate consideration.

The VICE PRESIDENT. The joint resolution will be read for information.

The Secretary read the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. CULLOM. I desire to offer an amendment, which the Senator from Mississippi accepts.

The VICE PRESIDENT. The Chair will first ascertain whether there is objection to the present consideration of the resolution. Is there objection to its present consideration?

Mr. SMOOT. I was not in the Chamber, or at least I was otherwise occupied, when the Secretary began to read the joint resolution. Is it a House or a Senate joint resolution?

Mr. CULLOM. It is a Senate joint resolution.

Mr. PERCY. It was introduced in the House and in the Senate, but this is a Senate joint resolution.

Mr. SMOOT. It proposes to appropriate one million and a half dollars to be taken out of an appropriation that is expected to be made in the river and harbor bill?

Mr. PERCY. The present river and harbor bill, which has passed the House, carries an appropriation of three and one-half million dollars, and this simply enables a million and a half of the amount which may be carried by that bill to be used at once.

Mr. SMOOT. It is virtually a loan, is it not?

Mr. PERCY. It is an anticipation of the appropriation to that extent, for immediate emergency work.

Mr. CLARKE of Arkansas. Mr. President, the regular appropriation for the improvement of the Mississippi River provided for by the existing act amounts to about $3,500,000. At the time the bill was prepared in the House and passed there the usual amount was included. Since that time the overflows of the Mississippi River have developed, and it is necessary that some part of that money shall be used before the bill can become a law in the regular course. The effect of passing this joint resolution is not to increase the appropriation at all, but to make the money available a few weeks earlier than otherwise would be the case.

Mr. SMOOT. Do I understand the Senator to say that it is the intention to increase the appropriation made by the House?

Mr. CLARKE of Arkansas. Not by this joint resolution.

Mr. SMOOT. If this is virtually an advance, it will come out of the $3,500,000 appropriated by the House for this purpose.

Mr. CLARKE of Arkansas. The effect of the resolution will not be to increase the appropriation a single cent, but it allows the use of the money some weeks in advance of the passage of the river and harbor bill, it being necessary to close up certain gaps in levees in order to prevent what is known as the June rise from inundating that country again and interfering with navigation.

Mr. SMOOT. I supposed the condition was rather critical on the Mississippi River, and that some movement must be

made that generally would not be considered by the Senate. If it were not for that, Mr. President, I think it is a very dangerous way of legislating.

Mr. CLARKE of Arkansas. It is an unusual way, because the conditions are unusual.

Mr. SMOOT. That is what I noticed and what I stated.

Mr. GALLINGER. I will inquire if this is a report from the committee?

The VICE PRESIDENT. It is.

Mr. PERCY. It is a report from the committee—a unanimous report.

Mr. GALLINGER. From the Committee on Commerce?

Mr. PERCY. From the Committee on Commerce.

The VICE PRESIDENT. No objection is heard to the present consideration of the joint resolution, and it is before the Senate as in Committee of the Whole. The committee reports an amendment, which will be stated.

The SECRETARY. On page 2, line 21, strike out the words "the mouth of the Ohio River" and insert the words "Cape Girardeau," so that if amended it will read:

For improving the Mississippi River from Head of Passes to Cape Girardeau.

The amendment was agreed to.

Mr. CULLOM. I offer the following amendment, which the Senator from Mississippi accepts. In line 9, after the word "rivers," I move to insert the words "or so materially weakened as to necessitate rebuilding."

The amendment was agreed to.

Mr. HEYBURN. Mr. President, I desire to inquire as to the effect of this measure. We have no copy of the joint resolution available. I only speak from my recollection of its contents as it was read. Does this not in effect assure this item of appropriation when that bill comes into the Senate? Does not the recital here in effect bind the Senate to accede to that item in the appropriation bill when it comes in?

Mr. PERCY. That would probably be the natural consequence. The item for the Mississippi River has never been stricken out in the Senate in all the course of the river and harbor bills which have come before the Senate.

Mr. HEYBURN. Well, it carries an assurance of two things. First, that there will be a river and harbor bill. Suppose that bill fails? Then this appropriation will have been made against the general funds in the Treasury, and the provision for a repayment or a charging against that item would be nugatory. I am not opposed to the appropriation of this money. I only want to see if I understand that it is in conformity with the method of appropriating money. I have sent for a copy of the joint resolution. I have not seen it.

Mr. CULLOM. Here is a copy.

Mr. HEYBURN. Now I have a copy of the joint resolution. If the Senate will indulge me for a moment, I will see how that language reads. The preamble, of course, will go out of the joint resolution.

That the Secretary of War be, and he is hereby, authorized and directed to rebuild, by contract or otherwise, in accordance with such plans, specifications, and recommendations of the Mississippi River Commission as may be approved by the Chief of Engineers, such portions of the levees on the Mississippi River and its tributaries as may have been or may hereafter be broken by the existing flood in said rivers, and the sum of $1,500,000, or so much thereof as may be necessary, is hereby appropriated for this purpose out of funds remaining in the Treasury not otherwise appropriated.

That is the complete appropriation bill down to that point. It lacks nothing. Then comes the proviso:

Provided, That the Secretary of War shall keep an account of the actual cost—

Of course, he would do that anyhow—

of all work done under the provisions of this resolution, and upon completion of the work he shall report the total cost thereof to the Secretary of the Treasury, and the Secretary of the Treasury shall cause a sum equal to the cost so reported to be deducted from the unexpended balance of appropriations that may hereafter be made for improving the Mississippi River from Head of Passes to the mouth of the Ohio River, and to be carried to the surplus fund and covered into the Treasury.

The appropriation is complete, in my judgment. It is doubtless proper to make it, because these levees have been broken, the damage has been done, and it is perfectly proper to amend them, but we are going to run into a legislative snag in the event that the river and harbor bill does not come here or does not pass.

Mr. CLARKE of Arkansas. That would only minimize the evil effect of failing to pass the river and harbor bill.

Mr. HEYBURN. Why not leave it stand at that point, and then when we come to another river and harbor appropriation take that into consideration and diminish it to that extent?

Mr. PERCY. The trouble, I will say to the Senator, is that it was thought there would be less opposition to the measure in this shape, because it will be simply an anticipation of that appropriation. There is no possible difficulty about it, if the presumption is correct that at this session or a subsequent session Congress will certainly pass a river and harbor bill.

I realize the force of what the Senator from Idaho says, that the ordinary method would be simply to make this a clean-cut appropriation, without reference to future deductions, and in passing a river and harbor bill not to subtract that amount from it.

Mr. HEYBURN. If it appeals to the conscience of any Senator at all that this appropriation should be made, he would vote for it just as readily without regard to the proviso. If it is one of those conditions arising out of extraordinary circumstances which requires an appropriation to protect the people, I would vote for it, and I think any other Senator would vote for it, as an original proposition, but I do not want to mortgage the river and harbor bill. I do not want one item to be guaranteed before the bill comes into the Senate, and then perhaps no other item ever be incorporated in the bill. You are mortgaging a bill in which the whole country is interested—the river and harbor bill—for this one item. I shall cheerfully vote for it upon such information as we have generally in order to protect those levees, but I would not like to reach forward into the future with the possibility of creating some embarrassment.

Mr. CLARKE of Arkansas. Mr. President, the objection indicated by the Senator from Idaho is one of form merely. If this joint resolution shall be passed by both Houses and approved by the President, it will be an affirmative appropriation of a million and a half dollars for the purpose of repairing the damage done by the lower Mississippi River. When we come to consider the river and harbor bill we can deduct this amount from the items contained in that bill, if it should pass, or we might perhaps direct the accounting officer of the Treasury to do it. It is a mere matter of form. The substance is to have a certain amount of money available at this time to repair as quickly as possible and as effectively as possible damages wrought in that great valley.

Mr. HEYBURN. The Senator from Arkansas will find himself confronted with this difficulty——

Mr. CLARKE of Arkansas. What would be the difficulty?

Mr. HEYBURN. It might be so interpreted at the Treasury Department that, inasmuch as this appropriation is to be paid out of another appropriation, if the appropriation out of which it is to be paid never materialize, then this enactment would be void. You have the ruling of another branch of the Government to contend with.

Mr. CLARKE of Arkansas. I should think there is sufficient language in the joint resolution to provide for a present appropriation of a million and a half dollars and giving direction as to how it shall be done. If the Senator from Idaho will trust us, who have had charge of the matter and who know the present character of the calamity that has befallen that valley, we will give him our assurance that nothing of that kind will happen. There is no trick about it; there is no disposition to complicate the fiscal affairs of the Government nor to otherwise take any advantage of the confidence of the Senate.

Mr. HEYBURN. That is a matter over which Senators could have no control. The suggestion that came into my mind as this was being read was this: There has gone out through the newspapers and through other sources of information and political scandal a statement that the river and harbor bill is to be killed. We are all interested in it; we have great rivers in our section of the country that ought to be provided for, and we would not like to see some one particular item protected by anticipatory legislation and then have the bill killed.

Mr. CLARKE of Arkansas. There is no such danger, in my opinion; there is no possibility of it; at all events, that bill never could fail by a failure of the Senators on this side of the Chamber to give it their earnest support. The Senators who represent the Mississippi Valley are not asking and would not assume to ask for this appropriation if they harbored any such intention as that indicated by the Senator from Idaho.

Mr. HEYBURN. What objection is there to allowing this appropriation to stand as it reads down to the word "*Provided*," in line 13?

Mr. CLARKE of Arkansas. If there is anything in the joint resolution which the Senator from Idaho thinks objectionable, after leaving the appropriation and directing how it shall be expended, he is at liberty to strike it out.

Mr. SMOOT. Mr. President, if we are going to strike out the proviso, then I shall object to the consideration of the joint resolution.

Mr. CLARKE of Arkansas. I am sure the joint resolution has been carefully prepared, and I think it is properly safeguarded. A Senator who is as shrewd an interpreter of lan-

guage as the Senator from Idaho is recognized to be might find objections to the form adopted, but not to the substance.

Mr. HEYBURN. My objection is to the substance; I do not object to the form of it. Certainly I am not posing as a critic of language, but I am objecting to the substance.

Mr. CLARKE of Arkansas. The Senator's entire objection is based on an imaginary foundation. There is no such possibility.

Mr. HEYBURN. I would merely suggest to the Senator from Arkansas that he refrain from such insinuations as that, because it will not forward his cause at all.

Mr. CLARKE of Arkansas. Well, I will modify that if the Senator will suggest a fact stated in the joint resolution that is not based upon a very firm foundation, as I understand the situation.

Mr. HEYBURN. A Senator is privileged to state his opinion in regard to legislation here without being charged with ignorance or folly.

Mr. CLARKE of Arkansas. The Senator from Idaho has entirely misunderstood me if he thought I charged him with either. I intended to create the impression that the rumors that had reached the Senator's ears were not sufficiently tangible to justify the belief that the river and harbor bill was going to fail at this session of Congress.

Mr. HEYBURN. Well, now, I wonder if any Senator would take the responsibility of saying that he would undertake to guarantee that a river and harbor bill would be passed at this session of Congress?

Mr. CLARKE of Arkansas. If it were necessary to do that, I would assume that responsibility, because I think there is no possible doubt about it.

Mr. HEYBURN. I was only speaking from information which is given out.

Mr. PERCY. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. I do.

Mr. PERCY. Mr. President, I sincerely hope the Senator from Idaho will not see fit to insist upon his objection, and I will explain the reason for the form of the joint resolution. The idea that the earnest support which should be given by those interested in the Mississippi River appropriation to the river and harbor bill in the Senate will be in any way weakened by this appropriation, or anticipation of a part of that appropriation, is entirely without foundation, as will be realized when I say that that bill will carry probably from three to four million dollars for the improvement of the Mississippi River in addition to the million and a half provided for in this resolution. The particular form here adopted was simply adopted in order that the passage of the measure might be expedited and in order to carry assurance that no additional appropriation was being imposed by this emergency resolution, but merely a right to anticipate an appropriation which in every reasonable probability will be carried in the river and harbor bill.

The reason that made haste in the matter urgent is based, briefly stated, on these conditions: Thirteen breaks or crevasses have occurred in the line of the levee along the Mississippi River—one in Missouri, one in Illinois, one in Tennessee, and the others in Mississippi, Louisiana, and Arkansas. Through these crevasses there are rushing rivers in proportion to the size of the respective crevasses; for instance, the Salem crevasse, in Louisiana, is discharging into the country back of the levees a river more than a mile wide, with an average depth of 18 feet. The floods have swept away houses, have destroyed millions of dollars worth of property and hundreds of lives, and have rendered homeless, it is estimated, more than 100,000 people, the great majority of whom are being cared for to-day by Government rations. The ordinary course of the Mississippi River is for this flood to be succeeded by a river within its banks, and thereafter what is known as the "June rise" comes, which reaches this section of the river about the 1st of July.

Mr. NELSON. Mr. President, will the Senator from Mississippi yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Minnesota?

Mr. PERCY. Certainly.

Mr. NELSON. I desire to say to the Senator from Idaho [Mr. HEYBURN] that the House has passed the general river and harbor bill and it has been before our committee in the Senate for over three weeks. We have been holding hearings on it, but it will probably take some time before that general bill can be reported and passed. This is an emergency joint resolution, and whatever is appropriated in the joint resolution will come out of the general appropriation for the Mississippi River in the river and harbor bill. Therefore I trust the Senator from Idaho, in the goodness of his heart—and it is generally good—will withdraw his opposition, so that we may dispose of the joint resolution now.

Mr. WARREN and Mr. WILLIAMS addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Idaho yield?

Mr. HEYBURN. I yield to the Senator from Wyoming.

Mr. WARREN. I desire to ask the proponents of the measure a question. I notice in the joint resolution the amount appropriated, and so forth; I also notice an amendment which the Senator from Mississippi intends to propose to the river and harbor bill, which provides that not less than $3,500,000 shall be expended for emergency work on the Mississippi River, and also that there shall be appropriated $12,000,000 for contract work——

Mr. PERCY. Yes; but not for emergency work.

Mr. WARREN. What is the relation between the two? Does one in any way take the place of the other?

Mr. PERCY. One in no way affects the other. That is an amendment to the river and harbor bill which is now before the Commerce Committee, and merely seeks to increase the amount carried by that bill for the Mississippi River from $3,500,000, as it passed the House, to $6,000,000. What the fate of the amendment may be before that committee I can not tell, but whether the bill as it passes the Senate carries four or five or six million dollars for the Mississippi River, the million and a half dollars which is sought to be appropriated by this joint resolution as an emergency will be deducted from that amount.

Mr. WARREN. I wanted to know what the relation was. Whatever is appropriated in the joint resolution will probably be deducted in the amount carried by the amendment. Is that the Senator's understanding?

Mr. PERCY. Yes.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. I had yielded to the senior Senator from Mississippi [Mr. PERCY], but, if he has no objection, I will yield to any other Senator. I am going to say but a word or two more, and then I will yield the floor.

Mr. PERCY. Mr. President, I should like to finish my statement.

The reason the joint resolution was put in this shape was simply because it was thought it would encounter less opposition in the House and in the Senate than if it were an independent appropriation of a million and a half dollars, and it was especially desirable that the measure should be put through without delay because of the value of every hour in this work. When the water recedes there will be probably two or three weeks between its recession and the time when the water will again begin to flow through the crevasses, unless during that time the crevasses can be leveed sufficiently to afford protection against the June rise, and there will be no crops of any kind grown during this year on more than 6,000,000 acres of land, and more than 100,000 people will be rendered absolutely destitute. That is the reason why there is especial urgency about the passage of the measure. It was put in this form because it was thought that it would create less opposition than in any other shape.

Mr. WILLIAMS. Mr. President——

Mr. HEYBURN. I now yield to the junior Senator from Mississippi, if he so desires. I had already yielded to the senior Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I rise merely for the purpose of stating that, as it seems to me, there is some misapprehension in the Senate as to the status of the pending measure. The President of the Senate asked if there was objection to the present consideration of the measure. The Senator from Illinois [Mr. CULLOM] rose to offer an amendment. The President of the Senate then said, "The question now before the Senate is, Is there objection to the present consideration of the joint resolution?" The President then announced, "The Chair hears none," and the present consideration of the measure was entered upon.

Mr. SMOOT. No.

The VICE PRESIDENT. The Senator from Mississippi has correctly stated the proceeding.

Mr. WILLIAMS. Precisely.

The VICE PRESIDENT. The joint resolution is now before the Senate by unanimous consent.

Mr. WILLIAMS. Unanimous consent has already been granted, and therefore there is not any room for any Senator's sole objection. Any Senator who so chooses has a right to offer an amendment to the joint resolution, but the joint resolution is now before the Senate by unanimous consent for present consideration.

Mr. HEYBURN. Mr. President, I thoroughly understand that, and I am speaking to the merits of the joint resolution, which is entirely in order, I think.

The VICE PRESIDENT. Absolutely.

Mr. HEYBURN. I have but a few more words to say. I certainly did desire that the Senate should not enter upon an entirely new scheme or system of Government; that is to say, to authorize the borrowing of money upon the faith and credit of anticipated legislation. If you leave the proviso in, this is borrowing money from the Treasury. If you stop on line 13, with the word "appropriated," it is legislation for the appropriation of money out of the Treasury of the United States, and is entirely within the scope and purview of the constitutional provision and within the authority of Congress, but when you add the proviso, of course, that proviso relates back to the beginning of the subject matter stated in the joint resolution.

I merely suggested that if this work is necessary—and I do not doubt that it is—the appropriation be made without the proviso, and that we should take into consideration the question of the amount of the appropriation for that work when that came before the Senate; that is all. I can see no reason why Senators should object to it, except—and I do not impugn any man's motives—it is sought to secure at the same time a guaranty, or what will amount to a guaranty, of other appropriations. Now, we may or may not feel inclined to appropriate any more money.

Mr. CULLOM. Mr. President, will the Senator allow me to interrupt him?

Mr. HEYBURN. Yes.

Mr. CULLOM. The guaranty, as the Senator calls it, is simply a provision that will take the amount now proposed to be appropriated out of the next appropriation bill for rivers and harbors.

Mr. HEYBURN. Yes; and I undertake, Mr. President, to say that the Senator from Illinois, with his long service here, can recall no instance where an appropriation was made to be taken out of a future appropriation. I have known of no such legislation.

Mr. CULLOM. Whether it is or not, it certainly can do no harm to the Government if it gets the money back.

Mr. HEYBURN. It may do harm to other people who are entitled to consideration in legislation appropriating money for work in their sections of the country.

I am not going to enter upon any further discussion or objection to this matter, but I want the Senate to act with its eyes open. It is rather short notice upon which to enter upon a change of the whole system of making appropriations for the conduct of the affairs of the Government. Such a change should not be made without very considerable attention. As I have said, it is the first time in the history of the Government when such an attempt has been made, but once having established the precedent, only a power higher than this body can tell where it will end. There will be an attempt to anticipate appropriation after appropriation, and every anticipation of it by legislation is a mortgage upon that appropriation and a mortgage upon the action of this body when the question comes up. Of course, I assume—I am willing to believe the statement to the fullest extent—that this appropriation is necessary. Then, if it is necessary, let us vote for it and make the appropriation, but let us not mortgage the future legislation of this body.

Mr. SMOOT. Mr. President, the joint resolution is before the Senate as in Committee of the Whole, as I understand, and open to amendment.

The VICE PRESIDENT. The joint resolution is before the Senate as in Committee of the Whole and open to amendment, and two amendments have been agreed to.

Mr. SMOOT. Mr. President, on page 2, line 18, I move to strike out the words "deducted from" and insert "charged to," so that it will read:

> And the Secretary of the Treasury shall cause a sum equal to the cost so reported to be charged to the unexpended balance of appropriations,

And so forth.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 2, line 18, after the words "to be," it is proposed to strike out "deducted from" and insert "charged to."

Mr. PERCY. I should like to consent to the amendment, but the bill was carefully prepared in its present form in the office of the Chief of Engineers, and is now before the appropriate committee of the other House, having been at the same time introduced in that body, and, if I may say so, has been reported by the House committee in this shape with a favorable recommendation. I think the language employed is correct. From whatever appropriation may be carried by the river and harbor bill for the Mississippi River, the amount proposed under this joint resolution is to be deducted, and the amount so deducted is to be turned back into the Treasury.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. PERCY. Certainly.

Mr. SMOOT. I was only looking at it from the standpoint of the books of the Treasury Department. They will have a credit of $3,500,000, if that amount shall be appropriated in the river and harbor bill, and whatever has been expended of the appropriation provided by the pending joint resolution is to be charged to that amount, and in order that it shall be properly charged it must go to some credit, so that will be carried to the surplus fund and covered into the Treasury of the United States. That would be the natural way of doing it. If the Senator, however, insists upon no change in the bill, I shall not be particular about it, but I think that is the proper wording.

Mr. PERCY. The only objection I have is the delay that will be involved.

Mr. SMOOT. I do not think there will be any delay, because, if the joint resolution passes the Senate to-day, it will go to the House, and the House will act upon it. If it was going to delay the matter, I would not insist; or, if the Senator insists now that is not a proper amendment, I will withdraw it; but I think that is the proper wording.

Mr. PERCY. I would prefer, if the Senator is willing, that the amendment be withdrawn.

Mr. SMOOT. If the Senator insists, I will withdraw the amendment, although I think it is proper and right.

The VICE PRESIDENT. The Senator from Utah withdraws his amendment.

Mr. HEYBURN. I desire to ask a question of the Senator from Mississippi regarding a matter to which my attention has just been called. Is it true that an amendment has been offered by the Senator from Mississippi increasing the appropriation carried in the river and harbor bill as passed by the House to $6,000,000?

Mr. PERCY. That is correct. The amendment was presented at the same time the pending joint resolution was introduced. It has not been passed upon by the Commerce Committee, however.

Mr. HEYBURN. The estimates on which the appropriation in the House bill is based—estimates provided to be made and furnished to Congress—were $3,500,000, were they not; or were they $3,000,000?

Mr. PERCY. Three million five hundred thousand dollars, as the bill passed the House; but that had nothing to do with the estimates.

Mr. HEYBURN. Of course, the appropriation against which the $1,500,000 is to be charged is contained in the House bill as it has come to the Senate. It must originate in the House. If the appropriation in the House bill is based upon an estimate, the estimate is presumed to represent the necessity of the regular improvement of the river. If we take $1,500,000 out of that, then that will bring the appropriation down below the estimate; that is, the regular work must suffer for this extraordinary work. Is that the intention?

Mr. PERCY. That would be true if there is no increase in the bill in the Senate. The $1,500,000 appropriated in the joint resolution would be deducted from the $3,500,000, and everyone, whether a member of the Mississippi River Commission or otherwise connected with the Mississippi River, would recognize that in the treatment of the river the paramount and pressing necessity was the closing of the crevasses, even if the regular expenditured interests had to suffer thereby.

Mr. HEYBURN. It is perfectly plain to everyone that if the amount for the Mississippi River remains as it is now in the proposed House bill, $3,500,000, based upon the estimates required to be made and given to the House as the basis of legislation, then, if you pass this joint resolution and deduct $1,500,000 from that sum, it can only be recouped by increasing the general appropriation in excess of the estimates. That is true, is it not?

Mr. PERCY. The estimates for the Mississippi River by the engineers are on the basis of $80,000,000 to be expended in 20 years. The House has not, as was expected, appropriated $4,000,000 a year.

Mr. HEYBURN. The House has not contemplated this appropriation at all in making up their bill. They have made up their bill upon the estimates.

Mr. PERCY. Not upon the estimates, because they cut the amount very much below the estimates.

Mr. HEYBURN. What are the estimates?

Mr. PERCY. The estimate for the Mississippi River, on the basis of 20 years and a total of $80,000,000 for the improvement, was $4,000,000 a year. The House in the last bill passed appropriated $3,000,000. This year it has been increased to $3,500,000 as the bill passed the House.

Mr. HEYBURN. The joint resolution recites that the amount carried by the river and harbor bill as passed by the House is $3,500,000, and that was based upon the estimates. The House gave the full estimate on this item, did they not?

Mr. PERCY. The House did not make the appropriation up to the estimates of the engineers.

Mr. HEYBURN. No; but the estimate for one year's work upon this river is correctly stated in the preamble to this joint resolution, is it not, at $3,500,000?

Mr. PERCY. That is not the estimate. That is the amount that the river and harbor bill carried as it passed the House, which was not up to the estimates as given by the engineers.

Mr. HEYBURN. It is not up to the estimates for a period covering several years.

Mr. PERCY. Not for any one year.

Mr. HEYBURN. I have the estimates, if I had time to put my hands upon them—they are at my desk here, I think—but does the Senator expect to press his amendment increasing the item to $6,000,000?

Mr. PERCY. With or without reference to the passage of this resolution, I expect to ask for an appropriation of $6,000,000 for the Mississippi River.

Mr. HEYBURN. That is, $6,000,000 in lieu of the $3,500,000 appropriated in the House bill?

Mr. PERCY. Yes.

Mr. BURTON. Mr. President, will the Senator from Idaho yield to me for a moment?

Mr. HEYBURN. Yes.

Mr. BURTON. Every one who is familiar with this situation must recognize that an unusual exigency has arisen because of the flood in the Mississippi River, which is almost unprecedented; it is the first serious flood for nine years. If an amount was fixed as necessary for the prosecution of the improvements in the Mississippi River before that flood, it will be absolutely necessary now to revise the amount and increase it. The exact extent of the amount is a matter for further consideration and study of the Senate. I trust the Senator from Idaho will not object to this provision, whether it be exceptional or not. There will necessarily be some delay before the river and harbor bill becomes a law, and it is desirable that plans be made now, so as to repair the levees before the so-called June rise. One dollar expended now might be as useful as two dollars expended at a later time.

Mr. HEYBURN. Mr. President, I doubtless have as keen an appreciation of the situation as another, and I recognize that it is a serious situation. We are juggling with millions here this morning—not hundreds or thousands for the relief of some person who has suffered in the service of the Government, but we are juggling with millions, and the time is well spent, probably, in making the record justify our action. Sometimes, perhaps, we are forgetful of the fact that whatever we do, whatever conclusion we express that carries with it the responsibility, should be and must be justified by such consideration and explanation in the RECORD as will commend it to those whom we represent in this place.

I am not raising these questions in levity, or because I have nothing else to do. When this matter first came to the desk, I took it up. I have been familiar with the situation on the Mississippi River during all of my lifetime. I know about the rise of the waters of that stream, and the periods when the river rises, and all of that, and the danger. I fully realize the necessity of prompt action in this matter. But I am as much interested in the question as to the propriety of the action, and it is quite as important to be considered. I do not feel that I am called upon to make any apology to myself even for occupying the time of the Senate in seeing whether we can not do this in a regular way rather than in an irregular way. The regular way would be to make the appropriation speedily, and to make it available at once, to repair these breaks and the destruction that has resulted from them. We have made liberal appropriations here within the last 10 days for the relief of the sufferers by reason of that.

I trust that Senators will not think that this question is new to me, or at least newer to me than it is to them. The Mississippi River has not been acting differently in the last generation than it is recorded to have acted in the generations that have preceded us. The snows have always melted along about the same time of year and raised the water in the river, and it has come down and washed out people and cities and destroyed property. It is not necessary that one should live in any particular section of the country to know all about it. But if I make a statement that is not a verity I trust some Senator will point it out to me.

I arose in the interest of regularity of legislation. Since I have been in this body that question has given me perhaps as much trouble as any other. The disposition to cut across corners of lots because it is convenient to do it results in a great deal of bad legislation, some bad in substance and some bad in form, but all establishing precedents that arise to bother us in later days. I am quite anxious that we shall not enter upon this mistaken policy this morning.

The questions I asked the senior Senator from Mississippi relative to his amendment were pertinent. I have that amendment now before me. I did not have it on my desk at the time, but it seems to provide that not less than $3,500,000 of this sum shall be expended for the building of levees, and all levee work shall be considered extraordinary emergency work. I may be mistaken, but I think I am correct in classifying the work to be done under this joint resolution as within the exception of the bill. Yet you are proposing a bill to borrow money from that fund to do work not within the scope of the work provided for, but within the exception. That is the plain language of the bill. It says that all levee work shall be considered extraordinary emergency work, and, consequently, outside of this appropriation. What more profitable or more important subject could the Senate be considering this morning than this, unless we are going to toss these millions about as a bagatelle?

Mr. President, I have nothing to say as to the proposed amendments. My remarks are directed against the manner of the legislation, which proposes to borrow from a fund that at no time would this work be a participant in. Under this amendment no part of this money would ever come to this fund.

Mr. CLARKE of Arkansas. The Senator is mistaken in his statement. One of the approved methods of improving the Mississippi River is to build levees.

Mr. HEYBURN. I know that.

Mr. CLARKE of Arkansas. Millions have been expended under the approval and with the direction of all those who take pains to inform themselves about that method of expending public money.

Mr. HEYBURN. That would ordinarily be supposed to be true, but the language of this amendment puts it upon a different basis.

Mr. CLARKE of Arkansas. That brings it back to the suggestion I made a moment ago, that those who drafted that amendment could not expect it to be subjected to the scrutiny of the Senator from Idaho. I have no doubt but what he can point out trifling inconsistencies in it, and I have no doubt that he could have improved the language of the amendments if he had drawn them in the beginning; but the persons who drew the amendments had in their mind the necessity of supplying at once a sum of money, when it was perfectly apparent a larger sum would be hereafter appropriated, and that the sum needed now could be deducted from that amount.

Mr. HEYBURN. But it is not appropriated for the class of work described in this amendment.

Mr. CLARKE of Arkansas. The Senator is entirely mistaken.

Mr. HEYBURN. I have the language of it here. I will read it again.

Mr. CLARKE of Arkansas. I am not talking about the amendment offered by the Senator from Mississippi, because I am not entirely familiar with it, but I am entirely familiar with the scheme of improvements adopted by the Mississippi River Reclamation Commission, and carried out in the last 15 years for the improvement of that stream. One of the essential, I might say the dominant, method of improvement—the construction of levees on the banks—is to concentrate the waters in the channel and thereby assist in keeping the river open and fit for navigation. The construction of levees is not an exceptional method of expending the money appropriated, or an exceptional method of improvement.

Mr. HEYBURN. I have not so stated. I have the amendment here.

Mr. CLARKE of Arkansas. The Senator is reading from the amendment of the Senator from Mississippi, which proposes new legislation. That is not the existing legislation; it is new legislation.

Mr. HEYBURN. It is just as much legislation as that contemplated by the rivers and harbors bill. One is just about as far along as the other.

Mr. CLARKE of Arkansas. The Senator is again mistaken.

Mr. HEYBURN. They are both as yet in an inchoate state.

Mr. CLARKE of Arkansas. There is a statutory system dealing with the Mississippi River, in the form of a permanent statute, along lines that call for gradual development, and extending over a period of 20 years and involving an expenditure of about $4,000,000 a year.

Mr. HEYBURN. Yes. Now, here is the language that the Senator from Mississippi has used.

Mr. CLARKE of Arkansas. I insist that the Senator from Idaho is reading from proposed legislation contained in the amendment offered by the Senator from Mississippi.

Mr. HEYBURN. If I were standing here proposing an appropriation for this necessary work, I might feel that I should give a different class of reasons. The proviso in the sixth line of the amendment of the senior Senator from Mississippi [Mr. PERCY] says:

Provided, That not less than $3,500,000 of said sum—

Said sum is $6,000,000—

shall be expended for the building of levees, and all levee work shall be considered extraordinary emergency work.

I think those who are interested directly—and all people are interested—in the work on the Mississippi River would prefer an appropriation that would insure the performance of this work rather than to tie it up with the possibilities of future legislation. I am content now, having made this statement in the RECORD, to allow the matter to take such course as the Senate sees fit.

Mr. PERCY. In order to make the amendment conform to the language that has been favorably reported on by the Rivers and Harbors Committee of the House, I move, on line 19 of page 2, to strike out the words "unexpended balance of."

The VICE PRESIDENT. If there be no objection, the amendment is agreed to.

Mr. SMOOT. Mr. President, just a minute, before that is finally disposed of.

The VICE PRESIDENT. The Chair understands that the Senator from Utah objects for the present to agreeing to the amendment.

Mr. SMOOT. I would like to have the Senator from Mississippi explain why he desires to have those words stricken out.

Mr. PERCY. I stated that, in my opinion, it does not alter the sense of the measure at all. As it stands, it is an unexpended appropriation. As stricken out, it would be the appropriation for the Mississippi River. The only reason why I asked to have the words stricken out was that the Rivers and Harbors Committee of the House has stricken it out in recommending the bill in the House, which has just been recommended this morning. It is simply for the purpose of uniformity and to avoid delay. That is my only object.

Mr. SMOOT. Of course, I think there will be an unexpended balance of the appropriation and consequently that is technically correct. I do not see why now you should say that because it is so reported it should be deducted from the appropriation. It is not an appropriation, but the bill says "appropriations."

Mr. PERCY. It is from the appropriation to be made for the river, and the effect is the same whether the deduction be made from the unexpended balance or made at the time the expenditure is consummated. If the deductions be made from the amount of the bill as it passes the Senate, before the expenditure has been consummated, the result is precisely the same; it is a million and a half dollars taken from that bill.

Mr. SMOOT. The result would be the same perhaps if there was more than this amount in the appropriation, but if not, of course the whole amount could not be deducted from the unexpended balance. I do not see that the Senator gains anything by it.

Mr. PERCY. I gain nothing in the world except to avoid delay. The House has stricken out the words; the sense is not changed; the War Department assures me it is immaterial; and to avoid delay I ask the Senate to concur in the same amendment.

Mr. SMOOT. I will not object.

The amendment was agreed to.

Mr. PERCY. Now, I have one other amendment to offer. The bill as reported was from Head of Passes to the mouth of the Ohio River. The committee substituted Cape Girardeau.

Mr. SMOOT. That has been agreed to.

Mr. PERCY. I find that the title of the appropriation as carried in the river and harbor bill is in the shape that it was originally, namely, to the mouth of the Ohio River. Therefore I ask that the joint resolution be restored to the form in which it originally was. The committee simply desired to make it conform to the title of the appropriation, but by referring to the bill I find that while the levee system is from Cape Girardeau to the Head of the Passes, the appropriation is made, as shown on page 34 of the bill, from the Head of the Passes to the mouth of the Ohio River; and therefore the joint resolution should read "to the mouth of the Ohio River."

Mr. SMOOT. The Senator, then, can make a motion to reconsider the vote by which the amendment was agreed to.

The VICE PRESIDENT. The Senate having already agreed to the amendment, it will be necessary for the Senate to reconsider the vote by which the amendment was agreed to. Is there objection to such reconsideration?

Mr. CULLOM. I hope the Senator is not trying to reconsider the vote on the amendment I offered.

Mr. PERCY. No; I will say to the Senator from Illinois that it does not affect his amendment.

The motion to reconsider was agreed to.

The VICE PRESIDENT. Without objection, the committee amendment is disagreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT. Is it understood that the preamble will be stricken from the joint resolution?

Mr. PERCY. It will be satisfactory to have the preamble stricken out.

Mr. SMOOT. Very well; let the preamble be stricken out.

The VICE PRESIDENT. The committee recommends that the preamble be stricken out. Without objection, the preamble is stricken out.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 6538) granting an increase of pension to Annette Farmer (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 6539) creating the grade of chief pharmacist in the Navy; to the Committee on Naval Affairs.

By Mr. HITCHCOCK:

A bill (S. 6540) granting an increase of pension to Mary Landers, now Parker; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 6541) granting an increase of pension to Josephus Steller (with accompanying papers); and

A bill (S. 6542) granting an increase of pension to Zachariah V. Purdy (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 6543) to establish standard packages and grades for apples, and for other purposes; to the Committee on Interstate Commerce.

A bill (S. 6544) granting an increase of pension to James Smith (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 6545) to amend section 558 of the Code of Law of the District of Columbia, relating to notaries public; to the Committee on the District of Columbia.

By Mr. ASHURST:

A bill (S. 6546) granting a pension to Mary Jane Tillman; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 6547) granting an increase of pension to Anna R. Wellman (with accompanying paper); to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 6548) granting an increase of pension to Abram Burnett; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6549) granting a pension to Thomas D. O'Shea; to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 6550) to amend section 1342 of the Revised Statutes of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. GUGGENHEIM:

A bill (S. 6551) to amend section 3 of an act entitled "An act to provide for an enlarged homestead"; to the Committee on Public Lands.

By Mr. BURTON:

A bill (S. 6552) granting an increase of pension to Samuel Green; to the Committee on Pensions.

A bill (S. 6553) for the relief of Silas McElroy; and

A bill (S. 6554) for the relief of Mrs. L. D. Goldsberry; to the Committee on Claims.

By Mr. BROWN:

A bill (S. 6555) providing an appropriation for the checking of the inroads of the Missouri River and the destruction of private and public property on the banks of said river in Dakota County, Nebr., opposite the city of Sioux City, Iowa; to the Committee on Commerce.

By Mr. SMITH of Arizona:

A joint resolution (S. J. Res. 103) directing the Secretary of State to investigate claims of American citizens growing out of the late insurrection in Mexico, to determine the amounts due, if any, and to press them for payment; to the Committee on Foreign Relations.

FISH-CULTURAL STATION IN RHODE ISLAND.

Mr. WETMORE submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station in the State of Rhode Island, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. CLARKE of Arkansas submitted an amendment proposing to appropriate $50,000 to repair and rebuild the levees under the control of the Auburn and Linwood levee districts on the Arkansas River, etc., intended to be proposed by him to the river and harbor appropriation bill (H. R. 21477), which was referred to the Committee on Commerce and ordered to be printed.

VOLUNTEER FORCES OF THE UNITED STATES.

Mr. DU PONT. I ask that the bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war, being order of business No. 80, be taken from the calendar and recommitted to the Committee on Military Affairs.

The VICE PRESIDENT. Without objection, it is so ordered.

HOSPITALS IN THE DISTRICT OF COLUMBIA (S. DOC. NO. 614).

Mr. GALLINGER. I have a paper submitted to the Board of Trade of the District of Columbia by a committee on charities and corrections, which discusses the hospital situation in the city of Washington. I move that it be printed as a Senate document and referred to the Committee on Appropriations.

The motion was agreed to.

WIRELESS TELEGRAPHY AT SEA.

Mr. HITCHCOCK. Mr. President, I should like to inquire of the chairman of the Committee on Commerce what prospect there is for a report on Senate bill 3815, which I introduced early in the present session, providing that steamships sailing to and from American ports and carrying more than 100 persons should be equipped with proper wireless apparatus and served by two wireless operators.

I make the inquiry at this time because, while when I introduced that bill only one great marine accident had occurred which revealed the necessity for two operators, since that time another more tragic and more frightful accident has occurred, which has again demonstrated that the use of two operators is absolutely necessary.

I understand that in the case of the *Titanic* she had two operators, and in the case of the *Carpathia*, which came to her assistance, only one operator was on the vessel, and he was at the moment about to retire from his apparatus. A number of other vessels, I understand, were in the neighborhood equipped with some apparatus with only one operator.

It seems to me that this second accident, added to the wreck of the *Prince Joachim* early in the season, has demonstrated that there is an urgent need for early action upon this bill. I understand that possibly the committee has been delayed by the consideration of more elaborate bills for the control of wireless telegraphy at sea; but it seems that this measure is so simple, so urgent, and so obvious a need that the bill ought to receive an early consideration.

I should like to hear from the chairman of the Committee on Commerce whether he can give us any assurance on the subject.

Mr. NELSON. Mr. President, the bill to which the Senator from Nebraska refers, and also a general bill (S. 6412) relating to the matter of radiocommunication in general, were referred to a subcommittee of the Committee on Commerce during the early part of the session. That committee has been diligently at work, and they have reported a general bill intended to cover the whole method of radiocommunication. The bill has been reported, and it is on the calendar. It is a committee bill, Order of Business 577.

On the other bill, to which the Senator refers, which only covered the matter, as I understand it, of requiring two operators on each ship, the subcommittee have made no special report. I understand that the committee claim that they have to a large extent covered it in the general bill. Most of that subcommittee are now engaged in the investigation of the *Titanic* disaster. I presume by the time they get through with that investigation they will probably prepare a comprehensive bill especially relating to the matter to which the Senator refers.

Mr. HITCHCOCK. Mr. President, I realize that the work of the committee should cover a number of other subjects, but this is a very simple measure. The present law requires one operator, and the slightest amendment of the law can substitute "two" for "one." It seems to me there is neither room for debate nor for delay, but that it is an obvious need. Here within a single year two instances have occurred which have demonstrated the need of an additional operator; and I respectfully suggest to the chairman of the committee that however much delay may be necessary to consider more complicated regulations, this simple provision should receive early attention and early consideration. I do not like to urge the committee unduly.

Mr. NELSON. The chairman of the subcommittee is absent on the investigation over in the Senate Office Building. At the earliest opportunity I will call his attention to what the Senator says.

DESIGNATION OF PRESIDENT PRO TEMPORE.

Mr. SHIVELY. Mr. President, I am informed that the Vice President will necessarily be absent from the Senate during Friday and Saturday of this week. I therefore request the unanimous consent of the Senate that the senior Senator from New Hampshire, Mr. GALLINGER, be chosen as the President pro tempore of the Senate for Friday, the 26th, and Saturday, the 27th, of the present month.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is entered.

Mr. SHIVELY submitted the following resolution (S. Res. 291), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected JACOB H. GALLINGER, a Senator from the State of New Hampshire, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Friday and Saturday, April 26 and 27, 1912.

Mr. SHIVELY submitted the following resolution (S. Res. 292), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected JACOB H. GALLINGER, a Senator from the State of New Hampshire, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Friday and Saturday, April 26 and 27, 1912.

THE HARVESTER TRUST.

Mr. BRISTOW. Mr. President, on March 16 the Senator from Tennessee [Mr. LEA] offered and the Senate agreed to the following resolution (S. Res. 250):

Whereas it is reported that there is pending before the Department of Justice a settlement between the United States and the International Harvester Co., by which the so-called Harvester Trust may be permitted to reorganize and to bring its organization and business within the Sherman antitrust law as construed by the Supreme Court: Be it

Resolved by the Senate of the United States, That the Attorney General be, and he is hereby, instructed to lay before the Senate all correspondence and information he may have upon this subject, together with any and all correspondence, information, and reports of the Bureau of Corporations relating thereto, from January 1, 1904, to the present time.

The resolution related to the correspondence between the Department of Justice and the so-called Harvester Trust. This resolution, by the Senator from Tennessee, was introduced on the 15th and agreed to on the 16th of March. On the 25th of March the Attorney General made the following reply:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., March 19, 1912.

THE PRESIDENT OF THE SENATE.

SIR: I am in receipt of a copy of a resolution adopted by the Senate March 16, 1912, reading as follows:

"Whereas it is reported that there is pending before the Department of Justice a settlement between the United States and the International Harvester Co., by which the so-called Harvester Trust may be permitted to reorganize and to bring its organization and business within the Sherman antitrust law as construed by the Supreme Court: Therefore be it

"*Resolved*, That the Attorney General be, and he is hereby, instructed to lay before the Senate all correspondence and information he may have upon this subject, together with any and all correspondence, information, and reports of the Bureau of Corporations relating thereto, from January 1, 1904, to the present time."

In reply I am directed by the President to say that, in my opinion, it is not compatible with the public interests to lay before the Senate the correspondence and information relating to the International Harvester Co. in the possession of this department, nor the correspondence, information, and reports of the Bureau of Corporations relating thereto. These are matters pertaining entirely to business which is now pending and uncompleted in this department.

I have the honor to be,

Very respectfully, yours, GEO. W. WICKERSHAM,
Attorney General.

It will be observed that on the 25th of March, when this communication was received by the Senate, Mr. Wickersham declared that it was not compatible with the public interests to furnish the information.

Mr. HEYBURN. Mr. President, I should like to ask a question.

The PRESIDING OFFICER (Mr. ROOT in the chair). Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. HEYBURN. Are we to understand that the Attorney General undertook to say for himself that it was not compatible with the public interests to furnish the information, or was he saying it for the President?

Mr. BRISTOW. I will read his language and let the Senator from Idaho determine:

In reply I am directed by the President to say that, in my opinion—

Mr. HEYBURN. That is the President's opinion?

Mr. BRISTOW. I do not know. I am reading the language.

Mr. HEYBURN. The way the Senator read it I got the idea that it was in Mr. Wickersham's opinion, and that is not in conformity with the practice.

Mr. BRISTOW. I was merely reading the language. What construction——

Mr. HEYBURN. What is the punctuation?

Mr. BRISTOW. It is punctuated as I read it:

In reply I am directed by the President to say that—

Comma—

in my opinion—

Comma—

it is not compatible with the public interests—

Mr. HEYBURN. Yes; it should have been "in his opinion" unless there is a quotation.

Mr. BRISTOW. On the 25th of March we received a reply to the resolution adopted on the 16th of March, which asked the Attorney General to furnish the Senate information relative to correspondence which he may have had with officers of the International Harvester Co., and also correspondence which the Bureau of Corporations may have had with that company from January 1, 1904, up to the present time, and Mr. Wickersham declared that it was not compatible with the public interests to do so in either case.

Mr. HEYBURN. Mr. President, will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. HEYBURN. It goes to the question of the practice in the Senate, and my attention had not been directed to any violation of the established practice. It is not competent for any other person than the President of the United States to declare that it is not compatible with the business of the Government to furnish information. No lesser officer is authorized to make that reply. That is the reason I wanted the language read, but it appears there that Mr. Wickersham says that it was, in his judgment, incompatible.

Mr. BRISTOW. That is exactly what it says.

Mr. HEYBURN. Well, he had no right to say that.

Mr. BRISTOW. On April 22—last Monday—the Senator from North Carolina [Mr. OVERMAN] submitted the following resolution:

Resolved, That the Attorney General be, and he is hereby, instructed to lay before the Senate all correspondence and information now in possession of the Department of Justice in relation to the proposed settlement between the United States and the International Harvester Co. by which the so-called Harvester Trust may be permitted to reorganize and bring its organization and business within the provisions of the Sherman antitrust law as construed by the Supreme Court, together with any and all correspondence, information, and reports of the Bureau of Corporations relating thereto from January 1, 1904, to the present time.

The resolution asked for practically the same information which had been requested in the resolution agreed to by the Senate upon the motion of the Senator from Tennessee [Mr. LEA]. I should say that no response has been received from the Attorney General to the resolution offered by the Senator from North Carolina. There were two things asked for: First, the correspondence the present Attorney General may have had relating to a settlement and a reorganization of the Harvester Trust, presumably along the lines of the reorganization of the Tobacco Trust and the Standard Oil Co. The information under the first resolution was denied. The second resolution introduced and agreed to on Monday has not been answered. Yesterday afternoon the Senator from Alabama [Mr. JOHNSTON] introduced the following resolution (S. Res. 290):

Resolved, That the Attorney General be, and he is hereby, directed to furnish the Senate with copies of the reports of the Secretary of Commerce and Labor and Commissioner of Corporations and instructions of the President concerning the proposed prosecution of the International Harvester Co. of America made in the year 1907, and showing the facts concerning such proposed prosecution and the reasons for its abandonment.

You will observe that the difference between this resolution and the two former resolutions is that they called for the correspondence of the present Attorney General with the officers of the International Harvester Co., while this refers to correspondence only of his predecessor in the year 1907. The same afternoon, about two hours after this resolution was adopted, an answer was furnished. Whether the resolution was sent by special messenger or whether the Attorney General was telephoned that it had been introduced, apparently in harmony with his desire, I am not informed, but a report was presented which could not have been prepared unless the Attorney General knew that such a request for information would be made.

It is to be inferred that the President of the United States, desiring to use this confidential correspondence between his predecessor and a Cabinet officer and his private secretary, which was on file in the White House offices, thought it more fitting for it to be called for by the Senate in a resolution which had been framed in language that did not ask for information concerning his own administration. Was this exceeding haste because urgencies of the campaign required this material to be used to-day?

I simply wanted to call the attention of the Senate to the fact in regard to these resolutions and the spectacle which they present.

Mr. CULBERSON. Mr. President, before we pass from the subject, I wish to say that I notice that in the CONGRESSIONAL RECORD only the letter of the Attorney General appears. I therefore ask that the whole paper—Senate Document No. 604—may be printed in the CONGRESSIONAL RECORD so that the readers of the RECORD may have the entire correspondence.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent that the contents of Senate Document No. 604, Sixty-second Congress, second session, be printed at large in the CONGRESSIONAL RECORD. Is there objection? The Chair hears none, and it is so ordered.

The document referred to is as follows:

[Senate Document No. 604, Sixty-second Congress, second session.]

THE PROSECUTION OF THE HARVESTER TRUST.

LETTER FROM THE ATTORNEY GENERAL TRANSMITTING INFORMATION IN RESPONSE TO SENATE RESOLUTION OF APRIL 24, 1912, RELATIVE TO THE PROPOSED PROSECUTION OF THE INTERNATIONAL HARVESTER CO. AND REASONS FOR ITS ABANDONMENT.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., April 24, 1912.

THE PRESIDENT OF THE SENATE:

SIR: I am in receipt of a copy of a resolution of the Senate, reading as follows:

"APRIL 24, 1912.

"*Resolved*, That the Attorney General be, and he is hereby, directed to furnish the Senate with copies of the reports of the Secretary of Commerce and Labor and Commissioner of Corporations, and instructions of the President, concerning the proposed prosecution of the International Harvester Co. of America, made in the year 1907, and showing the facts concerning such proposed prosecution and the reasons for its abandonment."

In reply I am directed by the President to transmit to you, as I do herewith, copies of the following letters on the files of this department:

Letter from President Roosevelt to Charles J. Bonaparte, Attorney General, dated August 22, 1907.

Letter from William Loeb, jr., Secretary to the President, to Charles J. Bonaparte, Attorney General, dated August 23, 1907.

Letter from Herbert Knox Smith, Commissioner of Corporations, Department of Commerce and Labor, to the President, dated September 21, 1907.

Letter from Herbert Knox Smith, Commissioner of Corporations, Department of Commerce and Labor, to the President, dated September 23, 1907.

Letter from Oscar Straus, Secretary of Commerce and Labor, to the President, dated September 23, 1907.

Letter from William Loeb, jr., Secretary to the President, to Charles J. Bonaparte, Attorney General, dated September 24, 1907.

I have the honor to be,
Very respectfully,

GEO. W. WICKERSHAM,
Attorney General.

—

OYSTER BAY, N. Y., *August 22, 1907.*

Hon. CHARLES J. BONAPARTE,
Attorney General, Hotel Aspinwall, Lenox, Mass.

MY DEAR MR. ATTORNEY GENERAL: Mr. George W. Perkins, of the International Harvester Co., has just called upon me and submitted to me certain papers of which I inclose copies. According to these papers and to Mr. Perkins's statements it would appear that the Harvester Co. has repeatedly, on its own initiative, asked that its business be investigated by the Department of Commerce and Labor through the Commissioner of Corporations; that three years ago the Interstate Commerce Commission decided that it had accepted what amounted substantially to rebates; that Mr. Moody, the then Attorney General, was about to take action on this report, but the Harvester Co. at once promised to rectify the practices and see that nothing contrary to the ruling of the commission was again done. This was satisfactory to the Attorney General and the suit was dropped. The Harvester Co. says it is in position to prove that it has lived up to this agreement made in May, 1904. The Harvester Co. advances this as a proof that if any illegal action is pointed out it will itself rectify the matter on its being pointed out. It further appears that last December Senator Hansbrough got the Senate

to pass a resolution directing the Department of Commerce and Labor to make an early investigation into the character and operation, and effect upon interstate commerce, of the International Harvester Co., and that in January last Messrs. Garfield and Smith met various representatives of the Harvester Co. in New York and a conclusion was reached that the department would begin the examination as speedily as possible, which conclusion was announced publicly in the press. On March 7 Commissioner Smith notified the Harvester Co. that the inquiry would be into the incorporation value of its property, securities, and the general management of its business. It appears by his letter of August 8 that Commissioner Smith has begun the investigation, but has not made such progress with it as he would like to on account of his being crowded with work. Mr. Perkins's request to me is that, before the company is exposed to the certain loss and damage that the mere institution of a suit would entail, this investigation by Mr. Smith as required by Senate resolution should be carried to completion. He explicitly states to me that there would be no intention to plead the examination by the Department of Commerce and Labor as conferring any immunity from proceedings by the Department of Justice.

Will you see Mr. Perkins and Commissioner Smith, go over the matter in full, and report to me thereon?

Please do not file the suit until I hear from you.

Sincerely, yours,

THEODORE ROOSEVELT.

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OYSTER BAY, N. Y., *August 23, 1907.*

Hon. CHARLES J. BONAPARTE,
Attorney General, Hotel Aspinwall, Lenox, Mass.

MY DEAR MR. ATTORNEY GENERAL: The accompanying letter and inclosures from Mr. George W. Perkins, concerning the International Harvester Co. case, should have been inclosed with the letter from the President mailed to you to-day.

Very truly, yours,

WM. LOEB, Jr.,
Secretary to the President.

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DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF CORPORATIONS,
Washington, September 21, 1907.

The PRESIDENT,
Oyster Bay, N. Y.

SIR: In pursuance of my letter of August 30, 1907, I take the liberty of submitting for your consideration a memorandum in regard to the proposed action of the Department of Justice for the prosecution of the International Harvester Co. under the Sherman law. I feel that it is only proper that I should state my objections to such proposed action because of the bearing that it has on the work of this bureau and, still more important, on the entire policy of the administration as I understand that policy.

On August 24, 1907, by direction of the President, I met Mr. George W. Perkins, chairman of the finance committee of the International Harvester Co., and discussed the matter with him. On August 26 I saw the President and stated briefly my views, and, upon his instructions, I then, on the next day, saw the Attorney General at Lenox, Mass., and was informed by him that while he would be glad to confer with Mr. Perkins and myself at any time on this matter, he did not feel that he was competent to take up the matter thoroughly until the return of Mr. Purdy from Europe, who has special charge of this general class of cases. I therefore did not discuss the question with the Attorney General, and knowing that the President had instructed the Attorney General to take no further action in this matter until such final conference could be held, I have been awaiting the return of Mr. Purdy, who is expected back, I believe, about October 1. Inasmuch as I shall probably be away at that date and for some time thereafter, I am sending this memorandum now.

Briefly, the International Harvester Co., through Mr. Perkins, takes the position that it has, ever since the creation of the Bureau of Corporations, endeavored to put itself in line with the policy of publicity maintained by the administration; that, so far as it is aware, it has committed no violation of any statute; that it has continued to offer to the bureau from time to time complete access to all its books and papers and to give all the information desired as to its operations; that it has, indeed, frequently urged such investigation by the bureau; that it can obtain no direct information at all as to the nature of the charges against it, but that it has reason to believe that the case against it is purely a technical legal one under the Sherman law, involving merely an interesting legal question, as to whether the organization of the company per se constitutes a combination in restraint of trade, and that no moral sins or methods of unfair competition are included in said case; that Congress, in December, 1906, passed a resolution requesting the Department of Commerce and Labor to investigate the company; finally, that, such being the facts and such having been its consistent attitude of cooperation, it is unfair and inconsistent on the part of the Government now to subject the company to a prosecution for a technical violation of the Sherman law. The company simply desires that the Bureau of Corporations be allowed to conclude its investigation, and if any substantial violation of the law shall be discovered by such investigation the company is perfectly willing to stand prosecution.

To the extent of my present knowledge I am satisfied that the facts are as stated by the said company, with the single exception that I do not have definite knowledge as to the nature of the case now in the hands of the Department of Justice; but from the expressions of the Attorney General I am inclined to believe that it is, as Mr. Perkins stated, a purely technical legal question. As to the principle of fair dealing and good policy involved, I also concur emphatically with the attitude of the company.

It is certainly true that this company has been most open with the bureau. In 1904 Mr. Cyrus McCormick, the president of the company, called upon Mr. Garfield, offering him the cooperation of the company in obtaining information. In December, 1906, Mr. George Perkins wrote to Secretary Straus making a similar offer of cooperation. On the 28th of the same month Mr. Cyrus McCormick wrote to Mr. Garfield, making a similar offer and reminding him of his original offer of 1904. On January 18 and 19, 1907, Mr. Garfield and myself met at New York City Messrs. Gary, McCormick, Deering, and Perkins, all directors of the said company, and went over generally the subject matter of the company's organization and operation, receiving, so far as I know, absolutely frank and complete answers and further assurance of complete cooperation in carrying out the investigation. On April 1, 1907, Messrs. Cyrus and Harold McCormick called upon me at Washington, giving similar assurances and emphatically urging that this bureau undertake the investigation of their company.

Furthermore, the attitude of the Morgan interests generally, which control this company, has been one of active cooperation.

In the investigation of the steel industry the United States Steel Corporation has already spent thousands of dollars in compiling for the bureau the most complete and intimate information as to the business, and its officers have gone to immense trouble and loss of time to facilitate in every way our work.

While a certain amount of work has been done on the investigation of the Harvester Co. by this bureau, it has reached only a very preliminary stage, first, because of the lack of men to undertake the work, and, second, because of the intimations that have reached me from time to time since the beginning of this year to the effect that the Department of Justice would probably commence a suit against the company under the Sherman law, and I felt, for the reasons indicated below, that until this matter was settled one way or the other it was neither fair nor expedient that the investigation of this bureau should continue.

In my interview of August 24 with Mr. Perkins, he set forth a number of considerations which seemed to me of great weight. He stated that his company had endeavored to obey the law in every respect and had carefully put itself in line with the policy of the administration; that the interests he represented, including not only the International Harvester Co., but also the far-reaching Morgan interests generally, had originally favored the creation of the Bureau of Corporations and the policy of the President which that bureau represents, and that both in their attitude toward the bureau and in their conduct and management of their various concerns, including the United States Steel Corporation, they had adopted a similar policy of frankness and publicity; that so far as he was aware, they had not been guilty of any violation of the law, certainly none involving a moral consideration; that, as he phrased it, he was now being laughed at in New York by the Standard Oil people, who were saying that he had tried to be good and keep solid with the administration, but that now he was going to get the same dose as other people who had not followed such policy; that very serious financial interests were involved in this proposed suit; that the company borrows annually about $20,000,000 abroad for the carrying of their foreign business; that upon the publication of the proposed action by the Department of Justice the foreign financiers had refused to extend this accommodation, and that the money would have to be raised now in New York under great disadvantage, and that as a result it might readily happen that several of their important plants would be closed and a number of thousand men thrown out of employment, and especially that the foreign trade in harvesting implements that had been developed almost entirely by the International Harvester Co. would be lost; that the company employs over 25,000 men, exclusive of selling agents, and does an annual business of over a hundred million dollars.

He concluded with great emphasis with the remark that if, after all the endeavors of this company and the other Morgan interests to uphold the policy of the administration and to adopt their methods of modern publicity, this company was now to be attacked in a purely technical case, the interests he represented were "going to fight."

So far as I have knowledge of the facts set forth by Mr. Perkins, I believe them to be true. I have no knowledge of any moral grounds for attacks on the company. The few complaints received by the bureau have been attributable almost entirely to two sources, to wit, in the first place, to certain trade papers which have been deprived of advertisement and whose object seems to be blackmail, and, second, to the general feeling against any sort of combination. As to the legal question, whether this company's organization has been per se a violation of the Sherman law, I am not particularly interested, nor have I any fixed opinion on the subject.

I therefore feel that the starting of a suit under the Sherman law against this company would, in the first place, be a moral injustice, and, in the second place, would be a reversal of the correct and advanced modern policy of the President in dealing with corporate business. It is submitted that this case raises acutely a question of general policy of great importance, which must be, I think, determined now, and for which this case will stand as a precedent. This case raises the question included in what the President has called "good and bad trusts"; the question whether mere combination, as such, shall be prohibited; whether the Government is going to try to forbid all combinations regardless of their methods or ends, or whether, on the other hand, it is going to pursue the policy, frequently stated by the President, of regulation and control rather than of prohibition. It is submitted that two wholly inconsistent principles are brought here in conflict. One or the other must give way. If the principle illustrated by this proposed case against the Harvester Co. is to be followed, it is believed that the principle for which the Bureau of Corporations stands must be abandoned and its work substantially cease. It is impossible both to destroy and to regulate combinations. The choice must be made now between these two divergent policies.

As to which is the better of the two policies, very naturally I have a strong prejudice in favor of that represented by this bureau, but I believe that that prejudice is justified. I believe that industrial combination is an economic necessity, that the Sherman law, as interpreted by the Supreme Court, is an economic absurdity and is impossible of general enforcement, and even if partially enforced will, in most cases, work only evil. I believe the principle it represents must ultimately be abandoned; that combination must be allowed and then regulated; and that the best means of regulation is by publicity, aided by the action of the Department of Justice and of the courts in case of proven violation of the interstate-commerce laws and other laws which deal with unfair methods of business. It is not the existence of the combination power which must be considered, but the misuse of that power. A combination which maintains its power simply because it gives better service or lower prices and thus gets most of the business justifies its own existence and should not be hampered or attacked. It is for the public benefit as well as for its own advantage. On the other hand, a combination such as the Standard Oil Co., which constantly uses its combination power to cripple the efficiency of competitors by unfair methods of competition, by railway rebates, by subornation of employees, by local price discrimination, illustrates completely the misuse of combination power and the line along which the efforts of the Government should be directed.

As to the effectiveness of the two methods, the balance is equally heavy on the side of the modern method of publicity, of prevention rather than penalty. The experience of this bureau has demonstrated the prompt and widespread effect of the publication of specific industrial wrongs, as was seen in the immediate correction by the railroads all over the country of the system of railway discrimination set forth in the report of the Commissioner of Corporations on the transportation of petroleum. Furthermore, this method corrects not only methods

that are illegal, but also those which, though legal, are unfair and inequitable, a subject matter that can not be reached by the operations of the courts. Still more important, this method is preventive rather than remedial. The mere knowledge on the part of corporate managers that such publicity is possible and probable prevents the perpetration of many improper transactions that might otherwise be undertaken, and, most important of all, tends strongly to establish throughout the country the higher range of moral standards in business that must ultimately be the basis of any permanent reform in corporate management.

On the other hand, action under the Sherman law is confined to a single case; will almost always be protracted through several years of litigation; is often defeated by a legal technicality, and even if successful amounts in almost all cases to simply a "paper victory," without any real economic improvement, and as soon as the decree of the court is signed the combination thereby dissolved or enjoined can easily reorganize into a new form fully as effective, and usually more so, than the original one. The Department of Justice in such action can take no cognizance of the moral question involved, because the Supreme Court has laid down the principle that the Sherman law applies to a combination in restraint of trade, whether that restraint be reasonable or unreasonable, regardless of the nature of the effects thereof. Should the Sherman law be strictly enforced—were such a thing physically possible—it would not only put out of existence substantially every freight-traffic association in the country and produce absolute chaos in railroad affairs, but would be as destructive against substantially every company holding a majority of the stock of any corporation engaged in interstate commerce, such as the United States Steel Corporation and hundreds of others of similar companies. In short, should the principle which I believe is involved in the proposed case against the International Harvester Co. be finally established by the Supreme Court, we would have on our hands a principle that we should be glad to escape from at almost any cost.

Finally, this case against the company is a civil, not a criminal, one. Delay will not affect the case through any statute of limitations. If there is a good, equitable case against the company, it will be in a thousandfold better shape for trial after the investigation by the bureau than now.

These considerations explain and justify the attitude taken by the International Harvester Co., which attitude represents, I believe, that of a majority of the financial interests of the country. The cooperation that these interests have almost uniformly given to the bureau in the past leads me to believe that a majority of the great leaders of industry at present, either openly or secretly, favor, to a greater or less degree, the general policy of the administration as to the regulation of combinations, believing that such is the proper solution of the great industrial problems of the country; that while they see the need of regulation, they are right in claiming the correlative privilege of protection as long as they abide by the principles of fair business. If, now, by such a retrogression, through the crude theory represented by the Sherman law, these interests are shown that prohibition and not regulation of combinations is to be carried out, they will feel that there is nothing left for them but to fight, and their great influence will be thrown against not only this but any other attempt at corporate reform. In the specific instance involved this matter is demonstrated. The mere refusal of the Steel Corporation to give further information, except at the end of a lawsuit, would practically cripple the steel inquiry of the bureau. Unquestionably, such refusal would be the first step in the fight. While the administration has never hesitated to grapple with any financial interest, no matter how great, when it is believed that a substantial wrong is being committed, nevertheless, it is a very practical question whether it is well to throw away now the great influence of the so-called Morgan interests, which up to this time have supported the advanced policy of the administration, both in the general principles and in the application thereof to their specific interests, and to place them generally in opposition. The tremendous moral effect on other corporation managers produced by the past attitude of the Steel Corporation and other Morgan interests, in favor of publicity and fairness of operation, will be destroyed, or rather reversed, and the experience of these interests will stand as an example to other corporations and be cited by them against the administration, just as it is now being cited by the Standard interests, as Mr. Perkins states. I believe that Mr. Perkins's statement that his interests would necessarily be driven into active opposition was a sincere one; and, in fact, I can hardly see how those great interests can take any other attitude should this prosecution be started and the final adoption of this policy be made public.

Very respectfully, HERBERT KNOX SMITH.

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DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF CORPORATIONS,
Washington, September 23, 1907.

The PRESIDENT,
Oyster Bay, N. Y.

MY DEAR MR. PRESIDENT: I send you herewith my letter relating to the proposed suit against the International Harvester Co. I found that in order to state the case satisfactorily to myself I had to be very frank in giving my own views, but I felt that you would pardon me for doing so, and I knew that the letter would come only under your personal observation.

Very respectfully, HERBERT KNOX SMITH, *Commissioner.*

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DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, September 23, 1907.

The PRESIDENT,
Oyster Bay, N. Y.

MY DEAR MR. PRESIDENT: Mr. Smith has shown me his letter to you, which we carefully discussed, and which I thoroughly indorse, as it makes clear the position of the Bureau of Corporations, and at the same time, I take it, your own position regarding what you purpose to effect.

Should you determine not to prosecute this case against the International Harvester Co. until after the bureau has completed its investigations, I would suggest for your consideration the advisability of making public in connection with the announcement of this decision on your part, and as reason therefor, such a statement as is contained on pages 6 and 7 and the first half of page 8 of Mr. Smith's letter, with such modifications as would eliminate the more personal and specific references contained therein, and simply use it as a statement of the general principles which govern the administration in disposing of this and like cases.

Very truly, yours, OSCAR S. STRAUS.

OYSTER BAY, N. Y., *September 24, 1907.*

Hon. CHARLES J. BONAPARTE,
Attorney General.

MY DEAR MR. ATTORNEY GENERAL: The President directs me to send you for your confidential reading the inclosed letters from the Secretary of Commerce and Labor and the Commissioner of Corporations concerning the Harvester Trust. Please bring them with you when you come to see the President Thursday, as he wishes to talk the matter over with you.

Very truly, yours,
WM. LOEB, Jr.,
Secretary to the President.

Mr. JOHNSTON of Alabama. Mr. President, I have heard the statements made by the Senator from Kansas [Mr. BRISTOW] in regard to these resolutions, and I want to say that I have been desiring, with other Senators, to see the whole correspondence in regard to this Harvester Trust from the beginning to the end; but, as the Senator from Kansas has stated, the Attorney General declined, for reasons of public interest, to furnish it. I thought it was better to have half a loaf than no bread, and so I called for information to furnish which required no special delay on the part of the Attorney General, and he responded. How that resolution was transmitted to him I do not know. I have no information about it. After the resolution passed the Senate, I had no further concern in reference to it. If a special messenger was sent with the resolution, I am very glad that he was.

So far as the Attorney General or the President having anything to do with my introduction of the resolution, or anyone else, I want to say that it has not been my pleasure to see either the Attorney General or the President, or anyone connected with their offices, for 30 days, and I never have had this subject under discussion with them.

I do not know why the Senator from Kansas is so much disturbed about this matter, because these were official communications that were sent here, and I had no idea that the President of the United States would have an official communication about a great public matter that he would dislike to have known to the public. I thought better of the office than that. I am very glad the Attorney General responded, because many people are interested in the subject. All Senators on this side of the Chamber have been trying to get some information from the Attorney General for more than a month. If I had a notion that there would be any special and instantaneous attention to any request of mine, I should have made the request 20, 25, or 30 days ago. I feel very much complimented by the prompt response. If the Senator from Kansas wants any further information, so far as the conduct of the present President of the United States is concerned, in regard to the Harvester Trust or any other matter of public concern, if he will prepare a resolution and bring it over here, I will introduce it for him, and I hope it will have as speedy a response.

Mr. CLARK of Wyoming. Mr. President, I am not called upon to speak for the Attorney General or for any other of the executive officers of this Government. I think, however, if the Senator from Kansas [Mr. BRISTOW] will look at the resolutions that have been presented here—the resolution of the Senator from Tennessee [Mr. LEA], the resolution of the Senator from North Carolina [Mr. OVERMAN], and the resolution of the Senator from Alabama [Mr. JOHNSTON]—he will find a marked distinction between the last and the first two. The two first resolutions call for information which the executive department for many years last past has held it was not proper to divulge. The resolution of the Senator from North Carolina calls for all correspondence and information they may have upon this subject—

together with any and all correspondence, information, and reports of the Bureau of Corporations relating thereto from January 1, 1904, to the present time.

That covers a tremendous amount of ground. It covers all information which the Bureau of Corporations gathered under a special act of Congress; it requires the reports of the Bureau of Corporations; it requires the correspondence between the Bureau of Corporations and the Harvester Co., if there was any.

It will be recollected by the Senate that about that time, or shortly afterwards, a committee of this body was called upon to investigate the absorption of the Tennessee Coal, Iron & Railway Co. by the United States Steel Corporation. The committee at that time called upon the then Attorney General for such information. It called the Commissioner of Corporations before it, and the Commissioner of Corporations declined to divulge the information which his bureau had gathered without being so instructed by the Executive. The Executive, holding that that law meant exactly what it said in terms and that the purpose of gaining this information by the Bureau of Corporations was to inform the President so that he might make suggestions to the Congress as to the legislation that ought to be had, the President at that time instructed the Attorney General and the Bureau of Corporations that that information could not be fur-

nished, and it was not furnished. Although in the committee and on the floor of the Senate the action of the Executive was criticized, no definite action was taken thereon by the Senate.

That is the character of information, I apprehend, the Attorney General has not yet furnished; and, indeed, if he were to do so, it would require a long time to get together all the reports and all the correspondence with the different parties, including the correspondence between the various executive officers. So, it is no wonder there has been delay in answering the resolution of the Senator from North Carolina.

On the contrary, the resolution of the Senator from Alabama provides—

That the Attorney General be, and he is hereby, directed to furnish the Senate with copies of the reports of the Secretary of Commerce and Labor and Commissioner of Corporations and instructions of the President concerning the proposed prosecution of the International Harvester Co. of America, made in the year 1907.

And so forth.

Evidently the only preparation necessary to answer the resolution was to turn to the files of that particular year or to the files of that particular case and send the papers to Congress. So, I think it ought not to be imputed either to the Senator from Alabama or to the Attorney General that either of them had entered into a hurried conspiracy to furnish this information for use to-day or to-morrow or on any other particular day.

Mr. BRISTOW. Mr. President, the Senator from Wyoming construes a defense for the Attorney General which that officer does not claim himself.

Mr. CLARK of Wyoming. I beg pardon. "The Senator from Wyoming" is construing no defense for the Attorney General.

Mr. BRISTOW. On the 16th day of March a resolution, almost verbatim with the resolution introduced by the Senator from North Carolina [Mr. OVERMAN], was introduced by the Senator from Tennessee [Mr. LEA]. That resolution called upon the Attorney General for exactly the same information as did the resolution of the Senator from North Carolina, and the Attorney General in his reply to this letter, on March 25, says:

In reply I am directed by the President to say that, in my opinion, it is not compatible with the public interests to lay before the Senate the correspondence and information relating to the International Harvester Co. in the possession of this department nor the correspondence, information, and reports of the Bureau of Corporations relating thereto.

Mr. CLARK of Wyoming. That is exactly what I called attention to.

Mr. BRISTOW. That resolution was repeated by the Senator from North Carolina [Mr. OVERMAN] on the 22d of April; then it was repeated on the 24th of April by the Senator from Alabama [Mr. JOHNSTON], omitting the request for the correspondence of the present Attorney General—only asking for the correspondence in 1907.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Wyoming?

Mr. BRISTOW. Yes.

Mr. CLARK of Wyoming. I must protest that my position shall not be misstated. The two resolutions do not ask for the same information. The last resolution, that of yesterday, asks for information in relation to the prosecution of the trust, directed to a particular state of things, not to the general files of the bureau.

Mr. BRISTOW. The resolution yesterday asked for information concerning the relation of the former President, his Attorney General, and the Bureau of Corporations with the International Harvester Trust. The resolutions introduced by the Senator from Tennessee and the Senator from North Carolina asked for the correspondence, the reports, and so forth, of both the preceding and the present Attorney General. The only difference is that the former resolutions covered both administrations, and what was asked for by those resolutions it was not compatible with the public interest to furnish; but the information called for by the resolution which covered the former administration it was entirely compatible to furnish, and is furnished, ready-made, by photographic copies.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield?

Mr. BRISTOW. Yes.

Mr. CLARK of Wyoming. I know that the Senator from Kansas does not willfully misstate my position, nor does he willfully misstate the inquiry. The inquiry of yesterday was directed absolutely, entirely, and solely to the proposed prosecution of the International Harvester Co. of America, made in the year 1907. That was all it was directed to; not the general prosecution of the Harvester Trust, not the general record of the Bureau of Corporations, not the general records of the Department of Justice, but solely and entirely concerning the proposed prosecution of the International Harvester Co. of America, made in the year 1907.

Mr. BRISTOW. Nineteen hundred and seven, but not in 1911 or 1912.

Mr. CLARK of Wyoming. Would the Senator from Kansas have the Attorney General, in answer to a resolution, go outside the resolution and answer as to other matters which the Attorney General has already said and the President has said are not compatible with the public interests to be furnished?

Mr. BRISTOW. The Senator from Wyoming has exactly the same understanding that I have in regard to this matter. I am simply calling attention to the fact that, in the opinion of the present Attorney General, it is not incompatible now with the public interests to give the private correspondence of his predecessor, but it is incompatible with the public interests to give his own correspondence with the Harvester Trust.

Mr. CLARK of Wyoming. Mr. President, I will ask the Senator, in making that statement, to show where the Attorney General says it is incompatible with the public interests to give his correspondence with the Harvester Trust.

Mr. BRISTOW. I will read it, if the Senator will permit me.

Mr. CLARK of Wyoming. I would like to have the Senator read it and read it very carefully.

Mr. BRISTOW (reading)—

In reply I am directed by the President to say——

Mr. CLARK of Wyoming. In reply to what?

Mr. BRISTOW. In reply to the resolution of the Senator from Tennessee [Mr. LEA].

Mr. CLARK of Wyoming. Will the Senator read the resolution?

Mr. BRISTOW. I will. It is as follows:

Whereas it is reported that there is pending before the Department of Justice a settlement between the United States and the International Harvester Co. by which the so-called Harvester Trust may be permitted to reorganize and to bring its organization and business within the Sherman antitrust law as construed by the Supreme Court: Therefore be it

Resolved, That the Attorney General be, and he is hereby, instructed to lay before the Senate all correspondence and information he may have upon this subject, together with any and all correspondence, information, and reports of the Bureau of Corporations relating thereto from January 1, 1904, to the present time.

Mr. CLARK of Wyoming. Mr. President, that is exactly the distinction to which I wanted to call the attention of the Senator from Kansas. The prior administration has held that the records of the Bureau of Corporations, which are mentioned in the resolution which the Senator has just read, are not for the public eye, but they are solely, as the law which created them says, for the information of the Executive in making recommendations to Congress, and the prior administration has held in the case of an investigating committee of this body that the records of that bureau could not be furnished, that it was incompatible with the public interests to do so. But the resolution of yesterday says nothing about that. The resolution of yesterday says nothing about the records of the Bureau of Corporations. Therefore the Attorney General, from his point of view, was justified. I will say that I am not in accord with the Attorney General on the proposition. I agree with neither the Attorney General of this administration nor the Attorney General of the previous administration, because I believe that the records of the bureau should be open; but it has been held by both that it is not compatible with the interests of the public service to furnish them, and so they have not been furnished. But the resolution of yesterday did not include that very pertinent direction.

Mr. BRISTOW. I will just read the resolution of yesterday and let the Senate come to its own conclusion. It reads:

Resolved, That the Attorney General be, and he is hereby, directed to furnish the Senate with copies of the reports of the Secretary of Commerce and Labor and Commissioner of Corporations——

Mr. CLARK of Wyoming. Go on. It does not end there.

Mr. BRISTOW. It continues:

and instructions of the President concerning the proposed prosecution of the International Harvester Co. of America.

Mr. CLARK of Wyoming. That is it exactly—the direction.

Mr. BRISTOW. If the reports of the Bureau of Corporations are to be held sacred in 1911 and 1912, why not in 1907?

Mr. CLARK of Wyoming. Mr. President, it is not the purpose to hold the records of the Bureau of Corporations sacred. The records of the Bureau of Corporations that are mentioned in this resolution are the records that bear upon the pending or proposed prosecution against the Harvester Trust; solely and only that. The former resolution called for all the records and information that the Bureau of Corporations had collected in relation to the Harvester Trust—two very separate and distinct propositions.

Mr. BRISTOW. Let me inquire of the Senator from Wyoming if the former resolution, introduced by the Senator from Tennessee [Mr. LEA], did not call for the information which was furnished yesterday?

Mr. CLARK of Wyoming. Yes; and for a great deal more. Therefore the information, according to the views of the President, ought not to be furnished.

Mr. BRISTOW. Would it not be more consistent, therefore, for the Attorney General, instead of saying, as he did, to the Senate on March 25:

> In reply, I am directed by the President to say that, in my opinion, it is not compatible with the public interests to lay before the Senate the correspondence and information relating to the International Harvester Co. in the possession of this department, nor the correspondence, information, and reports of the Bureau of Corporations relating thereto——

Mr. CLARK of Wyoming. Mr. President, there is not any question betwen the Senator and myself on that. I do not hold with the present or with the former Attorney General. I think all this information ought to be furnished; but I do not agree with the Senator when he reflects upon a Senator in this body, and reflects upon the Attorney General for pursuing a course of action on this matter which to the Attorney General and to the President seemed proper, and pursuing it quickly, while not pursuing a course on another proposition that they thought improper.

Mr. BRISTOW. I have said nothing to reflect upon a Senator in this body. I never thought of such a thing.

Mr. CLARK of Wyoming. Yes; the Senator said that the information was prepared in advance of the resolution.

Mr. BRISTOW. I do think that the Attorney General knew that the resolution was going to be introduced, and had the answer ready. Everybody knows, who is familiar with this matter, that he could not have gotten it ready after he was notified that the resolution had passed; he certainly knew that it was going to be introduced and believed that it was to be passed. That is self-evident.

As to the suggestion of the Senator from Alabama, that if I desire any information from the Attorney General he will be glad to secure it for me, I regret that the Senator from Tennessee [Mr. LEA] and the Senator from North Carolina [Mr. OVERMAN] do not seem to have that magic influence over the Attorney General which the Senator from Alabama seems to have. I will admit, without question, that if I desired information from the Attorney General or the White House in regard to important matters I could get it a great deal quicker through the Senator from Alabama than I could secure it myself.

Mr. CLARK of Wyoming. The Senator has suggested that I was hasty in my statement; that there was a reflection, possibly, upon a Member of this body. I want to read from the RECORD, at page 5553, what the Senator from Kansas said yesterday:

> Mr. BRISTOW. Evidently the letter was prepared before the resolution was introduced and the Senator from Alabama understood just what reply the Attorney General was ready to make.

Mr. BRISTOW. I want to inquire if the Senator from Wyoming thinks that that is a reflection upon the Senator from Alabama? It had not occurred to me that it was.

Mr. CLARK of Wyoming. I think that is a very decided reflection upon the Senator from Alabama.

Mr. BRISTOW. If it is a reflection upon the Senator from Alabama to indicate that he is upon such cordial and intimate terms with the Attorney General that he is conferred with by him upon important political matters, I then must apologize to the Senator from Alabama.

Mr. JOHNSTON of Alabama. I am upon pleasant terms, Mr. President, with the Attorney General; but I repeat now that I never, at any time in my life, had a conference with the Attorney General on this subject of the Harvester Trust, either directly or indirectly, and if he knew anything about my resolution being about to be introduced he did not get it from me, nor did I know that he had prepared any reply. If the Senator from Kansas thinks those things, he does himself an injustice. He is a very suspicious man, I know. I merely volunteered to help him get information. I think that the Attorney General or any other official of the Government would give proper information upon a polite request, backed by the judgment of the Senate.

Mr. OVERMAN. Mr. President, to add to the gayety of the occasion, I am going to ask that an extract from page 3836 of the CONGRESSIONAL RECORD, volume 44, be inserted after these letters. This was an extract published by the senior Senator from Missouri [Mr. STONE], beginning with "Mr. President, I have in my office a transcript of all the testimony taken up to Tuesday last," down through the balance of that page.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that a portion of the RECORD indicated by him be printed in the RECORD of to-day's proceedings. Is there objection? The Chair hears none, and it is so ordered.

Mr. OVERMAN. It is asked that it be read, and though it will take some little time, if there is no objection I will ask that it be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Mr. President, I have in my office a transcript of all the testimony taken up to Tuesday last. The attorney general, while here to-day, was interviewed by certain newspapers. His interview was offered to the Associated Press, but for some reason the manager of that great news agency declined to handle it. But I have a copy of the interview, and I intend to read it, not only that it may go into the RECORD, but for the information of the Senate, and in support of my contention. It is as follows:

"I am on my way home from New York City, and have stopped in Washington on official business connected with my department.

"I was in New York for the sole purpose of taking the evidence of George W. Perkins, of the firm of J. P. Morgan & Co., in the ouster suit of the State of Missouri against the International Harvester Co. of America, charged with violating its antipool trust and conspiracy laws.

"The State secured from Mr. Perkins valuable and necessary evidence to make a case, and the State is now satisfied to close with his evidence.

"Among other things he squarely contradicted the evidence of Mr. McCormick, president of both the International Harvester Co. of America and its mother corporation, the International Harvester Co. of New Jersey. Mr. Perkins is himself a director in both of these corporations, and both corporations have the same officers and directors. The New Jersey corporation is the manufacturing concern and the America is its selling agent.

"J. P. Morgan & Co., through Mr. Perkins, promoted the merger of practically all the harvesting-machine interests in the country. The International Harvester Co. of New Jersey merged all the properties of the McCormick Harvesting Machine Co., the Deering Harvesting Machine Co., the Champion, the Piano, and the Milwaukee Harvesting Machine Co. The new corporation continues to manufacture the machines of these separate companies, preserving their separate makes and identities, and sells them at a uniform price, and there is now no competition as to the prices on these machines and the makes of other companies it has since purchased. The new company does 85 per cent of the harvesting-machine business not only of the State of Missouri but of the entire United States.

"Mr. Perkins admitted that the stockholders of each one of these independent companies which transferred its properties to the International Harvester Co. did so knowing at the time that they would be paid for the property transferred by taking and receiving stock in the new corporation, the International Harvester Co.

"Mr. Perkins further admitted that J. P. Morgan & Co., through him, controlled the entire business of the International Harvester Co. He further admitted that the new corporation after its organization bought the D. M. Osborne Co.'s business, because it cut the prices of harvesters and mowers abroad and at home.

"He further testified that he had kept his eye on the harvesting-machine business, and that the McCormick Harvesting Machine Co., with the prestige of J. P. Morgan & Co., could have controlled the situation alone had not the balance of the companies came in and transferred their companies. That being true, they can certainly control it now. He further admitted that William Lane, to whom the properties of all these companies were first transferred, was merely the conduit through which the title was passed to the International Harvester Co.

"Mr. Perkins said he was familiar with and controlled the business of the New Jersey corporation, yet did not know whether or not he was a director in the International Harvester Co. of America"—

That is the selling concern—

"This seemed strange, especially when the International Harvester Co. of America was the selling agent of the New Jersey concern and organized by him for that special purpose, and whatever moneys the New Jersey concern received from the harvester business it had to receive through the International of America.

"The International of America being a subsidiary corporation of the International of New Jersey, and both corporations having the same president, we have a novel situation.

"President McCormick, of the New Jersey concern, must contract and deal with President McCormick, of the International of America. Which corporation derives the better bargain? An answer is unnecessary, because the stockholders of the New Jersey corporation get the profits, anyway, and it is simply a question of which hand shall be used in placing the money in their pockets.

"Mr. Perkins, Cyrus H. McCormick, and Charles Deering compose what is called the "voting trust" and hold all the stock, not only of the New Jersey corporation, but also all the stock, save $900, in the International of America. They vote these stocks as they please, and it does not take a philosopher to solve the situation.

"The evidence of Mr. Perkins was taken in the office of J. P. Morgan & Co. before Alexander Taylor, a notary public, the evidence being reported by J. L. Roberts, of Marshall, Mo., the official reporter in the case. The only other parties present were myself and my assistant, C. G. Revelle, for the State, and Judge Seldon P. Spencer, of St. Louis, and Mr. Bancroft, general counsel for the company. The State, being satisfied with the evidence given by Mr. Perkins, will close its side of the case on July 12."

During the reading of the foregoing,

The PRESIDING OFFICER. The Secretary will suspend. The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

Mr. SIMMONS. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

After the reading was concluded,

Mr. OVERMAN. Mr. President, I also want to call the attention of the Senate to as far back as December 17, 1906, when

Senator Hansbrough, of North Dakota, introduced the following resolution:

Resolved, That the Department of Commerce and Labor is hereby directed to make an early investigation into the character and operation and the effect upon interstate commerce of the combination or trust organization known as the International Harvester Co. and allied concerns engaged in the production, handling, and sale of farm machinery, the investigation to include an inquiry as to whether the prices and output of such machinery appear to be or to have been controlled and regulated by direction of any particular individual or combination of individuals, by a corporation or otherwise; whether there exists at present a healthy competition between local dealers in farm machinery, and whether the quality of the same is on the average as good as in former years.

Then in 1907 there was a debate in the Senate in regard to this resolution. The same Senator had introduced the following resolution:

Resolved, That the Department of Commerce and Labor be, and is hereby, directed to suspend its investigation into the affairs of the International Harvester Co., under the terms of a resolution authorizing such an investigation which passed the Senate December 17, 1906.

It was stated then upon the floor and in the debate that the reason why they wanted the Department of Commerce and Labor to suspend these operations was because the Attorney General did not think that he could bring suit against this harvester company while this investigation was pending. It was stated then upon the floor of the Senate by several Senators that he ought to go on and bring suit, anyway. I will read just one little colloquy between the Senator from North Dakota, Mr. Hansbrough, and the Senator from Georgia, Mr. BACON.

Mr. HANSBROUGH. Mr. President, I have stated, in answer to the question asked by the Senator from Indiana [Mr. Beveridge] several times this morning, that the Department of Justice has but recently completed a very exhaustive investigation of this company; that it is ready to proceed in the courts, and that the only reason it does not proceed is on account of the courtesy—to use a different term, so that my friend from Indiana may comprehend it—the courtesy that is supposed to exist between the several departments.

Mr. BACON. But has the Senator from North Dakota information that the Department of Justice is suspending its operations in order that it may await the action of the Department of Commerce and Labor in response to the direction of this body?

Mr. HANSBROUGH. No, Mr. President; not that it is suspending its operations, but that it prefers to proceed without interruption such as a report from another department might cause. The Department of Justice has an abundance of information already.

Mr. BACON. If there is nothing of the kind, then, I do not see how it can interfere.

Mr. HANSBROUGH. I have stated that the Department of Justice is ready to proceed with the case; that it has gathered enough information to justify it going on with the prosecution, and that the only thing which prevents that action is the fact that an investigation of the same subject is supposed to be in progress by the Department of Commerce and Labor.

Mr. BACON. Mr. President——

Mr. BEVERIDGE. I ask the Senator if it is a matter of duty or courtesy?

Mr. HANSBROUGH. The Senator may call it "courtesy" or "duty," as he pleases. I am stating the facts as I understand them.

Mr. BACON. I want to know from the Senator if he has any official information that the Department of Justice is suspending its action in beginning this prosecution on account of the pendency of this resolution?

Mr. HANSBROUGH. I will state to the Senator from Georgia that the Department of Justice knows nothing of the existence of this resolution.

Mr. BACON. That the Department of Justice is not proceeding because of this resolution? Has the Senator any official information of that fact?

Mr. HANSBROUGH. I have told the Senator from Georgia as clearly as I knew how, and I stated to the Senator from Indiana [Mr. Beveridge], but I seem to be unable to make either one of the Senators understand, that the Department of Justice is ready to proceed if the Department of Commerce and Labor be relieved of the responsibility of further investigation.

It goes on. Then there is a colloquy between Mr. Clay, of Georgia, and other Senators in regard to this matter, and a demand is made for the prosecution of this Harvester Trust upon the floor of the Senate by a suggestion, and then comes this letter. It seems that these are the letters which have been published in this document in response to the resolution of the Senator from Alabama [Mr. JOHNSTON]. The head of the Bureau of Corporations of this Department of Commerce and Labor, Mr. Herbert Knox Smith, it seems from this letter and from his former action, thinks he is independent of Congress; that he has a right to criticize the Supreme Court in its decision; that he has a right, as he thinks, to construe the Sherman Antitrust Act. I read this paragraph from him:

I therefore feel that the starting of a suit under the Sherman law against this company would, in the first place, be a moral injustice, and, in the second place, would be a reversal of the correct and advanced modern policy of the President in dealing with corporate business.

It is submitted that this case raises acutely a question of general policy of great importance, which must be, I think, determined now, and for which this case will stand as a precedent. This case raises the question included in what the President has called "good and bad trusts"; the question whether mere combination as such, shall be prohibited; whether the Government is going to try to forbid all combinations, regardless of their methods or ends, or whether, on the other hand, it is going to pursue the policy, frequently stated by the President, of regulation and control rather than of prohibition.

He also says:

I believe that industrial combination is an economic necessity; that the Sherman law, as interpreted by the Supreme Court, is an economic absurdity and is impossible of general enforcement, and even if partially enforced will in most cases work only evil.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Mississippi?

Mr. OVERMAN. I yield.

Mr. WILLIAMS. I should like to ask the Senator from North Carolina, because perhaps I have misunderstood, is the language which he has just read a quotation from an executive officer of the United States in connection with the law of the United States?

Mr. OVERMAN. I am reading the letter of Herbert Knox Smith to the President at Oyster Bay, N. Y.

Mr. WILLIAMS. Was that received by the Chief Executive of the United States in due time?

Mr. OVERMAN. It is supposed to have been received by the President.

Mr. WILLIAMS. Is it possible that I understand from what the Senator from North Carolina says that the Chief Executive of the United States assumes to himself the power to suspend the laws of the United States whenever in his opinion they are foolish or unwise?

Mr. OVERMAN. That construction might be put on it, I think.

Mr. WILLIAMS. Or is it possible that I am mistaken about that?

Mr. OVERMAN. I am reading the document. Possibly the Senator is right on that subject.

Mr. WILLIAMS. The Senator is certain that his quotations are correct?

Mr. OVERMAN. I am reading from the document printed by Congress.

Mr. CLARK of Wyoming. I think the Senator from Mississippi is mistaken as to the date.

Mr. WILLIAMS. Do I understand that without any statute to that effect the Chief Executive of the United States has ever asserted the right to recall a law, together with the decision of the court about the law?

Mr. OVERMAN. What I am reading is a letter from the Department of Commerce and Labor by the Commissioner of the Bureau of Corporations, Herbert Knox Smith.

Mr. WILLIAMS. To whom was that letter written?

Mr. OVERMAN. It is written to the President.

Mr. WILLIAMS. Who was the President at that time?

Mr. OVERMAN. "Oyster Bay, N. Y., August 26, 1907"—does the Senator desire me to read that letter?

Mr. WILLIAMS. No; but I wanted the information. Who was President at that time?

Mr. OVERMAN. Theodore Roosevelt.

Mr. WILLIAMS. And he received that letter and never wrote any rebuke to the executive officer who wrote the letter to him?

Mr. OVERMAN. The only information I have on that subject is his letter addressed to the Attorney General.

Mr. WILLIAMS. Would the Senator mind reading that to see how that letter was received?

Mr. OVERMAN. The letter of Herbert Knox Smith was dated Washington, September 21, 1907, and the letter from the President is dated Oyster Bay, N. Y., August 22, 1907. It is as follows:

OYSTER BAY, N. Y., *August 22, 1907.*

MY DEAR MR. ATTORNEY GENERAL: Mr. George W. Perkins, of the International Harvester Co., has just called upon me and submitted to me certain papers of which I inclose copies. According to these papers and to Mr. Perkins's statements it would appear that the Harvester Co. has repeatedly, on its own initiative, asked that its business be investigated by the Department of Commerce and Labor through the Commissioner of Corporations; that three years ago the Interstate Commerce Commission decided that it had accepted what amounted substantially to rebates; that Mr. Moody, the then Attorney General, was about to take action on this report, but the Harvester Co. at once promised to rectify the practices and see that nothing contrary to the ruling of the commission was again done. This was satisfactory to the Attorney General and the suit was dropped. The Harvester Co. says it is in position to prove that it has lived up to this agreement made in May, 1904. The Harvester Co. advances this as a proof that if any illegal action is pointed out it will itself rectify the matter on its being pointed out. It further appears that last December Senator Hansbrough got the Senate to pass a resolution directing the Department of Commerce and Labor to make an early investigation into the character and operation, and effect upon interstate commerce, of the International Harvester Co., and that in January last Messrs. Garfield and Smith met various representatives of the Harvester Co. in New York, and a conclusion was reached that the department would begin the examination as speedily as possible, which conclusion was announced publicly in the press. On March 7 Commissioner Smith notified the Harvester Co. that the inquiry would be into the incorporation value of its property, securities, and the general management of its business. It appears by his letter of August 8 that Commissioner Smith has begun the investigation, but has not made such progress with it as he would

like to on account of his being crowded with work. Mr. Perkins's request to me is that, before the company is exposed to the certain loss and damage that the mere institution of a suit would entail, this investigation by Mr. Smith as required by Senate resolution should be carried to completion. He explicitly states to me that there would be no intention to plead the examination by the Department of Commerce and Labor as conferring any immunity from proceedings by the Department of Justice.

Will you see Mr. Perkins and Commissioner Smith, go over the matter in full, and report to me thereon?

Please do not file the suit until I hear from you.

Mr. WILLIAMS. How is that letter signed?

Mr. OVERMAN. Theodore Roosevelt.

Mr. WILLIAMS. President then of the United States?

Mr. OVERMAN. President of the United States. That was in August, 1907.

Mr. WILLIAMS. Chief Executive?

Mr. OVERMAN. Chief Executive.

Mr. WILLIAMS. Sworn to observe and execute the laws of the United States.

Mr. OVERMAN. Then the Secretary to the President of the United States, Mr. Loeb, writes to the Attorney General September 24, following this letter of Herbert Knox Smith, as follows:

OYSTER BAY, N. Y., *September 24, 1907.*

Hon. CHARLES J. BONAPARTE,
Attorney General.

MY DEAR MR. ATTORNEY GENERAL: The President directs me to send you for your confidential reading the inclosed letters from the Secretary of Commerce and Labor and the Commissioner of Corporations concerning the Harvester Trust. Please bring them with you when you come to see the President Thursday, as he wishes to talk the matter over with you.

Very truly, yours,

WM. LOEB, Jr.,
Secretary to the President.

Mr. RAYNER. May I ask the Senator who was Attorney General at that time?

Mr. OVERMAN. Charles J. Bonaparte.

Now, Mr. President, I agree with the Senator from Wyoming that all of these records ought to be open to the Congress of the United States. I very well remember, for I was a member of the committee, he being chairman of the subcommittee sitting with the Senator from Texas [Mr. CULBERSON] and others, when we tried to get some testimony that had been taken by this department, over which this Mr. Herbert Knox Smith presided, concerning the Steel Trust. We could not get it. We asked for it, and they denied it to us. They referred us to the President, who said we could not have it; that there were certain confidential communications; so we could not get it. It seems that this man Smith is there, bigger than Congress, bigger than the Government, and he is withholding these reports. Some five or six years ago he was instructed by Congress to make this report. He has never made a report to Congress of his investigation, and here we have been seesawing between the Department of Commerce and Labor and the Department of Justice; and when we are assured here on the floor of the Senate that the Department of Justice has been investigating this trust and is ready to bring suit, all at once there is silence and nothing is said. The evidence I have shown, brought out in this record, is that this Harvester Trust is one of the greatest trusts in America to-day; that they not only have bought out 85 per cent of all the harvester machinery companies in this country, but they have absolutely bought the patents on the knot tyers, so that no machine company or manufacturing establishment can operate at all. Here is a letter that shows the operations of this trust:

MEADVILLE, PA., *February 18, 1907.*

Hon. H. C. HANSBROUGH,
United States Senate, Washington, D. C.

DEAR SIR: Your letter of February 15, in reply to my letter of the 12th instant, received and carefully noted.

Replying, will say that prices at which machines were sold to farmers previous to the formation of the trust were about as follows: Mowers, $35 to $38; present prices, $42 to $45. Binders, $90 to $100; present prices, $115 to $125.

Regarding the quality of machines manufactured by the trust, will say that it is a matter of common report by their employees that their machines are not nearly so well manufactured as they were before the merger, and the complaint is general that there is more difficulty in keeping the machines in the field in good working order.

Regarding the efforts of the trust to crush out competition, will say that the same tactics employed in former years by the Standard Oil Co. are now used by the Harvester Trust; and when they are unable to hold a dealer to their full line, they invariably make a big effort to crush his business by arranging with some one to represent them in the same territory and then throw a very heavy force of canvassers into the field and endeavor to secure the business, and in cases of this kind the goods are sold at prices way down below the regular wholesale price, and in this connection will call your attention to the case of the Akron Carriage & Implement Co., Akron, Ohio, who, after a disagreement with the trust and their methods at the close of the season of 1905, contracted to sell the Adriance line for season of 1906, and they were able to dispose of five carloads of our machines, notwithstanding the fact that the trust threw a heavy force of canvassers into the field and kept them there throughout the season, and their employees reported at the end of the season that the goods they sold did not nearly pay the expense incurred in making sales, or, in other words, more money was expended in making the sales than was received for the goods.

Now, while they were not successful in driving our agents out of the business in the case of Akron, they made it very expensive for the Akron Carriage & Implement Co., and virtually there were no profits in the business for them, but at the same time they established their right to do business and are continuing.

While the trust failed to secure the trade at Akron, there are other places where they have succeeded and the independents have been driven out of business.

At Akron last year they offered to sell binders at retail at $90, and in some cases as low as $65.

Another method, and one quite often adopted to crush competition, is for the trust to offer employees of an independent company a heavy advance in salary, and whenever any one of our employees makes a good record in securing a nice lot of business for us, they invariably receive an offer of a heavy advance in salary if they will desert us and take up the sale of the goods manufactured by the trust. It is not an infrequent occurrence for one of our employees who is receiving $75 per month to receive an offer of $100 per month.

While employees of an independent company are tempted to desert and work for the trust, their term of service is usually very short, and after a few months they are invariably discharged or salaries reduced.

Now, while prices have been advanced on goods manufactured by the trust, the salaries of their employees have been reduced to quite a considerable extent, and very many of their best men have been compelled to seek employment in lines other than that of harvesting machinery.

Trusting that the information contained herein will be of assistance to you in bringing the matter properly before the Department of Commerce and Labor, and with best wishes, I am,

Yours, very truly,

H. A. JOHNSON.

Yet there is no prosecution, and when Congress passes a resolution and when Congress asks for an investigation there is not anything except these letters that we have now in response to the resolution of the Senator from Alabama.

It had been stated in the papers by a gentleman in the other House, Mr. GARDNER, if I may call his name, that such testimony as this could be given, that there were such letters in existence; and another Member of the House, upon the floor of the House of Representatives, charged it. I suppose, in obedience to what was said there, the Senator from Alabama, learning what Mr. CAMPBELL had said and what Mr. GARDNER had said, desired to have this correspondence, and his resolution was offered by reason of what was said on the floor of the House. I suppose he introduced his resolution for that reason, and now we have the facts before us.

Mr. NELSON. Mr. President, ordinarily I do not care to participate in a sort of quasi political discussion, as this seems to be, but in the interest of the truth and in order that the Senate may be informed of the true situation, I ask leave to call the attention of the Senate to certain facts.

In the session of 1902–3 we passed here in the Senate a bill creating a Department of Commerce. While it provided for a great many bureaus, took up many bureaus from the other departments and gathered them into this new department, and while it provided for some new bureaus as it passed the Senate, it did not provide for a Bureau of Corporations. When the bill went to the House a brief paragraph was put in creating a Bureau of Corporations, but giving it little or no power. The bill came back here with that amendment and some other amendments. It went into conference. I was chairman of the committee of conference on the part of the Senate, the original bill being a bill that I had introduced and helped to steer through the Senate.

While the bill was pending in conference—and inasmuch as this is public business I am violating no secrecy—the President sent for me and said that this Bureau of Corporations was not equipped with sufficient power and that paragraph in the House amendments ought to be amended. I suggested to him that we had better have an amendment prepared such as he thought would be appropriate for the case. He said that he would direct a member of his Cabinet to do it. I came down the next day, I think, and he handed me an amendment which included what I shall read now—

The said commissioner shall have power and authority to make, under the direction and control of the Secretary of Commerce and Labor, diligent investigation into the organization, conduct, and management of the business of any corporation, joint-stock company, or corporate combination engaged in commerce among the several States and with foreign nations excepting common carriers subject to "An act to regulate commerce," approved February 4, 1887, and to gather such information and data as will enable the President of the United States—

Now, listen—

as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce and to report such data to the President from time to time as he shall require—

Now, listen to this language—

and the information so obtained, or as much thereof as the President may direct, shall be made public.

I demurred against that part of the paragraph; but I was told that the only way to get full information was to leave it with the President to determine whether such information should be made public or not. In other words, it was to be the basis of presidential recommendation for legislation. We had some difficulty on the conference committee. We finally agreed

to it. So that provision, under which both President Roosevelt and President Taft have acted, is based upon this legislation that I have quoted, and I have given you the origin of it.

Immediately following the panic of 1907, the question came before the Judiciary Committee of investigating the merger and consolidation of the Tennessee Iron & Coal Co. with what is commonly called the Steel Trust. While that investigation was pending it was referred to a subcommittee, I think, of five or seven; I am not sure which. I was a member of the subcommittee. We tried to get information about the so-called Steel Trust from the Bureau of Corporations. We applied directly to Commissioner Smith. He refused to furnish us information, referred us to the President, and from that source we could get nothing. We got this information, however, that the President directed Commissioner Smith to send all the papers relating to the matter to the White House, and that he got the papers down there at the White House, and, to use a slang phrase, "sat down" on them there. We never got any further.

Mr. BACON. If the Senator will pardon me a moment, that application was made, I understand, by the committee.

Mr. NELSON. It was made by the committee.

Mr. BACON. Not by the Senate.

Mr. NELSON. It was made in regular form by the Judiciary Committee.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Texas?

Mr. NELSON. Certainly.

Mr. CULBERSON. The request was made by the subcommittee.

Mr. NELSON. Perhaps by the subcommittee.

Mr. CULBERSON. I have the proceedings in my hand.

Mr. NELSON. The Senator from Texas [Mr. CULBERSON] was a member of the subcommittee.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Mississippi?

Mr. NELSON. Certainly.

Mr. WILLIAMS. My astonishment grows momentarily. I am anxious to satisfy my curiosity. Who was at that time President of the United States? Who "sat down" on you?

Mr. NELSON. At the time of this occurrence Roosevelt was President.

Mr. WILLIAMS. And he is the Chief Executive of the United States who at that time "sat down" upon the sources of information?

Mr. NELSON. Yes, sir; under this paragraph of the law that I have quoted, which was put into the law at his suggestion.

Now, I am not talking for political purposes. I have only this to say, that in what President Taft has done in this matter, if it is a subject of criticism, he has done nothing worse than his predecessor, President Roosevelt, did. If there is now being withheld the result of the investigation of the Bureau of Corporations in reference to the Harvester Trust, it is exactly the same thing that President Roosevelt did in reference to the so-called Steel Trust.

Mr. President, I remember very well how much put out we were about the fact that we could not get the data in that case from Commissioner Smith. I presume it is on the same ground and on the same basis that Theodore Roosevelt acted that President Taft has acted. So if one is guilty, the guilt of Taft comes from following an evil example that has been set by his predecessor—an evil example originating in the legislation of the character I have indicated. I do not see how under those circumstances anyone can fairly and justly criticize President Taft.

Mr. REED. Does the Senator from Minnesota mean to say that if Roosevelt did an evil thing, that establishes a precedent which ought to be followed by other Presidents?

Mr. NELSON. Oh, I am not here to lay down any moral code.

Mr. REED. Or that it furnishes any palliation?

Mr. NELSON. I am simply here to give a few bald, naked facts to the Senate.

Mr. REED. But it was the Senator's conclusion I was suggesting.

Mr. NELSON. The Senator from Missouri will have to apply his own moral code to this proposition.

Mr. REED. I was anxious to ascertain if the Senator from Minnesota had any moral code that he would apply to it.

Mr. BRISTOW. It is perfectly apparent that there is no disposition here to criticize President Taft on that side of the Chamber.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Mississippi?

Mr. BRISTOW. I do.

Mr. WILLIAMS. I, for one, would protest against that ex cathedra utterance of the Senator from Kansas. If he can show me that in part the present President of the United States has traveled in the same pathway that the ex-President traveled in, as just a moment ago was indicated by the Senator from Minnesota, whose honesty and patriotism are recognized by every Member of this body, I will condemn the present President as fully as the ex-President. I protest against the right of the Senator from Kansas to blanket all of us in that ex cathedra way with indifference to the public service. I remember, if the Senator from Kansas does not, that one King of England lost his head and that another lost his throne because he dared set up his individual judgment against the law of England, and I protest that the Senator from Kansas has not the right to blanket me at any rate with indifference to executive suspension of laws by any President of the United States, this one or the other one. I hope the Senator will not be so unjust as to continue that sort of affirmation.

Mr. BRISTOW. The Senator from Kansas has no desire or intention of being unjust. From the statements made by the Senator from Minnesota [Mr. NELSON], it seems that the ex-President and the present President are entirely within the law in withholding information from the Senate. It seems that the present President has complied with the law, so far as his own administration is concerned, but he did not think it incompatible with the public interests to print letters which were inclosed by the Secretary of the former President, the immediate predecessor of the present President, to his Attorney General, which letters accompanied the inclosures, as follows:

OYSTER BAY, N. Y., *September 24, 1907.*

Hon. CHARLES J. BONAPARTE,
Attorney General.

MY DEAR MR. ATTORNEY GENERAL: The President directs me to send you for your confidential reading the inclosed letters from the Secretary of Commerce and Labor and the Commissioner of Corporations concerning the Harvester Trust. Please bring them with you when you come to see the President Thursday, as he wishes to talk the matter over with you.

Very truly, yours,

WM. LOEB, Jr.,
Secretary to the President.

This information or this correspondence, the confidential correspondence of his predecessor with the Chief of the Bureau of Corporations and the Attorney General, the present President thinks perfectly proper and appropriate to expose to the public, but he has not yet seen fit to furnish the Senate the information which is asked concerning his own administration. That is the only criticism that I have made here at all, for the President, according to law, seems to have had a perfect right to withhold information which the Senate asked. That is within his power.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Mississippi?

Mr. BRISTOW. I do.

Mr. WILLIAMS. Mr. President, of course I have no brief to defend any Republican President of the United States, nor am I undertaking to defend this one; but in connection with the charge against the other one—the one who preceded him—I would ask the Senator from Kansas this question: Does he think that private and confidential correspondence between the Chief Executive of a great Nation and the head of a paid Government bureau ought to be regarded as sacred to the extent of not being communicated to the American people upon demand by the legislative department of the Government, and does he not really think that the present Republican President of the United States would have violated his duty to the American people if he had failed to give to them this so-called confidential private correspondence about a public matter, which took place between a previous Republican President and the chief of an executive bureau, on demand of Congress?

Mr. BRISTOW. It seems that the Congress thought that it was entirely proper to authorize the President to withhold correspondence with the Bureau of Corporations if he saw fit to do so, and the law that was enacted authorized him to do so.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Texas?

Mr. BRISTOW. I do.

Mr. CULBERSON. Mr. President, I call the attention of the Senator from Kansas to this suggestion: Did not the authority of the law read by the Senator from Minnesota seek merely to keep this information from the general public, and was it the purpose to withhold it from Congress, or either House thereof, if it saw proper to request it of the President?

Mr. BRISTOW. Well, if it comes to Congress, of course it is the general public, because it is a part of the public records, and they are printed and distributed everywhere, so that if there is fault in this——

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. I do.

Mr. STONE. Mr. President, the matter now before the Senate, sent here in obedience to a resolution of the Senate, concerns the correspondence had between the President of the United States, the Commissioner of the Bureau of Corporations, and the Secretary of Commerce and Labor; and that had reference to the institution and prosecution of a suit against the International Harvester Co. for a violation of the Sherman anti-trust law. I can not see, as the Senator from Kansas sees it, how that comes within the inhibition of law read by the Senator from Minnesota. That law provided for the establishment of a Bureau of Corporations and conferred certain powers on the commissioner at the head of that bureau to make investigation into the affairs of corporations, into their business, their methods of business, and everything pertaining to their business, and to lay that information, obtained through the medium of such investigations, before the President; and the law conferred upon the President the discretionary power or right to give to the public the whole or any part or none of that particular information. This, however, is an entirely different matter; it is not covered by either the language or the meaning of that statute.

Mr. BRISTOW. I beg to differ with the Senator from Missouri. The principal part of this document is a long letter from the Chief of the Bureau of Corporations to the President in regard to the International Harvester Co., giving the results of his investigation of the trust.

I wish simply to add that if I were President of the United States it would have to be a matter of grave public concern, in which vital interests of the country were affected, before I would dig up the confidential correspondence of my predecessor with his secretary and his Cabinet officers in regard to matters which he had a perfect moral and legal right to keep within the confidences of the departments, and print them. I certainly would not do so for the purpose of securing a political campaign document.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Mississippi?

Mr. BRISTOW. I do.

Mr. WILLIAMS. Mr. President, this is rather a day of Democratic rejoicing. It seems to me that perhaps now we may find out what the Republican Party really has been trying to do with regard to trusts and corporations. This is a day of uplifting. There are more uplifters and reformers abroad in the land than there ever were before in the history of this or any other country. Imagine, therefore, my astonishment—my astoundment—when I found to-day one of the chief uplifters protesting against lifting up the lid upon a correspondence between a Chief Executive and one of his subordinates about the public business.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. WILLIAMS. Certainly.

Mr. BRISTOW. Of course the Senator from Mississippi is referring to me, I infer.

Mr. WILLIAMS. Of course, when I say "one of the chief uplifters" no one could mistake the fact that I referred to the Senator from Kansas.

Mr. BRISTOW. I want to say here that I have made no protest against the publication of anything, nor shall I make any protest.

Mr. WILLIAMS. Then, Mr. President, I have thoroughly misunderstood the entire purport and length of the address of the Senator from Kansas.

Mr. BRISTOW. The criticism——

Mr. WILLIAMS. I have hitherto been somewhat confused as to whether the Senator from Kansas was chiefly paralyzed by the suddenness or by the certainty of the information which had been sent to the Senate [laughter], but I have never been confused about the fact that my friend from Kansas, whom I honor so highly, and whom I welcome so gladly as a reformer of all American institutions, meant to take the lid off of everything and let the American people have full sight of it. I am not mistaken in that, am I? [Laughter.]

Mr. BRISTOW. Mr. President, I desire to say to the Senator from Mississippi that my criticism has not been against any publications that have been made, but against the manner in which they have been made and other information withheld.

So far as this being a day for Democratic rejoicing is concerned, I will admit it seems to be; but the days for Democratic rejoicing are numbered, and I hope that our Democratic friends will enjoy them while they last.

Mr. WILLIAMS. Mr. President, well, that is wise advice, for they may not last always. For that reason I am taking advantage of the present occasion. [Laughter.]

Mr. President, it seems to me now and then that I am one of the stupidest individuals in the world, and the thought occurred to me a moment ago. It seems that I have been so stupid as to thoroughly misunderstand the entire purport, intendment, and end of the recent discourses by my friend from Kansas. I really did think, in my ignorance and stupidity, that he was protesting against the fact that the present Republican President of the United States had taken the lid off of some correspondence of a past President of the United States, equally, or shall I say "more progressively," a Republican than the present one. If I have misunderstood him, of course I attribute none of the misunderstanding to the lack of capacity on the part of the Senator from Kansas to explain himself; but in my usual humility I attribute every bit of it to my own stupidity and lack of mental concordance.

Mr. President, leaving out the little matter between the Senator from Kansas and me, to go into the question—a broader question—for a moment——

Mr. BRISTOW rose.

Mr. WILLIAMS. Meanwhile, however, before I go into it, of course I will consent to be interrupted by the Senator from Kansas.

Mr. BRISTOW. I will withhold my interruption for the present.

Mr. WILLIAMS. Very well. Leaving that all out, it seems to me that there are lessons in running brooks and rolling stones, and lessons even for the comprehension of machine, stand-pat Republican Senators in all of this; and it seems to me that one of the lessons is this: That so long as you try by bureaucratic methods to control trusts and corporations who are trying to effect monopolies you are making a mistake; that you must have a general law, and that that law must be prescribed beforehand, must be uniform in its operation on all, and either known to all men or knowable by all men who will take the trouble to inquire, so that there may be a government of laws and not a government of men; and it seems to my poor intellect evident that whenever you put the regulation or control of public affairs into the hands of a bureau, whenever you inaugurate a bureaucracy for the purpose of controlling trusts, or I care not what, you are trenching upon dangerous ground, and that whenever you leave to the discretion of an executive officer the execution of what ought to be a plain, uniform, prescribed law for the governance and guidance of all men, you are harking back toward despotism and you are retreating from the threshold of liberty and free government.

The apostle of the "Church of Latter-day Saints, according to the doctrine of St. Theodore" [laughter], long ago uttered this sapient piece of wisdom, namely, that you can not extirpate, you can not by law stop trusts, but that you have to regulate them by bureaucratic discretion, and that, in order that the discretion may be perfectly perfect—and I hope the Senator from Kansas understands the difference between the adjective "perfect" and the adjective "perfect" as modified by the adverb "perfectly"—in order that you may be perfectly perfect in this new way of doing things, it is necessary that the bureau should be subject to the absolute control of the Chief Executive, and that nothing should have the lid lifted off of it in the bureau unless the Chief Executive says so, and then, as a corollary to that great, sapient utterance of modern statesmanship, the late President added this, "Good trusts must be treated kindly and bad trusts must be treated severely"; in other words, that a trust—and this correspondence discloses the correctness of that construction—a trust which supports the administration must be dealt with leniently and a trust that fights the administration must be dealt with severely. That is all you can get out of it. I defy even the Senator from Kansas, with his acute intellect, to get one thing out of this correspondence except just that.

Perkins had been kind to the late President's administration. The Steel Trust had been kind. They both indicated that they were "in accord" with the administrative policy and administrative methods, and therefore the President advised himself, and he was advised by the Chief of the Bureau of Corporations, not to make them mad, because if they got mad they might fight; in fact, Perkins said he "would fight," and he said it out loud. [Laughter.] He said it to the chief of the bureau,

and he commissioned the chief of the bureau to tell the Chief Executive of the United States, who is sworn to execute the laws of the United States.

What happened later with regard to the Tennessee Coal & Iron Co., about which that honest man, whom all in this body reverence, the Senator from Minnesota [Mr. NELSON], has just told the true story? The bureau had been "seen"; the bureaucrat had been "interrogated"; the Chief Executive had been "seen," and he had been interrogated, too. They were good friends; it was a "good trust," and was not doing any harm. The President knew its officers were not doing any harm because they said so themselves. [Laughter.] They told him they were not doing any harm, and they told him they did not mean any evil.

For Brutus is an honorable man;
So are they all, all honorable men.

So the President said, "Not meaning any evil, we must not disturb these honorable men; they must be allowed to go on in their own way." There may be a "technical" violation of the prescribed and uniform laws of the United States, but it is not a real violation; it is an outward and visible misrepresentation of "an inward spiritual grace," and so we will not indict them—and that is not all—"I as Chief Executive of the United States will agree beforehand that they shall not be indicted." "Do I contend"—we imagine him saying—"as President and as Chief Executive that they have not technically violated the law? God forbid; I merely say it is 'a technicality' and a violation within the sound discretion of the Executive, with which the legislative and judicial branches of the Government ought not to interfere."

So, what have you after you get through with all of it? You have the most contemptible form of government in the world. The despotism of one wise man is wisdom in comparison with it; it is freedom in comparison with it. The rule of an enlightened aristocracy is heaven in comparison with it. You have a bureaucracy, an irresponsible government of irresponsible heads of irresponsible bureaus, reporting secretly to an Executive, who executes or not as in his sound discretion, or unsound discretion, or political discretion, or administrative discretion, or campaign discretion, may seem advisable. That is what you have got; and there is absolutely no release from it.

Mr. BACON. Will the Senator kindly tell us what he means by "campaign discretion"?

Mr. WILLIAMS. I will in a second; but before I do that, I want to say that I stand here in the middle of this aisle—and I took the middle of the aisle on purpose—absolutely impartial. I have no leaning toward the "stand-pat" crowd; I have no leaning toward the "Progressive Republican uplift" crowd, according to the doctrine of special privileges under the tariff and other doctrines which the Republican Party has always stood for. I hate neither of them more than I do the other; I love neither of them more than I do the other; and, as a matter of personal relationship, I really do love you both. I do not spend nor misspend the time hating you at all; I pity you. [Laughter.] I pity you especially when you quarrel with one another, because you are both so evidently right whenever you charge the other with almost anything. [Laughter.] Why, Mr. President, when they charge one another with anything, so far as my experience goes, they never let up until they prove it. [Laughter.] That is the only reason why I have ever faltered in my loyalty to the democracy. We frequently make charges, but do not follow them up; we do not prove them; we are too little persistent; we are too charitable; we are too much actuated by the milk of human kindness; we hate to run a fellow into a hole and reduce him down to where he has no defense at all; but you have no pity on one another, and whenever you get into a quarrel of this sort I sympathize with both of you.

When I said to-day that this was the Democratic opportunity, I did not mean the Democratic opportunity for Democratic partisan victory; I meant Democratic opportunity to show equal tolerance and equal charity to both sides of the Republican divided household.

There is not a thing that you can say of one another that I do not indorse. [Laughter.] There is not a thing evil and misgoverning that you can say of one another that the recent history of the United States does not affirm; but you say it with too much vitriol; you say it with too much bitterness. You ought to say it with that good humor that ought to characterize men like me, who are "reasoning together in brotherly love" as colleagues in the same party.

Now I yield to the Senator from Georgia.

Mr. BACON. I simply wanted the Senator to explain what he meant by "campaign discretion."

Mr. WILLIAMS. Campaign discretion?

Mr. BACON. Yes.

Mr. WILLIAMS. That phrase is absolutely inexplicable, because it is so extensive [laughter]; but I will illustrate to you what I mean by "campaign discretion." I have forgotten how many candidates there are for President; but as near as I can remember there is just one—only one—who has never opened his mouth in favor of a reduction of a single tariff duty on a single article. Even the present President of the United States says there are excrescences that ought to be lopped off. "Campaign discretion!" Well, when a man indulges in that sort of wise silence about the tariff, perhaps "campaign discretion" goes to the contemplation of the possibility of getting campaign contributions from the tariff barons. "Campaign discretion!" Let us see again. Perhaps if I were President of the United States—I started to instance the Senator from Kansas, but I will not do so, because he is impeccable and I am a sinner, so I will take myself—if I were President of the United States, and wanted heavy contributions from the trusts of this country, I would see Gary, the head of the Steel Trust, and his associates, and I would find out what form of bureaucratic regulation of the trusts they desired, and then I would come out publicly and indorse it. That is another form of "campaign discretion," perhaps followed by campaign contributions.

Mr. BACON. I will take the privilege of reminding the Senator that he used the expression "campaign discretion" in connection with the question of whether or not a law should or should not be enforced.

Mr. WILLIAMS. Oh, yes. That has a historic precedent, too. Back in the history of England at one time King James II, who was a Roman Catholic and dissatisfied with the laws of England regulating religion in that island kingdom, concluded that he would go out and make friends among "the mammon of unrighteousness," to wit, the Quakers and nonconformists; whereupon he issued a ukase suspending the laws which constituted and established a church in Great Britain. Now, everybody to-day admits that the King was right in substance and 200 years ahead of his time. He issued an edict of religious toleration in Great Britain, suspending the laws of Great Britain which had established a church. It is true that King James II was least of all men a devotee of the principle of religious toleration. His idea was that he would split up the people who were supporting the then existing law and get part of them to favor the administration of the chief executive there by tolerating their public worship, and meanwhile he would suspend the public law against his own sect. The effort did not succeed very brilliantly, and some little time after he tried it, he concluded that he had better disappear from the soil of Great Britain. He did so. The Parliament of Great Britain met and declared the throne abdicated, and they declared the throne abdicated because as king and chief executive of Great Britain he had undertaken to substitute his wit, his wisdom, and his judgment for the wit and wisdom and judgment of the legislative branch of the Government of Great Britain—the Parliament of Great Britain—the representatives of the people of Great Britain. That was what you would call "campaign discretion" in the face of a great fight that was coming up; in other words, a use or abuse of the executive power in order to make friends for the administration by dividing the enemy.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. WILLIAMS. Certainly.

Mr. REED. A moment ago the Senator from Mississippi spoke of the attitude of a Mr. Perkins toward the then President as shown by these letters, and he referred to the fact that he had substantially notified the Executive——

Mr. WILLIAMS. That he would not play any longer unless the Executive made the Attorney General play right. He said, "I will not play in your back yard at all." [Laughter.]

Mr. REED. I desire to ask the Senator, merely for information, if that is the same Perkins who was reported in the newspapers a few weeks ago as having traveled through a very severe storm in his automobile to bear a message to one Theodore Roosevelt, and if he is the same Perkins who is reported to have subscribed $15,000 to the present campaign of Theodore Roosevelt?

Mr. WILLIAMS. Now, Mr. President, I am mighty cautious, I am awfully cautious, about making assertions upon newspaper authority, because I have found out, by long public experience, that, although the newspapers never misrepresented me, so far as I know, except by now and then overpraising me when I do not deserve it, that the popular political mind is very distrustful of the truth of what they say. I can, therefore, answer the question of the Senator from Missouri only by saying that I have seen a pretty general newspaper consensus of opinion to

the affirmative effect in answer to his question; but I really do not know Perkins. It has never been my misfortune to be very close to plutocrats of any description. Perhaps that accounts for my political purity and disinterestedness.

I do not know Perkins, and I have never been brought in contact with him, politically or otherwise, and I do not know whether he is the Perkins who did the traveling, or whether or not the Perkins who contributed the money is the Perkins who told the President that he "would not play in his back yard," unless he ordered the Attorney General not to prosecute him and his folks. Without denying or affirming that proposition, I merely say that, so far as I know, it is possible that the Senator from Missouri may be reaching the point of identity with his interrogation.

Mr. REED. Let me ask the Senator whether the rule of idem sonans would not apply in this case?

Mr. WILLIAMS. There are so many Perkinses. I would hate to believe that; because I remember when I came back from Europe, once, on finishing my collegiate education, I picked up a paper at Port Eads, off New Orleans, and read that one John S. Williams had been that morning sent to jail for stealing a ham. [Laughter.] I am not willing to suppose it is the same Perkins on the sole ground that it is idem sonans. Perkins, individually, is plutocratic and much reverenced, but the surname Perkins is too common to frame an indictment on.

I wonder if the Senate would forgive me if I read a part of the creed of "the Church of Latter-day Saints according to the gospel of St. Theodore." I wonder if the Senator from Kansas subscribes to this creed. Now, do not misunderstand me. The ex-President was always exceedingly kind and courteous to me. Personally no man ever treated me better. There is no man that I would rather have at Cedar Grove to entertain than the ex-President of the United States. I would take a perfect delight in giving him the best of everything I had. There is no one I would rather spend a few days with at Oyster Bay than the ex-President. He is a delightful fellow personally. I do not think that he is just exactly all that some of his utterances would tend to make us believe that he thinks he is, but still I think he is a very fine fellow in many unofficial ways. I feel almost tempted to ask the Senator from Kansas if he subscribes to this creed:

[Mr. WILLIAMS having learned with much astonishment that what he here read would be misconstrued by many Christian people, struck it out of the permanent RECORD.]

Are you going to come out and profess this sacrilegious creed or not? Are you going to come out for the third term, you standpatters, you people over there, if he is nominated? Are you going to bury every bit of the knowledge you have learned about American institutions? Are you going to support him because he is running under a party emblem? Are you going to forget what Washington did and said? Are you going to forget what Jefferson did and said?

Mr. NELSON. Mr. President——

Mr. WILLIAMS. One second. I am right in the midst of a piece of eloquence now. [Laughter.] Are you going to forget what Andrew Jackson did and said? Are you going to forget what William McKinley, upon the same subject of a third term, did and said? And are you going to forget that the only constitutional difference between us and Mexico and the so-called South American Republics consists in the fact that they reelect Presidents and dictators forever, so long as a fellow can by military or civil machinery reelect himself? Are you going to bury all that behind you just because of keynote phrases—"Progressiveness" with a big "P"; uplift with a great big "U"? There are more ways of progressing in this world than by hero worship; there are more ways of lifting up the world than by forgetting your own history and forgetting the history of the remainder of the world.

Mr. NELSON. Mr. President——

Mr. WILLIAMS. There are more ways of getting ahead for the American people than by merely Mexicanizing American institutions. I hope the Senator from Minnesota will excuse me, but it seemed to me for a minute or two that I was going to make that exordium so eloquent at the hoped-for end of it that I could not bear to be interrupted; and I think that just at the time when I was growing most eloquent, if he had sat down, instead of looking at me with that peculiarly friendly expression of countenance, I would have made it eloquent sure enough, but he has destroyed my period. I now, therefore, yield to the Senator from Minnesota.

Mr. NELSON. Sitting back in my seat and listening to the eloquent remarks of the Senator from Mississippi about the ex-President, and to his reading of the prayer, and all of that, I could not help but sympathize with the Democratic Party. If Mr. Roosevelt should be our next President, you will get the worst of it on your side.

Mr. WILLIAMS. Ah, Mr. President, the Senator from Minnesota should not confine his sympathy to the Democratic Party. If the ex-President should be elected, the Senator may extend his sympathies to the entire American people; he may extend his sympathy, with pity bound up with it, to American institutions and the spirit of American freedom and constitutionalism. He need not confine his sympathy to one faction or one party in this great Nation; he may look ahead of him, as the Roman people might well have looked when Marius was elected for the sixth term as consul, and have seen what was necessarily before them.

Mr. President, the people have a right to do what they please in a free country; but even the people themselves can not avoid the necessary consequences of what they do. A step once taken is followed by its necessary consequential steps, and no amount of flattery or worship of the people themselves, no amount of imaginary devotion to ideal free institutions, can prevent a mistake made by the people or made by anybody else from being followed by its consequences.

God's only law to this world is this: That an act must be followed by its consequence. That, as well as I can decipher it, is His only predestined punishment. If ever you cut loose from the safe moorings which have prevented executive authority in the United States from becoming perpetual, from sinking into Cæsarism—which after all was nothing but the power exerted by the real electorate, which happened in that case to be the legions, to reelect and reelect again a Cæsar and then to elect his successor for life—if you ever cut away from the safe moorings which have prevented the executive authority of the United States of America from becoming self-successive, you may flatter yourselves and you may flatter the people, you may deceive yourselves and you may deceive the people, by imagining that your people are wiser and smarter than any other people that ever lived, which is not true, but you can not avoid the necessary consequences of your act and you will have sounded, in potentiality if not in actuality, the knell of freedom as translated into free institutions in America to-morrow. The Senator need not confine his sympathies to a faction or a party or a section, but he can extend them and in course of time, with his usual sagacity and wisdom, he will, as a good man must, extend them to the entire American people and their children and children's children, who will cease to be the example of law-regulated self-government to all the world.

Mr. BRISTOW. Mr. President, I hold no brief to speak for the ex-President of the United States, Mr. Roosevelt, but he will be remembered as a great political leader, who has contributed in a marvelous way to the benefit of his country and to the elevation of its citizenship, after his traducers are forgotten.

The Senator from Mississippi has taken occasion to criticize severely the bureaucratic form of government which permits a President to withhold information for which the Senate asks, but that criticism should be directed against the Congress itself. It passed the law and it can not avoid the responsibility of that law by criticizing the President who followed it. The Senator very eloquently referred to the fact that two English Kings had lost their heads because they violated the laws of the country. The former President has never been successfully accused of violating the laws of his country. An action which an American President may take in the exercise of his executive functions may be criticized—it may be justly criticized.

But so far as Mr. Roosevelt's action is concerned, I have abundant faith in his ability to speak for himself and to speak effectively. That can be said of him more than of any other man in public life to-day, or who has been in American politics for a quarter of a century; moreover, when he speaks, his language is responded to by more American people as the expression of their sentiments and their judgment than is that of any other man living in this Republic. Why is it that he is sweeping such great Republican States as Illinois and Pennsylvania in their primary elections? It is because the people who compose the rank and file of the great Republican Party believe in his integrity of purpose as well as in his intelligence and the soundness of his judgment. Talk about the American people sacrificing their liberties and themselves in hero worship! Do Senators undertake to compare the American people with the corrupt people of Rome in the days of the Cæsars? Such intimations are an insult to American character. Compare Theodore Roosevelt's present campaign for the Presidency as similar to that of a Roman consul who had behind him the Roman legions. It is preposterous! If Mr. Roosevelt makes himself President, he will do so by responding to the well-defined public opinion that governs this country of ours.

We have but one sovereignty here, and that is the sovereignty of public sentiment, and it is an enlightened public sentiment. That Mr. Roosevelt believes in the integrity and the judgment and the wisdom of the masses of the American people is not a

cause for criticism, but it is to his credit. The Senator and other high officials who now seek to discredit him by political collusion with Democratic leaders and erstwhile political opponents will discredit themselves, add to his laurels of victory, and make the American people love him more. Under their criticism he will grow stronger, because he has the everlasting truth on his side.

BARROOM LICENSES IN THE DISTRICT OF COLUMBIA.

Mr. JONES. I desire to give notice that at the close of the routine morning business to-morrow I shall ask the Senate to consider the bill (S. 5461) governing the granting of licenses for barrooms in the District of Columbia, and for other purposes.

Mr. GALLINGER. I move that the Senate adjourn.

Mr. CLARK of Wyoming. I ask the Senator to withhold his motion that we may have a brief executive session.

Mr. GALLINGER. Very well; I withhold the motion.

Mr. CLARK of Wyoming. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 3 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 21 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 26, 1912, at 2 o'clock p. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 25, 1912.

POSTMASTERS.

FLORIDA.

William H. Berkstresser, Hawthorn.
H. K. Murphy, Mulberry.

LOUISIANA.

George H. Burnham, Amite.

NEBRASKA.

Amos W. Shafer, Polk.
Thomas J. Taylor, Wilber.

PENNSYLVANIA.

Luther M. Alleman, Littlestown.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 25, 1912.*

The House met at 10.30 a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

How beautiful and how wonderful are the works of Thy hands, O God, our Father. What wisdom, what power, what majesty back of it all. How exalting and ennobling to the contemplative soul. And what dost Thou require of man for all the wonders and powers Thou hast bestowed upon him, but to love mercy, do justly, and walk humbly before his God? Strengthen us in our weakness, that we may fulfill these requirements day by day. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. SULZER. Mr. Speaker, I call up the conference report on the disagreeing votes between the two Houses on the diplomatic and consular appropriation bill (H. R. 19212).

The SPEAKER. The Clerk will read the report.

Mr. SULZER. Mr. Speaker, I ask unanimous consent to have the statement read instead of the report.

The SPEAKER. The gentleman from New York [Mr. SULZER] asks unanimous consent to have the statement read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

CONFERENCE REPORT (NO. 587).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19212) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, 5, 6, 7, 11, 17, 26, 27, 28, and 31.

That the House recede from its disagreement to the amendments of the Senate numbered 8, 9, 10, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25, 29, and 30, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$555,500"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$355,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", together with the unexpended balance of the appropriation made for this object for the fiscal year 1912, which is hereby reappropriated and made available for this purpose"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$340,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$450,000"; and the Senate agree to the same.

WM. SULZER,
H. D. FLOOD,
W. B. MCKINLEY,
Managers on the part of the House.

CHARLES CURTIS,
F. E. WARREN,
B. R. TILLMAN,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19212) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying report as to each of said amendments, namely:

On amendment No. 1: Strikes out the increase of $1,000 per annum to the agent and consul general at Cairo, as proposed by the Senate.

On amendment No. 2: Appropriates $45,000 for chargé d'affaires ad interim, instead of $40,000 as proposed by the House and $50,000 as proposed by the Senate.

On amendment No. 3: Makes the total correspond to the amounts agreed upon.

On amendments Nos. 4, 5, 6, and 7: Strikes out the increases of $900 per annum for each of the secretaries to Japan, Turkey, and China, as proposed by the Senate, and makes the total correspond to this action.

On amendment No. 8: Changes the phraseology of the bill without changing the sense in any way.

On amendments Nos. 9 and 10: Appropriates $2,000 for an assistant Turkish secretary to the Embassy to Turkey, as proposed by the Senate, and makes the total correspond to this action.

On amendment No. 11: Restores the word "repairs," as proposed by the House, thus making the sum carried by "Contingent expenses, foreign missions," available for this purpose.

On amendment No. 12: Appropriates $355,000 for contingent expenses, foreign missions, instead of $300,000 as proposed by the House and $375,000 as proposed by the Senate.

On amendment No. 13: Appropriates $35,000 for transportation of diplomatic and consular officers in going to and returning from their posts, instead of $25,000 as proposed by the House and $50,000 as proposed by the Senate.

On amendment No. 14: Changes the word "Legation" to "Embassy."

On amendment No. 15: Reappropriates and makes available the unexpended balance of the appropriation for the fiscal year 1912, for "Emergencies arising in the Diplomatic and Consular Service," instead of reappropriating and making available said balances for the fiscal years 1910, 1911, and 1912, for this purpose, as proposed by the Senate.

On amendment No. 16: Strikes out the words "for the year ending June 30, 1913," from the appropriation for the International Bureau of Weights and Measures.

On amendment No. 17: Strikes out the provision appropriating $10,000 for the repairs to legation and consular buildings, as proposed by the Senate.

On amendment No. 18: Appropriates $2,500 for the Bureau of the Interparliamentary Union for the Promotion of International Arbitration at Brussels, as proposed by the Senate.

On amendment No. 19: Appropriates $5,000 for the International Institute of Agriculture at Rome, as proposed by the Senate.

On amendment No. 20: Appropriates $400 for the International Railway Congress, as proposed by the Senate.

On amendment No. 21: Strikes out the words "for the calendar year 1913," from the item for the International Sanitary Bureau, as proposed by the Senate.

On amendment No. 22: Appropriates $1,300 for the International Seismological Association, as proposed by the Senate.

On amendment No. 23: Inserts the words "in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, including office rent in the District of Columbia, and," in the paragraph relating to the arbitration of outstanding pecuniary claims between the United States and Great Britain, as proposed by the Senate.

On amendment No. 24: Appropriates, in the language and amount proposed by the Senate, $40,000 for the International Congress of Hygiene and Demography instead of $10,000, as proposed by the House.

On amendment No. 25: Appropriates $7,156 for the Permanent International Council for the Exploration of the Sea, as proposed by the Senate.

On amendment No. 26: Strikes out the appropriation of $50,000 for the Second Pan-American Scientific Congress, as proposed by the Senate.

On amendment No. 27: Strikes out the appropriation of $2,500 for the compilation of Chinese treaties, as proposed by the Senate.

On amendment No. 28: Strikes out the appropriation of $5,000 for the International Conference on Maritime Law, as proposed by the Senate.

On amendment No. 29: Appropriates $5,900 for the International Radiotelegraphic Conference, as proposed by the Senate.

On amendment No. 30: Appropriates $15,000 for expenses of consular inspectors instead of $10,000, as proposed by the House.

On amendment No. 31: Strikes out the appropriation of $10,000 for 10 additional consular assistants, as proposed by the Senate.

On amendment No. 32: Appropriates $340,000 for allowance for clerk hire at United States consulates, instead of $300,000 as proposed by the House and $350,000 as proposed by the Senate.

On amendment No. 33: Appropriates $450,000 for "Contingent expenses, United States consulates," instead of $400,000 as proposed by the House and $471,600 as proposed by the Senate.

The bill as finally agreed upon appropriates $3,638,047.41, and is $350,469 less than the appropriations for the current fiscal year.

WM. SULZER,
HENRY D. FLOOD,
WILLIAM B. MCKINLEY,
Managers on the part of the House.

Mr. HAMLIN and Mr. SULZER rose.

Mr. SULZER. Mr. Speaker——

Mr. HAMLIN. Mr. Speaker, in order to raise the question, I desire to make a point of order.

Mr. SULZER. I have the floor, Mr. Speaker.

The SPEAKER. The gentleman from New York [Mr. SULZER] has the floor. What is it that the gentleman from Missouri desires to do?

Mr. HAMLIN. I think I have the right to make a point of order against the conference report.

The SPEAKER. That is true, if the gentleman will state it.

Mr. HAMLIN. That is what I am trying to do.

The SPEAKER. That is what the gentleman has the right to do.

Mr. HAMLIN. The statement of the conferees that has been read is not the statement that is printed in the RECORD. The Clerk read amendment No. 20. That amendment is not printed in the RECORD at all, and the figures given by him are not given in the RECORD. I think the statement ought to be, and must be, properly and correctly printed in the RECORD.

The SPEAKER. That is entirely correct.

Mr. HAMLIN. I ask the Clerk to read amendment No. 20 again.

The SPEAKER. The Clerk will read the item.

The Clerk read as follows:

On amendment No. 20: Appropriates $400 for the International Railway Congress, as proposed by the Senate.

Mr. HAMLIN. The RECORD reads—I will call the attention of the Chair to the fact—that No. 19 "appropriates $5.000 for the International Institute of Agriculture at Rome, as proposed by the Senate," and the next amendment, also numbered 19, appropriates $5,000 for the International Railway Congress, as proposed by the Senate.

Mr. SULZER. That is a mistake of the printer; that is all. We are not responsible for that mistake.

Mr. HAMLIN. It may be a mistake of the printer, but my point of order is that this report is not in order to be considered until it has been properly printed in the RECORD.

The SPEAKER. The gentleman is correct.

Mr. FITZGERALD. Mr. Speaker, I wish to call the attention of the Chair to the fact that there is no error in the conference report as printed in the RECORD. The error, if any, is in the statement which, under the rule, must accompany the conference report.

The SPEAKER. The Chair was at first under the impression that it was in the conference report.

Mr. FITZGERALD. It has been universally held that the Chair will not pass upon the sufficiency of the statement which accompanies the report, but that that is a matter which must be determined, if at all, by the House. This report is correctly printed in the RECORD. It appears, however, that in the statement accompanying the report no reference is made to one amendment appropriating $400. I doubt if the House would attempt to say that under such circumstances the statement accompanying the report does not comply with the rule.

Mr. MANN. Mr. Speaker, the rule requires that the conference report and the statement shall be printed in the RECORD. In this case it appears that what purports to be the conference report and the statement accompanying it are printed in the RECORD, but the Speaker has before him the statement, and it appears that that was not printed in the RECORD.

Mr. FITZGERALD. Mr. Speaker, the rule has been uniform. It has been repeatedly held that the Chair will not assume to determine the sufficiency of the statement which accompanies the report. That is what is to be determined in this instance—whether this statement, from which is omitted reference to one amendment, complies with the rule requiring a statement to accompany every conference report.

Mr. MANN. If the gentleman will permit, I think that is not quite the question. If the statement of the House conferees had nothing in it about amendment 20, that would not be subject to a point of order, but the statement of the House conferees does have in it a reference to amendment No. 20, but that part of it was not printed in the RECORD.

Mr. SULZER. That was a mistake of the Public Printer. No mistake appears in the printed statement filed.

Mr. MANN. Undoubtedly.

Mr. HAMLIN. I think there is no doubt of that.

Mr. SULZER. The printed statement as it is on file in the House is correct, but the Public Printer made a mistake in one item, No. 20, from which he left out the sum of $400. This error should not militate against the present consideration of the matter.

Mr. HAMLIN. Just a moment. I should like to call the attention of the House to what I regard as the reason of the rule.

Mr. SULZER. There is no mistake in the printed conference report as it appears in the RECORD. The point made is technical, and not well taken.

The SPEAKER. If gentlemen will suspend, the Chair will read a decision of Mr. Speaker Carlisle, found on page 776, paragraph 6511, Volume V of Hinds' Precedents:

It is for the House and not the Speaker to determine whether or not the detailed statement accompanying a conference report is sufficient to comply with the rule. On February 28, 1887, the conferees on the river and harbor appropriation bill presented with their report a statement, as required by the rule, and it was read.

Thereupon Mr. William P. Hepburn, of Iowa, made the point of order that the statement was meager in its character and not a compliance with the rule.

The Speaker [Mr. Carlisle] decided:

The rule requires the managers of the conference on the part of the House to make this detailed statement; but the Chair does not feel it is in the province of the Chair to determine whether that report is sufficient or not. That is for the House to determine. Another rule requires that when committees report back to the House bills, resolutions, etc., such bills, etc., shall be accompanied by reports in writing. It frequently happens that a committee does nothing more than recommend in one or two lines the passage or rejection of a measure; and the objection has sometimes been made that these reports are insufficient, but that has been held to be a question which the Chair can not decide. The Chair can not assume the responsibility of examining all the reports and determining whether they are sufficient. That is involved in the question now pending, whether the House will consider the report. If it is thought that the statement is insufficient and that that is a reason why the House should not consider the report, that, of course, will control the votes of the gentlemen on the floor.

Mr. MANN. But, Mr. Speaker, if the Speaker will permit——

The SPEAKER. The gentleman from Illinois.

Mr. MANN. That ruling was made before there was any rule about printing the statement in the RECORD. The rule requiring the printing of conference reports and statements in the RECORD before they are considered is a recent rule, and it provides that it shall not be in order to consider the report of a committee of conference until such report and the accompanying statement have been printed in the RECORD, except during the last six days of the session. Now, the gentleman from Missouri [Mr. HAMLIN] does not make the point of order that the statement is not sufficient, but he makes the point of order that the statement has not yet been printed in the RECORD.

Mr. HAMLIN. It has not been printed in the RECORD.

Mr. MANN. A reading of the statement shows that that statement has not been printed in the RECORD.

Mr. SULZER. The gentleman is in error. The statement has been printed in the RECORD.

Mr. MANN. The statement, as read, has not been printed in the RECORD.

Mr. HAMLIN. The statement which has been read is not the same as the statement which has been printed in the RECORD.

Mr. SULZER. That is the Public Printer's fault, at all events. This is such a technicality that I am surprised any gentleman should raise it.

Mr. MANN. That is another question.

Mr. SULZER. The statement filed on the part of the managers of the House was clear and explicit. It was filed and printed in the RECORD in accordance with the rules, but the Public Printer left out one item of $400 to pay the pro rata share of the Government of the United States to the International Railway Congress. To dispose of the matter, however, I ask unanimous consent that the RECORD be corrected in that regard.

The SPEAKER. The gentleman from New York asks unanimous consent that the RECORD be corrected so that the statement will appear correctly. Is there objection?

Mr. HAMLIN. Reserving the right to object, I want to ask the gentleman this question: There are some matters in this report which I think the House ought to fully understand, and I think we ought to have some time to discuss some of these amendments.

Mr. SULZER. I will yield the gentleman such time as he wants to discuss any amendment. How much time does the gentleman desire?

Mr. HAMLIN. I want at least 30 minutes.

Mr. SULZER. Very well; I will yield the gentleman in my time 30 minutes.

The SPEAKER. Is there objection to correcting the RECORD in relation to the statement?

There was no objection.

Mr. SULZER. Mr. Speaker, before I yield the floor to the gentleman from Missouri, I want to explain this conference report. The diplomatic and consular appropriation bill as it was reported from the Committee on Foreign Affairs and as it passed the House carried in the neighborhood of $500,000 less than the appropriations for the last fiscal year and over $800,000 less than the estimates for the next fiscal year. The pruning of the estimates submitted for various purposes was conscientiously done where it could be afforded the most easily without present or future injury to any agency of the Government provided for in this appropriation bill.

Mr. GARNER. Will the gentleman yield?

Mr. SULZER. Yes.

Mr. GARNER. In amendment 32 the House appropriated $300,000; the Senate increased it to $350,000, and the agreement in conference is $340,000. How did the conferees arrive at the $340,000?

Mr. SULZER. I will explain that. The conferees on the part of the House made every effort to keep all appropriations down to the minimum. The State Department sent word to the Senate that if this appropriation was cut it would be necessary for the Government to discharge 42 employees in the Consular Service.

Mr. GARNER. Why did not the House committee have the information when the House made up the bill?

Mr. SULZER. That information was substantially before the committee. My recollection is Mr. Carr, of the Consular Bureau, testified before the committee that the department could not get along if any serious cut was made in the estimates; that the department needed every dollar that was asked for in the Consular Service and would use that amount for the next fiscal year.

Mr. GARNER. The gentleman states that that amount of money was used last year. Where did he get his information?

Mr. SULZER. The information was before the conferees.

Mr. GARNER. I would like to have the gentleman put that in the RECORD. How much money was used, according to the statement of the State Department, last year?

Mr. SULZER. The information before the conferees was that every dollar appropriated in the bill for the Consular Service was absolutely necessary, will be used for the present fiscal year, and will be needed for the next fiscal year.

Mr. GARNER. The gentleman just said that the State Department had told the Committee on Foreign Affairs that they needed every cent for which they estimated, and the gentleman said that they cut out $500,000 from the estimates. I want to call the gentleman's attention to another thing. In this identical item for 1911 appropriations, the only one we have an accounting for by the State Department, they only spent $285,000, although there was $300,000 appropriated. Now the gentleman comes along and undertakes to tell the House that the House appropriated $300,000, which is $15,000 more than they used the year before, and that the Senate increased it to $50,000; but the conferees were unable to secure an agreement cutting that more than $10,000, when the record showed that they used $285,000 of the 1911 appropriation.

Mr. SULZER. Mr. Speaker, I will reply to that as I go along. I want to make my statement in a connected manner. This bill was carefully prepared and considered by the Committee on Foreign Affairs, and reported to the House unanimously. The total estimates submitted aggregated $4,449,697.41; the amount appropriated for the last fiscal year was $3,988,516.41; the bill as it passed the House, carrying the appropriations for the next fiscal year, totaled $3,418,791.41, which was a reduction of $569,825 less than last year's appropriations.

The Senate increased the appropriations $369,566. The bill as agreed on finally in conference between the Senate and the House conferees now carries appropriations for the fiscal year of 1913 of $3,638,047.41, which is $811,650 less than the estimates, and is $350,469 less than the appropriations in the last diplomatic and consular appropriation bill.

Mr. GARNER. Mr. Speaker, if the gentleman will permit, I want to call his attention to the fact that he has not undertaken to answer my question.

Mr. SULZER. I am coming to that, I will say to the gentleman. I am talking now about the money we have saved the taxpayers in this bill—at least $350,000 less than last year. Think of that. That is a considerable saving to the taxpayers of the country. I speak advisedly when I say that there has not been for years an appropriation bill from any committee which went so far along the lines of real economy as the present diplomatic and consular appropriation bill for the next fiscal year. But more. The bill as agreed upon in conference is $350,469 less than the appropriations for the current year—that is, the year 1912—and over $800,000 less than the estimates submitted by the department. That is a saving of more than 25 per cent on the estimates, and more than 10 per cent between the amount appropriated last year and the amount appropriated this year—quite an item.

This is the first annual appropriation bill to pass this Congress, and if every one of the other appropriation bills does as well as has been done in this appropriation bill, which saves the taxpayers more than 10 per cent between last year and this year, it will aggregate a net saving to the taxpayers of the United States for the fiscal year 1913 of over $125,000,000. That will speak well for economy. The record of the Committee on Foreign Affairs for economy this year speaks for itself, and deserves the commendation of this House and the taxpayers of the country.

Now a few words regarding the foreign service. For every dollar that we appropriate for the foreign service the people of

the United States get back in actual money which goes into the Treasury Department about 15 per cent. But, as a matter of fact, for every dollar expended in our foreign service there comes back, directly or indirectly, to the taxpayers and the business people of the country a hundred dollars for one. Our Department of State is the most economical branch of the entire Government, and nobody can successfully controvert the statement.

The value of the foreign service to the Government, to American commerce, and to the individual citizen is now recognized and can not be gainsaid. It is no longer merely political, but it has become to a large extent an efficient nonpartisan instrument for the expansion of American commerce and the extension of American enterprise, securing for American commercial interests fair and equal trade opportunity with the peoples of other countries, and it assures to the individual citizen the protection of his rights the world over. It is through its agency that the entire business of the Government in its relations with other Governments is conducted; and, as I said, for every dollar expended for the foreign service the people of the United States receive directly or indirectly one hundred for one in return.

There is not a dollar appropriated in this bill that is not absolutely necessary; there is not an item in the bill that should be stricken out, and if it were it would subject us to severe condemnation on the part of the business people of the United States. I will do nothing to cripple the Department of State, which is doing so much for our foreign trade and commerce. It is a matter of gratification for me to say—and I know I voice the sentiments of our people generally—that there never was a time in the history of our country when our Diplomatic and Consular Service was so efficient and on so high a plane as it is to-day.

The gentleman from Texas [Mr. GARNER] calls my attention to amendment No. 32. This amendment relates to the Consular Service, and the amount appropriated is less than the estimates that came to Congress. The Secretary of State says that the amount appropriated for the Consular Service is absolutely necessary. We cut out $50,000 in the committee and the House sustained the committee, but the gentleman from Texas and I knew we would have to increase it ere the bill became a law. I thought $325,000 would be sufficient, but on the strength of all the telegrams and letters from the business people of the United States which we had before use, and upon the representations from the State Department, the House conferees compromised. We did the best we could, and finally agreed to $340,000 for the Consular Service for the coming fiscal year, a saving of $10,000. We believe that amount will maintain the Consular Service for the next fiscal year. It is doing splendid work. Nothing should be done in any way to hamper it.

We weighed everything that was before us and finally concluded that the department could get along with the $340,000 without crippling the Consular Service in any way. We all know the Consular Service comes home to every business man in the country who is doing any foreign trade at all, and if there is any agency of the Government that the people of the United States are proud of to-day it is the foreign service with the great improvement that has been made in its consular branch, which has become so much improved in recent years that the Emperor of Germany in a public speech not long ago said that the consular system of the United States was the best in the world. Let me say much credit for this is due to the present administration and also to the preceding administration, and I am broad-minded enough to declare that, so far as I am concerned, in the future as in the past I shall do everything in my power to continue to improve the personnel and the efficiency of our foreign service, and in so far as may be possible lift it completely out of the slough of partisan politics and put it where it belongs, upon the high, impregnable ground of the merit system, where talent, ability, competency, fitness, and experience shall be the sole qualifications for appointment and promotion.

Any attempt on the part of Congress to cripple our foreign service will bring down on us the condemnation of every chamber of commerce, every board of trade, and every business concern in the country that is doing business in other lands.

Mr. GARNER. Will the gentleman yield?

Mr. SULZER. Certainly.

Mr. GARNER. There is no disposition and the gentleman from New York can not point out a single instance where the appropriation has been cut for the consuls. These are clerks to consuls—clerical help to consuls—that is provided for in this item. Now, I call the gentleman's attention to the fact that in the year 1911 only $285,000 was necessary to maintain this clerical help, although Congress gave them $300,000. Now, if they could not possibly use the amount of money this Congress gave that year and yet come in this year and ask for an increase of more than $65,000 or else they will have to discharge some of the employees of the service, that statement does not comport with the printed report and the statement of the State Department, a statement conveyed to the conference committee by the State Department although we have not seen that communication, though I would be glad to have the gentleman insert it in the RECORD, because we would like to compare the two.

Mr. SULZER. Senator CURTIS has the letter. I will ask him to send me a copy. I will be glad to put it in the RECORD.

Mr. GARNER. If the gentleman will permit me, I have another matter to which I want to call attention. I notice there is another amendment on the part of the Senate—amendment No. 15—in which it uses this language:

> Together with the unexpended balance of the appropriation made for this object for the fiscal year 1912, which is hereby reappropriated and made available for this purpose.

Now, it would appear from this language that there was some money, the amount unknown, because under this statute there is no accounting of the amount, but it would appear, however, that there was money left over in these three fiscal years out of the funds specifically appropriated. I notice that the gentleman in place of disagreeing to the Senate amendment in its entirety disagreed to a portion of it—1910 and 1911—and then concurred in the reappropriation of the money for 1912. Now, will the gentleman tell how much money that is?

Mr. SULZER. I will explain that. The estimates for the emergency fund for the Diplomatic and Consular Service were $90,000. The House cut that estimate from $90,000 to $50,000 and the Senate put it back to $90,000. In conference we would not agree to that. Finally the conferees of the Senate receded provided the unexpended balance for 1912 was reappropriated. On investigation we agreed that the unexpended balance for 1912 should be reappropriated. I am informed it will be about $14,000. I can not, however, say definitely.

Mr. FOSTER. Will the gentleman yield?

Mr. SULZER. I do.

Mr. FOSTER. There is some discrepancy in some place. I am informed that the department has stated to the other body that according to their present expenditures, if nothing unusual occurs, there will be at the end of this fiscal year $30,000 remaining of this fund.

Mr. SULZER. That is not the information I have.

Mr. FOSTER. That is the information I obtained this morning.

Mr. SULZER. From the State Department?

Mr. FOSTER. Not from the State Department, but from where they had made the statement to the Appropriations Committee of the Senate.

Mr. SULZER. I think that is incorrect because——

Mr. FOSTER. I think not; I think the gentleman is hardly fair in saying that, because this comes direct from where they made that statement in their hearings.

Mr. GARNER. Will the gentleman from New York yield in that connection?

Mr. SULZER. I will.

Mr. GARNER. I do not understand just how the gentleman from New York can make the definite statement that $14,000 will remain from the appropriation of 1912 when the fiscal year 1912 does not expire until June 30 of this year.

Now, if you can determine, or if the department can determine, at this date what the unexpended balance is going to be on any item of appropriation on June 30, 1912, especially an appropriation of this character, it is some information that has not been given to Congress heretofore.

Mr. SULZER. I will say to the gentleman from Texas [Mr. GARNER] it is impossible, of course, for me or anyone else to say definitely just how much will be unexpended. There may not be a dollar left over, because it is quite some time between now and the 1st of July. The State Department had $90,000 for the present fiscal year. We are giving the department $50,000 in this bill for the next fiscal year, and if it has anything left over for this fiscal year we also give it that amount. I make no definite statement about the exact amount, because I can not, and, in view of what the gentleman from Illinois [Mr. FOSTER] says, I can not say how much balance, if any, there will be.

Mr. GARNER. Would it not be better administration and better policy for this House to pursue not to reappropriate the unexpended balance, but, if we make a short appropriation, let the department come back here in December and get a deficiency rather than to appropriate an unknown amount, which may be left over from appropriations made for this fiscal year?

SPEAKER PRO TEMPORE FOR REMAINDER OF DAY.

The SPEAKER. The gentleman will suspend a moment. Inasmuch as the Chair is ill, he will assign Mr. SAUNDERS as Speaker pro tempore for the remainder of the day.

Mr. SULZER. We are sorry to hear you are ill, Mr. Speaker, and sincerely hope you will be quite yourself again to-morrow.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HAMLIN. Will the gentleman yield for a statement?

Mr. SULZER. Yes. I will say, however, to the gentleman from Texas [Mr. GARNER] that, as things look now, before the end of this year he need not be surprised if the State Department comes to Congress for a larger fund as an emergency matter.

Mr. HAMLIN. I want to ask a question or two, but I will do it in my own time.

Mr. SULZER. I hope the gentleman will do so. I yield to the gentleman from Missouri.

Mr. HAMLIN. Will the gentleman from New York repeat his statement as to what the balance was for 1910? I did not catch it. I mean the unexpended balance.

Mr. SULZER. I understand the unexpended balance for 1910 was something like $14,000. I am not sure.

Mr. HAMLIN. And what was it for 1911?

Mr. SULZER. Something like $800.

Mr. HAMLIN. Now, Mr. Speaker, in order that we may get the matter in the RECORD properly, I hold in my hand a statement from the Secretary of State covering his expenditures out of the secret fund for the years 1906, 1907, 1908, 1909, 1910, and 1911. Because the gentleman referred to the year 1910, I will take that up first. There was appropriated for emergencies arising in the Diplomatic and Consular Service for the year 1910, $90,000. The Secretary of State reports gross expenditures out of this fund on certificates filed under section 291 the sum of $82,345.49, and in settlements on vouchers direct with the Treasury $7,053.70, making a total expenditure out of that fund for that year of $89,399.19. If that be true then, there could not have been the balance of which the gentleman from New York speaks. In the year 1911 there was $90,000 appropriated for the same purpose. There was expended under those certificates, as certified by the Secretary of State, $98,104.51. He expended also, he reports, out of that fund in settlements direct with the Treasury on vouchers $5,747.49, making a total expenditure of $103,852 out of a fund of only $90,000. This would make an apparent overdraft of about $13,800. I think it is only fair to say that the Secretary claims there were certain repayments made to that fund, which left a balance in that fund for the year 1910; and the same is true of the year 1911. But in this connection I want to say that I know of no way of getting money into one of these funds excepting by appropriation, and that can only be made by Congress. I do not believe when they take the money out of the Treasury under these appropriations that they can go and put it back in whole or in part and in that way supplement or increase the appropriation. And I am quite sure that that is the opinion of the officials in the Treasury Department, because they have so stated to me.

I went down to see the gentleman in charge of the bookkeeping and accounts in the Treasury Department and asked him to show me how much money was in this emergency fund for the year 1911. He showed me that there was $90,000, the sum originally appropriated, and no more. I told him that I had heard that it had been in some way supplemented or increased. He said, "That is utterly impossible. There is only one way to increase this fund, and that is by an appropriation made by Congress."

Now, we gave them $90,000 for that year. If they expended more than $90,000, as they certify they did do, then there has been an overdraft on that fund, and consequently in violation of the law. If they take out of this fund, as I concede they claim they do, money that they find out afterwards they do not then need, and afterwards go and redeposit it and get credit back for it, then there would be no limit to this "kiting" the account and might make an appropriation of $90,000 be equal to $200,000 and still not apparently exhaust the real appropriation. If they can play "hide and seek" with the money in this fund, then there is no way to prevent them from taking money from some other fund and depositing it in this emergency fund, and thereby increase the appropriation from $90,000 to $150,000 or $200,000 a year. There is no way, if you permit a redeposit of money in this fund, to keep tab on this expenditure, because if they can take it from one source they can take it from another, and there would be no way of exhausting this fund. This ought to be stopped.

But let me call your attention to the fact that in 1911 there was expended on secret certificates, which is presumably to be covered almost exclusively, if not entirely so, by this emergency fund, $173,851.43 out of an appropriation of $90,000. Much of this, I am sure, was paid out of other funds and improperly carried in settlement by secret certificate under section 291.

Now, I simply wanted to call the attention of the House specifically to this kind of now-you-see-it and now-you-do-not-see-it practice down at the department with this so-called secret fund—a practice that ought not to prevail; a practice that this House is responsible for, because its attention has been directed to it and we have the power to prevent it.

This conference report seeks to reappropriate whatever surplus there may be left in the emergency appropriation for the year 1912. I object to this manner of doing business for the simple reason that we are appropriating an indefinite amount, if, indeed, any amount at all. We do not know what the amount will be. The chairman of the committee, the gentleman from New York [Mr. SULZER], admits that he does not know whether it will be 1 cent or $30,000. I object to this way of appropriating a "pig in the poke." It may be $30,000, it may be nothing. If it turns out that there will be at the end of this fiscal year a balance of $20,000 or $30,000 left out of last year's appropriation, then I am going to take some little credit to the committee of which I have the honor to be chairman in bringing about some economy in the State Department, because this surplus has not been shown before our committee got busy and exposed their reckless methods.

In 1911, before the attention of Congress and of the country was directed to this system of juggling the accounts down there between this fund and other funds, the Secretary of State certifies there was only $118.64 left after taking credit for "redeposits," as he calls it, in that year's fund of $90,000 at the end of the last fiscal year. But I call the attention of the House to another thing: The Secretary of the Treasury reports that there was a balance of $148.68. So the "witnesses do not seem to agree together."

The Secretary of State certifies that there was $118.64; the Secretary of the Treasury says there was $148.68. But in making that up he certifies that there is a balance in the hands of the disbursing clerk of $10,213.05. The Secretary of State does not certify any balance in the hands of the disbursing officer, but calls it a "redeposit" in the Treasury Department.

But on this question of reappropriating an indefinite balance I would like to have the attention of the gentleman from New York [Mr. SULZER], the chairman of the committee, if I may. The existing law provides that whatever surplus may be left in this fund for this year shall be available for two years for obligations incurred during this fiscal year without any reappropriation. Now, why do you want to reappropriate before the end of the fiscal year a balance, if there should happen to be a balance? If the Secretary of State needs this money for this year's obligations it will be available under existing law.

Mr. FLOOD of Virginia. Mr. Speaker, I should like to ask the gentleman from Missouri a question.

The SPEAKER pro tempore. Does the gentleman yield to the gentleman from Virginia?

Mr. HAMLIN. I will.

Mr. FLOOD of Virginia. Do I understand the gentleman to say that the balance for 1912, if any there should be, would be available for the purpose of this fund for the next two years?

Mr. HAMLIN. For all obligations incurred during this fiscal year; yes.

Mr. FLOOD of Virginia. But would not be liable for obligations incurred during the next fiscal year?

Mr. HAMLIN. Certainly not.

Mr. FLOOD of Virginia. I should like to ask the gentleman to state his figures of the balance of this fund for the years 1910–11.

Mr. HAMLIN. I shall be glad to do that. But first I want to make myself plain. Any balance at the end of any fiscal year will be available to pay all obligations contracted during that fiscal year at any time within the next two years without any reappropriation. Of course, it would not be available for obligations that came up for any subsequent year. Congress is presumed to take care of those in the appropriation in advance, and we have provided $50,000 for the next fiscal year. Now, the Secretary of State certifies that there was a balance for 1910 of $14,502.48, but he reaches that by crediting himself with a repayment or redeposit of $13,901.67. I do not know where that money came from. The point I make is that he has no right to supplement or increase this fund by redepositing or depositing money that he may receive from any other source.

Mr. FLOOD of Virginia. Then, according to the gentleman——

Mr. HAMLIN. Let me finish my statement. For 1911 he says the balance is $108.64, but he reaches that by crediting that fund again with $13,970.64 redeposit. Otherwise there would have been an overdraft.

Mr. FLOOD of Virginia. Then, as I understand, the gentleman's contention is that, as a matter of fact, there was very little balance for the year 1910 and no balance for the year 1911?

Mr. HAMLIN. Practically none. In fact, there would have been an overdraft had not these deposits been made.

Mr. FLOOD of Virginia. That for 1910 the balance was very small.

Mr. HAMLIN. Yes.

Mr. FLOOD of Virginia. And that in 1911 there was not only no balance, but there was an overdraft?

Mr. HAMLIN. Yes. Now, it appears from information received that there will be a probable balance this year of $30,000.

Mr. FLOOD of Virginia. Where does that information come from?

Mr. HAMLIN. This information was handed to me by a Member a few moments ago. I do not know where it came from.

Mr. GARNER. That information comes from the State Department to a reliable person under the Dome of this Capitol. The gentleman from Illinois [Mr. FOSTER] secured this information and vouches for its accuracy.

Mr. FLOOD of Virginia. I want to say to the gentleman that it was stated to the conferees by Senator CURTIS that he had obtained information from the State Department as to what that probable balance would be, and it was not as much as that.

Mr. HAMLIN. How much?

Mr. FLOOD of Virginia. It was not more than half as much as that.

Mr. HAMLIN. Fifteen thousand dollars?

Mr. FLOOD of Virginia. Between $14,000 and $15,000.

Mr. HAMLIN. Why reappropriate it now?

Mr. FLOOD of Virginia. We consented to its reappropriation without knowing exactly what amount it was. We consented to it because the Senate conferees insisted upon the $90,000 appropriation or something in lieu thereof. They were insistent that $50,000 was not a sufficient amount, and they had before them a letter from the State Department saying that that was absolutely an insufficient amount for this purpose, and we reached an agreement with them by way of compromise. That compromise was to give them any balance that might be in this year's appropriation.

Mr. HAMLIN. The gentleman is on the Foreign Affairs Committee?

Mr. FLOOD of Virginia. Yes.

Mr. HAMLIN. And I know the gentleman is a good lawyer. Perhaps he will not admit it, but I will.

Mr. FLOOD of Virginia. I am much obliged to the gentleman.

Mr. HAMLIN. Does the gentleman believe that the Secretary of State has a right to increase or supplement an appropriation that we give him for this or any other purpose by making deposits to that fund without any action by Congress?

Mr. FLOOD of Virginia. I should say not.

Mr. HAMLIN. If he could do that, there would be no limit to the fund, would there?

Mr. FLOOD of Virginia. I should say the Secretary of State certainly could not do that; but that is not the question we are considering here now.

Mr. HAMLIN. It is one of the questions which I am considering.

Mr. GARNER. No.

Mr. FLOOD of Virginia. The question is whether or not we will allow the State Department the amount that is to the credit of this fund at the end of this fiscal year.

Mr. GARNER. May I ask the gentleman a question in that connection?

Mr. FLOOD of Virginia. Yes.

Mr. GARNER. I can realize how the Senate committee may in a way have forced the House conferees to accept this kind of a provision, but I want to suggest to the gentleman from Virginia whether it is not, in his judgment, a bad practice for the House to reappropriate an unexpended balance, when the amount of that unexpended balance is purely an estimate and the House does not know anything about it?

Would not it be better policy to appropriate an insufficient amount, for the sake of the argument, and let the department come back to Congress in December and get the deficiency, rather than to make a haphazard appropriation now and establish that kind of a precedent?

Mr. FLOOD of Virginia. My position was in favor of $50,000. I was opposed to appropriating to this fund any more than $50,000, but the Senate conferees stood for $90,000, and this was reached as a compromise. I thought it was wiser to compromise than to hang the bill up by disagreement between the House and the Senate. Our information was, and that was not accurate, that nobody could tell exactly what the unexpended balance would be, because, as the chairman of the committee has said, there is some time between now and July. Our information was that the balance would not exceed $14,000 or $15,000. I do not see why if there is authority from the State Department for the statement that it would be $30,000, why the gentleman in the State Department who gives information to a gentleman under the Dome of the Capitol should not have their names given, so that we can see who is correct.

Mr. GARNER. I made the statement that it came from a gentleman under the Dome of the Capitol, and I am informed that you can get it from the clerk of the Committee on Appropriation, Mr. Courts, who has been here a good long while, and I think would be an authority in this House.

Mr. FLOOD of Virginia. Does the gentleman think that the statement of the clerk to the Committee on Appropriations, that transacts its business under the Dome of the Capitol, should be taken against the statement from the officials of the State Department?

Mr. GARNER. I understood the gentleman to say that the State Department had conveyed to him the information——

Mr. FLOOD of Virginia. Oh, no.

Mr. GARNER. Where did the gentleman get his information?

Mr. FLOOD of Virginia. From one of the conferees on the part of the Senate—Senator CURTIS.

Mr. GARNER. I understood the gentleman to say that the information was before the committee in writing.

Mr. FLOOD of Virginia. The Senator had a statement that he was reading from.

Mr. GARNER. Could we get the statement, so as to see where it came from?

Mr. SULZER. I shall ask Senator CURTIS for the statement.

Mr. HAMLIN. Mr. Speaker, I can not afford to have all my time taken up by other gentlemen, however interesting the discussion may be.

Mr. FLOOD of Virginia. If the gentleman will pardon me, I want to say that I could not say that Senator CURTIS read from the statement, but he had a paper in his hand that he was reading from that came from the State Department.

The SPEAKER pro tempore. Does the gentleman from Missouri yield further to the gentleman from Virginia?

Mr. HAMLIN. Mr. Speaker, I decline to yield further. Now, Mr. Speaker, I do not want what I say to be taken as a criticism of the Committee on Foreign Affairs. I believe that they are, in the main, to be congratulated on the work they have done in this matter, but I call it to the attention of the House and the country in order to show the mysterious management of certain sums of public moneys in the State Department. It is shrouded in mystery and covered by the veil of secrecy. It should be unmasked.

Now, the House fixed the sum of $50,000 as the amount that ought to be given to this emergency fund for the next fiscal year. This reappropriation of these mysterious balances of unexpended money out of the $90,000 given for the year 1912 is only an indirect way of increasing this appropriation. If the practice they have been following in the State Department is continued to be followed this fund could be increased to $50,000 more by making deposits from time to time to the credit of this fund, and on the last day of June they can claim that they have $50,000 left over, and if this amendment goes through they will have $100,000 instead of $50,000 to the credit of the emergency fund. It could be doubled and even increased more than that in this doubtful way.

Mr. SULZER. Does the gentleman from Missouri think the Secretary of State would do that?

Mr. HAMLIN. But he has been making these deposits. His report shows it.

Mr. SULZER. Well, I doubt if it will be done again.

Mr. HAMLIN. I hope not; but I am quite sure that if the practice of handling this fund had not been exposed there would have been no part of the appropriation of $90,000 left unexpended this year. But the practice which prevailed in making redeposits of money from some source or other ought not to be permitted to exist any longer. Congress should control, absolutely, the amount of these different funds.

I wanted simply to call the attention of the House to this practice down there, and I believe that this amendment ought not to be agreed to. If, as a matter of fact, there would be no danger from the source I speak of, yet I submit that it is a bad proposition to reappropriate money that is already appropriated and stands appropriated until the 30th day of June this year. It is bad policy to go to work and reappropriate money before the end of the fiscal year. I do not believe that we ought to do it on any bill with any fund, I do not care what it is. Let us wait and see whether there is an unexpended balance, and then if it is needed for the next year we can appropriate whatever amount is required at the next session of Congress. I do not believe we ought to do it in the way the committee now proposes. It sets a very bad precedent.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. MANN. Mr. Speaker, the gentleman says that it sets a very bad precedent. Is it not a fact that we did the same thing on the agricultural bill in the House and on the Army appropriation bill in the House and on every other appropriation bill that we passed in the House at this session and many times before?

Mr. HAMLIN. Does the gentleman mean that we reappropriated money that might be left unexpended?

Mr. MANN. Reappropriated the unexpended balance for the current fiscal year.

Mr. HAMLIN. I will ask the gentleman a question. Does the gentleman think that is a good way to legislate?

Mr. MANN. I think as a rule it is not, but the gentleman referred to the matter of setting a precedent; and when the House has set the precedent, I do not think it lies in our mouths to find fault with a conference committee that agreed to that as a compromise. I am not criticizing the practice. At times it is desirable though in some items it may not be. I think in most of the items passed in the Army and Agriculture appropriation bills and in other bills it was a proper thing to do.

Mr. HAMLIN. Were the amounts definite there?

Mr. MANN. Oh, no; the amounts were not definite. It was an unexpended balance.

Mr. FLOOD of Virginia. It would be impossible at this time of the year to state the amount with any definiteness.

Mr. MANN. Absolutely impossible.

Mr. HAMLIN. I know it is impossible, and that is one reason why I am objecting to it. Then I call the gentleman's attention to this fact: In the cases to which he referred there is no practice, I would suspect, although I have not looked it up, of increasing the fund by redeposits, is there, in the case of the Army and the agricultural appropriation bills, to which he refers?

Mr. MANN. I do not remember the particular items, but in some cases there are redeposits, where we sometimes make an appropriation, and in others there are sales to be made.

Mr. HAMLIN. Oh, yes; that is true where there are sales of property to be made, but I mean where the money is appropriated for a certain definite purpose, and then expended, and certificates filed certifying that it was expended and yet come back and deposit a certain sum of money so as to hold the expenditures down within the limits of the appropriation. That is exactly what is done in this fund—an unheard-of thing. I was surprised when I found it was true, and I have no doubt that it will surprise every Member here to know that is true, but it is a fact nevertheless. I have here in my desk now certificates, solemnly certified to, showing that there was expended this last fiscal year $103,852, and yet they had only $90,000 out of which to pay that sum. They seek to avoid the overdraft by showing that there were some redeposits amounting to $13,970.64. If this money was paid out, it was paid out, and that is all there is to it, and this money redeposited must have come from some other source. I do not know of any funds in this House, and I know of no kind of legislation that will permit an officer of this Government to increase a fund which we give him by making deposits to that fund from any source whatsoever.

I simply wanted to call the attention of the House and the country to the loose methods of doing business down in the State Department, with the hope that conditions may change in the future. I am satisfied that there have been changes to a certain extent since the matter has been agitated by the Committee on Expenditures in the State Department, and that is evidenced by the amount of money that there is now on hand in that fund, somewhere about $30,000, and this near to the end of the fiscal year, instead of the fund being overdrawn as it has been for several years heretofore. But there is still room for improvement.

Mr. SULZER. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. FLOOD].

Mr. FLOOD of Virginia. Mr. Speaker, I believe the conferees on the part of the House did all they could possibly do in the conference in the interest of economy. The bill, as agreed on in the conference, carries an aggregate appropriation of $811,650 less than the estimates made by the State Department. It carries an aggregate appropriation of $350,000 less than the appropriation made for a similar purpose last year. We did think when we had gotten through with the conference that we had accomplished a good deal in the interest of economy.

As one of the members of the Foreign Affairs Committee my attention had been called, through the activities of the committee presided over by the gentleman from Missouri [Mr. HAMLIN], to what I believed to be an abuse in the use of the contingent fund; and on the Foreign Affairs Committee I voted to reduce that fund from $90,000 to $50,000, and believed at the time that that was a sufficient fund of this character for the State Department. In the conference we were confronted with the proposition from the Senate, backed by a positive statement from the State Department, that they could not get along with one cent less than $90,000, which had been formerly appropriated to that fund.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. FLOOD of Virginia. Certainly.

Mr. GARNER. That was in the face of the statement that they would have a surplusage for this year of from fourteen to thirty thousand dollars.

Mr. FLOOD of Virginia. Yes.

Mr. GARNER. It seems to me that it is not consistent for the State Department to say they could not get along with a cent less than $90,000, although they were not able to use the money for this fiscal year.

Mr. FLOOD of Virginia. Why is it not consistent, when the gentleman from Missouri [Mr. HAMLIN] has pointed out that last year they expended more than $90,000 by $13,000, and the year before they practically expended it all? That is the way the question of consistency presents itself to me, and I hold no brief for the State Department, either.

Mr. HAMLIN. If the gentleman will permit, the gentleman from Missouri strongly believes that much of that money was improperly expended and ought not to have been expended.

Mr. FLOOD of Virginia. That has nothing to do with the question suggested by the gentleman from Texas.

Mr. HAMLIN. Oh, yes; it has.

Mr. FLOOD of Virginia. If the gentleman will wait a minute—the gentleman from Texas said it was not consistent for the department to say it wanted $90,000, in view of the fact that there was an unexpended balance now. I say it is consistent, in view of the fact that in 1910 and 1911 they spent not only the $90,000, but, according to the contention of the gentleman from Missouri, more than $90,000. We had to be governed by the facts before us, and while we did believe—and I still believe—there have been abuses in the administration of this fund, we had the positive statement from the Secretary of State that $50,000 would not run this particular branch of his department, and we finally compromised with the conferees on the part of the Senate by agreeing to reappropriate any unexpended balance there might be for the year 1912. We were informed it was about $15,000, and that would make $65,000, or a reduction in this fund of $25,000. If it is as the gentleman from Illinois informs us, it will be $80,000, or a reduction of $10,000. Whatever the unexpended balance, will there be a reduction in this fund of a substantial amount? I can not think, in view of the money that has been spent out of this fund for the past two years, that there will be as much as $30,000 unexpended at the and of this year. The gentleman from Missouri pointed out that in 1910 they spent all the money and more and in 1911 there was practically no balance left. So I think, Mr. Speaker, in view of the facts we had presented before us, that the committee did very well in reaching this compromise with the Senate committee and the House will do very well in ratifying what the conferees did. [Applause.]

Mr. SULZER. Mr. Speaker, does the gentleman from Illinois desire some time? I will yield him three minutes.

Mr. MANN. Mr. Speaker, I do not think that I require any time, except simply to say I have been over this conference report very carefully, and I really think the House conferees have done credit to themselves in the report. [Applause.] Most of the items which the Senate had inserted which were in any way objectionable are disagreed to; the Senate recedes from them. Of course, there has to be a compromise on ordinary questions of amounts in appropriation bills, but I think on the whole the compromises have been in the interest of a reduction of the amount as contended for by the House instead of a large

increase as contended for by the Senate, and I compliment the gentleman in charge of the bill on what he has done.

Mr. SULZER. I am much obliged to the gentleman. Mr. Speaker, I move the adoption of the conference report, and on that motion I move the previous question.

The question was taken, and the previous question was ordered.

Mr. HAMLIN. Mr. Speaker, I simply desire to ask unanimous consent to insert in my remarks some tables or figures, to which I referred a while ago, as I desire to have them accurate.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to insert as a part of his remarks the matter indicated. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

ACTS AND RESOLUTIONS, LEGISLATIVE ASSEMBLY, PORTO RICO (S. DOC. NO. 603).

The SPEAKER pro tempore. The Chair lays before the House the following message from the President, which the Clerk will read.

The Clerk read as follows:

To the Senate and House of Representatives:

As required by section 31 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I have the honor to submit herewith copies of the acts and resolutions enacted by the Legislative Assembly of Porto Rico during the sessions beginning January 8 and ending March 14, 1912.

WM. H. TAFT.

THE WHITE HOUSE, *April 24, 1912.*

The SPEAKER pro tempore. The message is ordered to be printed and referred to the Committee on Insular Affairs.

BANKING AND CURRENCY CONDITIONS OF THE UNITED STATES.

Mr. HENRY of Texas. Mr. Speaker, I submit a privileged resolution from the Committee on Rules, which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 504 (H. Rept. 600).

Whereas H. Res. 429 was heretofore passed for the purpose of directing the conduct of an investigation into certain of the matters covered by this resolution, and it has since been ascertained that said H. Res. 429 is insufficient in the delegation of its powers to permit of the scope of inquiry which is believed to be necessary as a basis for remedial legislation on the subjects covered by this resolution:

Resolved, That H. Res. 429 is hereby amended so that the same shall read as follows:

"Whereas legislation is now pending involving important changes in our national currency and monetary system and vitally affecting our national banks and other financial institutions, and various bills have also been introduced, and are now under consideration by Congress having for their purpose the amendment and supplementing of the act approved July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' generally known as the Federal antitrust law; and

"Whereas bills are also pending or under consideration to regulate industrial corporations engaged in interstate commerce through Federal incorporation, supervision, and otherwise, and legislation is believed to be necessary to further control the incorporation, management, and financial operations of railroad corporations that are now subject to the jurisdiction of the Interstate Commerce Commission, including, among other things, the regulation of the issue and sale of their securities and the protection of minority stockholders; and

"Whereas it has been charged, and there is reason to believe, that the management of the finances of many of the great industrial and railroad corporations of the country engaged in interstate commerce is rapidly concentrating in the hands of a few groups of financiers in the city of New York and their associates in New York and other cities, and that these groups, by reason of their control over the funds of such corporations and the power to dictate the depositories of such funds, and by reason of their relations with the great life insurance companies with headquarters in New York City, and by other means, have secured domination over many of the leading national banks and other moneyed institutions and life insurance companies in the city of New York and in other cities to which they direct such patronage and over the vast deposits of money and of the other assets of such institutions, thus enabling them and their associates to direct the operations of the latter in the use of the money belonging to their depositors and the stockholders and in the purchase and sale of securities and loans of money by such banks and other moneyed institutions and life insurance companies, and that these institutions and their funds are being used to further the enterprises and increase the profits of these groups of individuals from such transactions and to augment their power over the finances of the country and to control the money, exchange, security, and commodity markets and prevent competition with the enterprises in which they are interested, to the detriment of interstate commerce and of the general public; and

"Whereas it has been further charged and is generally believed that these same groups of financiers have so entrenched themselves in their control of the aforesaid financial and other institutions and otherwise in the direction of the finances of the country that they are thereby enabled to use the funds and property of the great national banks and other moneyed corporations in the leading money centers to control the security and commodity markets; to regulate the interest rates for money; to create, avert, and compose panics; to dominate the New York Stock Exchange and the various clearing-house associations throughout the country, and through such associations and by reason of their aforesaid control over the aforesaid railroads, industrial corporations, and moneyed institutions, and others, and in other ways resulting therefrom, have wielded a power over the business, commerce, credits, and finances of the country that is despotic and perilous and is daily becoming more perilous to the public welfare; and

"Whereas the national banks and other moneyed institutions controlled as aforesaid are charged to have been, and to be, engaged in the promotion, underwriting, and exploitation of speculative enterprises and in the purchase and sale of securities of such enterprises, and in acquiring, directly or indirectly, stocks of other banking institutions and absorbing competitors and in using their corporate funds and credit for such purposes, either alone or in conjunction with those by whom they are controlled; and

"Whereas it is deemed advisable to gather the facts bearing on the aforesaid conditions and charges or in any way relating thereto or to any of the subjects above mentioned as a basis for remedial and other legislative purposes: Therefore be it

"*Resolved*, That the Members now or hereafter constituting the Committee on Banking and Currency, by a subcommittee consisting of the 11 members thereof already appointed under H. R. 429 and by such substituted members as may be from time to time selected from the members of the said committee to fill vacancies in the subcommittee, is authorized and directed—

"First. To fully investigate and inquire into each and all of the above-recited matters and into all matters and subjects connected with or appurtenant to or bearing upon the same.

"Second. To fully inquire into and investigate, among other things, whether and to what extent—

"(a) Individuals, firms, national banks, and other moneyed corporations are engaged in or connected with the management of financial affairs of interstate railroad or industrial corporations, or life insurance companies, and what potential or other power they have or exercise over such corporations, and how and to what uses the bankable funds of such interstate railroad or industrial or other corporations are applied.

"(b) The marketing of the securities that have been from time to time issued by interstate railroad and industrial corporations has been by competitive bidding or otherwise.

"(c) Changes have been procured in the general laws of any of the States under which such interstate corporations are organized in the interest or upon the procurement of such corporations, and for what reason and by what methods and influences such changes were accomplished.

"(d) Individuals, firms, national banks, and other moneyed corporations interested in or in anywise connected with such interstate corporations are enabled by reason of their relations or connection with other interstate corporations or with other individuals, firms, national banks, moneyed corporations, or life insurance companies, or otherwise to prevent or suppress competition in the interest of such interstate corporations, or to protect or assist the latter in preventing or suppressing competition.

"(e) Such interstate corporations and the individuals, firms, national banks, and moneyed corporations are mutually benefited and protected against competition and otherwise by the relations existing between them.

"(f) National banks and other moneyed and other institutions are directly or indirectly owned, dominated, or controlled through their directors or through stock ownership, official management, patronage, or otherwise by the same persons, interests, groups of individuals, or corporations that are also directly or indirectly interested in other national banks or moneyed or other corporations located in the same city and in interstate corporations that are customers of said national banks and other moneyed corporations.

"(g) The same individuals are officers or directors of, or were or are directly or indirectly interested in or dominate or control, or heretofore dominated or controlled, in any way, more than one national bank or other moneyed corporation.

"(h) The funds or credit of national banks and other moneyed corporations or life insurance companies are or have been used or employed other than in making current loans to merchants or on commercial paper, by whose influence or direction such funds or credits were so used or employed, and particularly whether and to what extent such funds are or have been employed: First, in the purchase of securities from bankers or others in any way interested in or connected with such corporations; second, in the guaranty or underwriting of securities or syndicate transactions, either alone or in conjunction with others; third, in loans on notes secured by bonds, stocks, or other collateral; fourth, in loans on or purchases of stocks of other banks or of any trust or investment company or financial or moneyed corporation; and, fifth, in any form of investment alone or in joint account with others.

"(i) Any national bank or other moneyed corporation, whether directly or indirectly, or whether through or by means of another corporation having substantially the same officers, management, control, or stockholders, or with stock paid for by the dividends of a parent or affiliated company, and, whether alone or with others, has acted as an issuing house or in offering securities to the public or to investors by prospectus, advertisement, solicitation, or otherwise, or has speculated or is speculating in stocks, and if so, the nature of all such transactions and the profits and all other details thereof.

"(j) The management and operations of the New York Stock Exchange and the New York Clearing House Association are, or may be, directly or indirectly, dominated, controlled, or otherwise affected by any individuals or groups of individuals who control or are influential in directing the use or deposits of the funds of national banks in the city of New York, or of interstate railway or industrial corporations, or life insurance companies, and the relations that the New York Stock Exchange and the New York Clearing House bear to such individuals and groups of individuals and to their financial transactions and to our commercial and financial systems and to interstate and foreign commerce.

"(k) Any individual, firm, or corporation, or any one or more groups of such individuals, firms, or corporations, may or can affect the security markets of the country through the New York Stock Exchange, or can create, avert, or compose panics by the control of the use and disposition of moneys in the banks and other moneyed or other corporations

that are controlled by such individual, firm, or corporation, or by other means.

"(1) There is any connection between the relations of bankers, banking firms, and their associates to the railroad and industrial corporations engaged in interstate commerce, and the relations of such bankers, banking firms, and their associates to the national banks and other moneyed or other corporations, and the relations of any of these interests to any of the others that operate to protect such interstate corporations against competition or are or may be used for that purpose.

"Third. To investigate, find, and report the facts bearing upon the payment of political contributions to national campaign funds by or in the interest of national banks and interstate railroad and industrial corporations, and by all persons who are officers or directors thereof, and by other persons who are directly or indirectly in control of or connected with such corporations, together with the amounts of such contributions and the circumstances attending the same.

"Fourth. To investigate the methods of financing the cash requirement of interstate corporations and of marketing their securities, and the relations of national banks and others to such transactions.

"Fifth. Said committee as a whole or by subcommittee is authorized to sit during the sessions of the House and during the recess of Congress. Its hearings shall be open to the public. The committee as a whole or by subcommittee is authorized to hold its meetings both during the sessions of Congress and throughout the recesses and adjournment thereof and in such cities and places in the United States as it may from time to time designate; to employ counsel, experts, accountants, bookkeepers, clerical and other assistants; may summon and compel the attendance of witnesses; may send for persons and papers; and administer oaths to witnesses. The Comptroller of the Currency, the Secretary of the Treasury, and the Commissioner of the Bureau of Corporations, and their respective assistants and subordinates, are hereby respectively directed to comply with all directions of the committee for assistance in its labors, to place at the service of the committee all the data and records of their respective departments, to procure for the committee from time to time such information as is subject to their control or inspection, and to allow the use of their assistants for the making of such investigations with respect to corporations under their respective jurisdictions as the committee or any subcommittee may from time to time request.

"No person shall be excused from giving testimony or from answering any question or from otherwise disclosing any fact within his knowledge as an individual or as an officer or director of a corporation, or otherwise, or from producing any book, paper, or document on the ground that the giving of such testimony or the production of such book, paper, or document would tend to incriminate him, or for any other reason; but every person so testifying shall be granted immunity from prosecution with respect to any matter or thing concerning which he may be interrogated and as to which he shall truthfully make answer under oath upon such investigation. The Speaker shall have authority to sign and the Clerk to attest subpœnas during the recess of Congress."

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The point of order is sustained.

Mr. HENRY of Texas. Mr. Speaker, I move a call of the House.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Allen	Gardner, Mass.	Kahn	Reyburn
Ames	Garrett	Kennedy	Riordan
Anderson, Ohio	George	Kitchin	Roberts, Mass.
Barchfeld	Gillett	Knowland	Roberts, Nev.
Bartholdt	Goldfogle	Lawrence	Rucker, Colo.
Booher	Good	Lindsay	Russell
Borland	Graham	Littleton	Scully
Bradley	Greene, Mass.	Lloyd	Sells
Buchanan	Griest	Loud	Sheppard
Burgess	Gudger	McCall	Slemp
Burke, Pa.	Hanna	McHenry	Smith, Cal.
Burleson	Hardwick	McKellar	Sparkman
Callaway	Harris	Mays	Stack
Clark, Fla.	Harrison, N. Y.	Miller	Stanley
Covington	Hartman	Moore, Tex.	Switzer
Cox, Ind.	Hawley	Mott	Talbott, Md.
Curley	Heflin	Murdock	Taylor, Ala.
Curry, N. Mex.	Hensley	Murray	Taylor, Colo.
Davidson	Higgins	Needham	Underwood
Davis, Minn.	Hill	Olmsted	Utter
De Forest	Hinds	O'Shaunessy	Watkins
Denver	Hobson	Padgett	Weeks
Dickson, Miss.	Houston	Patton, Pa.	Wilder
Estopinal	Howard	Porter	Woods, Iowa
Fairchild	Hughes, N. J.	Pou	Young, Mich.
Fields	Hughes, W. Va.	Randell, Tex.	
Focht	Humphreys, Miss.	Ransdell, La.	
Fuller	James	Reilly	

The SPEAKER pro tempore. Two hundred and eighty-four gentlemen have responded to their names. A quorum is present.

Mr. HENRY of Texas. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER pro tempore. The gentleman from Texas [Mr. HENRY] moves to dispense with further proceedings under the call. The question is on the motion of the gentleman from Texas.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The further proceedings under the call are dispensed with, and the Doorkeeper will open the doors. The gentleman from Texas [Mr. HENRY] is recognized.

Mr. HENRY of Texas. Mr. Speaker, I would like to ask the gentleman from Pennsylvania [Mr. DALZELL] if he thinks 20 minutes on a side will be sufficient time for discussion?

Mr. DALZELL. I do not. I think we ought to have more time than that. I have had requests from this side of the House for time, and I do not think we can get along with anything like that amount.

Mr. HENRY of Texas. How much time does the gentleman think he ought to have?

Mr. DALZELL. I think we ought to have 45 minutes on a side.

Mr. HENRY of Texas. Mr. Speaker, I make this proposition: That I be recognized, and we will proceed for one hour, one-half of the time to be yielded to the gentleman from Pennsylvania [Mr. DALZELL] and 30 minutes to be used by myself, making 30 minutes on a side; and at the end of that hour I will move the previous question.

Mr. DALZELL. I do not think that is sufficient time in which to discuss this question.

Mr. MANN. I would like a little time on this.

Mr. DALZELL. There are quite a number of Members over here who are desirous of speaking.

Mr. HENRY of Texas. How would it do to give the gentleman 40 minutes over there and 30 minutes on this side? The gentleman asked for 45 minutes. I think we can agree on that.

Mr. BARTLETT. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Georgia will state it.

Mr. BARTLETT. May I inquire of the Speaker what the proposition before the House is?

The SPEAKER pro tempore. The gentleman from Texas has been recognized, and the proposition before the House is the report from the Committee on Rules.

Mr. BARTLETT. I understand, the gentleman from Texas intending to call up some point from the Committee on Rules, the point of no quorum was made, and while we have some anticipation of what will be before the House, the House has not yet been informed what report from the Committee on Rules is concerned.

The SPEAKER pro tempore. The resolution was called up and read in the hearing of the House.

Mr. HENRY of Texas. Undoubtedly. The gentleman ought to have been here.

Mr. BARTLETT. "The gentleman" has been here as long as the gentleman from Texas has been.

Mr. HENRY of Texas. The report was read in full in the hearing of the House.

The SPEAKER pro tempore. The Chair will state that the report was read in the hearing of the House in full, and then the gentleman from Texas [Mr. HENRY] was recognized.

Mr. MANN. Would not the gentleman be willing to give an hour to this side?

Mr. HENRY of Texas. I am willing to agree to 45 minutes to a side. The gentleman from Pennsylvania [Mr. DALZELL] proposed that, and I am perfectly willing to agree to that. So, Mr. Speaker, I ask unanimous consent that the debate be limited to 45 minutes to each side, 45 minutes to be controlled by myself and 45 minutes to be controlled by the gentleman from Pennsylvania [Mr. DALZELL], and at the end of that time the previous question be considered as ordered on the amendment and resolution to its final passage.

The SPEAKER pro tempore. The gentleman from Texas [Mr. HENRY] submits a request to the following effect: That debate on the proposition be limited to 45 minutes to a side, and the gentleman from Pennsylvania [Mr. DALZELL] to control 45 minutes and the gentleman from Texas [Mr. HENRY] to control 45 minutes on his part, and that at the expiration of this debate the previous question be considered as ordered on the resolution and amendments.

Mr. HENRY of Texas. One amendment.

Mr. LENROOT. Mr. Speaker, if I may remind the Chair, the proposition of the gentleman from Texas was that at the end of that time he would move the previous question.

Mr. HENRY of Texas. That I be recognized to move the previous question at the end of that time.

The SPEAKER pro tempore. The proposition will be modified to that extent. Is there objection?

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman, as to this resolution, if the preamble and all the resolution, except a small part of it, is not the same resolution that was considered by the Democratic caucus and which was not favorably acted upon by the Democratic caucus when the matter was before it?

Mr. HENRY. It is not exactly the same.

Mr. BARTLETT. "Not exactly the same," but is it not substantially the same, with the exception of the last clause?

Mr. HENRY of Texas. Oh, no. I would not consider it the same, because one provides for a special committee, and this

provides for an investigation by the Committee on Banking and Currency, and the gentleman from Louisiana [Mr. PUJO], the chairman of the Committee on Banking and Currency, is going to discuss that very point.

Mr. BARTLETT. I reserve the right to object, Mr. Speaker. Is not the preamble to this resolution identical with the preamble in the resolution which the Democratic caucus refused to adopt?

Mr. HENRY of Texas. Very largely; but the caucus did not refuse to adopt it. This only grants a little concurrent additional power. It does not change the attitude of the Democratic Party at all.

Mr. BARTLETT. That is, in the estimation of the gentleman from Texas, and he has arrogated to himself the whole right to judge, without consulting the caucus.

Mr. HENRY of Texas. I will say to the gentleman that I do not arrogate anything.

Mr. BARTLETT. The Committee on Rules has arrogated, I will say, the right to determine that question.

Mr. Speaker, I do not object, because I think as much time ought to be given to the consideration of this resolution as can be gotten. But I wanted to call attention to certain matters—a thing which I have done—and this is the only way in which I can call attention to the matter—that some of us who attended the caucus are bound by it, and others who also attended the caucus do not seem to be bound by it.

The SPEAKER pro tempore. Is there objection?

Mr. LINDBERGH. Mr. Speaker, reserving the right to object, I want to inquire if there is to be any opportunity to make amendments?

Mr. HENRY of Texas. One amendment, which proposes to strike out a certain portion. That is all.

Mr. LINDBERGH. What is that?

Mr. HENRY of Texas. From line 10, on page 10, down to the words "The Speaker."

Mr. LINDBERGH. I wanted to inquire if there would be any objection to striking out the following words, in lines 5 and 6, on page 4, "from the members of the said committee," and inserting the words "by the House"?

Mr. HENRY of Texas. We may get to that a little later and reach some conclusion in regard to it. I am not ready now to take that up. Now, Mr. Speaker, I ask——

The SPEAKER pro tempore. Is there objection?

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry. If this agreement is made and the previous question is ordered, that requires a vote upon the preamble as well as the resolution, without any opportunity to strike out the preamble, does it not?

The SPEAKER pro tempore. That is the effect of the motion submitted.

Mr. BARTLETT. If the gentleman's agreement is made, and the gentleman at the end of an hour and a half is recognized to move the previous question, and the previous question is ordered, then there will be no opportunity offered to strike out the preamble, as there would be if the previous question was not ordered.

The SPEAKER pro tempore. The Chair so understands the effect of the motion. Is there objection to the request?

There was no objection.

Mr. HENRY of Texas. Mr. Speaker, the resolution which has been reported from the Clerk's desk represents the harmonious action of the majority of the subcommittee of the Committee on Banking and Currency and the Committee on Rules.

The resolution is plain and speaks for itself. It provides for a thorough investigation of what is commonly termed the "Money Trust," and endows the subcommittee of that important committee of this House with full power to go into every phase of this great problem which we are now about to face.

In regard to what the gentleman from Georgia [Mr. BARTLETT] has said, I wish to say that, in my judgment, this resolution does not contravene the action of the Democratic caucus at all. That caucus was considering the proposition as to whether or not it would clothe a special committee with power to investigate the Money Trust. This resolution sends all of these questions to a subcommittee of the Committee on Banking and Currency, and it provides for additional power, in order that the committee may go into every phase of the question. It does not encroach upon the jurisdiction of the Committee on the Judiciary, nor does it intrench upon the rights and privileges of the Committee on Interstate and Foreign Commerce.

If this resolution is adopted to-day, it provides for ample power being vested in the Committee on Banking and Currency, and does not rob any of the other committees of their legitimate jurisdiction and privileges. They may proceed with their investigation under the action taken by the Democratic caucus without let or hindrance, and doubtless they will so conduct their investigation hereafter. Let both sides of this House understand that if this resolution is adopted every phase of the money monopoly, of which we have complaints and of which the country is cognizant, can be investigated by this committee of the House, with the cooperation of some of the greatest lawyers in this country, skilled in the questions that are to be solved, and who stand high in the estimation of the American people. Therefore in obedience to the request of the Committee on Banking and Currency and in obedience to the instructions of the majority of the Committee on Rules, as the chairman of that committee, I have submitted this important resolution, and trust that there will be no opposition to it on either side of this House, in order that we may proceed to investigate that vicious system of financial monopoly that we know to exist in New York and other money centers of this country. [Applause.]

I reserve the balance of my time.

Mr. GLASS. Mr. Speaker, before the gentleman from Texas takes his seat, I should like to correct one statement. He is not offering this resolution in pursuance of any request of the Committee on Banking and Currency.

Mr. HENRY of Texas. I said the subcommittee.

Mr. GLASS. In the first instance, the gentleman said that, but just at the last he mentioned the Committee on Banking and Currency.

Mr. HENRY of Texas. I did not intend to. I referred to the subcommittee of that committee.

I yield 10 minutes to the gentleman from Louisiana [Mr. PUJO].

Mr. PUJO. Mr. Speaker, as the introducer of this resolution, a statement by me may be of some use and benefit to the House.

On February 3, 1912, House resolution 405 was introduced by the gentleman from Texas [Mr. HENRY] for the purpose of investigating what is commonly called the Money Trust. Upon that resolution a caucus was had by the majority party, and, as a result of that caucus, House resolution 429 was reported by the Committee on Rules and passed by this House on February 24, 1912. House resolution 429 directed and authorized the Committee on Banking and Currency to investigate all matters included in House resolution 405 within the jurisdiction of said committee.

Causes beyond my control took me home. During my absence the committee was authorized to take up the investigation and pursue it in so far as it could within that time.

From the moment that resolution 429 was referred to the committee on Banking and Currency it was like a Pandora's box. Some of the lawyers on that committee contended that we had jurisdiction, others that we had not. Members of the House of Representatives were talking privately to members of the committee, saying that the investigation would be a farce. Members of the subcommittee itself—because the committee was divided into two committees—differed as to their powers.

I want to say that this resolution is not introduced by me as chairman of the Committee on Banking and Currency, nor as representing the subcommittee, but as representing the majority members of the subcommittee.

Mr. SHERLEY. How many majority members are there in the subcommittee?

Mr. PUJO. Seven. Carrying out the action of that subcommittee, after consultation with eminent counsel, and after dispute and disagreement by and between the membership of this House, whether resolution 429 would give us power to investigate the subject matter contained in resolution 405, this resolution has been presented to the House for the purpose of letting it take such action as is meet and proper.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. PUJO. Certainly.

Mr. BARTLETT. This resolution 504 is the same as resolution 405, except with the addition at the end of the resolution giving it more power. Is not that true?

Mr. PUJO. Practically so.

Mr. BARTLETT. Resolution 405 is the one the Democratic caucus refused to adopt?

Mr. PUJO. Resolution 405 was acted on by the Democratic caucus, and resolution 429 expressed the views of the caucus.

Mr. BARTLETT. But resolution 405 was not approved by the caucus?

Mr. PUJO. Not to my knowledge.

Mr. FORNES. Will the gentleman yield for a question?

Mr. PUJO. I will.

Mr. FORNES. Is it not a fact that the subcommittee has already employed its attorneys?

Mr. PUJO. No; it is not a fact. They have not employed attorneys. The fact is, they have agreed to employ Mr. Edgar

H. Farrar, of New Orleans, as one, and Mr. Samuel H. Untermyer, of New York, as the other. They have agreed to retain them.

Mr. FORNES. Is it not a fact that since the partial employment of these lawyers was made this action has been taken?

Mr. PUJO. It was upon the advice of these lawyers, so that there could be no question of the jurisdiction of the committee to go into the investigation and bring a contumacious witness before the House in pursuance of the grant conferred upon it by the House.

Mr. FORNES. Has the compensation of these gentlemen been arranged?

Mr. PUJO. It has.

Mr. FORNES. Would the gentleman object to stating what it is?

Mr. PUJO. I will state that I have no personal objection. I want to make this statement: That one of the counsel said that the compensation was no object whatever; that he would not accept the employment if these additional powers were not granted, because he did not believe that the committee's investigation would amount to anything unless the additional power was granted. That was Mr. Untermyer.

Mr. FORNES. Is it not a fact, also, that Mr. Untermyer has had difficulty with some of these corporations, and it is for that purpose that he is anxious to bring about this investigation?

Mr. PUJO. I do not know it.

Mr. FORNES. I am so informed.

Mr. DALZELL. Will the gentleman yield for a question?

Mr. PUJO. These questions are taking up my time, but I will yield to the gentleman.

Mr. DALZELL. I would like to ask the gentleman whether this resolution now before the House is not identically the same in substance as the resolution passed upon by the Democratic caucus?

Mr. BARTLETT. I asked him that question a moment ago, and he said it was.

Mr. PUJO. I so consider it.

Mr. DALZELL. One more question—whether or not this resolution was not drawn by Mr. Untermyer?

Mr. PUJO. The original resolution 405? I do not know.

Mr. DALZELL. This resolution.

Mr. PUJO. No. Mr. Untermyer and Mr. Farrar retired to a room and made some corrections in and additions to resolution 405.

Mr. DALZELL. Resolution 405 was corrected by Mr. Untermyer?

Mr. PUJO. No; Mr. Farrar, I think, made as many corrections as Mr. Untermyer. Now, Mr. Speaker, in concluding what I have to say on this subject, I consider that the effect of the adoption of this resolution is to merge in this subcommittee created by the committee all the powers that were intended to have been conferred upon the special committee in so far as they relate to banking and currency and in so far as they relate to the financial and monetary system.

Mr. FORNES. Will the gentleman yield?

Mr. PUJO. Yes.

Mr. FORNES. Would not you have the same power under the resolution adopted by the Democratic caucus to go into all these questions?

Mr. PUJO. I have so considered, but some lawyers say that we can not move a step.

The SPEAKER pro tempore. The time of the gentleman from Louisiana has expired.

Mr. KINDRED. Will not the gentleman have his time extended so that I may ask him a question?

The SPEAKER pro tempore. The gentleman from Texas controls the time.

Mr. DALZELL. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I am in favor of this resolution and shall vote for its adoption. The resolution itself is a very important matter, but there is a matter in connection with the resolution that is quite as important as is the resolution itself, and I wish to say a word with reference to that. A number of times upon this floor during this session I have referred to caucus action upon the part of the majority on the other side. I am glad that in the presentation of this resolution we have the first evidence that the Democratic majority refuse to longer be bound by caucus action and propose to assert their rights and privileges as independent Members of this House. [Applause.]

Mr. BARTLETT. Mr. Speaker, may I ask the gentleman a question?

Mr. LENROOT. I yield to the gentleman.

Mr. BARTLETT. Then the gentleman construes this resolution as reported by the Committee on Rules as contrary to the action taken by the Democratic caucus?

Mr. LENROOT. There is no question about it, because this resolution is substantially the same, and except in a few words it is exactly the same, as was resolution 405, which on the 7th day of last February the Democratic majority rejected in caucus.

Mr. STEPHENS of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. STEPHENS of Mississippi. The gentleman has stated that the Democratic caucus on a certain date rejected resolution 405. I desire to call the gentleman's attention to the fact that the only thing that was rejected by the Democratic caucus which was contained in resolution 405 was the clause that referred to having this matter investigated by a special committee. That was the only thing that was opposed by any member in the Democratic caucus, and that was the only part of the resolution that was voted down.

Mr. LENROOT. Mr. Speaker, in reply to that, I prefer to quote from the debate in the CONGRESSIONAL RECORD had on that day. I quote first from the distinguished chairman of the Committee on Banking and Currency [Mr. PUJO]. On the 24th day of February he said:

> The responsible majority of this House determined there should be an investigation along orderly lines and in due course of procedure. It was a jurisdictional question.
>
> The Democratic Party, in its caucus, arrived at the conclusion that the investigation should be made by a committee having jurisdiction of the subject matter.

Is there any claim now that the Banking and Currency Committee has jurisdiction under the rules of this House of the subject matter now contained in this resolution? Will anybody answer?

I desire to refer next to the distinguished chairman of the Committee on the Judiciary, the gentleman from Alabama [Mr. CLAYTON], who during the course of that debate said:

> Mr. Speaker, in order to still the impatience of the gentleman from Kansas [Mr. CAMPBELL], and the gentleman from Nebraska [Mr. NORRIS], and the gentleman from Wisconsin [Mr. LENROOT], I beg to read to the House a resolution which I have to-day introduced.

He then read a resolution introduced, which has since been adopted, giving to the Judiciary Committee jurisdiction over a portion of the matter now covered by resolution 405, and then the gentleman continued:

> And I think under this resolution my friend from Nebraska [Mr. NORRIS], who is a member of the Committee on the Judiciary, and I can get busy and do any necessary investigating.

There can be no question, gentleman, that your caucus action was that the various subjects referred to in House resolution 405 should be investigated by the separate committees having jurisdiction of the subject. Is there any question about that?

The contention on this side with reference to this whole question—a contention which is fully vindicated by the resolution now pending before this House—was that while you pretended to give the Committee on Banking and Currency jurisdiction to investigate the so-called Money Trust, in fact you did not enlarge the jurisdiction of that committee one iota, and I stated in the opening of the debate then that this was an attempt upon your part to perpetrate a fraud upon the membership of the House and the country. Your committee now concedes that if the resolution should remain in the form in which it was passed, that would be the effect of it. It has been said by the chairman of the Committee on Banking and Currency that the only question before it was whether, there being a reference in the original resolution to House resolution 405, which had not been passed, it was not such a defect as would deprive the committee of jurisdiction over the subjects mentioned in resolution 405. But, Mr. Speaker, they forget that there was no attempt in that resolution to give the committee any jurisdiction over the matters covered in the original resolution 405 other than the committee had already full jurisdiction of, and what we complained about at that time was that they in express words limited the power of the committee with reference to the matter stated in House resolution 405 to matters within its jurisdiction, and the resolution would have meant exactly the same thing if all reference to resolution 405 had been omitted.

So much for that caucus action. I hope that a majority of that side of the aisle, notwithstanding that caucus action, will vote for this resolution to-day, because the resolution is right, and your duty ought to be greater to the public than it is to a secret Democratic caucus. [Applause on the Republican side.]

Now, with reference to the contention made at the time this original resolution was passed by Members on this side, I want

to make one or two references to the debate that occurred at that time. I made the point then that the resolution was not sufficient to give this committee jurisdiction of this subject, and the gentleman from Texas [Mr. HARDY], replying, stated:

Mr. Speaker, in my opinion, if the Committee on Banking and Currency upon the adoption of this resolution were to adopt the narrow construction placed upon it by the gentleman from Wisconsin that committee would be damned by the whole country.

Well, Mr. Speaker, that committee now has adopted that narrow construction contended for by the gentleman from Wisconsin, and whether the committee is damned or not by the whole country it is not for me to say. I am glad, however, that there is repentance upon their part, because——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LENROOT. Can I have five minutes more?

Mr. DALZELL. I yield five minutes additional to the gentleman.

Mr. LENROOT. Because of the force of public opinion upon this question that committee is compelled to come back to the House and ask for a resolution that means something that if the committee does its duty will enable it to investigate these great questions as they ought to be investigated. And again the gentleman from Georgia [Mr. HARDWICK], who I believe is not present to-day, closed the debate upon that occasion, and this is what he stated:

Mr. Speaker, it seems to me that the burden of complaint sung by the gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Nebraska [Mr. NORRIS], when measured carefully and boiled down, means insurgent discontent at Democratic harmony. These gentlemen insist that the resolution that this House is asking to pass will not authorize a real investigation. I challenge the assertion. I question the sincerity of gentlemen who dare make such a statement on the floor of this House.

This House can confer upon no committee, regular or special, any broader power than it possesses itself; and if this House has not conferred upon this committee as broad a power as the House of Representatives itself possesses, then I stand confessed as a defeated champion in this cause.

And by the action of the committee in now coming and asking for the very power that we insisted should be inserted in this resolution the gentleman from Georgia does stand confessed, as he said he would, and I shall be interested, Mr. Speaker, in watching the vote upon this question to see now if all your lawyers upon that side of the House are convinced that the resolution did not confer sufficient power upon this committee.

Mr. TRIBBLE. Mr. Speaker, may I ask the gentleman a question?

Mr. LENROOT. And I am interested in knowing whether you are more interested in having a real investigation of this so-called Money Trust or whether you are more interested in wearing the collar of a secret caucus of your party. Now I yield to the gentleman.

Mr. TRIBBLE. In the absence of my colleague, I would like to ask the gentleman whether the committee has made any effort to have the real investigation that you asked for? What has the committee done except come back and ask for this resolution? What have they done? Have they undertaken to have any investigation? Have they subpœnaed any witnesses for an investigation?

Mr. LENROOT. Certainly not, because they have found if they are going to have an actual investigation—and I doubt very much whether it was so intended at the time this resolution was passed—when it was finally determined, because of public opinion, that an investigation must be had, they found they could not make it without coming back to this House and getting power to do it.

Mr. RODDENBERY. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. RODDENBERY. In that connection, is it not true that in the same RECORD of February 24, from which the gentleman has just quoted, Mr. Chairman PUJO himself said, in response to an inquiry, that if it should be found that the committee did not have ample power to make the investigation the committee certainly would report to the House and ask for such further and additional power as might be found necessary?

Mr. LENROOT. Yes; he did make that statement, and if the gentleman desires to leave the matter, that every lawyer upon this side at once saw that the resolution was insufficient to give the necessary power, and it took two months' time for lawyers upon that side to discover it, he is welcome to take that position. [Applause on the Republican side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENRY of Texas. Mr. Speaker, I yield three minutes to the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. Mr. Speaker and gentlemen of the House, the Members of both sides of this House have professed a desire to thoroughly investigate this alleged Money Trust. Resolution 429 directed us to investigate, for the purpose of determining what legislation is needed, the matters touched upon in resolution 405. Even assuming that by referring to resolution 405 it was made as completely a part of 429 as if it were embodied in it, yet the fact that our jurisdiction under resolution 429 is restricted to an investigation for the purpose of determining what legislation is needed makes it apparent at once that we could not investigate the interstate railroads, private banking houses, or State banks as to their connection with a Money Trust, because our committee could not recommend legislation as to those institutions. Under the Kilburn case it would be a fruitless investigation into the private affairs of those institutions, because our committee would have no power to recommend legislation to remedy any wrongs which might exist. The resolution introduced to-day will give us all the power necessary. The subcommittee charged with this investigation, desiring to make a full and complete investigation of this subject, believed it wise to come and ask to be clothed with power that would enable it to carry out the directions of this House.

Mr. TRIBBLE. May I ask the gentleman a question?

Mr. BYRNES of South Carolina. Yes.

Mr. TRIBBLE. What has the committee done?

Mr. BYRNES of South Carolina. The committee has studied the law——

Mr. TRIBBLE. You have done nothing except to study the law?

Mr. BYRNES of South Carolina. The committee has worked and now has experts at work. But the committee had counsel, the Hon. Edgar H. Farrar, of New Orleans, and Mr. Samuel Untermyer, of New York, analyze this resolution, and after they had considered it they reported to us as their judgment that while we could investigate some matters in this resolution, other matters we could not, and as to other matters there was so much doubt it was necessary that we secure a proper resolution from the House, and we come to you asking for that resolution.

Mr. LOBECK. The fact is, you have done something.

Mr. BYRNES of South Carolina. We have done something, though the gentleman from Georgia may not know it. He and some others may think that we should have summoned witnesses without having any definite plan in view; and knowing that our power would be questioned, we preferred to first secure the necessary power and then proceed.

Mr. TRIBBLE. Has the full committee ever considered this question?

Mr. BYRNES of South Carolina. The full Committee on Banking and Currency?

Mr. TRIBBLE. Yes.

Mr. BYRNES of South Carolina. The Banking and Currency Committee, weeks ago, was divided, 11 members of it being directed to make this Money Trust investigation and the other members being directed to consider the legislative features of the Aldrich-Vreeland banking scheme. The Democratic members of the subcommittee considered this question and ask for this resolution.

The SPEAKER pro tempore. The time of the gentleman from South Carolina has expired.

Mr. HENRY of Texas. I yield one minute additional to the gentleman.

Mr. BYRNES of South Carolina. I can say this to the Members of this House: If the House was serious in intrusting to the Judiciary and to the Interstate Commerce Committees the investigation of interstate railroads and life insurance companies or other matters, why should it now refuse to give us this power? For my part, as a member of this subcommittee, I do not want to be connected with an investigation the result of which we know now would be a farce, because we would be stopped at every step; and if we are to be hedged in, if we are to be restricted in our power, I can say to the House that I intend to ask the chairman to be relieved from duty upon this committee, because I do not desire to be one of a committee starting out to investigate a Money Trust, by direction of this House, and knowing from the very commencement of the investigation that we can absolutely make of it nothing but a farce. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, I will ask the gentleman from Pennsylvania to use some of his time.

Mr. DALZELL. Mr. Speaker, I yield 10 minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, it has taken the Democratic majority in this House two months to arrive at the conclusion that they had no jurisdiction under the resolution agreed to by the Democratic caucus. Our Democratic brethren were told

when that resolution was up two months ago that it was not broad enough for the investigation proposed and such as the country was demanding. Every lawyer on this side of the House knew that resolution gave no jurisdiction outside of merely investigating the national banks of the country and gave no authority to go into any business enterprise except the national banks. Everybody who is a lawyer understood that.

I understand there are about 225 Members on the Democratic side of this House, and I have also understood that there were some fairly good lawyers there. It seems that in the Democratic caucus these lawyers were of the opinion that the resolution was broad enough for the kind of investigation the Democratic caucus wanted to order. Either that or they did not know. They were simply offering the country a mere sham investigation. The gentleman from South Carolina [Mr. BYRNES] now admits that the investigation under the resolution agreed to by the Democratic caucus would have been a mere sham, that they could not bring anybody before the committee, outside of a national banker, and require him to testify to any matter that was germane to the investigation.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. CAMPBELL. Yes.

Mr. BARTLETT. Did you not vote for it on the final passage of the resolution?

Mr. CAMPBELL. Oh, yes; because it was better than nothing at all. It was the only alternative I had. I had been gagged by the previous question. I will say to the gentleman that I would have voted for a better resolution.

Mr. BARTLETT. The gentleman joined with the Committee on Rules in their report. He did not make any minority report on it?

Mr. CAMPBELL. Oh, no; I did not make any minority report.

Mr. McGUIRE of Oklahoma. I will ask the gentleman this question: While he did vote for the resolution, did he not call the attention of the House, and particularly the attention of that side of the House, to the fact that they could not reach anything except the national banks?

Mr. CAMPBELL. Yes; exactly.

Now, I want to call the attention of the House to this prominent fact in regard to this investigation: It remained for a couple of lawyers to give advice to the 225 Democratic Members of the House that they had no jurisdiction under the resolution that had heretofore been agreed to. [Applause on the Republican side.] And upon the advice of counsel I assume that the caucus was reconvened and the action upon the old resolution rescinded and the committee authorized to go to the Committee on Rules for such a resolution as able lawyers had told them would authorize the kind of investigation that they had said they were in favor of. I am not in the secrets of the Democratic Party and I do not know whether there was such a caucus or not. If there was not such action by the Democratic caucus, then the advice of their lawyers supersedes the action of the Democratic caucus.

But it is expensive to the country. It would be far cheaper for the country to hire a couple of good lawyers and dispose entirely of the Democratic Party and its caucus.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from Kansas yield to the gentleman from New York?

Mr. CAMPBELL. Yes.

Mr. FITZGERALD. Which is the better plan, in the gentleman's opinion—this Democratic caucus to take the advice of two good lawyers or to adopt the policy of the last Republican administration, to take the advice of Mr. Perkins, who did not want to be investigated? [Applause on the Democratic side.]

Mr. CAMPBELL. I am now discussing this resolution.

Mr. FITZGERALD. That may be the safest thing for the gentleman to discuss. [Laughter.]

Mr. CAMPBELL. However that may be, I shall confine myself to a discussion of this resolution and proceed to say that you were given advice when the resolution was before the House some weeks ago by lawyers from this side who advised you fully that you were proposing to pass a resolution that did not give any authority whatever.

Mr. BARTLETT. The gentleman speaks of lawyers on that side?

Mr. CAMPBELL. Yes.

Mr. BARTLETT. Are there any lawyers on that side? [Laughter.]

Mr. CAMPBELL. Oh, yes; and lawyers that gave advice to the Democratic side of this House when the resolution was up on the 24th day of February, exactly on all fours with that advice which has been given by the two lawyers that have been hired by the committee, and we gave it freely. It cost the country nothing except the salary of the lawyers on this side of the House.

Mr. BARTLETT. I have always found out that the free advice of lawyers is not worth anything. [Laughter.]

Mr. CAMPBELL. You had the same advice when you hired these two lawyers as we gave you.

What has become of the investigation that is to be made by your Committee on the Judiciary? I am anxious to know what the gentleman from Alabama [Mr. CLAYTON], who is somewhat assertive of his rights, is going to do with the authority that the House gave him only a few days ago to make an investigation. In all probability the chairman of the Committee on the Judiciary will convene his committee and they will employ counsel to advise them what their rights are in the premises, and if it is decided that they have jurisdiction over all matters that involve trust questions, they will probably insist upon asserting those rights.

Mr. HENRY of Texas. Mr. Speaker, will the gentleman yield there?

Mr. CAMPBELL. I understand that the chairman of the Committee on Interstate and Foreign Commerce also has a resolution which he is ready to offer.

Mr. HENRY of Texas. I do not see the gentleman from Alabama [Mr. CLAYTON] present, the chairman of the Committee on the Judiciary; but, having the honor to be the ranking member, the second member of that committee, I will state that the Committee on the Judiciary, so far as I know, will proceed to investigate the trust problems, as they were instructed to do by this House, and I think I can state for the chairman that he is not opposed to this resolution, because he knows it does not conflict with his committee's jurisdiction. [Applause on the Democratic side.]

Mr. CAMPBELL. But this resolution gives jurisdiction over the trusts. Are we to have as many investigations as there are committees of this House?

Mr. HENRY of Texas. In so far as it relates to the Money Trust.

Mr. CAMPBELL. I assume, then, that the gentleman from Georgia [Mr. ADAMSON], chairman of the Committee on Interstate and Foreign Commerce, will insist on the right of his committee to investigate all questions that involve our interstate and foreign commerce.

Mr. HENRY of Texas. If the gentleman will permit me, I will say that I am ready to report out a resolution giving his committee the authority that the caucus instructed. Will the gentleman do the same?

Mr. CAMPBELL. Oh, I shall vote for all of these resolutions, as I have done heretofore.

Mr. HENRY of Texas. I beg the gentleman's pardon. I thought he was on the other side of the question.

Mr. CAMPBELL. Oh, no. I am simply making some inquiry of the Democratic side of this House as to why they had to come back. I used to know a man who always had to come back and grease his wagon after he started to go to town. It would have been far better for the country for gentlemen on the other side of the House to have taken the advice they had two months ago, without hiring lawyers to advise them as to their rights in these matters, and then get the same advice they had refused to take.

Mr. HENRY of Texas. Mr. Speaker, will the gentleman from Pennsylvania use some more of his time?

Mr. DALZELL. I will yield five minutes to the gentleman from California [Mr. HAYES].

Mr. HAYES. Mr. Speaker, it seems to me this is an extraordinary proceeding. Some weeks ago we were advised that the Democratic Party in solemn caucus assembled had decided upon a certain line of conduct in regard to the investigation now under consideration. Now, the gentleman from Texas [Mr. HENRY], the chairman of the Committee on Rules, and the gentleman from Louisiana [Mr. PUJO], the chairman of the Committee on Banking and Currency, without any further caucus action, come here and offer a resolution and ask the House to pass it, which resolution the Democratic caucus on the occasion referred to solemnly turned down. That would be extraordinary enough; but more extraordinary still, the gentlemen on the other side try to give the impression that this resolution is here at the request of the Committee on Banking and Currency, or at least of the subcommittee having charge of this investigation. As a member of that committee and of that subcommittee, I wish to say that this matter has never been brought either before the committee or the subcommittee for its action.

Mr. PUJO. Will the gentleman yield for an interruption?

Mr. HAYES. If I can get a little time.

Mr. PUJO. Only a moment. In my opening statement I said this resolution had been introduced by me at the request of a majority of the majority members of the subcommittee.

Mr. HAYES. I think the gentleman so stated, and I simply want it distinctly understood that the minority members of that subcommittee have never been consulted in regard to this matter, that the resolution has never been brought before that committee, and I think I do not violate any of the rules of this House if I state things that have not transpired before that committee. During these weeks that have gone by very few, if any, meetings of the subcommittee have been held—I recall none—at which the minority members of that committee have had an opportunity to be present. We have not heard the discussion of this matter. We are only advised by such proceedings as this and by the public press what the action of the committee is proposed to be.

A special accountant was employed by the subcommittee at its only meeting that I recall. The minority members of the subcommittee have not been present when any discussions were had or when any action was had to decide what the scope of this investigation should be or the methods under which it should be conducted. Nothing of the kind. The matter has been conducted by the majority of the Banking and Currency Committee and by the majority of the subcommittee, and treated as a purely political matter at meetings at which they evidently did not desire to have the Republican members present.

Mr. GLASS. If I may interrupt the gentleman, is that at all unusual?

Mr. HAYES. I will say to the gentleman that I have served on the Banking and Currency Committee for seven years, and I recall but one such case where the committee did not have a full meeting of the committee. I recall no case where the majority of that committee have discussed any important matter except in the presence of the full committee.

Mr. GLASS. Perhaps I can recall to the gentleman's mind a very distinct occasion when that was done. When the Vreeland-Aldrich bill was considered it was considered by the majority members of that committee without the presence of a single minority member, and when it went over to the Senate it was there considered by the Republican members of the Senate Finance Committee. Senator Daniel, of Virginia, protested on the floor of the Senate against that sort of a proceeding, and Senator Aldrich answered him that it was not at all unusual.

Mr. HAYES. Mr. Speaker, I will say, in reply to the gentleman, that that bill was discussed before the full committee, not at one meeting or two, but I think for weeks, and the gentleman, if he chose, and every member of the minority could have been present, for they received notice of the meetings, and it was their undisputed right to attend. In the case under consideration weeks have passed by without the minority members receiving any notice of meetings, to say nothing of having an opportunity to participate in the deliberations of the committee, although we conjecture from what we see and hear that the policy to be pursued and the scope and manner of the investigation have been fully decided upon by the majority members of the committee, and a large clerical force is even now engaged in the actual investigation under the direction of the majority members, but what this force is engaged upon the minority members are not advised.

In the action of the Banking and Currency Committee while I have been a member of it the only occasion where there was any meeting separate from the minority by the majority members of the committee was when the Fowler currency bill was finally reported out.

Mr. GLASS. And that was the crucial time, but the gentleman is mistaken as to that statement.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. DALZELL. I will yield the gentleman one minute more.

Mr. HAYES. Since I have been a member of the Banking and Currency Committee that committee has never been run as a political machine. I want this House to understand, and I think it is entitled to understand, and I want the country to understand, that it is apparently the intention of the majority of this House to run this subcommittee as a political machine. I think the minority members are entitled to some rights, and I protest in the name of the minority against the methods adopted by the majority. In an important matter of this kind it should not be brought before the House until the members of the minority have had an opportunity to hear the discussion, participate in it, and express their opinion about it.

Mr. BYRNES of South Carolina. Is the gentleman in favor of the resolution?

Mr. HAYES. I intend to vote for the resolution, but that does not make any difference with the method of proceeding. I think that a matter of this kind should be conducted wholly and entirely as a nonpartisan matter. It is a matter too large to be made a political question, and this investigation should be conducted as the Banking and Currency Committee have always considered great questions, in a nonpartisan manner, giving full rights to the minority members of the committee, as the rules of the House require. [Applause.]

Mr. FOSTER. Mr. Speaker, having temporary control of the time, I will yield five minutes to the gentleman from Kansas [Mr. NEELEY].

Mr. NEELEY. Mr. Speaker, I do not know what force public opinion has had upon gentlemen on the other side of the Chamber, but speaking for myself public opinion has had nothing to do with this resolution. I am for it because I have always been for it—for a full, fair, unprejudiced, unbiased investigation of the so-called Money Trust, and to obtain and secure the actual facts in relation to that matter, without regard to whom it may injure or whom it may benefit; not as a Democratic Party measure, but as a measure for the people of this country as a whole.

It has not taken two months for me to determine that this committee did not have jurisdiction of what I think should be investigated, and what I think the Democratic caucus intended should be investigated. Immediately upon my selection as a member of the subcommittee I began to study this resolution, and I very soon came to the conclusion that it lacked the teeth that it ought to have. I now believe that it has the teeth in it necessary to find out the relations of the Steel Trust to the Money Trust; that it has the teeth in it necessary to find out the relation of the Harvester Trust to the Money Trust; that it has the teeth in it necessary to find out all the facts that the people want to know about matters that are of vital importance to the country at this time.

I notice that the gentleman from Kansas [Mr. CAMPBELL] has been a Member of this Congress for four terms, and that at no time, so far as my knowledge goes, has he ever offered a resolution of this kind to investigate the Money Trust, or any trust for that matter, and that the gentlemen on the other side are very much agitated about the action of the Democratic caucus.

The Democratic caucus has nothing to do with this measure, and the man who votes against this resolution is opposed to any investigation. The man who hides behind the cloak of committee jurisdiction or caucus action is opposed to any investigation of the so-called Money Trust. [Applause.] It is a clean-cut issue. You have only one choice to make; you are either with us or you are against us. House resolution 409 provided that the committee should have jurisdiction to inquire into the things named in resolution 405 within the jurisdiction of said committee.

Mr. NORRIS. Will the gentleman yield?

Mr. NEELEY. Yes.

Mr. NORRIS. I want to ask the gentleman if, when the other resolution was up, when we tried to put some teeth into it, if he did not vote against any proposition that would put teeth into it?

Mr. NEELEY. I did not hear that the gentleman offered to put any teeth in it. If I voted for the resolution, it was because I wanted an investigation; and I am here now to get the teeth, because I think the old resolution insufficient.

Mr. NORRIS. Did the gentleman vote for the previous question on that occasion? We tried to defeat the previous question so it could be amended and teeth put into it, but in obedience to your secret caucus you defeated us in that attempt.

Mr. NEELEY. I would like to ask the gentleman now if he is in favor of putting teeth into it?

Mr. NORRIS. I am in favor of putting teeth into it now, and I was then. The gentleman is now in favor of putting teeth into it, but he was not then. [Applause on the Republican side.]

Mr. NEELEY. It was stated at the time that if the resolution did not have the power necessary, we would come back and get more power; and we are back, and we have no apology to make for coming back. [Applause on the Democratic side.]

Mr. HENRY of Texas. Mr. Speaker, I yield four minutes to the gentleman from Indiana [Mr. GRAY].

Mr. GRAY. Mr. Speaker, I only want to address myself to those Democrats who are afraid to order this investigation for fear they will get into trouble. When we first had this investigation up before this House there were some Democrats who said that the gentleman from Minnesota [Mr. LINDBERGH] undertook to get this investigation made in a Republican Con-

gress and that he was turned down, and that now if we ordered this investigation here so soon after we came into power we would all get into trouble.

Mr. Speaker, with millionaires on the one hand and mendicants on the other, with palaces on one side and hovels on the other, with swollen fortunes upon one hand and abject poverty upon the other, and with individuals coming into the possession of such vast amounts of wealth in a single decade that they can not give it away in a lifetime through the endowment of libraries; with the cost of living raised so high to the workingman that he can no longer, with his own hands, with his own labor, support a wife and children, but must drive his babies out of the cradle into the factories, into the sweatshops, to earn their own living, instead of Democrats running from trouble, all good Democrats ought to be looking for trouble. [Laughter and applause.]

I yield back the balance of my time.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. PALMER].

Mr. PALMER. Mr. Speaker, it is a source of constant amusement to me to listen to Members on the other side who in one breath assail and condemn the Democratic caucus because it is a secret meeting and at the same time proceed to tell, with a cocksureness born of the rankest partisan prejudice, everything that happened in that Democratic caucus. Because that caucus is secret, however, it is perfectly natural that what these gentlemen say happens there rarely does happen; and so it is in relation to this proposition of the investigation of this Money Trust.

The fact is, Mr. Speaker, that this resolution now introduced is not only in line with the Democratic caucus upon this question, but is an absolute vindication and justification of the action of those Democrats in that caucus who supported what was known as the Underwood substitute for the original Henry resolution.

The fact is that before that caucus met the country in some sections had received the impression, carefully fed to it from Republican sources, that the Democratic Party did not want an investigation of the Money Trust and proposed to side-step it by referring it to a regular committee of the House. They argued that nothing but a special committee would mean a real investigation of the Money Trust, so that when we got into the Democratic caucus we were met by the situation that we would discredit a regular committee of the House if we gave this resolution to a special committee, and in order to show the country that all the Democrats of this House were earnestly seeking to do their duty, we referred to the regular Committee on Banking and Currency every question which was covered by the Henry resolution, which came within the jurisdiction of that committee, and nine-tenths of the members of the caucus sitting in their seats that night, many of them so declaring upon the floor, believed, and I was one of them, that there is a Money Trust and that it ought to be investigated. We believed also, however, it should not be investigated in a way which would discredit the fairness of the investigation or appeal to the desires of such sensational papers of the country as wished to make political capital out of this investigation of business conditions, but that it should be conducted in an orderly and proper manner through a regular committee of the House.

It was on that account, and on that account solely, that it was referred to this Committee on Banking and Currency, the members of that committee making the statement then that if they could not carry out the wishes of nine-tenths of the caucus in favor of a real investigation as covered by the Henry resolution, under the Underwood substitute, they would come back to the House and ask for sufficient power to make that investigation of every question covered by that resolution, and they are here now making good, justifying the placing of the power in that committee, and showing that a regular committee of the House intended then and intends now to make as real and absolute an investigation of this momentous question as any special committee could make. Therefore, when we vote for this resolution, we vote to sustain, if not the letter of the caucus action, certainly the true spirit and intent of the Democratic caucus. [Applause.]

Mr. STEPHENS of Mississippi. Mr. Speaker, the gentleman from Wisconsin [Mr. LENROOT], as I understood him, stated that he had doubt as to whether this committee, at the time it was invested with power to make this investigation, really wanted or intended to make the investigation.

Mr. LENROOT. I referred to the Democratic majority.

Mr. STEPHENS of Mississippi. The Democratic majority, then—that the Democratic membership of this House did not intend or desire to make the investigation.

I have said on this floor before, and I repeat now, that I have never heard a single Member on this side of the House express a wish or desire that the investigation should not be made.

Mr. Speaker, there is absolutely no foundation for the charge made by the gentleman. I can not understand why he makes it now or why he should have any such doubt in his mind, unless it be for the reason that he has been so long a member of a party which has for years bowed down at the shrine of wealth, which has so long been willing to be dictated to by men of high standing and great wealth, which has for its leaders men who have been controlled by special interests; unless it be, I say, that he has seen so much of this kind of business within the ranks of his own party that he has become suspicious of every man, and that he supposes that the Democrats will be actuated and controlled by the same motives and interests that have dominated and controlled many of the leaders of his own party.

There is criticism that we are going back on the action of the Democratic caucus. This is not the fact. I assert positively that this is exactly in line with the plan mapped out by the caucus. The fight there was over the single proposition as to whether the investigation should be made by a special or a standing committee, and it was voted that it should be made by standing committees, and the subject matter now proposed to be investigated is exactly the same that the caucus directed to be investigated.

Mr. Speaker, Republican Members take great delight in criticizing the Democrats for holding caucuses, and try to make political capital out of it. Every party has its caucus. It is referred to as a "secret caucus." If it is supposed to be secret, it is not really so, because every act is soon heralded abroad. In fact, it is a rule of the caucus that the records shall be open to the public, and anyone has a right to see the record and to know just how each Member votes on each roll call.

So far as I am concerned, I have no particular objection to changing the rules of the caucus so as to let everyone attend who desires to do so, because, as I have said, everything that is done is soon known anyway. In fact, when the question was voted upon as to whether the caucus should be "secret" or "open," I voted for the open caucus.

It is said that this committee has not done anything up to this time. The gentlemen who make this statement do not know anything about the matter. The committee has been hard at work ever since the matter was placed in their hands. I doubt if any Member of this House has done any more work than has the Democratic members of this subcommittee. We are engaged in gathering information and data that is necessary to be had before witnesses are called and hearings begun.

No good lawyer would go into the trial of a case until he had had an opportunity to thoroughly prepare his case. He would not call a witness until he knew to what facts the witness would testify. To do so would write him down as either a fool or an inexperienced lawyer.

It is charged that there is a monopolistic control of credits; that the great interests are crushing the people of the country. This is a matter of such vast importance that it must be carefully gone into by the committee before the taking of testimony begins. The committee is anxious to make a success of the investigation, and I believe will do so. It will take time to uproot and overturn the great evils that have so firmly fixed themselves upon the country. Those engaged in these iniquities will not volunteer the information, and we must dig up all that we can.

The committee expects to take ample time to prepare the case. I feel sure that there are many persons who would like to see the investigation begun before thorough preparation is made, because they know that it would mean a complete failure, an inglorious fiasco, which is exactly what they want, for they are at heart opposed to any investigation.

Mr. HENRY of Texas. Mr. Speaker, I yield four minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, gentlemen upon the other side have complained of the manner in which a Democratic House proposes to conduct the proposed investigation. They have asserted that the investigation was neither sincere nor would it be thorough. They now seem very anxious that an investigation be conducted that will go to the bottom and disclose whatever evils exist. Whatever evils do exist, Mr. Speaker, originated and developed during the long period of complete Republican control of this Government. [Applause on the Democratic side.] No one ever suggested until the Democrats came into power in the House that there should be an investigation to determine whether these evils, the result of vicious legislation enacted by the Republican Party, could be corrected or what legislation would eliminate the abuses result-

ing therefrom. Even those gentlemen known as the progressives or insurgents in the Republican Party were suspiciously silent, and their efforts were completely restrained during the time their own party was in power. If there ever has been any doubt as to the necessity of an investigation by a Democratic House it has been made clear by the reports that appear in to-day's press that such an investigation is imperative. [Applause on the Democratic side.] The last administration stopped and stifled an investigation which was designed to bring to the bar of justice a great, prominent, and influential element in the commercial life of the country, which was then violating the Sherman antitrust law; and the trust which was to have been proceeded against is now being dissolved through an arrangement with the Department of Justice in order to avoid a prosecution, which was to have been initiated. There was in the files of the department correspondence from public officials with a Republican President of the United States, in which it appears that the administration was influenced to stop an investigation, because it might arouse the hostility of great financial groups generally designated as the Morgan interests, and lest perchance somebody, through overzeal, might furnish the information to the public, the correspondence was marked "confidential."

Mr. JACKSON. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Not now—and it would never have been disclosed to the public if the exigency of a desperate political campaign did not make it desirable for one of the candidates to give it to the public. [Applause on the Democratic side.] Mr. Speaker, if there be any more information hidden in the archives or records of the Government, we desire to have it laid bare, not in the interest or to the disadvantage of any Republican candidate for the nomination for the Presidency, but for the welfare of the people, in order that they may know the great, dominant power of the financial interests over the administration of public affairs while the Republican Party was in complete control of the Government. It is a matter of more importance now than anything that confronts Congress. Is there to be continued an administration which will keep from the public important public documents which demonstrate that the financial interests of the country have a controlling grip upon a Republican administration, and that permits such information to be disclosed only when it may help or hurt Republican candidates, or is such information to be given to the country and to the people's representatives in order to enable them to discharge honestly the responsibilities placed upon them? [Applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DALZELL. Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois [Mr. MANN]. [Applause.]

The SPEAKER pro tempore. The gentleman has 14 minutes.

Mr. MANN. Mr. Speaker, under the implied threat of the gentleman from Texas, we were compelled to agree to a limitation of debate of 45 minutes to a side, and even of that all of the time consumed except 14 minutes has been consumed by gentlemen who favor the resolution. I rise to oppose the resolution. Mr. Speaker, on February 3 the gentleman from Texas [Mr. HENRY] introduced a resolution known as House resolution 405, which was considered by the Democratic caucus, as we are advised, and a decision reached not to pass the resolution, but that the authority conferred in that resolution upon a special committee should be exercised by the regular committees of the House. On February 9 the gentleman from Louisiana [Mr. PUJO] introduced a resolution conferring upon the Committee on Banking and Currency power to make the investigation as far as its jurisdiction extended.

On February 24 the Committee on Rules reported to the House resolution 429, which was passed, giving to the Committee on Banking and Currency power to make investigation of every matter under its jurisdiction which was contained in House resolution 405, originally introduced by the gentleman from Texas [Mr. HENRY]. The other day the gentleman from Louisiana [Mr. PUJO] introduced House resolution 502, to extend the powers of the Committee on Banking and Currency, almost in the language of the resolution now pending, namely, No. 504. These two resolutions both contain all the provisions which were in House resolution 405—the original one—except that the resolution now pending includes additional matter besides what was originally included in House resolution 405. And we are led to understand that the Democratic side of the House is afraid of its Committee on the Judiciary, is afraid of its Committee on Interstate and Foreign Commerce, afraid to let them continue alone the investigation of the matters pertaining to their jurisdiction, and now propose to give to the Committee on Banking and Currency the entire jurisdiction over every matter originally included in the Henry resolution.

Figuratively speaking, I take my hat off to the gentleman from Texas [Mr. HENRY], who introduced the original resolution. He had the nerve to be in favor of it. The gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from Missouri [Mr. CLARK], the honored Speaker of this House, went into a Democratic caucus and defeated a favorable report or action upon the Henry resolution. But these two gentlemen are candidates for nomination for President. The gentleman from Texas [Mr. HENRY] has run them to cover. He has his way now, representing another candidate for the Presidency, Mr. Wilson, of New Jersey; and the distinguished candidates for the Presidency from Alabama and Missouri are afraid to stand where they stood at the time of the Democratic caucus and have laid down and let the gentleman from Texas [Mr. HENRY] walk over their prostrate bodies. [Applause on the Republican side.]

Mr. Speaker, the resolution which was originally passed by the House, No. 429, in my opinion gave to the Committee on Banking and Currency all the jurisdiction which Congress could confer on the subject of banking and currency. An investigation under that resolution was an investigation exercising the constitutional powers of the House. The pending resolution has matters in it which every lawyer ought to know the Constitution would not permit the House to investigate. What authority have we to investigate legislation or the influences affecting legislation in the different States of the Union? What authority have we to investigate why Alabama or Texas passes certain laws? What authority have we to investigate purely State corporations, as is proposed by this resolution?

Mr. Speaker, we are advised now that the Committee on Banking and Currency has engaged as its counsel Mr. Untermyer, of New York; that he has prepared this resolution now presented before us; and I am informed that he prepared the original Henry resolution.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. MANN. I will yield for a very short statement.

Mr. HENRY of Texas. I want to correct the gentleman. Mr. Untermyer did not prepare the resolution that I introduced. I prepared it myself, and he has stated he never saw it to read it, and Mr. Farrar had as much to do with this as Mr. Untermyer.

Mr. MANN. Very well. I do not know who prepared it. Whoever prepared it was not a lawyer; that I know. The resolution originally undertook to provide that this House could grant immunity to witnesses testifying before it, when the veriest tyro in the law knows that the House for itself has no such authority. I only judged that Mr. Untermyer prepared it, because I did not believe my gallant captain from Texas, now the mighty character in Democratic politics, thought the House could change the law about immunity to witnesses. [Applause on the Republican side.]

Mr. Speaker, my opposition to this resolution is not an opposition to an investigation. I have no objection to all the committees you may appoint which attempt to make honest investigations. We passed resolution No. 429 and let the Committee on Banking and Currency proceed with this resolution a little more than two months ago—two months in a session of Congress. What has that committee done during the two months?

Mr. PUJO. Will the gentleman permit an interruption?

Mr. MANN. I will not.

Mr. PUJO. I can tell you.

Mr. MANN. The gentleman can tell it in his own time. I did not limit the time. I wanted more, but the gentlemen on that side of the House insisted on fixing the time, and now want to take up the time we have a right to occupy on this side of the House.

I will tell you what is behind the resolution. Mr. Untermyer, of New York—not my distinguished friend from Louisiana [Mr. PUJO], because he will have but little to do with this, but the counsel he has employed—is proposing to milk the money power and the corporations that he is seeking to investigate.

This is one of these "come-and-see-me" resolutions. [Laughter and applause on the Republican side.] We have an important political campaign ahead of us. There is need for money, for funds. They say to a corporation—because this gives power to examine into every proceeding of every corporation in the land—they say to a corporation, "Come and show up everything you have ever done, or else put up the stuff." [Laughter on the Republican side.] They say, "If you dare make a movement in favor of our political opponents we drag you up before the bar of our committee."

That is what the resolution is for—not for an honest investigation of banking and currency, but an effort to prostitute the power of the Government for use, first, to collect funds, and second, to influence action in a political campaign.

No grosser abuse of the power of Congress or of the House was ever undertaken, and no such gross abuse was ever exercised before in the history of the Government as this purpose of our Democratic majority, acting as a partisan proposition, refusing in this manner even to consult the minority on the Committee on Banking and Currency, but passing a sweeping dragnet resolution under the influence of which their counsel can frighten and hold up every corporation in the country.

I know that is a welcome statement to the other side of the House. They think that means they will win at the election. They think they have the poor people with them, and now they will take the rich people with them out of fear. But, Mr. Speaker, the good sense of this country, the fairness and honesty and patriotism of the people of our country, will not permit to go unrebuked this foul and dastardly attempt to coerce everybody in the country to the support of the candidate of the gentleman from Texas. We will show you at the polls that the people still retain common sense and have no use for your methods or your contemptible attempts to do what you are trying to do now—rob and hold up every corporation that does not kneel at your feet. [Applause on the Republican side.]

The SPEAKER pro tempore. The gentleman from Texas [Mr. HENRY] is recognized for eight minutes.

Mr. HENRY of Texas. Mr. Speaker, the gentleman from Illinois [Mr. MANN] does me great honor, and I thank him for what he has said. I do not know of anyone better qualified to testify as to the process of milking the financial powers than the minority leader of the Republican Party. [Applause on the Democratic side.]

The gentleman says that this resolution provides for milking the money power of the United States. And yet here is the CONGRESSIONAL RECORD, when we formerly voted, wherein the gentleman from Illinois voted in favor of the resolution, and——

Mr. MANN. Not this resolution.

Mr. HENRY of Texas. Oh, no; not this, but the first one. Then you would vote for a weak one and not for a strong one?

Mr. MANN. I voted for one that gave the power of an investigation to the Committee on Banking and Currency and not the power to milk the corporations.

Mr. HENRY of Texas. Oh, Mr. Speaker, the gentleman from Illinois was willing to vote for a weak resolution, but not for a strong one.

Mr. Speaker, this is a sad day for the gentleman from Illinois, and he speaks lugubriously, because he knows we intend to investigate the money monopoly and that he must come out in the open on this question and he and his party friends must stand up and be investigated. [Applause on the Democratic side.]

Mr. Speaker, the gentleman refers to the Speaker of this House [Mr. CLARK] and to the gentleman from Alabama [Mr. UNDERWOOD]. Let me say in this presence to-day that in my judgment the Speaker of the House and Mr. UNDERWOOD, of Alabama, are not opposed to this resolution. [Applause on the Democratic side.]

The gentleman can not put them in that attitude. They would not suppress it. They would not suppress "My dear Harriman" letters nor the letters that were written by Perkins, or about Perkins, or those records that are lurking in a bureau of this Government. They are ready for this investigation, and the gentleman from Illinois ought to be ready. If he is not, we serve notice on him that when next November comes there will be more seats made vacant on that side of the House. If they do not meet the demands of the American people and stand for purity and righteousness in American politics they must pay the penalty. [Applause on the Democratic side.]

Mr. Speaker, it has been said that the gentleman from Alabama [Mr. UNDERWOOD] is not present to-day, and that the Speaker of the House is absent. Why not take the American people into our confidence and state the real facts about it?

The Speaker came here this morning, and had to return to his home because of his illness; and the gentleman from Alabama [Mr. UNDERWOOD], the chairman of the Committee on Ways and Means, is now in Alabama attending the marriage ceremony of his son. [Applause.] He is not running from this question. [Applause on the Democratic side.]

Let me say another thing to the gentleman from Illinois [Mr. MANN]. He need not disturb himself about my candidate for President. We have an abundance of candidates, and whether he be one of the four, whether he be Gov. Wilson or any other good Democrat——

MANY MEMBERS. CLARK! CLARK!

Mr. HENRY of Texas. Whoever he is, we intend to elect him President in November. Why, Mr. Speaker, when half the members of the Republican Party come to our candidate and say they would rather see a Democratic President than to see Taft or Roosevelt, how in the name of God can we fail? [Applause on the Democratic side.]

Mr. RUCKER of Missouri. But do not let them call up the cows.

Mr. HENRY of Texas. Oh, yes. If we let them call up the cows and go on a milking expedition, then we may have some trouble in defeating them; but the truth of the business is we have passed a campaign publicity bill, and the American people are put upon notice, and money will not go so far this year. [Applause on the Democratic side.]

Mr. Speaker, this resolution is well drawn It was not drawn by Mr. Untermyer any more than it was drawn by Judge Farrar, and the gentleman need not try to hide behind that proposition. What hurts him is that he knows that under the guidance of Mr. Untermyer and Edgar H. Farrar, the former president of the American Bar Association, with the power that we now give to this committee, they will uncover those things that have been hidden for years, and we will know what constitutes the Money Trust. That is what disturbs the gentleman, and no assault that he may make on eminent counsel can amount to anything. He says Mr. Untermyer is the power behind this resolution. It is not the power "behind" the resolution that disturbs gentlemen on that side, but it is what is "in front of the resolution." [Applause on the Democratic side.]

So, Mr. Speaker, I contend that the resolution ought to be adopted, preamble and all. The preamble is a part of the resolution, as was decided in the Kilbourn case, and reference is made to it in the resolving part. It is well drawn It meets the emergency, and I invoke a vote of this House to-day to adopt it. And let us proceed to the most important investigation occurring since the close of the Civil War. [Applause on the Democratic side.]

I move the previous question on the amendment and the resolution to its final passage.

The SPEAKER pro tempore (Mr. HAY). The gentleman from Texas moves the previous question.

The question being taken, on a division (demanded by Mr. MANN) there were—ayes 149, noes 62.

Accordingly the previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. HENRY of Texas. The amendment is to strike out, on page 10, beginning at line 10, down to and including the word "investigation" in line 21.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 10, strike out all from line 10 to line 20, inclusive, and all of line 21 to and including the word "investigation."

The amendment was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the resolution as amended.

Mr. MANN. I ask for a division, Mr. Speaker.

Mr. HENRY of Texas. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 241, nays 15, answered "present" 10, not voting 125, as follows:

YEAS—241.

Adair	Collier	Foss	Humphreys, Miss.
Aiken, S. C.	Connell	Foster	Jackson
Ainey	Conry	Fowler	Jacoway
Akin, N. Y.	Cooper	Francis	Johnson, Ky.
Alexander	Copley	French	Johnson, S. C.
Allen	Covington	Gallagher	Jones
Anderson, Minn.	Cox, Ohio	Gardner, N. J.	Kendall
Ansberry	Cravens	Garner	Kennedy
Anthony	Crumpacker	Godwin, N. C.	Kent
Ashbrook	Cullop	Goeke	Kindred
Barnhart	Currier	Goodwin, Ark.	Kinkaid, Nebr.
Bartlett	Curry	Gray	Kinkead, N. J.
Bathrick	Daugherty	Green, Iowa	Konig
Beall, Tex.	Davenport	Gregg, Pa.	Konop
Bell, Ga.	Davis, Minn.	Gregg, Tex.	Kopp
Berger	Dent	Gudger	Korbly
Blackmon	Dickinson, Mo.	Guernsey	Lafean
Boehne	Difenderfer	Hamill	Lafferty
Booher	Dixon, Ind.	Hamilton, Mich.	La Follette
Bowman	Dodds	Hamilton, W. Va.	Lamb
Broussard	Donohoe	Hamlin	Lee, Pa.
Brown	Doremus	Hammond	Legare
Browning	Doughton	Hardy	Lenroot
Burke, S. Dak.	Driscoll, D. A.	Harrison, Miss.	Lever
Burke, Wis.	Driscoll, M. E.	Haugen	Levy
Burnett	Dupré	Hay	Lewis
Butler	Dyer	Hayden	Lindbergh
Byrnes, S. C.	Edwards	Hayes	Linthicum
Byrns, Tenn.	Ellerbe	Heald	Littlepage
Candler	Esch	Helgesen	Lobeck
Cantrill	Farr	Helm	Longworth
Carter	Fergusson	Henry, Tex.	McCoy
Cary	Ferris	Hill	McCreary
Catlin	Finley	Howland	McDermott
Claypool	Fitzgerald	Hubbard	McGillicuddy
Clayton	Floyd, Ark.	Hughes, Ga.	McGuire, Okla.
Cline	Focht	Hull	McKenzie

McKinley	Page	Sharp	Taylor, Ohio
McKinney	Palmer	Sherwood	Thayer
McLaughlin	Peters	Simmons	Thomas
McMorran	Pickett	Sims	Towner
Macon	Plumley	Sisson	Townsend
Madden	Post	Slayden	Tribble
Maguire, Nebr.	Prince	Sloan	Turnbull
Maher	Prouty	Small	Underhill
Martin, Colo.	Pujo	Smith, J. M. C.	Volstead
Martin, S. Dak.	Rainey	Smith, Saml. W.	Vreeland
Matthews	Raker	Smith, N. Y.	Warburton
Miller	Rauch	Smith, Tex.	Wedemeyer
Moon, Tenn.	Redfield	Speer	Wickliffe
Morgan	Rees	Stedman	Willis
Morrison	Richardson	Steenerson	Wilson, Ill.
Morse, Wis.	Robinson	Stephens, Cal.	Wilson, N. Y.
Moss, Ind.	Roddenbery	Stephens, Miss.	Wilson, Pa.
Mott	Rothermel	Stephens, Nebr.	Witherspoon
Murray	Rouse	Stephens, Tex.	Wood, N. J.
Neeley	Rubey	Sterling	Young, Kans.
Nelson	Rucker, Mo.	Stone	Young, Tex.
Norris	Sabath	Sulzer	
Nye	Sells	Sweet	
Oldfield	Shackleford	Taggart	

NAYS—15.

Austin	Cannon	Henry, Conn.	Sulloway
Brantley	Dalzell	Higgins	Tilson
Bulkley	Draper	Howell	Whitacre
Calder	Evans	Malby	

ANSWERED "PRESENT"—10.

Adamson	Flood, Va.	Langley	Talbott, Md.
Andrus	Fornes	Lee, Ga.	
Campbell	Glass	Mann	

NOT VOTING—125.

Ames	Gardner, Mass.	Lindsay	Roberts, Nev.
Anderson, Ohio	Garrett	Littleton	Rodenberg
Ayres	George	Lloyd	Rucker, Colo.
Barchfeld	Gillett	Loud	Russell
Bartholdt	Goldfogle	McCall	Saunders
Bates	Good	McHenry	Scully
Borland	Gould	McKellar	Sheppard
Bradley	Graham	Mays	Sherley
Buchanan	Greene, Mass.	Mondell	Slemp
Burgess	Griest	Moon, Pa.	Smith, Cal.
Burke, Pa.	Hanna	Moore, Pa.	Sparkman
Burleson	Hardwick	Moore, Tex.	Stack
Callaway	Harris	Murdock	Stanley
Carlin	Harrison, N. Y.	Needham	Stevens, Minn.
Clark, Fla.	Hartman	Olmsted	Switzer
Cox, Ind.	Hawley	O'Shaunessy	Talcott, N. Y.
Crago	Heflin	Padgett	Taylor, Ala.
Curley	Hensley	Parran	Taylor, Colo.
Danforth	Hinds	Patten, N. Y.	Thistlewood
Davidson	Hobson	Patton, Pa.	Tuttle
Davis, W. Va.	Holland	Payne	Underwood
De Forest	Houston	Pepper	Utter
Denver	Howard	Porter	Watkins
Dickson, Miss.	Hughes, N. J.	Pou	Webb
Dies	Hughes, W. Va.	Powers	Weeks
Dwight	Humphrey, Wash.	Pray	White
Estopinal	James	Randell, Tex.	Wilder
Fairchild	Kahn	Ransdell, La.	Woods, Iowa
Faison	Kitchin	Reilly	Young, Mich.
Fields	Knowland	Reyburn	
Fordney	Langham	Riordan	
Fuller	Lawrence	Roberts, Mass.	

So the resolution was agreed to.

The following pairs were announced:

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. FORNES with Mr. BRADLEY.

Mr. GLASS with Mr. SLEMP.

Mr. UNDERWOOD with Mr. MANN.

Until further notice:

Mr. GEORGE with Mr. WILDER.

Mr. FIELDS with Mr. LANGLEY.

Mr. HULL with Mr. LAWRENCE.

Mr. LITTLETON with Mr. DWIGHT.

Mr. CLARK of Florida with Mr. LANGHAM.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. TAYLOR of Alabama with Mr. RODENBERG.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. COX of Indiana with Mr. REYBURN.

Mr. HINDS with Mr. GOULD.

Mr. SHEPPARD with Mr. WOODS of Iowa.

Mr. KITCHIN with Mr. OLMSTED.

Mr. RUCKER of Colorado with Mr. UTTER.

Mr. O'SHAUNESSY with Mr. DE FOREST.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. FLOOD of Virginia with Mr. PATTON of Pennsylvania.

Mr. HOLLAND with Mr. CRAGO.

Mr. WEBB with Mr. HARTMAN.

Mr. PEPPER with Mr. MOORE of Pennsylvania.

Mr. ANDERSON of Ohio with Mr. AMES.

Mr. AYRES with Mr. BARTHOLDT.

Mr. BORLAND with Mr. BATES.

Mr. BUCHANAN with Mr. BURKE of Pennsylvania.

Mr. BURLESON with Mr. DANFORTH.

Mr. CALLAWAY with Mr. FULLER.

Mr. CARLIN with Mr. FORDNEY.

Mr. CURLEY with Mr. GILLETT.

Mr. DAVIS of West Virginia with Mr. GOOD.

Mr. ESTOPINAL with Mr. GREENE of Massachusetts.

Mr. DICKSON of Mississippi with Mr. GRIEST.

Mr. DIES with Mr. HARRIS.

Mr. FAISON with Mr. HAWLEY.

Mr. GOLDFOGLE with Mr. HUMPHREY of Washington.

Mr. GRAHAM with Mr. HUGHES of West Virginia.

Mr. HARRISON of New York with Mr. KNOWLAND.

Mr. HEFLIN with Mr. LOUD.

Mr. HOWARD with Mr. MONDELL.

Mr. LLOYD with Mr. NEEDHAM.

Mr. MCKELLAR with Mr. MURDOCK.

Mr. WATKINS with Mr. PRAY.

Mr. PADGETT with Mr. PAYNE.

Mr. POU with Mr. ROBERTS of Nevada.

Mr. REILLY with Mr. POWERS.

Mr. SCULLY with Mr. ROBERTS of Massachusetts.

Mr. STANLEY with Mr. SMITH of California.

Mr. TALCOTT of New York with Mr. SWITZER.

Mr. TUTTLE with Mr. YOUNG of Michigan.

For two weeks:

Mr. JAMES with Mr. MCCALL.

From April 17 to May 1:

Mr. BURGESS with Mr. WEEKS.

From April 13 to May 4:

Mr. HENSLEY with Mr. HANNA.

Mr. MANN. Mr. Speaker, I voted "no" on the roll call, but I am paired with the gentleman from Alabama, Mr. UNDERWOOD. I desire to withdraw my vote and be recorded as present.

The Clerk called the name of Mr. MANN, and he answered "Present," as above recorded.

Mr. CAMPBELL. Mr. Speaker, I voted "aye" on the roll call. I have a general pair with the gentleman from Georgia, Mr. HARDWICK. I understand that if he was here he would vote for the resolution; but I desire to withdraw my vote and answer "present."

The Clerk called the name of Mr. CAMPBELL, and he answered "Present," as above recorded.

Mr. LANGLEY. Mr. Speaker, I voted "aye" on the resolution. I have a general pair with my colleague, Mr. FIELDS, who is absent on account of illness. According to my understanding with the pair clerks, on this vote the pair was to be transferred to some one else. I am satisfied that Mr. FIELDS would vote for the resolution if present, but to be on the safe side I will withdraw my vote and answer "present." I want it understood, however, that I am in favor of the resolution.

The Clerk called the name of Mr. LANGLEY, and he answered "Present," as above recorded.

The result of the vote was then announced as above recorded.

JUDGE ROBERT W. ARCHBALD.

Mr. CLAYTON. Mr. Speaker, I present the following privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 511 (H. Rept. 601).

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to transmit to the House of Representatives a copy of any charges filed against Robert W. Archbald, associate judge of the United States Commerce Court, together with the report of any special attorney or agent appointed by the Department of Justice to investigate such charges, and a copy of any and all affidavits, photographs, and evidence filed in the Department of Justice in relation to said charges, together with a statement of the action of the Department of Justice, if any, taken upon said charges and report.

Mr. CLAYTON. Mr. Speaker, I will ask the Clerk to read the report.

The Clerk read as follows:

The Committee on the Judiciary, having had under consideration House resolution 511, reports the same back with a recommendation that the resolution be agreed to.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. MANN. Has the committee made any examination or investigation at all to see whether there are any charges of a serious nature which have been made against Judge Archbald?

Mr. CLAYTON. Mr. Speaker, I will state that the committee made no investigation further than to hear the statement made before the committee by the author of the resolution, the gentleman from Nebraska [Mr. NORRIS].

Mr. MANN. Did he make a statement to the committee that there were serious charges that had been made?

Mr. CLAYTON. He did so state that there were charges against this judge, but he did not undertake to say whether those charges were pending before the Department of Justice or not.

Mr. Speaker, I ask for the adoption of the resolution.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ADMISSION OF ALIENS INTO THE UNITED STATES.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to file minority views on the bill H. R. 22527, to further restrict the admission of aliens into the United States.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to file minority views (H. Rept. 559, pt. 2) on the bill indicated. Is there objection?

There was no objection.

RELATIONS OF THE UNITED STATES AND MEXICO.

Mr. PETERS. Mr. Speaker, I ask unanimous consent to print in the RECORD certain remarks made by Representative EDWARD W. TOWNSEND, of New Jersey, printed in the Newark Evening News of Wednesday, April 24, 1912, on the subject of the relations between the United States and the Republic of Mexico.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to print certain remarks in the RECORD. Is there objection?

There was no objection.

The remarks referred to are as follows:

"A certain section of the press has within the past few days shown evidence of an effort to create public opinion in favor of intervention by our country in the domestic affairs of Mexico. Appeals are being made which are poddy with patriotism and grave with business considerations, but the real purpose of these appeals is thinly disguised, and must be generally understood.

"The purpose, in fact, is to create a public demand for a thing not desired by the public, but urgently desired by certain people for a political purpose. The high esteem in which I hold President Taft, personally, does not permit me to believe that anyone would dare to go to him and urge the real purpose in asking intervention, but reckless political plungers who feel urgent need of a strong political weapon to aid them in the current presidential campaign will ply him—undoubtedly are now plying him—with arguments based on false appeals to patriotism and to business considerations.

"The danger is that the President's native love of peace and instinctive distaste for the blood price, the material waste, and all the hideous horrors of war will be overcome by the misrepresentations of desperate politicians.

"Considering first merely the material aspect involved in this question, the business men and the laboring men of the United States should give serious thought to the amazing loss this country would suffer in its Pan American commerce the moment a United States Army of invasion crossed the Rio Grande River. Not alone the loss of our trade with Mexico, but with every State lying between the Rio Grande and Cape Horn, the Latin-American countries to the south of us.

TRADE WITH MEXICO.

"Taking Mexico alone, however, the value of our exports to that country in 1909-10 was $56,439,181, an increase of more than $11,000,000 over the preceding year and an excess of more than $45,000,000 over the country having the next highest values of exports into Mexico. From the beginning of any movement toward intervention the United States would lose the total of that export trade into Mexico, and our principal competitors—Great Britain, Germany, France, and Spain—would divide the trade among them.

"But these trade figures, important as they are, are overwhelmed when we consider the total of our trade with the 21 American Republics between the Rio Grande and Cape Horn. In 1909 the United States bought from and sold to Latin America products valued at nearly $600,000,000. How this splendid commerce has grown in the comparatively few years since we have gained the confidence of those people and since our merchants have exercised intelligent energy in securing a portion of that trade for themselves, is shown by these figures. A decade ago that total trade was of an annual value of $236,000,000—that is, we increased in 10 years our annual trade with these Latin-American Republics $364,000,000.

"Not to quote statistics tiresomely, let me give a few details in an analysis of this tremendous trade movement which has grown and is growing so rapidly, but which would be well-nigh destroyed if the Latin-American countries saw United States troops invading the territory of one of their number. For the fiscal year ending June 30, 1911, our total Pan American commerce amounted to the amazing value of $640,459,752. We imported from those countries products of the value of $369,796,530 and exported $270,663,222.

"It must be remembered that the total of our imports is made up very largely of products we do not produce ourselves and for which we necessarily depend upon those countries, and the Latin-American countries can buy from Great Britain and Europe nearly all the articles that they import from us. How rich these Pan American countries are, what their trade resources may become, even beyond their present extent, is suggested by the fact that their foreign commerce to-day amounts to $30 per capita, while that of China and Japan together amounts to but $3 per capita. But even those averages do not express the potential commercial possibilities of one of our Pan American customers. Argentina's per capita of foreign commerce, on a basis of 7,000,000 inhabitants, is an average of $100, a rate not surpassed by any other large country.

THE PENSION COST.

"Turning from the trade cost of war with Mexico, it is worth while considering the pension-bill cost which would be incurred. Our war with Spain ended 14 years ago, but already we are paying nearly $4,000,000 annually on account of 28,490 Spanish War pensions. What the growth of this payment will be is suggested by the fact that on June 30, 1911, there were 8,386 Spanish War claims pending and that in the 1911 fiscal year there were 3,033 new Spanish War claims filed. Within a few years our pension bill for the Spanish War will exceed $10,000,000 annually, and will grow for the next 30 years.

"But no general commanding an army of invasion would give the order to cross the Rio Grande into Mexico without an army under him numbering ten times at least as many United States soldiers as ever set foot on Cuban or Philippine soil during our war with Spain.

"In Cuba our Army of invasion met a disorganized mob of underpaid and underfed Spaniards fighting not for their own country, but for a subject country; in Mexico our Army of invasion would meet well-armed troops fighting on their own soil for their own homes and vastly more numerous than those we had to overcome in Cuba or in the Philippines. There would be all the hideous horror of a long-drawn-out war, with thousands upon thousands of stricken American homes—homes of widows and fatherless children. For what? That some reckless and heartless politicians may gain a point in a political campaign.

"I frankly appeal to the citizens of Essex County, whom I represent in part in Congress, for support in the efforts which I shall make as a Member of Congress and a member of the Foreign Affairs Committee of the House, to help avert this dreadful blood cost and material waste. It would help me if I could hear from every minister, priest, and rabbi who shudders at the thought of thousands of mourning women and children; I should like to hear from manufacturers who look forward to the prosperity growing out of increasing foreign commerce; from every wage earner who loves peace and prosperity and its opportunities for uninterrupted employment."

THE NEW INDUSTRIAL DAY.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to insert in the RECORD an address of the Hon. WILLIAM C. REDFIELD before the Adcraft Club, of Detroit, Mich., on March 28, 1912, on the New Industrial Day.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that there may be inserted in the RECORD certain remarks of Representative REDFIELD. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think our friend from New York [Mr. REDFIELD] really ought to have a book printed to cover his speeches, because we have had so many of them inserted in the RECORD.

Mr. ASHBROOK. I would be perfectly willing. They are all excellent.

Mr. MANN. They are all very good, but they ought to be put in the form of a book.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The remarks referred to are as follows:

THE NEW INDUSTRIAL DAY.

ADDRESS OF THE HON. WILLIAM C. REDFIELD BEFORE THE ADCRAFT CLUB, OF DETROIT, MARCH 28, 1912.

"It is hard to realize here in Detroit, with your ample spaces and broad areas, that there are dark industrial places, that men and women, aye, and children, are confined in foul spots and driven through long hours and at pitiful pay for the means

not so much of living as of existence. When I was thinking of the theme on which it would be my privilege to speak to you, there came to me the recollection of the many neat small houses that are so marked a feature of your city, and of the great, airy, well-lighted shops that here prosper, and it seemed as if here, more than in almost any other place, the dawn of a new industrial day had come. So you and your city are responsible for my choice of a subject.

"It needs to be said at the very beginning that it is not my thought to advocate here any sudden or radical change in method or action. I believe in evolution, slow, steady, patient, progressive, not in revolution which turns things quickly upside down. This is a case, gentlemen, for the application of the Scripture phrase: 'Come, let us reason together.' More than anything else I dread in what should be a sober, serious weighing of facts and searching for truth, the entrance of impatience or of prejudice, those twin enemies of calm judgment.

"It would be pleasant to linger here in this bright room, with this good company, and talk together of themes of common interest; but our engagements lie elsewhere, and I shall have to ask you, at least in thought, to leave these pleasant surroundings and to enter in spirit one of our great factories and spend perhaps an hour there. Let us hope that during that time we shall be unlike those of old of whom it was said that they saw but did not perceive; for our purpose in going into the works will be to look closely into what may be seen there and to think as carefully as we can about what we shall see. Before we go, however, let me read you these few words:

"The old mills for all practical running purposes are as good as the new. There are certain wearing parts in a machine, which, if renewed from time to time, keep the machine as good as new. This will apply to all machinery. Where the mill has a good machine shop and where the standard of mechanical conditions is high, whenever a machine is not 'right' it will be stopped and made 'right.' If this is maintained, age is not serious."

"This is not taken from an inscription in old Egypt, nor even from the records of the Middle Ages. It is, for all its ancient flavor, an extract from page 1044 of the report of the Tariff Board on wool, and is a statement made in all innocence and ignorance to that board by a manufacturer who thinks he is running a modern enterprise. Beside it let us put the phrase current in the shop with which I was for many years familiar, original with one of our foremen—'Six months ago is ancient history.' Between the spirit which does not regard a well-preserved old age in machinery as serious and that which regards as ancient all that is a half year past lies a chasm in thought and the widest possible difference in management. It is perhaps not too much to say that these opposing ideals may fairly represent mechanical decrepitude on one side and efficiency on the other. One is not surprised to find that the same volume of the Tariff Board report shows a large percentage of the machinery in our worsted and woolen mills to have been in use over 25 years. What this means in your thought and mine will be clear to others when you and I say to one another that the great industries with which we are in one way or another connected have made their entire development since the time these machines were put in use in our woolen mills. I do not wish to be grossly inferential, but you will permit me to wonder whether the existence of a 90 per cent duty has not some trifling connection with the amazing suggestion that as regards machinery 'age is not serious.'

"But we have kept out of the shop too long. As we enter it we see that the building was designed for its use, and the primary essentials of space and light and air have been given thought. In the older day, which is closing, the workmen were furnished large drafts of carbon dioxide to consume with the other materials placed at their disposal, and there was not always appreciation of the fact that light had a relation to the human eye, but in our present factory these things are recognized. The building also has been so designed that the flow of work through it is continuous, for industrially we have learned the force of the old Roman maxim, 'Not a step backward.' The machines are grouped each according to its kind, like the animals in Noah's ark. There used to be a cheerful distribution of these things, as if a lathe were not comfortable unless a shaper and miller were side by side with it, or a planer were carefully married to a drill press. But we have divorced them now and we group 3 or 4 or 10 of a kind, each in its order for the proper routing of the work as it passes through the shop. We go even into the details of these groups and so relate the machines, one to another, at different angles that they may be properly fed without trespassing on space, and we put racks beneath them so that an abundance of material may be piled at hand to avoid time and steps when new stock is needed for the automatic machinery. All through the whole machine equipment shows the evidence of study, how each unit shall not only be fitted to its task and be given the best conditions in which to perform that task, but each shall be so related to its fellow unit that the task of the fellow shall not be hindered but helped.

"And since these buildings and machines are meant for production and are all of them useless waste unless they produce, and are none of them sources of profit unless they produce efficiently, you look into certain other details that bear upon these factors. You have discovered, for example, that a belt running on the old tight-and-loose pulley is always under tension, and even when running on the loose pulley is wearing itself away and shortening its life, and you have taken up a form of countershaft, in which the loose pulley is slightly smaller than the tight pulley, so that the belt runs free of tension when not working, with a slight conical section on the loose pulley to bring it easily into place when its services are required. You and I have found that the mere matter of getting the power to our machines is worthy of our thought, and we find in the factory we are visiting some machines directly motor driven, others so driven in groups, others connected up in sections, each according to what study has shown to be normal to its best productivity. We find also that a 'tickler' of belts is kept for study, which has shown that belts at a certain age and in certain uses have a rather definite life, and that when they shall have become so old it is necessary to watch lest by some sudden breakage they stop a valuable machine. So each belt in the shop is no longer under general but under particular supervision, the time when it may be expected to show wear being known when the belt is put in service new. And our belt men work in the noon hour and after hours, for it is good form to watch the belts, so that repairs are made before wear goes too far. We find also that we have gone into what seems small details in other ways. The shop we are in does not make its vise benches of heavy hardwood plank, for these warp, and when they wear in spots it is needful to replace more sometimes than is worn. This shop has made its benches of heavy softwood plank and on top of them puts crosswise thin and narrow matched strips of hardwood, any two or three of which when worn can be replaced without disturbing others or interrupting work.

"It would be possible to continue our factory inspection into other details, but enough has been done for our purpose, and we will go for a moment into the tool and stock rooms. In the former not only is care taken that tools as they come back from use are sharpened or repaired so that there may be no question of their readiness for service when they are reissued, but to save what seems a small detail in records you indicate the number of tools or fittings that any one workman has by the shape of his brass check hung upon the hook. In the stock room is kept a running inventory on slips attached to every bin, so that the question as to how many there are of any item in the assorted stock never arises, and not only so, but there is provided an inward and an outward bin for each item of stock, and sometimes a third one maintained at a fixed quantity to save questions.

"From this atmosphere of precision and care we walk back to the shop office. The superintendent tells us that the material bought has been selected as the result of long evolution as to its chemical and metallurgical contents, its shape and size, and that frequent examination by physical and other tests is made to insure its being perfect in all these respects, while at the same time constant experimenting progresses to determine whether there is made or can be made something better suited to the duty, or something at a lower price as well suited thereto. And, as we sit down in his pleasant room, the superintendent goes on to say that he has reached the point on his automatic machinery where he secures 96 per cent operating time and that he is studying how to bring his lathes above the 80 per cent of efficient time, which is what they at the moment represent.

"I have dwelt, gentlemen, too long, and yet, as you know, very inadequately, upon certain details of certain phases of a modern shop in order to bring your minds and mine together on a single broad truth that underlies all that has been said. This is, that in your buildings or machines or various equipment and in your material the most exacting study has been used to fit each for the purpose for which it is intended. You have spent, or others have spent in your behalf, years of patient experimenting and sums that thousands will not represent to determine how best to adapt all these various elements to one another so that their relations shall be harmonious, productive, efficient, and economical. By economy you have not meant the absence of spending, for these machines and these methods have cost much through many years, but you regard it

as well spent. As between the man who offers you a machine as a cheap tool and another who asks a greater price, you think first of the question, "What will these tools do?" and it is the relation of their productiveness to their cost that guides your decision. Replace, let us suppose, in the shop we have just visited in our thought the present modern equipment with another of the same class, but selected chiefly because it is cheaper in its first cost, and you and I know the result would be disaster, for the lesson as regards machines has been well learned that productiveness is more important than first price.

"One more look into that shop before we change our theme. The material in the stock room, the carefully designed tools in the tool room, the machines carefully selected and installed with equal care—these are all dead things. Turn on the power and the light, and if that be all such action as results is more likely to be disastrous than effective. They will follow the laws of their mechanical nature and wreck themselves unless the conditions for useful work are provided. There are few places more dreary than a great shop with its dead equipment; like a steamer in midocean when the engines stop, there is a sense of the absence of life. Let us look along the lines of polished machinery and upon the piles of ready material and on the varied accessories and equipment and think for a moment of the next step.

"Is there to be an end at this point of the study and the patient care and watchfulness that has guided us so far? Is the process of selection and of economical investment based upon production to be changed just at this point? Having the best equipment bought and arranged with its cost as a secondary thing and its productiveness as the primary thing, shall we put at these machines men whose cost is the primary thing and whose productiveness we aim to extract by a process called 'shop discipline'? Having with great care fitted tool to mechanism, shall we or shall we not use equal care to fit the men to both? Having utilized the laws of light and of power and of mechanics to the full, intelligently and carefully, shall we or shall we not now utilize the laws of human nature to the full with the same intelligence and care? Shall we recognize that at the point where our thought is halting we are passing over from the inert to the responsive and that in addition to all the other laws and conditions under which we have so carefully worked hitherto there has come into play a new law now, the law of life and growth and thought?

"Here we touch the very core of our subject, and upon the way in which we deal with it shall it be known whether we are of the light or of the darkness; for our fine equipment, with its perfectly balanced relations may mean after all that we have learned but the smallest part of our subject, and that the full light of day has not yet dawned on us. I am not here to urge details of dealing with men any more than to urge details of the tools and materials we see, but I am here to urge that as the laws of nature are utilized by us all after keen inquiry into them in the mechanical and material side of our work, so the laws of human nature shall be given at least as keen study in the living and productive side of our work. For, since both the laws of mechanics and the laws of human nature are but a partial manifestation, in my thought, of the law of God, there can be no harmony and no basis for permanent peace and for the highest production until we have readjusted our factories so that they operate in accordance with the laws of human nature. Is a man doing the best he can for you and me when he runs his machine tool well? Perhaps, and perhaps not. In a large eastern shop early this month a young mechanic at a fine turret lathe was producing certain work at low cost while earning high pay. The element of labor cost was so small in his product that the cost department had to use a microscope to find it. This was good, but was it all the good there was to be had from the man? As we talked with him he spoke with a smile of having earned $50 extra the week before because he had thought of something while his turret lathe was working, and had reflected upon it, and knowing that his employer was a man of broad and just spirit, he had, after working his thought out carefully as he stood by his machine, gone to his employer with his idea, and his employer had not only thanked him and given him demonstration of his good will by liberal wages, but had handed him $50 besides. Thoughtful men need not be told that the particular type of narrowness and harshness which is concealed sometimes behind the words 'practical' and 'hard-headed' would have prevented the ideas ever being conveyed to the owner of a shop run on those lines.

"I recall one day being asked to look at a running machine and having the workman say to me, 'If this tool can be adjusted in such a way I can do twice as much.' Does anyone suppose that stern and narrow discipline would have brought that doubling of product? In this enlightened city it may perhaps be doubted whether and to what extent there exists such shortness of vision and narrowness of outlook as that of which I have spoken, but it was a matter of sworn testimony before me but a few weeks ago that in a large shop a mechanic whose record was good was kept at home three days by the death and funeral of his son. When at the end of that time he returned to his work he not only lost the three days' pay, but his absence was counted against his efficiency record and was sufficient to so alter that record for the ensuing six months as to cost him 25 cents a day for the following half year, and his explanation, though admittedly true, was not received because discipline had to be maintained. And it was true also in another case, where a man, because of scarlet fever in his home, was quarantined therein by the authorities, that when he returned to work at the end of a fortnight he also lost not only his wages for the time of absence, but was demoted on his efficiency record because of the absence so that he lost 25 cents daily for six months to follow, even though his explanation was admittedly correct. It seems strange that men who so carefully adjust themselves to one part of nature's laws in their plants should be so hopelessly ignorant of another part of those same laws when it comes to deal with men. Is there anyone that wonders that the two cases I have mentioned so rankled in the minds of the hundreds of workmen in that factory as ultimately to cause annoyance and expense to the management outweighing manyfold the pitifully small question of wages involved?

"Let us look briefly at the situation in the textile mills at Lawrence and get at some facts concealed by the dust of conflict there. The mills had sometime ago accepted a reduction of their working time from 58 to 56 hours without change of pay, and a recent legislature reduced the hours for the women and children in those mills to 54 hours weekly. This required shutting down the mills two hours weekly, because they were so balanced that the men could not work in some departments unless the women worked in others. The difference in time was two fifty-sixths, a fraction less than 4 per cent, and the mills gave notice—observe not all mills upon whom this bore, but some of them; those in this one city—they gave notice, I say, that this exact amount must be deducted from the wages of their people. Those wages were already far below the average American wage. A rate of $6.50 weekly would represent the average woman's earnings before the cut was made. A strike ensued, and by that strike has been lost manyfold a year's difference in wage. Apart from this money loss there has come with it the ill will and distrust of thousands of operatives; and now, after the distrust has been gained and the loss has been incurred, the mills concede an advanced wage scale, about one-half larger than the cut which they made at first, so that by their own action they have shown that, despite the money loss from weeks of idleness, they can pay an advance, and that the former deduction was made, to say the least, in ignorance, for if made with knowledge it approached the criminal.

"I do not mean in the faintest way to approve the excesses of the strikers any more than I mean to approve the excesses, so far as they may have existed, on the part of the authorities. I simply mean to detach these excesses on either part and to consider the fundamentals of management and their results. The mills are now paying more wages than before the strike and paying them to a force resentful of injustice, for the most ignorant man knows that if the mill can advance his wages 5 per cent to-day, after the loss they have suffered, the original cut of less than 4 per cent was a shameful thing. I trust it will not be understood that these cases are mentioned as implying in the faintest way that in this enlightened community such things occur, but of late and with just cause there has been universal outcry against the excesses to which some men claiming to represent labor have gone, and there is a certain danger that injustice may be done as a result of this righteous wrath. Crime is horrible and always to be condemned and murder is not to be condoned, but there are crimes against human nature that are not within the scope of the statute law, and the revolt of human nature against them has as sound a basis as our proper outcry against the more overt criminal act. If greed kills through sweating and child labor, it is not less murderous, only less rapid and less merciful, than he who stabs to slay. With the men who enter our factories enters the greatest force in all production. I mean the responsiveness of those men to leadership. They work, indeed, because they must needs earn their bread, and it is needful that supervision should be closely exercised for manifest reasons; but neither the need

for bread nor the closest supervision will draw out the best that the workman has to give. That can only be done by the righteous adjustment of wage to product, by the absence alike of injustice and of charity, by the opening of the door of opportunity, by the absence of driving and the presence of leading, by the selection of the man for the task and the adjustment of the task to the man, by the instructions of the man in his task or, if unfitted for it, then in some other task for which he is more fitted, by the spirit of candor and frankness between the employer and man, by the willingness to hear and wait, by the closest possible touch practicable in great factories between the management and the working force. It has been said that corporations have no souls. This is a pity if true, for the men in the shops have souls, and the coming into the minds and hearts of the men who run the corporations of sufficient soul to give them a basis for appeal to and cooperation with the souls of men at the machine may make the difference between profit and loss to the corporation.

"Finally, my friends, I think many of us have stopped too soon on the path of scientific development of our industries. The man is infinitely well worth study and infinitely more difficult to study than the machine. Does it not come to you with something of a shock that we are all careful to have a machine heavy and strong enough for its work, but that we rarely think whether a laborer may have some heart trouble or some other physical weakness that makes him unfit for the heavy lifting we ask him to do? We all believe in clean shops, but do we think enough of the human element to be careful to avoid sweeping when the men are about because of the well-known fact that dust carries all manner of disease germs which men breathe? The working out of the machine has been a long evolution and the working out of the study of men may also be of long evolution. It can not be hastily done. It requires patience; so do the machines. Your machines are complex; how much more so the man with his human mind and heart. But if the patience is exercised there is in the man the responsive spirit the machine lacks, and that spirit, led and not driven, guided and not abused, is a power in industry of which the wisest of us do not yet dream. Without it we may be able, or we may not, to profit temporarily. With it the age of industrial conquest opens to us.

"There are keen men among you, I know, waiting to ask such questions as: 'What about the closed shop? Do you approve it?' That is not hard to answer. I do not approve the act of any man or men who would deny to another the right to work at any lawful occupation when, where, and for whatever wage he will. Still less do I approve the continuous making of profits where wages or working conditions exist that cramp the manhood or degrade the womanhood or stunt the childhood of our land. I recall no policy ever avowed by labor that is a worse offense than the sweat shop. To accept dividends or profits out of human conditions that prevent a decent living is quite as bad as, perhaps worse than, to demand a closed shop. Let me read here a little poem which I found accidentally to-day:

"THE REAL GUIDE.

"You may bring to your office and put in a frame
A motto as fine as its paint,
But if you're a crook when you're playing the game
That motto won't make you a saint;
You can stick up the placards all over the hall,
But here is the word I announce,
It isn't the motto that hangs on the wall,
But the motto you live that counts!

"If the motto says 'Smile' and you carry a frown,
'Do it now' and you linger and wait,
If the motto says 'Help' and you trample men down,
If the motto says 'Love' and you hate,
You won't get away with the mottoes you stall,
For Truth will come forth with a bounce;
It isn't the motto that hangs on the wall,
But the motto you live that counts!

"But it will be urged that the representatives of labor are sometimes unreasonable. I presume they are. I have heard labor leaders whom I trust say so. I have known labor leaders struggle hard and unselfishly to prevent their own followers from being unreasonable. But the answer to the charge is easy. Let him that is without sin among us cast the first stone. If we are always sure we are entirely just and wise, there may be less unreasonableness found on our path.

"What, then, does the new industrial day involve? Profits are no longer the supreme law. The regard for the legal rights of the citizen is expanding into a recognition of other rights, moral, physical, and personal. If we are not becoming our brother's helpers, we are ceasing to be our brother's destroyers. We are thinking more carefully how far man may rightly fatten on man. The public looks no longer with patience on reducing wages to maintain profits or dividends. Even to cheapen costs on a falling market it is no longer thought just to pay workmen less for the same labor. More and better things are expected than a constant struggle between profits at the top and penury at the bottom in the same establishment.

"Will the business world recognize the new order and face it fairly and squarely and meet it halfway? If so, well for the business world. Will the business world simply stand pat? Then ill for the business world. Attorneys general come and go. Laws are made and changed and repealed. Both arise from the spirit that is abroad in the land. Both are nonessential details if the spirit is right. Will the business world go on as it has gone heretofore? Then the laws and attorneys general are needed. Will the business world accept the larger spirit of the new day? Then attorneys general and laws are harmless. No ill threatens any great industry whose spirit is, first, that of equity and liberality to its workers and to its consumers, and, second, to its own personal profit. But where profit is first and is to be had at any cost of human fatigue or poverty or evil conditions or at the cost of special privilege extracting high prices from the consuming public, then ill does threaten that industry. There are slow and sure paths to profit and quick and dangerous roads that seem also to point that way. We can mistake conservatism for conservation and end by all falling into the ditch.

"The new day means not compromise, but comprehension; not alone humanity or welfare work, though these are good, but a larger outlook, a spirit of earnest self-criticism looking inward and the spirit of 'lend a hand' looking outward. It means care for our profit's sake, aye, and for our manhood's sake, for the growth of the men by whose efforts we prosper. I say 'growth of the men,' not merely growth of the wage, for a living wage means more than food or clothes. Our industries must stimulate and not shackle the growth of all the elements that mean uplift and progress for our men. I have not appealed to your sympathy or to your sentiment. I ask that we both, in our use of human forces, study those forces as we study others—learn the facts and adapt ourselves to them. A great factory should be, in a sense, like a school, for all in it are learning—master and men alike—and no limit can be set to the attainments of him who hath a teachable spirit. Of old it was said to describe a city that was glad and secure that it should be full of little children playing in the streets thereof. Will our industrial growth be complete until we can say the city shall be full of happy people working in the mills thereof?

"Past your beautiful city flows a stream which, expanding into the lake beyond, reaches at last the great falls and there becomes not only a thing of beauty, but, in truth, of light and power. Can there not flow from your great industries here another stream which shall expand throughout our land until it shall become not only a thing of beauty in itself, but of light and power also; and, as the very name of your city was taken from the river flowing past it, may you not also become, in truth, the outlet for a flow of influence that shall be greater, finer, and more permanent in its results?"

TOBACCO STATISTICS.

The SPEAKER pro tempore laid before the House the bill (H. R. 13988) to authorize the Director of the Census to collect and publish additional statistics of tobacco, with Senate amendments thereto.

The Senate amendments were read.

Mr. SMALL. Mr. Speaker, I move to concur in the Senate amendments. They are satisfactory to the committee and also to the introducer of the bill.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendments.

The question was taken, and the Senate amendments were agreed to.

PARCEL-POST AND POSTAL-EXPRESS SITUATION IN CONGRESS.

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent to print in the RECORD a letter from Senator OBADIAH GARDNER to the people of the United States on the parcel-post and postal-express situation in Congress.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to print a certain letter in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, I have not had an opportunity of examining the letter. Does it contain any criticism of Congress?

Mr. DICKINSON. No; nothing out of the way.

Mr. MANN. Mr. Speaker, I would like to know whether it contains any criticism of the House.

Mr. DICKINSON. No; it does not contain any criticism of the House. It refers to the fact that all Members in Congress are not fully advised in regard to the parcel post.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The letter referred to is as follows:

"*To the people of the United States:*

"Since my election to the United States Senate I have clearly seen that among my duties the very first was the subject of cheaper rates for the small packet or shipment, the agitation for which has mostly been conducted under the name of the 'parcel post.' I asked myself this question: 'What is the object of a "parcel post?"' The answer was, 'to obtain cheaper rates by postal carriage for the small shipment than the express companies exact; in short, to secure relief from exorbitant express charges.'

"There has always existed the feeling that express charges were too high. Investigation shows that they amount to $31.20 for the average ton of parcels, while the freight charge for the average ton is $1.90. The express charge, on the average, in this country is about sixteen times the freight. In other countries it is only about five times the freight charge, i. e., the average ton of freight is about 85 cents, and of express about $4.25. All of which means that our express rates are from two to three times as high as they should be. If we are to obtain relief from the express company charge, then it must be by getting postal rates that are substantially lower than they give. The whole question of 'parcel post' is a question of lower rates. If the rates are not lower, then the 'parcel post' would be simply a paper scheme of no service to anybody. If the 'parcel post' rates were actually higher, such a 'parcel post' would be a cheat of the whole reform. At this point I call your attention to the rates themselves so you may judge for yourselves. The 'parcel post' bills before Congress fall into two divisions—first, the one to be reported by the Post Office Committee of the House, which (barring the rural delivery section) fixes the international flat rate at 12 cents a pound; second, the other bills fixing 8 cents a pound. These rates, in the table following, are compared with present express company rates for a distance of 196 miles, which is the average length of the journey of express packages, and presumably about the average journey which postal shipments would make:

Table comparing parcel-post rates with express-company rates and postal-express rates.

Rate.	Parcel post.		Express-company rate.	Postal-express feasible rate.
	12 cents per pound.	8 cents per pound.		
1 pound	$0.12	$0.08	[1] $0.10	$0.07
2 pounds	.24	.16	[1] .16	.07
3 pounds	.36	.24	[1] .24	.08
4 pounds	.48	.32	[1] .32	.09
5 pounds	.60	.40	.40	.10
6 pounds	.72	.48	.45	.12
7 pounds	.84	.56	.45	.14
8 pounds	.96	.64	.45	.16
9 pounds	1.08	.72	.45	.18
10 pounds	1.20	.80	.45	.19
11 pounds	1.32	.88	.50	.20
Total	7.92	5.28	3.97	1.40

[1] If prepaid, the express companies now carry books at a rate of 8 cents a pound, and merchandise, or fourth-class mail matter, at 16 cents a pound.

"It appears that the 12-cent 'parcel-post' rate is about one-half higher than present express rates, for the average distance men ship, and the 8-cent rate about one-fourth greater. All these bills mean, at best, is that up to 2 pounds they give only as good a rate as the express companies and will deliver on rural routes. On weights above 2 pounds the bills fix much higher rates than the express companies. If during the year you wish to make shipments covering the whole gamut of 11 different weights, your total bill would be $1.40 by postal express; $3.97 by private express; $5.28 by 8-cent 'parcel post'; and $7.92 by 12-cent 'parcel post.'

"To be more simple, the express companies now charge an average of $31.20 the ton of packages; the 8-cent 'parcel-post' rate would make this $160 a ton; and the 12-cent rate $240 a ton. And yet even the express charge is at least twice as high as it should be. There is only one duty for me to think of in such a case. It is to expose the fearful cheat of the people's hopes which the so-called 'parcel-post' bills now pending mean.

"I stop only long enough to say that even the rural-delivery features of these measures, proposing 5 cents for the first pound and 2 cents for each additional pound up to 11, are nearly worthless. They limit the mailability to fourth class; and there is scarcely a thing produced on the farm that falls within fourth class or that the farmer would be allowed to ship to his customer in town, such as butter, eggs, poultry, dressed; hams, sausage, etc. I feel it my duty to say in the most emphatic manner possible that these bills, if passed, will prove the greatest hoax ever inflicted upon a people; not to say that the express companies will welcome such an accomplishment as merely a new lease of power to maintain their unrighteous charges.

A SYSTEM OF POSTAL EXPRESS.

"What is the remedy? I answer that my study and that of other Members of Congress, probably a majority of the House and close to if not a majority of the Senate, indicates the remedy to be the elimination of the parasitic express company. The Government should take them over, at a fair value, and reduce their rates by about half for all express shippers, and extend the service, through rural delivery, to the farmer and the country store. Economic studies of the subject show that even greater reductions might be made on the very light weights, as shown in the table; and we have the rural-delivery structure paid in advance and ready, waiting—empty one might say—to receive the farm products and convey them direct from the farmer to the consumer. And this is the great point to be achieved. Farm products for which the farmer received $6,000,000,000 last year sold to the consumer at $13,000,000,000, and this because there was no direct transportation from the farm to the kitchen. If we take over the express companies and couple their town-delivery system with the rural-delivery system, and both with the railways, when necessary, the consumer of foodstuffs could buy and ship direct from the farmer, the delivering postal van collecting the price and remitting it back to the farm. The high cost of living in the vital necessaries might thus be really reached and remedied.

"Why buy out the express companies, you may say? Well, there are several reasons, serious and substantial ones, some of which only can be stated in so brief a space. They are:

"(a) In order to secure the express-railway contracts under which for distances of 200 miles and up the express-railway pay is a little less than one-half of the postal-railway pay.

"(b) By taking over the express plants we do not disturb business, or encounter the objections of the country merchant, but by reducing express rates to the desirable point he will share in the benefit, and will have the railway service brought to his door along with the farmer.

"(c) We need adequate transportation for the small shipment. The railways refuse to treat it under 100 pounds. The postal system is the only one that can eliminate the accounting which makes the express-package charge so large.

"(d) By a complete system and the postal van farmers can market their truck cheap direct to the consumer and share with him the difference between what the consumer pays and the farmer now receives.

"No system of 'parcel post' can accomplish these things in our country in a sufficient way. The rate of express-railway pay is vital to a reasonable rate. On a 3,000-mile journey the express company would be paying the railways less than 6 cents a pound, the 'parcel post' would have to pay a little over 10 cents a pound, and on long journeys of the shipment nearly the whole charge would be that payable to the railways. Again, since it is the evils of the express charge that the remedy is designed to meet, it ought to be broad enough to extend to all express shippers and give them the reduced rates to which they are equally entitled. The 'parcel-post' proposition and its flat rate seems to be designed, by the 11-pound limit, to be just big enough for the patron of the merchant to get to the mail-order house, and the flat rate to give the mail-order house, his distant rival, an unnatural equality. Nobody intended this, of course. But nobody has seriously intended anything in any of these 'parcel-post' schemes—I mean in the way of definite and specific rates and the remedy needed to secure relief from express charges. They are of as little practical service as the snow men we made as children.

"The trouble has been that people who 'had not the time' to think this matter out have gone on the assumption that a 'parcel post' was something definite, like a railway or steamboat service. But it is not. If the rates proposed are too high, such 'parcel post' is simply nothing; and to make it workable you will have to have a relatively low rate of railway pay. You would need, too, elastic rates adapted to moving the traffic and not killing it. Flat rates, such as proposed, would simply cheat the shipper on the short journey, and to some extent the Government on the long journey, for the benefit of the distant merchant and no one else, while killing more useful traffic than they would carry.

"In this connection I quote from an article written by Mr. George P. Hampton, secretary of the Farmers' National Committee on Postal Reform. Mr. Hampton says:

"The farmer, the consumer, and the local merchant have a common interest in the cheapest possible service for the short haul. They have little or no interest in the long haul. The retail trade between consumer and merchant, consumer and producer, or producer and local merchant, is essentially a short-distance proposition. The prosperity

of all these will be best served by making the lowest possible rates for the short haul.

"The magnitude of the robbery of the majority of the people for the benefit of the few, which is inevitable with a flat rate, will perhaps be more apparent to some—indifferent Members of Congress, for example—if the cost and charges are shown in tons. He would indeed be a small merchant or farmer whose total parcel shipments for a year, under a favorable rate, would not exceed a ton.

The robbery in the short haul.

	25 miles.	50 miles.	200 miles.	500 miles.	1,000 miles.
Average mail pay to the railroads per ton	$2.25	$4.50	$18.00	$45.00	$90.00
Collect and delivery and general expense	24.00	24.00	24.00	24.00	24.00
Total cost	26.25	28.50	42.00	69.00	114.00
Rate per ton of the 8-cent flat per pound rate	160.00	160.00	160.00	160.00	160.00
Excess charges	133.75	132.50	118.00	91.00	46.00

"Collect and delivery and general expense cost are computed at 6 cents per package for an average weight of 6 pounds.

The subsidy in the long haul.

	2,000 miles.	3,000 miles.	3,600 miles.
Average mail pay to the railroads per ton	$180.00	$270.00	$324.00
Collect and delivery and general expense	24.00	24.00	24.00
Total cost	204.00	294.00	348.00
Rate per ton of the 8-cent flat per pound rate	160.00	160.00	160.00
Subsidy to long-distance shipper	44.00	134.00	188.00

"Public welfare demands that the Government in establishing a general parcel post shall impose no burdens upon nor grant special privileges to any class. The people must not be taxed for the benefit of the few.

"The flat rate, by the excessive rate of 500 per cent above cost on the short haul and rates of 50 to 100 per cent below cost on the long haul, tends to force producer and consumer apart, whereas public welfare demands that they be brought as close together as possible.

"The volume of business is powerfully influenced by the rate. It must be low enough to move the traffic. To make the short-haul rate over five times the cost is to prevent the growth of the short-haul business.

"The evils of the flat rate to the short-distance shipper increase with the rate. The 8-cent rate is bad, but the 12-cent rate ($240 per ton) would be infinitely worse.

"If the flat rate could be established without increasing the cost of any short haul beyond a fair, self-sustaining charge, its unfairness might be open to question; but a flat rate which, in order to make the service as a whole self-sustaining must be based on a mean-distance charge, of necessity must make the charge on the short haul excessive and give the long haul a rate away below cost. It is undemocratic, violates every principle of square dealing, and is against public welfare.

"The bill I have introduced in the Senate for postal express and the elimination of the express companies is similar to the Lewis and Goeke bills which have been introduced in the House. This movement is not an individual one, but represents the collaborative efforts of the Members of Congress who wish to secure a real remedy for express conditions, really low rates as shown in the table, and transportation advantages for the small shipment which all elements of the people can share. These are the Members of Congress who are working actively and militantly for the cause. The others are mostly standing shivering between the demands of the friends of 'parcel post' and the threats of the local merchants; and for the most part have not examined the subject enough to know that the 'parcel-post' rates are much higher than the express rates they are intended to reduce.

"The principles in these bills have been indorsed by the leading farm organizations of the country, a large majority of the labor organizations, by consumers, and by merchants and manufacturers who have opposed and will continue to oppose, and that strenuously, the establishment or extension of a flat-rate parcel post. These facts are easily ascertainable by every Senator and Congressman. Congressional documents giving comprehensive detailed explanation of every question involved are at their command, and among their colleagues are some of the best posted men in the country on such matters.

"Postal express can be demonstrated to be in the interest of all the people, the farmer, the consumer, and the retail merchant, for whom those opposed to any such systems have shown such solicitude. Let me inquire of the retail merchant if he does not think that it will be of advantage to him to cut in half the present extortionate rates of the express companies? Let me ask him if it would not be to his advantage to enlarge our rural delivery mail service so that he could send out his goods to the purchaser under what would be a mail-order service, reducing much of the expenses under which he is now burdened? A flat-rate service would give him no relief, but puts him at the mercy of the mail-order house, and I am opposed to any such system, but a postal-express service, with the cost of transportation determined by the weight and distance as to article and shipment, would simply require him to pay for the privilege he enjoyed and everybody else according to the privilege they enjoyed.

"The express companies are not, in the true meaning of the word, transportation companies, as they have no lines of transportation, no franchise rights, and only are enabled to do business by reason of transportation lines already established, which could do the business as well as they. Further, they did not invest any money in the business at the start except a carpetbag and a man to carry it from Watertown to Boston. The business as it developed bought all their equipment, and the excess profits, amounting at present to $160,000,000, are invested in other securities that draw separate dividends independent of the express business. Their rates are based on about $200,000,000 capitalization, which accounts for high rates. All we want is their physical properties and contracts with railroads, amounting to about $39,000,000. This would be paid for in one year at the present rates and give a complete service all over the country. They originated to fill a deficiency in our transportation system and are parasitic in their nature.

"Under these conditions, for Congress to fritter away time on flat-rate proposals and refuse to give consideration to a scientific solution of one of the most crying evils of the day is simply to raise the question of their fitness for office.

"The farmer and the consumer suffer because of the lack of an adequate express delivery service. Only the Government can supply such a service. Produce goes to waste on the farm for lack of a market and the poor of the near-by cities starve for the lack of the produce. Congress has it in its power to remedy this.

"If the people do not wish to have served to them by this Congress the most unsatisfactory piece of legislation in the history of legislation they had better notify their Representatives and Senators at once.

"If you want a real 'parcel post' tell them you want the express companies eliminated and the postal system substituted in their place. Act at once, for if you miss now it may be a generation before Congress can be brought to the subject again.

"Very respectfully,

"OBADIAH GARDNER."

TO REENACT EXISTING LAWS AGAINST BRIBERY, ETC.

Mr. CLAYTON. Mr. Speaker, I was unavoidably detained from the House on April 9, 1912, and I therefore ask to have printed in the RECORD a statement respecting the bill H. R. 8158, introduced by the gentleman from Texas [Mr. RANDELL], which seeks unnecessarily to reenact existing law on bribery, and so forth, and which I have heretofore analyzed. I have been in Alabama presiding over a Democratic State convention [applause on the Democratic side] and was elected a delegate to the Baltimore convention of the Democratic Party. [Applause on the Democratic side.] That is the reason why I was not able to make this statement at an earlier day. I was attending to that business and returned from Alabama a few days ago.

Mr. MADDEN. I congratulate the State of Alabama on her good judgment.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that the matter indicated may be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. CLAYTON. Mr. Speaker, on April 6 I stated to the House the views of the Committee on the Judiciary in regard to the bill introduced by the gentleman from Texas [Mr. RANDELL]. At a regular meeting of the Committee on the Judiciary, held on Tuesday, April 9, 1912, the bill H. R. 8158 was under further consideration by the committee. By a vote the committee decided not to favorably report the bill. No vote was cast in behalf of a favorable report of the bill. At this same meeting of the committee, on April 9, the committee, by express vote, on motion, approved as the views of the committee the statement made by the chairman in regard to this bill (H. R. 8158) in the House of Representatives on April 6, 1912. The vote of the committee was unanimous. The following gentlemen are the members of the Committee on the Judiciary:

HENRY D. CLAYTON, Alabama, chairman; ROBERT L. HENRY, Texas; EDWIN Y. WEBB, North Carolina; CHARLES C. CARLIN, Virginia; WILLIAM W. RUCKER, Missouri; WILLIAM C. HOUSTON, Tennessee; JOHN C. FLOYD, Arkansas; ROBERT Y. THOMAS, Jr., Kentucky; JAMES M. GRAHAM, Illinois; H. GARLAND DUPRÉ, Louisiana; MARTIN W. LITTLETON, New York; WALTER I. McCOY, New Jersey; JOHN W. DAVIS, West Virginia; DANIEL J. McGILLICUDDY, Maine; JOHN A. STERLING, Illinois; REUBEN O. MOON, Pennsylvania; EDWIN W. HIGGINS, Connecticut; PAUL

HOWLAND, Ohio; FRANK M. NYE, Minnesota; GEORGE W. NORRIS, Nebraska; FRANCIS H. DODDS, Michigan.

EXTENSION OF REMARKS.

Mr. MOON of Tennessee. Mr. Speaker, if there is anybody else in the House who desires to ask unanimous consent or anything——

Mr. MANN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

RESIGNATION FROM A COMMITTEE.

The SPEAKER pro tempore laid before the House the following letter:

APRIL 25, 1912.

Hon. CHAMP CLARK,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: I herewith tender my resignation as a member of the Committee on Expenditures in the Department of Agriculture of the House of Representatives.

Yours, respectfully, BURTON L. FRENCH.

The SPEAKER pro tempore. Without objection, the gentleman will be excused from serving on the committee. [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 101. Joint resolution to appoint Andrew D. White a member of the Board of Regents of the Smithsonian Institution.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 8768. An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real-estate brokers in the District of Columbia.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 22580. An act to authorize the change of the names of the steamers *Syracuse* and *Boston*.

The message also announced that the Senate had passed the following resolution:

Senate resolution 292.

Resolved, That the Secretary notify the House of Representatives that the Senate has elected JACOB H. GALLINGER, a Senator from the State of New Hampshire, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Friday and Saturday, April 26 and 27, 1912.

SENATE JOINT RESOLUTION, AND HOUSE BILL WITH SENATE AMENDMENTS, REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution and House bill of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. J. Res. 101. Joint resolution to appoint Andrew D. White a member of the Board of Regents of the Smithsonian Institution; to the Committee on the Library.

H. R. 8768. An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations, other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real-estate brokers, in the District of Columbia, with Senate amendments; to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 19212. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913;

H. R. 20491. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries;

H. R. 21960. An act to authorize the Port Arthur Pleasure Pier Co. to construct a bridge across the Sabine-Neches Canal, in front of the town of Port Arthur;

H. R. 18792. An act for the relief of homestead entrymen under the reclamation projects in the United States;

H. R. 20286. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russel Fork of Big Sandy River;

H. R. 12623. An act to incorporate the American Numismatic Association;

H. R. 8784. An act to supplement the act of June 22, 1910, entitled "An act to provide for agricultural entries";

H. R. 1647. An act to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings," and for other purposes; and

H. R. 12211. An act to amend the act of February 18, 1909 (25 Stat. L., p. 626), entitled "An act to create the Calaveras Big Tree National Forest, and for other purposes."

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 18336. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18792. An act for the relief of homestead entrymen under the reclamation projects in the United States;

H. R. 20286. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russel Fork of Big Sandy River;

H. R. 21960. An act to authorize the Port Arthur Pleasure Pier Co. to construct a bridge across the Sabine-Neches Canal in front of the town of Port Arthur;

H. R. 20491. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries;

H. R. 8784. An act to supplement the act of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands";

H. R. 1647. An act to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites of public buildings, to authorize the erection and completion of public buildings, and for other purposes";

H. R. 12211. An act to amend the act of February 18, 1909 (35 Stats. L., 626), entitled "An act to create the Calaveras Big Tree National Forest, and for other purposes";

H. R. 21170. An act granting to the El Paso & Southwestern Railroad Co., a corporation organized and existing under the laws of the Territory and State of Arizona a right of way through the Fort Huachuca Military Reservation, in the State of Arizona, and authorizing said corporation and successors or assigns to construct and operate a railway through said Fort Huachuca Military Reservation, and for other purposes; and

H. R. 22642. An act providing for the protection of the United States in lands and waters comprising any part of the Potomac River, the Anacostia River or Eastern Branch, and Rock Creek lands adjacent thereto.

POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21279, the Post Office appropriation bill, with Mr. HAY in the chair.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. How much more time is there remaining on the two sides for general debate?

The CHAIRMAN. The Chair will ascertain. There are 10 hours and 10 minutes remaining.

Mr. GARDNER of New Jersey. Mr. Chairman, I yield 30 minutes, or so much as he may occupy, to the gentleman from Pennsylvania [Mr. SPEER].

Mr. MANN. Before the gentleman yields, can we get any idea of what the intention of the committee is in reference to an evening session? Does the committee desire to have an evening session?

Mr. MOON of Tennessee. I do not know whether we will or not.

Mr. MANN. I thought possibly the gentleman would know. I am perfectly willing——

Mr. MOON of Tennessee. Does the gentleman desire an evening session?

Mr. MANN. Oh, I do not desire any session.

Mr. MOON of Tennessee. Well, the gentleman will get his desire, then.

Mr. SPEER. Mr. Chairman, the phase of this bill which I expect to discuss is the parcel-post question. There has already been so much discussion on this question that I presume I will not be able to say anything new upon the subject. I have not cared so far to take up the time of the House in a discussion of those questions which were more particularly party questions, because in nearly every case Members had already made up their minds how they were going to vote; but this is a question that to a certain extent seems to be open, and therefore I feel like giving the Members the benefit of my views. If it does not aid you in coming to any conclusion, it will perhaps serve to strengthen me in my own views upon the subject. I am in favor of a general parcel-post system, because I believe it will be beneficial not only to the people generally but especially to our country districts and those living upon rural routes. It would seem to me sufficiently clear that if by any legislation we can make life in the country more attractive and more desirable, we ought to be willing to adopt that legislation, not only because the country people are entitled to it, but because it is a sound economic policy. The one thing which our last census has shown is the great drift of the population to the cities and the desertion of the country, and that fact in itself is enough largely to account for the higher cost of living. The consumers have been greatly increasing and the producers have been diminishing. Now, then, why is it that people prefer to live in the crowded cities, to work in the shops amidst the dirt and noise that is there and under very undesirable circumstances, rather than to go out into the fresh air of the country where life is, or ought to be, as one would judge, more pleasant? It is simply because the attractions of city life, the social advantages which you get there, are desired by the men and by their families, and that is the principal reason why they wish to live there. Those of you who, like myself, were brought up in the country—and there are perhaps a few here who were brought up on sure-enough country farms—and took a part in the country life know that one of the greatest disadvantages of the country life, as it was when we were boys, and one reason why you could not keep the boys and girls on the farm, was on account of the dreadful loneliness of the country life and the feeling that you were separated from the thought and action of the great world. You would only get your mail once a week, perhaps, when you went 4 or 5 miles to the post office. You were utterly out of communication with world events and most of the time out of communication with your neighbors.

Now, these conditions have been greatly changed. The farmers themselves have largely brought it about. They have done much in the way of making the conditions in the country districts better. They get together in a social way. They have their harvest homes and their picnic gatherings; they have their lodges and their granges and their social organizations. They have better schools and better churches. They have built for themselves better roads, and they have better carriages and means of transportation by which they can get about and see one another. All this has made a wonderful change in the ability to endure country life, and of those influences which have brought it about it seems to me that no one has had more effect than our rural mail service, which brings daily to the home of the farmer the daily papers, with the news of what is happening in this great world of which he is a part. The happenings all over the world are known almost immediately out upon these rural lines. The pulse throb of the thought of the world is felt not only in the crowded cities each day, but out at the very extreme of the free rural-delivery lines in this country. That is a great thing, and it is making country life more desirable every day.

But there is a very strange anomaly in our rural service. While the rural carrier comes to the farmer's door with the daily mail, and while the farmer may want some little article of merchandise brought to him, which he may need, yet that rural carrier is not permitted to bring it. He goes on with his wagon empty. The farmers themselves have built, as we all know, what we call farmers' telephone lines, so that they are now not only in communication with each other in that quick way, but also with the towns and with the stores at which they deal. They can phone to their store for anything they may need; but how is it to be brought to them? The country storekeeper and the storekeepers in the small towns can not afford to send those articles out. The farmer, if he needs the article, will have to quit his work and spend half a day in going for it. If he needs a plowpoint, if he finds that somebody is coming to visit him to-morrow and he wants a few pounds of tea, there is no way that it can be brought to him, and yet this rural carrier is going to pass the door and could easily bring whatever article is needed and deposit it there, if permitted to do so by our laws.

When this rural service was begun the carrier was permitted to bring these little articles, but it is not permitted now. That is a part of the rural service which would be beneficial to the country people, and in a like way a similar serivce to that would be beneficial, I believe, over the entire country. Why is it we can not have it?

It is a strange thing that we should boast that we are the most civilized, the most advanced of all nations, and that we have the freest Government of any in the world, and yet have not this parcel-post system, while every other civilized nation in the world has it, and many of those that can not claim to be more than half civilized. They have it even in China, and it is successful there. Why is it we can not have it here? The people are demanding it, the Post Office Department is in favor of it, and have been advocating it for years, and yet it is impossible to get this legislation through.

There is no question as to the opposition of the express companies. Some gentlemen have endeavored upon the floor of the House to make us believe that this legislation was in favor of the express companies, but such a proposition is absurd. There is other opposition, however, and this, I presume, nearly every Member of Congress has felt. A great many of the rural merchants—at least a great many in my district, and I have no doubt a great many in the districts of other Members—have sent in petitions to Congress saying that the parcel-post system would injure their business. Now, that is a matter for serious consideration. I would not willingly vote for anything that would injure our local merchants, materially injure their business, or put them out of business. I do not believe anyone would wish to do so, because those communities need those merchants. There should not be any jealousy between the local people and their merchants. A town can not exist without merchants and the merchants can not exist without the town, and they should work in harmony. I have no sympathy whatever with the person who is not willing to buy his goods at home. I believe that everyone should buy the provisions which he needs, so far as possible, in his home town. I believe he should buy there, so far as possible, everything he wants to use; that he should buy his clothing there. Nowadays, with the wonderful development which has come to all parts of our country, you can get just as good things in your home town, and cheaper, and get clothes made in as good style, as at any other place. You do not need to go to the large cities to have this done.

But will it have that effect? Will it hurt the local merchants? I am firmly of the opinion that it will not do so. I think this rural service, especially, will be of great benefit to the local merchants. I think it will help them to hold the trade of their communities, because their patrons who deal with them can call them up on the phone and have articles sent out, and in that way, by being able to convenience their customers, it will enable them to hold their trade. And, more than that, by having the general parcel-post system they can easily supply what their patrons need. They can send and get it for you, and in that way they can hold your trade and prevent your going to the larger towns to do your business.

Now, this is not entirely theory. It is something that has been demonstrated, as I understand, in practice where the parcel post has been in use. And, as corroborating that, I wish to read just briefly from the reports of the investigations compiled by Senator BOURNE and published by the Government. Here is the report of the consul general of Belgium, on page 51, where they have a very successful parcel-post system, as follows:

> The parcel post has proven very successful in Belgium, not only with the public but the Government has realized large profits in this department; but there are no statistics published to show details.
>
> One proof of its success is in the fact that the Government is now studying the project to extend the parcel-post system to include packages up to 100 kilos (220 pounds) or even more in weight.
>
> It is interesting to note what effect this service has on the business of the small merchants in the country villages, whether they suffer a material loss as a consequence of the larger merchants in the cities supplying their customers, and it appears they have not suffered a loss in their business, for they are the very ones who make the most use of the parcel-post service. If they do not have an article asked for, they at once order it for their customer and have it sent by parcel post.
>
> In general the people of the country and the small towns, except the rich, do not use the parcel post much in ordering things from the city, but buy at home, as they did before this system was started.
>
> The richer class and the summer people who pass several weeks each year at the numerous seashore and mountain resorts of Belgium use the parcel post a great deal, but even before the advent of this service they always went to the city to do their most important shopping.

Now, also, in France, where they have a very successful parcel-post system, I read from consular report:

> The administration has not yet received any complaint from shopkeepers in small towns concerning the advantages which large depart-

ment or city stores would reap from the parcel-post system and the patronage it would cost them. It seems that they themselves find great facilities in this service for the needs of their trade.

The same is true in a number of other countries, which I can not now take time to read. A great deal of this has already been read into the RECORD by other Members in their speeches.

Now, then, these reports would seem to be entirely in accordance with my views. The theory that this mail-order business will be developed by the parcel-post system does not seem to be in accord with the facts in other countries. It is true that in some countries it appears that the mail-order business is developed; but it would not appear to have developed on account of the establishment of the parcel post, but is in spite of it, and would probably be in existence if there was no parcel post. We have no parcel post in this country, and yet that mail-order business has developed. It is here now. It can not be blamed on the parcel post, because it has developed without the parcel post. It has been built up by use of the railroads and of the express companies. In all probability it will continue to use those same methods of transportation.

Usually this mail-order business is done by getting a number of orders together and sending the goods by freight in large enough quantities to get the cheap freight rates, or in large enough packages by express to get the advantage of cheap rates on the heavier packages. I do not believe that the mail-order business will make very much use of the parcel-post system, for the reason that by using the express they can collect on delivery, which they will not be able to do by the use of the parcel-post system.

Now, then, it is true that a provision for a general parcel post for large packages with a flat rate over the entire country might be to the advantage of these large stores, and I want to come now to a discussion of the particular features of this bill. The bill contains as one of its features a flat-rate system of 12 cents a pound all over the country. I am opposed to that provision for two reasons: First, it charges only by the pound—12 cents for 1 pound, 24 cents for 2 pounds, with nothing for the intermediate ounces. That is not fair; and, besides, it is not fair that the same price should be charged for transportation on a heavy package 3,000 or 4,000 miles as would be charged for its transportation a few hundred miles, and by allowing that sort of a provision it is possible that you will give an advantage to the mail-order houses. That sort of a provision is not only unfair to the Government, but unfair to the localities. When you have a certain product in a certain locality near a market you are entitled to the fair advantage which your location gives you in your home market, and no one should be allowed to bring goods in from a place 3,000 or 4,000 miles away as cheaply as you can ship them 10 miles, and in that way get an advantage over you at the expense of the Government. We would not permit the railroads to ship goods in that way; we would not permit them to ship goods from New York to San Francisco at the same price at which they ship them from New York to Philadelphia. We would not permit the express companies to ship goods in that way. They are compelled to regulate their prices to a certain extent by the distance of the haul. In small packages of light weight it is perhaps immaterial, but when you get packages of any material weight, where the weight has something to do with the expense of carrying them, then the provision of a flat rate all over the country is unfair to the Government and unfair to the local merchants in the small towns, and would, I believe, help to develop this mail-order business.

Mr. SAMUEL W. SMITH. Is the gentleman in favor of limiting the weight of the package to 11 pounds?

Mr. SPEER. I think so at present. Not that there is any particular merit in the 11 pounds, but that is the international weight, and I believe that our postal department now, with its present equipment, is ready to begin to do business at that weight; while if you try something different, of a much greater weight, they would not be prepared to do it, and we would have years of delay. I am opposed to delay. I am opposed to having a commission. We do not need it. There has been sufficient investigation of this. It is no new thing. It has been in use in other countries, and our Post Office Department has investigated it. They say they are willing to begin it, and have the equipment to begin it. Why should they not be allowed to begin it at once? This matter of having a commission and having it delayed is simply the last effort of those who are opposed to it to prevent its adoption.

Mr. MARTIN of South Dakota. Is the gentleman in favor of the distance rate instead of the flat rate?

Mr. SPEER. Yes; I am inclined to favor the bill of the gentleman from Minnesota [Mr. ANDERSON]. If I have an opportunity I will vote for that bill, as I believe it is the best one. If I can not get that opportunity, I am willing to take anything we can get, because I believe the worst bill we can get is better than none at all, and even if it is not satisfactory it will eventually be modified. Instead of putting on too many restrictions and fixing too many rates, I believe it would be better for us to leave this matter more fully with the Post Office Department. I would be willing to let this flat rate of 12 cents stand, but with a provision that the department could arrange for zones in which goods could be transported at a less rate, to be fixed by the department, and changed from time to time as the department find the exigencies of the occasion require.

I want to say that the merchants of this country are not going to be deceived about this matter. I had a letter from a druggist at home. I thought I had it here, but I have not.

I should have liked to read it word for word as he sent it. He had signed a petition against the parcel post, but he has examined the bill, and he writes me saying that the provision as to the rural parcel post is all right; that it will be for the benefit of the local merchants, and that is what I contend. He says the other provision of a flat rate of 12 cents all over the country will be to the disadvantage of the merchants, and that is what I contend, and I say that if you will make a proper zone system and then have this rural service also, you will have something that will protect the local merchant and help develop the business of every community and build it up.

I want to say this, and I wish I had time to go into a discussion of it, I believe the great advance we have had lately in the way of controlling railroads and preventing their giving rebates, which are now acknowledged to be a thing of the past, and in preventing them from giving favored rates to certain localities, is going to break up this concentration of our business in large centers, and will cause it to be more generally distributed over the country.

I believe the provision of the bill as to rural routes is defective in this, that while it gives the right to mail a package at the central office to go out on the rural route, it does not give the man out on a rural route the proper advantage in this respect. All he can do is to mail the package to some one on his own route. Here is a central station with four or five rural routes going out from it. I say any man living on one of those rural routes ought to have the right to mail a package at these reduced rates to go in and go out so long as it does not have to be carried by rail. A man living on one route ought to have the privilege of sending a package to anyone living on another route which runs out from the same post office. The department have not asked for this emasculated service. They have asked for a complete rural service.

Mr. MARTIN of Colorado. There is another suggestion, and that is that even on the rural route it will be confined to fourth-class matter.

I am advised that there are only two classes of fourth-class mail matter which can be sent by the farmer, one is queen bees and the other dried fruit.

Mr. SPEER. I do not know about that. I do not understand it so.

Mr. MARTIN of Colorado. So that it might be of advantage to the merchant, but no reciprocal advantage to the farmer.

Mr. SPEER. I understand by this that you can mail anything that is mailable. Now, in the report of the Postmaster General for 1910, to show you that the department does not want this kind of a limited service, I want to read what is said there. What benefit would this limited service be? You do not want to send anything to a man on your own rural route. You want to send it into town to be distributed on some other route. Here is what the Postmaster General recommends. He first advocates a general parcel post and then says:

> As the preliminary step in the development of such a service it is hoped that Congress will authorize the delivery on rural routes of parcels weighing as much as 11 pounds, which is the weight limit for the international parcel post. This form of service can be conducted with little if any additional expense to the Government. It will not require the appointment of more carriers, for those already employed have the necessary equipment in the way of horses and wagons to distribute the parcel as well as the ordinary mail, which is rarely of sufficient volume to take up more than a small portion of the mail space in the carrier's wagon.

That is the sort of rural parcel-post system to have, and that is what we are not getting in this bill. It is simply a farce and a makeshift that you are going to give by the provisions of this bill. It ought to be amended so that a man out on the country road can send his parcel to the central office to have it distributed to anyone who receives the mail from the central office.

Mr. SAMUEL W. SMITH. Will the gentleman yield?

Mr. SPEER. Yes.

Mr. SAMUEL W. SMITH. Will the farmer be satisfied with anything except with a general parcel post?

Mr. SPEER. Well, I do not know about that, but we will have to take what we can get, and surely this part of it ought to be made right. I want a general parcel post also in addition to this cheaper rural service.

Mr. JOHNSON of South Carolina. Will the gentleman yield?

Mr. SPEER. Yes.

Mr. JOHNSON of South Carolina. What does the gentleman think about the rate at which these packages should go out on the rural route?

Mr. SPEER. Well, there is a very good bill which was introduced by the gentleman from Wyoming last May for a parcel-post system on rural routes, one in which he made the low rate of 5 cents and the extreme rate on 11 pounds 25 cents. I would be glad to put that bill in here instead of the provisions as to rural service in this bill, but I say that the question of price is a matter that ought to be subject to future regulation, and that you ought to leave that as far as you can to the department, which would be much better than to hamper them too much by restrictions. I would be in favor of giving the department more power and not hamper it with too many regulations in the bill.

Mr. BOWMAN. Will the gentleman yield?

Mr. SPEER. I will, but you are taking up my time which has almost expired.

Mr. BOWMAN. Would it not be always with the idea that the rate should be limited to not exceeding the cost?

Mr. SPEER. Yes; but that is a matter you can not tell positively about until you have the experience. Prices fixed now would necessarily be subject to future revision.

Now, then, my time is nearly gone. As to this question of condemning the express companies, I do not favor that. I see no reason why we can not have a parcel-post system of our own. The big profit is made out of handling the little packages, and that is why the express companies are fighting it. Suppose you condemn them, what do you get? Take their contracts, and what do we want the contracts for? Can not this Government make as good contracts with the railroad companies as can the express companies? If we can not we had better have a new form of government. All you will get if you condemn them is the old antiquated wagons and horses about ready to die. You will take a lot of old stuff that is out of date and worn out, that will soon be set aside, for they are now in many places using automobile trucks instead of wagons. We ought to run our parcel-post system and let the express companies run theirs, and I believe the operation of the two together will be beneficial. This is done in many countries. It is done in France and in a number of other countries where express companies operate, and the Government does not put them out of business but allows them to operate, and the competition between the express companies and the Government is, in my opinion, beneficial and helps to lessen rates.

Now, I think that the mail-order houses as a rule do not use the Government parcel post in these cases but use the express companies for the reason that they can send their goods C. O. D. by express. I believe that would be the result in this country—that these mail-order houses would not use the parcel-post system to any great extent. It would not be exactly what they want.

Why should we obligate this Government in millions and millions of dollars to condemn these express companies? It is shown that they do operate in other countries where the countries have a parcel-post system of their own and that it is not necessary to take over the express companies. We have a perfect right to establish this system without the permission of the express companies, and therefore I can see no necessity for taking them over at all. It would be much to the benefit of the express companies for us to take over their old stuff. It is said that the Government will not be able to do any business; that the express companies will do it more cheaply. Well, if the express companies can do the business more cheaply, let them do it. If that is the fact, will it not be an incentive to our Post Office Department to economize and try to conduct its affairs so that it can show that the Government can run a business of this kind as well as express companies?

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. SPEER. Certainly.

Mr. CULLOP. I did not hear the gentleman as to which one of these propositions he favored.

Mr. SPEER. I shall favor the Anderson bill, because I think there should be a zone system established for general parcel post.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER of New Jersey. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I have paid some attention to the various bills that have been introduced for the improvement of highways in States at the expense of the National Treasury. It is a very interesting subject. As long ago as I can recollect, being the son of a father who was a Whig and a devoted follower of the gallant Harry of the West, I remember hearing them, Whigs and Democrats, when gathered around the old fireplace talk about national roads, the Whig standing for national roads and internal improvements and the Democratic politicians denouncing Clay as a fraud and opposing internal improvements and the national roads. They even put the controversy into songs on each side.

When quite a boy my father lived adjacent to the national road that lead from Cumberland, Md., to St. Louis, through Indianapolis, Terre Haute, Marshall, and Greenup. Among my earliest recollections is the stage coach, with the four horses, the driver, and the winding of the horn to announce the arrival of the mail, on that old national trail. The recollections of the boy, with the world before him, are to me, as I have no doubt they are to most old men, very pleasant. That road was never completed to St. Louis. It never was entirely completed in Indiana, except as far as Richmond, though, if I recollect right, some bridges were built and sections of the road completed as far as Marshall and Greenup, Ill. Before it was completed evil days came, and the question arose as to the maintenance of the national road. Congress refused to maintain the road, and the respective States would not maintain it. So before a great while it fell into innocuous desuetude, so far as the United States was concerned, and was granted to the respective States.

The United States parted with all title to that improvement and it is now vested in the respective States. It is a dear old road to me, and if I had the power I would construct that road from Cumberland, Md., to St. Louis, as it was originally located and in part constructed. I would make that much of a contribution to ancient recollection and to present utility. I would make the road a great pattern for all roads and highway bridges for all of the people to copy in constructing the over 2,000,000 miles of highways in the United States, and this I will by voice and vote contribute to doing.

Some 29 Members of the House have introduced bills to construct highways at the expense of the Federal Treasury. Nearly all of them provide that the States shall contribute one-half of the expense for highways within their borders. One was introduced by the gentleman from Ohio [Mr. FRANCIS], who represents a district through which the national road ran and I suppose still runs. It provides that the United States shall reacquire that road from the States, rebuild it, and if the States do not give it up voluntarily, then the United States shall purchase it or acquire it by condemnation. The bill also provides that when the road is constructed it shall be maintained half from the Federal Treasury and half from the State treasuries. What the States might do or refuse to do I do not know. Most of the bills introduced propose that the roads shall be constructed on the half-and-half principle for construction and maintenance.

Mr. Chairman, these 29 Members of the House, including Representative FRANCIS, got together, and after consultation went before the Committee on Agriculture and presented the following request:

To the Committee on Agriculture:

The undersigned Members, who have introduced bills on the subject of good roads, desiring to secure, as far as possible, harmony and unity of action among the friends of such legislation, have conferred, with a view to agreeing upon a bill. After careful consideration we have prepared and agreed upon the subjoined bill and requested Mr. SHACKLEFORD to introduce it on behalf of us all. We have further requested Mr. SHACKLEFORD to appear before you and respectfully bespeak for the bill early and favorable consideration.

Very respectfully,

EZEKIEL S. CANDLER, Mississippi; J. THOMAS HEFLIN, Alabama; THOS. L. RUBEY, Missouri; JOHN J. WHITACRE, Ohio; JOSEPH A. TAGGART, Kansas; JOSEPH HOWELL, Utah; JAMES P. BYRNES, South Carolina; KENNETH D. MCKELLAR, Tennessee; E. W. SAUNDERS, Virginia; WILLIAM B. FRANCIS, Ohio; RICHARD W. AUSTIN, Tennessee; SCOTT FERRIS, Oklahoma; D. R. ANTHONY, Jr., Kansas; GEORGE WHITE, Ohio; WALTER L. HENSLEY, Missouri; JAMES M. COX, Ohio; GEORGE A. NEELEY, Kansas; J. J. RUSSELL, Missouri; J. H. GOEKE, Ohio; H. D. FLOOD, Virginia; BURTON L. FRENCH, Idaho; T. T. ANSBERRY, Ohio; C. C. ANDERSON, Ohio; P. P. CAMPBELL, Kansas; S. F. PROUTY, Iowa; W. C. ADAMSON, Georgia; BIRD MCGUIRE, Oklahoma; D. W. SHACKLEFORD, Missouri.

The Committee on Agriculture favorably considered and reported the bill to the House, and the House has agreed to a special rule making it in order to consider the bill as an amendment to the Post Office appropriation bill, which assures the consideration of the bill at this session, as the money must be appropriated to maintain the postal service.

Mr. Chairman, my time has almost expired and I can not explain the bill fully, but will, with the consent of the House, present the report of the Committee on Agriculture, which contains a copy of the bill and an explanation of its provisions.

Many of the States have very poor roads; some of the States have good roads. Indiana has 25,000 miles of the best roads in this country. [Applause.] Ohio is next with 24,000, and New York had only 12,000 in 1909, and so on.

Mr. CLINE. Will the gentleman yield?

Mr. CANNON. I have only 15 minutes, but I will yield to the gentleman for a question.

Mr. CLINE. I just wanted to supplement the gentleman's remark in reference to Indiana by saying there are plenty of sections in Indiana where they haul their gravel 12 miles to build roads, and pay 50 cents a cubic yard, and that is the expenditure there.

Mr. CANNON. In my State we have 8,000 miles of roads for which we would receive annual pay under the bill.

Mr. Chairman, if nothing else can be done at this session, the bill will wake up the country and make the respective States ready to cooperate with the United States. [Applause.] Then, perhaps, it would be well to pass it. I have some statistics which I will put in the RECORD. There are 2,000,000 miles of roads in the United States. There are 118,000 miles of roads that would get something under the bill reported by the Committee on Agriculture to be offered upon this Post Office appropriation bill. The cost would be about $2,300,000 the first year. If the million of miles, in round numbers, over which the rural carriers travel were in as good shape as the roads in Indiana are, and substantially in Ohio, then it would cost about $18,000,000 a year.

The roads in Illinois do not equal those in Indiana and Ohio. In Illinois it is somewhat difficult to get material near to our black land, but we have plenty of shale, and the shale brick makes the best roads. In Indiana a special tax was levied upon the land adjacent to the roads. Our roads have been improved, the country has been tiled out, and we have graded the roads, but there is a month or two in the spring when there is no bottom. The remainder of the year they are as good as any roads.

Mr. CULLOP. Will the gentleman yield for a correction in regard to Indiana?

Mr. CANNON. Just for a question, if the gentleman will make it short.

Mr. CULLOP. Is not the gentleman from Illinois confounding the Indiana drainage law with the road law?

Mr. CANNON. Oh, no.

Mr. CULLOP. It is not the contiguous land that is assessed for roads, but the land of the township.

Mr. CANNON. What the rule is in Indiana now I do not know, but way back when you commenced, 35 years ago, the law then provided a tax of so much for the adjacent section and a little less for the next section, and so on.

Mr. CULLOP. That applies to the drainage land.

Mr. CANNON. What your present regulation is I do not know, but I have no doubt it is good, because you have good roads.

Mr. CULLOP. I desire to say to the gentleman they are the best of any State in the Union.

Mr. CANNON. I have just said that, and I have some pride in that, because I was born in North Carolina and grew up in Indiana, and I think I am responsible for that condition in Indiana. [Laughter and applause.]

Now, Mr. Chairman, some people have constitutional scruples. Oh, they had such scruples way back as long ago as I recollect. I have not any doubt that under the general-welfare clause, under the authority to establish post roads under the power to regulate commerce among the States, we have ample power to construct the road from Cumberland, Md., to St. Louis, which I should like to see constructed, or any other road elsewhere in the United States, and appropriate therefor from the Federal Treasury. It is not the want of power that prevents action, it is the question of the policy of exercising that power and how far it is policy to exercise it. Will it ever be exercised? Yes. Some time it will be done, but it will be done gradually.

Mr. Chairman, the gentleman from Alabama [Mr. UNDERWOOD] introduced House joint resolution No. 262, that provides for a commission of three Members of the House and three Members of the Senate to investigate practically this whole matter and report to Congress. That measure has been reported favorably and is on the calendar for consideration. I shall vote for it. I am in favor of having full information, especially as to what cooperation the United States can secure from the States in construction and maintenance of roads.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. CANNON] has expired.

Mr. CANNON. I will not consume further time. I wanted to talk merely about this highway question, and perhaps to the extent of 5 minutes more than the 15 minutes. [Applause.] I will extend my remarks.

The Committee on Agriculture, to which was referred House bill 22952, report the same back with the recommendation that the same be passed.

The said bill as amended will read as follows:

"A bill providing that the United States in certain cases shall make compensation for the use of highways for carrying rural mail.

"Be it enacted, etc., That for the purposes of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

"Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of shells, vitrified brick, or macadam graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair.

"Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface.

"Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted, and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times.

"SEC. 2. That whenever the United States shall use any highway of any State, or civil subdivision thereof, which falls within classes A, B, or C, for the purpose of transporting rural mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C.

"SEC. 3. That any question arising as to the proper classification of any road used for transporting rural mail shall be determined by the Secretary of Agriculture.

"SEC. 4. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act.

"SEC. 5. That this act shall go into effect on the 1st day of July, 1913."

The basic principle of this bill is compensation by the Federal Government for the use of the roads traveled by the mail carriers in the star route and Rural Delivery Service.

The constitutional power of the Federal Government to construct or promote works of internal improvement has been debated from the foundation of the Republic. Heretofore the question of Federal aid to the construction or maintenance of highways has been considered from the point of view either of appropriations in aid of the construction of such works as are authorized by the States and are national in their character or of appropriations for the direct construction of roads and canals in order to "facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive the means and provisions for the common defense." The chief obstacle thus far in the path of appropriations in aid of road making or of road maintenance within the several States has been the indisposition on the part of the States to agree to any measure of Federal control or authority over their roads. No practicable scheme of joint operations using in part Federal and in part State money has been or is likely to be devised. One sole and responsible agency, whether State or Federal, must do the work, and all the funds appropriated for this work, whether county, State, or national, should be turned over to this agency. This is what this bill proposes to do with respect to Federal payments in compensation for use of the State roads.

The specter of Federal interference with State or local affairs has been eliminated by the form in which compensation will be made. The public is familiar with the system in vogue of compensating the railroads for the transportation of mail matter and of Government agents and agencies connected with the mail service. The aggregate of these payments in the last fiscal year amounted to about $51,000,000. Thousands of miles of exclusively State roads are in use by rural and star route carriers. At present these roads are maintained by the States, though the Federal Government enjoys their free and uninterrupted use for its mail service, whether by rural or star route carriers. No reason is perceived why the Government should not pay for use of these highways, the amount of the payment to be determined in any given instance by the character of the road traveled by Federal employees performing Federal service. For the purpose of this determination the bill divides the roads in use, or to be used, for this purpose into three classes.

Class A is the highest form of improved road in country use. For a road of this character used in the rural-delivery and star-route service it is provided that the Government shall pay at the rate of $25 per mile per year.

Class B is the next form of improved road defined in the bill, a road of high quality but not so good as that defined in class A. For this road the compensation fixed is at the rate of $20 per mile per year.

Class C comprehends the ordinary dirt roads of the country, and for these roads the prescribed compensation is at the rate of $15 per mile per year.

Payments are to be made at the end of each year to the appropriate custodian of the road funds, on the warrant of the Postmaster General. No payment will be made for a road not falling within one of the prescribed classes, and as the determination of the proper character of the road used will be at all times in the hands of the agents of the Federal Government, the interests of the Government in this respect will be adequately conserved. If the road is not maintained to the prescribed standard, the road authorities will not be entitled to receive compensation. If it is maintained to the standard for a portion of the year, then the compensation will be paid pro rata. The most zealous and tenacious advocate of State rights will be unable to find in this bill any encroachment upon those rights. The States will maintain and control their highways, and the Federal Government will pay for using them, provided that they are adequately maintained in the prescribed condition. If the maintenance of State roads is a function of the States, that function will not be trenched upon or in anywise impaired by this bill. The States will continue in the sole and exclusive control of the State highways, and will be under no compulsion to receive the payments contemplated for their use. It is hardly necessary to enlarge upon the benefits to the whole public that will follow upon the general improvement of the highways in the several States. In the matter of good roads, this country lags behind the older countries of the civilized world. In part this is due to the fact that this country is the only one of the great powers that makes no national contribution either to the construction or to the maintenance of public roads. For this our dual system of government is largely responsible, since this duality has made it difficult to furnish this aid in such a manner as to reconcile the conflicting rights and interests of the States and the Nation.

It is believed that the measure proposed is not only no infraction of the Constitution but is in harmony with its general purpose. The number of miles of State roads now traveled by the rural and star-route carriers is approximately 1,179,000. The mileage in class A is 35,000 miles, in class B, 83,000 miles, and in class C, 1,061,000 miles. According to the prescribed scheme of payments the amount per year that this bill will carry on the above basis, should payments be made for the entire mileage, will be $18,450,000. But it must be borne in mind that only a small proportion of this aggregate mileage is in condition to receive immediate compensation.

The improved roads, totaling 118,000 miles, may be considered as ready to comply with the requirements of the bill and receive compensation, but the aggregate payments on this account will be only $2,535,000 per year. A very large proportion of the mileage of dirt roads will require much work at the hands of the local authorities before any claim for compensation can be presented. Hence it is believed that for the first year the payments on this account will be comparatively small, the exact amount required being impossible of estimate. In proportion as the mileage of the rural and star routes increases and dirt roads are improved so as to fall within class A, class B, or class C, the payments under this bill will increase, but the increase will be a legitimate and natural evolution. The inevitable effect of this measure will be not only an immediate improvement of the roads of all the States but a stimulus to road construction in every direction.

The tendency of road building hereafter will be in the direction of a steadily progressive change on the character of the State roads, the dirt roads being transformed into improved roads as rapidly as possible, so as to entitle the local communities to receive the large tolls contemplated for roads of the latter description. The universality of the benefit of this measure is one of its striking features of merit. It will touch every State and practically every community. Wherever a rural or a star route runs, however remote that route many be from the great centers of trade and commerce, the stimulating effect of this bill upon road improvement will be proportionately felt. So far from stifling or impeding the spirit of local improvement and development, this measure of Federal compensation for roads actually used will energize that spirit, since the payments provided will swell the local contributions into a working total. On the whole, it is submitted that the bill is meritorious in its purpose and constitutional in its character.

This measure is the composite production in conference of a number of members who have heretofore shown their interest in the subject of national aid to roads by the introduction of bills on this subject. At the time this measure was introduced in the House, Mr. SHACKLEFORD, of Missouri, made the following statement as a part of his remarks:

Mr. Speaker, those participating in the conference signed the following document:

To the Committee on Agriculture:

The undersigned Members, who have introduced bills on the subject of good roads, desiring to secure, as far as possible, harmony and unity of action among the friends of such legislation, have conferred with a view to agreeing upon a bill. After careful consideration we have prepared and agreed upon the subjoined bill and requested Mr. SHACKLEFORD to introduce it on behalf of us all. We have further requested Mr. SHACKLEFORD to appear before you and respectfully bespeak for the bill early and favorable consideration.

Very respectfully,

EZEKIEL S. CANDLER, Mississippi; J. THOMAS HEFLIN, Alabama; THOS. L. RUBEY, Missouri; JOHN J. WHITACRE, Ohio; JOSEPH A. TAGGART, Kansas, JOSEPH HOWELL, Utah; JAMES F. BYRNES, South Carolina; KENNETH D. MCKELLAR, Tennessee; E. W. SAUNDERS, Virginia; WILLIAM B. FRANCIS, Ohio; RICHARD W. AUSTIN, Tennessee; SCOTT FERRIS, Oklahoma; D. R. ANTHONY, Jr., Kansas; GEORGE WHITE, Ohio; WALTER L. HENSLEY, Missouri; JAMES M. COX, Ohio; GEORGE A. NEELEY, Kansas; J. J. RUSSELL, Missouri; J. H. GOEKE, Ohio; H. D. FLOOD, Virginia; BURTON L. FRENCH, Idaho; T. T. ANSBERRY, Ohio; C. C. ANDERSON, Ohio; P. P. CAMPBELL, Kansas; S. F. PROUTY, Iowa; W. C. ADAMSON, Georgia; BIRD MCGUIRE, Oklahoma; D. W. SHACKLEFORD, Missouri.

After its reference to the Committee on Agriculture, the bill was referred to a subcommittee as follows: Mr. RUBEY, Mr. LEVER, Mr. BEALL of Texas, Mr. SIMMONS, and Mr. HANNA.

After careful consideration, the subcommittee approvingly reported the measure to the full committee. The examination of the full committee confirmed the indorsement of the subcommittee, and the bill was ordered to be reported with favorable recommendation.

The figures as to the mileage of the improved roads were obtained from the Agricultural Department, while the figures as to the roads traveled by the star route and rural route carriers were furnished by the Post Office Department. In this connection, the statement afforded by the latter department is reproduced for the information of the House:

STATEMENT SHOWING THE NUMBER AND MILEAGE OF RURAL AND STAR ROUTES, FURNISHED BY THE HON. P. V. DE GRAW, FOURTH ASSISTANT POSTMASTER GENERAL.

1. On April 1, 1912, the total number of star routes in operation was 12,656, the number of miles traveled daily on these routes being 318,280.

2. The star routes classified as to frequency of service are as follows:

Times served per week.	Number of routes.
1	196
2	875
3	2,346
4	11
5	1
6	7,368
7	371
8	2
11	1
12	1,118
13	94
14	53
18	102
19	36
20	9
21	8
24	38
25	9
26	4
27	3
28	5
30	4
32	1
33	1

3. The total number of rural routes in operation is 42,100, of which 681 are served triweekly.

4. On April 1, 1912, the total number of rural and star routes in operation in each State was as follows:

States.	Rural.	Star.
Alabama	1,017	295
Arizona	11	83
Arkansas	417	598
California	378	424
Colorado	150	257
Connecticut	279	57
Delaware	107	14
District of Columbia	7	.....
Florida	202	233
Georgia	1,639	169
Hawaii	.....	26
Idaho	112	167
Illinois	2,856	90
Indiana	2,120	99
Iowa	2,424	55
Kansas	1,802	148
Kentucky	733	943
Louisiana	181	333
Maine	468	297
Maryland	437	156
Massachusetts	299	144
Michigan	2,027	173
Minnesota	1,594	195
Mississippi	779	307
Missouri	2,067	468
Montana	45	209
Nebraska	1,047	231
Nevada	3	81
New Hampshire	237	132
New Jersey	303	119
New Mexico	15	229
New York	1,899	550
North Carolina	1,306	432
North Dakota	531	222
Ohio	2,530	183
Oklahoma	1,026	337
Oregon	230	245
Pennsylvania	2,203	639
Porto Rico	.....	33
Rhode Island	43	19
South Carolina	774	135
South Dakota	559	203
Tennessee	1,605	244
Texas	1,912	679
Utah	51	124
Vermont	340	144
Virginia	1,013	699
Washington	301	198
West Virginia	369	514
Wisconsin	1,642	170
Wyoming	10	154
Total	42,100	12,656

5. The aggregate mileage traveled by rural and star-route carriers is as follows:

	Miles.
Rural delivery:	
Daily travel	1,010,396
Annual travel	310,191,572
Star route:	
Daily travel	318,280
Annual travel	84,678,423
6. The total length of routes is:	
Rural delivery	1,018,909
Star delivery (total length of star routes is based upon travel one way only)	160,058

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from Illinois [Mr. FOWLER] 40 minutes.

Mr. FOWLER. Mr. Chairman, one of the greatest problems which confronts the American people to-day, demanding their immediate attention and prompt action, is the construction of a system of hard roads throughout the country. When we consider that we have, in round numbers, 2,200,000 miles of country roads and that less than 200,000 miles of these roads are improved, and when we further consider that the average haul from the farm to the market is 9.4 miles, and that the average cost per ton is 23 cents a mile, we are compelled to admit that the farmers of this country have been sadly neglected in the past. The deplorable condition of transportation over our roads is revealed when we consider that it costs the farmer 1.6 cents more to haul a bushel of wheat 9.4 miles to market than it does to ship it from New York to Liverpool, 3,100 miles away.

Prior to the Civil War agriculture was the chief occupation of the people, and the great majority of them lived in the country. In 1790 only 3.4 per cent of the population lived in cities, and in 1850, 87½ per cent lived on farms. It was the fixed policy of this country for the first half century and more to give national aid to the construction of good roads throughout the States. Washington in his first annual message to Congress recommended that prompt attention be given to the construction of post roads, and throughout his eight years as Chief Magistrate of the Nation he steadily pursued the same policy. Madison, Monroe, and John Quincy Adams in their messages to Congress advocated the same doctrine. The old Cumberland Road from the Potomac to the Ohio was constructed by the Government, and Congress has repeatedly set apart a certain per cent of the sale of public lands and donated the same to the different States for the construction of public roads. The Constitution gives Congress the power to establish post offices and post roads, to regulate commerce, and promote the common welfare. The power is ample and has never been questioned until recent years, and only by those who are opposed to the expenditure of public money for the benefit of the common people, and in most instances they have invoked the question of expediency instead of denying the constitutional power. Since the Civil War corporations have been enthroned in high places and have strenuously striven to control legislation for the benefit of the few. In 1892 Mr. William H. Ketler estimated that out of the 784,647,308.77 acres of public lands which had been disposed of by the Government, fully 350,000,000 acres had been granted to speculators and corporations. The railroads received land grants amounting to about 200,000,000 acres, a perfect empire. Besides land grants, the Pacific railways received aid from the Government in the way of an advancement of $64,000,000 in bonds, and thereafter the United States paid more than $50,000,000 interest on these bonds. It was brought out in the Stanley Investigation Committee of the United States Steel Corporation a few days ago that the 23 directors of that trust control more than 55 per cent of the railroad property of the country, thereby giving them the power to shape the policy of the entire railroad business of the United States. The aggregate value of the railroads is fixed approximately at $13,000,000,000, and the United States Steel Corporation is said to control more than $10,000,000,000 of this wealth.

The 23 directors of this company are on the directorate boards of banks, insurance companies, express companies, and various other industrial corporations, with an aggregate capitalization of $7,388,099,416. These men sit on the boards of directors or sit as officers of other trusts, banks, and insurance companies having a capital, surplus, deposit, and undivided profits aggregating $3,314,811,178; in industrial corporations having an aggregate capital and bonded indebtedness of $2,803,509,348, aggregating a grand total of more than $30,000,000,000. Of these 23 men George F. Baker holds the greatest number of offices or memberships. He is a director in industrial corporations valued at more than $2,000,000, railroads at more than $1,000,000,000, and banks with a capital of more than $1,500,000,000. The other 22 gentlemen are in industrial corporations with a capital of more than $1,000,000,000. Among the most prominent of whom are J. Pierpont Morgan, J. Pierpont Morgan, jr., William E. Cory, H. C. Frick, W. H. Moore, George W. Perkins, Norman B. Ream, Daniel G. Ried, P. A. B. Widener, Percival Roberts, jr., and E. C. Converse. It has been estimated that the valuation of all the wealth in this country is fixed at about $125,000,000,000. It will thus be seen that 23 men control more than one-fourth of the entire wealth of the country, all of which has come about by legislation granting special privileges to corporations.

Mr. Chairman, in the light of these aggregations of wealth in the hands of the few, brought about by special legislation, is it not time for us to call a halt? The Committee on Post Offices and Post Roads has given this question careful consideration. It has decided to recommend for your consideration a policy of "back to the farm," as it was in the days of our forefathers, with special attention given to agriculture and the construction of good roads. In the bill which we have reported to this House will be found a provision, as an amendment, suggested by Congressman SHACKLEFORD, of Missouri, for the purpose of giving national aid to the construction and maintenance of public highways, which is as follows:

That for the purposes of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide, composed of shells, vitrified brick, or macadam graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair.

Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide, composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface.

Class C shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times.

SEC. 2. That whenever the United States shall use any highway of any State, or civil subdivision thereof, which falls within classes A, B, or C, for the purpose of transporting rural mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C.

SEC. 3. That any question arising as to the proper classification of any road used for transporting rural mail shall be determined by the Secretary of Agriculture.

SEC. 4. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act.

SEC. 5. That this act shall go into effect on the 1st day of July, 1913.

The roads are divided into three grades, namely, A, B, and C grades. The roads of grade A are the highest type and best improved roads in the country and will receive under the provisions of this bill the sum of $25 per mile annually. They are the hard-finished roads with a level and smooth surface. The roads which are built of clay and sand, or clay and gravel, or clay and rock and gravel are placed in grade B and are to receive from the Government $20 annually per mile. The dirt road which has been improved by leveling it up and giving it an oval surface so that it will naturally drain itself into the side ditches and which is ready for further improvements by adding gravel or macadam is denominated grade C. All of these roads are required to be not less than a mile in length and 9 feet wide, except grade C. While these amounts will not go very far in the construction of hard roads, in view of the fact that the average dirt and sand or clay and gravel roads cost $723 per mile, and the average cost of making hard roads is more than $10,000 per mile, yet aided by the States, counties, townships, or roads districts, we may reasonably expect some good results in the near future. It will be a beginning, at least, and that is what we most desire now.

The United States is now engaged in the delivery of rural mails in every State in the Union. She has the necessity of using the public highways in this service and it is just as reasonable to contend that she ought to pay for the use of these roads and help to construct and keep them up as it is to contend that she ought to keep up the navigable rivers and harbors of the country. It will not do to say that because the country people use these roads for transportation of their products that they should construct and maintain the roads; the same logic would apply to the use of navigable streams for transportation

of mails; they are also used by the merchant and middle man for the transportation of commerce.

If we should adopt either the parcel post or the postal express, the necessity for good roads will be much increased, and the use of the public roads by the United States for this purpose and for rural route delivery of the mails will become all the more important. It will not do to interpose the selfish plea that the farmer will get the greatest benefit from national aid in order to defeat this most important enterprise. The same argument can be used against labor going to the city for work, thereby increasing the population, and making room for larger business enterprises. As the business of the city increases the value of all property therein increases in proportion. It is not alone what the owner of property does to increase its value, but it is the growth of the city and its importance as a business and commercial center that adds the greatest value to the real estate of the city.

Mr. Chairman, the influences which have forced America to the front so rapidly in recent years are those improvements which have brought the people closer together. The establishment of the telegraph system, the telephone system, the railroad system, and the airship system have annihilated space and time by bringing the people of distant parts of the country face to face with each other, thereby lightening their burdens and establishing a closer union among them. What these great improvements have done for the people will be duplicated by the establishment of a system of good roads, with this difference I trust and verily believe. The income and profits derived from good roads will inure to the benefit of the common people as well as to the rich, while the income from the public utilities referred to have been appropriated and will continue to be appropriated by the rich corporations for their own use and benefit.

It is a deplorable fact that America has the poorest system of roads of any of the great civilized powers in the world, with the exception, perhaps, of Russia, and yet she is the richest and most intelligent of all. It has been estimated by scientific investigation that the average cost per ton over hard roads from the farm to the market ought not to exceed 8 cents a mile. In England, France, and Germany, where the roads are highly improved, it does not cost that much. In some places where the roads have reached a state of high-grade improvement the cost per ton-mile does not exceed 6 cents, and in some instances it runs as low as 5 cents per ton-mile. However, the general average, taking the roads as a whole, is about 10 cents per ton-mile. They use wagons with tires from 4 to 6 inches wide, which become road builders instead of road destroyers. They can haul from 3 to 6 tons a load with two horses. While in America, with our bad dirt roads so soft and muddy one-fourth of the year, we are unable to do any teaming until they dry out, and then they are left with such a rough and uneven surface that our loads are much reduced in size in consequence thereof.

In 1906 the Bureau of Statistics of the Agricultural Department collected data from 1,894 counties in this country, and from that made an estimate that the average distance from the farm to the nearest market is 9.4 miles, and that the average cost per ton to the farmer for hauling his farm products from the farm to the market is 23 cents a mile. The Bureau of Commerce and Labor has estimated that there are about 900,000,000 tons of freight originating on the various railroads annually; 32 per cent of this comes from the farm, forest, and miscellaneous sources, which amounts to 275,000,000 tons. If we estimate that 200,000,000 tons of this amount are hauled over the country roads at an average distance of 9.4 miles, and at a cost of 23 cents a ton-mile, we have a cost of $432,400,000 for road transportation alone. This does not include that vast amount of freight which is hauled to the rivers, canals, wharves, and docks from the farm for shipment. Neither does it include the millions of tons which are hauled back and forth from the mills to the farms, back and forth from the mines and quarries to the farm, and the supplies for the farm which are hauled from the market to the farm, all of which must be equal to the amount hauled to the railroad, which will total up in round numbers to about $1,000,000,000. If a system of good roads would reduce this cost to about 10 cents per ton-mile, as it is to-day in England, France, and Germany, or if it would reduce it to 8 cents per ton-mile, as is estimated by scientific experiment, the farmers would save more than $500,000,000 annually. On the old Cumberland Pike road it cost 17 cents per ton-mile, with a good profit. In 1896 it was estimated by the United States authorities that the cost was then 25 cents per ton-mile, but since that time much improvements have been added to the roads, and the cost has been reduced to 23 cents per ton-mile. I insert the table which was compiled by the Bureau of Statistics of the Agricultural Department, which is as follows.

Average costs of hauling products from farms to shipping points: Totals for States represented.

Product hauled.	Number of counties reporting.	Average— Miles to shipping point.	Days for round trip.	Pounds in one load.	Cost per load.	Cost per 100 pounds.	Cost per ton per mile.
Apples	114	9.6	0.9	2,300	$2.79	$0.12	$0.25
Barley	226	8.8	.7	3,970	2.67	.07	.16
Beans	22	9.0	.8	3,172	2.75	.09	.20
Buckwheat	8	8.2	.8	2,438	2.90	.11	.27
Corn	981	7.4	.6	2,696	1.78	.07	.19
Cotton	555	11.8	1.0	1,702	2.76	.16	.27
Cotton seed	110	10.7	.9	1,654	2.42	.15	.28
Flaxseed	51	10.4	.7	3,409	2.70	.08	.15
Fruit (other than apples)	99	11.6	1.1	2,181	3.53	.16	.28
Hay	761	8.3	.7	2,786	2.32	.08	.19
Hemp [1]	7	8.2	.7	3,393	2.10	.06	.23
Hogs (live)	316	7.9	.7	[2] 1,941	2.00	[2] .10	[2] .25
Hops	14	11.7	1.0	3,665	3.89	.11	.19
Oats	798	7.3	.6	2,772	1.82	.07	.19
Peanuts	19	8.1	.6	1,363	1.67	.12	.30
Potatoes	569	8.2	.7	2,679	2.34	.09	.22
Rice	18	7.5	.8	2,407	2.70	.11	.29
Rye	78	8.4	.7	2,625	2.23	.08	.19
Timothy seed [3]	5	8.0	.8	2,410	1.92	.08	.20
Tobacco	113	9.8	.8	2,248	2.28	.10	.20
Vegetables (other than potatoes)	152	9.8	.9	1,852	2.84	.15	.31
Wheat	1,051	9.4	.8	3,323	2.86	.09	.19
Wool	41	39.8	5.6	4,869	21.39	.44	.22

[1] Kentucky only. [2] Average for six States only. [3] Iowa only.

Mr. Chairman, it has been said by some Members of this House, mostly Members representing city districts, that the farmers ought to build their own roads, because they will derive all the benefit therefrom by an increase in the price of their lands. Such statements are certainly prompted by prejudice of the city against the country, and without a due consideration of the great advantages which the city will receive by the establishment of a system of good roads. I challenge the accuracy of such statements, Mr. Chairman, and assert that the construction of a system of hard roads in America will not only increase the value of the farm but it will increase the value of every lot in every city throughout the land. Who ever heard of town property being worth anything without a prosperous country surrounding it for support? Who ever heard of a city thriving and becoming a great industrial and social center unless it had a country back of it for support? And who ever heard of a town growing to any size without highways of easy approach, such as railroads, rivers, and good country roads? A stream can rise no higher than the capacity of its feeders, and the same is true of a city. Its capacity in wealth and influence is dependent upon the capacity of the country supporting it. I assert, Mr. Chairman, with all the confidence of truth, that if we establish a system of hard roads in this country, it will be the means of building up great, strong, central cities in the country of commanding commercial importance, and will give an internal improvement which can come about in no other way. England, France, Germany, Spain, and Holland have constructed public highways at the expense of the Government. They have cut down the hills, leveled up the low places, and finished their roads with a smooth, hard surface, so that they practically have level roads from the country town to the city. This being the case, the town of the old country is regarded as a center, whether it be a little Iberian village or a great city like Rome.

Mr. LOBECK. Will the gentleman yield for a question?

Mr. FOWLER. Yes.

Mr. LOBECK. Have not they had centuries in which to build these roads? Have not they had millions of people to help them build them, and is not this a new country, and is it not developing as fast as any of the old countries did from the beginning of civilized times down to the present?

Mr. FOWLER. We want to develop faster than the old countries did. We are a faster people than they are; we are the greatest nation on earth, with the greatest amount of wealth and with the greatest amount of energy and intellect of any people on the globe. Nothing, in my opinion, will aid us more in our efforts for rapid development than a system of good roads.

Mr. LOBECK. Have we not had the flower of Europe to help us out?

Mr. FOWLER. We have had not only the flower of Europe, but we have had the flower from all other civilized countries in the world coming here to mix and mingle with our blood, which has made us glorious and prosperous. [Applause.]

Mr. LOBECK. That has made flowers of us.

Mr. FOWLER. Mr. Chairman, in 1850 only 12½ per cent of the population of our country lived in cities, now more than one-half of our people are crowded in the incorporated cities, the exact per cent being 53.6. Living in cities of 2,500 and more, the per cent is 46.3. I know a family of five young men, whose parents and their ancestors on both sides had always been farmers, but all of these boys, long before they reached manhood, left the farm and took up other occupations. Man is a social being, and without good society, good schools, and good churches he becomes restless in this age of civilization and seeks relief. He would rather economize and often suffer for the necessaries of life than be away from these great social, intellectual, and moral uplifting influences. The tide will continue to flow from the country to the city until something is done to give the country people those conveniences which are enjoyed in the city. Nothing, in my opinion, will be a greater stride in this direction than the construction of good roads everywhere. This would give the farmer an opportunity to reach the market readily and regularly, thereby giving him an opportunity to place the products of the farm on the market whenever there is a demand for them, instead of being forced to sell whenever the roads will permit haulage thereon. The basis of the sale now is not regulated by the demand for the product, but by the condition of the roads, whether the market is bare or glutted. This regularity would have a tendency to maintain steady prices and reduce the high cost of living, a thing most desirable nowadays.

An examination of the statistics of counties with improved roads will almost invariably reveal that the population has increased, whereas the counties with but little or no improvements of public roads will reveal that the population has decreased decidedly. I am informed by the Bureau of Statistics that 25 counties were selected at random, with an average road improvement of 1.5 per cent, and that the census shows that in 10 years, from 1890 to 1900, the population had decreased 3,112 for each of these counties; I am also informed by the same authority that 25 other counties, with an average of 40 per cent road improvements, the population increased 31,095 to the county, during the same period.

I have no doubt but that good roads have their bearing upon the question of illiteracy. It is noticeable that in the States of Massachusetts, Rhode Island, Connecticut, Ohio, and Indiana, with 35 per cent of their roads improved, 77 per cent of the children enrolled attended school regularly, while in the States of Alabama, Mississippi, Arkansas, Georgia, and South Dakota, with only 1.5 per cent of their roads improved, the children enrolled who attended school regularly were only 59 per cent. Data from the Twelfth Census show that in four States, with a population of 7,000,000 people, 375,000 white illiterates were born of native parents. These States are conspicuous for their bad roads; whereas four other States with comparatively good improved roads and having a population of more than 6,000,000, there were only 20,000 illiterates. In many States where there are good roads the children of whole townships are placed in one school, giving an opportunity to establish a systematic graded school, which certainly is advisable and much more satisfactory. Children can not attend school regularly over wet, muddy roads, and that community with such roads can not hope to attain as high a standard of education as those where the roads are good.

The census of 1900 shows 850,000,000 acres of farm lands, improved and unimproved. There are nearly 425,000,000 acres unimproved. The poor quality of the soil and the distance from market keep much of this territory out of cultivation, but that a system of good roads would place a large area under cultivation and materially increase the output of the farm is the opinion of all close students of economics.

The question of good roads is now being agitated everywhere. Good roads congresses and good roads organizations of various denominations exist in every State in the Union. The good women of Illinois have a good roads congress organization, and they are doing much good in this direction. They held a three-days' convention during the early part of this month at Chicago for the purpose of discussing this vital question. Never before in the history of the country since I can recollect has there been such a universal awakening upon this subject. The school children are debating the question and writing essays upon it. Every State in the Union is doing some work in this direction. Indiana, with 25,000 miles of improved roads, takes the lead, followed by Ohio with 24,000 miles, New York with 12,000 miles, Wisconsin with 10,000 miles, Kentucky with 10,000 miles, Illinois with nearly 9,000 miles, California with 8,500 miles, and Massachusetts with 8,400 miles. I am sorry to say that the average improvement is only 8.66 per cent.

In Illinois we are furnished with limestone macadam, crushed at Chester State Penitentiary, free for hard-road building, and all that it costs is the cost of transportation. In the southern part of the State the watchword is to construct a piece of some hard road, however short, annually in every township.

I submit the following tables showing per cent of improvements in each State and the average cost per mile of improved roads:

Mileage of sand-clay roads in the United States in 1904 and 1909.

State.	1904	1909
Alabama	12	1,107
Arizona	.....	25
Arkansas	.....	373
California	.....	1,289
Connecticut	.....	1,214.25
Delaware	.....	6.03
Florida	435	1,016.5
Georgia	513	4,326.5
Idaho	.....	398
Iowa	.....	575
Kansas	.....	202.25
Louisiana	.....	168
Maryland	.....	23
Michigan	.....	2,381.65
Minnesota	.....	1,051.5
Mississippi	.....	103
Missouri	.....	[1] 2.25
Nebraska	6	179.75
New Mexico	.....	71
North Carolina	438	723.5
Oklahoma	.....	196
Oregon	.....	345
Rhode Island	.....	6
South Carolina	1,575	3,218
South Dakota	.....	129
Tennessee	.....	127
Texas	.....	2,253.75
Utah	.....	643.5
Virginia	.....	185.5
Washington	.....	1,223.45
West Virginia	.....	14
Wisconsin	.....	1,013
Total	2,979	24,601.42

[1] Approximately.

Average cost per mile of improved roads in various States in 1909.

State.	Sand-clay.	Gravel.	Macadam.	Bituminous.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*
Alabama	680	1,483	2,525	[1] 13,250
Arkansas	.....	940	3,250	.....
California	412	1,375	5,375	8,575
Colorado	.....	1,475	.....	.....
Connecticut	.....	5,412	[2] 8,220	.....
Delaware	[3]	[4]	6,850	10,120
Florida [5]	829	3,900	[6] 3,112	.....
Georgia	387	1,250	2,275	.....
Indiana	.....	1,887	2,657	.....
Kansas	785	.....	4,070	.....
Kentucky	.....	1,011	2,158	.....
Louisiana [7]	654	2,100	.....	.....
Maine	.....	3,687	9,022	[8] 19,681
Maryland [9]	1,775	1,000	8,192	.....
Massachusetts	.....	.....	7,451	[10] 9,714
Michigan	.....	1,843	4,349	.....
Minnesota	766	946	3,280	.....
Mississippi	.....	2,058	5,135	.....
Missouri	.....	1,023	3,388	.....
Montana	[11]	[1] 800	.....	.....
Nebraska	933	.....	[1] 6,000	[1] 8,448
New Hampshire	.....	2,352	5,016	.....
New Jersey	.....	4,317	8,746	9,930
New York	.....	5,950	9,496	.....
North Carolina	506	1,006	4,020	.....
Ohio	[12]	1,909	4,580	7,766
Oklahoma	389	.....	3,750	.....
Oregon	.....	1,940	3,491	.....
Pennsylvania	.....	1,575	9,164	10,000
Rhode Island	.....	.....	[13]	[14]
South Carolina	415	1,133	3,252	.....
Tennessee	1,050	1,697	2,727	.....
Texas [15]	593	1,708	2,160	[1] 6,000
Utah	718	2,188	5,000	.....
Vermont	.....	[16] 1,600	.....	.....
Virginia	607	2,200	4,920	.....
Washington	.....	2,600	7,600	.....
West Virginia	.....	.....	5,414	[17]
Wisconsin	800	1,135	2,978	.....
Average	723	2,047	4,989	10,348

[1] For one section of road only.
[2] Average cost of telford macadam, $11,323.47; telford gravel, $7,659.71 per mile.
[3] $0.15 per square yard.
[4] $0.25 per square yard.
[5] Average cost of shell roads, $3,186.
[6] Marl and coral, sometimes referred to as cocina.
[7] Average cost of shell roads, $3,000.
[8] Some of these roads are 40 feet in width.
[9] Average cost of shell roads, $2,984 pre mile.
[10] Average cost of three sand and oil roads, $4,718.66 per mile.
[11] $0.23 per square yard.
[12] Average cost of brick roads, $12,381 per mile.
[13] 80 cents per square yard.
[14] $1.25 per square yard.
[15] Average cost of shell roads, $3,083 per mile.
[16] Telford gravel roads, $2,500 per mile.
[17] Average cost of brick roads, $14,500 per mile.

Public-road mileage in the United States in 1904 and 1909.

State.	Total mileage.		Mileage of improved roads.								Percentage of all roads improved.	
			Stone.		Gravel.		Other materials.		Total.			
	1904	1909	1904	1909	1904	1909	1904	1909	1904	1909	1904	1909
Alabama	50,089	49,639	392.5	663.50	1,261.5	1,398.43	66	1,182	1,720	3,263.93	3.43	6.58
Arizona	5,987	5,987	1		216	248		25	217	273	3.62	4.56
Arkansas	36,445	36,445	55	170	181	537.25		378	236	1,085.25	.64	2.97
California	46,653	48,069	418.5	579.25	5,843.5	6,054	2,541	1,954.50	8,803	8,587.75	18.87	17.87
Colorado	30,214	29,693	57	14	121	306.50			178	320.50	.59	1.08
Connecticut	14,088	12,583	463.5	665.62	1,896.5	774.49		1,590.52	2,360.1	3,030.54	16.75	24.08
Delaware	3,000	3,000	14	96.36	2	49	50	41.07	66	186.44	2.20	6.22
Florida	17,374	17,579	345	278.25	17.5	259.00	523	1,214.50	885.5	1,752.35	5.10	9.97
Georgia	57,203	82,230	438	522	659	880.50	537	4,575.50	1,634	5,978	2.86	7.27
Idaho	18,163	18,403	17	17	195	95.50		398	212	510.50	1.16	2.77
Illinois	94,141	94,141	1,106.5	[1] 8,914	6,800		17.5		7,924	8,914	8.42	9.47
Indiana	68,306	67,996	3,295	4,398.25	20,582	20,508.75		48.75	23,877	24,955.75	34.96	36.70
Iowa	102,448	102,427	241	357.25	1,403	1,572.85	20	575	1,664	2,505.10	1.62	2.45
Kansas	101,196	98,302	111.7	136.95	158.5	27.75	3	210.01	273.2	374.71	.27	.38
Kentucky	57,137	53,744	8,078	8,709.25	1,403	1,404		1.70	9,486	10,114.95	16.60	18.82
Louisiana	24,897	24,962			26	82.50	8	247	34	329.50	.14	1.32
Maine	25,528	25,528	87.5	98.34	2,236	2,493.75		110.97	2,323.5	2,703.06	9.10	10.59
Maryland	16,773	16,773	840	1,222.80	480	488	250	431.50	1,570	2,142.30	9.36	12.77
Massachusetts	17,092	17,272	1,212.7	2,296.66	6,621.1	6,166.52	10		7,843.8	8,463.18	45.89	49.00
Michigan	69,296	68,906	248.5	747.81	6,777	3,770.58		2,382.15	7,025.5	6,900.54	10.14	10.01
Minnesota	79,324	79,323	67.5	137.35	6,179	4,228	1	1,051.50	6,247.5	5,416.85	7.87	6.83
Mississippi	38,698	39,619		52.50	109	165.75	40	124	149	342.25	.31	.86
Missouri	108,133	107,923	861.5	1,240.75	1,871.5	3,512.50		2.25	2,733	4,755.50	2.53	4.40
Montana	22,419	23,319		.50	65	94.50			65	95	.28	.41
Nebraska	79,462	80,338	17	52.50		.50	6	195.55	23	248.55	.03	.31
Nevada	12,585	12,751	4	1	60	45			64	46	.51	.36
New Hampshire	15,116	15,116	118	201.82	1,175	1,246.66			1,293	1,448.48	8.55	9.58
New Jersey	14,842	14,842	1,901	2,594.09	481.5	572.44	39.8	211.33	2,422.3	3,377.86	16.32	22.76
New Mexico	15,326	16,920		25	2	8		71	2	104	.01	.61
New York	73,798	79,279	2,184	4,614.40	3,692	8,172.96			5,876	12,787.36	7.96	16.13
North Carolina	49,763	48,285	399	1,038.50	422	545	438	729.50	1,259	2,313	2.53	4.79
North Dakota	59,332	61,593	7		205	140			212	140	.36	.23
Ohio	69,439	88,861	7,160.5	9,687	16,159	14,188	140.5	231	23,460	24,106	33.79	27.13
Oklahoma	43,554	71,325		23.50		141.50		196		361		.50
Oregon	34,258	29,475	209	451.25	2,235	1,871	145	477	2,589	2,799.25	7.56	9.49
Pennsylvania	99,777	87,386.79	2,160.8	2,764.01		436.10		168.65	2,160.8	3,364.76	2.17	3.84
Rhode Island	2,361	2,120.75	247	409.10	774.5	605		27.97	1,021.5	1,042.07	43.27	49.14
South Carolina	41,830	32,075	69	153.75	179	131	1,630	3,250	1,878	3,534.75	4.49	11.02
South Dakota	59,295	56,354	4	10	147	147		129	151	286	.25	.50
Tennessee	48,989	45,913	1,774	2,084	2,511	2,542.50		127	4,285	5,353.50	8.75	11.66
Texas	121,409	128,971	167	365.25	1,909	2,126	52	2,404.75	2,128	4,896	1.75	3.80
Utah	7,090	8,320	11	42	597	332		644	608	1,018	8.57	12.23
Vermont	14,521	14,406	281	466.65	1,672.5	2,183.98			1,953.5	2,650.63	13.45	18.40
Virginia	51,812	43,399	755	1,011.50	720	610.75	125	230.50	1,600	1,902.75	3.09	4.38
Washington	31,998	34,283.60	48.5	100.41	1,928	3,178.92		1,241.35	1,976.5	4,520.68	6.17	13.19
West Virginia	26,178	32,109	217	543.90	26.5	33.50	11	14	254.5	591.40	.97	1.84
Wisconsin	63,593	61,090	733.2	659.33	9,900	8,494		1,014	10,633.2	10,167.33	16.72	16.64
Wyoming	10,447	10,569					153	416	153	416	1.46	3.94
Totals and averages	2,151,379	2,199,645.14	36,818.4	59,237.35	109,905.1	102,870.44	6,806.8	28,372.52	153,530.4	190,476.32	7.14	8.66

[1] This includes gravel roads.

These tables reveal that this work is progressing very slowly, and there is a good reason for it. It is too big a proposition for any community to undertake. It is not an individual undertaking, but, on the other hand, it is an undertaking of collective forces and means. The digging of the Panama Canal was too big a proposition for the individual. It was too big a proposition for a company. Several companies undertook it at different times, but all of them failed and gave up the job as being too big. Some of them failed in disgrace, I am sorry to say. It took America, with her wealth, with her ingenuity and indomitable will power, to accomplish that vast undertaking. What has been done for the Panama Canal can be done for the public roads of this country and place them first among the nations of the world, thereby giving the citizen of the country the same advantages for happiness and prosperity as is enjoyed by the citizen of the populous cities, but it can not be done by the farmer alone, it is too expensive, and necessarily will require the aid of both the State and the Nation. The time is ripe for it, the conditions of the country demand it; the farmers stand in sore need of it, and why not consent to it as freely and unbegrudgingly as we did the digging of the Panama Canal? It will bring more universal and lasting good to the people of this country than any other proposition now before the American people.

Mr. FORNES. Will the gentleman yield for a question?

Mr. FOWLER. Yes.

Mr. FORNES. We are all proud of the strength of this Nation to build the Panama Canal, to set an example of what the enterprise of America can do as compared with other nations that have failed in such great undertakings. But I wish to remind the gentleman that my own State, which is now appropriating $200,000,000 out of its own treasury to enlarge the Erie Canal, could have undertaken that work and carried it to a successful conclusion. I also want to ask the gentleman, who speaks in such glowing terms of the great progress that Illinois has made in building its own roads, whether he thinks it is quite fair for the State of Illinois to spend so much money, when perhaps the State of Iowa or some other State is not spending any, and then Illinois have to join in and help fill the National Treasury in order that the delinquent States shall get the benefit, the same as the citizens of Illinois are giving to their own State?

Mr. FOWLER. I do not know of any State in the Union but what is making an effort for the purpose of building some kind of good roads; but I do say to the gentlemen from New York that I believe it is just as right in good morals and in good civilization for the Nation to undertake to help build hard roads as it is for the Nation to improve the rivers and harbors of this country or to dig the Panama Canal. [Applause.] The gentleman boasts that his State alone could have constructed the Panama Canal, and I grant that it could. Mr. Morgan himself could have done it, but he did not have the courage to do it. He wanted to do it if it had millions in it for him, but he did not offer to do it because he knew the American people would not let him make millions out of it. That great thoroughfare is for the civilization of the world, and ultimately to bring it under a republican form of government. [Applause.]

Mr. FORNES. Will the gentleman yield for another explanation?

Mr. FOWLER. I will yield to the gentleman for a short question.

Mr. FORNES. Does the gentleman mean to infer that the State of New York, in spending $200,000,000 of its own money to enlarge the Erie Canal, is doing it dishonestly?

Mr. FOWLER. Mr. Chairman, I am not imputing anything but honestly to any great enterprising State or municipality. I assume that the people are honest everywhere until they are shown to be to the contrary. I am glad to know that New York is so liberal with her money in aid of constructing and maintaining her canals.

Mr. STEENERSON. Will the gentleman yield?

Mr. FOWLER. I can not yield very much, for I want to cover two other subjects.

Mr. STEENERSON. I should like to ask the gentleman one short question. Does the gentleman think a hard dirt road in Illinois would come within the definition here that requires a road to be firm and smooth at all times? I understood the gentleman from Illinois [Mr. CANNON] to say that those Illinois country roads were bottomless in wet weather. Is it not a fact that you will not get any money at all for those roads?

Mr. FOWLER. "At all times" would, if strictly construed, exclude every road from the bill, and there would not be a mile of road, under this construction, which would come within the meaning of these words. Such words, "at all times," must receive a reasonable construction, and that is what the courts would do whenever it is put up to the court, I apprehend.

Mr. STEENERSON. Is there not danger that the States with the macadamized roads would get all the money, and the States with dirt roads would get none?

Mr. FOWLER. No, Mr. Chairman; that construction is a strained construction, because the stone road gets out of fix and repair just as quick as the dirt road, and it is harder to repair than the dirt road, because the material is not present on the ground and requires a journey of some distance for it in the majority of cases.

Mr. Chairman, a system of good roads in the country will give the people quick and easy communication with one another and will reduce the high cost of living. In 1910 we raised in this country $9,000,000,000 worth of farm products. It is fair to estimate that the farmer kept about one-third, or $3,000,000,000, of it for his own consumption. The other two-thirds, or $6,000,000,000, had to find its way from the farm to the market over our horrible roads.

It is estimated that this $6,000,000,000 worth of farm products cost the consumer the enormous sum of $13,000,000,000 by the time it reached him. In other words, the consumer paid for transportation and middleman's profits the sum of $7,000,000,000, or $1,000,000,000 more than the farmer received for his entire crop. It is also estimated that the total output of the factory for the same year amounted to more than $20,670,000,000. This estimate only includes the cost of the material and the cost of labor necessary to turn out the finished product. If we should add to this the same per cent for transportation and middleman's profits as was done to the products of the farm it will give us the sum which the consumer was compelled to pay, $44,785,000,000. Take from this sum the original cost of material and cost of labor, which we have seen was $20,670,000,000, and we have the sum of $24,115,000,000 for transportation and the middleman's profit. Add to this the $7,000,000,000 for cost of transportation and profits on farm products and we have a total of $31,115,000,000 as the price which the consumer paid for transportation and middleman's profits for one year.

If it be said that this estimate is too high, I call the attention of the House that the estimate for transportation and middleman's profits on farm products was made by Mr. B. F. Yoakum, chairman of the board of directors of the Frisco lines. I have made the estimate on the finished product myself, based on the same per cent made by him on farm products. If it should be contended that my estimate is too high on the finished product, I call the attention of the House that Charles M. Schwab, on the 15th day of May, 1899, in a letter to Mr. H. C. Frick, relative to the production of steel rails, said:

> You know we can make rails for less than $12 per ton, leaving a nice margin on foreign business. Besides this, foreign costs are going to increase year by year, because they have not the raw materials, while ours is going to decrease. The result of all this is that we will be able to sell our surplus abroad, run our works full all the time, and get the best practice and costs in this way.

Mr. Schwab incorporated this letter in his evidence before the Ways and Means Committee on November 27, 1908, and made it a part of his testimony, page 1628 of the hearings. It is well known that steel rails have been selling for $28 to $32 for many years, giving to the corporation for transportation and profits a sum two and a half times the cost of production. Wheat binders are sold to the farmer for $140 to $150, while as a matter of fact the cost of production is less than $30 each, leaving for transportation and profits a sum more than five time the original cost. If these are fair samples of profits and cost of transportation, it is a most deplorable condition, and shows to what extent the consumer is being daily exploited. Our only hope to reduce the high cost of living is to improve the roads to reduce the cost of transportation and prosecute the trusts until they dissolve and restore competition in the commercial world, thereby resulting in a reduction of the robber profits. It will take this to give any kind of relief to the consumer, and the proper thing for us to do is to make a bold beginning with a bill that will give the greatest measure of relief possible with the least possible damage to the business of the country.

Good roads would give an opportunity to put the products of the farm on the market regularly, and there is a great necessity for that. Because if you put the whole crop of the country on the market at one time, all the wheat, all the corn, all the potatoes, or all of any other crop, the market will become congested and the farmer will get an inadequate price for his stuff. It is then hoarded up by the middleman to keep and deal out to the consumer under the plea of inadequate supply. In this way the middleman puts up the price at pleasure and reaps all the profits, while the farmer barely gets enough to live on. The big moneyed middleman is to blame for the high cost of living.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. Yes.

Mr. CLINE. I do not understand clearly from the gentleman's discussion whether he is in favor of this proposition in the bill.

Mr. FOWLER. The gentleman need not be uneasy about that. I have no hesitancy in declaring myself unalterably in favor of any measure which will lighten the burdens of that class of people whose labor satisfies the hunger of the world. I will vote for any bill which seeks relief to them. I care not what its terms are. I am in favor of a beginning. [Applause.]

Mr. CLINE. I understood the gentleman was in favor of the Government building the roads.

Mr. FOWLER. No; I tried to make myself clear on that point. The Government, State, county, township, or road district ought to unite and go hand in hand in this work.

Mr. CLINE. Would you expect to have the Government have any control over or title in the road?

Mr. FOWLER. No; the Government ought not to have any control over or title in the roads or interest in them. The Government to-day is using the roads for the purpose of delivering the mail on the rural and star routes to the people in the country and pays nothing for such use. I was going to come to that proposition. It is just as reasonable for the Government to pay for the use of the roads over which it delivers the mails as it is to pay for the steel cars that it carries the mail in on the railroads. This bill does not contemplate Government construction of roads. It provides that the Government should pay for the use of certain improved roads.

Mr. CLINE. I am not taking any exception to the gentleman's position, but I wanted to know what his relationship was to the subject and how it was to be distributed in harmony with the bill.

Mr. FOWLER. Mr. Chairman, I am glad the gentleman from Indiana asked the question. While the bill is not just what I would like to have, yet I will vote for it, and I am not going to vote for any amendment offered by the enemies of the bill in order to kill it. I am for the bill. Let us pass it and make it the law. [Applause.]

PARCEL POST OR POSTAL EXPRESS.

Mr. Chairman, there is another question which I desire to call the attention of the House to, and that is the transportation of the small package. There are two propositions before Congress dealing with this subject; one is known as the parcel post and the other is known as the postal express. The small parcel up to the weight of 4 pounds is now carried through the mails at a flat rate of 16 cents per pound—however, only certain kinds of parcels enjoy this privilege—and this provision of the law applies to citizens of this country. Small packages of the weight of 11 pounds are carried through the mails for 12 cents a pound for the benefit only of foreigners residing in this country. The argument is put up by some that we ought to change this law so that we would carry the small package for citizens of our country on the same terms as we do for foreigners. This is the contention of the Committee on the Post Office and Post Roads, and a provision for such change is incorporated in the bill now before the House, which is known as the annual appropriation bill for the Post Office Department. This bill also provides for a rural route parcel-post system, which begins and terminates on the rural routes, on the following terms:

> That postage shall be paid on all articles, parcels, or packages entitled to transportations under the provisions of this act as matter of the fourth class on rural mail delivery routes only at the following rates: One cent for each 2 ounces or less, 2 cents for more than 2 ounces but not more than 4 ounces, 3 cents for more than 4 ounces but not more than 8 ounces, 4 cents for more than 8 ounces but not more than 12 ounces, 5 cents for more than 12 ounces but not more than a pound, and 2 cents per pound for each additional pound or fraction thereof up to and including a total of 11 pounds. That the Postmaster General shall make all rules and regulations necessary and not inconsistent with law to the proper execution of this act.

The transportation of the small package has given the people of all civilized countries much concern, many of which have worked out the problem and now have fixed and definite rules and laws regulating the same, but in our country but little has been done for the relief of the people. We have been left to the mercy of the railroad and express companies to establish rules favorable to themselves and most unfavorable to the people. High express rates, reaching far into the dark fields of robbery are extorted from the people annually by the express companies. The railroads have ceased, practically, to carry any package under 100 pounds, and have turned all of this class of business over to the express companies, with the understanding that the express company will get 52½ per cent of the express charges and the railroads will get 47½ per cent for transportation charges. A nice game, indeed, Mr. Chairman. Now, in my judgment, the thing for us to do is to look into this matter carefully and frame a law broad enough to give substantial relief, one which will move the product of the farm on equal terms with the product of the factory. I have examined all of the bills dealing with parcel post, and I lay down this proposition without fear of being successfully challenged by any Member of this House: That there is not now any bill before this House which is broad enough to move the products of the farm in small parcels either to the consumer or to the markets. Why? Because all of them deal with fourth-class matter alone, and under the rules and regulations of the Post Office Department only certain articles can be transported through the mails as fourth-class matter. Here is the list of fourth-class matter, prepared and sent out by the Post Office Department to regulate this question, and nothing which does not fall within its provisions can be admitted to the mails as fourth-class matter.

Mr. Chairman, under these regulations nothing raised on the farm can be carried in the mails as fourth-class matter except dried fruits, queen bees, and cut flowers. The third-class matter adds but little to the list, only a few other things, such as samples of grain and bulbs for the garden. None of these bills undertake to change the law so that articles from the farm may be carried through the mails on like terms with articles from the factory.

Mr. MOON of Tennessee. The gentleman is mistaken about that. There are four classes of mail matter—first class for letters, second class for newspapers and publications of that sort, third class for bound books, and the fourth class is merchandise.

Mr. FOWLER. Yes; but it does not include anything from the farm, except queen bees, dried fruits, and cut flowers, and that is all. I am speaking now of the regulations that the Post Office Department has established. I grant now that the matter is under the Post Office Department as an administrative question, to be regulated by that department under existing laws.

Mr. MOON of Tennessee. Everything that the department under the law and its rules and regulations would hold to be merchandise could pass as fourth-class matter.

Mr. FOWLER. Here is the list, and I am going to print it in my speech in the RECORD. The only things it takes in from the farm are queen bees, cut flowers, and dried fruits.

Mr. LOBECK. And Christmas presents?

Mr. FOWLER. No; it does not take in Christmas presents from the farm, unless they should be queen bees, dried fruit, or cut flowers.

Mr. MOON of Tennessee. Suppose the department were to say that potatoes and onions and apples and things of that sort, which are merchandise and are the products of the farm, could under the regulations go through, would they not have the right to do it?

Mr. FOWLER. The authority of the Post Office Department to make rules is prescribed by the law.

Mr. MOON of Tennessee. Almost every farm product that is not perishable in its nature could pass through the mail.

Mr. FOWLER. That may be true, but as it stands to-day, under the regulations established by the Post Office Department, there is not a parcel-post bill before this Congress that would move anything from the farm to the consumer or to the market except the articles mentioned. I grant they might make a reclassification, but the existing law would govern whatever classification might be proposed.

Mr. LEWIS. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. Certainly.

Mr. LEWIS. Mr. Chairman, on the point of the colloquy between the gentleman from Tennessee and the gentleman from Illinois I find on investigation that the power of the Postmaster General to determine classifications under the fourth class goes back to a statute. The statute prescribes that nothing of a fourth-class character shall be receivable as such unless it be of a character that it may go in the mail bag without injury to itself, without injury to anything else in the mail bag, and without injury to the bag itself. From that statute the Postmaster General has worked out the classifications that my friend has read. Obviously butter and eggs and dressed poultry and the products of the farm could not be put in a mail bag and carried with other matter, and the existing statute restricts the mailing privilege to matter as I have described it which may be put in the mail bag without injury to itself, the bag, or the other contents. So the gentleman from Illinois, in my judgment, is entirely correct in asserting that nothing from the farm can be carried under these bills.

Mr. MOON of Tennessee. Why, of course, under the present rules and regulations.

Mr. LEWIS. And statutes.

Mr. MOON of Tennessee. Rules and regulations made in pursuance of the statutes. The statutes give the power to the Post Office Department to make rules and regulations that have the force and effect of statutes in matters of that sort. It is very obvious that you could not mix in mail bags eggs and chickens and butter. A man of common sense would not undertake to do it, but the power exists under the statute to make regulations to make any shipment of anything that is not perishable in its nature and might be classified by the department as fourth-class matter, and, as the gentleman from Georgia [Mr. RODDENBERY] suggests to me, they might provide separate pouches for these various things.

Mr. FOWLER. Here is a list of fourth-class matter, taken from the Postal Guide, which I submit in support of my contention:

FOURTH-CLASS MATTER.

25. For statutory definition of fourth-class matter, see section 480, Postal Laws and Regulations.

26. Identical pieces of fourth-class matter mailed without stamps affixed. (See amended sec. 483½, P. L. and R.)

ARTICLES INCLUDED IN FOURTH-CLASS MATTER.

27. (a) Albums, photograph and autograph (blank).
Artificial flowers.
(b) Bees (queen) when properly packed.
Billheads.
Blank address tags and labels.
Blank books.
Blank books with printed headings.
Blank cards or paper.
Blank diaries.
Blank postal cards in bulk packages.
Blank post cards.
Botanical specimens not susceptible of being used for propagation.
(c) Calendar pads, mainly blank.
Calendars or other matter printed on celluloid.
Card coin holders (not printed).
Cards (blank).
Cards, printed playing, of all kinds.
Celluloid, printed or unprinted.
Christmas and Easter cards printed on other material than paper.
Cigar bands.
Coin.
Combination calendar and memorandum pads, mainly blank.
Crayon pictures.
Cut flowers.
Cuts (wood or metal).
(d) Daguerreotypes.
Dissected maps and pictures.
Drawings, framed or unframed.
Dried fruit.
Dried plants.
(e) Easter cards, when printed on other material than paper.
Electrotype plates.
Engravings, when framed.
Envelopes, printed or unprinted, except when addressed and inclosed singly with third-class matter.
(f) Flowers, cut or artificial.
Framed engravings, pictures, and other printed matter.
(g) Geological specimens.
(h) Letterheads.
(m) Maps, printed on cloth.
Merchandise samples.
Memorandum books and calendar pads, mainly blank.
Merchandise, sealed:
Proprietary articles (not in themselves unmailable), such as pills, fancy soaps, tobacco, etc., put up in fixed quantities by the manufacturer for sale by himself or others, or for samples, in such manner as to properly protect the articles and so that each package in its simplest mercantile or sample form may be readily examined.
Metals.
Minerals.
(n) Napkins, paper or cloth, printed or unprinted.
(o) Oil paintings, framed or unframed.
Order blanks and report forms, mainly blank (spaces covered by ruled lines being regarded as blank), are fourth-class matter. However, one copy may be inclosed with third-class matter without subjecting such matter to postage at the fourth-class rate. (See par. 4, sec. 474, P. L. and R., amended.)

27—Continued.
(p) Paper bags and wrapping paper, printed or unprinted.
Paper napkins.
Patterns, printed or unprinted.
Pen or pencil drawings, if they bear no written words, letters, or figures giving size, dimensions, distance, price, etc.
Photograph albums.
Photographic negatives.
Postal cards (blank) in bulk packages.
Post cards (blank).
Printed matter on other material than paper.
Printed playing cards of all kinds.
Private mailing or post cards (blank).
(q) Queen bees, when properly packed.
(r) Record books, mainly blank.
Rulers, wooden or metal, bearing printed advertisements.
(s) Samples of cloth.
Samples of flour or other manufactured grain for food purposes.
Sealed merchandise:
Sealed packages of proprietary articles of merchandise (not in themselves unmailable), such as pills, fancy soap, tobacco, etc., put up in fixed quantities by the manufacturer for sale by himself or others, or for samples, in such manner as to properly protect the articles so that each package in its simplest mercantile or sample form may be examined.
Soap wrappers.
Stationery.
(t) Tags (blank).
Tape measures.
Tintypes.
Tobacco tags and wrappers.
(v) Valentines, printed on material other than paper.
(w) Wall paper.
Water-color painting.
Wooden rulers, bearing printed advertisements.
Wrapping paper, printed or unprinted.

28. Permissible writing or printing upon or with fourth-class matter:

(a) For permissible writing or printing upon or with fourth-class matter see section 483, Postal Laws and Regulations.

(b) The written additions permissible upon third-class matter under the provisions of sections 473 and 478, Postal Laws and Regulations, may, under the provisions of section 483, Postal Laws and Regulations, be added to fourth-class matter without subjecting the latter to a higher than the fourth-class rate of postage.

(c) The written additions permissible upon fourth-class matter may be placed upon the matter itself, or upon the wrapper or cover thereof, or tag or label accompanying the same.

(d) A written designation of the contents, such as "candy," "cigars," "merchandise," etc., is permissible upon the wrapper of fourth-class matter.

(e) Such inscriptions as "Merry Christmas," "Happy New Year," "With best wishes," and "Do not open until Christmas," or words to that effect, together with the name and address of the addressee and of the sender, may be written on mail matter of the fourth class, or upon a card inclosed therewith, without affecting its classification.

Mr. FOWLER. Mr. Chairman, I desire to commend the devotion which the gentleman from Tennessee, Mr. MOON, has given to this subject as chairman of the Committee on the Post Office and Post Roads. He certainly has made a sacrifice of his time and hard labor in the preparation of this bill, but I am constrained to believe, Mr. Chairman, that before many of the products of the farm could ever be moved under any bill before this House providing for a parcel post it would require an amendment to the general law providing for the establishment of post offices. If I am correct in this, then these parcel-post bills resolve themselves into this: They will give some relief to the shipper of the finished product, but none to the shippers of the products of the farm. Why make this discrimination? Why not frame a bill, general in character, which will move the product of the farm and the product of the factory alike, and on such terms as will be equitable and fair to all?

Mr. KINDRED. Will the gentleman yield for a question?

Mr. FOWLER. Mr. Chairman, of course I would like to yield to every gentleman if I had time to do so. I will yield for a question.

Mr. KINDRED. I will only take a moment. The gentleman has referred to some of the effects of the proposed limited parcel-post bill. Does he not think, also, that one of its most fearful effects, were it too limited, would be to entirely destroy the small merchants and the country shopkeepers throughout the country?

Mr. FOWLER. Probably, Mr. Chairman, it may have an indirect effect on the small merchant in the country. I am not prepared to say. They are complaining, I know, and they say it will affect their business. But that is all conjecture. I never saw a condition present itself to the American people but what they were able to adjust themselves to it; and I put the fair and square proposition now that a law which will reduce the cost of transportation of the products of the farm and the products of the factory alike will inure to the benefit of American people as a whole. It may here and there work an injury upon a few. It would be a marvel if it did not.

Mr. Chairman, I have said none of the parcel-post bills will give the desired relief to the consumer. Let us examine them and see if this is true. All of them provide for a flat rate, and the rates most commonly agreed upon is 8 and 12 cents a pound. This means that the Government is to carry 1 pound 1 mile for 8 cents or carry it across the continent for 8 cents, without any discrimination whatever. Were the consumer interested in the long haul more than he is in the short haul, then the flat rate would be the best for us, but as we are interested vitally in the short haul, it becomes necessary in preparing a bill for either parcel post or postal express to carefully guard against excessive rates for the short haul, because nine-tenths of the transportation to the consumer is done by short hauls under 1,000 miles. The local merchant, the farmer, and the consumer have a common interest in the cheapest rates possible for the short haul, because the retail trade between the local merchant and the consumer or between the producer and consumer or the producer and the local merchant is largely transacted by short hauls. Let us examine rates for a short time.

It has been estimated that the Government pays the railroads an average of 9 cents per ton-mile for carrying the mails. Let us compare this rate with the proposed rate of 8 cents a pound on parcels up to and including 11 pounds. On close examination of the table which I submit it will be seen that 8 cents a pound is much more expensive for all distances under 1,000 miles than the rate now paid to the railroads for transporting the mails. This table has been prepared by Mr. George P. Hampton, secretary of the Farmers' National Committee on Postal Reforms. It will also be seen from this table that the proposed rate of 8 cents a pound for the long haul of 2,000 miles and more is much less than is paid by the Government to the railroads for carrying the mails, which is beneficial to the few who are engaged in the long haul—usually rich men. This table also shows that this rate is 500 per cent above the cost on the short haul and from 50 to 100 per cent below the cost on the long hauls. This discrimination against the short haul would tend to force the producer and the consumer farther apart, whereas their mutual welfare demands that they should be brought together in close proximity.

Comparison of the charges on 3, 7, and 11 pounds at various distances at the 8 cents per pound flat rate with the actual cost to the Government, showing the excessive charges above cost on the short hauls and the gross undercharges on the long hauls.

	3 pounds.			7 pounds.			11 pounds.		
	8-cent flat rate.	Government cost.	Excess charge.	8-cent flat rate.	Government cost.	Excess charge.	8-cent flat rate.	Government cost.	Excess charge.
SHORT HAULS.									
25 miles	$0.24	$0.05½	$0.18½	$0.56	$0.07⅞	$0.48⅛	$0.88	$0.12½	$0.75½
50 miles	.24	.06⅞	.18⅛	.56	.08⅜	.47⅝	.88	.13¾	.74¼
100 miles	.24	.06¾	.17¼	.56	.10	.46	.88	.16	.72
200 miles	.24	.08	.16	.56	.13	.43	.88	.21	.67
500 miles	.24	.11⅛	.12⅞	.56	.22⅜	.33⅝	.88	.35¼	.52¾
1,000 miles	.24	.18¾	.05¼	.56	.33⅛	.17⅞	.88	.60¾	.27⅛
LONG HAULS.			*Undercharge.*			*Undercharge.*			*Undercharge.*
2,000 miles	.24	.32	.08	.56	.70	.14	.88	1.10	.22
3,000 miles	.24	.45⅛	.21⅛	.56	1.01¼	.45⅛	.88	1.59⅜	.71⅜
3,600 miles	.24	.53⅜	.29⅜	.56	1.20⅜	.64⅜	.88	1.73	.90

The establishment of a parcel post up to any given weight would take away from the express companies the carriage of all such packages and give the Government the monopoly thereof through the mails, which would force upon the shipper of short hauls a burden of from 500 to 700 per cent of the price paid to railroads by the Government. I cite these figures so that it may be clearly seen how unjust the flat-rate proposition is to the shipper of the short haul. In order to get at the extreme robbery which such a rate would permit on short hauls, let us take a ton and compare its cost of transportation by the Government with what it would cost under an 8-cent flat rate for a distance of 25 miles. The Government cost is $26.25, whereas the cost at the proposed rate of 8 cents per pound would be $160, which would impose an additional burden of $133.75, or more than 500 per cent. To transport a ton 1,000 miles would cost the Government $114, but to transport it by the proposed rate of 8 cents a pound would cost $160, which would leave a difference of $46, or about 44 per cent. By this comparison we see that the burden increases as the distance of the haul decreases. I cite the table for examination, which has been prepared by the same author who prepared the other table.

The robbery in the short haul.

	25 miles.	50 miles.	200 miles.	500 miles.	1,000 miles.
Average mail pay to the railroads per ton	$2.25	$4.50	$18.00	$45.00	$90.00
Collect and delivery and general expense	24.00	24.00	24.00	24.00	24.00
Total cost	26.25	28.50	42.00	69.00	114.00
Rate per ton at the 8 cents per pound flat rate	160.00	160.00	160.00	160.00	160.00
Excess charges	133.75	132.50	118.00	91.00	46.00

POSTAL EXPRESS.

Let us turn our attention to express rates. There are 13 big express companies doing an express business in this country. They pay to the railroads 47½ per cent of whatever rate fixed by them for the purpose of carriage, and they retain 52½ per cent of such rate. Practically all packages weighing less than 100 pounds have been turned over to these express companies by the railroads, so that the cost of transporting the small package may be fixed at a very high rate and divided between these two great corporations. While the railroads have nothing to do directly with making express rates, yet in making contracts for carrying express freight they require that the rate be not less than 150 per cent of freight rates on like commodities. The average express rate per ton is $31.20, and the average freight rate is $1.90 per ton, giving a ratio between express and freight rates of 16.42 to 1. This looks large, but when we consider that they hire all the work done and give the railroads almost half of the rate, we must conclude that the rate must necessarily be large under such conditions, and more especially when we take into consideration that their annual profits run up far into the millions. In 1910 they had a gross income of more than $146,000,000, and after paying the railroads nearly one-half of this sum and also paying all of the cost of handling their business, they had a net income of nearly $18,000,000. I hold in my hand a table compiled by the Interstate Commerce Commission, which I will print in the RECORD for reference.

Preliminary statement of income account and profit and loss account of the principal express companies operating in the United States for the years ended June 30, 1911 and 1910.

[The figures are compiled from the returns as rendered and are subject to revision. Amounts are shown to the nearest dollar. Entries for deficit, loss, and other reverse or negative items are distinguished by italic figures.]

Item.	Grand total—thirteen companies. 1911 (270,666.37 miles covered).[1]	1910 (258,128.77 miles covered).[2]
INCOME ACCOUNT.		
Operating income:		
Express operations—		
Gross receipts from operation	$152,555,522	$146,116,316
Express privileges—Dr.	73,956,450	69,917,562
Operating revenues	78,599,072	76,198,754
Operating expenses	67,670,637	61,690,473
Net operating revenue	11,528,435	14,508,281
Oustide operations—		
Revenues	263,151	151,275
Expenses	250,034	140,748
Net revenue from outside operations	13,117	10,527
Total net revenue	11,541,552	14,518,808
Taxes accrued	1,315,201	1,126,726
Operating income	10,226,352	13,392,082
Other income:		
Separately operated properties—profit	130,616	146,647
Dividends declared on stocks owned or controlled	3,268,915	2,037,734
Interest accrued on funded debt owned or controlled	1,643,564	1,515,015
Income from other permanent investments	496,947	548,308
Miscellaneous income	859,314	1,386,089
Total other income	6,309,355	5,633,792
Gross income	16,535,707	19,025,874

[1] Represents 243,721.41 miles of steam roads; 7,291.94 miles of electric lines; 18,939.65 miles of steamboat lines; and 713.37 miles of stage lines.

[2] Represents 237,868.21 miles of steam roads; 6,608.79 miles of electric lines; 12,820.15 miles of steamboat lines; and 831.62 miles of stage lines.

Preliminary statement of income account, etc.—Continued.

Item.	Grand total—thirteen companies. 1911 (270,666.37 miles covered).	1910 (258,128.72 miles covered).
INCOME ACCOUNT—continued.		
Deductions from gross income:		
Separately operated properties—loss		
Interest accrued on funded debt	$320,239	$360,581
Other interest	175,537	89,827
Sinking funds chargeable to income		
Other deductions	172,357	86,909
Total deductions from gross income	1,168,134	1,037,316
Net corporate income	15,367,572	17,988,557
Disposition of net corporate income:		
Dividends declared from income	5,848,083	5,928,104
Additions and betterments charged to income	30,941	47,562
Appropriations to reserves		50,000
Miscellaneous appropriations		3,000
Balance for year carried forward to credit of profit and loss	9,488,548	11,959,891
PROFIT AND LOSS ACCOUNT.		
Credit balance at beginning of year	50,215,601	50,525,229
Credit balance for year brought forward from income account	9,488,548	11,939,891
Net of miscellaneous additions to and deductions from profit and loss (credit)	805,450	23,506,207
Dividends declared from surplus	8,496,960	26,775,727
Credit balance carried to balance sheet at end of year	50,401,739	59,215,601

While these profits are very high and most unreasonable, yet the rates now fixed by the express companies are much less than that proposed by the parcel-post bills now before Congress. There are two rates most commonly favored by these bills, to wit, 8 and 12 cents a pound for all distances. The average distance express packages are carried is 196 miles, according to the best information. Now, let us compare the cost of carrying packages from 1 to 11 pounds the average distance by express companies with the cost of carrying the same packages the same distance under the flat rates of 8 and 12 cents a pound. The following table has been prepared upon a haulage distance of 196 miles:

Table comparing parcel-post rates with express-company rates.

	Parcel-post rates. 12 cents per pound.	Parcel-post rates. 8 cents per pound.	Express-company rates.
1-pound rate	$0.12	$0.08	[1]$0.10
2-pound rate	.24	.16	.16
3-pound rate	.36	.24	.24
4-pound rate	.48	.32	.32
5-pound rate	.60	.40	.40
6-pound rate	.72	.48	.45
7-pound rate	.84	.56	.45
8-pound rate	.96	.64	.45
9-pound rate	1.08	.72	.45
10-pound rate	1.20	.80	.45
11-pound rate	1.32	.88	.50
Total	7.92	5.28	3.97

[1] If prepaid the express companies will carry books at 2 ounces for a cent, minimum 10 cents, and merchandise 1 ounce for a cent, minimum 15 cents, to any point on their lines, up to the postal weight limit on such classes.

The express rate now charged is $31.20 a ton; the 8-cents-a-pound postal rate would cost $160 a ton; and the 12-cents-a-pound postal rate would cost $240 a ton. It will be readily seen that a parcel post based on either of these rates will give but little, if any, relief. The 12-cent rate is higher than the express on all the packages of 11 pounds and less, while the 8-cent rate is less on 1 and 2 pound packages only.

Mr. Chairman, nearly all of the civilized countries have worked out the economic question of the transportation of the small package and are giving to the citizen the advantage of a very low rate. In other words, they have engaged in the express business under national supervision and carry and deliver the small package as mail, which is denominated postal express. This system gives a rapid and cheap transportation both from

the farm and factory to the consumer. I submit the following table to show the low ratio between the express rates and the freight rates in 11 of these countries, including the United States, so that her extreme high express rate may be compared with the very low rates in countries where they have established postal express:

Comparison of express rates with freight rates.

[All data have been taken from original railway reports of the countries named.]

Countries.	Year.	Express.				Freight.				Ratio express charges to freight charges.
		Tons.	Receipts.	Average journey (miles).	Average charge per ton.	Tons.	Receipts.	Average journey (miles).	Average charge per ton.	
Argentina	1909	34,704	$3,384,151	93.7	$6.51	34,270,113	$67,115,506	121.0	$1.95	3.2 to 1
Austria	1908	1,633,276	6,169,612	63.9	3.77	158,031,039	117,839,732	58.0	.738	5.0 to 1
Belgium [1]	1909	724,481	3,565,509	49.4	4.92	59,551,766	31,348,583	49.4	.526	9.3 to 1
Denmark	1909	53,595	294,273	72.9	5.49	5,238,109	4,567,325	53.0	.871	6.3 to 1
France	1908	2,741,931	18,873,400	75.7	6.88	100,825,570	154,366,000	75.7	.953	7.2 to 1
Germany	1908	4,424,593	16,873,455	67.3	3.80	504,062,818	382,406,892	61.6	.758	5.0 to 1
Hungary	1908	708,778	2,614,640	70.9	3.68	57,880,670	54,045,502	70.9	.933	3.9 to 1
Netherlands	1908	109,976	267,161	50.3	2.43	4,635,492	3,114,578	69.8	.673	3.6 to 1
Norway [1]	1909	161,334	306,667	48.5	1.90	5,820,490	2,859,878	34.0	.491	3.8 to 1
Prussia	1908	2,779,626	12,018,942	84.2	4.32	314,848,543	273,617,562	69.3	.868	5.0 to 1
United States	1909	[2] 1,139,074	[2] 35,477,111	([3])	31.20	881,334,385	1,677,614,678	251.0	1.90	16.42 to 1

[1] Delivers express matter to consignees. [2] Includes three months only—April, August, and December. [3] No data.

Argentina: Estadistica de los Ferrocarriles en Explotacion, Tomo XVIII, 1909. Buenos Aires, 1910. See p. 87, cols. 36 and 6; p. 93, cols. 102 and 111; p. 196, cols. 13 and 15.
Austria: Oesterreichische Eisenbahnstatistik fuer das Jahr, 1908. 1 Teil. Hauptbahnen und Lokal bahnen, Wien, 1910.
Belgium: Chemins de Fer, Postes, Télégraphes, Téléphones et Marine, Partie A: Chemins de Fer, 1909. See pp. 36 and 110 Petites marchandises et Grosses marchandises.
Denmark: De Danske Statsbaner, Beretning om Driften, Aaret fra 1ste April, 1909 til 31ste Marts, 1910 (pp. xii, xiii, xiv).
Germany: Statistik der im Betriebe befindlichen Eisenbahnen Deutschlands, Band XXIX, Rechnungsjahr, 1908. (Table IX.)
Hungary: Archiv fuer Eisenbahnwesen, 1910, in "Die Eisenbahnen Ungarns im Jahre, 1908."
Netherlands: Statistiek van het Vervoer op de Spoerwegen en Tramwegen in Nederland over het jaar 1909. (Figures for all railways not stated.)
Norway: De Offentlige Jernbaner. Norges Officielle Statistik V. 107. Beretning om de Norske Jernbaners Drift, 1 April, 1908–30 Juni, 1909. (Tables II and III.)
France: Archiv fuer Eisenbahnwesen, 1909, in "Die Eisenbahnen Deutschlands, England und Frankreich von 1903–1905."
Prussia: Bericht ueber die Ergebnisse des Bestriebes der vereinigten preussischen und hessischen Staatsbahnen in Rechnungsjahre, 1909, Berlin, 1911. (Express includes subheadings under I, 1 and II, 1 pp. 80 and 81.)

These figures show that the express rates in this country as compared with our freight rates stand as 16.42 stands to 1. Argentina is the only country in the list with a higher freight rate than the United States, yet her express rate is 3.2 to 1, which is only about one-fifth as high as ours. Our express rates could be cut in two, 8.10 to 1, and be the highest in the list except Belgium; such a rate would give us a decent postal express with an opportunity to move the small package from the producer readily to the consumer.

In order to show what is moved in Germany through the postal express, I submit the following extract from Senate Document No. 379 of this session of Congress:

CHEAP AND QUICK TRANSPORTATION MAKES FOR GENERAL PROSPERITY.

How much the parcel post has meant in the past, how much it means now, and how much it is to mean in the Empire's marvelous development will never be known till some German Mulhall makes its work the subject of a brilliant special monograph. From the far-off shores of Heligoland and the North Sea fishing villages, the products of the deep are collected, carried across a large part of the Continent, and delivered, the service extending to the confines of Bohemia or even to Austria and Hungary, for there is a postal arrangement between the two Empires that admits all the benefits of the one to the citizens of the other. From the seaport cities come the bananas, oranges, lemons, pineapples, coconuts, the rich spices of the East, the finer fibers and textiles of Persia, India, China, and Japan; from Switzerland come the rich dairy products and marvelous honey gathered from its mountain flowers, a honey as rich as that of Hymettus; from the Rhine lands the wines are sent in baskets far beyond where the vine will grow; out of the south, by Botzen, on the hills near Innsbruck, and along Lake Garda go fruits and flowers to Berlin and Breslau, Konigsberg, Danzig, and Stettin. A message by wire, in case of a run on fruits or flowers, will be filled in 24 or 48 hours—the entire order, including the telegram, costing from 25 cents to $1, the latter price being exceptional, incurred only when the parcel exceeds 50 pounds. Under the 11-pound policy for 12 cents enormous shipments have been made and are being made. This rate is the popular one.

Mr. Chairman, what the postal express has done for other countries it will do for us, and I am inclined to think it is the proper solution of this question. What we need is some method which will give a low rate with a rapid transportation of the small package, say from 100 pounds and below, from the farm and the factory alike to the consumer. If such package could reach us free from the taint of plunder and exploitation, it would materially reduce the high cost of living. We are equipped throughout the country with a system or rural-route deliveries of mails, and if either a parcel post or a parcel express is established, deliveries of the small package could be made readily by increasing the force as the business increases.

Mr. Chairman, good roads, rural delivery, and parcel post or postal express, are so intimately connected with each other that the consideration of the one necessarily invokes the presence of the other two. All three of these questions have their enemies on the floor of this House and elsewhere in the money centers, because the maintenance of any or all of them will require the expenditure of large sums of money. The country people are looked upon by these gentlemen as being too common to receive legislative consideration for their relief, especially if large sums of money are required to be appropriated therefor. I can not agree with these gentlemen. I favor the widest latitude in the extension of all three of these modern uplifting influences in every State in the Union. This Government belongs to the people and they have a right to say how its powers shall be administered. The voice of the intelligent many is superior to and more stable than the will of the selfish few. I am not in sympathy with that national policy which advocates riches and luxury for the few and poverty and misery for the many. No man is worthy of any rights which he claims for himself unless he is willing to concede the same to all others. The farmers and employees in the factory and mines are the producers of wealth, and should be given an equal opportunity with the rich for intelligence and happiness in this life.

Labor has always had its enemies in every country and every clime. When King Darius learned that Athens had captured and burnt Sardis, a city of his kingdom, he called for his bow, placed an arrow on the string and shot it high up in the air, then turned his face toward heaven and exclaimed, "O Supreme God, grant me that I may avenge myself on the Athenians." And when he had said this he appointed one of his servants to say to him every day as he sat at meat, "Sire, remember the Athenians." The same spirit is abroad in the land to-day. Every time labor seeks legislation for relief, some selfish fellows are ready to invoke high heaven for strength to avenge themselves on labor. When the light of civilization dawned upon mankind the labor of the world was in abject slavery. The lords and masters owned the laborer as chattels, with power to sell or kill him at pleasure. They were despised and regarded as animals and kept under bondage for centuries.

None of the ancient republics were free enough to eliminate slavery. When Athens was in her palmiest days of democracy her slaves were abundant. When she reached a population of 200,000 people it is said that she had 179,000 slaves. Ancient Rome was likewise cursed with slavery. When she reached her greatest perfection as a republic more than two-thirds of her population were slaves. Out of a population of 90,000,000 people she had more than 60,000,000 slaves.

But as the love of liberty was planted in the bosom of the slave by his Creator he followed his instinct and fought for his freedom. The first victory gained by him raised him a degree above the slave with the denomination of serf, which bound him to the soil, and when the land was sold by his master, while he was not in terms sold, yet he passed with it. The laborer always remained on the land and was not permitted to depart therefrom. He was not only required to cultivate the soil, but he was often required to fight the battles of his master and his lord, and when the feudal system was inaugurated he stepped one step higher and became a servant, with some property rights for the first time in the history of the

world. After the advent of Christ, the influence of the brotherhood which he established among men, teaching that all men were created in the image of God, the servant by his struggle for freedom became the intelligent employee and citizen of the country, with equal rights with every other man of the country. [Applause.] Yet this relic of barbarism still lingers about the haunts of the rich and they never miss an opportunity to show their displeasure and use their influence against any movement to better the condition of the toiling masses. Every upward step which has been taken by labor has been dearly paid for by the blood of innocent men struggling for liberty. The same fight must be made to-day as it has ever been made in the past, with this difference, I trust, that the sword may find its final resting place in its sheath on the wall and the battles of the future may be waged in words tempered by the Golden Rule, "Do unto others as you would have them do unto you."

Labor has always stood on the firing line bravely fighting the battles of civilization, whether in times of peace or in times of war. When the Nation called for soldiers to put down insurrection at home or to drive back the invading enemy, honest labor voluntarily answered the call from the farm, mine, and the workshop, while the rich waited for the draft, and then with their gold hired substitutes. Labor has built log huts on the frontier, bravely faced the danger of deadly climates, and endured the ravages of wild beasts and savage men in order that howling wildernesses might be converted into fertile fields of plenty, while the rich man has followed along after him with his gold and reaped the profits of his labor. Labor has constructed highways across continents, built the railroads and steamships of the world, dotted every clime with factories for the finished product, and bravely operates and manages every enterprise for the production of the raw material, for its conversion into the finished product, and for its final transportation to the consumer. He is still on the firing line with the brawn of his muscle and in the sweat of his face supplying mankind with food, raiment, and shelter. His labor is the source of all productive wealth, and yet all that he has received therefor is a meager living for himself and family. All the profits of his toil have been divided among his rich masters.

Mr. Chairman, I am not in sympathy with the idea that nothing should be done to help the country people for fear that it might increase the value of their property and better their condition. God bless the honest, sturdy yeoman of this country, with the hollyhock blossoming in his front yard and the morning glory twining about the door of his humble home. [Applause.] It is from his family that we get honest men to place upon the judicial bench of America. From these lowly walks men of courage have risen to lead the armies and navies of the world to glorious victories in causes of right and justice. Such families have furnished the best statesmen of the world, who have bravely marched into halls of state, rescued from the mailed hand of imperial power the rights of men, and securely enacted them into wholesome laws. [Applause.] From the ranks of the honest, sturdy, poor, pure men have sprung forth full fledged in qualities of heart and soul, and have steadily marched onward from the country cottage to the White House, and with policies of far-reaching statesmanship have directed the forces which have molded and shaped the destinies of this Republic. [Applause.] A community of such great moment ought to receive the fair consideration of every legislative body of the country, and until we give it that consideration which its importance demands we will not have dealt out to the country people their just rights. [Applause.]

Mr. GARDNER of New Jersey. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. AINEY].

Mr. AINEY. Mr. Chairman, I am in accord with the measure which proposes that the Federal Government pay a just rate per mile for its use of certain roads in rural districts upon which the mails are carried.

I am also in favor of the broadest measure, whether it be called parcel post or parcel express, bringing to rural districts the advantages of prompt and ready transportation of small packages of merchandise at the lowest rates consistent with good and economical administration.

I am endeavoring from the discussion of the several parcel-post and parcel-express bills to weigh carefully their merits and defects with the sole purpose of supporting such measure as promises to the people of my district, and to the country at large, the fullest and most comprehensive system. I do not expect at this time to discuss the technical features of these bills, but prefer to establish a viewpoint, if you please, from which the needs for this kind of legislation may be observed and therefrom determine the best measure to be adopted. The problems of conservation have deeply interested the people of the country, and laws relating thereto, as applied to our forests, our water powers, and our mineral lands, have been adopted, but none of these are worthy of more careful consideration than the conservation of the American farm or the preservation of the American farmer.

The statistics which confront this Nation show that the American farmer is fast disappearing. At the beginning of this Government the rural population was 96 per cent of the whole; in 1850 it was 87 per cent; in 1890 it was 60 per cent; and in 1910 it had decreased to but 54 per cent.

This immense change in proportions is not nearly as startling as the fact that, notwithstanding the large increase in general population within the last 20 years, the rural population has actually decreased in nearly all the older settled districts, and the census figures just coming to my desk show that the farming localities have suffered loss in population during that period of time of from 25 to 33 per cent. This is noticeable in every rural community in the old Wilmot-Grow district of Pennsylvania, which I have the honor to represent.

Here is an economic situation of transcendent importance. It must be considered not only from the standpoint of the farmer, but of the public's need of him. I do not hesitate to say I view it from both.

No class of people have contributed more unselfishly to the public welfare. Whether in war or peace, the American farmer has followed and reverenced the flag. He has sent out strong, high-minded, and purposeful sons and daughters, whose keen minds in sound bodies have contributed to the business and professional activities in every walk in life.

This revelation of the census is a cause for national alarm, and is well worthy most careful thought if haply a solution may be found.

In the early days of this Nation the farmers were the chief citizens of our country, and I rebel against a modern conception which, from a position of assumed superiority among the people of the cities, proposes to place them among the unenlightened and less important of our national populace.

Indeed, I was much astonished to hear my distinguished colleague, the gentleman from Philadelphia [Mr. MOORE], for whose opinions I have high regard, and who I regret is not here this afternoon, while speaking on this measure, after adverting to the fact that he was country born and would like to go back to the farm, say that he had urged the dwellers in the alleys and streets to go to the country. The problem can not be solved by such a low conception of the country's need.

The American farmer of to-day is not of the "alley" class. He is the best-read and thoroughly posted man upon current topics and affairs of the day. He takes the best magazines and reads the best books. His ethical conception is clearer and his judgment less warped by selfish purposes than almost any other class. His ideals are high and his instincts patriotic. The very nature of his employment makes him contemplative, and because thereof in the busy whirl of a rushing age he is a great conserving power and influence leading to national safety.

The dweller in the city has with avidity seized upon the modern inventions and forced them to pay tribute to his daily comfort and pleasure. The telephone, exceptional mail and transportation facilities, harnessed heat, light, and electricity are made to do his bidding. These with his thousand and one educational and inspirational advantages are now his necessities.

He forgets that his brother of the plow—his companion of former days—is still his equal with aspirations and ideals to be realized. He overlooks the fact that the farmer has also advanced with the age, and for his family, his boy, or girl, his outlook on life is broadened; that he, too, demands some of the conveniences, now necessities, which the Government has long since and at great cost given the city.

There are problems not easily solved by legislation. The farmer is the one man who does not fix the price upon anything he buys or sells. The other man controls both ends of the bargain, whether it be eggs or coffee, butter or sugar, produce or clothing.

Can the Nation afford to lose the farmer? How about the high cost of living then? How about it now?

The farmer has not been importunate. He has looked with no envious eye upon the legislation which has ameliorated the condition of his companion in toil, the wage earner in shop or on railroad, but now the day has come when the farmer will not be content to see the children of his heart, with equal capability of mind and body, handicapped by the privations and inequalities of the country, but he will send them to the city, and then the farm loses its best asset.

What is your solution? Intensive farming? Agricultural schools?

I admit the marvelous advances made in these directions and the splendid contributions of the Department of Agriculture to that end.

The man on the farm must have the transportation problem solved for him as it has been solved for the resident of the city. He must be in quick reach of market and supplies, of church, school, store, and doctor. He must be able to economize in time and material.

Environment is of vital importance, and good roads and an accessible market are fundamental.

We are told that more freight is hauled over public roads than on railroads; that the cost of hauling on our American roads is 23 cents per ton-mile as against 11 cents in England, 10 cents in Germany, and 7 cents in France. Surely this is a strong argument for better roads.

Opposition is made to parcel post because of the great expense, and rural free delivery, with its cost of $37,000,000, is pointed out. Even with such a large sum, three times that amount was expended for the city mail conveniences. Six hundred million dollars has been expended for improvement of waterways and harbors; $200,000,000 for public buildings in cities. Less than one-fifth the latter amount would provide an adequate parcel post or parcel express under any of the proposed bills.

Suppose the cost is large, the American farmer is worth while, whether viewed from an economic, ethical, social, or political standpoint.

The home is the real basis of our national life and safety, and the farmer is the natural conservator of the home. Let his home be surrounded by and accessible to the modern conveniences which annihilate time and distance—good roads, rapid transportation of mail, merchandise, and persons—and then with the modern scientific education open to every farmer boy of the land you have in large measure solved the problem. [Applause.]

Mr. MARTIN of Colorado. Mr. Chairman, before the gentleman from Pennsylvania [Mr. AINEY] takes his seat, I would like to interject a very brief observation into his remarks touching the large amounts of money that have been appropriated for rivers and harbors and public buildings. I had occasion to brief up river and harbor appropriations somewhat, and I was interested to find in the early messages of the Presidents touching internal improvements that roads were mentioned and recommended for Federal appropriations along with and nearly as frequently as rivers. Indeed, there are a number of the messages of the Presidents in which you will find the term "roads and rivers" mentioned together; but in some way or another roads seem to have been dropped out and we continue to appropriate for rivers.

Mr. MOON of Tennessee. Does the gentleman from Colorado [Mr. MARTIN] want to use some time now?

The CHAIRMAN. The time of the gentleman from Pennsylvania has not expired, and the gentleman from Colorado interupted the gentleman from Pennsylvania in the latter's time.

Mr. MARTIN of Colorado. I just interrupted him there in order to make that statement.

Mr. AINEY. I desire to yield back the portion of time I did not occupy.

The CHAIRMAN. The gentleman from Pennsylvania has occupied 12 minutes.

Mr. MOON of Tennessee. Mr. Chairman, does the gentleman want any time now?

Mr. MARTIN of Colorado. Yes, sir.

Mr. MOON of Tennessee. I yield 10 minutes to the gentleman from Colorado.

The CHAIRMAN. The gentleman from Colorado [Mr. MARTIN] is recognized for 10 minutes.

Mr. MARTIN of Colorado. Mr. Chairman, I first wish to make a little clearer the suggestion that I made to the gentleman from Pennsylvania [Mr. AINEY], that it appears in the early history of the country, as I find from messages of the Presidents, the matter of improvement of roads was dealt with in those messages quite as frequently as the improvement of rivers. In other words, I frequently found the recommendations for the improvement of roads and of rivers coupled together. It seems, however, that in later times there were no references whatever to roads, but altogether to rivers; and I favor the Shackleford good-roads amendment for the reason, among others, that if it becomes law we will only be restoring roads to their ancient place, along with rivers, among internal improvements, which is the only way the Government may do equity to those sections of the country having no navigable waters.

THE PARCEL POST.

Mr. Chairman, the pending postal appropriation bill, under the special rule adopted by the House, which permits the amendment of the bill by adding thereto the parcel-post and postal-express legislation, marks an epoch in the progress of this Government in the service of all the people.

With three exceptions this special rule permits the engrafting upon the pending bill of the most important and beneficial legislation enacted by the American Congress in the past 30 years. The three exceptions to which I refer are the Sherman antitrust, interstate-commerce, and income-tax laws. The importance of those three measures is attested by the fact that the first two—the Sherman antitrust and interstate-commerce laws—are furnishing the Federal courts of the United States, and more especially the Supreme Court, with the bulk of the most important work of the judicial department of this Government; and the importance of the third measure is attested by the fact that the 48 States in this Union will by three-fourths majority shortly ratify an income-tax amendment to the Constitution of the United States, thereby reversing the decision of the Supreme Court of the United States, in which it held the income tax unconstitutional and which decision was itself a reversal of the uniform decisions of that tribunal throughout the entire history of this Government.

Mr. Chairman, it is true that so far as results in the way of tangible benefits to the people of the country are concerned, the Sherman antitrust and interstate-commerce laws and the income-tax amendment amount as yet to no more than declarations of principle, but the soil is being prepared and the seed sown against the day when the people of this country will come into their own and when the burden will be transferred from the backs of the people to the backs of the private interests, which are the greatest beneficiaries of government, but which have thus far prevailed against every effort to curb, regulate, and make them what they ought to be—the servitors of the common good.

As affecting the postal department of the Government there are two general propositions presented by the pending amendments, the establishment in a very limited degree of the parcel post and the taking over by the Post Office Department of the express business. I can consider these propositions only in a general way in the brief time allotted me.

I want to say at the outset that I am for a genuine parcel post in this country, including the transaction by the postal department of the business now handled by private express companies.

It would be a waste of time at this late day to argue the great success of the postal department of this Government. If a public man were to propose its transfer into private control he would not be denounced as a public enemy; he would be laughed at as a fool; and if he proposed to curtail its functions or its service in any particular he would be driven from public life. Not so great a mistake, but none the less a mistake, would it be to assume that this great arm of the public service has reached its maximum development. On the contrary, the time is almost if not quite ripe for a substantial increase in the postal service, not by way of the creation and addition of new and strange functions, but by the enlargement and extension of functions already existing.

In this connection I wish to read into my remarks a copy of a letter which has left my office almost daily, addressed to one or more of my constituents, for the past two years. Before I read it I want to say that it is somewhat in the nature of an experiment. Everyone knows the extreme diversity of popular views on the question of the parcel post. In one letter a Member receives a resolution adopted by a board of trade in some town in his district, saying that if a parcel post is established it will absolutely ruin them. I receive such letters as that, with no qualification whatever. "Establish a parcel post and we will be absolutely ruined." In the same mail, perhaps, you get a letter from some individual or farmers' or labor organization demanding a parcel post before all other legislation that can be given them at the hands of Congress.

I therefore resorted to the unique experiment of framing up a stock letter, which I send to all comers, whether for or against the parcel post. I do not know how that system will work out as a vote getter. I am not looking for any votes this fall, and can not demonstrate it. But I have made it a practice thus far in my brief public career never to be on both sides of any question, and particularly never to be on both sides of it at the same time. The letter is as follows:

DEAR ——: I am in receipt of so many communications for and against the parcel post that I find it necessary to compose a set letter to be sent to all communicants.

I believe that every improvement and extension of the means of transportation and communication build up our civilization as a whole and in all its parts and stimulate and increase business and all social intercourse. I do not believe the parcel post will affect our local communities except in the same way that they have been affected by railways, telegraphs, telephones, the postal system, free delivery, rural routes, etc.

As a matter of fact, we already have a parcel post limiting the weight of the package to 4 pounds in the domestic mails at 16 cents per pound and to 11 pounds in the foreign mails at 12 cents per pound. Any parcel-post legislation, therefore, must deal merely with the question of changing the size of the package or the postage rate or both.

To this end there are many bills pending, the different features of which I can not undertake to discuss in the compass of a letter. I can only say that I am in favor of progressive legislation along mail-service lines, which shall include both the enlargement of the package and the reduction of the rate. And I shall not look to see this enlargement of postal facilities injuriously affect the smaller localities, because trade is reciprocal. It is an old and invariable rule that the increase of facilities leads directly to increase of use, but I shall look for this rule to work both ways in the case of the parcel post and build up the local merchant even more than it pulls him down, just as is proving to be the case with banking in relation to the postal savings bank. The merchant is in the shipping business, and I firmly believe that he will send and receive more packages by mail than all his customers combined. Furthermore, this extension of the mail service, like the postal savings bank, will come gradually and almost imperceptibly take its place among the agencies that build up and bless civilization, which I firmly believe will be its principal result.

Very truly, yours, ———— ————.

Mr. Chairman, the time has arrived when we may pass from general statements of principle to concrete propositions such as are presented under the rule in the pending parcel-post amendments.

There are three parcel-post propositions presented in the pending bill; that is, in the amendments that will be permitted to be offered in connection with this bill under the rule.

GENERAL PARCEL-POST COMMISSION.

I shall not discuss the third proposition, because it merely calls for a general parcel-post commission to investigate and report upon the question of establishing a general parcel post in the United States, to which there can be but little objection, except, perhaps, the objection that it would cause unnecessary delay. The commission proposition seems to be pretty popular nowadays, and it seems to be more popular with the people and the interests that are opposed to any given legislation than with those who are in favor of it. They will get another lease of life through a commission, so that as a last resort, when they can not stave off action in any other way, they recommend a commission to investigate and report upon it.

I want to say, however, that this observation and others that I shall make are not to be taken as in criticism of the committee, because I believe that the present Committee on the Post Office and Post Roads is deserving, above all such committees in the history of this country, of the commendation of the people of the country.

I want to say further, Mr. Chairman, that this Committee on the Post Office and Post Roads has made a real start. When in the history of Congress have there been such subjects of debate on pending legislative propositions as we now find before this House as a result of the action of the present Committee on the Post Office and Post Roads? They have moved a decade in this session of Congress. They have caught up, crystallized, and put into concrete propositions of legislation ideas which have been agitated in this country for a great many years.

Mr. STEENERSON. As I understand it, the gentleman believes in riders on appropriation bills?

Mr. MARTIN of Colorado. I believe in riders on appropriation bills if I can not get the legislation in any other way.

Mr. STEENERSON. Does the gentleman contend that this legislation could not have been brought in here in some other way?

Mr. MARTIN of Colorado. I do not believe in hiding behind the technical objection that a thing is new legislation engrafted upon an appropriation bill. The gentleman knows just as well as I do how difficult it is for any legislation, no matter how pressing, to get the right of way in this House.

Mr. RODDENBERY. Or the Senate.

Mr. MARTIN of Colorado. Revenue and appropriation bills take up the greater portion of the time. Why, Mr. Chairman, I am a member of the Interstate Commerce Committee that has framed the most important piece of legislation, so far as the world is concerned, that this Congress can enact, and that is the Panama Canal legislation. Our able chairman [Mr. ADAMSON] has been fighting for weeks to get that bill before this House, and the head of the Panama Canal Commission is criticizing Congress to the world for failure to enact that legislation for which the shipping interests of the world are clamoring, and we may have to stick that into an appropriation bill in order to get an opportunity to consider it before the end of this Congress.

Mr. STEENERSON. The gentleman does not believe in riders on appropriation bills as a general rule? It is only where there is an exigency, as I understand it, that he believes in that sort of legislation.

Mr. MARTIN of Colorado. I might not want to enact all new legislation in that way, but I am not going to find any quarrel with the oportunities which have been presented to us on this bill to get this legislation, which, in my judgment, is the most beneficial that this Congress can possibly enact.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON of Tennessee. I yield to the gentleman five minutes more.

APPLYING FOREIGN WEIGHT AND RATE TO DOMESTIC MAILS.

Mr. MARTIN of Colorado. The first proposition in the pending amendments applies the foreign postal weight and rate to the domestic mails. It now costs 16 cents a pound to send fourth-class matter by mail from any point to any point in the United States, and the weight of the package is limited to 4 pounds, while a package up to 11 pounds may be mailed at the rate of 12 cents per pound from any point in the United States to any point in 23 foreign countries. If the provision in the pending bill becomes law, the foreign weight and rate will be applied to the domestic mails.

So far as I can determine, this provision would remove an anomaly in existing postal regulations, without any substantial benefits to the people. I do not know of any haul in this country in which this provision offers any advantage over present express rates. Indeed I doubt if there are any hauls upon which existing express rates would not be cheaper, and in the great bulk of cases very much cheaper. So far, then, as benefits are concerned, this provision will be ineffective.

RURAL PARCEL POST.

The second proposition establishes a limited rural parcel post, under which fourth-class matter in parcels not exceeding 11 pounds may be mailed from any point to any point upon the rural route upon which it originates, at 5 cents for the first pound and 2 cents for each additional pound, which would fix the cost of the maximum 11-pound package at 25 cents.

It appears to be the consensus of opinion that this provision will result in a marked increase of business on the rural routes, which means that it will be a substantial benefit. As this traffic will largely be from the local merchant to his patrons upon the rural route, it is a singular and significant fact that the merchants in the towns and villages in which rural routes originate are as much opposed to the rural parcel post as to the general parcel post, this opposition being due to the fact that the former is considered as the forerunner of the latter. This assumption, I believe, is correct, but I make the prediction that once the rural parcel post is established and in operation, a Representative would no more dare to propose its abolition than he would to propose the abolition of the rural route itself. The telephone and the parcel route would bring the farm to the town and the town to the farm, and neither town nor farm would consent to dispense with or limit either of these beneficent services.

I am in favor of these two propositions in so far as they recognize, enlarge, and promise to carry out the existing great principle of the postal service, but I reserve the right to vote for a general parcel post at this time should such a proposition be offered, and I apprehend it will, when the parcel post section is reached for amendment under the five-minute rule.

GENERAL PARCEL POST.

The principal general parcel-post proposition now pending in form of a bill, I am advised, is one fixing the top weight at 11 pounds and the rate at 8 cents per pound. The principal objection to this and other parcel-post legislation, which I have heard raised, is that, like the 12-cent rate, it would be taken advantage of by the express companies, just as the present postal laws and conditions are taken advantage of, and the express companies would handle the profitable short-haul traffic, leaving the Government to handle the unprofitable long hauls; although this measure, in common with the pending amendments, is subject to the objection, and I emphasize this point, that it is limited to what is now known as fourth-class mail matter, which embraces a very limited number of articles, practically none of which are produced on the farm. Thus we will have a rail parcel post which, as to the limited number of things carried, can not, except as to the longer hauls, compete with the express companies, and a rural parcel post which will operate only one way, and this as to a limited number of articles of merchandise, from the town to the farm.

THE POSTAL EXPRESS.

I come, therefore, to the postal-express provision reported by the Interstate Commerce Committee, known as the Goeke and Lewis bills, which not only answers but completely removes these objections by abolishing the express companies and fourth-class mail limits, and offers to the people of this country a genuine parcel post, already in existence, but existing only for the benefit of its stockholders.

I take off my hat to the inventor of the express business. He was a genius, who made something out of nothing. If you can rent an office, hire a team and wagon, and get a contract with a railroad company, you have an express business already organized; and if you can rent enough offices, hire enough teams and

wagons, and get enough railroad contracts you have got a monopoly of the express business. There is less capital and more profit in the express business than any business I ever heard of; in fact, the express business is no capital and all profit. The express business is a parasite, pure and simple. It consists of four factors, three of which—offices, horses and wagons, and railroad contracts—are simple, and one of which—rates—is multiplex and complex beyond the understanding of any but an interstate-commerce expert. These three simple added to this one compound and mysterious element have been able to produce a system of transportation in the United States just sixteen times more costly to the people than freight, and so profitable to its owners that it repays the actual investment annually, which accounts for the fact that among its assets have been listed objects of value ranging all the way from skyscrapers down to easy bosses.

The real question ought not to be whether we will put this parasite out of business and to that extent simplify the great transportation problem in the United States, but whether we ought to pay for its office fixtures, horses, wagons, and contracts. In view of the fact that the Government would have to purchase some of the facilities now used in the express business and for the sake of peace, as well as being averse to the uncompensated destruction of any legitimate investment even by indirection, I, as a member of the Interstate Commerce Committee, voted to report favorably the pending proposal to condemn and take over the contracts, equipment, and other property necessarily and properly used by the express companies of the United States in the express business, said business to be hereafter conducted as part of the postal service of the United States.

Express transportation is a necessity conducted as a luxury. It is almost as much a medium of transmission from individual to individual as is the United States mail, but its cost is practically prohibitive. Because of this fact it is used once where it ought to be used many times. In addition, it has only very limited zones of delivery from its distributing offices. It has no rural deliveries at all, and even in the cities one must reside within a certain radius in order to have express parcels delivered. By the average person the express business is regarded and avoided as a skin game, which, in truth, it is. It occupies a twilight zone between the postal and railway service, existing as a leech upon the former and as a feeder to the latter.

It has been complained of the postal service that at times its rates upon one class of mail matter or another were reduced so low as to cause the business as a whole to be conducted at a loss, but no such charge as this can be brought against the express business. That the postal service has been a losing business venture is not true in a proper sense. At times marked reductions in the charge for service have brought temporary shortages of revenue, but aside from the fact that these temporary shortages were in the interest of the people, the growth of business induced by the lower rate has eventually balanced the scale of receipts and expenditures and the postal service is at this time upon a self-sustaining basis, with the agitation growing in favor of still further reductions in first and fourth class mail rates.

There should be no question of loss involved in the taking over of a class of matter so highly profitable as the express business. The postal service, taking over this kindred business, will be able to operate it much cheaper than a dozen separate and distinct express companies. The Government may not only heavily cut the cost of operation, but it may lop off the exorbitant profits. The result ought to be a greatly enlarged and cheapened use of the service, and still upon a self-sustaining basis.

I have not made the kind of study of this subject which enables me to speak in tables of figures. A fellow lawyer has said that the practice of law nowadays is not the study and application of fundamental principles but the matching of cases; that it is not so important to know what the law is as where to find it. So the modern lawyer is always looking for what is known to the profession as the "cow case," something on all fours with the particular trouble on hand. And it is a good deal the same in lawmaking. Instead of looking out over the field of human activities and studying and reasoning from what we see, we rush to books and documents for tables of comparisons and schedules of figures out of which to reconstruct or create systems. Without despising the use of figures which, touching this legislation, I must leave to those who have made a statistical study of it, I look out over the land at the great postal service of the country, with its official head here in the city of Washington and with its ramifications in every city, town, and hamlet, upon every railway, upon the streets of every city, and almost upon every highway, serving the mail needs of a Nation of ninety millions of people with an efficiency and cheapness which challenges any private institution in this country, if not, indeed, any institution in the world. It is one system, one service, under one head. It carries anything in weight in the domestic mails, but not in character, from a postal card up to a 4-pound package. This single system reaches every point made by the combined dozen of express companies, and thousands upon thousands of places which they do not reach. The mail car and the express car are loaded at the same place and in the same manner and are, in the majority of cases, attached together upon the same train. What is there in the situation of a practical character which prevents the consolidation of these traffics? This question has been answered in the countries of Europe, and the answer is nothing, and that must be the answer in this country. And that answer would have been given long ago if it were not for the fact that private-property privileges, misnamed rights, are so in the ascendent in this country that any attempt to regulate or convert them to the public use is met with the cry of paternalism, socialism, or some other ism.

I congratulate the times upon the fact that the House of Representatives of the Sixty-second Congress has, by almost unanimous vote, adopted a rule whereby it may go upon record for or against a parcel post and postal express in the United States, and I have no doubt that while the majority for these propositions may not be so overwhelming as for the adoption of the rule, yet there will be majorities for both of them. And that this action will be the real forerunner in the near future of the substantial enlargement of the great and beneficent postal service in this country.

My attention has been called to a case, with the facts of which I am not familiar, involving the arrest of a railway mail clerk in the State of Colorado on a charge of carrying for pay in his mail car and personally delivering a mailable package. This, I am advised, is the substance of the charge. Attached to the mail car in which this clerk was at work was an express car presumably more or less filled with mailable packages, but carried for pay by the railroad company for the express company, with which it almost equally divides the carriage charges.

In connection with the foregoing statement of facts, I append by request a memorandum prepared for Mr. KENYON, then an Assistant Attorney General of the United States and now a United States Senator from the State of Iowa, the memorandum being of date October 5, 1910, and entitled:

[Memorandum for Mr. KENYON.]

OCTOBER 5, 1910.

IN RE ALLEGED VIOLATION OF SECTIONS 3982 TO 3965, REVISED STATUTES, BY THE CARRIAGE OF MAILABLE MATTER OTHER THAN LETTERS IN COMPETITION WITH THE POSTAL SERVICE.

If the legality or illegality of practice of express companies and others of carrying merchandise and printed matter in competition with the postal service turned upon the power of Congress to forbid such competition it would not, in my judgment, be troublesome.

It appears from the various historical authorities referred to in the brief of Nathan B. Williams, submitted to the circuit court of appeals for the eighth circuit, in a test case brought by him against the Wells-Fargo Express Co., that from its very beginning the Government postal service in England, as well as in this country, has handled merchandise in small packages, as well as letters and literature of various sorts; and even if this immemorial practice had not made it the function of the Post Office Department to handle such matter, the action of Congress in declaring at various times and in various ways that all kinds of literature and merchandise would be carried in the mail, subject only to a limitation as to weight and the safety of other mail matter in the case of merchandise, has undoubtedly fixed the functions of the postal service in that respect.

The power of Congress to do this seems to me indisputable, because even if at the time of the adoption of the Constitution merchandise in small parcels was not universally recognized as mail matter, there certainly was no universal belief that the activities of the postal authorities were to be limited to the carriage of letters and other printed matter, so that the grant to Congress of the power to establish post offices and post roads necessarily conferred authority to determine what should constitute mail matter. If this be not so, then Congress has from the beginning of our Government exceeded its constitutional authority by authorizing and requiring the Post Office Department to carry in the mails other things than letters and printed matter, for if at the time of the adoption of the Constitution the function of the postal service was universally conceived to be limited to the carriage of letters and printed matter, then the grant of power to establish a postal service was subject to the same limitation, with the result that it only conferred authority upon the General Government to convey letters and printed matter.

Further than that, it was explicitly held in the case of Ex parte Jackson (96 U. S., 727) that "the power possessed by Congress embraces the regulation of the entire postal system of the country," and includes the right to prescribe what should constitute mail matter.

I realize, of course, that if it be conceded that Congress has power to make merchandise in small quantities mail matter, it might be contended that the Government could, if it chose, take over the entire business of transporting property as a part of the postal enterprise; but it seems to me that the courts would not be greatly troubled over that question. They would draw the line whenever it appeared that Congress was attempting to abuse its power under the postal clause, just as they draw the line between reasonable and unreasonable police regulations of the States.

Beyond that, it must be remembered that we are not alone concerned about the transportation of ordinary merchandise, but that perhaps the greatest and most harmful competition between express companies

and the postal department is in respect of newspapers, magazines, pamphlets, and other printed matter which is now carried as merchandise, and I can not see how such things can fail to come within the strictest definition of mail matter, since their fundamental purpose is always to "diffuse intelligence" or information.

It being thus established that it is the function of the Post Office Department to carry merchandise in small quantities, or at least to carry printed matter of every sort and description, the power of Congress to forbid private carriage of such matter in competition with the Post Office Department is hardly open to dispute.

Like all other congressional powers, the power to establish a postal department carries with it, by implication, authority to do whatever may be necessary to the preservation and successful operation of that department, and the question of whether or not a particular regulation is essential to either of those ends is primarily a legislative rather a judicial one, with the result that its congressional determination is not open to review in the courts, save in a case of gross abuse of discretion.

It can hardly be claimed that it would be an abuse of legislative discretion for Congress to declare that the interests of the Post Office Department require the monopolization by it of the business of carrying all mailable matter. There is no necessity to state in detail the various considerations showing the propriety of such a measure. Not only has Congress repeatedly asserted this right of monopolization without question of the propriety of its action ever being made, but the constitutionality of its enactments has been sustained—not only by opinions of the Attorneys General (4 Op. Atty. Gen., 159; id., 276; 21 id., 384), but also by the Supreme Court in the case of Ex parte Jackson, supra. It has been suggested that while this case affirms the right of the Government to monopolize the carriage of letters, it denies a like congressional right in respect of other kinds of mail, on the theory that the power of the Government to monopolize extends only to such matter as is strictly mail, and that although merchandise and printed matter are carried in the mail, they are not in their essence mail matter.

While it is true that the court used language which taken by itself would seem to indicate that it held the stated view, it seems to me that the decision itself does not so adjudge. The question before the court was whether or not Congress could prohibit the mailing of letters or circulars or other matter relating to lotteries. The assertion that Congress lacked the power so to do was based upon the fact that the business of carrying such matter had already been monopolized by the Government, and that, therefore, if such matter could not be sent through the mails it could not be sent at all. Consequently, the question before the court was whether or not the Government could, while refusing itself to carry given matter, at the same time prevent its carriage in any other way; and I think the court did not intend by its language to go further than to hold that if Congress refused permission to transport matter in the mails, such refusal necessarily operated to make the monopolization statutes inapplicable to such matter. The separate treatment of letters on the one hand and other mail matter on the other hand in the opinion is to be accounted for—not on the ground that the court conceived the powers of Congress to be different in respect of the two, but because, as the court held, there was a practical difficulty in the way of the enforcement of the law against sealed mail, viz, the constitutional guaranty against unreasonable searches and seizures, which did not exist in the case of unsealed mail, which the Government had the right to inspect and refuse to carry if it was of the prohibited kind. I do not, therefore, regard the Jackson case as adverse to the views I have expressed.

But even though the power of Congress to prohibit the carriage of merchandise and printed matter in competition with the Government mail service be conceded, there still remains the question whether or not it has been exercised; and this question depends for its answer upon the meaning of the word "packet" as used in the sections of the Revised Statutes forbidding the transportation of any "letter or packet" in competition with the postal service. I do not myself doubt that the word "packet" as so used referred to packages or parcels of merchandise or printed matter. It seems to me that the considerations advanced by Mr. Williams in his brief make this view quite conclusive, but, unfortunately, that precise question arose in 1873, and the Assistant Attorney General for the Post Office Department gave an unequivocal opinion to the effect that the word "packet" as used in the stated phrase meant "packet of letters" or other matter sent first class. (Op. No. 14, beginning p. 36, vol. 1, of Opinions of Assistant Attorney General for Post Office Department from June 23, 1873, to Apr. 28, 1885.)

A like opinion was expressed by Attorney General MacVeagh, under date June 29, 1881, a copy of which appears in our correspondence file (119346), but it seems never to have been reported in the printed opinions of the Attorneys General.

Pursuant to these opinions, the Post Office Department's compilation of the postal laws and regulations have, from the first issue thereof after 1873 (namely, that of 1879), down to the most recent issue in 1902, contained the statement that the provisions of the Revised Statutes forbidding the carriage of letters or packets in competition with the Post Office Department related only to first-class mail matter and did not forbid the carriage by private express of any other kind of mail matter.

It is needless to cite authorities with respect to the great weight attaching to long-continued administrative construction of statutes. The courts have repeatedly said that such construction would be followed in any doubtful case, and in this instance the construction has been followed so long—nearly 40 years—and has been so frequently and widely published and thoroughly understood by everyone that the courts would be obliged to presume that it is well known to Congress, and therefore that if it were not in accord with the true intent of the act Congress itself would have adopted a new statute incapable of the old construction. Of course it is true that the administrative construction can not deprive the courts of the right finally to interpret statutes, but in this case, for the reasons I have indicated, I can not believe that the courts would repudiate the position which has heretofore been consistently adhered to by the Government. In my opinion, therefore, a prosecution under the present laws would not be successful. The remedy is by amendment of the statute.

I also append, by request, an article entitled "The post office our mutual express company," which appears in a publication called Postal Progress, issued by the Postal Progress League of Massachusetts:

THE POST OFFICE OUR MUTUAL EXPRESS COMPANY.

The postman is an older character than the Sphinx, but the end of the old-time post was espionage and taxation—the service of the old-time king. The modern post office is our mutual express company; its business is to save the citizen from exploitation by the modern railway king.

Inaugurated by Rowland Hill, of England, in the establishment of the uniform English penny letter post of 1839, the modern post office rests upon this fundamental law: "That in public transportation the cost of the service rendered is regardless the distance traversed by any unit of traffic upon the moving machinery." This law not only governs the postal world to-day; it is so generally applied in the railway world—it is in common use in city trolley traffic and in through carload freight traffic—that its application to the entire business of public transportation under the post office would be little more than the establishment of a widespread railway custom as a common law under the lawmaking power.

The modern American city owes its growth and prosperity to its uniform 5-cent fare. To the postage-stamp system of rates in through carload freight traffic more than to anything else, say our great railway authorities, is due our national prosperity. Upon its continuance, says Mr. Tuttle, late president of the Boston & Maine Railroad, depends the existence of New England's industries, and it not only keeps old industries going, said the railway president, it creates new industries, and in evidence of this truth he points to the flourishing paper-mill town of Millinocket, Me., that came into being only after its projectors had been assured that their products should be carried to Chicago and other great markets on the terms allowed towns close to those markets.

As to the possibilities in this direction, please note that even with the present wasteful management of our great post roads, waste that may be reasonably estimated at well-nigh a billion dollars a year—the average station-to-station railway rate is less than $1.08 a ton, but a trifle over 10 cents a 200-pound parcel, for the average haul of 141 miles, and about 63 cents for the average 33-mile trip of a passenger.

Under a scientifically managed post office controlled by scientific legislation, a general freight and passenger post, with station-to-station rates—10 cents, 200-pound parcels, 4 cubic feet bulk; 50 cents ton parcels, 40 cubic feet bulk—with similar low uniform passenger fares, would seem altogether practicable, and with trolley lines and automobiles connecting our great post-road stations with the homes of the people, the time would soon arrive when, within the perfected system of transportation, we would have uniform rates, door to door everywhere; parcels up to a pound in weight, one twenty-fourth of a cubic foot in bulk, 1 cent; larger parcels, up to 5 pounds, 2 cents; 11-pound parcels, 5 cents; 25 pounds, 10 cents; 60 pounds, 15 cents; half-barrel parcels, 100 pounds, 20 cents; barrel parcels, 4 cubic feet bulk, 200 pounds, 25 cents, etc., paying the full cost of the service rendered.

I believe that our common welfare demands the immediate extension of the post office over the whole business of public transportation and transmission. The next best thing would be the extension of our cent-a-pound publishers' post to cover all mail matter. The least that can be expected of Congress this winter, as it seems to me, is the establishment of a parcel post as cheap and as extended as that provided by our bill, H. R. 14, introduced April 4, 1911, by Hon. WILLIAM SULZER, of New York, entitled:

"A bill to reduce postal rates, to improve the postal service, and to increase postal revenues."

This bill increases the general weight limit of the postal service from 4 to 11 pounds and consolidates the third and fourth classes of mail matter in the general service at 1 cent each 2 ounces, 8 cents a pound, the old common merchandise rate of 1874, and the rate at which parcels of merchandise are now posted from Germany, Austria, and Italy throughout this country under our existing parcel-post conventions. The proposed domestic rate is indeed a little higher than the existing foreign rate.

In city free-delivery services this bill provides for a local sealed parcel or letter service, consolidating the first, third, and fourth classes of mail matter at 2 cents the first 4 ounces, 1 cent each additional 2 ounces, the common letter-post rate of Great Britain.

Section 3 consolidates all mail matter in one class in the local service of our rural routes at a common rate, parcels up to one twenty-fourth of a cubic foot in dimensions, 1 pound in weight, 1 cent; larger parcels, up to one-half a cubic foot, 11 pounds in weight, 5 cents; larger parcels, up to 1 cubic foot, 6 by 12 by 24 inches, the capacity of the ordinary suit case and up to 25 pounds in weight, 10 cents.

Section 4 provides for the insurance of all mail matter; the ordinary postage carrying insurance up to $10; the 10-cent registration fee insures parcels of declared value up to $50, and an additional fee of 2 cents for each additional $50 carries insurance up to the full value of the parcel.

With this bill enacted into law, the mailing of but 25 pounds of merchandise a year by the average American family, in its general postal traffic at the new 8 cents a pound rate, would increase the annual merchandise income of the Post Office from the $8,000,000 of 1907 to over $36,000,000, and the mailing of a similar amount by the average city family in their local service would add a local city income of full $10,000,000. The wants of the average rural family would surely require the posting to and from the post town and the home of at least one 10-cent packet a week; and even such a scanty use of the service, implying an outgo of only about $10 a year per family, would increase the postal revenues by over $40,000,000 a year, an amount sufficient to meet the cost of the whole rural service, covering every possible charge that could be made against all matter brought from the outside world, including the $13,000,000 charge against second-class mail matter.

The American Express Co. carries English postal parcels, 3 to 11 pounds, from New York City to the domicile of the addressee anywhere within its lines for 24 cents.

All the great American express companies collect and deliver parcels of newspapers, distances up to 1,000 miles, anywhere within the two zones into which our continental area is divided by the Ohio-Pennsylvania State line, 10 pounds for 10 cents. The cost of posting a parcel is absolutely regardless of the character of its contents.

The German post office carries 8-ounce letters for 5 pfennings (about 1 cent) and merchandise parcels up to 11 pounds, distances up to 46 miles, 6 cents; for greater distances, within the Austrian and German Empires, the rate on merchandise parcels is 12 cents.

Two-pound book packets go from any post office in Germany to any post office in German Africa for 7½ cents.

The Great Eastern Railway of England carries 20-pound parcels of agricultural produce from any of its agricultural stations to the home of any patron within 3 miles of its stations in London for 8 cents.

At the parcel-post hearings of April, 1910, at Washington, Mr. Charles Underhill, a retail merchant of Somerville, Mass., said "that the local express companies of Boston transport parcels to the homes in the suburban towns up to 15 miles from Boston, 10 pounds for 5

cents; 10 parcels of lead or nails, of a hundred pounds each, for $1. (Pages 236–237 of the Parcel Post Hearings of April, 1910.) And at the parcel-post hearings of June, 1911, Mr. E. W. Bloomingdale, counsel of the Retail Dry Goods Association of New York, said that the New York stores are delivering their merchandise—from a package of needles to a refrigerator—to their suburban customers, 30 to 35 miles away, at a cost of from 3½ cents to 4 cents a packet. (Page 105 of the Parcel Post Hearings at Washington of June, 1911.)

Verily, if we must needs try further postal experiments, then nothing less than the enactment of our bill (H. R. 14) into law this winter will satisfy the public demand for the immediate establishment of an extended parcel post. But neither an 11-pound parcel post at 8 cents a pound nor an unlimited cent-a-pound parcel post can secure that reduction in the cost of living and that widening of the opportunities for getting a living which is the cry of the hour.

Our opponents acknowledge, moreover, that any extension of the postal service means its final extension over the whole business of transportation and transmission, and it is clearly manifest that with this accomplished, the chaos, disorder, and fear that broods over us to-day will disappear and it will be quickly discovered that our old earth is big enough for all of us and rich enough to meet the needs of each of us. Then, why not establish a general freight and passenger post, now?

Mr. HAMLIN. Mr. Chairman, I certainly congratulate myself on the splendid audience which greets me here this afternoon. [Applause.] One can always get an inspiration from a large audience. I have no set speech to deliver; I only felt that the importance of the question pending here now warranted me in offering some observations. We have reached the point in the Post Office appropriation bill whereby the rule adopted the other day makes it in order to consider some very important propositions in connection with that bill. As the gentleman from Colorado [Mr. MARTIN] so well said a while ago, we have reached that point in legislation in regard to the Post Office Department in the transmission of the mails and of other matters which are being demanded by the people throughout the country and which requires our very careful consideration.

Since I have been a Member of this House I frankly state to you that no question has arisen which has given me as much concern as has the question of the parcel post.

Mr. GREGG of Texas. I think that is true of us all.

Mr. HAMLIN. My good friend on my right says that is true with all of us, and I have no doubt but that he is correct. In the study of this question I have tried to approach it from the viewpoint of the greatest good to the greatest number. It is not a political question, and I have at no time considered it in that sense. There is no moral question involved and no party question involved. It is purely a business proposition.

On the one hand, we have the great body of the farmers and laboring men in this country demanding a general parcel post, and on the other hand, we have the local retail merchants throughout the country protesting against the passage of any such legislation, arguing that it will work to their great injury, and as many of them state to me in letters, that it will absolutely ruin their business.

I think I can say that I know in my own district where I am known that no man would accuse me of voting for any proposition that would injure any man or business if I can prevent it. My own judgment of this matter is that both sides to this controversy have greatly exaggerated its effect. I do not believe that a general parcel post will be of the pecuniary advantage to the farmers throughout the rural districts that they have been led to expect and believe. I believe that the great advantage will be the convenience which it will be to them to have their parcels as well as their mails delivered at their doors.

On the other hand, I do not believe that it will work the injury to the local retail merchant that he seems to apprehend.

The farmers throughout my section of the country—and I think they are not different from those of other sections—are, as a rule, patriotic; they love their homes and their communities and will not be willing to ruthlessly work injury to either. I am quite sure, everything else being equal, they would prefer to patronize the local merchant, the man whom they know. It is natural, of course, for anyone buying to want to see the article they purchase before they part with their money. Therefore, I believe, everything else being equal, that the farmers are going to patronize the local merchants even though we establish a parcel-post system.

But they demand the right to buy wherever they can buy the cheapest, and in that they are undoubtedly right. If we would take the extreme argument of the merchants who are so violently opposed to this legislation as correct, what position does it put the Member of Congress in? They tell us that if you enact a general parcel-post law it will injure their business, if not entirely ruin them, because the large department stores will sell to the people cheaper than they can afford to sell, and that the farmers and laboring people will therefore patronize the department stores in the cities. If that be true, I submit that a Member of Congress who has no interest personally in the matter but to represent his people honestly can reach but one conclusion. If that argument be true, the farmer, it will be conceded, has the right to buy wherever he can buy the cheapest; then the law would consequently be to the benefit of all classes of buyers, and where there is one man who sells and who would therefore be injured there are thousands who are compelled to buy and who would therefore be benefited. Consequently, if these interests clash, which I do not concede, I for one feel that I must take my stand on behalf of the interest of the overwhelming majority.

I have realized before this the difficulty we are placed in in enacting general legislation. In legislating for over 90,000,000 of people, stretching from ocean to ocean and from Canada to the Gulf, it is almost utterly impossible to enact any general legislation that will not work some injury in some way to some particular parties engaged in some particular business. But, as I said, the enactment of a general parcel post will not bring the millennium to the buyers of this country. Neither will it mark the day of doom for the local country merchant.

The question to consider is, What kind of a parcel-post law ought we to pass? I do not believe, and I do not speak of it in the spirit of criticism, that the provision reported in the present bill is an adequate provision for either the buyer or the seller. Of course the extension of the international rates is right, because it harmonizes that system, makes it general throughout the country, but no one contends that it will bring any relief, because the rates would be so high that the farmers would better patronize the express companies at the present rates than resort to the postal service on those packages. It may as well be left at 16 cents a pound as to put it down to 12 cents per pound, for both are prohibitory. I want to cite a concrete example. Recently I received a letter from a friend of mine, a farmer whom I know very well, asking me to support a general parcel-post law. As one evidence of the reason for his request he inclosed a notification card which he had that day received from the express company telling him that there was in the local office for him an 11-pound package sent to him by express from Chicago, and that the charges on it were 90 cents. He denominated those charges as exorbitant, outrageous, and a robbery, and said that he hoped that I would vote for a parcel-post law that would put the express companies out of business. What could I tell him if I supported this bill and nothing further? That same package under the international rate which is provided for here, if sent by mail, would have cost him $1.32, 42 cents more than the express company was charging him, nearly 50 per cent more than the express company had charged him.

Mr. GREGG of Texas. Mr. Chairman, under the general parcel-post proposition the 11 pounds would have been sent for 8 cents a pound. Is not that true?

Mr. HAMLIN. Oh, no.

Mr. GREGG of Texas. I mean the one that is being advocated.

Mr. HAMLIN. Twelve cents.

Mr. GREGG of Texas. No; the one that is being advocated, the general parcel-post proposition.

Mr. HAMLIN. Oh, yes; I understand you now. I was speaking of the provision in this bill.

Mr. GREGG of Texas. If he had gotten his package from Chicago, even under the general parcel-post proposition which is now being advocated, he would not gain much.

Mr. HAMLIN. Only 2 cents. His 11-pound package would have cost him 88 cents instead of 90 cents.

Mr. Chairman, I believe that the solution to all these vexed question lies in the matter referred to a few moments ago by my colleague [Mr. MARTIN of Colorado], and that is the postal-express proposition which has been reported to this House. My time will not permit, and I frankly say that my knowledge of the subject will not warrant me, in attempting an extended discussion of that proposition, but I do want to say this in all seriousness. I believe if members of the committee will study the provisions of that bill they will reach a conclusion that that is the real solution to this small parcel transportation question which is to-day causing this country so much trouble, anxiety, and expense. I know we shy away from it, because it is a radical step, we say. It will cost some money to start it. It looks a little bit like Government ownership. When the matter was first presented to me I shied at it, and I think I betray no secret when I say that along in the month of December I was requested to introduce a postal-express bill. I considered the matter for a few days, and I shied from it like a country horse from a city automobile. I hardly knew why, only the idea of taking over the express companies of the country appeared to me to be a very big proposition, and a long step in a direction that we had not heretofore been traveling. In other words, it was radical legislation, I thought. So I finally said that I would not be willing to become responsible

for the introduction of that kind of a bill until I had more time to study the subject.

I did not introduce it, but that kind of a bill was introduced, and it went to the Interstate and Foreign Commerce Committee, of which I have the honor to be a member. We have taken up that bill and considered it. I find that it is not such a radical step, after all, but it is the step that, if carried out, will solve this whole vexed problem and that the solution will be in the interest of the people.

Mr. MARTIN of Colorado. And does not my colleague find that as soon as he commenced to study this parcel-post question he saw that the taking over of the express business by the Post Office Department is the only real solution of it?

Mr. HAMLIN. Exactly; that is what I am saying.

Mr. MARTIN of Colorado. And he is absolutely driven to that position from a study of the question?

Mr. HAMLIN. I am driven to that position, as I said, almost involuntarily, or, at least, contrary to my fixed ideas when I started in to study it. I thought it was a radical step, but, as the gentleman says, when you study that question thoroughly you will be driven inevitably and logically to the conclusion that the thing for the Government to do is to take over the express companies and handle the small packages and parcels through the postal department.

Now, a few years ago when we were establishing the rural free-delivery routes a great many people shied at that. Many of the local merchants over the country opposed it and said it would ruin them. Where is the Member representing a country constituency to-day who will stand up and say that he is in favor of abolishing the rural free-delivery system? Not one, and that, in my judgment, would be true after we have tried out the postal-express system, which is the solution of this vexed question. [Applause.] No popular demand is ever made for new legislation without a reason for it. What has created this great demand throughout the country for a parcel-post system? It is because the people have been robbed for years by the express companies on the shipment of small packages.

They are not demanding a parcel post to carry letters nor to carry newspapers, but it is to carry small parcels or packages which are now being carried by the express companies at a rate that is both exorbitant and unreasonable. The railroad companies some years ago, in order to relieve themselves of the duty of carrying or caring for these small packages by freight, permitted to be organized—and I have always thought participated in the organization of—companies now known as express companies, which my friend Mr. LEWIS, from Maryland, has so aptly designated as parasites, and they are nothing else.

I am informed that out of a total of over 30 companies there are only 2 incorporated.

The truth is, I repeat, that the railroads did not want to handle the little parcel and package business by freight and encouraged the organization of these express companies. Both the railroad and express companies saw in this cunningly devised scheme an opportunity to greatly increase the charges to the shipper on these small packages and thereby make money out of this kind of business.

Of course, the express companies have to hire the railroads to haul these packages for them, and the railroads required the express companies to enter into contracts with them whereby the railroad company would receive about 47½ per cent of the gross receipts of the express business for its part in hauling the packages, leaving the express companies 52½ per cent of the receipts for its part of the business. In other words, for every dollar collected by the express company the railroad company gets 47½ cents and the express company 52½ cents, and between the two the shipper gets robbed.

I think it will be interesting to note the effect of this cunningly devised contract between the railroads and express companies on the rate charged the shipper. The following will give you an idea of how it works out:

The average rate of the express companies for a 5-pound package moving 36 miles is 27 cents. In making the rate the rate maker first considered the cost of the express-company service. He found it, let us say, to be 5 cents for delivery, 6 cents for general expense, and then added 3 cents for profit—altogether 14 cents for the express company. But under the railway contract the express company is restricted to 52.50 per cent of the rate it fixes, and 47.50 per cent of the proceeds of each rate must go to the railway. Accordingly, the 14 cents computed is but 52.50 per cent of the rate he must fix; that is, he must add the railway percentage of 47.50, or 13 cents, to the express company's 14 cents, making a rate of 27 cents.

Now, let us see how this same contract works out on the long-distance haul. Let us take the coast-to-coast rates for our illustration. The rate from New York to the Pacific coast points is $13.50 per 100 pounds. Here the desirable value of the railway service must govern the rate maker. The railways receive $6.41 for their part of this service. But under the contract the express-rate maker must consider this $6.41 as but 47.50 per cent of the rate to be formed. Accordingly, he adds to the $6.41 the contractual express percentage—$7.09—and there results the $13.50 rate and its destruction of an unknown percentage of the potential express traffic.

Stated in another way, we have:

Rate for 5 pounds, 36 miles:	
Necessary express loading on	$0.14
Contractual loading to pay railway	.13
Resulting rate	.27
Rate for 100 pounds, 3,000 miles:	
Necessary loading to pay railway	6.41
Contractual loading for express company	7.09
Resulting rate	13.50

In brief, the railway, on the small package and short journey, at one extreme, secures 10 times what it ought, while on the other the express company accomplishes the same result. But the shipper gets robbed on both the long and short haul.

Without going into further detail, it will be seen that this small package is so heavily burdened with the expense to the shipper in its transportation that the people have risen up almost en masse and demand a parcel-post system, or some system for the moving of these small packages at a reasonable and fair cost to the shipper.

The Committee on Interstate and Foreign Commerce, of which I am a member, feel that we have offered here in the Goeke bill as an amendment to the Post Office bill a solution of this vexed question.

This amendment provides for the condemnation of the property of the express companies and the taking over of the express business by the United States Government, and conducting the express business in connection with the postal service of the Government.

The Government can do this and transport these small packages at a nominal cost to the shipper and save to the people millions of dollars each year and then articulate the express service with the Rural Delivery Service and in that way put the man in the rural district in touch with the outside world in sending his produce to market by express and have his packages delivered at his door in return in the same way at a reasonable rate for the service rendered. I believe this is the logical solution of this question.

Many of the legitimate charges now added to the cost of the transportation of packages by the express companies by reason of the necessity of keeping tab on that package, entailing the employment of many clerks, can be eliminated by the Government by the affixing of a postage stamp, and our bill provides that the Postmaster General shall contract with the railroads for the hauling of these packages; and if they can not agree on a rate which is reasonable and just, then the Interstate Commerce Commission shall determine what the rate shall be and the railroads shall carry this traffic for the rate so fixed. I believe that this bill safeguards the interest of the public and is a fair solution to all the people of this parcel-transportation question and ought to be adopted.

If we can eliminate the express companies and have the Government, through the postal department, take over the transportation of these small packages by postal express and then adopt what is known as the Shackleford amendment to the Post Office bill, which provides for the Government paying the States, counties, or local communities for the use of the roads over which the mail is carried, and thereby encourage the building of good roads throughout the country, we will have done more for the common people of this country than all the previous Congresses in the last 50 years.

Since before coming to Congress I have advocated Government aid in building good roads, but I have never been willing, neither am I am now, in favor of the National Government building and controlling these roads. These roads belong to the States and should be built and controlled by the States, yet since all the money which goes into the Federal Treasury comes from the people and belongs to them, I am in favor of cutting out some of the useless expense, such as building useless battleships, costing from $12,000,000 to $18,000,000 each, and give this money to the different States to be used in the building of good roads.

I can conceive of nothing quite so beneficial to all the people, both to the town and country people as good roads. The Shackleford bill is fair to both the people and the Government in that it provides that in all the communities where they will build their roads up to either class A, B, or C, and the

Government, where it uses these roads to carry the mail over them, shall pay to these communities certain annual rental for the use of these roads, to wit: Class A, $25; class B, $20; and class C, $15 a year per mile.

I am heartily in favor of this amendment, for I believe it is not only just and fair, but I believe, if adopted, we will see the greatest era of road building we have ever seen in this country.

As to the parcel-post question—as to whether it should be conducted on a flat rate or whether by zone system, or whether it would not be the wisest thing to condemn and take over the express companies and handle this class of merchandise by postal express are all large and complicated questions fraught with great expense to the Government and ought to be thoroughly thought out and investigated before adopting any special plan and the suggestion made for a committee of six, three to be appointed by the Speaker and three by the President of the Senate, to thoroughly investigate these different plans and to report by the 1st day of next December may be the best thing to do. I am thoroughly convinced that Congress must shortly work out some plan for the Government to take over the transportation of small packages and parcels, and thereby relieve the people from the oppression of the outrageous express charges, but we want to be sure that we are right before we go ahead. I repeat, Mr. Chairman, that I believe we ought to put the express companies out of business and establish a postal express, but if this commission, upon investigation of all these plans, reports a better one I will gladly yield. What I want is a system that will give the people transportation at reasonable prices, covering both rail and rural route, and if that can be worked out without injury to the Government I shall be satisfied.

Mr. CALDER. Mr. Chairman, when the general provisions of the Post Office bill was under discussion in general debate I expressed some views on a number of different items in that measure. I had no knowledge at the time that an effort would be made to write into the bill some of the matters now under consideration, and it is regarding two of these that I propose to address the committee for a few moments. I refer to the postal-express amendment and the so-called good-roads amendment, or, as I would more properly term it, the subsidy to the States that have no good roads.

The so-called express amendment has received little consideration at the hands of any committee of this House. The Goeke bill, so-called, was referred to the Committee on Interstate and Foreign Commerce, of which I have the honor to be a member. The gentleman from Maryland [Mr. LEWIS] appeared before the committee, and his testimony has been published. This hearing lasted hardly an hour, and that, with Senate Document No. 379, an article on the subject by the same gentleman, is the only information upon which this legislation is based. In fact, in the discussion of the bill in the committee, it was not even read through for amendment. Unquestionably the gentleman from Maryland [Mr. LEWIS] has made an exhaustive study of the subject and has given the House and country a great deal of information. It must appeal to every sane business man in the country that it is bordering almost on folly for the House to commit itself to legislation of this character without more information on the subject. No effort has been made to secure the information that the Interstate Commerce Commission, the Post Office Department, the Department of Commerce and Labor, or any other department of the Government might have on the subject. There has been no examination of railroad officials or express company officials for the purpose of ascertaining the value of their plants, the character of the contracts entered into between the express companies and railroad companies. If ever there was an attempt at a leap in the dark, it seems to me that this is one. As a Representative in Congress from the city of New York and interested in some of its great business affairs, I have observed to what an extent the express company enters into the daily business of the city. I have no statistics before me, nor have I any definite information on the subject, but one only has to pass through the great mercantile centers of the city to see what an important function in every-day business life the express company is called upon to fill. We are asked to vote for a proposition to attempt to take over all the express companies, their contracts with the railroads, their terminal facilities, their real estate, and—if we are to go that far—undoubtedly the immense wagon and motor transfer stations and outfits in the different cities and towns of the Nation.

Even Mr. LEWIS, who knows so much of the subject, has not informed us as to how far the Government should go in the matter of handling express matter between points in the one city. I have in mind an express company that has no contract with any railroad company that does an immense business in handling express matter between different boroughs of the city of New York and neighboring towns in New Jersey and Connecticut. This business is handled by wagons and automobiles. The company has an arrangement with the larger express companies to handle its railroad business. It has not been made clear whether a company of this character is to be condemned and taken over by the Government or whether the Government is to compete with it. I also have in mind the Long Island Express Co., New York City, that handles all the express business over the Long Island Railroad, has its terminal yard arrangements with this company in all of its many stations on Long Island. I assume that, like the larger express companies, it has a contract with the Long Island Co. This would, of course, have to be taken over with the rest.

In this discussion the other day the statement was made that about 50,000 men were employed by the express companies of the country. This is more or less of an estimate. If we are to take over these smaller companies I am certain the number would run into 100,000, if not more. I believe the statement has been made that the cost to the Government of taking over these express companies will be about $40,000,000. This statement is based on a conjecture and not a thorough investigation of the value of the property it is proposed to condemn. I have no knowledge myself, but I would not be surprised if it would be nearer $250,000,000. I have served on the Committee on Interstate and Foreign Commerce in the Sixty-first and Sixty-second Congresses. In that committee we have considered legislation of great magnitude, but never before have I seen an effort to secure the enactment of legislation of this importance without proper consideration. I think I voice the views of the majority of the committee when I say that we believed this measure would take weeks of consideration, and that we had not the slightest idea that an effort would be made to have it considered by special rule as an amendment to the Post Office appropriation bill.

I do not object to the Government, through the Post Office Department, establishing a parcel post, an arrangement whereby the Government shall carry for a reasonable cost a limited sized package throughout the entire country, but I can not lend my support to a measure or blindly go into an expenditure that proposes to expend millions of dollars without possessing much more information on the subject. I represent, in part, the city of New York, where the main offices of all the great express companies are located. The interesting thing about this whole matter is that not a single word has been heard from an officer of any of these express companies, as far as I have been able to learn, in opposition to this measure. My honest judgment is that they will welcome it. I feel confident that when the Members of the House are called upon to vote for this proposition it will be rejected.

RELATIVE TO THE AMENDMENT SUBSIDIZING THE ROADS IN THE RURAL SECTIONS OF THE COUNTRY.

I am opposed to this amendment. I can only look upon it as an effort on the part of Members of this House to take from the Federal Treasury money for which there will be absolutely no return. I am informed that the Democratic Members of this House caucused recently whether they would bring up for consideration a public-buildings bill and that by an overwhelming majority it was determined that there would be no "pork barrel" this year. It seems to me this amendment is a better "pork barrel" than the public-buildings bill, for under the latter the towns and good-sized villages of the country through their enterprising Representatives get something for their communities from the Public Treasury. This bill will be the means of taking money from the Federal Treasury to put it into the county treasuries of every single rural county in the United States, whether or not that county has a village or town large enough to ask to get a public building, so that the rural Member can go back home and in his campaign this fall go to every county fair and to every rural community and say, "I have brought home to you so much money that you can put in your treasury and use for whatever purpose you see fit." Under the terms of this amendment not a single dollar of this money need be used in either building new roads or keeping up those already constructed. The amendment under consideration provides as follows:

That for the purposes of this act certain highways of the several States and the civil subdivisions thereof are classified as follows:

Class A shall embrace roads of not less than 1 mile in length upon which which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide, composed of shells, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper

than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide, composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highway of any State or civil subdivision thereof which falls within classes A, B, and C, for the purpose of transporting rural mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C. That any question arising as to the proper classification of any road used for transporting rural mail shall be determined by the Secretary of Agriculture. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act.

The provisions of this paragraph shall go into effect on the 1st day of July, 1913.

It will be observed that the Federal Government will pay each year for every mile of roads, respectively, $15, $20, and $25; for the Class C road, described in this bill, only $15 per mile per year will be allowed. That will not hire a team and man for more than one week in the entire year to spread a few loads of dirt over the road, to be washed away at the first rainstorm.

We are all human, of course, and feel bound to have the people at home appreciate the fact that we are here and doing something for them, but I can not conceive how Members of this House can believe that their people are so simple minded as to think they are truly representing the best interests of the country when attempting to take out of the Treasury money for a purpose which it can not dispense to any good advantage. During this discussion I have asked many Members of the House, and particularly those from the South, if their State governments rendered any assistance whatever in the building of roads in the rural communities, and without exception I have been informed that the States have not contributed a single dollar. Must it not appeal to the self-respect of the Representatives here that they in all decency ought not to ask the help of the Federal Government when the States have up to this time refused to do anything for them in the matter of expenses for road building. I want to place myself squarely in favor of any measure that will tend to the building of good roads. The State of New York has taken a very strong position in this matter. About 1900 it passed an act authorizing the issuing of bonds to the extent of $50,000,000 for building roads, and the State has spent that amount of money during this past 10 years. In addition to that amount, about 35 per cent has been contributed by the respective counties of the State, so that all told, in the past 10 years, the State of New York, through its State government and respective highway county commissions, has expended in the improvement of the highways of that State approximately $70,000,000, so that to-day we have the finest system of State roads of any State in the Union—equal to any country in the world. As a further evidence of the disposition of the State of New York toward the question of road building, last year in the legislature a bill was passed authorizing the submission to the people of the State at the election this November the question of the expenditure of an additional $50,000,000 for the purpose of constructing and improving the State and county highways. This amendment will be agreed to by the people, unquestionably, and the State of New York will go on setting an example for the rest of the Union in the matter of good roads, as it has in every other great public work. In this connection I have looked up some very interesting information relative to the money spent for street improvements in the city of New York during the past 10 years, and will be pleased to submit, as part of my remarks, a memorandum containing these figures:

Memorandum relative to paving and repaving in the city of New York, 1902 to 1911, inclusive.

	Miles.
Total number of miles of streets paved during the past 10 years	392
Total number of miles of streets repaved during the past 10 years	657
Total	1,049
Total mileage of paved streets as at Dec. 31, 1911	2,145
Total mileage of unpaved streets as at Dec. 31, 1911	1,650

Repaving, 1902–1911, inclusive, charge on the whole city.

1902	$3,000,000
1903	6,150,000
1904	3,300,000
1905	3,750,000
1906	3,750,000
1907	3,750,000
1908	3,000,000
1909	3,000,000
1910	2,134,000
1911	3,000,000
Total	34,834,000

Original paving repaid by assessments on abutting property.

1902	$4,149,990.73
1903	3,955,740.22
1904	2,768,680.00
1905	3,631,930.00
1906	5,399,950.00
1907	4,264,400.00
1908	1,636,300.00
1909	3,102,500.00
1910	3,595,000.00
1911	4,389,200.00
Total	36,893,690.95

It will be observed by the above figures that the city of New York has over 2,100 miles of paved streets, and that during the past 10 years it has paved 1,049 miles with the latest improved asphalt, macadam, and granite-block pavement, at a total cost of over $71,000,000, about one-half of which was paid by the city at large; the balance, being original improvements, was paid by the abutting property owners. This, indeed, is a magnificent record, and I am sure the House will approve of the disposition of the people of New York City on this very important subject. There is one thing we do protest against with all our power. The city of New York pays for all of its own paving. It contributes more than one-half toward the State's funds used for building roads in the rural sections of the State. It protests, however, against a policy that will compel it to pay a large portion of the money to be used in this "pork barrel" in an effort to mulct the Federal Treasury for the benefit of the rural communities of the country, where many of the roads are little more than a lane, hardly entitled to the name of road. We of the Republican Party, from both the Atlantic and Pacific seaboards, have come to you often and asked that you help us build up a great merchant marine. You have answered "No." You come here now and ask from the Public Treasury a subsidy for your respective counties under the pretense that it is for the purpose of building roads. I said earlier in my remarks that you need not spend a single cent for the purpose after it is given you. As a test of your good faith an amendment will be offered at a proper time to include the cities of the country in the matter of road subsidy. It will be interesting to observe how many men from the rural districts in the South will vote for a proposition of this kind. The city of New York gives from its wealth to the whole country. Our State pays one-fifth of the corporation tax; it pays more than its share in the internal-revenue and customs duties levied by the Government, and willingly.

Some one has said in the debate that this amendment would not cost over $10,000,000 a year; like the cost of the Rural Free Delivery Service, it must have its beginning; that service 10 years ago cost only $2,000,000; in this bill we carry an appropriation for $43,000,000 for the rural free delivery for the next fiscal year. I predict that if this amendment prevails the appropriation for the so-called post roads within the next 10 years will cost this Government not less than $100,000,000 per annum. I trust the amendment will be defeated.

Mr. MOON of Tennessee. Mr. Chairman, I yield 20 minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, governments were instituted among men for the benefit of the people, and not the people for the benefit of the government, except to maintain order and execute its laws. So, in the legislation for a mighty people, governments are required to legislate in the interest of the whole people, enact such legislation as will prove most beneficial to the majority of the people in promoting their welfare. There has been a demand universally over the country for cheaper rates of transportation, and it has been the effort of legislation to secure cheaper transportation facilities in order that the whole people may be benefited thereby. There is no question before this Congress which gives the Members of this body more concern as to how they are to vote than the one involved in this discussion. A very large number of the people believe that the parcel post is the panacea for all their ills. On the other hand, a very large number of people believe the adoption of a parcel post will destroy their business, drive them from their vocations, and absolutely ruin them. I do not believe either of those propositions. I do not believe to the one class there will be as great a benefit as they expect, nor will there be to the other class as great an injury as they predict. Between these widely divergent views there is a golden mean which should be ascertained and adopted, in order that justice may be done to all and the best interests of the public served. Some happy medium must be found and adopted in order that the impositions now borne by the public shall be removed and a system inaugurated which

will adequately serve the public at a moderate cost. Between these two extreme positions Members are compelled to meet the proposition and solve the problem so that the greatest good for the whole people may, if possible, be secured. If none of the plans proposed will produce this result and if some other feasible plan is proposed which will do so, then I shall advocate and vote for it. Whatever proposition assures the greatest benefit to the greatest number in promoting the prosperity, the welfare, of a mighty people shall have my unqualified support.

This question, in my judgment, is of such paramount importance that it calls for the serious consideration of each and every Member of this body in order that such legislation may be enacted as the result of this deliberation that relief may be had from the extortions of the carriers of small packages imposed on a helpless people. The burdens now borne by them for the want of relief from these merciless transportation companies are stifling production, limiting consumption, and restricting the employment of our great capacities with which a generous nature has so abundantly endowed us. As the matter now stands, three distinct propositions are before this House for consideration, namely, the one proposed by the Post Office Committee, a parcel post limited to 11 pounds at 12 cents a pound flat rate; the one known as the Sulzer plan for parcels up to 11 pounds at 8 cents per pound flat rate; and the other known as the Lewis plan or Goeke bill to establish a postal express carrying packages up to a hundred pounds at a rate to be fixed at less than that now charged by the express companies doing similar service, providing for the condemnation of all the property of all the express companies in the United States, and the Government taking such of the properties as it may need for the conduct of the business, if the same can be had at its fair and reasonable value, and to become effective July 1, 1913.

In my judgment the Lewis plan is the proper solution of this very important question and the one that will afford relief from the evil now visited upon the people. To this postal-express system couple the rural route delivery and the parcel-post project is complete at a reasonable price, one that the people can afford to patronize and one which will prove advantageous to producer and consumer alike, and for the benefit of all classes of people and all kinds of business. It will discriminate against none and give no advantage to one that it does not give to another.

Members of this House are restless over this subject, because they know the people are watching how they vote on this question. The Member who votes against the postal-express plan, in my judgment, will have more trouble during the coming campaign explaining to his people why he voted against such a meritorious measure than any other vote he will cast in this Congress. It will not be sufficient to say he did so because he supported one of the parcel-post plans. In that event he will be told that in each of them the rates are so high that they can not patronize them and hence they will afford no relief. Such an explanation will not suffice. He will be told by his constituency that in supporting the proposed parcel post that the rates are prohibitive, and that it does not furnish a remedy for the existing evils in the transportation of small packages, and hence conditions would not be benefited but, on the contrary, aggravated.

Investigation shows that the freight charge for the average ton is $1.90; the express charge for the average ton of parcels is $31.20, based on the average distance of 196 miles. Under the Sulzer plan it would cost $160 per ton and under the plan proposed by the committee at 12 cents per pound it would amount to $240 per ton. Does any person flatter himself with the belief that any shipments of any consequence would be made by parcel post if either of these were adopted? The rates are prohibitive, and the express companies would go on charging their exorbitant rates, and the condition of the public would remain unchanged. The exorbitant rates are charged on small packages and this is the evil which demands an adequate remedy. If a reduction is made in transportation charges both producer and consumer would be benefited. Whatever the reduction it will increase the price of the producer and reduce the cost to the consumer, and will inure to the advantage of both. The cheaper the commodity the more universal its consumption, and hence as the cost to carry it from the producer to the consumer is lessened, the amount to be carried is proportionately increased. But the charge provided for in each of the proposed parcel-post plans will not relieve the existing condition, as the charges are prohibitive. The major portion of the commodities which it is expected would be transported are not worth the cost of the transportation at present charges and hence they must waste on the producer's hands and the consumer be denied their use. Naturally the profits of the former are reduced and the wants of the latter are denied.

Another serious objection to each of these plans proposed is the flat rate. The charge is just the same for a short haul as for a long haul—just as much to be transported for 10 miles as for 3,000 miles. This feature is indefensible, and the effect of it would be that the express companies will get the short-haul business and the Government will get the long-haul business. Suppose a person had an 11-pound package to be sent from Washington to Alexandria, Va., a distance of 10 miles. It would cost by the Sulzer plan 88 cents; by the other plan, $1.32; but it could be sent by express for 25 cents. Which would the party select to transport it? But suppose he desired to send it to San Francisco; by the parcel post it would cost the same price, but by express it would cost three or four dollars, and in such case he would select the parcel post, because it would be cheaper. In the event of the adoption of either of the proposed plans the Government would get the long hauls, which are the expensive ones, and the express companies the short hauls, which are the profitable ones, and the exorbitant charges would remain as they are now. But if the postal-express plan is adopted then a reduction in cost for small packages up to 100 pounds can be secured, and beneficial results to all classes and to all businesses alike will result and a stimulus to prosperity will be furnished and the great public demand satisfied. By its adoption, as proposed in the Goeke bill, the rates can be reduced from those now charged by the express companies about 40 per cent, and carry out the existing contracts which they now have with the railroads, which are, as all know, unreasonably exorbitant. It proposes the elimination of express companies as common carriers, because they are merely parasites in the transportation business, and transfer that business to the Post Office Department, where it properly belongs. If the parcel post up to 11 pounds belongs to that department, then the whole of it does. If not, why not?

The objection urged by some to its adoption is that it is an innovation in conditions existing and would involve the Government in a business venture which might complicate affairs in its administration for the public welfare. But a sufficient answer to this objection is that it is already in the common-carrier business and is proposing to go more extensively into it by the adoption of a parcel-post system. This, then, is only on a more extensive plan, one that will really benefit the public. It is a difference in degree only and not in principle. But another objection is that it is pledging this Nation to the policy of Government ownership. Our answer to that objection is that it is already pledged to it, if this would pledge it, and has been ever since the present Post Office Department was established. The Government owns its mail bags, its wagons, its horses, its buildings, its repair shops, and the equipment now necessary to operate the system, and this addition would only enlarge the system and extend its functions and therefore require more paraphernalia to carry out its new-formed functions. It would not involve the adoption of any new extension of powers, but only the broader use of those already employed.

Another objection urged is that it would involve the expenditure of a large sum of money as a compensation for the express properties or the purchase of new ones, but this contention can not be sustained by the facts, and if the parcel post is established it also will require a large expenditure to place it in operation—the purchase of vehicles, horses, motors, furniture, and other equipment, and the employment of additional help—equally as much as to institute the postal express. Either will involve the outlay of capital.

Here is a statement made to the Government by all the express companies as to the value of their properties:

Assets.

Expenditures for real property	$14,932,169.94
Expenditures for equipment	7,381,405.59
Stocks owned	40,912,980.55
Funded debt owned	45,955,672.54
Other permanent investments	25,438,584.11
Cash and current assets	33,682,608.88
Materials and supplies	138,210.78
Sinking, insurance, and other funds	128,491.83
Advance payments on contracts	5,836,666.67
Franchises, good will, etc	10,877,369.74
Other assets	846,090.33
Profit and loss	91,129.58
Total assets	186,221,380.54

Of the above assets what a small amount is actually employed in the prosecution of the business, and what a small amount the Government would require in taking over the business necessary to operate it.

It would need the equipment valued at:

Equipment	$7,381,405.15
Materials and supplies	138,210.78
Total	7,519,615.93

Would anyone contend that a parcel-post system could be established for less? The rest of its assets are not employed in the operation of the business and not necessary to its operation. They are investments, outside of its carrier business, to earn profits; the employment of capital realized from the business. They could dispose of these as they desired. With them the Government would have nothing to do. But it has been said that they will unload their "old junk" on the Government. Not so; if they would not sell at a reasonable price then the Government would buy new elsewhere. As a business proposition it is a good one. These companies earned in the operation of the express business for the year ending June 30, 1911, $152,555,521. Out of every dollar collected from the operation of the express business they pay the railroads for express privileges 47½ cents, which amounted for the year 1911 to $73,829,450. After paying every charge connected with all the business of every kind and character they had a net surplus of $10,326,352 for dividends. With less than $14,000,000 engaged in the actual express business it therefore appears that it is a very attractive business venture.

The express companies, not like railroads, own no lines for transportation, but, like the Government in carrying the mails, employ the railroads and other carriers to transport the articles they undertake to carry. They are now operating over 270,668 miles.

They did not have to invest millions of dollars before they could earn a dollar, but they earned from small investments at the start and with the profits added to their equipment from time to time as business required. They represent practically nothing in original investment. Unlike railroads, they have no franchises, no rights of way, no terminals, no yards, and require no permanent improvements in order to conduct their business. Chattels alone will answer all their requirements. Their business relation to the public is purely parasitic in character. Shall we refuse legislation for 93,000,000 people demanding relief from these parasites because of the fear that some may characterize this procedure as a step in the direction of Government ownership—a step which has already been taken—deny an imperative requirement, and stifle the prosperity of the Nation? If we do, on what ground will we justify our action when we appear before the people at the bar of public opinion to render an account of our official conduct? Will not an angry, if not an injured, constituency pass an adverse judgment upon our public service?

Does not the Government now own and operate its own transports engaged in carrying passengers and freight? Does it not appropriate yearly enormous sums to improve rivers and harbors? Does it not own the Panama Canal, Panama Railroad, operate it and steamers in connection with it? Does it not own and operate its revenue cutters and its battleships? Has not this Government for years been following the policy of building two battleships a year at enormous cost? Is it not preaching peace by words and preparing for war by acts? Millions yearly are appropriated for the public defense, much of which is absolutely wasted; but here is a successful business proposition which will materially promote the prosperity of the entire country, benefit all, and injure none. Shall we adopt it or shall we turn it down? The question is now up to the membership of this House for disposition. If adopted, it will promote the arts of peace, stimulate prosperity, relieve the masses of an enormous burden, and measurably reduce the high cost of living.

Mr. Chairman, the objection of Government ownership should not prevail now against this meritorious proposition and against the imperative demand for relief coming from all sections of the country against the unreasonable charges extorted by the express companies from the people and the necessities existing for cheaper and better facilities for transporting small packages. Congress is called upon to act, to act promptly, and to act efficiently, and if it fails to respond to public requirements in this respect the people will hold it to account for its neglect of duty. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SAUNDERS having resumed the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 102. Joint resolution relative to the rebuilding of certain levees on the Mississippi River and its tributaries.

POST OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. MOON of Tennessee. I yield to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman and gentlemen of the Sixty-second Congress, I have always been in favor of Federal aid for post-road improvement. Every civilized country in the world except ours has long ago committed itself to it. I made a speech on the subject in Congress in 1910 in support of the bill I then had pending. I have had a bill pending for Federal aid to post roads ever since I came here. There were few of us then. I am proud there are so many of us now.

When our forefathers made the Federal Constitution and said in terms as explicit as words can be written the following:

SEC. 8. The Congress shall have power to establish post offices and post roads—

it is my opinion that they expected the Congress of the United States to do that thing. We were then a handful of people. To-day we are a world power, with 92,000,000 people. From 1806 to 1838 the Congress of the United States appropriated from the public funds all told $7,000,000, and since that they have appropriated for every conceivable thing excepting good roads. I am glad that the good roads advocates joined hands, and shoulder to shoulder are in the very act of forcing this legislation onto this Post Office bill as a rider. It will enhance its chances to avoid being slaughtered at the other end of this Capitol, where they would interpose their usual finespun lack of logic and would in all probability defeat the legislation.

On March 14, 1818, Congress passed the following act:

Resolved, That Congress has power under the Constitution to appropriate money for the construction of post roads, military and other roads, and of canals, and for the improvement of waterways.

Under these authorities just cited we have dug the Panama Canal, at an approximate cost of $400,000,000. Under these authorities we have appropriated approximately $725,000,000 for the improvement of the waterways of the country. I ask you why you have answered these two demands, which help part of the people some and part of the people a great deal, and ignored completely the one that is of the deepest interest and concern to all of the people. Why shrug your shoulders behind vague and fine-spun technicalities when the rights of all of the plain people become involved? Why will you always neglect the plain citizen, who has not in the past, does not now, and will not in the future maintain any lobby here or elsewhere in his behalf? Why ignore the man who has not the opportunity to get your ear or look into your face? His trust is supreme, and your efforts, in turn, should know no bounds while he seeks justice at your hand.

The Democratic platform made in Denver in 1908—and, by the way, our last one—has a paragraph which reads as follows:

We favor Federal aid to State and local authorities in the construction and maintenance of post roads.

This language in our last platform seems unusually plain. It is not in hieroglyphics or in terms of innuendo or uncertainty. It says what we favor as a party in our platform. It says what we favor on the stump. I am one of those who believe in doing right here in Congress what we said we would do in platform and on the stump. How can the people who send us here trust us if we advocate one thing on the stump and in our platforms and do another thing when in power? The Republicans have legislated themselves out of power on that very program. Let us not conclude from some fine-spun hypothetical case that we should not grant the people some relief when their demand seems almost universal and our pledge was in fact universal.

Fortunately, we are not without modern authority on the subject of Federal aid for post roads. Cooley, on Constitutional Law—and his worth as a law writer will not, I think, be questioned by lawyer or layman—says:

Every road within a State, including railroads, turnpikes, and navigable streams, existing or created within a state becomes a post road whenever by the action of the Post Office Department provision is made for the transportation of the mails upon or over it.

I shall not longer deal with the flimsy charges of "lack of power" or the unconstitutionality of Federal aid for the post highways of the country. It is my firm belief that no lawyer and only uninformed laymen will longer disagree with me as to the powers of the Federal Government to do the thing we are doing.

RURAL-ROUTE ADVOCATES WERE SCOFFED AT AT THE BEGINNING.

In 1897, when the American Congress made the first appropriation of $40,000 for aid in the establishment of a rural delivery of the mails, the idea was scoffed at, and it was then by many of the Members of Congress and citizens outside of Congress deemed a wild orgy of speculation—was characterized as a bubble unworthy of solution, totally impossible of accomplishment.

The advocates of the measure were jeered at and complained of and charged with all sorts of paternalism; all sorts of criticism was hurled at them. To-day how changed. None so poor

as to do the opponents reverence. To-day this Congress is appropriating $43,000,000 for rural routes, and everyone sanctions the appropriation. No one now says it is paternalism. No one now complains of it as a bubble. No one would repeal it if he could. No one could repeal it if he would.

I tell you, sir, dear as the rural route is to the American farmer, dearer yet to him is the subject of highway improvement. All the civilized countries of the world have acted and become thoroughly committed to it. You may refuse it to-day, but this question will not end. This question will not down.

I am not a paternalist. I do not want the Federal Government to trespass upon the rights of the States or override one of their prerogatives; but I tell you, sirs, there must be more of the benefits of Government going to all of the people within and less of the benefits going to a few of the people both within and without, or complaints and criticisms will increase rather than diminish.

GOVERNMENT GRANTS TO RAILWAYS OWNED BY THE FEW.

This Government has granted 159,125,734 acres of the public domain to the railroads of the country to encourage them in railway building. This acreage, at $10 per acre, would be and amount to an appropriation of $1,591,257,340 of the people's money. This was the granting away of homes for 3,988,143 American families of 40 acres each. This was not for the benefit of all of the people and to remain their own, but was for the direct benefit of the railways, to become their private property, and, at best, only for the indirect benefit of all of the rest of us.

I hope I may not be egotistical in saying no grant of land to any railway for any purpose has been made by Congress since the Democrats came into power. Again I hope it will be at least pardonable to say that not one grant of public land has been made to any railroad since I was appointed on the Public Lands Committee, which is the sole committee having to do with the making of such grants. I hope it will not be the part of a bigot to assert that so long as I remain a member of that committee there shall be no more grants without a minority report and a protest from me in the committee, on the floor of the House, to the President, and to the press. No longer shall Congress be heard to grant without protest the heritage of the children here and those unborn. Subsidies may be correct, necessary, and proper in certain cases, but surely not longer should the land which shall be the future homes of our boys and girls be granted to railways, who will monopolize them, extort inhuman prices for them, and otherwise make the acquirement of an American home impossible.

WATERWAYS AND THE AMOUNTS APPROPRIATED FOR THEM.

This Government has been generous with the waterways of the country. We passed through this House this very Congress for the improvement of the waterways of the country $26,262,520.50, and I presume the Senate will double that amount before the bill becomes a law. We of the inland and the high, dry, streamless prairies of the West did not assume a narrow view of the matter and oppose you or seek to oppose you, but, on the contrary, we supported you. I ask with what consistency or propriety can you "deep-waterway Members," who have had so much done for you, so grudgingly grant relief, not alone to us but you as well? This assistance at the hands of the Government is not local but universal instead. This amendment ought to be adopted by a unanimous vote. That it will be adopted by a large majority is the prediction of its friends and the solemn admission of its enemies.

FEDERAL AID FOR PUBLIC BUILDINGS.

Our generous Government has appropriated for the construction of Federal buildings throughout the Republic the sum of $247,473,374, which have benefited the particular local communities in which the buildings are located. It, of course, has been of service likewise to the Government where they have to maintain offices, but I think there are comparatively few who will contend that their virtues are as equally distributed or of such general concern as the improvements of the roads that are the property of us all. I think there must be few who would not agree that one is general and the other, at best, local. One has been neglected and one has been cared for. The fight of the "good-roads" advocates stands on the wholesome foundation of fairness. Oppose it and scorn it if you will; it is but the common fate of everything that is new, however righteous and just it may be. If it does not come now it will come soon. I think it will pass this House to-day.

ARMY AND NAVY APPROPRIATIONS ALL OUT OF PROPORTION.

The Federal Government has appropriated for the last 10 fiscal years the enormous sum of $2,091,848,793.18 for the support of the Army and Navy. I am not now, have never been in the past, and can not conceive of any state of mind in the future when I would criticize this Government for appropriating a sufficient amount to maintain our safety and protection and self-respect at all times; but in times of profound peace, with not a war cloud in sight, I fear we have made haste with the people's money for War and Navy appropriations at unwarranted speed. Let us ever keep the fires of patriotism blazing in the heart of the citizen from light burdens and light taxes, rather than to stand with uplifted musket ready to strike him down because he complains that his burdens are more than he can stand. Let me again assert that the best defense any country can have is a happy, prosperous, and contented people. A just distribution of the blessings of government for internal improvements is the surest way to accomplish it. The American people are interested more in roads than in armament, more in roads than in militia, more in driveways than in muskets, more in fair treatment than in brute force.

The American Congress is appropriating too much for war and too little for peace. The American Congress is appropriating too much for war and too little for agriculture and internal improvements.

The increase in the average appropriations for Army and Navy for the eight years succeeding the War with Spain over the eight preceding years is $1,072,000,000. This increase for the last eight years would, if you please, expend under the cooperative plan $2,000 on every mile of post road in the United States and leave in the Treasury for extension more than $97,000,000. The 90,000,000 American people have the right to ask, Would not the latter expenditure on roads benefit all more than the increase in annual appropriations for war or navy? The people have a right to your reply. This eight-year increase exceeds the national debt by $158,000,000.

It exceeds the entire expense of the Government for the whole year of 1910.

It is three times the estimated cost of the Panama Canal.

It is more than the entire irrigation projects planned for the next generation.

It is $80 for every family in the United States. Interest on this increase for the past eight years at 8 per cent would yield $2,000 per year to every family making up a city of 200,000 population.

Our defenses prior to 1898 were adequate, and why not presume that they are adequate now? No war clouds hover around or about us. Why not spend this enormous increase on internal improvements and legislate the hearts of this country closer to the Government by light burdens, rather than drive them away with heavy burdens? Four hundred million dollars annually for war and navy and $10,000,000 for agriculture is all out of proportion and will not operate to cement us together, but will drive us apart. It will unnecessarily tax us beyond our endurance. It will burden us for things we do not need. It will necessitate neglect of things we do need. How wrong it is to appropriate so much for war and so little for industry and peace. One appropriation makes widows and orphans, while one feeds hungry mouths and clothes threadbare limbs.

One is to maim and kill, the other brings peace, progress, and success.

War places homes in ashes. Peace and industry build homes instead of hovels.

One unites families in patriotism and love, the other dissipates and disrupts the home.

One adds to love of country and patriotism, the other to bluster, heartaches, disaster, and want.

I tell you such inequities can not go on without my protest. I tell you, sir, if this extravagance does not cease, my protest will be the protest of the many. [Applause.]

OPPONENTS CHARGE IMPOSSIBILITY OF ACCOMPLISHMENT.

This charge is a general one, but I meet it squarely and join issue with them squarely, that it is not impossible of performance and will submit some statistics that I think will please the friends of good roads and will at least amaze our enemies. Comparison is a wholesome rule. It brings to light the good and bad there is in any proposition and stands them naked side by side.

There are in the Republic to-day 42,169 rural routes of an average length of 24 miles each. This makes an aggregate mileage of 1,012,056 miles of rural routes all told. It is fair to assume that at least one-fourth of them have been improved by the States or do not need improving, so we may take as a basis three-fourths of the total mileage of 759,042 miles of routes that need improvement. I think it is safe to say that there is no State in the Union which would not expend one-half of the cost of the improvement at an estimated cost of $2,000 per mile. Hence the Federal Government would only have to expend $1,000 per mile on a total mileage, or $759,042,000 all told. It will be observed if the amount of $725,000,000 here-

tofore expended for waterways it would have improved the rural routes of the United States lacking the price of two battleships. I tell you, sirs, the improvement of the post roads of this country is not an impossibility but a burning necessity instead.

Again it will be observed that the approximate cost of the construction of the Panama Canal of $400,000,000 would improve more than half of the post highway in the country.

Again we will observe that if we appropriate the same amount for road improvement each year that we have appropriated annually for the last five years for waterways, every route in the United States will be converted into a turnpike.

Again we must observe that if we had used the amount of $247,473,374 heretofore appropriated for public buildings on the highways over which post roads are established and would appropriate an equivalent amount each year for three succeeding years, every route in the country would be provided for and the Republic would not be in bankruptcy. The public would not complain, but would rejoice instead.

Again, we must observe with some degree of alarm the expenditures of the Government for war and Navy for the purpose of this comparison. The amount we have used for Army and Navy the last three years would improve every post road now in existence and leave a balance of $76,730,516.37 for extensions and improvements. One-half of the annual appropriation would keep them in repair and make the necessary extensions as the routes increased.

I might at the risk of being tedious with comparisons show how well able this Republic, with her 90,000,000 patriotic people, can afford to undertake this improvement, but it seems quite sufficient to know that every other civilized country of the world has begun to turn their attention to the improvement of post roads, are thoroughly committed to it; that we, at the very foot of the class, have power to do it legally and within the Constitution. Why falter? Why wait?

Let the rural routes be extended, and also the roads over which the faithful carrier daily travels. Let the daily paper be each night handed to the farmer, with tired muscles and limbs, but with rested brain. Let the mail go to him and to his family, and the education and golden results that it accomplishes flow to him free and untrammeled. It is worth more to us in war, as well as in peace, to have a prosperous, patriotic people, free from excessive taxes from without and more internal improvements from within. This law is for the plain people, who will defend us in time of war, who will feed us in times of peace. This service must never be reduced, but rather extended and increased. Carve other appropriations. Yea, carve them all rather than to touch one hair in the head of this appropriation for the producers of this country.

Let the ignorant be educated. Let the weak be made strong. Let equal rights to all and special privileges to none ever be the watchword and the glory of this Nation of nations.

Every heart swells with pride when we point to the sisterhood of States as standing at the very head of all the nations of the earth in power and in greatness. But how it must wound the pride of every true American to admit that with all our zeal, our energy, and ambition we stand at the very bottom when it comes to the improvement of our post roads. England, France, Germany, Belgium, and all of the civilized nations of the earth have improved their highways, and here we are faltering and waiting and neglecting a duty we owe to the country and to all. Finespun constitutional objections will not answer this almost universal demand of the people. It is not sound even as a purely legal objection.

IMPROVE THE ROADS AND DRIVE THE BOYS BACK TO THE FARMS.

One of the greatest dangers that to-day haunt the American people is the universal desire of the American boy to leave the farm and go to the bright lights of the cities and the crowded centers. This mania is not without a reason, and that reason is apparent to us all. With bad roads, the boy or girl living in the rural communities is denied the use of the higher education that goes with the city school and that is impossible in the country schools where the country is sparsely settled. It denies the country boy or girl the churches, the libraries, the theaters, and places of amusement. With improved post roads and highways this distance will be annihilated, this evil will be remedied, and the farmer's daughter and son, respectively, will share in the benefits that their industry and frugality so richly entitle them to.

These conditions are some of the things that is allowing the farm to grow up in weeds; these are the conditions that make the cost of living so extremely high; these are the evils that will cause this Nation to retrograde if not changed, and it is the duty of this Congress to adopt our amendment to this bill.

To improve the highways and allow them the advantages offered by the city will but make their race for the good things in life equal. It must be equal to get best results.

I again repeat: Give the farmer's son and daughter a chance to attend the churches, the libraries, the theaters, the colleges, and their frugality, their industry, and earnestness of manner will but win for them the success that their efforts, industry, frugality, and intelligence have long entitled them to.

Improve the highways and make farm life more attractive and the congested conditions in the great centers will cease, and the farmer's son will take his back track and again take up his avocation on the farm with a light heart and willing hands. It can but result in good to all. It will increase the scope of employment in the cities and towns. It will increase the Nation's wealth. It will develop the bald prairies of the West and convert plain and forest into a garden of homes, and the world will prosper and improve as it has never done before.

The consumer can live more cheaply and care for wife and baby better. The farmer, with farm under a high state of cultivation, can produce and market more products at a greater profit. The products of the farm, the mine, and the forest can be brought to the door of the factory, and the world will be made brighter and better from every aspect.

Let us not neglect the old homestead until it grows up in the weeds of neglect. Let us not be unmindful of the adage, old but true, "That you may tear down the cities and towns of this Nation and willing hands will rebuild them, but forsake the farm and disaster will ensue." In order that we have cities we must first have farms. In order that we have farms we must have markets. In order to have markets we must have transportation. In order to have transportation we must have roads. I tell you, sir, we must have both State and Nation working together and in unison and in accord on this all-important subject of highway improvement.

MORE INTERNAL AND LESS EXTERNAL IMPROVEMENTS ARE NEEDED.

We must spend more within and less without. Improve the conditions within and we will have no fears from without. Make the improvements for those who are here to-day secure and make them more secure to those who are to follow us. Money spent on internal improvements, thereby enhancing the wealth of the Nation, insuring peace among ourselves, is the salvation of the Republic. Practicing this, patriotism will ever increase and never wane as the years speed by.

Internal improvements, in which the plain people have a deep and immediate interest rather than a remote one will do more to keep us a happy, closely united, and contented people than all the subsidies paid to railroads, to mail ships and steamships, to tariff subsidies, and high duties laid on the one least able to bear and for the benefit of the class least in need. I tell you, sir, the American people will not sit idly by and be ground down by inequalities and inequities for which you can give no good or adequate answer. I tell you, sir, in a Republic where all are free and equal you shall not trample down the many for the glories of the few.

Hundreds of millions for war and navy annually and not one cent for improvement of the highways and post roads of the country will not satisfy them when they know, and they shall know as long as such injustice and inequality prevails.

I tell you, sir, appropriations ranging from twenty-five to forty millions annually for waterways and not one cent for post roads will not satisfy them when they know, and the truth will out.

Millions for post offices and public buildings for a few towns of the country and no assistance for the post roads and the little towns will not satisfy them. It will not square with frank, fair, and honest treatment.

A billion-dollar session of an Aldrich-Cannon-Republican Congress and not one cent for post roads or internal improvements did not satisfy the producers, who send abroad annually $600,000,000 in products from their toil, zeal, and industry, thereby replenishing our Treasury to the brim. They sent a Democratic House in their stead, expecting us to act.

Republican Congresses of the past have arranged tariff schedules for the manufacturer, so that his riches are greater than he ever anticipated. They have subsidized the railroads with land grants until they have grown corpulent with wealth. They have increased the appropriations for the war and navy until the patience of this citizenship is almost exhausted, and now, when asked to do something for the plain citizen, who produces more every year than he himself consumes, they answer with the words "economy" or "unconstitutionality." It is no answer, and you shall not plead it. The masks shall be torn from your faces, and the taxpayer shall know the truth. He shall know whether you favor good roads or bad roads, shall know whether you are in favor of repopulating the farms or allowing

them to grow up in weeds, shall know whether or not you are in favor of reducing the cost of living for the consumer and increase the profit of the producer.

I tell you every civilized country is aiding in road building save our own. Why should this fair Republic, with her 92,000,000 industrious, clear-headed people, longer delay such a universal blessing? Why should we longer delay in such a universal demand from the people in all the walks of life. We of the inland do not oppose your coast protection and coast defense merely because we do not live on the coast. We of the prairies do not oppose the improvement of the rivers because we have no rivers. Why and with what consistency can New York and other Members become so effervescent and cry out against this bill? Simply because their States have improved a part of their roads at State expense. Good roads are the property of all. We should all unselfishly go about their improvement. All should share in their upbuilding. All can use them together. All can enjoy them together. It will add to the beauty, grandeur, and usefulness of the entire country.

Good roads bring the products of the mine and forest to the factory door.

Good roads bring thrift to the farmer, thrift to the consumer, and wealth to the Nation.

Good roads make farm life pleasant, profitable, and enhances

Good roads will bring us more rural routes—will bring us better ones and more efficient ones.

They make better homes, happier firesides, more patriotic people.

They are the avenues of progress and the highest and best proof of the intelligence we enjoy.

It does justice to producer and consumer and withholds injustice from all.

They save time, labor, money, and failure. They patronize the railways and the waterways you have appropriated for so lavishly.

Highways, I tell you, sir, are not the property of any one man or class of men, but are the property and the interest of everyone, whether he be black or white, educated or uneducated, weak or strong, high or low, savage or civilized. They are the property of us all, and we should all aid in their upbuilding.

The beneficent effects of good roads flow to the city and the hamlet as well as to the farmer. They walk hand in hand in community of interest, and surely it is a picture beautiful to look upon and sound at the core.

Good roads are indispensable to our growth and progress and we must not falter or wait to provide for them. [Applause.]

Mr. GARDNER of New Jersey. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. STEENERSON] 15 minutes.

Mr. MANN. Mr. Chairman, we have had a long day. Let us quit. I think the gentleman from Minnesota ought to be heard when there are more Members present in the House.

Mr. MOON of Tennessee. Is there a quorum present?

Mr. MANN. I do not think there is

Mr. MOON of Tennessee. Very well. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SAUNDERS having taken the chair as Speaker pro tempore, Mr. FLOYD of Arkansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, and had come to no resolution thereon.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 102. Joint resolution relative to the rebuilding of certain levees on the Mississippi River and its tributaries; to the Committee on Rivers and Harbors.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOWARD, for five days, on account of important business.

To Mr. ANDERSON of Ohio, for two days, on account of sickness of his father.

ADJOURNMENT.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Friday, April 26, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FOSTER of Illinois, from the Committee on Mines and Mining, to which was referred the bill (H. R. 22342) to create a commission on mining industry, reported the same without amendment, accompanied by a report (No. 596), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GOEKE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 23713) to regulate commerce with foreign countries and between the States and to increase the facilities and efficiency of the postal service, reported the same without amendment, accompanied by a report (No. 597), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HUMPHREYS of Mississippi, from the Committee on Rivers and Harbors, to which was referred the joint resolution (H. J. Res. 309) appropriating money for the repair of levees on the Mississippi River, reported the same with amendment, accompanied by a report (No. 599), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 23238) to authorize the issuance of absolute and unqualified patents to public lands in certain cases, reported the same without amendment, accompanied by a report (No. 603), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BEALL of Texas, from the Committee on Agriculture, to which was referred the bill (H. R. 56) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations, reported the same without amendment, accompanied by a report (No. 602), which said bill and report were referred to the House Calendar.

REPORT OF COMMITTEE ON PRIVATE BILL.

Under clause 2 of Rule XIII,

Mr. SELLS, from the Committee on Pensions, to which was referred the bill (H. R. 23765) granting pensions and increase of pensions to soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 598), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 18606) for the relief of Walter S. Wyatt; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 22685) for the relief of Peter McKay; Committee on Pensions discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 23760) requiring life-saving facilities on all passenger vessels, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 23761) appropriating money for the mint at San Francisco, Cal., in full compensation for maintaining said mint and for all services, salaries, wages, and incidental and contingent expenses of the fiscal year ending June 30, 1913, and for other purposes; to the Committee on Appropriations.

By Mr. MARTIN of Colorado: A bill (H. R. 23762) to complete the erection of a public building at La Junta, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. MORSE of Wisconsin: A bill (H. R. 23763) to create a fidelity division in the Treasury Department and to reduce the cost of fidelity bonds to officers, agents, and employees of the

Government; to the Committee on Expenditures in the Treasury Department.

By Mr. ANDERSON of Ohio: A bill (H. R. 23764) to regulate the hours of labor on contracts with the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MOTT: A bill (H. R. 23766) regulating the clearance of certain vessels at the ports of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. HAMLIN: A bill (H. R. 23767) granting to Ralph Morrison rights in so far as the interest of the United States may be affected to construct and maintain a reservoir dam across the Osage River for the development of water power at a point about 3 miles above the town of Warsaw, Benton County, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 23768) to amend the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. CARY: A bill (H. R. 23769) providing for equipment of apparatus and operators for radio communication at all life-saving stations; to the Committee on Interstate and Foreign Commerce.

By Mr. LANGLEY: A bill (H. R. 23770) to establish in the Department of Agriculture a bureau to be known as the bureau of public highways, and to provide for national aid in the improvement of the public roads; to the Committee on Agriculture.

By Mr. CLAYTON: A bill (H. R. 23771) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

Also, a bill (H. R. 23772) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

Also, a bill (H. R. 23773) to amend an act entitled "An act to prevent the disclosure of national defense secrets," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. HUBBARD: A bill (H. R. 23774) providing an appropriation to check the inroads of the Missouri River in Dakota County, Nebr.; to the Committee on Rivers and Harbors.

By Mr. CURRY: A bill (H. R. 23775) to amend section 13 of the act of June 20, 1910, being "An act to enable the people of New Mexico to form a State government," etc., and providing for two in lieu of one judicial district in New Mexico; to the Committee on the Judiciary.

By Mr. TAYLOR of Colorado: A bill (H. R. 23776) to amend an act entitled "An act to provide for an enlarged homestead"; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. SELLS: A bill (H. R. 23765) granting pensions and increase of pension to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ANDERSON of Ohio: A bill (H. R. 23777) granting an increase of pension to Conrad Stephan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23778) granting an increase of pension to William H. Vance; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 23779) granting an increase of pension to Charles E. Bousall; to the Committee on Invalid Pensions.

By Mr. DIFENDERFER: A bill (H. R. 23780) for the relief of Margaret McQuade; to the Committee on Claims.

By Mr. DYER: A bill (H. R. 23781) granting a pension to Walter F. Fry; to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 23782) granting a pension to Nora Fitzgerald; to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 23783) granting an increase of pension to Daniel R. Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23784) for the relief of Jesse M. Walter; to the Committee on War Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 23785) granting an increase of pension to Daniel Nagle; to the Committee on Invalid Pensions.

By Mr. LEGARE: A bill (H. R. 23786) to appoint Robert Stephenson Simons on the retired list of the United States Marine Corps; to the Committee on Naval Affairs.

By Mr. LITTLEPAGE: A bill (H. R. 23787) for the relief of the heirs of W. F., J. H., and Jacob Goshorn, deceased; to the Committee on War Claims.

By Mr. MORSE of Wisconsin: A bill (H. R. 23788) granting a pension to Albert Ross; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 23789) granting an increase of pension to Thomas H. Nolan; to the Committee on Invalid Pensions.

By Mr. RUCKER of Missouri: A bill (H. R. 23790) granting an increase of pension to Emsey O. Young; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 23791) granting an increase of pension to Henry Senne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23792) granting an increase of pension to John B. Cason; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Minnesota: Petition of John Peshon and 3 others, of Minneiska, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Memorial of the Ohio Society, Sons of the Revolution, asking that the unpublished archives of the United States Government relating to the War of the Revolution be assembled in one collection; to the Committee on Military Affairs.

Also, petition of W. S. Harding and 8 other merchants of Johnstown, Ohio, asking that Congress enlarge the power given to the Interstate Commerce Commission over express companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of A. A. Gard and 20 other citizens of Newark, Ohio, against the enactment of any legislation tending toward the prohibition of interstate commerce of liquors; to the Committee on the Judiciary.

By Mr. AYRES: Petition of residents of New York City, for free passage of American ships through the Panama Canal, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. BOWMAN: Memorial of the Chamber of Commerce of San Diego County, Cal., remonstrating against House bills 11372 and 20576, to prohibit the towing of log rafts or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Wilkes-Barre, Pa., for enactment of House bill 22339 and Senate bill 6172; to the Committee on the Judiciary.

Also, petition of John Brice Jackson, of the Pennsylvania State College, for enactment of the Page agricultural bill; to the Committee on Agriculture.

By Mr. CALDER: Petition of the American Humane Association, of Albany, N. Y., favoring passage of House bill 17222, against shipping of unweaned calves; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Stationers' Board of Trade, of New York, against amendment of the patent law; to the Committee on Patents.

By Mr. CARY: Petition of faculty of the River Falls State Normal School, Wisconsin, favoring the Page avocational bill; to the Committee on Agriculture.

By Mr. CATLIN: Petition of C. J. Helmerichs Leaf Tobacco Co., of St. Louis, Mo., urging passage of House bill 22766 and Senate bill 6103, prohibiting use of trading coupons; to the Committee on Ways and Means.

Also, petition of Clarence H. Chamberlin, secretary of Carpenters' Local No. 257, St. Louis, Mo., urging passage of House bill 22339, prohibiting the use of the stop watch in making time study of the movements of any Government employee; to the Committee on the Judiciary.

By Mr. COPLEY: Petition of members of the First Methodist Episcopal Church and citizens of Elgin, Kane County, State of Illinois, favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Joliet, Ill., urging building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of Plainfield, Ill., protesting against a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Petition of the Chamber of Commerce of San Diego County, Cal., against House bills 11372 and 20576,

prohibiting the towing of log or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. DYER: Memorial of the National Dental Protective Association, for enactment of Senate bill 5177; to the Committee on Patents.

Also, petition of Tait-Nordmeyer Engineering Co., of St. Louis, Mo., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Chamber of Commerce of San Diego County, Cal., protesting against House bills 11372 and 20576, prohibiting the towing of log rafts or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

Also, petition of W. P. Capes, of New York City, favoring changes in existing laws specifying the character or number of life-saving appliances on vessels leaving our ports; to the Committee on the Merchant Marine and Fisheries.

By Mr. ESCH: Memorial of the California Wholesale Grocers, for legislation to regulate the marketing of merchandise in packages and containers by prescribing that net weights and numerical count must be shown on the same; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Chamber of Commerce of San Diego County, Cal., remonstrating against House bills 11372 and 20576, to prohibit the towing of log rafts or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. FORNES: Memorial of the New York State Mayors' Conference, relative to legislation requiring life-saving facilities on ocean passenger vessels; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Chamber of Commerce of San Diego County, Cal., against House bills 11372 and 20576, prohibiting the towing of log rafts or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

Also, petition of members of United Harbor of the American Association of Masters, Mates, and Pilots, indorsing and supporting Senate bill 2117 and similar bill in the House, being Calendar No. 64 and Report No. 233, to promote the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Ed. Weiland, of Peru, Ill., in favor of the passage of House bill 22766, to prohibit the use of trading coupons, etc.; to the Committee on Ways and Means.

By Mr. GOULD: Petition of John Dority Grange, No. 381, of Maine, favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HILL: Petition of members of the Arkwright Club, of Boston, Mass., against the adoption of the Covington amendment to the Panama Canal bill regulating the passage of vessels through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL: Petition of J. Simms, manager Orpheus Theater, Vernal, Utah, favoring certain amendments to the copyright act of 1909; to the Committee on Patents.

Also, petition of the Good Roads Association of Utah, favoring a grant of 1,000,000 acres of land to the Western States to aid in the building of good roads therein; to the Committee on Agriculture.

Also, resolutions of the Commercial Club of Salt Lake City, Utah, in favor of the opening of the Yellowstone National Park to automobiles; to the Committee on the Public Lands.

By Mr. LAFFERTY: Petition of Jacob H. Traynor and other citizens of Perry, Oreg., for the extension of parcel post, and T. J. Fitzinger and others, of Portland, Oreg., against the extension of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. LINDSAY: Memorial of the Chamber of Commerce of San Diego County, Cal., remonstrating against House bills 11372 and 20576, prohibiting the towing of log rafts or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the New York State Mayors' Conference, relative to legislation requiring life-saving facilities on ocean passenger vessels; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of members of United Harbor No. 1, of the American Association of Masters, Mates, and Pilots, for legislation to promote the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

By Mr. McKINNEY: Petition of citizens of New Boston, Mercer County, State of Illinois, favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MOTT: Petition of the Chamber of Commerce of San Diego, Cal., against House bills 11372 and 20576, prohibiting the towing of log or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. PARRAN: Papers to accompany bill for the relief of W. H. Hardesty, administrator of the estate of Uriah M. Johnson; to the Committee on War Claims.

Also, petition of 99 citizens of Prince Georges County, Md., favoring passage of a bill providing for the illiteracy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. RAINEY: Petition of Lucy H. Gillett and other members of Illinois College, Home Economics Department, favoring passage of Page bill; to the Committee on Agriculture.

By Mr. RAKER: Memorial of the Fortuna (Cal.) Board of Trade, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Northern California Wholesale Grocers' Association, of San Francisco, Cal., favoring passage of House bill known as Stevens bill and Senate bill known as Burton bill; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce of Los Angeles, Cal., favoring good roads and the Raker bill (H. R. 23414); to the Committee on the Public Lands.

Also, memorial of the Chamber of Commerce of San Diego, Cal., protesting against House bills 11372 and 20576, prohibiting the towing of log or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., favoring passage of House bill 17736, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Chas. Nelson Co., of San Francisco, Cal., protesting against House bill 21100; to the Committee on the Judiciary.

By Mr. SABATH: Memorial of the California Wholesale Grocers, favoring passage of House bill known as Stevens bill and Senate bill known as the Burton bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Allyn K. Capron, Jr., Camp, No. 6, Department of Illinois, United Spanish War Veterans, favoring passage of Crago bill (H. R. 17470) providing for pensions for widows and minor children of Spanish War veterans; to the Committee on Pensions.

By Mr. SCULLY: Petition of Ira B. Tice Lodge, No. 309, Brotherhood of Railroad Trainmen, for enactment of Senate bill 5382 and House bill 20487; to the Committee on the Judiciary.

By Mr. SMITH of California: Petition of the Chamber of Commerce of San Diego, Cal., against House bills 11372 and 20576, prohibiting the towing of log or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Grange, favoring adoption of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Resolution of the City Club of Los Angeles, Cal., urging passage of bill providing for creation of permanent nonpartisan tariff board; to the Committee on Ways and Means.

By Mr. STERLING: Petition of William T. Sherman Post, No. 146, Grand Army of the Republic, for enactment of House bill 14070; to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of the Chamber of Commerce of the State of New York, favoring emergency appropriation of $1,500,000 with which to repair the levees of the Mississippi River so as to protect this year's crop; to the Committee on Rivers and Harbors.

By Mr. TALCOTT of New York: Memorial of the Chamber of Commerce of San Diego, Cal., remonstrating against House bills 11372 and 20576, to prohibit the towing of log rafts or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. TAYLOR of Alabama: Petition of union church meeting, Mobile, Ala., favoring passage of Lea-Sims bill to forbid interstate transmission of race-gambling odds and bets; to the Committee on the Judiciary.

Also, petition of the union meeting of churches, Mobile, Ala., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. THAYER: Petition of members of Patrons of Husbandry of the State of Massachusetts, for parcel-post legislation, etc.; to the Committee on the Post Office and Post Roads.

By Mr. THISTLEWOOD: Petition of citizens of Johnston City, Ill., favoring building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. TILSON: Petition of the Winchester Repeating Arms Co., of New Haven, Conn., protesting against proposed legislation to limit the right of the patentee to dictate as to the sale or manufacture of the specific article on which he is granted a patent; to the Committee on Patents.

Also, petition of Alexander Hamilton Chapter, Sons of the American Revolution, for legislation authorizing the collection and copying of records of the soldiers and sailors of the American Revolution; to the Committee on Military Affairs.

Also, memorial of the New York State Mayors' Conference, relative to legislation requiring life-saving facilities on ocean passenger vessels; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the American League of Associations, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. TOWNER: Petition of 35 citizens of Hamburg, Iowa, against the enactment of the proposed parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. UNDERHILL: Memorial of the Chamber of Commerce of San Diego County, remonstrating against House bills 11372 and 20576, to prohibit the towing of log rafts or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. WILSON of New York: Memorial of the Chamber of Commerce of San Diego County, remonstrating against House bills 11372 and 20576, to prohibit the towing of log rafts or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the New York State Conference of Mayors, relative to legislation requiring life-saving facilities on ocean passenger vessels; to the Committee on the Merchant Marine and Fisheries.

SENATE.

FRIDAY, *April 26, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore, under the previous order of the Senate.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 13988. An act to authorize the Director of the Census to collect and publish additional statistics of tobacco;

H. R. 19212. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913; and

H. R. 22580. An act to authorize the change of the names of the steamers *Syracuse* and *Boston*.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial signed by members of the United German Societies of the District of Columbia, remonstrating against the enactment of legislation to regulate the sale of intoxicating liquors in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Griffith, Colo., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. CULLOM. I present a communication from the secretary of the Illinois Branch of the National League for Medical Freedom, transmitting a large number of memorials signed by the Illinois members of that league remonstrating against the passage of Senate bill 1, known as the Owen medical bill. I ask that the memorials lie on the table and that the letter from the secretary be printed in the RECORD.

There being no objection, the memorials were ordered to lie on the table and the letter to be printed in the RECORD, as follows:

ILLINOIS BRANCH,
THE NATIONAL LEAGUE FOR MEDICAL FREEDOM,
Chicago, Ill., April 23, 1912.

HON. SHELBY M. CULLOM,
Care the Capitol, Washington, D. C.

DEAR SIR: Under separate cover, the Illinois Branch of the National League for Medical Freedom has forwarded to you petitions protesting against the passage of Senate bill No. 1, known as the Owen bill. The bill, as you know, creates an independent health service, to which are transferred three branches of existing departments.

The Illinois members of the National League for Medical Freedom believe the Owen bill to be a dangerous measure, and trust that you will use your best efforts to defeat its passage. You are respectfully requested to read the protest of the Illinois branch into the RECORD and to present the petitions to the honorable United States Senate.

Yours, truly,

ILLINOIS BRANCH OF THE NATIONAL
LEAGUE FOR MEDICAL FREEDOM,
JOSEPH C. MASON, *Secretary.*

Mr. CULLOM. I also present a number of telegrams in the nature of memorials, remonstrating against the passage of the same bill, which I ask may lie on the table and be noted in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be noted in the RECORD, as follows:

From Lamont Rowlands, chairman, Joseph C. Mason, secretary, William H. Colvin, James J. Sheridan, Mrs. Lydia A. Coonley Ward, Avery Coonley, E. M. Botsford, of the Illinois Branch of the National League for Medical Freedom, of Chicago, Ill.; E. S. Harmer, of Berwyn, Ill.; F. M. Ferris, of Crescent City, Ill.; Frederick A. Gale, of Chicago, Ill.; Fletcher B. Gibbs, president Chicago Stationers' Association, of Chicago, Ill.; the Medical Advance of Batavia, Ill.; Mr. and Mrs. C. S. Merrick, of Riverside, Ill.; Mrs. Leslie E. Kelley, of Chicago, Ill.; A. Crow, A. Hoyt, A. Bartelson, Z. Barteison, C. Booth, Ira Booth, Alva Booth, M. Crandall, A. Abramson, J. Greiner, H. Warner, F. Esser, R. Earley, H. Warner, I. Booth, D. Crook, L. Davies, G. Ayers, C. Grant, A. Fredehagen, Arthur Root, William Crook, William Roger, J. Hoerlein, C. Mann, S. Rogers, G. Pembleton, E. Weeks, R. Harris, Arthur Roger, I. Judd, S. Bond, J. Kautz, J. Burrows, E. Earley, O. Park, M. Mann, G. Harris, M. Kautz, George Bond, John Burrows, C. Harris, A. Allen, T. Park, A. Forest, I. Booth, C. Earley, of Geneva, Ill.; Mrs. Edward L. Griswold, of Santa Barbara, Cal.; Mrs. William R. Page, of Santa Barbara, Cal.; Frederick W. Root, Albert K. Root, and Malcolm M. Root, of Chicago, Ill.; Walter E. Elfink, D. O., president, Arthur H. Tuttle, D. O., secretary, of the Chicago Osteopathic Association, of Chicago, Ill.; H. E. Crankshaw, of Chicago, Ill.; Mrs. Rebecca Hardin, Edith M. Boyles, and Alma Hardin, of Winnetka, Ill.; and Lawrence Emmons, jr., of Quincy, Ill.

Mr. CULLOM presented a petition of Square Deal Lodge, No. 752, Brotherhood of Railroad Trainmen, of Chicago, Ill., and a petition of Local Division No. 83, Order of Railway Conductors, of Galesburg, Ill., praying for the passage of the so-called employers' liability and workmen's compensation bill, which were ordered to lie on the table.

He also presented a petition of the congregation of the Methodist Episcopal Church of Davis Junction, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Louisville, Chicago Heights, Galesburg, Chestnut, and Alton, all in the State of Illinois, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

Mr. JOHNSON of Maine presented a petition of 21 citizens of Waterville and Fairfield, in the State of Maine, praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Education and Labor.

Mr. BRANDEGEE. I present a memorial numerously signed by members of the Arkwright Club of New England, remonstrating against the adoption of the so-called Covington amendment to the bill to regulate the passage of vessels through the Panama Canal. I have received a number of these memorials, and I ask that one of them be printed in the RECORD, omitting the signatures.

There being no objection, the memorials were referred to the Committee on Interoceanic Canals, and the body of one of the memorials was ordered to be printed in the RECORD, as follows:

We, the undersigned, members of the Arkwright Club, being actively interested in the manufacture of cotton goods in New England, understand that the Covington amendment, so called, to the bill now before Congress regulating the passage of vessels through the Panama Canal provides that "it shall be unlawful for any railroad company or other common carrier, subject to the act to regulate commerce, to own, lease, operate, control, or have any interest whatsoever, directly or indirectly, in any common carrier by water with which said railroad does or may compete for traffic."

We believe in the regulation of common carriers by the Government and in the authority granted to the Interstate Commerce Commission. We do not, however, believe in such restriction or limitation of investment in or the development of steamship lines or coastwise trade generally as this amendment provides.

We deem it especially important for the great industries of New England that under proper restrictions railroads should be allowed to

develop and maintain transportation by water. This is of the utmost importance in the transportation of the freight to and from New England points and the South, especially in connection with the cotton industry. We believe that, with the opening of the Panama Canal, it is of greatest importance that there shall be adequate transportation facilities by water between New England and the Gulf cities.

Therefore, we protest against the adoption of the Covington amendment to the Panama Canal bill as unnecessarily impeding the development of transportation by water and as thus retarding the development of New England's commerce with southern and Pacific ports, and we urge New England Congressmen to do everything in their power to defeat the amendment.

Mr. BRANDEGEE presented a petition of the Business Men's Association of Norwich, Conn., praying for the adoption of 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Chamber of Commerce of New Haven, Conn., remonstrating against the adoption of an amendment to the so-called Panama Canal bill, which will require the segregation of railroads from their connecting steamboat lines, which was referred to the Committee on Interoceanic Canals.

Mr. CATRON. I present Senate joint memorial No. 1 of the First Legislature of New Mexico, memorializing Congress to enact the so-called relief homestead law. I ask that the memorial be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

FIRST LEGISLATURE,
State of New Mexico.

Senate joint memorial 1, memorializing the Senate and the House of Representatives of the United States of America to pass relief homestead law. Designation in particular United States Senate bill No. 3367, which passed the Senate February 5, 1912, and is now before the House of Representatives.

Whereas the homesteaders in New Mexico who occupy that portion of the State known as the dry-farming sections have found themselves at a great disadvantage in trying to make a living upon their homesteads for the first few years of settlement unless they absent themselves from such homesteads for a considerable portion of the time that they may find employment elsewhere; and

Whereas United States Senate bill No. 3367, entitled "An act to amend section 2291 and section 2297 of the Revised Statutes of the United States, relating to homesteads," which passed the Senate of the United States on February 5, 1912, is now before the House of Representatives for the consideration of that body; and

Whereas the above-mentioned act provides for final proof with three years' residence and permits absence from the homestead for six months out of the year; and

Whereas such law would result in great benefit to the homesteaders and the State of New Mexico by making the acquiring of homesteads here more practical and thus encouraging the immigration of home builders. Now, therefore, the First Legislature of the State of New Mexico respectfully requests the passage of the above-mentioned act now pending in Congress: Now be it further

Resolved, That the presiding officers of each house of the Legislature of the State of New Mexico are hereby directed to forward to the President of the United States and the presiding officers and Members of the Senate and House of Representatives of the Congress of the United States copies of this memorial.

E. C. DE BACA,
President of Senate.
JOHN JOERNS,
Chief Clerk of Senate.
ROMAN L. BACA,
Speaker of the House of Representatives.
FRANK STAPLIN.
Chief Clerk of the House of Representatives.

Approved, April 9, 1912.

WILLIAM C. MCDONALD,
Governor of the State of New Mexico.

Mr. SHIVELY presented a telegram in the nature of a petition signed by Charles B. Riley, secretary of the Indiana Grain Dealers' Association, praying for the passage of the so-called Pomerene bill relating to bills of lading in commerce with foreign nations and among the several States, which was referred to the Committee on Commerce.

Mr. WARREN presented resolutions adopted by the Wyoming Stock Growers' Association, in convention at Sheridan, Wyo., favoring the adoption of a protective tariff on wool, hides, and all other products of the ranch and farm, which were referred to the Committee on Finance.

He also presented resolutions adopted by the Wyoming Stock Growers' Association, in convention at Sheridan, Wyo., favoring the enactment of legislation providing for the leasing of unappropriated public grazing lands, which were referred to the Committee on Public Lands.

Mr. SMITH of Arizona presented a petition of the Graham County Chamber of Commerce, of Safford, Ariz., praying for the enactment of legislation granting lands in aid of good roads in that State, which was referred to the Committee on Agriculture and Forestry.

Mr. OVERMAN. I present a telegram in the nature of a memorial, remonstrating against the Owen medical bill. I ask that the telegram lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

GREENVILLE, N. C., *April 25, 1912.*

Hon. LEE S. OVERMAN,
Senate Chamber, Washington, D. C.:

We regard Owen bill relative public health, pending before Senate for enactment, and similar legislation a menace to welfare and freedom of the American people. Such an act will not only grant a monopoly to allopaths, which they do not merit, in the healing art, but will stagnate research along promising lines. We hope you will use your great influence against it.

GREENVILLE MEMBERS NATIONAL
LEAGUE FOR MEDICAL FREEDOM.

Mr. OVERMAN presented a petition of sundry citizens of Tobaccoville, N. C., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Maryland presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

Mr. BOURNE presented a petition signed by C. I. Leavengood and Frank Terrace, of Oregon, praying for the enactment of legislation providing for the disposition of any lands in the State of Oregon which may be declared forfeited by decree in the suit of the United States against the Oregon & California Railroad Co., which was referred to the Committee on Public Lands.

Mr. PERKINS presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation to provide for the sale of public lands for the purpose of raising a fund with which to build good roads, which was referred to the Committee on Public Lands.

He also presented memorials of sundry citizens of San Jose and San Francisco, in the State of California, remonstrating against the establishment of a national bureau of health, which were ordered to lie on the table.

He also presented a petition of the Crown Columbia Paper Co., of San Francisco, Cal., praying that an appropriation be made to fight forest fires, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Board of Trade of Fortuna, Cal., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. GARDNER presented petitions of sundry citizens of Houlton, Columbia Falls, and Gouldsboro; of Local Grange No. 373, Patrons of Husbandry, of Wiscasset; and of Georges Valley Grange, Patrons of Husbandry, all in the State of Maine, praying for the enactment of legislation to provide for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Vinal Haven, Me., remonstrating against the establishment of a national bureau of health, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HEYBURN, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 247) to provide for the erection of a public building at Twin Falls, Idaho, reported it with amendments and submitted a report (No. 669) thereon.

He also, from the same committee, to which was referred the bill (S. 250) to provide for the erection of a public building at Idaho Falls, Idaho, reported it with an amendment and submitted a report (No. 670) thereon.

Mr. CRAWFORD, from the Committee on Commerce, to which was referred the bill (H. R. 22343) to require supervising inspectors, Steamboat-Inspection Service, to submit their annual reports at the end of each fiscal year, reported it without amendment and submitted a report (No. 673) thereon.

Mr. WETMORE, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 13774) providing for the sale of the old post-office property at Providence, R. I., by public auction, reported it without amendment and submitted a report (No. 674) thereon.

Mr. McLEAN, from the Committee on Forest Reservations and the Protection of Game, to which was referred the bill (S. 6497) to protect migratory game and insectivorous birds in the United States, reported it without amendment and submitted a report (No. 675) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 3463) to establish a Bureau of National Parks, and for other purposes, reported it with amendments and submitted a report (No. 676) thereon.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 22301) au-

thorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land, reported it without amendment and submitted a report (No. 677) thereon.

He also, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 12013) to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain land for alley purposes, reported it without amendment and submitted a report (No. 678) thereon.

Mr. WATSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6342) to provide for the erection of a public building at Buckhannon, W. Va., reported it with an amendment.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes, reported it with amendments and submitted a report (No. 679) thereon.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5851) to increase the appropriation for the addition to the post-office building at Detroit, Mich., reported it without amendment and submitted a report (No. 671) thereon.

He also, from the same committee, to which was referred the bill (S. 6009) to increase the limit of cost of the United States post-office building at Huron, S. Dak., reported it with an amendment and submitted a report (No. 672) thereon.

LAND AT PLYMOUTH, MASS.

Mr. SUTHERLAND. From the Committee on Public Buildings and Grounds, I report back favorably without amendment the bill (S. 6472) to authorize the Secretary of the Treasury to sell certain land to the First Baptist Church of Plymouth, Mass., and I submit a report (No. 668) thereon.

Mr. LODGE. I ask for that bill present consideration.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CRAWFORD:

A bill (S. 6556) granting an increase of pension to Charles W. Smith (with accompanying papers); and

A bill (S. 6557) granting an increase of pension to Henry C. Tiffany (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 6558) authorizing the appointment of Henry B. Freeman, brigadier general, United States Army, retired, on the retired list of the Army with the rank of major general; to the Committee on Military Affairs.

A bill (S. 6559) granting a pension to George L. Granbery; to the Committee on Pensions.

By Mr. GARDNER:

A bill (S. 6560) to remove the charge of desertion from the record of William H. Atkins; to the Committee on Naval Affairs.

A bill (S. 6561) granting an increase of pension to Stephen L. Sleeper (with accompanying papers);

A bill (S. 6562) granting an increase of pension to Zoe W. Kulp (with accompanying papers);

A bill (S. 6563) granting an increase of pension to Lula S. Knight Bigelow (with accompanying papers); and

A bill (S. 6564) granting an increase of pension to Lloyd Roberts (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 6565) to provide for the purchase of a site and the erection of a public building thereon in the city of Nogales, in the State of Arizona; to the Committee on Public Buildings and Grounds.

By Mr. GORE:

A bill (S. 6566) granting an increase of pension to Emma A. Prior (with accompanying papers); to the Committee on Pensions.

A bill (S. 6567) to establish a fish-cultural station in the State of Oklahoma; to the Committee on Fisheries.

By Mr. BROWN:

A bill (S. 6568) granting an increase of pension to John Jackson Mercer; to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 6569) granting a pension to Augustus Vayo; and

A bill (S. 6570) granting a pension to Annie R. Gove (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 6571) granting an increase of pension to Joseph Taylor (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 6572) granting an increase of pension to Mattie A. Birney; to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 6573) to provide for the purchase of a site and erection of a Federal building at Raton, N. Mex.; to the Committee on Public Buildings and Grounds.

A bill (S. 6574) to provide for the establishment of an annex to all National Homes for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

A bill (S. 6575) granting an increase of pension to Grace F. Lebo; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 6576) granting a pension to Jane M. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 6577) granting an increase of pension to Henry H. Brinkley (with accompanying papers); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 6578) granting an increase of pension to Robert C. Carr (with accompanying papers);

A bill (S. 6579) granting an increase of pension to James Temple (with accompanying papers);

A bill (S. 6580) granting an increase of pension to Bettie Dodge (with accompanying papers);

A bill (S. 6581) granting an increase of pension to Asa D. Whitmore (with accompanying papers); and

A bill (S. 6582) granting an increase of pension to Amos Rosier (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 6583) granting an increase of pension to Lemuel White (with accompanying papers); to the Committee on Pensions.

PROTECTION OF PASSENGERS AT SEA.

Mr. McCUMBER. I ask that 3,000 additional copies of the bill (S. 6496) for the protection of passengers on ocean vessels be printed for the use of the Senate document room. I have telegrams and other communications requesting quite a large number of copies of the bill.

The PRESIDENT pro tempore. Without objection, the order will be entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That 3,000 additional copies of S. 6496, for the protection of passengers on ocean vessels, be printed for the Senate document room.

HOUSE BILL REFERRED.

H. R. 38. A bill to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, was read twice by its title and referred to the Committee on Territories.

ADJOURNMENT TO MONDAY.

Mr. LODGE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The PRESIDENT pro tempore. The question is on agreeing to the motion made by the Senator from Massachusetts. [Putting the question.] The ayes appear to have it.

Mr. BRISTOW. I ask for a division.

The motion was agreed to, there being on a division—ayes 33, noes 5.

BARROOM LICENSES IN THE DISTRICT OF COLUMBIA.

Mr. JONES. I move that the Senate proceed to the consideration of the bill (S. 5461) governing the granting of licenses for barrooms in the District of Columbia, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That no person, company, copartnership, association, club, or corporation shall manufacture, sell, offer for sale, keep for sale, traffic in, barter, exchange for goods, give away, or otherwise furnish, in the District of Columbia, any intoxicating liquors, except as hereinafter provided. Wherever the term "intoxicating liquors" is used in this act it shall be deemed to include whisky, brandy, gin, wine, cordials,

rum, ale, porter, beer, hard or fermented cider, and all other fermented, distilled, spirituous, vinous, and malt liquors, and every mixture of liquors which shall contain more than 2 per cent, by weight, of alcohol, and any mixture of liquor which shall contain less than 2 per cent of alcohol, if the same shall be intoxicating.

SEC. 2. That there shall be, and is hereby, constituted an excise board for the District of Columbia, which shall be composed of three members, to be appointed by the President of the United States, by and with the advice and consent of the Senate, and who shall serve for a term of three years, and until their successors are appointed and qualified, except that the members first appointed shall serve for one, two, and three years, respectively, as may be designated by the President, or until their successors are appointed and qualified. The salary of said commissioners shall be at the rate of $2,400 per annum.

Hereafter no license shall be issued to a hotel having less than 50 bedrooms for guests, nor to any hotel the character of which, or the character of the proprietor of which, is deemed objectionable by said board.

No saloon or barroom, other than in hotels and clubs, shall be licensed, allowed, or maintained within 150 feet of any other saloon or barroom.

No saloon, barroom, or other place where intoxicating liquor is sold at retail shall be licensed, allowed, or maintained nearer than 300 feet of any alleyway occupied for residences or of places commonly called slums.

No saloon, barroom, or other place wherein intoxicating liquor is sold at retail or wholesale, other than hotels and clubs, shall be licensed, allowed, or maintained within 600 feet of any public schoolhouse, private school, college, or university, or within 500 feet of any place of religious worship, measured between the nearest entrances to each by the shortest course of travel between such places of business and public schoolhouse, private school, college, or university, or place of religious worship.

No license shall be granted to sell intoxicating liquors in the waiting room of any station or depot of any steam or electric railroad or other carrier for the transportation of passengers within the District of Columbia.

No license shall be granted for the establishment or maintenance of a barroom or other place for the sale of intoxicating liquors in any residence portion of the District of Columbia; and it shall be the duty of the excise board to determine in the case of each application for licenses whether the location where the barroom is to be located is or is not within the business portion of the District, and if not the license shall be denied; and the excise board is hereby authorized and required to determine in each case what is so far devoted to business as to constitute it a business street or section: *Provided*, That no license shall be granted for any saloon or barroom on any side of any square, block, or tract of land where less than 50 per cent of the houses and buildings, not including saloons or hotels and clubs having barroom licenses under this act, thereon are used for business purposes; and no place where intoxicating liquors are sold at wholesale shall be maintained or allowed, nor shall intoxicating liquors be sold at wholesale outside of the business districts as above provided.

No saloon, barroom, or wholesale liquor business shall be licensed, maintained, or allowed in the territory west of the following lines: The westerly line of the fire limits as now established from its southerly limits to where the same intersects with the mile limit of the Soldiers' Home; thence westerly and northerly along the said mile limit until the same intersects with Kansas Avenue; thence along Kansas Avenue to its intersection with the northern boundary of the District of Columbia.

Said board shall consider and act upon all applications for license to sell intoxicating liquors, after a report thereon by the chief of police, and the action of said board shall be final and conclusive. In no event, except by the unanimous vote of the excise board, shall any license permitted under this act be granted until a report approving the granting thereof is made to the excise board by the chief of police. In the issuing of licenses for barrooms it shall be the duty of the excise board to adopt such a policy as will reduce the number of barrooms, including those in hotels and clubs, to not exceeding 300 by November 1, 1914. On the granting by said board of a license to sell intoxicating liquors, the assessor shall issue a license to the applicant. Said board shall make such rules and regulations for carrying into effect this act as it may deem requisite and proper. It shall make an annual report to Congress setting forth the number of applications for license, whether favorably or unfavorably acted upon, the number of persons convicted for violation of this statute, and the number and amount of fines collected and uncollected; and it shall have power to issue subpœnas to compel the attendance of witnesses before it, and such subpœnas shall be served by any member of the Metropolitan police force; and said board, or any member of it, shall also have power to administer oaths and affirmations in any manner affected by the operations of this act. Any person having taken such oath or affirmation who shall knowingly give false testimony before said board, or any member thereof, as to a material fact shall be deemed guilty of perjury and, on conviction thereof, shall be subject to the penalty now provided by law for that offense.

SEC. 3. That the said board shall appoint a clerk at a salary of $1,500 per annum and an inspector at a salary of $1,500 per annum. Said inspector shall make inspections as may be required by this act, under the orders of the board, and make full report of such inspections to the board. He shall wear a badge indicating that he is such inspector of the excise board. The board shall keep a full record of all applications for license, of all recommendations for and remonstrances against the granting of licenses, and the actions taken thereon.

SEC. 4. That every person applying for a license to sell intoxicating liquors in said District shall file with the said board a petition for such license, and such petition shall be considered and acted upon by the board in the order in which such petition is filed and numbered. Said petition shall contain—

First. A statement giving the name and residence of the applicant and the time he has resided in the District of Columbia.

Second. A statement describing the particular place for which a license is desired, designating the same by street and number, if practicable, and if not, by such other apt description as will definitely locate it, and how long said applicant has been engaged in business at said place.

Third. The full name and residence of the owner of the premises upon which the business is to be carried on.

Fourth. A statement that the applicant is a citizen of the United States and a bona fide resident of the District of Columbia, and not less than 21 years of age, and whether such applicant has, since March 3, 1893, been adjudged guilty of violating the laws governing the sale of intoxicating liquors or for the prevention of gambling in the District of Columbia.

Fifth. A statement that he intends to, and if licensed will, carry on such business for himself and not as the agent of any other person, company, copartnership, or corporation.

Sixth. A statement that he intends to superintend in person the management of the business for which he asks a license, and that if licensed he will so superintend the management of the business so licensed.

Said petition must be sworn to by the petitioner before a notary public or other person duly authorized to administer oaths and affirmations. If any false material statement is made in any part of said petition, the petitioner making said affidavit shall be deemed guilty of perjury, and on conviction thereof shall be subject to the penalty now provided by law for that offense; and in case a license has been issued to said petitioner the same shall be immediately revoked by said board. Notice of the filing of said petition shall be given by the applicant in such manner as may be prescribed by general rules and regulations adopted by the excise board; and if protests against the granting of such license are filed no final action shall be taken by the excise board until the protestants shall have had an opportunity to be heard, under rules and regulations prescribed by said board.

SEC. 5. That the licenses authorized and provided for by this act shall be of two classes, wholesale liquor licenses and barroom licenses. The fee for a wholesale liquor license until November 1, 1914, shall be $500 per annum, and for a barroom license $1,000 per annum until November 1, 1914; and thereafter the fee for a wholesale liquor license shall be $800, and the fee for a barroom license shall be $1,500 per annum. Every applicant for a liquor license shall deposit the amount of the license fee with the collector of taxes of the District of Columbia at the time of filing the application with the excise board. If, upon consideration of the application for license by the board as provided for in this act, the board shall decide to grant the license prayed for, it shall notify the assessor, and the applicant shall thereupon receive his license; and only on the granting by said board of a license to any applicant to sell intoxicating liquor shall the assessor issue a license to such applicant. A barroom license shall be required for every hotel, tavern, barroom, club, or other place in which intoxicating liquors are sold or dispensed at retail. A wholesale liquor license shall authorize the licensee to sell intoxicating liquors in sealed packages only and in quantities not less than 1 quart, and not to be drunk on the premises where sold; and no wholesale license shall be granted until it is satisfactorily shown that the place where it is intended to carry on such business is properly arranged for selling such liquors as merchandise. Every place where intoxicating liquors are sold to be drunk on the premises or in quantities less than 1 quart, whether drunk on the premises or not, shall be regarded as a barroom; and the possession of intoxicating liquors, with the means and appliances for carrying on the business of dispensing the same to be drunk where sold, shall be prima facie evidence of a barroom within the meaning of this act, and the license therefor shall be known as a barroom license. All makers, brewers, and distillers of intoxicating liquors in the District of Columbia, and all agents of makers, brewers, and distillers established outside of the District of Columbia and selling their product in said District, shall be required to take out the wholesale license provided for in this act: *Provided*, That when such business is carried on at more than one place a license shall be required for each place. Before the excise board may grant a license to a club it must be satisfactorily shown that such club is duly incorporated; that its membership is bona fide, all being on an equal status, with equal privileges and responsibilities; that its purposes are legitimate; and that the sale of liquor intended is no more than an incident, and is not a prime source of revenue. A license to a club shall be issued in the name of its president, and in case of violation of the provisions of this act in such club, he and the secretary, the treasurer, and the manager of the club shall be proceeded against collectively or severally in their individual capacities and, if convicted, be subject to the penalties prescribed in section 14 of this act, and the license of said club shall be immediately revoked by the excise board.

SEC. 6. That under the license issued in accordance with this act no intoxicating liquors shall be sold, given away, or in any way disposed of to any minor, intoxicated person, or to any person who is in the habit of becoming intoxicated, if such last-named person's wife, daughter, mother, father, or guardian shall, in writing, request that the licensee shall not sell or furnish intoxicating liquors to such person, and ignorance of the age of any such minor shall not be a defense to any action instituted under this section; and no licensee under this act shall sell, give away, or dispense any intoxicating liquors to any person between the hours of 11 o'clock in the evening and 8 o'clock in the morning, nor on Sundays, or legal holidays, and Inauguration Day, and between said hours, and on Sundays, legal holidays, and Inauguration Day every barroom and other place where intoxicating liquors are sold shall be kept closed; that no minor under the age of 18 years shall be allowed to enter or be permitted to remain in any place where intoxicating liquors are sold, other than a hotel or club; that the interior of every barroom shall at all times be exposed to full view from the street, without obstruction by screens, blinds, curtains, stained glass, bottles, boxes, signs, or other material, except in the case of clubs licensed under this act and hotels having only an interior barroom, which shall be exposed to full view from the corridors or passageways leading to the entrance or entrances to such barroom.

SEC. 7. That every wife, daughter, mother, father, or guardian, having made the request mentioned in the preceding section, who shall be injured in person or property or means of support by any intoxicated person concerning whom such request has been made or in consequence of the intoxication of any such person, shall have a right of action for all damages actually sustained, in his or her own name, against any person, individual, or corporation who shall, after such request has been made, by selling, bartering, giving away, or otherwise furnishing intoxicating liquors contrary to such request, have caused the intoxication of such person. On the trial of any such suit proof that the defendant or defendants sold, bartered, gave away, or furnished such liquors to such intoxicated person on the day or about the time (and prior thereto) of such injury shall be prima facie evidence that the liquor so sold, bartered, given away, or otherwise furnished caused such intoxication. In any action by a married woman or other person legally entitled to recover damages for loss of support caused by such intoxication it shall only be necessary to prove that the defendant or defendants, after the making of such request, has or have given, bartered, sold, or otherwise furnished intoxicating liquor of any kind to such person during the period when such cause of action shall have accrued.

SEC. 8. That any minor, for the purpose of evading the provisions of section 7 of this act, who falsely represents his age shall be deemed guilty of a misdemeanor, and be fined for each offense not more than $50, and in default in the payment of such fine shall be imprisoned in the reformatory or workhouse of said District not exceeding 30 days.

SEC. 9. That no license under this act shall be issued for a longer period than one year, and the year shall begin on the first day of November and end on the last day of October following; and no license shall be transferred by the licensee to any other person or to any other place, except with the written consent of the excise board upon a regular application therefor in writing and after notice and hearing as in this act provided upon an original application for a license; and the fee to be paid by the party applying for such transfer shall be $2, which shall be paid to the collector of taxes of the District before such transfer is made: *Provided*, That the excise board shall not allow the transfer of the license of any person against whom there are pending in the courts or before the excise board charges of keeping a disorderly house or violating the excise laws or the laws against gambling in the District of Columbia.

SEC. 10. That every person receiving a license to sell liquor under this act shall frame the same under glass and place it in a conspicuous place in his place of business, so that anyone entering such place may easily read such license.

SEC. 11. That all applicants for license and persons holding licenses under this act shall allow any member of the excise board or the duly authorized inspector of the excise board full opportunity and every facility to examine, at any time during business hours, the premises where intoxicating liquor is manufactured, sold, or for which a license is asked or has been granted; and the same opportunity and facility shall be afforded, by the licensee or some person acting in his stead, any member of the Metropolitan police force, who has reasonable belief that the law is being violated, to enter and examine at all times such licensed places, and no person or persons shall obstruct, hinder, or in any manner molest such inspector or officer, provided such inspector or officer exhibits a badge showing he is such inspector or officer.

SEC. 12. That regularly licensed druggists or pharmacists shall not be required to obtain license under the provisions of this act, but they shall not sell intoxicating liquors, nor compound, nor mix any composition thereof, nor sell any malt extract, or other proprietary medicines containing more than 2 per cent of alcohol, except such compounds, compositions, malt extracts, or proprietary medicines be so medicated as to be medicinal preparations or compounds unfit for use as beverages, except upon a written and bona fide prescription of a duly licensed and regularly practicing physician in the District of Columbia, whose name shall be signed thereto. Such prescription shall contain a statement that the disease of the patient required such a prescription, shall be numbered in the order of receiving, and shall be canceled by writing on it the word "canceled" and the date on which it was presented and filled, and kept on file in consecutive order, subject to public inspection at all times during business hours. No such prescription shall be filled more than once. Every druggist or pharmacist selling intoxicating liquors as herein provided shall keep a book provided for the purpose, and shall enter therein at the time of every sale a true record of the date of the sale, the name of the purchaser, who shall sign his name in said book as a part of the entry, his residence (giving the street and house number, if there be such), the kind and quantity and price of such liquor, the purpose for which it was sold, and the name of the physician giving the prescription therefor. Such book shall be open to public inspection during business hours, and shall be in form substantially as follows:

Date.	Name of purchaser.	Residence.	Kind and quantity.	Purpose of use.	Price.	Name of physician.	Signature of purchaser.

Said book shall be produced before the excise board or the courts when required: *Provided*, That pure grain alcohol may be sold without a physician's prescription for mechanical, medicinal, and scientific purposes by registered druggists or pharmacists, who shall keep a book for the purpose of registering such sales in a similar manner or form as required for the sale of intoxicating liquors as provided in this section: *Provided further*, That any person who shall make any false statement as to the purpose or use of alcohol purchased under the provisions of this section shall be deemed guilty of a misdemeanor and be fined for each offense not more than $50, and in default of the payment of such fine shall be imprisoned in the workhouse of said District not exceeding 30 days.

Any druggist or pharmacist who shall sell or dispense any intoxicating liquors, except in such manner as provided in this section, or who shall fail or refuse to keep the record herein required, or who shall refill any prescription, or who shall violate any other provisions of this section, shall be guilty of illegal selling, and upon conviction thereof shall be subject to the penalties prescribed in section 13 of this act. Upon a second conviction for said offense, in addition to the penalties prescribed in said section 13, it shall be a part of the judgment of conviction that the license of such druggist or pharmacist to practice pharmacy shall be revoked, and the court before which such person is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue licenses to practice pharmacy in the District of Columbia.

Any physician who shall prescribe any intoxicating liquor except for treatment of disease which, after his own personal diagnosis, he shall deem to require such treatment, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $50 nor more than $200, and in default of payment of said fine shall be imprisoned in the District Jail or workhouse for not less than 30 nor more than 90 days, and upon a second conviction for said offense, in addition to the penalty above provided, it shall be a part of the judgment of conviction that the license of such physician to practice medicine be revoked, and the court before which such physician is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue licenses to practice medicine in the District of Columbia.

SEC. 13. That any person, company, copartnership, corporation, club, or association manufacturing, selling, offering for sale, keeping for sale, trafficking in, bartering, exchanging for goods, or otherwise furnishing any intoxicating liquors in the District of Columbia, without first having obtained a license as herein provided, or shall manufacture, sell, offer for sale, keep for sale, traffic in, barter, exchange for goods, give away, or otherwise furnish, solicit, or receive orders for intoxicating liquors in any part, section, or district of the District of Columbia wherein the same is prohibited by law, upon conviction thereof shall be fined not less than $250 nor more than $800, and in default in the payment of such fine be imprisoned in the District Jail or workhouse for not less than two months nor more than six months; and upon every subsequent conviction for such offense shall, in addition to the penalty named, to wit, a fine of not less than $250 nor more than $800, be imprisoned in the workhouse of the District of Columbia not less than three months nor more than one year.

SEC. 14. That any person, company, copartnership, corporation, or club having obtained a license under this act, who shall violate any of its provisions shall, upon conviction of such violation, be fined not less than $100 nor more than $500, and the excise board may, in its discretion, revoke the license; and upon a second conviction of such violation such licensee shall be fined not less than $200 nor more than $500, and in addition to such fine the excise board shall immediately revoke the license. That upon the conviction of any licensee of keeping a disorderly or disreputable place, it shall be the duty of the excise board to immediately revoke the license of such convicted licensee, and after such revocation no license shall again be granted to him for said place or elsewhere, nor shall a license be granted to anyone else for said place for a period of three years from the date of said revocation of license.

SEC. 15. That no licensee under this act shall employ or permit to be employed any female, or allow any female or any minor or any person convicted of crime, to sell, give, furnish, or distribute any intoxicating liquors, or any admixture thereof, to any person or persons, nor permit the playing of pool or billiards, or any other games whatever, in the room where such liquors are sold or drunk, or in any adjoining or intercommunicating room; nor shall he, except in the case of hotels and clubs, permit the playing of music or theatricals of any kind, or provide other amusements in his place of business or in connection therewith. Nor shall any barroom licensee establish more than one bar under his license, and the sale or dispensing of liquors, except in case of hotels and clubs, shall be confined to the room in which said bar is located; nor provide or permit to be used more than one entrance to said barroom from the street, which entrance shall be the one mentioned in his application for license, unless the excise board shall especially permit an extra entrance. Nor shall any licensee sell, give, furnish, or distribute any intoxicating liquors to be carried away in buckets, pitchers, or other vessels, except sealed bottles or in original packages; nor shall any barroom licensee sell, give, furnish, or distribute any intoxicating liquors to any female, nor permit any female to enter or remain in his barroom: *Provided*, That bona fide guests of hotels and clubs having a license to sell intoxicating liquors may be served with liquors at meals in such hotels and clubs during the time liquor may be sold.

SEC. 16. That all applicants who have had a license during the preceding year who so desire shall apply for a renewal of such license on or before the 1st day of September of each license year: *Provided*, That in the event of the death of a person having a license under this act during a license year there shall be refunded to the personal representative of the deceased such amount of the license fee in proportion to the unexpired part of the license year: *Provided further*, That the minimum portion of said license fee to be retained for any portion of the license year, irrespective of its proportion to the entire year, shall be $200 in the case of barroom licenses and $100 in the case of wholesale licenses.

SEC. 17. That no license, either wholesale or barroom, shall be issued to any person or for any place located within 1,000 feet of the grounds of the marine barracks, the War College and engineer barracks, or of the navy yard, in the District of Columbia.

SEC. 18. That any person assisting in or aiding and abetting the violation of any of the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than $50 nor more than $100 or be imprisoned in the District jail or workhouse for not more than three months for each and every offense: *Provided*, That no witness shall be excused from testifying in any case brought under this act on the ground that his answers may tend to incriminate him in connection with any violation of this act, and such witness so testifying shall not thereafter be prosecuted for violation of any provision of this act concerning which such witnesses may have testified.

SEC. 19. That prosecutions for violations of the provisions of this act shall be on information filed in the police court by the attorney of the District of Columbia or any of his assistants duly authorized to act for him, and said attorney or his assistants shall file such information upon the presentation to him or his assistants of sworn information that the law has been violated; and such attorney and his assistants shall have power to administer oaths to such informant or informants, and such others as present themselves, and anyone making a false oath to any material fact shall be deemed guilty of perjury and subject to the same penalties as now provided by law for such offense.

SEC. 20. That if one or more persons who are competent witnesses shall charge on oath or affirmation before the attorney of the District of Columbia or any of his assistants duly authorized to act for him, representing that any person, company, copartnership, association, club, or corporation has or have violated or is violating the provisions of this act, by manufacturing, selling, offering for sale, keeping for sale, trafficking in, bartering, exchanging for goods, giving away, or otherwise furnishing intoxicating liquor without license, or in a prohibited district or section, and shall request said attorney or any of his assistants duly authorized to act for him, to issue a warrant, said attorney or any of his assistants shall issue such warrant, in which warrant the room, house, building, or other place in which the violation is alleged to have occurred or is occurring shall be specifically described, and said warrant shall be placed in the hands of the captain or acting captain of the police precinct in which the room, house, building, or other place above referred to is located, commanding him at once to thoroughly search said described room, house, building, or other place and the appurtenances thereof, and if any such shall be found, to take into his possession and safely keep, to be produced as evidence when required, all intoxicating liquors (if the same shall be found in quantities and in condition to suggest that it is kept for sale), and all the means of dispensing same, also all the paraphernalia or part of the paraphernalia of a barroom or other intoxicating-liquor establishment, and any United States internal-revenue tax receipt or certificate for the manufacture or sale of intoxicating liquor effective for the period of time covering the alleged offense, and forthwith report all the facts to the attorney of the District of Columbia, and such intoxicating liquor or the means for

dispensing same, or the paraphernalia of a barroom or other intoxicating-liquor establishment, or any United States internal-revenue tax receipt or certificate for the sale of intoxicating liquor effective as aforesaid, shall be prima facie evidence of the violation of the provisions of section one of this act as charged or presented. If the accused shall be found guilty, the intoxicating liquor so seized shall, after the trial and time for writ of error, if no writ of error is taken, be destroyed by the police department; if the accused be found not guilty, the whole shall be held as his, its, or their property, or the property of the real owner.

SEC. 21. That it shall not be necessary in order to convict any person, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, of manufacturing or selling intoxicating liquors without license, or in any section of the District of Columbia where the manufacture and sale is prohibited, to prove the actual sale, delivery of, or payment for any intoxicating liquors, but the evidence of having or keeping them in hand and offering to sell or barter, exchanging for goods or merchandise, shall be sufficient to convict; nor shall it be necessary in a warrant or in information to specify the particular kind of liquor manufactured, sold, offered for sale, kept for sale, trafficked in, bartered or exchanged for goods or merchandise, or mentioned in orders solicited or taken for the purchase of intoxicating liquor, but it shall be sufficient to allege in the warrant or information that the accused manufactured, sold, offered for sale, kept for sale, trafficked in, bartered or exchanged for goods or merchandise, solicited for or received orders for intoxicating liquors, or kept it deposited to sell or barter.

SEC. 22. That every person who shall, within the District of Columbia, directly or indirectly keep or maintain, by himself or by associating or combining with others, or who shall in any manner aid, abet, or assist in keeping or maintaining any clubroom or other place in which any intoxicating liquors, the sale of which without a license is prohibited by this act, is received or kept for the purpose of use, sale, barter, giving away, or otherwise furnishing, or for distribution or division among the members of any club or association by any means whatever, without first having a license so to do, or in sections of the District wherein the sale of intoxicating liquor is prohibited, and every person who shall use, sell, barter, give away, or otherwise furnish, distribute, or divide any such liquors so received or kept shall be guilty of a misdemeanor and subject to the penalties prescribed in section 13 of this act.

SEC. 23. That any person who shall, in the District of Columbia, in any street or alley, in any public place, or in or upon any street car, or in or upon any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, or waiting station, drink any intoxicating liquor of any kind, or if any person shall be drunk or intoxicated in any street, alley, or public or private road or in any passenger coach, street car, or any public place or building, or at any public gathering, or if any person shall be drunk or intoxicated and shall disturb the peace of any person, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $10 nor more than $100, or by imprisonment for not less than 5 days nor more than 30 days in the workhouse or jail of the District of Columbia, or by both such fine and imprisonment.

SEC. 24. That it shall be unlawful for any licensee under the provisions of this act to furnish or offer to furnish any free food or other gift of any kind or description to those buying or to prospective buyers of any of the liquors which said licensee offers or keeps for sale; and anyone violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than $10 nor more than $50, and, upon a second conviction for this offense, in addition to the foregoing penalty, the excise board shall forfeit the license held by such person.

SEC. 25. That the issuance of an internal-revenue special tax receipt or certificate by the United States to any person as a wholesale or retail dealer in distilled liquors or in malt liquors at any place within the District of Columbia shall be prima facie evidence of the sale of intoxicating liquors by such person at such place, or at any other place of business of such person in the District where such special tax receipt is posted and at the time charged in any prosecution under this act, but such time must be within the life of such receipt or certificate.

SEC. 26. That in the interpretation of this act words of singular number shall be deemed to include their plurals, and words of masculine gender shall be deemed to include the feminine, as the case may be.

The words "give away," where they occur in this act, shall not apply to the giving away of intoxicating liquors to bona fide guests by any person in his hotel or private dwelling.

SEC. 27. That this act shall be in full force and effect from and after its passage, and shall be in lieu of and as a substitute for all existing laws and regulations in the District of Columbia in relation to the sale of intoxicating liquors in said District, except such laws as prohibit the sale of intoxicating liquors in certain defined sections or parts of the District and laws of Congress pertaining to persons, premises, and territory over which the Federal Government exercises jurisdiction; and all laws and parts of laws inconsistent with this act, except such prohibitive laws above referred to, be, and they are hereby, repealed.

The PRESIDENT pro tempore. The question is on the amendment, in the nature of a substitute, reported by the Committee on the District of Columbia.

Mr. JONES. Mr. President, I offer the amendment to the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed, in section 2, page 3, line 14, after the word "proprietor," to insert "or manager," so as to make the clause read:

Hereafter no license shall be issued to a hotel having less than 50 bedrooms for guests, nor to any hotel the character of which, or the character of the proprietor or manager of which, is deemed objectionable by said board.

The amendment to the amendment was agreed to.

Mr. JONES. On page 10, line 6, I offer the amendment to the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In section 5, on page 10, line 6, after the word "quart," it is proposed to insert "in the aggregate," so as to read:

A wholesale liquor license shall authorize the licensee to sell intoxicating liquors in sealed packages only and in quantities not less than one quart in the aggregate.

The amendment to the amendment was agreed to.

Mr. JONES. On page 14, in line 20, I move the amendment to the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment to the amendment proposed by the Senator from Washington will be stated.

The SECRETARY. In section 11, on page 14, line 20, before the word "board," it is proposed to strike out "excise" and insert "said," so as to read:

That all applicants for license and persons holding licenses under this act shall allow any member of the excise board or the duly authorized inspector of the said board full opportunity and every facility to examine, at any time during business hours, the premises where intoxicating liquor is manufactured, sold, or for which a license is asked or has been granted.

The amendment to the amendment was agreed to.

Mr. JONES. On page 22, in line 9, I move the amendment to the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment to the amendment proposed by the Senator from Washington will be stated.

The SECRETARY. In section 18, on page 22, line 9, after the word "such," it is proposed to strike out "witnesses" and insert "witness," so as to read:

And such witness so testifying shall not thereafter be prosecuted for violation of any provision of this act concerning which such witness may have testified.

The amendment to the amendment was agreed to.

Mr. JONES. On page 22, section 19, I move the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. In section 19, on page 22, line 13, after the words "by the," it is proposed to strike out "attorney" and insert "corporation counsel"; in line 14, after the word "said," to strike out "attorney" and insert "corporation counsel"; and in line 17, after the word "such," to strike out "attorney" and insert "corporation counsel," so as to make the section read:

SEC. 19. That prosecutions for violations of the provisions of this act shall be on information filed in the police court by the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, and said corporation counsel or his assistants shall file such information upon the presentation to him or his assistants of sworn information that the law has been violated; and such corporation counsel and his assistants shall have power to administer oaths to such informant or informants, and such others as present themselves, and anyone making a false oath to any material fact shall be deemed guilty of perjury and subject to the same penalties as now provided by law for such offense.

The amendment to the amendment was agreed to.

Mr. JONES. In section 20, I move to amend the amendment by striking out the word "attorney" wherever it occurs and inserting in lieu thereof the words "corporation counsel."

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Washington to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. MARTINE of New Jersey. Mr. President, I move to strike out all that portion of the committee amendment beginning on page 3, line 19, to and including line 5, on page 4.

The PRESIDENT pro tempore. The amendment to the amendment proposed by the Senator from New Jersey will be stated.

The SECRETARY. It is proposed to amend the amendment by striking out, from line 19, on page 3, to the end of line 5, on page 4, as follows:

No saloon, barroom, or other place where intoxicating liquor is sold at retail shall be licensed, allowed, or maintained within 300 feet of any alleyway occupied for residences or of places commonly called slums.

No saloon, barroom, or other place wherein intoxicating liquor is sold at retail or wholesale, other than hotels and clubs, shall be licensed, allowed, or maintained within 600 feet of any public schoolhouse, private school, college, or university, or within 500 feet of any place of religious worship, measured between the nearest entrances to each by the shortest course of travel between such places of business and public schoolhouse, private school, college, or university, or place of religious worship.

Mr. MARTINE of New Jersey. I will say, Mr. President, with the permission of the Senate, that I feel this is too drastic a proposition. I believe it is practically a prohibiton effort. I am opposed to prohibition. I do not believe it is a success anywhere, nor do I believe it can be maintained here. And I say that the particular portion of the bill beginning in line 19, the

clause which provides that no saloon shall be "allowed or maintained within 300 feet of any alleyway occupied for residences or of places commonly called slums" is too drastic. Who would be the judge of what might be called "slums"? The provision would practically shut out the opportunity for a licensed place in this city. Further than that, the other portion of the provision which I have moved to strike out I believe is sheerly and utterly in the interest of prohibition.

I believe that the city of Washington, D. C., as I have seen it, is a well-governed and well-ordered city. I have seen no conditions on the streets or highways calling for so drastic a measure as this. I believe it interferes with vested interests and rights and that it is to the detriment and against the general welfare of this community. I urge my amendment and ask for a vote thereon.

The PRESIDENT pro tempore. The question is on the amendment to the amendment.

Mr. JONES. Mr. President, I desire to say that that part of the substitute which it is now moved to strike out is considered as one of the most important parts, if not the most important part, of the measure. In the first place, with reference to the provision in regard to alleyways and places commonly called slums, they seem to be well defined in the city of Washington, and I have no doubt that the excise board will be able to determine just exactly what is meant by this provision.

The testimony taken by the subcommittee with reference to this particular provision shows a condition of things that the committee really considered almost intolerable. It seems that many of the alleyways are inhabited by persons who are, of course, in very poor circumstances. They are huddled together in a manner that ought not to be tolerated in the Capital of the United States. To take advantage of the condition of things, it seems that saloons are located in a great many cases at the entrance of alleyways. The committee is very strongly in favor of this provision of the bill, believing that it will, to a certain extent at any rate, relieve the situation.

The importance of the provision with reference to schoolhouses, I think, can be shown very vividly to the Senate by simply reading a statement made by Mr. Fishback before the subcommittee. It discloses a condition of affairs that I did not think possible in the Capital of the country, and it was almost unbelievable to me until I made personal investigation and found that the statements made by Mr. Fishback were absolutely correct in every particular. I shall read from his testimony as it appears in the report:

> I wish to speak now of the Central High School situation. On the block on Seventh Street between O and P Streets there are three school buildings. The Henry School, which is located on the P Street side of the block, was built about 1878 or 1879, I should say, or maybe 1880. The Central High School was completed in 1883, and about the year 1890 the northwest wing of that school was built, and a few years later the Polk School was also erected on what was the high-school yard. It was a very deplorable thing that the ground was taken. It was sadly needed for the school playground, and it was done merely for the purpose of saving the money which would have been required to purchase a site.
>
> I want to call attention now, however, to the mile limit of the Soldiers' Home. The act of February 28, 1891, prohibited thereafter the sale of liquor within 1 mile of the Soldiers' Home. It is all indicated on this map here [indicating]. I recall in my boyhood the deplorable conditions which existed north of R Street out what is now called Georgia Avenue, but what was then Seventh Street Road, on account of the liquor that was sold there. Any of us who are at all familiar with the conditions in northwest Washington know absolutely that the conditions in that section now are infinitely better. No one would attempt to deny that statement.
>
> The mile limit of the Soldiers' Home reaches just to the northeast corner of the McKinley Manual Training School, and as soon as you leave the mile limit the saloons are very numerous. Immediately opposite the south end of the McKinley Manual Training School is one wholesale liquor establishment.
>
> Senator WORKS. What street is that on?
>
> Mr. FISHBACK. That is on Seventh Street, just as near the mile limit as it can be. In the next block, between Q and P Streets, are six saloons—five proprietors, I may say, but one of them conducts a two-store establishment, one a wholesale establishment, and the other a barroom, but to all intents and purposes six saloons.
>
> In the next block the Central High School and the Polk and Henry Schools have the ground on the east side of Seventh Street. On the west side of Seventh Street is the market, which occupies almost half of the block, so there is very little space there for any business. Just around the corner, however, from Seventh and O Streets are two saloons on O Street. In the block between N and O Streets, on Seventh Street, in the block south of the Central High School, are six saloons. In the next block south, between N and M Streets, are eight saloons. In the next block, between L and M Streets, there are five saloons, and in the block between K and L Streets there are four saloons. So that the students of the Central High School who go down Seventh Street, as many of them do, to their homes, and as many more must do to patronize the Public Library, as it is the direct route from the high school to the Public Library, are obliged to pass 23 saloons in four blocks on that direct route. I say it is a shame and disgrace to this Nation that such a thing should exist.
>
> One thing more I will say——

Mr. MARTINE of New Jersey. Mr. President, I will say to the Senator——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from New Jersey?

Mr. JONES. Certainly.

Mr. MARTINE of New Jersey. I find no fault with the provision that saloons shall not be located within 150 feet of each other. That would correct the evil about which the Senator is now reading, as stated by Mr. Fishback, but I do insist that the matter he has read has no reference to the amendment to strike out which I have proposed. I am quite willing to agree to the proposition that saloons should be at least 150 feet or 200 feet apart.

Mr. JONES. I submit to the Senator that the law as it is now provides that no saloon shall be within 400 feet of a schoolhouse. We have increased the distance only 200 feet. Now the Senator would strike that out entirely. The Senator would allow a saloon to be placed next door to a schoolhouse. I can hardly think that the Senator intends——

Mr. MARTINE of New Jersey. I do not make that point; but these men have rights, and whether desirable or otherwise, their business is legal. I am not asking that you place a saloon adjoining a church or a schoolhouse, but my point is that many of the men who are in this business have invested their money and are established in a location, and if a church or a school locates next to them I insist that the provision is drastic and unfair.

Mr. JONES. But the effect of the Senator's motion is just what I have said. Then, furthermore, while the committee desired to recognize the rights of these people just as much as possible, it did feel that the rights of the public and the rights of the school children and others should be considered above the right that anyone may have to locate a saloon there. They have no vested right in that location.

The committee was satisfied that there is no provision in the bill that is more urgently needed than this. It was urged that the distance should be made 1,000 feet and 750 feet; it was urged very strenuously that it should be made 750 feet; but the committee did not feel justified in going quite that far. However, we did feel that, in view of the conditions disclosed at the hearings before the subcommittee, there could be no reasonable complaint if the distance was made 600 feet instead of 400 feet, as it now is.

I do hope that these provisions of the bill will not be eliminated.

The PRESIDENT pro tempore. The question is on the amendment to the amendment.

The amendment to the amendment was rejected.

Mr. WORKS. On page 4, line 12, after the word "liquors," I move to insert the words "otherwise than in sealed packages, and not to be drunk on the premises."

The amendment to the amendment was agreed to.

Mr. JONES. On page 4, line 9, after the words "District of Columbia," I move to strike out the period and insert a comma and the words:

> Nor shall any license be granted for the sale of intoxicating liquors within 150 feet of the railroad and terminal station building at the corner of M and Thirty-sixth Streets NW.

The amendment to the amendment was agreed to.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Foster	Martine, N. J.	Smith, Ga.
Bacon	Gallinger	Myers	Smoot
Brandegee	Gardner	Newlands	Stephenson
Bristow	Gore	Nixon	Sutherland
Catron	Guggenheim	Overman	Thornton
Chamberlain	Heyburn	Page	Tillman
Chilton	Hitchcock	Paynter	Townsend
Clapp	Johnston, Ala.	Perkins	Warren
Clark, Wyo.	Jones	Pomerene	Watson
Clarke, Ark.	Kern	Reed	Wetmore
Cullom	Lippitt	Richardson	Williams
Cummins	Lodge	Shively	Works
Curtis	McCumber	Simmons	
Fall	McLean	Smith, Ariz.	

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is unavoidably absent on business of the Senate. I should like to have this announcement stand for all votes taken to-day.

The PRESIDENT pro tempore. Fifty-four Senators have answered to their names. A quorum of the Senate is present.

Mr. HEYBURN. Mr. President, I was wondering as I listened to the reading of this bill how a measure providing that a child run over by a vehicle should be punished or held liable rather than the person who was driving or who owned the vehicle would be received in this body. If you will adopt the sensible method in regard to the regulation of the use of intoxicating drinks you can accomplish everything and more than is pro-

posed by this measure. You are proposing to issue a license to the wrong person.

I would favor, as I have frequently had occasion to state, legislation that would require every person who desired to use intoxicating liquors to take out a license, and that it be recorded, and that you could go to the public office any time and find out whether a man had had the bravery to let the public know that he chooses to drink liquor. A lot of irresponsible bartenders are held up in the country as the source of this evil. Put the responsibility where it belongs, upon the men who desire to be recognized as drinkers, where their wives and the other members of their families enumerated in this bill can go and see whether or not the husband is an avowed drinking man. Make them brave enough to do it, and you will have accomplished all that needs to be done. There is nothing impracticable about it at all. Make it a crime for the bartender or the person selling the liquor to sell it to any person except upon the miserable production of the license. It would break up treating. Each man would have to pay his own license and buy on the credit of his license.

Legislation that would break up treating would do more to reform the community or the individual along these lines than anything else. Men go into drinking just because they meet and have not anything else on hand; and they get off the street and stand up against the railing of a bar, each treating the other, until courtesy is exhausted, and oftentimes the pocketbook. Now, you are fostering that. You are going to foster drinking in high places and make it difficult and odious for any except those who frequent clubs and expensive hotels to drink.

You will eliminate from the laboring class of the people three-fourths of the number who drink to-day if you will require them to take out a license, some of them because they will not spend the money for a license and others because it would make it available to every other person in the community to know who took out the license. I wonder how many Senators here would go on record in the public records, to stand forever, as a person who needed a drink so bad as to go and take out a license to get it.

I would not make the license high. A dollar will accomplish the purpose and do more for the cause of moderation and temperance than all these drastic measures.

The provisions of this bill would create a large number of criminals within the next 12 months within this town who never expected to be classed as criminals. Legislation will not cure all evils. I would be neither inconvenienced nor offended if there was no liquor manufactured or sold or used. I speak impartially. I am not a temperance man nor a prohibitionist. Prohibition has been used as a political club to its discredit. Prohibition parties have been organized and hired out to politicians (and I use the term now in the invidious sense) in order to handle the balance of power in precincts and counties and even States. Prohibition tickets have defeated the best interests of the country a hundred times where they have accomplished any good whatever. They have produced hypocrites, insincerity among men, one man undertaking to be the censor and the governor of another man's morals, in violation of every principle that should govern in a people such as ours.

Make times good and men busy, and they will not do much drinking. The statistics of the United States show a vast increase in the consumption of liquors during hard times. Take the statistics in the yearbook issued only a few weeks ago and examine this question. When men are unable to find employment and get credit at the grocery store they can generally get it at the bar, and some men can perhaps forget their troubles and the hard times surrounding them. But make it so that men are busy, so that a man goes with a bright face and a buoyant step every morning to his steady occupation, looking forward not to stopping at the bar room to drown his sorrows on the way home, but looking forward to the time in the evening when he shall go home to his family with some money in his pocket or with money earned, and you will see the solution of this question.

But I go back to that which I firmly believe in. Make the drinker pay his license and make it a felony to sell him a drink or give it to him or hand it to him, except that he purchases it on his own license and not on that of another.

Now, if you are going to strike at this evil take time enough to do it right. This bill provides for a cheap court, three men at $2,400 a year, to sit here as the arbiters of the fate of the people in dealing with their own thirst.

Of course, there should be no saloons near the churches or the schools. If you are going to resort to this legislation the provisions are generally wise. There should be no recognition of—I was going to say "swamp lands"; I have forgotten the term. It is where fashionable people are supposed to go to get a glimpse of the unfashionable world under the pretense that they are doing some good or going to do it.

Mr. President, I only rose to call a halt, if I could, upon this folly. You are recognizing evil by legislating for its existence. If it is so evil, legislate it out of existence. If it has some merit, then deal with it as you deal with other affairs touching the morals of men.

A man has a right to drink intoxicating liquors under the law. He has that right and he has had it since the foundation of the Government. If that right is to be classed with crime, then he should never have been invested with that right. If that right is permissible under the moral code, then he should not be interfered with in the exercise of that right, but should be dealt with for an abuse of such exercise.

"Slums" is the word I was trying to think of—slums, bad lands, and all that. You are going to provide that no saloons shall be within a certain distance of that class of habitation. They will simply move into some other neighborhood. Take the city of Washington and make it impossible, or next to impossible, for those who desire to use intoxicating liquors within the city, and they will build up around the District of Columbia what we see about the forts and military posts on the frontier, where they have a rim around for the dives, where men can walk up to the line and stand on the reservation and reach their hand over to the bar that is off the reservation and get their drink, and they can lean their heads over the line of the reservation and drink it without violating the law until it passes the line in their throat where the boundary line strikes. I have seen all these subterfuges. I have seen them try to deal with them.

There was a time when the canteen existed at military posts, and it was a well-organized, orderly manner of recognizing the fact that all persons are not angels. But a lot of enthusiasts got to work on it, and they got bodies oftentimes resembling this; they stood them up and said, "We are going to make you either be a coward and run away or we are going to make you support this measure, whether you think it is right or wrong." I have seen halls emptied, and I will not say what I have seen here in regard to the matter. I think that when a question of this kind is to be discussed the Senate should first call for a quorum, call for the attendance of Members, and then lock the doors. That is the way we should legislate on this kind of a question. They would not have an opportunity to sit around the rim of the Senate Chamber so that they could slip in and out here. I would make us stay here and vote.

I am not to be understood as speaking in favor of reckless living or against the proper control of such matters as the consumption of liquor. I am not speaking against legislation or conditions controlling these things. They are under the control of the law now in the District of Columbia. If that control is not sufficient to secure and guarantee order and good citizenship, let us first inquire as to the character and capacity of the officers in whose hands the execution of the law rests. It may be the evil is there. It may be that we could cure it by a change of officers.

You are going to select a lot of cheap men under the provisions of this bill—three $2,400 men—and you are going to place this great moral question in their hands and give them powers that you can not give them under the Constitution of the United States. You are going to give them legislative, executive, and judicial power, vested in this body of three men. That is what you are proposing to do. I shall not be surprised if, so far as the consideration of this measure in this body goes, you would do it. Whether all men will agree with you or not I do not know.

I do not propose to go on record here as joining in the hue and cry directed against this business. We license men to commit a crime if you proceed along the lines proposed. You license them to sell that which you are legislating against to the limit of making it contraband. Now, let us be brave enough for awhile to face this question. Let us talk about it and we will know more about what men think about it. We can tell better if we talk about it what they think about it than we can by their votes sometimes. I would not cast any aspersion upon sincerity of act or thought by any Member of this body, but once in a while, in order to know whether our own hair is on straight, we have to look in a looking-glass; we can not tell in any other way. Let us look in the looking-glass and see whether or not we are doing or proposing to do the part of conservative, capable statesmen intrusted with a duty; and then let us vote our convictions.

Now, I principally wanted to express that which I reiterate. My purpose in arising was not to go through this bill. It contains many provisions subject to criticism that would put them out of the bill if considered. But I want to propose here, and I want to propose throughout the whole United States, that the

responsibility for drunkenness be put where it belongs, on the drinker, and not on some bartender who perhaps would not like to face some very respectable gentlemen if they wanted a drink and he refused to give it to them. Bartenders as a rule do not drink at all. I expect it is safe to say that in the United States to-day 90 per cent of the bartenders do not drink any kind of intoxicating liquor. I may have that percentage too large, but it is very large. The proprietors or the owners of the saloons are generally the brewers or the distillers. The man who takes out the license is ordinarily a stool pigeon who is going to appear to run the saloon. He will be a well-behaved citizen. Perhaps the management of the distillery or of the brewery will consist of well-behaved men who sit in national conventions or conventions of less note. The man who misbehaves in the barroom is the drunkard. Nine times out of ten men who do not drink do not go there. So they can not be charged with it. The proprietors can not be charged with it. The owners of the buildings, perhaps, in many cases do not even know that their building is being used for such a purpose.

You are trying to prevent the evil of disorders that arise out of the barroom. It either walks out in the individual or is carried out in the bottle or a bucket. Now, let us strike at those people and make them behave themselves. Remember we are not dealing with an enemy; we are dealing with our own members of the community. It would seem from some of the suggestions contained in this bill that Congress was sitting here to deal with an enemy of the country and with a person who had no rights. No men are drunk all the time. I will undertake to say that a census will show that there are more sober fools than drunken fools in the United States. There are more men incapable of managing their own affairs or the affairs of others who do not drink at all than there are among those who drink. I have just been doing some thinking about it. I would not vote for a man because he either did or did not drink liquor. I want some other investigation or basis upon which to support him. I want to know whether he is honest and capable to perform the duties to which he is selected, and I will base my judgment upon that.

All temperance men are not lacking in competency or manly qualities any more than are all drinking men. The average will run about the same. Point out a candidate and say, "There is a man who never took a drink in his life," and he plumes himself upon it, as though it were something that would settle all questions in regard to his capacity and fitness. When you come to find out, by talking to him, he has not sense enough to get across the street. [Laughter.] You say of another man, "Here is a man, a candidate for office, he drinks sometimes." The question is, Does he drink more than he should drink, or does he drink at the wrong time? If he does not, and is a competent man, yes, I will support him, and I will support him against a sober fool any time. [Laughter.]

I merely wanted to give out these few words in regard to this question in order that we might not be carried off our feet.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT pro tempore. The bill having been read three times, the question is, Shall it pass?

Mr. HEYBURN. I ask for a division.

The question being put, there were on a division—ayes 27, noes 1.

Mr. BACON. Mr. President, for the purpose of avoiding the point of order which I should otherwise make upon that being less than a quorum vote, I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I am paired with the junior Senator from New York [Mr. O'GORMAN] for the remainder of this week. I will let this announcement stand for the day.

Mr. BACON (when Mr. BRYAN'S name was called). I have been requested by the Senator from Florida [Mr. BRYAN] to announce that he is absent from the Chamber on the business of the Senate.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator, I withhold my vote. I desire this announcement to stand for the remainder of the day.

Mr. CURTIS (when his name was called). I am paired with the senior Senator from Virginia [Mr. MARTIN]. Were he present I should vote "yea."

The PRESIDENT pro tempore (when Mr. GALLINGER'S name was called). The Chair will state that he is paired with the Senator from Arkansas [Mr. DAVIS], but will transfer that pair to the junior Senator from Massachusetts [Mr. CRANE], and vote. The Chair votes "yea."

Mr. HEYBURN (when his name was called). I am paired with the senior Senator from Alabama [Mr. BANKHEAD]. He is absent, and I therefore withhold my vote.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. As he is not present, I withhold my vote.

Mr. GORE (when Mr. OWEN'S name was called). My colleague [Mr. OWEN] is paired with the senior Senator from South Dakota [Mr. GAMBLE].

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM], who is necessarily absent from the Chamber. I therefore withhold my vote.

Mr. JONES (when Mr. POINDEXTER'S name was called). My colleague [Mr. POINDEXTER] is necessarily absent. I am satisfied, if he were present, he would vote "yea."

Mr. REED (when his name was called). I regard myself as bound by my pair with the senior Senator from Michigan [Mr. SMITH], and therefore withhold my vote.

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. If he were present and I were at liberty to vote, I should vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND'S name was called). My colleague [Mr. SUTHERLAND] is detained from the Senate. He has a pair with the Senator from Maryland [Mr. RAYNER].

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I assume that if he were present he would vote "yea," and therefore I vote "yea."

Mr. CHILTON (when Mr. WATSON'S name was called). My colleague [Mr. WATSON] is necessarily detained from the Senate. He has a pair with the Senator from New Jersey [Mr. BRIGGS].

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I inquire if the Senator from Arkansas [Mr. CLARKE] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. WILLIAMS. Then I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Arkansas [Mr. CLARKE], and vote. I vote "yea."

The roll call was concluded.

Mr. CURTIS. I have announced my pair with the senior Senator from Virginia [Mr. MARTIN]. I transfer that pair to the junior Senator from Washington [Mr. POINDEXTER], and vote. I vote "yea."

I am authorized to announce that the Senator from Maryland [Mr. SMITH] is paired with the Senator from New Hampshire [Mr. BURNHAM].

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS], and vote. I vote "yea."

Mr. FOSTER. I wish to inquire if the junior Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. FOSTER. I have a general pair with that Senator. If I were at liberty to vote, I should vote "yea."

Mr. SWANSON. I inquire if the junior Senator from Nevada [Mr. NIXON] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. SWANSON. I have a general pair with the junior Senator from Nevada, and therefore withhold my vote. If he were present, I would vote "yea."

Mr. CHILTON. The senior Senator from Florida [Mr. FLETCHER] asked me to announce that he is necessarily absent from the sessions of the Senate on an investigating committee. He is paired with the Senator from Ohio [Mr. BURTON].

Mr. HEYBURN. Mr. President, I have announced my pair with the Senator from Alabama [Mr. BANKHEAD]. I do not know how he would vote were he present. Were I at liberty to vote at all in this matter, I should vote "yea."

The result was announced—yeas 39, nays 2, as follows:

YEAS—39.

Ashurst	Dillingham	McCumber	Smith, Ariz.
Bacon	Fall	McLean	Smith, Ga.
Bristow	Gallinger	Myers	Smoot
Brown	Gore	Overman	Thornton
Catron	Gronna	Page	Tillman
Chamberlain	Johnson, Me.	Perkins	Townsend
Clapp	Johnston, Ala.	Pomerene	Wetmore
Cullom	Jones	Sanders	Williams
Cummins	Kern	Shively	Works
Curtis	Lodge	Simmons	

NAYS—2.

Chilton	Martine, N. J.

NOT VOTING—54.

Bailey	Culberson	Lippitt	Reed
Bankhead	Davis	Lorimer	Richardson
Borah	Dixon	Martin, Va.	Root
Bourne	du Pont	Nelson	Smith, Md.
Bradley	Fletcher	Newlands	Smith, Mich.
Brandegee	Foster	Nixon	Smith, S. C.
Briggs	Gamble	O'Gorman	Stephenson
Bryan	Gardner	Oliver	Stone
Burnham	Guggenheim	Owen	Sutherland
Burton	Heyburn	Paynter	Swanson
Clark, Wyo.	Hitchcock	Penrose	Warren
Clarke, Ark.	Kenyon	Percy	Watson
Crane	La Follette	Poindexter	
Crawford	Lea	Rayner	

The PRESIDENT pro tempore. On the passage of the bill, less than a quorum of the Senate has voted.

Mr. SMOOT. I ask that the names of the absentees be called.

The PRESIDENT pro tempore. The roll will first have to be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lodge	Shively
Bacon	Curtis	McCumber	Simmons
Brandegee	Dillingham	McLean	Smith, Ariz.
Bristow	Fall	Martine, N. J.	Smith, Ga.
Brown	Foster	Myers	Smoot
Burnham	Gallinger	Overman	Stephenson
Catron	Gore	Page	Thornton
Chamberlain	Gronna	Paynter	Tillman
Chilton	Heyburn	Pomerene	Townsend
Clapp	Johnston, Ala.	Reed	Wetmore
Clark, Wyo.	Jones	Richardson	Williams
Cullom	Kern	Sanders	Works

Mr. OVERMAN. I desire to announce that the Senator from California [Mr. PERKINS] is absent on business of the Senate.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

Mr. BACON. Mr. President, a quorum of the Senate being present, I ask that the order for the yeas and nays be vacated, and that the vote be taken by sound.

The PRESIDENT pro tempore. Without objection, the order for the yeas and nays will be vacated. The question is on the passage of the bill. [Putting the question.] The ayes have it and the bill is passed.

On motion of Mr. JONES, the title was amended so as to read: "A bill to regulate the traffic in intoxicating liquors in the District of Columbia."

PRESIDENTIAL PRIMARIES IN THE DISTRICT OF COLUMBIA.

Mr. BRISTOW. I move that the Senate proceed to the consideration of Senate bill 2234.

Mr. HEYBURN. I did not hear the announcement of the result of the vote on the liquor bill.

The PRESIDENT pro tempore. The Chair announced that the bill had passed.

Mr. HEYBURN. A parliamentary inquiry. While I do not oppose the result, is such a thing known to parliamentary law as a "vote by sound"?

Mr. BACON. Of course. It is done all the time. Nine-tenths of all bills are passed in that way.

Mr. HEYBURN. I was, rather, asking about the law.

Mr. BACON. About what?

Mr. HEYBURN. Whether there was such a thing known.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from Kansas that the Senate proceed to the consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Kansas. [Putting the question.] By the sound the "ayes" appear to have it.

Mr. SMOOT. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I transfer my pair with the senior Senator from Virginia [Mr. MARTIN] to the junior Senator from Washington [Mr. POINDEXTER] and will vote. I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS], who is absent from the Senate attending the sessions of an investigating committee. I therefore withhold my vote.

Mr. RICHARDSON (when his name was called). I am paired with the junior Senator from South Carolina [Mr. SMITH]. I transfer that pair to the senior Senator from New York [Mr. ROOT] and will vote. I vote "nay."

Mr. WORKS (when his name was called). I desire to announce that my colleague [Mr. PERKINS] is absent from the Senate on the business of the Senate. I vote "yea."

The roll call was concluded.

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. BRANDEGEE (after having voted in the negative). I inquire if the junior Senator from New York [Mr. O'GORMAN] has voted?

The PRESIDENT pro tempore. The Chair is informed the Senator from New York has not voted.

Mr. BRANDEGEE. I announced on the last yea-and-nay vote that I was paired with that Senator. I therefore withdraw my vote.

Mr. DILLINGHAM (after having voted in the negative). I observe that the senior Senator from South Carolina [Mr. TILLMAN] has not voted. I have been informed, however, by the Senator from South Carolina that if he were present he would vote "nay," so I will allow my vote to stand.

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS], and will allow my vote to stand.

Mr. REED. I regard myself as paired with the senior Senator from Michigan [Mr. SMITH]. I transfer that pair to the junior Senator from Florida [Mr. BRYAN], and will vote. I vote "yea."

Mr. CHILTON. I desire to make the same announcement as on the previous yea-and-nay vote, that the senior Senator from West Virginia [Mr. WATSON] is paired with the senior Senator from New Jersey [Mr. BRIGGS].

I desire also to announce that the senior Senator from Florida [Mr. FLETCHER], who is detained from the Senate upon the investigating committee of the Senate, is paired with the senior Senator from Ohio [Mr. BURTON]. I desire to let this announcement stand for the day.

Mr. FOSTER. Upon this vote I have been released by my pair, and I vote "nay."

The result was announced—yeas 23, nays 18, as follows:

YEAS—23.

Ashurst	Cummins	McLean	Smith, Ariz.
Bristow	Curtis	Martine, N. J.	Thornton
Brown	Gore	Myers	Townsend
Chamberlain	Gronna	Pomerene	Williams
Chilton	Jones	Reed	Works
Clapp	Kern	Shively	

NAYS—18.

Bacon	Foster	Page	Smith, Ga.
Catron	Gallinger	Paynter	Smoot
Cullom	Heyburn	Richardson	Wetmore
Dillingham	Johnston, Ala.	Sanders	
Fall	Lodge	Simmons	

NOT VOTING—54.

Bailey	Culberson	Lorimer	Rayner
Bankhead	Davis	McCumber	Root
Borah	Dixon	Martin, Va.	Smith, Md.
Bourne	du Pont	Nelson	Smith, Mich.
Bradley	Fletcher	Newlands	Smith, S. C.
Brandegee	Gamble	Nixon	Stephenson
Briggs	Gardner	O'Gorman	Stone
Bryan	Guggenheim	Oliver	Sutherland
Burnham	Hitchcock	Overman	Swanson
Burton	Johnson, Me.	Owen	Tillman
Clark, Wyo.	Kenyon	Penrose	Warren
Clarke, Ark.	La Follette	Percy	Watson
Crane	Lea	Perkins	
Crawford	Lippitt	Poindexter	

The PRESIDENT pro tempore. Less than a quorum has voted.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 55 minutes p. m.) the Senate adjourned until Monday, April 29, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 26, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit, Father of all souls, for the dignity of life, the possibilities which Thou hast placed within the reach of man. "Thou hast made him a little lower than the angels and hast crowned him with glory and honor. Thou madest him to have dominion over the works of Thy hands; Thou hast put all things under his feet." Help us to appreciate the dignity and the trust Thou hast reposed in us by developing day by day every faculty of the mind and every power of the soul, until we shall have reached that perfection illustrated in the life and character of Jesus Christ, our Lord and Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

UNITED STATES STEEL CORPORATION.

Mr. STANLEY. Mr. Speaker, the country has been edified and electrified lately by revelations as to what has occurred at Washington in certain departments with reference to inquiries into various trusts and combinations. This is news to the country. It has no novelty for gentlemen who have been for some time investigating the affairs of the United States Steel Corporation.

I wish to incorporate in the RECORD a few excerpts from the minutes of the United States Steel Corporation showing what was going on at the other end of the line. For instance, when resolutions were first introduced several years ago directing the Commissioner of Corporations to look into the affairs of the Harvester Trust and of the Steel Trust, the Bureau of Corporations immediately consulted the United States Steel Corporation itself with reference to these proceedings, assuring this concern that the bureau would not "run amuck," although it might be necessary to make some inquiries about the conduct of its business.

The SPEAKER. Will the gentleman state the documents he wants to incorporate into the RECORD?

Mr. STANLEY. I wish to incorporate a few remarks containing excerpts from the minutes of the Carnegie Co. and the executive committee of the United States Steel Corporation.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to incorporate in the RECORD certain excerpts from the minutes of the United States Steel Corporation.

Mr. MANN. How long are they?

Mr. STANLEY. There are only two or three pages of it.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none.

Mr. STANLEY. Mr. Speaker, I ask unanimous consent for three minutes to explain these excerpts.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. STANLEY. For instance, Mr. Speaker, way back in 1906 Members of the House and Senators were filing resolutions asking the Commissioner of Corporations to investigate this concern.

Judge Gary, in a statement to H. H. Rogers, J. D. Rockefeller, jr., George W. Perkins, and others, said:

> At the last session of Congress a resolution was passed by both Houses asking the commissioner to investigate the United States Steel Corporation. The commissioner did not pay any attention to that resolution, but soon after Congress adjourned he appeared at this office and stated that he believed that it was his duty to know the general purposes in detail of our business, about our corporation, its capital stock, its liabilities, its assets, the amount of its business, the costs of production, and its methods generally. After considering the question very carefully our finance committee seemed to think it was good policy, and perhaps advisable, to aid the commissioner in making his investigation; and the investigation has been going on more or less since that time. As stated, however, by the deputy commissioner, we decided to furnish the information that was requested at our own expense and by our own labor. The questions which have been asked are very numerous, very searching, and very comprehensive, and we have undertaken to answer those questions in detail. They involve a great deal of labor on the part of our officials, and of the subsidiary companies particularly—so much so that with respect to many subjects the representatives of the department have said that they would not have the time to go over it if we went further in detail or covered a longer period.
>
> I am making this explanation because you are interested in it and because you may be more or less disturbed without reason. The finance committee has been in close touch with the matter all the time. We have been in frequent and almost constant communication with Commissioner Garfield, and more or less with the President himself, concerning these matters.

I shall incorporate a statement from the minutes in which the commissioner of sales, the man who represented the corporation in pooling its agreements, who then could have been imprisoned if the law had been enforced, said that they were not concerned about the investigation of the United States Steel Corporation so long as it was not conducted by Democrats. [Applause on the Democratic side.]

Mr. JACKSON. Will the gentleman yield?

Mr. STANLEY. Certainly.

Mr. JACKSON. Can the gentleman give the House any information why it is that the resolution introduced in the House last summer to investigate the Harvester Trust has not yet been reported?

Mr. STANLEY. I will say to the gentleman that in 1906 the Department of Justice sent Mr. Burdette D. Townsend, employing him to make an investigation into the affairs of the Harvester Trust. Senator KENYON, of the committee investigating the United States Steel Corporation, said that this investigation was most thorough. That report was filed in the Department of Justice, stating that the Harvester Trust was a combination in restraint of trade; that the Morgan interests controlled it; that they had received seven or eight million dollars for forming it; that they were selling harvesters abroad cheaper than they were at home; that they had a secret and illegal agreement with the United States Steel Corporation by which the corporation furnished them steel at $3 a ton less than others; that it was destroying the agricultural interests of the country, both in excessive charge to the farmers and to the smaller industries that were making wagons and other things of that kind over the country which were being throttled by the combination between the Steel Corporation and the Harvester Trust.

The minutes of the Steel Corporation contain minute accounts in which they more or less jeer at this idea of the agricultural people who were trying to get the Steel Corporation to fight the Harvester Trust.

Mr. JACKSON. The gentleman does not quite understand my question. There was a resolution introduced into the House by my friend and colleague from Nebraska last summer during the special session asking for an investigation of the Harvester Trust. According to the statement of the gentleman from Kentucky, all these facts were of record. Why is it that that resolution is still in the hands of some committee of this House and not reported?

Mr. STANLEY. A resolution of that kind was considered by the Rules Committee. A gentleman came before the committee of which I am chairman and asked us to investigate it. The Rules Committee were of the opinion that this committee having investigated the Steel Corporation—and I believe they have done it thoroughly and that no man will charge them with having done it with an idea of whitewashing anybody—that this committee would be in a better position when it concluded its investigation to take up the harvester matter, since it is so directly related to it.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. JACKSON. Mr. Speaker, I ask that the gentleman from Kentucky be given five minutes more in which to answer this question.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the time of the gentleman from Kentucky be extended five minutes. Is there objection?

There was no objection.

Mr. STANLEY. More than that, we have been assured by the Department of Justice that this suppressed Townsend report that was in cold storage during most of President Roosevelt's administration is now being thoroughly examined and that the Harvester Trust would be proceeded against immediately if it does not dissolve itself, Mr. Perkins and others having gone before the Department of Justice and offered to dissolve. I understand—and this is mere hearsay with me, though I think I am fairly accurate—that the propositions of dissolution so far made by the Department of Justice have not been accepted by Mr. Perkins and his allies, and that suit will immediately be brought to dissolve the Harvester Trust. If that suit is brought and vigorously prosecuted, it may obviate the necessity of an investigation.

Mr. JACKSON. Is not that just what the gentleman now is seeking to condemn some past administration for—under advice or by consent, on information furnished by Mr. Perkins—waiting until some other department of the Government shall conclude an investigation?

Mr. STANLEY. No. If the Department of Justice says to the Harvester Trust or the Steel Corporation or any other concern, "You have violated the law and we are going to pro-

ceed against you," and they come openly into court and say, "Show us wherein we have violated the law, tell us what you want us to do, write your decree, and we will obey it"—if that course is pursued, then there will be no necessity for a congressional investigation.

I have not heard lately of the Commissioner of Corporations writing any "personal" letters advising anybody, confidentially, of how good he thought the Morgan interests were or how nice and innocent he thought the Harvester Trust was.

Mr. JACKSON. If the gentleman would be entirely frank about it, he would also say that he has not heard of anybody else making any secret trip.

Mr. STANLEY. That practice was discontinued with the last Congress, I hope. I do not know of any late "confidential" communications.

Mr. JACKSON. And, judging from the actions of this House, adopted by the Democratic side, it has not gone out, because I have seen here week after week, month after month, the general counsel of the Harvester Co. waiting around this House to see what would be the outcome of the resolution which has been introduced here to investigate the Harvester Trust. As yet the gentleman's committee has the resolution in its bowels.

Mr. STANLEY. The head of the Harvester Trust appeared before a committee formed by a Democratic House, and he came within an ace of going to jail.

Mr. JACKSON. But he did not go, did he?

Mr. STANLEY. No; he, I regret to say, is still at large. I will say this: That the conduct of a Democratic House in the investigation, both in its treatment of the Harvester Trust and its investigation of the Steel Corporation, has been such that no man who knows the facts can condemn it. More than that, it was due to a Democratic House, it was due to a Democratic committee, that these secret collusions between the Bureau of Commerce and Labor, the executive department, and the Harvester Trust were brought to light; and had it not been for a Democratic House, had it not been for a Democratic committee, this comprehensive report of Mr. Burdette T. Townsend, an able lawyer, coldly and deliberately made, with the exactness and detail of an indictment, showing the sins of the Harvester Trust, would never have come to light. [Applause on the Democratic side.]

This collusion between the Chief Executive, the Bureau of Corporations, and the "Morgan interests" is ancient history to the committee investigating the affairs of the United States Steel Corporation. On page 4078 of Mr. MacRae's report is an extract from the minutes of the Carnegie Co. which shows the perfect unconcern with which the Steel Corporation regarded all investigations by the Government so long as they were not conducted by "Democrats." Mr. H. P. Bope, first vice president and general manager of sales for the Carnegie Co., on June 11, 1906, delivered himself as follows:

A number of other very important matters came up during the week, which developed later, so there does not seem to be a great deal of lack of confidence in the future among the buyers. They seem to feel that things will come out all right in the end, and with the adjournment of Congress I believe business will go right along. These investigations have naturally caused a little doubt in the minds of men as to just what is going to happen. We are going into a new era, and, like every case of that sort where men can not see what is ahead of them, they hesitate a little. The same conditions prevailed six or seven years ago when the large combinations of capital began to be formed, which marked a new era in the industrial world. These things were a benefit at the time, and are a benefit to-day, yet on account of the abuses which some of them have undoubtedly been guilty of we will have to figure that there will have to be some sort of control or regulations, and we will have to take it and make the best of it, and I do not know but what it will be better to have these things done by Republicans than by Democrats. A great many people fear this agitation may cause the election of a Democratic Congress this fall, and I believe legislation of this kind would have a worse effect upon business if enacted by a Democratic than by a Republican Congress. I wanted to mention these things because they are actually occurring and are having some effect upon commercial conditions.

W. C. Temple, the commissioner who had charge of the secret contracts which the makers afterwards attempted to destroy, says of this same H. P. Bope, in response to the question:

Q. Who represented the Carnegie Co.?—A. Sometimes Mr. Schwab before the Steel Corporation was formed; after the formation of the Steel Corporation usually Mr. H. P. Bope, their general sales manager.

In 1906 these pooling agreements were in full force and effect, and had the law been then enforced Mr. Bope would probably have found considerable difficulty with the criminal provisions of the Sherman law. He had good reasons to hope that his activities would not be investigated by Democrats.

The letter of Herbert Knox Smith intended to come "only under your (Roosevelt's) personal observation" contained no warning of the unwisdom of "throwing away now the great influence of the so-called Morgan interests." The Steel Corporation had been assured, long prior to this time, that the administration—to use Mr. Smith's words—regarded "the Sherman law, as interpreted by the Supreme Court, as an economic absurdity."

The corporation knew that, as Mr. Smith says, the President had long since learned to distinguish between good and bad trusts, and that to be good it was only necessary to "try to be good and try to keep solid with the administration" and that the bad trusts were those whom Mr. Smith calls "the other people who had not followed such a policy."

The committee investigating the Steel Corporation have known for many months that the Steel Corporation understood that an investigation of its intimate ally—the Harvester Co.—would necessitate an exposure of their methods, and that if the President wished to protect the Steel Corporation he must necessarily keep his hands off of the Harvester Trust, or, as Mr. Smith says in his letter to the President, "the far-reaching Morgan interests," including the United States Steel Corporation, had adopted a similar policy. The Steel Corporation knew long before Mr. Smith wrote to the President with what freezing horror he contemplated the enforcement of the law as interpreted by that "utterer of economic absurdities"—the Supreme Court of the United States—and not by that wiser and more advanced and progressive tribunal, the commissioner himself, the President, and last, but not least, Mr. George W. Perkins.

The Supreme Court—

Mr. Smith admonishes the President—

applies to a combination in restraint of trade whether that restraint be reasonable or unreasonable regardless of the nature or the effects thereof. Should the Sherman law be practically possible, it would not only put out of existence every freight traffic association in the country and produce absolute chaos in railroad affairs, but would be as destructive against substantially every company holding a majority of the stock of any corporation engaged in interstate commerce, such as the United States Steel Corporation.

The Steel Corporation treated this proposed investigation of the Harvester Trust as if it were an investigation of their own affairs and reposed in absolute confidence that Mr. Perkins and other friends at court would protect their interests, although they admitted that they were dangerously near the line between "propriety and impropriety." This letter of Mr. Smith was written September 21, 1907.

The minutes of the finance committee of the United States Steel Corporation contain a communication from Judge Gary made more than a year prior to this time. This statement was made to Henry C. Frick, H. H. Rogers, Morrison, George W. Perkins, Converse, Galey, Corey, Baker, Nathaniel Thayer, Griscom, and John D. Rockefeller, jr., and is as follows:

You also perhaps saw a statement in the newspapers this morning that the Government was making investigations of the United States Steel Corporation and that Mr. Smith, one of the deputies in the commissioner's department, had testified before the committee to that effect. I have no doubt the deputy did make the statements which were published. At the last session of Congress a resolution was passed by both Houses asking the commissioner to investigate the United States Steel Corporation. The commissioner did not pay any attention to that resolution, but soon after Congress adjourned he appeared at this office and stated that he believed it was his duty to know the general purposes in detail of our business, about our corporation, its capital stock, its liabilities, its assets, the amount of its business, the costs of production, and its methods generally. After considering the question very carefully, our finance committee seemed to think it was good policy and, perhaps, advisable to aid the commissioner in making his investigation, and the investigation has been going on more or less since that time. As stated, however, by the deputy commissioner, we decided to furnish the information that was requested at our own expense and by our own labor. The questions which have been asked are very numerous, very searching, and very comprehensive, and we have undertaken to answer these questions in detail. They involve a great deal of labor on the part of our officials, and of the subsidiary companies particularly, so much so that, with respect to many subjects, the representatives of the department have said that they would not have the time to go over it if we went further into detail, or covered a longer period.

I am making this explanation because you are interested in it and because you may be more or less disturbed without reason. The finance committee has been in close touch with the matter all the time. We have been in frequent and almost constant communication with Commissioner Garfield, and more or less with the President himself, concerning these matters. Up to date they have made no complaint of us whatever, but we do not know any better than you do what may be the future. We are trying to be frank and accommodating to the department, and we suppose we have an understanding that we will not be unnecessarily injured and that we will not be wrongfully charged without having an opportunity to show the fact. We have seen nothing to show us that we need anticipate any trouble. Quite likely in some respects we may be traveling very near the line between propriety and impropriety.

The report which thoroughly advised the President and the Department of Justice in detail and at length of the violations of law committed by the Harvester Trust was not the report of Mr. Smith, but the report of Burdette D. Townsend, which Attorney General Wickersham admitted before the committee on July 26, 1911, had been filed in the office of the Attorney General four or five years previously.

This report, made by a trusted official of the Department of Justice especially detailed to that particular duty, charged, among other things:

Its (the Harvester Trust's) business has since been increased until to-day it controls about 90 per cent of the total business, and thus a single institution has acquired a substantial monopoly of this branch of commerce. * * *

* * * George W. Perkins conducted the negotiations and devised and executed the plan finally agreed upon. * * *

Discussing its method of organization, Mr. Townsend says:

(5) It was the practicable way in which a trust or combination could be formed. All the features of the transaction are consistent with a purpose to form a monopoly and are not consistent with any other business reason. Everything necessary to form a monopoly was done and nothing more. A monopoly is the only specific result of the transaction. It must have been its purpose. If these parties had intended to form a monopoly, could they have done so more effectively?

* * * * * * *

(6) The price paid J. Pierpont Morgan & Co. indicates the nature of the transaction. Five million dollars is a very high price for the simple service of suggesting to people how they can agree in a legitimate transaction. It is not usual in illegal transactions, such as creating a trust, which can evade the laws. Doubtless if proceedings are instituted against the International Harvester Co. the manner of its defense will demonstrate that the fee was earned.

(7) Another feature is interesting, if not important. The Rockefellers and McCormicks own a majority of the capital stock; Cyrus J. McCormick and George W. Perkins can so terminate the voting trust agreement, whereupon the Rockefeller-McCormick control can be exercised. This is not pure accident. The circumstances of the entire transaction clearly indicate secret negotiations between the McCormicks and J. Pierpont Morgan & Co. prior to the general negotiations. Some one inspired the acquisition of the option of the Milwaukee stock. Added to the McCormick property control of the consolidated company was made easy.

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That the International Harvester Co. secures rebates from railroad companies, I am assured. And I believe the evidence can be procured to prove it.

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I was surprised to learn while investigating this subject that the Steel Trust refunds to harvester companies $3 per ton for all steel used in the manufacture of machinery exported, thus giving the same result as if the steel had been imported, the import duty paid, and afterwards refunded under the draw-back law, indicating that steel can be profitably produced in this country and sold at the foreign price. This justifies a small difference between the domestic and foreign prices, but it would amount to only a few cents for each machine and in no way explains the difference indicated above.

* * * * * * *

The International Harvester Co. sells to the foreign trade at a cheaper price than to the domestic trade. It sells machines of all kinds for export, delivered at New York, at the same price for which they are sold to domestic purchasers f. o. b. Chicago. This makes a difference of from $6 to $10 per machine. Domestic and foreign prices to the farmer on 6-foot binders in the United States, $125; Great Britain, $135; France, $173; Germany, $203; Denmark, $167; Sweden, $160; South Russia, $168; North Russia, $180.

* * * * * * *

After all, the most effective weapons employed by the Harvester Trust are of the invisible kind. It is directly allied with that group of Standard Oil financial and commercial aggregations commonly called the Steel Trust, the Coal Trust, the Railroad Trusts, the Banking Trust, etc. The advantages conferred by these subtle influences can hardly be detected; they certainly can not be overcome. Rebates, prices of raw material, the extension or refusal of banking credit, can all be manipulated with a discriminating favor which is murderous to the competitors of the International Harvester Co.

After the committee investigating the affairs of the United States Steel Corporation ascertained that this report, containing the complete conclusive proof of the violation of the Sherman Antitrust Act by the Harvester Co. had been kept in cold storage since 1906, it was no news to them to ascertain at this late date that Roosevelt, Smith, Perkins, and Morgan were all of the opinion that this "Good Trust" which did not rob anybody but the farmers anyway, who had no far-reaching influence, and who did not understand just how to "be good and keep solid with the administration." Why, of course, neither Roosevelt nor Smith were going to uselessly subject this friendly concern to the caprice of that menace to even good trusts, the law of the land, as interpreted by that utterer of "economic absurdities" the Supreme Court of the United States. Especially since we have not yet established the policy of recalling the decisions of that august body who unfortunately seem to be in such bad order just at present with Roosevelt, Smith, Perkins, and many others who have enjoyed the especial favor of "far-reaching financial concerns."

PENSIONS.

The SPEAKER. This is pension day under the rule.

Mr. RUSSELL. Mr. Speaker, I call up the bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of the Civil War, and ask unanimous consent to consider the bill in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Missouri asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. Members will bear in mind when this bill is read in the House that, section by section, it is open to amendment.

Mr. MARTIN of Colorado. May I ask a question? Will that be the case with all of these bills?

The SPEAKER. It will be the case with all that are considered in the House as in Committee of the Whole.

Mr. MARTIN of Colorado. But if there are any considered under suspension of the rules——

The SPEAKER. Of course, another rule applies then, and each side will have 20 minutes, and they will have to have in the bill what they desire in it before they begin.

The Clerk read as follows:

A bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Michael Carew, late seaman, U. S. S. Great Western and Essex, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry W. Baker, late of Company F, Eleventh Regiment, and Company K, Tenth Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of General L. Rackley, late of Company D, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Roxanna N. Wilford, helpless and dependent daughter of John B. Wilford, late of Company E, Third Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Morgan C. Hackworth, late of Company H, First Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David U. Weagly, late of Company E, Tenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Ficklin, late of Company D, Second Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Conner, late of Company K, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles C. Warner, late of Company H, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Moyer, late of unassigned Pennsylvania Volunteers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Elwood Mason, late of Company B, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander H. Mills, late of Company D, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse D. Bradley, late of Company F, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph Osburn, late of Company H, One hundred and eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sylvester Johnson, late of Company F, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Alibery, late of Company F, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Strain, late of Company D, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mathew K. Amyx, late of Company A, Thirty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac A. Hall, late of Company D, Ninety-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Rutter, late of Company C, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Moore, late of Company I, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William R. Bolding, late of Company F, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jasper S. Streeter, late of First Independent Company Sharpshooters, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Smith, late of Company G, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Babb, late of Company C, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph H. Phifer, late of Company J, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jonathan C. Huffman, alias John H. Taylor, late of Company E, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William R. Pierce, late of Company G, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel C. Myers, late of Company A, Seventh Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Gelston, late boatswain, U. S. S. Pittsburg, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis Brown, late of Company D, Twelfth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eugene Davenport, late of Company E, One hundred and fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reuben Cornett, late of Companies I and B, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wesley B. Hedding, late of Companies H and A, Eighty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel H. Humbard, late of Company F, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Twichell, late of Company B, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Selon H. Case, late of Company A, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James P. Hayman, late of Company C, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph R. Junkin, late of Company K, Third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elias McQuay, late of Company G, Forty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Adams, late of Company C, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard Holt, late of Company D, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Middaugh, late of Company H, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Staley, late of Company F, Fourth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lewis Snyder, late of Company E, Eightieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Catt, late of Company B, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Margaret J. Lawton, widow of William O. Lawton, late of Company G, Seventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Albert Ferren, late of Company F, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel E. Pearl, late of Company G, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Darwin H. Hamilton, late of Company F, Eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Addison W. Wilson, late of Company K, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James N. Burket, late of Company F, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Kingsiver, late of Company G, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Robinson, former widow of Richard Robinson, late of Company A, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William Annis, late of Company C, Second Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles W. Calloway, late of Company C, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Gideon Morisette, late of Company C, First Battalion, Eleventh Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph T. Roller, late of Company D, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Moran, late of Company F, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benjamin Zellner, late of Company G, One hundred and sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jacob R. Stover, late of Company D, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Clay H. Deckert, late of Company B, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph F. Nurrenbrock, late of Company B, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John T. Waxler, late of Company D, Fourth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Daniel Higdon, late of Company G, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Franklin C. Bartlett, late of Company B, Sixty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William F. Rosser, late of Company E, Tenth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Skinner, late of Company E, One hundred and twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Philipp Ebel, late of Company E, Eighty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Clark Bullock, late of Company B, Forty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John S. C. Kifer, late of Company G, Twenty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Fleegle, late of Company B, Fifth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis Weatherhead, late of Companies K and C, Second Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wilson Abbott, late of Company A, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Pattison, late of Company C, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Richard Sands, late of Company I, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Clifton Brockman, late of Company B, Forty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen A. Turner, late of Company L, Third Regiment Wisconsin Volunteer Cavalry, and Company E, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse Ireland, late of Company B, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Murphy, late of Company G, Twenty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert H. Belfield, late of Company D, Tenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ann Moffitt, former widow of James Moffitt, late of Company L, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elijah Mason, late of Company D, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William G. Miller, late of Company C, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Martha A. Culbertson, widow of Joseph A. Culbertson, late of Company A, Sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Daniel Mason, late of Company G, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The name of Henry C. Hatcher, late of Company K, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John T. Flowers, late of Company D, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John W. Taylor, late of Company I, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James B. Gordon, late of Company K, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joshua W. Cole, late of Company G, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Nuss, late of Company F, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Thompson, late of Company D, Forty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary F. McDonnell, widow of John McDonnell, late of Company B, Third Battalion, Fifteenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ellen P. Abbott, widow of James N. Abbott, late of Company I, Eleventh Regiment Vermont Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Decatur Smith, late hospital steward, Sixth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Worley, late of Company A, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin Sweigart, late of Company K, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph McGaughey, late of Company I, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Mange, late first-class seaman, U. S. S. North Carolina, Sunflower, and Ino, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Philip R. Lenig, late of Company A, One hundred and seventy-second Regiment Pennsylvania Drafted Militia Infantry, and

pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William F. Hill, late of Company B, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Le Roy A. Crane, late of Company H, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alexander Shaney, late of Companies A and E, First Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George B. Miller, late of Company H, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of David F. Fisher, late of Company H, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John T. Leach, late of Company L, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Phebe A. Carter, widow of George H. Carter, late of Company F, Forty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Rufus M. Davis, late of Company B, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Delia L. Swiggett, widow of John Swiggett, late of Company I, Seventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George W. Page, late of Company E, Twenty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franklin Woodard, late of Company E, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Peter Henry, late of Company G, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Otis Dickinson, late of Company E, Forty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Franklin Prentice, late of Company M, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James M. Graham, late of Company C, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Emile Johnson, late of Company K, Fourteenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry C. Stuart, late of First Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph P. Foss, late of Company A, Seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benjamin G. Decker, late of Company A, First Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Hill, late of Company K, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Andrew Stewart, late of Company E, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas S. Vale, late of unassigned Eighty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of George W. Mogie, late of Company B, Thirtieth Regiment Pennsylvania Militia Infantry, and Company M, One hundredth Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Sanders, late of Company D, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Watson, late of First Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josiah Ferguson, late of Company K, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James McPherson, late of Company C, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac H. Young, late of Company L, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis M. Canfield, late of Company D, Tenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles L. Stone, late of Company G, Thirty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Benjamin F. Hudson, late adjutant Forty-sixth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Napoleon Krokroskin, late of Company A, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henrietta Brown, widow of Frederick H. Brown, late seaman U. S. S. North Carolina, Sabine, and Clifton, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Benjamin F. Ryan, late of Company D, Tenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Greenbury Mudd, late of Company E, Forty-sixth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel D. Krebbs, late of Company C, Eighty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Neil, late of Company A, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John W. A. Gillespie, late of Company G, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sylvanus J. Haviland, late of Company F, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James Batchelor, late of Company C, Ninety-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jesse Everts, late of Second Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William H. Brown, late of Company G, Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lewis C. Lame, late of Company A, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cornelius Shields, late of Company I, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry Lavine, late of Company G, Twenty-third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Dayton, alias William H. Stewart, late ordinary seaman on U. S. S. North Carolina and Chippewa, United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benson Martin, late of Company K, One hundred and thirtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry Moody, late of Company B, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Madison B. Hayman, late of Company K, Sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David A. March, late of Company D, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Berthold Falkenhainer, late principal musician Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. McCay, late of Company F, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ralph C. Watson, late of Company F, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jackson Fairley, late of Company A, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas P. Landon, late of Company H, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adam Lindey, late of Company A, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John F. Woods, late of Company A, Second Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. Littel, late of Company D, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. Harris, late of Company G, Eighteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Ingles, late of Company I, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph L. Davidson, late first-class fireman U. S. S. Sonoma, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jennie F. Murray, widow of Robert B. Murray, late of Company C, One hundred and sixty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Christina Grether, widow of Charles Grether, late of Company F, Tenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George W. Keller, late of Company C, Twenty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George O. Ellis, late of Company I, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Charles M. Colby, late of Company E, First Regiment Maine Volunteer Sharpshooters, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William R. Chandler, late of Company B, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Poulsen, late of Company H, Twenty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Gideon Briggs, late of Company K, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Farmer Moore, late of Company E, Second Regiment Provisional Enrolled Missouri Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis M. Patrick, late of Companies I and B, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Rosetta M. J. Tischer, helpless and dependent daughter of Christian Tischer, late of unassigned Seventeenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William H. McDonald, late of Company C, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Burns, late of Company B, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Hugh Cox, late of Company K, Thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emma Wheeler, widow of Lewis E. Wheeler, late of Company M, Ninth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary A. Pratt, widow of Charles L. Pratt, late of Company D, First Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of David Casey, late of Company E, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of George A. Wheeler, late of Company G, Eighteenth Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles E. Curtis, late of Company I, Eighth Regiment New York State Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram Medley, late of Company I, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Keziah Davis, widow of William Davis, late of Company E, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James A. Brown, late of Company B, Eleventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Hardison, late of Company D, Seventeenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Williams, late of Company F, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Felix H. Hadsell, alias Frank H. Harrison, late of Company F, Third Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Clara S. Stout, widow of William H. Stout, late of Company D, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George B. Booth, late of Company F, Fourteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob M. Ettinger, late of Company A, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abraham Young, late of Company K, One hundred and forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Gardner, late of Company H, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert F. Baxter, late of Company G, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lorenzo C. Bitters, late of Company C, Twenty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Pettitt, late of Company E, Sixth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Quick, late of Company E, Fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benjamin F. Allen, late of Company E, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Friday, late of Company C, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Ely, jr., late of Company D, Forty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward P. Wilcox, late of Batteries B and A, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel A. Rothrock, late of Company K, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elbridge Miller, late of Company F, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Emma Nies, widow of Conrad Nies, late of Company I, Twentieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary Reinhart, widow of William Reinhart, late of Company K, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of William Flynn, late of Company H, Twenty-fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George B. Kruse, late of Company B, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John D. Fero, late of Company D, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oliver J. Walker, late of Company A, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi F. Hoyt, late of Company A, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Myers, late of Company K, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Seth Winslow, late of Company K, Sixty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James S. Henderson, late of Company A, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Rahn, late of Company I, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel W. White, late of Third Independent Battery Minnesota Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harvey J. Tiffany, late of Company D, One hundred and thirty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Cunnington, late of Company M, Eleventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Turpin, late of Company A, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel L. Johnson, late of Company D, Fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Howe, late of Company C, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Russell, late of Company B, One hundred and forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Johan Mohr, late of Company B, One hundred and seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Enoch E. Gilbert, late of Company C, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob F. Kutz, late of Company F, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Th name of John H. Hyden, late of Company F, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George C. Moose, late of Company I, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lee Heath, late of Company F, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Charles H. Austin, late of Company K, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Burquin, late of Company D, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dennis O'Neil, late of Company H, Thirteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Truman Parmelee, late of Companies M and D, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas Roach, late of Company F, Seventy-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George F. Terry, late of Company K, Thirteenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abraham Gohn, late of Company M, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James C. Roberson, late of Company K, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Evan J. Evans, late of Company M, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Moffatt, late of Company B, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Martha R. Slavens, widow of Daniel F. Slavens, late of Company G, Ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Joseph J. McGee, late of Company B, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Jeffrey, late of Company F, Thirty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Dye, late of Seventh Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Clark Gidley, late of Companies A and G, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Escue, late of Company M, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John T. Kirkland, late of Company M, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John P. Craig, late of Company E, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Kelly, late of Company E, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Vitruvius Tew, late of Company B, One hundred and eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry A. Folk, late of Company D, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Hastings, late of Company D, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jasper M. Hathaway, late of Company F, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William Banks, late of Company C, Forty-eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Yates, late of Company E, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Winfield T. Cox, late of Company B, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary A. Healey, widow of James B. Healey, late of Company F, One hundred and seventy-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Luke Deasy, late of Company F, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Andrew J. Goodfellow, late of Company A, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 dollars per month in lieu of that he is now receiving.

The name of Bartimeus Beardsley, late of Company L, Sixteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin B. Monroe, late of Company K, Second Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emily I. Boston, widow of Robert Boston, late of Company A, Fourth Regiment Pennsylvania Volunteer Cavalry, and Company A, Twenty-fourth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Levi S. Walker, late chaplain Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John J. Tucker, late of Company G, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George R. Bancom, late of Company F, Eleventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Bodine, late of Company H, Twenty-fourth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin J. A. Ross, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Calvin W. Edgar, late of Company F, Eightieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph Strevell, late of Company G, One hundred and seventy-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred Parvis, late of Company G, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lloyd S. Brooks, late of Company I, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William G. Birch, late of Company I, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Coulter, late of Company D, Twentieth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas A. Stocksiager, late of Company F, Thirteenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward N. Pomeroy, late of Company I, One hundred and fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Solomon Freeland, late of Company I, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harlow Reilly, late coal heaver, U. S. S. North Carolina, Huntington, and Hartford, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Holter, late of Company D, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Fred Myers, late of Company I, Nineteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William S. Donohue, late of Company H, One hundred and forty-ninth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Nicholas Roth, late of Company E, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Hogendobler, late of Hoffman's battalion, Ohio Volunteer Infantry, and Company K, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas O. Neal, late of Company F, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Landis Eicholtz, late of Company I, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, and Company B, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William M. Ivans, late of Company D, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Addison Waggaman, late of Company E, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert H. Cleaveland, late of Company A, One hundred and fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. H. Minturn, late of Companies C and G, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edward Pierce, jr., late of Company K, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Weaver, late of Company D, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Phebe Y. Polk, widow of Charles G. Polk, late assistant surgeon, Third and Thirty-fourth Regiments United States Colored Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Lewis B. Clark, late of Company H, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis Mann, late of Chicago Mercantile Battery Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jennie T. Vought, widow of Andrew V. Vought, late of Company A, Twenty-seventh Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George W. Maggi, late of Company D, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry B. Anderson, late of Company F, One hundred and twenty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George M. D. Bevins, late of Company E, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Salem Friend, late of Company I, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Marion Goodell, late of Company K, One hundred and eleventh Regiment Ohio Volunter Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry B. Mechling, alias C. Mechling, late of Company A, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Isaac Baker, alias Isaac Pummel, late of Company G, Thirty-ninth Regiment Ohio Volunteer Infantry, and yap him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Mitchell, late of Company H, One hunder and forty-eighth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Milford H. Donoho, late of Company F, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The above bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 83. Michael Carew.
H. R. 441. Henry W. Baker.
H. R. 480. General L. Rackley.
H. R. 698. Roxanna N. Wilford.
H. R. 980. Morgan C. Hackworth.
H. R. 1068. David U. Weagly.
H. R. 2023. William H. Ficklin.
H. R. 2307. Henry C. Conner.
H. R. 2370. Charles C. Warner.
H. R. 2373. Samuel Moyer.
H. R. 2464. Thomas Elwood Mason.
H. R. 2631. Alexander H. Mills.
H. R. 3380. Jesse D. Bradley.
H. R. 3550. Joseph Osburn.
H. R. 3565. Sylvester Johnson.
H. R. 3645. Joseph Allbery.
H. R. 3658. William H. Strain.
H. R. 3840. Mathew K. Amyx.
H. R. 3847. Isaac A. Hall.
H. R. 3888. William Rutter.
H. R. 4078. George W. Moore.
H. R. 4189. William R. Bolding.
H. R. 4268. Jasper S. Streeter.
H. R. 5253. William H. Smith.
H. R. 5700. Henry Babb.
H. R. 5845. Joseph H. Phifer.
H. R. 5866. Jonathan C. Huffman, alias John H. Taylor.
H. R. 6244. William R. Pierce.
H. R. 6416. Samuel C. Myers.
H. R. 6419. Samuel Gelston.
H. R. 6531. Lewis Brown.
H. R. 6558. Eugene Davenport.
H. R. 6970. Reuben Cornett.
H. R. 7112. Wesley B. Hedding.
H. R. 7469. Samuel H. Humbard.
H. R. 7618. Henry C. Twichell.
H. R. 7624. Selon H. Case.
H. R. 7648. James P. Hayman.
H. R. 7683. Joseph R. Junkin.
H. R. 7758. Elias McQuay.
H. R. 7851. John H. Adams.
H. R. 8040. Richard Holt.
H. R. 8097. James Middaugh.
H. R. 8406. John Staley.
H. R. 8495. Lewis Snyder.
H. R. 8529. William Catt.
H. R. 8589. Margaret J. Lawton.
H. R. 8682. Albert Ferren.
H. R. 8858. Samuel E. Pearl.
H. R. 8880. Darwin H. Hamilton.
H. R. 8964. Addison W. Wilson.
H. R. 9179. James N. Burket.
H. R. 9293. John Kingsiver.
H. R. 9376. Mary Robinson.
H. R. 9466. William Annis.
H. R. 9563. Charles W. Calloway.
H. R. 9647. Gideon Morisette.
H. R. 9737. Joseph T. Roller.
H. R. 10008. William Moran.
H. R. 10488. Benjamin Zellner.
H. R. 10549. Jacob R. Stover.
H. R. 10557. Clay H. Deckert.
H. R. 10568. Joseph F. Nurrenbrock.
H. R. 10632. John T. Waxler.
H. R. 11079. Daniel Higdon.
H. R. 11096. Franklin C. Bartlett.
H. R. 11395. William F. Rosser.
H. R. 11474. William H. Skinner.
H. R. 11508. John Philipp Ebel.
H. R. 11523. Clark Bullock.
H. R. 11564. John S. C. Kifer.
H. R. 11600. John Fleegle.
H. R. 11650. Lewis Weatherhead.
H. R. 11735. Wilson Abbott.
H. R. 11867. John Pattison.
H. R. 12001. Richard Sands.
H. R. 12021. Clifton Brockman.
H. R. 12026. Stephen A. Turner.
H. R. 12092. Jesse Ireland.
H. R. 12169. John Murphy.
H. R. 12178. Robert H. Belfield.
H. R. 12283. Ann Moffitt.
H. R. 12307. Elijah Mason.
H. R. 12350. William G. Miller.
H. R. 12803. Martha A. Culbertson.
H. R. 13264. Daniel Mason.
H. R. 13366. Henry C. Hatcher.
H. R. 13506. John T. Flowers.
H. R. 13553. John W. Taylor.

H. R. 13668. James B. Gordon.
H. R. 13788. Joshua W. Cole.
H. R. 13817. John Nuss.
H. R. 13901. William J. Thompson.
H. R. 14036. Mary F. McDonnell.
H. R. 14223. Decatur Smith.
H. R. 14255. Samuel Worley.
H. R. 14273. Martin Swelgart.
H. R. 14346. Joseph McGaughey.
H. R. 14365. John H. Mange.
H. R. 14392. Philip R. Lenig.
H. R. 14410. William F. Hill.
H. R. 14413. LeRoy A. Crane.
H. R. 14425. Alexander Shaney.
H. R. 14438. George B. Miller.
H. R. 14530. David F. Fisher.
H. R. 14549. John T. Leach.
H. R. 14586. Phebe A. Carter.
H. R. 14601. Ellen P. Abbott.
H. R. 14620. Rufus M. Davis.
H. R. 14622. Della L. Swiggett.
H. R. 14648. George W. Page.
H. R. 14765. Franklin Woodard.
H. R. 14766. Peter Henry.
H. R. 14776. Otis Dickinson.
H. R. 14913. Franklin Prentice.
H. R. 14971. James M. Graham.
H. R. 14973. Emile Johnson.
H. R. 14998. Henry C. Stuart.
H. R. 15024. Joseph P. Foss.
H. R. 15062. Benjamin G. Decker.
H. R. 15067. William H. Hill.
H. R. 15071. Andrew Stewart.
H. R. 15089. Thomas S. Vale.
H. R. 15193. George W. Mogle.
H. R. 15196. James H. Sanders.
H. R. 15214. Robert Watson.
H. R. 15228. Josiah Ferguson.
H. R. 15244. James McPherson.
H. R. 15250. Isaac H. Young.
H. R. 15276. Francis M. Canfield.
H. R. 15279. Charles L. Stone.
H. R. 15282. Benjamin F. Hudson.
H. R. 15284. Napoleon Krokroskia.
H. R. 15293. Henrietta Brown.
H. R. 15324. Benjamin F. Ryan.
H. R. 15337. Greenbury Mudd.
H. R. 15394. Daniel D. Krebbs.
H. R. 15400. George Nell.
H. R. 15653. John W. A. Gillespie.
H. R. 15713. Sylvanus J. Haviland.
H. R. 15715. James Batchelor.
H. R. 15719. Jesse Everts.
H. R. 15723. William H. Brown.
H. R. 15724. Lewis C. Lame.
H. R. 15738. Cornelius Shields.
H. R. 15769. Henry Lavine.
H. R. 15772. William H. Dayton, alias William H. Stewart.
H. R. 15807. Benson Martin.
H. R. 15820. Henry Moody.
H. R. 15845. Madison B. Hayman.
H. R. 15871. David A. March.
H. R. 15951. Berthold Falkenhainer.
H. R. 15952. Charles A. McCay.
H. R. 15989. Ralph C. Watson.
H. R. 16019. Jackson Fairley.
H. R. 16022. Thomas P. Landon.
H. R. 16034. Adam Lindey.
H. R. 16158. John F. Woods.
H. R. 16169. Charles A. Littel.
H. R. 16242. Thomas J. Harris.
H. R. 16384. Thomas Ingles.
H. R. 16531. Joseph L. Davidson.
H. R. 16537. Jennie F. Murray.
H. R. 16572. Christina Grether.
H. R. 16578. George W. Keller.
H. R. 16624. George O. Ellis.
H. R. 16946. Charles M. Colby.
H. R. 16949. William R. Chandler.
H. R. 16976. Frederick Poulsen.
H. R. 17059. Gideon Briggs.
H. R. 17073. Farmer Moore.
H. R. 17085. Francis M. Patrick.
H. R. 17280. Rosetta M. J. Tischer.
H. R. 17288. William H. McDonald.
H. R. 17403. Robert Burns.
H. R. 17617. Hugh Cox.
H. R. 17628. Emma Wheeler.
H. R. 17665. Mary A. Pratt.
H. R. 17666. David Casey.
H. R. 17708. George A. Wheeler.
H. R. 17724. Charles E. Curtis.
H. R. 17772. Hiram Medley.
H. R. 17881. Keziah Davis.
H. R. 17985. James A. Brown.
H. R. 17991. William H. Hardison.
H. R. 17992. Thomas Williams.
H. R. 18082. Felix H. Hadsell, alias Frank H. Harrison.
H. R. 18149. Clara S. Stout.
H. R. 18207. George B. Booth.
H. R. 18208. Jacob M. Ettinger.
H. R. 18209. Abraham Young.
H. R. 18211. William H. Gardner.
H. R. 18251. Albert F. Baxter.
H. R. 18293. Lorenzo C. Bitters.
H. R. 18296. James Pettitt.
H. R. 18399. James Quick.
H. R. 18453. Benjamin F. Allen.
H. R. 18473. John H. Friday.
H. R. 18581. Samuel Ely, jr.
H. R. 18582. Edward P. Wilcox.
H. R. 18614. Samuel A. Rothrock.
H. R. 18640. Elbridge Miller.
H. R. 18683. Emma Nies.
H. R. 18803. Mary Reinhart.
H. R. 18945. William Flynn.
H. R. 19049. George B. Kruse.
H. R. 19083. John D. Fero.
H. R. 19113. Oliver J. Walker.
H. R. 19119. Levi F. Hoyt.
H. R. 19180. John W. Myers.
H. R. 19203. Seth Winslow.
H. R. 19204. James S. Henderson.
H. R. 19299. John Rahn.
H. R. 19357. Samuel W. White.
H. R. 19359. Harvey J. Tiffany.
H. R. 19385. William Cunnington.
H. R. 19398. William Turpin.
H. R. 19444. Samuel L. Johnson.
H. R. 19471. William J. Howe.
H. R. 19494. George W. Russell.
H. R. 19521. Johan Mohr.
H. R. 19602. Enoch E. Gilbert.
H. R. 19608. Jacob F. Kutz.
H. R. 19616. John H. Hyden.
H. R. 19695. George C. Moose.
H. R. 19762. Lee Heath.
H. R. 19787. Charles H. Austin.
H. R. 20023. Edward Burquin.
H. R. 20034. Dennis O'Neil.
H. R. 20109. Truman Parmelee.
H. R. 20192. Martin B. Monroe.
H. R. 20227. Thomas Roach.
H. R. 20255. George F. Terry.
H. R. 20260. Abraham Gohn.
H. R. 20265. James C. Roberson.
H. R. 20427. Evan J. Evans.
H. R. 20465. Samuel Moffatt.
H. R. 20466. Martha R. Slavens.
H. R. 20471. Joseph J. McGee.
H. R. 20617. William Jeffrey.
H. R. 20620. William H. Dye.
H. R. 20638. Clark Gidley.
H. R. 20664. Andrew J. Escue.
H. R. 20694. John T. Kirkland.
H. R. 20696. John P. Craig.
H. R. 20724. John Kelly.
H. R. 20727. Vitruvius Tew.
H. R. 20772. Henry A. Folk.
H. R. 20816. William Hastings.
H. R. 20879. Jasper M. Hathaway.
H. R. 20899. William Banks.
H. R. 20932. Henry C. Yates.
H. R. 20946. Winfield T. Cox.
H. R. 20969. Mary A. Healey.
H. R. 20978. Luke Deasy.
H. R. 20985. Andrew J. Goodfellow.
H. R. 21011. Bartimeus Beardsley.
H. R. 21107. Emily I. Boston.
H. R. 21156. Levi S. Walker.
H. R. 21189. John J. Tucker.
H. R. 21192. William Bodine.
H. R. 21203. Edwin J. A. Ross.
H. R. 21210. Calvin W. Edgar.
H. R. 21241. Joseph Strevell.
H. R. 21268. Alfred Parvis.
H. R. 21300. Lloyd S. Brooks.
H. R. 21336. William G. Birch.
H. R. 21382. George Coulter.
H. R. 21393. Thomas A. Stockslager.
H. R. 21416. Edward N. Pomeroy.
H. R. 21441. Solomon Freeland.
H. R. 21560. Harlow Reilley.
H. R. 21577. Henry C. Holter.
H. R. 21585. Fred Myers.
H. R. 21640. William S. Donohue.
H. R. 21737. Nicholas Roth.
H. R. 21754. Frederick Hogendobler.
H. R. 21767. Thomas O. Neal.
H. R. 21796. Landis Eicholtz.
H. R. 21831. William M. Ivans.
H. R. 21995. Addison Waggaman.
H. R. 22024. Albert H. Cleaveland.
H. R. 22054. William H. H. Minturn.
H. R. 22075. Edward Pierce, jr.
H. R. 22079. John W. Weaver.
H. R. 22097. Phebe Y. Polk.
H. R. 22101. Lewis B. Clark.
H. R. 22158. Lewis Mann.
H. R. 22191. George R. Bancom.
H. R. 22244. Jennie T. Vought.
H. R. 22248. George W. Maggi.
H. R. 22251. Henry B. Anderson.
H. R. 22326. George M. D. Bevins.
H. R. 22368. Salem Friend.
H. R. 22512. Marion Goodell.
H. R. 22577. Henry B. Mechling, alias Henry C. Mechling.
H. R. 22600. Isaac Baker, alias Isaac Pummel.
H. R. 22677. James Mitchell.
H. R. 22713. Milford H. Donohe.

Mr. RUSSELL. Mr. Speaker, I desire to correct the spelling of the word "Brown," in line 5, page 24. The "r" should be stricken out. It is "Bown."

The question was taken, and the amendment was agreed to.

Mr. RUSSELL. Mr. Speaker, I move to strike out lines 1, 2, 3, and 4, on page 37; the party, Seth Winslow, is dead.

The question was taken, and the amendment was agreed to.

Mr. TAGGART. Mr. Speaker, in line 11, page 45, I suggest the name is misspelled and I offer an amendment to correct it. It should be "Baucom" instead of "Bancom."

Mr. MANN. Mr. Speaker, I ask to have the amendment reported.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 45, line 11, strike out the letter "n" and insert the letter "u" in the word "Bancom."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and read the third time and passed.

Mr. RUSSELL. Mr. Speaker, I call up the bill H. R. 23557 and ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. What is the number?

Mr. RUSSELL. Calendar No. 69.

Mr. MANN. The gentleman is not calling them up in their order on the calendar?

Mr. RUSSELL. No; I am calling up the House bills first and then will take up the Senate bills.

The Clerk read as follows:

A bill (H. R. 23557) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of James Mobley, late of Company G, Fifty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. Carroll, late of Company A, Second Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Keeble, late of Company G, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William A. Dew, late of Company F, Sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Benjamin F. Stewart, late of Company K, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William C. Rike, late of Company G, Thirty-seventh and Ninety-fourth Regiments Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Burnett W. Davison, late of Company B, One hundred and twelfth Regiment New York Volunteer Infantry, and Company D, Twenty-first Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sunley J. A. Thrift, late of Company I, Ninth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George L. Causey, late of Company K, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Abraham H. Burkholder, late of Company I, Eighty-eighth Regiment Ohio Volunteer Infantry, and regimental quartermaster One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Keister, late of Company I, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and Company M, Nineteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hanford N. Smith, late of Company E, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Susanna Laplant, former widow of Paul Aupetonanquitt, late of Company G, Twenty-third Regiment, and Company H, Twenty-eighth Regiment, Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Edgar A. Whitaker, late of Company H, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jacob Alonzo Goodale, late of Company E, Eighty-sixth Regiment, and Company F, Forty-second Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Clarence McBratney, late of Company G, Twenty-fourth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John McCray, late of Company D, Ninety-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick R. Smith, late adjutant of Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Solomon A. Rymer, late of Company E, Tenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Cyrus, late of Company D, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Cowan, late of Company H, Sixth Regiment Indiana Volunteer Cavalry, and Company A, Sixth Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Helena M. Quinn, widow of John E. Quinn, late of Company B, Thirtieth Regiment Massachusetts Volunteer Infantry, and Company G, Seventy-fifth Regiment United States Colored Troops, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Samuel E. Reynolds, late of Company K, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Miller, late of Company K, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Delora W. Kendall, widow of Leroy Kendall, late of Fourth Unattached Company, Massachusetts Volunteer Militia Infantry, and Company I, Second Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Andrew Willis, late of Company E, One hundred and twenty-fourth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John T. Reid, late of Company K, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Lockridge, late of Company G, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Silas Macey, late of Company D, Eighth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Harrison Colby, late of Company D, Twenty-fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry M. Parks, late of Company E, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Farrell, late of Company H, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wilson H. Claypool, late of Company B, Ninetieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles T. Chandonia, late of Company E, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James L. Pugh, late of Company D, One hundred and thirty-third Regiment Pennsylvania Volunteer Infantry, and Company K, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John N. Preston, late of Company G, Third Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Jones, late of Company C, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Preble, late of Company E, Eighty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Gustave Freudenthal, late of Company K, Twentieth Regiment New York Volunteer Infantry, and Company D, Third Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Perry Powers, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William P. Anderson, late of Company E, One hundred and seventy-second Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Aaron C. Day, late of Company B, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Woolsey, late of Missouri Volunteer Infantry, unassigned, and pay him a pension at the rate of $12 per month.

The name of Robert R. Butts, late of Company G, One hundred and fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph C. Kuebbeler, alias Carl Kuhne, late of Company E, Tenth Regiment New York Volunteer Cavalry, and Company E, First New York Provisional Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry E. Barto, late of Company D, First Battalion Pennsylvania Volunteer Infantry, and Company F, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anna Currigan Chamberlin, widow of Wesley Chamberlin, late of Company G, Twenty-fifth Regiment, and Compnay A, One hundred and thirtieth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Richard D. Russell, late of Company K, Eighty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Pierce, late of Company G, Sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Morton, late of Company E, Sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel A. Moore, late of Company A, One hundred and forty-fifth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter Fleming, late of Company K, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James R. Hann, late of Company I, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Dunivan, late of Company H, Sixty-third Regiment Enrolled Missouri Infantry, and pay him a pension at the rate of $12 per month.

The name of James M. Alderson, late of Company E, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Milton Franklin, late of Sixteenth Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sallie A. Kirkland, former widow of Edward W. Lucas, late of Company A, Forty-third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Travis, jr., late of Companies G and D, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William I. Jones, late of Company I, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Parker, 1st, late of Company F, Thirteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Phelan, late of Company F, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John L. Rood, late of Company B, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Aristarchus Wilson, late of Second Battery Kansas Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James McMurray, alias James Dunne, jr., late unassigned Nineteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Sleavin, late of Company I, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ellen T. White, widow of James White, late of Company C, Twelfth Regiment New York State Militia Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Walter Woodward, late of Company G, Fourth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hugh A. Thorp, late of Company A, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Anderson, late of Company F, First Regiment Ohio Volunteer Infantry, and Company E, One hundred and forty-sixth Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Watson D. Smith, late of Company I, One hundred and sixty-eighth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Hattie Fordyce, widow of Isaac N. Fordyce, late of Company K, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Joseph E. Sutherland, late of Company G, Twentieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel C. Boggs, late of Company G, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas J. Sumner, late of Company E, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Sweet, late of Company K, Sixty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Archibald G. Boggs, late of Company F, One hundred and thirty-seventh Regiment Ohio National Guard Infantry, and acting master's mate, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Susan J. Bagley, widow of William Bagley, late of Company D, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles E. Fry, late of Company F, Thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Kraemer, late of Company F, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Creelman, late of Company H, One hundred and fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Morrison, late of Company I, Fifty-third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Wells C. Sherick, late of Company K, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Patrick Meehan, late of U. S. S. Vandalia, Beauregard, and Dale, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Ingersoll, late of Company I, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Noble, former widow of James Morris, late of Company E, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Joseph B. Stevenson, late of Companies A and C, Seventh Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. Allen, late of Company I, Third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Leonard K. Manly, late of Company A, Fifth Regiment Vermont Volunteer Infantry, and Company M, First Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Franz Enders, late of Company G, Fifth Regiment Missouri Volunteer Cavalry, and unassigned Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry Farwick, late of Third Independent Company, Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benton C. Smith, late of Company C, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George S. Kittridge, late of Company A, Thirty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William E. Leonard, late captain of the top, U. S. S. Michigan, United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Julia H. Abrigg, widow of John J. Abrigg, late of Company H, Eighteenth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Edward Cotter, late of Company D, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josiah M. Brewer, late of Company A, Eighty-fourth Regiment Indiana Volunteer Infantry, and Company G, First Regiment United States Veteran Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. O'Neil, widow of William O'Neil, late of Company L, First Regiment Wisconsin Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William H. Orcutt, late of Company H, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Barross, widow of James H. Barross, late of Company F, Twenty-third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William C. Medbery, late of Company F, First Regiment Nevada Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Berry, late of Company D, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel J. Evans, late of Company C, Fifty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth Kemble, widow of Isaac B. Kemble, late of Company D, Sixty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Mitchell, late of Company C, Ninety-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christina Bates, former widow of Jacob Nohl, late of Company K, Thirty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Josiah H. Newland, late of Company G, Thirty-seventh Regiment Kentucky Mounted Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward B. Bishop, late of Company A, Thirtieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Kenney, late of Company I, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry B. Moon, late of Company D, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Staiger, late of Company F, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theresia Bell, widow of Anthony Bell, late of Company B, Forty-fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Albert N. Hopkins, late of regimental band, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William McKee, late of Company D, Seventh Regiment, and Company H, Sixth Regiment, Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ellen R. Stearns, widow of Charles E. Stearns, late of Company F, One hundred and thirtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Isadore Shell, late of Company A, One hundred and eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Amos Point, late of Company F, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Madison Keck, late of Companies F and E, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Crouse, late of Company G, Seventh Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James H. Owings, late of Company K, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John Nickolson, late of Company F, Eleventh Regiment Pennsylvania Reserve Volunteer Infantry, and Company C, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John R. Estes, late of Company C, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Young, late of Company C, One hundred and sixteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Susan Reed, widow of Calvin Reed, late of Company A, First Regiment Tennessee Mounted Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Bridget Shell, widow of Michael Shell, late officers' cook, U. S. S. North Carolina, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles Dillon, late of Company G, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James T. Campbell, late of Company F, First Battalion, Eighteenth Regiment United States Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jacob Spanagel, late of Company H, Fifty-fourth Regiment New York Volunteer Infantry, and Company C, Third Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Merrill, late of Company H, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Flanagan, late of Company C, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac A. Buker, late of Company H, First Regiment Minnesota Volunteer Infantry, and Company C, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Timothy Pasbo, late of Company G, Second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James O. Hamilton, late of Company D, One hundred and first Regiment Illinois Volunteer Infantry, and Ninety-seventh Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mollie C. Zimmerman, widow of Lewis M. Zimmerman, late of Companies A and K, First Regiment Potomac Home Brigade Maryland Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of David T. McFarland, late of Company F, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franz Bauman, late of Company G, Seventeenth Regiment Missouri Volunteer Infantry, and Sixty-second Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John G. A. Fries, late of Company B, Seventh Regiment, and Company G, One hundred and fifty-fifth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary F. Doll, widow of John Doll, late of Company F, Sixteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Richard F. Nunn, late of Company K, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lizzie K. Jackson, widow of Jacob J. Jackson, late of Company H, Eighth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William R. Green, late of Company E, Twenty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elijah Adams, late of Company A, Fifty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John E. Duvall, late first-class fireman, U. S. S. North Carolina and Roanoke, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth Morris, widow of Jerman B. Morris, late of Company B, Twenty-first Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas E. Hart, late of Company C, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julius A. Keeler, late of Company D, Second Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick Musbach, late of Company I, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elhanan Wright, late of Company G, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edmund Ganung, late of Company A, Sixty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Clarinda Clement, widow of Oliver F. Clement, late of Company B, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Seymour H. Marshall, late of Company B, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Augusta Dempsey, widow of Michael Dempsey, late of Company B, Sixty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John H. Stratton, late of Company I, Sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew P. Lankvest, late of Company F, Fourth Regiment Minnesota Volunteer Infantry, and Company K, Eighth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Moses P. Jewett, late of Company F, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lizzie Brooks, widow of William Brooks, late of Company H, Forty-seventh Regiment United States Colored Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Ann E. Shetzline, widow of George L. Shetzline, late of Company C, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Wade H. Pyle, late of Company D, Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. H. Hurry, late of Companies E and F, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lauderdale L. Taber, late deputy provost marshal, ninth Kentucky district, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edmond Bonneau, late of Company H, Fifteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Carrie Keefer, widow of Benjamin F. Keefer, late captain Company H, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of David Cates, late of Companies I and C, Ninth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of J. Howard Livingston, late of Company B, Seventh Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Louisa J. Lohr, widow of George Lohr, late of Battery D, Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of Henrietta Dorow, widow of Henry Dorow, late of Company K, Eleventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Joseph Fields, late of Company D, Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Matilda Vreeland, widow of Garrit Vreeland, late of Company K, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Benjamin Fowler, late unassigned, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eli Hovis, late of Company K, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jerome French, late of Battery K, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sylvester B. Van Duser, late of Company F, Second Regiment New York Mounted Volunteer Rifles, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Farington Ferguson, late of Company F, Ninety-eighth Regiment New York Volunteer Infantry, and Company M, First United States Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph H. Vaill, late of Company E, Eighth Regiment Connecticut Volunteer Infantry, and One hundred and fifty-ninth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marcus F. Nesmith, late of Company G, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Thomas, late of Company F, Tenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William J. D. Pope, late of Company H, Thirty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Ann Fagan, widow of Terrence Fagan, late of Company E, Thirty-fifth Regiment Iowa Volunteer Infantry, and Company G, Fifth Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel W. McElderry, late of Company I, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Emanvel C. Coleman, late of Company A, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David R. Hunter, late of Company D, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph V. Wilkinson, late of Company K, One hundred and ninety-seventh Regiment, and Company G, Two hundred and thirteenth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah J. Davis, widow of Alonzo Davis, late of Company K, Eighteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George A. Howell, late of Company B, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joshua Suiter, late of Company A, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Oldham, late of Company D, Tenth Regiment Kentucky Volunteer Cavalry, and Company G, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Kautz, late of Company C, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Chisholm, late of Company C, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Howard, late of Companies H and C, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Albert White, late of Company F, First Regiment, and Company C, Second Regiment, Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William E. Howlett, late of Company F, One hundred and sixth Regiment Pennsylvania Volunteer Infantry, and Company C, Eighteenth Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert W. Clark, late of Company M, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Cheney, late of Company G, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel C. Joslyn, late of Company A, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James Corrigan, late of Company F, One hundred and sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Patrick H. Cronin, late of Company D, Ninth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward S. Bragg, late brigadier general United States Volunteers, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The name of John S. Humphreys, late of Company G, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Margaret Maynard, dependent mother of Frank A. Maynard, late of Company M, Third Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of William A. Moffitt, late of Company E, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Priscovia Robinson, widow of Benjamin H. Robinson, late of Company G, Eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Aaron G. Armstrong, alias Charles Dunmore, late of Company L, Sixteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henrietta S. Hubbell, widow of Augustus Hubbell, late captain and commissary of subsistence United States Volunteers, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of David Tipton, late of Company K, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Hartman, late unassigned, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Rice, late of Company K, Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Aloysius Stulz, late of Company H, Eighty-third Regiment, and Company G, Ninety-seventh Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen S. Lewis, late of Company A, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Veo, late of Companies A and E, Fifteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Andrew McDowell, late of Company C, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Stabo, late of Company I, Sixty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas J. McMullen, late musician, Company H, Seventh Regiment, and Company C, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Finn, late of Company C, First and Eighth Regiments Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The above bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 304. James Mobley.
H. R. 1063. John C. Carroll.
H. R. 1204. Samuel Keebie.
H. R. 1535. William A. Dew.
H. R. 2017. Benjamin F. Stewart.
H. R. 2546. William C. Rike.
H. R. 2716. Burnett W. Davison.
H. R. 3309. Sunley J. A. Thrift.
H. R. 3675. George L. Causey.
H. R. 3823. Abraham H. Burkholder.
H. R. 4232. William A. Keister.
H. R. 4245. Hanford N. Smith.
H. R. 4409. Susanna Laplant.
H. R. 5459. Edgar A. Whitaker.
H. R. 5474. Jacob Alonzo Goodale.
H. R. 5725. Clarence McBratney.
H. R. 5806. John McCray.
H. R. 6596. Frederick R. Smith.
H. R. 7468. Solomon A. Rymer.
H. R. 7644. William H. Cyrus.
H. R. 7777. James W. Cowan.
H. R. 8179. Helena M. Quinn.
H. R. 8598. Samuel E. Reynolds.
H. R. 8672. John Miller.
H. R. 8866. Delora W. Kendall.
H. R. 8962. Andrew Willis.
H. R. 9080. John T. Reid.
H. R. 9354. William Lockridge.
H. R. 9989. Silas Macey.
H. R. 10011. David Harrison Colby.
H. R. 10553. Henry M. Parks.
H. R. 10675. William Farrell.
H. R. 11039. Wilson H. Claypool.
H. R. 11189. Charles T. Chandonia.
H. R. 11219. James L. Pugh.
H. R. 11309. John N. Preston.
H. R. 11362. James A. Jones.
H. R. 11513. Benjamin F. Preble.
H. R. 11560. Gustave Freudenthal.
H. R. 11645. Perry Powers.
H. R. 11715. William P. Anderson.
H. R. 12020. Aaron C. Day.
H. R. 12139. James Woolsey.
H. R. 12174. Robert R. Butts.
H. R. 12197. Joseph C. Kuebbeler, alias Carl Kuhne.
H. R. 12224. Henry E. Barto.
H. R. 12298. Anna Currigan Chamberlin.
H. R. 12302. Richard D. Russell.
H. R. 12387. John Pierce.
H. R. 12645. William Morton.
H. R. 13000. Samuel A. Moore.
H. R. 13229. Peter Fleming.
H. R. 13441. James R. Hann.
H. R. 13527. Benjamin F. Dunivan.
H. R. 13629. James M. Alderson.
H. R. 13636. Milton Franklin.
H. R. 13695. Sallie A. Kirkland.
H. R. 13755. John Travis, jr.
H. R. 14142. William I. Jones.
H. R. 14149. John Parker (1st).
H. R. 14195. Edward Phelan.
H. R. 14221. John L. Rood.
H. R. 14222. Aristarchus Wilson.
H. R. 14360. James McMurray, alias James Dunne, jr.
H. R. 14361. Edward Sleavin.
H. R. 14362. Ellen T. White.
H. R. 14364. Walter Woodward.
H. R. 14437. Hugh A. Thorp.
H. R. 14528. William H. Anderson.
H. R. 14529. Watson D. Smith.
H. R. 14558. Hattie Fordyce.
H. R. 14591. Joseph E. Sutherland.
H. R. 14764. Daniel C. Boggs.
H. R. 14897. Thomas J. Sumner.
H. R. 15074. James W. Sweet.
H. R. 15106. Archibald G. Boggs.
H. R. 15305. Susan J. Bagley.
H. R. 15721. Charles E. Fry.
H. R. 15734. Edward Kraemer.
H. R. 15852. William Creelman.
H. R. 15855. James Morrison.
H. R. 15894. Wells C. Sherick.
H. R. 15899. Patrick Meehan.
H. R. 15975. Charles W. Ingersoll.
H. R. 16118. Mary A. Noble.
H. R. 16130. Joseph B. Stevenson.
H. R. 16276. Charles A. Allen.
H. R. 16909. Leonard K. Manly.
H. R. 16930. Franz Enders.
H. R. 17047. Henry Farwick.
H. R. 17072. Benton C. Smith.
H. R. 17090. George S. Kittridge.
H. R. 17121. William E. Leonard.
H. R. 17164. Julia H. Abrigg.
H. R. 17276. Edward Cotter.
H. R. 17399. Josiah M. Brewer.
H. R. 17405. Mary A. O'Neil.
H. R. 17419. William H. Orcutt.
H. R. 17518. Mary A. Barrows.
H. R. 17530. William C. Medbery.
H. R. 17566. John B. Berry.
H. R. 17606. Daniel J. Evans.
H. R. 17624. Elizabeth Kemble.
H. R. 17711. James Mitchell.

H. R. 17909. Christina Bates.
H. R. 17989. Josiah H. Newland.
H. R. 17990. Edward B. Bishop.
H. R. 18083. Joseph Kenney.
H. R. 18297. Henry B. Moon.
H. R. 18510. John Staiger.
H. R. 18544. Theresia Bell.
H. R. 18684. Albert N. Hopkins.
H. R. 18693. William McKee.
H. R. 18699. Ellen R. Stearns.
H. R. 18702. Isadore Shell.
H. R. 18729. Amos Point.
H. R. 18755. Madison Keck.
H. R. 18872. William Crouse.
H. R. 18873. James H. Owings.
H. R. 18923. John Nickolson.
H. R. 19012. John R. Estes.
H. R. 19103. William A. Young.
H. R. 19162. Susan Reed.
H. R. 19198. Bridget Shell.
H. R. 19263. Charles Dillon.
H. R. 19273. James T. Campbell.
H. R. 19432. Jacob Spanagel.
H. R. 19438. George H. Merrill.
H. R. 19458. John Fiannagan.
H. R. 19517. Isaac A. Buker.
H. R. 19559. Timothy Pasho.
H. R. 19576. James O. Hamilton.
H. R. 19589. Mollie C. Zimmerman.
H. R. 19606. David T. McFarland.
H. R. 19629. Franz Bauman.
H. R. 19644. John G. A. Fries.
H. R. 19729. Mary F. Doll.
H. R. 19937. Richard F. Nunn.
H. R. 20077. Lizzie K. Jackson.
H. R. 20082. William R. Green.
H. R. 20086. Elijah Adams.
H. R. 20106. John E. Duvall.
H. R. 20235. Elizabeth Morris.
H. R. 20279. Thomas E. Hart.
H. R. 20332. Julius A. Keeler.
H. R. 20365. Frederick Musbach.
H. R. 20392. Elhanan Wright.
H. R. 20429. Edmund Ganung.
H. R. 20434. Clarinda Clement.
H. R. 20517. Seymour H. Marshall.
H. R. 20600. Augustn Dempsey.
H. R. 20663. John H. Stratton.
H. R. 20723. Andrew P. Lankvest.
H. R. 20791. Moses P. Jewett.
H. R. 20809. Lizzie Brooks.
H. R. 20851. Ann E. Shetzline.
H. R. 20859. Wade H. Pyle.
H. R. 20898. William H. H. Hurry
H. R. 20934. Lauderdale L. Taber.
H. R. 20956. Edmond Bonneau.
H. R. 20966. Carrie Keefer.
H. R. 21204. David Cates.
H. R. 21209. J. Howard Livingston
H. R. 21250. Louisa J. Lohr.
H. R. 21277. Henrietta Dorow.
H. R. 21321. Joseph Fields.
H. R. 21327. Matilda Vreeland.
H. R. 21334. Benjamin Fowler.
H. R. 21335. Eli Hovis.
H. R. 21341. Jerome French.
H. R. 21342. Sylvester B. Van Duser.
H. R. 21343. Farington Ferguson.
H. R. 21397. Joseph H. Vaill.
H. R. 21439. Marcus F. Nesmith.
H. R. 21516. George W. Thomas.
H. R. 21567. William J. D. Pope.
H. R. 21690. Ann Fagan.
H. R. 21739. Samuel W. McElderry.
H. R. 21797. Emanuel C. Coleman.
H. R. 21876. David R. Hunter.
H. R. 21917. Joseph V. Wilkinson.
H. R. 21933. Sarah J. Davis.
H. R. 21989. George A. Howell.
H. R. 22029. Joshua Sulter.
H. R. 22106. George W. Oldham.
H. R. 22107. William Kautz.
H. R. 22232. Alexander Chisholm.
H. R. 22233. Jacob Howard.
H. R. 22379. Albert White.
H. R. 22392. William E. Howlett.
H. R. 22412. Robert W. Clark.
H. R. 22425. David Cheney.
H. R. 22465. Daniel C. Joslyn.
H. R. 22514. James Corrigan.
H. R. 22566. Patrick H. Cronin.
H. R. 22599. Edward S. Bregg.
H. R. 22628. John S. Humphreys.
H. R. 22672. Margaret Maynard.
H. R. 22710. William A. Moffitt.
H. R. 22739. Priscovia Robinson.
H. R. 22796. Aaron G. Armstrong, alias Charles Dunmore.
H. R. 22860. Henrietta S. Hubbell.
H. R. 22924. David Tipton.
H. R. 22956. John Hartman.
H. R. 22972. James Rice.
H. R. 22980. Aloysius Stulz.
H. R. 23137. Stephen S. Lewis.
H. R. 23175. Joseph Veo.
H. R. 14144. Andrew McDowell.
H. R. 16351. John Stabo.
H. R. 21103. Thomas J. McMullen.
H. R. 22112. James Finn.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BOARD OF VISITORS TO ACADEMY AT ANNAPOLIS.

The SPEAKER. The Chair desires to announce the following members of the Board of Visitors to the academy at Annapolis.

The Clerk read as follows:

Visitors to Annapolis: Mr. GREGG, of Texas; Mr. TALBOTT, of Maryland; and Mr. LOUD, of Michigan.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I call up the bill S. 5045 and ask that it be considered in the House as in the Committee of the Whole.

The SPEAKER. Are there any amendments?

Mr. RUSSELL. There are some amendments to it.

The SPEAKER. The gentleman from Missouri calls up the bill S. 5045 and asks that it be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 5045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Thomas Jefferson, late of Company C, One hundred and twenty-third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Loyd D. Forehand, late of Company E, Fifth Regiment New Hampshire Volunteer Infantry, and Sixteenth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John F. Scofield, late of Company I, Seventy-third Regiment, and Company B, Twenty-ninth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Leicester Walker, late captain Company H, Fifth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wingate K. Wachtel, late of Company G, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abner F. Clement, late of Company I, Fifteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank V. Marshall, late of Company D, Ninth Regiment New Hampshire Volunteer Infantry, and band, First Brigade, Second Division, Ninth Army Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Augustus L. Ward, late of Company E, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin Totten, late of Company G, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry J. Mullins, late of Company A, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Eagle, late second lieutenant Company G, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwards O. Dodge, late of Company H, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Yost, late of Company C, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Israel Osman, late of Company G, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Harvey, jr., late of Company D, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Husbaw, late of Company E, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jane E. Norton, widow of Motier L. Norton, late second lieutenant Company B, Eighteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Louis J. Hinkley, late of Company D, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Horace E. Hagar, late of Company B, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $15 per month; the same to be paid to him under the rules of the Pension Bureau as to modes and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payment of pension.

The name of Alexander Hogelan, late of Company F, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James Sexton, late of Company E, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Mills, late of Company F, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edmond Gould, late of Company B, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Asbery Byrd, late of Company D, First Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ferdinand Capansky, late of Company E, Thirteenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josiah Chatfield, late of Companies C and F, Third Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David M. Harned, late of Company G, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Laws, late of Company F, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Martha A. Connor, widow of William P. Connor, late of Company H, Twenty-seventh Regiment Ohio Volunteer Infantry; and former widow of Vitruvius J. Kennedy, late of Battery D, First Regiment Tennessee Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of Elihu Messer, late of Company K, Second Regiment United States Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John N. Cotter, late of Company F, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hardy H. La Due, late of Company K, Thirteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Deary, late of Company D, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonzo C. Neff, late of band, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louis Putoz, late first lieutenant Company D, and captain Company I, Seventh Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Perry B. Johnson, late of Company D, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Allen Turner, late of Company B, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Abram Ellis, late of Company B, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas M. Smith, late of Company D, Forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William C. Cook, late of Company D, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Teel, late of Company H, Ninth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julia Baldwin, widow of Edwin Baldwin, late of Companies E and C, Sixtieth Regiment Indiana Volunteer Infantry, and

pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Priscilla L. Howe, former widow of John W. Pool, late of Company C, Fourth Regiment Minnesota Volunteer Infantry, and widow of Benjamin Howe, late of Company E, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George Heflen, late of Twelfth Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franklin Heflen, late of Twelfth Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William R. Harris, late of Company I, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jared C. Meek, late of Company G, Fifth Regiment, and Company I, Sixth Regiment, Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lorentz Czarnezki, late of Company L, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Bettner, late of Company C, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Eldridge, late of Company C, Forty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ole A. Thompson, late of Company F, Fifteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James J. Poyner, late of Company G, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Francis M. Foster, late of Company I, One hundred and fifty-third Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William L. Morris, late of Company K, Ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Grisinger, late of Company B, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Stratton, late of Company K, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles F. Deivert, late of Company B, One hundred and twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Bullen, late second lieutenant Company G, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Esto A. Makepeace, late of Company B, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ellen Kirkpatrick, widow of Francis Kirkpatrick, late of Company K, Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John A. Wills, late of Company A, Twenty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucien E. Kent, late captain's clerk, U. S. S. Montgomery, United States Navy, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Mary E. Putney, widow of James Putney, late surgeon Seventh Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of John W. Phillips, late of Company A, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George E. Wentworth, late of Eleventh Unattached Company Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter Schaddle, late of Company D, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Barr, late of Company A, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William K. Best, late of Company D, One hundred and sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Raymond, late of Company B, Fourth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert A. Loveland, late of Company H, First Regiment Connecticut Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Walter S. McArthur, late of Fourth Independent Battery Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert H. Heath, late of Company A, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alwilda Smith, late nurse, Medical Department, United States Volunteers, and widow of Lendal Smith, late of Company G, Seventy-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of George M. Roak, late of Company H, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles E. Handy, late of Company I, Twenty-fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas C. Anderson, late of Company I, Sixty-second Regiment, and Company I, One hundred and fifty-fifth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jane Murphy, widow of Michael Murphy, late of Company A, Seventy-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Emery, late of Company C, Seventh Regiment, and Companies F and B, First Regiment, Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse W. Casteel, late of Company B, Second Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Turner W. Bottom, late first lieutenant Company I, Ninth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Walker, late of Company C, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles H. Jones, late of Company A, Third Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles E. Abbott, late of Company B, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph H. Dougherty, late of Company E, and second lieutenant Company C, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lyman C. Brown, late of Company K, Twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. McKain, late of Company G, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert E. Love, late of Company F, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elias C. Burdick, late of Company I, Sixth Regiment Wisconsin Volunteer Infantry, and Company G, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Rogers, alias James H. Robinson, late of Company G, Eighteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Wilson, late first lieutenant Company B, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Mulloy, late of Company H, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Philip Wining, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mirusa Rutherford, widow of Carrick Rutherford, late second lieutenant Company F, Third Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Abraham Neidigh, late of Company D, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frank A. Thurber, late of Companies B and C, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert R. Austin, late second lieutenant Company C, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. Bulfinch, late acting master's mate, U. S. S. Narragansett, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stewart Burright, late of Company G, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Leander W. Yost, late of Company I, One hundred and fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Jewell, late of Company C, One hundred and thirty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James E. Cooley, late of Company E, Forty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph W. Eystra, late captain Company G, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William J. King, late of Company D, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stiles H. Wirts, late of Company F, Fourth Regiment Michigan Volunteer Infantry, and Company C, First Regiment United States Volunteer Sharpshooters, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hannah G. Edgar, widow of Algernon H. Edgar, late of Company G, Fourth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Helen Hill Sanford, widow of Samuel P. Sanford, late major First Regiment Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Chastina E. Hawley, widow of Alfred C. Hawley, late first lieutenant Company I, Eleventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John W. Yount, late of Company L, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Byron A. Cole, late of Companies K and C, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marion Cunningham, late of Company K, Eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. Limbocker, late of Company K, Eleventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas J. Cason, late of Company H, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Horace P. Tucker, late of Company C, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Azel W. Drake, late of Company H, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joshua Boreing, late of Company D, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles S. Hicks, jr., late of Company E, Third Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John E. Rosser, late of Company K, Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George F. Sawin, late of Company C, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Henry Weishman, late of Company H, Second Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Edwards, late of Company H, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Harcourt, late of Company K, Forty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ira Flagg, late of Company B, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Marshall, late of Company E, First Regiment United States Volunteer Sharpshooters, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel P. Strahan, late of Company E, Eighth Regiment, and first lieutenant Company G, Fifty-fourth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William T. Kinerson, late of Company H, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George R. Waterman, late of Company K, Seventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elizabeth Otis, widow of John B. Otis, late of Company H, Ninth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George Treece, late first lieutenant Company D, Sixty-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $12 per month.

The name of John Dingee, late of Company C, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harrison M. Reavis, late of Company E, Seventh Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Patrick Daily, late of Company D, First Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lewis Walters, late of Company F, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Stearns, late of First Independent Battery Iowa Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel F. Wyman, late of Company I, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John B. Lewis, late of Company K, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Grandy, late of Company A, Thrty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Haas, late of Company H, Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alfred Denny, late of Company E, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jesse K. Robbins, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Niles H. Arnold, late of Company I, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ann E. Bundy, widow of Alvin A. Bundy, late of Company I, Ninth Regiment, and Company I, Sixth Regiment, New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Gilman L. Eastman, late of Company E, Thirtieth Regiment Maine Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Powers, late of Company E, Sixty-third Regiment Pennsylvania Volunteer Infantry, and Company C, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert L. Washburn, late of Company G, Second Regiment California Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry M. Goodell, late of Company I, Eleventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Villars Larson, late of Company C, Second Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry M. Zellers, late of Company H, Thirty-first Regiment New Jersey Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George L. Prentice, late of Company G, Tenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Laura V. Geissinger, widow of Henry R. Geissinger, late of Company C, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William R. Schaffer, late of Company H, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel F. Patterson, late of Company B, and first lieutenant Company C, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Maria L. Miller, widow of Charles H. Miller, late of Company B, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Harriet Cornelia Miller, helpless and dependent child of said Charles H. Miller, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Maria L. Miller the name of said Harriet Cornelia Miller shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of the death of said Maria L. Miller.

The name of Matthew O'Halloran, late of Company B, Ninety-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Moses E. Kimball, late of Company C, Twenty-third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry H. Bailey, late of Company A, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Aaron Page, late of Company K, Twenty-third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hillery A. McVicker, late of Company K, Ninth Regiment West Virginia Volunteer Infantry, and Company H, First Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank Fischer, late of Company F, Twenty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas M. Jackson, late second lieutenant Company I and captain Company B, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ellen Fish Biddle, widow of James Biddle, late colonel Ninth Regiment, United States Cavalry, and brigadier general, United States Army, retired, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Joseph Lewis, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George A. Pease, late of Company K, Twenty-second Regiment Maine Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Paisley, late of Company E, One hundred and forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Napier, late of Company I, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Bowzer, late of Signal Corps, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ira L. Wescott, late of Companies C and B, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Leander J. Beals, late of Company H, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John L. Perry, late of Company K, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julia R. Wood, widow of Charles T. Wood, late of Company I, Fifth Regiment Massachusetts Militia Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emilie M. Boyle, widow of George A. Boyle, late of Company C, First Regiment Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Caleb S. Bigham, late of Company G, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sally Ann Bradley, widow of George S. Bradley, late chaplain Twenty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Josephine Robb, widow of William J. Robb, late captain Companies A and G, First Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George H. Garnett, late of Company F, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John W. Bruner, late of Company G, First Regiment Pennsylvania Volunteer Cavalry, and Signal Corps, United States Army, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Calvin W. H. Smith, late of Company A, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles W. Ammerman, late of Company E, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph H. Newton, late of Company B, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James D. Pearce, late first lieutenant Company I, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oliver D. Browning, late of Company H, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Otho Lock, late of Company D, Twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph R. Harris, late first lieutenant Company D, Twenty-sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Franklin E. Sawyer, late of Company I, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Margaret Ann Taylor, widow of Hiram Taylor, late of Company E, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The above bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 41. Thomas Jefferson.
S. 48. Loyd D. Forehand.
S. 51. John F. Scofield.
S. 55. Leicester Walker.
S. 64. Wingate K. Wachtel.
S. 128. Abner F. Clement.
S. 132. Frank V. Marshall.
S. 153. Augustus L. Ward.
S. 154. John W. Mowrey.
S. 155. Edwin Totten.
S. 198. Henry J. Mullins.
S. 335. William H. Eagle.
S. 346. Edwards O. Dodge.
S. 356. Henry Yost.
S. 357. Israel Osman.
S. 371. William H. Harvey, jr.
S. 372. Charles H. Hushaw.
S. 382. Jane E. Norton.
S. 402. Louis J. Hinkley.
S. 486. Horace E. Hagar.
S. 520. Alexander Hogelan.
S. 544. James Sexton.
S. 566. David Mills.
S. 569. Edmond Gould.
S. 572. Asbery Byrd.
S. 601. Henry Shafer.
S. 610. Ferdinand Capansky.
S. 611. Josiah Chatfield.
S. 619. David M. Harned.
S. 766. Joseph Laws.
S. 769. Martha A. Connor.
S. 770. Elihu Messer.
S. 781. John N. Cooter.
S. 831. Hardy H. La Due.
S. 878. William Deary.
S. 911. Alonzo C. Neff.
S. 913. Louis Putoz.
S. 918. Perry B. Johnson.
S. 945. Allen Turner.
S. 950. Abram Ellis.
S. 995. Thomas M. Smith.
S. 1046. William C. Cook.
S. 1047. John W. Teel.
S. 1062. Julia Baldwin.
S. 1105. Priscilla L. Howe.
S. 1111. George Heflen.
S. 1112. Franklin Heflen.
S. 1116. William R. Harris.
S. 1120. Jared C. Meek.
S. 1187. Lorentz Czarnezki.
S. 1188. John Bettner.
S. 1190. William Eldridge.
S. 1211. Ole A. Thompson.
S. 1349. James J. Poyner.
S. 1352. Francis M. Foster.
S. 1489. William L. Morris.
S. 1500. George W. Grisinger.
S. 1501. Charles W. Stratton.
S. 1516. Charles F. Delvert.
S. 1518. Robert Bullen.
S. 1533. Esto A. Makepeace.
S. 1545. Ellen Kirkpatrick.
S. 1621. John A. Wills.
S. 1643. Lucien E. Kent.
S. 1676. Mary E. Putney.
S. 1681. John W. Phillips.
S. 1685. George E. Wentworth.
S. 1700. Peter Schaddle.
S. 1765. James Barr.
S. 1780. William K. Best.
S. 1882. Albert Raymond.
S. 1883. Albert A. Loveland.
S. 1937. Walter S. McArthur.
S. 1964. Albert H. Heath.
S. 1984. Alwilda Smith.
S. 2073. George M. Roak.
S. 2087. Charles E. Handy.
S. 2159. Thomas C. Anderson.
S. 2182. Jane Murphy.
S. 2200. William Emery.
S. 2201. Jesse W. Casteel.
S. 2206. Turner W. Bottom.
S. 2274. Austin B. Tobey.
S. 2320. William Walker.
S. 2460. Charles H. Jones.
S. 2466. Charles E. Abbott.
S. 2469. Joseph H. Dougherty.
S. 2479. Lyman C. Brown.
S. 2485. George W. McKain.
S. 2500. Robert E. Love.
S. 2501. Elias C. Burdick.
S. 2515. James H. Rogers (alias James H. Robinson).
S. 2536. James W. Wilson.
S. 2542. William Mulley.
S. 2555. Phillip Wining.
S. 2569. Mirusa Rutherford.
S. 2593. Abraham Neidigh.
S. 2618. Frank A. Thurber.
S. 2620. Albert R. Austin.
S. 2632. Thomas J. Bulfinch.
S. 2633. Stewart Burright.
S. 2665. Leander W. Yost.
S. 2687. William Jewell.
S. 2724. James E. Cooley.
S. 2744. Joseph W. Eystra.
S. 2745. William J. King.
S. 2746. Stiles H. Wirts.
S. 2759. Hannah G. Edgar.
S. 2812. Helen Hill Sanford.
S. 2834. Chastina E. Hawley.
S. 2836. John W. Yount.
S. 2851. Byron A. Cole.
S. 2908. Marion Cunningham.
S. 2919. William A. Limbocker.
S. 2921. Thomas J. Cason.
S. 2926. Horace P. Tucker.
S. 2934. Azel W. Drake.
S. 2965. Joshua Boreing.
S. 2990. Charles S. Hicks, jr.
S. 2995. John E. Rosser.
S. 3015. George F. Sawin.
S. 3018. George Henry Welshman.
S. 3064. John Edwards.
S. 3086. Robert Harcourt.
S. 3131. Ira Flagg.
S. 3174. William H. Marshall.
S. 3191. Samuel P. Strahan.
S. 3208. William T. Kinerson.
S. 3209. George R. Waterman.
S. 3267. Elizabeth Otis.
S. 3287. George Treece.
S. 3311. John Dingee.
S. 3328. Harrison M. Reavis.
S. 3329. Patrick Daily.
S. 3342. Lewis Walters.
S. 3385. Charles H. Stearns.
S. 3386. Samuel F. Wyman.
S. 3387. John B. Lewis.
S. 3389. John H. Grandy.
S. 3394. William Haas.
S. 3407. Alfred Denny.
S. 3425. Jesse K. Robbins.
S. 3447. Niles H. Arnold.
S. 3451. Ann E. Bundy.
S. 3464. Gilman L. Eastman.
S. 3472. Thomas Powers.
S. 3485. Albert L. Washburn.
S. 3494. Henry M. Goodell.
S. 3495. Villars Larson.
S. 3502. Henry M. Zellers.
S. 3503. George L. Prentice.
S. 3518. Laura V. Geissinger.
S. 3538. William R. Schaffer.
S. 3562. Samuel F. Patterson.
S. 3655. Maria L. Miller.
S. 3657. Matthew O'Halloran.
S. 3704. Moses E. Kimball.
S. 3705. Henry H. Bailey.
S. 3707. Aaron Page.
S. 3732. Hillery A. McVicker.
S. 3791. Frank Fischer.
S. 3854. Thomas M. Jackson.
S. 3865. Ellen Fish Biddle.
S. 3935. Joseph Lewis.
S. 3938. George A. Pease.
S. 4143. Robert Paisley.
S. 4167. John C. Napier.
S. 4183. William Bowzer.
S. 4184. Ira L. Wescott.
S. 4216. Leander J. Beals.
S. 4307. John L. Perry.
S. 4316. Julia R. Wood.
S. 4317. Emilie M. Boyle.
S. 4342. Caleb S. Bigham.
S. 4448. Sally Ann Bradley.
S. 4474. Frank Gardner.
S. 4501. Josephine Robb.
S. 4567. George H. Garnett.
S. 4590. John W. Bruner.
S. 4595. Calvin W. H. Smith.
S. 4601. Charles W. Ammerman.
S. 4609. Joseph H. Newton.
S. 4615. James D. Pearce.
S. 4659. Oliver D. Browning.
S. 4683. Otho Lock.
S. 4702. Joseph B. Harris.
S. 4738. Franklin E. Sawyer.
S. 4812. Margaret Ann Taylor.

Mr. RUSSELL. Mr. Speaker, I move to amend page 23 by striking out lines 21, 22, 23, and 24. The party, John Dingee, is dead.

The SPEAKER pro tempore (Mr. RUBEY). The Clerk will report the amendment.

The Clerk read as follows:

Page 23, strike out lines 21, 22, 23, and 24.

The question was taken, and the amendment was agreed to.

Mr. RUSSELL. Mr. Speaker, I move to amend, on page 32, by striking out lines 10, 11, 12, and 13. The party, Charles W. Ammerman, is dead.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 32, strike out lines 10, 11, 12, and 13.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. RUSSELL. Mr. Speaker, I desire to call up the bill (S. 5193) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Missouri calls up the bill S. 5193 and asks unanimous consent that it be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 5193) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Mary J. Stumpff, widow of William G. Stumpff, late of Company F, Sixth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Robert M. Reynolds, late of Company C, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ansil Decatur, late of Company C, Ninth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram Smith, late of Company A, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph C. Norris, late of Company E, Seventy-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of David H. Burge, late of Company I, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Baker, late of Company G, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David T. Moneypenny, late of Company K, Fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William R. Jones, late of Company G, Eleventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis Bills, late of Company G, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emma Montgomery, widow of Harry Montgomery, late of band, Eleventh Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Marcy A. Tyler, widow of Edgar L. Tyler, late of Company H, Twenty-third Regiment Michigan Volunteer Infantry, and Company I, Fifth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Scott, late of Company A, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nathan Wakefield, late of Company H, Thirteenth Regiment, and Company I, Sixth Regiment, New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Amsbury, late of Company A, First Regiment Kentucky Volunteer Infantry, and Company A, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amos T. Phares, late of Company B, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Bishop, late of Company A, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adoniram J. Goff, late of Company E, One hundredth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Sharp, late of Company H, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Betsy R. Simons, widow of Joseph R. Simons, late of Company H, Eleventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John W. Watsbaugh, late of Company G, Seventy-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Cain, late of Company D, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Boler, late of Company N, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Bernard F. Morrow, late of Company F, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Y. Kennedy, late of Company I, Seventy-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William E. Brown, late of Company E, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Francis Caux, late of Company M, Third Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Worthington, late of Company B, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick C. Payne, late of Company D, Twelfth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Reynolds, late of Company I, Thirty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert H. Keller, late of Company B, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Perry, late of Company E, One hundred and sixty-eighth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Goldsmith, late of Company C, Fifty-third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Washington H. Wells, late of Company F, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Christian Miller, late of Company G, Thirty-second Regiment, and Company D, Sixteenth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert C. Jefferson, late of Company D, One hundred and sixty-sixth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Perkins, late of Company M, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob P. Buswell, late of Company A, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George S. Putnam, late of Company H, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wiliam S. Hosack, late of Company G, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Roberts, late second lieutenant Company I, Fourth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred Greenstreet, late of Company D, Thirty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William O. Campbell, late of Company G, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Shabley, late of Company K, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael H. Skinner, late of Company D, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Delevan L. Terrill, late of Company E, Second Regiment United States Volunteer Sharpshooters, and Company G, Tenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry M. Willis, late of Company K, Twenty-second Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaiah Fry, late of Company A, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abigail J. Fairfield, widow of Luther C. Fairfield, late second lieutenant Company H, Seventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of John F. Chamberlin, late of Company H, and commissary sergeant, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles L. Burgess, late of Company I, Twenty-third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Smith, late of Company K, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel S. Wilhite, late of Company F, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward G. Danforth, late of Company K, Forty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth Cleary, widow of Charles C. Cleary, alias Charles Reinhart, late of Company F, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Stevens, late of Company B, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abial S. Loomis, late of Company K, First Regiment United States Volunteer Sharpshooters, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John R. Littell, late of Company G, One hundred and sixty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Royal Cranston, late of Company D, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Cogar, late of Company I, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel D. Whitney, late of Company E, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David D. Barclay, late major, Fifth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles L. Hubbs, late of Company F, First Regiment Minnesota Volunteer Infantry, and Company A, Ninth Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli Hoyt, late of Company D, Thirty-first Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William L. Norton, late of Company B, Tenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josiah McKirahan, late of Company A, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josiah H. Gordon, late of Company B, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Clark Colvin, late of Company D, Thirtieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emily Fisher, helpless and dependent daughter of William J. Fisher, late second lieutenant Company D, Seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George Choron, late of Company G, First Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Samuel Osborne, late of Company F, Tenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Boyd, late of Company E, Sixty-second Regiment, and Company K, Seventy-sixth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Crane, late of U. S. S. Ohio, Mississippi, and Princeton, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Boyce, late of Company F, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Lantz, late of Company H, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, and Company K, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucy R. Stokes, widow of Charles Stokes, late of Company H, Third Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Reuben P. McCutchan, late of Company A, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John A. Larimer, late of Company C, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Gault, late of Captain Chandler's company, National Guards, New Hampshire Militia, and pay him a pension at the rate of $12 per month.

The name of Hiram Souders, late of Company H, Third Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Simpson, late of Company E, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Solon Peterson, late of Companies B and A, Thirteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Aaron Hemingway, late of Company B, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Monroe D. Whitman, late of Company H, Twelfth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Thom, late of Company F, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josiah Wood, late of Company E, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Manlius Holbrook, late of Company E, Second Regiment United States Volunteer Sharpshooters, and Company G, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. McFeeters, late of Company K, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edwin Underhill, late of U. S. S. Ossipee and Pensacola, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James L. Lane, late of Company I, Sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sylvester Abbott, late of Company M, Twelfth Regiment Pennsylvania Volunteer Cavalry, and Company C, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William E. Flesher, late of Company G, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christopher Miller, late of Company B, Brackett's battalion, Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. Pierce, late of Troop F, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi J. Silverthorn, late of Company F, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Allison Olinger, late of Company B, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Theresia Meyer, widow of Christian F. Meyer, late of Company F, Second Regiment United States Volunteer Sharpshooters, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Amos L. Burdick, late of Company I, First Regiment, and Company B, Ninth Regiment, Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John G. Ward, late of Company A, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Gosnel, late of Company E, Second Regiment North Carolina Mounted Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ephraim Hensley, late of Company E, Second Regiment North Carolina Mounted Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Maria Hinchcliff, former widow of Christian Miller, late of Company H, One hundred and fifty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Thomas Kehoe, late of Company I, Fifty-fifth Regiment Kentucky Mounted Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Robert G. Sleater, late of Company H, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Clovis, late of Company L, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Steel, late of Company D, First Regiment Delaware Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Enoch Adkins, late of Company H, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Layfield, late of Company C, Forty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William E. Clarke, late of Company G, Fifty-second Regiment Kentucky Mounted Volunteer Infantry, and Company D, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Hodge, late of Company K, Seventy-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julius Cohn, late of Company B, Sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac Cutright, late of Company B, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis H. Ewart, late of Company E, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Whipple, late of Company F, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harriet B. Nichols, widow of Henry C. Nichols, late captain Company E, Seventy-third Regiment United States Volunteer Colored Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mattie H. Miner, widow of Henry C. Miner, late captain Company M, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Margaret W. Ide, widow of Horace K. Ide, late captain Company D, First Regiment Vermont Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George W. Harlow, late of Company K, Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Hall, late assistant surgeon Thirty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Nancy A. Searls, widow of William T. Searls, late of Company C, Seventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Roswell Bradley, late of Company C, Seventeenth Regiment Vermont Volunteer Infantry, and Company G, Second Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dennis Morean, late of Company C, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Seaton, widow of John S. Seaton, late second lieutenant Company G, First Regiment Nebraska Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Burton, late of Company E, Seventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 4. Mary J. Stumpff.
S. 42. Robert M. Reynolds.
S. 156. Ansil Decatur.
S. 157. Hiram Smith.
S. 158. Joseph C. Norris.
S. 196. David H. Burge.
S. 197. James H. Baker.
S. 201. David T. Moneypenny.
S. 204. William R. Jones.
S. 367. Francis Bills.
S. 398. Emma Montgomery.
S. 477. Marcy A. Tyler.
S. 479. James Scott.
S. 482. Nathan Wakefield.
S. 490. William H. Amsbury.
S. 537. Amos T. Phares.
S. 586. David Bishop.
S. 623. Adoniram J. Goff.
S. 638. William A. Sharp.
S. 641. Betsy B. Simons.
S. 643. John W. Watsbaugh.
S. 797. David Cain.
S. 800. John Boler.
S. 810. Bernard F. Morrow.
S. 857. James Y. Kennedy.
S. 858. William E. Brown.
S. 883. Francis Caux.
S. 914. Henry Worthington.
S. 922. Frederick C. Payne.
S. 941. Thomas Reynolds.
S. 946. Robert H. Keller.
S. 948. John M. Perry.
S. 1114. John Goldsmith.
S. 1192. Washington H. Wells.
S. 1194. Christian Miller.
S. 1195. Albert C. Jefferson.
S. 1367. William J. Perkins.
S. 1670. Jacob P. Buswell.
S. 1884. George S. Putnam.
S. 1912. William S. Hosack.
S. 1913. William Roberts.
S. 1963. Alfred Greenstreet.
S. 1990. William O. Campbell.
S. 1998. Charles Shabley.
S. 2015. Michael H. Skinner.
S. 2017. Delevan L. Terrill.
S. 2018. Henry M. Willis.
S. 2027. Isaiah Fry.
S. 2089. Abigail J. Fairfield.
S. 2092. John F. Chamberlain.
S. 2093. Charles L. Burgess.
S. 2130. James Smith.
S. 2131. Samuel S. Wilhite.
S. 2138. Edward G. Danforth.
S. 2229. Elizabeth Cleary.
S. 2230. John Stevens.
S. 2328. Abial S. Loomis.
S. 2715. John R. Littell.
S. 2800. Royal Cranston.
S. 2827. Thomas Cozar.
S. 2869. Daniel D. Whitney.
S. 2884. David D. Barclay.
S. 2950. Charles L. Hubbs.
S. 3010. Eli Hoyt.
S. 3033. William L. Norton.
S. 3053. Josiah McKirahan.
S. 3054. Josiah H. Gordon.
S. 3102. Clark Colvin.
S. 3103. Emily Fisher.
S. 3105. George Choron.
S. 3106. William Starry.
S. 3133. Samuel Osborne.
S. 3144. William Boyd.
S. 3172. Michael Crane.
S. 3192. William Boyce.
S. 3298. Jacob Lantz.
S. 3299. William M. Clark.
S. 3384. Lucy R. Stokes.
S. 3415. Reuben P. McCutchan.
S. 3416. John A. Larimer.
S. 3448. George Gault.
S. 3457. Hiram Souders.
S. 3477. William Simpson.
S. 3486. Solon Peterson.
S. 3496. Aaron Hemingway.
S. 3497. Monroe D. Whitman.
S. 3498. Robert Thom.
S. 3504. Amos L. Burdick.
S. 3623. Josiah Wood.
S. 3676. Manlius Holbrook.
S. 3677. John A. McFeeters.
S. 3689. Edwin Underhill.
S. 3706. James L. Lane.
S. 3708. Sylvester Abbott.
S. 3718. William E. Flesher.
S. 3746. Christopher Miller.
S. 3792. William A. Pierce.
S. 3793. Levi J. Silverthorn.
S. 3822. Allison Olinger.
S. 3836. Theresia Meyer.
S. 3922. John G. Ward.
S. 3933. James Gosnel.
S. 3934. Ephraim Hensley.
S. 3957. Maria Hinchcliff.
S. 4117. Thomas Kehoe.
S. 4154. Robert G. Sleater.
S. 4156. William A. Clovis.
S. 4188. William H. Steel.
S. 4225. Enoch Adkins.
S. 4261. William H. Layfield.
S. 4292. William E. Clarke.
S. 4343. William Hodge.
S. 4344. Julius Cohn.
S. 4426. Isaac Cutright.
S. 4429. Lewis H. Ewart.
S. 4469. John W. Whipple.
S. 4530. Harriet B. Nichols.
S. 4592. Mattie H. Miner.
S. 4608. Margaret W. Ide.
S. 4610. George W. Harlow.
S. 4650. William H. Hall.
S. 4657. Nancy A. Searls.
S. 4671. Roswell Bradley.
S. 4771. Dennis Morean.
S. 4775. Mary E. Seaton.
S. 4785. William A. Willis.
S. 4909. John Burton.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

Mr. RUSSELL. Mr. Speaker, I desire to call up the bill (S. 5493)—an act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors—and I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Missouri calls up the bill S. 5493, and asks unanimous consent that it be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 5493) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws—

The name of Cornelius S. Munhall, late of Company I, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wilson Aler, late of Company A, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John J. Hill, late of Companies F and B, Fourth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. North, late of Company E, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Nash, late of Company K, One hundred and eighty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Abel Statton, late of Company G, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Marks, late of Company E, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Scannel, late of Company H, Third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Smith, late of Company B, Thirty-ninth Regiment, and Company F, Forty-seventh Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George L. Hiatt, late of Company A, One hundred and twenty-fifth Regiment Illinois Volunteer Infantry, and Companies H and I, First Regiment Mississippi Marine Brigade Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George P. McKee, late of Company C, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Winfield S. Blain, late of Company F, First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred E. Robinson, late of Company A, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Salisbury, late of Company I, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Patrick Wallace, late of Company A, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James F. Farnsworth, late of Company D, One hundredth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Shepard Goodwin Patrick, late of Company D, One hundred and fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David C. Morgan, late of Company B, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram F. Chappell, late captain Company D, Twelfth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Cline, late of Company D, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis Hashman, late of Company I, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Murray, late of Company E, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Jones, late of Company A, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Ridgman, late of Company A, Twentieth Regiment, and Company C, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel C. Grover, late of Company G, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Warren Caswell, late of Company B, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Allen H. Benton, late of Company D, Thirty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Weeks, late of Company H, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elmore Y. Shelt, late of Company K, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Smith Lackor, late of Company I, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Mingles, late of Company K, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward V. Holland, late of Company B, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin Miller, late of Company B, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mortimer Seymour, late of Company B, Seventy-third Regiment, and Company A, Twenty-ninth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry H. Fackler, late of Company M, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William B. Roberts, late of Company E, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elijah B. Morris, late of Company A, First Regiment Delaware Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Warren Seaward, late of Company E, Sixteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry S. Bell, late of Companies F and A, First Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Powell, late of Company E, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eli Sherman, late of Company I, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isabella Oliver, widow of William Oliver, late of Company I, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lafayette Hall, late of Company C, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Plate, late of Company D, Second Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George R. Howard, late of Company E, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Annie D. Diamond, widow of Absalom S. Diamond, alias Henry Scott, late of Company C, Third Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Francis M. Howard, late of Company A, Fifty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joshua Pinkham, late of Company K, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Seba Coffin, late of U. S. S. Sabine and Niagara, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Solomon Baker, late of Company D, Fourth Regiment Ohio Volunteer Infantry, and Company I, Third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Washington Masters, late of Company H, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas S. Neal, late of Company C, Second Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Varner, late of Company C, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Gorham, late of Company H, Thirteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis C. Berg, late of Company K and principal musician, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. Day, late of Company D, Tenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Bisbin, late of Company C, First Regiment Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Marion L. Wilson, widow of Edward P. Wilson, late captain Company A, and major, Second Regiment United States Colored Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Henry D. Lockwood, late of Company E, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Black, late of Company B, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Larock, late of Company I, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Joseph S. Spencer, late of Company F, Fifty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Vander Horck, late captain Company D, Fifth Regiment Minnesota Volunteer Infantry, and captain Company H, Eighth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. Fernald, late of Company E, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harrison Buchanan, late of Company D, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary B. Boyer, widow of John Boyer, late of Company F, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Ellen Brackett, widow of Edwin F. A. Brackett, late of Company H, Fiftieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John B. Randolph, alias John Brendo, late of Company G, Twenty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alcenus Ward Fenton, late captain Company D, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Hartin, late of Company A, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abraham Mowery, late of Company C, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel W. Coan, late first lieutenant Company I, One hundred and forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George A. Lindall, late of Company F, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Hunt, late of Company F, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Dillon, late of Company H, Nineteenth Regiment Maine Volunteer Infantry, and Company H, First Regiment Maine

Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Philinda Lewis, widow of Jonathan Lewis, late of Company C, Nineteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George R. Roberts, late of Company E, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Harrison Flinton, late of Company A, Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph F. Sutton, late of Company G, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob B. Copley, late of Company I, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Smith, late of Company F, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James E. Wheeler, late of the Third Independent Battery Vermont Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob L. Cook, late of Company B, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Cavender, late of Company E, Fifteenth Regiment, and Company H, One hundred and ninety-third Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Graham M. Meadville, late of Company F, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph C. Bullock, late of Company K, Ninth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Pensions:

S. 47. Cornelius S. Munhall.
S. 63. Wilson Aler
S. 207. John J. Hill.
S. 208. Thomas J. North.
S. 210. William J. Nash.
S. 358. Abel Statton.
S. 359. William Marks.
S. 366. William H. Scannel.
S. 379. Samuel Smith.
S. 507. Caleb Eldred.
S. 509. George L. Hiatt.
S. 542. George P. McKee.
S. 582. Winfield S. Blain.
S. 584. Alfred E. Robinson.
S. 585. William J. Salisbury.
S. 685. Patrick Wallace.
S. 686. James F. Farnsworth.
S. 691. Shepard Goodwin Patrick.
S. 811. David C. Morgan.
S. 917. Hiram F. Chappell.
S. 942. John H. Cline.
S. 1126. Lewis Hashman.
S. 1200. Robert Murray.
S. 1205. John Jones.
S. 1206. William H. Ridgman.
S. 1350. Daniel C. Grover.
S. 1539. Warren Caswell.
S. 1556. Allen H. Benton.
S. 1668. Charles H. Weeks.
S. 1678. Elmore Y. Shelt.
S. 1900. William Smith Lackor.
S. 1901. Henry Mingles.
S. 1904. Edward V. Holland.
S. 1935. Benjamin Miller.
S. 1944. Mortimer Seymour.
S. 1971. Henry H. Fackler
S. 2007. William B. Roberts.
S. 2103. Elijah B. Morris.
S. 2104. Warren Seaward.
S. 2177. Henry S. Bell.
S. 2189. Daniel Powell.
S. 2341. Eli Sherman.
S. 2475. Isabella Oliver.
S. 2581. Lafayette Hall.
S. 2772. William Plate.
S. 2790. George R. Howard.
S. 2868. Annie D. Diamond.
S. 2893. Francis M. Howard.
S. 2951. Joshua Pinkham.
S. 2994. Seba Coffin.
S. 3113. Solomon Baker.
S. 3318. Washington Masters.
S. 3434. Thomas S. Neal.
S. 3458. Thomas Varner.
S. 3481. George Gorham.
S. 3493. Lewis C. Berg.
S. 3501. William W. Day.
S. 3530. Henry Bisbin.
S. 3531. Marion L. Wilson.
S. 3711. Henry D. Lockwood.
S. 3810. Samuel Black.
S. 3820. Joseph Larock.
S. 3855. Joseph S. Spencer.
S. 3857. John Vander Horck.
S. 3887. Charles A. Fernald.
S. 3911. Harrison Buchanan.
S. 4046. Mary B. Boyer.
S. 4209. Ellen Brackett.
S. 4492. John B. Randolph (alias John Brendo).
S. 4523. Alcenus Ward Fenton.
S. 4561. William Hartin.
S. 4611. Abraham Mowery.
S. 4677. Daniel W. Coan.
S. 4696. George A. Lindall.
S. 4716. William H. Hunt.
S. 4717. James Dillon.
S. 4719. Philinda Lewis.
S. 4752. George R. Roberts.
S. 4777. Harrison Flinton.
S. 4817. Joseph F. Sutton.
S. 4863. Jacob B. Copley.
S. 4927. Charles H. Smith.
S. 4932. James E. Wheeler.
S. 4961. Jacob L. Cook.
S. 5154. William J. Cavender.
S. 5168. Graham M. Meadville.
S. 5312. Joseph C. Bullock.

Mr. RUSSELL. Mr. Speaker, I desire to call up the bill S. 5624, an act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of said soldiers and sailors.

The SPEAKER pro tempore. The gentleman from Missouri calls up the bill S. 5624, and asks unanimous consent that it be considered in the House as in the Committee of the Whole. Is there objection? [After a pause] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

An act (S. 5624) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of John Brown, late of Company A, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate or $50 per month in lieu of that he is now receiving.

The name of Elizabeth S. Phillips, former widow of Julius G. Johnson, late of Company B, Twenty-eighth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Urban Coon, late of Company B, Nineteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Kent, late of Company G, Thirteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Lambdin, late of Company E, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel D. Fulmer, late of Company F, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Josephine P. Whitney, helpless and dependent daughter of Oliver C. Whitney, late of Company A, Seventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Henry Andrews, alias William J. Bowers, late of Company E, Thirty-third Regiment, and Company D, Thirty-fourth Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Benton, late of Company L, First Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank L. Fisher, late of Company B, Forty-second Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William P. Thompson, late of Company G, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Reed, late of Company A, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Virginia H. Morgan, widow of Nelson Morgan, late second lieutenant Company B, One hundred and first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James A. Hunt, late of Company A, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Calvin Smith, late of Company G, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary S. Tucker, of Texas, widow of Charles F. Tucker, late of Company A, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John C. Carpenter, late of Company D, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Turner, late of Company A, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 dollars per month in lieu of that he is now receiving.

The name of Francis Marion Keith, late of Company K, Twelfth Regiment, and Company K, Twenty-fourth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Karl Somerlatt, late of Company B, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ira N. Levalley, late of Company B, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Akin, late of Company F, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John L. Reese, late of Company E, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ransom W. Bailey, late of Company A, One hundred and seventy-first Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Horace R. Weston, late of Company I, Thirteenth Regiment Maine Volunteer Infantry, and Company B, First Battalion Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Barker, late of Company K, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John West, late of Company E, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Tinkham, late of Company A, Third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Frederick J. Thilke, late of Company A, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christopher G. Burdick, late of Company E, Tenth Regiment, and Company C, Forty-first Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ambrose Roan, late of Company F, Twenty-seventh Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry G. Trimble, late of Company C, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $65 per month in lieu of that he is now receiving.

The name of Charles C. Warner, late of Company H, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Hollabaugh, late of Company G, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Maggie L. Zachary, widow of Charles A. Zachary, late captain Company F, Second Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of John Rosswork, late of Company H, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eugene O. Pratt, late of Company B, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robie M. Towle, late of Company H, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John J. Evans, late of Company H, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry M. Endsley, late of Company H, Third Regiment Indiana Volunteer Infantry, War with Mexico, and captain Company F, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John X. Eichel, late of Company F, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Andrew J. Board, late of Company A, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George McCrea, late first lieutenant and captain Company E, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph B. Hill, late captain Company E, Tenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel A. Pearce, late additional paymaster, United States Volunteers, and major and paymaster, United States Army, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry Dye, late of Company D, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew Randall, late of Company H, Fourth Regiment, and Company H, Nineteenth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Donaldson, late of Company K, First Regiment Michigan Volunteer Cavalry, and unassigned detachment First Battalion Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel T. Hawkins, late of Company C, Thirty-second Regiment, and Company H, One hundred and thirty-third Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob C. Mitts, late of Company F, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin L. Galyean, late of Company A, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William M. Blose, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Patrick Sullivan, late of Company I, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Clopine, late of Company C, Fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William C. Williams, late of Company K, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and Company G, Sixth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Bargerstock, late of Company D, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Willard M. Walker, late of Company C, Third Regiment, and Company E, Twenty-second Regiment, Wisconsin Volunteer Regiment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Ghastin, late of Company H, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Sullivan, late of Company D, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles W. Holmes, late of U. S. S. Vandalia and Tioga, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Johnston R. Lambright, late of Company E, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Aaron H. Thatcher, late of Company A, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Milton Green, late of Company F, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred Kent, late second lieutenant Company H, and first lieutenant and regimental commissary Third Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Benjamin Miller, late of Company I, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ezra J. Crocker, late of Company K, Fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Davlin, late of Company D, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin E. Westfall, late of Company F, Fourth Regiment, and Company G, Thirtieth Regiment, Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George H. Pierce, late of Company H, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander A. Richardson, late of Company K, First Regiment District of Columbia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Mower, late of Company A, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Bradley, late of Company G, First Regiment Pennsylvania Reserve Volunteer Infantry, and medical cadet, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catherine Downs, widow of James Downs, late of Company H, One hundred and seventeenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Olive C. Morrill, widow of Eleazer D. Morrill, late of Company I, Eighth Regiment Vermont Volunteer Infantry, and Company G, Thirteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Gerret G. Seger, late first lieutenant Company E, Seventy-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Whitehouse, late of Company C, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Jones, late of Fifth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew Geist, late of Company F, One hundred and twenty-fifth Regiment, and Company H, One hundred and eighty-eighth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eri Guthrie, late of Company F, Ninety-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Catharine Ann Leonard, widow of Thomas Leonard, late of Company A, Eighty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Clarence L. Miles, late first lieutenant Company A, Ninth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Ryder, widow of John B. Ryder, late of Company I, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John H. Klingler, late of Company H, Fourth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Marble, late of Company C, Eleventh Regiment Michigan Volunteer Cavalry, and Company I, Eighth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Bryant, late of Company B, Forty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles D. Wilson, late of Company K, Eighty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. RODDENBERY. Mr. Speaker, I desire to offer an amendment. On page 7, line 7, I move to strike out the lines 7 to 10, inclusive.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, strike out lines 7, 8, 9, and 10.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. RODDENBERY].

The question was taken, and the Chair announced that the "noes" seemed to have it.

Mr. RODDENBERY. Division!

Mr. MANN. Mr. Speaker, I ask that the amendment be reported with the words which are proposed to be stricken out.

Mr. RUSSELL. Mr. Speaker, I think the amendment ought to be explained.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, strike out, beginning on line 7:
"The name of Henry G. Trimble, late of Company C, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $65 per month in lieu of that he is now receiving."

The SPEAKER pro tempore. The gentleman from Georgia is recognized.

Mr. RODDENBERY. Mr. Speaker and gentlemen of the committee, this is a Senate bill and it provides for a private pension of $65 a month to the pensioner named. At this time, under general law, the pensioner is drawing $55 a month, and when the bill was up for consideration in the Senate it was there stated upon authority that uniformly the committee having control of these measures in another department of the legislative branch of the Government had limited the pensions as recommended by the committee to $50 per month. Indeed, a gentleman familiar for many years with the conduct of pension legislation in that department of the Government stated that he knew of no case where the committee had recommended more than $50 per month.

It was also stated, however, by another equally distinguished public man that many years ago the present president of the Civil Service Commission was granted a pension of $100 a month on the ground of total physical and mental incapacity, and the same distinguished gentleman stated that the pen-

sioner had been drawing it for many years, and that during all the time had been filling his high public positions, notwithstanding the pension was granted on the ground of mental and physical incapacity.

There are but few exceptions. The other end of the Capitol has stricken out, without exception, in the House bills, every provision that this body has made for an increase over $50 per month at this session of Congress. Not only that, but I believe they have reduced pensions allowed at $36 and $30 a month by this House to as low as $24 a month; and it was only by a vote of 17 to 19 that the present allowance of $65 a month by a special bill was made.

Members of the House will readily see what this means. In fact it was stated at the other end of the Capitol that if this $65 provision was finally enacted into law it would discriminate against thousands of other old soldiers just as deserving, who have been held down for many years to the maximum limit fixed by the committees at $50 a month. As a rational, reasonable, and sane proposition, I submit to the candid judgment of the House that a vote now against striking out this item is a vote by the House—unless it wants to convict itself of indefensible injustice—to change the maximum limit of the House committee and the Senate committee from $50 to $65.

Are you prepared to do it? Is it wise? Is it demanded by the exigencies of the situation in order to do justice to the soldier?

I had not intended to make any remarks on this bill, but, Mr. Speaker, I am sure a sense of right and wisdom will move the House to vote this pension out.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RUSSELL. Mr. Speaker, I desire to be heard a moment on this amendment.

I will state at the outset that I am going to vote for this amendment, and I want the Members of the House to know why I am going to do so. I supported one like it in the committee, and it is entirely consistent for me to do so now. I want to say that the understanding is to-day with the Committee on Invalid Pensions of the House not to place anyone's pension above $50. It has, by a vote of the committee sometimes, been violated, but in every case in which we have made pensions larger—I will not say what the Senate did, to give my friend from Kentucky [Mr. LANGLEY] occasion to object to it—but I will say that in every case where the House has made the sum larger than $50 the beneficiaries were very old, and in one of the cases that I now remember the beneficiary was 111 years of age, and is now and will be helpless until the hour of his death.

These bills have gone to the Senate and have come back and are on the Speaker's desk, or have been referred to the Committee on Invalid Pensions; every one of them being reduced to $50. Now, here is one sent from the Senate to us, granting $65. The beneficiary in this case is now getting $55. If he were getting less than $50 I would be willing to let it remain at $50, but he is now drawing $55, and has been drawing that for nine years.

I submit, under the rule of our committee and under the rule of this House, although I admit that rule has sometimes been violated, it has never been violated at the other end of the Capitol except in this one instance. I do not believe in making fish of one and fowl of another. I believe they ought to be treated alike. I know of a number of cases that have been before our committee where the pensioners were totally blind, where they were bedridden, where they were entirely poverty stricken, and if anybody should be entitled to more than $50, they would be entitled to it. I am not in favor, in one isolated case, of giving a man who is now getting $55, and has been getting it for nine years, $65 a month when nobody else is able to get it. So that I am going to support this amendment. I will admit that this man is deserving. His case is meritorious. He has lost an arm. But $55 a month is a liberal pension, and for my part I would rather give two pensions of $30 apiece to two old soldiers who are deserving than to give $65 to one soldier who is deserving. I am going to vote for this amendment, and I hope it will be agreed to.

Mr. LANGLEY. Mr. Speaker, I do not think the House should do an injustice merely because some other body may have done an injustice in some cases and may have a general rule which does injustice.

I happen to know personally about this case. This man is one of the most distinguished soldiers in Kentucky. He has lost an arm as a result of a wound received upon the battle field. That arm has been amputated so that it is practically unsocketed at the shoulder joint. As a result of that he is unable to wear an artificial arm, and because of that condition he is now receiving, under the general law, $55 a month.

In addition to this I desire to call the attention of gentlemen to the fact that this old man is entirely helpless, as shown by the evidence. His good old wife is also helpless, so that each of them needs an attendant. In addition to that they have no home and no property whatever. They are compelled to live in a boarding house, and out of this $55 a month they pay their board and pay for the best attendance that they are able to employ with the small amount left. This case is a most exceptional one. I concede that there is a general rule limiting pensions to a less rate than is proposed in this bill, but there have been a number of exceptions made, and the mere fact that in some other case they have not increased the rate above $50 is not a valid argument why we should not allow a higher rate in this instance. Two wrongs do not make a right. The answer to such an argument is so self-evident that I am sure I am wasting time to dwell upon it.

Mr. WILLIS. Mr. Speaker, I understand the gentleman is a member of the Committee on Invalid Pensions, is he not?

Mr. LANGLEY. I am.

Mr. WILLIS. At the beginning of the last session I introduced a bill for the relief of an old soldier living in Bellefontaine, Ohio, who is absolutely helpless, practically dead all except his brain. He requires the constant care of about two people. He is now receiving $50 a month, and I was told by the committee that nothing could be done, because it was an inflexible rule of the committee that no bill would be reported to grant a pension above $50 a month.

Mr. LANGLEY. I do not know what member of the committee gave the gentleman that information.

Mr. WILLIS. It was not the gentleman from Kentucky; but I am trying to find out the policy of the committee.

Mr. LANGLEY. The gentleman from Kentucky tries to give accurate information. I know that the committee has in some instances at this session allowed a higher rate than $50 a month. I know that there is no inflexible rule of that kind. The attention of the committee has already been called to the fact that this case was fully considered, and I may add, debated for nearly three hours in another body, passed there, and carefully considered by the House Committee on Invalid Pensions, and favorably reported. I appeal to members of the committee to sustain the Invalid Pensions Committee and give this old man, who at best can only live a few months more, this small increase in his present rate of pension, which will make his few remaining days a little bit more comfortable. I wish I could see as much done for all of the old fellows, and I am ready at any and all times to help do it.

Mr. TRIBBLE. Mr. Speaker, in line with what the gentleman from Missouri [Mr. RUSSELL] has said, approving the amendment of the gentleman from Georgia [Mr. RODDENBERY] to reduce the amount of this pension, and enlarging upon reference of the gentleman from Georgia [Mr. RODDENBERY] to the chairman of the Civil Service Commission, I rise to say that I hold in my hand the record of the chairman of the Civil Service Commission, which I think should be given to the House at this time, for the purpose of showing the iniquity in these enormous pensions that are often granted to the select in this House.

The commissioner was granted an increase of pension, and the report states, "From the year 1874 until this day he has been an invalid." The hearing was during the year 1878.

Now listen, I want you to hear the iniquity in the pension granted this man. Here is what the report says further:

He is now a physical wreck; he is maimed and diseased, incapable of any effort, and much of the time he is confined to his bed.

On this report the committee and this House granted him $100 a month. He was getting at that time $50 a month. From the date he began to draw his pension to this date he has drawn $45,722. This is the pension record I hold in my hand. Now, it is stated in this report that he was incapable of any kind of work. Let me read from a book called Men of America, which I secured from the Library. He was a candidate for Congress in 1876. The report says he was an invalid at that time. Since that time this man has drawn out of the Public Treasury of the United States approximately $110,000 in addition to the pension of $45,000, although he is incapable of any work! The reasonable estimate of his Government salaries and his pensions amount in total to not less than $156,000; this enormous sum he has drawn from the Treasury of the United States. A physical wreck! That was stated by the committee. I read correctly an extract from the language in the report. Now, what has he done since the committee granted him $100 per month? I read from book called "Men of America." In 1885 he was United States Commissioner of Pensions for four years. He served in the Fifty-third Congress. He was United States attorney for the northern district of Illinois from 1895 to 1899. Since 1903 he has been a civil service commissioner. Calculate these sal-

aries and you will see that my estimate of $110,000 in salaries of this invalid who has drawn $45,722 in pensions is a low estimate. Now, Mr. Speaker and gentlemen, will you continue in the face of such facts to give over $50 a month when there are so many needy old soldiers as it is claimed, and as Judge RUSSELL tells you, who, if anybody is helped, ought to be helped instead of men like these?

Mr. SULLOWAY. Mr. Speaker, I want to make a few remarks upon this matter, although I am not in the habit of detaining the House with many speeches. This is one of the most meritorious cases that I have known in the 18 years that I have served on the Committee on Invalid Pensions in this House. This soldier had quite a long service—I think two years or more—and was then shot out of the service.

Mr. RUSSELL. May I ask the gentleman a question?

Mr. SULLOWAY. Certainly.

Mr. RUSSELL. I know my friend from New Hampshire is a bona fide friend of the old soldier, and so I do not ask him this question to criticize him or his position. Is it not true that our committee has passed upon a number of other cases at this session of Congress equally as meritorious as this and has not been able to get for any one of them a pension exceeding $50 a month?

Mr. SULLOWAY. My answer to that is, that there was no attempt to get it. We come in here and are asked to concur in the Senate proposition. Why not go to conference with these gentlemen and determine the matter? You have made a complete surrender in all these cases, and that is why the thing is as the gentleman has stated. Here is the process of reasoning: I just saw my distinguished friend from Illinois [Dr. FOSTER]. Although I feel certain that it never happened to him, yet, for illustration, if in his practice he ever by accident administered some medicine that killed one of his patients, then, in order to treat all alike, he ought to kill every one of them that he has had since. [Laughter.] That is the logical argument—that because you have done what you ought not to have done in one case and failed to do what ought to have been done, you are going to punish this old soldier, who has only one arm hanging to him, old and feeble, for the reason that somebody else did not get what they ought to have had. And we ought to have insisted that they have what was due them by reason of their service, wounds, and destitution.

This man when he was shot out of the service with a loss of an arm received only $8 a month, which was the full pension at that time. He struggled along and it was increased to $10, not by special act, then to $15, $20, $24, $36, $40, and $55, and to-day this old man, absolutely helpless, with a wife about the same age—I think, in the neighborhood of 80—helpless, penniless, and the Committee on Pensions in another body reported this bill at $65. The chairman of that committee, if it is proper for me to allude to him, opposed that on the floor of the Senate, and the Senate sustained the committee and gave the old hero $65. That is what we asked for here to-day; and just because somebody else has not had what he ought to have had, this man, limbless on one side, penniless, broken down with age, with an old wife in the same condition, must suffer and can not have what is absolutely due him on the merits of the case. I for one will not be silent, but will break my usual custom of being mum and state the facts to the House. It is marvelous and mysterious that we find here this double-shuffle on this matter. The bill was reported favorably by the Committee on Invalid Pensions, and I know of no reason why any man in this House should change his vote on that side and fail to stand with this old veteran who has made such a sacrifice, who lost a limb, and is one of the heroes of the war. God forbid that I should. [Applause.]

I wish to say that there never has been since I have been a Member of this House any fixed iron-clad rule and never should be as to the amount of pension to be allowed in special-acts cases. Each case stands on its merit alone, in no wise connected with any other. They are as varied as the stars are numerous. The weakness of such a contention could never be better evidenced than is being demonstrated here and now by those who are asking to amend the Senate bill by striking out this old soldier's name and depriving him of $10 a month that the Senate after an exhaustive debate voted to give him in addition to what he now receives. No one contends that it is too much. No one claims that with the increase that that amount of pension will care for him as humanity demands he should be cared for. Say nothing of patriotism, but that because, as they say, injustice was done to another this claimant must and shall be unjustly treated by this Congress. For one I am opposed and shall continue to be to any and all such rules and actions.

The soldier should be pensioned at $72 per month. For years Congress has granted pensions at $72 to soldiers in his condition, and no one could merit and deserve more than this applicant.

Senate report recommending the increase to $65 per month:

S. 2595. Henry G. Trimble, sergeant in Company C, Third Kentucky Volunteer Infantry, served from August 7, 1861, to October 13, 1864, when he was discharged on account of wounds received in battle. He was wounded in battle at Dallas, Ga., June 2, 1864, causing amputation of left arm near shoulder joint. He has been pensioned since discharge at the highest rates provided by law for his disability, namely for loss of arm at shoulder so as to prevent use of artificial limb. He was first pensioned under the general law at $8 per month to date from October 13, 1864. This was subsequently raised to $15, $18, $24, $30, $36, $45, and $55, as the various laws for loss of arm were changed. He is now and since March 2, 1903, has been receiving $55 per month, which is the highest rate provided by law for this disability. The bill introduced in his behalf proposes to increase his pension to $75 per month. Evidence filed with your committee is to the effect that the soldier, because of paralysis and other diseases incident to old age which have intervened since the allowance of the $55 rate, has become totally helpless and bedridden, requiring the constant aid and attention of another person. Sworn evidence also shows that he has no one to take care of him except his aged wife, who is also so afflicted with the infirmities of age as to be practically helpless herself; that they have no home, but for a number of years have been compelled to board, and that they have no other source of income whatsoever.

The following letter from the Senator who introduced the bill, and who has personal knowledge of claimant's condition, explains in brief terms the present condition of soldier:

JANUARY 12, 1912.

Hon. P. J. MCCUMBER,
Chairman Committee on Pensions.

MY DEAR SENATOR: I have a bill pending for the benefit of Capt. Henry G. Trimble, S. 2595, asking that his allowance be increased to $75. I know this man well, and his case is an unusually deserving one. He lost an arm and is paralyzed, being perfectly helpless.

I hope you will call especial attention to this claim. I understand he is growing feebler each day, and the probabilities are he will live but a short time.

Very truly, W. O. BRADLEY.

In view of the facts as above stated, a majority of your committee recommend the allowance of an increase of his pension to $65 per month.

The above report, so far as it covers the case of Henry G. Trimble, was made by a majority of the committee present at the last meeting. A minority of the committee, including the chairman, opposed the granting of a pension in this case higher than $50 per month on the grounds that $50 per month is the highest amount granted by the committee in any case, and that granting this claimant $65 per month would be giving him $15 per month more than has been the custom of the committee to give other soldiers of equally good service and of equal physical and financial distress.

Mr. RUSSELL. Mr. Speaker, I do not know whether my friend means to insinuate that I have changed my vote.

Mr. SULLOWAY. Not at all. The gentleman opposed it in the committee, and, thank God, he was beaten.

Mr. RUSSELL. Mr. Speaker, the only reason I was defeated in the committee, if I may state it without objection, was because at that time we thought we could only pass bills under suspension of the rules and no amendment could be offered. Hence the committee determined that rather than to have a filibuster, possibly, upon that bill they would allow it to come in under suspension of the rules and not attempt to amend it; but my understanding is that a large majority of our committee is to-day in favor of this amendment.

Mr. SULLOWAY. Mr. Speaker, I do not know anything about what the gentleman's mental reservations were. I know what happened in the committee, and it is not proper to speak of it.

Mr. RUSSELL. It is not proper to speak of what transpired in the committee room, but the majority of this committee, I undertake to say, are to-day in favor of this amendment, and have always been in favor of it if it was thought practical to get a vote upon it in this House; but if it had come up under suspension of the rules an amendment could not be offered and voted upon.

Again, in answer to the gentleman from New Hampshire, it will not be denied that we have passed in our committee at this session of Congress bills granting larger amounts that have been reduced down to $50 by the Senate—one for an old man 111 years old, who is in bed, and has been for years, and will be there until the moment of his death. Yet that bill is to-day in the House, having come from the other end of the Capitol reduced down to $50. I submit that it will not be fair to make one single exception in this House or in this Congress and pay to this one man $65 when the old blind men, men who are in bed and have been for years, and can not get out of bed, are paid less.

Mr. LANGLEY. Mr. Speaker, will the gentleman yield?

Mr. RUSSELL. Certainly.

Mr. LANGLEY. Does the gentleman think that the action of another body in reducing all of the rates passed by the House in excess of $50 was correct or incorrect?

Mr. RUSSELL. If it was the rule of Congress, the House and the Senate, to pay more, then I would be as liberal as the next best friend of the soldier in this House, because that is my lifetime record, before I came to Congress as well as now.

Mr. LANGLEY. I believe that is true of the gentleman's record, and I think the same can be said of mine. But if the rule has been violated in many instances, as the gentleman will concede and as the records show, then it is really not a rule; and does not the gentleman think, if that action was wrong, that this is a good opportunity for the House to show its liberality in these matters and as an object lesson to the other body?

Mr. RUSSELL. Mr. Speaker, I would like to have that shown at the other end of the Capitol before we begin to show it here.

Mr. LANGLEY. I think that liberality ought to begin at home in this instance.

Mr. RUSSELL. The rule of Congress has been adhered to in every other case, allowing no more than $50 to anyone, and I submit we should not, in the face of the recent action of the Senate, make an exception in this particular case, and I for one am not in favor of doing it. I am not going to permit, without my protest, the rule to be violated in one case and submissively adhere to it in all other cases, many of which I believe to be more meritorious than this.

Mr. MANN. Mr. Speaker, there are 13 private pension bills on the calendar to-day, all of them omnibus bills. They are passing through practically by unanimous consent. It has been the custom of both branches of Congress for years to pass practically by unanimous consent private pension bills reported from the Committee on Pensions, because we have understood that those committees had certain rules which they lived up to and that they would treat all cases alike; that personal solicitation of a Member of Congress in behalf of some particular constituent of his would not increase the pension over the amount which would be granted under the rules of the committee. I think it is quite safe to say that if it shall become the practice of the House through personal solicitation in the House, through personal influence with Members of the House, to change these rules so as to grant large pensions to be voted upon the floor of the House over the amount ordinarily allowed, private pension bills will have the same difficulty of passage they had when I first came into the House. At that time there were not a dozen pension bills—not omnibus bills—altogether passed in the course of several years. It had been the practice then, if some Member insisted upon allowing a large pension to some constituent of his, for the House to grant it, if it got a chance to vote at all, and the result was that opposition came so that we did not have a chance to vote. The House was constantly held up for lack of a quorum on the consideration of pension bills.

And it seems to me that in the interest of the old soldiers, many of whom need the increases allowed by these private bills, that it ought to be understood that we do not increase pensions over the amount of $50, the rule which has been followed so long by the Committee on Invalid Pensions and the Committee on Pensions. There are many cases undoubtedly in the past where a larger sum was allowed and perhaps properly. It may be that there are individual cases now which would appeal to every individual Member of the House, but it is impossible for the House to make fish of one and fowl of another. You must adopt some system and some rule if bills are to receive the favorable consideration of the House, practically by unanimous consent, and for that reason I think the amendment offered ought to be adopted. [Applause.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. LANGLEY. Let us have a division, Mr. Speaker.

The House divided; and there were—ayes 47, noes 19.

So the amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions to accompany S. 5624:

S. 52. John Brown.
S. 189. Elizabeth S. Phillips.
S. 369. Urban Coon.
S. 383. George Kent.
S. 510. William J. Lambdin.
S. 512. Samuel D. Fulmer.
S. 515. Josephine P. Whitney.
S. 692. Henry Andrew, alias William J. Bowers.
S. 694. William J. Benton.
S. 696. Frank L. Fisher.
S. 698. William P. Thompson.
S. 788. Benjamin F. Reed.
S. 924. Virginia H. Morgan.
S. 1049. James A. Hunt.
S. 1133. Calvin Smith.
S. 1482. Mary S. Tucker.
S. 1546. John C. Carpenter.
S. 1547. William Turner.
S. 1548. Francis Marion Keith.
S. 1945. Karl Somerlatt.
S. 1976. Ira N. Levalley.
S. 1977. William Akin.
S. 1992. John L. Reese.
S. 2010. Ransom W. Bailey.
S. 2108. Horace R. Weston.
S. 2178. William Barker.
S. 2348. John West.
S. 2369. William H. Tinkham.
S. 2519. Frederick J. Thilke.
S. 2526. Christopher G. Burdick.
S. 2582. Ambrose Roan.
S. 2595. Henry G. Trimble.
S. 2714. Charles C. Warner.
S. 2716. John Hollabaugh.
S. 2725. Maggie L. Zachary.
S. 2755. John Rosswork.
S. 2770. Eugene O. Pratt.
S. 2830. Robie M. Towle.
S. 2929. John J. Evans.
S. 3043. Henry M. Endsley.
S. 3057. John X. Eichel.
S. 3084. Andrew J. Board.
S. 3140. George McCrea.
S. 3142. Joseph B. Hill.
S. 3153. Samuel A. Pearce.
S. 3205. Henry Dye.
S. 3251. Andrew Randall.
S. 3314. William H. Donaldson.
S. 3320. Samuel T. Hawkins.
S. 3321. Jacob C. Mitts.
S. 3343. Martin L. Galyean.
S. 3456. William M. Blose.
S. 3594. Patrick Sullivan.
S. 3606. John Clopine.
S. 3627. William C. Williams.
S. 3628. Henry Bargerstock.
S. 3794. Willard M. Walker.
S. 3795. John Ghastin.
S. 3890. John S. Sullivan.
S. 3891. Charles W. Holmes.
S. 3904. Johnston R. Lambright.
S. 3907. Aaron H. Thatcher.
S. 4035. Milton Green.
S. 4155. Alfred Kent.
S. 4182. Benjamin Miller.
S. 4253. Ezra J. Crocker.
S. 4323. George F. Davlin.
S. 4497. Benjamin E. Westfall.
S. 4666. George H. Pierce.
S. 4720. Alexander A. Richardson.
S. 4722. John M. Mower.
S. 4830. William H. Bradley.
S. 4876. Catherine Downs.
S. 4880. Olive C. Morrill.
S. 4917. Gerret G. Seger.
S. 4918. Benjamin F. Whitehouse.
S. 4950. John Jones.
S. 5161. Andrew Geist.
S. 5197. Eri Guthrie.
S. 5223. Catharine Ann Leonard.
S. 5225. Clarence L. Miles.
S. 5249. Mary Ryder.
S. 5259. John H. Klingler.
S. 5261. Henry Marble.
S. 5368. John C. Bryant.
S. 5392. Charles D. Wilson.

Mr. RUSSELL. Mr. Speaker, I call up the bill (S. 5415), and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Missouri calls up the bill S. 5415 and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

An act (S. 5415) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Samuel C. Whitwam, late of Company F, Fourth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Leander O. Tucker, late of Company K, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wesley A. Maze, late of Company I, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel J. Powers, late of Company D, Forty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Clay, late of Company H, Eighteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Asahel N. Wells, late hospital steward, Thirteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Taylor, late of Company F, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Sumpter, late of Company H, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter Foster, late of Company A, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wellsley Crane, late of Company I, First Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Roatch, late of Company A, First Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred Phillips, late of Company E, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and Eighth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Darius Wells, late of Company I, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Havens, late of Company C, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and Company C, Fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Zachariah Kramer, late of Company H, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew Dienst, late of Company C, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Davis J. Howard, late of Company E, One hundred and twenty-first Regiment, and Company G, Eighty-eighth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Thompson, late of Company F, Forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank Snurpus, late second lieutenant Company K, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Doty, late of Company H, Fifty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry C. Jones, late of Company I, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Howard Brooks, late of Company F, Twentieth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David W. Fox, late captain Company A, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James R. McKee, late of Company G, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ellen C. Welch, widow of John, alias Johnson, Welch, late of Company I, Fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Leander Chase, late of Company A, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Clark, late second lieutenant Company H, Fifteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gordon Kimball, late of Company D, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles E. Chadock, late of Company K, Fifth Regiment, and Company K, Sixth Regiment, West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adelbert E. Bliss, late of Company C, Twentieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joel Ames, late of Company G, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lemmons W. Brattain, late of Company F, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George K. Smith, late of Troop B, Second Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alburtus H. Walker, late of Company G, Forty-sixth Regiment Massachusetts Volunteer Infantry, and Company D, Second Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jerome A. Shirley, late of Company K, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lafayette M. Bratton, late of Company K, Ninety-first Regiment, and Company C, One hundred and twenty-fourth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Tinder, late of Company K, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Doane, late second lieutenant Company C, Eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Burritt, late of Company B, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Osbern Dillard, late of Company K, One hundred and thirty-first Regiment, and Company C, Twenty-ninth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oliver W. Sweet, alias Oliver W. Frazee, late of Company F, Seventh Regiment Indiana Volunteer Cavalry, and Company K, Seventh Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew V. Mitchell, late of Company K, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marquis D. Usher, late of Company I, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Reuben F. King, late of Company F, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Curtis, late of Company D, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ephraim M. Hill, late of Company G, One hundred and third Regiment, and Company H, Fortieth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Franklin D. Joy, late of Company I, Fourth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nathan T. Kimball, late of Company G, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ebenezer H. Barker, late of Company G, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Eaton, late of Company D, Fifth Regiment, and Company F, Twenty-ninth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Adison Long, late of Company E, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Farmer, late first lieutenant Company D, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles E. Clark, late of Company B, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Braswell, late of Company L, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry A. Fernald, late of Company B, Twenty-second Regiment Massachusetts Volunteer Infantry, and of United States Marine Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Wyatt, late of Company F, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nancy J. Tracy, widow of Grigsby Tracy, late of Company G, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John H. Doeg, late of Company A, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lizzie A. Shepard, widow of Caleb G. Shepard, late of Twenty-sixth Unattached Company, Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of David L. Gaines, late of Company I, Twenty-second Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. Fields, late of Company C, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Finch, late of Company D, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry McMahon, late of Company G, Fifteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Myron H. Isbell, late of Company E, Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter J. J. Shoemaker, late of Company C, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles S. Tyler, late of Company B, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel E. Brillhart, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Cross, late of Company I, Sixty-first Regiment New York Volunteer Infantry, and Company F, Eleventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John B. C. Kerr, late of Company I, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Russel B. Tulleys, late of Company A, One hundred and fifty-fourth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Michael Hade, late of Company D, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Luman C. Wheelock, late of Company F, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Willard E. Martin, late of Company A, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth Clampitt, widow of George D. Clampitt, late of Company B, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of James A. Todd, late of Company A, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John G. Smith, late of Company B, Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ambrose A. Stiles, late of Company K, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert W. Cook, late of Company E, First Regiment Maine Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Ryan, late of Company D, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eri S. Gunnison, late of Company F, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph A. Olewine, late of Company A, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George M. Jones, late of Company C, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Schafer, late of Company E, Twenty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Bordwell, late of Company K, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli Kendall, late of Company B, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nathaniel S. North, late of Company A, Sixty-first Regiment Pennsylvania Volunteer Infantry, and Company G, Tenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William B. Goodwin, late of Company I, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hubert O. Moore, late of Company E, Thirty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. Johnson, late of Company C, Second Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John McLaughlin, late of Companies C and H, Twenty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Miles J. Williams, late of Company K, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harvey Burns, late of Company G, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anson Crocker, late of Company B, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Isaac N. Smith, late of Company E, First Regiment Washington Territory Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christopher H. Alexander, late captain Company A, Twelfth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Greene, late of Company I, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reason R. Henderson, late captain Company I, Thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry C. Paynter, late of Company H, Forty-first Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Susan M. Barnard, widow of Wilmer C. Barnard, late of Company H, Tenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Daniel Monroe, late of Company A, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Gilson M. Henton, late of Company A, Seventh Regiment, and first lieutenant Company D, Forty-sixth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Ring, late of Company B, Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David R. Mullikin, late of Company H, Seventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Russell D. Woodroff, late of Company B, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Mattison, late of Company B, Fourth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The above bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 5. Samuel C. Whitwam.
S. 6. Leander O. Tucker.
S. 39. Wesley A. Maze.
S. 166. Samuel J. Powers.
S. 202. Thomas Clay.
S. 203. Asahel N. Wells.
S. 205. Thomas Taylor.
S. 206. Joseph Sumpter.
S. 303. Peter Foster.
S. 370. Wellsley Crane.
S. 376. William Roatch.
S. 387. Alfred Phillips.
S. 463. Darius Wells.
S. 484. Benjamin F. Havens.
S. 495. Zachariah Kramer.
S. 498. Andrew Dienst.
S. 500. Davis J. Howard.
S. 525. James W. Thompson.
S. 533. Frank Snurpus.
S. 541. William H. Doty.
S. 543. Henry C. Jones.
S. 574. Howard Brooks.
S. 580. David W. Fox.
S. 581. James R. McKee.
S. 649. Ellen C. Welch.
S. 678. Leander Chase.
S. 681. Daniel Clark.
S. 705. Gordon Kimball.
S. 801. Charles E. Chadock.
S. 832. Adelbert E. Bliss.
S. 868. Joel Ames.
S. 872. Lemmons W. Brattain.
S. 887. George K. Smith.
S. 908. Alburtus H. Walker.
S. 916. Jerome A. Shirley.
S. 1110. Lafayette M. Bratton.
S. 1121. William Tinder.
S. 1166. John W. Doane.
S. 1190. John Burritt.
S. 1540. Osbern Dillard.
S. 1552. Oliver W. Sweet (alias Oliver W. Frazee).
S. 1554. Andrew V. Mitchell.
S. 1622. Marquis D. Usher.
S. 1714. Reuben F. King.
S. 1959. Samuel Curtis.
S. 1966. Ephriam M. Hill.
S. 1968. Franklin D. Joy.
S. 1974. Nathan T. Kimball.
S. 2096. Ebenezer H. Barker.
S. 2099. George W. Eaton.
S. 2231. Adison Long.
S. 2232. John W. Farmer.
S. 2494. Charles E. Clark.
S. 2657. William J. Braswell.
S. 2691. Henry A. Fernald.
S. 2780. David P. Sheibley.
S. 2859. William Wyatt.
S. 2867. Nancy J. Tracy.
S. 2952. John H. Doeg.
S. 2993. Lizzie A. Shepard.
S. 3038. David L. Gaines.
S. 3039. Thomas J. Fields.
S. 3076. Thomas Finch.
S. 3163. Henry McMahon.
S. 3193. Myron H. Isbell.
S. 3371. Peter J. J. Shoemaker.
S. 3449. Charles S. Tyler.
S. 3454. Samuel E. Brillhart.
S. 3476. William H. Cross.
S. 3478. John B. C. Kerr.
S. 3480. Russel B. Tulleys.
S. 3488. Michael Hade.
S. 3490. Luman C. Wheeler.
S. 3500. Willard E. Martin.
S. 3536. Elizabeth Clampitt.
S. 3592. James A. Todd.
S. 3678. John G. Smith.
S. 3691. Ambrose A. Stiles.
S. 3747. Robert W. Cook.
S. 3817. William Ryan.
S. 3819. Erie S. Gunnison.
S. 3828. Joseph A. Olewine.
S. 3881. George M. Jones.
S. 3914. Charles Schafer.
S. 3916. William Bordwell.
S. 4158. Eli Kendall.
S. 4176. Nathaniel S. North.
S. 4190. William B. Goodwin.
S. 4211. Hubert O. Moore.
S. 4296. William A. Johnson.
S. 4347. John McLaughlin.
S. 4348. Miles J. Williams.
S. 4428. Harvey Burns.
S. 4558. Anson Crocker.
S. 4594. Isaac N. Smith.
S. 4697. Christopher H. Alexander.
S. 4698. Albert Greene.
S. 4701. Reason R. Henderson.
S. 4779. Henry C. Paynter.
S. 4788. Susan M. Barnard.
S. 4815. Daniel Monroe.
S. 4828. Gilson M. Henton.
S. 4831. George H. Ring.
S. 4869. David R. Mullikin.
S. 4934. Russell D. Woodroff.
S. 5055. John H. Mattison.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. RUSSELL. Mr. Speaker, I call up the bill S. 5670, and ask that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 5670) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of John C. Johnston, late of Company A, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $46 per month in lieu of that he is now receiving.

The name of Anna B. Heckelmann, widow of John A. Heckelmann, late first assistant surgeon, One hundred and sixteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Harry Jeremiah Parks, late of Company A, Ninth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Tomas Escobado, late of Company E, First Regiment New Mexico Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Edgecomb, late of Company I, Fifteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Frazier, late of Company C, One hundred and sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander W. Barnes, late of Company E, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John R. Tolbert, late of Company A, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. Chapman, late of Company B, Seventeenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Whaley, late of Company B, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred B. Loop, late of Company E, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Thompson, late of Company B, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Raulston, late captain Company D, Twenty-fourth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Jenison, late of Company F, First Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amos Brough, late of Company G, Seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anderson C. Jones, late of Company A, Fifty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Smith A. Nicholson, late of Company C, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth Weissmiller, former widow of David Stucky, late of Company A, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Benjamin C. Zeitler, late of Company B, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cyrus N. Doom, late of Company G, Eighth Regiment California Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert B. Horrie, late of Company G, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Holsted, late of Company L, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James C. Bowerman, late of Company I, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank McDaniels, late of Company D, Thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Millie Rhodes, widow of David Rhodes, late of Company H, Twenty-fifth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George S. Robinson, late of Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jennie A. Pettingell, widow of George D. Pettingell, late of Company K, Fifteenth Regiment, and Company K, Tenth Regiment, Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of William Gant, late of Company C, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Simon W. Morgan, late of Company B, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas H. Rutter, late of Company M, First Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Dyer, late of Company F, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert P. Odell, late of Company C, One hundred and seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. Seagrave, late of Company D, Twenty-first Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry J. Streight, late of Company C, Berry's Battalion Cavalry, attached to Thirteenth Regiment Missouri Volunteer Infantry,

and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Murdock McLean, late of Company F, Twenty-ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel T. Bennett, late of Company G, Thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David E. Leach, late of Company C, Thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis M. Ward, late of Company B, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jane Brand Barnard, the helpless and dependent invalid daughter of John G. Barnard, late colonel of Engineers, United States Army, and brigadier general, United States Volunteers, and pay her a pension at the rate of $12 per month.

The name of Samuel T. Mills, late of Company A, Fifth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alonzo J. Mather, late of Company I, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel W. Roan, late of Companies E and D, Thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Horace H. Warren, late of Company A, Fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John Gorman, late of U. S. S. Michigan, Huntsville, and St. Lawrence, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sanford A. Herendeen, late of the U. S. S. Ohio, Princeton, and New Ironsides, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Riblet, late of Company M, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John M. Young, late of Company G, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William A. Phillips, late of Company A, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Welker, widow of Benjamin F. Welker, late of Company C, Twenty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Myron Richards, late of Company A, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Lyons, late of Company E, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William London, late of Company D, Eighty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Barton W. Prickett, late of Company I, Forty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Kuster, late of Company A, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis Hyde, late of Company H, Twentieth Regiment, and Company D, Thirty-fifth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James Henry Albert, late of Company A, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John T. Creeks, late of Company B, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of H. Charles Ulman, late captain Company A, Fifth Regiment Pennsylvania Reserves Volunteer Infantry, and Company I, First Regiment Veteran Reserve Corps, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Isaac O. Bowman, late of Company A, Fifth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anton Nedvidek, late of Company B, Ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Riddle, late of Company D, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph C. Kilburn, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mira M. Danley, widow of Hiel M. Danley, late of Company E, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William J. Seals, late of Company D, Second Regiment East Tennessee Volunteer Infantry, and Company E, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin Richardson, late of Company D, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James E. Kinnard, late of Company D, Twenty-first Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Hughes, late of Company A, First Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mattie M. Converse, widow of Bolivar C. Converse, late major, Eleventh Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Isaac N. Wakefield, late of Company E, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas P. P. Wilson, late of Company K, Thirty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George J. Wilson, late of Company D, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martha A. Parkman, widow of Edward R. Parkman, late of Company A, Twenty-sixth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William L. Pratt, late of Company E, Twenty-fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward E. Miles, late of Third Battery, Vermont Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Greer, late of Company C, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Allen, late of Company A, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John F. Carll, late of Company B, Thirteenth Regiment, and Company H, Thirtieth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George P. Doeg, late of Company D, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary A. Corrigan, former widow of Bernard McCarren, late of Company C, First Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Joseph M. Wolbert, late of Company D, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Southergill, late of Company E, Tenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John R. Megee, late of Company D, Third Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The nhme of Alfred Shaffer, late of Company B, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Norris, jr., late of Company B, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amelia L. Adams, widow of Jonathan M. Adams, late of Company H, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Edward R. Taylor, late of Company K, Twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Barton, late of the Fourteenth Independent Battery Michigan Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John K. Myers, late acting third assistant engineer U. S. S. Fort Hindman, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amanda Smith, former widow of James K. Heyer, late of Company G, Twenty-ninth Regiment New Jersey Volunteer Infantry, and widow of John B. Smith, late of Company F, First Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Lydia A. Flack, widow of David Flack, late of Company E, Fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mary C. Crowder, widow of John H. Crowder, late of Company K, First Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles H. Perkins, late of Company G, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The above bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 487. John C. Johnston.
S. 590. Anna B. Heckelmann.
S. 645. Harry Jeremiah Parks.
S. 700. Thomas Escobado.
S. 701. Charles H. Edgecomb.
S. 702. David Frazier.
S. 802. Alexander W. Barnes.
S. 812. John R. Tolbert.
S. 1052. William A. Chapman.
S. 1055. George W. Whaley.
S. 1217. Alfred B. Loop.
S. 1218. John Thompson.
S. 1220. George F. Haulston.
S. 1228. Edward Jenison.
S. 1326. Amos Brough.
S. 1359. Anderson C. Jones.
S. 1529. Smith A. Nicholson.
S. 1715. Elizabeth Weissmiller.
S. 1949. Benjamin C. Zeitler.
S. 1970. Cyrus N. Doom.
S. 1980. Robert B. Horrie.
S. 1981. George W. Holsted.
S. 1987. James C. Bowerman.
S. 2175. Frank McDaniels.
S. 2180. Millie Rhodes.
S. 2333. George S. Robinson.
S. 2377. Jennie A. Pettingell.
S. 2447. William Gant.
S. 2487. Simon W. Morgan.
S. 2488. Thomas H. Rutter.
S. 2528. John W. Dyer.
S. 2592. Albert P. Odell.
S. 2625. William W. Seagrave.
S. 2638. Henry J. Streight.
S. 2699. Murdock McLean.
S. 2722. Samuel T. Bennett.
S. 2857. David E. Leach.
S. 2865. Francis M. Ward.
S. 2957. Jane Brand Barnard.
S. 3002. Samuel T. Mills.
S. 3003. Alonzo J. Mather.
S. 3044. Daniel W. Roan.
S. 3148. Horace H. Warren.
S. 3206. John Gorman.
S. 3319. Sanford A. Herendeen.
S. 3332. James H. Riblet.
S. 3341. John M. Young.
S. 3344. William A. Phillips.
S. 3393. Mary A. Welker.
S. 3417. Myron Richards.
S. 3446. James A. Lyons.
S. 3455. William London.
S. 3471. Barton W. Prickett.
S. 3582. George W. Kuster.
S. 3604. Lewis Hyde.
S. 3631. James Henry Albert.
S. 3760. John T. Creeks.
S. 3775. H. Charles Ulman.
S. 3912. Isaac O. Bowman.
S. 3915. Anton Nedvidek.
S. 3972. William Riddle.
S. 4027. Joseph C. Kilburn.
S. 4045. Mira M. Danley.
S. 4120. William J. Seals.
S. 4168. Benjamin Richardson.
S. 4171. James E. Kinnard.
S. 4260. John S. Hughes.
S. 4357. Mattie M. Converse.
S. 4436. Isaac N. Wakefield.
S. 4437. Thomas P. P. Wilson.

S. 4502. George J. Wilson.
S. 4820. Martha A. Parkman.
S. 4822. William L. Pratt.
S. 4826. Edward E. Miles.
S. 4926. James Greer.
S. 4949. George W. Allen.
S. 5058. John F. Carll.
S. 5078. George P. Doeg.
S. 5166. Mary A. Corrigan.
S. 5172. Joseph M. Wolbert.
S. 5250. Thomas Southergill.
S. 5258. John R. Megee.
S. 5283. Alfred Shaffer.
S. 5290. William Norris, jr.
S. 5349. Amelia L. Adams.
S. 5353. Edward R. Taylor.
S. 5364. Charles Barton.
S. 5389. John K. Myers.
S. 5394. Amanda Smith.
S. 5477. Lydia A. Flack.
S. 5504. Mary C. Crowder.
S. 5583. Charles H. Perkins.

Mr. RUSSELL. Mr. Speaker, I move to amend, on page 13, by striking out lines 5 to 8, inclusive.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 13, by striking out the paragraph including lines 5, 6, 7, and 8.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

RETURN OF DUPLICATE COPY OF BILL.

Mr. RUSSELL. Mr. Speaker, I desire to yield for a moment to the gentleman from Missouri [Mr. DYER] for some formal matter.

Mr. DYER. Mr. Speaker, I send to the Clerk's desk the following order, and I ask unanimous consent for its present consideration.

The SPEAKER pro tempore. The Clerk will report the order.

The Clerk read as follows:

Ordered, That the Clerk request the Senate to furnish the House with a duplicate copy of the bill of the Senate (S. 2224), an act to amend and regulate the height of buildings in the District of Columbia, approved June 1, 1910, the said bill having been lost or mislaid since its reference to the Committee on the District of Columbia of the House.

The SPEAKER pro tempore. Is there objection to the present consideration of the order? [After a pause.] The Chair hears none.

The question was taken, and the order was agreed to.

EXTENSION OF REMARKS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD to the extent of printing the Senate report in the case of Henry G. Trimble. I want that to go along with my remarks.

The SPEAKER pro tempore. The gentleman from New Hampshire asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I desire to call up the bill S. 4623, an act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and I ask unanimous consent that it be considered as in the Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Missouri calls up the bill S. 4623 and asks unanimous consent that it be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 4623) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Abel Buckingham, late of Companies I and L, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wade Beach, late of Company D, Veteran Battalion, First Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Goodwin, late of Company F, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Lynch, late of U. S. S. Ohio and Howquah, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George I. Martin, late of Company D, Second Regiment California Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter M. Bryant, late of Company B, Thirteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Short, late of Company E, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Jarrett, late of Company H, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Lunsford, late of Company D, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William F. McKellup, late of Company A, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lorentz Thoreson, late of Company D, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George A. Wingrove, late of Company A, Second Independent Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adam Smith, late of Company I, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Leister, late of Company G, Seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William F. Clark, late of Company K, Ninety-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William L. Goodsell, late of Company D, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James McCue, late of Battery A, Third Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. A. Lawson, late of Company B, Fourth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Seth H. Tolles, late of Company E, Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jeremiah H. Taylor, late of Company A, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Balaam C. Hornaday, late of Company E, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Riggs, late of Company B, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Slightain, late of Company B, First Battalion, and Company A, Second Regiment, Nebraska Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel M. Hoover, late of Company B, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis M. Cox, late of Company B, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Milford, late of Company A, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonzo L. Baker, late of Company K, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eunice A. Starr, widow of Alfred H. Starr, late of Company L, First Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Benjamin F. Spencer, late of Company B, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Davis, late of Company D, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Archie S. Blackmer, helpless and dependent son of William A. Blackmer, late of Company A, Twenty-first Regiment Massachusetts Volunteer Infantry, and Company I, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Robert B. Nicol, late of Company I, Eleventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry H. Larkin, late of Company L, Second Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Philo S. Bartow, late of Company B, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas D. Sheffield, late captain Companies H and E, and lieutenant colonel, Eighth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Fletcher S. Dewey, late of Company K, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin R. Chisam, late of Company B, Eleventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram Brooks, late of Company I, Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William G. Downs, late of Company H, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louise Schenkel, widow of Leonard Schenkel, late of Companies E and A, Third Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Calvin Hitt, late of Company I, Stevenson's regiment New York Volunteers, War with Mexico, and Company B, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nancy B. Jenness, widow of Richard Jenness, late of Company K, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Joseph G. Marsh, late of U. S. S. Clara Dolsen and Winnebago, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert H. Church, late of Company A, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Paul A. Greely, late of Company G, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Denny, late of Company C, Forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William F. Hart, late of Twenty-sixth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Spencer Ford, late of Company F, Fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James A. Hibbard, late of Company K, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stoughton A. Cheever, late of Company C, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Busha, late of Company H, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David J. Ryan, late of Company I, Twenty-first Regiment, and Company D, Forty-first Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis Weaver, late of Company B, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frederick White, late of Company D, First Regiment North Carolina Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josiah McElroy, late of Company F, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Simon C. Strickland, late second lieutenant Company B, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Clem Reid, late of the U. S. gunboat Silvercloud, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Seth H. Shurtleff, late of Company K, Third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Woodbury Day, alias John White, late of Company A, Twenty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George L. Keach, late of Companies F and B, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Stoneking, late of Company I, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Aaron B. Mitchell, late of Company G, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William E. Ross, late of Company F, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Patterson, late of Company D, Ninetieth Regiment; Company I, One hundred and ninety-second Regiment; and Company I, Two hundred and fifteenth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Fairbanks, late of Company C, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Hiram F. Daniels, late of Company D, Twenty-second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac D. Rowden, late of Company K, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David E. Banks, late of Company M, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Jackson, late of Company A, Twenty-third Regiment, and Company D, Thirty-second Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Frazer, late of Company K, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph F. Smith, late of Company I, Eleventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Victor Tracy, late of Company G, First Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Russell D. Royal, late of Company A, Seventh Regiment, and Company C, Sixteenth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ann J. Rouse, widow of Asa W. Rouse, late of Company H, Eleventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles H. Senseney, late of Battery D, First Regiment West Virginia Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George A. Chaffee, late of Company K, Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Burket, late of Company B, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Patterson, late of Battery F, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oliver C. Morris, late of Company K, Eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hardin T. Richardson, late captain Company C, Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth Teel, widow of John C. Teel, late of Company F, Thirteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Edwin D. Jones, late of Company F, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick M. Miller, late of Company F, Twelfth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Edward D. Hagen, late of Company F, First Regiment Nevada Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry R. Kirk, late of Company E, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joel W. Gladson, late of Company A, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Catherine S. Wales, widow of William W. Wales, late of Company G, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah A. Peck, widow of Edward K. Peck, late of U. S. S. Albatross, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hiram B. Morey, late of Company E, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Austin J. Marsh, late of Company E, Thirty-eighth Regiment, and Company K, Thirty-fourth Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram N. Brann, late of Company D, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eugene Sullivan, late of Company D, First Battalion, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Tilman H. Elrod, late of Company I, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Morris Johnson, late of Company C, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Martin, late of Company I, Ninety-ninth Regiment, and Company K, Fiftieth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Tillson, late of Company E, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Susan Berfield, widow of Montgomery Berfield, late of Company H, Ninth Regiment Minnesota Volunteer Infantry, and former widow of Sylvanus Wakefield, late of Company B, Fourth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah E. Cunningham, widow of Adam A. Cunningham, late of Company G, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Adam A. Cunningham until he reaches the age of 16 years: *Provided*, That in the event of the death of Bertha Cunningham, helpless and dependent child of Adam A. Cunningham, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah E. Cunningham, the name of Bertha Cunningham shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Sarah E. Cunningham.

The name of Abijah S. Chears, late of Company K, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Peek, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jimeson S. Tweed, late of Company M, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Gurin, late of Company F, One hundred and sixty-first Regiment New York Volunteer Infantry, and Company E, First Regiment Louisiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah E. Cloud, widow of Ellis A. Cloud, late of Company G, Fifth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William W. Gordon, late of Company H, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Don Carlos Cameron, late of First Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Anna M. Robinson, widow of Elisha J. Robinson, late of Company F, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John A. George, late of Company H, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emmanuel Mennet, late captain Company D, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John L. Perkins, late of Company D, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Orlando B. Douglas, late of Company C and second lieutenant Company K, Eighteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Dimond, late of Company H, Second Regiment United States Volunteer Sharpshooters, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adam C. Pattee, late of Company A, Fourteenth Regiment Iowa Volunteer Infantry, and Company K, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Morris, late of Company L, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James G. Doran, late of Company A, Forty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Reuben Bellows, late of Company D, One hundred and twentieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth C. Jarrett, widow of B. Frank Jarrett, late of Company K, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of David A. Buchanan, late of Company B, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram S. Plummer, late assistant surgeon, One hundred and tenth Regiment, and surgeon, One hundred and fifty-second Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Andrew McFarland, late of U. S. S. Grampus, Great Western, and Choctaw, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. Boulger, late of U. S. S. North Carolina, New Hampshire, and Nahant, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin V. B. Knox, late captain Company E, Twenty-third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Diana Christy, widow of George B. Christy, late surgeon, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Henry V. Leach, late of Company H, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Augustus G. Winslow, late of Company B, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Henry Bucholz, late of Company C, Fifth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marsena R. Clark, late of Company M, Second Regiment Missouri State Militia Cavalry, and Company L, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Gustavus H. Mann, late of Company D, Seventy-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Gilman A. Whitman, late of Company D, Twenty-third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George A. Coverdale, late of Company C, First Regiment Delaware Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin B. D. Derickson, late of Company H, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis Childs, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Young, late of Company A, Thirteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Mullison, late of Company B, Twelfth Regiment Pennsylvania Reserve Volunteer Infantry, and Company H, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

Mr. TAGGART. Mr. Speaker, I move to amend by correcting the spelling of the name "Slightain," in line 11, on page 5 of the bill. The name is misspelled "Slightain" in the bill. The name, when correctly spelled, is "Slightam."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 5, line 11, by substituting instead of the name "Slightain" the name "Slightam."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read a third time, and passed.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Pensions:

S. 57. Abel Buckingham.
S. 74. Wade Beach.
S. 115. James Goodwin.
S. 127. James Lynch.
S. 151. George I. Martin.
S. 191. Peter M. Bryant.
S. 192. James Short.
S. 194. John H. Jarrett.
S. 195. John Lunsford.
S. 294. William F. McKellup.
S. 341. Lorentz Thoreson.
S. 354. George A. Wingrove.
S. 355. Adam Smith.
S. 373. John Leister.
S. 388. William F. Clark.
S. 400. William L. Goodsell.
S. 411. James McCue.
S. 434. John W. A. Lawson.
S. 436. Seth H. Tolles.
S. 478. Jeremiah H. Taylor.
S. 529. Balnam C. Hornaday.
S. 540. Charles W. Riggs.
S. 557. George H. Slightain.
S. 558. Samuel M. Hoover.
S. 562. Francis M. Cox.
S. 607. David Milford.
S. 630. Alonzo L. Baker.
S. 650. Eunice A. Starr.
S. 792. Benjamin F. Spencer.
S. 796. William J. Davis.
S. 869. Archie S. Blackmer.
S. 871. Robert B. Nicol.
S. 885. Henry H. Larkin.
S. 909. Philo S. Bartow.
S. 928. Thomas D. Sheffield.
S. 953. Fletcher S. Dewey.
S. 983. Benjamin R. Chisam.
S. 993. Hiram Brooks.
S. 994. William G. Dowrs.
S. 999. Louise Schenkel.
S. 1022. Calvin Hitt.
S. 1024. Nancy B. Jenness.
S. 1027. Joseph G. Marsh.
S. 1060. Robert H. Church.
S. 1107. Paul A. Greely.
S. 1117. Jennie West.
S. 1137. John Denny.
S. 1147. William F. Hart.
S. 1148. Spencer Ford.
S. 1164. James A. Hibbard.
S. 1185. Stoughton A. Cheever.
S. 1189. John Busha.
S. 1210. David J. Ryan.
S. 1371. Francis Weaver.
S. 1467. Frederick White.
S. 1488. Josiah McElroy.
S. 1498. Simon C. Strickland.
S. 1499. Clem Reid.
S. 1521. Seth H. Shurtleff.
S. 1522. Woodbury Day (alias John White).
S. 1645. George L. Keach.
S. 1693. William Stoneking.
S. 1709. Aaron B. Mitchell.
S. 1725. William E. Ross.
S. 1726. William Patterson.
S. 1727. John Fairbanks.
S. 1879. Hiram F. Daniels.
S. 1942. Isaac D. Rowden.
S. 1951. David E. Banks.
S. 1972. Amon H. Johnson.
S. 2082. John M. Jackson.
S. 2121. William J. Frazer.
S. 2122. Joseph F. Smith.
S. 2220. Victor Tracy
S. 2261. Russell D. Royal.
S. 2307. Ann J. Rouse.
S. 2315. Charles H. Senseney.
S. 2349. Samuel Beatty.
S. 2354. George A. Chaffee.
S. 2439. Daniel Burket.
S. 2458. George W. Patterson.
S. 2467. Oliver C. Morris.
S. 2513. Hardin T. Richardson.
S. 2561. Elisabeth Teel.
S. 2619. Edwin D. Jones.
S. 2679. Frederick M. Miller.
S. 2736. Edward D. Hagen.
S. 2742. Henry R. Kirk.
S. 2743. Joel W. Gladson.
S. 2757. Catherine S. Wales.
S. 2758. Sarah A. Peck.
S. 2784. Hiram B. Morey.
S. 2847. Austin J. Marsh.
S. 2875. Hiram N. Brann.
S. 2876. Eugene Sullivan.
S. 2882. Tilman H. Elrod.
S. 2947. Morris Johnson.
S. 2972. Robert Martin.
S. 3032. William H. Tillson.
S. 3040. Susan Berfield.
S. 3056. Sarah E. Cunningham.
S. 3186. Abijah S. Chears.
S. 3231. William H. Peek.
S. 3274. Jimeson S. Tweed.
S. 3313. William Gurin.
S. 3325. Sarah E. Cloud.
S. 3380. William W. Gordon.
S. 3388. Don Carlos Cameron.
S. 3405. Anna M. Robinson.
S. 3406. John A. George.
S. 3439. Emmanuel Mennet.
S. 3466. John L. Perkins.
S. 3467. Orlando R. Douglas.
S. 3468. George W. Dimond.
S. 3473. Adam C. Pattee.
S. 3482. James H. Morris.
S. 3483. James G. Doran.
S. 3487. Reuben Bellows.
S. 3528. Elizabeth C. Jarrett.
S. 3535. David A. Buchanan.
S. 3566. Hiram S. Plummer.
S. 3591. Andrew McFarland.
S. 3648. John A. Boulger.
S. 3656. Martin V. B. Knox.
S. 3717. Diana Christy.
S. 3723. Henry V. Leach.
S. 3773. Augustus G. Winslow.
S. 3833. Henry Bucholz.
S. 3834. Marsena R. Clark.
S. 3840. Gustavus H. Mann.
S. 3841. Gilman A. Whitman.
S. 3874. George A. Coverdale.
S. 3876. Benjamin B. D. Derickson.
S. 3888. Lewis Childs.
S. 4115. Charles Young.
S. 4136. John H. Mullison.
S. 4259. Emma E. Keyes.

Mr. RUSSELL. Mr. Speaker, I desire to call up the bill S. 4314, an act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of said soldiers and sailors, and I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. RUSSELL] calls up the bill S. 4314, and asks unanimous consent that it be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 4314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Truman Hall, late of Company F, Twenty-second Regiment New York Volunteer Infantry, and Company F, Second Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Williams, late second lieutenant Company A, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Phillip Lucas, late of Company A, Eighty-second Regiment, and Company F, Twenty-second Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank A. Fassett, late of Company E, Twentieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank P. Sargent, late of Company D, First Battalion Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abram Trexler, alias Abram Hacker, late of Company K, Eighty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sartin McComas, late of Company E, First Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry S. Back, late of Company B, First Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ebenezer B. Sims, late of Company H, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Darius Young, late of Company B, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac Underwood, late of Company A, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Philip Riley, late of the U. S. S. Ohio, Iron Age, and Quaker City, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Bossinger, late of Companies K and C, Forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William D. Kelley, late unassigned, First Regiment Pennsylvania Reserve Volunteer Light Artillery, and Company C, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James L. Anderson, late of Company A, Sixty-seventh Regiment, and Company G, Twenty-fourth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert L. Rivers, late of Company D, Eleventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Augustus Knowles, late of Company B, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Budge F. Underwood, widow of Sherman D. Underwood, late of Company B, Fremont's bodyguard, Missouri Volunteers, and captain Company K, Tenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Charles B. Stuart, late of the U. S. S. Sabine, Canonicus, and Princeton, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of August Scholz, late first lieutenant and captain Company I, Forty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 dollars per month in lieu of that he is now receiving.

The name of John C. Mercer, late of Company H, One hundred and seventy-second Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Taylor, late of Company H, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Killmartin, late of Company F, Sixty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard F. Cain, late of Company E, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Weaver, late of Company D, Battalion, Twenty-first Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Mullen, alias Maloney, late of Company E, Fortieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hannah J. Matter, widow of Henry Matter, late of Company A, Fifth Regiment Iowa Volunteer Infantry, and former widow of Josephus Duncan, late of Company F, Engineers of the West, Missouri Volunteers, and pay her a pension at the rate of $12 per month.

The name of Charles A. Underwood, late of Companies D and C, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sadie M. Likens, former widow of David I. Washburn, late of Company H, Eleventh Regiment Wisconsin Volunteer Infantry, and widow of William W. Likens, late captain Company H, Forty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elias Cleveland, late of Company K, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joel Goodrick, late of Company G, Cass County Missouri Home Guards, and Company H, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William B. Taylor, late of Company A, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah A. Coons, widow of John W. Coons, late captain Second Independent Battery, Iowa Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Harvey L. Rose, late of Company F, First Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Mehan, late of U. S. S. Dunbarton, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ransford P. Williams, late of Company C, Second Regiment, and Company A, Twenty-sixth Regiment, Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Dolan, late of U. S. S. Great Western and Juliet, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Dillingham, late of Company B, Thirty-third Regiment, and Company H, Twenty-sixth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francelia King, widow of Valentine King, late of Company K, Fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Denis McCloskey, alias William Thompson, late of Company K, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John F. Walker, late of Company C, Fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Hodge, late of Company D, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary White, widow of William White, late of Company D, Fourth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ke-way-gah-bow-e-quay, dependent mother of John Brown, late of Company G, Ninth Regiment Minnesota Volunteer Infantry, and Charles Weaver, late of Company K, Second Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Hamilton Lutes, late of Company K, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John S. Armstrong, late first lieutenant Company C, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel Conrad, late of Company B, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Turner, late of Company F, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Bond, late of Company C, Thirteenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William A. Cutler, late of Company C, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John H. McEathron, late of Company A, One hundred and forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Laduke, late of Company H, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marion Campbell, late of Company C, Twenty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ashel E. Dickluson, late of Company E, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Richards, late of Company F, One hundred and thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Deselms, late of Company B, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and Company A, Fourteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hattie Pearson, widow of Andrew Pearson, late of Company D, Eighth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of William H. Torrey, late of Company E, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John E. Dolloff, late of Company A, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Adams, late of Company K, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jesse Gilbert, late of Company A, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Seth Goldthwait, late of Company A, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lizzie I. Russ, widow of Alamando B. Russ, late of Company B, Forty-seventh Regiment Massachusetts Militia Infantry, and former widow of Arthur O. Routh, alias Quintus Arthur, late of Company B, Second Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of William Bessinger, late of Company E, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Soll P. Merrill, late of Company E, Fourteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert L. T. Bush, late of Company H, Twenty-fifth Regiment Michigan Volunteer Infantry, and Company H, Nineteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James O'Neill, late of Company F, Twenty-third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard Simpson, late of Company B, Forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. McKay, late of Company B, Forty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Waymire, late of Company G, Twelfth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James N. Bascue, late of Company E, One hundred and first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John M. Herman, late of Company K, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis L. Prouty, late of Company C, First Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Horace P. Lester, late of Company E, Third Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizebeth W. Everett, widow of Handel P. Everett, late of Company A, Fifty-first Regiment Massachusetts Militia Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Amos E. Morgan, late of Companies I and E, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jonathan Huntley, late of Company K, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward L. Allen, late of Company K, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Honora A. Williams, widow of George Williams, late of Company A, Seventh Regiment Pennsylvania Reserves Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alonzo Moe, late of Company K, Fourth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Heber Angel, late of Company M, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lester A. Corp, late of Company C, Fifty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary A. Bacon, widow of William K. Bacon, late of Company G, Thirty-sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mandred O. Savage, late of Company C, Third Regiment Maine Volunteer Infantry, and Company C, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Feeney, late of Company K, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert Smith, late captain Second Company Massachusetts Volunteer Sharpshooters, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry H. Warner, late of Company C, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of W. H. T. Wakefield, late first lieutenant Company F, One hundred and thirteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Annis, late of Company K, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Ayer, alias Charles W. Dennison, late of Company B, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Barnet W. Sawyer, late of Company C, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Georgianna L. Green, widow of Ebenezer D. Green, late of the Twelfth Battery Massachusetts Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah A. Stephenson, former widow of Wharton Ransdell, late of Company G, Seventieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of William A. Coddington, late of Company B, Eighteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac T. Atterberry, late of Company L, First Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Penwarden, late of Company F, Fifth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elijah P. Creech, late of Company D, Eleventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward M. Crabbs, late of Company C, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas R. H. Simmons, late of Company F, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. White, late of Company G, Nineteenth Regiment, and Company H, Fifty-eighth Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lucy E. Culp, widow of Edward C. Culp, late major, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Fayette W. Barlow, late of Company C, One hundred and fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert McIntosh, late of Company B, Second Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Forester, late second lieutenant Company E, Forty-ninth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edward R. Hutchins, late of Company I, First Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Helen Louise Scott, widow of the late Winfield Scott, late captain Company C, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and post chaplain United States Army, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Felix Defin, late of United States Marine Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward P. Thorn, late of Company C, Fourteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Stone, late of Company E, Tenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James T. Berry, late captain Company L, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Fannie F. De Witt, widow of J. W. De Witt, late assistant surgeon Seventeenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Frank A. Wardwell, late of U. S. S. Vandalia and Ohio, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Blake, late of Company F, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George B. Hazen, late of Company B, Hatch's independent battalion Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nicholas Fifer, late of Company G, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Lamphier, late of Company H, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edna Stevens, widow of Charles Stevens, late first lieutenant Company C, Third Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles H. Grant, late second lieutenant Company F, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John B. Catlin, late captain Company I, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. Brooks, late of Company D, Hatch's independent battalion Minnesota Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of David Johnson, late of Company E, Tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Tredo, late of Company G, Twelfth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Taranndocty Owens, widow of William N. Owens, late major, First Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Jacob S. Young, late of Company K, Fifth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John F. Arnold, late of Company F, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Coleman, late of U. S. S. Robert Leslie, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The SPEAKER pro tempore (Mr. GARRETT in the chair). The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Pensions:

S. 34. Truman Hall.
S. 112. David Williams.
S. 113. Philip Lucas.
S. 114. Frank A. Fassett.
S. 126. Frank P. Sargent.
S. 146. Abram Trexler, alias Abram Hacker.
S. 147. Sartin McComas.
S. 150. Henry S. Back.
S. 175. Ebenezer B. Sims.
S. 188. Darius Young.
S. 332. Isaac Underwood.
S. 344. Philip Riley.
S. 351. John Bossinger.
S. 353. William D. Kelley.
S. 377. James L. Anderson.
S. 397. Albert L. Rivers.
S. 399. Augustus Knowles.
S. 431. Budge T. Underwood.
S. 467. Charles B. Stuart.
S. 469. August Scholz.
S. 491. John C. Mercer.
S. 493. Jacob Taylor.
S. 519. James Killmartin.
S. 539. Richard F. Cain.
S. 555. William Weaver.
S. 556. Thomas Mullen, alias Maloney.
S. 571. Hannah J. Matter.
S. 598. Charles A. Underwood.
S. 734. Sadie M. Likens.
S. 785. Elias Cleveland.
S. 786. Joel Goodrick.
S. 790. William B. Taylor.
S. 873. Sarah A. Coons.
S. 884. Harvey L. Rose.
S. 907. John Mehan.
S. 926. Ransford P. Williams.
S. 949. Michael Dolan.
S. 982. William H. Dillingham.
S. 992. Francelia King.
S. 1006. Denis McCloskey, alias William Thompson.
S. 1008. John F. Walker.
S. 1019. John Hodge.
S. 1020. Mary White.
S. 1021. Ke-way-gah-bow-e-quay.
S. 1058. Hamilton Lutes.
S. 1143. John S. Armstrong.
S. 1144. Samuel Conrad.
S. 1145. John Turner.
S. 1184. George Bond.
S. 1197. William A. Cutler.
S. 1201. John H. McEathron.
S. 1203. Joseph Laduke.
S. 1347. Marion Campbell.
S. 1492. Ashel E. Dickinson.
S. 1496. George Richards.
S. 1497. James Deselms.
S. 1558. Hattie Pearson.
S. 1581. Leroy T. Hills.
S. 1588. William H. Torrey.
S. 1620. John E. Dolloff.
S. 1636. Thomas Adams.
S. 1667. Jesse Gilbert.
S. 1669. Seth Goldthwait.
S. 1671. Emerette A. Walter.
S. 1696. Lizzie I. Russ.
S. 1702. William Bessinger.
S. 1775. Sol P. Merrill.
S. 1822. Albert L. T. Bush.
S. 1877. James O'Neill.
S. 1888. Richard Simpson.
S. 1889. William H. McKay.
S. 1930. Jacob Waymire.
S. 1953. James N. Bascue.
S. 1965. John M. Herman.
S. 2009. Francis L. Prouty.
S. 2119. Horace P. Lester.
S. 2120. Elizebeth W. Everett.
S. 2176. Amos E. Morgan.
S. 2203. Jonathan Huntley.
S. 2237. Edward L. Allen.
S. 2241. Honora A. Williams.
S. 2252. Alonzo Moe.
S. 2254. Simon V. Seeley.
S. 2255. Heber Angel.
S. 2263. Lester A. Corp.
S. 2265. Mary A. Bacon.
S. 2301. Mandred O. Savage.
S. 2314. John Feeney.
S. 2318. Walter E. Truax.
S. 2430. Robert Smith.
S. 2491. Henry H. Warner.
S. 2496. David H. Robinson.
S. 2499. W. H. T. Wakefield.
S. 2543. Joseph Annis.
S. 2579. John W. Ayer, alias Charles W. Dennison.
S. 2602. Barnet W. Sawyer.
S. 2603. Georgianna L. Green.
S. 2615. Sarah A. Stephenson.
S. 2664. William A. Coddington.
S. 2668. Isaac T. Atterberry.
S. 2738. Thomas Penwarden.
S. 2773. Elijah P. Creech.
S. 2824. Edward M. Crabbs.
S. 2920. Thomas R. H. Simmons.
S. 2963. John A. White.
S. 2966. Lucy E. Culp.
S. 3017. Fayette W. Barlow.
S. 3065. Robert McIntosh.
S. 3100. John W. Forester.
S. 3154. Edward R. Hutchins.
S. 3173. Helen Louise Scott.
S. 3177. Felix Defin.
S. 3199. Edward P. Thorn.
S. 3280. John Stone.
S. 3310. James T. Berry.
S. 3326. Fannie F. De Witt.
S. 3335. Frank A. Wardwell.
S. 3336. William H. Blake.
S. 3401. George B. Hazen.
S. 3402. Nicholas Fifer.
S. 3403. Henry C. Lamphier.
S. 3422. Edna Stevens.
S. 3437. Charles H. Grant.
S. 3438. John B. Catlin.
S. 3588. William H. Brooks.
S. 3590. David Johnson.
S. 3696. John Tredo.
S. 3714. Taranndocty Owens.
S. 3722. Jacob S. Young.
S. 3838. John F. Arnold.
S. 3839. William H. Coleman.

WILLIAM E. NORMAN.

Mr. HAMILTON of West Virginia. Mr. Speaker, I believe that the foregoing is the last pension bill, and I desire to call up

the bill (H. R. 16493) to correct the military record of William Z. Norman, and I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. The gentleman from West Virginia offers a bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 16493) to correct the military record of William Z. Norman.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of William Z. Norman, enrolled as William Norman, late of Company C, Eleventh Regiment West Virginia Volunteer Infantry, and to grant him an honorable discharge therefrom.

Also, the following committee amendment was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That in the administration of the pension laws of the United States it be taken and held that William Z. Norman (alias William Norman) was enrolled in the service of the United States on the 18th day of January, 1862, at Spencer, Va., to serve three years, and was assigned as a private to Company C, Eleventh Virginia Infantry, which regiment afterwards became the Eleventh West Virginia Infantry, and that he served with said regiment faithfully until September 3, 1862, at which time, while in service and in line of duty, he was captured by the enemy and subsequently paroled; and that while under such parole he was again captured by the enemy and shot and killed, about the — day of December, 1862; and that the record of desertion now appearing against his service in the War Department shall be hereafter treated as vacated and annulled."

The SPEAKER pro tempore. The gentleman from West Virginia [Mr. HAMILTON] asks unanimous consent to consider the bill which has just been reported in the House as in the Committee of the Whole.

Mr. LANGLEY. Mr. Speaker, reserving the right to object, I will state that I do not desire to antagonize the gentleman's bill. On the contrary, I would like to see more of these bills passed, because I have many soldiers in my district who were unjustly charged with desertion. I have had a bill similar to this one—not similar in all its facts, but equally meritorious, I think—pending before this committee for several years. I would like to know from the gentleman—who, I believe, is a member of the committee—whether other bills of like character are going to be reported from that committee? I want one or two of mine reported.

Mr. HAMILTON of West Virginia. Mr. Speaker, there have been some reported.

Mr. HAY. I can say to the gentleman from Kentucky [Mr. LANGLEY] that any bill that presents a good face to the committee will be reported.

Mr. LANGLEY. I hope the gentleman does not infer that I am speaking to criticize the committee. I was endeavoring to call attention to a case I have in mind, that I regard as most exceptional—the case of John F. Rudd. This man served nearly three years and reenlisted as a veteran volunteer, and was prevented from completing his service by——

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. Have all the pension bills on the calendar been disposed of?

The SPEAKER pro tempore. The present occupant of the chair has been in the chair only a few moments, but in the opinion of the Chair the gentleman's point of order is well taken.

Mr. MANN. I think the pension bills ought to be disposed of first, under the rules.

Mr. LANGLEY. Could this bill not be taken up by unanimous consent, Mr. Speaker? I thought the gentleman from West Virginia [Mr. HAMILTON] asked unanimous consent for the consideration of the bill.

The SPEAKER pro tempore. The request of the gentleman from West Virginia [Mr. HAMILTON] was to consider the bill in the House as in Committee of the Whole. The gentleman from Illinois makes a point of order.

Mr. MANN. I made a parliamentary inquiry. I did not make a point of order.

Mr. LANGLEY. I do not object, Mr. Speaker.

Mr. HAMILTON of West Virginia. The chairman of the Committee on Pensions yielded to me. He had recognition, and he yielded to me.

Mr. SLAYDEN. Mr. Speaker, I was not in the Chamber when the bill was taken up. I do not know the number of it. Some of these bills, I want to say to the gentleman from Kentucky [Mr. LANGLEY], got through the committee without my notice, and they will not pass the House with my consent.

Mr. LANGLEY. Does the gentleman mean to say that if the testimony——

Mr. MANN. Mr. Speaker, if all the pension bills are disposed of I shall not object.

Mr. HAMILTON of West Virginia. Mr. Speaker, I do not want to provoke a long discussion of this bill at this time, and I will therefore withdraw it.

The SPEAKER pro tempore. The gentleman from West Virginia withdraws the bill.

PENSIONS.

The next business on the Private Calendar was the bill (S. 5194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

An act (S. 5194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of James T. Brown, late of Troop K, Seventh Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of John W. Sturm, late of Company K, Third Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William A. Hamilton, late of Company F, First Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Thomas McCavan, late of Company D, Sixth Regiment United States Infantry, and Company B, Fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Archie E. Booth, late of Company D, Third Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Albert F. Reynolds, late of Company C, Sixteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Jacob Adams late of Company H, Seventh Regiment United States Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John Waalkes, late of Company C, Thirty-fourth Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Harriet J. Bockerman, widow of August Bockerman, late of Troop A, Seventh Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The name of Jacob Korby, late of Company C, Thirty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $10 per month.

The name of James C. Smith, late of Company M, Fourth Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Ralph W. Ingard, late of Company B, Second Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Harry McFarlin, late second lieutenant Company K, First Regiment Florida Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josephine K. Woodson, widow of Albert E. Woodson, late major Ninth Regiment United States Cavalry and brigadier general United States Army, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Vee Aiken, widow of William M. Aiken, late of Troop F, Third Regiment United States Cavalry, and pay her a pension at the rate of $12 per month and $2 per month additional on account of the minor child of said William M. Aiken until he reaches the age of 16 years.

The name of Bert Derendinger, late of Company I, Thirty-first Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month.

The name of Harry Colpus, late of Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $15 per month.

The name of Abner E. Armstrong, late of Capt. Wilber's Company D, First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Mealchi Baughman, late of Capt. R. L. Williams's Company E, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Hiram R. McCord, late of Capt. W. H. Latshaw's Company A, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Mahlon Petree, late of Capt. W. H. Latshaw's Company A, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Andrew McDonal, late of Company C, Forty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George F. Wallet, late of Company C, Third Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles Miller, late of Company I, Fourth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jesse Turrentine, late of Company C, First Regiment Alabama Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William F. Pace, late of Col. Markham's Nauvoo Legion, Utah Volunteers, Utah Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The above bill is a substitute for the following Senate bills referred to the Committee on Pensions.

S. 523. James T. Brown.
S. 755. John W. Sturm.
S. 775. William A. Hamilton.
S. 777. Thomas McCavan.
S. 877. Archie E. Booth.
S. 1134. Albert F. Reynolds.

S. 1674. Jacob Adams.
S. 1846. John Waalkes.
S. 1954. Harriet J. Bockerman.
S. 1975. Jacob Korby.
S. 2128. James C. Smith.
S. 2271. Ralph W. Ingard.
S. 2631. Harry McFarlin.
S. 3068. Josephine K. Woodson.
S. 3123. Vee Aiken.
S. 3309. Bert Derendinger.
S. 3330. Harry Colpus.
S. 3679. Abner E. Armstrong.
S. 3680. Mealchie Baughman.
S. 3681. Hiram R. McCord.
S. 3682. Mahlon Petree.
S. 3688. Andrew McDonal.
S. 3884. George F. Wallet.
S. 4116. Charles Miller.
S. 4529. Jesse Turrentine.
S. 4766. William F. Pace.
S. 4811. Margaret B. Sherman.

With the following committee amendments:

Amend, page 2, by striking out, in lines 9 to 13, inclusive, the following:

"The name of Thomas McCavan, late of Company D, Sixth Regiment United States Infantry, and Company B, Fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month."

Amend, page 2, by striking out, in lines 14 to 17, inclusive, the following:

"The name of Archie E. Booth, late of Company D, Third Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving."

Amend, page 3, by striking out, in lines 9 to 12, inclusive, the following:

"The name of Jacob Korby, late of Company C, Thirty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $10 per month."

Mr. AIKEN of South Carolina. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. AIKEN] asks unanimous consent that the bill just reported be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the first amendment.

The Clerk read the first committee amendment, as follows:

Amend, page 2, by striking out, in lines 9 to 13, inclusive, the following:

"The name of Thomas McCavan, late of Company D, Sixth Regiment United States Infantry, and Company B, Fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will read the next committee amendment.

The Clerk read the next committee amendment, as follows:

Amend, page 2, by striking out, in lines 14 to 17, inclusive, the following:

"The name of Archie E. Booth, late of Company D, Third Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will read the next committee amendment.

The Clerk read the next committee amendment, as follows:

Amend, page 3, by striking out, in lines 9 to 12, inclusive, the following:

"The name of Jacob Korby, late of Company C, Thirty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $10 per month."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill as amended.

The bill as amended was ordered to be read the third time, was read a third time, and passed.

Mr. AIKEN of South Carolina. Mr. Speaker, I call up the bill H. R. 23515, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from South Carolina calls up the bill H. R. 23515 and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the title of the bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws—

Mr. MARTIN of Colorado. Mr. Speaker, I move to strike out the last word.

I suppose I am not the only Member of this House who has wondered sometimes what the Committee on Pensions is for. I have wondered sometimes if it subserved any other purpose than to cause the Members of this body a whole lot of useless work. That has been my experience with it. But I find on this Pension Calendar to-day 50 private pension bills, 26 of which are reported by the Committee on Pensions of the House. If that is a fair average of the output of that committee, it may be that my failure to get favorable consideration upon a single bill in that committee during my three years' service in Congress is owing to the fact that I am not sufficiently familiar with the procedure and do not know the ropes well enough to get action on such bills.

I think, however, that I can establish the proposition that my failure is not altogether due to lack of diligence, although it may be somewhat due to lack of merit upon the part of the particular pension claims that have been so unfortunate as to fall into my hands.

Mr. Speaker, during the last Congress I succeeded in getting an amendment upon a pension bill in this House. It was an amendment which granted a pension of $12 a month to the widow of a Spanish-American War soldier who was a public charge at that time and who still is, and whose husband died in the county poorhouse at Colorado Springs, Colo., a widow who by her efforts over the washtub, after the death of her husband, supported her three minor children.

I wanted to say that I worked diligently with the Committee on Pensions during the Sixty-first Congress, not simply to get favorable action on the bill, but to get consideration of it at all, and that I absolutely failed throughout the session of that Congress. My correspondence will show the efforts that I made to get even a hearing on that bill.

Further than that, Mr. Speaker, in order to get the record in the Pension Bureau upon which her claim had been rejected there, so that it could be put into the hands of the examiner of the committee, it was necessary for me to call upon the Pension Bureau myself. Of course, gentlemen will understand what that means to the examiner of the committee. The Members will understand that when the chairman of a subcommittee having charge of pension legislation is not sufficiently interested in a bill to call upon the Pension Bureau for the record in the case, but leaves the author of the bill to get it himself, there is nothing doing. However, I had the record produced and delivered to the subcommitteeman in charge of this bill.

Mr. SHERWOOD. Are you referring to the Invalid Pensions Committee?

Mr. MARTIN of Colorado. No, sir; I am referring to the Pensions Committee. Upon the failure of the chairman of the subcommittee to take this record and act upon the bill, I went to the committee room myself and made an examination of the record. I want to say, in the first place, Mr. Speaker, that this widow's claim was rejected in the Pension Bureau on the ground that the soldier had incurred the disease of which he died, to wit, tuberculosis, before his entry into the service. In other words, the Pension Bureau said that the record in this case showed that this man had tuberculosis upon his enlistment, and therefore not having incurred the disease in the service and in line of duty, his widow was not entitled to a pension.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER. I ask unanimous consent that the gentleman have five minutes more.

Mr. MARTIN of Colorado. Five minutes will not be sufficient. I am going to make a pro forma motion on each of these items until I conclude.

Mr. SLAYDEN. I ask unanimous consent that the gentleman be allowed to continue for 10 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent that the gentleman from Colorado be allowed to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MARTIN of Colorado. Mr. Speaker, when I succeeded in getting the House during the Sixty-first Congress to override the Committee on Pensions and put my claim on the bill, the House took my unsupported assertion that the record in this case did not show that this soldier had tuberculosis when he enlisted. I want to observe by way of digression, however, that I believe the Pension Bureau and the committees of this House ought to be bound by the conditions found to exist with reference to the health of the soldier upon his enlistment. In other words, when a man voluntarily presents himself before the medical officers of the Government for examination and he is duly examined, pronounced, and declared to be sound, then the Government ought to be forever after precluded from raising that question.

Mr. LANGLEY. Will the gentleman yield?

Mr. MARTIN of Colorado. I will.

Mr. LANGLEY. Does the gentleman mean to say that where the pension law provides that a pension shall be granted only when the disability was contracted in the service, and it is shown conclusively that the disability in a given case was not contracted in the service, but existed before enlistment, that the pension should be granted anyhow? That would be the effect if the doctrine of estoppel were applied.

Mr. MARTIN of Colorado. If it was shown conclusively that the soldier was diseased when he enlisted in the service, that might constitute a proper exception, but the gentleman knows as well as I do that that is not the proposition that I am up against.

I hope to show by the record that it was not only not conclusively shown that he had consumption when he enlisted, but it was not even prima facie shown that he had it at that time. The House took my unsupported assertion in the last Congress and put this item on the bill over the Committee on Pensions. I regret very much to say, Mr. Speaker, that there was some one, whom I do not know, who had a soul so small that he followed this bill over to the Senate—this bill pensioning the widow and three orphans of a Spanish War soldier, a soldier who died in the county poorhouse—and had the item struck out of the Senate bill; and this action was concurred in by the conferees and agreed to by the House without my knowledge.

Mr. MANN. Will the gentleman yield?

Mr. MARTIN of Colorado. Certainly.

Mr. MANN. The gentleman said that some one followed the bill over to the Senate. I think if the gentleman was familiar with the practice in reference to pension bills he would discover that both committees have certain rules and follow them, and that where an item is inserted contrary to the usual rule, unless the gentleman himself follows the amendment over, it will be stricken out as a matter of course in the other body. Nobody need follow it over to have it stricken out. I have had that experience myself.

Mr. MARTIN of Colorado. I hope, then, Mr. Speaker, that the small soul was over in the other body; he was evidently somewhere. I have not been so infernally mad a half dozen times in my life as I was when I found that that item was stricken out. It was in my mind to inform every Spanish War veteran's camp in the United States of the fate of that amendment, after all the labor that I had had in the matter, even going to the trouble myself of running down witnesses, men who had been officers in this soldier's regiment, for the purpose of getting a statement from them as to the apparent condition of this man when he went into the service, and showing him to be apparently sound at that time.

But, Mr. Speaker, I do not propose to ask the House to take my unsupported assertion this time. I am going to offer the same private pension bill as an amendment. I do not know whether it will be adopted or not, but I am going to offer it.

And I do not propose to have the Members present here to-day take my word for the fact that there is no evidence in this record to show that this man had tuberculosis when he entered the service. In this connection I am first going to call attention to a letter that I wrote on January 25 of this year to the Commissioner of Pensions about this case. I appreciate the fact that I am wasting much time of the other Members on this proposition, but I have wasted so much of my own time on it—so fruitlessly, as I shall show—that I am not inclined to feel much compunction about the temporary inconvenience that I may cause other Members.

On January 25 of this year I wrote this letter to the Commissioner of Pensions:

JANUARY 25, 1912.

Hon. J. L. DAVENPORT,
Commissioner of Pensions, Washington, D. C.

DEAR SIR: I want again at this time to call your attention to claim No. 922372, of Mattie J. Sarver, of Colorado Springs, Colo., as widow of Dr. E. Sarver, late of Company G, Second Regiment West Virginia Volunteer Infantry, War with Spain. I introduced H. R. 25620 in the Sixty-first Congress, granting a pension to Mattie J. Sarver and her minor children. Being unable to get action from the committee, I took it up on the floor of the House and got it included in H. R. 32675, which amendment, however, was stricken out in the Senate. Before offering the item on the floor of the House I examined the evidence on file in the Pension Bureau, which, it is claimed by the bureau, shows the soldier to have been afflicted with disease of the lungs prior to his enlistment. I may have overlooked it, but I did not find any such evidence. The only two witnesses whose evidence I read and noted in my memoranda, who appear to have known Sarver before his enlistment, were Samuel P. Kinder and Laura Kinder. Both of these people testified that when he returned from the service he was suffering from lung trouble, but neither of them said anything about his condition prior to the time of his enlistment. The evidence of other witnesses is to the effect that Sarver had coughs and a cold while in the service, but these witnesses do not claim to have known him at the time of his enlistment, and I did not note anything in their testimony that could be considered as legal proof, or, indeed, any other kind of proof, that Sarver was suffering from tuberculosis or disease of the lungs at the time of his enlistment. Since I have a number of Spanish War claims, it has occurred to me to ask you to reexamine this case; and if upon reexamination you conclude that the evidence shows that Sarver was affected with lung disease or tuberculosis when he enlisted, I will thank you for a specific reference to such evidence.

Very truly, yours,

JOHN A. MARTIN.

I got this reply:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
OFFICE OF THE COMMISSIONER,
Washington, January 29, 1912.

Hon. JOHN A. MARTIN,
House of Representatives.

MY DEAR MR. MARTIN: In reply to your letter of the 25th instant, received on the 26th, I have the honor to state that the papers in the claim No. 922372 of Mrs. Mattie J. Sarver, of Colorado Springs, Colo., as the widow of Dr. E. Sarver, late of Company G, Second West Virginia Infantry, War with Spain, have not yet been returned from the Committee on Pensions, House of Representatives.

I will hold your letter on my desk a few days, and as soon as the claim reaches the bureau will give you the further information desired.

Yours, very truly,

J. L. DAVENPORT, *Commissioner.*

Mr. Speaker, that letter was dated January 29, three months ago, and I have not yet received the information called for and promised in that letter.

Mr. LANGLEY. Will the gentleman yield?

Mr. MARTIN of Colorado. I will.

Mr. LANGLEY. Has the gentleman asked for the information again since that time?

Mr. MARTIN of Colorado. I have not.

Mr. LANGLEY. I think the gentleman ought to have done that, because there is a great deal of work in the bureau, and they might overlook one case among the many in which they are asked for a report, under such circumstances.

Mr. MARTIN of Colorado. I will say to the gentleman that if I had followed the practice of hounding everybody who had anything to do with this mattter any more than I have done, I would have to hire a small boy to carry around the correspondence in the case. And my conscience is perfecly clear on the score of owing the Pension Bureau any more inquiries in this case.

But, Mr. Speaker, my efforts were not confined to the Bureau of Pensions, but were also directed toward the Committee on Pensions. I had in the meantime reintroduced this bill, and on the 5th of October last, 1911, I wrote to the chairman of the Committee on Pensions an extensive letter, going fully into the details of this case, and why I thought it particularly merited favorable consideration and action on the part of his committee. Then, again on March 26 of this year I wrote the chairman of the Committee on Pensions, as follows:

MARCH 26, 1912.

Hon. WILLIAM RICHARDSON,
Chairman Committee on Pensions, House of Representatives.

DEAR SIR: On October 5, I wrote you in behalf of my H. R. 3730, to grant a pension to Mattie H. Sarver and her three minor children, and have your reply of October 11, 1911, stating that the bill would be given consideration. I wrote you very fully at that time, almost three pages, giving the history of my efforts in behalf of this claim in the Sixty-first Congress. I will only refresh your recollection on two points: First, I got the claim put in the bill on the floor of the House, but it was stricken out in the Senate committee; second, the evidence on file in the Pension Bureau does not show that Sarver had tuberculosis when he enlisted, although this is the ground upon which the claim stands rejected by the Pension Bureau.

Very truly, yours,

JOHN A. MARTIN.

Mr. Speaker, I received a reply from the chairman of the Committee on Pensions stating that this bill was under consideration by a subcommittee.

The SPEAKER. The time of the gentleman from Colorado has again expired.

Mr. MARTIN of Colorado. Mr. Speaker, I shall conclude my remarks on pro forma amendments later.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent that the gentleman have 10 minutes more.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the gentleman from Colorado may proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MARTIN of Colorado. Mr. Speaker, I have got a lot of letters from people who were going to consider this bill, or who were going to think about it at some time apparently when they did not have anything else to do, but they have never arrived at that time. I received a letter from the chairman of the committee to the effect that this bill was in the hands of a subcommittee presided over by the gentleman from Minnesota, Mr. ANDERSON. So on April 15—that is the 15th day of the present month—I wrote to Mr. ANDERSON a letter, as follows:

APRIL 15, 1912.

Hon. SYDNEY ANDERSON, M. C.,
Committee on Pensions, House of Representatives.

MY DEAR CONGRESSMAN: You have in your subcommittee one pension case which I am particularly anxious to have considered and passed upon, and that is H. R. 3730, granting a pension to Mattie J. Sarver and her minor children. I have written Chairman RICHARDSON at great length about this bill, calling his attention to the fact that I put it over on the Pension Committee in the House of Representatives in the last Congress, but the matter was followed up in the Senate and

stricken out. This is a very urgent and meritorious case and I believe should be favorably reported at an early day. I will be glad to present it to your subcommittee fully, in case you want that done, at any time you designate. I would like for you to examine my correspondence with Chairman RICHARDSON on this bill.

Very truly, yours, JOHN A. MARTIN.

A part of the reading of these letters, and these are only a few of them, is for the purpose of establishing the good faith and diligence with which I followed this claim and tried to get favorable action upon it.

Mr. ANDERSON of Minnesota. Mr. Speaker, will the gentleman yield right there?

Mr. MARTIN of Colorado. I will yield after I read the gentleman's reply. It was after my letter of March 26 to the chairman that I received the gentleman's reply.

Mr LITTLEPAGE. What is the date of the reply?

Mr. MARTIN of Colorado. I have misplaced it, but I wrote the chairman of the committee on the 26th of March, and it was subsequent to that time that I was notified where the bill was. I received this reply from the gentleman from Minnesota:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 16, 1912.

Hon. JOHN A. MARTIN,
House Office Building, Washington, D. C.

DEAR SIR: I have yours of the 15th instant referring to the case of Mattie J. Sarver, H. R. 3730.

In reply I beg to say that this case was written up some time ago. I have gone over most of the evidence in connection with it and I am not convinced that it is a proper case for favorable action by the committee. If, however, you desire to be heard on that matter I am willing to go over the claim with you at any time.

Yours, very truly,

SYDNEY ANDERSON.

Mr. Speaker, I will say that I did not desire any hearing under such conditions, and I so informed the gentleman to that effect over the telephone. I said that I did not propose to waste all of my time hounding some committee or subcommittee, dancing attendance around the doors of the other Members of this body to get hearings upon a bill, after all of the efforts that I had been making for the past three years to get a hearing on the bill, and then have it turned down and adversely reported without an opportunity for a hearing, only to be told that I could come around afterwards and have a hearing if I insisted upon it. [Applause.] That struck me as a good deal like the story of the justice of the peace who after hearing the evidence adjourned the case over to the following Wednesday with notice that at that time he would enter up judgment for the plaintiff.

Mr. Speaker, I personally esteem the gentleman from Minnesota and I know that he is a diligent and attentive Member. I do not mean to reflect in the least upon the gentleman personally or upon the gentleman's faithful attention to his duties, but I can not think—and I am going to submit the evidence to you gentlemen now—that the evidence which convinced him that this was not a proper case for favorable action by the committee was the same evidence that I read in the files of the Pension Bureau and to which I shall now proceed to call attention. I want to say that I copied this testimony verbatim prior to my presentation of this bill in the Sixty-first Congress. The first evidence that I shall note was a general affidavit from James I. Pratt. Pratt was first sergeant of Company G, Second West Virginia Volunteer Infantry, of which this man Sarver was a member.

This affidavit was made in December, 1908, and this is the substance and the correct substance of the affidavit. It is almost a verbatim copy of his affidavit as I copied it in my own handwriting. It says he was personally acquainted, that Sarver was sick in quarters as follows—and these dates are important—he was sick in quarters from November 10 to 14, November 28 to December 2, and December 10 to December 23, 1908.

Mr. SLAYDEN. Who testifies to that?

Mr. MARTIN of Colorado. James I. Pratt, first sergeant of the man's company, testified that this man was sick in quarters three different times in November to December, 1908. Bear in mind this man had enlisted July 1, 4 months and 10 days before his first sickness, and when he enlisted he underwent a physical examination in which he was declared by the Army physician to be sound and fit to enter the service of his country.

Mr. SLAYDEN. Does the hospital record of the soldier agree with the statement of the sergeant?

Mr. MARTIN of Colorado. I have not the hospital record, if you please.

Mr. SLAYDEN. That is very essential.

Mr. MARTIN of Colorado. I want to give expression to this thought: It may sound to some gentlemen like a very hollow sentiment, but I think there is much equity in giving a pension to the widow and children of a poor devil like this man if he went out in the defense of his flag with a gun on his shoulder when he was not well, and I think that he is entitled to more credit than a well man. [Applause.] Back of this, Mr. Speaker, I want to say my heart and feelings respond in the warmest admiration for the men who shouldered guns and went out in defense of the flag in the Spanish-American War, the sound, able-bodied young men who went to sacrifice their lives and health for their country, but I feel even more sentiment for a man who went out in a defense of the flag and the country although he felt in his body the seeds of disease and death. That is the way I feel about this.

Mr. DONOHOE. May I ask the gentleman a question?

Mr. MARTIN of Colorado. Certainly.

Mr. DONOHOE. With our present knowledge of tuberculosis, would you think it a criminal matter for any Army surgeon or physician to pass a man who was suffering from the disease?

Mr. MARTIN of Colorado. Well, I think it would be a very grave error, at least, and I would like to think it is not done; but I can not find from the evidence in this case any indication whatever that the Army surgeon was guilty of neglect or incompetency in making the examination of this man. Now, let us see what this first sergeant of the man's company says. Bear in mind the fact that he enlisted July 1; was not sick in quarters the first time until 4 months and 10 days afterwards, November 10:

All of his sickness occurred in line of duty. He was a good soldier as far as he was physically able after his last sickness, November 28, which seemed to leave him with weak lungs, and the cause, as nearly as I can remember, was doing general duty when it was cold and rainy.

Just think of that. That is the character of evidence upon which this claim was turned down by the Pension Bureau, and this starving widow and children are denied fair treatment by their Government. I have quoted this language verbatim:

Doing guard duty when it was cold and rainy at Greensville, S. C., Camp Wetherel.

I turn to the next page. Now, mind you, this affidavit was not gotten up by some pension attorney trying to get a pension for this man. This affidavit was gotten up by a special examiner sent out by the Pension Bureau to get a statement of this case. I am condemning them upon their own showing of their own case, not upon the showing of the case of the claimant.

Mr. LANGLEY. Does the special examiner state or admit in his report that the disease in this case was merely exaggerated, increased by service?

Mr. MARTIN of Colorado. I want to say to the gentleman I can not find any evidence anywhere outside of the statement of the Pension Bureau that this man had this disease when he enlisted in the service.

Mr. LANGLEY. Did the special examiner report that it existed prior to his enlistment? That is my understanding of the case.

Mr. MARTIN of Colorado. This report is made, and it is based upon the man's condition in the service, not based upon his condition prior to the service.

Mr. LANGLEY. I am in sympathy with the gentleman's argument, but I——

The SPEAKER. The time of the gentleman from Colorado has again expired.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent, if the gentleman will agree to conclude in 10 minutes, that he have that much more time.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the gentleman from Colorado may have 10 minutes, if he will agree to conclude his remarks in that time.

Mr. MANN. Reserving the right to object, I would like to ask the gentleman, as a matter of curiosity on my part, if he intends to offer any motion or whether he just wishes to call this matter to the attention of the House?

Mr. MARTIN of Colorado. I intend to offer this as an amendment, but I would like to have 10 minutes more, and I will conclude in that time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MARTIN of Colorado. The Pension Bureau procured an additional statement from Sergt. Pratt—and, by the way, Mr. Speaker, I would not be bound by the report of the special examiner in the face of the evidence. God knows I have seen reports of special examiners down there in the Pension Bureau which I blushed to find there on file.

Mr. LANGLEY. I will say to the gentleman that I agree with the main purpose of his argument, but I served a good many years in that office, and my observation has been that these special examiners are a pretty high class of men, and I think he is mistaken when he says——

Mr. MARTIN of Colorado. I can not yield.

The SPEAKER. Does the gentleman from Colorado [Mr. MARTIN] yield to the gentleman from Kentucky [Mr. LANGLEY]?

Mr. MARTIN of Colorado. I wish I could.

The SPEAKER. The gentleman from Colorado [Mr. MARTIN] declines to yield.

Mr. MARTIN of Colorado. Now, this man Pratt made to the Government this additional statement:

James I. Pratt, first sergeant, etc., Charles Town, W. Va., January 16, 1909.

Now, that is a very recent affidavit. The first one I read from this man Pratt was dated December 21, 1908; the next was January 10, 1909. This is what Pratt said:

Sarver was sick as follows:
In quarters from November 10 to 14, 1898, inclusive. Cold on lungs contracted while on guard.
Sick in quarters November 28 to December 2, 1898, inclusive. Cold from doing guard duty.
Sick in quarters from December 20 to 23, 1898. Cold from doing guard duty.

That is the report of his immedate superior.

Now, here is the next affidavit, or statement, from the regimental surgeon, Dr. W. T. Henshaw, of Martinsburg, W. Va., dated June 16, 1909, to Hopkins & Co., pension attorneys, Washington, D. C.:

I do not recall D. E. Sarver; therefore I have no recollection of any illness he may have had while in the Volunteer service.

So he could not be turned down on that recommendation. The next affidavit, and the most damaging of all, is from Rev. John W. Johnson. He says:

I knew Sarver. During his time of service he was often ill, had a cough, and was often unable for duty; some time in the fall of 1898 he was sick for quite a length of time. Whether he was in the hospital or not I do not remember, but his coughing is fresh to me to-day, as his tent was next to mine. He was a good soldier and a manly man.

I say that is the most damaging affidavit in the record; but, mind you, that does not go to the proposition that this man had consumption when he enlisted in the service, as I shall point out more specifically in these affidavits.

There was also this statement from Rev. John W. Johnson to the Pension Bureau, dated Charles Town, W. Va., January 22, 1909:

Mr. Sarver was not strong; very susceptible to cold. He had a very bad cough. He coughed a great deal at night. He occupied the tent next to mine. This is all I can tell you about Mr. Sarver.

You understand, without any reiteration, that there is nothing in this affidavit to show that the soldier had consumption when he enlisted in the service. But I pass now to the affidavit of Samuel P. Kinder and Laura Kinder, his wife, dated Boomer, Fayette County, W. Va., January 4, 1909. They said:

Knew Sarver well; ample opportunity to observe condition upon his return from the service. Know he was suffering from lung trouble upon his return from the service, which was in about three weeks from his discharge. That he suffered from lung trouble from that time until the spring of 1904, when he went to Kanawha County, and later his lodge sent him to Colorado on account of lung disease.

These people said they knew him well, and that when he returned he had lung trouble. Now, this man did not return until after the 10th of April, 1899, because the record shows he was not discharged until that date. Why did they not ask these people, who knew him well, what this man's condition was when he entered the service?

I am not disputing the fact that he came back with the disease which resulted in his death, because the evidence shows that some lodge, the Knights of Pythias, or some organization of that kind, in West Virginia, on account of his declining state of health, raised the means by which he and his family were sent to Colorado Springs, where he steadily declined from that disease until, as shown by the death certificate, he died of it in the public poorhouse.

Now, here is another affidavit dated May 21, 1899, by Dr. Paul W. Howe:

Dr. E. Sarver came under my observation soon after his discharge from service. From that time until 1905 or 1906 I attended him from time to time, and my diagnosis of the case was pulmonary tuberculosis.

Then there were physicians' affidavits by Dr. C. A. Ray, of Leewood, W. Va., and Dr. H. L. Richardson, made in 1909, who say they examined Sarver in 1906, and found him to be suffering from pulmonary tuberculosis, and the record shows that he died December 30, 1907.

Now, Mr. Speaker, my position is this: Supposing I am in error about this record; supposing there is an additional record somewhere; supposing there are documents affecting this record which I have not seen, ought they not to be dug up by somebody? In good faith I went through all this record, under the advice and direction of the clerk of the Pensions Committee during the last Congress, and I asked him specifically if this was all the evidence on file in the Pension Bureau tending to show the condition of this man, and he said they sent it up as the file in the case.

In relation to that I have read you my letter to the commissioner, and his reply asking that I be pointed to this evidence, the evidence showing that this man had this disease when he enlisted in the service.

I would not concede for a moment, Mr. Speaker, even if this man had been diseased, as charged, when he enlisted, that under all the circumstances in this case it would not be a worthy claim upon which the great Congress of the American people might exercise its discretion and come to the relief of this widow and these three orphans—a woman whose condition was so desperate that I was requested by her friends, in the event I should fail to get this pension, to keep the news from her, lest she might lay violent hands on herself and her children.

Now, Mr. Speaker, I suppose I have relieved my system in part of the grievance that I have nursed with reference to this particular case [laughter], and that I ought to apologize to the Members of this House. And I will make the concluding statement, Mr. Speaker, that I will not offer this bill as an amendment to-day to the pending bill. I will not ask the Members of this House to override the Pension Committee and put this item upon this bill, as I did two years ago. But I will simply ask that the committee shall dig up the record in this case and produce the evidence that will satisfy my mind—and satisfy the minds of Members of this body—that this woman is not entitled to a pension, and then I shall be heard to complain about the matter no more forever. [Applause.]

The SPEAKER. The time of the gentleman has again expired.

Mr. RODDENBERY rose.

The SPEAKER. The gentleman from Georgia is recognized for five minutes.

Mr. RODDENBERY. Mr. Speaker, I profoundly sympathize with the gentleman from Colorado [Mr. MARTIN], who seems to have encountered as much difficulty in obtaining favorable consideration of a just pension claim at the hands of the Commissioner of Pensions as I have encountered in obtaining the establishment of rural routes from the Post Office Department.

If my friend would read more carefully the CONGRESSIONAL RECORD he would thus be saved from some trouble here. He presents apparently a very meritorious claim. But that is not the sole ground upon which he should demand the allowance of the pension he seeks. If he would resort to the "evening-up" rule he would have better luck.

On April 2 the distinguished gentleman from Kentucky [Mr. THOMAS] said:

Now, as for this Pension Committee. It is a good committee; it has got some of the finest men in the world on it.

He referred to the Committee on Invalid Pensions. Continuing, Mr. THOMAS said:

As I stated, there is no finer committee in the world. Honest, yes; but they are color blind. That committee has given themselves not less than 20 special pension bills apiece. I have gotten 3, and there were no braver soldiers in the Civil War than from Kentucky under the Stars and Stripes and under the Stars and Bars. Now, I think, Mr. Chairman, that they have not been dividing things up properly and as they should. If they can not be elected from that district without more pensions then they are justly entitled to, they ought to send somebody else here in their places. [Laughter.]

The RECORD shows laughter. Mr. THOMAS then proceeds:

I am in favor of these pensions, and I will tell you, Mr. Speaker, I want more pensions in the next bill than I have got or I am going to know the reason why. [Laughter and applause.] I am going to know the reason why some members of the committee can get over 20 pensions apiece and I can get only 3, when the soldiers of Kentucky fought as bravely as the soldiers from Missouri and Indiana did. Mr. Speaker, I believe in a square deal, and I want to demand a square deal in this matter.

Mr. THOMAS continued:

I should like to ask the gentleman from Missouri how it is that this Invalid Pensions Committee have given this House from 20 to 30 special bills for each member of that committee and have given other Members from 3 to 10 bills?

Mr. RUSSELL. There is nobody on this committee who has 30 bills, within my knowledge.

Mr. THOMAS. Has not the gentleman over 20 bills himself?

Mr. RUSSELL. I think I have 20 bills; and I will say this, and I hope the Chair will give me time to say it: The committee of which I am a member have directed the special examiner to prepare bills to even up everybody in this House who has bills prepared and ready for consideration.

And that is where my friend from Colorado [Mr. MARTIN] should come in. He seems, however, to have had hard luck with the "examiner."

Mr. RUSSELL, continuing:

I have not asked the examiner to write a single bill for me at this session of Congress. Every bill that I have had passed was written during the extra session of Congress, and I prepared my bills at that time. There are some Members of this House who perhaps have not had over two or three, but it is because they have not prepared their cases and had the examiner write them up and get them ready for insertion in this or other omnibus bills.

But that can not be so said of the gentleman from Colorado. He has had the most ample preparation of any pension case that has been presented to the House of Representatives since I have been a Member, but he says it has been turned down in both quarters.

Mr. RUSSELL, still continuing:

We have directed that everybody be treated fairly, and we are willing at the end of this session that the light may be turned upon our actions to see whether or not we have been fair.

Mr. THOMAS. I will say to the gentleman from Missouri that during the extra session I had over 50 bills prepared. They are there now

before the examiner, with all the proofs prepared, and I have had three bills reported out.

Mr. RUSSELL. The gentleman should go to the examiner about it. I do not know what bills he has had written up, but I know that is the order of the committee. If the gentleman has his bills ready he will get as many as the other Members of this House.

Mr. THOMAS. I have not got them up to the present time.

Now, that was before the last two bills that we are voting on to-day. The gentleman from Kentucky [Mr. THOMAS] is now properly taken care of.

Mr. SHACKLEFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHACKLEFORD. What is the matter that is pending before the House at this time?

The SPEAKER. The matter is the bill that was reported by the gentleman from South Carolina [Mr. AIKEN], and debate on the paragraph is exhausted under the rule. If any other gentleman speaks on it, he will have to get unanimous consent.

Mr. AIKEN of South Carolina. Mr. Speaker, the gentleman from Alabama [Mr. RICHARDSON], the chairman of the Committee on Pensions, asked me a while ago to present these bills to the House, as he was obliged to attend a very important meeting of the Committee on Interstate and Foreign Commerce. I have done so at his request. I make this statement to explain why he is not on the floor at this time. I ask unanimous consent that the gentleman from Minnesota [Mr. ANDERSON], the subcommitteeman in charge of the bill of the gentleman from Colorado [Mr. MARTIN], be allowed 10 minutes.

The SPEAKER. The gentleman from South Carolina [Mr. AIKEN] asks unanimous consent that the gentleman from Minnesota [Mr. ANDERSON] have 10 minutes. Is there objection?

Mr. RODDENBERY. Pending that request, I ask the unanimous consent of the House to conclude my remarks at this time in two minutes.

The SPEAKER. The gentleman from Georgia asks unanimous consent for two minutes before the gentleman from Minnesota begins. Is there objection?

There was no objection.

Mr. RODDENBERY. Continuing, the gentleman from Kentucky [Mr. THOMAS] said:

I have not got them up to the present time.

Now, I merely wanted to call the attention of the gentleman from Colorado [Mr. MARTIN] to the fact that when he wants to get his pensions considered favorably the proper way for him to proceed is to give notice that if he does not get them this time he will know the reason why next time. Bear in mind that the real, genuine merits of your pension claim will be considered by the committee and, no doubt, adjudged; but also remember that the element of "evening up" Members enters into the equation. To be sure, a soldier here and a widow there and a dependent child here may be left off the pension roll when they ought to go on the pension roll, while the evening-up process is in operation. I am satisfied that the gentleman from Minnesota [Mr. ANDERSON], who will now follow me, can fully elucidate this matter and can suggest to the gentleman from Colorado [Mr. MARTIN] how he can get a pensioner on the Spanish War pension roll, for, as a member of the Pension Committee, he should be very capable of pointing a way out. I trust he will do so.

Mr. RUSSELL. With the consent of the gentleman from Minnesota [Mr. ANDERSON], I should like to ask for one minute in order to explain something that has been referred to by the gentleman from Georgia [Mr. RODDENBERY].

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] asks unanimous consent for one minute before the gentleman from Minnesota [Mr. ANDERSON] begins. Is there objection?

There was no objection.

Mr. RUSSELL. Mr. Speaker, what has been read from the CONGRESSIONAL RECORD as having been spoken by the gentleman from Kentucky [Mr. THOMAS] might be construed as a criticism of myself or of the Invalid Pensions Committee. I want to say——

Mr. RODDENBERY. I did not so intend it.

Mr. RUSSELL. I do not believe the gentleman did so intend it, but I want to say that in the discussion that took place between the gentleman from Kentucky [Mr. THOMAS] and myself on the occasion referred to the gentleman from Kentucky [Mr. THOMAS] was mistaken in the statement that he made. Immediately after he made that statement I went and hunted up the record, and instead of having only three bills passed, as he thought, he had already had five bills passed, and he had had two that had gone to the committee and been turned down because the proof was not sufficient. He also had four others that had been approved and recommended to go into the next omnibus bill, and they have been passed by the House, giving him now nine that have been passed. My friend from Kentucky was simply mistaken in the statement he made at the time. If he was here to-day, he would, I have no doubt, concur in what I have stated.

Mr. ANDERSON of Minnesota. Mr. Speaker, the gentleman from Colorado [Mr. MARTIN] has been heard at great length in regard to a pension case which he had pending before a subcommittee of the Committee on Pensions, of which I am the subcommitteeman. The remarks of the gentleman remind me somewhat of the way an old Army friend of mine used to paraphrase Shakespeare: "Methinks, Horatio, thou dost protest too much." The gentleman's case must be indeed a bad one if it is necessary to protest before this House as the gentleman from Colorado has done this morning.

Mr. Speaker, the gentleman from Colorado read some correspondence he had with me in reference to this case. I submit that my answer to his inquiry was entirely courteous. I offered to go over with him the evidence in regard to this case. I have read it several times and it does not convince me that the applicant is entitled to a pension.

The gentleman from Colorado called me up over the phone, and after some conversation, in which I said to him I did not think the case was a proper one to be considered by the Pension Committee favorably, he said that he did not intend to bother with any subcommitteeman on that committee. He has very properly carried out that statement in his remarks before this House this morning.

The case has not been rejected by the Pension Committee. Ordinarily I would have asked to have the case laid on the table and it would have been rejected by the committee, but out of consideration for the gentleman from Colorado, recognizing that he had a special interest in it, I kept it on my desk in order that he might present his side of the case, but he has never made even the slightest attempt to do it.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. ANDERSON of Minnesota. Yes.

Mr. MARTIN of Colorado. I wrote the gentleman a letter, but only got the reply that it had been turned down. Does the gentleman undertake to say, after all the correspondence I have read this afternoon, that I have not made an honest and earnest effort to get a hearing on the bill?

Mr. ANDERSON of Minnesota. The gentleman, in spite of his protests for his regard for me, has nevertheless attacked my diligence and honesty on this committee.

Mr. MARTIN of Colorado. I want to say that I had no intention of doing so; I had not the slightest idea of attacking the gentleman's diligence or his honesty.

Mr. ANDERSON of Minnesota. Mr. Speaker, this case was called to my attention by the special examiner detailed from the Pension Bureau some time ago. I carefully examined not only his report, but the evidence in the case. I found that in the last Congress the Senate Committee on Pensions upon consideration of it made an adverse report, and stated as follows:

In this case the widow's unfortunate condition is one to excite much sympathy—

In that I fully concur—

but the evidence wholly fails to substantiate the claim that the soldier's death was due to his service or in any way to connect his death with his service. It has been a general rule of your committee to grant pensions to soldiers or widows of soldiers of the Spanish War only in cases where there is strong presumptive proof that death or disability was due to the service.

Mr. MARTIN of Colorado. Will the gentleman permit an interruption?

Mr. ANDERSON of Minnesota. Yes.

Mr. MARTIN of Colorado. I want to call the attention of the gentleman to the fact that there is not a fact or belief alluded to in the report which the gentleman has just read that he had tuberculosis when he entered the service.

Mr. ANDERSON of Minnesota. I shall get to the facts if the House will give me as much time as it gave to the gentleman from Colorado. I want to say here that as far as I am concerned I have no pride of opinion in this case. It is altogether possible that the House may think that the facts in this case present a sufficient presumption to entitle the claimant to a pension. It was my intention when I had an opportunity to bring the case before the full committee in order that it might be discussed there and determined, but I do not think that the House ought to pass upon this case without its having been submitted to the full committee. Nor do I think it ought to pass it on the unsupported statement of the gentleman from Colorado, and in saying that I do not in any way reflect upon the integrity of the statements of the gentleman from Colorado.

Mr. LITTLEPAGE. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Minnesota. Certainly.

Mr. LITTLEPAGE. Do I understand the gentleman to say that any statement made by a Member of this House to the gentleman's committee with reference to any pension claim or the condition of the claimant would not be regarded and given proper credence?

Mr. ANDERSON of Minnesota. Mr. Speaker, I do not mean to say anything of the kind. I say that any statement made by a Member of this House to the committee will be given all of the weight to which it is entitled. What I did say was that I did not think this House ought to set a precedent of passing a claim here without that claim having been considered by a committee of this House.

The facts in the case are these: The report of the physical examination at enlistment shows, in regard to the soldier's previous sickness, typhoid fever and pneumonia. At discharge he claimed no disability and none was shown. It is claimed here that none was shown at the time he enlisted; that the examiner found none. He claimed none when he came out of the service. The examiners at his discharge found none, and I submit that as far as I could find there is not a scintilla of definite evidence that this man had consumption, from which he died, prior to 1905 or 1906. Dr. A. C. Roy examined the soldier in June, 1906, and pronounced his trouble consumption of the lungs. There was some testimony to the effect that he had it previously, but this testimony was extremely unsatisfactory, as the doctor who testified could recollect no dates whatever. The Colorado Springs (Colo.) record of death shows that the cause of death was pulmonary trouble of three years' duration, the physician stating he got no history of the case. The soldier died in 1908. The evidence shows further that while tuberculosis does not seem to have developed until after the man's discharge, he did have a weakness of the lungs and general physical weakness prior to his enlistment. Many of his comrades testified that he should not have been received into the Army.

The soldier lived in Indiana two or three years prior to 1897. One witness there said that he never considered him a robust man, but remembered no complaint of any illness. He knew of no lung trouble or cough at that time. Another soldier said he worked for him from March 18, 1895, to August 1, 1896, and that he was sick during that period a number of times.

The witness said that he had piles very bad; that he had seen his condition and helped him apply the remedy; and also that he had stomach and bowel trouble, but knew of no other complaint until asked directly, and then said that the soldier had colds which generally settled on his breast and made him short of breath; that he did not have much cough, but was hoarse nearly all of the time. The cough was worse from morning to noon; that he was narrow-chested and slim and that his health was poor.

Does that bear out the contention of the gentleman from Colorado that this man was in perfect physical condition when he entered the Army?

The SPEAKER pro tempore (Mr. LITTLEPAGE). The time of the gentleman has expired.

Mr. NYE. Mr. Speaker, I ask unanimous consent that the time of the gentleman be extended for 10 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. KINDRED. Mr. Speaker, may I ask the gentleman a question?

Mr. ANDERSON of Minnesota. I yield.

Mr. KINDRED. Do I understand the gentleman to state that because in some of these cases of pensioners who develop tuberculosis while in the service, and who make that the basis of their claims, that it might not have been perfectly possible and feasible that the same man applying for employment in the United States Army could have been perfectly free from tuberculosis and an efficient man at the time of the application, although he may have had some of the physical characteristics to which the gentleman has referred?

Mr. ANDERSON of Minnesota. Mr. Speaker, I do not know that I get the gentleman's question.

Mr. KINDRED. I understand that the gentleman has emphasized the fact that some of the enlisted men soon after their enlistment perhaps became inflicted with tuberculosis, and that because of certain physical characteristics which the gentleman has described, namely, hollowchestedness and other characteristics, they were not fit for enlistment.

Mr. ANDERSON of Minnesota. Yes; I said so.

Mr. KINDRED. Can the gentleman give more than a mere dictum, a mere statement that his contention is correct?

Mr. ANDERSON of Minnesota. I can give the dictum of the gentleman's own profession, if that is satisfactory to the gentleman. The point in this case is this: In order that this man's claim or this woman's claim be allowed by the Committee on Pensions she must show that the disease from which the soldier died was contracted in the service in line of duty. Now, the evidence in this case shows that the consumption from which he died did not develop until after his service.

Mr. MARTIN of Colorado. But he was turned down at the Pension Bureau because he had it before he enlisted.

Mr. ANDERSON of Minnesota. I do not care anything about that.

Mr. KINDRED. I do not wish to take up the gentleman's time unnecessarily, I assure him, but my point is that this particular soldier might have developed tuberculosis very quickly after his enlistment, but at the time of his enlistment he may have been perfectly sound and efficient.

Mr. ANDERSON of Minnesota. He may have been.

Mr. KINDRED. You must not therefore blame the officers who allowed his enlistment under this implication.

Mr. ANDERSON of Minnesota. I do not blame them at all. I realize doctors make mistakes sometimes, otherwise the graveyards would not be as full as they are.

Mr. KINDRED. Rarely; but I believe the gentleman belongs to the profession of law, whose mistakes are often hanged.

Mr. KOPP. Will the gentleman yield?

Mr. ANDERSON of Minnesota. I do.

Mr. KOPP. I understood the gentleman to say that in order to receive favorable consideration by the committee the claimant would have to show that the disease from which he died was contracted in the service.

Mr. ANDERSON of Minnesota. In order for his widow to obtain a pension under existing law and under the rules of the committee, it would be necessary to show that the soldier died of a disease incurred in the service.

Mr. KOPP. If that can be shown, she can get a pension at the Pension Bureau.

Mr. ANDERSON of Minnesota. She can.

Mr. KOPP. What is the purpose of the committee?

Mr. ANDERSON of Minnesota. I did not select the committee, but would say this to the gentleman: That the committee probably does not require as strong proof as is sometimes required in the bureau. If there is reasonable presumptive evidence of the occurrence of the disability in the service from which the soldier died the committee ordinarily passes the case.

Mr. KOPP. That is the point I wished to establish.

Mr. ANDERSON of Minnesota. The Pension Bureau requires absolute proof.

Mr. KOPP. That is the reason I called the gentleman's attention to it, for, as I understand, the Pension Committee only requires some degree of proof, a scintilla of evidence, so to speak, while the Pension Bureau requires conclusive evidence.

Mr. ANDERSON of Minnesota. James I. Pratt, corporal and sergeant in the soldier's company, testified to his sickness as shown by the muster-out roll, but did not recall nature of sickness. After hearing his affidavit read, he recalled that the soldier coughed a good deal in service. He said:

He ought never to have been taken into the service; from my observation he appeared to have weakness of lungs from the first. * * * Sarver appeared to have his cough or weakness of lungs aggravated by the service, but, as stated, he appeared to be affected by the trouble to some extent all the time and should not have been enlisted.

Mr. MARTIN of Colorado. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. ANDERSON of Minnesota. I yield, but I would like to get through.

Mr. MARTIN of Colorado. I read into the RECORD from my own handwriting, copied from the affidavit of this man Pratt in the Pension Bureau, and I would like to ask the gentleman where does he get the statement he is reading now?

Mr. ANDERSON of Minnesota. I am reading from the report of the special examiner of the committee.

Mr. MARTIN of Colorado. I read from the report of the testimony of the witnesses.

Mr. ANDERSON of Minnesota. John W. Johnson, another comrade, a sergeant, testified that he tented with soldier awhile; that he was sick several times; went home once on sick furlough; do not know what particular sickness he had, but he had a cough and appeared to have a general weakness. He suffered considerably with the cough; was a very frail fellow; I judged from his make-up that he had lung trouble; he had the cough and apparent weakness from the witness's first acquaintance with him in service; at enlistment did not think he should have enlisted. His cough and weakness appeared to be aggravated by the service, but he had not the physique for a soldier.

W. R. Fyfe, comrade, says he tented with soldier; knew him before service; did not remember that he had any sickness before service nor in service; did not remember any cough; had no sickness in service to his knowledge.

Mr. MARTIN of South Dakota. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman yield?

Mr. ANDERSON of Minnesota. I yield.

Mr. MARTIN of South Dakota. If it be conceded that this soldier in question died from consumption, and if there is a sharp difference of opinion as to the fact of consumption in its initial stage when he went into the Army, I would like

to ask the gentleman if that is not precisely the sort of case the Committee on Pensions ought to be interested in and give very liberal consideration to from the fact that if a man threatened with consumption is sufficiently patriotic to enlist under those circumstances and expose himself to the rigors of war in defense of his country or in defense of its cause, ought not that to appeal to patriotic consideration in connection with his pension?

Mr. ANDERSON of Minnesota. The gentleman suggests facts somewhat broader than the evidence warrants in this case. I do not think he was in the initial stage of consumption when he enlisted.

I think he was a man who was naturally predisposed to consumption. It was possible his Army service aggravated it somewhat. I do not know. It is very evident from the testimony here that he ought never to have been taken in. But his case does not come within the rules of the committee, and it is the duty of the committee to allow those cases which do come within the rules, so that those which do not may not get the preference.

Mr. TAGGART. Will the gentleman yield?

Mr. ANDERSON of Minnesota. I will.

Mr. TAGGART. The man was examined when he went into the Army, was he not?

Mr. ANDERSON of Minnesota. He was. He was examined when he came out, and no disability was found in either instance, and he claimed none.

Mr. TAGGART. You will admit that the man who examined him knew more about his consumption than he did himself?

Mr. ANDERSON of Minnesota. That does not follow at all.

Mr. TAGGART. That is, he knew more than the doctor?

Mr. ANDERSON of Minnesota. That with his previous knowledge of the history of the case the soldier might know more about it.

Mr. TAGGART. Now, do you want to hold his widow responsible for any mistake the examining surgeon made from the time he was accepted into the service?

Mr. ANDERSON of Minnesota. I am not attempting to hold anybody responsible for anything. I am trying to discuss this case on its merits.

Mr. TAGGART. Do you not think we are wasting more of the time of this House than the pension is worth?

Mr. ANDERSON of Minnesota. I do think so, absolutely. But that is not my fault, but the fault of the gentleman who brought it up.

Mr. SLAYDEN. Mr. Speaker, I do not think that, on reflection, the gentleman from Kansas [Mr. TAGGART], who has just observed that we are wasting more time than that pension is worth, would himself subscribe to the doctrine that the remark suggests.

Mr. MARTIN of Colorado. The gentleman from Minnesota subscribed to it, though.

Mr. SLAYDEN. I did not hear the speech of the gentleman from Minnesota [Mr. ANDERSON], and I do not know whether he does or not, but if both of them subscribed to it, it would not make it sound doctrine.

Certainly there should be a medical examination for enlistment, and unless it can be overturned by unquestioned proof, unquestioned evidence from persons not interested, the examination on discharge ought to be a protection to the Government and the taxpayers as against efforts to obtain pensions. I know nothing about the merits of the case that my friend from Colorado [Mr. MARTIN] has. But I do want——

Mr. TAGGART. Will the gentleman yield?

Mr. SLAYDEN. Just one moment, please. But I do want to say that, in my judgment, after the observation of 15 years of service in this House, his charge of the lack of diligence on the part of the Committee on Invalid Pensions or the Committee on Pensions is unfounded.

Mr. MARTIN of Colorado. Not the Committee on Invalid Pensions.

Mr. SLAYDEN. The Committee on Pensions, then. Indeed, Mr. Speaker, if I were to indict those gentlemen at all, it would be for too much diligence. I believe that more bills go through this House that should not go, many more, than there are deserving bills that fail to go through. But if any man believes that these pension committees are not diligently employed, let him go to the beginning of this Congress, let him throw his eye over the 2, 3, 4, 6, or 10 pages of special pension bills that the RECORD shows were introduced on one day, and he will then have a faint idea of the amount of work lodged on those committees. And the number of them that they turn out show that they have been diligent in the discharge of what some gentlemen conceive to be their duty.

Whether they have been discreet, whether they have properly protected the Treasury, is quite another story. The gentleman from Colorado [Mr. MARTIN] makes one suggestion, however, that I do sympathize with a little.

I used to have a friend, an officer in the Army, a man who for four years was a soldier in the Civil War, and a good one, and a most excellent gentleman, wise and philosophical, who advanced a theory that seems to have found some favor in the mind of my friend from Colorado [Mr. MARTIN], who said that if a sick man wanted to enlist his patriotism was of a higher order and the country ought to be more profoundly grateful to him for it. My Army friend had a theory in regard to war, which he looked upon as sinful and unnecessary. He said, "By all means if we were going to have a war we should enlist the sick people and cripples, those who were worthless physically, and send them to the war and let them be sacrificed for the country, and that, as a consequence, in time we would have a race of people of whom we all might be proud." His idea was to keep the strong, healthy men at home and at work and to send the physically weak and undesirable to the sacrifice. The gentleman from Colorado [Mr. MARTIN] seems to indorse that doctrine, because he would not put up the barrier of requiring that the enlistment be only that of a sound, physical man.

Mr. Speaker, I know nothing about the merits of the gentleman's case. I am not sure how I shall vote on it if he offers his amendment, but again I protest against the accuracy of his charge that the committees of the House have not been diligent.

Mr. KINDRED. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman from Texas yield to the gentleman from New York?

Mr. KENDALL. Mr. Speaker, is there some amendment pending before the House?

Mr. MARTIN of Colorado. There is no amendment pending except a pro forma amendment, and that has been withdrawn.

Mr. KENDALL. Regular order, Mr. Speaker.

Mr. SLAYDEN. Mr. Speaker, I yield to the gentleman from New York to ask a question.

Mr. KINDRED. Is it not always strongly presumptive that the medical examination, made as a prerequisite for admission to the Army, is sound, and that is a sufficient proof that the enlisted man is efficient and good for service?

Mr. SLAYDEN. It is good presumptive evidence.

Mr. KINDRED. It is very conclusive.

Mr. KENDALL. Regular order!

Mr. MARTIN of Colorado. Mr. Speaker, if I am in order, I will offer my amendment at this time.

The SPEAKER pro tempore. Just as soon as the paragraph has been reached the gentleman can offer his amendment. The Clerk will read.

The Clerk read as follows:

The name of Kate C. G. Ewing, widow of Lee M. Ewing, late of Fourth Company, United States Volunteer Signal Corps, United States Army, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of two minor children of the soldier until they respectively reach the age of 16 years.

The SPEAKER. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, as a new paragraph, after line 6, page 2, the following:

"The name of Mattie J. Sarver, widow of Doctor E. Sarver, late of Company G, Second Regiment West Virginia Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional for her three minor children, Helen M., Emery R., and Glenia N. Sarver."

Mr. MARTIN of Colorado. Mr. Speaker, just a word. I stated when I had the floor awhile ago that I would probably not offer this amendment at this time. Since then, however, the chairman of the subcommittee has presented to the House a carefully prepared typewritten statement of the facts in this case, as he understands them, so that the House now has all the facts before it.

Mr. ANDERSON of Minnesota. Mr. Speaker, I do not think the gentleman wants to make that statement. I stated very fairly on the floor of the House that I was reading, in part, from a memorandum prepared by the special examiner detailed to serve the Pensions Committee in this House.

Mr. MARTIN of Colorado. It purported to give the facts, and the House having now before it all the facts submitted by both sides, I submit the amendment.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Colorado [Mr. MARTIN].

The question was taken, and the amendment was agreed to.

Mr. ANDERSON of Minnesota. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count.

Mr. ANDERSON of Minnesota. I will withdraw my demand, Mr. Speaker.

The SPEAKER. The gentleman from Minnesota withdraws his demand.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The amendment is agreed to.

Mr. HAY. I understood the gentleman from Minnesota made the point of no quorum.

The SPEAKER. He did, but he withdrew it before the gentleman rose.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. RUCKER of Missouri. Mr. Speaker, I ask unanimous consent for one minute in which to make an announcement to the House.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] asks unanimous consent to address the House for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. RODDENBERY. Reserving the right to object, Mr. Speaker, I wish to say that this debate and this discussion has extended so long that I fear the committee will bring in a special rule directly cutting off debate and amendments, designed to stop this filibuster, which I regret to see gentlemen obstreperously conducting. [Laughter.]

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] is recognized.

Mr. RUCKER of Missouri. Mr. Speaker, the conference committee of the House and Senate has had under consideration for nearly a year House joint resolution 39, relating to the popular election of Senators.

We felt that we were strong enough to force the Senate into line, but we found we were unable to do so. The conferees failed to reach an agreement. The matter was reported to the Senate, and that body, by a larger vote than before, voted to insist on the Senate amendment. A message from the Senate announcing that fact is now in the House. I want to give notice that to-morrow, as soon after the convening of the House as I can get recognition, I desire to move to recede from the disagreement of the House to the Senate amendment and to concur in that amendment. [Applause.]

PHILIPPINE GOVERNMENT.

Mr. JONES. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. OLMSTED] have five legislative days in which to file views of the minority of the Committee on Insular Affairs on the bill (H. R. 22143) to establish a qualified independent government for the Philippines and to fix the date when such qualified independence shall become absolute and complete, and for other purposes (H. Rept. 606, pt. 2).

The SPEAKER. The gentleman from Virginia asks unanimous consent that the gentleman from Pennsylvania [Mr. OLMSTED] have five legislative days in which to file the views of the minority on House bill 22143. If there be no objection, it will be so ordered.

There was no objection.

PENSIONS.

The House resumed consideration, as in Committee of the Whole, of the bill H. R. 23515.

The Clerk resumed and completed the reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

Mr. AIKEN of South Carolina. Mr. Speaker, I call up the bill (H. R. 23765) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

Mr. AIKEN of South Carolina. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions of the pension laws—

The name of John W. Bolt, late of Company G, Third Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $15 per month.

The name of Morton W. Sebring, late of Company E, Sixteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $10 per month.

The name of Alfred B. Light, late of Company D, Third Regiment Missouri Mounted Volunteers, War with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jane R. Bonnin, widow of George W. Bonnin, late sergeant, Company E, Second Regiment Pennsylvania Volunteers, War with Mexico, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Jane R. Adams, widow of George William Adams, late captain of Maj. Chevallie's battalion, Texas Cavalry, War with Mexico, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Charles J. Cronin, late of Company K, Sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Jacob M. Ratcliff, late of Company H, First Regiment United States Dragoons, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The above bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 6817. John W. Bolt.
H. R. 8542. Morton W. Sebring.
H. R. 9804. Alfred B. Light.
H. R. 14349. Jane R. Bonnin.
H. R. 16409. Jane R. Adams.
H. R. 17970. Charles J. Cronin.
H. R. 23477. Jacob M. Ratcliff.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

The SPEAKER laid before the House the bill (H. R. 19721) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, with Senate amendments thereto.

The Senate amendments were read.

Mr. AIKEN of South Carolina. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

WILLIAM Z. NORMAN.

Mr. HAMILTON of West Virginia. Mr. Speaker, I call up the bill (H. R. 16493) to correct the military record of William Z. Norman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of William Z. Norman, enrolled as William Norman, late of Company C, Eleventh Regiment West Virginia Volunteer Infantry, and to grant him an honorable discharge therefrom.

Mr. FOSTER. Mr. Speaker, is this bill on the Private Calendar?

The SPEAKER. This bill is on the Private Calendar. It is to remove a charge of desertion.

Mr. FOSTER. If I may be indulged for just a moment, I understood that the Committee on the Post Office and Post Roads was to go ahead this afternoon after the pension bills were finished. A great many Members have left, under that impression, and I do not believe it is proper that the gentleman should bring up these bills.

Mr. HAMILTON of West Virginia. It is on the calendar.

Mr. FOSTER. I realize that.

The SPEAKER. The Chair will state to the gentleman from Illinois that the rule provides that after pension bills are disposed of bills of this kind shall be in order on the second and fourth Fridays of the month.

Mr. FOSTER. I think we will need a quorum here if we insist on bringing up these bills.

The SPEAKER. A quorum will be required if anybody raises the point.

Mr. FOSTER. I think I will have to raise the point if anybody insists on bringing up these bills.

Mr. LANGLEY. They are in order.

Mr. FOSTER. I will let this one go, but I will not let any more go.

Mr. HAMILTON of West Virginia. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. HAY. I ask that the substitute be read.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

That in the administration of the pension laws of the United States it be taken and held that William Z. Norman (alias William Norman) was enrolled in the service of the United States on the 18th day of January, 1862, at Spencer, Va., to serve three years, and was assigned as a private to Company C, Eleventh Regiment Virginia Volunteer Infantry, which regiment afterwards became the Eleventh Regiment West Virginia Volunteer Infantry, and that he served with said regiment faithfully until September 3, 1862, at which time, while in service and in line of duty, he was captured by the enemy and subsequently paroled, and that while under such parole he was again captured by the enemy and shot and killed about the — day of December, 1862, and that the record of desertion now appearing against his service in the War Department shall be hereafter treated as vacated and annulled.

The amendment in the nature of a substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21279, the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HAY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of a bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 21279) making appropriations for the service of the Post Office Department for the year ending June 30, 1913, and for other purposes.

Mr. GARDNER of New Jersey. Mr. Chairman, I yield not exceeding 60 minutes to the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN of South Dakota. Mr. Chairman, I hope it will not be necessary for me to use all the time that the gentleman from New Jersey has so generously yielded me for this debate. Under the special rule of the House there has been made in order, as a rider upon this Post Office appropriation bill, a bill which has been pending before the Committee on Interstate and Foreign Commerce providing for the appropriation to the Government and the payment by the Government therefor of all of the property of all of the express companies in the United States—13 in number.

The act does not simply give authority to appropriate; it appropriates all of the property of these companies used in connection with the express business, leaving the only question to be determined the value of the property, to be ascertained by the Interstate Commerce Commission, unless the Postmaster General shall indicate that, in his judgment, some of it may not be necessary.

Coming at this time, in this manner, it is a very extraordinary proposition. The Committee on Interstate and Foreign Commerce has been giving very diligent attention to this bill. It involves a policy of government almost revolutionary in its character. It proposes to take over not only the small-package express business, but all the express business of the country.

Mr. BOWMAN. Will the gentleman yield?

Mr. MARTIN of South Dakota. Yes.

Mr. BOWMAN. Is there anything to prevent the express companies starting into business right over again?

Mr. MARTIN of South Dakota. Nothing whatever. There is no limitation of 100 pounds or otherwise on the packages the Government is expected to carry when it condemns this property. But the Postmaster General is instructed to proceed to do the express business of the country. The express business of the country under the recognized definitions involves all of the package business carried on passenger trains or upon trains at passenger speed. Very often these packages go up into the hundreds of pounds of weight to the individual package, dependent on the necessity of quick transportation.

The Committee on Interstate and Foreign Commerce at the time this rule was adopted by the House had not taken action on that bill. Rarely, indeed, has any committee of the House proceeded to grapple with a big question with more diligence and earnestness than was that committee proceeding in this case. For practically 10 days preceding the time when the House adopted this rule we had been holding daily sessions on the bill, sometimes afternoon sessions without the permission of the House, as well as forenoon sessions.

After the passage of this rule by a majority—a bare majority—of the committee a favorable report was directed on the bill. I was under the impression until a few moments ago that no report had been made, but I find within a few moments a report was made yesterday.

Mr. LONGWORTH. Is this the same bill that was incorporated in the rule?

Mr. MARTIN of South Dakota. The same bill. The committee has devoted most of its time in the consideration of the bill to hearing of but one witness and to consultation with but one witness, the gentleman from Maryland [Mr. LEWIS]. We have not had the time or opportunity even to call any member of the Interstate Commerce Commission upon this vital and important question.

I want to say, first, that the testimony and assistance afforded the committee by the gentleman from Maryland [Mr. LEWIS] has been very valuable and instructive to us. There is a big field for usefulness in this modern world for the man who knows. I have heard the addresses of the gentleman from Maryland in the House, and have heard practically all that he has said in the committee, and had the benefit of his compilation of facts and deductions which are printed in pamphlet form. It is very evident that the gentleman from Maryland knows much about the transportation question. He has an analytical mind, he has unstinted industry, and he has performed a very great service to the committee and the country, and yet he has by no means exhausted this great question.

Much of the compilation which the gentleman from Maryland [Mr. LEWIS] has prepared is based on the work performed by the Interstate Commerce Commission. As you all know, we have by amendment to the interstate commerce law given jurisdiction of express companies to the Interstate Commerce Commission, and with characteristic thoroughness that commission is going to the bottom of the express question.

Mr. MADDEN. Will the gentleman yield?

Mr. MARTIN of South Dakota. Yes.

Mr. MADDEN. Does the gentleman know whether the Committee on Rules before it reported the rule took any testimony upon which it based its action?

Mr. MARTIN of South Dakota. I do not know, but I have no intimation or suggestion that it did. I think that it is but fair to the Committee on Interstate and Foreign Commerce to say that the members of that committee have taken a great interest in this problem. They realize it is one of the most serious problems before the country; they realize that the necessity of giving relief against exorbitant charges for carrying and quickly transporting small packages is a vital question, but I think it is but fair to all to say that the individual membership of that committee has not, with all of its diligence, been able to reach a satisfactory conclusion upon that proposition. We very much need the testimony of members of the Interstate Commerce Commission, particularly the testimony of Judge Lane, who has given much attention to this express proposition.

With the adoption of the rule to bring this great question in here as a rider on an appropriation bill we have had absolutely no opportunity for that testimony. We did call Judge Lane before the committee in connection with the bill that was reported unanimously, known as the Adamson bill, which prescribes zones and limits the maximum charges for the express business within those zones. And if it is advisable at this session of Congress, in a hurried way, to pass any legislation seeking to remedy the evils of the express problem, my recommendation would be that the Adamson bill, which has been reported unanimously and without divergence of judgment by this committee, should be adopted at this session as a substitute for the pendng measure. Or, if we are bound to take over the solution of the entire express problem in the United States as a rider upon a Post Office appropriation bill, my suggestion would be that we follow the logical course and adopt a policy by which we would compel the railroads of the country, which do all of the freight business and all of the passenger business and which operate the very trains that carry the express business, to also perform the express business of the country and at reasonable rates, to be controlled by the Interstate Commerce Commission.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of South Dakota. Certainly.

Mr. CAMPBELL. I will say to the gentleman from South Dakota that there is a bill pending before his committee for exactly that purpose. I introduced the bill two years ago and again at this session, and I propose to address myself to the subject to-morrow.

Mr. MARTIN of South Dakota. The gentleman will pardon me for stating that I had not examined the provisions of his bill and was not aware it pointed in that direction. I will say that I have prepared a bill which is pending before the House providing that the railroads of the country shall hereafter perform the entire express business of the country and at reasonable rates, and that they shall be completely under the control of the Interstate Commerce Commission, both as to rates and the quality of the service.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of South Dakota. Certainly.

Mr. FOCHT. It is very evident that the gentleman is much opposed to the proposition for the absorption of the express companies at the expense of the Government. It has been suggested that in order to meet that objection the Government make a monopoly for itself of the transportation of small packages up to 11 pounds and prohibit any carrying company from conveying packages under 11 pounds. Would that meet that situation?

Mr. MARTIN of South Dakota. It would not meet the situation in the interests of the people unless the Government should make a better rate than any that is yet proposed in parcel-post bills.

Mr. SULZER. Why would it not? The Government would have a monopoly then.

Mr. FOCHT. Absolutely.

Mr. MARTIN of South Dakota. Yes; and unless it reduced the rates it would exact from the people larger prices than they are paying now.

Mr. FOCHT. Mr. Speaker, I will say to the gentleman that very often the easiest way to kill a bill is to load it down with something that is impossible, and we seem to be confronted here with the question of the absorption of these express companies at this enormous cost, which might kill the bill. It has

already been charged that the express companies are desirous of having that thing done.

Mr. MARTIN of South Dakota. Upon that subject I will say that the express companies were notified to appear at this hearing, and if I am not incorrectly informed two days were designated for them when they should appear and none of them came, and I am not at all surprised that they did not come.

Mr. FOCHT. Will the gentleman tell us why the 11-pound-package proposition would not work out satisfactorily?

Mr. MARTIN of South Dakota. Under the thorough investigation that the Interstate Commerce Commission is making of this subject, with the facts adduced at the time that Judge Lane was before the committee on the Adamson bill, it is perfectly apparent that before this summer is over, if Congress does not take any action on the matter, some positive steps will be taken by the Interstate Commerce Commission to compel the express companies to very vastly reduce their rates throughout the United States, and to adopt modern methods of accounting in the express business by which they can afford to make very substantial reductions. And I do not wonder that the express companies do not object to the wholesale taking over of the old junk that they have accumulated in 50 years by the Government and getting a good price for it. Neither am I surprised that the railroad companies are not opposing this proposition, as I will endeavor to develop further in the case as I go along and explain why. The testimony of the gentleman from Maryland [Mr. LEWIS], the testimony of anyone who has gone to the bottom of this subject, would be that the amount received by the railroad companies from the express companies under these contracts is twice normal or twice what it ought to be. Yet here is a proposition that proposes to affirm these contracts and make the Government paymaster under them which would absolutely prevent any material reduction in rates except such as you can make by economy in the service that the express company is now doing. That I will develop more fully as I proceed.

Now, anticipating there might be a report filed sustaining the majority views or setting forth the majority views, I have already said, and there is no breach of confidence in saying that the views of the majority of the membership of this committee are really not known definitely upon this question. The report was adopted under this stress of circumstances, the House already forcing us to agree upon it or not to agree upon it, and action was taken by a majority of a bare quorum.

Mr. LEWIS. Will the gentleman yield?

Mr. MARTIN of South Dakota. I will yield.

Mr. LEWIS. I am not in a position to challenge the gentleman's statement about that, but I would like to ask the gentleman how much time has been allotted him——

Mr. MARTIN of South Dakota. Is the gentleman suggesting that the statement can be challenged?

Mr. LEWIS. Later I will explain. May I ask the gentleman how much time he is allowed.

Mr. MARTIN of South Dakota. I have been allowed an hour.

Mr. LEWIS. I would like to ask, perhaps, during the gentleman's discourse a number of questions, and I do not wish to break up the argument of the gentleman. I would like to know if the gentleman will accept such questions.

Mr. MARTIN of South Dakota. With the utmost courtesy, and the gentleman can exercise his own judgment as to when and how he will ask his questions. I will say this——

Mr. LEWIS. In regard to the vote, for I happened to have been an invited participant with the committee working on this subject——

Mr. MARTIN of South Dakota. I practically stated that.

Mr. LEWIS. The vote was 8 to 3, was it not, in reporting this bill?

Mr. MARTIN of South Dakota. Now that the gentleman has stated the fact which I did not intend to disclose, I will say he is absolutely correct, but gentlemen of the committee will see that 8 and 3 are 11. The committee has 21 members. The membership present then was 11, which is a bare quorum, or half of a man more, as twice 11 would be 22. As I say there were 11 members of that committee, 8 of whom voted for it, so you have a report here, made, as stated by the gentleman from Maryland, by 8 members of a committee of 21. Those are the facts which the gentleman has forced me to corroborate. So that you have not an affirmative manifestation from any source of acquiescence of the other 13 members of the committee. As I said in the beginning in all frankness, nobody is to be criticized here for voting upon this report. It was an extraordinary proceeding that the House should have decided when this great question was before one of the committees of the House that it should be put as a rider upon an appropriation bill while the committee was in session endeavoring to secure further light upon the subject.

Mr. J. M. C. SMITH. Will the gentleman please inform the House whether or not, generally speaking, the meetings of the committee are attended by all the members, or was that a fair average of the attendance?

Mr. MARTIN of South Dakota. The condition of that committee upon this matter as in all others is that it is very faithful to its duty, and they do the best they can to get at the bottom of the facts pertaining to all important questions coming before it.

Mr. J. M. C. SMITH. But as to the number of the committee who usually attend a meeting?

Mr. MARTIN of South Dakota. Well, in this case it was a bare majority. There is always a majority if you are trying to do any business.

There are very grave and serious objections to the Government's condemning and taking over the contracts, agreements, and miscellaneous property of the express companies. It would involve a large expenditure, the extent of which no one can estimate in advance, but probably not less than from $30,000,000 to $50,000,000. The express company statistics for 1909 show the following items:

Real property	$14,932,169
Equipment	7,381,405
Materials and supplies	138,210
Advance payments on contracts	5,836,666
Franchises, good will, etc	10,877,369
Total	39,165,819

The statistics for 1910 show real estate $15,890,048, and equipment $9,830,815, an increase on these two items over the figures for 1909 of $3,407,289. Under the bill as now presented it is not proposed to condemn the franchises. But, on the other hand, it is proposed to condemn the "contracts, agreements, and arrangements" between the express companies and the railroad companies. These contracts extend into the future and are the basis upon which the express companies are making large annual profits, probably not less than 50 per cent on the capital invested.

That word "franchises" was stricken out by the committee, and I am supposing, although it is a mere supposition, that the bill which was finally acted upon by the committee will be substituted or offered to be substituted for the one involved in the rule.

The statement of the gentleman from Maryland was that the profits of the express companies upon the contracts was over 100 per cent. The statement of Judge Lane before the committee on the Adamson bill is to the effect that as to the Great Northern Express Co., it having a very slight holding of property, the profit on the capital invested might be as high as 2,000 per cent.

Mr. WILLIS. Will the gentleman yield?

Mr. MARTIN of South Dakota. Yes.

Mr. WILLIS. Much is made in this discussion by those who are in favor of the appropriation of the express companies of the value of these contracts. I wonder how long these contracts run. Can the gentleman give us any information?

Mr. MARTIN of South Dakota. Indefinitely, some number of years ahead, some expire and are being renewed, but I am not able to say the average length of time they cover.

Mr. TOWNER. Will the gentleman yield for a question right in connection with that?

Mr. MARTIN of South Dakota. Yes, sir.

Mr. TOWNER. Has any authority ever been cited by anyone that would allow the appropriation of these contracts to the benefit of the Government?

Mr. MARTIN of South Dakota. Authority has been produced before the committee by gentlemen who believe it is good authority. Personally it seems to me to violate the fundamental essence of a contract. A contract is based upon the agreement of minds, and I have suggested, and now suggest, whether there is any such public emergency as to warrant the Government in enforcing a condemnation of contracts between private individuals and corporations and, beyond that, forcing the substitution on behalf of the Government as one party to a contract when the other party has not agreed.

Mr. TOWNER. That is exactly the proposition.

Mr. MARTIN of South Dakota. The contracts do not provide for any substitution.

Mr. MADDEN. What do they provide as between the express companies and the railroad companies?

Mr. MARTIN of South Dakota. I will state that in a word. The contracts, in the main, provide that the total express business over the railroad line or railroad system shall be done by the one express company and that a certain percentage of the gross receipts from the express business shall be given back to the railroad company as its part of the profits of the business, and the average of that percentage is about 47.53 per cent. It

ranges from 40 up to 57 and odd per cent. The Pennsylvania contract, I believe, is 55 per cent.

Mr. TOWNER. Will the gentleman inform me and the committee whether or not any authority has ever been presented that would go further than condemning a contract—that is, the beneficial effects of a contract? Is there any authority anywhere that will allow the superior government, under the right of eminent domain, to condemn a contract and compel its performance by those against whom the condemnation proceeding is instituted?

Mr. MARTIN of South Dakota. I question very much whether there is such lawful authority, and certainly if there is such it should be exercised only in case of rebellion or war or extreme public necessity. My colleague upon the committee, the gentleman from Minnesota [Mr. STEVENS], has quite thoroughly examined into the legal phases of that precise question.

Mr. STEVENS of Minnesota. If the gentleman will allow, I will state what, it seems to me, the authorities hold. In the case in the Sixth Howard, United States Supreme Court Reports, in the case of the West River Bridge Co. *v.* Dix, the Supreme Court held that it was not competent for the State of Vermont to condemn the franchise of a company and itself operate the company in the same manner that it was operated before, because it had no right and it was not the function of the State to operate a private concern for the benefit of the public treasury. That would be carrying on a private business with public funds, and property could not be acquired by condemnation in that way.

Mr. MARTIN of South Dakota. That is an extremely important question and one which I hope the gentleman from Minnesota will do the House the honor and service of discussing before this debate is closed.

Mr. LEWIS. Will the gentleman yield?

Mr. MARTIN of South Dakota. Certainly.

Mr. LEWIS. In reference to the question whether a contract can be condemned under the power of eminent domain——

Mr. MARTIN of South Dakota. I will yield only for a question.

Mr. LEWIS. This is not a question.

Mr. MARTIN of South Dakota. Then make just a brief statement. I am admonished that nearly half of my time is gone.

Mr. LEWIS. The point has been distinctly raised and acted upon by the Government in the case of the Panama Railway, where stock of the Panama Railway as a private company was condemned by the Government, and is being to-day utilized by the Government in operating that railway.

Mr. MARTIN of South Dakota. I would like very much to discuss that subject myself, but I have other matters here that I feel I must bring to the attention of the committee.

Mr. BOWMAN. Would not any railway be obliged to give to the individual or the Government, under the law, the same contract which they are now giving to the express companies?

Mr. MARTIN of South Dakota. I would not make an affirmative answer to that, finally.

Mr. GREEN of Iowa. I will answer the gentleman from Pennsylvania, if the gentleman from South Dakota will permit, by saying, as to express companies, the Supreme Court has expressly held that railroads could not be compelled to so do.

Mr. MARTIN of South Dakota. My understanding is the same. I do not think there is any authority in the Government to question the right of the railroad companies and express companies to make the sort of contract they have made, unless their terms are such that they interfere with the free and unrestrained commerce between States.

And I may say right there—because it may not occur to me again—that there is another way in which the Interstate Commerce Commission can, and I believe will, give relief in this matter. Really one of the greatest obstacles in getting a proper reduction of express rates now grows out of the fact that 48 per cent of these charges go to the railway company by virtue of these contracts, and you can not make very material reductions in those rates unless you can reduce that 48 per cent. You leave the Interstate Commerce Commission to the performance of its duties, and, in my judgment, it will declare that these contracts are unnecessarily high between the companies—the express companies and the railway companies—and that they operate to interfere or restrict interstate commerce; and the Interstate Commerce Commission should require that they be reduced.

But here is a monstrous proposition, that we, the Government, will ratify and confirm those contracts, take them over, and ourselves agree to pay rates which in themselves make it impossible to make proper reduction of express rates to the public.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Dakota yield to the gentleman from Illinois?

Mr. MARTIN of South Dakota. I do.

Mr. MADDEN. Is the judgment of the gentleman that the Interstate Commerce Commission will compel the railroads to take less than 33⅓ per cent of their gross receipts?

Mr. MARTIN of South Dakota. I believe so, because both the railroads and the express companies are common carriers; and they can be made to reduce their rates to a reasonable figure, and they can be made to reduce that part of their expense which goes to the express company, the same as the railroad company can be made to reduce its charges. Here it is proposed to take over these contracts and ratify them and confirm them and become the paymasters ourselves.

Mr. LEWIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Dakota yield to the gentleman from Maryland?

Mr. MARTIN of South Dakota. Yes.

Mr. LEWIS. The statistics show that the express companies in 1909 paid the railroads for carrying their packages an average of 7 cents a ton-mile, and the Post Office in 1908 paid the railways 13 cents a ton-mile.

Mr. MARTIN of South Dakota. Yes.

Mr. LEWIS. The question now arises as between a parcel-post scheme and this proposition. Is the gentleman in favor of paying 13 cents a ton-mile under the parcel-post scheme or 7 cents a ton-mile under this proposition.

Mr. MARTIN of South Dakota. No; by no means. And I will show, if I have the time, how inefficient are every one of these parcel-post schemes that have been proposed.

You take the proposition of reducing the cost of the carriage of 11-pound packages by parcel post to 88 cents. The express companies are now carrying their packages of 11 pounds at 50 cents. The average express distance on all packages is 196 miles, and you can send an 11-pound package anywhere in the United States that distance now by express for 50 cents, as shown by the reports of the Interstate Commerce Commission.

There is still another reason why the argument of the gentleman from Maryland [Mr. LEWIS]—that we will get a cheaper service by taking over the functions of the express companies—is at fault. Why, the Post Office is paying twice as much as the express companies pay for the service that the railroad is doing in the carrying of our postal mail—13 cents a ton-mile. Under these contracts, in working them out, the railroads are shown to get from the express companies 7 cents per ton-mile. And yet the gentleman states in his testimony and in his synopsis, and perhaps truly, that what the express company gets is twice too large, which goes to demonstrate that what the Government is now paying is four times what it ought to be for this service.

And yet it is proposed here as a solution for unreasonable express rates that we shall take over the whole function of the express companies and leave it with the Post Office Department, which is now paying four times what the service is worth, according to the figures produced by the Interstate Commerce Commission and by the gentleman himself.

Mr. SAMUEL W. SMITH. Mr. Chairman, if the gentleman will allow me to interrupt him right there——

The CHAIRMAN. Does the gentleman from South Dakota yield to the gentleman from Michigan?

Mr. MARTIN of South Dakota. Yes.

Mr. SAMUEL W. SMITH. What is the gentleman's solution of this matter?

Mr. MARTIN of South Dakota. Compel the railroads to perform the express service, and at reasonable rates. I will say that I agree very well with much of the data that the gentleman from Maryland has gathered together, but I do not agree with him in the conclusion that he draws from his data. I agree with him absolutely that the parcel-post propositions that are here proposed would not afford adequate relief to the people. The express companies are now doing this business at exorbitant charges, and the 11-pound rate proposed in the parcel-post bills will not afford relief. The gentleman is absolutely right in the contention that we have got to find a solution of the problem of carrying small parcels by express, but when the gentleman suggests the solution, I find it is illogical and impracticable. It is not the right solution.

I will just take one basis of his facts to show how fallacious his argument is. The gentleman cites among important facts the relation between express charges and freight charges per 100 pounds on the business generally.

In foreign countries it is five and a quarter to one, the express charge being on an average five and one-quarter times as much as the railroad charge for freight. In the United States he says, and probably with approximate correctness, although the Interstate Commerce Commission has found it a very difficult matter to reach satisfactory conclusions—the gentleman from Maryland concludes by a system of averages

that in this country the express rates, eliminating the question of collecting and delivery, are as 15 to 1, or in round figures three times as high as they are abroad. In all these foreign countries, so far as I am aware, certainly in most of them, where they are doing the service for about one-third as much as it is done here, compared to the freight charge, the railroad companies themselves do the express business.

The gentleman denominates the express company a parasite, simply attached to the railroad company for the purpose of multiplying the profits and giving two people an opportunity to share in the profits of the business. In other words, abroad they do the business for approximately one-third of what is charged for doing it here. Abroad the express business, as well as the other business, is done by the railroad companies. Here it is done by a parasite. The gentleman's solution is to abolish one parasite, the express company, but to take on another parasite, the Government, under identically the same contracts, as a solution of the problem. My solution of the problem is to compel the railroad companies in the United States to do the express business, as in these other countries, where the business is done for one-third of what they are doing it here. Then you will have a logical solution of the problem and dispense with the parasite altogether, instead of having a substitution of parasites.

Mr. LEWIS. Would that method connect the country with the city?

Mr. MARTIN of South Dakota. No; and the method that the gentleman's bill proposes does not connect the country with the city.

Mr. LEWIS. Oh, yes; it does.

Mr. MARTIN of South Dakota. The bill can be read. I have read it. I have studied it, and there is not a word in it about articulating the rural service or the star-route service with the express service; and the gentleman knows very well, and I know, that the rural service is in no possible shape to take over this business of transporting large express packages. The average weight of an express package in the United States is 32.82 pounds. They go up as high as a ton. A valuable horse may go by express. A ton of any valuable material may be sent by express. Structural iron that must be sent quickly to a bridge to repair the results of a washout is sent by express. Pianos may be sent by express. Is our rural service prepared to handle the express business? The gentleman knows it is not. That part of the business must be worked up gradually. The pending proposition to begin a parcel post along rural routes, if it is broadened enough so as to permit an interchange of parcels between all rural routes centering at a given point, will begin the solution of that part of the business, and that can be articulated with the express service under the charge of a railroad company just as well as with the Post Office Department. But how can it be done? The Interstate Commerce Commission are now working out a stamp system as a substitute for the elaborate accounting system of the express companies and proposes it as a solution of much of the expense of accounting. In other words, all that is needed when you get the express business down to a bare profit-making basis is to have an express stamp, as well as a postage stamp; and if you start a package upon a rural route you can put on it not only the postage stamp that will take it to the railroad station but the express stamp that will take it the rest of the way. In other words, you can articulate a sane and modern express business, controlled absolutely under the Interstate Commerce Commission, just as well with the rural routes as you can if it is all under the post office, and it is much easier and much less expense to the Government to work it through the Interstate Commerce Commission.

Mr. LONGWORTH. As the gentleman has stated, there is no certainty that the Government will do the entire express business?

Mr. MARTIN of South Dakota. Absolutely none.

Mr. LONGWORTH. Is there any other country where the Government has the entire express business?

Mr. MARTIN of South Dakota. I know of none unless it is in connection with countries where the Government owns the railroads. The usual system abroad is the one which I propose here, to compel the railroads of the country, all common carriers of freight and of passengers, to also carry express and thus eliminate the parasite of the express company.

Mr. FOCHT. We understand that, but will the gentleman tell us how the farmers are going to get their postal packages and dispatch those they wish to send?

Mr. MARTIN of South Dakota. I think I have already told that. This bill does not propose any relief upon that subject.

Mr. FOCHT. Will the gentleman give us his idea?

Mr. MARTIN of South Dakota. My idea about that is that whether the railroad companies are to be the final express transporters or the express companies, there ought to be a system of articulation between the express business and the rural postal business, both in connection with the rural routes and the star routes. There ought to be express stamps. For instance, if the express is 30 cents and I wanted to send an article over a rural route I would put on, say, 25 cents for the rural post express and also my 30 cents express stamp, and it goes to its destination. Something of that sort would have to be done however it is brought about.

Mr. BOWMAN. Will the gentleman yield?

Mr. MARTIN of South Dakota. Yes.

Mr. BOWMAN. Is it not the gentleman's purpose that where the rural carrier goes into a town he goes to the railway and deposits the package and also gets the package and returns it the same way in using the intermediary?

Mr. MARTIN of South Dakota. That can be worked out. I agree with the gentleman from Maryland that the parcel post at a 12 or an 8 cent rate is a mere subterfuge. You can send a package any average distance now by express 33⅓ per cent cheaper than you can at an 8-cent rate of parcel post if it weighs 11 pounds.

If the Government shall condemn and take over these contracts, it is reasonable to expect that very large values will be established, which the United States will have to pay for them.

Furthermore, as I have said, the bill does not provide that the United States shall become the exclusive operator of the express business. There is nothing whatever to prevent the railroad companies and the express companies from entering into new contracts as soon as the present contracts have been condemned and paid for. Such new contracts between themselves might be on more advantageous terms to the express companies than the present terms, with the result that the Government might be powerless to compete with the express companies and its condemned contracts might become absolutely valueless.

Mark that, there is nothing in this bill that proposes to prevent the express companies or the railroads entering into new contracts to do this business.

Mr. LEWIS. Will the gentleman yield?

Mr. MARTIN of South Dakota. Certainly.

Mr. LEWIS. I may say that an amendment of that character is proposed to be offered.

Mr. MARTIN of South Dakota. I will say at this point that this bill before it can pass must be whipped into shape in this House, and ought to be seriously considered and have many amendments proposed which would have been proposed in the committee if the House had been willing to have given the ordinary courteous periods that committees usually have to pass upon great questions.

Again, the proposed measure, in my opinion, fails utterly to strike at the real causes of excessive express rates and to furnish relief therefrom.

It must be manifest to anyone who has studied this problem that no great reduction in express rates can be made until a way is found to materially reduce the amounts paid to the railroad companies for transporting the express parcels. Practically one-half of the total express receipts are paid to the railroads. This is done by virtue of the contracts. Mr. LEWIS, in his study of the question, says that experience "certainly indicates that the railway portion of the present express charge is about twice what it should be." And yet no provision is made for reducing this exorbitant charge, but, on the contrary, it is proposed by this bill to perpetuate these unreasonable rates by appropriating and ratifying the contracts.

Mr. LEWIS. Will the gentleman yield again?

Mr. MARTIN of South Dakota. Certainly.

Mr. LEWIS. The gentleman will concede that the bill provides that when the contract terminates from any cause the Interstate Commerce Commission shall determine the rates which the railroads shall pay.

Mr. MARTIN of South Dakota. The bill provides that after the contracts are taken over at the end of any given contract the Postmaster General shall indicate what he thinks should be the terms of a new contract, and the railway shall state what they think should be the terms of the new contract, and if they can not agree, then they appeal to the Interstate Commerce Commission, which is supposed to determine what shall be the basis of these contracts between the parties, which is a perfect absurdity. The Interstate Commerce Commission has authority to regulate commerce and to demand reasonable rates, so that they shall not be in restraint of trade, but whoever heard of a commission being appointed to assist in the agreement of minds for the perpetuation of an old or the making of a new contract? It is without a parallel in the law.

Mr. STERLING. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of South Dakota. Yes.

Mr. STERLING. Assume the Government condemned these contracts and took its position as one of the parties to carry out the contract, could it not cheapen the transportation by eliminating the profit which the express companies now make out of the contracts?

Mr. MARTIN of South Dakota. If it could do the business as cheaply as the express companies do and desires no compensation or return upon the many millions of capital invested in the plant, it could eliminate the profits, and if it succeeded in eliminating them all, it would in the year 1909 have eliminated $11,000,000 and odd, or 8 per cent of the total charge, and nothing more.

Mr. STERLING. As I understand the gentleman, he thinks the express company should be eliminated from the whole proposition and the Government deal directly with the railroads.

Mr. MARTIN of South Dakota. I think that it is not at all certain that the Interstate Commerce Commission, under the aid of the law, will not be able to so reform the business the express companies are doing that they can get a valuable service out of the express companies at a low rate. If that can not be done—and I for one am not at all anxious that further efforts should be made about it—I think the logical solution will be to compel the railroad companies to transport the small packages also.

Mr. STERLING. If the Government should do that, if it should undertake to eliminate the express companies and deal directly with the railroad companies for the purpose of carrying small postal packages, the railroad companies would probably carry them for 48 per cent of what the shipper has to pay now, and that would reduce the expense to the shipper more than one-half.

Mr. MARTIN of South Dakota. The exact rates that the Interstate Commerce Commission would compel the railroad companies to do this business for, of course, can not be settled offhand, but they would be reasonable. My bill provides that. My opinion is that if the railroad companies were the common carriers under the direction of the Interstate Commerce Commission, with authority to fix the maximum rates and exact a competent service, we would be getting the service at not to exceed half what we are paying for it now, and perhaps even less.

Mr. STERLING. As I understand the gentleman, he has a bill which he has introduced himself. Does that provide for the elimination of the express companies?

Mr. MARTIN of South Dakota. It does.

Mr. STERLING. And under the gentleman's bill would the Government have any investment in the matter at all?

Mr. MARTIN of South Dakota. None at all.

I shall ask the indulgence of the committee a little further on this particular proposition.

The only reduction in rates contemplated by the present bill is to be made by eliminating the profits to the express companies and by anticipated savings in operating expenses. The problem may be seen in concrete form by examining the following data furnished to the committee by Mr. Lewis, and based upon the total express business in the United States for 1909:

Gross express revenues, 1909	$132,599,190.92
Railway pay (48 per cent)	63,932,126.99
Operating expense (43 per cent)	56,273,055.29
Profits to express companies (8 per cent)	11,387,489.00
Taxes (1 per cent)	906,519.00
Proposed saving:	
Railway pay (48 per cent)	None.
Operating expenses (17 per cent)	22,988,477.00
Profits (8 per cent)	11,387,489.00

Proposed cost and saving, average package.

Average express distance	miles	196
Average express package weight	pounds	32.80
Poroposed cost:		
Railway pay (48 per cent)	$0.25	
Operating expenses (26 per cent)	.13	
		$0.38
Proposed saving:		
Operating expenses (17 per cent)	.09	
Profits (8 per cent)	.04	
		.13
Cost of average express package		.51

Total proposed saving, 25 per cent.

It is very doubtful, indeed, whether the Government would make any saving whatever in operating expenses. Experience has shown that it costs the United States as much or more than private concerns to operate any large business.

Mr. LEWIS. Mr. Chairman, will the gentleman be irritated if I ask him a question at that point?

Mr. MARTIN of South Dakota. I will not be irritated at all by any interruption the gentleman may make.

Mr. LEWIS. I want to inquire whether, when he considered his proposition to turn over the express business to the railroads of the United States, because of the fact that it was done in many cases by railways of other countries, he also considered the fact that in the other countries where the railroads transact the express business the number of proprietary railways is small, and in the United States it is large. In England, for example——

Mr. MARTIN of South Dakota. I do not care to have the gentleman expound his proposition.

Mr. LEWIS. Just one moment. In England they have scarcely more operating railways than we have express companies. In the United States we have from 800 to 1,300 operating railways, and to turn over the express business to them, we would multiply the number of the express companies from 13 to 1,300.

Mr. MARTIN of South Dakota. Well, I have considered that subject and considered it carefully, and I think that the limited force of the application of the suggestion of the argument will be seen by every Member present from the fact that the statement that the gentleman has made of 1,300 railway companies in the United States is most astounding to all the membership of the House, if it be a correct statement, so little does it have to do with the transportation problem in the United States. We all very well know that between Chicago and the Atlantic there are only practically half a dozen railway systems, no matter how many subordinate corporations there may be entering into them, and this should also be considered. The average distance of the express package is 196 miles. It rarely goes over but one line of railroad. Of course, if it is transported from the Atlantic to the Pacific it may go over two railroads or possibly three. If you send a package from your home the average express package travels 196 miles and usually over one railroad or possibly two. It is only an exceptional occasion that you get more than two railroads even with the transportation from the Atlantic to the Pacific, and you never get to the 1,300 railroads which seems to embarrass the gentleman in his analytical study of this question.

Mr. LEWIS. Will the gentleman yield further?

Mr. MARTIN of South Dakota. I will.

Mr. LEWIS. Is it not a fact that the Pennsylvania Railroad, generally considered as one railroad, keeps accounting for 100 subsidiary proprietary railways, and a package that travels over the Pennsylvania Railroad has 100 accounts to keep?

Mr. MARTIN of South Dakota. I am inclined to think that is so, and if so, it will apply just as surely upon express companies that now do the business. In other words, one of the reasons that makes the accounting so elaborate is this: That the express company tries to keep track of what it receives on every particular package for the purpose of apportioning it to the Pennsylvania Co. or the Baltimore & Ohio, or with other railroad companies that may take a package at all for transportation.

Now, I am not in favor of taking over that system by the Government. So long as the railroads get as their pay a certain per cent of the gross receipts under these contracts it is necessary to keep accounts of the receipts for each package. Now, a great effort is made to solve that problem. The Interstate Commerce Commission is working out a solution of that problem, and the solution of the problem is not to pay over a percentage on a particular package as the contracts require, but to pay a flat rate for so much tonnage just as we are paying in the postal system for the tonnage taken there. While upon that subject of accounting I may touch upon this. Much is made by the gentleman from Maryland in the development of his theory that the Government ought to take over these properties of the circumstance that the express companies keep an infinite accounting system; that this accounting system is expensive, and should be abolished. I have analyzed that with considerable study. There are two classes of accounts kept in this business. One of them is the account of the money received for the package so as to apportion it out to the railway companies, each of which is to get its percentage out of that particular package. There is one other branch of accounting, and no other of any consequence, and that is keeping track of the package itself to prevent loss. Now, then, if we do away with the express contract and make the railroad do the business you can do away with that part of the accounting; that is, to keep track of the money received upon each package, and have such a system as we have in the Post Office Department. When you do that you eliminate very much of the expense of accounting, but you do not eliminate the necessity of keeping track of valuable packages.

Mr. GARDNER of New Jersey. Will the gentleman permit an interruption right there?

Mr. MARTIN of South Dakota. Certainly.

Mr. GARDNER of New Jersey. The difficulty with the gentleman from Maryland [Mr. LEWIS], as I understand, is in the keeping of accounts over the different roads handling the same express packages. They travel an average of 196 miles. The Government transports commerce as fourth-class mail matter, and the average haul is 687 miles. Does not, then, the difficulty of keeping the accounts increase with the number of roads handling express matter? Would the transfer of the business to the Government do away with the difficulty of keeping accounts?

Mr. MARTIN of South Dakota. No. But it is set forth in the elaboration that there are 21 or 22 items of accounts that the express companies keep regarding every package, and that to do this business by the Post Office Department 15 of those processes could be eliminated by stamps. I am inclined to think that is true, but it can be eliminated by an express stamp as well as by a post-office stamp, provided you do away with these contracts.

In those contracts it is provided that the railroad company is to receive pay for its percentage on each particular item, and it makes an elaborate accounting necessary. If we were simply to step into the shoes of the express companies and do business with the railroad companies on that same percentage basis, we would have to keep the same accounts or something equivalent. Now, then, as to the accounts, to keep track of the safety of the parcels——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER of New Jersey. I yield the gentleman 10 minutes more.

Mr. MARTIN of South Dakota. I will now touch upon the question of keeping track of the packages, because it is fundamental, and it is a fundamental error in the assumption of the gentleman from Maryland that if the Post Office Department itself does the business you can do away with the accounting. You must keep track of the package itself in order to have safety in the transporting agencies. The Government now is not expected to carry any parcel-post business in valuable packages and is not an insurer of those packages above $50. But when it insures at all it is by the registry system, a system of keeping track of a package as the express company does.

Suppose we were to take over this great business. Property is sent daily by express to the value of thousands and hundreds of thousands of dollars. The gentleman says we are going to save all this expense of accounting. If we are not going to be absolutely reckless in looking after valuable property, the Government is to be the insurer of it. The express companies do it. The gentleman also says we are to insure express packages. Are we to propose a proposition so preposterous that we are to be the insurers as a Government of property running up into thousands and millions, the Government to be responsible for every dollar, and not to have some system of keeping track of those packages? If we have the safety we have to have the expense. So this idea of the——

Mr. LONGWORTH. Has it been estimated as to the additional number of employees that will be required?

Mr. MARTIN of South Dakota. Upon the floor of the House the other day, in general debate, the gentleman from Pennsylvania [Mr. MOORE] asked the gentleman from Maryland [Mr. LEWIS] as to whether we would have to take over the 50,000 employees of the express companies in order to do the same business, and as I understood the answer of the gentleman from Maryland [Mr. LEWIS], it was frankly to the effect that ultimately we would have to have about the same force. Of course, we all know our present postal force is working to the limit. I never see the heroic carriers of the United States passing through the streets of a city with armfuls of mail matter and a load over their backs that practically make them pack horses without realizing that we are working our men in the postal service now to the very limit, and it is absurd to think that we can put any other duties upon them in a new line.

Mr. MADDEN. Will it disturb the gentleman if I ask him this question? Suppose we took over the 50,000 employees now engaged in the express service, does the gentleman know what would be the average salary? Assuming it is $50 a month, it is fair to assume their salary would be increased to $100 a month if they were employed by the Government, is it not?

Mr. FOCHT. Would you apply the eight-hour system to them as well as all the local agents?

Mr. MARTIN of South Dakota. Certainly. We could not do the business as cheaply as the express companies.

Mr. LEWIS. I would like to ask the gentleman from Pennsylvania [Mr. FOCHT] if he objects to the eight-hour system?

Mr. FOCHT. Certainly not. But as we are considering the cost of this service, let us get down to the facts and not obscure such an important factor.

Mr. MARTIN of South Dakota. The gross express receipts for the year 1909 were $132,000,000. They were distributed in the following way:

The railroad companies get for the single item of transportation nearly $64,000,000, or 48 per cent of the total. The operating expenses paid by the express companies are $56,000,000, or 43 per cent. Eight per cent, or $11,000,000, is profit to the express companies.

Now, this bill proposes to take over the express business and pay the railroad companies just the same amount as they are receiving under these contracts now. So long as these contracts are in force, we can not save anything on that branch of the business. On the operating expenses the gentleman from Maryland [Mr. LEWIS] considers that we can save $22,000,000. How fallacious that is I will call to your attention in a moment.

The profits can be saved if the Government can do the business as cheaply as the express companies do it and makes no charge for its service, and is willing to have no return on the money invested—the many million dollars of capital proposed to be expended in buying out the express companies.

Apply that to the ordinary package which it costs 51 cents to transport. The average distance carried is 196 miles. The average weight is 33 pounds. The average charge, as I say, is 51 cents. Apply the proposition to such a package, if it can be worked out, and see what it means on that package. The railway company would still get 25 cents. The gentleman from Maryland [Mr. LEWIS] would save 9 cents on operating and still have 26 per cent of the operating expense to pay, and the problem then would work out that the cost of the transportation of the package would be 38 cents, and the saving on the package would be 13 cents out of 51 cents, and——

Mr. MADDEN. Does the gentleman know that that assumed operating expense takes into consideration the fact that probably $25,000,000 would be added to your salary list?

Mr. MARTIN of South Dakota. No. It is based on the idea that the Government could operate this business more cheaply than the express companies.

The gentleman from Maryland [Mr. LEWIS] has already stated, in answer to a question of the gentleman from Pennsylvania [Mr. MOORE], that they would have to have practically the whole 50,000 employees now in the service of the express companies. I think that is right, but in order to save that $22,000,000, here are the items that he proposes to save: First, repair of vehicles. Instead of $680,000, the gentleman says we would spend only $226,000, and thus save $454,000 on the repair of vehicles.

Mr. MONDELL. On what basis?

Mr. MARTIN of South Dakota. That is not elaborated. Anybody familiar with the upkeep of Government vehicles who can come to such a conclusion—that the Government can keep up its vehicles more cheaply than a private enterprise can—will be able to elucidate that proposition. I can not. But that is one of the items that we are to save in that $22,000,000.

One hundred thousand dollars will be saved in the renewal of vehicles. We are not going to renew as many vehicles as the express companies find it necessary to renew. Then there is stable equipment. The gentleman is going to reduce that item to $66,000, thereby making a saving of $132,000. Nearly all the stable expenses will be saved if the Government will keep these stables, it would appear, instead of the express companies.

Mr. LEWIS. Mr. Chairman, will the gentleman allow me to interrupt him right there?

The CHAIRMAN. Does the gentleman from South Dakota yield to the gentleman from Maryland?

Mr. MARTIN of South Dakota. I regret I can not yield now.

Mr. LEWIS. The gentleman is endeavoring to make me ridiculous, and he ought to allow me to interrupt him to set him straight.

Mr. MARTIN of South Dakota. I will be glad to be interrupted at any time by anybody who can throw light on this problem.

Here again is the item of office employees. The gentleman has already stated that we are going to keep them all. But here is to be a saving——

Mr. LEWIS. The gentleman is not correct. The number of employees charged to the express companies in 1907 was 77,000. The majority of those were joint employees of the railroads and the express companies. They will be eliminated.

Mr. MARTIN of South Dakota. They can not be eliminated. That is the most economical part of the express company expenses; the most economical expense that the express companies have. They pay a small compensation to the railroad agents in small towns to do the express business, and that is the cheapest service they can have.

Mr. LEWIS. And the local postmaster is there to do what the railroad agents would do.

Mr. MARTIN of South Dakota. Yes; and the local postmasters already have enough to do. They can not be expected to do more than they are now doing unless they have more pay.

Now, here are the other savings: He is going to make a saving of $4,500,000 on the salaries of office employees. Six million dollars is now paid out in commissions. That is what I referred to, speaking of the railroad agents doing business for the express companies. The gentleman from Maryland is going to do away with $3,500,000 of that expense. The next item is wagon employees. Out of $7,000,000 the gentleman is going to save $1,380,000.

Then he is going to reduce the rent of local offices from $2,000,000 to a little over $1,000,000. On stable supplies and expenses, whereas they are now $4,600,000, he is going to save just half. The rest of these savings proposed, that go into this $22,000,000, which is the only basis of any saving at all, are of just that character.

Mr. LEWIS. The statement the gentleman has just read as an estimate of savings was made not by myself, but by one of the most expert practical expressmen in the United States.

Mr. MARTIN of South Dakota. That does not help it any in my estimation. I would have just as much respect for it if it emanated from the gentleman from Maryland as I would have for it coming from any other gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of South Dakota. I should like two minutes more.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. MARTIN of South Dakota. I may already have wearied the patience of the committee with the discussion of this question. It is a vital question. It is bristling with facts and with theories. It can not be determined as a rider upon an appropriation bill. It is not expected that it will be. It is assumed that as a political proposition it has some value when attached to this bill. My estimate of the common sense of the American people is that it is sufficiently acute to look through this sort of a subterfuge. We are avoiding the real solution of the problem. We are proposing to give here just what the express companies and the railroad companies want, a substitution of the Government as paymaster and a continuation of the system under which the railroad companies are already getting twice as much as they ought to have for this service. [Applause.]

My solution is the one I have suggested. Above all things we ought not in this hasty way to embark the Government in the dark under an agreement to pay absolutely for this property.

One word upon that subject. If the Government was going into this business, the cheapest and best way it could do it would be to have nothing at all to do with the express companies, but to make its own contracts everywhere. The Great Northern Express Co. is the most profitable express company in the United States. Its returns show it to be. It has only $5,000 invested in real estate and only $80,000 in personal property. That company contracts with a responsible local man in every town to collect and deliver the express matter. That expense represents only 6 cents out of the 51 cents that the average package costs. That is all that is represented in the expense of collection and delivery. The Great Northern Co. contracts with a local man in each town, who may be under bond, to collect and deliver the packages. The result is that that express company, which is actually owned by the Great Northern Railroad Co., instead of turning back to the railroad company 48 per cent, which is the average throughout the United States, turns back 70 per cent of the gross receipts as profit every year. [Applause.]

The CHAIRMAN. The time of the gentleman from South Dakota has again expired.

Mr. GARDNER of New Jersey. I yield to the gentleman from Iowa [Mr. TOWNER] as much of 30 minutes as he may desire to use.

Mr. TOWNER. Mr. Chairman, the questions that are presented for consideration in this bill are very serious ones. I can not take time now to discuss these questions at length, for the reason that so far I have not heard from gentlemen on the other side any authority in law for the propositions for which they contend.

It is stated here in the report of the committee that the power of Congress to deal with the subject, according to the method of the bill, is amply supported by the authorities. The citations that follow are, first:

> Contracts are properties, and as such may be condemned and taken under the law of eminent domain.

Certain authorities are cited for that proposition. I quite agree with that proposition, but that is not the end of the questions that we have to consider. It is true that you may by condemnation proceedings condemn a contract, but by such condemnation proceedings you end it. It is here proposed not that the contracts shall be ended but that they shall be continued. It is urged here, as I understand it, that to secure the contracts of the express companies with the railroad companies would be an exceedingly advantageous proposition, and therefore it is urged that the Government can, by condemnation proceedings, secure the benefit of these contracts. But in order to secure the benefits of these contracts we must secure a continuance of them. But the condemnation of a contract ends it.

Mr. LEWIS. May I interrupt the gentleman?

Mr. TOWNER. Certainly.

Mr. LEWIS. I want to suggest what the gentleman may have overlooked, that even if his argument as to the death of the vitality of the contract by condemnation was true, the bill itself provides that after the 1st of July, when the Government takes the property, the railways shall perform the service they have customarily performed for the express companies. That remedies any defects in that respect.

Mr. TOWNER. That may be true; but if so, of what benefit to us are the provisions of this bill? Of what benefit to the Government are they? The Government then would have no greater power than it has now, and the bill gives the Government no greater power than it possesses inherently. If the Government has the power under the terms of this bill by condemnation proceedings to take the benefit of contracts—and this is what is contended for—that may be of some advantage to us providing the contracts that are now made are of such a nature as really constitute a benefit—that is, less than a reasonable rate. That is, as I understand it, the contention that is made.

The fact is, Mr. Chairman, that so far as I know there is no authority anywhere that by condemnation proceedings of a contract can you compel its continuance. The condemnation of a contract means that either party to it may appear and show how much it is damaged by the ending of the contract; it may show how it may be of disadvantage to it and what damages will result for its violation, because condemnation means a violation of the contract; it may show to what extent it has been injured by this act. That is the end of the entire transaction.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. MARTIN of South Dakota. Is it the gentleman's view that under condemnation proceedings of a contract like this between the express company and the railroad company, the effect of which would be to end the contract, that the Government would be answerable in damages to the railroad company for what they might lose?

Mr. TOWNER. Either party who may have been injured by the condemnation of a contract, or both parties, if they can show an injury, would have a right to compensation from the Government. Of course, upon the theory of these gentlemen the railroad company would not be injured, because, on their theory, the railroad company is carrying a disadvantageous contract. In other words, they are carrying for the express companies at a less rate than is profitable to them, so that I presume the railroad company would not be damaged in such a case as that.

Mr. SAMUEL W. SMITH. Do I understand the gentleman to say that the railroads are carrying at a loss?

Mr. TOWNER. I do not know whether they are or not, but that seems to be the theory upon which gentlemen contend for the condemnation of these contracts.

Mr. SAMUEL W. SMITH. I should not suppose they would continue to make contracts if they are carrying at a loss.

Mr. TOWNER. I have no contention to make with the gentleman from Michigan upon that proposition.

Mr. MARTIN of South Dakota. Will the gentleman allow a suggestion?

Mr. TOWNER. Certainly.

Mr. MARTIN of South Dakota. The contention of the gentleman from Maryland [Mr. LEWIS] is that the present rate to the railroad company is about twice the normal rate, or about twice what it should be.

Mr. TOWNER. Mr. Chairman, I want to call the attention of the committee and gentlemen on the other side who contend for this bill to the case of the West River Bridge Co. against Dix et al., which is a decision of the Supreme Court of the United States, found in the Sixth of Howard, pages 507 and following.

Mr. CAMPBELL. What volume of the Supreme Court?

Mr. TOWNER. The forty-seventh volume of the Supreme Court decisions. That was a very important case. Gentlemen will all remember the doctrine that was established in the fran-

chise case, the celebrated Dartmouth College case, in which it was held that a franchise was a contract. It was feared that that doctrine carried to its, perhaps, logical conclusion might make these franchises that had been granted by municipalities interminable, so that the Government was powerless under any circumstances to relieve itself from what might afterwards be found its unjust terms. This case came succeeding it. It was a very important case. Among the distinguished counsel who argued the case before the Supreme Court learnedly was Daniel Webster and Mr. Collamer and other distinguished lawyers.

I can not take the time of the committee to refer extensively to it, but it will repay study by gentlemen who are anxious to learn the limits of the doctrine that is now being considered by the committee in the consideration of this bill requiring the condemnation of a franchise.

I want to call attention to one clause of this decision, being the language of Justice McLean in the opinion found on page 557 of that report. It says:

> No State could resume a charter, under the power of appropriation, and carry on the functions of the corporation. A bank charter could not be thus taken and the business of the bank continued for public purposes. Nor could this bridge have been taken by the State, and kept up by it, as a toll bridge. This could not be called an appropriation of private property to public purposes. There would be no change in the use, except the application of the profits, and this would not bring the act within the power. The power must not only be exercised bona fide by a State, but the property, not its product, must be applied to public use.

Mr. COOPER. Mr. Chairman, will the gentleman yield there?

Mr. TOWNER. Certainly.

Mr. COOPER. I have heard it said repeatedly during this debate that none of these express companies, at least none of any importance, has any franchise which could be condemned.

Mr. TOWNER. I am coming to that in a moment.

Mr. COOPER. The authority the gentleman read was in condemnation of a franchise, and I wondered if it were applicable if the facts were as stated in this debate.

Mr. TOWNER. Mr. Chairman, the proposition, I think the gentleman from Wisconsin will see, is the same and for this reason: The Supreme Court was considering then the question of the condemnation of a franchise as a contract. They were considering it upon the contention that was being made that this condemnation proceeding was a violation of a contract, and thus within the inhibition of the Constitution which provides that no law shall be passed which violates the obligations of contracts, and for that reason the principle is just the same.

Mr. LEWIS. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. LEWIS. Mr. Chairman, I recognize the point the gentleman from Iowa has made, viz, ordinarily that property devoted already to public use may not be condemned and appropriated to a like public use.

Mr. TOWNER. Oh, no; I think the gentleman is mistaken with regard to this being a public use. The court were considering in this case the property of a private corporation that operated a tall bridge, and, therefore, it was the condemnation of private property.

Mr. LEWIS. Has the gentleman, however, seen the Monongahela case, in which the Supreme Court decided in terms that a railway moving traffic from Harrisburg, Pa., to Youngstown, Ohio, might be condemned by the Government and taken over and its functions employed, and the case of Wilson *v.* Shaw, in which the Government actually took the Panama Railway and is now operating it?

Mr. TOWNER. Yes; but those cases, I think the gentleman will find, will not help him any in his contention. The facts are that in those cases everything that was taken was in fact an end of the existing status, and that is just what will be the case here. There is no question at all but that the Government can take over property that heretofore has been used for a certain purpose by an individual or a corporation and use it itself, perhaps for the same purpose, but that does not answer the difficulty that there is in this case, because here we have the contention that we can take over by condemnation a contract, and at the same time take the benefit of its terms and compel the railroad company to carry it out.

I want to come to another question that, it seems to me, there is a very serious legal difficulty about, and I have not yet been satisfied with any authorities that have been suggested by gentlemen who have filed these statements of cases and authority, and that is this: It seems to be contended by gentlemen who favor this bill that because these companies are not incorporated there will be no condemnation of a franchise. In other words, that we will not have to pay them anything for a franchise. I have not seen any authority that will bear out that contention. Neither do I believe that it can be justified upon any principle of law.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield there?

Mr. TOWNER. Certainly.

Mr. CAMPBELL. The railroad companies are chartered as common carriers. The express companies are not chartered as common carriers. Have the railway companies a right to sublet, as a matter of law, their chartered rights as common carriers?

Mr. TOWNER. I do not know that I quite get the point of the gentleman's question, but if I understand it, and if what is meant by the gentleman is as to whether or not the express companies have the right to be placed in the places of the railway companies and take their privileges, I certainly say not, under the law.

Mr. CAMPBELL. The question that I have in mind is this: Have the railway companies, which are chartered as common carriers, the legal right to make the contracts they now make with the express companies?

Mr. TOWNER. Mr. Chairman, I have not considered that question and I would not like to venture an opinion on it.

Mr. CAMPBELL. If it should turn out a matter of fact that a common carrier, chartered as such, would have no legal right to sublet that chartered right to an unincorporated or a corporated concern which was not chartered as a common carrier, and doing an independent business as a common carrier, would it have any such right as would be protected in the way suggested in the case of the West Bridge Co. *v.* Dix et al. (47 U. S.), just cited by the gentleman from Iowa?

Mr. TOWNER. I do not feel qualified to answer the question. I want to call the attention, however, of the committee to this proposition. It is not a question of whether or not in a condemnation proceeding under the right of eminent domain it is a franchise or what it is. That has nothing really to do with the question to be considered. After all, the right of condemnation is the right of condemning property. It is held that contracts are property because they are of value, and their value can be ascertained in money. It has been said that a franchise is property because its value can be ascertained in money. There can be no question but that if the Government takes away from another by the right of eminent domain a thing that is of value, and whose value can be ascertained and determined, the Government must respond for such value.

It makes no difference whether these companies are individuals or whether they are joint-stock associations or voluntary associations or corporations holding franchises. That is not the question. They have an existence, and are parties to a contract right, between themselves and the railroad company, which it is now proposed to end.

Mr. LEWIS. Will the gentleman kindly yield for a question?

Mr. TOWNER. In just a moment. And there can be no possible way in which that contract can be ended that will not compel the Government to respond in damages to the uttermost dollar of the value that is taken. Now I will yield to the gentleman from Maryland.

Mr. LEWIS. The express company has no franchise, because that is a privilege granted by the State or the Government to an individual or company. Has the gentleman not noticed the line of authorities to the effect that in eminent-domain proceedings business values or good will are not subjects of compensation?

Mr. TOWNER. I understand that in some instances the right of condemnation of tangible property is not to be considered as also embracing the right of good will. I think the gentleman is right in part in that contention. I am not sure, however, in that regard, that I would go as far as the gentleman contends. One ought not to speak dogmatically regarding these matters, especially until he has heard all of the argument on both sides, but it is my judgment that the proposition involved in this case will not be determined by whether or not these companies hold or do not hold a franchise, but it will be determined as to whether or not the ending of their business and of their contracts is or is not a taking by the Government from them of property of value, and, in my judgment, the uttermost value that could be justly shown would have to be paid for by the Government.

I would like very much to have the privilege of hearing these legal propositions discussed by gentlemen on the other side who favor them.

Mr. COOPER. Will the gentleman permit another interruption?

Mr. TOWNER. Certainly.

Mr. COOPER. There is to me a very important legal question involved aside from the one the gentleman has mentioned. It was in part suggested by the gentleman from Kansas [Mr. CAMPBELL]. A railroad company is a corporation having a charter to carry on interstate commerce—the carriage of passengers and the carriage of freight. Can that corporation, hav-

ing that charter, enter into a contract with an individual such as these railroad companies have already entered into with the express companies, by which the railroad companies are to be relieved absolutely from all liability for the loss of small packages? If they can legally enter into a contract which will exempt this chartered corporation from the liability as a common carrier for the carrying of the small packages, it can enter into the same sort of a contract for the carrying of large packages and a contract which will exempt it from all liability for the carriage of freight or express packages as a common carrier.

Mr. TOWNER. I think the suggestion of the gentleman is certainly a very pregnant one.

Mr. COOPER. Can it do it?

Mr. TOWNER. In my judgment it can not.

Mr. COOPER. If that is so, then what contract have these express companies with the railroad companies which need trouble us at all? According to the gentleman's suggestion just now, they have not a valid contract. They have a contract to-day. They are not corporations. They are associations, or partnerships, or individuals, say. The gentleman has just said they can not enter into a contract for the carrying of freight with these partnerships which will exempt the railroad companies in event of loss. Is that an invalid contract?

Mr. TOWNER. It has not been so declared as yet, I will suggest to my friend, and I am not sure that it would ever be so declared. But this is true, that we are now seeking to condemn that which these gentlemen themselves say is property. They contend these contracts are property, and until they have been declared invalid they certainly are. As long as it is a going concern it would probably be so considered.

I have not been able, Mr. Chairman, and am not now able to determine from the statements that have been made by those who believe in this action that is suggested on the part of the Government—I have never been able yet to discover what advantage it would be to the Government to enter upon this line of business. Certainly the Government has the power to compel the express companies, as has been well shown here this afternoon, to make their rates reasonable to the people. There can be no question about that. And, more than that, the Government has the right to enact such legislation as will entirely eliminate these "parasites," as the gentleman calls them, from the transportation of articles in the United States.

I think the gentleman is justified in using the term "parasites," because the express companies have never been really engaged in the transportation business of the United States. They have been merely brokers, who have been selling at exorbitant prices advantageous contracts that they themselves have obtained from the railroad companies for the carriage of this property. [Applause.] And so I have no hesitancy, and would have no hesitancy, to enact any legislation that would be deemed advantageous to the people of this country because of any consequences that might ensue to the express companies. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. Mr. Chairman, I intended to present to the committee some remarks on the question of public roads. I would like to ask unanimous consent to extend my remarks in the RECORD upon that proposition.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SULZER. Mr. Chairman, I ask unanimous consent to extend my remarks on the subject of parcel post in the RECORD by inserting certain data prepared by the Interstate Commerce Commission in its pending exhaustive inquiry into the business methods and practices of express companies.

This data will, I am sure, prove very illuminating and useful to all of us. It is as follows:

Statement of securities of railroad, express, and other common carriers owned or held as security for loans of express companies named on June 30, 1911.

Statement showing comparison of revenues—passenger, mail, and express.

Analysis of freight revenue of Adams Express Co., August 18, 1909.

Comparative statement showing shipments not over 11 pounds—Adams Express Co.

Statement showing shipments less than 20 pounds in weight—Adams Express Co.

Analysis of freight revenue of United States Express Co. as of December 22, 1909.

Comparative statement showing shipments not over 11 pounds—United States Express Co.

Statement showing shipments less than 20 pounds—United States Express Co.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The data follows:

Statement of securities of railroad, express, and other common carriers owned, or held as security for loans, by express companies named, on June 30, 1911.[1]

Name of express company.	Railroad securities owned.			Express securities owned.			Other common carrier securities owned.[15]			Total.		
	Total par value.	Stocks.	Bonds.	Total par value.	Stocks.	Bonds.	Total par value.	Stocks.	Bonds.	Total par value.	Stocks.	Bonds.
Adams	$28,892,350	[4] $11,351,850	[11] $17,540,500	$18,448,725	[6] $2,902,725	[14] $15,546,000	$362,225	$325,600	$36,625	$47,703,300	$14,580,175	$33,123,125
American[2]	12,817,900	[5] 7,822,400	[12] 4,995,500	6,646,850	[7] 6,646,850					19,464,750	14,469,250	4,995,500
Globe	150,500		150,500							150,500		150,500
Great Northern[3]												
Northern	723,000	240,000	483,000				250,000		250,000	973,000	240,000	733,000
Southern	330,000	5,000	325,000	236,800	[8] 236,800					566,800	241,800	325,000
United States	4,042,200	251,200	3,791,000	8,600	[9] 8,600		122,000	47,000	75,000	4,172,800	306,800	3,866,000
Wells-Fargo & Co	7,935,000	300,000	[13] 7,635,000	259,000	[10] 259,000		387,000		387,000	8,581,000	559,000	8,022,000
Western[3]												
Total	54,890,950	19,970,450	34,920,500	25,599,975	10,053,975	15,546,000	1,121,225	372,600	748,625	81,612,150	30,397,025	51,215,125

[1] The returns made by the companies named do not show any securities held as security for loans.
[2] Includes National Express Co.
[3] No stocks or bonds owned.
Includes stock as follows (par value):

[4] C., M. & St. P. Ry	$918,800
N. Y., N. H. & H. R. R	3,723,000
Penna. R. R	4,016,950
[5] C. & N. W. Ry	875,000
N. Y. C. & H. R. R. R. R	1,000,000
N. Y., N. H. & H R. R	5,132,400
Union Pacific R. R	500,000
[6] Adams Express Co. (19,160 shares, to which a par value of $100 per share has been assigned)	1,916,000
American Express Co	100,000
Dodds & Childs	10,000
Manhattan Delivery	50,000
Morris European and American Express	50,000
New England Express	125
New York & Boston Despatch	100,000
New York Transfer Co	26,600
Southern Express Co	650,000
[7] American Express Co	340,000
American Express Co., Societa Anonima Italiana, 250,000 lire, or	48,250
American Express Co., mit beschrankten haftung, 2,000,000 marks, or	476,000
Intercolonial Express Co	33,300
National Express Co	484,700
New England Despatch Co	25,000
Westcott Express Co	$649,600
Wells, Fargo & Co	4,590,000
[8] Adams Express Co	118,300
American Express Co	118,500
[9] Borough Express	5,000
Wells, Fargo & Co	3,600
[10] Cia Mex. de Express, $500,000 Mexican, or	249,000
Knickerbocker Express Co	10,000

Includes bonds as follows (par value):

[11] A., T. & S. F. Ry	680,000
B. & O. R. R	1,203,000
C. & O. Ry	1,172,000
Erie R. R	665,000
L. S. & M. S. Ry	1,431,000
L. & N. R. R	625,000
New Orleans Terminal Co	615,000
N. Y. C. & St. L. R. R	600,000
N. & W. Ry	900,000
Reading Co	500,000
Southern Ry	727,000
[12] C. & N. W. Ry	1,179,000
N. Y. C. & H. R. R. R	1,000,000
[13] C., M. & P. S. Ry	596,000
C., M. & St. P. Ry	500,000
New York Central Lines	500,000
Pennsylvania Lines	750,000
[14] Adams Express Co	15,546,000

[15] Consists of stocks and bonds of various pipe lines, steamship, telegraph, and telephone companies.

Statement showing comparison of revenues from transportation of passengers, mail, and express for certain specified years from 1893 to 1910.

Name of company and year ending June 30—	Passenger revenue.		Mail revenue.		Express revenue.		Per cent of increase (or *decrease) of passenger revenue and express revenue 1910 over 1893.	Mileage operated on June 30.	Per cent of increase of mileage 1910 over 1893.
	Amount.	Ratio of increase (or *decrease) over next preceding year here stated.	Amount.	Ratio to passenger revenue.	Amount.	Ratio to passenger revenue.			
Atchison, Topeka & Santa Fe Ry. Co.:		*Per cent.*		*Per cent.*		*Per cent.*	*Per cent.*	*Miles.*	*Per cent.*
1910	$21,158,346	17.90	$1,664,131	7.87	$3,353,740	15.85	Passenger revenue, 265.78; express revenue, 350.79.	7,459.85	62.80
1908	17,946,659	67.23	1,574,359	8.77	2,729,298	15.21		7,101.62	
1903 [1]	10,731,629	130.95	1,273,882	11.87	1,614,622	15.05		6,206.47	
1898	4,646,772	*19.67	777,173	16.73	824,136	17.74		4,564.73	
1893 [2]	5,784,554		670,865	11.60	743,976	12.86		4,582.12	
Atlantic Coast Line R. R. Co.:									
1910	6,773,332	7.86	608,301	8.98	962,526	14.21	Passenger revenue, 466.98; express revenue, 771.66.	4,490.77	280.82
1908	6,279,584	62.97	587,897	9.36	810,479	12.91		4,406.63	
1903	3,853,187	234.14	600,321	15.58	529,758	13.75		4,138.87	
1898 [3]	1,153,182	*3.47	277,759	24.09	165,057	14.31		1,580.89	
1893 [3]	1,194,624		290,439	24.31	110,425	9.24		1,179.25	
Baltimore & Ohio R. R. Co.:									
1910	14,485,585	5.46	1,176,844	8.12	1,715,157	11.84	Passenger revenue, 118.88; express revenue, 160.02.	4,434.39	118.31
1908	13,736,107	9.70	1,211,595	8.82	1,453,720	10.58		3,992.42	
1903	12,520,988	138.62	1,353,872	10.81	1,189,843	9.50		3,935.12	
1898 [4]	5,247,159	*20.71	767,644	14.63	602,331	11.48		2,023.88	
1893 [4]	6,617,929		586,879	8.87	659,631	9.97		2,031.28	
Chicago, Milwaukee & St. Paul Ry. Co.:									
1910	14,786,745	24.43	1,697,080	11.48	1,481,240	10.02	Passenger revenue, 104.79; express revenue, 143.40.	7,511.56	30.37
1908	11,883,394	24.54	1,700,205	14.31	1,268,945	10.68		7,516.33	
1903	9,542,201	59.39	1,465,920	15.36	768,675	8.06		6,832.92	
1898	5,986,840	*17.09	1,210,811	20.22	720,000	12.03		6,191.00	
1893	7,220,480		1,014,585	14.05	608,329	8.43		5,761.82	
Chicago & Alton R. R. Co.:									
1910	4,136,595	17.80	248,164	6.00	427,775	10.34	Passenger revenue 56.95; express revenue, 147.75.	908.08	18.34
1908	3,511,410	20.73	247,141	7.04	338,124	9.63		908.08	
1903 [5]	2,908,583	34.39	241,112	8.29	218,040	7.50		915.41	
1898	2,164,323	*17.88	212,338	9.81	187,800	8.68		843.54	
1893	2,635,616		182,278	6.92	172,663	6.55		843.40	
Chesapeake & Ohio Ry. Co.:									
1910	5,002,205	*2.31	360,223	7.20	450,772	9.01	Passenger revenue, 112.23; express revenue, 279.04.	1,938.80	47.56
1908	5,120,529	47.36	395,714	7.73	407,976	7.97		1,841.30	
1903	3,474,905	77.76	368,396	10.60	245,490	7.06		1,641.40	
1898	1,954,863	*17.06	321,959	16.47	133,884	6.85		1,453.30	
1893	2,356.975		206,283	8.75	118,737	5.04		1,313.92	
Chicago, Burlington & Quincy R. R. Co.:									
1910	22,350,306	20.08	2,330,216	10.41	2,216,049	9.90	Passenger revenue, 191.31; express revenue, 206.11.	9,039.97	62.70
1908	18,637,279	34.21	2,311,819	12.40	1,909,282	10.24		9,023.65	
1903	13,886,344	131.33	2,048,614	14.75	1,179,701	8.50		8,306.75	
1898	6,002,833	*21.87	1,358,192	22.63	742,800	12.37		5,859.70	
1893	7,682,734		1,225,337	15.95	726,318	9.45		5,556.21	
Denver & Rio Grande R. R. Co.:									
1910	5,275,895	3.06	304,129	5.76	343,242	6.51	Passenger revenue, 200.31; express revenue, 21.28. *	2,597.73	57.78
1908	5,119,190	35.99	294,506	5.75	295,599	5.77		2,553.86	
1903 [6]	3,764,290	182.00	265,033	7.04	531,754	14.13		2,429.15	
1898	1,334,848	*24.02	168,288	12.61	373,879	28.01		1,648.04	
1893	1,756,770		108,955	9.62	436,047	24.82		1,646.42	
Missouri, Kansas & Texas Ry. Co.:									
1910	7,081,745	21.09	525,953	6.85	700,774	9.90	Passenger revenue, 304.94; express revenue, 385.82.	3,072.21	72.20
1908	6,343,935	100.73	525,784	8.29	604,389	9.53		3,072.21	
1903	3,160,455	64.64	354,788	11.23	331,925	10.50		2,713.28	
1898	1,919,556	1.19	321,486	16.75	197,428	10.28		2,197.21	
1893	1,896,987		272,967	14.39	156,595	8.25		1,783.44	
Missouri Pacific Ry. Co.:									
1910 [7]	4,778,778	17.67	764,340	15.99	521,520	10.91	Passenger revenue, 78.67; express revenue, 105.56.	3,883.43	20.84
1908	4,061,261	8.58	697,600	17.18	408,121	10.05		3,491.68	
1903	3,740,339	63.84	708,949	18.95	320,664	8.57		3,488.60	
1898	2,282,899	14.65	622,918	27.29	199,200	8.73		3,164.25	
1893	2,674,679		565,355	21.14	253,705	9.49		3,213.80	
New York Central & Hudson River R. R. Co.:									
1910	29,727,748	8.63	2,541,039	8.55	4,145,653	13.95	Passenger revenue, 117.80; express revenue, 235.18.	3,587.72	70.14
1908	27,365,194	18.04	2,630,038	9.61	3,655,996	13.36		3,587.72	
1903	23,182,287	80.25	2,398,285	10.34	2,387,939	10.30		3,422.66	
1898	12,861,011	*5.77	1,652,779	12.85	1,285,779	10.00		2,409.88	
1893	13,648,860		1,305,346	9.56	1,236,858	9.06		2,108.66	
New York, New Haven & Hartford R. R. Co.:									
1910	24,885,865	8.18	645,572	2.59	3,029,967	12.18	Passenger revenue, 190.61; express revenue, 624.44.	2,040.80	140.65
1908	23,003,116	19.36	740,612	3.22	2,176,917	9.46		2,045.51	
1903	19,271,635	43.25	655,158	3.40	1,582,486	8.21		2,037.12	
1898	13,453,500	57.11	548,754	4.08	1,001,080	7.44		1,464.21	
1893	8,563,340		298,918	3.49	485,233	5.67		848.03	
Norfolk & Western Ry. Co.:									
1910	3,924,890	*1.32	338,449	8.62	461,655	11.76	Passenger revenue, 106.54; express revenue, 251.36.	1,951.28	25.25
1908	3,977,482	41.74	290,578	7.31	449,324	11.30		1,919.59	
1903	2,806,087	91.21	217,694	7.76	247,026	8.80		1,721.76	
1898	1,467,532	22.77	109,361	13.58	147,996	10.08		1,560.59	
1893	1,900,264		161,009	8.47	131,391	6.91		1,557.94	
Pennsylvania R. R. Co.:									
1910	31,328,407	*.93	2,431,269	7.77	4,329,290	13.82	Passenger revenue, 79.40; express revenue, 226.84.	3,970.51	45.52
1908	[8] 31,621,156	23.77	2,308,005	7.30	3,907,882	12.36		4,023.82	
1903	[9] 25,549,042	75.27	2,006,008	7.97	2,420,934	9.48		3,783.83	
1898	[9] 14,576,724	*16.52	1,451,435	9.96	1,502,610	10.31		2,839.76	
1893	[9] 17,463,161		1,356,137	7.77	1,324,588	7.59		2,728.56	

[1] Includes returns for Atchison, Topeka & Santa Fe Ry. Co.—Coast Lines, a separate report being rendered for that part of the property of the Atchison.
[2] Figures from report of Atchison, Topeka & Santa Fe R. R. Co., reorganized on Dec. 31, 1895, as Atchison, Topeka & Santa Fe Ry. Co.
[3] Figures from report of Atlantic Coast Line Association, consolidated into Atlantic Coast Line R. R. Co. on Apr. 23, 1900.
[4] Does not include returns for Baltimore & Ohio Southwestern Ry. Co., for which a separate report was made.
[5] Figures from report of Chicago & Alton Ry. Co., lessee of Chicago & Alton R. R. Co. Two roads consolidated Mar. 14, 1906, forming Chicago & Alton R. R. Co., a new corporation.
[6] The Denver & Rio Grande R. R. Co. conducted its own express business until 1904. Since that date the business has been conducted by a separate company owned by the railroad company.
[7] Consolidation of the old Missouri Pacific Ry. Co. and certain other roads was effected Aug. 9, 1909.
[8] Includes revenue from Pennsylvania Annex and Jersey City ferries, $1,171,833.
[9] Includes revenue from Jersey City ferries as follows: $1,027,154 in 1903, $836,906 in 1898, and $663,133 in 1893.

Statement showing comparison of revenues from transportation of passengers, mail, and express for certain specified years from 1893 to 1910—Continued.

Name of company and year ending June 30—	Passenger revenue.		Mail revenue.		Express revenue.		Per cent of increase (or *decrease) of passenger revenue and express revenue 1910 over 1893.	Mileage operated on June 30.	Per cent of increase of mileage 1910 over 1893.
	Amount.	Ratio of increase (or *decrease) over next preceding year here stated.	Amount.	Ratio to passenger revenue.	Amount	Ratio to passenger revenue.			
Southern Ry. Co.:		*Per cent.*		*Per cent.*		*Per cent.*	*Per cent.*	*Miles.*	*Per cent.*
1910	$14,639,161	2.26	$1,375,682	9.40	$1,620,028	11.07	Passenger revenue, 171.37; express revenue, 264.02.	7,050.17	34.76
1908	14,315,961	32.50	1,714,942	11.98	1,619,920	11.32		7,511.16	
1903	10,804,541	100.29	1,688,118	15.62	990,576	9.17		7,136.98	
1898	5,394,518	.....	1,209,294	22.42	445,033	8.25		5,231.67	
1893	.....	.....	.....	.....	.....	.....		.....	
Southern Pacific Co.:									
1910	32,055,720	14.46	1,919,134	5.99	2,031,960	6.34	Passenger revenue, 144.84; express revenue, 233.53.	6,139.50	*7.02
1908	28,006,610	56.15	1,800,521	6.64	1,865,988	6.66		5,599.17	
1903	17,935,620	56.31	1,503,823	8.38	1,078,247	6.01		5,278.58	
1898	11,474,299	*12.36	1,246,305	10.86	642,934	5.60		5,425.91	
1893	13,092,266	.....	1,175,249	8.98	609,190	4.65		6,603.06	
Texas & Pacific Ry. Co.:									
1910	3,959,277	7.29	316,526	7.99	379,030	9.57	Passenger revenue, 112.99; express revenue, 130.38.	1,884.65	25.73
1908	3,690,102	59.05	309,816	8.40	356,641	9.66		1,884.65	
1903	2,320,107	40.52	270,321	11.65	228,072	9.83		1,703.70	
1898	1,651,114	*11.18	244,304	14.80	144,000	8.72		1,499.00	
1893	1,858,943	.....	210,917	11.35	164,526	8.85		1,499.00	
Union Pacific R. R. Co.:									
1910	10,912,416	21.93	2,073,507	19.00	1,088,286	9.97	Passenger revenue, 198.75; express revenue, 229.48.	3,411.02	85.79
1908	8,949,433	77.10	2,045,408	22.86	612,871	6.85		3,300.92	
1903	5,053,399	92.29	1,645,919	32.57	420,913	8.33		2,955.70	
1898 [1]	2,628,054	*28.05	1,167,204	44.41	252,043	9.59		1,849.29	
1893 [2]	3,652,702	.....	1,054,395	28.87	330,309	9.04		1,835.95	
Wabash R. R. Co.:									
1910	7,075,314	9.34	773,370	10.93	764,683	10.81	Passenger revenue, 98.82; express revenue, 100.74.	[3] 2,514.60	26.66
1908	6,470,678	5.46	770,882	11.91	768,509	11.88		[3] 2,514.60	
1903	6,135,501	73.87	716,200	11.67	464,645	7.57		[3] 2,485.80	
1898	3,528,746	*.84	548,641	15.55	320,770	9.09		[3] 2,321.10	
1893	3,558,633	.....	404,705	11.37	380,936	10.70		1,985.30	
Wisconsin Central Ry. Co.:									
1910 [4]	.....	.....	.....	.....	.....	.....	Passenger revenue, 14.03; express revenue, 111.27.	.....	8.83
1908	1,538,311	18.58	122,950	7.99	178,531	11.61		1,022.74	
1903	1,297,327	32.60	125,184	9.65	96,000	7.40		977.04	
1898 [5]	978,342	*27.48	93,109	9.52	104,000	10.63		990.89	
1893 [6]	1,348,999	.....	87,022	6.45	84,504	6.26		918.71	
Total United States:									
1910	629,452,643	11.00	48,946,052	7.78	67,213,583	10.68	Passenger revenue, 108.78; express revenue, 184.42.	240,830.75	41.85
1908	567,071,551	34.47	48,537,708	8.56	58,714,502	10.35		230,494.02	
1903	421,704,592	57.96	41,709,396	9.89	38,331,964	9.09		205,313.54	
1898	266,970,490	*11.45	34,608,352	12.96	25,908,075	9.70		184,648.26	
1893	301,491,816	.....	28,445,053	9.43	23,631,394	7.84		169,779.84	

[1] Represents sum of returns in the seven-month report by receiver of Union Pacific Ry. Co. and in the five-month report for its successor, Union Pacific R. R. Co.
[2] Figures from report of Union Pacific Ry. Co., reorganized as Union Pacific R. R. Co. Jan. 31, 1898.
[3] Includes mileage outside the United States operated under trackage rights, as follows: 245.4 miles for 1910 and 1908, 244.3 miles for 1903, and 245.9 miles in 1908.
[4] Leased to Minneapolis, St. Paul & Sault Ste. Marie Ry. Co. on Apr. 1, 1909.
[5] Figures represent sum of returns for the Wisconsin Central Co. and the Wisconsin Central R. R. Co. (the latter being controlled by former through stock ownership), which were consolidated July 1, 1899, forming the Wisconsin Central Ry. Co.
[6] Figures from report of Wisconsin Central Co.
Increase of mail revenue for United States 1910 over 1893, 72.07 per cent.

Analysis of freight revenue of Adams Express Co., as of August 18, 1909.

GRAND TOTAL OF ALL BUSINESS, BY CLASSES.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Classification.	Number of shipments.	Number of pieces.	Weight.	This company's proportion.	Subsidiary companies' proportion.	Other companies' proportion.	Charges on value.	Total charges (columns 5+6+7).	Average weight per piece.	Average charge. Per piece.	Per ton.	Per ton per mile.	Ratio to total number of pieces.	Ratio to total number of pounds.
1. Shipments not over 7 pounds in weight originating and terminating with this company, on which graduated charges were assessed	23,330	23,396	*Pounds.* 84,756.52	$8,585.64	$10.37	.....	$23.55	$8,596.01	*Pounds.* 3.62	*Cents.* 36.74	$202.84	*Cents.*	*Per ct.* 12.10	*Per ct.* 1.26
2. Shipments weighing over 7 pounds taking graduated charges not otherwise specified	31,282	32,614	686,901.15	18,942.33	76.66	$4,165.99	81.54	23,184.98	21.00	71.09	67.51	.....	16.87	10.25
3. Shipments weighing less than 100 pounds on which the graduated charges were the same as the rate per 100 pounds	3,031	3,856	212,924.75	2,087.61	16.40	209.24	13.37	2,313.25	55.22	59.99	21.73	.....	2.00	3.18
4. Shipments on which merchandise pound rates were applied	12,021	21,078	1,856,517.92	16,930.30	1,236.34	3,192.37	103.54	21,359.01	88.08	101.33	23.01	.....	10.90	27.71
5. General special shipments	17,367	44,682	2,465,438.39	14,652.16	484.11	1,029.10	.....	16,165.37	55.18	36.18	13.11	.....	23.12	36.80
6. Section A shipments	1,666	1,720	25,203.60	652.70	2.57	172.03	.....	827.30	14.65	48.10	65.65	.....	.89	.38
7. Section D shipments	5,876	5,886	21,091.46	1,207.78	10.50	453.39	.....	1,671.76	3.58	28.40	158.52	.....	3.05	.31
8. Section E shipments	3,576	3,644	5,649.64	784.95	6.34	168.24	.....	959.53	1.55	26.33	339.68	.....	1.89	.08
9. Shipments on which 1½ times the regular graduated charge was assessed	180	191	7,439.75	180.80	.83	61.84	2.70	243.47	38.96	127.47	65.45	.....	.10	.11
10. Shipments on which 2 times the regular graduated charge was assessed	104	122	3,906.80	94.02	3.25	17.81	.50	115.08	30.05	87.18	58.02	.....	.07	.06
11. Shipments on which 2½ times the regular graduated charge was assessed	2	3	114.00	3.13	.....	.....	.....	3.13	38.00	104.33	54.91	.....	.....	.....

Analysis of freight revenue of Adams Express Co., as of Aug. 18, 1909—Continued.

GRAND TOTAL OF ALL BUSINESS, BY CLASSES—continued.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Classification.	Number of shipments.	Number of pieces.	Weight.	This company's proportion.	Subsidiary companies' proportion.	Other companies' proportion.	Charges on value.	Total charges (columns 5+6+7).	Average weight per piece.	Average charge.			Ratio to total number of pieces.	Ratio to total number of pounds.
										Per piece.	Per ton.	Per ton per mile.		
			Pounds.						*Pounds.*	*Cents.*		*Cents.*	*Per ct.*	*Per ct.*
12. Shipments on which 3 times the regular graduated charge was assessed	7	7	228.00	$7.45	.....	$1.60	$0.10	$9.05	34.00	129.29	$76.05	.....	.....	.....
13. Shipments on which 1½ times the merchandise rate was assessed	89	117	12,373.00	151.28	$1.57	37.19	3.20	190.04	105.75	162.43	30.72	.....	0.06	0.19
14. Shipments on which 2 times the merchandise rate was assessed	64	153	12,781.00	156.13	6.22	22.42	2.00	184.77	83.54	120.76	28.91	.....	.08	.19
15. Shipments on which 2½ times the merchandise rate was assessed	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
16. Shipments on which 3 times the merchandise rate was assessed	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
17. Shipments on which higher than 3 times the merchandise rate was assessed, except items embraced in No. 22	3	3	260.00	10.40	.....	2.00	.....	12.40	83.67	413.33	95.38	.....	.....	.....
18. Shipments of returned empty carriers on which a nominal charge was assessed	4,688	9,633	206,743.14	1,123.08	45.91	26.67	.....	1,195.66	21.46	12.41	11.57	.....	4.98	3.09
19. Scale K shipments (ale, beer, etc.)	2,154	3,382	272,690.00	1,098.49	48.92	25.97	.....	1,173.38	80.63	34.69	8.61	.....	1.75	4.07
20. Scale L shipments (berries in crates)	105	443	7,748.50	81.32	1.35	9.10	.....	91.77	17.40	20.72	23.69	.....	.23	.12
21. Scale M shipments (eggs in cases)	405	1,071	56,187.00	358.42	1.10	76.38	.....	435.90	52.46	40.70	15.52	.....	.55	.84
22. Extraordinary shipments (corpses, horses, etc.)	31	68	40,301.00	844.20	11.70	286.64	.....	1,142.54	592.66	1,684.68	56.70	.....	.04	.60
23. Newspapers, daily (½ cent per pound for each company carrying)	13	13	229.00	1.07	.10	.24	.....	1.41	17.61	10.85	12.31	.....	.01	.....
24. Newspapers, daily (1 cent per pound for each company carrying)	169	171	3,137.50	31.36	.73	.56	.....	32.65	18.35	19.09	20.81	.....	.09	.05
25. Newspapers, daily (merchandise pound rates)	3	3	58.00	.90	.....	.....	.....	.90	19.33	30.00	31.03	.....	.....	.....
26. Newspapers, other than daily, magazines, etc. (1 cent per pound for each company carrying)	854	871	17,499.12	167.60	4.30	13.16	.....	185.06	20.09	21.25	21.15	.....	.45	.26
27. Newspapers, other than daily, magazines, etc. (merchandise pound rates)	16	16	351.00	5.17	.....	.37	.....	5.54	21.94	34.62	31.57	.....	.01	.01
28. Shipments not over 7 pounds handled by more than one company on which single graduate was assessed	9,953	10,000	34,328.08	2,257.18	156.02	2,412.86	19.95	4,826.06	3.43	48.22	281.17	.....	5.18	.51
29. All shipments not covered by other classes	3,615	4,022	167,168.46	1,891.55	5.08	410.80	.....	2,307.43	41.56	57.37	27.61	.....	2.08	2.50
30. Shipments of railway companies' material and supplies carried free over owning company's lines, but upon which charges were assessed for transportation over other railway companies' lines	45	47	1,804.75	39.43	.05	5.23	.....	44.76	38.40	95.23	49.60	.....	.02	.03
31. Shipments (other than returned empty containers) carried free	524	702	18,724.13	.....	.....	.....	.....	.....	26.67	.....	.....	.....	.36	.28
32. Shipments not over 7 pounds in weight, local to this company on which special graduated charges were assessed between New York City and certain New England points (rates not exceeding $1 per 100 pounds)	6,667	6,680	24,078.70	1,460.24	419.05	7.97	10.10	1,896.26	3.60	28.39	157.51	.....	3.46	.36
33. Shipments carried by more than one company at double the graduated charge on which the delivering company received its full local charge and the originating company reduced its charge to less than its local based on graduated charge	283	298	6,243.80	259.52	6.18	315.34	.95	581.04	20.95	194.98	186.13	.....	.15	.09
34. Shipments over 7 pounds and less than 100 pounds on which the special graduate (between New York City and certain points in the New England States to which rate is $1 or less) was assessed when charge was less than rate per 100 pounds	9,891	10,308	256,613.80	2,721.80	1,205.16	240.22	25.80	4,167.18	24.89	40.43	32.48	.....	5.33	3.83
35. Shipments less than 100 pounds on which the special graduate (between New York City and certain points in the New England States to which rate is $1 or less) was assessed when charge was the same as rate per 100 pounds	1,272	1,554	97,759.00	523.95	277.16	44.73	4.90	845.84	62.90	54.43	17.30	.....	.80	1.46

Analysis of freight revenue of Adams Express Co., as of Aug. 15, 1909—Continued.

GRAND TOTAL OF ALL BUSINESS, BY CLASSES—continued.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Classification.	Number of shipments.	Number of pieces.	Weight.	This company's proportion.	Subsidiary companies' proportion.	Other companies' proportion.	Charges on value.	Total charges (columns 5+6+7).	Average weight per piece.	Average charge.			Ratio to total number of pieces.	Ratio to total number of pounds.
										Per piece.	Per ton.	Per ton per mile.		
36. Shipments carried by more than one company where charge was computed at merchandise rates, on which the delivering company received its full local and originating company reduced its charge to less than its local based on pound rates	22	45	*Pounds.* 4,702.00	$174.77	$0.72	$194.62	$0.30	$370.11	*Pounds.* 10.45	*Cents.* 822.47	$157.43	*Cents.*	*Per ct.* 0.02	*Per ct.* 0.07
37. Shipments on which 1½ times the special graduate between New York City and certain points in the New England States to which rate is $1 or less was assessed	29	30	1,109.25	10.68	6.53	7.84	.50	25.05	36.97	83.50	45.17	.....	.02	.02
38. Shipments on which 2 times the special graduate between New York City and certain points in the New England States to which rate is $1 or less was assessed	68	76	2,731.00	37.66	17.40	7.92	.....	62.98	35.93	82.87	46.12	.....	.04	.04
39. Shipments on which 2½ times the special graduate between New York City and certain points in the New England States to which rate is $1 or less was assessed	1	1	40.00	1.50	.....	.....	.....	1.50	40.00	150.00	75.00	.....	.....	.....
40. Shipments on which 3 times the special graduate between New York City and certain points in the New England States to which rate is $1 or less was assessed	5	7	400.00	3.47	1.05	.....	.....	4.52	57.14	64.56	22.60	.....	.....	.01
41. Shipments of returned empty carriers on which no charge was assessed	722	2,627	42,076.50	.....	.....	.....	.....	.....	16.02	.....	.....	.....	1.36	.63
42. Shipments on which the special graduate between Boston and certain New England points was assessed	3,622	3,743	40,601.16	130.02	542.93	3.87	1.60	676.82	10.85	18.08	33.34	.....	1.94	.61
Total	143,751	193,302	6,698,985.87	77,679.11	4,606.09	13,023.71	294.60	95,909.51	34.06	49.62	28.63	.....	100.00	100.00

TOTAL INTERSTATE BUSINESS BY CLASSES.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Classification.	Number of shipments.	Number of pieces.	Weight.	This company's proportion.	Subsidiary companies' proportion.	Other companies' proportion.	Charges on value.	Total charges (columns 5+6+7).	Average weight per piece.	Average charge.			Ratio to total number of pieces interstate.	Ratio to total weight interstate.
										Per piece.	Per ton.	Per ton per mile.		
1. Shipments not over 7 pounds in weight originating and terminating with this company, on which graduated charges were assessed	16,768	16,817	*Pounds.* 59,747.71	$6,614.76	$8.67	.....	$20.25	$6,623.43	*Pounds.* 3.55	*Cents.* 39.38	$221.71	*Cents.*	*Per ct.* 13.98	*Per ct.* 1.63
2. Shipments weighing over 7 pounds taking graduated charges not otherwise specified	22,911	23,741	507,085.25	15,343.78	71.19	$3,934.99	70.56	19,349.96	21.36	81.51	76.32	.....	19.73	13.84
3. Shipments weighing less than 100 pounds on which the graduated charges were the same as the rate per 100 pounds	1,563	1,982	116,560.00	1,273.70	11.00	173.41	10.62	1,462.11	58.77	73.77	25.09	.....	1.65	3.18
4. Shipments on which merchandise pound rates were applied	7,721	13,512	1,139,249.92	17,421.57	691.71	3,069.23	92.12	17,182.51	84.31	127.16	30.16	.....	11.23	31.09
5. General special shipments	7,137	20,936	1,091,617.64	8,118.77	169.96	806.43	.....	9,095.16	52.14	43.44	16.66	.....	17.40	29.79
6. Section A shipments	1,483	1,520	21,460.47	588.93	2.57	165.96	.....	757.46	14.12	49.83	70.59	.....	1.26	.59
7. Section D shipments	5,031	5,042	18,892.99	1,058.19	9.44	439.94	.....	1,507.57	3.75	29.90	159.59	.....	4.19	.51
8. Section E shipments	3,257	3,324	5,324.45	728.22	5.49	165.99	.....	899.70	1.60	27.07	337.95	.....	2.76	.15
9. Shipments on which 1½ times the regular graduated charge was assessed	114	121	4,878.25	133.54	.83	52.85	2.70	187.22	40.32	154.77	76.76	.....	.10	.13
10. Shipments on which 2 times the regular graduated charge was assessed	50	58	1,605.50	49.94	.70	13.11	.50	63.75	27.68	109.91	79.41	.....	.05	.04
11. Shipments on which 2½ times the regular graduated charge was assessed	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
13. Shipments on which 3 times the regular graduated charge was assessed	4	4	155.00	4.20	.....	1.60	.....	5.80	38.75	145.00	74.84	.....	.01	.01

Analysis of freight revenue of Adams Express Co., as of Aug. 13, 1909—Continued.

TOTAL INTERSTATE BUSINESS BY CLASSES—continued.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Classification.	Number of shipments.	Number of pieces.	Weight.	This company's proportion.	Subsidiary companies' proportion.	Other companies' proportion.	Charges on value.	Total charges (columns 5+6+7).	Average weight per piece.	Average charge.			Ratio to total number of pieces interstate.	Ratio to total weight interstate.
										Per piece.	Per ton.	Per ton per mile.		
			Pounds.						*Pounds.*	*Cents.*		*Cents.*	*Per ct.*	*Per ct.*
13. Shipments on which 1½ times the merchandise rate was assessed	61	71	7,823.00	$110.51	$1.57	$37.19	$3.10	$149.27	110.18	210.24	$38.16	.....	0.06	0.21
14. Shipments on which 2 times the merchandise rate was assessed	38	96	9,068.00	124.75	.60	22.02	1.90	147.37	94.46	153.51	32.50	.....	.08	.12
15. Shipments on which 2½ times the merchandise rate was assessed	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
16. Shipments on which 3 times the merchandise rate was assessed	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
17. Shipments on which higher than 3 times the merchandise rate was assessed, except items embraced in No. 22	3	3	260.00	10.40	.....	2.00	.....	12.40	86.67	413.33	95.38	.....	.....	.01
18. Shipments of returned empty carriers on which a nominal charge was assessed	1,317	3,024	70,026.94	381.78	11.45	19.52	.....	412.75	23.16	13.65	11.79	.....	2.51	1.91
19. Scale K shipments (ale, beer, etc.)	808	953	85,456.50	383.96	43.09	20.42	.....	447.47	89.67	46.95	10.47	.....	.79	2.33
20. Scale L shipments (berries in crates)	45	234	3,559.50	50.49	.35	5.36	.....	56.20	15.21	24.01	31.58	.....	.19	.10
21. Scale M shipments (eggs in cases)	200	616	33,543.00	224.97	.....	75.42	.....	300.39	54.45	48.76	17.91	.....	.51	.92
22. Extraordinary shipments (corpses, horses, etc.)	21	51	35,301.00	773.59	7.50	282.44	.....	1,063.53	692.18	2,085.35	60.25	.....	.04	.96
23. Newspapers, daily (½ cent per pound for each company carrying)	2	2	44.00	.22	.....	.24	.....	.46	22.00	23.00	20.91	.....	.....	.....
24. Newspapers, daily (1 cent per pound for each company carrying)	79	81	1,768.50	18.00	.30	.50	.....	18.80	21.83	23.23	21.33	.....	.07	.05
25. Newspapers, daily (merchandise pound rates)	2	2	58.00	.65	.....	.....	.....	.65	29.00	32.50	22.50	.....	.....	.....
26. Newspapers, other than daily, magazines, etc. (1 cent per pound for each company carrying)	574	592	12,523.62	119.79	2.00	12.48	.....	134.27	21.16	22.68	21.44	.....	.49	.34
27. Newspapers, other than daily, magazines, etc. (merchandise pound rates)	16	16	351.00	5.17	.....	.37	.....	5.54	21.94	34.62	31.57	.....	.01	.01
28. Shipments not over 7 pounds handled by more than 1 company on which single graduate was assessed	9,166	9,215	31,641.39	2,116.27	138.12	2,263.26	19.75	4,517.65	3.43	49.02	285.55	.....	7.66	.86
29. All shipments not covered by other classes	2,428	2,736	108,075.71	1,437.60	2.38	387.70	.....	1,827.68	39.50	66.80	33.82	.....	2.28	2.95
30. Shipments of railway companies' material and supplies carried free over owning company's lines, but upon which charges were assessed for transportation over other railway companies' lines	40	41	1,743.25	39.18	.....	4.73	.....	43.91	42.52	107.10	50.38	.....	.03	.05
31. Shipments (other than returned empty containers) carried free	275	331	9,513.88	.....	.....	.....	.....	.....	28.76	.....	.....	.....	.28	.26
32. Shipments not over 7 pounds in weight, local to this company on which special graduated charges were assessed between New York City and certain New England points (rates not exceeding $1 per 100 pounds)	5,044	5,054	17,911.83	1,181.25	274.09	6.80	9.10	1,462.14	3.54	28.93	163.26	.....	4.21	.49
33. Shipments carried by more than one company at double the graduated charge on which the delivering company received its full local charge and the originating company reduced its charge to less than its local based on graduated charge	279	294	6,184.25	258.12	6.18	313.84	.95	578.14	21.03	196.65	186.97	.....	.24	.17
34. Shipments over 7 pounds and less than 100 pounds on which the special graduate (between New York City and certain points in the New England States, to which rate is $1 or less) was assessed, when charge was less than rate per 100 pounds	6,908	7,201	173,891.55	2,218.45	715.16	210.35	23.40	3,143.96	24.15	43.66	36.16	.....	5.99	4.75
35. Shipments less than 100 pounds on which the special graduate (between New York City and certain points in the New England States, to which rate is $1 or less) was assessed, when charge was the same as rate per 100 pounds	786	983	60,510.00	420.43	137.01	37.73	4.20	595.22	61.56	60.55	19.67	.....	.82	1.65

Analysis of freight revenue of Adams Express Co., as of Aug. 18, 1909—Continued.

TOTAL INTERSTATE BUSINESS BY CLASSES—continued.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Classification.	Number of shipments.	Number of pieces.	Weight.	This company's proportion.	Subsidiary companies' proportion.	Other companies' proportion.	Charges on value.	Total charges (column 5+6+7).	Average weight per piece.	Average charge. Per piece.	Per ton.	Per ton per mile.	Ratio to total number of pieces interstate.	Ratio to total weight interstate.
			Pounds.						*Pounds.*	*Cents.*		*Cents.*	*Per ct.*	*Per ct.*
36. Shipments carried by more than one company where charge was computed at merchandise rates, on which the delivering company received its full local and originating company reduced its charge to less than its local, based on pound rates	22	45	4,702.00	$174.77	$0.72	$194.62	$0.30	$370.11	104.49	822.47	$157.43		0.04	0.13
37. Shipments on which 1½ times the special graduate between New York City and certain points in the New England States to which rate is $1 or less, was assessed	16	16	686.25	7.95	2.86	7.46	.50	18.27	42.89	114.19	53.25		.01	.02
38. Shipments on which 2 times the special graduate between New York City and certain points in the New England States to which rate is $1 or less, was assessed	31	31	1,273.00	24.46	4.80	5.82		35.08	41.07	113.16	55.11		.03	.03
39. Shipments on which 2½ times the special graduate between New York City and certain points in the New England States to which rate is $1 or less, was assessed	1	1	40.00	1.50				1.50	40.00	150.00	75.00			
40. Shipments on which 3 times the special graduate between New York City and certain points in the New England States to which rate is $1 or less, was assessed	2	2	16.00	1.05	1.05			2.10	8.00	105.00	262.50			
41. Shipments of returned empty carriers, on which no charge was assessed	72	511	10,901.00						19.57				.42	.27
42. Shipments on which the special graduate between Boston and certain New England points was assessed	1,050	1,054	11,598.70	26.52	163.71	1.65	.80	191.88	11.00	18.20	33.09		.88	.32
Total	95,325	120,313	3,664,154.05	57,447.54	2,488.50	12,735.43	260.75	72,671.47	30.46	60.49	39.57		100.00	100.00

TOTAL INTRASTATE BUSINESS BY CLASSES.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Classification.	Number of shipments.	Number of pieces.	Weight.	This company's proportion.	Subsidiary companies' proportion.	Other companies' proportion.	Charges on value.	Total charges (column 4+5+6).	Average weight per piece.	Average charge. Per piece.	Per ton.	Per ton per mile.	Ratio to total number of pieces intrastate.	Ratio to total weight intrastate.
			Pounds.						*Pounds.*	*Cents.*		*Cents.*	*Per ct.*	*Per ct.*
1. Shipments not over 7 pounds in weight originating and terminating with this company on which graduated charges were assessed	6,562	6,579	25,008.81	$1,970.88	$1.70		$3.30	$1,972.58	3.80	29.98	$157.75		9.91	0.82
2. Shipments weighing over 7 pounds taking graduated charges not otherwise specified	8,371	8,373	170,815.00	3,508.55	5.47	$231.00	10.08	3,835.02	20.27	43.22	42.65		12.16	5.93
3. Shipments weighing less than 100 pounds on which the graduated charges were the same as the rate per 100 pounds	1,498	1,574	96,364.75	813.91	1.40	35.83	2.75	851.14	51.42	45.42	17.66		2.57	3.18
4. Shipments on which merchandise pound rates were applied	4,300	7,566	717,268.00	3,508.73	544.63	123.14	11.42	4,176.50	94.80	55.20	11.65		10.37	23.63
5. General special shipments	10,230	23,746	1,373,820.75	6,533.39	314.15	222.67		7,070.21	57.86	29.77	10.29		32.53	45.27
6. Section A shipments	183	260	3,743.13	93.77		6.07		99.84	18.72	34.92	37.32		.27	.12
7. Section D shipments	843	844	2,198.47	149.50	1.15	13.45		164.19	2.60	19.45	149.36		1.16	.07
8. Section E shipments	319	320	325.19	56.73	.85	2.25		59.83	1.02	18.70	367.97		.44	.01
9. Shipments on which 1½ times the regular graduated charge was assessed	66	70	2,561.50	47.26		8.99		56.25	36.50	80.36	43.92		.10	.08
10. Shipments on which 2 times the regular graduated charge was assessed	54	74	2,361.30	44.08	2.55	4.70		51.33	31.90	69.36	43.48		.10	.07
11. Shipments on which 2½ times the regular graduated charge was assessed	2	3	114.00	3.13				3.13	38.00	104.33	54.91			
12. Shipments on which 3 times the regular graduated charge was assessed	3	3	83.00	3.25		.10		3.25	27.67	108.33	78.31			
13. Shipments on which 1½ times the merchandise rate was assessed	28	46	4,550.00	40.77		.10		40.77	93.91	88.63	17.92		.08	.15
14. Shipments on which 3 times the merchandise rate was assessed	26	57	3,713.00	31.33	5.82	.40	.10	37.40	65.14	65.61	20.15		.08	.12

Analysis of freight revenue of Adams Express Co., as of Aug. 12, 1909—Continued.

TOTAL INTRASTATE BUSINESS, BY CLASSES—continued.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Classification.	Number of shipments.	Number of pieces.	Weight.	This company's proportion.	Subsidiary companies' proportion.	Other companies' proportion.	Charges on value.	Total charges (columns 4+5+6).	Average weight per piece.	Average charge.			Ratio to total number of pieces intrastate.	Ratio to total weight intrastate.
										Per piece.	Per ton.	Per ton per mile.		
15. Shipments on which 2½ times the merchandise rate was assessed			*Pounds.*						*Pounds.*	*Cents.*		*Cents.*	*Per ct.*	*Per ct.*
16. Shipments on which 3 times the merchandise rate was assessed														
17. Shipments on which higher than 3 times the merchandise rate was assessed, except items embraced in No. 22														
18. Shipments of returned empty carriers on which a nominal charge was assessed	3,371	6,609	136,711.0	$741.30	$34.46	$7.15		$782.91	20.69	11.85	$11.45		9.05	4.51
19. Scale K shipments (ale, beer, etc.)	1,346	2,429	187,233.50	714.53	5.83	5.55		725.91	77.08	29.88	7.75		3.33	6.17
20. Scale L shipments (berries in crates)	60	200	4,189.00	30.83	1.00	3.74		35.57	20.04	17.02	16.98		.29	.14
21. Scale M shipments (eggs in cases)	205	455	22,644.00	133.45	1.10	.96		135.51	49.77	29.78	11.97		.62	.75
22. Extraordinary shipments (corpses, horses, etc.)	10	17	5,000.00	70.61	4.20	4.20		79.01	294.12	464.76	31.60		.02	.16
23. Newspapers, daily (½ cent per pound for each company carrying)	11	11	185.00	.85	.10			.95	16.82	8.64	10.27		.02	
24. Newspapers, daily (1 cent per pound for each company carrying)	90	90	1,369.00	13.30	.43	.06		13.79	15.21	15.32	20.15		.12	.05
25. Newspapers, daily (merchandise pound rates)	1	1		.25				.25		25.00				
26. Newspapers, other than daily, magazines, etc. (1 cent per pound for each company carrying)	278	279	4,975.50	47.81	2.30	.68		50.79	17.83	18.20	20.42		.38	.16
27. Newspapers, other than daily, magazines, etc. (merchandise pound rates)														
28. Shipments not over 7 pounds handled by more than one company on which single graduate was assessed	787	794	2,686.69	140.91	17.90	149.60	$20.00	308.41	3.38	38.84	229.58		1.09	.69
29. All shipments not covered by other classes	1,187	1,286	59,092.75	453.95	2.70	23.10		479.75	45.95	37.31	16.24		1.76	1.95
30. Shipments of railway companies' material and supplies carried free over owning company's lines, but upon which charges were assessed for transportation over other railway companies' lines	5	6	61.50	.30	.05	.50		.85	10.25	14.17	27.64		.01	
31. Shipments (other than returned empty containers) carried free	249	371	9,205.25						24.81				.51	.33
32. Shipments not over 7 pounds in weight, local to this company on which special graduated charges were assessed between New York City and certain New England points (rates not exceeding $1 per 100 pounds)	1,623	1,626	6,166.87	287.99	144.96	1.17	1.00	434.12	3.79	26.70	140.79		2.23	.29
33. Shipments carried by more than one company at double the graduated charge on which the delivering company received its full local charge and the originating company reduced its charge to less than its local based on graduated charge	4	4	59.00	1.40		1.50		2.90	14.75	72.50	98.31		.01	
34. Shipments over 7 pounds and less than 100 pounds on which the special graduate (between New York City and certain points in the New England States, to which rate is $1 or less) was assessed, when charge was less than rate per 100 pounds	2,983	3,107	82,722.25	503.35	490.00	29.87	2.40	1,023.22	26.62	32.93	24.74		4.26	2.73
35. Shipments less than 100 pounds on which the special graduate (between New York City and certain points in the New England States, to which rate is $1 or less) was assessed, when charge was the same as rate per 100 pounds	486	571	37,249.00	103.47	140.15	7.00	.70	250.62	65.23	43.89	13.46		.78	1.23
36. Shipments carried by more than one company where charge was computed at merchandise rates, on which the delivering company received its full local and originating company reduced its charge to less than its local based on pound rates														

Analysis of freight revenue of Adams Express Co., as of Aug. 18, 1909—Continued.

TOTAL INTRASTATE BUSINESS, BY CLASSES—continued.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Classification.	Number of shipments.	Number of pieces.	Weight.	This company's proportion.	Subsidiary companies' proportion.	Other companies' proportion.	Charges on value.	Total charges (column 4+5+6).	Average weight per piece.	Average charge.			Ratio total to number of pieces intrastate.	Ratio total to weight intrastate.
										Per piece.	Per ton.	Per ton per mile.		
			Pounds.						*Pounds.*	*Cents.*		*Cents.*	*Per ct.*	*Per ct.*
37. Shipments on which 1½ times the special graduate between New York City and certain points in the New England States to which rate is $1 or less, was assessed	13	14	423.00	$2.73	$3.67	$0.38	.....	$6.78	30.21	48.43	$32.06	.....	0.02	0.01
38. Shipments on which 2 times the special graduate between New York City and certain points in the New England States to which rate is $1 or less, was assessed	37	45	1,458.00	13.20	12.60	2.10	.....	27.90	32.40	62.00	38.27	.....	.06	.05
39. Shipments on which 2½ times the special graduate between New York City and certain points in the New England States to which rate is $1 or less, was assessed	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
40. Shipments on which 3 times the special graduate between New York City and certain points in the New England States to which rate is $1 or less, was assessed	3	5	384.00	2.42	.....	.....	.....	2.42	76.80	48.40	12.60	.....	.01	.01
41. Shipments of returned empty carriers, on which no charge was assessed	650	2,116	32,075.50	.....	.....	.....	.....	.....	15.16	.....	.....	.....	2.90	1.06
42. Shipments on which the special graduate between Boston and certain New England points was assessed	2,572	2,689	29,002.46	103.50	379.22	2.22	$0.80	484.94	10.79	18.03	33.44	.....	3.68	.95
Total	48,426	72,989	3,034,831.27	20,231.57	2,118.19	888.28	33.85	23,238.04	41.58	31.84	15.31	.....	100.00	100.00

Analysis of freight revenue of Adams Express Co. as of Aug. 18, 1909—Comparative statement showing shipments not over 11 pounds in weight on which graduated charges were assessed and the charges that would have accrued if based on 1 cent per ounce.

Weights.	Number of pieces.	Weight.	Total as charged.	Charges if at 1 cent per ounce.	Increase or decrease.	Average weight per piece.	Average charge.			
							Total as charged, per piece.	If at 1 cent per ounce, per piece.	Total as charged, per pound.	If at 1 cent per ounce, per pound.
		Pounds.				*Pounds.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
Packages not over 2 pounds	14,971	22,902.46	$4,597.61	$3,664.39	[1] $933.22	1.53	30.71	24.48	20.07	16.00
Packages over 2 pounds, not over 4 pounds	14,315	47,880.34	5,312.60	7,660.85	2,348.25	3.34	37.11	53.52	11.10	16.00
Total, not over 4 pounds	29,286	70,782.80	9,910.21	11,325.24	1,415.03	2.42	33.84	38.67	14.00	16.00
Packages over 4 pounds, not over 7 pounds	13,330	77,548.05	6,272.12	12,407.69	6,135.57	5.82	47.05	93.08	8.09	16.00
Total, not over 7 pounds	42,616	148,330.85	16,182.33	23,732.93	7,550.60	3.48	37.97	55.69	10.91	16.00
Packages over 7 pounds, not over 11 pounds	10,715	98,995.98	5,678.19	15,839.36	10,161.17	9.24	52.99	147.82	5.74	16.00
Total, not over 11 pounds	53,331	247,326.83	21,860.52	39,572.29	17,711.77	4.64	40.99	74.20	8.84	16.00

[1] Represents decrease.

Analysis of freight revenue of Adams Express Co., as of Aug. 18, 1909—Statement showing shipments less than 20 pounds in weight.

SHIPMENTS OF ALL CLASSES, LESS THAN 20 POUNDS IN WEIGHT, TO WHICH SEPARATE WEIGHTS COULD BE ALLOCATED.

Weights.	Number of—		Weight.	Adams Express Co.'s proportion.	Subsidiary companies' proportion.	Other companies' proportion.	Total charges.	Charges on value (included in total charges).	Average weight per piece.	Average charge.		Ratio to total number of pieces.	Ratio to total weight.	Ratio to total charges.
	Shipments.	Pieces.								Per piece.	Per pound.			
			Pounds.						*Pounds.*	*Cents.*	*Cents.*	*Per ct.*	*Per ct.*	*Per ct.*
Packages not over 2 pounds	20,641	20,752	30,185.66	$4,483.73	$346.62	$707.60	$5,537.95	$28.95	1.45	26.69	18.35	25.55	5.86	16.52
Packages over 2 pounds, not over 4 pounds	17,442	17,581	57,730.08	4,844.17	260.17	1,008.57	6,112.91	6.80	3.28	34.77	10.59	21.65	11.21	18.24
Total, not over 4 pounds	38,083	38,333	87,915.74	9,327.90	606.79	1,716.17	11,650.86	35.75	2.29	30.39	13.25	47.20	17.07	34.76
Packages over 4 pounds, not over 7 pounds	14,947	15,147	87,071.81	5,711.56	357.67	1,326.87	7,396.10	14.15	5.75	48.83	8.49	18.65	16.90	22.06
Total, not over 7 pounds	53,030	53,480	174,987.55	15,039.46	964.46	3,043.04	19,046.96	49.90	3.27	35.62	10.88	65.85	33.97	56.82
Packages over 7 pounds, not over 11 pounds	11,859	12,207	111,571.62	4,856.85	279.33	1,006.81	6,142.99	12.25	9.14	50.32	5.51	15.03	21.66	18.32
Total, not over 11 pounds	64,889	65,687	286,559.17	19,896.31	1,243.79	4,049.85	25,189.95	62.15	4.36	38.35	8.79	80.88	55.63	75.14
Packages of over 11 pounds, up to but not including 20 pounds	14,843	15,524	228,593.61	6,627.55	360.41	1,344.46	8,332.42	18.55	14.73	53.67	3.65	19.12	44.37	24.86
Total	79,732	81,211	515,152.78	26,523.86	1,604.20	5,394.31	33,522.37	80.70	5.34	41.28	6.51	100.00	100.00	100.00

Analysis of freight revenue of Adams Express Co., as of Aug. 18, 1909—Statement showing shipments less than 20 pounds in weight—Continued

SHIPMENTS LESS THAN 20 POUNDS IN WEIGHT ON WHICH GRADUATE CHARGES WERE ASSESSED.

Weights.	Number of—		Weight.	Adams Express Co.'s proportion.	Subsidiary companies' proportion.	Other companies' proportion.	Total charges.	Charges on value (included in total charges).	Average weight per piece.	Average charge.		Ratio to total number of pieces.	Ratio to total weight.	Ratio to total charges.
	Shipments.	Pieces.								Per piece.	Per pound.			
			Pounds.						*Pounds.*	*Cents.*	*Cents.*	*Pounds.*	*Pounds.*	*Pounds.*
Packages not over 2 pounds	14,950	14,971	22,902.46	$3,704.81	$333.32	$559.48	$4,597.61	$29.05	1.53	30.71	20.07	22.57	5.19	15.73
Packages over 2 pounds, not over 4 pounds	14,262	14,315	47,880.34	4,199.09	257.39	856.12	5,312.60	6.70	3.34	37.11	11.10	21.57	10.84	18.17
Total, not over 4 pounds	29,212	29,286	70,782.80	7,903.90	590.71	1,415.60	9,910.21	35.75	2.42	33.84	14.00	44.14	16.03	33.90
Packages over 4 pounds, not over 7 pounds	13,217	13,330	77,548.05	5,600.97	261.22	1,009.93	6,272.12	14.15	5.82	47.05	8.09	20.09	17.56	21.46
Total, not over 7 pounds	42,429	42,616	148,330.85	12,904.87	851.93	2,425.53	16,182.33	49.90	3.48	37.97	10.91	64.23	33.59	55.36
Packages over 7 pounds, not over 11 pounds	10,531	10,715	98,995.98	4,518.15	245.69	914.34	5,678.19	12.25	9.24	52.90	5.74	13.15	22.41	19.43
Total, not over 11 pounds	52,960	53,331	247,326.83	17,423.03	1,097.62	3,339.87	21,860.52	62.15	4.64	40.99	8.84	80.38	56.00	74.79
Packages of over 11 pounds, up to but not including 20 pounds	12,610	13,017	194,321.72	5,922.61	299.45	1,146.90	7,368.96	18.56	14.93	56.61	3.79	19.62	44.00	25.21
Total	65,570	66,348	441,648.55	23,345.64	1,397.07	4,486.77	29,229.48	80.70	6.65	44.05	6.62	100.00	100.00	100.00

Analysis of freight revenue of United States Express Co., as of Dec. 22, 1909.

GRAND TOTAL OF ALL BUSINESS, BY CLASSES.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Classification.	Number of shipments.	Number of pieces.	Weight.	This company's proportion.	Subsidiary companies' proportion.	Other companies' proportion.	Charges on value.	Total charges (column 5+6+7).	Average weight per piece.	Average charge.			Ratio to total number of pieces.	Ratio to total number of pounds.
										Per piece.	Per ton.	Per ton per mile.		
			Pounds.						*Pounds.*	*Cents.*		*Cents.*	*Per ct.*	*Per ct.*
1. Shipments not over 7 pounds in weight originating and terminating with this company, on which graduated charges were assessed	67,909	68,020	237,576.41	$23,571.38			$59.55	$23,571.38	3.50	34.65	$198.44		30.12	4.15
2. Shipments weighing over 7 pounds taking graduated charges not otherwise specified	61,710	62,854	1,273,289.61	33,332.82		$4,496.18	78.10	37,829.00	20.26	60.19	59.42		27.83	22.23
3. Shipments weighing less than 100 pounds on which the graduated charges were the same as the rate per 100 pounds	4,435	5,216	295,632.25	2,716.92		164.21	10.75	2,881.13	56.68	55.24	19.49		2.31	5.16
4. Shipments on which merchandise pound rates were applied	7,766	13,484	1,240,504.13	12,226.89		1,252.23	83.00	13,479.12	92.00	99.96	21.73		5.97	21.66
5. General special shipments	19,051	33,851	2,192,506.69	16,878.30		859.73		17,738.03	64.77	52.40	16.18		14.99	38.27
6. Section A shipments	1,485	1,504	19,374.96	551.26		65.59	.10	618.85	12.88	41.01	63.67		.67	.34
7. Section D shipments	5,581	5,588	19,590.82	1,277.69		275.76		1,553.45	3.51	27.80	158.59		2.47	.34
8. Section E shipments	9,621	9,626	12,619.49	1,918.26		232.01		2,150.27	1.31	22.34	340.79		4.26	.22
9. Shipments on which 1½ times the regular graduated charge was assessed	209	333	16,171.75	286.14		70.02	.50	356.16	48.56	106.96	44.05		.15	.28
10. Shipments on which 2 times the regular graduated charge was assessed	442	484	20,374.50	471.37		49.01	3.50	520.38	42.10	107.52	51.08		.22	.36
11. Shipments on which 2½ times the regular graduated charge was assessed														
12. Shipments on which 3 times the regular graduated was assessed	6	6	36.50	5.70		1.40		7.10	6.09	118.00	389.04			
13. Shipments on which 1½ times the merchandise rate was assessed	32	45	5,420.00	65.71		9.88	2.62	75.59	120.44	167.98	27.89		.02	.10
14. Shipments on which 2 times the merchandise rate was assessed	41	65	4,523.50	68.63		15.03	.10	83.66	69.59	128.71	36.99		.03	.08
15. Shipments on which 2½ times the merchandise rate was assessed	1	13	1,000.00	9.00				9.00	76.92	69.23	18.00		.01	.02
16. Shipments on which 3 times the merchandise rate was assessed														
17. Shipments on which higher than 3 times the merchandise rate was assessed, except items embraced in No. 22	1	1	35.00	1.80				1.80	35.00	180.00	102.86			
18. Shipments of returned empty carriers on which a nominal charge was assessed	1,472	2,088	68,422.50	255.31		4.94		260.25	21.73	9.68	8.91		1.19	1.02
19. Scale K shipments (ale, beer, etc.)	800	1,249	109,632.50	551.10		8.29		559.39	87.78	44.79	10.20		.55	1.91
20. Scale L shipments (berries in crates)	2	2	48.00	1.05				1.05	24.00	52.50	43.75			
21. Scale M shipments (eggs in cases)	250	583	31,644.50	221.24		9.39		230.63	54.28	39.56	14.58		.26	.55
22. Extraordinary shipments (corpses, horses, etc.)	13	234	27,596.00	1,151.48		450.64		1,602.12	117.93	684.67	116.11		.10	.43
23. Newspapers, daily (½ cent per pound for each company carrying)	26	30	804.00	4.27		.63		4.90	26.80	16.33	12.19		.01	.01
24. Newspapers, daily (1 cent per pound for each company carrying)	51	53	1,013.00	10.36				10.36	19.11	19.55	20.45		.02	.02
25. Newspapers, daily (merchandise pound rates)														

Analysis of freight revenue of United States Express Co., as of Dec. 23, 1909—Continued.

GRAND TOTAL OF ALL BUSINESS, BY CLASSES—continued.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Classification.	Number of shipments.	Number of pieces.	Weight.	This company's proportion.	Subsidiary companies' proportion.	Other companies' proportion.	Charges on value.	Total charges (column 5+6+7).	Average weight per piece.	Average charge.			Ratio to total number of pieces.	Ratio to total number of pounds.
										Per piece.	Per ton.	Per ton per mile.		
26. Newspapers, other than daily, magazines, etc. (1 cent per pound for each company carrying	793	796	*Pounds.* 19,036.50	$190.46	.....	$2.39	.....	$192.85	*Pounds.* 23.92	*Cents.* 24.23	$20.26	*Cents.*	*Per ct.* 0.35	*Per ct.* 0.33
27. Newspapers, other than daily, magazines, etc. (merchandise pound rates)	5	5	151.00	1.10	.....	1.04	.....	2.14	30.20	42.80	28.34	.....	.....	.....
28. Shipments not over 7 pounds handled by more than one company on which single graduate was assessed	16,040	16,052	56,881.03	3,750.02	.....	3,758.98	$5.00	7,509.00	3.54	46.77	264.02	.....	7.11	.99
29. All shipments not covered by other classes	2,125	2,191	62,250.50	1,318.84	.....	128.38	1.00	1,447.22	28.41	66.05	46.50	.....	.97	1.09
30. Shipments of railway companies' material and supplies carried free over owning company's lines, but upon which charges were assessed for transportation over other railway companies' lines	22	22	777.50	13.38	.....	2.42	.....	15.80	35.34	71.82	40.64	.....	.01	.01
31. Shipments (other than returned empty containers) carried free	520	615	16,650.63	.....	.....	.....	.....	.....	27.07	.....	.....	.....	.27	.92
32. Shipments not over 7 pounds in weight, local to this company on which special graduated charges were assessed between New York City and certain New England points (rates not exceeding $1 per 100 pounds)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
33. Shipments carried by more than one company at double the graduated charge on which the delivering company received its full local charge and the originating company reduced its charge to less than its local based on graduated charge	78	79	1,711 25	44.40	.....	77.59	.....	122.29	21.66	154.80	142.92	.....	.04	.03
34. Shipments over 7 pounds and less than 100 pounds on which the special graduate (between New York City and certain points in the New England States to which rate is $1 or less) was assessed, when charge was less than rate per 100 pounds	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
35. Shipments less than 100 pounds on which the special graduate (between New York City and certain points in the New England States, to which rate is $1 or less) was assessed, when charge was the same as rate per 100 pounds	1	1	12.00	.35	.....	.60	.....	.95	12.00	95.00	158.33	.....	.....	.....
36. Shipments carried by more than one company where charge was computed at merchandise rates, on which the delivering company received its full local and originating company reduced its charge to less than its local based on pound rates	7	8	824.00	30.64	.....	48.88	.....	79.52	103.00	90.40	193.01	.....	.....	.02
37. Shipments on which 1½ times the special graduate between New York City and certain points in the New England States to which rate is $1 or less, was assessed	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
38. Shipments on which 2 times the special graduate between New York City and certain points in the New England States to which rate is $1 or less, was assessed	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
39. Shipments on which 2½ times the special graduate between New York City and certain points in the New England States to which rate is $1 or less, was assessed	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
40. Shipments on which 3 times the special graduate between New York City and certain points in the New England States to which rate is $1 or less, was assessed	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
41. Shipments of returned empty carriers, on which no charge was assessed	39	149	2,349 00	.....	.....	.....	.....	.....	15.77	.....	.....	.....	.07	.04
42. Shipments on which the special graduate between Boston and certain New England points was assessed	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	200,693	225,847	5,728,459.52	100,925.87	.....	11,985.52	214.22	112,911.39	25.36	49.99	39.42	.....	100.00	100.00

Analysis of freight revenue of United States Express Co., as of Dec. 22, 1909—Continued.

TOTAL INTRASTATE BUSINESS, BY CLASSES.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Classification.	Number of shipments.	Number of pieces.	Weight.	This company's proportion.	Subsidiary companies' proportion.	Other companies' proportion.	Charges on value.	Total charges (column 5+6+7).	Average weight per piece.	Average charge.			Ratio to total number of pieces intrastate.	Ratio to total number of pounds intrastate.
										Per piece.	Per ton.	Per ton per mile.		
1. Shipments not over 7 pounds in weight originating and terminating with this company, on which graduated charges were assessed	22,561	22,629	*Pounds.* 50,938.87	$6,705.23	.....	.....	$13.65	$6,705.23	*Pounds.* 3.58	*Cents.* 29.63	$165.73	*Cents.*	*Per ct.* 28.89	*Per ct.* 3.42
2. Shipments weighing over 7 pounds taking graduated charges not otherwise specified	22,128	22,595	455,882.71	9,180.92	.....	$651.01	12.45	9,831.93	20.18	43.51	43.13	.....	28.85	19.23
3. Shipments weighing less than 100 pounds on which the graduated charges were the same as the rate per 100 pounds	2,183	2,605	141,875.50	1,173.18	.....	41.62	1.50	1,214.80	54.47	46.63	17.13	.....	3.33	6.00
4. Shipments on which merchandise pound rates were applied	2,486	4,956	466,508.00	2,702.58	.....	134.41	13.05	2,836.99	94.19	57.24	12.15	.....	6.33	19.74
5. General special shipments	7,939	14,401	1,025,015.75	5,484.41	.....	142.29	.....	5,626.70	71.18	39.07	10.98	.....	18.39	43.35
6. Section A shipments	144	146	2,235.00	48.50	.....	2.13	.....	50.63	15.31	34.68	45.31	.....	.19	.09
7. Section D shipments	969	972	2,426.94	185.83	.....	12.25	.....	198.08	2.50	20.38	163.23	.....	1.24	.10
8. Section E shipments	2,183	2,184	2,498.58	403.65	.....	37.27	.....	440.92	1.14	20.19	352.94	.....	2.79	.11
9. Shipments on which 1½ times the regular graduated charge was assessed	148	158	6,790.75	121.06	.....	22.89	.....	143.95	42.98	91.11	42.40	.....	.20	.29
10. Shipments on which 2 times the regular graduated charge was assessed	209	244	7,565.50	171.07	.....	15.46	.....	186.53	31.01	76.45	49.31	.....	.31	.32
11. Shipments on which 2½ times the regular graduated charge was assessed	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
12. Shipments on which 3 times the regular graduated charge was assessed	2	2	10.50	1.80	.....	.....	.....	1.80	5.25	90.00	342.86	.....	.....	.....
13. Shipments on which 1½ times the merchandise rate was assessed	14	22	2,258.00	22.11	.....	2.39	.....	24.50	102.64	111.36	21.70	.....	.03	.19
14. Shipments on which 2 times the merchandise rate was assessed	17	35	1,956.00	23.17	.....	2.38	.....	25.55	55.89	73.00	26.12	.....	.05	.08
15. Shipments on which 2½ times the merchandise rate was assessed	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
16. Shipments on which 3 times the merchandise rate was assessed	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
17. Shipments on which higher than 3 times the merchandise rate was assessed, except items embraced in No. 22	1	1	25.00	1.80	.....	.....	.....	1.80	25.00	180.00	102.86	.....	.....	.....
18. Shipments of returned empty carriers on which a nominal charge was assessed	1,000	1,924	37,283.50	156.27	.....	2.31	.....	159.58	19.38	8.29	8.56	.....	2.46	1.53
19. Scale K shipments (ale, beer, etc.)	439	645	19,552.00	253.72	.....	3.76	.....	257.48	92.33	39.92	8.65	.....	.82	2.52
20. Scale L shipments (berries in crates)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
21. Scale M shipments (eggs in cases)	84	238	12,969.00	81.09	.....	5.10	.....	86.09	54.58	36.42	13.35	.....	.30	.55
22. Extraordinary shipments (corpses, horses, etc.)	4	184	7,570.00	30.50	.....	.....	.....	30.50	41.14	16.58	8.06	.....	.23	.32
23. Newspapers, daily (½ cent per pound for each company carrying)	20	24	688.00	3.15	.....	.63	.....	3.78	28.67	15.75	10.99	.....	.03	.03
24. Newspapers, daily (1 cent per pound for each company carrying)	24	24	458.00	4.58	.....	.....	.....	4.58	19.08	19.08	20.00	.....	.03	.02
25. Newspapers, daily (merchandise pound rates)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
26. Newspapers, other than daily, magazines, etc. (1 cent per pound for each company carrying)	372	373	8,732.00	87.39	.....	.43	.....	87.82	23.41	23.54	20.11	.....	.48	.37
27. Newspapers, other than daily, magazines, etc. (merchandise pound rates)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
28. Shipments not over 7 pounds handled by more than one company on which single graduate was assessed	2,953	2,962	10,785.02	613.42	.....	609.33	.10	1,222.75	3.64	41.28	226.75	.....	3.78	.46
29. All shipments not covered by other classes	624	649	23,599.75	348.26	.....	21.75	.....	370.01	36.36	57.01	31.36	.....	.83	1.00
30. Shipments of railway companies' material and supplies carried free over owning company's lines, but upon which charges were assessed for transportation over other railway companies' lines	3	3	56.00	1.55	.....	.....	.....	1.55	18.67	51.67	55.36	.....	.....	.....
31. Shipments (other than returned empty containers) carried free	234	245	5,240.75	.....	.....	.....	.....	.....	21.39	.....	.....	.....	.31	.22
32. Shipments not over 7 pounds in weight, local to this company, on which special graduated charges were assessed between New York City and certain New England points (rates not exceeding $1 per 100 pounds)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

Analysis of freight revenue of United States Express Co., as of Dec. 22, 1909—Continued.

TOTAL INTRASTATE BUSINESS BY CLASSES—continued.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Classification.	Number of shipments.	Number of pieces.	Weight.	This company's proportion.	Subsidiary companies' proportion.	Other companies' proportion.	Charges on value.	Total charges (column 5+6+7).	Average weight per piece.	Average charge. Per piece.	Per ton.	Per ton per mile.	Ratio total to number of pieces intrastate.	Ratio to total number of pounds intrastate.
			Pounds.						*Pounds.*	*Cents.*		*Cents.*	*Per ct.*	*Per ct.*
33. Shipments carried by more than one company at double the graduated charge, on which the delivering company received its full local charge and the originating company reduced its charge to less than its local, based on graduated charge	4	4	104.00	$1.24	.....	$1.46	.....	$2.70	26.00	67.50	$51.92	.....	.....	.....
34. Shipments over 7 pounds and less than 100 pounds on which the special graduate (between New York City and certain points in the New England States, to which rate is $1 or less) was assessed, when charge was less than rate per 100 pounds.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
35. Shipments less than 100 pounds on which the special graduate (between New York City and certain points in the New England States, to which rate is $1 or less) was assessed, when charge was the same as rate per 100 pounds	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
36. Shipments carried by more than one company where charge was computed at merchandise rates, on which the delivering company received its full local and originating company reduced its charge to less than its local, based on pound rates	1	1	50.00	.55	.....	.45	.....	1.00	50.00	100.00	40.00	.....	.....	.....
37. Shipments on which 1½ times the special graduate between New York City and certain points in the New England States, to which rate is $1 or less, was assessed	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
38. Shipments on which 2 times the special graduate between New York City and certain points in the New England States, to which rate is $1 or less, was assessed	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
39. Shipments on which 2½ times the special graduate between New York City and certain points in the New England States, to which rate is $1 or less, was assessed	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
40. Shipments on which 3 times the special graduate between New York City and certain points in the New England States, to which rate is $1 or less, was assessed	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
41. Shipments of returned empty carriers, on which no charge was assessed	26	99	1,293.00	.....	.....	.....	.....	.....	13.06	.....	.....	.....	0.13	0.05
42. Shipments on which the special graduate between Boston and certain New England points was assessed	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	66,832	78,325	2,364,698.12	27,807.53	.....	1,710.32	$40.75	29,517.85	20.19	37.09	24.97	.....	100.00	100.00

Analysis of freight revenue of United States Express Co., as of Dec. 22, 1909—Continued.

TOTAL INTERSTATE BUSINESS, BY CLASSES.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Classification.	Number of shipments.	Number of pieces.	Weight.	This company's proportion.	Subsidiary companies' proportion.	Other companies' proportion.	Charges on value.	Total charges (columns 5+6+7).	Average weight per piece.	Average charge. Per piece.	Per ton.	Per ton per mile.	Ratio to total number of pieces interstate.	Ratio to total number of pounds interstate.
			Pounds.						*Pounds.*	*Cents.*		*Cents.*	*Per ct.*	*Per ct.*
1. Shipments not over 7 pounds in weight originating and terminating with this company on which graduated charges were assessed	45,348	45,391	156,637.54	$16,866.15	.....	.....	$45.90	$16,866.15	3.45	37.16	$215.35	.....	30.77	4.66
2. Shipments weighing over 7 pounds taking graduated charges not otherwise specified	39,582	40,259	817,406.90	24,151.90	.....	$3,845.17	65.65	27,997.07	20.30	67.06	68.50	.....	27.29	24.30

Analysis of freight revenue of United States Express Co., as of Dec. 22, 1909—Continued.

TOTAL INTERSTATE BUSINESS BY CLASSES—continued.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Classification.	Number of shipments.	Number of pieces.	Weight.	This company's proportion.	Subsidiary companies' proportion.	Other companies' proportion.	Charges on value.	Total charges (column 5+6+7).	Average weight per piece.	Average charge.			Ratio to total number of pieces interstate.	Ratio to total number of pounds interstate.
										Per piece.	Per ton.	Per ton per mile.		
3. Shipments weighing less than 100 pounds on which the graduated charges were the same as the rate per 100 pounds	2,252	2,611	*Pounds.* 153,756.75	$1,543.74	.....	$122.59	$9.25	$1,666.33	58.89	*Pounds.* 63.82	*Cents.* 21.68	*Cents.*	*Per ct.* 1.77	*Per ct.* 4.57
4. Shipments on which merchandise pound rates were applied	5,280	8,528	773,696.13	9,524.31	.....	1,117.82	39.95	10,642.13	90.72	124.79	27.51	.....	5.78	23.00
5. General special shipments	11,112	19,450	1,167,490.94	11,393.89	.....	717.44	.....	12,111.33	60.03	62.27	20.75	.....	13.18	34.71
6. Section A shipments	1,341	1,358	17,139.96	502.76	.....	63.46	.10	566.22	12.62	41.70	66.07	.....	.92	.51
7. Section D shipments	4,612	4,616	17,163.88	1,091.86	.....	263.51	.....	1,355.37	3.72	29.36	157.93	.....	3.16	.51
8. Section E shipments	7,438	7,442	10,120.91	1,514.61	.....	194.74	.....	1,709.35	1.36	22.97	337.79	.....	5.04	.30
9. Shipments on which 1½ times the regular graduated charge was assessed	151	175	9,381.00	165.08	.....	47.13	.80	212.21	53.00	121.26	45.24	.....	.12	.28
10. Shipments on which 2 times the regular graduated charge was assessed	233	240	12,509.00	300.30	.....	33.55	3.50	333.85	53.37	139.10	52.13	.....	.16	.38
11. Shipments on which 2½ times the regular graduated charge was assessed														
12. Shipments on which 3 times the regular graduated charge was assessed	4	4	26.00	3.00	.....	1.40	.....	5.30	6.50	132.50	407.69	.....	.02	.....
13. Shipments on which 1½ times the merchandise rate was assessed	18	23	3,162.00	43.00	.....	7.49	2.62	51.09	137.48	222.13	32.31	.....	.02	.09
14. Shipments on which 2 times the merchandise rate was assessed	24	30	2,567.50	45.46	.....	12.65	.10	58.11	85.58	193.70	45.27	.....	.....	.08
15. Shipments on which 2½ times the merchandise rate was assessed	1	13	1,000.00	9.00	.....	.....	.....	9.00	76.92	69.23	18.60	.....	.01	.03
16. Shipments on which 3 times the merchandise rate was assessed														
17. Shipments on which higher than 3 times the merchandise rate was assessed, except items embraced in No. 22														
18. Shipments of returned empty carriers on which a nominal charge was assessed	412	764	21,139.00	99.04	.....	1.63	.....	100.67	27.67	13.18	9.52	.....	.52	.63
19. Scale K shipments (ale, beer, etc.)	421	604	50,080.50	297.38	.....	4.53	.....	301.91	82.91	49.99	12.06	.....	.41	1.49
20. Scale L shipments (berries in crates)	2	2	48.00	1.05	.....	.....	.....	1.05	24.00	52.50	43.75	.....	.....	.....
21. Scale M shipments (eggs in cases)	175	345	18,655.50	139.65	.....	4.29	.....	143.94	54.07	41.72	15.43	.....	.23	.55
22. Extraordinary shipments (corpses, horses, etc.)	9	50	20,026.00	1,120.98	.....	450.64	.....	1,571.62	400.52	3,143.24	156.96	.....	.03	.60
23. Newspapers, daily (¼ cent per pound for each company carrying)	6	6	116.00	1.12	.....	.....	.....	1.12	19.33	18.67	19.31	.....	.....	.....
24. Newspapers, daily (1 cent per pound for each company carrying)	27	29	555.00	5.78	.....	.....	.....	5.78	19.14	19.93	20.83	.....	.02	.02
25. Newspapers, daily (merchandise pound rates)														
26. Newspapers, other than daily, magazines, etc. (1 cent per pound for each company carrying)	421	423	10,304.50	103.07	.....	1.96	.....	105.03	24.36	24.83	20.39	.....	.29	.31
27. Newspapers, other than daily, magazines, etc. (merchandise pound rates)	5	5	151.00	1.10	.....	1.04	.....	2.14	30.20	42.80	28.34	.....	.....	.....
28. Shipments not over 7 pounds handled by more than one company on which single graduate was assessed	13,087	13,090	46,096.01	3,136.60	.....	3,149.65	4.90	6,286.25	3.52	48.02	272.75	.....	8.87	1.37
29. All shipments not covered by other classes	1,501	1,542	38,650.75	970.58	.....	106.63	1.00	1,077.21	25.07	69.86	55.74	.....	1.05	1.15
30. Shipments of railway companies' material and supplies carried free over owning company's lines, but upon which charges were assessed for transportation over other railway companies' lines	19	19	721.50	11.83	.....	2.42	.....	14.25	37.97	75.00	39.50	.....	.01	.02
31. Shipments (other than returned empty containers) carried free	286	370	11,409.88	.....	.....	.....	.....	.....	3.08	.....	.....	.....	.25	.34
32. Shipments not over 7 pounds in weight, local to this company on which special graduated charges were assessed between New York and certain New England points (rates not exceeding $1 per 100 pounds)														
33. Shipments carried by more than one company at double the graduated charge on which the delivering company received its full local charge and the originating company reduced its charge to less than its local based on graduated charge	74	75	1,607.25	43.16	.....	76.43	.....	119.59	21.43	159.45	148.81	.....	.05	.05

Analysis of freight revenue of United States Express Co., as of Dec. 22, 1909—Continued.

TOTAL INTERSTATE BUSINESS BY CLASSES—continued.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Classification.	Number of shipments.	Number of pieces.	Weight.	This company's proportion.	Subsidiary companies' proportion.	Other companies' proportion.	Charges on value.	Total charges (column 5+6+7).	Average weight per piece.	Average charge.			Ratio to total number of pieces interstate.	Ratio to total number of pounds interstate.
										Per piece.	Per ton.	Per ton per mile.		
34. Shipments over 7 pounds and less than 100 pounds on which the special graduate (between New York City and certain points in the New England States, to which rate is $1 or less) was assessed, when charge was less than rate per 100 pounds.			*Pounds.*						*Pounds.*	*Cents.*		*Cents.*	*Per ct.*	*Per ct.*
35. Shipments less than 100 pounds on which the special graduate (between New York City and certain points in the New England States, to which rate is $1 or less) was assessed, when charge was the same as rate per 100 pounds	1	1	12.00	$0.35	.....	$0.60	.....	$0.95	12.00	95.00	$158.33	.....	.....	.....
36. Shipments carried by more than one company where charge was computed at merchandise rates, on which the delivering company received its full local and originating company reduced its charge to less than its local based on pound rates	6	7	774.00	30.09	.....	48.43	.....	78.52	110.57	1,121.71	203.02	.....	.....	0.02
37. Shipments on which 1½ times the special graduate between New York City and certain points in the New England States to which rate is 1$ or less was assessed.														
38. Shipments on which 2 times the special graduate between New York City and certain points in the New England States to which rate is $1 or less was assessed.														
39. Shipments on which 2½ times the special graduate between New York City and certain points in the New England States to which rate is $1 or less was assessed.														
40. Shipments on which 3 times the special graduate between New York City and certain points in the New England States to which rate is $1 or less was assessed.														
41. Shipments of returned empty carriers, on which no charge was assessed	13	50	1,056.00	.....	.....	.....	.....	.....	21.12	.....	.....	.....	.03	0.03
42. Shipments on which the special graduate between Boston and certain New England points was assessed														
Total	133,861	147,522	3,363,761.40	73,118.34	.....	10,275.20	$173.47	83,393.54	22.80	56.53	49.58	.....	100.00	100.00

Analysis of freight revenue of United States Express Co., as of December 22, 1909—Comparative statement showing shipments not over 11 pounds in weight on which graduate charges were assessed, and the charges that would have accrued if based on 1 cent per ounce.

Weight.	Number of pieces.	Weight.	Total as charged.	Charges if at 1 cent per ounce.	Increase or decrease.	Average weight per piece.	Average charge.			
							Total as charged per piece.	If at 1 cent per ounce per piece.	Total as charged per pound.	If at 1 cent per ounce per pound.
		Pounds.				*Pounds.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
Packages not over 2 pounds	28,065	43,849.72	$8,068.41	$7,015.96	[1] $1,052.45	1.56	28.75	25.00	18.40	16.00
Packages over 2 pounds, not over 4 pounds	31,125	103,694.90	11,464.61	16,591.18	5,126.57	3.33	36.83	53.30	11.06	16.00
Total not over 4 pounds	59,190	147,544.62	19,533.02	23,607.14	4,074.12	2.49	33.00	39.88	13.24	16.00
Packages over 4 pounds, not over 7 pounds	25,596	147,417.11	11,866.17	23,586.74	11,720.57	5.76	46.36	92.15	8.05	16.00
Total not over 7 pounds	84,786	294,961.73	31,399.19	47,193.88	15,794.69	3.48	37.03	55.66	10.65	16.00
Packages over 7 pounds, not over 11 pounds	17,592	161,509.62	9,381.47	25,841.54	16,460.07	9.18	53.33	146.89	5.81	16.00
Total not over 11 pounds	102,378	456,471.35	40,780.66	73,035.42	32,254.76	4.46	39.83	71.34	8.93	16.00

[1] Decrease.

Analysis of freight revenue of United States Express Co., as of December 22, 1909.—Statement showing shipments less than 20 pounds in weight.

SHIPMENT OF ALL CLASSES, LESS THAN 20 POUNDS IN WEIGHT, TO WHICH SEPARATE WEIGHTS COULD BE ALLOCATED.

Weights.	Number of shipments.	Number of pieces.	Weight.	United States Express Co.'s proportion.	Other companies' proportion.	Total charges.	Charges on value (included in total charges).	Average weight per piece.	Average charge. Per piece.	Average charge. Per pound.	Ratio to total number of pieces.	Ratio to total weight.	Ratio to total charges.
			Pounds.					*Pounds.*	*Cents.*	*Cents.*	*Per ct.*	*Per ct.*	*Per ct.*
Packages not over 2 pounds	39,624	39,696	57,175.07	$9,094.69	$1,034.42	$10,118.51	$35.40	1.44	25.49	17.70	27.81	6.86	17.80
Packages over 2 pounds, not over 4 pounds	33,792	33,847	112,122.11	10,666.78	1,558.94	12,225.72	9.93	3.31	36.12	10.90	23.71	13.44	21.51
Total not over 4 pounds	73,416	73,543	169,297.18	19,760.87	2,593.36	22,344.23	45.35	2.30	30.38	13.20	51.52	20.30	39.31
Packages over 4 pounds not, over 7 pounds	27,791	27,886	160,986.50	11,680.20	1,713.30	13,793.50	20.05	5.77	45.86	7.95	19.53	19.30	22.51
Total not over 7 pounds	101,207	101,429	330,283.74	30,841.07	4,296.66	35,137.73	65.40	3.26	34.64	10.64	71.05	39.60	61.82
Packages over 7 pounds not, over 11 pounds	19,043	19,167	176,352.37	8,641.80	1,320.09	9,961.89	14.15	9.20	51.97	5.65	13.43	21.15	17.53
Total not over 11 pounds	120,250	120,596	506,636.11	39,482.87	5,616.75	45,099.62	79.55	4.20	37.40	8.90	84.48	60.75	79.35
Packages over 11 pounds up to but not including 20 pounds	21,841	22,154	227,375.92	10,328.95	1,407.58	11,736.53	16.40	14.78	52.98	3.59	15.52	39.25	20.65
Total	142,091	142,750	834,012.03	49,811.82	7,024.33	56,836.15	95.95	5.84	39.82	6.81	100.00	100.00	100.00

SHIPMENTS LESS THAN 20 POUNDS IN WEIGHT ON WHICH GRADUATED CHARGES WERE ASSESSED.

			Pounds.					*Pounds.*	*Cents.*	*Cents.*	*Per cent.*	*Per cent.*	*Per cent.*
Packages not over 2 pounds	28,001	28,065	43,849.72	$7,259.70	$808.71	$8,068.41	$35.20	1.56	28.75	18.40	22.99	5.87	15.68
Packages over 2 pounds, not over 4 pounds	31,075	31,125	103,694.90	10,013.73	1,445.88	11,464.61	9.95	3.33	36.83	11.06	25.50	13.89	22.27
Total, not over 4 pounds	59,076	59,190	147,544.62	17,273.43	2,254.59	19,533.02	45.15	2.49	33.00	13.24	48.49	19.76	37.95
Packages over 4 pounds, not over 7 pounds	25,501	25,596	147,417.11	10,321.51	1,544.66	11,866.17	20.05	5.76	46.36	8.05	20.97	19.75	23.05
Total, not over 7 pounds	84,577	84,786	294,961.73	27,599.94	3,799.25	31,399.19	65.20	3.48	37.03	10.65	69.46	39.51	61.00
Packages over 7 pounds, not over 11 pounds	17,481	17,592	161,509.62	8,131.23	1,250.24	9,381.47	14.05	9.18	53.33	5.81	14.41	21.64	18.22
Total, not over 11 pounds	102,058	102,378	456,471.35	35,731.17	5,049.49	40,780.66	79.25	4.46	39.83	8.93	83.87	61.15	79.22
Packages over 11 pounds up to but not including 20 pounds	19,397	19,687	289,978.77	9,394.79	1,300.14	10,694.93	16.10	14.73	54.32	3.69	16.13	38.85	20.78
Total	121,455	122,065	746,450.12	45,125.96	6,349.63	51,475.59	95.35	6.12	42.17	6.90	100.00	100.00	100.00

Mr. MOON of Tennessee. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21279, the Post Office appropriation bill, and had come to no resolution thereon.

HOUSE BILLS WITH SENATE AMENDMENTS REFERRED.

Under clause 2, Rule XXIV, House bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee on Invalid Pensions.

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee on Invalid Pensions.

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee on Invalid Pensions.

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 13988. An act to authorize the Director of the Census to collect and publish additional statistics of tobacco; and

H. R. 22580. An act to authorize the change of the names of the steamers *Syracuse* and *Boston*.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 19212. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913;

H. R. 22580. An act to authorize the change of the names of the steamers *Syracuse* and *Boston;* and

H. R. 13988. An act to authorize the Director of the Census to collect additional statistics of tobacco.

RECESS.

Mr. MOON of Tennessee. Mr. Speaker, I ask unanimous consent that the House take a recess until 10.30 o'clock to-morrow morning, and that immediately on the convening of the House it shall go into Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill.

The SPEAKER. The gentleman from Tennessee [Mr. MOON] asks unanimous consent that the House take a recess until 10.30 o'clock to-morrow morning, and that immediately upon the convening of the House it be resolved into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Accordingly (at 5 o'clock and 42 minutes p. m.) the House stood in recess until 10 o'clock and 30 minutes a. m. to-morrow, Saturday, April 27, 1912.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of estate of William L. Strain *v.* The United States (H. Doc. No. 715); to the Committee on War Claims and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the

case of heirs of Henry T. Deaver, deceased, *v.* The United States (H. Doc. No. 716); to the Committee on War Claims and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, submitting deficiency estimate of an appropriation required to pay temporary employees in the Office of Indian Affairs during the fiscal year ending June 30, 1912 (H. Doc. No. 717); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of War, transmitting, pursuant to H. Res. 448, information relative to military aviators for the Army, and for other purposes (H. Doc. No. 718); to the Committee on Military Affairs and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Crescent City Harbor, Cal. (H. Doc. No. 720); to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of New York Harbor north of Hudson River, N. Y. (H. Doc. No. 719); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 21931) granting an increase of pension to Robert McCleary; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13336) granting a pension to William P. Beasley; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23690) granting an increase of pension to Sashwell Turner; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23587) for the relief of Irvin Banks; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23299) granting an increase of pension to Dorothea Winklehaken; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21181) granting a pension to Ignacy Goscinski; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8238) granting a pension to James Burke; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19828) granting a pension to John Devine; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12976) granting a pension to William Pace; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17653) granting an increase of pension to Frederick H. Cook; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15197) granting a pension to Gustav Buelow; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14557) granting a pension to William C. Hathaway; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17333) granting a pension to D. G. Harrison; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21755) granting an increase of pension to Elizabeth Reid; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. YOUNG of Kansas: A bill (H. R. 23793) to amend section 3962 of the Revised Statutes of the United States of 1878; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: A bill (H. R. 23794) to authorize the grading and improving of Otis Street NE., from Twelfth Street to Thirteenth Street NE., in Brookland, Washington, D. C.; to the Committee on the District of Columbia.

By Mr. SABATH: A bill (H. R. 23795) amending the navigation laws providing for lifeboats and other saving facilities and for searchlight and headlight, and for regular drill by the crews of all steamers; to the Committee on the Merchant Marine and Fisheries.

By Mr. SIMMONS: A bill (H. R. 23796) to make Lockport, N. Y., a subport of entry in the customs collection district of Niagara and extending the privileges of the seventh section of the act of June 10, 1880, thereto; to the Committee on Ways and Means.

Also, a bill (H. R. 23797) to further protect the public health and imposing additional duties upon the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

By Mr. GODWIN of North Carolina: A bill (H. R. 23798) to construct a boulevard around the national cemetery at Wilmington, N. C.; to the Committee on Military Affairs.

By Mr. TAYLOR of Alabama: A bill (H. R. 23799) to amend "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands"; to the Committee on Interstate and Foreign Commerce.

By Mr. HOBSON: A bill (H. R. 23800) providing for the better protection of the lives of crew and passengers on seagoing vessels; to the Committee on the Merchant Marine and Fisheries.

By Mr. ROBINSON: A bill (H. R. 23801) to amend section 3 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes," approved March 3, 1901 (31 Stat. L., p. 1133); to the Committee on the Public Lands.

Also, a bill (H. R. 23802) relating to the granting of rights of way over the public lands and reservations of the United States; to the Committee on the Public Lands.

Also, a bill (H. R. 23803) providing for the issuance of patents to entrymen for homesteads in the so-called Flathead irrigation project; to the Committee on the Public Lands.

Also, a bill (H. R. 23804) to provide for agricultural entries of coal lands in Alaska; to the Committee on the Public Lands.

By Mr. RAKER: Resolution (H. Res. 513) to print 6,000 copies of House Document No. 612, Sixty-second Congress, second session; to the Committee on Printing.

Also, resolution (H. Res. 514) to print 5,000 copies of House Document No. 451, Sixty-second Congress, second session; to the Committee on Printing.

By Mr. GARRETT: Resolution (H. Res. 515) for the consideration of Senate joint resolution 102 and the amendments thereto; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNES of South Carolina: A bill (H. R. 23805) for the relief of the legal representative of Eliza Goethe, deceased; to the Committee on War Claims.

By Mr. BULKLEY: A bill (H. R. 23806) for the relief of Ignac Rosinski; to the Committee on Claims.

By Mr. CAMPBELL: A bill (H. R. 23807) granting an increase of pension to William Perry Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23808) granting an increase of pension to John A. Thomas; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 23809) granting a pension to Jarusha Battin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23810) to remove the charge of desertion from the military record of John Brown; to the Committee on Military Affairs.

Also, a bill (H. R. 23811) to remove the charge of desertion from the record of George W. Pilcher; to the Committee on Military Affairs.

By Mr. COOPER: A bill (H. R. 23812) granting an increase of pension to Frederick M. Sherman; to the Committee on Invalid Pensions.

By Mr. CONNELL: A bill (H. R. 23813) granting a pension to Robert G. Graham; to the Committee on Pensions.

By Mr. DE FOREST: A bill (H. R. 23814) granting an increase of pension to Horace Buchanan; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 23815) granting an increase of pension to Daniel H. Woolery; to the Committee on Invalid Pensions.

By Mr. FLOOD of Virginia: A bill (H. R. 23816) for the relief of Henry C. Adams and others; to the Committee on War Claims.

By Mr. HAWLEY: A bill (H. R. 23817) granting a pension to David Steinbach; to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 23818) granting a pension to Mary Meade Sands; to the Committee on Pensions.

By Mr. HOWARD: A bill (H. R. 23819) for the relief of the heirs or estate of Rebecca Warren, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23820) for the relief of the heirs or estate of Thomas Johnson, deceased; to the Committee on War Claims.

By Mr. LINDBERGH: A bill (H. R. 23821) granting an increase of pension to Olof Johnson; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 23822) granting an increase of pension to William F. Cox; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 23823) granting an increase of pension to Andrew J. Dean; to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 23824) for the relief of the widow and the heirs of William S. Rainey, deceased; to the Committee on War Claims.

By Mr. TUTTLE: A bill (H. R. 23825) granting a pension to Lucretia M. Smith; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of Noyes-McCook Post, No. 30, Grand Army of the Republic, of the State of Ohio, urging passage of House bill 14070, for relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

Also, petition of Ohio Society, Sons of the Revolution, Cincinnati, Ohio, urging passage of a law which shall provide for publication of all the archives of the Government relating to the War of the Revolution; to the Committee on Military Affairs.

By Mr. ASHBROOK: Petition of 65 members of Saltcreek Grange, Wayne County, Ohio, asking for the enactment of parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Tuttle & Sellers and four other merchants, of Creston, Ohio, asking that Congress further enlarge the powers of the Interstate Commerce Commission over express companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of Harry E. Baker and two other citizens, of Newark, Ohio, against passage of bill prohibiting interstate commerce of liquors; to the Committee on the Judiciary.

By Mr. BERGER: Petitions of 33 citizens of Fresno, Cal.; 9 citizens of Batavia, Ill.; 296 citizens of Chicago, Ill.; 135 citizens of Danville, Ill.; 27 citizens of Muncie, Ill.; 27 citizens of Waukegan, Ill.; 27 citizens of West Frankfort, Ill.; 27 citizens of Clinton, Ind.; 81 citizens of Dayton, Ky.; 27 citizens of Augusta, Me.; 59 citizens of Gilbert, Minn.; 10 citizens of McKinley, Minn.; 27 citizens of Sparta, Minn.; 27 citizens of Culbertson, Nebr.; 27 citizens of Fairbury, Nebr.; 27 citizens of Hayes Center, Nebr.; 235 citizens of Albany, N. Y.; 46 citizens of Brooklyn, N. Y.; 81 citizens of New York City, N. Y.; 54 citizent of Calumet, Okla.; 663 citizens of Muskogee, Okla.; 27 citizens of Eugene, Oreg.; 400 citizens of Corpus Christi, Tex.; 214 citizens of Fravel, Wash.; and 56 citizens of Low Gap, Grant County, Wash., in behalf of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. CAMPBELL: Petition of the Political Science Club, the First Baptist Church, and the Woman's Christian Temperance Union of Winfield, Cowley County, Kans., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CANNON: Petition of Dr. A. J. Reeves and 18 other citizens of Toledo, Ill., urging passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DRAPER: Petition of citizens of the State of New York, for enactment of House bill 22339 and Senate bill 6172; to the Committee on the Judiciary.

Also, memorial of first Legislature of the State of New Mexico, for amending the laws relating to homesteads; to the Committee on the Public Lands.

By Mr. ESCH: Memorial of first Legislature of the State of New Mexico, for amending the laws relating to homesteads; to the Committee on the Public Lands.

Also, petition of citizens of the State of Wisconsin, favoring passage of House bill 14, for parcel post; to the Committee on the Post Office and Post Roads.

Also, resolution of the Wisconsin State Board of Agriculture, indorsing House bill 18005; to the Committee on Agriculture.

By Mr. FLOOD of Virginia: Petition of citizens of Virginia, against passage of House bill 17936, unless amended; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petition of the Julius Bien Co., of New York City, protesting against certain provisions of proposed legislation relative to printing; to the Committee on Printing.

Also, petition of A. Wimpfheimer & Bro., of New York City, for retaining the Tariff Board; to the Committee on Ways and Means.

Also, memorial of the Medical Society of the State of New York, for establishing a national department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of New York State mayors' conference, favoring certain amendments to navigation laws, to remedy conditions disclosed by *Titanic* disaster, etc.; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Ed H. Levy, manager Challenge Cigar Factory, Ottawa, Ill., in favor of the passage of Senate bill 6103 and House bill 22766, to prohibit the use of trading coupons, etc.; to the Committee on Ways and Means.

By Mr. HANNA: Petition of citizens of Kenmore, N. Dak., for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of citizens of Cold Harbor and Jamestown, N. Dak., against a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Wilbur Cigar Co., of Fargo, N. Dak., favoring House bill 22766, prohibiting use of trading coupons; to the Committee on Ways and Means.

By Mr. HIGGINS: Petition of the Woman's Christian Temperance Union of Waterbury, county of New Haven, State of Connecticut, favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of amateur wireless telegraph owners and operators, against legislation forbidding the use of private stations; to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES of New Jersey: Petition of Post No. 35, Grand Army of the Republic, for enactment of House bill 14070; to the Committee on Invalid Pensions.

By Mr. LINDSAY: Memorial of the National Fraternal Press Association, for legislation to grant fraternal journals use of the United States mails on the same basis as other publications; to the Committee on the Post Office and Post Roads.

Also, memorial of the Medical Society of the State of New York, for establishment of a national department of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of the New York Cotton Exchange, urging an appropriation to repair levees on the Mississippi River; to the Committee on Rivers and Harbors.

By Mr. McGILLICUDDY: Petition of Bornemam Post, No. 79, Grand Army of the Republic, State of Maine, favoring House bill No. 14070, for relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

Also, petition of Rideout Post, No. 26, Grand Army of the Republic, of Bowdoinham, Me., and Harlow Dunbar Post, No. 59, Grand Army of the Republic, of Damariscotta Mills, Me., favoring passage of House bill 14070, for relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

Also, petition of George Valley Grange, No. 196, of Appleton, Me., and Auburn Grange, No. 4, of Auburn, Me., favoring passage of House bill 19133, for postal express service; to the Committee on Interstate and Foreign Commerce.

By Mr. MAHER: Petition of United Hatters of North America, Local Union No. 13, favoring passage of bill by JAMES A. HAMILL, of New Jersey, for retiring Government employees of 30 years' service and who have reached the age of 60; to the Committee on Pensions.

Also, petition of North Side Board of Trade, city of New York, Borough of the Bronx, State of New York, favoring resolution adopted by the New York Board of Trade and Transportation, to amend the river and harbor bill so as to make provision for improving the Harlem River, N. Y., through the Harlem Kills, and straightening the channel at the curve near the Johnson Iron Works; to the Committee on Rivers and Harbors.

Also, petition of members of United Harbor, No. 1, of the American Association of Masters, Mates, and Pilots, favoring passage of Senate bill 2117 and similar House bill, being Calendar No. 64 and Report No. 233, to promote the efficiency of

the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN of South Dakota: Memorial of members of the German Lutheran and Norwegian Lutheran Churches, of Sioux Falls, S. Dak., urging that the shipment of wine for sacramental purposes be excepted from the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of members of the German Lutheran and Norwegian Lutheran Conferences, in joint session at Sioux Falls, S. Dak., urging that the order revoked by the President relative to the wearing of distinctive religious garbs by teachers while in Government employ be again put in force; to the Committee on Indian Affairs.

By Mr. PATTON of Pennsylvania: Petition of the Woman's Christian Temperance Union and citizens of Sinnamahoning, county of Cameron, State of Pennsylvania, favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. PRAY: Memorial of members and pastor of the Baptist Church of Hamilton, Mont., in favor of House joint resolution 163, prohibiting interstate commerce of liquors; to the Committee on the Judiciary.

Also, petition of citizens of Warrick and Maddux, Mont., in favor of House bill 14, a bill for parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Letter from Shipowners & Merchants' Tugboat Co., of San Francisco, Cal., against passage of House bills 11372 and 20576, prohibiting towing of log rafts or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Legislature of New Mexico, urging passage of Senate bill 3367—relief homestead law; to the Committee on the Public Lands.

By Mr. ROBINSON: Petition of the Young Men's Christian Association and citizens of Pine Bluff, Ark., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the German-American Federation of Arkansas, composed of 59 German societies in the State of Arkansas, against any bill for prohibition or interstate-commerce liquor measure; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Monticello, Ark., favoring passage of the Kenyon-Sheppard interstate liquor law; to the Committee on the Judiciary.

Also, petition of A. H. Wright and others and W. G. Roads and others, of the State of Arkansas, favoring a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Monticello, county of Drew, State of Arkansas, against a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. SABATH: Petition of the Chamber of Commerce of San Diego County, Cal., against House bills 11372 and 20576, prohibiting the towing of log rafts or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. SCULLY: Petition of Ira B. Tice Lodge, No. 309, Brotherhood of Railroad Trainmen, for enactment of Senate bill 5382 and House bill 20487; to the Committee on the Judiciary.

By Mr. SULZER: Memorial of first Legislature of the State of New Mexico, for amending the laws relating to homesteads; to the Committee on the Public Lands.

Also, petition of A. Wimpfheimer & Bro., of New York City, for retaining the Tariff Board; to the Committee on Ways and Means.

Also, petition of the American League of Associations, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of the Medical Society of the State of New York, for establishing a national department of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of the New York Cotton Exchange, for appropriation to repair the levees of the Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of Leopold Powell & Co., of New York City, for enactment of House bill 22766, to prohibit the use of trading coupons; to the Committee on Ways and Means.

By Mr. TALCOTT of New York: Petition of the Medical Society of the State of New York, for establishing a national department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. WEDEMEYER: Petition of a number of citizens of Jackson County, State of Michigan, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 27, 1912.*

(Continuation of legislative day of Friday, April 26, 1912.)

The recess having expired at 10.30 a. m., the House was called to order by the Speaker.

POST OFFICE APPROPRIATION BILL.

The SPEAKER. The House, under the order adopted yesterday, automatically resolves itself into Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill, and the gentleman from Virginia [Mr. HAY] will take the chair.

Mr. GARRETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT. I was not present when the order was made. Do I understand that the order is such as to prevent a request for unanimous consent?

The SPEAKER. The Chair would think the terms of the order cuts out anything else. Some time to-day the committee may rise temporarily.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21279, the Post Office appropriation bill, with Mr. HAY in the chair.

Mr. MOON of Tennessee. Mr. Chairman, I yield two minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER of Missouri. Mr. Chairman, I sought this recognition in order to make a statement which I desired to go in the RECORD. On yesterday I gave notice on the floor of the House that as soon as I could secure recognition to-day I would ask the House to take up and dispose of the amendment from the Senate in reference to the popular election of Senators. At that time it did not occur to me that this Post Office appropriation bill was under consideration and that it was as important as it is to secure early action and send the bill to the Senate. That matter has been called to my attention, and therefore I desire to announce now that I will not seek to take that matter up until after the disposition of the Post Office bill by the House.

Mr. MOON of Tennessee. If the gentleman from Indiana [Mr. BARNHART] is on the floor, I yield to him. Mr. Chairman, the gentleman from Indiana seems not to be present at this time, and the gentleman from Iowa [Mr. KENDALL] will address the House in the 30 minutes yielded to him by Mr. GARDNER of New Jersey.

Mr. KENDALL. Mr. Chairman, the concrete proposition to which I direct the attention of the House is embodied in the amendment agreed upon by the advocates of Federal aid to highway construction:

That for the purposes of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide, composed of shells, vitrified brick, or macadam graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair.

Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide, composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface.

Class C shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times.

SEC. 2. That whenever the United States shall use any highway of any State, or civil subdivision thereof, which falls within classes A, B, or C, for the purpose of transporting rural mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C.

SEC. 3. That any question arising as to the proper classification of any road used for transporting rural mail shall be determined by the Secretary of Agriculture.

SEC. 4. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act.

SEC. 5. That this act shall go into effect on the 1st day of July, 1913.

The basic principle of the measure is compensation by the Federal Government for the use of the roads traveled by car-

riers in the Rural Delivery Service. The number of miles now so utilized is 1,179,000, and no reason is perceived why the Government should not discharge its rental obligation for the use of these highways in a reasonable amount, to be calculated with reference to the character of each particular highway. For the purpose of this determination the bill divides roads into three classes:

(1) Class A. The highest form of improved road in the country, for which it is provided that the Government shall pay at the rate of $25 per mile per year.
(2) Class B. A thoroughfare of high quality, but not equaling class A, for which it is provided that the Government shall pay at the rate of $20 per mile per year.
(3) Class C. The ordinary dirt road of the country, somewhat improved, for which it is provided that the Government shall pay at the rate of $15 per mile per year.

No payment will be made for a road not within one of the prescribed classes, and the road authorities will be compelled to maintain the highway at the standard established in order to participate in the provisions of the bill. If this legislation is enacted, a steady and progressive improvement will characterize road conditions throughout the country. Dirt roads will be transformed into improved roads as rapidly as possible, to the end that the communities traversed may enjoy the compensation provided in the bill. The universality of benefit assured by this measure is its paramount merit. It will result in advantage to every State and practically to every community in the land.

Wherever a rural route extends, however remote from city or town, the stimulating effect of the measure will be immediately observed. The spirit of local improvement will not be impeded, but, on the contrary, it will be energized for the rehabilitation of highways everywhere. [Applause.]

This amendment in its entirety represents the individual opinion of no single Member of the House, but it is presented as the composite judgment of those of us who believe that legislation should be enacted to secure the systematic betterment of rural roads throughout the country. In this debate we have been entertained—I was about to say diverted—by the general character of the opposing arguments which have been advanced against the measure. It is denounced as "novel," "extravagant," and "revolutionary," and of course the time-honored objection that it is "unconstitutional" has not been omitted. Some gentlemen, notably from New York and Pennsylvania, are overwhelmed by surprise that a project so essentially visionary should be solemnly proposed in this presence. Their astonishment would demand more serious consideration if it were not so entirely absurd.

Mr. BOWMAN. Will the gentleman yield?

Mr. KENDALL. Yes.

Mr. BOWMAN. There are some Members from Pennsylvania who wholly approve of the measure.

Mr. KENDALL. I am gratified to be advised of that fact. I know there are degrees in glory.

Government aid in the construction and improvement of highways for the benefit of the people was a fixed policy of the Republic in its infancy, and that policy continued without interruption for more than 40 years. The earlier statesmen were not disturbed by the constitutional apprehensions which appear now to occasion such genuine concern, for they understood that the organic law of the land was ordained to promote, not to prevent, the general welfare. [Applause.] They remembered that that immortal document conferred upon the Congress authority to establish post roads and to regulate interstate commerce, and they had practical wisdom enough to know that those provisions would be meaningless unless the revenues of the Government were available to render them effective. There is a popular conviction, prevailing now for more than a hundred years, that George Washington, who presided with his accustomed dignity over the deliberations of the Constitutional Convention, possessed some knowledge of the limitations upon the legislative power which the patriots who composed that convention intended to establish. It is encouraging to discover that the first President in his first message enjoined upon the Congress the propriety and duty of national road building. He said:

> I can not forbear intimating to you the expediency of facilitating intercourse between distant parts of our country by a due attention to * * * post roads.

Two years later he returned to the subject and reenforced his recommendations as follows:

> The importance of the post office and post roads on a plan sufficiently liberal and comprehensive as they respect the expedition, safety, and facility of communication is increased by their instrumentality in diffusing a knowledge of the laws and proceedings of the Government, which, while it contributes to the security of the people, serves also to guard them against the effects of misrepresentation and misconception.

Every lawyer of reputation entertains profound reverence for the constitutional opinions of James Madison, and in the third message he transmitted to the Congress after his accession to the Presidency he said:

> Among the means of advancing the public interests the occasion is a proper one for recalling the attention of Congress to the great importance of establishing throughout our country the roads and canals which can be best executed under the national authority. Whilst the States individually, with a laudable enterprise and emulation, avail themselves of their local advantages by new roads * * * the General Government is the more urged to similar undertakings, requiring a national jurisdiction and national means, by the prospect of thus systematically completing so inestimable a work.

When Albert Gallatin was Secretary of the Treasury he was directed by resolution of the Senate "to prepare and report a plan for the application of such means as are within the power of Congress to the purposes of opening roads and making canals, which as objects of public improvement may require and deserve the aid of the Government." In obedience to that direction Mr. Gallatin responded in 1808 as follows:

> The early and efficient aid of the Federal Government is recommended by still more important considerations. Good roads and canals will shorten distances, facilitate commercial and personal intercourse, and unite by a still more intimate community of interests the most remote quarters of the United States. No other single operation within the power of government can more effectually tend to strengthen and perpetuate that union which secures external independence, domestic peace, and internal liberty.

In December, 1818, the House of Representatives requested John C. Calhoun, who was then Secretary of War, to submit a report on the subject of Government aid to public roads, and in the following January Mr. Calhoun advised the Congress as follows:

> But in such great undertakings (i. e., judicious systems of roads and canals), so interesting in every point of view to the whole Union, the expense ought not to fall wholly on the portions of the country immediately interested. As the Government has a deep stake in them it ought, at least, to bear a proportional share of the expense of their construction.

Mr. FOWLER. May I ask the gentleman a question?

Mr. LANGLEY. Will the gentleman yield for a question?

Mr. KENDALL. I yield first to the gentleman from Illinois [Mr. FOWLER].

Mr. FOWLER. I suppose the gentleman indorses the statement, having referred to it. What is the gentleman's greatest reason for requiring the Nation to assist in building these roads?

Mr. KENDALL. My fundamental reason is that the domestic communities have conclusively demonstrated that it is not possible for them to establish suitable highways in the country.

Mr. FOWLER. The proposition is too big?

Mr. KENDALL. The proposition is too comprehensive for any local community to grapple with, and it is so important as to be of national concern. Now I yield to the gentleman from Kentucky.

Mr. LANGLEY. The gentleman from Illinois [Mr. FOWLER] in part anticipated the question I was going to ask. The gentleman from Iowa has evidently given considerable thought to this question and I am interested in the discussion of it. If I understood the gentleman, he has no doubt about the constitutional power of the Federal Government to cooperate with the local authorities in building public highways.

Mr. KENDALL. A little later I will refer to an opinion of the Supreme Court which completely disposes of all controversy.

Mr. CULLOP. I understood the gentleman to say that the proposition of building good roads is too big for the community to enter into—that the undertaking is too heavy. Is that correct?

Mr. KENDALL. I meant that to apply particularly to the community in which I live. It may not be true in an older and richer State, like Indiana.

Mr. CULLOP. Has the gentleman ever had occasion to examine the gravel-road law of Indiana?

Mr. KENDALL. Only in a cursory way.

Mr. CULLOP. If the gentleman would examine it, he would find that any community is big enough to build its own roads.

Mr. KENDALL. You have there in Indiana all the materials necessary for good road construction. All the communities in the United States are not so favored.

Mr. CULLOP. We do not have the materials scattered all over Indiana. We sometimes ship the material as far as 150 miles.

Mr. KENDALL. You have the material where it is practically available for use by all sections of the State.

Mr. CULLOP. I think not more so than in the State of Iowa. They have gravel beds there also.

Mr. KENDALL. "Of all that is good Iowa affords the best."

Mr. CULLOP. Except Indiana. Our plan is to build the roads by the sale of bonds, 10 per cent of the principal falling due each year, so that they are 10 years paying for the road. The townships vote on the question. In other words, they pass

on the question by the initiative and referendum. Fifty taxpayers petition the board of county commissioners to call an election.

Mr. KENDALL. I understand how they proceed.

Mr. CULLOP. The board of county commissioners pass upon the petition, and then they refer it back to the voters of that township. If it carries, they have the surveys made, the estimate of cost, and let the contracts, and then they sell the bonds. The county sells the bonds, but the entire property of the township is taxed to pay the bonds, and the interest and 10 per cent of the principal is paid each year. The plan is not excelled by any State in the Union, and under it we have built more and better roads than any other State. By adopting the same method other States could do the same thing.

Mr. KENDALL. Whatever the system you have adopted in Indiana, it has resulted in securing good highways.

Mr. CULLOP. Any State can build its own gravel roads under the plan adopted by Indiana.

Mr. KENDALL. I do not assent to that proposition without qualification. But to resume my discussion where I was interrupted.

In one of his annual messages to the Congress President Monroe employed this language:

> Great improvements may also be made by good roads, in proper directions, through the interior of the country. Much has been done by some of the States, but yet much remains to be done with a view to the Union.

John Quincy Adams, who was as wise as any in his day and generation, advised the Congress, in 1827, as to the projects then in construction or in contemplation:

> Continuation of the national road from Cumberland to the tidewaters within the District of Columbia; continuation of the national road from Canton to Zanesville; location of the national road from Zanesville to Columbus; continuation of the national road to the seat of government in Missouri; post road from Baltimore to Philadelphia; a national road from Washington to Buffalo.

I refer to these authorities for the purpose of disposing of the objection that the measure here now does not have the warrant of constitutional authority. But the Supreme Court has vindicated the power of Congress in decisions which are not susceptible of misconstruction:

> Congress has likewise the power, exercised early in this century by successive acts in the Cumberland or national road from the Potomac across the Alleghenies to the Ohio, to authorize the construction of a public highway connecting several States. (Ducton v. North River Bridge Co., 153 U. S., 525–529; Indiana v. United States, 148 U. S., 148.)

I interpret that as an unequivocal expression of the final conclusion of the highest judicial tribunal upon this subject.

Mr. SAMUEL W. SMITH. Mr. Chairman, will the gentleman yield?

Mr. KENDALL. Certainly.

Mr. SAMUEL W. SMITH. If it is constitutional for the General Government to provide for rivers and harbors throughout the country, why is it not constitutional to provide for national highways?

Mr. KENDALL. The propositions appear to me to be exactly analogous. If we have authority to appropriate $800,000,000, as I think has been done, for the improvement of the rivers and harbors of the country—and that is done for the purpose of facilitating transportation and accelerating communication—certainly we have authority under the same warrant to appropriate money to effectuate a similar purpose in the construction of highways.

Mr. LEVER. There is no difference of opinion, I think, as to the constitutional power of Congress to do this. It has been in the past a matter of expediency.

Mr. KENDALL. I gather from some suggestions advanced the other day that some gentlemen have very serious doubts about the constitutional power of Congress to divert money from the Public Treasury for this purpose. That is the reason I have devoted so much attention to the constitutional phases of the question.

An examination of the record will disclose that the Congress was not reluctant to exercise the power it admittedly possessed, and it did not hesitate to adopt the recommendations which I have reproduced. In 1811, 5 per cent of the net proceeds of the sales of public lands in Louisiana were transferred to that State for the building of roads and levees; in 1816, the same percentage of a similar fund to Indiana; in 1817, 4 per cent to Mississippi; in 1818, 2 per cent to Illinois; in 1819, 5 per cent to Alabama; in 1820, 5 per cent to Missouri; and in 1845, 5 per cent to Iowa. All for the same purpose. In the meantime the annual appropriations for the improvement of the Cumberland Road were continued. For the fiscal year 1819 over half a million dollars was donated, and on May 25, 1838, the last appropriation, amounting to $150,000, was made.

In all more than $8,000,000 was appropriated and applied to the improvement of the national highways, a sum vastly more embarrassing to the public revenues then than $80,000,000 would be at the present day. So we are not to be restrained by any uncertainty as to the constitutional power of the Congress to employ the resources of the Government for the improvement of the avenues of domestic communication. First and last we have subsidized the transcontinental railroads of the country with 200,000,000 acres of the public domain, worth at this moment not less than $30 per acre. I do not defend this donation, but everybody will agree that it has augmented the national wealth by many billions of dollars. Can it be doubted that, if the same generous policy were pursued in the construction and maintenance of public highways, the same beneficial and remunerative results would ensue. [Applause.]

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. KENDALL. Certainly.

Mr. FOWLER. I desire to ask if the gentleman regards the constitutionality of such work as resting alone in the constitutional provision that Congress has the power to establish post offices and post roads?

Mr. KENDALL. Not exclusively.

Mr. FOWLER. I though not.

Mr. KENDALL. It has the power to establish post offices and post roads, to regulate commerce between the States, and to provide for the general welfare.

Mr. FOWLER. And under those three provisions——

Mr. KENDALL. Certainly under one or the other of the provisions I have enumerated ample authority is contained for this appropriation.

Mr. FOWLER. Does the gentleman know of any other great improvement that could be inaugurated in America that would bring a greater and more lasting good to the masses of the people than the establishment of a good-roads system throughout the country?

Mr. KENDALL. I think there is none, and I think the position of our country is anomalous in this, that it is the only first-class power in the world that has not engaged in a systematic national improvement of its public highways. [Applause.]

The time to embark upon this reform is now. The platform adopted by the Republican national convention at Chicago in 1908 contained the following declaration:

> We recognize the social and economical advantages of good country roads, more and more largely at public expense and less and less at the expense of abutting property owners.

The platform adopted by the Democratic national convention at Denver, 1908, announced a similar doctrine in the following language:

> We favor Federal aid to State and local authorities in the construction and maintenance of post roads.

Thus it will be observed that each of the great political organizations of the country has expressed approval of the appropriation of public money to the improvement of the highways of the United States. As the subject is in no sense sectional, so equally it is in no degree partisan. There have been introduced into this House 39 bills, some by Republicans and some by Democrats, some from the North and some from the South, to effectuate the common purpose contemplated in the foregoing platforms; and while these measures are different in detail, they are identical in the results attempted to be accomplished. More than 50 Members of this body, who have devoted industrious examination to the questions involved, have cooperated to prepare a proposition upon which all could unite, and the pending amendment is the compromise product of their intelligent labors.

The advantages of better roads can not be overestimated. Let me read you:

> No one thing can do so much to offset the tendency toward an unhealthy drain from the country into the city as the making and keeping of good roads. They are needed for the sake of their effect upon the industrial conditions of the country districts, and I am almost tempted to say that they are needed more for their effect upon the social conditions of the country. If winter means for the average farmer the existence of a long line of liquid morasses through which he has to move his goods if bent on business, or to wade or swim if bent on pleasure; if a little heavy weather means the stoppage of all communications, not only with the industrial centers but with the neighbors, then you must expect that there will be a great many young people of both sexes who will not find farm life attractive.

That is the language of Theodore Roosevelt, one of the most eminent publicists of this age. [Applause.]

Mr. FOWLER. Mr. Chairman, I desire to ask the gentleman in that connection if he would couple with the industrial and social uplift also the uplift of education throughout the country?

Mr. KENDALL. Of course. The far-reaching effects of the betterment of the highways of the country can not be confined within a single description.

Our country is the richest in the world in agriculture, manufacturing, and mining, but our popular thoroughfares are the most inferior. [Applause.] I have heard it asserted without contradiction that it costs as much to convey a bushel of grain 5 miles over the country roads of Iowa as it does to transport it by rail 1,200 miles to the seaboard. The expense of marketing farm products is 23 cents per ton per mile in the United States, while only 7 cents per ton per mile in France and 9 cents per ton per mile in Germany. It costs more to haul a load of corn over an average country highway 10 miles than it does to ship the corn by water from New York to Liverpool.

Mr. SAMUEL W. SMITH. Mr. Chairman, may I ask the gentleman a question for information?

Mr. KENDALL. I doubt whether I can afford the gentleman any information, but I cheerfully yield to him.

Mr. SAMUEL W. SMITH. Oh, yes; the gentleman can. What countries in the world have the finest national highways?

Mr. KENDALL. I suppose it will be conceded that France has as good as any.

Mr. SAMUEL W. SMITH. I would like to ask the gentleman if France did begin to build public highways earlier in her history than we, if we began now?

Mr. KENDALL. That has been the consistent history of France for more than 150 years, I think. That country has expended fabulous sums upon the improvement of her public highways. Napoleon, in one of his marvelous tributes to agriculture, referred to the necessity of suitable means of communication between the farm and the town.

Mr. LEVER. And the gentleman might add in that connection that the cost of transportation per ton per mile in France is about 7 cents.

Mr. KENDALL. I have said so. If we are looking for precedents in history, we have only to advert to Rome and to Greece, down from the ancient days to medieval times, and we would discover that good roads have always accompanied the highest degree of civilization. Good roads indicate enlightenment and bad roads evidence barbarism everywhere.

I have referred to the cost of marketing farm products. If I have stated the facts, and I believe they can not be controverted, the enormous capital wasted each year by the farmers of the United States because of bad roads is scarcely comprehensible. We are annually devoting $50,000,000 to the compensation of common carriers for the transportation of mail from coast to coast and from Lakes to Gulf. Surely we can afford to appropriate the modest sum provided in this amendment to the improvement of the public highways of the country. [Applause.] There are, in round numbers, 850,000,000 acres of land, improved and unimproved, in the United States. Substantially one-half of this land is in cultivation, and by the establishment of a suitable system of good roads it would be increased in value at least $10 per acre.

Mr. BOWMAN. Before the gentleman leaves the question of economy in connection with the improvement of the roads over which the rural routes will pass, has the gentleman considered what the economy to the Government would be in securing lower rates for the passage of mail over these roads occasioned by the improvement of the roads?

Mr. KENDALL. I am frank to say I doubt if that would follow.

Mr. BOWMAN. I may say for the gentleman's information, I know how these bids are made up, based on the time required to go over a given road.

Mr. KENDALL. What general character of service is the gentleman referring to now? Certainly not the Rural Service?

Mr. BOWMAN. The character of the mail service over the rural routes. If the roads are made better the bids for carriage will be much less.

Mr. KENDALL. I do not understand that the carrier service will be subject to competitive bids. That is not the method in our country and ought not to be, I think.

Mr. BOWMAN. You are right, but the improvement of the roads which would result from the passage of this measure would reduce the cost of the Rural Delivery Service to the carrier and hence ultimately to the Government.

Mr. KENDALL. The carrier would, of course, experience less difficulty in covering his route.

Mr. KONOP. Star routes are let by competition.

Mr. KENDALL. If the gentleman refers to star routes, that is perhaps true, but they, I think, are a disappearing adjunct of our postal system.

If we are to attain the ultimate productive capacity possible to us, if we are to develop adequately all of our material resources, if we are to realize the most salutary conditions which are attainable, then good roads are an imperative necessity. The prosperity of an enlightened people depends not more upon what it manufactures than upon what it extracts annually from the soil. Any departure, therefore, which will minimize the cost of transportation from farm to market will contribute immeasurably to the general welfare of the entire population. The farmer is the food producer for the world, and whatever will afford him the easiest and least expensive access to the consumer will promote the comfort and happiness of all. Good roads will result in better churches, better schools, better homes, and a better citizenship. They increase the attractiveness of rural life, and they operate to relieve the overcrowded conditions which disfigure the congested centers of population. [Applause.]

It is not assumed, of course, that the measure which is now under consideration by the House is the perfection of human wisdom on the subject of good-road construction in the United States. We are simply entering upon an experiment which may be continued indefinitely if profitable or abandoned summarily if unsatisfactory. We are devoting $220,000,000 annually to our Army and Navy to render certain the discomfiture of any foe who may assail us. Surely we can apply one-tenth of that sum to our country highways to multiply the conveniences of our rural population. The appropriations which are contemplated are so modest as to be negligible when our almost inconceivable national wealth is considered, but I am for the bill as drafted because it does make an intelligent start in the direction of better roads. [Applause.]

Mr. SULZER. Mr. Chairman, I send to the Clerk's desk and ask to have read in my time a letter from Hon. Wilmer Atkinson, editor of the Farm Journal, which has one of the largest circulations among the people of our country of any periodical published in America.

The Clerk read as follows:

PHILADELPHIA, *April 26, 1912.*

Hon. WILLIAM SULZER.

DEAR SIR: I beg to have your earnest consideration of the following: The Forty-seventh Congress established by law that "A publisher may mail sample copies of each issue at second-class rates." There was no limit placed upon the issue of sample copies, for it was believed then, as it is true now, that the circulation of the public press ought to be encouraged.

This law has never been repealed by Congress, but the Post Office Department adopted a rule annulling the law, first limiting the sample copies to one-half, and later cutting them down to 10 per cent of the regular issues.

Now, for the first time, it is seriously proposed by Congress to limit the issue of sample copies to accord with the department-made law of 10 per cent of regular issues. This now appears in Mr. DODDS'S amendment to the Post Office appropriation bill in the House, in reference to publications "issued by benevolent or fraternal society orders or by trades-unions, strictly professional, literary, historic, or scientific societies," etc., as appears on page 5413 of the CONGRESSIONAL RECORD of April 22.

Clearly, all these classes of publications will justly complain of the 10 per cent restriction, and the inevitable next step will be to extend the limitation to all publications of every class. The amendment is thus an entering wedge for a reactionary measure.

Let me say in all earnestness that such a restriction is a monopoly breeder, and no better evidence of this can be afforded than that many of the old and firmly established publications are not unwilling to have the restriction made because new papers can not be as successfully established, except by those of large capital, without the same sample-copy privilege which built up the old-established papers, they want the field kept clear.

Personally, our paper, being long established, is not concerned in the matter; but every new paper started and to be started is and will be deeply interested.

It does not become the Sixty-third Congress, elected largely on the antimonopoly issue, thus to establish a monopoly breeder such as this.

I therefore appeal to you in the matter, and trust the appeal will not be in vain, feeling assured that it is more serious than you have thought.

A progressive and enlightened Republican Government ought to place no restrictions whatever upon the circulation of a free press, but, on the other hand, should encourage and foster it in every legitimate way.

The Dodds amendments ought to pass, with the 10 per cent restriction omitted.

Believe me, very truly, yours, WILMER ATKINSON.

Mr. MOON of Tennessee. Mr. Chairman, I yield 20 minutes to the gentleman from Indiana [Mr. BARNHART].

Mr. BARNHART. Mr. Chairman, there are two amendments to the Post Office appropriation bill authorized by the special rule which we have adopted by an overwhelming majority vote that meet my enthusiastic approval and support. One is the Shackleford amendment, which provides Government aid and encouragement to better rural-route roads of the United States. Of this I shall say only a few words, for I know others are prepared to discuss it more fully and intelligently than I. But I do want to here proclaim my support of this plan for several reasons. It will encourage good road building and good road maintenance. It will broadcast Government aid into most important public benefit to every generally populated section of the country. It will help farmers everywhere to the better roads to their markets, which they deserve. It will return some of the revenues which country people pay into the National

Treasury to their direct and substantial benefit. It will compel the city man who uses country roads to help pay the expenses of keeping them in repair. And it will prove to the country that this Congress is willing to take a step in the direction of helping the millions who help themselves rather than spend all of its income from the people in preparations for wars that we all hope may never come, in rivers and harbors that directly benefit only a comparatively few, and in other avenues of endeavor that make for national glory rather than common weal. So much for that.

Now, Mr. Chairman, I come to that feature of the bill which I consider vastly more important than any consideration that the House will have in connection therewith. It is the amendment which I shall offer relative to the publication of the names of the editors or owners or stockholders or security holders of the newspapers and periodicals of the country before they can be admitted to the United States mail under second-class privileges. And just here I want to read you the amendment to the amendment which I am going to offer.

That it shall be unlawful for any person, association, or corporation to enter or deposit, or to have entered or deposited, into the mails of the United States any newspaper, magazine, or other periodical publication of like kind, unless such publication shall have plainly printed in a conspicuous place therein the name or names of the managing editor or managing editors, the name or names of the publisher or publishers, and the name or names of the owner or owners, including the name or names of the owner or owners of stock, bonds, or other securities to the amount of $500 or more, which have been issued or sold by the said person, association, or corporation owning or controlling such publication, and which may be outstanding. Also all editorial or other reading matter published in any circulating periodical for which money or other consideration is accepted by the publisher or publishers shall be plainly marked "advertisement" or be signed by the name or names of the person or persons in whose interest or interests such article is published. Any person, association, or corporation that shall so enter or deposit or have entered or deposited in the mails of the United States any such newspaper, magazine, or periodical publication of like kind in violation of the foregoing provisions shall be guilty of a misdemeanor and be fined in any sum not less than $100 nor more than $1,000 for each offense.

Mr. SAMUEL W. SMITH. May I ask the gentleman why limit the amount to $500? Why not publish the name of every stockholder?

Mr. BARNHART. I had it so in my original amendment, but the Committee on Rules was led, and probably justly so, to believe that some newspaper publications have large amounts of stock owned by many small stockholders in 5, 10, 20, and up to a few hundred dollar amounts, as in communities where the public wanted to establish a newspaper by stock-company method, and in such instances it might be a great burden to the publication, on account of space necessary, to have such a great list of names published every issue. I do not think there is special merit in it, but inasmuch as it is reported this way I must confine myself to the amendment or it will be subject to a point of order. It is due both to honest journalism and to the public.

Mr. ALLEN. Will the gentleman yield?

Mr. BARNHART. I will.

Mr. ALLEN. I am in hearty sympathy with the spirit of the amendment, but it is contemplated, as I understand it, by this amendment that in the daily newspapers this publication is to be made daily?

Mr. BARNHART. It is.

Mr. ALLEN. Would the gentleman be willing to agree to an amendment that would make the publication weekly instead of daily, as it seems that would answer every purpose that the law which the gentleman seeks to enact would accomplish?

Mr. BARNHART. I thank the gentleman from Ohio for his interrogatory. I believe that the purpose of this amendment, and I know, in fact, that is my intention and the intention of those who are interested in it, to lay conveniently before every reader of every newspaper or periodical or publication of any kind ready reference as to its ownership and what probably inspires its editorial policy. Of course it would be a vast improvement over what we now have to have this information published weekly, and I concede that to some newspaper publications it may be a burden to publish oftener, but I submit to you that in nonpareil you can publish from 40 to 60 names to the column inch, and there are not very many newspapers in the country that would have enough names of owners to take up any considerable amount of space, because you can readily see that several hundred names can be put in a space of a few inches.

Now, then, in further answer to the gentleman from Ohio [Mr. ALLEN], the purpose of the amendment, as I said, is to enable the reading public everywhere to know the inspiration for the editorial sentiment which they are reading. And I am inclined to believe, in fact I will say, that I would not oppose such an amendment, and if the House decides to adopt it, it will be all right with me.

Mr. MANN. Will the gentleman yield to me?

Mr. BARNHART. I will; but I have only 20 minutes to present some important things which I wish to say.

Mr. MANN. Then I do not wish to take the gentleman's time if he has only 20 minutes. I will try to get the information later.

Mr. BARNHART. I may be able to get an extension of time.

This amendment, I hope, will explain itself fully, for I put it in the plainest English at my command. It means that hereafter all periodical publications, of whatsoever kind, shall carry the names of editors, publishers, and owners, including all holders of securities therein, printed on a conspicuous page, in every issue, before the same can be lawfully admitted to the mails for circulation, and that violators of the act shall be fined for each offense not less than $100 nor more than $1,000.

Journalism of to-day is too largely under unjust suspicion of being controlled by evil influences, and this is but the result of many newspapers and magazines parading in such a way as to make themselves appear to be anonymous publications. This, in the very nature of things, not only invites question of their editorial motives, by reason of their veiled management, but it subjects the press generally to the unfair aspersion that corrupt or selfish interests dominate the editorial sentiment of the day.

And there is just cause for apprehension that some publications "cover up" their real purposes. For instance, I recall that a few years ago a street railway magnate secured majority ownership in two leading newspapers in a great western city, and thereby created disastrous public opinion and scandalized journalism. These papers, under this management, attempted to make and unmake city officials in the interest of the owner's railway investments rather than in the interest of public welfare. And they succeeded to such an extent that the design to mislead public opinion for the profit of the mercenary owner was accomplished, and then he threw off the mask and sold his newspaper holdings in an open transaction. Of course the public was amazed that it had been taking its inspiration from editorials dictated by the very interest that wanted a more profitable franchise and got it, but the horse was then already stolen and locking the door was a lost cause.

Charges are frequently heard that other big publications of the country are not infrequently under influences like I have just cited, and if these be true the public should know it before it is too late, and if not the editors and owners should have the benefit of the vindication which the publicity of ownership and editorship would give them. We have seen or heard of instances in many cities in our country where corrupt politicians or corrupt business interests have had proprietary and editorial control of the molds of public opinion. And we know that many editorials have large influence for evil which would be harmless if the real authorship were fully known to those who read them.

Mr. LEVER. Would the gentleman in that connection object to being a little more specific as to the charges suggested and name some of the papers?

Mr. BARNHART. On account of my loyalty to editorial ethics I hesitate to charge anything specific, but I might say to the gentleman that I refer especially to the fact that all of us have been hearing rumors for years, and especially of late, that so-called "big business" of the country is controlling newspapers and magazines. There are rumors afloat, as all of you have doubtless heard, for instance, that the Harvester Trust, an admitted bane of commercial freedom, is one of them and controls certain New York and other big city publications. I hear it controls a certain Chicago publication.

Mr. MANN. I want to say that I do not think the gentleman knows it.

Mr. BARNHART. I will ask the gentleman from Illinois [Mr. MANN] if the McCormicks do not own the Chicago Tribune?

Mr. MANN. Not the same McCormicks that are interested in the Harvester Co.

Mr. BARNHART. Are they not of the same family?

Mr. MANN. Not the same family.

Mr. BARNHART. My information has been, and is now, that members of the same family that is the principal stockholder in the International Harvester Trust controls the Chicago Tribune. If that is not true I stand corrected, as I want to be eminently fair.

Mr. MANN. That certainly is not true.

Mr. BARNHART. It is also reported that Mr. Perkins, the head of the Harvester Trust and owner of Steel Trust stock, owns the New York Mail and other publications as "silent partner." That is, such newspapers have issued bonds and Mr. Perkins holds the majority of those bonds and dictates the policy of the publications on behalf of the trusts in which he is

interested and in behalf of an alleged reform candidate for the Presidency of the United States.

And it is also a matter of common rumor that many other metropolitan publications are owned and controlled by corporate interests and conducted on selfish lines the ownership of which is unknown to the reading public.

This is a baneful condition which, in justice to honest journalism and a deserving public, ought to be corrected. If there be circulating mediums which bear false witness, let the public know of their inspiration. If there be editors who sell their souls for a mess of pottage, their identity should be known. And if there be newspapers or other periodicals published to promote corrupt practices or prey upon the credulity of the people by covertly upholding avarice and greed, let the light of publicity shine fully upon them.

This amendment, if enacted into law, will not cost the people anything, but will conserve honesty and public confidence in one of the greatest educational factors in the world. I would not lay one straw in the way of full and free discussion by the public prints. Instead, I would encourage earnest and responsible discussion of men and measures pertaining to public affairs. But I would have the reading public know who it is and what it is that fills editorial columns, and when this is known the reliability of the editorial opinion disseminated may be easily and safely measured.

It is one of the principles of journalism, taught in every editorial den in the country, that the first thing a newspaper man ought to learn is that he should be fair even in reporting a dog fight.

But newspaper reporters, who work day and night, are not always permitted to write what they find. Instead, they are told by some newspaper owner how to frame their news articles to help him or his friends. I believe every newspaper man ought to be fair and just and out in the open. Why, not long since, after the death of a dog, one of the most faithful and companionable with which I ever associated, I wrote a newspaper tribute to his memory and published it over my own signature.

Mr. LANGLEY. Will the gentleman yield for a request?

Mr. BARNHART. Briefly.

Mr. LANGLEY. The gentleman refers to an article on the subject of dogs. I am very much interested in all literature of that kind, particularly since we have the dog tax down in Kentucky, and I would like to ask unanimous consent that the article to which the gentleman refers may be printed in the RECORD as a part of his remarks.

Mr. BARNHART. I do not object to doing so, as dog literature seems to be quite popular these days, especially "houn' dawg" classics, and I will insert the same at the conclusion of my remarks. [Applause.]

But, returning to my subject, it is my profound conviction that notwithstanding the unfailing charm of the living voice in the pulpit or in the school the most useful man in the community is the good editor. The printed page is ephemeral. Yesterday's book logic or sermon may be already forgotten, but the journal of publicity has the cumulative effect from repetition day after day, week after week, or month after month. It reaches a wider circle than can be brought within sound of the living voice. And just at this age of the world, when the individual instructor is doing so well that he is momentarily at a loss what to do next, the circulating periodical should be building up public confidence in the efforts of men toward better things, rather than prostituting its high calling to harmful or mercenary ends. I pity the man at the head of a newspaper who does not feel the absorbing sense of honesty and responsibility as he thinks for the people, few or many, who read his words. But there is here and there one of such discrediting his high calling, and his contemporaries are all more or less compromised by an impostor in their ranks.

Right here, however, I want to protest against the indiscriminate censure of newspapers as such. Editors are only men, and like preachers and teachers and lawyers and doctors and other people, they sometimes make mistakes or fall short of the demands of the occasion. They may not always interpret duty aright in emergencies, for decisions must often be made hastily in order to meet prompt publicity demands; and they may not interpret duty as this or that impulsive enthusiast or guilt-laden culprit would decree. They may sometimes adopt what seem to be questionable methods of arriving at effective discharge of duty, and they may even insist that "vinegar never catches flies," and that men and communities are led rather than driven to right conclusions. But if left to their own sense of duty, untrammeled by dictation based on selfish design, they will not go far wrong, for they know better than the unsophisticated that the newspaper which panders to vice or corruption is a despised deserter in the face of high public duty, while the one that puts conscience above the cash register builds mightily for substantial triumph; and as between disgrace and success, the great majority of men strive for the latter if environment will only permit. [Applause.]

The best editors who ever lived and wielded pens in this country have been unjustly and harshly criticized. But that is only in accordance with common human nature.

Mr. COX of Ohio. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. For a brief question I will.

Mr. COX of Ohio. I am in sympathy with the gentleman's amendment, and as a newspaper man myself I would like to submit the question whether or not there is not full propriety in the public being critical of newspaper editors, because in large part the editorial writer gives most of his time to criticizing things himself?

Mr. BARNHART. Assuredly so; and therefore, while the good editor will never be free from criticism, but can be made free from unjust accusations of being controlled by corrupt proprietary interests if this law is enacted, and the bad editor will be exposed to public view by the same process of publicity, it can not reasonably be expected that the enactment of this bill into law will be a cure-all for the evils that beset journalism. But I do believe that it will shield the great army of honest publicists from unjust suspicion which occasional impostors in the editorial profession induce; it will protect the reading public from deception by covert agencies of evil; and it will put journalism on the high plane of reliability and respectability which it ought to occupy as the greatest educational benefactor in the world.

Someone has said:

Give me the religious training of a child until it is 12 years of age and my doctrine will be its faith forever.

Show me the teachings of the home or generally read newspaper of any land and I will read therefrom the general policy of that people as accurately as though it were written on tables of stone. Hence if we would have wholesome public sentiment we must have circulating literature free from defilement, and I insist that it is hazardous to trust this requisite of well-being to anonymous journalism possibilities, that are sure to invite dark-lantern adventurers.

The editorial profession wants to stand up clean-handed and fair-minded and look full responsibility squarely in the face, but it can not do so efficiently with a veiled character assassin or a disguised agent of pelf here and there discrediting journalism by betraying public confidence. For this reason, Mr. Chairman, I believe that every honest editor and every deserving periodical reader in our country will approve this method of compelling all editors and publishers to stand out in the broad sunlight of day. The reading public which pays for editorial enlightenment is entitled to know who's who in journalism before it decides what's what. [Applause.]

FAREWELL TO "BOB."

EDITOR ROCHESTER SENTINEL:

A message from home to-day stating that old "Bob," deaf and decrepit, but the family pet and pride and protector for 15 years, had died halted interest in all else with me save memory of the past; and, while he was only a fox terrier dog, no affair of state, nor burst of congressional eloquence, nor dream of future glory attracts my attention, and I think and think and think.

"You were just a dog, 'Bob,' but you were a 'thoroughbred' in your class; and if there ever was a faithful, alert, trustworthy, loyal, mind-your-own-business, self-respecting, gentleman dog, you were this illustrious 'dogality.' From the evening you came from Chicago a plump, little puppy to the hour of your death, the result of paralysis, superinduced by fighting two intruding Peru mongrels at the same time, you were the trusted watchman of our home, the devoted 'pal' of the children, and my rollicking 'chum.' You could do stunts like the boys on land, in air, or in water; you showed many a pesky rat and prowling cat that life was not worth living; and the body scars you carried to your grave were so many badges of honor, for you never showed fear and never fought a dog smaller than yourself. No boy ever 'soaked' you or one of your young masters and 'got away with it' without being dog bitten; no man ever violently attacked you who didn't cry, 'Call off your dog'; and no one ever approached your home at an unseemly hour or in uncommon manner except to hear warning of your strenuous vigil or meet you face to face on the danger line of intrusion. Of course you occasionally erred in judgment. As I remember, you frightened Joe King into short growth, and you bit Uncle Adam Mow and Mike Henry and Huston Black and numerous other good men who called on friendly mission and found only you at home, and you were not sociable with other people. But your mistakes were due to your loyalty to me and mine, and I'm homesick and heartsick in sorrow because I must bid you, game and companionable old fellow, this everlasting farewell. No friend ever stood with us so firmly and so unselfishly as you, and all you asked in return was to have the door opened 40 or 50 times a day that you might rush out and chase roving curs away and an occasional bone or some crumbs from the table.

"And so your memory shall be cherished with us as long as time lasts. Your constancy, your self-denial, and your admirable activity in the everyday affairs of the youth about you, as they grew from childhood to man's estate, have been a help to me beyond expression, and if any fellow citizen ever mistakenly or maliciously classes me with your kind, I hope he may compare me with you, 'Bob.'"

HENRY A. BARNHART.

WASHINGTON, D. C., *January 24, 1912.*

Mr. MOON of Tennessee. Mr. Chairman, I yield 15 minutes to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Chairman, one of the daily papers of this city, namely, the Washington Times, contained an editorial recently on the Shackleford road bill entitled "Dirt-road statesmanship." In this editorial it charged that a "select company" of Members of this House, imbued with "dirt-road patriotism," have united in an attempt to raid the Treasury in order to secure their reelection to Congress. I plead guilty to being one of the "select company," so called, who have united with the gentleman from Missouri in promoting this measure. While I resent the imputation which the Times seeks to cast upon our motives, I have no objection to being called a "dirt-road patriot." Indeed, I thank the Times for its indictment. I was born and reared and still live in a dirt-road country. I have not traveled in all of the States of the Union, but I have seen enough of the country to convince me that the "dirt-road statesmen" are in a majority in this body. [Applause.] If all of them have nerve enough to stand by their "raisin'," there is no doubt about this measure passing by a large majority. [Applause.] As the gentleman from Missouri [Mr. SHACKLEFORD] intimated the other day, if this measure had been designed only to make automobile roads better, it would doubtless have been spared the satire of this great newspaper. [Applause.]

The editor evidently expected to cast ridicule upon the advocates of this measure, but I feel that he has really done us a great favor, and that he has signally honored the gentleman from Missouri [Mr. SHACKLEFORD], as he deserves to be honored. [Applause.]

I see the gentleman from Missouri is present. Sir, this is an opportunity I long have sought. [Laughter.] In the name of the great common people of this country I salute you, sir, as the "Grand Mogul of the Knights of the Dirt Road." [Laughter and applause.]

Mr. BOWMAN. Mr. Chairman, will the gentleman yield for a question?

Mr. LANGLEY. Not just now. Ours is the only real, royal, fraternal, patriotic organization in the world [applause], and to my brother sir knight and exalted ruler, let me say that Democrat though you are, I would rather serve under you as an humble doorkeeper in the temple of our noble order than to dwell in the tents of wickedness in Syracuse, Philadelphia, or Chicago. [Applause.]

Mr. BOWMAN. Is not one of the purposes of this bill to put the gentlemen of that class in a higher one—in the class of the macadam road and the telford road and the brick road?

Mr. LANGLEY. I hope it may do so.

Mr. Chairman, I am in favor of the Shackleford bill, and I am entirely willing to admit that one of the reasons that I am in favor of it is that I am acting in obedience to the wishes of a great majority of the people whom I represent. I know that when some of us, disregarding the advice of our leaders, dare to vote for measures that they oppose but that the people of our districts favor, we are twitted with the charge of demagoguery and of appealing to the "bleachers" and to the "crowds in the courthouse yards," and things of that kind. Such arguments as these, if they may be dignified by that term, have no terrors for me. I have heard so much of them lately and have heard the people express their resentment of them so frequently that I am sometimes almost inclined to believe that if some of our leaders had in the recent past resorted to them a little less and had been a little more responsive to some of the just demands of the people we might have had on this side of the Chamber a more respectable representation, in point of numbers, than we have to-day. [Applause.] And unless some of them heed the voice of the people a little more than they have been doing the country may be compelled to undergo, alarming as the prospect may be, the pangs of another Democratic national administration. I hope that such is not to be our fate, but how can we plain "dirt-road statesmen" on this side of the House help feeling discouraged over the outlook when our leaders are flying at each others throats?

What else can we expect but Democratic victory when Republicans like the gentleman from Kansas [Mr. CAMPBELL], who has been honored by the minority with a place upon the great Committee on Rules, will stand up here and harangue the House for half an hour with a tirade of unbridled bitterness and vituperation against one of the foremost citizens of the Republic—one of the great leaders of our party—who has been twice honored with the exalted position of head of the Nation and who has been lately given an overwhelming vote of confidence by the Republicans of such magnificent Republican Commonwealths as Kansas, Illinois, Pennsylvania, West Virginia, Maine, Oregon, and Nebraska? If there ever was any doubt as to the intent and probable political effect of the gentleman's utterances, it was entirely dispelled by the prolonged applause on the Democratic side with which he was frequently greeted.

Mr. Chairman, I have only been a member of this House for a comparatively short time, and I hesitate to place myself in the attitude of seeking to criticize the course of Members who have served longer than I have or question what appears to be a long-established custom; but it seems to me that gentlemen are too prone, after they have gotten the worst of it on the stump or in the press, to rush into this House and, taking advantage of their privileges as a Member, to burden the House and the country with their grievances, I do not believe that such a course is within the scope of our duty as Representatives, and I hope to see the day come when the practice will cease.

I have no part in the quarrel between the gentleman from Kansas [Mr. CAMPBELL] and the ex-President, as might be inferred from what I have said; nor in any other quarrel between Republicans. We have too many already. Neither have I arisen for the purpose of undertaking to defend the ex-President. He can attend to that himself. But, if I correctly recall the facts, the gentleman from Kansas began the controversy, and I can not see where he has any just cause of complaint against Col. Roosevelt for talking back at him. The gentleman from Kansas complains because Col. Roosevelt went out into his territory, where he says his political fortunes were at stake, for the purpose of assailing him. He apparently forgets that while Col. Roosevelt's political fortunes are national, his are only local. The gentleman was just as guilty of invading the territory where Col. Roosevelt's political fortunes were at stake when he went up into New Hampshire to attack him as the colonel was in making his reply in Kansas.

Mr. Chairman, there are thousands of men in my district who are just as loyal and just as patriotic Republicans as any who have ever set foot on the soil of Kansas, who believe in the integrity and patriotism of Theodore Roosevelt and who want him nominated for the Presidency [applause], and I feel that I would be recreant to my duty to them if I failed to answer what the gentleman has said.

Mr. CAMPBELL. What is the answer?

Mr. LANGLEY. If the gentleman will wait, I will touch upon that. I may say further, that there are still other thousands of Republicans in my district, of the same stalwart kind, who believe that the Republican Party owes President Taft an indorsement of his administration by a renomination for the Presidency; but I do not believe that there is a single one of them who would indulge in the character of criticism which the gentleman from Kansas [Mr. CAMPBELL] indulged in, nor do I believe that they would indorse it, from whatever source it might emanate.

The gentleman asks me what the answer is to what he said. I have not the time to go into that in detail, nor would I desire to do so if I had the time. I did not take the floor for that purpose. Lest what I have said may be misconstrued, let me say that I would be just as ready to defend our President or any other great leader of our party if he were assailed on this floor as Col. Roosevelt has been assailed by the gentleman from Kansas.

Mr. Chairman, I propose to heartily support the nominee of the Chicago convention, whoever he may be [applause on the Republican side], and I shall say nothing now or hereafter which would preclude me from doing so honorably. In view of what the gentleman said in his speech Monday, it may well be doubted whether he would support the nominee of the Chicago convention if that nominee should happen to be Col. Roosevelt. I may be mistaken about it; I hope I am. If the gentleman had not declined to yield when he had the floor, I should have asked him that question then. If he desires to make his position clear upon it now, I shall be glad to yield to him for that purpose.

Mr. CAMPBELL. I will make my position clear to the people of Kansas and to the people of my district. I think I owe nothing to the gentleman from Kentucky.

Mr. LANGLEY. I do not think the gentleman does, either; nor do I think he owed it to the House the other day to take its time for half an hour on a purely personal matter like that.

The gentleman complains because of the action of Col. Roosevelt, while he was President, in consenting to the merger of the Tennessee Coal & Iron Co. with the United States Steel Corporation. I believe the gentleman was a Republican Member of the House of Representatives at that time.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. LANGLEY. Mr. Chairman, I believe the gentleman from New Jersey was to yield me 15 minutes.

Mr. GARDNER of New Jersey. Mr. Chairman, when the gentleman concludes his discussion of a former President of

the United States and the political fortunes of the gentleman from Kansas [Mr. CAMPBELL] I will be glad to yield him 10 minutes in which to discuss this bill. [Laughter.]

Mr. LANGLEY. Mr. Chairman, if the gentleman objects to what I am saying and desires me to confine the balance of my discussion to the bill, very well.

Mr. GARDNER of New Jersey. Then I yield the gentleman 10 minutes more. [Renewed laughter.]

Mr. LANGLEY. Mr. Chairman, I will say—and I hope the gentleman from New Jersey will permit me under the limitation he has imposed in granting me additional time to say that much—that I had practically concluded all I had intended to say with reference to my friend from Kansas [Mr. CAMPBELL], except to ask him one or two questions about his course now and heretofore on this merger matter, but I will not, in view of what the gentleman from New Jersey has said. In passing from the subject I want to say that I have genuine admiration for the ability of the gentleman from Kansas, and ever since my first acquaintance with him I have always held him in the highest personal esteem. I regret, however, that he lost his temper the other day to such an extent as to say what he did here upon the floor.

Mr. CAMPBELL. Mr. Chairman, I beg leave to tell the gentleman that I did not lose my temper at all. I never was in better temper in my life. I simply gave dignified answer to a personal attack upon me in my own State by a man who knew that my political fortunes were at stake, as the gentleman from Kentucky says the ex-President's political fortunes are at stake in the country.

Mr. LANGLEY. Mr. Chairman, I am finding no fault with the gentleman for defending himself out in Kansas as much as he pleases, and I know that he is fully able to do it.

Now, Mr. Chairman, returning to the road question. I desire to say that while the Shackleford bill does not go as far as I would have it go I shall give it my supoprt as being the best that can be accomplished in that direction now. I have never entertained any scruples as to the constitutionality of a measure which would appropriate directly out of the Federal Treasury money for the construction and improvement of public highways, and I would welcome the opportunity now to vote for such a measure. I believe, however, that the Shackleford bill, if enacted into law, will be the entering wedge to a more elaborate and effective plan of Federal aid, and I am glad to give it my support.

Mr. KENDALL. Mr. Chairman, will the gentleman yield?

Mr. LANGLEY. Certainly.

Mr. KENDALL. I want to ask the gentleman if he has estimated the amount of money that will be required to meet the appropriations under this bill for the first year?

Mr. LANGLEY. I have not gone into the matter in that detail; no. It will not be many millions, however. But I am not worried about that so long as we get good roads. They will yield to the farmers many times what they cost. Under the provisions of this bill the State of Kentucky will receive ultimately more than $600,000 annually for this purpose, and I hope that every member of the Kentucky delegation will support it. If any of them do not, I shall be curious to hear the reasons for their action.

Upon what theory of constitutional government can those who support appropriations for the improvement of rivers and harbors, public buildings, and other internal improvements contend that aid in the construction of public highways is not within the scope of the power and duty of Congress? How can they contend that it is constitutional to make appropriations for these other purposes, and yet that it is not constitutional to appropriate money for the improvement of our public highways? [Applause.]

Mr. GARDNER of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. LANGLEY. If the gentleman will give me a little more time I shall be glad to yield, provided he will confine his question to this bill and not mix it up with politics. [Laughter.]

Mr. GARDNER of New Jersey. Mr. Chairman, since there seems to be applause when anyone asks why a distinction should be made as between our public highways and the rivers, I think it is time somebody called attention to the fact that the practical Federal ownership in the bed of the river has always been asserted. I think there is no phrase more familiar than that of Jefferson, because the dictionary writers have seen fit to adopt it as an illustration: "The bed of the Mississippi, therefore, belongs to the sovereign—the Nation." The gentleman should not attempt——

Mr. MOON of Tennessee. Mr. Chairman, is not the gentleman mistaken in his legal proposition? The bed of the river does not belong to the sovereign. It is the right of navigation.

Mr. KENDALL. Exclusively the right of navigation.

Mr. LANGLEY. Mr. Chairman, I decline to yield further.

Mr. GARDNER of New Jersey. That does not happen to be the fact.

Mr. MOON of Tennessee. The gentleman does not say that the title to the bed of the river is in the National Government.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, does the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from New York?

Mr. LANGLEY. If I had the time I would be very glad to, although the gentleman from New York declined to yield to me when he had the floor the other day.

Mr. MICHAEL E. DRISCOLL. My recollection is that I yielded to almost everybody, and there were several talking at the same time.

Mr. LANGLEY. But the gentleman overlooked me. So far as the point raised by the gentleman from New Jersey as to the distinction between the relations of the Government to rivers and other highways is concerned, I think, as stated by the gentleman from Tennessee, that whatever distinction there may be does not affect the constitutional question involved. The Government of course has jurisdiction over all navigable rivers, but it has taken that jurisdiction under the authority of the Constitution—the same authority under which it has the power to extend the aid which we are now asking for the improvement of our highways. If I had the time, I think I could cite abundant precedents in the decisions of the courts to sustain that statement; but I can not discuss that now: I have only a few minutes remaining, and I hope that gentlemen will refrain from interrupting me further.

Mr. Chairman, hundreds of millions of dollars have been expended for the improvement of our rivers, and it has now become the permanent policy of Congress to apply a portion of our annual revenues to that object. I am glad such a policy has been adopted, although I fail to see the wisdom or justice of applying these appropriations to the larger streams before the smaller ones are given any aid. If there is to be any discrimination in this regard, it seems to me that it should be in favor of the rivers which have the lesser volume of water and are therefore in greater need of improvement.

The same reasons which justify the Federal Government in the improvement of our waterways apply with equal force to the improvement of our public highways. Indeed, I think the latter proposition has a prior claim upon the Government, because those who live convenient to our rivers have adequate means of transportation without Federal aid for a considerable portion of the year—an advantage which is not possessed by the great bulk of residents in inland sections because of their distance from river and railroad transportation.

But, aside from all this, the question of good roads is inseparably linked with the great problem of transportation—a problem of the most vital importance at this time to the whole country, and especially to the Southland. In the near future the two oceans will be united by the Panama Canal. As a result of this the way will be opened to the Pacific and to the markets that lie beyond, where we expect to get a far greater share than we do now of the world's commerce. The magnificent resources of the South await that consummation, which will undoubtedly bring to her people a greater degree of development than has ever been known in her history, and we must prepare for this new outlet to the products of our fields and forests and mines and factories. The solving of the great problem of ocean transportation by the building of the canal will not remove the only obstacle in the way of the South receiving its full share of these advantages. We must not only improve our rivers, so that our products may be transported upon them all the year around, but it is equally important that proper means of transportation be provided for the inland sections if they are to receive their share of the advantages which their money aided in creating.

I do not begrudge the more than four hundred millions of the people's money that will have been devoted to the construction of the great canal, but I do say that unless we complete the chain of transportation by the adequate improvement of our rivers and our public highways leading to and from inland sections, we will not have done our duty, but by our inaction we will have deprived them of that to which they are justly entitled.

I can not understand how any gentleman, representing that magnificent territory drained by more than 20,000 miles of navigable rivers flowing through the South, and who are interested likewise in the development of the inland sections lying beyond them, can withhold his support from this measure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGLEY. Just one more minute and I will close.

Mr. GARDNER of New Jersey. I yield two minutes additional to the gentleman.

Mr. LANGLEY. Mr. Chairman, I have heard gentlemen express the fear lately that there is a dangerous tendency in this country toward socialism and anarchy. I have such an abiding faith in the stalwart Americanism of our citizenship as to believe that they will never reach that degree of radicalism. What gentlemen mistake for such a tendency is merely the outcropping of the resentment which the masses of the people feel on account of the unequal distribution of the benefits of some of our national legislation. What these gentlemen need to fear is not the predominance of socialism and anarchy, but rather their own dethronement from power, so that there may be, not in name merely, but in fact and in truth, a real rule of the people. [Applause.]

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from New York [Mr. AYRES].

Mr. AYRES. Mr. Chairman, together with the other Members of the committee, I have been greatly edified by the spectacle of the gentleman from Kentucky [Mr. LANGLEY] in his endeavor to wash some of the dirty linen of our opponents in public. We have set aside Monday for District day, Wednesday for Calendar Wednesday; now why would not it be a good idea to set aside Saturday morning during the rest of the campaign for laundry day? [Applause on the Democratic side.]

Mr. MANN. Does the gentleman need that much time?

Mr. AYRES. Well, some of you gentlemen might use it to advantage.

Mr. Chairman, pretty nearly every class of citizens in the United States seem to want to dip their hands in the Federal Treasury and pull them out with an appropriation sticking to them. One session it is the shipowners who want subsidies for sailing their ships and carrying their freight, and then next session it is little towns of two or three hundred population who want $75,000 post-office buildings. If it is not one thing, it is another. Anybody who finds it hard to get a living wants a Government job, and anyone who finds that he can not accomplish any particular work he has in hand wants to turn it over to Uncle Sam to do for him. Last week I had a letter from a valued constituent, who said that it was no longer profitable to breed good horses in the State of New York now that betting on races was illegal, and if I wanted to immortalize my name I should at once introduce a bill to have the Federal Government breed horses on a large scale, so that horse lovers in the different States could have them cheap. Yesterday a telegram came from an enthusiast who thought that Uncle Sam should send enough revenue cutters or *Dreadnoughts* toward the Arctic regions to personally convoy each iceberg that got loose till it melted into the Gulf Stream, firing off blank cartridges during the night to warn off all ships in danger. In every part of this land of the free there are men or classes of men who do not want to do some kind of work they think ought to be done and so they want Uncle Sam to do it.

In many parts of our glorious country at the present time there are men or communities who have not good roads and who know they ought to have them, but they do not want to spend the money, and so—let Uncle Sam do it. And these communities get after their Congressmen and say, "We ought to have these roads, and if you are any good as Congressmen you will get them for us." And so the poor Congressmen, who know better all the time, come here and introduce bills and argue gravely that, having given the rural communities free postal carriers, it is now our duty to provide the roads for the carriers to travel on, or to keep them up. I tell you, gentlemen, it is not "conscience that doth make cowards of us all," but our constituents.

Fifteen years ago, when the Rural Free Delivery Service was proposed, it was talked of as a boon to the rural population, as a gift which would cost the rest of the country many millions. No one ever supposed the time would come when the country would be asked to pay for the privilege of making this annual gift.

What are the facts? For the fiscal year ending June 30, 1911, the Rural Delivery Service cost a little more than $37,000,000 and the total postal revenue that originated on these routes was just over $14,000,000. And now, what does this bill propose? That for the first year the United States shall pay for the privilege of using the roads the carriers travel on—$25 a mile for one class of macadam roads, $20 a mile for another class of roads, and $15 a mile for another and poorer class. It was estimated by one of the gentlemen in favor of the bill that the cost the first year would be $16,000,000. Now, the cost of constructing good macadam road varies from $3,000 to $15,000 per mile, according to the character of the soil, the grades, and the thickness and width of stone surface. It might be safe to say that the average cost is $5,000 per mile. The interest on an investment of that much is $300 per year, and it costs at least that amount to keep a macadam road in repair.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield for a short interruption?

Mr. AYRES. If it is a short interruption; I have not much time.

Mr. MICHAEL E. DRISCOLL. I inquired about the cost of the road in our section of the country, built under the direction of the State, and I find the cost was $11,800 a mile.

Mr. AYRES. That is the cost in the State of New York.

How many communities will be led to expend $5,000 a mile in order to secure a yearly rental of $25 a mile? We all know how these things go. If this bill should by any unfortunate chance become a law, the next year the gentlemen who now favor this bill would come in with an amendment asking $50 a mile on macadam roads and argue gravely that even that would not be Uncle Sam's rightful share to pay. And the next year they would come in with another amendment asking that 50 per cent of the upkeep of these roads be given them by Congress. And then after this had been in operation awhile another amendment would be tacked on which would show that long usage proved that it was the duty of Congress to keep up these roads and that if any accident happened to a traveler on account of their imperfect condition he should have a right for damages. If this bill shall pass, in 15 years the Federal Government will be paying a hundred million dollars a year on account of it.

Advocates of this bill have argued that inasmuch as the Post Office Department paid for the use of the railroads that it should therefore pay for the use of rural post roads. But the department does not pay for the use of the railroad right of way or the use of the rails. It pays the railroads for a service performed, for transporting the mails over the rails and right of way. And it now pays the rural carriers for a similar service, the transporting the mails over the rural roads. If the railroads came here with a bill like this and asked $15 per mile for any kind of rusty old track, and $20 per mile for fairly good standard-gauge track, and $25 a mile for first-class two-track road, and argued that if we paid them these bonuses it would be an incentive to them to improve their tracks, what gentlemen in this House would be the first to howl? If the department is to pay for keeping rural roads in shape, over which it is already paying to have the mails transported, just as it pays the railroads, why could not the superintendent of the Pennsylvania Railway come in here with equal justice and say, "We are thinking of putting in new ties and ballast between Philadelphia and Baltimore, and if you give us $25 a mile we will do it."

Aside from being absolutely wrong in principle the bill is full of minor imperfections.

It does not even provide that the sums the department is to pay for the use of the roads shall be spent in keeping the roads in repair.

It provides that the Secretary of Agriculture shall decide what roads are to receive stated sums, which would make of the Agricultural Department a center of political favoritism.

It provides that the sums paid shall go into the keeping of officers in charge of roads. What would become of such payments in the case of toll roads? Would they go to road monopolies here and there?

We are all in favor of good roads. There is no more important subject before the American people to-day. But let us go at the problem in an honest and square fashion. Let each State that desires good roads build them for itself. That is good Democratic policy. We are awake to this matter in the State of New York, and we who live in that great State have just enough pride in our State to want to build our own roads. We do not ask your aid in our road building, and we do not want to pay for doing in any other State what it ought to do for itself. I commend to your consideration the following telegram from our State superintendent of highways, Hon. C. Gordon Reel:

Hon. STEVEN B. AYRES,
House of Representatives, Washington, D. C.:

Amount to be spent by State of New York, 1912 construction and maintenance, $26,307,581. Letter follows.

C. GORDON REEL,
Superintendent of State Highways.

[Applause.]

Mr. Chairman, I yield back the balance of my time and ask unanimous consent to be allowed to extend my remarks with regard to the parcel post, and especially with regard to the international parcel post.

The CHAIRMAN. General leave has been already granted.

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, if the gentleman from Kentucky [Mr. LANGLEY] was right, I am now proceeding to align myself with the minority of this House, but conscious of the rectitude of my position, entirely confident that it is not only rational, but soundly Democratic and soundly patriotic, I cheerfully take the hazard of such a position.

Mr. Chairman, I do not believe that there is a Member of this House who has a higher appreciation of the advantages of good roads than I have. Now and then for years I have shared humbly in the effort to arouse the people to a better understanding of the economic and social importance of good highways. I have worked and in a small way I have spent my own means in an effort to promote the good-roads movement. My interest in it can not be questioned.

I want to see the roads improved just as fast as the people who must pay for them can afford the expense of their construction.

I also want to see the best roads that can be built running through every neighborhood in each of the 48 States. This much it is proper to say, because an effort has been made—and, no doubt, will be made again—to create the impression that those who do not sympathize with this bill are against improved highways.

If the subdivisions of the Federal Government—the States and the counties—have any proper function whatever, it would seem to be the construction and maintenance of roads. If there is any reason for the existence of States and counties, certainly the maintenance of the means of transportation between counties and neighborhoods is an obligation, a responsibility, and one that should not be shunted off on the Federal Government.

This is a proposition to have the Federal Government assume those obligations.

Supporters of the measure seem to think that the Government of the United States is an association of individuals altogether different and apart from those who reside in their congressional districts. They seem to be under the impression that contributions from the Federal Treasury are not paid by the people themselves, but are drawn from some mysterious outside source or deposit. At least that is the impression that is sought to be made, that must be made if gentlemen are to reap the political advantage from this ill-considered measure that they have maneuvered for. I can not so understand it. I can not, to save me, separate the citizen who is a taxpayer in the counties and States from the citizen who pays taxes to the Federal Government. The vast expense of all our governments—National, State, and local—must be borne by the citizen. The question that should most concern him is an economical and wise administration of his public contributions. Whether it filters through the hands of Federal or State or local agents, he must pay, and what he ought to do is to see to it that his tax money goes to its allotted work with the least possible expense. Now, I believe that whatever is done through Federal agents is apt to be more expensively done than if handled by a local agent. I believe that when the public treasure is collected through a system of indirect taxation more is taken from the people than is absolutely necessary, and that is spent with less regard for their interests. That is one of the evils of the indirect or customs-tax system. People seem to think more of the dollars that they pay directly into the hands of the tax-gatherers than of the dollars that they pay by a concealed additional charge on the tobacco they use or the clothes they wear.

Pass this bill and customs taxes can never be reduced. All pretense of economy will be abandoned when a majority of this House says by its vote that they mean to commit the General Government to the policy of building highways, conducting a freight express business, and, ultimately, the ownership and operation of railways. It makes one skeptical as to the sincerity of those gentlemen who say they want a simpler and cheaper Government, but invariably vote for extravagances that compel higher and higher taxes.

I also oppose this measure because it is not needed to secure good roads. Where the people have the intelligence to understand their advantages and the energy to do something for themselves they are getting them.

Vast sums are now being spent for highway development. There is an enthusiastic and general movement in that direction which is most encouraging to every advocate of the policy of better highways. New York State, which great Commonwealth is too independent and proud to beg the Federal Government to do what she can do better for herself, and ought to do for herself, has, I understand, just finished the expenditure of $50,000,000 on her public roads and is about to undertake the further investment of fifty millions more in the extension of her highway system. Pennsylvania and other States have spent or are now spending proportionately large sums. It is, I am afraid, those States that are laggards in the discharge of their plain duty that are behind this measure. They seem to prefer mendicancy to independence.

I further oppose this bill because, in my opinion, it means increasing appropriations in the future by you, or by more complacent Members who will follow you here, and, finally, Federal jurisdiction over State roads. The tendency to concentrate power in the Federal Government is now almost resistless. Certainly we can not expect that the Federal power will not follow large Federal appropriations. Jefferson, who sought to magnify the importance of the States and to preserve local self-government, had the best of Hamilton in theory, but in practice, when associated with the temptation of large appropriations, it begins to appear that the latter will win. We are bartering away the dignity of the States and exchanging a great constitutional birthright for a Federal mess of pottage.

To me it appears perfectly plain that the States can not retain dignity and importance while they avoid all the responsibility of that position.

I also object to this bill because, although it will cost an enormous amount, it is wholly inadequate for the purposes for which it was designed. When you apply the maximum rental per mile to the whole of any particular rural postal delivery route it will not be discoverable. To spend $25 per mile per year will be, in my judgment, sheer and inexcusable waste. It will cost the General Government dear, but is not enough to tempt any locality to the development of a better road system. It would be a mere suggestion to the local authorities to apply for more, and would, I feel sure, lead to a complete abandonment of local or State effort.

Mr. Chairman, that, to me, is one of the most deplorable features of this bill. I believe it will paralyze the good-roads movement. I believe that no State not yet equipped with an admirable and excellent system of highways will undertake to do anything for itself, can be inspired to do anything for itself, because, when they turn their eyes toward Washington, they will see gentlemen here clamoring for appropriations out of the Federal Treasury to do for them locally what the obligation in honor and decency rests upon them to do for themselves.

Mr. MADDEN. There is not anything in the bill requiring the $25 to be expended on the roads.

Mr. SLAYDEN. Mr. Chairman, I regret to say I have not even time to answer the gentleman, as I am trying to get in the major portion of my speech in the time allowed.

It will take more than $16,000,000 from the Federal Treasury the first year just for rental and would cost for the first inspection $750,000 and as much as $200,000 a year for each subsequent annual inspection.

Mr. Chairman, in that connection I submit a letter from the Director of the Office of Public Roads, a letter that I commend to the attention of the House. It is from the man of all men in the service of the Government who is best informed as to the consequences of the legislation that is proposed in this bill:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF PUBLIC ROADS,
Washington, D. C., April 22, 1912.

Hon. JAMES L. SLAYDEN,
United States House of Representatives.

MY DEAR MR. SLAYDEN: Replying to your letters of April 19 and 22, I am pleased to submit to you the following estimate, which I believe it is reasonable to suppose the Government might be called upon to pay out as rentals on the 1st day of July, 1914, for the use of roads over which rural mail is transported. Taking the figures given in your letter, namely, 1,007,772 miles of rural routes and 164,399 miles of star routes, I note a total of 1,172,171 miles over which rural mails are transported.

After very careful consideration, I estimate that 5 per cent of this mileage would fall in class A, 10 per cent in class B, 70 per cent in class C, and 15 per cent would not fall under any classification. The annual rental, then, would be approximately as follows:

58,600 miles at $25 per mile	$1,465,000
117,200 miles at $20 per mile	2,344,000
820,500 miles at $15 per mile	12,307,500
Total (996,300) miles	16,116,500

I notice that the only provision with respect to classification is that "Any question arising as to the proper classification of any road used for transporting rural mail shall be determined by the Secretary of Agriculture." It occurs to me that this language is broad enough to cover a complete classification of all of the road mileage involved.

In this connection I beg to call your attention to a statement which I gave the committee on April 6 with respect to the cost of classification:

"From my interpretation of the bill, it would make it mandatory on the Office of Public Roads to make a complete inspection the first year of all rural-delivery routes. If this is the case, we must assume that it would take an inspector at least as long to cover the delivery route as it does a rural carrier. There are now approximately 42,000 rural carriers, covering something over 1,000,000 miles of routes daily. It

therefore seems to me that an inspector should cover an average of 400 miles per month, taking into account inclement weather and other adverse conditions. This would mean that in a period of eight months, which would allow time to collate and digest the information obtained, about 300 inspectors would be sufficient to inspect the approximately million miles of rural routes. Their salaries would be approximately $125 per month, and their expenses will be approximately $5 per day, or $150 per month.

"This would make a total estimate of $660,000 for the eight-month period. Of course, to this estimate must be added an adequate amount for chief inspector, assistants, and general office expenses, which I estimate at $50,000. It would probably not be far wrong to say that for the first year an appropriation of $710,000 would be sufficient. It would seem reasonable that the expense of inspection and classification in subsequent years would not be over 25 per cent of the amount estimated for the first year, and I therefore suggest that it would require subsequent yearly appropriation of about $180,000.

This statement was made on the supposition that there were 1,100,000 miles of rural free-delivery routes. With the increased mileage which you give us, it is easily seen that a complete classification of all the routes would call for an increase in expenditure over that shown in my statement to the committee. For the increased mileage which you have given us, I figure that the first classification would cost approximately $750,000 and that subsequent classifications would cost about $200,000 per annum.

Very respectfully, L. W. PAGE, *Director.*

Why should they, they will say, with bad reasoning, I grant you; why should they take money out of their State treasury?

Mr. RUBEY. Will the gentleman yield?

Mr. SLAYDEN. I have not the time.

Why should they tax themselves on their land, they will say, overlooking the fact entirely that bills that are made in Washington they must also pay. Why should they tax themselves when they can send a Congressman to Washington who will devote his energies to getting appropriations out of the Federal Treasury, even though it may involve ultimately the abandonment of principles which they have stood for all their lives?

The CHAIRMAN. The time of the gentleman from Texas [Mr. SLAYDEN] has expired.

Mr. SLAYDEN. Just a word, to say that I will submit in connection with these remarks a letter from the Director of Public Roads that I commend to these gentlemen who want to know the facts that will embarrass them when they come out of this legislation. [Applause.]

Mr. MOON of Tennessee. Will the gentleman from New Jersey [Mr. GARDNER] use some of his time?

Mr. GARDNER of New Jersey. Mr. Chairman, I yield 30 minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Chairman, although I am not going to discuss directly any of the provisions of the pending bill, I am going to discuss generally the use and abuse of the mail. It is perhaps an astounding fact, not generally recognized, that although we expended last year $237,000,000 in conducting the mail service, yet by means of that service probably more than $300,000,000 were transferred from the pockets of the industrious and honest people into the pockets of swindlers.

I have examined the report of the Chief Inspector of the Post Office Department in which, among other things, he says that the prosecutions under the statute against schemes to defraud by means of the Post Office establishment put out of business last year concerns which had obtained from the people during that year $77,000,000. And he complains because of the number of cases that can not be brought within the existing law for the reason that it requires proof of intent to defraud so strong that it must be based upon the case of a pure swindle, a pure fake, and in many cases there are schemes that are really fraudulent, but which you can not bring by ordinary proofs within that rule.

He cites the case of the prosecution of some persons who were selling stock in a wireless telegraph concern—The United States *v.* Wilson—and he cites the decision of the court, from which I will print an extract in the RECORD for your information, in which the court comments upon the fact that there is a borderland or twilight zone, so to speak, between the cases that are now within the provisions of the penal code and those which really ought to be punishable. And the chief inspector concludes this discussion of the subject by suggesting that there ought to be additional legislation to reach that kind of cases.

There was an article, and I will have it inserted in the RECORD, printed in the paper called the Postmaster's Advocate, giving these matters in detail—giving the extent of the operations, and they are truly on a surprisingly big scale. And there is one thing about this swindling through the Post Office establishment that we must recognize as a peculiarity, and that is that the people who are swindled, and I think anyone will recognize the fact, keep silent. They would rather suffer the loss than say anything about it. In commenting upon that the newspaper says:

It may be estimated within reason that these fraud manipulations exceed $150,000,000 annually. This enormous amount of money is taken from a class of people who can ill afford to lose it, being largely people on a salary, widows, orphans, school-teachers, ministers, and, in many instances, persons connected with the Army enjoying positions of life tenure. One of the most peculiar features of the fraud business is the disinclination on the part of the public to make complaint. The average person would rather forget the investment of the money than to have his neighbor know he had been bunkoed.

As I have said, many of those who have given this matter careful consideration believe that the frauds exceed very largely the total cost of the mail service in a year.

Now, just as a sample of what is occurring daily, I took two of the local papers from my district, and I notice that one editorial says that the town needs a hotel very badly, and that if one-fourth of the money that had been sent away by the people of that town for oil-well schemes, or bogus gold, silver, and copper mining schemes, and drainage schemes in Florida and elsewhere, had been kept at home they could have built a first-class hotel, which they badly needed. The other paper said that three men in that town during the last few days had been taken in by some get-rich-quick swindle that would have enabled them to finance the proposed new brick yard. They had discovered very valuable brick clay in the vicinity of the town and they wanted to start that enterprise.

Now, these are only two samples of the items you see in the newspapers from every part of the country, and it shows the magnitude of these losses.

Now, there has been—in the Northwest, especially—a movement of great value in the last few years toward the development of the country. They have organized commercial clubs in nearly every town, looking out for all the things that go to advance and make progress in the country, such things as building good roads, opening up land, and getting more people to cultivate the land. These commercial clubs and societies of public-spirited men have organized development leagues, and they are all anxious to build up their own sections.

To do so requires capital, and yet, while they are striving to build up the country by misuse of the postal service, money more than sufficient to float all the necessary and proper development schemes is being taken away and put in the pockets of swindlers. There is under prosecution now in the southern district of New York one case that I understand involves the swindling of the public to the tune of seven or eight million dollars by men who bear the honored names of Quincy and Hawthorne, who have conducted their operations chiefly among the well-to-do and wealthy people.

The task of so framing a law as to minimize this evil is a difficult one. I notice that in some States they have statutes against false and fraudulent advertising. They have one section of that kind in the penal code of the State of New York, making it a crime to advertise any article of merchandise by means of advertisements that are calculated to mislead and which contain falsehoods.

Based upon that theory, I have framed a bill—I introduced it some time ago, and it is now pending—looking toward a prevention of this evil, so far as it is practicable. That bill is short and simple. I have, in an informal way, consulted many of the officers concerned in the investigation of these postal frauds, or schemes to defraud, and they all seem to think that my bill would cover the ground that seems not now covered by existing law. The bill is as follows:

That whoever shall offer for sale or attempt to sell or dispose of, or aid in selling or disposing of, any real property, article of merchandise, or any stocks or bonds or other securities of any corporation or association, to any person or persons by means of advertisements or announcements in any newspaper, periodical, circular letter, or other publication intended for circulation through and deposited in or carried in the United States mails, in which advertisements or announcements appear any willfully false assertions of fact calculated to mislead concerning the quality, situation, or value of such real property, the assets, property, prospects, or financial conditions of such corporation or association, or concerning the quality, value, or method of production of such merchandise, shall be fined—

And so forth.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Iowa?

Mr. STEENERSON. Certainly.

Mr. TOWNER. That is proposed to be made a penal law? The gentleman's bill is only penal in its nature.

Mr. STEENERSON. Certainly.

Mr. TOWNER. It does not provide that violations of it shall exclude persons from the use of the mail?

Mr. STEENERSON. Oh, no; it does not affect the mailability of a periodical or publication at all, but reaches the person who secures the advertisement and has it inserted and thereby offers or aids in selling real estate, securities, or merchandise by means of a false advertisement calculated to mislead.

Mr. TOWNER. It makes the fact of advertising publicly, falsely, a crime?

Mr. STEENERSON. Yes; and it is modeled, I may say, partly after the provision of the penal code of New York relat-

ing to merchandise, and extends it to real estate and stocks and bonds and securities, and of course connects it with Federal authority by means of prohibiting its circulation in the mail.

Now, I have already commented on the extent of these frauds, and the difficulty there is in their prosecution, and the fact that the prosecuting officers who have to do with this matter have asked and recommended additional legislation. I will insert the charge of the court in the Wilson case, which indicates that clearly. Here it is:

But the judgment will not serve the purpose it should serve if it be regarded merely as inflicting punishment on these defendants. It ought to reach far beyond them and serve as a warning to all those speculators and adventurers who pose as men of business and affairs and carry on their operations in the borderland between legitimate undertakings and criminal schemes. It should bring home to them that misappropriating other peoples' moneys is not distinguished from larceny by designating it as a great corporate enterprise; that inducing hundreds of men and women throughout the country to part with hundreds of thousands of dollars for worthless securities calls for condemnation just as much as cheating in the sale of a single musical instrument or picture frame; that, broadly, there is no merit in wholesale knavery over cheap tricks or in fraudulent schemes in disguise over barefaced swindles, and, furthermore, that neither swindlers of high degree nor cheats of low station can employ with impunity the mails of the United States in aid of their fraudulent schemes.

Mr. TOWNER. Mr. Chairman, I would like, if the gentleman will permit, to ask him another question.

Mr. STEENERSON. Surely.

Mr. TOWNER. Does not the gentleman believe that in cases of that kind there ought to be a provision of law prohibiting the use of the mails more completely than it is now reached by present legislation?

Mr. STEENERSON. I certainly think that these frauds should be stopped. It seems to me a sad commentary on the postal service when, according to the judgment of the best-informed people, more money is transferred from the pockets of the honest and industrious to the pockets of swindlers in one year by means of the mail than we pay for the whole postal service.

Mr. TOWNER. Does not the gentleman believe that an effective punishment and remedy would be to prohibit them from the use of the mails?

Mr. STEENERSON. Yes. But, of course, you can not do that without inflicting perhaps greater injury. The remedy might be worse than the disease. The nature of these swindles is such that we hear very little of them. I want to have this matter circulated as much as possible, and I want the public to be informed of what is going on. I certainly believe that if ever there was an emergency which would justify a rider on an appropriation bill the emergency that presents itself in regard to preventing swindling through the mails is such an emergency. But, of course, I hardly expect to get unanimous consent for the insertion of this penal provision on the appropriation bill. I want to bring it to the attention of the House because it is a matter of such great importance to the people.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from New York?

Mr. STEENERSON. Certainly.

Mr. MICHAEL E. DRISCOLL. Is the gentleman able to prepare and propose an amendment to this law or bill which he thinks would succeed in substantially stopping this kind of fraud which he has described in the country?

Mr. STEENERSON. Yes; I think I am, and I think I prepared it rightly. I have submitted it, not formally, but in an informal way, to the Assistant Attorney General for the Post Office Department and the prosecuting officer in the Department of Justice who deals with such things, and they both approved of my bill. By reading the decision of the United States circuit court in the wireless-telegraph case of United States *v.* Wilson and the report of the chief inspector, it will be readily seen that some such legislation is needed.

It takes a good deal of assumption on the part of any Member of this House to ask Congress to adopt a provision of this kind without previous consideration. I do not want to do that, but I want to call the attention of the Members to it, and perhaps before this session is over they may become convinced that this legislation ought to be enacted. The bill that I propose is very simple, in few words, and that is the comment that has been passed upon it by all to whom I have submitted it. I believe we would render the American people a very great service by enacting such a law.

This is not a matter of a few ignorant people being swindled. The people who are victims of these false advertisements are the intelligent and the well-informed people of the country as well as the people in ordinary and perhaps humbler walks of life. The men who write these advertisements are the most skilled men in the art of advertising, and it is a fine art in itself. When they are prosecuted and convicted, perhaps, in one field, they reappear in a new one. They have studied how to evade the law. If you talk with these inspectors who have gone into Mexico and South America to investigate bogus rubber plantations and bogus copper mines, you will find that they generally tell you that the same man who has started one of these schemes will reappear in an Alaska scheme or something of that kind. They have studied the criminal law more diligently than the prosecuting officers have ever studied it in order to find out how to write these advertisements and get around the law.

Mr. MICHAEL E. DRISCOLL. The gentleman, some time ago, spoke of a concern in New York that swindled the public out of seven or eight million dollars, and he referred to the names "Hawthorne" and "Quincy" in connection with that concern. I wish to ask him if that is the concern which advertised to the public that it could beat the New York Stock Exchange in buying and selling stock.

Mr. STEENERSON. I think that is the very identical one. I will say this, that they have not been tried. They have only been indicted as yet, so I would not like to specify their first names.

Mr. MICHAEL E. DRISCOLL. Is that the concern that sent out a booklet explaining and defending its position?

Mr. STEENERSON. Yes; I believe it did; and I believe it showed great literary ability to deceive the public. Can there be anything more discouraging and demoralizing to the young who seek to rise in the world by honest industry and fidelity than to see men, moving in the highest social circles, roll in millions of wealth filched from the confiding public by means of false and dishonest advertising carried by the Government in the mails?

The evil is a serious menace to our progress and prosperity, and has been constantly on the increase, and calls for the united efforts of all good citizens to suppress it as far as possible. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

The newspaper article is as follows:

POST OFFICE DEPARTMENT PROTECTS THE INTERESTS OF CITIZENS.

CRUSADE AGAINST THE GET-RICH-QUICK SCHEMES.

The result of a year's crusade against the get-rich-quick schemers, who have been using the United States mails in the consummation of their nefarious schemes, has developed a distinct line of new criminals in American life. In an interview given out by Postmaster General Hitchcock in New York some time ago, when one of the big raids was made, he stated that it was estimated that the American public has been swindled out of at least $100,000,000 through illegitimate business channels during the past 10 years by the manipulations of this class of criminals. It develops as a result of the year's work that the Postmaster General was too modest in his statement.

The parties arrested during the past year by the officers of the Post Office Department, under Mr. Hitchcock's supervision, have obtained no less than $77,000,000. The schemes which they employed covered every possible phase of industry and business life, from the sale of a simple fake article of a medical character to a prodigious mining scheme well figured out on paper and existing in the mind of the promoter without the semblance of fact upon which to base their alluring literature.

Mr. Hitchcock's crusade last year has been a distinct help to the commercial miners of the country. Mankind obtains his living and transacts his business as a result of the exchange of the commodities of the sea and of the land. Those trade relations are carried on by means of that which is secured from the bowels of the earth, and any transactions of a fraudulent character which destroy the faith and confidence of the American people in commercial mining affect the material medium of exchange.

DESTROYS CONFIDENCE.

As a result fake mining schemes and other fraudulent enterprises operating through the mails have practically destroyed the confidence of the American people in investments of that character. Many times a commercial miner or a legitimate prospector is unable to find the means of developing a prospect without being compelled to make enormous concessions of stock to promoters and selling agents and, in addition thereto, paying commissions of from 40 to 60 per cent for the sale or purchase of stock to be used in the development of the prospect.

The same conditions apply to the development of land schemes throughout the country, as well as various commercial enterprises, such as the sale of wireless telegraph and other electrical appliances, preying upon the credulity of the people for the purpose of making tremendous stock sales without the slightest intent to develop a legitimate business enterprise.

OBTAINED $2,500,000 BY FRAUD.

One single fraud operator, or combination of operators, manipulating railroad bills of lading and acting as agents for insurance companies, was able to obtain $2,500,000 from foreign cotton buyers, and at the same time destroyed the entire credit and confidence in the medium of realizing upon the offering of cotton in the market. All of this was done through bogus bills of lading sent through the medium of the United States mails.

These wealthy fraud artists, as a rule, invest their money in legitimate enterprises, and many of them consequently become promoters of banks, owners of manufacturing plants, and other wealthy and influential organizations. Because of their position and high station in life, it is a difficult matter to convict them, as their resources appear to be almost unlimited. However, during the past year over half a regiment of these promoters were taken into custody by the United States Government, their business annihilated, and nearly 200 of them, convicted within six months, are serving their terms in the penitentiary. Among this number are some 8 or 10 millionaires. The Atlanta Penitentiary contains a colony of bright geniuses whose minds, if directed in legitimates business channels, would add luster to the commercial world.

FRAUD-ORDER POLICY.

Heretofore it has been the policy of the Post Office Department to utilize what is known as the "fraud order," directing the postmasters to refuse to deliver mail addressed to these illegitimate institutions. The order must be applicable to some special organization or individual, and immediately upon the issuance of the order the enterprising schemer reorganizes the same scheme under a new name, uses with a slight change practically the same literature, retains his old mailing list, and is doing business, in many cases, at the old stand. In the Post Office Department the records show numbers of instances in which these operators have done business in a number of cities throughout the country and have reorganized the same companies 8 or 10 times.

This crusade, which has been so vigorously pursued, has resulted in scattering a large number of the small operators who became frightened at the attitude of the Post Office Department in prosecuting the large and influential organizations. The result has been that these smaller people have been driven out of business entirely, or they have changed their names, locating in other cities, taking their mailing lists with them, and attempting to do business within a space of two or three months, taking a chance on the Post Office Department officers being unable to detect them within that ime.

FRAUD OPERATIONS ENORMOUS.

These fraud operations can hardly be estimated, they are so enormous. Some 2,000 compiaints are received annually by the Post Office Department, but the limited corps of officers who are engaged in ferreting out these criminals enables the department to reach, even with a vigorous crusade, only some 500 of them per annum and attend to the other important routine business duties of the Postal Service. It may be estimated within reason that these fraud manipulations exceed $150,000,000 annually. This enormous amount of money is taken from a class of people who can ill afford to lose it, being largely people on a salary, widows, orphans, school-teachers, ministers, and in many instances persons connected with the Army enjoying positions of life tenure. One of the most peculiar features of the fraud business is the disinclination on the part of the public to make complaint. The average person would rather forget the investment of the money than to have his neighbor know he had been bunkoed.

CREDIT TO THE PUBLIC PRESS.

To the public press must be given a tremendous amount of credit for enabling Mr. Hitchcock to accomplish what he has during the past year. The publicity of the methods employed by these shrewd schemers has opened the eyes of the American people to such an extent that the officers of the Post Office Department report hundreds of fraud operators closing their places of business and leaving for parts unknown.

By stamping out the Mabray gang during the past year the postal officers feel that one of the most gigantic and best-organized bands of swindlers has been broken up. This band of thieves and gamblers, headed by John C. Mabray, made a business of organizing and promoting fake horse races, wrestling, boxing, and other athletic tournaments all over the country. It is believed that they got no less than $5,000,000 from the American public through such operations during the past few years.

The United Wireless was a typical stock scheme operating through the mails. About $6,000,000 was obtained by the people operating that scheme through the fraudulent statements which they made to the public that every dollar of stock sold was treasury stock, when, as a matter of fact, an infinitesimal portion of the proceeds of the sale of stock reached the treasury of the company, practically all of it going into the pockets of the promoters. In this case the United Wireless Co. organized a selling agency, to whom it paid an enormous commission to sell this stock, and it developed that the major portion of the stock in the selling agency was also held by the promoters of the former company.

MEDICAL FAKES CAUSE TROUBLE.

That element of fraud which causes the Post Office Department the greatest trouble is the medical fakers, who use the mails to an enormous extent in their professions of curing every possible character of disease. This class of human buzzards is the most contemptible of all, for they prey upon the weak-minded women, the diseases of the crippled and invalid, and filch from them practically the last dollar they possess, in the hope that perhaps this widely and liberally advertised remedy may give relief. These are difficult cases to prove in court, by reason of the fact that these medical fakers resort to lawyers who are well versed in medical jurisprudence and advise them just how far they can go with impunity with their literature without violating the law.

CAMPAIGN WILL BE A VIGOROUS ONE.

Although the prosecution of these cases has become an enormous tax on the time and talent of the inspection force of the Post Office Department, the same vigorous policy will be pursued in the future as in the past. Postmaster General Hitchcock has recommended that the entire investigation of this class of criminals be handled by the Department of Justice, but so long as it remains the duty of the department to handle these cases the campaign will be a vigorous one. It is predicted that this will be an even greater year in the annihilation of fraud artists throughout the country than the year which has just closed.

It has been said that the State governments have been derelict in handling these cases with vigor and protecting their citizenship. In this connection it must be remembered that no single State has the judiciary machinery to successfully handle and convict these criminals, as in a medium-sized case from 30 to 60 witnesses must be subpœnaed from 10 to 12 different States of the Union. And, in addition to this, the costs of a single case against the stronger and more influential class will amount to from $20,000 to $55,000, while the smaller class of cases is equally expensive in proportion to the volume of business transacted.

DIFFICULTY OF PROVING INTENT TO DEFRAUD.

If the postal officers were simply required to prove the mailing of the literature, the Post Office Department could easily stamp every fraud operator in America out of business within the period of a year. Instead, the time and talent of inspectors is taken in proving the intent to defraud, which the law provides must be shown clearly to the jury's satisfaction before a conviction can be made. In the proving of the intent the entire scope and organization of the business must be taken into consideration; the plant, the mine, the alleged deal, the land, the plantation, or the alleged place of business must be thoroughly examined; the books of the institution must be gone over in order that the case might be made to clearly exemplify the full intent of the operator to defraud the public in the intent and conception of the scheme. There has not been a single case presented by the present administration of the Post Office Department to the courts in which the defendants did not freely admit that the facts stated by them in their literature were in the main false and that the amounts of money received by them were procured as a result of their advertising. However, the inability of the Government to prove that it is the intent of the organizer or proprietor of the scheme to defraud the public in making such statements necessitates a charge to the jury for the dismissal of the case on the ground that a business man has a right within a reasonable limit to "puff" his business. In other words, it is difficult for the Government, under the present law requiring it to show the "intent" to defraud, to draw the line between absolute criminality and a business which is of a disreputable and questionable character, yet within the pale of the statute as interpreted by the Federal courts.

Mr. GARDNER of New Jersey. I yield to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. Mr. Chairman, I am opposed on general principles to legislating through appropriation bills and think it unwise and a bad practice. I think it is much better that every legislative proposition have consideration in a separate bill, and am sure better legislation is secured in that manner. Here we have under consideration a bill making appropriations for the Post Office Department and a special rule presented that makes in order legislation not only proposed by the Committee on the Post Office and Post Roads, but propositions reported from the Committee on Interstate and Foreign Commerce and the Committee on Agriculture. While I have these views as to how legislation should be considered, I voted for the rule that makes in order upon the Post Office appropriation bill a number of provisions that otherwise would not be in order. I did so because I am in favor of several of the matters that will be presented and because I believed that unless the rule was adopted these propositions would not receive consideration during the present session. I am not going to discuss all the propositions that are contained in or that will be in order by reason of the rule. I will only discuss three of the matters that are presented, and those in a very brief manner. They are the parcel-post item, the taking over of the express companies by the Government, and the good-roads provision.

PARCEL POST.

I am in favor of a parcel-post service upon the rural routes, but not as proposed by this bill, which limits the service to the particular route where the package might be mailed. I shall favor an amendment providing that a package mailed on any route shall be carried to the town or city where the route originates and then transferred, to be carried to its destination upon any other rural route running from that point. Unless this is provided there is not much use in enacting anything; in other words, what is proposed by the bill would be far from satisfactory. The Postmaster General recommended that the service be provided for as I have suggested it ought to be, and I hope the House will vote to so amend the provision.

A rural parcel post such as I have indicated will be a great convenience and advantage to farmers and to people living in the country; it will also be of an advantage and convenience to merchants and others in the towns and cities. It will make it possible for the farmer to procure from the town articles of necessity by ordering same by telephone, and thus save a special trip. In almost every farming community to-day the rural telephone is general and nearly every farmhouse in well-settled communities is provided with a telephone. Such a parcel-post service as is contemplated, if we amend the provision as I have indicated, will not harm any merchant or person doing business in the towns, but, on the contrary, will be to their advantage.

The service could probably be conducted for a minimum charge of 5 cents, and for an 11-pound package, which is the weight limit for the international post, not to exceed 15 cents. Of course the question of definitely fixing the rate can only be determined after the service has been in operation for a time, and I want it understood that the rates I have proposed are only my opinion as to what the rates would probably be. Such a rural parcel-post service as I have proposed would produce considerable revenue, enabling the carriers to be paid additional compensation for the extra service, and thereby increase their salaries, which, considering what is required of them, are now too low. There would be some net revenue that would go to the Government, reducing to that extent the cost of operating the rural service, which now actually costs several millions of dollars annually. It is interesting to note the great growth of the Rural Free Delivery Service in the United States. It was first inaugurated about 15 years ago. In 1897 there was an appropriation made, and 82 routes were established, at a cost of less than $15,000. The pending Post Office appropriation bill carries an item for this service of $43,000,000, which means 43,000 routes and the same number of carriers. The estimated revenue from these routes now is less than $10,000,000, so it will probably cost not less than $30,000,000 to provide rural free delivery throughout the country for the coming fiscal year. No one questions the appropriation for this service,

and it will continue to increase until the service extends still more generally than it does at present.

There is a strong demand in the country for a general parcel post, and much has been said and printed upon it, and this debate has added much value to the subject. The demand for a general parcel post is due largely to a desire to get a cheaper rate of transportation for small parcels and packages than is now charged by the express companies, and many think that a general parcel-post service would solve the problem, assuming that the Government could carry packages at a rate much cheaper than is now charged by the express companies. It can not be claimed that the carrying of packages can be considered the same as the carrying of ordinary mail, such as letters, papers, magazines, and other periodicals. It is the duty of the Government to provide the facilities for the carrying and the delivery of such mail, even at a loss, but not so with packages. It is not the function of the Government to engage in business at a loss to benefit one section of the country against another, and so in considering any parcel-post service we must keep in mind that the rates of charges must be sufficient to equal the cost to the Government. The interest of the people, as I have already stated, is cheaper rates, and not so much how they are to be gotten.

We have pending at this time several propositions that are proposed as a solution of the question. The gentleman from New York [Mr. SULZER] has introduced a bill providing for a general parcel-post system. The bill is as follows:

That the common weight limit of the domestic postal service of the United States is hereby increased to 11 pounds, the common limit of the Universal Postal Union, and that in the general business of the post office the 1-cent-an-ounce rate on general merchandise—fourth-class mail matter—be, and is hereby, reduced to the third-class rate, 1 cent for each 2 ounces or fraction thereof.

That the rate on local letters or sealed parcels posted for delivery within the free-delivery services is hereby determined at 2 cents on parcels up to 4 ounces, 1 cent on each additional 2 ounces; at non-delivery offices, 1 cent for each 2 ounces.

That all mail matter collected and delivered within the different rural routes of the United States is hereby determined to be in one class with rates, door to door, between the different houses and places of business and the post office or post offices on each route as follows: On parcels up to one twenty-fourth of a cubic foot, or 1 by 6 by 12 inches in dimensions and up to 1 pound in weight, 1 cent; on larger parcels up to one-half a cubic foot, or 6 by 12 by 12 inches in dimensions and up to 11 pounds in weight, 5 cents; on larger parcels up to 1 cubic foot, 6 by 12 by 24 inches in dimensions and up to 25 pounds in weight, 10 cents. No parcel shall be over 6 feet in length, and in no case shall a carrier be obliged to transport a load of over 500 pounds.

That on all unregistered prepaid mail matter without declared value an indemnity up to $10 shall be paid by the Post Office Department for such actual loss or damage as may occur through the fault of the postal service, and this without extra charge. Certificates of posting shall be provided on demand. On registered parcels of declared value, and on which the fee for registration, insurance, and postage has been duly prepaid, the Post Office Department shall pay the full value of any direct loss or damage that may occur through the fault of the postal service. The fees for insurance and registration shall be as follows: For registration and insurance up to $50, 10 cents; for each additional $50, 2 cents. No claim for compensation will be admitted if not presented within one year after the parcel is posted.

It will be seen that this proposition proposes a flat rate, and the question of distance is not taken into consideration, and I am of the opinion that it would be of little benefit and would not accomplish what is desired or what its advocates claim for it.

The gentleman from Minnesota [Mr. ANDERSON] has introduced a bill which provides for a general parcel-post service of packages not exceeding 11 pounds in weight and provides that the rate of postage shall be determined by the distance the package is to be carried. As between this bill and the Sulzer bill, I would prefer it, because it would not be fair, from any standpoint, to carry packages a long distance for the same rate as a short distance. To illustrate: It would be unfair in my State to charge the same rate for a package going between points within the State, possibly only a few miles apart, that would be charged on a similar package from Boston to San Francisco. Either one rate would be too low or the other would be too high, and yet a flat rate, such as proposed by the Sulzer bill, would mean just that proposition; so, for that reason, if I were to support any general parcel-post measure, it would be the Anderson bill.

Another bill pending, dealing with the question of cheaper rates for carrying packages, is a bill introduced by the distinguished gentleman from Georgia, the chairman of the Committee on Interstate and Foreign Commerce. This bill proposes to fix the rates to be charged by express companies for the transportation of parcels and packages, the rates being based upon a zone or distance basis. The bill only contemplates the fixing of rates for the carrying of packages not exceeding 11 pounds in weight and valued at not more than $80. Section 1 of the bill is as follows:

That the rates hereinafter stated shall hereafter be the maximum rates to be applied either in first fixing rates by the express companies or in their correction or regulation by the Interstate Commerce Commission, and no higher rates shall be charged and collected by express companies engaged in interstate commerce for receiving, transporting, and delivering packages or parcels not exceeding 11 pounds in weight and valued at not more than $80 between a point in one State, Territory, or District in the United States and another point in a different State, Territory, or District in the United States, whether the transportation occurs on the line of a single express company or on a through route or shipment operated by two or more connecting express companies:

Between any two points in the United States more than 2,000 miles apart, 12 cents per pound.

Between any two points not more than 2,000 miles apart, 10 cents per pound.

Between any two points not more than 1,200 miles apart, 7 cents per pound.

Between any two points not more than 800 miles apart, 5 cents per pound.

Between any two points not more than 600 miles apart, 4 cents per pound.

Between any two points not more than 250 miles apart, 2 cents per pound.

Provided, That no company shall be required to carry any package for less than 10 cents.

This proposition, I understand, has met with the support of all the members of the Committee on Interstate and Foreign Commerce and has been favorably reported to the House by that committee. I would like to see it go further and fix express rates generally and without regard to the 11-pound limit. The enactment of the bill, as reported, would accomplish all that is proposed by the Sulzer or the Anderson bill, and at a much lower rate, in my opinion, for it has been demonstrated that a corporation can do business more economically and at much less cost than can the Government.

Another bill dealing with this subject is H. R. 23630, introduced by my colleague [Mr. MARTIN], and I think offers the best solution that has been proposed of this whole question. The bill is a short one, and in order that it may appear just what it proposes I will insert it in my remarks. The bill is as follows:

Be it enacted, etc., That section 1 of the act to regulate commerce, as amended June 18, 1910, is hereby amended by striking from the second line of the second paragraph thereof the words "express companies and."

SEC. 2. That each common carrier by rail subject to the act to regulate commerce and acts amendatory thereof shall, on and after the 1st day of July, 1913, provide and operate upon each passenger train operated by it a car for the transportation of property in small parcels and packages: *Provided*, That in special cases permission may be given by the Interstate Commerce Commission, upon application, to operate such cars in special trains operated at approximately the same speed as passenger trains.

SEC. 3. That on and after the said date the said railway common carriers shall receive and transport all express parcels and packages at reasonable rates, and in relation to the said express business shall be subject to the control, regulation, and direction of the Interstate Commerce Commission to the same extent, force, and effect as in relation to the transportation of freight or passengers.

SEC. 4. That each common carrier by rail providing cars for the transportation of property in small parcels and packages, as specified in section 2 hereof, shall file and publish rates for the transportation of such parcels and packages in the manner provided by section 6 of said act to regulate commerce, as amended June 18, 1910. No exclusive contract shall be made by any such carrier with any express company for such transportation of parcels or packages, but such transportation shall be furnished at the published rates to all persons alike.

SEC. 5. That such carriers by rail operating such cars shall establish through routes for the continuous transportation of property between various points on their lines and shall make all necessary and reasonable arrangements for the speedy transportation of such parcels and packages. Any such rail carrier engaging in the collection or delivery of such parcels or packages shall publish and file its charges for such service separately from its charges for rail transportation. Such rail carriers shall provide convenient and suitable facilities for the receipt and delivery of such parcels and packages at their stations as a portion of the rail transportation.

SEC. 6. That any carrier by rail, and any employee, director, or officer thereof, failing to provide and operate such cars, as hereinbefore provided, or failing to operate such suitable and convenient facilities for receipt and delivery of such parcels and packages at such stations, or making any exclusive contract with any person, partnership, or corporation for the use of such cars or facilities, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof in any district court of the United States within the jurisdiction of which such offense was committed, be subject to a fine of not to exceed $5,000 for each offense or imprisonment in the penitentiary for a term not exceeding three years, or both, in the discretion of the court.

There is another bill, also reported by the Committee on Interstate and Foreign Commerce, which contemplates the taking over by the Government of all the express companies in the United States. This is known as the Goeke bill and embodies the plan advocated by the gentleman from Maryland [Mr. LEWIS], who, by the way, has made a great study of the subject and has furnished the House with much valuable information dealing with the whole question. This is the proposition that will be offered to the pending bill, being in order under the special rule. If it should be adopted it would be the duty of the President, on the 1st day of July, 1913, to take possession of all the express companies and to employ them in conjunction with the postal service and to conduct a general express business. I see no occasion for this action, and when it is considered that the proposition contemplates that the property of the

express companies shall be condemned and paid for by the Secretary of the Treasury, I do not see how anyone can consistently support it, when it may involve the expenditure of several millions of dollars. My understanding is that it is admitted that the capitalization of the express companies to-day is not less than $200,000,000. They have very little tangible property, and undoubtedly we would be required to pay a very large sum for acquiring their franchises or right to do business and whatever contracts they may have with the railroads and other common carriers of the country, but, in my judgment, we would really be paying for something that we do not need to purchase. If it is the desire of the Government to go into the express business, it can do so without purchasing the express companies, and the only reason that I can imagine for anyone giving this proposition support is to benefit those who may be fortunate enough to possess stock in some of the express companies that has a high value by reason of what it has earned as the result of the exorbitant charges which the express companies have been exacting for so many years. It is only recently that legislation has been enacted to regulate the charges of express companies, and I would consider it very opportune, if I was the owner of express stock, if this legislation could be enacted, in order that I could dispose of the stock to the Government before it begins to depreciate by reason of the reduction in rates through Federal and State legislation. The people are certainly not clamoring for us to buy the express companies, and, in addition to the great expense that would be involved, there must also be taken into consideration that it would mean taking over at once into the employ of the Government not less than 50,000 employees; and certainly there is too much involved to think of enacting legislation by an amendment to an appropriation bill that would mean so much as this. For that reason I shall oppose the provision when it is offered to the bill.

As before stated, the bill presented by my colleague [Mr. MARTIN] seems to me to offer a complete and practical solution of the question. He has demonstrated that he has given the subject much careful thought. Those who were fortunate enough to be present yesterday and hear his speech must be convinced that whatever is or is not done we ought not to adopt the Goeke proposition and acquire the express companies, and put the Government into doing the express business of the country. It was shown by Mr. MARTIN, I think conclusively, that the Goeke bill was reported by the Committee on Interstate and Foreign Commerce before that committee had concluded its consideration of the measure, and that the report was ordered with a bare quorum of the committee present, which consists of 21 members, only 8 out of the 11 members who were present voting for it. It must be taken into consideration that in adopting on an appropriation bill a measure as important as this, coming from another committee of the House, that the report ought not to be considered of much importance, in view of the manner in which this proposition was reported.

My colleague clearly demonstrated that to acquire the properties of the express companies would involve an expenditure as great as I have already indicated. He also clearly demonstrated that the express companies are now carrying their packages of 11 pounds at 50 cents, and that the average express distance of all packages is 196 miles, and that carrying such a package on a flat rate, as proposed by the Sulzer bill, would cost 88 cents. He further demonstrated that the present express company contracts result in paying the railroad companies about double what the service is normally worth, and that to condemn and appropriate those contracts would perpetuate these unreasonable rates and make it impossible to give the people the reductions to which they are fairly entitled. Another defect in the scheme of the Government acquiring the express companies, pointed out by him, is that there is nothing to prevent railroad companies and the express companies entering into new contracts and continuing the business in competition with the Government. After listening to much of the debate on this question, I am convinced that, considering the matter from every standpoint, there is no reason why the plan proposed by Mr. MARTIN can not be put into force, and that it will result in the more satisfactory service and at cheaper rates than can be had under any of the other plans proposed, and a general reduction in rates will operate beneficially to all the people alike.

It has been suggested, and there is a proposition in the rule that makes in order a provision for the appointment of a commission to study the whole question and make a report to Congress. It is possible that a commission constituted of high experts would be able to present a measure that would justify their appointment, but I would not favor such a commission unless we are unable to enact legislation that will solve the question immediately. The people are demanding relief, and we ought not to delay action unnecessarily, and yet we ought to hesitate before adopting a plan as complicated as it would be if we were to adopt a general parcel-post bill or a provision for acquiring the express companies.

GOOD ROADS.

The next matter that I want to discuss is the amendment that will be in order under the rule, which provides for Federal aid to roads by way of compensation for their use by the carriers in the Rural Free Delivery Service. The amendment is as follows:

That for the purposes of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of shells, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highway of any State, or civil subdivision thereof, which falls within classes A, B, or C, for the purpose of transporting rural mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C. That any question arising as to the proper classification of any road used for transporting rural mail shall be determined by the Secretary of Agriculture. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act.

The provisions of this paragraph shall go into effect on the 1st day of July, 1913.

It will be noted that the roads will be divided into three classes, and only such roads as come within these classes will receive any payment. This proposition is a substitute for 29 different bills that have been introduced and that are now pending in the House proposing Federal appropriations to be expended upon the roads of the country. The 29 Members who introduced bills got together and agreed upon this measure and presented a signed statement to the Committee on Agriculture, which committee favorably reported it. The statement presented is as follows:

To the Committee on Agriculture:

The undersigned Members, who have introduced bills on the subject of good roads, desiring to secure, as far as possible, harmony and unity of action among the friends of such legislation, have conferred, with a view to agreeing upon a bill. After careful consideration we have prepared and agreed upon the subjoined bill and requested Mr. SHACKLEFORD to introduce it on behalf of us all. We have further requested Mr. SHACKLEFORD to appear before you and respectfully bespeak for the bill early and favorable consideration.

Very respectfully,

EZEKIEL S. CANDLER, Mississippi; J. THOMAS HEFLIN, Alabama; THOS. L. RUBEY, Missouri; JOHN J. WHITACRE, Ohio; JOSEPH A. TAGGART, Kansas; JOSEPH HOWELL, Utah; JAMES P. BYRNES, South Carolina; KENNETH D. MCKELLAR, Tennessee; E. W. SAUNDERS, Virginia; WILLIAM B. FRANCIS, Ohio; RICHARD W. AUSTIN, Tennessee; SCOTT FERRIS, Oklahoma; D. R. ANTHONY, Jr., Kansas; GEORGE WHITE, Ohio; WALTER L. HENSLEY, Missouri; JAMES M. COX, Ohio; GEORGE A. NEELEY, Kansas; J. J. RUSSELL, Missouri; J. H. GOEKE, Ohio; H. D. FLOOD, Virginia; BURTON L. FRENCH, Idaho; T. T. ANSBERRY, Ohio; C. C. ANDERSON, Ohio; P. P. CAMPBELL, Kansas; S. F. PROUTY, Iowa; W. C. ADAMSON, Georgia; BIRD MCGUIRE, Oklahoma; D. W. SHACKLEFORD, Missouri.

A petition was circulated among the Members of the House asking the Committee on Rules to report a rule making it in order as an amendment to the pending bill, and I understand over 230 Members signed it, of which I am one, and in response to the petition the Committee on Rules incorporated it in the special rule, and judging by the number that signed the petition for the rule and who voted for it when the rule was adopted by the House, it is going to be incorporated in the pending bill by an overwhelming majority, and it ought to be.

The subject of good roads has been agitated and discussed throughout all parts of our country for a number of years, and there have been conventions and meetings everywhere on the subject, and in many localities large sums have been expended in building and improving the highways by States, counties, and townships. Only to-day I read in a newspaper that in Bayfield County, Wis., the county board voted to bond the county for

$50,000 of 4 per cent 10-year bonds for the purpose of building roads during the coming season.

It is a subject of much interest in my State, and I am sure my constituents will approve my action in voting for it. Better roads means much to the farmers; it adds value to the farms, and means a great saving in what the farmer has to haul. In a recent issue of the Saturday Evening Post there was an article by the secretary of the Farmers' Good Roads League of Illinois, and I want to quote an extract therefrom that seems to be extremely appropriate; in fact, it tells much in a few words:

The need of the hour is the road builder, and in no part of the continent is the need greater than in the Mississippi Valley, the granary of the world. In all that vast expanse from Pittsburgh to Denver and from the Lakes to the Gulf is a land of surpassing fertility and almost boundless possibilities, peopled with men and women of marvelous energy, helpful, self-reliant, and prosperous beyond compare. Within two generations they have conquered the wilderness, swept the wigwam from the prairie, and placed in its stead the comfortable, modern farm home. They have crossed and recrossed this great area with railroads over which the traffic of an empire is carried. Is it not strange that a people who have given such splendid proof of their capacity to do great things should fail so signally in dealing with the public roads? The greatest difficulty in building good roads is not the actual construction or even the paying for them, but convincing the people locally that it can be done without burdensome or ruinous taxation. No community ever began the building of stone or gravel roads, usually called hard roads, without the most bitter opposition from farmers who would most largely benefit by the improvement. It is encouraging to know that no community ever began the building of hard roads that did not keep on doing so. When the taxpayers had had the experience of using the roads and paying for them, more roads were demanded, and soon those most violently opposed were found on the firing line fighting for more appropriations for road improvement.

There certainly can be no question about the constitutionality of this proposition, it being a matter proposing to provide money to be expended for the rental of roads used by the Government for carrying the mail, and under the general-welfare clause of the Constitution we certainly have the power to establish post roads, and if we have the power to establish them we have the power to maintain and improve same or to pay for their use. I think the debate has removed any doubt that may have existed in the mind of anyone on the constitutional question. It will, of course, cost the Government something, but not more than we can afford to pay. The farmers of the country are certainly entitled to this much consideration. They have patriotically supported the Government and have not protested against the great sums that have been expended for internal improvements and for the support of the Army and the Navy, and it is only fair that some small part of our revenues be expended for their benefit.

We can curtail our expenses in other directions, and could probably get along if we built fewer battleships, and possibly our Army could be reduced without endangering the safety of the country. In any event, if we can expend $300,000,000 in the construction of the Panama Canal, I am sure we will find some way to get the additional money that will be required if this proposition becomes a law, as I sincerely hope it will. There is nothing in the argument of those who oppose this measure who come from city districts that it is a discrimination in favor of the country and against the city. I know of no money that could be expended that would be of more general good to all of the people in the cities and country as money that might be expended in making better roads, and I am assuming that the money that would be paid under this provision would, in effect, be expended in improving the highways. Everyone knows that good roads leading into a town or city benefits the same, and it is not unusual for enterprising towns to expend money improving the roads leading thereto, as it means the bringing of business and trade that otherwise would go elsewhere. Furthermore, the people in the towns and cities to-day are using the country roads quits as much, if not more, than the farmers, and as you travel along the public highways to-day you meet more automobiles, coming largely from towns and cities, than you will see farmers and others in the country using the public highways.

I might go on discussing this question at greater length, but it is unnecessary. It seems to me as if every phase of it has been fully debated, so that we here thoroughly understand it, and with the debate that will follow under the five-minute rule the matter will be well understood throughout the country, and I will refrain from discussing it further.

Mr. Chairman, since I have been a Member of this House I have been elected at large, and therefore have represented, in part, the whole State of South Dakota. It is a large State, with varied interests, and in the newer portions it has been necessary to secure much legislation for its development. We have had the question of opening up the Indian reservations, legislating for a large Indian population, amending the homestead laws in the interest of inviting immigration and making it easier for the settlers; legislation for reclamation, forest reservations, and many other matters that required attention, which have made our duties harder than that of the average Member of this House who represents a compact, old-settled district. Under the new apportionment we will gain one Member, so that after this Congress we will be represented by three Members of this House.

The State has been divided into three congressional districts, and if it should be my good fortune to again be elected I will in the next Congress represent the second district, being all that part of the State east of the Missouri River and north of a line from the river on the south line of Hughes and the other counties east thereof to the Minnesota line. It will readily be appreciated that as the Representative of this district I will be able to devote my time largely to the interests of the people of that district, and can accomplish more for that part of the State than I have heretofore. This district is strictly an agricultural one, and I may say that there is probably no district in the United States that possesses more uniform and productive land than this. It is settled by an intelligent and progressive people, and I think I am safe in saying that there is probably less illiteracy among the people than in most of the congressional districts of the country. As before stated, the people are engaged very largely in farming. There are no large cities in the district, but there are many prosperous and enterprising small towns and cities. We have rural free delivery very generally throughout the district; also rural telephones, and, in fact, the conveniences that may be found in any of our Eastern States. These people are well informed and they usually know what they want. I may say that they were very much opposed to Canadian reciprocity and are still, and when I opposed that proposition in the last Congress and again opposed it in the special session of this Congress and voted against it I was reflecting the sentiment of the overwhelming majority of the people in the second congressional district in my State.

It has always been my purpose, since being a Member of this House, to try and represent the sentiment of the majority of my constituents upon all public questions, and while I remain a Member I shall continue to serve their interests, always considering their welfare and the welfare and best interests of all the people of our great country; and in reaching this conclusion, with reference to the matters of legislation that are about to be voted upon in the pending bill, I have been actuated only by such motives.

Mr. GARDNER of New Jersey. I yield five minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Chairman, it is a well-known and most deplorable fact that the poorest paid branch of Government employees to-day is the Railway Mail Service.

It is known that there is no more hazardous employment in this Government, and I believe the House must concede that the compensation is inadequate. In any event, we have in that service probably as intelligent a body of men as are employed anywhere by the Government, men who must have physical courage and who must be physically in good condition, or they could not engage in the employment. Yet we find provided the munificent and generous provision of 15 cents for a dinner or a meal, which the Government is to allow railway mail clerks when they are not able to reach their homes. Fifteen cents may go a long way in the light-lunch business, but men who work as laboriously and faithfully as these men do, who must combine with their work the broadest intelligence and comprehension, ought to receive more consideration at the hands of this great Government, which appropriates $18,000,000 for a single battleship and fabulous sums for every conceivable object, some of which were mentioned this morning. It seems to me that these men engaged in this branch of the Government service, which is so important, bringing the communities into social and business relationship, a service where exactness must be observed, and where, as I say, there is great hazard, deserve better treatment and more consideration. These men do not know what instant their train will be telescoped and themselves mangled or hurled into eternity; and I trust that some attention may be given by this House to a statement which I will submit for publication in the RECORD, showing the contrasting condition between Canada and the United States, showing with what a stinted hand Uncle Sam pays his employees. This comparison is much to the discredit of our own Government. I sincerely trust this great injustice may be corrected at this time in this bill. [Applause.]

The following is the statement to which I refer, showing the conditions with respect to railway mail clerks in the Dominion of Canada:

OTTAWA, *February 20, 1912.*

DEAR SIR: Replying to your letter of the 14th instant, in which you desire certain information in regard to the Canadian railway mail service, attached herewith you will please find circular, which explains most of the points requested in your letter.

. In regard to the third query, there are no grades. Clerks' salaries are increased automatically if they live up to certain standard and pass a satisfactory case examination.

Fourth. Railway mail clerks in Canada are not appointed to any particular route, but appointed to the Dominion service and can be employed on any route, the better clerks being assigned to the principal routes, as the clerks receive more mileage on such routes, although the work is harder. The indifferent clerks are appointed to the smaller routes on which they do not earn as much mileage.

Fifth. In addition to salary and mileage, clerks are paid what is known as detention expenses—that is, when a train is delayed owing to snow blockades or any other cause, which puts them to an expense over and above what they would have on their regular run. The additional expense covers meals, bed, etc.

Sixth. Railway mail clerks appointed previous to 1899 are under what is known as the superannuation act. A deduction is made from his salary and on retiring they receive a percentage of their salary in proportion to the number of years they have been employed.

A clerk who has been 35 years in the service is not called upon to contribute to the fund and is entitled to seven-tenths of his salary. Clerks appointed since 1899 are under what is known as the retirement fund. Five per cent is kept of their salary, which is placed in the fund at 4 per cent interest, compounded half yearly. The amount to their credit in this fund is refunded to them on their retirement from the service or to their heirs should they die while in the service.

Seventh. Sick and accident leave is granted for a reasonable time with pay. The sick leave of absence depends upon the record of the clerk. Leave due to railway accident or to a clerk who has been a long time in the service and who is absent through illness covers full salary for one year.

If there is any further information you desire, I would be pleased to furnish you.

Yours, truly,

CONTROLLER OF RAILWAY MAIL SERVICE OF CANADA.

CONDITIONS OF EMPLOYMENT OF RAILWAY MAIL CLERKS.

1. No person can be appointed a railway mail clerk unless he is under 30 years of age and has passed the civil-service qualifying examination.

2. New appointment must furnish a satisfactory medical certificate in regard to his health, eyesight, and hearing; also a statement as to where he has previously been employed, together with a statement from his former employer giving reasons for leaving his service.

3. Railway mail clerks, on appointment, will receive a salary of $500 per annum, with annual increase of $100 until the salary of $800 per annum is reached, and thereafter an increase of $50 per annum until the maximum of $1,400 per annum is reached.

In addition to the above, railway mail clerks also receive mileage allowance as follows:

One-half cent per mile for every mile traveled in postal car on duty between 8 a. m. and 8 p. m. and 1 cent per mile for every mile traveled in postal car on duty between 8 p. m. and 8 a. m.

4. New appointments must be probationary for a period of one year. At the end of one year, provided his services are satisfactory and he has obtained at least 50 per cent at case examination, he may be confirmed in his appointment and his salary increased to $600 per annum.

5. Annual increases thereafter are made as the result of a clerk's case examination (at which he must obtain at least 90 per cent), general efficiency, and interest in the service.

6. If an acting railway mail clerk is appointed a probationary railway mail clerk, the period of his temporary service can not be counted as part of the probationary period such clerk has to serve.

7. No person will be placed on duty as a railway mail clerk unless the superintendent of the district to which he is assigned is satisfied as to his character, health, and fitness for the service.

NOTE.—On No. 3, on small lines, where clerks in United States make 100 miles per day, $1,100 is the highest salary—$300 difference or more in Canada, plus mileage allowance, amount, on a run like my own, to more than $500 more per year.

To show how much more competent we must be than clerks in Canadian service (Nos. 4 and 5 above) we must make 95 per cent on first examination and 98 per cent in review.

Mr. MORSE of Wisconsin. Mr. Chairman, I have introduced a bill (H. R. 23763) for the establishment of a mutual bonding fund under the supervision of the Government. In the preparation and introduction of this bill I follow the recommendation of the joint commission created by an act of Congress under date of August 5, 1907. This commission consisted of Hon. James A. Tawney, Hon. Walter Smith, and Hon. Eaton J. Bowers, Members of the House, and Hon. J. H. GALLINGER, Hon. CHARLES CURTIS, and Hon. MURPHY J. FOSTER, Members of the Senate. Their recommendation is found in report No. 2267, which was submitted to the House on February 27, 1911. I have introduced this bill because of the following facts: First, the premium rates charged Government employees by surety companies are very many times more than they ought to be, and, second, the Government is not adequately protected.

In the first place, the companies insist that the standard of reasonable rates is a premium income equal to three times the losses paid. It does not seem to me that such a standard can be defended for one moment, and, if it could be defended, the statistics compiled by the experts appointed by this commission show that the rates are far in excess even of this amount. Let us take the Post Office Department for an illustration. During the last five years the premium receipts from employees were $417,919.85, and that the total losses paid were $100,014.01.

In all the other departments the premium income was nearly six times the amount of losses that have been paid; $1,214,388.88 have been collected during the past 15 years, out of which net losses amounting to $206,972.76 were paid.

But that is not the whole story or the most discouraging part of it. The Government is not protected under the present system of bonding. The standard of adequate protection is, of course, full and prompt payments of all losses without recourse to litigation. But the investigation made by this commission shows that the surety companies have not paid losses in full, have not paid them promptly, and have not paid them, generally, without litigation. Of claims aggregating $616,942.42 which have accrued under bonds outside of the Post Office Department having corporate sureties, the companies have paid claims amounting to only $226,325.88. They have paid only 36.69 per cent of the amount due the Government under their legitimate losses, and much of that has been paid only after long and vexatious litigation.

Several remedies have been suggested. First, that we return to personal surety exclusively. This might be some improvement over corporate sureties. This investigation shows that while the Government has been able to collect only 36.69 per cent of its losses from surety companies it has been able to collect 43.84 per cent of its losses where the bonds were signed by persons. This method of bonding, however, forces Government employees into embarrassing positions and frequently puts them under obligations to people to whom they ought not be obligated. If the officers of a bank sign the postmaster's bonds, they expect the postmaster to deposit Government funds in their bank.

Other remedies have been suggested, such as the deposit by employees of cash or securities as a guaranty of fidelity. The size of the bonds required by the Government makes this impracticable.

It is also suggested that we continue the present system and provide for more strict supervision of the companies, and pass a law giving the Government the power to fix rates charged. This might work out satisfactorily to the Government if it were not for the fact that these companies always vigorously resist, by every legal subterfuge at their command, all efforts made by the Government to protect itself and its employees. The whole history of the dealings by the Government with these companies is a history of litigation, compromise, and failure.

It is also suggested that all bonds be abolished and that defaulters be prosecuted more stringently. This is the practice generally followed in Great Britain, Germany, and Austria. They go on the theory that—

> The fear of hell is the hangman's rope
> That hauls the guilty wretch to heaven.

This method, however, results in a great deal of loss to the Government.

The remedy suggested in the bill which I have introduced would result in complete protection to the Government. It would cost the employee less than half the amount he is paying to-day. It would do away with fruitless and annoying litigation and with all of the cumbersome details in the matter of administration.

The system is not new or untried. It was established in the Philippine Islands in 1907, and has worked out most satisfactorily, both to the Government and to the employees. It is working satisfactorily in the Netherlands, Switzerland, and in Canada.

But surety companies are doing nothing for the Government and its employees that could not be done much more satisfactorily and economically in another way. The companies simply collect the premiums from the employees to create a fund out of which the Government may be reimbursed in case of loss. For this service they charge from 70 per cent to 90 per cent of the premiums collected.

The result of the investigation made by this most able commission shows that it is possible to get better security and to get it for much less money than the present system now costs. I sincerely hope that this bill may become a law at this session of Congress. [Applause.]

Mr. GARDNER of New Jersey. Mr. Chairman, I yield to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, there is no other arm of the postal service which shows so plainly the peculiarly social benefactions of the entire postal system as does the rural mail delivery. The Member of Congress who was active here 15 years ago and who knew intimately at the time the sentiment of Congress in regard to rural delivery of mail, had he slept a Rip Van Winkle sleep and had come back to-day would not believe his eyes.

For in the beginning of this service there was a large and clamorous faction which affected to believe, perhaps in part did believe, that the innovation of carrying the mail daily out to the farms would bring the whole postal structure crashing down into magnificent ruin. I remember reading about 14

years ago a Postmaster General's report, in which that official declared in alarm that this system, if extended, might eventually entail an expenditure of $30,000,000. To-day the expenditure goes to $43,375,000, and instead of the disaster which many men prophesied, every increase in expenditure and extension of rural mail delivery has added to the perfection of the whole mail establishment, and I think, without exception, every American to-day rejoices that the system is as extensive as it is, and is proud of our achievement. As late as five years ago there were men in public life who still believed that in some way rural mail delivery could be changed in form or so curtailed that its growth would cease. If any of this school exist to-day they are few in number and voiceless. And rural mail delivery becomes as permanent, as stable, and as vitally and intimately a force in the daily life of America and in our national development as suffrage itself.

I am glad to say that this bill carries an increase in the compensation to the carriers, and in this connection let me say there has been a change in attitude toward the rural mail carrier quite as marked as the change of mind on the system itself. While it seems unbelievable to-day, there were men 15 years ago who expected the rural carrier to do the work virtually for nothing. There was an odd disposition among certain congressional economists to believe that in the country a horse and wagon did not cost anything, that a horse and wagon were simply a gratuity of full-handed nature, as wild strawberries are. It took years and years of effort by the carriers and their friends to establish the elemental fact that the upkeep of their outfit involved expenditure.

Another curious delusion of the old days was that the rural carrier in delivering the mail was after all doing only a chance chore, that he could throw the job in on the day's work without effort. The men who had this view came slowly to the knowledge that the Rural Mail Delivery Service was a regular force performing a duty with regularity, with dispatch, and with security, subject to rule, answerable to authority, and enjoined with responsibility. But these men, while they came slowly to the knowledge, came at last.

With the development of the Rural Mail Service, with its great popularity and with its remarkably rapid growth, the rural mail carrier himself, by his conduct, has had a world to do. The service itself, belief in it, pride in it, hope of its growth, has asked of the carrier, and has received universally, loyalty. Whatever the weather, whatever the barrier, with the carrier the service is first. The top line in his rules of duty is to deliver the mail on time, and as these men march forth every morning, winding out through highway and country lane, they move like clockwork and have become, with the development of the system, one of the most highly perfected and efficient services of the modern world.

What few opponents of rural mail delivery are left are negligible. To all others rural delivery of the mail has become a national ornament. The very magnitude of our country, territorially, made the attempt an extraordinarily ambitious one, but its accomplishment, in spite of its difficulty, is the greater on that account. The marvel of this day of mutuality in the world is the magic, the miracle, of intercommunication. With every development of wireless telegraphy, of telephony, of acceleration in the mail, our wonder grows apace. And in the midst of the agencies for development which are working upward to a realization of the ideals of the democracy through the social forces of humanity none has higher place than rural mail delivery.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. FINLEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6472. An act to authorize the Secretary of the Treasury to sell certain land to the First Baptist Church of Plymouth, Mass; and

S. 5461. An act to regulate the traffic in intoxicating liquors in the District of Columbia.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6472. An act to authorize the Secretary of the Treasury to sell certain land to the First Baptist Church of Plymouth, Mass.; to the Committee on Public Buildings and Grounds.

S. 5461. An act to regulate the traffic in intoxicating liquors in the District of Columbia; to the Committee on the District of Columbia.

POST OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. GARDNER of New Jersey. Mr. Chairman, I yield 30 minutes to the gentleman from Kentucky [Mr. POWERS].

Mr. POWERS. Mr. Chairman and gentlemen, section 8 of the Post Office appropriation bill now under consideration reads as follows:

SEC. 8. That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound, except as herein provided.

That no article, package, or parcel shall be mailable as matter of the fourth class which exceeds 11 pounds in weight, except as herein provided.

That on each and all rural-mail delivery routes of the United States the postmaster at the starting point of such route shall, until June 30, 1914, receive and deliver to the carrier or carriers of said routes all articles, parcels, or packages not prohibited to the mails by law and falling under the definition of fourth-class matter and not weighing in excess of 11 pounds for transportation and delivery on said routes only; and the carriers shall receive at intermediate points on all rural routes such mail matter of the fourth class for delivery on their respective routes only.

That postage shall be paid on all articles, parcels, or packages entitled to transportation under the provisions of this act as matter of the fourth class on rural-mail delivery routes only at the following rates: One cent for each 2 ounces or less, 2 cents for more than 2 ounces but not more than 4 ounces, 3 cents for more than 4 ounces but not more than 8 ounces, 4 cents for more than 8 ounces but not more than 12 ounces, 5 cents for more than 12 ounces but not more than a pound, and 2 cents per pound for each additional pound or fraction thereof up to and including a total of 11 pounds. That the Postmaster General shall make all rules and regulations necessary and not inconsistent with law to the proper execution of this act.

That for the purpose of a full and complete inquiry and investigation into the feasibility and propriety of the establishment of a general parcel-post commission of six persons, three of whom shall be appointed by the Speaker of the House of Representatives and three by the President of the Senate, is constituted, with full power to appoint clerks, stenographers, and experts to assist them in this work. They shall review the testimony already taken on the subject of parcel post by Senate and House committees and take such other testimony as they deem desirable. For the purpose of defraying the expenses of this commission the sum of $25,000 is hereby appropriated out of the moneys in the Treasury not otherwise appropriated.

The present law provides that domestic mail shall include matter deposited in the mails for local delivery or for transmission from one place to another within the United States, or to or from or between the possessions of the United States, and is divided into four classes:

First. Written and sealed matter, postal cards, and private mailing cards.

Second. Periodical publications.

Third. Miscellaneous printed matter (on paper).

Fourth. All matter not included in the previous classes and usually known as merchandise.

The following articles are included in fourth-class matter:

Albums, photograph and autograph (blank).
Artificial flowers.
Bees (queen) when properly packed.
Billheads.
Blank address tags and labels.
Blank books.
Blank books with printed headings.
Blank cards or paper.
Blank diaries.
Blank postal cards in bulk packages.
Blank post cards.
Botanical specimens, not susceptible of being used for propagation.
Calendar pads, mainly blank.
Calendars or other matter printed on celluloid.
Card coin holders (not printed).
Cards (blank).
Cards, printed playing, of all kinds.
Celluloid, printed or unprinted.
Christmas and Easter cards printed on other material than paper.
Cigar bands.
Coin.
Combination calendar and memorandum pads, mainly blank.
Crayon pictures.
Cut flowers.
Cuts (wood or metal).
Daguerreotypes.
Dissected maps and pictures.
Drawings, framed or unframed.
Dried fruit.
Dried plants.
Easter cards, when printed on other material than paper.
Electrotype plates.
Engravings, when framed.
Envelopes, printed or unprinted, except when addressed and inclosed singly with third-class matter.
Flowers, cut or artificial.
Framed engravings, pictures, and other printed matter.
Geological specimens.
Letterheads.
Maps, printed on cloth.
Merchandise samples.
Memorandum books and calendar pads, mainly blank.
Merchandise sealed:
  Proprietary articles (not in themselves unmailable), such as pills, fancy soaps, tobacco, etc., put up in fixed quantities by the manufacturer for sale by himself or others, or for samples, in such manner as to properly protect the articles, and so that each package in its simplest mercantile or sample form may be readily examined.
Metals.
Minerals.

Napkins, paper, or cloth, printed or unprinted.
Oil paintings, framed or unframed.
Order blanks and report forms, mainly blank (spaces covered by ruled lines being regarded as blank), are fourth-class matter. However, one copy may be inclosed with third-class matter without subjecting such matter to postage at the fourth-class rate. (See par. 4, sec. 474, P. L. and R., amended.)
Paper bags and wrapping paper, printed or unprinted.
Paper napkins.
Patterns, printed or unprinted.
Pen or pencil drawings, if they bear no written words, letters, or figures, giving size, dimensions, distance, price, etc.
Photograph albums.
Photographic negatives.
Postal cards (blank) in bulk packages.
Post cards (blank).
Printed matter on other material than paper.
Printed playing cards of all kinds.
Private mailing or post cards (blank).
Queen bees when properly packed.
Record books, mainly blank.
Rulers, wooden or metal, bearing printed advertisements.
Samples of cloth.
Samples of flour or other manufactured grain for food purposes.
Sealed merchandise:
Sealed packages of proprietary articles of merchandise (not in themselves unmailable), such as pills, fancy soap, tobacco, etc., put up in fixed quantities by the manufacturer for sale by himself or others, or for samples, in such manner as to properly protect the articles, so that each package in its simplest mercantile or sample form may be examined.
Soap wrappers.
Stationery.
Tags (blank).
Tape measures.
Tintypes.
Tobacco tags and wrappers.
Valentines printed on material other than paper.
Wall paper.
Water-color painting.
Wooden rulers bearing printed advertisements.
Wrapping paper, printed or unprinted.

Usually the rate of postage charged on first-class mail matter is 2 cents an ounce or fraction thereof. Of course, this does not apply to post or postal cards.

Second-class mail matter, such as newspapers and periodical publications, pays postage at the rate of 1 cent for each 4 ounces or fractional part thereof. In other words, at the rate of 4 cents a pound, except when mailed by news agents or the publishers themselves, and then it goes through the mails at the rate of 1 cent a pound.

The rate of postage on mail matter of the third class is 1 cent for each 2 ounces or fraction thereof on each individually addressed piece or parcel, or at the rate of 8 cents a pound, while the rate of postage on fourth-class mail matter is 1 cent an ounce or fraction thereof on each individually addressed piece or parcel, or at the rate of 16 cents a pound.

This is an ounce and not a pound rate.

LIMIT OF WEIGHT IN MAILS.

Section 3879 of the Revised Statutes of the United States provides, with a few exceptions, that no single package shall be sent through the United States mails which weighs more than 4 pounds. This provision of the law applies to both the third and fourth class mail matter, but does not apply to either the first or second class mail matter. Section 488 of the Postal Laws and Regulations provides:

Mail matter of the first class fully prepaid and matter of the second class prepaid at either the regular or transient rate will be accepted for mailing at any post office regardless of the weight thereof.

With these observations as to what the present law is, let us see what changes in same are made by the provisions of the bill we have under consideration.

This section 8 of the bill under discussion—the parcel-post section—contemplates four changes in the law as it now exists. It contemplates, first, a reduction of rate on all fourth-class mail matter all over the entire country from 16 cents a pound to 12 cents a pound. It contemplates, second, a further reduction on fourth-class mail matter on all the rural routes of the country from 16 cents a pound to practically 2 cents a pound. It contemplates, further, an increase in weight of the fourth-class mail matter from 4 pounds to 11 pounds, and, fourth, the establishment of a commission to investigate the advisability of putting into operation the general parcel-post system all over the country.

It will be observed that the special postage rates provided for in this bill—the rates of 1 cent for each 2 ounces, or 2 cents for each 4 ounces, or 2 cents a pound for each additional pound above 1 pound—shall be only applicable to fourth-class mail when deposited with the postmaster at the starting point, or at some intermediate point of a rural mail delivery route for transportation and delivery on that route only. In other words, if John Jones, living on some rural mail delivery route wanted to order a package of 11 pounds from Sears, Roebuck & Co., of Chicago, he would have to pay $1.32 postage on said package; but if he should order the same package from Tom Jones, who ran a country store on the rural mail delivery route on which Tom Jones lived, he would have to pay only 25 cents postage for the transmission and delivery of the same package. The argument has been made that the parcel post would drive out of business and ruin the country merchant; that the country people and those living in towns and villages would order their goods, wares, and merchandise from the large mail-order houses; that the money heretofore spent with the country merchant and some of which remained in the community would, under the parcel post, all be taken out of the community; that in times of sickness, stress, local taxation, and improvement, the country merchant being a part of the community always contributes his part and does his full share toward the bettering of conditions and the making of good citizenship; that the mail-order houses and foreign merchants do none of these things; and that the inauguration of the parcel post is not fair to the country merchant and will in the end work harm to the entire country. The present bill can not possibly have that effect. It discriminates for and not against the country merchant.

The Committee on Post Offices and Post Roads, having in charge this bill, in their report to the House has this to say:

One of the most difficult questions connected with proposed postal progress arises with the suggestion to create a general unlimited parcel post for the transportation of merchandise at a flat rate of 8 cents a pound or less, with a limit of 11 pounds or a greater number of pounds.

The advocates of this proposition insist that the rate on fourth-class matter (merchandise) was at one time 8 cents a pound with no loss of revenue, but an increase of revenue; that the zone system of transportation charges used by the express companies is unnecessary and cumbersome; that express companies pay wheelage to railroad companies and divide profits and still make annually colossal profits at the expense of the people; that it is the right of the people to use the mails for their own benefit and the right of the consumer to buy wherever he can secure the best bargain, whether it be at home or in another State or city, and that the complaint of this view is from selfish sources; that a largely increased revenue will come to the Government from the system and advantages and blessings to the whole people in its operation.

The opponents of a general unlimited parcel post insist that it will tend to concentrate business in the large cities and be injurious to rural communities and small towns and cities; that it is a step in the wrong direction—paternalistic and dangerous in its tendencies; that it would create an enormous deficit in the Post Office Department; that it would revolutionize the commercial system in the United States; that it would seriously delay the delivery of legitimate mail; that it would deplete or destroy the prosperity of innumerable country towns and villages, and therefore must be regarded as a menace to the welfare of all the people; that it is class legislation in that it discriminates against the country merchant and favors the great retail mail-order houses; that it is in effect a subsidy to the retail mail-order houses—wrong in principle and unfair in practice; and they further insist that a rural parcel post would be an entering wedge for a general parcel post.

The most of people living in the country and engaged in agriculture and other pursuits, so far as we can secure information, and the larger mercantile establishments in the great cities favor an unlimited parcel-post law. The country merchant and nearly all merchants of the smaller cities and towns oppose the law. This seems to be the alignment. Self-interest, the mainspring of most of our actions, seems to be commanding in both factions. We do not think that the advantages claimed for the establishment of this post will be so great as its ultra-friends claim, nor that the disadvantages would be nearly so great as its enemies fear.

The necessity for conservative legislation in view of such a contention and division among the people is apparent. We should seek to secure all the advantages possible and avoid all the disadvantages that may arise from any proposed legislation in the interests of the masses of the whole people. Laws should bear as nearly as possible equally and justly on all classes under all conditions. We have heard much testimony, very interesting in its details, but for the most part from those who express an opinion from a general view of general conditions. We need specific facts and not merely opinions on which to pass intelligent and satisfactory legislation. It would seem essential that we know how this innovation in our postal system will affect our revenue; what additional burdens we must assume in increased numbers of employees, and the increased railway and carriage pay; whether a flat rate can be established for the whole of the United States or not, and at what figure; whether it would be wise to adopt the zone system of transportation and pay for carriage or not; how far this extra service would interfere with the handling of first, second, and third class mail matter; the probable losses and profits under different rates; the effect on the centralization of trade; whether the express companies could under one system or another secure the short hauls and leave the long and expensive hauls to the Government; whether it would first be best to condemn the express companies' contracts with the railroads or not, and use them, or to force the railroad companies to equal rates for the Post Office Department that is granted the express companies, or to pursue either of these courses; to know the tendency of the system to create and sustain monopolies, and its effect on the commercial and farming interests of the country. On these matters there should be some definite information (in the interest of the general public) for use in the enactment of a wise law on the subject, before any law general and unlimited in its character at a low rate of postage and increased number in pounds should be established. This information can best be obtained and applied for good results only after a full consideration by a commission of persons especially equipped and experienced in such investigations and clothed with full power to ascertain the facts. Therefore the embodiment in this bill of a section creating a commission and directing the examination and report, that the true facts and conditions may be known in advance of legislation.

The same conditions do not exist, and therefore the same reasoning does not apply to the strictly rural parcel post confined to matter of the fourth class arising and for delivery on each specific rural free delivery route. These routes are already established. All of their machinery is in full operation. The additional burdens on the carrier are slight, and a slight additional compensation is provided for in this bill. The estimate of the department is that a change in equipment will be necessary as to only about 15 per cent of the routes. We have

therefore provided for a limited rural route parcel post with postage rates at 5 cents per pound for the first pound and 2 cents per pound over 1 pound and for fractions of pounds, to 11 pounds limit as an experimental proposition. This experiment will last for two years on all of the routes in the United States. If it shall prove to be unwise, it can be repealed or expire by limitation. We think that it will be a combined advantage to the farmer and to the country merchant and of no possible injury to anyone. The estimated increase in revenue from this source is from seven to ten millions of dollars in its limited character. We feel that it is the duty of Congress, in response to the almost universal demand from the people residing in the rural and agricultural districts of the United States, to inaugurate this system of limited rural parcel post, experimentally at least. We do not believe that it would be wise to establish a general or unlimited parcel post on the lines suggested until there has been information of such definite and certain character as to justify us in taking a position so important and necessarily affecting the revenues to the extent that it will.

This report sets out pretty clearly the contention both of the friends and the enemies of the parcel post, and shows pretty conclusively that there is room for argument on both sides of the general parcel-post question. The framers of the bill under discussion are in such doubt as to the effect upon the welfare of the country of a flat rate general parcel-post system that they have in section 8 of the bill provided for the creation of a parcel-post commission of 6 persons, 3 to be appointed by the President of the Senate and 3 by the Speaker of the House of Representatives, and whose duty it shall be to—

review the testimony already taken on the subject of parcel post by the Senate and House committee and take such other testimony as they deem advisable—

in order that legislation affecting the convenience and welfare of so many of our people shall be based upon facts and not upon guesswork.

One thing, however, is sure, and that is that the country merchant need not be alarmed about the effect on his business if the present bill should become a law. In the case I cited awhile ago, the country farmer, mechanic, miner, or laboring man, living on the same rural route as the country merchant, would have to pay $1.32 postage on an 11-pound package ordered from Sears, Roebuck & Co., while if ordered from the country merchant it would cost them only 25 cents postage. Evidently the country merchant has no just complaint under this arrangement. If anybody has a right to complain it is the farmer, the laborer, and other consumers, who insist, with much show of reason, that they have a right, and that it is their duty, to buy wherever they can secure the best bargain, whether it be at home or abroad, whether with the country merchant or the mail-order houses in the great cities.

While I am not satisfied with the provisions of the present bill, I shall vote for it because it will help a good many people and harm nobody and give us a chance to try out the scheme.

It is the beginning of the solution of the problem of cheaper transportation and the enlargement of transportation facilities. The framers of this bill frankly admit that it is, at best, but an experiment; that they are not in possession of sufficient facts and data upon which to base any general legislation upon this subject at this time. This bill provides for only a limited rural route parcel post until June 30, 1914. If this legislation should prove to be unwise, it can be repealed or expire by limitation. If it should prove to be salutary and beneficial, it can be kept upon the statute books of this country. In the meantime the commission created by this bill—a commission in all probability to be composed of three Democrats and three Republicans, specially adapted and fitted for this work—will be engaged in such a study and investigation of this question and in the obtaining of such facts and information thereon as will enable Congress to pass such laws upon the subject as will prove to be a benefit and a blessing to the great body of our citizenship.

THE UNITED STATES FURNISHES FOREIGN COUNTRIES BETTER MAIL FACILITIES THAN IT FURNISHES ITS OWN PEOPLE.

As I understand it, there are now 23 foreign countries that have the right to transmit through the mails of the United States fourth-class mail matter in packages up to the weight of 11 pounds, for which they are charged only 12 cents a pound. Therefore, by incorporating and making that a part of the laws of this country, we put our own people upon the same footing and our own facilities for use by our own people on the same terms that we now extend to 23 foreign countries. I am firmly of the opinion that the mails of our own country should be put to the use of our own people on terms as fair and reasonable as those which we extend to the people of other countries.

FAVORS REDUCED RATES ON RURAL ROUTES.

A very distinguished Member of this House, the gentleman from Pennsylvania [Mr. MOORE], the other day raised the objection that the Members of this House ought not to support that feature of the bill which provided for reduced rates on fourth-class mail matter on rural routes, because it was, he said, a discrimination in favor of the people who live on the rural routes of the country and against the people who live in the large cities of the land. Looking at it from one viewpoint it might be regarded as a discrimination, but from another viewpoint it is not a discrimination. In the first place the standard rural routes of this country are only about 24 miles in length.

In sending the mail a short distance of 24 miles the Government does not have to carry it to the great length that is ordinarily true of other mail sent throughout the country. The gentleman forgets, too, that in the great cities of the country there have been built at the expense of the Government custom-houses and public buildings for the convenience of the people who live in the cities, and he forgets further that in the great cities of this country and in many smaller ones the mails of the United States are laid down at the very door of the inhabitants of those cities, even on their desks in their offices, enormous quantities of it, some five or six times a day, while the people who live in rural districts are not blessed and provided for by the Government in any such fashion. Yet they are citizens and taxpayers of this great country. They are all citizens of the United States, and are as much entitled to its protection and service as the people who live in the larger cities. For these and other reasons I am heartily in favor of the reduction in rate on the rural routes as provided for in this bill. And besides, when so reduced, the rates are not near as low as the rates now existing on second and third class mail matter.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. POWERS. With pleasure.

Mr. WILLIS. I understand it is provided in this bill that in this special rural route parcel-post proposition the business must begin and terminate on the same route. Is that the gentleman's understanding?

Mr. POWERS. That is true.

Mr. WILLIS. Does the gentleman see any objection to an amendment whereby, say, if I lived on route A, starting out of a given city, and the gentleman lived on route B, both being farmers, I could send a package into the central starting point of both routes addressed to the gentleman and have it delivered to him? Does the gentleman see any objection to an amendment of that effect, so as to extend it to all the rural routes on the same starting point?

Mr. POWERS. I do not see any objection to that proposition or amendment, and, on the contrary, I shall give it my hearty support if the gentleman decides to offer such an amendment, because it is a meritorious amendment and ought to be made a part of the law. There is no reason why these fourth-class packages should not be sent at reduced postage on all connecting rural routes. This would benefit both the country merchants and the farmers as well as all who live in those communities or sections of country, and would not hurt anybody. I hope to see the gentleman's suggested amendment made a part of this bill and enacted into law.

Mr. WILLIS. It has been stated by different gentlemen in this debate that under the rules of the department and the present state of the law that even if this provision to which you have referred be adopted enlarging the weight limit from 4 to 11 pounds it will not be possible for the farmer to send through the mail any of the products that he raises. Does the gentleman know whether that is the fact? It has been stated here a number of times, and I am interested to have the gentleman's opinion about it.

Mr. POWERS. I want to state to the gentleman from Ohio that under the provisions of this bill the farmer will not have the right to send his products through the mails either at the limit of 4 pounds or 11 pounds or any other weight. None of the things which the farmer produces and has to sell are now included in fourth-class mail matter. As I have already pointed out, second-class mail matter—newspapers and periodicals—can be sent through the mails by editors and news agents in unlimited weight at the rate of 1 cent a pound. Manufacturers of merchandise and those who sell and handle it have the right under our laws as they now exist to send 4-pound packages of such merchandise through the mails of the United States at the rate of 16 cents a pound. The farmers of our country are not so privileged or so blessed as to their products. I would like to see at least the nonperishable products of the farm included in fourth-class mail matter on the rural routes of the country, if no further, and their advisability as fourth-class mail matter and experimental extension tried out under the provisions of this bill.

And I want to say further to the gentleman from Ohio that the commission which under the provision of this bill has been constituted for the purpose of working out this system ought to figure out some scheme whereby the man who lives on the farm and produces butter and eggs and potatoes and that character of stuff should have the right to send direct that stuff to the consumer instead of sending it to the commission houses and wholesale merchants, and let it go through a dozen hands

before it finally reaches the table of the consumer. I want to say further that it is my information that in the year 1909 the farmers of this country produced more than $9,000,000,000 worth of products. Assuming that they used one-third of that, it would make them sell the remainder for $6,000,000,000. It is worth that much to the farmer, but when it finally reaches the table of the consumer it costs the consumer some $13,000,000,000. In other words, the price of the farmer's product was more than doubled from the time it left his hands until it finally got to the mouths of the consumers. I shall not support the proposition to take over the express companies at this time, as provided for in the Goeke bill.

My information is not sufficiently accurate and not sufficiently comprehensive to enable me to know whether or not that is or is not for the best, but I am firmly of the opinion that this bill now under consideration ought to be so amended that this investigation committee shall have the same power to investigate the proposition of the postal express and railway express that it has the proposition of a general parcel post. That is the way I feel on that question. The present bill reads:

That for the purpose of a full and complete inquiry and investigation into the feasibility and propriety of the establishment of a general parcel post, a commission of six persons, three of whom shall be appointed by the Speaker of the House of Representatives and three by the President of the Senate, is constituted.

And so forth.

I think after the words "general parcel post" should be added the words "postal express and railway express, or both," so as to give this commission the power and authority to investigate the subject of the postal express and railway express as well as the general parcel post. Many very able gentlemen contend that the solution of our problem lies, not in the general parcel post but in the postal express or railway express.

They contend that no general parcel-post system will ever be able to solve the great problem before the country of getting the vital necessaries of life direct from the producer to the consumer at something akin to the price at which they are produced. As I said before, none of the provisions of the bill under discussion attempt to solve the problem. They provide only for the carrying of fourth-class mail matter at a lower rate than heretofore, but if you will examine the list of articles which are included in fourth-class matter you will find that none of the things which the farmer produces are included in fourth-class mail matter.

The thing the country needs is such a system, if it can be worked out, as will not only provide for the carrying of fourth-class mail matter, as now constituted, much in excess of 11-pound parcels and packages, but such a system as will include and provide for the transportation, direct, of the vital necessaries of life from the farmers' bountiful hands to the millions of hungry mouths in the cities and towns scattered throughout the length and breadth of our land; and that, too, in such a way as will not do violence to our country merchants or any other class of our citizenship.

That is the vital question. It is a sad commentary upon the statesmanship of our country that in a land of peace and plenty, where better wages are paid the laborer, the artisan, the skilled mechanic than ever before in the history of the world—better than in all other countries of the world—he still finds himself hard pressed to make both ends meet, hard pressed to properly rear, shelter, feed, and clothe his family. The trouble lies in the high cost of living. One reason for that is either the lack of, or high cost of transportation; and when we think of transportation we naturally think of the railroad companies and the express companies of the country; but the trouble about the railroad companies is that they do a wholesale and not a retail business.

The railway minimum unit of shipment is 100 pounds, and its minimum charge is 25 cents. The consumer does not need at one time 100 pounds of butter or a dozen crates of eggs. The railroads contend that they can not profitably carry packages weighing less than 100 pounds for the reason that every shipment carried by them, whether large or small, whether the distance is long or short, amount to some 20 acts of attention in number; that this takes time and labor and costs money.

The acts of attention by the railroad, through its employees, are:

(1) Unloads articles from consignor's vehicle.
(2) Loads article in car.
(3) Ascertains rate to be paid.
(4) Makes out bill of lading.
(5) Makes out waybill and sends copy to auditor and the train conductor.
(6) Receiving agent, destination, receipts to conductor;
(7) Sends notice to consignee;
(8) Unloads package from car;
(9) Takes receipt of consignee;
(10) Loads it on consignee's wagon.
(11) Agent gets money for shipment;
(12) Copies bill of lading into record of freight forwarded;
(13) Copies bill of lading into record of freight received;
(14) Sends statement of freight sent to auditor;
(15) Sends statement of freight received to auditor.
(16) Auditor checks bill of lading against records of sending agent;
(17) Checks bill of lading against record of receiving agent;
(18) Advises treasurer of money due by each agent;
(19) Makes statistical report from bill of lading;
(20) Calculates, per bill of lading, amount payable the different railways.

While if the same shipment were sent by the postal system a postage stamp would do the work for it—no bookkeeping, no accounting, and but little handling. The same thing is true in a large measure of the express companies as with the railroad companies; and, besides, the express companies have no way of transporting anything much except by means of the railroads. The contracts between the express companies and the railroad companies, on an average, provide that the railroad companies get 47½ per cent of the final rate fixed by the express companies. In other words, the express companies pay the railroad companies for transporting the packages practically one-half of the express charges they receive. The person who sends the express package foots the entire bill. In the end he pays the railroad companies their excessive charges and the express companies their excessive rates.

In the year 1909 the average charge of carrying a ton of freight in this country was $1.90, while the average charge of carrying a ton of express was $31.20. In other words, the express charge in this country is about sixteen times the freight; while in France, Germany, and other countries of the world the express charge is only about five times the freight charge, i. e., the average ton of freight is about 85 cents, and the average ton of express about $4.25. If this proves anything, it proves that our express charges are about two or three times as high as they ought to be. But will the general flat-rate parcel post at either 8 or 12 cents a pound give us relief from this condition? A good many people are advocating a general parcel post with a flat rate at 12 cents a pound. Others fix it at 8 cents a pound.

One hundred and ninety-six miles is the average length of journey of express packages in this country, and presumably about the average journey which postal shipment would make. For the purpose of comparing the prevailing express charges with the charges which would be paid both under the 8-cent-a-pound and 12-cent-a-pound parcel-post arrangement for the average carrying distance of 196 miles, I submit the following table:

Table comparing parcel-post rates with express-company rates.

Rate.	Parcel post.		Express-company rate.
	12 cents per pound.	8 cents per pound.	
1 pound	$0.12	$0.08	[1] $0.10
2 pounds	.24	.16	.16
3 pounds	.36	.24	.24
4 pounds	.48	.32	.32
5 pounds	.60	.40	.40
6 pounds	.72	.48	.45
7 pounds	.84	.56	.45
8 pounds	.96	.64	.45
9 pounds	1.08	.72	.45
10 pounds	1.20	.80	.45
11 pounds	1.32	.88	.50
Total	7.92	5.28	3.97

[1] If prepaid, the express companies now carry books at a rate of 8 cents a pound, and merchandise, or fourth-class mail matter, at 16 cents a pound.

This shows that both the 8 and 12 cent parcel-post rates are higher than the present express rates. In other words, the express companies now charge an average of $31.20 the ton of packages.

The 8-cent parcel-post rate would amount to $160 a ton and the 12-cent rate to $240 a ton. And since the express rates are twice as high as they should be, what shall we say of these rates?

In view of these conditions many advocate the taking over of the express companies by the Government at a fair value and reducing the rates to about one-half for all express shippers and extending the service through rural delivery to the farmer and the country store. They argue that by that method the town delivery system of the express companies can be coupled up with the rural delivery system of the Post Office Department and both with the railways, the result being that there can be a cheap and direct shipment from producer to consumer, and in such quantities as the consumer needs, with benefits and blessings to all and harm and injury to none.

Others are equally sincere in their contention that the buying up of the express companies is not the way to get relief. They contend that the Government would be buying up so much "old junk"; that the Government would have to take over some 50,000 employees of the express companies in order to run the business; that, as a matter of fact, we do not need the express companies; that railroad transportation at reasonable rates and not express-company interference is what we need.

In view of the transcendent importance of the subject to the people of this country and the contrariety of opinion on the same, I indorse the experimental rural parcel-post delivery as contemplated by the bill we have under discussion, as well as the creation of a commission not only to investigate the general parcel post, but the postal express and railway express as well; and all to the end that wise legislation on this subject may soon be enacted that will harm no class of our citizenship, but prove to be a benefit and a blessing to them all.

GOOD ROADS.

The provision of the bill under discussion relative to good roads is as follows:

That for the purposes of this act certain highways of the several States and the civil subdivisions thereof are classified as follows:

Class A shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide, composed of shells, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide, composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highway of any State or civil subdivision thereof which falls within classes A, B, or C for the purpose of transporting rural mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C. That any question arising as to the proper classification of any road used for transporting rural mail shall be determined by the Secretary of Agriculture. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act.

The provisions of this paragraph shall go into effect on the 1st day of July, 1913.

This is a compromise measure. I introduced at this session of Congress a bill on the subject of good roads; so did about 25 other Representatives. It was agreed by most of those introducing bills that the bill I have just quoted would stand the best chance of any of those introduced of becoming a law at this session; so we all signed a written request to the Rules Committee asking that this piece of legislation be taken up and considered by the House at this time, and as a result of our joint effort the question of Federal aid to the use, maintenance, and improvement of good roads is finally before this House for consideration. I congratulate this House and I congratulate the country. There is no question before the American people to-day that affects so vitally so many homes and so many firesides.

There is no other question for solution before the American public to-day in which the constituents I have the honor to represent are so intensely interested and so vitally concerned. For 100 years or more our development has been hampered and our growth retarded because of the lack of transportation facilities. We hail with delight the day, even the prospect, of the Federal Government becoming interested to the point of assistance in the betterment of our road conditions.

BILL DOES NOT GO FAR ENOUGH.

It is true that this bill does not go far enough. It ought to include a class of roads that do not come up to class C. But it is a step in the right direction, and I shall give it my hearty support.

Mr. MICHAEL E. DRISCOLL. What is that?

Mr. POWERS. A step in the direction——

Mr. KOPP. Will the gentleman yield?

Mr. POWERS. In one moment, when I have answered the question of the gentleman from New York. A step in the direction of furnishing all over this great country highways of such a character that will afford an opportunity for the people who live in the rural districts to have communication with the outside world and an opportunity to get their stuff to market.

Mr. MICHAEL E. DRISCOLL. Has the gentleman figured out how much that may cost?

Mr. POWERS. I have not. It is estimated, however, I understand, that the cost the first year will be about $16,000,000.

Mr. MICHAEL E. DRISCOLL. Does not the gentleman believe that it will cost at least $25,000,000,000 to build good roads over the country?

Mr. POWERS. Let it cost whatever it may cost; the States and municipalities and not the Federal Government will have to foot the bill. All that the bill under consideration requires is that the Federal Government shall pay toll or rental for its use of the roads. It is not required to build or construct them.

The fact is that the United States does not own a foot of national roads. Not one.

The further fact is that there is now over 2,000,000 miles of public highways in the United States built by the various States and their various subdivisions. The National Government does not own a foot of them, but uses thousands upon thousands of miles of them.

During this last year there was expended, not by the National Government, but by the States and municipalities, $150,000,000 on the public highways of this country.

The argument has been made here that it is a wrong principle for the Federal Government to undertake to aid in the construction of good roads.

Mr. KOPP. Will the gentleman yield right in that same line? Does the gentleman understand that this proposed amendment requires the local community, whatever it may be, to apply the aid received from the Federal Government for the improvement of the highways?

Mr. POWERS. I do not have any such an understanding.

Mr. KOPP. That it does not?

Mr. POWERS. That it does not.

Mr. KOPP. Then, if it may be expended for any use that these local communities may see fit, what justification is there for saying that this is for the improvement of the highways?

Mr. POWERS. I am very glad to answer the gentleman's question. From my viewpoint it does not matter where or how the local municipality expends this money. Before the local community can get any money from the Federal Governmenty they have got to have roads up to class A, class B, and class C standards. Whether they get their roads in such condition by local taxation, whether they do it by digging the roads themselves, or in some other way, the fact remains that they have got to have the roads in such a state of perfection before any money is paid by the Federal Government on those roads, and the roads must be continuously kept in such state of perfection by the local authorities.

Mr. KOPP. Now, the gentleman is referring to roads that are to be constructed in the future. What about this subsidy where they pay for roads already constructed? Will we not be simply making a donation to the local community rather than a donation to the improvement of highways?

Mr. POWERS. There is no subsidy to it. If the roads are already constructed by the local authorities and come up to class A, class B, or Class C standard, and if the Government of the United States uses those roads for the purpose of transmitting its mail over them, I see no reason why the Government should not begin paying for the privilege of so doing. It has not done so in the past.

Mr. KOPP. Then the gentleman's position is not so much for the improvement of the highways as it is that he believes the Federal Government should pay the local municipality for the use of the highway?

Mr. POWERS. In answer to the gentleman's question I desire to say that I think it not only fair but right and equitable and just that the Federal Government, if it uses the roads constructed by somebody else for the purpose of doing its own business over those roads, should pay for that privilege; and upon that ground and from that viewpoint I shall support this measure. And I shall support it from another viewpoint and upon another ground, and that is that it will aid and encourage the local communities and municipalities to construct such roads as they will be able to get a rental for them from the Federal Government for their use. It will greatly encourage good road building. To take the position that the Federal Government should not pay rental for the roads it uses in transmitting whatever mail matter it has, is to take the position that the Federal

Government should "sponge" upon the States and the various municipalities in the use of their roads. Is the United States Government a beggar?

Mr. MICHAEL E. DRISCOLL. What would the gentleman say to the Government discontinuing the use of these roads, if they have got to pay $25 a mile?

Mr. POWERS. In further answer to the gentleman from New York [Mr. MICHAEL E. DRISCOLL] I desire to say this: That the gentleman seems to forget, and other Members seem to forget, that we are all citizens of one great country; that we are all citizens of the United States as well as citizens of the States. And whether this money is to be paid by the States and the various municipalities direct in the building of these roads or whether they are built by us as citizens of the United States, what matters it? They have to be built. It does not seem to me to make a very great difference whether we are taxed as citizens of the United States or as citizens of the States. We have got to be taxed. If the local authorities can accomplish the big task of road building better when aided by the strong arm of the Government, why withhold the aid?

Mr. MICHAEL E. DRISCOLL. What would the gentleman say to the United States Government going into all the cities and paying for all the asphalt pavement for the streets and for the laying of the sidewalks that the agents of the Government travel over?

Mr. POWERS. That proposition on the part of the gentleman from New York [Mr. MICHAEL E. DRISCOLL] is in a way an absurd proposition, but from one viewpoint it would be a just proposition. The distinguished gentleman from Wyoming [Mr. MONDELL] the other day made the argument that to carry this Federal aid to its logical conclusion, when the United States Government sent a United States marshal down into a moonshine district for the purpose of taking into custody some violator of the revenue laws, the Federal Government ought to pay for the use of the roads.

Mr. MICHAEL E. DRISCOLL. Is not the gentleman for that? It would help Kentucky.

Mr. POWERS. One moment. And, carried to its logical conclusion, it would mean that and carried to its logical conclusion it would include that. I have no right and you have no right and the Federal Government has no right to use any other man's property for a time, long or short, much or little, without paying for the use of that property. But such a scheme is impracticable. Nobody, so far as I know, is advocating a thing of that character. But it is practicable that Uncle Sam pay for the use of a road which he uses over 300 days in a year or for any specifically stated number of times.

Mr. MICHAEL E. DRISCOLL. Is $25 a mile a reasonable rental for one horse and one old rig, driving over the road once a day?

Mr. POWERS. In my judgment, the terms are too high in this bill. They ought to be cut in half; and, in my judgment, another class of roads, known as class D, ought to be included. For instance, if the Government pays $25 for the use of class A road, it will pay at the rate of about $2 a trip for a length of 24 miles. That is too much. I am not in favor of putting it that high. It ought to be cut in two, in my judgment.

Mr. MICHAEL E. DRISCOLL. Would not 25 cents or 50 cents a trip be fair toll?

Mr. POWERS. I do not know whether it would or not, but I think the provisions in this bill are too high.

Mr. LEVER. That is what it would be on a low-grade road.

Mr. POWERS. I would like to ask the gentleman from New York [Mr. MICHAEL E. DRISCOLL] if he is in favor of any toll at all?

Mr. MICHAEL E. DRISCOLL. I am not in favor of any toll whatever. The rural routes were established as a blessing and a benefit to the people of the country, and it was provided they should have their roads in proper condition before the routes were established, and now, when they have got the rural free delivery established they demand $25 a mile, and the gentleman says it is in the right direction. It is an attempt to get the Federal Government to build all the roads throughout the country, and I think that is what the gentleman meant by "right direction."

Mr. POWERS. I can not yield for a speech on the part of the gentleman; but I want to remind him when he takes the position that the rural routes have been established as a matter of favor, that he is wrong. The rural routes have been established not as a matter of favor but as a matter of common justice to the people who live in the country. [Applause.]

Mr. MICHAEL E. DRISCOLL. They are a favor. They do not pay for themselves, and therefore are not engaged in a profitable business.

Mr. POWERS. Neither is the War or Navy Department. The argument has been made that this is an unconstitutional provision, this provision of Federal aid to good roads; that the Federal Government has no right to pass a law of this character. I am not a constitutional lawyer. I do not assume to instruct the Members of this House on what is or is not constitutional law; but I want to say this: Under Article I of the Federal Constitution, section 8, the Federal Congress has the right to appropriate money for the establishment of post offices and post roads. There is no specific grant in the Constitution empowering Congress to appropriate money for the purpose of paying rent for the use of buildings in which to locate post offices.

The United States Government owns comparatively few of the buildings in this country in which are located United States post offices. The Government rents or leases most of them. It has been doing that since the beginning of the Government.

The Government can not afford to build a public building at every crossroads where a post office is located.

There is no specific grant in the Constitution empowering the Government to lease buildings for certain times on certain terms for the purpose of locating United States post offices therein; and yet nobody denies that the Federal Government has that right. Nobody questions the right and the power of the Federal Government to build public roads over which to carry its mails.

The Constitution says that the Federal Government has got a right to establish post roads. If it has got the right to establish post roads, it has got the right to lease roads and it has got the right to pay for the use of roads, just the same as it has got the right to provide for the location, building, leasing, and renting of buildings in which to locate its post offices.

The gentleman from New Jersey [Mr. GARDNER] raised the point this morning that there is a wide difference between the rivers—that character of highways—and the road highways. He made the point that the United States Government owns the land under the water in the river beds of this great country. I do not understand the law to be that. I understand that, so far as the sunshine of heaven is concerned, so far as the air we breathe is concerned, so far as the use of the water is concerned, or the use of water as a public highway is concerned, we all have the right to the use of them.

But nobody would make the contention that a man owns the air simply because he has got the right to breathe the air. Nobody would make the contention that any man under any Government owns the air or the sunshine because that man has got the right to breathe the air and bask in the sunshine. We have the right to use as public highways the great rivers of the country; but the Government, so far as my understanding of it goes, does not own the river beds or the water in the rivers.

Mr. LANGLEY. Mr. Chairman, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. POWERS. Yes, sir.

Mr. LANGLEY. If the gentleman will permit, the Federal Government merely has supervision of the navigable rivers. It has taken jurisdiction of them, and it can take jurisdiction of the post roads in the same way?

Mr. POWERS. Certainly.

Mr. MICHAEL E. DRISCOLL. Why do you not eliminate your State lines and admit that you are not States because you do not perform the functions of States?

Mr. POWERS. This bill does not infringe upon or interfere with any State rights, unless they are already interfered with by the Government in sending mail all over this country. [Applause.]

This bill is for the purpose of extending to the rural districts some of the things to which they have long since been entitled in common justice and in common fairness. [Applause.] Where have the great appropriations gone that this Congress appropriates from year to year and from time to time? Has that money gone to the rural districts? Have they in any of these appropriations been specifically provided for or specially cared for?

Away back yonder in 1882—30 years ago—the Congress of the United States appropriated for that year over $11,000,000 for rivers and harbors, $14,566,638 for naval service, $3,379,571 for the District of Columbia, $26,687,800 for the support of the Army, $68,282,307 for pensions, and how much for the Agriculture Department? The puny sum of only $335,500. Out of a total appropriation for all purposes that year of $179,579,000, the small sum appropriated for the Agriculture Department shows how little was spent to specially benefit the farmer. Ten years later, in 1892, our total appropriations had increased to $323,783,079 for that year. Of this sum, $2,951,200 was appropriated for rivers and harbors, but over $25,000,000 had been appropriated for them the year before; $31,541,645 went for the naval

service, $5,507,125 to the District of Columbia, $24,613,529 to the support of the army, $135,214,785 for pensions, and only $3,028,153 for the Agriculture Department.

In 1911, last year, our total appropriations amounted to $663,725,794; $49,380,541 went to rivers and harbors, $131,410,568 went to the Navy, $95,440,567 went to the Army, $10,608,045 went to the District of Columbia, $155,758,000 went for pensions, and only $13,487,636 went to the Agriculture Department.

I do not have the figures just now at my command, but everybody knows that for years the Government has been spending millions of dollars in the erection of customhouses and other public buildings in the various class cities throughout the length and breadth of the land.

This money has been spent for the convenience and accommodation of the people who live in the cities and not for the convenience and accommodation of the people who live in the country. The people who live in the towns and in the country have all these years been paying their full share of the taxes and assuming without complaint their full share of the burdens of running this Government, while the benefits and blessings have gone largely to others. This Congress now has an opportunity to do something for the people who live in the smaller towns, the country, and the rural districts.

If the present Congress will pass this bill, whereby the people living on or near rural routes in the country get cheaper postage on those routes than is accorded to those living in the cities and elsewhere, and will at the same time enact into law that provision of the bill whereby the Federal Government shall pay a just rental for its use of the State and country roads and thereby give aid and encouragement to the crying need of our times, the construction and maintenance of good roads throughout the land, much will have been done to remedy the wrongs done the rural population in the past and all to the glory and betterment of our common country. Your armies, your navies, your fortifications, your rivers, and your harbors, and your pensions, and your Federal buildings——

Mr. MICHAEL E. DRISCOLL. Do not they get their equal share of all these improvements?

Mr. POWERS. Oh, no. They do not get their equal share of all these improvements.

Mr. MICHAEL E. DRISCOLL. And do not they get the same share of the public defense that the cities get?

Mr. POWERS. These public buildings that are erected in the various cities of the country are largely erected for the convenience of the people living in those cities, and not for the convenience or comfort of the people living in the country.

Mr. LOBECK. Mr. Chairman, will the gentleman now yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Nebraska?

Mr. POWERS. I yield to the gentleman.

Mr. LOBECK. The gentleman's idea is that if an appropriation is made as proposed in this bill it is to repay the local communities for money and labor expended in making these roads passable and more convenient?

Mr. POWERS. Certainly.

Mr. LOBECK. And thus lessen the cost of transportation of the farmers' heavy products—their grain, and all that—so that indirectly it will lessen the cost of living in the larger cities?

Mr. POWERS. It will have that effect.

Mr. MICHAEL E. DRISCOLL. And you want to make the Government pay toll to the farmers for carrying their own products to market.

Mr. LOBECK. I believe in having good roads in this country and thus lessen the cost of products.

Mr. FOCHT. I wish to say that I am heartily in favor of the Government constructing public roads at the proper time and for the proper purpose, but I want to ask the gentleman from Kentucky whether he conceives of this bill reimbursing the States or counties or townships for the construction of public highways in such a way that he would regard it as involving the reimbursement to the State of Pennsylvania, for example, of $5,000,000 which that State had expended on public highways?

Mr. POWERS. I would say in answer to the gentleman from Pennsylvania that it is not a reimbursement at all. From the passage of this bill and from that time on the States and various subdivisions are to be paid by the Federal Government for the use of their public roads for the purpose of carrying the United States mails; and if the State of Pennsylvania has expended millions of dollars upon its public highways, if it has a splendid system of roads, if it stands superior to other States in that respect, Pennsylvania will reap the reward by having its roads now in such a condition that the rental will be paid at once by the Federal Government for the use of those roads in the transmission of the mails.

Mr. LEVER. Is it not proposed to do in this bill the fair and equitable thing of paying to the States and corporations exactly what they have furnished the Government?

Mr. POWERS. Certainly; that and nothing more.

Mr. LEVER. If they have given the Government a good road, the Government will pay them accordingly; and if they have given the Government a bad road, they will get little?

Mr. POWERS. That states the case clearly.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. POWERS. Yes, sir; with pleasure.

Mr. LANGLEY. Reference has been made to the expense that might be incurred by the Federal Government in carrying out this or any other scheme similar to it——

Mr. POWERS. Yes, sir.

Mr. LANGLEY. Does not the gentleman find from his investigation of the subject that whatever that expense may be it is a comparatively small matter compared with the cost of transportation over bad roads? In other words, that the cost to the Federal Government will be many times recompensed in the resulting benefits to the people, and especially to the farmers, who have had far too little consideration from the Government?

Mr POWERS. The gentleman is correct; and whatever is a saving to the citizens who constitute the Government is a saving to the Government. Whatever helps one helps the other.

This is fair legislation. It is just legislation. It is legislation in which the people I have the honor to represent are vitally concerned.

I believe this House will pass, possibly with some amendments, the good-roads provision in this bill. I hope it will pass, with some needed amendments, this experimental parcel-post legislation. The parcel-post legislation as provided for in this bill will help the country farmer. It could be so amended as to help him more. It will not hurt, but ought to benefit, the country merchant. This bill ought to be so amended that the commission to be appointed under its provisons shall have the power to investigate, not only the general parcel post but the postal express and the railway express, to the end that just and fair and wholesome legislation may be recommended. It should make its report on or before Congress commences in December so the people can get the relief to which they are justly entitled.

Mr. SULZER. Mr. Chairman, the New York Press is one of the leading newspapers of this country—fearless, able, progressive, and always advocating reform measures in the interest of all the people. For years it has been the earnest and consistent champion of a general parcel post, and never misses an opportunity to keep the people informed regarding the progress that is being made to enact legislation to place upon the statute books a general parcel-post law.

In this connection I send to the Clerk's desk and ask to have read in my time an editorial from the New York Press, of Friday, April 26 instant.

The Clerk read as follows:

PARCEL POST IN THE SHADOW.

It is unfortunate that the marine disaster which has agonized the world for the last 10 days, and the inquiry thereinto by a Senate committee at Washington, should chance to overshadow in the newspaper reports the debate in the House of Representatives on the parcel-post legislation pending.

If the enemies of the parcel post had calculated the time when the facts in support of the parcel post would be buried in the pages of the CONGRESSSIONAL RECORD and dismissed with scant paragraphs in publications widely circulated they could not have chosen a better period to obscure the argument in behalf of parcel-post facilities than one made so inopportune by an act of God.

Nevertheless, the reasons in detail why the parcel post should be established in the United States mail service are going to be thoroughly understood by all the people when the country is made acquainted with the facts set forth in the Congress debates. Already the public appreciation of the advantages to be gained by increasing the limit of fourth-class matter to 11 pounds with a cut in the prohibitive postage rate is widespread. It is so keen, even though the debate on the Sulzer amendment was almost ignored while interest centered on the tragedy of the *Titanic*, that no Representative whose vote reveals his sympathy with the express monopoly can hope to excuse himself to the voters when he is up for reelection.

Mr. SULZER. Mr. Chairman, that editorial speaks for itself, and I am glad to put it in the RECORD as a part of the literature on this debate for a general parcel post.

Mr. MOON of Tennessee. Mr. Chairman, does the gentleman wish to use some of his time?

Mr. GARDNER of New Jersey. I have some gentlemen who wish to be recognized in order to extend their remarks.

Mr. MOON of Tennessee. An order has already been made to allow gentlemen who have spoken to extend their remarks, and those who have not made remarks will be permitted to print.

Mr. GARDNER of New Jersey. Then I do not desire to occupy further time now.

Mr. MOON of Tennessee. Then I yield to the gentleman from Virginia [Mr. SAUNDERS] 25 minutes.

The CHAIRMAN. The gentleman from Virginia [Mr. SAUNDERS] is recognized for 25 minutes.

Mr. SAUNDERS. Mr. Chairman, on April 15 I introduced in this body a resolution providing for the consideration of the bill making compensation for the use of post roads as an amendment to the Post Office Appropriation bill. This resolution was favorably reported by the Committee on Rules and adopted in the House by a large majority. It is in the following terms:

House resolution 494.

Resolved, That after the adoption of this rule it shall be in order in the consideration of H. R. 21279, a bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, to consider the amendment to said bill hereafter to be mentioned, notwithstanding the general rules of the House.

On page 25, at the end of line 8, the following to be inserted:

"That for the purposes of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

"Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of shells, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highway of any State, or civil subdivision thereof, which falls within classes A, B, or C, for the purpose of transporting rural mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C. That any question arising as to the proper classification of any road used for transporting rural mail shall be determined by the Secretary of Agriculture. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act.

"The provisions of this paragraph shall go into effect on the 1st day of July, 1913."

Mr. Chairman, the era of national aid to state roads has arrived, and whatever form the opposition to that policy may take, whether the form of constitutional quibbles, or the form of freak or humorous amendments, such as propositions to pay for the use of the sidewalks in the cities, or the form of amendment ostensibly in aid of the bill, but really an embarrassment to the true friends of the measure, who have labored in season, and out of season to put this principle into working shape, these efforts one and all will be found as futile to stop the progress of this movement, as Mother Partington's mop proved to be as a weapon of defense, in her famous contest with the encroaching waves of the Atlantic Ocean. This bill rests upon constitutional authority, and its operation will interfere with no single one of those state functions, whose beauties and merits have been so eloquently acclaimed by some of the participants in this debate.

The gentleman from Illinois [Mr. MADDEN] spoke of the delight with which he paid his local taxes in aid of good roads. It is not proposed to interfere with the exquisite pleasure of that experience, or to take anything from its felicitous charm.

Under this bill he may not only continue to pay local taxes with all the pleasurable emotions attendant on that operation, but when so minded he may increase the measure of his delight in that process, by increasing his contributions to the roads of his community. There is not a friend of this amendment who will seek to hinder him from pursuing this charming, this patriotic course, of aiding local enterprise, in the rôle of a cheerful giver.

The gentleman from Massachusetts [Mr. MCCALL] spoke of this measure as interfering in some wise, not very clearly depicted, with the functions of the States, and as tending toward centralization. I do not recall that New England was affected with this form of apprehension, when we passed the law for the White Mountain Reserve, a proposition for an expenditure of public money which rests upon a far more insufficient foundation, whether in reason, or in the Constitution, than the proposition to aid the construction and maintenance of post roads in the States, by means of a national appropriation. Many gentlemen who have criticized the pending proposition, have very clearly shown by the nature and character of their criticism, that they are absolutely unacquainted with the terms, the purport, and the purpose of this measure.

The gentleman from Texas [Mr. SLAYDEN] in the course of his remarks, referred with just pride to the liberal attitude of his people toward the cause of good roads, and the extent of the local contributions in aid of that cause. We are mindful of the fact that many States in this Union have done splendid work in this direction.

The thrill of the movement for betterment of roads, is being felt in every State, and I rejoice that it is so. But may I ask my friend from Texas, and the other gentlemen from the other States who have assailed this measure, how and wherein, will a supplemental fund derived from the National Treasury by direct appropriation, paralyze local effort, or hinder the work of local development?

In many of the States, notably in my own, the roads are established and maintained by local taxation, with an auxiliary state fund that is afforded upon prescribed conditions. Just a moment ago I was talking with a Member from New Jersey, and he mentioned the fact that in his State, as in Virginia, the county and local contributions to the road fund were supplemented by state aid. In that instance did state aid paralyze the arm of the community? Did state aid cause a recession of local activities? On the contrary, as a direct and immediate result of cooperation of effort, the State of New Jersey affords a most splendid illustration of what can be done by united endeavor in the way of securing good roads of the highest type. When county aid is supplemented with state aid, and state aid is supplemented with national aid, pray tell me why this aggregate aid may not be efficiently employed, or why national aid will operate to paralyze local endeavor, when state aid has merely served to energize it? In the great fight now in progress in the Mississippi Valley between the States, and the Father of Waters, do the States disdain the help of the Nation on the ground of its paralyzing effect on local activities, and local contributions?

There is no great nation of the modern world which has not aided the local communities in respect both of construction and maintenance of highways, and the nations pursuing this policy are noted for the excellence of their roads. In this regard the Republic of France is the wonder of the civilized nations. But to achieve her present state of supremacy in the matter of improved highways France, as a nation, has spent over 3,000,000,000 francs upon her roads. This fact explains in large measure the present prosperity of that country. A few days ago the French Government called on its people for bids on a bond issue of $60,000,000. In the briefest possible time bids aggregating over $400,000,000 were received. Comment is unnecessary. To-day France, which has done so magnificently in the direction of national aid to roads, has in contemplation a scheme of canalization of her rivers. This is but another form of domestic improvement in aid of internal commerce, and like her roads, these canals will further increase the commercial facilities and aggregate wealth of that wise and thrifty people.

Why should this great nation, a nation that in other respects stands in the very forefront of the nations, hesitate to pursue a course that has been pursued in other countries with such splendid results? Is our authority to enact this measure questioned? Consider for a moment the authority of the Federal Government over rivers and harbors. The National Government exercises at present the right to regulate the height of bridges over navigable streams, to determine whether these bridges shall be built, to provide that bridges if built, may be built by private corporations, with the right to charge tolls, to provide for the taking of private property to afford approaches to the bridges, to provide that feeders leading into channels of interstate commerce may be constructed, and to that end that the land of private parties may be condemned.

These are great powers. Whence are they derived? From any express grant of authority in terms, in the Constitution? Not at all. All of this gigantic power, so freely used at times, is derived from the commercial power, the power to regulate commerce among the States. Under authority of that clause, Congress has spent over $600,000,000, on the improvement of rivers and harbors, on lighthouses, and warning signals. The power to do these things is not given by express grant. In the case of post roads the Constitution declares that Congress shall have the power to "establish post roads, and post offices." But the power to dredge rivers and harbors, to control navigable streams, and to provide for the construction of interstate bridges, or bridges over navigable rivers entirely within one State, has been derived by subtle judicial construction

from the simple declaration of the Constitution that the Congress may regulate commerce among the several States. Apart from the clause relating to post roads, the Congress has the power under the commerce clause, as it is now construed, to construct, improve, and maintain interstate highways by water, or by land, and the further power to construct, improve, and maintain, any and all public highways by water, or by land, which connect with, or intersect, or lead into such interstate highways, if these works are deemed essential to the regulation of commerce. The fact that Congress has not put into exercise its right to regulate commerce between the States, by the construction and improvement of highways across, and in the several States, does not argue that this power does not exist.

In the case of Mobile *v.* Kimball (162 U. S., p. 685), involving the question of the right of Alabama to enact a law for certain improvements in the harbor of Mobile, Justice Field declared that:

> Inaction of Congress on these subjects, unlike inaction upon matters affecting all the States, and requiring uniformity of regulation, is not taken as a declaration that nothing shall be done with respect to them, but is rather to be deemed a declaration that for the time being, and until Congress chooses to act, they may be regulated by State authority.

In the case of Clinton Bridge (10 Wall., 454), Justice Wilson held that the power vested in Congress to regulate commerce with foreign nations, and among the several States, includes the control of the navigable waters of the United States, so far as may be necessary to secure their free navigation, and by navigable waters of the United States are meant such as are navigable in fact, and which by themselves, or their connection with other waters, form a continuous channel for commerce with foreign countries, or among the States.

In Luxton *v.* North River Bridge Co. (153 U. S., 525), construing an act authorizing the construction of a bridge between New York, and New Jersey, and making it a post road, the court held that:

> Congress may create corporations as appropriate means of executing the powers of government, as for instance, a bank to carry on fiscal operations in the United States, or a railroad corporation for the purpose of promoting commerce among the States.

Congress being empowered to regulate commerce between the States, and pass all laws needful to carry into execution any of the powers specifically conferred, may make use of any appropriate means to that end. To such an extent is this principle carried, that it is declared that—

> Whenever it becomes necessary for the accomplishment of any object within the authority of Congress to exercise the right of eminent domain, and take private lands, making just compensation to the owner, Congress may do this with, or without a concurrent act of the State in which the land lies. (Van Blocklin *v.* Tennessee, 117 U. S., 154.)

In Indiana *v.* United States (148 U. S., p. 148) we find the following:

> Congress has likewise the power exercised early in this century by successive acts in the case of the Cumberland, or National Road from the Atlantic across the Alleghanies to Ohio, to authorize the construction of a public highway, connecting several States.

Of course if such a highway may be authorized and constructed, highways leading into this highway, and forming thereby a continuous channel of commerce, may also be constructed under this and other authority. In California *v.* The Pacific Railroad (127 U. S.), it was adjudged that Congress has authority in the exercise of its power to regulate commerce among the several States, to authorize corporations to construct railroads across the States, as well as the Territories of the United States. In this connection Mr. Justice Bradley, speaking for the court, is quoted:

> It can not be doubted at the present day that Congress under the power to regulate commerce among the several States, as well as to provide for postal accommodations, and military exigencies has authority to pass these laws. The power to construct, or to authorize corporations, or individuals to construct national highways, and bridges from State to State, is essential to the complete control, and regulation of interstate commerce.
>
> Without authority in Congress to establish such highways and bridges, it would be without authority to regulate one of the most important adjuncts of commerce. This power was exercised in former times to a very limited extent, the Cumberland or National Road being the notable example. Its exertion was but little called for, as commerce was then mostly conducted by water, and many of our statesmen entertained doubts as to the existence of the power to establish ways of communication by land.
>
> But since in consequence of the expansion of our country, the multiplication of its products, and the invention of railroads, and locomotion by steam, land transportation has so vastly increased, a sounder consideration of the subject has prevailed, and led to the conclusion that Congress has plenary power over the whole subject.

These citations would seem to afford conclusive authority for the proposition that Congress enjoys the right under the commerce clause to construct, and maintain in any portion of the Union, roads that are a part of a general scheme of regulation of commerce, and as such, and to that end, parts of an interstate highway. This power is enjoyed altogether apart from the power to establish post roads. It is the power to construct, or have constructed highways, for the complete regulation, and control of commerce.

So that the authority of the Federal Government to construct and maintain roads may be referred to the power to regulate commerce. But there is another provision of the Constitution to which this power may be more directly and immediately related, namely the clause affording the Congress the express power to establish post roads. There is no need to interpret this section. It carries its own meaning plainly and obviously. When this power to establish is once exercised, jurisdiction over the roads established, attaches forthwith, along with the obligation of maintenance, as a national function. The extent of Federal authority over post roads, established by mere use, and not by construction, was settled in the famous Debs case.

Whatever may have been the real attitude of the "fathers of the Constitution", toward the actual construction of roads across the States, and within the States, with the incidents of Federal jurisdiction and control, whatever they may have had in mind as the real meaning, and the definite limits, of the words used relating to the commercial power, and the establishment of post roads, that meaning, and that attitude are no longer more than a moot question. The accumulated decisions which I have cited in part, decisions rendered in a long course of interpretation of our organic law, make it abundantly clear, that to-day Congress may not only build and maintain post roads under the clause to that effect, but under the commercial power may construct highways across the States, or permit them to be constructed, and then provide for feeders within the States, retaining over the whole system Federal jurisdiction and control, and maintaining the same at the national expense.

These great works Congress could justify as being not only within its powers, but as promoting that general welfare contemplated by the Constitution, so that if our power to enact the pending bill, and afford the payments provided, is challenged, our answer is ample. We are far short, and designedly so, of exercising the powers that might be called into operation. Every feature of Federal control over state roads, or interference with state, or local functions, has been carefully eliminated. The Congress if so disposed, might establish and control an elaborate system of national roads. It is satisfied to use existing roads, and afford compensation for that use. To exercise its undoubted powers to the fullest extent, would entail vast expense, arouse antagonisms, and create friction in the States and local communities. Foregoing the ultimate exercise of these powers, it is content under the proposed measure to utilize only so much of them as may be needed to enable it to extend effective aid to the maintenance of the general system of post roads now in use, for transporting rural mails in the United States. This is a conservative measure and ought to appeal to conservative minds. Should this plan be rejected, a more objectionable and radical one might be adopted in the near future.

A feature of unusual merit in this measure, is the just discrimination with which its aid is afforded. While the largest measure of aid is extended to the communities which in largest measure have aided themselves, a helping hand is tendered at the same time to the communities which are willing, but unable to construct, or maintain, improved highways with the slender resources at their command. States that show the largest mileage of improved roads falling in class A, or class B, will receive the larger rentals provided for roads in those classes, and as compared with other States, a proportionately greater total payment. The lowest rental is provided for the great aggregate of roads embraced in class C.

Communities that have built good roads, will find their reward in this bill. Communities that desire to build goods roads, will be encouraged to go forward. Every community will be stimulated to construct more hard roads, and to transform existing dirt roads into improved highways, in order to receive the larger compensation attaching to permanent roads falling in the two first classes. The critics of this measure seem to fancy that the roads of the States are to be exclusively constructed, or maintained, by the appropriation which it carries. Nothing of the sort. It is merely a supplement to local efforts. A permanent road on which the State spends $25 per mile, per annum, for maintenance, may not be very adequately maintained by that expenditure. But the expenditure of $50 per annum, per mile, may be ample for efficient maintenance. It is the purpose of this bill to afford the additional $25.

The cost of maintenance for a well-constructed dirt road, depends upon a number of factors, and is a fluctuating quantity. Many of these roads can be well maintained during a large portion of the year, on an expenditure of $10 per annum, per mile, and admirably maintained on an expenditure of $25 per annum, per mile. This bill will afford $15 per mile, and the

local authorities will be required to provide the additional amount needed to maintain the road to the prescribed standard.

The State of New York will be entitled to something like $1,000,000 per year when its roads are conformed to the requirements of this measure. Will the gentlemen from that State who either directly, or indirectly, are opposing this plan of national aid to state roads, undertake to tell this House that this large sum will be rejected, or that if received as a supplement to state contributions, it will not give impetus to the state and local activities in the great cause of road improvement?

The State of Texas is interested in this measure to the extent of about $800,000 per annum. That great State boasts of what it has done in the way of road building, and it is conceded that its record in this respect is altogether creditable. Will the Representatives from Texas tell this House that the sum of $800,000 as an addition to their state and local contributions, is a negligible item, or that once in hand this considerable sum, will not energize and stimulate the whole scheme of road building in that State? If road building is a state function, a material increase of road funds will induce a more efficient discharge of that function. Throughout the Union, in every State, and in every community, the stimulating effect of the compensation contemplated by this bill will be noticeably felt. The sentiment of the country favors permanent roads, or hard roads as they are sometimes styled, and the general tendency is toward their construction, but for the present many communities are unable to build them. During the transition era, and until the existing roads are replaced by the ultimate form of permanent roads, the dirt roads should be maintained in the form most suitable for efficient use. Hence the provision of the bill in aid of dirt roads.

Mr. BEALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. Certainly.

Mr. BEALL of Texas. The gentleman has made reference to the fact that under the provisions of this bill he estimates that Texas will get about $800,000 annually.

Mr. SAUNDERS. Yes.

Mr. BEALL of Texas. Can the gentleman give us any estimate as to how much burden it will be upon the people in order to get that $800,000 into the Federal Treasury?

Mr. SAUNDERS. I can not. All money raised through taxation is derived from the people, but I am not prepared to say what it costs to put $800,000 into the Federal Treasury.

Mr. BEALL of Texas. Has not the gentleman frequently argued that in order to get one dollar into the Federal Treasury by the present system of taxation, the people have to bear a burden of from five to ten dollars?

Mr. SAUNDERS. No, Mr. Chairman, I have never made that argument. If the State of Texas, or any other State represented upon this floor, has any scruples with respect to receiving the amount to which it will be entitled under the bill, permit me to say to these gentlemen that there are other States that will gladly undertake to relieve them from that embarrassment. [Applause.]

Mr. Chairman, my friend's argument goes further than he might be disposed to extend it, and has other applications that he might be unwilling to make. I might ask him how much does it cost the people of the whole country to raise the money that has been expended for the purpose of destroying the boll weevil in the State of Texas? [Applause.] Did he favor the expedition that was sent to Central American to secure a species of ant supposed to have a blood feud with the elusive weevil, and to pursue him with unrelenting and implacable hostility? The gentleman from Texas might well be asked how much does it cost the public, the general mass of taxpayers, to raise the money that has been used to improve the rivers and harbors of his State? I have no information that Texas has declined to receive the benefits of that expenditure. Upon what theory of the Constitution do gentlemen justify expenditures for these objects, while they assail appropriations for roads with flouts and jeers? That instrument does not even mention the boll weevil, and is strangely reticent as to rivers and harbors.

The gentleman from Wyoming [Mr. MONDELL] made a vigorous attack upon this bill, and likened the Government when paying the rentals for which it provides, to Santa Claus, distributing gifts at Christmas. I understand that Uncle Sam on one occasion played the rôle of Santa Claus to the little hamlet of Sundance in Wyoming, and handed over a Christmas package in the form of a public building, without any protest from that State. [Applause.]

It is doubtless true that Uncle Sam has distributed his gifts to some unworthy recipients. His activities are manifold. He is building roads and other public works in many quarters of the world. He has played the part of Santa Claus to the Porto Ricans, the Panamans, the Filipinos, to the rivers and harbors to the extent of $600,000,000, and to the railroads in aid of their development by donations of public lands aggregating over 197,000,000 acres. It is now proposed that he shall play Santa Claus for the benefit of the American farmers. Is there objection? [Applause.]

Mr. BEALL of Texas. I do not want to needlessly consume the gentleman's time——

Mr. SAUNDERS. I am willing to yield.

Mr. BEALL of Texas. The gentleman has replied to a statement I made. Would it interfere with the gentleman's course of remarks if I quoted here a statement by a very distinguished Virginian?

Mr. SAUNDERS. Oh, not at all.

Mr. BEALL of Texas. It is a letter written by Mr. Thomas Jefferson to Mr. Madison:

> Have you considered all the consequences of your proposition respecting post roads? I view it as a source of boundless patronage to the Executive, jobbing to Members of Congress and their friends, and a bottomless abyss of public money. You will begin by only appropriating the surplus of the post-office revenues; but the other revenues will soon be called in to their aid, and it will be a scene of eternal scramble among the Members who can get the most money wasted in their State, and they will always get most who are meanest.

Mr. SAUNDERS. I will give the gentleman a declaration of Democratic principles somewhat later than that of Mr. Jefferson, and one which he has possibly overlooked.

Mr. BEALL of Texas. Can the gentleman give a declaration of Democratic principles that is better than Mr. Jefferson's?

Mr. SAUNDERS. I think so, on this subject at least. [Applause.]

Mr. BEALL of Texas. Very well.

Mr. SAUNDERS. The Democratic platform of 1908 contains the following plank:

> We favor Federal aid to State and local authorities in the construction and maintenance of post roads.

[Applause.]

I might say that the pending proposition is not the one criticized by Mr. Jefferson. This proposition confers no patronage upon the President, affords no opportunity of jobbing the Members of Congress, and does not open a "bottomless abyss of expenditure." The limits of expenditure are carefully fixed, and no money will be expended under its provisions until, and unless, the roads to which they relate, conform to the standards prescribed.

Mr. BEALL of Texas. Will the gentleman yield further?

Mr. SAUNDERS. Yes, with pleasure.

Mr. BEALL of Texas. Can the gentleman explain why there is no provision in this bill stipulating that this money that is to be paid by the Federal Government shall be used for the purpose of construction and maintenance of public roads? In other words, is not the gentleman familiar with the fact that the friends of this measure have refused to incorporate in this bill a provision that it shall be used for the purpose designated in the Democratic platform.

Mr. SAUNDERS. When the gentleman and myself studied law, we learned a maxim to the following effect: That is certain, which can be rendered certain. Id certum est, quod certum reddi potest. Under the provisions of our bill, it is sufficiently certain that the money which it appropriates will be applied upon the public roads. [Applause.]

Mr. BEALL of Texas. Will the gentleman yield? Is not the gentleman in favor of the bill stipulating the use that shall be made of this money?

Mr. SAUNDERS. No further than it does in its present form. It is sufficiently explicit on that point.

Mr. BEALL of Texas. Why not?

Mr. SAUNDERS. For the very reason that under the terms of the bill the roads must be maintained to a prescribed standard as a condition precedent to the right of the localities to receive these rentals.

Mr. BEALL of Texas. Then why not say so?

Mr. SAUNDERS. The bill says so, substantially and sufficiently.

Mr. BEALL of Texas. Why not say so in direct terms?

Mr. SAUNDERS. Well, it is sufficiently stated, and when a thing is stated sufficiently I believe that is tantamount to a direct statement.

Mr. JACKSON. Will the gentleman yield for a suggestion right on that point?

Mr. SAUNDERS. Yes.

Mr. JACKSON. We have in our State, in one of the counties, and I think more than one, the case of a railroad which is practically owned by the municipality and State. We have to have some bridges and approaches over which the railroad passes. Does not the gentleman think it is entirely consistent now that these railroads which belong to the municipality,

these bridges, and so forth, should receive, or rather the municipality should receive, their share of the mail contracts that pass over them, and this law is on all fours in principle with that proposition, that the county and State railroads should receive their share of the money paid for mail contracts?

Mr. SAUNDERS. Precisely. The gentleman's interruption suggests one detail to which I wished to advert a moment ago, and that is the suggestion that this bill should provide payment for the streets and sidewalks used in the cities by the city and other carriers. I am not acquainted with the laws of any State that provide that state appropriations in aid of good roads shall be expended upon the streets and sidewalks of the municipalities. In my own State there is a state appropriation in aid of roads, that is pro-rated among the counties. This amount is derived from the general taxes, and not a cent of it is expended in any city of the State.

The reason for this is that the cities, as a result of the charters of incorporation which they derive from the State, are supposed to have distinct advantages over the rural and unincorporated communities. The legislature confers these charters upon them, and in consideration of this fact, as well as of the further fact that the cities are directly benefited by the improvement of the highways, it is believed that the general assembly is justified in applying the road fund exclusively to rural roads. The cities recognize their immediate interest in road improvement, and afford generous aid in this direction. The commercial interests of the cities are effectively promoted by any general improvement in the means of commercial communication.

Mr. MADDEN. What would the gentleman say in cases where the cities make no contributions to the local authorities for the construction of roads?

Mr. SAUNDERS. That does not affect the question. The roads in those States would still receive their appropriate aid under the pending bill which my friend is opposing. I simply used the illustration in respect of state aid to show that in applying the benefits of this bill exclusively to rural roads, we are following the analogy of the States which do not apply state aid to streets and sidewalks, and to show further by the experience of the States, that national aid will not paralyze local endeavor, that it will be a help not a hindrance.

Mr. MADDEN. In the State of Illinois the State makes no contribution whatever either to the country road or city street. All of the streets are built by assessment against the abutting property, and all the highways are built in the same manner.

Mr. SAUNDERS. Did not your last national platform advocate national aid to roads?

Mr. MADDEN. They simply contemplated state aid.

Mr. SAUNDERS. Do you mean to say that when your platform uses the following language—

> We recognize the social and economic advantages of good country roads, maintained more, and more largely at public expense, and less and less at the expense of the abutting property owner—

it merely meant to say to the people of the country that you favored state aid in the construction, and maintenance of country roads?

Mr. MADDEN. Read the platform.

Mr. SAUNDERS. Do you mean to say that was all you meant by this plank of your platform?

Mr. MADDEN. Undoubtedly.

Mr. SAUNDERS. If the gentleman from Illinois and his party are satisfied to juggle with words after that fashion, then it is easy to understand why the voters repudiated that party at the last election. You were writing a national platform for the purposes of a national campaign, and the plain and ordinary sense, and necessary implication of the words used, constitute a sufficient declaration in favor of national aid to roads. The next sentence merely commends what the States are doing and have done, in aid of roads. It is not a declaration of principle, or party attitude. Now when the gentleman is confronted with his platform, he repudiates its obvious meaning, and declares that it does not mean what it plainly and manifestly intends. No wonder the country repudiated your party. It will repudiate any party that says one thing in its platform and means another.

Mr. MADDEN. Will the gentleman do the House the kindness to read what the platform says?

Mr. SAUNDERS. I have read it. I read it this morning, and I will now reproduce the sentence to which the gentleman evidently refers:

> In this work we commend the growing practice of State aid, and we approve the efforts of the Agricultural Department by experiment, and otherwise, to make clear to the public, the best methods of road construction.

We too commend what the States have done, and the purpose of this bill is to enable them to discharge a local function, so called, in a more efficient manner. Does the gentleman speak for his side of the House in the interpretation which he has placed on the Republican platform? Are you all agreed that your platform merely intended to pat the States on the back, and to compliment them on what they had done in aid of roads?

Reverting to the citation from Mr. Jefferson's writings submitted by the gentleman from Texas, I wish to say that Mr. Jefferson's attitude toward national aid to roads was largely the attitude of his day. The same constitutional objections which were urged against appropriations for highways, were invoked against appropriations for rivers and harbors. But appropriations for the latter objects, have become a fixed policy of this Government, and the objection to this expenditure on constitutional grounds, is no longer urged. The Constitution of to-day, is not the Constitution as Mr. Jefferson understood it. The powers of the Federal Government under that instrument have been immensely enlarged by successive decisions of the Supreme Court. In a sense the Constitution has been rewritten.

Mr. Jefferson's suggestion that appropriations for roads, would lead to a scramble among the Members to secure the most money to be wasted in their respective States, is a suggestion of far-reaching significance. If accepted as a principle of general application, it would serve to eliminate many present forms of national activities which are regarded as essential to our national progress, and domestic development. It would bring appropriations for rivers and harbors, for internal waterways, and coastwise canals to a summary halt. It would require a cessation of our activities in the matter of public buildings. The argument that appropriations for roads will open a "bottomless abyss," once conceded to be sound, is equally potent against appropriations for rivers and harbors, and public buildings. Mr. Chairman shall we refrain from action that is admitted to be moderate and constitutional, lest our successors in their day, shall take action that will be both immoderate and unconstitutional? We are charged with present duties. In their own time our successors must work out the problems of their day and generation.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. SAUNDERS] has expired.

Mr. SAUNDERS. I would like the gentleman from Tennessee [Mr. MOON] to give me a few minutes more—10 minutes, say.

Mr. MOON of Tennessee. I have not the time. I would be glad to yield it if I could. I suppose, on account of one gentleman having dropped out of the debate, I could give the gentleman from Virginia five minutes additional.

Mr. SAUNDERS. Very well. I will take five minutes. Mr. Chairman, whenever any new form of expenditure is suggested, there are always some gentlemen who shiver with apprehension of approaching disaster, and vehemently suggest that such a policy will bankrupt the Treasury. That argument has been made and insisted upon with respect to the effect of the pending amendment. And yet it is undoubtedly true, that no nation has ever bankrupted itself by voluntary contributions to works of internal development. Consider for a moment the great countries of the world with their staggering burdens of public debt. The public debt of Great Britain is $3,669,931,350, of France $5,898,675,451, of Russia 4,558,152,565, of Italy $2,602,299,757, of Austria-Hungary $1,063,725,105, of Japan $1,287,604,261. The figures are appalling and they tell a story of insensate and incredible folly. These gigantic sums represent chiefly either indebtedness for wars that are past, or preparations for wars to come. It is only when you touch the pride of a nation, it is only when you play on the apprehensions of a people, it is only when you arouse the fears of the timid, or quicken the pulse of vaulting ambition, that burdens are lightly assumed which in the result retard the progress of civilization in its happiest and most attractive forms. Education, waterways, commerce, roads, everything is starved to pay for mighty armies and fleets of huge tonnage. The utilities give way to the futilities, the machinery of construction, is superseded by the devices of destruction, the country is impoverished by the exaction of excessive sacrifices.

Take as an illustration the colossal waterway that we have undertaken to construct across the Isthmus of Panama, at a cost of something less than $400,000,000. It is computed that the annual interest and other charges on this work, including the cost of the large garrisons that will be maintained at Panama, will be about $35,000,000. The annual revenue will be about $1,000,000 for quite a while to come. This is losing money at a great rate. The Panama Canal from an economic standpoint, was originally indefensible. As a commercial, dividend-returning proposition, it is hopeless. Yet this country freely, cheerfully, voluntarily, assumed the obligation to construct "the big ditch," without a thought of the ultimate cost. To-day this project is justified as a war measure, as a part of the national defense. Should war arise, say with Morocco, or Per-

sia, or Arabia, the Pacific fleet can be transferred to the Atlantic by way of this canal. Should Cochin China, or Borneo, or Kamschatka assail us, the Atlantic fleet can be rushed to the Pacific by the same waterway. This facility of transfer, is supposed to justify our investment.

Should the friends of good roads propose to spend $400,000,000 on domestic improvements, upon highways that our children, and our children's children to the remotest generation will use, as the men of to-day are using the roads that Rome built when she sent her legions to the four corners of the earth, the advocates of military expenditures, and of elaborate schemes of national defense against chimerical antagonists, would protest in the name of economy against this expenditure, and appeal to the country to reject a scheme involving so extravagant an application of public money.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Illinois?

Mr. SAUNDERS. I have yielded freely heretofore to interruptions, but I have little time remaining. Will the gentleman supply me with additional time, if I yield? If I had the time, I would gladly yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. SAUNDERS. Mr. Chairman, in a nutshell, this is what our bill will accomplish. It will aid every community between the two oceans, that is interested in the betterment of its highways. Under its stimulating effect an era of universal road improvement will be happily inaugurated. The States that have done well, will do better. The States that are laggard, will take heart. Provision is made for every class of road.

The basic principle of this measure is compensation by the Federal Government for the use of the roads traveled by the mail carriers in the star route and Rural Delivery Service.

The constitutional power of the Federal Government to construct, or promote works of internal improvement has been debated from the foundation of the Republic. Heretofore the question of Federal aid to the construction or maintenance of highways, has been considered from the point of view, either of appropriations in aid of the construction of such works as are authorized by the States, and are national in their character, or of appropriations for the direct construction of roads and canals in order to "facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive, the means and provisions for the common defense." The chief obstacle thus far in the path of appropriations in aid of road making, or of road maintenance within the several States, has been the indisposition on the part of the States to agree to any measure of Federal control or authority over their roads. No practicable scheme of joint operations using in part Federal, and in other part State money has been, or is likely to be devised. One sole and responsible agency, whether State or Federal, must do the work, and all the funds appropriated for this work, whether county, state, or national, should be turned over to this agency. This is what this bill proposes to do with respect to Federal payments in compensation for use of the state roads.

It is believed that this measure would have been received with favor by even so strenuous an advocate of the rights of the States as President Monroe who vetoed a bill for repairs on the Cumberland Pike, but announced that he favored appropriations for the maintenance of roads, to be exclusively expended by the States.

The specter of Federal interference with state or local affairs, has been eliminated by the form in which payments will be made. The public is familiar with the system in vogue of compensating the railroads for the transportation of mail matter, and of Government agents and agencies connected with the mail service. The aggregate of these payments in the last fiscal year amounted to about $51,000,000. Thousands of miles of exclusively state roads are traveled by rural and star route carriers. At present these roads are maintained by the States, though the Federal Government enjoys their free and uninterrupted use for its mail service, whether by rural, or star route carriers. No reason is perceived why the Government should not pay for this use of these highways, the amount of the payment to be determined in any given instance by the character of the road traversed by Federal employees performing Federal service. For the purpose of this determination the bill divides the roads in use, or to be used for this service, into three classes.

Class A is the highest form of improved road in country use. For a road of this character, used in the rural-delivery and star-route service, it is provided that the Government shall pay at the rate of $25 per mile per year.

Class B is the next form of improved road defined in the bill, a road of high quality but not so good as that defined in class A. For this road the compensation fixed is at the rate of $20 per mile per year.

Class C comprehends the ordinary dirt roads of the country, and for these roads the prescribed compensation is at the rate of $15 per mile per year.

Payments are to be made at the end of each year to the appropriate custodian of the road funds, on the warrant of the Postmaster General. No payment will be made for a road not falling within one of the prescribed classes, and as the determination of the proper character of the road used, will be at all times in the hands of the agents of the Federal Government, the interests of the Government in this respect will be adequately conserved. If the road is not maintained to the prescribed standard, the road authorities will not be entitled to receive compensation. If it is maintained to the standard for a portion of the year, then the compensation will be paid pro rata. The most zealous and tenacious advocate of the rights of the States will be unable to find in this bill any encroachment upon those rights.

The States will maintain and control their highways, and the Federal Government will pay for using them, provided that they are adequately maintained in the prescribed condition. If the maintenance of state roads is a function of the States, that function will not be trenched upon, or in anywise impaired by this bill. The States will continue to exercise the sole and exclusive control of state highways, and will be under no compulsion to receive the payments contemplated for their use. It is hardly necessary to enlarge upon the benefits to the whole public that will follow upon the general improvement of the highways in the several States. In the matter of good roads, this country lags behind the older countries of the civilized world. In part this is due to the fact that this country is the only one of the great powers, that makes no national contribution either to the construction, or to the maintenance of public roads. For this our dual system of government is largely responsible, since this duality has made it difficult to afford this aid in such a manner as to reconcile the conflicting rights and interests of the States, and of the Nation.

It is believed that the measure proposed is not only no infraction of the Constitution but is in harmony with its general purpose. The number of miles of State roads now traveled by the rural and star-route carriers is approximately 1,179,000. The mileage in class A is 35,000 miles, in class B, 83,000 miles, and in class C, 1,061,000 miles. According to the prescribed scheme of payments the amount per year that this bill will carry on the above basis, should payments be made for the entire mileage, will be $18,450,000. But it must be borne in mind that only a small proportion of this aggregate mileage is in condition to receive immediate compensation.

The figures given show that the present mileage of hard roads in the United States is comparatively small, but each year shows a healthy increase in this direction.

The truth of the declaration of Charles Sumner, made over 50 years ago, that "The two greatest forces for the advancement of civilization, are the schoolmaster, and good roads," is emphasized by the experience of the intervening years, and points to the wisdom of a union of educational forces for aggressive action for permanent roads.

The improved roads, totaling 118,000 miles, may be considered as practically conforming to the requirements of the bill, and entitled to receive compensation, but the aggregate payments on this account will be only $2,535,000 per year. A very large proportion of the mileage of dirt roads will require much work at the hands of the local authorities before any claim for compensation can be presented. Hence it is believed that for the first year the payments under this bill will be comparatively small, the exact amount required being impossible of estimate. In proportion as the mileage of the rural and star routes increases, and dirt roads are improved so as to fall within class A, class B, or class C, the payments under this amendment will increase, but this increase will be a legitimate and natural evolution. The inevitable effect of this measure will be not only an immediate improvement of the roads of all the States, but a stimulus to road construction in every community.

The tendency of road building hereafter will be in the direction of a steadily progressive change in the character of the state roads, the dirt roads being transformed into hard roads as rapidly as possible, so as to entitle the local communities to receive the larger tolls contemplated for roads of the latter description. The universality of benefit of this measure is one of its striking features of merit. It will stimulate road construction and road improvement in every State, and practically in every community. Wherever a rural or a star route runs, however remote that route may be from the great centers of trade and commerce, the beneficent influence of this bill upon

road improvement will be proportionately felt. So far from stifling or impeding the spirit of local improvement and local development, this measure of Federal compensation for roads actually used, will energize that spirit, since the payments provided will swell the local contributions into a generous working total. On the whole, it is submitted that the bill is meritorious in its purpose, and constitutional in its character.

The pending proposition is a comprehensive scheme having reference at once to present conditions and future development The ultimate road, is a highly improved hard road, macadam or its equivalent. The present roads are largely dirt, or soil roads. Some gentlemen seem to favor appropriations for magnificent boulevards, few in number, but things of beauty, and joys forever to the automobilist. The advocates of such roads deride the plan of aiding the States to maintain and improve the ordinary roads of the country. Appropriations to this end are denounced as a waste of public money, because it is an annually recurring charge. Apparently the Members who oppose appropriations for the maintenance of dirt roads, are unaware that improved roads carry a high conservation charge to maintain their efficiency. A continual reparation is in progress upon the streets of Washington, calling for a heavy annual appropriation. Why is it considered to be good administration to keep improved highways in order through an annual expenditure, and a waste of public money to maintain in proper condition the dirt roads over which 90 per cent of our people travel? The conservation, or maintenance of roads, whether of dirt, or of any other material, must be the keynote of any scheme of intelligent improvement. Adequately maintained the dirt road is the finest road in the world for nine months in the year. It is also the easiest road to maintain during that period. Why should a well considered effort to improve the roads of that class, as a part of an entire scheme which includes the highest forms of improved roads, be derisively designated as "dirt roads statesmanship" and opposed on the ground that the improvement will not be permanent, and the necessity for appropriations will annually recur? I for one, welcome the appellation. It is to our credit that although Congress passed a resolution in 1818 that it had the power under the Constitution to appropriate money for the construction of post roads, and still later Daniel Webster declared that he had reached the conclusion that the Government had the power to accomplish sundry objects, or aid in their accomplishment, commonly called works of internal improvement, it was reserved for the year 1912 to see these declarations take practical form, and dirt roads come into their own as a proper subject of government aid, so that they may be maintained in that form which will afford the most serviceable use.

This bill marks a new departure in our national policy, but one easily defended, and likely to grow in popular favor. It will be known by its fruits, and justified by the universal diffusion of its benefits. I rejoice in the fact that this great measure of popular relief, so rich in its promise of domestic development, will be enacted by a Democratic House. This is the day, I long have sought. [Applause.]

Mr. CANNON. The gentleman is for the bill that is made in order now?

Mr. SAUNDERS. Absolutely, and unequivocally. I can not make my declaration of faith any stronger.

Mr. CANNON. I was in doubt as to the tenor of the gentleman's remarks. I was not present when he began.

Mr. SAUNDERS. Have my remarks been of an uncertain character?

Mr. CANNON. I was not present, I will say to the gentleman during the course of his remarks. I have just come in.

Mr. SAUNDERS. Mr. Chairman, there is no measure that we have enacted, or are likely to enact, that holds out so much of hope, so much of encouragement, so fair a promise of prosperity, as the pending bill, which I doubt not will be passed by an overwhelming majority.

Mr. MOON of Tennessee. I yield 30 minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman, I quite agree, among other things, with the last statement made by the gentleman from Kentucky [Mr. LANGLEY], that the blessings of government should be equally distributed among the people. The burdens of government must be borne equally under the system of taxation by the people, each individual paying taxes on what he consumes and not on what he owns.

When the rural mail service was first adopted it was adopted under a bill introduced by Mr. Watson, of Georgia. William L. Wilson, of West Virginia, was the Postmaster General, and he established two rural routes in West Virginia, and shortly after that two in Pennsylvania. From that beginning the rural route system has developed into its present magnificent proportions.

I am referring to this in order that I may call the attention of the House to the condition of the rural mail service throughout the United States in connection with these propositions which are now being considered in this bill.

In round numbers, within the last two years about 2,000 rural routes have been approved by the inspectors of the Post Office Department. Over 25 routes have been approved in my own district, besides others that ought to have been approved that were not approved. These rural mail routes are demanded by the people who to-day have practically no mail service.

When the economic program first struck the Post Office Department they abolished in my district a number of star routes, with the idea that they would be replaced by the rural system. These rural routes have not been established. I have gone to the Post Office Department repeatedly and made an effort to get that mail service established which the people of my district were entitled to. I have been put off with promises from day to day. Some of my Republican friends have been good enough to go down and interview the Post Office Department for me. I do not know who is to blame. I am treated with absolute courtesy by the Fourth Assistant Postmaster General, who now has charge of this service, but I want the people of my district to understand that not only have Democratic districts been unable to get this service, but numbers of Republican Congressmen have told me that the development of the rural mail service had been stopped entirely in their own districts. It is only fair that the people should know the facts. The Postmaster General had a magnificent opportunity to make for himself a great record in the establishment of good mail service throughout the country. He had behind him the unanimous sentiment of an overwhelming Congress. That Congress, irrespective of party, had overwhelmingly voted to him, in addition to the $550,000 which he endeavored to turn back into the Treasury, $1,250,000 to extend the rural mail service throughout the country.

Instead of heeding this demand of Congress and of the people he has neglected the farmer and those living in the country, and under the guise of economy has refused them the only service which the Government performs for the country people.

What an opportunity the present Postmaster General had and how he has neglected it! He could have endeared himself to the great farming class by building up our Rural Mail Service, but he evidently does not care for their good will nor for their approval.

The report which comes from Republican and Democratic Congressmen is that the Rural Mail Service has been paralyzed throughout the United States. If the Postmaster General had measured up to the full standard of a Postmaster General he could have made for this administration a magnificent record by giving to every farmer in this great country of ours his mail at least once a day. I take absolutely no stock in that theory of government that the Post Office Department should be self-sustaining. On the contrary, it is the only department of Government where that principle is invoked. We spend $136,000,000 a year on the Navy without getting one single penny in return. We spend $100,000,000 on the Army, and we do not get a penny in return. These men who live in the rural districts are the men who with their brawn and sinew must sustain this Government, must sustain this great Republic in all its endeavors, because they are the beginning, the source, of practically all the wealth there is in the country.

The Commissioner of Education says that 65 per cent of the children of the United States live in the country and not in the towns, cities, and villages. In the great State of Massachusetts, which is overburdened with great cities, there are 106 adults over school age to every 55 children, while in South Carolina the reverse is true. In Mississippi, which is an agricultural State, the reverse is true. Therefore I say to this House that the hope of this Republic depends entirely upon the conditions of country life and how we develop and educate the country boy and the country girl. [Applause.]

Mr. LANGLEY. I have been a personal friend of the present Postmaster General for nearly 20 years, but the sentiment that I feel for him on that account does not prompt me in questioning the gentleman's statements about what he has found. I should like to know where the gentleman gets the information, or upon what he bases the statement that as a result of the present administration of that department the Rural Mail Service all over the country has been paralyzed. My information is that he has done more to benefit that service than any of his predecessors, and I think the records of the department will so show.

Mr. SISSON. If the gentleman from Kentucky will take the trouble to go down and investigate the records of that department, and if he will go and ask the Fourth Assistant Postmaster General, who, I presume, will talk to him as freely as he does to me, he will find that the Rural Mail Service in many sections of this country is in a deplorable condition and has been in that condition for a number of years.

My time is limited. I had intended to tell the House the condition that prevails in my district with reference to numbers of communities. Without going into details, I will state that in one county in my district it takes five days to get a letter from one portion of the county to the county seat, and it takes four days to get an answer back. A man living within 6 miles of the courthouse, in Calhoun County, can not write to the courthouse and get an answer in less than 8 or 10 days to save his life.

Mr. LANGLEY. I do not contend that the present system is perfect, and certainly the gentleman will not contend that it can be made perfect in a good many years to come, but what I do say is that the records of the Post Office Department will show that under the administration of the present Postmaster General more has been done for that service than under any of his predecessors.

Mr. SISSON. I can not yield any further.

I want to say in reply to the gentleman from Kentucky, and finally, that the gentleman must be aware of the fact that a little over two years ago an Executive order came down for economy, and that the Postmaster General sent down his demand for economy, and the excuse for not establishing the rural routes was because they were consolidating the rural routes and the star-route service under the Fourth Assistant. The gentleman does not contend that for 12 months any rural routes were established in that department. Until that order went forth I had no trouble in getting rural service established where the people had a right to it. Prior to that time that department always responded when the investigation of the inspector showed that the people were entitled to that service. Since that time I have not been able to get a single rural route, and I have made pig-paths from my office to the Post Office Department. I have received nothing except courteous treatment.

Now, Mr. Chairman, I want hurriedly to advert to some matters in relation to the bill now under consideration.

Three propositions—rural mail, good roads, and parcel post—mean a great deal to the country. If the Rural Mail Service is developed as it should be developed, so as to give every farmer within the United States his mail at least once a day, it will simply give him what he is entitled to. He contributes his pro rata share to the expenses of the rest of the Government. He contributes to maintain the Army and the Navy. He contributes his labor and his toil to produce that which feeds the great cities. He is compelled to pay tribute to all manufacturers under our present system, notwithstanding in many instances we have to-day overdeveloped our manufacturing enterprises. The Government has lent its aid to building up manufacturing industries of the country until the cry is now going up, "What shall we do to prevent the rural districts being depleted?"

First give them a good mail service, so that every family at least once a day may come in contact with the great and mighty world outside their limited sphere. In the great cities you have libraries, night schools, and all the advantages and aids to education, but in the country they are, as it were, secluded, and unless they can get their newspapers, unless they can get in touch and contact with the world, the boys of the country are vastly at a disadvantage as compared with the boys in the cities. If you want to develop your country life give the farmer a good mail service. If you give a community a good mail service it may not for the time being pay its expenses, but when you shall have developed a perfect mail service it will increase land values, it will increase the desire of the people to live close to the community that has the mail service, and that portion of the community will develop more rapidly than that without mail service. This is the age of rapid transportation and quick information, and the man in the country needs it and wants it just as bad as any living in the cities. This Government certainly ought to give the farmer who does so much for the Government his mail at least once a day. Then, if you will give to the people on the mail routes a good public road, if you will give them a road so that they may go to school, to church, and to market, and thus cheapen transportation in the country, you will be performing a great service. The good-roads department of the Government says that the heaviest tax we pay to-day is the tax on bad country roads. It costs us more and increases the cost of living more than anything else. But if you will develop the good country roads and let the farmer have good roads upon which to go to market——

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN (Mr. Flood of Virginia). Does the gentleman from Mississippi yield to the gentleman from New York?

Mr. SISSON. Yes.

Mr. MICHAEL E. DRISCOLL. Why do you not develop them?

Mr. SISSON. We are doing our very best. The gentleman, of course, is opposed to any Federal aid to good roads and unwilling to lend any sort of encouragement to the movement, notwithstanding his party's platform declares for this encouragement. He would put this Government back to the stone age. The Federal Government can not fail to perform its duty by the good-roads movement. I want to say that, so far as I am individually concerned, I believe it would be cheaper if these States would develop their roads in and of themselves and by a direct system of taxation. But before the development of the railroads in this country the fathers of this Republic had turned their attention to the building of great roads in the United States, and they took their hands from this method of development solely because the railroad was being developed and was a more rapid means of transportation; but the time has come now when the Federal Government must do its duty by good roads.

Both of the great political parties declared themselves in favor of the development of good roads. Whatever doubts I may have had, so far as I am concerned, in reference to the Government embarking in this new field of activity, is settled by the Democratic platform. The last Democratic platform is unequivocal, plain, and free from doubt and is in the following language:

> We favor Federal aid to State and local authorities in the construction and maintenance of post roads.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. MICHAEL E. DRISCOLL. Did either party declare itself in favor of paying $25 a mile a year for the use of the road for old Dobbin and a one-horse cart?

Mr. SISSON. The gentleman knows that no platform ever goes into detail, but it is left for the wisdom of Congress to determine how to give the aid. A one-horse-cart man is entitled to a good road just as much as the automobile man.

Mr. MICHAEL E. DRISCOLL. Did the platform provide for the paying of tolls for the use of those roads?

Mr. SISSON. It does not matter how the aid comes. It is immaterial to me and it is immaterial to the people who are building the roads. The thing is to get the aid [applause], and if the Government of the United States should fail to give the aid, then we violate the platform.

In reference to the parcel-post system, I want to state that there are a great many bills now before Congress. I am in favor of a general parcel post, but I want a parcel-post system that will require the man using the parcel post to pay the expense of hauling each package and let each package bear its own burden. [Applause.] I am not in favor, nor can I subscribe to the doctrine that it costs no more to run a train from New York to San Francisco than it does from New York to Jersey City. I do not subscribe to the doctrine that the car has to go, and since it has to go you may put a flat rate on and haul the package from Chicago to San Francisco. Such a principle is wrong, because you must fix the rate, unless the Government loses on the business, high enough so that at an intermediate point between two points the charge for hauling the package will be exactly what it ought to be. Then for every mile you get nearer the initial point the man who pays the same flat rate is paying too much, and when you get beyond that point the man at a greater distance is paying too little. I am unwilling to mulct the people on one end of the long haul for the benefit of the people on the other. If it is too little to pay the expense, then you must mulct all the taxpayers to pay the expense of hauling a piece of merchandise for another. Whether or not the United States Government ought ever to have gone into the parcel-post business is not now a question for us to discuss, because we are hauling 4-pound packages and we are hauling 11-pound packages by treaty, and the Government is now in that business.

Since we are in the business, it is up to this Congress to devise some scheme to make the parcel-post system, since we have determined to go into it, the best parcel-post system in the world; to make it the model for all the people of the earth. It is our duty to make such a model system that it will be a

credit to our Government and a benefit to all the people. Let us make it the best parcel-post system that can be conceived. I do not want Congress to rush hastily into the matter. Hasty legislation will mean that you will be years in patching it up. We need a well-conceived and a well-defined plan under which we can operate during the next few years, so as to get a system that will cheapen transportation to the people.

A great many people have demanded the Sulzer bill. This bill is not as good as other bills before Congress. This bill is not what the people really desire. It will not give the relief sought. I will call attention briefly to one or two objections to that bill. I can not take it up a clause at a time, for I have not the time. It has the fatal defect of having in it the flat rate. If under the Sulzer bill, which limits the parcel to 11 pounds, the farmer can find anything that he can ship, except queen bees, dried fruits, and dried plants, then I would like to have some gentleman show it to me, because under the present law with fourth-class matter, which is the limit in the Sulzer bill, the farmer can ship over the rural route nothing except "dried fruits, dried plants, and queen bees, when properly packed." If we had a parcel-post system, the man living in the city and buying from the farmer should have the same right to have his market for the farmer's produce, which is hauled to him in small packages, that the manufacturer or the wholesale merchant or the department store has to reach their customer going the other way. Therefore our farmers have evidently not carefully considered the Sulzer bill. I have talked to hundreds of farmers in my district, and talked to them on the stump, and my position is known on this question. I will not give my people a serpent when they ask for a fish, nor will I give them a stone when they ask for bread. I want to give them a real parcel post.

Anyone who will give the Sulzer bill some study will find that it is not what the farmer wants, and it is not fair to the small merchant and the small town or city. I am unwilling to vote for the Sulzer bill in its present form because there are two bills now pending which are so much better.

I think the solution of this whole question lies in the idea advanced by the gentleman from Maryland [Mr. LEWIS]. The Federal Government can not afford to go into competition with private individuals or with corporations engaged in business. If the Federal Government shall succeed with an 11-pound package, it will find that it will be compelled to take a monopoly to the amount of 11 pounds. Then you will have deprived the express company of the right to haul packages below the 11-pound weight, and you leave them a radius in which to transact business only as between 11 pounds and the 100-pound proposition. We all know that the people will not be satisfied with an 11-pound package.

The business of this country has taught that the division which the railroads make with the express company is that the express company shall have a monopoly up to 100 pounds. Now, if the Federal Government shall embark in this business they should take that monopoly over entirely. We had an experience with the mail service, and the United States Government was rendered ridiculous in its efforts to carry mail in competition with private individuals. Without going into the history of all that legislation, Congress in 1842 passed a statute, which is practically the statute now, making it a violation of law for any individual, partnership, or corporation to carry for hire any matter which was mailable under the law at that time. The result was that everybody carrying mail was compelled to go out of the mail-carrying business, and from that day on the mail system of the United States got to be the model for the world. Now, we need not repeat the mistakes of the past. We ought not to get into the same condition that we got our mail service in, or that portion of it for the carrying of parcels, when we undertook to carry letters, because the private individual would reduce the charge in every line and naturally endeavor to make the postal service ridiculous. But the Government had time enough to get sufficient equipment and to supply the people with their mail. They passed the statute of 1842, which took over the monopoly, or directed as the Postmaster General thought wise at that time, until they finally got a practical monopoly of all the mail business. The gentleman from Kansas [Mr. MURDOCK] here two or three years ago on the Post Office bill caused me to investigate this matter when he was advocating the Federal Government asserting its monopoly in reference to magazines and all fourth-class matter, and that caused an investigation of the history of that trouble, and just so certain as we pass a parcel-post bill limited to 11 pounds, or anything from that to 100 pounds, you are going to have the express company on one side endeavoring to throw every impediment in the way of its success, whereas if you assert a monopoly and say to the express company that just as the Postmaster General can find equipment and as fast as Congress is willing to furnish it to him that the Government will take over the carrying of all packages to the amount of 100 pounds. It will succeed, and it will not succeed until that time comes. I have been frank with the gentleman from Maryland [Mr. LEWIS]. I am opposed to that feature of his bill which would undertake to condemn at one fell swoop all the express companies, because that would involve us in perhaps a great deal of litigation. Not only that, but it is not necessary that we shall assume that burden, because if we assert a monopoly, the express companies, realizing that as soon as the Federal Government is ready to do the business they will be put out of business, will voluntarily enter into negotiations with the Post Office Department and endeavor to get from them the best price they can for just such equipment as the Post Office Department sees that it needs of the present equipment of the express companies. And it is useless for men to say that you are going to limit this proposition to 11 pounds. It will never be limited to 11 pounds——

Mr. LEWIS. Will the gentleman yield?

Mr. SISSON. I yield.

Mr. LEWIS. If the Goeke bill were amended to exclude the condemnation provision, the abolition of the express companies and substituting the Government in their place and giving the Government the power to purchase this equipment if it could agree on a price, otherwise secure the equipment elsewhere, the gentleman would be entirely in favor of my proposition?

Mr. SISSON. I think it is the best proposition that has been presented to this House. I think it is the only proposition that goes down to the crux of the whole matter. Now, as to whether or not all the details have been worked out I am unable to say. It is a great, big question, and the more you study it the more angles it has to it, but that does not warrant us to mince matters and give the people just as little relief as possible. The people are suffering from extortionate express rates, and the Federal Government either will not or can not regulate the express rates, and the people of our cities as well as the people of the country demand this legislation. The Republicans of this House as well as the Democrats are anxiously endeavoring to solve this question, are anxiously endeavoring to reach a correct solution that will give the people the best possible service.

Mr. LEVER. The opposition to the Goeke bill at present is because of its feature of condemnation and purchase of the express companies?

Mr. SISSON. Yes.

Mr. LEVER. The gentleman is willing to take them over and let the Government assert its monopoly in the small packages?

Mr. SISSON. Assert a monopoly up to 100 pounds, if we desire to do so.

Mr. LEVER. I understand.

Mr. SISSON. And then, after the Government has gotten the equipment on, we will say, the Pennsylvania Railroad, or the Southern Railway, or the Illinois Central Railroad, let the Postmaster General give notice to the express companies that the Government on a certain date will assert its monopoly of the business on that line. By this method you take over the carrying of parcels of 100 pounds or less gradually without interfering in any way with the business of the country.

Mr. JACKSON. Will the gentleman from Mississippi [Mr. SISSON] yield?

The CHAIRMAN. Will the gentleman from Mississippi [Mr. SISSON] yield to the gentleman from Kansas [Mr. JACKSON]?

Mr. SISSON. Certainly.

Mr. JACKSON. I want to say, first, that I agree most heartily with all the gentleman has said except this one slight thing. Has the gentleman fairly considered whether we might be able to maintain a Government express along the lines of the Lewis bill without the Government monopoly, since we have the advantage of the rural route, if we should connect them up with the system, and the additional advantage of the Interstate Commerce Commission to enforce regulations and adjust rates?

Mr. SISSON. That, of course, would be a mere experiment. I could not answer the gentleman's question. But here is my fundamental objection to that, that I do not want the Federal Government or the State governments to go into competition with private individuals in the transaction of any business.

The Government ought to assert a monopoly of a business or it ought to stay out of the business. The private individual can not compete with the Federal Government, which has the power to use drastic means and measures and to pass penal laws when it sees fit and destroy a man's business.

Mr. JACKSON. Does not the gentleman think that more or less a sentimental reason? We are in competition in the

banking business with private enterprises, and with the express companies now in the transmission by registered packages of valuable packages from one part of the country to the other. The Government has not seriously suffered nor has any individual seriously suffered.

Mr. SISSON. But the Government has not gone seriously into the business of hauling packages. It has not gone, so far as the Government itself is concerned, into the banking business.

Mr. JACKSON. I refer to the savings bank law.

Mr. SISSON. I do not think that the savings-bank proposition, which passed this House since I have been a Member, is a savings bank at all. I do not think it can measure up to any functions of a savings bank. It simply permits under that law citizens to deposit money with the post office and draw a certain rate of interest on that.

Mr. JACKSON. It has done a good deal of good and not any particular harm.

Mr. SISSON. I think it has done very little good and I hope but little harm.

Mr. JACKSON. I am simply reciting an example as to what we have in some two or three particulars now and perhaps others, in which the Government and the States are in competition with private individuals, and no particular harm results from it. This is mentioned on the question whether we can do—can maintain a postal express without Government monopoly.

Mr. SISSON. I fear this result would happen; that either the express company would be driven out of the business or the Government would be. I understand that is one of the business institutions that is very much inveighed against. I am unwilling that the Government should exercise the power, because a man has done wrong in business, to take his property and confiscate it, either by asserting a monopoly or confiscating his property.

Mr. JACKSON. It is a little off the subject, perhaps, but does not the gentleman believe that the whole express scheme, and especially these contracts here that have been discussed during the debate, are in direct violation of the Sherman law?

Mr. SISSON. I am not so familiar with these contracts as to know whether they are in violation of that statute or not. But I do know that contracts exist between the express companies and the railroad companies, who have a very intimate relation with each other in stock as well as in management.

Mr. JACKSON. The provision of the contract which limits the express company to 150 per cent of the freight rate would unquestionably be in restraint of trade?

Mr. SISSON. Unquestionably.

Mr. Chairman, in conclusion I desire to say that if this Government shall perform its duty to the people who bear the burdens of the Government it must stop its riotous extravagance in useless employees and high salaries, in Army and Navy expenses, and in exorbitant pension steals and frauds, and spend the money where the taxpayer will get some real benefit. Spend it upon perfecting our rural mail system and upon our roads. Millions of money is squandered each year upon schemes which do not benefit the people in the least. Our people are tired of it, and are now demanding in earnest that they be given some little consideration. Our officeholders here in Washington are building luxurious quarters in which to lounge and find their ease, all out of the people's money, and claim that it is to beautify "our Capital City." How many crimes are committed in the name of "beautiful Capital City."

Let this Democratic Congress stand firm by the principles of our party, and cut out every species of graft and extravagance. Let us spend the people's money in their benefit and not for the benefit of the few. We can with courage go to the country for the great trinity—good rural mail service, good roads, and cheap transportation.

Mr. WILLIS. Will the gentleman yield to me?

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. SISSON] has expired.

Mr. SISSON. I am sorry I can not yield to the gentleman. [Applause.]

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from Tennessee, my colleague [Mr. MCKELLAR], 25 minutes.

Mr. McKELLAR. Mr. Chairman, the subject of national aid to roads has been one that has occupied the attention of Congress from time to time since the organization of our Government. As we all know, the Federal Constitution itself provides that Congress shall have the power "to establish post offices and post roads." Under this authority the Post Office Department of the Government was established, and shortly afterwards, and as early as 1806, Congress gave aid to road building. In 1818 it passed the following resolution:

Resolved, That Congress has the power under the Constitution to appropriate money for the construction of post roads and other roads, and of canals, and for the improvement of waterways.

It is now frequently claimed by those who are opposed to Federal aid to road building that it is not a subject of Federal jurisdiction. However, in view of this direct authority in the Constitution, and its direct exercise by the early founders of the Republic; it certainly can not now be argued that the Federal Government has not the power to build or aid in the building of roads in this country. Mr. Jefferson believed that the Federal Government had the power to build roads and so declared himself. Shortly afterwards we find Mr. Webster, Mr. Clay, and Mr. Calhoun, the great statesmen of our early history, were all of the same opinion. Mr. Calhoun, who was probably the staunchest advocate of State rights that this country has ever known, was not only a firm believer in the power of Federal Government to construct good roads, but in 1817 he introduced a bill in this House to provide a permanent fund for the construction of good roads. Two years later, when he was Secretary of War, in a report he said:

No object of the kind is more important and there is none to which State and individual capacity is more inadequate.

Now, Mr. Chairman, I can not refrain from calling the attention of the committee to a part of the argument of the gentleman from Wyoming [Mr. MONDELL]. In his speech, as I read it, he says:

This measure is confidently expected to appeal strongly to the rural population and, it is hoped, will sustain the waning political fortunes of those from the country districts who favor it.

Perhaps if I were situated as some gentlemen are my judgment, like theirs, would be somewhat affected by the political exigencies of my situation; fortunately for me I can look at the matter uninfluenced by the importunings of the folks at home, who hope to benefit by this extraordinary and unique raid upon the Federal Treasury. * * * Down in the moonshining districts it would be highly popular to tax Uncle Sam for the use of the highways by the deputy marshals. [Laughter.] Out our way, if we are to inaugurate this policy, it would be a popular measure to tax the Government for the use of our highways by special agents of the Land Office. [Laughter.] In fact, I know of no other way in which we could secure our share of Federal loot. [Laughter.]

The gentleman who is, I believe, primarily responsible for this plan calls himself, I understand, a Jeffersonian Democrat. I wonder what the patron saint of Democracy would say to such a measure of centralization? Shadow of Thomas Jefferson, with his clear perception of the dividing line between the powers and responsibilities and jurisdiction, respectively, of the Federal Government and the sovereign States!

Mr. Chairman, I do not come from a country district, strictly speaking. The city which is in my district has as many or more people in it than the whole State represented by the gentleman from Wyoming, and so I feel that I am in an unbiased condition of mind in so far as country roads are concerned, for my advocacy of this bill is not because I want to get back to Congress, as the gentleman from Wyoming suggests, or because I come from a country district, as designated by him.

But I want to call the gentleman's attention to this fact—and that is that the main feature of his statement I take exception to—that he accuses those of us who are in favor of this bill of endeavoring to "loot" the Treasury. I want to say to him and to this House—and I regret that I do not see him on the floor at this moment—that the State which he represents has not a mile of improved roads in it except such as the United States Government has put there. He has over 10,000 miles of public roads in his State, not one mile of which is improved, except that in the Yellowstone National Park, which has been improved by the National Government. And yet he is opposed to Government roads. He is opposed to national aid to roads in that condition of his State's affairs, when the only improved road he has in his State has been put there by Federal "loot," as he calls it.

Mr. JOHNSON of South Carolina. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from South Carolina?

Mr. McKELLAR. Yes; with pleasure.

Mr. JOHNSON of South Carolina. During the consideration of the Indian appropriation bill the gentleman from Wyoming [Mr. MONDELL] offered a number of amendments for the building of roads in Wyoming out of Indian funds, on Indian reservations.

Mr. McKELLAR. I did not know that, but I judge that the gentleman from Wyoming, who is talking about "looting" now—I do not mean that in any improper sense—forgot about that for the time being.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Texas?

Mr. McKELLAR. With pleasure.

Mr. STEPHENS of Texas. In reference to that matter I will state that the gentleman from Wyoming offered his amendment to build roads across Indian reservations, on Indian lands. That proposition was very promptly voted down, as I hope the House will vote down this or any other proposition to build roads at the expense of the Federal Government. [Applause.]

Mr. McKELLAR. Now, the gentleman stated that all of us who support this bill are not conforming to the principles of Mr. Jefferson. I want to show what Mr. Jefferson said about it. Mr. Jefferson during the eight years that he was President of the United States signed many bills for the improvement of highways. Among other things which he said, I quote the following:

Their—

The people's—

patriotism would certainly prefer its—

The then present revenues of the Government—

continuance and application to the great purposes of public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumerations of Federal powers. By these operations new channels of communication will be opened between the States, the lines of separation will disappear, their interests will be identified, and their union cemented by new and indissoluble ties. (Jefferson, Messages, Dec. 2, 1806, Vol. I, p. 409.)

And again, Mr. Jefferson said:

Or, shall it—

The Government revenue—

not rather be appropriated to the improvements of roads, canals, rivers, education, and other great foundations of prosperity and union under powers which Congress may already possess, or such amendment of the Constitution as may be approved by the States. (Jefferson, Messages, Nov. 8, 1808, Vol. I, p. 456.)

I agree with my friend from Wyoming that Mr. Jefferson had a "clear perception of the dividing line between the powers and responsibilities and jurisdiction, respectively, of the Federal Government and the sovereign States,"—the only difference between us being that Mr. Jefferson favored my side of the argument and not that of my distinguished friend.

Speaking of "looting" the Treasury, however—and in this I again do not agree with my friend, that a good-roads bill is a proposed "looting" of the Treasury, for I think that it is the highest form that Federal aid to the welfare of this Nation can take—but looking at it as "loot," as my friend calls it, I wonder whether he thinks that this is a preferable form of "loot" to the erection of a $75,000 building at Sundance, in his own State, in a community numbering 281 souls all told?

I want to say further to the committee that, while it is true that Mr. Jefferson at times doubted whether Congress had the power under the Constitution to inaugurate a system of internal improvements, still he always signed good-roads bills, and while Mr. Monroe opposed a particular act creating a road within the boundaries of a particular State and vetoed it, yet it is also true that he signed many such good-roads bills, notably the Cumberland Pike act.

Mr. Washington, time and again, referred in his messages to the power and the duty to build roads, recommending them in the following: Messages, January 8, 1790, Volume I, page 66; December 8, 1790, Volume I, page 83; October 25, 1791, Volume I, page 107.

Mr. Jefferson took a similar stand, although a less emphatic one.

Mr. Monroe and Mr. Adams were in favor of the same manner of dealing with this question, and Mr. Jackson was the only one who refused to sign such bills, believing that under the Constitution he had not the right to do so, although he was a most ardent advocate of all kinds of internal improvements. I call to the attention of the committee the following from messages of Mr. Madison and Mr. Adams:

Among the means of advancing the public interest the occasion is a proper one for recalling the attention of Congress to the great importance of establishing throughout our country the roads and canals which can best be executed under the national authority. No objects within the circle of political economy so richly repay the expense bestowed on them; there are none, the utility of which is more universally ascertained and acknowledged; none that do more honor to the governments whose wise and enlarged patriotism duly appreciates them. Nor is there any country which presents a field where nature invites more the art of man to complete her own work for his accommodation and benefit. These considerations are strengthened, moreover, by the political effect of these facilities for intercommunication in bringing and binding more closely together the various parts of an extended confederation. Whilst the States individually, with a laudable enterprise and emulation, avail themselves of their local advantages by new roads, by navigable canals, and by improving the streams susceptible of navigation, the General Government is the more urged to similar undertakings, requiring a national jurisdiction and national means by the prospect of thus systematically completing so estimable a work. (Madison, Messages, Dec. 15, 1815, Vol. I, p. 56.)

Mr. Monroe, on April 30, 1824, approved the act to appropriate $30,000 for the purpose of causing to be made the necessary surveys, plans, and estimates of the routes of such roads and canals as the President of the United States might deem of national importance in the commercial or military point of view or necessary for the transportation of the public mail. (Adams, Messages, 1825, Vol. II, p. 360.)

And the United States Supreme Court has held that the building of roads is within the terms of the Constitution. (See authority hereafter cited.) So that my friend is wrong in indicating that the position of the Democratic Party has in any way become different on this matter of the improvement of the roads of the country or that such Federal improvement is not a Democratic doctrine.

I wish now to call the attention of the committee to the argument of Mr. MOORE of Pennsylvania. I took an automobile trip through the State of my friend [Mr. MOORE] this last summer, and after taking that trip I am astonished beyond measure to find him taking such an attitude. If there ever was a State which needs good roads it is Pennsylvania, which in 1899 had more than 87,000 miles of roads, and only about 3 per cent of those roads were improved roads. I can not understand how the representative of a State that has so few improved roads can be opposed to a bill like this, that must of necessity increase the number of improved roads in that State.

And yet we find the representative of that great State here raising his voice against Federal aid to roads in his State.

The last report that we have of the condition of public roads shows that in 1909 there were about 2,190,000 miles of public roads in the United States, and of this large mileage only about 190,000 miles have been improved, leaving more than 2,000,000 miles unimproved; and there is this small percentage of improved roads in this country, notwithstanding the fact that every State and county government in the Nation is now appropriating money to the cause of good roads. Mr. Calhoun was exactly right when he said that the State and individual capacity was inadequate to the task of furnishing good roads for this Nation; and when he said that "it must be perfected by the General Government or not perfected at all" his prophecy as to the situation was absolutely accurate. Indeed, nothing can be more certain than is the fact that the roads of this country can only be made commensurate with the needs of the country except by the aid of the National Government.

I want to say to my State rights friends that I believe in the doctrine of State rights myself. Mr. Calhoun's idea was this, that individual communities like counties or even States or improvement districts were not able and never would be able to give a perfected system of roads in this country; and the correctness of Mr. Calhoun's idea is shown by the fact that after over 125 years of existence, when there are over 2,190,000 miles of roads in this country, only 190,000 miles have been improved.

Mr. MICHAEL E. DRISCOLL. Has the gentleman any opinion or any principle or any view with reference to State rights that he would not surrender in a minute when an appropriation for his district or State is in sight?

Mr. McKELLAR. I will say to the gentleman that down in Tennessee where I come from we do not know so much about Government appropriations as do some other parts of our Union. [Applause on the Democratic side.] Virtually the only connection between the district that I represent and the National Government to-day is the distribution of a few garden seeds and an exalted patriotism. [Applause and laughter.]

Mr. BOWMAN. In behalf of the State of Pennsylvania I wish to say that in 1909 there were 3.84 per cent of her roads that were improved.

Mr. McKELLAR. Yes.

Mr. BOWMAN. And nearly 3,000 miles of that was either brick or macadam, and $50,000,000 has just been appropriated for new roads. There are many Members from the State of Pennsylvania who are wholly in favor of this bill.

Mr. McKELLAR. I am delighted to hear it.

Mr. BOWMAN. One word more.

Mr. McKELLAR. Yes.

Mr. BOWMAN. It was stated here that it would cost the Government the first year about $16,000,000. Does not the gentleman believe that would be a wise expenditure in order to secure over 800,000 miles of road of the kind described in this bill? The last report of the Department of Agriculture upon roads shows less than 200,000 miles in the United States.

Mr. McKELLAR. I am for any kind of proposition that means better road building; and if the gentleman will listen to what I have to say about it I think he will agree with me that it will mean an immense saving to the American people in the handling of their goods.

Mr. BOWMAN. I will agree, both before and after, with anything the gentleman may say in that direction.

Mr. McKELLAR. I am not going into the history of road building. We know that in the early period of our national existence there was a great deal of discussion in Congress in

reference to good roads. Mr. Clay, Mr. Calhoun, and Mr. Webster, the three great statesmen of the early period of our history, were all in favor of national aid to roads. That condition continued down until about the year 1835, when railroads came into vogue, and thereupon interest in public roads began to subside, and Congress was besieged by the representatives of the great railroads of the country to come forward and help them build railroads, and it did so. These gentlemen who are talking about it being an invasion of State rights for the Government to help upbuild the country by building public post roads, what have they been doing in reference to aiding the railroad building in this country? We know that they have done it, and I do not mean to say that it is not right, because we know that railroads help upbuild the country too; but for all that they do not upbuild the country to a much greater extent than the building of dirt roads.

Mr. LEVER. If the gentleman will permit, the contention has been made that this bill is an invasion of State rights. I understand the gentleman is a very strong lawyer, and I should like to hear him discuss that proposition for a moment.

Mr. McKELLAR. All I can say about the invasion of State rights is that all of our earlier Presidents except Mr. Jackson gave their sanction, directly or indirectly, to national aid to building roads in this country. Mr. Washington was in favor of it. Nothing is recorded of the utterances of the first Mr. Adams on the subject. Mr. Jefferson, Mr. Madison, Mr. Monroe, and Mr. John Quincy Adams all favored national aid to roads. John Quincy Adams advocating it in a very strong paper. Gen. Jackson was personally heartily in favor of it, but vetoed it because he thought it was unconstitutional, and recommended a constitutional amendment. So all the Presidents in the early part of our history were in favor of it. And I want to say to the gentleman that the Supreme Court of the United States has upheld national aid to roads in this country under the provisions of the Constitution that I have read. How anything could be plainer than that I do not know. When the early fathers of the Republic were in favor of it, believed in it, provided for it, and when the Supreme Court of our country has indorsed it, that ought to settle the legal question.

Mr. LEVER. The gentleman understands that I am a member of the subcommittee which reported this bill?

Mr. McKELLAR. Yes.

Mr. LEVER. But being a layman and not a lawyer, I desired to get the legal judgment of the gentleman as to the invasion of State rights. I think the gentleman is absolutely right in his proposition.

Mr. McKELLAR. I do not think there is any invasion of State rights at all, I will say to the gentleman.

In the celebrated Debs case, Mr. Justice Brewer laid down the rule as to the authority and power of the Federal Government as follows:

> First. What are the relations of the General Government to interstate commerce and the transportation of the mails? They are those of direct supervision, control, and management. While under the dual system which prevails with us the powers of government are distributed between the State and the Nation, and while the latter is properly styled a government of enumerated powers, yet within the limits of such enumeration it has all the attributes of sovereignty, and in the exercise of those enumerated powers acts directly upon the citizen, and not through the intermediate agency of the State.
>
> The Government of the Union, then, is emphatically and truly a government of the people. In form and in substance it emanates from them. Its powers are granted by them and are to be exercised directly on them and for their benefit.
>
> No trace is to be found in the Constitution of an intention to create a dependence of the Government of the Union on those of the States for the exception of the great powers assigned to it. Its means are adequate to its ends, and on those means alone was it expected to rely for the accomplishment of its ends. To impose on it the necessity of resorting to means which it can not control, which another government may furnish or withhold, would render its course precarious, the result of its measures uncertain, and create a dependence on other governments, which might disappoint its most important designs and is incompatible with the language of the Constitution. (Chief Justice Marshall, in McCulloch v. Maryland, 4 Wheat., 316, 405, 424.)

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> Both the State and the United States existed before the Constitution. The people, through that instrument, established a more perfect union by substituting a national government, acting with ample power directly upon the citizens, instead of the Confederate Government, which acted with powers greatly restricted only upon the States. (Chief Justice Chase, in Lane County v. Oregon, 7 Wall., 71, 76.)

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> Among the powers expressly given to the National Government are the control of interstate commerce and the creation and management of a post-office system for the Nation. Article I, section 8, of the Constitution provides that "the Congress shall have power * * *. Third, to regulate commerce with foreign nations and among the several States and with the Indian tribes * * *. Seventh, to establish post offices and post roads."

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> Under the power vested in Congress to establish post offices and post roads Congress has by a mass of legislation established the great post-office system of the country, with all its detail of organization, its machinery for the transaction of business, defining what shall be carried and what not, and the prices of carriage, and also prescribing penalties for all offenses against it.
>
> Obviously these powers given to the National Government over interstate commerce and in respect to the transportation of the mails were not dormant and unused. Congress had taken hold of these two matters and by various and specific acts had assumed and exercised the powers given to it, and was in the full discharge of its duty to regulate interstate commerce and carry the mails. The validity of such exercise and the exclusiveness of its control had been again and again presented to this court for consideration. (From United States Reports, 158, October term, 1894.)

Now, after the Civil War no interest was taken in road building in this country at all for 30 or 40 years, so far as the National Government was concerned. We find no records about it, and we do know that there was no interest taken in it. But of late years a great deal of interest has been taken in the subject, and I want to quote from the Democratic and Republican platforms for the benefit of gentlemen of this House belonging to both those great parties.

The Republican platform of 1908 contained the following:

> We recognize the social and economic advantages of good country roads, maintained more and more largely at the public expense and less and less at the expense of the abutting property owner. In this work we commend the growing practice of State aid and we approve the efforts of the National Agricultural Department by experiments and otherwise to make clear to the public the best methods of road construction.

In addition, we find the following in the national Democratic platform of 1908:

> We favor Federal aid to State and local authorities in the construction and maintenance of good roads.

Mr. Chairman, the bill that has been reported here I submit is a wise bill and should pass. I shall not undertake to go over it section by section.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman a question, if he will yield.

The CHAIRMAN (Mr. HAY). Does the gentleman yield?

Mr. McKELLAR. With pleasure.

Mr. CULLOP. I understood the gentleman to say that since the Civil War the National Government has taken no interest——

Mr. McKELLAR. Practically none.

Mr. CULLOP (continuing). In the building of country roads. About the close of the Civil War it diverted its attention from the building of domestic or dirt roads and gave its assistance to the building of railroads.

Mr. McKELLAR. That started quite a while before the war and continued after the war—in building the great transcontinental lines across the country.

Mr. CULLOP. And it gave away more than 200,000,000 of acres of the public domain, besides a large amount of money.

Mr. McKELLAR. That is correct.

Mr. LEVER. And the Government has expended $3,000,000 in the Philippine Islands and $2,000,000 in Porto Rico toward good roads.

Mr. McKELLAR. Yes; the gentleman is correct about that.

Speaking of the bill itself, Mr. Chairman, it seems to me that this is almost an ideal measure. The opponents of any national aid to roads present three questions. One is the State rights question, which I have already discussed. The other is that it is a scheme of automobilists, the idle rich, to run over our country on splendid pikes. I stop right here to say that this bill certainly does not merit the criticism that it is for the benefit of the automobile owner. It is rather for the benefit of all classes of people, including the automobile owner. I have no doubt that every automobile owner in this country when he comes to consider the bill will be in favor of it, and why? Because he is in favor of all good roads; but it is not for his exclusive use and can not be used exclusively by him, but it is for the benefit of the farmer and the merchant and the mechanic and every other man in every other walk of life; and not only the men, but for the women, and children who go to school day after day.

The next proposition is that it costs too much. I want to discuss the question of cost. As I said, I come from a city, but I was born in the country. I have not been here a very long time, but some of the figures used by this Congress in appropriation of money are simply astounding to me. It is difficult for my mind to conceive the immense sums of money that are expended by Congress. I want to say that gentlemen are here who will vote hundreds of millions of dollars every year for a great Navy, because of a defense which it is very doubtful if we need. Yet, when it is proposed to build up our whole country by the expenditure of fifteen or twenty millions of dollars for good roads, they balk, because it is said that it costs too much.

Mr. MICHAEL E. DRISCOLL. That would not be a flea bite.

Mr. McKELLAR. I am in favor of a great Navy. I do not mean to oppose it, but we must not go wild on such subjects.

We must not interfere with the growth or prosperity of our country, which we are here to serve in every capacity. Gentlemen who talk about cost—and I have no doubt my good friend from New York [Mr. MICHAEL E. DRISCOLL] is one of them—never hesitate to vote $90,000,000 per year for a standing army. Think of it, $90,000,000 per year for a machine with which to kill people, and not a cent to aid the school children in getting to school and the workingmen and the farmers of this country in getting themselves and their wares to market.

Now, Mr. Chairman, the Agricultural Committee of this House has recommended to the House for passage a bill which is in direct accordance with the letter and spirit of the Democratic platform, and is in accordance with the spirit of the Republican platform. The bill is as follows:

Be it enacted, etc., That for the purposes of this act certain highways of the several States and the civil subdivisions thereof are classified as follows: Class A shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of shells, vitrified brick, or macadam graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface; and all other roads having a road track not less than 9 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times.

SEC. 2. That whenever the United States shall use any highway of any State or civil subdivision thereof which falls within classes A, B, or C for the purpose of transporting rural mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C.

SEC. 3. That any question arising as to the proper classification of any road used for transporting rural mail shall be determined by the Secretary of Agriculture.

SEC. 4. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act.

SEC. 5. That this act shall go into effect on the 1st day of July, 1913.

This bill was recently introduced by Mr. SHACKLEFORD, but it is the result of a conference of those Congressmen who have introduced road bills at this session, which is shown by an agreement which I shall make an appendix to my remarks.

In the first place, under the terms of this bill the United States Government does not have jurisdiction over a square inch of the States' territory. The United States Government does not have supervision even over any road in the country; it does not even say how or where the money which is appropriated shall go. Nay; it does not even say that the money appropriated shall go to the purpose of good roads. No jurisdiction or authority of any kind, nature, or description is retained by the Government over roads or over the money that is appropriated for this purpose under the provisions of this bill. As I have said before, the question of State rights can not be involved, because the Federal Government does not attempt by this bill to exercise the slightest right or jurisdiction over any road, but pays to the States or to the counties thereof a yearly rental for each mile of road used under the terms of the bill.

Another proposition is that this is not an automobile association bill. The kind of bill that the so-called idle rich or the automobile owners would want would be a bill providing for the building and maintenance of great national highways, leading from one part of the country to the other and from one State to the other, on which they could tour the country from time to time as inclination suggested.

This bill does not provide for any such roads, but on the contrary it does provide for the furnishing of money by which roads may be built and maintained for all of the people in the country. It is, indeed, a country people's bill and will inure to the benefit of the farmers and the gardeners and the wagon men generally all over the country. It is true that it will inure also to the benefit of the automobile owners, because they will use good roads just like all the rest of the community, but in the sense that it will furnish them great national highways this bill will not effect that purpose.

Another proposition is the question of expense. If improved roads average $22.50 per mile, the total appropriation will be $4,275,000. If half of the dirt roads of this country can be improved within the provisions of the act—which I think is exceedingly doubtful—the amount paid out on account of such roads will be $15,000,000, or a total of $19,275,000. This is an exceedingly small sum for so important a subject of legislation as roads. In comparison with what we expend for other lesser purposes, the amount of it should not be considered at all, as I shall hereafter more particularly point out.

There are several minor objections to the bill, which I now wish to touch upon. One of these objections is that there ought not to be a different amount paid by the Government for a different class road, but that the Government should simply employ an officer to get the roads at the cheapest price possible and pay for them according to what they were worth. The idea would be that if the Government wanted horses they would buy them in that manner. That kind of argument may be true as to horses, but it is wholly inapplicable to the question here at issue. The object here is not to get roads at the lowest price at which they may be obtained, for it would be hard to classify their values, but the object of the bill is to furnish an incentive to road building in this country, and to put every county and State in the Union on its mettle, so to speak, in the matter of road building; and the rentals mentioned are to be considered as an encouragement to road building, and thereby cause every county and every State to put forth its best efforts in order to get as much of the rentals as possible. I believe that at first the great object of States and counties will be to bring their roads within class C and afterwards, of course, they will be ambitious and bring them within class B, and then, of course, to get them within class A, where the maximum rentals are paid. No greater incentive to the building of roads could be established than that fixed by this bill. It will prove a solution to the whole question of road building and maintenance in this country. It is really difficult for me to see how anyone who really desires good roads could be opposed to this bill.

Another objection is that the Government ought not to pay anything for the use of public roads in transporting mails of the Government. A valued friend of mine in this House made this statement to me a few days ago, and yet the United States Government has been appropriating year by year from forty to fifty millions of dollars a year to the railroads of the country for the privilege of carrying United States mail over such roads. My friend's opinion and reasons are not consistent. If it is of value to pay the railroads of this country for the privilege of transporting mails over them—and no reasonable person would say that it is not—surely then it is of value to transport the mails over the public roads of this country; and there is no reason why the owners of such roads should not in like manner be compensated for their use, especially when it will mean the upbuilding of the whole country.

Another objection that was raised to the bill was that there was no provision therein even directing that this money should be expended by State and county governments for roads. This is true, and, in my judgment, it ought to be so. The bill ought to leave the matter entirely with the States and counties to say what shall be done with the money. I do not believe there is a reasonable man on the floor of this House who would say, in his judgment, that the counties and States of this Nation would not expend the rentals thus received for roads. But suppose they did not, what would be the effect? It would be that they could not get the rentals. They are obliged to keep up the roads within the three classes fixed by the bill; otherwise they get no money. When the matter was first suggested, it seemed to me that there ought to be a provision to the effect that such money should be used for the building of roads; but, upon reflection, the objection to such a course would be that the National Government would have to have an officer to see whether or not the money was so used, and thus there would be injected into the act the question of invasion of States rights. I believe that it is wholly unnecessary to have any provision as to what use the money shall be put to, because the effect of the act will cause the beneficiaries thereunder to use the money for the purpose of constructing and maintaining their roads.

Another objection that has been urged is that the bill is wrong because the States and counties having more improved roads will get so much more money than those that have fewer or no improved roads. It is undeniable that the States and counties having the most improved roads will get the most money, and it ought to be so. These States and counties have already gone to great expense for the improvement of their roads, and in any measure of this kind they ought to get more;

but this does not prevent the States and counties having no improved roads from getting their full share of the appropriation. All they have to do is to expend money on their roads, and then they will be entitled to the same amount other States are which already have improved roads. Indeed, in my judgment, this is one of the principal advantages of the bill, in that it affords an incentive to States and counties to build improved roads. Rhode Island, having, as it does, 49 per cent of her roads improved, will unquestionably get the largest percentage of rentals. Massachusetts, with practically the same percentage, will come next; then Indiana, with 36 per cent; then Ohio, with 27 per cent; and so on down the line. It is perfectly true that States like West Virginia, with less than 2 per cent of her roads improved, and Texas, with just about 2 per cent of her roads improved, will get very little money in classes A and B; but those States are now expending very large sums of money on roads, and with this additional incentive, no doubt, they will soon be high up among the States that get the benefits for having improved roads.

Now, Mr. Chairman, before discussing further the question of expense, I wish to speak for a few moments about the general subject of roads. The high cost of living is one of the great questions before the people of this country. Students of political economy everywhere are undertaking to solve this mighty problem, and our politicians and statesmen would be delighted to find the remedy therefor. In my judgment—and I believe I can prove it—one of the remedies for the high cost of living is the establishment of good roads. In this connection I desire to call the attention of the House to a comparison of conditions in this country with the conditions in France on the subject of roads. In the United States a team in the worst hauling season is able to transport an average of only about 800 pounds, while in France every good draft horse is expected to draw about 3,300 pounds a distance of more than 18 miles a day any day in the year. As a result of the difference in road conditions, the farmers of France haul their products to market on an average cost of about 10 cents per ton per mile, and in some cases even less than that, whereas in America our farmers are forced to pay for transporting their products to market about 23 cents per ton per mile. When we take into consideration the vast tonnage that is yearly hauled over the roads of this country what an immense saving it would be to the farmers of this country to have good roads. It has been estimated by the Office of Public Roads of this Government that the saving on this kind of transportation alone would amount to somewhere in the neighborhood of $1,000,000 a day or $350,000,000 per year. The people of France have more money per capita than any other people in the world and their condition is exceedingly prosperous. Country life there is exceedingly delightful and pleasant, and more because of good roads than for any other reason; indeed, it has been claimed that the building and maintenance of these roads, which are the best in the world, is of more value to France than her railroads. It has prevented her population from flocking to the cities, as is the case in America. One of the greatest questions now before our people is the undue movement of the country population to the cities and what is necessary to prevent it. Good roads and the conditions that are arising from having good roads will do more to prevent it than anything else. It gives the people of the country better social advantages, better educational advantages, and as far as aid and material welfare and happiness is concerned, nothing could be of greater advantage to them, with the one exception of school facilities. It will enable the farmer to economize time and force in transportation between farm and market; it will enable him to take advantage of the market fluctuations in buying and selling; it will enable him to carry larger loads; it will enable him to buy and sell his products cheaper and still make more money on the transaction; it will enable him to transport his farm products as well as his purchases during times of comparative leisure; it will enable him to haul in bad weather, which is now practically impossible in most of the counties in any of the States; it will reduce the wear and tear on his horse and on his harness and on his vehicle; and, more than all else, it will enhance to an enormous extent the market values of all of their farms.

It is argued that the expense will be too great. From a report that was made by Mr. Morris O. Eldridge, chief of the records of the Office of Public Roads, printed in 1907, but which shows conditions in the year 1904, there was expended by all the States and counties of this Nation a little more than $80,000,000 for the construction and maintenance of public roads. Of this sum about $20,000,000 was furnished in labor and not in money, so that there was actually appropriated in money by the State and county governments of the Nation about $60,000,000. Ohio led at that time with an expenditure of $5,706,000; New York came next with an expenditure of $5,692,000; Indiana came in next with an expenditure of $4,335,000; Illinois came fourth with an expenditure of $4,210,000. It was further shown that Indiana had more miles of improved roads than any other State in the Union. Tennessee has only about 13 per cent of her roads improved. A like report has been gotten out since that time in the present year, but showing conditions in the year 1909. This second report shows that there were some 40,000 more miles of improved roads in 1909 than there were in 1904, but the second report does not show the amounts appropriated in the year 1909 by the United States, but an estimate probably would not exceed $100,000,000. Suppose then that this bill carries only $20,000,000 per year; certainly it will be of mighty benefit to the cause of road building and road maintenance in this country. If by building good roads we can reduce the cost of transportation in rural communities from 23 cents a ton per mile to 10 cents per ton per mile; if we can make conditions of country life more attractive and thereby prevent the undue flocking of people to the cities and the many evils attendant thereon; if we can increase the value of all farm lands; if we can aid in the reduction of the high cost of living; if we can give all the country children of this country better school facilities; if we can give all the country people better educational, religious, and social advantages, is it not our duty to pass this bill? We spend in round numbers some $125,000,000 per year on our Navy; we spend some $90,000,000 per year on our Army; we spend some $26,000,000 per year in cleaning out and improving our waterways and harbors; we spend $47,000,000 a year for carrying our mails on the railroads of this country, and yet we do not expend a cent for the use, construction, or maintenance of public roads, which is more important than all of the foregoing except railroad transportation. In other words we are spending mighty sums for our supposed defense when it is doubtful if we need any defense, while we spend practically nothing for our general welfare, which is of far more importance in this day and time of the world's history. I am not opposed to the Navy or to the Army. I believe in both. A reasonable amount for both should always be appropriated, but I believe it is foolish to run wild on such subjects and overlook the most obvious needs of our country.

Another reason why this bill should pass is because of the increased use of roads by the Government in carrying out the limited parcel-post provision of this bill, which I believe will pass at this time. This will vastly increase the use of country roads by the Government, and it will bring all country people in closer touch with their Government.

Nearly all other Governments have the parcel post. It has been a success with them. It has come to the United States, and has come to stay. It may be postponed, and a general law probably should be postponed until we know just what is best, but it will not be sidetracked, because it affords cheaper transportation of goods for the people, and naturally the people want it and will have it. The express companies are leeches upon the body politic. They have had their day. They must lower their rates or go out of business. Our country merchants and our city merchants need have no fear of a parcel post. It will benefit them as well as the public generally to get cheaper transportation for their wares. They need not fear the large mail-order houses in the great cities. We will get all the facts under this bill and enact a law that will protect all merchants alike and benefit all the public.

Down in my country the people have no concrete, selfish connecting link, practically speaking, between them and our National Government; there are no monthly or quarterly pension checks to remind them of the Government at Washington; $125,000,000 appropriated for the Navy means nothing to them, for they are far removed from anything that even pertains to the Navy; $90,000,000 for the Army is to them simply an array of figures, as the Army and its movements and its interests are, so far as they are concerned, a thing apart; $27,000,000 for rivers and harbors means little to the people of west Tennessee, where there have been no river improvements in so long that the memory of man runneth not to the contrary. Never a cent does the tenth congressional district get for her levees, and the city of Memphis has to build her own levees to keep the water out as best she can, which sometimes she does and sometimes she does not. The water has gone so unprecedentedly high this year, however, that we are greatly in hopes of getting some much-needed aid from the Mississippi River Commission, and if we do not I feel sure that this House and this Congress will give us aid.

I do not mean to cast any reflections on the Mississippi River Commission, for I have no doubt that it is doing the best it can with the money it has; but we should give it more money. Fifty million dollars for railroad postal service means nothing

to our people, because there are no railroad owners in Memphis, and they give value received in stamps for all their letter transportation. As I said before to my distinguished friend from New York [Mr. MICHAEL E. DRISCOLL], the tangible connection between my people and the Government is composed largely of garden seed and a lofty patriotism. He knows the benefits his district is receiving from the National Government. Does he conscientiously think these are being fairly and evenly divided, comparing the benefits that his district is receiving with those that mine is receiving?

Mr. Chairman, the people I represent are a brave, sturdy, and an optimistic people. They are taxed to help keep up our splendid naval armament, and pay their proportion of the $125,000,000 claimed to be necessary for that purpose without a word of complaint, notwithstanding the fact that they have not a mile of seacoast and that a battleship could not get within 500 miles of them. They are a peace-loving people, and would rather our Government would aid in building up a great merchant marine to promote our trade and commerce with the nations of the world, and thus contribute to their welfare and happiness and prosperity and to the welfare and happiness and prosperity of their fellow citizens. Yet when their Government says millions for the pomp and parade of power by the patrolling of the sea with death-dealing *Dreadnoughts* and not one cent toward securing supremacy in foreign trade, they have no word of complaint. They are taxed to keep up our Army and pay their proportion of the $90,000,000 per year used for that purpose, though they do not believe in a standing army in time of peace or in the idea that it is our duty to give so large a part of our hard-earned wealth toward governing the far-off islands of the sea, whose inhabitants are neither desirous of or grateful for our assistance. They would much prefer that at least a portion of these millions should be spent in educating the ignorant of our own land, and in making them better citizens and happier and more prosperous men and women; but when their Government says that one-tenth of all their taxes shall go for foreign missions in the way of holding the Philippines and other islands, whether the distant and colored foreigners want our aid or not, they still make no complaint, though they do not believe that this is the legitimate sphere of our Government. They are taxed to pay our enormous pension list, and they pay their proportion of these $160,000,000 cheerfully to the extent that they believe that the money goes to the bona fide defenders of their country, for they believe that the honest and courageous defender of his country should be cared for by the Government in his declining years. They would much prefer that the rule of correcting military records 50 years after those records were made and the promotion of officers on the retired list should be abolished, and that the large sums thus annually spent should be used for other and better purposes; but their Government's acts are their acts in the premises, and still they make no complaint.

They are taxed to keep up Army posts on the desolate plains of Wyoming and on the inaccessible heights of Fort Duchesne and to build useless $75,000 public buildings at the hamlets of Sundance and Kiosk on desolate western plains. They believe this is a useless extravagance, but still they do not complain. They are taxed to keep up the great Post Office Department of the Government, and they believe that much of the $250,000,000 spent by that department of our Government is injudiciously spent in extravagant contracts with railroad lines and steamship companies; but as long as they can get a letter through the mails directly by paying for the service its full value they still do not complain. And so when the Government taxes them for the benefit of the Steel Trust, and the Woolen Trust, and the Tobacco Trust, and the Meat Trust, and the Butter Trust, and the Sugar Trust, and the Beef Trust, they still work on, complaining just a little, but optimistically hoping for better things. But while not complaining very much, Mr. Chairman, they do think that inasmuch as these special interests receive so much at the hands of the Government and these other portions of the country receiving so many benefits from the Government not received by them—they only receiving garden seed—that they might be permitted to get a small rental for the use of their roads and a little aid in keeping the Government's water, the great Mississippi River, out of their homes. In asking this they are perfectly willing that other portions of the country should receive the same proportionate, and even greater, rental for their roads, and they are willing to take even less protection from the Government's water than other portions of the country get. But they do want to feel that their Government has a little interest in their welfare and a little regard for their protection. Under the circumstances is it asking too much that our people should want this road bill to pass? Is it asking too much that their application to Congress should be granted that their homes might be protected from the waters of the great Mississippi River?

Seriously, Mr. Chairman, Tennessee has always done her full part by our great Nation. Though but a Territory at the time, her sons bore the brunt of the fight at Kings Mountain, which was the turning point in our war for national independence. In the War of 1812 it was largely her sons, under the leadership of the dauntless Andrew Jackson, who at New Orleans broke the pride and power of the British Army and made that great nation feel that it would never do again to wage war against American arms. In the Civil War Tennessee furnished almost as many troops to the defense of the Union cause as Rhode Island, Vermont, or New Hampshire. In the Spanish War the State was made a rendezvous for the American Army, and her sons almost with one accord volunteered in behalf of their country's cause. They are a dauntless race of people and stand ever ready to defend their common country and to protect its honor. But they do wish for their Government to treat them fairly and to divide more evenly the benefits of that Government, and they believe it will.

Mr. Chairman, I hope this bill will pass, and afterwards, at another time, this Congress will give our Tennessee people protection from the floods of the great Father of Waters.

APPENDIX A.

To the Committee on Agriculture:

The undersigned Members, who have introduced bills on the subject of good roads, desiring to secure, as far as possible, harmony and unity of action among the friends of such legislation, have conferred, with a view to agreeing upon a bill. After careful consideration we have prepared and agreed upon the subjoined bill and requested Mr. SHACKLEFORD to introduce it on behalf of us all. We have further requested Mr. SHACKLEFORD to appear before you and respectfully bespeak for the bill early and favorable consideration.

Very respectfully,

EZEKIEL S. CANDLER, Mississippi; J. THOMAS HEFLIN, Alabama; THOS. L. RUBEY, Missouri; JOHN J. WHITACRE, Ohio; JOSEPH A. TAGGART, Kansas; JOSEPH HOWELL, Utah; JAMES P. BYRNES, South Carolina; KENNETH D. MCKELLAR, Tennessee; E. W. SAUNDERS, Virginia; WILLIAM B. FRANCIS, Ohio; RICHARD W. AUSTIN, Tennessee; SCOTT FERRIS, Oklahoma; D. R. ANTHONY, Jr., Kansas; GEORGE WHITE, Ohio; WALTER L. HENSLEY, Missouri; JAMES M. COX, Ohio; GEORGE A. NEELEY, Kansas; J. J. RUSSELL, Missouri; J. H. GOEKE, Ohio; H. D. FLOOD, Virginia; BURTON L. FRENCH, Idaho; T. T. ANSBERRY, Ohio; C. C. ANDERSON, Ohio; P. P. CAMPBELL, Kansas; S. F. PROUTY, Iowa; W. C. ADAMSON, Georgia; BIRD MCGUIRE, Oklahoma; D. W. SHACKLEFORD, Missouri.

APPENDIX B.

TENNESSEE.

Mileage of public roads, 1909.

County.	Total mileage of all public roads.	Mileage of improved roads.			Approximate percentage of roads improved.
		Stone.	Gravel.	Total.	
Anderson	350	70	4	74	21.14
Bedford	475	125	.....	125	26.31
Benton	490	.....	15	15	3.48
Bledsoe	300	.....	10	10	3.33
Blount	550	13	.....	13	2.36
Bradley	325	5	175	180	55.38
Campbell	560	43	12	55	9.82
Cannon	325	.....	7	7	2.15
Carroll	625	.....	.....	.....	.....
Carter	350	.....	.....	.....	.....
Cheatham	300	.....	14	14	4.66
Chester	260	.....	.....	.....	.....
Claiborne	450	5	.....	5	1.11
Clay	350	.....	5	5	1.42
Cocke	400	80	.....	80	20.00
Coffee	375	.....	.....	.....	.....
Crockett	365	.....	.....	.....	.....
Cumberland	550	.....	.....	.....	.....
Davidson	600	182	60	242	40.33
Decatur	350	.....	43.5	43.5	12.42
Dekalb	350	80	25	75	21.41
Dickson	500	.....	4	4	.80
Dyer	480	10	10	20	4.16
Fayette	600	.....	.....	.....	.....
Fentress	450	.....	.....	.....	.....
Franklin	600	2	.....	2	.33
Gibson	600	.....	.....	.....	.....
Giles	600	50	125	175	29.16
Grainger	300	5	.....	5	1.66
Greene	600	1	.....	1	.16
Grundy	500	.....	.....	.....	.....
Hamblen	300	96	.....	96	32.00
Hamilton	600	125	20	145	24.16
Hancock	210	.....	.....	.....	.....
Hardeman	750	.....	3	3	.40
Hardin	700	.....	20	20	2.85
Hawkins	700	26	.....	26	3.71
Haywood	555	.....	7	7	1.26
Henderson	400	.....	.....	.....	.....
Henry	400	3.5	.....	3.5	.87
Hickman	707	.....	.....	.....	.....

TENNESSEE—Continued.

Mileage of public roads, 1909—Continued.

County.	Total mileage of all public roads.	Mileage of improved roads.			Approximate percentage of roads improved.
		Stone.	Gravel.	Total.	
Houston	215	.....	5	5	2.32
Humphreys	555	.....	.....	.....	.....
Jackson	325	.....	.....	.....	.....
James	166	.....	30	30	18.07
Jefferson	300	103	.....	103	34.33
Johnson	200	.....	.....	.....	.....
Knox	1,026	248	1	249	24.26
Lake	114	.....	.....	.....	.....
Lauderdale	450	4.5	4.5	9	2.00
Lawrence	750	30	10	40	5.33
Lewis	250	.....	20	20	8.00
Lincoln	795	13	140	153	19.24
Loudon	200	.....	.....	.....	.....
McMinn	450	.....	30.5	30.5	6.77
McNairy	570	.....	.....	.....	.....
Macon	250	.....	.....	.....	.....
Madison	500	65	.....	[1] 192	38.40
Marion	500	22	18	40	8.00
Marshall	250	125	20	145	58.00
Maury	836	215	111	326	38.99
Meigs	225	.....	3	3	1.33
Monroe	500	10	.....	10	2.00
Montgomery	700	32	94	126	18.00
Moore	200	.....	10	10	5.00
Morgan	300	.....	.....	.....	.....
Obion	700	.....	.....	.....	.....
Overton	500	.....	.....	.....	.....
Perry	400	.....	.....	.....	.....
Pickett	250	.....	.....	.....	.....
Polk	500	.....	.....	.....	.....
Putnam	400	73	.....	78	19.50
Rhea	342	5	11	16	4.67
Roane	550	45	8	53	9.63
Robertson	500	.....	.....	.....	.....
Rutherford	1,000	275	175	450	45.00
Scott	500	9	.....	9	1.80
Sequatchie	250	.....	12	12	4.80
Sevier	575	25	6	31	5.39
Shelby	2,500	.....	600	600	24.00
Smith	400	.....	190	190	47.50
Stewart	350	1	25	26	7.42
Sullivan	550	75	.....	75	13.63
Sumner	840	100	250	350	41.66
Tipton	300	.....	.....	.....	.....
Trousdale	160	.....	20	20	12.50
Unicoi	89	.....	.....	.....	.....
Union	235	35	.....	35	14.89
Van Buren	250	.....	.....	.....	.....
Warren	533	.....	72	72	13.50
Washington	300	2	1	3	1.00
Wayne	700	.....	16	16	2.28
Weakley	550	.....	.....	.....	.....
White	370	100	20	120	32.43
Williamson	700	35	80	115	16.42
Wilson	1,000	140	.....	140	14.00
Total	45,913	2,684	2,542.5	[1] 5,353.5	11.66

[1] Includes 127 miles of sand-clay roads.

RECAPITULATION.

1904	48,989	1,774	2,511	4,285	8.75
1909	45,913	2,684	2,542.5	[1] 5,353.5	11.66
Gain	.....	910	31.5	1,068.5	2.91

Cost data, 1909.

County.	Average cost per mile.		
	Sand-clay.	Gravel.	Macadam.
Anderson	.....	.....	$4,000.00
Bradley	.....	$1,000.00	2,500.00
Campbell	.....	2,500.00	3,500.00
Claiborne	.....	.....	4,000.00
Cocke	.....	.....	3,000.00
Decatur	.....	1,000.00	.....
Greene	$1,250.00	.....	.....
Hamblen	.....	.....	3,000.00
Hamilton	.....	.....	2,000.00
Hardin	.....	[1] 1.00	.....
Hawkins	.....	.....	1,500.00
Henry	.....	1,855.00	.....
Jefferson	.....	1,600.00	3,100.00
Knox	.....	.....	4,500.00
Lake	.....	5,000.00	.....
Lincoln	.....	400.00	.....
Madison	1,500.00	.....	5,100.00
Marion	.....	2,500.00	3,000.00
Marshall	.....	.....	1,000.00
Montgomery	.....	1,200.00	3,000.00
Overton	.....	.....	1,500.00
Rhea	.....	800.00	.....
Roane	.....	.....	[2] .30
Scott	.....	.....	4,000.00

[1] This road was built in Shiloh National Park at the rate of $1 per square yard.
[2] Per square yard.

TENNESSEE—Continued.

Cost data, 1909—Continued.

County.	Average cost per mile.		
	Sand-clay.	Gravel.	Macadam.
Sequatchie	.....	$1,500.00	.....
Sevier	.....	.....	$2,000.00
Shelby	.....	1,350.00	.....
Sullivan	.....	.....	4,000.00
Summer	$400.00	.....	700.00
Trousdale	.....	2,000.00	.....
Union	.....	.....	1,800.00
Warren	.....	2,000.00	2,000.00
Wayne	.....	750.00	.....
Williamson	.....	.....	800.00
Average	1,050.00	1,697.00	2,727.00

Mr. GARDNER of New Jersey. Mr. Chairman, I yield 27 minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, the proposition to which I want to address myself is involved in a bill, H. R. 12823, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That from and after the 1st day of January, 1913, it shall be unlawful for any railway company engaged in interstate and foreign commerce by carrying or transporting goods, wares, and merchandise from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or from any foreign country to any State or Territory or the District of Columbia, or from any State or Territory or the District of Columbia to any foreign country, to lease, sublet, or permit any other person, firm, company, or corporation the right to carry or transport for hire articles of commerce over its lines of railway, either in cars or facilities furnished by the railway company or by any other person, firm, company, or corporation.

SEC. 2. That from and after the 1st day of January, 1913, it shall be the duty of all railways engaged in business as common carriers in interstate and foreign commerce to furnish cars and other facilities for carrying and transporting parcels and packages on passenger, mail, or express trains without the medium or intervention of the so-called express companies.

SEC. 3. That it shall be the duty of all railway companies subject to the provisions of this act to make, promulgate, and publish schedules of parcel freight rates, to be approved by the Interstate Commerce Commission, as required by section 6 of the interstate-commerce act as amended June 29, 1906, and June 18, 1910.

SEC. 4. That the managing officers and agents of any railway company subject to the provisions of this act that violate any of the provisions hereof shall be deemed to be guilty of a misdemeanor, and shall be punished, on conviction, for each offense by a fine of not less than $1,000 and by imprisonment for not less than 6 months.

SEC. 5. That it is herein made the duty of the Interstate Commerce Commission, under the power conferred upon it by the interstate-commerce act and its amendments, to enforce the provisions of this act.

SEC. 6. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Mr. CAMPBELL. Mr. Chairman, this is a bill that I first introduced about two years ago and again during the last session of this Congress. There was considerable discussion of the bill in some of the metropolitan newspapers when it was first introduced. This led to a correspondence with me relative to the bill, and I have here on my desk now about 5,000 letters and resolutions upon the subject. I think it is safe to say that not to exceed a dozen of them oppose the general purpose of the bill. My proposition is to eliminate the express companies entirely from the business of carrying parcels or packages and require the railroad companies to file rates, to be approved by the Interstate Commerce Commission, for the carrying of parcels as they file rates for the carrying of heavier freight, and in that way bring about a large saving to the sellers and buyers of parcels that are carried now by the express companies. It is needless for me to say that there has long been a widespread protest against the extortionate charges made by the express companies. I want to avoid needless criticism. I want to put the proposition clearly upon its merits and upon the right of the people of this country to have their chartered common carriers perform all the functions of common carriers that is done on their lines.

Mr. ANTHONY. Mr. Chairman, does the gentleman's plan embrace the delivery of parcels by the railroad companies after they reach their destination as well as their transportation?

Mr. CAMPBELL. Yes; that, of course, is a part of the business.

Mr. ANTHONY. That the railroads shall assume the complete functions of the express companies?

Mr. CAMPBELL. Exactly so, and employ the same men to do the work, and furnish these men a better employer and, in many instances, higher and better wages, working under more satisfactory conditions than they do to-day.

Mr. BOWMAN. As in the case of the Great Northern Railway Co.?

Mr. CAMPBELL. The Great Northern Railway Co. does its own express business.

Mr. BOWMAN. Under contract with individuals in each city.

Mr. CAMPBELL. Yes; to pick up and deliver its packages. We pay anywhere from three to five times as much for carrying packages of a parcel nature as any other country in the world.

We should, perhaps, expect express charges to be higher per ton here than abroad. But no necessary economic cause is known which justifies a substantially higher proportion or ratio of the express to the freight charges here as compared with other countries, however. The average express charge per ton here is shown to be $31.20, while the average freight charge is $1.90 per ton, giving a ratio of the express charge to the freight charge of 16 (16.42) to 1. This express charge includes the cost of such pick-up and delivery service as is rendered, covering, it is thought, about 90 per cent of the traffic. I will give a table embracing 11 countries, which shows the ratios of these charges. The table includes all countries where the express data are clearly distinguishable from general freight statistics:

Ratios of average express charges to average freight charges in 11 countries.

Countries.	Average express charge per ton.	Average freight charge per ton.	Ratios of average express to freight charges.
Argentina	$6.51	$1.95	3.2 to 1
Austria	3.77	.74	5.0 to 1
Belgium	4.92	.53	9.3 to 1
Denmark	5.49	.87	6.3 to 1
France	6.88	.95	7.2 to 1
Germany	3.80	.76	5.0 to 1
Hungary	3.68	.93	3.9 to 1
Netherlands	2.43	.67	3.6 to 1
Norway	1.90	.49	5.0 to 1
Prussia	4.32	.86	5.0 to 1
Average for 10 countries			5.23 to 1
United States	31.50	1.90	16.42 to 1

The express companies in this country now charge $31.20 a ton for carrying packages; an 8-cent postal rate would be $160 the ton and a 12-cent $240 the ton, the only advantage being delivery of the package in the country when it could pay such a rate. About $17 per ton should pay every reasonable charge for this service when the service is performed by the railroads, as I now propose.

There is less of parcel carriage upon the railways of this country in proportion to the other freight than in any other country of the world, and all because of the practically prohibitive rates charged by the express companies. Why are these extortionate charges made? Why is it that American express charges are higher than any other people have to pay for carrying like packages on the railways of other countries? The reason is simply this—the intervention of the express companies. An express business was done before the railways were made. It was a business of carrying small parcels across the country. They did that on stagecoaches. As soon as the railway companies were built it was most natural that they should give up their stagecoach and make arrangements with the railway companies to carry their parcels on the railway trains. These contracts have been made from year to year by the express companies since the advent of the American railway. There are 13 express companies, and they control the small freight business of the country to-day, which should be done by the railroads that are chartered as common carriers.

These express companies are not chartered as common carriers. They are voluntary associations or companies or individuals, and too often some of the higher officials of the railway company that has a contract with the express company are interested in the express company, to the detriment of the stockholders of the railroad company. The contract made by the railway company with the express company is of doubtful authority. That is to say, it is doubtful, if the question had been raised early, whether or not the railroad company, that is chartered as a common carrier, had a right to delegate or lease or sublet to a concern that is not chartered as a common carrier the right to carry or to do the business of a common carrier on its lines.

Mr. LOBECK. Then the gentleman is against letting subsidiary contracts?

Mr. CAMPBELL. The common carrier is responsible to the public for the transportation of its products. Here are concerns made up of individuals or of companies, as the case may be, without charter authority, acting as the common carrier and doing a general business as such.

Mr. MANN. Will the gentleman yield? The gentleman does not doubt the express companies are common carriers?

Mr. CAMPBELL. Oh, they have been declared to be so by statute for purposes of regulation, but not by charter. I have been careful to note only that they were not chartered as common carriers. We declared them common carriers in 1906 so we could control them. I thought then, and I think now, they are mere parasites on the railroads and that they should be entirely eliminated.

Mr. MANN. I would like to ask the gentleman, if I may. The railroad company now carries any size package delivered to it?

Mr. CAMPBELL. Oh, yes.

Mr. MANN. At a fixed rate?

Mr. CAMPBELL. Yes.

Mr. MANN. The gentleman does not intend to have packages carried at those rates by the railroad company?

Mr. CAMPBELL. Oh, that is a matter of detail. What I intend is that parcels that are now carried by the wish of the consignee or consignor, by express rather than by freight, shall be carried by the railroad company rather than by the express company.

Mr. MANN. I understand. It is six of one and half a dozen of the other who carries it. The question is the service. The railroad company will carry any package now by freight at a rate fixed?

Mr. CAMPBELL. Yes.

Mr. MANN. The gentleman would not expect that the railroad company would raise the rates on packages that are now carried by freight nor would he expect them to carry packages by express at the same rate.

Mr. CAMPBELL. Oh, not at all. I expect the railroad companies to file different rates for carrying parcels on express, passenger, and mail trains from the rates they file for carrying freight on their freight trains.

Mr. MANN. Does the gentleman's experience with the railroad companies lead him to believe that transferring packages from one railroad to another would produce expedition by having them do that instead of having one company do it?

Mr. CAMPBELL. Well, that is a question of detail that is involved in this problem; but the gentleman from Illinois now purchases a ticket to Chicago, and he goes on that ticket clear through over probably half a dozen or a dozen different lines of railroad.

Mr. MANN. Yes; and it is a good deal of trouble for the gentleman to do that, but he moves himself; the package does not move itself; it has to be moved by some one else. The gentleman says it is a matter of detail. In my judgment, it is the whole substance of the question, whether the railroad companies separate taking packages to be delivered to any house, requiring those packages to be transferred at terminal points, will do it with the same expedition that one company does that is prepared to take care of it where there is no conflict between the companies.

Mr. CAMPBELL. I am aware that there are difficulties about the question, but I often check a grip and it goes through on the same train I do, on the same train that the express company takes packages of similar size through, and it goes through just as rapidly as they do, and I see no reason why, with a similar check or stamp, any package might not go through on the same train and with as good service.

Mr. MANN. If the gentleman has never had difficulty about getting his baggage, he is exceptionally lucky.

Mr. CAMPBELL. Oh, I have had difficulty about getting express, and it is not at all unusual that express packages are lost or delayed in their delivery. I am not pretending that any system of carrying small parcels is absolutely perfect or can be made so. I think a check or stamp system will insure good service—with checks we get good service for baggage in fast trains making through connection. We get good service for through mail on the same trains with a stamp system.

If both of these plans or rules that could be devised fail, then the plan of the gentleman from Maryland [Mr. LEWIS] could be adopted—that is, the Government making similar arrangements with the railroads for postal express to that it now has for mail.

But the fact is that the large majority of packages in which the country is interested are carried but a short distance, and very often over the same line of railroad. The long-distance small package is a very small per cent of the number of packages that are carried in this country. The average distance is about 200 miles.

Mr. ANDERSON of Minnesota. Will the gentleman yield there?

Mr. CAMPBELL. Yes.

Mr. ANDERSON of Minnesota. I think the report of the Post Office Department shows that the average haul for fourth-class matter under present conditions is 687 miles.

Mr. CAMPBELL. I am not talking about mail matter; I am talking about express matter, and the average distance is

196 miles. The railroad companies can do this service just as well as the express companies. There is no economic reason why they can not, by adopting a check or stamp system for the safe conduct of a package from point of origin to point of destination.

Now, will it make a saving to the people of the country? Nothing will be of advantage if it will not result in saving to the people without denying anyone of just and legal rights. I concede this bill, if enacted into law, would deprive certain individuals and certain companies of privileges they now have by sufferance, and which, in my judgment, they ought not to have at all; but there would be an accruing benefit to the whole people and to the stockholders of the railroads. It is common knowledge now that the express companies have from year to year gathered up from the people of the United States enormous and colossal sums of money, and the dividends they pay have become a scandal.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield to a question right there?

Mr. CAMPBELL. Yes.

Mr. MICHAEL E. DRISCOLL. What percentage does the gentleman claim that the express companies are making now on the business done?

Mr. CAMPBELL. The express companies give the railroad companies about 47½ per cent of their gross receipts.

The physical property of all the express companies in the United States is somewhere about $25,000,000. The gross receipts in 1909 were $123,000,000; $63,000,000 of that was given to the railroad companies, and the express companies had the rest of it. The railroad companies own the express cars, pay for keeping them in repair, keep them heated and lighted, and cared for, and in many instances the railway employees performed the service of handling the parcels or packages that are offered for transportation.

Mr. COOPER. The figures the gentleman gave, then, I understand, show the net profits of the express companies to be from 200 to 231 per cent. Is that so?

Mr. CAMPBELL. On their investment; yes. I am unwilling to give the express companies any property in their contracts, for the reason that, in my judgment, they never had a right to acquire such contracts from common carriers chartered by the States.

Mr. CULLOP. Will the gentleman yield for a correction there?

Mr. CAMPBELL. Yes.

Mr. CULLOP. I understood the gentleman to say the gross receipts of the express companies were $123,000,000 in 1909?

Mr. CAMPBELL. I think that was what I stated.

Mr. CULLOP. It was $132,000,000.

Mr. CAMPBELL. One hundred and thirty-two millions of dollars is correct. I am glad to have the correction. I had other figures in mind.

The same employees who now pick up and deliver the express packages for the 13 express companies could perform that service as railway employees, and from the letters I have here I feel confident, with much more satisfaction to the employee, than with his present employer. I have letters here that I am admonished not to publish under any circumstances, nor to divulge the name of the writers.

Mr. FOWLER. Why?

Mr. CAMPBELL. Why? Because they are afraid they would lose their jobs.

Mr. FOWLER. That is what I wanted you to say.

Mr. CAMPBELL. That is the reason, exactly. No one has been able to give a good reason for continuing the express companies. Every reason is in favor of the railroads doing the business. The express companies are parasites that get millions annually out of the public that may be saved. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER of New Jersey. Mr. Chairman, I yield the remaining three minutes that I have to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Before beginning may I ask the gentleman from Tennessee [Mr. MOON] if he will yield me five minutes also?

Mr. MOON of Tennessee. I yield the gentleman five minutes in addition to the three.

The CHAIRMAN. The gentleman from Kentucky [Mr. LANGLEY] is entitled to eight minutes.

Mr. LANGLEY. Mr. Chairman, I desire to challenge one or two of the statements made by the gentleman from Mississippi [Mr. SISSON] regarding the Rural Mail Service. The gentleman made the statement that the rural service all over the country is paralyzed. He made the further statement, in answer to an interruption by myself, that there was one year during which no rural routes were established, and he suggested that I could corroborate these statements if I would make inquiry of the Fourth Assistant Postmaster General. I had already talked a number of times with that official and am somewhat familiar with the subject; but, in order to get specific information, I telephoned that office the substance of the statements made by the gentleman from Mississippi [Mr. SISSON] and I have here the exact figures as to the number of rural routes established under the present administration; and let me say, in passing, that I did not get in my telephone conversation with that office any corroboration of the statements of the gentleman from Mississippi, as he said I should.

In the year 1909—and I am referring now to the net increases—there were 1,351 rural routes established, 451 in 1910, 577 in 1911, and 543 in 1912.

I am informed that no more rural routes will be opened during the present fiscal year, but that work has already begun on those to be established during the next fiscal year. In the course of this preliminary work the establishment of 21 routes, beginning July 1 next, has already been agreed upon.

It is easy for gentlemen flippantly to charge neglect of duty on the part of public officials. I have recently had occasion to read some of the speeches delivered in both branches of Congress in previous sessions, and I have been greatly surprised at the number of gentlemen who criticized in the broadest terms the management of the Post Office Department. I am glad to notice that during the prolonged debate on this pending measure the tendency to criticize that department so broadly has almost entirely disappeared. As far as I can recall, the only criticism of that character has been indulged in by the gentleman from Mississippi [Mr. SISSON].

The postal service is the greatest Government enterprise in the world, employing, I believe, about 300,000 people; involving travel by carriers, messengers, and mail trains aggregating almost a billion miles annually. I venture to say that in the history of the Post Office Department there has not been more progress made in the general development of the various branches of the work since its organization than has been accomplished since the present Postmaster General took hold of it.

I have before me one of Postmaster General Hitchcock's annual reports, in which he mentions 30 distinct improvements that have been made under his administration, not one of which, I believe, could be successfully questioned. I might also add what gentlemen already know, that he has changed a deficit of more than $17,000,000, under which the Department groaned when he took charge, to a surplus of more than $200,000. That alone, considering the enormous amount of business conducted by this great department, is an accomplishment which does honor to Postmaster General Hitchcock. [Applause.]

I wish particularly to point out that the economies by which the Postmaster General has succeeded in transforming a huge deficit into a surplus have not resulted in any crippling of the service. There has been no harmful saving. The result has been attained by the cutting out of wasteful expenditures and the introduction of the most modern business methods. Mr. Hitchcock's policy throughout has been to extend the service as fast as population warrants and to handle more scientifically the increasing volume of mail.

To show how the service has been extended, let me tell you that during Postmaster General Hitchcock's administration 4,133 new post offices have been established; carrier delivery has been provided in 212 cities; 2,748 new rural routes, covering 66,358 miles, have been opened; the force of postal employees has been increased by more than 8,000. Furthermore, the economies that wiped out the deficit have enabled the Postmaster General to adopt a more liberal policy in the compensation of employees, the total expended for salaries last year being $14,000,000 greater than it was two years ago, while the average annual salaries have been substantially increased.

Thus, gentlemen, you can perceive the extraordinary spectacle of a deficit wiped out, a surplus put in its place, while at the same time the service is greatly extended and improved and the employees are better paid, and also assured of one day's rest in every seven.

While I am on the subject of the Post Office Department I can not refrain from calling attention to the remarkable success achieved by the present Postmaster General in his crusade against the swindlers who use the mails to defraud. These criminals prey upon a class of inexperienced persons, largely, who can least afford to do without the money that is taken from them. The medical swindlers, not only take the money of their victims, but also leave them broken in health, perhaps on the very verge of death. Against them Postmaster General Hitchcock has waged a vigorous war of extermination.

At the outset of his administration he virtually abandoned the fraud order, as being of very little permanent good, the swindler against whom such an order was issued often resuming his practices under another name or in another place. Under the present régime the swindlers are arrested as soon as sufficient evidence is obtained, and then they are put behind the bars. Very few who have been arrested have escaped conviction. During 1911 there were arrested 529 such persons who had obtained by their devious methods more than $77,000,000 of the American people's money. These arrests and convictions, besides putting out of business the larger dishonest operators, act as a powerful deterrent on the minor offenders, who are more easily restrained by fear than are the richer and more influential get-rich-quick men. The value of the protection thus given to the people is almost incalculable.

Another boon to the whole country is the postal-savings bank, the first 48 of which were opened in January of 1911. These experimental offices proved so successful that the system was rapidly extended, until now it includes almost all of the 7,500 presidential offices and several thousand offices of the fourth class. I am informed that after 12 months of operation the deposits reached the sum of twelve millions of dollars. I am of the opinion, Mr. Chairman, that this amount of money would probably not have been available for circulation if it had not been for the postal savings banks. Some of it would have been hoarded, some of it would have been squandered, and a large fraction of it would have been sent out of the country by foreign-born citizens.

Mr. Chairman, when I consider to what a successful issue Postmaster General Hitchcock has brought the measures for which he has obtained the authorization of Congress, when I consider his wide experience in the affairs of the postal service, I feel confident that his recommendations regarding the parcel post and the readjustment of railway-mail pay, which he urges, if they should be carried out, would result successfully and to the great advantage of the masses of the people.

Let me add that nearly 20 years ago I was a schoolmate of Frank Hitchcock. I formed an estimate of his character then which I have cherished ever since. I have watched his career with pride and admiration, and, in my judgment, there is not in the Federal service to-day a more competent, a more faithful, a more courteous and obliging gentleman than Frank Hitchcock. I am glad to have this opportunity on the floor of this House to pay this tribute to my old schoolmate and friend. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. FINLEY] one hour.

Mr. FINLEY. Mr. Chairman, as has often been said, the Post Office appropriation bill excites more interest amongst the membership of this House, taking the membership as a whole, than does any other appropriation bill that is considered here. The reason for this is evident; the entire population of the United States is personally and vitally interested in the postal service.

In reference to the bill under consideration now I am very glad to be able to state that in all the 14 years that I have been here there has been less debate this year on the present bill, under the five-minute rule, than there has been in any other year during my service in this House. The reason for this also is evident, and it can only mean that the bill brought in by the Post Office Committee with a united report, agreed to by both Democrats and Republicans, meets with popular favor.

The committee brings to the House of Representatives the greatest appropriation bill which has ever appeared in this House, and the greatest which has ever appeared in any legislative body in the world, so far as I am informed, amounting in round numbers to $260,000,000.

The regular part of the bill containing the usual appropriations for the support of the postal service and making provision for the expansion, growth, and development of that service, has excited so little debate in the House that it is a matter of comment. But I shall not take up the time of the committee in discussing what has already been passed upon by the House and is now incorporated in the bill.

A great deal of new legislation is contained in the bill; more new legislation, in fact, than has ever been brought into the House in any former Post Office appropriation bill during the 10 years of my service on this great committee. This legislation, in the opinion of the members of the Post Office Committee, is both wise and necessary, and will result in the impovement of the postal service. We believe that it will result in giving to the American people better and more efficient mail facilities. We believe that the legislation proposed here is demanded by the spirit of the times, and that it is a step in the march of progress. We believe further that the American people should have what is due them and what we propose to give them—the very best in the way of postal facilities that can be given, conditions considered. No one therefore can accuse the Post Office Committee of the House of Representatives of being retrogressive. We are progressive, keeping up with the spirit of the times and doing, or trying to do, for the American people, so far as postal legislation is concerned, that which we should do in keeping abreast with progress. In the bill are 11 sections proposed by the Post Office Committee, which have been made in order by a rule adopted by the House. In addition to that, other matters have been made in order.

I shall not have time to discuss each and every one of these propositions in detail. In a great bill like this it is, practically speaking, impossible for one man to take up and discuss in detail all of the new and involved legislation proposed. So what I shall say in reference to what the Post Office Committee has proposed in the 11 sections I have mentioned will be brief. It will not be more than a cursory mention, so to speak, as to the majority of them.

In the first section we propose that after the 1st of July, 1917, all railway post-office cars shall be constructed of steel, with underframe of steel, or of equally indestructible material. After July 1, 1912, not less than 20 per cent of this class of cars shall be placed in operation annually, and thereafter no contracts shall be entered into by the Post Office Department for the construction of wooden cars. This is necessary, for heretofore, as a rule, railway post-office cars have been constructed of wood, and as they were often placed next to the tender, with the great passenger coaches behind them, the inevitable result in case of accident was that the railway postal clerks were the ones who generally suffered the worst injuries.

In section 2 of the new legislation it is provided that any contractor furnishing supplies to the Post Office Department or to the postal service who shall enter into or propose to enter into any combination relative to any bid for furnishing supplies, or who shall fix the price, or who shall give or propose to give any consideration or inducement to any other person to bid at a specified price shall be guilty of a crime. And why should he not be held guilty of a crime? Why should not that be written into the law? Why should not the Government of the United States be protected from the dishonest practices of persons who enter into combination for the purpose of fleecing the Government?

Section 3 of the new legislation simply protects the postal service by requiring mail clerks employed on vessels in the naval service to give such bond as may be deemed necessary to protect the Government from loss should some clerk prove to be dishonest. No one will dispute the wisdom of this proposed legislation.

Section 4 of the new legislation proposed by the Post Office Committee is intended to correct what often amounts to an injustice after the mails have been weighed. For the purpose of weighing the mails the United States is divided into four divisions. In each of these divisions the mail is weighed once in four years, and it sometimes happens that mail for Cuba or the West Indies, for instance, which was carried over the Atlantic Coast Line Railroad at the time of the weighing, has, for some reason satisfactory to the Post Office Department, been transferred or diverted to the Southern Railway. Under the present law no readjustment of the weight of this mail and the compensation paid for carrying the mail which has been diverted can be had until the next weighing period, and that may be any period of time short of four years. Should not this be corrected by amending the law?

Section 5 provides that clerks and carriers in first and second class post offices shall have their day's work limited so that the 8 hours of service shall be performed in a period of 10 consecutive hours. That provision needs no comment.

Section 6 simply gives to each person in the classified service of the United States employed in the postal service the right of free speech and the right to appeal to Congress, or to communicate with his Representative in Congress, relative to any grievance between him and the Government in the discharge of his duties as a public servant, or other matter affecting him. This section is intended to repeal the notorious gag rule or order first issued some years ago by Theodore Roosevelt when he was President of the United States.

Section 7 provides for classifying the railway postal clerks. I will stop here long enough to say that they are about the only class of postal employees in the classified service who are not classified according to some rule or regulation that has regularity for its basis. Heretofore the classification of railway postal clerks in nearly all essential particulars was a matter of departmental order and regulation, under what is

generally known as the scheme of organization in the Second Assistant Postmaster General's office.

Under this procedure it sometimes happened that great injustice was done to railway postal clerks, and it is proposed to correct this.

Section 9 gives to the rural letter carriers $74 a year increase of pay on a standard route of 24 miles. This section was framed by me on the basis that pay for the rural delivery service be on a mileage basis. This has been the contention of the carriers for years and years. It is a fact that under the present law, which gives the Post Office Department discretion to a very large extent in fixing the rural carriers' pay at a sum not exceeding $1,000 per annum, on standard routes of 24 miles, the rate of pay fixed by Executive order in the case of about 6 per cent of the carriers on certain routes less than 24 miles long, is slightly more than it would be under the proposed amendment of existing law. I take it, however, that an amendment will be offered to correct this defect in this proposed amendment, increasing the rural carriers' pay.

Personally I will say that at present I think the salary of the rural carriers should be fixed at $1,100 a year, at least on the standard routes, and especially in view of the fact that we propose to impose upon the rural carrier the additional labor of carrying parcels on their routes. I also think that a majority fraction of a mile should be counted.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield?

Mr. FINLEY. Certainly.

Mr. TRIBBLE. Does the gentleman not think that the salary ought to be increased to as much as that received by the city letter carrier?

Mr. FINLEY. I will say to my friend from Georgia that $1,100 would place them on that basis.

Mr. TRIBBLE. No; some of the city carriers get $1,200.

Mr. FINLEY. If the gentleman will take the average pay of the city carrier, he will find that it does not exceed $1,074.

Mr. TRIBBLE. We will have an amendment prepared at the proper time.

Mr. FINLEY. I stated that myself.

Mr. STERLING. Mr. Chairman, do I understand the gentleman to say that the carrier on the rural routes of less than 24 miles would not get as much as they get now?

Mr. FINLEY. I stated this, that under the present rule fixing the carrier's pay by executive order of the Postmaster General, about 6 per cent of the carriers on some of the routes under 24 miles in length will receive slightly less pay than they would under this proposed increase of pay. That is by reason of the fact that the basis under this executive order, we will say, is from 6 to 8 miles, or 8 to 10 miles, or 18 to 20 miles, and so on. On a basis of 18 to 20 miles my recollection is that under the present regulations of the department, carrying out the present law, the carrier would receive $5 more pay than he would under the proposed increase provided for by the Post Office Committee in this bill.

Mr. STERLING. That is on routes 18 and 20 miles long?

Mr. FINLEY. That is my recollection.

Mr. STERLING. Seventy-four dollars additional, then, would not pay them for this decrease?

Mr. FINLEY. That is my recollection.

Mr. STERLING. That is not right, is it?

Mr. FINLEY. I take it that that will be corrected. When the parcel-post system on rural routes is inaugurated it will inevitably follow that the receipts, or the revenues, of the postal service will be largely increased. The Fourth Assistant Postmaster General estimates that the increase from this rural parcel-post service will amount to anywhere from twelve to sixteen millions of dollars a year. I can not agree to that proposition, to begin with. I do not think it will amount to that much for the first year or two. I firmly believe in a few years it will amount to more than that amount. I am satisfied in my own mind, however, from observation—and perhaps my opinion is not worth any more or as much as that of some one else—that the revenue from this source for the first year will amount to at least $6,000,000, possibly $7,000,000 or $8,000,000, and will gradually increase. I am firmly of the opinion that for this added labor and work of carrying the parcels placed upon the rural carriers an increased compensation should be paid them. And why? It has been said that they have the equipment. I do not agree with the Fourth Assistant Postmaster General when he states that only 15 per cent would be required to change their equipment.

In my judgment, more than one-half of the rural carriers will be required to change their equipment, because when they commence to carry parcels the weight that they will carry daily will be much increased. As time goes on the number of parcels they carry each day will increase, and it follows necessarily and inevitably that they will do a great deal more work than at present. Many of them to-day ride motor cycles, and I believe there are a few that ride horseback. In my section the majority of them ride in H. M. T. buggies. Of course, no young Member of Congress knows what that means, but all of the older Members do. The carriers, therefore, would be required to increase and enlarge their equipment for purposes of carrying parcels on rural routes, and I take it that when the rural parcel-post system is in full operation hardly any carrier in all this country will be able to ride in a buggy. It will be necessary for him to have a wagon, as a great many of them have now, and as I believe all must eventually have.

Mr. LOBECK. To carry queen bees?

Mr. FINLEY. Mr. Chairman, so much has been stated about queen bees that I will take up that matter now. I will say to my friends that the law does not fix what can be carried or what may be carried in the mails any further than this: No dangerous material calculated to injure the mails may be carried, and all other matters relative to fixing what can be carried is a matter of executive order for the Post Office Department. It is said that to-day the number of articles that may be carried is restricted. I take it that when we have a parcel post on the rural routes, the rules regulating what may be carried as a parcel on the rural routes will not be the same as those fixing what may be carried in the mails generally throughout the United States, and I think this should be the case.

Many bills affecting the pay of the rural carriers have been introduced in Congress. I would not like to say how many, but there have been several hundred, perhaps, since I have been in Congress. Some of them are wise and well considered, and some are absolutely ridiculous in their form.

A bill will be introduced providing that on and after the 1st day of July—say 1910, or whatever the date may be—the pay of rural carriers shall be $1,100 or $1,200. These bills are introduced without taking into account the length of the routes, or whether the service is a six-day service or a three-day service, and so on. I want to say that this provision in the Post Office bill now to be considered is not contained in any other bill introduced in the House. It was offered in the Post Office Committee by way of amendment.

The rural carriers should be considered. They are a great body, 42,000 strong, able physically and mentally. They are honest, and of all the Government employees fewer of them are arrested for theft and dishonest practices than any other class or body of men in the Government service. [Applause.] I have intentionally passed over section 8 and will come to that later; section 8 relates to the parcel-post proposition reported by the committee.

Section 10 provides for experimental mail delivery at post offices of the second and third class that are not, under the law, at this time entitled to City Delivery Service. One hundred thousand dollars is appropriated for this experimental service. This experiment can only be extended to offices of the third class, i. e., where the salary of the postmaster is $1,000 and less than $2,000 a year, and to second-class offices where the receipts are at least $8,000 a year and less than $10,000.

Section 11 provides for the further organization of the postal savings-bank system, and I do not know that it is out of order for me to say I have never thought very much of this system; but it is the law of the land, and I believe in a legislator doing what is best in carrying out the law. [Applause.] This section gives to the Postmaster General, in part only, authority heretofore vested in three Cabinet officials. It has been found that it was often not easy to gather those three officials together to make and form rules and regulations, and so forth, which pertain particularly to the postal system and which the Postmaster General could make himself. I should judge that there would be no objection to this.

Section 12 amends the law so as to include persons in the Marine Corps among those eligible for appointment as naval mail clerks and assistants. Up to two or three years ago we had no regular mail service on the naval vessels of the United States. The Post Office Committee reported a proposition to the House, and Congress thought it wise to give postal facilities to the officers and men on United States naval vessels. It was found both expedient and economical that men engaged in the naval service, in one branch or another, should be employed as clerks discharging postal duties and functions. Now we go a step farther and provide that persons in the service mentioned may be made naval postal clerks.

I stated a moment ago that I would omit at that time a discussion of section 8 of the new legislation reported by the Post Office Committee. I think, as far as the public is concerned, of the 11 sections mentioned in the way of new legislation in the bill under consideration, section 8, in the eyes of millions of

American people, is the most important of all these sections. For many years the people of the United States have been concerned, and to a greater or less extent have been demanding a parcel-post system. I remember when it was hardly mentioned.

The advocates of the parcel-post system may be divided into four classes: First, those who would limit its operation to rural-delivery routes. These, in my opinion, are in the minority, because whatever benefits that are to accrue to the public at large would be limited, should the parcel-post system stop at this point. Second, those who would have the general parcel-post system with a flat rate of 8 cents per pound. I think they are wrong. Third, those who would have a general parcel-post system under the zone principle, taking into consideration length of transportation, the number of miles, and weight of parcels so carried, the cost of receiving that parcel, of separating it, of transporting it, and delivering it. And why not, if we are to carry out the rule followed by railroad companies and express companies, which recognizes that it cost less to carry a package of merchandise through 2 miles than it does 2,000 miles. [Applause.] To the man who argues to the contrary on that proposition, I want to say that I have not time to discuss the question with him. [Laughter and applause.] This is what the railroad companies do, and it is what the express companies do. If I have time I want to come to the express companies, and if I do not I will state right now that I am not in favor of buying out the express companies. [Applause.]

I am not in favor of paying good money, and millions and millions of it, for what we do not need in our business. This country is going into the parcel-post business, but let us be sensible about it.

Fourth. Those who would take over and condemn the express companies under the provisions of the bill which is now in order as an amendment to the Post Office appropriation bill. This bill is commonly called the Lewis or Goeke bill.

The Lewis bill, which will be in order as an amendment when the Goeke bill is considered (the two bills are substantially the same), provides for buying out the express companies by the Government—business, property, contracts, and franchises—and this purpose is fairly represented by the title of the bill, which is as follows:

A bill (H. R. 11371) providing for the condemnation and purchase of the franchises, and so forth, of the express companies of the United States, and the establishment of postal express.

To begin with, nine-tenths of the property of the express companies would be useless to the Government in conducting a parcel-post system, and I am of the opinion that we would not necessarily want the contracts existing between the railroads and the express companies. In addition to this, I would like to inquire why the Government should pay anything for the franchises and operating rights of an express company or any other company to do business in this country. I apprehend that when the condemnation proceedings contemplated by the bill was had that it would be seriously contended by the express companies that their corporate rights or franchises and contracts were the most valuable part of their business. I believe that this proposition has had no proper consideration anywhere. I want the American people to know what is proposed to be done under this bill, and I want to warn the friends of the parcel-post system who wish to give to the American people what they demand that this bill will not do it, and to tack it on as an amendment to the Post Office appropriation bill is to thwart and deny the demand of the American people for a parcel post. [Applause.]

Mr. MURDOCK. Will the gentleman yield?

Mr. FINLEY. Oh, yes.

Mr. MURDOCK. Just for a question. The gentleman has classified the advocates of the parcel post into four different sets.

Mr. FINLEY. If the gentleman will excuse me, I will come to the fifth class—those who are opposed to anything.

Mr. MURDOCK. I understood from the gentleman the first class are those who advocate a rural parcel post, the second class those who advocate a flat rate for the whole country, and the third class——

Mr. FINLEY. Are those who advocate the zone system.

Mr. MURDOCK. Are those advocating the zone system, and the fourth class are those who are for a parcel-post express.

Now, my question is this: Under which class does he place the provisions in the bill, namely, 11 pounds at 12 cents?

Mr. FINLEY. I do not place that provision under any of them. I want to repeat to the committee here what the gentleman from Kansas [Mr. MURDOCK] knows. It was understood in the Committee on the Post Office and Post Roads, and it is the opinion of the membership of that committee, that what we did in the way of increasing the limit of weight of packages that may go through the mail, from 4 pounds to 11 pounds, and reducing the charge from 16 cents to 12 cents a pound, was never intended to be an answer or any part of an answer to the demand of the American people for a parcel-post system. I will say further to the gentleman that which he also knows, and which every Member of this House knows, that that provision was placed in the Post Office appropriation bill by the Committee on the Post Office and Post Roads in answer to the charge that the United States, being a member of the International Postal Union, permitted, under the provisions of the convention composing those 25 countries, parcels to come from Germany or France or England weighing 11 pounds, at 12 cents a pound, and under the law as it has been for some years past and as it is now, limited our own people to 4 pounds and made the rate 16 cents a pound. We wished to put an end to that criticism. No; it is not a parcel-post system at all.

Mr. SAMUEL W. SMITH. I am sure you have given this matter a great deal of consideration. I would like to know what your solution of the parcel-post problem is?

Mr. FINLEY. I am coming to that.

Now, Mr. Chairman, let us get down to the milk in the cocoanut. Those people who stand for a flat rate, whether the distance is 2 miles or 2,000 miles, I submit, expect that the parcels they will have to send through the mail will be carried more than 2 miles.

I wish I had time to pay full compliment to the German people, the very greatest in many respects in all the world. They have a parcel post, and in it they recognize the zone principle. They recognize that, and they also monopolize the carriage of parcels up to 110 pounds. In no country in all the world, that has a full-fledged successful parcel-post system in operation, is there anything corresponding to the express companies' system in this country.

What the Post Office Committee has done is this: We provide for a commission to investigate this matter, and I would like to have pictures—and I believe I could sell them—of every man who is a Member of this House who will get up and state that he has made sufficient study of this question to be able to write, straight off the bat, a bill that would give to the American people what they should have in the way of a parcels post. Who can do it? Many such bills have been introduced here, the majority of them by Members who have made no study of the proposition. Threats have been made, but these threats I have promptly answered by saying that they would not influence me in doing my duty, as I conceive it, in respect to this or any other bill. Bills have been introduced in the House which bear the earmarks of the department stores of the country.

Mr. Chairman, the Post Office Committee of the House of Representatives have gone to work honestly and sincerely. They mean to do something, and when you go to consider and frame a parcel-post law, the very first question that will confront anybody who has that job on his hands is the question of transportation.

Now, as to what would be the proper rate, I do not know. There is no man in the American Congress who can answer that question accurately, and to the satisfaction of any 500 men in this country, without fear of reasonable contradiction.

We have provided this commission; the commission can not live long. There are to be six men on it, three to be appointed by the Speaker of this House and three by the Vice President of the United States. The amount of the appropriation is comparatively small. I had something to do with that, and my position is this: That if you make an appropriation for a commission very large, that commission will do business until the money is exhausted. They act on the principle that some people believe that the vilest sinner if he returns it is just before the light goes out. [Laughter.] So only $25,000 is provided to enable this commission to obtain the proper information. That commission should do its work in six months at least; maybe in less time.

Now, I ask the House, Are you going to work here and write a parcel-post law? Are you going to work and buy out the express companies in this country, without knowing what you are doing? I am against the express companies; I think that of all the public servants in this country, if there be one class more than another that deserves condemnation, it is the express companies. I am against them, and I wish to end the present conditions as soon as possible. [Applause.]

Now, my friends, I have stated the position of the committee. Let us consider a few facts. I have not had time, and no one else has had time, to pass upon and intelligently decide all of these questions. You must remember that the Democratic majority of the present Post Office Committee has been in power only since the 4th day of March, 1911. You know that at the

extraordinary session we considered and were permitted to consider only tariff legislation. No general legislation was considered then, so that practically this is the first session of this Congress. A Democratic House? Yes. One that means to do business? Yes; one that means to serve the people the very best we know how. We are trying to do it. This is the first opportunity we have had to do anything, and we have made a beginning. [Applause on the Democratic side.]

Now, my friends, I want to say this: When a commission gets ready to consider this great question they must take into consideration the question of transportation, and they will find that in a majority of countries of the world, especially in European countries and in Australia, where they have a complete parcel-post system, the Governments own, to a very large extent, the railroads. In this country the Government owns no railroads except a little bobtail connection between the Atlantic and Pacific Oceans down on the Isthmus of Panama. Even there it has been charged they permit some one—I have forgotten who—to hold one share of stock and, I am told, in the past to decide as to what shall be charged, and so forth. We do not own a railroad in the United States. Now, I believe and have long thought that possibly, and perhaps probably, great reforms and great economies can be effected in the postal service by the Government owning its own mail cars. I have long believed that. You can build to-day mail cars at a cost of anywhere from $6,000 or $8,000 to $16,000 apiece, and we have now more than 1,000 full railway post-office, privately owned cars used in carrying the mail.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Iowa?

Mr. FINLEY. Just in one moment. When the parcel post is in operation in this country probably that number may be increased to 3,000 or 4,000. Now, I will yield to the gentleman.

Mr. HAUGEN. Can the gentleman give any reason why the Government can furnish cars to the railroad companies and the express companies get lower rates from the railroad companies without owning the cars?

Mr. FINLEY. I will come to that in a moment. When the Government owns these cars, costing from $8,000 to $16,000 a car, and in many cases less than that, the charges can be reduced. I have gone to work to get some figures on that subject. When a railroad hauls a privately owned car the rates range from 12 cents a mile to 6 cents a mile. They charge from 12 cents a mile for the heaviest cars down to 6 cents a mile, and then charge a rate for passengers, fixing the number of passengers that shall be carried or the amount of money that shall be paid, and, in the case of freight, the amount of freight charges is additional. But they haul these cars at that rate whether they are filled with freight or are empty.

Now, if you take cases, where, for instance, the meat companies ship their meats over the railroads in their own refrigerator cars, the railroad companies charge the shipper or the consignee the freight on what is contained in the car, and then allow the owner of the car 1 cent a mile as pay for his car. Now, why can not the Government do as well as that? If it can do as well as that——

Mr. HAUGEN. I will answer the gentleman. My contention is that the railroad company should furnish cars free of charge to the Government, the same as it does to the express companies. I will ask the gentleman this question: Does he believe in comparing the rate paid by the Government, to the rate paid by the express companies to the railroads?

Mr. FINLEY. No. I believe the railroad companies and the express companies have an understanding by which I believe they get the best of the public.

Mr. HAUGEN. Does the gentleman contend that the rate paid by the express companies to the railroad is too low?

Mr. FINLEY. No. My contention is that the rate paid by the public to the express company is too high.

Mr. HAUGEN. What rate?

Mr. FINLEY. The rate paid by the public. I want to say to the gentleman that I have not fully investigated the question as to whether 45 or 50 per cent is a proper division of express charges between the express companies and the railroad companies.

Mr. HAUGEN. If the gentleman will examine the report of the Interstate Commerce Commission he will find that the rate paid by the express companies is but 75 cents a hundred, while this Government pays more than $4 a hundred for carrying mail matter.

Mr. FINLEY. I have examined that report, and I will come to that. Now, take the rate from Washington, D. C., to Charlotte, N. C. The distance is 381 miles, and that is supposed to be about the average distance that express is hauled. I do not give the exact figures. The authorities differ. Some say one mileage and other authorities say another mileage; but that is approximate. Now, at 10 cents per mile for the car it would be $38.10. That would be the cost of hauling a mail car from Washington to Charlotte. At 8 cents it would be $30.48 for the car. On carload lots it is said that about 5,000 pounds is the quantity of mail hauled in a car. I take it that in hauling parcels through the mails the weight would be largely increased; but at 5,000 pounds from Washington to Charlotte it would be $48.50; 10,000 pounds would be $97; 15,000 pounds would be $145.50; 20,000 pounds would be $194; and 24,000 pounds would be $232.80. That is for first-class freight in carload lots. It does not mean grain or bacon or hay or anything of that sort, but it means first-class freight, and it means a class of freight that would compare with parcels carried through the mails.

Those are the figures that are charged by the railroad companies at present. All of these matters will have to be considered by the American Congress under conditions existing in this country; the Government owning no railroads, the Government having to provide for transportation, and to do it in a sensible, intelligent way, fair alike to the public and to the Government. The man who would have the United States Government carry parcels through the mails at a cost to the taxpayers of this country is dishonest. A parcel of merchandise going through the mails is merchandise, the same as if it were shipped by freight in the ordinary way over a railroad.

Now, let us look for a moment into what is done in a number of the principal countries of the world that have a domestic parcel-post system in operation. Great Britain has the following weight and flat rate of charges:

For the first pound, 6 cents, and up to 11 pounds, 22 cents.

Great Britain is a comparatively small country, having an area of 121,371 square miles, a population of 41,961,000, with 23,205 miles of railroad. The railroads are owned by private individuals or corporations. In Great Britain the Government has an arrangement with the railroads for carrying parcels very similar to that held by the express companies in the United States; that is, the Government pays to the railroads, as I recollect, something like from 45 to 50 per cent of the rates charged for transporting a parcel. The average haul in Great Brtain would not be half as long as the average haul in the United States. However, it may be stated that after a parcel has been received at the post office and transferred to a mail car the cost for carrying the same for the first hundred miles or less would be a great deal more than to carry the package the second hundred or even 200 miles more.

Australia is a very large country in area, with a small population—only 3,772,000. The Government owns 14,189 miles of railroads. Private-owned railroads only amount to 1,068 miles. Australia has a domestic parcel-post system of 12 cents for the first pound, and 6 cents for each additional pound. These rates are entirely too high for a proper system in the United States, for the reason that the population per square mile in Australia is only 1.27 persons, and in the United States the population per square mile is 26.56 persons.

Belgium is an exceedingly small country of only 11,373 square miles, with a population of about 6,700,000, the population per square mile being 588 persons. Belgium has a domestic parcel post. The rates charged are for a package 11 pounds and under, or, to be exact, 11.025 pounds and under; 6 cents for carrying parcels to the railroad stations when such services are performed. And for first class, 16 cents, and second class, 10 cents. This is a flat rate, and I believe about the lowest in the world. It must be borne in mind, however, that the density of population is 22 times greater in Belgium than it is in the United States. The table of rates for Belgium is as follows:

In addition to a charge of 6 cents per parcel for conveyance to the railway station, when such service is performed, parcels are charged at the following rates according as their transportation and delivery is effected under the conditions applicable to the first or the second-class service, viz:

Maximum weight in pounds.	First class.	Second class.
	Cents.	*Cents.*
11.025	16	10
22.050	20	12
44.10	30	14
66.15	40	16
88.20	50	18
110.25	60	20
132.30	70	22

The first-class service offers quicker transportation and better conditions of delivery, transportation being effected by the first passenger train available for that purpose.

France is an old and highly developed country in all of its resources, with an area of 207,054 square miles, a population of about 40,000,000, and about 195 persons to the square mile, with 25,047 miles of private-owned and 5,834 of Government-owned railroads, and has a flat-rate parcel-post system in operation, with weight and rates as follows: Up to a little less than 6½ pounds, or, to be exact, 6.615 pounds, 10 cents; exceeding this weight, but not exceeding 11.025 pounds, 14 cents; exceeding this weight, but not exceeding 22.05 pounds, 23 cents.

The German Empire has an area in square miles of 208,830, with a population of more than sixty millions, with a density of population per square mile of approximately 300 persons. Germany has 1,318 private owned and 32,885 Government-owned miles of railroads. Practically speaking, the German Government owns all of the railroads. Germany has a parcel-post system, operated under the zone, or distance, basis. Parcels in the German Empire are carried as follows:

1. Up to 11.025 pounds:
   (a) Not exceeding 10 geographic miles, 6.25 cents.
   (b) Longer distances, 12.50 cents.
2. Exceeding 11.025 pounds:
   (a) First 11.025 pounds, the same rates as under "1."
   (b) Per additional 2.205 pounds or fractional part thereof—
   First zone (up to 10 geographic miles), 1.25 cents.
   Second zone (up to 20 geographic miles), 2.50 cents.
   Third zone (up to 50 geographic miles), 5 cents.
   Fourth zone (up to 100 geographic miles), 7.50 cents.
   Fifth zone (up to 150 geographic miles), 10 cents.
   Sixth zone (above 150 geographic miles), 12.50 cents.

It appears conclusively from the rates I submit that in each of the countries mentioned, the rates or charges for carrying parcels differ from the rates in other countries. The reason for this must be plain to everyone who will carefully consider the question. What is a proper charge for carrying a parcel through the mails or by the government can not be the same in all countries, for the reason that conditions are different. Thus we see that in England, with a comparatively small area, large population, private-owned railroads, and comparatively short hauls, the Government charges 6 cents for the first pound, and up to 11 pounds only 22 cents.

In Australia, where practically all the railroads are owned by the Government, the country nearly as large in area as the United States, with a population per mile very small, the rate is 12 cents for the first pound and 6 cents for each additional pound. In Belgium, with an exceedingly small area of territory, the greatest density of population, the railroads principally owned and operated by the Government, the rates for carrying parcels through the mails are very low as compared with other countries.

In Austria, with an area of square miles a little less than that of France, and a population about five millions greater, and the same density of population, with the Government owning or operating four-fifths of the miles of railroads in the country, the rate of charges for carrying parcels or packages through the mails for any distance above 20 miles is practically prohibitive. The table of Austrian rates is as follows:

1. Up to 11.025 pounds:
   (a) Within the zone of 10 geographic miles, 6 cents;
   (b) Beyond that zone of 10 geographic miles, 12 cents.
2. Above 11.025 pounds:
   (a) For the first 11.025 pounds the same rates as under "1;"
   (b) Per additional pound or fraction of a pound:
   First zone (up to 10 geographic miles), 5½ cents.
   Second zone (up to 20 geographic miles), 10½ cents.
   Third zone (up to 50 geographic miles), 20½ cents.
   Fourth zone (up to 100 geographic miles), 31½ cents.
   Fifth zone (up to 150 geographic miles), 41½ cents.
   Sixth zone (above 150 geographic miles), 52 cents.

France has a flat rate parcel-post system in operation up to 6.615 pounds, 10 cents; exceeding this weight, but not exceeding 11 pounds and a small fraction, or to be exact, 11.025 pounds, 14 cents; exceeding 11 pounds but not exceeding 22.05 pounds, 23 cents.

We can see at a glance the difference between France and Austria, Germany and Belgium, England and Australia. And it is worth while to consider the variation in rates in Germany, France, and Austria, countries having the same area, France and Austria the same density of population, with Germany a population about 50 per cent greater per square mile than France and Austria; the rate in Germany, with Government-owned railroads, very liberal; that of France, with private-owned railroads, entirely liberal; and the rate in Austria, with Government-owned or Government owned and operated railroads, practically prohibitive.

The following statement shows the rate of cost to the United States for railroad transportation of the mails per pound under the existing law for the fiscal year of 1908, based on a special weighing of the mails by the Post Office Department, compared with the amount paid railroads for transporting the mails for that fiscal year.

Cost per pound for transporting first-class mail matter by railroad transportation, 7.062 cents; mail and equipment combined, 1.9666 cents per pound; second-class mail matter, including mail for Canada, 2.9712 cents per pound; total cost of second-class mail matter, equipment, and empty equipment, 2.6477 cents per pound; third-class mail matter, 4.6758 cents per pound; total cost of transporting third-class mail matter, together with equipment and empty equipment, 2.251 cents per pound; fourth-class mail matter, 3.3967 cents per pound; total cost of transporting third-class mail matter, with equipment and empty equipment, 3.0266 cents per pound. Total average cost per pound for the transportation of all classes of mail matter by railroad, not including equipment, 3.7919; total average cost of transporting all classes of mail matter by railroad, including equipment and empty equipment, 2.4699 cents per pound.

I would like to know how many of the authors of parcels post and postal express bills have taken in consideration this question.

Now, my friends, I would like, on a great question like this, to be able to answer every Member fully. I would like to be able to submit to all interruptions, but that is impossible in the limited time I have.

I want to say this in closing: We have by law, passed within the last few years by Congress, clothed the Interstate Commerce Commission with the power to regulate express charges. How much progress has been made along that line? I do not propose to indict the whole American people.

I am here to serve them, and when they demand a parcel-post system I am sure that they expect me to answer their demand in an honest, intelligent, and practicable way. The people I represent do not expect that I will vote for a bill that will give to any person advantages and benefits in the way of flat charges for transportation on what they have to sell, at the expense of the American taxpayers; and when a bill is proposed—and a number of bills have been proposed—that fixes the same rate for sending merchandise through the mails 3,000 miles as for 3 miles, no one can argue to me that the bill is a proper one or that such a measure will give relief to the American people from the unjust and exorbitant charges of the express companies in this country. If the charge fixed in such a bill is the correct charge for carrying merchandise 3,000 miles and will equal the expense to the Government for performing this service, it follows that this charge would be unreasonable and a prohibitive charge for carrying the same package 30 miles, 100 miles, or 500 miles; and the proposition simply means to give to a few people special privileges and advantages at the expense of the taxpayers of the country. Let us be frank in discussing this question. As has been stated, the Interstate Commerce Commission is clothed with the power to regulate the rate charged by the express companies. How much effort has been made along this line to secure relief by any community, association, or individual? I regret to say, very little. The reason for this is evident. No one person can afford to go to the trouble and expense of hiring lawyers and having extensive hearings before the Interstate Commerce Commission in order to secure lower rates from the express companies.

It is, however, to the credit of the Interstate Commerce Commission that they are taking up this question of their own motion and are making investigations. They are doing what they should do, and when Congress passes the provision in the bill under consideration providing that a committee of Congress shall investigate this question and report by December next, all the necessary information to guide Congress in framing a proper parcel-post system for the United States, we will have the benefit of the information in the hands of the Interstate Commerce Commission. I believe that the Post Office Committee have done the very best they could do under the circumstances. I believe that they have done faithful work, that they have brought to the House the very best legislation they could bring at this time. The Members of this House have certainly made no more study of this question than the committee has, and I do not think it would be at the expense of modesty to say that a great majority of the Members of the House have not made as much study as the committee. Whether any of them has done so I will not attempt to say. Now, let us do the right thing, and let us do it in the right way. We can not settle this great question in a minute. It may be argued that Congress has had years in which to study this question. That Congress has not heretofore taken hold of the parcel-post question in a way promising legislation is undeniably true, but I call the attention of the House and of the country to the fact that for 16 years prior to this Congress the Democrats have been in a minority in the House and have had no opportunity to do anything. The Republican Party was in

power and was responsible for legislation. Now that the Democrats have control of the House and are responsible for such legislation as passes the House, and this question is up for consideration, the American people do not demand of the membership of the House hasty, ill-considered, ill-advised, and wasteful legislation. We do not need to buy out the express companies. We do not need to obey the orders of the department stores in the cities and pass a bill that will give to them and all others who are interested in long-distance shipments the same rate for carrying a parcel 5 miles as is charged for carrying a parcel 500 or 3,000 miles.

I represent every class and condition of people in my district, and I am unwilling to vote for a bill that will give to one class—and that a small class—advantages at the expense and to the injury of all others. When we have a parcel-post system in this country, it will be on the basis of carrying merchandise through the mails as freight. The service performed by the Government will be paid for, at least, to the extent of the cost of such service to the Government. The weight of the parcel carried and the distance the same is carried will regulate the rate of charges fixed by law for the performance of this service. If a person wishes to go from Washington to Alexandria, Va., a distance of 8 miles on the railroad, he can go for 25 cents or less. On the other hand, if he wishes to go from Washington to San Francisco, the charges are anywhere from $60 to $75. So that, I repeat, a parcel-post system in this country in the matter of rates or charges should be based on distance and cost of service performed by the Government. In addition to what I have said, I may add that the Government does not need to buy out the express companies. This has not been done in any country where there is a full-fledged parcel-post system in operation, and it has been stated in no such country is there any express-company service corresponding with the express-company service in the United States.

One other matter that must be considered in framing a parcel-post bill: Once the system is in operation the service will be performed by the persons in the postal service of the Government. The salaries paid by the Government to its postal employees are a great deal higher than the salaries paid by the express companies. All of these questions are matters to be considered, and no one will be injured by waiting until the 1st of December, when Congress can secure and have before it the necessary information to guide Congress in framing whatever parcel-post legislation that is to be passed. Now, there are other propositions not contained in the Post Office appropriation bill as the same was reported to the House that will be in order by way of amendment later on. I regret, however, that I have not time to discuss these questions now. When the bill is taken up under the five-minute rule I hope to have something further to say on the various questions involved in the Post Office appropriation bill.

Mr. Chairman, I thank the committee for the kind and considerate attention they have given me. I have studied this question, and I believe that the Post Office Committee have done faithful and efficient work. We submit the product of our labors to you, in the confidence that you will do for the American people what is right in the premises. [Applause.]

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from Missouri [Mr. LLOYD].

Mr. LLOYD. Mr. Chairman, the Post Office appropriation bill carries the largest aggregate of proposed expenditure which is presented to Congress in any one bill. The estimates of the Secretary of the Treasury, presented to Congress at the beginning of this session, show as necessary to meet the legitimate expenses of the Government for the fiscal year beginning July 1, 1912, the sum of $745,834,563.55, and for the expense of the postal service $261,180,063, which is about one-fourth of the total estimate for the expenses of every branch of the public service, including the sinking fund, which is provided for the purpose of paying the interest on the public debt.

The estimates for the postal service were carefully made, and the Post Office Committee, after inquiry as to the needs of the service, have recommended in the pending bill $259,827,749, a decrease in amount from the final estimates of the department of $1,352,314. The average annual increase in postal expenditure for the last 15 years has been over $11,000,000. The appropriation made in 1911 was $243,907,020; the appropriation for 1912—that is, for the current year—is $258,352,713, an increase of $14,445,693. If there had been the same increase in the current bill, it would have carried about $272,798,406, or $14,445,693 more than is proposed in this bill.

I mention this to call the attention of the committee to the fact that this bill is in line with the policy of Democratic retrenchment, and that there will be a saving not equaled in the Post Office Department since the last Democratic House and in an amount exceeding $10,000,000.

A few recommendations have been made which increase the estimates originally submitted. Some of these are amounts of increase made necessary on account of the change in the system of promotion of railway mail clerks by automatic scale; and the sum of $3,000,000 to rural carriers because of the proposed increase in their salaries on account of the extra labor which it will be necessary for them to perform by reason of the experimental parcel-post system, which is provided for in this bill; and $400,000 which is necessary to meet the expenses of the postal savings bank system, which thus far has been a source of great loss to the Government instead of producing revenue.

This bill makes a reduction from the estimates submitted in numerous other items, because in the judgment of the committee efficient service can be rendered by the department without so much of expenditure.

The service first appropriated for in this bill is the inspection service. There are at present 390 inspectors authorized, who receive $704,450 for their services. This bill does not change their estimates, and the appropriation proposed carries the same amount as their estimates.

This bill makes a proviso that not more than 30 of the inspectors may be placed under the supervision of the Fourth Assistant Postmaster General for the purpose of inspecting existing and proposed rural routes. At the present time the inspection force is mainly employed in fraud-order cases, inquiry into the affairs of newspapers, periodicals, and magazines to ascertain whether these publications meet the requirements of the Post Office Department with reference to admission to the second-class rate, and other matters which, in the opinion of the Postmaster General, are more important than the investigation of the rural service.

It is the opinion of the Post Office Committee, based upon the hearings on the pending bill, that rural-route investigations have been neglected for what the department seems to consider more important matters. The purpose of this proviso is to direct the department to inspect pending applications for rural service and to give to this branch of the Post Office Department the attention its importance demands. For several years large appropriations for the extension of the rural service have been made. Last year, in order to show a surplus in postal affairs, or because of the indifference of the Postmaster General, or because of the opinion that other investigations were more important than the extension of the rural service, several hundred proposed rural routes were never investigated. One million eight hundred and eight thousand seven hundred and seventy dollars and thirty cents of that which was appropriated was not expended. If the Postmaster General had carried out the provisions of the law and extended the rural service, as was expected by Congress, this money would have been expended. The failure of the department to use the appropriation provided prevented the extension of rural service and allowed petitions to lie without consideration where rural service should properly have been established.

There is complaint about the inspection service. Some of it may be well founded, while much of it is not. The inspectors wield a wonderful power. A corrupt inspector can do much to injure. The methods of many inspectors are questionable. The license given them to open and withhold mail, to pursue detective methods, may in the hands of unscrupulous men prove a curse to the proper administration of the law. But from my knowledge of inspectors and their achievements my judgment is that these employees are on the whole a superior class of men and can be relied upon to do the right thing as they see it. If I am not misled, much of that which is condemned in the inspector results from the command of his superior officers. They are charged in some instances with pernicious political activity, with oppression in office, and, in some cases, are doubtless guilty. But as a rule the inspector is discreet in his political affiliations and humanitarian in his official relations.

In post offices of the second and third class there have been complaints from time to time that the assistant postmasters are not paid that which is due them. The law allows an assistant postmaster not more than one-half of the salary of the postmaster. The postmasters themselves construe this to mean that the salary of the assistant should be one-half the salary of the postmaster.

In the smaller offices, however, this full allowance is not made, and in many instances the clerks in the post offices receive greater compensation than the assistant postmasters in the same offices. For example, the postmaster at Unionville, Mo., receives $2,000 per year. The assistant postmaster is en-

titled to $1,000, or one-half of the salary of the postmaster, but he receives only $900, while the clerks under him receive $1,000 each.

The Post Office Department claims that this condition is due to the fact that Congress has not made sufficient appropriation to make full payment, and it has been necessary to scale the wages down. To avoid this complaint and injustice there has been added to the appropriation for assistant postmasters what is deemed to be a sufficient sum to make their salary one-half that of the postmaster's salary.

It is true that the estimated appropriation for this branch of the service is the same as that which is recommended by this committee, but it is believed that the number of assistants may not be so numerous as suggested in the estimates. The estimate of the Postmaster General shows it will require $185,000 to meet this changed condition and recommends $200,000 more than was appropriated for the current year. But a careful inquiry as to the expenditures heretofore made leads the committee to believe that the $3,000,000 which is here appropriated will meet this increased compensation and permit the payment to every assistant postmaster of the full amount of his salary.

There has been each year, for a number of years, a contest about the pay of letter carriers in first and second class offices, as to whether, under the automatic advancement that is made from lower to higher offices the $100 per year, where the employee has a good record of efficiency, should stop at the fifth grade in first-class offices and the fourth grade in second-class offices, or at a salary of $1,100 in first-class offices and $1,000 in second-class offices, or whether the automatic promotion should be carried to the sixth grade in first-class offices, with a salary of $1,200, and to the fifth grade in second-class offices, with a salary of $1,100. Some of those in the lower grades are not eligible to promotion to these higher grades on account of inefficiency, and some are promoted after the beginning of the year, so that full salary is not required. To meet this condition and to promote all those who may be properly promoted this bill provides for the promotion of 75 per cent of those in these several grades to the higher grades. Heretofore the bills have provided for the advancement of 50 per cent. This increase in promotions to 75 per cent of those in these grades, we think, will meet the demands of the clerks and satisfy this class of employees.

There are several sections of proposed new law in the pending bill, but I shall call attention to but a few of them. One of the most important of these, in my opinion, is the experimental mail delivery, provided for in section 10, for towns and villages having post offices of the second and third class, but which are not now entitled to Free Delivery Service. Under existing law a city with a population of 10,000 or with a post office whose aggregate receipts within 12 months amount to more than $10,000 is entitled to free delivery, and, as you are aware, outside of the incorporated towns or cities rural delivery is provided in all parts of the United States, excepting in the thinly populated districts, but in those towns which do not measure up to the requirements of the law with reference to city delivery the individual must obtain his mail at the post office. On any principle of equity or fair dealing among the citizens of the country it would seem that there could be no excuse for this favoritism. The citizens of a town of 5,000 inhabitants, or where the receipts are only $8,000, should certainly be entitled to as much consideration at the hands of the Government as the person who is so fortunate as to meet the existing law by living outside of the corporation and thus obtain his mail through a rural delivery carrier.

It is difficult to explain why a man living one-half mile from the post office in a town of 3,000 inhabitants is not as much entitled to receive his mail at his door as the man who happens to live on a farm 10 miles from town.

The objection that is raised to the extension is that it will be too expensive. I remember well, in 1897, when $150,000 was asked for experimental rural mail service. This was objected to on the ground that it was only a beginning of a great annual expenditure which would probably necessitate in the near future the annual expenditure of $40,000,000. The experiment was made, however, and the prophecy has been fulfilled.

This bill carries for rural mail transportation $43,375,000, but where is the taxpayer who is so little interested in the progress of his country as to wish this splendid service discontinued. In my opinion it is the most popular service that was ever established, and is more appreciated by the people of the United States than anything that comes to them at the hands of the Government.

The appropriation for experimental delivery of mail for second and third class offices carried in this bill is $100,000. I think it can be safely predicted that if the appropriation is made it will never be less hereafter, but in a few years the millions of people living in the smaller towns and cities will have their mail delivered to them as their more fortunate brethren in the large city and the rural districts do now. I believe this plan will be worked out, and I welcome the idea.

It was thought the appropriation of $150,000 in 1897 would result, as the appropriations for the service increased, in a greater deficiency in the postal account, and yet the records show that the aggregate deficiency on account of the Post Office Department in the years 1897, 1898, and 1899 was $3,500,000 more than in the years 1909, 1910, and 1911, after the service had been fully established and the extraordinary expense incurred on account of installing it. It may happen that when the $15,000,000 or $20,000,000 which will be needed annually to perfect the delivery service in second and third class offices shall have been expended there may be a paying service, and the deficiency which from year to year has been borne on account of it may ultimately be converted into a surplus.

There is more solicitation from the country at large, perhaps, over the parcel-post question than over any other subject that affects the postal department. There are strong influences at work on both sides of the general subject. One side insists upon a general parcel post, while the other protests against the slightest advance toward it. If a Member of Congress listens to the story of exorbitant charges by express companies, the present prohibitive postal rate and extortion by the retail merchant, and the convenience and profit that would come to the people by its establishment, and especially the blessing it would be to the people to be permitted to secure their goods from the great department stores at nominal transportation rates, he must conclude that by all means such a system should be established. Then, on the other hand, he hears the plaintive cry of the retail merchant and the story of the ruin which must come to his business; listens to his insistence on preventing a paternalistic idea to destroy his business and his plea of the necessity of protecting the home from the encroachment of outsiders; and when the Congressman is told in good faith that if parcel post is established it will cause the local merchant to cease his business and have the effect of ruining all the smaller towns and cities of the country, one wonders why such legislation should be considered and why one class of people should demand a system of transportation which would result in such serious injury to another class.

The pending measure, in my judgment, does not solve the problem of parcel post. It in no way settles the question. I believe in considering the question fairly and honestly in the interest of the whole people. I believe it is proper to state what the parcel-post people want, and I believe every Member of Congress, as well as the people generally, should understand that no bill pending to-day asking for a reduction of postal rates on fourth-class matter is, in fact, a general parcel-post bill, as contemplated by the people of the country.

Those demanding a parcel post are anxious to have a cheap means of transportation of small packages of merchandise and small packages of farm, dairy, and horticultural products, so that these may be transmitted through the mail at nominal cost, and none of the bills pending will produce that result.

As I understand it, from those who advocate most strenuously a parcel-post system, they desire that the fourth-class rate—which is the rate under which parcels are carried—shall be 5 cents for the first pound of weight, and that each additional pound up to 11 pounds shall pay 2 cents. In other words, that an 11-pound package shall be carried for 25 cents.

The Sulzer bill, which is now advocated by many, is only a step in that direction and is intended to be only such a step, and the men who advocate it should well understand that they will be asked, as soon as such a proposition becomes a law, to lower the rate to correspond to that which I have outlined, because no farmer can afford to pay 8 cents per pound for the delivery of products of his farm to his market, nor will he be satisfied to pay 8 cents per pound, as provided for in that bill, for any package he may receive from the department stores.

Another thing should be distinctly understood. The farmer who wishes the parcel post in order that he may obtain merchandise wishes to patronize the department store, and when he patronizes the department store his business is necessarily taken from the local merchant and the business of the local merchant is affected to that extent. If the farmer by reason of a nominal postal rate is enabled to make his purchases at a profit to himself from the department house he will deal with the department store, and if he trades with the department houses of the cities rather than with his local merchant the result will be that the local merchant must lose his profits on such business.

On the other hand, the farmer and laborer in the town or city claims he has a perfect right to trade where he can buy his goods cheapest, and argues he can buy goods cheaper from the great department store than from the retail merchant of the town in which he lives. He insists that the Government should provide a parcel-post system similar to that which is in use in other countries for the transportation of such goods as he may purchase at the department stores. He states that the retail merchant charges an exorbitant price; asserts that he has no desire to destroy his business or injure the small town, but, on the contrary, wishes to see his local community succeed; that he prides himself on the town he calls his own, but states that the local merchant to-day is required to pay the expense of the middle man from the profits which accrue to him, and this expense of the middle man to reach the retail merchant must be borne by the farmer. The farmer believes if he can obtain his goods in small quantities where he can buy them cheapest he can avoid the expense which is added to the cost of the goods he purchases from the retail merchant, namely, the profit to the middle man which must be included in the profit of the merchant. The farmer contends that if the local merchant will be satisfied with a reasonable profit, buy his goods directly from the factory, and sell them at the same price as the great department stores he will succeed and the farmer continue to trade with him. In other words, the farmer to-day contends that the retail merchant is not treating him fairly, and because of this the farmer should be placed by the Government in a position where he can protect himself.

These are the two contending ideas, and it is a serious proposition to determine what should be done to meet these conditions. There may be something of merit in the contention of either side; each has elements of truth in it; but one of the serious questions that presents itself is the spirit which is frequently manifested by the individual that a Member of Congress must become partisan for one side or the other of this contention.

As I stated a few moments ago, the pending bill does not settle this question. The proposed reduction of the rate from 16 cents to 12 cents and increase in the number of pounds that may be carried from 4 pounds to 11 will to some extent encourage the transit of parcels by mail; but, in my judgment, it will affect it but little, because even a 12-cent rate will be prohibitive to a great extent, especially as to packages that exceed 4 pounds in weight, and in most instances packages could be carried cheaper by express than by mail unless the distance should be great. It may have the effect of causing the express companies to slightly reduce their rates; and if so, it will be beneficial to the American people to that extent. The reason that especially controls in the proposed reduction of rate is that the rate is international, and there is not, nor can there be, any excuse for charging more for sending a parcel from one town to another in this country than for sending the same package to countries in Europe. The rate charged is the rate that would be paid if the package were sent to most any foreign country.

The second proposition in the bill is for an experimental parcel post. It seems to me this should be beneficial both to the farmer and the local merchant, and the surprising thing is that it is objected to by both the local merchant and the farmer. The farmer objects to it because he wants a general system, and this does not provide for it; the retail merchant objects to it because he feels it is a step toward a general parcel post, and if a rural parcel post is established there can be no plausible excuse for preventing its extension to the whole country. Hence the Post Office Committee, in order that the facts may be ascertained as to the benefit that may be derived and to determine whether it will be really beneficial or not, have provided for its establishment in an experimental way; so the system as proposed will go into effect on the 1st day of July; it will continue only two years unless the law is changed. The rate proposed is that desired by the advocates of a general parcel post to be applied to the whole country.

The third proposition of the bill provides for a commission of three Members of the House and three of the Senate to carefully investgate the subject of parcel post and report back to Congress their findings and recommendations, and is indorsed by many on both sides of the question.

Personally I am not much inclined to commissions. I believe that in the past commissions have not proven of much advantage, but the parcel-post question, being one about which there is so little practical information in the United States and it being so difficult to adapt foreign systems to our conditions and to work out an American system based on American conditions, it seems advisable to give the matter special study and to obtain as nearly as possible expert information on the subject, which can only be done through a commission; hence the committee has recommended that one be appointed.

It can be properly stated, I think, that a reduction of the general rate and increase in size of package is necessary to meet the international condition and will injure no one and be of some benefit to the people in general.

The proposed experimental parcel post should prove of mutual benefit to the farmer and the retail merchant of the respective towns and cities, in which case it may be decided that the system should be continued in the interest of the people generally. If the proposition for a commission be adopted, it is hoped that information may be gathered on the subject which will enable Congress to determine what should be done in the matter of the establishment of a general parcel post and what sort of system should be inaugurated and what method adopted to carry it out, if it be deemed wise to establish it.

It may be proper to state before leaving this question that the Post Office Department estimates that it costs on an average 12 cents per pound to handle fourth-class matter of parcel merchandise. If this be true, then the provision in this bill reducing the rate to 12 cents is as far as the Government can go without loss, as if the rate were reduced to a nominal sum there would then be an enormous loss if the Government estimate be correct. My impression is that the people want a system devised which will not entail loss to the Government. If the Government is to become a competitor of the express companies in the matter of carrying packages under 11 pounds, then it should not give its competitors the advantage of the short haul or profitable business and be compelled to carry the long-distance packages at great loss. Some system of charge with reference to distance should be devised so that within certain limitations of distance the rate shall be a given sum, while for greater distances it shall be a greater sum. There is no reason from a commercial standpoint why the Government should receive the same amount for carrying a package from one town to another, a distance, say, of 5 miles, as for carrying the same package from one side of the continent to the other, and one of the things to be worked out by the commission, should it be appointed, is a system of rates which would be properly applicable everywhere.

In other words, it would be expected that such commission should carefully consider this zone-rate charge and recommend whether it would be wise to continue the present system of uniform charge or whether there should be different charges for different distances. It would be necessary for the commission to investigate express rates and determine what, if anything, should be done in the matter of legislation as to express companies. There is a rapidly growing disposition to take over express companies and have the railroad companies do the heavy part of that which is now done by the express companies, the smaller packages to be handled by the Government through the Postal Department. This is a great question and is worthy of the most careful consideration. There are many who believe that the express companies are parasites on the transportation system; that, in fact, express companies have no legitimate place amongst business enterprises. The work of express companies is so nearly identified with the work of carrying parcels by the Government that there should be complete knowledge with reference to these companies, their charges, and their right to exist. Bills are pending at present before committees which, if enacted into law, will either confiscate express companies, purchase their business, or compel them to cease their operations at a specified time.

Much favorable comment has been given to the various phases of this proposed legislation, and there are many who are in favor of in some way forcing the express companies out of existence.

Another question which the commission would be expected to ascertain is the cost of carriage of fourth-class mail and what the effect would be if a nominal rate were fixed. There are numerous questions which the commission might properly investigate. The truth is that we have but little accurate and definite information on this important subject. There is a disposition on the part of the advocates of a parcel-post system to compare our system with that of the smaller countries of Europe. Our system is in many respects different from any of those systems. There is a different relation in this country between the Government and the corporations, a different ownership in some instances, and it is necessary to consider all these things in the determination of what should be the American system. This is a country of long distances. In most of the European countries packages are carried only short distances. Everything in the United States is carried on on a costly basis; in the countries of Europe on an economical basis; and to work out a system of our own that will meet the conditions in this country is not an easy task. The proposed commission could do much to enlighten the public on these important questions.

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from Oregon [Mr. LAFFERTY].

Mr. LAFFERTY. Mr. Chairman, 42 years ago there was born in an obscure mining town in Pennsylvania one of the present Members of this House. He had but poor opportunities for education, and at the age of 9 years he commenced work in the coal mines. He became a member of the coal miners' union. He attended Sunday school and there learned to read. He studied law while still a laborer in the mines. At the age of 23 he was admitted to the bar and has since practiced his profession, taking an active interest in the public welfare. At the last election he was elected a Member of this body. I refer to the original draftsman of the parcel-express bill, the gentleman from Maryland, DAVID JOHN LEWIS.

For years a considerable portion of the people of this country, if not, indeed, a great majority, have been demanding a parcel post as a means of meeting and securing relief from the exorbitant rates of the express companies. Objections of various kinds were raised. It was argued that a parcel post would injure the regular mail business. It was said that it would overload the postal employees. Some contended that it would create a postal deficit that the Treasury could ill afford to stand.

At this juncture the new Member from Maryland [Mr. LEWIS], the coal miner, introduced in this House a comprehensive bill providing for a parcel express to be operated by the Government in connection with the Post Office Department. He put in the RECORD an exhaustive treatise exemplifying his plan. This was printed in pamphlet form and sent to each Member of this House. It appealed to Members as being a logical and businesslike solution of the parcel-post question. Sentiment in its favor began to crystallize.

Thereupon another first-term Member of this body, J. H. GOEKE, of Ohio, a lawyer of eminent ability and a member of the Committee on Interstate and Foreign Commerce, at the request of the gentleman from Maryland [Mr. LEWIS], redrafted the Lewis bill, simplifying its terms, and again introduced it in this House.

As reported from the Committee on the Post Office and Post Roads the pending Post Office appropriation bill contains only the most meager provisions touching a parcel post. The reported bill provides for the transmission of packages through the mails up to 11 pounds, but fixes the rate at 12 cents a pound. This would be an improvement over the present law, which limits the weight to 4 pounds and fixes the rate at 16 cents a pound. But the change is insufficient to give any relief from the express companies, because the proposed rate of 12 cents a pound is still prohibitive, and is in excess of express rates. The bill reported by the Committee on the Post Office and Post Roads also provides for carrying packages up to 11 pounds, originating and ending on the same rural route, at 25 cents for 11 pounds and correspondingly low rates for smaller packages.

It was conceded by the distinguished chairman of the Committee on the Post Office and Post Roads [Mr. MOON], in opening the debate upon the pending Post Office appropriation bill several days ago, that neither one of the two provisions carried in the bill would afford any substantial relief to the public at large. The general provision carrying a rate of 12 cents a pound is too high to compete with express rates, and the latter provision applies only to a package sent from one point to another on the same rural route.

The bill contains a third provision touching this subject, to wit, a section providing for the appointment of a commission to investigate the whole matter and report to Congress next year as to the advisability of establishing a parcel post.

This was the situation that confronted the House at the opening of this debate upon the pending Post Office appropriation bill. Even the two provisions that I have mentioned, concerning the 12-cent general rate and the special rate on rural routes, as ineffectual as they are to give relief, would not be in order under the standing rules of the House, and any Member by merely objecting could have had them stricken from the bill upon its final consideration. The general rule to which I refer is the one prohibiting any new legislation being included in an appropriation bill.

Confronted, as we were, with this situation, and there being much sentiment in the House for the enactment of a general and effectual parcel post at this session, the Committee on Rules last Thursday a week ago brought in a special rule, for adoption or rejection by the House, making not only the two provisions already in the bill in order, but also making the Lewis-Goeke bill, which I mentioned at the beginning, in order. The House adopted this rule by a decisive vote.

At this time I desire to say a few words in favor of adopting the Lewis-Goeke bill as a part of the pending Post Office appropriation bill; and I hope and believe that when the bill is offered as an amendment to the main bill it will be adopted.

The Lewis-Goeke bill provides that on July 1, 1913, the Government shall, under the jurisdiction of the Post Office Department, establish a parcel express. The rates are to be fixed by the Postmaster General, and packages are to be carried practically at cost, but not at a loss. A zone system is to be established, so that the Government will get more for a long haul of an express package than for a short haul.

Of course the Government parcel express will drive the private express companies out of business. The private express companies will no longer have need for much of their equipment. Therefore the Lewis-Goeke bill is only fair in providing for the taking over by the Government of such of the equipment of the express companies as the Government may desire and be able to use in its business, and at the actual cash value of the property so taken over.

The Lewis-Goeke bill does not provide for paying the express companies anything for their so-called franchises. They have no franchises. The Government does not propose by the bill to pay the express companies one cent for their watered stock or give them any compensation for the speculative profits that the companies will lose as a result of being superseded in the business by the Government.

Therefore the argument that has been made here by the gentleman from Wyoming [Mr. MONDELL] to the effect that the express companies would welcome this bill as an opportunity to unload their old junk on the Government is not well taken. The Government simply proposes by the Lewis-Goeke bill to go into the express business on July 1, 1913, and to take over such of the actual tangible property of the express companies as it can use in the business at its actual cash value and no more. Nothing could be fairer than this.

There is nothing radical about the parcel express. It amounts only to an extension of the functions of the Post Office Department, and along the same lines that the department is now doing business.

It must be remembered that a parcel express does not mean Government ownership any more than the present post-office business means Government ownership. Neither the postal department nor the express companies are the actual carriers of the parcels now transported. They are the conductors of the carriage. The railroads do the carrying. In the case of mail parcels the postal department sends along with the shipment a few men to see that it is properly conducted and to see that the several parcels are sent to their proper destinations. In the case of express packages the express companies send along their men with the shipment for the same identical purpose.

At the present time this work is largely duplicated. Express cars are attached to the same trains with the mail cars. Sometimes the same car will be partitioned off so that one half is occupied by a mail clerk and the other half by an express messenger. A parcel express would result in a great saving of expense by the elimination of duplication in the matter of employees as well as of equipment.

The parcel express will simply result in the postal department employing more railway mail clerks or railway express clerks and more clerks and carriers at the various distributing points. It will result in hiring more men in the postal department, but it will not result in Government ownership. It will result in enlarging the post offices and Government buildings used for post-office purposes in the various towns and cities to accommodate the increased business, and will result in the purchase of additional wagons, trucks, and so forth; but all of this extra expense will be met by the increased revenues of the Post Office Department.

The parcel express will be self-sustaining from the start and will give the public transportation for small packages at probably one-third the amount now paid the express companies.

Under the parcel express the Government will undoubtedly carry packages up to 100 pounds. What the people need is reasonable rates upon packages up to 100 pounds in weight. The railroads have fixed 100 pounds as the minimum in fixing their rates. That is to say, the railroads charge the same rate for any package sent by freight under 100 pounds as they charge for a 100-pound package.

It is upon the carriage of packages between 1 pound and 100 pounds that the express companies now have a practical monopoly. It costs a citizen of Portland, my home city, almost as much for express charges on a box of fruit sent from any point out in the State as the producer gets at the point of shipment.

The parcel express will reduce the high cost of living. It will form a conduit between the farm in the country and the kitchen in the city. It will prove itself to be a great public utility, which, when once established, no one would think of giving up any more than we would now think of turning over the carriage of our letters to the express companies.

I have received protests against the parcel post from merchants in my State based on the ground that it would aid the mail-order houses and drive the country merchant out of business. That objection will be met by the zone system. Besides, it is an ungrounded apprehension, in my opinion. It is based upon the most palpable sophistry. If cheap transportation rates of packages under 100 pounds would drive the country merchants out of business, then a reduction of rates by the express companies would be a calamity to the country merchants instead of a blessing. It must be that the express companies have used arguments upon the country merchants that are specious in the extreme to convince them that the express companies are favoring them by charging them excessive rates. According to that argument the country merchants should petition the express companies to make a still higher rate, for if a high rate is a good thing a higher rate would be a better thing.

But, on the other hand, I have received resolutions from 12,000 farmers in Oregon in favor of the Lewis-Goeke bill. And from the men and women in Portland who work for a living, and who are now contributing a dollar or two apiece every month to the express companies above the profits that are fairly earned, I have received hundreds of letters favoring a general parcel post. Therefore I favor the Lewis-Goeke bill, which will give the country something that is even better than a parcel post, to wit, a parcel express. [Applause.]

Mr. MOON of Tennessee. Mr. Chairman, I ask that we proceed now with the reading of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 19, line 3:

"*Provided further*, That after the 1st of July, 1917, the Postmaster General shall not approve or allow to be used or pay for any full railway post-office car not constructed of steel, steel underframe, or equally indestructible material, and not less than 20 per cent of the new equipment shall be put into operation annually after July, 1912; and after the passage of this act no contract shall be entered into for the construction of steel underframe cars."

Mr. MANN. Mr. Chairman, I rise to make a request for unanimous consent.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Mr. Chairman, a few days ago, on page 11, an amendment was inserted prohibiting the opening of post offices on Sunday for the delivery of mail. I ask unanimous consent that instead of the amendment which was inserted at that time there may be inserted in lieu thereof the amendment which I now send to the desk and ask to have read.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to insert in lieu of the amendment adopted the amendment which the Clerk will now report.

The Clerk read as follows:

Amend by inserting on page 11, lines 24 and 25, in lieu of the amendment agreed to, the following:

"In all, $37,878,000: *Provided*, That hereafter post offices of the first and second classes shall not be opened on Sundays for the purpose of delivering mail to the general public, but this provision shall not prevent the prompt delivery of special-delivery mail.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will read.

Mr. MANN. Page 25 is the next page, Mr. Chairman, to be considered.

Mr. SHACKLEFORD. Mr. Chairman, I offer the following amendment.

Mr. MANN. Mr. Chairman, would the gentleman from Missouri be willing to let his matter go over until Tuesday next?

Mr. SHACKLEFORD. Will not the gentleman from Illinois be willing that I should offer the amendment now and have it pending, and then, I understand, there is to be a request for unanimous consent to let another matter come in ahead of it.

Mr. MANN. Certainly.

Mr. SHACKLEFORD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

Mr. MADDEN. Mr. Chairman, if the gentleman is to be permitted to introduce his amendment at this time, I desire the privilege of introducing an amendment to the amendment.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the gentleman from Missouri has a right to introduce his amendment at this time, under the rule.

Mr. MADDEN. I wish to offer an amendment to it.

The CHAIRMAN. The gentleman will be recognized at the proper time. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 25, at the end of line 7, insert the following:

"That for the purposes of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

"Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of shells, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highway of any State, or civil subdivision thereof, which falls within classes A, B, or C, for the purpose of transporting rural mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C. That any question arising as to the proper classification of any road used for transporting rural mail shall be determined by the Secretary of Agriculture. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act.

"The provisions of this paragraph shall go into effect on the 1st day of July, 1913."

Mr. SHACKLEFORD. Mr. Chairman, I understand that the gentleman from Tennessee [Mr. MOON], the chairman of the committee, desires now to ask unanimous consent that another paragraph be permitted to take precedence of the amendment which I have offered.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. SHACKLEFORD. Certainly.

Mr. MANN. There are several paragraphs in the bill that will probably take no time at all. I suppose the gentleman would not desire to proceed with the consideration of his amendment to-night without a fairly full House?

Mr. MOON of Tennessee. Mr. Chairman, I ask unanimous consent that the amendment be passed at this time until we have considered section 5 under the rule.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to pass the amendment offered by the gentleman from Missouri until the committee has considered section 5. Is there objection?

There was no objection.

Mr. DODDS. Mr. Chairman, I ask unanimous consent to return to that same page, at the end of line 6.

The CHAIRMAN. What page is that?

Mr. DODDS. Page 25.

Mr. MOON of Tennessee. Mr. Chairman, I object. Let us proceed with the consideration of section 5 now.

The CHAIRMAN. The Chair will say to the gentleman from Tennessee that under the rule sections 2, 3, and 4 should precede section 5.

Mr. MOON of Tennessee. I have asked unanimous consent, and I thought obtained it, that we proceed with section 5.

The CHAIRMAN. The Chair does not think that that can be done in the committee. The gentleman can ask unanimous consent to pass by sections 2, 3, and 4.

Mr. MOON of Tennessee. Very well, I will so make the request.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to pass by sections 2, 3, and 4 and take up section 5. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will read section 5.

The Clerk read as follows:

SEC. 5. That on and after July 1 next, following the passage of this act, letter carriers in the City Delivery Service and clerks in first and second class post offices shall be required to work not more than 8 hours a day: *Provided*, That the 8 hours of service shall not extend over a longer period than 10 consecutive hours, and the schedules of duty of the employees shall be regulated accordingly.

That in cases of emergency, or if the needs of the service require, letter carriers in the City Delivery Service and clerks in first and second class post offices can be required to work in excess of eight hours a

day, and for such additional services they shall be paid extra in proportion to their salaries as fixed by law.

That should the needs of the service require the employment on Sunday of letter carriers in the City Delivery Service and clerks in first and second class post offices, the employees who are required and ordered to perform Sunday work shall be allowed compensatory time on one of the six days following the Sunday on which they perform such service.

Mr. BERGER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 29, line 13, insert after the word "accordingly" the following——

The CHAIRMAN (interrupting the reading). The Chair will say that that paragraph was passed.

Mr. BERGER. Mr. Chairman, I tried to get the floor; to get the eye of the Chairman.

The CHAIRMAN. The Chair will say that if the gentleman from Wisconsin was trying to get the eye of the Chair, he will entertain the amendment.

Mr. DYER. Mr. Chairman, he was doing that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 29, line 13, insert after the word "accordingly" the following: "And that all postal clerks employed shall be permitted the use of chairs at least during two hours every day while at work."

Mr. BERGER. Mr Chairman, we have the most efficient postal clerks in the world. It has been shown that the average postal clerk in America handles about 52,000 pieces of mail annually. The average clerk in England handles a little over one-half that number. In Germany it is less, I believe—about 25,000 pieces a year. I am not quite sure about the exactness of these figures; therefore I will ask the gentleman from Maryland [Mr. LEWIS], who has given us the table of the International Postal Union in one of his speeches recently.

Mr. LEWIS. Twenty-eight thousand in Germany.

Mr. BERGER. Well, at any rate, over 50,000 in this country. It is hard work for these clerks to stand sometimes for 10 or 11 hours—when they work overtime—without having permission to use a chair. It may appear like a matter of minor importance, but comforts of life are made up of small things and so are many annoying discomforts. I believe the work of our postal department would not suffer if the clerks would be permitted to use a chair at least for two hours a day. Legislators are trying to help the clerks in the department stores by compelling the proprietors to furnish chairs and to permit the clerks to use them. Our Government should be the model employer; therefore, why not allow the postal employees, wherever that can be done without interfering with the service, to use chairs some time during the day?

Mr. MANN. Will the gentleman yield?

Mr. BERGER. With pleasure.

Mr. MANN. The gentleman's amendment, I think, says "chair." Would not stools be used in many cases?

Mr. BERGER. I accept the amendment. Chairs or stools, benches, or anything that the clerks can sit on.

Mr. MANN. Evidently in many cases stools would be naturally used in place of chairs.

Mr. BERGER. I should be willing to have the words "stools" and "benches" inserted.

Mr. CANNON. Does this mean the clerk must stand the other six hours?

Mr. MANN. No; but I understand it to mean he is to sit down for two hours.

Mr. CANNON. The clerk ordinarily in a post office does sit.

Mr. MANN. This is to require them to furnish chairs or stools so they may sit for at least two hours a day.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to amend his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Are they deprived of that right?

Mr. MANN. I am not sure but what this will permit good service where men have to stand up to do the work part of the time at least.

Mr. BERGER. If my amendment is agreed to, there will be two hours a day when postal clerks will be permitted to sit down while at work. They may get permission to sit three or four hours if the nature of their work should permit, but two hours every day would be the minimum. And the clerks could be shifted around in their work in order to make this possible.

Mr. MURDOCK. Will the gentleman yield? Are post-office clerks required to stand now?

Mr. BERGER. They are in most instances, as far as I know. It is unnecessary for me to state here that the complaints come from clerks. I know it is against the rules to complain to Congressmen, but, of course, the clerks are safe as far as I am concerned.

Mr. MURDOCK. The purpose of the gentleman is to afford opportunity for the clerks to sit——

Mr. BERGER. Part of the time while they are at work.

Mr. MURDOCK. Without interfering with the discharge of their duties? Why is it limited to two hours a day; why not authorize or require the department to furnish these stools or chairs so the clerks, when not engaged in the discharge of their duties, may sit at any time?

Mr. MANN. Well, they are engaged in the discharge of their duties.

Mr. MURDOCK. I mean in such a way as not to interfere with the discharge of their duties.

Mr. BERGER. I am willing to accept any reasonable suggestion, so long as the clerks get an opportunity to rest their feet at least part of the time.

Mr. MURDOCK. I do not know whether that can be done or not.

Mr. CANNON. Does this mean simply a vacation of two hours each day?

Mr. MANN. Not at all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON of Tennessee. Mr. Chairman, I do not know whether there would be any serious objection to this amendment if there is any serious reason for it, but it seems to me that the House does not want to go into a direction of the administration of the affairs of the post office as to how many chairs there shall be in an office, who shall sit in them, how long, and how many stools. I take it that all would have to be connected with this two hours proposal. I hope the House will not undertake to go into details of that sort on a proposition of this sort. It is not desired by the clerks.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the Chair announced the "noes" seemed to have it.

On a division (demanded by Mr. BERGER) there were—ayes 35, noes 55.

Mr. BERGER. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The Chair will count.

Mr. BERGER. Mr. Chairman, I understand they want to pass the Mississippi bill to-night, and I withdraw the point.

The CHAIRMAN. The Chair thinks a quorum is present.

So the amendment was rejected.

The Clerk read as follows:

That should the needs of the service require the employment on Sunday of letter carriers in the City Delivery Service and clerks in first and second class post offices, the employees who are required and ordered to perform Sunday work shall be allowed compensatory time on one of the six days following the Sunday on which they perform such service.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. The amendment offered by the gentleman from Missouri was passed by to take up section 5. Now, before we do anything else, I think the gentleman ought to ask unanimous consent to take up the other sections, if he desires to do so, so that the gentleman from Minnesota does not lose his right.

Mr. MOON of Tennessee. Mr. Chairman, I ask unanimous consent that before considering the amendment of the gentleman from Missouri we consider sections 2, 3, and 4.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that before considering the amendment of the gentleman from Missouri the committee consider sections 2, 3, and 4. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I understand when these sections are considered the gentleman intends to move that the committee rise?

Mr. MOON of Tennessee. I do.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk read as follows:

SEC. 2. No contract for furnishing supplies to the Post Office Department or the postal service shall be made with any person who has entered, or proposed to enter, into any combination to prevent the making of any bid for furnishing such supplies, or to fix a price or prices therefor, or who has made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person not to bid for any such contract, or to bid at a specified price or prices thereon; and if any person so offending is a contractor for furnishing such supplies, his contract may be annulled, and the person so offending shall be liable to a fine of not less than $100 nor more than $5,000, and may be further punished, in the discretion of the court, by imprisonment for not less than three months nor more than one year.

The CHAIRMAN. Under the rules at that point the amendment offered by the gentleman from Indiana [Mr. BARNHART] is in order.

Mr. BARNHART. Mr. Chairman, under that rule I offer the following amendment.

Mr. MANN. I have no objection to the gentleman offering his amendment, but I suggest that the request for unanimous consent was that we take it up out of order and consider sections 2, 3, and 4.

Mr. BARNHART. If it is so understood we shall return to this page and then take it up.

The CHAIRMAN. The Chair thought it proper to call the attention of the committee to the fact, in order that the gentleman from Indiana [Mr. BARNHART] might not lose his opportunity.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the amendment may be taken up when we again meet and after the disposition of the amendment offered by the gentleman from Missouri [Mr. SHACKLEFORD].

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that the amendment proposed to be offered by the gentleman from Indiana [Mr. BARNHART] may be taken up after the amendment offered by the gentleman from Missouri [Mr. SHACKLEFORD] is disposed of. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to print the amendment he proposes to offer, together with an amendment which he proposes to offer to the amendment.

The CHAIRMAN. The Chair is advised that has already been done.

Mr. FOSTER. Not the amendment to the amendment.

Mr. BARNHART. I ask unanimous consent, Mr. Chairman, to print the amendment to the amendment in the RECORD.

The CHAIRMAN. The gentleman from Indiana [Mr. BARNHART] asks unanimous consent to print in the RECORD the amendment to the amendment proposed to be offered by him. Is there objection? [After a pause.] The Chair hears none.

The following is the amendment to the amendment offered by the gentleman from Indiana [Mr. BARNHART]:

After line 15, page 28, of H. R. 21279, insert the following:

"That it shall be unlawful for any person, association, or corporation to enter or deposit, or to have entered or deposited, into the mails of the United States any newspaper, magazine, or other periodical publication of like kind, unless such publication shall have plainly printed in a conspicuous place therein the name or names of the managing editor or managing editors, the name or names of the publisher or publishers, and the name or names of the owner or owners, including the name or names of the owner or owners of stock, bonds, or other securities, to the amount of $500 or more, which have been issued or sold by the said person, association, or corporation owning or controlling such publication and which may be outstanding. Also all editorial or other reading matter published in any circulating periodical for the insertion of which money or other consideration is accepted by the publisher or publishers shall be plainly marked "advertisement" or signed by the name or names of the person or persons in whose interest or interests such article is published. Any person, association, or corporation that shall so enter or deposit, or have entered or deposited in the mails of the United States any such newspaper, magazine, or periodical publication of like kind in violation of the foregoing provisions shall be guilty of a misdemeanor and be fined in any sum not less than $100 nor more than $1,000 for each offense."

The Clerk read as follows:

SEC. 4. When, after a weighing of the mails for the purpose of readjusting the compensation for their transportation on a railroad route, mails are diverted therefrom or thereto, the Postmaster General may, in his discretion, ascertain the effect of such diversion by a weighing of such mails for such number of successive working days as he may determine, and have the weights stated and verified to him as in other cases, and readjust the compensation on the routes affected accordingly: *Provided*, That no readjustment shall be made unless the diverted mails equal at least 10 per cent of the average daily weight on any of the routes affected.

Mr. MOON of Tennessee. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, and had come to no resolution thereon.

REBUILDING OF LEVEES.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate joint resolution No. 102 and agree to the same with certain amendments.

The SPEAKER. The gentleman from Mississippi [Mr. HUMPHREYS] asks unanimous consent for the discharge of the Committee on Rivers and Harbors from the further consideration of Senate joint resolution 102, and for the present consideration of the same. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the Senate resolution.

The Clerk read as follows:

Joint resolution (S. 102) relative to the rebuilding of certain levees on the Mississippi River and its tributaries.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to rebuild, by contract or otherwise, in accordance with such plans, specifications, and recommendations of the Mississippi River Commission as may be approved by the Chief of Engineers, such portions of the levees on the Mississippi River and its tributaries as may have been or may hereafter be broken by the existing flood in said rivers, or so materially weakened as to necessitate rebuilding, and the sum of $1,500,000, or so much thereof as may be necessary, is hereby appropriated for this purpose out of funds remaining in the Treasury not otherwise appropriated: *Provided*, That the Secretary of War shall keep an account of the actual cost of all work done under the provisions of this resolution, and upon completion of the work he shall report the total cost thereof to the Secretary of the Treasury, and the Secretary of the Treasury shall cause a sum equal to the cost so reported to be deducted from the appropriations that may hereafter be made for improving the Mississippi River from Head of Passes to the mouth of the Ohio River, and to be carried to the surplus fund and covered into the Treasury.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent that this resolution be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Mississippi [Mr. HUMPHREYS] asks unanimous consent that this resolution be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

The Clerk will read the joint resolution for amendment.

Mr. MANN. Mr. Speaker, I ask, inasmuch as the resolution has just been read, that further reading be dispensed with.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask to amend the resolution, in line 13, page 1, by striking out the words "funds remaining" and inserting in lieu thereof the words "any money."

Mr. CANNON. May I ask the gentleman from Mississippi [Mr. HUMPHREYS] a question? That would necessitate the bill going back to the Senate. Does the gentleman think the amendment is really material?

Mr. MANN. There is another amendment that we want to put in anyhow.

Mr. HUMPHREYS of Mississippi. I did not think the amendment was material, really, but there is another amendment that has been insisted upon, and this amendment was suggested by another gentleman in the House, and I just agreed to it.

Mr. CANNON. All right.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HUMPHREYS of Mississippi. Now, Mr. Speaker, in line 6, on page 2, I move to amend by striking out the word "may" and inserting the words "shall first."

The SPEAKER. There is not any line 6 on page 2 of the engrossed copy of this bill.

Mr. HUMPHREYS of Mississippi. This resolution that I have in my hand is the Senate joint resolution.

The SPEAKER. The Clerk now has the same copy as the gentleman from Mississippi. The Clerk will report the amendment. But, first, will the gentleman from Mississippi please repeat his amendment?

Mr. HUMPHREYS of Mississippi. In line 6 of page 2 strike out the word "may" and insert in lieu thereof the words "shall first."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 6, strike out the word "may" and insert in lieu thereof the words "shall first."

Mr. BUTLER. How will that read then, Mr. Speaker?

The Clerk read as follows:

So that it will read: "Shall be deducted from the appropriations that shall first hereafter be made for improving the Mississippi River," etc.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the amended Senate joint resolution.

Mr. MARTIN of South Dakota. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from South Dakota?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MARTIN of South Dakota. Within the last two or three days very serious damage, I am advised, has been done by the high water of the Missouri in the neighborhood of Sioux City, Iowa, and the levees in that stream both in Iowa and Nebraska, and, perhaps, South Dakota. Would this emergency fund, in the language of the resolution, be broad enough to meet the emergencies of the situation there?

Mr. HUMPHREYS of Mississippi. The language of the resolution is—

Such portions of the levees on the Mississippi River and its tributaries as may have been or may hereafter be broken by the existing flood in said rivers or so materially weakened as to necessitate rebuilding.

Mr. MARTIN of South Dakota. I have not had the opportunity to examine the resolution, but my impression is that the language is broad enough to cover that situation. Is that so?

Mr. HUMPHREYS of Mississippi. My impression is that the language is broad enough to cover that situation on any of the tributaries of the rivers where the levees have been broken by the existing flood or that may hereafter be broken by it or so weakened as to require rebuilding.

Mr. LLOYD. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. LLOYD. Is it not true that this arrangement will affect only those levees that are under the control of the Mississippi River Commission?

Mr. HUMPHREYS of Mississippi. No; that is not true.

Mr. LLOYD. I do not remember exactly the wording of the resolution. What connection has the Mississippi River Commission with this resolution?

Mr. HUMPHREYS of Mississippi. The Mississippi River Commission has jurisdiction over the levees on the Mississippi River from Cape Girardeau to the Head of the Passes. But there are other levees on the Ohio River and on the Arkansas River and on the Red River that are not under the jurisdiction of the Mississippi River Commission.

Mr. LLOYD. The reason I ask that question is that there are some levees broken on the Mississippi River between Keokuk, Iowa, and Hannibal, Mo., and we are anxious that they shall be cared for under this resolution.

Mr. HUMPHREYS of Mississippi. If they are broken or so materially weakened as to necessitate rebuilding, they would come within the language of this resolution.

Mr. MANN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Illinois?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. MANN. As I understand this resolution and another resolution in the House, as originally prepared, they did not provide for anything except the levees of the Mississippi River between Cairo and the Passes, and the amendments were inserted in this resolution for the purpose of covering levees on the tributaries of the Mississippi River as well as on the Mississippi River above Cairo. That is the understanding of the War Department?

Mr. HUMPHREYS of Mississippi. Yes; that is the understanding of the War Department. It is our understanding here, at any rate.

Mr. MANN. It is my understanding that that is the understanding of the War Department.

Mr. DYER. Does not the resolution so state?

Mr. HUMPHREYS of Mississippi. I will state to the gentleman from Illinois [Mr. MANN] that the particular levees that I discussed with the Chief of Engineers when I prepared this resolution, or when I was preparing it, rather, were the levees on the Mississippi River, of course, and the levees on the Ohio River near Mound City, and some levees on the Arkansas River and on the Red River. We did not discuss particularly the levees up on the Mississippi River at Keokuk.

Mr. MANN. The authority of the resolution is the same?

Mr. HUMPHREYS of Mississippi. It is broad enough, undoubtedly.

Mr. MANN. My colleague from Illinois [Mr. THISTLEWOOD] is interested in the levees in Cairo, and my colleague [Mr. FOWLER] is interested in the levees on the Ohio River. Mr. THISTLEWOOD went to the War Department, and he told me that he was informed up there that this resolution as it passed the Senate was sufficient to cover all of these cases.

Mr. HUMPHREYS of Mississippi. That was certainly the opinion of the Chief of Engineers when I was in conference with him the other day. This resolution is identical with the resolution introduced by myself and reported by the Committee on Rivers and Harbors. It was identical——

Mr. MANN. Not identical.

Mr. HUMPHREYS of Mississippi. No; it was not identical, either.

Mr. MANN. Until they stuck in the "tributaries of the Mississippi River."

Mr. HUMPHREYS of Mississippi. Oh, no.

Mr. MANN. Or the "materially weakened levees."

Mr. HUMPHREYS of Mississippi. Oh, no; my resolution did have the "tributaries of the Mississippi River" in it. The only amendment the Senate made to it was to add the words:

Or so materially weakened as to necessitate rebuilding.

Mr. MANN. I supposed the resolution introduced by the gentleman was the same as the resolution introduced in the Senate.

Mr. HUMPHREYS of Mississippi. It was, and it had the "tributaries of the Mississippi River" in it. The only amendment the Senate put on was the amendment I have just suggested.

The SPEAKER. The question is on the third reading of the amended Senate joint resolution.

The joint resolution as amended was ordered to a third reading and was accordingly read the third time and passed.

FERNANDO PAGE.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 517.

Resolved, That there shall be paid, out of the contingent fund of the House, to Fannie Page, widow of Fernando Page, late messenger in the House of Representatives on soldiers' roll, an amount equal to six months' salary as such messenger and an additional amount, not to exceed $250, to pay the funeral expenses of said Fernando Page.

The SPEAKER. Is there objection?

There was no objection.

Mr. LLOYD. Mr. Speaker, Mr. Page was a messenger on the soldiers' roll. He died last night, and the necessity for the passage of the resolution at the present time is to provide the means for the family to transport his body from here to Michigan.

Mr. BARTLETT. Mr. Speaker, it does not require unanimous consent, does it?

Mr. LLOYD. I think it does, because the resolution is not reported from the committee.

Mr. MANN. I suppose it does not make any difference, but are not these soldiers' roll employees called messengers on the soldiers' roll instead of doorkeepers?

Mr. LLOYD. Yes; I think we had better change that.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the word "doorkeeper" and insert in lieu thereof the word "messenger."

The amendment was agreed to.

The resolution as amended was agreed to.

MAGDALENA BAY.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. The gentleman from California asks unanimous consent to address the House for one-half minute. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I wish to insert in the RECORD the following article published in the Washington Herald, referring to an article published in the San Francisco Examiner, relative to the Japanese obtaining a large tract of land, 700 miles of fishing rights, and so forth, in Mexico:

[From the Washington Herald, Apr. 26, 1912.]

JAPS AT MAGDALENA BAY—SECURE LANDS AND FISHING RIGHTS AND ELABORATE SURVEYS ARE BEING MADE.

SAN FRANCISCO, CAL., *April 26, 1912.*

Present conditions at Magdalena Bay, Mexico, are reported in a special dispatch to the Examiner as follows:

"An extensive concession of timber and agricultural lands, accompanied by a grant of fishing rights for 700 miles from Manzanillo to Salina Cruz, obtained through the Japanese ambassador to Mexico last year.

"Thirty Japanese scientists, now on the ground, making elaborate surveys, among them Katsuyo Tago, official representative of the Japanese Government.

"The concession made to private company, backed by Soichiro Asano, president of the Oriental Steamship Co. and a wealthy banker."

ADJOURNMENT.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until Monday, April 29, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill (H. R. 16843) to consolidate the veterinary service, United States Army, and to increase its efficiency, reported the same with amendment, accompanied by a report (No. 604), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOWELL, from the Committee on Mines and Mining, to which was referred the bill (H. R. 22088) to establish a mining experiment station at Salt Lake City, Salt Lake County, Utah, to aid in the development of the mineral resources of the United States, and for other purposes, reported the same without amendment, accompanied by a report (No. 605), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JONES, from the Committee on Insular Affairs, to which was referred the bill (H. R. 22143) to establish a qualified independent government for the Philippines and to fix the date when such qualified independence shall become absolute and complete, and for other purposes, reported the same with amendment, accompanied by a report (No. 606), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on Irrigation of Arid Lands, to which was referred the bill (H. R. 21171) authorizing the use of the reclamation fund in construction of a bridge across Snake River in Wyoming, reported the same with amendment, accompanied by a report (No. 615), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 6160) to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River in the State of North Dakota, reported the same without amendment, accompanied by a report (No. 607), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 6161) to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River, in the county of Dawson, State of Montana, reported the same with amendment, accompanied by a report (No. 608), which said bill and report were referred to the House Calendar.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 22092) to extend the time of the Twin City Power Co. for the completion of a dam across the Savannah River, reported the same without amendment, accompanied by a report (No. 609), which said bill and report were referred to the House Calendar.

Mr. DYER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 16811) to require street railway companies operating in or within the District of Columbia to grant one-half fare rates to public-school pupils, reported the same with amendment, accompanied by a report (No. 610), which said bill and report were referred to the House Calendar.

Mr. DAVIS of West Virginia, from the Committee on the Judiciary, to which was referred the bill (H. R. 16461) to regulate the judicial procedure of the courts of the United States, reported the same with amendment, accompanied by a report (No. 611), which said bill and report were referred to the House Calendar.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill (H. R. 23635) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 612), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 22591) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 613), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 10169) to provide for holding the District Court of the United States for Porto Rico during the absence from the island of the United States district judge and for the trial of cases in the event of the disqualification of or inability to act by the said judge, reported the same without amendment, accompanied by a report (No. 614), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SIMS: A bill (H. R. 23826) declaring all highways in the several States used for the purposes of transporting rural mail to be post roads and authorizing the improvement of same; to the Committee on the Post Office and Post Roads.

By Mr. JACKSON: A bill (H. R. 23827) to enable the Court of Claims to fix attorneys' fees and prohibiting attorneys from paying costs in suits on claims against the United States; to the Committee on War Claims.

By Mr. LAMB: A bill (H. R. 23828) to amend section 4488 of the Revised Statutes of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. DAVIS of West Virginia (by request): A bill (H. R. 23829) to prescribe and regulate liens upon real estate by suit action or attachment; to the Committee on the Judiciary.

Also, a bill (H. R. 23830) to regulate the judicial procedure of the courts of the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 23831) to provide regulations in reference to the clearance of vessels from the ports of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. TOWNSEND: A bill (H. R. 23832) to amend section 1440 of the Revised Statutes of the United States; to the Committee on Naval Affairs.

By Mr. MANN: A bill (H. R. 23833) to amend proviso in meat-inspection law concerning products prepared according to directions of foreign purchasers; to the Committee on Agriculture.

By Mr. BROUSSARD: A bill (H. R. 23834) for the erection of a public building to be used as a post office at Thibodaux, La.; to the Committee on Public Buildings and Grounds.

By Mr. LEVY: A bill (H. R. 23835) to foster increase of life-saving facilities on ocean-going passenger vessels, etc.; to the Committee on the Merchant Marine and Fisheries.

By Mr. POU: A bill (H. R. 23836) to enable the Secretary of War to pay the amount awarded to the Malambo fire claimants by the joint commission under Article VI of the treaty of November 18, 1903, between the United States and Panama; to the Committee on Appropriations.

By Mr. MORGAN: A bill (H. R. 23837) to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes; to the Committee on Indian Affairs.

By Mr. ANSBERRY (by request): A bill (H. R. 23838) to provide for properly safeguarding the lives of passengers on vessels clearing any port in this country; to the Committee on the Merchant Marine and Fisheries.

By Mr. KENT: A bill (H. R. 23839) for the protection and increase of State game preserves; to the Committee on Agriculture.

By Mr. RAKER: Resolution (H. Res. 516) requesting the President to transmit to the House of Representatives any information in the possession of the Government regarding the purchase by the Japanese Government or a Japanese company of land in Magdalena Bay, and obtaining other concessions in Mexico; to the Committee on Foreign Affairs.

By Mr. SWEET: Resolution (H. Res. 517) to pay a certain sum of money to Fannie Page, widow of Fernando Page, late a messenger in the House.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 23840) granting an increase of pension to Henry Schriver; to the Committee on Invalid Pensions.

By Mr. ANDRUS: A bill (H. R. 23841) granting an increase of pension to Harvey M. Munsell; to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 23842) granting an increase of pension to Isabella Lafarge; to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 23843) to remove the charge of desertion against James H. Jones; to the Committee on Military Affairs.

By Mr. CLAYPOOL: A bill (H. R. 23844) granting a pension to Peter Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23845) granting a pension to George McKibben; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23846) granting a pension to Francis M. Raburn; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 23847) granting a pension to Karl C. Wettstein; to the Committee on Pensions.

Also, a bill (H. R. 23848) granting a pension to Mary McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23849) granting an increase of pension to George H. Tooley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23850) granting an increase of pension to George Perry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23851) granting an increase of pension to George W. Copley; to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 23852) granting an increase of pension to Clyde C. Elkins; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 23853) for the relief of the estate of the late Nathaniel Boyden; to the Committee on Claims.

By Mr. FERGUSSON: A bill (H. R. 23854) for the relief of Ventura Maestas; to the Committee on Claims.

Also, a bill (H. R. 23855) granting a pension to R. J. Jamison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23856) granting a pension to Ernest H. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23857) granting an increase of pension to William H. H. Metzger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23858) for the relief of the heirs of Jesus Maria Candelaria, deceased; to the Committee on Claims.

By Mr. FLOYD of Arkansas: A bill (H. R. 23859) granting a pension to Mary E. Plunkett; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 23860) granting an increase of pension to John C. Kliver; to the Committee on Invalid Pensions.

By Mr. GLASS: A bill (H. R. 23861) for the relief of Passed Asst. Surg. Micajah Boland, United States Navy; to the Committee on Naval Affairs.

By Mr. KINKAID of Nebraska: A bill (H. R. 23862) to correct the hospital record of Robert McFarland; to the Committee on Naval Affairs.

By Mr. KORBLY: A bill (H. R. 23863) granting a pension to Elizabeth J. McClain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23864) granting a pension to Lewis C. Landon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23865) for the relief of Charles Thurman, alias Charles Mack; to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 23866) for the relief of Robert J. Rose; to the Committee on War Claims.

Also, a bill (H. R. 23867) granting an increase of pension to John W. Cook; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 23868) granting an increase of pension to Nathaniel Yost; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 23869) granting an increase of pension to Mary E. Sadler; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 23870) granting an increase of pension to John Q. Thomas; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 23871) granting an increase of pension to Stanford W. Ellis; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 23872) granting an increase of pension to William Bacome; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 23873) granting an increase of pension to Thomas R. Scott; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 23874) granting a pension to Ida M. Perry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23875) granting an increase of pension to Charles W. Bricker; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN of South Carolina: Petition of citizens of North and South Carolina and Georgia, favoring building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. ANDERSON of Minnesota: Petition of John W. Whitson and 7 others, of Blooming Prairie, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANDRUS: Resolution of the North Side Board of Trade, city of New York, favoring improvement of Bronx Kills, Harlem River, and East River, New York City; to the Committee on Rivers and Harbors.

By Mr. ANSBERRY: Memorial of the Chamber of Commerce of San Diego County, remonstrating against House bills 11372 and 20576, to prohibit the towing of log rafts or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

Also, petition of William Taylor Son & Co., of Cleveland, Ohio, for retaining the Tariff Board; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of Mayers & Bros. and 14 other merchants of Millersburg, Ohio, favoring enlargement of the powers of the Interstate Commerce Commission over express companies; to the Committee on Interstate and Foreign Commerce.

By Mr. AYRES: Resolution of the North Side Board of Trade, in the city of New York, favoring bill for improvement of Bronx Kills, Harlem River, and East River, New York City; to the Committee on Rivers and Harbors.

By Mr. CARY: Resolutions of the Wisconsin State Board of Agriculture, favoring House bill 18005; and of the faculty of the State Normal School, Stevens Point, Wis., favoring the Page and Wilson vocational bills; to the Committee on Agriculture.

Also, petition of Division No. 46, Order of Railway Conductors, Milwaukee, Wis., indorsing workmen's compensation; to the Committee on the Judiciary.

By Mr. DRAPER: Resolution of the North Side Board of Trade, of New York City, recommending the improvement of Bronx Kills, Harlem River, and East River, New York City; to the Committee on Rivers and Harbors.

By Mr. DANIEL A. DRISCOLL: Petition of board of directors of the Buffalo (N. Y.) Chamber of Commerce, for improvement and widening of the channel entrance to the Buffalo Harbor; to the Committee on Rivers and Harbors.

Also, memorial of members of United Harbor No. 1 of the American Association of Masters, Mates, and Pilots, for legislation to improve the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Chamber of Commerce of San Diego County, protesting against House bills 11372 and 20576, to prohibit the towing of log rafts and lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. DYER: Petition of the Brotherhood of American Yeomen, for amending section of Post Office appropriation bill relating to publications of fraternal societies; to the Committee on the Post Office and Post Roads.

Also, petition of L. E. Young, of the Missouri School of Mines, for enactment of House bill 6304; to the Committee on Mines and Mining.

Also, petitions of C. H. Markham, of Chicago, Ill., and Festus J. Wade and others, of St. Louis, Mo., for immediate appropriation to repair the levees of the Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of the St. Louis Automobile Manufacturers and Dealers' Association, of St. Louis, Mo., favoring bill for Lincoln memorial road, etc.; to the Committee on the Library.

By Mr. FOCHT: Petition of Shirleysburg Grange, No. 119, Patrons of Husbandry, of Huntingdon County, State of Pennsylvania, favoring passage of House bill 19133; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Resolution of the North Side Board of Trade, city of New York, favoring bill for improvement of Bronx Kills, Harlem River, and East River, New York City; to the Committee on Rivers and Harbors.

By Mr. FULLER: Petition of Thomas H. Cannon, high chief ranger, Catholic Order of Foresters, Chicago, Ill., in favor of the passage of the Dodds amendment to the Post Office appropriation bill, relating to publications of fraternal societies; to the Committee on the Post Office and Post Roads.

Also, petition of Rev. Frank Babcock, of Mazon, Ill., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, papers to accompany bill for the relief of John C. Kliner; to the Committee on Invalid Pensions.

Also, petition of the Chamber of Commerce of San Diego County, Cal., in opposition to the passage of House bills 11372 and 20576, to regulate the officering and manning of vessels, etc.; to the Committee on the Merchant Marine and Fisheries.

By Mr. GOULD: Petitions of citizens of the State of Maine, for passage of House bill 19133, providing for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY: Petition of members of the Improved Order of Red Men and other citizens of Maine, favoring passage of Senate bill 3953 and House bill 16313, providing for the erec-

tion of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. HANNA: Petitions of citizens of the State of North Dakota, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of citizens of Stowers, N. Dak., urging repeal of the reciprocity pact with Canada; to the Committee on Ways and Means.

Also, petitions of citizens of Dickinson, Stark County, citizens of Fairmont, Richland County, and citizens of Richardton, Stark County, N. Dak., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: Petition of the board of directors of the Sierra Club, strongly opposed to House bill 21954, providing for a change in the western boundary of the Yosemite National Park and the exclusion from the park of nearly 50,000 acres; to the Committee on the Public Lands.

Also, petition of G. W. Morehouse, of San Francisco, Cal., against passage of the Lever bill (H. R. 20281) and favoring passage of the Haugen bill (H. R. 21225); to the Committee on Agriculture.

Also, petition of Stairbuilders' Local, No. 616, of San Francisco, Cal., favoring passage of House bill 22339; to the Committee on the Judiciary.

Also, petition of H. D. Loveland, of San Francisco, Cal., favoring construction of flood-water canal to care for flood water of San Joaquin River; to the Committee on Rivers and Harbors.

Also, memorial of Chamber of Commerce of San Diego County, remonstrating against House bills 11372 and 20576, to prohibit the towing of log rafts or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the California Wholesale Grocers' Association, for enactment of House bill 4667; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Board of Trade of San Francisco, Cal., protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. KINKEAD of New Jersey: Memorial of Bergen County (N. J.) Pomona Grange, No. 11, for a general parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. KORBLY: Petitions of citizens of Indianapolis, Ind., protesting against House bill 21100; to the Committee on the Judiciary.

Also, petitions of citizens of the State of Indiana, relative to proposed legislation relating to oleomargarine; to the Committee on Agriculture.

Also, petitions of citizens of Indianapolis, Ind., for passage of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, petition of members of Improved Order of Red Men of the seventh congressional district of Indiana, for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petitions of citizens of the State of Indiana, for a general parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Indiana, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of citizens of Marion County, Ind., for Federal aid in maintaining highways; to the Committee on Agriculture.

Also, petitions of the Roman Catholic Knights of St. George and German Roman Catholic St. Francis Aid Society, of Indianapolis, Ind., in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petition of Kothe, Wells & Bauer Co., of Indianapolis, Ind., for passage of House bill 4667; to the Committee on Interstate and Foreign Commerce.

Also, petition of L. S. Ayres & Co., of Indianapolis, Ind., protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of William R. Casella, Frank Green, and G. G. Swain, of Indianapolis, Ind., favoring House bill 20595, to amend section 25 of the copyright act of 1909; to the Committee on Patents.

Also, petition of W. J. Holliday & Co., Indianapolis, Ind., against passage of House bill 16844, providing that all goods shall be labeled with manufacturer's brands; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Indianapolis, Ind., favoring unrestricted arbitration between this country and Great Britain and this country and France; to the Committee on Foreign Affairs.

Also, petition of Nordyke & Marmon Co., Indianapolis, Ind., favoring Lincoln memorial road from Washington to Gettysburg; to the Committee on the Library.

Also, petition of Inland City Lodge, No. 374, Brotherhood of Railroad Trainmen, Indianapolis, Ind., favoring passage of the Federal workman's compensation bill; to the Committee on the Judiciary.

Also, petition of citizens of Indianapolis, Ind., favoring bill prohibiting shipping of liquor into prohibition States; to the Committee on the Judiciary.

Also, petition of citizens of Indianapolis, Ind., favoring passage of House bill 9433, prohibiting Sunday opening of post offices; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of Indiana, favoring building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Liberal German Society of Anderson, Ind., against prohibition or any interstate-commerce liquor laws; to the Committee on the Judiciary.

By Mr. LAMB: Memorial of the Richmond (Va.) Chamber of Commerce, indorsing House bill 20044, for the improvement of the foreign service; to the Committee on Foreign Affairs.

By Mr. LANGLEY: Petition of Post No. 18, Grand Army of the Republic, favoring the passage of House bill 14070; to the Committee on Invalid Pensions.

By Mr. LEVY: Memorial of members of United Harbor No. 1 of the American Association of Masters, Mates, and Pilots, for legislation to promote the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Medical Society of the State of New York, for the creation of a national department of health; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the North Side Board of Trade, in the city of New York, for improvement of a portion of the Harlem River; to the Committee on Rivers and Harbors.

By Mr. LINDSAY: Petition of the Brotherhood of American Yeomen, for amending the section of the Post Office appropriation bill relating to fraternal publications; to the Committee on the Post Office and Post Roads.

Also, memorial of the Maritime Exchange of New York City, for legislation to promote the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the North Side Board of Trade, in the city of New York, favoring bill for improvement of Bronx Kills, Harlem River, and East River, New York City; to the Committee on Rivers and Harbors.

By Mr. MORGAN: Petitions of citizens of Dombey, Okla., for passage of legislation providing for old-age pensions; to the Committee on Pensions.

By Mr. MOTT: Resolution of the North Side Board of Trade, city of New York, favoring bill for improvement of Bronx Kills, Harlem River, and East River, New York City; to the Committee on Rivers and Harbors.

By Mr. RAKER: Resolutions of the Chamber of Commerce of San Francisco, Cal., against passage of House bill 11372; to the Committee on the Merchant Marine and Fisheries.

By Mr. REDFIELD: Resolution of the North Side Board of Trade, city of New York, favoring bill for improvement of Bronx Kills, Harlem River, and East River, New York City; to the Committee on Rivers and Harbors.

By Mr. RUCKER of Colorado: Petition of R. A. Porter and others, of Laird, Colo., favoring passage of the Haugen bill (H. R. 21255) and against the passage of the Lever bill (H. R. 18493); to the Committee on Agriculture.

Also, petition of M. Connison and other members of the Cigarmakers' Union of Denver, Colo., favoring building of one battleship in the New York Navy Yard; to the Committee on Naval Affairs.

Also, petition of Fred H. Bosky and others, of Bashor, Colo., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Archer Christian and others, of Denver, Colo., favoring passage of an old-age pension law; to the Committee on Pensions.

Also, resolution of the Dairyman's Association of Fort Lupton, Colo., against any reduction of the tax on oleomargarine; to the Committee on Agriculture.

By Mr. SCULLY: Petition of Ira B. Tice Lodge, No. 309, Brotherhood of Railroad Trainmen, for enactment of employers' liability and workmen's compensation legislation now pending; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Memorial of the Federated Improvement Association of Los Angeles, Cal., for legislation

regulating the passage of ships across the oceans; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of the State of California, protesting against passage of House bill 17485; to the Committee on the Public Lands.

Also, resolution of the Los Angeles Chamber of Commerce, of Los Angeles, Cal., favoring setting aside 1,000,000 acres of public lands lying in each of the Western States, to be sold for the purpose of raising funds to build good roads; to the Committee on the Public Lands.

Also, petition of the California Wholesale Grocers, favoring passage of the Stevens bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Resolution of the North Side Board of Trade of New York City, favoring bill for improvement of Bronx Kills, Harlem River, and East River, New York City; to the Committee on Rivers and Harbors.

Also, petition of J. E. Rhoads & Sons, of New York City, against passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Irving National Exchange Bank and George C. De Lacy, of New York City, for an appropriation to rebuild the levees along the Mississippi where breaks have occurred; to the Committee on Rivers and Harbors.

Also, petition of the Brotherhood of American Yeomen, for amending a section of the Post Office appropriation bill relating to publications of fraternal societies; to the Committee on the Post Office and Post Roads.

Also, petition of the McNab & Harlin Manufacturing Co., of New York City, relative to operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. TALCOTT of New York: Resolution of the North Side Board of Trade, city of New York, favoring bill for improvement of Bronx Kills, Harlem River, and East River, New York City; to the Committee on Rivers and Harbors.

By Mr. TAYLOR of Colorado: Petition of Lodge No. 47, of the International Association of Machinists, of Denver, Colo., favoring passage of House bill 22339 and Senate bill 6172, known as the anti-Taylor system bills; to the Committee on Labor.

Also, petition of the International Association of Machinists, of Denver, Colo., favoring passage of the Hughes eight-hour bill; to the Committee on Labor.

By Mr. THAYER: Petitions of Sumner Leonard, of Grafton, and E. V. Dexter, of Worcester, Mass., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Worcester, Mass., for passage of House bill 22339 and Senate bill 6172; to the Committee on the Judiciary.

Also, petitions of citizens of the State of Massachusetts, for passage of House bill 20595, amending the patent laws; to the Committee on Patents.

Also, petition of the Baptist Church of North Uxbridge, Worcester County, Mass., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of the State of Massachusetts, favoring building one battleship in a Government navy yard; to the Committee on Naval Affairs.

SENATE.

MONDAY, *April 29, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The VICE PRESIDENT resumed the chair.

The Journal of the proceedings of Friday last was read and approved.

JAMES HARVEY DENNIS V. UNITED STATES (S. DOC. NO. 619).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of James Harvey Dennis *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 4314. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5193. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5415. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 5493. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had passed the following bills, each with an amendment, in which it requested the concurrence of the Senate:

S. 4623. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5624. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 5670. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had passed the following bills and joint resolution, each with amendments, in which it requested the concurrence of the Senate:

S. 5045. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5194. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors; and

S. J. Res. 102. Joint resolution relative to the rebuilding of certain levees on the Mississippi River and its tributaries.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16493. An act to correct the military record of William Z. Norman;

H. R. 23063. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war;

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 23557. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 23765. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message further requested the Senate to furnish the House with a duplicate engrossed copy of the bill (S. 2224) to amend "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910, the original having been lost or mislaid.

CREDENTIALS.

Mr. SWANSON presented the credentials of THOMAS STAPLES MARTIN, chosen by the Legislature of the State of Virginia a Senator from that State for the term beginning March 4, 1913, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the congregation of the First Presbyterian Church of Middletown, N. Y., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. CULLOM presented memorials of sundry citizens of Chicago, Maywood, Joliet, Oak Park, La Grange, Evanston, Berwyn, Mattoon, Wheaton, Riverside, Elmhurst, Champaign, Knoxville, Galesburg, Bloomington, Rockford, Brookfield, Mansfield, Morris, St. Charles, Moline, Centralia, Salem, Patoka, Danville, Decatur, Rochelle, Quincy, Wilmette, and Polo, all in the State of Illinois, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also (for Mr. LORIMER) presented memorials signed by 4,244 citizens of Illinois, remonstrating against the establishment of a department of health, which were ordered to lie on the table.

Mr. BROWN presented memorials of sundry citizens of Nebraska, members of the medical profession, remonstrating against the passage of the so-called Owen medical bill, which were ordered to lie on the table.

Mr. TOWNSEND. I present sundry memorials, signed by thousands of people of Michigan, many of whom I know to be prominent men, protesting against the passage of the Owen medical bill. I ask that one of the memorials be read.

The VICE PRESIDENT. Without objection, the Secretary will read one of the memorials.

The Secretary read as follows:

FLINT, MICH., *April 27, 1912.*

To the Hon. CHARLES E. TOWNSEND,
Washington, D. C.

DEAR SIR: In reference to the Owen bill, No. 1, and any other proposed legislation of this kind, you are respectfully asked to read into the CONGRESSIONAL RECORD the inclosed memorial, which, you will notice, is signed by many of our representative and influential citizens: Hon. Col. O. Swayze, judge of probate; Otto P. Graff, county treasurer; Fred A. Wertman, county clerk; Clinton Roberts, attorney; Edward D. Black, attorney and ex-chairman Flint Board of Commerce; Clarence O. Hitchler; Moses Middleton, register of deeds; H. E. Potter, commissioner of schools; F. H. Rankin; and 160 others.

You have our sincere thanks and grateful appreciation for your kind efforts in behalf of medical freedom in the past and for this present cooperation in behalf of the cause.

Very truly, yours,

FLINT BRANCH OF THE NATIONAL
LEAGUE FOR MEDICAL FREEDOM,
BURRALL G. NEWMAN, *Acting Chairman.*

FLINT, MICH., *April 27, 1912.*

To the honorable Members of the United States Senate in Congress assembled:

We, the undersigned, citizens of the State of Michigan, respectfully protest against the passage of Senate bill No. 1, known as the Owen bill, providing for the creation of a national bureau of health, as we believe that such a bureau is entirely unnecessary, is contrary to the spirit of our institutions, and would inevitably result in the establishment of a medical monopoly.

The memorials presented by Mr. TOWNSEND of sundry citizens of Battle Creek, Port Huron, Kalamazoo, Greenville, Benton Harbor, Monroe, and Saginaw, all in the State of Michigan, remonstrating against the passage of the so-called Owen medical bill, were ordered to lie on the table.

Mr. TOWNSEND presented memorials of Fred McLean and 34 other citizens of Gratiot County; J. Den Herder and 31 other citizens of Ottawa County; D. Bekius and 65 other citizens of Ottawa County; Bert J. Van Oss and 69 other citizens of Ottawa County; F. Viklani and 7 other citizens of Ottawa County; Engbert Redded and 59 other citizens of Allegan County; T. Williams and 64 other citizens of Allegan County; A. Van Zanten and 35 other citizens of Holland; Lemon & Wheeler Co. and 4 other citizens of Kent County; T. H. Arum and 20 other citizens of Gratiot County; members of Harmony Arbor, of Gratiot County; A. J. Williams and 40 other citizens of Riverdale; Egbert Nyland and 49 other citizens of Ottawa County; Peter H. De Weerd and 43 other citizens of Zeeland; John B. Hudson and 37 other citizens of Middleton; and Frank Leestma and 63 other citizens of Ottawa County, all in the State of Michigan, remonstrating against the removal of the duty on sugar, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Jackson, Mich., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. JOHNSTON of Alabama presented resolutions adopted by General Joe Wheeler Camp, No. 1, Department of Alabama, United Spanish War Veterans, of Birmingham, Ala., favoring the enactment of legislation granting a pension of $12 a month to the widows and minor children under the age of 16 of Spanish War veterans, which were referred to the Committee on Pensions.

He also, presented a petition of sundry citizens of Birmingham, Ala., remonstrating against the passage of the so-called Owen medical bill, which was ordered to lie on the table.

Mr. MYERS presented a petition of the congregation of the Baptist Church of Hamilton, Mont., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. GARDNER presented petitions of sundry citizens of Strong, East Brownfield, Winnegance, Southport, Belgrade Lakes, and Kennebec, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Pine Tree Division, No. 66, Order of Railway Conductors, of Portland, Me., praying for the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

Mr. JOHNSON of Maine presented memorials of sundry citizens of Bangor, Brewer, Brunswick, and Pittsfield, all in the State of Maine, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

Mr. SANDERS presented a petition of sundry citizens of Roane County, Tenn., praying for the passage of the river and harbor appropriation bill and that no change be made in the item relating to the proposed lock and dam at Caney Creek Shoals below Kingston, Tenn., which was referred to the Committee on Commerce.

Mr. MARTINE of New Jersey presented resolutions adopted by the Presbytery of Elizabeth, in convention at Plainfield, N. J., favoring the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by members of the Democratic Association of Kearny, N. J., favoring an appropriation for the purchase of the estate of Monticello, in the State of Virginia, which were referred to the Committee on the Library.

Mr. WATSON presented a petition of New River Division, No. 140, Order of Railway Conductors, of Hinton, W. Va., and a petition of Local Division No. 472, Order of Railway Conductors, of Fairmont, W. Va., praying for the passage of the so-called employers' liability and workmen's compensation bill, which were ordered to lie on the table.

He also presented a petition of the congregation of the Methodist Episcopal Church South of Ripley Circuit, W. Va., and a petition of the Woman's Christian Temperance Union, of Spencer, W. Va., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of Blackwater Grange, No. 152, Patrons of Husbandry, of Andover, N. H., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of Charles M. Baldwin, of Dover, N. H., praying for the enactment of legislation to prohibit the use of trading coupons, which was referred to the Committee on Interstate Commerce.

He also presented petitions of the Alliance of Jewish Women, of the rector of Trinity Church, of the Woman's Christian Temperance Union, of the Legion of Loyal Women, of the Wendell Wolfe Chapter, National Society of Daughters of the American Revolution, of the Aid Association for the Blind, of the Society for Protection of the Dignity and Honor of the United States, of the Capitol Hill History Club, of the Excelsior Literary Club, and of Chapter B, P. E. O., all of the District of Columbia, praying for the enactment of legislation to pension members of the police and fire departments in the District of Columbia, which were referred to the Committee on Appropriations.

He also presented the petition of Maude D. Eaton, president of the Local Council of Women, of Rhode Island, praying for the enactment of legislation providing for vocational education, which was ordered to lie on the table.

Mr. BRISTOW presented a petition of sundry citizens of Argonia and Wichita, in the State of Kansas, praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of Lincoln Post, No. 1, Department of Kansas, Grand Army of the Republic, of Topeka, Kans., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented petitions of the congregation of the First Baptist Church, of the Woman's Christian Temperance Union, and of the Political Science Club, all of Winfield, in the State of Kansas, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GRONNA presented a petition of members of the Sunday School Association of Sargent County, N. Dak., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of Mouse River Lodge, No. 683, Brotherhood of Locomotive Firemen and Enginemen, of Minot, N. Dak., remonstrating against the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

Mr. JONES. I have several telegrams in the nature of memorials from citizens of the State of Washington denouncing the Owen medical bill as unprogressive, vicious, infamous, un-

American, and unpatriotic. I ask that the telegrams lie on the table and that the names of the senders be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and the names of the senders to be printed in the RECORD, as follows:

From J. W. Norwell, of Anacortes; A. E. Summer, of Anacortes; Dr. W. E. Maas, of Anacortes; C. L. Reed, of Bellingham; Mrs. Max Baumeister, of Walla Walla; J. W. Hodge, principal of the Franklin Public School, of Aberdeen; Grays Harbor Business College, C. S. Jackson, president, of Aberdeen; C. W. Van Horn, of Bellingham; Mrs. A. W. Deming, of Bellingham; Miss Jennie Schives, of Bellingham; the Washington Osteopathic Association, W. T. Thomas, of Tacoma; O. D. Sterling, teacher in the Whitman Conservatory, of Walla Walla; Dr. J. E. Lyon, of Spokane; Samuel Alsop, of Bellingham; N. C. Wilson, of Walla Walla; M. F. Waldron, Bellingham; J. C. Marmaduke, of Seattle; Ed. A. Beekman, of Tacoma; H. W. Thompson, mayor; G. F. Burdette, Dr. I. N. Richardson, osteopathic physician; J. G. Sargent, M. D.; Frank Frye, osteopath; W. F. Matthewson, minister of the gospel; Robert J. Reid, minister of the gospel; Herbert E. Ryder, minister of the gospel, of Centralia; W. F. Robinson, of Anacortes; and J. W. Clark, F. W. Loomis, J. J. Carney, Frank Lawles, and Albin Peterson, of Aberdeen.

Mr. JONES. I also present a large number of letters signed by citizens of Bellingham, Spokane, Everett, Puyallup, Seattle, in the State of Washington, remonstrating against the passage of the same bill. I move that the letters lie on the table.

The motion was agreed to.

Mr. JONES. I present a number of telegrams and letters indorsing the employers' liability and workmen's compensation bill. I ask that the telegrams and letters lie on the table, and that the signatures be printed in the RECORD.

There being no objection, the telegrams and letters were ordered to lie on the table and the signatures to be printed in the RECORD, as follows:

From John J. Malim, secretary and treasurer Division No. 238, Brotherhood of Locomotive Engineers, of Tacoma; N. Ryan, chief engineer, P. B. Coyne, secretary and treasurer, Division No. 758, Brotherhood of Locomotive Engineers, of Vancouver; J. J. Grant, secretary of Division No. 399, Brotherhood of Locomotive Engineers, of Seattle; W. W. Wolcott, general chairman general grievance committee, Brotherhood of Railroad Trainmen, of Malden; C. A. Pratt, chairman, Hamilton Higday, commissioner of the Industrial Insurance Commission, of Olympia; and C. A. Hubbard, State labor commissioner, of Olympia.

Mr. LEA presented a petition of sundry citizens of Roane County, Tenn., praying for the passage of the river and harbor bill, and that no change be made in the item relative to the proposed lock and dam at Caney Creek Shoals below Kingston, Tenn., which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Tennessee, remonstrating against the passage of the so-called Owen medical bill, which was ordered to lie on the table.

Mr. O'GORMAN. I present a telegram in the nature of a memorial from members of the New York Branch, National League for Medical Freedom. I ask that the telegram lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

BUFFALO, N. Y., *April 11, 1912.*

Hon. JAMES O'GORMAN,
United States Senate, Washington, D. C.:

We urge you to use your influence to defeat the Owen bill now before the Senate, providing for a department or bureau of health. There is no public demand for it, and it will not protect health any better than it is now protected. It is a subtle and dangerous bill and would confer special power to a privilege-seeking class who would use their new power to force certain methods of treatment upon the citizens whether sick or well regardless of their wishes. Recent compulsory vaccination against typhoid in the Army and Navy is proof. We have 15,000 members in this State, many of whom are physicians of all schools, who are sure the Owen bill threatens the freedom of the individual to select the practitioner of his choice in time of illness.

NEW YORK STATE BRANCH OF THE
NATIONAL LEAGUE FOR MEDICAL FREEDOM.

Mr. O'GORMAN presented petitions of sundry citizens of New York City, Brooklyn, and Hudson, all in the State of New York, praying for the enactment of legislation to regulate the method of directing the work of Government employees, which were referred to the Committee on Naval Affairs.

Mr. ASHURST presented a petition of the Chamber of Commerce of Douglas, Ariz., praying for the enactment of legislation providing for an increase in the number of United States troops on duty at Douglas, Ariz., and along the Mexican border, which was referred to the Committee on Military Affairs.

Mr. OVERMAN presented a telegram, in the nature of a memorial, from W. M. Swain, of Jonesville, N. C., remonstrating against the passage of the so-called Owen medical bill, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Spencer and Salisbury, N. C., remonstrating against the so-called Taylor system of shop management, which was referred to the Committee on Naval Affairs.

Mr. ROOT presented a petition of Charlotte Center Grange, No. 669, Patrons of Husbandry, of Charlotte, N. Y., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Amsterdam, Auburn, Batavia, Bath, Buffalo, Elmira, Gloversville, Herkimer, Hornell, Jamestown, Newburgh, Niagara Falls, Oneida, Oneonta, Oswego, Rome, St. Johnsville, Saratoga Springs, Syracuse, Utica, White Plains, and Yonkers, all in the State of New York, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

Mr. PERKINS presented telegrams in the nature of memorials from the Osteopathic Association of California, the Eclectic Medical Society of California, and of the Sacramento Branch National League for Medical Freedom, and a memorial of R. L. Craig & Co., of Los Angeles, Cal., remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also presented resolutions adopted at the forty-fifth annual encampment of the Department of California and Nevada, Grand Army of the Republic, at Stockton, Cal., remonstrating against the abolishment of the pension office at San Francisco, Cal., which were referred to the Committee on Pensions.

He also presented a memorial of the Chamber of Commerce of San Francisco, Cal., remonstrating against the enactment of legislation to prohibit the towing of log rafts at sea, which was referred to the Committee on Commerce.

He also presented resolutions adopted by the Labor Council of San Francisco, Cal., and a petition of H. Howard Cassidy, of Berkeley, Cal., favoring a revision of the laws governing the equipment and management of vessels, which were referred to the Committee on Commerce.

Mr. RAYNER presented a petition of My Maryland Lodge, No. 186, International Association of Machinists, of Baltimore, Md., praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Naval Affairs.

He also presented a memorial of sundry citizens of Maryland, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. BURTON presented a petition of sundry citizens of Cincinnati, Ohio, praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Naval Affairs.

He also presented memorials of sundry citizens of Scott, Van Wert, Cavett, Fort Wayne, Antwerp, Cecil, Defiance, Sherwood, Hicksville, Paulding, Payne, Princeton, Melrose, Oakwood, Convoy, Celina, Burkettsville, Grover Hill, Rockford, and Ohio City, all in the State of Ohio, remonstrating against any reduction of the duty on sugar, which were referred to the Committee on Finance.

Mr. McCUMBER presented a petition of members of the Sunday School Association of Sargent, N. Dak., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Edgeley, N. Dak., remonstrating against any change being made in the patent laws, which was referred to the Committee on Patents.

BRITISH WORKMEN'S COMPENSATION ACTS (S. DOC. NO. 618).

Mr. SUTHERLAND. I present certain data prepared by the secretary of the Federal Employers' Liability and Workmen's Compensation Commission in reference to the operation of British workmen's compensation acts. I ask that the paper be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order will be entered therefor.

ADDRESSES BY PRESIDENT TAFT AND EX-PRESIDENT ROOSEVELT.

Mr. REED. Mr. President, I desire to ask unanimous consent to have printed in the RECORD and as a public document the address of President Taft, delivered on the 25th day of April at Boston (S. Doc. No. 615).

Mr. SMOOT. I understood the Senator to request that it be printed in the RECORD and also as a public document.

Mr. REED. Yes.

Mr. SMOOT. Why not just print it as a public document?

Mr. REED. That would be satisfactory, if the Senator objects to its going into the RECORD.

Mr. SMOOT. I also ask the Senator if it is a report of the speech or is it the speech actually delivered?

Mr. REED. It is the speech delivered; it purports to have been printed from manuscript; and it ought to be absolutely correct. It is from the Washington Post. I am not asking to have anything printed but the speech.

Mr. SMOOT. I will hand the speech to the Senator, so that there may be no mistake. I have no objection at all to its being printed as a public document.

Mr. CULBERSON. What is the date of the speech?

Mr. REED. It is the speech of President Taft, delivered April 25, 1912.

Mr. CULBERSON. I will ask the Senator if he proposes to have printed the reply?

Mr. REED. At this time I am asking to have printed the speech.

The VICE PRESIDENT. Without objection, an order is entered to print the speech as a public document.

Mr. REED. Now, Mr. President, I will ask that the speech of ex-President Roosevelt in reply, delivered on the 26th day of April at Worcester, Mass., be printed as a public document (S. Doc. No. 616). I think that this is but fair, in order that these valuable contributions to our national history may be preserved.

The VICE PRESIDENT. Without objection, an order will be entered to print, as requested.

Mr. REED. I now ask unanimous consent to have printed as a public document the reply of President Taft to the reply of ex-President Roosevelt to the reply of President Taft (S. Doc. No. 617).

The VICE PRESIDENT. Without objection, an order therefor will be entered.

Mr. SMOOT. Before the order is made, I should like to ask the Senator if the reply is simply as reported in the papers, or is it the reply actually delivered by the President? If it is simply a newspaper report, I certainly would object to its being printed as a public document unless it is absolutely correct.

Mr. REED. Mr. President, it is the prepared statement of the President given to the press, and it is as printed in this morning's Washington Post, a very reliable paper, at least when it is reporting the President.

Mr. SMOOT. I have no objection at all, if it is the reply.

Mr. REED. It bears the purported signature, in print, of course, of the President.

Mr. SMOOT. I have no objection, if it bears the signature of the President.

The VICE PRESIDENT. The Chair hears no objection, and the order is entered as requested.

PAYMENT OF MONEY IN POLITICAL CAMPAIGNS.

Mr. JOHNSTON of Alabama. From the Committee on Privileges and Elections I report back with amendments Senate resolution 79, and I submit a report (No. 681) thereon.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the resolution.

Mr. GALLINGER. I think it had better go over, Mr. President. I should like to look at it.

The VICE PRESIDENT. Objection is made.

Mr. CULBERSON. I should like to have the resolution appear in the RECORD.

The VICE PRESIDENT. Without objection, the Secretary will read the resolution before it goes over.

The Secretary read the resolution, as follows:

Resolved, First. That the Committee on Privileges and Elections of the Senate be, and it is hereby, directed to inquire and report to the Senate as early as practicable the amount of money subscribed and paid to the national committees of all political parties and the national congressional campaign committees of all political parties or to any member of such committee, or to any person acting under the authority of or on behalf of such committee as treasurer or otherwise, by any person, firm, association, corporation, or committee to influence the result or attempt to influence the result of the election November 8, 1904, and November 3, 1908, at which Representatives in the Congress of the United States were elected, giving the names of such persons, firms, associations, corporations, or committees, and the respective amounts subscribed and paid by each of them as aforesaid.

Second. That said committee is authorized to sit during the sessions of the Senate and during any recess of the Senate or of the Congress; to hold sessions at such place or places as it may deem most convenient for the purposes of this inquiry; to employ stenographers and such other clerical force as may be deemed necessary; to send for persons, books, records, and papers; to administer oaths; and that the expenses of the inquiry be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Third. That said committee shall also report to the Senate what measures, if any, are necessary to further prohibit or curtail such subscriptions and payments so as to lessen and confine them to proper and legitimate objects in relation to such elections and prevent the undue or corrupt use of money in such elections.

Mr. GALLINGER. I will ask the Senator from Texas if this is the resolution he offered some time ago?

Mr. CULBERSON. I offered it June 22, 1911.

Mr. GALLINGER. I shall not object to its present consideration. I did not understand it to be that resolution.

Mr. CULBERSON. It was reported from the Committee to Audit and Control the Contingent Expenses of the Senate March 4 last, and referred to the Committee on Privileges and Elections.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none. The resolution is before the Senate and the Secretary will report the amendments of the committee.

The amendments were, on page 1, line 2, after the word "Senate," to insert the words "or any subcommittee thereof"; in line 7, to strike out the word "committee" and insert the word "committees"; in line 9, to strike out the word "committee" and insert the word "committees"; on page 2, line 4, after the word "committee," to insert the words "or subcommittees"; in line 10, to strike out "book" and insert "books"; and in line 13, after the word "committee," to insert the words "or subcommittee," so as to make the resolution read:

Resolved, First. That the Committee on Privileges and Elections of the Senate or any subcommittee thereof be, and it is hereby, directed to inquire and report to the Senate as early as practicable the amount of money subscribed and paid to the national committees of all political parties and the national congressional campaign committees of all political parties or to any member of such committees, or to any person acting under the authority of or on behalf of such committees as treasurer or otherwise, by any person, firm, association, corporation, or committee to influence the result or attempt to influence the result of the election November 8, 1904, and November 3, 1908, at which Representatives in the Congress of the United States were elected, giving the names of such persons, firms, associations, corporations, or committees, and the respective amounts subscribed and paid by each of them as aforesaid.

Second. That said committee or subcommittee is authorized to sit during the sessions of the Senate and during any recess of the Senate or of the Congress; to hold sessions at such place or places as it may deem most convenient for the purposes of this inquiry; to employ stenographers and such other clerical force as may be deemed necessary; to send for persons, books, records, and papers; to administer oaths; and that the expenses of the inquiry be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee or subcommittee.

Third. That said committee shall also report to the Senate what measures, if any, are necessary to further prohibit or curtail such subscriptions and payments so as to lessen and confine them to proper and legitimate objects in relation to such elections and prevent the undue or corrupt use of money in such elections.

The amendments were agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DU PONT:

A bill (S. 6584) granting an increase of pension to Fanny Farley; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 6585) increasing the appropriation for the extension, alteration, and improvement of the public building in the city of Concord, N. H.; to the Committee on Public Buildings and Grounds.

A bill (S. 6586) to amend section 749, subchapter 12, of the Code of Law of the District of Columbia, relating to fraternal beneficial associations; to the Committee on the District of Columbia.

By Mr. BRISTOW:

A bill (S. 6587) legalizing certain conveyances heretofore made by the Union Pacific Railroad Co.; to the Committee on the Judiciary.

A bill (S. 6588) granting a pension to Frederick O. Nims (with accompanying papers); to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 6589) providing an appropriation for the sinking of a public well at Newkirk, Guadalupe County, N. Mex.; to the Committee on Appropriations.

A bill (S. 6590) to establish a fish-cultural station in the State of New Mexico; to the Committee on Fisheries.

By Mr. GRONNA:

A bill (S. 6591) to prohibit selling of intoxicating beverages in the Territory of Hawaii; to the Committee on Pacific Islands and Porto Rico.

By Mr. WARREN:

A bill (S. 6592) to amend the enlarged-homestead act; to the Committee on Public Lands.

By Mr. SWANSON:

A bill (S. 6593) authorizing the purchase of the Natural Bridge of Virginia; to the Committee on Agriculture and Forestry.

By Mr. WATSON:

A bill (S. 6594) granting a pension to Mary D. Pierson; to the Committee on Pensions.

By Mr. CHILTON:
A bill (S. 6595) granting a pension to Nettie Hustler; to the Committee on Pensions.
By Mr. JOHNSON of Maine:
A bill (S. 6596) to provide for the purchase of a site and the erection of a public building thereon in the town of Fort Fairfield, in the State of Maine; to the Committee on Public Buildings and Grounds.
By Mr. SANDERS:
A bill (S. 6597) for the relief of the Grand Lodge of Tennessee, Independent Order of Odd Fellows (with accompanying paper); to the Committee on Claims.
By Mr. ASHURST:
A bill (S. 6598) granting a pension to John Kinney; and
A bill (S. 6599) granting a pension to William H. Wolfe; to the Committee on Pensions.
By Mr. MYERS:
A bill (S. 6600) providing for the appropriation of money for the construction of State and interstate highways and post roads, and for other purposes; to the Committee on Agriculture and Forestry.
By Mr. GARDNER:
A bill (S. 6601) granting an increase of pension to John W. Palmer (with accompanying paper); to the Committee on Pensions.
By Mr. DAVIS:
A bill (S. 6602) granting an increase of pension to Francis M. Haynes; to the Committee on Pensions.
By Mr. SIMMONS:
A bill (S. 6603) authorizing the Secretary of the Treasury to convey to the city of Wilmington, N. C., portion of the marine-hospital reservation not needed for marine-hospital purposes; to the Committee on Military Affairs.
By Mr. JONES:
A bill (S. 6604) to amend the act of July 2, 1890 (26 Stats., p. 209), entitled "An act to protect trade and commerce against unlawful restraint and monopolies"; to the Committee on Interstate Commerce.
By Mr. STEPHENSON:
A bill (S. 6605) granting an increase of pension to Samuel Priest; to the Committee on Pensions.
By Mr. BRADLEY:
A bill (S. 6606) granting an increase of pension to Solomon Wilburn (with accompanying paper); to the Committee on Pensions.
By Mr. BOURNE:
A bill (S. 6607) granting an increase of pension to Martin J. Tunney (with accompanying paper); and
A bill (S. 6608) granting a pension to Lydia Blanke (with accompanying paper); to the Committee on Pensions.
A bill (S. 6609) to establish a parcel-post system and to fix rates of postage on certain classes of mail; to the Committee on Post Offices and Post Roads.
By Mr. ASHURST:
A bill (S. 6610) to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909; to the Committee on Public Lands.
By Mr. LEA:
A bill (S. 6611) for the relief of the estate of Marcus Stevens; to the Committee on Claims.
A bill (S. 6612) for the establishment of a fish-cultural station in the State of Tennessee; to the Committee on Fisheries.
A bill (S. 6613) granting a pension to Fred Prebe; to the Committee on Pensions.
By Mr. McCUMBER:
A bill (S. 6614) to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn. (with accompanying papers); to the Committee on Commerce.
By Mr. PAGE:
A bill (S. 6615) granting an increase of pension to Edgar Bullard (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. OLIVER submitted an amendment proposing to appropriate $10,000,000 to perform the engineering work necessary for the construction of a proposed waterway suitable for the transportation of steamships, steamboats, barges, or other vessels, from the junction of the Ohio and Beaver Rivers, Pa., by way of the Beaver and Mahoning Rivers, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. JOHNSTON of Alabama submitted an amendment appropriating $100,000 for the deepening of the channel of the outer bar connecting the Bay of Mobile, Ala., with the Gulf of Mexico, intended to be proposed by him to the river and harbor appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Commerce.

Mr. SHIVELY submitted an amendment relative to a report on the practicability and probable cost of the construction of the artificial waterway from Lake Erie at or near Toledo, Ohio, to the southerly end of Lake Michigan, by way of Maumee River and the city of Fort Wayne, Ind., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. WETMORE submitted an amendment relative to the filling of vacancies in the membership of the Board of Managers of the National Home for Disabled Volunteer Soldiers, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station in the State of Washington, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $50,000 for the establishment on the coast of the Pacific States of a station for the investigation of problems connected with the marine fishery interests of that region, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CRANE submitted an amendment proposing to appropriate $250,000 for an underground pneumatic or electric system for transporting parcels and documents between the Capitol and the House and Senate Office Buildings, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,000,000 for an underground pneumatic or electric system capable of transporting parcels and documents between the White House and the various executive departments, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

EIGHT-HOUR LAW.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, and for other purposes, which was ordered to lie on the table and to be printed.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

Mr. SMITH of Georgia. I submit a number of proposed amendments which I intend to offer on Thursday next to the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce or in the District of Columbia, and for other purposes, which is the subject set for consideration on that day. I desire to submit the amendments to the Senate to-day, and ask that they lie on the table and be printed for the information and use of the Senate.

The VICE PRESIDENT. The amendments will lie on the table and be printed.

THE METAL SCHEDULE.

Mr. CUMMINS. I present an amendment, which I shall offer at the proper time, to House bill 18642. I ask that it be printed and lie on the table.

The VICE PRESIDENT. The proposed amendment will be printed and lie on the table, without objection.

Mr. CUMMINS. Mr. President, I give notice that on Wednesday morning of this week, immediately following the routine morning business, I shall address the Senate upon the amendment I have sent to the desk, it being an amendment to what is generally known as the metal schedule tariff bill.

SPECIAL AGENTS AND SECRET SERVICE.

Mr. BORAH submitted the following resolution (S. Res. 293), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish the Senate with a statement showing the amount of money expended in the last five years for special agents and Secret Service men by that department.

Second. The number of special agents or Secret Service men now in the employ or service of that department.

Third. A full statement as to the method pursued in making reports of said special agents upon homestead entries and what opportunity is given the entryman to see and examine the reports made by special agents against their homesteads.

W. K. SPILLER AND OTHERS.

Mr. JOHNSTON of Alabama submitted the following resolution (S. Res. 294), which was read and referred to the Committee on Claims:

Resolved by the Senate, That the findings of fact by the Court of Claims in the case of W. K. Spiller, administrator of the estate of C. C. Spiller, deceased, against the United States, as contained and set forth in Senate Document No. 173, Fifty-ninth Congress, second session, transmitted to the Senate by said court December 28, 1906, and now pending on the files of the Senate, be, and the same is hereby, referred back to the Court of Claims for additional and fuller findings of fact by said court, to be reported to the Senate by said court, in order that Congress may be better informed as to the following facts, viz:

Whether the claimant decedent, C. C. Spiller, took the oath of allegiance to the United States and an oath of amnesty, and when.

Whether said decedent Spiller, subsequent to taking said oath of allegiance, entered the service of the United States, and in what capacity, and what was the character of the service performed and the time of its duration.

Whether the property mentioned in said findings as taken and used by the military forces of the United States, or by the United States, was so taken and used while said decedent Spiller was in the Government service and a loyal citizen of the United States.

Whether a military board of claims was appointed April 12, 1864, at the headquarters of the Department of the Cumberland, Chattanooga, Tenn., to fix the amount of damage sustained by the loyal citizens of that region in consequence of military occupation, and by whom appointed, and the names of the officers constituting said board, and what, if any, action was taken by said board as to said claim of the decedent, C. C. Spiller; and at what time the report of said board was forwarded to the Secretary of War and received by said Secretary, and the action taken thereon by the War Department.

Whether the claim for the loss of the steamboat Paint Rock in said findings mentioned was presented to the Government for payment and acted upon by the accounting officers of the Treasury, giving the date said claim was received by the department and finally acted upon by the accounting officers of the Government.

MISSISSIPPI RIVER LEVEES.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 102) relative to the rebuilding of certain levees on the Mississippi River and its tributaries, which were, on page 1, line 13, to strike out "funds remaining" and insert "any money," and on page 2, line 2, to strike out "may" and insert "shall first."

Mr. PERCY. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

THE METAL SCHEDULE.

Mr. SIMMONS. I desire to give notice that on to-morrow, Tuesday, after the conclusion of the morning business, I will submit to the Senate some remarks upon the bill to revise Schedule C, known as the metal schedule.

DEPARTMENT OF HEALTH.

Mr. WORKS. Mr. President, I ask that Senate bill No. 1 be laid before the Senate.

The VICE PRESIDENT. Without objection, Senate bill No. 1 will be laid before the Senate for purposes of discussion only, as the Chair understands.

Mr. WORKS. That is my desire.

The VICE PRESIDENT. The bill will be stated by title.

The SECRETARY. A bill (S. 1) to establish a department of health, and for other purposes.

Mr. WORKS. Mr. President, this bill presents some serious and important questions. For that reason I have prepared what I desire to say with more than ordinary care in order that I may be as nearly accurate as possible. I desire that what I say shall appear in consecutive order, and therefore I ask the indulgence of Senators that I may not be interrupted during the delivery of my remarks.

The speech is longer than I should like to have it; it contains a number of quotations that I shall not wish to read, and I ask in advance that I may be allowed to omit the reading of such quotations as I desire without asking leave to do so specifically in each instance.

The VICE PRESIDENT. Without objection, permission is granted as requested.

Mr. WORKS. Mr. President, I had the honor, soon after I became a member of this body, to discuss this bill from the standpoint of Christian Scientists, to whom, in its then form, it was most objectionable. Since then it has been amended in a number of material particulars, relieving it, in some respects, from the objections then urged against it. At this time I desire to consider it in a broader and more comprehensive way, as it affects not Christian Scientists alone but the whole people. This will necessarily lead me to comment not only upon the bill as it appears on its face, but upon the forces and motives behind it, and the ultimate objects and purposes of this movement, who want it, and what for.

I am sorry that I feel myself impelled by a sense of duty to say some unpleasant things, but I shall say them as pleasantly as I can, and without any intention of giving offense. I shall have to question and challenge some of the most cherished beliefs and convictions of Members of this body and of many other good people, convictions sincerely and honestly entertained by them. But I am happy to say that I entertain no sense of malice, hatred, or ill will toward any human being, alive or dead, or of unfriendly antagonism toward the views, honestly entertained, of any man. I shall not hesitate, however, to speak my own convictions freely and frankly and to point out and comment without reserve upon some of the evils that are attempted to be maintained and perpetuated by this bill and legislation which is expected to follow it.

I shall feel myself called upon to assail the motives and conduct of members of the medical profession, in their organized form, as the American Medical Association. But this is in no sense a personal matter, nor is it prompted by any sense of ill will. There are many high-minded, noble, self-sacrificing men and women in the profession who are conscientiously devoting their lives to the healing of disease and the amelioration of human suffering. In what I shall say on this subject, I am not speaking of such as these, but of the self-seeking, intolerant political doctors who are serving their own selfish interests and not the public good.

The avowed purpose of seeking new legislation was, in the beginning, to establish a department of Government with a doctor of medicine at its head, a member of the President's Cabinet, possessed of the almost autocratic, unlimited, and unrestrained power belonging to such a department. This movement was instigated and maintained by the American Medical Association, one of the most powerful trusts, in its management, in the country. While there were many sincere and honest, but misguided, people inside and outside of the association behind it, the motive power which was pressing it forward was this political branch of the association. Its officials and agents, with their powerful organization, were simply using its members and others less selfish and unpopular to deceive the public and Congress and conceal the real motives that actuated the effort. This motive and the real object, purely selfish on their part, were studiously and skillfully concealed under the mask of humanitarianism. The League for Medical Freedom, a voluntary organization composed of hundreds of thousands of citizens of all classes in all walks of life, knowing the hypocrisy of the instigators of new legislation on this subject, made common cause against it and have exposed its objects and pointed out the injurious effects of the passage of the proposed bill. One of the chief causes of complaint was that it would create a monopoly in one school of medicine, with one of their number, a Cabinet officer, at its head, to the exclusion of every other school of medicine or other modes of healing. This purpose was disclaimed by the author of the bill, the Senator from Oklahoma [Mr. OWEN], but the form of the bill, the fact that then and now all surgeons and other medical employees of the Government were and are of that school of medicine, to the exclusion of all others, and the declarations of parties interested in the bill as to their ultimate object and purpose in urging the passage of it showed conclusively that the Senator from Oklahoma was entirely mistaken.

It became so apparent that such was the purpose, and it was so obnoxious to every man who believes in medical as well as religious freedom, that friends of the bill voluntarily offered the following amendment to relieve it from this objection which they soon found would defeat it:

And provided further, That the bureau of health established by this act shall have no power to regulate the practice of medicine or the practice of healing or to interfere with the right of a citizen to employ the practitioner of his choice, and all appointments within the bureau, including the head of the bureau, shall be made without discrimination against any school of medicine or of healing.

They soon found, also, that the effort to secure a place in the Cabinet and make the health bureau a department of the Government was hopeless, and that was abandoned.

Thus shorn of the things they most desired, the bill has become unnecessary and useless. It adds no power to the several bureaus in the different departments intended to protect and preserve the public health, and can not increase their activities, except that of collecting and disseminating information. Therefore, if I did not know that this abandonment of the objectionable features of the bill was for the ulterior purpose of making it a beginning and then following it up step by step until they have attained their original object, which they could not reach

by direct action, I should have but little reason to consume the time of the Senate in opposing its passage.

But, Mr. President, I know what I am talking about when I say to the Senate that they have never abandoned their original purpose of taking over into their own hands the medical activities of the Government and of confining their administration and the enforcement of their powers in the one school of medicine to the exclusion of all others. As I shall show the Senate a little later, some of these doctors and their publications, less discreet than some others, have made the most startling statements of their intention to establish and control a state medicine in its most extreme and objectionable form. Since the bill has been amended, as I have stated, I said to one of the most earnest supporters of the idea of a department of medicine, and a distinguished citizen and educator, "Why do you want this bill in its amended form? It does not increase the powers of the medical bureaus or accomplish anything you want." He said, "It is not satisfactory to us, but it will be a beginning and we will follow it up until we get what we want," or words to that effect.

This was a frank and perfectly honest declaration of their purpose and intention, and their reason, and the only plausible reason, for accepting a bill with everything that they really wanted taken out of it by amendment.

Therefore, Mr. President, I am going to consider this bill precisely as if it provided in terms for the things to which I so seriously object, because that is the ultimate purpose which should be met at the outset, and this bill is only one step toward its final accomplishment. But for the final object in view the bill would not be worth the attention of its alleged friends.

Mr. President, there are various healing agencies at work in this country to-day. Some are schools of medical healing which depend upon drugs as the means of cure. Others depend upon manipulation of the body; others depend upon the action of one mind upon another as a means of healing; and still another upon the operation of the Divine mind in the establishment of harmony, the regeneration of man and his restoration to health by that means. To the latter the use of drugs is regarded as a menace to life and health and opposed to their conscientious religious beliefs.

These different schools and other modes of healing may be divided into groups. It is impossible in the scope of such an address as this to consider or even mention them all. I will, therefore, confine myself to a few of the leading ones of each class. In the schools of healing by drugs may be named the allopaths, the homeopaths, and the eclectics. The healing by the action of one mind over another may be classed under the general designation of mesmerism, hypnotism, or suggestion—all meaning practically the same thing—and Christian Science, the one distinctive mode of healing by the operation of the Divine mind according to the teachings of Jesus of Nazareth.

No two of these schools of medicine, or other modes of healing, agree with each other. While some of them agree in the use of drugs as a means of healing, they are entirely at variance as to the kinds of medicines to be used, the quantity to be administered, and the principle upon which the system of drug healing is based. The allopathic school of medicine is the oldest and best known. Its devotees are wholly dogmatic and intolerant. They assume that there is no other efficacious mode of healing but theirs, and that all other practitioners are incompetents and a menace to the public health. They have formed one of the most powerful organizations of any kind in the country. They are ruthlessly using that power not to improve the practitioners of their own school only but to coerce all people to accept their remedies and to suppress, by law and by persecution, the practice of other means of healing. The American Medical Association is working in every State in the Union to secure laws which will prevent any but practitioners of their school from practicing the art of healing. They have secured such laws in some of the States, as I shall show farther along, and are tireless in their efforts to secure other like restrictive laws in all other States. Having only partially succeeded in their efforts in this direction in the States, they have for a long time been besieging Congress to help them to entrench themselves with all the powers of the Government behind them where they will be supreme and may absolutely exclude all other practitioners than theirs from the practice of healing. They are using all the money and influence they can bring to bear and are practicing on the credulity of an ignorant public sentiment by the pretense that all of this is for the public good. Through their efforts the much-dreaded practice of vaccination, which has, in my opinion, sacrificed more lives than it has saved and maimed and made invalids of thousands, has been made compulsory by law; and now other serum remedies, alleged to be preventives of various diseases and equally dangerous, loathsome, and objectionable, are being forced upon the people whether they want them or not.

The officers of the Army and Navy are the willing instruments of these medical men to compel American citizens to submit to be poisoned with their loathsome preparations. If a soldier or sailor refuses to submit to vaccination or other serum treatment for typhoid fever and other diseases, he is promptly dismissed the service, or placed in irons until he submits, or is otherwise punished. And now these doctors want Congress to so legislate as to give them full control of the medical, sanitary, and hygienic activities and bureaus of the Government that their powers may be complete.

The doctors of this school hold every medical position in the Government, to the exclusion of every other school, and no one who believes in the prevention or healing of disease by any other means than theirs need apply.

Mr. President, the one great trouble is that the people do not think for themselves in any matter affecting the public health. They have preferred to rely upon the doctors and to be guided and controlled by them. Public officials and the Congress of the United States do not trouble themselves about it or hold themselves responsible. They generally evince a sublime indifference to the subject beyond what the doctors say or recommend, and the people are fleeced of millions of dollars in alleged works for the public health which had better be thrown away. They have much more faith in the doctors than the doctors have in themselves or in each other. The competent doctor has long since learned that drugs are a poison and that they do not heal. Consequently the conscientious doctor no longer gives or advises the giving or taking of drugs. But the incompetent and selfish and unworthy still makes his living that way.

The allopathic school of medicine is noted for the quantity of medicines they administer and their nauseous and distasteful character—so much so that their mode of treatment is often characterized as cruel and inhuman. So deleterious and harmful are their drugs that the homeopaths claim that a large part of their practice comes from those who have temporarily or permanently suffered from the effects of allopathic drugs. But I am glad to say that the better and more intelligent physicians of their school have given up the use of their strong drugs in a great degree. Their experience has taught them that such drugs do not heal, but engender and cause disease. Let us hope that they may soon reach that degree of intelligence that will lead them to cease the use of any drugs altogether. It would be a blessing to the human race if they would at the same time teach their patients to know what they have learned, that an inanimate drug has no healing quality and had better not be used. The people have been erroneously taught to rely upon drugs for their healing and have blindly believed in them so long that to deprive them of them would be disastrous until they learn that lesson. Drugs and the drug doctors' ministration of them have healed disease only because of the faith of the patient in the doctor and his drugs, and for no other reason. Doctors themselves bear witness to this fact.

In speaking of this subject, Dr. William Osler, formerly of Johns Hopkins Medical School, in an article in the Americana, uses this language:

> Yet after all the psychical method has always played an important though largely unrecognized part in therapeutics. It is from faith, which buoys up the spirits, sets the blood flowing more freely, and the nerves playing their parts without disturbance, that a large part of all cures arises. Despondency, or lack of faith, will often sink the stoutest constitution almost to death's door; faith will enable a bread pill or a spoonful of clear water to do almost miracles of healing when the best medicines have been given over in despair. The basis of the entire profession of medicine is faith in the doctor and his drugs and his methods. This is no new discovery. It was said by Galen that "he works the most cures in whom most have faith," and the doctor-chemist-charlatan Paracelsus, who died of taking a universal panacea too poisonous even for his confidence, told his patients to have full faith and a strong imagination and they would see the effects of it.

This is strong language to come from such a source. The truth of it will not be denied by any well-informed and conscientious medical practitioner.

I ask the Senate to consider carefully this one statement contained in this article:

> The basis of the entire profession of medicine is faith in the doctor and his drugs and his methods.

That is a remarkable statement. It comes from an eminent and noted medical practitioner of the allopathic school, and is a permanent contribution to the mass of information on the subject that can not be entered upon here, appearing as it does in one of the leading modern encyclopedias.

Mr. President, I may be pardoned if I stop here to point out the difference between the patients of medical practitioners and Christian Scientists in respect of this question of faith. The believer in the doctor and his drugs has faith in a human being and his means of cure, while the Christian Scientist has un-

shaken and supreme faith in the omnipotence and beneficent influence of the Divine Being in the healing of disease. I leave it to the candid judgment of Senators to say which of these is most worthy of faith and trust. But the Christian Scientist does not rest on faith alone, but upon such understanding as he has of the power of God to heal and upon good works by which that healing may be brought about.

The drugging system of the homeopathic school of medicine is entirely different from that of the allopathic school and is founded on a wholly different principle. I have no doubt its rise was largely due to the protest against the cruel and inhuman practices of the old school.

There are some commendable features of homeopathic medication as compared with the old school. Their medicines are less in quantity and not so nauseous or distasteful, and while they can no more heal disease, except by faith, than can the allopathic drugs, they are far less injurious to the human system. They are less harmful to humanity, and that is a good deal.

Then came the modern school of eclectics. The theory of practice adopted by this school is entirely different from the others. Its founder and his followers were still searching for a better means of healing disease and saving human life. And still mankind is not satisfied. It is beginning to be understood now by all medical practitioners that the one great thing to be done is not to heal disease, in which they have signally failed, but to prevent it. They have learned, too, that the way to prevent disease is not by the use of drugs, in the form of serums or otherwise, but in removing the extraneous causes of disease and preventing them from reaching the human body. It is generally believed by all civilized and enlightened people that lack of sanitation is, as men see things, one of the most prolific causes of disease and death. To this all schools of medicine and healing agree. Veritably cleanliness is next to godliness. But sanitation is not so much the work of the doctors or other practitioners as it is of the skilled sanitary engineer. It is claimed to have been discovered that the sting of the mosquito causes yellow fever, the bite of the fly typhoid fever, and that the ground squirrel is the carrier of bubonic plague. What is the remedy? Obviously, to exterminate the mosquito, the fly, and the ground squirrel. This does not require the services of a doctor or the use of a drug. When either of these breeders and disseminators of disease escapes and the disease is transmitted to the human body, the doctor, with his drugs, is helpless to give relief.

Going a little further in respect of the different modes of healing, we have the osteopathic school. It does not rely upon or use drugs, but relies on the intrinsic powers of the human body itself to restore healthy conditions.

We have also the practice of hypnotism, mesmerism, and suggestion. This alleged means of healing, including "suggestion," so called, is very largely used now by the old-school physician. It is an admission of the inefficacy of drugs. But it is even more dangerous in its use than the drugs themselves.

In 1866 the principle of healing, which is known as Christian Science, came into use, and is very generally practiced. It, too, discards the use of drugs. Unlike all the other modes of healing that I have mentioned, it is religious in its character. The healing is not its religion, but is incidental to and results from its religion. Its healing is not confined to its own religious believers, but is open to all men.

MOTIVE FOR ACTIVITY OF AMERICAN MEDICAL ASSOCIATION.

There is abundant evidence, which can not be reviewed here, that the efforts of the American Medical Association to secure restrictive legislation affecting other schools of healing and legislation giving its school additional powers and privileges are selfish in the extreme and intolerant and oppressive, as I shall show further along. The motive of this is not far to seek. Of later years, not only have the more modern schools of medicine encroached upon the business of the allopathic doctors and interfered with their receipts, but thousands—yes, millions—of people in this country have learned not to use medicines in any form, much to their advantage in the way of economy and better health. As a result, inroads of the most serious nature have been made on the doctor's business and profits, besides bringing their practice into serious discredit. It was perfectly apparent that something must be done to save their credit and prevent the overthrow of their system of practice. It was a desperate case, and they have resorted to desperate and questionable means to protect their profession from ruin. This movement is not in the interest of humanity, as they would have us believe, but to uphold the prestige and protect the resources of the doctors of the old school of medicine. Their own declarations prove this beyond controversy. I shall a little further along submit for the consideration of the Senate some of their own declarations to that effect, to which others, almost without number, might be added, if it were necessary, coupled with the most startling statements of the extraordinary means resorted to to accomplish their object.

There is no public demand for this legislation. There is no sentiment in favor of it except that of one school of medicine and such as they have manufactured in their own selfish interests under the hypocritical pretense that it is for the public good.

HOW THEY OPERATE.

The doctors of the old school had possession. The people had become dependent upon them for help because they had not yet learned a better way. It was the fear that they would find a better way that spurred them to action. They have not been willing to stand upon their merits and be judged by their fruits; they have fought and persecuted every new school or mode of healing. They have appealed to the legislatures of the States for laws that were prohibitory of other schools and making the practice of medicine by them a crime, and have succeeded in many of the States in procuring such legislation. Their favorite scheme is to have established a board of health in every State, and every county in every State, composed of doctors of their school, and then procure a law making it a criminal offense to practice medicine or healing without first securing a license to practice from their board of health. They opposed and persecuted the homeopaths, the eclectics, and the osteopaths in turn, denouncing them as charlatans, quacks, and incompetents. None of these could, in the beginning of these tactics, procure one of their licenses to practice. But this did not work very long. As these other schools of medicine became stronger and better appreciated by the people legislatures refused to pass these prohibitory laws, and governors of States sometimes vetoed them if they were passed.

The new schools have forced their way into public favor, notwithstanding all this unjust opposition, and now other schools of medicine are given places on boards of health and applicants for licenses to practice by physicians of their schools are given separate examinations by members of their own profession. Every new school or method of healing has been compelled to meet with this same kind of unjust opposition and persecution, and much of it has been accomplished through the legislatures of the States. Many of the better class of allopathic physicians have deplored and opposed this mode of meeting opposition. It has been done mostly by and through the American Medical Association. To secure such restrictive and prohibitory legislation has been one of the chief objects of the association. Of later years their efforts have been directed more particularly against the Christian Scientists. The association has its branches and emissaries in every State and every city of any size in every State. They infest the legislatures of every State in the Union and present bills at every session until they succeed in securing the restrictive laws they want. At this present day they generally fail, but they continue their efforts with an energy and persistency worthy of a better cause. In some of the States, notably in Maryland, Ohio, and Missouri, they have made it a crime for a Christian Scientist to practice healing or to accept compensation therefor.

A conspicuous illustration of their methods may be found in a late order procured by the doctors affecting the Panama Canal Zone. They had an allopathic board of health, with a former president of the American Medical Association at its head. They procured from the President an order in the following form:

EXECUTIVE ORDER TO PROHIBIT THE PRACTICE OF MEDICINE, SURGERY, DENTISTRY, PHARMACY, OR MIDWIFERY WITHOUT A LICENSE.

By virtue of the authority vested in me, I hereby establish the following order for the Canal Zone:

SECTION 1. It shall be unlawful for any person to practice or attempt to practice medicine, surgery, dentistry, pharmacy, or midwifery within the Canal Zone without first having obtained a license therefor from the Board of Health of the Canal Zone. Any person thus offending shall be punished by a fine not exceeding twenty-five dollars ($25) or by imprisonment in jail not exceeding thirty (30) days, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That this order shall not apply to commissioned surgeons of the United States Army and Navy or Marine-Hospital Service, nor to physicians, surgeons, dentists, or pharmacists and their assistants and nurses employed by the Isthmian Canal Commission, nor to nurses acting under the orders of a licensed physician

SEC. 2. Any person shall be regarded as practicing medicine within the meaning of this order who shall prescribe for, operate on, or in any wise attempt to heal, cure, or alleviate, or who shall in any wise treat any disease or any physical or mental ailment of another: *Provided*, That nothing in this order shall be construed to prohibit gratuitous services in case of emergency or to the administering of ordinary household remedies.

SEC. 3. This order shall take effect sixty (60) days from and after this date.

WM. H. TAFT.

THE WHITE HOUSE, *October 14, 1911.*

It will be seen that they so defined the practice of medicine in this order as to make it a crime to attempt to ameliorate

sickness or disease in any form or by any means other than their own.

Section 2 of the order would have had the effect to exclude from practice in the Canal Zone every school of medicine except the allopathic school, including Christian Scientists and any and all persons who attempted to cure disease or alleviate suffering in any way by prayer or any means not included in the term "practicing medicine."

Section 3 provided in express terms "that any person shall be regarded as practicing medicine within the meaning of this order who shall in any wise attempt to heal, cure, or alleviate, or who shall in any wise treat any disease or any physical or mental ailment of another." There was no exemption whatever made of any mode of treatment. The evident purpose of the order, as drawn, was to give the allopathic school of medicine absolute and unlimited control of medical affairs in the Canal Zone to the exclusion of every other mode of healing.

When the attention of the President was called to this fact he said at once that he had understood that Christian Scientists were not to be disturbed in their practice by the order, and that if it could be construed as having that effect he would see that it was modified. The matter was taken up with the President and the Secretary of War, who gave it the most careful and conscientious attention, and finally modified the order by inserting the following clause:

Provided, That nothing in this order shall be construed to prohibit (a) the practice of the religious tenets of any church in the administration of the sick or suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation, provided that such sanitary laws, orders, rules, and regulations as now are, or hereafter may be, in force in said Canal Zone are complied with.

Christian Scientists made no objection to the provision in the order protecting the sanitary regulations of the Canal Zone and their enforcement, but frankly said to the President and Secretary of War that they believed in sanitation, and that the order might be made as strong with respect to that matter as they desired to have it.

But, Mr. President, this Canal Zone order was not the only law, by many, obtained and attempted to be obtained by the American Medical Association. Every State in the Union has some law regulating the practice of medicine and surgery, and every State has a State board of health or examiners from whom a license must be obtained to entitle anyone to practice medicine or surgery. The doctors have gone to extraordinary lengths in the attempt to protect themselves in a monopoly of healing and to exclude from the exercise of their rights all other modes of healing than their own. In the procurement of boards of health, either State or county, the allopathic physicians, acting through the American Medical Association, usually have boards composed solely of their school of medicine, or, if other schools are allowed to be represented, as they are now in many of the States, the allopathic school, usually called by themselves "regulars," invariably have there a majority or a greater number of members on the board than that of any other school of medicine.

In some of the States separate boards of examiners or health boards are provided for three different schools of medicine, namely, the regular or allopathic school, homeopaths, and eclectics. But in no instance, so far as I know, is a majority of members, where there is but one board, given to any but the regular school. Having procured a board of examiners, or board of health, as they are sometimes called, they seek legislation in the different States providing that no one shall practice medicine or surgery until they have procured a license so to do from such board. To this Christian Scientists would make no objection, as they are not practicing medicine or surgery, and their mode of treatment is not within the scope of the title to these various bills. They are almost invariably given the title of bills "to regulate the practice of medicine and surgery," and sometimes midwifery, as indicated in the title. But they meet this situation by providing expressly what shall be included in the term "practice of medicine and surgery," and so define the term as to include modes of healing and practice that are not within the meaning of the words at all.

It may be interesting to the Senate to follow in a brief way the course of legislation on this subject.

With respect to the body of the laws for regulation of the practice of medicine and surgery, these laws, with very few exceptions, provide, first, that no one shall practice without first having obtained a license from the board established by the act. Then they provide just who and what kinds of practice shall be included within the terms of the statute. The ingenuity displayed by these political doctors who have been lobbying for years in every legislature in this country in their effort to insert in these laws some provision that will maintain their monopoly of the practice and exclude everybody else, challenges my admiration. The fact that many of such laws are in exactly the same language shows conclusively that they have been the work of one moving power.

I am going to trouble the Senate by a brief review of these different statutory provisions. They are exceedingly interesting. Of course where the statute contains no definition of the practice of medicine and surgery, no mode of healing that does not use drugs or the knife would be included in its terms or affected in any way. Some of the States have left them just in that condition, and therefore such modes of healing may be practiced in those States beyond doubt.

But, taking up the States in their order: In Alabama no exemption is contained in the statute affecting the question I am now discussing, and the definition of a practitioner within the meaning of the act is as follows:

Any person who treats or offers to treat diseases of human beings by any system whatsoever is considered to be practicing medicine.

Nothing could be more absurd or unjust than this. Everyone knows that the Christian Science mode of practice, for example, is not practicing medicine, because they do not believe in medicines of any kind—do not use them or prescribe them—but are conscientiously opposed to their use. That a legislature of a State should falsify the facts, as is done in an act of this kind, in order to exclude people who are conscientiously endeavoring to heal disease and who have brought health, happiness, and contentment to thousands and thousands of people notwithstanding these restrictive laws, is almost beyond comprehension. It has been done at the instigation of medical practitioners, acting through the American Medical Association, whose attempt is to selfishly retain in themselves a monopoly of healing and exclude everyone else. It is singular that the legislature of a State should allow itself to be used in any such way.

In Arkansas no exemption is made, and when I say no exemption is made I mean as affecting the question which I am now considering, and in defining the scope of the act it is made to include anyone who—

prescribes or directs for the use of any person or persons any drug or medicine or other agency for the treatment, cure, or relief of any bodily injury, deformity, or disease.

In California Christian Scientists are excluded from the effects of the statute.

In the State of Colorado the exempting clause provides:

The act does not prohibit gratuitous service in case of emergency, nor the practice of the religious tenets of any church.

Under this exemption the courts of Colorado have held that it applies only to the exercise of religion by a church as a body, and therefore it does not exempt or protect a Christian Science practitioner, who exercises the right of healing, from the penalties of the statute.

In the following States, be it said to their credit, Christian Science is exempted from the provisions of the statute, in express terms: Connecticut, Massachusetts, New Hampshire, North Dakota, and South Dakota.

In the following States the definition of the act includes the following provision, either in the same words or words having the same meaning and effect: Delaware, Michigan, Minnesota, Nevada, and New Mexico:

* * * to suggest, recommend, prescribe, or direct for the use of any person any drug, medicine, appliance, or other agency, whether material or not material, for the cure, relief, or palliation of any ailment or disease of the mind or the body.

In the District of Columbia there is no definition of the meaning of the term "practicing medicine or surgery," and therefore Christian Scientists, of course, are not included within its provisions or penalties. The same is true of a number of the States.

In Georgia the act is made to include:

Any person practicing medicine or surgery who prescribes for the sick or those in need of medical or surgical aid and who charge or receive therefor money or other compensation or consideration directly or indirectly.

The meaning and effect of that statute, of course, turns upon the word "prescribes," which, I assume, would apply only to medical treatment.

The statute covering Hawaii includes:

* * * any means or method or any agent, either tangible or intangible, for the treatment of disease in the human subject.

The language of the statute of Idaho, in defining the scope of the act, is not as clear as it should be, but according to my construction of it it includes only (as every statute of this kind should) medical or surgical practitioners.

In the State of Illinois this exempting clause is found in the statute:

Nothing in this act applies to * * * any person who administers to or treats the sick or suffering by mental or spiritual means without the use of any drug or material remedy.

In Indiana there is no exemption and—

* * * to heal, cure, or relieve, or to attempt to heal, cure, or relieve, those suffering from injury, or deformity, or disease of mind or body—

Is included in the term "practice of medicine" within the meaning of the act.

In Iowa there is no exemption, and it is provided in the act that—

Anyone is regarded as a physician who publicly professes to be a physician, surgeon, or obstetrician and assumes the duties thereof, or who makes a practice of prescribing and furnishing medicine for the sick, or who publicly professes to cure or heal.

In Kansas the exempting clause is as follows:

Nothing in this act shall be construed as interfering with any religious beliefs in the treatment of disease: *Provided*, That quarantine regulations relating to contagious diseases are not infringed on.

In Kentucky the definition of the act includes persons who shall—

treat or attempt to treat any sick or afflicted person by any system or method whatsoever for reward or compensation, or to announce to the public in any way a readiness to treat the sick or afflicted.

But Christian Scientists are excepted by name.

In Louisiana there is this exemption:

Nothing in this act, however, shall be construed to prohibit the practice of the religious tenets of any church whatsoever.

In Maine Christian Scientists and osteopaths are expressly exempted from the terms of the act, together with—

any other method of healing, if no poisonous or dangerous drugs are employed nor surgical operations performed.

In the State of Maryland the medical boards certainly have full control, for it is provided in express terms that Christian Scientists are not exempted from the terms of the statute.

In Michigan no exemption is made, and the act is made to include all persons who—

attempt to diagnose, cure, or relieve any human disease, ailment, defect, or complaint, whether of physical or mental origin, by attendance or by advice, or by prescribing or furnishing any drug, medicine, appliance, manipulation, or method, or by any therapeutic agent whatsoever.

There is no exemption in Minnesota, and the defining clause of the statute includes any—

agency for the treatment, care, or relief of any wound, fracture, or bodily injury, infirmity, or disease.

In Mississippi there is no exemption and no definition of the meaning of the terms of the act, in which case, of course, Christian Scientists are exempted because they are not practicing medicine.

In Missouri there is no exemption, and the definition includes—

* * * any person attempting to treat the sick or others afflicted with bodily or mental infirmities.

I shall come to the State of Missouri a little further along and disclose to the Senate the extent to which the board of health of the city of St. Louis has gone in attempting to suppress the practice of Christian Science under this statute.

There is no exemption in the State of Montana, and the act is made to apply to any—

agency, whether material or not material, for the cure, relief, or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound, fracture, or bodily injury or other deformity, after having received, or with the intention of receiving, therefor, either directly or indirectly, any bonus, gift, or compensation.

In a number of the States the right to practice Christian Science is made to turn upon the question of compensation. It was conceived that a law absolutely forbidding Christian Scientists to heal disease would be unconstitutional, and in order to avoid that contingency it was believed that they might be prevented from practicing by forbidding them to receive any compensation for their services. In that the legislatures and the doctors who procured this kind of legislation have been greatly mistaken. Christian Scientists do not practice the healing for money alone, and the practice of healing by them is gradually and steadily increasing in all of the States where this unjust provision has been made by law.

In Nebraska the law contains no exemption, and has this provision defining the scope of the act:

Any person shall be regarded as practicing medicine who shall operate or profess to heal or prescribe for or otherwise treat any physical or mental ailment of another.

The statute in the State of Nevada contains the provision above mentioned in the State of Montana, and almost in the exact language.

In the New Jersey statute the language is peculiar. There is no exemption affecting this question, and this provision is inserted in the definition clause:

The act applies to all persons professing and attempting to cure diseases by means of the so-called systems of "faith curism," "mind healing," "laying on of hands," and other similar systems.

I do not know whether or not the distinguished lawmakers of the State of New Jersey understood that Christian Scientists would be included in that category. Certainly they would not place themselves there. So far as I know, the courts of that State have not been called upon to determine what is included in that definition.

In the provision in the New Mexico statute, in defining the words "practice of medicine," the language is precisely the same as I have stated for Montana and Nevada.

In New York this clause is inserted in the definition of the practice of medicine: Anyone—

who shall either offer or undertake by any means or method to diagnose, treat, operate, or prescribe for any human disease, pain, injury, deformity, or physical condition.

North Carolina has no definition and therefore does not affect the rights of Christian Scientists.

In Ohio the defining clause is made to include any person who administers—

treatment of whatever nature for the cure or relief of a wound, fracture, or bodily injury, infirmity, or disease—

for a compensation.

This clause in the Ohio statute has been construed by the courts to apply to Christian Scientists, and they are positively forbidden in that State to practice healing for a consideration.

In Oklahoma the defining clause limits the operation of the statute to the practice of medicine and surgery in the proper sense of those terms, and therefore does not prohibit other modes of healing.

The State of Oregon may be regarded as in the same condition, except that the language of the defining clause of the statute is somewhat ambiguous and uncertain.

In Pennsylvania, again, there is no defining clause.

The statute of the Philippine Islands is made to apply to anyone who shall "treat" any person for any ailment.

In Porto Rico the language of the statute is almost precisely the same as that of Montana and Nevada.

The State of Rhode Island has a reasonable and proper definition of the practice of medicine and surgery, and does not prohibit other modes of healing.

The language of the South Carolina statute is the same as that of the Philippine Islands.

The statute of Tennessee is made to apply to anyone who "treats or professes to treat" any person for any physical ailment, the same as in the Philippines and Porto Rico.

The statute of Texas provides that there shall be no discrimination against any school of medicine nor apply to masseurs practicing massage and provides in the defining clause that—

Any person shall be regarded as practicing medicine who shall * * * treat or offer to treat any disease or disorder, mental or physical deformity, or injury by any system or method or to effect cures thereof and charge therefor, directly or indirectly, money or other compensation.

This is another of the statutes which makes the right to practice Christian Science depend upon the charging of a compensation.

The State of Utah has this provision in the exempting clause:

This act does not prohibit * * * those healing by spiritual means without pretending to have a knowledge of medicine.

In Vermont there is no exemption, and the act is made by the defining clause to apply to all persons who—

prescribe, direct, recommend, or advise, give or sell for the use of any person any drug, medicine, or other agency or application for the treatment, cure, or relief of any bodily injury, infirmity, or disease, or who follows the occupation of treating disease by any system or method.

The defining clause in the statute of Virginia makes the statute apply to persons who—

cure or relieve those suffering from injury or deformity, or disease of mind or body, or advertise or announce to the public in any manner a readiness or ability to heal, cure, or relieve those who may be suffering from injury or deformity or disease of mind or body.

The exemption clause is as follows:

Nothing in this act shall be construed to affect or to limit the practice of the religious tenents of any church in the ministration of the sick or suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation, provided sanitary laws are complied with.

The exemption clause in the statute of Washington includes the following:

Nor is the act "to discriminate against any particular school of medicine or surgery or osteopathy, or any system or mode of treating the sick or afflicted, nor to interfere in any way with the practice of religion."

The defining clause of the statute of West Virginia confines the effect of the act to the practice of medicine, as every such act should in justice be confined.

The statute of Wisconsin is in like condition.

There is no exemption in the statute of the State of Wyoming and the defining clause contains the following:

Any person is regarded as practicing medicine who in any manner holds himself out to the public as being engaged in the diagnosis and

treatment of diseases or injuries or deformities of human beings, or who suggests, recommends, or prescribes any form of treatment for the intended palliation, relief, or cure of any physical or mental ailment of any person, with the intention of receiving therefor, either directly or indirectly, any fee, gift, or compensation.

Another of the statutes turning upon the question of charging for services rendered.

The statutes containing these various peculiar provisions, especially those bringing within the terms of the statutes for the regulation of the practice of medicine and surgery all persons who are healing disease by altogether different means and without the use of medicines or surgery, show the extent to which the American Medical Association has gone in attempting to hold in the hands of its own profession and school of medicine the treatment of disease, and how obliging the legislatures of the different States have been in giving false definitions of the practice of medicine and surgery in aid of this effort on their part. If these unjust and, in many cases, unconstitutional statutes should be enforced Christian Scientists would be in many of the States absolutely prohibited from any attempt to heal disease or alleviate suffering in any form; but, fortunately, the people of this country are more enlightened, intelligent, and tolerant than the doctors or their legislators in many cases. The doctors have made the most strenuous efforts to enforce these statutes in various States. Their efforts have usually been failures. Generally jurors will not convict in such cases, even if the statute has been violated, as the beneficent work of Christian Science has become so well known throughout the country, resulting in the healing of thousands of people after the doctors had given them up as incurable, and has convinced pretty much everybody except the doctors, whose selfish interests are involved, that they are doing a work which should be commended by all good citizens instead of making it a criminal offense to exercise their right of healing.

I am going to trouble the Senate now for a time by showing just what has been done in some cases by the medical practitioners in attempting to enforce these prohibitory statutes which they themselves have brought about for selfish purposes in the prosecution, even persecution, of those who have conscientiously endeavored to heal disease and alleviate suffering by means in which they thoroughly believe and which have been eminently successful.

I can give only a very few of these cases, as time will not permit me to go into many of them. If I could bring before the Senate of the United States all of the cases of persecution that have grown up under the prohibitive statutes which I have called to its attention it would arouse the just indignation of every Member of this body.

I now call attention to one case which is in point. I have called to the attention of the Senate the provisions in the statute of the State of Missouri which makes it a penal offense for any person to attempt to treat the sick or those afflicted with bodily or mental infirmities unless they have procured a license to practice medicine or surgery from the board of health, authorized by the statute to issue such licenses. Of course, Christian Scientists can not procure a license from a medical board of examiners or board of health, because they are neither medical practitioners nor surgeons. Therefore, under this statute, every person who ministers to the sick or injured without such a license is made subject to a penalty.

Bertha Reichenbecher was a Christian Science practitioner and a reader in one of the churches in the city of St. Louis. She was urgently requested to attend a man who falsely claimed to be seriously ill. She responded to the call and accepted a fee of $1 that was pressed upon her by the alleged patient. The man was a decoy of the health department of the city, who pretended to be ill in order to detect Miss Reichenbecher in the act of practicing Christian Science healing. The bill he gave her was marked. Officers were waiting for her at the door and arrested her for the alleged offense and took her to the police station and treated her throughout with unnecessary indignities. But I shall let Miss Reichenbecher give the particulars of the occurrence. She has made a succinct statement of the whole matter in a sworn affidavit, which is as follows:

STATE OF MISSOURI, *City of St. Louis, ss:*

Personally appeared before the undersigned, a notary public within and for the said city of St. Louis, Bertha Reichenbecher, who, being duly sworn on oath, deposes and says, viz:

"My name is Bertha Reichenbecher; am 45 years of age, and unmarried. I reside at No. 1726 Oregon Avenue in the said city of St. Louis, where I keep house with my mother, who is now 91 years of age. I have been a member of local Christian Science churches for the past 12 years. I am now a member and the second reader of Third Church of Christ, Scientist, in St. Louis, and have been a member of the First Church of Christ, Scientist, of Boston, Mass., since 1907; am also a Christian Science practitioner, and have been for two years past.

"On Friday, December 15, 1911, a young woman, giving her name as Hazel Miller, applied to me at my home for Christian Science treatment, saying that she had obtained my name from another Christian Scientist and that she has also heard me read in the Christian Science Church. I gave her a treatment, and she requested me to call the next morning to see her brother, who, she said, was confined to the house with Bright's disease. She gave her residence as No. 2118 Oregon Avenue. There was nothing said by either of us about payment for the treatment. The next morning at 11.15 I called at that address and found the young man lying on a couch, covered, and with a bottle of medicine and a pipe on a chair beside him. After a short talk I gave him treatment and arranged that he should call at my home the following Monday, as he had arranged for a week's treatment. I had started for the door when he called me back and insisted that his 'sister' pay me for the treatment. I asked them to wait until I was through with the case, but he insisted that I accept payment then for the treatment given. They paid me $1, and I departed. Upon reaching the corner of Oregon and Russell Avenue, a man stood facing me, who bowed as I approached, and said, 'You are Miss Reichenbecher?' I replied, 'Yes,' and shook hands with him, thinking he was some one I had met and whose name I could not recall. He said, 'My name is Coats; I am an officer of the law, and must arrest you for practicing Christian Science without a license.' I asked if he had been watching my house. He replied, 'We do not give away our methods.' I then said that I could not understand why they should entrap me in this way, when they might go and find Christian Science practitioners in their offices all over the city. He made no reply. I asked permission to go to my home, a little over a block away, and inform my mother, who is 91 years old, that I would be away for a little while; but he would not permit me, saying that I could use both telephones when I reached the station. We then took the Tower Grove car to the central station, and he reported to Acting Sergt. Singleton. I telephoned to Mr. John Ashcroft that I had been placed under arrest. It was 12.30, as near as I can remember, when we arrived at the station. I told them that my bondsman and attorney would be there as quickly as possible. After giving my name, etc., Officer Coats, who arrested me, escorted me to the second floor and I was turned over to the matron. There was some woman present who had slept there several nights, having been under arrest, to whom the matron said in sharp, impatient tone, as I entered, 'Turn your back.' She then said to me in the same tone, 'Take off your things.' I said, 'Why? Shall I have to wait long? I am waiting for my bondsman and attorney.' She said, 'You will probably be here some little time.' She then said, 'Take off your hat.' When I did so, she took it and untied the lining; felt all over the hat, inside and out; and requested me to take off my coat. She emptied my pockets, and asked whether there were only two pockets in the coat, after shaking the same. She then said, 'Put down your bag; now take off your waist.' I said, 'Why, do you mean to search me?' She replied, 'Yes.' I grew red, I know, and said, 'Why, I am not arrested for theft; do you know what I am arrested for?' She said, 'Yes; we have had lots of your kind, and we have to take these measures to get rid of them.' I remarked, 'I have been arrested for practicing Christian Science without a license.' She said, 'I know—drop your skirts.' I stood but 3 or 4 feet from a door which contained a glass panel, across which a narrow towel had been stretched, leaving some inches of the glass exposed at the top. I turned, and said, 'Why, look; I can see those men's heads.' She said, 'That don't matter; they can't see anything.' I reiterated at different times, 'This is awful, to be compelled to be searched as though I had committed a theft'; and I remarked that Miss Dyer had been arrested several weeks before, and I asked whether she had been subjected to this ordeal. She said she did not remember; she supposed so. She requested me to unfasten my garters and remove my corsets, which article she carefully searched, and she then told me to take off my shoes and turn down my stockings to the feet. This left me with nothing but my undergarments on, and she felt carefully over my entire body and also through my hair. While she searched I could also hear the voice of Mr. Priesmeyer, my bondsman, talking in the next room.

"During our conversation I asked the matron if she knew anything about Christian Science, and she said very little; that one lady at one time gave her a rather intelligent answer to the question as to what Christian Science was; and she asked me what Christian Science was. I said, 'Prayer, and keeping the heart close to God.'

"After dressing, she asked me to count out the money in my purse, laying dollars together, and to turn out everything that was in it. There was $12.86 in the purse. My bag or purse was then handed to the two men in the next room (Coats and Lawrence), and, as the door was opened a number of times while I was in there, I saw them counting the money and going through the contents of my bag. These men put my money in an envelope and marked it '11.86.' I did not know until I saw the statement in the newspaper two days later that they had taken the marked dollar bill, which Lawrence had given me, out of my purse, nor did I know that the dollar was marked.

"While the matron did not handle me roughly, she treated me in exactly the same manner she would have exercised with any criminal who was turned over to her. While I did not resist physically, I certainly made strong protests against being subjected to the search. I treated her with the courtesy with which I treat everyone, and when I left I said 'good-day' to her, as I did not blame her for the treatment I had received, since she assured me she was only carrying out orders.

"Later, when I was permitted to go into the next room, there was another man who required me to sign my name in a book, and he escorted me to the room downstairs where my bag had been left, and there it was turned over to me.

"BERTHA REICHENBECHER."

Subscribed and sworn to before me this 15th day of January, 1912. My commission expires May 30, 1914.

[SEAL.] OLIVER FRAZIER,
Notary Public, City of St. Louis, Mo.

This disgraceful proceeding aroused the indignation of the good people of St. Louis. The prosecuting attorney denounced the proceeding as a "frame-up" and refused to prosecute the case. The newspapers, including some medical journals, denounced the proceedings in unmeasured terms. One of the newspapers of the city, after giving a full account of the affair and commenting severely upon the conduct of the board of health, had this further to say:

PHYSICIAN DENOUNCES COMMISSIONER.

The next step in protest against municipal and medical tyranny was taken a few days later when Dr. Paul Fletcher, a member of the city council and a prominent doctor, introduced resolutions in the council

condemning the action of Dr. Starkloff in gathering evidence. The council defeated the resolutions. Dr. Fletcher defined his position as follows:

"The health commissioner has caused employees to faint, and the methods are repugnant to many of our esteemed citizens; it is a travesty on the law and subversive of right and justice. It is wrong to put a woman in jail who has committed no crime. I am a physician, but if our law officers are compelled to resort to such methods it is time to rise up in protest.

The opposition of medical journals to Christian Science was clearly shown, but it is some consolation that some of them denounced this proceeding and declared for common decency in the treatment of such cases. I wish this might be said of the doctors who usually deal with matters of this kind. They are trying to enforce such prohibitory laws rigorously and without mercy with the hope of suppressing such treatment of disease entirely. It is a hopeless task as well as a brutal attempt to deprive thousands of our people of the right to resort to the remedy of their own choice for relief from disease. If the teachings of Christian Science are false, if the principle of healing its people believe in is not true and their pretensions a fake, Christian Science will not survive. If it is the truth it will prevail, and no restrictive or prohibitory laws nor any amount of persecution can overthrow it or force them to forego their right and their religious duty to heal the sick. They believe, and I concur in that belief, that any law that forbids or interferes with this right and duty is in violation of the Constitution of the United States and should be treated accordingly. I shall come to this question further along.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. LODGE. I ask that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. If the Senator from California will withhold for a moment, the Chair will lay before the Senate sundry messages from the House of Representatives.

Mr. WORKS. Certainly.

HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA.

The PRESIDING OFFICER laid before the Senate the request of the House of Representatives to be furnished with a duplicate engrossed copy of the bill (S. 2224) to amend "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910, the bill having been lost or mislaid, and by unanimous consent the request was ordered to be complied with.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 5624) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was, on page 7, to strike out lines 7 to 10, inclusive.

Mr. McCUMBER. Will the Chair state to what item the amendment refers?

The PRESIDING OFFICER. The Trimble case.

Mr. McCUMBER. I move that the Senate disagree to the House amendment, ask a conference with the House on the disagreeing votes of the two Houses, and that the Presiding Officer appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. BURNHAM, Mr. BRADLEY, and Mr. POMERENE conferees on the part of the Senate.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4623) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was, on page 5, line 11, to strike out "Slightain" and insert "Slightam."

Mr. McCUMBER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 5194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, which were, on page 2, to strike out lines 9 to 17, inclusive, and, on page 3, to strike out lines 9 to 12, inclusive.

Mr. McCUMBER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 5670) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was, on page 13, to strike out lines 5 to 8, inclusive.

Mr. McCUMBER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 5045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which were, on page 23, to strike out lines 21 to 24, inclusive, and on page 32 to strike out lines 10 to 13, inclusive.

Mr. McCUMBER. I move that the Senate concur in the House amendments.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 16493. A bill to correct the military record of William Z. Norman was read twice by its title and referred to the Committee on Military Affairs.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 23063. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war;

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 23557. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 23765. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

WIRELESS TELEGRAPHY ON OCEAN STEAMERS.

Mr. BOURNE. Out of order, I should like to report from the Committee on Commerce the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radiocommunication on certain ocean steamers," approved June 24, 1910, and to ask unanimous consent for its present consideration.

Mr. BACON. I would have no objection in the world to that being done if it were not in violation of the positive rule of the Senate, and we ought not to have a rule unless we are going to enforce it. It is the duty of the Chair, even without any suggestion from the floor, to enforce that rule. The rule was adopted to correct a very great evil.

Mr. LODGE. The rule makes it the duty of the Chair to enforce it without attention being called to it.

Mr. BOURNE. Then I ask that the bill may go on the calendar.

Mr. BACON. No; I must object. The Senator can not offer it for any purpose.

The PRESIDING OFFICER. Objection is made. The Senator from California will proceed.

DEPARTMENT OF HEALTH.

Mr. WORKS. I desire to take up one or two other cases of prosecution under the prohibitory or restrictive State statutes. The following newspaper account of conditions in New York is interesting:

ARRESTS IN NEW YORK—CASE AGAINST MRS. MOSBACH RESULTS IN ACQUITTAL—GRAND JURY REFUSES TO INDICT ONE MAN.

The status of the "irregular" practitioner in New York City is still an unknown quantity. The latest case that has come up is that of Mrs. Margaret Mosbach, whose daughter, Kathryn, was found by the coroner to have died on November 30, 1911, of diphtheria, under treatment by a Christian Science practitioner, Mrs. Marie Roberts, of the Bronx. On January 5 a coroner's jury, containing many of the most prominent men of the Bronx, acquitted Mrs. Mosbach of willful neglect in failing to call a physician for her daughter. The verdict of the jury raised the question of needed legislation to prevent occurrence of such cases.

WHY NOT ARREST DOCTORS, TOO?

Mr. Virgil O. Strickler, former first reader of the First Church of Christ, Scientist, New York, commented on the Mosbach case in a lecture. Mr. Strickler said that the New York World had published a list of 32 children who had died under Christian Science treatment

during the last 13 years. The newspapers always publish such cases in glaring headlines, he said, but the people's attention was not called to cases proving fatal under regular physicians. Against 1,715 deaths in New York alone from diphtheria during 1910 of young children under care of doctors, only 10 from that cause had occurred in 13 years under Christian Science treatment over the entire Nation. "Really," he concluded, "in all fairness, why should not the doctors be arrested for allowing these children to die under their treatment, the same as a Christian Science practitioner is arrested when one patient dies from the same disease under her treatment?"

GRAND JURY REFUSES INDICTMENT.

This recent case recalls the arrest about a year ago of Willis V. Cole, Byron W. Winslow, and Julius Benjamin, Christian Scientists, after the machinations of a woman detective who feigned illness and asked them for treatment. They were held for the court of special sessions, but had the trials transferred to the court of general sessions. This gave the grand jury an opportunity to pass upon the merits of the cases, and the grand jury investigating Mr. Winslow's case refused to indict. The cases of Cole and Benjamin are still pending, and will probably be made test cases to decide the rights of unlicensed practitioners.

Mrs. Mosbach was charged with neglect in trusting to Christian Science treatment in case of her daughter who died of diphtheria and not calling a doctor. It is quite a common thing to censure anyone who fails to call a doctor where death ensues. If a doctor is called and the patient dies no one is to blame. If a doctor loses a patient it is called a misfortune. The same thing if a Christian Scientist is the attendant is a crime.

This further account of the New York situation is from the New York World:

WHY NOT ARREST DOCTORS WHEN PATIENTS DIE? (VIRGIL O. STICKLER)—THERE WERE 1,715 DIPHTHERIA DEATHS IN CITY IN 1910—UNDER "SCIENCE" TREATMENT 1 IN 13 YEARS—FIRST READER QUOTES FROM VITAL STATISTICS—PROTESTS AGAINST ADVOCATES OF THE DRUGGING SYSTEM ATTEMPTING TO DICTATE.

When the World published two weeks ago a list of 32 children who had died of diphtheria and other diseases during the last 13 years while being treated by Christian Science practitioners it moved Virgil O. Strickler, the first reader of the First Church of Christ, Scientist, Ninety-sixth Street and Central Park West, to compile a few statistics from the vital records of the city to set against the list. This is his response as he made it when lecturing to the Sixth Church of Christ, Scientist, in Lexington Hall, No. 158 East Fifty-eighth Street, Tuesday night.

Many people do not understand why Christian Scientists have more faith in Christian Science treatment than they have in drugs. The reason is very plain, said Mr. Strickler. They get better results under Christian Science than they formerly obtained under the drugging system.

The World published on Sunday the names of 32 children who, it claimed, had died under Christian Science treatment in the United States during the past 13 years. Whenever a person, and especially a child, dies under Christian Science treatment the fact is published under glaring headlines in the papers, and as a rule somebody is arrested. It is safe therefore to assume that the list published contained the names of all the children who have died under Christian Science treatment during the last 13 years.

In the published list of names 10 are said to have died from diphtheria, 5 from pneumonia and bronchial pneumonia, 2 from scarlet fever, and the remainder from a variety of causes.

WHAT NEW YORK RECORDS SHOW.

I hold in my hand an official report of the department of health of the city of New York for the year 1910, which shows that during the last year there were 1,715 deaths from diphtheria, nearly all children under 15 under the care of doctors in this city alone, as against 10 deaths from the same cause under Christian Science practice in the entire United States in 13 years. Of these 10 cases, only 1 was in New York City.

The official report also shows that there were 953 deaths in the city last year from scarlet fever under medical treatment, nearly all of which were children, as against 2 in the entire United States in 13 years under Christian Science treatment, and not one of those was in this city.

The results in pneumonia and bronchial pneumonia are even more startling. The official report shows that 10,519 people died in the city of New York alone last year from these diseases under medical treatment, more than 50 per cent of whom were children under 15 years of age, as against 5 per cent in the entire United States under Christian Science treatment in 13 years.

The report of the board of health also shows that 27,111 children under the age of 15 years died from all causes under medical treatment in the city of New York last year, as against 32 who are shown by the published list to have died under Christian Science treatment in the United States in 13 years.

WHY NOT ARREST DOCTORS?

These facts show why Christian Science parents have more faith in Christian Science than in drugs for themselves and their families. If any school of medicine could guarantee cures, it would not be necessary to arrest people in order to compel them to employ doctors of that school.

Why do the newspapers call attention in a spectacular way to the death of one child in New York City in 13 years under Christian Science treatment from diphtheria, when more than 1,500 children under the age of 15 years died last year in the city from the same disease under medical treatment without the newspapers saying a single word about the failure of the doctors?

Really, in all fairness, why should not the doctors be arrested for allowing these 1,500 children to die from diphtheria under their treatment, the same as a Christian Science practitioner is arrested when one patient dies from the same disease under her treatment? Or why not arrest the mothers of these 1,500 children for employing doctors who allowed their children to die, the same as to arrest the mother of the one child who employed a Christian Science practitioner?

Mr. President, Christian Scientists do not claim to be perfect. They do not claim to heal in all cases. But they do claim that they have a much larger proportion of cures than the medical practitioners, and that, too, while their patients are very largely composed of persons who are afflicted with so-called incurable diseases, and who have been given up as incurable by the doctors. They do not believe there are any incurable diseases. They have proved it by healing thousands of diseases classed as incurable, and which the doctors admit they can not heal, many of them being cases that the doctors have actually given up as hopeless. They do not ask any favors of Congress or any other lawmaking power to sustain their position as healers of disease. They are willing to stand upon their merits, as shown by their works. They are willing to be judged by their fruits. What they do insist upon is that laws shall not be passed or enforced that will deprive them of the right to heal disease or put them within the power of the doctors, most of whom are their common enemies, for selfish reasons. They are kept constantly on the alert to meet the unwarranted efforts of the American Medical Association to procure legislation that shall make every act of theirs in aid of the sick and afflicted a crime and forbid them from healing disease. They have not always been successful. As I have already pointed out, there are many legislative acts in the States that have this effect, and which are wholly unjust and oppressive.

With respect to the acts of coercion urged by the doctors, with unjust laws as their weapons, the Business Farmer, published at El Paso, Tex., makes editorially this very pertinent comment:

"WHERE ART THOU?

"And there was war in heaven; Michael and his angels fought against the dragon."

The whole world has become a stupendous battle field, whereon is being waged the grandest battle ever witnessed by mankind. The superficial observer reads about the overthrowing of the long-established monarchical Government of Portugal, the revolution in medieval China, the barbarous war between Italy and Turkey, the seething turmoil in Mexico, and the strike and strivings of our country, and wonders—what's next.

The close student of the times, looking beneath the surfaces, recognizes the great universal issue at stake. He sees the battle of Armageddon being repeated on a world-wide battle field. He sees all the seeming powers of evil marshaled against the oncoming armies of truth. He sees on one hand the believers in the universality of the brotherhood of man, and on the other the cohorts of special privileges. He sees the desperate efforts being made by evil and selfishness and greed to ensnare and enslave man, "made in the image and likeness of God," and bind him shackled and helpless to the chariot of Greed's own aggrandizement.

But universal man is slowly but surely learning of his birthright—is learning to know that he was not made to slave and toil and starve, that bestial power might sit in gilded palaces and trample on every right, human and divine.

One of the boldest and most audacious demands of the special-privilege-seeking class that has been witnessed in this country is evidenced in the efforts being made by the American Medical Association to foster on the people of this country one of the most iniquitous laws ever attempted to be fastened on a free people. In order to secure exclusive privileges, and in flagrant violation of the rights of other schools of medicine, it seeks and, to accomplish its ends, is carrying on a most heartless, cruel, and diabolical campaign. It seeks to inoculate the mind of the people with fear and terror. It is constantly sounding the tocsin of alarm, conjuring up new diseases to frighten and terrorize the community, and then demanding added powers to combat the product of its own excited imagination.

The following communication to the Ohio State Journal shows the oppressive measures to which the doctors have resorted in Ohio:

ARREST OF SCIENCE HEALERS.

Two years ago a timid maiden lady who happened to be practicing a method of healing which required no medicine whatever was summoned before the State medical board and told in language both uncivil and severe, if not harsh and cruel, that if it ever heard of her healing anyone by her method it would arrest her, and the frightened girl has obeyed. Remember this threat was against the practice of medicine without license, which she had never thought of doing and knew not how to do.

Permit me to cite another outrage from the same official quarter: Late Friday night two officers appeared at two residences on the East Side and, compelling two ladies to enter a patrol wagon, hurried them off to the West Side on a charge of trying to heal the sick without medicine and without the paid consent of the medical board. The evident design and hope of the planners of this late-at-night arrest was to terrify and mortify the lone ladies, who had for months kept a cancer-afflicted patient from the surgeon's knife and thus cheated him out of a case, if not a fee. As it was, the ladies had to wait at the station until husband, friend, and attorney came to release them under bond, thus defeating the design to punish the ladies by a night in jail.

Now, the ends of the law, if merciful, could have been met in broad daylight, between 9 a. m. and 5 p. m., but that would not have served the aim. Even if the medical board is a legal department of State, some of its officers are not commending it to public favor, but, rather, inviting comparison with the monarchical methods of Europe, China, and Japan. (Reform, Columbus, Nov. 25.)

WHY THE AMERICAN MEDICAL ASSOCIATION WANTS THIS BILL PASSED.

The American Medical Association is using every effort to maintain and increase its power. To this end it has spent years of time and thousands of dollars in the effort to establish a national medicine with one of their schools of medicine at its head. The Senate can readily see by what I have already shown of their efforts to enforce the existing laws how that power would be used against every other school and mode of healing. They have organized for the campaign in the most effective way. The association passed the following resolution, offered by Dr. McCormack:

Resolved, That the president be, and is hereby, authorized to appoint a committee of seven members, which shall be charged with the duty of framing a bill for a national department of health, to be presented to the next session of Congress in December, and that this committee shall

consider and determine all matters and policies relating to national health legislation, and may invite the cooperation and cooperate with other organizations having the same purpose in view.

Prof. Irving Fisher, chairman of the committee of one hundred, largely composed of allopathic or "regular" doctors, has this to say on the subject:

Our legislative subcommittee and executive subcommittee have held frequent meetings. We believe that it is not possible to overcome the opposition unless a campaign fund of from $20,000 to $25,000 can be raised at once. This will be used for printing, stationery, telegrams, etc., the effect of which will be that Congressmen, especially pivotal Congressmen, will not dare to displease their constituents by opposing President Taft's program. It will also be used to reach our American Health League—which contains many thousand health enthusiasts—to start up our Authors' League of 1,000 health writers, to stimulate our press council of 100 leading editors, and to supply them and the members generally with ammunition in the way of literature; also to reach the labor organizations and the Grange and all our allies. * * *

I am writing to you among the first, knowing that you keenly appreciate the importance of overcoming the selfish opposition to a project which, once started, will surely expand within a decade so that millions upon millions of Government money will be put into this most needed form of national defense.

Letters received from Congressmen in response to our effort to poll them on this question show that many of them, and especially those who control procedure, need something more than the President's message to urge them to action; in short, that they must have letters and telegrams from their constituents.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. Certainly.

Mr. GALLINGER. I presume the Senator from California is aware of the fact—but I think it ought to go into the RECORD—that Prof. Fisher is not a physician.

Mr. WORKS. Oh, yes; I am aware of that.

Mr. GALLINGER. He is merely a professor of economics, or something of that kind. He took up this propaganda—I do not know what his purpose was—and has undertaken to push it over the country. I never approved of it, and told him so very plainly.

Mr. WORKS. I had stated on another occasion, I will say to the Senator from New Hampshire, that I regard the efforts of Prof. Fisher as entirely sincere.

Mr. GALLINGER. Undoubtedly.

Mr. WORKS. But he is not a physician.

The reference to President Taft's program in this communication was purely gratuitous. The President had no such program as they were attempting to carry out. On the contrary, he was opposed to the bill and so informed its friends. He was opposed to creating a medical department and they were so informed. What he did recommend was the bringing together of the present medical bureaus under one management, giving as a reason that it would be more economical as well as more efficient, and nothing more. They are accepting this bill in its present form because they must, but with the fixed purpose of adding to it when they can until they have gotten all they started out to get.

Now, Mr. President, let us see what they are seeking to accomplish. There is no limit to their ambition and selfish desires in this respect, as I shall show by their own declarations.

The following resolution of the American Medical Association, adopted by its committee on medical legislation during its session at the Holland House, in New York City, in June, 1903, will tend to show the extent to which they are willing to go and the means they will use to accomplish results:

Resolved (4). It shall be the duty of each member of the national auxiliary congressional and legislative committee to bring all and only such matters of pending legislation as may be referred to him, either by the legislative committee of his respective State or Territorial medical association, or by the committee on medical legislation of the American Medical Association, to the attention of the medical profession and the people of his respective county, and by every honorable means, personal and political, individual and professional, private and public, direct and indirect, secure desired action thereon by his representatives in both branches, as the case may be, of the State legislature, or of the Congress of the United States. And it shall be his further duty promptly to report all such efforts on his part, first, relative to State legislation, to the chairman of the committee on legislation of his State medical association; and, secondly, relative to national legislation, to the chairman of the committee on medical legislation of the American Medical Association.

Resolved, That the chairman of committee on medical legislation of the American Medical Association is hereby directed (a) to procure from the president of each State and Territorial medical association nominations for such national auxiliary congressional and legislative committee, (b) to formulate a list of the chief executive and legislative officers of the United States Government and of the government of each State and Territory, (c) to collate necessary information relative to the executive and legislative departments of the American Medical Association and of each State and Territorial medical association, (d) to formulate a list of the officers of each State and Territorial board of health and medical licensing board, and (e) to secure a brief summary of proposed legislation, State and national. And he is further directed to arrange the information thus collected into a congressional and legislative directory of the American Medical Association.

Dr. Samuel Dixon, of Pennsylvania, in a paper entitled "Law the Foundation of State Medicine," published in the journal of the association, said:

Compulsion, not persuasion, is the keynote of State medicine. Let it be understood that no matter how great efforts we may make to educate the people, unless we have the lex scripta—the written law—to fall back on, State medicine, while it may be a beautiful science, can never be a practical art. * * * The great majority of mankind are neither wise enough voluntarily to submit themselves to the requirements of sanitary law for the sake of preserving their own health and that of their loved ones, or righteous enough to be willing to exercise self-denial and repress the cravings of avarice to save others from sickness, suffering, and death. * * * But the law we must have. These laws must reach into all the relations of life. * * *

Thus we have a State system of sanitary administration, complete and symmetrical; its head at the seat of power in the State, untrammeled in the exercise of authority, reaching down through the subdivisions of county and township to the people, and a department in daily touch with every nook and corner of the State through its faithful allies, the physicians of the Commonwealth.

The following from an article by Henry R. Strong, of St. Louis, shows fairly well the workings of the American Medical Association:

THE ATTEMPT OF THE AMERICAN MEDICAL ASSOCIATION TO ENLIST LEGISLATIVE AID IN FAVOR OF ITS MONOPOLISTIC SCHEMES.

Finally, in the last few years, the association, following the example of other corporations in the gradual forging of its monopolistic bonds, has essayed to influence the legislative and administrative branches of State and National Government in favor of its schemes, and has recently gone openly into politics for that purpose. To be sure, it still shouts its old-time slogan of "the public weal," but in this case it makes the thinnest kind of disguise of its real motives and openly boasts that it has already made the power of medicine felt in legislative halls, so that whereas legislators formerly kept the representatives of the association dancing attendance upon them for anything they wanted now these same legislators dance attendance upon the association's delegates.

Said Dr. C. A. L. Reed, chairman of the legislative committee and late candidate for the United States Senate, in a speech at Chicago during the recent meeting of the association:

"When a committee of the American Medical Association went to the Fifty-eighth Congress, their legislative committee said, 'Can't you boil down what you have to say into 20 minutes?' Dr. Reed said, 'There were in that Congress one doctor in the Senate and none in the House.' * * *

"In the Sixtieth Congress there were five doctors, all told, and because of the same influence we simply went to the Willard Hotel and sent for Congressmen to come to us, and they came. * * * In the next Congress I have every reason to believe there will be 25 physicians."

According to Dr. Reed, it is only by representation in Congress, which he described as being at present 'water-logged with lawyers,' that the association could hope to see its will translated into law.

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Like every powerful corporation, the American Medical Association has a legislative fund. Probably like every other corporation it has really two legislative funds, one open to public scrutiny and the other known only to the powers that be. The Journal of the American Medical Association of May 23, 1908, tells of annual expenses for "medical legislation" (whatever that may mean) of $2,573.22. It can hardly be, however, that this represents all the money spent in furthering its legislative and political schemes, for the committee on legislation, of which Dr. C. A. L. Reed was chairman, in its report to the convention in 1905 stated:

"It has secured a list of local political leaders of every organized and recognized political party in the United States. The list already embraces the names of several political managers in each of 900 counties, the entire list aggregating in excess of 11,000 names. Through this list the central committee is in position to bring questions of pending legislation to the serious and thoughtful consideration of the men who, in their respective localities, exercise a preponderating influence in determining political action. * * * The political list is arranged so that the dominant politics of each county and of each congressional district is indicated, as well as the political affiliations of each member whose name appears on the list. It thus happens that we are able to move with a certain degree of accuracy in invoking political influence in behalf of such measures as are taken up by your committee. This list will be kept alive by asking for revisions from time to time, especially after each general election, and will, we are sure, prove to be an effective medium of action in the agitations which are pending in the immediate future."

In June, 1907, it was announced by Dr. Reed that the association had an emissary in each of the 2,830 counties of the country, and that the list of political leaders had been increased to 16,000, to whom circulars are sent, the purpose being, according to Dr. Reed, "to educate them on proposed or pending legislation in which the medical profession is interested." All of which shows that the American Medical Association leaders have not been idle and that they are not novices in politics.

If this kind of work is being kept up, it must certainly require more than the paltry sum specified in the Journal's report to sustain it.

Mr. President, the doctors in all their efforts to procure restrictive or prohibitive legislation of this kind, proceed upon the theory that they and they alone are competent to deal with questions of health, and that all other people claiming to heal disease are incompetents. Thus it is said by Dr. Henry O. Marcy, former president of the American Medical Association, in speaking of the opposition to this bill:

It is the old cry of the incompetents who practice under various designations against legislation that will tend to bar them from practice and keep the practice in the hands of those who will not be a menace to the public health.

This is a very significant utterance. It assumes that all knowledge in health preservation and healing is in the old school practitioners, and that the purpose of this legislation is

intended to bar everyone else. Here is another declaration of a like kind. Dr. C. A. L. Reed, chairman of the legislative committee of the American Medical Association, has this to say:

The principle that is involved is the same—that the man in possession of the technical knowledge which gives him a scientific comprehension of his subject and his problem should have the executive authority to enforce that knowledge and not be overridden by a man who has no such technical knowledge, and consequently no such comprehension of the importance of the subject.

And Prof. J. Pease Norton, of Yale University, in a speech before the American Association for the Advancement of Science, reprinted with approval in the journal of the American Medical Association, pointed out the extent to which the advocates of this kind of legislation proposed to go if Congress should permit it. He says:

1. It seems desirable that a United States national department of health should be established, having as its head a secretary, who shall be a member of the Executive Cabinet.
2. The purpose of the department should be to take all measures calculated, in the judgment of experts, to decrease deaths, to decrease sickness, and to increase physical and mental efficiency of citizens.
3. It should consist of the following bureaus:
National bureau of infant hygiene.
National bureau of education and schools.
National bureau of sanitation.
National bureau of pure food.
National bureau of registration of physicians and surgeons.
National bureau of registration of drugs, druggists, and drug manufacturers.
National bureau of registration of institutions of public and private relief, correction, detention, and residence.
National bureau of organic diseases.
National bureau of quarantine.
National bureau of health information.
National bureau of immigration.
National bureau of labor conditions.
National bureau of research, requiring statistics.
National bureau of research, requiring laboratories and equipment.

This is a pretty broad field that the National Government is expected to enter upon. It is almost without limit.

And when a measure similar to this was before Congress on a hearing before a Senate committee, Dr. Welch, formerly president of the same association, threw out this significant remark to the Senator from Utah [Mr. SMOOT]:

I would simply like to throw out the suggestion that it may be that the Federal Government can exercise larger powers in this matter than is generally supposed to be the case.

These declarations show authoritatively and clearly what these gentlemen have in view as the final result of legislation of this character and the use they expect to make of it. It is an imposing and far-reaching scheme to bring the entire health activities under the control of this one school of medicine and by the power thus given them to influence and control indirectly, if not directly, the health activities of the several States. But one of the most radical declarations upon this important subject will be found in the magazine, Clinical Medicine, in the issue of April, 1911, as follows:

The inhabitants of each community should be equally divided among the physicians, and these should have no expectation of poaching on their neighbors' preserves. If any increase in pay resulted from such acts they would soon cease. The proportion would be more equally approximated, and every member of the profession would have enough.

It is a grave menace to the liberties of the people in a matter of life and death. I wonder how far the Congress of the United States is willing to be made a party to such a scheme.

Mr. President, I have shown by the declaration of eminent physicians, either now or heretofore connected with the American Medical Association, what their purposes and intentions are in seeking this legislation, and what the people of this country may expect if the powers of the Government are thus given over to them. I want now to call the attention of the Senate to what some other equally distinguished gentlemen have said as to the purpose and effect of legislation of this kind. In an address delivered by Dr. G. Frank Lydston, of the medical department of the State University of Illinois, in speaking of the efforts of the doctors to procure such legislation as I have been calling attention to, he says:

Despotism in medicine is not a theory, it is a condition, one that should alarm all save its direct beneficiaries. No physician can, with equanimity, survey the trend of affairs medical in America unless he has no interest in personal liberty. He has forgotten the high ideals of our medical forefathers. The more speciously masked self-interest is the more dangerous it becomes.

And this extract from the Pacific Coast Journal of Homeopathy:

'No citizen objects to Government supervision looking to sanitation, pure water, air, and food but what he finds next is in the invasion of the right and duty of a family physician and of his own personal liberty by health-board doctors. In short, he objects to health boards. He also objects to doctors, and if in private practice he would not call in one to invade his home, dictating medication to him, and imprisoning him if he refuses to submit. They say the national department would not do this. Well, the city and State departments are supposed not to do it, but they do it with an iron hand. The citizens do not want political doctors bossing therapeutics.

I call attention also to a word said by Herbert Spencer on this subject that is interesting and instructive:

Moved as are the projectors of a railway, who, whilst secretly hoping for salaries, persuade themselves and others that the proposed railway will be beneficial to the public—moved, as all men are under such circumstances, by nine parts of self-interest glit over with one part of philanthropy—surgeons and physicians are vigorously striving to erect a medical establishment akin to our religious one. Little do the public at large know how actively professional publications are agitating for State appointive overseers of the public health. There is an unmistakable wish to establish and organize a tax-supported class charged with the health of men's bodies as the clergy are charged with the health of their souls. And whoever has watched how institutions grow, how little by little a very innocent-looking infancy unfolds into a formidable maturity, with vested interests, political influence, and a strong instinct of self-preservation, will see that the germs here peeping forth are quite capable under favorable circumstances of developing into such an organization.

These are only samples of numerous declarations on this subject. Others might be cited, but time will not permit. The ones given are amply sufficient to show what is ahead of us in the strenuous and remarkable effort of an interested class to procure legislation that will immeasurably increase their power at the expense of the liberty of the whole people.

Mr. President, it is not only what they want that should lead us to consider their demands with the greatest caution. The means by which they propose to procure what they want is more reprehensible, and should condemn their whole effort as unreasonable, unjust, and tyrannical. They propose to enter into politics in its worst and most disgraceful form to force from Congress and State legislatures the laws they want. This is clearly shown by their own declarations and official acts. They show something more than this. It appears from the declarations to which I am about to call attention that their claim that they are working unselfishly and in the interest of humanity is a mere pretense. They are working in the interest of themselves and no one else. Let me call the attention of the Senate to a few of the many expressions of this kind, showing conclusively the selfish motive behind this movement. The South Carolina Medical Journal states:

We all know (or ought to know if we are old enough to practice medicine) that legislation is not accomplished in the effulgent sunlight of a noisy public, not on the hustings of a demagogic campaign meeting, nor even (where one might suppose) on the oratorical forum of the House of Representatives.
It is conceived, laid, and hatched in political byways and hedges; around the corner on the dead quiet, with soft words and apt reasoning.

The president of the North Dakota State Medical Association, addressing the association, says:

We are better equipped to pass sane and important legislation than any other body of men and to make ourselves felt in public matters, owing to our intimate relations, as family physicians and advisers, with the voters throughout the State.

Dr. Cornelius Williams, president of the Minnesota State Medical Association, in his presidential address at the forty-first annual meeting, October, 1909, as reported in the Journal of the American Medical Association November 20, 1909, said:

I declare that it is only by a participation in politics that the physician may accomplish his whole mission, and that such participation is one of his highest duties. From the very nature of his position his duties place him in the rôle of police; he must suppress or regulate whatever is injurious to the peace, health, morality, general intelligence, and thrift of the community and its internal safety. Isolated in the sense that there is no concert of action, the medical man is a negligible quantity, as to any influence, either for good or bad legislation; but united into a guild of workers, the medical body would be a great power to determine the outcome of an election and to direct the measures of government.

Dr. Charles J. Whalen in the Illinois Medical Journal last September stated, among other things:

Medicine as a means of livelihood has arrived at the most critical period of its history. The economic status and outlook for the profession is pitiable. A feeling exists among a large number of the profession that medicine should be represented more numerously than it is in the legislatures.

"We should have at least as many physicians as lawyers in Congress," says a recent correspondent in the Lancet-Clinic.

In its report two years ago the public-relations committee of the Chicago Medical Society said:

The medical profession will never get what it is entitled to in the way of legislation until it wakes up and becomes a factor to be reckoned with politically. This can best be done by bringing the lawmakers to a realization of the tremendous influence of organized medicine and the votes they will lose if they do not give the profession respectful consideration.
As an organization we should not only ask for what we want but should be in a position to demand it if necessary.
In medicine, as in other forms of business, unification for mutual protection must be brought about. In organization lies our only hope.

From the Lancet-Clinic, of Cincinnati, for February 18, 1911, under the title "Organization gone mad," I take this:

The American Medical Association is perhaps the best illustration of the effect of the organization furore. It has become to all intents and purposes a huge oligarchy. Its policies are directed by a few, who,

ostensibly acting as the agents of the members, in reality take the initiative in every movement, assisted thereto by the constitution of the society itself. The spirit of democracy is as foreign to it as it is in the realm of the Czar of all the Russias. It is the natural result of the modern trend of concentration, subordinating private judgment to the leaders' dictum.

We see the same result in the various State organizations. As in the national association, so in the State societies, the thoughts of the members are cribbed, cabined, and confined. If anyone so far forgets himself as to dissent from the established order, he is made to feel the sting of disapproval, until he is glad to hide himself and his views from the gaze of his associates.

The machine is well oiled and the steam roller runs smoothly. Members are extremely careful to avoid being run over. Hence, whatever is, is right.

At a meeting of the State Medical Association of Wisconsin held in June, 1911, and reported in the Wisconsin Medical Journal for the same month, Dr. A. R. Craig, assistant to the secretary of the American Medical Association, described the evolution of that body as follows:

The whole subject of the work of the organization has been to me a wonderfully interesting thing. In studying this subject I have been interested to find how few men really had a suspicion of what the possibilities of a real organization were. If you read the history of the American Medical Association, you will find that in the old days a delightful lot of gentlemen would meet together and promulgate and expound and resolve and adjourn; and in another year they would come together once more in a new field and again orate and expound and resolve and adjourn. So the American Medical Association went on for some 40 or 50 years of its growth. True, it was gathering new forms and new impetus and was doing something, but you could practically see nothing of the work that was accomplished except a pleasant time was had at each annual session. Then came that wonderful epoch in the association's life when things began to happen after a year or two, and the American Medical Association met once a year, but lived through the year. To-day, if you were to go to Chicago you would find on the corner of Dearborn and Indiana Avenue a 7-story structure with some 150 employees, your employees, working every day in the year to accomplish your ends under your delegated direction, to accomplish the purposes and ends of that organization. I would like to say that this organization will be completed and will be really effective when each State in its turn is organized in such a way that you do not meet for a week's session or a three or four days' session, but you meet as a board of bank directors might meet, to determine the policy of the machine which is to be effective throughout the year.

These various quotations show that it is not the public that is demanding this legislation, but a political machine, an oligarchy of a few doctors in control of the American Medical Association, and who have so far become intoxicated with their success as to forget discretion. As an illustration, let me quote to you the statement of Dr. Charles A. L. Reed in a speech delivered at Chicago and widely quoted in medical journals:

When a committee of the American Medical Association went to the Fifty-eighth Congress, their legislative committee said, "Can't you boil down what you have to say into 20 minutes?" There were in that Congress one doctor in the Senate and none in the House.

In the Fifty-ninth Congress there were three doctors in the House and one in the Senate. The doctors all over the country had been using their influence, so the committee said, "Just tell us what you want, gentlemen; take as much time as you like."

In the Sixtieth Congress there were five doctors, all told, and because of the same influence we simply went to the Willard Hotel and sent for Congressmen to come to us, and they came. * * * In the next Congress I have every reason to believe there will be 25 physicians.

WHY SHOULD CONGRESS INTRUST THEM WITH THIS GREAT POWER?

Mr. President, there is no complaint now of the inefficiency or lack of power or authority on the part of the various health bureaus now in existence and supported by the National Government. The Public Health and National Quarantine Bureau is given ample and sufficient power to deal with all such questions. No new legislation on the subject is necessary. Even the bringing together of these various bureaus whose province it is to deal with public-health questions, attached as they are to different departments of the Government and performing different and varied functions affecting the departments to which they respectively belong, not only will not strengthen them but will result in confusion, conflicts of authority, and weakness.

But, Mr. President, I desire to go a little deeper than this into the wisdom and propriety of vesting in one school of medicine such unlimited power over the health, even the lives of the people of the country. What claims to superior knowledge and understanding have the old school or "regulars" in medicine that should induce Congress to give over to them this vast power over the public health?

I have no animosities against the doctors, individually or as a class. They have their work to do in the interest of mankind, and should be fully protected in their right to pursue that work. It is needed in the interest of mankind, because the great majority of the people still believe in the medical doctor and his drugs. So long as this is the case the physician of whatever school should be fully and amply protected in his right to administer what his patients believe in and want. This must be so in a free country like ours so long as there is a single individual who believes in and wants the services of a medical doctor. That is what I call medical freedom. On the other hand, they who do not believe in the efficacy of drugs or in the services of a medical practitioner, but who do believe in another and different remedy, should be accorded the same right, and that right should be jealously protected. That, too, is medical freedom. No one class of men who believe in one mode of healing as against all others have a right to force that method upon others who do not believe in it. That is tyranny and a violation of the liberties of the people.

Mr. President, I have no objection even to the American Medical Association, so long as it confines its efforts to the advancement of science as it sees it or for the elevation of the standard of the physicians of its school of medicine, or the advancement in any way of members of its own profession. I do not complain even of its attempt to benefit its own members by legislation. But I do object most seriously to the intolerant, tyrannical, and oppressive efforts it has been making for years to prevent other schools of medicine or the practitioners of other modes of healing from exercising their right to heal the sick. Its course in this respect has been un-American. It is an offense to free government. Its pretensions of superior knowledge on these great and vital subjects are unwarranted. I have already shown by the declaration of one of their own members that the "basis of the entire profession of medicine is faith in the doctor and his drugs and his methods."

If this be so, and it is abundantly supported by experience and competent authority, it would seem that the one important thing, the just thing for them to do, is to prove themselves and their modes of healing worthy of this faith. This must be done by their works. It can not be done by assailing and persecuting those who have lost faith in them and their drugs and transferred it to others.

Everyone who thinks knows that the practice of medicine is not a science. Remedies are adopted to-day and abandoned as worthless to-morrow. The medical practitioner of 50 years ago is looked upon by members of his own profession of to-day as an ignoramus, and the remedies he used then are regarded as wholly worthless and even as destroyers of health. Fifty years from now, I predict, the men of to-day who administer drugs as a means of healing will be looked back upon as enemies to health.

But, Mr. President, I am not going to leave this position of mine as to the unreliability of medical treatment of sickness and disease to rest upon my own opinion of it, although I speak from abundant and painful experience. I am going to call as witnesses of the truth of what I say men of superior knowledge and experience. The first is the late Prof. William James, world-famed professor of psychology of Harvard University. In an address delivered at the second hearing before the committee on public health of the Legislature of Massachusetts, at Boston, March 2, 1898, opposing proposed legislation which would exclude all but medical practitioners from exercising their right to heal the sick, the professor had this to say:

Mr. Chairman, I rise to protest this bill. I come to represent no body of persons with special interests, but simply as a private citizen interested in good laws and in the growth of medical knowledge. The medical profession are urging the bill in the interests, as they believe, of true science. Those who oppose it, they think, can do so only in the interests of ignorance and quackery. I hold a medical degree from Harvard University. I belonged for many years to the most scientific of our medical societies. I have taught anatomy and physiology, and now teach mental pathology in Harvard College. The presumption is that I am also interested in science. I am, indeed; and it is, in fact, because I see in this bill—along with some good intentions—a movement in favor of ignorance that I am here to oppose it.

It will inevitably trammel the growth of medical experience and knowledge. Were medicine at present a finished science, with all practitioners in agreement about methods of treatment, such a bill as this, to make it penal to treat a patient without having passed an examination, would be unobjectionable. But it would also be unnecessary then. No one would attempt to cure people without the instruction required.

But the present condition of medical knowledge is widely different from such a state. Both as to principle and as to practice our knowledge is deplorably imperfect. The whole face of medicine changes unexpectedly from one generation to another in consequence of widening experience; and, as we look back with a mixture of amusement and horror at the practice of our grandfathers, so we can not be sure how large a portion of our present practice will awaken similar feelings in our posterity.

Each generation adds something, it is to be hoped, to the treament that will not pass away. Few of us recall the introduction of the water cure, but many now living can recall the discovery of anesthetics. Most of us recollect when medical electricity and massage came in, and we have all witnessed the spreading triumphs of antiseptic surgery, and are now hearing of the antitoxins and of the way in which hypnotic suggestion and all the other purely mental therapeutic methods are achieving cures.

Some of these therapeutic methods arose inside of the regular profession; others outside of it. In all cases they have appealed to experience for their credentials. But experience in medicine seems to be an exceedingly difficult thing. Take homeopathy, for instance, now nearly a century old. An enormous mass of experience, both of homeopathic doctors and their patients, is invoked in favor of the efficiency of these remedies and doses. But the regular profession stands firm in its belief that such experience is worthless and that the whole history is one of quackery and delusion. In spite of the rival schools appealing to experience, their conflict is much more like that of two philosophers or two theologists. Your experience, says one side to the other, simply isn't fit to count.

So we have great schools of medical practice, each with its well-satisfied adherents, living on in absolute ignorance of each other and of each other's experience. How many of the graduates, recent or early, of the Harvard Medical School have spent 24 hours of their lives in experimentally testing homeopathic remedies or seeing them tested? Probably not 10 in the whole Commonwealth. How many of my learned medical friends, who to-day are so freely denouncing mind-cure methods as an abominable superstition, have taken the pains to follow up the cases of some mind curer, one by one, so as to acquaint themselves with the results? I doubt if there be a single individual. Of such experience as that they say: "Give me ignorance rather than knowledge." And the club opinion of the Massachusetts Medical Society pats them on the head and backs them up. I don't blame any set of practitioners for remaining ignorant of all practice but their own. The subject is too overwhelmingly great. It takes an entire life to gain adequate experience of a few diseases and a few remedial methods. When a doctor notes what he considers good effects from his own practice, it is natural for him to let well enough alone and refrain from exploring unknown lines. Here, as elsewhere, individual success goes the better for a certain narrowness, which therefore is not wholly evil. But when ignorance and narrowness, instead of being humble, grow insolent and authoritative and ask for laws whose only immediate result can be to consecrate and perpetuate them, then I think that every citizen interested in the growth of a genuine complete medical science should rise up and protest.

I am here as such a citizen, having no axes to grind except the ax of truth; that "truth" for which Harvard University professes to exist. I count some of the medical advocates of this proposed law among my dearest friends, and well do I know how I shall stand in their eyes hereafter for standing to-day in my present position. But my duty is to the larger society, the Commonwealth. I can not look passively, and I must urge my point.

That point is this, that the Commonwealth of Massachusetts is not a medical body, has no right to a medical opinion, and should not dare to take sides in medical controversies. This safe neutral position the friends of the proposed legislation summon the Commonwealth immediately to give up. One would suppose that any act of sane persons interested in the growth of medical truth would rejoice if other persons were found willing to push out of their experiences in the mental-healing direction and provide a mass of material out of which the conditions and limits of such therapeutic methods at last become clear. One would suppose that our orthodox medical brethren might so rejoice, but instead of rejoicing they adopt the fiercely partisan attitude of a powerful trades union, demanding legislation against the competition of the "scabs." They summon the State to disregard absolutely all the peculiar conditions under which the mental-healing operations flourish to-day, and say to the mind curers, "Pass our State examinations or go to our State's prison." Abstractly it sounds magnificent to say that our State protects its citizens against the ignorance of practitioners. In the living concreteness of the matter, however, not only is such a claim an utter farce, but in this particular business of mental healing there can be no doubt that if the proposed law were really enforced it would stamp out and arrest the acquisition of one large branch of medical experience. What the real interests of medicine require is that mental therapeutics should not be stamped out, but studied, and its law ascertained. For that the mind curers must at least be suffered to make their experiments. If they can not interpret their results aright, why then let the orthodox M. D.'s follow up their facts and study and interpret them. But to force the mind curers to a State examination is to kill the experiments outright.

The mind curers and their public return the scorn of the regular profession with an equal scorn and will never come up for the examination. Their movement is a religious or quasi religious movement; personality is one condition of success there, and impressions and intuitions seem to accomplish more than chemical, anatomical, or physiological information.

These are the facts, gentlemen. You, as legislators, are not bound either to affirm or deny them yourselves, either to deplore them or rejoice at them, or in any way to judge them from a medical point of view, but simply, after ascertaining that thousands of intelligent citizens believe in them, decide whether to legislate or not. Do you feel called on, do you dare, to thrust the coarse machinery of criminal law into these vital mysteries, into these personal relations of doctor and patient, into these infinitely subtle operations of nature, and enact that a whole department of medical investigation (for such it is), together with the special conditions of freedom under which it flourishes, must cease to be?

I venture to say that you dare not, gentlemen, you dare not convert the laws of this Commonwealth into obstacles to the acquisition of truth. You dare not do it, gentlemen—and yet that is what you are asked to do exactly if you pass this bill.

Pray do not fail, Mr. Chairman, to catch my point. You are not to ask yourself whether these mind curers do really achieve the successes that are claimed. It is enough for you, as legislators, to ascertain that a large number of our citizens, persons as intelligent and well educated as yourself or I, persons whose number seems daily to increase, are convinced that they do achieve them, are persuaded that a valuable new department of medical experience is by them opening up. Here is a purely medical question, regarding which our general court, not being a wellspring and source of medical virtue, not having any private test of therapeutic truth, must remain strictly neutral under penalty of making the confusion worse.

In the matter of pharmacy, in the matter of such an art as plumbing, the legislature may impose examination and grant license without harm. The facts are here ultra simple in comparison, and no differences whatever of conscientious opinion among the experts as to what is right. But this case of medical practice is absolutely different. It is the confusion, the deplorable imperfection of the most expert knowledge, and the conscientious divergencies of opinion, the infinite complication of the phenomena, and the varying and mutually exclusive fields of experience that are the very essence of the case.

I know well what those friends of mine of the Massachusetts Medical Society, who would presume to act as your advisers, will think. Having worked as hard and as conscientiously as they have worked to acquire the wisdom they possess, they will think it little less than treason in a person academically brought up to depreciate publicly as I do the results of all those labors. They certainly thought it a gross insult when I compared their noble desire to purge the State of quackery to the greediness of a trades union asking for legislative protection against scabs. Well, I hate to appear in my brothers' eyes as a traitor to a cause which for them is identical with that of science and education, and for which they will burn with so holy a zeal, for my cause is that of science and education, too. Heaven forbid that I should make light of the glorious achievements of modern surgery. Taking one sort of education with another, a medical education is, on the whole, as broadening and deepening an education as I know.

And if some fatality were laid on us whereby one type of practitioners must perforce be singled out for license and all other types stamped out, I should unhesitatingly vote to license the Harvard Medical School type, for it lies in the spirit of science to correct its own mistakes in the end, and I should hope that little by little, though with infinite slowness, many of the things well known outside of the medical schools, but not known there at present, might possibly be rediscovered by one adventurous spirit or another inside, and finally accrete with the final body of doctrine. Even the mind-cure methods might eventually be resurrected in this way. But, thank heaven, no such fatal necessity of giving exclusive license to one type of mind now weighs upon this legislature. Our State needs the assistance of every type of mind, academic and nonacademic, of which she possesses specimens. There are none too many of them, for to no one of them can the whole truth be revealed. Each is necessarily partly perceptive and partly blind. Even the very best type is partly blind. There are methods which it can not bring itself to use.

The blindness of a type of mind is not diminished when those who have it band themselves together in a corporate profession. By just as much as they hold each other to be thorough and conscientious there, by just so much along the other lines do they not only permit but even compel each other to be shallow. When I was a medical student I feel sure that any one of us would have been ashamed to be caught looking into a homeopathic book by a professor. We had to sneer at homeopathy by word of command. Such was the school opinion at that time, and I imagine the similar encouragements to superficiality in various directions exist in the medical schools of to-day.

Now, as to calling the Massachusetts Medical Society a trades union trying to influence legislation against scabs, I can hardly imagine any member of the society affirming that in the movement for the present bill trades-union motives are totally absent. Take a struggling practitioner, young or old, in a small place. He has spent years of life and thousands of dollars in fitting himself for his work. Conscientious and self-sacrificing to the last degree, he deserves some acknowledgment and reward. What can his feelings be when he sees the faith curer alongside and the metaphysical healer opposite, with no education, with no sacrifices, with nothing but what to him seems their silly optimism and preposterous conceit, stealing patients from him by the dozen? He can feel nothing but righteous indignation; and when he tells the tale to his colleagues, their blood boils like his. The State owes some protection to us who have done right, they say. And the medical politicians who run the society's affairs, however great their disinterested zeal for the public health may be—and I am the last to deny that—assuredly are not altogether forgetful of this other aspect of the case. The trades-union instinct has to be strong in every professional society. There are always some members who, if they had power, would put down heresy like Spanish inquisitors, and there are times when such members may come to the top.

Pray, remember all these facts, gentlemen of the committee, in listening to your advisers on the opposite side. Whatever you do, you are bound not to obstruct the growth of truth by the freest gathering in of the most various experiences. I urge that the best way to do that is to say "hands off," and let the present law, which is abstractly a good one, and only four years old, alone.

The hinge of my whole contention, you see, is that in strictly medical quarrels the State has no right to interfere. I know there are other aspects of this bill with which every decent man must sympathize. The flood of quackery and medical ignorance about us is sickening to think of. One's first impulse is to get up and scream, saying: "Why is there not a law to stop it?" One's heart bleeds, one's fingers itch at the persistent impunity. But so it is with the vileness of our newspapers, with their medical advertisements and other filth, so it is with the rottenness of much of our public life. Yet laws can not reach such symptoms. Heine said: "Every nation has the Jews it deserves." Certainly every nation has the newspapers and the politicians it deserves. And it has the medical practice it deserves. A people that loves quacks will have them, laws or no laws. Instead of crying for legal protection, the medical profession ought to educate the people better. They must remember that the aversion which they find in the public and from which they suffer, has historic roots. The history of medicine is a really hideous history, comparable only with that of priestcraft—ignorance clad in authority and riding over men's bodies and souls. Let modern medicine dispel all those inherited prejudices by living the historic memories down. It may well be questioned whether a régime of license and monopoly will tend to hasten that even as much as one of freedom and conciliation.

Above all things, Mr. Chairman, let us not be infected with the Gaelic spirit of regulation and regimentation for their own abstract sakes. Let us not grow hysterical about lawmaking. Let us not fall in love with enactments and penalties because they are so logical and sound so pretty and look so nice on paper. Let us cultivate a robust Anglo-Saxon spirit of insensibility and tolerance, toughening ourselves manfully to the sight of much that we abhor, and of still more that we can but imperfectly understand. The death rate is not rising, in spite of all quackery. That shows that we are not in any crisis of danger, and surely justifies you in letting well enough alone.

Mr. President, the broad-minded view thus taken of this question by one who has been educated in a medical school, and whose sympathies were clearly with that school of healing, makes one think better of his country. It is a bright light shining out of the darkness of intolerance and bigotry.

The bill was defeated in Massachusetts, much to the credit of the State. The effort to secure its passage was attempted again this year, as it has been every year for several years past, but the effort signally failed. It is said, whether truthfully or not I do not know, that Prof. James was reprimanded by the then president of Harvard University for his utterances on this occasion and cautioned against repeating them, the reason given being that it was a direct reflection on the Harvard Medical School.

The estimation in which medical healing is held is indicated by the following editorial from the San Francisco Call:

Medical, hygienic, and therapeutic freedom will supply the subjects for consideration at the conference of the northern California branch of the League of Medical Freedom, which meets in this city on Thursday. The league represents a movement that stands for liberty and

freedom from the dictation of this or that school of medicine. It is constitutionally and radically opposed to setting up an official orthodoxy in the practice of medicine. It is opposed to the movement that would place in the hands of one school an artificially created authority to enforce its doctrines, practices, and beliefs on an unwilling public.

If medicine were an exact science there might be some apology for the legal enforcement of orthodox practices, but this is notoriously not the case. "Doctors differ" as much and as widely to-day as they did a hundred years ago. For example, the believers in Christian Science are legion and, although they are not medically orthodox, we know, everybody knows, that they have accomplished valuable and even marvelous results. The movement formulated in the Owen bill, now pending before Congress, for the creation of a national health department, is intended primarily to set up a medical orthodoxy invested with power, if not to prohibit, at least to hamper, practitioners and patients who do not hold the tenets of a regular school.

There are a dozen differing schools of medicine, and one of these seeks a monopoly created by law and invested with authority to make things unpleasant for all whom they regard as medical heretics.

Mr. President, it is not only that the practice of medicine is not a science and is uncertain and unreliable, but the political and tyrannical methods used by the doctors in attempting to force through objectionable and oppressive laws are subversive of liberty. The following, from the Columbus Medical Journal, shows how the people regard such methods:

MEDICAL GRAFT OPPOSED.

The doctors have a bill before the legislature in the State of California which, if passed, will give them complete control of the public schools and reduce our school children to a medical tyranny that could not be duplicated anywhere on earth. The following is an account of it, taken from one of the California papers:

"A bill in the legislature, drawn by Prof. Leslie, a public-school teacher of Los Angeles, is being fought by the National League for Medical Freedom. It is urged by the allopathic, or regular, doctors.

"The bill provides for the establishment in the public schools of California of 'health and development supervision.' Practically this means, as elaborated in the bill, the hiring by the State of hundreds of doctors, dentists, nurses, experts in all the various branches of mental and physical upbuilding, at a cost of hundreds of thousands of dollars a year. These doctors would examine and treat pupils free.

"Besides the work of these medical men in the schools, Prof. Leslie adds: 'An effective follow-up service, which shall bring about effective cooperation between parents, teachers, and school authorities in meeting the demands of health, growth, and efficiency of pupils, students, and teachers; said follow-up service shall be conducted by examining staffs, assisted by trained nurses and social-service workers.'

"The bill puts all this under the direction of a State director of health and development at $4,000 a year. Assisting him would be an immense staff of physicians and all the adjuncts of hospitals, laboratories, gymnasiums, etc.

"With county medical directors, as planned, there might be 58 of those doctors alone. The possibilities for graft under the bill are tremendous. The University of California is designed to furnish the main supply of experts for the work. As its medical schools are both allopathic, it is readily seen that the bill plays into the hands of the Medical Trust, now firmly rooted in California, and would furnish it a new and magnificent field of operation and profit.

"It goes without saying that no regular physician would appoint or work with others of differing schools. The bitterness of the opposing factions in the curative sciences is intense. Leslie, the author of the bill, who has been here for weeks pushing it, is a humanitarian, apparently without guile, but his measure is believed by legislators who have examined it perfectly fitted to make a powerful politico-medical machine which would run schools, pupils, and parents for the benefit of the allopaths.

"The allopaths maintain a lobby here right along. Besides, through their influence as family physicians to a majority of the more prosperous citizens of the State, they have decided influence with the heads of these families throughout California. All this influence is being used, except by those allopathic doctors who see the evil of the bill.

"The National League for Medical Freedom is against the measure. This league is composed of members of all the other schools of medicine, surgery, etc., other than the allopathic. The homeopaths, osteopaths, naturopaths, eclectics, Christian Scientists, and others think the

"The objections of the league are stated briefly:

"There is no necessity for such a bill. It is un-American, tyrannical, and abridges individual liberty.

"It opens up possibilities of looting the State treasury and increasing taxation through the employment of an army of physicians and experts and the establishment of numerous special schools.

"It opens a way for one school of medicine to obtain a medical monopoly and give them a strangle hold on the public schools which could not be shaken off in years.

"The league says that the enactment of the bill into law would be the beginning of medical slavery and State medicine. A fine and imprisonment is to punish State employees who fail to carry out the provisions of the bill."

"The bill was introduced into the assembly by Assemblyman Cattell, of Los Angeles. The allopathic physicians of California, through the State Medical Association and its agents here, are determined to get it through."

Fortunately for the good name of California, this iniquitous bill was defeated.

Following is another account of how they do it in Illinois:

[Copy of a letter circulated in Illinois.]

CHICAGO MEDICAL SOCIETY (ORGANIZED 1852),
SECRETARY'S AND TREASURER'S OFFICES,
September 6, 1910.

DR. E. LANDUS, *Chicago, Ill.*

DEAR DOCTOR: In the primaries of the respective political parties to be held September 15, the following candidates are deserving of consideration at the hands of the medical profession residing in the twenty-fifth senatorial district: Messrs. Crocker, Waage, Freund, and Olson, each having agreed, if elected, to support the medical profession and the public in the forty-seventh general assembly in their effort to prevent the passage of any vicious medical legislation.

At the last session of the legislature your Representative Breidt voted "Yes" for senate bill 214 (osteopathic), but did not vote on senate bill 351, which was in substance the same as No. 214. As no organized effort was made to prevent the enactment of No. 214 until after its passage in the senate, and the fact that senators voting for the bill in many cases did so under the impression that the bill met with approval of the medical profession, we therefore feel that no effort should be made to punish anybody for voting yes on 214, but with 351 the situation is different. They should be held strictly accountable for voting yes on No. 351.

Mr. Hulsee voted "No" on 214; was absent or not voting on 351. Deserving of your condemnation politically is Charles L. Fieldstack, who voted "Yes" on No. 214, and, in spite of the missionary work that was done and the pressure brought to bear from his physician constituents, he repeated the dosage by voting "Yes" on 351, and he should be held strictly accountable for so voting, as both were vicious measures granting special privileges to certain cults who desired to enter the practice by a short and easy route—medicine. It is incumbent upon the physicians in the twenty-fifth senatorial district to see that Mr. Fieldstack is eliminated politically on September 15.

Every family in the twenty-fifth senatorial district is attended by some member of our profession. Our power is great if we make a concerted move. It is up to you to do your part. Will you do it? Let us hear from you.

Fraternally, yours,

ALEXANDER H. FERGUSON, M. D., Chicago,
President.
ALFRED C. COTTON, M. D., Chicago,
President.
GEO. F. SUKER, M. D., Chicago,
Secretary.
EDMUND W. WEIS, M. D., Ottawa,
Secretary.
J. V. FOWLER, M. D., Chicago.
J. M. LANIN, M. D., Chicago,
Chairman.
M. S. MARCY, M. D., Peoria.
CHAS. J. WHALEN, M. D., Chicago,
Chairman.
Public Relations Committee of Chicago Medical Society,
Committee on Medical Legislation,
Illinois State Medical Society.

N. B.—Most voters have no special choice and few will refuse their family doctor. Get busy. There is another point you want to remember: If you happen to be of opposite political faith, it is no reason that you have not 50 or 100 friends that you can see who are of the same political faith as the candidate. Don't forget the "personal favor." We ask you to see 50 or 100 friends that are voters. Do you realize what this means? Eleven thousand physicians in Illinois seeing the number indicated would amount to the following: Eleven thousand times 50 equals 550,000 voters. This means victory, something that each individual physician should feel proud of. Talk it over with your brother practitioners and clients.

I submit another newspaper item from Medical Freedom, taken from the New Orleans Times-News. It shows such pernicious activity and indecent haste to secure the appointment of a public official who would be friendly to the legislation the doctors were seeking as to excite just indignation, and the extent to which they propose to go in the effort to procure favorable action by Congress:

TO SUCCEED WYMAN—AMERICAN MEDICAL ASSOCIATION SAYS SELECTION OF DR. WHYTE, OF NEW ORLEANS, WILL INSURE DEPARTMENT OF HEALTH—DR. M'CORMACK, POLITICAL MASTER OF THE A. M. A., STARTED HIS MACHINE WORKING BEFORE GEN. WYMAN'S FUNERAL DATE HAD BEEN SET.

It has been no secret that the A. M. A. opposed the late Walter Wyman, Surgeon General of the United States. Its members made many demands for his retirement because he did not use his office to lobby for their pet measure—the National Department of Health. The following item from the New Orleans Times-News bureau naively tells a story of political selfishness, haste, and bad taste that would be almost incredible if it emanated from elsewhere than the "political doctors."

The item reads: "A boom has been launched, having for its object the landing of Dr. J. H. Whyte, head of the United States Marine-Hospital Service at New Orleans, for the vacancy as Surgeon General, caused by the recent death of Dr. Walter Wyman. The effort comes from Bowling Green, Ky., and the Louisiana State Board of Health was apprised of it in a letter received from Dr. Joseph McCormack, of that place, and a member of the council of health and public instruction of the American Medical Association, which booms Dr. Whyte for the place enthusiastically.

"The following is the text of the letter sent Dr. Oscar Dowling, president of the State board of health, New Orleans, La.:

"'DEAR DOCTOR: Am just in receipt of a telegram announcing the death of Gen. Wyman. Am writing to know if you will at once bring every influence to bear on President Taft, through your Senators, Representatives, and others, to have Dr. Joseph H. Whyte, of New Orleans, appointed as Surgeon General. He is one of the strongest men in the service, has always been an active advocate of the National Department of Health, and his appointment almost assures its creation.

"'Trusting in your full cooperation, and asking to hear from you, I am,

"'Cordially, yours, J. H. MCCORMACK, M. D.'"

I have no doubt that Dr. Whyte is a very worthy man and would have made a good Surgeon General, but it is fortunate that he was not appointed with such influences behind him. It is quite likely that his support defeated him, for the President knew of this letter before the appointment was made, and the President is a just man possessed of a high sense of decency and the proprieties.

COLLECTION AND DISSEMINATION OF INFORMATION.

The bill provides:

That it shall be the duty of the bureau of health to collect and disseminate information relating to the public health.

This is one of the most deadly provisions in the bill. This Government is now spending hundreds of thousands of dollars to send broadcast the details of sickness, disease, and suffering.

It is by this means planting the seeds of disease and killing more innocent and unsuspecting people than drugs ever saved. The people are being taught to think of sickness, disease, and death when they should be thinking of health and life. Doctors are traveling all over the country describing the symptoms and causes of tuberculosis and other life-destroying diseases, not only to grown men and women, but to school children. They describe the so-called disease germs or microbes and their effects on the body, and picture, by word of mouth and by charts, illustrated lectures, and moving pictures, the ravages of the disease. These horrifying and gruesome pictures and senseless and inhuman details of the causes and ravages of disease excite the very fear that breeds and fosters disease. These lectures are given in the schools and innocent children are made their victims. Instead of being encouraged it should be made a crime.

I have a letter written by a lady to the League for Medical Freedom calling attention to one case of this kind. Fortunately the chief offender in this case was not a doctor. He was the representative of the Antituberculosis Society. But the incomprehensible thing about it is that the teachers and officers of the public schools in an enlightened community should allow such an outrage to be committed. The letter is as follows:

Inclosed please find a few clippings that may be of interest to you. Mr. Dee Brown—he is not a doctor of medicine, but of philosophy—is being paid by the Anti-Tuberculosis Society to come here and enter on a campaign of a month to address all the schools in the city and educate them along the lines of symptoms and their results of this disease. They started in on Friday, and it happened that they went to the grade schools on the west side—that is, those that are in the section we call the Union School—by noon they reached the Union High and assembled the high-school children in one of the rooms. He went into the minutest detail of the symptoms of this disease, and told them that they might have the disease and not know it; that many times the tissues of the lungs were so badly gone before the patient knew that he had the disease that there was no help for him. He said sometimes you may have a tired feeling in the morning; this is one of the marked symptoms. You may have a flush on your cheeks, and not know this is one of the worst symptoms, and he went on down the line. He filled the children so full of fear that one beautiful tall girl fell in a dead faint on the hard floor, striking on her temple, and they were obliged to call a carriage and send her home, and when one of the teachers called at the home Saturday afternoon she had not regained consciousness enough to realize what had happened to her. She is still under a doctor's care, with a very bad black eye and face. Two other girls were helped out of the room and one or two others braced up by the teachers, and the boys fairly turned pale.

Everybody supposed, of course, he was a physician, and they could not understand his unprofessional way of presenting his subject to these children. They teach these children to have implicit confidence in what they teach them, and, of course, their thought is receptive. After the talk the children stood around in groups and expressed themselves as being very much disturbed because they were obliged to listen to such stuff, and a number of them went to the teachers afterwards and asked why they were obliged to listen to it.

Monday morning he went to the Central High, and his talk was the first hour. They locked the session doors and compelled all the children to enter the general assembly hall.

Saturday, Sunday, and Monday we got busy on this work, and did all we could to have the lecture toned down and the worst part eliminated, but now we are setting about to have the entire lecture course eliminated. We have appealed to the parents of our city, as many as we can reach over the phone, and asked them to send in protests to the board of education. Last evening was the regular monthly meeting of the board, and a few went up to the meeting and personally protested, which resulted in a committee of three being appointed to investigate the matter and hear some of his lectures. I do not think he will dare to give again the talk that he gave to the Union High children.

This man has just finished a campaign in Wisconsin, covering the State completely, and he has now entered Michigan to do the same thing. I am going into detail, thinking it may be of some help to you with the work in the State, and if Detroit has planned for a similar campaign you will be better prepared to head it off.

We had a talk with the girl's attending physician and he said it was outrageous. Such talk should never be allowed in even one instance, etc. He gave us the privilege of using his name, but, as he has stated, he is not an agitator and he is not one to stir things up much.

I hope you will advertise this, for it needs all the publicity we can give it. Mr. Weston is writing an article for us this week and we are going to send out 500 of them to the parents of school children. We have a meeting of the executive committee of the league this afternoon and we will plan something in the way of a protest. We are doing all we can to have it eliminated from the schools, and if they want to give such talks to give them to the adults.

With best wishes to all,

Sincerely, FRANCES W. SPEARMAN.

Mr. President, see how this idea grows. Here is another enlightened guardian of the public health proposing to educate children in the knowledge of disease by introducing moving pictures of the ravages of tuberculosis and disease germs. He got the idea from a young girl who had learned to "describe the formation and construction of tuberculosis bacillus to a surprising degree," he says. And she got this gruesome information from illustrated lectures in Carnegie Hall, in New York. Here is the account given of it by the Memphis Press:

As to the paths to be pursued before this term end by public-school children in search of facts pertaining to health welfare, it is probable that "a child shall lead them." For it was a child's knowledge of things beyond the ken of physiology textbooks in the public school which set Dr. M. Goltman, city healther, to thinking out a plan for furthering the knowledge of school children in the matter of health.

As a result lectures on health subjects, illustrated by moving pictures, will sooner or later become a feature of public-school instruction. This will follow the advent of more school inspectors, which Dr. Goltman is now striving to have added to the meager force.

"I got my idea from conversation with my 13-year-old niece in the East," said Dr. Goltman. "She was able to describe the formation and construction of tuberculosis bacillus to a surprising degree, and she knew other things a growing child should know, and knew them in the right way. I was astounded, and asked if she learned those things in school. She said no; that she attended illustrated lectures at Carnegie Hall and like places, because she was interested. These places are open to those who care to attend in New York, but I thought to myself, 'Why not build up a course of study and instruction in the public schools along those lines?' And if I have my say, Memphis will have the first regular course in its public schools of health and hygiene with the aid of moving pictures, thus going New York one better in its estimable work."

One would think this fearful raid on the health and lives of the children might stop there. But the doctors seem to be vieing with each other in efforts to disease the minds of innocent children and ignorant adults. At the sixty-fifth annual meeting of the Ohio State Medical Association Dr. C. C. Probst, of Columbus, in an address on "The protection of child life," said:

More progress would be made if no further effort were made to "teach old dogs new tricks," but attention should be devoted to the training of the school children in hygiene and sanitation and physical education. This would mean a new man in school life—a school physician. It would mean school supervision, not school inspection.

And at the sixty-first annual meeting of the American Medical Association, at St. Louis, June, 1910, the use of the theater as a means of conveying information about disease and disease germs was recommended. Dr. Masyck P. Ravenal, of Madison, Wis., had this to say on the subject:

In regard to the use of the theater for instructing the public along the lines of preventive medicine, may I tell you what we have done in Wisconsin? Many of you have probably seen notices in the newspapers of the play "In Germland." This was given by the young ladies taking work in the department of bacteriology and hygiene at the University of Wisconsin. The characters were all dressed in costumes representing as nearly as possible various germs as we see them in stained preparations, both the useful and the harmful germs being represented. No charge was made for admission, cards of invitation being issued. It was given as a department matter for our own entertainment and instruction, yet the demand for admission from outside taxed the resources of our hall to the utmost, and throughout the country the greatest interest was excited.

Our stage scenery was made as instructive as possible. We showed dirty roller towels on the wall, spittoons, garbage cans marked "No. 23," the common drinking cup, the common sponge, the feather duster, the broom—emphasizing as much as possible the bad features of such things. We had a large rat trap containing the rats which the women have been wearing in their hair so much of late. A garbage barrel filled with broken bottles and tin cans was called the "Germ-ania Theater," and the play announced was "The Place, the Man, and the Germ."

These things as we presented them were quite amusing. They catch the popular eye and at the same time give a great amount of instruction to those who have never thought on such matters before. This play is being revised and improved, and during the coming year is to be put on the stage by professionals. I am sure this sort of work will do an enormous amount of good in educating the public.

But the height of cruelty and folly seems to have been reached by the Kansas State Board of Health. It has published a "health almanac." In its number of December, 1911, the board assumes to let the people know what diseases they may look forward to each month in the year. It opens with a repulsive picture of a woman cruelly pitted with smallpox, with the statement under it, "Never vaccinated." But this is not really the worst of it. They take a page of their so-called almanac for a disease with the following headings: "January for smallpox, February for pneumonia, March for measles, April for whooping cough, May for good wells and good water," with the cheering statement for May that—

Bad or impure water is more dangerous than the deadliest poison and always affects those who drink it. Wells are polluted by organic matter getting into them. This matter comes from human beings or from animals and is always bad for those who drink it. If it comes from a case of typhoid or from a person who carries typhoid germs and gets into the well it will produce typhoid fever in those who drink it.

June for infants' complaints, July for flies and mosquitoes, August for typhoid fever, September for diphtheria, October for scarlet fever, November for colds and influenza, and December for consumption.

These doctors, if they are worthy of the name, know that two great causes of disease are fear and suggestion and that suggestion is the prolific cause of fear, disease, and death. And yet they deliberately send out broadcast, at public expense, a suggestion—probably a false one, but that makes no difference—that in each month of the year a specific and deadly disease may be expected and feared. It is the refinement of cruelty and the depth of ignorance in a matter of life and death if it is not malicious.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Idaho?

Mr. WORKS. Certainly.

Mr. BORAH. May I ask from what the Senator was reading a few moments ago? My attention was diverted.

Mr. WORKS. Does the Senator refer to the last extract I was reading?

Mr. BORAH. Yes.

Mr. WORKS. That is from a health almanac issued by the board of health of the State of Kansas. [Laughter.]

Mr. MARTINE of New Jersey. Mr. President, will the Senator from California permit me to make one suggestion?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from New Jersey?

Mr. WORKS. I do.

Mr. MARTINE of New Jersey. I would suggest to our genial and happy friend from Kansas [Mr. BRISTOW], with that staring him in the face, that he might move at once to New Jersey. We will offer him a calendar of life, health, happiness, and prosperity all the year round. Come and be one of us.

Mr. WORKS. This persistent suggestion of disease and its alleged causes is creating more disease and sacrificing more lives than are all the germs that have been discovered or imagined by man.

Mr. President, I said a moment ago that I thought the height of cruelty and folly had been reached by the State board of health of Kansas, but I have discovered something even worse than that. What is called "A circular for school children" has been distributed in some of the schools of this country that seems to me to go further in the way of spreading improper information than anything I have yet seen. It pictures a small boy examining disease germs through a microscope. The circular says:

> Then there are so many bad fairies which cause disease. Different kinds of them cause different diseases. * * * These little fairies are called bacteria or germs and are the smallest of all living things. They are found everywhere—in the air, the soil, the water, in our bodies. A quart of well water would contain a million of them.

Then follow illustrations of the different kinds of deadly disease germs with a statement under each group of the diseases they cause. Then the circular undertakes, by illustration, to show how the germs of tuberculosis are carried. The point of a pencil is pictured, covered with such germs as come from the mouth of the victim, and the picture of a fly is set out with its legs loaded with disease germs. A picture of a sick man in his invalid chair is given, with children taking some of his food from a spoon, with the statement under it: "The germs that attack us come from the bodies of the sick." Other pictures of the means by which disease is conveyed are given.

An emaciated consumptive, apparently in the last stage of the disease, is pictured as spitting upon the floor, and a woman sweeping up the sputum after it has dried. A little child is pictured as sitting near by, with the statement under this picture, "The germs may enter the bodies of children playing on the floor." Two persons are pictured as sitting at a table, one of them a consumptive, with the statement below it, "Others may get the disease by breathing"; and still another case, a small boy, emaciated by the disease, taking a bite of something, with two healthy-looking little fellows standing by, saying, "Give us a bite," with the statement under this picture, "Putting food, money, pencils, etc., into the mouth after a consumptive has poisoned them with his spit."

Now, Mr. President, I can not conceive of anything more cruel and inhuman than the loading of the minds of little children with such information as this. Physical ill treatment or abuse can not be compared to it, and yet I find the superintendents and teachers of the schools and boards of education not only permitting this sort of literature to go into the schools but actually encouraging it. They may be partially excused by their apparent ignorance of the palpable consequences of such impressions upon the minds of the young, because like a good many other people in this country they do not think for themselves or try to understand the effects of such suggestions as this circular contains, but accept it because the doctors approve it. I am sorry to bring to even the attention of the United States Senate such brutal and inhuman suggestions; and when one thinks of filling the minds of children with this kind of stuff, it is nothing less than horrifying.

Fortunately, some public officials, not doctors, are humane and sensible enough to attempt to stay this fearful filling of the minds of children with these hideous details of disease. The mayor of San Francisco, Cal., is one of these. I submit for the consideration of the Senate an editorial in the San Francisco Star of February 12, 1912:

> A WORD FOR THE MICROBES.
>
> Here are recent words of Mayor Rolph that are commended to your consideration:
>
> "I think you should go slow about the methods of eradicating tuberculosis. I hear so many mothers in the mission say that this tuberculosis scare has been so driven into the minds of their children that they come home saying they are filled with aches and pains, and have backaches and stomach aches and one thing and another. I heard this discussed last night, and that germs of every human ill have been shown on magic-lantern slides—pictures that make children get the idea that their bodies are covered with germs. I do think that you ought to be very careful to first study out well the effect of all this and prevent what is evidently intended to make children think they are filled with all kinds of diseases, when you know, as a matter of fact, they are not, and that what you are really trying to do is only to prevent disease."
>
> Amen. Also hallelujah and God save us. The mayor is right. A child may be scared into sickness as well as safeguarded against it. We have overworked the microbes, poor things. They are good, bad, and indifferent, but no matter how irreproachable their character our children have been indirectly inoculated with the idea that they should be regarded as malefactors and goblins.
>
> The fact is that man has slowly educated himself up to the point where he is scared to death by death. This is why 10,000 fads of healing bud and blossom in our midst. I remember very well when a stomach ache was cured by Jamaica ginger and a mustard plaster. Now the chances are that nothing but removing the vermiform appendix will do the business; after that, if one has a stomach ache he may try the old remedies.
>
> Again, the mayor is right. We show our kids pictures in which human flesh is portrayed as the grazing ground of all sorts of apparent antediluvian monsters. What wonder if the half-formed minds of the children get the idea that there is not much hope for them; if they are "filled with aches and pains and have backaches and stomach aches"? Deuce take it! how can they expect anything else with megatheriums and other bacilli at work?

The Ohio State Journal in its issue of November 27, 1911, contained this sensible editorial on this subject:

> THINKING HEALTH.
>
> We find this very suggestive paragraph in a book entitled "Philosophy of Self-Help":
>
> "The most prevalent and the most dangerous of all forms of infection is mental. It is far easier to get bacteria out of the body than to eradicate disease germs from the mind once they get in. Thinking and talking about disease prepare the mental soil for its reception. Fear and expectancy promote its growth."
>
> We apply this thought to medical inspection of schools, which tends to fill the minds of the children with thoughts of disease. It is entirely uneducational to do so. It is the easiest thing in the world to transfer an ailment of the body into a disease of the mind, and when that becomes a child's condition, he goes through the schools carrying a heavy load. And that condition of the mind tends to promote disease. One disturbs the free activity of the mind by turning it in on physical ills.
>
> The best hope of health is to think health, and that suggests the sort of education a child is entitled to. It will be a hard matter for even a well child to grow grand and good out of a consciousness of surrounding physical ills.

Mr. President, the doctors are using every means possible to get themselves into the schools. They are trying to teach unthinking people that this is necessary to the public health. What a dreadful mistake! The presence of the doctor who thinks nothing and talks nothing but disease, is full of fear of microbes and the thousands of causes of disease that had better never have been known, is little better than a death's head in the schoolroom. Better have someone to teach the children that good is more powerful than evil; that we make disease by thinking it; and to be thinking of better and higher things than the material causes of disease. This will never be a healthy Nation until the people are freed mentally from this dreadful, all-pervading fear of disease. Men and women burdened with all these false beliefs and fears are slaves to their wrong view of life.

Mr. President, this nefarious onslaught on young children and the spread of disease through suggestion and fear has grown worse and worse. And now the Government is to be asked to become a party to this spreading of disease by collecting and disseminating like information for the whole country to read. What a fearful responsibility must rest upon the people who are disseminating such information.

Every doctor worthy of the name knows that fear is one of the most prolific causes of disease. He knows, too, that suggestion of disease is equally deadly in its effects, especially on the timid and fearful. And yet, with full knowledge of this, they set about in the most direct and forceful way to suggest the existence and presence of the very diseases they claim to be combating and to implant in the minds of the old and young the fear that engenders the disease. If the evidence of this cruel wrong was not so direct and positive it would be beyond belief. A very interesting article on the effects of fear, by Dr. Orison Swett Marden, was published in the Philadelphia Evening Bulletin February 24, 1912, and is worthy of the attention of the Senate. It is as follows:

> Fear in all its different phases of expression, such as worry, anxiety, anger, jealousy, timidity, is the greatest enemy of the human race. It has robbed man of more happiness and efficiency, has made more men cowards, more people failures, or forced them into mediocrity, than anything else.
>
> Fear has a paralyzing, blighting influence upon the whole being. It impoverishes the blood and destroys health by impairing the digestion, cutting off nutrition, and lowering the physical and mental vitality. It crushes hope, kills courage, and so enfeebles the mind's action that it can not create or produce.
>
> Many people are afraid of nearly everything. They are afraid of a draft, afraid of getting chilled or taking cold, afraid to eat what they want, to venture in business matters for fear of losing their money, afraid of public opinion. They have a perfect horror of what Mrs.

Grundy thinks. They are afraid hard times are coming, afraid of poverty, afraid of failure, afraid the crops are going to fail, afraid of lightning and tornadoes. Their whole lives are filled with fear, fear, fear.

* * * * * * *

Fear strangles originality, daring, boldness; it kills individuality and weakens all the mental processes. Great things are never done under a sense of fear of some impending danger. All work done when one is suffering from a sense of fear or foreboding has little efficiency. Fear always indicates weakness, the presence of cowardice. What a slaughterer of years, what a sacrificer of happiness and ambitions, what a ruiner of careers this monster has been!

One of the worst forms of fear is that of a foreboding of some evil to come, which hangs over the life like a threatening cloud over a volcano before an eruption.

Some people are always suffering from this peculiar phase of fear. They are apprehensive that some great misfortune is coming to them, that they are going to lose their money or their position; or they are afraid of accident or that some fatal disease is developing in them. If their children are away, they see them in all sorts of catastrophes—railroad accidents or shipwrecks. They are always picturing the worst.

* * * * * * *

The fear habit shortens life, for it impairs all the physiological processes. Its power is shown by the fact that it actually changes the chemical composition of the secretions of the body. Fear victims not only age prematurely, but they also die prematurely. Oh, how many victims fear has put into the grave. It has driven people into all sorts of crime through unbalancing the mind. It has caused terrible tragedies in human life.

There is not a single redeeming feature about fear or any of its numerous progeny. It is always, everywhere, an unmitigated curse.

A man who is filled with fear is not a real man. He is a puppet, a manikin, an apology of a man.

Quit fearing things that may never happen, just as you would quit any bad practice which has caused you suffering.

Mr. President, the dangers of disease and death are kept constantly in the public mind. People are warned to avoid this and shun that, and taught to believe this means one disease and that another, until the weak in body or mind are brought under the influence of this powerful suggestion and the strong are not always able to throw it off. Man is afraid of the food he eats, the water he drinks, and the air he breathes. Possessed with fear, he shuns certain foods that he thinks are hurtful, he shuts out the fresh air, and drinks boiled or bottled water. He has become a very craven, the slave of his unreasonable fears. I have heard a Member of this body declare that he could not ride from the Capitol to the Office Building in a closed subway without taking cold, and therefore he walked while others rode. Another is afraid to take a drink of ice water, because if he drinks it it paralyzes the stomach. Last summer when the thermometer hovered about 90 the Sergeant at Arms had electric fans placed in the Senate to relieve the heat, but if one was put in motion it was ordered stopped. Some one was afraid it would give him cold. And so it would, probably; not because a little fresh air could give anyone cold, but because of his fears. If he could learn not to be afraid, and no one else were afraid for him, he would never take cold. Job said, "That which I greatly feared hath come upon me." So it is with the man of to-day. To fear disease is to invite it. Disease is wholly mental. The material body, without mind, has no sensation. Destroy consciousness and the body does not feel. The condition of mind reacts on the body and makes it sick or well, according to the thought either of the individual or others who think about him. Hatred, malice, revenge, fear, and other wrong thoughts are the breeders of disease. Every competent physician will tell you so. And yet these same physicians are doing more to excite the fears of the people than everybody else. And they are here now, urging Congress to authorize the Government to put out printed information that will feed the fears of the people of the whole Nation and engender more diseases and sacrifice more lives than ever the doctors will heal or save. If the people could once be taught to think and talk health and not disease, harmony and not discord, faith and trust and not fear, life and not death, a health department need not be thought of. If the people could only be taught to trust in an omnipotent and good God instead of the doctor and his remedies, and thereby cast off all fear, disease would be unknown. To one having some of this faith and trust that dispels fear in the degree that one trusts and understands, the thought that is bestowed upon disease, sickness, and death, and the power that is given to them in the human mind is little less than appalling.

Mr. President, I can not keep silent and allow this Nation to become a party to this monstrous propaganda of fear and devastation of its people.

Some of the doctors have realized this and sounded a warning. Dr. P. L. Myer, of Toledo, Ohio, in an article published in the Journal of the American Medical Association as far back as 1906, says:

Had we not better hedge a little before the great lay mind grasps the fact that they were frightened into panicky laws and restrictions over will-o'-the-wisp possibilities and not probabilities or actualities?

* * * * * * *

With all the wonderful strides of our science in 100 years, we still have the public as abjectly cowed to-day, before the omnipotent hosts of bacteria, as it was by the evil spirits and ghosts and witches of a past century.

And in 1910 the Journal of the American Medical Association has this very pertinent statement of prevailing conditions:

An aversion to unnecessary contamination by noxious microorganisms may well serve as a protection against disease; but an insane terror of infection may make life very miserable without appreciably lengthening or strengthening it. In the first place, the paradise of faultless prophylaxis—the aseptic Eden which seems to be the ideal of the germophobes—is unattainable. We can not banish microorganisms from our human world; we can only try to keep that balance of conditions most favorable to the life of the human organism. In the second place, the attitude of mind, cultivated in the perpetual endeavor to evade disease, may be almost a worse evil than the disease itself; certainly it furnishes the best excuse for the existence of those sects which deny the existence of all disease and the usefulness of any precautions. "Life is a dangerous thing at best, and very few of us get out of it alive," while those of us who spend all our energies trying to elude its incidental risks might almost as well never have lived at all. Health is largely a matter of a proper balance of opposing forces, and that balance can be preserved, in part, by cultivating a due measure of indifference to inevitable dangers.

From the Ohio Medical Journal of July, 1898, after commenting upon the annual meeting of the American Medical Association of that year, this is interesting:

The political part of the convention continues to be managed by medical politicians; these gentlemen constitute a sect apart, coming chiefly from St. Louis and Louisville, and who come with everything cut and dried.

To which the Atlantic Medical Weekly of August 6, replied:

But granting it, * * * most of the members attend the sessions of the American Medical Association for other reasons and with other purposes than to engage in political bickerings, and are only too glad there are others to do this work for them. * * * They get but an empty honor, forgotten before the next session, and have a great deal of labor for their pains.

WOULD FORCE LEGISLATION.

From a report of the one hundred and third annual meeting of the Medical Society of the State of New York, held at Albany, January, 1909, and published in the Journal of the American Medical Association, February 6, 1909:

If the incoming national administration fails to establish a national department of health the public health committees of the State medical societies should add their force in making public sentiment sufficiently strong to force this movement through.

Dr. Larkin, of Hillsboro, Ohio, in an address to his local county society, a branch of the American Medical Association, said:

We want to make the influence of the county society so strong that no decent, self-respecting physician can be without its portals. We want to make its local influence so great that no legislator can ignore its warnings, and when we ask in the name of humanity that certain laws be enacted for the general good they will heed our demands and be only ready to do our commands.

From the remarks of Dr. H. A. Beaudoux, president of the North Dakota State Medical Association, at the twenty-second annual session of the same, held at Fargo, May, 1909, and published in the Journal of the American Medical Association, June 5, 1909:

We are better equipped to pass sane and important legislation than any other body of men and to make ourselves felt in public matters owing to our intimate relations, as family physicians and advisers, with the voters throughout the State.

It seems that Prof. Irving Fisher, who was chairman of the committee of one hundred, must have had some doubt of the sincerity and unselfish humanitarianism of the American Medical Association, for in Dr. McCormack's report of the executive committee, June, 1910, at St. Louis, he has this to say about the professor:

I was impressed at the outset of our acquaintance that he had not seen the best side of our profession and had some of the prejudices, only more frankly expressed, of the average layman as to its aims and attainments; and asked him to make the same careful study of its plans of organizations and purposes that he had given to other problems, with the result that he soon became one of our most appreciated friends.

Of Senator OWEN he writes:

Soon another great layman, Senator ROBERT L. OWEN, of Oklahoma, entered the lists as our official advocate in the National Senate. * * * It has been one of the greatest privileges of my life to be intimately associated with these two lay friends of ours, OWEN and Fisher, etc.

Sometimes some more conservative counsels intervened, but they were promptly suppressed. At a council of the association an attempt was made by one of their number to check the political activities of the organization, but it was a melancholy failure. The following account of it appeared in the Illinois Medical Journal of March, 1912:

Dr. Henry B. Favill, of Chicago, presided and uttered an address which was quite remarkable, and led up to the most dramatic climax it has ever been our privilege to witness. Dr. Favill's remarks were to the effect that the activities of the profession in political matters had brought about considerable criticism from a portion of the public. We had been accused among other things of being "a professional trust," of using "trade-union methods," etc. Because of these disagreeable statements Dr. Favill thought it the part of wisdom to at once abandon our efforts along political lines and depend altogether on our efforts to educate the people. * * *

THE DRAMATIC CLIMAX.

Scarcely had the chairman taken his seat, ready to call for the next order of business, when Dr. J. M. McCormack, of Kentucky, sprang to his feet, and in eloquent language called attention to the stand taken by the parent organization at the Los Angeles meeting. The representatives of the organized profession, duly elected and clothed with plenary power, had pledged the organization at its annual meeting to a continuation of the contest which it had commenced, and instructed its committees and its journal to use their utmost endeavors to procure the passage of the Owen bill. If it should go out to the public that this conference, after all that had been said and done, had to-day taken a different stand, and should by its silence give consent to the doctrinaire sentiments of the chairman, a blow would be struck at the good faith of the profession from which it would never recover. Mr. OWEN, who had taken his life and his political fortune in his hands in advocating our cause, would go down to a disgraceful defeat, and the blood of this sacrifice would be on our hands.

It has been the studied effort of the American Medical Association to secure teachers, particularly in the public schools, to cooperate with them. In this way they could reach the young people and bring them under their influence, thereby securing the influence of the teachers themselves as affecting public sentiment. Dr. McCormack, who was the leading spirit in all efforts to extend their organization and increase its strength and influence, had this to say on that subject at the Atlantic City session in June, 1909:

I am constantly impressed with the possibilities of this work before educational bodies and schools, and especially in institutions which are engaged in preparing teachers, editors, lawyers, clergymen, and other leaders of public opinion for their life work. The popular distrust of the profession, ordinarily passive but ready to become active and to be utilized by the various quack and other antagonistic interests, can scarcely be overestimated, and probably can never be eradicated from the once infected adult mind. The experience of recent years has convinced me that with the aid of the teachers and schools, an aid which will be ours for the asking anywhere, a generation of voters and legislators can soon be so trained that the vast interests represented by preventive medicine will come to be appreciated as among the most important and cheaply and easily conserved of the Nation's resources, the unselfish aims and purposes of the profession will be recognized, and constructive statesmanship can be submitted for the time-serving political methods which have so long obtained in our public affairs, local, State, and National. For these and other reasons which can not be enlarged on here, I would urge such an alliance between physicians and teachers in every section of the country as will make all that it involves in our work matters of common knowledge. In short, the future, as I see it, was never so full of promise, if the people can be frankly taken into our confidence and more sense and greater dignity can be made to obtain in our relations with the public and public affairs.

The doctor seemed to be impressed with the idea, evidently well founded, that the doctors composing the organization are not in public favor. He seemed to think that an alliance with a respectable body like the teachers would relieve them from this feeling of distrust. Unfortunately, too many teachers have unwittingly been made the instruments of the association for such a purpose.

The following article entitled "The county board of health," by Dr. W. S. Rankin, secretary of the State board of health of Raleigh, N. C., shows something of the length to which they are going in the effort to mold public sentiment and secure outside help:

EDUCATIONAL WORK.

Here is a vast field of unlimited possibilities wherein the board of health may do its most important work.

The educational efforts of the board of health have three possible agencies through which to find expression, the public school, the pulpit, and the press.

The receptive and pliable mind of developing citizenship is the most prolific soil in which to sow the seed of sanitary regeneration. Certainly there is nothing more vital to the future welfare of all the people than that our school children shall be taught the value of health, that it is fundamental to all other possessions, and that it is a thing that can be easily conserved or easily wasted. There is a law that requires our public schools to teach Ritchie's Primer of Sanitation to all pupils in the seventh grade. County boards of health should see to it that this law is rigidly observed.

In the December Bulletin we suggested the purchase by the county of an acetylene lantern and slides. The entire outfit can be obtained for $100. If the county board of health would invite the cooperation of the county medical society and work out with that organization a program of lectures to be given by the members of the county medical society to the various public schools in the county, nothing would go further in arousing the sanitary conscience of the county. The lectures should be given at night in the public schoolhouses. A week preceding the lecture the county superintendent of schools should forward to the teacher of the school a quantity of handbills announcing the lecture, and these could be distributed through the school children throughout the community. If the county medicial society does not care itself to prepare a set of standard lectures on important sanitary subjects, the State board of health will be very glad to furnish these lectures already prepared, so that little time will need to be given the matter by the individual members of the county medicial society. For fuller detail in regard to this plan see 313 of the December (1911) Bulletin.

Another very effective method for emphasizing the importance of the study of sanitation in the schools and for securing the interest of the children, and one that has been put to extensive use by many progressive communities, is the offering of prizes for compositions on public health subjects. Asheville, Wilmington, and Smithfield, among other towns in North Carolina, have adopted this idea. A county in Alabama obtained such splendid results in increasing the interest of the people in matters of sanitation through a series of prizes offered in the public schools of the county for compositions on tuberculosis, sanitation, flies, etc., as to have attracted national attention. What has been done in Alabama can be done in North Carolina.

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The county medical society should use its influence with the newspapers of their county to secure the publication of articles bearing upon public health. The newspapers of North Carolina recognize the importance of this public opinion and are lending the use of their columns unstintedly for the promotion of public health. County boards of health should keep the editor of the county paper informed in regard to local conditions and events that affect the public health. The State board of health prepares weekly newspaper articles on the subject of public health and sends them to all the newspapers of the State. If your county paper has not been publishing some of these articles, the board of health might call attention to the possible oversight and use its influence in securing more frequent references to this matter, which should deeply concern the public.

Mr. President, the full title of Ritchie's primer, referred to in the last article, is "Primer of sanitation: Being a simple work on disease germs and how to fight them." And the following are the subjects treated in this so-called work on sanitation:

Why the study of disease germs is important.
The cells of the body.
Disease germs and how they get into the body.
The struggle between the body and the germs.
Bacteria.
The skin.
The pus-forming bacteria.
Tetanus (lockjaw).
The air passages and the lungs.
Diphtheria.
Pneumonia.
Influenza, whooping cough, and colds.
Tuberculosis.
The treatment of consumption.
Disease germs in dust.
The alimentary canal.
Typhoid fever.
Diseases caused by relatives of the typhoid germ.
Other bacterial diseases of the intestines.
Disease germs in water.
Other bacterial diseases.
Protozoa.
Malarial fever and yellow fever.
Mosquitoes.
Smallpox.
Other protozoan diseases.
Intestinal worms.
The importance of sanitation.
The housefly.
Disease germs in food.
Disinfection.
Unhygienic habits.
Public sanitation.
What governments can do to preserve the public health.
Practical sanitation.

This is the kind of reading that is being offered to the children of the country and attempted to be forced upon them, for the study of the book has already been made compulsory in the State of North Carolina and, I understand, in some other States.

There has been much complaint that the earnings of the doctors have been falling off. Hence the extraordinary efforts through political means and unjust restrictive legislation to retrieve their fortunes. At the meeting of the San Francisco Medical Society in January, 1899, Dr. Charles G. Kuhlman read a paper in which he showed that the average earning capacity of California's 3,000 doctors should be $5,000 each per annum, but because "irregular" physicians were allowed to practice and of bad debts it was only $850, or one-sixth of what it should be, entailing a loss to the "regular" doctors of that State alone of $10,000,000 per annum.

That was certainly a bad showing for the regulars. He urged as a remedy "a better organization of the medical profession into a distinct corporation and which should be, to be perfect in its results, not merely local or State but national in its character." The doctor's advice was taken. Now the regulars have just such an organization as he hoped for, and it has not hesitated to use every means within its reach, political and otherwise, to circumvent the irregulars and put them out of business. To this end they have spent millions of dollars, and the people are no better off, nor have the regulars increased their earning capacity or increased for themselves the public respect or confidence. Their case is no better, but seemingly worse, than it was before, as indicated by the following extract from the New York State Journal of Medicine of March 12, 1910:

The profession has not fared well at the hands of legislators. The legislation secured to elevate the standard of the profession and protect the public from quacks has resulted, with the help of the same legislatures, in turning turkish-bath rubbers into doctors, and the optician has succeeded in usurping some of the most delicate functions of the physician. If the legislature continues to license successive schools of quackery, we may well question the wisdom of State control of license to practice medicine. On account of this and on account of the general education in hygiene and preventive medicine, the income of the profession has been greatly diminished. The remedy would be to increase the fees, but this could not be effected without thorough organization and loyalty to each other on the part of the doctors. The New York Journal says, further, that it is the universal opinion that an agreement in regard to fees would not be respected, and that this assertion is striking proof that there is real distress in our ranks and that medicine is degenerating into a vulgar game of grab or sordid struggle for mere existence.

This shows a very distressing condition of things for the regulars; but it never seems to occur to them that the error may be with them. It is inconceivable to them that they could by any possibility be "irregular" and some other mode of healing the true or even a better one than theirs. It is not theirs to learn, but to stick dogmatically to the contention that no one can be right but them. Other people have seen their error and the falsity of their ideas of healing, but they seem incapable of appreciating a patent fact that millions of people have learned to their inestimable advantage.

Mr. President, there is still another side of this important question that should not be allowed to escape the attention of the Senate. It is this: I have already pointed out that the medical activity of the Government in all its branches is in the hands of and completely under the influence and control of one school of medicine, and every publication sent out as information coming from the National Government is now, and will continue to be under this bill, the views of one school of medicine, and that a school which has been largely discredited. When the Government becomes the publisher and distributor of information obtained by and relating to this school of medicine, it establishes a State medicine and makes it strictly sectarian. This is bound to continue just so long as one school of medicine is intrusted with the management of health matters. It may be said that this bill provides against discrimination as between different schools of medicine. But while the bureau is under the control of one school and no physician or surgeon of any other school is employed by the Government, such a provision amounts to nothing. The Government has maintained this sectarianism in medicine for over 40 years. Its health activities have been completely dominated by one sect to the exclusion of all others.

The Government has no more right to sanction or support sectarianism in medicine than in religion. One is just as much of a violation of the freedom of the citizen as the other. There are millions of people in this country who believe in the homeopathic and eclectic modes of healing, and millions more who do not believe in drug healing of any kind. But not one of these has any recognition whatever by the Government as represented by the present medical bureaus, nor will they have under this bill if it becomes a law.

By these publications the Government is simply promoting the views of one school of medicine to the exclusion of all others. And worse still, they are not a report of established or known facts, but of mere opinions opposed to the views of other equally competent schools of medicine, and generally found in the end to be erroneous. Such a publicity bureau shuts out the views, opinions, investigations, and discoveries of every other school of medicine, composed, in part, of some of the ablest men and brightest minds in the country. If we take the publications of the present health bureaus, and the people of this country were dependent upon them for their information, they would never know that a homeopathic, eclectic, or any other school of medicine or healing existed. And if the bureaus should speak on the subject, it would be to discredit any school but the one. If such publications are of any use to the public, they should be made nonsectarian and inform the people of every discovery, advance, or change in health affairs from whatever source and without bias or prejudice.

This could never be expected from present bureaus or any consolidation of them. The chief reason is that this legislation is sought by and in the interest of one school of medicine. No other school is asking for or favors it. The people do not ask for it and do not understand it.

SERUM THERAPY.

Mr. President, the old school of medicine has now taken up the idea of serum therapy, so called, or the prevention of disease by inoculation of supposed disease-preventing serums extracted from diseased animals. In the case of smallpox we have had this alleged preventive for many years. The efficacy of vaccination has never been proved. It has from the beginning been stoutly denied, and ample proof has been given that it is not a preventive, notwithstanding the National Government, and State, county, and city authorities compel the people, including young children, to submit to the poisoning of their blood by this loathsome treatment. The National Government forces it upon its soldiers and sailors by the strictest penalties. Children whose parents are opposed to it are denied school privileges, and other penalties are imposed to compel submission to vaccination, whether the people want it or not. It is almost beyond belief that any enlightened Government would thus trespass upon the liberties and personal rights of its citizens in such ways upon the mere opinion of doctors, and opinions that have never been substantiated, but have been discredited and disproved over and over again. And now the doctors say typhoid fever can be prevented by a serum that has been discovered lately, and the Government at once accepts this opinion and forces it upon its soldiers, sailors, and employees. Then the school children will be forced to accept this new and equally dangerous system of poisoning. Like remedies are being discovered for other diseases, until everybody will have to submit to have his body inoculated with various poisons, on the theory that he will thus be made immune from every known disease. The whole thing is too absurd to talk about. It results from the fact that the doctors have learned that the old remedies will neither prevent nor heal disease, and they are losing their business and public confidence. The administration of these pretended preventive remedies is a very lucrative business, and when people are compelled to take them it is easy to get patients.

The practice of vaccination is condemned by physicians and scientists and all classes of people. The following from the late Moncure D. Conway, one of the great men of this country, illustrates what men of learning and information think about it:

A considerable number of good people are just now suffering fines and imprisonments because they will not suffer their children to be vaccinated. Their very excellencies as parents cause them to be dealt with as malefactors. Here, say, are two men: One gives uninquiring assent to what other thoughtless people assent to; he doesn't care much what happens to his child, delegates to usage the duty of thinking for it, gives it up to be baptised, catechised, vaccinated, flogged at school—to anything that is usual, whether right or not. The other man gives no uninquiring assent; he studies carefully that his family may be nourished with truth and maintained by such laws of health as he can discover. Now, of these two the careless parent is favored by the vaccination law, while the thoughtful, anxious, and devoted parent is punished unless he adopt a prescribed opinion. A law which thus favors parental indifference and discourages careful thought and conscientious devotion to the child's welfare reverses the spirit of all just laws. Of course it is equally probable that the thinking parent may be able to agree with the majority; but he may not, and in this case he suffers for his inquiry, while the other escapes—no man being so safe from the results of thought, erroneous or right, as he who never thinks at all.

Vaccination has been seriously challenged by men of learning. The misgivings concerning it have not arisen from ignorance and prejudice, but from men of science and medical men. These arguments have been sufficiently strong to shake the convictions of eminent thinkers and political leaders—such as Herbert Spencer, Prof. F. W. Newman, Dr. Garth Wilkinson, William Ewart Gladstone, W. E. Forster, John Bright—in the justice of the law, and of some of them in vaccination itself. The arguments which have influenced such men—leaders of large numbers of people—can not be met justly except by fact and argument. To answer by mere force is tyranny. The reasoning objectors have been answered only by fine and imprisonment, which are as genuinely persecutions as if inflicted for the nonbaptism of children, on the ground that such children may become foci of heretical infection. To those who dissent from it vaccination is merely a medical dogma. To coerce parents into its practice rests upon that assumption of medical infallibility which has again and again been proved false, as in the instance of inoculation, once generally practiced, now penal; as in the example of bleeding, that barbarous practice to which Washington and Cavour fell victims while opening new vistas of civilization. Even were physicians unanimous in their faith in vaccination, they could not claim infallibility after having so often erred, while, as a matter of fact, there is less unanimity in that profession about vaccination than there was at one time in favor of the now discredited inoculation.

And this is the way the Government punishes its citizens for presuming to deny the right of its officers to poison their blood by this process:

[From the St. Louis Post-Dispatch.]

MEDICAL TYRANNY IN NAVY.

Resistance to the advice and instructions of medical officers in the Army or Navy is construed as insubordination as serious as resistance to the orders of other commissioned officers. Because they refused to submit themselves to the new antityphoid inoculation, a number of the crew of the battleship *Vermont*, in Cuban waters, are being punished as virtual mutineers.

There was a time when disobedience to the orders of a chaplain involved as grave consequences to members of the organized military forces. Army and Navy policies which make mutineers of faithful men with intelligence and individuality enough to object to the introduction of noisome, poisonous substances into healthy bodies can not command popular approval.

If vaccinations for various diseases were prescribed a condition at the time of enlistment, the men would have the option of consenting to it or declining to enter the service. To impose after enlistment vaccination on men in violation of their will and judgment is a misuse of military authority. It can not be justified on the ground of necessity in the absence of an epidemic. So far as typhoid is concerned, it can be combated in entirely unobjectionable ways through sanitation.

This is a subject with which Congress should deal.

When one comes to consider this subject, the evidences against its compulsory imposition are so numerous that one can select but few of them for use in an address of this kind. No one can truthfully deny that thousands of lives, many of them of little children, have been sacrificed to this vile practice. But, again, the people do not or will not think for themselves. To them the opinion of some doctor who knows no more than they do about it is sufficient and they go no further. Those who do think for themselves and refuse to submit to the treatment for their children must lose their right to send them to the public schools. If the doctors agreed about it, it would not be so bad. But they do not. Many of the ablest doctors of all times since it came into use have denied that it is of any value and assert

that it is a most dangerous remedy. In an appeal to the people of Pennsylvania by certain inhabitants of Bangor, Northampton County, they say:

The inhabitants of Bangor, Northampton County, in public meeting assembled, on Friday evening, March 29, 1907, issue this appeal to the people of Pennsylvania to join with them in restoring the principles of civil liberty in this Commonwealth, which have been outraged by the enforcement of the compulsory vaccination laws.

On November 5 last, one of the brightest and best of children, Hershel, the 8-year-old son of Frank N. Love, a respected citizen of Bangor, was vaccinated in order to obtain admission to school, as required by the 12th section of the act of June 18, 1895. Within 17 days he was dead, after suffering what no tongue can tell. The poison was put into his little body, but the doctors could not get it out.

The father and mother of this victim of State-enforced blood poisoning have one remaining child, a little girl, who is now of school age. But a cruel law, which still remains unrepealed upon the statute books of this State, denies to this child the right of education guaranteed by our Constitution, unless her already grief-stricken parents again make a sacrifice to the Moloch of vaccination.

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The tendency of vaccination to spread smallpox and its worthlessness as a preventive have been illustrated in our own State, where the disease has been most prevalent and fatal in those localities where vaccination has been general. In Philadelphia during the 10 years immediately preceding the enforcement of the vaccination school law, from 1885 to 1894, there were 113 deaths from smallpox, while during the four years from 1901 to 1904, when the law was being strictly enforced, there died in the Municipal Hospital of smallpox 760 persons. It is estimated that the vaccinations performed during that outbreak were about 500,000 in number. In Marietta, where vaccine is manufactured from the virus of smallpox, there were more than 50 cases in 1905. But in Erie, where it has been found impossible to enforce vaccination, there has been only one death from smallpox in 25 years, and in Waynesboro, where the entire population is opposed to vaccination, there has not been a case of smallpox since the Civil War, nor a death from that disease for 64 years.

The spread of smallpox is, however, one of the least of the evils chargeable against vaccination, for physicians who have independently investigated the subject tell us that the words of Scripture, that "The life of all flesh is the blood thereof," are literally true, and that the corruption of the blood defiles the fountain of life, making disease necessary to purify the system and prevent degeneration. Vaccination stands indicted by the common sense of mankind, the teachings of religion, and the voices of the world's greatest scientists and sanitarians, including Alexander von Humboldt, Florence Nightingale, John Pickering, Sir William J. Collins, Herbert Spencer, Alfred Russel Wallace, Alexander Milton Ross, Montague R. Leverson, Charles Creighton, Edgar M. Crookshank, and many others of like eminence. It has poisoned the blood of countless multitudes and placed upon its victims the stamp of consumption, syphilis, cancer, and many other terrible diseases.

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If the functions of government were strictly limited to the exercise of its just powers, grounded in nature, and derived from the consent of the governed, and if all arbitrary authority were abolished, there would be no compulsory vaccination laws, and the history of Pennsylvania during the last two years would not have been sullied by the slaughter of Dale Iams, of Washington County; Lottie Bentzel, of Cumberland County; George Baker, of York County, John L. Hilt, of Lancaster County, Beatrice Bausonville, of Pittsburgh, and many other little innocents by State-enforced blood poisoning.

The attitude of certain political doctors who are members of the legislature in presuming to dictate to more than 6,000,000 people in this Commonwealth concerning their own flesh and blood, encouraged as it has been by the attempt of health officials to use the power and patronage of their offices to influence the course of legislation, we denounce as being opposed to the spirit of our institutions.

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When a few political doctors, animated by the selfish and infamous desire of a clique in the medical profession to increase its profits by diseasing the entire population of this State, can block the remedial legislation demanded by an overwhelming majority of the people an issue is raised which must be carried to every hamlet and fireside. Shall a politico-medical oligarchy, supported by the public revenues, be permitted to compel any person to submit to a surgical operation, or shall the free institutions guaranteed by the Constitution of the United States be maintained in this Commonwealth? Shall a union of medicine and State be permitted to enslave the bodies of men, women, and children in a community in which the principles of religious liberty and toleration have been upheld for two centuries and more?

Mr. J. P. McLean has this to say in the Dayton (Ohio) News of October 26, 1910:

AGAINST VACCINATION.

EDITOR DAILY NEWS: I will avail myself of the opportunity of contributing an article on "Vaccination" for the reason that I believe that this cult is the greatest crime against nature ever recognized, and is far worse than war, famine, and pestilence. One article will not permit me to go into details, nor treat the subject as I would desire. The fact that antivaccination societies are numerous in Great Britain, America, and Canada and other countries, indicates that there is a widespread dissent and opposition to the cult. If to this be added the names of the greatest pathologists, physicians, surgeons, naturalists, statesmen, etc., then it is well to pause and consider. I will here confine myself to some of the reasons why the ranks of the opposition are extending, though I may not follow the natural sequence.

In all probability the opposition to the cult arises principally from the fact that it is a propagator of a fatal disease. This point is easily proven from the fact "that all lymph, however pellucid, does really contain blood cells." (Unanimous opinion of the Royal Commission on Vaccinations, final report, p. 112.) If, then, vaccine matter always contains blood cells, then whatever disease the source of the supply may have, will be propagated in the victim. Dr. Alexander Wilder, the most brilliant and versatile physician America ever produced, says: "Consumption follows in the footsteps of vaccination as directly as an effect ever follows a cause. The vaccine poison being the product of decaying animal tissue, and often tuberculosis in character, must naturally produce its like wherever it finds the suitable opportunity." (See his "Fallacy of Vaccination," p. 13.) He quotes from Prof. Bartlett, of the medicine department of the University of New York, who stated that "in 208 children who had been vaccinated, 38 died of tubercular consumption and 170 of other maladies. In 95 who were not vaccinated 30 only died of consumption and 63 of other diseases."

The Medical Times and Gazette, London, for January 1, 1854, called attention to the fact that consumption had widely spread since the introduction of vaccination. That during the 10 preceding years it had slain 68,204 in the metropolis alone. The report of the registrar general for 1669 gave the number of deaths at 53,794 from the cause alone. Dr. Wilder is supported by such men as St. Gervais, Hufeland, Hertwig, Grisolle, Constadt, Bedaur, who also enumerated about 30 more diseases.

Dr. Jasuco Copland (Dictionary of Medicine, vol. 3, pp. 140, 141) says: "Notwithstanding the laudation bestowed upon vaccination, I believe that as the lapse of time allows the fact to be more fully demonstrated it will be found to be a not unfruitful source of scrofula and tuberceles." Even Dr. Felix von Niemeyer says that vaccination in children may leave behind it the germs of a disposition to consumption (p. 22). He further adds: "I must protest against unconditional compulsory vaccination, particularly during the first two years of life." I might extend this, but enough has been said.

Cancer is another rapidly increasing disease. Does any person know even of a single case of this disease in a human being who was never vaccinated? It is a frightful disease, and fatal. Several years ago Dr. Wilder wrote in that of his own knowledge he knew this disease to be bovine. Hutchinson (Illustrations of Classical Surgery, vol. 1, p. 141) has illustrated a case of lupus in and around a vaccination scar, and cases of a like nature have been described by Besnier (Annales of Dermatologie at de Syphiligraphie, vol. 10, p. 576), Lennander (Upsala Lakareforennings Forhandlinger, vol. 25, pp. 65–70); and Colcott Fox (The Practitioner, vol. 6, p. 500).

Judging by reports, lockjaw is not uncommon after vaccination. I need only to refer to the statements of Dr. J. H. Cottman (New Orleans Medical and Surgical Journal, vol. 2, p. 783), Dr. George Ross (The Southern Clinic, vol. 1, p. 468), Dr. Theodore Dimon (St. Louis Courier of Medicine, vol. 7, p. 310), Dr. H. J. Berkeley (Maryland Medical Journal, vol. 9, p. 241), Dr. W. T. Bates (Transactions of the South Carolina Medical Association, vol. 32, p. 105), etc.

Without multiplying the list of diseases with accompanying references, I will conclude this portion of the article by stating that the celebrated physician, J. J. G. Wilkinson, gives a list of 56 different diseases caused by vaccination. Dr. Alfred R. Wallace, the most eminent of living naturalists, estimates that vaccination is the annual cause of 10,000 inocular diseases in Great Britain. I presume the Dayton library has his "Wonderful Century." If so, then read what he says on the vaccination delusion.

Perhaps it may be well at this point to call attention to Circular 147, issued June 16, 1909, by the Department of Agriculture, which relates to the outbreak of the foot-and-mouth disease in cattle in Pennsylvania, Maryland, and Michigan during November, 1908. The origin of the disease was traced to 21 heifers which had been previously used for the production of vaccine virus.

It is believed that vaccination produces the soil for the propagation of smallpox. As vaccination is a septic poison, it would not be difficult to maintain this position.

Turning to the Brittanica, ninth edition, volume 24, page 20, we read that Prussia was the best vaccinated country in Europe in 1871, yet, during the epidemic of that year its mortality was higher (69,839) than any other northern State; that the Bavarian contingent, which was revaccinated without exception, had five times the death rate from smallpox than that of the Bavarian civil population; that in Bavaria in 1871, of 30,742 cases of smallpox, 29,429 with 3,904 deaths had been vaccinated; that at Bromley in 1881 there was a total of 43 cases, including 16 confluent, all vaccinated; that at Cologne in 1870 the first unvaccinated person attacked by smallpox was the one hundred and seventy-fourth in order of time; at Bonn the same year the forty-second; and at Liegnity in 1871 the two hundred and twenty-fifth. Take the recent cases in the United States Navy, where all are revaccinated, when the armored cruiser *Washington* was three days out (Jan. 22, 1910) from Yokohama, smallpox broke out and for three days treated as chickenpox. The vessel reached Honolulu on the 28th with three cases, one of which proved fatal. Here the ship was fumigated. The vessel left February 3, and by the 6th three cases developed, and on the 14th arrived at Port Townsend with five cases, where the patients were taken ashore, three of whom died. The vessel was held in quarantine until the 22d. The vessel arrived at San Francisco on March 4, reporting nine cases with four deaths.

By the advocates of the cult, Germany is pointed to with pride from being free from smallpox on account of her rigid laws for vaccination. Let us see. During the week ending July 9, 1910, in the British Parliament, a question was asked concerning a recent report of smallpox in Germany. The Right Hon. Sir John Burns, president of the local Government board, replied that in Prussia 690 cases, with 107 deaths, had been notified.

With the imperfect record above set forth there is sufficient evidence for us to believe with Lord Clifton that vaccination is "legal child murder," or with others who declare it to be a "ghastly delusion."

FRANKLIN, OHIO, *October 26, 1910.*

Mr. President, the facts and conditions are so clearly stated in this article and others that I have cited, that but little need be said by me. The sentiment against enforced vaccination is growing in volume and strength every day. It is supported only by fear and confidence in medical opinions on the subject, opinions actuated in the main by self-interest. Of course, there are many honest and conscientious people who believe in vaccination, and they are easily convinced of the preventive effects of other serum remedies. I venture to say, however, that there are very few competent doctors who believe in any of these remedies.

But, Mr. President, their inefficacy is not the worst of it. If this were all, they would at least be harmless; but it has been proved over and over again that they are worse than harmless—they are dangerous to health and life. Thousands of lives have been lost by the most violent and loathsome diseases by the use of these remedies. That is clearly shown by the communications I have just read. And the doctors are not only doubtful of the new serum remedies that are coming into use, but they are fearful of their effects in causing and transferring other and new diseases. They already have a new dis-

ease, called the "serum disease." The Hartford Times, as far back as 1908, had this to say on the subject, most of the facts being taken from the Inter-State Medical Journal:

DOCTORS ARE WORRIED OVER SERUM DISEASES—INJURIOUS SYMPTOMS FOUND TO FOLLOW INJECTIONS OF ANTITOXINS IN SOME CASES.

Physicians are discussing an ailment to which the name "serum disease" is now applied. The name is used to describe various groups of symptoms occurring after hypodermic injections of sera used to combat several acute diseases. The phenomena arising from the administration of normal, antitoxic or bactericidal serum at first were supposed to be harmless, but this has been disproved.

"Although manifest symptoms do not occur in more than one-third of all cases," says Dr. E. W. Saunders, of St. Louis, in the current issue of the Inter-State Medical Journal, "the cellular reaction to the alien serum is probably present in every individual who receives an injection, and the phenomena may be observed to a greater or less degree if the proper tests are made."

Dr. Saunders offers some practical rules in regard to the use of the various sera for the consideration of his fellow practitioners. He says: "Curative sera are not the harmless substances we originally supposed. Immunizing injections of serum should not be employed when isolation will prevent the disease with a reasonable degree of certainty and the children can be watched.

"Serum should not be used in asthmatics or those suffering from Grave's disease, or the lymphatic constitution, except in developed diphtheria. The use of bactericidal sera of doubtful value should not be encouraged without careful consideration of all the possible bad effects.

"If a second dose of serum must be given during the few weeks following a primary injection, small repeated doses are preferable to a large single dose.

"On the other hand, one large initial dose is probably less harmful and far more effective than several doses given over several days.

"THE SYMPTOMS.

"In some of the cases injected, varying from 10 to 40 per cent, after a period of 5 to 20 days, the patient becomes restless, and may complain of lassitude and pain in the limbs. This is soon followed by the serum exanthem, which is often accompanied by a severe itching and burning. The serum rash varies in character. Most often erythematous patches, rose red in color, will be found covering various parts of the body. Sometimes the eruption is distinctly scarlatiniform. Occasionally it resembles measles.

"A very striking symptom is edema of the skin, which may be present only in certain circumscribed spots or more rarely involve the whole integument, giving the person a ghastly, bloated appearance. A very serious form is the hemorrhagic type, in which hemorrhages occur in the skin. Fortunately this is rare.

"Joint pains are frequently observed. One or more of the joints may become very tender to touch and to movement. Muscular pains are very common. Articular swelling may be present. The wrists knees, hips, elbows, ankles, and shoulder are most frequently implicated.

"That the disease is a general disturbance is proved by the fact that an elevation of temperature is frequently present. The fever may be very high. Vomiting and diarrhea occur in a small portion of cases.

"In 1899, after repeated injections of diphtheria antitoxin in the babies of the Bethesda Foundlings' Home, I had the opportunity to observe in several cases the sensitizing effect of a previous injection.

"We found that many of the infants who had received an immunizing dose six weeks previously showed a very marked supersensibility to the second injection. The symptoms of serum disease, which are usually delayed a week or more, came on within a few minutes and with much greater violence. I reported these observations in the St. Louis Courier of Medicine in 1899. Although the explanation given then does not entirely harmonize with the present debated theories, the occurrence of a supersensibility and the clinical symptoms were clearly depicted.

"CONDITIONS OFTEN PROTRACTED.

"The condition is sometimes remarkably protracted. Thus, in one instance, in a little girl who received an injection of antidiphtheritic serum four years previously, another injection of the so-called globulin antitoxin produced violent symptoms in a few hours. Rosenau and Anderson found the condition persisting for several months. It is possible that this supersensitiveness may remain throughout life in certain individuals, and that it may be transmitted to offspring, as is the case in guinea pigs.

"The symptoms of this second reaction are very similar to those of the primary disease but supervene very soon after the second injection, sometimes within a few minutes. There may be a chill, convulsions, and sudden high fever. The respiration becomes very rapid, the pulse accelerated, and the patient shows great anxiety. In some cases a severe dermatitis, with local pain around the site of the injection, appears. Bolton reported a case of local gangrene.

"As far as I can learn no cases of death have occurred in human beings by the repeated injections of horse serum, yet the severe symptoms which sometimes occur and the fact that gangrene and death are so frequent in animals, convinces the clinician that antitoxic horse serum is by no means a remedy which can be used carelessly or indiscriminately.

"Another form of supersensitiveness occurs in certain individuals who have not had a previous injection of antitoxin. Quite a number of cases have been reported, and I have seen a number myself in which the immediate serum reaction occurred, and yet the patient injected had never before had a dose of horse serum. No explanation can be offered for these cases at present except that of idiosyncrasy.

"All efforts to rid the curative sera of the toxic substance which sensitizes have proved futile. Meule's observation that fresh sera have a greater tendency to cause rashes than older sera has been refuted experimentally by Rosenau. So far all theories offered to explain this condition have met all the known facts."

The mistakes the doctors make in diagnosing cases of supposed smallpox and other diseases would be ludicrous if they were not so serious in their consequences. Pasadena, Cal., had a conspicuous case of this kind. Dr. Stanley P. Black, health officer of that city, was called to pass upon the case of two children, pronounced their case smallpox, placarded the house, established a quarantine, and ordered over 300 children, who had not been successfully vaccinated, excluded from the schools. The indignant parents of the excluded children demanded that some other physician be called in to determine whether the sick children really had the smallpox. But the health officer, characteristic of his kind, refused to allow another doctor to see them. An indignation meeting of citizens was called and the doctor forced to allow another doctor to be called. The result was that the children were found to be suffering from poison oak. Then the health officer did the only sensible thing he had done in the whole transaction. He resigned.

I could go on quoting from opinions of doctors and scientists almost without number showing how useless vaccination is and the lives that have been sacrificed by the use of vaccine matter, but it would serve no useful purpose. The people will not think for themselves. They rely upon the doctors and vaccination is a rich source of revenue to them. They know no more about its effects than do other people, but the "faith in the doctor and his drugs and his remedies," according to Dr. Osler, is quite enough.

But there is one other thing to which I call the attention of the Senate. In the Public Health Reports of the Public Health and Marine-Hospital Service, June 23, 1911, Asst. Surg. Gen. John W. Trask has this to say on the subject of the probable or possible effects of vaccination:

That the community is protected by vaccination may be true for certain localities, but that the protection thus afforded is general can hardly be maintained. Japan as a nation is probably as well or better protected by vaccination than is the United States, and yet in 1907–8 there was an outbreak of smallpox in Japan in which 19,101 cases were reported with 6,273 deaths. Vaccination did not there modify the type of the disease to that found in America. In that outbreak among 5,215 smallpox patients 1,527 were found who had never been vaccinated. This is interesting, as indicating a relatively small number of unvaccinated individuals. The epidemic was apparently one of considerable virulence, the general death rate per hundred being 42.25 among the cases in 1907 and 32.32 among those in 1908, while the deaths among the unvaccinated were 69.4 per hundred cases. Kitasato believes that the virulence of the disease varies, and that when it reaches the high point attained in Japan during 1907–8 individuals who have been previously vaccinated, and even those who have previously had an attack, contract the disease. In this outbreak there were 242 cases in seven prefectures in which the patients had previously had the disease. Of these, 57 died.

If the nonvirulence of the disease in this country is due to protection by vaccination it would be expected that the mild cases would be found only in those so protected. This may be assumed from the limited information available not to be the case. Records of the vaccination history of all patients would undoubtedly add much to our knowledge of the subject.

That the type of the disease as seen in the United States is due to the protective value of vaccination is shown not to be true for certain localities in which outbreaks of the virulent form of the disease have been reported. These outbreaks have occurred at widely separated points, extending from Virginia and South Carolina in 1909 to Michigan, Oklahoma, Texas, and Oregon in 1910. The cases of the disease reported in New York City in 1910 also had a high percentage of deaths. These outbreaks showed a high virulence, the deaths being at the rate of from 16.13 at Cleveland, Ohio, to 54.05 in Oklahoma County, Okla., per hundred cases.

This comes from an official medical source. It shows two things: (1) That the doctors do not know whether vaccination prevents smallpox or not, and (2) that experience tends to prove that it does not. This was a hard blow to the vaccination doctors.

But, Mr. President, although this report was printed less than a year ago, a copy of it, containing this statement, can not be had to-day. I understand that it has been reprinted with this portion of it suppressed. I suppose Dr. Trask was duly reprimanded for telling the truth in his report. I venture the assertion that he was not a member of the American Medical Association or he never would have fallen into the error of discrediting a practice that brings so much money to the profession. With all the claims made for vaccination, with a large part of the doctors its use never could have been maintained without compulsory laws; and no such laws could ever be passed without the aid of the doctors, and that aid would not be given if it were not such an economic source of revenue to the doctors. The law that compels its use is one of the worst laws that good citizens who believe in liberty have cause to complain of.

Mr. John Pitcairn has this to say on the subject in the Ladies' Home Journal for May, 1910:

Vaccination is the putting of an impure thing into the blood—a virus or poison—often resulting in serious evil effects. In vogue for more than 100 years, it has been received by most persons without question. But the time is passing when people will accept a medical dogma on blind faith; they now demand to know something about the practices to which they are called on to submit; and most insistent of all should be the demand to know something of a practice which, like vaccination, involves the risk of disease and of possible death.

* * * * * * *

But I need hardly appeal to statistics, which might be gathered from every civilized country. Consult any mother having practical acquaintance with the results of vaccination, as observed by herself, and you will rarely fail to hear something of its serious and lasting ill-effects.

Surely these facts and figures are enough to show that vaccination involves serious risks, and to make it incumbent upon all, and especially on parents, to make some inquiry at least before they submit either themselves or their children to these risks.

But some one may ask, if all this is true, why does vaccination continue? It continues, very largely, because it is enforced by law. Take

away legal compulsion and vaccination would not long survive. But it has been enforced almost from its birth and has thus come to be regarded as more or less a matter of course. In all modern history no other medical operation has ever been legally enforced. But vaccination needed enforcement. Without compulsion it could never have survived, for from the very day of its introduction it has been strenuously opposed both by laymen and by members of the medical profession. Eminent physicians, it is true, have supported it, but equally eminent physicians, and also renowned bacteriologists and statisticians, have condemned it as productive of the gravest injuries.

With respect to the danger and uncertainty, generally, of these serum remedies the Journal of the American Medical Association of January, 1910, has this to say:

SERUM THERAPY IN A CONDITION OF CHAOS.

There is no class of remedial agents on which the physician should be better informed and none, unfortunately, concerning which it is so difficult to obtain a scientific and unbiased opinion. Only one of the drugs of this class—diphtheria antitoxin—is recognized by the present United States Pharmacopœia; and although some of the others (vaccine virus, for instance) have been in use for some time, all are the subject of such active investigation at the present time and so many new facts concerning them are being discovered that it is extremely difficult for a practitioner to keep abreast of these developments.

Scientific and disinterested information concerning them is widely scattered and often not easily accessible. The result has been that physicians have become dependent to an unusual degree on the circulars issued by manufacturing houses. Some of these circulars are almost models of scientific accuracy; others, unfortunately, are far from accurate and the directions given for the use of the products are not even safe.

And yet the National Government with all of its power is forcing their use upon its unwilling citizens.

Mr. President, I have now talked for something over two hours and a half. As it will probably take some little time to conclude what I have to say, most of it being a legal discussion, I shall be glad if the Senate will indulge me by adjourning, to allow me to complete what I have to say to-morrow after the conclusion of the morning business.

Mr. GALLINGER. Just let the Senator give notice that he will resume the floor at the conclusion of the morning business to-morrow.

Mr. WORKS. Very well. I give notice, Mr. President, that to-morrow, immediately after the routine morning business, I will conclude what I have to say.

COMMITTEE ON NATIONAL BANKS.

Mr. NELSON. I should like to call up House bill 22043.

Mr. GALLINGER. Before the Senator proceeds with that bill, to the consideration of which I will not object, I have two resolutions somewhat in the nature of privileged resolutions, which I ask to have considered. If the Senator will yield for that purpose, it will take but a moment.

Mr. NELSON. Certainly.

Mr. GALLINGER submitted the following resolution, which was read:

Resolved, That one of the standing committees of the Senate be a Committee on National Banks, to consist of five Senators.

Mr. GALLINGER. I ask for the present consideration of the resolution.

Mr. BACON. Is not this committee under the classification prescribed in the rules?

Mr. GALLINGER. It was a committee of the Senate two years ago, but was dropped last year from the list.

Mr. BACON. It is then covered by the rule.

Mr. GALLINGER. It is covered by the rule.

The resolution was considered by unanimous consent and agreed to.

Mr. GALLINGER submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Mr. SANDERS be appointed chairman of the Committee on National Banks.

WIRELESS TELEGRAPHY ON OCEAN STEAMERS.

Mr. BOURNE, from the Committee on Commerce, to which was referred the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radiocommunication on certain ocean steamers," approved June 24, 1910, reported it with an amendment and submitted a report (No. 680) thereon.

AIDS TO NAVIGATION.

Mr. NELSON. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes. It is a bill that came over from the House, and the Senate committee has added to it sundry amendments. It is important that the bill should be passed in order to get it into conference as soon as possible.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. NELSON. I ask that the amendments of the committee be considered as they are reached in the reading of the bill.

The PRESIDING OFFICER. Without objection, the amendments will be considered as they are reached.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Commerce was, on page 1, after line 8, to insert:

That the Secretary of Commerce and Labor be, and he is hereby, authorized to construct and equip additional light vessels for general service, at a cost not to exceed $250,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 11, to insert:

THIRD LIGHTHOUSE DISTRICT.

That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to improve the light station, move the fog signal, and build a keeper's dwelling at Great Salt Pond Light Station, R. I., at a cost not to exceed $25,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 17, to insert:

FOURTH LIGHTHOUSE DISTRICT.

For the establishment of a permanent lighthouse and fog signal on Goose Island Flats, Delaware River, N. J., $105,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 16, to strike out the following:

The Secretary of Commerce and Labor is authorized to station the light vessel for which appropriation was made in the act of May 27, 1908, or any other light vessel at such position in the vicinity of Frying Pan Shoals as he may determine to be most advantageous to navigation.

The amendment was agreed to.

The next amendment was, on page 3, after line 22, to insert:

That the Secretary of Commerce and Labor be, and he is hereby, authorized to purchase a site, and to construct a wharf and buildings and purchase the necessary equipment, so far as funds may permit, for a depot for the sixth lighthouse district, at a cost not to exceed $125,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 4, to insert:

That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to establish aids to navigation in Atchafalaya Entrance Channel, La., at a cost not to exceed $35,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 7, to insert:

TENTH LIGHTHOUSE DISTRICT.

That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to rearrange, rebuild, and improve the aids to navigation at Ashtabula Harbor, Ohio, at a cost not to exceed $45,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 12, to insert:

That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to remove, reconstruct, and improve the fog-signal station at Cleveland, Ohio, at a cost not to exceed $17,600.

The amendment was agreed to.

The next amendment was, on page 5, after line 16, to insert:

That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to construct a light and fog-signal station and to improve the aids to navigation at Lorain Harbor, Ohio, at a cost not to exceed $45,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 20, to insert:

TWELFTH LIGHTHOUSE DISTRICT.

That the Secretary of Commerce and Labor be, and he is hereby, authorized to establish a pierhead light and a lighted buoy at Oconto Harbor, Wis., at a cost not to exceed $5,000.

The amendment was agreed to.

The next amendment was, at the top of page 7, to insert:

That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to establish additional aids to navigation at Ashland, Wis., at a cost not to exceed $25,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 16, to insert:

SIXTEENTH LIGHTHOUSE DISTRICT.

That the Secretary of Commerce and Labor be, and he is hereby, authorized to establish a light and fog signal at or near Cape St. Elias, Alaska, at a cost not to exceed $115,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 21, to insert:

SEVENTEENTH LIGHTHOUSE DISTRICT.

That the Secretary of Commerce and Labor be, and he is hereby, authorized to establish aids to navigation and improve existing aids in Puget Sound, Wash., at a cost not to exceed $45,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 2, to insert:

That the Secretary of Commerce and Labor be, and hereby is, authorized and directed to cause to be constructed a first-class full-powered light vessel and to establish and maintain the same at or near Orford Reef, off Cape Blanco, Oreg., in accordance with the report of officers of the Lighthouse Establishment, published as House Document No. 1267, Sixtieth Congress, second session, and for the construction of said vessel there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $150,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 13, to insert:

EIGHTEENTH LIGHTHOUSE DISTRICT.

That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to make necessary improvements at Point Pinos Light Station, Cal., at a cost not to exceed $30,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 18, to insert:

NINETEENTH LIGHTHOUSE DISTRICT.

That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to improve the light station at Kauhola Point, Hawaii, at a cost not to exceed $15,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 23, to insert:

That the Secretary of Commerce and Labor be, and he is hereby, authorized to establish aids to navigation in Pearl Harbor, Hawaii, at a cost not to exceed $80,000.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. NELSON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 31 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 30, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 29, 1912.*

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite and eternal Spirit, our heavenly Father, be with us to sustain and guide in every legitimate effort to better the conditions of mankind. Deliver us, we beseech Thee, from the holier than thou attitude, lest our usefulness be impaired in the social, political, and religious fields of endeavor. To minister not to be ministered to, to serve not to be served, to lend a hand where help is needed, that in all the relationships of life, private or public, we may follow the spirit of the Master. Amen.

The Journal of the proceedings of the legislative day of Friday, April 26, 1912, was read and approved.

DISTRICT OF COLUMBIA BUSINESS—POLICE AND FIREMEN'S PENSIONS.

Mr. REDFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union to further consider the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia, which is the unfinished business coming over from last District day.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20840, with Mr. OLDFIELD in the chair.

Mr. REDFIELD. Mr. Chairman, this bill is the unfinished business remaining over from the last District day. It is a bill to provide sufficient means to pay the pensions to the firemen and policemen which are now authorized by law. It does not in any respect whatever alter the existing pension law. It does not affect the method by which those pensions are provided, nor does it alter the amount of those pensions in any way whatever. It simply attempts to provide money from which they shall be paid. Under a law approved May 26, 1908, it was provided that within 30 days after the passage of that act, and every two years thereafter, persons on the pension rolls in the District of Columbia for disabilities incurred while in the service of the police department or the fire department of the District of Columbia shall undergo a medical examination, and as a result of such examination the commissioners shall determine whether the pensions being paid in each case shall continue in whole or in part.

Pursuant to that law the commissioners have so determined what the pensions shall be; but there is not money enough to pay them, with the result that 91 policemen, 111 widows, 51 children, and 1 mother on the police pension roll, and 48 firemen, 35 widows, and 4 mothers on the firemen's pension roll are receiving approximately but 60 per cent of the pension which has been legally allotted to them, for the reason that no funds exist from which the pensions can be paid. Congress has heretofore repeatedly attempted to meet this deficiency. It has from one source after another provided funds for this express purpose, but all these sources of supply have been partial and incomplete. The result has been that the fund has grown smaller, the pension demand has become larger, and the funds were last year and are this year insufficient. Last year there was a deficiency of about $15,000. This year a deficiency in excess of $20,000 is expected. The committee unanimously have approved this bill, which lays taxation upon the property in the District, subject to general taxation, sufficient to raise the amount necessary to meet these pensions. The amount thus to be raised by tax is estimated this year to be approximately $25,000. If it be assumed, as the auditor of the District in the report to the committee has assumed, at $30,000, then the net amount of the tax would be 8½ cents on $1,000, or 85 cents per annum upon a taxpayer assessed for $10,000. It is a trifling matter as a matter of tax. It is a very serious matter as regards these poor people, who are in need of funds which have been lawfully given to them. The placing of the tax upon the District property is without any contribution whatever from the United States. In that respect there is no change in the nature of the fund. Heretofore all of the moneys have come from the District government. Hereafter, should this bill become a law, they will likewise come from the District. There is no change in this respect whatever.

I was asked to lay before the House the question as to the legal status of this tax. When the amount has been determined by the commissioners, and when there is money in the Treasury to pay that amount, then the amount is a lawful claim; but if the amount is insufficient there exists no lawful claim on the part of these pensioners under which they can sue and recover. Consequently the obligation, so far as it exists, is one of honor. We have led these people in a lawful way to believe that they shall receive a certain amount, and it is an obligation of honor to provide that amount. The report that the committee has submitted with this bill is very complete. It gives the name of every pensioner, the amount of the pension, the cause of disability, and the history of the whole pension fund. The committee, having made a unanimous report, earnesly hope that this bill will be favorably considered by the House to-day.

Mr. MANN. Mr. Chairman, the question of the granting of civil pensions or retirement pensions is so interesting at the present time that I am going to take the time of the House for a little while to trace the history of the so-called policemen's fund and the firemen's fund in the District of Columbia. The legislation upon the subject is rather chaotic. I doubt whether anyone could tell just what the law is without a great deal of examination, and I am not sure that they can tell after the examination.

The Metropolitan police was established by an act of Congress approved August 6, 1861. Section 26 of that act provided:

That all rewards, fees, proceeds of gifts, and emoluments that may be allowed by the board of police to be paid and given for extraordinary services of any member of the police force, and all moneys arising from the sale of unclaimed goods shall constitute the "policemen's fund," of which the board of police shall be the trustee and may invest as they shall see fit. And whenever any member of the police force, in the actual discharge of his duty, shall become bodily disabled his necessary expenses, on the certificate of a competent surgeon stating the manner, cause, and condition of the injury, and approved by the board of police, during the time of his disabling as aforesaid continues, may become a charge upon the said fund. But the board of police may discontinue said allowance for any satisfactory reason. (12 Stat. L., p. 325.)

It will be noticed that in this first act, which was the beginning of the police pension fund, the fund was to consist only of rewards for extraordinary services which might be given to the policemen, and the money arising from the sale of unclaimed goods, and that the only money that was to be paid was to be paid where a member of the police force in the actual discharge of his duty became bodily disabled, and he should receive pay only during the time the actual disability continued.

That was the act of August 6, 1861. By section 9 of the act of July 16, 1862, the prior act was amended so that, among other things, it was provided that in addition to the sums of money provided by gifts and sale of unclaimed goods to go into the policemen's fund that all fines imposed by the board of police upon members of the police force by way of discipline and collectible from pay or salary should be added to the sums otherwise provided for for the policemen's fund. The amount that was to be paid was still the same as in the original act.

That act was as follows:

That the board of police, for meritorious and extraordinary services rendered by any member of the police force in the due discharge of his duty, may permit any member of the police force to retain for his own benefit any reward or present tendered him therefor; and it shall be cause of removal from the Metropolitan police force for any member thereof to receive any such reward or present without notice thereof to the Board of Metropolitan Police. Upon receiving said notice the said board may either order the said member to retain the same, or shall dispose of it for the benefit of the policemen's fund. All fines imposed by the board of police upon members of the Metropolitan police force, by way of discipline, and collectible from pay or salary, and all rewards, fees, proceeds of gifts, and emoluments that may be paid and

given for account of extraordinary services of any member of the Metropolitan police force (except when allowed to be retained by said member) shall be paid to the treasurer of the Board of Metropolitan Police, unless otherwise appropriated by the board of police. (12 Stat. L., p. 581.)

In the act of June 22, 1874, revising and consolidating the statutes relating to the District of Columbia—Revised Statutes relating to District of Columbia and post roads, page 42—the provisions in the acts of 1861 and 1862, relating to the policeman's fund, were carried in sections 359, 361, 362, 363, and 364 of the revision, as follows:

SEC. 359. Upon notice to the board of police from any member of the police force of the receipt by such member of any reward or present, the board may order the member to retain the same or shall dispose thereof for the benefit of the policeman's fund.

SEC. 361. All fines imposed by the board of police upon members of the police force, by way of discipline, and collectible from pay or salary, and all rewards, fees, proceeds of gifts, and emoluments that may be paid and give for extraordinary services of any member of the police force, except when allowed to be retained by such member, shall be paid to the treasurer of the board of police, unless otherwise appropriated by the board.

SEC. 362. The rewards, fees, proceeds of gifts, and emoluments mentioned in the preceding section and all moneys arising from the sale of unclaimed goods shall constitute the "policeman's fund."

SEC. 363. The board of police shall be the trustee of the policeman's fund, and may invest the same as they shall see fit.

SEC. 364. Whenever any member of the police force, in the actual discharge of his duty, shall become actually disabled, his necessary expenses, during the time of such disability, on the certificate of a competent surgeon stating the manner, cause, and condition of the injury and approved by the board of police, may become a charge upon the policeman's fund. But the board may discontinue such allowance for any satisfactory reason.

That was the third act upon the subject. That act remained the law until 1885, and by the act of February 25, 1885, it was provided as follows:

Provided, That hereafter the commissioners shall deduct $1 each month from the pay of each policeman, which sum so deducted shall be added to and form a part of the present police fund, to be invested in United States or District bonds by the Treasurer of the United States, and be held by him subject to the drafts of the commissioners for expenditures made in pursuance of law, and such expenditures shall be accounted for as required by law for other expenditures of the District; and said police fund shall be used for the relief of any policeman who, by injury received or disease contracted in line of duty, or having served not less than 15 years, shall become so permanently disabled as to be discharged from service therefor; and in case of his death from such injury or disease, leaving a widow or children under 16 years, for their relief: *Provided further*, That such relief shall not exceed for any one policeman or his family the sum of $50 per month; and a sum not exceeding $75 may be allowed from said fund to defray the funeral expenses of any policeman dying in the service of the District.

Provided, That hereafter the commissioners shall deduct $1 each month from the pay of each fireman, which sum so deducted shall be kept as a firemen's relief fund, and be invested in United States or District bonds and held in manner provided in this act for the police fund, and shall be used for the relief of any fireman who, by injury received or disease contracted in line of duty, or having not served less than 15 years, shall become so permanently disabled as to be discharged from service therefor; and in case of his death from such injury or disease, leaving a widow or children under 16 years of age, for their relief: *Provided further*, That such relief shall not exceed for any one fireman or his family the sum of $50 per month; and a sum not exceeding $75 may be allowed from said fund to defray the funeral expenses of any fireman dying in the service of the District. (23 Stat. L., 316, 317.)

It will be noticed that the first two acts only proposed to pay for bodily injuries actually incurred in line of duty while those bodily injuries continued, and should only be paid out of the fund arising from gifts or sale of unclaimed goods or fines imposed upon members of the police force, but the fund not being sufficient, by the act of 1885 there was a deduction of $1 per month from salaries of policemen and firemen. Another act was passed June 11, 1896, again enlarging the fund by providing:

That hereafter the Commissioners of the District of Columbia are hereby authorized and directed to deposit with the Treasurer of the United States, out of receipts from fines in the police court, a sufficient amount to meet any deficiency in the police or the firemen's relief fund.

And it was provided as follows:

Provided, That hereafter the Commissioners of the District of Columbia shall deduct $1 per month from the pay of any fireman, which sum so deducted shall be kept as a firemen's relief fund and be invested in United States or District bonds, and held in the manner provided by existing law in respect to the policemen's fund, and shall be used for the relief of any fireman who, having served not less than 12 months, shall by reason of injuries received or disease contracted in the line of actual fire duty, going to, at, or returning from a fire, or having served not less than 15 years shall become so permanently disabled as to be discharged from service therefor; and in the case of the death of such fireman from such injury or disease, leaving a widow or children under 16 years of age, for their relief: *Provided*, That no fireman shall be entitled to any of the benefits of this relief fund who may by reason of his own indiscretion bring on any injury or disease which may incapacitate him from the performance of his duties as a member of the fire department or who shall be retired for such cause or causes: *Provided further*, That such relief shall not exceed, for any one fireman or his family, the sum of $50 per month; and a sum not exceeding $75 may be allowed from such fund to defray the funeral expenses of any fireman dying in the service of the District. (29 Stat. L., 404, 405.)

Mr. Chairman, I am aware that this is not a very interesting subject, and yet in view of the agitation concerning a retirement fund or a civil pension list it is interesting to know how these matters go if they are not carefully guarded in the original legislation. This act of 1896 again extended the persons who might receive from the pension fund, limiting it in case of firemen to those who had served not less than 12 months, but providing in addition that those who were discharged because of permanent disability after 15 years of service might receive money out of that fund, with the limitation that such relief shall not exceed to any one fireman or his family the sum of $50 per month.

We had now up to this time provided, first, that there should go into this fund the amount received from gifts, the amount received from unclaimed goods; second, the amount of fines levied upon members of the force; then, by another act, $1 per month of deduction from salaries; then, by another act, the deficiency could be paid out of the police court fines; and then comes the act of February 28, 1901, adding to these funds.

SEC. 4. That hereafter the Commissioners of the District of Columbia are hereby authorized and directed to deposit with the Treasurer of the United States, out of receipts from fines in the police court and receipts from dog licenses, a sufficient amount to meet any deficiency in the policemen's fund or firemen's fund: *Provided*, That the chief engineer of the fire department and the superintendent, assistant superintendent, any captain or lieutenant of police, in case of retirement as now provided by law, shall receive relief not exceeding $100 per month; and in case of the death from injury or disease of any of the officers named in this section, if he leave a widow or children under 16 years of age, the same shall be for their relief during the period of widowhood or until such children reach the age of 16 years: *Provided*, That in no case shall the amount paid to a widow exceed $50 per month nor shall the amount paid for a child exceed $25 per month. (31 Stat. L., p. 820.)

This act of 1901, which added dog licenses on one side in the way of receipts added to the expenditures on the other side by providing that the chief engineer of the fire department and the superintendent, assistant superintendent, any captain or lieutenant of police, in case of retirement as now provided by law, shall receive a pension of not exceeding $100 per month; and in case of injury or disease of any officer named in this section, if he leaves a widow or child under 16 years of age, the widow might receive $50 per month and each child $25 per month. This act was afterwards amended by the act of February 27, 1907, to include among those who might receive $100 per month "inspectors" of police. And by the act of March 3, 1901, it was provided:

The provisions contained in the act of Congress approved June 11, 1896, relating to the firemen's relief fund, may, within the discretion of the Commissioners of the District of Columbia, be extended to and used for the relief of any fireman or his family, although he may not heretofore, or hereafter, have served 12 months. (31 Stat. L., p. 1020.)

When the first extension was made the fireman must have served 12 months, and somebody had a case and we passed an act providing that a fireman might receive a pension regardless of length of service. By the act of March 1, 1905, which repeated in language acts already upon the statute books, without reference to them, there was added to the beneficiaries dependent mothers. By the act of March 31, 1906, this addition of dependent mothers among the beneficiaries was made to include mothers of those who died previous to the original act taking effect.

By the act of March 9, 1908, the act of March 1, 1905, was amended by extending its provisions to cover that the chief engineer of the fire department and all other officers of such department of and above the rank of captain, and any chief engineer of the fire department and all other officers of such department of and above the rank of captain already retired and receiving a pension in pursuance of the law prior to the approval of the act of March 1, 1905. These last three acts were as follows:

Act of March 1, 1905:

SEC. 4. That hereafter the Commissioners of the District of Columbia are hereby authorized and directed to deposit with the Treasurer of the United States, out of receipts from fines in the police court and receipts from dog licenses, a sufficient amount to meet any deficiency in the policemen's fund or firemen's fund: *Provided*, That the chief engineer of the fire department and all other officers of said department of and above the rank of captain, the superintendent, assistant superintendent, any captain, or lieutenant of police, in case of retirement as now provided by law, shall receive relief not exceeding $100 per month; and in case of the death from injury or disease of any member of the police or fire department, if he be unmarried and leave a dependent mother, who is a widow, the same shall be for her relief during the period of widowhood, or if he leave a widow, or children under 16 years of age, the same shall be for their relief during the period of widowhood, or until such children reach the age of 16 years: *Provided*, That in no case shall the amount paid to such dependent mother or widow exceed $50 per month, nor shall the amount paid for a child exceed $25 per month. (33 Stat. L., p. 821.)

Act of March 31, 1906:

That from and after the passage of this act the provision of the act act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," for the relief during widowhood of dependent mothers of unmarried deceased members of said Metropolitan police force and of unmarried deceased members of

the fire department of said District shall include such mothers of any such deceased members of said police force and of said fire department who have died from injury or disease prior to March 1, 1905. (34 Stat. L., p. 95.)

Act of March 9, 1908:

That the act of Congress approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' " is hereby amended by extending its provisions in behalf of the chief engineer of the fire department, and all other officers of said department of and above the rank of captain, to any chief engineer of the fire department and all other officers of said department of and above the rank of foreman, who were retired and pensioned in pursuance of law prior to the approval of said act: *Provided*, That when retired the present chief engineer of the fire department of the District of Columbia shall receive as retired pay a sum equal to one-half of the salary allowed by law at date of retirement.

By the act of May 26, 1908, medical examinations were provided of those on the pension rolls, with authority to change the pension to be paid.

That act is as follows:

Provided further, That within 30 days after the passage of this act and every two years thereafter persons on the pension rolls in the District of Columbia, for disabilities incurred while in the service of the police department or fire department of the District of Columbia, shall undergo a medical examination; the commissioners shall determine whether the pension being paid in each case shall continue in whole or in part. (35 Stat. L., p. 296.)

By the act of March 4, 1909, some old deficiencies were ordered to be paid out of the fund.

That act is as follows:

That the amount withheld from pensioners of the police fund on account of deficiencies in said fund during the period from June 1, 1894, to May 31, 1896, is authorized to be paid, and the Commissioners of the District of Columbia are hereby authorized and directed to adjust and settle all claims for said deficiencies in the payment of allowances made by them to pensioners of said police fund. In case of death of any beneficiary under the provisions of this bill the amount due such beneficiary shall be paid to the legal representative thereof. (35 Stat. L., 1066.)

By the act of March 9, 1908, it was provided that when retired the person then chief engineer in the fire department should receive as retired pay a sum equal to one-half of the salary allowed by law at the date of retirement.

Gradually the various moneys which might go into the fund were increased and the various sources from which moneys might come were increased. Gradually the beneficiaries were increased, with no provision in the law anywhere as to the amount which should be paid to any beneficiary except the limitation originally made that any person should not be paid over $50 per month, afterwards raised to $100 a month for the officers. Every time a new step was taken a subsequent act was passed extending all of its benefits to anyone who would have been subject to it if that law had been passed in the first instance.

It is no wonder that the fund is now short. It is true that by the act of May 26, 1908, it was provided that the District every two years might have a medical examination made of those who were upon the pension rolls and might change the amount of pension or strike the pensions off altogether. Whether that has been done in many cases I can not say. I think many of the Members are familiar with the case of Sidney Bieber, who served a short time in the fire department and was retired on a pension of $90 per month, and his name was afterwards stricken from the roll. The original purpose to provide a pension fund out of which should be paid those who were actually disabled in the service, to be raised by contribution which came from the members of the force itself, has disappeared, and there is now devoted to the purpose of paying pensions all gifts, proceeds of sales of unclaimed property, all fines levied upon the members of the force, all the police-court fines, and all the dog licenses collected.

And now comes the proposition which, without in any way determining the amount which shall be paid to the policeman or the fireman—and the amount which is paid is in many cases excessive—proposes to provide that all the money that is necessary shall be raised by taxation, with no limitation on the amount which may be paid.

The police-pension fund now has upon its rolls 90 retired policemen, 112 widows, 1 mother, and 51 children, or had at the time the report on this bill was made, with a total monthly pay roll of $7,538. Of this large number, 4 have been retired for age, 4 have been retired because injured in line of duty, 2 have been retired because injured in action, 1 has been retired for rupture from injury—where I can not say. One has been retired permanently on account of typhoid fever. The other causes for retirement are the ordinary causes which would occur to men whether in the police department or the fire department or in the clerical service of the Government not connected in any way whatever with disability incurred in the service by reason of the service. Anyone in the police or fire departments to-day, after 15 years of service, is subject to be retired by the commissioners for any cause which they choose to say constitutes permanent disability. And there are many persons upon the retired list in this city, in both branches of the service, fully capable and competent of rendering service in those departments, and still more capable and competent of rendering service in ordinary civil life where the work may not be so strenuous at times as it is in the police and fire departments.

There was no control by legislation or law in regard to the amount which may be paid except the limitation on ordinary police and firemen of not to exceed $50 a month and of the officers not to exceed $100 per month.

Now, a proposition without in any way grading those who are to be retired or pensioned, without in any way determining that the cause of retirement shall be connected with the service which they have rendered, is made to raise a sufficient fund out of taxation, with no restriction as to paying all the money which may be necessary to pay for the retirement of anyone whom the commissioners may choose to retire hereafter. A man may not have been in the service two days, and yet he may be placed on the retired list for life. He may not have served more than 15 years and he may be retired, regardless of the cause of disability.

Mr. LONGWORTH. Will the gentleman yield?

Mr. MANN. Yes.

Mr. LONGWORTH. I would like to know if the gentleman is aware of any precedents in States for this kind of legislation? That is to say, a general tax on all the property of the State or city to pay for police or firemen's pensions?

Mr. MANN. I am not aware—I do not know whether that exists or not.

Mr. LONGWORTH. I do not find anything in the report about it. I think it would be interesting to know whether there are any precedents for this legislation.

Mr. REDFIELD. I can not hear what the gentleman says.

Mr. LONGWORTH. I was inquiring of the gentleman from Illinois whether he knows of any direct precedents for this legislation.

Mr. REDFIELD. Will the gentleman from Illinois [Mr. MANN] yield so that I may answer the gentleman from Ohio?

Mr. MANN. I will.

Mr. REDFIELD. If the gentleman will refer to the act approved March 4, 1909, he will find the following:

That the amount withheld from pensioners of the police fund on account of deficiencies in said fund during the period from June 1, 1894, to May 31, 1896, is authorized to be paid, and the Commissioners of the District of Columbia are hereby authorized and directed to adjust and settle all claims for said deficiencies in the payment of allowances made by them to pensioners of the said police fund.

Mr. LONGWORTH. I beg the gentleman's pardon; that was not the question I asked.

Mr. MANN. If the gentleman will permit, that act of 1909, to which the gentleman from New York [Mr. REDFIELD] has referred, and a copy of which I hold in my hand, did not make any appropriation for the payment of these deficiencies. It only authorized the commissioners, where the full amount which they had awarded to the pensioners had not been paid to them from June 1, 1894, to May 31, 1896, to pay those deficiencies, and the only way they could pay them would be to pay them out of these funds.

It was a grab act which somebody managed to get through Congress to pay sale claims, arising between 1894 and 1896, out of these funds. It is one of the reasons why the funds were depleted. If a person had died it was to be paid to his legal representatives.

Mr. LONGWORTH. If the gentleman from Illinois will pardon me, the question I asked was whether there were precedents in States for this legislation. That is to say, whether there is a general tax upon the grand duplicate of a county or city to pay policemen's or firemen's pensions.

Mr. REDFIELD. There are precedents.

Mr. LONGWORTH. Can the gentleman state them?

Mr. REDFIELD. I can not fully; but they appear to a greater or less extent in the report of the hearing on H. R. 22322, House Committee on the District of Columbia, Sixtieth Congress, second session, 1910, which gives the precedents of 20 leading American cities in handling those funds.

Mr. LONGWORTH. I did not know of any where there is a general tax levied on the property of all the city or county.

Mr. MANN. The gentleman does not mean a general tax, but he means a special tax?

Mr. LONGWORTH. Yes; I mean a special tax on all the property.

Mr. MANN. I am inclined to think that this is a departure, but I do not wish to take issue with the gentleman from New York [Mr. REDFIELD] on the proposition as to whether if the money is to be paid it shall be paid out of a special tax levied or a general tax levied in the District of Columbia. To me it is

six of one and half a dozen of the other, except if a special tax is levied it brings home to the taxpayers of the District the fact that they are paying a special tax for pension funds to policemen and firemen on the retired list, and it is possible, though not probable, that that will affect somewhat in the future the extension of the beneficiaries, because it is not to be assumed that after these many acts, 12 or 13 in number, affecting policemen's and firemen's funds, each of which has extended those instruments which are to be taxed to raise the funds, and has extended the beneficiaries who are to receive it—it is not to be expected, when we provide ad libitum the money to pay for them, that the number of beneficiaries will not hereafter be enlarged.

Mr. LOBECK. I wish to state, if I may, that in the city of Omaha out of the general appropriation made for the policemen's fund the unexpended balance of what is not used for policemen's services is put into the pension fund under the law. Also in the teachers' pension fund the school board has the right to levy on the assessed property a mill tax to make up their pensions. So that we have a precedent in my city at least.

Mr. MANN. Mr. Chairman, I have not called the attention of the House to the legislation on this subject with any idea that a bill which proposes to raise money to pay these beneficiaries will not pass, but for the purpose of calling the attention of Members of the House to the growth of these pension propositions.

We have had for years before us a school-teachers' pension bill which on its face, as I have at various times stated to the House, does not purport to raise money enough to pay the pensions, but they have come in with those bills declaring that they have made ample provision for the raising of the money, hoping to get Congress, in the case of the school-teachers' fund and other funds, in the same position that it is in concerning the policemen's and firemen's funds. They say to us, "You authorized that these beneficiaries should be granted this money under the law. Now it is your business to raise the money to pay them. You gave the commissioners authority to put those people on the pension rolls, and it is your duty, having done that, to provide the money," although when we did so by law we did it with the express provision that those beneficiaries should only be paid out of the funds that we thereby provided, and it was the duty, and it is the duty of the commissioners in making up their pension rolls, to provide only pensions enough to absorb the money that is raised. They have no right, legal or moral, and have had no right in the past, knowing the funds that they had, to go ahead and provide payments much in excess of the fund which had been raised; in other words, to allow people large pensions when they knew that the moneys we had provided for were not sufficient to pay the pensions. And they knew that, knowing human nature, knowing legislators, knowing that they have played a confidence game on Congress; and then they come to us, after we have said that out of certain moneys you can pay certain funds, and say, "You have authorized the payments out of this fund. Now you must provide the additional money with which to pay them."

It is a fraud upon the legislative body. The school-teachers' pension bill, which has been pending, is a pure confidence game on Congress. There is nobody familiar with it but knows that they can not pay the pensions provided for in that bill out of the funds which are set apart for that purpose. But when the pension roll is made up they say, "You promised to pay the pensions. Now you must furnish the wherewith."

The same is true of all these civil pension retirement funds that have been proposed. We have had bills reported in the House in the past providing for retirement funds or civil pensions, and in no one of them is there enough money provided to pay pensions for the retirements which are allowed.

I am not opposed myself, Mr. Chairman, to the creation of a civil pension list. I believe it is inevitable that a civil pension list will come. I believe it is not only inevitable, but that it may be quite proper to pay pensions to those who are injured in the service, or who through long years of service have reached an age or a physical condition where they are unable to continue in the service. But when we pass bills providing for pension lists we ought to figure on what they will cost, and we ought to know where the funds are coming from with which to pay them.

Here is this policemen's fund, which has had added to it sources of revenue of different kinds five or six times. Originally they said, "Oh, all we want to do is to take the rewards that are voluntarily given to us and divide them among those of us who are disabled." Then they added to that, "Well, if we are fined as a matter of discipline, we would like to put that money into the fund," and that was allowed. Then they said, "We are active in obtaining fines in the police court. We ought to have the police-court fines to go into that fund," and we allowed it. Then they said, "We chase the dogs and see that they have licenses. We ought to have the dog licenses to go into that fund," and we allowed it. Every time we allowed one of those additions to the fund they added to the beneficiaries of the fund and in most instances increased the amount, all the time knowing the funds were not sufficient, as provided by any of the legislation, to meet the expense, although we were told when the bills passed that no more money could be paid out than we had provided to be paid in. Now we propose to put a blanket over the whole thing and let them pay all they want to, practically regardless of term of service, because it is the District of Columbia. I do not know whether we will ever do that with all of the employees of the Government whom we pay out of the general fund of the Treasury, but at least it has not been done yet. We are very free to put a blanket mortgage in the way of a special tax on the property of the District of Columbia only to take care of the beneficiaries without any regard whatever to those who pay the taxes.

Mr. BUCHANAN and Mr. SLAYDEN rose.

Mr. BUCHANAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois yield to his colleague from Illinois?

Mr. SLAYDEN. Mr. Chairman, if the gentleman will yield to me——

Mr. MANN. I yield to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, I wanted to ask the gentleman whether these special taxes on real estate in the District of Columbia and other sources of revenue——

Mr. BUCHANAN. Mr. Chairman, I rise to a point of order. I understand that the rule of the House requires that gentlemen who desire to interrupt shall address the Chair.

Mr. MANN. The gentleman from Texas did address the Chair, and I gave him leave.

Mr. SLAYDEN. Mr. Chairman, in 15 years of service in this House——

Mr. BUCHANAN. The gentleman from Texas was not recognized by the Chair and I was.

Mr. MANN. He did not have to be. I gave him leave myself.

Mr. SLAYDEN. In reply to the criticism of the gentleman from Illinois——

Mr. MANN. Which is entirely unwarranted.

Mr. BUCHANAN. I ask a decision of my point of order, and not a reply from the gentleman from Texas.

Mr. SLAYDEN. The gentleman will get it, anyway.

The CHAIRMAN. To whom does the gentleman from Illinois [Mr. MANN] yield?

Mr. MANN. I stated before that I yielded to the gentleman from Texas.

Mr. SLAYDEN. If the gentleman will permit me just a moment, I want to say that in 15 years' service here I have never interrupted any gentleman on the floor of the House without conforming to the rule and without addressing the Chair and asking permission. I hope the gentleman himself will be as scrupulous in observing the courtesies of this House.

Now, I want to ask the gentleman from Illinois whether these sources of revenue for this pension fund that he speaks of will be adequate to meet it, and whether if they are not adequate the Treasury of the United States will not have to contribute to it, and whether, in point of fact, we will not have to contribute out of the Federal Treasury to keep the government of the District of Columbia going, anyway.

Mr. MANN. The sources of revenue contemplated by this bill are certainly sufficient to meet any deficiency, because this bill provides that, no matter what the deficiency may be, there shall be a special tax levied against all the property in the District of Columbia, in addition to the taxes now provided by law; but, of course, in the end we will be met with this proposition, that under the organic act, so called, we have agreed to pay as much for the benefit of the District as the District raises by taxation; and, of course, in the end we will have to pay our half of the deficiency. But this bill does not provide for that.

Mr. SLAYDEN. That is precisely what my understanding of the situation was.

Mr. MANN. Now I yield to my colleague.

Mr. BUCHANAN. Mr. Chairman, I want to ask my colleague, as a matter of information, whether he knows the provision for police pensions in Chicago and how the funds are raised there. My colleague probably knows.

Mr. MANN. I will say to my colleague that I have been over that matter quite thoroughly. I do not care to take it up and discuss it at this time.

Mr. BUCHANAN. Very well. I will withdraw the question.

Mr. MANN. I had the matter up in connection with the teachers' pension fund.

Mr. BUCHANAN. To-day?

Mr. MANN. No; not to-day.

Mr. BUTLER. Here is the provision——

Mr. MANN. I understand that. I have been over this, and I have not only read the law, but I have read the regulations concerning that, governing the trustees who have charge of the fund in Chicago. There is no place in the Union where, without a blanket provision, they raise money enough to pay the pensions that are authorized, unless there is a close limitation on the pensions which can be paid. Then in no case does it last very long, unless there is an absolute limitation that the pensions shall not exceed the amount which is paid in.

Mr. GARRETT rose.

Mr. MANN. I yield to the gentleman from Tennessee.

Mr. GARRETT. Mr. Chairman, I understood the gentleman to give a construction of the organic act in effect that the Federal Government was pledged to pay out of the Treasury an amount equal to the amount raised by taxation in the District of Columbia.

Mr. MANN. I did not express any opinion upon the subject. I said, of course, it is claimed that under the organic act the Federal Treasury must meet as much as is raised by taxation in the District, and in the end, in my judgment, that view will prevail in this case, as I think in ordinary cases it ought to prevail; possibly not in every case.

Mr. GARRETT. Of course, the question is whether or not the Federal Government is pledged to expend as much money as is raised by taxation, or whether it is pledged simply to expend an amount equal to the amount appropriated out of the District revenues.

Mr. MANN. I know, but if we raise it by taxation it has got to be spent in some way. Nobody proposes to raise money in the District of Columbia by taxation and let it remain forever in the Treasury. It must be expended in some way.

I have no doubt that if this bill becomes a law the chances are that it will provide that it will be half and half, although that is not what the bill says, and I do not think that is what the gentleman in charge of the bill desires. We all know what a furore there has been respecting the provision about playgrounds, that the money shall be paid wholly out of the funds of the District.

Mr. HILL. Mr. Chairman, did I correctly understand the gentleman a few minutes ago to say that retirement and pension is discretionary with the Commissioners, without regard to disability or length of service?

Mr. MANN. No; the gentleman did not understand me correctly. At the end of 15 years they can be retired for permanent disability. Any time before that they can be retired for actual disability incurred in service without any regard to the length of service. At the end of 15 years they can be retired for permanent disability and the list of retirements shows that the words "permanent disability" as applied to these people on the retired list are words of very wide latitude of construction, and no one who knows the facts will claim that anything like all of these persons on the retired list are in fact disabled from earning a living by manual labor.

Mr. Chairman, we have had a good deal of talk in Congress with reference to pensions for Civil War veterans, and there has been a great deal of criticism on account of the large pensions which we propose to allow by a pending measure. In the case of the firemen in the District of Columbia the average pension has increased so that it is now $48.96 a month. One pensioner receives $100 per month; two $75 per month each; four $65 per month each; and one $60. In the police department the average pension paid was $34.96, but is now $29.68, although that includes some as low as $2 per month. A pension is paid at $90 and at $75—very large pensions as compared with the proposed increase of Civil War pensions; a number of times as great as you propose to pay the Civil War pensioner who served three years in the Army or who has reached the age of 75 years. These people are not required to be so disabled as to need help. If they are merely permanently disabled from serving as policemen or firemen upon any excuse they go upon this retired list, with a blanket mortgage upon all of the property in the District of Columbia with which to raise the funds, and with no limitation or control by act of Congress or otherwise over the amount which shall be paid to any one individual. If we should follow the same course with reference to civil employees of the Government generally the pension fund of the Government would amount to more than a hundred millions of dollars a year. It seemed to me, Mr. Chairman, fair at this time to call the attention of the House to the history of this legislation, which I was not able to get at any place complete, without going through the statutes myself, in view of the propositions that are constantly coming up concerning civil pensions, hoping that before we proceed further we would provide definitely what we intend for the future. I think in this case the Committee on the District of Columbia, if it had desired to raise the deficiencies on these pensions ought to have brought in a bill closely defining and describing those who should be pensioned, and the rates at which they should be pensioned, under some such system as prevails in all other countries in the world where pensions are granted—not merely granting the same pensions to everyone without any relation to the cause of the pensions. [Applause.]

Mr. REDFIELD. Mr. Chairman, I ask unanimous consent that general debate on this bill close in 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that general debate shall cease in 10 minutes. Is there objection?

Mr. SHERLEY. Mr. Chairman, I object for the present. I may want to speak on this matter myself a little later.

Mr. TRIBBLE. Mr. Chairman, I want to ask the gentleman from New York a question. Does this bill carry an appropriation to pay retired firemen?

Mr. REDFIELD. No.

Mr. TRIBBLE. Retired policemen?

Mr. REDFIELD. No.

Mr. TRIBBLE. What does the bill provide?

Mr. REDFIELD. Mr. Chairman, the bill provides for laying a tax on all the property in the District, the amount of which tax shall be sufficient to pay the deficiency in the fund already authorized by law.

Mr. TRIBBLE. What amount? What is the highest amount of one of those pensions?

Mr. REDFIELD. They are fixed by law at a maximum of $50, except in the case of officers. The report gives the whole matter in detail.

Mr. TRIBBLE. Was the statement of the gentleman from Illinois [Mr. MANN] correct, that there will be some on this roll who would draw $75 a month?

Mr. REDFIELD. There are some of the disabled officers who draw that amount.

Mr. TRIBBLE. What officers?

Mr. REDFIELD. Officers of the fire department.

Mr. TRIBBLE. What is their age?

Mr. REDFIELD. I do not know. The report gives every pensioner in detail. If the gentleman, instead of taking the time of the House, will be kind enough to look at the report, which sets out every pensioner——

Mr. TRIBBLE. Mr. Chairman, I have a perfect right to call the attention of the House to the fact by stating it before the House, by questioning you, if I see fit, without looking in the book to see.

Mr. REDFIELD. Unquestionably.

Mr. TRIBBLE. The gentleman is calling on us to pay $75 a month to certain pensioners on that roll who served in the fire department?

Mr. REDFIELD. Yes.

Mr. TRIBBLE. And the gentleman is unable to give us any information as to whether these men are injured or any information as to the age of these men?

Mr. GARRETT. Why not let the gentleman from New York make his general statement?

Mr. TRIBBLE. Very well, I shall withdraw the question and see what information he will give about it. I am opposed to the bill, and I desire to bring out facts that will cause other Members to investigate before casting their votes to sustain the committee report.

Mr. REDFIELD. Mr. Chairman, the laws under which the pensions of the firemen and policemen of the District of Columbia are paid are not in any way whatever affected by this bill, either up or down. The list of pensioners complete appears in the report. There is no question whatever raised, and none has been raised, that the pensions existing are in accordance with law, nor does this bill affect the amount of those pensions in any way, shape, or manner.

But I will go on and deal a little, if I may, with the facts that the gentleman from Illinois [Mr. MANN] has stated. The fact is that the average amount of pensions in the larger fund is decreasing and not increasing. It has fallen off in four years from an average amount of $34.90 to an average of $29.68. There are many of these pensions which are very small, $2, $3, $4, $5, and $6 a month, and so on. The term of service prior to retirement is increasing and not decreasing. The longest service before retirement is now 47 years, instead of 43 years, as four years ago. The entire increase in the fund for policemen from all causes has been $600 per annum in four years.

The entire increase in the fund from all causes in the firemen's fund has been $800 in four years. The law strictly requires that every second year every pensioner shall pass a medical examination, and failing to pass that examination his pension may be cut off, and, in fact, on the 29th day of July, 1908, four were discontinued entirely. Furthermore, the act provides that as a result of that examination the commissioners shall determine whether the pension being paid shall continue in whole or part, and as a matter of fact they are very commonly reduced. I have in my hand a list of 11 cases of pensions that were reduced by the commissioners on the 29th of July, 1908, and on the 30th day of June, 1910, there was another examination in which four further pensions were reduced. In one particular case the pension has been cut off from $90 to $1. In other words, the right of review exists and is exercised by the commissioners very carefully, and again within the next two months a further review will take place, as authorized by law. So that the facts are that not only is the largest amount of these pensions fixed by law heretofore passed by Congress, but, as a matter of fact, the reviewing body every two years passes upon the pensions and reduces a great many more of them than it increases.

So that the rolls seem to be very carefully guarded, more carefully guarded than any other roll that has come to my knowledge, and, as a result, on the police force the average pension is getting smaller every year and the term of service before retirement is getting longer. The fact, however, is that even with these reductions already existing there is not money enough to pay them, and the police fund beneficiaries, consisting chiefly of widows and children, are receiving about 60 per cent of that which has been allotted to them by the commissioners.

Mr. MANN. Will the gentleman yield for a question?

Mr. REDFIELD. With pleasure.

Mr. MANN. As the gentleman refers to the act of 1908 he refers to medical examination and change in the amount of pension. I call his attention to the fact that few pensions have been decreased. These pensions, as I understand it, have been decreased at the time when there was a threat that the amount of money in the pension fund would not be sufficient to pay the full pension. Is not that a fact?

Mr. REDFIELD. I think not.

Mr. MANN. Has not that threat been hanging over them since 1908—that there was not money enough to pay the full pensions?

Mr. REDFIELD. I think not. I think the fund up to year before last was sufficient in view of the last action of Congress. The reasons for the reduction of each of these pensions are given in the report of the secretary of the commissioners, which I hold in my hand, and in every case they were in accordance with the circumstances that developed. For instance, the pension of $40 a month which is paid to R. S. Haynes was reduced to $20 a month, he being, in the opinion of the police and fire surgeons, not more than one-half disabled for the performance of manual labor.

Mr. MANN. Is it not a fact that the Burkett report in the Senate, which is one of the most complete analyses of these funds we have, a few years ago called attention to the fact that the pension funds must run short, and thereupon legislation was enacted about that time providing for this reduction, and the reductions have been made in view not only of the possibility, but probability of a shortage in the fund?

Mr. REDFIELD. The Burkett report said that the receipts from the dog tax and police-court funds were likely to be smaller rather than larger and there would probably be in the future a shortage in that fund.

Mr. MANN. Now, does the gentleman think that with a law that raises all the money that is necessary in any fund there is any likelihood of there being any reduction?

Mr. REDFIELD. The gentleman's statement, if he will pardon me, is not quite complete. The law limits, as it has limited for years, the maximum pension. The maximum pension is so rarely paid that the average is about half of what is permitted. The average, if you take into account the officers' pensions, is less than half of what the law permits. Furthermore, the record shows that the board of review, comprising the commissioners, has exercised and does exercise usually its power to reduce and not to increase. Therefore it seems to me a perfectly sound business proposition to say if the law limits the maximum and provides a board, which by its practice has never used the maximum on the average, but exercises its power to reduce and in some cases to cancel, and when, despite those facts, which are lawful facts and provided for by law, women and children are not getting that which the law provides for them, I think it is an obligation of honor to pay. Nor do I think there is any reason which makes it look for a moment possible that this fund can be utilized in the future in a way in which it has certainly not been utilized in the past.

Mr. MANN. The gentleman says that pensions which have been allowed have only been for half what might have been allowed. That pensions which should be allowed have been allowed out of funds temporarily insufficient to pay and only one-half of it has been allowed. Does not the gentleman think when it is arranged so that when these pensions can be allowed from an unlimited fund that the full amount will be allowed in every case?

Mr. REDFIELD. I did not hear the gentleman.

Mr. MANN. I will repeat it to the gentleman. The gentleman stated that only about one-half the amount which should be allowed has been allowed under these pension funds, it being admitted that the pension fund is insufficient to pay the amount which should be allowed. Does the gentleman doubt that when there is an unlimited fund out of which these pensions can be paid that practically the full amount will be granted, and instead of one-half now allowed, which is out of a limited fund, is it not the universal experience that when there is an unlimited fund out of which amounts can be paid salaries or pensions the tendency is to allow the full amount which can be paid instead of cutting it short, as is the case where there is a limited fund out of which they can be paid?

Mr. HAMILL. Will the gentleman yield for a question? I merely want to ask this question: Has the gentleman any objection to having the full amount allowed by law providing it is just that the full amount be paid?

Mr. MANN. Of course, Mr. Chairman, no one has any objection to the payment of any sum to anybody which is just to be paid.

Mr. HAMILL. Then the gentleman is not at all objecting to the payment of the full sum, but merely states that perhaps in certain cases it might be paid unjustly?

Mr. MANN. I think my distinguished friend has not been here to hear my talk of about an hour, and I do not wish to repeat it.

Mr. HAMILL. I heard a great deal of what the gentleman said, and enough, I think, on which to base the question which I put. I hope so.

Mr. MANN. I hope I gave that in my remarks. The question is a perfectly fair question. I do not desire to detain the House with a long discussion.

Mr. REDFIELD. Mr. Chairman, I renew my request for unanimous consent that debate on this bill be closed in 10 minutes.

The CHAIRMAN. The gentleman from New York [Mr. REDFIELD] asks unanimous consent that debate on this bill be closed in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. REDFIELD. Mr. Chairman, I do not quite understand what the difficulty is in the mind of my friend from Illinois [Mr. MANN] in repeating again and again, as regards this bill, the word "unlimited." If I am limited to an income of $50 a month, I do not regard my income as unlimited. If a pension is fixed by law at $50 a month, I do not think it is an unlimited pension.

Mr. MANN. Well, if the gentleman will permit, what I said was an unlimited fund out of which pensions might be paid. That is correct, is it not?

Mr. REDFIELD. If the pensions be themselves limited and the fund be sufficient to provide only for limited pensions, it can not be an unlimited fund. A fund which can provide for that which is limited can not be unlimited. Here are laws which provide pensions. Here is experience which shows that those laws are not utilized to the full even when there be sufficient funds.

There have been times in the past when these funds have been sufficient, but at those times the pensions were not raised. As a matter of fact, the history of the whole fund is that the board of commissioners examined these pensioners with care, as required by law to do, and on the whole reduced or canceled the pensions, and that without regard to the question whether there were funds sufficient to pay them or not. If we may judge by experience, therefore, that a pension system having strictly limited pensions and with a board of revision which shall revise downward, which is a new experience, I grant to my friend on the other side—if we may judge by experience, therefore, I think it is a sound and businesslike procedure, without changing the law or altering the powers of the board, which has used its powers wisely to provide sufficient funds as a matter of honor to pay these pensioners who now fail to receive that which Congress has allotted to them.

Mr. WILLIS. Will the gentleman yield?

Mr. REDFIELD. With pleasure.

Mr. WILLIS. I want to ask a question purely for information. I note here, on page 5 of the report, the statement of the pay roll of the fire department pensioners. Taking the case of those who appear here, I find one is receiving a pension of $30 a month, the next one $40, the next one $45, the next $55, and the next $75. How is the rate of pensions determined under the existing law? The gentleman is familiar with that, no doubt.

Mr. REDFIELD. The act of the commissioners under the special statute instructing them so to do, and in accordance——

Mr. WILLIS. There is no fixed rate?

Mr. REDFIELD. There is a maximum rate fixed.

Mr. WILLIS. And what is that maximum rate?

Mr. REDFIELD. The maximum rate appears——

Mr. WILLIS. The maximum rate here, I see, is $75.

Mr. REDFIELD. The maximum rate may be, in the case of a certain few officers, such as chief engineer of the fire department and superintendent or assistant superintendent or a captain or lieutenant of police, not to exceed $100 per month.

Mr. WILLIS. In no case exceeding $100 per month?

Mr. MANN. The pension for the widow is $50 a month, notwithstanding the $75 shown in the report.

Mr. WILLIS. There is one drawing $75 a month, as shown in the report here.

Mr. MANN. I noticed that. That is probably an error in the report.

Mr. REDFIELD. That is probably an error in the printing of the report.

Mr. WILLIS. Some of the pensioners are not being paid at present. One is paid one-half. Does the gentleman say that the one receiving $40 a month, and is entitled to that much, as a matter of fact is receiving only $20? Is that what the gentleman means to say?

Mr. REDFIELD. Precisely. If I may refer to page 33 of the testimony before the House Committee on the District of Columbia in the Sixtieth Congress, it was said by the head of the department that the average pension is about $40. That average pension is now cut down so that it is only $29. So the chairman then said that if he got the 60 per cent of that it would be $24. And according to the statement of Commissioner Rudolph then practically 60 per cent was paid and 40 per cent was not. That would be $24.

Mr. WILLIS. As the gentleman knows, the limit under the general pension law for widows of soldiers is $12 per month. I notice cases here vastly greater than that. I was wondering what the reason for it was.

Mr. REDFIELD. It is fixed by law.

Mr. MANN. Will the gentleman yield?

Mr. REDFIELD. With pleasure.

Mr. MANN. The gentleman says they are only receiving 60 per cent. The gentleman has information more recent than the report?

Mr. REDFIELD. That is the information I have.

Mr. MANN. The report would show the amount paid out last year from the policemen's pension fund was $80,000 and the firemen's pension fund was nearly $40,000, and the shortage this year is only $25,000. That is a good deal less than the deficiency that the gentleman speaks of. Has the deficiency grown from $25,000 to $50,000 since the gentleman filed a report on this bill on March 28?

Mr. REDFIELD. On page 3 of the report there is shown a deficit in both funds of $15,000. The auditor states that the estimated deficit for the present year is about $25,000.

Mr. MANN. I have that before me.

Mr. REDFIELD. My information, received verbally from members of the board and confirmed verbally by the auditor, is approximately 60 per cent—what it has come to.

Mr. MANN. Yes; but the amount of the total receipts last year in the policemen's fund was $81,000, and the amount in the firemen's fund was $40,000. That is $121,000. Twenty-five thousand dollars is very far from being 40 per cent of that.

Mr. REDFIELD. That is quite true.

Mr. MANN. And I apprehend there has been no change in the estimate since the gentleman filed his report, so that they must be receiving much more than 60 per cent now, unless this 60 per cent relates only to some one month and not to the year.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Kentucky?

Mr. REDFIELD. Yes.

Mr. SHERLEY. I would like to ask the gentleman if he would be willing to accept an amendment to his bill referring the proposition to the property owners of the District for an affirmative vote, the act not to become effective until a majority of those voting shall have voted in favor of it?

Mr. REDFIELD. No; I would not.

Mr. SHERLEY. I shall offer such a provision. I believe that a tax of this kind, levied on the people for the purpose of establishing a pension fund, should be levied as the result of a wish to have it, expressed at the polls.

Mr. NYE. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Minnesota?

Mr. SHERLEY. Certainly.

Mr. NYE. How would the Government be dealt with in that matter?

Mr. SHERLEY. The Government is paying no part of this tax. The act expressly provides that it shall be paid by the residents of the District of Columbia, and the provision I propose to offer is as follows:

The provisions of this act shall not take effect or be operative, nor shall any tax be levied or collected thereunder, unless a majority of the persons more than 21 years of age who own real or personal property in the District of Columbia and have paid taxes on same for the year 1912 voting at an election to be held for the purpose shall vote in favor of levying such tax. Said election shall be held on such day and between such hours as the Commissioners of the District of Columbia shall designate by the persons they shall name, and at the places and under such general rules as to the form of ballot, manner of returns, and such other reasonable conditions as they shall impose. All expenses of any election held hereunder shall be paid out of the contingent fund of the government of the District of Columbia and shall be reimbursed to said fund out of the first moneys realized from any taxes levied and collected hereunder.

Mr. NYE. The theory being that the property owners should determine how this tax should be levied, I suppose? I wondered how the Government, being a very large property holder in the District, would be represented in such a vote.

Mr. SHERLEY. The Government, as a property owner, could not vote, but because you could not have every property owner vote is no reason why you should not give the people a chance to rule and let them have an opportunity to vote on this question.

Mr. MANN. The Government does not pay any of the tax.

Mr. SHERLEY. I understand it does not, and therefore it should not vote, anyway.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Georgia?

Mr. SHERLEY. Certainly.

Mr. TRIBBLE. A good deal has been said about "the board," and a board fixing the amount of pension, and a board determining the character of the taxables, and so forth. Who is that board?

Mr. SHERLEY. The gentleman can get the accurate information he desires from others better than from myself. All I propose here, and all I shall seek to do at all, is to give to the people who bear the burdens the right to vote on the subject.

The CHAIRMAN. The time of the gentleman has expired. All general debate has expired.

Mr. SHERLEY. Is the committee proceeding under general debate, or how?

The CHAIRMAN. Under unanimous consent. The time for general debate has expired.

Mr. SHERLEY. I shall not take any more of the time of the committee until the bill is read and then I shall offer the amendment and speak to it under the five-minute rule.

The CHAIRMAN. The Clerk will read the bill under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and directed hereafter to cause to be annually levied upon all property in the District of Columbia which is now or which may hereafter become subject to general taxation, such a rate of taxation as will provide such sum or sums as will be sufficient to meet any present or future deficiency in the fund now set aside by law for the payment of police and firemen's pensions and relief in the District of Columbia: *Provided*, That the tax so levied shall be collected by the collector of taxes in and for the said District of Columbia, and the proceeds thereof shall by him be deposited in the Treasury of the United States to the credit of the said fund or funds for the payment of the police and firemen's pensions and relief provided by law. The Treasurer of the United States shall from time to time, when the existence of any deficiency in the fund for payment of police and firemen's pensions and relief shall be certified to him in writing by the Commissioners of the District of Columbia, pay from the Treasury of the United States the sum or sums necessary to meet said deficiency under the written direction of the said commissioners in order that each person lawfully entitled to any part of said police and firemen's pensions and relief fund may receive the same in full.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, lines 10 and 11, strike out the words "payment of police and firemen's pensions and relief in the District of Columbia: *Provided*,

That" and insert in lieu thereof the words "benefit of the police relief fund, District of Columbia, and of the firemen's relief fund, District of Columbia."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, I would like to inquire of the gentleman from New York [Mr. REDFIELD] where he gets the title of the "firemen's relief fund"? In all the laws that have been passed these are referred to as the "policemen's fund" and the "firemen's fund."

Mr. REDFIELD. The titles were furnished by the auditor of the District of Columbia. He revised the bill carefully.

Mr. MANN. That only illustrates the fact that no one seems to know what the law is.

Mr. REDFIELD. I think the titles are correct.

Mr. MANN. They may be correct. When they go into this law we may improve them. But in no such case is the name referred to in other laws on the subject.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, lines 6 and 7, strike out the words "fund or funds for the payment of the police and firemen's pensions and relief" and insert in lieu thereof "police relief fund, District of Columbia, and the firemen's relief fund, District of Columbia, as now."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 9, strike out the word "Treasurer" and insert in lieu thereof the words "Secretary of the Treasury."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, lines 11 and 12, strike out the words "fund for payment of police and firemen's pensions and relief" and insert in lieu thereof "police relief fund, District of Columbia, or firemen's relief fund, District of Columbia."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 15, strike out the word "pay," after the word "Columbia," and insert in lieu thereof the words "cause to be paid."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 19, strike out the words "police and firemen's pension and relief fund" and insert in lieu thereof the words "police relief fund, District of Columbia, or firemen's relief fund, District of Columbia."

Mr. MANN. Mr. Chairman, this bill provides that in a certain event the Secretary of the Treasury, when a deficiency is certified to him, shall cause to be paid from the Treasury of the United States the sum necessary to meet the deficiency, but there is no appropriation in the bill. The bill does not appropriate the money, and I should think that even the auditor of the District of Columbia, who made these suggestions, would know that under the Constitution of the United States the Secretary of the Treasury can not pay money out of the Treasury unless it is appropriated by Congress. Here is a direction to the Secretary to cause the sum to be paid from the Treasury, but there is no appropriation of the sum. I suppose the bill will not become a law in that shape, but if it should, probably it would be valueless.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 16, after the word "States," insert the words "as hereinafter provided."

Mr. FITZGERALD. As I understand section 2, it provides that whatever money is paid shall be paid out of funds in the Treasury to the credit of the District of Columbia. This provision contemplates the payment of these pensions by the Secretary of the Treasury out of the general fund. This amendment would simply make any payments that are to be made payable out of the funds to the credit of the District.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. Does the gentleman regard the provision in the bill that the Secretary of the Treasury shall cause to be paid from the Treasury certain sums a sufficient authority for the Secretary of the Treasury to get the money out of the Treasury without an appropriation?

Mr. FITZGERALD. Oh, in addition to the provision of the Constitution to which the gentleman from Illinois calls attention, that no money shall be paid out of the Treasury unless appropriated by Congress, there is a general statute which provides that no words in any act shall be construed as making an appropriation unless the appropriation is made in terms. But this is not to cover the point the gentleman brings up.

Mr. MANN. I understand.

Mr. FITZGERALD. This is to eliminate any question when the payment is made, if there be any, as to the particular fund from which the payment shall be made.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. That this act shall take effect upon its passage.

With the following committee amendment:

Strike out line 22, page 2, and insert the following:

"SEC. 2. That the tax, the levy and collection of which is herein provided for, shall be an additional one, over and above the tax rate now provided for by general law, and the proceeds thereof shall not be used for any purpose other than that hereinbefore authorized. Said tax shall be levied and collected, as above provided, by the Commissioners of the District of Columbia at the same time as the tax on all property now subject to general taxation in the said District. There shall be no contribution to either of the aforesaid funds, either directly or indirectly, from the United States. The Commissioners of the District of Columbia are hereby directed, on the 1st day of each and every month until the first collection of taxes under this act shall have become available, to draw a requisition upon the Secretary of the Treasury of the United States for such sum or sums as will, when added to the amount already to the credit of each of the hereinbefore-named funds, be sufficient to pay in full the amount lawfully due each and every person upon the roll of the police relief fund, District of Columbia, as well as those upon the roll of the firemen's relief fund, District of Columbia; and the said Secretary of the Treasury shall cause to be paid the amount of said requisition for the said purposes out of any moneys in the Treasury to the credit of the District of Columbia which can, in the opinion of the said commissioners, be spared for the time being from any fund held by the said Treasury for the District of Columbia: *Provided, however,* That any money so used shall be repaid to the fund from which it was taken out of the first money collected under the tax herein provided for: *And provided further,* That no part of the money gathered under said levy shall be paid to those upon the rolls of either of the said two relief funds until all of the money taken out of the Treasury as aforesaid shall have been refunded thereto."

The amendment was agreed to.

Mr. SHERLEY. Mr. Chairman, I offer an amendment in the nature of a new section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, after line 4, insert as a new section the following:

"The provisions of this act shall not take effect or be operative nor shall any tax be levied or collected thereunder unless a majority of the persons more than 21 years of age, who own real or personal property in the District of Columbia and have paid taxes on same for the year 1912, voting at an election to be held for the purpose, shall vote in favor of levying such tax. Said election shall be held on such day and between such hours as the Commissioners of the District of Columbia shall designate and by the persons they shall name and at the places and under such general rules as to form of ballot, manner of returns, and such other reasonable conditions as they shall impose. All expenses of any election held hereunder shall be paid out of the contingent fund of the government of the District of Columbia and shall be reimbursed to said fund out of the first moneys realized from any taxes levied and collected hereunder."

Mr. SHERLEY. Mr. Chairman, the language of the amendment clearly discloses its purpose. It is the kind of referendum that most of us are familiar with in similar form in our States. In the State of Kentucky for years we have had in the constitution a referendum provision whereby bond issues should not be authorized until after an affirmative vote of the people. This bill proposes a tax upon the people of the District of Columbia alone, and it is a tax for a specific purpose. It involves a question easily understood, and about which the people of the District could, at a referendum vote, clearly express their opinion. In my judgment, they should be given the opportunity to express an opinion upon the wisdom of this legislation before it becomes finally effective.

Mr. BUCHANAN. The gentleman provides only for a vote of the property owners.

Mr. SHERLEY. I confine the vote to those who bear the burden of taxes.

Mr. BUCHANAN. Does not the gentleman think that rents in the District of Columbia are high enough to cover the amount of the taxes? Does not the renter pay the tax?

Mr. SHERLEY. Mr. Chairman, I do not care to go into the theory of the single tax or whether a tax is distributed on others. I am simply taking the perfectly obvious course of hav-

ing those who directly pay the tax have a right to say whether they should have this further burden placed upon them.

Mr. BUCHANAN. Does the gentleman know of any State that gives only the property owners the right to vote upon a question of this kind and not all of the legal voters?

Mr. SHERLEY. I think there are quite a number of States that give this right to the taxpayers upon certain questions.

Mr. BUCHANAN. Can the gentleman name any one State?

Mr. SHERLEY. I do not know that I could name any one offhand.

Mr. BUCHANAN. The gentleman does not know of any one State that he can name.

Mr. SHERLEY. Mr. Chairman, I have not undertaken to examine the laws of the different States, but I have a positive impression to that effect. Whether there be any States that have such laws would not necessarily determine my judgment as to the wisdom of this provision. What I propose here is simply to allow those who have the burden placed upon them to have a voice in saying whether it shall be placed there.

Mr. MOSS of Indiana. Mr. Chairman, in the referendum vote in Kentucky is the vote limited to just those who are property owners?

Mr. SHERLEY. My impression is that it is not. I do not care to take further time of the committee.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield for a question?

Mr. SHERLEY. Yes.

Mr. TRIBBLE. Over half the population of this city is a moving population, is it not; and the gentleman wants to place in the citizen who lives here and pays taxes the right to vote upon this question?

Mr. SHERLEY. It is necessary that there should be some provision indicating an eligibility to vote. I have not restricted it to sex. I have taken the usual age of 21 years, and have simply provided that any person in the District who pays a tax, no matter how small, and upon whom would thereby fall the burden of this act, shall have the right to express his or her view on the matter before the act finally becomes operative.

Mr. HAMILL. Mr. Chairman, I am heartily in favor of the referendum in proper matters of legislation, and yet I do not think that this is a case where the referendum ought to be applied. If this were an entirely new proposition and we were determining whether or not we would establish pensions for police or firemen, then there might be some reason for submitting it to a vote of the people.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. HAMILL. Yes.

Mr. SHERLEY. Will the gentleman support a provision that we shall submit to the people that original proposition and on their vote determine the existence of the present pension law?

Mr. HAMILL. No; and for this reason, that the people have evidently given their assent to the establishment of a police and firemen's pension system in the District of Columbia.

Mr. SHERLEY. How?

Mr. HAMILL. By the fact that for years they have paid into the pension funds moneys accruing from fines in the police courts and moneys accruing from dog licenses——

Mr. SHERLEY. Did they have any option in the matter?

Mr. HAMILL. Wait one moment—their own money. They have paid it into this pension fund, and this Legislature has never heard a word of complaint about it from the people of the District.

Mr. SHERLEY. Did they not have to pay it under the law?

Mr. HAMILL. Yes.

Mr. SHERLEY. Did they have any option in the matter?

Mr. HAMILL. The point I am making is that the gentleman is supposing that there is some dissatisfaction with this proposition to maintain a police and firemen's pension fund.

Mr. SHERLEY. The gentleman is not holding any opinion one way or the other. He is not supposing that there is an objection to it; neither is he supposing that there is favorable consideration of it. He is simply proposing to take the only practical way of finding out.

Mr. HAMILL. I say that the fact that the police and firemen's pension system has been acquiesced in without objection is proof that it is acceptable to the people of this District. Briefly speaking, this is the proposition of the gentleman from Kentucky: The people of the District established a pension fund; they intended to pay every man the amount of pension to which he was entitled. Now, owing to the falling off of the revenues in the sources they provided, it is necessary to come to this Legislature in order to obtain sufficient moneys whereby the people of the District of Columbia can pay their debts, and the gentleman from Kentucky wants this Legislature to ask the people of the District, through the cumbrous and expensive machinery of a municipal election, whether or not they ought to be compelled to pay their honest debts.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. HAMILL. Certainly.

Mr. COOPER. Do I understand that the gentleman from Kentucky [Mr. SHERLEY] advocates the referendum in this matter?

Mr. HAMILL. Yes; he does.

Mr. FOSTER. Mr. Chairman, I just want to say a word. I am very much pleased to vote for an amendment to give the people an opportunity to say whether they want a law or not. I am a believer in the referendum as far as we are able to carry it to the people. Especially is that so when it comes to the levying of taxes, and matters that affect them directly. I think it will be somewhat refreshing to the country when this House goes on record as supporting the matter of the referendum for the District of Columbia. The people have some rights in this country in reference to legislation that a legislative body may enact into law, and many times if the people had an opportunity to express themselves on legislation they would not approve of it. Also, many times, if they had an opportunity to initiate legislation which legislative bodies refuse to enact, they would put it into force.

Mr. MOSS of Indiana. I would like to ask the gentleman if he is in favor of a referendum that goes back to the legal voters, or simply goes to the taxpayers?

Mr. FOSTER. I am for the legal voters.

Mr. MOSS of Indiana. This proposition goes back, however, to only part of the legal voters.

Mr. FOSTER. This is a step in the right direction, and I am for giving the people the right to say what they want—a right for all the people to express themselves.

Mr. HAMILL. Would it not be just as sensible to attach a referendum to a proposition to repave a street as it would be to attach a referendum to this bill to replete the pension fund?

Mr. FOSTER. I do think this, that there are many streets in cities that are paved which if the people had an opportunity to express themselves about would not be paved.

Mr. MANN. Mr. Chairman, is there not a referendum in the State of Illinois on the pavement of a street?

Mr. FOSTER. Yes.

Mr. MANN. Where two-thirds of the property owners can absolutely stop the pavement of the street?

Mr. FOSTER. Yes. We have that law in the State of Illinois. A few years ago the State of Illinois voted by nearly 500,000 majority for the initiative and referendum. The people, regardless of party—Democrats and Republicans—voted for such a law to be passed by the legislature.

But we have not been able yet to secure what we voted for at that time, because the legislature refused to pass it.

Mr. HAMILL. Is not this the law of Illinois, not that there is a general referendum on the paving of streets, but that the property owners along the section to be improved vote upon it, based upon a certain proportion of the value of the property or the number of residents in giving their assent to the improvement?

Mr. FOSTER. I will say that is a referendum.

Mr. MANN. That is a real referendum.

Mr. FOSTER. And the people who have to bear the burden of taxation are those who are directly interested——

Mr. BUCHANAN. The gentleman is familiar with the laws providing for the pavement of streets in the city of Chicago?

Mr. FOSTER. Not very much.

Mr. BUCHANAN. Is not the gentleman sufficiently informed to know that property owners holding vacant property for speculation purposes obstruct the improvement of the streets, and do you not know—I think the gentleman is familiar with this——

Mr. FOSTER. I have not had much experience with the pavement of streets in the city of Chicago, but what little I have had they usually put down pavements when they want to and usually charge the price they want to, and I think my colleague can testify to that.

Mr. KENDALL. That is in the silk-stocking ward, where a majority of them live.

Mr. FOSTER. I do not think it is confined to any particular ward of Chicago.

Mr. BUCHANAN. I hope my colleague is not in favor of a referendum which will provide for turning it over to property owners only to vote.

Mr. FOSTER. It might be a little difficult from any proposition, but I think on any proposition that affects the general welfare of the people they ought to be allowed to vote and say

whether it is good or not, and it does not matter whether the man had $1 worth of property or $10,000 worth of property. [Applause.]

Mr. BUCHANAN. I want to say I will never vote for a proposition for a referendum that does not give all the citizens the right to vote upon it.

Mr. FOSTER. I am for the right of all citizens to take part in this government and vote on all propositions affecting them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REDFIELD. Mr. Chairman, I can not think that the gentleman from Kentucky, in offering this amendment, means to be taken seriously. I have too much respect for his business judgment and his sober sense to think that he means this amendment, and if it should be attached to this bill—in the first place, I object to the amendment because it makes a mountain out of a molehill. When a man pays on his property, which is assessed at $10,000, which is two-thirds of its value, an annual tax of 85 cents, which is all he would pay if the present deficiency is supposed to be doubled, I do not think he is going to be worried very much as to whether that serious burden of taxation is imposed upon him or not.

Mr. BOWMAN. Will the gentleman yield?

Mr. REDFIELD. In a moment. I object to the amendment on the plain ordinary business ground that the cost of the referendum election called for by it would largely exceed the amount of the tax, and it does not seem to me good sense when a man is asked to spend 85 cents if he happens to have $15,000 worth of property to ask him to spend three or four dollars to determine whether he will expend 85 cents or not. Now I will yield to the gentleman.

Mr. BOWMAN. I see in the report the total deficiency of the firemen's relief fund was $5,260. That is for 1911, and that the policemen's relief fund is $10,304. What is the total up to the present time of the deficiency?

Mr. REDFIELD. It is estimated that the deficiency for the present year may be about $25,000. That would be assessed upon $355,000,000 worth of property, and on page 5 of the report will be found a statement that the result would be a tax of 85 cents a year upon property assessed on the two-thirds valuation at $10,000, or, in other words, 85 cents a year on property actually valued at $15,000, and all that action is based upon an assumed deficit of $30,000, so on the present basis it will be 42½ cents a year, and the cost of an election of the kind would be probably $50,000 or $80,000.

Mr. SHERLEY. In my city, nearly the size of this, we can hold an election for not exceeding $5,000 or $6,000, and I have no doubt it can be done here. Now, I would like to know how much money would be received by this tax the first year?

Mr. REDFIELD. The amount would be $15,000.

Mr. SHERLEY. Well. The gentleman figures it costs more to have the referendum on the theory that it would cost $40,000 for an election. This is not New York.

Mr. REDFIELD. The gentleman forgets that in this city of Washington there is no election machinery and that he must create all the election machinery before he can hold an election.

Mr. SHERLEY. That is what makes me say that we can do it cheaper than they can in New York.

Mr. REDFIELD. And the mere creation of that machinery, for which I regret his amendment fails to provide—in fact, I am not sure it is not open to a point of order, inasmuch as it calls for that to be done for which there is no lawful means of doing—would seem to make it impossible to carry out that amendment, even though he does offer it in all the sincerity which I have found characteristic of him. I hope the amendment will fail.

Mr. SHERLEY. It will be noted that the gentleman from New York [Mr. REDFIELD] has found nothing sufficiently strong to urge against this amendment to insure its defeat and has been forced to the position of questioning the sincerity of the gentleman from Kentucky. He is so much a New Yorker that he is unable to get out of his mind the extravagant cost of primary and election machinery that is incident to that great Commonwealth. I beg to assure him that this can be done for a much less sum than the amount of tax that will be raised in one year. It will enlighten Congress very much on questions of taxation, and perhaps teach us salutary lessons about imposing upon people the burdens of taxation without a serious consideration of the subject.

Mr. MOSS of Indiana. Mr. Chairman, I offer the following amendment to the amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. Moss] offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the words:
"Who own real or personal property in the District of Columbia and have paid taxes on same for the year 1912."

Mr. MOSS of Indiana. Mr. Chairman, I would like to say I am not much in favor of the amendment of the gentleman from Kentucky [Mr. SHERLEY]. If you are going to pension certain classes of people for public services, I think those pensions ought to be paid. I do not object to a referendum, but I do object to a refereadum that shall not go back to all the people, but only to a part of them. If this amendment should be adopted, it will simply mean that it would go back to all the people of this District.

Mr. SHERLEY. Will the gentleman permit an inquiry? How does he propose, speaking practically now, to have a referendum that does not have some limitation as to those who are entitled to vote? Washington is a peculiar city, with a changing, shifting population that does not have the permanency of other cities, and without, as the gentleman from New York [Mr. REDFIELD] suggested, having at present any election machinery. I suggest to the gentleman that my amendment goes further than the law of Indiana, where the gentleman has voted for so many years, because this permits the women as well as the men to vote, and the women and men who are taxpayers in the District represent a very much larger proportion of the population than the electorate in the State of Indiana.

Mr. MOSS of Indiana. We give certain pensions in the State of Indiana. I do not know of a single pension granted by the law in the State of Indiana that does not provide a fund to pay for it without any referendum vote, nor do I know of any law in Indiana which limits the right of suffrage to property owners.

Now, the remarks of the gentleman from Kentucky [Mr. SHERLEY] concerning the difficulties of arranging a vote in this District goes very far to show that his amendment ought not to be adopted, because it shows that the amendment will practically defeat the whole purpose of the proposed law. If my amendment does nothing more than that, I shall be glad to have offered it. I favor paying in full the pensions to the disabled and retired policemen and firemen according to the rates in the existing law. If this intent of the law is to be referred to any authority other than the Members of Congress, it ought to be referred to all the people and not referred to the taxpayers alone.

Mr. FOWLER. Mr. Chairman, I am very much in favor of submitting all those questions which have for their object the increase of the burdens of taxation to the people who pay the increased tax. But, Mr. Chairman, I could not hold my respect for the poor people of this city and of this Republic if I did not stand here and defend their right to cast their vote upon questions of this character. To say that a certain part of the population of this city should not have a right to cast a vote upon taxation because of the fact that that population is without real estate or without personal property is to deprive that class of people of the right of franchise.

And I never intend to vote for any proposition, wherever it may come up in my presence and where I have a right to vote, to deprive the poor of the same rights that the rich claim for themselves. It is unjust, it is unpatriotic, it is un-American in its character. [Applause.]

Mr. Chairman, I am very heartily in favor of the amendment which is proposed to the amendment of the gentleman from Kentucky [Mr. SHERLEY]. I favor this amendment because it gives the right of the people, rich and poor alike, to pass upon the questions to increase taxation. The people ought to have the right to settle all such questions, but the original amendment disfranchises a part of the people of the District of Columbia solely on the ground that they are poor people. This is not in harmony with the fundamental principles of this Government, and if his amendment passes without the passage of the pending amendment thereto it will enact a new national policy basing the right of franchise upon the ownership of property, and, in my opinion, be unconstitutional.

I am aware of the fact that there are some conditions existing in this city which is embarrassing to some extent, because I understand that there are no fixed methods and preparation for holding elections, but this ought not to be urged as a reason for not permitting the people to decide questions of local taxation. They have been deprived of local self-government too long now, and I think Congress should speedily provide for such self-government and give them the right to the ballot box, so that they may wisely inaugurate a municipal policy wherein the active and intelligent citizens of this city may exert their energies for improvement and extention of the power and in-

fluence of this Capital City—the pride of every American citizen.

Mr. Chairman, I hope that the amendment to the amendment will pass.

Mr. REDFIELD. Mr. Chairman, I move that all debate on this amendment do now close.

Mr. SHERLEY. You had better make it 10 minutes.

The CHAIRMAN. The gentleman from New York moves that all debate on this amendment do now close.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. REDFIELD. Mr. Chairman, I move that debate close in five minutes.

The CHAIRMAN. The gentleman from New York [Mr. REDFIELD] moves that debate close in five minutes. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. REDFIELD. I ask for a division, Mr. Chairman.

The CHAIRMAN. Those in favor of the motion will rise and stand until they are counted.

Mr. REDFIELD. Mr. Chairman, I withdraw my motion for a division. I ask unanimous consent to close debate in 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that debate close in 10 minutes. Is there objection?

Mr. MANN. We ought to have more time, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. MANN. Mr. Chairman, I desire to be heard just a moment on this amendment. It will be noticed that this bill proposes in a way to violate what is called the organic act of the District of Columbia, providing that one-half of the expenses shall be paid out of the Federal Treasury. If that change in the law is to be carried through by this bill, it ought to be carried through in such a way that no one in the District can hereafter turn around, if this bill goes into effect, and claim that the Federal Treasury should pay one-half of the expense; and the only way that can be avoided is to let the people of the District have an opportunity to vote in favor of the act. I am in favor of putting the people on record, so that they can not hereafter come to Congress and say, "You have violated the organic-act agreement, and now you must pay half of this expense out of the Federal Treasury." If they vote for it, it will not lie in their mouths to complain of the effects of it hereafter.

Now, as to voting in the District, you can not say that everybody indiscriminately can vote, and you can not say they can vote anywhere, or that they can vote unless they are duly qualified voters, or anything of that sort.

If you do that, there is no way of limiting the time or places of voting, and some enterprising gentlemen might vote in different places. It would not be fair to say that no one can vote on a proposition of this sort except legal voters in the District of Columbia, because those who are working in the departments here and have retained their residences at home—elsewhere—who have bought houses here, ought to be permitted to vote equally on the question with those who have lived here all their lives and who have no voting residence outside.

Mr. HAMILL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New Jersey?

Mr. MANN. Certainly.

Mr. HAMILL. On a question of this kind does not the gentleman think we first ought to have a statute mapping out a scheme of voting and specifying who can vote, before we attempt to put a question by a referendum to the vote of the people?

Mr. MANN. Well, the gentleman's proposition leaves it to the District Commissioners to say how a man shall indicate his intention or his opinion. It is a very easy matter for the District Commissioners to provide for election districts, or election officers, or the regulation of elections. It requires no genius to do that. All that is required is that a man shall go through some statute and examine it in relation to the subject. There is no difficulty in having an election at all. Those who live here, who are employed in the departments or otherwise, who own property here, even though they have voting residences elsewhere, ought to be given a chance to say whether they desire to put themselves on record in favor of this proposition, and if they do, it will not lie in their mouths hereafter to complain that part of the money does not come out of the Federal Treasury.

Mr. BUCHANAN. Mr. Chairman, I am very much surprised and pleased at the sudden development of sentiment for the referendum here in Congress. But when they propose a measure or an amendment for a referendum that applies only to a vote of the property holders, it has the earmarks of plutocracy on it, from my point of view, and therefore I am opposed to any such amendment.

I have been all my life in favor of the referendum on matters that concern the people, and I believe that any resident of this District has as much right to vote upon a question of this kind as has any property owner, who probably does not live here at all; and therefore the amendment, if passed in its original form without modification, would be very objectionable to me.

I would like to know, though, why it is so necessary to have a referendum on this particular question of taxation and none on any other question of taxation. We have here in the District of Columbia something which to my mind is a reflection on Congress. We have two street car companies that are given the power to tax those who use the street cars of Washington and the District of Columbia. Why would it not be proper to give the people a chance to vote on that question, and refer that matter to a referendum, and see what they would do as to that?

How many of the Congressmen would now be ready to take up and pass a resolution to give the people of this community some relief from the robbery committed by the street car companies in this city in the way of two transfer systems? In other words, why not give the people a chance to vote on the question of universal transfers in the District of Columbia?

Mr. SHERLEY. Mr. Chairman, will the gentleman permit an interruption?

Mr. BUCHANAN. Why is it so necessary now to start in on a small portion of the taxation—which provides for what? To take care of those who have served the city of Washington and the District of Columbia, and those who are dependent on them and who are in need of some kind of support.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Kentucky?

Mr. BUCHANAN. Yes.

Mr. SHERLEY. I simply want to say to the gentleman that I can speak only for myself, but for myself I will be very glad if any sort of plan can be devised to enable the people of the District of Columbia, or even Congress, to deal with the street railways of this District.

Mr. BUCHANAN. I am glad to know that. I hope a large majority of the Members here feel the same way about it. We certainly need relief from those corporations.

Mr. LOBECK. And while we are waiting for this referendum on the small sum of $15,000 to $25,000, which referendum will cost us from $5,000 to $10,000, needy men, women, and children will have to wait on this great body for a chance to supply their wants.

Mr. BUCHANAN. Yes.

Mr. LOBECK. When we have a regular pension bill coming up, both for the school-teachers of this District and a general pension law, then let us refer the whole matter when it counts for something in dollars and cents.

Mr. BUCHANAN. Yes; refer the whole thing to a referendum, and I will be for it. I am not in favor of referring this small matter to a referendum, and therefore delaying the giving of this relief to the policemen and firemen of the city of Washington.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

Mr. MOSS of Indiana. I ask to have the amendment reported.

The CHAIRMAN. The Clerk will again report the amendment to the amendment.

The Clerk read as follows:

Strike out "who own real or personal property in the District of Columbia and have paid taxes on same for the year 1912."

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. FOWLER. Division!

The CHAIRMAN. The noes have it, and the amendment is rejected.

Mr. FOWLER. I asked for a division before the announcement of the Chair.

The CHAIRMAN. The question is now upon agreeing to the amendment of the gentleman from Kentucky [Mr. SHERLEY].

Mr. TRIBBLE. I have an amendment.

Mr. FOWLER. Mr. Chairman, I asked for a division on the question.

The CHAIRMAN. The gentleman from Illinois did not rise.

Mr. FOWLER. I was rising, Mr. Chairman.

The CHAIRMAN. The question now before the committee is the amendment of the gentleman from Kentucky [Mr. SHERLEY].

Mr. FOSTER. Can we not have the division that was called for by my colleague.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the question has been decided.

Mr. FOSTER. Does the Chair decide that when a man is rising in the attempt to get a division there can be no division?

The CHAIRMAN. No one rose until after the question had been put and decided.

Mr. FOSTER. I myself saw the gentleman getting up.

SEVERAL MEMBERS. Regular order!

The CHAIRMAN. The question is on the amendment of the gentleman from Georgia [Mr. TRIBBLE], which the Clerk will report.

Mr. FOWLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. I desire to know if the rules of this House provide that on a request for a division it can not be had unless the man who is asking for it stands straight?

The CHAIRMAN. The Chair will state to the gentleman that neither the gentleman from Illinois nor anyone else rose and asked for a division until after the question had been determined.

Mr. FOWLER. Mr. Chairman, before the Chair had announced the vote I asked for a division.

Mr. MANN. Mr. Chairman, if the Chair will pardon me, I do not think the Chair would intentionally in any case take advantage of my colleague from Illinois. My colleague did not at first rise, but did ask for a division and then rose. I think the Chair did not hear my colleague. It has been the invariable practice, where a gentleman asked for a division without rising, to grant the division, if the Chair heard the demand, unless some one made the point of order. My colleague did rise before any other proceeding took place. I think in fairness, if the Chair did not hear him, he having attempted to ask for a division, he is entitled to a division.

The CHAIRMAN. The Chair has no disposition to cut off anything like that.

Mr. MANN. We know that.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] demands a division. The question is on the amendment to the amendment.

The question being taken, the amendment to the amendment was rejected.

The CHAIRMAN. Did the gentleman from Georgia [Mr. TRIBBLE] offer an amendment?

Mr. TRIBBLE. Yes.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia, which is an amendment to the amendment of the gentleman from Kentucky.

The Clerk read as follows:

In line 3 insert the word "male" between the word "the" and the word "persons," so that it will read "unless a majority of the male persons."

The question being taken, the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment of the gentleman from Kentucky [Mr. SHERLEY].

The question being taken, on a division (demanded by Mr. SHERLEY), there were—ayes 38, noes 38.

Mr. SHERLEY. I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. SHERLEY and Mr. REDFIELD.

The committee again divided; and the tellers reported—ayes 51, noes 50.

Accordingly the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next section of the bill.

The Clerk resumed and completed the reading of the bill.

Mr. REDFIELD. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments to the House, with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLDFIELD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. REDFIELD. I demand a separate vote on the amendment offered by the gentleman from Kentucky [Mr. SHERLEY] to section 3.

The CHAIRMAN. If there be no objection, the other amendments will be voted on in gross.

The other amendments were agreed to.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, after line 4, insert as a new section:

"The provisions of this act shall not take effect or be operative nor shall any tax be levied or collected thereunder, unless a majority of the persons, more than 21 years of age, who own real or personal property in the District of Columbia and have paid taxes on the same for the year 1912, voting at an election to be held for the purpose, shall vote in favor of levying such tax. Said election shall be held on such day and between such hours as the Commissioners of the District of Columbia shall designate, and by the persons they shall name, and at the places and under such general rules as to form of ballot, manner of returns, and such other reasonable conditions as they shall impose.

"All expenses of any election held hereunder shall be paid out of the contingent fund of the government of the District of Columbia, and shall be reimbursed to such fund out of the first moneys realized from any taxes levied and collected hereunder."

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Kentucky, which has just been reported by the Clerk.

The question was taken; and on a division (demanded by Mr. SHERLEY) there were—ayes 49, noes 63.

Mr. SHERLEY. Mr. Speaker, I demand the yeas and nays.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The point of order is sustained. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, the Clerk will call the roll, and the question will be taken on agreeing to the amendment.

The question was taken; and there were—yeas 124, nays 119, answered "present" 11, not voting 136, as follows:

YEAS—124.

Ainey	Francis	Lafean	Rees
Akin, N. Y.	French	Lafferty	Rubey
Anderson, Minn.	Garner	La Follette	Russell
Ansberry	Garrett	Lewis	Sells
Barchfeld	Gray	Littlepage	Sherley
Bathrick	Green, Iowa	Lloyd	Sims
Beall, Tex.	Gregg, Pa.	McDermott	Sisson
Broussard	Gregg, Tex.	McGuire, Okla.	Sloan
Browning	Guernsey	McKinley	Smith, J. M. C.
Butler	Hamilton, Mich.	McLaughlin	Smith, Saml. W.
Byrns, Tenn.	Hamilton, W. Va.	Maguire, Nebr.	Speer
Candler	Hammond	Malby	Steenerson
Cantrill	Hardy	Matthews	Stephens, Cal.
Carter	Hayden	Mondell	Stephens, Miss.
Catlin	Helm	Morgan	Stephens, Nebr.
Collier	Higgins	Morrison	Sterling
Copley	Hill	Morse, Wis.	Sulloway
Cox, Ohio	Howell	Murdock	Talcott, N. Y.
Cullop	Howland	Neeley	Thomas
Danforth	Hubbard	Nelson	Tilson
Daugherty	Hughes, N. J.	Nye	Towner
Davenport	Humphrey, Wash.	Olmsted	Utter
Dies	Humphreys, Miss.	Page	Volstead
Dixon, Ind.	Jackson	Pepper	Warburton
Driscoll, D. A.	Johnson, S. C.	Pickett	Wedemeyer
Esch	Kendall	Post	White
Faison	Kennedy	Pray	Willis
Fitzgerald	Kinkaid, Nebr.	Prince	Witherspoon
Focht	Knowland	Prouty	Wood, N. J.
Foss	Kopp	Rainey	Young, Kans.
Foster	Korbly	Rauch	Young, Tex.

NAYS—119.

Adair	Cooper	Hamill	Madden
Aiken, S. C.	Dalzell	Hamlin	Maher
Alexander	Dickinson	Harrison, Miss.	Martin, Colo.
Allen	Dodds	Hay	Martin, S. Dak.
Anderson, Ohio	Donohoe	Heflin	Moon, Tenn.
Ashbrook	Draper	Helgesen	Moss, Ind.
Barnhart	Dupré	Henry, Conn.	Murray
Bartlett	Dyer	Holland	Needham
Blackmon	Edwards	Hughes, Ga.	Oldfield
Boehne	Ellerbe	Jacoway	Padgett
Booher	Evans	Kent	Patten, N. Y.
Bowman	Farr	Kindred	Payne
Brantley	Fergusson	Konig	Peters
Buchanan	Finley	Konop	Powers
Bulkley	Floyd, Ark.	Lee, Ga.	Raker
Burke, S. Dak.	Fornes	Lee, Pa.	Redfield
Burke, Wis.	Fowler	Lenroot	Reilly
Burnett	Gallagher	Lever	Roddenbery
Byrnes, S. C.	George	Lobeck	Rothermel
Carlin	Godwin, N. C.	McCoy	Rouse
Cary	Goeke	McGillicuddy	Rucker, Mo.
Claypool	Good	McKellar	Sabath
Clayton	Goodwin, Ark.	McKenzie	Saunders
Cline	Gould	McKinney	Shackleford
Conry	Gudger	Macon	Sherwood

Smith, N. Y.	Stone	Townsend	Watkins
Smith, Tex.	Sweet	Tribble	Webb
Stanley	Taggart	Turnbull	Wickliffe
Stedman	Taylor, Ohio	Tuttle	Wilson, Pa.
Stephens, Tex.	Thayer	Underhill	

ANSWERED "PRESENT"—11.

Adamson	Dwight	Langley	Slemp
Dent	Haugen	Mann	Talbott, Md.
Driscoll, M. E.	Hull	Plumley	

NOT VOTING—136.

Ames	Dickson, Miss.	James	Pujo
Andrus	Difenderfer	Johnson, Ky.	Randell, Tex.
Anthony	Doremus	Jones	Ransdell, La.
Austin	Doughton	Kahn	Reyburn
Ayres	Estopinal	Kinkead, N. J.	Richardson
Bartholdt	Fairchild	Kitchin	Riordan
Bates	Ferris	Lamb	Roberts, Mass.
Bell, Ga.	Fields	Langham	Roberts, Nev.
Berger	Flood, Va.	Lawrence	Robinson
Borland	Fordney	Legare	Rodenberg
Bradley	Fuller	Levy	Rucker, Colo.
Brown	Gardner, Mass.	Lindbergh	Scully
Burgess	Gardner, N. J.	Lindsay	Sharp
Burke, Pa.	Gillett	Linthicum	Sheppard
Burleson	Glass	Littleton	Simmons
Calder	Goldfogle	Longworth	Slayden
Callaway	Graham	Loud	Small
Campbell	Greene, Mass.	McCall	Smith, Cal.
Cannon	Griest	McCreary	Sparkman
Clark, Fla.	Hanna	McHenry	Stack
Connell	Hardwick	McMorran	Sulzer
Covington	Harris	Mays	Switzer
Cox, Ind.	Harrison, N. Y.	Miller	Taylor, Ala.
Crago	Hartman	Moon, Pa.	Taylor, Colo.
Cravens	Hawley	Moore, Pa.	Thistlewood
Crumpacker	Hayes	Moore, Tex.	Underwood
Curley	Heald	Mott	Vreeland
Currier	Henry, Tex.	Norris	Weeks
Curry	Hensley	O'Shaunessy	Whitacre
Davidson	Hinds	Palmer	Wilder
Davis, Minn.	Hobson	Parran	Wilson, Ill.
Davis, W. Va.	Houston	Patton, Pa.	Wilson, N. Y.
De Forest	Howard	Porter	Woods, Iowa
Denver	Hughes, W. Va.	Pou	Young, Mich.

So the amendment was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. UNDERWOOD with Mr. MANN.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. PUJO with Mr. MCMORRAN.

Mr. RIORDAN with Mr. ANDRUS.

Mr. FORNES with Mr. BRADLEY.

Mr. GLASS with Mr. SLEMP.

Until further notice:

Mr. HOWARD with Mr. HAUGEN.

Mr. DIFENDERFER with Mr. MCCREARY.

Mr. DENT with Mr. DAVIS of Minnesota.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. LITTLETON with Mr. DWIGHT.

Mr. HULL with Mr. LAWRENCE.

Mr. CLARK of Florida with Mr. LANGHAM.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. SPARKMAN with Mr. DAVIDSON. (Not transferable.)

Mr. COX of Indiana with Mr. REYBURN.

Mr. FIELDS with Mr. LANGLEY.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. KITCHIN with Mr. OLMSTED.

Mr. SHEPPARD with Mr. BATES.

Mr. GRAHAM with Mr. HUGHES of West Virginia.

Mr. POU with Mr. ROBERTS of Nevada.

Mr. TAYLOR of Alabama with Mr. RODENBERG.

Mr. SLAYDEN with Mr. WOODS of Iowa.

Mr. WILSON of New York with Mr. VREELAND.

Mr. TAYLOR of Colorado with Mr. SWITZER.

Mr. SULZER with Mr. SIMMONS.

Mr. SMALL with Mr. YOUNG of Michigan.

Mr. ESTOPINAL with Mr. GILLETT.

Mr. DOUGHTON with Mr. GARDNER of New Jersey.

Mr. SHARP with Mr. WILSON of Illinois.

Mr. RUCKER of Colorado with Mr. WILDER.

Mr. ROBINSON with Mr. ROBERTS of Massachusetts.

Mr. RICHARDSON with Mr. PORTER.

Mr. RANDELL of Texas with Mr. PATTON of Pennsylvania.

Mr. O'SHAUNESSY with Mr. MOTT.

Mr. MOORE of Texas with Mr. MOORE of Pennsylvania.

Mr. LINTHICUM with Mr. MILLER.

Mr. LEVY with Mr. LOUD.

Mr. LEGARE with Mr. LONGWORTH.

Mr. LAMB with Mr. HINDS.

Mr. KINKEAD of New Jersey with Mr. HEALD.

Mr. JOHNSON of Kentucky with Mr. HAYES.

Mr. HENRY of Texas with Mr. HARTMAN.

Mr. HARRISON of New York with Mr. HARRIS.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. GOLDFOGLE with Mr. GRIEST.

Mr. FERRIS with Mr. GREENE of Massachusetts.

Mr. DOREMUS with Mr. FORDNEY.

Mr. DICKSON of Mississippi with Mr. FULLER.

Mr. DAVIS of West Virginia with Mr. DE FOREST.

Mr. CURLEY with Mr. CURRY.

Mr. CRAVENS with Mr. CURRIER.

Mr. CONNELL with Mr. CRUMPACKER.

Mr. CALLAWAY with Mr. CRAGO.

Mr. BURLESON with Mr. CANNON.

Mr. BROWN with Mr. BURKE of Pennsylvania.

Mr. BORLAND with Mr. AUSTIN.

Mr. BELL of Georgia with Mr. ANTHONY.

Mr. AYRES with Mr. AMES.

April 29, from 12 to 3 o'clock:

Mr. FLOOD of Virginia with Mr. BARTHOLDT.

From April 27, ending Tuesday, April 30:

Mr. JONES with Mr. MICHAEL E. DRISCOLL.

Ending May 1:

Mr. BURGESS with Mr. WEEKS.

Mr. COVINGTON with Mr. CALDER (noon).

Ending May 2:

Mr. PALMER with Mr. KAHN.

Ending May 4:

Mr. HENSLEY with Mr. HANNA.

From April 17 and ending two weeks hence:

Mr. JAMES with Mr. MCCALL.

Mr. MANN. Mr. Speaker, I voted "yea"; but I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and I desire to change my vote from "yea" to "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. MANN, and he voted "Present."

The result of the vote was announced as above recorded.

A quorum being present, the Doorkeeper was directed to open the doors.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. REDFIELD, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Doorkeeper will open the doors, and further proceedings under the call will be dispensed with.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MCMORRAN, for one week, on account of important business.

To Mr. JOHNSON of Kentucky, indefinitely, on account of sickness in his family.

POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Chairman, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill.

The SPEAKER. The gentleman from Tennessee moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21279, the Post Office appropriation bill.

MINORITY VIEWS ON CERTAIN HOUSE BILLS.

Mr. STERLING. Mr. Speaker, will the gentleman withhold his request for a moment while I ask unanimous consent? Mr. Speaker, I ask unanimous consent to file the views of the minority on the bill from the judiciary relating to contempt of court. (H. R. 22591; H. Rept. 613, pt. 2.)

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

RELATING TO INJUNCTIONS—VIEWS OF MINORITY.

Mr. STERLING. Mr. Speaker, I also ask unanimous consent to file the views of the minority on the bill H. R. 23635 from the Judiciary Committee relating to injunctions. I would like until Saturday morning to file those views. (H. Rept. 612, pt. 2.)

The SPEAKER. The gentleman from Illinois asks unanimous consent to have until Saturday morning for the minority of the Committee on the Judiciary to file its views on the bill H. R. 23635, the injunction bill. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. GREGG of Pennsylvania. Mr. Speaker, on last Wednesday leave was given to my colleague, Mr. DIFENDERFER, to extend his remarks upon the Alaskan local self-government bill.

He is now sick, and I ask unanimous consent that five days more be given him in which to extend his remarks.

The SPEAKER. The gentleman from Pennsylvania [Mr. GREGG] asks unanimous consent that his colleague [Mr. DIFENDERFER] shall have five legislative days in which to extend his remarks on the Alaskan legislative bill. Is there objection? [After a pause.] The Chair hears none.

POST OFFICE APPROPRIATION BILL.

The SPEAKER. The question is on the motion of the gentleman from Tennessee that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21279, the Post Office appropriation bill, with Mr. HAY in the chair.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. SHACKLEFORD. Mr. Chairman, I had hoped that it would not be necessary for me to further discuss this amendment, which I had the honor to introduce. However, since the fight against the proposition has not remained in this House, but has been carried to the press, I feel constrained to say a few words more. I hold in my hand an editorial published yesterday in the Washington Times which severely arraigns those of us who favor my amendment. I believe that every gentleman who opposes the bill on this floor has his argument fully stated in this editorial, and therefore in replying to the editorial it will be a reply to them. Nothing so tends to promote civilization as newspapers and roads, provided they are good roads and square newspapers. [Applause.] I do not know why the Washington Times has found it necessary to devote so many editorials to this proposition. I do not know who is stimulating that paper to do this. Evidently it has had some sort of stimulation. It has very carefully and very succinctly reproduced the arguments of gentlemen who have spoken against this bill upon the floor, and if it were not for the high character of those Members of Congress I might assume they had clandestinely gotten these things into the columns of this paper through some friendly reporter or otherwise. [Applause.] Or it may be that the owner of the Washington Times, who is a magnate in the Steel Trust and interested in manufacturing automobiles, prefers a different sort of a road scheme, one which will promote the sales of automobiles. They do not want money spent on dirt roads, so they can have the more left [applause] to build that famous highway we have heard so much about, leading from Boston on down by New York, Philadelphia, Washington, Pittsburgh, Chicago, Denver, and along to the Golden Gate, in order that automobile travelers can ride along in pleasant pastime while the farmers travel over mud roads to get to the railway station.

I will read this editorial by paragraphs and comment as I go:

THE GOOD ROADS PROBLEM.

The scheme pending in Congress to pay rent to local authorities for the use of roads over which rural mail carriers deliver mail is represented by its advocates to be a good-roads measure.

That much of the article is true.

It is their purpose to pillory such sensible and courageous Members of Congress as oppose it as opponents of good roads. This is the danger in this most vicious piece of legislation.

Mr. Chairman, who is trying to "pillory" anybody? If there is a man on this floor who is opposed to this bill I commend to him the honest policy of getting up and saying, "I am opposed to it; I am going to give it a square fight and defeat it if I can." I would not, if I could, "pillory" any man for making a direct fight against this measure. I can not look otherwise than with disfavor on those gentlemen who say, "I am for your bill, but I want to put such oblique amendments to it that it will look like a crazy quilt when we get through with it."

"Pillory?" This paper is "pillorying" everybody who is willing to vote for anything that it calls a "dirt road." It wants no money wasted on the dirt roads of the people, so there may be a larger amount left to build cross-continent automobile roads.

The bill says not one word about spending this money for building, improving, or maintaining roads. It merely gives the money to the local authority or, in the case of turnpike companies, to the private corporation that owns the road.

Mr. Chairman, not a letter or line of this bill says anything about compensation to a private turnpike company. Why did not this editorial tell the truth? This false statement was for the evident purpose of misleading Members of the House. The Government is already paying private turnpike companies for the use of their roads. Some gentlemen complain when we propose to do for the counties and States the things we are already doing for the private turnpike companies, ferry companies, and toll-bridge companies. Why should not the Government be as liberal with the States and counties as it is with the private turnpike companies?

It will cost $18,000,000 the first year and soon will mount up to an annual charge of $50,000,000 or $60,000,000.

Whoever inspired that misrepresented the bill. If every road in the United States over which rural mail is carried were immediately put in condition described by this bill, it would not then amount to $18,000,000. The probabilities are that the first year this bill would cost $5,000,000 or $6,000,000. It would grow rapidly from year to year until post roads are all improved. Within five or six years it would probably reach an appropriation of $17,000,000 or $18,000,000 per year. Why not fight it fair? Why not tell the truth?

It is said on the authority of the best highway engineers in the country that to properly maintain all the roads of this country at the state of perfection of the English country roads would cost more than the total value of the grain crops of the country.

The Times and some Members of this House do not want a system of roads that goes around to all the people who pay for them. What they want is that all the people shall be taxed to build a few fancy roads for a few fancy people and then let the rest of the people build for themselves the roads they need or do without.

Local road builders may discriminate and build roads first where they will be most useful and where they are most needed, avoiding this crushing expense, but to follow the rural mail carriers will be to erect a road system without any plan or any purpose, and yet to drain the Treasury of untold hundreds of millions.

Why do they not say "billions"? I remember one time when I was a little fellow I was telling some story that was hardly warranted by the facts; an old neighbor patted me on the head and said, "DORSEY, don't ever be a liar, but if you will start out on that nefarious line, do not be a little liar. Be a whopper." [Laughter.] Whoever inspired this editorial must have heard my old friend give me that admonition, and when he started in to criticize this bill he concluded he would tell a "whopper." In 10 years this bill would not reach $20,000,000 a year.

But this measure, advanced by the 28 dirt-road statesmen, doesn't contain one word that directs one cent of these millions of dollars to be spent on the roads.

Aye, that is a familiar sound. I think I have heard that before in the corridors and cloakrooms of this Capitol. I think I have heard it when sitting around the hotel offices. What is there to it? It is simply another unfair assault on an honest measure that is before this House, demanding the attention of Congress:

This measure * * * does not contain one word that directs one cent of these millions of dollars to be spent on the roads.

No. Why? Because this bill provides that not one dollar shall be paid to any State or county until that State or county has already spent the money necessary to make the road. And then after the State or county has gone to the expense of building the road, has gone to the expense of maintaining it for a year, then and not till then the Government pays a toll for the use it has already had. The measure was written in this form because it was desired to leave the States and civil subdivisions thereof in full control of their own roads.

We want every State and every county and every municipality to say for themselves where their roads shall be built, to say of what material they shall be built, and in what condition they shall be kept. The Government will only have to say whether a given road comes up to the specifications prescribed, and if so, to pay its reasonable share for the use of that highway in the exercise of its Federal function of transporting the mail.

Mr. Chairman, I read further from this document on the subject of "dirt-road statesmen." Now——

Mr. HARDY. Mr. Chairman, a gentleman here has suggested to me that a turnpike road in his district received a compensation from the Federal Government for the use of that road of $5 per annum. Just to illustrate for a moment. Is it proposed under this bill that a road like that would get $25 per mile per annum?

Mr. SHACKLEFORD. No; it is not.

Mr. Chairman, reading further from this editorial:

The only purpose is to take money out of the Treasury to be spent in the districts to enable some Members of Congress to brag that they are good appropriation getters.

If that were the truth about me, then I were an odious man. If that were the truth about any other Member of this House, then he were a corrupt scoundrel and ought to be put in another place than on this floor. But it is not the truth. It is a contemptible attempt to "pillory" Members so they shall be afraid to support this measure, which they favor.

That this is its evident purpose is proved by the fact that this bill, which is not a bill, but a rider on an appropriation bill, has been so

handled that it can be known by different names in different States. In Tennessee it may be the Byrns bill, in Iowa the Prouty bill, in Missouri the Shackleford bill, in Kansas the Campbell bill, and so on.

Mr. Chairman, I can not for the life of me understand how a Member experienced in this House should let his eyes turn green with envy because some other Member has credit for having written or helped to write this or any other bill. "The Byrns bill"—that refers to my handsome friend, JOE BYRNS, of Tennessee. I have never heard that JOE BYRNS ever claimed, in Tennessee or elsewhere, to be the author of this bill; but in justice to Mr. BYRNS and in order that the country and the good people of Tennessee should understand the truth I must say that JOE BYRNS helped to put this bill into shape. His thought had as much to do with it as that of any other man, and it was due to his efforts alone that this bill was put in such form that the classes A and B were made to conform in width to the good roads of Tennessee and some other States.

Missouri is proud of JOE BYRNS. Why should not Tennessee be? Then there is my good friend MCKELLAR, of Tennessee, representing the Memphis district. If he will step up and say, "I am one of the authors of this bill," it will not be humiliating to me. It will simply be the plain, unvarnished truth. Indeed, Tennessee has had much to do with putting this measure forward. MOON, AUSTIN, HULL, SELLS, MCKELLAR, and BYRNS have all done their part and done it well. Twenty-five or thirty men wrote this bill together. "The Prouty bill"—yes; Judge PROUTY, of Iowa, I would say, also helped to frame this bill. What better man than he could be found to aid in such a work. [Applause.] Better than all, the solid Iowa delegation is backing the bill which he helped to prepare.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from New York?

Mr. SHACKLEFORD. I regret I have not the time. I can not. I wish I could.

"The Campbell bill"—the gentleman from Kansas helped to write this bill, as did also Mr. TAGGART, Mr. NEELEY, and Mr. ANTHONY. All over this country the advocates of goods roads got together in response to the Democratic and Republican national platforms. They put aside all pride of authorship and devoted patient labor to the preparation of this measure. Is it any worse for that? Others who neglected to give attention to the needs and demands of the people are now consumed with envy for fear somebody else will get credit for duty performed.

To cripple this bill they have gotten up and offered all sorts of amendments to make it odious. They do not fight it openly. Why? Because the people would not tolerate an open attack.

The editorial which I have been reading from says we are voting for this measure because we know the Senate will not pass it. That is not the truth. The Frank Munsey paper down here thinks that the Senators are plutocrats and aristocrats, and that they will not vote for what people want; that they would vote appropriations for transcontinental automobile roads, but nothing for their dirt-road constituencies. There are just as patriotic men in the Senate as in the House; they will stand up and faithfully represent their dirt-road constituents just as faithfully as will we. [Applause.] I am not afraid of the Senate. I have an abiding faith that this will be law.

It is said that the States and counties do not ask for it. They do. I said the other day, and I repeat it now, that the only way that any constituency can properly ask for anything is through the mouth of its Representative upon this floor. The people of my district are asking for it now, through my voice. The people of the other States are asking for it through their Representatives, who are authorized to speak for them on this floor. Do the people of my State want this legislation? Here they stand, every member of the delegation answering "yes." Do the people of Ohio want this legislation? The answer is "yes," given by Messrs. ALLEN, COX, GOEKE, ANSBERRY, WILLIS, SHERWOOD, SWITZER, CLAYPOOL, TAYLOR, ANDERSON, SHARP, WHITE, ASHBROOK, WHITACRE, BATHRICK, and HOWLAND. These men are commissioned to speak for the people of that great State, and they are demanding the passage of the bill. Every Member here has been empowered to speak for his constituents. Three-fourths of the Members thus empowered are asking for the passage of this bill. Then who shall say the people are not asking for the passage of this bill?

Mr. Chairman, this is a good bill, and I say it not because I have pride in its authorship, but because 30 or 40 Members who have studied the subject of good roads have laid their pride of authorship aside and have all gotten together and executed this excellent piece of work. They have done it without any hope of getting vainglory out of it. They have labored that the people of this blessed country should have the civilizing influences of easy and convenient ways of travel.

Mr. Chairman, in derision the advocates of this measure have been called "knights of the dirt roads." Sir, there is no discredit, but honor, in that title. It had never been my hope nor my ambition to belong to the nobility, but I accept with ardor the appellation "knight of the dirt roads." There are more than 250 Members of this House who are as ardently for this bill as am I. I hail these Members as brothers, "sir knights of the dirt roads." Let our coats of arms be a highway laying across a plain and down a valley, with happy homes dotted along its way. This coat of arms will foreshadow the beneficent results which we had in mind when we fought for this bill.

These roads will enable our farmers to get their products to market more promptly and cheaply, thus giving to the consumer his food fresher and at lower cost. These roads will give to our rural communities better schools and churches. These roads will give our farmers more opportunities for the benefits and joys of social intercourse. These roads will turn the tide from the cities back to the farms. With such a system of good roads more than ever will the farm be the nursery in which will be reared the leaders of our civilization. Future generations will rise up to bless the "knights of the dirt roads."

Mr. SIMS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment to the amendment, which the Clerk will report.

Mr. SIMS. It is to come in after the words "this act."

The Clerk read as follows:

After the words "this act," in the amendment, insert the following: "That for the purposes of this act all highways of the several States and the civil subdivisions thereof, or any part of same, used by the United States for the purpose of transporting rural mail, in addition to the roads hereinbefore mentioned and described, are hereby declared to be post roads; that the Postmaster General, under such rules and regulations as may be provided by him, by and with the cooperation and consent of the State and county or other local authority having charge of the construction, operation, and maintenance of such roads shall, by contract or otherwise, cause all such roads or parts of roads not so improved by said State or local authority to be provided with ample side ditches so constructed and crowned as to shed water quickly into the side ditches, and be continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means."

Mr. LEVER. I make the point of order on that.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. LEVER. I make the point of order that the amendment offered by the gentleman from Tennessee [Mr. SIMS] is not germane to the amendment made in order by the Committee on Rules.

Mr. SHACKLEFORD. Before that is passed on I should like to have the opportunity to say a word.

Mr. LEVER. Mr. Chairman, I should like to be heard on that. The bill reported by the Committee on Rules and made in order on this bill is framed on the theory of paying rents to local communities for the use of the property of the local community. The amendment proposed by the gentleman from Tennessee [Mr. SIMS] is an absolutely antagonistic proposition, built up upon the theory that the Federal Government itself should construct the post roads of the country, or the roads used for the delivery of rural mail upon them. It seems to me that the two propositions are so opposite, so entirely antagonistic, that the one can not be germane to the other. I therefore make the point of order.

Mr. FITZGERALD. Mr. Chairman, under the rule adopted by the House I insist that it is not necessary for an amendment to be germane. If the Chair will refer to page 4 of the rule which was adopted, he will see that it reads:

It shall also be in order, notwithstanding the general rules of the House, to consider in connection with said H. R. 21279 the following—

And then appears the provision which is now pending as an amendment.

One of the general rules of the House which is waived by the adoption of the rule reported from the Committee on Rules is subdivision 7 of Rule XVI, which provides that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Under the general rules of parliamentary procedure amendments need not be germane. Any amendment proposed to a pending proposition can be considered by the body in which it is submitted.

It is a general rule long in force in the House of Representatives that no amendment shall be considered unless it be germane to the proposition under consideration; but the House having, by the adoption of a special rule for the purpose of the consideration of this provision, provided that the general rules of the House shall not interfere with the consideration, any amendment proposed, whether germane or otherwise, is proper to be considered by the committee.

If this construction be not given to the special rule, then the words "notwithstanding the general rules of the House" must

be construed to mean nothing. Without these words the provision would have been in order under the special rule. The inclusion of them, if they are given effect, is to take from the operation of other rules the provision during its consideration.

Mr. SHACKLEFORD. Mr. Chairman, the point of order I make against the amendment is not that it is against the rules, but the amendment which I offered provides that the United States shall, in certain cases, make compensation to the States and civil subdivisions thereof for the use of their roads, but makes no provision whatever for constructing roads by the Government. The amendment of the gentleman from Tennessee provides that in certain cases the United States shall construct post roads. Clearly, a provision to construct post roads is not germane to a provision to rent post roads.

Mr. SAUNDERS. Mr. Chairman, I wish to submit that the proposition advanced by the gentleman from New York [Mr. FITZGERALD] can not possibly be well taken. The rule, by its very terms makes the good-roads amendment in order, the general rules of the House to the contrary notwithstanding, as the lawyer's phrase runs, but it goes no further. The rule can not possibly operate to make all amendments to the amendment in order, and provide that they shall have immunity from the operation of the general rules of the House. Unless there is something in the special rule itself to make that true, the point raised by the gentleman from New York [Mr. FITZGERALD] is obviously not well taken. The rule applies exclusively to the roads amendment. This amendment is now in order, whatever the general rules of the House may provide. These rules can not be invoked to prevent this body from considering in Committee of the Whole, this particular amendment relating to good-roads amendment. This being so the operation of the rule stops at this point, and the rules of the House will apply to all amendments that may be offered to this particular amendment.

There is nothing in the report of the Committee on Rules which gives immunity to amendments to this amendment, and provides for their consideration, irrespective of the general rules. I think that the mere reading of the rule makes this obvious. What provision of the report of the Committee on Rules, or portion of its language, can be appealed to in support of the proposition that any amendment, however lacking in germaneness, may be offered in order to this particular proposition? Would Schedule K be in order?

I submit, as I said in the beginning, that the point of the gentleman from New York is obviously not well taken, and that although it is true that no point of order may be relied upon, or called into play to prevent this committee from considering the roads amendment, yet amendments to this amendment are subject to the general rules of the House prevailing in Committee of the Whole. The amendment of the gentleman from Tennessee is not in order unless it is germane. On this point I have nothing to say.

Mr. FITZGERALD. Mr. Chairman, I wish to call the attention of the Chair to the language of the rule:

> *Resolved*, That after the adoption of this rule it shall be in order in the consideration of H. R. 21279, a bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, to consider the new legislation on said bill hereinafter mentioned, notwithstanding the general rules of the House.

There is one rule which if it were desired to waive could have been expressly waived, but the House waived the general rules of the House. The gentleman from Missouri [Mr. SHACKLEFORD] is very much mistaken when he says that under general parliamentary law an amendment must be germane. I have here a decision, paragraph 5825, volume 5, Hinds' Precedents, wherein it was expressly held that under the common parliamentary law amendments need not be germane. It is only the general rule of the House prohibiting the consideration of amendments unless they be germane that makes it possible to shut out amendments if they be not germane. This rule provides for the consideration of new legislation, notwithstanding the general rules of the House. A particular rule that would prohibit new legislation is not waived, but all the general rules of the House that would apply to such matters.

Mr. LEVER. Mr. Chairman, does the gentleman from New York think that a tariff bill would be in order under this rule as an amendment to this proposition?

Mr. FITZGERALD. There is no doubt whatever, if my contention be correct, to be perfectly frank with the gentleman, that any amendment is in order at this point in the bill. I do not wish to weary the Chair by reading the decision to which I have just referred, but in that decision, made by Mr. Speaker Carlisle, he said:

> In the absence of an express rule the amendment would not be liable to a point of order upon the ground that it was inconsistent with or not germane to the subject under consideration, for, according to the common parliamentary law of this country and of England, a legislative assembly might by an amendment, in the ordinary form or in the form of a substitute, change the entire character of any bill or other proposition pending.

Mr. SAUNDERS. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. SAUNDERS. I would suggest that in order for this rule to have the meaning which the gentleman is seeking to give it, the rule itself would have to contain a provision to this effect, that the Shackleford amendment, per se, and all amendments thereto, shall be in order without regard to the general rules of the House, and it contains nothing of the sort, either in direct terms, or by necessary implication.

Mr. FITZGERALD. Oh, no; the rule provides for the consideration of the amendment.

Mr. SAUNDERS. Yes.

Mr. FITZGERALD. Of the provision. It does not say the Shackleford amendment.

Mr. SAUNDERS. Yes, we stand on the precise terms of the rule relating to the Shackleford amendment.

Mr. FITZGERALD. And it can not be construed as the gentleman would seem to seek to have it construed, that consideration of a provision means discussion, futile discussion, without any opportunity to amend. The most vital thing about consideration is the opportunity to amend.

Mr. SAUNDERS. I will say that we do not gainsay the right of amendment, but the amendments must come within the operation of the general rules of the House.

Mr. FITZGERALD. But the general rules of the House do not apply, as the rule specifically provides—

> That after the adoption of this rule it shall be in order * * * notwithstanding the general rules of the House.

That must apply to a part of the provision as well as the entire provision itself.

Mr. ALEXANDER. Mr. Chairman, in the absence of this rule this provision would have gone out on a point of order, for the reason that new legislation of this character may not be considered on an appropriation bill. The only effect of the rule is to provide that this proposition may be considered on an appropriation bill. It comes before this House to all intents and purposes as an original proposition, and the rule of the House to the effect that no amendment may be in order unless it be germane to that proposition applies. The language of the rule itself is:

> That after the adoption of this rule it shall be in order in the consideration of H. R. 21279 * * * to consider the new legislation on said bill hereinafter mentioned notwithstanding the general rules of the House.

What does that mean? Simply that this proposition, this new legislation, which otherwise would not be in order, may be considered. It comes before the House to all intents and purposes as an original proposition, as if the bill itself were pending before the House. Hence when the amendment of the gentleman from Tennessee [Mr. SIMS] is offered, the question for the Chair to determine is whether or not it is germane to the bill, whether it could have been considered if the original bill, which is set out in this rule, were now under consideration. To my mind, the Sims amendment presents an entirely different proposition from the original proposition presented in the Shackleford bill that we are entitled to consider under the rule, hence is not germane and for that reason not in order.

Mr. SIMS. Mr. Chairman, in addition to what was said by the gentleman from New York [Mr. FITZGERALD], that the special rule which is adopted makes it in order to offer an amendment to the Post Office appropriation bill that would not otherwise be in order to be offered, I desire to say this: Now, then, if an unauthorized amendment is made in order on the Post Office appropriation bill by sweeping aside all the rules of the House, then I want to know what rule is to be invoked when you come to amend that amendment? I think the argument is conclusive. Let us suppose that it is not, and it is only a question of germaneness. Now, what is the object of this bill? First take this bill as reported. The object and purpose of the measure, of course, is gathered from its face and its language, but at the same time we must look at the effect of the bill and see what the intention of the bill is. Why, I do not suppose there is a gentleman in this House who seeks to pay rent for roads already improved with no other purpose in view. I think that is not your object. Your object is to offer rent for roads for use of rural carriers of a certain class with a graded rental, showing clearly on the face of it that the object of the bill is to induce the improvement of roads from a lower to a higher class by offering the higher pay for the higher class, with minimum pay for the lowest class. That is the intent and purpose of this bill, and there is no use in denying that. You have that in view and it is not discreditable at all. It is to induce the people in

the counties and communities through which the rural-carrier roads are now in existence with their own means to improve the roads so used below class C as to bring them up to class C and get the rental. There is not a man in this House who will contend for a moment that the object and purpose of this bill is not to induce the further improvement of roads; therefore the real motive and purpose is the improvement of roads that need improvement, to aid in the improvement by the Government of State highways used by a Government functionary—the mail carrier.

Now, the amendment I offer does not contravene, supersede, or set aside any provision of the bill; not one; but in addition to the roads constructed for which rental shall be given it provides that the Postmaster General, with the cooperation and consent of the State and local authorities having charge of such roads, is authorized to improve the roads up to class C, and when they are so improved they will fall under the rental of class C.

Mr. BYRNS of Tennessee. Will the gentleman yield for a question?

Mr. SIMS. Yes.

Mr. BYRNS of Tennessee. Is there not a distinct difference between the amendment offered by the gentleman from Missouri and the amendment offered by the gentleman from Tennessee? In other words, is it not a fact that the amendment offered by the gentleman from Missouri provides for renting roads or compensating for their use, while the amendment of the gentleman from Tennessee provides for building roads in order to put them in condition to secure advantage of the rental?

Mr. SIMS. Absolutely; the gentleman makes a clear statement.

Mr. BYRNS of Tennessee. Then I fail to see how the gentleman's amendment can be germane to the amendment offered by the gentleman from Missouri.

Mr. SIMS. Absolutely; the object, purpose, and motive—and we determine the motive by the result—of the amendment offered by the gentleman from Missouri is to improve roads below one grade to a higher grade as an inducement to get a higher rental.

Mr. BARTLETT. Will the gentleman yield for a question?

Mr. SIMS. Yes.

Mr. BARTLETT. The gentleman's amendment, I think, is germane, but does he provide for the United States Government improving those roads by and with the consent of the local authorities having charge of the work of improving the roads? Had not the gentleman's amendment better provide with the consent of the State which has the control of their roads and in whom the title of the public roads rests?

Mr. SIMS. It contemplates having the consent of the controlling authority, whether it be State, county, or municipal. It also provides that. Now, I do not encroach on a particle of that authority. My amendment is that the Federal officers, in conjunction with the State authorities, shall use Federal money collected by Federal taxation to improve the rural routes solely on the ground that they are used for Federal purposes. There is no use in dodging it. The object is the same.

Mr. BUTLER. While my question does not touch upon the question of order, can the gentleman tell me how much it will cost the Federal Government, or has the gentleman considered how much it will cost the Federal Government?

Mr. SIMS. I have not.

Mr. BUTLER. Can the gentleman give an idea what it will cost?

Mr. SIMS. That is not germane to the discussion of this point of order.

Mr. BUTLER. I know it is not.

Mr. SIMS. Now, Mr. Chairman, I think, on the ground of the statement that the whole matter is being considered under a special rule authorizing it and all amendments to it, that the question of germaneness is not subject to a point of order under general parliamentary law.

Mr. LEVER. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. LEVER. I would like to ask the gentleman from Tennessee if under this rule provided by the Rules Committee it would be in order to bring in the naval appropriation bill as an amendment to this proposition?

Mr. SIMS. Now, I do not think the Chair needs any enlightenment that would come from answering such a question.

Mr. HILL. I am clearly of the opinion myself that the amendment is germane, and it seems to me, the subject having been made legal and brought on this bill by the rules, any other ruling would prevent any other amendment whatever on this subject.

I did not rise to merely express that opinion. I did rise to extend to my friend from Missouri [Mr. ALEXANDER] my most profound congratulations, a year after his famous decision during the extra session, when he ruled while it was possible to lower a tariff rate on a pending bill it was not possible, because it was not germane, to transfer it to the free list. I thought that would come up to trouble him and his side in the future, but inasmuch as he has reversed his opposition and nullified the decision of last April I think we ought to take courage from his opinion.

Mr. MANN. Mr. Chairman, the rule provides that it shall be in order to consider the proposition which has been offered as an amendment by the gentleman from Missouri [Mr. SHACKLEFORD]. That proposition is now offered as an amendment under the rule. If the rule had not made it in order to offer it, the proposition would be subject to a point of order.

I can not agree with the gentleman from New York [Mr. FITZGERALD] that any amendment to the amendment of the gentleman from Missouri is in order without regard to whether it is germane to the subject matter of the amendment. But what is the amendment offered by the gentleman from Missouri [Mr. SHACKLEFORD]? It is known as the good-roads proposition. It is a proposition to classify roads in the country and to pay compensation for their use at varying rates; that is, pay compensation for the use of part of them. It divides roads practically into four classes and proposes to pay compensation for the use of three of the classes. Now, it seems to me that it would be perfectly in order as a germane amendment to provide that, instead of paying compensation for the use of a road, we should pay for the repairs on the road. They should authorize the expenditure either directly under an officer of the Government or to pay the money over to county or highway officials to expend on repairs to the road, because that, in reality, is the purpose of the proposition. It is to convey money to people charged with the care of roads by which they will be able to in part maintain the roads in good repair, and if that is the case certainly it would be in order as a germane amendment to provide that we should pay directly for the repair of the roads.

of a road—an amendment to a bill whose purpose is to pay an interrupt him, I will say the amendment against which they raised the point of order does not provide for paying anything. It provides for putting an amendment on this bill for the Government to go out and construct or aid in the construction of a road—as amendment to a bill whose purpose is to pay an annual rental for the use of roads. They are totally unlike propositions.

Mr. MANN. I will say to the gentleman now that in my judgment it is clearly germane to say that, instead of paying rent for the use of roads in order that those who receive the rental can repair the roads, we should pay the money directly to them with which to repair the roads, and say so.

Mr. SHACKLEFORD. One question there?

Mr. MANN. Certainly.

Mr. SHACKLEFORD. This bill does not provide we pay the money to the county to repair the roads. We just pay it for the use the Government has already had on the day the payment is made. And that is all it does.

Mr. MANN. I understand what the bill provides. The bill does not provide that the money shall be used for the repair of the roads. No man in this House will for a moment justify voting for any proposition of the sort unless he couples with it in his own mind the fact that the money to be paid is to be paid really for keeping the roads in repair.

Mr. LEVER. Will the gentleman yield?

Mr. MANN. On the question of the point of order; certainly.

Mr. LEVER. I would like to ask the gentleman from Illinois, under the general rules of the House would it be in order to offer an amendment to the Post Office appropriation bill saying how the railroad companies should use the money which we pay them for transporting the mails?

Mr. MANN. Under the general rules of the House it would not be in order, because you can not change the law under the general rules of the House by an amendment on an appropriation bill, but that rule of the House is wiped out by the rule that is now before us.

Mr. STERLING. Will the gentleman yield to a question?

Mr. MANN. Certainly.

Mr. STERLING. As I understand, the money will be paid to township authorities having charge of the road fund?

Mr. MANN. Whoever the officials are who have charge of the roads.

Mr. STERLING. I do not understand that they will be bound to use the money to keep only those roads in repair on which

the mail is carried. They can use it for any road purposes in the township, can they not?

Mr. MANN. They can bury it, I suppose. There is nothing in the bill that requires them to use it at all. I suppose their local law will determine how they will use it. The money comes to them. But I say it is perfectly in order for us, when we consider the matter of paying them in one way, to provide for the payment to them in another way, and it is perfectly in order, so far as the question of germaneness is concerned, to say whether we pay it by rent or directly by repairs, because that is all a part of the same subject matter. Now, here is the amendment offered by the gentleman from Tennessee. It is to take into consideration a fourth class of roads not provided for in the bill, and having provided in the bill that we pay toll or rent for one class, a second class, and a third class, we shall then do something for class four.

Now it is certainly germane to say that if we divide roads in the United States into four classes and provide for the payment of three of them we can add and make payment for the other or fourth class. Having that right we have the right to say whether we will pay the money directly or whether we shall provide that it shall be expended in the way provided by the amendment.

While I do not know whether the amendment ought to prevail, and doubt the desirability of extending the class, still, so far as the question of germaneness is concerned, I do not see how there is any escape from the proposition that the amendment offered is germane to the proposition in the amendment offered by the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. CANNON. Mr. Chairman, a word touching the point of order. I have listened to my colleague from Illinois upon this point of order. This special rule, in my judgment, serves one purpose only. It sets aside for the purpose of this amendment the rule of the House which prevents legislation on appropriation bills, and that is its only office.

Suppose this bill were pending as a measure by itself—"Be it enacted," and so forth—suppose that the bill which is covered by the amendment of the gentleman from Missouri were under consideration. It seems to me it would then not be considered for a moment that this amendment would be germane.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

Mr. CANNON. Yes.

Mr. FITZGERALD. Suppose it was under consideration under a rule which provided that it should be considered, the general rules of the House to the contrary notwithstanding?

Mr. CANNON. What is the use of supposing a case that does not exist?

Mr. FITZGERALD. That is what the gentleman did.

Mr. CANNON. Then I did not catch the gentleman's question correctly.

Mr. FITZGERALD. I said, Suppose this provision were in the form of a bill and were being considered under a special rule to the effect that it could be considered, the general rules of the House to the contrary notwithstanding, would that mean something?

Mr. CANNON. Clearly not, in my judgment. But that is not this case. The office of this rule is to permit this amendment to be in order upon an appropriation bill, and when this rule was under discussion I recollect that the question was asked, "Would not the only object of the rule be to permit amendments to be offered?" And it was further asked, "Would it be subject to any amendment that is germane?"

Now, as to whether it is germane or not, my friend from Illinois [Mr. MANN] thinks it is. We are not without plenty of authorities on this subject. I refer the Chair to page 386 of the Manual, about the center of the page:

> Two subjects are not necessarily germane because they are related.

And then a number of cases are given, one almost precisely in point:

> To a bill granting a right of way to a railroad, an amendment providing for the purchase of the railroad by the Government—

Is not germane. Yet the object of granting a right of way to a railroad is to get a railroad. The gentleman says the object of the proposed legislation is to improve roads. Well, that is a matter of argument. The provision speaks for itself, namely, to compensate the civil division in which the road is situated, being a post road and used in the rural mail service, for the use of that road by the Government, not to buy the road.

Oh, but the gentleman says that this provides for classes A, B, and C. Yes; but classes A, B, and C do not cover all the remainder of the roads that are not in the schedule or in those classes, and my friend from Illinois says, "Oh, well, that is true; this is a direction of the General Government to accomplish the same object that it seeks to accomplish by the bill or amendment."

Well, now, that may be true, but it treats of an entirely new class of roads; not to pay rent for their use. They are not being used at all by rural routes; it is an entirely different class of roads.

Mr. SIMS. It is only roads that are used by rural carriers that are covered by the amendment.

Mr. CANNON. I was following my colleague from Illinois.

Mr. SIMS. Then he misled you if you followed him. It takes in roads up to class C.

Mr. CANNON. Up to class C?

Mr. SIMS. Yes.

Mr. CANNON. The object there is to take possession of the road. That renders it not germane—to spend the money of the Government upon the roads. And the case is cited to the Chair where, when a bill was pending to grant a right of way or a franchise to a road, the proposition to buy the road was held to be not germane. And it seems to me the ruling is sound.

The CHAIRMAN. The Chair is ready to rule.

Mr. LEVER. Mr. Chairman, I do not desire to weary the Chair at all, but I wish to call his attention to this situation: The Chair must decide two propositions, and the first is, Will the Chair interpret the special rule broadly or narrowly? I do not believe it was in the mind of the House in the adoption of this rule to bring in here a proposition which would permit any and every kind of a proposition as an amendment to this proposition.

If that were the case, as admitted by the gentleman from New York and the gentleman from Tennessee, then we might offer the naval appropriation bill to this section provided by the rule, and it would be in order. We might also offer the steel schedule, the woolen schedule, or any other unrelated matter.

I take it that the Chair is going to construe this rule liberally and carry out the intention of the House, which was to make this legislation in order on an appropriation bill—legislation that would not have been in order except for this special rule. Beyond that, it seems to me, the Chair can not go without construing this rule too narrowly to bring it within the bounds of common sense.

Mr. HILL. Will the gentleman yield for a question?

Mr. LEVER. Yes.

Mr. HILL. If the gentleman's position is sustained, would it be possible to enlarge the parcel-post provisions of this bill by offering an amendment for a full parcel post?

Mr. LEVER. Unless the amendment is absolutely germane to the proposition, it can not be considered.

Mr. HILL. Would not such an amendment be germane?

Mr. LEVER. I think it would be.

Mr. HILL. Then why is not this germane here?

Mr. LEVER. For this reason: That the proposition made in order by the Committee on Rules deals with the question of compensation for the use of the roads. The amendment suggested by the gentleman from Tennessee [Mr. SIMS] deals with the proposition of constructing roads out of Federal funds, two propositions as antagonistic as day and night, and which can not be germane to each other. Now, if the Chair is to decide this proposition broadly, construing this rule liberally, then the Chair must decide whether the amendment offered by the gentleman from Tennessee [Mr. SIMS] is germane to the proposition made in order by the special rule. This amendment proposes to build roads out of Federal funds. The amendment made in order by the Committee on Rules proposes to pay rent for the use of roads, two propositions absolutely inconsistent with and antagonistic to each other. They can not by any process of reasoning be reconciled to each other. The basic ideas upon which they rest are diametrically opposed to each other, the fundamentals in each are in complete conflict with each other, and unless two propositions are closely related I can hardly see how the Chair is to hold them germane to each other.

Mr. MANN. Will the gentleman yield for a question?

Mr. LEVER. I will.

Mr. MANN. The amendment refers only to public roads. Does the gentleman think an amendment to make it apply to private toll roads would be out of order?

Mr. LEVER. I do not, if those toll roads were used by the Federal Government for carrying the mails; but if it was for the purpose of building them it would be out of order, in my judgment.

The CHAIRMAN. It has been ruled time and again that where a paragraph proposing amendments to a general appropriation bill is out of order on that bill, but is allowed to go by without a point of order being made, or if a rule is brought in

making in order that which was not before in order, then any amendment which is germane to the proposition is in order. The question which the Chair now has to determine is as to whether this amendment of the gentleman from Tennessee [Mr. SIMS] is germane or not. After a careful examination of the amendment of the gentleman from Missouri [Mr. SHACKLEFORD], which proposes to divide the roads over which the mail is carried on rural and star routes into classes, and providing for a compensation to be paid for the carrying of the mail over those roads, to the officers entitled to the custody of the funds of the respective highways, the Chair thinks it is very clear that this rent is intended to go to the maintenance and, if those who have control of those funds choose, to the construction of additional roads. Now, the amendment of the gentleman from Tennessee [Mr. SIMS] proposes to extend that class, and provides that "any part of the same"—that is, roads used by the United States for the purpose of transporting rural mails, in addition to the roads "hereinbefore mentioned and described"—are hereby declared to be post roads; that is, the roads mentioned in the amendment of the gentleman from Missouri. And it then provides a compensation to be paid to the officers having control of these roads provided for in this proposition. And while it does say that the amount appropriated may be used for the construction of roads, yet it also provides for the maintenance of roads to be used as post roads. The Chair is clearly of the opinion that the amendment is germane, and therefore the Chair overrules the point of order.

Mr. SIMS. Mr. Chairman, I want to explain that while this amendment is printed in the RECORD with an appropriation of $10,000,000, when I offered the amendment a while ago I struck out the appropriation. Consequently there is no appropriation carried in this amendment, and it is put on all fours with the rest of the amendment. Consequently, if any money is used for the building or improvement of roads, the Committee on the Post Office and Post Roads will have to provide for it as plainly as it will for the payment of the rental. Not knowing how much was necessary, the $10,000,000 was only a guess. So I thought it was best to strike out the appropriation.

I want to explain this amendment. It is not antagonistic to a single provision of the Shackleford bill, and I can not see how any gentleman can regard it as endangering the passage of the bill. It seems to me it will strengthen it. It is in language which means what it says. It directly authorizes the Postmaster General, by and with the consent and cooperation of the State and local authorities having charge of the maintenance and construction of the roads, to improve roads below class C up to class C. Then those roads will immediately pass into the rental class, and then the amount paid each year would be fixed by the other provisions of the bill. This really strengthens the bill and makes it more defensible, and these roads that are being used by rural carriers, and that must continue to be so used, falling below class C, may be improved by and with the help of the United States Treasury. It is best to do things openly and directly. If we have got no power to use Federal taxes for the improvement of roads directly, we have no power to do it indirectly.

Mr. KENDALL. Has the gentleman's amendment been printed?

Mr. SIMS. No; it was offered a few minutes ago. The very fact that the payment of the rent is made to the authority having charge of the improvement of these roads means of itself that the money is to be used on the roads or other highways in connection with them.

Mr. BARNHART. Does the gentleman believe it would be right for the people of one section of the country to put their roads in such condition that they are in either class A, class B, or class C, by their own energy and taxation, and then the Government give to some other section of the country the help that will put its roads in the same condition?

Mr. SIMS. Those roads you refer to are already in that class.

Mr. BARNHART. They made them so.

Mr. SIMS. There are thousands of miles of roads being used for rural carriers which with the addition of either a parcel post or a postal express will have an additional Government service to perform, and the roads below class C that are so used are entitled to be made efficient for the use that will be made of them in the future under additional legislation.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Certainly.

Mr. MANN. If I understand the gentleman's position correctly, it is that the amendment as it now stands does not directly provide that there shall be any additional good roads constructed?

Mr. SIMS. No; or at least it is not mandatory.

Mr. MANN. That we just pay rent for the use of roads in order that we may deliver mail to the people?

Mr. SIMS. Yes.

Mr. MANN. And if they do not want it goodness knows we will be willing to quit. But the gentleman proposes to expend money so that there may be some additional good roads provided in the country where there are no good roads now.

Mr. SIMS. That is exactly the object of my amendment.

Mr. MANN. That will enable us to carry mail more cheaply than it is carried now.

Mr. SIMS. That is it exactly.

Mr. MANN. While the other provision does not add a dollar of benefit in that direction.

Mr. SIMS. As I said before, that on any of the roads provided for in the bill the service can be performed that is now required, or that any additional legislation may require, without further improvement, but there are thousands of miles of roads in communities that are not able to bring their roads up to where they come within the rental classes, and this is intended to bring that about.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SIMS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. PROUTY. Mr. Chairman, reserving the right to object, I would like to hear this amendment read, and I ask to have it reread.

The CHAIRMAN. Without objection, the amendment will again be reported.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The Chair hears no objection to the request of the gentleman from Tennessee.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Certainly.

Mr. KINDRED. Mr. Chairman, I desire to ask the gentleman if his measure proposes that all of the roads below class C, and not included in the three classes, shall be improved to the same extent as roads in the three classes?

Mr. SIMS. No; not all roads under class C. Only roads used by rural carriers.

Mr. KINDRED. That those in class C and below class C shall be improved to the same extent as class A and class B.

Mr. SIMS. In reply I will state this, that the amendment will authorize the Postmaster General, in cooperation with the State or local authorities having charge of such roads, to improve any road now or afterwards used for Federal purposes, just as though it was in the three classes—to be improved up to where it will come within class C; that then the rent will apply, and the improvement provision will no further apply.

Mr. KINDRED. Does the gentleman propose that, without reference to what the State or county authorities may do, with reference to the roads falling under class C?

Mr. SIMS. Absolutely, because the Government of the United States builds post offices without reference to what the local authorities do. Who ever heard of the Government of the United States paying rent on a brick house for a post office, which house had ample facilities for doing the business required, and then saying to the owner, "If you will build a brown-stone house we will increase the rent, or if you will build a marble house we will still further increase the rent," as an encouragement to build good houses, without any regard for the necessity of a better building in which to discharge the duties imposed.

Mr. KINDRED. Just one more question. Does the gentleman's proposal of improving any class depend to any extent upon what the State or county authorities may do?

Mr. SIMS. None whatever; absolutely none to bring it up to class C; that is, I mean roads used for rural-mail purposes.

Mr. BUTLER. Mr. Chairman, will the gentleman pardon my curiosity, but I have a question I would like to ask. It has not been talked about, and it would be very interesting to me, whether or not it interests others, to know just what this is likely to cost the Government. My friend is a calculator, and I know him well, and I know that he reasons well and thinks well. Can the gentleman give us a reasonable idea of how much this will likely cost the Government?

Mr. SIMS. That will entirely depend on how long it takes to improve the roads needing it and how many of them are used as rural routes which are now below class C. I can not tell the gentleman, nor could anyone else, unless he knows every mile of road and the condition of it, because one mile of road may cost double what another mile of road will on the same

route; the roads in one county may cost double what the roads of another county will cost, and so with the States; and so it is impossible to tell exactly what either of these provisions will cost the Treasury of the United States.

Mr. BUTLER. Has the gentleman any idea where we will get money to carry out these provisions?

Mr. HAMLIN. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Certainly.

Mr. HAMLIN. Mr. Chairman, I understand the purpose of the gentleman who drew the Shackleford amendment to be to draw it in such a way that States would absolutely retain control of these roads. If the gentleman's amendment is adopted, will not that turn over to the Federal Government control of all the roads used by the Government in transporting these mails?

Mr. SIMS. Absolutely not.

Mr. HAMLIN. But the gentleman's amendment states they shall be declared to be post roads.

Mr. SIMS. They have to be post roads in order for the Federal Government to have constitutional warrant to pay for the improvement or rent of any of them.

Mr. HAMLIN. And you would have to do it in order to build them; but that is not the purpose of this amendment.

Mr. SIMS. The purpose of the rent is not to build. I want to say this, that I do not believe we have power under the Constitution to appropriate money out of the Federal Treasury for a local State purpose not in any way connected with a national duty or a national requirement; but the rural route being in my judgment by its use is a post road, therefore the Government does have power, either directly or indirectly, to improve it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARTLETT. In reply to the suggestion of the gentleman from Missouri [Mr. HAMLIN] whether your bill did not make post roads, it is now the law and has been since 1866. Every public road or highway in the States over which mail is carried; every canal, every river, and every street of the cities in the United States over which mail is carried, is considered to be a post road of the United States.

Mr. SIMS. I accept the statement of the gentleman from Georgia [Mr. BARTLETT]. That part of my amendment is mere surplusage. What I want to say to the gentleman from Missouri is this: Because the United States Government performs the Federal function over a road it is not necessary to place that road under Federal control, because the Government has no power to do anything on those roads except as Congress may authorize it, and Congress not having given the Postmaster General or any other Federal authority the right to control these roads, but only the right, with the cooperation and consent of the local authorities charged with the improvement, to aid in the work, Federal control does not follow.

I want to call my friend's attention to this, namely, that we have rural routes now with rural mail boxes all over the country. The boxes are furnished by the patrons at their own cost, and yet Congress has made it a criminal offense for anybody to damage or destroy one of those boxes. But that does not give the Government control of the boxes; it makes it an offense to interfere with the Federal use of them.

Mr. MARTIN of Colorado. How much is the expense that would be involved in your amendment?

Mr. SIMS. I do not know. I can not tell anything about it.

Mr. MARTIN of Colorado. Your amendment does not limit the expenditure to $10, $20, or $25 a mile as does the Shackleford amendment? Do you mean to say your amendment authorizes the Postmaster General to contract for any sum necessary in order to construct post roads?

Mr. SIMS. I say that under such rules and regulations as he may establish by and with the consent of the local authorities. I am not supposing it will cost any great sum to take a road used by rural carriers and bring it up from its present condition to class C.

Mr. MARTIN of Colorado. You understand there is an absolute expenditure fixed in the Shackleford bill. You might go out in my country and find a road you could not improve for $100,000 a mile.

Mr. SIMS. That the carriers are going over now and discharging the duties of rural carriers at this time?

Mr. MARTIN of Colorado. Yes, sir; mountain trails.

Mr. SIMS. And you have got roads in Colorado that are used by rural carriers that would cost $100,000 a mile to improve?

Mr. SAUNDERS. Mr. Chairman, I would like to call the attention of the committee to certain features of the amendment offered by the gentleman from Tennessee. It is at war with the whole theory upon which the roads bill is constructed. [Applause.] If this amendment had been drawn for the purpose of killing this bill, it could not have been more speciously and effectively constructed for that purpose. [Applause.] If it is added to the bill, I venture to say that there will hardly be a Member of this House, unless perhaps the patron of the amendment, who will vote for the measure in the amended form. Permit me to present to this body the reasons why I make a statement so broad as the above. The theory of the Shackleford bill is that the communities which help themselves, shall be helped. [Applause.] The theory of the Sims amendment is to help the communities that do not, and will not help themselves, and the extent of their failure to help themselves will mark the measure of the Government's aid. Under the Sims amendment all that will be necessary for any community to do, will be to fail to work its roads at all, and the Government will then come forward to work them. [Applause.]

Under the provisions of the Sims amendment, mark you, no payment will be made for those roads that are now up to standard or that will be made to standard by the local authorities. No inducement is offered, or obligation imposed upon the States or the localities to maintain the roads to standard. Under the amendment all the roads that are now below the standard, and that will be allowed to continue in that condition by the local authorities, or the States, will be taken over by the United States, and worked. The Shackleford amendment is a bill of limited liability. It is easy to figure out the maximum liability under that amendment. The Sims amendment, gravely proposed, and doubtless in good faith, is a proposition of unlimited expenditure on the part of the Federal Government. Yet the gentleman asks an economical House to vote for such a proposition. Under the Shackleford amendment, if every road that potentially comes within the operation of this bill were to receive the amount contemplated by it, the expenditure could not be over $19,000,000 in the first year. Under the Sims proposition, should the States and local communities simply decline to perform their proper functions, the conceivable expenditure for repair of roads might be $190,000,000 a year. Yet our friend argues that his proposition is superior in merit to the Shackleford proposition.

Permit me to call the attention of this committee to another feature of the Sims amendment. The opposition to national aid to roads may be divided into two classes. The first class is composed of Members who believe that the National Government ought not to aid at all, or in any wise in the maintenance of State roads. That objection is fundamental, and no bill for national aid could be drawn so as to overcome it. The other class is composed of Members who object to any form of national aid, carrying Federal interference with or control over State functions. The latter objection can be met, and has been met, by this bill. Even the gentleman from Tennessee [Mr. SIMS] has found no ground for criticism of the pending proposition on that score. Indeed his amendment providing for Federal construction of post roads, is an admission in substance that the pending proposition does not err in that direction. The real friends of the bill are opposed to Federal control of State roads, and are therefore opposed to the Sims amendment. Permit me to call the attention of this body to a feature of that amendment, which if grafted on our roads bill will of necessity cause the Federal Government to take over the maintenance of all post roads, to the exclusion of the States, a policy to which I am unalterably opposed, however much it may commend itself to our friend from Tennessee.

The amendment provides that the contract for road construction shall be made by the representatives of the Federal Government with the consent of the State, or local authorities. If the State authorities do not agree to this contract, the Federal Government assumes no burden, or obligation, and no work of maintenance, or repair is carried on, but the moment the State agrees to the arrangements, the work will be prosecuted under Federal supervision, Federal direction, and Federal control. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAUNDERS. Mr. Chairman, I would like to have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia that he have five minutes additional? [After a pause.] The Chair hears none.

Mr. SAUNDERS. Now permit me to call attention to the practicality, the feasibility, and the common sense of the proposed measure. We know what that bill will require, to a very accurate degree. We know the mileage of post roads in

the United States. We know the mileage of improved roads, and the mileage of dirt roads.

We know the appropriate rental that will be paid for the roads in each class. We know, that unless the States and localities maintain the roads to the standard required, not a dollar will be paid out of the Federal Treasury. Some gentlemen have asked what the Shackleford bill will cost. At the present scale of payments, it can not possibly carry, as I have said, more than $19,000,000 in its first year of operation. As a matter of fact not half of that will be required. If hereafter the Government, that is the Congress of the United States, chooses to raise the rental for the roads in the respective classes, to the extent of that increase, this policy will carry an increased expenditure. In the progress of time, apart from any increase of rentals, the inevitable development of our rural routes, and the improvement of our roads, will call for a larger appropriation. But this is a legitimate and natural evolution. The theory of this bill contemplates that in proportion as the business of the rural mails, requiring additional routes increases, our expenditures upon this form of national improvement, will inevitably increase. Is there any objection to the moderate expenditure contemplated by this bill, safeguarded as it is by the provisions which limit its application to the roads that are maintained to the prescribed standard? [Applause.] I reaffirm, Mr. Chairman, what I said in the beginning of my remarks that every real friend of this measure, the men who have helped to cast it in its present form, the men who believe in State rights, the men who believe in retaining local jurisdiction, the men who believe in aiding the communities that aid themselves, the men who believe in going forward, the men who believe in affording a stimulus to local endeavor, these men, one and all, ought to vote against this pernicious and destructive amendment offered on the part of the gentleman from Tennessee. [Applause.]

Mr. FAISON. Mr. Chairman, I heard the distinguished gentleman from Virginia [Mr. SAUNDERS] and other equally able gentlemen on last Friday make convincing arguments in favor of the constitutionality of Government aid in construction of public roads, which established beyond doubt that the Constitution would allow the construction and maintenance of State post roads. I shall support, therefore, the Sims amendment with a great deal of pleasure. I shall also support the amendment offered by the gentleman from Missouri [Mr. SHACKLEFORD] with equally as much pleasure, because I see, as the Chair has just ruled, no conflict whatever between the purposes of these two amendments, and I believe that the Democratic Party in its last convention intended what it wrote in its national platform at Denver in 1908.

That platform reads as follows:

We favor Federal aid to State and local authorities in the construction and maintenance of post roads.

I think that it wrote into that platform what it meant. I think and believe, and the people think and believe, that when that Democratic Party gathered at Denver, Colo., and made its national platform that it meant what it said. I shall support this bill, not only for the maintenance of post roads, as in the Shackleford bill, but for the construction of post roads as required in the Sims amendment, which is even more necessary, as roads must be constructed first then afterwards maintained—and why not as well by national aid? I would hate to believe that the Republican Party intended to deceive its people and supporters.

Mr. SAUNDERS. The Sims amendment does not propose to construct the roads, but simply proposes to take over, on the part of the Federal Government, the maintenance of your State roads.

Mr. FAISON. I think it does mean the construction of post roads, as the language is too plain and clear to be doubtful.

Mr. SAUNDERS. It does not.

Mr. FAISON. I repeat, I would hate to believe that the Republican Party wrote into its platform at its last Chicago convention, in 1908, anything which would tend to deceive the American people, and I would like to read here what that platform also states. The other day in discussing post roads a gentleman from the Republican side of the House, Mr. MADDEN, of Illinois, and another gentleman, Mr. MICHAEL E. DRISCOLL, of New York, declared that Government aid to post roads was nothing less than socialism. Their Republican national platform of 1908 contains the following language, simple and plain, for the farmers especial consideration and comfort and vote, which these gentlemen seem to have forgotten and denounce as socialism now.

THE FARMER.

Among those whose welfare is as vital to the welfare of the whole country as is that of the wageworker is the American farmer. The prosperity of the country rests peculiarly upon the prosperity of agriculture. The Republican Party during the last 12 years has accomplished extraordinary work in bringing the resources of the National Government to the aid of the farmer, not only in advancing agriculture itself, but in increasing the conveniences of rural life. Free rural mail delivery has been established. It now reaches millions of our citizens, and we favor its extension until every community in the land receives the full benefit of the postal service. We recognize the social and economic advantage of good country roads, maintained more or less largely at public expense and less and less at the expense of the abutting property owner.

This is a direct, plain, and honest statement in the Republican national platform, demanding national aid to country roads "at public expense, and less and less at the expense of the abutting property owners" to those roads. Yet it is denounced by members of that party as nothing less than socialism. Are the gentlemen ready to admit that they are Socialists pure and simple, or denounce their own creed and platform upon which they won this farmer vote they pretend to love so much?

Mr. PAYNE. Does the gentleman find any authority for this proposition in the Republican platform?

Mr. FAISON. Yes; I am reading from the Republican national platform of 1908, written at the Chicago convention. Does the gentleman disown his own party platform on the floor of the House and deny its plain language?

Mr. PAYNE. The gentleman does not find a word in favor of this proposition in the Republican platform.

Mr. FAISON. That is not a matter for you to interpret, sir. I am reading from the National Republican platform of 1908, and if the Republican Party is honest and means what it says to the farmer, it means just what is written in this platform, and can mean nothing else. But I am not surprised that the gentleman from New York does not recognize his own platform now, after the election. It is the usual habit of his party after election and will create no great surprise.

Mr. PAYNE. It says nothing of the kind.

Mr. FAISON. The Democratic Party platform stands for the construction and maintenance of post roads; the Democratic Members should vote for Mr. SIMS's, as well as Mr. SHACKLEFORD's, amendment. We have heard argument after argument from able gentlemen on this side that such building of roads by national aid is constitutional. The Democratic and Republican platforms demand it, and all the American people expect us to fulfill our party platforms, and I gladly do so in behalf of the great country people whom I have the honor to represent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FAISON. I would like to have unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. FAISON. I wish to say furthermore that I shall support the Sims amendment and the Shackleford amendment with pleasure, because I am always glad to vote for the farmers' interest, to add to their pleasure and comfort and to give them every convenience enjoyed by the city and town people, also to make less burdensome the daily life of that large and useful army of rural mail carriers, who so faithfully, through rain and sunshine, serve the mails in the rural districts. I hold in my hand a telegram from Mr. E. D. Pearsall, of North Carolina, for years the secretary of the North Carolina Letter Carriers' Association, asking my support of the Sims amendment in behalf of the letter carriers of the State and their farmer patrons of the country roads—"dirt-road statesmen," if you on the other side so please to call them:

Hon. JOHN M. FAISON,
Washington, D. C.:

Representing 1,200 rural letter carriers and millions of farmers—our patrons—we ask you to support Sims bill for post roads appropriations now pending.

E. D. PEARSALL.

ROCKY POINT, N. C., *April 28, 1912.*

Our Republican friends on that side must admit, though they may deny it, that national aid along various lines has been an established *Government* policy for years. The following tabulated statement shows our national appropriations for improvements of all kinds except for good roads at our doors. Either discontinue them or divide them for good roads at home, as well as abroad.

The Government has given in land grants to railroads 200,000,000 acres, worth, if now owned by the Government, about $20 to $30 per acre.

Appropriations for rivers and harbors since 1875	$592,395,160
Appropriations for Mississippi River levees to June 30, 1902	16,580,614
Appropriations for public buildings to June 30, 1911	188,000,000
Land-grant funds to State agricultural colleges	24,585,997

Appropriations for State colleges of agriculture, 1890–1910	$16,786,000
Appropriations for Panama Canal (estimated)	400,000,000
Appropriations for road building in Porto Rico	2,000,000
Appropriations for road building in Philippines	3,000,000
Appropriations for road building in Canal Zone	1,495,000
Appropriations for road building in Alaska	1,925,000
Appropriations for road building in United States during the last 60 years	000,000,000

This writer, in discussing this table, further states:

It is evident from the foregoing table that the National Government has extended generous aid by direct appropriations and land grants for the promotion of education, and that it has aided to the utmost degree in the development of transportation facilities, the public alone excepted, and even in the matter of road improvement it has voted millions of dollars for the construction of roads in the Philippines, Porto Rico, Canal Zone, and Alaska. It has encouraged the reclamation of arid lands by providing legislation under which great irrigation projects are completed and their cost defrayed out of the proceeds from the sale of public lands thus reclaimed. Congress now stands ready to advance to the Reclamation Service $20,000,000 for the purpose of carrying on its work whenever it shall seem necessary. The National Government in its beneficent concern for the protection of the dwellers along the Mississippi River has voted many millions of dollars for the building and maintenance of levees. The Rural Delivery Service now carries its annual appropriation of over $40,000,000, and represents one of the few benefits which the farmer received out of the lavish disbursements of billion-dollar Congresses. The Rural Delivery Service is hampered and curtailed by reason of bad roads which add millions of dollars to the cost of its operation. It is evident from a study of the appropriation bills passed by Congress and the general trend of legislation, including the tariff measures and the patent laws, that our Government has been exceedingly active in fostering and developing manufacturing, transportation, education, colonial development; in short, we find in all the records of governmental activities the one glaring evidence of neglect, and that is in the treatment of the public roads. In fact, agriculture has been given less real assistance by our national legislators than any other line of human endeavor.

The time has come when conditions are so serious as to demand remedial action by Congress, and it is hard to see how national aid to road improvement can longer be withheld.

If we can dig canals, improve harbors, and dredge rivers, and then subsidize boats to carry the mails at home and abroad; if we can give railroad companies large quantities of public lands as a bonus for building railroads, and then subsidize them to carry the mails, why can we not also help to construct and maintain post roads for carrying mail to the farmers of the country? Are the farmers of so little importance to our country as to be always the less-favored class of our citizens, to be satisfied only with party platform promises, now denied by leading Republicans [Mr. PAYNE], or denounced as Socialists by others for demanding only what has been given to others and denied them for years by the Republican Party?

As a Representative of North Carolina, I am not asking charity nor seeking alms at the hands of the National Treasury in supporting these bills for the construction and maintenance of post roads in my State. The annual report of the United States Treasury for the year 1911 shows a balance of nearly $6,000,000 to the credit of our State, and how better can these funds be used? It is, indeed, time that the State should be treated with more justice at the hands of the United States Government by a fair and just expenditure of its revenues, to say nothing of the burdensome high tariff taxes paid largely by the farmers of this country, who never share in its benefits.

A statement furnished Senator OVERMAN by the United States Treasury Department as to the amount of revenue paid the Government by North Carolina and the amount received by it for the year 1911 shows that the receipts from customs, internal revenue, and corporation tax—paid by North Carolina—and miscellaneous receipts—not classified—amounted to $7,316,977.18, while the disbursements made by the Federal Government for North Carolina—public buildings, customs service, Internal-Revenue Service, Life-Saving Service, Revenue-Cutter Service, Public Health and Marine-Hospital Service, assay office, rivers and harbors—amounted to $1,354,100.58. [Applause.]

The amount paid by North Carolina to the Federal Government for the fiscal year 1911, as shown by these figures, exceeded the amount of revenue received by North Carolina from the Federal Government $5,962,876.60.

The State of North Carolina, then, has the right to demand more than it now receives and to demand this as a matter of justice. It should have ample appropriations for its rivers, harbors, and canals. It is entitled to funds for needed public buildings, and then there will be left some millions of dollars, a part of which can not be more judiciously and wisely spent than in the construction and maintenance of post roads. [Applause.]

Good post roads will cheapen the cost of the mail service, make the parcel-post mail service practicable and efficient, cheapen the high cost of transportation from farm to factory and from factory to farm, cheapen the high cost of living in towns and cities, add convenience and pleasure to farm life, and do more than any other one legislation to bring peace, plenty, and prosperity to the great American people. It is constitutional, the party platforms of both the Democratic and Republican Parties, and justly demanded by all the people of every section of our common country who will not suffer denial longer. [Applause.]

Those who deny them and their country such beneficent legislation will meet just condemnation in due time for failure to keep their party pledges to the long-suffering, tax-ridden people who pay for these large appropriations and receive not their own share at home in good roads. We should either share with them or stop such large appropriations elsewhere.

Mr. DIES. Mr. Chairman, if I can have the attention of the House for a moment, I desire to say that I do not believe there is a man, woman, or child in the United States who is not in favor of good roads.

This whole question revolves around the sincerity of the Democratic Party as to its protestations, made for almost a hundred years, that indirect taxation is the most expensive kind of taxation to the American people. [Applause.]

Not only myself, but all of my Democratic colleagues, have declared that every dollar covered into the Federal Treasury by means of tariff taxation costs the people of this country about $5, in round figures, which must be paid by them.

This whole question revolves, as I say, around a question of sincerity. We know that if the county or the State issues its bonds upon a system of direct taxes, it levies its taxes in proportion to the wealth of the taxpayer, which burdens a man in proportion to his ability to bear the burden. The question now is as to whether we shall tax the citizen by the circuitous route of tariff taxation on what he eats and what he wears.

I can understand the consistency of the gentleman from Illinois [Mr. CANNON] when he advocates this bill, because he believes taxation by tariff is a blessing to the people. But when the gentleman from Iowa [Mr. PROUTY] advocates it, I am astounded, because I heard him say, less than a month ago, that under these various systems of tariff taxation a common section hand paid as much taxes as Mr. John D. Rockefeller, with his $600,000,000 capital and his $20,000,000 of annual income. I stand amazed at the gentleman who advocates the national building of roads in contradistinction from the county and State building, who would levy for this purpose as much tax upon the section hand as he does upon the six hundred millions of John D. Rockefeller.

Let me tell you, the Democratic Party is either sincere or insincere. It either means what it says or it does not mean what it says. If it is sincere in the declaration that this system of taxation is the most burdensome in the world, that the Government gets only one dollar into the Treasury for every five which the tariff puts into the coffers of the manufacturers of the country, then it is more than hypocrisy for us to shift this burden from the local and State taxpayers, who pay in proportion to their wealth, over to the taxpayers under the Federal Government, where its revenues are derived by tariff taxation from those who pay in proportion to their wants.

Take the illustration given by the gentleman from Iowa [Mr. PROUTY]. Here is Mr. Rockefeller, and here is your section hand, and they are to be taxed for good roads. Mr. Rockefeller pays less for good roads than does the section hand, who gets only $1.25 a day. It is horrible and monstrous to say that the man who earns only $1.25 a day by the sweat of his face should pay as much as John D. Rockefeller, with his $600,000,000. Yet you are about to adopt a system of taxation that incorporates in its terms that monstrosity, denunciation of which almost every Democrat applauded when the gentleman from Iowa gave voice to the sentiment.

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Illinois?

Mr. DIES. I suppose so.

Mr. FOWLER. I ask the gentleman from Texas if he thinks, because there is a taxation upon the poor which is unjust, that the American people are not able to change that policy of taxation and at the same time help to build good roads throughout the country?

Mr. DIES. I will give the gentleman a good answer and not a hypocritical one. When we wanted to put wool on the free list, to warm the shivering bodies of the people of this country, our Democratic leader [Mr. UNDERWOOD] said we could not do it because we must have the revenue raised by the tariff on wool. [Applause.] Now, when you want to spend many more millions of dollars, you say you would rather spend the money in proportion to want than in proportion to wealth. I say it is hypocrisy, whether it is pronounced by the Democratic Party or some other party in this country.

Mr. FOWLER. Do you think the Democratic Party was sincere at Denver when it declared for national aid to public highways?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. DIES. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. DIES. I think the Democratic Party has been sincere for 50 years in its declarations that it wanted a revenue tariff and an economical administration of the Government. Will any intelligent man tell the folks at home how you can constantly increase the expenditures of this Government, constantly add to the avenues of appropriation of the Federal Government, and at the same time reduce the tariff? We had as well be honest with the people and tell them, "You can not have your cake and eat it too." [Applause.] You can not have a low tariff tax and constantly add to your budget of Federal expenditures.

Mr. FOWLER. May I ask one more question?

Mr. DIES. No; I object.

The CHAIRMAN. The gentleman declines to yield.

Mr. FOWLER. Just one more question.

Mr. DIES. Make it brief.

Mr. FOWLER. Does not the gentleman think the Republican Party was sincere at Chicago when it declared in favor of good roads in America?

Mr. DIES. I think the Republican Party is sincere when they say that a tariff tax is a blessing. And if it is a blessing this bill is defensible, but if a tariff tax is a curse this bill is not justifiable. If the tariff is a tax, that only gives to the Government one dollar out of every six that it collects, and taxes men in proportion to their necessities instead of in proportion to their wealth and ability to bear it; this bill is utterly undemocratic and utterly indefensible, because you have got county and State systems by which you can raise revenues to build your roads and tax men in proportion to their ability to pay. You deliberately set aside a system that makes a millionaire pay on his millions and makes the man of small means pay small in proportion. You deliberately set that system aside to take up the Republican system of taxing a man in proportion to his needs, on the clothes he wears, on the food he eats, and, as Mr. PROUTY, of Iowa, has said, taxing a section hand as much as John D. Rockefeller. So surely as there is any sincerity in Democracy, so surely as there is a word of truth in all our protestations, we never can reduce the burdens of the people's taxes by lowering those taxes unless we quit being more greedy than the greediest Republican in trying to get appropriations for every conceivable scheme. [Applause.]

I want to say, measuring my words when I say it, that Democracy has almost surrendered its tariff position; has almost given away its position on the tariff question by wanting more money for public buildings, more money for internal improvements; and now this last straw that is to break the camel's back of our sincerity is that the Federal Government should tax want instead of wealth; should extend this Republican system of indirect taxation and take in the roads and make a network of political activity in this country for our benefit and for the benefit of our successors in office. [Applause.]

Mr. MONDELL. Mr. Chairman, the amendment offered by the gentleman from Tennessee [Mr. SIMS] should be supported with great enthusiasm by all the true and loyal Representatives of rural constituencies. The measure fathered by the gentleman from Missouri [Mr. SHACKLEFORD] and proposed under the special rule was altogether too restricted and hobble-skirted to be worth while. Your rural constituents asked you for bread and you offered them a stone, merely a Federal appropriation of from $25,000,000 to $50,000,000 annually for rural roads. Is that worth while, when we are tapping the unfailing fountain of the Federal Treasury in the interest of our continuation in this honorable body? How could we justify ourselves as Representatives of rural constituencies when we grant to the rich suburbanite living near the city or the village rent for the road past his house and deny any relief whatever to the dweller at the end of the route in Hickory Hollow or Hazelbush Dell? Is it not our duty in extending the strong and unfailing stream of the Federal Treasury, which flows with milk and honey and good hard cash—can we justify ourselves if in so doing we do not benefit those who most need it, those who can not build their roads themselves? Shall we build roads or aid roads running through thickly settled populations adjacent to the towns and not build roads among our real country people at the end of the route, where the road is likely to be so poor that it does not come within either of the three classes provided for in the bill?

Mr. GARRETT. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Tennessee?

Mr. MONDELL. I shall be glad to.

Mr. GARRETT. I appreciate and sympathize——

Mr. MONDELL. Oh, no sympathy. Rather mingle in our joy that at last we have an appropriation that really means something.

Mr. GARRETT. I wanted to ask the gentleman if he signed the request to the Committee on Rules bringing in this rule in the same spirit in which he is now speaking?

Mr. MONDELL. Just about the same spirit. The fact is that my friend from Missouri [Mr. SHACKLEFORD] was looking discouraged that day.

Mr. RUBEY. Just one question.

Mr. MONDELL. Mr. Chairman, I can not yield.

Mr. RUBEY. Just one single question.

The CHAIRMAN. The gentleman declines to yield.

Mr. MONDELL. I have but half a minute more, and in that time I want to call attention to what a glorious prospect we now have spread before us, the opportunity of appropriating not a paltry ten or twenty or thirty or forty or fifty millions but hundreds of millions of dollars for the benefit of the real people, the farmers at the end of the rural routes. The gentleman from Colorado made a rather foolish inquiry, it seems to me, as to how much could be expended under this appropriation for any given mile of road. Why inquire as to such miserable little details as that [laughter] when you have the unfailing source of the Federal Treasury to draw on? The gentleman from Texas [Mr. DIES] wants to know where the money is to come from and suggests that we can not put everything on the free list and still build thousands and millions of miles of good roads. Of course we can not, but gentlemen are not to be halted in this beautiful program by anything of that sort. The hope of the gentlemen on the other side is that their constituents will never put the two things together, but that after they get home they will hail them as faithful in the reduction of Federal taxation and as even more faithful in passing out to them millions from the Federal Treasury. [Applause.]

Mr. MOON of Tennessee. Mr. Chairman, I move that all debate on the amendment of the gentleman from Tennessee to the amendment of the gentleman from Missouri close in 10 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee.

The question was taken, and the motion was agreed to.

Mr. PROUTY. Mr. Chairman, the gentleman from Texas [Mr. DIES] rather amuses me. He reminds me of the old doctor in our community who knows nothing about anything except fits, and whenever he gets a patient he first throws him into fits and then he cures the fits. One would be disposed to think that the gentleman from Texas could not make a speech on anything except the tariff, and I would have been inclined to believe that myself had it not been for the fact that I did hear him make an able speech upon the Great Commoner. [Laughter.]

The least acute man in this assembly can discern the fact that this question has nothing to do with the manner or method of raising revenue. I care not whether you get the revenue under your excise tax, your direct method, under your tariff for revenue only, or your tariff for protection. That is a question that we ought not here to discuss, and I shall not allow myself to be diverted to such discussion. The only question here is, after the money has been obtained and is in the Public Treasury by these various methods, where and how, in equity, ought it to be expended?

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. Certainly.

Mr. DIES. How does the gentleman propose to get the money to contribute for this good-roads proposition?

Mr. PROUTY. In the various ways that you will get it for the purpose of building post offices in Texas.

Mr. DIES. Is not that the indirect system of tariff taxation?

Mr. PROUTY. Of course it is; and you are using it and you are declaring, if the gentleman wishes to force this into politics, that you are in favor of a tariff for revenue. I have not said that I was. I supported your excise bill, and I did it because I believed in it, for I believe it is perfectly fair to collect money for all expenditures with some relation to the ability of the man to pay; but we have not that system now. I am in favor of using the money that we collect even by this indirect method in a way that is fair to the people who pay it.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. Yes.

Mr. DIES. Taking the gentleman's illustration with the excise bill, would the section man pay more under a system of State and county direct taxation to good roads or under this indirect system of tariff taxation?

Mr. PROUTY. He would pay just in the same proportion that he pays to obliterate the boll weevil in the gentleman's

State now. A man who does not comprehend that can not understand the economics of our country.

Mr. DIES. And the gentleman thinks that is an answer to my question?

Mr. PROUTY. Yes, I do; and if the gentleman does not understand it I can not help it. Here is the proposition in a nutshell. Whatever money goes into the Public Treasury ought to be expended fairly among and for the people who contributed it. My friend from Tennessee [Mr. SIMS] has offered an amendment here to this measure that is unjust and unfair. It will enable a community to say, "We will not spend any of our own money for the purpose of improving roads; we will not do a thing; we will let the Federal Government do that." Here is a community that expends its money for building its own roads, and at the same time the Government does not pay them anything for the building of those roads. Any man who can not comprehend the unfairness of that scheme I do not care to talk to.

The CHAIRMAN. The time of the gentleman from Iowa has expired. The question is on the amendment offered by the gentleman from Tennessee to the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment to the amendment was rejected.

Mr. MADDEN. Mr. Chairman, I desire to offer an amendment to the bill by striking out of the amendment, page 3, line 5, the word "rural."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3 of the Shackleford bill, line 5, strike out the word "rural."

Mr. MADDEN. Mr. Chairman, I desire to ask unanimous consent that I may be allowed to speak for 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may be allowed to speak for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Chairman, the gentlemen who designate themselves as statesmen of the mud roads, in nearly every instance, represent constituencies of not only farmers but of people living in villages and cities. There is no district in this country that does not contain within its borders some village or some city, and I ask those men who are warbling in the name of the mud lark, in the name of the farmer, whether they propose to represent all of their constituents or only 50 per cent of them. This amendment which I have just proposed gives to every community an equal distribution of the funds that are paid out of the Federal Treasury. My friend from Iowa [Mr. PROUTY] just a moment ago said that he believed in an equal distribution of the Federal funds. If he does he will vote for this amendment, because this amendment proposes that men who live in municipalities as well as those who live on farms shall participate in the improvements that are to be made as a result of the expenditures proposed under this bill. I want to ask you gentlemen who represent rural communities whether you want to go back to your people and say that you are in favor of spending money out of the Federal Treasury for the purpose of maintaining roads throughout the rural districts and against the payment of money out of the Federal Treasury for the purpose of maintaining roads in the villages and cities of your district. You will have an opportunity here by this amendment to say by your vote whether you are really a representative of your district or whether you simply represent that part of your district in which the farmer lives. The men who live in the villages and cities of the United States are equally entitled to the consideration which this bill proposes along with the farmer. Is there any reason why the post roads running through a town or village or city should be discriminated against?

Is there any reason why these eight, ten, fifteen, twenty, or fifty million dollars proposed to be expended on public highways should be paid wholly to the farmer? Is there any reason why the city dweller, who has an equal vote with the farmer, should not have equal rights and equal treatment under this bill? I ask you men who come from country sections of the Nation, Are you willing to go back home and say to the men who live in the villages and the cities that we do not recognize them as any part of our constituency? Are you willing to go back home and have them say to you, How did you deport yourself on the question of the payment of money taken out of the Federal Treasury for the rent of the highways of the Nation? Why were we discriminated against when you were voting for this bill?

Mr. BATHRICK. Will the gentleman yield for a question?

Mr. MADDEN. I yield to the gentleman from Ohio.

Mr. BATHRICK. I would like to ask the gentleman if he does not know that the people in the cities use the country roads a great deal?

Mr. MADDEN. Oh, yes; and the people in the country use the city roads as well, and they are glad to have an opportunity to come to the city occasionally and get that communion of interest which that association with the city people gives them.

Mr. SLAYDEN. Will the gentleman yield?

Mr. MADDEN. I do.

Mr. SLAYDEN. I would like to ask the gentleman from Illinois if it is not true that the mail is distributed over the rural routes absolutely for the convenience and use of the post office and not the people, and therefore the post office ought to pay for it?

Mr. MADDEN. I assume that the gentlemen who come here favoring the enactment of this legislation believe—because they would not act as they do unless they did believe—that the mail distributed to the rural constituency is simply done as a matter of accommodation to the Government or to the post office authorities. I do not believe, Mr. Chairman, that any dollar of the public money should be paid out of the Federal Treasury for the upbuilding of any road now in the United States, I am frank to say.

I do not believe that any Federal money should be paid to aid the States in the construction of highways. The States of the Union are amply able to build their roads for themselves. The people who live in those States are patriotic, they are willing to pay their taxes, they have paid them in most of the Northern States of the land, and their roads are being constructed and will continue to be constructed out of the pockets of the local taxpayers.

Mr. PROUTY. Will the gentleman yield for a question?

Mr. MADDEN. I do.

Mr. PROUTY. I live in a town of 100,000 people—Des Moines. In the last six years there has been about $3,000,000 of public funds expended in my town, and, so far as I know, not a dollar expended for the benefit of the rest of my constituency. Do you not think it is fair that some of it should go to some of my other fellows? [Applause.]

Mr. MADDEN. I am in favor of every citizen of the United States being treated alike, whether he lives in the city of Des Moines or any other city of equal population. I believe the farmer to be as good as the city dweller, but I do not concede that the city dweller is not equally as good as the farmer.

Mr. LANGLEY. Will the gentleman yield?

Mr. MADDEN. Yes, sir.

Mr. LANGLEY. I believe the gentleman's amendment, if adopted, would increase the amount——

Mr. MADDEN. The amendment I offer would increase the delivery of the United States mail.

Mr. LANGLEY. It would increase the amount of money?

Mr. MADDEN. It treats of the mails as a whole and not any part of them. It treats of the delivery of mails to every man, woman, and child within the borders of the American Continent. And it does not seek to limit the delivery to any particular section of the country or to any particular class.

Mr. LANGLEY. The gentleman is opposed to any appropriation of this kind, he says?

Mr. MADDEN. I am opposed, in the first instance, to any appropriation of this kind, but if the appropriation is to be made, I am in favor of making it so that it will apply alike to every man, woman, and child in the country.

Mr. LANGLEY. The gentleman evidently does not want his amendment adopted.

Mr. MADDEN. I want the amendment adopted.

Mr. MANN. Mr. Chairman, while I doubt the advisability and propriety of the General Government entering upon aid to roads throughout the country, I recognize the fact that probably the time has come when the National Government will be required in some form or other, out of the Federal Treasury, to aid in the construction or maintenance of such roads. [Applause.] The amount that would be involved by the Shackleford bill has been estimated by the gentlemen favorable to it at from $10,000,000 to $20,000,000. Whatever that amount may be it does not make very much difference, because it is inevitable that if we enter upon the program we will carry it through until the expenses amount to probably hundreds of millions of dollars; and yet I remember that during my short term of service in this House I have seen the appropriations of the General Government increase fully 100 per cent, and go up to a billion dollars in a year, where only a few years ago it was an unfavorable criticism when Congress appropriated a billion dollars in two years; and I do not doubt that in the end, if it becomes necessary, there will be ways found, fair in

the main, by which the money can be raised, nor do I doubt that the money, if expended, will be expended under provisions which in the main provide for very equitable distribution and very fair disposition, for to doubt that would be to doubt the qualities of our race for self-government. [Applause.]

Mr. Chairman, this is the first time, I think, in my service in this House when a proposition is presented purely in the interest of one class of people as against another. If we are to enter upon the policy of giving aid to roads, why should there be the distinction between the country roads and city roads. Nearly or quite half the population of the country live in the cities. They pay their equal share of taxes. They are much more thickly populated per mile of street or road than is the country. On what basis can it be justly claimed that you should tax the people in the cities for the construction of good roads and make no provision equal in terms for the city roads? If we should pay $15, $20, or $25 a mile for the use of the country road which is improved, then, by every right and in justice, we should pay something to encourage the cities to improve their streets and keep them in repair.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. POWERS. Will the gentleman yield for a question?

Mr. MANN. I will.

Mr. POWERS. This Shackleford amendment provides——

Mr. MANN. I know what it provides. Just ask the question.

Mr. POWERS. If you will just wait a minute, and let me ask a question. It provides:

> Whenever the United States shall use any highway for the purpose of carrying the mails, whether in the cities or in the country—

If rural mails are carried through the city to the country, this highway is used for that purpose, and the money will be paid to the city just the same as to the country.

Mr. MANN. As a matter of fact, the Shackleford amendment does not provide for paying for the use of the roads for delivering mail at all. It only provides for its use for transporting mail. What the department would rule about that I do not know. I suspect, perhaps, if they made a strict construction of it they would only provide where they transport star-route mail in connection with rural-delivery mail. But the purpose of the bill, if its purpose be effectuated, is to provide payment for the use of the country roads in the carrying of the rural free-delivery mail.

Mr. RODDENBERY. Mr. Chairman, will the gentleman yield?

Mr. MANN. Why should we provide for that and not provide, out of the same Treasury, from taxes collected from the same people, for the use of the roads for the delivery of the city mail? Do you people from the country believe that because you have a majority in this House you can permanently establish a policy in this country which proposes directly to tax the people of the city for the specific benefit of the people in the country?

Mr. RODDENBERY. Will the gentleman yield?

Mr. MANN. That never has been the case in the history of the world. It never will be. You may temporarily tax one set of people for the exclusive benefit of another, but in the long run you must raise taxes equally and expend them equitably.

Now I will yield to the gentleman from Georgia.

Mr. RODDENBERY. Does not the gentleman think that there is ample precedent furnished for this legislation in the fact that for more than 25 years from two to six free mail deliveries were made to the cities during all that period of time and no provision was made for free mail delivery to the people in the country, and the country people said nothing? [Applause.]

Mr. MANN. I do not. On the contrary the city from which I come contributes to the treasury of the Post Office Department in the neighborhood of $8,000,000 a year——

Mr. MADDEN. Fourteen million three hundred and ninety thousand dollars, if the gentleman will allow me——

Mr. MANN. Contributes over $8,000,000 a year above the expense of maintaining that office and all connected with it, and that money goes to carry the rural mail in the rural districts. We do not complain of that——

Mr. MADDEN. Will my colleague yield for a moment?

The CHAIRMAN. Does the gentleman from Illinois yield to his colleague?

Mr. MANN. No; I regret I can not yield.

We do not complain of that, because we in the cities realize the fact that it is to our interest in sending the mail to have it properly delivered to those who shall receive it in the country, and vice versa as to the people in the country. We acknowledge that here is a fund collected from the general use of the Post Office Department that we are willing to have equitably distributed, although the man who puts a 2-cent stamp in the city is contributing directly one-half of it to the rural mail delivery in the country, for which he receives no benefit.

I appeal to this House for fairness all around, both to the country and to the city. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I shall favor the amendment offered by the gentleman from Illinois [Mr. MADDEN]. Its adoption will result in equality of treatment for the rural and urban communities. It will eliminate the special—and therefore un-Democratic—feature of the pending provision. The report which accompanies the bill states that "the basic principle of this bill is compensation by the Federal Government for the use of the roads traveled by mail carriers in the star route and Rural Delivery Service." If that principle can be justified, and the Federal Treasury reached upon such a plea, then the distribution should be free from discrimination, and the Federal Government should contribute for the use of highways in municipalities traversed in delivery of mail.

But, Mr. Chairman, the Members of this House do not know the extent of the enterprise upon which they are embarking. They have not looked carefully into the enormous outlay that will be required if the Federal Government is seriously to engage in the work of assisting in improving the roads of the country. The amount provided in this bill is a mere bagatelle. It is the cultivation of a delusion, which, if this provision becomes a law, will quickly be realized by the country, to provide an insignificant pittance.

But if there is to be provision made of this kind and compensation paid for the use of roads by the postal service, the great municipalities and the small municipalities should be placed upon the same basis as rural communities.

Since 1902 the city of New York has expended for paving and repaving its streets $71,727,619.

Mr. LEGARE. You do not need any more, then.

Mr. FITZGERALD. In the past 10 years it has paved 392 miles of streets and has repaved 657, a total of 1,049. On December 31, 1911, its mileage of paved streets was 2,145, and of unpaved ones 1,650. I appreciate the willingness of some gentlemen to have one section of the country contribute to the work that should be done by other localities. The city of New York has had its burdens greatly increased from this tendency. The city pays about 70 per cent of the State taxes of the State of New York. The experience of that State in road construction is illuminating. Since 1898 it has expended in excess of $111,000,000 upon its roads. Under a constitutional amendment, adopted in 1898, the State of New York was authorized to issue $50,000,000 of bonds with which to contribute to the construction of roads. It has outlined a system of State highways and contributes to county and town highways. The proportions are 50 per cent by the State, 35 per cent by the county, and 15 per cent by the township. After the enormous expenditure of money in recent years, in addition to the sums theretofore expended, there are now in the State 3,161 miles of macadam road, about 8,915 miles of gravel roads, and about 55,507 miles of crowned highways, and 15,000 miles of ordinary country roads. According to the figures given in the report accompanying this bill, the roads used by rural and star routes in the State of New York aggregate 2,249 miles, and if every road traveled by one of these carriers were in class A, the contribution by the Federal Government to the State of New York under this bill——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAUNDERS. Mr. Chairman, may I interrupt the gentleman?

Mr. FITZGERALD. Mr. Chairman, I ask that my time be extended 10 minutes.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that his time be extended 10 minutes. Is there objection?

Mr. SAUNDERS. Will the gentleman allow me to interrupt him?

Mr. MOON of Tennessee. Mr. Chairman, I move that all debate on this amendment be closed in 10 minutes.

Mr. FITZGERALD. Mr. Chairman, has my request for 10 minutes been granted?

The CHAIRMAN. It has not.

Mr. FITZGERALD. I asked unanimous consent to be allowed 10 minutes more.

The CHAIRMAN. Yes; and the gentleman from Tennessee [Mr. MOON], the chairman of the Committee on the Post Office and Post Roads, moved that the debate be closed in 10 minutes.

Mr. FITZGERALD. But, Mr. Chairman, my request for unanimous consent was submitted by the Chair.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee [Mr. MOON].

Mr. FITZGERALD. I asked consent that my time be extended 10 minutes, and I made the request before the gentleman from Tennessee asked for recognition.

Mr. MANN. I think the gentleman from Tennessee [Mr. MOON] has no desire to cut off debate on this proposition.

Mr. MOON of Tennessee. I have no desire to cut off the gentleman from New York or anybody else. I will change my motion so as to ask to close debate on the amendment and all amendments to the amendment at 6 o'clock.

Mr. MANN. There can be no amendment to the Madden amendment. It is an amendment in the second degree.

Mr. MOON of Tennessee. I refer to amendments after that is disposed of.

The CHAIRMAN. The gentleman from Tennessee [Mr. MOON] moves that all debate on the Shackleford amendment and all amendments thereto be closed at 6 o'clock.

Mr. MANN. The gentleman does not mean all amendments.

Mr. FITZGERALD. I submit that my request is entitled to be submitted to the House.

The CHAIRMAN. The Chair will state that he has recognized the gentleman from Tennessee [Mr. MOON] to move to close debate, and the gentleman from New York is not now in order.

Mr. MANN. Does the gentleman from Tennessee propose to cut off all debate on other amendments to the Shackleford amendment?

Mr. MOON of Tennessee. I want to close debate on the amendment of the gentleman from Missouri. If any other gentleman in the House wishes to offer an amendment I will not object.

Mr. MANN. The gentleman could not object. The gentleman agreed to be liberal, and, as he knows, there are a number of other gentlemen who desire to offer amendments. The gentleman might move to close debate on the Madden amendment in that length of time.

The CHAIRMAN. What is the motion of the gentleman from Tennessee?

Mr. MOON of Tennessee. I withdraw my motion in order that the gentleman from New York [Mr. FITZGERALD] may have his request put to the House.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. SAUNDERS. I wish to say to the gentleman from New York that under the operations of this bill the State of New York would derive from $800,000 to $1,000,000. It is a very simple calculation. The State of New York will derive from $800,000 to $1,000,000 annually from this bill when it is in full operation. Now, may I ask the gentleman another question?

Mr. FITZGERALD. Before the gentleman proceeds, on April 1, 1912, the total number of rural and star routes in operation in the State of New York was as follows: Rural, 1,899; star, 550; total, 2,449.

Mr. SAUNDERS. It is a conservative estimate to say that the average length of those routes would be 20 miles.

Mr. FITZGERALD. I was mistaken in my first statement. I had confused the number of routes with the mileage.

Mr. SAUNDERS. I should like to ask the gentleman another question: Does not the State of New York provide State aid in the construction of State highways?

Mr. FITZGERALD. The State is building a system of State highways.

Mr. SAUNDERS. Does it not provide for the construction of or aid to streets in municipalities?

Mr. FITZGERALD. Yes. I made that statement. I intend to discuss it more fully. It illustrates the tendency and the desire of localities to escape the burden they should assume. In 1899, if I recall correctly, a law was enacted in New York providing for the system of contribution whereby State aid was extended to localities. The law provided that 50 per cent of the cost of construction should be paid by the State, 35 per cent by the county, and 15 per cent by the town. Very soon it was ascertained that to some of these communities the burden was irksome, or in excess of what the people desired to contribute. Good roads were desired and the wish was equally strong that the cost should be borne other than by the localities benefited. An amendment was enacted by which it was provided that the contribution of the counties and towns should be 2 per cent on the assessed valuation of real property in the county and 1 per cent in the town, but in no instance should the county or town pay in excess of the 35 and 15 per cent proportion. The result is that in some instances the State is expending 91 per cent of the cost of the roads and the localities 9 per cent. The tendency is natural; it is human. The desire to make some one else pay is overpowering. Shift the burden from locality to the State, from the State to the Federal Government. It is as effective to avoid the eventual burden as the ostrich in escaping danger by hiding its head in the sand. The State of New York is expending $6,000,000 annually on its roads, and with this enormous expenditure it has not enough roads, if all used by the postal service were of class A, to receive, under this bill, 20 per cent of what it is itself expending.

But my objection to this legislation is fundamental. It is not predicated upon expenditure alone. It is aimed chiefly at the theory upon which the legislation is based. It introduces a new, a novel, a curious principle into our governmental system. It purports to require the Federal Government to pay localities for the privilege of furnishing some service to the people which is legitimately within the proper functions of the Federal Government. It is based on the theory that the Federal Government is something distinct, separate, apart from, superior to, and superimposed upon the people of the country; that it has some means of acquiring wealth or resources or moneys other than by obtaining them by taxation from the people, to be distributed for their benefit. The gentleman from Missouri [Mr. SHACKLEFORD] spoke of the Federal Government being liberal in its treatment of the people. This is a strange doctrine to be enunciated by a Democrat. It is a peculiar notion that seems to be spreading. The Government should be liberal in its treatment of the people! Such a statement is strange to men who have been brought up to believe and to realize and who know what our Government is and means. Free institutions are organized by the people in order to maintain order and permit them to live in the most orderly, free, and happy manner possible consistent with the rights of others, and are predicated upon the theory that all men have certain inalienable rights, and that to preserve them governments are organized.

This idea that the Federal Government is something like the Government of the Russias, or some other imperial government, in which the people are subjects, beneficaries, supplicants, and mendicants, who beg and plead as if some great father would be persuaded to scatter his resources with generous hand and give to the people something apparently not belonging to them is a new and unheard-of and astounding doctrine in our land. Mr. Chairman, why not charge the Federal Government for the privilege of conducting Federal troops over country roads and through city streets? If the Federal Government is annoying or unkind or illiberal, why not tax it out of existence? It would be simple for the people to punish the Government by imposing burdens it could not bear. Under the Constitution exclusive jurisdiction is placed in the Congress over all places purchased by the consent of the legislatures of the States required for forts, magazines, arsenals, dockyards, and other needful buildings. Under section 355 of the Revised Statutes no money can be expended upon any site or land for the erection of any public building, fortification, or similar work unless the consent of the State is first obtained to the acquisition of the property. Why not abandon the policy heretofore followed and consent that the Federal Government shall pay taxes upon its Federal buildings, taxes upon the land occupied for fortifications, and other public purposes? It is the same principle underlying this bill carried to the logical conclusion. It is something new and novel. It is merely a cloak or a cover to get the hands of the various localities into the Federal Treasury.

People shut their eyes and dream that the money they take is to be obtained from some place else than from their own pockets, but it will come from there eventually and no other place. There seems to be a widespread notion that the resources of the Federal Government are boundless, that the Treasury is overflowing. The methods by which the Federal Government obtains money is indirect and remote from the people. Its gathering hand is invisible; yet it takes its mite from every article, from every commodity that is of use to the people. It may be difficult to trace the tax; that makes some people the more ready to have it imposed. To enter this new policy means additional taxes, additional burdens. It is futile to talk of reducing taxation, of relieving the people from grievous burdens, of reducing the cost of living, if at every turn we are to be confronted with some new scheme to filch money from the Federal Treasury.

There is one source of expense to which no one has given much attention but which is a very important matter. The compensation for these roads, if there be dispute, is to be fixed by the Department of Agriculture.

The condition in which the roads are to be maintained is to be determined by the Department of Agriculture. How is the Department of Agriculture to obtain the information necessary to discharge the obligation imposed? Only by the maintenance of a force of inspectors that shall continuously keep under supervision and observation all of the roads which will be entitled to compensation because of their use by the Federal Government. It will require an army of new employees to swarm through the country. It will be inevitable that crying abuses will result from such surveillance. Congress has consistently heretofore refused to pave streets in front of public buildings and it has refused to make any contribution for the construction of sidewalks about its property, and yet gentlemen now seriously propose to compel the Government to pay the people of the various localities for the privilege of rendering an important public service to them. Why not charge the Government for every public service rendered, in the hope that in some providential manner, like manna from heaven, funds will come into the Public Treasury? [Applause.] Mr. Chairman, this legislation should not be enacted. It can not be justified upon any sound theory. It is unwise. It will lead to evils that will be deplored. It cultivates among the thoughtless and the uninformed erroneous and dangerous notions of government; it subjects the Federal Treasury to burdens for nothing essential to the discharge of its legitimate functions. It is an idle attempt to get something for nothing. Whatever is expended upon our roads will be paid for by the people. It will be better if they keep the work and the expenditure close to home. They may yet succeed in frittering away rights and privileges of inestimable value, obtained only by the expenditure of vast quantities of blood and treasure, for the unsatisfactory boon of a Federal appropriation and a dominant and irresponsive and unsympathetic Federal Government.

Mr. MOON of Tennessee. Mr. Chairman, I move that all debate on the amendment of the gentleman from Illinois [Mr. MADDEN] be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois to the amendment of the gentleman from Missouri.

The question was taken; and on a division there were—ayes 22, noes 105.

So the amendment was rejected.

Mr. HARDY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend the amendment by adding at the end of the main paragraph thereof the following:

"*Provided, however,* That no payment shall be made under the provisions of this paragraph for the use of any privately owned or toll road."

Mr. SHACKLEFORD. Mr. Chairman, I ask unanimous consent that that amendment be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

Mr. McLAUGHLIN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 3, at the end of line 13, H. R. 22952, add the words:

"Nor for the use of any street or highway within the limits of any city or village."

Mr. McLAUGHLIN. Mr. Chairman, the purpose of my amendment is to limit the payment——

Mr. SHACKLEFORD. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. Certainly.

Mr. SHACKLEFORD. Is the gentleman aware that in many of the New England States the limits of one village overlap the limits of another and that almost all of the roads are within the incorporated villages in the New England States?

Mr. McLAUGHLIN. Mr. Chairman, I did not know the exact situation, but it would make no difference with my idea of the manner in which this money should be expended. My idea is that the money should be paid out to aid in the construction and maintenance of purely country roads. That has been the purpose announced by the authors of the bill, and I think the idea should be carried out. It is exactly contrary to the idea advanced by the gentleman from Illinois [Mr. MADDEN] and the idea advanced by the gentleman from New York [Mr. FITZGERALD]. It is not necessary to speak at length about it. I would confine this bill, if it becomes a law, and the use of the money under it exclusively to the building and maintaining of country roads only.

[Mr. WARBURTON addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment of the gentleman from Michigan to the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

Mr. RODDENBERY. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by inserting after the words "for highways of class C" the following: "*Provided,* That for roads used for the purposes of transporting rural mails, meeting all the conditions and requirements of class C, except that they have a road track not less than 16 feet wide, compensation shall be made at the rate of $25 per annum per mile, and said roads shall be known and designated as class D."

Mr. DODDS. Mr. Chairman, I ask unanimous consent to return to page 25 for just a moment, on an amendment which I introduced at the end of line 6, in order to make the following amendment——

Mr. MANN. I suggest to the gentleman his request could be made to-morrow as well as to-day. It is 6 o'clock.

Mr. DODDS. It will only take a moment.

Mr. MANN. You can not tell how long it will take.

Mr. MOON of Tennessee. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21279, the Post Office appropriation bill, and had come to no resolution thereon.

Mr. MOON of Tennessee. Mr. Speaker, I ask unanimous consent that the House take a recess until 10.30 o'clock to-morrow morning, and on convening that it shall immediately take up the Post Office appropriation bill for further consideration under the five-minute rule.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the House stand in recess until to-morrow at 10.30, at which time it shall take up for further consideration the Post Office appropriation bill under the five-minute rule.

Mr. MANN. Mr. Speaker, reserving the right to object, does the gentleman believe he can keep the House in session from 10.30 to-morrow until 6 o'clock to-morrow afternoon under the five-minute rule?

Mr. MOON of Tennessee. I think we can.

Mr. MANN. That will wear everybody out.

Mr. MOON of Tennessee. Oh, I think not. I would rather do that than to have a night session.

Mr. MANN. The gentleman does not expect to finish the bill to-morrow?

Mr. MOON of Tennessee. We want to do all we can toward it.

Mr. MANN. Well, if it comes to that stage in the session where it will do any good to have night sessions I think everybody in the House will be perfectly willing to have night sessions, or commence at 10 o'clock in the morning, if necessary, but we have not reached that stage yet.

Mr. MOON of Tennessee. I will say to the gentleman from Illinois we have had three or four days' debate on this bill——

Mr. MANN. And I tried to cut it off and have debate under the five-minute rule.

Mr. MOON of Tennessee. And 20 hours' debate on the bill under the rule. We have had sessions beginning at 10.30 in the morning and one night session, and we are very much now in the way of the Committee on Appropriations, which is anxious to bring in a bill. If we want to get away in time for your national conventions, we had better be doing a good deal of work.

Mr. MANN. We will have no trouble, as far as the House is concerned, in getting away the 1st of June if there is any assurance that the other branch of Congress will get away by that time, because if it gets to the point where we need to sit we can commence at 12 o'clock and run until 12 at night, if necessary. If the gentleman meets at half past 10, we will not have 20 men in the House.

Mr. MOON of Tennessee. They ought to be here.

Mr. MANN. It does not make any difference; there are only a few here now who will know about it, and they will not be here, and we will have one or two calls for a quorum, and you can not keep them here for any length of time.

Mr. GARNER. The RECORD will indicate that to-morrow morning at 10.30 a. m. the House is to meet, and if there is no

quorum all you will have to do is to make the point and ring the bell, and everybody will be in here.

Mr. MANN. We did that the other day, and had a call of the House. My distinguished friend from Texas [Mr. GARNER] did not learn of it, because he was not here.

Mr. GARNER. I have been here every morning, whether at 10.30 or at 12 o'clock.

Mr. MANN. I hope the gentleman will not make the request. If it is necessary, we can sit later to-morrow night.

Mr. SABATH. There are a great many committee meetings to-morrow morning.

Mr. LANGLEY. The Committee on Invalid Pensions meets to-morrow morning.

Mr. MANN. As I am not on any committee, that does not bother me.

Mr. MOON of Tennessee. I want to be as liberal as possible in the discussion of amendments——

Mr. BUCHANAN. Mr. Speaker, I object. I have a committee meeting to-morrow morning.

Mr. MOON of Tennessee. Mr. Speaker, I move when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

Mr. MANN. Mr. Speaker, I make the point of order that the motion is not in order, so far as that is concerned.

The SPEAKER. That motion is not in order.

Mr. MANN. If the gentleman from Tennessee should ask unanimous consent I would not object, so far as I am concerned.

Mr. MOON of Tennessee. I will ask unanimous consent, then.

The SPEAKER. The gentleman from Tennessee [Mr. MOON] asks unanimous consent that the House stand in recess until 11 o'clock a. m. to-morrow, and at that time the Post Office appropriation bill be proceeded with.

Mr. BUCHANAN. Mr. Speaker, reserving the right to object. I want to say the Committee on Naval Affairs has an important meeting to-morrow forenoon and I want to be present, and I would like to be present here, too.

Mr. MOON of Tennessee. If the gentleman from Illinois [Mr. BUCHANAN] thinks he is of such importance that he is obliged to be here I will withdraw the request and let the responsibility rest where it is.

Mr. BUCHANAN. I do not think I am of so much importance, but I am a Member of this House, and I object.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 19721. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows and dependent relatives of such soldiers and sailors.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4514. An act granting pensions and increase of pension to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 5193. An act granting pensions and increase of pensions to soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

ADJOURNMENT.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 8 minutes p. m.) the House adjourned until Tuesday, April 30, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Shallotte River, N. C. (H. Doc. No. 721), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named as follows:

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 19236) to regulate the practice of osteopathy in the District of Columbia, reported the same with amendment, accompanied by a report (No. 616), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 21708) to authorize the lighting of Piney Branch Road from Georgia Avenue to Butternut Street, reported the same without amendment, accompanied by a report (No. 617), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSTER, from the Committee on Mines and Mining, to which was referred the bill (H. R. 6304) to apply a portion of the proceeds of the sales of public lands to the endowment of schools or departments of mines and mining, and to regulate the expenditure thereof, reported the same with amendment, accompanied by a report (No. 619), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OLMSTED, from the Committee on Insular Affairs, to which was referred the bill (H. R. 22143) to establish a qualified independent government for the Philippines and to fix the date when such qualified independence shall become absolute and complete, and for other purposes, submitted the views of the minority thereon (H. Rept. 606, pt. 2), which were ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House as follows:

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill (S. 5623) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 618), which said bill and report were referred to the Private Calendar.

Mr. AINEY, from the Committee on Claims, to which was referred the bill (H. R. 22111) for the relief of the Delaware Transportation Co., owner of the American steamer *Dorothy*, reported the same without amendment, accompanied by a report (No. 620), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8434) granting an increase of pension to John Howell; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12696) for the relief of M. J. Julian; Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 23552) granting an increase of pension to James Powers; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CARY: A bill (H. R. 23876) to license chauffeurs, conductors, and motormen in the District of Columbia; to the Committee on the District of Columbia.

By Mr. AUSTIN: A bill (H. R. 23877) authorizing and permitting the Tennessee Hydroelectric Co., its successors and assigns, to build and maintain a dam and water-power development in and across Powells River in Anderson County, State of Tennessee; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 23878) authorizing and permitting the Tennessee Hydroelectric Co., its successors and assigns, to build and maintain a dam and water-power development in and across Clinch River in Anderson County, State of Tennessee; to the Committee on Interstate and Foreign Commerce.

By Mr. LENROOT: A bill (H. R. 23879) to amend the act entitled "An act concerning carriers engaged in interstate commerce and their employees," approved June 1, 1898; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: A bill (H. R. 23880) authorizing the use of the reclamation funds in the construction of a bridge across Willow Creek in Modoc County, Cal., and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. STEPHENS of Texas: A bill (H. R. 23881) to amend an act entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," approved April 23, 1904 (33 Stat. L., p. 302), as amended by the act of March 3, 1909 (35 Stat. L., p. 796); to the Committee on Indian Affairs.

Also, a bill (H. R. 23882) providing for the leasing of allotted Indian lands within the limits of the Quapaw Agency in the State of Oklahoma, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 23883) to authorize the cancellation of an Omaha Indian allotment; to the Committee on Indian Affairs.

By Mr. KINKAID of Nebraska: A bill (H. R. 23884) to amend the law relative to manufacture and sale of process or renovated or adulterated butter; to the Committee on Agriculture.

By Mr. CLAYTON: A bill (H. R. 23947) to limit the authority of circuit and district courts and circuit and district judges in granting injunctions and restraining orders; to the Committee on the Judiciary.

By Mr. LITTLEPAGE: A bill (H. R. 23948) granting to the Charleston-Dunbar Traction Co. the right to lay its tracks through, and erect its poles and string and maintain its wires upon, United States property at Lock and Dam No. 6, on the north side of the Great Kanawha River, in Kanawha County, W. Va.; to the Committee on Rivers and Harbors.

By Mr. LANGLEY (by request): Joint resolution (H. J. Res. 310) authorizing the publication of an edition of The Treasury of the Confederate States; or Documentary History of the Financial, Fiscal, and Commercial Measures of the Confederate States, edition by Raphael P. Thian; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 23885) granting an increase of pension to Gerhard Ferber; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Minnesota: A bill (H. R. 23886) granting an increase of pension to James E. Cady; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23887) granting an increase of pension to John Reash; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23888) granting an increase of pension to John Leroy McMichael; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23889) granting an increase of pension to George W. Carpenter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23890) granting an increase of pension to George N. Van Wagener; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 23891) granting an increase of pension to Melvin J. Ringler; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 23892) granting an increase of pension to Selena Brewer; to the Committee on Invalid Pensions.

By Mr. BUCHANAN: A bill (H. R. 23893) granting an increase of pension to William Bode; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23894) granting an increase of pension to William H. Kipp; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 23895) for the relief of George Killeen; to the Committee on Claims.

By Mr. DE FOREST: A bill (H. R. 23896) granting an increase of pension to John O. Shufeldt; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 23897) for the relief of the legal representatives of W. H. Rookwood, deceased; to the Committee on War Claims.

By Mr. DONOHOE: A bill (H. R. 23898) granting a pension to Patrick J. Costello; to the Committee on Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 23899) authorizing a survey of Buffalo Harbor, N. Y.; to the Committee on Rivers and Harbors.

By Mr. ESCH: A bill (H. R. 23900) authorizing the President to reinstate Joseph Eliot Austin as an ensign in the United States Navy; to the Committee on Naval Affairs.

By Mr. ESTOPINAL: A bill (H. R. 23901) granting a pension to John H. Howlett; to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 23902) to reimburse the Gore-Duggan Engineering Co.; to the Committee on Claims.

By Mr. FOWLER: A bill (H. R. 23903) granting an increase of pension to Henry M. Yow; to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 23904) for the relief of the Grand Lodge of Tennessee, Independent Order of Odd Fellows; to the Committee on War Claims.

By Mr. GOEKE: A bill (H. R. 23905) granting an increase of pension to Moses K. Hitchcock; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 23906) granting an increase of pension to Charles E. Harris; to the Committee on Invalid Pensions.

By Mr. GREGG of Pennsylvania: A bill (H. R. 23907) granting an increase of pension to Jacob S. Shivler; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 23908) granting an increase of pension to Hiram Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23909) granting an increase of pension to Francis Mosena; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 23910) for the relief of Levi Fields, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23911) granting an increase of pension to Thomas F. Lankford; to the Committee on Invalid Pensions.

By Mr. KENNEDY: A bill (H. R. 23912) granting an increase of pension to George Ross; to the Committee on Invalid Pensions.

By Mr. KONIG: A bill (H. R. 23913) for the relief of Julia Nolan, administratrix of the estate of Elizabeth Dean McArdle, deceased; to the Committee on War Claims.

By Mr. LAFEAN: A bill (H. R. 23914) granting a pension to Peter Markel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23915) granting an increase of pension to Martin J. Flegel; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 23916) granting an increase of pension to Thomas R. Lamison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23917) granting an increase of pension to John Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23918) granting an increase of pension to Robert Law; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23919) granting an increase of pension to Archibald Haddan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23920) granting an increase of pension to George Means; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23921) granting an increase of pension to William Black; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23922) granting an increase of pension to Jacob P. Reichert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23923) granting an increase of pension to Andrew W. McCullough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23924) granting an increase of pension to Thomas Lunger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23925) granting an increase of pension to Samuel M. Knox; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 23926) granting a pension to John R. Brennan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23927) to correct the military record of William S. Russell; to the Committee on Military Affairs.

By Mr. McGILLICUDDY: A bill (H. R. 23928) for the relief of Humphrey A. Owen; to the Committee on Claims.

By Mr. McKENZIE: A bill (H. R. 23929) granting a pension to Elizabeth H. Nichols; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 23930) granting an increase of pension to Henry C. Collins; to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 23931) granting a pension to Andrew Solomon, alias Andrew Moore; to the Committee on Invalid Pensions.

By Mr. MOSS of Indiana: A bill (H. R. 23932) granting a pension to Irvin Thomas; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 23933) granting an increase of pension to William J. Ferguson; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 23934) to authorize the appointment of Harold Hancock Taintor to the grade of second lieutenant in the Army; to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 23935) granting an increase of pension to James W. Fichthorn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23936) granting an increase of pension to Thomas D. McElwain; to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 23937) granting an increase of pension to Charles H. Spencer; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 23938) granting an increase of pension to Nelson Holcomb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23939) to legalize titles in the District of Columbia to certain citizens; to the Committee on the District of Columbia.

By Mr. SHACKLEFORD: A bill (H. R. 23940) for the relief of Samuel Lambeth; to the Committee on Military Affairs.

By Mr. SMITH of New York: A bill (H. R. 23941) granting an increase of pension to Edward C. Franklin; to the Committee on Pensions.

By Mr. TAGGART: A bill (H. R. 23942) granting an increase of pension to John Noble; to the Committee on Invalid Pensions.

By Mr. WARBURTON: A bill (H. R. 23943) granting a pension to Bernard H. Fowler; to the Committee on Pensions.

Also, a bill (H. R. 23944) granting an increase of pension to Humphrey D. Gifford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23945) granting an increase of pension to Thomas A. Davis; to the Committee on Pensions.

Also, a bill (H. R. 23946) granting an increase of pension to David Sypher; to the Committee on Invalid Pensions.

By Mr. HOWLAND: A bill (H. R. 23949) to grant an honorable discharge to William C. Haskell; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of voters of the first congressional district of Pennsylvania, against the seating of William S. Vare; to the Committee on Elections No. 1.

By Mr. ANDERSON of Minnesota: Petition of A. A. Walch and 6 others, of Rollingstone, Minn., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANTHONY: Petition of citizens of Topeka, Kans., favoring passage of House bill 21225, relating to oleomargarine; to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of Fred Johnson and 14 other citizens of Newark, Ohio, protesting against passage of interstate-commerce liquor legislation; to the Committee on the Judiciary.

Also, resolution of Public Service Commission of Ohio, asking that Congress give the Interstate Commerce Commission power to make a physical valuation of railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of S. M. Warner and 6 other merchants of Fredericksburg, Ohio, asking Congress to give the Interstate Commerce Commission further power to control express companies; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Memorial of the Wireless Association of America, relative to regulating the use of the wireless telegraph; to the Committee on the Merchant Marine and Fisheries.

Also, petition of H. M. Randall, president of the Marine Society of New York City, for certain legislation to promote the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Solano County Society for the Prevention of Cruelty to Animals and Children, urging passage of House bill 17222; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Group No. 52 of the Polish National Alliance, protesting against an educational test in the immigration laws; to the Committee on Immigration and Naturalization.

By Mr. CARTER: Petitions of citizens of the State of Oklahoma, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Resolutions of the Wisconsin State Federation of Labor, favoring an investigation of the coal strike; to the Committee on Rules.

By Mr. DE FOREST: Resolution of the North Side Board of Trade in the city of New York, favoring bill for improvement of Bronx Kills, Harlem River, and East River, New York City; to the Committee on Rivers and Harbors.

By Mr. ESCH: Resolution of members of La Crosse Council, No. 94, United Commercial Travelers of America, against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, resolution of the faculty of the State Normal School at Stevens Point, Wis., favoring passage of Senate bill 5, known as the Page bill, and House bill 21490, known as the Wilson bill; to the Committee on Agriculture.

Also, resolution of the Wisconsin State Federation of Labor, Milwaukee, Wis., favoring possession by the Government of coal mines and coal roads; to the Committee on Rules.

By Mr. ESTOPINAL: Petition of J. Barzana, of New Orleans, La., favoring passage of bill prohibiting use of trading coupons; to the Committee on Interstate and Foreign Commerce.

Also, petition of George P. Thompson, president of the Wholesale Grocers' Association of New Orleans, favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Petition of the McNab & Harlin Manufacturing Co., of New York City, relative to the operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Maritime Exchange of New York City, for certain legislation to promote the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, memorial of P. T. Rowe, bishop of Alaska, relative to condition of the natives of Alaska; to the Committee on the Territories.

By Mr. FULLER: Petition of Chicago Coal Dealers' Association of Chicago, Ill., favoring the passage of bill to amend section 17 of the act to regulate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of Brotherhood of American Yeomen, favoring the passage of the Dodds amendment to Post Office appropriation bill relating to publications of fraternal societies; to the Committee on the Post Office and Post Roads.

By Mr. GARRETT: Papers to accompany bill for the relief of the Grand Lodge of Tennessee, Independent Order of Odd Fellows; to the Committee on War Claims.

By Mr. GOLDFOGLE: Petition of the Janesville Iron Works Co., of Hazelton, Pa., and the Worthington Pumping Engines & Hydraulic Machinery Co., of Harrison, N. J., against amendment to Panama Canal bill prohibiting its use by any steamship company in which any railroad is interested; to the Committee on Interstate and Foreign Commerce.

Also, petition of Nordyke & Marmon Co. and the F. W. Spacke Machine Co., Indianapolis, Ind., against passage of bill to label all products; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the North Side Board of Trade, in the city of New York, favoring bill for improvement of Bronx Kills, Harlem River, and East River, New York City; to the Committee on Rivers and Harbors.

Also, petition of W. D. Allison Co., Schnull & Co., and the H. Lauter Co., of Indianapolis, Ind., and A. B. Anderson & Co., of Chicago, Ill., against passage of House bill 16844, in regard to using trade-marks on all wares and products; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Mohawk and Hudson River Humane Society, of Gloversville, N. Y., and South Bend Humane Society, of South Bend, Ind., against passage of House bill 17222, relative to shipping of unweaned calves; to the Committee on Interstate and Foreign Commerce.

Also, petition of California Wholesale Grocers' Association, favoring passage of House bill known as the Stevens bill and Senate bill known as the Burton bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of San Diego County, Cal., against passage of House bills 11372 and 20576, prohibiting the towing of log rafts or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Medical Society of the State of New York, favoring passage of a bill for a department of health at Washington, D. C.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Brotherhood of American Yeomen, Des Moines, Iowa, urging passage of Dodds's amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. GUERNSEY: Petition of Ellis E. Boyden and 23 others, of Perry, Me., urging passage of House bill 19133, for postal-express system; to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREY of Washington: Petition of the Woman's Christian Temperance Union of Washington State, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Waitsburg, Wash., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. JAMES: Petition of citizens of Smithland, Ky., for the construction of a levee on the Mississippi River at Smithland, Ky.; to the Committee on Rivers and Harbors.

By Mr. LAFEAN: Evidence to be filed in support of House bill 450, granting an increase of pension to Samuel Platts, of York, Pa.; to the Committee on Invalid Pensions.

Also, petition of citizens of the State of Pennsylvania, favoring building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, evidence to be filed in support of bill granting an increase of pension to Martin J. Flegel, of York, Pa.; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: Petition of residents of Pottsville, Pa., protesting against House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of J. D. Scanlan, of Shenandoah, Pa., for enactment of legislation prohibiting the use of trading coupons; to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of Calvin Tompkins, commissioner of docks of New York, relative to improvement of Jamaica Bay; to the Committee on Rivers and Harbors.

Also, petition of W. E. B. Du Bois, of the National Association for the Advancement of Colored People, for an appropriation to celebrate the fiftieth anniversary of the emancipation of slaves in the United States; to the Committee on Appropriations.

By Mr. MAHER: Petition of the delegates of the Medical Society of the State of New York, urging establishment of a national department of health in Washington, D. C.; to the Committee on Interstate and Foreign Commerce.

Also, resolution of North Side Board of Trade in the city of New York, favoring bill for improvement of Bronx Kills, Harlem River, and East River, New York City; to the Committee on Rivers and Harbors.

By Mr. MONDELL: Petition of sundry citizens of Cheyenne, Wyo., in support of House bill 22339 and Senate bill 6172, measures opposing the Taylor system of shop management for Government employees; to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Papers to accompany bill for relief of Andrew Solomon, alias Andrew Moore, of Haworth, Tenn.; to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of W. W. Rutledge, of Chattanooga, Tenn. (H. R. 18625); to the Committee on War Claims.

By Mr. MORSE of Wisconsin: Petition of Retail Liquor Dealers of Wausau, Wis., protesting against enacting any laws prohibiting the sale at retail of malt and spirituous liquors in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MOTT: Petition of Adams (N. Y.) Grange, No. 391, favoring passage of Senate bill 5474 and House bill 19133; to the Committee on the Post Office and Post Roads.

Also, petition of New York Board of Trade and Transportation for amendment to rivers and harbors bill; to the Committee on Rivers and Harbors.

By Mr. NEEDHAM: Memorial of the Central Labor Council of Los Angeles, Cal., for Government ownership of the railroad corporations; to the Committee on the Judiciary.

Also, resolutions of Lindsay Center, of California Civic League, Lindsay, Cal., favoring passage of bill for appropriation to enforce the white-slave traffic act; to the Committee on Appropriations.

Also, petition of citizens of California, favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union of Parlier, Fresno County, Cal., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, resolution of board of directors of the San Francisco Chamber of Commerce, favoring passage of Senate bill 4308 and House bill 17736, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, resolution of the California wholesale grocers, favoring passage of the House bill known as the Stevens bill and Senate bill known as the Burton bill; to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: Resolution of Division No. 147, Order Railway Conductors, Easton, Pa., urging passage of House bill 20487, known as the Federal accident compensation act; to the Committee on the Judiciary.

By Mr. PLUMLEY: Petition of citizens of Vermont, protesting against passage of Senate bill 1, to establish a national department of health; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Posts Nos. 4 and 15, Grand Army of the Republic, of Vermont, for enactment of House bill 14070; to the Committee on Invalid Pensions.

By Mr. RAKER: Letter from the Surbrug Co., of New York City, N. Y., against passage of Senate bill 6103 and House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

By Mr. RUCKER of Colorado: Petition of Jesse Vetter and others, of Denver Colo., favoring the passage of House bill 22339 and Senate bill 6172; to the Committee on the Judiciary.

By Mr. SCULLY: Petitions of Posts Nos. 73 and 114, Grand Army of the Republic, for enactment of House bill 14070; to the Committee on Invalid Pensions.

Also, petition of Ira B. Tice Lodge, No. 309, Brotherhood of Railroad Trainmen, for enactment of Senate bill 5382 and House bill 20487; to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of Local No. 14, Carpenters and Joiners of America, for enactment of House bill 22339; to the Committee on the Judiciary.

By Mr. SMITH of New York: Resolution of the North Side Board of Trade in the city of New York, favoring bill for the improvement of Bronx Kills, Harlem River, and East River in New York City; to the Committee on Rivers and Harbors.

By Mr. SPEER: Affidavits in support of House bill 9410, granting a pension to Lorinda D. Smith; to the Committee on Invalid Pensions.

By Mr. TUTTLE: Petitions of Lodge No. 167, International Association of Machinists, and Local No. 9, Polishers, Buffers, and Platers, for enactment of House bill 22339; to the Committee on the Judiciary.

Also, petition of Bergen County Pomona Grange, No. 11, of Preakness, N. J., favoring passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. UNDERHILL: Memorial of the Medical Society of the State of New York, for the creation of a national department of health; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the North Side Board of Trade, city of New York, favoring bill for improvement of Bronx Kills, Harlem River, and East River, New York City; to the Committee on Rivers and Harbors.

SENATE.

TUESDAY, *April 30, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SIMMONS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 4314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5193. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5415. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5493. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 19721. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

S. J. Res. 102. Joint resolution relative to the rebuilding of certain levees on the Mississippi River and its tributaries.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the congregations of the Susquehanna Avenue Church, the West Park Church, the Gaston Church, the Tennant Church, the Fletcher Methodist Episcopal Church, the Cookman Methodist Episcopal Church, the St. Paul's Reformed Episcopal Church, and the Temple Baptist Church; of the Tioga Woman's Christian Temperance Union, and of the Civic Club of Olney, all of Philadelphia, in the State of Pennsylvania; of Integrity Lodge, Independent Order of Good Templars, of Worcester, Mass.; and of the congregation of the Church of Our Father, of Spencer, Mass., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by the New England Dry Goods Association and a resolution adopted by the City Council of Los Angeles, Cal., favoring the enactment of legislation compelling all passenger craft plying from American ports to carry sufficient life boats and rafts to insure the safety of the maximum number of persons carried thereon, which were referred to the Committee on Commerce.

Mr. GALLINGER presented resolutions adopted by the East Washington Citizens' Association, of the District of Columbia, favoring an appropriation for paving the alleys in square 1043 in the city of Washington, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the East Washington Citizens' Association, of the District of Columbia, favoring an appropriation for the improvement of Pennsylvania Avenue SE., in the District, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the civic committee of the District of Columbia Federation of Women's Clubs, favoring the enactment of legislation to pension members of the police and fire departments in the District, which were referred to the Committee on Appropriations.

Mr. CULLOM presented the petition of F. O. Van Galder, editor of the Modern Woodman, of Rock Island, Ill., praying for the enactment of legislation extending to the publications of fraternal beneficiary societies the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Trades and Labor Assembly of Decatur, Ill., praying for the enactment of legislation to prohibit the use of trading coupons, which was referred to the Committee on the Judiciary.

He also presented a petition of the Trades and Labor Assembly of Peoria, Ill., praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was ordered to lie on the table.

He also presented a petition of the congregation of the Methodist Episcopal Church of Norris City, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Chicago, Belleville, Geneva, and Galesburg, all in the State of Illinois, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also presented the petition of Maude D. Eaton, president of the Local Council of Women of Rhode Island, of Providence, R. I., praying for the enactment of legislation providing for vocational education, which was ordered to lie on the table.

Mr. WORKS. I present two short telegrams in the nature of memorials, remonstrating against the Owen medical bill. I ask that the telegrams lie on the table and be printed in the RECORD without reading.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

BERKELEY, CAL., *April 29, 1912.*

United States Senator JOHN D. WORKS,
Care of Senate Chamber, Washington, D. C.:

Newspapers report you will oppose Owen bill Monday. I hope for your success. Consider it dangerous tendency for Federal Government to assume jurisdiction in either medical or religious matters, thereby becoming paternalistic and un-American. States have dealt adequately with subject, and should continue to do so.

J. STITT WILSON,
Mayor of Berkeley.

—

SAN FRANCISCO, CAL., *April 27, 1912.*

Hon. JOHN D. WORKS,
Washington, D. C.:

The Osteopathic Association of the State of California respectfully requests that you use your influence to bring about the defeat of the Owen bill, relating to the establishment of a national bureau of health. This bill is designed to give the American Medical Association undue power with relation to public health and unreasonable control over individuals. Legislation designed to confer similar authority upon this organization has been defeated in the various States.

E. E. YORK, *Secretary.*

Mr. WORKS presented a petition of sundry citizens of Los Angeles and Alhambra, in the State of California, praying for the enactment of legislation providing for the construction of one of the proposed new battleships in a Government navy yard, which was referred to the Committee on Naval Affairs.

He also presented resolutions adopted by the Chamber of Commerce of San Francisco, Cal., remonstrating against the enactment of legislation to prohibit the towing of log rafts in the open sea, which were referred to the Committee on Commerce.

He also presented a petition of Local Lodge No. 808, Brotherhood of Railroad Trainmen, of Los Angeles, Cal., praying for the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

He also presented a petition of the Federated Improvement Association, of Los Angeles, Cal., praying for the enactment of legislation to regulate the passage of ships across the ocean or elsewhere, which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Imperial Valley, Cal., praying for the appointment of a commission for the control of the Colorado River, which was referred to the Committee on Commerce.

Mr. SHIVELY presented a petition of Gen. Canby Post, No. 2, Department of Indiana, Grand Army of the Republic, of Brazil, Ind., praying for the enactment of legislation providing for the relief of veterans of the Civil War whose hearing is defective, which was referred to the Committee on Pensions.

He also presented a petition of members of the Supreme Tribe of Ben-Hur, of Crawfordsville, Ind., praying for the enactment of legislation extending to the publications of fraternal beneficiary societies the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Georgia. I present a short telegram in the nature of a memorial, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

DOUGLAS, GA., *April 29, 1912.*

Hon. HOKE SMITH,
United States Senate, Washington, D. C.:

Douglas Division 606, Order of Railway Conductors, requests that you oppose the workman's compensation bill pending in Senate and House.

W. B. LEE,
Chief Conductor.
S. E. PARRISH,
Secretary and Treasurer.

Mr. HITCHCOCK presented a memorial of sundry citizens of Ashton, Nebr., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Division No. 485, Order of Railway Conductors, of Etowah, Tenn., remonstrating against the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Omaha, Nebr., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of 378 citizens of Nebraska, remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

Mr. SUTHERLAND presented telegrams in the nature of memorials from Liley G. Barnes, John H. Roe, and Henry B. Prout, of Salt Lake City, and the memorial of C. L. Martin, superintendent of Park City public schools, Park City, all in the State of Utah, remonstrating against the passage of the so-called Owen medical bill, which were ordered to lie on the table.

Mr. OLIVER presented a petition of the Woman's Christian Temperance Union of Cameron, Pa., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Philadelphia, Pa., remonstrating against the passage of the so-called eight-hour bill, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Reading, Harrisburg, Rutledge, New Brighton, and Beaver Falls, all in the State of Pennsylvania, remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

Mr. JONES. I have a letter in the nature of a petition in reference to the general pension bill now in conference between the two Houses. I am satisfied the conference committee is proceeding as rapidly as possible. I will ask that the letter be read, as it will no doubt be duplicated from all over the country, showing the importance of early action on this important measure.

The VICE PRESIDENT. Without objection, the Secretary will read the letter.

The letter was read and ordered to lie on the table, as follows:

THE ZEDIKER INSTITUTE OF DRUGLESS HEALING,
North Yakima, Wash., April 23, 1912.

Hon. WESLEY L. JONES,
Washington, D. C.

MY DEAR SIR: The Evening Republic reports that two of our "old soldiers" died last night; one at 74 and one at 83 years. If there is any such thing as hastening the passage of the pension bill, I do hope

you will do your very level best to push it through. It won't be long, Senator, till we will all have passed over the bridge. Mr. B. L. Bull is taking treatment now of us. He is very feeble and looks as if he might go any day; he is nearly 72 years. I will be 70 in December, and I was 18 when I enlisted in 1861.

Yours, truly, J. F. ZEDIKER.

Mr. O'GORMAN presented a memorial of Chapin Post, No. 2, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., remonstrating against the enactment of legislation providing for the abolishment of the United States pension agencies and their concentration in Washington, D. C., which was referred to the Committee on Pensions.

He also presented resolutions adopted by the New York State mayors' conference, favoring the enactment of legislation for the protection of life on seagoing vessels, which were referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Massena, N. Y., praying for the establishment of free mail delivery in towns, cities, and villages with a population of over 1,000, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Medical Society of the State of New York, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. SMITH of Arizona presented a memorial of the Chamber of Commerce of Tucson, Ariz., remonstrating against the adoption of the proposed provision in the Indian appropriation bill authorizing the underflow waters of the Santa Cruz River to be used by the Indians on the Papago Reservation in that State, which was referred to the Committee on Indian Affairs.

Mr. SANDERS presented a petition of the Woman's Christian Temperance Union of St. Elmo, Tenn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BRIGGS presented memorials of Local Granges No. 16, of Shiloh; No. 90, of Blackwood; and of Local Grange of Mickleton, all in the State of New Jersey, and of the Interstate Milk Producers' Association, of New Jersey, Pennsylvania, and Delaware, remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of Thomas R. White, jr., of Elizabeth, N. J., praying for the establishment of a department of public health, which was ordered to lie on the table.

He also presented a petition of the board of managers of the New Jersey Society of the Sons of the American Revolution, praying that an appropriation be made for the collection and printing of the records of the soldiers and sailors of the American Revolution, which was referred to the Committee on the Library.

He also presented a petition of sundry citizens of the borough of Ramsey, N. J., praying for the establishment of free mail delivery in towns, cities, and villages with a population of over 1,000, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of General A. S. Burt Camp, No. 2, Department of New Jersey, United Spanish War Veterans, of Passaic, N. J., and a petition of John J. Brereton Camp, Department of New Jersey, United Spanish War Veterans, of Paterson, N. J., praying for the enactment of legislation to pension widows and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which were referred to the Committee on Pensions.

He also presented a memorial of the Woman's Christian Temperance Union of Clarksboro, N. J., remonstrating against the enactment of legislation legalizing Sunday sports, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Newark, Jersey City, Bridgeton, Mountainside, and Carteret, all in the State of New Jersey, remonstrating against the passage of the so-called eight-hour bill, which were ordered to lie on the table.

He also presented a petition of members of the Veterinary Medical Association, of New York City, N. Y., and a petition of sundry citizens of Arlington and Kearny, N. J., praying for the establishment of a veterinary corps in the Army, which were referred to the Committee on Military Affairs.

He also presented petitions of the Woman's Club of Arlington; the Methodist Episcopal Church of Midland Park; the Second Presbyterian Church of Belvidere; the Woman's Christian Temperance Union and the Methodist Episcopal Church of Bradley Beach; the First Baptist Church of Union; the Methodist Episcopal Church, the Woman's Christian Temperance Union, and the Methodist Episcopal Sunday School of New Gretna; and of sundry citizens of Woodstown and Burlington, all in the State of New Jersey, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of members of the Brotherhood of Railroad Trainmen and the Brotherhood of Railway Conductors, of Perth Amboy; of the Brotherhood of Locomotive Engineers, Central Division, of Jersey City; of the Brotherhood of Locomotive Firemen and Enginemen, of Perth Amboy; of the Brotherhood of Railroad Trainmen of Phillipsburg; of the Brotherhood of Railroad Trainmen of Trenton; of the Brotherhood of Railroad Trainmen of Newark; of New York Bay Lodge, Brotherhood of Railroad Trainmen, of Jersey City; and of Mercer Lodge, Brotherhood of Railroad Trainmen, of Trenton, all in the State of New Jersey, praying for the passage of the so-called employers' liability and workmen's compensation bill, which were ordered to lie on the table.

Mr. CLAPP presented petitions of the Goodyear Tire & Rubber Co. and of Frank H. Wadsworth and Harry H. Wadsworth, of Minneapolis, Minn., and resolutions adopted by the Minneapolis Real Estate Board in convention at Minneapolis, Minn., praying that an appropriation be made for the construction of a highway between Washington, D. C., and Gettysburg, Pa., as a memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

Mr. RAYNER presented a memorial of sundry citizens of Union Bridge, Md., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. FLETCHER presented resolutions adopted by the Board of Trade of Tampa, Fla., favoring the enactment of legislation to exempt from tolls all American vessels passing through the Panama Canal engaged in coastwise traffic, which were referred to the Committee on Interoceanic Canals.

He also presented resolutions adopted by the Chamber of Commerce of Live Oak and Suwanee County, Fla., praying that an appropriation be made for the publication of statistics of the production and consumption of naval stores in America, which were referred to the Committee on Naval Affairs.

He also presented petitions of the Florida Baptist Missionary Union and of sundry citizens of Palmetto, Fla., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (S. 4191) for the relief of Thomas C. Jones, submitted an adverse report (No. 682) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. MARTINE of New Jersey, from the Committee on Claims, to which was referred the bill (S. 4166) for the relief of Lawson Reno, collector second district of Kentucky, reported it without amendment and submitted a report (No 683) thereon.

SAN FRANCISCO BAY SUSPENSION BRIDGE.

Mr. BROWN. From the Committee on Military Affairs I report back favorably, with an amendment, the bill (S. 3624) granting to Allen C. Rush right of way and other privileges for the construction of a suspension bridge across the waters of San Francisco Bay to connect the cities of San Francisco and Oakland, Cal., and I submit a report (No. 684) thereon.

Mr. WORKS. I ask for the present consideration of the bill reported by the Senator from Nebraska.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The SECRETARY. The amendment of the committee is to strike out all after the enacting clause and insert:

That the consent of Congress is hereby granted to Allen C. Rush, his heirs and assigns, to construct, maintain, and operate a suspension bridge across San Francisco Bay, at a point suitable to the interests of navigation, to connect the cities of San Francisco and Oakland, in accordance with and subject to the provisions of the act of Congress entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the said Allen C. Rush is hereby granted a right of way along and across the lands of the United States on Yerba Buena Island for said bridge, and its piers, anchors, abutments, and other supports; and the said Allen C. Rush is also granted the privilege of occupying and using a strip of land belonging to the United States in the northeast corner of what is known as the Presidio, as a terminal station to said bridge: *Provided*, That the use and occupation of these lands shall be subject to such terms, conditions, and stipulations as the heads of the departments having control of said lands may deem fair and just to the interests of the United States.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the construction of a bridge across San Francisco Bay to connect the cities of Oakland and San Francisco, Cal."

BILLS INTRODUCED.

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BRIGGS:

A bill (S. 6616) to provide for the protection of national military parks (with accompanying paper); to the Committee on Military Affairs.

By Mr. MYERS:

A bill (S. 6617) granting a pension to Daniel Morrissey; to the Committee on Pensions.

By Mr. MYERS (for Mr. DIXON):

A bill (S. 6618) for the relief of Edward Erickson (with accompanying papers); to the Committee on Claims.

A bill (S. 6619) granting an increase of pension to Suel T. Gibson (with accompanying paper); to the Committee on Pensions.

By Mr. HITCHCOCK:

A bill (S. 6620) granting an increase of pension to Adah B. Ray; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 6621) to amend section 3 of the act of February 21, 1911, relating to the disposition of surplus irrigating waters; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. DU PONT:

A bill (S. 6622) granting an increase of pension to Robert W. Salmons; to the Committee on Pensions.

By Mr. CRAWFORD (for Mr. GAMBLE):

A bill (S. 6623) to authorize the reservation of lands for public purposes in town sites in certain Indian reservations; and

A bill (S. 6624) to amend an act entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," approved April 23, 1904 (33 Stat. L., p. 302), as amended by the act of March 3, 1909 (35 Stat. L., p. 796); to the Committee on Indian Affairs.

A bill (S. 6625) for the relief of Olaf H. Olson (with accompanying paper); to the Committee on Public Lands.

By Mr. CLAPP (for Mr. LA FOLLETTE):

A bill (S. 6626) granting an increase of pension to Sarah Westby (with accompanying paper); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 6627) granting a pension to O. C. Brown;

A bill (S. 6628) granting a pension to John F. Jones; and

A bill (S. 6629) granting a pension to Eliza M. Kinlock (with accompanying paper); to the Committee on Pensions.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

Mr. CULBERSON. Mr. President, I propose an order, and ask that it be read, printed, and lie on the table.

The proposed order was read, as follows:

It is ordered, That S. 5382, to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, be, and it is, recommitted to the Committee on the Judiciary, and said committee is instructed to redraft the bill so as to conform to the following:

1. That it be made optional and cumulative instead of exclusive.
2. That the maximum and minimum schedule of compensation be increased 50 per cent over that proposed in the bill.
3. That the provisions in paragraph 4, section 14, to the effect that the findings of the adjuster shall be received as prima facie evidence of the facts therein and that the court may submit special interrogatories to the jury looking to a special verdict, be stricken out.
4. Omit the requirement in section 1 that to justify recovery the accident must have arisen "out of and in the course of his employment" and insert in lieu thereof the provision of section 1 of the act of Congress of 1908, that the liability shall accrue to "any person suffering injury while he is employed by such carrier in such commerce."

The VICE PRESIDENT. Without objection, the proposed order will be printed and lie on the table.

Mr. CULBERSON. I propose certain amendments to the same bill and ask that they be printed and lie on the table.

The VICE PRESIDENT. Without objection, that order will be made.

FISH-CULTURAL STATION IN NEVADA.

Mr. NIXON submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station in the State of Nevada, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Fisheries and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. TILLMAN submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with the findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

RIVER REGULATION—MISSISSIPPI, MISSOURI, AND SACRAMENTO.

Mr. NEWLANDS. I submit an amendment intended to be proposed by me to the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. I ask that the proposed amendment be printed and referred to the Committee on Commerce. I also ask that the amendment be printed in the RECORD.

There being no objection, the amendment was referred to the Committee on Commerce, ordered to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, viz: Insert the following:

(a) That the Secretary of War shall cause the Chief of Engineers of the Army and the Board of Engineers for Rivers and Harbors to report to Congress, in which shall be included a preliminary report, not later than December 1, 1912, upon the saving, as well as other advantages, which can be accomplished by the adoption of the continuing contract system, the rapidity with which projects should be completed, upon methods of standardization by which the waterways of the country may be improved uniformly in proportion to their capacities and to the existing or probable demands of general commerce, and also report upon one or more systematized schemes of such improvement, involving all waterways heretofore examined, together with any natural or artificial channels, essential for the utilization thereof, whether heretofore examined or not; also upon all projects heretofore adopted, the further improvement of which is not desirable or the expenditure upon which is out of proportion to the benefit derived therefrom. Such report may include other related information pertaining to the uses or control of the waters of the country, and the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated for such examination and report.

(b) That for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end for the storage of flood waters in the watershed of such navigable rivers, including the beneficial use and control of such flood waters, in the maintenance so far as practicable of a standard flow for navigation, the reclamation of arid and swamp lands, and the development of water power; and for the protection of watersheds from denudation, erosion, and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies in plans and works, having in view such river regulation and control, the sum of $5,000,000 annually for each of the years following the 1st day of July, 1912, and up to the date of the completion and opening to commerce of the Panama Canal, and thereafter the sum of $50,000,000 annually for each of the 10 years following the completion of the Panama Canal, is hereby reserved, set aside, and appropriated and made available until expended, out of any moneys not otherwise appropriated, as a special fund in the Treasury to be known as the river regulation fund.

(c) That of the said river regulation fund, until otherwise directed by law, one-tenth thereof shall be apportioned to the rivers on the Atlantic coast, one-tenth thereof to the rivers on the Gulf coast outside of the Mississippi River, one-fifth thereof to the Mississippi River from St. Louis to the Gulf, one-tenth thereof to the Missouri River and its tributaries, one-tenth thereof to the Ohio River and its tributaries, one-tenth thereof to the upper Mississippi River above St. Louis and its tributaries, one-tenth thereof to the Sacramento and San Joaquin Rivers and their tributaries in California, one-tenth thereof to the Columbia and Snake Rivers and their tributaries in Oregon, Washington, and Idaho, and one-tenth thereof in the connection of the Great Lakes with the Ohio and Mississippi Rivers: *Provided*, That out of such fund, in addition to the appropriations made in this act, $2,000,000 annually shall be expended in the improvement of the Mississippi River below St. Louis and $1,000,000 annually in the improvement of the Missouri River between Sioux City, Iowa, and its mouth, and $1,000,000 annually in the improvement of the Sacramento and Feather Rivers, Cal., in continuing improvement and toward the controlling of débris and floods, in accordance with the recommendations of the California Débris Commission in its report dated June 30, 1907 (printed in the Annual Report of the Chief of Engineers, United States Army, for 1907, p. 2269): *Provided further*, That no part of such sum herein appropriated shall be expended on the Sacramento and Feather Rivers unless the State of California shall appropriate for the prosecution of the work herein referred to and deposit in the Treasury of the United States a sum double that annually appropriated by the United States: *Provided further*, That the Treasurer of the United States is hereby authorized to receive from the State of California any and all sums of money that have been or may hereafter be appropriated by said State for the purpose herein set forth, and when so received the said sums are herein appropriated for the purpose set forth, to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, United States Army. The recommendations contained in House Executive Document No. 81, Sixty-second Congress, first session, having been adopted by act of the California Legislature of December 23, 1911, are hereby adopted by the Congress of the United States, and the same are to be made the basis of operations under the appropriation herein made: *Provided, however*, That, at the discretion of the Secretary of War, work may be begun on any portion, section, or

unit of the work when the rights of way and spoil banks needed for such portion, section, or unit of the work have been acquired.

(d) That a board is hereby created, to be known as the Board of River Regulation, consisting of the Chief of Engineers of the United States Army, the chairman of the Panama Commission, the chairman of the Board of Review of the Engineer Corps of the Army, the chairman of the Mississippi River Commission, the Director of the United States Geological Survey, the Chief of the Weather Bureau, the Forester of the Department of Agriculture, the Director of the Reclamation Service, the Chief of the Drainage Division of the Department of Agriculture, the Secretary of the Smithsonian Institution, one hydraulic engineer, one sanitary engineer, and one electrical engineer; the last three to be appointed by the President and to hold office at his pleasure, and each to receive an annual compensation of $7,500, payable out of the river regulation fund.

The Chief of Engineers shall be the chairman of such board, and the secretary shall be annually elected by the board from its members.

(e) That the functions of said board shall be to investigate and obtain full information concerning all matters involved in or specifically related to the objects set forth in paragraph (b) of this section, and for such purpose is authorized to expend a suitable and necessary proportion of the moneys therein appropriated; but said board shall not expend or incur liability for the expenditure of any money for the construction or execution of plans or projects without the specific approval of Congress, as hereinafter set forth; that said board is hereby authorized and directed to enlist through the President the services of any Federal department or bureau the statutory authority of which may involve investigations or constructive work that is necessary or desirable in the comprehensive performance of the objects set forth in such paragraph, and to bring into cooperation and to harmonize and unify the work of said departments or bureaus as may be necessary to provide against duplication or unwarranted or incomplete work with respect to the objects herein provided; and that said board is authorized to defray the expenses of such investigations or assistance to the extent of the ultimate cost thereof to said departments or bureaus through a transfer of equivalent proportions of the appropriation herein provided.

(f) That the board shall develop, formulate, and prepare plans for the accomplishment of the purposes herein provided, and shall report the same to Congress annually and at such other times as may be required; and whenever the recommendations or any parts thereof in said report shall receive the approval of Congress the said board shall proceed to construct and execute the same in accordance with the plans so approved: *Provided*, That the provisions of this section shall be so administered as in no way to supersede or conflict with any specific provisions which Congress shall from time to time make by way of appropriations other than such as are made by this act for work and improvements to be performed or maintained by the Corps of Engineers, United States Army, but that all work prescribed under this section shall be supplemental to and coordinated with the work as specifically prescribed by Congress in other Acts.

(g) That the board shall in all cases where possible and practicable encourage, promote, and endeavor to secure the cooperation of State and local government bodies, public and quasi public corporations, private associations, and persons in carrying out the purposes and objects of this act, including the securing of the financial cooperation of said parties; that it shall negotiate and arrange plans for the apportionment of work, costs, and benefits, and to secure the agreement and consent of said parties, contingent upon the final approval of same by Congress as herein provided, which approval and consent may include the acceptance and use of any funds or property donated or subscribed or in any way provided for cooperative work, but no moneys shall be expended under any arrangement for cooperation approved by Congress until the funds to be provided by the parties to such arrangement shall have been made available for disbursement.

OBION AND FORKED DEER RIVER, TENN.

Mr. LEA submitted an amendment proposing to appropriate $540.85 for continuing improvement of the Obion and Forked Deer River, Tenn., etc., intended to be proposed by him to the river and harbor appropriation bill (H. R. 21477), which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. CRAWFORD (for Mr. GAMBLE) submitted an amendment proposing to appropriate $35,000 for the construction of a new school building at Rapid City, S. Dak., etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

He also (for Mr. GAMBLE) submitted an amendment proposing to appropriate $10,000 for general repairs and improvements of buildings at the Yankton Sioux Agency, S. Dak., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

BUREAU OF HEALTH.

Mr. OWEN. I desire to have printed and lie on the table certain amendments which I intend to propose to the bill (S. 1) to establish a bureau of health, and for other purposes.

The VICE PRESIDENT. Without objection, the amendments will be printed and lie on the table.

COMMITTEE ON NATIONAL BANKS.

Mr. SANDERS submitted the following resolution (S. Res. 295), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on National Banks be, and it hereby is, authorized to employ a clerk, at a salary of $2,220 per annum, and a messenger, at $1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

STATISTICS RELATIVE TO CORPORATIONS.

Mr. HEYBURN submitted the following resolution (S. Res. 296), which was read, considered by unanimous consent, and agreed to:

Resolved, That the President is respectfully requested, if not incompatible with public interest, to transmit to the Senate any information in possession of the Government relating to the number, name, and business of all corporations heretofore organized by the authority or under the laws of the United States.

SAVINGS-BANK STATIONS.

Mr. HEYBURN submitted the following resolution (S. Res. 297), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Postmaster General be, and he is hereby, directed to submit to the Senate a report of the number of savings-bank stations established, the amount of deposits received therein, the amount of withdrawals, the disposition of the money received, and where it is at present held, the amount of such funds loaned, and the interest received therefor.

CHESTNUT-TREE BLIGHT.

Mr. GALLINGER submitted the following resolution (S. Res. 298), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of Agriculture is hereby directed to communicate to the Senate, at the earliest practicable day, the results thus far secured in the study and investigation of the so-called chestnut-tree blight, and the amount of money thus far expended in said study and investigation.

HOMESTEAD ENTRIES.

Mr. BORAH submitted the following resolution (S. Res. 299), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of Agriculture be, and he is hereby, directed to furnish the Senate with a statement showing the number of applications which have been made for the listing of lands for homestead entries within forest reserves under the act of June 11, 1906, and the number of applications which have been allowed, together with the number which have been disallowed, under said act; also a statement showing the number of rangers' headquarters or rangersteads, popularly called, which have been created in the forest reserves since the passage of the act of June 11, 1906; also a statement showing the amount of timber which has been sold from the forest reserves within the last three years and the price of the same, and whether or not said timber has been sold at or below the usual market price of such timber.

THE UNITED STATES ARMY (S. DOC. NO. 621).

Mr. NEWLANDS. I ask to have printed as a public document the following communications, appearing in the Independent, New York, regarding the Army: Articles by Gen. Wood, Gen. Wotherspoon, Gen. Edwards, Col. Liggett, Maj. Shelton, Gen. Evans, and Secretary of War Stimson.

The VICE PRESIDENT. The Senator from Nevada asks to have printed as a public document the series of articles he mentions as having been printed in the Independent. Is there objection? The Chair hears none, and the order is entered.

FIVE CIVILIZED TRIBES IN OKLAHOMA.

Mr. OWEN. I move that the bill (S. 6339) to adjust titles within the Five Civilized Tribes in Oklahoma, and for other purposes, be recommitted to the Committee on Indian Affairs.

The motion was agreed to.

INTERNAL-REVENUE TAXES IN THE PHILIPPINES (S. DOC. NO. 620).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

I submit herewith act No. 2127, entitled "An act providing for the apportionment and disposition of internal-revenue taxes collected in the Philippine Islands from July 1, 1912," passed by the Philippine Legislature on February 1, 1912.

Under a provision of section 5 of the United States customs tariff law, approved August 5, 1909, affirmative approval of this act by Congress is necessary to make it effective. I transmit herewith a letter of the Secretary of War explaining the act and its effect. I recommend that it be approved.

WM. H. TAFT.

THE WHITE HOUSE, *April 30, 1912.*

DEPARTMENT OF HEALTH.

The VICE PRESIDENT. The morning business is closed. Without objection, the Chair lays before the Senate, for purposes of discussion only, the following bill:

The SECRETARY. A bill (S. 1) to establish a department of health, and for other purposes.

Mr. WORKS rose.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from North Carolina?

Mr. WORKS. Certainly.

Mr. SIMMONS. I should like to inquire of the Senator from California how long he expects it will take him to conclude.

Mr. WORKS. I expect to conclude what I have to say within three-quarters of an hour.

Mr. SIMMONS. I was only asking as a matter of convenience to myself, as I expect to follow the Senator.

The VICE PRESIDENT. The Senator from California will proceed.

ENFORCED PHYSICAL EXAMINATION OF SCHOOL CHILDREN.

Mr. WORKS. Mr. President, the doctors composing boards of health are not content to leave it to the parents of school children to determine whether children shall be examined by doctors and nurses appointed by school boards to detect physical defects or not. They have, in some of the States, procured laws providing for enforced examinations, leaving no choice to the parents, and will do so in every State if they can. What I have said about the methods of the doctors will indicate what such a license would mean. Some of the doctors thus employed are honorable and conscientious men. Some of them, it may safely be said, are not. And most of them are inexperienced and some wholly incompetent. It has been said that what a doctor looks for in the way of disease he generally finds. In these school examinations they have found an astonishing number of physical defects that, in their estimation, call for surgical operations. And generally when this is necessary the doctor who discovers the fact gets the job. If he does not, some other doctor does. It adds immensely to the practice and revenues of the profession. It is a great temptation to make business and increase the practice that they say they have lost through "irregular practitioners."

This effort to get possession of the schools by the doctors, to the exclusion of the parents, has aroused very general indignation and protest. It is regarded as one more unwarranted effort of the doctors to usurp all power in the matter of health regulation and the treatment of disease. Compulsory examination is the forerunner of compulsory treatment. This statement of the conditions of things under such a law of compulsory examination in Boston is typical of all of them.

> Children of the Boston schools, by a new regulation, are made to undergo a physical examination which will necessitate the removal of clothing. A storm of protests from many parents, as well as children, was aroused yesterday when the work of examination of 800 girls of the Roxbury High School was nearly completed. Two girls strongly objected to the examination, but finally were persuaded to submit. There was another protest from the residents of West Roxbury when about 60 girls were subjected to the examinations at West Roxbury High School yesterday. One girl who objected was sent home to her parents and told to consult the family physician. How her case came out is not known. Although the statute requiring the examination has existed since 1906, the examination has not been rigidly enforced except in the primary schools, but this year it is to apply to all of the grades. It is over the high-school and normal-school girls between 14 and 18 years of age that objections are being made. The board of health and the school committee both support the regulation as necessary and essential in maintaining the health of the school children and as a preventive to disease. The heart, lungs, and spine may be examined, and feet when necessary.

Mr. President, I can not stop now to enter upon any extended argument on this question. It seems to me to be so obnoxiously subversive of every sense of personal liberty and such an encroachment on the rights of parents to have control of their children that it needs no discussion.

BILL IN VIOLATION OF RIGHTS OF THE STATES.

Mr. President, it is a conceded fact that within the States health regulations are within the power and jurisdiction of the State authorities, and it is an authority that is and should be jealously guarded. Ostensibly this bill purports to confine the activities of the Government in this respect to Federal territory and within Federal jurisdiction. If it does not, it would at once be declared unconstitutional. But one of the prime objects of the bill is to extend this power to every State in the Union, and, if it is passed, the powers granted by it will be used for that very purpose. That is the very thing the doctors are most desirous of bringing about. The bill is very ingeniously drawn to accomplish this result. It provides:

> It shall be the duty of the bureau of health to collect and disseminate information relating to the public health and to enforce the observance of all regulations and laws of the United States relating to the public health.

This is as broad and comprehensive as language can well make it. It is attempted or pretended to be modified by a proviso to the effect that this shall not authorize the bureau of health to—

> exercise, or attempt to exercise, without express invitation from the chief executive or other proper authority of the State, any function belonging exclusively to such State.

Under this clause any board of health of any State composed of the very doctors who are interested in extending the power of this health bureau to the farthest limit may extend this invitation. These two interested parties will not be long in extending the activities of this bureau into the States; and, unfortunately, if it were left wholly to the executive authority of the State he would, as a rule, leave it to the health authorities and the result would be the same. The author of the bill was not quite satisfied, however, with this convenient opportunity to invade the States. The director of health is authorized, in his discretion, to appoint an advisory board of not more than seven members, who may, of course, be doctors of the regular school in as many States "to confer with him * * * concerning the health of the people," who shall hold office for a term of seven years.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Idaho?

Mr. WORKS. Yes; I yield.

Mr. HEYBURN. I should like to inquire at this point wherein does this bill differ from the so-called Borah bill establishing the children's bureau? Does this measure extend the power under that bill at all?

Mr. WORKS. It does extend the power.

Mr. HEYBURN. The power is coexistent, is it not?

Mr. WORKS. Certainly.

Mr. HEYBURN. I understood the Senator from California supported that bill.

Mr. WORKS. "The Senator from California" did not support that bill.

Mr. HEYBURN. Then I beg pardon.

Mr. WORKS. "The Senator from California" voted against it.

Mr. HEYBURN. It was because of such things as this, among others, that I opposed it.

Mr. WORKS. This makes a very close and satisfactory connection between State and Nation, and should be entirely satisfactory to the doctors.

But, Mr. President, the bill does not stop there. It gives the director of health power to request the health authorities of all the States to send delegates—

> to confer with him or his duly appointed representatives and with each other at such time and place as he may designate concerning any particular matter or matters relating to the public health.

Not only so, but he is authorized by the provisions of the bill to call a health conference of all the States, and compelled to do so upon the petition of the health authorities of five States and Territories.

A more ingenious attempt to evade the Constitution and encroach upon the province of the States in one of their most vital and sacred rights has never been attempted. The obvious purpose is to make the head of this bureau the autocratic power that is to control the health activities of the whole country.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. Certainly.

Mr. GALLINGER. Is the Senator aware of the fact that under existing law precisely that authorization is given in connection with the Public Health and Marine-Hospital Service?

Mr. WORKS. I am aware of that fact, but it is not given over to an independent bureau; it is under the Treasury Department, which is quite a different thing.

Mr. GALLINGER. The Public Health and Marine-Hospital Service is under that department, but at the same time the power is the same and the results, I should think, would be the same.

Mr. WORKS. I do not know whether the results are the same or not, but I think not.

All he needs is the assent and cooperation of the doctors at the head of the health boards of the several States, and as that is just what they all want and are striving to obtain by this bill, it may be regarded as done as soon as the bill becomes a law.

I commend these considerations to the careful attention of the Senate.

RESTRICTIVE LAWS IN VIOLATION OF THE CONSTITUTION.

Mr. President, I come now to the consideration of a purely legal question presented by the enactment and enforcement of the restrictive laws that I have endeavored to bring to the attention of the Senate, including the bill under consideration, which is a part of the scheme to deprive certain people of this country of the right to heal disease and ameliorate human suffering according to their conscientious convictions; in case of some of them, according to their religious views of right and duty.

In the consideration of this question I shall be forced to give attention particularly to the rights of Christian Scientists in this respect, because, whether rightly or wrongly, they believe

it to be a sacred religious duty to heal the sick by spiritual means, as they understand the scriptural command to heal the sick, and the mode of healing pointed out by the Master in His teachings and example.

This being their attitude, founded upon sincere and earnest conviction, the question at once arises whether a law that denies or abridges their right to heal in their own way, or to receive such ministration as they feel to be the proper one, is not a violation of the express provisions of the Constitution of the United States designed to protect the people of the country in the observance of their religious rights. In the settlement of this momentous question we must consider the case of both the one who administers to the sick and the one who seeks and desires this mode of treatment. Is the practitioner of this mode of healing, in which he has supreme faith and confidence, to be denied the right to exercise his right to practice? Again, is the man who has equal trust and confidence in this remedy to be denied his right to resort to it for help? If so, why? Only because some other people do not believe in it. This is the sole foundation for any and every effort that has been made to prevent or abridge such practice unless we take into account the selfish desire of those practicing other modes of healing to uphold themselves by the prohibition of this mode of healing.

Mr. President, this is the whole question. Not whether the Christian Scientist is a conscientious Christian man, honestly and trustfully depending upon Divine power for his healing, but whether some one else, who may represent, for the time being, the power of government in the enactment, construction, and enforcement of the laws, does not agree with him, but does believe with equal honesty and good faith that he is wrong in his beliefs and that the mode of healing upon which he relies is not effective, and that his pretensions are false and unfounded.

Why, Mr. President, this very conflict of views on a religious question, that might and really is being used as a ground for persecution as I have clearly shown, brings us within the very spirit and purpose of the Constitution. The great Catholic Church has its creeds and its religious convictions, with which other people of different religious views do not agree, and which some intolerant people would suppress by law if the Constitution and the courts did not stand for freedom of religious thought and observance. So it is with the powerful Protestant religious denominations.

But all of these Christian bodies believe in Divine healing. They pray to Almighty God for the healing of their sick, and believe in the efficacy of such prayer. And yet some people belonging to these religious bodies, I hope not many of them, deny to the Christian Scientist the right to heal by prayer, and denounce his pretensions to heal through the power of the same God that they serve and trust as both false and ungodly.

There is this difference between the prayer of other Christian people and Christian Scientists: Their prayer is an appeal to God for intervention in the particular case. They attempt to move God to heal the individual. The Christian Scientist believes that God is unchangeable and that He can not be moved by prayer to do or not to do a desired thing, but that He has already and for all time given man all good, which is always there for him when he conforms to His laws and does His bidding. Therefore the Christian Scientist prays not to change God or to induce Him to act, but to change man, regenerate him, and bring him into harmony with the Divine law that must restore harmony and right conditions in him, which means necessarily restoration to natural and harmonious conditions.

It is the belief of Christian Scientists that the purpose of prayer and all Christian effort is to regenerate man and bring him into reconciliation and harmony with the Divine Being, and that this effort of reconciliation and regeneration by prayer is the true, the only true, means of healing the sick.

Jesus of Nazareth was persecuted and finally crucified for preaching the gospel and practicing his religious belief, by healing the sick. To do the same to-day in the twentieth century in the great State of New York, if he were here, would make him a criminal, subject to fine and imprisonment by the laws of that State. Only a few days ago a Christian Scientist was convicted and punished for healing the sick as he believed in the way and by the same power and principle that Jesus healed.

Now, Mr. President, who is to determine which of these different beliefs sincerely entertained is right and which is wrong. Who is authorized or who will be permitted under our Constitution to declare one of these beliefs and the exercise of it in the healing of the sick a crime?

This effort to enact and enforce such laws, I am glad to say, is not being made by the people of other church denominations or by persons entertaining different religious beliefs. I think I have shown that it comes from the doctors whose emoluments are derived from the effort to heal disease in their way, not for religious but for purely material and selfish reasons.

The Constitution of the United States provides, amendments to the Constitution, Article I:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

This, of course, is a prohibition against action by the Federal Government. Article XIV, section 1, provides:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

There can be no higher or more sacred privilege than that of exercising one's religion, and every citizen is entitled to protection from any law that would deny or abridge that right.

In Reynolds *v.* United States (98 U. S., 145, 162), the court said:

> Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation. Religious freedom is guaranteed everywhere throughout the United States, so far as congressional interference is concerned.

But in that case the court distinguished between mere religious opinions and beliefs and overt acts made criminal by the laws of the land. The court, after referring to an early statute of Virginia on the subject, uses this further language:

> In the preamble of this act (12 Hening's Stat., 84) religious freedom is defined; and after a recital "that to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency, is a dangerous fallacy which at once destroys all religious liberty," it is declared "that it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order." In these two sentences is found the true distinction between what properly belongs to the church and what to the State.

The effect of the decision seems to be that religious belief can not be punished; but when, under the guise of exercising one's religion, an overt act "against peace and good order" is committed the overt act is punishable by the State.

This was a case where the defendant was prosecuted for polygamy, and he defended on the ground that polygamy was allowed and recognized by his church.

I shall show, I think, to the entire satisfaction of the Senate that the healing of the sick as an act of religious duty can not be regarded as an overt act "against peace and good order," or otherwise in violation of law or public policy. But, looking at it in the light of the fourteenth amendment to the Constitution, and treating it as a question of the abridgment of the privileges of the citizen, the case of American School of Magnetic Healing *v.* McAnnulty is interesting and instructive. The case was one where the Postmaster General had excluded from the mails certain printed matter advertising the plaintiff as a magnetic healer. After pointing out that one means of healing was believed in by some and different means by others, and that no one could determine how far one was right and the other was wrong, the court said:

> Again, there are many persons who do not believe in the homeopathic school of medicine, and who think that such doctrine, if practiced precisely upon the lines set forth by its originator, is absolutely inefficacious in the treatment of diseases. Are homeopathic physicians subject to be proceeded against under these statutes and liable at the discretion of the Postmaster General, upon evidence satisfactory to him, to be found guilty of obtaining money under false pretenses and their letters stamped as fraudulent and the money contained therein as payment for their professional services sent back to the writers of the letters? And, turning the question around, can physicians of what is called the "old school" be thus proceeded against? Both of these different schools of medicine have their followers, and many who believe in the one will pronounce the other wholly devoid of merit. But there is no precise standard by which to measure the claims of either, for people do recover who are treated according to the one or the other school. And so it is said, Do people recover who are treated under this mental theory? By reason of it? That can not be averred as matter of fact. Many think they do. Others are of the contrary opinion. Is the Postmaster General to decide the question under these statutes?

The laws under consideration, without exception, place it within the power of a board of health composed of medical practitioners, usually of one school of medicine, to determine who shall practice healing. The question of their right does not depend in the least upon their knowledge of medicine or medical practice, because they make no claim to any such knowledge. Manifestly a medical practitioner can not pass upon their fitness to heal in their way, because he is as ignorant of their way of healing as they are of his. Such laws, therefore, in practical effect, declare that no one but a medical practitioner shall be allowed to practice the art of healing. Whether the act says so or not, that is its effect, and known and intended to be so. It is a denial of the right to practice except in one way. All other modes of healing are prohibited, and the right of the citizen to resort to any other is denied. As a result, there can be no advance in knowledge in other modes of healing that is not a violation of law.

Mr. President, when a question like this confronts us the people of this country had better look to their liberties. Prof. James, from whose address I have already quoted, opposed one of such bills because it was "a movement in favor of ignorance." He says, with emphasis, that—

The Commonwealth of Massachusetts is not a medical body, has no right to a medical opinion, and should not dare to take sides in medical controversies.

Truer words were never spoken, and they are just as true of the Federal Government as they are of the State of Massachusetts.

This should be enough to impel the lawmaking power to hold its hand. But if it does not, then the courts must determine whether such a law, affecting the rights of the citizen in a matter of the highest import, affecting the most sacred of his affairs, can be enacted and enforced under a Constitution like ours under the fundamental law of a Nation of freemen.

The case of State *v.* Biggs (133 N. C.) is a most interesting and instructive one on this subject. The defendant was prosecuted under one of the acts that I have described making it a crime to practice medicine without a license and specifically defining the meaning of the words "practicing medicine." The opinion was delivered by Mr. Justice Clarke, of the supreme court of that State. I take the liberty of quoting portions of the opinion:

What is "the practice of medicine and surgery" is as well understood, and its limits, as the practice of dentistry. The courts have also held that of the many schools of "medicine and surgery" the legislature could not prescribe that any one was orthodox and the other heterodox, but that those professing the different systems—"allopathic," "homeopathic," "Thompsonian," and the like—should be examined upon a course such as is taught in the best colleges of that school of practice, but that it is not essential that a member of each or of any special school should be upon the board of examiners.

* * * * * * * *

* * * Under the guise of "construction" of those well-understood terms the "practice of medicine and surgery" the act essays to provide that the expression "practice of medicine and surgery" shall be construed to mean the management "for fee or reward" of any case of disease, physical or mental, real or imaginary, with or without drugs, surgical operation, surgical or mechanical appliances, or by any other method whatsoever; that is, the practice of surgery and medicine shall mean practice without surgery or medicine if a fee is charged. If no fee is charged, then the words "surgery and medicine" drop back to their usual and ordinary meaning, as by long usage known and accustomed. Where, then, is the protection to the public if such treatment is valid when done without fee or reward? Yet unless the act confers and is intended solely to confer protection upon the public it is invalid. The legislature can not forbid one man to practice a calling or profession for the benefit or profit of another.

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* * * Then it is forbidden to relieve a case of suffering, "physical or mental," in any method unless one is an M. D. It is not even admissible to "minister to a mind diseased" in any method or even dissipate an attack of the "blues" without that label duly certified. Is not this creating a monopoly, and the worst of monopolies, that diseases shall not be cured or alleviated, whether real or imaginary, mental or physical, though without medicine or surgery, "if for a fee," unless one has undergone an examination on "anatomy, physiology, surgery, pathology, medical hygiene, chemistry, pharmacy, materia medica, therapeutics, obstetrics, and the practice of medicine"?

* * * * * * * *

* * * The public have a right to know that those holding themselves out as members of that ancient and honorable profession are competent and duly licensed as such. The legislature can exert its police power to that end, because it is a profession whose practice requires the highest skill and learning. But there are methods of treatment which do not require much skill and learning, if any. Patients have a right to use such methods if they wish, and the attempt to require an examination of the character above recited for the application of such treatment is not warranted by any legitimate exercise of the police power. * * *

The term "practice of medicine and surgery" embraces probably the larger, and certainly by far the most profitable, part of the "treatment of diseases," but is not coextensive with the latter term, and can not be made so unless "surgery and medicine" are adopted as the State system of treatment, a monopoly, and all other methods are made indictable. On the other hand, the State Medical Society would hardly wish to broaden out so as to take in all methods of treatment of disease, for this would be to take in practitioners and practices which they would not wish to recognize. All the law so far has done or can do is to require that those practicing on the sick with knife and drugs shall be examined and found competent by those "of like faith and order."

Dr. Oliver Wendell Holmes, in an address before the Medical Society in Massachusetts, said: "If the whole materia medica was sunk to the bottom of the sea it would be all the better for mankind and all the worse for the fishes." An eminent medical authority in this State has said that out of 24 serious cases of disease 3 could not be cured by the best remedies, 3 others might be benefited, and the rest would get well anyway. Stronger statements could be cited from the most eminent medical authorities the world has known. Medicine is an experimental, not an exact, science. All the law can do is to regulate and safeguard the use of powerful and dangerous remedies, like the knife and drugs, but it can not forbid dispensing with them. When the Master, who was Himself called the Good Physician, was told that other than His followers were casting out devils and curing diseases, He said, "Forbid them not."

The case last referred to did not relate to the religious side of the question. The defendant made no claim that gave rise to any such question. But the courts of this country have jealously guarded the religious rights and opinions of the people as within the protection of the Constitution. The case of the Church of the Holy Trinity *v.* United States (143 U. S., 457), while not involving a constitutional question, is an interesting one as showing the attitude of the highest court in the country in matters of religion.

The plaintiff in the case had, by contract, employed a foreigner as its minister or rector. The question was whether such a contract was in violation of the statute forbidding the "importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States." It was conceded that the case was within the letter of the statute, but it was held not to be within its spirit. The court, looking to the title of the act and the evils evidently intended to be met by it, decided that its object was to "stay the influx of cheap unskilled labor" into this country.

In commenting upon this situation Mr. Justice Brewer had this to say on the religious phase of the question:

But beyond all these matters no purpose of action against religion can be imputed to any legislation, State or national, because this is a religious people. This is historically true. From the discovery of this continent to the present hour there is a single voice making this affirmation.

And, after referring to numerous historical instances showing the reliance of our people upon Divine guidance and support in dealing with grave problems and important events, the learned justice says further:

Coming nearer to the present time, the Declaration of Independence recognizes the presence of the Divine in human affairs in these words: "We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." "We, therefore, the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by authority of the good people of these Colonies, solemnly publish and declare," etc. "And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor."

If we examine the constitutions of the various States we find in them a constant recognition of religious obligations. Every constitution of every one of the 44 States contains language which either directly or by clear implication recognizes a profound reverence for religion and an assumption that its influence in all human affairs is essential to the well-being of the community. This recognition may be in the preamble, such as is found in the constitution of Illinois, 1870: "We, the people of the State of Illinois, grateful to Almighty God for the civil, political, and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations," etc.

He proceeds at length to quote from the constitutions of the various States, showing their intention to encourage free and unrestrained reliance upon religion in the affairs of men. Then he says:

There is no dissonance in these declarations. There is a universal language pervading them all, having one meaning; they affirm and reaffirm that this is a religious Nation. These are not individual sayings, declarations of private persons; they are organic utterances; they speak the voice of the entire people. While, because of a general recognition of this truth, the question has seldom been presented to the courts, yet we find that in Updegraph *v.* The Commonwealth (11 S. & R., 394, 400) it was decided that "Christianity, general Christianity, is, and always has been, a part of the common law of Pennsylvania; * * * not Christianity with an established church, and tithes, and spiritual courts, but Christianity with liberty of conscience to all men." And in The People *v.* Ruggles (8 Johns, 290, 294, 295) Chancellor Kent, the great commentator on American law, speaking as chief justice of the Supreme Court of New York, said: "The people of this State, in common with the people of this country, profess the general doctrines of Christianity as the rule of their faith and practice; and to scandalize the author of these doctrines is not only, in a religious point of view, extremely impious, but even in respect to the obligations due to society is a gross violation of decency and good order. * * * The free, equal, and undisturbed enjoyment of religious opinion, whatever it may be, and free and decent discussions on any religious subject is granted and secured; but to revile, with malicious and blasphemous contempt, the religion professed by almost the whole community is an abuse of that right. Nor are we bound by any expressions in the Constitution, as some have strangely supposed, either not to punish at all or to punish indiscriminately the like attacks upon the religion of Mahomet or of the Grand Lama, and for this plain reason, that the case assumes that we are a Christian people, and the morality of the country is deeply ingrafted upon Christianity and not upon the doctrines or worship of those impostors." And in the famous case of Vidal *v.* Girard's Executors (2 How., 127, 198) this court, while sustaining the will of Mr. Girard, with its provision for the creation of a college into which no minister should be permitted to enter, observed: "It is also said, and truly, that the Christian religion is a part of the common law of Pennsylvania."

Mr. Tiedeman, in his work, State and Federal Control of Persons and Property, says:

The complete abrogation of all State interference in matters of religion is of slow growth and can only be attained with the growth of public opinion.

The one great trouble is that so many sects or churches believe that theirs is the only religion and that every claim of religious belief that conflicts with theirs is un-Christian and no religion at all. It is this spirit and the intolerance that springs from it that stands in the way of every change of religious belief or the establishment of any new or reform movement of a religious character. That is just what the Christian Scientists are combating to-day. While they agree with the orthodox churches

in all the essentials of the Christian religion, they are denounced as an ungodly people because they go further than the old churches in attempting to obey the whole command: "Preach the gospel and heal the sick."

That they believe in all the essentials of the Christian religion is fully shown by the tenets of the church, as follows:

1. As adherents of Truth, we take the inspired Word of the Bible as our sufficient guide to eternal Life.
2. We acknowledge and adore one supreme and infinite God. We acknowledge His Son, one Christ; the Holy Ghost or divine Comforter; and man in God's image and likeness.
3. We acknowledge God's forgiveness of sin in the destruction of sin and the spiritual understanding that casts out evil as unreal. But the belief in sin is punished so long as the belief lasts.
4. We acknowledge Jesus's atonement as the evidence of divine, efficacious Love, unfolding man's unity with God through Christ Jesus the Way-shower; and we acknowledge that man is saved through Christ, through Truth, Life, and Love, as demonstrated by the Galilean Prophet in healing the sick and overcoming sin and death.
5. We acknowledge that the crucifixion of Jesus and His resurrection served to uplift faith, to understand eternal Life, even the allness of Soul, Spirit, and the nothingness of matter.
6. And we solemnly promise to watch and pray for that Mind to be in us which was also in Christ Jesus; to do unto others as we would have them do unto us; and to be merciful, just, and pure.

Believing, as they do, that the healing of disease is a Christian duty imposed upon them by the command of the Master, a law that forbids it or abridges their right and privilege to heal the sick is a plain violation of both of the constitutional inhibitions above mentioned.

Mr. Tiedeman says further on this subject:

SEC. 63. Police regulation of religion—constitutional restrictions: If there were no provisions in the American Constitution especially applicable to the matter of police regulation of religion, the considerations which would deny to the State the control and prevention of vice would also constitute insuperable objections to State interference in matters of religion. But the rivalry and contention of the religious sects not only demanded constitutional prohibition of the interference of the National Government, but gave rise to the incorporation of like prohibitions in the various State constitutions. The exact phraseology varies with each constitution, but the practical effect is believed in the main to be the same in all of them. These provisions not only prohibit all church establishments, but also guarantee to each individual the right to worship God in his own way, and to give free expression to his religious views. The prohibition of a religious establishment not only prevents the establishment of a distinctively State church, but likewise prohibits all preferential treatment of the sects in the bestowal of State patronage or aid. A law is unconstitutional which gives to one or more religious sects a privilege that is not enjoyed equally by all. "Whatever establishes a distinction against one class or sect is, to the extent to which the distinction operates unfavorably, a persecution, and if based on religious grounds a religious persecution. The extent of the discrimination is not material to the principle, it is enough that it creates an inequality of right or privilege."

And the reasons that brought about this constitutional inhibition against interference with religious belief and observance is thus clearly pointed out by the same author:

* * * Most of the immigrants to American colonies were refugees from religious oppression, driven to the wilds of America in order to worship the God of the universe according to the dictates of their conscience. The Puritans of New England, the Quakers of Pennsylvania, the English Catholics of Maryland, and the Huguenots of the Carolinas sought on this continent that religious liberty which was not to be found in Europe. I should not say "religious liberty," for that is not what they sought. They desired only to be freed from the restraint of an intolerant and imposing majority. They desired only to settle in a country where the adherents of their peculiar creed could control the affairs of state. Notwithstanding their sad experience in the Old World, when they settled in America they became as intolerant of dissenters from the faith of the majority as their enemies had been toward them.

Mr. President, I need not, in a body like this, consume time in discussing fundamental questions affecting the liberty and freedom of the individual and the necessary restraints imposed upon him because of his association with others, composing civil or governmental organizations. But the claim of right to restrain such liberties for the good of the community or the public has given rise to many problems and has unjustly deprived many of their liberties. The police power, so called, is sometimes necessary for the protection of the public, but it has quite as frequently been made the engine of oppression to the destruction, without just cause, of the most sacred rights of the individual citizen. Generally the courts stand in the way of the unlawful use of this power, but the extent to which it has been enforced by the courts at times has been most alarming.

There is no case, perhaps, in which an unlawful and oppressive use of this great power has occurred to a greater extent than in the cases I am now considering. The doctors assume, and are able to make lawmakers believe, that the effort to heal disease in any way but theirs is against public policy and should, as a police regulation, be suppressed by law. That is the ground upon which all of the restrictive laws that I have been discussing are attempted to be sustained.

Unfortunately such laws are neither enacted nor construed by the courts from knowledge or upon evidence proving the inefficacy of the mode of healing sought to be prevented. More unfortunately still, in the minds of many the question resolves itself into a religious one that in the intolerant religious mind is controlled neither by reason nor justice. With such, if a thousand respectable and reliable people should testify to their healing through such means they would not be credited as against one competent medical practitioner who should say that disease could not be cured that way, or the word of one theologian who should insist that the attempt to heal in any such way is un-Christian and ungodly.

I hope the Senate of the United States will be actuated by a higher and broader sense of the rights and liberties of the citizen and judge the question by the rules of right, justice, and reason.

Judge Cooley, in his admirable work on Constitutional Limitations, thus defines the police power of a State:

The police of a State, in a comprehensive sense, embraces its whole system of internal regulation, by which the State seeks not only to preserve the public order and to prevent offenses against the State, but also to establish for the intercourse of citizens with citizens those rules of good manners and good neighborhood which are calculated to prevent a conflict of rights, and to insure to each the uninterrupted enjoyment of his own so far as is reasonably consistent with a like enjoyment of rights by others.

Of course the exercise of this power usually arises in respect of the use of property. But it does present itself upon the question of religious liberty. In speaking of the constitutional inhibition against laws affecting religious beliefs and observance, Judge Cooley says further:

Those things which are not lawful under any of the American constitutions may be stated thus:

1. Any law respecting an establishment of religion. The legislatures have not been left at liberty to effect a union of church and state, or to establish preferences by law in favor of any one religious persuasion or mode of worship. There is not complete religious liberty where any one sect is favored by the State and given an advantage by law over other sects. Whatever establishes a distinction against one class or sect is, to the extent to which the distinction operates unfavorably, a persecution; and if based on religious grounds, a religious persecution. The extent of the discrimination is not material to the principle; it is enough that it creates an inequality of right or privilege. * * *

4. Restraints upon the free exercise of religion according to the dictates of the conscience. No external authority is to place itself between the finite being and the infinite when the former is seeking to render the homage that is due, and in a mode which commends itself to his conscience and judgment as being suitable for him to render, and acceptable to its object.

5. Restraints upon the expression of religious belief. An earnest believer usually regards it as his duty to propagate his opinions, and to bring others to his views. To deprive him of this right is to take from him the power to perform what he considers a most sacred obligation.

Mr. Freund, in his work on Police Power, in speaking under a subhead entitled "Restraint of religious activity in behalf of the public welfare," has this to say:

There are two kinds of legislation that would fall under this head—measures for the repression of practices deemed disorderly or dangerous and the regulation of religious societies, chiefly with reference to their property rights. This legislation will also be considered separately.

The essence and value of the constitutional guaranty lies in two points: First, that religious belief as such and its peaceful and orderly manifestation in worship and precept may not be treated as a menace to the peace and welfare of the community or as a possible cause of disorder; and, second, that whatever restraint is placed upon religious activity, through rules of property or otherwise, must be applied to all denominations alike in order to avoid the preference and discrimination which the constitutions forbid.

Mr. President, it will be found that the police power can not be invoked to restrain religious belief or action except where the acts committed in the name of religion are in some way a menace to the peace and welfare of the community or, as is said in Reynolds *v.* United States, already referred to, "against peace and good order."

In Ex parte Jentzsch (112 Cal., 468), the Supreme Court of California, in passing upon a law of that State closing barber shops on Sunday, has this to say:

Upon the question thus presented of the proper limits of the police power, much might be written, and much, indeed, will have to be written, ere just bounds are set to its exercise; but, in this case, neither time permits nor necessity demands the consideration. Still, it may be suggested, in passing, that our Government was not designed to be paternal in form. We are a self-governing people, and our just pride is that our laws are made by us as well as for us. Every individual citizen is to be allowed so much liberty as may exist without impairment of the equal rights of his fellows. Our institutions are founded upon the conviction that we are not only capable of self-government as a community but, what is the logical necessity, that we are capable to a great extent of individual self-government. If this conviction shall prove ill founded we have built our house upon sand. The spirit of a system such as ours is therefore at total variance with that which, more or less veiled, still shows in the paternalism of other nations. It may be injurious to health to eat bread before it is 24 hours old, yet it would strike us with surprise to see the legislature making a crime of the sale of fresh bread. We look with disfavor upon such legislation as we do upon the enactment of sumptuary laws. We do not even punish a man for his vices unless they be practiced openly, so as to lead to the spread of corruption or to breaches of the peace or to public scandal. In brief, we give to the individual the utmost possible amount of personal liberty, and, with that guaranteed him, he is treated as a person of responsible judgment, not as a child in his nonage, and is left free to work out his destiny as impulse, education, training, heredity, and environment direct him.

So, while the police power is one whose proper use makes most potently for good, in its undefined scope and inordinate exercise lurks

no small danger to the Republic, for the difficulty which is experienced in defining its just limits and bounds affords a temptation to the legislature to encroach upon the rights of citizens with experimental laws, none the less dangerous because well meant.

There are cases in which the true distinction is clearly made between the proper exercise of religious duties, according to one's conscience, and the commission of unlawful acts under the guise of religious beliefs. It must be conceded that no one school should be allowed to commit a crime or any act against peace, good order, or morals, and then justify himself under the claim that the act was in accordance with his religious beliefs.

This distinction is clearly drawn in Davis *v.* Beason (133 U. S., 333, 342), where the Supreme Court of the United States, through Mr. Justice Field, made this clear and convincing statement of the rule on the subject:

The term "religion" has reference to one's views of his relations to his Creator, and to the obligations they impose of reverence for his being and character, and of obedience to His will. It is often confounded with the cultus, or form of worship of a particular sect, but is distinguishable from the latter. The first amendment to the Constitution, in declaring that Congress shall make no law respecting the establishment of religion, or forbidding the free exercise thereof, was intended to allow everyone under the jurisdiction of the United States to entertain such notions respecting his relations to his Maker and the duties they impose as may be approved by his judgment and conscience, and to exhibit his sentiments in such form of worship as he may think proper, not injurious to the equal rights of others, and to prohibit legislation for the support of any religious tenets, or the modes of worship of any sect. The oppressive measures adopted and the cruelties and punishments inflicted by the Governments of Europe for many ages to compel parties to conform, in their religious beliefs and modes of worship, to the views of the most numerous sect and the folly of attempting in that way to control the mental operations of persons and enforce an outward conformity to a prescribed standard led to the adoption of the amendment in question.

It was never intended or supposed that the amendment could be invoked as a protection against legislation for the punishment of acts inimical to the peace, good order, and morals of society. With man's relations to his Maker and the obligations he may think they impose, and the manner in which an expression shall be made by him of his belief on those subjects, no interference can be permitted, provided always the laws of society, designed to secure its peace and prosperity and the morals of its people, are not interfered with. However free the exercise of religion may be, it must be subordinate to the criminal laws of the country, passed with reference to actions regarded by general consent as properly the subjects of punitive legislation. There have been sects which denied as a part of their religious tenets that there should be any marriage tie, and advocated promiscuous intercourse of the sexes as prompted by the passions of its members. And history discloses the fact that the necessity of human sacrifices, on special occasions, has been a tenet of many sects. Should a sect of either of these kinds ever find its way into this country, swift punishment would follow the carrying into effect of its doctrines, and no heed would be given to the pretense that, as religious beliefs, their supporters could be protected in their exercise by the Constitution of the United States. Probably never before in the history of this country has it been seriously contended that the whole punitive power of the Government for acts, recognized by the general consent of the Christian world in modern times as proper matters for prohibitory legislation, must be suspended in order that the tenets of a religious sect encouraging crime may be carried out without hindrance.

In construing the restrictive laws of State legislatures the State courts have sometimes held that they should not be construed as prohibiting the practice of healing by other than medical practitioners, because the intention to legislate against the liberties of the citizen should not be assumed. In the case of Nelson *v.* State Board of Health (22 Ky., Law Rep., 438) the attempt was made to prevent an osteopath from practicing his profession in that State because he had not procured a license to practice from the board of health. The court held that the osteopath was not within the terms of the statute, because he was not practicing medicine, and said:

If the act applied to appellant, he can in no case practice his system in this State, for, however well qualified he may be, he can not be examined for license as a physician, and he could not, without abandoning his practice as an osteopath, obtain a diploma from a medical college. If the statute applies to him, it also applies to trained nurses and all others of that class who for compensation administer to the wants of the sick. The result of such a construction of the statute would be to compel everyone, whether willing or unwilling, to employ a registered physician to care for him when he is sick, or to trust himself entirely to gratuitous services, however much he might prefer skillful nursing to medical treatment. It is doubtful if the legislature has the right under the Constitution thus to restrict the free choice of the citizen in a matter concerning only himself and not the people at large. Taking the statute as a whole, we do not think that this was within the legislative intent, or that the act was designed to do more than regulate the practice of medicine by physicians and surgeons.

The case of State *v.* Mylod (20 R. I., 632) is to the same effect. In that case it was said:

It follows therefore that the acts complained of are excluded from the operation of said Cap. 165 unless the words "practice of medicine," taken in their ordinary or popular meaning, includes them, or unless it appears from said chapter that the legislative intent was to give to said words a meaning broader and more inclusive than the popular one.

Medicine, in the popular sense, is a remedial substance. The practice of medicine, as ordinarily or popularly understood, has relation to the art of preventing, curing, or alleviating disease or pain. It rests largely in the sciences of anatomy, physiology, and hygiene; it requires a knowledge of disease, its origin, its anatomical and physiological features, and its causative relations; and, further, it requires a knowledge of drugs, their preparation and action. Popularly it consists in the discovery of the cause and nature of disease and the administration of remedies or the prescribing of treatment therefor.

Prayer for those suffering from disease, or words of encouragement or the teaching that disease will disappear and physical perfection be attained as a result of prayer or that humanity will be brought into harmony with God by right thinking and a fixed determination to look on the bright side of life, does not constitute the practice of medicine in the popular sense.

* * * * * * *

* * * While it true that the study and treatment of mental disease constitute one of the departments or branches of medicine in which the influence of the mind over the body is recognized, yet mere words of encouragement, prayer for divine assistance, or the teaching of Christian Science as testified, in the opinion of the court, does not constitute the practice of medicine in either of its branches in the statutory or popular sense.

To give to the words "practice of medicine" the construction claimed for them by the State, in the opinion of the court, would lead to unintended results. The testimony shows that Christian Scientists are a recognized sect or school. They hold common beliefs, accept the same teachings, recognize as true the same theories and principles. If the practice of Christian Science is the practice of medicine, Christian Science is a school or system of medicine, and is entitled to recognition by the State board of health to the same extent as other schools or systems of medicine. Under said Cap. 165 it can not be discriminated against, and its members are entitled to certificates to practice medicine provided they possess the statutory qualifications. The statute, in conferring upon the State board of health authority to pass upon the qualification of applicants for such certificates, does not confer upon said board arbitrary power. The board can not determine which school or system of medicine in its theories and the practices is right; it can only determine whether the applicant possesses the statutory qualification to practice in accordance with the recognized theories of a particular school or system.

It would be absurd to hold that under said Cap. 165, which provides against discrimination, the requirements necessary to entitle an applicant to a certificate were such that the members of a particular school or system could not comply with them, thus adopting a construction which would operate not as a discrimination only, but as a prohibition. On the other hand, to hold that a person who does not know or pretend to know anything about disease, or about the method of ascertaining the presence or the nature of disease, or about the nature, preparation, or use of drugs or remedies, and who never administers them, may obtain a certificate to practice medicine, is to hold that the operation of the statute is to defeat the beneficial purposes for which it was enacted.

The case of State *v.* McKnight (131 N. C.) was another action affecting the right of an osteopathic practitioner to practice without a license. The court in that case used this language:

The State has not restricted the cure of the body to the practice of medicine and surgery—"allopathy," as it is termed—nor required that before anyone can be treated for any bodily ill the physician must have acquired a competent knowledge of allopathy and be licensed by those skilled therein. To do that would be to limit progress by establishing allopathy as the State system of healing and forbidding all others. This would be as foreign to our system as a State church for the cure of souls. All the State has done has been to enact that when one wishes to practice "medicine or surgery" he must, as a protection to the public—not to the doctors—be examined and licensed by those skilled in "surgery and medicine." To restrict all healing to that one kind—to allopathy—excluding homeopathy, osteopathy, and all other treatments, might be a protection to doctors in "surgery and medicine," but that is not the object of the act, and might make it unconstitutional, because creating a monopoly.

The State can only regulate for the protection of the public. There is also "divine science" (which some one has said is neither divine nor a science), and there may be other methods still. Whether these shall be licensed and regulated is a matter for the lawmaking power to determine before any question in that respect can come before the court. Certainly a statute requiring examination and license "before beginning the practice of medicine or surgery" neither regulates nor forbids any mode of treatment which absolutely excludes medicines and surgery from its pathology.

Mr. President, this confirms what I have already said—that where the statute provides in terms for the regulation of the practice of medicine and surgery schools of practitioners who do not resort to the use of drugs or the knife are not affected and therefore not interested in its enforcement. But the trouble is that in many of these laws the definition of "practicing medicine" includes all kinds of healing or treatment, thus avoiding the effect of the decided cases on the subject. So in such cases the question becomes one of the constitutionality of the law. No one should question the constitutional right of the States to regulate the "practice of medicine and surgery." Certainly I do not. Anyone who practices the use of drugs or the knife should establish his competency in that respect. The legislature of a State would undoubtedly have the right, also, to regulate the practice of Christian Science by providing for the establishment of a board of examiners to determine their fitness and competency to practice that mode of healing. But the board should, of course, have knowledge of the qualifications necessary for such practice.

Christian Scientists would welcome such a law, as they desire that only persons competent and conscientious should practice their mode of healing. What they and different schools of medicine object to is that they shall be examined as to their competency to practice a means of healing in which they do not believe and in which they do not claim to be efficient or competent. The result of such a law is to compel an examination as to their competency to practice a system of healing, not with

any view of determining their fitness to practice what they make claim to practice.

That means simple prohibition just as effectually as if the statute provided in terms that a Christian Scientist shall not practice healing or the amelioration of suffering. This distinction was recognized in the State *v.* Wilcox (64 Kans., 789), in which the court, having held that the State had the power to regulate the practice of medicine, said further:

> The act is not invalid because it provides that "Nothing in this act shall be construed as interfering with any religious beliefs in the treatment of diseases, providing that quarantine regulations relating to contagious diseases are not infringed upon." (Sec. 6, Gen. Stat., 1901, par. 6674.) The express exclusion of the element of religious belief in the application of the law was hardly necessary. Religious freedom is guaranteed by the Constitution, and without mention in the statute would have been implied, and we can see nothing in this provision which makes an illegal discrimination against or in favor of any class of physicians.

This language is significant. It expressly recognizes the fact that religious freedom exercised in the way of healing can not be abridged under the Constitution.

Mr. President, the question of both the constitutionality and justice of some of the bills enacted by State legislation intended to restrict or prohibit the practice of healing by Christian Scientists have been commented upon by the governors of some of the States in veto messages. Thus Gov. Mickey, of Nebraska, has this to say in one of his veto messages:

> The constitution of the State of Nebraska declares that "all persons have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences," and further adds, "nor shall any interference with the rights of conscience be permitted." In the Christian Science religion the idea of worship and of divine healing are so intermingled that it is impossible to draw the line of demarcation, and hence interference with the one or the other is an interference with "the rights of conscience" and thus becomes an infringement of the constitutional guaranty of religious freedom.

And Gov. Peabody, of Colorado, used this language in a message vetoing such a bill:

> Guided by the late experience of similar legislation in other States, the conclusion is irresistible that all such legislation has a tendency to restrict the citizen in the employment of whomsoever he pleases in the treatment of his diseases, and it also has a tendency to build up, under the protection of the State, a trust or combination of certain schools of medicine to the exclusion of all others equally meritorious.

Gov. Thomas, of the same State, in a like case, used this clear and emphatic language:

> The department of surgery excepted, medicine is not a science. It is a series of experiments, more or less successful, and will become a science when the laws of health and disease are fully ascertained and understood. This can be done, not by arresting the progress of experiment and binding men down to hard and fast rules of treatment, but by giving free rein to the man who departs from the beaten highway and discovers hidden methods and remedies by the wayside. * * *
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> The true intent and purpose of the bill is to restrict the profession of medicine to the three schools therein mentioned, and then limit the number of practitioners to suit the judgment of the composite board. People desiring medical or surgical service may employ its licentiates or die without the consolation of the healer. This is but to say that a medical trust is to be established which shall regulate demand and supply by absolute control of the product which forms its basis, the general assembly furnishing the appliances whereby the trust shall become effectual.
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> The integrity and usefulness of every profession must be guaranteed to society, which may establish standards for the members thereof and for the observance of which its sanction should be given. Beyond this, each profession takes care of itself, and legislative interference is tyranny, open or disguised. * * *
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> The fundamental vice of the bill is that it denies absolutely to the individual the right to select his own physician. This is a right of conscience, and as sacred as that which enables the citizen to worship God as he may desire. It is, indeed, the same right manifesting itself in a parallel direction. It is a part of the law of this land, and no civil power is strong enough to deprive the citizen of its exercise. He may, indeed, select a healer of doubtful reputation or conceded incompetence, but that is his affair just as much as is his choice of a minister or attorney. His action may prove injurious, possibly fatal, to himself or to some members of his family. It is better so than to delegate to any tribunal the power to say "thou shalt not employ this man" or "thou shalt employ this one." That this bill produces such a result indirectly makes it the more objectionable. It is not the outspoken and aggressive assault upon individual liberty that men should fear, but the indirect or resultant blow that is masked and falls unexpectedly.
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> The bill, like all kindred forms of paternalism, assumes that the citizen can not take care of himself. The State must lead him as a little child, lest he fall into trouble unawares. He must be guarded and chided, limited here and licensed there, for his own protection. Such a system, born of the union of church and state, crumbles into ashes in the crucible of experience. It can not flourish, though disguised in the garments of an alleged public necessity. The privilege of choosing one's own physician is a positive essential to the public health. Yet this bill assumes to thrust the coarse machinery of the criminal law into one of the most sacred relations of human life, to drag the chosen physician, if unlicensed, from the sick couch to the prison cell, and to substitute for him some one who, however exalted and honorable, may not command the confidence or secure the sympathy of his patient.
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> These comments are not extreme, for it must be remembered that those who believe in and patronize the various arts of healing that are ostracized by this bill form a very large part of every community, nor are they confined to the ignorant and superstitious portions of society. They number in their ranks thousands of the most refined, intelligent, and conscientious people. They recognize in many modern forms of relief to the suffering a religious or spiritual element that appeals to their best and tenderest sympathies. The benefits they claim and the cures they narrate are not imaginary. Shall the Government enact by statute that these people shall not longer enjoy their benefits or put them into daily practice? Shall it officially declare these people to be criminally wrong and the three schools legally right? By what authority does it so declare?
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> A distinguished physician of Massachusetts has recently declared with force that "the Commonwealth has no right to a medical opinion and should not dare to take sides in a medical controversy." It would be as consistent to take sides in a theological or philosophical discussion. The one would be condemned by all men; the other is equally foreign to the province of government. It may regulate but can not prohibit the calling of the citizens; it may prevent the commission of wrongs but can not deprive the individual of the right to choose his own advisers.

Mr. President, I am about to conclude what I have to say. I have taken up too much of the time of the Senate. But I could not remain silent when the liberties of the people and the constitutional rights of the States are threatened. There has been no legislation more dangerous or pernicious than the entire system of laws, State and National, that are being forced upon the people of this country by the political doctors, who are considering only their own selfish interests without regard to the public welfare. I have considered not only the bill now before the Senate but legislation in the States, because they are a part of one general effort to procure legislation that will establish forever one school of medicine to the exclusion of all others.

If this effort is successful it will create the worst, the most intolerant, and the most dangerous monopoly and trust the country has ever known. It will be the more intolerant and offensive, as well as more powerful, because it is a trust created by law and supported by all the powers of the Government. The author of the bill has graciously consented to amend it so as to provide that there shall be no discrimination in favor of or against any school of medicine. He could very well do this. It is a perfectly harmless and useless provision and will protect no one. Does anyone suppose that this bureau, made independent by this bill, with an allopathic doctor at its head, and without doubt a member of the American Medical Association, will give any consideration to any mode of healing that does not use drugs, or not discriminate against them, and in favor of the regular school of medicine? Can anyone think so when we look back over the past few years and see how these very same doctors of the regular school have been using every possible means to procure such laws as will not only discriminate against but actually exterminate them? Now, it is proposed to take the medical bureaus and others in any way connected with the preservation of the public health out of the departments and bring them under one control, independent and autocratic. What may be expected to happen? Why, with this unlimited power in his hands, with the right to make rules and regulations for the government of his department, he will do, by his rules and regulations, just what he and his fellow doctors have for years been trying to get the States to do by law, declare the practice of Christian Science and other modes of healing that they have condemned as a menace to the public health and suppress such practice. You say he is not allowed to discriminate or to interfere with the practice of medicine!

Why, Mr. President, if he is honest, and has been honest in promoting restrictive and prohibitive legislation in the States against such practices, he will say: "I must protect the public health. That is the prime duty imposed upon me by this law. To do it I must destroy the tendency to put away drugs and resort to quacks and charlatans. They are not entitled to protection. I will do my duty and suppress them in every way possible." If anyone supposes that ways will not be found to accomplish this result, with a doctor in control and at the head of a bureau that is independent of control by any higher power, he does not appreciate the capacity of the regular school of medicine to maintain itself by the destruction of other means of healing.

Mr. President, as I have said, this whole movement is by and in the interest of doctors of the regular school. No one else is demanding this law. They have manipulated political conventions and procured a plank in the platform of both of the great political parties, declaring in favor of establishing a department of health, with its head a member of the Cabinet. They have besieged the White House and pleaded for assistance from the President. They have infested the Halls of Congress for years past in the effort to secure the passage of laws that would place them in power and give them absolute control of the medical activities of the Government. In pressing forward this bold scheme they have tried to deceive the public, and have largely succeeded, by claiming that such legislation is in the public interest. They insist that their mode of healing is the only safe or reliable one, and that to resort to any other is to endanger the public health.

Their efforts have of late been directed chiefly against Christian Scientists and their mode of practice. They insist that the practice of their mode of healing is a fraud on the people and

a menace to the public health. Why, Mr. President, I could by a mere call fill this Capitol Building with conscientious and reliable men and women, people of high character and unquestioned sincerity, who would bear witness to their healing by this means and their faith in its efficacy. Thousands of these, many of them within my own personal knowledge, have been healed of what the doctors call incurable diseases, and many of them after the doctors had given up their cases as hopeless.

Naturally these people protest against any law that will deprive them, or anyone else, of the right to resort to this remedy for their relief. In the name of these people, in the name of those believing in other modes of healing, in the name of a liberty-loving people, I protest against any law or regulation that will deny them the right or abridge their liberty to give or accept relief of their choice, or their religious rights.

COMMITTEE ON NATIONAL BANKS.

Mr. BRIGGS. I ask unanimous consent to submit a report from the Committee to Audit and Control the Contingent Expenses of the Senate, and I ask for its present consideration.

The PRESIDING OFFICER (Mr. SWANSON in the chair). If there be no objection, the report will be received out of order. The Chair hears none.

The resolution (S. Res. 295) was read, as follows:

Resolved, That the Committee on National Banks be, and it hereby is, authorized to employ a clerk at a salary of $2,220 per annum and a messenger at $1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. SHIVELY. Will the Senator from New Jersey explain the resolution?

Mr. BRIGGS. This is a new committee, and the resolution is to give them the usual help.

Mr. SHIVELY. What help do they need? What will be the duties of the committee?

Mr. BRIGGS. I do not know that I can state the duties of all the committees, but they are the usual duties and it is the usual force.

Mr. SHIVELY. This is a new committee which has been created; I suppose it will have jurisdiction of certain subjects matter; and I was a little curious to know whether it will have any duties.

Mr. BRIGGS. It is the Committee on National Banks.

Mr. SMOOT. The junior Senator from Tennessee [Mr. SANDERS] is chairman of the committee, and of course he will have all his duties not only as chairman of the committee, but as a Senator, and the duties that come to him as a member of other committees. The resolution simply provides for a clerk and messenger for that committee.

Mr. SHIVELY. For a necessary committee?

Mr. BRIGGS. It is a new committee.

Mr. SHIVELY. That has important duties to perform?

Mr. SMOOT. The Senator certainly has important duties to perform, whether the committee will have or not.

Mr. SHIVELY. I oppose the creation of committees if it be for the sole purpose of services to a Senator. If the committee is needed to facilitate the business of the Senate, create it. If the creation of the new committee is not for the transaction of committee business, say so. If it is a contrivance to create personal assistants to a Senator in the guise of providing assistance to a committee, let that be understood. It provides pay for an additional committee clerk and messenger, does it?

Mr. BRIGGS. That is all.

Mr. SMOOT. It provides for the same help that every minority Member of the Senate has. It is simply providing for a clerk and messenger for the junior Senator from Tennessee.

Mr. SHIVELY. The only difference is that it is the creation of a new committee.

Mr. SMOOT. Certainly.

Mr. BRIGGS. The resolution does not create a new committee. That has already been done. The resolution simply provides for help.

Mr. SHIVELY. It provides the money to pay a clerk and a messenger.

Mr. BRIGGS. A clerk and a messenger.

Mr. HITCHCOCK. Mr. President, I should like to inquire of the Senator whether this new committee which it is proposed to create will have any actual legislation to consider.

Mr. SMOOT. It has been created.

Mr. BRIGGS. The Senator from Nebraska knows just as much about that as I do.

Mr. HITCHCOCK. I am asking for information.

Mr. BRIGGS. The Senator will have to ask some one who knows more than I do.

Mr. HITCHCOCK. Is there anyone here who can state whether there is any proposed legislation which at any time will be referred to this committee, and that the committee will ever have anything to consider?

Mr. BRIGGS. I do not think anyone can prophesy as to that.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I was responsible for reporting the resolution which created this committee. I think a Committee on National Banks is a committee that might well have legislation referred to it. I have no doubt but that there will be more or less legislation referred to the committee. But if the Senator from Nebraska is going to raise that question and pin us down to saying that there will be bills referred to that committee, the Senator knows exactly what the result will be, if we go into the various committees on both sides of the Chamber.

Mr. HITCHCOCK. Mr. President, it may be that other committees have been created here which are purely and simply fictions, but I for one think the proceeding has gone far enough and that no new committee should actually be created unless it is to constitute some valuable machinery.

Mr. GALLINGER. The committee has been created, and of course there is no remedy unless the action of the Senate shall be reconsidered, which I trust will not be done.

Mr. WILLIAMS and others addressed the Chair.

The VICE PRESIDENT. Does the Senator from New Jersey yield, and to whom?

Mr. BRIGGS. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I should like to ask the Senator from New Jersey where the resolution comes from.

Mr. BRIGGS. It comes from the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. WILLIAMS. I will ask the Senator from New Jersey to let the matter go over, if that is the case, because I am a member of that committee, and I am informed by my colleague on the committee, the Senator from Arkansas [Mr. CLARKE], that he stands in the same attitude; we never heard of the resolution. I must have missed the notice that possibly was sent out to attend a meeting, and so did the Senator from Arkansas. We would like to have an opportunity to examine into it.

Mr. GALLINGER (to Mr. BRIGGS). Let it go over.

Mr. BRIGGS. I will let it go over.

The VICE PRESIDENT. Without objection, the resolution will go over.

Mr. CLARKE of Arkansas. Mr. President, I would not be willing to let the statement of the Senator from Mississippi create the impression that I thought there was anything wrong done by the report of the chairman of the committee when he presented the resolution.

Mr. WILLIAMS. I did not intend that.

Mr. CLARKE of Arkansas. I take advantage of this opportunity to say that what has been recommended by the Senator from New Jersey is entirely in the line of the precedents of the Senate. Every Republican Member of the Senate has a chairmanship of a real or a nominal committee. It is the method of assigning to him sufficient clerical service that has obtained here for many years. There is no particular reason why it should not be done at this time. It is one of the prerogatives of the majority, and in nearly every instance it works out what is equitable and fair. There is nothing unjust about it, nothing extraordinary or unusual about it, that when it is properly understood will invoke the criticism of the strictest constructionist of committees here.

The matter can go back to the committee, and if nothing further is disclosed than has been brought out here I shall be very glad to unite with the chairman of the committee in favorably reporting the resolution.

Mr. WILLIAMS. Mr. President, I do not mean by my request that I myself will ultimately oppose the resolution. I do not know whether I shall or shall not. My object is only what I have explained, to get an opportunity to look into it and find out about it. I understand the Senator from New Jersey is perfectly willing to give us that opportunity.

I am not disposed to be hypercritical about the traditions and customs and routine of the Senate. A great deal might be said in criticism of the fact that there are a great many useless committees of which both majority and minority Members are chairmen. I realize that it is not worth while creating a tempest in a teapot. Probably it would be better to go along in the routine and let this follow the precedents. But I should like to look into it, and I will look into it as soon as the Senator from

New Jersey and I can get a proper opportunity. He will let me know when, and he will let the Senator from Arkansas know.

The VICE PRESIDENT. Without objection, the resolution will not be further considered at this time, but will go to the calendar.

THE METAL SCHEDULE.

Mr. SIMMONS rose.

Mr. STONE. Mr. President, just a moment.

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. SIMMONS. Certainly.

Mr. STONE. I desire to suggest to the senior Senator from New Hampshire [Mr. GALLINGER], as we are about to take up one of the tariff bills, that relating to metal manufactures, that the Senate should hereafter return to meeting at 12 o'clock. There are Senators I know who desire to address the Senate on this bill, and with an adjournment until 2 o'clock they probably would not have an opportunity of doing so until a late hour. It is now 20 minutes after 3. I myself had desired to-day to follow the Senator from North Carolina. Of course it will be too late when he has finished. The Senator from Iowa [Mr. CUMMINS] has given notice that he will address the Senate to-morrow after the routine morning business is concluded. I do not know how long he will occupy the attention of the Senate, but I wish to give notice now that on Thursday morning after the routine business I will address the Senate on this same bill.

Mr. CULBERSON. Mr. President, I call the attention of the Senator from Missouri to the fact that there is a special order for Thursday—the employer's liability and workmen's compensation bill.

Mr. SMOOT. It is a unanimous-consent agreement.

Mr. STONE. Well, does that displace the regular order?

Mr. CULBERSON. Being a unanimous-consent agreement, it displaces everything.

Mr. STONE. Well, I ask the Chair if it displaces the regular order?

The VICE PRESIDENT. The unanimous-consent agreement provides that the bill therein referred to, Senate bill 5382, shall be taken up immediately after the routine morning business on Thursday, May 2, and proceeded with until disposed of. That would displace the unfinished business for that legislative day.

Mr. BACON. I would inquire if it is not true that the unanimous-consent agreement was made before the special order was made?

The VICE PRESIDENT. That also is correct.

Mr. STONE. I did not quite catch that.

Mr. BACON. The unanimous-consent order, which applies for Thursday, was made before this bill was made the unfinished business; so that for two reasons it would undoubtedly have precedence on Thursday.

Mr. GALLINGER. Mr. President——

Mr. STONE. The unfinished business, then, ceases to be the unfinished business.

The VICE PRESIDENT. It does for that day.

Mr. STONE. Does the Chair mean for the calendar or the legislative day?

The VICE PRESIDENT. For the legislative day.

Mr. STONE. Well, heaven only knows when we can take up the regular business again if that be true.

Mr. GALLINGER. Mr. President, the Senator from Missouri addressed an inquiry to me, which I did not quite catch. Was it an inquiry as to the propriety of meeting at 12 o'clock instead of meeting at 2 o'clock hereafter?

Mr. STONE. Yes, sir.

Mr. GALLINGER. I will say to the Senator that I, of my own volition, have consulted with Senators on both sides of the Chamber this very morning about that matter, and the opinion seemed to be that we would not make any better progress meeting at 12 o'clock than we would at 2, for the reason that there are so many Senators engaged on important committee work. Personally I have no preference about it at all; but I would suggest to the Senator that perhaps it would be well for us to meet to-morrow at 12 o'clock, as there are two or three speeches to be delivered, and then see whether we think it desirable to continue doing so. If that would be agreeable to the Senator, I think we could have that arrangement made.

Mr. STONE. It is agreeable to me.

Mr. GALLINGER. I will make the motion if it is agreeable to the Senator.

Mr. STONE. It is agreeable to me to meet at 12 o'clock to-morrow.

Of course, Mr. President, it has been the long custom of the Senate to meet at 12 o'clock. On motion of the junior Senator from Texas [Mr. BAILEY] at the beginning of this session it was agreed that the assembling of the Senate should be at 2 o'clock instead of at 12 o'clock; but that, we all understood, was temporary, and that when the business of the Senate became such that it would facilitate the business to do so, we would meet at 12 o'clock as formerly. The 2 o'clock meeting was all right in the early days of the session; but now we have reached the point, it seems to me, when we ought to meet earlier and to continue to meet earlier and when the hour of meeting should be 12 o'clock instead of 2 o'clock; so that these important bills, particularly the tariff bill, may be taken up and disposed of. If we meet at 2 o'clock, as we have been doing, it means two hours lost in the consideration of such measures.

Mr. GALLINGER. I will ask the Senator from Missouri if it would be agreeable to him to have the Senate adjourn to meet at 12 o'clock to-morrow to give us an opportunity to confer in reference to it?

Mr. STONE. Certainly.

Mr. GALLINGER. Mr. President, I move that when the Senate adjourns to-day it adjourn to meet at 12 o'clock noon to-morrow.

The motion was agreed to.

Mr. SIMMONS. Mr. President, I ask the Chair to lay before the Senate the unfinished business.

The VICE PRESIDENT. If there be no objection, the Chair will lay before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. Mr. President, the bill under consideration deals only with the metal schedule, and is one of a series of schedule bills upon which the Senate will be called upon to act at this session.

Speaking in general terms, this bill reduces the rates of the present law on metals and the manufactures thereof from an average ad valorem of about 35 per cent to an average of about 22 per cent, thereby, as its advocates contend, placing these duties substantially upon a revenue basis and allowing reasonable competition within the zone where foreign competition is not made impossible by transportation cost.

The bill transfers some articles now upon the dutiable list to the free list. By general designation the articles so transferred are iron ore, zinc ore, tungsten ore; bands for baling cotton, commonly known as cotton ties; wires for fencing, and baling wire; nails, tacks, brads, and such like articles; cash registers, typesetting machines, sewing machines, typewriters, and so forth.

The value of imports thus transferred to the free list, upon the basis of importations in the year 1911, amounts to $7,628,605, and the duties it is proposed to remit amounted in that year to $600,582.

Aside from the reduction of duties the most important difference between this bill and the Payne-Aldrich bill, which it is intended to supersede, is in the method providing for levying duties.

Duties under the present law are either specific or compound; that is, a specific rate with an ad valorem rate superadded.

The duties under this bill are all ad valorem. In other words, this bill assesses taxes upon the basis of the value or selling price of the thing taxed, while the present law assesses taxes upon the basis of the weight and quantity without regard to the quality or value of the thing taxed.

The controversy over the relative merits of specific and ad valorem duties is one of long standing in this country. It began more than three-quarters of a century ago. It has been an acutely disputed question in all of our tariff discussions and legislation—the advocates of protection insisting upon specific and the advocates of a tariff for revenue insisting upon ad valorem duties.

The objections now urged against this feature of the bill are substantially the same as those that have been made against the ad valorem system in every controversy over specific and ad valorem rates in connection with our tariff legislation from the beginning. Briefly these objections as stated.

First. An alleged uncertainty in the average of resulting revenues because of fluctuations in prices correspondingly increasing or reducing the amount of revenue derived therefrom.

Undoubtedly this method of assessing taxes is, to a more or less extent, obnoxious to this objection. It is a result, however, which is unavoidable, if taxes, either direct or indirect, are levied upon the basis of the value of the thing taxed.

Specific duties, though for a different reason, are subject to the same objection, as I think our experience with that method of imposing taxes abundantly shows. With specific duties, if

importations were a fixed quantity from year to year, the revenues would, of course, always be the same.

But it is obvious that a specific duty which would afford no bar to importations when prices ranged high might, in many cases, be prohibitive when prices ranged low, thus cutting off all revenues from that source.

Speaking generally, it may be said where protection is the primary purpose of a tariff tax, specific duties naturally lend themselves, so to speak, to that purpose; and where the primary purpose of a tariff tax is revenue, ad valorem duties are best adapted to the accomplishment of that purpose. The present law is a protection measure and was framed with protection as its primary purpose, and naturally specific rates were adopted. The pending bill is a revenue measure. To raise revenue to pay the expenses of the Government is its primary purpose, and for that reason its authors prescribe ad valorem rates.

The next objection urged against this feature of the bill is the administrative difficulties growing out of the natural desire of importers to evade the payment of duties by undervaluations and the manifest difficulty of customs officials in circumventing frauds of this character.

Without attempting to minimize the seriousness of these difficulties in administration, it is obvious that frauds upon the revenue, probably equally as serious, may be perpetrated, and have been successfully perpetrated, with specific duties by underweighing. A notable illustration is found in the sugar-fraud cases, where, by underweighing, the Government was swindled out of millions of dollars by the Sugar Trust. The silk cases also furnish a well-known illustration.

But conceding, for the purposes of the argument, the full force of these objections to the ad valorem system, it must be admitted that they are less tenable as regards the iron and steel products than in the case of most other products, because the values of these products, especially the basic products of the industry, are in a sense standardized throughout the world and are not subject to violent fluctuations, and because reliable information as to world prices is readily obtainable.

While there are difficulties growing out of undervaluations under the one and underweighing under the other system, these are administrative difficulties which, under our stringent laws against frauds of this kind, can be overcome or reduced to a minimum through honest and capable administration; and in legislating upon this subject Congress has the right to presume that the executive branch of the Government will provide for such an administration.

But, Mr. President, every objection of this character that can be urged against either specific or ad valorem duties can be urged with equal force against the compound duties with which the present law is literally saturated.

In the language of a distinguished authority upon the tariff—

> If ad valorem rates induce undervaluations and make the administration of the customs laws difficult and expensive, compound rates must have the same result; and if specific rates are calculated to deceive the consumer and make the worse appear the better rate, surely a compound duty is no less guilty.
>
> The ad valorem system, easier to be understood by the taxpayer, immediately responsive to fluctuating values and automatically keeping pace with changing conditions in the manufacture and market of the product, free from all the objections to the specific system and from nearly all the faults of the compound, we believe to be the most satisfactory to all parties affected.
>
> To say that such a system can not be successfully enforced by the Government is to indict the revenue officials with incompetence and inefficiency, which the friends of the compound rates dare not charge without confessing the failure of the present law to result in an honest collection of the duties laid under its compound system.

INEQUALITIES OF SPECIFIC RATES.

Mr. President, while these questions of administrative difficulties and possible frauds in the enforcement of our tariff laws are undoubtedly important, they are of but minor consequence compared with the injustice, inequality, and the unfairness of assessing an article for taxation upon the basis of quantity, or weight, or measure without reference to value or quality.

The inevitable effect of assessing duties upon the basis of quantity instead of value under the present law is to discriminate against the cheaper and coarser articles covered by the tariff which the poor consume in favor of the finer and more costly articles which the rich consume. It was repeatedly shown in the discussions of the Payne-Aldrich bill that the specific duties of that bill taxed the coarser grades of woolen and cotton goods, flannels and carpets which the poor buy much higher than the finer grades which the rich buy.

In his great report upon the Walker bill, Robert J. Walker, then Secretary of the Treasury, in denouncing the minimum and specific duties carried in the law which that bill superseded, declared that these duties exacted annually over $5,000,000 from the poorer classes by raising the duty on cheaper articles above what they would have been if the duties had been assessed upon the basis of actual value.

Mr. President, equality is a fundamental principle of popular government. Whatever does violence to that principle is undemocratic as well as unjust. A tax upon importations, upon the sole basis of quantity, is an unequal tax, an unjust tax, and an undemocratic tax.

It is as obnoxious to the fundamental principle of equality as would be direct taxation upon the basis of quantity. It is just as unequal as would be a State tax assessing lands upon the basis of acreage without reference to location, fertility, or productiveness. It is just as unequal as would be a State tax assessing a draft horse at the same price as a thoroughbred because they were both horses. It is just as unequal as would be a State tax assessing the humble cottage of the laboring man at the same price as the costly mansion of the rich because they were both houses. Direct taxes levied upon such a basis would be intolerable, and indirect taxes levied upon the same basis while differing in degree nowise differ in principle.

THE BILL MEETS THE DEMAND FOR ADDITIONAL REDUCTION.

Mr. President, when the national conventions of the two parties met in 1908 there was an overwhelming demand, coming from the rank and file of both of these parties, for relief from intolerable burdens laid upon the people by a tariff framed in the interest of special privilege, and which, while enormously augmenting the wealth and power of the few, restricted the opportunities of the many and advanced the cost of living beyond the incomes of the normally thrifty and well-to-do.

The Republican Party in response to that demand solemnly pledged, if again intrusted with authority, to remedy the evils complained of, at least to the extent of limiting the power of combination to arbitrarily fix prices by admitting competition from the outside when prices were raised above the margin of a reasonable profit. Feigning to redeem that pledge, the Republican Congress of 1909 passed the Payne-Aldrich bill, reenacting in effect the Dingley law, with a few minor changes, which gave little or no relief to the people on the one hand and on the other hand took from its beneficiaries but little which was regarded by them as worth retaining. The substituted act was, in effect and substance, so nearly the same as the one it superseded that the question of whether it operated to revise the tariff downward or upward was at the time of its consideration and passage, and still is, a matter of dispute.

Without characterizing that measure as a repudiation of the Republican platform promise and a betrayal of the people's trust, as many of the aforetime leaders of that party from the housetop have proclaimed it to be and are still vociferously proclaiming it to be, the Nation-wide agitation for a new revision and a new deal which set in before the ink upon the President's signature of approval was dry, culminating in the rout and overthrow of the Republican Party in the House of Representatives and the elevation to power in that branch of Congress of a party pledged to reduce the tariff to a competition basis, clearly and unmistakably signifies the deep dissatisfaction and resentment of the popular electorate, and manifests their inexorable determination that the power to impose taxes on imports to raise revenue to maintain the Government shall not be used so as to defeat the purpose for which that power was granted, and to confer upon the American producer the right to tax to the full limit of the fraudulent levy the domestic consumer of his product.

Confronted by this unmistakable and overwhelming dissatisfaction with the so-called Payne-Aldrich revision of 1909 and the irrepressible demand that there shall be another and effective revision, the opponents of tariff reduction have ceased to openly resist that demand and are hiding their real opposition behind the pretense that Congress can not safely legislate on the tariff without the information and advice of the Tariff Board. The President himself, without openly combating the desirability of a more effective revision, suggested the schedule plan of revision and the selection of those schedules against which there was the greatest complaint.

At the special session of 1911 the Democratic House met the President's suggestions and sent him a number of schedule bills, one of them reducing certain duties which he had himself denounced as indefensible, and all of them making only moderate average reductions and carrying duties, which, while sufficiently competitive to yield a fair revenue return, were yet high enough to cover the difference in the labor cost here and abroad, where there is such a difference, and giving the American producer every opportunity to supply the home market consistent with the rights of the consumer and compatible with the revenue needs of the Government.

Upon every one of these bills the President put the seal of his disapproval, and, taking refuge behind his Tariff Board, gave the country to understand he would approve no act reducing the Payne-Aldrich rates until there was a report by that board upon the schedule involved.

Sirs, this is the first time in the history of the Republic—and may it be the last—that the executive branch of the Government has assumed to impeach the competency of the legislative branch to discharge the duties intrusted to it by the Constitution and the people acting in pursuance of it, without information first had and obtained from an executive board. It is an attack upon the foundation principle of our representative system of government.

If the near 400 Members of the House of Representatives and the more than 90 Members of the Senate, selected by the people to make laws for their government, do not possess sufficient information, knowledge, and capacity to legislate justly and wisely about that subject which most nearly affects their pecuniary welfare, and which has been more exhaustively studied and investigated than any other subject in the domain of legislation—if the justice and wisdom of the demand of the people, if the justice and wisdom of the action of their chosen representatives in their efforts to comply with those demands must wait upon the finding and report of a board selected by the President, our theory of representative government is unsound in its most essential quality.

Mr. President, at the exact time in our national life when the right of the people to rule—when the right of the people to determine and direct legislation upon their own initiative, without interference or dictation from President, board, bureau, or department—is most insistently asserted, they are told, and their Representatives in Congress are told, that any legislation to carry out their will and instructions, and to keep the ante-election pledges made to them with respect thereto, will be vetoed, unless it squares with the findings and report of an advisory board, and that all action for their relief from intolerable exactions must wait upon the masterly inactivity of that board.

The attitude of the President in this matter is a startling answer to the demands of the people, and is reactionary to the very last degree.

Mr. President, when the Payne-Aldrich bill—a bill framed by the friends of protection, and framed, pretendedly at least, with a view to carrying out the Republican platform definition of the measure of protection the industries of the country were entitled to receive—was under consideration by Congress there was no contention, so far as I recall, either on the part of the President or those in charge of that bill, that Congress could not wisely and safely legislate upon that subject without an investigation by an outside board to determine the facts with reference to the complex standard prescribed in that platform.

The absence of such a report was not then considered a reason for nonaction. No such contention was then made by the managers of that bill. No such contention was made by the President when the bill was presented to him for his approval. But now that it is sought to revise the tariff along Democratic lines in the interest of the people and not to suit the interests, measuring duties by the well-known and definite needs of the Government instead of by the uncertain and variable requirements of a platform formula, the opponents of reductions, including the President, set up the plea and pretense that it is dangerous to change a rate upon any article or schedule, however high, prohibitive, or monopolistic it may be, until it has been first scientifically ascertained what it cost the foreigner to make such articles.

As bearing upon the bona fides of this contention, it is significant that the claim that we are without sufficiently accurate and reliable information as to the cost of production is not made by those Republican Senators who, though protectionists, are demanding and supporting reductions according to the Republican platform formula, but is made only by that wing of the Republican Party responsible for the sham revision of 1909, and whom the people suspect of being opposed to any reductions whatever of existing duties.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Utah.

Mr. SIMMONS. Certainly.

Mr. SMOOT. I should like to ask if in the tariff act of August 5, 1909, known as the Payne-Aldrich bill, provision was not made for the Tariff Board?

Mr. SIMMONS. Oh, yes; I think so—that is, for an executive board.

Mr. SMOOT. For the Tariff Board.

Mr. SIMMONS. Yes.

Mr. SMOOT. The duties of that board were to collect for the information of Congress certain data, and in the law itself it is specifically stated that they should report within a certain time as to the wool schedule.

I would also ask if the Senator himself did not vote for that amendment?

Mr. SIMMONS. Is the Senator from Utah through?

Mr. SMOOT. Yes.

Mr. SIMMONS. I do not recall how I voted upon the particular amendment to which the Senator refers—the amendment creating the executive board—but there is nothing in the law or in the provision of the law to which the Senator refers providing that the Congress shall wait upon the report of that board before it proceeds to revise the tariff; and if there were any such provision in the law the Senator knows it would be utterly nugatory, especially in the face of the overwhelming demand that this revision shall go forward, as manifested by the result of the last election.

Mr. SMOOT. I understand, but I want to call the Senate's attention to the fact that the board was created at the very time that the bill passed Congress, and the duty of that board was to collect testimony and information for the use of Congress in the future consideration of tariff bills.

I am perfectly aware that the Congress need not take any notice or take into consideration any information obtained or presented to Congress by that board; but it was created for that purpose, and those who believe in a revision of the tariff now, along protective lines, believe in following the information submitted to Congress by that board.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Oklahoma?

Mr. SIMMONS. I do.

Mr. GORE. I think the Senator from Utah is mistaken in the statement that the provision in the Payne-Aldrich law requires the collection by the board of data for the use of Congress.

Mr. SIMMONS. To aid the President in administering the maximum and minimum provisions of that act.

Mr. GORE. I think it originally stood as stated by the Senator from Utah, but that was stricken out on the motion of the then Senator from Maine, Mr. Hale, and provision was made for a report as to the maximum and minimum provisions of the act. The requirement that the board should report on the woolen schedule I think was inserted in the sundry civil bill.

Mr. SMOOT. It was in relation to the same subject matter, and the amendment was offered by the senior Senator from Texas.

Mr. CULBERSON. Mr. President, my recollection is distinct that the board was created exclusively to obtain information for the President with reference to the maximum and minimum clauses of the law and that some other general purpose was added afterwards. But it was not provided that the board should report to Congress, and it never has, except only to the President.

Mr. SIMMONS. That is correct. The report was for the President's special information in administering the law, as I stated before.

Mr. SMOOT. That was collected by the board.

Mr. CUMMINS. I hope the Senator from Utah will read the provision in the act of 1909 and will inform those Senators who are here now, but who were not here then, what happened in the Senate in respect to that particular provision, and that especially will he not forget the statement of the Senator from Maine, Mr. Hale, that it was not intended that the appropriation made for the Tariff Board should be expended for the purpose of obtaining information for the use of Congress in making future schedules.

Mr. SMOOT. I want to call the attention of the Senator from Iowa to the fact that that was the individual expression of the senior Senator from Maine, but the Senate did not take that position, nor did it agree with him.

Mr. CUMMINS. If the Senator from Utah will read what the law says upon that subject, I think all confusion about this will disappear. The provisions as to the investigations of the Tariff Board, so far as schedules are concerned, were made under the appropriations act of 1910, wherein the authority of the board was very materially enlarged and changed.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Wyoming?

Mr. SIMMONS. I do.

Mr. WARREN. I was about to say that a change had taken place between the date on which the Senator from Maine made that observation and the present. The board was en-

larged in numbers, its duties were somewhat enlarged, and the date of the report was as the Senator from Texas has said, the board to report on certain articles to the Congress.

Mr. CUMMINS. That was almost a year later.

Mr. WARREN. Yes; it was.

Mr. SMOOT. It was not a year later when the Senator from Texas introduced that resolution.

Mr. CUMMINS. But a year later than the passage of the Payne-Aldrich bill.

Mr. SMOOT. That is true as to the enlargement of the powers of the board and the increase in the number.

Mr. CUMMINS. If the Senator from Utah will read it even as finally agreed upon in conference he will find that it is very doubtful whether under the authority then given the board could make an investigation and furnish information looking to future changes in the law. The purpose was of course to enable the board to apply the maximum and minimum feature of the act of 1909.

Mr. SIMMONS. Does the Senator from Iowa think that any Senator at the time that provision was adopted supposed the purpose and effect of it would be to prevent any future tariff revision except upon the report and in accordance with the report of the board?

Mr. CUMMINS. At that time the Senator from Indiana, Mr. Beveridge, was leading the fight for the Tariff Board, and we who believed in somewhat lower duties were very anxious that there should be an independent, nonpartisan or bipartisan tribunal created for the investigation of these questions. After some conference with those who were leading the other side of the controversy he thought he would accomplish something by securing the executive board which afterwards was appointed, but he was very much disappointed, as we all were, when the report was made by the Finance Committee, or by those who were speaking for it, conferring authority upon the President's board. I think the Senator from Utah will remember exactly the history of that time.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Texas?

Mr. SIMMONS. I do.

Mr. CULBERSON. I desire to read in confirmation of what I have said the clause of section 2 of the act of 1909 on this very subject:

> To secure information to assist the President in the discharge of the duties imposed upon him by this section, and the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required.

Showing that it was not intended at all that this board should be useful to the Congress, but confined it to information they should furnish the President to enable him to execute the provisions of section 2, which were the maximum and minimum provisions of the law, and also to aid certain customs officers in the administration of the customs laws of the United States.

Mr. WARREN. That was all changed in the later law.

Mr. SMOOT. But the act of June 30, 1910, reads as follows:

> The Tariff Board, if established by law, shall make report to each House of the Congress on the wool and woolen schedule not later than the first Monday in December, 1911.
>
> To enable the President to continue, by the employment of accountants and experts from official and private life, such officials to receive no compensation beyond their official salaries, to more effectively inquire into the methods of transacting the public business of the Government in the several executive departments and other Government establishments, with the view of inaugurating new or changing old methods of transacting such public business so as to attain greater efficiency and economy therein, and to ascertain and recommend to Congress what changes in law may be necessary to carry into effect such results of his inquiry as can not be carried into effect by Executive action alone, and for each and every purpose necessary hereunder, including the employment of personal services at Washington or elsewhere, $75,000, together with any unexpended balance of the appropriation made for this purpose for the fiscal year 1911.

Mr. CUMMINS. The Senator from Utah said it was the act of June 30, 1912. It was the act of 1911.

Mr. WARREN. It was the regular sundry civil appropriation bill.

Mr. SMOOT. It is the act "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes."

Mr. CUMMINS. If I may interrupt further, I do not want anything I have said to lead anyone to believe that I do not value the investigation of a board of experts into the facts of this subject. I only wanted to keep history straight, because my fellow Republicans in 1909 were as much opposed to a Tariff Board reporting to Congress and furnishing information to Congress as they now seem to be in favor of such a board. I was in favor of the board then, I am in favor of it now, and I earnestly hope, until we are supplied with such a board as I believe ought to exist, that we can secure the advantage of the labors of the employees of the President.

I will answer the question put to me by the Senator from North Carolina with regard to the propriety of waiting for the revision of any schedule of the tariff until we have a report of such a board, when I come to consider the subject to-morrow. I will say, however, in a sentence, that of course I am not in favor under all circumstances of waiting until such a board reports upon the subject. The report of such a board is not the end, it is simply a means to the end, and I am not willing to abandon the end because it seems impossible to pursue that particular course at this time.

Mr. SIMMONS. Mr. President, I hope I may be permitted to go on. I think we have sufficiently thrashed out that phase of the discussion.

Mr. President, denying, as I do, that Congress stands in need of any Tariff Board information, as a basis of safe legislation, I submit that even from the standpoint of those who maintain otherwise there is less need for such information in the case of the metal schedule than probably any other of the 14 schedules covered in the existing law, not only because the world prices, especially of the basic products of this industry, are reasonably well standardized and exceptionally exempt from fluctuations, but because of the many investigations and reports that have been made with respect to prices and wages in this industry by different bureaus of the Government and by official as well as nonofficial experts, our sources of information and enlightenment are exceptionally full and plenary. We have elaborate reports upon this subject of the British, German, and American steel associations.

We have the illuminating report of Mr. Pepper, special agent of the Department of Commerce and Labor, who made an investigation of the German and English iron and steel industry with a view to obtaining detailed information of the cost of the various manufactures in those countries.

We have the report of the Bureau of Manufactures and Labor, and the publications of the Geological Survey, with detailed customs statistics; and we have the sworn testimony of numerous experts in the trade recently given before legislative committees of both branches of Congress.

Mr. President, this bill is not framed along protection lines. Its authors and sponsors did not recognize any obligation or right of the Government by legislation of any kind to guarantee to the industries of the country a satisfactory or reasonable or any kind of a profit.

Its purpose is not to protect the dealers in and producers of the articles enumerated in their profits by stifling competition, but to raise revenue to pay the expenses of the Government, and to this end it prescribes rates that will admit of reasonable competition.

The only way the Government can realize revenues by a tariff tax is through importations. If there are no importations there will be no revenue, whatever the rate of duty may be. If the duties are excessively low there will be importations, but the Government will realize little revenue; if the duties are excessively high there will be no importations and no revenue.

The revenue needs of the Government are great. Besides the ordinary expenses of administration, the Government, in line with the general spirit of progress now animating our people, is doing within its legitimate and sometimes exclusive domain great things at great cost for the development, utilization, and conservation of our great national resources, and the money must, in the present state of our laws, be raised in chief part through tariff taxation.

To raise this large amount of money the rate of duties must of necessity be fixed on a high revenue-producing basis. The average rate fixed in this bill is about 22 per cent, as against 35 per cent under existing law.

Whether a tariff on importations is made for protection or for revenue, it operates, to the extent of the duties imposed, to exclude importations and protect the domestic producer against foreign competition.

In levying duties for revenue, while we should be mindful of the facts as to foreign competition and should so adjust them that they may incidentally safeguard the American producer against transparent and otherwise insurmountable inequalities and enable him, on a basis of fair prices for his products, to reasonably dominate the domestic market, it should not be forgotten that the primary purpose of taxation by the Government is to raise revenue for its honest and economical administration. This bill is framed along these lines.

OBJECTIONS TO THE BILL BY THE OPPONENTS OF THE MEASURE.

Outside of those I have already mentioned, the only ground of opposition, so far as I have heard, to this bill is the con-

tention that on account of our alleged high wage scale we can not compete with the foreign producers under the lowered rates it provides.

Some of the representatives of the manufacturers who appeared before the Finance Committee of the Senate did not contend against any reduction, but protested that the cut made was too great; but the most of them contended for the present rate, and practically all of them based their opposition upon the alleged lower labor cost of competing countries and insisted that the industry was entitled to tariff protection against this disadvantage, and that the rates carried in this bill were not sufficiently high to accomplish this purpose.

Putting aside for the present all discussion of the controversy between the advocates of a tariff for revenue and a tariff for protection as to the relative merits of these two policies, in answer to this contention universally advanced and relied on by those opposing the bill, I will attempt to prove—

1. That steel and iron and most of the manufactures of these products can be produced, and are produced, as cheaply here, and in some cases more cheaply, as anywhere else in the world.

2. That, without regard to any difference in per diem wages paid in this industry here and elsewhere, the actual labor cost is no greater here than in either England, Germany, or Belgium, the countries against which the producers of these products demand protection upon the ground of cheaper labor cost; and I shall contend, if there is any such difference, that the duties carried in this bill more than cover that difference—indeed, that in some instances they more than cover the entire labor cost.

3. I shall contend that, under the present excessive protection, the producers of these products are making abnormally high profits, to the great wrong and injury of the American consumer, and that their laborers do not share in these superadded profits, but are in large part both underpaid and underfed.

4. I shall attempt to show that our manufacturers of these products are now competing, upon a basis of fair profits, with the world, and that under this bill they will be able to continue to dominate this market placed upon a high basis of profit.

5. I shall contend that the rates fixed in this bill, while potentially competitive, will only to a reasonable extent increase the opportunity of foreign competition, and that there is not the slightest foundation for the claim so persistently and loudly made that at once the country will be flooded with foreign goods and the domestic industry destroyed.

Finally, I shall contend that these reductions are demanded not only in the interest of the consumer but in the interest of the expansion of our international trade, a consideration of primary importance if our industrial expansion is to attain to the potentialities of American genius, capacity, opportunity, and advantage.

Mr. President, before proceeding to the consideration of the program of discussion I have outlined I think it proper and that it will probably be helpful to make a few explanatory observations touching the general conditions with regard to our export, import, and domestic trade and production of iron and steel and the limitation, on account of transportation charges, of foreign competition in this industry either under this bill or with absolute free trade in these commodities.

Mr. President, the commodities covered in this bill, for convenience of discussion, may be divided into two parts, namely, the coarser and bulkier articles and the finer and lighter articles.

The domestic production of these commodities amounts to something over two and a half billion dollars. Of this amount the bulkier articles, such as rolled, forged, and other classified products of iron and steel, tin plate, pig iron, and wire amount to about $1,500,000,000 or something near three-fifths of the whole.

On account of the heavy cost of transportation of these bulkier products the zone of possible foreign competition even under free trade would be very limited. Freight charges make foreign competition in these products impossible in all that vast region lying between the Allegheny and Rocky Mountains. Potential competition in these bulky and heavy products would, under any tariff conditions, be confined to within a possible radius of 50 or 75 miles of our Atlantic and Pacific seaports.

Under present duties there is now a slight competition along our seacoasts, as is shown by the fact that there was imported last year $20,000,000 of these heavy products. With the reductions provided in this bill the zone of possible competition will be extended to the extent that the remitted duty will pay the cost of transportation.

It is estimated that this increase of importation will probably amount to about $8,000,000, being less than one-half of 1 per cent upon the domestic production. Yet, Mr. President, with only $20,000,000 worth of imports against a billion and a half of domestic production, the manufacturers of this product in the interest, as I shall contend, of absolutely prohibitive rates, come to Congress and protest that if we reduce the rates so that $8,000,000 more may come in their industry will be destroyed.

The average importations of all the commodities embraced in this bill during the last two years amounted to about $62,000,000. It is estimated that the proposed reductions will bring an increase of between $10,000,000 and $15,000,000, our production being about two billions and a half.

While the reduction in duties proposed in this bill is moderate and the resulting increase in probable imports will be small, it is believed that the increased opportunity for outside competition, though slight, will tend somewhat to break the trust combination which now exists in this industry and to force the producers of these products to reduce, to some extent at least, the excessive prices which now obtain.

In opposing this moderate reduction and this slight addition to the present volume of imports, now almost negligible, while exporting and selling abroad in competition with the world $230,000,000 worth of their output, the representatives of this industry show that what they want is not so much protection, but inhibition, against outside interference with their control of the domestic markets, and that higher protection rates are sought not because this industry can not compete with foreign competition in this market, as it does in every other market, but to safeguard the monopoly which enables it to exploit the American market.

Mr. President, it is my opinion, after a somewhat close study of this question, that iron and steel can be made as cheaply in this country as abroad. This I think is also true with most of the manufactures of iron and steel, but I have not a doubt, where there is a cost difference against us, that the revenue duties carried in this bill will more than measure that difference.

I do not know who are better capable of determining whether iron and steel can be produced as cheaply here as elsewhere than the men who have been most prominent in building up that industry in this country.

CARNEGIE.

The name of Andrew Carnegie is indissolubly associated with it. He has accumulated such a vast fortune out of it that his name has become a household word throughout the land—a fortune so stupendous that he finds it difficult to give away the income from it.

Speaking out of his abundant knowledge of conditions here as well as abroad of this industry, this great iron master, as he is sometimes called, has repeatedly declared under oath and otherwise that these products could be made as cheaply here as anywhere in the world and they needed no protection, and that the duty could now be abolished without hurt to the industry.

Mr. President, I will not read what Mr. Carnegie has said upon this subject heretofore, but I will ask permission to incorporate it in my remarks.

The PRESIDING OFFICER (Mr. JOHNSON of Maine in the chair). Without objection, leave is granted.

The statement referred to is as follows:

After the Civil War Congress sent for the manufacturers and explained that it was ready to "protect" steel, and 30 per cent duty was imposed. Steel rails, all imported, then cost $90 per ton; the duty was $28. To-day the price is $28 per ton, home production, and the duty $4. No foreign supply is needed. The writer has been before several congressional committees upon the tariff question, but never to ask an increase, always stating that reductions in duties could be made. Testifying before the present tariff was passed, I stated that the steel duty could now be abolished, which gave many people the impression that I had changed my views because I was no longer an interested party. On the contrary, I may cite a letter that appeared in the New York Times of December 28, 1908, from Charles Stewart Smith, of the New York Chamber of Commerce, saying that he heard me "tell President McKinley during his first term that steel no longer needed protection." The infant industry has grown to be a giant; protection has done its work.

E. H. GARY.

Mr. SIMMONS. Another bright and particular star among the captains of this industry is Mr. E. H. Gary, chairman of the board of directors of the United States Steel Corporation. In his testimony before the House committee investigating the Steel Trust Mr. Gary swore that his company was selling its manufactures in South America in competition with foreign countries at about the same price obtained in this country. Of course, if the foreigner can produce for less than we can he could undersell us in South America, where tariff conditions are equal.

Mr. E. H. Gary, when recently testifying before the committee on the investigation of the United States Steel Corporation, informed the committee (hearings, p. 95) that—

So far as we are concerned in this country, we get pretty nearly the same price from those countries all the time—

Countries to which iron and steel products are regularly exported, particularly South America—

I think, so far as foreign manufacturers are concerned, they get higher prices from the South American countries and the other countries that you speak of, at times at least, than they do in their own country. * * * One year the average price of our export rails was 27 cents a ton higher than the domestic price.

The fact that we are able to sell there, where there is no freight, or tariff advantage, where probably the freight rates are against us, at a fair price is conclusive evidence, Mr. President, that we need no protection, so far as the labor cost is concerned, against the foreigner whom we meet in those markets.

WILLIAM E. COREY.

Mr. William Ellis Corey, ex-president of the United States Steel Corporation, a great authority, thoroughly familiar with conditions in this country, in an interview published in the New York Evening Post, February 21, 1912, just before sailing for Europe, said there was no reason why there should be any alarm about the talk of reducing the tariff on steel, because this country can produce steel as cheap as others. He declared that the United States exported steel products to 40 different countries, and that this was sufficient evidence that we could produce steel cheaper here than any other country.

He declares that the United States exported steel products to 40 different countries, and that this was sufficient evidence that we could produce steel cheaper here, to use his language, than they could in those countries—cheaper, Mr. President, because we could not meet that foreign competition with freight rates against us unless we were able to produce it cheaper than it is produced elsewhere.

I ask that I may be permitted, without reading, to insert in the RECORD the statement of Mr. Corey to which I referred a moment ago.

The PRESIDING OFFICER. Without objection, the request is granted.

The statement referred to is as follows:

[From New York Evening Post, Feb. 21, 1912.]

COREY ON THE STEEL TRADE.

William Ellis Corey, ex-president of the United States Steel Corporation, said to-day before he sailed for Europe on the *Olympic* that there was no reason why there should be alarm about the talk of reducing the tariff on steel, because this country could produce steel cheaper than any other. He declared that the United States exported steel products to 40 different countries. * * *

"The country need not be apprehensive over a possible reduction in steel duties," said Corey. "The United States can produce steel cheaper than any other country, and the fact that we now export all kinds of steel products to over 40 different countries in every quarter of the world is sufficient evidence of this fact."

Mr. SIMMONS. I find in the report of the United States Industrial Commission, volume 1, a most illuminating and convincing statement upon this question in the testimony of Mr. Charles S. Guthrie, president of the American Steel Hoop Co. I do not think it has been read before in any of the debates we have had upon this question, and I want to read that part of Mr. Guthrie's testimony, which is especially pertinent to the question I am now debating.

In the course of his examination he was asked:

How do you manage to undersell the Englishman in the English market?

It seems, Mr. President, that we are able to undersell them in their own market.

A. Cut his prices, usually.

* * * * * * *

Q. In ordinary times you can keep up American wages and beat the Englishman in his own market.—A. Without the slightest doubt; we can whip him and make money.

Q. When you take the general run, you think Americans are able to compete with the English and Germans in their own market?—A. Without the slightest doubt, and make a profit.

Q. You can lay down steel rails, for instance, in China cheaper than an English or Belgian or German firm?—A. We are doing it right along.

Q. And build bridges in Egypt, I suppose?—A. Yes; and everything else. The truth of the matter is, the Creator of all things has been good to us. We have the raw material, the coal, the coke, the ability, the intelligence, and we are pushing it for all it is worth; and I think it is only a question of time, and a very short time, when we shall control the iron and steel markets of the world. I have one partner over there in the Northeastern Steel Co. and another with Dorman, Long & Co., and they have absolutely given up the idea of competing with us if it comes to a close fight.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. SIMMONS. I do.

Mr. OLIVER. I should like the Senator to state the date at which this testimony was given.

Mr. SIMMONS. I think it was in October, 1899.

Mr. OLIVER. In 1899?

Mr. SIMMONS. In October, 1899.

Mr. OLIVER. This is the testimony of Mr. Guthrie?

Mr. SIMMONS. Yes.

Mr. OLIVER. Mr. Guthrie has been dead for about 10 years.

Mr. SIMMONS. That gives him sufficient time to die. I am glad that before dying he made this valuable admission.

Mr. OLIVER. Conditions were very different in 1899 from what they now are.

Mr. SIMMONS. Yes; they are a great deal better for the American manufacturer now than they then were, I imagine.

Mr. OLIVER. I beg the Senator's pardon. They are not anything like as good for the American manufacturer. Furthermore, I knew Mr. Guthrie very well. He was a very enthusiastic individual, and when he got to talking he was a little like Mr. Schwab.

Mr. SIMMONS. He talked mighty well and talked mighty sensibly before the Industrial Commission, in what I have read. I am glad to have the testimony of the Senator from Pennsylvania, who knew this gentleman, as to his character.

But, Mr. President, we have an official finding with respect to the labor cost of pig iron, both in Germany, England, and in this country, made by a special agent of the Department of Commerce and Labor, who was sent to Europe for the purpose of making a thorough investigation of this question. I refer to the report of Mr. Charles M. Pepper.

If the facts found in the report of Mr. Pepper are true, they would seem to be conclusive in this controversy.

The question involved in this controversy was over labor costs here and abroad. I shall give the substance of Mr. Pepper's findings. I will say to the Senator from Pennsylvania that this report by Mr. Pepper was made in 1908. If the Senator finds any comfort in the fact that Mr. Guthrie's lucid statement was made in 1899, a time when he says conditions in the iron industry were better than they are now, I do not think——

Mr. OLIVER. Mr. President, I hope the Senator did not understand me to say that the conditions were better.

Mr. SIMMONS. Well, different. I will change that if the Senator desires it.

Mr. OLIVER. Different. In 1899, I will say for the information of the Senator, that the labor cost in America was lower than it was ever before or ever has been since. In addition to that——

Mr. SIMMONS. Mr. President, that was about three years after the Dingley law went into effect, I think.

Mr. STONE. Two years.

Mr. SIMMONS. The Senator from Missouri is correct—about two years after the Dingley law went into effect—a law, we have been told, that worked an immediate transformation for the betterment of the industries of the country.

Mr. OLIVER. Mr. President, that law undoubtedly worked a very great transformation and it brought about a very great increase in the prosperity of the country and in the wages of the working people, but in 1898 and 1899 business had not yet quite recovered; it was just beginning to recover from the depression caused by four years of Democratic rule, during which four years the Wilson tariff law had been enacted. As a result of that depression wages were very low; the condition of the iron and steel business as to raw material was phenomenal. They were bringing ore down from the northern mines at the lowest possible cost. The ore was running an average of at least from 60 to 62 per cent iron, where to-day the ore coming there averages very little more than 50 per cent, which means that every ship that brings ore down is carrying at least 20 per cent more of waste material on which freight must be paid and for which labor must be paid at a higher rate. There never was a time in the history of this country when iron and steel could be produced so cheaply as they could from 1897 until about 1900, when costs began gradually to go up, and they have been going up ever since.

Mr. SIMMONS. Do I understand the position of the Senator to be that it now costs more to produce iron and steel than it ever did before?

Mr. OLIVER. I do not say that it costs more than it ever did before, but it costs more than it did at any time since the manufacture of steel has expanded.

Mr. SIMMONS. I do not know that the Senator understands me; but do I understand the Senator is contending that the labor cost of producing iron and steel is now greater than it has ever before been?

Mr. OLIVER. I say that the labor cost of producing iron and steel is very much greater now than it was in 1899.

Mr. SIMMONS. Is that the result of an increase in wages?

Mr. OLIVER. Yes; an increase.

Mr. SIMMONS. I shall be glad to have the Senator remain here until I get to that point, and I think I shall be able, probably, to satisfy him that the increase in wages of the steel and iron industry in the portion of the country where there has been an increase does not justify any such statement.

Mr. OLIVER. I will say——

Mr. SIMMONS. I think I shall be able to show the Senator that he is mistaken in that statement.

Mr. OLIVER. I think I heard Judge Gary state in the Senator's hearing before the Committee on Finance that as to the United States Steel Corporation since its organization the average advance had been, I think, about 80 per cent. I suppose the Senator from North Carolina was in the committee at the time. I was present.

Mr. SIMMONS. What corporation is the Senator from Pennsylvania talking about?

Mr. OLIVER. I am talking about the United States Steel Corporation.

Mr. SIMMONS. Who said that? I did not catch the Senator's remark.

Mr. OLIVER. Judge Gary said that. I think the Senator, if he will refer to the testimony, will find that his only objection—I think the testimony of Judge Gary has been cited with approval by the Senator from North Carolina——

Mr. SIMMONS. There is no such statement in any testimony of Judge Gary which I have read. Such increases in wages—and they have been slight—as have been made were not voluntary but forced by labor organizations.

Mr. OLIVER. I think, if the Senator will read Judge Gary's testimony, he will find that statement.

Mr. SIMMONS. I do not recall Judge Gary's statement before the Senate Finance Committee; the statement I read is from the House hearings. But, Mr. President, that is aside from the question.

Mr. OLIVER. I beg pardon. The statement to which I refer was made before the Interstate Commerce Committee, and not before the Finance Committee. I was mistaken on that point.

Mr. SIMMONS. That is aside from the question. I understood the Senator from Pennsylvania, when I read the testimony of Mr. Guthrie given in 1899, objected on the ground that conditions then were different from conditions now. I am now going to read from the official report of an officer of that department of the Government whose duty it is to study and investigate this question, which was made in 1908, which brings the thing up to date.

Mr. OLIVER. Now the Senator is beginning to talk business.

REPORT OF CHARLES M. PEPPER, SPECIAL AGENT DEPARTMENT COMMERCE AND LABOR.

Mr. SIMMONS. According to Mr. Pepper, who made this investigation of the German and English iron and steel industry and also the industry in the United States in 1908, the cost of producing iron in Germany and Belgium is found to be as follows. I am not going to read from the report, Mr. President, but I am simply going to give the net result of his findings:

In Germany the average lowest cost was $12.85.

Mr. STONE. Per ton?

Mr. SIMMONS. Per ton of pig iron. The average highest cost was $13.65, and the total average cost $13.25.

In England the average lowest cost was $9.92; the average highest cost, $13.45; total average cost, $11.69.

REPORT OF H. K. SMITH, COMMISSIONER OF CORPORATIONS.

The United States Commissioner of Corporations in his recent report, published, I think, last January, estimates the lowest cost of production in this country, namely, in the Birmingham district at $10.02 a ton, which is below the lowest cost of Germany and but 10 cents per ton above the lowest cost in England. He estimates the highest cost in the United States at $13.76; the average lowest and highest at $11.89—lower than Germany's average, and only 20 cents per ton higher than the English average.

Mr. President, if that report is to be relied upon, there is practically no difference in the cost of producing a ton of pig iron between this country and England. Whether you compare the lowest cost, that of the Cleveland district in England, with the lowest cost in this country, that at Birmingham, or compare the highest cost in this country with the highest cost in England and Germany, the rates are substantially the same. That is the finding of this Government official.

CHARLES S. SCHWAB, PRESIDENT BETHLEHEM STEEL WORKS.

One of the most conspicuous figures in connection with the iron and steel industry in the United States is Mr. Charles Schwab, and I shall have much to say about Mr. Schwab before I get through, because we have had him before the Committee on Finance, and my good friend the Senator from Mississippi [Mr. WILLIAMS] and myself had a great deal of enjoyment in our cross-examinations of him.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. SIMMONS. Certainly.

Mr. CUMMINS. Before the Senator from North Carolina passes to his examination of Mr. Schwab's testimony, I desire to ask him whether he has looked into the market price of the various kinds of pig iron abroad as compared with the market price in our own country?

Mr. SIMMONS. I have not investigated that phase of the question.

Mr. CUMMINS. I did not know whether or not the Senator had collected that information.

Mr. SIMMONS. No.

Mr. CUMMINS. The truth is——

Mr. SIMMONS. If the Senator will permit, practically the whole objection made before the Finance Committee to this proposed reduction was upon the contention as to the alleged difference in the labor cost here and abroad, and I am trying to meet that argument.

Mr. CUMMINS. Precisely.

Mr. SIMMONS. Because that argument constitutes the basis of the objection, I have not taken up the other question.

Mr. CUMMINS. I simply want to say, in this connection, that the average price of pig iron abroad in the last year has been greater than in the United States.

The SIMMONS. The average price?

Mr. CUMMINS. The average selling price of pig iron has been greater in England than in the United States.

Mr. SIMMONS. I have not the data, but I will say that your statement is confirmed by my general information of the subject. That has been my impression from general reading, but I have not particularly investigated the specific question of present prices of the products abroad as compared with those here.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. Certainly.

Mr. SMOOT. I have sent for the figures, and I will have them here in a moment, so that we can learn exactly what is the cost in Germany, in England, and in the United States; but I want to say in this connection—and I suppose the Senator from Iowa will admit—that there never has been a time in all the history of England when pig iron has been so high as it has been in the last nine months, and there never has been a time in the history of the United States since, I suppose 1898, when the price has been so low.

Mr. SIMMONS. Mr. President, the Senator, in making the statement that there never has been a time in the history of England when prices were higher than during the last nine months, does not advert to the fact that the testimony I have offered the Senate was taken in 1908.

Mr. SMOOT. I am not referring to the Senator's statement as to the cost. I referred to what it is selling for in England to-day, and I have stated the absolute fact.

Mr. CUMMINS. The Senator from Utah agrees with me, I am sure, in my statement that the selling price of pig iron abroad in the last year has been higher than the selling price in the United States.

Mr. SIMMONS. That is what I understood the Senator from Utah to admit.

Mr. SMOOT. At times, Mr. President, that is true, but not upon the average. I have the quotations here for every week, if the Senator wants to know them.

Mr. SIMMONS. Is the Senator from Utah able to assure the Senate that the present high range of prices will not continue?

Mr. SMOOT. Well, Mr. President, I can assure the Senator——

Mr. SIMMONS. Does the Senator want us to legislate upon the idea that they may not continue without giving us any reason for supposing that they will not continue?

Mr. SMOOT. The only assurance I can give the Senator is that history generally repeats itself; and, if it does in this case, the high prices will not continue.

Mr. CUMMINS. I do not admit that the price abroad is abnormally high.

Mr. SMOOT. Everyone else admits it.

Mr. CUMMINS. No; I beg the Senator's pardon.

Mr. SMOOT. Every manufacturer admits it.

Mr. CUMMINS. Every country, and the world, too, has its ebb and flow of business. Business has been good abroad in the last year, but I deny that business has been bad in the United States.

Mr. SMOOT. Well, Mr. President, all I know is that every manufacturer who appeared before the committee stated that business had been poor for last year, and, of course, I think they ought to know. I take it for granted that their books show such to be the fact. The volume of business and production show it and the prices show it.

Mr. CUMMINS. There are people who have lost money in the United States in business in the last year, and that would be true of every year.

Mr. SMOOT. I am speaking generally.

Mr. CUMMINS. But there are people who, if they do not double their fortunes every year, consider the country upon the eve of bankruptcy.

Mr. SIMMONS. According to the stories going the rounds of the newspapers, I do not think there is any stagnation in the iron and steel industry in this country; I do not think they are having any trouble about continuing the enormous, the fabulous profits they have been making in recent years under an arrangement by which they have been able during the whole of the past decade to practically keep the price of steel rails at a fixed sum—$28 a ton. There has been no relaxation of the hold of the United States Steel Trust and its subsidiaries, the independent manufacturers, and, so far as prices are concerned, they are nothing but subsidiaries. The United States Steel Co. fixes the price arbitrarily so as to satisfy the desire of the stockholders for profits, and the independent companies gracefully accept that price and help maintain it. If there has been any stagnation in recent times, Mr. President, I do not think it has affected the prices or materially affected the profits of the producers of steel and iron in this country.

Mr. SMOOT. Mr. President, I understood the Senator to say that Herbert Knox Smith in his report showed that pig iron cost eleven dollars and some cents per ton.

Mr. SIMMONS. I gave the averages reported by him. They were: For Bessemer pig, cost $13.76—that is the highest price—basic pig, $12.80; southern, $10.02.

Mr. SMOOT. Does the Senator in referring to pig iron have in mind foundry or steel-making iron? For which kind of iron is the price quoted?

Mr. SIMMONS. I only give the Senator the figures I have. I have no technical knowledge about the different methods of making pig iron, and I do not pretend to have.

Mr. SMOOT. There is a great deal of difference as to what figures you take.

Mr. SIMMONS. I am only giving the Senator the general facts in the report. I have no technical knowledge on this subject. The Senator is a very technical man; he is versed in the technique of all the manufacturing industries of the country, and I can not meet him on that basis, because I confess I am lacking in detailed information of that character.

Mr. SMOOT. There is a difference, and I do not know on what basis the Senator made the comparisons.

Mr. SIMMONS. I am not discussing the process by which iron is made; all I know is that the report from which I have read designates the highest priced product as Bessemer, he designates the intermediate priced as basic, and he designates the lowest priced as the southern product.

Mr. CUMMINS. I remember the figures well enough to identify them, I think. The first price given is for Bessemer pig, the second price given is for basic steel——

Mr. SMOOT. Basic or foundry iron?

Mr. CUMMINS. And the third price is for southern pig. I fancy the Senator from Utah may reach somewhat different results in the paper that he has in his hand from those reached by the Senator from North Carolina, because I infer that the results given by the Senator from North Carolina are those obtained after deducting what are known as intercompany profits, while probably the results on the sheet the Senator from Utah has in his hand include the profits supposed to be derived by one company after another in going through different processes; that is, the profit of the ore company and the profit of the transportation company before the ore reaches the furnace.

Mr. SMOOT. That only applies to the Steel Corporation?

Mr. CUMMINS. Oh, no.

Mr. SMOOT. Well, I am speaking in a general way.

Mr. CUMMINS. It applies to a great many corporations, because most of them have these integrating profits.

Mr. SMOOT. I take the figures exactly as Herbert Knox Smith reports them. Commencing with the lease, the royalty paid upon the ore of 25 cents, the mining charge of 82 cents, and every step there is in the manufacture of pig iron from ore to the finished pig iron, the cost is shown to be $14.01 per ton. Mr. Schwab testified in 1909 that the cost was $14. He stated exactly the items he included in making up that $14, and the Steel Corporation in 1910 filed their statement, which showed the cost to be $14.02. So that we have Mr. Schwab, Herbert Knox Smith, and the Steel Corporation within 2 cents of one another, and each one in arriving at the cost stated exactly what was paid for the ore, for the mining, and for every process of manufacture.

Mr. CUMMINS. I do not intend to interrupt the Senator from North Carolina any further, but if the Senator from Utah will examine the table in the report of the Commissioner of Corporations, from which the paper he has in his hands was taken, he will find that at the very head of the table it is stated that this does include intercompany profits. If he will turn over to the latter part of Mr. Smith's report he will find a place in which those profits are deducted from that amount, and that reaches the result stated by the Senator from North Carolina.

Mr. SIMMONS. That is exactly what I am giving. I have not, Mr. President, the technical knowledge to make this calculation myself. In my statement I accept as true the calculations and findings made by the distinguished author of this Government report.

Mr. SMOOT. Then, let me ask the Senator this additional question: In making comparisons of the cost of pig iron in foreign countries, has he included the same items employed in estimating the cost in this country? Has he included in the foreign cost of production the cost of mining the ore, transportation charges, and so forth?

Mr. SIMMONS. I suppose that Mr. Pepper, who is an expert and who was acting for the Government and doing the specific thing under instructions to find out the labor cost, only included those things which were properly chargeable to labor cost, and I assume that Mr. Herbert Knox Smith, in making the same investigations with a view to ascertaining the labor cost, included all things which are properly items of labor cost.

I am not going to discuss with the Senator his ideas of what ought to be charged in estimating the labor cost of this product. They may conform to the ideas of Mr. Schwab before the committee. He seemed to think, according to his testimony before the committee, that in determining the labor cost of making iron and steel you ought to go back and inquire as to the cost, the profits, the losses, and so on, in every operation from the time you began to take the ore out of the mine until you converted it into the finished product. That may be the idea of the Senator from Utah about it.

Mr. SMOOT. Every man in business has to do that very thing if he expects to be successful; and if he does not do it he is bound to fail, just as sure as the sun will rise to-morrow morning.

Mr. SIMMONS. I do not care to press that line of investigation further than to say that, from my viewpoint, in fixing labor cost in connection with the duty on pig iron the labor cost of converting the ore into pig is the only material question.

Mr. President, one of the most conspicuous figures in connection with the steel industry is Mr. Charles Schwab. I wish to give his testimony before the House committee investigating the United States Steel Corporation. In that investigation Mr. Schwab said:

Mr. DANFORTH. How are the costs of labor in steel and iron industries in the other countries that you mention as compared with ours?

Mr. SCHWAB. Do you mean the cost per ton—the cost of labor per ton of steel—or the average labor per man?

Mr. DANFORTH. The labor per man is what I had in mind.

Mr. SCHWAB. The cost of labor per man in the United States is about double what it is in Holland and Belgium, and I should say two and a quarter times as much as it is in Germany. I refer to the earnings of the American steel workers.

Mr. DANFORTH. How does that affect the price of our product in this country?

Mr. SCHWAB. I think the cost per ton in the United States is as cheap as it is abroad, notwithstanding the fact——

Mr. DANFORTH. Even with the added load of labor?

Mr. SCHWAB. Yes. I think the reason for that is because we manufacture in such large quantities. We manufacture under the economic conditions that I spoke of, and our tonnages are so great.

Mr. STERLING. Why is the tariff duty necessary, if you can produce a ton here as cheaply as they can there?

Mr. SCHWAB. For the same reason that the tariff duty is necessary over there. Why do they have a high tariff with this low labor?

Mr. STERLING. You would say, then, that the only purpose of our tariff was to set off the tariff of other countries?

Mr. SCHWAB. The tariff would, I think, protect our own labor, as a matter of fact, because in some of these countries they have very cheap raw material. China, for example, is now shipping pig iron into the United States.

Mr. President, there has been a great protest about China shipping pig iron into the United States, when the facts are that out of a total domestic production of about 27,000,000 tons of pig iron in this country there were imported in the last year to the whole Pacific coast only the insignificant and negligible quantity of about 40,000 tons.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. Certainly.

Mr. SMOOT. The Senator from North Carolina has quoted from Mr. Schwab's testimony of some years ago. We had Mr. Schwab before the Finance Committee——

Mr. SIMMONS. I am going to refer to that before I get through. I shall state that Mr. Schwab has made before the Senate committee a statement very different from this.

Mr. SMOOT. And the Senator will state the reason Mr. Schwab gives, that to-day is entirely different from what the situation was a few years ago, because of the fact that——

Mr. SIMMONS. I have not reached that. I hope the Senator will not anticipate my argument.

Mr. SMOOT. No; I do not wish to anticipate the Senator, but I thought, inasmuch as he had quoted from Mr. Schwab regarding the cost years ago, it should be stated why he has changed that testimony.

Mr. SIMMONS. I shall quote fully and frankly Mr. Schwab's statement before the Senate Finance Committee which would seem to be in conflict with his statement just quoted by me. I will state to the Senator, however, that the statement from Mr. Schwab's testimony which I have just read was not made a few years ago, as he says, but was made only nine months ago—that is, in August, 1911.

I am aware that Mr. Schwab in his recent testimony before the Finance Committee of the Senate claimed that he had been misunderstood in his former statements, and insisted that the cost of production here was greater than abroad. This difference he said was due to the difference in the cost of labor here and abroad.

Mr. Schwab's statement before the Finance Committee was based, as he admitted, upon the theory that labor was no more efficient here than abroad; upon the theory that the labor cost of an article is measured by the per diem wages paid labor, without any reference to whether one man can do more and does do more than another man. That is upon the per diem wages of the employees. His statement of August, 1911, was based upon the labor cost per ton, without reference to per diem, which would seem to be the true basis of estimating cost of production.

Per diem wages, Mr. President, are manifestly a false standard of measuring the cost of production.

It is manifest that of two men receiving the same rate of wage per diem the one may produce twice as much as the other and that the labor cost of one product will be twice as much as that of the other product.

We raise wheat and corn in my State. Much of our lands are probably as fertile as the wheat lands of the Middle West. Wages of farm labor in North Carolina are much below those of the Middle West, and yet I am confident that the labor cost of raising wheat and corn in the Middle West is far below that in my State. That the labor cost of neither the farm nor of the factory can be determined by the per diem wage of labor I think all of our experience, whether in agriculture or in manufacture, must demonstrate.

Not only Mr. Schwab, but practically all the representatives of the industry who came before the Senate committee, based their testimony as to difference in costs upon the alleged difference in the per diem wage scale here and abroad, assuming equal efficiepcy of labor.

Upon this question I desire to read some extracts from an illuminating statement made by Representative REDFIELD, a prominent manufacturer, delivered June 12, 1911:

> Labor cost per unit varies with time and place, and in the same shop is constantly changing. It is unlike in each of several mills producing the same goods, belonging to the same company. A superintendent who would take three mills making the same goods, under the same ownership, in three different cities, and get the cost alike would be a wonder.
>
> Since it is clear that the cost of production is a large and complex subject, of which the item of labor forms but one, and often a minor, part, and that cost is fluctuating and variable, it follows that no tax can be laid which will in different places and at different times always cover the difference in cost between foreign and domestic producers.

He was speaking from the standpoint of an experienced manufacturer who sells his products not only here but all over the world, and who has visited the factories of other countries and studied the questions connected with methods and cost of production as he states in his speech quoted from.

> There is no such fixed difference in cost between foreign and domestic producers. There is not, and there never can be, such a thing as fixity of cost.
>
> The difference—mark it well, gentlemen; I know from practical experience it is true—the difference between three domestic concerns in labor cost may be as great, or even greater, than the difference between foreign and domestic concerns in the same line. The attempt to adjust a tariff rate to cover such a difference is therefore absurd. If it provides for the difference in the cost of foreign goods and of American goods made in an American factory where those goods are expensively made, it would provide an enormous bonus for an American manufacturer who made his goods economically.
>
> A steadily decreasing labor cost per unit of product is not inconsistent with, but on the contrary is normal to, a coincident advance in the rate of pay for the work when accompanied by careful study of methods and equipment, as previously suggested. Conversely, low-priced labor nearly always is costly per unit produced, and usually is inconsistent with good tools, equipment, and large and fine product, else such labor would not be low priced.
>
> Nowhere is the rate of output equal to that in America. Nowhere else is the problem of saving labor cost so closely studied as it is here. Labor-saving machinery is an American specialty and product. Nowhere is the cost of transportation so low as in America. Nowhere is the discipline in a factory so close, so sharp, and so keen as in an American shop.
>
> * * * * * * *
>
> From the above sketch it is affirmed, without fear of successful contradiction, that American production to-day is often as cheap or cheaper in the labor cost per unit than foreign, and, so far from needing protection, it needs to be set free, that we may conquer the world.

SCHWAB ON LABOR COST—DIFFERENCE IN PER DIEM, BUT NONE IN ACTUAL LABOR COST.

Again, Mr. President, I wish to refer to the testimony of Mr. Schwab before the committee. I am selecting him because he is probably the most representative manufacturer who came before the committee, and who notwithstanding his former statement that the cost of iron and steel production in this country was as cheap as abroad, he was most insistent in his contention that the rates fixed in this bill were insufficient to measure the alleged difference in wages here and elsewhere.

I want to read from the colloquy between Mr. Schwab and my colleague upon the committee, the Senator from Mississippi [Mr. WILLIAMS]. It shows the basis upon which Mr. Schwab makes his calculation, a basis which I think is utterly untenable:

> Senator GALLINGER. Can you give us approximately, and yet with reasonable correctness, the difference in the wage scale in your industry here and abroad?
>
> Mr. SCHWAB. Very gladly. In England the wages for the same positions, on an average, are just about one-half of what they are in Bethlehem.
>
> Senator GALLINGER. Do you mean including the ordinary labor, or——
>
> Mr. SCHWAB. Including all the workmen. The average earnings are about one-half. In Belgium it goes below that. I can not state it with the same accuracy, but probably it is in the proportion of 2½ to 1; and in Germany it is about the same.
>
> Senator WILLIAMS. Is that per diem, per hour, or how?
>
> Mr. SCHWAB. The average earnings of the men per year; for the whole time.
>
> Senator WILLIAMS. Could you not make a statement as to the average earnings per diem or per hour?
>
> Mr. SCHWAB. I can. I told you that our average earnings last year were $788.88 for every man and boy in our employ.
>
> Senator WILLIAMS. Can you give us an idea of what proportion labor bears to the total cost of making steel?
>
> Mr. SCHWAB. In the steel work itself, one-third of the total cost is labor; but, of course, another third is in supplies and railroad freights, all of which are affected by the wages in their industries.
>
> Senator WILLIAMS. I understand that. The labor constitutes about one-third of the total cost of the production of the article as it is ready to leave the mills?
>
> Mr. SCHWAB. In the works itself; yes.
>
> Senator WILLIAMS. You say the wage in England is about one-half what it is here?
>
> Mr. SCHWAB. About.
>
> Senator WILLIAMS. About one-half?
>
> Mr. SCHWAB. Yes, sir.
>
> Senator WILLIAMS. If the total cost of the labor is 33⅓ per cent, then the difference between the cost here and the cost there would be half of 33⅓ per cent?
>
> Mr. SCHWAB. In the mills.
>
> Senator WILLIAMS. Of course, these other people are all getting their nips at the taxation system as they come along, and they plead "labor," too. That would be one-half of 33⅓ per cent then, and that would be the percentage statement of the amount that would be requisite to put the cost of the labor in your mills upon an equality with the cost of the labor in Great Britain?
>
> Mr. SCHWAB. Yes, sir; that is correct, practically.
>
> Senator WILLIAMS. So, the total cost of the labor in the mills is about 33⅓ per cent by your statement; and Great Britain pays about half what we do, by your statement. That is what I wanted to get at.
>
> Mr. SCHWAB. That is quite true—in the mills. I want that to appear.
>
> Senator SMOOT. Or, in other words, if every other item of expense attached to the manufacture of steel was equal with every other country, then 16⅔ per cent would be necessary to protect you against the actual labor cost?
>
> Mr. SCHWAB. Exactly so.
>
> Senator WILLIAMS. And that proceeds upon the theory that your labor is no more efficient, that it turns out no more product per hour that it is employed than the foreign labor?
>
> Mr. SCHWAB. That assumes that, of course.

Mr. BACON. May I ask a question?

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. SIMMONS. Certainly.

Mr. BACON. I did not exactly understand the purport of that testimony. Do I understand the Senator to read from a colloquy in which Mr. Schwab says that the actual cost is one-half what it is in this country or that is what the proportion is in this country?

Mr. SIMMONS. Mr. Schwab says that, measured as he measures it, by the per diem cost, the labor cost there is one-half of what it is in this country.

Mr. BACON. I understand.

Mr. SIMMONS. He says that the labor cost of the article is 33⅓ per cent of the total cost and that the wages of labor here

are twice as high as in Europe, making the difference in the wage cost of production here and abroad one-half of that amount, or about 16 per cent.

Mr. BACON. What I was asking the Senator is this: I may have misunderstood it. I suppose, of course, Mr. Schwab did not mean to say that the cost of labor in this country was one-third and of that country one-sixth. He does not mean that?

Mr. SIMMONS. Oh, no. He says the labor cost is one-third the cost of production.

Mr. BACON. That is what I mean. I did not express myself clearly, perhaps. The labor cost is one-third of the cost of production. He does not mean in another country the cost varies——

Mr. SIMMONS. No; in Europe he says the labor cost is one-half of what it is here, and that there the labor cost is represented by one-half of 33⅓, or 16 per cent.

Mr. BACON. No; that would not be correct.

Mr. SIMMONS. In other words, he says this——

Mr. BACON. I want to get this point clear.

Mr. SIMMONS. He says that the labor cost in this country is 33⅓ per cent of the total cost of production, and in England it is one-half of that, or 16 per cent of the total cost.

Mr. BACON. That is the point I want to get at—whether he meant simply to say that the amount labor actually received was only one-half, or one-half in proportion to the total cost.

Mr. SMOOT. That would be absolutely correct if everything else that went into the cost of producing steel was equal. Then it would be true. But there are a great many other items. Therefore, the labor cost in foreign countries would be more than 16⅔ per cent, based upon the cost in this country.

This had reference to heavy articles where the labor is only a small part of it, but the testimony shows that on many articles made under this schedule the labor cost is 80 per cent.

Mr. SIMMONS. I know there are many who hold opinions of that sort; but I shall attempt to show, not by the testimony of interested witnesses, not by the testimony of people having already a sufficient rate of protection who want absolute prohibition of foreign importations of their products, but I shall show by Government statistics which never up to this time have been questioned—Government statistics that were used by the minority of the Committee on Ways and Means in their minority report on this very bill—that the actual labor cost of producing iron and steel in this country is only about 16 per cent of the total cost of the article, and not 33 per cent, as apparently contended by Mr. Schwab.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. SIMMONS. Certainly.

Mr. CUMMINS. I do not want to leave the matter just where the Senator from Utah has left it.

Mr. SIMMONS. My attention was momentarily diverted, and perhaps, if my answer is not responsive, I did not correctly understand the statement of the Senator from Utah.

Mr. CUMMINS. I have no doubt the Senator from North Carolina will correct it later on. The suggestion of the Senator from Utah is that Mr. Schwab's statement of the labor cost of 33⅓ per cent was on the cheaper and cruder forms of steel. I do not remember any such statement by Mr. Schwab, but if there was any such statement, it is obviously wrong.

Mr. SIMMONS. I did not understand Mr. Schwab as confining his statement as to average cost of production only to the heavier articles of the steel and iron industry.

Mr. CUMMINS. It may be, taking the steel schedule at large, that there is a labor proportion of 25 or 30 per cent, but taking the conversion of pig iron into steel rails, the labor cost of performing those operations is only about $1.80 a ton, and the increased value is more than $14 a ton. So Mr. Schwab could not have meant that in the cruder forms of manufacture that are carried on almost wholly by machinery the labor cost is 33 per cent of the cost of the article.

Mr. SIMMONS. I do not know what Mr. Schwab meant, but Mr. Schwab was undoubtedly speaking of the industry here and abroad as a whole, and I understood he was giving what he claimed was the average cost.

Mr. CUMMINS. Yes.

Mr. SIMMONS. And Mr. Schwab insisted that the total labor cost in producing steel and iron, on the average, was about 33⅓ per cent; that the labor cost of producing the same product in Europe was about one-half of that amount, or 16 per cent. I am going to attempt to show by authorities, which to my mind are conclusive, that the total labor cost here is not higher than 16 per cent, or one-half of the amount he stated.

Mr. CUMMINS. I understood the Senator from North Carolina, but I did not quite understand the Senator from Utah in trying to confine that proportion to the coarser or cruder forms of steel.

Mr. SMOOT. I did want to confine it there; and not only that, but I can show to the Senate it is absolutely true. I can say that there are many things under this schedule as to which the testimony shows beyond doubt that the labor cost is 80 per cent of the cost of the article.

Mr. CUMMINS. I have no doubt of that. But the mere fact that the Senator from Utah may say there are some articles in which the labor cost is 80 per cent proves conclusively that in the lower and coarser forms of steel the proportion is not 33 per cent.

Mr. SIMMONS. Mr. Schwab was talking about the average. If he was not speaking about the average, he was misleading the committee. Of course, the labor cost of some articles would have to be lower and some higher than the average.

Mr. CUMMINS. Precisely.

Mr. SIMMONS. I have no doubt that the labor cost on some articles covered by this schedule is greater than 33 per cent, but I have no doubt the labor cost in many other items is below it. And what Mr. Schwab was speaking about was the average cost, and that is all I am talking about. You can not take the labor cost of one small item in this bill and from that argue what is the labor cost that should be considered in connection with the Republican theory of fixing the tariff so as to cover the difference between the labor cost here and abroad.

Mr. SMOOT. I did not want the Senate or the Senator to understand that I said that the labor cost on any of the articles would be 80 per cent; I never so stated; I simply said that where the labor cost would be 33⅓ per cent it was not on the highly finished articles under this schedule. There are 25,000 establishments in this country making goods embraced in this schedule. I see the Senator from Ohio [Mr. POMERENE] at this particular time——

Mr. SIMMONS. Mr. President, I think the Senate will bear me out that I have been exceedingly patient the whole time in yielding to interruptions. I am perfectly willing to yield for a question; I am perfectly willing to yield for a reasonable statement in reply to anything I may say in answer to a question; but it is too much to ask that I should yield for a speech whenever the Senator from Utah feels like he wants to make a speech. I yield to the Senator for anything except a speech.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. I do.

Mr. GALLINGER. My attention was attracted by a statement made by the Senator from North Carolina that Mr. Schwab must have meant the average. Mr. Schwab was talking about his particular industry.

Mr. SIMMONS. Not in all that he said. He did speak of his particular factory and of the average annual wages paid at this time, but after that, when he was replying to the general questions of the Senator from Mississippi as to wages and cost of production, which followed that statement, he was referring, I think, manifestly to the industry at large.

Mr. GALLINGER. Does the Senator think that Mr. Schwab——

Mr. SIMMONS. I will ask the Senator if it be true that Mr. Schwab, as he contends, was speaking especially with reference to his own industry, if he does not produce in his two plants practically all of the heavier articles and some of the finer ones that are covered by the bill?

Mr. GALLINGER. I was going to ask the Senator if he thinks Mr. Schwab had any knowledge concerning the manufacture of files, shotguns, table and kitchen ware, fishhooks, rivets, cutlery, needles, and all those things which are component parts of this bill. Could Mr. Schwab possibly have meant to include these smaller manufactures, which employ tens of thousands and indeed hundreds of thousands of men in this country? Was he not talking about the manufacture of steel and the larger articles with which he was familiar?

Mr. SIMMONS. I should say that Mr. Schwab is probably the best informed man with reference to the steel and iron industry in all of its departments that we have in this country, and I think the colloquy I quoted a little while ago indicates that Mr. Schwab was speaking in general terms, and not specifically.

Mr. GALLINGER. Regarding the innumerable industries scattered over the country producing these million articles? It seems incredible to me that it could be so.

Mr. SIMMONS. I do not mean to say that he has detailed knowledge of the cost of making every article, but I do mean to say that a man of Mr. Schwab's great prominence in this industry, who started from the beginning and worked through the factories in all the stages of production, is probably posted

as to the rate of wages that prevail in most of the iron and steel industries of the country, and whether he has or not, Mr. President, I maintain that the very testimony itself shows that he was speaking with reference to wages generally here as compared with wages generally abroad.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. I do.

Mr. SMOOT. The Senator evidently can not finish to-night. It is now half past 5 o'clock, and I move that the Senate adjourn.

Mr. SIMMONS. Before that motion is put——

The VICE PRESIDENT. Does the Senator from Utah withhold his motion for a moment?

Mr. SMOOT. Certainly.

Mr. SIMMONS. I think the Senator from Iowa [Mr. CUMMINS] is concerned about that. He has given notice that he will speak to-morrow. I would be very glad to finish to-morrow, because I have not been well the last few days and I am a little weary just now, but if it should interfere with the Senator from Iowa to-morrow, I would not feel like trespassing upon his time.

Mr. CUMMINS. I may say that while I gave notice that I would address the Senate to-morrow upon my amendment, I know that it would be for the convenience of the Senator from Missouri [Mr. STONE] to follow the Senator from North Carolina, and I would just as soon, a little rather, indeed, speak a day later than to-morrow. So I will follow the Senator from Missouri, whenever that may be.

Mr. STONE. Mr. President, the Senator from Iowa spoke to me on the floor aside to the same effect he has just stated. I want to go away in a day or two and therefore it would be a convenience to me if I could address the Senate to-morrow instead of a later date. We meet at 12 o'clock to-morrow.

Mr. SIMMONS. That is what the Senator from Iowa suggested, that the Senator from Missouri should follow me and he would speak later.

Mr. STONE. I say I accept the courtesy of the Senator from Iowa.

Mr. CUMMINS. I am very glad to do it. It is quite probable that I will consume some time in submitting the subject to the Senate, and I would be very glad to yield to the Senator from Missouri in order to accommodate him.

WIRELESS TELEGRAPHY ON OCEAN STEAMERS.

Mr. HITCHCOCK. If the Senator from Utah will withhold his motion for a moment, I should like to get unanimous consent for the consideration of Senate bill 3815, which has been favorably reported by the Committee on Commerce, requiring certain vessels to carry two wireless-telegraph operators instead of one.

Mr. SMOOT. I will withhold the motion for that purpose.

Mr. HITCHCOCK. I ask unanimous consent for the present consideration of the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radiocommunication on certain ocean steamers," approved June 24, 1910.

Mr. SMOOT. I should like to ask the Senator if that is a unanimous report from the committee?

Mr. HITCHCOCK. It is.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The SECRETARY. The bill was reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and insert:

That the act entitled "An act to require apparatus and operators for radiocommunication on certain ocean steamers," approved June 24, 1910, be amended by the addition of the following words to section 1:

"*Provided also*, That on and after the 1st day of July, 1912, it shall be unlawful for any ocean-going steamer of the United States or of any foreign country, carrying 100 or more persons, whether passengers or crew, or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radiocommunication in good working order, in charge of two or more persons skilled in the use of such apparatus, one of whom shall be on duty at all hours of the day and night, which apparatus shall be capable of transmitting and receiving messages over a distance of at least 100 miles, night or day."

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

Mr. GORE. I should like to ask the Senator from Nebraska if where the bill says "one of whom shall be on duty at all hours" it would not be better to say "one or the other of whom"? I do not know that it is material.

Mr. HITCHCOCK. I think the phraseology has been pretty carefully gone over by the committee. It changed the phraseology I used, and I am willing to accept the language as reported. I think it is reasonably accurate and will produce the result aimed at.

Mr. GORE. Very well.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 1, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 30, 1912.*

The House met at 12 o'clock noon, and was called to order by the Speaker, who took the chair amid general applause.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for the ideals enunciated by the Master, for the spirit of altruism exemplified in His holy life. Help us to understand and assimilate His precepts, to emulate His virtues, that Thy kingdom may come and Thy will be done in our hearts; to the glory and honor of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

PRIMARIES IN COLORADO.

Mr. MARTIN of Colorado. Mr. Speaker, I would like to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Colorado. Having in mind that houn'-dog performance in Colorado yesterday—and I submit that it was some speed, considering the broken character of the landscape out there—I wish to inquire whether the Speaker takes official cognizance of the prevalence of dog days at this early season of the year?

The SPEAKER. That is not a parliamentary inquiry. [Laughter.]

POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Speaker, for the purpose of further consideration of the Post Office appropriation bill, I move that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, with Mr. HAY in the chair.

The CHAIRMAN. The Chair wishes to state that on yesterday afternoon the gentleman from New York [Mr. FITZGERALD] was on the floor, and at the expiration of his time asked unanimous consent to continue. The gentleman from Tennessee [Mr. MOON] then moved to close debate, and the Chair recognized the gentleman from Tennessee when he should have put the question for unanimous consent asked by the gentleman from New York [Mr. FITZGERALD]. The Chair desires to correct that mistake. The question is on the amendment offered by the gentleman from Georgia [Mr. RODDENBERY].

Mr. MANN. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by inserting, after the words "for highways of class C," the following: "*Provided*, That for roads used for the purpose of transporting rural mails meeting all the conditions and requirements of class C, except that they have a road track not less than 16 feet wide, compensation shall be made at the rate of $25 per annum per mile, and said roads shall be known and designated as class D."

Mr. RODDENBERY. Mr. Chairman and gentlemen of the committee, I merely desire briefly to state the cause for moving this amendment.

You observe that the road track in the three classes provided for in the proposed impending bill is to be 9 feet wide—class A, road track 9 feet wide; class B, road track 9 feet wide; class C, road track 9 feet wide. The amendment submitted creates class D and provides that any road possessing all the requirements of class B but having a road track not less than 16 feet wide shall be compensated for at the rate of $25 per annum per mile. The object of this bill, as stated, is to compensate State civil jurisdictions for use on the part of the Government of the highways for the transportation of rural mail. The next pur-

pose and object of the bill is to encourage the construction and maintenance of good highways. Improvement of country roads brings the farmer closer to his market, church, and school. Good roads will save the farmer millions of dollars in the wear and tear of his wagons and other vehicles. We pay the railroads over $50,000,000 for their use in transporting mail. Why not pay the States and counties at least a reasonable compensation for use of country roads for improving life in the country? It will result in extending the rural mail service. It will be a godsend to the rural carriers who have to travel poor roads and ford dangerous streams. Build good roads and we will help keep the boys on the farm and do but partial justice to the people who produce the food and raiment for the world. Encourage the improvement and happiness of country life by passing this bill.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. RODDENBERY. Yes.

Mr. MANN. As I understand, the gentleman's amendment provides in substance that a gravel road 16 feet wide shall receive the same compensation as a macadam road 9 feet wide?

Mr. RODDENBERY. It does.

Mr. MANN. That is the substance?

Mr. RODDENBERY. It is; and if this were anything more than an experiment and an initiation of a system, perhaps the observation of the gentleman might have a material bearing. It may have in the minds of gentlemen, notwithstanding, but as the bill now is, if it is complied with, a 9-foot roadway does not give a first-class road of any kind, macadam or otherwise, because it is too narrow; yet it is the beginning of an aid to public roads, and I do not think it is subject to serious criticism.

When we inaugurate the system, why not make one provision in the bill offering inducement to construction of wide roadbeds, so that in the construction of all classes of roads the State authorities may understand that wide road tracks will be looked upon with favor, so that in the construction of class B or in the construction of class C or class A the authorities will have in mind the advantage of beginning construction of a 16-foot roadbed? This amendment, in my judgment, will greatly stimulate the construction of wider and better roads.

I am in accord with this bill just as it is now, and it will receive the approval of the country, a few city districts to the contrary notwithstanding. But when we initiate it, why not put in a wise provision that recognizes what we must ultimately recognize—that the 9-foot road track does not establish and adopt a good road such as the country views and will regard as a first-class road?

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Colorado?

Mr. RODDENBERY. I yield.

Mr. TAYLOR of Colorado. I want to ask the gentleman if he does not know that in the mountainous portion of the United States, where the roads follow the streams and follow along down through the canyons, very often our roads are built the same as half tunnels—they are built into a shelf—and they are the best roads possible in the world, and yet they are only 9 feet wide? There is no necessity of their being over 9 feet wide. We have what are called "turn-outs." I ask the gentleman if he does not desire to recognize the western half of the United States?

Mr. RODDENBERY. The gentleman is speaking now from the standpoint of his State and of certain territory, and the gentleman from that point of view is evidently correct. But the pending bill is fixing a general good-roads policy for all the States.

Mr. TAYLOR of Colorado. Why not limit it?

Mr. RODDENBERY. I am not limiting it, because necessarily this is a broad national scheme of road betterment, and there is no way to make it provide equally and alike for each particular State or locality.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RODDENBERY. May I have two or three minutes' extension of time, Mr. Chairman?

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for three minutes more. Is there objection?

There was no objection.

Mr. RODDENBERY. Mr. Chairman, my amendment does not in any way interfere with the present classification. But it does recognize that in that territory where 16-foot road tracks are permissible and practicable it is desirable to construct that kind of roads. The road authorities will therefore widen the roads so that vehicles can pass and repass in greater safety.

I trust that the simple provision of this amendment will receive the favorable consideration of the House. Whatever the House may do with this amendment, I shall heartily support the composite bill which the gentlemen have presented. I should be glad if the joint authors of the pending bill could accept this amendment, adding class D, so that when we inaugurate this system we may offer inducement for the best of country roads. If we are ultimately to have good roads we are bound finally to adopt such a provision, and I trust the House will do so now. [Applause.]

Mr. JACKSON. Mr. Chairman, I desire briefly to oppose this amendment.

I realize that the gentleman from Georgia [Mr. RODDENBERY] is in sympathy with this movement, but I fear his enthusiasm has carried him so far that if this amendment should be adopted the entire bill would be in danger. The tendency of modern road building is toward narrow, well-drained roadbeds, and it would be a step backward to encourage the construction of wide roads to be cut into ruts by careless drivers.

Mr. Chairman, I think the gentleman from Texas [Mr. DIES] hit the nail on the head yesterday when he said that this whole question is one of taxation. We all know that when the Constitution was adopted the States gave up to the Federal Government nearly all of their powers of indirect taxation. I think, as I have said before on the floor of this House, that a great deal of buncombe and nonsense is indulged in in the criticism of indirect taxation. You may go into the legislature of every State of the Union and find there the members declaiming against the burdens and inequalities of the direct property tax. These taxes are not paid by the rich but by the small property owner, who does not have the opportunities of the rich man to escape his just share of taxation. The States are now overburdened with direct property taxes. Something should be done to help them. Complaint is made that indirect taxes are paid when people do not know it. The farmers would be glad to pay the taxes on their farms without knowing it. I do not agree with the gentleman from Texas that the Democrats in the House are barred from supporting this measure, but I do mean that the Federal taxes are so much more easily paid that there is a demand all over this country that the Federal Government pay some of the expenses of what has come to be a great Federal service. The Democratic Party, as was said yesterday, has grown to be known as a party in favor of a tariff for revenue only, and I may say that under the definition of the distinguished leader from Alabama [Mr. UNDERWOOD] of a tariff for revenue.

It has come to mean a tariff which equals the difference in the cost of production at home and abroad, and therefore embraces all of that degree of protection which is demanded by the Republican platform, all that was ever demanded by Alexander Hamilton, Henry Clay, Abraham Lincoln, not to say William McKinley; so there is no reason why we should not all be in favor of this measure. The taxing powers of the Federal Government are broad. They have not been nearly exhausted. The amount demanded for this purpose is small. It can not reach $8,000,000 and will probably never exceed $15,000,000. It is a broad, constructive measure, which will improve the highways of the entire Nation.

I shall not favor it because it favors any particular class of our people, as has been suggested here, but for the reason that it means the encouragement of industry, the closer intercourse of the farm with the cities, and the general development of all our resources and the happiness of all our people. The gentleman from New York [Mr. FITZGERALD] states that the city of New York pays 70 per cent of the taxes of the State of New York. Why does it do that, gentlemen? Not alone because New York has been built up by the wonderful industry of the agricultural people of New York, but because in New York are held the bonds and the stocks of the wonderful transportation systems of the country. And how were they built? They were built because the people of the West taxed themselves to vote subsidies to the railroads at from $6,000 to $40,000 a mile, and now you have all that wealth in New York City that pays the tax. Gentlemen are economical now, but will they be so careful when it comes to appropriating money for harbor defenses and improvement and the building of battleships? It is notorious that the eastern coast of the country have for years had their people fed by Federal appropriations.

It has been mentioned here that the Chicago post office pays $8,000,000 more each year than the expense of administering the post office there.

Mr. MADDEN. More than $14,000,000 more.

Mr. JACKSON. All right. Take it that way. Now, why does it pay it? If I understand the proposition correctly, the revenues of a post office are computed where the stamps are bought and canceled. To whom are the people of Chicago writing? Are they spending this $14,000,000 surplus in exchanging billets doux across the Chicago River?

Mr. MANN. Very largely.

Mr. JACKSON. Oh, no. They are spending that money in paying postage to maintain and build up the splendid commerce of the West, of which Chicago happens to be the queen city. How long would that $14,000,000 surplus last if you wiped out the Chicago stockyards, which are maintained from the great farms and ranches of the West? Who pays the postage for Sears, Roebuck & Co., Montgomery Ward & Co., and the Marshall Field Co.? The people out on the farms and in the country towns who use their products. So, gentlemen, I am going to support this measure, not because it favors one class but because if this wonderful prosperity of the farm and country should perish or fail in its proper development, the constituency of the gentlemen from Chicago and from New York would grow hungry.

Mr. MADDEN. Oh, the gentleman ought to be fair. He does not know what fairness is when he votes for a proposition that only represents one-half of the people.

Mr. JACKSON. It is cheaper to support them while they yet labor a little bit than it would be to support them when they devote all of their attention to stock manipulation, and when being otherwise idle they shall occupy all of the time in devising ways to get their arms into the pork barrel of the National Treasury revenues. [Applause.]

Mr. RUBEY. Mr. Chairman, this is an important measure, and as I have occupied very little of the time of this House I ask the courtesy of proceeding for 10 minutes.

The CHAIRMAN. The gentleman from Missouri [Mr. RUBEY] asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. KENDALL. Mr. Chairman, reserving the right to object, I do not know how general the gentleman in charge of this bill proposes to allow the debate to become. The House had 20 hours' discussion on this proposition, and while I have no intention of objecting to the gentleman, who is a member of the Committee on Agriculture, having an extension of time, I am going to object to anybody else having additional time.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. RUBEY. Mr. Chairman, I rejoice to-day that after the lapse of over three-quarters of a century the Congress of the United States is once more seriously considering the question of Government aid in the construction and maintenance of public roads; that to-day we have before this body in concrete form a proposition which will receive its approval, and which, if enacted into law, will give aid to and encourage the construction of good roads in every part of the Republic.

In the early days of this country our fathers were compelled to use the waterways and the highways, such as they had; there were no railroads or other means of transportation. An examination of the messages of the Presidents, the records of Congress, and other public documents shows that in those days much thought and attention was given to the subject of public roads; that all the Presidents of the early period favored Government aid, and that during this time Congress appropriated millions of dollars for the construction of roads, as well as for the improvement of rivers and harbors. With the invention of the steam engine and the construction of railroads Congress gradually ceased its appropriations for highways and turned its attention to aiding the building of this more modern means of transportation. Millions of acres of public lands were given to great corporations to induce them to build railroads. It has been variously estimated that the value of the land thus granted was from two to five billion dollars. It is not my purpose here to discuss the question as to whether that policy was wise or unwise; suffice it to say it was done, and to-day the great iron monster, drawing his burden of human freight and the products of human industry, is traversing every part of the land.

The building of railroads has been of inestimable value to the country. It has brought the producer and the consumer nearer together; it has cheapened transportation; it has brought the people into quick and easy communication; and has, with the aid of other facilities that have come with it, made our country one great commonwealth. To complete the work already begun but one thing is needed, so far as transportation is concerned, and that is a complete system of good roads, connecting the people of the rural communities and giving them quick and easy means of access to their local market places.

Mr. Chairman, it seems unnecessary to discuss the value of good roads in this presence. In France, England, and Germany, where they have complete systems of Government-constructed roads, it costs from 7 cents to 11 cents per ton per mile to transport products to market, while in this country, with our roads, it costs 23 cents per ton per mile.

The Secretary of Agriculture has estimated that the cost of hauling the products from the farm annually is six hundred millions. If our roads were as well improved as those of England, France, or Germany, there would be saved every year to the American farmer from three hundred to four hundred millions of dollars. A very large percentage of the farm products of this country must be hauled over wagon roads, and it is a known fact that it costs more to get products to the railroad than it costs to transport them by the railroads to the point of consumption. It costs more to haul a ton over 9 miles of wagon road than it costs to transport it from New York to Liverpool, a distance of over 3,000 miles. The farmer feeds the world, and whatever will enable him to get his products to market cheaply and quickly will not only help him, but will add to the welfare and happiness of the entire people.

Aside from the financial and material side of this question there are other reasons equally as important to be considered. Good roads tend to develop the moral, the educational, and the social conditions of country life. Give us good roads and we will have more and better churches, better schools, and increased and more regular attendance by the boys and girls. Give us better roads and intellectual and social intercourse among the people will be increased. All of these things will add to our national happiness and prosperity.

Those who oppose this measure argue that it will call for increased taxes, and hence a heavy burden on the people. They are entirely mistaken. It is a question of disbursing the money collected annually and placing it where it will be of the greatest benefit to the people. Already we have spent six hundred millions for rivers and harbors, two hundred millions for public buildings, nearly four hundred millions for the Panama Canal, to say nothing of vast sums spent in maintaining the Army and Navy. We are building roads on our island possessions, in Alaska, and in our national parks and through the national forests. We have spent two millions in Porto Rico, three millions in the Philippines, one and one-half millions in the Canal Zone, two millions in Alaska, and many millions in national forests and national parks.

Let us aid and encourage the States, counties, and communities in the building of roads that will be a benefit to the American farmer. He is the mainstay of the Government; he has paid a very large per cent of the taxes. Let us give him back some of it for those things which will be of immediate benefit to him and, in the end, redound to the good of the entire country.

There is no trouble about the money. All we will have to do will be to curtail just a little our enormous appropriations for the Army and Navy, our rivers and harbors, our public buildings, and other things too numerous to mention.

Much has been said about the cost of this measure, and some of its opponents have declared that it would cost the Government fifty or sixty millions annually. Let us see: The number of miles now traveled by the rural and star route carriers is 1,179,0000. The estimated number of miles in their respective classes is as follows: Class A, 35,000; class B, 83,000; and class C, 1,061,000. According to the prescribed rates of payments, the amount annually that this bill will carry, should every mile of road be sufficiently improved to fall into the respective classes, would be $18,450,000. It must be remembered, however, that a large proportion of the mileage of dirt roads will require much work at the hands of the local authorities before it will come up to the standard required in class C, hence the first required appropriation will probably be much less than this sum. Within a few years it is hoped that all the roads will be so improved as to be entitled to the compensation allowed in this bill.

Mr. Chairman, I want very briefly to reply to the criticism made against this measure a few days ago by the gentleman from New York [Mr. FITZGERALD], when he stated that it was a compromise scheme, hurriedly put together and reported over night by a committee, and had not been given deliberate and careful consideration.

This measure, known as the Shackleford bill, has had possibly as much consideration as any measure before this body. It is the consensus of the opinions of something like 35 or 40 Members of this body who, having introduced bills upon this sub-

ject, got together and agreed unanimously upon the pending proposition. It was then introduced into the House and referred to the Committee on Agriculture.

The authors presented to the committee the following petition:

To the Committee on Agriculture:

The undersigned Members, who have introduced bills on the subject of good roads, desiring to secure, as far as possible, harmony and unity of action among the friends of such legislation, have conferred with a view to agreeing upon a bill. After careful consideration we have prepared and agreed upon the subjoined bill and requested Mr. SHACKLEFORD to introduce it on behalf of us all. We have further requested Mr. SHACKLEFORD to appear before you and respectfully bespeak for the bill early and favorable consideration.

Very respectfully,

Ezekiel S. Candler, Mississippi; J. Thomas Heflin, Alabama; Thos. L. Rubey, Missouri; John J. Whitacre, Ohio; Joseph A. Taggart, Kansas; Joseph Howell, Utah; James F. Byrns, South Carolina; Kenneth D. McKellar, Tennessee; E. W. Saunders, Virginia; William B. Francis, Ohio; Richard W. Austin, Tennessee; Scott Ferris, Oklahoma; D. R. Anthony, jr., Kansas; George White, Ohio; Walter L. Hensley, Missouri; James M. Cox, Ohio; George A. Neeley, Kansas; J. J. Russell, Missouri; J. H. Goeke, Ohio; H. D. Flood, Virginia; Burton L. French, Idaho; T. T. Ansberry, Ohio; C. C. Anderson, Ohio; P. P. Campbell, Kansas; S. F. Prouty, Iowa; W. C. Adamson, George; Bird S. McGuire, Oklahoma; D. W. Shackleford, Missouri.

The Committee on Agriculture referred the bill to a subcommittee composed of Mr. LEVER of South Carolina, Mr. BEALL of Texas, Mr. SIMMONS of New York, Mr. HANNA of North Dakota, and myself. I had the distinguished honor of being chairman of this committee. We went to work at once.

Extensive hearings were held upon the proposition. The subcommittee practically rewrote the bill, adopting many amendments to it. When they had completed their work they requested the author of the original bill, Mr. SHACKLEFORD, to reintroduce the measure, in order that they might present it in the amended form to the full Committee on Agriculture. I am opposed to the amendment offered here this morning by the gentleman from Georgia [Mr. RODDENBERY], and in that connection I desire to say that the classification found in this bill was submitted to some of the very best road engineers in this country and has been approved by them as a correct classification and one so carefully worded that its requirements can not be misunderstood. This classification is the result of painstaking investigation. The wording has been carefully made, and I should dislike to have the amendment offered by the gentleman from Georgia adopted and undo everything that has been done by the committee in the classification of these roads.

Mr. RODDENBERY. Mr. Chairman, will the gentleman yield?

Mr. RUBEY. Certainly.

Mr. RODDENBERY. The gentleman does not understand that the amendment I offer affects classes A, B, or C, as to the width of them?

Mr. RUBEY. I understand it does not.

Mr. RODDENBERY. The gentleman understands it simply adds a new class—class D.

Mr. RUBEY. I do; but at the same time it adds a new class, D, and provides that it shall be 16 feet wide; this applies, as I understand it, to roads built of macadam, and it applies also to gravel roads and to dirt roads.

Mr. RODDENBERY. It applies to class B only.

Mr. RUBEY. Only to class B? Yet it gives to that class the same amount of compensation that it gives to class A, $25 a mile, which should only be given to the very highest class and best constructed roads.

Mr. Chairman, I desire, in the brief time allotted to me, to discuss just a few other things in connection with this measure. Much has been said upon the floor of this House as to where the money goes that is paid these various roads. Some criticism has been offered by gentlemen upon one side and upon the other saying that there is no provision in the bill that this money shall go toward the building of roads. Let me give you an illustration, and I think this illustration will shed light upon the entire matter. I will refer to my own district, and, in passing, I desire to say that as the roads are now constructed there is possibly not an entire rural route or star route in my district that would come under the provisions of this bill until the people go to work and improve it. Let us take rural route No. 1 going out of my town. We will say that it is 24 miles in length; the citizens will go to work and improve that road until it is entitled to come under class C, and then they will be entitled to $360 annually from the National Government. The Post Office Department will issue its warrant upon the United States Treasurer for $360. That warrant will be mailed to the county treasurer of my county. The county treasurer will place it to the credit of the fund of rural route No. 1, out of Lebanon, Mo. It will then be under the care and custody of the county court, and will be paid out by the county court and used for constructing, repairing, and improving the road upon that route, whether that work has been done or whether it is to be done in the future. Every man who lives upon that rural route will be a guardian of that fund, and he will see to it that every dollar of the $360 is paid out for work actually done upon that route. There is no question whatever but that every cent of that $360 will go to the maintenance and improvement of the route for the use of which the Government's warrant has been issued.

The opponents of this measure say that there is no demand for it, that the people of this country have not asked the Federal Government to pay rent. I want to say in this connection that the people of this country for years and years have been advocating that the Government of the United States should begin to take part in the road building of the country. I remember well a number of years ago there assembled in St. Louis the National Good Roads Convention. Men came there from all parts of the country, and in that convention they indorsed the proposition of Government aid to public roads. In every convention since that time down to the present the same thing has been done. Go with me wherever you will, into any convention in any State or county or district where men are assembled for the purpose of discussing the road proposition, and you will find them advocating Government aid in the construction and maintenance of the public highway. Let me say further, that had this pending bill been introduced into this House a few months earlier, had it been sent out to the people in all parts of the country, and had they thus obtained knowledge of the provisions of the bill, there is no doubt in my mind but that the Members of this House would now be receiving letters and petitions in great numbers asking them to support it. Those who are opposing this measure use many arguments, and yet when we simmer them down we find that they who oppose it are doing so because they do not believe in Government aid to roads in any form whatever. I am glad that no political lines are drawn in the consideration of this great proposition. Some upon the other side of the aisle have opposed it and a few upon this side, but the great majority of the Members of this body on both sides of the House are in favor of this proposition. I see my good friend from Texas, Mr. BEALL, is opposed to this proposition. I hold him in great esteem, as much so as any Member of this body.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. RUBEY. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RUBEY. I just want to complete that statement. My friend from Texas [Mr. BEALL] has introduced into this House a bill for the purpose of establishing a bureau of markets in the Department of Agriculture. It is a good bill, and I am for it. Let me say to him this: That the question of markets depends more upon the condition of roads in this country than upon any other one proposition. [Applause.] Let me say to him that if he will help us and the people of this country to build roads, so that every farmer will have a good road going from his home to the market place, it will do more toward settling the question of markets than the establishment of a bureau of markets in the Department of Agriculture, with a branch bureau in every State in the American Union. [Applause.]

The people of my district are already awake to the importance of improved roads. During the last year active road work has been going on in every county, thousands of dollars have been raised by private subscription and used upon the roads. Only a few days ago the people of the road district where I reside submitted a proposition to bond the road district for $50,000 to build rock roads, and when the vote was taken it carried by a large majority, only 80 votes being cast against it.

When this bill passes—as I believe it will—you will see throughout the length and breadth of this land an era of road building such as you have never seen in all your lives; and before the 1st of June, 1914, you will find more roads have been built than ever before in the history of the country. Instead of paralyzing road building, as one of the gentlemen from Texas has said, it will have the contrary effect. It will enthuse the people, and they will go to work as never before and give freely of their money, their time, and their labor, well knowing that before they can receive a dollar of compensation from this bill their roads must meet the requirements of the law. Under the provisions of this measure it can be truly said the Government will help those who help themselves. [Applause.]

THE ROAD BILL AS PASSED BY THE HOUSE IN THE POST OFFICE BILL.

That for the purposes of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practically necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of shells, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highway of any State, or civil subdivision thereof, which falls within classes A, B, or C, for the purpose of transporting rural or star route mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C: *Provided*, That in calculating or otherwise ascertaining the distance that mail is transported over any highway, such distance shall be measured or calculated in only one direction, and only one use of or travel over any such highway, or any part thereof, on any one trip by a carrier using the same, shall be considered. That any question arising as to the proper classification of any road used for transporting rural or star route mail shall be determined by the Secretary of Agriculture. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act under and in accordance with rules and regulations prescribed jointly by the Secretary of the Treasury and the Postmaster General: *Provided, however*, That no payment shall be made under the provisions of this paragraph for the use of any privately owned, or toll road.

The provisions of this paragraph shall go into effect on the 1st day of July, 1913.

Mr. MOON of Tennessee. Mr. Chairman, I move that all debate on the amendment offered by the gentleman from Georgia [Mr. RODDENBERY] be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was rejected.

Mr. MOON of Tennessee. Mr. Chairman, I move that all debate on the pending amendment close in 30 minutes.

The CHAIRMAN. The gentleman from Tennessee moves that all debate on the amendment offered by the gentleman from Missouri——

Mr. MANN. I hope the gentleman will not press that.

The CHAIRMAN (continuing). And all amendments thereto close in 30 minutes.

Mr. MANN. Mr. Chairman——

The CHAIRMAN. The motion is not debatable.

Mr. MANN. I understand. I ask unanimous consent——

Mr. MOON of Tennessee. How much more time does the gentleman want?

Mr. MANN. Personally I do not want any more time. Can not we have some understanding in the committee, without cutting off debate at this time on amendments that are offered, that we will proceed in session this afternoon and this evening and endeavor to complete this bill in the Committee of the Whole to-day without limiting debate at this time too closely?

Mr. MOON of Tennessee. The gentleman from Illinois must be aware of the fact that we have had 20 hours of general debate, most if it on this proposition, and we have had debate since yesterday afternoon. I have no desire to cut off anybody who has an amendment or anybody who wants to be heard, but I do think the time ought to be fixed now when this debate should end.

Mr. MANN. Let me make this suggestion to the gentleman now, and that is, as long as amendments are offered which appear to be bona fide allow the gentleman offering the amendment to have five minutes to explain it, without making an order, and then, if the gentleman from Tennessee desires to be recognized in opposition, we will have a right to dispose of the amendment without undue debate on the amendment.

Mr. MOON of Tennessee. I am not willing to have that for an unlimited length of time.

Mr. MANN. I do not ask that.

Mr. MOON of Tennessee. I do not object to proceeding for 30 or 40 minutes.

Mr. MANN. Let us try it that way; the gentleman can close debate at any time.

Mr. LEVER. Mr. Chairman, may I ask the gentleman from Tennessee a question? The gentleman from Tennessee will recall that some gentlemen on the floor, members of the committee which reported this bill from the Committee on Agriculture, desired to submit some remarks during the consideration of it in general debate, and that the gentleman from Tennessee assured some of those gentlemen he would not unduly limit debate under the five-minute rule.

Mr. FOSTER. Does the gentleman think he has?

Mr. MOON of Tennessee. I reassure the gentleman I will not do that. Gentlemen will have opportunity to be heard, for I am going to withdraw that motion and let debate proceed, and give notice that at the end of 10 or 15 minutes on each amendment I will ask for a vote.

Mr. MANN. At the end of five minutes let the gentleman ask for a vote.

Mr. McLAUGHLIN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 3, at the end of line 13, Shackleford bill, by inserting the following words: "*Provided*, That in calculating or otherwise ascertaining the distance that mail is transported over any highway such distance shall be measured or calculated in only one direction, and only one use of or travel over any such highway or any part thereof on any one trip by a carrier using the same shall be considered."

Mr. McLAUGHLIN. Mr. Chairman, I offer this amendment so as to prevent duplicating or doubling in making calculations of travel on a rural route. The author of the bill says that, in his opinion, the bill now contains that provision. It may, but in uncertain language, and I wish to make it sure. It is not unusual for a rural route to be so laid out that a carrier travels over a part of it both going and coming, and it ought not to be permitted, ought not be possible, for any official, in calculating the distance the mail is transported or the distance for which money shall be paid, to take into consideration the distance traveled in both directions by a carrier. It seems to me the disposition of this House is to permit a city to receive compensation for the transportation of mail by a rural carrier from the city post office over the city streets. I do not believe in that; I am opposed to it. I offered an amendment yesterday calculated to correct that fault, as I deemed it to be a fault, but I was outvoted. Now, consider the situation. Each carrier in every instance starts from the city post office and travels over perhaps miles of city pavements to the city limits before he begins his rural route. Under the interpretation given by some who have expressed themselves on this bill it would be necessary for the Government to pay that municipality for the use of the streets by each carrier on each trip going in each direction. It seems to me it is all wrong, and this bill ought to be made clear and certain, so that there will be no room for doubt as to its interpretation or as to the duty of the officers in estimating distances and in paying the money.

A peculiar condition has developed concerning this portion of the bill. There seems to be a wide difference of opinion among Members who express themselves in speeches and in conversation as to the meaning and intent of the feature of the bill that I seek to amend. The author of the bill [Mr. SHACKLEFORD] says the bill as he presents it to the House contains the provision I think it ought to contain and is to be interpreted just as it will be if my amendment is adopted. Another gentleman says the bill means just the opposite from what I think it means. He favors the bill as it is, because it will, in his opinion, permit and require the Government to pay for use of or travel over a highway or a portion of it both going out and coming back. It is just such a situation as this that makes my amendment absolutely necessary, because there is evidently an honest difference of opinion, and abundant opportunity for difference of opinion, as to the proper interpretation of the language of the bill as it now stands. Congress is often accused of putting a "joker" into a bill, but the fault, if any there be, usually lies in the fact that language is open to different constructions and Members on each side of a question think they are right and that Members holding the opposite opinion as to the meaning of language are altogether wrong. The fault lies in the fact that men who use language do not always make their meaning clear and are unwilling to accept suggestions in order that proper words may be used to remove all possible doubt.

The author of the bill says that as it is now drawn it will not permit a municipality to receive double pay from the Government for the use of any portion of a public highway if the route of a carrier takes him over such portion of the road twice in one day in making one trip or one delivery of mail. He opposes the amendment because he says his bill means just what I think it ought to be made to mean. Another gentleman,

as I say, opposes my amendment because he thinks the bill as it is now drawn may properly be construed just as I fear it will be construed if my amendment is not adopted. He wishes the bill to contain, and he thinks it does contain, language that will permit and require the Government to make double payment for the use of the highway or a portion of it if a carrier travels the highway twice in one day making one trip and one delivery of his mail. This difference of views expressed by these gentlemen certainly make it clear that an amendment of some kind is necessary. My amendment contains language that can not be misunderstood; it clearly forbids and prevents double payment, as I term it. If my opinion as to what the bill ought to be is approved by the House, then my amendment ought to be adopted. If the House holds the contrary view, if it believes that the Government ought to be permitted and required to make double payment for the use of a highway or a portion of it, then the bill ought to be amended so as clearly to contain this provision and make it clear that the Treasury of the United States should furnish this double payment. Of course, I think my amendment is right and ought to be adopted, but I particularly desire not to fall between the two stools. The House ought to know what the bill means and what the amendment means. It ought to vote intelligently and express itself clearly and express in unquestionable language its will as to the provisions of the law as it will be enacted.

I have not heretofore expressed myself in the House on the merits of the pending amendment to the Post Office bill, which, if adopted, will require the Federal Government to contribute money in aid of common country highways. I wish briefly to place myself clearly in favor of the measure. Some Members of the House, particularly gentlemen from large cities, oppose the bill because it is, in their opinion, either contrary to the Constitution or contrary to the policy they think the Government ought to pursue in the expenditure of public money. In my judgment the measure does not violate the letter or the spirit of the Constitution, which instrument expressly confers power upon Congress to establish post offices and post roads. A highway over which the Government, by its agents, carries mail is a post road, and as such may properly be established, and having been established may properly be maintained by the Government. The right of the Federal Government to expend money in so many different directions and for so many different purposes is upheld or defended under the "general-welfare clause" of the Constitution that I hesitate to invoke this clause in support of an appropriation for the use of highways over which mail is carried, but I think this clause, if it were necessary to resort to it, gives ample authority to Congress to make such appropriation.

One of the first messages, if not the first message, sent to Congress by President Washington called the attention of that body to the advisability and duty of building national roads; and later in his administration he referred again to the matter and urged establishing of post offices and the building of post roads as "instrumentalities in diffusing knowledge of the laws and proceedings of Government which contributes to the security of the people, serves to guard against effects of misrepresentation and misconception." Other Presidents, as well as other eminent statesmen, some of whom took part in the work of framing the Constitution, have expressed themselves in language which can not be misunderstood. Each of them, recognizing the urgent need and inestimable value of well-improved highways, urged Government aid in their construction and maintenance, under the authority contained in the Constitution. One of the most distinguished statesmen of our country, John C. Calhoun, conspicuous for the force and ability with which he advanced and defended the idea of State rights, took an advanced and consistent position in favor of Government aid in the building and maintaining of highways throughout the country, not only such highways as we now propose to construct as memorials to great men who have passed away, or as masterpieces of engineering skill, to be constructed for the sole purpose of being generally admired, and particularly to be used by automobilists touring the country; he advised and defended the use of money from the Federal Treasury for what we now call common country highways. Even a casual reading of history or a meager knowledge of constitutional interpretation by early statesmen who may very properly be credited with as much knowledge of the meaning of that document as statesmen of this late day possess, shows that the use of Federal money for public highways is and always has been considered a proper and worthy use of such money.

Both of the great political parties of the country at their national conventions, in 1908, declared unequivocally for the improvement and maintenance of country roads by the use of money from the Federal Treasury. The Republican national convention at Chicago declared as follows: "We recognize the social and economic advantages of good country roads, more and more largely at public expense and less and less at the expense of abutting property owners." The declaration of the Democratic convention at Denver is as follows: "We favor Federal aid to State and local authorities in the construction and maintenance of post roads." So it is made clearly to appear by citation of early authority and by declarations of modern political tenets that Government aid is proper and necessary in the construction and maintenance of the highways of the country.

Even if my time were not limited, and even if I had prepared myself with facts and figures to give to the House, I should hesitate to speak at length on this subject in support of this amendment, because the need and value of good highways is so well known as to make extended argument in behalf of the policy of constructing and maintaining them altogether unnecessary. Study of the question of good roads or of the condition of the country where good roads have been denied to the people, impresses us with the stupendous loss the country has sustained on account of the condition of its highways.

A person is apt to look at local conditions only and to estimate the need or the value of an improvement by its effect upon him alone. One who takes this narrow view of the subject of good roads and the loss suffered as a result of failure or refusal of communities to construct and maintain good roads has little, if any, appreciation of the immense loss in the aggregate sustained by the country on account of the failure of proper governmental authorities to establish and maintain proper highways. It is estimated, conservatively I believe, that the loss to this country every year by reason of bad roads equals the national debt. On account of poor country roads it costs a farmer of Michigan more per bushel to deliver his wheat to his usual market than it costs per bushel to deliver wheat from New York to Liverpool. The Secretary of Agriculture places the annual loss to this country on account of poor roads at the sum of $350,000,000, but many believe that Speaker CLARK is nearer right when he says such annual loss is $800,000,000.

The value of each piece of farming land in this country is influenced by its distance from market and the facility with which crops can be transported. The value of every bushel or pound of a farmer's product is large or small depending upon the distance to market and the character of highways over which the product must be carried. And good country highways are valuable and helpful to a city as well as to the country around it. The value of every piece of city property is higher if the farming land about the city is good than if it is poor. The business of every merchant in a city is influenced by the condition of the roads leading to and from the farms in the territory tributary to the city.

The reasons for building and maintaining good roads are many and I might, if I had the time, speak of more of them. I simply wish to make my position clear. I believe one of the best ways a Government has of spending its money is in providing good highways and that no expenditure of money brings a better return. I believe there is no respect in which there is greater need of improvement than in the building of country roads. The Federal Government has abundant resources, has a perfect right to spend its money for roads, and local communities need the help this bill if enacted into law will give. There seems to be no reason for withholding the money, so I shall vote for the measure and sincerely hope it will soon be enacted into law.

Mr. LEVER. Mr. Chairman, I do not rise to discuss especially the amendment of the gentleman from Michigan [Mr. MCLAUGHLIN], but we are about to act upon a proposition which, to my mind, is of supreme importance to the country, and upon the general proposition I wish to be heard. The amendment to be voted upon makes it the duty of the United States to compensate for the use of highways over which rural mail is carried. As a member of the subcommittee which considered this bill in its original form, and as a member of the committee which reported it favorably to the House, I feel that I may be permitted to discuss its terms somewhat in detail. The bill proposes to classify roads over which rural mail is carried and to pay rent for the use of them as follows:

Class A shall embrace the highest type of roads in the country. Upon such a road the grade shall be no steeper than is reasonably necessary when the topography of the locality is considered; it shall be well drained, with a track not less than 9 feet wide, which shall be composed of shells, vitrified brick, or macadam, and so graded and crowned as that it shall have

continuously a firm, smooth surface. This is the class of road which falls within the macadam type, well known to the road engineers of the country.

Class B is the type of road which we know in our country as the sand-clay road, a type which has proven most satisfactory. This class shall embrace roads with a track not less than 9 feet in width, well drained, and built of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, and maintained in such manner as to have continuously a firm, smooth surface.

The sand-clay type of road, coming into such general use in many of the States, can be built at a reasonable cost to the local community. If my recollection is correct, the sand-clay roads of Richland County in my district, admittedly the highest type of this character of road, have cost on an average not over $500 per mile. They are a cheap but most substantial kind of road.

Class C includes the ordinary dirt roads of the country, which have been provided with proper side ditches, and have been kept well compacted and with a firm, smooth surface, so as to be reasonably passable for wheeled vehicles at all times. This is the cheapest type of road that can be built; and yet it is the most important to the country of all types, because it is over such roads that the bulk of farm produce is hauled to market, and it is the prime purpose of this bill to encourage the construction of that type of road which most nearly meets the requirements and necessities of the man who lives remote from the town and the railroad and upon whom so heavily falls the burden of transporting his produce to market.

By the terms of this bill the Government using these classes of roads will be compelled to pay for the use of class A a per annum rental of $25 per mile; for class B, $20 per mile; for class C, $15 per mile. It will be observed that the highest rent is paid to the highest type of road, the purpose of this gradation being to encourage the lower type of road to bring itself within the higher class in order to receive the higher rental. The whole theory of this bill is to encourage the States and local communities to build better roads, coupled with the idea that the Government is able to pay for the use of State and local property.

In section 4 of the bill we have provided that the local officers entitled to the custody of the funds of the respective highways shall not be entitled to them except upon the condition that the highways have been made to fall within one or the other of the three classes of roads enumerated in the bill. We have inserted this provision for the purpose of adequately protecting the Government.

Mr. HAMLIN. Will the gentleman permit an interruption right there?

Mr. LEVER. Yes.

Mr. HAMLIN. I am very much in favor of this bill, but I would like to understand it a little better. To whom is this rental to be paid?

Mr. LEVER. The rental is to be paid, as provided in the bill, to the local officers in the various States who have control over the road funds. In my State it would be paid to the county supervisor. I believe in the gentleman's State—Missouri—it would be paid to the township commissioner or the county treasurer. But in any case, it goes to the local official who has charge of the highways.

Now, Mr. Chairman, this bill is simple and direct in its terms, it says on its face what it seeks to do, it is strong in the fact that it is candid in the expression of its intentions, and yet it is a most comprehensive and far-reaching proposition, whose ultimate benefit must be apparent to everyone.

The bill represents the combined judgment of a number of Representatives who have introduced bills on the subject of roads, and the almost unanimous opinion of the Committee on Agriculture, which considered them. The charge has been made in the course of the debate by the gentleman from New York [Mr. FITZGERALD], I think, that this bill was considered hastily. There is no warrant in fact for such statement. I desire to say to him that the history of the bill is this:

A number of gentlemen—Representatives in Congress—appeared before the Committee on Agriculture and earnestly urged that committee to give consideration to this proposition. The committee decided to refer the whole matter to a subcommittee, consisting of Messrs. RUBEY, LEVER, BEALL, Democrats, and SIMMONS and HANNA, Republicans. The subcommittee from day to day gave earnest and careful consideration to every feature of the bill and a comparison of the original Shackleford bill referred to the subcommittee; and the bill reported to the full committee will demonstrate that the original bill was materially amended. The report of the subcommittee, with the amendments suggested by it, was approved by the full committee substantially as reported and is the bill under consideration at this time. The question for the committee to decide was, as it is for the House now to decide: Shall the Government embark upon the policy of paying the States and the local communities a reasonable rental for the use of their property? The committee had little difficulty in answering this question in the affirmative, for the committee was moved by a sense of justice and fair treatment to the States and local communities. This is the main point involved in this bill.

Mr. HILL. What do you say in regard to the amendment? Is there anything in that that could be duplicated?

Mr. LEVER. I will say to my friend from Connecticut that I could not hear the reading of the amendment.

Mr. HILL. The proposition is that it would prevent the use by two or three carriers of the same road and measuring up the mileage on each of them.

Mr. LEVER. I do not think there is anything in that proposition, for the reason that the compensation is so much per mile for mileage used, and I do not think there could be any duplication.

Mr. HILL. The gentleman is a member of the committee, is he not?

Mr. LEVER. Yes.

Mr. HILL. He seems to have no doubt——

Mr. LEVER. I have no doubt in my own mind as to the suggestion of the gentleman from Michigan [Mr. MCLAUGHLIN].

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. LEVER] has expired.

Mr. HAMLIN. Mr. Chairman, I ask unanimous consent that the gentleman have 10 minutes more. He is a member of the committee.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. Mr. Chairman, I do not desire to impose upon the patience of the committee, but I do wish to answer an objection raised by some gentlemen. It is the vital matter of the authority of the Federal Government over local roads.

This question can not be raised, for we have completely provided against it in the fact that we have refused emphatically in the terms of the bill to permit the Federal Government to say how this rental shall be used by the States and communities. That proposition was seriously before the committee, and the committee deliberately took the position that the Federal Government had no right to dictate the uses to which the States should apply the funds provided in the bill. The committee felt there was no more right to allow this to be done than it is for the Federal Government to compel the railroad companies, which it compensates for carrying the mails, to use such compensation in the maintenance and upkeep of their road beds and equipments. We are paying a quid pro quo, and it is none of the Government's business as to how the "quid" shall be used by those who receive it; it is enough to admit the justness of the proposition that the Federal Government should not be allowed to continue to use the property of the States without paying a just compensation for such use.

Mr. WILLIS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Ohio [Mr. WILLIS]?

Mr. LEVER. Yes.

Mr. WILLIS. The purpose of the amendment offered by the gentleman from Michigan [Mr. MCLAUGHLIN] is to prevent the double payment for the use of the same strip of road—that is, where the carrier would double back on the same road. Now, does the gentleman pretend there is anything in this bill as it now stands that will prevent such double payment? If so, where is it?

Mr. LEVER. I will say to the gentleman from Ohio that I did not at first catch the exact reading of the amendment, but I do not believe there is a possibility of a duplication of pay for the use of these rural roads.

Mr. WILLIS. Will the gentleman submit to a request to have the Clerk report the amendment of the gentleman from Michigan again? I do not believe that the members of the committee generally heard it.

Mr. LEVER. I will say to my friend the bill provides so much rental for the number of miles used; and I take it the Postmaster General, in drawing his warrants, would draw them with a view to prevent the duplication the gentleman has in mind.

Mr. WILLIS. Then I understand the gentleman to be opposed to such double payment as might be permitted if the Postmaster General did not so rule.

Mr. LEVER. I will say that I do not want a duplication of pay any more than does my friend. But I think the bill, if

the gentleman will read it carefully, provides against that very contingency.

Mr. WILLIS. I have read it carefully. Will the gentleman point out the language? We want to find it.

Mr. LEVER. I will read:

For the purpose of transporting rural mails, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for class B, $15 per annum per mile for highways of class C.

I think—in fact, I am sure—under that language the duplication which my friend from Michigan [Mr. MCLAUGHLIN] fears would be prevented. Keep in mind the word "highways" and give the language proper construction.

Mr. WILLIS. Will the gentleman yield further? This amendment simply makes that perfectly clear. Why will not the gentleman accept the amendment offered by the gentleman from Michigan? It makes it clear that there can be no duplication of pay.

Mr. LEVER. I think it is entirely clear now, and this bill has been so thoroughly considered that I am a little afraid of any amendment that might be put upon it unless I could study it very closely.

Mr. WILLIS. Will the gentleman permit the Clerk to read the amendment again?

Mr. LEVER. I will say to my friend I would like to proceed here.

Mr. TILSON. Mr. Chairman, may I ask the gentleman one question on this point?

The CHAIRMAN. Does the gentleman yield?

Mr. LEVER. Yes.

Mr. TILSON. I would like to ask the gentleman from South Carolina to explain why it would not be fair to duplicate? If the theory of this bill is for payment for the use of roads, it occurs to me that the carrier will make as many trips coming back as he would make going out, and he would use the road just as hard coming back as he would use it in going out. I would like to know the reason why the road should not be paid for twice if it is used twice?

Mr. LEVER. The gentleman from Connecticut may be right about that and probably is, but that matter must be decided by this committee. I wish to proceed with the main discussion.

Mr. MURDOCK. Mr. Chairman, will the gentleman allow me to interrupt him with a question?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Kansas?

Mr. LEVER. Yes; though I should like to go along and discuss the main proposition.

Mr. MURDOCK. There are three possible duplications of measurement with respect to these roads, and I ask the question for the purpose of getting an explanation from the gentleman. The first would be a duplication by the rural service itself; the second would be a duplication by the star-route and rural services; and the third duplication would be a double measurement of the roads by including intersections twice. Now, taking the last proposition, does the gentleman think that the language employed in this section prohibits the double measurement of intersections of roads?

Mr. LEVER. I will say to the gentleman that I think, as I said to the gentleman from Ohio [Mr. WILLIS] a moment ago——

Mr. SHACKLEFORD. Mr. Chairman, will the gentleman allow one short interruption?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Missouri?

Mr. LEVER. Yes.

Mr. SHACKLEFORD. I call the attention of the gentleman from Kansas [Mr. MURDOCK] to the fact that the compensation here is not for the distance traveled, but so much for each mile of road that is used.

Mr. MURDOCK. Then the intersections will not be measured twice?

Mr. SHACKLEFORD. No; they will not.

Mr. LEVER. As I pointed out to the gentleman from Ohio [Mr. WILLIS] a moment ago, I do not think that there is any possibility of duplication here—the language of the bill is clear—the amount of mileage controls.

I was about to say, Mr. Chairman, when I was interrupted, that if the Federal Government must use the roads of the State for transporting its mails upon them in carrying out its duty to the people to deliver to them their mail, then, it seems to me, that there can be no question as to the correctness of the principle which compels the Government to pay for the use of these roads. It must be borne in mind that, under the regulations of the Post Office Department, a reasonably good road, kept bridged, and in a reasonably good condition at all seasons of the year, is made a condition precedent to the establishment of a rural route. Before the Government will perform its function of delivering mail at the doors of the people it requires these same people to put their roads in a prescribed condition. If the Government makes this requirement, is it not reasonable to suppose that the local communities, when they have brought their roads up to a condition even better than that required as a condition for the establishment of a rural route, should expect some compensation for their work? There are, approximately, 2,200,000 miles of roads of all classes in the United States, and according to the latest available information these roads are costing the States annually over a hundred and forty-two million dollars. Approximately 1,179,000 miles are being used by the Federal Government for transporting its mails. Why should not the Government pay for this use? Why should the States be forced to expend annually this enormous sum and permit the Government to use the roads without being entitled to some compensation? The gentleman from New York [Mr. FITZGERALD] and the gentleman from Illinois [Mr. MADDEN] have held up their hands in holy horror at the idea of the Government paying the States and local communities for its use of their property. I do not recall hearing these gentlemen protest against the payment of $50,000,000 annually to the railroads for transportation of mails; I heard nothing from them as to the payment of $725,000 to electric and cable cars for this service; and if they said anything about the payment of $3,322,000 for the transportation of foreign mail it has escaped my memory; nor have I heard them say anything with respect to the payment of $4,400,000 for rent for first, second, and third class post offices; nor have they complained loudly enough for anyone to hear them about the payment of $5,000,000 as rent for railway post-office car service; and certainly neither of these gentlemen has raised his voice against the appropriation of $966,000 for pneumatic-tube service, most of which, of course, is expended in the cities of Chicago and New York, from which these two gentlemen come.

I ask in all seriousness how gentlemen can distinguish in the principle which makes it necessary for the Government to pay for the use of property of individuals and corporations and the principle of paying the States and local communities for the use of their property? The distinction is to my mind unreasonable and can not be supported by any process of reasoning or rule of logical deduction.

Mr. MONDELL. Mr. Chairman, will the gentleman yield there for a moment?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Wyoming?

Mr. LEVER. I would like to get along, but I will yield to the gentleman.

Mr. MONDELL. Just at this point. The gentleman has given the measure a good deal of consideration, and the question I want to ask is this: Does the gentleman understand the bill to apply to star routes as well as to rural routes?

Mr. LEVER. Undoubtedly it does, or at least that is the intention of those of us who drew and considered the bill.

Mr. MONDELL. Does the gentleman think it does apply?

Mr. LEVER. Undoubtedly. The Fourth Assistant Postmaster General was before the subcommittee, and upon that very point he informed us that rural mail as defined by the Post Office Department includes both star and rural routes.

Now, the gentleman from Missouri [Mr. LLOYD], in conversation with me the other day, rather feared that this was not the case. But I will say positively that we had the absolute assurance of the Fourth Assistant Postmaster General on the subject.

Mr. MONDELL. Then, would there be any objection to an amendment that would make that point clear?

Mr. LEVER. There would not be, so far as I am concerned.

Mr. MONDELL. I understand the gentleman from South Dakota [Mr. MARTIN] proposes to offer such an amendment, and I hope it will be adopted.

Mr. LEVER. I will say to the gentleman that it will be entirely agreeable to me.

Mr. LLOYD. The term "rural mail" as used in the statute is determined only by Executive order, and the determination as to what rural mail will be under this bill will be made by the Secretary of Agriculture. The Postmaster General will have nothing to do with determining what rural mail is. Up to the present time there have been two classifications, and only two—the star route mail and the rural delivery mail.

Mr. LEVER. Of course, if there is any doubt on that proposition this committee will clear up the doubt by an amendment such as that to be offered by the gentleman from South Dakota and also the gentleman from Missouri [Mr. RUBEY], who has an amendment on that proposition which doubtless will cover this point.

Mr. Chairman, let me hurry—the interruptions have taken most of my time. Who is fighting this bill? Gentlemen

representing city districts; gentlemen who seem to forget that the cities which they represent are, after all, dependent upon the farms. Prosperity for the farm spells prosperity for the cities. Rural happiness means city contentment. The town and country are interdependent; the one can not prosper while the other fails to do so. These city gentlemen who oppose this bill are not representing the wishes of their people. The strongest sentiment in the country for road improvement comes from the far-seeing people of the cities who recognize the close relationship between the town and country. After all, the whole problem of better roads is involved in the larger problem of reduced transportation charges, which, to my mind, is the most important factor in the problem of the cost of living. Secretary Wilson estimates that it costs each person in the United States annually $3.50 on account of the bad condition of the roads in the country. This is approximately a tax, due to mud, of $300,000,000 annually, and this is a conservative estimate. The mud tax is even greater than the tariff tax complained of yesterday by the gentleman from Texas [Mr. DIES]. I would remind him that while I agree that all of the people pay the tariff tax, he must agree that all of the people pay the mud tax.

The man in the city is not less immune to this burden than is the farmer, who must get his produce to market and haul his supplies and farm necessities from market to plantation over roads which, in many instances, are a disgrace to civilization. I know, Mr. Chairman, for I was reared on the farm, what the burden of bad roads means to a rural community, both in the way of actual cost in transportation and in inconvenience. Country homes are being emptied because of the inconveniences of country life. Rural communities are being depopulated because the glamor of the city and town is more attractive. The problem is not how to keep the boy on the farm, but it is how to make the farm profitable and attractive to the boy who stays upon it. Those who raise the cry of "back to the farm" do not know, can not appreciate what it means to drag, literally drag, produce from the farm to the market over roads axle deep in mud. The mud burden is a potent factor in our depleting rural population, and if by the adoption of a policy of fairness and equity to the States and local communities we can in a measure reduce this burden, as I am sure the provision of this bill will do, we who have had a part in bringing it to a favorable consideration may congratulate ourselves that we have pursued a policy of wise statesmanship.

This is a big movement, pregnant with great good to all the country, and the opposition to it is not surprising to me. I am somewhat familiar with my country's history, and in my own experience every great step forward in the interest of the people has met and has had to overcome the bitterest and most unrelenting antagonism, but in the end the righteousness of right has triumphed, and as a result we have our agricultural colleges and experiment stations, our pure-food and meat-inspection laws, and our rural mail-delivery service; and if I read the temper of this House correctly, we are going to take the next step which must result in such an era in road building as this country has never seen before.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. I am much obliged to the committee. [Applause.]

Mr. GARRETT. Mr. Chairman, I have not been particularly interested in the details of the amendments that have been proposed to this proposition, nor have I been particularly interested in the details of the proposition itself, because, Mr. Chairman, I am opposed to the use of Federal funds in the construction of highways in any shape, form, or fashion.

I do not know whether that is a popular position or not, but that is the position which I have always taken here and which I have always taken at home. I know, as every gentleman on this floor must know, that every dollar which is put into the construction or paid for rent of roads must come out of the taxpayers of the country, and where that dollar is collected and distributed through the Federal entity it will cost the taxpayers three for one.

I know that it is not commonly esteemed a very popular thing to oppose an appropriation out of the Federal Treasury. This is a result of our indirect system of taxation. Gentlemen are elected to the legislatures of the States. They go to attend the session. They return home, and their constituents meet them with a cold gleam in the eye and say, "Here, how much did you spend?" A Member of Congress, elected by that same constituency, returns to his home and they meet him with the same cold gleam in the eye, but the question is, "How much did you get?" [Laughter.] So far as I am concerned, I repeat again that I am opposed to any proposition in any shape, form, or fashion that takes money out of the Federal Treasury and puts it into highways. [Applause.] I know that the building of roads is a local question. I know that ninety-nine one-hundredths of the use of the roads is by local people. It is not a Federal question. There is no constitutional objection to it, of course. It is a question of expediency. But let gentlemen stop and consider what they are costing the taxpayers in making an appropriation out of the Federal Treasury. You vote here a dollar to build a road or to pay rent for a road, and for every dollar you vote out of the pockets of your constituents, who could pay it directly, if they desired to do so, through their local agencies, you are spending three dollars that will not go into the Treasury, but will go into the coffers of private individuals.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT. I ask one minute more.

Mr. BARTLETT. I ask that the gentleman have five minutes.

The CHAIRMAN. Is there objection to the request that the time of the gentleman be extended five minutes?

There was no objection.

Mr. BARTLETT. I desire to ask the gentleman a question.

Mr. GARRETT. I yield to the gentleman from Georgia.

Mr. BARTLETT. I agree with the gentleman. I want to ask this question: If the title to the public roads of the various States does not belong to the States, and if it is not proper at least to inquire of the legislatures of those States whether they desire to demand of the Government rent for the use of those roads for carrying the mails over them? We have no such suggestion from anybody here.

Mr. GARRETT. Technically I should say that it is not true that the roads belong to the States in all the States. The roads belong to the people of the localities, the counties in the State, or the municipalities, and are held in trust——

Mr. BARTLETT. The title to the road is in the State, and that has been decided by the Supreme Court of the United States. The title to the road is in the State, and the duty to open work and operate them and keep them in order devolves upon the counties and municipal subdivisions of the State.

Mr. GARRETT. Of course, there may be differences in the holdings of the courts of the different States, but I will say to the gentleman that I think the idea involved here is an erroneous idea.

Mr. BARTLETT. So do I.

Mr. GARRETT. We speak of the Federal Government as using the roads. What is the Federal Government? Certainly it is the creation of the people. What is a rural route for? Is it for the benefit of an entity far away from the people known as the Federal Government? No, no. A rural route is for the benefit of the people who live along that route.

Mr. FRANCIS. And so is any other improvement for the benefit of the people which is paid for out of the Federal Treasury.

Mr. GARRETT. Certainly; but let me say to the gentleman that I have stood upon this creed all my life. I may be wrong about it, but I am not going to turn my back now on such teachings as those for which I have always stood. During all my public career I have stood upon this proposition, that every power which can be as well exercised by the State or by the locality should be exercised by it, and that the arm of the Federal Government should not be extended except where the arm of the State or the locality can not reach. [Applause.]

Mr. SAUNDERS. May I ask the gentleman a question?

Mr. GARRETT. Certainly.

Mr. SAUNDERS. All of us unreservedly accept the proposition which the gentleman has just stated as a constitutional doctrine, but is it proposed here on behalf of this bill to interfere in any wise with the discharge of that local and communal function?

Mr. GARRETT. Oh, I do not think so.

Mr. SAUNDERS. Then the principle announced by the gentleman does not apply here.

Mr. GARRETT. I have already stated that there is no constitutional question involved, in my opinon; but there is involved a question of expediency, and there is involved a question of indirect taxation.

Mr. SLAYDEN. Will the gentleman yield?

Mr. GARRETT. Certainly.

Mr. SLAYDEN. I do not believe the gentleman from Tennessee quite understood all the question of the gentleman from Virginia. I understood the gentleman from Tennessee to say that wherever a thing may be as well done by the State or local government as it can be done by the Federal Government the gentleman's political convictions demands that it shall be done by the local or State government.

Mr. GARRETT. Certainly.

Mr. SLAYDEN. Very well. Is there any question in the mind of anybody that roads can not be constructed by localities,

by counties, and by States just as well as they can be by the Federal Government?

Mr. GARRETT. I do not know whether there is a question in the mind of anybody, but there is no question in my mind.

Mr. SHACKLEFORD. In that connection, may I ask the gentleman a question?

Mr. GARRETT. Certainly.

Mr. SHACKLEFORD. Could not the various municipalities all over the United States build and maintain their post offices as well as the Federal Government could?

Mr. GARRETT. Undoubtedly.

Mr. SLAYDEN. The post office is essentially a Federal function though.

Mr. SHACKLEFORD. On the gentleman's reasoning, should not the localities build their own post offices, because they can do it as well as the Federal Government can?

Mr. GARRETT. I should not object to it.

Mr. SHACKLEFORD. Is the gentleman in favor of it?

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. STEPHENS of Mississippi. Mr. Chairman, the gentleman who has just taken his seat States that there is no question but that this amendment is constitutional. That being granted, I take no stock in the arguments made by him against the amendment on the ground of expediency. He bases his argument against the amendment on the fact that it will place burdens upon the taxpayers of the Nation. I realize that that is true, but those very taxpayers are the ones who are demanding almost unanimously that a bill of this kind be enacted into law. All taxes are burdens, but if the money is spent for the benefit of the people they do not mind paying taxes. What they object to is the expenditure of money for purposes that do not benefit them.

I stand here, Mr. Chairman, representing a constituency that is favorable to legislation of this character. It is the duty of a Congressman to faithfully represent the sentiment of this constituency. I shall always stand ready to vote for any measure that they want, if I believe that it is right and does not violate the Constitution. There is no question but that a very large per cent of the people of this Nation favor this legislation. They want it. It is agreed that it is constitutional. Why not let him have it?

We hear no such argument as that made by the gentleman when the rivers and harbors bill is before us, or the public buildings bill or many other appropriation bills are to be voted on. But when it comes to a time that the people who travel the country roads demand legislation then we hear objections coming from different quarters, some for one reason and some for another. The gentleman from New York [Mr. FITZGERALD] stated that this was a new and curious principle, something new under the sun, a new departure. Surely he has not read the legislation of the country upon the subject of roads. We find that many States in this Union have received appropriations from time to time in the early history of this country for the very purpose of building good roads. It seems to me that this is a policy advocated by the Democratic Party. It was stated in our last national platform that we favor the construction and maintenance of post roads. On yesterday I voted for what is called the Sims amendment. I am willing not only to vote for the Shackleford amendment, but to go further, and that this Government not only pay for the use of roads, but also for the construction of roads.

Mr. Chairman, while the proposed amendment does not go as far as I would like to have it go, I shall give it my support, hoping and believing that if this step is taken that ere long we will go further in this most important matter.

The amendment reads as follows:

That for the purposes of this act certain highways of the several States and the civil subdivisions thereof are classified as follows:

Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide, composed of shells, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide, of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide, composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface, by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highway of any State or civil subdivision thereof which falls within classes A, B, or C for the purpose of transporting rural mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C. That any question arising as to the proper classification of any road used for transporting rural mail shall be determined by the Secretary of Agriculture. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act.

The provisions of this paragraph shall go into effect on the 1st day of July, 1913.

This amendment has met with opposition, but this opposition comes mainly from those who represent city districts, and the reason given for it is that the matter of building roads is a State function, and that therefore the Federal Government should have nothing to do with matters of this kind.

It is charged that this is a piece of paternalism; if so, it is no more of a crime to paternalize the highways of the country than it is its rivers and harbors, its vast areas of unirrigated desert, and many other lines of internal development. Fabulous millions have been spent upon the rivers and harbors of our country. The railroad corporations have applied to the Government, and over 200,000,000 acres of our public domains have been bestowed upon these corporations to aid them in their construction of these mighty lines of transportation. Vast sums of money have been spent in the erection of towering monuments and splendid public buildings all over the country. Congress has responded to these demands, and no question of paternalism has been raised.

There is no argument that can be made for those things that does not apply with greater force in the question of the construction of public highways.

It is not proposed by this bill that the Federal Government shall engage in the building of roads. The bill does not go that far, but it simply provides for the payment of an annual rental for the use of public roads.

If it provided for the building of public highways I should vote for it, because I believe that it is right and that it is constitutional.

The Constitution says that Congress shall have the power to establish post offices and post roads. Under this authority post-office buildings have been erected at a cost of millions of dollars. Yet it is argued that we have no right under the Constitution to extend Federal aid in the construction of roads. The word "establish," when referring to post-office buildings, is held to mean that such houses can be erected, but when post offices are to be established it is contended that it means that the Government shall designate over what road the mail shall be carried, and that the Government has no right to build roads.

I submit that, as the right to establish post offices and post roads is given in the same sentence, that as the language makes no distinction between the right in regard to offices and roads, this shows clearly that it is not intended by the framers of the Constitution that "establish" should be given one construction when referring to post offices and a different and more restricted construction when referring to post roads.

That Congress has the right to extend aid in the matter of constructing and maintaining public highways is shown by decisions of the Supreme Court of the United States, from which I quote:

Without authority in Congress to establish and maintain such highways and bridges, it would be without authority to regulate one of the most important adjuncts of commerce. This power in former times was exerted to a very limited extent, the Cumberland or national Road being the most notable instance. Its extension was but little called for, as commerce was then mostly conducted by water, and many of our statesmen entertained doubts as to the existence of the power to establish ways of communication by land. But since, in consequence of the expansion of the country, the multiplication of its products, and the invention of railroads and locomotion by steam, land transportation has so vastly increased, a sounder consideration of the subject has prevailed and led to the conclusion that Congress has plenary power over the whole subject. (California *v.* Pacific Railroad Co., 127 U. S., 1, le, 39.)

Also:

Congress has likewise the power, exercised early in this century by successive acts in the Cumberland or National Road, from the Potomac across the Alleghanies to the Ohio, to authorize the construction of a public highway connecting several States. (Lucton *v.* North River Bridge Co., 153 U. S., 525–529; Indiana *v.* U. S., 148 U. S., 148.)

That the Federal Government has the right to extend aid in the construction of roads was recognized by Jefferson when he said:

During peace we may chequer our whole country with canals, roads, and so forth. This is the object to which all of our endeavors should be directed.

Again, he said:

The fondest wish of my heart ever was that the surplus portion of these taxes should be applied in time of peace to the improvement of our country by canals, roads, and useful institutions.

Henry Clay was always an advocate of internal improvements, and was in his day the ablest and most persistent advocate of the building of national roads. He said:

Of all the modes in which a Government can employ its surplus revenue, none is more permanently beneficial than that of internal improvements. Fixed to the soil, it becomes a durable part of the land itself, diffusing comfort and activity and animation on all sides. The first direct effect is on the agricultural community, into whose pockets comes the difference in the expense for transportation between good and bad ways.

Some have argued that this is a subject over which the States have absolute control, and raise the question of State rights. One of the greatest advocates of the State rights doctrine was John C. Calhoun. He saw no encroachment upon the doctrine by Federal aid to roads. While Secretary of War, in a report to the House on the roads and canals, he said:

No object of the kind is more important, and there is none to which State or individual capacity is more inadequate. It must be perfected by the General Government or not be perfected at all, at least for many years.

Again he said:

Let it not be said that internal improvement may be wholly left to the enterprise of the States and of individuals.

It is interesting to note that in the early days of our country's history Congress did appropriate money for the purpose of building roads. In 1806 Congress authorized the construction of a road from Maryland, known as the Cumberland Road, and various appropriations for it were made from time to time, aggregating about $7,000,000. In 1811, 5 per cent of the sales of public land in Louisana were given by Congress to that State for the building of roads and levees; in 1816 a like amount of a similar fund was given to Indiana for roads and canals; and in 1817 a like sum was given to my own State, Mississippi, for this purpose; in 1818, 2 per cent of a similar fund was given to Illinois for roads; in 1819, 5 per cent to Alabama; in 1820, 5 per cent to Missouri; and in 1845, 5 per cent to Iowa.

Congress also appropriated money for a road from Georgia to New Orleans, and one from Nashville, Tenn., to Natchez, Miss., as well as many other public highways.

I think it has been thoroughly shown that Congress not only has the power but has frequently exercised the power to contribute to the construction of roads; however, this bill does not authorize the construction of roads, but simply provides for the payment of a fixed rental on all roads used by the Federal Government in carrying the mail, if the road comes up to a certain fixed standard It is but right that the Government should pay for anything that it uses, and in doing this it will encourage the people in the States to improve their roads.

I realize, Mr Chairman, that there has been so much written and spoken upon the subject of good roads that there is little, if anything, new to be said. If I needed any excuse for speaking on this occasion it would be that it ofttimes requires a repeated statement of facts to get it firmly fixed in our minds and to arouse us to the necessity for action.

As I have said, a good deal of opposition to this measure comes from Representatives of city districts. It is a mistaken idea that no one but the farmer gets the benefit of good roads. Every citizen of this Republic will derive direct benefit from the improvement of the roads of the country, because the products of the farm must be conveyed over country roads to market, and the consumer must bear a part of the burden that is laid upon the producer because of bad roads. Even the railroads are interested in good wagon roads, because of the fact that in many sections of the country, owing to bad conditions of the roads, the farmer is forced to convey his products to the market at such time as he may be able to find the roads suitable for travel, thereby placing most of the agricultural products for transportation within a limited time. The farmer is also interested for the same reason; that is, that he is forced to sell his products within the same limited time.

We have heard much comment upon the fact that people are leaving the farm and congregating in the towns and cities. One cause of this has been the bad condition of the roads. In my judgment, there is nothing that will tend more to the upbuilding of the country, making farm life more attractive, than the improvement of the roads. There is no phase of life, either social or economic, which is not affected by good roads. The value of lands, the attendance of children at school, the social relations of the community are all affected by roads. Good roads make social intercourse and communication between farm and town less difficult, thus destroying the isolation of farm life, especially in the winter season. They increase the productive area by making lands that have not been cultivated more accessible. They increase values of property, reduce the cost of transportation, cause greater interest to be taken in farming, thereby increasing the general prosperity of the country.

On the question of the cost of transportation I submit the following table, prepared by one who has given the subject much study. If a horse could pull on a level 1,000 pounds, on a rise of—

1 foot in—	Pounds.
100 feet the horse draws	900
50 feet the horse draws	810
44 feet the horse draws	750
40 feet the horse draws	720
30 feet the horse draws	640
25 feet the horse draws	540
24 feet the horse draws	500
20 feet the horse draws	400
10 feet the horse draws	250

This gives an idea of the importance of grades in road building.

Improved roads are breeders of traffic. It is generally found that new industries, new and greater production, spring up upon the line of well-built roads, which increase commerce and enlarge business.

On the other hand, bad roads keep a community from developing and cause material loss in many ways. There are no statistics which show the loss to the farmer due merely to the greater cost of transportation over bad roads, but the loss must be enormous; in fact, it is estimated that it amounts to many millions of dollars each year. As I have said, every citizen is directly interested in improving the roads of the country; that the farmer is not the only one benefited, but if he were I should vote to improve the roads of the country, because he is the first and most important producer of wealth and he has a right to insist that a portion of the money that he pays to the Government shall be returned to him by way of benefits from the Government.

I care nothing for the suggestion made that a few great highways be built from one end of the country to the other, because I believe that that will be very largely for the benefit of those who desire to take pleasure trips in automobiles, and that those who are entitled to the benefits of good roads, or a very few of them at least, would receive no benefit whatever. Rather do I prefer to expend money in order to bring the farmer in closer touch with the towns and the town man in closer touch with the farmer to the mutual benefit of each.

Charles Sumner once said, "The road and the schoolmaster are the two most important agents in advancing civilization." Education, civilization, commerce, social intercourse, prosperity, and happiness are all promoted by good roads. History discloses that no nation has ever achieved permanent greatness without good roads. No community which has good roads would be willing to surrender them if the cost of construction were repaid, because everybody gets a benefit from the road, all enjoy and participate in their advantages and blessings.

Mr. Chairman, I know of no better way to pay a tribute to good roads than to quote from a report of the National Good Roads Association, written nearly 10 years ago:

They economize time, labor, and money; save worry, waste, and force; they aid the social and religious advancement of the people; they increase the value of property and aid every avocation, and especially that of agriculture; they mean the ability at all times to move maximum burdens at a minimum cost; they permit the transportation of marketable products during bad weather, when no work can be done on the farm; they save the wear and tear on horses, drivers, harness, and wagons. Good roads are the avenue of progress; the best proof of intelligence; the ligaments that bind the country together in the bonds of patriotism and thrift; they are the woof of sentiment woven into the great web of our civilization; they are to the body politic what the venous system is to the human body. Without it stagnation and decay follow; with it all forms of growth, strength, and beauty prevail. Good roads are the initial fountains of commerce; the rivulets that swell the great streams that flow out of every country and distribute the products of our fields, factories, forests, and mines. They will do more to extend trade and commerce of the country; will add more to the happiness, intelligence, and prosperity of the people, and will contribute more to their social elevation and moral strength than any other material thing whatever.

Mr. Chairman, believing, as I do, that Congress has the right to appropriate money for this purpose and that it ought to do so, I trust that this House will not be derelict in its duty, but will pass this bill, which will prove beneficial to every citizen, whether he dwell on the farm, in the town, or in the city. [Applause.]

Mr. MOON of Tennessee. Mr. Chairman, I move that all debate on the amendment of the gentleman from Michigan to the amendment be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McLAUGHLIN. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. RUBEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting between the words "rural" and "mail" the words "and star route," wherever they occur in the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MORGAN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend the Shackleford amendment by striking out the word "twenty-five," in line 23, and all of lines 24 and 25, and insert in lieu thereof the following: "For all highways which shall at the passage of this act be included in any of the foregoing classes, $5 per annum per mile for highways in class A; $3 per annum per mile for highways of class B; and $2 per annum per mile for highways in class C; and for all highways which shall after the passage of this act be so improved as to be brought within either classes A, B, or C, $40 per annum per mile for highways in class A; $35 per annum per mile for highways in class B; and $30 per mile for highways in class C."

Mr. MORGAN. Mr. Chairman, I would like to have the members of the committee fully understand the amendment which I have presented. I believe it possesses some real merit. That we may have this matter fully before us, I wish to present the pending proposition. The gentleman from Missouri [Mr. SHACKLEFORD] offered an amendment to H. R. 21279 which provides for national aid for good roads throughout the various States of the Union.

Mr. SHACKLEFORD's amendment in full is as follows:

That for the purposes of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of shells, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highway of any State, or civil subdivision thereof, which falls within classes A, B, or C, for the purpose of transporting rural mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling with classes A, B, or C. That any question arising as to the proper classification of any road used for transporting rural mail shall be determined by the Secretary of Agriculture. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act.

The provisions of this paragraph shall go into effect on the 1st day of July, 1913.

I am in favor of national aid to encourage the construction of better highways throughout the various States of the Union. I do not believe the proposition presented in the foregoing amendment is the best good-roads provision that could be provided. In my opinion, it should be amended so as to make it more fair and equitable, and especially so that the money paid out of the National Treasury to aid in the cause of good roads throughout the Union will contribute largely to the construction of additional good roads. The proposition as presented to us may, in a manner, reward the people of the States who have been diligent in constructing good roads in the past, but it does not seem to me to offer proper inducement for the construction of additional good roads in the future.

The amendment which I offer is as follows:

For all highways which shall at the passage of this act be included in any of the foregoing classes, $5 per annum per mile for highways of class A, $3 per annum per mile for highways of class B, and $2 per annum per mile for highways of class C, and for all highways which shall, after the passage of this act, be so improved as to be brought within either class A, B, or C, $40 per annum per mile for highways of class A, $35 per annum per mile for highways of class B, and $30 per annum per mile for highways of class C.

In the report of the Office of Public Roads of the United States Department of Agriculture on mileage and cost of public roads in the United States in 1909, issued as House Document No. 582, Sixty-second Congress, there is given the facts relative to the mileage and cost of good roads in the various States of the Union. This report shows that there is a wide difference in the mileage of improved roads in the various States of the Union. Indiana leads all other States in her mileage of improved roads which would come under classes A and B, as provided in the foregoing amendment. This State is shown by this report to have 24,955 miles of improved roads that would come under classes A and B. Ohio stands next in line with 24,106 miles. New York is next with 12,787 miles. Wisconsin follows New York with 10,167 miles. Kentucky follows next in the amount of her mileage with 10,114 miles. Illinois follows Kentucky with 8,914 miles. California has the next largest mileage with 8,587. There are many States in which the mileage of improved roads that would come under classes A and B is very limited, indeed. Among these may be mentioned the following: Arizona, 273; Colorado, 320; Delaware, 186; Idaho, 510; Kansas, 374; Louisiana, 329; Mississippi, 342; Montana, 95; Nebraska, 248; Nevada, 46; New Mexico, 104; North Dakota, 140; Oklahoma, 361; South Dakota, 286; Wyoming, 416.

No one of these 12 States has as much as 500 miles of improved roads that would come under classes A and B. The report of the Agricultural Department to which I refer does not show the mileage of public highways which would come under class C according to the classification provided in the amendment offered by the gentleman from Missouri [Mr. SHACKLEFORD].

I take it that the primary object, the main purpose, of this proposition is to encourage the improvement of the public highways of this great Nation. I believe that is indeed a great object and a most worthy purpose. The object to be accomplished is indeed so great that I for one am willing to vote national aid to this great purpose. But I think the primary object is to improve roads which are not now improved. The National Government can not build our public highways, but the National Government may well vote aid to encourage the building of highways. In this great cause the National Government should encourage the State, should encourage the county, and encourage the smaller civil subdivisions to improve their public highways. Under this bill we have three classes of public highways, A, B, and C. For rental of these roads we are to pay $25, $20, and $15 per mile annually—an average of $20 per mile. Under my amendment I reduce the amount to be paid on existing roads to $5 per mile for class A, $3 for class B, and $2 for class C. The average rate will be $3.33 per mile. The average cost per mile under the Shackleford amendment is $20 per mile. In other words, if the pending Shackleford amendment would cost $18,000,000 per annum for roads that now come within classes A, B, and C, under my amendment to the amendment we would spend but $3,000,000 annually as rent for roads which now come within classes A, B, and C. But I would pay a much higher rate of rental for highways constructed in the future. My amendment provides for the payment of $40 per mile for roads which shall hereafter be constructed and brought within class A, $35 per mile for roads brought within class B, and $30 per mile for roads which shall be brought within class C in the future. Such a law will be an encouragement to the States and various civil subdivisions to build new roads. Mr. Chairman, if we are to take this great advanced step, and the National Government shall appropriate money out of the Federal Treasury to improve highways, we ought to do it along some line and under some system whereby for every dollar we appropriate we will encourage the States to appropriate many additional dollars for good-road purposes.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. Certainly.

Mr. BYRNS of Tennessee. I will ask the gentleman if he does not think his amendment would be an unjust discrimination against those localities which already have spent their money in improving their roads?

Mr. MORGAN. I do not think it would be. On the other hand, I think the present amendment—the Shackleford amendment—is unjust in itself. For instance, the State of Indiana, under the Shackleford amendment, has enough existing highways coming within the three classes, if there were rural routes on all of them, to draw half a million dollars per annum from the National Treasury, while Kansas, Nebraska, Oklahoma, and many other States would draw less than $10,000 a year. Indiana has as many miles of highways that would come under classes A and B as the combined mileage in 24 other States. Indiana has built her roads, and we honor her people for the enterprise they have displayed. I am a native of the State of Indiana, and I am proud of my birthplace.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MORGAN. Mr. Chairman, I ask for two or three minutes more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MORGAN. Indiana has constructed her roads under the law as it existed in the past. She has gotten dollar for dollar for every cent she has expended in them, and more, too. Now, what I want to do is to encourage the people of the United States to build additional good roads. I want this appropriation to be a matter of education to the great citizenship in the building of good roads. I want to pursue a policy that will encourage and stimulate the people to build good roads. Under the Shackleford amendment the bulk of the money appropriated from the National Treasury would go to the older States. Under the provision of my amendment every State would have a fair chance. All would be duly rewarded for their industry and enterprise in the future.

I do not know why we should pass a law in the interest of good roads in the United States and base our appropriations upon what the States have done in days gone by. On the other hand, it seems to me but just and fair and equitable to give a reward for what shall be done in the future.

I have heretofore indicated my willingness to vote national aid to good roads. Whether or not my amendment shall be adopted, I shall vote for the best proposition I can get. Good roads are of benefit to all classes of people. Producers and consumers alike are benefited. People in the city and people in the country share equally in the good results of good roads. Nothing will contribute more to the advancement of the farm than improvement in our highways; and nothing will contribute more to the safety and future welfare of the whole country than the upbuilding of the farm and the increase of the advantages on the farm. It is for these reasons that I am willing to vote money out of the National Treasury to improve our roads.

[Mr. BEALL of Texas addressed the committee. See Appendix.]

Mr. MANN. Mr. Chairman, I make a point of order that all debate on the pending amendment has been exhausted.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RAKER. Mr. Chairman, I move to strike out the last word of the proposed amendment.

Mr. MANN. Mr. Chairman, I make the point of order that that is an amendment in the third degree and not in order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SAUNDERS. Mr. Chairman, I wish to make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SAUNDERS. It is in respect of the point of order raised by the gentleman from Illinois [Mr. MANN]. The point is that the debate has not been conducted on the amendment of the gentleman from Oklahoma [Mr. MORGAN]. The gentleman from Texas [Mr. BEALL] was not recognized to speak in opposition to that amendment, but to the whole bill. I rise to ask recognition to speak in opposition to the Morgan amendment. There has been no speech in opposition to the amendment of the gentleman from Oklahoma [Mr. MORGAN].

Mr. FOSTER. The gentleman should have made a point of order if he desires to avail himself of that privilege.

Mr. SAUNDERS. The gentleman from Texas was recognized to speak on the whole bill. He did not speak in opposition to the amendment. I wish to do so.

The CHAIRMAN. The Chair is ready to rule. The Chair sustains the point of order of the gentleman from Illinois [Mr. MANN], and the question is——

Mr. SAUNDERS. Now, Mr. Chairman, I ask unanimous consent for one minute to refer to the statements and arguments of the gentleman from Oklahoma [Mr. MORGAN] in support of his amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. SAUNDERS] asks unanimous consent to speak for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. CANDLER. Mr. Chairman, I want to ask unanimous consent as a member of this committee to reply, because the gentleman from Texas, who is also a member of the committee——

Mr. MANN. Do it on the next amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. SAUNDERS] is recognized for one minute.

Mr. SAUNDERS. Mr. Chairman, I wish simply to say this, that the amendment of the gentleman from Oklahoma [Mr. MORGAN] is totally opposed and antagonistic to the theory upon which the present bill is constructed. It is destructive of it, and I hope that all the friends of the good-roads bill will vote down the amendment of the gentleman from Oklahoma.

The CHAIRMAN. The question is on the amendment of the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

Mr. POWERS. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 7, line 23, Shackleford amendment, by inserting after the word "times" the following:

"Class D shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practically necessary in view of the natural topography of the locality, so constructed and kept in such repairs and condition that they shall be reasonably passable for wagons and other wheeled vehicles at all times; and the United States shall pay $5 per annum per mile for the use of such highways when used and for the time used by the United States Government in carrying or transporting United States rural mail; and the money so paid to the local officers entitled to the custody of same shall be used by them within one year thereafter in the repair, maintenance, and improvement of the road or highway on which and for the rental of which said money was paid."

Mr. POWERS. It will be seen that the amendment which I propose adds an additional class of roads—a class of roads below and inferior to class C. The Shackleford amendment provides that $15 per mile per annum shall be paid by the Government for the use of class C roads. My amendment to the amendment provides that for class D roads only $5 per annum per mile shall be paid. The class D roads include roads which are at all times reasonably passable for wagons and wheeled vehicles. My judgment is, Mr. Chairman, that the scale of payment of class A and class B and class C roads should be cut in two—about half—and that class D should be included in the class of roads to be paid for by the Federal Government for its use. Under the Shackleford amendment $25 per annum per mile are to be paid for class A roads, $20 per mile for class B, and $15 per mile for class C.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. POWERS. I yield.

Mr. MURDOCK. In the Shackleford measure each one of the classes of roads, roads of each class, as a road measure, are ditched. Now, does the gentleman contemplate having class D roads, as he provides for, also ditched?

Mr. POWERS. No; I do not. In many instances this can not be successfully done.

Mr. MADDEN. Does the gentleman mean to say that the gentleman's amendment is to be ditched? [Laughter.]

Mr. MURDOCK. It may be. [Laughter.]

Mr. MICHAEL E. DRISCOLL. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. POWERS. Yes, sir.

Mr. MICHAEL E. DRISCOLL. It includes all classes of roads not included in classes A, B, and C?

Mr. POWERS. Class D includes roads only of that character which are reasonably passable at all times by wagons and wheeled vehicles. And there is another distinction between class D roads and those provided for by the Shackleford amendment. All the moneys which are paid by the Federal Government for class D roads are to be used by the local officers for the proper repair and maintenance and improvement of class D roads. The Shackleford bill does not contain that character of a provision for the use of the money so paid to the local authorities; and I can readily see the reason for that provision, although it is contended by gentlemen that this money is to be so used. So far as I am individually concerned, I do not so construe the language of the bill.

But from my viewpoint it does not make any material difference, so far as that class of roads is concerned, because, before the Federal Government has to pay this money, classes A, B, and C have to be brought up to and kept up to a certain standard of efficiency or proficiency by the local authorities. Whether that standard of proficiency is brought about by the money paid by the Federal Government to the local authorities or whether that degree of proficiency is brought about by local taxation or by digging the roads themselves, to me is not material, although I would like to see the money paid by the Government put back into the roads. The fact, however, remains that those roads have got to be up to this class of proficiency and this class of perfection before the Federal Government is required to pay any money for the use thereof. And why should we not have class D? These roads have got to be kept up by the local authorities, the same as classes A, B, and C.

Class D roads includes that great bulk of roads of this country which need improvement most. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON of Tennessee. Mr. Chairman, I move that all debate on the Shackleford amendment and amendments thereto close in 30 minutes.

The CHAIRMAN. The gentleman from Tennessee [Mr. MOON] moves that all debate on the Shackleford amendment and all amendments thereto be closed in 30 minutes. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, one of the main objections, it seems to me, that has been urged against this proposition is that the Government should not expend this money for the benefit of the mail service. It seems to me that those who are opposing this bill, or the Shackleford amendment, forget the amount of money that the Government has expended in the improvement of rivers for the purpose of carrying the mail. They forget the amount of money that has been expended in the cities for caring for and handling the mail.

They say that the cities pay millions of dollars toward the support of the Government. They forget that over three-fourths of that money comes from the country, sent in there to send the merchandise out. The mail carriers deliver their mail at the door and in the house, where the rural-delivery carrier does not. He leaves the mail at the roadside where the boxes are, along the road, and every man that gets his mail has to travel from his home to that box, which may be from 100 yards to three-quarters of a mile or 3 miles distant, and sometimes 5 miles to the box where the rural mail has been delivered. The gentlemen who live in the large cities and who are opposing this bill forget that, and, in addition to that, they get their mail in the cities seven or eight times in a day and these people in the country get theirs but once a day, and sometimes only twice or three times a week. Of course, it depends somewhat on the location. Then when you get to the star-route service, which is about one-third of the amount involved in this bill, the people who are served by that means get their mail once a day, sometimes once in two days, and they have to go to the post office to get their mail, and do not have it delivered at their homes.

And now I want to say a word for a few moments in reply to the statement made by my learned and distinguished friend from Texas [Mr. BEALL]. He says that there is no demand for this legislation. He says that the people have not appeared before the committees of the House and demanded it or urged it. The people had the right to believe, when the Democratic Party put in their platform a declaration to the effect that they were in favor of improving good roads and assisting in giving better transportation, that that pledge would be carried out. [Applause on the Democratic side.] And the people who sent here the Members sitting on the other side of the House also had the right to believe that if the Republican Members were elected they would come to this House and give them relief. The people of the country did not believe that when they sent in all 393 Members to this House it would be necessary for them to write letters and file petitions and send telegrams and to come here in person. They believed that they had these Representatives here to appear before the committees, demanding and asking that their rights should be considered. Now the gentleman from Texas says, "Why this change?"

Away back in 1860 and 1865 and 1870 this Congress was always busy donating empires to the railroad companies, giving them free land, areas almost the size of States, and there was not any question as to the railroads.

Mr. BEALL of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Texas?

Mr. RAKER. I regret that I have not the time. Under any other circumstances I would yield. To-day the people are in the saddle. [Applause on the Democratic side.] To-day their Representatives are here asking that, instead of donating to the railroads all the time, giving the railroads consideration, you give the people some consideration in relation to the building up of the roads, so that the wants of the people, the desires of the people, may be considered, and in order that they might have an inning at this time.

That is the reason behind the bill. [Applause on the Democratic side.] That is the reason why the changed conditions have been brought about in this House, and we find in this body to-day over three-fourths of its membership in favor of the Shackleford amendment. Why? They have assured their people at home that they were in favor of it. They are here to carry out that pledge, and it does not need men from all over this country to appear before the committee for that purpose. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I make the point of order that all debate on the pending amendment is exhausted.

Mr. HARDY. My understanding was that we had 30 minutes on the Shackleford amendment. I wish to be recognized.

The CHAIRMAN. The point of order of the gentleman from Illinois is that debate on the pending amendment, which is the amendment of the gentleman from Kentucky [Mr. POWERS], has expired. That point of order is sustained.

Mr. CANDLER. I move to strike out the last word.

Mr. MANN. I ask for a vote on the amendment of the gentleman from Kentucky.

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky [Mr. POWERS].

The question being taken, the amendment was rejected.

Mr. MANN. Mr. Chairman, I desire to offer an amendment.

Mr. TAGGART. Mr. Chairman——

The CHAIRMAN. The gentleman from Kansas [Mr. TAGGART] is recognized.

Mr. MANN. A parliamentary inquiry. Did the gentleman offer an amendment?

The CHAIRMAN. Does the gentleman from Kansas offer an amendment?

Mr. TAGGART. I move to strike out the last word.

Mr. MANN. I simply desire to have an amendment pending, so that we can make a point of order when the debate on it is exhausted.

Mr. TAGGART. Mr. Chairman, this is the first time in more than half a century that a measure has been proposed in this House for the particular benefit of the rural population.

An impression is abroad in the land that a majority of the people of the United States live in cities. This is contradicted by the latest statistics gathered by the Census; for it appears that 46.3 per cent of the people live in cities and towns containing more than 2,500 inhabitants, and that 53.7 per cent referred to as urban population live either on farms or in towns and villages of less than 2,500 inhabitants, and nearly all of the 53.7 per cent are interested in agriculture, and particularly interested in the improvement of public roads.

The rural population of every land is that portion of the population which is the least expensive to the Government, and at the same time is the most reliable source of the revenue of the Government.

It was never supposed that a farmer's business required the direct protection of the Government; armies were not raised and navies were not organized to protect his farm. In the whole history of our people the armed forces of the Government were never called upon to suppress an insurrection of farmers. The judicial branch of the Government is very far from the farmer; the United States courts are strangers to him. Not one farmer in 10,000 enters a United States court in any other capacity than as a juror or as a witness.

The amount of money spent by the Department of Agriculture is a mere trifle compared with the vast outlay of the Government. Seventeen and one-half millions of dollars, compared with the total $726,000,000 of ordinary disbursements, represents the proportion of the expenditures devoted to agriculture last year.

And yet through all the years the American farmer has uncomplainingly borne his share of the burden of the Government. He has been appealed to in the name of patriotism to vote for protection. It was represented to him that to protect American labor and American industries, he should be willing to pay somewhat more for the articles protected. Out of the generosity of his heart he was willing to pay exorbitant prices in order that American industry might flourish. In all history there is nothing so unselfish as the unremitting support that he has given to protect and establish American industries.

In the last few years, however, the American farmer has been reflecting very seriously on the expediency or the necessity of voting advantages to any branch of industry. He knows now that the tariff acts which were voted in the name of American labor and American industry were simply privileges that were granted by Congress to manufacturers. The whole scheme of that legislation was to stimulate the generosity of employers of American labor. Under that legislation industry flourished, but the princely sums that were derived from the privileges granted were not paid to labor and were never returned except by what was called "general prosperity" to the farmers of the country whose votes made such legislation possible. The vast results flowing from the advantages enjoyed under this

legislation were not divided among those who did the work, but were amassed in fortunes which, to use an expression from John J. Ingalls, "dizzy the arithmetic of the imagination."

The rural people have also begun to realize that for every dollar collected upon foreign imports an indefinite sum that can never be calculated is charged as an extra price for home manufacturers. Of course, Edmund Burke said that "we can tax the shirt off a man's back, if we do it indirectly," and, after all, perhaps it is well that a part of the revenues of this Government are collected by duties on imports.

But I actually believe that if the whole expense to the people of partly maintaining the Government by collection of import duties was all calculated and all known, that, with the exception of luxuries which only the wealthy purchase and who prize them for the very prices they are obliged to pay for them, no duty would remain on any imported article, and no man would dare risk his reputation by advocating a tax of any kind on the common necessaries of everyday life.

Gentlemen here have mentioned that the Democratic Party is committed to the doctrine of "tariff for revenue only." Mr. Chairman, any man who uses that antiquated expression at this date demonstrates his mental incapacity to invent a new joke. I say to you that it would be impossible to collect the revenues necessary to conduct this Government by levying on imports a tariff "for revenue only." A tariff that is too high does not produce revenue. The duty on blankets furnishes a notable example of this, for it has produced no revenue to speak of in more than 20 years.

If a tariff were too low, it would fail to produce the necessary revenue, and if a tariff were too high it would fail to produce the necessary revenue. No duty can be levied that would produce the necessary revenue. Seven hundred and fifty million dollars annually have been thought necessary for the ordinary expenses of this Government, leaving out the income of the Post Office Department.

The present tariff duties do not provide one-half of the revenues of this Government. But $314,000,000 was collected from duties on imports last year.

I do not believe that it would be possible to levy a tax even upon articles not produced in this country that would produce the necessary revenue.

The meaning of "tariff for revenue only" never had any reference to a duty on what was not produced in the United States. It expresses the difference between a tariff that was levied for the express purpose of protection with the incidental effect of producing revenue and a tariff levied for the purpose of revenue with the incidental and necessary effect of protection, and the time has come when no other tariff can be levied because a duty which would secure complete protection would produce no revenue, and a duty which would produce the revenue would not secure complete protection.

The total value of the dutiable merchandise imported last year was $750,000,000.

The value of the articles free of duty was $776,000,000.

Last year the amount collected by the receipts of duties on imports was $314,000,000, as I have said.

The internal-revenue receipts were $322,529,201, including the $34,000,000 collected by tax on the incomes of corporations.

If the entire dutiable imports of the United States were sold at their value, as stated by the Treasury Department, they would scarcely pay the expenses of the United States Government.

So it is manifest that a "tariff for revenue only" must be a tariff that the people will pay, and in the very nature of things such a duty would fail to produce the entire revenue.

The expenditures of the Government have grown beyond the possibility of securing even one-half of the amount by the duties on imports.

Recognizing this state of facts, and the further fact that the levying of these duties on imports has failed of its purpose and that it is in fact a granting by law of a privilege to certain classes of manufacturers, this House a few days ago passed an act levying a tax on incomes of individuals over and above $5,000 per annum. At the same time by another act the American people were relieved from a tax on sugar. This House cut off the privilege of levying tribute on the table of the American citizen and placed the burden on the American citizen who is enjoying an income of more than $5,000 per annum. This is in conformity with a former act by a former House imposing a tax upon corporations whose net annual earnings exceed $5,000. Thus, the former House—committed to protection—saw fit to supplement the inadequate revenue that might be secured by levying a tax on imports, by taxing the annual incomes of corporations in excess of $5,000.

Those gentlemen who are apprehensive that we can never relieve the American people of the burden of taxes on imported necessaries while we continue the same rate of expenditures, are simply mistaken. The people are slowly and certainly directing their attention to the problem of placing the burdens of this Government where they rightfully belong—upon the shoulders of those who are best able to bear them.

Every writer on political economy and every statesman whose name lives in history has advocated the principle of placing the burdens of Government upon those who have had the privilege of acquiring the greatest share of the Nation's wealth.

Wise men now see and understand distinctly that the vast revenues of this Government can not be derived from the earnings of the poor.

The late census reports show that the farms of the country are worth $41,000,000,000. This is less than one-third of the estimated value of the wealth of the American people.

Where did two-thirds of the wealth come from? No one has ever accurately calculated the wealth that has been derived from mines, forests, or fisheries, or the profits which we have realized in our dealings with other nations; and to furnish the pretended calculations of anyone who assumed to give these figures would be idle and useless, but there can be no doubt that more than one-third of all the wealth of this country represents the profit to others of the farmers' industry.

Now, is it not only fair that a part of the wealth which has been derived from the farmer should be sent back to the farmer?

The other nations of the earth have built good roads for military purposes. We improve our roads for the purpose of encouraging and aiding not only the greatest source of wealth and prosperity, but the very source of life itself. While all other enterprises have grown and prospered in the United States, the growing power of American farms, taken as a whole, has diminished in the last quarter of a century. In the fairest of all the regions of the United States farm population has diminished, either because active and able men have left the farms to try their fortunes in the cities or have emigrated, because of the high price of land, to the newer parts of the country, where they might secure cheaper land. Farmers who have amassed a competency have left their farms and removed to cities and towns, renting their farms to tenants, who removed the whole crop from the farm and slowly but surely diminished the growing power of the soil without fertilizing and renewing it.

Mr. Chairman, this is one of the most vital concerns of the American people. The burned city or the ruined factory can be rebuilt in a few months, but the wasted and impoverished farm, growing in weeds and shrubbery, as it is seen in many Eastern States, will require years to renew it and make it a source of living for the people.

It is the duty of this Government to address itself to this important matter, and I can not conceive of anything which will promote the interests of agriculture so certainly as the improvement of roads. There are places in the richest parts of the United States where it is impossible for a farmer to haul a load to market at certain times of the year. The question of improving roads is occupying the attention of the people. It was my privilege to serve as a county officer for five years before coming here in a county which built more roads in proportion to its area than any county in the West, and I never heard a word of regret, although they were expensive roads and cost $1 a linear foot to improve them.

I believe that it is the duty of Congress to stimulate road building. The people are wise and thoughtful. They know that the Government can not bear the whole expense nor any considerable part of the expense of improving roads, but they know the value of the aid and the recognition of the United States and the powerful impetus that it will give to road building.

The Bureau of Roads in the Agricultural Department publishes in its statistics that there are 2,199,388 miles of public roads in the United States. The report goes on to state that but $8\frac{44}{100}$ per cent of the mileage of these roads is improved.

In the State of Kansas there are 98,302 miles of public highways and but thirty-eight one-hundredths of 1 per cent of the distance covered by these roads is improved.

The average amount of money spent on each mile of road in the United States is $64.63, and in Kansas only $16.27 a mile is expended according to this report.

I can not agree with the gentlemen who say that we should protect the people against these appropriations.

Mr. Chairman, the people have never overtaxed themselves for anything which was useful to them, but the people of the

United States have been overtaxed for things which were of absolutely no use to them.

The American farmer may get upon a high place and look as far as his vision will reach, and he can not see a spot where the Government of the United States has spent a single dollar outside of a city or town or away from some navigable river.

And yet since the foundation of this Government more than one-half a billion of dollars has been spent for the improvement of rivers and harbors to promote commerce by water, and the statistician has not lived and does not live able to furnish the figures stating how much this Government has given to railroads in the interests of railway transportation, while the latest act that I have been able to find for the building of wagon roads was one that showed an expenditure of $300,000 in June, 1834, for the improvement of the Cumberland Road.

No, Mr. Chairman, the people will not overtax themselves for public improvements. In fact, I think that the people of this Nation are as wise as we are, and I am certain that the events of the last few days have given us all a new appreciation of the dignity of the Americn people. When we see the spectacle of the two most distinguished men in the Nation going to the home of Daniel Webster and vindicating their respective reputations for truth and veracity against their mutual accusations of falsehood, the quiet and dignified patriotism of the American people rises mountain high in our estimation. Mr. Chairman, I say to you seriously that if the founders of this Government had allowed themselves to indulge in such unseemly and personal contests for place and power, we should never have had a flag or a country, and we should not to-day have a republican form of government. We would have the "man on horseback"; and if the people continue to testify their appreciation of these word battles for power, it will not be long before we demand something more exciting, and perhaps then the time will come when we shall witness a real battle for power such as is now in progress in Mexico.

No, Mr. Chairman, the rural population are steadfast. They are the most patriotic and dignified of all. They do not demand the depletion of the Treasury nor that any undue advantages should be given to them, but they do demand that Congress shall take interest in the question of the building of roads. The Constitution recites that "Congress shall have the power to establish post offices and post roads." The Constitution contemplates that road building is one of the functions of the Government, and inasmuch as Congress has power to build roads, it certainly has the power to take part in the improvement of roads.

A large number of bills of this character were introduced and referred to the Committee on Agriculture, of which I have the honor to be a member. Those bills presented a great variety of views and suggestions and plans. The gentleman from Missouri [Mr. SHACKLEFORD], being the author of one of the bills and being interested in the subject, requested that we all unite in the authorship of such a bill as would be recommended by the committee and would recommend itself to the House. Each of us who had introduced a bill agreed with the gentleman from Missouri [Mr. SHACKLEFORD] that he might prepare this measure. It was referred to the Committee on Agriculture, and favorably reported. Then the Committee on Rules, at the request of a large number of Members of this House, reported a resolution suspending the rules of the House and allowing the bill to become a part of the postal appropriation bill. It is now before us as an amendment to that bill. This is not a bill to aid directly in the improvement of roads, but to pay for the use of roads traveled by rural carriers of mail. It divides roads into three classes and provides for compensation for their use as follows:

Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide, composed of shells, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide, of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair.

Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide, composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface.

Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted, and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times.

SEC. 2. That whenever the United States shall use any highway of any State or civil subdivision thereof which falls within classes A, B, or C, for the purpose of transporting rural mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C.

These are the provisions of the bill as it was reported by the Committee on Agriculture. The reports of the Post Office Department show that about 1,000,000 miles of road are used for rural delivery. Inasmuch as a very small percentage of the roads used are embraced in classes A and B, while possibly 90 per cent are included in class C, the annual cost of this measure will probably be about $16,000,000. This would seem to be an immense sum, but it will not be spent for anything useless, but will be in furtherance and aid of the greatest of all our industries. It will furnish an inducement and an incentive to improve highways. It will not be abused. No sensible man would ask Congress to improve roads wholly at the expense of the United States Government. That would be impossible. This measure is not intended to furnish even a substantial part of the expense of macadamizing or otherwise improving roads, but it is intended to set on foot a system of road building that will result in the greatest interest being taken in this necessary improvement, and it is all done in behalf of agriculture—the most neglected and at the same time the greatest of all our sources of prosperity.

The CHAIRMAN. The Chair will call the attention of the committee to the fact that debate on all propositions of amendment relating to the pending proposition expires in 30 minutes.

Mr. TAGGART. I ask for one minute more.

The CHAIRMAN. The Chair will call attention to the fact that extensions of the time of gentlemen having the floor mean the exclusion of some one else. The Chair will now put the request of the gentleman from Kansas.

Mr. MANN. I give notice that I shall object to any extensions.

The CHAIRMAN. Objection is heard.

Mr. BARTLETT. Mr. Chairman, at the risk of bringing down upon my head the condemnation of those who favor this amendment I shall oppose it, and though it remit me to private life I am willing to give expression, by my voice and by my vote, to my opposition to a plan which if inaugurated will lead to the control of every post route and country road in my State by the Federal Government. [Applause.] I have not in my mail a suggestion or a request from a single constituent of mine asking me to support this measure, and have not had since it has been under consideration. No doubt there are many in my district and State who are in favor of the improvement of the public roads of this country by the United States Government, but those people whom I have so long and I trust faithfully represented understand my position upon these questions, and when they vote for me in the primary or at the general election they know that during the 17 years of service I have given them here no vote of mine has ever been cast, or any suggestion made by me, that the ancient doctrine of the Democratic Party that the States owe some duty to themselves and the duty to control their local affairs and enforce their police laws belongs to the States and not to the General Government. [Applause.]

Sir, I wish I had the time to call attention to some of the objections I have to this proposed amendment. There are traveling through this country of ours to-day, and six days in every week, rural carriers on 1,000,015 miles of post roads in the various States, a distance that would carry them around the world 42 times each day. If we appropriate only $15 a mile, that means $18,000,000 a year at the least calculation, if we add not a single mile to our present rural routes. Where shall the money come from? It is not in the Treasury and must be provided for by taxation. From every section there comes the demand that taxes be decreased, and the burdens of taxation on what the people eat and wear and use be lessened. How are these burdens to be removed and appropriations to be increased at the same time? It is as impossible as the task of the man who undertook to lift himself over the fence by his boot straps. [Applause.]

But if we are to be guided purely by the benefits to be derived by our particular States or districts from this proposed amendment, then the advantages secured to my State and district are so insignificant that I decline to surrender my convictions of a lifetime in order to secure them.

Georgia has, according to the report from the Office of Public Roads, 82,230 miles of public roads; of this mileage 880 miles are gravel 4,326 sand clay, and 522 stone; in all, less than 7½ per cent of her public roads are so improved as to be embraced within the term of this amendment, and the other 75,000

miles would not receive anything. The district I represent has 3,288 miles of public roads now used as postal rural routes; of these not over 250 miles are improved or in condition to receive the smallest amount provided for by this amendment.

The Rural Mail Service has been a great boon to our people, and my people have not yet demanded of me that the General Government shall be charged rent or hire for the carrying of the mails to their homes and to their very doors. But it is said that the last Democratic platform demands our support of this amendment. I deny it; but if it did, I am thankful that the time is at hand, not more than 60 days distant, when we will no longer be bound by the platform made at Denver in 1908, upon which we were carried to political defeat and destruction. [Applause.]

Mr. MANN. I make the point of order that all debate upon the pending amendment is exhausted.

The CHAIRMAN. The amendment is a pro forma one, and it will be considered as withdrawn if there be no objection.

Mr. MOORE of Pennsylvania. I offer the following amendment.

Mr. CANDLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANDLER. There was a motion made to limit the debate to 30 minutes on the then pending amendment, as I understood it. I want to ask if that time has not been exhausted.

The CHAIRMAN. The motion was that on the Shackleford amendment and all amendments thereto the debate be closed in 30 minutes. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 24, page 2, Shackleford amendment, insert as a new paragraph:

"Class D shall embrace all improved highways within city or county limits the cost and maintenance of which is paid for by the taxpayers resident therein, and the compensation therefor shall be equal to the highest rate paid by the United States for the use of any other highway of a county or State."

Mr. MOORE of Pennsylvania. Mr. Chairman, this amendment proposes to make uniform the legislation proposed by the gentleman from Missouri [Mr. SHACKLEFORD], and to make it uniform in compliance with our common understanding of the Constitution and the institutions of this country. Gentlemen rise upon this floor frequently and berate the manufacturer and the city dweller. They do so generally when a stampede comes from the farm or, as in this particular instance, from the free rural delivery carrier. But I question whether gentlemen on the other side have heard so much from their tax-paying constituencies with regard to this proposed good-roads subsidy amendment as would seem to be indicated from speeches made upon this floor. I have just returned from a two days' tour through the Central and New England States.

Everywhere I have asked men with whom I came in contact whether they knew that this Post Office appropriation bill contained the provisions it does relating to the condemnation of express companies, the construction of good roads at Federal expense, the establishment of a parcel post, the Government ownership of transportation facilities, and so forth, and in every instance I have been astounded at the information that this Congress was entering upon these radical propositions in this way.

You gentlemen may have heard from the rural carriers, but I question whether you have yet heard from the cities or those great masses of producers who, in one form or another, are required to maintain the Federal Treasury, and who are not aware that this Congress proposes now by this bill to enter upon the policy of the Government ownership of all public utilities.

Mr. AKIN of New York. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I can not yield now. I have offered an amendment here which proposes that, whereas you create three classes of country roads in the several States that shall be given aid out of the Treasury of the United States, which Treasury is made up of the money of the common people of the United States, you shall go one step further and provide compensation to those builders of good roads who have already completed their work, who have paid their taxes, and who now are being called upon to pay a second time for the extension of roads in other sections of the country.

Oh, gentlemen talk about appropriations for rivers and harbors! Do the gentlemen who raise that question indicate where the money has gone that has been appropriated for the purpose of rivers and harbors since the beginning of this Government? I will briefly tell you—up to 1907 more than $550,000,000 had been appropriated by the Government, of which more than $210,000,000 went into the Mississippi Valley from the Lakes to the Gulf, and only $140,000,000 went to the great Atlantic seaboard for the improvements there that mean and have meant so much for the commerce and trade of the country. Do you want to know more about rivers and harbors appropriations? During the five years since 1907 you have appropriated $179,000,000, of which $110,000,000 have been poured into the Mississippi Valley for the purpose of holding up your shore lines and protecting your private property, while only $50,000,000 have gone along the Atlantic seaboard—where we raise 80 per cent of all of the tariff revenue of the country—and but $19,000,000 have gone to the Pacific coast where we are now endeavoring to improve our trade relations. You are not counting the cost——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman has that right, under the rule.

Mr. BOWMAN. Mr. Chairman, the district which I represent contains not only large and important cities, but also an important farming community, and they are both equally interested in the construction and maintenance of good roads. The majority of the people of Pennsylvania are interested in the construction of good roads. In my judgment there is no other thing which will so advance civilization as that which promotes the interchange of intelligence and commodities between the different parts of a country and the different peoples who reside in that country. It is a difficult matter to excite sufficient interest to construct a road. It is still more difficult to secure the continued interest which will keep that road in repair. I consider this measure as most admirably framed to produce that result. The amount which is proposed to be given as rental for the use of the different classes of roads would not amount to the interest on the money that would be required to construct any one of the roads of the class named in the measure, but it will be an inducement to keep those roads in good repair. It has been stated that it would require $16,000,000 the first year in order to meet the provisions of this measure. If it did take $16,000,000, that would mean that there were about 800,000 miles of road kept in good condition throughout the United States. At present in this country there are less than 200,000 miles of improved roads, and if by an expenditure of $16,000,000 you could have 800,000 miles of road that were passable at all times of the year for vehicles of all classes, that were graded in conformity to the topography of the country and "with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface," it would reduce the expenses of transportation from the present high figures to what it now costs in France, namely, 7 cents per ton per mile. This measure would permit the farmer, the fruit or the truck raiser to get his produce to the market at a much less rate, and thereby it would be a benefit not only to him but to each person using his products in different parts of the country. It would permit the merchant in the city to carry or send anything he had of value to the farmer at a much less cost, and the result would be an economy to each individual as well as to the Government, as the mails that were transported over the roads would be carried at a much less actual cost, which would result in a diminution of the cost per mile to the Government from what it is now paying for this service.

Something has been said about the cost of inspection. Each man in charge of a rural delivery route would be a constant inspector of the road he covers, and the man who is sent out as a general inspector could, with a small expenditure of time in addition to that he now occupies, discover the condition of the roads. I consider the measure of great importance to this country, and will do as much, if not more, to advance civilization than any other measure that I have seen introduced in this Chamber. [Applause.]

Mr. SULZER. Mr. Chairman, just a word to say I am now, always have been, and always will be in favor of a free press in this country. At this time I desire to have read for the information of the House an article by Hon. Wilmer Atkinson, editor of the Farm Journal, for a free, untrammeled, and independent public press in the United States.

The Clerk read as follows:

PROGRESS OF THE CONTEST FOR A FREE, UNTRAMMELED, AND INDEPENDENT PUBLIC PRESS IN THE UNITED STATES.

Over a decade ago, under the mistaken belief that the transportation of newspapers and periodicals through the mails caused great loss to the Government, officials of the Post Office Department started a campaign for a restricted circulation of the public press, and for this purpose demanded of Congress an increase of the postage rate, adopted a code of laws extraneous to the laws passed by Congress, and enforced

them with the help of a small army of inspectors and a secret star-chamber court.

In the course of six years of revolutionary ferment and its aftermath, from December 7, 1905, to October 14, 1911, the Russian authorities confiscated issues of newspapers and periodicals in 1,055 cases. In 283 of these cases the issues confiscated were destroyed, and in 12 cases certain pages of articles were removed by order of the court. These figures refer only to confiscations which were subsequently approved by the courts.

In the United States of America during the same period, 1905 to 1911, inclusive, 5,236 publications were either denied access to or ejected from the mails, resulting in a permanent suspension of issues, in many cases with little less disastrous results to the owners than would have been the confiscation of types, presses, and other printing and publishing equipments.

In Russia the confiscation of 1,055 publications applied only to certain specific issues or parts of issues, not to the publications themselves, in every case authority for the procedure being justified by regularly constituted courts.

In the United States the confiscation covered the whole establishments, to the ability and right to publish further issues, without appeal to the courts, and based, not upon any well-defined or well-understood laws of Congress, but upon certain multitudinous, obscure, arbitrary rules and regulations, varying according to the notions of the official who happened to occupy the seat of power, and changing from year to year.

The excuse for such mild exhibition of Russian despotism was the publication of articles inimical to the Government; the sole pretext in the United States for such drastic and arbitrary action was the authority given to the Postmaster General by Congress for the classification of mail matter. The justification in the minds of postal officials was that the Government lost money on second-class matter, a condition that did not exist.

It has seemed to be my duty, as it has been my pleasure, to oppose this policy of the Post Office Department, and to endeavor, in as gentle and considerate a way as possible, to bring the Government back to a realization of the lawlessness and wrongfulness of thus imposing burdens upon the public press and of subjecting it to animadversion and oppression the like of which is unknown, and probably would not be tolerated, in any other civilized country.

While my ultimate and chief concern has been for the independence and freedom of the press, I early foresaw that the wisest course to pursue was to prove from the official records of the Post Office Department that the Government loses nothing on second-class matter; but, on the other hand, that such matter, by reason of the enormous amount of other classes of mail matter originated by it, fairly estimated to be 75 per cent of the whole, is in reality more profitable than any other. Anyone who will read with open mind and a desire to learn the truth the official facts that I have printed and published in recent issues of this sheet and in pamphlet form can but conclude that my purpose has been accomplished; so that it is now well understood and generally admitted, outside of official quarters, at least, that any further persecution of publishers and confiscation of their rights, liberties, and ability to publish on the part of the Government has no basis of propriety or justice. An encouraging outlook is therefore presented in the success of the first step toward the triumph of our good cause.

The chief difficulty in the way of a proper adjustment of the relations of the Government to the press has been the attitude of publishers themselves, evidence of which is contained in the report of the Overstreet Commission, as follows: "At the hearing in New York in October, 1906, the representatives of the periodicals were able to agree upon but few recommendations, each class of periodicals being willing to make a sacrifice only of the particular privilege which it did not make use of. The representatives of the metropolitan daily press, for instance, were quite willing that the distinction in favor of weekly newspapers, including the free county privilege, should be abolished; that sample copies should be altogether prohibited; that extension of credit to subscribers should be stopped, and that all premiums or clubbing schemes resulting in abnormal discounts in the price of subscription should be done away with. The interior dailies and weekly papers, on the other hand, protested against the prohibition of credit to subscribers, except after the expiration of a year and a half. The interior dailies were willing to see the sample-copy privilege largely reduced, and it was argued that an absolute prohibition of samples would hamper the starting of new publications to the advantage of those already established."

It was to me obvious that, with this situation existing, publishers were at a disadvantage in allowing postal officials to carry forward any policy they chose, regardless of the protests and of the welfare of publishers, working their way with one class at a time, and it has been my endeavor, my argument, and persuasion, in season and out of season for several years to rectify this unfortunate condition and bring publishers in harmony with each other, in order that they might unitedly combat measures designed and calculated to cripple their business enterprises and destroy their independence.

Proof is not wanting, outside of the findings of the Overstreet Postal Commission that publishers were not standing together as they should and as they must if they are ever to win. Nearly all of the great metropolitan daily newspapers were ever ready to side with the postal authorities in advocating an increase of rates (for others) and for a more drastic regulation against the freedom of circulation of other classes of publications; and the country weeklies, which in part paid no postage, were indifferent to the cry of distress raised by weeklies and monthlies outside of their territory. Now, a change has come, there is a more friendly feeling between various classes of publishers, and an almost united front is presented against the policy of Government repression and persecution.

As proof I submit the report of the postal committee of the American Newspaper Publishers' Association, an organization representing nearly all the metropolitan dailies, as follows:

"There were delivered by express and railroad shipments last year 324,220,818 pounds of newspapers at a rate varying from one-fourth to 1 cent a pound, the bulk going at a rate of one-fourth to one-half cent a pound. This goes to show the absurdity of the proposed legislation doubling the postage rate and limiting the privilege to publications that carry as much reading matter as they do advertising. The proposal was stupid enough when the postal deficit was $17,000,000 two years ago; it becomes preposterous in the face of a surplus. What business has a transportation corporation, which is all the Post Office is, to prescribe how a business shall be conducted? It can not be assumed that such legislation will ever get by Congress. But publishers are requested to fight the theory that the right to send their output by mail is a 'privilege.' The figures show it is not. The Post Office is a badly managed business. That is all. We should fight its dictation, its censorship, and its inefficiency."

These sentiments, issued by authority of the most powerful association of publishers in the United States, are now current in nearly all daily newspaper offices throughout the country, which certainly indicates marked progress toward better conditions. The following illustrates the changed attitude of the rural press:

"The newspaper men of South Dakota, in convention assembled, recently determined that, regardless of party affiliation, they will secure justice from the Post Office Department or know the reason why. The publishers of Minnesota are much alive on the same subject. The National Press Association is a virile organization, which will make itself felt in national and State affairs. We don't want any shakedown proposition. We are not looking for any special legislation in our favor. We are simply opposed to legislation passed against us. And we are certainly unanimously opposed to the oligarchical rule of the bureaucrats at Washington." (Publisher of a Montana weekly.)

Contrast the situation existing at the time the Overstreet Postal Commission met in 1906, when the Government's ultimatum was a 4-cent-a-pound confiscatory rate, when publishers were pulling at sixes and sevens, and now, when only a 2-cent rate is demanded, and the whole press of the country is fairly well united in demanding a square deal from the Government, a retention of the present rate and a new and fair adjustment of the relations between the Post Office Department and the press.

With a foresight and wisdom for which he was not given adequate credit, Edwin C. Madden, in his annual report for 1905, declared "that there ought to be a law enacted that will establish second-class matter upon simpler and less ideal distinctions. The present statute requires altogether too much interpretation, too much regulation, and the exercise of too much executive discretion. The rate of postage should not depend upon such complicated questions as to require experts to determine what comes within and what does not come within the law. A new law is needed, the present act is woefully out of date. Regardless of whether the rate be raised, or lowered, or remain as it is, there should be, as a matter of justice and reason and business sanity, a change in the conditions, considerations, and qualifications for the classification of second-class matter."

While felicitating ourselves upon the excellent progress made, we, however, must not conclude that the contest is ended, that little more remains to be done. I want to see the public press entirely free from the control of Government; I want to witness a complete abandonment of the claim of the Post Office Department of the right, under the pretext of classifying mail matter or under any other pretext, to say who shall and who shall not print and publish anywhere in the United States.

WILMER ATKINSON.

PHILADELPHIA, *April, 1912.*

Mr. GUDGER was recognized.

Mr. MANN. Mr. Chairman, I make the point of order that all debate on the pending amendment has been exhausted.

The CHAIRMAN. The gentleman from Illinois makes the point that all debate on the pending amendment is exhausted. The gentleman is correct.

Mr. GUDGER. Mr. Chairman, I ask the gentleman from Illinois to withdraw his point of order for a minute. I shall vote for this bill.

The CHAIRMAN. All debate is exhausted. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

[Mr. CANDLER addressed the committee. See Appendix.]

Mr. MANN. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 22, of H. R. 22952, after the word "act," insert the following: "Under and in accordance with rules and regulations prescribed jointly by the Secretary of the Treasury and the Postmaster General."

Mr. SHACKLEFORD. Mr. Chairman——

The CHAIRMAN. There can be no debate on the amendment; all debate is exhausted.

Mr. MANN. Mr. Chairman, I ask unanimous consent for one minute.

Mr. SHACKLEFORD. Mr. Chairman, I think we ought to adopt this amendment which the gentleman offers. We who are the friends of the bill are all favorable to the amendment.

The question was taken, and the amendment was agreed to.

Mr. RAINEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after line 13, on page 3 of the Shackleford amendment, the following:

"*Provided*, That no compensation shall be paid by the Government for roads now falling within classes A, B, or C, except as follows: The compensation above mentioned shall be paid on all class C roads which shall hereafter be improved so as to fall in class A or B, said compensation to be due from the time said road falls within class A or B as fixed above for said class A or B; on all class B roads hereafter improved so as to fall within class A, the compensation provided for above shall be paid from the time said road falls within class A at the rate fixed for a class A road; all roads not now falling within any of said classes shall whenever they are so improved as to fall within class A, B, or C be entitled to the compensation provided for above from the time said road falls within either of said classes at the rate fixed for said class."

Mr. RAINEY. Mr. Chairman, I ask unanimous consent for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may have five minutes. Is there objection?

Mr. SHACKLEFORD. Mr. Chairman, reserving the right to object, I ask that the gentleman may speak for two minutes and somebody speak for two minutes in opposition.

Mr. RAINEY. Mr. Chairman, I ask for two minutes.

The CHAIRMAN. Does the gentleman from Missouri object?

Mr. SHACKLEFORD. I do.

The question was taken, and the amendment was rejected.

Mr. GUDGER. Mr. Chairman, after many years of fruitless agitation in and out of Congress on the subject of national aid in the building of good public highways we have come at last to the point of action, and my assertion in this House a few weeks ago that a majority of its Members favor such legislation is to be verified in the vote on this amendment. Moreover, a record vote will show the "people" who are their real friends on this question, and it will also give proof that those who in season and out of season have contended for this forward step in public policy have not and can not be driven from their position by being called "dirt-road statesmen" or any like epithets.

We are making a logical beginning by providing for this national aid in a Post Office appropriation bill, for in the constitutional power to establish post roads is necessarily included not only the authority, but by implication the mandate, to construct such roads. In the proposed legislation lies the expressed recognition—I might say the first recognition—of the right of our agricultural population to this aid from the National Treasury.

It is in no spirit of caviling that I say that the Government, with well-nigh unmeasured liberality, has poured out hundreds, nay, thousands of millions of dollars that have benefited directly or indirectly every class of people except the farmer. Since the foundation of the Government we have given hundreds of millions for the erection of public buildings in cities large and small. We have given nearly three-quarters of a billion dollars for the improvement of our rivers and harbors, and I am heartily in favor of a continuance of such appropriations. We shall have spent $400,000,000 on the Panama Canal by the time that great waterway joining the two great oceans is completed, and shall be called upon to spend annually large sums of money for its maintenance. It is the greatest public work of all the ages, undertaken by the greatest Republic of all time. It is an enterprise worthy and typical of a great people.

In the 136 years of our national life the Government has spent a pitiful $14,000,000 on the building and improvement of public highways, and not a cent of this money, be it remembered, has been appropriated or spent within the last 55 or 60 years. So we see that practically nothing has been done by the National Government to lighten the burden which execrable roads have laid upon the farmer. The Secretary of Agriculture has stated in his official reports that it costs the farmers of the United States not less than $600,000,000 a year to haul their product to market. He has also said that if we had in this country public roads as good as those of France it would save our farmers two-thirds of that enormous sum. Just think of it! They lose by bad roads in one year as much as the total cost of the Panama Canal.

The farmers have been patient and long suffering. They have a right to demand that something be done in which they have a direct pecuniary interest. In their modest way they and their spokesmen have made their pleas for a beginning at least of that national improvement which this amendment will set on foot. There is no element of our population more patriotic or self-sacrificing. From the day when "the embattled farmers" fought the great fight for independence down to this day they have stood on every battle field of the Republic and given added luster to the fame of American heroism. They have never hesitated to pledge their lives, their liberties, and their sacred honor to the cause of their country, and have never failed to redeem that pledge. They have always given much, and have always received but little.

Let me say right here that the individual States have not been derelict in this matter of public-road building. The Office of Public Roads of the Department of Agriculture recently issued a tabulated statement showing the amounts which each State had appropriated in 1911 for this purpose, and the sum total of these appropriations was nearly $160,000,000. Of the taxes required to pay this sum, principal and interest—for a great part is represented by bond issues—the larger part will have to come from the farmers. But the States can not and should not carry on the tremendous work of building good roads throughout the length and breadth of the land without national aid. There are about 2,200,000 miles of public roads in the United States of which only 8 or 9 per cent are improved. This leaves 2,000,000 miles to be put in condition, approximately, at least, as good as that of the best roads of France. Good macadamized or sand clay roads cost from $2,000 to $4,000 a mile.

The undertaking before us is one of a magnitude proportionate to its importance. It can not be accomplished in its entirety in less than half a century, perhaps even more than that. But a beginning can be made, and if the work is carried on systematically year after year with such assistance from the Government as the circumstances of the situation fully warrant it will not be long before in each State the farmers will be cheered by the prospect of better roads, and so from year to year some of the burden will be lifted from off their shoulders.

Neither the States nor the National Government will be the loser by generous expenditure for public-road construction, for the money will come back in time through the increase in the taxable value of farm lands. This is not a speculative statement, but is based on the experience of landowners in whose vicinity road improvement has been carried on. The price of farm land in those favored precincts is reliably stated to have risen 25 per cent an acre as soon as good roads were begun to be built. Just think how it will thrill the farmer's heart when he finds not only the value of his land increased by one-fourth, but also finds the cost of marketing his produce reduced by one-half to two-thirds. These are not day dreams, Mr. Chairman, they are "frozen facts."

It is nearly 10 years since the National Good Roads Association presented to the Senate Committee on Agriculture a brief which contains so many truths applicable to this day that I shall quote from it just a few paragraphs:

> It has been asserted by those who ought to know that 90 per cent of the revenues of the Government of the United States is spent in the great cities on public buildings, the construction of battleships, in furnishing munitions of war, and for the improvement of rivers and harbors, but less than 10 per cent is spent in the country, although these people have furnished more than half the revenues of the Government. It is not right; it is not just.
>
> Whatever makes for the agricultural prosperity and development of the country also aids other industries in the land. All classes rely upon good crops for prosperity. The banker, the manufacturer, the ironmaster the lumberman, and even the professions feel the influence of good crops and the depressing effects of bad ones. * * *
>
> The economic benefits to be derived from systematic and scientific road construction is the saving of a large sum of money now spent on improper methods of repair and construction, together with much that would be saved in transportation by carriages, wagons, etc. Great as these benefits would be—and they are the ones which first appeal to the minds of most persons—there are other benefits to be derived from good roads throughout the country which can not be estimated in dollars and cents, but which are of infinitely greater importance and value. It is a perplexing problem now as to how to provide for the ever-increasing numbers in the already densely thronged cities. And this condition is becoming more and more a menace to our social institutions. Unquestionably the remedy is to make the country more attractive to keep the people on the farm.

This, Mr. Chairman, brings us to another most important phase of the question of good roads—the social phase. We have been hearing much of late of the ever-increasing migration from the country to the city. It has reached such proportions that whereas a quarter of a century ago the proportion of the rural population to that of the cities was about 60 per cent, it is now only 46 per cent. This is an abnormal falling off, but its beginning dates back for more than 25 years, and when we look for the cause we shall not be long in doubt as to the remedy. It is the isolation due to poor roads.

This is a serious matter, Mr. Chairman, not for the farmer alone, but for all the people. The cost of living is immediately and intimately connected with it. If the depletion of the farming population continues and the population of the cities increases proportionately, it means that prices of everyday necessities will continue to rise, because the producing class grows smaller and the consuming class grows larger. If there were no other than this economic reason, it would be a powerful argument in favor of a movement tending to improve the conditions of farm life and thereby check the exodus from the farm and the resulting decrease in farm production. But there are many other reasons for favoring this movement—national aid in the building of public roads—and chief among them is simple justice to the farmer. Just as the Government makes life in the cities more agreeable by building fine edifices for the accommodation of the dwellers there, it ought to do its share in the work of relieving rural isolation.

In no manner can this be done more effectively than by the building of good roads.

The basic principle is compensation to be paid by the Federal Government for the use of the roads traversed by carriers in the Rural Delivery Service on roads to be divided into three classes:

1. Class A: The highest form of improved road in the country, for which it is provided that the Government shall pay at the rate of $25 per mile per year.

2. Class B: A thoroughfare of high quality, but not equaling class A, for which it is provided that the Government shall pay at the rate of $20 per mile per year.

3. Class C: The ordinary dirt road of the country, somewhat improved, for which it is provided that the Government shall pay at the rate of $15 per mile per year.

It will be necessary in order to participate in the provision of this bill to have a standard road coming under one of the three foregoing classes. The beneficial effect of this measure will be observed in the immediate improvement of public highways.

The amendment looking to aid from the Government is not all I would wish for. It is a modest beginning, but it is a step forward. It will not take over $25,000,000 annually from the Treasury. Its effect, however, will be manifold. It will stimulate the demand of the rural population for good roads and cause it to regard the financial burden thereby imposed as one to be welcomed because of the immediate, direct, and personal benefits. Intercommunication will be promoted; mails will come more frequently; haulage to the railroad station or nearest market town will not be at so heavy a cost on teams and rolling stock, and the marketing of crops can be carried on continuously instead of depending, as now it must, on the state of the weather and the consequent condition of the mud roads; the freight charges on goods delivered to the farmer will be lessened, and thus in many ways long-wished-for advantages will accrue.

The procedure proposed in this amendment is rational because the expenditure provided for will be directed to roads that are now not hopelessly unimproved, and again others so infrequently used that their improvement can be indefinitely postponed. It will call for the best thought of State and county authorities as to where improvement should begin and how it is to be conducted. There will be conferences and consultations with the Office of Public Roads, and systematic plans will be matured which are absolutely impossible under happy-go-lucky methods such as now too often prevail. It will be possible for us to look forward to the coming of the day when it shall no longer be said that we of the United States, while we have the most superb railways we also have the most execrable country roads.

Twenty-five million dollars a year for such a work is little enough when we consider what we shall accomplish with it. It is but one-sixteenth part of what the Panama Canal will cost, but with all the wonderful things that are expected from this monumental enterprise, I doubt if they will measure up, either in dollars and cents, or in national importance, to the wealth annually to be saved by improved roads and to the social and economic betterment that will spring from perfect highways.

In the debate on this amendment the old, old question of the constitutionality of national aid for public improvements construction has again been raised. I shall not enroll myself among the debaters except to say that it was thrashed out by the greatest minds this country has produced, and has been settled in the affirmative by the Supreme Court of the United States. My conscience as a maker of laws will be quite at ease on this point. I shall record my vote as often as need be in favor of this amendment, and of any other proposition hereafter that looks to "going it one better." And I shall scan with pardonable curiosity the final roll call to see how many of my colleagues representing rural communities were joined with me in this good fight, how many of our city brethren were willing to help our cause, and then who were they that failed to "come up to the scratch."

The year 1912 will be a notable one in the annals of our national life, but in no respect will it be more notable than that in it there was inaugurated—or shall I say revived—the policy of national aid in the building of public roads. The historian will be able to point to 1912 as the year in which the first important step was taken toward the establishment of a system of public highways such as our people long have hoped for. It will mark the beginning of a new social state for the farmer and his family. It will mean a lifting of burdens and changed conditions in many ways.

Speed the good work, all of you who have at heart the well-being of the "common people." A great light is shining and casting its rays far into the future to make bright the paths of generations yet unborn. My brethren, if you and I have nothing else on which to rest our fame as legislators for the public weal, we can safely point to speech and vote for good roads as the foundation stone of our work for those that sent us here. And I, for one, feel confident that they in turn will not fail to hold up our hands and commend us for our labors.

The CHAIRMAN. The question now is on the amendment of the gentleman from Missouri as amended.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. FITZGERALD) there were—ayes 122, noes 39.

[Applause.]

So the amendment as amended was adopted.

Mr. RAINEY. Mr. Chairman, if there is any excuse for this class of legislation, it is that it will increase the good-roads mileage of the country. If that is the purpose of this legislation, then the amendment I have offered should be adopted. The so-called Shackleford amendment, which I seek to modify, provides for the immediate payment out of the Treasury of the United States, according to the report of the committee, of the sum of $2,535,000 per year.

There are in the country 118,000 miles of roads over which rural routes pass which will be entitled at once to the payments provided in this measure. The Shackleford amendment, which we are considering, creates a great and expensive machine reaching out into three of the departments of this Government for the purpose of taking from the Treasury $2,535,000 per year, this amount to be distributed each year, not for the purpose of increasing the mileage of the good roads of the country but for the purpose of making donations to those road districts of the country where land is valuable and where good roads have already been built.

Class A roads in this measure are the brick, shell, and macadam roads of the country properly graded and crowned. Class B roads are the burnt clay or gravel or sand and clay roads of the country properly constructed and properly drained. Class C roads are the properly constructed and crowned dirt roads of the county. At present there is a total of 118,000 miles of improved roads coming within these classes over which pass rural routes. These roads were improved because the people who lived in the neighborhoods where the roads were located wanted them improved. They were not improved for the purpose of obtaining donations from the Treasury of the United States. The two and one-half millions per year we propose now to donate to them operates as a reward to those particular communities for the progressive spirit they have displayed. If we are to reward out of the Treasury communities on account of having displayed a spirit of progress, there will not be much money left in the Treasury at the end of a few months of a policy of this kind.

The amendment I have offered excludes from the operation of this law all roads now improved and in these classes and used for rural routes. Whenever a class B road is improved so that it becomes a class A road, then from that moment my amendment applies. Whenever a class C road is improved so as to become a class A or a class B road the amendment I have offered then extends the proposed aid to the road districts where such road is located. Whenever a road used as a rural route and not belonging to any of these classes is improved so that it comes within one of them, by my amendment, from the time this road enters class A, B, or C, the road districts through which it passes are entitled to the proposed bonus from the Treasury.

It is objected that this is unfair for the reason that it taxes communities which have already built good roads and takes the money so raised and gives it to communities which have not yet built roads that are entitled to the classification set out in this bill.

But in reply to that I might call attention to the fact that only a portion of the total road mileage of the country is used by the rural routes, and a very large portion of the total road mileage of the country never will be traversed by rural routes. If the Shackleford amendment becomes a law, we tax those sections which have no improved roads at all, and we take the money we so get from them and pay it to those communities which have now or shall hereafter have good roads traversed by rural routes, and we tax those sections which do not now have rural routes and which never will have rural routes and give the money so raised to those sections which are so fortunate as to enjoy rural mail service. There is absolutely no equitable way in which money can be distributed from the Treasury of the United States so that all will be equally benefited. If the Government goes into the good-roads business, it ought to go into it on the theory that roads are to be improved, not for the purpose alone of benefiting the landowners who live along the rural routes, but for the purpose principally of furnishing cheaper transportation from the farms to the railroad stations, and therefore from the farms to the great centers of population. Transportation as an economical factor is quite as important as production.

We are distributing at the present time from the Treasury nearly $2,000,000 for the relief of flood sufferers along the Mississippi River and its tributaries and for the purpose of repairing breaks in levees. Sections along the rivers where there are

levees which did not break in the last few weeks get none of this fund. They do not get it because they do not need it. According to the theory of the Shackleford amendment the Government ought to take the $2,000,000 now being distributed for the purpose of relieving the conditions caused by the recent floods and divide it into equal portions and distribute it along the entire mileage of the rivers, among all the levee districts, whether the levees protecting the districts broke or not.

We are being asked to appropriate many millions of dollars for the purpose of providing a deep-water harbor for Philadelphia, as deep as the harbor of New York. Some day this work will be undertaken by the Government. Under the theory of the Shackleford amendment, if we expend these millions of dollars for the purpose of deepening the harbor of Philadelphia we should also give to the other cities along the coast the same amount of money, whether their harbors need deepening or not.

The Shackleford amendment proposes to pay out money for the purpose of inducing communities to do that which their prosperous condition has already enabled them to do, and the two and one-half millions per year with which we start these appropriations, if the Shackleford amendment is adopted, absolutely continues for all time as an annual reward to those communities which have already built good roads on account of having in the past built them. Such a raid on the Treasury as this can not be defended upon any theory that occurs to me. If we are to have legislation of this character we ought to have it for the purpose of increasing the good-roads mileage of the country, not for the purpose of rewarding communities which have already built good roads or for the purpose of reimbursing them from the Public Treasury on account of money they have already expended. Millions ought not to be taken from the Treasury for the purpose of accomplishing that which has already been done. Money ought not to be taken from the Treasury for the purpose of extending aid where aid is not needed.

The number of miles of State roads now traveled by rural and star route carriers is said to be about 1,179,000. It is estimated that the mileage in class A will ultimately be 35,000; in class B, 83,000 miles; and in class C, 1,061,000. It is claimed that whenever all the roads now traveled by rural and star route carriers are improved so that they come within the above three classes the amount per year a bill will carry under the Shackleford amendment will be $18,450,000. However, only a small proportion of this aggregate mileage is in condition to receive immediate compensation, only about 118,000 miles, but I respectfully submit that this 118,000 miles ought not to be entitled to any payments under this bill. I do not think anything like the total mileage now traveled by rural and star route carriers will ever be improved so as to come within these classes, but as the years pass there will be a demand for modifications of this classification, which will probably be agreed to, so that roads which can not now be classed in any of these classes will get the benefit of donations from the Treasury, and ultimately a scheme for Federal aid will be carried to roads not traversed by rural routes.

If the roads of the country improve there is no limit to the amount that may a few years from now be taken out of the Treasury on this account, especially if the spirit of the Shackleford amendment is to prevail. If roads that are now improved and come within the classifications fixed in this measure are to receive donations from the Treasury it will not be long until this generous tendency to equalize things will lead to the adoption of other classes and appropriations from the Treasury for the roads embraced in the new classes so created. If we are to enter upon this dangerous career it is better, I submit, to enter upon it simply for the purpose of adding to the mileage of the good roads of the country. If my amendment prevails we can, I think, with greater safety embark upon this policy if we propose to adopt the policy of Federal aid for roads.

I am an advocate of good roads. I believe in the policy. In my judgment, good roads, by cheapening transportation to railroad stations and to navigable rivers, will decrease the cost to the consumer in the distant city of the products of the farm. I yield to no man in my advocacy of good roads. I do not, however, regard the Shackleford amendment as a desirable good-roads measure.

I am not just at present advised as to the cost of a class A road. It would probably not be under $8,000 or $10,000 per mile. A rural route 20 miles long, to come under class A, would therefore cost from $160,000 to $200,000. Does anybody believe that the road districts through which a 20-mile rural route passes—and it may pass through several road districts—can unite upon a policy for creating for 20 miles through these districts a class A road in order to get from the Treasury of the United States the paltry sum of $25 per mile. Or, if the Sherwood amendment can be so construed as to apply to each separate mile traversed by a rural route, does anybody believe that any road district can be persuaded, in order to get $25 per year from the National Treasury, to expend from $8,000 to $10,000 per mile in building a mile of class A road? Class B roads would cost almost as much.

I do not know what a class C road would cost, but it would probably cost $2,000 or $3,000 per mile on an average. Does anybody believe that in order to get $15 a mile per year a road district would expend $2,000 or $3,000 per mile for a road?

In my judgment, as an inducement to build good roads this measure fails. Almost as many good roads will be built without it. As a method, however, of reimbursing to the amounts per mile mentioned in the Shackleford amendment those road districts in the country which have already built roads which can be classified under the Shackleford amendment, it is a measure that will meet, in all probability, with the approval of those particular districts and will have the undoubted effect, while it can not aid in inducing these districts to do what they have already done, of taking from the Treasury the sum of two and a half million dollars per year. As a method of draining the Treasury it would be a success. As a method of adding to the good-roads mileage of the country it will not, in my judgment, have much effect.

If my amendment is adopted, the good-roads proposition we are considering will cost the country nothing at all to start with, and as roads are constructed or improved hereafter so as to bring them within the provisions of the bill the payments will commence; and I think the adoption of this amendment will have the effect of preventing in the future a further and more liberal classification which will permit money to be taken from the National Treasury for the purpose of aiding road districts which have built roads not as good as those contemplated now in the proposition we are considering.

Money gets into the Treasury of the United States only as a result of taxing the people indirectly. Indirect taxation is the most expensive and the most burdensome of all. It means that the people are taxed five or six dollars every time one dollar is by these methods covered into the Treasury. I therefore am opposed to the spirit of the Shackleford amendment, which provides, in its last analysis, merely an avenue through which money may be taken from the Treasury for the purpose of rewarding and reimbursing communities which have already done that which its proponents claim this bill is framed for the purpose of inducing them to do.

The amendment which I propose reads as follows:

Insert, after line 13, on page 3 of the Shackleford amendment, the following:

"*Provided*, That no compensation shall be paid by the Government for roads now falling within classes A, B, or C, except as follows: The compensation above mentioned shall be paid on all class C roads which shall hereafter be improved so as to fall in class A or B, said compensation to be due from the time said road falls within class A or B as fixed above for said class A or B; on all class B roads hereafter improved so as to fall within class A, the compensation provided for above shall be paid from the time said road falls within class A at the rate fixed for a class A road; all roads not now falling within any of said classes shall whenever they are so improved as to fall within class A, B, or C be entitled to the compensation provided for above from the time said road falls within either of said classes at the rate fixed for said class."

Mr. BARNHART. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 15, page 28 of H. R. 21279, insert the following:

"That it shall be unlawful for any person or persons, or association or corporation, to enter or to have entered into the mails of the United States any newspaper, magazine, or other periodical of like kind, unless such publication shall have plainly printed in a conspicuous place therein the name or names of the managing editor or managing editors, the name or names of the publisher or publishers, and the name or names of the owner or owners, including all stockholders owning stock of the par value of $500 or more of such periodical publication. Any person, association, or corporation that shall violate any provision of this act shall be punished for each violation of any provision thereof by a fine of not less than $100 nor more than $1,000."

Mr. BARNHART. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARNHART. Would it be in order for me, under the rule authorizing the consideration of this amendment, to offer a substitute?

The CHAIRMAN. No.

Mr. BARNHART. Then, Mr. Chairman, I ask unanimous consent that the following substitute be considered instead of the amendment just read.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to consider the substitute in place of the amendment provided for in the rule. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

As an amendment to the amendment, after line 15, page 28 of H. R. 21279, insert the following:

"That it shall be unlawful for any person, association, or corporation to enter or deposit, or to have entered or deposited, into the mails of the United States any newspaper, magazine, or other periodical publication of like kind published in the United States, unless such publication shall have plainly printed in a conspicuous place therein the name or names of the managing editor or managing editors, the name or names of the publisher or publishers, and the name or names of the owner or owners, including the name or names of the owner or owners of stock, bonds, or other securities, to the amount of $500 or more, which have been issued or sold by the said person, association, or corporation owning or controlling such publication and which may be outstanding. Also all editorial or other reading matter published in any such circulating periodical for the insertion of which money or other consideration is accepted by the publisher or publishers shall be plainly marked "advertisement" or signed by the name or names of the person or persons in whose interest or interests such article is published. Any person, association, or corporation that shall so enter or deposit, or have entered or deposited in the mails of the United States any such newspaper, magazine, or periodical publication of like kind in violation of the foregoing provisions shall be guilty of a misdemeanor and be fined in any sum not less than $100 nor more than $1,000 for each offense."

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana [Mr. BARNHART]? [After a pause.] The Chair hears none.

Mr. BARNHART. Mr. Chairman, this substitute to the amendment contains three distinct propositions. The first is that before any newspaper, magazine, or other periodical publication published in the United States shall be admitted to the United States mails it must contain the name or the names of the editor, the owners, stockholders, and other security holders printed on a conspicuous page of each issue thereof. The second proposition——

Mr. MOORE of Pennsylvania. Mr. Chairman——

Mr. BARNHART. I can not yield just now. I want to explain my amendment.

The second proposition is that no periodical publication of like kind shall accept for pay any editorial or reading-matter notice in behalf of any person or proposition unless the same contains plainly printed or attached thereto the word "advertisement" or the name or names of the person or persons in whose interest or interests such publication is made. The third distinct proposition is that any periodical editor or owner who violates any of the provisions of this act shall be fined in a sum of not less than $100 or more than $1,000 for each and every offense. Such, in brief, is the substance of the amendment.

And now just a word in behalf thereof. All over this country, during recent years at least, there has been a growing suspicion in the minds of the reading newspaper public that at least certain publications are being controlled by evil influences and are being so controlled by subterfuge. That is to say, that interests that wish to promulgate their ideas or "boost" their own interests secure control of some newspaper or magazine publication and issue it anonymously. Only to-day I hear that one of the new States recently admitted to the Union in its legislature is making provision that no newspaper published therein can accept any legal advertising until the names of the editors and owners of the publication are known. Every day we see suspicious circumstances and we hear rumors. I do not know that they are true, but I do know this, that these rumors that certain newspapers are controlled by certain corporate and other interests are unfair to the honest and legitimate newspaper men of the United States.

I also say that the people of the country have a suspicion that they are being imposed upon by men in the newspaper profession who are sailing under false colors, and they have a right to know the source of the editorial sentiment that is given to them. And another thing, on behalf of the newspaper-publishing fraternity of the United States, I appeal to you, sirs, that every honest editor and every deserving newspaper, or periodical, rather, in this country will approve a method which will compel the editorial endeavors of the country to stand out in the broad sunlight of day in order that everybody may see who they are and what they are. The reading public of the United States is entitled to know who is who before it decides what is what.

Mr. MANN. Will the gentleman yield?

Mr. BARNHART. I will.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BARNHART] has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I call the attention of the gentleman to a proposition which he said he had covered in his substitute, but I think has not quite covered it. Under the amendment of the gentleman anyone who deposits any paper in the mails, although they put it in a wrapper with full postage upon it, would be liable to a penalty of $100 unless that paper contained the information required in the amendment. Take, for instance, the Sunday magazine that comes with a large number of the papers now. Under the gentleman's amendment if anybody should wrap one of those magazines up and deposit it in the mails they would be subject to a penalty of $100, because those magazines do not and are not required to contain the information which would be contained in some other part of the paper. Would not the gentleman accomplish all he wants to accomplish if he should provide that his amendment would only relate to matter deposited as second-class mail matter?

Mr. BARNHART. I just called up within the last half hour the Post Office Department and they made the suggestion that, in order to avoid complications with foreign publications that might come in, the words "United States publication" should be inserted.

Mr. MANN. That covers the question of the foreign papers, to which I called the attention of the gentleman on the floor awhile ago, but that would not cover the matter of mailing a part of the newspaper or a Sunday magazine.

Mr. BARNHART. Will the gentleman let me explain? I think I can make that matter clear to him in a few words, as every newspaper man on this floor will bear me out. It has been the custom for a good many years to take advantage of the reading public by the very process that the gentleman now suggests, and that is to say, that to certain small newspapers throughout the United States certain publishers will say, "We will furnish a beautiful colored supplement free of charge," and it will be an attractive feature and will run along for a month, say.

Eventually the very interests that are back of that supplement will develop and the reading matter therein is objectionable; but inasmuch as your contracts have been made, you must circulate it the year out for which you have contracted, and thereby you are giving out to your readers editorial sentiment of a kind that no honest and careful and fair-minded editor wants to put out.

Mr. MANN. The gentleman does not get the point that I am making. He has directed his penalty against an individual wrapping up a newspaper or a part of a newspaper and putting it in the mail.

Mr. BARNHART. Just one minute. If the name of the publication is printed on that Sunday magazine—for instance, supposing it should be the Chicago Tribune—they would make up a supplement of the Chicago Tribune and mark it "The Chicago Tribune supplement" or "magazine," the same as the Post Office Department requires all papers mailed to be marked, and it could go through the mail without question under this amendment.

Mr. MANN. Oh, it could go through the mails when it comes from the Tribune office with the rest of the paper, but suppose I myself should mail it—suppose I should mail that supplement merely. Does the gentleman want to subject me to a fine of $100 for sending this Sunday magazine through the mails to somebody who does not have reading matter in his home? That Sunday magazine does not contain the information required under this amendment, and still the gentleman puts in a penal provision against anyone mailing anything that does not contain the information prescribed. The information would be given in some other part or section of the Tribune which I did not mail. I would like to ask the gentleman if he does not cover the whole question when he covers the use of the second-class privilege?

Mr. COX of Ohio. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. MANN. Certainly.

Mr. COX of Ohio. Then the gentleman's objection would hold against this sort of a situation: Suppose that a statement with reference to the persons who owned the stock was printed in the Chicago Tribune, and suppose that was published on the editorial page, where it would probably be published. Then, according to the gentleman's theory, if some distinguished gentleman of this House, say the gentleman from Illinois [Mr. MANN], had made a great speech, and it was carried on the second page of the Chicago Tribune, no one could send that page through the mails?

Mr. MANN. Not without being penalized.

Mr. BARNHART. Oh, it would not be subject to such a construction, because the fact is distinctly set out that it is a part of that publication, because the name of the publication is carried on every page. The requirement of the amendment is that this should be printed on only one page. The man who gets that part of the paper suggested by the gentleman from Ohio [Mr. Cox], if he were interested to know who the owners

or publishers are, could go out and buy a copy of the paper of that date and see those names printed in a conspicuous place therein. According to the gentleman's theory, the publisher would have to print those names on every page of the paper simply because somebody might tear the pages apart or take the sections apart.

Mr. MANN. No. I take as an illustration the Sunday magazine, because it is in fact a periodical. The gentleman's amendment reads:

It shall be unlawful for any person to deposit in the mails of the United States any newspaper, magazine, or other periodical publication of like kind.

Mr. BARNHART. It does not say any part of a publication.

Mr. MANN. Oh, the Sunday magazine could not be deposited lawfully in the mails under this provision unless the owners of the publication had their names plainly printed in a conspicuous place thereon. Under the gentleman's contention the Chicago Tribune might print a supplement which it did not mail at all, and print the required information on that.

Mr. BARNHART. I will say to the gentleman that neither the Chicago Tribune nor any other publication in the United States can mail out a supplement unless that supplement contains the name of the publication through which it is circulated. As soon as it has that name printed on it it becomes just as much a part of the publication as any other part could be.

Mr. MANN. According to the gentleman's notion, every part of the publication that goes through the mail must contain the information, otherwise he would have to pay the penalty attached. Under this provision you can not deposit in the mails any publication, periodical, or magazine that does not contain this information.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the time of the gentleman from Indiana [Mr. BARNHART] be extended five minutes. Is there objection?

There was no objection.

Mr. BARNHART. Now, Mr. Chairman, the difficulty with the gentleman from Illinois seems to be that he does not seem to be familiar with the fact that under the present post-office regulations every part of a newspaper publication must contain somewhere on each page the name of that publication—that is to say, if a supplement is inserted along with the rest of the paper——

Mr. MANN. That is not my difficulty. I was well aware of that; as much so as the gentleman from Indiana.

Mr. BARNHART. Then why would this provision subject you to a penalty if you took a part of that newspaper and mailed it? There is no prohibition in that provision against mailing any part of a legally published newspaper.

Mr. MANN. These Sunday magazines are such a periodical under the description of the gentleman's amendment.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from South Dakota?

Mr. MARTIN of South Dakota. As I understand the contention of the gentleman from Illinois [Mr. MANN], it is based on the statement that the Sunday magazine is a periodical.

Mr. MANN. It is a periodical.

Mr. MARTIN of South Dakota. Then, if it is a periodical, if it were put by the publisher into the same mail with the daily paper, would not the publisher be subject to the same penalties under this act as a private individual would?

Mr. MANN. I do not think so. It may be sent out separate from the daily paper—separate from that section or part where the information prescribed by this amendment is contained.

Mr. MARTIN of South Dakota. Then the gentleman's contention is that if you send out any part of the Chicago Tribune without the page that contained the names of the owners or stockholders you would be subject to a penalty?

Mr. MANN. Practically so. If the gentleman means that the daily papers can not be sent out unless the whole is sent out in the mails, he gives away his whole case, because any paper that had a supplement might not send that supplement through the mails.

Mr. FOSTER. Does the gentleman claim anyone who mails it would be subject to a fine—any part of it?

Mr. MANN. Yes; any part of it.

Mr. FOSTER. Even a clipping?

Mr. MANN. He would. If it is a publication, he would. I do not undertake to say whether it would be so as to a clipping or not, but he certainly would be required, in prosecuting a case, to prove that the whole paper as it was entered in the post office in the regular distribution by the publisher was sent out.

Why does the gentleman want to apply this to an individual who mails something and knows nothing about what the law is?

Mr. BARNHART. I have no objection to putting this in. I think it is entirely superfluous, though.

Mr. MANN. I have seen many laws construed that were considered superfluous——

Mr. BARNHART. I want this amendment made water-tight, if it is possible to make it so.

Mr. FOSTER. If it does not kill the gentleman's amendment.

Mr. BARNHART. I inquired of the Post Office Department, and they said that the mention of second-class matter might possibly exclude foreign publications, and that is what I wish to avoid.

Mr. BUTLER. The gentleman's purpose is publicity?

Mr. BARNHART. Yes.

Mr. MANN. The gentleman has excluded foreign publications by his amendment already.

Mr. BARNHART. No.

Mr. MANN. My proposition would not exclude them.

Mr. BARNHART. Well, the gentleman evidently did not listen to the reading of my amendment.

Mr. MANN. I both listened to the reading and went and looked at it.

Mr. BUTLER. As I understand the gentleman's amendment, it will require the publication of these stockholders every day, if the paper is published every day?

Mr. BARNHART. Yes.

Mr. BUTLER. The full list?

Mr. BARNHART. Yes.

Mr. BUTLER. Now, suppose there are a thousand stockholders or bondholders having an interest exceeding $500, every publication of the newspaper must require that list to be published. Would not that be a burden upon the publisher? Could we not get the same publicity by publishing the list once a month?

Mr. BARNHART. That would eliminate the very purpose for which the amendment is offered, and that is to enable a person who reads a newspaper or magazine—who reads an editorial which strikes him as peculiar—to turn and see who is back of the sentiment that he reads. You can set about 60 names to the inch in small or nonpareil type in a newspaper. There are very few newspapers that would require more than a few inches. It might be a hardship in some cases, but not in many.

Mr. BUTLER. We do not all read the same newspapers, of course, but everybody reads some newspaper year in and year out. I think that is the habit of the American people. Therefore we could obtain this information without having it published every day. I am not quarreling with the gentleman's amendment at this time. Yet I think we ought to consider the rights of publishers; whether this is not a great burden to require them to publish this list of stockholders every day.

Mr. BARNHART. How many newspapers does the gentleman from Pennsylvania surmise there are in the United States that have 500 stockholders owning more than $500 worth of stock?

Mr. BUTLER. I do not know, but I would be willing to take the gentleman's judgment on it, because he is better informed than I am.

Mr. BARNHART. As a rough guess, I would not suppose there are 50 in the United States. Where the stock of newspapers is distributed for the purpose of encouraging the newspaper, the stock is usually issued in very small denominations and sold accordingly. I have no doubt that many of you men have taken stock in newspapers, but you do not often take it in larger amounts than $500. There is a controlling interest of 51 per cent, and the general public takes the 49 per cent in small denominations. That is the way such things are done.

Let me say further that there are newspaper publishers and magazine publishers in the United States who go about exploiting get-rich-quick schemes. They publish newspapers and offer stock in various ways to the subscribers, and they fleece the public generally. That is another reason why I should like to have these names published, so we will know who is who as to promoters of that kind.

Mr. POWERS. Will the gentleman yield?

Mr. BARNHART. I will yield to the gentleman.

Mr. POWERS. Unless the provision goes through as the gentleman from Indiana has provided, would it not be possible for a private individual to let the newspaper publish whatever he might want published, leaving out the names, which is provided for by the gentleman, turn it over to the private indi-

vidual, and let the private individual mail it, and thus escape the penalty?

Mr. BARNHART. If the gentleman from Kentucky will tell me how the evasion could be stopped, it might be considered. I confess that these things could be done.

Mr. POWERS. I am in support of the gentleman's proposition. What I ask is that unless it goes through as the gentleman has framed it it looks to me that it is possible to send out a publication by this circuitous route; in other words, by letting the newspaper publish it and turning it over to the private individual, and then the private individual would not be subjected to the penalty unless it stands as the gentleman has framed it.

Mr. BARNHART. I can see how that might be done, but I have never found any way yet to prevent a man from evading the law if he sets out to do it and will take the risk of doing it.

Mr. MOORE of Pennsylvania. Will the gentleman from Indiana answer this phase of the question?

Mr. BARNHART. I do not know whether I can or not.

Mr. MOORE of Pennsylvania. Will the $500 limit reach the purpose that the gentleman aims for? You are after the crooked newspaper proprietor or the designing man in the ownership. Will your $500 limitation reach that man? In other words, you have a million-dollar corporation, which may do business on an authorized capital, say, of $1,000. How are you going to get the real but scheming proprietor—the man you are after—by fixing this limit at $500?

Mr. BARNHART. If the men are holders of the securities, they are liable.

Mr. MOORE of Pennsylvania. Then, had you not better publish all of the names?

Mr. BARNHART. Such was my original amendment, but when the Committee on Rules got through with it they had changed it. I suppose, after consultation, it was seen, as has been repeatedly submitted to me, that it would be almost impossible where a publication has general community or fraternal stockholders to publish all of them——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ALLEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the word "outstanding," in line 13 of the substitute, insert the following:

"*Provided*, That in the case of newspapers published daily, or daily except Sunday, it shall be sufficient to publish said names once a week on the same day each week."

Mr. ALLEN. Mr. Chairman, I want to say at the outset that I am heartily in accord with the spirit of the Barnhart amendment. It is a good thing, since the object to be attained is to give the public notice as to who are the owners and editors and who the owners of the bonds or other securities of the various newspapers. Now, there are days during the week, for instance, the Saturday and Sunday issues of the daily morning newspapers and the Friday issues of the daily afternoon papers, when space is very valuable. Advertising matter and news matter are frequently crowded out on these days. They print as close to the margin as possible, eliminate date lines, and use fine print, and what would be convenient for them to publish on Monday or on Tuesday or on Wednesday would be most inconvenient and a hardship to publish on Friday for the afternoon papers and on Saturday and Sunday for the morning papers. It seems to me that a publication of these names once a week would meet every requirement for publicity. That is the usual provision for all legal notices. Now, to meet the statement of the gentleman from Indiana that a person on a train reading an item or editorial ought to know who is responsible for the sentiments therein expressed. I would say that if their names should not appear in that issue it is a very easy matter to drop a postal card or a letter to the publisher, or any news dealer, or to the postmaster of the place of publication to forward a paper of the date containing the list of owners, editors, and so forth.

So I say, Mr. Chairman, that as this amendment will meet all the requirements of publicity and at the same time not work a hardship on the publishers, for I can say that it will be a burden on the two or three days I have mentioned, I hope that the amendment will be agreed to.

Mr. CANNON. Why does not the gentleman make it once a year?

Mr. ALLEN. Oh, there would be no publicity in that.

Mr. CANNON. In other words, the gentleman is one-seventh righteous and six-sevenths wicked. [Laughter.]

Mr. ALLEN. Well, I think I at least measure up to the gentleman from Illinois on the purity or dross test. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. FOSTER) there were—ayes 64, noes 36.

Mr. FOSTER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed the gentleman from Ohio, Mr. ALLEN, and the gentleman from Illinois, Mr. FOSTER, to act as tellers.

The committee again divided; and the tellers reported—ayes 73, noes 64.

So the amendment was agreed to.

Mr. MARTIN of South Dakota. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by striking out the words "to the amount of $500 or more."

Mr. MARTIN of South Dakota. Mr. Chairman, under the amendment just adopted by the committee the publication provided for by the gentleman from Indiana [Mr. BARNHART] is to be limited to once a week. I think it was very doubtful indeed whether the provision requiring only the names of those owning over $500 of stock or securities to be published could not have been avoided by placing large interests in the hands or names of numerous persons simply for the purpose of holding. If this provision is to be effectual at all, and we provide for publication only once a week, we ought to have the whole information and strike out the limitation which would limit it to stockholders or persons interested to the amount of $500. My amendment therefore simply strikes out those words "to the amount of $500 or more," and would provide that this weekly publication, when it does appear, should give absolute and complete information as to the names of all persons interested in the stock, bonds, or other securities of the publication.

Mr. LONGWORTH. Would the gentleman be willing to accept an amendment limiting it to $100 or more?

Mr. MARTIN of South Dakota. No.

Mr. MOORE of Pennsylvania. Would it not be possible under the provision limiting it to $500 for those who are responsible to put the stock in the name of some one else?

Mr. MARTIN of South Dakota. I already stated that. I think that was an unfortunate limitation to begin with. It could be avoided by simply having the stock or interest in the names of several nominal owners and not the real owner, when the real ownership was in some syndicate or individual having the legal title to the property.

Mr. MURDOCK. Does not the gentleman understand that the author of this whole proposition is in favor of the amendment offered by the gentleman from South Dakota?

Mr. BARNHART. Yes, Mr. Chairman; I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Dakota.

The question was taken, and the amendment was agreed to.

Mr. GREEN of Iowa. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend the amendment by inserting, after the word "corporation," in the second line thereof, the words "publishing any newspaper, magazine, or other periodical of like character," and after the word "any," in the third line, insert the word "such."

Mr. GREEN of Iowa. Mr. Chairman, the object of this amendment to the amendment is simply to limit the penalty to the parties who publish the magazine, newspaper, or periodical. As the substituted amendment now reads it provides that it shall be unlawful for any person, association, or corporation to enter or deposit, and so forth, any magazine, newspaper, or periodical, and so forth, so that if an ordinary individual in remailing a newspaper, magazine, or periodical should deposit it in the mail when such periodical violated the provisions of the amendment he would be subject to its penalties. If the amendment I have suggested be agreed to the clause would read, "that it shall be unlawful for any person, association, or corporation publishing any newspaper, magazine, or other periodical, to enter or deposit, or to have entered or deposited," and so forth.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Certainly.

Mr. CANNON. The publisher then could turn it over to the news agent or to any other agent who could mail it without any penalty.

Mr. BARNHART. Mr. Chairman, under the provisions of this amendment, it would be possible for a publishing company to publish the names of the editors and the owners of the publication, but still take the entire output to some individual who would have no stock in it, who could circulate it as his and use it as his own personal organ.

Mr. GREEN of Iowa. Mr. Chairman, I will ask the gentleman how he intends to prevent the penalties of this act from applying to the individual who, without knowing the contents of the newspaper, remails it?

Mr. BARNHART. First of all, the publishers and owners of the newspaper will not issue a publication unless it does contain these names; but if they do, the man who mails the publication will be in just the same situation as a man who accepts stolen property.

Mr. GREEN of Iowa. Mr. Chairman, no publisher of a magazine has ever undertaken to sell his entire output. It would be impossible for him to manage a magazine or newspaper in that kind of a way. No one but the publisher can avail himself of the privileges of second-class mail matter. The party to whom the output was sold would be compelled to pay fourth-class postage if he wished to use the mails to distribute the periodical. No regular publication could exist under such circumstances, much less could the newspapers flourish, which the gentleman from Indiana seeks to affect. His amendment can never become a law in its present form, and the amendment which I propose ought to prevail.

Mr. MANN. Mr. Chairman, the amendment offered by the gentleman from Iowa, I think, was to meet a situation to which I called the attention of the committee a few minutes ago. Under the amendment offered by the gentleman from Indiana, any person who mails a paper that does not have the information provided for in the amendment is subject to a penalty of not less than $100. Now, what the gentleman desires to accomplish is to control the publication of papers that make avail of second-class mail privileges. What he does is to penalize individuals who mail papers and then you have a provision in this amendment which, apparently, would require every fraternal organization in the country to publish the names of all their owners, and that would apparently require the American Federation of Labor to publish the names of all its members, because its members are the owners of the publication and the members of the fraternal organizations are the owners of the publication. It is crude legislation, not called for, at least to the extent to which it goes; and the gentleman desires now to have a provision inserted in the law which does not even give the court a chance to allow leniency where no criminal intent was the purpose of the person violating the law, but a penalty must be imposed of $100. The gentleman has changed his amendment now four times since it was first introduced, and it ought to be changed more, not only by the adoption of the amendment offered by the gentleman from Iowa, but by other amendments which shall accomplish at least the purpose of preventing that which the gentleman desires to prevent without attempting to penalize half the people of the country who mail papers in the post office and pay full rates upon them.

Mr. BARNHART. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the argument of the gentleman from Illinois would impress me more had it not been for the fact he has notified me from time to time that he is opposed to the amendment. The fact of the matter is that in a colloquy the other day with the gentleman from Illinois, when I announced that it was rumored that certain interests controlling a Chicago newspaper that probably supports him in his campaign, and I think it ought to do it——

Mr. MANN. I regret that it does not. [Laughter.]

Mr. BARNHART. When I suggested it was rumored that certain influences controlled that newspaper, he disputed it and said he knew that they did not control it. The purpose of these amendments, it seems to me, is to weaken this amendment and to destroy the effectiveness of it.

Mr. GREEN of Iowa. Will the gentleman yield for a question?

Mr. BARNHART. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. I wish to say I am entirely friendly to the amendment, and there was no purpose of weakening or impairing the amendment, but simply to provide that innocent persons who pick up a paper and mail it to a friend would not be subject to the penalty under this law.

Mr. BARNHART. We have been over that ground. I believe I have explained to the full satisfaction of the committee that this act would apply only to publishers of newspapers, because it stipulates that every newspaper publication must carry the names in that publication before it can be circulated through the mails. Of course, if it is sold on the streets or through news agencies that is another matter, but this amendment could not possibly apply to that sort of publication. It does not stop a man from circulating a handbill, but it stops the newspapers from circulating anonymously through the United States mails.

Mr. MANN. Will the gentleman yield for a question?

Mr. BARNHART. I will.

Mr. MANN. The gentleman just stated that he said the other day it was rumored that a Chicago paper was owned by a certain interest. Did not the gentleman state at the time that he knew that was a fact?

Mr. BARNHART. The gentleman stated he knew it was rumored.

Mr. MANN. I beg the gentleman's pardon, he stated he knew it to be the fact. I shall get the original statement from the stenographer's notes on the subject.

Mr. BARNHART. If the gentleman will get the original statement I made preceding his interruption he will ascertain that I said that these rumors were afloat, and in conjunction therewith I said that I knew it——

Mr. MANN. I would not have taken the trouble to contradict a rumor.

Mr. BARNHART (continuing). And I think if the gentleman had paid attention to what I said just previous to his interrogatory he would have understood it.

Mr. MANN. Strange to say, I had been listening attentively to the gentleman.

Mr. KENDALL. Maybe the gentleman was not in when the gentleman from Indiana was making his speech.

Mr. HILL. I would like to ask the gentleman a question. He has made no reply to the question of the gentleman from Illinois [Mr. MANN] in regard to this applying to fraternal organizations. It seems to me the language is clear and explicit that a paper or magazine published by a fraternal organization, or by a labor organization, under this amendment must have the names of all the parties having interest in it published according to the terms of this provision.

Mr. BARNHART. It does now. It did not previous to the adoption of the amendment striking out the $500 limit.

Mr. HILL. It did not previous to the adoption of the amendment, but as it stands now every Odd Fellows' magazine in the United States would have to be published with the name of every member in the jurisdiction which used the magazine.

Mr. BARNHART. It does, and therefore I introduced my amendment providing that the names of all stockholders holding more than $500 worth of stock be published.

Mr. HILL. But as it stands now they would have to publish them all?

Mr. BARNHART. They would have to publish them all.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

I propose to vote against the Barnhart amendment, because it serves unnecessarily as an entering wedge to the throttling of a free press. I want gentlemen to consider what they are doing when they vote away from a man who engages in the business of publishing a newspaper the right accorded to every other citizen and every other business man, to use the mails of the United States. You say if I am the publisher of a newspaper, whether it be a $3,000,000 enterprise or whether it be a country weekly, I can not use the mails of the United States without revealing all my business interests to my enemies and to my creditors. You do not require that of any business man or of any corporation doing business independent of the newspaper business who uses the mails of the United States.

You want to ferret out the man who is responsible for writing an article you do not like, but you are going to deny him the use of the mails if his article does not suit your fancy. You deny him the right to circulate what he writes, the right to circulate free speech by the instrumentality of the postal service of the United States.

In Pennsylvania we tried to find out who the proprietors of the newspapers were in order largely that men might bring libel suits. We did that as a matter of State jurisdiction. But you propose to refuse to a man who is doing business in the United States, the right to use the mails which are guaranteed to all of us, because he does not conform to certain conditions which can be ferreted out in his own State, and for which he is responsible in his own State. [Applause.]

I do not think when you give this matter a second thought that you gentlemen on the other side will propose to invite the criticism that will follow the passage of this amendment. I do not think when you have heard from every country newspaper editor, to whom you have responded to-day by passing the roads-subsidy proposition, after you have confiscated a part of his property by requiring him to use his space publishing his business in a conspicuous place every week, you may find you have acted wisely in passing this amendment to-day. I am drawing it to your attention. I do not propose to vote for this amendment. If you want to go after an editor, sue him in your State. If you want to go after a man who is doing a newspaper business improperly, or who is violating the rights of incorporation, you have your remedy at home. You may do a great injustice by this general denial of that right which

is guaranteed to every other citizen of the United States—the right to do business through the post offices of this country. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Iowa [Mr. GREEN] to the amendment of the gentleman from Indiana [Mr. BARNHART].

The question was taken, and the amendment was rejected.

Mr. RODDENBERY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Georgia [Mr. RODDENBERY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by adding after the word "outstanding," in line 12, the following:

"It shall also be unlawful for any person, or persons, or association, or corporation to enter or have entered into the mails of the United States any letter, circular, packet, newspaper, magazine, or other periodical of like kind, advertising or offering for sale, either directly or indirectly, any spirituous, malt, vinous, or other intoxicating liquors for transmission to or delivery in any State, county, municipality, or other civil subdivision thereof wherein the sale of such liquors is or may hereafter be prohibited by State or local law."

Mr. BARNHART. Mr. Chairman, I make a point of order against that amendment.

Mr. RODDENBERY. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. RODDENBERY. Mr. Chairman——

Mr. BARNHART. Mr. Chairman——

The CHAIRMAN. The Chair will hear the gentleman from Indiana [Mr. BARNHART] first.

Mr. BARNHART. The amendment, Mr. Chairman, is not germane. I have no argument to make, it is so clear. It has no reference to this question.

The CHAIRMAN. The Chair will ask the gentleman if his amendment does not prohibit certain classes of publications from going through the mails?

Mr. BARNHART. It provides a penalty for the same; yes, sir.

The CHAIRMAN. What is the difference between that and the amendment offered by the gentleman from Georgia?

Mr. BARNHART. It is entirely different, because it brings in a matter that has no relation to the Post Office Department.

The CHAIRMAN. The Post Office Department has exclusive jurisdiction.

Mr. MANN. Will the Chair permit me to call his attention to the fact that there is no heading on the amendment? Whatever heading there is is superfluous. There is no heading to the proposition authorized by the Committee on Rules.

The CHAIRMAN. The Chair will call the attention of the gentleman to page 21 of the engrossed copy that I have. I have not the printed copy. The only thing that refers to it is on line 15 of page 21, which reads as follows——

Mr. MANN. I say there is no heading. I thought the Chair referred to the heading covering the subject matter.

The CHAIRMAN. No. The Chair was talking about the amendment of the gentleman from Indiana [Mr. BARNHART].

Mr. MANN. I understand; but the amendment offered by the gentleman from Indiana is based on a provision of the rule, and there was no heading read to the House. I do not know what may be on the paper.

The CHAIRMAN. To what did the gentleman refer?

Mr. MANN. I thought the Chair referred to the heading on the amendment.

The CHAIRMAN. The Chair did not refer to a heading.

Mr. MANN. I beg the Chair's pardon.

The CHAIRMAN. The Chair will hear the gentleman from Georgia [Mr. RODDENBERY].

Mr. RODDENBERY. Mr. Chairman, the matter of the construction of the rule adopted by the House last week was fully considered by the Chair yesterday, and his ruling was made. Now, the amendment offered by me here follows precisely the ruling heretofore made and, as the Chair has well suggested, the pending amendment offered by the gentleman from Indiana [Mr. BARNHART] provides for a denial and prohibition of the use of the mails to a certain class of matter that is now mailable. The amendment that I offer denies admission to the mails of certain newspapers and other publications that are now admitted to the mails. The same penalty that is provided in the amendment offered by the gentleman from Indiana [Mr. BARNHART] will be provided in the amendment as submitted by me, to be considered now.

It is clearly germane. The amendment by the gentleman from Indiana is an amendment prescribing what is mailable matter. This amendment submitted by me prescribes what is mailable matter. The amendment I offer, dealing with the same class of mail, provides whether or not it is mailable and, if so, under what conditions it is mailable.

It is so apparently germane, Mr. Chairman, that I do not see how the gentleman can seriously raise a question against it.

It was suggested by the gentleman from New York [Mr. FITZGERALD] yesterday that the rule is broader than that. I do not agree with the suggestion of the gentleman from New York, but my amendment is drawn to cover the particular subject matter now under consideration.

In reply to the gentleman from Indiana I will say that his only objection as stated is that it does not come under the jurisdiction of the Post Office Department. All letters, all circulars, all newspapers, all magazines are exclusively under the jurisdiction both of the postal laws and the postal regulations. The amendment I offer now simply changes the postal law as it now exists, and is entirely and certainly unanswerably germane to the pending amendment or to the pending substitute.

Mr. BERGER rose.

The CHAIRMAN. Does the gentleman from Wisconsin desire to speak to the point of order?

Mr. BERGER. No, sir.

The CHAIRMAN. The Chair is ready to rule on the point of order.

The gentleman from Indiana [Mr. BARNHART] offers an amendment which would provide for the exclusion from the mails of publications of a certain character. The gentleman from Georgia [Mr. RODDENBERY] offers an amendment to the amendment, which provides for the exclusion from the mails of certain other classes of publications. The Chair thinks the amendment is germane, and therefore overrules the point of order. [Applause.]

Mr. RODDENBERY. Gentlemen of the committee, I desire to address you for a moment touching this amendment. Certain States and certain counties——

Mr. BARNHART. Mr. Chairman, will the gentleman yield?

Mr. RODDENBERY. Certainly.

Mr. BARNHART. I would like to ask unanimous consent—not doing it out of the time of the gentleman from Georgia [Mr. RODDENBERY]—to have the amendment read again.

Mr. RODDENBERY. I would be glad if it could be read again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Georgia [Mr. RODDENBERY].

The Clerk again reported the amendment.

Mr. RODDENBERY. Gentlemen of the House, the object of this resolution is to give to the States and minor subdivisions of this country real and effective local self-government. My Democratic friends, who have been contending for a long time for the sovereignty of the States and local self-government, now have a chance to vote for it. [Applause.] My amendment, if adopted, will help make prohibition prohibit. Heretofore we have been telling our temperance friends that we could not get the bill favorably reported out of the committee. I have availed myself of this parliamentary opening to bring this measure directly and squarely to a vote on the floor of the House. I appeal to you to answer the prayers and demands of the prohibition and temperance sentiment of the country. We can no longer say to them that we can not get the chance to vote for them. We stand at this moment face to face with the opportunity. Remembering our professions and promises to the voters at home who sent us here, let us now with fidelity perform. Various States, townships, counties, and municipalities have prohibited the sale of and dealing in intoxicating liquors, but in defiance of that fact the Federal Government allows liquor houses and newspapers containing the advertisements of liquor houses, brewers, and distillers to flood the State, county, and municipality with their advertisements of rye, of rum, of gin, of beer, and all known kinds of booze. [Applause.] If you want the people whom we represent to have their laws better enforced and respected, deny to the wholesale and retail whisky houses the right, in disregard of local law and local sentiment, to send to the ministry, to the women, to the widows, and to all citizens through the mails advertisements of this nefarious traffic. [Applause.] My southern Democratic colleagues and my Republican friends, particularly from the West, whose constituencies have voted liquor out of townships, counties, and States—in Ohio, in Michigan, in Kansas, Indiana, in Iowa, Nebraska, and all around—have the opportunity now to stand by their people and vote for their protection. [Applause.]

It is said we can not enforce prohibition laws. I deny it. The people of our States and counties have passed these laws. We should clothe them with power to enforce them by withdrawing Government partnership with lawbreakers. Will Members refuse here to vote to have these laws respected by the Federal Government? If the State and local laws which our people have approved and enacted are valid, let us vote

that their sovereign will be not be disregarded by the liquor interests through use of the postal service. Now is the time to shut out these defiant whisky houses, with their vice and crime breeding advertisements. [Applause.]

Millions of our pure women, under the organization of the Woman's Christian Temperance Union are crying out to us to protect the homes and children charged to their keeping. The great body of the churches and God-loving and law-abiding manhood of the Republic have the right to and do demand and expect that we vote for obedience to and regard for the State and local statutes outlawing the liquor traffic. To-day, for the first time, we have offered the opportunity to vote to allow the brewers, distillers, saloonists, and rum sellers to continue to defy the law and will of our constituency, or to rise to the supreme duty of the moment and vote to compel these malefactors who prey upon our homes and unfortunate men to obey and respect the will of sovereign freemen.

Mr. MURDOCK. Will the gentleman yield?

Mr. RODDENBERY. If I can get the time. I want 10 minutes more, but can not get it. I yield to the gentleman, nevertheless.

Mr. MURDOCK. I want to say to the gentleman that I favor his amendment, and I also will say to him that there is no paper in Kansas that carries any liquor advertisements.

Mr. RODDENBERY. I always thought well of Kansas and of the gentleman, and I now think better of both. I say to every gentleman here who has been telling the patient women and the preachers at home, "I am with you," it is up to you now. Gentlemen who have been for the moral uplift, for the children, and the good of the country, show it now by your vote when we have the first opportunity. The amendment merely provides that the will of the people shall not be overridden by foreign whisky establishments and by the newspaper that sells its columns in order that prohibited liquor may flow into prohibition territory, when the people have said they do not want it. How much longer shall the dry territory be flooded with defiant advertisements and whisky circulars? Gentlemen, it is both a fair and democratic proposal. Let us as Representatives stand for the sobriety of the people, the sovereignty, dignity, and enforcement of law. The question now for vote and determination is not whether we favor prohibition, but whether we stand for supremacy and enforcement of the law. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Georgia [Mr. RODDENBERY] to the amendment of the gentleman from Indiana [Mr. BARNHART].

The question being taken, on a division (demanded by Mr. RODDENBERY), there were—ayes 55, noes 89.

Mr. RODDENBERY. Tellers, Mr. Chairman.

Tellers were refused, 13 members, not a sufficient number, rising in support of the demand.

Accordingly the amendment of Mr. RODDENBERY to the amendment was rejected.

Mr. MOON of Tennessee. Mr. Chairman, I move that all debate on this amendment and amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Tennessee moves that all debate on the amendment and amendments thereto close in 15 minutes.

The question being taken, the motion was agreed to.

Mr. THAYER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting after the words "into the mails of the United States," in line 3 of the substitute, the words "as second-class mail matter."

Mr. THAYER. Mr. Chairman, this amendment which I have offered may meet the suggestion of the gentleman from Illinois [Mr. MANN] in regard to innocent persons mailing newspapers contrary to this bill; but that is not the chief purpose for which I offer it. That great jurist, long an ornament of the Supreme Court of the United States, Joseph Story, never uttered a wiser or more statesmanlike sentence than when he wrote this motto for the Salem Register:

> Here shall the press the people's rights maintain
> Unaw'd by influence and unbrib'd by gain.

If that were the condition of the press to-day, the amendment of the gentleman from Indiana [Mr. BARNHART] would not be necessary, but we are "fallen on evil days," and we are obliged to resort to severe measures to restrain what was once the bulwark of our liberties from becoming the artillery park of "antirepublican tendencies." The amendment is a step, and but a step, in the right direction. I can foresee many methods by which this salutary amendment will be evaded, and, while I do not now offer any legislation on this subject, I desire to state from my own experience, and what is doubtless the experience of many gentlemen on the floor of this House, an example which will plainly show the need of restrictions like those presented by the gentleman from Indiana [Mr. BARNHART], if not much more drastic ones.

If we wish to see where the editorial sentiments of the papers come from, we do not need to look so much at the names of the owners, stockholders, and directors as we need to look at the advertising pages of those newspapers. There is where the milk in the coconut is to be found. It is through that source that we can tell how the editors will write.

It was my fortune in attempting to restrain the monopolistic tendencies of modern commercialism to present two bills similar in form and in purpose, but relating to two different aspects of the ways in which the business in articles could be controlled. Those bills, as properly amended, are as follows:

[H. R. 11380, Sixty-second Congress, first session.]

A bill to prevent restrictions or discriminations in the sale, lease, or license of tools, implements, appliances, or machinery covered by interstate commerce.

Be it enacted, etc., That no person, firm, corporation, or association engaged in interstate commerce having any interest, whether as owner, proprietor, beneficiary, licensee, or otherwise, in any tool, implement, appliance, or machinery shall, directly or indirectly, in making any sale or lease of or any license entered into in the course of trade or commerce between the several States or with foreign nations or in any Territory of the United States, or the District of Columbia, or between any Territory of the United States and the District of Columbia, or any Territory of the United States or any State or any foreign nation, or between the District of Columbia and any Territory of the United States, or any State or States or foreign nation, to any such article, restrain or attempt to restrain or prevent the vendee, lessee, or licensee from using any tool, implement, appliance, machinery, material, or merchandise not furnished by or with the approval of the vendor, lessor, or licensor, whether by making any condition or provision, express or implied, against such use by a term of any sale, lease, or license to use, or by requiring any obligation, express or implied, against such use from the vendee, lessee, or licensee of the article, or by imposing any restrictions upon the use of the article sold, leased, or licensed, or by making in the price, rental, royalty, or other terms of any such sale, lease, or license any discrimination based upon whether the vendee, lessee, or licensee uses or purchases any such tool, implement, appliance, machinery, material, or merchandise or not, or by any other means whatsoever: *Provided, however*, That nothing in this act shall be construed to prevent any such vendor, lessor, or licensor from requiring that during the continuance of any letters patent on any such article no patented component or constituent parts of the tool, implement, appliance, or machine required for use thereon be purchased except from such vendor, lessor, or licensor: *And provided further*, That nothing in this act shall be construed to prohibit the appointment of agents or sole agents to sell or lease machinery, tools, implements, or appliances.

SEC. 2. That any such person, firm, corporation, or association who shall violate the provisions of this act, and any other person, whether or not an agent of such owner, proprietor, or beneficiary, who shall willfully or knowingly assist in or become a party to any such violation shall be punished for each offense by a fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment.

SEC. 3. A proceeding in equity to prevent and restrain violations of this act may be brought by any person injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act in any district court of the United States in the district in which the defendant resides or is found or in which the act complained of was committed; and in addition thereto or separately therefrom may sue, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

SEC. 4. The several district courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition, the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

SEC. 5. Whenever it shall appear to the court before which any proceeding under section 4 of this act may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not, and subpœnas to that end may be served in any district by the marshal thereof.

SEC. 6. Any property owned under any contract or by any combination or pursuant to any conspiracy (and being the subject thereof) mentioned in section 1 of this act and being in the course of transportation from one State to another or to a foreign country shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

SEC. 7. That the word "person" or "persons" wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States or the law of any of the Territories, the laws of any State, or the laws of any foreign country.

[H. R. 11381, Sixty-second Congress, first session.]

A bill to prevent restrictions or discriminations in the sale, lease, or license of tools, implements, appliances, or machinery, or the use of any method or process covered by the United States patent laws.

Be it enacted, etc., That no person, firm, corporation, or association having any interest, whether as owner, proprietor, beneficiary, licensee, or otherwise, in any letters patent of the United States covering any

tool, implement, appliance, or machinery, method, or process shall, directly or indirectly, in making any sale or lease of or any license to any right under such patent or to any article which embodies or includes the invention covered by such letters patent, restrain or attempt to restrain or prevent the vendee, lessee, or licensee from using any tool, implement, appliance, machinery, material, or merchandise not furnished by or with the approval of the vendor, lessor, or licensor which does not infringe such letters patent, whether by making any condition or provision, express or implied, against such use by a term of any sale, lease, or license to use, or by requiring any obligation, express or implied, against such use by the vendee, lessee, or licensee of the article, or by imposing any restrictions upon the use of the article sold, leased, or licensed, or by making in price, rental, royalty, or other terms of any such sale, lease, or license any discrimination based upon whether the vendee, lessee, or licensee uses or purchases any such other tool, implement, appliance, machinery, material, or merchandise or not, or uses any such other method or process, or by any other means whatsoever: *Provided, however*, That nothing in this act shall be construed to prevent any such vendor, lessor, or licensor from requiring that during the continuance of such letters patent no patented component or constituent parts of the tool, implement, appliance, or machine required for use thereon be purchased except from such vendor, lessor, or licensor: *And provided further*, That nothing in this act shall be construed to prohibit the appointment of agents or sole agents to sell or lease machinery, tools, implements, or appliances.

SEC. 2. That any such person, firm, corporation, or associations having interest in any such letters patent who shall violate the provisions of this act, and any other person, whether or not as agent of such owner, proprietor, or beneficiary, who shall willfully assist in or become a party to any such violation shall be punished for each offense by a fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment.

SEC. 3. That if any person, firm, corporation, or association is convicted a second time of any offense under this act in connection with such letters patent, such letters patent shall thereupon become null and void.

SEC. 4. Proof of violation of this act shall be a good defense to any action for infringement of any patent in connection with which said violation occurs.

SEC. 5. Any person injured by violation of this act may bring an action for recovery of damages against any party so violating, in any district court of the United States or in the district wherein the act complained of was committed or wherein the defendant resides or is found.

In connection with them and with the Lenroot bill, H. R. 15926, a long amendment to the Sherman antitrust act, lengthy hearings were held before the Judiciary Committee. At the time these measures were introduced in the House of Representatives the press of Boston especially took considerable notice of them, as the practices at which they were aimed were largely those of the United Shoe Machinery Co., of Boston. From time to time some mention was made of them in the papers, necessitated by the fact that the United States Government had, after these measures were introduced, brought indictments against some of the directors of the company and also a bill in equity for the dissolution of the company.

But when the hearings on the bill were begun, after brief notices of the opening days, some of the papers ceased all mention of the proceedings, and others mentioned only the evidence which appeared favorable to the United Shoe Machinery Co., but not the evidence advanced in favor of the measures, and not one of the Boston papers gave the final arguments in their favor. About the time the hearings were concluded Judge Gray had made a suggestion on the framing of the final decree dissolving the Powder Trust—

that the Sherman Act does not make a specific regulation; it is much to be desired that Congress in its future legislation would so regulate commerce between States that, however drastic that regulation may be, the business of the country will be compelled to accommodate itself to it.

Judge Putnam, in the indictment of the United States versus Directors of the United Shoe Machinery Co., had said substantially the same. These decisions were followed by the dissenting opinion of a strong minority of the court—Justices White, Hughes, and Lamar—in the celebrated Henry case, where the division was four to three. Justice White said:

Because of the hope that if my forebodings as to the evil consequences to result from the application of the construction now given to the patent statute be well founded, the statement that the application of my reasons may serve a twofold purpose: First, to suggest that the application in future cases of the construction now given be confined within the narrowest limits, and, second, to serve to make it clear that if evils arise their continuance will not be caused by the interpretation now given to the statute but will result from the inaction of the legislative department in failing to amend the statute so as to avoid such evils.

On account of this decision it was seen that a change in the law was imperative, and the Boston newspapers, as well as the press of the country in general, took notice of these hearings which had been already held. The Boston Transcript, besides speaking specifically of these measures, devoted considerable space to the patent laws. But the question naturally arises, Why had not the press of Boston paid more attention to these measures, which were honestly intended to restrain monopolistic control and in which New England was peculiarly interested on account of the presence within her borders of one of the offenders of the law, and also because remedial legislation was advocated by one of her Congressmen? Their attitude may be explained in part by the following statement and editorial from the Boston American, which has always been the determined foe of monopoly, whether business or political, and also because—alas, too often we are compelled to look to the advertising columns of the newspaper to discover how the editorial and news columns will treat any subject related to its principal source of revenue:

[Boston American, Friday, Feb. 2, 1912.]

SHOE MACHINERY TRUST GOES INTO THE NEWSPAPER BUSINESS—HAS THE BOSTON "TRAVELER," GETS THE LYNN "NEWS," AND ADDS THEM TO THE "TIMES" OF GLOUCESTER AND "NEWS" OF NEWBURYPORT—EDITORIAL AGENTS LOOKING FOR OPPORTUNITIES IN SALEM AND HAVERHILL—BOUND TO HAVE NEWSPAPERS EVERYWHERE THAT WILL BE "FAIR-MINDED"—TRAVELER EDITOR, WHO WANTED TO PRINT A STORY THAT SHOE-MACHINERY WINSLOW DIDN'T WANT PRINTED, ISN'T THE TRAVELER EDITOR ANY MORE—SMITH AND HIGGINS, THE MEN ON THE TRAVELER JOB FOR SIDNEY W. WINSLOW, AND SMITH AND HIGGINS ARE ALSO THE MEN ON THE JOB IN LYNN, GLOUCESTER, AND NEWBURYPORT—PERHAPS THEY'LL PLANT A "FAIR" PAPER IN SALEM AND HAVERHILL, TOO.

Confirmation of the report that the Boston Traveler had passed under the control of the president of the United Shoe Machinery Co. was followed to-day by the discovery that the head of the Shoe Machinery Trust is also a big figure in at least three other Massachusetts newspapers and that his representatives in the newspaper field have their eyes on two cities more.

The president of the Shoe Machinery Trust is Sidney Wilmot Winslow. Mr. Winslow's shoe-machinery offices are located in Lincoln Street. His homes are at Beverly, at Brewster—the Cape Cod town where he was born less than 60 years ago—and at No. 10 Commonwealth Avenue.

President Winslow's bright young men in the newspaper business are Fred E. Smith, of Newburyport, once the Republican postmaster of the city at the mouth of the Merrimac, and James H. Higgins, also of Newburyport.

THE TRUST NEWSPAPERS.

The list of newspapers now controlled by Sidney W. Winslow, through Smith and Higgins, is as follows:

In Boston, the Boston Traveler; in Lynn, the Lynn Evening News; in Gloucester, the Gloucester Times; in Newburyport, the Newburyport News.

Why the shoe-machinery people should be interested in newspaper publications to the extent of securing editorial or financial control is a matter for conjecture, but it was pointed out to-day that in every case save one the shoe-machinery newspapers on the above list are published in what might be called shoe towns.

The Boston Evening Traveler, now completely under Winslow's control, is printed in the great wholesale center of the shoe business in North America.

Making shoes is the principal business of Newburyport, where Smith and Higgins get out the Evening News for Mr. Winslow. Lynn, where they print the News, is the "Shoe City" of the United States.

The attitude of the local press toward the shoe manufacturers in the shoe cities—and it is known that Mr. Winslow's young men have for some time been feeling out the probable chances for a paper in Salem and Haverhill—is an extremely important factor in the business of these manufacturers.

Shoe manufacturers may also have trouble with the assessors. In local paper is able to take the middle of the road in these controversies or it may side with one disputant or the other.

Shoe manufacturers may also have trouble with the assesors. In these disputes, also, it is not unpleasant to find the local newspaper your friend.

Suggestions of this sort have been made to American reporters who, for several days, have been investigating the great interest shown by the big fellows of the Shoe Machinery Trust in the newspaper business.

These suggestions appear to have been based upon suspicion most unjust, for, on the authority of a man who claims to know the situation in Lynn, the American was to-day furnished with information going to show that, in that city, at least, Mr. Winsolw has merely taken steps to see that a paper which formerly was unfair shall hereafter be fairminded.

A COOLIDGE IDEA.

In addition to its four Massachusetts dailies—with at least two more to come—the Shoe Machinery Trust has for two or three years maintained one of the best press bureaus in the country.

This press bureau is supposed to have the benefit of the wisdom and experience of Mr. Louis A. Coolidge. Mr. Coolidge is treasurer of the United Shoe Machinery Co. He used to be famous as one of the best newspaper correspondents at Washington, D. C.

Coolidge in 1904 was president of the Gridiron Club at Washington. He had then been a Washington correspondent for more than a dozen years. He was a great friend of President Roosevelt. He was a member of the Roosevelt "tennis cabinet," and in the presidential campaign of 1904 the Roosevelt folks put Coolidge in as director of the Republican literary bureau.

In 1908 he was appointed Assistant Secretary of the Treasury. He might have gone higher—as high as Hitchcock—if Winslow hadn't come along with the proffer of a place paying considerable more money than Uncle Sam allows even the best of his servants. Coolidge became treasurer of the Shoe in 1909.

NO POLITICS IN MOVE.

In addition to its advertising in all sorts and conditions of daily papers, weekly papers, trade journals, souvenir publications, and monthly magazines, the press department of the United Shoe Machinery Co. has at times sent broadcast a lot of advertising to be run as "pure reading matter."

When Smith and Higgins, of Newburyport, under the kind patronage of Sidney W. Winslow, of the United Shoe Machinery Co., began the establishment of a syndicate of newspapers in northwestern Massachusetts, there was commonly supposed to be "politics" behind it.

The first guess was that John Hays Hammond wanted something. Mr. Hammond denied the soft impeachment. Gradually Mr. Winslow was uncovered, the Lord Bountiful of a free press.

If Mr. Winslow wanted anything in politics, it has not been apparent since the time when, in 1908, he set out to be an anti-Taft delegate to the Republican national convention from Beverly. His ambitions were rudely punctured at that time by Capt. Augustus Peabody Gardner, of Hamilton.

WHAT IS REAL PURPOSE?

There was, however, last July, a movement to put Treasurer Coolidge up as the Republican candidate for lieutenant governor. Not very much came of that movement at that time.

With these guesses removed from consideration, there is left the proposition that the shoe-machinery crowd desires to place newspapers in shoe-manufacturing towns for purposes which may appear later.

It is the belief of everybody on the inside at Washington, according to advices which came a day or two ago to the Boston American, that the shoe-machinery company is in a way of extricating itself from a very unpleasant position before the enforcers of the Sherman Antitrust Act.

It is, of course, well known that the shoe-machinery company is among the many which have been indicted under the Taft administration. There are cynics in Massachusetts who have thought that able gentlemen would make smooth the way of the "United Shoe" at Washington quite as other gentlemen made smooth the way of the New York, New Haven & Hartford Railroad in Mr. Roosevelt's time.

TRUST HEADS AT WASHINGTON.

Not only Treasurer Louis A. Coolidge, formerly of the Roosevelt tennis cabinet, but Mr. Charles F. Choate, jr., one of the ablest, if not the ablest, extricator in New England, have been in Washington for many days in the interests of President Winslow's $50,000,000 corporation.

There was a report last week—since denied by the defendant company—that the Shoe Machinery Trust was about to throw up its hands and surrender. According to a Washington story which has come to the Boston American the Shoe Machinery Trust is getting ready to be let off easily. It is going to reorganize or readjust or re-something.

First of all the United Shoe has got to drop the "exclusive" feature out of its contracts with manufacturers. Apparently the shoe manufacturer is to be at liberty to buy and lease where he will.

And so, it is thought, the shoe-machinery people have decided that it will be helpful under the new agreement to have a daily newspaper in each of the shoe centers. Hence they have to-day the Boston Traveler, the Lynn News, the Gloucester Times, and the Newburyport News.

And they have been looking for footholds, as will be explained, in Salem and Haverhill. Shoe-machinery papers in these cities are to come later.

FIRST WINSLOW PAPER.

The first of the Winslow newspaper ventures was the News, of Newburyport. Jim Higgins, who took charge of this venture, was one of the Winslow protégés. Mr. Winslow is celebrated for his good judgment in picking able young lieutenants.

Fred Smith, who had been the Newburyport postmaster and who was close to the Republican State machine at that time, was associated with Higgins in the News venture. The relations that existed between these young men and President Winslow were well known in that corner of Essex.

Smith and Higgins did so well with the News, of Newburyport, that they next essayed Gloucester. Here they got control of the Times.

Next on the list of Smith-Higgins-Winslow papers came the Boston Traveler.

Mr. Winslow inserted his bright young men into the Boston Traveler quietly.

THE TRUST AND THE TRAVELER.

Nearly two months ago—on December 13, to be exact—there appeared in the Boston Post an item which said that a number of changes had taken place of late in the Boston Traveler. The Post item said that Mr. E. H. Baker, of Cleveland, Ohio, had retired as general manager and publisher of the Traveler.

Up to that time—and for some time—Mr. E. H. Baker, of Cleveland, had been the dominating factor in the Traveler. When the "Cleveland" interests took over the Traveler, Mr. Baker appeared as the Traveler's principal executive. The man "on the job," for Mr. Baker was Mr. Baker's son, Frank S., who has made his home in Quincy.

More than a year ago—or early last year—it became known in financial circles in Boston, and to those on the inside of Boston newspaperdom, that one of the "largest factors" in the Traveler was Sidney W. Winslow, of the United Shoe Machinery Co.

RUMOR OF TROUBLE IN CAMP.

To-day it is said that not only was this true at that time, but that other officials of the Shoe Machinery Co. are interested in the Boston Traveler in an alliance with Albert F. Holden, of Cleveland, Ohio, one of the principal officers of the United States Smelting, Refining & Mining Co. President Winslow is one of the directors of that company.

Along in the middle of last summer there were continuous rumors of trouble in the Traveler camp.

For one thing it was said that Mr. Marlin E. Pugh, then the managing editor of the Traveler, had been printing in the Traveler altogether too many things tending to annoy and displease President Sidney W. Winslow and the gentlemen quietly associated with Mr. Winslow at that time in the Traveler enterprise.

It also became known at about that time that Mr. Winslow, now supposed to be merely the "angel" back of the Traveler, had lost his admiration for Mr. E. H. Baker, of Cleveland, Ohio.

THE POST CORRECTION.

And, some time after midsummer, it became know that while Mr. E. H. Baker continued to be known as an official of the Traveler, Mr. E. H. Baker was no longer the gentleman who was giving orders in the Boston Traveler office. Then came the announcement that Messrs Smith & Higgins had come in.

The item which the Boston Post printed on December 13, however, was corrected by the Boston Post on the following day.

On December 14, last, the Boston Post reported that Mr. Frank S. Baker (the son of E. H.), was and would continue to be the publisher of the Traveler. The Post said further, in this correction, that Mr. Frank S. Baker's father had never been active in the management of the Traveler but would continue to act, as before, as president of the Evening Traveler Co.

TRUST TAKES OVER LYNN NEWS.

And then the Boston Post went on to say that Mr. Frank S. Baker had "recently called into association with him Mr. James H. Higgins and Mr. Fred E. Smith, publishers of the Newburyport News and the Gloucester Times, who will act in an advisory capacity."

The picture thus presented, of the Bakers of Cleveland, Ohio, and Boston, Mass., digging up editorial "advisers" in Newburyport and Gloucester, caused some quiet merriment at the time. All this was well enough, however, until, lo, and behold, along came the Boston Herald last week with an item telling how the Lynn Evening News had been bought by Mr. Winslow's Smith & Higgins.

Representatives of the bondholders of the Lynn Evening News, the Boston Herald said last week, had sold the News to Smith & Higgins "free of the mortgage." The Herald identified Smith & Higgins as the gentlemen "who have recently secured a large interest in the Boston Traveler."

The Boston Traveler, it may be said in passing, did not print this item, nor has the Boston Herald "corrected" it.

Public sentiment, it has been pointed out by several with whom reporters of the American have discussed the shoe machinery newspaper syndicate in the past few days, has come to be regarded as a dangerous factor in the affairs of big business.

The larger corporations and the trusts, therefore, it has been pointed out, are on the qui vive with reference to the "development" of this public sentiment.

Having the Boston Traveler, the Newburyport News, and the Gloucester Times, Mr. Winslow and his friends next stepped into Lynn. There they took the plant of the Lynn Evening News.

The Lynn News was practically down and out. It had some $50,000 in outstanding bonds. The paper was largely controlled by the Lynn Gas Co. and the General Electric Co. When the paper blew up, indeed, there appeared in the list of its bondholders the name of President C. A. Coffin, of the General Electric Co.

Also there appeared there the names of former Gov. Eben S. Draper and former Lieut. Gov. Louis A. Frothingham.

Interesting stories are told in Lynn about the blowing up of the Evening News.

The gentleman who had dominated the paper for some time is said to have been a Mr. Bolton, of New Haven, Conn.

Mr. Bolton had an editor in charge of the Lynn Evening News who appears to have been of the same kidney as Merlin Pugh, the Boston Traveler editor, whose sayings and doings so annoyed the philanthropic Mr. Winslow.

Regardless of the fact that the Evening News bonds were in hands at least friendly to the Lynn Gas Co., this Evening News editor displayed a most unpleasant penchant for going after the said gas company and lambasting it fore and aft.

Whereupon, according to the gossip of Lynn, the gas people hied themselves to Publisher Bolton, saying, "What meanest thou?" and "Desist," and like manner of exclamation.

And the good Mr. Bolton, says the gossips of Lynn, threw up his hands as one who is guiltless and said, "I can not help it; it's me editor."

The which, as was soon to develop, did not go.

There came a day when it was time to pay interest on the bonds, and the cupboard was bare. The unpleasant editor had gone away some time previously, but the men of money were relentless, and there was nothing doing for the Lynn News.

At about this time the thought appears to have struck Mr. Winslow that the Lynn Evening News should be succeeded by a journal which would treat the business interests of Lynn fairly, and so it came to pass that Smith and Higgins added the Lynn Evening News to a string of papers which already included the Newburyport News, the Gloucester Times, and the Boston Traveler.

In addition to his controlling interest in the affairs of the Boston Traveler, President Winslow, of the Shoe Machinery Trust, has at least a friendly interest in the affairs of one other Boston newspaper.

President Winslow has been seen at the Hotel Touraine of late in the company of the editor of this other Boston newspaper. Vice President George W. Brown, of the Shoe, has apartments at the Touraine.

In Salem the United Shoe Machinery's newspaper set are reported to have made advances to Col. Robin Damon, who has printed the Salem Evening News for a great many years and is generally credited with having found a gold mine in it. Up to this time the Shoe Machinery newspaper set have merely made advances to Col. Damon.

The Haverhill situation is said to be that the Shoe Machinery folks are waiting for the psychological moment.

All of which interesting newspaper information is offered to the newspaper readers, the advertisers, and the newspaper people of Massachusetts for the good that it may do.

President Winslow, of the United Shoe Machine Co., wants the press of Massachusetts to be "fair." Of course President Winslow stands by the constitution of Massachusetts, which declares that "the liberty of the press is essential to the security of freedom in a State; it ought not, therefore, to be restrained in this Commonwealth."

[Editorial in Boston American, February 3, 1912.]

MONOPOLISTIC GAGGING OF THE PRESS MEANS THE POISONING OF THE WELLS OF AMERICAN PUBLIC OPINION.

The hundreds of thousands who read this newspaper day by day and who are each day steadily adding to their numbers will have read with amazement the exposure of press gagging which the American made on the first page of yesterday's editions.

It is an exposure which should blanch the cheek of every thoughtful citizen who reads it. Every paragraph, every line of the shameful story has full material to make men pause.

This story of the Shoe Trust and its controlled chain of newspapers is the opening of a chapter whose ending no man can foresee.

It is the unveiling, rather the unmasking, of a powerful conspiracy to muzzle the American press, to poison the wellsprings of American public opinion.

From the dawn of this Republic onward to this very hour the free, untrammeled, independent, patriotic press of America has been the stoutest bulwark of the people's rights and of the Nation's liberties.

Greater than fleets and armies, greater than all the genius of statesmanship, the press of America, free, independent, patriotic, has stood firm and strong and true against all injustice and against every encroachment upon the domain of the people's rights.

Every stone that was laid in the fabric of American institutions during the struggling days which followed '76 was bonded in the cement of a free and solid, patriotic, and independent American press, racy of the soil and loyal in all its utterances.

Is this bond in danger of dissolution? Is this long-cemented union to be melted "like snow before the sun," in the corroding acid of corporation corruptive influence?

Here is a question for the American people to face; no other people will face it for them.

It is an issue as deep and as pregnant as any that has reared itself since Washington and his confrères gave this Nation birth.

It is a problem as serious as any that has come before the people since the martyred Lincoln spoke his inspiring prayer upon the field of Gettysburg.

Gagging the press of America, bringing it under the control of monopolistic corporations, seven-eighths of whom are said to be persistent violators and defiers of the Nation's laws, is a crime fully in the class with the poisoning of the wells when hostile armies are on the march.

An independent, patriotic journalism is the very lifeblood of this Republic.

It is for the people to see that it endures.

My own home paper, the Worcester Evening Post, was, as far as I know, the only paper in New England that published full

and adequate reports of both sides of the subject, as it always does, thus fulfilling the functions of a real newspaper.

The United Shoe Machinery Co. is a large advertiser—for what purposes its officers can best tell, for it has a virtual monopoly of the shoe-machinery business—in the metropolitan press, and therefore it can be, perhaps, inferred without any large stretch of the imagination that such a good customer's wishes must be respected. Now, during the pendency of these measures it has published in the New York Sun a full-page advertisement describing its works in Beverly and its general beneficence (?). An experience of a colleague of mine, the Hon. EDWARD W. TOWNSEND, of New Jersey, is somewhat similar. March 29 of this year he made a unique speech on the tariff, showing that the mortality among infants in the textile manufacturing towns was larger than elsewhere. Shortly afterwards a supplement of many pages appeared in the New York Sun describing the various textile industries of the United States.

I think that in order to have more perfect operation of the Barnhart amendment the sums paid by the largest advertisers should be quarterly or annually announced. Then perhaps the overt influences in the news and editorial columns might be revealed.

That one of the greatest agencies through which the English-speaking people obtain and maintain their freedom should now bid fair to become an instrument, if not to destroy it, at least to hinder its accomplishments, is a sad commentary on the plutocratic development of the last two decades. Was it for this that Wilkes suffered imprisonment and fought for years against the Crown; that Fox and Burke thundered their philippics in favor of an untrammeled press; that our own Hamilton fought and won; and that Greeley, Raymond, Webb, and Bennett built great newspapers? We who believe we are right fear no publicity. We are willing that the people should decide the justice of our cause, but we demand and will obtain an impartial hearing. But, perchance, "because their deeds are evil our opponents love darkness" and do not court publicity. Fortunately, there is one paper in the United States which does not contain any advertisements, avowedly, at least, and here, if nowhere else, a fair and impartial treatment can be given of subjects relating to the interests of the people with the confident trust that they will prevail.

Because right is right to follow right
Were wisdom in the scorn of consequence.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. THAYER].

The question was taken, and the amendment was agreed to.

Mr. STERLING. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out, in the second sentence, the words "in whose interest or interests such article is published" and insert in lieu thereof the following: "contributing such article for publication."

Mr. STERLING. Mr. Chairman, I will read the sentence that it is proposed to amend:

Also all editorial or other reading matter published in any circulating periodical for the insertion of which money or other consideration is accepted by the publisher or publishers shall be plainly marked "Advertisement," or signed by the name or names of persons in whose interest or interests such article is published.

And so forth.

Mr. Chairman, as that sentence now reads the article must be signed by the person in whose interest it is published. It seems to me that it should be signed by the person contributing the article for publication.

To illustrate the point: Some person may desire to insert in the newspaper an article in the interest of some candidate or some proposition of public interest. He may be willing to pay for it; he may want to advertise the merits of the proposition or of the candidate for whom he stands. Under this provision as it stands the person in whose interest it is published must sign it; that is, the candidate himself must sign it. It seems to me all that should be required is that the public know who is behind the article and, therefore, the person writing or contributing the article should be the one who should sign it instead of the person in whose interest it is published.

It is of a great deal more importance that the public should know who is writing an article in favor of a candidate, or in favor of a proposition, than it is to know in whose interest it is published.

Mr. MANN. Will the gentleman yield?

Mr. STERLING. Certainly.

Mr. MANN. The gentleman's statement was that the matter was paid for. Under the bill, is it not simply sufficient to mark it as "Advertisement"?

Mr. STERLING. The bill provides that it must be marked "Advertisement" or it may be signed by the person in whose interest it is published; he may use either method. In case the person publishing it prefers to have it marked as an advertisement he can do so. The bill provides for that. If he adopts the other method he ought to sign the article, instead of requiring it to be signed by the person in whose interest it is published.

Mr. MANN. But if it is a paid advertisement purporting to be a contribution by some one, ought it not to be marked "Advertisement"?

Mr. STERLING. The person ought to have the option of marking it "Advertisement" or publishing it over his own signature. The bill provides both methods, and the amendment which I offer does not change that feature. In some instances the person would prefer to use the word "Advertisement," and in other cases he might prefer to use his own signature and let it be known that he stands for a certain proposition or a certain candidate. The bill provides that he may use either method, and I think that is perfectly proper, but it seems to me that if it is required to be signed by anyone it should be by the person publishing the article and not by the person in whose interest it is published. The public is entitled to know who is behind matters and movements of public interest.

Mr. YOUNG of Kansas. Does not the gentleman think that the article itself ought to be marked "Advertisement"?

Mr. STERLING. The bill provides the two alternatives very wisely. It may be marked an "Advertisement" or signed by the person in whose interest it is published. I think the alternative ought to be given. There might be cases where one would prefer to use the word "Advertisement" and others where he would not, but in any event it ought to be signed by the person contributing the article instead of the person in whose interest it is published.

Mr. BERGER. Mr. Chairman, we have here an example of how a bill, introduced with the best of intentions, can be turned into an insane piece of legislation. The paper with which I am connected, the Milwaukee Leader, Mr. Chairman, has over 8,700 owners and stock and bond holders, counting some trade-unions as individual stockholders. In order to print that list of names with the stock and bonds held by them would require a page and a half every week, even if the list is printed only once every week, as the amended bill now requires.

Mr. KINDRED. Will the gentleman yield for a question?

Mr. BERGER. No, sir; not now. I want to make my statement first. Furthermore, it seems to me that the politicians are trying to get even with the newspapers which are continuously prying into the private affairs of the politicians. The politicians want to know everybody connected with the papers and thus get the best of them. You can never do it, gentlemen, because in the end the newspapers will have the last word every time, no matter what you do. [Laughter and applause.] If you get the ill will of your own party papers you might just as well quit the political game.

Moreover, there is a great danger lurking behind the proposition. The freedom of the press is involved. For the first time since I have been in the House, I am inclined to agree with my friend, the gentleman from Pennsylvania, Mr. MOORE. [Laughter.] The amendment as it reads now is really a grave attack upon the liberty of the press. In the case of the Milwaukee Leader the stockholders of the paper are workingmen, with very few exceptions. Just imagine. If their names appear as stockholders of a Socialist paper they are liable to be blacklisted by the manufacturers, who are bitterly opposed to socialism and naturally hate every Socialist paper, and especially the Leader.

The amendment is impossible and ridiculous. It is one of the worst attacks upon labor papers ever proposed, and that attack hides behind the cloak of reform. For hundreds of years in the old country the people have fought for the right to express their opinion in the press. And the people ought surely to have the right in this country to own a mouthpiece and to express their opinions without being in danger of losing their jobs as a penalty.

Mr. BARNHART. Mr. Chairman, will the gentleman yield?

Mr. BERGER. Certainly.

Mr. BARNHART. What per cent of the stockholders of the publication which the gentleman from Milwaukee——

Mr. BERGER. From Wisconsin, if you please.

Mr. BARNHART. Which the gentleman from Wisconsin controls, own more than $500?

Mr. BERGER. I do not have control of the stock and bonds of the paper. Moreover, Mr. Chairman, I understand that the $500 provision was stricken out.

Mr. BARNHART. I am simply inquiring.

Mr. BERGER. Probably six or eight stockholders and a larger number of bondholders. Among them are quite a few

trade-unions and the central committee of the party. Under the provisions of the gentleman's bill we should have to print the names of some 20,000 members of the Federated Trades Council of Milwaukee. That alone, with their address and a statement of their stock or bonds owned, might take up 10 pages.

Mr. BARNHART. I was not in favor of that.

Mr. ALLEN. Mr. Chairman, I will state to the gentleman from Wisconsin that an amendment will be offered to correct that.

Mr BERGER. Mr. Chairman, I am glad of that; otherwise the 20,000 names of the members of the Federated Trades Council and the 8,700 stockholders would take up the space of the paper and we could not print anything else. We could not even tell our people in Milwaukee that this is the only kind of reform they can expect from the Democratic side. [Laughter and applause on the Republican side.]

Mr. MANN. Mr. Chairman, I make the point of order that all debate on the pending amendment is exhausted.

The CHAIRMAN. The Chair sustains the point of order. The question is on the amendment offered by the gentleman from Illinois [Mr. STERLING].

The question was taken, and the amendment was rejected.

Mr. FOSTER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After the word "securities," in line 10 of the amendment, insert the words "to the amount of $550."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. FOSTER].

The question was taken, and the amendment was agreed to.

Mr. DODDS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of the paragraph insert the following: "*Provided*, That nothing in this paragraph contained shall apply to or include periodical publications published by or under the auspices of fraternal or benevolent societies or orders or trades-unions."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FOSTER. Mr. Chairman, I move to amend the amendment which I offered a moment ago by adding, after the word "dollars," the words "or more."

Mr. BERGER. Mr. Chairman, I ask unanimous consent for one minute, in order that I may ask a question.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent for one minute. Is there objection?

There was no objection.

Mr. BERGER. Mr. Chairman, I would like to know whether that would include the Federated Trade Council of Milwaukee, which owns about $1,500 worth of stock in the paper. Would they have to print the entire list of names of 23,000?

Mr. FOSTER. No.

Mr. BERGER. Every one of them is an owner—23,000; that is all.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

In the amendment of the gentleman from Illinois [Mr. FOSTER], just adopted, after the words "five hundred and fifty dollars" insert the words "or more."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SHERLEY. Mr. Chairman, I offer as a substitute the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

The privileges of second-class mail matter shall not be given to any newspaper, magazine, or other periodical that shall not contain in plain type the names of the publisher and editor of the same.

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from Kentucky.

The question was taken; and on a division (demanded by Mr. SHERLEY) there were—ayes 50, noes 69.

Mr. SHERLEY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Indiana [Mr. BARNHART] were appointed to act as tellers.

The committee again divided; and the tellers reported—ayes 42, noes 76.

So the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana as amended.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. MANN) there were—ayes 76, noes 32.

So the amendment as amended was agreed to.

Mr. DODDS. Mr. Chairman, I ask unanimous consent to return to page 25 of the bill and to the end of line 6, to the amendment introduced by myself and made part of the bill on the 22d instant, and I offer the following amendment.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to return to page 25, for the purpose of offering an amendment.

Mr. MOON of Tennessee. Reserving the right to object, I would like to ask the gentleman to state what his amendment is.

Mr. MANN. Let the amendment be read for information.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On line 18, page 2 of the amendment, after the word "by," insert the words "or under the auspices of."

Mr. DODDS. This is simply to make the language of the first proviso conform to the rest of the amendment.

Mr. MANN. We inserted that language at one place.

Mr. MOON of Tennessee. I have no objection.

The question was taken, and the amendment was agreed to.

Mr. DODDS. Mr. Chairman, I have another amendment which I desire to offer for the same purpose.

Mr. MANN. The gentleman asks unanimous consent?

The CHAIRMAN. Unanimous consent has been given to return.

Mr. MANN. Unanimous consent was given to return for the purpose of offering the other amendment.

The CHAIRMAN. Now the gentleman asks unanimous consent for the purpose of offering this amendment. The Chair understood the gentleman to ask unanimous consent to return to this portion of the bill for the purpose of offering an amendment.

Mr. MANN. Which we had reported for information.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On line 19, page 2 of the amendment, after the word "orders," strike out the comma before the word "trades," strike out the word "by," and at the end of the line, after the comma, insert the words "or by."

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 6. That no person in the classified civil service of the United States employed in the postal service shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal; and copies of charges, notice of hearing, answer, reasons for removal, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be annually reported to Congress and furnished to the person affected upon request, and the Civil Service Commission also shall, upon request, be furnished copies of the same or the originals thereof: *Provided, however*, That membership in any society, association, club, or other form of organization of postal employees having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said postal service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service.

Mr. FOWLER. Mr. Chairman, the section of the bill which has just been read provides for relief to postal employees against unwise Executive orders which have been issued from time to time by the executive department. In order that we may get a clear understanding of it I will read it again:

SEC. 6. That no person in the classified civil service of the United States employed in the postal service shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons giving in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal; and copies of charges, notice of hearing, answer, reasons for removal, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be annually reported to Congress and furnished to the person affected upon request, and the Civil Service Commission also shall, upon request, be furnished copies of the same or the originals thereof: *Provided, however*, That membership in any society, association, club, or other form of organization of postal employees having for its objects, among other things, improvements in the condition of labor of its mem-

bers, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said postal service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service.

This provision is intended to restore certain constitutional rights and preserve them to the postal employee which he has apparently lost by the invasion of the executive department in the past. It is unfortunate that in this, the twentieth century of civilization, we should be compelled, by legislative enactment, to restrain the hand of the Chief Magistrate of the foremost Government in the world, yet that is just what this paragraph is intended to do. The first amendment to the Constitution provides for free speech, peaceable assemblage, and the right to petition for a redress of grievances. This is one of the most important features of the Constitution, and certainly one of the most important to the American citizen, for it was intended to preserve his individuality, and whenever wronged to give him the right to meet his friends, collectively, for the purpose of taking counsel of them as to how he may best relieve himself from such wrong and, if found necessary, to petition for a redress of grievances. Notwithstanding this provision of the Constitution, the Executive has seen fit to promulgate decrees which in terms nullify and destroy the effect of all three of these fundamental rights. I hold in my hand a copy of one of these decrees, which is so severe in its terms that it takes away from more than 200,000 postal employees all three of these constitutional rights and reduces them to a beggarly servitude. It reads as follows:

APPOINTMENTS, PROMOTIONS, AND REMOVALS IN THE EXECUTIVE CIVIL SERVICE.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., October 10, 1905.

To officers and employees of the Post Office Department and others concerned:

Attention is invited to the following Executive order, dated January 31, 1902:

"All officers and employees of the United States of every description, serving in or under any of the executive departments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way save through the heads of the departments, in or under which they serve, on penalty of dismissal from the Government service."

Attention is also invited to the following provisions of the civil-service rules, promulgated March 20, 1903, effective April 15, 1903:

"No recommendation for the promotion of a classified employee shall be considered by any officer concerned in making promotions, unless it be made by the person under whose supervision such employee has served; and such recommendation by any other person, if made with the knowledge and consent of the employee, shall be sufficient cause for debarring him from the promotion proposed, and a repetition of the offense shall be sufficient cause for removing him from the service."

Section 2 of rule 1 provides in part that:

"No question in any form of application or in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, nor shall any inquiry be made concerning such opinions or affiliations, and all disclosures thereof shall be discountenanced. No discrimination shall be exercised, threatened, or promised by any person in the executive civil service against or in favor of an applicant eligible, or employee in the classified service because of his political or religious opinions or affiliations."

Section 3 of rule 1 provides that:

"No recommendation of an applicant, eligible, or employee in the competitive service involving a disclosure of his political or religious opinions or affiliations shall be considered or filed by the commission or by any officer concerned in making appointments or promotions."

Officers of this department and its bureaus, having supervisory authority, are directed to enforce strictly these provisions and to report promptly all cases of failure to observe them.

GEO. B. CORTELYOU,
Postmaster General.

It will be seen from this order that all employees of the Government, either in or out of Washington, in the various departments, are placed under the same ban as that of the postal employees. Our ancestors in the old countries struggled for religious liberty and fled to the wilds of America to escape punishment at the hands of imperial bigots, but after they had established their own churches and became masters of society they banished men of conscience who disagreed with them in religion, and in many instances tortured and executed them under the charge of witchcraft. It is the history of all ages that men newly elevated to power often forget the rights of the toiling many, and in order to exemplify their own personal importance dictate grievous orders so severe in terms as to subject the citizen to indignities and impose upon him hardships often endangering his life and health. This order is so severe as to prohibit the postal employee, either directly or indirectly, individually or collectively, through associations of any kind, from soliciting aid for the purpose of relieving himself, no matter how long the hours of his toil or how grievous his burdens. His mouth is closed and he has but one alternative, and that is to endure the hardships imposed upon him or give up his job. The penalty imposed for a violation of this order is a dismissal from the Government service.

By what authority was this order promulgated? Can anyone answer? There is no authority for it. Section 1 of Article I of the Constitution solemnly declares that "All legislative power herein granted shall be vested in a Congress of the United States." Congress alone has the power to enact laws. It is the duty of the executive department to enforce the law, and it is the duty of the courts to construe the law, but here we have the Executive invading the rights of Congress, enacting law by the promulgation of a decree. The courts have from time to time encroached upon the rights of Congress and usurped to themselves the right to legislate by virtue of blanket injunctions, and have punished citizens of the land summarily for the violation thereof without a trial by jury. By virtue of decrees they have made these injunctions perpetual, thereby giving them the same force as if enacted into law by the solemn act of Congress. Following the example of our courts, the executive department has assumed to itself the right to make laws and, like crowned heads without parliaments, promulgated decrees, styled "Order No. —," as the case may be, dividing it into sections and giving it all the appearance of a valid law, wherein citizens of the country—laboring men—have been deprived of their constitutional rights. The object of this new piece of legislation is to unhorse the Executive in his wild ride. Unless something is done to check these two great and growing constitutional departments of our Government in their mad march of conquest for new powers they will in the course of time swallow up the legislative department, and if Congress exists at all it will be in name only.

If the farmer desires to rid his wheat field of wild onions, he must begin the fight when the onion first makes its appearance by pulling it up by the roots and carrying it away from the field and casting into a fire built for its destruction. If he should wait until the onion spreads all over his field the fight will be in vain and he will be forced to abandon wheat raising on that field. This "gag rule" is a wild onion from the executive department, with the stench of its odor trying to establish itself in the fertile soil of legislative dominion. Let us pull it up by the roots and destroy it in the fire of our zeal and love for the Constitution as it came from the righteous hands of our forefathers.

Mr. Chairman, the present Executive, much to his credit, has somewhat modified the severe terms of this order by issuing the following orders:

SECTION 2.

REMOVALS AND REDUCTIONS OF CLASSIFIED EMPLOYEES.

WASHINGTON, D. C., *December 28, 1911.*

Order No. 5999.

Under date of December 9, 1911, the President issued the following Executive order amending civil-service rule XII, relating to removals and reductions of classified employees, which is hereby promulgated for the information of the Post Office Department and the postal service:

"RULE XII.—REMOVALS AND REDUCTIONS.

"1. A removal or reduction may be made for any cause which will promote the efficiency of the service, but like penalties shall be imposed for like offenses, and no discrimination shall be exercised for political or religious reasons.

"2. A person whose removal is proposed shall be furnished with a statement of reasons and be allowed a reasonable time for personally answering such reasons in writing; but no examination of witnesses nor any trial or hearing shall be required, except in the discretion of the officer making the removal. Copy of such reasons and answer and of the order of removal shall be made a part of the records of the proper department or office, and the commission shall, upon its request, be furnished with a copy of the record in the case. The above procedure shall be followed in like manner in any reduction in grade or compensation.

3. Pending action under section 2 of this rule, a person may be suspended or temporarily dismissed without notice for a period not to exceed 30 days, but the reasons for such suspension or dismissal shall be filed in the records of the proper department or office.

4. The commission shall have no jurisdiction to review the findings of a removing officer upon the reasons and answer provided for in section 2 of this rule, nor shall the commission have authority to investigate any removal or reduction unless it is alleged, with offer of proof, that the procedure required by section 2 of this rule has not been followed, or that the removal was made for political or religious reasons.

FRANK H. HITCHCOCK,
Postmaster General.

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Order No. 6206.

APRIL 10, 1912.

Under date of April 8, 1912, the President issued the following Executive order (No. 1514), which is hereby promulgated for the information of the officers and employees of the Post Office Department and postal service:

"It is hereby ordered that petitions or other communications regarding public business addressed to the Congress or either House or any committee or Member thereof by officers or employees in the civil service of the United States shall be transmitted through the heads of their

respective departments or offices, who shall forward them without delay with such comment as they may deem requisite in the public interest. Officers and employees are strictly prohibited, either directly or indirectly, from attempting to secure legislation or to influence pending legislation, except in the manner above prescribed.

"This order supersedes the Executive orders of January 31, 1902, January 25, 1906, and November 26, 1909, regarding the same general matter."

FRANK H. HITCHCOCK,
Postmaster General.

The number of the order of April 10, 1912, is 6206. If all of the Executive orders prior to this one carried with them the elements of laws it reveals very forcibly how extensively the Executive has been engaged in making laws by promulgating decrees.

Some time ago I received a letter from Mr. Walter, editor of the Harpoon, in which he comments on this order. I print it in full, except that portion relating to myself. Mr. Walter appeared before the Committee on Post Offices and Post Roads and furnished us with some very valuable information on this subject.

DENVER, COLO., *April 12, 1912.*

Hon. ROBERT FOWLER,
Washington, D. C.

DEAR SIR: On the 10th instant the President, by Executive order issued through the Civil Service Commission, in a way rescinded the "gag rule."

The new order makes it mandatory upon officials in charge of the various branches of the civil service to forward to Congress and its committees all petitions which their subordinate employees may draft and present; also making it compulsory upon the employees to forward all such petitions through their superior officials.

This order marks a considerable advancement in the struggle for justice which has been waged within the civil service, but it does not allow the full right of direct petition, nor does it guarantee the right of employees to personally appear before congressional committees or to organize into associations having for their purpose the mutual advancement of the employees in connection with their positions.

However, the order of the President is an emphatic recognition of the right for which we have contended, and in which you have so generously assisted us in the past with your expressions of opinion, which have been published in The Harpoon; and therefore, in behalf of the clerks, I wish to congratulate you on the stand that you have taken on this question and to thank you for your past assistance.

I still believe that the Lloyd bill, which guarantees the full right of direct petition and the right to organize, should be passed, as should also the clause in the Post Office bill for that purpose, as now pending.

* * * * * * *

Yours, truly,

U. A. WALTER, *Editor.*

The right of the employee to petition directly to Congress or the committees thereof is not recognized in this order, Mr. Chairman. No one should be forced to act through agents or proxies, but all men in America ought to be freemen, with the right to act in person if they see fit in all matters which concern their welfare or happiness.

Mr. Chairman, on close examination it will readily be seen that neither of these orders restores the postal employee to the full measure of his constitutional rights. He still goes about his work with a solemn mien and bowed head. His conversations are held in whispers and his councils are held in secret chambers at unusual hours. That a class of intelligent people should live and labor in such awe and dread is no credit to our free institutions. We want men at the head of this Government like Thomas Jefferson, who know that this Republic was founded upon the doctrine of equal and exact justice to all and special privileges to none; men like Lincoln, whose consciences are schooled in the doctrine that no man is good enough or wise enough to govern another without his consent, and that he who would deny liberty to others is not worthy of it himself; men who have the courage to follow the example of Jesus when confronted with the sin of temptation and unhesitatingly declare to all enemies of liberty, "Get thee behind me, Satan;" men who have the moral courage to respect and be governed by the greatest rule of action ever prescribed for the social conduct of men, "Do unto others as you would have them do unto you."

Mr. Chairman, I have had an occasion to collect some very interesting information connected with the work of railway postal clerks, through the assistance of Mr. Carl C. Van Dyke, of Chicago, once in this class of service but now retired, which will give an idea of some of the hardships connected with this class of service. It deals with the Railway Postal Service between Chicago and Minneapolis. It is intended to illustrate the extreme test to which some of these employees are subjected. It must be remembered that they are required to master the routing of the mail so that they can pitch it without making a mistake, because the speed of the train is so great and the mail is often so large that the force is wholly inadequate to make the proper distribution, and without that high grade accuracy on the part of the force in charge, mails would be delayed for want of proper handling while in transit. To do this, I am informed by those engaged in the business for many years, requires constant study of the most acute and laborious character. I am informed by the same authority that the force is often so inadequate now that the mail often becomes so congested that it can not be distributed and must be sent to some center for rerouting, thereby delaying its destiny for one and two days at a time.

DELAYED TRAINS.

I now desire to call the attention of the House to the effect delayed trains have on the work of these postal railway clerks. Mr. Van Dyke has furnished me with the data of delayed trains during the months of January and February of this year between Chicago and Minneapolis, which I will extend in the RECORD:

Report of arrival of Chicago & Minneapolis railway post office trains during the months of January and February, 1912, as shown in official records.

ARRIVAL AT MINNEAPOLIS.

Date.	Train No.	Schedule time.	Time of arrival.	Late.	Train No.	Schedule time.	Time of arrival.	Late.
				h. m.				h. m.
Jan. 1	1	7.45 a.m.	9.15 a. m.	1 30	57	8.15 a. m.	11.21 a. m.	3 06
2	1	7.45 a.m.	9.45 a. m.	2 00	57	8.15 a. m.	10.56 a. m.	2 41
3	1	7.45 a.m.	10.14 a. m.	2 29	57	8.15 a. m.	10.52 a. m.	2 37
4	1	7.45 a.m.	8.58 a. m.	1 13	57	8.15 a. m.	12.00 m.	3 45
5	1	7.45 a.m.	12.42 p. m.	4 57	57	8.15 a. m.	1.45 p. m.	5 30
6	1	7.45 a.m.	12.45 p. m.	5 00	57	8.15 a. m.	1.30 p. m.	5 15
7	1	7.45 a.m.	12.04 p. m.	4 19	57	8.15 a. m.	1.30 p. m.	5 15
8	1	7.45 a.m.	1.26 p. m.	5 41	57	8.15 a. m.	11.25 a. m.	3 10
9	1	7.45 a.m.	11.38 a. m.	3 53	57	8.15 a. m.	12.35 p. m.	4 20
10	1	7.45 a.m.	1.45 p. m.	6 00	57	8.15 a. m.	11.23 a. m.	3 08
11	1	7.45 a.m.	11.55 a. m.	4 10	57	8.15 a. m.	12.35 p. m.	4 20
12	1	7.45 a.m.	11.50 a. m.	4 05	57	8.15 a. m.	1.25 p. m.	5 10
13	1	7.45 a.m.	1.26 p. m.	5 41	57	8.15 a. m.	1.00 p. m.	4 45
14	1	7.45 a.m.	9.12 a. m.	1 27	57	8.15 a. m.	9.30 a. m.	1 15
15	1	7.45 a.m.	9.34 a. m.	1 49	57	8.15 a. m.	12.18 p. m.	4 03
16	1	7.45 a.m.	2.30 p. m.	6 45	57	8.15 a. m.	1.23 p. m.	5 13
17	1	7.45 a.m.	.....	.....	57	8.15 a. m.	10.30 a. m.	2 15
18	1	7.45 a.m.	.....	.....	57	8.15 a. m.	10.07 a. m.	1 52
19	1	7.45 a.m.	10.00 a. m.	2 15	57	8.15 a. m.	11.15 a. m.	3 00
20	1	7.45 a.m.	10.00 a. m.	2 15	57	8.15 a. m.	11.55 a. m.	3 40
21	1	7.45 a.m.	11.55 a. m.	4 10	57	8.15 a. m.	10.35 a. m.	2 20
22	1	7.45 a.m.	8.09 a. m.	0 24	57	8.15 a. m.	9.20 a. m.	1 05
23	1	7.45 a.m.	9.05 a. m.	1 20	57	8.15 a. m.	11.36 a. m.	3 21
24	1	7.45 a.m.	8.30 a. m.	0 45	57	8.15 a. m.	10.47 a. m.	2 32
25	1	7.45 a.m.	8.50 a. m.	1 05	57	8.15 a. m.	1.25 p. m.	2 10
26	1	7.45 a.m.	8.16 a. m.	0 31	57	8.15 a. m.	11.20 a. m.	3 05
27	1	7.45 a.m.	9.27 a. m.	1 42	57	8.15 a. m.	10.40 a. m.	2 25
28	1	7.45 a.m.	8.30 a. m.	0 45	57	8.15 a. m.	9.40 a. m.	1 25
29	1	7.45 a.m.	7.50 a. m.	0 05	57	8.15 a. m.	8.50 a. m.	0 35
30	1	7.45 a.m.	7.45 a.m.	0 00	57	8.15 a. m.	8.45 a. m.	0 30
31	1	7.45 a.m.	.....	.....	57	8.15 a. m.	11.55 a. m.	3 40
Total				76 16				94 29
Jan. 1	55	3.15 p.m.	5.47 p. m.	2 32	5	11.00 p. m.	11.25 p. m.	25
2	55	3.15 p.m.	4.30 p. m.	1 15	5	11.00 p. m.	12.15 a. m.	1 15
3	55	3.15 p.m.	5.02 p. m.	1 47	5	11.00 p. m.	11.49 p. m.	49
4	55	3.15 p.m.	5.32 p. m.	2 17	5	11.00 p .m.	12.10 a. m.	1 10
5	55	3.15 p.m.	7.08 p. m.	3 53	5	11.00 p. m.	1.00 a. m.	2 00
6	55	3.15 p.m.	8.30 p. m.	5 15	5	11.00 p. m.	6.15 a. m.	7 15
7	55	3.15 p.m.	1.50 a. m.	10 35	5	11.00 p. m.	4.23 a. m.	5 23
8	55	3.15 p.m.	7.25 p. m.	4 10	5	11.00 p. m.	2.23 a. m.	3 23
9	55	3.15 p.m.	7.00 p. m.	3 45	5	11.00 p. m.	12.07 a. m.	1 07
10	55	3.15 p.m.	7.32 p. m.	4 17	5	11.00 p. m.	1.35 a. m.	2 35
11	55	3.15 p.m.	10.07 p. m.	6 52	5	11.00 p. m.	3.57 a. m.	4 57
12	55	3.15 p.m.	6.00 p. m.	2 45	5	11.00 p. m.	12.55 a. m.	1 55
13	55	3.15 p.m.	5.10 p. m.	1 55	5	11.00 p. m.	1.07 a. m.	2 07
14	55	3.15 p.m.	7.33 p. m.	4 18	5	11.00 p. m.	1.50 a. m.	2 50
15	55	3.15 p.m.	7.54 p. m.	4 39	5	11.00 p. m.	11.35 p. m.	35
16	55	3.15 p.m.	4.40 p. m.	1 25	5	11.00 p. m.	12.04 a. m.	1 05
17	55	3.15 p.m.	4.45 p. m.	1 30	5	11.00 p. m.	11.20 a. m.	20
18	55	3.15 p.m.	5.06 p. m.	1 51	5	11.00 p. m.	11.55 a. m.	55
19	55	3.15 p.m.	4.50 p. m.	1 35	5	11.00 p. m.	1.10 a. m.	2 10
20	55	3.15 p.m.	5.05 p. m.	1 50	5	11.00 p. m.	11.36 p. m.	0 36
21	55	3.15 p.m.	5.30 p. m.	2 15	5	11.00 p. m.	11.13 p. m.	0 13
22	55	3.15 p.m.	4.17 p. m.	1 02	5	11.00 p. m.	11.10 p. m.	0 10
23	55	3.15 p.m.	4.15 p. m.	1 00	5	11.00 p. m.	11.08 p. m.	0 08
24	55	3.15 p.m.	3.31 p. m.	0 16	5	11.00 p. m.	11.28 p. m.	0 28
25	55	3.15 p.m.	7.29 p. m.	4 14	5	11.00 p. m.	11.20 p. m.	0 20
26	55	3.15 p.m.	3.52 p. m.	0 37	5	11.00 p. m.	On time.	.....
27	55	3.15 p.m.	3.45 p. m.	0 30	5	11.00 p. m.	On time.	.....
28	55	3.15 p.m.	5.45 p. m.	2 30	5	11.00 p. m.	12.13 a. m.	1 13
29	55	3.15 p.m.	4.33 p. m.	1 18	5	11.00 p. m.	On time.	.....
30	55	3.15 p.m.	3.40 p. m.	0 25	5	11.00 p. m.	11.50 p. m.	0 50
31	55	3.15 p.m.	4.07 p. m.	0 52	5	11.00 p. m.	On time.	.....
Total				83 25				46 04
Feb. 1	55	3.15 p.m.	6.00 p. m.	2 45	5	11.00 p. m.	11.14 p. m.	0 14
2	55	3.15 p.m.	4.35 p. m.	1 20	5	11.00 p. m.	11.25 p. m.	0 25
3	55	3.15 p.m.	5.30 p. m.	2 15	5	11.00 p. m.	11.43 p. m.	0 43
4	55	3.15 p.m.	5.32 p. m.	2 17	5	11.00 p. m.	On time.	.....
5	55	3.15 p.m.	4.04 p. m.	0 49	5	11.00 p. m.	On time.	.....
6	55	3.15 p.m.	4.57 p. m.	1 42	5	11.00 p. m.	On time.	.....
7	55	3.15 p.m.	4.11 p. m.	0 56	5	11.00 p. m.	11.30 p. m.	0 30
8	55	3.15 p.m.	4.02 p. m.	0 47	5	11.00 p. m.	11.04 p. m.	0 04
9	55	3.15 p.m.	6.19 p. m.	3 04	5	11.00 p. m.	12.23 a. m.	1 23
10	55	3.15 p.m.	4.58 p. m.	1 43	5	11.00 p. m.	11.06 p. m.	0 06
11	55	3.15 p.m.	5.32 p. m.	2 17	5	11.00 p. m.	12.15 a. m.	1 15
12	55	3.15 p.m.	7.18 p. m.	4 03	5	11.00 p. m.	On time.	.....
13	55	3.15 p.m.	5.00 p. m.	1 45	5	11.00 p. m.	On time.	.....
14	55	3.15 p.m.	3.45 p. m.	0 30	5	11.00 p. m.	On time.	.....
15	55	3.15 p.m.	4.25 p. m.	1 10	5	11.00 p. m.	On time.	.....
16	55	3.15 p.m.	4.30 p. m.	1 45	5	11.00 p. m.	12.00 a. m.	1 00
17	55	3.15 p.m.	4.00 p. m.	0 15	5	11.00 p. m.	11.00 p. m.	0 00

Report of arrival of Chicago & Minneapolis railway post office trains during the months of January and February, 1912, as shown in official records—Continued.

ARRIVAL AT MINNEAPOLIS—continued.

Date.	Train No.	Schedule time.	Time of arrival.	Late.	Train No.	Schedule time.	Time of arrival.	Late.
				h. m.				h. m.
18	55	3.15 p.m.	3.50 p. m.	0 35	5	11.00 p. m.	10.50 p. m.	0 00
19	55	3.15 p.m.	3.50 p. m.	0 35	5	11.00 p. m.	11.00 p. m.	0 00
20	55	3.15 p.m.	4.12 p. m.	0 57	5	11.00 p. m.	12.32 a. m.	1 32
21	55	3.15 p.m.	3.44 p. m.	0 29	5	11.00 p. m.	11.00 p. m.	0 00
22	55	3.15 p.m.	4.08 p. m.	0 53	5	11.00 p. m.	11.00 p. m.	0 00
23	55	3.15 p.m.	4.07 p. m.	0 52	5	11.00 p. m.	10.50 p. m.	0 00
24	55	3.15 p.m.	3.32 p. m.	0 17	5	11.00 p. m.	12.40 p. m.	1 40
25	55	3.15 p.m.	4.20 p. m.	1 05	5	11.00 p. m.	10.55 p. m.	0 00
26	55	3.15 p.m.	4.54 p. m.	1 49	5	11.00 p. m.	11.46 p. m.	0 46
27	55	3.15 p.m.	3.33 p. m.	0 18	5	11.00 p. m.	11.07 p. m.	0 07
28	55	3.15 p.m.	4.35 p. m.	1 20	5	11.00 p. m.	10.55 p. m.	0 00
29	55	3.15 p.m.	3.20 p. m.	0 05	5	11.00 p. m.	11.50 p. m.	0 50
Total				38 38				9 55
				h. m.				h. m.
Feb. 1	1	7.45 a.m.	8.05 a. m.	0 20	57	8.15 a. m.	8.55 a. m.	0 40
2	1	7.45 a.m.	9.33 a. m.	1 48	57	8.15 a. m.	10.26 a. m.	2 11
3	1	7.45 a.m.	8.55 a. m.	1 10	57	8.15 a. m.	11.35 a. m.	3 20
4	1	7.45 a.m.	9.05 a. m.	1 20	57	8.15 a. m.	11.50 a. m.	3 35
5	1	7.45 a.m.	8.40 a. m.	0 55	57	8.15 a. m.	10.38 a. m.	2 23
6	1	7.45 a.m.	8.00 a. m.	0 15	57	8.15 a. m.	8.30 a. m.	0 15
7	1	7.45 a.m.	8.00 a. m.	0 15	57	8.15 a. m.	1.40 p. m.	5 25
8	1	7.45 a.m.	7.52 a. m.	0 07	57	8.15 a. m.	11.08 a. m.	2 53
9	1	7.45 a.m.	9.00 a. m.	1 15	57	8.15 a. m.	1.50 p. m.	5 35
10	1	7.45 a.m.	8.39 a. m.	0 54	57	8.15 a. m.	10.20 a. m.	2 05
11	1	7.45 a.m.	11.50 a. m.	3 05	57	8.15 a. m.	9.22 a. m.	1 07
12	1	7.45 a.m.	7.45 a. m.	0 00	57	8.15 a. m.	10.00 a. m.	1 45
13	1	7.45 a.m.	10.36 a. m.	2 51	57	8.15 a. m.	9.20 a. m.	1 05
14	1	7.45 a.m.	8.46 a. m.	1 01	57	8.15 a. m.	9.45 a. m.	1 30
15	1	7.45 a.m.	On time.	.....	57	8.15 a. m.	10.00 a. m.	1 45
16	1	7.45 a.m.	8.50 a. m.	1 05	57	8.15 a. m.	9.38 a. m.	1 23
17	1	7.45 a.m.	9.55 a. m.	2 10	57	8.15 a. m.	11.08 a. m.	2 53
18	1	7.45 a.m.	7.55 a. m.	0 05	57	8.15 a. m.	9.12 a. m.	0 57
19	1	7.45 a.m.	7.50 a. m.	0 05	57	8.15 a. m.	9.08 a. m.	0 53
20	1	7.45 a.m.	8.42 a. m.	0 57	57	8.15 a. m.	9.05 a. m.	0 55
21	1	7.45 a.m.	8.07 a. m.	0 22	57	8.15 a. m.	9.40 a. m.	1 25
22	1	7.45 a.m.	11.32 a. m.	3 47	57	8.15 a. m.	9.55 a. m.	1 40
23	1	7.45 a.m.	7.49 a. m.	0 04	57	8.15 a. m.	8.19 a. m.	0 04
24	1	7.45 a.m.	9.02 a. m.	1 17	57	8.15 a. m.	9.32 a. m.	1 17
25	1	7.45 a.m.	8.15 a. m.	0 30	57	8.15 a. m.	8.50 a. m.	0 35
26	1	7.45 a.m.	7.50 a. m.	0 05	57	8.15 a. m.	9.04 a. m.	0 49
27	1	7.45 a.m.	8.40 a. m.	0 55	57	8.15 a. m.	9.35 a. m.	1 20
28	1	7.45 a.m.	7.50 a. m.	0 05	57	8.15 a. m.	9.40 a. m.	1 25
29	1	7.45 a.m.	7.57 a. m.	0 12	57	8.15 a. m.	10.22 a. m.	2 07
Total				32 05				52 17

ARRIVAL IN CHICAGO.

Date.	Train No.	Schedule time.	Arrival.	Late.
				h. m.
Jan. 8	4	9.05 a.m.	1.35 p. m.	4 30
9	4	9.05 a.m.	1.55 p. m.	4 50
10	4	9.05 a.m.	1.20 p. m.	4 15
11	4	9.05 a.m.	1.45 p. m.	4 40
12	4	9.05 a.m.	1.30 p. m.	4 25
13	4	9.05 a.m.	12.07 p. m.	3 02
14	4	9.05 a.m.	11.27 a. m.	2 22
15	4	9.05 a.m.	2.20 p. m.	5 15
16	4	9.05 a.m.	10.36 a. m.	1 31
17	4	9.05 a.m.	10.18 a. m.	1 13
18	4	9.05 a.m.	10.03 a. m.	0 58
19	4	9.05 a.m.	11.39 a. m.	2 34
20	4	9.05 a.m.	11.00 a. m.	1 55
21	4	9.05 a.m.	12.25 p. m.	3 20
22	4	9.05 a.m.	9.40 a. m.	0 35
23	4	9.05 a.m.	10.38 a. m.	1 33
24	4	9.05 a.m.	9.40 a. m.	0 35
25	4	9.05 a.m.	10.31 a. m.	1 26
26	4	9.05 a.m.	10.35 a. m.	1 30
27	4	9.05 a.m.	10.54 a. m.	1 49
28	4	9.05 a.m.	10.00 a. m.	0 55
29	4	9.05 a.m.	9.52 a. m.	0 47
30	4	9.05 a.m.	9.25 a. m.	0 20
31	4	9.05 a.m.	9.10 a. m.	0 05
Feb. 1	4	9.05 a.m.	10.02 a. m.	0 57
2	4	9.05 a.m.	9.25 a. m.	0 20
3	4	9.05 a.m.	9.50 a. m.	0 45
4	4	9.05 a.m.	9.57 a. m.	0 52
5	4	9.05 a.m.	9.25 a. m.	0 20
6	4	9.05 a.m.	9.22 a. m.	0 17
7	4	9.05 a.m.	On time.	.....
8	4	9.05 a.m.	9.20 a. m.	0 15
9	4	9.05 a.m.	9.15 a. m.	0 10
10	4	9.05 a.m.	9.45 a. m.	0 40
11	4	9.05 a.m.	10.58 a. m.	0 53
12	4	9.05 a.m.	9.09 a. m.	0 04
13	4	9.05 a.m.	9.25 a. m.	0 20
14	4	9.05 a.m.	9.15 a. m.	0 10
15	4	9.05 a.m.	9.42 a. m	0 37
16	4	9.05 a.m.	On time.	.....
17	4	9.05 a.m.	.....	.....
18	4	9.05 a.m.	12.11 p. m.	3 06
19	4	9.05 a.m.	On time.	.....
20	4	9.05 a.m.	9.18 a. m.	0 13
Total time lost				64 24

Report of arrival of Chicago & Minneapolis railway post office trains during the months of January and February, 1912, as shown in official records—Continued.

ARRIVAL IN CHICAGO—continued.

Date.	Train No.	Schedule time.	Arrival.	Late.	Train No.	Schedule time.	Arrival.	Late.
				h. m.				h. m.
Jan. 8	58	1.45 a.m.	4.58 a. m.	3 13	56	7.00 a. m.	1.00 p. m.	6 00
9	58	1.45 a.m.	4.38 a. m.	2 53	56	7.00 a. m.	1.30 p. m.	6 30
10	58	1.45 a.m.	4.43 a. m.	2 58	56	7.00 a. m.	1.43 p. m.	6 43
11	58	1.45 a.m.	3.04 a. m.	1 19	56	7.00 a. m.	1.00 p. m.	6 05
12	58	1.45 a.m.	3.55 a. m.	2 10	56	7.00 a. m.	10.55 a. m.	3 50
13	58	1.45 a.m.	2.25 a. m.	0 40	56	7.00 a. m.	11.02 a. m.	4 02
14	58	1.45 a.m.	4.28 a. m.	2 43	56	7.00 a. m.	8.34 a. m.	1 34
15	58	1.45 a.m.	5.25 a. m.	3 40	56	7.00 a. m.	12.02 p. m.	5 02
16	58	1.45 a.m.	6.21 a. m.	4 36	56	7.00 a. m.	10.23 a. m.	3 23
17	58	1.45 a.m.	3.21 a. m.	1 36	56	7.00 a. m.	11.05 a. m.	4 05
18	58	1.45 a.m.	5.45 a. m.	4 00	56	7.00 a. m.	2.50 a. m.	1 05
19	58	1.45 a.m.	2.50 a. m.	1 05	56	7.00 a. m.	9.00 a. m.	2 00
20	58	1.45 a.m.	4.29 a. m.	2 44	56	7.00 a. m.	9.05 a. m.	2 05
21	58	1.45 a.m.	3.21 a. m.	1 36	56	7.00 a. m.	9.50 a. m.	2 50
22	58	1.45 a.m.	3.50 a. m.	2 05	56	7.00 a. m.	8.16 a. m.	1 16
23	58	1.45 a.m.	1.55 a. m.	0 10	56	7.00 a. m.	7.44 a. m.	0 44
24	58	1.45 a.m.	2.08 a. m.	0 23	56	7.00 a. m.	8.10 a. m.	1 10
25	58	1.45 a.m.	2.26 a. m.	0 41	56	7.00 a. m.	9.30 a. m.	2 30
26	58	1.45 a.m.	2.17 a. m.	0 32	56	7.00 a. m.	7.47 a. m.	0 47
27	58	1.45 a.m.	3.35 a. m.	1 50	56	7.00 a. m.	7.25 a. m.	0 25
28	58	1.45 a.m.	5.18 a. m.	3 33	56	7.00 a. m.	7.50 a. m.	0 50
29	58	1.45 a.m.	2.55 a. m.	1 10	56	7.00 a. m.	7.32 a. m.	0 32
30	58	1.45 a.m.	2.17 a. m.	0 32	56	7.00 a. m.	7.05 a. m.	0 05
31	58	1.45 a.m.	2.05 a. m.	0 20	56	7.00 a. m.	7.25 a. m.	0 25
Feb. 1	.....	.....	2.01 a. m.	0 16	56	7.00 a. m.	8.20 a. m.	1 20
2	58	1.45 a.m.	1.55 a. m.	0 10	56	7.00 a. m.	8.55 a. m.	1 55
3	58	1.45 a.m.	4.37 a. m.	2 52	56	7.00 a. m.	8.20 a. m.	1 30
4	58	1.45 a.m.	2.30 a. m.	0 45	56	7.00 a. m.	8.35 a. m.	1 35
5	58	1.45 a.m.	On time.	.....	56	7.00 a. m.	7.25 a. m.	0 25
6	58	1.45 a.m.	3.44 a. m.	1 59	56	7.00 a. m.	On time.	.....
7	58	1.45 a.m.	4.45 a. m.	3 00	56	7.00 a. m.	7.22 a. m.	0 22
8	58	1.45 a.m.	On time.	.....	56	7.00 a. m.	8.45 a. m.	1 45
9	58	1.45 a.m.	On time.	.....	56	7.00 a. m.	7.03 a. m.	0 03
10	58	1.45 a.m.	3.10 a. m.	1 25	56	7.00 a. m.	7.55 a. m.	0 55
11	58	1.45 a.m.	2.16 a. m.	0 31	56	7.00 a. m.	7.30 a. m.	0 30
12	58	1.45 a.m.	2.03 a. m.	0 18	56	7.00 a. m.	On time.	.....
13	58	1.45 a.m.	1.57 a. m.	0 12	56	7.00 a. m.	7.40 a. m.	0 40
14	58	1.45 a.m.	4.28 a. m.	2 43	56	7.00 a. m.	On time.	.....
15	58	1.45 a.m.	1.53 a. m.	0 08	56	7.00 a. m.	On time.	.....
16	58	1.45 a.m.	2.10 a. m.	0 25	56	7.00 a. m.	On time.	.....
17	58	1.45 a.m.	2.40 a. m.	0 55	56	7.00 a. m.	7.40 a. m.	0 40
18	58	1.45 a.m.	2.10 a. m.	0 25	56	7.00 a. m.	On time.	.....
19	58	1.45 a.m.	1.48 a. m.	0 03	56	7.00 a. m.	On time.	.....
20	58	1.45 a.m.	2.00 a. m.	0 15	56	7.00 a. m.	7.48 a. m.	0 48
21	58	1.45 a.m.	1.55 a. m.	0 10	56	7.00 a. m.	7.14 a. m.	0 14
Total				59 59				75 35
Jan. 8	22	1.00 p. m.	2.25 p. m.	1 25	6	9.10 p. m.	1.20 a. m.	4 10
9	22	1.00 p. m.	3.00 p. m.	2 00	6	9.10 p. m.	10.15 p. m.	1 05
10	22	1.00 p. m.	4.25 p. m.	3 25	6	9.10 p. m.	11.32 p. m.	2 22
11	22	1.00 p. m.	3.25 p. m.	2 25	6	9.10 p. m.	12.06 a. m.	2 56
12	22	1.00 p. m.	2.15 p. m.	1 15	6	9.10 p. m.	1.47 a. m.	4 37
13	22	1.00 p. m.	1.30 p. m.	0 30	6	9.10 p. m.	10.30 p. m.	1 20
14	22	1.00 p. m.	Sunday.	.....	6	9.10 p. m.	10.50 p. m.	1 40
15	22	1.00 p. m.	2.45 p. m.	1 45	6	9.10 p. m.	10.29 p. m.	1 19
16	22	1.00 p. m.	3.55 p. m.	2 55	6	9.10 p. m.	9.50 p. m.	0 40
17	22	1.00 p. m.	4.07 p. m.	3 07	6	9.10 p. m.	9.25 p. m.	0 15
18	22	1.00 p. m.	1.30 p. m.	0 30	6	9.10 p. m.	9.20 p. m.	0 10
19	22	1.00 p. m.	3.17 p. m.	2 17	6	9.10 p. m.	10.52 p. m.	0 42
20	22	1.00 p. m.	1.30 p. m.	0 30	6	9.10 p. m.	9.20 p. m.	0 10
21	22	1.00 p. m.	Sunday.	.....	6	9.10 p. m.	On time.	.....
22	22	1.00 p. m.	1.27 p. m.	0 27	6	9.10 p. m.	9.27 p. m.	0 17
23	22	1.00 p. m.	4.25 p. m.	3 25	6	9.10 p. m.	10.15 p. m.	0 05
24	22	1.00 p. m.	4.05 p. m.	3 05	6	9.10 p. m.	9.27 p. m.	0 17
25	22	1.00 p. m.	2.18 p. m.	1 18	6	9.10 p. m.	9.35 p. m.	0 25
26	22	1.00 p. m.	2.15 p. m.	1 15	6	9.10 p. m.	9.10 p. m.	.....
27	22	1.00 p. m.	2.05 p. m.	1 05	6	9.10 p. m.	9.47 p. m.	0 37
28	22	1.00 p. m.	Sunday.	.....	6	9.10 p. m.	9.55 p. m.	0 45
29	22	1.00 p. m.	1.40 p. m.	0 40	6	9.10 p. m.	9.31 p. m.	0 21
30	22	1.00 p. m.	2.00 p. m.	1 00	6	9.10 p. m.	10.25 p. m.	1 15
31	22	1.00 p. m.	On time.	.....	6	9.10 p. m.	9.12 p. m.	0 02
Feb. 1	22	1.00 p. m.	1.10 p. m.	0 10	6	9.10 p. m.	9.54 p. m.	0 44
2	22	1.00 p. m.	1.15 p. m.	0 15	6	9.10 p. m.	On time.	.....
3	22	1.00 p. m.	1.47 p. m.	0 47	6	9.10 p. m.	10.22 p. m.	1 12
4	22	1.00 p. m.	Sunday.	.....	6	9.10 p. m.	9.17 p. m.	0 07
5	22	1.00 p. m.	2.40 p. m.	1 40	6	9.10 p. m.	9.55 p. m.	0 45
6	22	1.00 p. m.	3.52 p. m.	2 52	6	9.10 p. m.	9.15 p. m.	0 05
7	22	1.00 p. m.	1.25 p. m.	0 25	6	9.10 p. m.	9.25 p. m.	0 15
8	22	1.00 p. m.	1.10 p. m.	0 10	6	9.10 p. m.	9.14 p. m.	0 04
9	22	1.00 p. m.	1.00 p. m.	.....	6	9.10 p. m.	9.35 p. m.	0 25
10	22	1.00 p. m.	3.55 p. m.	2 55	6	9.10 p. m.	9.13 p. m.	0 03
11	22	1.00 p. m.	Sunday.	.....	6	9.10 p. m.	10.23 p. m.	1 13
12	22	1.00 p. m.	3.55 p. m.	2 55	6	9.10 p. m.	10.10 p. m.	1 00
13	22	1.00 p. m.	2.00 p. m.	1 00	6	9.10 p. m.	On time.	.....
14	22	1.00 p. m.	1.05 p. m.	0 05	6	9.10 p. m.	On time.	.....
15	22	1.00 p. m.	1.15 p. m.	0 15	6	9.10 p. m.	9.20 p. m.	0 10
16	22	1.00 p. m.	1.10 p. m.	0 10	6	9.10 p. m.	9.25 p. m.	0 15
17	22	1.00 p. m.	3.55 p. m.	2 55	6	9.10 p. m.	9.40 p. m.	0 30
18	22	1.00 p. m.	Sunday.	.....	6	9.10 p. m.	9.17 p. m.	0 07
19	22	1.00 p. m.	1.20 p. m.	0 20	6	9.10 p. m.	On time.	.....
20	22	1.00 p. m.	1.10 p. m.	0 10	6	9.10 p. m.	9.20 p. m.	0 10
Total				14 23				32 45
Jan. 8	26	5.55 p.m.	6.35 p. m.	0 40	16	11.59 a. m.	2.27 p. m.	2 28
9	26	5.55 p.m.	6.32 p. m.	0 37	16	11.59 a. m.	4.40 p. m.	4 41
10	26	5.55 p.m.	7.00 p. m.	1 05	16	11.59 a. m.	2.12 p. m.	2 13
11	26	5.55 p.m.	6.35 p. m.	0 40	16	11.59 a. m.	4.00 p. m.	4 01
12	26	5.55 p.m.	7.15 p. m.	1 20	16	11.59 a. m.	6.00 p. m.	6 01
13	26	5.55 p.m.	6.30 p. m.	0 35	16	11.59 a. m.	5.55 p. m.	5 56
14	26	5.55 p.m.	Sunday.	.....	16	11.59 a. m.	12.45 p. m.	0 46
15	26	5.55 p.m.	6.40 p. m.	0 45	16	11.59 a. m.	6.15 p. m.	6 16

Report of arrival of Chicago & Minneapolis railway post office trains during the months of January and February, 1912, as shown in official records—Continued.

ARRIVAL IN CHICAGO—continued.

Date.	Train No.	Schedule time.	Arrival.	Late.	Train No.	Schedule time.	Arrival.	Late.
				h. m.				h. m.
Jan. 16	26	5.55 p.m.	6.30 p. m.	0 35	16	11.59 a. m.	5.05 p. m.	5 06
17	26	5.55 p.m.	On time.	.....	16	11.59 a. m.	12.48 p. m.	0 49
18	26	5.55 p.m.	On time.	.....	16	11.59 a. m.	5.00 p. m.	5 01
19	26	5.55 p.m.	6.07 p. m.	0 12	16	11.59 a. m.	3.15 p. m.	3 16
20	26	5.55 p.m.	6.40 p. m.	0 45	16	11.59 a. m.	12.55 p. m.	0 56
21	26	5.55 p.m.	Sunday.	.....	16	11.59 a. m.	5.05 p. m.	5 06
22	26	5.55 p.m.	6.45 p. m.	0 50	16	11.59 a. m.	4.15 p. m.	4 16
23	26	5.55 p.m.	On time.	.....	16	11.59 a. m.	3.10 p. m.	3 11
24	26	5.55 p.m.	6.01 p. m.	0 06	16	11.59 a. m.	2.36 p. m.	2 37
25	26	5.55 p.m.	5.58 p. m.	0 03	16	11.59 a. m.	12.55 p. m.	0 56
26	26	5.55 p.m.	6.06 p. m.	0 11	16	11.59 a. m.	1.20 p. m.	1 21
27	26	5.55 p.m.	6.00 p. m.	0 05	16	11.59 a. m.	1.20 p. m.	1 21
28	26	5.55 p.m.	Sunday.	.....	16	11.59 a. m.	3.20 p. m.	3 21
29	26	5.55 p.m.	6.05 p. m.	0 10	16	11.59 a. m.	12.07 p. m.	0 08
30	26	5.55 p.m.	6.05 p. m.	0 10	16	11.59 a. m.	On time.	.....
31	26	5.55 p.m.	On time.	.....	16	11.59 a. m.	1.55 p. m.	1 56
Feb. 1	26	5.55 p.m.	On time.	.....	16	11.59 a. m.	12.15 p. m.	0 16
2	26	5.55 p.m.	6.00 p. m.	0 05	16	11.59 a. m.	1.45 p. m.	1 46
3	26	5.55 p.m.	6.01 p. m.	0 06	16	11.59 a. m.	1.47 p. m.	1 48
4	26	5.55 p.m.	Sunday.	.....	16	11.59 a. m.	12.45 p. m.	0 46
5	26	5.55 p.m.	6.15 p. m.	0 20	16	11.59 a. m.	3.55 p. m.	3 56
6	26	5.55 p.m.	6.17 p. m.	0 22	16	11.59 a. m.	2.00 p. m.	2 01
7	26	5.55 p.m.	On time.	.....	16	11.59 a. m.	12.55 p. m.	0 56
8	26	5.55 p.m.	On time.	.....	16	11.59 a. m.	On time.	.....
9	26	5.55 p.m.	6.15 p. m.	0 20	16	11.59 a. m.	12.33 p. m.	0 34
10	26	5.55 p.m.	7.28 p. m.	1 33	16	11.59 a. m.	2.35 p. m.	2 36
11	26	5.55 p.m.	Sunday.	.....	16	11.59 a. m.	4.58 p. m.	4 59
12	26	5.55 p.m.	On time.	.....	16	11.59 a. m.	2.39 p. m.	2 40
13	26	5.55 p.m.	5.58 p. m.	0 03	16	11.59 a. m.	12.30 p. m.	0 31
14	26	5.55 p.m.	6.25 p. m.	0 30	16	11.59 a. m.	12.15 p. m.	0 16
15	26	5.55 p.m.	6.11 p. m.	0 16	16	11.59 a. m.	12.00 m.	0 01
16	26	5.55 p.m.	7.38 p. m.	1 43	16	11.59 a. m.	On time.	.....
17	26	5.55 p.m.	6.40 p. m.	0 45	16	11.59 a. m.	12.50 p. m.	0 51
18	26	5.55 p.m.	Sunday.	.....	16	11.59 a. m.	.....	.....
19	26	5.55 p.m.	On time.	.....	16	11.59 a. m.	12.44 p. m.	0 45
20	26	5.55 p.m.	7.30 p. m.	1 35	16	11.59 a. m.	On time.	.....
Total	.....	.....	.....	16 27	.....	.....	.....	96 34

Mr. Chairman, this data of late trains, when considered in connection with the high rate of speed traveled, the long hours of continuous physical and mental strain, forces us to the inevitable conclusion that two great evils exist in this class of work which impairs our mail service, one of which is overwork of the employee, which incapacitates him for his best service, and the other is the inadequate supply of men to do the work, often occasioned by the overwork of the crews. Long hours of physical servitude are very trying on the human system, but when coupled with long hours of continuous mental strain the drain on the system is doubled and its effects are far-reaching and much more serious.

The crew on train No. 1 go to work in Chicago at 2 p. m. and arrive in Minneapolis at 7.45 a. m. the next morning, making one continuous run of 17 hours and 45 minutes, during all of which time the crew is put to the extreme test of both physical and mental activity. During the entire months of January and February last this train was not on time more than two or three times, and it has been behind as much as 6 hours and 45 minutes, thereby increasing the already long consecutive working hours of the postal clerk from 17 hours and 45 minutes to 24 hours and 30 minutes. The crew on train 57 go to work in Chicago at 6.36 p. m. and arrive in Minneapolis the next day at 11.21 a. m., making one continuous run of 17 hours and 15 minutes, during all of which time the postal clerk is compelled to exert himself both physically and mentally without ceasing. This train was late every day during the entire months of January and February, sometimes as late as 5 hours and 35 minutes, thereby increasing the long hours of servitude of the postal clerk from 17 hours and 45 minutes to 22 hours and 50 minutes. During these two months the postal clerks put in on this train alone 146 hours and 46 minutes extra time on account of delay without any compensation whatever. During these two months each clerk put in 24 hours and 30 minutes extra time without pay.

The postal clerks on this line, not including the extra time occasioned by delayed trains, average 8 hours a day for 313 days in the year. The work is too hard and will necessarily result in poor mail service. I am told that these crews are undermanned and are wholly inadequate for the amount of work to be done. As a result, the trains arriving in western terminals have large amounts of unworked mail, which must be carried back to St. Paul in order to make connections out at that point, thereby delaying important mail at least 24 hours. This gives bad service and ought to be corrected by putting on more men and giving them shorter hours of consecutive work. The service demands it, and fairness to the railway postal clerk demands it.

Take the line between New York and Pittsburgh. Train No. 45 on this line leaves New York at 6.30 p. m., but the crew are required to begin work at 3 p. m. in the railway post office at New York until the train leaves. It arrives in Pittsburgh at 3.57 a. m. the next morning, giving the clerks a continuous run of hard work for 12 hours and 57 minutes. The mail crew go on duty on train No. 21 at 11 a. m. and work continuously until it arrives at Pittsburgh at 2.16 a. m. the next day, giving to these clerks a consecutive run of hard physical and mental strain of 15 hours and 16 minutes. This is the schedule time and whatever time is put in because of the delay of trains adds to the already long, arduous hours of toil. Trains 28 and 29, mail trains between New York and Pittsburgh, two of the fastest in the world, have a schedule time of 8 hours, yet the clerks are required to make 3 round trips on these trains, with but 4 hours off at New York, traveling a distance of 2,634 miles, a distance of more than two-thirds across the American Continent, performing active services all the time, with an accumulation of mail often too large to be worked. What is true of the work on these two great thoroughfares is more or less true with all of the mail service on other lines.

Mr. Chairman, ordinary labor is conducive to good health, but long hours of consecutive labor requiring a high tension of mental activity will destroy health in the course of time. I am told by those who have been in this class of service for many years that in order to keep up with the requirements it is necessary for the clerk to go over the work continually, thereby taxing his mental powers constantly at a high tension, endangering his life and health.

As a result of long hours of consecutive hard labor, entailing upon the clerk prolonged acute mental strain, without rest, many of these unfortunate employees have lost their reason and died in madhouses. A short time ago the press reported a case of a railway-postal clerk who was employed on the mail trains between New York and Chicago, who became unbalanced, left the train, and went to the seashore and committed suicide by drowning. On one of our main thoroughfares, within the last few years, no less than eight of these employees became unbalanced and died in madhouses. I have all of their names and the place of their confinement, but I can not give them to the public, neither can I give the source of my information for fear that the Post Office Department will wreak vengeance on some unfortunate postal clerk by dismissing him from the service. This is the first time I have ever been confronted with fear and trembling, not so much for myself, but for public servants who brave the dangers to life and health in order that the public may be supplied with the intelligence of the times. This is enough to make the skeleton of Jefferson turn over in its quiet grave at Monticello and speak with the rattle of bones that immortal prophetic warning, "Eternal vigilance is the price of liberty."

Mr. Chairman, there ought to be an investigation by Congress to determine the extent of the burdens of these postal clerks, with expert medical testimony as to the effect long hours of continuous physical and mental strain have on the health and lives of these public servants. There is no doubt in my mind but that they are taxed unreasonably and that the long hours should be shortened and a frequent opportunity given for rest. I am inclined to believe that six hours is long enough on these fast mail trains for a day's work. This great Government should have proficiency in its public service, but it ought to be humane and spare its servants from pain and suffering brought about by unreasonable hours of toil.

We have a law on the statute books prohibiting the railroads from working railroad employees more than 16 consecutive hours on trains. I think this is too long, and I have no doubt but in the course of time the number of hours of continuous work will be shortened. The safety of the traveling public and the life and health of the servant and his happiness demand it. But in the postal service we permit employees to be taxed for nearly 18 hours of consecutive work without rest, wherein the powers of the mind and body alike are required to be wrought up to the extreme tension reaching in many cases the breaking point.

It is said that one drop of blood shed by a master's lash outweighed a nation's gold. Is one drop of such blood worth any more to the nation than the mind of a public employee, dethroned of reason by the torture of long hours of mental strain, taxed to the breaking point? How much more gold is the one worth to the nation than the other? There is this difference: In the one case it is the individual who is the master shedding blood by the lash and in the other it is the nation, taxing employees with long hours of extreme mental strain, which unbalances them and sends them to madhouses to languish and die. The question of liberty and humanity are in-

volved in one the same as in the other. I say, Mr. Chairman, that it is a disgrace to the American people that such a condition should exist in the public service of the United States, and I am ready to cast my vote to correct such inhuman practice. [Applause.]

I insert in my remarks some interesting observations by Messrs. C. W. Lahr and August Bindeman on the hours of railway postal clerks, and so forth, which is taken from the hearings before the Committee on the Post Office and Post Roads:

A.

HOURS OF ROAD DUTY.

WASHINGTON, D. C., *September 26, 1911.*

Hon. JOSEPH STEWART,
Second Assistant Postmaster General, Washington, D. C.

SIR: In presenting the resolution passed at the Syracuse convention, which is as follows: "*Resolved*, That we think a minimum of five hours and a maximum of six hours road duty should be considered as the standard for a day's work," we desire to say:

This resolution was drawn in a spirit of fairness, after careful thought, by a committee of men familiar with all the conditions pertaining to the service. It received the unanimous indorsement of the convention.

At the beginning we desire to impress upon you that the Railway Mail Service is a service peculiar to itself, and no other service under the Government, and, for that matter, no other work or profession, resembles it in a general way.

The duties of a railway postal clerk are twofold in their character, i. e., constant mental activity combined with rigorous physical effort. Herein lies the difference from all other public or private service, for nowhere else is this required in so great a degree. Under these circumstances, was the order of the Post Office Department fixing a standard day for the Railway Mail Service altogether warranted by the existing conditions and especially in setting the minimum so high, namely, 5 hours and 45 minutes to 6 hours and 30 minutes?

The kind of work we do, the conditions under which we do it, as well as the preparation necessary for the proper performance of this work, entitles us to the most liberal consideration from the Post Office Department.

In presenting argument in support of the resolution we wish to dwell more particularly on the physical phase of the question than on a comparison of runs or lines or with other professions.

It must first be remembered that the railway mail clerk is a physically fit person. He must have passed a careful and searching examination by a responsible physician. He must be sound in all his members and have possession of all his faculties.

The course of preparation necessary for him to follow is complex as well as thorough and must be constantly studied by him during his entire official life. His value as a servant to the department depends on his application to these studies, for the reason that as soon as he neglects them his work deteriorates and the public's interests suffer; hence the necessity for his constant attention.

The time devoted in the preparation for our work is equivalent to the time spent in preparation for any of the professions. The degree of excellence required is almost absolute perfection, and anything less than that is reflected in the checking system. This spurs men to constant study and strict attention to their duty.

The railway mail clerk must put up in examinations every three years from 6,000 to 15,000 cards or offices, and these must be reviewed at regular intervals. The percentage required is 98 or better, a higher percentage than is required by any institution of learning in the land, and on this feature of our work rests the fabric of the Post Office Department.

It is an acknowledged fact that the efficiency of the Railway Mail Service of this country can not be approached anywhere in the world, either for accuracy or dispatch, and this high state of proficiency is only possible by constant application.

In describing the physical labors involved in the performance of our duties we hope to show that the strenuous character of our work entitles us to the most liberal time allowance.

On the heavy trunk lines, where the trains are made up of two or more cars, and where sufficient porter help is not allowed, considerable time is consumed in dragging and piling the heavy block matter dispatched from the important publishing centers. It frequently happens that large quantities of this class of mail are received at one junction, and when dragged and piled the men are nearly in a state of exhaustion.

This work is done under the most adverse conditions on rapidly moving trains and swaying cars. Men are frequently compelled to handle sacks weighing from 150 to 190 pounds, requiring two and often three men to pile the same. The lifting under these conditions subjects the men to an unusual strain and very often results in permanent injury. In the performance of work of this character, under existing conditions, the liability of rupture is always present and it frequently occurs.

The constant strain to the nervous system is one of the most important features in our consideration and worthy of much thought. Competent physicians say the railway mail clerk does not regain his normal condition within 24 hours to 36 hours after ending his tour of duty, and that complete rest from mental or physical effort should follow to restore depleted vitality.

At the same time the nature of our work exposes us to contagion or infection. The dust-filled cars, caused by the unclean sacks and pouches, furnishes the medium through which disease may be communicated.

We also desire to call your attention to the constant eye strain. A man with defective eyes or vision can not enter the Railway Mail Service, yet disordered vision is one of the most common ailments among clerks. Light experts claim the light least injurious to the eyes is the soft diffused light, well scattered and of equal brilliance. But years of experience proves to the postal clerk that to perform his duties he must have an intense light and concentrated brilliance. Working under these conditions rapidly affects the eyes.

We would ask you to carefully consider the irregular habits imposed on the men by the exigencies of the service. Pinkerton's motto, "We never sleep," is equally true of the Railway Mail Service. In many cases the men are compelled to completely reverse their natural habits and perform service under directly opposite conditions. This is no easy matter, and must necessarily cause a constant struggle with nature. Irregular hours for working, eating, and sleeping, combined with the other exactions, deserve consideration.

We would remind you that the department makes no compensatory allowance for service performed at night. Canada makes a distinction and pays the night lines a larger salary and travel allowance.

One of the principal arguments in support of this resolution is the reason first stated. The work is of a twofold character—mental combined with physical. Herein lies our strongest claim for concessions. The kind of service we perform is best shown by describing a night's work. Last Friday night three city distributors on one New York and Pittsburgh train worked 1,037 packages of letters, averaging 345 packages per man. The average number of letters to the package is about 30, making 10,350 letters to be distributed by each man. Had anyone told an inexperienced person to stand before a case and push his arm back and forth, piston-rod like, for that number of times he would have said it was a physical impossibility; yet this was done, and not that alone, for every movement of the arm was directed by a distinct mental effort, accurately controlling the destination of each letter. It was, indeed, a marvelous piece of work, yet it is being done daily by the distributing force of the Railway Mail Service. It would be beyond the range of human possibility for anyone to work at this speed for any great length of time. Complete mental and physical collapse would be the inevitable result.

This is the machine, composed of bone, nerve, and tissue, the Post Office Department expects shall give from five and three-fourths to six and one-half hours' service as a minimum for a standard day of road duty.

I tell you, sir, the railway postal clerk is not a machine. There is a limit to his powers of endurance. The department knows the work requires the greatest mental activity as well as the most exhausting physical effort, and this combination, unless surrounded by the most favorable conditions, must surely be destructive to health.

Another reason for favorable consideration: The department does not allow us compensatory time for the services performed on the road in excess of that required for a standard day's work. By way of illustration: On all lines where the time from going to work at advance distribution until arrival at the other terminal exceeds the average for a standard day's work the excess or overtimes should be calculated as time and half time. For example, if the standard day for the line be 6 hours and the time consumed in advance distribution and between terminals be 12 hours, then credit should be given for 6 hours plus 6 hours plus 3 hours' overtime, or 15 hours, and proper credit should be given the men for this time on the organization sheet. This is in conformity to the customs of all corporations. At the same time it is fair on account of the unusual service exacted from the clerk. Also, the clerks should not be made to suffer by reason of the changed conditions due to the modern times. The race for mail contracts and prompter service has tightened the schedules on most roads, and, instead of the men being charged for the time taken from them, they should be given allowance for working under the more strenuous conditions.

In fixing the standard for a day's road duty proper credit was not given for the services rendered to the Government during the lay-off period. Consultation with a score or more representative clerks shows that credit should be given for the time used in the performance of the following duties:

	Hours.
Examinations:	
3½ annually—average of 8 days per examination	224
Correcting cards and schemes for examination	32
	256
Scheme corrections for distribution, average 1 hour per week, 52 weeks	52
Reviewing distribution, 1 day each lay-off period, 30 periods	240
Drawing and preparation of slips and labels:	
1 hour for drawing.	
3 hours for preparation.	
4 hours per tour, 30 tours	120
Delayed connections and protecting delayed mails, as shown by New York and Pittsburgh railway post office	29½
15 days leave of absence	120
All clerks	817½
Clerks in charge (additional):	
Trip reports, 6 per tour, at 45 minutes, 30 tours	135
Monthly reports, 12, at 1 hour and 30 minutes	18
Correspondence, clerical work required by office verifying pouch records, furnishing data, etc	60
	1,030½

There is another important item to the New York and Pittsburgh railway post office. The standing requirements are that clerks on lay off must be available at three meal hours awaiting orders: Three hours per day, 6 days per lay off, equals 18 hours; 30 tours, equals 540 hours.

Figuring as a year's service 313 days of 8 hours each, or 2,504 hours, it is readily seen that crediting us with the time spent in road duty and work on lay off, we are putting in a great many more hours than are legally required.

In support of the claim for annual leave of absence we desire to say: The order of the department bearing date of January 16, 1911, indicated a determination to exact six and one-half hours average road duty, which order was somewhat modified under date of February 5, 1911.

All the official utterances on the subject lay great stress on the reasonable claim that the department has a right to have and receive the same hours of labor from the railway postal clerks as govern the industrial world, namely, eight hours.

The difference between the length of a day of road duty and the average industrial day of eight hours is conceded to the clerks as being absolutely necessary for the purpose of study, examinations, scheme corrections, rest, and all other demands generally believed to be necessary in order that the clerks may keep themselves up on their work and distribution. This allowance, then, coupled with whatever actual time of road duty may be required, constitutes an average day of eight hours for six days a week, Sunday being excepted.

Such being the case, and the figures, arguments, and comparisons being the department's own, the claim is made that we do not differ in effect from those clerks who run daily, except Sunday, and are by law entitled to 15 days of leave, with pay, each year.

It is expressly understood that no claim is made that the law gives the trunk line clerks a right to such an allowance as is claimed, that of 15 days' leave yearly, because the law is silent beyond providing that clerks who run daily, except Sunday, should have this allowance.

The same laws, however, governing the action of the department are just as silent upon the subject requiring an average 8-hour day, except Sunday, for the trunk lines; from 5 hours and 45 minutes up to 6 hours

and 15 minutes to be credited to road duty, the balance for all the other demands upon the clerk's time.

Inasmuch as there does not seem to be any likelihood of a restoration of old conditions, including runs, hours, etc., and that an average 8-hour day must be given by the clerks, why should not an allowance of 15 days be granted as claimed?

It is further insisted that while there is no precedent for such action, just as there is no law therefor, why not establish the precedent which can be held to take the place of law, just as the precedent of demanding an average eight-hour day was established?

If it should be held that the trunk-line clerks, by nature of the demands upon trunk lines, could not reasonably be conceded this time allowance, the same to be actually enjoyed without interference, then let it be understood that the clerks on such lines would accept in lieu thereof an average daily time allowance equal to said 15 days, or 23 minutes per day, the same to be applied and credited to the present daily average made by each clerk.

That the request above outlined is reasonable and based upon that principle of justice which gives to each and all that measure of equality before the law is our belief, and we trust it will be granted us in one or the other forms asked.

Returning to the consideration of our resolution, I would say: The hazardous nature of our work entitles us to concessions. The clerk is constantly exposed in the most dangerous part of the train, entirely ignorant of any impending danger until it is too late to make any effort to save himself. The number of men killed and injured while in the performance of their duties is large. While it is true there are measures being taken to remedy this complaint, yet the danger remains and should have its relative weight in these calculations.

We hold that a strict compliance with the above resolution would not be possible on account of the inflexibility of it, yet we do not think that the department should rule that the lines or runs which are below the minimum should be brought up to the minimum unless the lines or runs which are above the maximum are brought down to the maximum. It is a poor rule that will not work both ways.

In attempting to conform to the high-standard day required by the department many cases of hardships come to our notice. We shall only mention two, and in both cases we think action should be taken to correct the existing conditions.

On New York and Salamanca railway post office, trains 1 and 2, one crew was withdrawn, compelling the men to make three round trips, a distance of 2,550 miles, as shown in the schedule. The daily average prior to withdrawing this crew was 5 hours and 40 minutes. The change raised the daily average not to 6 hours and 15 minutes, as required by recent rulings, but to 6 hours and 53 minutes. It is apparent the changes were based on a tour of inspection made during an interruption of the wagon service in New York City, when almost all the paper mail was missed. No account seems to have been taken of this unusual condition. The true situation is that the run is a very hard one, with a sufficient quantity of mail to work the men from terminal to terminal. The distance, as well as the time required, for a tour of duty is excessive, and conditions should be speedily adjusted.

I desire to refer briefly to one other case. On the New York and Pittsburgh railway post-office trains 28 and 29 the clerks are required to make three round trips between New York and Pittsburgh. The round trip is made in 24 hours from time of leaving Pittsburgh. It is impossible for them to get more than four hours' sleep in New York City before they must return to Pittsburgh. After their arrival in Pittsburgh and they have had a few hours' sleep, they are compelled to report at the Pennsylvania Station and perform service for two hours on New York and Pittsburgh railway post-office train 18. After this service they are permitted to return to the dormitory for the balance of their rest. It is an unwarranted condition. After men have worked 888 miles with but 4 hours' sleep on two of the fastest trains in the world, where traveling alone is exhausting without doing any work, we do not think the urgent needs of the service require this sacrifice on the part of the men. The only reason this is imposed on them is to bring their daily average up to requirements and not because train 18 needs them.

Briefly summarizing, we would ask your favorable consideration of this resolution, for the following reasons:

1. The exhausting mental and physical labor necessary for the proper performance of our work.
2. The complex and thorough character of our study.
3. Not sufficient credit allowed by the department for duties performed on the lay-off period.
4. The hazardous position in which we are required to work.
5. The severe hardships imposed on many men in attempting to conform to the high-standard day.
6. No compensatory time allowed men who are on duty for a longer period than is required for a standard day.
7. No compensatory time allowed men who work on the high-speed trains over those who work on the slow trains.
8. No compensatory time allowed for annual leave of absence.
9. The combined time required of the men in road duty and work on the lay-off period exceeds the amount required for a legal day's work.
10. We believe concessions in conformity to this resolution would in a very great measure allay the feeling of unrest now in the service and would soon restore the esprit de corps which is such a valuable asset to the Post Office Department.

Respectfully submitted.

C. W. LAHR,
(For the Railway Mail Association).

Approved:
P. J. SCHARDT,
President Railway Mail Association.

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B.

HOURS OF ROAD DUTY.

WASHINGTON, D. C., *September 28, 1911.*

Hon. JOSEPH STEWART,
Second Assistant Postmaster General, Washington, D. C.

SIR: When we review the struggle that is progressing in this land for the betterment of the civil, social, and economic conditions, we are forced to the conclusion that the Government can not afford to be anything but a model employer. Applying this principle to the cause before us, let us indulge in some comparisons.

I know of no fairer comparison to make with a railway postal clerk than that with the train crew with which he runs. Both are subject to the conditions of an occupation away from home; both are subjected to mental strain and physical discomfort. I will make my comparison on the Pittsburgh & St. Louis line, because I am more familiar with it and can prove my statements.

Train crews in train 18 (between Columbus, Ohio, and Pittsburgh, Pa.) return in train 45; they must report for duty at 8.35 a. m.; they are relieved from duty on the return trip at 7.45 a. m.; having 23 hours and 10 minutes tour and 24 hours and 50 minutes lay off every two days. They are actually on duty in train 18 six hours and in train 45 five hours and five minutes, and these figures each represent a day's work. Train crews (between Columbus, Ohio, and Indianapolis, Ind.) in train 11 return in train 18; they report for duty at 3.30 p. m. and are relieved on the return trip at 9.10 a. m., having 17 hours and 50 minutes tour and 30 hours and 10 minutes lay off every two days. They are actually on duty in train 11 five hours and five minutes and in train 18 six hours and five minutes.

Train crews in train 20 return in train 25; they report for duty at 2.30 p. m. and are relieved on the return trip at 7.30 a. m., having 17 hours tour and 31 hours lay off every two days. They are actually on duty in train 20 five hours and in train 25 five hours and forty-five minutes.

Train crews in train 13 return in train 14; they report for duty at 9.15 p. m. and are relieved on the return trip at 12.45 p. m., having 15 hours and 30 minutes tour and 32 hours and 30 minutes lay off every two days. They are actually on duty in train 14 five hours and twenty-five minutes and in train 13 five hours and 20 minutes.

Bear in mind that these figures include 30 minutes before schedule departure and 20 minutes after schedule arrival. These men state that their duties have never been increased nor salary lessened by a shortening of the schedule. Between Indianapolis, Ind., and St. Louis, Mo., a peculiar system of running obtains whereby a train crew has the same set of trains only once every 13 days, so that like figures are not easily obtainable; but, being under the same management, they are equally well situated, with this difference, their run is longer (about 50 miles), but for these extra hours they receive about $200 per annum additional compensation.

In conversation with a number of these passenger conductors I learned that it takes about 15 years for an efficient, capable man to rise from the bottom to the top in the train service, which is about the same time it takes a substitute to become a clerk in charge in an established railway post office.

They have short working hours and more than half time off at home. Beyond this the comparison becomes one-sided.

Their study is the book of rules, not as much as our Postal Laws and Regulations.

Their mental work is light and the physical is not exhausting. Some of these men collect tickets four times in a trip and may receive train orders as many times.

They and their families are provided with free transportation.

Their old age is provided for without thought or expense on their part.

Their annual income is from $2,000 to $2,400.

The trunk lines are not the only arteries of the Railway Mail Service, but are practically all the standard railroad service of the country. Stimulated by ambition and competition, they are the possessors of the solid roadbeds and the high-speed trains. An attempt to place all the service upon a fixed "hours-of-duty" basis alone places an unequal burden upon these lines instead of arriving at an equality. These men labor under extreme mental, physical, and nervous tension; they are unlike any other laborers; others give little thought as to how much shall be done, but look forward to quitting time; these men look at the stint set them, and their actions are more like those of a salvage corps at a fire—a pace that can not be kept up for long.

Ten years' observation on a great distributing line has shown us that of 100 new men 40 are worthless for this business. Many of the remainder drop out almost immediately, or at least before they become an asset. What will be the result, we ask you, if the exactions of the service are to be made greater and the attractions correspondingly less?

Personally I have served for more than 20 years in a great railway post office, and whatever is done can not affect me for long; but I am making this appeal for the future of the service that I have seen more than treble, which has been my life work's pride and in which you and I have a common interest.

There is on file in the office of the honorable general superintendent a letter written by me, under date of January 6, 1911, addressed to the honorable Postmaster General that I wish shall be made a part of this statement.

Very respectfully,

C. G. MENDENHALL,
(For the Railway Mail Association).

Approved:
P. J. SCHARDT,
President Railway Mail Association.

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C.

HOURS OF ROAD DUTY.

WASHINGTON, D. C., *September 26, 1911.*

Hon. JOSEPH STEWART,
Second Assistant Postmaster General, Washington, D. C.

SIR: In presenting to the Post Office Department some general considerations touching the question of a standard workday in the Railway Mail Service, I shall leave to my colleagues the presentation of those phases of the question proceeding more particularly from the viewpoint of the strict self-interest of the employees of the service. It shall be my task, with your kind indulgence, to attempt in an humble way to point out that a stern enforcement of that we are bound to regard as an arbitrarily determined workday may and inevitably must result in a deteriorated efficiency. Believing that it is no less our duty than our privilege to set forth frankly our views upon the subject matter in mind, no further apology shall be offered than that the views herein set forth are not original with myself but are culled from current expositions by high authorities on the science of the management of bodies of men.

It is peculiarly my province, while not essentially any more fair-minded than my colleagues, to consider the question before us from the "other" side, from the administrative standpoint, in so far as it is given me to be judicially minded enough so to consider it. It may be proper to state that the general principles are set forth, not dogmatically but as a means of illustrating and testing, by the considerations of private practice, the departmental position upon the question of the present standard of a workday in the Railway Mail Service.

It is a favorite retort of managers, and one that is usually expected to squelch the protestant employee, to say, "We, too, put in long hours. You ought not, then, to 'kick.'" And yet so eminent an authority as Mr. Fred W. Taylor, the father of scientific management, says:

"The fact * * * that managers are * * * overwhelmed by their work is the best proof that there is something radically wrong

with the plan of their organization, and in self-defense they should take immediate steps toward a more thorough study of the art."

Another eminent authority, imbued with a sense of the importance of his subject even to the point of enthusiasm, declares:

"It is because I have an abiding faith in the destiny both of my country and its inhabitants that I urge the application to its affairs of efficiency principles. That its people have in the past abundantly made use of a high order of near common sense justifies the belief that in the future it will surpass other nations in the use of supernal common sense. Let us therefore grasp the difference between the two, and, having grasped it, let us wake up to some of the principal present stumblingblocks in our national corporate and individual paths."

As indicating the ground of approach on the part of hard-headed business men broad enough to view the relationship of employer and employee (or public servant and manager) in its more comprehensive aspects, I may be permitted to quote again from Mr. Taylor:

"It is safe to say that no system of scheme of management should be considered which does not, in the long run, give satisfaction to both employer and employee, which does not make it apparent that their best interests are mutual, and which does not bring about such thorough and hearty cooperation that they can pull together instead of apart."

Another singularly successful manager of men states the matter even more concisely:

"To handle men, they must be treated as friends and coworkers, not as automata."

The art of management has been defined as "knowing exactly what you want men to do, and then seeing that they do it in the best and cheapest way."

That this art is not predicated upon any hard and fast rules is made manifest by the declaration:

"Scientific management is not any particular system (rigid or otherwise), but a body of principles; a particular way of looking at the whole problem of industrial operation."

As in a measure elucidating, if not justifying, the conditions that obtained among the rank and file of the Railway Mail Service last winter, and without any intention to convey the impression that the characterizations are applicable to the conditions that have obtained or may still obtain in the department, I may be permitted to quote somewhat extensively from Mr. Harrington Emerson, a noted efficiency engineer, as follows:

"[The most] evil characteristics [of poor management] are * * * arbitrariness, irresponsible exercise of power, harshness, cruelty, with anarchy all along the line."

"The vagueness, the uncertainty, the aimlessness that characterize employees is but an infiltration of the vagueness, uncertainty, and aimlessness that characterize employers."

"A high American railroad official of great and long experience told me that no grievance committee of wage earners had ever come to him with what seemed unreasonable and unfair demands that he had not been able to find as the original incentive to their action the arbitrary injustice and tyranny of some insignificant local official, foreman, or boss."

"I have intimately watched the inception, progress, and end of three railroad strikes. Twice they were precipitated by the arbitrary action of irresponsible yet conscientious and able railroad officials."

"A great railroad superintendent * * * told me that no unreasonable demand had ever been made on him by a labor organization that he could not trace * * * back to some act of petty injustice by a foreman of poor judgment."

All these general considerations, of course, have a purely general bearing. Without pretending that private and public employment are precisely parallel, I am making a special application of them to the workday standard established by the department for the Railway Mail Service, because just in the particular matter of establishing an arbitrary and inflexible minimum workday it would seem to the workers immediately concerned that the department had apparently failed to justify itself to the common sense and, I may say, the common humanity of its servants. We, most of us, are not insensible or not by any means indifferent to the many inefficiencies and wastefulness suppressed and abolished. The relief from the onerous blue-tag matter; the reduction in the use of equipment; the vastly closer correlation of the different branches of the entire postal service are immense improvements of the great importance to which we are not at all oblivious. Moreover, we gladly recognize the organizing genius which brought them about. But in all industrial operations, those of the Post Office Department included, there is a human factor, which, if ignored or neglected, is bound ultimately to render nugatory the best planned organization ever conceived in the brain of man.

On the New York and Chicago railway post office, as well as on others, there obtains a system of lap runs. In the case cited it was, to all appearances, imposed simply and solely arbitrarily to raise the work time to a standard that may have been in the departmental mind here at Washington, but which was never promulgated for years afterwards.

Last winter, after finally promulgating such a standard, the employees in the most continuously strenuous occupation in the Government employ were required in the heaviest period of the year to yield up that part of their rest period that the wisdom of nearly 50 years had regarded as their absolute due. This not so much without pay, but positively as a comparatively heavy expense to the employee for every extra trip he made. If the department had in any way profited thereby, the procedure might possibly have been justified on the principle of absolute authority from which there seemed to be no adequate appeal. But beyond the necessities of the service this proceeding was kept up and justified, if that be the correct term therefor, by the plea that the organization sheets were thus symmetrically rounded out to an even, uniform figure. Apparently no thought was given the efficiency principle where merely the human factor was involved.

Efficiency is said to be a ratio expressing the relation between the results achieved and the energy necessarily expended in obtaining those results. Measured by this principle, altogether disregarding the humanitarian idea or the sense of justice, the episode was, we believe, generally and in a large measure indefensible.

While it is true that one of the basic ideas of correct management is the predetermination of standards of efficiency, still, as has been said, "efficiency, like hygiene, is a state, an ideal, not a method; but in America we have sought our salvation in methods," and by the same eminent authority: "Accounting, however accurate and minute, can not of itself bring about efficiency."

In Mr. Harrington Emerson's elaborate expositions of the 12 principles of efficiency he assigns the first five to those of conduct and the latter seven to those of operation. His five principles of conduct bearing upon efficiency are: (1) Definite ideals, (2) common sense, (3) competent counsel, (4) discipline, (5) the fair deal.

We respectfully submit that in the application of the work standard in our service the department has fallen short of these ideals set forth by a mere business manager for mere business reasons, and that those in the public employ are entitled on the most obvious principles of justice to at least equally generous treatment.

In this connection it may not be inopportune to quote a large employer, writing from the employer's viewpoint, as to what consitutes honest work, with the statement that every railway postal clerk can conscientiously subscribe thereto:

"Honest work at lowest cost; at high speed, if required, but none the less honest work and the lowest cost for the speed (is the consideration). Honest work means honest workers, not one only in a few, but all; honest in the sense of taking an interest in the work and personally desiring that it shall be done well. Such an attitude is not one of muscle, but of mind or intelligence, and hence honest work in the true sense demands that everyone engaged upon it shall participate in it on the intellectual side and not merely on the physical."

I had intended writing my notes on driving and speeding up, but find that I have already seriously imposed upon your consideration, and so will forbear.

The remainder of this paper may be regarded as a string of quotations upon what authorities, men of practical experience in handling men, have said upon the humanitarian phase of the subject matter in hand—in other words, of the human factor.

"Reasonable hours, too, are a necessity if good health and a maximum output are to be maintained. A comparison of overtime with regular-time production would show in almost every case a heavy decrease in the production after hours."

"To establish rational work standards for men requires indeed motion and time, studies of all operations; but it requires in addition all the skill of the planning manager, all the skill of the physician, of the humanitarian, of the physiologist, of the psychologist; it requires infinite knowledge, directed, guided, and restrained by hope, faith, and compassion."

"Rather than drive harder, it is more equitable to pay for extra normal time required."

"Longer hours than 10 (in one continuous stretch) are wholly deleterious to both worker and shop. I never knew any advantage to result from promiscuous overtime. It should always be a serious emergency resource, and the bonus should be very high to men, and loss of shop efficiency be chargeable to all officials."

"If we can not control the hygienic conditions of the homes of the working classes, we can at any rate insist that in the factory and workshop the conditions under which work is carried on shall be as healthy as possible; that means shall be in use to carry away dust; that the temperature and humidity shall not be too high; and that the air shall contain even less carbon dioxide than is allowed by law. If the employers wish to have tidy and clean workmen, they must keep their factories clean. Change of clothing will probably cause the worker to make a better meal on reaching home than the unwashed workman."

"These general-welfare considerations have their effect on the contentment of the worker, and not one of them is recommended from any patronizing or altruistic motive * * *. In the interests of plant efficiency men should be treated at least as well as we treat machines. It is for mutual, not one-sided, benefit that the workers' counsel is considered."

"A boy apprenticed to a trade ought to feel confident that he has not been allowed to enter a race in which even before he started he was hopelessly outclassed; he ought to see before him a reasonable certainty of tenure of position, of definite and increasing wages * * * until he has reached a maximum for his trade and locality; he ought to be certain that all those things essential to his health and safety which he can not do himself were being done for him. As to the man, the worker without whom industry would collapse, all conditions ought to be standardized. Drinking water ought to be germ free, life-destroying dust should be sucked away, safeguards should surround moving machinery, work illumination should be adequate, not ruinous to the eyesight. Working hours should be reasonable and without overtime, except in great emergencies; means should be provided for ascertaining directly his needs, his wishes, or listening to his recommendations."

"It is the men closest to their bread and butter who generally have correct instincts as to evils, even if they often flounder as to remedies. It is the flesh that quivers with physical pain, not the brain nor the skeleton. It is on these workers that the duty devolves of bringing up respectable families on a small and precarious income. There is not room for all at the top, even if all were competent to climb; and one of the great problems is to make to-day bearable without taking away the hope of a better to-morrow."

Respectfully submitted.

AUGUST BINDEMAN
(For the Railway Mail Association).

Mr. NORRIS. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows down to and including section 6e:

Amend section 6 by adding thereto the following:

"SEC. 6a. That on and after the 1st day of July, 1914, the following positions in the Post Office Department shall be included in the competitive classified service, to wit: First Assistant Postmaster General, Second Assistant Postmaster General, Third Assistant Postmaster General, Fourth Assistant Postmaster General, and postmaster in all post offices of the first, second, and third classes; and after the said 1st day of July, 1914, vacancies in any of said positions shall be filled by the Postmaster General by promotion or transfer of persons already in the service of the Post Office Department. To assist the Postmaster General in making such appointments, the Civil Service Commission shall make and promulgate all necessary rules and regulations therefor. Such rules and regulations shall provide for the transfer of employees in the Railway Mail Service to and from positions in post offices and the transfer of postmaster, assistant postmaster, and clerks from one post office to another and to and from the Post Office Department in Washington: *Provided*, That no postmaster, assistant postmaster, or other employee of any post office shall, without his consent, be transferred from the post office located in the city or town of his residence.

"SEC. 6b. That from and after the 4th day of March, 1913, appointments to the position of Postmaster General shall be for a term of 10 years, and during such term the Postmaster General shall not be subject to removal except for cause. In addition to the duties now provided by law, it shall be the duty of the Postmaster General to conduct the affairs of the Post Office Department upon an entirely non-

partisan basis, and in making appointments as provided in this act it shall be his duty, as far as possible, to carry out the rules and regulations promulgated by the Civil Service Commission.

"SEC. 6c. That it shall be unlawful for any employee of the Post Office Department to be chairman or a member of any political committee, or to have control or management of any political campaign, or for any postmaster of the first or second class, while holding such position, to engage in the active management or control of any business, trade, or profession that in any way interferes with the full and proper performance of his official duties. Any employee violating the provisions of this section shall be removed from office."

Mr. MOON of Tennessee. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. NORRIS. Mr. Chairman, I would like to be heard on that.

The CHAIRMAN. Very well; the Chair will hear the gentleman.

Mr. NORRIS. I have offered the amendment in the best of faith, and I do not think it is subject to the point of order.

The CHAIRMAN. The Chair thinks it is.

Mr. NORRIS. I understand the Chair has said that. Of course I do not know just what the idea of the Chair is.

The CHAIRMAN. The idea of the Chair is, he will say to the gentleman, that it is new legislation and changes existing law in an appropriation bill.

Mr. NORRIS. Exactly; but the amendment we are considering in the bill is new legislation. The Chair has already held that on another point of order made to-day, which seems to be on all fours with this——

The CHAIRMAN. The gentleman from Nebraska offered this as a separate paragraph to come in after section 6, and therefore he did not offer it as an amendment.

Mr. NORRIS. I take it it is an amendment to section 6.

The CHAIRMAN. The Chair will hear the gentleman if he desires.

Mr. NORRIS. I did not know what I could do except to offer it immediately after the conclusion of the reading of section 6. I think it would be in order in some other place in the bill, if that is the theory of the Chair.

Mr. MOON of Tennessee. Section 6 is passed. The gentleman can offer his amendment as a separate amendment.

Mr. NORRIS. I will add it after section 6. I do not want to take up the time of the House in reading it again. I could offer it as an amendment, perhaps, to several other sections that are in here to which it is germane.

Mr. MOON of Tennessee. It may be. Suppose the gentleman have it passed upon and see.

Mr. NORRIS. Mr. Chairman, I offer the amendment as an amendment to section 6.

The CHAIRMAN. Does the gentleman withdraw the amendment as offered before?

Mr. NORRIS. On the ruling of the Chair I will withdraw the amendment and offer it as an amendment to section 6.

Mr. MOON of Tennessee. I make the point of order, Mr. Chairman, that section 6 is already passed.

The CHAIRMAN. The gentleman from Nebraska [Mr. NORRIS] offers to withdraw his amendment. Is there objection to his request?

Mr. NORRIS. I do not understand that section 6 has been passed.

Mr. MOON of Tennessee. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard. Unless the gentleman from Nebraska desires to be heard further, the Chair will sustain the point of order.

Mr. DYER. Mr. Chairman, have we passed section 6, or can we offer an amendment to that section?

The CHAIRMAN. An amendment can be offered to section 6.

Mr. DYER. I offer an amendment, Mr. Chairman, to section 6.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri [Mr. DYER].

The Clerk read as follows:

Mr. DYER offers the following amendment:

That the following be stricken out, to wit: Beginning with the word "That," line 3, page 30, section 6, and extending to and including the word "thereof," line 22, same page and section, and insert in lieu thereof the following:

"That there shall be appointed by the President of the United States a commission, to consist of three members, who shall receive as compensation $3,000 per annum for a term of four years, and may be reappointed. The said commission shall be known as the commission on salaries and allowances of postal employees.

"The duties of the said commission shall be to pass on all salaries of postal employees who are in the classified service. When any employee is entitled to an increase of salary by reason of time and length of service, it shall be the duty of the Post Office Department to certify the said employee to the said commission for promotion, and if for cause the department deems it advisable that an employee be not promoted there shall be filed with the said commission a full report of the case and all charges against the said employee, who shall receive a copy of the same and be allowed 10 days to file a written answer or may appear before the commission in person or by attorney, and after such hearing the commission shall decide the case, and such decision shall be final.

"No postal employee of the classified civil service having reached a certain grade and who receives a certain salary shall be reduced to a lower grade except for cause and after a hearing by the commission on salaries and allowances of postal employees.

"When the Post Office Department believes there is a good and sufficient cause for the reduction of salary of a postal employee who is in the classified civil service, it will file with the commission on salaries and allowances its recommendation, with the reasons thereof, and all charges.

"And a copy of the same shall be sent to the employee recommended for reduction, who shall be allowed 10 days to file a written answer to the same, or he may appear before the said commission in person or by attorney to present his case, and after such hearing the commission shall decide, and such decision shall be final."

Mr. MANN. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] makes a point of order against the amendment.

Mr. DYER. Mr. Chairman, I hardly think it is subject to a point of order. It is substantially the same section as it is now, only with a proviso that there shall be a commission which shall have to do with the promotion and reduction of salaries of clerks in the postal service. It takes them out of the power and out of the influence of the men who are at the head of it, so that no preference will be given that is unjust and unfair, as oftentimes happens. I think, Mr. Chairman, that it is in order and germane to this section.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard?

Mr. MANN. I do not wish to detain the Chair, but it seems to me that an amendment to create a commission is not germane to this proposition to regulate the promotion or discharge of employees.

This is to provide additional employees in the form of a commission, and if you can insert an amendment to create a commission every time you deal with the subject matter of course it is opening the door very wide. The Chair will notice that this is an original proposition in the bill. Of course it is now held to be germane in the bill, although it is legislation.

The CHAIRMAN. The Chair would state that although the amendment might be germane it provides for additional legislation, and under the ruling of former Chairmen and Speakers of the House it has been held that in an appropriation bill a paragraph embodying legislation may be perfected by a germane amendment. But this does not permit an amendment to add additional legislation, and the Chair thinks this does add additional legislation, and therefore the Chair sustains the point of order. The Clerk will read.

Mr. MANN. Mr. Chairman, I move to strike out section 6.

The CHAIRMAN. The gentleman from Illinois moves to strike out section 6.

Mr. NORRIS. Mr. Chairman, I make the point of order that section 6 is passed, and it was on that ground that the Chair sustained the point of order to the amendment that I offered.

The CHAIRMAN. The Chair did not base his ruling upon that. The gentleman from Illinois [Mr. MANN] moves to strike out section 6.

Mr. MANN. Mr. Chairman, I have no doubt that there may be at all times just complaints against the administration of the law as to the employees of the Government, but I do not believe that it is advisable to invite the employees of the Government to band together to make assaults upon Congress or upon Members of Congress. I do not believe that it is desirable to permit the employees of the Government to band together for the purpose of threatening a Member of Congress in his district, as would be permitted under the provisions of section 6. We have now the influence of the employees of the Government affecting Congress to a very great extent.

This Government is not created and run for the sole benefit of the employees of the Government. The Government is for the people. The employees work for the Government in the interest of the people. But there are times when one is forced to believe that many of the employees of the Government believe that the Government is maintained for the benefit of its employees. [Applause.]

I do not think that the employees have any difficulty in presenting their grievances to Congress, whether the grievances affect the mass of employees or whether they affect only individual employees. I do not regard any order of the President which forbids me to discuss with an employee matters relating to his employment under the Government, and I never shall. [Applause.] But I do not think there is any need of Congress inviting the employees to band together for the remedying of what they call their "grievances," or to obtain civil pensions, or retirement, or increase of pay, or shortening of hours, or lightening of labor, or a thousand and one other things that are

not necessary to be presented in the form of threats to Congress.

There is no occasion for such legislation. There is no demand on the part of the employees for this legislation. The postal employees of the Government are not asking for it. Probably I have as many post-office employees in my district as almost any gentleman on the floor of the House. To a certain extent I believe I enjoy their confidence—their belief, at least, that I will endeavor to deal with them fairly—but they know and I know that they would not benefit any by any threats they might make against me, and maybe they will not do it. I do not know. But they do not want to be invited to do it.

Mr. MOON of Tennessee. Does the gentleman know that the reason they do not ask him for relief when they are distressed and tyrannized over is because if they made that fact known to the department they would lose their positions for doing it?

Mr. MANN. I do not know anything of the kind.

Mr. MOON of Tennessee. Then the gentleman does not know the fact, for it is true.

Mr. MANN. I know more post-office employees than the gentleman from Tennessee will ever know.

Mr. MOON of Tennessee. I do not believe that, either.

Mr. MANN. And I keep in touch with them on matters by which they are affected as closely as does the gentleman from Tennessee.

Mr. HAMLIN. Will the gentleman yield for a question?

Mr. MANN. Certainly.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LLOYD. Mr. Chairman, this provision in this bill is necessary at the present time. It is true that the Government employees, as a rule, discharge their duties faithfully. It is true that those Government employees are sworn officers, and it is their duty to uphold the Government. I am well satisfied that there are no employees of this Government, in any branch of it, who are more faithful to their oaths than are the postal employees. [Applause.] The gentleman from Illinois [Mr. MANN] says that if the President of the United States or the Postmaster General were to make an Executive order that would prevent the employees from talking to him or conferring with him about legislative matters he would ignore the Executive order. But can the postal employee ignore the Executive order?

Mr. MOON of Tennessee. At the risk of losing his job.

Mr. LLOYD. The gentleman from Illinois may do it, and it does not affect him; but when the postal employee violates that Executive order he violates the law of the United States and places himself in a position of antagonism to those who are in authority over him.

This is the order about which the people complain and about which the postal employees complain; and if the gentleman from Illinois [Mr. MANN] has never heard of any complaints from the postal employees it is proof positive that he is not in touch with them. [Applause.]

The following is the Executive order to which I refer:

It is hereby ordered that no bureau officer, division chief, or subordinate in any department of the Government, and no officer of the Army, Navy, or Marine Corps stationed in Washington, shall apply to either House of Congress, or to any committee of either House of Congress, or to any Member of Congress, for legislation or for appropriations or for congressional action of any kind except with the consent and knowledge of the head of the department.

And now observe—

Nor shall any such person respond to any request for information from either House of Congress or any committee of either House of Congress, or any Member of Congress, excepting through or as authorized by the head of the department.

This Executive order is signed by William H. Taft. What is the effect of that order? That no postal employee can speak to a Member of Congress about anything affecting his duty unless he has first approached his chief and asked permission to speak to the Member of Congress, and in addition to that he must state to the head of the department what it is he wishes to confer about when he asks to confer with the Member of Congress.

Mr. BUCHANAN. Is not that the same order which Mr. Roosevelt issued during his term as President?

Mr. LLOYD. It is not exactly the same order.

Mr. BUCHANAN. A similar order.

Mr. LLOYD. I will insert the other order in my remarks in order that both may be seen:

PRESIDENT ROOSEVELT'S ORDER.

All officers and employees of the United States of every description, serving in or under any of the executive departments or independent Government establishments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way save through the heads of the departments or independent Government establishments in or under which they serve, on penalty of dismissal from the Government service.

THEODORE ROOSEVELT.

Both President Taft and President Roosevelt are likewise offending, though the form of the Executive orders are slightly different.

It is claimed that President Taft has recently made an order which corrects the evil complained of and for which the pending provision in the Post Office appropriation bill is intended to afford a remedy. The Executive order which he promulgated a short time since is in the following words:

It is hereby ordered that petitions or other communications regarding public business addressed to the Congress or either House or any committee or member thereof by officers or employees in the civil service of the United States shall be transmitted through the heads of their respective departments or offices, who shall forward them without delay with such comment as they may deem requisite in the public interest. Officers and employees are strictly prohibited, either directly or indirectly, from attempting to secure legislation or to influence pending legislation, except in the manner above prescribed.

WILLIAM H. TAFT.

It will be observed from a careful reading of the new order that it in nowise remedies the evil of which special complaint is made, inasmuch as the employee is not permitted to communicate with any Member of Congress, any committee of Congress, or the Congress itself, without making the communication through the head of the department; and this order does not revoke the former orders to which reference has been made.

If the pending bill is enacted into law, then the department employee will not be subject to Executive orders, so far as this particular provision is concerned.

It was declared long ago by those who preceded us that all men should be free and equal, and the pledge was made that this freedom should be insured to the people of the Colonies and their posterity. One of the rights especially guaranteed under the Constitution of the United States is the freedom of speech. In this Republic the people control—the idea was that the people should rule and the supreme authority in government should be the people. Instead of the Government asserting itself through superior officers to inferior officers, officials should recognize that they should be obedient to the law of the people, and the people, as such, through their representatives, should have the right to inquire as to any of the conditions of government and the method of conducting any line of departmental business and the doings of those who happen to be employed in official place. Every man occupying office in the United States should feel that his employer is the people and that his obligation is to them, and they have the right to know everything pertaining to the Government's business. These Executive orders are in direct conflict with this idea of the rule of the people.

If no Government employee is permitted to speak, excepting through his department chiefs, and the department chief through the Cabinet officer, then this is an aristocratic Government, dominated completely by the official family of the President. If the principle enunciated in these Executive orders is to be carried to the extreme, then there is no possible way of obtaining information excepting through the Cabinet officers, and if these officials desire to withhold information and suppress the truth or to conceal their official acts it is within their power to do so. This Government will be more popular when its official proceedings are an open book and the conduct of its officials continuously subject to scrutiny and investigation by the people at any time and in any manner the people elect.

I do not mean to advocate that the person in the employ of the Government should not be in any sense under the direction of an overseer who, for the time being, is to give directions to the employee as to the official work he is to perform; but I do say that such overseer has no right, under the principles which should prevail in a free Government, to direct that the employee under him shall make no expression with reference to the official's acts except through the overseer. This course leads to distrust, dissatisfaction, to charges of wrongdoing, and breeds discontent among the people. The object of this proposed law is to overcome as far as possible amongst postal employees the secrecy which is now imposed upon them in regard to the acts of their officials and to give such employees the opportunity to confer with their representatives, or the people through their representatives, to the end that such information as is desired may be obtained through them.

The Post Office Department is the people's branch of the Government. Every person connected with it should feel that in addition to his duty as a patriotic citizen he is under obligation by reason of the oath he has taken to uphold the Government, maintain its integrity, and do all in his power to make successful every phase of postal duty. If the Post Office Department is a failure the Government is to that extent a failure. If any branch of the postal service becomes inefficient the whole service is affected by it.

I believe there is no more faithful body of Government employees than the postal officials. They need encouragement and

not discouragement. They should be safeguarded in every possible way and everything should be done by law or administration to perfect the postal system and make it more efficient. At present it is the best found in any country, and I rejoice in this fact and hope that what has been done in recent times to breed discontent amongst postal employees may soon be undone, and that there may come a unity in action and a harmony in association which will have the effect of making as nearly perfect as may be this important branch of the Government.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

Mr. MADDEN. Mr. Chairman, I think it is conceded that every citizen of the United States, whether he be a Government employee or not, should have the right of petition; and I do not believe that the post-office employees have ever felt that they were restricted from the right of petition. At least they never have felt that way when they wanted to petition me, for I have been getting anywhere from 10 to 50 letters a day from post-office employees and other Government employees during all of my public service, and I have never failed to respond to any petition which they have made.

Mr. O'SHAUNESSY. How does the gentleman interpret the Executive orders of Theodore Roosevelt and of William Howard Taft?

Mr. MADDEN. I am not trying to interpret them. I am in favor of this legislation.

Mr. O'SHAUNESSY. But you are not in favor of these Executive orders?

Mr. MADDEN. I am not trying to interpret the order, but I say that every citizen should have the right to petition.

Mr. MARTIN of Colorado. May I interrupt the gentleman?

Mr. MADDEN. I only have a minute.

Mr. MARTIN of Colorado. It is but a short question.

Mr. MADDEN. My time is limited. I am in favor of giving the broadest latitude to every man, whether he is a Government employee or not, and hence I was in favor of this legislation as a member of the Committee on the Post Office and Post Roads, and unhesitatingly helped report it. I think the report of the committee was unanimous on that subject. The members of the committee felt that if there was any possibility or chance of the employees of the Government being discharged because of their having presented their case, if they had a grievance, to a Member of Congress, that that possible chance ought to be obliterated.

Mr. BUCHANAN. Does not my colleague know that post-office employees have been demoted and discharged on account of having violated this order?

Mr. MADDEN. No, I do not know it; and I do not presume that the gentleman knows it. I presume that employees have been demoted and their pay reduced, but what for I do not know.

Mr. BUCHANAN. I do know, and I can furnish the gentleman the information.

Mr. MADDEN. I wish to say to my colleague that he is not any more favorable to the consideration of questions that favorably affect the post-office employees than I am, and any insinuation that he may make that he is more favorable to the employees in the Post Office Department than anybody else is uncalled for. There is no need for him to criticize my action.

Mr. BUCHANAN. I have made no such insinuations or criticisms.

Mr. MADDEN. There is no necessity for any question about it at all.

Mr. BUCHANAN. The RECORD will show my position.

Mr. MADDEN. Mr. Chairman, I wish to say again that every proper opportunity should be given to a citizen of the United States, whether he be in the Government service or not, to present his case to the governing authorities in order that any grievance that he may have may be remedied.

Mr. MARTIN of Colorado. Mr. Chairman, I want the floor mainly for the purpose of asking the gentleman from Illinois a question that I endeavored to ask him a little while ago.

Mr. MADDEN. All right.

Mr. MARTIN of Colorado. The gentleman says that he has received from 10 to 50 letters a day from Government and postal employees, which he has never failed to answer. That does not quite cover the point. What I want to know is if invariably the writers did not ask him to preserve their identity and not make it known?

Mr. MADDEN. Never; not in a single instance.

Mr. MARTIN of Colorado. Then all I can say is that the gentleman's experience has been materially different from mine; that I have rarely been consulted or written to by postal employees but what they have asked me to preserve secrecy and not give them away for fear they would incur dismissal for violating this gag rule.

Mr. MADDEN. Perhaps they did not have as much confidence in the gentleman as they have in me.

Mr. MARTIN of Colorado. I want to say that I do not believe in the denatured Americanism that results from these Executive gag orders. [Applause.] I think the sacred rights of American citizenship too high a price to pay for any job, even under Uncle Sam. [Applause.] And I sincerely hope that the House will emphatically and overwhelmingly sustain the action of the committee in this matter, reestablishing the full citizenship rights of Government employees, and so put the attitude of Congress on this question forever beyond dispute. [Applause.]

Mr. DYER. Mr. Chairman, I want to ask the gentleman from Illinois a question. I am heartily in favor of this section myself, and I understood the gentleman from Illinois [Mr. MADDEN] to say that this section had the unanimous support of the entire membership of the Committee on the Post Office and Post Roads. I would like to ask the gentleman if that is the fact?

Mr. MADDEN. Why, Mr. Chairman, everything in the bill was unanimously reported by the committee.

Mr. GREGG of Pennsylvania. Mr. Chairman, in order to properly understand the matter that is contained in this particular section, it seems to me that it would be proper at this time to read the two orders that have been issued by the former President of the United States and the present President of the United States.

Mr. DYER. Will the gentleman yield?

Mr. GREGG of Pennsylvania. Certainly.

Mr. DYER. I would like to ask the gentleman if he considers that there is any politics in this bill that we are now considering?

Mr. GREGG of Pennsylvania. Oh, I do not think there is any politics in it at all, but what I do believe is that it is absolutely necessary that the employees of the United States Government be relieved from the gag rule that has been imposed upon them year after year. [Applause.] Mr. Chairman, I only rise for the purpose of inserting in the RECORD at this time these two particular orders.

Mr. DYER. I would like to say to the gentleman that the gentleman from Missouri [Mr. LLOYD] has already said that he was going to insert them in the RECORD in his remarks, so that they are already in.

Mr. GREGG of Pennsylvania. Mr. Chairman, it strikes me that these tyrannous rules, for the benefit of the people of the United States, can not be inserted too often. This is the Roosevelt resolution:

PRESIDENT ROOSEVELT'S ORDER.

All officers and employees of the United States of every description, serving in or under any of the executive departments or independent Government establishments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way save through the heads of the departments or independent Government establishments in or under which they serve, on penalty of dismissal from the Government service.

THEODORE ROOSEVELT.

The following is the Taft order:

PRESIDENT TAFT'S ORDER.

It is hereby ordered that no bureau, office, or division chief, or subordinate in any department of the Government, and no officer of the Army or Navy or Marine Corps stationed in Washington, shall apply to either House of Congress, or to any committee of either House of Congress, or to any Member of Congress, for legislation, or for appropriations, or for congressional action of any kind, except with the consent and knowledge of the head of the department; nor shall any such person respond to any request for information from either House of Congress, or any committee of either House of Congress, or any Member of Congress, except through, or as authorized by, the head of his department.

WILLIAM H. TAFT.

Mr. MANN. Mr. Chairman, what is the gentleman reading from—his own speech?

Mr. GREGG of Pennsylvania. I am reading from the RECORD of April 9, 1912.

Mr. MANN. From the gentleman's own speech?

Mr. GREGG of Pennsylvania. Of course it is, and I think it is generally agreed that it was a very good speech. [Laughter.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. GOLDFOGLE. Mr. Chairman, I am in favor of the provision in the bill as reported by the Committee on the Post Office and Post Roads. The Executive order to which reference has been made is, in my judgment, a clear invasion of the rights of citizens. Whether the citizen holds office under the Government or not, his right to petition for a redress of grievances should not, and, constitutionally speaking, can not be

interfered with. I do not desire to detain the committee further than to refer to the protest which I entered against the Executive order as far back as March 13, 1902. Speaking then to matters affecting the post office and postal employees, I said, and I desire to repeat my words now, for they are applicable and timely:

I was astonished at the recent Executive order forbidding carriers, as well as other Government employees, from petitioning or approaching Members of Congress with a view to having their salaries or compensation increased. For one, I believe that whether in Government employ or in the service of private concerns a citizen has an absolute constitutional right to petition or request a Member of Congress for an increase of his pay, provided he does it in a respectful manner.

The right to petition the Government for a redress of grievances is the prerogative of every American citizen under the Constitution of the land. And this prerogative exists whether the citizen holds office or not, or whether or no he draws pay from the Public Treasury. In my opinion, the letter carrier, or any other Government employee, has the same unlimited, untrammeled, unfettered right to respectfully petition Congress for the betterment of his condition as any other man in the land; and the Executive order, in my judgment, constitutes an unjustifiable abridgment of and an invasion upon the constitutional right of the citizen.

That, I think, is the judgment of every fair-minded man, it is in consonance with justice and fair play, and therefore I am heartily in favor of the provision as it is incorporated in the bill as reported. [Applause.]

Mr. WILSON of Illinois. Mr. Chairman, provisions are incorporated in the pending Post Office appropriation bill to better the working conditions of the postal employees. It is my purpose, Mr. Chairman, to discuss these provisions which are of genuine merit. Ever since coming to Congress I have taken an interest in the welfare of these employees. I have been especially interested in attempting to secure the enactment of some legislation that will establish a statutory limitation to the hours of post-office clerks. Because of my interest in this cause I have come in contact with many of the postal employees, and have come to understand some of the deplorable conditions which have surrounded them.

PROPOSED EIGHT-HOUR LAW.

Mr. Chairman, it is most gratifying to me, and I am sure this sentiment is generally shared by the Members of this House, to find that the Post Office Committee has incorporated in this appropriation bill a provision to establish a legal eight-hour day for post-office clerks and letter carriers. The Post Office Committee is to be congratulated for having made a favorable report upon this legislation. To enact this legislation is but to do simple justice to this faithful army of postal employees, an act of justice which has been too long delayed. I am in hearty sympathy with every feature of this proposed eight-hour legislation. Eight hours has come to be recognized as the measure of a day's labor by this Government in dealing with its employees. An employee will more efficiently discharge his duties when working under an eight-hour law than when compelled to exhaust his energies by working in excess of that period. The Post Office Department has no right to demand more than eight hours of its employees. It is an astonishing fact that post-office clerks have never enjoyed the protection of any legislation whatever to limit their hours of labor. I know from personal investigation, and from information derived from my attendance at some of the conventions of the United National Association of Post Office Clerks that the clerks have frequently been compelled to be actually on duty from 10 to 12 hours a day. Yes, Mr. Chairman, I know of instances where they have been compelled to labor for more than 12 hours a day. It is unfortunate that the public and the Congress has not had a better understanding of the nature of the duties performed by these clerks. They are away from the eyes of the public, and, therefore, their duties have not been understood.

It is no exaggeration to say that the great majority of the clerks work at night. This is because the heavy mails arrive at the post office after the close of the day in the business world.

Everybody must conceive that the strain of working at night under artificial light is far greater than the strain involved in working under natural conditions in the daytime.

Mr. Chairman, I hope that it will not be long after this legislation is enacted when a further provision will be made to make seven hours of night work the equivalent of eight hours of daywork. In the English postal service seven hours of night work has long been recognized as the equivalent of eight hours of daywork. The action of the English Government in making this distinction resulted from an investigation as to the relative effect upon the employees of night and day work. Under the provisions of this proposed legislation it would be possible, Mr. Chairman, for the department to establish by regulation that seven hours of night work could be the equal of eight hours of daywork. I am told that the department favors such a recognition of the difference involved between night and day work.

But, Mr. Chairman, the department has also recognized the justice of an eight-hour day, but has failed to maintain such schedules, and only legislation can be depended upon to insure that the will of this body will be carried out.

It is not generally understood that a great majority of these clerks must master difficult "schemes" of mail distribution that they may promptly and efficiently distribute the mail. These "schemes" embrace anywhere from 1,500 post offices to 5,000 or more post offices in a given State. Often it is necessary for a distributing clerk to master the schemes of more than one State. The clerk must know in which county the post office is located. He must know which particular railway postal line will take the letter to that post office. He must know the particular train on that particular run. He must know at different hours of the day and night which train, over which road, will make the quickest connection, for it must be remembered there are many different trains over many different roads. This perfection of knowledge requires a never-ending study, because conditions as to schedules of trains, establishment of new offices, and the discontinuance of other offices are constantly changing. For all of the hours of systematic studying at home, with sample distribution case, and thousands of cards which the clerk must write representing the letters that he must stow in his daily employment—for all this the clerk receives absolutely no consideration whatever.

The financial responsibilities of the clerks employed in the money-order department, in the registry department, and in the sale of stamps require a high order of intelligence. It is not generally understood that these employees holding positions of financial responsibility are compelled to make good all losses which are bound to occur from time to time because of the multiplicity of transactions.

This proposed legislation further provides that the 8 hours of work for letter carriers and post-office clerks shall be worked within a period of 10 hours. Mr. Chairman, this is a wise provision, and a provision that is a tribute to the reasonableness of these employees in their demand. Naturally when an eight-hour day is spoken of it creates the impression that the eight hours represents a continuous period of service with the exception of a brief interval for luncheon. But in the postal service the words "eight hours" have meant something entirely different.

Even where 8-hour schedules for clerks and carriers were supposed to prevail, the 8 hours were stretched out over a period of from 10 hours to 12 or 13 hours a day. It is the custom to compel these employees to officially register off duty for periods of an hour or more at different times during the day. Such a system, Mr. Chairman, I do not believe to exist anywhere in the business world or in any other branch of the Government service.

This business of compelling a carrier or clerk to report three or four times a day is a direct injustice. To all intents and purposes the employees might as well be kept steadily at work, for the time that they are off duty is so broken up as to be utterly useless to them. To call such a system an eight-hour day is a parody on the proposition.

The Post Office Department seems to oppose this legislation on the ground that the volume of mails fluctuate greatly from month to month or from day to day. Why, Mr. Chairman, where is there a business that does not have its light days and its heavy days, its dull season and its busy season? But we do not hear of a private employer taking advantage of every dull hour by compelling his employees to register out and walk around the block that the employer might gain that much time; not at all. The private employer knows that his employees will rise to the emergency of the busier period with increased energy. The clerks and carriers in asking for an 8-hour day covering a period of 10 hours, instead of asking for 8 hours covering a period of 9, show their zeal for the service and a desire to contribute in every way that which is reasonable to the efficiency of the service.

But, Mr. Chairman, there is not such a great change in the volume of mail after all. The reports of the department show that for eight months of the year the postal receipts are very uniform. There is no other way to judge of the volume of mail than as the volume may be indicated in the amount of the gross receipts. The department seems to contend that it is fair to work the employees more than eight hours during the heavier season, because they allege that the clerks do not average as much as eight hours in the summer months. Mr. Chairman, this contention is hardly borne out by an investigation of the facts. It is true that there are two months of the year when the volume of mail is subnormal, but these two months are the midsummer months of July and August, when most people relax from the strain of the busy winter season, but there is no re-

laxation for the clerks and carriers in these two months. It is during these two months of July and August that the more than 32,000 clerks employed in the first and second class post offices of the country take their annual vacation of 15 days. Scarcely any provision is made to provide substitutes for the clerks who are on their annual leaves, with the result that the clerks remaining on duty must also discharge the duties of their fellow clerks who are on vacation. The result is that it very frequently happens that the clerks work even longer hours in the most heated term of the summer than they do in the normal period of eight months of the year. The letter carriers are no better off than the clerks in this respect. As a result of the economy program of the department, the letter carriers are now compelled to not only cover their own routes in the summer-vacation period, but must also cover all, or at least a portion, of the route of their fellow carriers who are on vacation. We can readily see how such a system of false economy impairs the efficiency of the public service and how such a system taxes the carrier to the very limit of human endurance.

Mr. Chairman, the provision in the legislation that in cases of emergency the letter carriers and post-office clerks may be required to work in excess of eight hours, and that they shall be compensated for such extra service according to their salaries, is a most essential feature. I believe it is pretty generally understood that the courts have held that no eight-hour legislation is effective unless a penalty is provided for work performed in excess of the eight hours.

I find in the hearings before the Post Office Committee a copy of a letter addressed to the chairman of the Senate Post Office Committee by the Postmaster General stating the objections of the department to this proposed eight-hour legislation.

In that letter the department states, in reference to this particular section providing for extra compensation for time in excess of eight hours:

> There are many who will find in this opportunity to obtain additional compensation for overtime. Such inducement for loitering and wasting time that the additional cost of the service would be very much.

Mr. Chairman, this statement is a most unfortunate and unconfirmed reflection on the honesty and character of this great army of more than 60,000 letter carriers and post-office clerks. These employees have demonstrated their faithfulness to the service just as keenly as have their superiors, who, after all, are themselves only the employees of the same public we are all trying to serve. These employees are only seeking to have established a working day of reasonable length, and, as I have said earlier in my remarks, they have demonstrated their willingness to give the service every advantage by asking that the proposed 8-hour tour of duty may be extended over a period of 10 hours, rather than 9 hours. If no provision was contained in this legislation which the Post Office Committee has inserted in this bill to make it possible that these employees might work in excess of 8 hours, the criticism might well be made that the employees were acting without regard to the emergencies that might arise within the service.

The argument that this proposed 8-hour legislation will be very expensive to the Government seems to me to be wholly without weight. I find on another page of the hearings before the Post Office Committee a statement by the First Assistant Postmaster General as follows:

> About 85 per cent of the carriers and clerks complete their tour of duty within 10 hours, and probably 95 per cent within 11 hours, but in some instances their 8-hour tours of duty extend over 12 or 13 hours, I presume.

This official statement of the department disposes of the specter that a great expense is involved. But, Mr. Chairman, even if there should be a considerable expense involved, because under the operation of this proposed legislation it would become necessary to pay the employees extra pay for time worked in excess of 8 hours or to employ an additional force so that the work might be accomplished within 8 hours, who is there that can object to such an expense so justly incurred? This is a great Government, and it owes it to itself to deal justly and fairly with its own employees that a decent example may be set to private employers.

Mr. Chairman, I have no doubt that the people of the country labor under the impression that the letter carriers have an 8-hour day. It is true that away back in 1888 Congress did enact an 8-hour day for letter carriers and provided that they should be paid extra if they worked more than 8 hours. It was necessary to go to court and secure a decision from the highest court in the land to the effect that if the carriers worked more than 8 hours they would have to be paid for it before the department attempted to put their 8-hour law into operation. This decision of the Supreme Court, as to the necessity of paying the carriers for their overtime, was handed down, I believe, in 1895, and it was not until then that the department issued orders that the schedules of letter carriers should be so arranged that they could not work more than 8 hours a day. Mr. Chairman, the fact that the department could arrange these schedules so that from 1895 to 1901 the carriers were not permitted to work more than 8 hours, and yet serve the public well and efficiently, is the best reason for entertaining the belief that the officials of the department can again arrange the schedules of the clerks and carriers under this proposed legislation so that the employees will not be permitted to work more than 8 hours per day. I know that the carriers are very much dissatisfied with the conditions under which they labor now, and justly so. Some 10 years ago a provision was incorporated in one of the appropriation bills providing that letter carriers might be required to work as nearly as practicable only 8 hours on each working day, but not in any event exceeding 48 hours during the 6 working days of the week. This proviso in the appropriation bill made no provision for the payment to the letter carriers for any time that he works in excess of 48 hours per week. The result was, of course, that the letter carrier virtually found himself without any legal protection as to his hours of labor, because he could be compelled to work in excess of the 48 hours per week and could receive no compensation therefor. The first year following the enactment of this provision this 48-hour per week law for the letter carriers was put into effect with results that were disastrous to the service and to the letter carriers as well.

An opinion from the legal branch of the Post Office Department was to the effect that this 48-hour per week proviso in the appropriation bill automatically expired with the end of the year for which the appropriation was made. Under orders from the department, commencing in 1901, I believe, the carriers then returned to work under the conditions of their old eight-hour law of 1888. I am advised that in 1910 the department caused a suit to be brought in the Court of Claims to determine if this 48-hour proviso in the appropriation bill of 1901 superseded the letter carriers 8-hour act of 1888, and the decision of the Court of Claims was to the effect that the 48-hour per week proviso is in force and does supersede the original 8-hour act of 1888. Since this decision of the Court of Claims in 1910, the carriers have been working under this 48-hour provision. Under its operation, many abuses have grown up. Complaints from the public as to the character of service they receive have multiplied. It is not generally known that the letter carrier is now compelled to stretch his 8 hours of daily duty over a period of 12 hours or more. These men frequently report for duty as early as 6 o'clock in the morning, and do not definitely leave the post office for home until 6 in the evening. Such conditions demand the enactment of such legislation as is contained in this bill, which will give a definite status to the hours of labor of these employees.

ANTIGAG PROVISION.

Mr. Chairman, there is another important provision in this bill known as the antigag provision.

No greater danger to a free government can be suggested than to attempt to deny to any of the people the right of free speech and the right to petition Congress. It is humiliating that in this day of progressive government the Congress should find it necessary to enact legislation to give back to some of our citizens the right which was guaranteed to them under the Constitution. The provision incorporated in this appropriation bill by the Post Office Committee, to the effect that the Post Office employees shall have the right to petition Congress or any Member of Congress for a redress of grievances; that no employee of the civil service shall be removed from the service without having been furnished with a copy of the charges on which the order for his removal is based and given an opportunity to make a written defense and to submit affidavits in support of his defense, is but an act of elemental justice.

Again, the committee is to be congratulated for having brought this proposed legislation before this body. No better evidence of the responsiveness of Congress to the will of the people could be found than in the enactment of this legislation.

This is a representative Government and woe unto the Nation when the time comes when the people are deprived of the right of appeal to their Representatives in Congress.

The vast army of Government employees have signed no agreement upon entering the service of the Government to give up the boasted liberty of the American citizens.

There has been growing an intolerable spirit of bureaucracy in the official circles of the Government which must be overcome at all hazards.

The spirit of the department head that he has been constituted the sole protector of the employees who come under his jurisdiction must be rebuked.

It is for Congress to say what treatment this Government shall accord its employees, and it is for the executive branch of this Government to faithfully carry out the intention of Congress.

It is an intolerable condition that the executive branch of the Government shall say to the Congress who shall and who shall not have the right of appeal to it.

Yet, that it the condition that has existed by virtue of the Executive order, which has properly come to be called the gag order, that forbids the employees either individually or through associations, directly or indirectly, to appeal to Congress or to any Member thereof for a redress of their grievances.

Mr. Chairman, I believe that every Member of this body has independence enough to meet the employees of this Government, listen to their grievances, and say yes or no to their requests, according to their belief or disbelief in the presentation.

To bar the employees and the officers of the associations of employees from appealing direct to Congress, invites the suggestion that the department heads do not want Congress to know what the real conditions are.

Such an assumption of arrogance must be frowned upon.

The protection afforded the civil service employees in this section of the appropriation bill will stay the hand of many an official executioner who, for personal reasons or for political reasons, would take the head of a civil service employee.

The Members of this body have no more reason to be alarmed about the annoyance which may come to them from the appeals of the Government employees than from the appeals of any other class of their constituents, and I do not believe the Members of this body are at all anxious to avoid any of their responsibilities.

The proposed promotion of 75 per cent of the clerks and carriers from $1,100 to $1,200 in first-class offices, and from $1,000 to $1,100 in second-class offices, is a very fair and deserving one.

The act making appropriations for the postal service for the year ending June 30, 1908, contained a provision for the classification of the salaries of post-office clerks employed at first and second class post offices and letter carriers in the City Delivery Service. The salaries are classified by this act as follows: First grade, salary $600; second grade, salary $800; third grade, salary $900; fourth grade, salary $1,000; fifth grade, salary $1,100; sixth grade, salary $1,200.

Mr. Chairman, this classification act further provided that clerks and carriers at first-class offices shall be promoted successively to the fifth grade, and clerks and carriers in second-class offices shall be promoted successively to the fourth grade.

It was provided that all promotions under this act could only be made upon evidence satisfactory to the Post Office Department of the efficiency and faithfulness of the employees during the preceding year. In this classification act Congress established a sixth, or $1,200, grade for clerks and carriers in first-class offices, but unfortunately did not exactly specify how the clerks and carriers should be promoted to this grade. In the same manner Congress established a fifth, or $1,100, grade, and a sixth, or $1,200, grade for clerks and carriers at second-class offices, and did not specify how the employees might be promoted to these grades.

In the annual Post Office appropriation bill, for the year ended June 30, 1909, Congress gave a clear interpretation of the intention of the classification act, at least in so far as promotions at first-class offices are concerned, by appropriating for the promotion of 100 per cent of the clerks and carriers who might be eligible on account of efficient services and necessary length of service to the sixth, or $1,200, grade.

In the act making appropriations for the fiscal year ended June 30, 1910, Congress appropriated a sufficient sum for the promotion of 50 per cent of the clerks and carriers in second-class offices from the fourth to the fifth grade, or from $1,000 to $1,100. This was the first legislation to promote these employees above $1,000.

In the same act, however, Congress, for some unaccountable reason, did not follow the precedent of the preceding year and only appropriated a sufficient sum for the promotion of 50 per cent of the clerks and carriers in first-class offices from the fifth to the sixth grade, or from $1,100 to $1,200. Since that time Congress each year has only been appropriating for the promotion of 50 per cent of the clerks and carriers in first-class offices from $1,100 to $1,200 and in second-class offices from $1,000 to $1,100. The fact that only one-half of the employees in these grades could be promoted each year, regardless of their efficiency, has given rise to great dissatisfaction and, as might be expected where an arbitrary limit of 50 per cent of those eligible for promotion has been fixed, many injustices are committed in selecting those who shall be promoted.

In each post office throughout the country the clerks and carriers who are eligible for promotion in these particular grades are dependent upon the recommendation of their postmaster. Naturally under such a system discrimination is bound to be practiced, and it has been practiced; and favoritism is bound to be shown, and it has been shown. As an instance of the power of interpretation now invested with the department in these particular grades as to promotions it may be cited that the department has ruled that the 50 per cent provision governing these promotions applies to the individual post office rather than to the employees of the service as a whole.

As a result of this ruling a clerk or carrier who happened to be in the unfortunate position of being the only employee eligible for promotion in either of these particular grades was denied promotion by the department, regardless of the most extraordinary efficiency, because of the contention of the department that to promote this one eligible employee would be to promote more than 50 per cent of those eligible in that particular office. In like manner, if there happened to be three employees eligible for promotion the department would only sanction the promotion of one. If there happened to be five employees the department would only sanction the promotion of two. In every instance only the minor fraction was recognized in these grades when it came to promotions.

The really correct way to remedy this condition is to amend the salary-classification law of the clerks and carriers so as to make promotion to the maximum grades in first and second class offices contingent only upon the established efficiency of the employee, in just the same manner as promotions are now regulated in all of the other grades. While the Post Office Committee has not seen fit at this time to recommend such an amendment to the classification law, the Post Office Committee has made provision for the promotion of 75 per cent of the clerks and carriers in first-class offices from the $1,100 to the $1,200 grade and for the promotion of 75 per cent of the clerks and carriers in second-class offices from the $1,000 to the $1,100 grade, and the committee deserves great credit therefor.

No doubt it was the intention of the Post Office Committee in providing for the promotion of 25 per cent more of the clerks and carriers in these particular grades than heretofore to serve notice on the Post Office Department that it is the intention of Congress that these promotions are to be made upon the basis of the efficiency of the employees in these grades throughout the entire service, and not on the basis of any particular office. It is my belief that a more intelligent and rational system can be applied in disbursing these promotions than the system which has been in operation and which has been responsible for so much dissatisfaction and discrimination.

Another indication of injustices which have existed in the operation of the salary law in its application to the clerks can be found in the attitude of the department in preventing the promotion of certain of the clerks to the maximum grades because they were not engaged in a particular kind of post-office work. Prior to the passage of the classification act, in March, 1907, post-office clerks were known under different designations, such as "money-order clerks," "registry clerks," "distributers," "stamp clerks," and so forth. As a result of the use of these different designations there was much confusion of administration. Congress, in enacting the classification law, which was contained in the appropriation act for the fiscal year ending June 30, 1908, sought to eliminate this confusion by using only the term "post-office clerk." It was clearly the intention of Congress that all clerks, wherever employed, were eligible for promotion to the maximum grade if they acquired a satisfactory degree of efficiency in the work in which they were engaged.

The attitude of the department in assuming to itself the right to read into the classification act a construction never intended by Congress is indefensible. To deny promotion to clerks with the highest efficiency ratings in their respective offices because they may be employed as money-order clerks, registry clerks, stamp clerks, general-delivery clerks, "nixie" clerks, and so forth is a most serious discrimination against these clerks and one which Congress never intended.

Just as long as it remains possible to practice discrimination in promotions in these particular grades through failure to appropriate a sufficient sum for the promotion of all of the efficient employees, then just that long will we witness a continuance of the obnoxious "speed-up" system which is now being practiced. Congress has set its standard of disapproval upon the so-called Taylor shop system of efficiency because Congress did not believe it was real efficiency to crowd an employee to such a speed in his work that he must soon become a physical wreck. It is exactly the principle of the Taylor system that is being put into effect in our post offices, and unless the employees are relieved from its harassing influences we will witness the breaking down of many competent and efficient postal employees.

Mr. MOON of Tennessee. Mr. Chairman, I move that all debate on the section and all amendments thereto be closed in five minutes.

Mr. DYER. Mr. Chairman, I move to amend that by providing that it be closed now.

Mr. MOON of Tennessee. Very well, Mr. Chairman; I will so modify my motion.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee that all debate on the section and all amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN] to strike out the section.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 1, noes 132.

So the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FLOOD of Virginia having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to bills and joint resolution of the following titles:

S. 4623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5045. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and certain widows and dependent relatives of such sodiers and sailors;

S. 5670. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. J. Res. 102. Joint resolution relative to the rebuilding of certain levees on the Mississippi River and its tributaries.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 5624) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNHAM, Mr. BRADLEY, and Mr. POMERENE as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 22043. An act to authorize additional aids to navigation in the Lighthouse Service, and for other purposes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed copy of the bill (S. 2224) to amend an act to regulate the height of buildings in the District of Columbia, approved June 1, 1910.

POST OFFICE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

SEC. 7. That after June 30, 1912, the Postmaster General may appoint railway postal clerks in such manner and of such respective grades and salaries as may be provided for in the annual appropriation acts for the service of the Post Office Department, for the purpose of sorting and distributing the mail in railway post offices, railway post-office terminals and transfer offices, and for service in the offices of division superintendents and chief clerks, and as transfer clerks and such other services as may pertain to the Railway Mail Service. Such clerks shall be designated as railway postal clerks and shall be divided into the following grades, with corresponding salaries per annum not exceeding the following rates:

Mr. MANN. Mr. Chairman, I move to strike out the last word. I simply want to ask the gentleman from Tennessee whether he has any further taken into consideration the suggestion I made the other day that this reclassification of the Railway Mail Service seems to be in conflict with that part of the bill which appropriates for the clerks in the Railway Mail Service, and whether any amendment could be offered which would make the appropriation carried in the bill available under this reclassification?

Mr. MOON of Tennessee. Mr. Chairman, I will be candid with the gentleman about that. The purpose is to get the law. It will take perhaps a year or more to make the reclassification. There is no necessity for an appropriation until next year.

Mr. MANN. I think the gentleman could hardly be correct about that. This section authorizes the reclassification to commence with the beginning of the next fiscal year, and it might readily happen that in some one class of the reclassification there would be a greater or less number at a fixed salary than the number carried in the appropriating part of the bill.

Mr. MOON of Tennessee. Possibly so.

Mr. MANN. It must be so, if there is any change made.

Mr. MOON of Tennessee. I will inform the gentleman that the committee acted on the advice of the department in this matter.

Mr. MANN. Would it not be perfectly feasible to make the appropriation which has already preceded this portion of the bill available for the reclassification provided by this section?

Mr. MOON of Tennessee. That might be true. That could be done. There is no question about that, but the necessity for its being done does not exist, in view of the fact that the department does not think it can make a reclassification before the next appropriation.

Mr. MANN. Well, my information is that the department does not expect to make this classification on June 30, 1913, at all; that they expect to put into effect this reclassification during the next fiscal year.

Mr. FINLEY. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. FINLEY. I call the gentleman's attention to this fact: This is only a proposed law; it is not a law yet; and the Post Office Committee did not feel they were warranted in bringing in an appropriation to carry out something that has not yet become a law.

Mr. MANN. I have not suggested changing the appropriation, but it is a very simple proposition here to provide that the money appropriated under this act for railway mail clerks shall be available under this classification as it is put in operation.

Mr. MOON of Tennessee. Unquestionably that is true; but the department did not think it was necessary, and therefore it is not put in the bill.

Mr. FINLEY. And I will say, further, my understanding is that is satisfactory to the parties interested.

Mr. MANN. I will say, whether there is a presidential order on the subject or not, I have conferred with gentlemen who are interested in the Railway Mail Service, and if I did not think this bill had to go through another body where it would be perfected I should offer an amendment to it now.

Mr. FINLEY. I think I know as much—possibly a little more—than the gentleman from Illinois on the question of what the postal clerks wish.

Mr. MANN. Why, I think possibly the gentleman knows more about the Post Office Department than I do. I am not perfect and do not know all about that or anything else.

Mr. FINLEY. I did not make that statement.

Mr. MANN. Well, I make the statement that this bill will not become a law in this shape. It will be changed by a body that is not as negligent as the House.

The Clerk read as follows:

After June 30, 1913, clerks in class A shall be promoted successively to grade 3, clerks in class B shall be promoted successively to grade 4, and clerks in class C shall be promoted successively to grade 5, at the beginning of the quarter following the expiration of a year's satisfactory service in the next lower grade. Promotions above these grades within the maximum grades of the classification may be made in the discretion of the Postmaster General for meritorious service. No promotion shall be made except upon evidence satisfactory to the Post Office Department of the efficiency and faithfulness of the employee during the preceding year.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 33, line 7, after the word "and," strike out the word "thirteen" and insert the word "twelve."

Mr. MOORE of Pennsylvania. Mr. Chairman, it is proposed by this amendment to give these clerks as classified something substantial in this year—1912. If it is proposed to increase their pay, as indicated by the bill, there is no reason why the increase should be held up for one year. Let it begin now—in the year 1912. To hold out the year 1913 carries the promise of relief beyond the power of the present Congress. This Congress can raise these salaries now, and can fix the status of these clerks at once. After this bill is passed it will be in the hands of another Congress. Now, if we propose to do this thing in a substantial way for the railway clerks, do it so that it will go into effect while we have the power to do it.

Mr. FINLEY. Mr. Chairman, this matter was considered, and to carry this amendment means to place in the bill an additional appropriation necessary to carry it out. Now, if the committee is prepared to do that, why I have no particular ob-

jection, but the Post Office Committee fixed this matter in this way after a full consideration. We went over this matter with the Post Office officials and then we went over it with those who are vitally interested in this section of the bill, and it was satisfactory——

Mr. MOORE of Pennsylvania. But the gentleman knows if we pass the bill in its present form it will have no effect upon a succeeding Congress.

Mr. FINLEY. But the gentleman is mistaken. After June 30, 1913, the classification is obligatory, it is mandatory, so the gentleman is mistaken about that.

Mr. MOORE of Pennsylvania. I do not think it would be if the next Congress should decide not to act. We have the power to do it now at this session of Congress, and we ought to do it.

Mr. FINLEY. The next Congress can repeal any act it sees fit.

Mr. MOORE of Pennsylvania. It seems to me that instead of holding out a promise for the future it might as well be made good at the present time. This is a worthy class of employees. These are men to whom everybody wants to do exact justice.

Mr. FINLEY. I will say to the gentleman that the railway mail clerks desire to have the law fixed and certain, and he knows that the classification could not be put into effect in a few months. It will take time to work it out.

Mr. MOORE of Pennsylvania. I submit the matter. We have it up now, and it seems to me better to do it now while we have the power.

Mr. FINLEY. We have the power to fix the law, but the time necessary to effect the classification will take months. The committee considered it very seriously and fixed it to the satisfaction of everybody concerned.

Mr. MOORE of Pennsylvania. Suppose it should be found, in view of the appropriation bills that are coming in, and in view of the fact that we may not be able to provide next year for all of the things contemplated by existing bills, that we can not then give these clerks this increase?

Mr. FINLEY. Unquestionably the next appropriation bill will have to carry the increased appropriation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MOORE of Pennsylvania. Division, Mr. Chairman.

The committee divided; and there were—ayes 31, noes 70.

So the amendment was rejected.

The Clerk read as follows:

SEC. 8. That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound, except as herein provided.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This is the beginning of the parcel-post section which covers a number of paragraphs, and I would like to see whether we can have some understanding with reference to the reading and consideration of it and the amendment which will be offered.

Mr. MOON of Tennessee. I will say to the gentleman from Illinois [Mr. MANN] that we propose to offer a committee substitute to section 8.

Mr. MANN. The bill is now being read by paragraphs, and we have read the first paragraph which fixes the rate of postage on fourth-class matter.

Mr. MOON of Tennessee. Read section 8 as a whole.

Mr. MANN. It does not come before the House as a whole, unless by some agreement, and the gentleman might have found himself in a position where it would all be agreed to before he offered his substitute to change it.

Mr. MOON of Tennessee. I have no objection to considering it either way, so far as I am concerned.

Mr. MANN. I understand.

Mr. MOON of Tennessee. I ask unanimous consent to have the whole section read and the substitute be offered for it.

Mr. MANN. Can we not have some understanding not only as to the substitute which the gentleman proposes to offer, but also as to the Goeke amendment and amendments or substitutes to the different propositions?

Mr. MOON of Tennessee. I had thought we would take up this section and dispose of it, and take up the Goeke amendment and dispose of it, but I have no objection to any reasonable arrangement about it.

Mr. MANN. The Goeke amendment is in order in connection with section 8, but whether it would be in order now I do not undertake to say, because that question has not arisen and may not. Can not we reach some agreement as to procedure?

Mr. MOON of Tennessee. If the House should substitute the Goeke amendment it probably would not be considered at all. I would prefer to offer the substitute to section 8 and dispose of it and then take up the Goeke amendment.

Mr. MANN. Does the gentleman say that if the gentleman's substitute be agreed to that the Goeke amendment will probably not be offered?

Mr. MOON of Tennessee. I can not say for myself. The gentlemen are present, and that is what they say.

Mr. MANN. I understand the substitute is agreeable to the gentlemen who are favoring the Goeke proposition.

Mr. LEWIS. Our understanding of the proposed substitute is that we strike out section 8, with perhaps the exception of the rural clause, and that all parcel-express legislation be taken up by the committee, covered by the substitute to be offered, to report on the first Monday in December.

Mr. MANN. I ask unanimous consent that the gentleman from Tennessee [Mr. MOON] may now offer a substitute for section 8 before the rest of section 8 is read.

The CHAIRMAN. Including the Goeke amendment?

Mr. MANN. No; not including the Goeke amendment. If the substitute be not agreed to, of course the rest of section 8 would be read.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks that the gentleman from Tennessee [Mr. MOON] be allowed now to offer his substitute for section 8.

Mr. ADAMSON. Reserving the right to object, Mr. Chairman, I have no disposition to antagonize any program of the Committee on the Post Office and Post Roads, but I wish to say that if the time comes when a proposition from our committee to consider express rates and express companies is to be taken up I have an express bill which is made to supplement and cooperate with the Rural Delivery Service, on which I made some remarks a few weeks ago, and which I wish to offer as a substitute for the Goeke bill, if it is offered in the House.

Mr. MANN. The request would not interfere with that.

Mr. SULZER. Mr. Chairman, reserving the right to object, I desire to offer my bill for a general parcel post as an amendment to section 8, and I want to do so before the Goeke amendment is offered. I have no objection to having the substitute offered by the gentleman from Tennessee read, but I wish to have my amendment read also.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Tennessee [Mr. MOON] be now allowed to offer a substitute for section 8. Is there objection?

Mr. STEENERSON. Reserving the right to object——

Mr. ANDERSON of Minnesota. Mr. Chairman, reserving the right to object, I would like to ask whether it will be in order to offer more than one substitute for section 8, or to offer the substitute of the gentleman from Tennessee on the part of the committee?

The CHAIRMAN. The Chair will state that it is the opinion of the Chair that it will not be in order to offer any more substitutes until the substitute offered by the gentleman from Tennessee is disposed of.

Mr. ANDERSON of Minnesota. Then I object.

Mr. MANN. Mr. Chairman, I ask unanimous consent that section 8 may be read and considered as one section as a whole.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that section 8 may be read and considered as one section as a whole. Is there objection?

Mr. BORLAND. Does that include the offering of amendments to any portion of section 8?

Mr. MANN. That does not prevent the offering of amendments to any portion of section 8.

The CHAIRMAN. There is no objection, and it is so ordered. The Clerk will read.

The Clerk read the next section of the bill, as follows:

SEC. 8. That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound, except as herein provided.

That no article, package, or parcel shall be mailable as matter of the fourth class which exceeds 11 pounds in weight, except as herein provided.

That on each and all rural mail delivery routes of the United States the postmaster at the starting point of such route shall until June 30, 1914, receive and deliver to the carrier or carriers of said routes all articles, parcels, or packages not prohibited to the mails by law and falling under the definition of fourth-class matter and not weighing in excess of 11 pounds, for transportation and delivery on said routes only; and the carriers shall receive at intermediate points on all rural routes such mail matter of the fourth class for delivery on their respective routes only.

That postage shall be paid on all articles, parcels, or packages entitled to transportation under the provisions of this act as matter of the fourth class on rural mail delivery routes only at the following rates: One cent for each 2 ounces or less, 2 cents for more than 2 ounces but not more than 4 ounces, 3 cents for more than 4 ounces but not more than 8 ounces, 4 cents for more than 8 ounces but not more than 12 ounces, 5 cents for more than 12 ounces but not more than a pound, and 2 cents per pound for each additional pound or fraction thereof up to and including a total of 11 pounds. That the Postmaster General shall make all rules and regulations necessary and not inconsistent with law to the proper execution of this act.

That for the purpose of a full and complete inquiry and investigation into the feasibility and propriety of the establishment of a general

parcels post a commission of six persons, three of who shall be appointed by the Speaker of the House of Representatives and three by the President of the Senate, is constituted, with full power to appoint clerks, stenographers, and experts to assist them in this work. They shall review the testimony already taken on the subject of parcels post by Senate and House committees and take such other testimony as they deem desirable. For the purpose of defraying the expenses of this commission, the sum of $25,000 is hereby appropriated out of the moneys in the Treasury not otherwise appropriated.

Mr. MOON of Tennessee. Mr. Chairman, is a substitute now in order, or will the bill have to be amended by line?

The CHAIRMAN. It is in order.

Mr. MOON of Tennessee. I offer a substitute, which I send to the Clerk's desk.

Mr. MADDEN. Mr. Chairman, may I ask the gentleman from Tennessee a question?

Mr. MOON of Tennessee. Yes.

Mr. MADDEN. Did I understand the gentleman from Tennessee to say that this is a committee substitute?

Mr. MOON of Tennessee. I have not called the committee together about it, but a majority of the committee agree to it. I have not called the committee together.

Mr. MADDEN. I wanted it understood. That is all.

Mr. MARTIN of South Dakota. Mr. Chairman, I offer a substitute, to be read for information.

Mr. SULZER. Mr. Chairman, as I understand it, the gentleman from Tennessee [Mr. MOON] is offering as a committee amendment a new section, by way of a substitute to section 8. It is a new section, is it not?

Mr. MOON of Tennessee. It is a substitute.

The CHAIRMAN. The Chair understands that the gentleman from Tennessee [Mr. MOON] is offering a substitute for section 8.

Mr. SULZER. I wish to inquire, then, Mr. Chairman, if my amendment to strike out and insert in section 8 will be in order?

The CHAIRMAN. It is in order to perfect the text of section 8.

Mr. SULZER. Very well.

The CHAIRMAN. The Clerk will read the substitute offered by the gentleman from Tennessee [Mr. MOON].

The Clerk read as follows:

SEC. 8. That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound, except as herein provided.

That no article, package, or parcel shall be mailable as matter of the fourth class which exceeds 11 pounds in weight.

That on each and all rural-delivery routes of the United States the postmaster at the starting point of such route shall, until June 30, 1914, receive and deliver to the carrier or carriers of said routes all articles, parcels, or packages not prohibited to the mails by law and falling under the definition of fourth-class matter and not weighing in excess of 11 pounds for transportation and delivery on said routes; and the carrier shall receive at intermediate points on all rural routes such mail matter of the fourth class for delivery on rural routes only.

The postage shall be paid on all articles, parcels, or packages entitled to transportation under the provisions of this act as matter of the fourth class on rural mail delivery routes only at the following rates: Five cents per pound and 1 cent per pound for each additional pound or fraction thereof up to and including a total of 11 pounds.

That the Postmaster General shall make all rules and regulations necessary and not inconsistent with law to the proper performance of this act and shall provide for the transportation of farm and factory products as fourth-class matter if not perishable in transportation.

That for the purpose of a full and complete inquiry and investigation into the feasibility and propriety of the establishment of a general parcel post or express post, a joint committee of six persons, three of whom shall be appointed by the Speaker of the House of Representatives and three by the President of the Senate, is constituted, with full power to appoint clerks, stenographers, and experts to assist them in this work. They shall review the testimony already taken on the subject of parcel post by Senate and House committees and take such other testimony as they deem desirable. For the purpose of defraying the expenses of this commission the sum of $25,000 is hereby appropriated out of the moneys in the Treasury not otherwise appropriated. The committee shall report fully to Congress on the first Monday in December, 1912.

Mr. MOON of Tennessee. Mr. Chairman, I move to strike out section 8 and to substitute the matter just read in the place of it.

In explanation of this section, I desire to say that the bill when reported to the House was, so far as the parcel-post proposition was concerned, as nearly in skeleton form as it was possible to present the question to the House. It was not the purpose of the committee at that time to present a full and complete parcel-post system, either of a general character or confined to the rural routes, but it was its purpose to fill in the matter as far as possible, if justified in the discussion, so as to give ultimately under this legislation a complete parcel-post system, experimental for the term of two years, to the rural districts of the United States.

Before taking up the other section I will inform the House that the amendment on the rural section is this: Instead of 5 cents for 1 pound, with fractions between 5 and 11, and all other pounds at 2 cents, the proposition before the House changes it so as to give 5 cents for the carriage of the first pound and 1 cent a pound thereafter—11 pounds, the limit fixed in the bill, to be carried for 15 cents. And it is not now confined, as it was in the original proposition, to a single rural route, but the package may pass over any and all rural routes, but not over any other mail route of the Government of the United States.

Mr. MARTIN of South Dakota. Will the gentleman yield for a question?

Mr. MOON of Tennessee. Certainly.

Mr. MARTIN of South Dakota. The gentleman's proposition is not in print. I followed the reading very carefully in comparison with section 8 as printed, and it seemed to me that the language as to the route this special service could go over is precisely the same in the substitute as in the printed bill.

Mr. MOON of Tennessee. No; it provides that a package may go over any rural route.

Mr. MARTIN of South Dakota. I have sent to the Clerk's desk an amendment by way of perfection of the printed section 8, providing for the sending of these rural-route packages over any rural routes centering in the same town, and I did not hear anything of that character read from the Clerk's desk.

Mr. MOON of Tennessee. That is the evident purpose and meaning of the section that now appears in the substitute.

Mr. CANNON. That is to say, if I understand, A is the center point of a dozen rural routes. Matter originating at the central point may go to any one of the routes, and matter originating on any one of the routes may go to any one of the dozen routes centering at that place.

Mr. MOON of Tennessee. Yes.

Mr. CANNON. But can not go a thousand miles away.

Mr. MOON of Tennessee. It must be confined to rural routes.

Mr. CANNON. Emanating from that point.

Mr. MOON of Tennessee. Emanating from that point.

Mr. SIMS. Or any loop route from any of those routes.

Mr. BUTLER. It can not go beyond rural-route territory.

Mr. MOON of Tennessee. That is correct.

Mr. MADDEN. The question I want to ask the gentleman from Tennessee, in order to get a clear idea, is this: This provision in the bill originally provided that the package must originate at the starting point of the rural delivery route, and that the carrier might deliver it at any point along that rural route, and that he might pick up any package at any intermediate point and leave it at any other intermediate point. Does the provision now offered by the gentleman from Tennessee provide that the package may be taken on to some other rural route?

Mr. MOON of Tennessee. It provides that it may be taken anywhere on a rural route, for delivery on a rural route.

Mr. MADDEN. Suppose the package originates in the town in which the gentleman from Tennessee lives and that several rural routes start from that town. Does this provision mean that the package can only go to any of the rural routes starting from that town or that it can be transferred by rail to some other rural route?

Mr. MOON of Tennessee. No; it does not mean that it shall be transferred by rail. It means that it may go from any rural route to any other rural route.

Mr. SIMS. Any other connecting rural route.

Mr. MOON of Tennessee. Confined to rural routes strictly.

Mr. MADDEN. What I want to get at is this: If there are six rural routes starting from one post office it would go on any one of those six routes. But suppose I wanted a package to reach a route that did not start from that office?

Mr. MOON of Tennessee. If it did not start on any rural route at all?

Mr. MADDEN. Suppose I was a thousand miles away?

Mr. MOON of Tennessee. And you had to send it over some other route than a rural route?

Mr. MADDEN. Suppose I wanted to get it on some rural route on which I live?

Mr. MOON of Tennessee. You could not do it unless there was a transportation by rural route to the point you wanted to reach.

Mr. MADDEN. There would be no possibility of my getting the package if I was not on a route directly served from the post office from which it starts?

Mr. MOON of Tennessee. Certainly; or some connecting rural route.

Mr. MURDOCK. Will the gentleman yield?

Mr. MOON of Tennessee. Certainly.

Mr. MURDOCK. I would like to ask the gentleman from Tennessee this: I listened to his substitute but did not get it very clearly in my mind. What will it cost to send a 14-ounce package, fourth-class mail matter, under his substitute?

Mr. MOON of Tennessee. Five cents for the first pound, and 1 cent for the next pound or fraction thereof.

Mr. MURDOCK. I am referring to packages sent from city to city and not the rural feature—a 14-ounce package.

Mr. MOON of Tennessee. Under the substitute that provision is 12 cents, the international rate.

Mr. MURDOCK. Then, under the substitute a 14-ounce package would cost 14 cents at the present rate, but would cost 24 cents under the gentleman's substitute?

Mr. MOON of Tennessee. I think it would, and I am going to move to strike out the first part of the substitute.

Mr. MADDEN. Suppose the package starts at a given post office to be delivered on any branch or rural route within the jurisdiction of that post office. Suppose a citizen of the United States living a hundred miles away, who was on a rural route, wanted to get the package that was coming from this post office, would there be any objection under this substitute to the transportation of that package by express to the post office from which the other route started?

Mr. MOON of Tennessee. This section does not provide for anything by express.

Mr. MADDEN. No; but could you stop me?

Mr. MOON of Tennessee. I could not stop you. If the gentleman lived in Chicago, which he does, and wanted to send a package to some rural route in Maryland, he might express the package to the initial point of that route and then send it over the rural route. There is nothing to prevent that.

Mr. MADDEN. There would be nothing to prevent transportation of packages to any point in the United States by express for delivery on a rural route?

Mr. MOON of Tennessee. If you paid the expressage or you paid the ordinary mail rate and then had it sent over the rural route you could send it. You could send it at the cheap rates.

Mr. MADDEN. The original proposition reported by the committee was that the package must originate on the rural route.

Mr. MOON of Tennessee. It must originate on some rural route now. I do not mean that the matter must be grown up on the route, but it must be presented there.

Mr. MADDEN. I could start a factory in any town to manufacture goods to be transported by express to any rural route in the United States, and then over a rural route, under the substitute offered by the gentleman from Tennessee?

Mr. MOON of Tennessee. I did not quite catch the gentleman's question.

Mr. MADDEN. I say that this opens the whole question of transportation of any package proposed to be delivered by rural mail so that the express companies can ship the packages to the point where the rural route begins and then over the rural route at any point in the United States.

Mr. MOON of Tennessee. Mr. Chairman, this is the simplest proposition in the world. It provides for nothing except the rate on a rural route of 5 cents for the first pound and 1 cent for each pound or fraction thereafter. The matter has to be delivered on a rural route and for delivery ultimately on some other rural route.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. KENDALL. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended 10 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman's time be extended 10 minutes. Is there objection?

The was no objection.

Mr. CANNON. Will the gentleman yield?

Mr. MOON of Tennessee. I yield to the gentleman from Illinois.

Mr. CANNON. I think I understand where the mail originates on the rural route, and it seems to me that that has been gone over three or four times. As I understand the gentleman's proposition, a package could be shipped from New York to any place in the United States on a rural route, but the rate of postage would be what we call the international rate. Is that correct?

Mr. MOON of Tennessee. Yes.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I want to ask the gentleman a question. It may have been answered, but if it was I did not hear it. I want to take up the proposition suggested by the gentleman from Illinois [Mr. MADDEN]. Suppose there is a post office with 6 routes, Nos. 1, 2, 3, 4, 5, and 6, and a parcel is started out in the country on one route and brought into the post office and then sent out on another route from the same post office, can that be done, under the gentleman's substitute, for one postage?

Mr. MOON of Tennessee. The mail matter of the fourth class under the low rate may pass over any rural route, but not over any other mail route.

Mr. MICHAEL E. DRISCOLL. Can it come in on one and go out over another?

Mr. MOON of Tennessee. Yes; of course.

Mr. SULZER. Mr. Chairman, under the gentleman's proposed substitute can a merchant in a city send through the post office 11 pounds to anybody living in the country?

Mr. MOON of Tennessee. He can do it if he will go to the post office and start it on a rural route.

Mr. SULZER. What will it cost him to do it?

Mr. MOON of Tennessee. On 11 pounds it will cost him 15 cents under this amendment.

Mr. SULZER. How will he get it from the city to the rural route?

Mr. MOON of Tennessee. The rural routes emanate often from the city. Matters are sent off on the rural routes from the city. If he wants to send it on one of those rural routes, he could do it. If he wants to send it on a mail route and then to a rural route, he would have to pay ordinary postage.

Mr. SULZER. Do I understand the gentleman from Tennessee to tell us that under his amendment which has just been read anybody in the United States can send 11 pounds through the mails for 25 cents on any rural route to any place in the United States?

Mr. MOON of Tennessee. Oh, no.

Mr. SULZER. I would like to have the matter elucidated, so that we can understand.

Mr. MOON of Tennessee. It is very easily understood, if the gentleman will think about it for one minute. The rate is intended for rural routes only. If the matter passes over any other route than a rural route, the rate does not apply.

Mr. SULZER. Then you would have to pay just the same as you do now?

Mr. MOON of Tennessee. Of course. I am not attempting to cover the general parcel post with this.

Mr. SULZER. Then this would bring practically no relief to the people of the United States.

Mr. HAMILTON of Michigan. I understand, in a general way, that the difference between the gentleman's original proposition and the substitute is that in the original proposition you could send a package from one point to another point on a single route emanating from the same post office.

Mr. MOON of Tennessee. Yes.

Mr. HAMILTON of Michigan. But under the substitute you could send a package from a point on one route to any point on any other route emanating from the same office.

Mr. MOON of Tennessee. Yes; provided it all passes over a rural route and nothing else.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the gentleman be granted 10 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, I would like to ask the gentleman whether, inasmuch as this proposed substitute has not been printed and there has been no opportunity for the membership to study it, it can not go over until to-morrow or next day?

Mr. MOON of Tennessee. Mr. Chairman, I will answer the gentleman's question by stating that it is possible to have it go over, but there would be no sense in doing it. It is a simple thing. There is very little change from the original proposition.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. MOON of Tennessee. Yes.

Mr. MARTIN of South Dakota. I followed the reading of the proposed substitute from the desk. In the middle of page 36 there are only three words that are stricken out. If the gentleman, instead of considering the entire matter, will consider it paragraph by paragraph, I think we can understand it.

Mr. MOON of Tennessee. If the gentleman will listen I will explain it. I can not fully do it by having questions asked.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection the amendment will be again reported.

Mr. DYER. Reserving the right to object——

The CHAIRMAN. The gentleman can not reserve the right to object.

Mr. DYER. I want to ask the gentleman how long it will take to explain it.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that we all keep quiet and listen to the Clerk.

The amendment was again reported.

Mr. MOON of Tennessee. Mr. Chairman, if it is desired I will explain this section for a moment without further interrogatory. On the twenty-fourth line we want to strike out the

words "except as herein provided." It is not necessary to continue those words in this amendment. We have enlarged the question of transportation on rural routes from one route, which it is limited to in this bill, to any number of routes from the initial point, so the matter is carried exclusively over rural routes. The rate is changed from 25 cents for 11 pounds to 15 cents for 11 pounds, and the other provision is that the Postmaster General in making rules and regulations for carrying out the provisions of this act shall provide for transportation of products of the farm and factories as merchandise matter of the fourth class which is not perishable in transportation.

Mr. RAKER. Will the gentleman yield?

Mr. MOON of Tennessee. I can not yield any more now. The second section provides simply this: It will be remembered in the House that we created a commission of six persons, three to be appointed by the Speaker and three by the President. This is changed to a committee instead of a commission, and instead of having the subject of the inquiry limited to the general parcel-post proposition, it is extended to the express post also, and they are required to report upon testimony that has already been made upon both of those subjects and to take such other testimony as they may desire and report on the first Monday in December. Our idea was this, that we could establish now the parcel-post proposition upon the rural districts, as provided in the substitute, without loss of revenue to the Government, because all of the machinery is in force to carry it out, and it is an experiment for the term of two years. But in the other question, for the various reasons assigned in the report, it seems to be evident to gentlemen who have heard the discussion upon this floor that it would not be wise to undertake to establish a general parcel post nor an express post in this country without more information on the question.

Mr. MARTIN of South Dakota. Mr. Chairman, I ask for order. We can not hear the gentleman here, and it is a very important subject.

The CHAIRMAN. The committee will be in order.

Mr. MOON of Tennessee. Mr. Chairman, the purpose of the committee, as I was about to remark when interrupted, was to secure information as to the wisdom of establishing in this country a parcel post or an express post. It seems to be evident to gentlemen from this debate that while we can establish a rural parcel post upon the line of the substitute without danger to our revenue, that you can not establish a general parcel post now for the want of knowledge as to how your revenues will be affected by its establishment; and certainly the establishment of an express post leading to the committing to the mails of the United States matter to the extent of 100 pounds would be a very dangerous experiment without a report from a commission, so in order to cover the whole question of parcel post in its general character and the express post, we deemed it wise to have a committee make an inquiry into the subject. Let the committee determine what effect it will have upon our revenues, what additional officeholders we must have, what additional machinery we must have, what effect it has as to concentration of trade, what effect it will have upon the rural districts, and the various number of questions that enter into the discussion of a matter of this sort. It is a matter of too great importance for this House to act upon without clearly seeing the wisdom and the sense of the policy we are to pursue. Now, in regard to the rural matter, I think it is safe so far as revenues are concerned, with the reduction in the amount we have placed in the substitute, to say that the revenues coming to the Government of the United States supplementing the deficiency in the rural routes would probably be five or six million dollars under this section per annum; but under the other proposition, a proposition for a general parcel post, in view of the fact that the express companies in the United States get a rate of three-quarters of a cent a pound, and the Government for the handling of transportation must pay from 6 to 8 cents, makes it impossible to compete with them on equal terms.

If you can not enter upon competition under the present state of the law, it would seem wise for this commission to inquire and for the House to act and force the railroad company now, if you want to carry out this policy, to give to the Government the same rate that is given to express companies. We must do all we can to secure speedily a wise parcel-post system for all the people without detriment to any class. Of course, I take it that no gentleman desires seriously to consider the question of paying $40,000,000 to the express companies for their holdings, nor do you desire to undertake the confiscation of their property or their contracts. The governmental right to enter into or upon this business exists under the Constitution. Whether it is wise to go into it to the extent some gentlemen insist I do not know. I think none of us will know until we have heard from a commission that can report the facts to this House, and then we will have an intelligent opinion on a question which, if you go into uninformed and blindly now, will put the Treasury to a loss of some $50,000,000 annually. If we proceed cautiously and with full knowledge, we can accommodate the people and protect the Treasury, too.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. MOON] has expired.

Mr. SAMUEL W. SMITH. Will the gentleman from Tennessee yield to a question?

Mr. MOON of Tennessee. My time has expired.

Mr. FOSTER. I ask unanimous consent that the gentleman from Tennessee [Mr. MOON] may have 10 minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Tennessee may have 10 minutes more. Is there objection?

Mr. RAKER. Reserving the right to object——

The CHAIRMAN. Is there objection?

Mr. FOSTER. Mr. Chairman, I withdraw the request.

Mr. MOON of Tennessee. I decline to discuss the question further.

Mr. RAKER. I withdraw my objection, Mr. Chairman.

Mr. LEWIS. Mr. Chairman, I offer the following amendment to the substitute offered by the gentleman from Tennessee [Mr. MOON].

Mr. STEENERSON. Mr. Chairman——

The CHAIRMAN. The gentleman from Maryland [Mr. LEWIS] offers an amendment to the substitute, which the Clerk will report.

The Clerk read as follows:

Amend the substitute:

"That there is hereby constituted a joint committee consisting of three Members of the House to be appointed by the Speaker and three Members of the Senate to be appointed by the Vice President; that all bills on the subject of parcel post or postal express shall be referred to said committee, and that said joint committee shall prepare and report to both Houses of Congress on or before the first Monday in December, 1912, a bill providing for such legislation that said joint committee shall deem proper."

Mr. LEWIS. Mr. Chairman, by the way of explanation of the amendment offered, I know how serious and sincere most of the membership of this House is with regard to securing a proper solution of the transport of the small package. I do not pretend to be more sincere or serious than any other Member of this House. It must be manifest, however, to all thoughtful men here that since this is the first time in the history of Congress the subject has received any discussion whatever, and since many forms in the way of remedy have been presented here, there is some danger of error being committed by the hasty action which would be absolutely necessary under the five-minute rule in the situation in which we find ourselves. Nobody is more concerned as to his ideals and his method of treating the subject than I am at this moment, and yet I feel the subject, the country, and the convictions of the membership of this House are all of an order of importance that requires that a little more thought and time be given the subject.

My amendment, therefore, proposes that the whole of section 8 go out, that in its place a committee having the confidence of this House be appointed by the Speaker and a like committee by the Senate under the mandate to report a bill on this subject the first Monday in December.

Mr. MOON of Tennessee. Does the gentleman desire to have the rural-route proposition postponed at all?

Mr. LEWIS. I am not particularly concerned about the rural route, but I believe this is an entire subject, and it would be best for the subject and for the House and for the country that it be taken up as such.

Mr. LENROOT. Will the gentleman yield?

Mr. LEWIS. I do not yield. I rise only to make a statement. Now, Mr. Chairman, this is a momentous occasion to the American people. For 40 years they have been waiting upon this Congress to give the subject of the small package proper attention. It has failed to even hear their clamors up to this moment. If it listens now, I know it will give them a stone instead of bread, although I know it wishes to do its patriotic duty at the same time. In my judgment—and, I believe, a judgment as well informed on this subject as it possibly might be—the best thing we can do with this topic is to give a committee an opportunity to examine the subject matter under a mandate to report a bill on the first Monday in December. [Applause.]

Mr. SULZER and Mr. FINLEY rose.

The CHAIRMAN. The Chair will recognize the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Chairman, I offer the following amendment to section 8 of the bill and ask to have it read.

The CHAIRMAN. I understand the gentleman offers an amendment to section 8?

Mr. SULZER. Yes; to section 8.

The CHAIRMAN. The Clerk will read.

Mr. SULZER. Strike out all after the first word of section 8 and insert the amendment I now offer.

Mr. MANN. Does the gentleman offer the amendment or ask to have it read in his time?

Mr. SULZER. It is in the nature of a substitute.

The CHAIRMAN. Then the gentleman can not offer it. There is already one amendment pending to the substitute, and there can be only one.

Mr. SULZER. It is offered as an amendment to the original section—that is, section 8. To strike out and insert.

The CHAIRMAN. And insert the following?

Mr. SULZER. Yes; and insert the following.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. FOSTER having taken the chair as Speaker pro tempore, a message in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On April 27, 1912:

H. R. 16101. An act providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming;

H. R. 19863. An act authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma;

H. R. 20286. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River;

H. R. 21170. An act granting to El Paso & Southwestern Railroad Co., a corporation organized and existing under the laws of the Territory and State of Arizona, a right of way through the Fort Huachuca Military Reservation, in the State of Arizona, and authorizing said corporation and its successors or assigns to construct and operate a railway through said Fort Huachuca Military Reservation, and for other purposes;

H. R. 21960. An act to authorize the Port Arthur Pleasure Pier Co. to construct a bridge across the Sabine-Neches Canal, in front of the town of Port Arthur; and

H. R. 22642. An act providing for the protection of the interests of the United States in lands and waters comprising any part of the Potomac River, the Anacostia River or Eastern Branch, and Rock Creek, and lands adjacent thereto.

On April 30, 1912:

H. R. 8784. An act to supplement the act of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands";

H. R. 1647. An act to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes";

H. R. 18792. An act for the relief of homestead entrymen under the reclamation projects in the United States;

H. R. 19212. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913; and

H. R. 20491. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries.

POST OFFICE APPROPRIATION BILL.

The committee resumed its session.

The Clerk will read the amendment offered by the gentleman from New York [Mr. SULZER].

The Clerk read as follows:

The common weight limit of the domestic postal service of the United States is hereby increased to 11 pounds, the common limit of the Universal Postal Union, and that in the general business of the post office the 1-cent-an-ounce rate on general merchandise—fourth-class mail matter—be, and is hereby, reduced to the third-class rate, 1 cent for each 2 ounces or fraction thereof.

That the rate on local letters or sealed parcels posted for delivery within the free-delivery services is hereby determined at 2 cents on parcels up to 4 ounces, 1 cent on each additional 2 ounces; at nondelivery offices, 1 cent for each 2 ounces.

That all mail matter collected and delivered within the different rural routes of the United States is hereby determined to be in one class, with rates, door to door, between the different houses and places of business and the post office or post offices on each route, as follows: On parcels up to one twenty-fourth of a cubic foot, or 1 by 6 by 12 inches in dimensions and up to 1 pound in weight, 1 cent; on larger parcels up to one-half a cubic foot, or 6 by 12 by 12 inches in dimensions and up to 11 pounds in weight, 5 cents; on larger parcels up to 1 cubic foot, 6 by 12 by 24 inches in dimensions and up to 25 pounds in weight, 10 cents. No parcel shall be over 6 feet in length, and in no case shall a carrier be obliged to transport a load of over 500 pounds.

That on all unregistered prepaid mail matter without declared value an indemnity up to $10 shall be paid by the Post Office Department for such actual loss or damage as may occur through the fault of the postal service, and this without extra charge. Certificates of posting shall be provided on demand. On registered parcels of declared value, and on which the fee for registration, insurance, and postage has been duly prepaid, the Post Office Department shall pay the full value of any direct loss or damage that may occur through the fault of the postal service. The fees for insurance and registration shall be as follows: For registration and insurance up to $50, 10 cents; for each additional $50, 2 cents. No claim for compensation will be admitted if not presented within one year after the parcel is posted.

That the word "packet" wherever used in laws relating to the postal service means all matter of every class which is by law made mailable.

Mr. MOON of Tennessee. Mr. Chairman, I make the point of order that that is a substitute in the third degree, and is not in order.

The CHAIRMAN. The gentleman has offered it as a substitute for section 8 of the bill.

Mr. MOON of Tennessee. I understood the gentleman to say that he was offering it as a substitute.

Mr. SULZER. Mr. Chairman, the amendment offered by me provides for a general parcel post. It is similar to the law in every civilized county on the earth. It increases the weight of the package from 4 pounds to 11 pounds. It reduces the price from 16 cents a pound to 8 cents a pound, the cost per pound prior to 1879. If my amendment is adopted, we will have in the United States a general parcel post, with a weight limit of 11 pounds, at a cost of 8 cents per pound.

Just think of it. A person living in any part of Europe can send to any part of the United States by mail a parcel weighing two and one-half times more than the United States limit for about one-third less in cost than the present home rates. In other words, the world postal-union package unit is 11 pounds to the parcel, at the rate of 12 cents per pound, whereas the United States unit is only 4 pounds to the package and at a cost of 16 cents to the pound. The parcel rate in the United States prior to 1879 was 8 cents per pound for a package limited to a weight of 4 pounds. After that the rate was doubled, but the weight remained the same. Since 1879 the cost of transportation has greatly decreased. The question is, Why should not the people be given the benefit of this decrease by the establishment of a uniform low postal rate for parcels that will encourage the use of the post office as a medium of exchange of commodities and thus greatly facilitate trade?

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from South Dakota?

Mr. SULZER. I regret I can not. I have only a few moments.

The gentleman from Maryland [Mr. LEWIS] has said this is an important matter. So it is, a very important matter to the people of this country. For years they have asked for this general parcel-post legislation. I differ with the gentleman when he asks us now to postpone this legislation until next year. I want to give the people a general parcel post this year. [Applause.] The express companies have had their way long enough. [Applause.]

My bill for a general parcel post—identical with the amendment I have just offered—has been pending in Congress for several years. I want no credit for being its author. I want results. Mr. Bennet, a former Republican Congressman from New York, introduced a similar bill in the last Congress. Slightly changed, I introduced it in this Congress. There is no politics in it. It is nonpartisan. There is no sectionalism in it. The people want it. It is a general parcel-post bill, and every Member who is in favor of giving the people what they want should vote for this amendment.

This amendment is what the people want now. It raises the weight limit of the package from 4 pounds to 11 pounds, and reduces the postage on the parcel from 16 cents a pound to 8 cents a pound, and that was the postal rate for many years until the express companies doubled it in 1879.

This amendment is what the farmers want, what their Representatives come to Congress and asked for. This amendment is what the business people of the country want. They sent their representatives here, and asked for it through the Post Office Committee. This amendment is what the consumers want. Over ten millions of American taxpayers have sent representatives here pleading for this general parcel-post legislation. Why longer delay? For one, I am opposed to further delay. I am in favor of giving the people now a general parcel-post law, as provided in my amendment. [Applause.]

I am opposed to any more commissions to delay the matter. We have had committee after committee investigating this subject. Commission after commission has come and gone—and nothing is done. They have taken testimony mountains high. I have read a great deal of it, and everyone familiar with the proposition has recommended a general parcel post—not a lim-

ited parcel post such as the gentleman from Tennessee [Mr. MOON] would now give us, which would let the boy go to school, but would prevent him from coming home again—but a genuine general parcel post.

Mr. MOON of Tennessee. Will the gentleman say when was that commission?

Mr. SULZER. I can not yield. I want to give the people a general parcel post that will let the producer send his merchandise to the consumer; that will let the consumer send his manufactured product to the farmers; that will bring them closer together in trade and commerce, and cheapen the cost of the necessaries of life. I want a general parcel post that will work both ways. The parcel post proposed by the gentleman from Tennessee works only one way. That will not do much good. It is little better than what we have to-day. The people will not be satisfied with such a pretense, with such a mere makeshift, with such a mockery.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, I ask unanimous consent to proceed for a few minutes more.

Mr. SIMS. Ask for five minutes. I want to ask you about the rural features of your amendment.

The CHAIRMAN. The gentleman from New York [Mr. SULZER] asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. SULZER. Mr. Chairman, my amendment allows packages up to 11 pounds to go through the mails throughout the United States for 8 cents a pound——

Mr. SIMS. Originating on or delivered on rural routes? How is it?

Mr. SULZER. The amendment is clear and explicit. It provides that packages weighing not more than 11 pounds can go over all postal routes from one part of the country to the other for 8 cents a pound. There is no reason in the world why the people of the United States should be deprived of the advantages of this benign legislation for a general parcel post, that will bring producers and consumers in closer touch and be of inestimable benefit to all the people, especially those who dwell in the large cities and live in the producing sections of the country. It has been adopted in every European country, and it ought to be adopted here. We have made postal conventions with the countries of the world by which their citizens can send through the mails to any part of the United States packages weighing 11 pounds at the universal postal rate, and the people of the United States are prohibited from doing the same thing in their own country because of our failure to enact a similar postal parcel law. It is a great injustice to the taxpayers of this country. It is a discrimination in favor of the foreigner against the citizen of the United States which is repugnant to my sense of justice. I am opposed to this inequality. I want to obviate it. The Postal Progress League has indorsed my plan, and, as I have stated, the representatives of over 10,000,000 taxpayers of this country appeared before the committee and urged its enactment. Why should it not be enacted into law?

The time is now at hand for Congress to heed the insistent demand of the people for a general parcel post along the lines of my amendment—the express companies, the middlemen, and others to the contrary notwithstanding.

Just a few words more. I want to do all I can to reduce the cost of the necessaries of life to the consumer. That is a great live question to-day in every home in America, and one of the best ways, in my opinion, to solve the problem and reduce the cost of the necessaries of life is to bring the producer and the consumer closer together, and nothing will have a tendency to do that more than this agency of a general parcel post. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FINLEY rose.

The CHAIRMAN. The gentleman from South Carolina [Mr. FINLEY] is recognized.

Mr. STEENERSON. Mr. Chairman, I have an amendment to offer to that amendment.

The CHAIRMAN. The gentleman from South Carolina [Mr. FINLEY], a member of the committee, has the floor.

Mr. STEENERSON. I will say to the Chairman that I have been a member of the Committee on the Post Office and Post Roads, and I have been trying to get recognition for the last half hour.

Mr. FINLEY. I am perfectly willing to give way to the gentleman from Minnesota.

The CHAIRMAN. The gentleman from Minnesota is out of order.

Mr. FINLEY. Mr. Chairman, the proposition that is offered here by the gentleman from Maryland [Mr. LEWIS] strikes out the proposed parcel-post on rural routes. I take it that no one here seriously wishes to do that. We have the machinery. As has been stated repeatedly, we have the rural carriers with their equipment, and we have fixed a low rate in the amendment offered by the gentleman from Tennessee [Mr. MOON], the chairman of the Post Office Committee.

Mr. LEWIS. Will the gentleman yield?

Mr. FINLEY. Certainly.

Mr. LEWIS. I am frank to say, so far as I am concerned, that if the substitute is confined to the rural routes and the appointment of a committee of three of the House and three of the Senate, I believe that would be a very wise disposition of the subject at this time; but when you go into the flat rate, 12-cent proposition, I disagree with you.

Mr. FINLEY. I think there is no question about the wisdom of the parcel post on rural routes as we have provided it here.

The gentleman from New York [Mr. SULZER] offers a flat rate of 8 cents a pound. I ask the membership of this House, Are you ready to vote for that offhand? Are you prepared? Have you the information? In thousands of instances the rate would be entirely too high, and in some others it might be too low. I do not know about that. But here is a proposition to investigate this matter by a joint committee of the House and Senate, the same thing as a commission, and to bring to Congress accurate information. Now, what is the harm of waiting until next December to take up the question of a general parcel post or an express or railway post? We are not in such a hurry about it that the first time the proposition is presented in this House we must fall over ourselves before we are informed, before we know.

To my mind, a flat rate is indefensible. It is not worth 8 cents a pound to transport a package a pound in weight 2, 3, 5, 10, 50, or 100 miles, or even farther. The proposition offered here by the chairman of the Post Office Committee is eminently wise. It is carefully considered. The rights of the people are amply protected. I hope the amendment of the gentleman from New York [Mr. SULZER] will be voted down. It should be voted down. [Applause.]

Mr. STEENERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Add at the end of the amendment:

"That the Postmaster General is authorized and directed to require companies operating railroads by steam, electricity, or other motive power carrying the mails to furnish under oath and seal, not less frequently than once in each fiscal year, such information relating to the service, operation, receipts, and expenditures of such roads for a period of not less than 30 days, to be designated by him, as may in his judgment be deemed necessary to enable him to ascertain the cost to the companies of carrying the mails on their respective roads and the proper compensation to be paid for that service. He shall require of such companies to submit such information not later than March 1, 1913, and in each fiscal year thereafter at such times and for such periods as he shall prescribe. It shall be the duty of such railroad companies to furnish such information, and if any railroad company fails or refuses to do so when required, its compensation for service rendered thereafter until such company shall comply and an adjustment is made by the Postmaster General shall be forfeited to the United States and shall be withheld as liquidated damages.

"SEC. 2. That if any officer, agent, or employee of a railroad company shall knowingly furnish any information required under the provisions of this act that is false and fraudulent, he shall be fined not more than $20,000 and imprisoned not more than five years.

"SEC. 3. That the Postmaster General shall determine the cost to each railroad company of carrying the mails on its respective road or roads, and shall verify and state the result in such form and manner as he shall deem proper. For this purpose he is authorized to credit, assign, and apportion the revenues and expenses of railroad companies so reported in such manner as he shall deem fair and equitable and in his judgment necessary to ascertain the cost as near as practicable, a statement of which shall be given the company concerned. If any railroad company shall object to the method of crediting, assigning, and apportioning the revenues and expenses, it may file objection with the Postmaster General within 20 days after such statement is made to the company, and the Postmaster General shall thereupon certify the method and objection and such papers as in his judgment may be essential to an understanding of the method to the Interstate Commerce Commission, who shall review the finding of the Postmaster General and affirm, modify, or revise the same, and certify the result to the Postmaster General, which action thereon shall be final."

Mr. MOON of Tennessee. Mr. Chairman, if it be in order before the completion of the reading of that amendment, I make the point of order that it is not in order.

Mr. STEENERSON. Perhaps it would be in order on the gentleman's substitute. If so, I will withdraw it for the present, and offer it as an amendment to the substitute.

The CHAIRMAN. The Chair understands the amendment to be for the purpose of having the Postmaster General ascertain about the weighing of the mails carried on railroads.

Mr. STEENERSON. It is a readjustment or a new plan, a new basis of railway mail pay. The Post Office Department has

been at work at it for three years—since 1909. It is a substitute for the present payment by weight. It substitutes a different system.

The CHAIRMAN. The Chair will ask the gentleman from Minnesota upon what theory he thinks that is germane to an amendment dealing with a parcel post?

Mr. STEENERSON. Because the amendment of the gentleman from New York [Mr. SULZER] provides for carrying heavyweight packages at a very low rate which would enormously increase the railway mail pay because the railroads are paid by weight. And in order to escape the loss of hundreds of millions of dollars we would have to substitute a new method of paying for the carriage of the mails on railways. That makes it germane to the proposition. It proposes a new provision of law governing the carriage of freight by mail. Therefore you ought to substitute a new system of paying the railways for carrying that freight. You can not, without enormous loss, carry under the present system of computing railway pay. That is the reason it is germane to the proposition of the gentleman from New York, as I contend.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ANDERSON of Minnesota. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

Mr. TOWNER. Mr. Chairman, before the amendment is reported I wish to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNER. I do not understand that the amendment of the gentleman from New York is pending before the House. I understand that the pending amendment is the amendment offered by the gentleman from Maryland [Mr. LEWIS].

The CHAIRMAN. The Chair will state to the gentleman from Iowa that the gentleman from New York offered an amendment to the text of the bill, which is pending. Now, the gentleman from Minnesota [Mr. ANDERSON] moves to amend that amendment, which he has a right to do. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the word "the" in the Sulzer amendment and insert the following: "Rates of postage on mail matter of the fourth class shall be as follows:

"(a) On articles, packages, or parcels mailed at the distributing post office of any rural route for delivery to patrons of such route, or of loop routes connected therewith, or at any intermediate post offices supplied by such rural service, or mailed at any rural route or by any post office supplied thereby for delivery on said route, or any other route served by the distributing post office of said route, or any other post office served thereby, or for delivery at the distributing post office: One cent for each 2 ounces or fraction thereof up to and including 4 ounces, 1 cent for each additional 4 ounces or fraction thereof up to and including 1 pound, and 1 cent per pound for each addition pound or fraction thereof up to and including 11 pounds in weight: *Provided*, That no rural mail carrier shall be required to accept for delivery on any one trip fourth-class mail matter in excess of 200 pounds in weight: *Provided further*, That one-half of the receipts for this service on any rural route shall be paid to the rural carrier of said route in addition to his salary, but the amount of such receipts so paid shall in no case exceed the sum of $600 per annum.

"(b) On articles, packages, or parcels mailed at any post office having a city-delivery service, or at any branch thereof, to be delivered by carrier within the delivery limits of said post office: One cent for each 2 ounces or fraction thereof up to and including 4 ounces, 3 cents for each 4 ounces or fraction thereof up to and including 1 pound, 2 cents for each additional pound or fraction thereof up to and including 5 pounds, and 1 cent for each additional pound or fraction thereof up to and including 11 pounds: *Provided*, That no carrier shall be required to accept for delivery a load of more than 50 pounds in the aggregate on a single trip, nor any article, parcel, or package exceeding 5 pounds in weight: *And provided further*, That the Postmaster General is hereby authorized to establish a wagon collect-and-delivery system in any such city where the amount of traffic warrants the same.

"(c) On articles, packages, or parcels mailed at any post office, or on any rural route served by it, or on any loop route connected therewith, or at any intermediate post office supplied by said rural service, directed to another post office not more than 50 miles' distant from it in a direct line: One cent for the first ounce or fraction thereof, 1 cent for each additional 2 ounces or fraction thereof up to and including 7 ounces, 1 cent for each additional 3 ounces or fraction thereof up to and including 1 pound, and 2 cents for each additional pound or fraction thereof up to and including 11 pounds in weight.

"(d) On articles, packages, or parcels mailed at any post office, or on any rural route served by it, or on any loop route connected therewith, or at any intermediate post office supplied by said rural service, directed to another post office more than 50 miles but not more than 200 miles' distant from it in a direct line: One cent for each ounce or fraction thereof up to and including 2 ounces, 1 cent for each 2 ounces or fraction thereof up to and including 10 ounces, 1 cent for each additional 3 ounces or fraction thereof up to and including 1 pound, and 3 cents for each additional pound or fraction thereof up to and including 11 pounds in weight.

"(e) On articles, packages, or parcels mailed at any post office, or on any rural route served by it, or on any loop route connected therewith, or at any intermediate post office supplied by said rural service, directed to another post office more than 200 miles but not more than 1,000 miles' distant from it in a direct line: One cent for each ounce or fraction thereof up to and including 4 ounces, 1 cent for each additional 2 ounces or fraction thereof up to and including 24 ounces, 1 cent for each additional 4 ounces or fraction thereof up to and including 2 pounds, and 6 cents for each additional pound or fraction thereof up to and including 11 pounds in weight.

"(f) On articles, packages, or parcels mailed at any post office, or on any rural route served by it, or on any loop route connected therewith, or at any intermediate post office more than 1,000 miles but not more than 1,800 miles distant from it in a direct line: One cent for each ounce or fraction thereof up to and including 4 ounces, 2 cents for each additional 3 ounces or fraction thereof up to and including 22 ounces, 1 cent for each additional 2 ounces or fraction thereof up to and including 2 pounds, and 9 cents for each additional pound or fraction thereof up to and including 11 pounds in weight.

"(g) On articles, packages, or parcels mailed at any post office, or on any rural route served by it, or on any loop route connected therewith, or at any intermediate post office supplied by said rural service, directed to another post office more than 1,800 miles distant from it in a direct line: One cent for each ounce or fraction thereof up to and including 8 ounces, 1 cent for each 2 ounces or fraction thereof up to and including 16 ounces, 3 cents for each additional 4 ounces or fraction thereof up to and including 2 pounds, and 12 cents per pound for each additional pound or fraction thereof up to and including 11 pounds in weight.

"Whenever a special rate has been established by law for any article or class of articles included in mail matter of the fourth class, so much of said law as establishes said special rate is hereby repealed, and hereafter such article or class of articles shall be subject to the rates of postage herein provided.

"The Postmaster General is hereby authorized to determine the maximum amount which any mail carrier or contractor shall be required to transport on any one trip on a star route.

"The rates herein provided shall be the rates for the service and distances specified and shall remain in effect until otherwise ordered by the Interstate Commerce Commission, which is hereby empowered and directed to forthwith make an investigation of the rates herein provided other than in paragraphs (a) and (b) hereof to determine whether the same are reasonable. If any of the rates shall be found to be unreasonable, the Interstate Commerce Commission shall fix new rates, which shall be based upon the amount of service to be rendered, considering distance transported and other service elements and risk involved therein, making the charges adequate to pay the cost of the service. Whenever the said Interstate Commerce Commission shall determine upon a different rate than is herein provided it shall forthwith make an order to that effect and file the same with the Postmaster General, and thereafter said rate so found by the Interstate Commerce Commission shall be effective and take the place of those herein provided for.

"For the purpose of administering the rates and service herein provided, the Postmaster General is hereby authorized and directed to make such rules and regulations as may be necessary and to provide maps or books from which the rates from one post office to another may be easily determined.

"SEC. 8. That this act shall take effect on the 1st day of October, 1912."

Mr. ANDERSON of Minnesota. Mr. Chairman, before I proceed I ask unanimous consent to change section 2 so that it will read, "this section shall take effect on the 1st of October, 1912," and to strike out the words "section 2."

Mr. Chairman, the present demand for cheaper and better facilities for the transmission of parcels through the mails is a development of 40 years. It is the result of 40 years of extortion on the part of the express companies. It is the crystallization of 40 years of agitation. It ought to be heeded not a year from now, but now. [Applause.] The parcel-post provisions in the Post Office appropriation bill as it was first presented was a gold brick with the gilt worn off. The present proposition of the committee as a substitute for the original proposition rehabilitates that provision by adding a little gilt to it, but everybody admits that the provision does not come anywhere near presenting reasonable parcel-post legislation.

This morning's Post contained an article which I want to present to the committee this evening. It is as follows:

Senator JONATHAN BOURNE, JR., chairman of the Post Office Committee, yesterday introduced a parcel-post bill which is the product of several months of thorough investigation and study. The bill provides the lowest rates thus far suggested, but the department is satisfied these rates will yield a small profit and the system will be self-sustaining.

The Bourne bill provides a zone system, with rates varying according to distance, which Senator BOURNE believes will enable the Government to compete successfully with express companies in hauling packages up to the weight limit of 11 pounds which this bill provides.

The rate for city or rural delivery is 5 cents for the first pound and 1 cent for each additional pound, or 15 cents for an 11-pound package.

Other rates are: Fifty-mile zone, 6 cents for first pound and 2 cents for each additional pound; 200-mile zone, 7 cents for the first pound and 3 cents for each additional pound; 500-mile zone, 8 cents for first pound and 4 cents for each additional pound; 1,000-mile zone, 9 cents for the first pound and 5 cents for each additional pound; 2,000-mile zone, 12 cents for the first pound and 10 cents for each additional pound; more than 2,000 miles, including island possessions, 12 cents for the first pound and 12 cents for each additional pound.

CONSOLIDATES TWO CLASSES.

The third and fourth classes of mail are consolidated, but provides for mailing circulars and small parcels at 1 cent per ounce up to 4 ounces.

The zone system was devised by John H. Robinson, who has copyrighted the plan and presented it to the Government. Under this plan any postmaster or patron can determine in a moment the amount of postage due on any package for any distance.

Senator BOURNE's bill provides for six zones, where my bill provides for five zones. The rates which he provides and the rates which I provide for the same distances are so near in accord that the difference can only be expressed by the fraction of a cent. I submit that when two men, working independently on the same proposition, a proposition involving computation of rates and a great many service elements and elements of cost, arrive at a conclusion so substantially concurrent that the difference can only be expressed by the fraction of a cent, that it is reasonable to conclude that the result and the rates arrived at are correct.

The rate provided by Senator BOURNE for the 50 and 200 mile zones are one-tenth of a cent less than the rates I provide. For the 1,000-mile zone it is slightly less than a cent a pound less than the rate that I provide.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. ANDERSON of Minnesota. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

Mr. CANNON. Mr. Chairman, I desire to ask the gentleman from Tennessee how much longer he proposes to continue to-night.

Mr. MOON of Tennessee. There are only a few pages of this bill left, and I think we can complete it to-night.

Mr. CANNON. What does the gentleman propose about debate?

Mr. MOON of Tennessee. I propose to close debate on this question very soon.

Mr. CANNON. How soon?

Mr. MOON of Tennessee. Within 15 or 20 minutes. I want to say to the gentleman from Illinois and to the House that I think we can conclude this bill very soon after we vote down the proposition of the gentleman from Minnesota. [Laughter.]

Mr. CANNON. But the gentleman from Minnesota asked an extension of the time for 10 minutes.

Mr. MOON of Tennessee. And we are going to give it to him, and then I am going to ask the House for unanimous consent to withdraw or strike from the substitute the first three lines, and then the gentleman from Maryland will withdraw his proposition, and we will take a vote on the substitute I have offered.

Mr. CANNON. I have no objection to that.

Mr. MOON of Tennessee. Mr. Chairman, I move that all debate on the motion of the gentleman from Minnesota close in 10 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee, to close debate in 10 minutes.

Mr. LENROOT. Mr. Chairman, before insisting upon that motion, will the gentleman from Tennessee yield for a question?

Mr. MOON of Tennessee. Yes.

Mr. LENROOT. Does the gentleman think that that is fair treatment of this House, to close debate in 10 minutes upon such an important proposition as this?

Mr. MOON of Tennessee. I think when the gentleman from Minnesota has concluded his remarks, and nobody desires to reply to him, that it is fair treatment.

Mr. LENROOT. I should like to have an opportunity of being heard.

Mr. MOON of Tennessee. Very well, the gentleman will have that opportunity. Mr. Chairman, I move that debate on the amendment of the gentleman from Minnesota close in 10 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee.

The question was taken, and the motion was agreed to.

Mr. MANN. Mr. Chairman, can we not reach some agreement as to when we shall vote on all propositions, and then have every one pending?

Mr. MOON of Tennessee. Mr. Chairman, I think we can as soon as the gentleman from Minnesota has concluded.

Mr. ANDERSON of Minnesota. Mr. Chairman, as I was saying, the difference between the rate that I provide and the rate that the distinguished Senator from Oregon provides amounts to from one-tenth of a cent to 1 cent per pound on a 10-pound package. I want to say to gentlemen on the Democratic side of the aisle that I am offering them an opportunity to vote for a real parcel post. I want to say to them that if they overlook that opportunity, they will probably have an opportunity to vote for another one coming from the Senate after awhile. I do not believe, if you determine to make this a partisan question, that you can afford to overlook this opportunity.

It is said that no one has studied this question. Let me say to you that it has been debated in every red schoolhouse in the country. It has been debated in every country store in the country, and whether you know anything about it or not the people of the country know something about it and they will pass judgment upon you, whether you know anything about it or not.

The gentleman from Maryland [Mr. LEWIS] suggested that this was a momentous occasion, and I agree with him, for upon the vote of this measure will depend a great many of the seats in this body. There is no question that I know of upon which the sentiment of the country has crystallized as it has crystallized upon this. It is not a partisan question. It is a question in which every man, Democrat, Republican, or Prohibitionist, is interested. I hope that gentlemen will vote for this amendment. I hope they will give the people of the country the relief that they have been asking for 40 years.

Mr. Chairman, there is involved in this matter the question of fairness to the country merchant and the farmer. A flat-rate proposition is absolutely unfair to both, for it amounts to a subsidy for the long haul and an overcharge for the short haul. This amendment that I offer provides for rates which will give the local merchant an advantage in his own market. It protects him in that it would require the merchant at a distance to pay from two to nine times as much to get his goods to the farmer with whom the local merchant deals. That is worth considering in connection with this question.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Minnesota. Yes.

Mr. MARTIN of South Dakota. How does the gentleman's rates in the amendment that he proposes compare with the express rates, for, say, a 200-mile distance? I have looked at the table which the gentleman provides, and it would indicate that on an 11-pound package from 50 to 200 miles his proposed rate would be 38 cents. Is that correct?

Mr. ANDERSON of Minnesota. The gentleman is correct, but the express rate would be 45 or 50 cents.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Have we an opportunity now to offer amendments with regard to rates, an amendment having been offered to an amendment, and that amendment to a substitute, as I understand it?

The CHAIRMAN. No amendment is now in order until some amendment is disposed of. There are four amendments now pending, and no more can be offered at this time.

Mr. MOORE of Pennsylvania. Will the gentleman from Tennessee having the floor permit me to ask him a question before he proceeds? I understood him to say a moment ago that he proposed to withdraw lines 1, 2, and 3 of section 8.

Mr. SABATH. Of the substitute.

Mr. MOORE of Pennsylvania. Those lines fix a rate of 12 cents a pound.

Mr. MOON of Tennessee. Yes. I propose, when I have the opportunity a little later on, to ask unanimous consent to strike from my substitute those first three lines.

Mr. MOORE of Pennsylvania. Then, for the present that would eliminate any further discussion with regard to the 12 cents a pound rate in the cities and 5 cents in the country.

Mr. MOON of Tennessee. That would eliminate that discussion, and also will eliminate the propositions of the gentleman from Maryland and the gentleman from Ohio.

Mr. MANN. Mr. Chairman, a parliamentary inquiry. Is there five minutes' time still remaining of the time for debate?

The CHAIRMAN. There is.

Mr. LENROOT. Mr. Chairman, I rise to support the amendment proposed by the gentleman from Minnesota and to oppose the amendment proposed by the gentleman from New York [Mr. SULZER]. Now, Mr. Chairman, during all of my political experience it has been my observation that when a political party wants to dodge an important question the thing they do is to recommend a committee or a commission with power to investigate and report following the election next to ensue. [Applause.] Now, Mr. Chairman, I do not charge the gentleman from Maryland with any such intention in this regard, but I do say, Mr. Chairman, there is no excuse on the part of any Member of this House who is in favor of a parcel post for voting against this amendment proposed by the gentleman from Minnesota.

Mr. LEWIS. Will the gentleman yield?

Mr. LENROOT. I have not the time, as I have only five minutes. I have talked with the gentleman from Maryland [Mr. LEWIS]. I have talked with gentlemen upon the other side of the aisle with reference to this amendment now pending, and the only objection I have heard to it is that the rates are too high. Perhaps they may be too high, Mr. Chairman, but no one can gainsay the fact that they are very much lower than the present rate, and if they should go into this bill it would afford relief to the people of this country, at the same time protecting the country merchant, and if this amendment is adopted the gentleman from Maryland, if he chooses, can afterwards offer an amendment for a commission to investigate and report upon the bill later on. But in the meantime, if he wants to furnish real relief to the people of this country, he can vote for this amendment, that is a real parcel post, with a zone system pay-

ing the cost of service. I want to remind the House, too, that by this bill, if the rates are too high, and I admit they are, there is a provision in it authorizing the Interstate Commerce Commission to at once investigate the question of rates and determine what are equitable rates within the different zones paying the cost of service.

Now, with reference to the amendment proposed by the gentleman from New York [Mr. SULZER], the fatal defect of which is this 8-cent flat rate, which, on the one hand, makes a man within the 50 or 100 mile zone pay more than he ought to pay for his packages and the man in the longer zone across the country is paying less than he ought to pay. You are making the short-distance man pay for the deficit occasioned by the man with the longer distance.

Mr. SULZER. That is the law now with all mailable matter.

Mr. LENROOT. More than that, he does this: The express companies will do all the business so far as the profit within the narrow zone is concerned [applause] and the Government will do all the business on the longer distance where there is a loss to the Government. [Applause.] There can not be any question about that. I can not see how the gentleman from New York or any other gentleman can favor the flat rate where it necessarily means a loss to the Government in the cost of service and the handing over to the express companies the business where there is a profit——

Mr. SULZER. The gentleman is in error. My amendment gives the Government the exclusive right to carry all mailable matter under 11 pounds weight.

Mr. LENROOT. Well, it may be that can be done, but I want to say that the decision of the Supreme Court of the United States in the Jackson case is that except so far as the packages were mail matter at the time of the adoption of the Constitution the Government can not be given a monopoly. The gentleman must be familiar with that decision. It is plain——

Mr. SULZER. The provision in my amendment obviates that decision.

Mr. LENROOT. These parcels were not mailable at the time of the adoption of the Constitution.

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The question is on the amendment of the gentleman from Minnesota to the amendment of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. ANDERSON of Minnesota) there were—ayes 73, noes 74.

Mr. ANDERSON of Minnesota and Mr. MANN. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. ANDERSON of Minnesota and Mr. MOON of Tennessee) reported that there were—ayes 81, noes 99.

So the amendment was rejected.

Mr. MOON of Tennessee. Mr. Chairman, I move that all debate on this proposition and all pending amendments be now closed.

The CHAIRMAN. The gentleman from Tennessee moves that all debate on the substitute and the amendment to the substitute be now closed.

Mr. MARTIN of South Dakota. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MARTIN of South Dakota. Does the motion of the gentleman from Tennessee refer to all debate upon this entire question, or only upon the Sulzer question?

The CHAIRMAN. To the entire question.

Mr. MARTIN of South Dakota. I have an amendment I desire to offer.

Mr. MOON of Tennessee. The gentleman will have an opportunity to offer the amendment.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. The way the Chair stated the motion, it would include everything. Does the gentleman move to close debate on the section and all amendments thereto?

The CHAIRMAN. On the section and all amendments thereto. The question is on the motion of the gentleman from Tennessee.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from New York [Mr. SULZER].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. SULZER. Division, Mr. Chairman.

The committee divided; and there were—ayes 19, noes, 152.

So the amendment was rejected.

Mr. GUERNSEY. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Maine [Mr. GUERNSEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out all after the word "that," line 16, section 8, and insert the following:

"The Post Office Department of the United States shall be, and it hereby is, authorized to transport as mail matter parcels of merchandise up to 11 pounds in weight, at the rate of 12 cents per pound, subject to the same regulations now made applicable to foreign parcels now transported through the mails within the United States; and at the rate of 6 cents per pound for a maximum distance from point of mailing, as the Postmaster General shall from time to time determine that such parcels can be carried in the mails without loss to the Government; and at the rate of 3 cents per pound for a maximum distance from point of mailing, as the Postmaster General shall likewise determine; and when such parcels are carried exclusively on a rural route it shall be at a rate not in excess of 5 cents for the first pound and 2 cents for each additional pound, as may be determined by the Postmaster General."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maine [Mr. GUERNSEY].

The question was taken, and the amendment was rejected.

Mr. MARTIN of South Dakota. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend substitute by adding after the words——

The CHAIRMAN. An amendment to the substitute is not in order.

Mr. SULZER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all after the word "That," in section 8, and insert:

"The postage rates on mail matter of the fourth class, except as hereinafter provided, shall be as follows: One cent per ounce or fraction thereof on all matter of such class weighing not to exceed 8 ounces, and on such matter weighing in excess of 8 ounces, 8 cents and 2 cents additional for each 4 ounces or fraction thereof in excess of 8 ounces, and that the weight limit of mail matter of the fourth class be 7 pounds after January 1, 1913, and 11 pounds after June 30, 1913, except as hereinafter provided:

"That hereafter the postage rates on mail matter of the fourth class, delivered to any post office or branch post office where the haul thereof does not exceed 50 miles, shall be as follows: Five cents for 1 pound or fraction thereof and 2 cents additional for each additional pound or fraction thereof, and for this service no package to weigh in excess of 11 pounds. For the purpose of this service each rural mail route shall be considered a post office for any point on such route.

"That the word 'packet' wherever used in laws relating to the postal service means all matter of every class which is by law made mailable."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SULZER].

The question was taken, and the amendment was rejected.

Mr. LAFFERTY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Oregon [Mr. LAFFERTY] offers an amendment, which the Clerk will report.

The Clerk proceeded with the reading of the amendment.

Mr. MANN. Mr. Chairman, I make the point of order that the amendment is not in order.

Mr. MOON of Tennessee. That is the Lewis-Goeke bill on which we have a favorable report and a rule making it in order.

Mr. BARTLETT. It is not germane.

Mr. MOON of Tennessee. I did not recognize the bill when it was read.

The CHAIRMAN. The gentleman has offered to amend the text of section 8.

Mr. LAFFERTY. By striking out section 8 and offering this in lieu thereof.

The CHAIRMAN. That would be offering a substitute that is already pending.

Mr. LAFFERTY. I did not understand the substitute.

Mr. STEENERSON. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

Mr. STEENERSON. I do not know where to insert the amendment. It is an amendment to the postal-service division.

Mr. BUTLER. Put it in the basket. [Laughter.]

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Also investigate the system of railway mail pay now in force and suggest such changes as are deemed advisable.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. STEENERSON. I call for a division.

The committee divided; and there were—ayes 1, noes 51.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Maryland [Mr. LEWIS] to the substitute offered by the gentleman from Tennessee [Mr. MOON].

The question was taken, and the amendment was rejected.

Mr. LEWIS. Mr. Chairman, I did not understand the matter in the present situation. I withdraw the amendment in view of the alteration of the substitute of the gentleman from Tennessee [Mr. MOON].

The CHAIRMAN. The amendment has already been voted upon, and it was voted down.

Mr. MARTIN of South Dakota. Mr. Chairman, I offer an amendment to the substitute.

The CHAIRMAN. The gentleman from South Dakota offers an amendment to the substitute, which the Clerk will report.

The Clerk read as follows:

Amend the substitute by adding after the words "express post" the words "and railway express."

Mr. LEWIS. Mr. Chairman, I make the point of order that the amendment is not germane.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. MARTIN].

The question was taken, and the amendment was rejected.

Mr. LAFFERTY. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Oregon offers an amendment. The Chair would call the attention of the gentleman to the fact that his amendment is not in order unless it is the Goeke bill, as set out in the rule.

Mr. LAFFERTY. It is the Goeke bill, Mr. Chairman, word for word. I offer it as an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oregon.

The Clerk read as follows:

Strike out all after the word "that," in section 8, and insert the following:

"In order to promote the postal service and more efficiently regulate commerce between the several States, the Territories of the United States, the District of Columbia, the possessions of the United States, and foreign nations the contracts and agreements and arrangements of the several express companies with the several railroad companies or other common carriers of the United States, its Territories, and the District of Columbia, relating to the collecting, receiving, caring for, storing, dispatching, forwarding, and delivering by such railroad company or other common carriers of parcels, packets, and packages, and other express matter, and the operating equipment, cars, vehicles, horses, such buildings necessary and appropriate, and leases of buildings, used in the conduct of the express business, and all other property or rights and privileges owned and used by such express companies which are necessary and appropriate to such collecting, receiving, caring for, storing, dispatching, forwarding, and delivering of such parcels, packets, packages, and express matter, are hereby declared to be, and the same are hereby, condemned and appropriated to and for the United States of America, to be used by it for carrying out the purposes of this act. That the words "express company" as used in this act shall be construed to include any corporation, joint-stock company, association, partnership, and individual, as far as engaged in the collecting, receiving, caring for, storing, dispatching, forwarding, and delivering of parcels, packets, packages, and other express matter, by rail or water, or both. And the words "railroad" or "railway company" shall be construed to include any transportation agency by rail or water as far as used as a post route or in carrying express matter. On and after July 1, 1913, any railroad, steamship, or other transportation agency having a contract with any express company subject to this act shall transport and carry for the Post Office Department all matter transportable under said contract, and shall execute and perform with respect to such Post Office Department all such duties as have been customary under such contract in relation to the express company or companies named therein, and shall permit its agents and employees when required to continue to discharge such services in respect thereto, and upon like terms, without interference on its part: *Provided*, That no property is hereby condemned or appropriated which, in the judgment of the Postmaster General, is not necessary or required in or about the conduct of such express business by the United States.

"(b) That it shall be the duty of the President on the 1st day of July, 1913, to take charge and possession of all the property of such express companies condemned and appropriated by this act, in the name of and by the authority of the United States of America; and thereupon it shall be the duty of the Postmaster General to employ said property and facilities in conjunction with the postal service, and to henceforth conduct said express service.

"(c) That it shall be the duty of the Postmaster General to make and promulgate such rules and regulations for carrying into effect the provisions of this act as he may deem necessary, subject to the approval of the President.

"(d) That during the months of August and December, 1912, and April, 1913, the weights of matter carried over the respective railroads under contracts with the express companies during the pendancy thereof shall be taken for each railroad company in respect to such contract under regulations to be provided by the Post Office Department, and the amount of money paid for the carriage thereof to the railroad shall be divided by the mileage of such railroad over which such matter is carried; and thereafter the Postmaster General shall, if the railroad company consent thereto, cause to be paid to such railroad company the amount per mile owing to such railroad under such contract as thus computed; and thereafter annually at such times as may be determined upon by the Postmaster General such matter shall be weighed, and the railroad company shall be paid monthly for the excess weight carried by it, over the first weighing herein provided, such sums as may be agreed upon for such excess weight; but if such Postmaster General and such railroad company shall fail to agree upon a basis of compensation for such excess weights, then the same shall be paid for according to the terms and provisions of the contract condemned in such case.

"(e) That at the expiration or termination of any contract between an express company and a railroad condemned by this act (or at any time before, if such railroad company shall consent thereto) the Postmaster General may contract with such railroad company for the transportation of postal-express matter, and, if deemed advantageous, upon cars provided by the postal department, which may be transferred without unloading onto the lines of other railroad companies, at such rates of compensation and upon such principles of computation thereof as may be agreed upon, with the right of review and revision of the same by the Interstate Commerce Commission as hereinafter provided. And in case the Postmaster General and such railroad company, after the expiration or termination of the contract with an express company, shall fail to agree upon the terms and provisions of the renewal thereof, they shall submit their respective contentions with reference thereto to the said Interstate Commerce Commission, which shall thereupon have plenary power to declare the terms and provisions which said contract shall contain.

"(f) That immediately after the passage of this act it shall be the duty of the Interstate Commerce Commission, acting as a tribunal of appraisal and award, to appraise the value of the property condemned and appropriated by the United States of America in section 1 of this act and award to the respective express companies just compensation therefor. Each commissioner shall take oath to justly perform such duties before some judge of the courts of the United States. The said Interstate Commerce Commission shall have power, and it shall be its duty to summon witnesses, with books and papers, before it, for either of the parties, and require such witnesses to testify, and it shall give to each party a full hearing; and it shall be the duty of such commission, on or before the 7th day of May, 1913, to file a separate award of appraisement for each express company condemned under this act, with respect to the property condemned, in the district court of the United States where the express company has its principal office, and give notice of the filing of such award to the Postmaster General and to such express company. And if either party shall be dissatisfied with the amount of said award, the same may, upon application of either party, be reviewed by the said district court.

"(g) That the Secretary of the Treasury is hereby authorized and directed to make payment to such express companies of the money adjudged to be due them, as aforesaid, out of the Treasury of the United States, and said express companies shall be entitled to payment of such final award as compensation from the Treasury of the United States and the Treasurer thereof, and the amounts of said award are hereby appropriated to the parties entitled thereto out of the Treasury of the United States.

"(h) That any willful failure or refusal by any railroad company or other common carrier, subject to the provisions of this act, to perform any service required by this act or by any lawful rule or regulation made and promulgated by the Postmaster General in pursuance of this act, or of any lawful ruling, finding, or determination of the Interstate Commerce Commission, or of any order, judgment, or decree of any court of the United States of competent jurisdiction, shall constitute a misdemeanor which, upon indictment and conviction, shall be punished by a fine not exceeding $1,000.

"(i) That the Postmaster General shall have power to rent, lease, or purchase real estate and personal property, supplies, cars, and equipment for use by his department for the purposes of this act. He shall have power to condemn in the name of the United States any property, real, personal, or mixed, which he may deem necessary for the efficient operation of the service, but the said Interstate Commerce Commission shall first value and file its award therefor as hereinbefore specified."

Mr. ADAMSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ADAMSON. There has been so much confusion, Mr. Chairman, that I could not hear what has been read. What is the parliamentary status of this proposition?

The CHAIRMAN. The gentleman from Oregon offered an amendment to the text of the bill. Does the gentleman from Georgia wish to offer an amendment?

Mr. ADAMSON. I offer an amendment to it.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] offers an amendment to the amendment offered by the gentleman from Oregon [Mr. LAFFERTY].

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Has the Clerk finished the reading of the amendment offered by the gentleman from Oregon?

The CHAIRMAN. He has; and now the gentleman from Georgia [Mr. ADAMSON] offers an amendment to the amendment of the gentleman from Oregon.

Mr. ADAMSON. Mr. Chairman——

The CHAIRMAN. Where does the gentleman desire his amendment to come in?

Mr. ADAMSON. I want it to take the place of the proposition offered by the gentleman from Oregon.

The CHAIRMAN. The gentleman can not do that.

Mr. ADAMSON. I want to strike out all the gentleman's proposition, and insert this instead.

Mr. MOON of Tennessee. Mr. Chairman, I reserve a point of order.

Mr. LAFFERTY. I make the point of order, Mr. Chairman, that that sort of an amendment is not in order.

Mr. ADAMSON. It is to strike out all after the word "the" in the gentleman's amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia [Mr. ADAMSON].

The Clerk read as follows:

Strike out all after the word "the" and insert in lieu thereof the following:

"That the rates hereinafter stated shall hereafter be the maximum rates to be applied either in first fixing rates by the express companies or in their correction or regulation by the Interstate Commerce Commission"——

Mr. LAFFERTY. Mr. Chairman, my amendment begins with the word "In" and not with the word "The."

Mr. MANN. I guess the amendment of the gentleman from Oregon is not in order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That the rates hereinafter stated shall hereafter be the maximum rates to be applied either in first fixing rates by the express companies or in their correction or regulation by the Interstate Commerce Commission, and no higher rates shall be charged and collected by express companies engaged in interstate commerce for receiving, transporting, and delivering packages or parcels not exceeding 11 pounds in weight and valued at not more than $80 between a point in one State, Territory, or District in the United States and another point in a different State, Territory, or District in the United States, whether the transportation occurs on the line of a single express company or on a through route or shipment operated by two or more connecting express companies:

Between any two points in the United States more than 2,000 miles apart, 12 cents per pound.

Between any two points not more than 2,000 miles apart, 10 cents per pound.

Between any two points not more than 1,200 miles apart, 7 cents per pound.

Between any two points not more than 800 miles apart, 5 cents per pound.

Between any two points not more than 600 miles apart, 4 cents per pound.

Between any two points not more than 250 miles apart, 2 cents per pound.

Provided, That no company shall be required to carry any package for less than 10 cents.

SEC. 2. That any person delivering to any agent or office of any express company in the United States any parcel at the time under the law mailable on rural routes plainly addressed to any person or in care of any person on any rural mail route, the initial post office of which is at or in the same town, village, or city with any express office of any express company, may pay in advance both the proper express charges and the United States postage required to carry such parcel on the rural mail route. On arrival at the terminal express office of the same or any connecting express company where originates the mail route to which the parcel is directed the agent at such office shall mail such parcel, paying the proper postage thereon. Likewise any person on any rural route, the initial post office of which is in the same town, city, or village with any express office, may, in addition to paying the postage appropriate on any parcel at the time under the law mailable on rural routes addressed and mailed to any person at any express office in the United States, pay to the rural letter carrier the proper express charges thereon to the point of destination, whereupon it shall be the duty of such rural letter carrier upon his return to his initial post office to deliver such parcel to the express office and prepay the express thereon.

It shall be the duty of the postmasters and the express agents to execute receipts to conform to this provision.

SEC. 3. That it shall be unlawful for any express company operating a single line or any number of express companies making a through route or shipment to charge more in the aggregate than the maximum price fixed for any distance set out in section 1 of this act, or to fail or refuse to do any act or render any service provided in section 2 of this act. In case any express company shall violate any provision of this act it shall forfeit $100, with reasonable attorney's fees and such damages as may be proved in addition thereto, to either the consignor or the consignee upon a suit brought in any court, State or Federal, within the jurisdiction of which court such violation shall have occurred.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. ADAMSON].

Mr. LAFFERTY. Mr. Chairman, I make the point of order that that amendment is not germane.

The CHAIRMAN. The point of order is overruled. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Oregon [Mr. LAFFERTY].

The question was taken, and the amendment was rejected.

Mr. SULZER. Mr. Chairman, I offer the following amendment, to be inserted at the end of the paragraph.

The CHAIRMAN. Which paragraph?

Mr. SULZER. The paragraph of the amendment offered by the gentleman from Tennessee [Mr. MOON].

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from New York [Mr. SULZER].

The Clerk read as follows:

That the word "packet" or "parcel" wherever used in the laws relating to the postal service means all matter of every class which is by law made mailable.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Where does the amendment come in?

The CHAIRMAN. The amendment comes after the last word of the paragraph offered as a substitute by the gentleman from Tennessee [Mr. MOON]. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. SULZER].

Mr. MOON of Tennessee. Mr. Chairman, I make the point of order that it is not germane to the section.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MOON of Tennessee. Mr. Chairman, I move to amend the substitute which I offered by striking out the first three lines. Amend by striking out in section 8 the words "That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents a pound, except as herein provided."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. MOON] to his substitute.

The Clerk read as follows:

Strike out the words immediately following section 8: "That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound, except as herein provided."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. MOON].

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. SULZER. A division, Mr. Chairman.

The committee divided; and there were—ayes 91, noes 62.

Mr. SULZER. Mr. Chairman, I ask for tellers.

Mr. MANN. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. MOON of Tennessee and Mr. MANN.

Mr. EDWARDS. Mr. Chairman, I ask unanimous consent that the amendment be read again. It is but a short amendment and it will not take a minute to do it.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again reported the amendment offered by the gentleman from Tennessee [Mr. MOON].

The committee again divided; and the tellers reported—ayes 68, noes 93.

Accordingly the amendment was rejected.

Mr. SULZER. I move to strike out "twelve" and insert "eight" in the substitute, so as to make the rate 8 cents a pound instead of 12 cents a pound.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

In line 2 of the substitute strike out the word "twelve" and insert in lieu thereof the word "eight."

The question being taken, on a division (demanded by Mr. CALDER), there were—ayes 43, noes 102.

Mr. SULZER. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. SULZER and Mr. MOON of Tennessee.

The committee again divided; and the tellers reported—ayes 53, noes 94.

Accordingly the amendment was rejected.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Tennessee [Mr. MOON].

Mr. SMALL. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the committee substitute in the last paragraph by adding, after the words "as they deem desirable," at the end of the sentence, the following:

"That the Postmaster General and the Interstate Commerce Commission shall furnish such data and otherwise render such assistance to the said commission as may be desired or available."

The question being taken, the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of the substitute add:

"*Provided*, That the rates herein provided for fourth-class matter on rural delivery routes shall also prevail on all city delivery routes."

The question being taken, the amendment was rejected.

Mr. BATHRICK. Mr. Chairman, I desire to offer an amendment to change the date at which the committee shall report.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out "December" and insert in lieu thereof "June 1."

The question being taken, the amendment was rejected.

Mr. GARNER. Mr. Chairman, I offer a substitute for the substitute.

The CHAIRMAN. The gentleman can not offer a substitute for a substitute.

Mr. GARNER. After the substitute has been perfected, then is not an amendment in order as a substitute for that?

The CHAIRMAN. An amendment to the substitute would be in order.

Mr. GARNER. I can not offer this as an amendment to the substitute.

The CHAIRMAN. The Chair is very sorry. The question is on the substitute of the gentleman from Tennessee [Mr. MOON].

The question being taken, the substitute of Mr. MOON of Tennessee as amended was agreed to.

The announcement of the result was received with applause.

The Clerk read as follows:

SEC. 9. That from and after the 1st day of July, 1912, the compensation of rural letter carriers for carrying the mail six days each week on standard routes of 24 miles in length shall be the sum of $1,074 per annum, to be paid monthly; and on routes exceeding 24 miles in length the sum of $44.75 per mile per annum for each mile in excess of 24 miles; and on routes under 24 miles in length a corresponding reduction of compensation per mile per annum shall be paid; on routes carrying the mail three days of each week of the same length as above the pay shall be one-half the compensation there provided.

Mr. FINLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 22, page 37, add the following:
"*Provided, however,* That because of the compensation herein provided no rural letter carrier shall receive less salary than before the passage of this act."

The question being taken, the amendment was agreed to.

Mr. RUSSELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, by striking out of line 14, page 37, the words "$1,074 per annum" and inserting the words "$1,200 per annum."

Mr. MANN. What is the effect of that amendment? I did not hear it.

The CHAIRMAN. It is to increase the salary from $1,074 to $1,200.

Mr. RUSSELL. Mr. Chairman, I have offered this amendment, the purpose of which is to make the salary of all rural-route carriers on standard routes of 24 miles or more $100 per month, or equal to $50 per mile per annum. If this amendment is agreed to by the House, I shall then offer an amendment to make the same rule of $50 per mile per annum apply to other routes of less than 24 miles. I desire to say in the beginning of my remarks that there is to-day no class of men engaged in the public service who are more faithful, more prompt, or more accommodating than the free rural-route carriers, and, moreover, there are none who are more in touch with the people and none whose services are more appreciated by their patrons.

Again I want to say, and to impress the fact upon the attention of this House, that but very little of the millions of dollars appropriated by Congress is expended for the direct benefit of the farmers of the country, but the Rural Free Delivery Service is peculiarly and almost exclusively for the benefit of the farmers, and is a modern convenience that they highly appreciate. The farmer, his wife, and his children anxiously look forward to the daily coming of their carrier in anticipation of the papers, the business letters, or of messages from absent loved ones.

With the consent of the Post Office authorities of this city I was permitted to go and did go over the route with one of the rural carriers out of my home city, so that I might personally observe and better understand the character of the work done, the benefits resulting therefrom, and to ascertain the estimate placed upon this service by the people. I am glad to-day to give my testimony to the fact that the carrier was not only courteous and obliging in the discharge of his duties, but was always glad to extend favors and to accommodate the people beyond the requirement of his position, and from what I know of many of the carriers in my district I believe that the same might be truthfully said of them all.

I am glad also to state that the eagerness with which the patrons along the line met the carrier and the friendly salutations of welcome expressed, both in words and actions, furnished unmistakable proof of their high appreciation of his daily visits.

But the question that is now before the House, and that I desire to briefly discuss, is that of the compensation of these important and faithful employees of the Government.

I maintain and believe that I can show that their present compensation is not adequate for the services rendered and not sufficient for their comfortable support.

In order to obtain full and accurate information upon the subject, I recently forwarded to the 97 rural carriers in my district the following questions:

1. Your present salary?
2. Value of buggy, harness, and horse, or other means of conveyance?
3. Annual cost of repairing; feeding and caring for horses?
4. Estimated depreciation in value of wagon and team from wear, age, or death per year?

Many of them replied that they were not permitted by the rules of the department to advise me. This rule that forbade them to tell their Representative in Congress the truth about their salary and expenses I then thought, and now think, was an outrage against the privileges and the liberties of free men.

I later conferred with the postal authorities and was very courteously furnished the desired information by Mr. McGraw, the Fourth Assistant Postmaster General.

The result of the information as furnished to me was as follows:

The average salary per year of the 97 carriers in my district is		$940.60
Annual expenses of carriers.		
The average value of the carrier's investment in vehicle, horses, and harness is $338.42. 8 per cent interest on this, which is the usual rate paid, is	$27.07	
The average annual expenses, feeding, and repairing is	302.46	
The average annual depreciation of carrier's outfit is	103.20	
Total average annual expenses		432.73
Net average salary per annum		507.87
Net average salary per month		42.32

I submit to the fair-minded men of this House, who desire to see the Government pay just and fair compensation to its employees, that this sum is not fair or reasonable for the services rendered and is not sufficient for the comfortable support of a man and his family, especially at this time and under the present high cost of the necessaries of life, and I hope this amendment will be adopted.

The question was taken, and the amendment was rejected.

Mr. RUBEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend section 9, page 37, as follows: Insert in line 17, between the words "mile" and "in" the words "a majority fraction of a mile."

The question was taken, and the amendment was agreed to.

Mr. TRIBBLE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Strike out, on page 37, line 14, the word "seventy-four" and insert the words "two hundred." On the same page, lines 16 and 17, strike out the words "forty-four dollars and seventy-five cents" and insert "fifty dollars."

Mr. TRIBBLE. Mr. Chairman, I have before me a list of the city and rural carriers going out from the post office at Athens, Ga. The first carrier on this list is a negro, a city carrier; this negro draws $1,200 per year. I am not informed whether or not the Government furnishes him a buggy and horse, but under the present law he is entitled to conveyance, it appearing to the officials that such is required. This man is first on the list of city carriers. First on the list of rural carriers is a young white man, well educated and refined. He comes from a family of the old southern type, the nephew of one of the most learned Presbyterian preachers the South ever produced, and yet this boy receives only $900 per year. The other white carriers on this list are all of good families, refined, educated Christian gentlemen, and this is true of the carriers all over my district, and yet these rural carriers, who are called upon to go in the sunshine and in the rain, in the snow and in the ice, in the mud and in the storm, seldom receive as much as $1,000 per annum. Sir, I am here to say that I consider it a burning shame for a negro delivering mail on paved streets and paved sidewalks to receive more pay than these honest rural carriers, working often into the night on account of bad roads. I have no complaint against white city carriers receiving $1,200 per year, but I do say the rural carriers should receive an equal sum. I challenge any man on the floor of this House to give any kind of reason for this discrimination. If any difference is shown, the rural carrier should receive more, on account of expense of horse and buggy; and now that we have established a rural parcel post his labor and expense will no doubt be increased.

I am surprised at many gentlemen from large cities opposing this increase. I was surprised to see the city opposition to the post-road appropriation. It would be difficult to estimate the millions upon millions that have poured into cities like New York for Government buildings and various things too numerous to mention; and yet when you talk of doing something for the

rural districts they raise the cry "Bankrupt the Government!" Let me give you some facts to consider. There are 8,040 post officials in the city of New York. There are 2,728 city carriers in New York City. In Georgia there are 4,220 post officials. To cover the entire territory of that great State there are only 1,539 rural carriers. Gentlemen, let me appeal to your sense of justice. Give the country boy a fair deal. In one city on paved streets there are 2,728 carriers to deliver mail in the city alone, while on the other hand 1,539 on mud roads to cover the empire State of the South. For every five rural carriers in the United States there is one post-office official in New York City drawing good salary, and yet gentlemen from that and other cities protest in strong language against appropriations for the upbuilding of the rural districts. Gentlemen, arouse yourselves and be just to the rural part of the country. The daily mail should go to every home in the country on good roads, carried by white carriers receiving equal pay to city carriers. My amendment provides for $1,200 for standard routes, with $50 additional for extra miles and $50 reduction per mile on routes less than standard. It is reasonable, it is right, and it should pass.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. TRIBBLE) there were—ayes 25, noes 78.

So the amendment was rejected.

Mr. AUSTIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 22, page 37, insert the following: "There shall be paid $200 per annum to every rural delivery carrier to cover the cost of stock, equipment," etc.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. AUSTIN) there were—ayes 29, noes 65.

So the amendment was rejected.

Mr. LOBECK. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by striking out, in line 14, page 37, the words "one thousand and seventy-four" and insert in lieu thereof the words "one thousand one hundred."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken, and the amendment was rejected.

Mr. RUBEY. Mr. Chairman, I offered an amendment a little while ago, and only one-half of the amendment was read and agreed to. The last half of the amendment is necessary in order to even it up.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Strike out in lines 19 and 20 the words "a corresponding reduction of compensation per mile per annum shall be paid" and insert in lieu thereof the words "a reduction of $44.75 per annum shall be made for every mile less than 24 miles traveled by carrier."

Mr. FINLEY. Mr. Chairman, I hope that amendment will not prevail. That will reduce the pay below the pay already fixed in the bill.

Mr. RUBEY. Mr. Chairman, I will withdraw that amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk concluded the reading of the bill.

Mr. MOON of Tennessee. Mr. Chairman, I move that the committee do now rise and report the bill, with amendments, to the House, with a recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. REILLY. Mr. Chairman, before that is done I ask unanimous consent to return to page 23 to offer an amendment providing that part of the appropriations in this bill be made immediately available in order to pay the heirs of the three sea post clerks lost on the steamship *Titanic*.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to return to page 23 of the bill for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

Page 23, line 12, after the comma following the word "Union," insert:

"*Provided further*, That the sum of $15,000 be appropriated and made immediately available for the relief of the heirs or next of kin of W. L. Gynn, O. S. Woodey, and J. S. March, sea post clerks who lost their lives on the steamer *Titanic;* said sum to be equally divided, $5,000 to each family."

The CHAIRMAN. Is there objection?

Mr. FITZGERALD. Mr. Chairman, I reserve the right to object until I can understand what the proposition is.

Mr. MANN. Mr. Chairman, I suggest to the gentleman from Connecticut that he could as well ask unanimous consent in the House as in the committee. That can be done to-morrow, and we can in the intervening time have an opportunity to examine the amendment.

Mr. REILLY. Mr. Chairman, I ask unanimous consent to withdraw the amendment and the request with the understanding that that may be done.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to withdraw his request for unanimous consent, together with the amendment. Is there objection?

There was no objection, and it was so ordered.

The CHAIRMAN. The question now is on the motion of the gentleman from Tennessee that the committee do now rise and report the bill with amendment.

The motion was agreed to.

Accordingly the committee rose; and Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21279, the Post Office appropriation bill, and had directed him to report the same back to the House with sundry amendments, with a recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MOON of Tennessee. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Mr. Speaker, if the House should now adjourn, to-morrow being Calendar Wednesday, is the Chair prepared to rule, the previous question having been ordered, as to whether the bill would come up to-morrow or go over until Thursday?

The SPEAKER. As at present advised, the Chair would rule that the bill would have to go over until Thursday. That, however, may be obviated by any gentleman asking unanimous consent to postpone the business of Calendar Wednesday until Thursday.

Mr. MANN. That would have to be determined to-morrow, I suppose.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 5415. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5493. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. J. Res. 102. Joint resolution relative to the rebuilding of certain levees on the Mississippi River and its tributaries;

S. 5194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 5670. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 4623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 5045. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 19721. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows and dependent relatives of such soldiers and sailors; and

H. R. 12623. An act to incorporate the American Numismatic Association.

FLOODS ON THE MISSISSIPPI RIVER AND TRIBUTARIES.

The SPEAKER. The Chair desires to make a statement to the House. This afternoon, while in consultation in the Speaker's room with the gentleman from Nebraska [Mr. NORRIS], regarding a bill of which he has charge, one of the Speaker's clerks came in and stated that the gentleman from Louisiana [Mr. RANSDELL] was very anxious to have signed

the bill recently passed respecting flood conditions in the Mississippi Valley. The Speaker then signed the bill and gave it to the Clerk, telling him to bring it into the House. In some way, through a misunderstanding, a messenger took it to the Senate. It was signed in the Senate, and the bill was then taken to the White House, where it was signed by the President. The President left town in less than 10 minutes after signing it. The Chair, therefore, asks unanimous consent that the Journal show that the report of the Committee on Enrolled Bills upon this bill was properly presented to the House. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOWARD, for three days, on account of important business.

To Mr. FRANCIS, for one week, on account of illness in family.

To Mr. CONNELL, for five days, on account of illness in family.

INTERNAL TAXES, PHILIPPINE ISLANDS (S. DOC. NO. 620).

The SPEAKER. By unanimous consent the Chair will lay before the House a short message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

I submit herewith act No. 2127, entitled "An act providing for the apportionment and disposition of internal-revenue taxes collected in the Philippine Islands from July 1, 1912," passed by the Philippine Legislature on February 1, 1912.

Under a provision of section 5 of the United States customs tariff law, approved August 5, 1909, affirmative approval of this act by Congress is necessary to make it effective. I transmit herewith a letter from the Secretary of War explaining the act and its effect. I recommend that it be approved.

WM. H. TAFT.

THE WHITE HOUSE, *April 30, 1912.*

The SPEAKER. Ordered to be printed and referred to the Committee on Ways and Means.

ADJOURNMENT.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 51 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, May 1, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Passaic River, N. J. (H. Doc. No. 722); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, submitting estimate of appropriation for crediting account of a special disbursing agent of the General Land Office (H. Doc. No. 723); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, withdrawing estimate of appropriation for temporary quarters for Government officials at Guthrie, Okla. (H. Doc. No. 724); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill (H. R. 23626) to appropriate $300,000, or so much thereof as may be necessary, to equip all Army transports with all lifeboats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports, and the crew of said transports, reported the same without amendment, accompanied by a report (No. 621), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4245) to increase the limit of cost of the additions to the public building at Salt Lake City, Utah, reported the same without amendment, accompanied by a report (No. 622), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ELLERBE, from the Committee on Rivers and Harbors, to which was referred the bill (H. R. 23774) providing an appropriation to check the inroads of the Missouri River in Dakota County, Nebr., reported the same with amendment, accompanied by a report (No. 623), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GUDGER, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5494) to provide a site for the erection of a building to be known as the George Washington Memorial Building, to serve as the gathering place and headquarters of patriotic, scientific, medical, and other organizations interested in promoting the welfare of the American people, reported the same with amendment, accompanied by a report (No. 627), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 22731) to extend the time for the construction of a dam across the Pend Oreille River, Wash., reported the same without amendment, accompanied by a report (No. 624), which said bill and report were referred to the House Calendar.

Mr. GOEKE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 23407) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Levisa Fork of the Big Sandy River, reported the same without amendment, accompanied by a report (No. 625), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 6167) to authorize the Williamson & Pond Creek Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, Mingo County, W. Va., reported the same with amendment, accompanied by a report (No. 626), which said bill and report were referred to the House Calendar.

Mr. GEORGE, from the Committee on the District of Columbia, to which was referred the bill (S. 2224) to amend "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910, reported the same without amendment, accompanied by a report (No. 628), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FERGUSSON: A bill (H. R. 23950) appropriating $15,000 for the construction of a reservoir in Sandoval County, State of New Mexico; to the Committee on Irrigation of Arid Lands.

By Mr. MARTIN of South Dakota: A bill (H. R. 23951) to increase the limit of cost of the United States post-office building at Huron, S. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Texas: A bill (H. R. 23952) to prescribe the conditions under which corporations may engage in interstate commerce and to provide penalties for otherwise engaging in the same; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYDEN: A bill (H. R. 23953) to authorize the reservation of land for public purposes in town sites in certain Indian reservations; to the Committee on Indian Affairs.

Also, a bill (H. R. 23954) to amend section 3 of the act of February 21, 1911, relating to the disposition of surplus irrigating waters; to the Committee on Irrigation of Arid Lands.

By Mr. STEPHENS of Texas: A bill (H. R. 23955) requiring the United States Government to furnish post-office boxes permanently to all citizens paying the first cost of their box in all post offices now renting boxes to citizens, and to repeal all laws inconsistent with this act; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 23956) providing for the appointment of a commission to revise the postal laws and regulations of the United States; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: A bill (H. R. 23957) to establish and maintain a permanent force of park policemen for the protection of the public squares and reservations in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SABATH: A bill (H. R. 23958) to secure information relative to food products stored in cold-storage warehouses; to the Committee on Interstate and Foreign Commerce.

By Mr. PROUTY (by request): A bill (H. R. 23959) to amend section 558 of the Code of Law of the District of Columbia relating to notaries public; to the Committee on the District of Columbia.

By Mr. LAFEAN: A bill (H. R. 23960) for the erection of a memorial amphitheater in the Gettysburg National Cemetery, Gettysburg, Pa.; to the Committee on the Library.

By Mr. SMALL: A bill (H. R. 23961) to establish a fish-cultural station on Pasquotank River, or its tributaries, in the State of North Carolina; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 23962) to establish a fish-cultural station on Pamlico River, or its tributaries, in the State of North Carolina; to the Committee on the Merchant Marine and Fisheries.

By Mr. CLAYTON: Joint resolution (H. J. Res. 311) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. UTTER: Memorial from the General Assembly of the State of Rhode Island, recommending the passage of House bill 17731, providing for the Federal inspection of seagoing barges; to the Committee on the Merchant Marine and Fisheries.

By Mr. KINDRED: Memorial from the Legislature of the State of New Mexico, asking Congress to enact relief-homestead law (S. 3367); to the Committee on the Public Lands.

By Mr. PETERS: Memorial of the Commonwealth of Massachusetts, relative to Federal protection of migratory game birds; to the Committee on Agriculture.

By Mr. MURRAY: Memorial from the Commonwealth of Massachusetts, asking Federal protection of migratory game birds; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 23963) granting an increase of pension to William Bowles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23964) granting an increase of pension to Augustus V. Larick; to the Committee on Pensions.

Also, a bill (H. R. 23965) granting an increase of pension to Frank Stowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23966) granting an increase of pension to John Finkle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23967) granting an increase of pension to John F. Stallsmith; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 23968) granting a pension to Joseph Daly; to the Committee on Pensions.

By Mr. CARY: A bill (H. R. 23969) granting an increase of pension to John Amberg; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 23970) granting a pension to Tilla L. Eckard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23971) for the relief of the county court of Marion County, W. Va.; to the Committee on the Judiciary.

By Mr. FERGUSSON: A bill (H. R. 23972) granting a pension to Melquiades Ramirez; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23973) for the relief of the estate of Francisco Montoya; to the Committee on Claims.

By Mr. FIELDS: A bill (H. R. 23974) granting an increase of pension to John A. Kees; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23975) granting an increase of pension to Jeremiah Hicks; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 23976) for the relief of Andrew S. Abbott; to the Committee on Military Affairs.

Also, a bill (H. R. 23977) granting an increase of pension to Jacob N. Easterly; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 23978) to correct the military record of Reuel S. Clark; to the Committee on Military Affairs.

By Mr. HAMILTON of Michigan: A bill (H. R. 23979) granting a pension to Margaret E. Carrick; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 23980) granting an increase of pension to John L. Barnhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23981) granting an increase of pension to Nathaniel McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23982) granting an increase of pension to Erastus P. Daggett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23983) granting an increase of pension to Stinnett Bee; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 23984) granting an increase of pension to Matthew Corbin; to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 23985) granting an increase of pension to James A. Anderson; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 23986) granting a pension to Albert Sandbatch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23987) granting an increase of pension to Harrison A. Galloway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23988) granting an increase of pension to B. W. Burchett; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 23989) granting an increase of pension to James A. Fling; to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 23990) granting an increase of pension to Jacob C. Yorty; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 23991) granting an increase of pension to George W. Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23992) granting an increase of pension to Levi H. Barrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23993) granting an increase of pension to Jeremiah Fry; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 23994) granting an increase of pension to John H. Lamson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23995) granting an increase of pension to Elizabeth Dailey; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 23996) granting an increase of pension to Wesley Eichelberger; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 23997) granting a pension to Tyra B. Turpin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23998) granting a pension to Margaret Britton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23999) granting a pension to Alexander McWhorter; to the Committee on Pensions.

Also, a bill (H. R. 24000) granting an increase of pension to James Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24001) for the relief of Daniel C. Hawn; to the Committee on War Claims.

Also, a bill (H. R. 24002) for the relief of Eliza Sturgess; to the Committee on War Claims.

Also, a bill (H. R. 24003) for the relief of the heirs of William T. Long, deceased; to the Committee on War Claims.

Also, a bill (H. R. 24004) for the relief of the heirs of Hiram J. Jones, deceased; to the Committee on War Claims.

Also, a bill (H. R. 24005) to remove the charge of desertion from the military record of George R. Lankford; to the Committee on Military Affairs.

By Mr. ROTHERMEL: A bill (H. R. 24006) granting a pension to Mary M. Rowe; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 24007) for the relief of Jesse C. Martin; to the Committee on War Claims.

By Mr. TAYLOR of Ohio: A bill (H. R. 24008) to correct the military record of Mathias Keith; to the Committee on Military Affairs.

By Mr. TOWNER: A bill (H. R. 24009) granting a pension to Amanda Perkins; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 24010) granting an increase of pension to Edward Jonas; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 24011) for the relief of John R. Gilbert; to the Committee on War Claims.

Also, a bill (H. R. 24012) for the relief of W. A. and A. B. Gabbard; to the Committee on War Claims.

By Mr. SELLS: A bill (H. R. 24013) granting a pension to Serena C. Mallicote; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24014) granting a pension to Rebecca A. Maples; to the Committee on Pensions.

By Mr. SWITZER: A bill (H. R. 24015) to remove the charge of desertion from the military record of William H. Harrison; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the legal representatives of the Pokagon Tribe of Pottawatomie Indians of Michigan and Indiana, protesting against the Chicago Harbor project; to the Committee on Rivers and Harbors.

Also (by request), resolutions of Columbia Fortress, No. 7, National Daughters of the Grand Army of the Republic, on the *Titanic* disaster; to the Committee on the Merchant Marine and Fisheries.

Also (by request), petition of Joseph Diekmein, of Herten, Westphalia; to the Committee on Foreign Affairs.

By Mr. ANDERSON of Minnesota: Petition of W. D. Bassler and 16 others, of Austin, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Evidence to accompany the special bill for the relief of Lewis Belt, private, Company I, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, of Newark, Ohio (H. R. 20120), for relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

Also, petition of H. M. Horn and 6 other citizens of Newark, Ohio, against enactment of interstate-commerce liquor legislation; to the Committee on the Judiciary.

By Mr. BARNHART: Resolution of Charles W. Howell Post, Grand Army of the Republic, of Goshen, Ind., favoring Sherwood bill (H. R. 14070), in favor of increase of pensions for veterans whose hearing is defective; to the Committee on Invalid Pensions.

Also, petition of Local No. 335, of Elkhart, Ind., favoring passage of House bill 22339, against stop-watch method of estimating earning ability of Government clerks; to the Committee on Labor.

By Mr. BARTHOLDT: Petition of Sales Managers' Association of St. Louis, Mo., favoring strengthening the levees in Mississippi Valley; to the Committee on Rivers and Harbors.

Also, petition of University of Missouri, of Rolla, Mo., in favor of House bill 6304, providing for Federal support of State mining schools; to the Committee on Mines and Mining.

Also, petition of Local Union No. 1011, of Carpenters and Joiners of America, and 26 citizens of St. Louis, Mo., favoring bill prohibiting the stop watch in Government service; to the Committee on Labor.

Also, petition of American League of Associations, of Washington, D. C., against parcel-post system, and Bircher Heights Improvement Association and Tait-Nordmeyer Engineering Co., of St. Louis, Mo., favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of St. Louis Retail Hardware Dealers' Association, the Henry Heil Chemical Co., and C. H. Verbarg Boiler and Sheet Iron Works, of St. Louis, Mo., against passage of interstate shipment of liquor legislation; to the Committee on the Judiciary.

Also, petition of the Wesco Supply Co. and Filsinger-Boette Shoe Co., of St. Louis, Mo., against passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of 14 Polish societies of St. Louis, Mo., against the illiteracy test of immigrants; to the Committee on Immigration and Naturalization.

Also, petition of United Government Workers of America, of St. Louis, Mo., favoring building one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. BLACKMON: Petitions of merchants of Calera and Clanton, Ala., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. BRANTLEY: Petition of citizens of Douglas, Ga., favoring passage of House bill 22339, the anti-Taylor system bill; to the Committee on the Judiciary.

Also, resolutions of Waycross (Ga.) Board of Trade, on Panama Canal machinery and organization, and Savannah (Ga.) Cotton Exchange on Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petitions of the Janesville Iron Works Co., of Hazleton, Pa.; the Deane Steam Pump Co., of Holyoke, Mass.; the Snow Steam Pump Works, of Buffalo, N. Y.; and Henry R. Worthington, of Harrison, N. J., relative to operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petitions of A. E. Anderson & Co., of Chicago, Ill.; of Nordyke & Marmon Co., of the F. W. Spacke Machine Co., of Schnull & Co., of the H. Lauter Co., and of the M. D. Allison Co., of Indianapolis, Ind., protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of Northern California Wholesale Grocers' Association, for enactment of House bill 4667; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Mohawk and Hudson River Humane Society, for passage of House bill 17222; to the Committee on Interstate and Foreign Commerce.

Also, petition of the New York Academy of Medicine, for legislation to promote the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Medical Society of the State of New York, for the creation of a department of health; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Chamber of Commerce of San Diego County, remonstrating against House bills 11372 and 20576, to prohibit the towing of log rafts or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Rev. S. P. Cadman, of Brooklyn, N. Y., for refunding the Ellen M. Stone ransom; to the Committee on Claims.

Also, petition of Brotherhood of American Yeomen, for a certain amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of Thomas H. Gray, of Brooklyn, N. Y., protesting against legislation to prevent the manufacturer from regulating the retail price of his article; to the Committee on Patents.

Also, petition of North Side Board of Trade, in the city of New York, favoring passage of bill for improvement of Bronx Kills, Harlem River, and East River, New York City; to the Committee on Rivers and Harbors.

By Mr. DAVIS of West Virginia: Petitions of sundry citizens of Wheeling, W. Va., praying for the speedy passage of House bill 16214; to the Committee on the Judiciary.

By Mr. DYER: Petition of the J. I. Case Threshing Machine Co. and the Missouri Motor Car Co., of St. Louis, Mo., favoring building Lincoln memorial road from Washington to Chickamauga Park, etc.; to the Committee on the Library.

Also, petition of joint advisory board, Cigar Makers' Unions Nos. 44 and 281, St. Louis, Mo., favoring passage of House bill 17253, known as the Reilly free-smoker bill; to the Committee on Ways and Means.

Also, petition of Associated Fraternities of America, favoring passage of the Dodds amendment to the House postal appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of the International Brotherhood of Locomotive Engineers of the State of Missouri, favoring the passage of the employers' liability bill (H. R. 20487); to the Committee on the Judiciary.

By Mr. ESCH: Petition of Winfield Scott Post, No. 104, Grand Army of the Republic, of Wisconsin, favoring the passage of House bill 14070, for relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

By Mr. FERGUSSON: Petition of citizens of New Mexico, favoring the passage of the bill to build a road from Questa to Elizabethtown, N. Mex.; to the Committee on Agriculture.

By Mr. FORNES: Memorial of the directors of the port of Boston, concerning a proposed amendment to the interstate-commerce act; to the Committee on Interstate and Foreign Commerce.

Also, petition of A. R. Talbot, president Associated Fraternities of America, for amending the postal laws so as to give certain postal privileges to publications of fraternal insurance societies; to the Committee on the Post Office and Post Roads.

Also, petitions of Henry Siegel, Frank E. Vogel, and the Retail Dry Goods Association, of the city of New York, for amendment to the Post Office appropriation bill providing for a general parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Baptist Young People's Union, of Illinois, favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Associated Fraternities of America, favoring the passage of the Dodds amendment to Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of Union Foundry & Machine Co., of Rockford, Ill., in opposition to the passage of the Bartlett anti-injunction bill; to the Committee on the Judiciary.

Also, petition of A. G. Crutchmer, of Okmulgee, Okla., favoring the passage of House bill 1339, with certain amendments; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: Petition of citizens of Sanford, Me., against passage of Senate bill 1, for establishment of national bureau of health at Washington, D. C.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Buxton Grange, No. 95, Patrons of Husbandry, Buxton, Me., urging passage of House bill 19133, for system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMMOND: Petition of August W. Ahl and 11 others, of Lewisville, Minn., against extension of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HARRISON of Mississippi: Petitions of citizens of Lumberton, Pascagoula, Moss Point, Gulfport, Ocean Springs, and Biloxi, Miss., favoring the enactment of laws regulating express and postal rates; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Lumberton, Moss Point, Pascagoula, Gulfport, Biloxi, and Ocean Springs, Miss., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HARTMAN: Petition of Logan Valley Grange, No. 664, Patrons of Husbandry, State of Pennsylvania, favoring passage of House bill 19133, for Government system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYDEN: Petition of citizens of Arizona, against passage of general parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HELGESEN: Petition of North Dakota farmers, favoring passage of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of North Dakota citizens, against passage of any parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. KINDRED: Petition of North Side Board of Trade, in the city of New York, favoring improvement of Bronx Kills, Harlem River, and East River, New York City; to the Committee on Rivers and Harbors.

By Mr. LINDSAY: Petition of Associated Fraternities of America, favoring passage of Dodds amendment to the House postal appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petitions of Henry Siegel, of New York; Frank E. Vogel, of Brooklyn, N. Y.; and Retail Dry Goods Association of New York City, favoring passage of limited parcel post; to the Committee on the Post Office and Post Roads.

By Mr. McCOY: Petition of Bank of New York, favoring immediate action on emergency bill to repair the levees along the Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of the Bergen County Pomona Grange, No. 11, of Preekness, N. J., favoring passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of New Jersey State Grange, favoring passage of House bill 19133, relating to postal express; to the Committee on Interstate and Foreign Commerce.

Also, petition of Metal Polishers' Union, of Newark N. J., and United Brotherhood of Carpenters and Joiners of America, of Belleville, N. J., favoring passage of House bill 22339, prohibiting use of stop watch for Government employees; to the Committee on Labor.

Also, resolution of registration committee of the Amateur Athletic Union, held in New York City April 4, 1912, favoring appointment of a commissioner to represent the United States Government at the coming Olympian championships; to the Committee on Foreign Affairs.

By Mr. MARTIN of South Dakota: Petition of Black Hills Presbytery at Rapid City, S. Dak., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. NYE: Resolution of Minneapolis Civic and Commerce Association, favoring legislation providing for mental examination of immigrants; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of citizens of Chatham, Middlesex County, Conn., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Petition of 33 citizens of Allen, Mich., protesting against House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petition of Associated Fraternities of America, of Lincoln, Nebr., favoring passage of Dodds amendment; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petitions of Dudley & Beckwith, of Guilford; Manufacturers' Association, of Hartford County; and the International Silver Co., of Meriden, Conn., protesting against proposed legislation to deprive a manufacturer from fixing and enforcing retail prices on his patented articles; to the Committee on Patents.

By Mr. TOWNER: Petition of 25 citizens of Hamburg, Iowa, protesting against the enactment of the proposed parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. UTTER: Petition of the Chamber of Commerce of San Diego County, Cal., against House bills 11372 and 20576, prohibiting the towing of log rafts or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

Also, joint resolution of the city council of Providence, R. I., for enactment of new Federal laws to secure the highest possible protection for American travelers upon the oceans or the other great waterways of the world; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Rhode Island Society for the Prevention of Cruelty to Animals, favoring passage of House bill 17222; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of the State of Rhode Island, favoring passage of House bill 22339 and Senate bill 6172, the anti-Taylor system bills; to the Committee on Labor.

By Mr. WILSON of New York: Memorial of P. T. Rowe, bishop of Alaska, relative to conditions among the natives of Alaska; to the Committee on the Territories.

Also, resolution of North Side Board of Trade, in the city of New York, favoring improvement of Bronx Kills, Harlem River, and East River at New York City; to the Committee on Rivers and Harbors.

Also, petitions of the Brotherhood of Railroad Trainmen, Cleveland, Ohio; of the Farm Journal, of Philadelphia, Pa; of Sovereign Camp, Woodmen of the World, Omaha, Nebr.; of the National Council of the Knights and Ladies of Security, Topeka, Kans.; of the Ladies of the Modern Maccabees, of Port Huron, Mich; of the Modern Brotherhood of America, Mason City, Iowa; of the Ancient Order United Workmen, of Des Moines, Iowa; of the Woodmen of the World, Dallas, Tex.; of the Associated Fraternities of America, of Lincoln, Nebr.; of the Catholic Order of Foresters, Chicago, Ill; of the Supreme Conclave, Improved Order Heptasophs, Baltimore, Md.; and of the Supreme Tribe of Ben Hur, Crawfordsville, Ind., favoring passage of Dodds amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of Kings Highway Board of Trade, Brooklyn, N. Y., favoring building one battleship at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of South Side Republican Club, of Brooklyn, N. Y., favoring passage of letter carriers' pension bill (H. R. 9242); to the Committee on Reform in the Civil Service.

SENATE.

WEDNESDAY, *May 1, 1912.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Richard G. Davenport, brother and sole heir at law of Thomas Corbin Davenport, deceased, *v.* United States (S. Doc. No. 622);

Thomas Addington *v.* United States (S. Doc. No. 639);

Elizabeth Sharp, widow of John Sharp, deceased, *v.* United States (S. Doc. No. 638);

Amanda Steadman, widow of Leonard Steadman, deceased, *v.* United States (S. Doc. No. 637);

Mary E. Smith, widow of Albert J. Smith, deceased, *v.* United States (S. Doc. No. 636);

Thomas J. Smith *v.* United States (S. Doc. No. 635);

Courtland D. Slow *v.* United States (S. Doc. No. 634);

Adelaide B. Slaughter, widow of William B. Slaughter, *v.* United States (S. Doc. No. 633);

Cornelia Skofstad, widow of Albert Skofstad, deceased, *v.* United States (S. Doc. No. 632);

Frances Stackpole, widow of Thomas Stackpole, deceased, *v.* United States (S. Doc. No. 631);

Joseph Stanton *v.* United States (S. Doc. No. 629);

Harriet E. Stevens, widow of George C. Stevens, deceased, *v.* United States (S. Doc. No. 630);

Lucinda E. Lancaster, widow of James Lancaster, deceased, *v.* United States (S. Doc. No. 628);

David Murphy *v.* United States (S. Doc. No. 627);

William H. Mickle *v.* United States (S. Doc. No. 626);

Louise S. Palmer, widow of Gustavus M. Palmer, deceased, *v.* United States (S. Doc. No. 625);

Elizabeth M. Rush, widow of David Rush, deceased, *v.* United States (S. Doc. No. 624); and

Helen E. Sturtevant, widow of Josiah H. Sturtevant, deceased, *v.* United States (S. Doc. No. 623).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 4623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5045. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors; and

S. 5670. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the congregation of the Webb Presbyterian Church, of Middletown, N. Y., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Oshkosh, Wis., remonstrating against the passage of the so-called Owen medical bill, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of Pequawket Grange, Patrons of Husbandry, of North Conway, N. H., praying for the establishment of a parcel-post system, and remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Woman's National Press Association, favoring the enactment of legislation to provide additional triangular parks between Franklin Square and Longfellow Street on Fourteenth Street in the District of Columbia, which was referred to the Committee on Appropriations.

He also presented resolutions adopted by the Woman's National Press Association, favoring the enactment of legislation to pension members of the police and fire departments in the District, which were referred to the Committee on Appropriations.

Mr. BROWN. I present a memorial signed by citizens of my State, remonstrating against the so-called Owen medical bill. I ask that the memorial lie on the table and that it, including the first signature thereto, be printed in the RECORD, without reading.

There being no objection, the memorial was ordered to lie on the table and be printed in the RECORD, including the first signature, as follows:

We, the undersigned citizens of Nebraska, practitioners and believers in various systems of healing, including allopathic, homeopathic, osteopathic, chiropractic, Christian Science, etc., wish to enter our protest against the passage of Senate File No. 1, known as the Owen bill, providing for a national bureau of health.

We consider that the older school of healing has shown by its record of attempted legislation for more than 20 years a desire to secure more power for its own special benefit, without advancing any reasons to show that the general public would benefit thereby; they favor the Owen bill because it is in line with the legislation they have tried to secure.

We are opposed to the use of the Government authority, funds, and other facilities in the interest of any particular school of healing, believing that any system which has merit can establish the same without the aid of Government authority. We claim the right to exercise our individual opinions in the selection of practitioners or systems of healing for our own use.

We believe that a national bureau of health means class legislation and is designed to deny to individuals the rights and liberties for which the citizens of these United States have contended from the beginning. Free government is measured by the liberty enjoyed by individuals, so long as those liberties do not encroach upon the rights of others, and any measures, which might ever be enlarged upon or so construed that they would interfere with medical freedom strike at the very roots of free government.

We ask that you represent the rights of all Nebraska citizens and that you work against this and any similar measures.

Dr. A. S. DOWLER, D. O.,
David City, Nebr.

Mr. LODGE. I present resolutions adopted by the Massachusetts Legislature, asking Federal protection to migratory game birds. I ask that the resolutions lie on the table and be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1912.

Resolutions relative to Federal protection of migratory game birds.

Whereas there has been introduced in the Congress of the United States a bill designated as H. R. No. 30, to afford Federal protection to migratory game birds; and

Whereas the Legislature of the State of New York has adopted resolutions favoring such protection and requesting the legislatures of other States of the United States to join in a request for such Federal protection: Now, therefore,

Resolved, That the General Court of Massachusetts hereby requests Congress to enact a law giving ample protection to migratory game birds.

Resolved, That a copy of these resolutions be sent by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

In senate, adopted April 16, 1912.

In house of representatives, adopted in concurrence April 23, 1912.

A true copy.

Attest:

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

Mr. LODGE. I present a brief protest from business men in New England, remonstrating against the adoption of the Covington amendment to the Panama Canal bill. I ask that the substance of the protest be printed in the RECORD and referred to the Committee on Interoceanic Canals.

There being no objection, the protest was referred to the Committee on Interoceanic Canals and ordered to be printed in the RECORD, as follows:

We, the undersigned, being actively interested in business in New England which involves the transportation of merchandise to and from southern points to New England, understand that the Covington amendment, so called, to the bill now before Congress regulating the passage of vessels through the Panama Canal provides that "it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever, directly or indirectly, in any common carrier by water with which said railroad does or may compete for traffic."

We believe in the regulation of common carriers by the Government and in the authority granted to the Interstate Commerce Commission. We do not, however, believe in such restriction or limitation of investment in or the development of steamship lines or coastwise trade generally as this amendment provides.

We deem it especially important for the great industries of New England that under their proper restrictions railroads should be allowed to develop and maintain transportation by water. This is of the utmost importance in the transportation of the freight to and from New England points and the South. We believe that with the opening of the Panama Canal it is of greatest importance that there shall be adequate transportation facilities by water between New England and the Gulf cities.

Therefore we protest against the adoption of the Covington amendment to the Panama Canal bill as unnecessarily impeding the development of transportation by water and as thus retarding the development of New England's commerce with southern and Pacific ports, and we urge New England Congressmen to do everything in their power to defeat the amendment.

Mr. JOHNSON of Maine presented memorials of sundry citizens of Dover, Foxcroft, Waterville, Oakland, Fairfield, Gardiner, and Winslow, all in the State of Maine, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

Mr. ASHURST presented a resolution adopted by members of the United States grand jury, empaneled at the April, 1912, term of the United States District Court for the District of Arizona, favoring the enactment of legislation to denounce as a crime the actions of every Indian who in any manner uses or acquires for himself or others any intoxicating liquor, or who in any manner induces any other person to secure intoxicating liquor for himself or any other person, which was referred to the Committee on the Judiciary.

Mr. SWANSON presented memorials of sundry citizens of Lynchburg, Alexandria, Fairfax, Richmond, and Norfolk, all in the State of Virginia, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Virginia, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Roanoke, Va., praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Education and Labor.

Mr. SHIVELY presented a memorial of sundry citizens of Gary, Ind., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. CLAPP presented resolutions adopted by members of the Civil Engineers' Society of St. Paul, Minn., favoring the establishment of a court of appeals in patent cases, etc., which were referred to the Committee on Patents.

Mr. SMITH of Arizona. I present a resolution adopted by the Yuma County Water Users' Association in Arizona, which I ask may be referred to the Committee on Irrigation and Reclamation of Arid Lands to accompany the bill (S. 6621) to amend section 3 of the act of February 21, 1912, relating to the disposition of surplus irrigating waters.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Irrigation and Reclamation of Arid Lands to accompany the bill.

LOSS OF THE STEAMER "TITANIC."

Mr. WORKS. Mr. President, I have here a very clear, considerate, and apparently unbiased statement of the circumstances and incidents of the sinking of the ship *Titanic*, by Mrs. W. M. Clark, of Los Angeles, Cal., one of the survivors, and whose husband went down with the ship.

This matter is under investigation by a Senate committee. Personally I deplore the fact that the investigation was entered upon at all. This was a British ship, manned by British subjects. The investigation, at least in the first instance, should have been undertaken by the British Government.

The investigation, it seems to me, has gone to unreasonable and unwarranted lengths in undertaking to ascertain the particular details and incidents of that unfortunate disaster which we might very well have been spared. The things the Senate ought to know, if it is to be informed by an investigation of that kind, might have been ascertained in a very few hours, without going into all these unnecessary and soul-harrowing details. I desire to have the statement referred to the Committee on Commerce. It was prepared in the quiet of the home by one of the unfortunate people who was there upon the ship. It is so fair and apparently just in giving the details, that I ask that it may be printed in the RECORD without reading.

There being no objection, the statement was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

[From the Tribune, Los Angeles, Cal., Thursday, Apr. 25, 1912.]

MRS. W. M. CLARK HOME—TELLS OF "TITANIC"—WIDOW OF SEA-WRECK VICTIM PRAISES MEN AND WOMEN FOR BRAVERY, SETTING EXAMPLE TO MAKE WHOLE WORLD BETTER.

(By Mrs. Walter Miller Clark.)

Mrs. Walter M. Clark, widow of the only son of J. Ross Clark, who was lost in the wreck of the *Titanic*, arrived in the city on the Los Angeles Limited yesterday afternoon in as good physical and mental condition as could be expected after passing through the ordeal that was her lot from the time the ill-fated ship struck the iceberg until Mrs. Clark was picked up by the steamer *Carpathia*. Mrs. Clark gave the press the following statement:

"My husband and I boarded the *Titanic* at Southampton, somewhat delayed in starting from that place owing to an accident that had delayed the *Titanic* at Liverpool in colliding with another vessel. All the way over we had most beautiful and calm weather; in fact, up to the time of the accident the sea had been like glass. We had seen no ice anywhere, nor were we aware of the presence of ice floes until the afternoon of the calamity.

NO SHOCK FROM IMPACT.

"I had retired to my stateroom about 11.30 Sunday, when the *Titanic* struck the iceberg. There was no shock from the impact that in any way startled me. However, I knew something had occurred out of the ordinary and looked out of my stateroom porthole, and it seemed to me that we were passing another ship, but this may have been ice in the near vicinity. It aroused my curiosity enough, however, to prompt me to dress and go out on the promenade deck, where the smoking room is located, and where I knew my husband was with friends. There was absolutely no excitement at that time.

"My husband, seeing me at the door of the smoking room, came out to me apparently unconcerned, and said that they had also felt a slight shock, but had paid no attention to it, being assured by the officers of the boat that all was well, that some ice had been struck, but that we were on the way again, and everything apparently had been done in the way of closing the water-tight compartments, and everybody was assured that there was no danger of any kind.

NO PANIC ON BOARD.

"I remained on deck some 15 or 20 minutes, conversing with other people, and my husband returned to the smoking room. From this it can be seen that there was no panic on board at that time. Some few minutes later I returned to my stateroom, and on the way down I met a man coming up with a life preserver around him. I asked him the reason, and if he were alarmed, and he replied that all the passengers had been ordered to the top deck with life preservers. I then returned to the smoking room and told my husband that we had been ordered above with life preservers, and we returned to our stateroom. He took off his evening dress and put on an ordinary suit and heavy underwear, and I did likewise. We took with us our heavy overcoats and I my furs—also two life preservers—with other valuables we could pick up. My husband also saw that I was provided with money in case we should become separated.

PERFECT DISCIPLINE.

"We then went to the main deck, where, as yet, no attempt had been made to man the boats, and discipline seemed perfect among the crew, and no condition of panic prevailed among the passengers. We conversed in groups on the deck. I remember I was with Mr. and Mrs. Straus, Mr. and Mrs. Astor, my husband, and some others, when an officer approached and said that while they felt no alarm for the safety of the ship, it was thought best, owing to the fact that the *Carpathia* had been communicated with and was heading toward us, that the women and children be put aboard the lifeboats, with sufficient of the crew to man same, prepared to leave the ship. This was perhaps an hour after we struck the iceberg. Even then there was no rush for the lifeboats. I saw two or three boats lowered, which were filled with as many men as women. The rest of us, however, remained on deck, assisting in loading these boats with children and women of both second-class and steerage passengers.

ALL WOMEN ORDERED IN BOATS.

"A little while later the officer again approached us and said it was imperative that all the women leave the ship, that the men could not leave until the women had been provided for, and that it was extremely urgent that we immediately take to the lifeboats in order that the men could be taken care of as soon as we were out of the way. I was placed in a lifeboat along with Mrs. Astor and Mrs. Hayes and about 40 others, among them being the ship's quartermaster and a sailor named McCarthy, who conducted themselves most commendably. I must particularly praise the brave and unselfish actions of the latter after leaving the *Titanic*.

"At the time of our leaving in the lifeboats the men of our party even then seemed unconcerned and failed to realize the danger that the steamer was in. Mrs. Straus absolutely refused to leave her husband. Mr. Astor, just before our boat was lowered, asked permission to accompany his wife, but was refused. He made no protest whatever and retired, joining my husband, and the two of them, together with Maj. Butt and others, rendered assistance in filling the lifeboats with passengers.

CLARK FEELS SAFE.

"My husband seemed cool and collected all the time, and told me that he would not leave the ship until all the women and children had been cared for. I know from the way he bade me good-by that he felt no apprehension and fully expected to join me later. There was room for 15 others in our boat, and these men could have been taken as well as not. The night was clear, although no moon was shining. The stars threw much light, which made the ocean quite plain. There was no ice to be seen anywhere. Each lifeboat was equipped with lanterns, so by them we were able to see one another, and orders were given to keep together as much as possible. We had plenty of provisions in the way of crackers and bread in the lifeboats.

"As we rowed away from the ship, which was now listing pretty badly on the port side, it occurred to some of us that we should return to the steamer, as we had room aboard for 15 more, at which proposal many of the women became hysterical and endeavored to dissuade us from doing so, even going so far as to impede the rowers in their efforts to carry out the plan of the more deliberate and cool. There was a great deal of commotion in our boat then.

PRAISE FOR MRS. ASTOR.

"I can not say too much for the bravery of Mrs. Astor in this connection. She, among others, insisted that the boat be returned to the steamer. All this time the lights on board the steamer were gleaming brilliantly, and we could see her looming up silhouetted against the darkness. She was sinking, however, very fast, and as we approached her the *Titanic* sank, followed by two almost simultaneous explosions. There was little or no suction felt as the steamer went down, owing, perhaps, to the fact that she sank prow foremost.

"We rowed about the scene of the disaster all night and picked up eight men out of the water, two of whom subsequently died of exposure and one lost his mind. We had nothing in the way of stimulants with which to revive these men, but worked over them almost all night, the women taking off their coats and furs to provide warmth for them.

"I am sure that we saw three or four fishing smacks in the vicinity. We knew that they were not other lifeboats for the reason that lights could be seen high above, as if on masts, and the *Carpathia* had not at that time appeared in sight.

LIFEBOATS PICKED UP.

"Some of the lifeboats were picked up by the *Carpathia* at 4.30 in the morning following, but it was not until about 8.30 that we were rescued.

"When the *Titanic* went down and the lights from it had disappeared we could hear all about us the most heart-rending moans and cries for help of those who had gone down with the ship and came up again to perish within our hearing in the darkness.

"I can not say too much for the noble assistance we received from the crew and passengers aboard the *Carpathia*. Everything possible was done for our comfort and the care of those who had suffered from exposure. The *Carpathia* cruised about the scene of the wreck for about eight hours, but found no bodies or other evidences of the disaster. The *California* came in sight and laid alongside us, and on our departure, by signals, promised to remain for 48 hours near the scene of the wreck.

"I wish to say that so far as I could see the discipline maintained on the *Titanic* after the accident was of the very best, and I saw no brutal conduct or drunkenness. The world can not help but be bettered by the example of these brave men, who gave their lives that others might live."

REPORTS OF COMMITTEES.

Mr. GUGGENHEIM, from the Committee on Public Lands, to which was referred the bill (S. 6551) to amend section 3 of an act entitled "An act to provide for an enlarged homestead," reported it with an amendment.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (S. 5507) for the relief of A. W. Cleland, jr., reported it without amendment and submitted a report (No. 685) thereon.

Mr. JONES, from the Committee on Claims, to which was referred the bill (S. 3452) for the relief of Drenzy A. Jones and John G. Hopper, joint contractors for surveying Yosemite Park boundary, and for damages for illegal arrest while making said survey, reported it with amendments and submitted a report (No. 686) thereon.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the bill (S. 4791) authorizing the patenting of certain lands to rural high school district No. 1, of Nez Perce County, Idaho, reported it with an amendment and submitted a report (No. 687) thereon.

Mr. BROWN, from the Committee on the Judiciary, to which was referred the bill (S. 2371) to amend section 3224 of the

United States Compiled Statutes so as to prevent the restraining of the assessment or collection of any tax—State, county, municipal, district, or Federal—reported it with an amendment and submitted a report (No. 688) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHILTON:

A bill (S. 6630) to correct the military record of William Dunsford, alias William King; to the Committee on Military Affairs.

A bill (S. 6631) granting an increase of pension to Oscar C. Black; and

A bill (S. 6632) granting an increase of pension to Hiram Campbell; to the Committee on Pensions.

By Mr. SWANSON (for Mr. MARTIN of Virginia):

A bill (S. 6633) to correct the military record of Charles Anderson (with accompanying paper); to the Committee on Military Affairs.

By Mr. GALLINGER:

A bill (S. 6634) granting an increase of pension to Charles Mays (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 6635) granting an increase of pension to Margaret J. Grable; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 6636) to authorize the President of the United States to appoint Robert H. Peck a captain in the Army; to the Committee on Military Affairs.

By Mr. BORAH:

A bill (S. 6637) granting a pension to Reinhard Anscheutz (with accompanying paper);

A bill (S. 6638) granting an increase of pension to George H. Batchelder (with accompanying paper);

A bill (S. 6639) granting an increase of pension to John P. Glenn (with accompanying paper);

A bill (S. 6640) granting a pension to Robert Hamilton (with accompanying paper);

A bill (S. 6641) granting a pension to Robert Riley Lorton (with accompanying paper);

A bill (S. 6642) granting an increase of pension to William A. Stewart (with accompanying paper);

A bill (S. 6643) granting an increase of pension to William Turnbeaugh (with accompanying paper); and

A bill (S. 6644) granting a pension to A. J. Henderson; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 6645) granting an increase of pension to William Dawson (with accompanying paper); to the Committee on Pensions.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. ROOT submitted an amendment proposing to increase the appropriation for improving harbor at Ogdensburg, N. Y., from $20,000 to $87,970, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the survey of the Great Chazy River and the Little Salmon River, State of New York, intended to be proposed by him to the river and harbor appropriation bill, which was ordered to be printed and, with accompanying papers, referred to the Committee on Commerce.

CREEK ALLOTMENTS.

Mr. OWEN submitted an amendment proposing to carry into effect the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

INTERNATIONAL HARVESTER CO.

Mr. LEA submitted the following resolution (S. Res. 300), which was read:

Resolved by the Senate, That the response of the Attorney General to the resolution of the Senate of March 16, 1912, calling for correspondence and information relative to the International Harvester Co., be returned by the Secretary of the Senate to that officer, for the reason that it is not a proper response to the resolution of the Senate.

Mr. LEA. I ask that the resolution may be printed and lie on the table.

The VICE PRESIDENT. The resolution will be printed and lie on the table.

Mr. LEA submitted the following resolution (S. Res. 301), which was read:

Whereas the proposed settlement between the United States and the International Harvester Co., by which the so-called Harvester Trust was to have been permitted to reorganize and to bring its organization and business within the Sherman antitrust law as construed by the Supreme Court, has been abandoned and suit has been instituted by the United States to dissolve the International Harvester Co.; and

Whereas the facts developed in the attempted settlement between this company and the United States, and the differences that resulted in a failure to agree upon the terms of dissolution of the so-called Harvester Trust, will be of interest and importance in considering proposed amendments to the Sherman antitrust law: Therefore be it

Resolved, That the Attorney General be, and he is hereby, instructed to lay before the Senate all correspondence and information he may have upon this subject, together with any and all correspondence, information, and reports of the Bureau of Corporations relating thereto, from January 1, 1904, to the present time.

Mr. LEA. I ask that the resolution may be printed and lie on the table.

The VICE PRESIDENT. The resolution will be printed and lie on the table.

HOUSE BILL REFERRED.

H. R. 20840. An act to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia was read twice by its title and referred to the Committee on Appropriations.

CALLING OF THE ROLL.

The VICE PRESIDENT. The morning business is closed.

Mr. SHIVELY. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Myers	Shively
Bacon	du Pont	Nelson	Simmons
Borah	Fall	Newlands	Smith, Ariz.
Bourne	Fletcher	Nixon	Smith, Ga.
Brandegee	Foster	O'Gorman	Smith, S. C.
Bristow	Gallinger	Oliver	Stephenson
Brown	Gronna	Overman	Sutherland
Burnham	Guggenheim	Page	Swanson
Burton	Heyburn	Paynter	Thornton
Catron	Hitchcock	Percy	Tillman
Chamberlain	Johnson, Me.	Perkins	Townsend
Chilton	Johnston, Ala.	Poindexter	Warren
Clark, Wyo.	Jones	Pomerene	Watson
Clarke, Ark.	Lea	Rayner	Wetmore
Crawford	Lippitt	Reed	Williams
Cullom	Lodge	Richardson	Works
Cummins	McLean	Root	
Davis	Martine, N. J.	Sanders	

Mr. SHIVELY. I desire to state that my colleague [Mr. KERN] is unavoidably absent from the city.

Mr. TOWNSEND. I wish to state that the senior Senator from Michigan [Mr. SMITH] is unavoidably absent on the business of the Senate.

Mr. FLETCHER. I desire to state that my colleague [Mr. BRYAN] is unavoidably absent from the city.

Mr. SWANSON. I will state that my colleague [Mr. MARTIN] is detained from the Senate on account of illness in his family.

The VICE PRESIDENT. Seventy Senators have answered to the roll call. A quorum of the Senate is present.

LAND AT MAGDALENA BAY (S. DOC. NO. 640).

A message, in writing, was received from the President of the United States by his executive clerk, Mr. Latta.

Mr. LODGE. Mr. President, I ask that the message may be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Secretary read as follows:

To the Senate:

In response to the Senate's resolution of April 2, 1912, requesting the President, "if not incompatible with the public interest, to transmit to the Senate any information in possession of the Government relating to the purchase of land at Magdalena Bay by the Japanese Government or by a Japanese company," I transmit herewith a report by the Secretary of State on the subject.

WM. H. TAFT.

THE WHITE HOUSE, *April 30, 1912.*

(Inclosure: Report as above.)

Mr. LODGE. Mr. President, I ask that the report of the Secretary of State may be read.

The VICE PRESIDENT. Without objection, the report will be read.

The Secretary read as follows:

The President:

The undersigned, Secretary of State, has the honor to report as follows in regard to the resolution adopted by the Senate on April 2, 1912,

requesting the President, "if not incompatible with the public interest, to transmit to the Senate any information in the possession of the Government relating to the purchase of land at Magdalena Bay by the Japanese Government or by a Japanese company."

The first request of the resolution is for information relating to the purchase of land at Magdalena Bay by the Japanese Government and presents itself in two aspects, the first being the acquisition of land directly by the Japanese Government, and the second being the potential acquisition of land by the Japanese Government through its preliminary acquisition by a Japanese company. The Department of State has no evidence whatever adequate to show any acquisition of land or any intention or desire to acquire land, whether directly or indirectly, in Mexico by or on the part of the Imperial Japanese Government. Not only is this true, but, doubtless in deprecation of singularly insistent rumors to the opposite effect, both the Imperial Japanese Government and the Government of Mexico some time ago made public official declarations to the effect that there was no basis to the rumors in question.

The second request of the resolution is for information relating to the purchase of land by a Japanese company. Rumors regarding this appear to have arisen from efforts made by an American syndicate to dispose of certain lands which they claimed actually or potentially to own or control in the vicinity of Magdalena Bay. This American syndicate, according to the department's information, entered upon negotiations for the sale of the lands to a Japanese syndicate. The attorney for the American syndicate, in person and by letter, sought a statement as to the attitude the department would take toward such a transaction. In connection with these inquiries there was evidence that the American syndicate felt or knew that Japanese capitalists would not care to consummate the purchase of the lands without the approval of the Japanese Government, and that in view of the location of the lands in question, the well-known American policy to which these reports had been related in some quarters, and indeed its usual friendly consideration for the United States, the Imperial Japanese Government would not give such approval unless assured that the transaction would be unobjectionable to the Government of the United States.

This department replied to the attorney that it was difficult categorically to answer the inquiries made, but that the fact (very likely fully realized by him) ought not to be disguised that such a transfer would be quite certain to be interpreted in some quarters in a manner to cause a great outcry, and that such a result would be so obviously a cause of regret to the Government of the United States that it would appear unnecessary further to comment upon the disposition of the Federal Government in the premises.

Subsequently the American interests concerned set about making arrangements for cooperation with Japanese investors in the formation of a company for the working of the lands in accordance with some plan which they hoped the Government of the United States might be willing to pronounce unobjectionable. The same attorney of the Americans interested later roughly outlined to the department the idea of a scheme by which the Japanese investors should hold a 35 per cent interest in the company with an option for a further 15 per cent interest, the American syndicate to retain control of the property, with a majority of the board of directors and the president and manager of the company to be Americans.

A statement of the attitude of the department with respect to this general scheme was then sought by the attorney of the American interests. To his inquiry the department replied in January last that the intimation of changes in the project neither persuaded the department to add anything to its former statement nor made it feel called upon to say whether or not it might at any time see reason to disfavor such a project. It was added that these were the sole remarks the department had to make with only such general and insufficient information before it.

Since this reply the files of the Department of State do not disclose any further communication with the Americans interested in the lands or their attorney either in regard to the proposed sale of the lands to a Japanese syndicate or in respect to the mooted arrangement for Japanese participation in an American company.

Thus both correspondence and oral communication have assured on the part of the Americans concerned a full realization of the interest of this Government in the character of any such transactions as those discussed, and in the absence of any new information the department can not assume that there is on foot any project calling for action on the part of the Government of the United States.

Adverting once more to the text of the resolution, the undersigned has the honor to sdy, by way of recapitulation, that there is nothing on file in the Department of State that has justified any inference that the Mexican Government or the Imperial Japanese Government has been occupied with any disposition of land near Magdalena Bay by which the latter Government would acquire land there for any purpose.

In these circumstances the Department of State felt no necessity for further steps in the matter of any of these rumors, which are of a kind that all too frequently occur to the detriment of public opinion in the respective countries and are so alien to the cordial relations of the Governments concerned.

However, his excellency, the Japanese ambassador, informed the department that he had apprised his Government of the rumors in question, which had become well known through the public press; and subsequently his excellency made, with his Government's authorization and merely for the information of the Department of State, an unreserved and categorical denial of the rumored purchase of land at Magdalena Bay by the Imperial Japanese Government or by a Japanese company, characterizing the report as entirely sensational and utterly without any foundation whatever, the Japanese Government having never directly or indirectly attempted or contemplated the acquisition of any land at Magdalena Bay for any purpose.

Respectfully submitted.

P. C. KNOX.

DEPARTMENT OF STATE,
Washington, April 27, 1912.

Mr. LODGE. Mr. President, before this message takes the usual course, I desire the indulgence of the Senate for a few moments that I may say a word in regard to this matter, because the message is in reply to a resolution which I introduced.

I did not introduce that resolution unadvisedly or with any ulterior motive. It seemed to me, from the information I had received, that there was a situation in existence in regard to the land about Magdalena Bay which might become a cause of difficulties and misunderstandings, unless some steps were taken to make the position of the United States very clear in regard to it. The report of the Secretary of State is very clear and satisfactory upon this subject. It is evident, of course, that the Japanese Government, as such, has never attempted any purchase there, and I never supposed that it had, although as a matter of form my resolution covered that point. It will be observed, however, in the statement of the Secretary of State that attempts have been made to sell the land in the neighborhood of Magdalena Bay to a company in which Japanese subjects were to hold a large if not a controlling interest. I should like very briefly to add a little in that direction to the statement made by the Secretary of State.

I do not question in the least the entire correctness of the attitude of the Japanese Government or that the Department of State has taken every proper means to make our attitude clear. But I think it is just as well that the Senate should know exactly what has happened in connection with Magdalena Bay, so far as I have been able to discover.

Some years ago the Mexican Government made a large concession of land, some 4,000,000 acres, running along the coast of Lower California, lying between the mountains and the sea, and including Magdalena Bay, to an American named Floris Hayes. He transferred his concession to another American named Edwards, and he, in turn, transferred the concession to a man named Lakin.

Under Mr. Lakin's auspices a company was chartered under the laws of the State of Maine, called the Chartered Co. of Lower California. The company did not prosper. In its efforts to sustain itself it borrowed $200,000 from the J. E. Henry Co.—or from Mr. J. E. Henry himself, who, I believe has since died—which is a very large lumber firm in New Hampshire. The Chartered Co. became bankrupt and its property passed into the hands of the creditors, the holders of the Henry loan. A holding company was formed called the Magdalena Bay Co., which took all the stock and bonds of the Chartered Co. and issued certificates. Those certificates are in the hands of the J. E. Henry Co., and, therefore, the actual control of that property is with them. They very naturally have been making efforts to dispose of the property in order to reimburse themselves for their debt. Various promoters have been trying to sell the property—on commission, presumably—and have been endeavoring to form syndicates for its purchase.

In the report of the Secretary of State, just read, which the President has transmitted, it is stated that the department was consulted about one of these propositions, which was to sell the property about Magdalena Bay to a company which should consist of Americans and Japanese, the Japanese holding 35 per cent of the stock, with an option to take 15 per cent more. Those negotiations have not been consummated, although there is a sale at present under consideration, I believe, to a company said to be exclusively American. There is, however, no doubt that efforts have been made to sell that property to a syndicate in which there was a large Japanese interest.

Now, Mr. President, what I desire to call the attention of the Senate to particularly is this: Magdalena Bay lies near the end of Lower California. It has at the present moment no commercial value. There is an industry there, and has been for some years, in the gathering of sea moss called "orchil," which is used for dyeing purposes. It has been a prosperous industry at times, but never a very large one. There have been reports of oil being found in that neighborhood and also reports of minerals, but there are neither mines nor wells, and there certainly is no commerce there. The land in its present condition is very largely desert, and I think while possibly in the future it may be developed industrially and commercially, at the present moment there is no commercial or industrial development of any importance. There are, of course, no railroad connections of any sort.

The peninsula of Lower California, although it belongs to Mexico, is a part of our coast, a continuance of the coast of California, separated from Mexico, as everyone is aware, by the Gulf of California. It connects with Mexico at the upper end by a narrow strip through which pass the mouths of the Colorado, which are of very great interest to us. This upper part of Lower California has been used as a seat of insurrection and as a refuge for outlaws and bandits from Mexico during the recent troubles in that country.

There is, as I have said, no railroad connection on the peninsula, and Magdalena Bay can have no value whatever at the present time except a military and strategic value. Its military and strategic value, however, is very great indeed. It lies there, a fine bay, at a point on the coast nearly midway between San Francisco and Panama—I am not sure of the distances, but it is approximately midway. Nobody would think of buy-

ing that property at Magdalena Bay at the present time and of paying a large sum for it except for its military value as a coaling station and naval base.

There is no doubt, Mr. President, as the Secretary of State said in his report, that efforts have been made by subjects of Japan—it has been stated, I do not know on how good authority, that some of them were directors and large stockholders in the Oriental Steamship Co.—to get possession of the title to the land about Magdalena Bay. The situation happily has not yet arisen. I do not wish it to arise. It is the part of wise policy and wise diplomacy to anticipate any situation which may give rise to difficulty or misunderstanding with any friendly nation.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. LODGE. Certainly.

Mr. GALLINGER. I should like to inquire of the Senator precisely what the J. E. Henry Co. had in view when they made that loan of $200,000? Was it a lumber proposition that did not materialize?

Mr. LODGE. No, Mr. President. I understand—I was so informed by their counsel—that Mr. Henry became interested in the project as it was laid before him and thought that this great tract of land lying along the coast would be of large value, and he advanced money in the regular course of business to the promoters of the chartered company in the hope that it would enable them to develop the property. It was a perfectly legitimate and proper transaction in every respect.

Mr. GALLINGER. I made the inquiry for the reason that Mr. Henry, who has recently died, was a very wise business man, and his operations in New Hampshire have been wholly confined to the lumber industry, in which he made a great fortune.

Mr. LODGE. I am aware of that fact. He made a fortune, and, as I have stated, that is the only reason, as I understand, why he became interested. He thought the property would be of value.

Mr. President, as I was saying, the situation now is harmless and we wish it to remain so. We do not wish a situation created there from which it would be in the least troublesome or disagreeable for a friendly nation to withdraw. It is better to have the matter in such a position that no situation can arise which will in the least involve us in discussion or differences with a friendly nation. But, Mr. President, the situation is now, as I believe, for the present at least, a perfectly safe one and anything we may do will carry no reflection upon any foreign country. It seems to me, therefore, that the moment is very opportune for the Senate to make a declaration in regard to the statement in Mr. Monroe's message that the American continents are not to be considered as further subjects for future colonization, in order to make it clear that that statement is not confined to government action merely or to colonization under government auspices, but that by the word "colonization" we also cover action by companies or corporations or by citizens or subjects of a foreign State which might do, at a place, for instance, like Magdalena Bay, precisely what the Monroe doctrine was intended to prevent.

The fact that a colony is contemplated at Magdalena Bay composed of citizens or subjects of a foreign Government, who would hold a point of great military value and might establish a coaling station, is just as much to be guarded against by the United States as if it were done directly by a foreign Government. The thin veil of a corporation does not alter the character of the act.

Mr. President, it is clear from the Secretary's report that some of our Japanese friends have been trying to get possession of this land through a syndicate formed by them. They have a fishing concession along that coast now. So have we. So has Great Britain. They have been taking great interest in their fishing concession. They have been surveying the coast. Information has come about their purchase and use of maps. I impute no ulterior motives at all. But the curing of fish and the repair of nets require no possession of great areas of land or of a great harbor.

It seems to me this is a suitable time for the Senate to consider this grave question in connection with the doctrine laid down by President Monroe.

Mr. RAYNER. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. LODGE. Certainly.

Mr. RAYNER. The Senator from North Carolina [Mr. SIMMONS] said to me he would wait until I could submit a few remarks on this measure.

Mr. LODGE. I had very nearly concluded.

Mr. SIMMONS. If the Senator from Maryland will permit me for a moment, I will state that I now prefer to wait until the morning hour is over, when, at 2 o'clock, the unfinished business will be laid before the Senate.

Mr. RAYNER. I wish to say merely a word to the Senator from Massachusetts.

This is a very important message from the President in response to the resolution of the Senator from Massachusetts. I have just hurriedly looked over it. I have not had an opportunity to examine it. When the Senator from Massachusetts shall have finished I may possibly submit a few remarks on the subject.

I wish to ask the Senator from Massachusetts a question. Suppose the owners of this Magdalena Bay enterprise should sell to Japanese subjects—either individuals or corporations—without the sanction of the Government of Japan. Suppose they should transfer their rights on Magdalena Bay to a Japanese subject, just as they would transfer it to a British subject or a French citizen. Would the Senator from Massachusetts claim that this violated the Monroe doctrine?

Mr. LODGE. It certainly does not violate any principle of international law. I quite agree to that.

Mr. RAYNER. The Monroe doctrine.

Mr. LODGE. I think it depends altogether on what is done. The Monroe doctrine is not international law.

Mr. RAYNER. I understand that, of course.

Mr. LODGE. Of course the Senator understands that.

Mr. RAYNER. I am putting this simple question to the Senator from Massachusetts; put it upon any doctrine you want: If the American interests who own this enterprise should sell their interest to subjects of Japan, without the sanction of the Japanese Government, would the American Government have the right to interfere?

Mr. LODGE. The Monroe doctrine is a policy adopted by this country, after careful consideration, for its own protection and defense. The right of a citizen of another country or of a corporation of another country to buy land on the coast of Lower California or upon our coast or elsewhere is a legal question, but the question here is whether such action interferes with the principles of the Monroe doctrine. We do not base the Monroe doctrine on international law. We have the right, for our own self-preservation, in my judgment, to protect that doctrine at all points and to take such steps as may be necessary to do it.

Mr. HEYBURN. If the Senator from Massachusetts will permit me to go further, we have statutes that make it a criminal offense for any American citizen or person subject to our laws to enter into any such negotiations, waiving the Monroe doctrine.

Mr. LODGE. That would be a negotiation with a foreign Government?

Mr. HEYBURN. With anyone, to be turned over to a foreign Government having in view its use in future military operations.

Mr. RAYNER. I should like the Senator from Idaho to point out any statute we have which would prohibit subjects of Japan from selling lands——

Mr. HEYBURN. No; there is no use of misstating the proposition in the beginning. I said citizens of the United States. I did not say subjects of Japan.

Mr. RAYNER. I should like the Senator from Idaho to point out a statute prohibiting an American who has acquired lands in Mexico from selling them to a subject of Japan. There is no such statute on the books.

Mr. LODGE. The statement I make is based on——

Mr. HEYBURN. The Senator will permit me; I do not want to be left in a wrong position. The Senator makes an erroneous statement of what I said and then denounces it as having no foundation in law.

I may have occasion hereafter to say something on this subject, and if I do so I will produce in support of anything I may say a respectable authority.

Mr. LODGE. There is no doubt, from the facts brought to my attention from those who are interested in the sale of this land, that this is simply an effort to recover money due to them as creditors. There is no question that there was a plan of establishing a Japanese colony or a Japanese settlement, or whatever you may wish to call it, on Magdalena Bay. It does not exist now. The negotiations have thus far failed. But it is upon that point I desire the consideration of the Committee on Foreign Relations first and then of the Senate. Under modern conditions there has been a great change. Of course, the Monroe doctrine was intended to apply to the methods by which establishments could be erected by foreign Governments on the American coast.

Mr. BACON. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. Certainly.

Mr. BACON. I simply wish to say I do not consider that the question involved here is one to be tested by the Monroe doctrine, necessarily. If our interests required, we could proclaim a new doctrine; and it seems to me that is really the thing for us to consider. Outside of whether this is technically or in substance an infraction of the Monroe doctrine, the question is whether we would consent to the acquisition by any Government, actually in its own name or through any organization of its citizens, to secure the control of such a place as Magdalena Bay, where there could be established a naval base which would be dangerous to our own peace and safety.

I do not think we are limited to the question whether it is an infraction of the Monroe doctrine. The question is whether the present presentation is such as to call upon us to consider the question whether we will proclaim it as a doctrine, that we will not permit the acquisition by a foreign Government, either nominally or actually, of a harbor, or of a point of strategical importance which would be a menace to us in time of war.

Mr. LODGE. Mr. President, I agree with the Senator from Georgia that this is a matter where, if it is necessary to make a new declaration of policy, it should be made. In my own belief, under the phrase relating to colonization, the declaration of the meaning of that word as now understood would cover it.

Mr. FALL. I will ask what the concession is. In other words, what is the purpose and what is the consideration running to the Government for granting this concession?

Mr. LODGE. I have not examined the terms of the concession. In a general way I may say that it is a concession granted to a certain man, with a view to the development of this great tract of land; I have heard it stated that it was 350 and again 450 miles along the coast, containing over 4,000,000 acres.

Mr. FALL. Was not the consideration for the concession that this company should improve Magdalena Harbor itself?

Mr. LODGE. I have seen the prospectus of the company. The improvement of the harbor was incidental. They expected to find minerals, to develop the sea-moss industry, and to develop cattle raising in suitable regions.

Mr. FALL. Does not the concession give to those taking it over and performing the conditions the absolute control of Magdalena Bay?

Mr. LODGE. Absolutely; unquestionably.

Mr. CUMMINS. I understand that this concession is now owned by American citizens?

Mr. LODGE. It is controlled by the creditors of the company.

Mr. CUMMINS. Is there anything in international law or in our relations with Mexico which would prevent the Government of the United States from becoming the owner of the concession by purchase?

Mr. LODGE. Nothing that I am aware of.

Mr. FALL. There is in the Mexican laws and constitution.

Mr. LODGE. The Mexican Government can not, under the constitution of Mexico, part with its territory.

Mr. CUMMINS. I understand she has parted with it to an American citizen.

Mr. LODGE. Parted with the title, not the sovereignty.

Mr. CUMMINS. I do not mean the sovereignty. If the United States were to become the owner, would it disturb our friendly relations with Mexico?

Mr. LODGE. I can not answer the question as to what our relations would be. Mexico is somewhat disturbed at present. There would be nothing unfriendly about it.

Mr. CUMMINS. Perhaps the Senator from New Mexico could explain that.

Mr. HITCHCOCK. Mr. President, we on this side can not hear a word.

Mr. FALL. In answer to the suggestion of the Senator from Iowa, I will say that in every Mexican concession there is a provision that under no circumstances shall the concession be transferred to any foreign Government. That is in every concession which has ever been granted by the Mexican Government.

It further carries with it a provision that a company to operate the concession or to carry out the purposes of the concession shall be a Mexican company, whether organized in the United States or a foreign country or not. It must file articles of incorporation in the proper place in Mexico, and by filing its articles it becomes a Mexican company.

There is always a provision that under no circumstances shall a concession be transferred to any foreign Government.

Mr. CUMMINS. That, I assume, would be equally prohibitory against Japan.

Mr. LODGE. The Japanese Government.

Mr. CUMMINS. It would be absolutely impossible for Japan to become the owner of the concession.

Mr. LODGE. I never suggested that. If that were the case, it is all answered by the statement of the President. The Japanese Government has done nothing of that kind. Its conduct has been absolutely correct. It is the indirect method of——

Mr. McCUMBER. What is the danger, if no other nation can obtain either sovereignty or title?

Mr. LODGE. The danger is this: I thought I had made it plain that under the possession of a company owned in whole or in part by the citizens or subjects of a foreign power, a colony of their people can establish at Magdalena Bay a coaling station and can acquire possession of a bay, under the title of the company from whom they buy, which would be of enormous military value.

That situation does not exist. It is because I do not want it to exist that I bring the matter to the attention of the Senate and that I introduced the resolution originally.

Mr. McCUMBER. If there can be no colony planted, that is, if the jurisdiction of no other Government can attach, it would not be a colony of that Government, and I fail to see the danger because the citizens of one foreign nation may settle there, still being subject to the jurisdiction of the Mexican Government.

Mr. LODGE. I think it would make very little difference to the people of the Pacific coast whether there was a large Japanese colony there under government auspices or whether there was a large Japanese colony there under their own auspices as the representatives of a company. I think it would make very little difference from a strategical view whether the coaling station was established by the Government or whether the coaling station was established by a Japanese company which the Government could use if it chose. The danger if it would come would be in the fact, not in how it was done.

Mr. President, I did not desire to be led into any debate on this subject. It seems to me a matter of great moment, and I hope it will be referred to the Committee on Foreign Relations, and that that committee will take it up and give it their full consideration and report their opinion to the Senate.

Mr. RAYNER. Mr. President, I desire to submit only a few remarks to the Senate. I had no idea that this message, in response to the suggestion of the Senator from Massachusetts, would come in this morning.

I do not know that I disagree very much with the Senator from Massachusetts, but there is one question that I want to put before the Senate, and a line of distinction that I want to draw, if it is possible to do it, on this subject. I think it is a question of great moment.

As I understand it, there were three enterprises that gave rise to the Senator's resolution. If I am wrong in my statement, the Senator can correct me. The first was a purchase upon Magdalena Bay by an American syndicate of a large quantity of land, I think some four or five million acres, if I am not mistaken. This was a New England corporation, I believe.

Mr. LODGE. Yes.

Mr. RAYNER. They expected to find minerals there and were disappointed. Instead of finding gold they found seaweeds.

Mr. LODGE. If the Senator will allow me——

Mr. RAYNER. Certainly.

Mr. LODGE. They expected a great many things. They expected to develop a great cattle industry, and to find oil, and to develop still further a sea-moss industry, and all that can be imagined in an entirely wild and open country.

There is only one company that has title there. The title is in the Chartered Co. of Lower California, that their creditors hold there.

Mr. RAYNER. I understand there was a large amount of money put into the enterprise originally, some $400,000 or $500,000, and some syndicate or estate in New Hampshire is a creditor of the concern.

Mr. GALLINGER. It is, I will say to the Senator, essentially a lumber company, J. E. Henry & Co. I asked the question of the Senator from Massachusetts as to whether or not they had prospects in that direction, and I found they had not. So, undoubtedly, they expected to make money in developing other things.

Mr. LODGE. The Henry Co. was purely a loan company.

Mr. GALLINGER. The Henry Co. does not enter in except as a creditor. It was a mere loan.

Mr. RAYNER. Let us see now how this matter stands. This company made some effort to sell this land, whether to a Japanese syndicate or any other syndicate I do not know. I suppose they would sell the land to anybody who wants to

buy it. It was not a question with the owners of this land as to whom or how the land should be sold. The question was whether they could extricate themselves from the financial difficulty they were in, and it did not make a particle of difference to them whether they sold to a syndicate of Japanese or whether they sold to anyone else anywhere.

I have not read the response to the Senator's resolution, but that was the situation about Magdalena Bay.

Then the Japanese Government was apprised by us of another purchase along the coast some two or three hundred miles south of Magdalena Bay. That is, I understand, a grant of exclusive fishing rights and covering territory of about 700 miles from the Province or State called Tepic to another State some seven or eight hundred miles farther down the coast. Tepic is about two or three hundred miles, I believe, below Magdalena Bay.

Mr. LODGE. Magdalena Bay is very near the end of the peninsula.

Mr. RAYNER. This is much farther down.

Mr. LODGE. I should say it was a hundred miles.

Mr. RAYNER. What is the distance between the State of Tepic and Magdalena Bay?

Mr. FALL. It is several hundred miles. One is on the main coast, while the other is on the peninsula.

Mr. LODGE. Those fishing rights, I understand, have been granted to Great Britain as well as to Japan. I think I may say those fisheries extend all along that coast. They acquire nothing more than the concession for the fishing rights and acquire no title to the land anywhere.

Mr. RAYNER. Of course Mexico would not have any right to grant fishing rights in the open sea. The question is, What rights does she grant within the marine league?

Mr. LODGE. She grants rights within the marine league.

Mr. RAYNER. If the Senator will pardon me, I do not wish to make any mistake. This matter has come up hurriedly. I have not had time to read the response.

There was a third proposition adverted to, but I do not think there is anything whatever about it in the response to the Senator's resolution. There was a well-authenticated rumor that the Japanese Government had acquired a 15-years' grant to the harbor of Salina Cruz, which I think is two or three hundred miles farther down from the point where the fishing rights are granted. The statement that was made was that they had acquired this right to the harbor of Salina Cruz, which is on the western coast, and would give control practically of the Tehuantepec Railroad.

Mr. LODGE. Salina Cruz is not on the peninsula at all.

Mr. RAYNER. It is not on the peninsula the Senator is speaking about, but it is on the peninsula I am speaking about. It was said the Japanese acquired a 15-year grant at the harbor of Salina Cruz.

Mr. LODGE. I can say to the Senator, I think without impropriety, that the matter of Salina Cruz has been dealt with by the State Department, but I think there is no foundation in the rumor.

Mr. RAYNER. Then we have not heard anything from the State Department about it. I considered this the most important incident of these concessions, because in connection with the Government of Mexico it would virtually give the Japanese Government control of the railroad between the western coast and the eastern coast, the eastern port being right south of Galveston, and it would be a very dangerous proposition in view of the Panama Canal.

Mr. LODGE. I quite agree as to the importance, but I think I am right in saying that there is no foundation for it.

Mr. RAYNER. I do not know what the Department of State is doing. The Senator knows more about it than I do. If the Government of Japan were to-day to acquire lands for a military reservation upon the coast of Mexico, that of a base for military operations or for coaling stations, and a base for military supplies, without any reference to the Monroe doctrine, I would consider that almost equivalent to a declaration of war against the United States, and we would not for a moment sanction or permit it. I say I agree entirely with the Senator from Massachusetts, that if the Government of Japan were to attempt to acquire a base for military supplies and for a coaling station upon the coast of Mexico, I would come to the conclusion immediately that the United States ought to interfere without any reference to the Monroe doctrine at all. Perhaps it would come within the Monroe doctrine, the latter clause of it, but I do not think we need discuss the Monroe doctrine if an event of that sort happened.

The point I want to make is this, however: Suppose the owners of this Magdalena Bay enterprise were to transfer the lands that they own there to a subject or corporation of Japan that is not subsidized by the Japanese Government and over which the Japanese Government has no control, what are we going to do about it? That I consider to be the important proposition we are dealing with.

Mr. LODGE. That is precisely what I want to have something done about.

Mr. RAYNER. That is what I am going to ask the Senate to do something about. I have written a resolution here, upon the subject. Now, what can we do about it? What right have we to prevent a subject of Japan in good faith, for the purpose of industrial development, entirely disconnected with any governmental enterprise not sanctioned or justified by his own Government, from acquiring land in Mexico to any greater extent than we would have the right to prevent any other subject or any other citizen of any other country from acquiring land there? Under the laws of Mexico, as I understand them, the citizens of Mexico are prohibited under the severest penalties, I think under the penalty of death, if I am not mistaken, from transferring any land in Mexico to a foreign government without the sanction of the Government. I think I am right in that statement. But, Mr. President, there is nothing in the constitution of Mexico, there is nothing in the statutes of Mexico, so far as I can discover, that prevents a citizen or corporation or syndicate of Japanese subjects from acquiring land in Mexico. Unquestionably at least the Mexican Government can permit it. I will read just a few lines to show what the law is upon this subject.

Mr. BACON. If the Senator will pardon me a minute, it seems to me the whole thing lies simply in a nutshell. It is simply a question as to what we will do, not by virtue of any statute, but by virtue of our right and power to do that which is necessary for our safety.

Mr. RAYNER. I understand that fully, but I am not talking about the Monroe doctrine now. The Monroe doctrine does not touch the acquisition of a private citizen.

Mr. BACON. Will the Senator permit me to finish?

Mr. RAYNER. I thought the Senator had finished.

Mr. BACON. The Monroe doctrine does not depend on any law and is not a matter of law, but it was the enunciation of a determination on our part not to permit a certain thing to be done, not because such determination was according to any law, international or municipal, but because we deemed it essential to our safety. Therefore we have reserved the same right, if it is within our power to do it, to condemn anything else we may deem to be inconsistent with our own safety and peace.

Mr. RAYNER. I understand that fully, but it does not in the slightest degree touch the point I am submitting to the Senate. The Monroe doctrine or any other doctrine never prohibited a private citizen from acquiring land in the Central American States, for instance. There was never any pretense made in all the precedents and in all the diplomatic correspondence that has ever taken place upon the Monroe doctrine that a citizen of a foreign country could not acquire any land in a South American or a Central American state. I do not think the Senator from Georgia has caught the point I want to submit to the Senate.

Mr. BACON. If the Senator will pardon me a minute, I think I do. I do not myself rest any proposed action on our part upon the Monroe doctrine, but in the same way that we have a right to say that we would not consent to any foreign Government colonizing any part of the Western Hemisphere we have a right to say, if we want to, that we will not consent for a citizen of a foreign Government to acquire property on the Western Hemisphere if it is done in a way that will be a menace to our peace.

Mr. RAYNER. That is not the proposition that I am discussing at all. We can enunciate any new doctrine that we want. That would be an extremely new and original doctrine unless it actually menaced our peace.

The point I make is this: What right have we to interfere with the industrial development in Mexico by foreigners, if the laws of Mexico permit it? I want to stop, if I can, this constant cry of war with Japan. I have never thought for a moment that there is the slightest danger of war. This mad fancy that Japan intends to control and dominate the Pacific Ocean is the most absurd proposition I think that ever crossed the vision of a bewildered brain. Every time a subject of Japan buys a strip of land in Mexico or goes fishing upon the coast of Mexico there is a cry of war.

What I want to do, if we can, is for the Senate, through its proper committee, to definitely ascertain what rights Japanese subjects have in Mexico and what right we have to interfere with their possessions, disconnected with the sanction of the Government of Japan?

I will take only a few moments of the Senate on this subject, as important as it is. I should like to discuss it in full, but I do not intend to do so now. Under the laws of Mexico it is provided—

Citizens of the countries bordering on Mexico can not hold real estate in Mexico within 60 miles of the frontier, without the individual permission of the President of Mexico, nor can foreigners acquire real estate within 5 leagues of the maritime coasts of the Republic, except by permission of a special act of Congress.

Mr. FALL. Will the Senator allow me to make a suggestion?

The PRESIDING OFFICER (Mr. ROOT in the chair). Does the Senator from Maryland yield to the Senator from New Mexico?

Mr. RAYNER. Certainly.

Mr. FALL. That is exactly what this concession has done. It has given private citizens permission to own this land.

Mr. RAYNER. It has given them possession of the maritime coast, but it has done so, I apprehend, by a special act of the Mexican Congress.

Mr. FALL. These concessions are based upon individual contracts entered into with the proper official of the proper department of the Mexican Government first and afterwards approved by the Congress of Mexico through its legislative committee. Mexico legislates during vacations, all the while the Congress is not in session, by a legislative committee, and the acts of that committee have exactly the same force and effect as acts of Congress when in session.

I should like to ask the Senator if his view in this matter might not be affected by the fact that the concession granted to this company or to this individual by the Mexican Government transferred to the concessionaires almost governmental powers over the harbor of Magdalena Bay.

Mr. RAYNER. As I understand it, Mr. President, this concession was originally granted to the Oriental Steamship Co. and afterwards transferred by the Oriental Steamship Co. to a Japanese whaling company. The Senator will tell me whether I am right or not.

Mr. FALL. The Senator is speaking of the fishing concession.

Mr. RAYNER. Was the Senator speaking of Magdalena Bay?

Mr. FALL. I am speaking of Magdalena Bay.

Mr. RAYNER. I agree, then, with the Senator, if the Government of Japan intervenes and it is a governmental concession it would unquestionably interfere with American rights.

Mr. FALL. In the event the Mexican Government were to make a concession to individuals which practically placed those individuals in a position where they could exercise governmental powers over Magdalena Bay, would it not be possible for those individuals by indirection, by the transfer of stock, for instance, to transfer the property itself or the control of the property to a foreign Government?

Mr. RAYNER. Let me answer that question by asking another question of the Senator. Suppose subjects of Great Britain and citizens of France should do this, would they have a right to transfer to their Government a sufficient amount of stock so as to enable the Government to control it? What would the Senator say about that? I think if the transfer should be made we ought to look into it, but we ought not to question it until the emergency arises and not imagine danger when none exists.

Mr. FALL. I think if the Government of Mexico undertook to transfer one of its harbors to the Government of France or to the Government of Great Britain it would be an absolute violation of the Monroe doctrine.

Mr. RAYNER. That is not the question. The question is, Suppose they give a concession to individuals, and with the danger that these individuals might transfer it to a foreign Government, does the Senator say that the mere concession given to a citizen or subject of a foreign state would afford an opportunity for us to intervene under the Monroe doctrine, if there is no actual transfer and no intention to transfer the concession to a foreign Government?

Mr. FALL. No; but if it became apparent to the American people that something was sought to be done by indirection which would violate the Monroe doctrine if it was done directly, I do not believe the American people would submit to it.

Mr. RAYNER. I agree with this proposition. I will state the proposition now upon which I stand, and it is this: If the Government of Japan acquires rights, Monroe doctrine or no Monroe doctrine, the Government of the United States will take some steps to prevent the act or if an individual or a corporation or a syndicate acquire rights which they propose to transfer to the Government of Japan. The Government of the United States would not stand idly by and permit the enterprise to be consummated. But I stand upon the further proposition that the subjects of Japan, for their own individual purposes, without any connection with the Japanese Government, intending merely to develop industrial enterprises, have all the rights that the laws of Mexico give them, and that we can not interfere with the laws of Mexico in that regard. I want that distinction understood, so that every time a Japanese subject buys an acre of land in Mexico there will not be a cry of war throughout the continent.

Mr. McCUMBER. Mr. President, I will ask the Senator from Maryland, is it not a fact that British subjects have a concession on the coast of Mexico and are developing the oil industry there, and in connection with the oil industry they are also developing harbors to transfer the oil? Would anyone say the fact that they are developing the industry and that, in addition to that, are fixing up a harbor and making it so it can be entered, the United States is in a position to claim that there is danger because Great Britain might, in case of war, use that particular bay for naval purposes? Is it not a fact that Germany has colonies in Brazil and in other countries, and they are developing harbors and rivers? Would not the result be the same if we would object to that?

Mr. RAYNER. Of course no one would ever dream for a moment that the Monroe doctrine would touch or approach any subject of that sort. Have not the citizens of other countries possessions and concessions, and are they not conducting large financial enterprises all through Central and South America? Was it ever supposed for a moment that that would occasion any interference by the Government of the United States in the vindication of the Monroe doctrine?

We must draw this distinction, otherwise we will be in constant trouble. We must draw a distinction between the Government of Japan, either itself or through its agents, openly or surreptitiously acquiring land in Mexico for its own purposes and the subjects of Japan acquiring land in Mexico for their own purposes, simply in the progress of industrial development. The line is broadly drawn. If Mexico gives the right to a Japanese subject to own land in Mexico, I ask the Senator from Massachusetts what right have we to interfere? Can we compel the Mexican Government to change its laws and alter its constitution?

Let us leave the Monroe doctrine out of the question. Under the law of Mexico—and it is a strange law; I thought I had it here, but I know it exists——

Mr. STONE. Will the Senator pardon me for a moment?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Missouri?

Mr. RAYNER. Certainly.

Mr. STONE. Does the mere grant of a concession, such as that now under consideration, of a large tract of land about Magdalena Bay or at any other point on the Mexican coast at all impair or affect the sovereignty of Mexico over the lands covered by the concession?

Mr. RAYNER. It does not.

Mr. STONE. But that remains intact?

Mr. RAYNER. Unquestionably.

Mr. STONE. Japan, whose subjects, it is said, are about to acquire this concession, could not as a Government undertake to fortify the harbor or have any right of entering it without invading the sovereignty of Mexico?

Mr. RAYNER. Unquestionably the Senator is right about that. I do not think anybody will controvert that point.

Mr. STONE. Then the status, so far as sovereignty goes, would remain the same?

Mr. RAYNER. It would remain intact, in statu quo. What right have we to interfere except upon the ground of apprehension that things might occur, which I do not believe ever will occur? As I said just now, a foreign Government, under the laws of Mexico, has no right to hold any land in that country. Anyone who sells to a foreign Government, under the constitution and the laws of Mexico, sells under the severest penalties, I believe—I am almost certain—under penalty of death. I think there is a Mexican statute—the Senator from New Hampshire, I think, knows that a statute of that sort exists—which, under penalty of death, prohibits anyone from selling lands in Mexico to a foreign Government. We have no right to sell to a foreign Government here.

Now, before closing, what I want to direct the attention of the Senate to is that Mexico has its own laws, and we have no right to change the laws of Mexico. In Mexico a foreigner who owns land in that country, and who has what they call under their old constitution Mexican children, becomes a Mexican citizen. That is the language of the statute. They changed that afterwards, because it was pretty hard to tell whether they had Mexican children or any other kind of children, and they also subsequently changed their constitution. That is the doctrine of what is called involuntary expatriation. We have never

accepted such a doctrine, that a man by becoming a land owner of Mexico became a citizen of Mexico without renouncing his allegiance to the United States; but that is the law of Mexico, that such a man becomes a Mexican citizen.

If Mexico gives the right to a foreigner who under its laws becomes a Mexican citizen or to a foreigner whether he becomes a Mexican citizen or not to hold lands in Mexico, I should like to know from the Senate or from any Senator here, because it will illuminate the subject greatly to my own mind, what right the Government of the United States has to interfere and what distinction we can draw between a subject of Japan, except upon the ground of fear and apprehension, and a subject or a citizen of any other foreign country.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. RAYNER. I do.

Mr. LODGE. If the Senator from Maryland will allow me, I should like to say that I do not apply what I am saying about Magdalena Bay to citizens or subjects of Japan particularly, but they happen to be the ones who are trying to get it. I would apply what I have said just as much to the citizens or subjects of any other country in like conditions. The case rests on the character of Magdalena Bay, because it is a menace to us to have it in the hands of foreigners. There are thousands of Japanese scattered throughout Mexico, but that is none of our affair; there are Germans in Brazil, but that is none of our affair. It is the taking of a military post on our coast line that is very much our affair.

Mr. RAYNER. I agree with the Senator if there is any attempt there to establish a base for military supplies or a coaling station. I said just now, and I say it again, that would amount practically to a declaration of war, for what right has Japan to come to Magdalena Bay?

Mr. LODGE. I do not mean the Japanese Government. If it is done by a corporation it is just as bad.

Mr. RAYNER. But there is not the slightest evidence of its being done by a corporation, and there is not the slightest evidence that it was ever so intended.

Mr. LODGE. The report of the Secretary of State sent to the Senate, and which was made after long examination of this matter, shows that there has been an attempt to purchase that very land, with the control of the harbor.

Mr. RAYNER. I ask the Senator from Massachusetts whether the response of the Secretary of State to the Senator's resolution states that to be a fact?

Mr. LODGE. It states the whole negotiations there and how much stock the Japanese were to have in the company.

Mr. RAYNER. Then, Mr. President, if I mistake not, it also states the entire disavowal of the Japanese Government as to its having any connection with the matter.

Mr. LODGE. Oh, the Japanese Government, Mr. President, is not involved in it. The Government is not buying the land; nobody charges that the Japanese Government is doing anything there.

Mr. RAYNER. No; but if it is not done in the interest of the Japanese Government——

Mr. LODGE. The Senator from Maryland may be able to speak for the Japanese Government; I am not.

Mr. RAYNER. I am sufficiently able to speak for the Japanese Government to say that I do not believe that every time there is any acquisition of land in Mexico we ought to start the proposition about a war with Japan, for I do not believe there will be any war with Japan, either now or in the future, and I want to see if I can rid the public mind of the apprehension which exists upon that subject. Let us read what the Secretary of State says about this matter. That is the best way to settle the dispute. So far as I am concerned I am for peace and not for strife. I am for law and not for war:

> Adverting once more to the text of the resolution, the undersigned has the honor to say by way of recapitulation that there is nothing on file in the Department of State that has justified any inference that the Mexican Government or the Imperial Japanese Government has been occupied with any disposition of land near Magdalena Bay by which the latter Government would acquire land there for any purpose.
>
> In these circumstances, the Department of State felt no necessity for further steps in the matter of any of these rumors, which are of a kind that all too frequently occur to the detriment of public opinion in the respective countries and are so alien to the cordial relations of the Governments concerned.
>
> However, his excellency the Japanese ambassador informed the department that he had apprised his Government of the rumors in question, which had become well known through the public press; and subsequently his excellency made, with his Government's authorization and merely for the information of the Department of State, an unreserved and categorical denial of the rumored purchase of land at Magdalena Bay by the Imperial Japanese Government or by a Japanese company, characterizing the report as entirely sensational and utterly without any foundation whatever, the Japanese Government having never directly or indirectly attempted or contemplated the acquisition of any land at Magdalena Bay for any purpose.

Mr. LODGE. That is a splendid denial of what is not charged. The charge is—and the statement is there in that very report—that the attempt was made to sell the land to a company nominally American, in which the stock was controlled in a large part by Japanese. There is no disavowal of that in that report.

Mr. RAYNER. Now, Mr. President, in order that this question may be settled by law and not by war, I will offer a resolution, which I will ask to have referred to the Committee on Foreign Relations. I will read the resolution before offering it, and I think it is very appropriate at this time:

> *Resolved*, That the Committee on Foreign Relations be, and it is hereby, directed to ascertain whether under the laws of Mexico, or under treaty rights, aliens are permitted to hold and acquire landed property within her territorial limits, or to obtain concessions of land from the Government of Mexico, and also what power is conferred by law upon the Mexican Government to grant exclusive fishery rights upon its ocean shore or in any of the gulfs or bays adjoining the Mexican coast, and whether or not such acquisition of property or concessions, if allowed, encroach upon the Monroe doctrine or are affected by the same, and what position the United States should assume in reference thereto, and to report as early as practicable the result of its investigation to the Senate.

Mr. BACON. Mr. President, I have no objection——

Mr. RAYNER. Will the Senator allow the resolution to go to the Committee on Foreign Relations?

Mr. BACON. Certainly. I have no objection to that resolution, but the Committee on Foreign Relations would not be limited to that particular investigation, by any means. As I understand, the proposition is to refer the message, with the report——

The PRESIDING OFFICER. Without objection, the message of the President, with the accompanying report, will be referred to the Committee on Foreign Relations.

Mr. BACON. Mr. President, I had not finished.

The PRESIDING OFFICER. And, without objection, the resolution offered by the Senator from Maryland is referred to the Committee on Foreign Relations.

Mr. GALLINGER. The resolution should be stated from the desk.

Mr. BACON. Mr. President, I had the floor and I had not finished.

The PRESIDING OFFICER. The Chair begs the pardon of the Senator from Georgia. The Chair supposed the Senator had finished.

Mr. BACON. I was proceeding to say, Mr. President, that I had no objection at all to these resolutions, but that the committee would not be limited to the consideration of the particular features of this subject designated in the resolutions; that under the proposition to refer this message to the Foreign Relations Committee the entire subject would be committed to that committee and would embrace every feature of it which the committee might think of sufficient importance to investigate and to report upon.

I want to say simply one thing further. The Senator from Maryland [Mr. RAYNER] discusses the question of the right of the United States Government to interfere in case this is a sale to private individuals, and disputes the right of the Government of the United States to take any action in the matter if it shall be found that that purchase is in accordance with the laws of Mexico.

Well, Mr. President, according to the view I take of it, that presentation does not cover the matter under consideration. Of course we have, as a matter of law, no right to interfere with the laws of any country, and yet we do not hesitate to interfere with them whenever they are found to be inimical to our peace and our safety. There was no law which authorized the enunciation of the Monroe doctrine, and yet there was no law which could at that time have existed in a South American country which would have prevented our enforcement of the Monroe doctrine. If there had been then a provision in the constitution of any South American country which permitted the colonization by a European government of a part of the territory of that South American country, we would none the less have insisted upon the Monroe doctrine, not as a matter of law but as a matter of national right, to enforce that which may be deemed to be necessary to the safety of our Government. It was simply upon the pure basis of the right of power that we announced the Monroe doctrine; it has never rested on any other basis, and could not rest on any other basis.

Now, in the same way, when you come to consider the question of whether or not the possession of a certain piece of property in the territory of Mexico by a private citizen or a subject of another government would be inimical to our peace it is simply a question of whether or not we shall so deem it; and if we do so deem it, we take our position upon it, to be enforced, if we have the power to enforce it, not because of the law in the foreign country but because of our innate right

to take care of ourselves and to do whatever is necessary to effect that purpose.

Mr. President, nobody will dispute the right of a subject of a foreign government to acquire territory in the country of Mexico if the laws of that country permit it. Nobody will dispute that the Government of Mexico has passed a law under which, under severe penalties, a citizen of that country is prohibited from conveying any part of the territory of that country to a foreign government; but that does not touch this question at all.

We are not now dealing with the question as to whether or not this suggested action by the Senate is necessary or does accomplish the purpose which the Senator from Maryland denies it will accomplish. That is a question to be investigated; that is a question we are proposing to investigate; but the ground upon which we investigate, the ground upon which we proceed, is this: That if, when we investigate it, we find that the possession of a great harbor, capable of being made a great naval base, by the subjects of another country is likely to lead to complications under which in any developments of the future a foreign Government might get through that means the possession or control of that property, if we deem it necessary to our safety to say that foreign subjects shall not have it, we have just the same right to say it as we said nearly 100 years ago, that a foreign Government should not colonize any part of this hemisphere. In either case it is a question of what we deem necessary for our safety. If we should think it necessary for our safety to say that the subject of no foreign Government shall hold any land in any country in South America, we have no right in law to say it, except the law that every country has a right to protect itself. It might be a very extreme and a very unreasonable thing for us to say, and I think it would be a very foolish thing for us to say, and I have no idea we ever will say it, but if we said it and had the power to enforce it it would be just as binding as is the Monroe doctrine now. Of course——

Mr. RAYNER. Mr. President——

Mr. BACON. One moment, if the Senator please, and I will be through. Of course we are never going to say that, but it is altogether probable, taking each particular case as it comes, that as to Magdalena Bay we would say that we would not only not consent that any foreign Government should acquire a naval base there, but we might go further and say that, situated as that is, between the Panama Canal and our western coast, we would not permit any corporation of any foreign Government to hold it, because by that means it might ultimately result in an ownership or control by the foreign Government. If we should see proper to say that, it would rest on the same authority as the Monroe doctrine. It depends altogether on whether or not we have the power to enforce it, and that is the whole of it.

Mr. President, that is not a new position for the United States Government to take, so far as the possession of a naval base in our neighborhood by a foreign power is concerned. The prohibition of such possession of a naval base is not included in the Monroe doctrine, and yet I think it is a matter about which this Government would not hesitate to say that, regardless of the fact that it is not in the Monroe doctrine, we would not sit by and see any foreign Government take possession of any great harbor adjoining this country where the establishment of a naval base would be a menace to this country. That is evidenced, Mr. President, by one restraint which we imposed on Cuba.

I repeat, there is nothing in the Monroe doctrine which denies to a foreign Government the right to establish a naval base upon our borders; that is not included in it; and yet when we came to turn Cuba over to its own people one of our stipulations was that Cuba should not convey to any foreign Government any port or harbor which could be used as a naval base upon the island of Cuba. There is the principle. And in the same way, Mr. President, that we said that Cuba should not convey to a foreign Government a port or a harbor in the island of Cuba, we would say that no foreign Government should acquire a naval base adjoining or so near to us as to be a menace to us, and when we go that far we can go still further and say that nothing which will lead to such a result will be consented to by us. Whether this will lead to it is another question altogether, but when you come to the question of whether we have the right to do it, that is a question of power and a question as to whether or not we deem it important to our safety that that power shall be exercised.

Mr. RAYNER. Mr. President, I may say that I consider that our relations with Cuba are entirely different from our relations with Mexico. I do not think there is any comparison between the two; but before the Senator sits down I want to ask him a question. I know he might answer by saying we do not care what the nations of the world might do, but all this, of course, means war and not a peaceful solution——

Mr. BACON. Not at all. It means the prevention of war.

Mr. RAYNER. I do not think it means the prevention of war; but I will ask the Senator this question: Suppose we were to say to-day that no subject of any foreign country should hold lands in Mexico, what does the Senator think the nations of the earth would answer to such a proposition?

Mr. BACON. They would think we were very foolish, and I would think so, too; but then there may be some particular piece of land in Mexico about which it would not be foolish for us to take that view.

Mr. RAYNER. I entirely agree with the Senator that if there is any apprehension of the establishment of a naval base upon the part of Japan and if that Government intended to establish such a base, I would not care for the Monroe doctrine. It would be a declaration of war, because for what purpose would Japan want a naval base in Mexico except for purposes of war? That is not what I am talking about at all; I am talking about the general proposition; and I will state again in conclusion that foreign subjects or citizens of their own accord, without the sanction of their Government, without any connection with their Government, without intending to make any transfer to their Government, have a perfect right under the laws of Mexico and within the limits of that law, whatever it may be, to acquire land in Mexico, and, unless there is apprehension of what the Senator thinks may take place, we have no right under the law of nations to interfere with it. That is all. I do not intend to go a step further, and it is for that purpose that I have offered the resolution, so as to find out what the rights of the United States are in connection with a matter of this kind whenever it occurs.

Mr. CULLOM. I think the discussion has gone far enough, and I ask that the pending matter be referred to the Committee on Foreign Relations.

Mr. GALLINGER. Let the resolution be reported.

The PRESIDING OFFICER. The resolution proposed by the Senator from Maryland [Mr. RAYNER] will be read.

The Secretary read the resolution (S. Res. 302), as follows:

Resolved, That the Committee on Foreign Relations be, and it is hereby, directed to ascertain whether under the laws of Mexico or under treaty rights aliens are permitted to hold and acquire landed property within her territorial limits, or to obtain concessions of land from the Government of Mexico, and also what power is conferred by law upon the Mexican Government to grant exclusive fishery rights upon its ocean shore or in any of the gulfs or bays adjoining the Mexican coast, and whether or not such acquisition of property or concessions, if allowed, encroach upon the Monroe doctrine or are affected by the same, and what position the United States should assume in reference thereto, and to report, as early as practicable, the result of its investigation to the Senate.

Mr. CULLOM. Let the whole matter be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. It is so ordered.

Mr. LODGE. The message has already been referred?

The PRESIDING OFFICER. Yes.

COMMITTEE ON NATIONAL BANKS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of Order of Business 614, to which I think there will be no objection.

The resolution (S. Res. 295) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on National Banks be, and it hereby is, authorized to employ a clerk at a salary of $2,220 per annum and a messenger at $1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

THE CALENDAR—BILLS PASSED OVER.

The VICE PRESIDENT. The calendar is in order under Rule VIII.

Senate concurrent resolution No. 4, instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co. was announced as the first business in order on the calendar.

Mr. GALLINGER. Let the concurrent resolution go over.

The VICE PRESIDENT. It will go over.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as next in order on the calendar.

Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order.

Mr. GALLINGER. Let it go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 2151) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the

purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. It will go over.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. It will go over.

The bill (S. 4762) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes," was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. It will go over.

LLOYD L. R. KREBS.

The bill (S. 1337) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act was announced as next in order.

Mr. GALLINGER. Formerly I objected to the bill, but I have been examining the report this morning. The bill is recommended by the War Department, and I see no valid objection to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 459) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribes of Indians was announced as next in order.

Mr. LODGE. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure was announced as next in order.

Mr. GALLINGER. Let it go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 5076) to promote instruction in forestry in States and Territories which contain national forests was announced as next in order.

Mr. GALLINGER. Let it go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen, was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 2051) to promote the efficiency of the Life-Saving Service was announced as next in order.

Mr. OVERMAN. Let it go over. I want to read the bill.

The VICE PRESIDENT. The bill will go over.

DEPOT FOR SIXTH LIGHTHOUSE DISTRICT.

The bill (S. 4476) to provide for the purchase of site and construction of wharf and buildings and the necessary equipment for a depot for the sixth lighthouse district was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Commerce with amendments, in line 4, after the word "site," to insert "and to," and in line 5, after the word "equipment," to insert "so far as funds may permit," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized to purchase a site and to construct a wharf and buildings and purchase the necessary equipment, so far as funds may permit, for a depot for the sixth lighthouse district, at a cost not to exceed $125,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMY POST AT FORT OGLETHORPE.

The bill (H. R. 17029) authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post was announced as next in order.

Mr. WARREN. Let the bill go over.

Mr. LEA. This bill has been on the calendar a long time, and I move to take it up, notwithstanding the objection.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Tennessee that the bill be taken up notwithstanding the objection.

Mr. SMOOT and Mr. WARREN called for the yeas and nays, and they were ordered.

Mr. OLIVER (when Mr. BRANDEGEE's name was called). The Senator from Connecticut requested me to state that he is detained from the Senate upon committee service.

Mr. DILLINGHAM (when his name was called). I withhold my vote because of my pair with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. HEYBURN (when his name was called). I would ask if the Senator from Alabama [Mr. BANKHEAD] has voted?

The VICE PRESIDENT. He has not.

Mr. HEYBURN. I am paired with that Senator.

Mr. SHIVELY (when Mr. KERN's name was called). I wish to announce that my colleague [Mr. KERN] is necessarily absent from the Senate on important business. I wish this announcement to stand for the day.

Mr. OWEN (when his name was called). I transfer my pair to the Senator from Florida [Mr. BRYAN] and will vote. I vote "yea."

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM] and therefore withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is absent on the business of the Senate.

Mr. OVERMAN (when Mr. THORNTON's name was called). I have been requested to announce that both the junior and the senior Senators from Louisiana are necessarily absent on the business of the Senate.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS] which I transfer to the junior Senator from Indiana [Mr. KERN] and I will vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], which I transfer to the senior Senator from Virginia [Mr. MARTIN] and will vote. I vote "yea."

The roll call was concluded.

Mr. CLARK of Wyoming. I have a general pair with the Senator from Missouri [Mr. STONE]. I transfer it to the Senator from Illinois [Mr. LORIMER] and will vote. I vote "nay."

Mr. McCUMBER. I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I transfer the pair to the Senator from Minnesota [Mr. NELSON] and will vote. I vote "nay."

Mr. CHILTON. I have a pair with the Senator from Illinois [Mr. CULLOM]. I do not know whether he has voted or not.

The VICE PRESIDENT. He has not.

Mr. CHILTON. I withhold my vote, then.

Mr. CHAMBERLAIN. I wish to state that my colleague [Mr. BOURNE] is detained from the Senate on its business.

Mr. HEYBURN. I stand paired with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer the pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and will vote. I vote "nay."

Mr. SMITH of Maryland. I notice that the junior Senator from New Hampshire [Mr. BURNHAM], with whom I am paired, is absent. I transfer the pair to the Senator from Arkansas [Mr. DAVIS].

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is unavoidably absent.

Mr. GALLINGER. I have been requested to announce that the Senator from Ohio [Mr. BURTON] is paired with the Senator from Florida [Mr. FLETCHER].

The result was announced—yeas 27, nays 28, as follows:

YEAS—27.

Ashurst	Gore	Owen	Smith, Ga.
Bacon	Hitchcock	Pomerene	Smith, Md.
Borah	Lea	Rayner	Smith, S. C.
Chamberlain	Martine, N. J.	Sanders	Swanson
Clapp	Myers	Shively	Watson
Clarke, Ark.	O'Gorman	Simmons	Williams
Culberson	Overman	Smith, Ariz.	

NAYS—28

Bradley	Cummins	Lippitt	Richardson
Bristow	du Pont	Lodge	Root
Brown	Fall	McCumber	Smoot
Catron	Gallinger	Nixon	Sutherland
Clark, Wyo.	Gronna	Oliver	Townsend
Crane	Heyburn	Page	Warren
Crawford	Jones	Perkins	Wetmore

NOT VOTING—40.

Bailey	Curtis	Johnston, Ala.	Penrose
Bankhead	Davis	Kenyon	Percy
Bourne	Dillingham	Kern	Poindexter
Brandegee	Dixon	La Follette	Reed
Briggs	Fletcher	Lorimer	Smith, Mich.
Bryan	Foster	McLean	Stephenson
Burnham	Gamble	Martin, Va.	Stone
Burton	Gardner	Nelson	Thornton
Chilton	Guggenheim	Newlands	Tillman
Cullom	Johnson, Me.	Paynter	Works

So Mr. LEA's motion was rejected.

THE METAL SCHEDULE.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, House bill 18642.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The VICE PRESIDENT. The Senator from North Carolina [Mr. SIMMONS] is entitled to the floor.

Mr. SIMMONS. Mr. President, yesterday when speaking of the statement made by Mr. Schwab, president of the Bethlehem Steel Works, before the Committee on Finance, I stated that in response to certain questions propounded by the Senator from Mississippi [Mr. WILLIAMS], Mr. Schwab had then contended that 33⅓ per cent of the total cost of the products of iron and steel was labor, and that the labor cost in this country is twice as high as in Europe, and that the labor cost in Europe is about 16 per cent of the total cost of production, while here it is 33⅓ per cent.

Last August, when Mr. Schwab was examined under oath with reference to this matter in the investigation of the United States Steel Corporation, then pending before the committee of the House of Representatives, he made an entirely different and apparently contradictory statement. He then stated:

The cost of labor per man in the United States is almost double what it is in England—a little more. * * * I think the cost per ton in the United States is as cheap as it is abroad, notwithstanding the fact. * * * I think the reason for that is because we manufacture in such large quantities. We manufacture under the economic conditions that I spoke of, and our tonnages are so great.

Mr. President, the only way in which we can reconcile this sworn statement of Mr. Schwab made last August with the statement before the Committee on Finance, which I have heretofore quoted and discussed, is that when he said before the Committee on Finance that the cost here was twice what it is abroad he did not mean the cost per ton, but he meant that the per diem wages paid here are twice what they are abroad.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield?

Mr. SIMMONS. I do.

Mr. SMOOT. The only disagreement last night between the Senator and myself was this: I stated that Mr. Schwab's testimony was to the effect that the labor cost in this country was a third in the manufacture of heavy steel. The Senator from Iowa [Mr. CUMMINS] took exceptions to that statement and also, I think, the Senator from North Carolina.

I want to call the attention of the Senator to just what Mr. Schwab stated, and it was upon the testimony given by Mr. Schwab that I made the statement. The Senator from Idaho [Mr. HEYBURN] asked:

Senator HEYBURN. What percentage of the cost of structural steel is wages?

That follows questions which had been asked by the Senator from Mississippi [Mr. WILLIAMS]. Mr. Schwab answered in this way:

Mr. SCHWAB. About one-third in all the heavy steel. From 30 to 35 per cent of the entire cost is labor.

In relation to the 16⅔ per cent the Senator spoke of, this is what I asked Mr. Schwab when he was before the committee:

Senator SMOOT. Or, in other words, if every other item of expense attached to the manufacture of steel was equal with every other country, then 16⅔ per cent would be necessary to protect you against the actual labor cost?

Mr. SCHWAB. Exactly so.

That is what I stated last night, and I stated it from the testimony of Mr. Schwab.

Mr. SIMMONS. Mr. President, we will get at that later, when I will discuss this question from the standpoint of what the Senator from Utah [Mr. SMOOT] claims Mr. Schwab meant in the statement in reference to the proportion of labor cost. I will attempt to show that the difference in the labor cost upon the coarser and bulky articles, even as high as he claims that Mr. Schwab puts it, is covered by the duties provided in this bill; and if the labor cost of the higher and more costly articles is a third or a half higher, or even twice as high, the duties placed on those articles will substantially cover the difference, if any, here and abroad, even if that difference is as great as is contended.

Mr. President, on yesterday, when I was interrupted, I was contending that Mr. Schwab, in fixing the labor cost of iron and steel at 33⅓ per cent in this country, was speaking about the industry at large.

Proceeding upon that assumption, I was undertaking to show that if that were true the cost in Europe was only 16 per cent, and that this bill, which carries an average ad valorem of about 22½ per cent, covered the difference and left a margin for the benefit of the manufacturers of something over 6½ per cent.

The other side, I think, anticipating that conclusion, interrupted me and insisted that Mr. Schwab, in giving 33⅓ per cent as the cost in this country, was not referring to the iron and steel industry as a whole, but that he was only speaking with reference to the bulkier and heavier products of iron and steel.

Mr. President, while I do not think Mr. Schwab's testimony bears out that contention, for the purpose of the argument that I propose to make this morning I am going to assume that that is a correct interpretation of Mr. Schwab's testimony upon this question, and that when he said the labor cost of producing steel and iron in this country was 33⅓ per cent of the total cost he meant only the heavier and bulkier articles, such as are produced by the Bethlehem Steel Works and by the United States Steel Corporation. If that be true, then, Mr. President, the difference between the labor cost of these heavy products in this country and in Europe is, according to Mr. Schwab, 16 per cent.

I have caused various products of the United States Steel Corporation—and I assume the Bethlehem corporation makes about the same things—to be enumerated and the ad valorem rate of duty imposed under this bill calculated by an expert in the Treasury Department.

I will not read the various items, but I am satisfied from the information he has given me that they practically cover the things produced by the United States Steel Corporation and, in the main, those produced by the Bethlehem corporation.

Taking all these items together, those on the free list as well as on the dutiable list in the House bill, the average rate of duty carried is 13 per cent. Eliminating the things on the free list and taking only those on the dutiable list, the average rate upon these particular articles is 15.61 per cent, or, according to Mr. Schwab's own testimony, this bill carries a rate within a fraction of 1 per cent of the alleged difference between the cost of producing these articles here and abroad.

But, Mr. President, I shall contend that Mr. Schwab, in estimating 33⅓ per cent as the labor cost of these bulkier products, is far too high, and that, in fact, the average labor cost of these products in this country is not much more than half as much as Mr. Schwab claims it is.

I have here the minority report of the Committee on Ways and Means of the House. Attached to that report, which is signed first by Mr. SERENO E. PAYNE, of New York, there is a table:

Table 1. Census statistics of manufactures in the United States, grouped in conformity with the schedules, tariff law of 1897, including articles classified under section 6 and the free list.

This is taken from the report of the census made of manufactures for the calendar year 1904. I have had the same Treasury expert examine this table and calculate the labor cost

as shown by it of the various bulky and heavy and coarser articles known to be produced at the Bethlehem Steel Works and by the United States Steel Corporation. I will not read his statement, except to give the result. It shows that in the manufacture of these products in the calendar year 1904 there were employed 266,192 wage earners, that the wages paid were $153,061,151, and that the value of the products was $960,393,279. So we have here the total value of the things produced and the total amount of wages paid in their production, leaving no chance for a misunderstanding as to the labor cost, if the figures as to wages and production are true, and leaving it a mere matter of mathematical calculation.

Now, taking those figures, the expert advises me, as will be seen, that the average labor cost of these articles amounted to 15.9 per cent. So, as against Mr. Schwab's contention that the labor cost of these bulkier articles in this country is 33⅓ per cent of the total cost, we have the findings of the Census Bureau, based upon the actual amount of wages paid and the actual output for the year 1904, showing that the actual proportion of the labor cost to the product is only 15.9 per cent, or about 16 per cent.

In other words, Mr. President, it shows the labor cost here is about the same as Mr. Schwab says it is in Europe.

Mr. SMOOT. Mr. President——

Mr. SIMMONS. Just let me finish this statement. Taking these figures as representing the true labor costs of these heavier products, taking the contention that the labor price in Europe is only one-half what it is here to be true, then, instead of the difference in the labor cost here and abroad being 16 per cent, as contended, it will only be 8 per cent; and the present bill, carrying an average ad valorem, as I have just shown, upon these bulkier articles of something over 15 per cent, not only covers the difference in labor costs, but covers the total labor cost in this country and is more than twice as much as the labor cost in Europe, assuming that to be half what it is here.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. Certainly.

Mr. SMOOT. I think the Senator ought to consider that the census report he has just quoted from does not take into consideration the labor of the different intermediary processes of manufacture. In other words, let me explain it in this way: If ore is taken and transferred into pig iron, that is one process and the labor in that is computed. The Census Bureau will report the pig iron as being transferred into billets or into steel rails, and do not take into consideration the labor that was put into the process from converting the ore into pig iron, but they only take into consideration the amount of labor required to make the pig iron into rails.

It is just the same, Mr. President, as we find in the manufacture of woolen goods and cotton goods. That same thing transpires in nearly every one of the reports that are given in the Statistical Abstract.

Mr. SIMMONS. The Senator is now making a speech. I do not care to yield for the purpose of making a speech. But let me ask the Senator this question: Does the Senator deny that the census figures I have given represent the percentage of labor cost of converting raw material into the finished products?

Mr. SMOOT. The figures the Senator quoted would show the cost of the conversion as something like 15 per cent from, as he said, the raw material to the finished product of all manufactures of steel and iron. The Senator must know that upon its very face that can not be so, because the ore itself is of little value indeed, and what makes the increased value if it is not labor?

Mr. SIMMONS. On the very face of it, Mr. President, it is so. The Senator is making this sort of an argument, that if a material has to go through one, two, three, or four different processes before it reaches the final state of completion, in fixing the duty we ought to consider the labor cost at every stage.

Mr. SMOOT. Certainly.

Mr. SIMMONS. And I contend, when we are talking about the labor cost in fixing duties, we want the labor cost of conversion.

Mr. SMOOT. Mr. President——

Mr. SIMMONS. The labor cost of the process below that is provided for by another duty, and the process below that is provided for by still another duty, and so on; so that, to use the language of the Senator from Mississippi [Mr. WILLIAMS] in reply to Mr. Schwab before the Finance Committee, "each manipulator gets his nib."

Mr. SMOOT and Mr. OLIVER addressed the Chair.

The VICE PRESIDENT. Does the Senator from North Carolina yield to one of the Senators, and to whom?

Mr. SIMMONS. I am in a colloquy with the Senator from Utah, and therefore yield to him.

Mr. SMOOT. I merely suggest this example to the Senator from North Carolina, to show that 15 per cent certainly does not represent the labor cost from ore to the finished product.

Mr. SIMMONS. Now, Mr. President——

Mr. SMOOT. Take the ore that is worth a dollar a ton, and 15 per cent on a dollar is 15 cents. The Senator from North Carolina does not want the Senate to believe that 15 cents is the labor cost from the ore to the highest class of finished products, which in many cases amount to 80 per cent labor.

Mr. SIMMONS. Mr. President, we had yesterday here a very fine illustration of the fallacy of the position taken by the Senator from Utah. The Senator from Iowa [Mr. CUMMINS], in one of his interruptions yesterday, brought out the fact that the cost of converting pig iron into ingots or pig iron into steel rails was about $1.80. The Senator brought out the further fact that there was added to the product by this process of conversion $14 of value, so that the cost of labor in that process of conversion was $1.80 and the added value $14, or about 12 or 13 per cent of the cost of conversion was labor.

Mr. SMOOT. Mr. President, does the Senator from North Carolina mean to say that he could take iron ore and convert it into steel rails for a dollar and eighty cents a ton?

Mr. SIMMONS. I said that that was the statement of the Senator from Iowa yesterday.

Mr. SMOOT. If that is the case——

Mr. SIMMONS. That the cost of converting pig iron—not iron ore, but pig iron—into steel rails was $1.80, and that the added value by reason of that process of conversion was $14.

Mr. CUMMINS. Mr. President, before the Senator from Utah replies to the Senator from North Carolina, may I restate precisely what I endeavored to state on yesterday?

The VICE PRESIDENT. Does the Senator from North Caroline yield to the Senator from Iowa?

Mr. SIMMONS. I shall be glad to have the Senator from Iowa do that.

Mr. CUMMINS. I think I said the cost would be about $1.80. The exact amount is $1.86.

Mr. SMOOT. Will the Senator state what it is for?

Mr. CUMMINS. I will. The Commissioner of Corporations, in examining the cost of 51,902,609 tons of Bessemer iron, states that the cost of converting the ore into pig is 77 cents per ton; the cost of converting 9,573,539 tons of basic iron into pig is 62 cents per ton; the cost of converting 5,339,766 tons of southern pig from the ore into pig is $1.23 per ton.

Mr. SMOOT. I can not follow the Senator with the figures I have.

Mr. CUMMINS. I will give the Senator the figures in a minute. The labor of converting it from pig into ingots is 61 cents.

Mr. STONE. That is, the southern pig.

Mr. CUMMINS. No; it is 61 cents for converting it into Bessemer ingots and billets; and for the open-hearth or basic ingots, 24 cents. If the Senator will then turn to another table which gives the cost of producing Bessemer rails from steel ingots, which is $1.25 per ton, he will find that the total from pig iron to steel rails is $1.86 a ton. Taking the iron from the pig to the steel rails——

Mr. OLIVER. From pig to steel rails?

Mr. CUMMINS. Yes. I think I said yesterday—and I believe that was correct—from pig to steel rails.

Mr. SMOOT. That is what the Senator said yesterday; but the Senator from North Carolina said it was from ore to steel rails.

Mr. SIMMONS. No; I did not say from ore. I said that I understood the Senator from Iowa to say yesterday that it was from pig to ingots, or from pig to steel rails.

Mr. SMOOT. Oh, no. He said yesterday that it was from pig to ingots.

Mr. SIMMONS. Yes; from pig to ingots or from pig to steel rails.

Mr. SMOOT. That is an entirely different proposition.

Mr. SIMMONS. That is what the Senator from Iowa said. I read it here this morning, and I do not think I am mistaken about it.

Mr. CUMMINS. The Senator from North Carolina is substantially right. Taking pig iron as a basis, the cost of converting it into an ingot for the purpose of making rails is 61 cents per ton for the regular Bessemer ingots. The cost of converting the ingot into the rail is $1.25 a ton, making a total of $1.86 a ton for the conversion from the pig into the steel rail.

Mr. SIMMONS. And that is about 12 or 13 per cent of the added value.

Mr. CUMMINS. I think that depends upon what you take as added value. If you take pig iron at $14 a ton——

Mr. SIMMONS. I was taking the Senator's statement on yesterday.

Mr. CUMMINS. Taking pig iron at $14 a ton and steel rails at $28 a ton it is about 12 per cent.

Mr. OLIVER. I should like to ask the Senator from Iowa a question, with the permission of the Senator from North Carolina.

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Pennsylvania for that purpose?

Mr. SIMMONS. Certainly.

Mr. OLIVER. As I understand, the Senator from Iowa takes the labor cost by adding the labor cost of the manufacture of pig iron, the labor cost of converting pig iron into ingots and the ingots into rails, producing that result, at something like $1.86.

Mr. CUMMINS. At $1.86.

Mr. OLIVER. Mr. President, to assume that that is the labor cost of a ton of steel rails shows how little knowledge the Senators who are juggling with these figures have of the real process of manufacture. They ignore the fact that a ton of pig iron does not produce a ton of steel rails; they ignore the important fact of waste, for instance. In the Bessemer process it takes a ton and a quarter of pig iron to produce a ton of ingots; it takes about 1 1/10 tons of ingots to produce a ton of steel rails. There is continual waste in each process, and in figuring up the labor cost you have to figure first the labor cost of producing a ton of pig iron from the ore, then add to it the labor cost, say, of converting a ton and a quarter of pig iron into ingots, and then add to that the cost of a ton and one-tenth of ingots into rails, and so on. All these things must be considered in estimating the labor cost, and in arriving at the labor cost of any article you have to consider the accumulation of cost of everything, every process through which the article has passed from the time it left the earth until it reaches the consumer. The Senator from North Carolina says that each one is compensated by a separate duty, but the last duty is the accumulation of all previous duties.

Mr. SIMMONS. Let me ask the Senator a question. In discussing the labor cost with the view to fixing duties by the standard of measuring the difference between the labor cost here and abroad——

Mr. OLIVER. Plus a reasonable profit.

Mr. SIMMONS. Well, we will leave that out for the present.

Mr. OLIVER. I do not leave it out.

Mr. SIMMONS. Measuring the difference between the labor cost here and abroad for the article, we want to ascertain the cost of the process of conversion in the factory of the article upon which the duty is laid. For the purpose of fixing the duty according to that basis—according to the Republican basis, which I do not agree to—measuring the difference between the labor cost here and abroad, I maintain that you only need to take into consideration the cost of making the product upon which the duty is imposed.

Mr. OLIVER. Does the Senator wish me to reply to that?

Mr. SIMMONS. Yes.

Mr. OLIVER. Then I will reply that you want to estimate the cost of every hour of labor that is put upon any article within the boundaries of the United States of America—that is, the labor cost of any article—and you might just as well say that in estimating the labor cost of this penknife which I hold in my hand you only have to estimate the cost of the last work done upon it.

Mr. SIMMONS. All I desire to say about that is, while the Senator may be technically correct, he is not correct——

Mr. OLIVER. I am practically correct.

Mr. SIMMONS. He is not correct for the purpose for which we are trying to ascertain what the labor cost is and what the difference in that labor cost here and abroad is.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. SIMMONS. Certainly.

Mr. CUMMINS. Whatever conclusions the Senator from Pennsylvania may draw from the statistics on this subject, I think upon reflection he will be inclined to withdraw his charge that I, at least, have juggled with any figures.

Mr. OLIVER. Oh, I did not intend to intimate that the Senator had intentionally juggled with figures, and if I used the term "juggled" it was not in any offensive sense.

Mr. CUMMINS. I am sure of that, and I wanted to give the Senator an opportunity to make the RECORD clear upon that point.

Mr. OLIVER. Oh, yes.

Mr. CUMMINS. I may not agree with all of the conclusions drawn by the Senator from North Carolina, but I want the Senate to remember, and especially the Senator from Pennsylvania to remember, that I gave simply the labor or the wage cost of converting pig iron, first into ingots, and then from ingots to steel rails; and that cost, according to the most approved information we can get, is $1.86.

Now, there is a broad sense in which all value is given to an article by labor. If we could conceive of a world uninhabited, but stored with the resources of which we are now the possessors, it would be quite true to say that the world was of no value whatsoever and would continue to be valueless until man put some labor upon something in it and produced something that some other man wanted to buy; but in all that I have said I want it to be clearly understood that I am giving the figures with regard to what was actually paid to the men who work with their hands in converting one article into another. I shall show presently that the cost of the materials—an item which I know is in the minds of the Senator from Utah and the Senator from Pennsylvania—I shall show that the materials which go to make up a ton of pig iron cost the producer of this country much less than they cost the producer in England or in Germany, and that therefore we ought to start with a credit rather than with a debit in ascertaining what the duties ought to be upon those articles which follow pig iron in production.

Mr. SIMMONS. The Senator from Iowa means a debit on account of the lower cost of materials in this country. I agree with him. The cost of materials is less here. But I have not gone into that, and for lack of time I will not go into that now. I shall probably wish to take that up later.

Mr. CUMMINS. Simply because England imports iron ore, 50 per cent of her iron ore from Spain.

Mr. SIMMONS. The Senator is right about that.

Mr. CUMMINS. And she pays a great deal more per ton for that iron ore, which is no richer than 30 per cent, than it costs any producer to buy 50 per cent iron ore at the lake ports in America.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. I yield for a brief statement, but I desire to go on with my speech.

Mr. SMOOT. I merely desire to make a short statement.

The PRESIDING OFFICER. Does the Chair understand the Senator from North Carolina to yield?

Mr. SIMMONS. Yes; for a brief statement.

Mr. SMOOT. In answer to the Senator from Iowa, I want to call his attention to the tariff hearings of 1909 in the House of Representatives, at which Herbert Knox Smith filed his report on standard rails. It is found on page 1765 of the House hearings. He reports the cost items of rails for the five years from 1902 to 1906. I will read from his report:

Cost items.

Bessemer pig iron	$14.52
Waste	1.95
Cost pig iron in rails	16.47

Tons produced, 14,020,303.

That is not iron ore; it is pig iron, and the total cost of pig iron in rails is $16.47. Now, he goes on and estimates the cost of making steel rails. By his report the steel rails cost $22.23 a ton, and these are the items of cost:

Cost pig iron in rails	$16.47
Labor	1.98
Manganese, etc	.20
Fuel	.35
Steam	.62
Molds	.15
Rolls	.17
Materials in repairs and maintenance	.42
Supplies and tools	.27
Miscellaneous and general works expense	.51
General expense	.14
Depreciation	.16
Total cost	22.23

Mr. President, in this report, giving the figures from 1902 to 1906, the labor cost is placed at $1.98 and the operating expenses at $2.79, and in operating expenses there is not an item included which does not represent labor.

Mr. CUMMINS. Well, Mr. President, I shall examine all those tables later, but my friend from Utah seems to assume——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. SIMMONS. I yield. I am very much delighted at this controversy between the Senator from Utah and the Senator from Iowa.

Mr. CUMMINS. The Senator from Utah seems to assume that the manufacturer abroad has no wastage——

Mr. SMOOT. Not at all.

Mr. CUMMINS. That he has no other expenses, and that he is able to make a ton of steel rails out of a ton of pig iron. Now, I suppose a ton of pig iron in England will go as far toward making a ton of steel rails as it will in America; and if it is the idea of the Senator from Utah that the Republican Party proposes to lay a duty upon steel rails in order to compensate the American manufacturer for the waste or the diminution which occurs in these processes, he is carrying the doctrine to an extent I never heard it applied before.

Mr. SMOOT. No, Mr. President——

Mr. CUMMINS. I had assumed also that there is depreciation in property abroad and that there are other expenses abroad, just as there are here, and I have thought that our doctrine—his doctrine and mine—simply required us to put a duty upon the article that would measure the difference between the cost of doing these things abroad and at home.

Mr. SMOOT. Well, Mr. President, the Senator——

The PRESIDING OFFICER. Does the Senator from North Carolina yield further?

Mr. SIMMONS. I yield, Mr. President.

Mr. SMOOT. The Senator certainly does not mean to say that I quoted these figures to prove that there was no waste or depreciation in foreign countries. I simply answered the Senator, because he said that the labor in producing steel rails from the ore to the finished product was $1.86. I say that the report of Herbert Knox Smith does not prove that. The report is here in print; I have it; no doubt the Senator has read it; and if he has not, he can find it here. It has been published, and the report says from pig iron to rails the labor cost is $1.98.

Mr. CUMMINS. I understand that.

Mr. SMOOT. And, Mr. President, so far as depreciation is concerned, I should like to ask the Senator if he does not recognize the fact, in connection with the question of depreciation, that if there is 16 per cent depreciation in a plant that cost $150,000 in this country and the same percentage of depreciation in a plant in a foreign country that cost $100,000, there is a difference that should be made up to the American manufacturer so far as depreciation is concerned.

Mr. CUMMINS. The depreciation might be much greater abroad than at home, and it might be much less.

Mr. SMOOT. But does not the Senator recognize the fact that if it is exactly the same, if it is 16 per cent in a foreign country and 16 per cent in this country, and the factory costs more in this country than it costs abroad, there is a difference in depreciation that has got to be made up?

Mr. CUMMINS. In so far as I am concerned, Mr. President, I refuse to consider the matter of depreciation in discussing the question of wages or of labor. The depreciation belongs to the reward of capital, and that comes under an entirely different phase of this subject. I will give some attention to the matter of capital when I come to discuss the whole subject.

Mr. SMOOT. Mr. President——

Mr. SIMMONS. Mr. President, I think I ought not to be required to yield any further to this controversy.

The PRESIDING OFFICER. The Senator from North Carolina refuses to yield further.

Mr. SMOOT. I only desire to refer briefly to one item.

Mr. SIMMONS. I will yield to the Senator briefly.

Mr. SMOOT. I desire to speak of one other item, and that is this: Included in the operating expenses, Herbert Knox Smith says the cost of steam is 62 cents. Steam requires labor to make it, and it is stated in the report that, including labor, the steam item amounted to 62 cents. That is a part of the labor cost just as much as the work of the man who takes the hot ore and carries it from one place to another.

Mr. SIMMONS. Mr. President, I have been very much edified and very much gratified at this controversy between the two schools of tariff thought represented upon the other side of the Chamber, and I have been glad to yield a part of my time in order that they might fight out this controversy between themselves; but, after all that has been said in the course of these interruptions, my proposition remains true, that, according to the only authentic official report that we have upon this question, the labor cost of producing the articles made by the Steel Corporation and by the Bethlehem Co., known in the trade as the heavier and bulkier products of iron and steel, is only about 15½ per cent of the total cost of production. This bill levies average duties of about 15 per cent upon these very products, not a general ad valorem but an average ad valorem upon these specific products shown by these Government reports to represent only about 15½ per cent of labor.

So that from the standpoint of difference in labor cost here and abroad, according to the contention of Mr. Schwab—and his contention was the same as that of nearly every witness who came before the Finance Committee—according to that contention the bill provides for twice as much duty as the difference between the labor cost of these products here and in competing countries abroad, and from that standpoint there is no just cause of complaint on the part of the manufacturers of these products in this country.

LABOR COST OF FINER PRODUCTS.

But, Mr. President, it was contended yesterday, and it has been contended all along in the House and in the hearings, that there are certain finer products of steel in which the element of labor cost enters more largely. I think most of the witnesses claimed that the labor cost of such products is about 50 per cent of the total cost. Some of them, I believe, went as high as 60 per cent, and I think, speaking as to one particular product, it was stated before the committee that the labor cost represented 80 per cent.

I have caused to be taken, because I think it very important in connection with this discussion, the various products in this bill in which the element of labor seems to be very high in proportion to the total cost, and I have had made estimates of the labor cost according to these Government publications, and I have compared them with the duties carried in this bill upon those articles, and I think I shall be able to show the Senate that in every case the duties carried in this bill more than measure the difference between the cost of labor here and abroad, even conceding, which I do not, and which no Democrat does, that the labor cost abroad is one-half less than it is here.

Let us take cutlery. I think it is one of the articles mentioned by the Senator from New Hampshire [Mr. GALLINGER] yesterday as carrying a very high percentage of labor cost. The labor cost in that industry is high as compared with that of many other articles covered by the bill.

According to the census of manufactures taken in 1905, covering the calendar year 1904, the wages paid in the cutlery industry in this country in that year amounted, in round numbers, to $7,000,000, and the value of the product, in round numbers, $18,000,000; the labor cost about 38 per cent. Now, Mr. President, the House bill carries upon cutlery an average duty of 31.25 per cent. If the labor cost abroad is only one-half what it is here, and the labor cost here is 38 per cent, then the difference in labor cost here and abroad is 19 per cent. So the House bill, carrying 31 per cent, carries about 12 per cent in excess of the difference between labor cost here and abroad.

Another article which it is claimed is made at a high per cent of labor cost is files. I find that in 1904 the wages paid in this industry amounted to $1,500,000; value of products, $4,391,000; percentage of labor to total cost, 34.50 per cent.

An examination of the House bill shows that the duty upon files carried by that measure is 25 per cent. Allowing for the difference claimed between wages here and abroad, putting the wages at 34 per cent and the wages abroad at half of that, 17 per cent, the House bill carries in excess of the alleged difference in the labor cost 8 per cent.

Another one of the items of relative high labor cost is screws. The entire wages paid labor was half a million and the product a little over two million. The percentage of labor cost was 26. The House bill carries a duty of 25 per cent on screws, so that it carries 12 per cent more than the amount which it is claimed would measure the difference between the labor cost here and abroad upon the basis of its being twice as high here as in Europe.

Saws—another item in which the labor cost is high. The wages paid in 1904 was $2,700,000; value of product, $9,800,000; percentage of labor cost, 27.58, one-half of that amount representing, as it is claimed, the difference between labor cost here and abroad—13.79, or about 14 per cent. The duty under the House bill is 12 per cent, so in that particular instance the duty would not cover the alleged difference.

Firearms—the manufacture of pistols, automatic and otherwise, and all kinds of guns.

The amount of wages paid in this industry, according to the Government report to which I have referred, in 1904 was $3,722,000; value of product, $8,275,000; labor cost, 45 per cent. One-half of that amount, representing as claimed the difference between the labor cost here and abroad, would be 22½ per cent. The House bill carries upon firearms a duty of 35 per cent, or a duty in excess of the alleged difference in the cost of production here and abroad of 12½ per cent.

Watches—As I recollect it, there were but few, if any, items in the bill where it was claimed before the committee that the labor cost was higher than in making watches and articles of watch movements. According to this report the labor cost, without giving the other figures, is 40 per cent; one-half of that would be 20 per cent. The bill carries 30 per cent, or 10

per cent in excess of the alleged difference in the labor cost here and abroad.

Clocks. Labor cost according to this report is 40 per cent. One-half to represent the difference in labor cost here and abroad would be 20 per cent. The bill carries 30 per cent, or 10 per cent in excess of the alleged difference in labor cost here and abroad.

Tools. I believe there were more witnesses examined before the committee with reference to this schedule embracing tools than any other. Their complaint was most strenuous, because they claimed a large percentage of cost of labor, and that unless we retained the present duties that industry would be destroyed because of the lesser cost abroad.

The wages paid in that industry in the year I have been speaking about was $6,000,000; output, $20,000,000; per cent of labor, 30; one-half of that would be 15. The House bill carries 25 per cent, or 10 per cent more than the alleged difference between the labor cost here and abroad.

Mr. President, I do not believe that the difference in labor cost is near so important in determining competition as the advocates of protection would have us believe.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair) Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. SIMMONS. Certainly.

Mr. CUMMINS. I simply wanted to be sure that I understood the Senator from North Carolina. He has just referred to steel tools. I assume he means machine tools.

Mr. SIMMONS. No; it is tools generally, not elsewhere specified. I was not able to get the figures as to machine tools.

Mr. CUMMINS. I thought possibly the Senator was referring to the complaint made by the manufacturers all over the country as to machine tools.

Mr. SIMMONS. I was not.

Mr. CUMMINS. Under the bill he is now discussing they are put upon the free list.

Mr. SIMMONS. I was not discussing those. They come in under the general clause providing duties on articles not provided for specifically.

We are exporting some of these products in large quantities. Take, for instance, saws. We exported and sold abroad in competition with the world last year about $9,000,000 worth of saws.

We sold abroad last year in competition with the world $6,500,000 worth of tools. We sold abroad last year in competition with the world nearly $2,500,000 worth of firearms. It would seem that if, in competition with our European competitors in the neutral markets of the world, we are able to sell these articles without a loss, these articles in which is is contended the element of labor enters largely, we at least ought to be able to sell them here in our own country, where we have an advantage in freights, in competition with foreign producers.

But I was about to say, Mr. President, that I do not believe that the difference in labor cost is near so important in determining competition as the advocates of protection would have us believe.

The States of this Union, with varying soils, climate, and labor conditions, carry on successful competition contradicting this theory.

COTTON IN TEXAS, ETC.

It costs more to make a bale of cotton in my State than it does in Texas or in Louisiana or in Mississippi, because of the greater average of fertility of the land of those States. Our average yield is as great as theirs, but we have to accomplish it through the use of expensive fertilizers and a much more extensive system of cultivation; and yet, Mr. President, we are raising cotton successfully in competition with those States.

It costs more to make a ton of pig iron in Pennsylvania than in Alabama, and yet Pennsylvania is able to compete and does compete successfully with Alabama in iron.

UNITED STATES STEEL CORPORATION PRODUCES CHEAPER, YET INDEPENDENTS SUCCESSFULLY COMPETE.

Independent representatives of this industry who appeared before the committee insisted that the United States Steel Corporation largely monopolized the export trade of this industry. They claimed that the United States Steel Corporation could manufacture cheaper than the independents and were therefore able to export at a profit.

Notwithstanding the fact that the United States Steel Corporation, for one reason or another, can and does manufacture cheaper than the independents, they have been able to sustain themselves in competition with this cheaper-produced product and, according to Government reports, in recent years have been increasing their percentage of production more rapidly than the Steel Corporation, showing right in our own country, by reason of greater capital, by reason of better organization and other advantages that accrue from a combination such as the United States Steel Corporation, an article can be produced very much cheaper, yet the producer at the higher cost is able to maintain himself in competition with the cheaper-produced product and to grow and expand and to acquire a larger part of the local market.

Now, Mr. President, coming back to the testimony of Mr. Schwab for a minute, in his testimony before the Finance Committee he asserted, as I recall his statement, that the average wage paid at Bethlehem in the steel and iron industry is $706 per annum. The average English wage would be, therefore, according to him, something less than $400.

Now, let us see what the Immigration Commission in its report upon this subject says.

I have here Table 46, page 66, referring to industrial conditions in iron and steel manufacturing. This table gives the per cent of males of 18 years of age and over working for wages and earning under $400. It shows that in the Pittsburgh district it is 59.2 per cent; in the east Pennsylvania district it is 74.6 per cent; New York district, 55.6 per cent; Middle West, 82.4 per cent; Birmingham district, 75.1 per cent. Total of the iron and steel manufacturing industry receiving less than $400 per year, 68.4 per cent, while 72.1 per cent of the foreign-born labor in this industry is shown to be earning less than $400.

Mr. SMOOT. I should like to ask the Senator if he understands those figures the same as I do.

Mr. SIMMONS. I have the report here. I did not want to read the whole report. I will hand the report to the Senator and let him read it, and he can answer in his own time.

Commenting upon this table, the commission says:

The average annual wage of the native white in the Pittsburgh district is $677 and of the total native born $623. Both the native born and the foreign born exhibit the lowest average wage in community "C," which is east of the Pennsylvania district, where the annual earnings for the total native born are $450, as contrasted with $271 for the total foreign born.

Average total native born, $504; average total foreign born, $325.

Table 45 of this same report shows that the average earnings of the foreign-born laborer in the Pittsburgh mills is $367; in the Birmingham district, $309; and in the iron and steel industry at large, $325.

According to this report of the commission it therefore appears that 68 per cent of the employees in the iron and steel industries of this country are receiving less than $400, which, according to Mr. Schwab's testimony and argument, is about the same amount paid in Europe.

SIXTY PER CENT FOREIGNERS EMPLOYED IN STEEL INDUSTRY—GREAT PROFITS.

More than 60 per cent of the laborers employed in the steel industry in the East are foreigners, 72 per cent of whom, according to the report of the Immigration Commission, are receiving less than $400 a year and in some districts less than $300.

Mr. SMOOT. Does the Senator understand that wherever an employee works six months or three months, then leaves, and another employee takes his place, the average of the rate per year includes the man or the boy who works six months or three months, and an average is then made of the whole number?

The figures are just a little more than one-half what Mr. Schwab quoted.

Mr. SIMMONS. I do not know anything about what the commission did. The commission finds that the average native born in the districts discussed received $504 a year and the average foreign born $325 a year.

Mr. SMOOT. That may be absolutely true; and yet you could not tell what is the wage in any industry in the United States unless the table shows what the wage was for 12 months, and then taking the number of employees in the mill, and whether they worked 3 or 6 or 9 months, and the amount paid for salaries, and then dividing it by the number of employees.

Mr. SIMMONS. I do not know what the commission did, but I find this. Here is the summary:

General nativity and race of individuals.

Sections.	Total native-born of foreign father.	Total native-born.	Total foreign-born.
East:			
Pittsburgh district	552	623	363
Community C—Eastern Pennsylvania	472	450	271
Community D—New York	446	514	371
Middle West—Community E			285
South—Birmingham district	411	460	309
Total iron and steel manufacturing industry	488	504	325

This industry, with its product protected by an average duty of 35 per cent, recruiting 60 per cent of its labor from southern and eastern Europe, where labor conditions and wages are the lowest of all Europe, comes to Congress, and in the name of

American labor, in the interest of the high standard of living of the American laborer, demands protection against German labor and English labor.

Mr. HITCHCOCK. Can the Senator put in at that point in his speech, if he has not already prepared it, how many hours of labor and the number of days per week required of those laborers?

Mr. SIMMONS. I have not that, but I can state it generally. In the recent report set forth in the report of the majority members of the Ways and Means Committee, and in Mr. Knox Smith's report, it is found that at the blast furnaces and in some other departments of the steel and iron industry they have the continuous process by which a man works 7 days a week 12 hours a day. While it was contended that was necessary, it was shown in the report that while it is necessary in certain departments to hire continuous labor, that the process is practiced where there is no such necessity and practiced for reasons of economy.

Mr. SMOOT. I think the Senator wants to be fair.

Mr. SIMMONS. Surely.

Mr. SMOOT. I wish to say that the 12-hour-a-day labor in the steel industry applies only to the blast-furnace men.

Mr. SIMMONS. The Senator will find that statement very positively contradicted in the report. It applies to some other departments where there is no such necessity as there is in the blast-furnace department.

Mr. SMOOT. We had no witnesses before the Finance Committee who stated that there were any 12-hour-a-day men with the exception of the blast-furnace men. It was at their request, and it was stated by the men themselves before the committee that they preferred to work the 12 hours, because of the 12 hours they were not required to work over 5 or 6 hours. If the blast went on with no interruption and the process was perfect, there was not very much to do, and they were there as watchers rather than as workmen.

Mr. SIMMONS. Does the Senator think it is necessary, except for purposes of pure economy, to work a man 7 days in the week 12 hours a day?

Mr. SMOOT. No; I do not.

Mr. SIMMONS. It was admitted, if the Senator will permit me, that that could be avoided, that there was no insurmountable difficulty that could not be overcome. But it was said by one of the witnesses, and I think Mr. Schwab, although I am not sure about it, that that would be too expensive; and it is for the purpose of saving expense in this industry, where more profits have been made than in any other industry in this country, that some laborers are required to work 7 days in the week and 12 hours a day, and there is a shift every 2 weeks when one man has to work 24 hours a day.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. Certainly.

Mr. SMOOT. In answer to the Senator I will state that I do not approve of employing any class of labor and requiring them to work 12 hours a day. I will also state, in justice to Mr. Schwab, as I think the Senator will remember, he testified before the committee that his company as well as one other company had undertaken to change their system some years ago, and that they were perfectly willing it should be changed and hoped to see the time when it would be; that the only reason why it had not been, as far as his company was concerned, was because of the fact that the industry was upon that basis, and unless they were all put on the same basis one would have an advantage over the other in making goods at a less price.

Mr. SIMMONS. And they, for the sake of advantage in cost incident to putting on another shift, were doing this thing.

Mr. SMOOT. There is no doubt of it.

Mr. SIMMONS. And make them work continuously.

Mr. SMOOT. I have so stated. It was also stated by the men themselves that out of the 12 hours sometimes they did not work 5 hours. Even if they worked but 2 hours, as far as I am concerned, I would never approve the employment of men and compelling them to be even on watch for 12 hours.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. Certainly.

Mr. GALLINGER. On that point I interrogated Mr. Schwab when he was giving his testimony, and Mr. Schwab's words will be found on page 1274 of the hearings. He said:

Mr. SCHWAB. I can only say that the steel interests a year ago met in New York with a view of changing this condition of affairs by putting on a sixth extra workman and by making such changes as would give a workman one day a week off. The experiment is now being tried at one of the Steel Corporation's works in Pittsburgh, which we are following with great interest. We proposed it to our workmen, and almost unanimously they desired that the condition continue as it is at present. This class of men that work 12 hours a day for 7 days in the week are blast-furnace men. It is a continuous metallurgical operation, and somebody has to be employed all the time.

Then I inquired of him. I asked:

But that does not apply to your entire force?

Mr. SCHWAB. Oh, no. These are the men who work at the blast furnaces. All the others work 10 hours a day. We give all the workmen, other than the blast-furnace men, a holiday on Saturday.

Then later on the Senator from North Carolina himself interrogated Mr. Schwab. He said:

Senator SIMMONS. I want to call attention to the fact that in the report they state that that seven days a week is not confined to those metallurgical operations.

The Senator had just stated that the employment extended beyond that.

Mr. SCHWAB. That is true. There are some situations in the rolling mills, but they are very few. But that is not the ordinary practice. But in any operation that is necessary, by reason of metallurgical conditions, to be continuous, the practice is to employ the workmen 12 hours a day. It is universal all over the world.

Senator SIMMONS. Do you not see the same thing in some other departments?

Mr. SCHWAB. It is only done, as I say, in continuous operations. You can take all our men in the engineering department—the machinists, mechanics, and laborers—all the men of that sort work 10 hours a day.

Mr. President, I put that in the RECORD with the consent of the Senator from North Carolina, and I thank him for giving me the privilege, to show that while I do not approve this condition, and we had the assurance from Mr. Schwab and I think from others that they were working out the problem of changing it, it applies only to the men who because of metallurgical conditions are rather compelled to do this. It is a universal practice. As Mr. Schwab says, it is universal the world over.

Mr. SIMMONS. This is what the Bureau of Labor has to say on this matter in its report on the steel industry:

The investigation developed that the seven-day working week was not confined to the blast-furnace department, where there is a metallurgical necessity for continuous operation and in which department nine-tenths of the employees worked seven days a week, but it was also found that to a considerable extent in other departments, where no such metallurgical necessity can be claimed, productive work was carried on on Sundays just as on other days of the week. For example, in some establishments the Bessemer converters, the open-hearth furnaces, and blooming, rail, and structural mills were found operating seven days a week for commercial reasons only.

The hardship of a 12-hour day and a 7-day week is still further accentuated by the fact that every week or two weeks, as the case may be, when the employees on the day shift are transferred to the night shift, and vice versa, employees remain on duty without relief either 18 or 24 consecutive hours, according to the practice adopted for the change of shift. The most common plan to effect this change of shift is to work one shift of employees on the day of change through the entire 24 hours, the succeeding shift working the regular 12 hours when it comes on duty. In some instances the change is effected by having one shift remain on duty 18 hours and the succeeding shift work 18 hours.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. SIMMONS. I think I will go on and finish my speech.

Mr. OLIVER. I want to apologize to the Senator from North Carolina for interrupting him. I dislike very much to do it, but I want to say right here that the head of one of the largest steel concerns in the country told me within two months that they were making an earnest effort to change the condition of affairs in their plant and that they undoubtedly would make the change.

Mr. SIMMONS. Will the Senator allow me to ask him if they can not accomplish it in 24 hours by simply hiring a few more men and increasing their expenses a little?

Mr. OLIVER. Not at all. If the Senator from North Carolina were familiar with large manufacturing enterprises, he would not even ask that question. It is a revolution. What I was going to say, and I will be very brief, is that the main opposition, the most determined opposition to this effort to change, comes from the men themselves, who——

Mr. SIMMONS. Mr. President, I submit that the Senator is injecting a speech into mine.

The PRESIDING OFFICER. The Senator from North Carolina declines to yield further.

Mr. SIMMONS. The Senator is not making a statement of facts, but is simply injecting a speech.

Mr. OLIVER. I will not further interrupt the Senator. I was endeavoring to enlighten him, but he does not seem to relish it.

The PRESIDING OFFICER. The Senator from North Carolina will proceed.

Mr. SIMMONS. I have had an abundance of enlightenment through the report of the Bureau of Labor. Here is an industry employing men and requiring them, where there is no absolute necessity for it except to save money, to work 12 hours a day and 7 days during the week and every 2 weeks

to work 24 hours 1 day. That is an industry employing probably a larger per cent of foreign labor than any other industry in this country. It is recruited from the very scum of Europe, not from the higher-priced labor countries of Europe where they say that they are not able to compete with the labor, but from the lowest-priced labor countries of Europe—not from Germany or England, where wages are nearer the same as ours, but from Italy and Hungary, where the difference between wages here and abroad is greater and where the wages are less. This industry, enjoying the benefits of high protection, has accumulated enormous profits during the last 15 or 20 or 25 years through protection—protection in the products of its factory and its free trade in labor—and this is the industry that can not afford to employ an extra shift of men so as to relieve against the necessity of the men having to work 7 days in the week and every 2 weeks 24 hours in a day at the end of a shift.

These conditions as to employment of foreign labor and long hours that I have described, Mr. President, in the steel industry obtained during the same period of time covered by the statement of the president of the Bethlehem Steel Co. when he wrote, under date of November 5, 1909, the following:

> The capital stock of the Bethlehem Steel Co. amounts to $15,000,000 (all owned by the Bethlehem Steel Corporation), divided into 300,000 shares at $50 par. While nominally only $1 per share has been paid in, the surplus of the company is practically sufficient to pay the stock in full, and the company intends to issue stock to represent this surplus.

Referring to this letter, Hon. A. MITCHELL PALMER recently said:

> Apparently this intention of the company was carried out and the earned profits added to the capital account, for in 1910 we find that the Bethlehem Steel Co. earned, net, after liberal additions to depreciation and furnace relining reserves and considerable redemption of funded debt, the comfortable amount of $1,789,462.09, which was sufficient to nearly double the then surplus and declare and pay a dividend of 10 per cent, amounting to $1,500,000 on the capital stock of the company, which, according to Mr. Schwab's statement, consisted of $300,000 contributed in cash and $14,700,000 earned profits. What this return on the actual cash investment amounted to is a simple problem in arithmetic, in the solution of which the men at Bethlehem, whose wages have been tabulated by the Bureau of Labor, would find an interesting though unprofitable occupation.

Mr. President, this Bethlehem record of 10 per cent dividends upon $15,000,000 actual investment by its stockholders of only $300,000, is a record of "get rich quick" without parallel in the history of the world. The president of this corporation enjoying the blessing or curse of free trade in labor—employing 60 per cent of the scum of Europe at starvation wages, while the products of this alien horde is highly protected against the higher price labor of Europe—protests against any cut in its protection, and declares if this is done it will have to go out of business or further cut the wages of its aggregation of Hungarians, Poles, Magyars, and what not.

In the name of humanity I should hate to see the pay of these underpaid and underfed foreigners further reduced, but in the interest of the thousands who buy its overprotected product I would dearly love to see the extortionate profits of this petted child of fortune cut down a little bit, if not more. I should feel that such a cut would be healthy. While it would grieve Mr. Schwab and his Bethlehem stockholders, it would gladden the hearts of the thousands who have to buy his products.

THE ARGUMENT THAT WE CAN NOT COMPETE WITH THE FOREIGN PRODUCER IS ANSWERED BY THE FACTS OF OUR EXPORT TRADE.

Mr. President, the argument of the opponents of tariff reduction that we can not compete with the foreigner in this market, that any material reduction in the present high rate of duties will result in foreign invasion of our markets, is overwhelmingly answered by our annual exports of merchandise. That it is profitable is shown by the eagerness it is sought after. That the profits are satisfactory nobody denies.

Last year we exported and sold abroad in Europe, in Asia, in Africa, and South America, all over the face of the earth, over $900,000,000 worth of the products of our factories.

If we can not compete with the foreigner in our own market with a tariff advantage such as this bill carries—an advantage of 22 per cent—how are we able, year after year, to sell nearly a billion dollars' worth of products of these factories in the neutral markets of the world where we have no tariff advantage?

If the manufacturers of the articles embodied in this bill would not be able to compete with the foreigner in this market with the 22 per cent tariff advantage which it would give them, how were they able last year to sell at a reasonable profit $230,000,000 worth of these very products from one end of the world to the other without any tariff advantage and under probable freight disadvantages in competition with the like products of the very countries they now claim will scale this 22 per cent tariff wall and take from them their American customer?

CANADA.

In the calendar year 1910, as appears from the Canadian Yearbook, Canada imported in iron and steel and manufactures thereof $61,183,000, of which Great Britain sold her $11,212,000; Germany, Holland, Belgium, and all other countries except the United States, $1,930,000; and the United States sold her $48,040,000, or over four times as much. That, Mr. President, in the face of the fact that Great Britain enjoys in the Canadian market the tariff preference over us of 35 per cent.

MEXICO.

According to the Bureau of Statistics, we exported to Mexico, of iron and steel, including agricultural implements, cars and carriages, which included automobiles, in 1910, $18,130,000; England, $3,722,000; Germany, $2,423,000; Holland and Belgium, a little less than $250,000; or, we exported about five times as much as Great Britain, almost eight times as much as Germany, and over sixty times as much as Belgium. These figures demonstrate we are able to compete with the other iron-producing countries in this neutral market of the world.

Mr. President, it can not be contended that in Mexico we enjoy any privilege over our foreign competitors. Freight rates are probably little to our disadvantage, tariff rates are equal; and yet, under these conditions, we sell to Mexico $18,000,000 worth of products of our iron and steel industry against Great Britain's less than $4,000,000 worth.

STEEL RAILS.

In 1910 we exported, all told, of steel rails $10,546,000, as against England's $13,275,000, Germany's $12,924,000, Belgium's $4,209,000, and Holland's about $3,480,000. If we exclude the exports of these countries to other countries in Europe, which they dominate and control against us by reason of freight rates, and exclude the exports to the colonies of each of these countries, which they in a large measure and in many cases entirely control, and take into consideration only foreign markets where all countries stand on an equality as to tariff and somewhere near an equality as to freight rates, we exported nearly as many dollars' worth of steel rails to these neutral markets of the world in 1910 as all of Europe combined. We exported in that year to these neutral markets $10,546,000 worth of steel rails, as against Great Britain's exports of about $4,000,000, Germany's exports of about $5,000,000, Belgium's exports of about $2,500,000, and Holland's exports of about $1,300,000.

Mr. President, in the face of the fact, admitted of all men, that our manufacturers are selling annually nearly a billion dollars' worth of their products of all kinds in nearly every quarter of the globe, in Asia, in Africa, in Europe, in South and North America, in competition with the world and at profits so satisfactory that this trade is eagerly sought by them; in the face of the fact that our manufacturers of iron and steel sold to Canada last year more than four times as much of these products as Great Britain, notwithstanding Great Britain has a preferential tariff advantage over us of 35 per cent; in the face of the fact that in 1910 we sold to Mexico, where we have no advantage over our competitors either in tariff or freight rates, products of iron and steel, including farming implements, carriages, and so forth, twice as much as England, Germany, Belgium combined; in the face of the fact that last year we sold of steel rails to the world at large $10,000,000, as against England's $12,000,000, Germany's $13,000,000; and that leaving out the contiguous, or approximately contiguous, countries of Europe, where the European manufacturer has a freight advantage over us, and leaving out the dependencies of our European competitors, where for various reasons they have an advantage over us, we sold in the neutral markets of the world, where trade conditions are equal nearly, as many steel rails as all the balance of the world; in the face of the fact that in the neutral markets of the world, where we have no advantage in either tariff or freight rates, markets which until recently our competitors have dominated; markets in which they have better bank-exchange arrangements and facilities than we have; markets in which by reason of long possession they understand the habits, the customs, the taste of the people better than we, and cater to them to an extent that we have not learned; I can not understand, if in the face of these facts we are able to meet these competitors elsewhere upon the basis of fair profits, why we are not able to meet them upon the same basis in our own country, with our customers at our doors, and where both tariff and freight rates are in our favor.

Mr. President, our manufacturing industries are fairly well organized. I am not now referring to the trust combinations, but business organizations. I say they are fairly well organized, and through their various organizations they are able to make themselves heard, and do make themselves heard, whenever their interest is involved in any way in legislation. They are

never forgotten. Speaking with reference to our population as a whole they may be said to represent the thousands, but the consumers who represent the millions are too numerous for organization. They have no committees. When legislation affecting their interest is pending the consumers have no direct personal representative or voice here. As a result, in our tariff legislation, in recent years, while the interest of the industries has been carefully safeguarded, protected, and often unduly promoted, the interest of the consumer has been too largely overlooked and forgotten.

The Democratic Party, Mr. President, while not forgetful of the interest of those great industries which have contributed so largely to the greatness, the wealth, and the prosperity of the Nation, does not forget the absent consumer, however humble. The authors of this bill in the other House, mindful of the great fundamental Democratic principle of equality, while not forgetting the seller and his interest, have not forgotten the buyer and his interest as well.

Mr. CULLOM. Unless the Senator from Missouri [Mr. STONE] desires to speak, I shall move an executive session. We have had no executive session this week.

Mr. CUMMINS. Will the Senator from Illinois withhold that motion for just a moment?

Mr. CULLOM. I will.

Mr. CUMMINS. There is upon the calendar a notice from me that I would address the Senate on this general subject to-day immediately after the routine morning business. It is obvious that I must in some way change that notice. To-morrow we have a special order. I do not know whether the Senator form Missouri desires to speak next or not.

Mr. STONE. As the RECORD shows, on yesterday I stated that by the courtesy of the Senator from Iowa, who had a notice that he would speak after the routine business to-day, and who indicated to me that he preferred to postpone his remarks, I would address the Senate to-day. But under the circumstances at present I think I will not proceed now. It is nearly 4 o'clock. As there is a special order for to-morrow, if it should suit the Senator from New Hampshire [Mr. GALLINGER] to adjourn until 12 o'clock to-morrow, instead of 2, we might be able to conclude the consideration of that measure before the close of the calendar day.

Mr. GALLINGER. If Senators will permit me, I will now move that when the Senate adjourns to-day it adjourn to meet at 12 o'clock to-morrow.

Mr. SMITH of Georgia. It is utterly useless to contemplate finishing the assignment for to-morrow on to-morrow. There are a number of speeches I know that will be made against the measure, and it will take several days. I expect to discuss it very fully.

Mr. STONE. Does the Senator think it will take several days.

Mr. SMITH of Georgia. Yes.

Mr. STONE. Then I suggest that we meet at 12 o'clock each day.

Mr. GALLINGER. I have made the motion for to-morrow—that when we adjourn to-day we adjourn to meet at 12 o'clock to-morrow.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The question is on agreeing to the motion of the Senator from New Hampshire.

Mr. SMITH of Georgia. I hope the Senator will not fix it as a permanent rule that we shall meet at 12 o'clock.

Mr. GALLINGER. The motion is only for to-morrow, I will say to the Senator.

The motion was agreed to.

Mr. CUMMINS. I think the Senator from Missouri has the floor, but I will say to him, while I am on my feet, that all I will do is to ask that the notice I have given be withheld from the calendar hereafter, and when this matter comes again before the Senate I have no doubt the Senator from Missouri and myself will be entirely able to agree as to the order of speaking.

Mr. STONE. There will be no difficulty about that.

I wish to make this observation before the Senate goes into executive session on the motion about to be made by the Senator from Illinois: I can not see that there is very much need or very much benefit to be derived from continuing the general discussion of this tariff bill by any Senator unless the discussion is one in which the Senate as a whole, or at least some reasonable part of the membership, is interested. We have just listened to a very able and unusually instructive address by the Senator from North Carolina [Mr. SIMMONS]. The Senator from Iowa [Mr. CUMMINS], when he takes the floor, I know will deliver an exceedingly interesting and instructive address. I can not understand, sir, why it is that Senators are apparently indifferent about the consideration of this important measure. Of all questions coming before the Senate and before Congress at this session the tariff question is paramount. The attention of the country is more fixed upon it than upon any other, and it is the question around which, above all others, the great struggle of this year for political supremacy will be waged. I presume by what I have seen here in the last day or two that Senators are so well informed with respect to this particular bill, or so well equipped to pass intelligent judgment upon it, that they do not care to hear anything about it. If that is true, I think we had better take it up by paragraphs and proceed with it.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. STONE. Certainly; I yield.

Mr. BACON. I should like to say to the Senator that as the address of the Senator from North Carolina was not entirely agreed to by Senators on the other side and they had evidently a good deal of opposition to the particular propositions which he advocated, it might be well to let some of them do a little of the speaking before the Senator from Missouri and the Senator from Iowa proceed on the same side. It would give the Senators who are opposed to this bill the opportunity to make their speeches consecutively, without having to interject them in a spasmodic manner, as they have been doing to-day.

Mr. STONE. Well, perhaps that is true. The Senator from Georgia always makes pertinent and wise suggestions; but that does not quite touch what I have in mind. Why should we carry on a debate here in the Senate before half a dozen Senators? Why should we not take up the bill by paragraphs, and dispose of it at once? The Senator from Utah, I have no doubt, is prepared to present the ultra-Republican view.

Mr. SMOOT. The true Republican view.

Mr. STONE. The Senator says the true Republican view, which is from his standpoint the ultra-Republican view. It is a mere matter of terms; but I confess a degree of impatience at the things we see here in the Senate.

Mr. President, I have been away a good deal for the last two months. I came back a short time ago and Senators on this side of the Chamber, at least, have been prodding me, as they have been other Democratic members of the Finance Committee, for apparent dilatoriness in bringing the tariff measures before the Senate. They were full of the militant spirit of getting at it and having something done. Now we see what we see; and I think we had just about as well take up the bill by paragraphs and dispose of it, since Senators know all about it, and the general discussion does not interest them.

Mr. GALLINGER. Mr. President, I assume that the Senator from Missouri would not press that upon the Senate in the absence of the chairman of the Committee on Finance.

Mr. STONE. I am not pressing it; I am just saying that unless Senators manifest hereafter more interest in this important work, then I can not see any good in this general discussion, unless the speeches are to be sent out for campaign purposes.

Mr. GALLINGER. I assume that that is what our Democratic friends are intending to do.

Mr. STONE. It will be done, and we can do it with much better reason than it can be done from the other side.

Mr. GALLINGER. That depends.

Mr. CUMMINS. Mr. President, I can hardly join in the request or suggestion of the Senator from Missouri. I do not want to beg for an audience, and I do not intend to do so. I think it would take just as long to discuss this bill paragraph by paragraph as to discuss it from the general standpoint in the first instance. I regret very much that my friend from North Carolina had so small an audience, but possibly the spur that has now been administered by the Senator from Missouri will secure a larger number of Senators hereafter.

So far as I am concerned, I shall not debate the subject for the purpose of informing the country generally. I intend to debate it for the purpose of informing Senators, and a great many of them need the information.

It is one of the queer things in connection with the debate this afternoon that the men who really know a great deal about the subject were the men who were here. I am speaking not of myself, but I have in mind the Senator from Utah [Mr. SMOOT] and others. Those Senators who have given the least study to the subject are the Senators who were not here, and therefore I want to emphasize in that respect what has been said by the Senator from Missouri. I do not take the Democratic view of it, nor do I not take the Republican view of it as entertained by some of my associates, and I want to convince them, as long ago somebody has convinced the country, that these duties ought to be reduced.

Mr. SMOOT. I ask that a comparative statement showing the rates of metals and manufacture of metals under the tariff act of 1909, together with the so-called Underwood bill, being House bill 18642, and the amendment offered by the Senator from Iowa [Mr. CUMMINS] be printed for the use of the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 17 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 2, 1912, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 1, 1912.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

First Lieut. Fulton Q. C. Gardner, Coast Artillery Corps, to be captain from April 9, 1912, vice Capt. George F. Connolly, detailed as commissary on that date.

Second Lieut. Edward P. Noyes, jr., Coast Artillery Corps, to be first lieutenant from April 9, 1912, vice First Lieut. Fulton Q. C. Gardner, promoted.

Second Lieut. Charles E. Ide, Coast Artillery Corps, to be first lieutenant from April 23, 1912, vice First Lieut. John E. Mort, detached from his proper command.

Second Lieut. William D. Frazer, Coast Artillery Corps, to be first lieutenant from April 27, 1912, vice First Lieut. Henry W. Torney, resigned April 26, 1912.

CAVALRY ARM.

First Lieut. Leonard L. Deitrick, Second Cavalry, to be captain from April 23, 1912, vice Capt. Charles Young, Ninth Cavalry, detached from his proper command.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from April 27, 1912.

Harrie Sheridan Baketel, of New York.
William Morgan Case Bryan, of Missouri.
Harry Silsby Finney, of Colorado.
Joseph Ralston Hollowbush, of Illinois.
Raymond Barnett McLaws, of Florida.
Jerome Morley Lynch, of New York.
Charles Evart Paddock, of Illinois.
William Robertson Watson, of Pennsylvania.

MEDICAL CORPS.

Thomas James Leary, of Pennsylvania, late first lieutenant in the Medical Corps, to be first lieutenant from April 25, 1912.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 12th day of February, 1912, upon the completion of three years' service as ensigns:

Emil A. Lichtenstein and
Charles W. Crosse.

The following-named midshipmen to be ensigns in the Navy from the 7th day of March, 1912, in accordance with the provisions of an act of Congress approved on that date:

Roy C. Smith, jr.,
Francis S. Craven,
Edward B. Lapham,
Carlos A. Bailey, and
Robert P. Mohle.

Boatswain John C. Lindberg to be a chief boatswain in the Navy from the 23d day of February, 1912, upon the completion of six years' service as a boatswain.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 12th day of February, 1912, upon the completion of three years' service as ensigns:

Bruce R. Ware, jr., and
Harry J. Abbett.

Ensign Ralph D. Weyerbacher to be an assistant naval constructor in the Navy from the 23d day of April, 1912, vice Asst. Naval Constructor John C. Sweeney, jr., disappeared, whereabouts unknown.

UNITED STATES MARSHAL.

Guy Murchie, of Massachusetts, to be United States marshal for the district of Massachusetts. (A reappointment, his term having expired.)

PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Dr. Howard Andrew Knox, of Michigan, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States, in place of Taliaferro Clark, promoted.

Dr. Charles Laval Williams, of Massachusetts, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States, in place of Passed Asst. Surg. Thomas D. Berry, deceased.

Asst. Surg. Harry Jackson Warner to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from April 4, 1912.

POSTMASTERS.

GEORGIA.

John I. Fullwood to be postmaster at Cedartown, Ga., in place of John I. Fullwood. Incumbent's commission expired February 27, 1912.

ILLINOIS.

Alfred Schuler to be postmaster at Mound City, Ill., in place of Alfred Schuler. Incumbent's commission expired March 31, 1912.

INDIANA.

Melville B. Carter to be postmaster at Newport, Ind. Office became presidential January 1, 1912.

Hugh S. Espey to be postmaster at Rising Sun, Ind., in place of Hugh S. Espey. Incumbent's commission expired April 29, 1912.

Charles C. Fesler to be postmaster at Clay City, Ind., in place of Charles C. Fesler. Incumbent's commission expired January 27, 1912.

George H. Griffith to be postmaster at Fremont, Ind., in place of Duane Scott. Incumbent's commission expired January 20, 1912.

William O. Goecker to be postmaster at Crothersville, Ind., in place of Adam G. Ritz. Incumbent's commission expired April 22, 1912.

Charles F. Keck to be postmaster at North Liberty, Ind. Office became presidential January 1, 1912.

Francis H. Manring to be postmaster at Greentown, Ind., in place of Francis H. Manring. Incumbent's commission expired April 22, 1912.

Horace H. Mosier to be postmaster at Bristol, Ind. Office became presidential January 1, 1912.

Will K. Penrod to be postmaster at Loogootee, Ind., in place of Will K. Penrod. Incumbent's commission expired April 22, 1912.

Frank M. Pickerl to be postmaster at Argos, Ind., in place of Frank M. Pickerl. Incumbent's commission expired January 27, 1912.

Preston B. Settlemyre to be postmaster at Roanoke, Ind., in place of Samuel H. Grim, resigned.

Charles Smith to be postmaster at Westfield, Ind., in place of Charles Smith. Incumbent's commission expired January 27, 1912.

IOWA.

Ezra Bradford to be postmaster at Wellman, Iowa, in place of Ezra Bradford. Incumbent's commission expires May 26, 1912.

Stephen M. Brinton to be postmaster at Brighton, Iowa, in place of Stephen M. Brinton. Incumbent's commission expired April 9, 1912.

Alma G. Ott to be postmaster at Riverside, Iowa, in place of Alma G. Ott. Incumbent's commission expired March 25, 1912.

KANSAS.

David D. Wickins to be postmaster at Sabetha, Kans., in place of George W. Hook. Incumbent's commission expired April 24, 1912.

LOUISIANA.

Robert B. Johnson to be postmaster at Lake Arthur, La., in place of Marcus N. Limbocker, resigned.

MINNESOTA.

A. L. Hamilton to be postmaster at Aitkin, Minn., in place of Francis M. Shook. Incumbent's commission expired April 22, 1912.

MISSOURI.

Mary E. Black to be postmaster at Richmond, Mo., in place of Edward R. Williams, resigned.

Frederick B. Rauch to be postmaster at Morehouse, Mo., in place of Frederick B. Rauch. Incumbent's commission expires May 23, 1912.

MONTANA.

William R. Crockett to be postmaster at Red Lodge, Mont., in place of William R. Crockett. Incumbent's commission expired March 10, 1912.

NEW YORK.

Peter G. Hydorn to be postmaster at Lacona, N. Y., in place of John J. Hollis. Incumbent's commission expired April 28, 1912.

James H. Signor to be postmaster at Dannemora, N. Y., in place of Seth Allen, deceased.

OHIO.

Thomas G. Moore to be postmaster at Barnesville, Ohio, in place of Thomas G. Moore. Incumbent's commission expires May 16, 1912.

PENNSYLVANIA.

Harvey E. Brinley to be postmaster at Birdsboro, Pa., in place of Harvey E. Brinley. Incumbent's commission expired April 28, 1912.

William L. Buchanan to be postmaster at Sagamore, Pa. Office became presidential April 1, 1912.

John H. Martin to be postmaster at Clearfield, Pa., in place of John H. Martin. Incumbent's commission expires May 26, 1912.

John J. Mather to be postmaster at Benton, Pa., in place of John J. Mather. Incumbent's commission expires May 26, 1912.

VIRGINIA.

Joseph E. Graham to be postmaster at Jonesville, Va., in place of Joseph E. Graham. Incumbent's commission expires May 20, 1912.

Charles W. Wickes to be postmaster at New Market, Va., in place of Charles W. Wickes. Incumbent's commission expires May 13, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 1, 1912.

UNITED STATES DISTRICT JUDGE.

Edward E. Cushman to be United States district judge for the western district of Washington.

UNITED STATES ATTORNEY.

Joseph E. Morrison to be United States attorney, district of Arizona.

UNITED STATES MARSHAL.

Charles A. Overlock to be United States marshal, district of Arizona.

COMMISSIONER OF EDUCATION FOR PORTO RICO.

Edward M. Bainter to be commissioner of education for Porto Rico.

PROMOTION IN THE ARMY.

CAVALRY ARM.

Second Lieut. Reynold F. Migdalski to be first lieutenant.

POSTMASTERS.

KENTUCKY.

W. B. Buford, Nicholasville.
Clarence Mathews, Maysville.
Frank W. Rice, Wilmore.
Will P. Scott, Dawsonsprings.
James W. Thomason, Uniontown.
Miles M. J. Williams, Eminence.

OKLAHOMA.

Ellis J. Baxter, Hooker.
Leonard M. De Ford, Duncan.
Daniel G. Dodds, Beggs.
Clarence W. Early, Durant.
Arthur E. Leap, Collinsville.
James T. Ryan, Bennington.
James E. Sutton, Boynton.
Frank J. Van Buskirk, Seminole.
Charles W. Young, Carnegie.

VIRGINIA.

Edgar B. Beaton, Boykins.
John S. Cecil, Dublin.
Floyd L. Harless, Christiansburg.
Alexander W. Harrison, Lawrenceville.

WEST VIRGINIA.

N. J. Keakle, Williamson.

WISCONSIN.

Mary A. McAskill, Glidden.
John A. McDonald, Arbor Vitae.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 1, 1912.*

The House met at 12 o'clock noon and was called to order by the Speaker, who took the chair amid general applause.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou Infinite Spirit, source of worlds without end and of beings without number, in whose all-loving embrace we dwell and in whom all our longings, hopes, and aspirations are centered, control our spirits, guide our wandering thoughts to Thee, that by the inspiration of this sacred moment we may be prepared to meet the obligations which Thou hast laid upon us now and evermore, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3815. An act to amend an act entitled "An act to require apparatus and operators for radiocommunication on certain ocean steamers," approved June 24, 1910; and

S. 3624. An act to authorize the construction of a bridge across San Francisco Bay to connect the cities of Oakland and San Francisco, Cal.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3815. An act to amend an act entitled "An act to require apparatus and operators for radiocommunication on certain ocean steamers," approved June 24, 1910; to the Committee on the Merchant Marine and Fisheries.

S. 3624. An act to authorize the construction of a bridge across San Francisco Bay to connect the cities of Oakland and San Francisco, Cal.; to the Committee on Interstate and Foreign Commerce.

FLOOD SUFFERERS, MISSISSIPPI VALLEY.

Mr. FITZGERALD, by direction of the Committee on Appropriations, reported House joint resolution 312, making appropriations for relief of sufferers from floods in the Mississippi and Ohio Valleys, which was read a first and second time and, together with the accompanying report (No. 631), referred to the Committee of the Whole House on the state of the Union and ordered printed.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina, by direction of the Committee on Appropriations, reported the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, which was read a first and second time and, together with the accompanying report (No. 633), referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. CANNON. Mr. Speaker, I reserve all points of order, and ask unanimous consent that the minority may have until Friday, if it is so desired, to file their views. (H. Rept. 633, pt. 2.)

The SPEAKER pro tempore (Mr. ANSBERRY). The gentleman from Illinois reserves all points of order on the bill, and asks unanimous consent that the minority may have until Friday to file views. Is there objection?

There was no objection, and it was so ordered.

Mr. JOHNSON of South Carolina. Mr. Speaker, I give notice that to-morrow morning I shall call the bill up for consideration.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday and the unfinished business is the bill H. R. 18033. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from South Carolina [Mr. FINLEY] will take the chair.

AMENDING MINING LAWS IN ALASKA.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 18033) to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes.

Be it enacted, etc., That no association placer-mining claim shall hereafter be located in Alaska in excess of 40 acres, and on every placer-

mining claim hereafter located in Alaska, and until a patent has been issued therefor, not less than $100 worth of labor shall be performed or improvements made during each year, including the year of location, for each and every 20 acres or excess fraction thereof.

SEC. 2. That no person shall hereafter locate any placer-mining claim in Alaska as attorney for another unless he is duly authorized thereto by a power of attorney in writing, duly acknowledged and recorded in any recorder's office in the judicial division where the location is made. Any person so authorized may locate placer-mining claims for not more than two principals or associations under such power of attorney, but no such agent or attorney shall be authorized or permitted to locate more than two placer-mining claims for any one principal or association during any calendar month, and no placer-mining claim shall hereafter be located in Alaska except under the provisions of this act.

SEC. 3. That no person shall hereafter locate, cause or procure to be located, for himself more than two placer-mining claims in any calendar month: *Provided*, That one or both of such locations may be included in an association claim.

SEC. 4. That no placer-mining claim hereafter located in Alaska shall be patented which shall contain a greater area than is fixed by law, nor which is longer than three times its greatest width.

SEC. 5. That any placer-mining claim attempted to be located in violation of this act shall be null and void, and the whole area thereof may be located by any qualified locator as if no such prior attempt had been made.

The committee amendments were read, as follows:

Line 5, page 2, strike out the words "two principals or associations" and insert the words "two individuals or one association."

Line 11, page 2, strike out the word "provisions" and insert the word "limitations."

Mr. FLOOD of Virginia. Mr. Chairman, I hope the amendments will be adopted and the bill as amended be passed. I have nothing to say, Mr. Chairman, unless some gentleman desires some information about the bill.

Mr. MANN. I think the gentleman from Alaska ought to explain the bill, or some one.

Mr. FLOOD of Virginia. Well, I will explain the bill briefly and then the gentleman from Alaska can also do so. It is a bill placing limitations on the filing of placer-mining claims in Alaska. Under the present law an association can be formed and this association can take up 160 acres of land, and by doing $100 worth of work on the whole 160 acres during the period of two years they can make their claim good. This bill provides that the individual can take up for himself 20 acres of land and for two individuals 20 acres each, making 60 acres, or for an association 40 acres, so that one individual can file either for himself and two other individuals or for himself and an association on 60 acres of the land and they can only file two claims in each month.

Mr. MADDEN. For mining purposes?

Mr. FLOOD of Virginia. Yes.

Mr. MADDEN. Not for agriculture?

Mr. FLOOD of Virginia. No. Under the present law an individual can file for an association on 160 acres and he can keep on filing just as often as he has time to do so.

Mr. MADDEN. Of what does an association consist?

Mr. FLOOD of Virginia. Two or three men associated together.

Mr. MADDEN. How few?

Mr. FLOOD of Virginia. I would say two or three would constitute an association.

Mr. MADDEN. Are they organized under the laws of the United States?

Mr. FLOOD of Virginia. No.

Mr. MADDEN. It is just a voluntary association?

Mr. FLOOD of Virginia. Yes.

Mr. MADDEN. What title do they get; what responsibility is imposed upon them?

Mr. FLOOD of Virginia. Under the present law, do you mean? Three men can associate themselves together as an association; two can stay in the United States and one go to Alaska and file on 160 acres of mineral land. He can the next day file on another 160 acres, and he can keep on filing as long as his paper and pencil last; and the only obligation imposed upon him is to do $100 worth of work in two years on each 160 acres.

Mr. MADDEN. Does the association get title to the land in the name of the association, or in the name of the individuals?

Mr. FLOOD of Virginia. It gets it in the name of the association and incidentally transfers it to the individuals.

Mr. MADDEN. How is the association organized?

Mr. FLOOD of Virginia. They organize themselves and call themselves an association.

Mr. MADDEN. Is there not any law under which they are organized?

Mr. FLOOD of Virginia. No.

Mr. MADDEN. How can they get a title to the land in the name of the association?

Mr. FLOOD of Virginia. Under the United States statute which authorizes them to do so.

Mr. MADDEN. It authorizes any individuals to form a voluntary association and give any name they please to the association, and takes title in the name of the association?

Mr. FLOOD of Virginia. It is pretty near as loose as that, and we propose to change that in this bill. This bill allows a voluntary association to be formed, but only allows that association, or the man who is acting for the association, to file on 40 acres of land for the association, and on that 40 acres he must do $100 worth of work on each 20 acres or a fraction thereof every year.

Mr. MADDEN. Under the present law there is no limit to the number of acres of land that can be settled upon by the association?

Mr. FLOOD of Virginia. One hundred and sixty acres is the limitation.

Mr. MADDEN. They can make as many settlements as they wish, though?

Mr. FLOOD of Virginia. Yes.

Mr. MADDEN. So that there is not any limit?

Mr. FLOOD of Virginia. Practically none.

Mr. MADDEN. This bill proposes to limit the amount of land that can be acquired by the association to 40 acres, on 20 acres of which they must make improvements?

Mr. FLOOD of Virginia. It proposes to limit the number of acres to 40, as the gentleman states, and on each 20 acres of that there is to be $100 worth of work done each year, and the attorney for the association can only file two claims a month.

Mr. MADDEN. They can file as many claims as they please at the rate of two a month?

Mr. FLOOD of Virginia. Two a month. Now they can file one every 15 minutes.

Mr. MADDEN. Why not fix a limit beyond which they can not go?

Mr. FLOOD of Virginia. This bill was framed by the Delegate from Alaska, who has made a careful study of this situation, and is recommended by the Interior Department. It is recommended by the present governor and has been recommended by the governors of Alaska for the last 12 years. They thought that this limitation was sufficient. They did not want to hamper anyone who desired to go to Alaska for the purpose of honestly developing mineral lands, but they did want to stop the people who go there and take the lands up for speculative purposes and who never make any development. These gentlemen, who are familiar with this subject and who have investigated it, thought the limitations of this bill were sufficient.

Mr. MADDEN. Under this proposed law any association could go into Alaska and acquire 10,000 acres of land for mineral purposes?

Mr. FLOOD of Virginia. In the course of time it could; but I will say to the gentleman they would have to do a hundred dollars' worth of work on every 20 acres every year, and they could not hold that land indefinitely, like they do now, and practically do no work on it.

Mr. MADDEN. They have to do that every year, do they?

Mr. FLOOD of Virginia. Every year. I will ask the Clerk to read a letter which I received from the Acting Secretary of the Interior on the subject as a part of my remarks.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 1, 1913.

Hon. H. D. FLOOD,
Chairman Committee on the Territories,
House of Representatives.

SIR: In response to your request for report on H. R. 18033, Sixty-second Congress, second session, entitled "A bill to amend the mining laws in their application to the Territory of Alaska, and for other purposes," I have to advise as follows:

The limitation of an association placer to a maximum of 40 acres meets with the approval of the department, since it is believed that it will better insure the development of the minerals therein. The association and patent work now required by law to be performed on an association placer of 160 acres will then be required to be placed on each 40-acre location; also under the present law eight persons frequently join in a single location of 160 acres and immediately thereafter transfer to one person, which results in the control of the maximum area by one individual through the use or employment of straw or "dummy" locators, which practice will be obviated or at least greatly circumscribed by the proposed amendment.

The department believes that the time within which a locator must begin to develop his claim under the present law is too long. It is now possible to hold possession of a claim for two full years before any work is required, and this has resulted in the holding in some cases of lands for speculative purposes. For these reasons the provision of the bill requiring assessment work to be performed during the year in which the claim is located meets with approval. The proposed limitation of the number of locations which may be made through the use of powers of attorney is also approved, and in this connection attention is directed to the observations upon this question on page 10 of the annual report of the Secretary of the Interior for the year ended June 30, 1911.

It is suggested, however, that a further limitation than that proposed to be imposed by section 2 of the bill be made by striking from line 2 of page 2 of the bill the words "two principals or associations" and inserting in lieu thereof the words "two individuals or one association," which would limit still further the making of locations through powers of attorney, permitting, for instance, the locator to locate one 20-acre claim for himself and one 20-acre claim for each of two individuals, or one location of 20 acres for himself and one 40-acre association placer for the association he is authorized to represent.

The provision in the last clause of section 4, limiting the dimensions of a placer claim, is practically covered already by law and the decisions of the department, special reference being made to the case of the Snowflake Fractional Placer, reported in 37 L. D., 250.

Very respectfully,

SAMUEL ADAMS, *Acting Secretary.*

Mr. STEPHENS of Texas. Will the gentleman from Virginia [Mr. FLOOD] yield to a question?

Mr. FLOOD of Virginia. Yes.

Mr. STEPHENS of Texas. Has the bill which was argued here the other day before the House, giving a Territorial form of government to Alaska, become a law?

Mr. FLOOD of Virginia. No; it has not passed the Senate yet.

Mr. STEPHENS of Texas. It has not passed the Senate?

Mr. FLOOD of Virginia. No.

Mr. STEPHENS of Texas. If that bill should become a law, would that legislature have the right to change the manner of acquiring placer claims in Alaska?

Mr. FLOOD of Virginia. No.

Mr. STEPHENS of Texas. Then, it must be by a law of Congress?

Mr. FLOOD of Virginia. Exactly. I have nothing further to say, Mr. Chairman. I ask that we now proceed with the reading of the bill for amendment.

BROTHERHOOD OF NORTH AMERICAN INDIANS.

Mr. MANN. Mr. Chairman, inasmuch as we are in Committee of the Whole House on the state of the Union for general debate, I ask unanimous consent that my colleague [Mr. MCKINLEY] be permitted to extend his remarks in the RECORD by inserting a memorial of the Brotherhood of North American Indians.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that his colleague [Mr. MCKINLEY] be permitted to extend his remarks in the RECORD by the insertion of a memorial. Is there objection?

There was no objection.

Following is the memorial referred to:

Memorial of the Brotherhood of North American Indians setting forth the facts and circumstances concerning the treaties and agreements with certain North American Indians wherein the treaties and agreements have not been fully complied with and carried out by the Government and suggesting remedies for the benefit and relief of the Indians and the betterment of the Indian race.

WASHINGTON, D. C., *April —, 1912.*

To the Congress of the United States of America:

The Brotherhood of North American Indians respectfully represents that the North American Indians, living in many States of the Union, some of whom have been recognized and contracted with by the Federal Government and some of whom are under the jurisdiction of State government, have many matters of importance to bring to the attention of the Congress of the United States of America, and have important grievances and complaints which need and require the attention of the Congress and the executive department of the Government in order that the treaties and agreements with the tribes shall be fulfilled and in order that important wrongs which the Indians have suffered may be redressed in the only way in which such wrongs can now be redressed—that is to say, by the payment of adequate damages for lands taken without any consideration, for lands taken without adequate consideration, for Indian moneys spent without the consent of the Indians or authority of law, and for expenses of administration which have, in many instances, been charged to the Indians when it is the duty of the Government to bear the expense of the self-constituted guardianship.

Many of the citizens of the United States are not unmindful of the fact that it was an Indian nation that granted to the colonists of the Eastern States their first succor and comfort, and that in turn for this kindness and pacific attitude a treaty was entered into as early as 1682, known as the treaty that "never was sworn to and never was broken." Yet, notwithstanding these and other undisputed facts, the Indian nations, tribes, and bands, and in the last analysis, individuals, have not received their just dues, have not been accorded equitable treatment, have not received the consideration and compensation agreed upon, and have suffered untold deprivations and wrongs which should, in this age of progress and education, be righted and the Indians throughout the whole United States placed upon a basis that will insure their future independence and will insure every individual Indian a chance on an equal footing with his white neighbor.

Many letters and personal protests are being received by the brotherhood from tribe after tribe, and in order that the true situation concerning our people may be known and understood, the following facts and statements of the Indians themselves are respectfully set forth, with a view to having the Congress of the United States consider this subject in a light in which it has never before been considered, and grant to every tribe of Indians in the United States the right to have its differences adjusted and its claims presented and acted upon by the courts of the United States which were created by your honorable body.

Some of the Indian tribes of this country have been able to obtain from time to time, extending over a period of about 50 years, sufficient influence to have their claims and grievances inquired into, adjusted, and paid, but the time has come when every Indian tribe should be granted the right to have an accounting with its guardian, the United States of America, and the Congress of the United States should grant this privilege.

It is impossible in a memorial intended for the consideration of many persons to set forth generally all facts which can be presented, and it is not the intention in this memorial to do anything more than present the facts concerning a few Indian tribes, with the hope that sufficient interest may be aroused and sufficient consideration given to the subject to enable the Congress to form a general opinion regarding the necessity for the action requested.

The Shoshones, the Bannocks, the Cayuses, and the Walla Wallas, etc., have been recognized by the United States to have lands in the States of California, Oregon, Idaho, Nevada, and Utah, aggregating 71,078,400 acres of land; these lands were taken under the pretense of various treaties from 1856 to 1866, and further inroads were made on their possessions by acts of Congress and Executive orders.

Many of the treaties do not show a cession of the lands, but simply define the boundaries of the lands set apart for or belonging to these tribes and, in these treaties, the Government agreeing to pay a certain fixed sum of money per year to each tribe or band for a certain stated period of years for game lost to them; but the Government does not agree to pay them anything for the land and has never paid them anything for the land. They agree to give to the Bannocks, or each member of the tribe, 320 acres of grazing land and 160 acres of land for irrigation, and without any further agreement and act of Congress the allotments were reduced to 160 acres of grazing land and 20 acres of land suitable for irrigation. Some of the affiliated bands or tribes, parties to the ownership of these lands, have fared much better, but no uniform process of dealing with these Indians has ever been established, and no determination of the exact amount due each tribe has ever been reached. Many of the things agreed to with these Indians have never been carried out, and in some instances other Indians have been settled upon their reservations without compensation to the Indians for whose benefit the lands were finally set apart for allotment and were recognized as the owners of the land without consulting the original owners and without any compensation to them. Some method of adjusting these affairs should be adopted, so as to determine the rights of all the parties in interest.

THE BANNOCK TRIBE OF INDIANS OF FORT HALL RESERVATION IN IDAHO.

STATEMENT OF CHIEF PAT L. TYHEE.

I am chief of the Bannock Tribe of Indians and live on the Fort Hall Reservation, Idaho. I was present at the treaty of Fort Bridger, 1868. There were present at that time the following men who are now alive: Teton Bill, Jim Ballard, Logan Appana, Lincoln School Boy, Zee Dee Hop, Major George, Old Man Race Horse, Ben Anowine, William Ytzagan, Oliver Teton, Farmer Charlie, Jack Hoyt, and there are others now alive who were present at the making of this treaty. At the council the Indians told the United States commissioners the boundaries of their lands. I have given a statement of the boundaries of the lands as was explained to the commissioners. They told us that that was to be our hunting ground. The reservation was never explained to us until Maj. Reed came among us as agent. At that time he showed us the boundary of our reservation. The reservation which he showed us has been made smaller five different times. We never got any money for the land which was taken away from us except about 12 years ago, which was the last time that the reservation was cut into.

The Bannock Tribe roamed a wide stretch of territory, but the territory which I have described above is what the Bannocks owned. They were friendly with the Shoshones. The Shoshones roamed over a wide stretch, but they made no claim to the territory which I have described above. At the present time, the Pocatello Band of Shoshone and some Sheepeaters are on the Fort Hall Reservation. There has been a good deal of intermarriage between the Bannocks and the Shoshones, so that there are but few Indians on the Fort Hall Reservation at the present time who are not part Bannock and part Shoshone.

In the States where I was raised up from a little child I know the mountains and the trees and the rivers. I am 82 years old. I am one of the owners of the American soil, because my father was not a foreigner. God created the heaven and the earth and also created me. I was created here on this American soil. I don't like for the Government to give me a small portion and keep me under its supervision. I like the free use of my country like my forefathers had. Since my reservation was established they have made four treaties with me. Every time they made a treaty with me they agreed to pay me so much, and they cut my land smaller and smaller. Every time they agreed to pay me so much money they are taking my rights away from me, and now my land is so small that I can hardly make my living on it, can hardly move around. It is like being in a penitentiary. The game and the hunting privilege is gone; taken away. They have forced me to stop hunting, but I had the privilege one time of free use of the country. Since last year my reservation has gotten so small that the Government only allotted to each Indian 20 acres of irrigable land and 160 acres of grazing land; that is all I am now entitled to.

According to the old treaty I was entitled, each Indian on my reservation was entitled to more than 320 acres of land, 160 acres of grazing land and 160 acres of irrigable land, but last year they were cut down.

Before last year I used to have 140 acres under fence, but they only gave me out of the 140 acres 20 acres; that is all I am entitled to under fence. The Indians depend on the grazing land on the reservation for their domestic use of wood and also of grazing, and that is set aside for the tribal purposes, and now the Government has changed their law. They would put a dam there and flood the Fort Hall grazing lands and that hurts my feelings. Why should the Government throw that open for allotment? It belongs to the Indians for domestic use, for their hunting and wood and grazing. If they flood that land they would take the Indians' rights, almost their lives, for if they flood that land then we have no place to make a living. We live there, we depend upon it, and if they appropriate it we will have no place to keep ourselves and make a living; but if they allot that to the Indians, we will have a peaceable life, plenty of hunting of all kinds of game, plenty of all kinds of wood. I do not want this to be flooded. That is one reason why I am here to try to lay that complaint before the brotherhood. Also about the 20 acres of irrigable land. I am not satisfied with it, and the rest of the Indians are not satisfied with the 20 acres. No white man could make a living on it; no white man would take up 20 acres of land. They would not want it. I do not want the Government of the United States to compel the Indians on the Fort Hall Reservation or anywhere else outside of that reservation to take such a small piece of land. The Government should give the Indians what they are entitled to by the treaties, for we are the owners of the soil. We were here before any other people. We are not foreigners. It does not look right to us that the Government, since the American Continent was discovered, should have tried to put the Indians out of the land, tried to take their rights away from them, the game, the wood, the minerals, the oil. They should treat the Indians as well as they treat their own race of people. Nowadays the Government treats me almost like a slave. Nowadays I have to buy my own coal, buy my timber. Before the white man discovered the American Continent I had free use of all that was created on this continent. Since the white people discovered this country, they make themselves wealthy on the Indians' land. They manufacture everything here; have factories of all kinds. They ought to look after the

Indians more than they do and take care of them, treat them well; not treat them like slaves. But they keep forcing and forcing the Indians farther west. I do not like to see my tribe driven farther west to the oceans.

I have a grazing fee coming from stockmen on my reservation that I have never received one cent of. It was paid to the Government. I want to get that if I can.

STATEMENT OF JACOB BROWNING, A SHOSHONE INDIAN OF THE FORT HALL RESERVATION, IDAHO.

On May 14, 1880, the chiefs and headmen of the Shoshones, Bannocks, and Sheepeaters agreed to surrender their reservation at Lemhi and to remove and settle upon the Fort Hall Reservation, in Idaho. The chiefs and headmen of the Shoshones and Bannocks, of Fort Hall, agreed at the same time to the settlement of the Lemhi Indians upon the Fort Hall Reservation, and also to cede to the United States certain-described territory.

The agreement in question was not ratified by Congress, but the Government took our lands and paid the Indians from the Lemhi Agency the amount agreed in article 3 of the agreement. The Indians of the Fort Hall Reservation were to receive the sum of $6,000 per annum for 20 years, "this sum to be in addition to any sums to which the above-named Indians are now entitled by treaty"; but our Indians of the Fort Hall Reservation have not received any of the money which was to be paid at the rate of $6,000 per year for 20 years. We have inquired why we did not receive this money, but have never been given any explanation. We think we should be paid for the cession of this land and that we should receive the $120,000, with interest, for the time it was agreed to be paid.

STATEMENT OF GEORGE TENDOY, SON OF CHIEF TENDOY, FORMERLY OF THE LEMHI RESERVATION, BUT NOW OF THE FORT HALL RESERVATION.

The Government told my father and our people that if we would leave the Lemhi Reservation and go to the Fort Hall Reservation they would give each of us 160 acres of irrigable land and 160 acres of grazing land on the Fort Hall Reservation. That is why we ceded our land on the Lemhi Reservation to the Government, because we thought each of us would get 320 acres on the Fort Hall Reservation.

The Government also promised us in this agreement that they would pay the expenses of moving our people from the Lemhi Reservation to the Fort Hall Reservation, and promised to provide $5,000 to be expended for this purpose. We understood this money was to be used to buy our provisions, to buy forage for our stock, and also to pay the cost of hiring teams and wagons for moving. As soon as we left the Lemhi Reservation the Government did feed us for the first day, but they did not give us any provisions after the first day and did not supply our horses with any hay at any time during the journey, but they did give us a little horse feed after we reached the Fort Hall Reservation. We do not know where this money went. It was not spent for our people. Our people were promised pay if they would assist in moving; that is, our people who had horses and who helped to move the people who did not have horses were to receive pay, just the same as if our people had been moved by white persons, but the Government never paid any of our people for this assistance in moving.

Instead of the Government keeping its promise to give us 160 acres of irrigable land and 160 acres of grazing land on the Fort Hall Reservation, they have given us only 20 acres of irrigable land and 160 acres of grazing land. This is not satisfactory to our people. We think we ought to have what the Government promised us, especially since there is plenty of land on the Fort Hall bottoms that has not been allotted and which is susceptible of irrigation and which would make us good homes. Since our people moved to the Fort Hall Reservation they have stayed there the year round and have tried to make a living upon the land which the Government gave them, but they can not do so very well, because the 20 acres of irrigable land is not enough and because the Government does not supply enough water during the growing season to water even these 20 acres of land. I myself have tried to farm my land during the past three seasons, but the crops have not done very well because I could not get enough water, because the lateral gates from the main canal are placed at such low levels that the water will not flow naturally upon our land. We thing that the supply of water should be increased and that these lateral gates should be changed to better levels, so that our people can have all of their irrigable land irrigated. If this were done we could raise better crops and have more money to spend. The Government undertook this work for us, and they should do it right.

There is no supply of fresh water, and the Government should bore or dig wells for us, so that we could have plenty of water for drinking purposes and for watering our stock. The Government moved us from our old home and wanted us to live on the Fort Hall Reservation, and we think that they should now carrry out their promises to us.

I was sent to Washington to talk these matters over with the Brotherhood of North American Indians and to ask that something be done for our people. The chiefs and headmen asked me to come here and tell these things to the Government for the benefit of our people.

Our people hope that Congress will do something for us and will authorize that the agreements made with our people shall be carried out as our people understood them.

STATEMENT OF JACOB BROWNING, A SHOSHONI INDIAN OF THE FORT HALL RESERVATION, IDAHO.

On May 14, 1880, the chiefs and headmen of the Shoshoni, Bannock, and Sheepeater Tribes agreed to surrender their reservation at Lemhie and to remove to and settle upon the Fort Hall Reservation in Idaho; the chiefs and headmen of the Shoshones and Bannocks of Fort Hall agreed at the same time to the settlement of the Lemhie Indians upon the Fort Hall Reservation, and also to cede to the United States certain described territory.

The agreement in question was not ratified by Congress, but the Government took our lands and paid the Indians from the Lemhie Agency the amount agreed in article 3 of the agreement. The Indians of the Fort Hall Reservation were to receive the sum of $6,000 per annum for 20 years, "this sum to be in addition to any sums to which the above-named Indians are now entitled by treaty," but our Indians of the Fort Hall Reservation have not received any of the money which was to be paid at the rate of $6,000 per year for 20 years. We have inquired why we did not receive this money, but have never been given any explanation. We think we should be paid for the cession of these lands and that we should receive the $120,000 with interest from the time it was agreed to be paid.

On July 30, 1863, the Government made a treaty with the Northwestern Bands of the Shoshoni Indians, represented by their chiefs and warriors. That treaty was ratified, with certain amendments, March 7, 1864. While it was a treaty of peace and friendship, my people assented in that treaty to the provisions of the treaty of Fort Bridger.

Article 4 of the treaty provides that the country claimed by Pokatello, for himself and his people, is bounded on the west by Raft River and on the east by the Porteney Mountains.

Notwithstanding the provisions of this treaty, the territory claimed by Pokatello, for himself and his people, and assented to by the Government, the lands have been taken by the white people. Our people have not been paid for this land. We believe that we should be paid for this land. The Government recognizes it as our land and the treaty agreement has been violated. Either the land should be given to us that is described by article 4 of this treaty or we should be paid a fair value for the land.

October 1, 1863, a treaty was entered into between the Western Bands of the Shoshoni Nation, of which my father was a member, and the Government. This treaty was ratified June 26, 1866. Article 5 describes the boundaries of the lands, while article 6 promises that whenever the President of the United States shall deem it expedient for them he is authorized to make a reservation for their use in any part of the country described in article 5. Although this promise was made by the Government, it has never been kept by our "Great White Father." My father's people wander from place to place; some of them are on one reservation, some of them on another, while many of them live in the small towns of Wells, Elko, and Teeth, of Nevada.

I believe the Government should give my father's people a reservation, so that they can have allotments of land like my brothers have been given on the Fort Hall and other reservations. The Government should look into this and give my father's people their rights.

BANNOCK REPORTS.

REPORTS OF THE FORT HALL INDIANS.

We, Indians of the Fort Hall Reservation, are being allotted by the Government.

Mr. Sams is the acting agent, at which he is working right to-day. Mr. Sams has almost completed his work, but the result is that Mr. Sams forbids any Indians to take any choice of the bottoms land, of which the majority of the Indians depend on for hay for the cattle and horses during the winter; and what is the reason that Mr. Sams would not allot the land to the Indians? The bottoms must belong to him, he seems to have so much to say about the bottoms. The Indians all want to hold onto that part of the land; they don't want to give it up.

About the allotment—the Indians are not satisfied with the 20 acres. We want to get and have the same rights as the white men have. The 80 acres would be more satisfactory than the 20 acres. I know for myself the white man has no 20 acres for a farm. Some have 360 acres. We were the first ones who owned the land, and why shouldn't we have our rights about our land?

THE WATER RIGHTS IN CHESTERFIELD.

The water that the white people are now damming comes from or on the reservation, and that is the Indian's water. There are also 22 Indians who had land allotted off the reservation here a few years ago who are not getting any water also; and also the spring or head of the stream is on the reservation. It looks to me that the Indians have just as much right as the white men, and more, because the water belonged to the Indians at first; but that is no reason for the white people to shut the water off from the Indians.

Mr. Tom La Vatta is in the same condition—no water—it is also taken from him. Mr. Tom Tipson is also in the same condition, and also the Bannock Creek Indians; their waters are taken from them.

PUBLIC ROADS.

The white people build a road over the reservation, the width being 100 feet all the way, and we do not know anything about that. An accident happened last fall, and we do not know anything about the accident. I know that if the white men got killed anywhere they would look into the matter very close and deep.

CATTLEMEN.

Mr. Evans is one of the cattlemen that is now on the reservation. We Indians all forbid the cattlemen off the reservation from now on. We do not want any more on there. We haven't got any money for their cattle grazing on our land, and also they killed one woman and man since they have been on our land. There are also two churches on our reservation, and we don't know anything about one church there on the reservation; one we do know something about. About the other one, the Indians are going to more often, and the other is making more trouble than good.

There are also many small boys attending that school, and the boys are too small to work on the farm, but still the men work too hard for the small boys from morning until night and at hard and heavy work. There have been two boys crippled this fall—had their legs broken by moving a barn.

CANAL.

Five years ago there has been a canal built through our reservation, and I think that that canal was built for the benefit of the Indians. Instead we getting our share of the water it goes on to Pocatello for the white people, and why is that done? We don't get hardly any water at all. This is all of our report, I think.

Mr. PAT. L. TYHEE.

SISSETON AND WAHPETON BANDS OF SIOUX INDIANS.

TO WHAT EXTENT HAS THE UNITED STATES PROFITED IN THE VARIOUS TRANSACTIONS WITH THESE INDIANS?

Now, let us see to what extent the Government has profited in its various transactions with these Indians, taking $1.25 per acre, the minimum price of public lands, as a basis of calculation.

TREATY OF 1851.

As has been seen, these Indians, by the treaty of 1851, ceded to the United States over 32,000,000 acres of land, and that the only consideration ever received by them for this vast domain was the $305,000 paid out under the treaty. It has been shown that $250,000 of that $305,000 was paid by an agent of the United States to one Hugh Tyler, a stranger in the country, in violation of the terms of the treaty and the act of Congress making the appropriation as well. The 32,000,000 acres ceded at $1.25 per acre amounts to $40,000,000, and if the Indians are to be charged with the whole of that sum we find a net profit in this transaction, but if the $250,000 wrongfully paid to Hugh Tyler be not charged, then the profit to the Government would be $39,945,000.

In this connection we desire again to invite attention to the fact that under the treaty of 1851 the United States took this 32,000,000 acres of land and at the end of 50 years took the consideration agreed in the treaty to be paid therefor, and that all the Indians ever received for this vast domain was nine and seventeen thirty-seconds of a mill

per acre, which, as stated by the Senate Committee on Indian Affairs, was "a great and monstrous wrong without parallel in the history of any civilized Government, and for which, by every reason of justice and fair dealing, full reparation should be made." (S. Rept. No. 1441, 55th Cong., 3d sess., p. 6.)

LANDS ON THE NORTH SIDE OF THE MINNESOTA RIVER.

It will be remembered that the Senate, by resolution of June 27, 1860, fixed the price of the lands of these Indians lying on the north side of the Minnesota River at 30 cents per acre. It was ascertained that said lands contained an area of 569,600 acres, which, at the price fixed by the said resolution, amounts to $170,880. These lands at $1.25 per acre amount to the sum of $712,000, and by deducting therefrom the $170,880 we find the profits to the Government in this transaction to be $541,120.

LANDS WHICH SHOULD HAVE BEEN SET APART FOR THESE INDIANS AS DIRECTED BY THE ACT OF MARCH 3, 1863.

As has been seen, that act of 1863, in the most positive terms, directed the President to set apart for these Indians 80 acres of good agricultural land for each member of these bands, which, at that time, as found by Chief Justice Nott of the Court of Claims, numbered 4,524, and the area of lands which should have been set apart for them is 361,920 acres, and which, at $1.25 per acre, amounts to $452,400.

TREATY OF 1867.

In order to carry out the agreement of the United States contained in article 6 of the treaty of 1867, to place these Indians in an agricultural position, such as they occupied prior to the outbreak of 1862, as specified to be the object and purpose of said article 6, Congress, at various times, appropriated the aggregate sum of $464,953.40, and said sum was wrongfully charged by the court against the annuities provided for by the treaty of 1851, in direct violation of said sixth article of the treaty of 1867, and also in strict violation of section 2097 of the United States Revised Statutes.

DAMAGES.

As has been seen, Congress, by the act of 1863, charged $100,000 as damages against the annuities of these Indians. The court charged the additional sum of $586,328.96 against the annuities of these Indians on account of damages resulting from the outbreak of 1862, without authority of law and in direct violation of the positive and explicit terms of sections 2097 and 2098 of the United States Revised Statutes, and besides these people committed no damage, being loyal throughout said outbreak.

SUBSISTENCE.

The sum of $200,000 wrongfully and illegally charged against the annuities of these Indians.

AGREEMENT OF 1872.

The total area, as has been seen, of the country ceded by the agreement of 1872 is 9,149,422.12 acres, which, at $1.25 per acre, amounts to the sum of $11,436,777.65, and by deducting the $800,000 paid the Indians under said agreement, we find a balance in favor of the Government of $10,636,777.65.

RECAPITULATION.

Treaty of 1851	$39,945,000.00
Lands on north side of Minnesota River	529,870.00
Lands not set apart under act of 1863	452,400.00
Article 6, treaty of 1867	464,953.40
Damages	586,328.96
Charged for subsistence	200,000.00
Lands ceded by the agreement of 1872	10,636,777.00
Total	52,815,330.01

POTTAWATOMIE INDIANS.

Article 9 of the treaty of June 5 and 17, 1846 (9 Stat. L., 853), it was agreed that the buildings occupied as a missionary establishment, including 20 acres of land now under fence, shall be reserved for the use of the Government agency; also the houses used for the blacksmith house and shop shall be reserved for the Pottawatomie's smith, but should the property cease to be used for the above-mentioned purposes, it shall revert to the use of the Pottawatomie Nation.

Under the terms of the act of April 6, 1954 (10 Stat. L., 270), for the relief and benefit of Council Bluffs, Iowa, Franklin Street, county judge of Pottawatomie County, Iowa, on the 10th day of May, 1854, entered the tracts designated in said act, one of which tracts is the west half of the southwest quarter of section 30, township 75, north of range 43 west, which tract embraces the 20-acre tract reserved by the treaty. Said tract having been diverted for purposes other than specified by said treaty of the same reverted to the use of the Pottawatomie Nation, but said nation has never had the use thereof, because, under the authority of an act of Congress, it is embraced within the city of Council Bluffs, Iowa.

The said tract by reason of it being within the said city is very valuable, and the United States, having diverted it from the use specified in the treaty, is responsible to the Indians for the value thereof.

The Citizen Band of Pottawatomies of Oklahoma and Kansas allege that the United States Government owes them large sums of money for lands which were ceded to the Government under various treaties. This money, these Indians allege, in many instances, was wrongfully withheld, and also that the Government never fulfilled the stipulations of many of the treaties made with those Indians as fully as it should have done. A comprehensive history of their claims and the various treaties, dating from 1789 to 1890, will be made later.

The Citizen Pottawatomie Indians came to Oklahoma in 1871 and settled on a reservation 30 square miles in extent, which land was bought from the Government in 1867. The lands of the Citizen Pottawatomie Indians are now allotted. They are reasonably industrious and progressive, but most of them are poor. They now ask Congress, in the name of justice, that some relief be accorded them in the departments, Congress, and the courts, as the circumstances will allow.

ASSINNIBOINE INDIANS.

By the treaty of September 17, 1851, known as the treaty of Fort Laramie (Revision of Indian Treaties, 1047), which treaty the Court of Claims has decided is binding upon all parties thereto (45 Ct. Cls., 177), a large tract of country containing several millions of acres of land was recognized as belonging to the Assiniboine Indians. This tract of country has been taken from these Indians without their consent and without compensation to them therefor. Some provision of law should be enacted whereby these Indians who believe they have been deprived of their lands without their consent and without compensation may be enrolled to receive their just dues.

BLACKFEET NATION OF INDIANS.

By the treaty of September 17, 1851, known as the treaty of Fort Laramie (Revision of Indian Treaties, 1047), certain territory as therein described was recognized as belonging to the Blackfeet Nation of Indians. (Nos. 398 and 399, maps of Montana, 1, and Wyoming, 1, Indian Land Cessions in the United States, Royce.)

By the treaty of October 17, 1855 (11 Stat. L., 657), certain territory, as therein described, was recognized as belonging to the Blackfeet Nation of Indians, to which other territory on the east was added by the act of April 15, 1874 (11 Stat. L., 28). (Nos. 390, 565, and 574, Montana, 1, Royce.)

By the same treaty the Blackfeet Nation of Indians agreed that certain territory therein described, which was assigned them by the treaty of Fort Laramie, should be a common hunting ground for 99 years. (No. 398 Montana, 1, and Wyoming, 1, Royce.)

By agreements of 1888 (25 Stat. L., 113) the Blackfeet Nation of Indians ceded to the United States all the lands set apart for them by the treaty of 1855 and added thereto by the act of 1874, except certain small reservations No. 693, 694, and 695, on Royce's maps of Indian land cessions. (Montana, 2.)

But the Blackfeet Nation of Indians have never ceded or relinquished their title to the lands agreed to be set apart as common hunting grounds by the treaty of 1855 (Nos. 398 Montana, 1, and Wyoming, 1, Royce), about two and a half million acres of which is now embraced in the Yellowstone National Park. The balance of the land has been opened to settlement.

MEMORANDUM, FORT BERTHOLD INDIANS, FORT LARAMIE, OF 1851.

From time immemorial the Sioux, the Cheyennes, the Crows, the Assiniboins, the Gros Ventres, Mandans, and Arickaras owned and occupied a vast region of country in what is now the States of Montana, North and South Dakota, Wyoming, and Colorado.

The fact that the boundaries of the lands owned and occupied by these several tribes were not clearly defined caused much trouble and contention among the several tribes, and in order to reach a satisfactory adjustment thereof the President appointed a commission consisting of D. D. Mitchell, superintendent of Indian affairs, and Thomas Fitzgerald, United States Indian agent, to meet the various tribes in council with the view of determining and fixing the boundaries of the lands belonging to each tribe. The commission met the several bands in a general council, held at Fort Laramie, which resulted in the treaty of September 17, 1851, known as the "Treaty of Fort Laramie" (Revision of Indian Treaties, 1047), by the terms of which the lands recognized as belonging to the respective tribes were definitely fixed by proper and accurate description.

That treaty was ratified by the Senate February 24, 1852, with an amendment of section 7 as to the payment of certain moneys, which amendment was accepted by the Sioux, the Assiniboins, the Gros Ventres, the Mandans, and the Arickaras (Laws relating to Indian affairs, 1884, pp. 317–322), but the treaty has never been proclaimed. The Court of Claims has decided that the treaty is binding on all parties thereto. (45 Ct. Cls., 177.)

The lands belonging to the Gros Ventres, Mandans, and Arickaras, as recognized and defined by that treaty are fully described therein, and contain an area of about 13,142,560 acres. These lands so recognized as belonging to the several tribes of Indians remained in that condition until the year 1870, when, by Executive order dated April 12 of that year, certain portions of the lands so recognized as belonging to said Indians by the treaty of 1851 were set apart as a reservation for them, the area thereof being about 8,320,000 acres and being about 4,822,560 acres less than the area of the lands described in the treaty of 1851, which latter lands the Indians were illegally deprived of without their consent and without consideration, and which lands have never been restored to the public domain by Executive order, treaty, or act of Congress. This situation remained unchanged until 1880, when, on the 13th day of July of that year, an Executive order was issued restoring to the public domain all the lands described in the Executive order of April 12, 1870, except about 1,500,000 acres and a tract of land not included within the boundaries of the land described in the treaty of 1851 but lying north thereof and containing about 1,412,000 acres, which was added thereto, the two tracts containing a total area of about 2,912,000 acres.

The evident purpose of the Executive order of 1880 was to restore these lands to the public domain to the end that the Northern Pacific Railroad Co. might obtain title to the odd sections falling within the grant to that company, the Indian title to which the Government obligated itself to extinguish by section 2 of the act of July 2, 1864, incorporating said company (13 Stat. L., 367). That this was the object of the Executive order is clearly shown by the description of the lands restored by the order, which order recites: "Beginning at a point where the northern 40-mile limit of the grant to the Northern Pacific Railroad intersects the present boundary of the Fort Berthold Indian Reservation; thence westerly along the line of said 40-mile limit to its intersection with the range line between ranges 92 and 93," and so forth.

Whatever the purpose had in view in restoring these lands to the public domain, the fact remains that they were illegally restored without the consent of said Indians and without consideration passing to them, and that such restoration did not extinguish the Indian title thereto.

The area of the land set apart by the Executive order of April 12, 1870, is 8,350,000 acres (Indian Office Report 1876, p. 226), and by deducting therefrom the 1,500,000 acres retained by the Executive order of July 13, 1880, we find that the order illegally restored to the public domain 6,820,000 acres of the lands described in and acknowledged to belong to these Indians by the treaty of 1851. By adding thereto the 4,822,560 acres of land described by treaty of Fort Laramie, which was not included in the Executive order of 1870, we find the total to be 11,642,560 acres, and by deducting therefrom the 1,412,000 acres lying north of the Missouri River and north of the lands described in the treaty which were added to the reservation by Executive order of July 13, 1880, there still remains 10,330,560 acres, which these Indians have been illegally deprived of without their consent and without consideration passing to them. As before stated, these Executive orders did not extinguish the title of the Indians to these lands.

This brings us to the consideration of the agreement with these Indians of December 14, 1886, ratified by act of March 3, 1891 (26 Stat. L., 989).

As has been seen, the reservation of these Indians at that time, after the illegal acts of the Government restoring certain portions of their lands to the public domain, contained an area of 2,912,000 acres. By that agreement these Indians ceded a portion of their diminished reservation to the United States, estimated to contain an area of 1,600,000

acres (Indian Office Report 1887, p. 29), and the diminished reservation thereby established contains an area of 965,120 acres. By deducting that from the area of the diminished reservation of 2,912,000 acres, it will be seen that the country ceded by said agreement contains an area of 1,946,880 acres, being 346,880 acres in excess of the estimated area contained in the cession.

In consideration of the lands ceded, the agreement provides for payment to these Indians of 10 annual installments of $80,000, aggregating $800,000, being at the rate of 50 cents per acre for the estimated area contained in the cession (1,600,000 acres).

The twenty-fifth section of the act of March 3, 1891, ratifying the agreement with these Indians provides that when the lands thereby ceded shall, by operation of law or by proclamation of the President of the United States, be opened to settlement, they shall be disposed of to actual settlers under the provisions of the homestead laws, and each settler shall pay, in addition to the fees required by law, the sum of $1.50 per acre. (President's proclamation, May 30, 1891, 27 Stat. L., 979.)

As has been seen, the ceded country contains an area of 1,946,880 acres, which at $1.50 per acre, the price fixed by the act of March 3, 1891, amounts to $2,920,320, and by deducting therefrom the $800,000 provided for by the agreement of 1886, it will be seen that the Government got the best of the Indians in this transaction to the extent of $2,120,320, besides the 346,880 acres in excess of the estimated area of the cession, at $1.50 per acre, amounting to $520,320, the total advantage to the Government in this transaction being $2,640,640—that is, the guardian got the better of the ward to that extent, measured in dollars and cents.

MEDAWAKANTON AND WAHPAKOOTA BANDS OF SIOUX INDIANS, OTHERWISE KNOWN AS THE SANTEE SIOUX INDIANS.

By the treaty of August 5, 1851 (10 Stat. L., 954), the United States agreed to pay said Indians $1,410,000, out of which sum certain payments were to be made, as therein specified, leaving a balance of $1,160,000, which was to remain in trust with the United States, at 5 per cent interest paid thereon annually for the period of 50 years, commencing July 1, 1852. The third article of said treaty setting apart a reservation for said Indians was stricken out by the Senate in the ratification of said treaty, and by the amendment thereto the United States agreed to pay said Indians at the rate of 10 cents per acre for the land embraced in the reservation provided for by that article, the amount, when ascertained, to be added to the trust fund. It was ascertained that said reservation contained 690,000 acres and at 10 cents per acre amounted to $69,000, which being added to the trust fund makes a total of $1,229,000, yielding an annual interest of $61,450.

The ignorance of the Indians was taken advantage of and a clause inserted in the treaty of 1851 that interest on the principal sum for 50 years should be in full payment of both principal and interest, so that as a matter of fact the Indians never received a penny for the lands ceded by the treaty of 1851.

Of the $220,000 agreed by the treaty of 1851 to be paid to the chiefs, the sum of $70,000 was paid by an agent of the United States, one Hugh Tyler, a stranger in the country. (See S. Ex. Doc. No. 61, 33d Cong., 1st sess.)

Under date of April 29, 1868, the United States entered into a treaty with various bands of Sioux Indians, among them the Santee Sioux (15 Stat. L., 635), by article 2 of which a reservation was established for the several bands, parties to said treaty, as therein described and bounded, and which treaty was proclaimed February 24, 1869. Immediately upon the ratification and proclamation of said treaty the several bands, parties thereto, became vested with an undivided interest in and to the lands within the said reservation so established.

By the act of Congress of March 2, 1889, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes" (26 Stat. L., 888), the several bands, parties to the treaty of 1868, were given separate reservations out of the lands set apart as a reservation by said treaty, except the Santee Sioux, and by the terms of said act the Santee Sioux were deprived of their vested rights under the said treaty of 1868. The said act of 1889 is unjust, arbitrary, and unconscionable, and, besides, wholly unconstitutional, in that it deprives the Santee Sioux of their property without compensation and without due process of law.

COLVILLE TRIBE OF INDIANS.

The Colville Indian agent made the announcement that the Indians under his agency who had intrusted him with the care of their Government money would all be paid between the months of May and June, 1911. It was understood by all that each individual Indian having an allotment on the Colville Reservation was entitled to $500 at the first payment.

The date came and has passed almost one year, and the actual number of Indians who got their first payment is estimated at one-third of the total number, and these were mostly from among those that really did not need the money as bad as other poor, unfortunate, and uneducated Indians. Some received all the way from $10 to $500 in partial payments. Many were compelled to buy articles under the supervision of the Indian farmer in order to secure the benefit of their money. The remaining two-thirds have not received a cent, and it begins to look as though they never will get it, for the agent pays no heed to their applications whatsoever.

Upon the request of the Indians to the agent for their money, the agent promises to send their application to Washington, D. C., to get the authority to pay the money, and the Indians have been waiting for six months, and these applications have never returned.

The agent makes the excuse that the Indians are not capable of taking care of the money, or they may spend it for liquor, and many are not paid because the agent claims they are not on the roll, which is not true, because if they are entitled to an allotment they must be on the roll.

There has been a treaty made between the Colville Indians and the Nez Perce and the Umatilla Indians, and the understanding was that all the children of the latter two tribes could be allotted on the Colville Reservation, but that is all they would be entitled to. It was definitely understood that they would not receive any of the money due the Colville Indians. These two tribes, the Nez Perce and the Umatilla, have already sold their lands and have long been paid their money and already disposed of it, so they need not expect any money from the Colville's Government money.

The treaty for the Colville Indian money was made in 1892 and many of the old Indians who helped make this treaty have died without receiving any of their money. Now the authorities claim that the heirs of these deceased Indians are not entitled to their money. The statement is made that the deceased people's money is divided among the several Indians, yet we find that our payments never are increased when there is a death, which goes to show that this money must be taken by some one who is posing as a friend to the Indians and who is robbing them at every opportunity.

The agent of the Colville Indians has openly refused to allow native-born Colville Indians any allotments on our reservation. There is a case of one family who asked to be allotted, and they were refused. The Colville Indians are willing that they should have allotments and they are willing that they shall be entitled to their proportionate share of the Colville Government money.

JAMES BARNARD, CHIEF OF THE COLVILLES.

One thing I am sorry about. Some time ago the Indians in the northern country made a treaty and the whites divided my reservation—cut it in two.

Here is another treaty that was made in early times: There is a strip of land about 6 miles wide running down to what is called the Spokane River. The Government made a treaty for this 6-mile strip and the money was never paid. In those days the old-time chiefs did not have any education and had not learned the ways of the Government, so when the treaty expired they did not make any move to renew the treaty. The people who made the treaty are all gone; have all died out. The treaty was made in 1891 for one part of our reservation for one and one-half million dollars. Shortly after the treaty was made some lawyers came in there and signed a kind of a contract for the collection of the money, and after they got the contract signed the lawyers brought the papers into Washington. It was never known whether the papers were destroyed, or what was done with them, or whether they are now in the Indian Office here. The Government never said anything about it. Maj. Anderson was one of the lawyers. About three years ago I went into Spokane and saw a lawyer by the name of Peacock; got him to write a letter to Senator JONES inquiring with regard to the money. I got an answer from Senator JONES that the money had already been sent out there and told me that within 10 days he would write me another letter. I got a second letter, telling me that the money was in the Indian Department. After finding out where the money was I inquired of the Indian Department about the money. Senator JONES went to the Indian Department and asked, "Why do you not send this money to the Indians?"

The Indian Department told Senator JONES that the Indian agent, Webster, was working hard in taking the census, and as soon as he got through with the taking of the census of all of the Indians they would get the report from him; that they were waiting for his report. And we have never seen Webster for the last six or seven years. The report was that he was among the Indians taking the census, but he never showed up.

Last year I wrote to Senator JONES again and asked him about the Indian money, and he said I would receive the first payment the 1st of next March. They started in paying off some of the Indians last June, and there are only about one-third of the Indians who got anything—some of them about $500, some $150, and some $10 and $15, and so on—and that is the way the Indian has been paid off since they started in to pay, and only one-third of the Indians have been paid anything within that time. We asked the Indian agent how many Indians were entitled to that money, and he never told us how many there were. Many times we have asked the agent how many Indians are entitled to payment, and he says from 1,500 to 2,000, sometimes 3,000, or something like that; he never told us just exactly how many.

I asked an Indian farmer, How much interest is all this money drawing? The Indian farmer tells all the Indians it is drawing from 1½ to 2½ and 4 per cent interest in the national banks. I can not understand what he means about the interest on the money.

WHITE OAK POINT BAND OF CHIPPEWA INDIANS OF MISSISSIPPI RESIDING IN MINNESOTA.

The act of January 14, 1889, provides the President is thereby authorized and directed to designate and appoint a commissioner for the purpose of negotiating with all the different bands or tribes of Chippewa Indians in the State of Minnesota for the complete cession and relinquishment in writing of all their title and interest in and to all the reservations of said Indians in the State of Minnesota except the White Earth and Red Lake Reservations, and to all and so much of these two reservations as in the judgment of said commission is desirable. The commissioners exceeded their authority under the act by making more promises than required of them under the act, in order to secure the assent of the Indians to the act, trusting that the Government would fulfill those promises, which promises the Government has utterly failed to fulfill. The act provides for the completion of the allotments before the lands are to be opened to settlement. The total number of White Oak Point Chippewas of the Mississippi remaining unallotted, including children born since 1900, is 173. There are 34 adults unallotted. Notwithstanding the fact that many Indians have not been allotted, the Government closes business with this band of Chippewas of the Mississippi who were allotted in severalty under the law upon the Chippewa Reservation, the so-called "Minnesota National Forest," and few were allotted on the White Oak Point Reservation.

About three years ago Congress created what is called the "Minnesota National Forest" out of this Chippewa Reservation, and the Indians are not allowed to cut any wood, even the dead and down timber, for firewood without permission from the rangers, and even on their allotments they are not allowed to cut timber; they have to get permission to cut hay on the hay lands, but the forestry people lease the hay lands and cut and sell green wood that they do not allow the Indians to cut and sell. In the event that House bill 22590, a bill for the civilization and relief of the White Oak Point Band of Chippewa Indians in Minnesota, and for other purposes, introduced March 29, 1912, by Hon. C. A. LINDBERGH, does not become a law, the delegation of the White Oak Point Band who are now in the city of Washington representing their band protest against opening any more of their lands either outside or inside of the forest reserve, and the Indians shall not accept pay for these lands from the Government so long as they are to be disposed of contrary to the treaty. This band of Indians demand the same rights as the White Earth Chippewas of the Mississippi, for the simple reason that they belong to the same tribal band and are under the same treaties, and no discrimination whatsoever should be permitted or be made.

CHIPPEWA INDIANS, LA POINTE BAND, BAD RIVER RESERVATION, WIS.

STATEMENT SUBMITTED TO BOARD OF INDIAN COMMISSIONERS BY A. DENOMIE, APRIL 15, 1912.

With a request that the board forward it to the proper officials, Mr. Denomie left a statement which, in substance, is as follows:

Concerning himself, Mr. Denomie says that he is a member of the La Pointe Band of Chippewa Indians residing at Odanah, Wis., being a

citizen, and that he, his wife, and three children have allotments; that in spite of his limited education he was elected successively constable, justice of the peace, and town treasurer of the town of La Pointe, overseer of highways of Mayfield, and assessor in the town of Washburn; that he was twice chosen by an Indian council a member of a committee on heirship, in which capacity he served until the agent appointed another committee to displace that chosen by the Indians and later expelled Mr. Denomie with trumped-up unsustained charges from the reservation on charges which were later changed to "talking too much"; that he (Mr. Denomie) has considerable expert knowledge of timber matters and of mining, having done much important work in both lines.

Mr. Denomie asks the Graham committee either to send two of its members to the La Pointe or Bad River Reservation and investigate conditions there, thus securing for themselves the facts and truth as they exist, or else subpœna five or six members to come here and give testimony, whose names he says he can furnish any time desired, including himself.

Against the Stearns Lumber Co., operating under contract on the La Pointe Agency, he brings charges of illegal operations under the following heads:

1. The cutting of timber not contracted.
2. Allowing fires, set under permit that they claim to have, to spread beyond proper confines, scorching sound timber, rendering it liable to be cut, destroying timber not in contract by fire.
3. The construction or contemplated construction of dams which would endanger by inundation and eventually destroy much sound timber.
4. Failure to promptly execute contracts by cutting and removing green timber; allowing its depreciation in value by reason of fire and other causes, resulting in loss to the Indian owners.
5. Failure to give an accounting to Indian owners for the cutting of scorched timber not in existing contracts.
6. Engaging in open violation of a pledge made to the Indians in various mercantile activities, including the sale of dry goods, clothing, millinery, groceries, grain, tobacco, drugs, and wagons, and maintaining a coupon system which restrains free trade.
7. Preferring to cut unaccounted timber to the Indian owner, thus deferring the cutting of contracted, accountable timber, to the loss of the owner.

Against the local management of the La Pointe Agency, Mr. Denomie charges:

1. That in the past there has been conspicuous persecution of intelligent Indians who, in the interest of themselves and less able members of the tribe, have remonstrated against local conditions.
2. That Indians with inherent rights have been discriminated against in favor of Indians without rights on the reservation.
3. That the Indians right to participate in their own affairs through their tribal councils has been disregarded.
4. That the Stearns Lumber Co. have been condoned in the illegal operations before charged.

Against the Indian Office Mr. Denomie charges:

1. The sending of incompetent officials who largely ignore the progressive Indians and give undue credence to statements of those of the ignorant class, and who render reports favorable to the lumber interests of those now operating.
2. Neglect of complaints made by Indians.
3. Whisky fighting only pretentious; is a farce and misleading. The men handling such have been protected and guarded by officials.

I have carefully read the foregoing statement, which I submitted to the officer of the Board of Indian Commissioners as therein stated, in the belief that the charges therein can be substantiated before any body competent to investigate them.

In addition to what I said here the other day, I desire to further express to my fellow brothers my feelings and views on this work for unity whereby we may win. With the aid and by uniting our forces with our sympathizing white brethren there is nothing impossible. If we only find and follow the right way it is possible that we may regain our lost reigning powers of this our glorious country.

We have the larger proportion of the population on our side, but helpless as we, in their fight against the Money Trusts, whose powers seem to control our very Government officials whose appointment they cause for their use. I mean outside of those money-crazed monopolists the common people, in general, have a friendly feeling toward us and our cause, and by uniting our forces with them there is a possibility of overthrowing the money oligarchy and regaining that which our forefathers in their ignorance have lost, the inheritance of their children.

Right is might. Our oppressors—the money powers—are in the wrong, wrong—in error. Error is evil belonging to the so-called devil. Evil can not prevail but must perish. Only good, which is God, is real, eternal, and indestructible. Error is unreal, therefore is temporal and mortal. We have a just and right cause. We are on the good, God side, therefore the real and indestructible, immortal, the side that can not be defeated. Discovering these facts is winning half the battle and will prevent permanent defeat.

As I said, we have friends even in our enemies' camp with whom we must unite, besides using the educational forces of our young men who have reached the age of enlightenment. I say besides them we must work in unity and concentrate our action on them. First, we must find out who are our friends. They are the common people who suffer as we. Second, we must not forget to watch out for those who make glaring offers of full dinner pails, but which really means empty instead of full.

From boyhood I have heard the old claiming they never sold the land of their children to the United States. A few days ago I happened to meet a man who claimed to be a Government official and who was very intimate, telling me confidentially, without my having asked him, that as a Government official he had opportunity to search the records showing whether the Indians of my country had ever sold their territory and was unable to find any such record that would be in any way binding.

So, my fellow brothers, it has been the custom of the Government in dealing with the Indian people to select the ignorant, uneducated ones who do not realize the value of things in question. This happened in our reservation recently, when the ignorant were selected to go out and condemn lands by subdivision; lands whose timber should be cut by the lumber company. Men who did not know what township they stood on, to say nothing about the sections or its subdivisions, were selected for the work by the agent. So it has been the custom in dealing with matters of untold wealth.

Another wrong is this giving authority to the Secretary of the Interior to use his judgment in important matters without consulting the Indian owners or securing their consent. These are the causes that bring to us our present troubles.

Now, my fellow brothers, I want to advise this, that the greater part of us being incapable by insufficient education to cope with the white man in attending to our business matters, I want to ask you and advise you, for the future welfare of your children's children, to trust more to your educated members to handle your tribal matters as well as personal matters, and to seek to secure for your children the best education possible in good, unhampered, Government schools.

Now, my fellow brethren, while I do not consider it at this time to be advisable to speak about anything in the nature of politics, I desire, however, to say this much, having failed to see any attempt made on the part of our present administration to uncover the facts in our present deplorable condition with the view of adjustment, I say having failed to see any move toward this end, I for one have totally lost my confidence in this present administration for any right treatment, therefore I am in favor of a change of administration before I can look for betterment. I am not for Harmon, but for a Bryan Democratic President. CHAMP CLARK, our next President, is my choice. To him I look for the betterment of the present deplorable, oppressive conditions of the common—consuming—people as well as our own people. For him I shall cast my vote, and for him I have caused a paper to be started called the Odanah Star, of Wisconsin.

NAVAJO INDIANS.

Certain appropriations were made to carry out the treaty of June 1, 1868, with the Navajo Indians (15 Stat. L., 667), of which the sum of $156,651.74 was covered back into the Treasury. A full history of this transaction may be found printed in the Annual Report of the Commissioner of Indian Affairs for the year 1882, pages 68 and 69.

THE QUINAIELT TRIBE OF INDIANS.

Under the treaty of July 1, 1866, the Quinaielt Tribe of Indians was recognized as being the owner of a large tract of land, which is shown in the eighteenth annual report of the Bureau of American Ethnology, otherwise known as Royce's Land Cessions, plat 60, map of Washington, by No. 371.

The following extracts are taken from the report:

"July 1, 1856. January 25, Queniult River and Olympia, Washington Territory, Statutes at Large, XII, 971. Qui-nai-elt and Quilleh-ute. Cede tract within the following boundaries: Commencing at a point on the Pacific coast, which is the southwest corner of the lands lately ceded by the Makah Tribe to the United States, running thence easterly with and along the southern boundary of said Makah Tribe to the middle of the Coast Range of mountains, thence southerly with said range of mountains to their intersection with the dividing ridge between the Chehalis and Queniult Rivers; thence westerly with said ridge to the Pacific coast; thence northerly along said coast to the place of beginning.

"Reserve a tract or tracts to be selected for them by the President.

"Queniult Reserve set apart by Executive order of November 4, 1873, extending the boundaries of the original reserve. The extension is shown on Washington map No. 2."

(Kappler's Laws and Treaties (treaties), p. 719, Treaty with the Quinaielt Tribe of Indians, July 1, 1855. Kappler's Laws and Treaties (laws), p. 1040. Statistics of the Quinaielt Tribe of Indians. Kappler's Laws and Treaties (laws), p. 923. Queniult Reserve, Wash., Executive orders establishing.)

THE NEZ PERCE TRIBE OF INDIANS OF IDAHO.

Reference to their claims are fully set forth in Senate Document No. 97, Sixty-second Congress, first session.

STATEMENTS OF YELLOW BULL AND ALEXANDER MORRIS, NEZ PERCE INDIANS OF IDAHO.

About a year ago, in 1911, few young men made new regulations concerning the funeral, remains, or body. To hold the remains from 4 to 10 days. Heretofore our bodies were usually buried when the relatives and ministers thought was the right time, or as soon as they are ready to bury the body.

The new regulations seem not to be favored by the majority of the Indians. We respect our bodies, and should put them away when ready.

Unless accident happens to the body, or found, or where a journey may have to be taken, where examination is necessary. Otherwise the new regulation is not favored by Indians. These young men are in connection with the undertakers living near the Indians. It does not seem necessary to hold the body where a person dies from sickness. The furniture stores, where coffins, etc., are sold, are the people who took hand in this regulation. The same men ask for pay aside from coffin, in advance, that they will sell coffins, etc. We must hold the body back until they send a doctor. They do not notify the doctor until they are ready, and the doctor also waits for words from them.

Now, that seems unjust to the Indians. We ask to adjust this new regulation. Our old way seems better.

STATEMENT OF CHIEF BLACK WOLF, KLICKITAT INDIAN, OF KAN-A-POO, WASH.

I come here to Washington for the first time and when I saw, for the first time, the beautiful Union Station, the Capitol of the United States, the White House, and all of the fine buildings in Washington, I thought this was all very fine. Then I wondered how they did all these things, where they got all of the money to pay for it. It seems to me that the source from which this money came was the lands which were the birthright of our people, the mineral wealth which made them their money, the timber and the streams were also our birthright. The cities, the railroads, and the great improvements of this country were made from the wealth that belonged to our people, but the officials of this country are not satisfied with that; they are now trying to tax us and make us pay a certain interest for the support of these things out of the little that we have left. Do you think this is right? Would it be more just that a revenue be paid to us for the wealth and the privileges that the people who come to this country from another continent receive than to make us contribute to help them further along. I notice that the white men are very exacting in getting everything that is promised to them, or that they can claim under a contract, but had they been as honest with us in paying everything they agreed to pay under treaties and contracts, it does not seem to me that they would have neglected our people and repudiated their contracts where the consideration was coming to us instead of to them. Do you think this is right? Do you think that all of the people understand these things, or is it only a few men who are doing us this great injustice? If it is only a few men, then we must find out who those few are and try and assist in getting honest and just men to administer the affairs of state, especially the affairs in which we are the most interested.

It seems to me that if the other people, the white people, understand the situation as it really is, they would change their attitude toward the Indians; they would assist us in getting our rights, our justice, and treat us on the same equality with them, giving us liberty and justice equal to all citizens of this country, and not try to keep us suppressed and downtrodden as has been the practice ever since my recollection. If we had the encouragement that we should have, if we had the opportunity that we should have, if we were granted rights with other people, if we had the privilege of ascertaining our rights, we would be in a different condition from what we are to-day.

BLACK WOLF KAN-A-POO, COLUMBIA INDIAN.

It made me feel glad to hear the good tidings which came to us from the East when my brother Saluskin and the others came back from Washington. It seems to me that this Brotherhood of North American Indians is like a mother, and that mother is going to help us all—help all the Indians on this North American Continent. Then take it from the father's side. The father has helped every class of people, every nation on the face of the earth. We should follow the rules that have been made to control the whole world. So I said to myself, "I will go there and see what the brotherhood is and see just what kind of a man he is to establish such a thing as this Brotherhood of North American Indians.

It seems to me that the race of Indians has been renewed again—that it has been given new life. New laws have been made for the Indians. The Government ought not to have laws just for the white people and hide the good things from the Indians. This Continent of North America gives a chance for every one to live, a chance for everybody to get wealthy. Looking around and seeing the large buildings all around us, what does it stand for? It stands for the Government of the United States, which is governing all the nations in the Union, which is, I call it, a wise and powerful Government. The Government as it stands to-day is keeping the wealth and the property that is taken out of this country for others and not giving us a chance to get any of it at all. We Indians are dying out, without anything in our pocket, poor, without anything in our homes. Dear brothers, this is the thought that was in my mind, and I thought I would mention it to you. That is all I want to say about that, but I want to say a few more words.

I have 287 Indians in my tribe, and I am representing that many Indians. We want all the allotted land along the Columbia River. I was told when they made those allotments for the Indians along the Columbia River that the laws had come from Washington, D. C. After the land was improved by the Indians there came a white man, and he fenced one-half of the allotments that was made to us. He did that to many of the Indians in my tribe. I went to headquarters, the agency, but they never gave me any help at all. The sheep herders brought their sheep and herded them right in our allotments, which was fenced and improved and crops growing up, and they never paid any attention to us at all; but before the allotments were made they told us that after the allotments were made in our names that we were to keep it and nobody would have any right to invade or do anything on our allotment. Any crop that we wanted to raise it would be ours, and we would get a little money for whatever we raised there.

Then the railroad came through, and they never paid us anything for the land when they cut through our allotments. Stock has been killed by the trains and also some of our Indians. The agreement that the railroad made with the Indians was never kept. The agreement was made with our head chief, a man who has passed away. And there are many more ways in which the Indians have been mistreated by the white people.

The railroad said that if we wanted wood we could have the ties that were taken up by the railroad. Several times I have gone myself to get wood, but could not get any.

MEMORIAL OF THE KLICKITAT INDIANS OF WASHINGTON.

To the Great White Father:

Long ago when this world was created, when there was no one here but the red man, there were also created the red salmon to run in the rivers, the red deer to run in the mountains, and the camas root in the valleys to provide food for the red man. All this time we were happy. We lived our own way and hunted the deer and caught the fish, dug the camas root and picked huckleberries, and were very happy.

The white man came and drove us from our lands; told us that we could not hunt the red deer or catch the red salmon or dig the camas root or pick the huckleberries. Finally, when we did not move as quickly as the white man thought we should, he forced us to leave, and by a treaty with some of our ancestors, in which members of our tribe or band never joined, he took these lands from us, but he gave us the right to hunt in the mountains, to pick berries, and to catch the red salmon. Now our people are threatened with arrest and punishment if they catch salmon, as our people always have, and if they hunt the red deer; and we are told that the mountains which we thought were our own to hunt in and to camp on in the summer are to be sold and taken away from us.

The white man has even changed the color of the fish in our streams by introduction of new kinds called the white salmon, and we want you to see if we can not be left in peace; if we can not have our rights.

There are about 100 of our people, who never received any help from the Government, who do not receive any moneys, and who have taken homesteads in our little neghborhood. We have no schools furnished us by the Government or any schools of any kind, and our young people are not being fitted for the duties of citizens of the United States, except as we are able to teach them ourselves and to show them how to do right.

We hope that you will listen to our appeal; that you will prevent our mountains being sold and taken away from us; and that you will see that we have the right to hunt and fish as we have always had, and that our children are provided with lands, as they have a right to have lands for themselves. We believe that we have rights or should have the rights which the Yakimas have, but we have never received any help from the Government.

SCOOKUM WALLAHEE.
JOSEPH STAYHIE.
CHAS. PARKER.

YAKIMA INDIANS.

Attention is called to the fact that many of the Yakima Indians are now old men and women, and that if they are ever to receive any benefit from the lands that have been alloted to them the relief will have to come soon. These Indians feel that they should have the benefit of their lands while they can enjoy them; that if the present policy of the Government is followed out they will receive no benefit from their lands during their lives. They do not particularly care to leave this land or property to their children or their heirs, as their children and heirs have received lands in the same way that they have, and they think that they should be allowed to enjoy their lands and their property during their lifetime.

The present policy of the agents in withholding the rent money and money received from the sale of inherited land is entirely wrong. They believe that each Indian should be entitled to have this money to use as he sees fit. The Indian can not be taught to use the money without being able to spend some of it in order that he may become self-sustaining.

If our Indians could have the use of their money they would be more industrious; they would buy agricultural implements; they would procure the necessaries of life; they would build homes; they would buy stock; and they would do many things that they can not now do because they are poor and have no money.

At the present time our Indian money is deposited around in various banks, and our Indians are engaged in making millionaires out of the bankers who loan this money out from 10 to 12 per cent, after paying us about 3 per cent. These bankers are making from $50,000 to $75,000 every year out of our Indian funds. The millions of dollars that belong to the Yakima Tribe that have been on deposit in these various banks for years past has made large fortunes for these bankers.

There are many Indians on the Yakima Reservation that in years past have suffered for the common necessaries of life, such as food, clothing, and medical attention, and yet these Indians are possessed of allotments that are worth from $5,000 to $10,000 each. The Indian has pride, and it hurts his feelings to keep constantly after the Indian agent in order to obtain what is his own. The Indian reasons that the money is of no benefit to him unless he can have it and use it, and he does not understand why he should not be allowed to use the money for his own purposes when he sees his white neighbor living in a good house, wearing good clothes, having good stock, and driving good horses, and having many other little things that the white man seems to like so well.

Now, the white people, especially those in the Government service, say that the Indian is not progressive; that he stands in the way of the development of the country. Suppose we see whether it is the Indian or the white man that stands in the way of development. Any Indian that has reached the age of 30 years is just as much developed to-day as he ever will be. If the Nation is not satisfied with the way in which he handles his own affairs, suppose that his allotment, or a large part of his allotment, should be reduced to money and placed out at interest at the same rate that the bankers get out of the money, the Indian would be able to live very comfortably on the income from his money. Take as an illustration an allotment that is valued at $8,000 or $10,000. If that money was placed out at 10 per cent interest, it would bring the Indian $800 to $1,000 every year. But no; the Indian must not be allowed to exercise any such business principle as this. He must have his small amount each month, $10 or $15, no matter what his needs may be; he must even beg to get that; and then the white man expects the Indian to be progressive under this treatment. It looks to the Indian that the white man was standing in the way of his progress, and certainly it is a poor recommendation of the Government service that our people have not been better civilized and educated in the 100 years of Government control, so that they are now self-sustaining and self-supporting on their own moneys and their own land. They would be self-supporting and self-sustaining if they could use their lands and their money and if the Government would give them all that they are entitled to.

One of the complaints we have to make is that the Yakima Agency permits hunters to come upon our lands and to hunt, and a great many of our people have had their cattle carelessly killed by these hunters, their fences torn down, and their property destroyed, and many of the Indians have come near being shot themselves. The agency permits white people to fish along the streams in our reservation, and these fishermen have been in the habit of tearing down our fences, burning up the posts, and otherwise destroying our property. This should be stopped.

Our people are compelled to lease their lands in some instances by the agent to persons that they do not want to have them. Our people should be allowed to lease their lands to such persons as they please, and they should not be compelled to lease to any person that the agent says they must lease to.

We, the undersigned, all being members of the Yakima Tribe of Indians, and residing upon the Yakima Indian Reservation, in the County of Yakima, State of Washington, being aggrieved by certain acts and practices of the Indian agency of the said Indian reservation, relative to the leasing of allotments, the sale of timber and inherited lands, and the retention by the Government of the proceeds thereof, do hereby urge that an investigation be had relative to the manner in which the Indian agency of the said Yakima Indian Reservation is being conducted in the premises, and for more particular cause of complaint, state as follows:

I. It has been the practice of the Indian agency for a considerable period of time of leasing or permitting owners of sheep to graze upon unimproved allotments without the consent of such allottees and without paying to such allottees any compensation therefor, thereby depriving said allottees of the use of their several allotments for grazing and pasturage of such stock as they may possess. We feel that our unimproved allotments should not be used through permission of the Indian agency without our consent nor without proper compensation being made therefor.

II. For a considerable period of time prior hereto it has been the practice of J. W. Phillips, additional farmer located at the city of Toppenish, Yakima County, Wash., and under the direct supervision and control of the Indian superintendent of the Yakima Indian Reservation, to lease the allotment of competent Indians on said reservation without first obtaining the consent of said Indian allottees, and also of leasing said lands upon terms and conditions less advantageous to said Indian allottees than they, the said Indian allottees, were themselves able to make.

III. We protest against the sale of any surplus land or lands of the Yakima Indian Reservation, and also against the sale of any timber comprising any part of said Yakima Indian Reservation.

IV. It has been the custom of the Government upon the sale of inherited Indian lands to retain the money received therefor and without distributing the same to the heirs rightfully entitled thereto. Many of our Indians are in need of funds with which to make necessary improvements upon their allotments, and notwithstanding that they in many instances are rightfully entitled to large sums of money derived from the sale of heirship lands, they are unable to obtain the same with which to make such needed improvements. We feel that it is to the best interest of the Indian that these heirship funds be distributed amongst the heirs entitled to the same to the end that they may better their conditions and become less dependent upon the white inhabitants and the Government.

V. We have reason to complain against the present superintendent of the Yakima Indian Agency, for the reason that he, in many instances, acts in the interest of white men as against that of the Indians.

Wherefore we pray that an investigation be had, as before mentioned, to the end that the foregoing unlawful practices may be remedied and the interest of the Indian better conserved.

William (his x mark) Stayhigh, Alex (his x mark) Tow-es-note, Umtouch (his x mark) Thomas, Tom (his x mark) Nye, You-kars (his x mark), Charley (his x mark) Tomith, Judge (his x mark) Shuster, Jake (his x mark) Toal-la-le-lestar, Yakima (his x mark) George, John (his x mark) Yappensah, Joe (his x mark) Strong, Yallup (his x mark), Jim (his x mark) Meninack, Ah-na-ka (her x mark) Lal-a-shut, Kia-kow-let (her x mark), Lucy (her x mark) Shuster, Sah-sa-na (her x mark) Tomith, Mary Tomith (her x mark) Shuster, Grace (her x mark) Tash-wickt, Lucy (her x mark) Bell, Quan-anny (her x mark) Toal-la-le-tsar, Annie (her x mark) Meninack, Capt. B. (his x mark) Wholite, Joe (his x mark) Pal-wa-tla, Jim (his x mark) Wal-la-hee, Charley (his x mark) Sulatkin, Matida (her x mark) Strong, He-me-na-pum (his x mark), Yakima (his x mark) Sa-yaw, Thos. S. Umtuch, jr., Harvey Shuster, Thomas Yallup, Jasper Strong.

STATEMENT OF ALEC TIEO, OF THE YAKIMA RESERVATION.

There has been a large tract of land near the town of Mabton which has been cut off of our reservation by the Government surveys. The land mentioned lies between the Yakima River and the section line on the south side. Our people never consented to this land being taken by the Government.

As to the southwest side of the reservation, the Government surveys changed the lines of the reservation twice and cut off large portions of our reservation each time, as will be shown by the original lines of the reservation and by the surveys made by the Government.

Now, on the Columbia River at Tumwater Falls is where the Indians used to fish in early times. My grandfather, my grandmother, and my uncles used to fish there, and all the rest of my people. Now, the white people—20 or 25 years ago—they came in there and put the fish wheels in, and they won't allow my people to fish where the fish wheels are, and so they could hardly fish now for their own use. A man by the name of Sewford, who owns a cannery on the Oregon side of the Columbia River near the Washington and Oregon line, refused to let us fish unless we would sell the fish to him.

When the Government made the reservation and moved my people from our homes near Tumwater, Wash., to the Yakima Reservation, the Government promised my people that at any time during the fishing season they could return from the Yakima Reservation to our old home fishing grounds and fish all we pleased so as to have all the fish we would need for our winter use, but now my people who moved from their homes near Tumwater, Wash., and went to the Yakima Reservation, as requested by the Government, are not permitted to go back to our home fishing grounds and fish as the Government promised them.

If we have any fish from the fishing grounds, we have to buy them from the people who are now running the fish wheels. The white people and a few Indians have been running the fisheries in the streams where the Government promised us we could fish, and they have refused to let our people go there and fish.

In the treaty with the Government, "the exclusive right of taking fish in all the streams, where running through or bordering said reservation, is further secured to said confederated tribes and bands of Indians, and also the right of taking fish at all usual and accustomed places, in common with the citizens of the Territory, and of erecting temporary buildings for curing them, together with the privilege of hunting, gathering roots and berries, and pasturing their cattle upon open and unclaimed land."

Many people other than the ones belonging to our reservation are permitted to hunt and catch fish within the bounds of our reservation and in places exclusively reserved for ourselves.

We had a ditch called the Irwin ditch. That was the name of the agent at that time. This ditch was 12 miles long from the Yakima River to the Toppenish Creek. It was built by Indians. Now, several years after that they made us pay for water 75 cents an acre; they say to pay for repairing the ditch and for a ditch tender, as quite a lot of us pay, and those who don't pay don't get any water. The Government said we were to get water free. This year our agent says we have to pay 50 cents an acre for 80 acres, whether we cultivate or irrigate all of the 80 acres or only a small part, so we made a kick on that. We told him we were not going to do all that. Now we got a man in there superintending the ditch—his name is Mr. Webbers—and if we don't pay for the water he shuts it off and does not permit us to irrigate the land.

Mr. Young, our agent, told the ditch superintendent if we did not pay for our water for him to shut it off. Now, all the Indians on Yakima Reservation are capable of running their own ditches and taking care of their own irrigation, and we don't want the white man to look after our ditches any more. And we want our people to select our superintendent and ditch tenders, and also want to make our own assessments for the expenses of keeping up our ditches, and want the right to fix the amount that our people shall pay for the use of water, and also the amounts that the white people shall pay for taking water from our ditches. We are able and willing to conduct our own business affairs, and if we are permitted to do so in regard to our irrigation plants we can handle our irrigation business with much less trouble and at less expense than they are being handled now by the white man. And if we are permitted to fix our own assessments and do our own collecting, hire and pay our own men, we can soon accumulate a surplus which will enable us to add to and extend our irrigation system.

Now, Mr. Webbers hires no Indian help, and Indian help built our ditch.

They are making a road on our reservation, and the foreman is a white man, and he always hires white men to do the work on the road, and will not give the Indians employment, and the Indian's money pays the white man for doing the work.

During the war with the Yakima Indians, Joel Palmer, superintendent of Indian affairs for Oregon Territory, in November, 1855, gathered up all guns, axes, knives, cooking utensils, tepees, skins, hides, and furs, and a great deal of other personal property of the value of possibly $50,000. He thought we were going to fight the white people, and he destroyed the property in order to make us weak so that we might not be able to fight. That we didn't fight the white people, and did not intend to, and some time after Mr. Palmer had burned our goods and had found out that we were not enemies to the white people, he promised to have the Government pay us for our property, and the money to be received for our goods that were destroyed to be divided between the Warm Springs, Wasco, Wishham, and Deschutes Indians.

WISHCUM (YAKIMA) TRIBE,
Toppenish, Wash., April 17, 1912.

When war started among the Yakima Indians, Kimyacon, then our father of Wishcum Tribe, Little Wapant and his brother Skuiman Wapant and Mulack-Mulack, these three of Wishcum Tribe, and the Desuesh Tribe were Catummess and Tuos-k-ne. All these the Desuesh Tribe and the Wishcum, they helped the white men (soldiers) and had war with Yakima Indians. After the war was over the general told my father, Little Wapant, that as long as he lived and if he died and left children the Government would help them. And this I want to find out. I sent this note by Alex Teio. Little Wapant children that still living are two men and two women, Sarah Lundley and Mable Teio, Luke Wapant, and I am.

From JAMES WAPANT.

—

As has been shown heretofore there are many Indian tribes whose lands have been disposed of, and it is now impossible for the children and some of the Indians of the tribe to whom land was allotted at the time of the making of the allotment to receive the lands to which they are entitled.

There are to-day being advertised by the General Land Office and the Indian Office millions of acres of land upon Indian reservations for sale to white persons.

According to the latest circular relative to the opening and sale of Indian lands by the Indian Office, there are 500,000 acres for sale in the Blackfeet Indian Reservation, Mont.; 1,776,000 acres in the Fort Peck Indian Reservation, Mont.; 1,000,000 acres in the Colville Indian Reservation, Wash.; 1,145,000 acres in the Yakima Indian Reservation, Wash.; about 1,850,000 acres in the Cheyenne River and Standing Rock Indian Reservations, S. Dak. and N. Dak.; about 216,000 acres in the Coeur D'Alene Indian Reservation, Idaho; about 450,437 acres in the Flathead Indian Reservation, Mont.; about 425,000 acres in the Rosebud and Pine Ridge Indian Reservations, S. Dak.; about 500,000 acres in the Fort Berthold Indian Reservation, N. Dak.; several thousand acres in the Colorado River Indian Reservation, in Arizona; and even lands are being offered for sale in the Chippewa Indian Reservation, Minn. In fact, about all the Indian reservations in the country are being offered by the Government for sale to homesteaders, except five reservations: The Fort Hall Indian Reservation, Idaho; the Hoopa Indian Reservation, Cal.; the Jicarilla Indian Reservation, N. Mex.; the Klamath Indian Reservation, Oreg.; and the Moqui Indian Reservation, Ariz.

The foregoing does not take into consideration the hundreds of thousands of acres of land in the State of Oklahoma that have been disposed of to white persons.

The foregoing reasons have caused the Indians of North America to band together to assist and aid each other in getting their rights established and have the Government recognize what is coming to them under treaties and under agreements and under executive orders. The Indians have not been encouraged by the officials of the Government in this work that they are now undertaking. Although lodges have been established in nearly every State where Indians reside and they have been working together to better their conditions, and notwithstanding that the Commissioner of Indian Affairs himself authorized his speech and letters to be sent out broadcast to the Indian agents and superintendents throughout the country, the Indians have met with opposition from Indian agents, superintendents, and farmers discouraging this work, discouraging them from organizing, and discouraging them from trying to assert their rights and make themselves better citizens and more intelligent and more healthy people.

Many of the brothers who have come to the meetings have told of the treatment and discouragement they have received at the hands of the superintendent or farmer or agent, and when this was brought to the attention of the Commissioner of Indian Affairs it was said that it was not the purpose of the Interior Department or the Indian Office to discourage this movement.

Then he was shown a letter from Agent Young, of the Yakima Reservation, in which Young denounced the efforts of the Indians in organizing the brotherhood and said in that letter that the Government was against it.

Perhaps there are a great many reasons why there is opposition to the Brotherhood of North American Indians. When we know that $1,799,022.23 of the Indians' money last year was spent for salaries—perhaps for political reasons—to maintain supervision and control of us and our affairs, that may be the cause of opposition to the Brotherhood of North American Indians. When we know that hundreds of millions of acres of land have been taken away from us for the benefit of land-grabbers throughout the United States, that may be another reason for opposition to the Brotherhood of North American Indians. When we know that treaty after treaty has been violated and that the money agreed to be paid to the Indians has been withheld for the benefit of somebody else, that may be another reason for opposition of the Brotherhood of North American Indians; and when we know that no Indian can take on his own reservation the best timberland for his allotment, but that it must be held and put in a forest reserve or a mineral reserve, that may be another cause for opposition to the Brotherhood of North American Indians. When we know that when they agree with Indian tribes to pay them a certain fixed sum of money for a certain concession of land, not naming the number of acres ceded, but all that is left after those tribes or bands have been allotted, they have often been short 300 or 400 allotments, that may be another reason for opposition to the Brotherhood of North American Indians. When we know that millions of dollars of individual Indian money is on deposit in certain banks or depositaries, which brings the Indians only 2½ or 3 per cent, and that this same money is being loaned out by these banks or depositaries at from 10 to 24 per cent per annum and the use of it distributed among people whose sympathy is not in harmony with the Indians, that may be another reason for opposition to the Brotherhood of North American Indians.

When we take all of these things into consideration—and we could, perhaps, enumerate a hundred more—then it becomes apparent why people are planning to down and oppose our plan of organizing to protect our people and our rights.

Where is there a corporation, where is there an organization of people, where is there a city or community that does not organize and have some one to speak for them and ask for certain laws and rules and regulations to govern their business or their affairs?

Why have we Senators and Representatives here enacting laws, and why is there so much opposition to certain plans from certain sections

of the country, if it is not for the selfish interests of those people most concerned?

You take the manufacturing districts of any of the States of New England, they want certain protection in law which they call tariff. Take the people in other sections who want things to come in from the foreign countries cheaper, and they are opposed to it, and it creates a controversy in the Congress of the United States. But ours is so different, so localized, and so to our personal interests that we can not understand how it could be that any Indian would oppose the organization which is for the benefit and uplifting and the good of his own people. All they need to know is the purpose, the objects, and what it will accomplish, and let other people understand we will get assistance.

There are many reasons why the Indians should stand together, protect and assist each other, and organize themselves into a society for their own protection and assistance. There are many reasons why the white people, both those who live in the vicinity of the Indians and those who live at a distance, should aid and assist the Indians in this organization which stands for the uplifting and betterment of the Indian race. The first reason is well set forth in the objects, constitution, and by-laws of the Brotherhood of North American Indians.

OBJECTS.

The objects of this brotherhood are to teach, obtain, and maintain rights, liberties, and justice for all Indians equal to that of any people and inferior to none; to preserve and perpetuate the ancient traditions, arts, and customs of North American Indians; to unify their efforts and interests; to council together; to promote and encourage industry and thrift among Indian people; to collect, secure the preservation of, and to publish the records, papers, documents, and traditions of historical value and importance to North American Indians; to mark by appropriate monuments places historic and sacred to the American Indian; to impress upon present and future generations of American Indians the importance of united action for the common good; to promote a feeling of friendship, brotherhood, and good citizenship among its members; and to provide for the aged and infirm of our race.

And another reason is that it stands for peace and friendship and a better understanding between the Indian and other races; and, thirdly, if the Indians are taught through experience how to handle their own money and their own affairs, by having given to them an opportunity to do so themselves, they will benefit the communities in which they live and also benefit the associates that surround them.

The merchants, traders, farmers, and bankers all should be interested in seeing to the development of the Indians in their vicinity, or those who live near them, for the good of the community, and for the improvement it will bring to the country, as well as the surrounding neighborhood. The officials of the county, State, and Federal Governments should be much interested in uplifting and urging the better development of the Indian, and in seeing that they get just treatment and that the obligations of the Government are carried out with them, and that there should be a feeling of confidence and friendship between them and their associates.

The churches and philanthropical societies should be interested in the movement and enterprise of the Indians, and should encourage and assist them in every possible way.

On reviewing the history of the United States, we find that the Indians assisted this Government in every struggle they ever had from the Revolutionary War to the present time. In the colonial days we find that they aided and assisted the early settlers of this country, and that in most every instance where hostility was known between the races the first outrage was committed on the Indians, instead of being committed by the Indians on the whites. It is a wonder that an aboriginal people, the original owners of the soil, should not more deeply feel the outrages committed upon them that the invaders of their territory should feel or think they had a right to a grievance against the Indians.

In a few generations the Indians have been forced to change their mode of living, their mode of industry, their occupation, and their habits, and little encouragement has been given to them to adopt the new mode of civilization and the new occupations of life which were submitted to them, but on the contrary they have been discouraged and told that they were not fitted for those occupations and that some one else, at their expense, must use their means, their lands and privileges, and speak and do for them. Is it not time to bring about a change? Is it not time for them to get the encouragement and assistance of good, honest-thinking people? Is it any wonder that the following planks were adopted in the Brotherhood of North American Indians?

DECLARATION OF INDIAN POLICY BY THE BROTHERHOOD OF NORTH AMERICAN INDIANS.

The Brotherhood of North American Indians favors and advocates—

1. The right to have Indian delegates on the floor of the Congress of the United States, said delegates to be Indians by blood and to be chosen exclusively by recognized Indian tribal vote, one delegate for each 60,000 Indian population, the delegates to have the same powers and compensation as delegates from the Territories now have.

2. The right to ratify or reject by vote of the tribe or tribes affected, after 60 days' notice, any legislation by the Congress of the United States affecting or relating to the sale, allotment, or other disposition of Indian land, in all cases where there has not been an agreement with the Indians sanctioning the disposition of the same.

3. Liberal appropriations for the Indian Service in accordance with the progressive needs and requirements of the Indians.

4. An advisory board of Indians for each Indian school or agency, consisting of three or more members, to be chosen by tribe or tribes of Indians represented, whose judgment in matters of Indian policy shall have equal weight with the recommendations of the superintendent or agent in all matters affecting the Indian tribe or tribes under the jurisdiction of the superintendency or agency.

5. Greater industrial assistance and development in all agricultural communities.

6. Greater cooperation between the Federal Government and State governments in matters of education of all Indian youth with opportunity to attend State public schools, whenever these are preferred by the Indians.

7. A more liberal policy on the part of the Indian Office in allowing the Indians the use of their individual Indian moneys.

8. The right of petition and assembly without restriction or restraint, and the right to come and go at will without the permission of any superintendent or agent.

9. Qualifications being equal, Indians by blood to be given preference in the Indian Service as superintendents, financial clerks, farmers, and merchants.

10. Protection, as persons, under the Constitution of the United States, for all Indians, whether as tribes or individuals, of life, liberty, and property, and the right to enforce such protection in the courts.

This and many more statements of fact could be set forth showing the attitude of the Department of the Interior and the Indian Office toward the Indian tribes of the country. So far as has come under the notice of the officers of the Brotherhood of North American Indians there is not a tribe of Indians who has not a valid complaint against the administration of its affairs. It may be possible that the Indian Office has done the best that its representatives knew how at the time, but the fact remains that the Indians have not been satisfied with the administration of their affairs. In a number of instances where complaints have been made to the Indian Office the Indians are told that the executive department of the Government is merely administering the laws as laid down by Congress; that they have no other course than to interpret the laws according to general usage and in interpretation; and that if the Indians are not satisfied with the administration of the laws they should appeal to Congress to have the laws changed. It matters not what the reason may be for the administration of affairs against the real interests of the Indians so long as the Indians are actually deprived of their portion by some branch of authority of the Government. We do not believe that the Government will deny that there are rights of which the Indians have been deprived, and there certainly could be no better time than the present for Congress itself to permit the Indians to have an accounting, by tribe or nation, from the Government and the right to have their differences adjusted in the courts of the United States.

We appeal to Congress to give us the same right that every other people has and is given by their government—the right to have their differences with their government heard and tried and decided in their courts. The relations which exist between the United States Government and the Indian tribes are of a contractual nature, and the treaties and agreements made with our people have not been carried out according to the understanding of our people. We ask you if you can cite us to a single instance where one party to a contract has been denied the right to have his understanding of it tested, except in the case of the Indian nations of the United States?

Some of the tribes of the country have in the past appealed to Congress and have been granted the right to have their differences heard and adjusted. We believe that all of our people should now have the right in common with all other people to go into the courts of the United States and ask for an accounting and an adjustment of their differences.

If Congress should have the slightest doubt regarding the necessity for this action there are hundreds of Indians who stand ready to appear before any committee that may be selected by you and to give reasons why the Indian tribes of the United States should have the right to have their differences heard and adjusted. Many of our people are old and will not live much longer. They have rights which should come to them during their life, and we appeal to you to take action in the near future in order that our people may know that the United States Government has their interests at heart and is willing to try them with fairness and justness.

Respectfully submitted.

BROTHERHOOD OF NORTH AMERICAN INDIANS,
By RICHARD C. ADAMS, *Grand Sachem.*

AMENDING MINING LAWS FOR ALASKA.

The CHAIRMAN. The Clerk will report the bill for amendment.

The Clerk read as follows:

SEC. 2. That no person shall hereafter locate any placer-mining claim in Alaska as attorney for another unless he is duly authorized thereto by a power of attorney in writing, duly acknowledged and recorded in any recorder's office in the judicial division where the location is made. Any person so authorized may locate placer-mining claims for not more than two principals or associations under such power of attorney, but no such agent or attorney shall be authorized or permitted to locate more than two placer-mining claims for any one principal or association during any calendar month, and no placer-mining claim shall hereafter be located in Alaska except under the provisions of this act.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Amend, page 2, lines 5 and 6, by striking out the words "two principals or associations" and inserting in lieu thereof the words "two individuals or one association."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. FLOOD of Virginia. Mr. Chairman, there is another committee amendment on page 2, line 11.

The CHAIRMAN. That has not been reported yet. The Clerk will read it.

The Clerk read as follows:

Amend, page 2, line 11, by striking out the word "provisions" and inserting in lieu thereof the word "limitations."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise and report the bill to the House with committee amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FINLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 18033, had directed him to report the same back to the House with

sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on either amendment? If not, the Chair will put them in gross. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was accordingly read the third time, and passed.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will call the next committee.

The Clerk called the Committee on Insular Affairs.

CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS.

Mr. JONES. Mr. Speaker, I desire to call up House bill 17756.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 17756) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes."

Mr. OLMSTED. Mr. Speaker, I notice that the bill as read is on the House Calendar. It was referred to the Committee of the Whole House on the state of the Union.

Mr. MANN. And it is No. 79 on the Union Calendar.

The SPEAKER. The Chair supposes that if it was put on the House Calendar that it was put there improperly. There seem to be two prints of the bill.

Mr. OLMSTED. It might be a very nice question as to whether it should be on the Union Calendar or not, but it being on that calendar, I think it should remain there until some change of reference be made by proper action. I do not see that any such change of reference has been made.

The SPEAKER. It should be on the Union Calendar, then. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 65 of an act entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," be amended so as to read as follows:

"SEC. 65. That all lands that have been or may hereafter be acquired by virtue of the preceding section shall constitute a part and portion of the public domain of the government of the Philippine Islands, and shall be held, sold, and conveyed, or leased temporarily, under the same limitations and restrictions as are provided in this act for the holding, sale, conveyance, or lease of the public lands in said islands: *Provided*, That all deferred payments and the interest thereon shall be payable in money prescribed for the payment of principal and interest of the bonds authorized to be issued in payment for said lands by the preceding section, and said deferred payments shall bear interest at the rate borne by the bonds. All moneys realized or received from sales or other disposition of said lands, or by reason thereof, shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a sinking fund for the payment of said bonds at their maturity. Actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to lease, purchase, or acquire their actual holdings within such reasonable time as may be determined by said Government, without regard to the extent of their said holdings."

The SPEAKER. The Chair will call the attention of the House in general and of the gentleman from Pennsylvania [Mr. OLMSTED] in particular to the fact that there are two prints of this bill. On January 12, 1912, the bill was introduced by the gentleman from Virginia [Mr. JONES] and was referred to the Committee on Insular Affairs and ordered to be printed. On January 29, 1912, it was committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

On February 7, 1912, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill, and it was referred to the House Calendar and ordered printed.

Mr. OLMSTED. I have just been handed a copy of the second print, which shows that on the 7th of February the Committee of the Whole House on the state of the Union was discharged, but I should like to know in what manner it was discharged. I have looked through the RECORD of February 7 and find no record of anything having occurred on that day with reference to that bill. I think that the bill having been referred to the Committee of the Whole House on the state of the Union, that committee could be discharged only by a motion made in the House.

The SPEAKER. Judge Crisp tells me that the way that change of reference happened was that the gentleman from Illinois [Mr. MANN] and the gentleman from Virginia [Mr. JONES] came up and agreed that the change should be made.

Mr. JONES. I came up, Mr. Speaker, after speaking with the gentleman from Illinois [Mr. MANN]. The gentleman from Illinois [Mr. MANN] agreed with me that the bill properly belonged on the House Calendar, and he thought there would be no question raised if it were transferred to that calendar. This being the case, it was not deemed necessary to have the change made in the open House.

Mr. MANN. I do not in the slightest degree question the statement of the gentleman from Virginia, because he would not make a statement that was not absolutely accurate, although I have no recollection of the occurrence at all.

Mr. OLMSTED. Mr. Speaker, if the gentleman from Illinois [Mr. MANN] says that he made a promise for me or for this side of the House, I will live up to it; but I do not think that both those gentlemen together had authority to change the reference.

The SPEAKER. The Chair agrees with the gentleman as to that, but if it was done, it would seem that everybody was bound by it.

Mr. OLMSTED. I will agree to be bound by it if the gentleman from Illinois says so.

Mr. MANN. Mr. Speaker, I suppose it does not make any difference. The gentleman does not object to taking it up, does he?

Mr. OLMSTED. Oh, no.

Mr. JONES. I imagine the gentleman will agree by unanimous consent that the bill be considered on the House Calendar, because it is properly on the House Calendar. It does not appropriate any money. That is the proper calendar for it, and it was by an inadvertence that it was placed on the other calendar.

Mr. OLMSTED. I will agree that the gentleman may ask unanimous consent that it be considered as on the House Calendar, and I will not object to so considering it.

Mr. JONES. I make that request.

The SPEAKER. The gentleman from Virginia [Mr. JONES] asks unanimous consent to consider this bill as on the House Calendar. Is there objection?

There was no objection.

Mr. JONES. Mr. Speaker, the sole purpose of this bill is to remove any ambiguity there may be in the language of section 65 of the act of Congress of July 1, 1902, known as the organic law of the Philippine Islands. It is to make clear and definite and unmistakable the meaning of that section.

Section 15 of this organic act provides that the public lands which were acquired by the United States from the Kingdom of Spain under the treaty which was ratified on the 11th day of April, 1899, and which amounted to some 60,000,000 acres, with the exception of timber and mineral lands, may be disposed of by the Philippine Government "to actual occupants and settlers and other citizens of said islands" on such terms as may be prescribed by general legislation, not to exceed 16 hectares, approximately 40 acres, to one individual and not to exceed 1,024 hectares, approximately 2,500 acres, to any one corporation.

This same act provides in section 64 for the acquisition by the Philippine Government of some 400,000 acres of land owned by certain religious bodies in the Philippine Islands, known as the friar lands, and in section 65 there is this provision as to their disposition:

That all lands acquired by virtue of the preceding section shall constitute a part and portion of the public property of the Government of the Philippine Islands, and may be held, sold, and conveyed, or leased temporarily for a period not exceeding three years after their acquisition by said Government on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this act.

Mr. TILSON. May I interrupt the gentleman?

Mr. JONES. After I have completed this sentence. So that if these lands are disposed of under section 15, which applies to the public lands which the United States acquired under the treaty of Paris, then they can not be sold in quantities in excess of 40 acres to an individual, or in excess of 2,500 acres to a corporation.

Mr. TILSON. Is it the purpose of this amendment to change the law in that respect?

Mr. JONES. No. The purpose of this amendment is to make clear and definite the meaning of the language which I have quoted from section 65. The language is, as I have just quoted it:

All lands acquired by virtue of the preceding section—

that is the section which provides for the purchase of the friar lands—

shall constitute a part and portion of the public property of the Government.

They must be held, sold, and conveyed, according to the terms of this section, "subject to the limitations and conditions provided for in this act."

The Philippine Government holds that the words "shall constitute a part and portion of the public property of the Gov-

ernment" do not mean that the friar lands shall constitute a part of "the public domain" of the Government. That the words "public property" are not equivalent to the words "public lands" or "public domain," and that therefore these lands are not to be held and disposed of subject to the limitations and conditions which section 15 imposes upon the disposition of "the public domain," but that, on the contrary, it is at liberty to sell them, the friar lands, in quantities in excess of 40 acres to individuals.

Mr. BUTLER. These are the friar lands?

Mr. JONES. Yes.

Mr. TILSON. Then your intention is to make it so that the lands can not be sold except as provided in the fifteenth section?

Mr. JONES. In the fifteenth section. It is the contention of the committee that Congress intended that these lands should be held and disposed of under precisely the same limitations and conditions that are made applicable to other Government-owned lands under the provisions of section 15.

The Philippine Commission, however, has sold to three men jointly one body of this land containing 56,210 acres.

Mr. BUTLER. What body of land?

Mr. JONES. They have sold a body of land on the island of Mindoro, known as the San José estate, to three American citizens.

Mr. BUTLER. A part of the friar lands?

Mr. JONES. A part of the 380,000 acres of friar lands. It was supposed that there were about 420,000 acres of these lands, but when the sale was consummated the friars insisted on retaining certain tracts, and so, as a matter of fact, 388,000 acres only were purchased, to pay for which the Philippine Government issued and sold $7,000,000 of bonds.

Mr. STERLING. Will the gentleman yield?

Mr. JONES. I will yield to the gentleman from Illinois.

Mr. STERLING. How much of these lands have been sold on other conditions than that provided by law with reference to Government lands?

Mr. JONES. There were some 388,000 acres purchased, and about 125,000 acres remain undisposed of. The gentleman will find in the views of the minority, filed by Mr. Olmsted, a list of the lands that have so far been disposed of.

Mr. STERLING. If this bill becomes a law, will it affect the title to those lands already purchased?

Mr. JONES. No; it is not intended to be retroactive; at any rate, there is nothing in the bill to that effect.

Now, as I have stated, the Philippine Commission sold one tract of this land acquired from the friars to three individuals. One of these individuals was Horace Havemeyer, another was Charles H. Senff, and another was Charles J. Welch. Mr. Senff was at one time the vice president, as well as a director, of the American Sugar Refining Co., and Mr. Havemeyer was at one time a director in that company.

Mr. COOPER. Is that what is called the Sugar Trust?

Mr. JONES. That is what is known as the Sugar Trust. Mr. Welch, the third member, has been largely interested with these gentlemen in the sugar business.

Mr. MICHAEL E. DRISCOLL. Are these parcels of land contiguous?

Mr. JONES. It is one parcel and has been bought by three individuals jointly. They purchased the land through a dummy. They sent to the Philippine Islands a man named Poole, who purchased this land under a contract, which provided that the deed was to be made to his assignees. When the time came to consummate the sale Poole required that the deed should be made to Horace Havemeyer, Charles H. Senff, and Charles J. Welch.

Mr. MICHAEL E. DRISCOLL. Share and share alike?

Mr. JONES. That transaction aroused a great deal of feeling throughout the Philippine Islands.

Mr. MICHAEL E. DRISCOLL. What was the date of that transaction? Was it before or after the passage of the Payne tariff law?

Mr. JONES. It was in the latter part of the year 1909. It is some time since I have read the testimony and I can not give the exact date from memory. The report gives the exact date.

Mr. TILSON. It is safe to assume that these are valuable sugar lands.

Mr. JONES. These are very valuable sugar lands, and I understand that these gentlemen have already invested hundreds of thousands of dollars in developing the lands and in building a sugar mill. They have built great sugar centrales, a short railroad, and expensive wharves and docks.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, will the gentleman yield?

Mr. JONES. Certainly.

Mr. MICHAEL E. DRISCOLL. Will it not be to the interest of those men who own these sugar lands to maintain American sovereignty over the islands?

Mr. JONES. I am not prepared to answer that question positively. They may, and they doubtless do, think so. I am not prepared to say, however, that if the Filipinos were granted their independence these people would not be amply protected in all their rights. They may not agree with me as to this. Philippine independence would cause them to lose the free markets of America for their sugar, and for this reason they will, I presume, be opposed to independence.

Mr. Speaker, the sales of these friar lands in quantities larger than the law permits the so-called public lands to be sold, especially this sale to Messrs. Senff, Havemeyer, and Welch of over 56,000 acres in one body, aroused—I was about to say naturally aroused—a great deal of feeling and indignation on the part of the Filipino people. They naturally conceived the idea that the Philippine Commission was permitting the Sugar Trust and other capitalists from the United States and elsewhere, to buy these friar lands in large quantities for the purpose of exploitation. They believe, too, that unless a stop is put to the sale of these lands in large bodies to aliens there will be created in the Philippines a system of absentee landlordism similar to that which has given rise to so much discontent and discord in Ireland.

On the last day of the second session of the Sixty-first Congress a resolution was adopted by this House providing for an investigation of these sales. In the following December, the first month of the last session of the Sixty-first Congress, the Insular Affairs Committee began the investigation provided for in that resolution. Several prominent gentlemen from the Philippine Islands came to the United States and testified before the committee. Among those gentlemen was Dean C. Worcester, a member of the Philippine Commission, and also the secretary of the interior, under whose department these lands are administered; Capt. Sleeper, the director of public lands; Frank W. Carpenter, executive secretary; and the attorney general of the Philippines. During this investigation, which covered many weeks, Mr. Havemeyer, Mr. Welch, and a number of others appeared before the committee and testified. There were four separate reports made by members of the Committee on Insular Affairs. One of them was signed by nine members, and was presented by the distinguished gentleman from Pennsylvania [Mr. OLMSTED]. That report held that inasmuch as these lands had been bought from the proceeds of bonds sold by the Philippine Government they were to be distinguished from the public lands acquired from Spain under the treaty of Paris; that this was shown to be the intention of Congress when they were described in the act as "public property" and not as "public domain."

As the friar lands were not "public lands" they were not subject to the limitations and conditions imposed upon public lands in section 15, and therefore could be sold to individuals without limitation as to quantity. Six members of the committee took the ground that the limitations prescribed in section 15 applied to friar lands as well as to those lands acquired from Spain, and that, therefore, all sales made to individuals in excess of 40 acres were illegal.

Mr. STERLING. On that point——

Mr. JONES. In just one moment. Three members of the committee, in the views prepared by the late Judge Madison, of Kansas, took the ground that the friar lands were not subject to the limitations and conditions as to quantity imposed in section 15, but that under the law no sales of public lands could be made to aliens. Still another report was signed by Judge RUCKER, who took the ground that the Judiciary Department should be instructed to institute proceedings to construe this law. All four of these reports will be found with the published hearings which were had before the Committee on Insular Affairs and which embrace some 1,300 or more closely printed pages. But the point, Mr. Speaker, which I desire to make and to emphasize is this: That each one of these reports held that there was such diversity of opinion as to the true meaning of section 65 that it was the duty of Congress to so amend that section as to make its meaning entirely clear. In that conclusion we all concurred.

Mr. BUTLER. Will the gentleman allow me to ask him a question there? If I understand the gentleman correctly, the Filipino people did not object to the sale of the lands upon the ground of inadequacy of price?

Mr. JONES. No.

Mr. BUTLER. It was because too much of the land was being sold to certain individuals?

Mr. JONES. Yes. The Filipinos take the ground that these lands ought to be carefully preserved for the benefit and use of the actual occupants and such other natives as may desire to purchase them for homes. They are opposed to selling them in large tracts to nonresident aliens. They believe that if this is the proper policy to be pursued in respect to the lands acquired from Spain it should be followed as to the lands purchased from the friars. Indeed they hold, and not without good reason, that if it is unwise to sell the 60,000,000 acres of public lands in large quantities it is far more so to sell the remaining 125,000 acres of friar lands in large quantities. The commission, however, has taken a very different view of the subject. It not only holds that it is legal, but that it is desirable to sell these lands in large bodies to individuals. They can not sell them in large quantities to corporations.

Mr. BUTLER. The friar lands?

Mr. JONES. There is another section of the organic act which relates to the landholding of corporations. Section 75 declares that all corporations engaged in agriculture shall by their charter be restricted to the ownership of not to exceed 1,024 hectares of land. No corporation engaged in agriculture can, therefore, hold more than 1,024 hectares, or 2,500 acres, of land no matter from whom acquired. There is no such inhibition in the law as to individuals, and therefore the Philippine Commission contends that it can sell the friar lands to individuals in any quantities.

Mr. SLAYDEN. Will the gentleman yield?

Mr. JONES. In a moment. I yield to the gentleman from Illinois.

Mr. STERLING. Do you think there is any doubt of the title to these three tracts of 56,000 acres? It seems to me that section 65 expressly puts the friar lands under the same condition as the public lands.

Mr. JONES. That is my contention.

Mr. STERLING. And if that be true, their title would be bad.

Mr. JONES. I think the conclusion of the gentleman is correct. But the titles to the lands which have been disposed of in quantities in excess of the restrictions of section 15 must be decided in the courts. This bill does not undertake to disturb those titles. It seeks to put a stop to further sales.

Mr. STERLING. Will the gentleman yield for another question? Are these lands being disposed of at a profit?

Mr. JONES. The price of these lands has been fixed at their cost plus the interest on the cost price and the cost of administration. The Havemeyer people paid something over $6 per acre for the large tract sold them.

Mr. SLAYDEN. Gold or Mexican?

Mr. JONES. That includes the original cost of the land, 4 per cent interest up to the time of sale, and some cost of surveying and administration. This is on the gold basis.

Mr. STERLING. Is the Government of the United States responsible for the payment of the $7,000,000?

Mr. JONES. Not legally. There was a question 10 years ago when the present law was under consideration as to whether the United States was morally responsible inasmuch as the Philippine Government could not issue the bonds without the authority of Congress. There were those who held that the United States would in the circumstances be morally responsible.

Mr. COOPER. If the gentleman will permit, the gentleman from Illinois asked if the United States is not responsible for the redemption of these bonds, $7,000,000, and the gentleman from Virginia said, "Not legally." Is not the Government of the United States bound to see that there shall be no exploitation of the Philippine Islands?

Mr. JONES. I think so. It seems to me that the Government of the United States is bound to see that there is no exploitation. Now I will yield to the gentleman from Texas.

Mr. SLAYDEN. Mr. Chairman, I wanted to ask the gentleman from Virginia [Mr. JONES], with reference to the sale of these lands to corporations. And in order to make my question clear I am going to state what I understand to be the law with reference to the sale of those lands, namely, that not more than 2,500 acres, as I understand it, can be sold to a corporation, but it was held by the administration in the Philippine Islands that that limitation did not apply to the friar lands. Is that true?

Mr. JONES. This is the truth about it, and it is what I have been endeavoring to explain. The commission held that the restrictions contained in section 15 as to the sale of public lands did not apply either to corporations or individuals as to friar lands; that it was not the intention of Congress to make applicable to these lands the limitations contained in that section. But there is a section, section 75, which, as I have explained, provides that no corporation engaged in agriculture shall be permitted to hold over 2,500 acres of land. If it were not for the fact that no corporation engaged in agriculture can, under its charter, hold in excess of 2,500 acres, the Philippine Commission would have sold to corporations, as it has sold to individuals, friar lands without limitation as to quantity. It is conceded by the commission that an agricultural corporation can not hold land in excess of 2,500 acres.

Mr. SLAYDEN. I want to ask the gentleman if he does not think that it would be a wise limitation if the corporations were not permitted to buy land at all? Does he not believe it would be a better plan to have the land and its uses reserved to creatures of flesh and blood and not to creatures of law?

Mr. JONES. I will be frank enough to say that I would favor that policy. I think such a policy would be welcomed by the Filipino people, but the object of this bill is simply to make clear and definite the language in section 65.

I agree with the gentleman from Illinois [Mr. STERLING] that the limitations of section 15 apply to the friar lands as well as to those acquired from Spain, but the Philippine Commission holds otherwise. The purpose of this bill is not only to make clear the intention of Congress, but to place upon the present law the interpretation for which I contend.

It was my contention, and it was the contention of the other five gentlemen who signed the minority report in the Sixty-first Congress, and it is the contention of all of the majority members of the committee in this Congress and of two of the minority members that the Philippine Commission erred in holding that the limitations contained in section 15 did not apply to the friar lands. After the four reports to which I have referred had been presented to the House at the close of the Sixty-first Congress the Secretary of War advised the Philippine Commission that it should not dispose of the remainder of the friar lands in large tracts until Congress had been afforded the opportunity to pass upon this question.

But the President has stated in a message which he recently sent to Congress that it is his purpose to direct the Philippine Commission to proceed to dispose of these lands to individuals in any quantities, and therefore it is imperative that Congress take some action upon the subject, unless it is willing that the remainder of the friar lands shall be sold to a few American capitalists for purposes of exploitation.

Mr. NYE rose.

Mr. JONES. I will yield to the gentleman from Minnesota [Mr. NYE].

Mr. NYE. The gentleman has already cleared up a part of the question I was going to ask with reference to the direction of the War Department. Was there any opinion rendered by the Attorney General as to the question of the validity of those sales?

Mr. JONES. Mr. Speaker, I had not intended to go into any discussion of this legal question, since it was the opinion of every member of the committee which investigated the action of the Public Lands Bureau that in view of the great diversity of opinion as to the proper construction to be placed upon the language of section 65 Congress should be asked to make that language so clear that it could not be misunderstood. The attorney general of the Philippines held that the restrictions of section 15 did not apply to the friar lands.

The Attorney General of the United States, Mr. Wickersham, also gave an opinion to the same effect. But I ought to add, I think, in justice to and out of respect for the Attorney General, that I have reason to believe that when he wrote that opinion he did not give to the subject the same consideration he would have given had he known that the question was "loaded." It was an opinion of which, I think, the Attorney General was not particularly proud.

Mr. NORRIS. It was just a fact in the history of the thing that I wished to have my recollection refreshed upon.

Mr. JONES. The legal question was gone into quite fully by the Committee on Insular Affairs. In the report of the hearings, which covers some fifteen hundred pages, the gentleman will find various legal opinions bearing on this subject. But it is true that the attorney general of the Philippines and the Attorney General of the United States held that the restrictions of section 15 did not apply to these friar lands. I have not been able to agree with either of these distinguished lawyers as to their construction of the section. But this bill, if passed by Congress, will settle the question definitely and leave no room for further discussion.

Now, just a word more in regard to this.

Mr. TOWNER. Will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Virginia yield to the gentleman from Iowa?

Mr. JONES. Yes.

Mr. TOWNER. Just one question. I presume that it ought to be brought out at this point. I presume the gentleman will concede that this land ought to be sold without the limitations unless Congress shall take definite action in the matter, as contemplated by this bill?

Mr. JONES. It will be so sold. The Secretary of War in his last annual report served notice upon Congress to that effect. If Congress adjourns without passing this bill, there is no question but that the Philippine Commission will be directed or advised to proceed with the sale of the friar lands without limitation as to quantity in the case of individual purchasers.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Virginia yield to the gentleman from Pennsylvania?

Mr. JONES. Yes.

Mr. BUTLER. It is not proposed, of course, to prohibit the sale of these lands?

Mr. JONES. No.

Mr. BUTLER. The amount of land in each sale is to be limited to 40 acres?

Mr. JONES. Yes; to individuals.

Mr. BUTLER. Now, is that an advantage to the Filipinos?

Mr. JONES. I think so.

Mr. BUTLER. In the judgment of the gentleman would this land bring as much if sold in 40-acre tracts as by the thousand acres, or so?

Mr. JONES. I am not prepared to answer this question. It is possible that they could be sold for more if sold in large tracts to wealthy aliens than they would bring if sold to the natives in small tracts.

These lands are the inheritance of the people of the Philippine Islands, and they are to a man opposed to their being sold in large tracts. They are bitterly opposed to the establishment of a system of absentee landlordism in the Philippines, and nothing has so aroused the feelings of the Filipinos against our Government as the sale of the San Jose tract to the Havemeyer syndicate. The Philippine people have got to pay for these lands, not the United States, and they desire that they shall be sold to the occupants or other actual settlers in small quantities, rather than to aliens in large bodies without regard to the price.

Mr. SULZER. Mr. Speaker, may I ask, Have the Filipinos expressed themselves by action of their assembly?

Mr. JONES. I am not sure about that, but I do know that they have expressed their opposition in many other ways; that many important bodies in the Philippines have protested against these sales. Both of the Philippine commissioners to this country have expressed themselves as opposed to the policy of exploitation which has been pursued as to these lands. One of them represents the Progresista and the other the Nacionalista party. There is absolutely no division of sentiment in the Philippines on this subject.

Mr. FOWLER rose.

The SPEAKER pro tempore. Does the gentleman yield to the gentleman from Illinois?

Mr. JONES. Now, Mr. Speaker, I do not know that there is anything more to be said unless some gentleman desires to ask me a question.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. JONES. Yes.

Mr. BUTLER. Do the hearings disclose any evidence as to how much these lands would bring if sold in 40-acre tracts?

Mr. JONES. They have been selling all of these lands for what they cost, with the interest and administration charges added. They have fixed that as the price.

Mr. BUTLER. I have not seen the hearings, and the whole subject is new to me. I am imposing upon the patience of the gentleman.

Mr. JONES. That is the rule that has been adopted for the disposition of the lands.

Mr. BUTLER. I respect the sentiments of the Filipino; at the same time, if these lands will bring more money when sold in larger lots, I should like to see as good a price obtained as it is possible to obtain, other things being equal.

Mr. JONES. If the Filipino people, who must raise the money to pay off the bonds sold to purchase these lands, are a unit in opposing their sale in large bodies, does the gentleman from Pennsylvania think the Congress of the United States ought to say that it knows better than they do what their interests are, and that if the lands will bring more if sold to the Sugar Trust or its associates, they ought to be so disposed of?

Mr. BUTLER. Knowing as little as I do about the subject I should be inclined to respect the wishes of the Filipinos.

Mr. JONES. I am glad the gentleman takes that view of it.

Mr. FOWLER. I am very much interested in this discussion, because it is a new subject to me. I am anxious to know whether any other people or organization of any kind have any interest in these lands, except the Philippine Government.

Mr. JONES. No; not in the public lands or in these friar lands. The act of July 1, 1902, provided that the public lands, some 60,000,000 acres, about 20,000,000 acres of which are agricultural lands, should be administered and disposed of for the benefit of the Philippine people. I do not care to take up the time of the House in going into an explanation as to how and why the friar lands were acquired; but there were some 420,000 acres of land in the Philippine Islands which were held by three religious bodies—the Augustinians, the Dominicans, and the Recolletos. Those orders had become very unpopular prior to American occupation. The holding of these lands was largely responsible for bringing about the revolution of 1906, which resulted in a great many of the friars being killed and many others being driven into the city of Manila; so that when we came in possession of the islands we found there a political and agrarian question which threatened to frustrate all attempts at the pacification of the islands. Gov. Taft came to the United States early in 1902 and appeared before the Committee on Insular Affairs and urged that Congress authorize the Philippine Government to purchase these lands from the friars, in order to settle this disturbing agrarian question. The lands have been purchased. There were living on these lands some 16,000 families, representing about 160,000 people. These people were all tenants of the friars. Some portions of the lands were sparsely settled and were used for grazing purposes. The commission has been selling these lands in small quantities, not exceeding 40 acres, to occupants and other individuals, but not being able to dispose of them as rapidly as was desired in small tracts, the Government reversed its policy and offered the unoccupied lands in large bodies to individuals for the avowed purpose of securing the money with which to retire the bonds sold to purchase them. This is the only reason that has ever been advanced for selling these lands in large bodies, and this in the face of the fact that the proceeds of the so-called public lands can be devoted to the retirement of these bonds just as well as the proceeds of the friar lands. The Filipinos contend that there is no need to sell these lands over their protest, in order to secure the money to pay off friar-land bonds.

Mr. FOWLER. If I understand correctly, these lands were purchased from these different societies in pursuance of this act.

Mr. JONES. They were purchased under the authority conferred in the act of July 1, 1902.

Mr. FOWLER. How many acres were there in all?

Mr. JONES. There were supposed to be about 420,000 acres. Probably there were not quite that many; but when the time came to sell them it turned out, and that has never been satisfactorily explained, that there were very valuable estates on the Pasig River near Manila, one containing 8,000 acres of land, which the friars said they would not sell. There were a great many tenants upon these lands and yet they were never included in the purchases from the friars. So only 388,000 acres of land altogether were purchased. The gentleman will remember, for it is an historical fact, that Mr. Taft was sent to Rome by President Roosevelt to negotiate the purchase of all the holdings of the friars in order to remove the agrarian question, which was supposed to stand in the way of pacification. It was particularly important that the occupied lands should be purchased, and yet several estates that were thickly settled were not included in the purchase, whilst several large estates sparsely settled were purchased.

Mr. FOWLER. Will the gentleman state the greatest number of acres that have been sold and transferred to one corporation?

Mr. MICHAEL E. DRISCOLL. That has all been gone over and explained this morning and is in the RECORD.

Mr. JONES. The San Jose estate of 56,200, which was sold to Messrs. Havemeyer, Senff, and Welch. It was this sale which aroused the indignation of the Filipinos and led, as I have stated, to the investigation ordered by this House.

Mr. FOWLER. What does the gentleman's bill propose as to the limitation of the number of acres to be sold?

Mr. JONES. The bill which I had the honor to introduce and which we are now considering provides in effect that the land shall not be sold to individuals in excess of 40 acres or to corporations in excess of 2,500 acres, the same limitations which apply to the sale of the 60,000,000 acres of public lands in the islands. The committee can see no reason why these very rich lands should be sold in larger quantities than the 60,000,000 acres of other lands in the islands.

Mr. FOWLER. Does the gentleman think it is good policy to sell real estate to corporations?

Mr. JONES. I have already stated in reply to a question by the gentleman from Texas that I thought it would be the better policy to confine all sales to bona fide settlers, but it is not the purpose of this bill to change the organic law as to the holdings of public lands by corporations. This bill has but one object.

Mr. FOWLER. Does not the gentleman think it is good policy to limit real estate holdings of corporations to that which is necessary to carry on the business connected with the corporation?

Mr. JONES. I do; but the people who wish to go into the sugar business contend that it requires at least 5,000 acres to supply a sugar centrales.

The SPEAKER pro tempore (Mr. BEALL of Texas). The time of the gentleman from Virginia has expired.

Mr. OLMSTED. Mr. Speaker, I ask that the gentleman be given time to conclude his remarks.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks that the gentleman from Virginia may conclude his remarks. Is there objection?

There was no objection.

Mr. MICHAEL E. DRISCOLL. If the gentleman will yield——

Mr. JONES. I yield.

Mr. MICHAEL E. DRISCOLL. I think it was stated in the papers that the Attorney General of the United States wrote an opinion approving that sale and saying that it was legal.

Mr. JONES. The Attorney General did write an opinion to that effect; but, as I have said, it was not a very carefully considered opinion. His apologists said he did not know when called upon to give his opinion that the question was "loaded." However, in justice to him, I will say that he subsequently undertook to fortify this opinion in another and more elaborate paper.

Mr. MICHAEL E. DRISCOLL. The information that I want is under what law or provision of law was the matter referred to the Attorney General of the United States to write an opinion on.

Mr. JONES. Somebody in the Insular Affairs Bureau asked him to give an opinion, I suppose.

Mr. MICHAEL E. DRISCOLL. Did it come up in a legal way, or was it voluntary?

Mr. JONES. I think he was told that it was very desirable to sell the friar lands to individuals in quantities in excess of 40 acres and was asked if it could not be legally done. I do not at this moment recall exactly how the question happened to be raised. My recollection is that some New York lawyer representing Messrs, Havemeyer, Senff, and Welch, requested the Insular Affairs Bureau to procure the opinion of the Attorney General. These people were not willing to purchase the San Jose estate until they had secured from the Attorney General an opinion to the effect that the Philippine Commission or the bureau of public lands had the right to sell it. In other words, they wished to know if the limitations of section 15 of the organic law applied to the friar lands.

Mr. MICHAEL E. DRISCOLL. I suppose the Insular Government has the power to manage those affairs itself, without reference to the Government at Washington—that is, with reference to the sale of those lands.

Mr. JONES. No. The Philippine Government is authorized to prescribe the terms upon which the public lands shall be sold, but it can not sell public lands to individuals in excess of 40 acres to one individual, and the committee is of the opinion that the same is true of the friar lands. Indeed, the Philippine Commission at one time was of this opinion. In 1904 it enacted what is known as the friar-lands bill, in which it was provided that the friar lands should be disposed of under the limitations specified in section 15; that is to say, in quantities not in excess of 40 acres to individuals. Subsequently, in the year 1908, this act of the Philippine Commission was so amended as to permit sales of any number of acres of friar lands to individuals. It is the contention of the Committee on Insular Affairs that this act was in contravention of the organic law, and therefore of no validity.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I do not think the gentleman has yet explained under what provision of the organic act or any other law the Attorney General of the United States got jurisdiction to pass upon the validity of that sale.

Mr. JONES. I will endeavor again to do so. Some people in New York, as I have said, sent a man named Poole out to the Islands to look for sugar lands. When he got out there he learned that corporations engaged in agriculture could not hold more than 2,500 acres of land. He was advised, however, that it was the opinion of the bureau of public lands that the friar lands could be sold to individuals in any quantities. He reported these things to his principals in New York, and they in turn referred the question to the Insular Affairs Bureau in this city. The Attorney General was then asked for his opinion.

Mr. MICHAEL E. DRISCOLL. By whom?

Mr. JONES. Just a moment. If I remember correctly, the attorney for Messrs. Havemeyer, Senff, and Welch came to this city and conferred with the Chief of the Insular Affairs Bureau, who, at his request, agreed to secure an opinion from the Attorney General.

Mr. MICHAEL E. DRISCOLL. Would not that question in the first instance come up to the law officer of the Insular Government in the Philippine Islands?

Mr. JONES. It did come up to him and he also passed upon it.

Mr. MICHAEL E. DRISCOLL. In what way did he pass upon it?

Mr. JONES. As the Attorney General of the United States did.

Mr. MICHAEL E. DRISCOLL. In the same way?

Mr. JONES. Yes.

Mr. MICHAEL E. DRISCOLL. Did he refer the question over to the Attorney General of the United States?

Mr. JONES. No, sir.

Mr. MICHAEL E. DRISCOLL. Did he refer it over to Gen. Edwards?

Mr. JONES. No. The Attorney General was requested by the Chief of the Bureau of Insular Affairs to give his opinion. This request was made, as I have already stated, at the instance of an attorney who represented the New York capitalists, and who was not willing to advise his clients to purchase the San Jose estate in the absence of an opinion from the Attorney General of the United States to the effect that such a sale would be legal. It is perfectly clear to my mind that this attorney realized that there was grave doubt as to the right of the Philippine Government to sell any part of the friar lands in excess of 40 acres to one individual.

Mr. RUCKER of Colorado. Mr. Speaker, will the gentleman yield?

Mr. JONES. Certainly.

Mr. RUCKER of Colorado. The gentleman from Virginia [Mr. JONES] has refreshed his memory, as it occurs to me, very accurately concerning how it came about that the Attorney General gave this opinion. I sought to refresh the gentleman's memory about that as preliminary to asking a question which might cause him to refresh his memory in respect to another subject, which is this—I speak now from a visit that I made to the Philippine Islands, talking with the various factions there, as well as for a time being a member of the Committee on Insular Affairs and hearing the testimony—the gentleman has spoken about the protest of the Filipinos against the sale of great bodies of land. Now, I want to ask the gentleman if it is not true that the same objection to the sale of large quantities of land applies to the sale of any lands to Americans. Is it not true that the opinion of the representative from the Philippines was that as long as Congress allowed the lands to be sold to the Americans just so long was the postponement of independence, because the United States would be interested in protecting the capital invested there by her citizens, and so is not the objection to the sale of small quantities of land to Americans equal to the sale of large quantities of land for that reason and for that reason alone?

Mr. JONES. I can not assent to the gentleman's proposition as a whole. There is a strong sentiment in the Philippine Islands against the sale of these lands in large quantities to citizens of the United States because the Filipinos believe that such sales will operate against granting them their independence. They are opposed to selling them in large bodies, either to natives or to foreigners. They hold that it is to their interest that the lands shall be held in small tracts by actual settlers.

One of the Philippine Commissioners to this country does hold that under the language of section 15 of the organic act no public lands can be sold to aliens. In this opinion he is by no means alone. Indeed, it seems to me that the language of section 15 is too plain to admit of any doubt upon this point. It is in these words:

That the Government of the Philippine Islands is hereby authorized and empowered on such terms as it may prescribe by general legislation to provide for the granting or sale and conveyance to actual occupants and settlers and other citizens of the said islands such parts and portions of said public domain, etc.

Now, mark these words: The public lands can only be sold "to actual occupants and settlers and other citizens of the said

islands." It seems to me that language could hardly be made plainer than this. I do not believe that any sale of these lands to an alien is a valid sale, but that question is not involved in this bill. The sole purpose of this bill is to prevent the sale of the friar lands in large quantities to anybody, native or alien. But before I leave this subject I wish to state that the report which was presented to the House at the last session of the Sixty-first Congress, signed by Messrs. Madison, HUBBARD, and DAVIS, maintains that the Philippine Government is without authority to sell an acre of the public lands to an alien. The opinion expressed in this report, which was written by the late Judge Madison, is based upon the language of section 15, which I have quoted. So that the Philippine Resident Commissioner, whose views have been referred to, is in good company when he contends that the Philippine Government is acting without warrant of law in selling the public lands to foreigners.

Mr. BUTLER. That construction is possible.

Mr. JONES. I firmly believes that is the correct one.

Mr. BUTLER. Then the title to these lands sold would not be good, I suggest.

Mr. JONES. It is not good for the reason they have been sold to aliens and for the additional reason that they have been sold in quantities in excess of the limitations prescribed by the act of Congress. The gentleman from Colorado [Mr. RUCKER] took the ground in the separate report which he alone signed that resort should be had to the courts to settle the legal questions in dispute. It is not clear just how such a proceeding could be instituted, but Congress can and, in my judgment should, legislate upon the subject and settle it definitely and for all time.

Mr. RUCKER of Colorado. The gentleman having just mentioned that I signed a separate report, will he allow me a moment?

Mr. JONES. I think I correctly stated the gentleman's position.

Mr. RUCKER of Colorado. Except that I elaborated a little bit to the effect that I believed it was in the interest of the Filipinos to have those lands sold to Americans. I do not believe that the lands ought to be sold to anybody else, because they were under our protection, and the more lands sold to Americans the more protection the Filipinos would get, and I referred to the fact, if not in that report on some other occasion, that on my visit to the Philippines and seeing how much money we had expended and the great benefit to the Filipinos coming from the money we were expending from year to year there, that the Filipino was getting the benefit of. I talked to the greatest insurrecto over there—Dr. Dominico Gomez—and in talking with him in favor of independence, he said that they wanted independence, they wanted nationality, whether it was in 15 or 20 years, which was but a minute in the life of a nation, and I agreed with him, and I want to say in this connection, because I have an engagement and have to go, so the gentleman will pardon me for saying this: That I said to him, "Then you want our troops to get right away from here and we turn the government over to the Filipinos?" He said, "Yes; that is what we want."

"Well," said I, "suppose that Japan or some other nation would come down here and want to take our place?" "Oh," he says, "we do not want that done." Then I said to him, "You just want to call us up on the telephone and have our Army come back over here and take it away from this nation that had taken it from you?" He said, "As great a Nation as you are and as much as you have done for us, certainly that is what we expect you to do."

Mr. JONES. I would like to ask the gentleman if the Dr. Dominico Gomez from whom he has quoted is not the Dr. Gomez who was expelled from the Philippine Assembly?

Mr. BUTLER. Was it not about right?

Mr. RUCKER of Colorado. I believe this man does spend a large part of his time in jail, but he represents that class of the Filipinos that the gentleman from Virginia [Mr. JONES] is now talking for.

Mr. JONES. I beg the gentleman's pardon. The Filipinos who constitute the membership of the assembly expelled him from that body.

Mr. MICHAEL E. DRISCOLL. Is that the one they call Dr. Gomez?

Mr. JONES. Yes. I wish to say further in reply to the statement made by the gentleman from Colorado [Mr. RUCKER] that there are two political parties in the Philippines—one the Nacionalista and the other the Progresista. Of the elective assembly 15 of its members belong to the Progresista Party and the remainder belong to the Nacionalista Party. One of the Resident Commissioners to this country is Mr. LAGARDA and the other Mr. QUEZON, the former being a member of the Progresista and the latter a member of the Nacionalista Party. Mr. LAGARDA was nominated by the Philippine Commission and Mr. QUEZON by the assembly. They and the parties which they respectively represent are opposed to the sale of the friar lands in large bodies. There is no division of sentiment among Filipinos upon this subject.

Dr. Dominico Gomez is an agitator. He does not belong to either party. He is in no sense a representative Filipino, and he is almost the last Filipino whose views should be quoted upon any subject relating to the Philippines.

Mr. MICHAEL E. DRISCOLL. He is a party all by himself?

Mr. JONES. He is a party all by himself and always has been.

Mr. KINDRED. I have not been able to follow the full explanation of the bill as presented by the gentleman, but I would like to ask if the chief object of the bill is not to restrict the sixty millions or more of the public lands in the Philippines to the same conditions as regards their sale as the organic law now prescribes for the sale of other lands to aliens?

Mr. JONES. No; it is quite the reverse of that. The organic law restricts the sale of the 60,000,000 acres of public lands. It does not permit those lands to be sold to individuals in excess of 40 acres or to corporations in excess of 2,500 acres.

My contention and that of the Insular Affairs Committee is, that the friar lands are subject to the same restrictions as the public lands, and that they can not be sold in larger quantities than the so-called public lands can be sold.

Mr. NYE. The gentleman has kindly explained that four times.

Mr. JONES. Yes; I have repeatedly made this statement.

Mr. KINDRED. I thank the gentleman. Did I understand him to quote Mr. QUEZON, representing a majority from the Philippines, as in favor of this measure?

Mr. JONES. He is in favor of this measure. I do not care to take up any more of the time of the House in explaining this measure. No good is to be accomplished in discussing the purely legal questions involved. As to them there is wide difference of opinion. The gentleman from Pennsylvania [Mr. OLMSTED] holds one view and I hold another and a very different view. The gentleman from Illinois [Mr. STERLING] seems to agree with the construction which I place on the language of section 65. It is for Congress to decide what its intention was in respect to the disposition of the friar lands as that intention is expressed in section 65.

I believe that the Philippine Government, as I have endeavored to point out, has violated the organic act in two important particulars. This bill seeks to make the law so plain as to one of them that there can be no room for honest doubt in the future.

Mr. TILSON. May I interrupt the gentleman there?

The SPEAKER pro tempore. Does the gentleman from Virginia yield to the gentleman from Connecticut?

Mr. JONES. Yes. I shall be very glad to yield for a question.

Mr. TILSON. Does it matter, so far as this House is concerned, whether one construction of that section is correct or the other? Is it not rather the business of this House to determine whether or not such restrictions as are now applied under section 15 of the law should be applied to the 388,000 acres of the friar lands?

Mr. JONES. I agree entirely with the gentleman.

Mr. TILSON. It simply makes the 388,000 acres of the friars' lands subject to the limitations that apply to the 60,000,000 other acres of public lands in the Philippine Islands.

Mr. JONES. That is just what it does. I am of the opinion, as I have said, that those restrictions now apply to the friar lands. Other gentlemen think differently. There are some who think that the 40-acre limitation is too small, but that is a question with which this bill does not attempt to deal.

Mr. TILSON. Is not the only question that we are to pass upon here the question, Is it right and proper that we should fix that limitation upon the disposition of the remainder of the friars' lands?

Mr. JONES. Yes. In effect that is the only question. And yet some gentlemen may be influenced in passing upon that question by what they believe the law now to be. There are some who think the limit should be raised from 40 to 80 acres, and others believe that 160 acres would not be too much to sell to a single individual. I doubt if anybody agrees with the Philippine Commission that it should be permitted to sell all that remains of the friar lands to one individual.

Mr. COOPER and Mr. MANN rose.

The SPEAKER pro tempore. To whom does the gentleman yield?

Mr. JONES. I will yield first to the gentleman from Illinois [Mr. MANN], and then I will be glad to yield to the gentleman from Wisconsin [Mr. COOPER].

Mr. MANN. Where you change the words "public property" to "public domain," is that a matter of form, or a matter of substance? [Laughter.]

Mr. JONES. I had not thought it was a matter of substance; but the gentleman from Pennsylvania [Mr. OLMSTED] did not agree with me, and therefore I propose to substitute the word "domain" for the word "property."

Now I yield to the gentleman from Wisconsin.

Mr. COOPER. As to the number of acres that ought to be sold to an individual or to a corporation, was it not testified by competent witnesses that an acre of those friar lands, the richest in the islands, is as good as 2 acres, or even more, in this country in productivity?

Mr. JONES. I think the testimony was to the effect that it was equal to 4.

Mr. COOPER. Yes; some of them said that it was as good as 4.

Mr. JONES. I think the Governor General of the islands, the Hon. William H. Taft, testified that it was equal to 4 in productivity.

Mr. COOPER. Yes. So that by selling the Filipino 40 acres of that friar land you sell him practically the equivalent of 160 acres of our average farm lands. And those witnesses testified also, as did Mr. Taft, now President, that 40 acres is more than the average Filipino would cultivate the year round.

Mr. JONES. On that point I should like to say that the committee report quotes from the annual report of Secretary Worcester, who is not only a member of the commission, but is the secretary of the interior, and these lands are all administered under his direction. This is what he says in his report:

> The average area of homestead applied for has been a trifle more than 11 hectares, which is doubtless far more than the average man will be able to cultivate.

Secretary Worcester, who practically administers the friar lands, and who wants to sell them in quantities of 100,000 acres if he can find a purchaser, says in his report that the average area of homesteads applied for has been a trifle more than 11 hectares, 5 hectares less than the maximum limit fixed in the law.

Mr. COOPER. Eleven hectares would be about 30 acres.

Mr. JONES. Which, according to Secretary Worcester, is more than the average man will be able to cultivate. It seems to me that if what Secretary Worcester says in his report is true, there is no need of raising the limit above what it now is.

There has been a good deal of discussion as to what was the understanding of the various members of the Committee on Insular Affairs as to the meaning of the language of section 65 when the act of July 1, 1902, was being considered in the House. At that time the gentleman from Wisconsin [Mr. COOPER] was the chairman of the Committee on Insular Affairs, and I wish to ask him if it was not understood when section 65 was framed that it made the sale of the friar lands subject to the limitations fixed in section 15? He had much to do with framing the bill and no Member of Congress is better qualified to say what it contained. But for the fact that there has been considerable controversy over this, I would not appeal to the gentleman to state what his understanding was.

I maintain, and have always maintained, that it was the understanding of the Committee on Insular Affairs and of Congress that the limitations which applied to the public lands applied also to the friar lands. I have before me the CONGRESSIONAL RECORD containing the speech which I made when the bill was before the House. I was at that time the ranking minority member of this committee, and I spoke at considerable length upon that bill. I wish to call the attention of the House to the language which I used at that time in reference to this very matter. I said then:

> What I particularly desire that the House shall know is this: These friar lands are the finest in the Philippine Islands, most of them lying adjacent or near to the city of Manila. The commission has authority to issue bonds and buy them, and after they are purchased they are to be held and treated as other public lands.

I made that statement on the floor of this House. It was not challenged by the chairman of the Committee on Insular Affairs. It was not questioned by the gentleman from Pennsylvania [Mr. OLMSTED], who is now the ranking minority member of the committee. I wish to ask the gentleman from Wisconsin [Mr. COOPER], who, as I have said, was then chairman of the committee, if there was ever a doubt expressed as to the correctness of the construction placed by me upon the language of section 65? I would like to ask him if that was not the construction which he placed upon it, and if it ever occurred to him that it was susceptible of any other construction?

Mr. COOPER. Of course, Mr. Chairman, that was the understanding. I never so much as imagined that anybody would claim that there was any different understanding until I read what Gen. Edwards, of the Bureau of Insular Affairs, said. And yet he himself had urged upon me many times that there ought to be an enlargement of the area fixed by the statute of 1902, and I had refused many times. I said I did not believe that there ought to be larger amounts of land sold by the Philippine Government to any individual or corporation. Not only this, but anybody who knows the object of those sections of the statute which relate to the friar lands and to other public lands in the islands will understand that that must have been the intention of the committee. The object of the statute was to prevent the exploitation of the islands, and therefore the act of 1902 provided that where land was held in such large quantities by corporations, associations, religious bodies, or by individuals as to be detrimental to the welfare of the Filipino people, then the Philippine Government could take it by condemnation proceedings. Does anybody suppose that Congress intended the law to authorize the Philippine Government to take 400,000 acres of land away from the friars because it was a larger amount than ought to be held by an association and afforded opportunity for exploitation, and then at the same time intended to authorize the Philippine Government to turn around and sell that land to an individual, Mr. Poole, who went there as the agent for Mr. Havemeyer, a nephew of the great king of the Sugar Trust? Does anybody suppose that? No member of that committee ever in my hearing suggested such a thing. When I get an opportunity to talk about this I think I shall be able to show that some individuals of prominence in this Government understood the intention of Congress and the law of 1902 itself to be as I have indicated.

Mr. MORSE of Wisconsin. Will the gentleman yield for one question?

Mr. JONES. I will.

Mr. MORSE of Wisconsin. The committee saw fit to put a limitation of 2,500 acres on the amount of land that a corporation could acquire from any source. Why did not the committee see fit to put a limitation upon the amount of land that an individual could acquire?

Mr. COOPER. They did, and under any fair construction of the statute that will be so held——

Mr. MICHAEL E. DRISCOLL. Sixteen hectares.

Mr. COOPER. If any man is so technical as to forget the reason for which the statute was enacted, the abuse that it was intended to suppress, if he will be so very technical as to thwart the intention and spirit of the law, he will contend that it does not prohibit the selling of more than 16 hectares to an individual.

Mr. MORSE of Wisconsin. That is exactly what was done, and the records show that these large tracts of land were not purchased by corporations but by individuals.

Mr. COOPER. Any fair construction of the statute will agree with that put upon it by Mr. Moorefield Story, of the city of Boston, in replying to the Attorney General. Mr. Story, one of the leaders of the Boston bar, declares that a proper construction of the statute—any construction which would carry out its intent and do away with the evil which it was intended to suppress—must mean that an individual could not buy 200,000 acres from the Philippine Government, while a corporation was limited to only 2,500 acres, because there can be as great exploitation by selling an individual 200,000 acres as by selling it to a corporation.

Mr. JONES. Mr. Speaker, I think the gentleman from Wisconsin is laboring under a misapprehension as to the position of his colleague [Mr. MORSE]. Section 15 does limit the amount that the individual can purchase to 40 acres.

Mr. MORSE of Wisconsin. From the Government.

Mr. JONES. From the Government; it also limits the amount which a corporation can purchase from the Government to 2,500 acres. Section 75 declares that every corporation engaged in agriculture shall by its charter be restricted to the ownership of not to exceed 2,500 acres of land, no matter how or from whom acquired.

Now, the gentleman from Wisconsin [Mr. MORSE] wants to know why the organic law did not provide, or rather he claims that the organic law ought to have provided, that no individual could acquire more than 16 hectares of land from any source. His position, as I understand it, is that no individual in the Philippines should be permitted to acquire from any source more agricultural land than he can actually cultivate.

Mr. MORSE of Wisconsin. No; I think some limitation should be put on the amount of land that an individual could hold. I can see no reason for preventing a corporation from holding 2,500 acres of land and then permitting the stockholders and directors to acquire 100,000 acres of land. I insist that as long as that was not put in the organic act——

Mr. JONES. Acquired how?

Mr. MORSE of Wisconsin. Acquired in any way.

Mr. JONES. I understand the gentleman's position. Under the law no agricultural corporation can hold more than 2,500 acres. The gentleman thinks the law should also limit the holdings of an individual. The gentleman's position is that the law should limit to the holdings of the individuals as well as corporations, no matter from whom those holdings are acquired.

Mr. MORSE of Wisconsin. My position is that this law which you now bring before the House ought to make that provision.

Mr. JONES. The gentleman complains of the organic law, because it does not limit the holdings of individuals in any lands.

Mr. MORSE of Wisconsin. Yes.

Mr. JONES. I had very little to do with the framing of the organic law. I imagine one of the reasons of those who drafted the law for not so limiting the holdings of individuals, was that no such provision would stand the test of the courts. I doubt if Congress has the power to say that one individual can not acquire more than a certain number of acres of land. It can say how the public lands shall be disposed of, and it can say that corporations which it creates shall be restricted by their charters in the amount of their land holdings, as is done every day in the States, but I seriously doubt if Congress can say that no individual in the Philippines can hold more than 100 acres of land. There are many individuals in the Philippines who owned large tracts of land long prior to American occupation. Can the Government confiscate their lands? The Government can say, "We will not sell more than 40 acres of public land to an individual." I doubt, however, if it is competent for Congress or the Philippine Government to say to a Filipino who owns 40 acres of land that he can not sell it to a neighbor, because that neighbor already owns 5 acres; that he can only sell him as much as 35 acres.

Mr. COOPER. Mr. Speaker, if the gentleman will pardon me, I want to say that I did not understand the query of my colleague. I thought he was speaking of the law of 1902—the organic act. What I meant to say was that the organic act, properly construed, prohibited the Philippine Government from selling to an individual more than 16 hectares of land.

Mr. JONES. The contention of the gentleman from Wisconsin [Mr. COOPER] is exactly mine, that the restrictions of section 15 apply to the friar lands as well as to the public lands.

He can not understand any more than I can why sales of the 60,000,000 acres of the public lands should be restricted to 40 acres to individuals, and the commission be given a free hand in the sale of the comparatively small amount of friar lands. There are now only some 125,000 acres of these lands undisposed of, and why there should be such a desire on the part of the commission to sell them over the universal protest of the Filipinos in large tracts to aliens is incomprehensible to me.

Mr. OLMSTED. Mr. Speaker, will the gentleman yield?

Mr. JONES. Certainly.

Mr. OLMSTED. Can the gentleman see no difference between imposing conditions upon the sale of 60,000,000 acres of land belonging to the Government of the United States, and which the Government of the United States permits the Philippine Government to sell for its own benefit, and putting restrictions upon lands which were private lands when we acquired the Philippines and which the Philippine people purchased with their own money and which this bill would prevent them from selling?

Mr. JONES. I can not. The public lands, as well as the friar lands, are the property of the Philippine people. Every dollar realized from their sales goes into the insular treasury. If it is a bad policy to permit a Filipino to own more than 40 acres of public lands, it must be equally bad to permit him to own more than 40 acres of friar lands. Surely the gentleman will not contend that the wisdom or the unwisdom of an individual owning more than 40 acres of Government lands should be made to depend upon how the Government acquired those lands.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

Mr. JONES. Certainly.

Mr. RUCKER of Colorado. I want the gentleman to understand that I am not approaching this subject in any factious spirit. The fact is I do not know but that I shall vote for the gentleman's bill, but I want him to make out the strongest case that he has; and, therefore, to refresh the gentleman's recollection again in respect to the fact that a judge over there, contrary to the opinion of the Attorney General, in determining one of the cases before him decided, as I understand, exactly as the gentleman's contention here, to which decision the gentleman has not yet referred. I think it is the strongest feature he has in his case at the present time.

Mr. JONES. I think that is true. I thank the gentleman for calling my attention to this decision.

Mr. RUCKER of Colorado. In that same connection the gentleman, I think, did not answer my question as to what was the consensus of opinion over there with reference to the inevstment of American capital, and I desire to call his attention to the question I asked of Mr. QUEZON upon that subject and his reply thereto. It is as follows:

Mr. RUCKER of Colorado. After all, Mr. QUEZON, is it not a fact, in your judgment and the opinions you have been able to get from others, that the greatest objection to the investment of American capital over there is that it will postpone the independence of the islands?

Mr. QUEZON. Without any question. In that connection I should state that the material development of the Philippine Islands would be better promoted if Congress were to declare the intention of the United States toward the Philippines. The trouble is that the Filipinos think they are going to get independence to-day or to-morrow or in a few years, while some people believe they will never get it, and the Filipinos are, in fact, in some way or another trying to prevent any more investments in the islands until Congress has declared the policy of this Government with regard to the Philippines.

Is there any better opinion which has been given to the committee than that of the representative here of the Filipino people, Mr. QUEZON?

Mr. JONES. I think not, and therefore I have said as clearly and as frankly as I could that there were two reasons, as I understand it, why the Filipinos are opposed to the sale of these lands in unlimited quantities. One is that they fear if American capital shall be largely invested in Philippine lands that capital will oppose granting them their independence. They believe, and not without reason, that the exploitation of their country by American capitalists will postpone indefinitely, if not forever, the granting of their independence. That is one reason why the Filipinos are opposed to the sale of the friar lands of the Havemeyers and Senffs of the United States in large bodies. Another reason is that they believe that the ownership of the lands by native farmers in small bodies, rather than by a few foreign capitalists in immense tracts, will be promotive of the very best interests of the islands. They do not believe that the financial conditions of the islands are such as to make it necessary, or even desirable, to sell the remainder of the friar lands in large bodies to alien capitalists. Of the $7,000,000 bonds, $5,000,000 are provided for by a sinking fund. The remainder can easily be taken care of out of the general revenues of the islands. Both of the Resident Philippine Commissioners to this country, representing the two political parties of the islands, and voicing the universal sentiment of the Filipino people, oppose the selling of these lands in large bodies, and Congress should respect their wishes. The only people in the United States who have any interest in this question are a few men who desire to purchase these lands in order to produce the 300,000 tons of sugar which are admitted to our markets free of duty.

Mr. TOWNER. Will the gentleman yield?

Mr. JONES. I will yield to the gentleman from Pennsylvania first and then to the gentleman from Iowa.

Mr. OLMSTED. I merely wanted to ask the gentleman this question. The gentleman from Virginia has referred to the other Resident Commissioner, Mr. LEGARDA. I would like to ask when and where he ever declared in favor of restricting the sale of these friar lands to 40-acre tracts?

Mr. JONES. I will say to the gentleman that I have had a great many conversations with Mr. LEGARDA on this subject. I know, therefore, that he feels the deepest and keenest interest in the passage of this measure, and that he holds that the exploitation of these lands will be most detrimental to the best interests of the Filipino people. I will state further, and I am not betraying any confidence, that within the last few weeks Mr. LEGARDA has said to me that rumors have reached him to the effect that notwithstanding the statement of the Secretary of War that no further lands would be sold in large quantities until Congress had acted, the commission is actually disposing of them in large bodies. He is much exercised over the matter.

Mr. OLMSTED. If that is true, the gentleman has kept his anxiety very private.

Mr. JONES. He has not from me.

Mr. OLMSTED. He has not appeared before the committee.

Mr. JONES. No; he did not. He was not asked to appear before the committee.

Mr. TOWNER. Will the gentleman yield for a question?

Mr. JONES. Yes.

Mr. TOWNER. Will the gentleman tell the committee how much of these lands can be disposed of by the commission; how much of the 125,000 acres can the commission dispose of as a commission? That is, how much of this land is in non-Christian territory so that it may be within the disposition of the commission alone?

Mr. JONES. I can not; the bulk of it is in the Christian provinces. I understand from Mr. QUEZON that there is a considerable body in Nueva Viscaya, one of the non-Christian provinces and that the remainder is in Christian provinces.

Mr. TOWNER. The large bulk of the 125,000 acres that are to be affected by this bill are within the Christian provinces, is it not?

Mr. JONES. The largest body is in the non-Christian province of Nueva Viscaya, amounting to something less than 50,000 acres.

Mr. TOWNER. And the commission have no power to dispose of any lands that are within Christian provinces? Is not that true?

Mr. JONES. When I speak of the commission, I mean the secretary of the interior, under whose department the land laws are administered. He is a member of the commission and I presume acts with the approval of the commission. The interior department disposes of the lands wherever situated.

Mr. TOWNER. Of the Filipino people themselves——

Mr. JONES. Let me explain.

Mr. TOWNER. Certainly.

Mr. JONES. The legislature has enacted two or three acts relating to the disposition of the friar lands, and the secretary of the interior and the director of public lands have been disposing of them under what I conceive to be an erroneous interpretation of the organic law. The bureau of public lands is a bureau of the interior department, and it disposes of the public lands wherever those lands are located, whether they be in Christian or non-Christian provinces. The Philippine Commission legislates exclusively for the non-Christian provinces. The Philippine Government is such a complicated and anomalous affair that we are very apt to become confused in discussing these matters. I think the act of the Philippine Legislature passed in 1908, is in conflict with the provisions of the act of Congress of 1902, and I have the best of reasons for believing that it was passed by the assembly under a misapprehension. As soon as the assembly learned that the secretary of the interior was proceeding to sell the friar lands to individuals in tracts in excess of 40 acres, it passed an act repealing the act of 1908 and asked the concurrence of the commission in its action. The commission flatly refused to repeal the act, and the secretary of the interior, who happens to be a member of the commisson, proceeded with great haste to sell to three men—Havemeyer, Senff, and Welch—56,200 acres of this land. It was this transaction which brought about the congressional investigation and which caused me to introduce this bill.

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. JONES. Certainly.

Mr. OLMSTED. I understood the gentleman to say, on the authority of th Resident Commissioner [Mr. QUEZON], that some of this unoccupied friar land is within non-Christian territory.

Mr. JONES. Yes; I said in Nueva Viscaya.

Mr. OLMSTED. There is none in that province.

Mr. JONES. The gentleman is correct. I recall that it is in the adjoining Province of Isabela. If the gentleman will examine the minority report written by himself, he will find that in Isabela Province there are 48,622 acres of the undisposed of 125,000 acres, and Isabela is a non-Christian Province. It makes no difference, however, where the friar lands or any other public lands are located, since they are all under the management of the director of lands, subject, of course, to the supervision of the secretary of the interior.

Mr. OLMSTED. How long does the gentleman think it will take to sell those lands in 40-acre tracts?

Mr. JONES. I do not know that they can be sold between this and doomsday. I do know, however, that the Filipino people are a unit in their opposition to their sale in large bodies to the American Sugar Trust. I know that they prefer paying out of the general revenues of the islands the sum now due upon their purchase, and I think it would be a crime for the gentleman from Pennsylvania and myself to sell their lands to any set of men over their earnest protest. I believe that the law of Congress has been flagrantly violated, and unless Congress acts, and acts quickly, every acre of the friar lands undisposed of will pass forever out of the hands of the Filipino people. In my judgment it is the duty of Congress to prevent this.

The gentleman from Pennsylvania [Mr. OLMSTED] does not agree with me as to my interpretation of the law, and therefore nothing is to be gained by discussing the legal proposition. The practical question now before the House is, Shall we permit the interior department of the Philippine Islands to dispose of 125,000 acres of friar lands to foreign capitalists for purposes of exploitation when they are appealing to us not to do so? Shall we assume that one man, the secretary of the interior, knows better what is for the interest of the Filipino people than they do themselves? Surely, if it is good public policy not to permit the exploitation of 60,000,000 acres of public lands of every description, it ought to be good policy to prevent the exploitation of the rich friar lands.

The gentleman from Tennessee [Mr. GARRETT] a few moments ago——

Mr. RUCKER of Colorado. Will the gentleman yield to me for a question on which I desire information?

Mr. JONES. Yes.

Mr. RUCKER of Colorado. Does the gentleman know where these bonds are held?

Mr. JONES. I do not.

Mr. RUCKER of Colorado. Is it not a matter of some importance, inasmuch as the gentleman must realize that these bonds can not be paid off unless these lands are sold?

Mr. JONES. Why does the gentleman say they can not be paid off unless these few acres of friar lands are sold? Nobody ever supposed at the time of their purchase that they could be sold for enough to retire the bonds issued for their purchase.

Mr. RUCKER of Colorado. I will say this: I believe it is very well known that the internal as well as the import taxes there will not be able——

Mr. JONES. The gentleman is entirely mistaken about that. I will say to the gentleman that the Philippine Government has expended in the last few years out of the general revenues $11,000,000 for improving harbors and in the prosecution of other public works. All this, of course, in addition to the ordinary expenses of government.

Mr. RUCKER of Colorado. That has got to go on.

Mr. JONES. But you must concede that they are fully able to retire these bonds if they wish to do so.

Mr. RUCKER of Colorado. Are they retiring these bonds? Are they building up a fund for that purpose from their natural resources? Are they not depending for the paying of these bonds upon the sale of the lands? That is the question.

Mr. JONES. Not at all. A sinking fund, which now amounts to $5,000,000, has been already provided. The remaining $2,000,000 will be paid out of the proceeds of such of the 125,000 acres of friar lands as can be sold in 40-acre lots to individuals or 2,500-acre parcels to corporations. The funds thus derived must under the law be devoted to the payment of the friar bonds. If a sufficient quantity of these lands can not be sold in this way in time to meet the bonds when they mature, then any residue can be met out of the general revenues, which are and will continue to be ample for that purpose. The law provides that the proceeds of the 60,000,000 acres of public lands shall be paid into the insular treasury and then can be used to pay off the friar bonds. But if not a single acre of the friar lands or the public lands are ever disposed of under the present restrictions as to acreage and occupancy and not a dollar is realized from those sources toward paying off the friar land bonds, the Filipinos are entirely willing to tax themselves to raise the necessary funds. The object sought to be attained in purchasing these lands was to take them out of the hands of three great landlords and to place them in those of many independent native farmers. It was never dreamed that they were to be sold to representatives of the American Sugar Trust.

Mr. Speaker, unless some gentleman wants to ask me a question as to some feature of the bill, I shall yield the floor to the gentleman from Pennsylvania [Mr. OLMSTED].

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED] is recognized for one hour.

Mr. OLMSTED. Mr. Speaker, I desire to ask the gentleman from Virginia, before taking the floor, if he has any intention of cutting off debate?

Mr. JONES. I have no such intention. I do not know how long they want this thing to run. I want it to run for a reasonable time.

Mr. OLMSTED. Mr. Speaker, I will not take the floor at this time. I would like to have the gentleman from Iowa [Mr. TOWNER] recognized.

The SPEAKER. The gentleman from Iowa [Mr. TOWNER] is recognized for an hour.

Mr. TOWNER. Mr. Speaker, I confess to a feeling of something akin to reluctance to discuss this question, and I am reluctant to discuss it because it is a question about which one ought to have a greater amount of information than, unfortu-

nately, I have yet been able to acquire. I am unable, however, to join in the ideas that have been suggested by the gentleman in his remarks in favor of this bill however much I might agree with the principle for which he assumes to contend. I think there is no man on the floor of this House that would desire the exploitation of the Philippine Islands. I judge that proposition can be considered as settled. But it is, after all, a very great assumption to say that this bill will prevent the exploitation of the Philippine Islands. In the first place, it can apply only to about 125,000 acres of land. There are in the Philippine Islands subject to disposition over 60,000,000 acres of land. This bill would affect less than one-fourth of 1 per cent of all the lands of the Philippines, and to speak of it as a measure to prevent the exploitation of the lands in the Philippines seems to me to be hardly justified by the facts. These lands are a remnant of the purchase that was made by the United States Government, or, rather, by the Filipinos themselves, of the friar lands. It will not be necessary, nor will it be of any particular advantage, in this discussion to explain the grounds on which that purchase was made. There is no difference, however, of opinion that it was a wise policy. Everyone admits now that they ought to have been purchased, that it was an act of wisdom on the part of the General Government to take the initiative, and that it was acquiesced in by the Filipinos themselves in their own interest.

These lands were purchased by the issuance of bonds by the Philippine government. These bonds are to be paid by the sale of the lands; and, as has been stated by the chairman of the committee, already five millions of the $7,000,000 has been paid from the proceeds of the lands already sold, so that but $2,000,000 of the debt yet remains to be paid.

It is believed, and I think with justification, that the sale, if it can be made advantageously, of the remaining lands in the Philippines will wipe out the remainder of the debt.

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Iowa yield to the gentleman from Tennessee?

Mr. TOWNER. Certainly. Does the gentleman desire to ask a question?

Mr. GARRETT. I do, if the gentleman will permit.

Mr. TOWNER. I shall be glad to answer.

Mr. GARRETT. The gentleman does not want to leave the impression that the payment of the bonds is dependent upon the sale of the lands?

Mr. TOWNER. No; I did not intend to leave such an impression as that.

Mr. GARRETT. Perhaps the language is susceptible of that construction.

Mr. TOWNER. I did not desire to create any such impression. It was the expectation, I will say, that the sale would wipe out this indebtedness. I think it was, perhaps, even more than that, although I am not certain in regard to that.

However that may be, Mr. Chairman, these lands, by the very terms of the act itself, were to be disposed of by the Philippine Government. It was claimed that although they were thus to be disposed of by the Philippine government under the terms of the act they must then be considered as a part of the public domain and subject to the organic law which disposed of the public domain which was held by the United States. However, as the law is interpreted by the attorney general of the Philippine Islands and by the Attorney General of the United States, a different view was taken by them. They held that these lands never were in fact the property of the United States; that they did not become a part of the property of the United States; and that therefore they were not subject to the limitations upon the disposition of the lands of the United States that had been imposed by the organic law.

However that may be, whether that was a correct interpretation or not, I do not care to discuss, and it would be useless for us now to take the time of the committee to discuss it. We now have the proposition before us as to whether at this time this Congress will pass a limitation by this proposed law upon the Philippine Government itself regarding the disposition of these lands.

Under the law as it now stands the Philippine government has the right to dispose of these lands in its own interest and as it may deem best. The proposition we are now considering is to take away from the Philippine government the right to dispose of these lands as it may consider best for its own interest.

Mr. BUTLER. Will the gentleman permit me there?

Mr. TOWNER. Certainly.

Mr. BUTLER. I understood that the power to sell these lands was vested entirely in the commission and not in the Philippine Government.

Mr. TOWNER. I can only answer that by saying that the terms of the law directly prescribe that these lands shall be disposed of by the Philippine government itself, and that is the only power now in existence that can dispose of them. The Treasury Department can not dispose of them. The Government of the United States can not dispose of them. The President himself can not dispose of them, because he has not the power to make nugatory this law, which says who shall have the power to dispose of these lands.

I want to quote the language of the law in regard to that. The language of the law is—

> That the lands thus purchased shall constitute a part and portion of the public property of the government of the Philippine Islands, and may be held, sold, and conveyed or leased temporarily for a period not exceeding three years after that acquisition by said government on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this act.

Now, it has already been determined by the Government of the United States that there were no limitations that applied to the sale of these lands, so that the law as it now stands and as it has been interpreted so far is that the Philippine government as at present constituted has the absolute and sole power of disposing of this little portion that is remaining from the lands secured from the friars.

Mr. GARRETT. Will the gentleman permit right there?

Mr. TOWNER. Certainly.

Mr. GARRETT. All that portion of the land that lies in the non-Christian Provinces is, of course, disposed of exclusively by the commission, because for those Provinces the commission is the Philippine government, is it not?

Mr. TOWNER. The gentleman is probably correct upon that proposition, and I have just conferred with the Delegate from the islands—— .

Mr. JONES. I should like to say that the gentleman is in error as to that. They are not disposed of under any law enacted by the commission. They are being sold by the director of public lands. The law under which these lands are being disposed of was enacted in 1908, I think, and after the first legislature had convened in 1907. These lands are being administered by the bureau of lands, which is a bureau of the interior department.

Mr. GARRETT. Since the gentleman refreshes my memory as to that, I think his statement is correct. I think the legislature has control of those lands in the non-Christian Provinces.

Mr. JONES. The legislature has enacted all the recent laws on the subject.

Mr. TOWNER. I am under obligation to the chairman of the committee for calling attention to that fact, which of course only strengthens my position. I was going to say that all the lands remaining unsold now, however, are in the Christian Provinces, as I am informed by the Delegate [Mr. QUEZON].

Mr. MARTIN of Colorado. The gentleman appears to seek to emphasize the insignificance in quantity—I believe "insignificance" is the term he used once or twice—of these so-called friar lands. That being true, does not the gentleman think it is rather singular that this Government enforced the sale of those lands from their owners, the orders of friars, to the Philippine government at a cost of $7,200,000?

Mr. TOWNER. I will answer the gentleman by saying that the gentleman is perhaps better aware than I am that it was not altogether a question of the lands and the importance of their acquisition, but other questions entered into the problem—questions that were of vastly greater importance than the mere acquisition of the lands themselves.

Mr. MARTIN of Colorado. I do not want to trench upon the gentleman's time, if it is very limited, but I want to say to him that one fact with reference to the acquisition of these lands appears to have been established as clearly as any other, and that is that after their taking over from the original owners they were to be broken up into small holdings among the natives of the islands.

Mr. TOWNER. The gentleman is perhaps correct about that; I do not know; but I would say that already the great bulk of these lands have been so disposed of.

Mr. MARTIN of Colorado. If the gentleman will permit one further suggestion, I shall not interrupt him any more. That suggestion is this: An additional and, in my judgment, very substantial objection is that the sale of these lands in such large tracts—56,000 acres, for instance, in one body—would unquestionably establish a precedent which would lead to the sale not only of those lands but of the public lands in large quantities, and therefore it was desirable, from that consideration, to stop such a policy at its very inception.

Mr. TOWNER. I sympathize with the idea suggested by the gentleman. I can hardly believe, however, that there can be legitimate arguments used upon that proposition with regard to the disposition of these friar lands. They constitute a separate and entirely independent question.

Certainly, it is important that these lands be sold, if they can be sold, to the best possible advantage, for the purpose of paying off the debt of $2,000,000 which was incurred for their purchase. These people themselves, the Philippine government, ought to be allowed to dispose of this small fragment left of 125,000 acres of land, if they possibly can, so that they can pay the $2,000,000 that they now owe for these lands.

Mr. COOPER. The burden of that interest, and of providing a sinking fund, to do away with that $7,000,000, is of little importance in comparison with the selling of 55,000 acres to Mr. Poole, who was the agent of the Havemeyers, and the possible selling of one hundred thousand and odd acres to somebody else. It is vastly important that sales in such large amounts to one purchaser should not be made and that the islands should not be exploited in that way. The $7,000,000 and the payment of the interest is nothing at all compared with the evil of selling 100,000 acres of land in those islands in one tract to a single owner.

Mr. TOWNER. I sympathize with the gentleman's point of view. The only place where I would part company with him would be in this: The gentleman believes that if we allow these people themselves to dispose of these lands, if they want to, that will lead to an exploitation of the Philippine Islands. I decline to think that is in any way necessary or in any way inevitable.

I decline to think it would be even an encouragement to that. Mr. Speaker, it seems to me a most singular proposition that these gentlemen now make. They are unwilling to allow the Philippine government to dispose of its own lands in its own way, and yet these gentlemen bring in a bill here for Philippine independence and want them to be allowed to do everything that an independent nation may do. They are unwilling to allow them to have the privilege of disposing of 125,000 acres of their own lands as they see fit, and yet they want to give them the power of disposing of 60,000,000 acres of land as they see fit. It seems to me such a position is hardly consistent.

Mr. Speaker, it should be remembered that already the law is in existence, which the Filipinos themselves can not change, forbidding any corporation from owning or acquiring more than 2,500 acres of land. The gentleman speaks of the acquisition of land by the Havemeyers, or the Sugar Trust. It may be that is an evil. It may be that there ought not to be any sugar plantations, or any sugar raising on American soil. I understand that is the position of gentlemen on the other side who believe that sugar ought not to be raised, either on plantations in the South or on farms in the West.

Mr. JONES. Will the gentleman permit?

Mr. TOWNER. I will.

Mr. JONES. I will say to the gentleman that a great deal of sugar is being raised in the Philippine Islands, particularly in the island of Negros. The Philippine Commission is even aiding in the establishment of sugar mills in non-Christian Provinces.

Mr. TOWNER. While the gentleman is on his feet I want to ask him a question.

Mr. JONES. Very well.

Mr. TOWNER. Is it not true that while the individuals, Mr. Havemeyer and others, have acquired this land, it has been only slightly improved—that is, that they have gone only to a slight extent in using the lands?

Mr. JONES. I do not know whether they have as yet manufactured any sugar, but they have expended a great deal of money preparing to do so. I may say that last year and year before last, since the Payne-Aldrich tariff bill went into effect, we have been admitting sugar from the Philippine Islands into this country free of duty. They have sent to this country many thousands of tons of sugar, not one ton of which was raised by the Sugar Trust or anybody connected with the Sugar Trust, but by the Filipinos.

Mr. GARRETT. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. GARRETT. I want to make a statement in answer to the suggestion of the gentleman. Horace Havemeyer, who is one of the purchasers of the San Jose estate, testified before the special committee appointed to investigate the American Sugar Refining Co. last autumn that they had at that time 500 acres under cultivation and were moving rapidly, taking in more and more, as fast as possible.

Mr. TOWNER. That is about 1 per cent of the purchase.

Mr. GARRETT. That would not be quite 1 per cent, but they are moving rapidly.

Mr. OLMSTED. If the gentleman will permit, reference has been made to these lands as having been purchased by the Sugar Trust. These men were at one time connected with the Sugar Trust, but they are now the bitterest opponents of the Sugar Trust, and have no stock or interest in it.

Mr. GARRETT. I am not sure whether that is true or not of Mr. Senff, but it is true of Mr. Havemeyer.

Mr. OLMSTED. Mr. Senff is dead.

Mr. TOWNER. Mr. Speaker, all these questions are somewhat remote except as they may bear on the exploitation of the Philippine Islands by great corporations. It seems to me that we are justified in saying that is prevented by the present law, which, in so far as any affirmative action on the part of the General Government is concerned, limits the holdings of corporations to 2,500 acres of land, and that limitation applies as well to the friar lands as to the public lands.

It is suggested by the chairman of the committee that this law may be evaded, but, Mr. Speaker, may we not leave these things to the Government of the Philippine Islands itself? The United States is represented there by an upper chamber acting in their interest.

The Filipinos themselves are represented by the Philippine Assembly, which is composed exclusively of their own representatives, with knowledge presumably of their interests, acting presumably patriotically. It may certainly be safely assumed that no action will be taken by the present Philippine Government that shall be opposed to the interest of the Philippine people, and yet this limitation is sought to be placed upon their action regarding their own land in their own interest.

I suppose gentlemen could imagine that the upper branch of the legislature might be induced, through some sinister influence, to act in opposition to the real interests of the Filipino people, but certainly such an accusation could not be brought against the lower house of representatives, which is composed exclusively of their own people who have certainly their own interest at heart. Can it not be left to them to say what shall be done with their own property in their own interest? It has been suggested by the chairman of the committee that this is, after all, only a question of the interpretation of the law. I do not quite follow him upon that proposition. As I understand it, the object now is to fundamentally change the existing law. As the law now stands, these lands may be disposed of by the Philippine government, and it is proposed by this affirmative act to take away from them that power with regard to these especial lands.

Gentlemen themselves advocate the doctrine of local self-government. They support the contention that the Filipinos are now able to take care of themselves. They favor such action as will give to them now the status they say they are entitled to by their intelligence and understanding of their needs. They have attained, gentlemen assert, the place where they ought to occupy an independent position among the nations of the world. It is proposed immediately to give them almost an autonomous government, to give them almost independent power, to promise them after a brief period absolute independence. By such act they are to be given the power to do everything that a government can do, subject to a very few exceptions, and yet now here, preliminary to that broad act and in contravention of its spirit, it is suggested that we can not leave to them the right to dispose of even 125,000 acres of their own land as they may deem for their own best interests. So, Mr. Chairman, this bill does not appeal to my judgment as being wise or necessary or one really in the interest of the Filipino people. [Applause.]

Mr. HELM. Mr. Speaker, the purpose of this bill is to give the two classes of lands in the Philippine Islands the same status. For the purpose of illustrating the object of this bill we will assume that this House represents one of the Philippine Islands. Here on this side of the House is a body of land that is known as the public lands, and on that side is a body of land that is known as the friar lands. There is a line dividing the two boundaries or tracts of land. The quality of the two tracts or boundaries is exactly alike; they are adapted alike for all agricultural products and purposes. Different administration is now applied to these two tracts of land. On that side of the line the sales are limited to 40 acres to individuals and 2,500 acres to corporations, while on this side of the line the land is sold without limitation as to acreage. Then either one of two things should be done—the limitation of 40 acres and 2,500 acres should be taken off that body or tract of land on that side, or the limitation of 40 acres and 2,500 acres should be placed upon the tract of land on this side. Both of these methods of disposing of these lands can not be right. I think the limitations of 40 and 2,500 acres, respectively, is the right thing.

The argument of the gentleman from Iowa [Mr. TOWNER] that it is the intention of this act not to permit the Filipinos to regulate their own affairs is, in my opinion, entirely erroneous and misleading, because neither of the present methods of administration give the Filipinos control. We are the ones controlling it now and we should exercise this control to the

best interest of the Filipinos. The United States Government is the guardian of the Filipinos, and we are undertaking to administer this trust or charge. A great deal has been said upon this floor on former occasions about what has occurred in Alaska, what has been attempted with reference to the vast resources in the Territory of Alaska. We have undertaken to place limitations upon what may be held and owned there by persons and corporations. If it is right to conserve the resources of a country that we own and control and expect to continue to own and control, it is wrong for us as the guardian of an alien people to do unto them what we are unwilling to do with our own.

There is a feature connected with this proposition that strikes me very forcefully. We are at present witnessing an insurrection in Mexico and our troops are standing guard on the border line to protect American property, if it becomes necessary. The acquisition of these hundreds of thousands of acres in the Philippine Islands by American capital sooner or later is going to bring about the same situation in the Philippine Islands that we are confronted with to-day in Mexico. It may be all right and well enough for American capital to have the right to go where it wants to go, but I regret in the very first instance that the United States Government has remained in the Philippine Islands as long as it has, and the longer we assume control of the islands the more difficult it is going to be to get away. The more American capital that goes in there, the harder it is going to be to divorce the United States Government from its control of those islands. I do not believe that the American people will be very enthusiastic over trouble that is superinduced by the Sugar Trust and the Tobacco Trust. I am in favor of the Filipinos governing their own property. It is their birthright. The resources of the Philippine Islands are almost exclusively confined to agriculture. There are some minerals, there is some timber, some coal, and some other resources than those named, but I reassert that the main resource and dependence is that of agriculture. Necessarily this land is of the very best quality, because it is adapted to the cultivation and raising of sugar. In the exercise of our guardianship we should not strip them of the resources that they eventually must depend upon in order to maintain a government of their own. If we take away from them everything that they have of value and then permit them to establish a government, there will be very little of value left to be governed.

There will be very little of value that the Government must have in order to support and maintain that government, so that, as I stated in the beginning, this bill is intended to place these two classes of land in the same status, and, by limiting the amount that can be sold to corporations, it will conserve their principal resource. If there was a failure to use the exact language and apt expressions in the enactment of the law to control the friar lands, the purpose of this bill is simply to correct that error, if there was an error. It is my opinion that the statement made by the chairman of the committee is correct, namely, that the decision of the Attorney General construing the act relating to the friar lands was not warranted by the language contained in the act. Endeavoring to exercise that prudence that ought to control us in legislation affecting the Philippines, I believe that the enactment of this law will be a material advantage to and is in the interest of the Filipino people. [Applause.]

I yield such time as the gentleman, Mr. QUEZON, may desire.

Mr. QUEZON. Mr. Speaker, I rise to support this bill—H. R. 17756. The people of the Philippine Islands are unanimously in favor of it.

As the chairman of the Insular Committee has already explained to the House the purpose of the bill, I shall confine myself mainly to meeting the arguments propounded against it.

If I understand it correctly, the contention of our opponents may be summarized as follows:

That inasmuch as under the law, as it now stands, the right and power to dispose of the friar lands is vested in the Philippine Government, to pass this law is to encroach upon a right already granted by Congress to the Philippine Government; that such encroachment is unwarranted, inasmuch as the United States is represented in that Government by the Philippine Commission and the Filipino people by the Philippine Assembly, and therefore it may certainly be safely assumed that no action will be taken by said Government that shall be opposed to the interests of the Filipino people.

That to curtail the powers already intrusted to the Philippine Government, wherein the Filipino people are represented through the Philippine Assembly, is to jeopardize the theory of the ability of the Filipino people to govern themselves, which theory is that maintained by the supporters of the bill.

That the disposition of the friar lands is purely a matter of business and no great question of public policy is therein involved; that it should be borne in mind that these lands were purchased with the proceeds of bonds issued by the Philippine Government, which bonds are to be paid with the sale of said lands, and therefore the Philippine Government ought to be allowed to do what in its judgment will facilitate the sale of these lands.

That to restrict the sale of the friar lands as stipulated by this bill is to make these lands unsalable, which means the imposing upon the Filipino people of the burden of paying from general taxation the money spent in their acquisition, which Congress has no right to do.

Much as I respect the opinion of our learned opponents, I am constrained to disagree with them.

THE BILL MERELY REENACTS SECTION 65 OF THE ORGANIC ACT.

The contention that this bill is taking away from the Philippine Government a right or power already granted to it by Congress can not, I believe, bear the light of a proper discussion. The paragraph of section 65 of the act of July 1, 1902, referred to by the gentleman from Iowa [Mr. TOWNER], reads:

That all lands acquired by virtue of the preceding section shall constitute a part and portion of the public property of the Government of the Philippine Islands, and may be held, sold, and conveyed, or leased temporarily for a period not exceeding three years after their acquisition by said Government on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this act.

This section is by no means controverted by the bill now before the House. There is no provision in the bill which deprives the Philippine Government of the ownership of the friar lands, nor is there any proposition that the sale, conveying, or leasing of these lands be made by any government or entity other than the Philippine Government. The bill simply states that the Philippine Government in selling said lands must not sell them in excess of 40 acres, or 16 hectares, to individuals, and 2,500 acres, or 1,024 hectares, to corporations, which we contend is one of the limitations and conditions referred to in the section quoted.

As the chairman of the Insular Committee [Mr. JONES] already stated, those who took a leading part in the framing of the act of July 1, 1902, so-called organic act for the Philippines, always understood that the language "subject to the limitations and conditions provided for in this act," in the section quoted, meant that the unoccupied friar lands could not be sold in excess of 40 acres to individuals nor more than 2,500 acres to corporations.

The gentleman from Wisconsin [Mr. COOPER], who at the time of the passage of this act was chairman of the Insular Committee, has confirmed Mr. JONES'S statement. The gentleman from Wisconsin said, in effect, that it was the understanding when the organic act was passed by Congress that the sale of friar lands was restricted by the same limitations imposed upon the sale of public lands, and that nobody ever dreamed, until the officials of the Philippine Government and the Attorney General of the United States construed the law otherwise, that the Philippine Government was ever granted by Congress the right of selling these lands in any quantity whatever as it may see fit.

The bill is not, therefore, writing a new law in the statute books of the Philippine Islands, but merely reenacting a law already passed by Congress whose provisions were not properly construed and enforced by the Philippine Government. In other words, it is my opinion that we add nothing to nor take anything from the organic act of the Philippines, and I hope it will be so understood, when this bill becomes a law, that Congress is not amending the act of July 1, 1902, entitled "An act temporarily to provide for the affairs of civil government in the Philippine Islands, and for other purposes," but that it is merely construing and expressing the original purpose and meaning of that act.

I believe, however, with the gentleman from Iowa [Mr. TOWNER], that it is useless to discuss now the merits of this contention, for whatever may be the opinion of Congress about it, the contention can only be properly decided by the courts. I shall not, therefore, take up any more time of the House in discussing whether or not the Philippine Government trespassed its constitutional limitations when it sold 55,000 acres of the Mindoro estate to some stockholders of the Sugar Trust.

Let us admit, for the sake of argument, that the bill now before the House is taking away from the Philippine Government a right already given to it by Congress—the right of selling the friar lands as it deemed wise, without restrictions of any kind whatever. Even then, though I am an advocate, on general principles, of as much autonomy for the Philippine Government as we could secure—even then, I repeat, I would rather see that right taken from the Philippine Government than allow it

to sell the friar lands in such tracts as it did in the case of the Mindoro estate.

The statement that "it may certainly be safely assumed that no action will be taken by the present Philippine Government that shall be opposed to the interests of the Filipino people, because they are represented in that Government by the lower house of the legislature, which is composed exclusively of their own people, and who certainly have their own interests at heart," is misleading; and the assertion that this bill is inconsistent with our theory that the Filipino people are capable of taking care of themselves is a conclusion reached without proper analysis of the actual facts.

Gentlemen know that the Philippine Government is not entirely, or even mainly, in the hands of the Filipino people, but, on the contrary, the legislative power is almost wholly vested in the Philippine Commission, a body appointed by the President of the United States without the consent or the advice of the Filipino people. Even after the inauguration of the Philippine Assembly, for all practical purposes, this commission has continued to be the Government of the Philippine Islands. Not only does it share with the assembly the legislative power of that Government, but in some instances it exercises that power without the concurrence of the assembly, and the fact that it is also the executive gives it a decided preponderance of control in the administration of the affairs of the islands.

Actual experience shows that the Philippine Assembly, in so far as the general policy of the Philippine Government is concerned, as well as in all important matters, has exercised but a negative power. That is, when the Philippine Commission has purported to enact a law which, in the opinion of the assembly, was not beneficial to the interests of the Filipino people, the lower house has been able to prevent the enactment of that law; but it has not been able to change in the least the general policy adopted by the commission before the inauguration of the assembly, though in its efforts to change it the assembly was faithfully complying with the will of the people. The general government of the islands, for instance, is now as expensive as it was before the inauguration of the assembly and the officials as extravagantly paid as they were, all attempts on the part of the assembly to reduce the cost of the Government to a reasonable figure having been of no avail, because of the opposition of the commission.

We have another good illustration of this fact in the very question of the sale and disposition of the friar lands. The assembly wishes to sell the occupied lands to their tenants on easy terms and reasonable price; the commission insists upon not reducing the high prices exacted for them. The assembly does not want to sell the unoccupied lands in bulk; the commission is determined to so dispose of them; and in both cases the pleasure of the commission controls.

When the assembly received complaints from the tenants of the friar-land estates that the sale price of their holdings demanded by the Government was too high, the assembly went into a careful and detailed investigation of the matter, and it found that the complaints were warranted by the facts.

It passed a bill lowering those prices, and the commission rejected the bill, with the result that the tenants have to pay a high price for their lands if they do not want to be dispossessed of them. When the assembly learned that the Government sold the Mindoro estate of 55,000 acres to Mr. Poole, a representative of some stockholders of the Sugar Trust, the assembly proceeded immediately to pass a bill limiting the sale of friar lands to individuals to 40 acres and to corporations to 2,500 acres. This bill was approved unanimously by the assembly, both political parties concurring therein, and despite the fact that all the native press approved of it and the people from all parts of the archipelago adopted resolutions indorsing it, and that the matter was purely the concern of the Filipino people themselves, because it was their own land, purchased with their own money, the commission defeated the bill.

In view of these facts it can hardly be asserted that because the Filipino people are represented in the Philippine Government by the lower house of the legislature, the Philippine Government will take no action that shall be opposed to the interests of the Filipino people. If the assembly had more power in the Philippine Government than it has now, or if both houses of the Philippine Legislature were elected by the people, then it could "certainly be safely assumed that no action will be taken by the Philippine Government that shall be opposed to the interests of the Filipino people."

THE ASSEMBLY IS FOR THE BILL.

The unjustifiable obstinacy of the Philippine Commission regarding the disposition of the friar lands gave the assembly no other alternative than to appeal to Congress, requesting this body to make a declaration to the effect that the limitations imposed by the organic act on the disposition of public lands are also applicable to the friar lands, specifically those contained in section 15 of said organic act; and, moreover, that the sales heretofore made of the friar lands in violation of the limitations contained in section 15 and other provisions of the organic act be declared null and void, unless they be subsequently authorized by an act of the Philippine Legislature. The request was made by means of two resolutions, the first adopted on December 6, 1910, and the other on the 18th of January, 1912. The first resolution is as follows:

Resolved, That the Philippine Assembly do, and hereby does, declare, without entering upon a discussion of the legality or illegality of the matter, that the sale in large and unlimited tracts of the so-called friar estates to great corporations for their exploitation is contrary to the will, the sentiments, and the interests of the Philippine people; and, further, that the assembly do, and hereby does, state its desire that the sale of said estates to persons other than those who were tenants of the same prior to June 3, 1908, and of all other property acquired by the Government subsequent to the treaty of Paris be made subject to the limitations contained in section 15 of the organic act of the Philippine Islands relative to the public lands acquired by the United States in the Philippine Islands under the treaty of peace with Spain; and

Resolved further, That copies of this resolution be forwarded to the Congress of the United States, the Philippine Commission, and the honorable Secretary of War.

Adopted December 6, 1910.

I hereby certify that the foregoing resolution was adopted by the house on December 6, 1910.

RAMÓN DIOKNO,
Secretary Philippine Assembly.

The second resolution was cabled to me by the secretary of the assembly in an extract form, and which translated into English is as follows:

MANILA, *January 18, 1912.*

QUEZON, *Washington:*

Assembly approved to-day a resolution an extract of which is the following:

"*Resolved*, That it is the sense of the assembly that public interest requires that a declaration be made by Congress to the effect that the present limitations on the sale of public lands is applicable to the sale of friar lands, and more concretely all the limitations specified in section 15 of the organic act. The rights acquired by the tenants of friar lands at the time of the passage of act 1120 of the Philippine Legislature should be respected.

"*Resolved further*, That it is the wish of the assembly that all transactions made up to date in regard to friar lands in excess or in contravention of the limitations imposed on the sale of public lands be declared null and void unless they are subsequently approved of by the Philippine Legislature.

"DIOKNO."

So that, Mr. Speaker, if the bill we are discussing takes away from the Philippine Government certain rights and powers already conferred upon it by Congress, as the gentleman from Iowa believes, it is taking those rights not from the Filipino people, not from their representatives, the Philippine Assembly, but from the Philippine Commission; because the bill would merely write into law what the Philippine Assembly itself would have enacted if it had its own way in the Philippine Legislature.

By this bill Congress would merely concur with the assembly in passing an act that the commission refused to concur in. This leads to the conclusion that the advocates of this bill, instead of being inconsistent with their theory that the Filipino people are capable of governing themselves, as our opponents assert, are logical when they lend their support to this bill, because they are merely sustaining the views of the assembly on the grounds that the Filipinos know what is best for them and ought to be allowed to do what they think is best for them.

Mr. MARTIN of Colorado. Will the gentleman yield for a question?

Mr. QUEZON. I will.

Mr. MARTIN of Colorado. Do I understand the gentleman to say that the Philippine Assembly passed an act, in which the commission refused to concur, to affix the limitations of the public-land act to the friar lands?

Mr. QUEZON. Yes, sir.

Mr. MARTIN of Colorado. Was that done since the investigation in the Sixty-first Congress and the agitation over the sale of the Mindoro estate?

Mr. QUEZON. Yes, sir.

Mr. MARTIN of Colorado. I wish to ask the gentleman whether that fact harmonizes very well with the pretense that was made by the heads of the insular government in the friar-land investigation that the limitations in the friar-land act were removed by the Philippine Assembly with the full knowledge and understanding that it would permit the sale of these estates in bulk, and that it was done for that very purpose?

Mr. QUEZON. Certainly not.

A QUESTION OF PUBLIC POLICY INVOLVED.

But it is said, Mr. Speaker—and this is the contention of the Philippine Commission—that the disposition of the friar lands is merely a business proposition, and no great question of public

policy is therein involved; that the only thing to be considered is this: That, in round numbers, $7,000,000 worth of bonds have been issued to purchase these lands, and the Philippine Government ought to be allowed to sell said lands in such manner, without restriction, as in its judgment will reimburse it the price of the bonds.

While those who support this view on this floor may honestly believe so, they are nevertheless wrong. If to recoup the money spent for the purchase of these lands is of such paramount importance, if the Philippine Government can not afford to lose one cent on this transaction, the Government ought not to have attempted to buy these lands. But it was not until lately that we heard such a contention made. Everybody knows that when the Philippine Commission pressed upon Congress the law for the purchase of these lands, it said that in the friar lands "a great question of public policy was involved, the most vital and important in the Philippines." The agrarian question was involved—the system of absentee landlordism to be eradicated. Let us see how much the "business proposition" was concerning President Taft, then Governor General of the Philippines, when testifying before the committees of the House and Senate. He said "that the injury rendered to the welfare and tranquillity of the Filipino people by the ownership of vast estates was demanding the purchase of the friar lands, if every cent paid for them by the Government was to be lost." These lands were not, therefore, bought as a business enterprise; they were not acquired with the object of making money out of the transaction, nor even with the hope of recovering it; but they were acquired, notwithstanding the fear that the Government might lose, if not all, at least a large part, of the amount spent in their purchase.

They were bought simply because the Philippine Government and the Filipino people had informed Congress that the concentration of vast areas of lands in the hands of a few concerns was detrimental and injurious to the community, and Congress, at their request, sought to remedy this serious evil.

To use the very language of the act authorizing the Philippine Government to purchase these lands—

> The Government of the Philippine Islands is authorized to acquire, by the exercise of the right of eminent domain "any lands, easements, appurtenances, and hereditaments, which on the 13th day of August, 1898, were owned or held by associations, corporations, communities, religious orders, or private individuals, in such large tracts or parcels and in such manner as, in the opinion of the commission, injuriously to affect the peace and welfare of the people of the Philippine Islands."

The words quoted of section 64 of the organic act give a very plain idea of the cause for which the Philippine Government was authorized by Congress to purchase or acquire by the exercise of the right of eminent domain, the friar lands, to wit, that said lands were owned and held in such large tracts or parcels that it was injurious to the peace and welfare of the Filipino people. Now, to permit the sale of these same lands in the same large tracts as they were owned by the friars lays Congress open to the charge that it did not dispossess the friars of their lands because the ownership of vast estates was injurious to the people, but because it intended to turn these lands over to other concerns in unlimited quantities. (See report of Madison.)

THE FILIPINOS PREFER TO PAY THE BONDS THAN TO SELL THE FRIAR LANDS IN BULK.

We are told, Mr. Speaker, that to place the limitations provided for in the bill upon the sale of friar lands is to make these lands unsalable, thus imposing upon the Filipino people the burden of paying from the general taxation of the islands the bonds issued for the purchase of said lands, which Congress has no right to do. This argument should appeal to every Member of this House, and it would certainly have appealed to me if this view was taken by the Filipino people themselves. In other words, if the Filipino people were unwilling to pay from general taxation the proceeds of the bonds issued for the purchase of the friar lands, and the limitations that we are trying to place upon the sale of friar lands were to result in making these lands unsalable, it would be unjust thus to indirectly force the Filipinos to take from their pocket the money to pay the bonds. But such is not the case. I am authorized to say, Mr. Speaker, and standing here now I do say, that the Filipino people would rather pay from general taxation, and if necessary from voluntary contributions, every cent that has been spent by the Philippine Government for the purchase of these lands than to see them sold to individuals or corporations for exploitation. [Applause.] And the reason for this, Mr. Speaker, if I am to express it in a few words, is to be found in the following paragraph, which I quote from one of the minority reports accompanying this bill:

> We do not want vast landed estates created there. We do want a thrifty, hardy, land-owning body of citizens. Patriotism, thrift, and love of country does not exist in the breast of the peon who resides on a great sugar plantation, but rather thrives in the heart of the man whose feet are firmly planted in his own land.

[Applause.]

Mr. JONES. Who signed that report?

Mr. QUEZON. The gentleman from Minnesota [Mr. DAVIS] and the gentleman from Wisconsin [Mr. MORSE].

No Filipino could have expressed in more beautiful, as well as emphatic and concise, language the consensus of the people of the islands as to the policy with regard to the disposition of their lands. The few million dollars that the Filipinos have to pay to take up the bonds issued for the purchase of the friar lands are of no consequence whatever as compared with the social evils resulting from the ownership of large tracts of lands in the Philippines. We would be merely spending a few million dollars to insure the existence in the Philippines of a thrifty, hardy, land-owning, patriotic body of citizens.

It is to be regretted that the Philippine Government, and by this I mean the Philippine Commission, in administering the friar lands, judging from what they have done and what they apparently pretend to do, have entirely lost sight of the real nature of the problem that they have at hand. If they only had in mind the purpose aimed at originally by themselves, and always by Congress and the Filipino people, in buying these friar lands, there would have been no congressional investigation of the interior department of the Philippines, and a great deal of the dissatisfaction and discontent among the people of the Philippines would have been avoided.

It is, I admit, a worthy ambition to save the Filipino people from having to pay the bonds issued for the purchase of the friar lands with the general funds of the Islands by trying to sell these lands as speedily and on as profitable terms as possible, but the Philippine Commission, and particularly the secretary of the interior, have gone beyond their province in their desire to accomplish that end, and, what is worse, they have taken a course that, in my opinion, will be more harmful, if pursued, to the Filipino people than the evil they sought to avoid.

It is hard to conceive, Mr. Speaker, how there could be any doubt as to the wisdom of the bill before the House. Even supposing that the organic act failed to put upon the sale of friar lands the limitations imposed upon the sale of public lands, this bill ought to pass. As repeatedly said, this bill simply puts the friar lands, which are the property of the Philippine Government, on the same footing and treats these lands under the same conditions as the public lands, which are also Government lands. This bill merely frames a consistent policy to be applied alike to all kinds of Government lands, for there is no reason whatever for pursuing a certain course in one instance and different course in others. If the policy of preventing the ownership of immense tracts of land in the Philippines is a sound one, it should be enforced by the Government whenever it is within its power to do so to all lands of a like character. Congress has already decided that such a policy, in the case of public lands, is a wise and sane one; therefore it should be also applied to the friar lands. If, on the other hand, the ownership of friar lands in large tracts is not considered inimical to the public welfare, why should it be in the case of public lands?

CONGRESS MUST ACT.

The gentleman from Iowa [Mr. TOWNER] said that there is not a man on the floor of this House that would desire the exploitation of the Philippine Islands, and that this proposition can be considered as settled. If that is the case, and I hope it is, then there ought not to be exploitation of the friar lands any more than of the public lands.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. QUEZON. Yes, sir.

Mr. LONGWORTH. Does the gentleman's colleague take the position on this question that the gentleman does?

Mr. QUEZON. I would rather have him answer the question. I think he does.

But gentlemen say that to allow the sale in bulk of friar lands will not bring about the exploitation of the islands. This explains how gentlemen who are just as earnest as we are in preventing the exploitation of the islands are, however, against this bill and in favor of allowing the Philippine Government to sell the friar lands as it sees fit.

The real truth is, Mr. Speaker, that, while on the surface in discussing this bill the House seems to be considering only the advisability of allowing the Philippine Government to sell the friar lands in any quantity whatever, at the bottom, when you analyze the facts which have given birth to this bill, you will find that the House is now being called upon to either confirm its policy, so far pursued, of preventing the exploitation of the

Philippine Islands or reversing it. I do not mean to say that if you reject this bill, thus permitting the Philippine Government to proceed with the sale of the friar lands as heretofore made, that said government would consequently proceed to sell the public lands in the same way or manner; but I do mean that the rejection of this bill will have the effect of encouraging the Philippine Commission in its effort to extend to at least 15,000 acres the limitation upon the sale of public land. The gentleman from Wisconsin [Mr. COOPER] said a few moments ago that while he was chairman of the Committee on Insular Affairs the Chief of the Bureau of Insular Affairs, Gen. Edwards, tried his best to get the organic act amended so as to allow corporations as well as individuals to purchase larger tracts of land, not only of the so-called friar lands, but also of the public lands, than they can legally do now.

I may add to the statement of the gentleman from Wisconsin that I am aware of the fact that the same efforts have been made during the chairmanship of the Insular Committee of the distinguished gentleman from Pennsylvania [Mr. OLMSTED], and I betray no secret in making this statement, for the Bureau of Insular Affairs in so doing has only been endeavoring to accomplish what was recommended by the Philippine Commission in its official reports. It is a recorded fact that beginning not very long after the organic act was passed by Congress, the Philippine Commission has been persistently urging the amendment of the provisions of that act which imposed limitations upon the sale of public lands, and when they did not succeed they have—on the ground that it was within their province to amend the law with regard to the disposition of friar lands—repealed the limitations imposed on the sale of these lands. It is therefore a reasonable assumption that such action was merely the entering wedge to the intended general policy of selling all kinds of land in bulk. The significance of the bill now before the House is that, by its passage, Congress will reaffirm in an unmistakable manner its policy regarding the ownership of public lands in the Philippine Islands. It is absolutely necessary for Congress, through the passage of this bill, to inform the Bureau of Insular Affairs as well as the Philippine Commission, once and forever, that it is useless for them to try to amend the organic act so far as it concerns the sale of Government lands. [Applause.]

Thus you will reassert that Congress is fully alive to the responsibilities which have been thrust upon it as a guardian and trustee of the natural resources of the islands, and that it will allow nobody to exploit those resources under any pretext, for they are, under God, the natural inheritance of the Filipino people. [Applause.]

Mr. Speaker, I do not want to be understood as impugning the motives of the Philippine Commission or of the Bureau of Insular Affairs in trying to repeal the provisions limiting the sale of Government lands in the Philippine Islands. Far from me the idea that they purposely intend to allow the exploitation of the Philippines and to deprive the Filipino people of lands which will surely be needed by their posterity for homes and for farms. I do not believe that there is any member of the Philippine Commission, and less would I believe that my friend, Gen. Edwards—although he said that in case of war he would leave the Philippine Islands absolutely unprotected—I do not believe that they, or any of the officials connected with the Philippine administration, have the slightest desire of deliberately doing harm to my people; but I do believe that their policy is wrong and that if pursued, if not immediately, in the long run and perhaps at a not distant future, it will prove injurious to the welfare and prosperity of my country.

DANGERS OF THE SO-CALLED DEVELOPMENT.

Their views are that the sooner the natural resources of the Philippines are developed, the better for the Filipinos themselves; that the great need of the islands is capital, and that all possible means must be employed to bring into the islands large amounts of capital; and that one of these means is to permit the purchase, ownership, and holding of great land estates. Perhaps it is true that the land laws of the Philippines as enacted by Congress are preventing, or at least retarding, the development of the islands, but it is so hard to draw a line between development and exploitation that we can never tell, except from results, and then it would be too late, where development ends and exploitation begins. Everyone familiar with the operations of great corporations knows what they will do if they have a chance, especially when said corporations are engaged in developing sugar plantations or mines in a new country.

In the long run they monopolize the wealth of that country and deprive the large majority of the inhabitants of their just share of such wealth. This being so, the Filipinos would rather keep on the statute books of the Philippines their present land laws than to permit, under the pretense of development, the concentration in a few hands of the resources of their country. The Filipinos are too far behind modernism in political economy to believe that a kind of development that will enrich the few at the expense of the many means the prosperity of the people at large. They are too backward in civilization to approve of the monopoly of their soil by powerful corporations.

Now, Mr. Speaker, I want to tell the American people through this Congress, and what I am about to say comes from the bottom of my heart, that the Filipinos are not opposed to American capital. In fact, we are not opposed to any capital coming into and properly developing the islands. We are not living in the fifteenth century, and therefore we do not want to isolate ourselves from the rest of mankind. We are living in the world of to-day, and we want to see our country prosper and develop. [Applause.] We welcome and invite the help of everybody. But we also want to guard ourselves from any danger of improper operation of capital. The peril is not a mere fancy, but experience in this and other countries shows that while capital is necessary for the prosperity of the people, it is also frequently productive of great evils if not properly controlled. The echo of the struggle in this country between the American people and the trusts has gone beyond the seas and reached the ear of the Filipino people. We have learned that, in spite of the fact that the American people are self-governing and that they elect the legislative, judicial, and executive branches of their Government, they have not as yet succeeded in throwing off the heavy yoke of great corporate capital. What, then, can the Filipinos hope for in the undoubtedly forthcoming struggle between them and these powerful corporations in the Philippines if these are given a free hand in their operations in the islands, considering the fact that the Filipinos have no control of their government, which is in the hands of an alien people?

In point of fact, Mr. Speaker, we do not have to exert our minds in guessing what would be the outcome of such a situation, for we have already some instances of it in the Philippines, and this even though our corporations are merely caricatures of trusts. The companies in Manila which own and operate the electric cars and electric light and telephone, which companies, by the way, are practically monopolies, because under the circumstances no other companies for years to come will be engaged in the same business, are giving service to the public as they please, and no attention whatever has ever been paid by the Government to the complaints of the people. It has been investigated by an expert and demonstrated beyond question that the electric-light company, for instance, is charging an outrageous price for the use of its current, and the authority of the Philippine Government to regulate the price has never been exercised against this company.

THE POLITICAL STATUS OF THE PHILIPPINES UNDETERMINED.

I come now, Mr. Speaker, to discuss a question which, by itself, would fully explain why the Filipino people are slow and why they want the Government to be slow in the attempt to bring into the Philippines American and other foreign capital.

The future of the Philippine Islands is still hanging in the balance; the morrow is as yet shadowed by the clouds of uncertainty. Twelve years of American occupation have not as yet answered the question constantly asked by the Filipinos with anxiety akin to prayer. What is there beyond the horizon? The policy of Congress with regard to the Philippines has been so far indefinite, noncommittal. From the very title of the act of July 1, 1902, which created the present Philippine Government we are informed that the government therein created is merely a temporary government, the title of the act being "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes."

Though leaders of the Republican Party, ex-President Roosevelt as well as President Taft and many others, have invariably stated that the ultimate purpose of the United States is to give the Philippines independence, and though the Democratic Party by its last three national platforms has committed itself to the policy of granting the Philippines independence as soon as a stable government has been established there, the fact is that every attempt to induce this Nation to express its policy authoritatively—that is to say, through Congress—has been of no avail so far. In spite of this seeming discrepancy between words and deeds, the Filipinos have, however, taken at their face value all these utterances. We have put our faith unqualifiedly in these declarations, and the support that this Government has been and is receiving from the Filipinos is due wholly to their conviction that the government they now have in the islands is

provisional, that it is merely temporary, and that the more enthusiastic support it receives from the people the sooner it will be substituted by a Philippine independent government.

While this mental process is going on in the minds of the Filipino people and no effort is being made from any authorized source in this country to correct that impression if it is wrong, there are many American officials in the Philippine Government and in the United States who, in their dealings with the islands and their people, are proceeding upon the theory that there is no real desire on the part of this Government ever to relinquish its control over the Philippines. Working under this, I hope, misapprehension, or perhaps deliberately trying to bring about a condition of affairs that will force this Government to retain the islands, these officials are endeavoring to do everything in their power which, in their opinion, will facilitate and insure the accomplishment of that end.

This, Mr. Speaker, explains satisfactorily the unyielding attitude of the Philippine Commission and of those who support its policy of inducing to come into the islands as much American capital as possible. They know that those in this country who invest their money in the Philippines in lands, in factories, in mines, or in any other enterprise will struggle and do their best to defeat any legislation purporting to recognize Philippine independence, not precisely because of their lack of confidence in the ability of the Filipino people to govern themselves and to protect the rights and properties established in the islands, but because their investments will be safer under the joint guaranty and protection of both the Philippine Government and the Government of the United States. Let me illustrate, Mr. Speaker: Suppose some one has a note indorsed by two multimillionaires, although either one of them, on his own responsibility, could at any time make good that note, do you believe that the creditor would release either of the indorsers on the ground that one is solvent? Certainly not. This would exactly be the position of the investors in the Philippines. Their investments, under the present arrangements, would be under the protection and guaranty of both the Philippine Government and the Government of the United States, which Governments are alike accountable for any injury or loss that they might suffer in their enterprise. Backing the Philippine Government there is at present the immensely wealthy Government of the United States. Do you believe, Mr. Speaker, that any one investor would ever, if he could prevent it, permit the United States to escape from its responsibility?

For this reason if we had now, or should we have, before any definite policy regarding the future connection between the Philippines and the United States is officially announced, many American capitalists interested in the Philippines, the inevitable result would be the permanent retention of the islands. In asserting this I do not for a moment, Mr. Speaker, question the honesty of the utterances made in this country by representative men, by men occupying very high positions in the Government, that the intention of the people of the United States, that the desire of Congress is to give the Filipinos their national freedom, but I do appreciate to its full extent the outcome of a situation, should it take place, when the 8,000,000 of the Filipino people on one side, without a single vote in Congress, without voice in the National Government of the United States, asking and urging their independence, are met on the other by the strenuous opposition of men in this country, powerful on account of their social position, powerful on account of their money, and having representation in all branches of the National Government. And those who are trying to induce American capital to come to the islands know better than I do what will be the result of such a struggle—the sure defeat of the holy aspiration of the Filipino people.

Now, Mr. Speaker, in order to avoid such a condition of affairs and Congress being thereby forced to do what it would otherwise not do, we want, before allowing anybody to become interested in any shape or manner in the development of the Philippines, to be informed as to whether or not the Philippines are forever going to be a colony of the United States, a State of the Union, or an independent and free nation. [Applause.]

It is not only due to the Filipino people, but it is also fair to the investor. It is due to the Filipino people because they are entitled to know their future; they are entitled to be informed what the ultimate fate of their country will be. It is fair to the investor, because he should know beforehand all the circumstances and conditions under which he is to invest his capital. Perhaps it is true, as some people have affirmed, that should the United States Congress declare that the Philippines will be free in a not distant future, such a declaration would postpone the development of the islands, because capital would not care to go where a new government is about to be established. Mr. Speaker, I do not believe myself that such would be the case, but, if so, I am perfectly frank to say that, eager as the Filipinos are to see their country develop commercially and otherwise, they would rather wait, they would rather not have capital in the islands than, because of having it, see their freedom postponed. [Applause.]

Let it be understood, Mr. Speaker, so as to disabuse the mind of any candid person that we struggle for our liberty not precisely because we dislike, much less hate, American domination, no; but because we love Philippine independence. [Applause.]

STATEHOOD IMPOSSIBLE.

It is true that if the Philippines were to become one of the States of this wonderful Nation, as at one time was proposed by a political party in the Philippines, the Federal Party, this would confer upon the islands just as much freedom as is enjoyed by any other State of the Union, which is the climax of freedom; it is also true that American citizenship is a citizenship of which any man under heaven can be proud. But, Mr. Speaker, everybody on the floor of this House knows that such a thing as Philippine statehood is but a dream. Let alone that, because the Filipinos, considering themselves a people distinct from any other, constituting a nationality of their own, the idea appeal to them, the American people for its own sake will never of linking their destiny with that of any other country does not consider for one moment the proposition of admitting the Philippines as a State of this Union. Differences in race, customs, interests, and thousands of miles of water which separate both countries are insurmountable obstacles to Philippine statehood. The idea of making Americans out of the Filipinos should appear to any sane person as utterly impossible. This, perhaps, could only be accomplished, if at all, by the emigration to the islands of at least triple the number of Americans as there are Filipinos to-day, so that in the course of several generations the Filipino race and people would be absorbed by the Americans. But nature stands firmly against this course. While our country is so charming and so beautiful that to live and die therein is a blessing, and while there is room for at least forty million more inhabitants, our tropical sun is so inconsiderate of the white people that it will never permit the Americanization of the islands. The Tropics, Mr. Speaker, can not be and never will be the country of the white man.

This being the case, to make the Philippines a part of the Union as a State would mean to bring into the Union, forming an integral part of it, with the same rights and privileges as the other States, a country inhabited by a people who constitute by themselves a separate and distinct entity, entirely foreign to the people of the United States and having with them no community of interests. What would be the result of this unnatural adjustment?

To begin with, you would have on the floor of this House representatives of a country distinct and apart from your motherland; having interests, customs, and habits different from yours, who, by their number, would hold the balance of power as between the two political parties herein represented. Now, what would happen, Mr. Speaker? Look at the House of Commons in England to-day and you will find the answer there. The Filipino representatives would be more than the Irish in the House of Commons are now—the controlling factor in the United States Congress. They would have in their hands the power to defeat or to pass any legislation that you may consider vital to the Americans on the continent, and it is more than likely that they would pass or defeat such legislation, consulting primarily the interests of their own people at home. I do not think that these obvious facts are overlooked by American statesmanship, and therefore the American people will never permit the Philippines to become a State of the Union, and I do not blame them. While knowing the sense of justice of this Nation, and that you are a liberty-loving people, we believe that you recognize our right to govern ourselves, and that you will permit us to govern ourselves we are not so sanguine as to believe that you will ever acknowledge that we have a right to govern you, much less that you will ever permit us to govern you. [Laughter.]

FREEDOM BEFORE WEALTH.

The future of the Philippines, therefore, when you face the problem as it is, dismantled of all the oratorical words of "benevolent assimilation," "altruism," and the like, stands between these two alternatives:

Either it is to be permanently a "possession" of the United States, governed from without by a Government whose powers are not constrained by constitutional limitations, for the Supreme Court has already declared that your Government in the Philippines is above the Constitution; or to be divorced entirely and completely from the United States.

As between these two alternatives, Mr. Speaker, every patriotic Filipino will certainly decide for the independence of his country. If to be free we must keep the Philippines undeveloped, if to be free we must refuse to admit foreign capital into the islands, if to be free we must be poor and remain poor, we will unanimously and unhesitatingly prefer to be poor but free than to be rich, but subjects! [Applause.] I would be ashamed of my country, I would be ashamed of myself, if such was not the definite attitude of all the Filipinos in every walk of life. And every gentleman on the floor of this House who has in his veins American blood, who has inherited from his forefathers the love of freedom, who has learned in his boyhood from the lips of his mother that liberty is the most sacred right of human beings, has to admit that such attitude is the only right, dignified, and manly one. [Applause.] Therefore, even admitting that the land laws of the Philippines are retarding the development of the islands, even admitting that the sale of friar or public lands in bulk is a wise and beneficial policy for the Filipinos—which I most emphatically deny—we would still insist that such a policy should not be adopted by Congress until a bill granting immediate independence or promising a speedy and early independence to the Philippines is passed.

To summarize, Mr. Speaker, I say the Filipinos do not want to sell the friar lands in tracts larger than 40 acres to an individual and 2,500 acres to corporations, because they oppose the exploitation of the islands as injurious to the welfare, happiness, and prosperity of the people at large, and because they do not want to sell for any amount of money the freedom and independence of their country, which to them means everything and for which they are so ardently striving. [Loud applause.]

Mr. OLMSTED. Before the gentleman takes his seat will he yield to me for a question?

Mr. QUEZON. Yes, sir.

Mr. OLMSTED. If I remember correctly, the gentleman made an argument before the Committee on Insular Affairs last year to the effect that under the organic law, the act of Congress of 1902, none of the public lands in the Philippine Islands can be sold to anyone except citizens of the Philippine Islands?

Mr. QUEZON. Yes.

Mr. OLMSTED. That is the gentleman's view?

Mr. QUEZON. I think that it is the letter and the spirit of the law.

Mr. OLMSTED. Would the gentleman be willing to have this bill amended so that the citizens of the United States could purchase the public lands?

Mr. QUEZON. Personally I would have no objection to it, provided the citizens of the United States shall be affected by the limitations of the organic act as to area. Is that what the gentleman means?

Mr. OLMSTED. Yes.

Mr. QUEZON. Under the leave granted to me by the House to print I insert as a part of my remarks an ably written article on "neutralization" by a very well-informed gentleman, Mr. Erving Winslow, of Boston, secretary of the Anti-Imperialist League, who has made a special study on the subject.

The timeliness of this article lies in the fact that there is pending before the House a resolution, favorably reported by the Insular Committee, requesting the President of the United States to enter into negotiations with the powers for the neutralization of the Philippines, as a means of protecting the islands after they shall have been granted national independence.

NEUTRALIZATION AMERICA'S OPPORTUNITY.

"Neutralization as 'the true road to a perpetual peace' (Whewell) deserves a far more general and serious consideration than it has received. It is not known that any report has been made upon the subject by the Berne Bureau International Permanent de la Paix, to which it was referred by the Peace Congress of 1904, and the doctrine has found comparatively few advocates, in spite of the fact that it contains an appeal not only to the common sense but to the imagination of mankind, while it has actually been most successfully applied for a long period of time in some notable instances. Had public opinion caused the powers within recent years to accept the doctrine it might have been beneficently applied to Egypt, Korea, the Balkan States, Persia, and various weaker peoples, whose nationality has been destroyed by arrangements made in trades and acquiesced in by the greater nations to satisfy greed and ambition or to preserve the balance of power.

"Neutralization of nations by their own act and by treaty between the great powers means the establishment, not of methods to bring about peace, but of peace itself, the beginning of a genuine crystallizing process, self-expanding and progressive. Arbitration assumes difficulties which may lead to war. It may be sought or, in many specific cases, avoided at will. Neutralization implies the noble abandonment of that sovereign right which permits of war. Its authority is the pledge of the nations, guaranteed by enlightened public sentiment.

"Neutrality is the creation of the world of Christianity. For the word neutrality the Latin and the Greek have no equivalent. The heathen nations knew nothing but the inveterate exercise of an all-embracing warfare. The idea of limiting the horrors of war to the contending forces by the abstention of neutrals was the product of the new life that was developed by the Renaissance. The statesmen and the lawyers of that time invented for the characterization of the new principle 'neutralis' and 'neutralitas,' linguistic barbarisms, interesting because they prove its novelty. Even in Machiavelli's day the precept of the Florentine seems to have been generally accepted, that a State should never be neutral, because, as he argued, in case the combatants were strong the neutral would become a prey of the conqueror, and in case they were weak the neutral would forego the opportunity to dominate its victorious ally.

"Neutrality was hardly touched upon by the earlier writers on international law. Wheaton recognizes two types of neutrality—the first, 'perfect neutrality,' which arises from the spontaneous attitude of the neutral state itself. This attitude is supposed to be controlled by international law, of which it may be noted that it is yet in such a formative state that the question has been propounded seriously whether it can properly be called law at all, having no authority to enforce its edicts and no appropriate punishments to inflict. Some writers on the subject have rested the claim for its inclusion in jurisprudence not upon the expositions of the science, but upon the definition of the author of the Ecclesiastical Polity, the 'judicious' Hooker, that law is 'any rule or canon whereby actions are framed.' It is obviously proper enough to introduce moral and philosophical considerations, therefore, into its discussions, and they are certainly pertinent to 'imperfect, qualified, or conventional neutrality,' which is the result of treaty agreement between the powers—constituting the act of neutralization—wholly beyond the operation of international judicature, if such there were. This kind of neutrality has as yet received but little expert attention. One critic asserts, indeed, that Wheaton's classification—in which Halleck follows him—can not be maintained, because the condition described in the second division might imply an agreement of the neutralized state, made before the outbreak of war, to do something inimical to one of the belligerents. Of course, Wheaton's 'conventionally neutralized' state could never be supposed to contract obligations in time of peace inconsistent with its peculiar duties in time of war, to refrain from such obligations being an essential quality of neutralization.

"Permanent neutrality is an idea of our own times, recognized first at the Congress of Vienna, in 1815. There are, indeed, a few instances of earlier and unsuccessful attempts at its application. The first was a secret article in the treaty of July 25, 1791, between Leopold II and the King of Prussia, by which Russia was invited to join in an agreement to maintain the boundaries and free constitution of Poland. This treaty, amounting merely to a recognition of the independence of the Polish State and providing in no way for its neutrality, disappeared in a subsequent agreement for the second partition. The general recess of the German Empire, following the peace of Luneville, accorded 'perpetual neutrality' to six free and independent cities—Augsburg, Lubeck, Nuremberg, Frankfurt, Bremen, and Hamburg—'so long as they shall remain members of the Empire and refrain from such hostilities as the Holy Empire might undertake in the future.' Neither of these attempts can be considered examples of true neutralization.

"The first use of the term in a treaty between several States occurs in the treaty of Amiens, in 1802, between France and her allies and England, with regard to the neutralization of Malta, which never received the ratification of the powers and is therefore only important as an expression on the part of European nations of the value and true nature of perpetual neutrality in removing territories forever from the realm of war through the means of international agreement.

"The terminology of the subject has been uncertain even in state papers and treaties, so that in the popular mind there is much confusion, the doctrine of neutrality having been even extended to cover the immunity conferred upon military hospitals, ambulances, and Red Cross representatives, now more popularly characterized as 'inviolability.'

"The name of neutralization has been loosely applied to the agreement made between the United States and Great Britain in 1817, to maintain a merely nominal force on the Great Lakes, and it seems inaccurate to apply the term to arrangements for the abstention from fortifying highways of commerce. The

assent of the great powers of Europe, and of the United States perhaps, since the Geneva conference, without protest from the smaller States, is essential to the neutralization of territory. It is this neutralization which seems the only measure that offers itself with an absolute and reasonable hope of a really solid and permanent peace.

"The development of individual liberty within the State follows the settlement of public order. With a similar progression the individual nation now seeks for the first time the opportunity for itself which may be obtained through the established comity of nations. Hitherto the neutralization of a State has been established not primarily for its own advantage, but for the safety and for the benefit of its more powerful neighbors.

"Such was the motive for Swiss neutralization. By the treaty of Paris, May 30, 1814, the limits of France were reestablished virtually as they had existed in 1792. By a separate and secret article of this treaty the disposal of the territories renounced by France in the open treaty and the conditions tending to produce a system of real and durable equilibrium in Europe were to be decided upon by the allied powers among themselves. Thus, while the treaty of Paris was made between France, Great Britain, Russia, Prussia, and Austria, the pacificatory and restorative measures were confided to the allied four great powers; France was to have no vote in the congress, which was convened by these powers in conformity with the secret article of the Paris treaty. But when it assembled at Vienna, November 1, 1814, the adroit audacity of Talleyrand and the disagreement of the allies secured for France a prominent position of influence. Eight powers actually composed the congress—Great Britain, Russia, Austria, Prussia, France, Spain, Portugal, and Sweden. Russia's claims upon Poland created a disagreement among the powers, as did the claims of Prussia upon a part of the same territory and upon the Rhine Provinces. But the final act, which Spain alone refused to sign, was agreed upon June 9, 1815. The relations of Switzerland were determined by a declaration of the powers forming the congress, dated March 20, 1815, by the act of accession of the cantons of the same date, and by the final act. Switzerland by these acts and declarations was to take the relation of perpetual neutrality, and (in order to secure this end the better) a treaty with the King of Sardinia, of May 15, 1815, provided that the Provinces of Chablais and Faucigny south of Lake Leman and all of Savoy north of the Ugines were to hold the same neutral attitude. Thus Switzerland, Chablais, and Faucigny, and all Savoy north of the Ugines were made neutral. This position of Switzerland, so constituted in 1815 for the sake of the peace of Europe, has never been changed, and the other powers have always respected its neutrality.

"Holland and Belgium were united by the congress. They were disrupted in 1830, and by the treaty of London, April 19, 1839, between Holland and the five great powers—Great Britain, Russia, France, Austria, and Prussia—the Kingdom of Belgium was formed and the condition of perpetual neutrality imposed upon it. This condition was established in order that the Kingdom might be a barrier between the rivals, France and Germany. Its integrity has been preserved. It was threatened, indeed, during the Franco-Prussian War in 1870, when Great Britain immediately concluded two conventions—one between herself, Belgium, and Prussia, and another between herself, Belgium, and France—the conditions of which were that if France violated the integrity or neutrality of Belgium, Great Britain would join her forces to those of Prussia and, mutatis mutandis, that if Prussia were the aggressor Great Britain would ally herself to France.

"The Dutch United Provinces, with the larger part of the Austrian Netherlands, were constituted into a Kingdom of the Netherlands, under the Prince of Orange Nassau, including the Grand Duchy of Luxembourg and a part of the Duchy of Bouillon. The Grand Duchy of Luxembourg was added to Holland as an independent state, becoming a member of the German Confederation, and its boundaries, established at Vienna, were changed by the act annexed to the treaty of April 19, 1839. A part of the old territory of Luxembourg was taken from the Kingdom of the Netherlands and annexed to the Duchy of Limburg. After the disruption of the German Confederation in 1866, Luxembourg was garrisoned by Prussian troops. But owing to the remonstrances of France the matter was brought before a conference of the powers in London, and by treaty of May 11, 1867, between Great Britain, Austria, Belgium, France, Italy, the Netherlands, Prussia, and Russia, the status quo ante of the Grand Duchy of Luxembourg was restored and it was made an open city (ville ouverte), while all the parties to the treaty agreed to respect its neutrality. Luxembourg, on her part, agreed to disarm and dismantle the frontier forts and all others within her boundaries—the provision of neutrality rendering them unnecessary. The city of Luxembourg was to cease being a fortified city, the Grand Duke of Luxembourg, however, being permitted to keep a stated body of troops for the police protection of his own subjects. Prussia agreed to withdraw all troops that had previously been maintained within the boundaries of Luxembourg. The Grand Duke of Luxembourg was to take all necessary steps, by virtue of his position as grand duke, to carry into effect the provisions of the treaty, and to convert the city of Luxembourg from an armed to an open city. In 1870, during the Franco-Prussian war, Prussia complained that France had violated the neutrality of Luxembourg. This caused much discussion and correspondence; the treaty of neutralization was not, however, disavowed by Prussia. Since that time the neutrality of Luxembourg has been respected by all the powers.

"It is doubtful whether the two Ionian islands, Corfu and Paxo, which were neutralized by the great powers when the group was transferred to Greece, in 1864, are otherwise safeguarded than by the obligations assumed by the King of Greece.

"The city of Cracow and its territory were made a neutral State by the Congress of Vienna, in 1815, under the joint protection of Russia, Prussia, and Austria; but it was claimed that the failure of Cracow to fulfill the obligations assumed by her—not to afford an asylum to fugitives from justice, or military deserters—vitiated the conditions of the agreement, and the city lost her liberty in 1846.

"Neutralization is not demanded to-day for the protection of the great powers from belligerent operations. The smaller and weaker States are demanding for themselves the privileges of neutralization, with the consequent relief from the dangers of aggression, intimidation, or annexation, and from the heavy burdens of militarism. In our time these privileges and their guaranty are coming to be recognized as an individual and personal right of the State. Norway has secured for herself a partial, and would desire a general, neutralization. The subject is being agitated in Holland. Many publicists in Denmark promote the effort for the neutralization of that Kingdom, which has been so ably advocated in particular by F. de Martens; and a movement was made in Santo Domingo to instruct its delegates to urge its neutralization upon The Hague. The neutralization of the Suez Canal was effected by the international convention of 1888; but the Panama Canal, though declared neutral in perpetuity by the treaty between Panama and the United States, of November 18, 1903, in conformity with the terms of the treaty between the United States and Great Britain, November 18, 1901, is to be fortified, according to a right reserved in the United States-Panama treaty for "the protection of neutrality." This fact, together with the semi-official assertion now made that the construction of the canal was a military measure, removes this undertaking, it is sad to state, from the category of peace measures through the promotion of international commerce, in which it was at first hopefully classed. It is a striking fact that the crises which have threatened the neutrality of Switzerland and Belgium have been averted in a manner which would inevitably suggest the intervention of a special Providence to one class of minds and to another furnish convincing evidence that neutralization is not a weakness but emphasizes the strength and permanency of peace.

"The greater the number of neutralized States the more remote in a geometrical ratio become the possibilities of war. The neutralized State itself renounces all idea of international contests. It exists essentially for the moral and commercial progress of its inhabitants. Such a State will be a strong advocate of disarmament and of arbitration. Of course, the people of such States must put behind them those doctrines which it was supposed that the world, and the United States in particular, had well outgrown—that war and the preparations for war are essential to manly vigor, and that when the sword is turned into the plowshare mankind will necessarily become a race of effeminate weaklings.

"The neutralized State is excluded from such sovereign functions only as concern war making and its attributes, or which may in any way compromise the position established by international law as essential to neutrality. The surrender of these functions has no meaning to the weaker States, whose reception of the great gift involves only a technical sacrifice of national dignity.

"It is exceedingly important to make a careful discrimination between protectorates and neutralization, or between limited neutralization of provinces and that of an entire country, in view of many vague discussions of this subject which have exhibited a limited grasp of its true character. It is very common to quote the failure of the protectorate over Samoa as a warning against the association of powers to neutralize terri-

tory, and the lapsing of a joint Egyptian protectorate is likewise sometimes quoted to the same effect. But as no State can be neutralized by its own ipse dixit, neither can the condition be created by action of two or three nations. As a matter of fact, such a joint protectorate is less stable, and therefore further removed from the equilibrium established by general consent, than the protectorate of a single nation by tacit consent of the other powers. The opportunity for jealousies and misunderstandings is so obvious that practical experience was hardly needed to demonstrate it, and, of course, the 'protected' nation is unlikely to have any proper opportunity to develop its own powers as an independent State. It is universal consent which is the essential element of true neutralization.

"The limited or provincial neutralization of a part of the territory of a State is likewise anomalous, and its non-success furnishes no argument against the fulfillment of the true ideal. The acquisition of Savoy by France in 1860, ratified by a plebiscité, broke that Province away from the neutralized territories of Switzerland, of which it formed a part by the Vienna and Paris treaties of 1815; and although the French Government recognized that some limitations upon the rights of sovereignty still restrained Savoy by assenting to Switzerland's remonstrance against fortifications of the frontier, the guaranty of neutralization has not been maintained by the treaty powers.

"An important consideration, of course, is that a weak neutralized State may be unable to fulfill the responsibilities which are ordinarily attached to the position, notably to prevent a belligerent from using its lands or harbors or from making them a basis of hostile operations. In the method suggested, of converting the weaker nations into neutralized States, we must revert to the basis of what Whewell calls 'international jus' rather than to any existing code of laws. It must be assumed that the State, being divested of all means of forcible resistance, as is implied by her amicable attitude, is unable to resist such violations of her territory. It would not ordinarily be desirable that one great nation, by individual action, should intervene to control both belligerents, as Great Britain did in the case of Belgium, previously mentioned, for the association of the neutralizing powers implies that though two or more might be engaged in war they are all enlisted to preserve the sancity of the contract, irrevocable except by general consent, to maintain inviolate, as against any one or any group of them, the neutralized territory. The establishment of this attitude implies a permanent comity of nations to maintain the peace, at least in neutralized territories.

"As in the limit as to time afforded by the truce of God, or like that which was vainly attempted by the Vatican to give pause to the impending war between the United States and Spain, so the limit placed by territorial lines must exercise an important influence upon the forces which make for war. If the whole movement toward the establishment of international law is based upon the progress of humane and moral ideas, it is no mere chimerical aspiration to regard as hopefully possible the largest increase of its sanctions in this direction. Every year in which the great powers stand associated, even though prompted at first by mutual jealousies, as sponsors for the peace of portions of the world's territory, the more firmly established is the precedent, crystallizing into a rule of international law, that a State once neutralized must so remain. That the great powers, whatever temporary disturbances may arise between some of them, would all stand together for the guaranty established by them all in perpetuity thus becomes more and more probable. It is easy to see what an important influence may be exerted upon war-like motives by this underlying and common pledge of a protected peace, growing deeper and stronger as the spheres in which it prevails become larger and more numerous. That objections by neighboring States, and perhaps in other quarters, may be raised to the neutralization of territory is conceded, but it is perfectly obvious that these objections have proceeded from selfish and narrow motives and may disappear with a larger political consciousness which looks to the reign of peace and of law.

"The most interesting aspect of neutralization, however, is its application to the undeveloped nations, the people of the East and of the tropical countries. National consciousness is awakening through the general progress of enlightenment, and especially under the impulse which has followed the entrance of Japan among the world powers. In the Philippine Islands we are daily fostering it by an extensive educational system. The movements and the demands of commerce and industry in the present conditions are inflicting heavy and still heavier burdens upon the dependent peoples, whose interests are often ruthlessly sacrified to the requirements of exploitation. It is difficult to believe that this growing national consciousness and the desires and ambitions which accompany it will long be content with control by any sort of foreign rule.

"Is it not the part of those who make a study of international law to anticipate and to provide for that extension of it which may furnish some orderly and methodical system for the transition of possessions, dependencies, and some of the colonies to the self-governing attitude which, before long, will be claimed by those now living under more or less enforced tutelage? One eminent authority, Sir Thomas Barclay, in his recent valuable monograph, 'Problems of international practice and diplomacy,' observes:

"Might it not become a principle in the public law of Europe, following more or less on the lines of Articles X, XI, and XII of the general act of Berlin of February 28, 1885, that any nation or self-governing colony shall be enabled, on fulfilling certain conditions, to claim neutralization?

"Sir Thomas Barclay even provides a scheme for 'a form of agreement as to the proclamation of neutralization.'

"A famous divine, whose interpretations of Christian principles seem to be based on the assumption that the Scripture text that their fruit 'is not peace but a sword' was a statement of justifiable action instead of a prophetic warning, has summed up the matter as follows: He asserts that the 'civilized' peoples, who are alone fitted to develop and expand the resources of nature, are the 'ox' which is entitled to the manger and to its contents, and from these the heathen 'dog,' if he is in the way, should be forced to retire. Unfortunately, these 'civilized' people of the Temperate Zones, although able to plan methods of administration and development, are unable themselves to perform the manual labor demanded, which, even if it were not climatically impossible for them, would be altogether too expensive. Thus, in the pressure for rapid development, the native inhabitant must either perform the necessary labor at the price which permits a profit to his 'benefactor,' as it is customary to call his owner, or he must go to the wall. The alternative is, of course, that the peon or the coolie is imported to perform the work demanded.

"Much has been said of the excellent administration of Siam and the Straits Settlements. Yet it is the fact that by imported labor the natives are almost completely shut out from industrial opportunity. In South Africa this menace has aroused remonstrances which have moved the British Government to efforts to restrain the introduction of foreign labor at the expiration of engagements already entered into. Jealous as the great nations and their colonies are of the entrance into their territories of such labor as the Chinese and other alien races supply, even rigidly excluding, as is done by the United States, the entrance of any form of it under contract, the weaker peoples have been subjected to the competition of imported labor almost without restraint. We should prepare for the day when the ægis of international law may be so extended as to protect, as their protest makes itself heard, the nations who are suffering in a manner that must otherwise lead to their final extinction.

"It is true that some generous and voluntary guidance might be beneficial and might even be sought by the weaker peoples in their national evolution. But this should be given beyond the sphere of international law, whose function is to protect them from and prevent that kind of interference which tends to crush the national life. Before the establishment of those maxims and rules which have developed with the growing comity of nations, the stronger was free to conquer the weaker, to destroy its property and to slaughter its people. While recognizing the advance toward a better day, is there such an advance in the actual state of the relations between the more powerful and the weaker, under the guise of a benevolent trusteeship, as might have been anticipated? We are fully aware, to be sure, that the scientific process of evolution which demands the survival of the fittest might seem to be retarded by an effort to strengthen and support the feeble among the nations. Who shall decide that any race of men has no capacity to use, no value in the scheme of the universe? While progressive philanthropy and all the beneficent influences which are commonly denominated Christian, and the institutions of jurisprudence themselves, do not hesitate to defy the scientific theory in the case of the feeble individual, its dictum is not likely to hinder the growing demand for a similarly benevolent treatment of the affairs of feeble nations.

"Neutralization would recognize the individual right of the nationality to its own existence and to its own progress, though that progress might be less rapid than expected by the civilized world, and certainly much slower than would be desired by the greed of the exploiter. It is for the law of nations, like the ordinary laws of society, to recognize, to respect, and to secure individual liberty. Slavery only knows no law. The

whole theory which has prevailed under the name of trusteeship implies the assumption that the beneficent influences of civilization could be extended only through the form of ownership, without which no moral, social, and commercial influences would exert any considerable effect. With such an object lesson as Japan before its eyes, the world can hardly deny that the growth and development of self-government is possible without ownership, guardianship, or protectorate. Had Admiral Dewey sailed away from the Philippine Islands as Commodore Perry sailed away from Japan another national life in the East, with a proper security, might have grown well toward an acknowledged maturity.

"Of course it is not to be expected that the land hunger of the more densely populated countries will soon be removed by an outflow of emigration to independent countries or that the great nations will very willingly part with their colonies and possessions. But may not a time come when there will be recognized the freedom of individuals to go to places where their labor is needed and where they can be assimilated, subject only to the control of their hosts, the natural owners of the soil? National barriers are not a hindrance to the free movements of persons, as they are to the exchange of articles of commerce, and the recognition of the rights of humanity beyond the limits of nationality will really tend to strengthen rather than to weaken the nations. The experience of the world has proved that, though colonial enterprise may have been profitable to a few individuals and a limited number of interests, it has often been prejudicial rather than advantageous to the parent country. Friendly alliance and free commercial intercourse are of mutual benefit, and the phlebotomy of emigration has relieved the nation which is suffering from the plethora of a congested population, while it has assisted and stimulated the development of sparsely settled states.

"It is obvious that the unrest which manifests itself in the subject State, however diplomatically it may be met, is unlikely to be allayed. The demands of Egypt, of India, and of South Africa are sure to become more and more insistent. In fact, the ruling State, even if not forced to relinquish its control through sheer financial and physical inability, will probably be obliged, sooner or later, to conform to the growing sense of justice among its own people and to take measures to set adrift its ambitious dependency. The new school of thought in England is recognizing the possibility of ultimately freeing its subject peoples and the duty of giving them now larger and larger measures of local self-government. When the time comes for their graduation into the ranks of self-governing nations, since they can not have sufficient strength for defense, obviously the parent nation could hardly fail to see that they were given proper protection. How could this be so adequately effected as by a request to the other powers that they should join with it in the establishment of a permanent neutralization for the new States? Of course this does not imply a severance from the world at large in those ways in which the interests of commerce, missionary zeal, the spirit of humanity, and international brotherhood exert themselves, without regard to definitions of sovereignty. It may be conceded that it is as true of philanthropy and Christianity as it is of trade—that they do not 'follow the flag.'

"Individual service would not be wanting where it was needed, like that which Gordon gave in China and which has been rendered to many another nation by less well-known lovers of their kind, neither for greed, ambition, nor love of power. The brotherly love, such as Stevenson manifested for his Samoans, would never be found wanting though the clamors of selfishness were silent when the need for help made itself heard. Are we to suppose that all the beneficent influences that are now being exerted in the Philippines, for instance, are being done for pay or from national pride—that Bishop Brent and all his fellow workers would cease their efforts if the Philippine Islands were to be made a neutralized State? From the evidence given by the inhabitants during the period of the government at Malolos it is obvious that eagerness for such help was latent there and that it was eagerly welcomed and supported. It can not be forgotten that officers captured from our Army during the war of defense conducted against the United States by the Filipinos were paroled and hired to teach in the native schools.

"The basis of the idea of neutralization as applied to the weaker peoples, of course, rests upon a confidence in self-development and is a direct outcome of true democratic principles. It is to be believed that in spite of temporary curves downward, these principles are, on the whole, making a continued upward progress. It is undoubtedly true, as has been said, that, waiving its effect upon the native inhabitants of the soil, material progress is more rapidly stimulated by the sovereignty of the more developed nations. An indefinite rapidity of development is, however, not altogether desirable, as is evidenced by the recurrence of the financial and commercial crises which we call panics. Fostered by artificial trade regulations and the ingenuity of great financiers and captains of industry, feverish periods of speculative activity are followed by the cold fit in which the patient shudders in despair, and a great recession takes place from the overhasty advance. The lesson which the world is gradually learning from the results of intense and hasty greed, far overpassing the benefits which its enterprises are supposed to bestow, would be reenforced by the example of independent States pursuing their course under methods which lack the intemperate fervor of western exploitation. It is undoubtedly true that the people of the tropical countries, unaffected by the influence and example of the energetic residents of the Temperate Zone, might have rested content with their easy opportunities for procuring the simple necessaries of life.

"If peoples thus conditioned were to have been allowed at a remote period to enter the family of nations by such a process as neutralization, they might have remained satisfied with the exchange of such natural products as their lands afforded for the few articles required to supply their needs, manufactured by people of a higher development. But as the matter presents itself to-day, contact with the world has planted the seeds of ambition among these peoples. Their needs and their desires are increasing with the growth of national consciousness and their movement toward independence. Such countries of their own initiation could never supply the field or offer an opportunity for large manufacturing enterprises, and there would therefore be no inducement for them to erect tariff walls. The effect upon the equilibrium of trade would be indisputably excellent, a natural export consisting of local products and an import to a moderately increasing degree of the products of manufacture required by the growing wants of an advancing civilization.

"We have in the United States some continuing faith in what is called the Monroe doctrine, which, from whatever motive it was established, is supposed to secure for the States of the South American Continent conditions which may in a sense be called those of neutralization. But besides the fact that the intrusion of the United States into the Eastern Hemisphere has undermined the foundations of the doctrine in the view of many authorities on international law, no assertion of such guaranty as the Monroe doctrine is supposed to furnish should be made by any single State. This guaranty by a single State can not be viewed as a world-peace measure. In fact, it may easily be provocative of war. The great rival powers, each maintaining that it alone is the true arbiter of peace and that its sovereign will should be the supreme arbiter in cases of territorial differences and dispute, are competing to lead in military and especially in naval strength. The United States it is now claimed has not only to maintain a navy sufficient to defend its possessions in the other hemisphere, but to guard against aggressions upon its own home territory and upon the whole South American Continent. But with neutralized territory no longer cause of difference or dispute, the naval forces would be released or could be converted to police duty. In the ideal conditions of international law and practice a small "union navy" of this sort would be the substitute for the futile and wasteful expenditures of our menacing naval armaments.

"It is possible, of course, that a neutralized nation might fail to develop any kind of orderly government for a long time, that there might be violence and bloodshed, and that the government established more or less permanently might be an oligarchy or a despotism. The free will of nations is as respectable as the free will of individuals. We do not attempt to restrain the liberty of the individual, even though we think he might be governed much better by others than he is able to govern himself, unless he interferes with others' rights and liberties. Neutralization recognizes the free individuality of the State and that its affairs should not be directly controlled by foreign nations or indirectly controlled by them, as is the case when the burden of militarism is laid upon it by its liability to attack. The present situation may be not inaptly compared to that which would exist if the protection of the law exerted by common consent were removed and the weaker individual, who could not protect himself by his fists, were forced to go about armed to the teeth to defend himself from possible assaults upon his person.

"No discussion in the United States of the subject of neutralization can be made without recalling the fact that at the first participation of this country in the councils for the great powers Mr. John A. Kasson, in her behalf, at the Berlin West African Congress, urged the neutralization of the territories comprising the conventional basin of the Kongo. The congress, although

deeply impressed by Mr. Kasson's arguments, refused to enter into a compact which might, in case of war, deprive the belligerent of the means of attack, although a recommendation was adopted that the parties which might be concerned in a future act of war should establish and respect the neutrality of these territories.

"Many publicists have suggested the plan of neutralization to be applied to the Philippine Islands when the independence which is contemplated for them shall come to pass. When this independence is granted, it will be necessary in some sort to provide for the undisturbed preservation of the national life. The idea of neutralization was propounded by James G. Blaine more than a quarter of a century ago, when in 1881 he made this statement in behalf of the Government of the United States:

"It firmly believes that the position of the Hawaiian Islands as the key to the domain of the American Pacific demands their benevolent neutrality, to which end it will earnestly cooperate with the native Government.

"And it was only as an alternative that the astute statesman added that—

"if through any cause the maintenance of such a position of benevolent neutrality should be found by Hawaii to be impracticable, this Government would then unhesitatingly meet the altered situation by seeking an avowedly American solution for the grave issues presented.

"Had the perpetual neutralization of the Sandwich Islands been established by the consent of all the great powers, the first step might not have been taken in a direction which is still regarded very much as it was regarded when Mr. Fish wrote, in 1873:

"The acquisition of territory beyond the sea, outside the present confines of the United States, meets the opposition of many discreet men who have more or less influence in our councils.

"Mr. Edwin Burritt Smith, many years ago, in the early days of their struggle for independence, urged the neutralization of the Philippine Islands. At a later date, Mr. John Foreman, who has made many valuable contributions to the discussions of Philippine affairs, declared that if, when she—

"destroyed the protecting power of Spain in the Philippine Islands, the United States had practically said to the Filipinos: 'You are henceforth a free people; work out your own destiny; for no nation which has become great was ever made; it made itself. We will from this moment endeavor to persuade all the great powers to join us in declaring your independence and neutrality'—if that had been America's attitude, then the world would have hailed such unprecedented mutual self-abnegation, and the powers might probably have agreed to America's proposal.

"In an able argument before the Committee on Insular Affairs of the House of Representatives, April 6, 1906, in support of a joint resolution introduced by the Hon. Samuel W. McCall in the House, January 4, 1906, Mr. Moorfield Storey said:

"That it is feasible to obtain such an agreement for neutralization is, I think, hardly doubtful. In the first place, if we ask the powers of the world to make this agreement with us, we are not asking them to give us anything. The Philippine Islands in their eyes now belong to us. They are not subjects for foreign aggression. To interfere with them means war with us, and that is what no foreign power is at present seeking. Therefore, when we ask them to agree, that we decide that it is proper to give the Filipinos their independence, they will keep their hands off. We are asking them to give nothing. The request, if made now, is made at a peculiarly favorable time. There never was in the history of the world a time when the friendship of the United States was so much desired by everybody as it is at this moment. There are many of us who come down from a former generation who remember the time during the Civil War when the relations between this country and England, this country and France, this country and Germany were strained; when we felt that we were constantly living under the shadow of their interference in our affairs; when the greatest service that could be rendered was to persuade them to keep their hands off; and the feeling in this country against those nations was extremely bitter. But to-day Japan certainly wishes to coöperate with us, and she recognizes the friendship that we have shown her in the recent war with Russia. Russia would be anxious to be our friend if possible, and a reformed Russia will find us warmly her friend. Germany has shown her desire to be friendly with us by her recent action about the tariff. France and England are certainly each anxious to preserve their present relations with us; and if this country were to ask them simply to make this agreement, I am perfectly certain that there would be no objection. If we said that we wanted this thing we should get it.

"A citation may well be made from an able address delivered by the Hon. Albert E. Pillsbury, formerly attorney general of Massachusetts, at a meeting held in Faneuil Hall, Boston, a few years ago to discuss the subject of the neutralization of the Philippine Islands:

"The proposed neutralization means that the United States shall invite the principal powers to join with it in a treaty agreement, setting the islands apart from conquest and binding the inhabitants to abstain from offensive warfare, with a recognition and, if the usual practice is followed, a guaranty by the contracting powers of their independence whenever conceded by the United States. In short, neutralization means that the islands shall not molest nor be molested by any other power, and that the nations will recognize and protect their independence whenever they are made independent.

"* * * The great merit of neutralization appealing alike to people of all views upon the Philippine policy, is that it clears the path of the most formidable difficulties in the way of working out, to whatever result, the problem that confronts us there. Some advantages at once to be gained by it are apparent at a glance. It permanently removes the islands from the theater of war—a sufficient end in itself, if there were no other. It thus relieves the United States from maintaining a great naval and military establishment in order to be prepared at all times for their defense. It avoids the first and chief objection always urged against independence—that, if given their freedom, the islands will at once fall a prey to some foreign power or powers.

"Public opinion as expressed to-day in Congress is supporting the declaration long ago made by executive officials of the United States of our purpose to prepare the Filipinos for self-government and entire independence. When that preparation is accomplished, neutralization of the territory of the people to be enfranchised would seem to be only a proper complement to the grant of self-government and independence, and would be necessary, indeed, to make it effective.

"Here is a reasonable and practicable method of availing ourselves of existing conditions, unlike many peace movements, which design plans for a beautiful machinery whose working presupposes a converted world and a sublimely elevated public opinion. Reformers may be in the best sense opportunists. The peace movement need not scruple to avail itself of the jealousy of the nations concerning territory which each anxiously covets, yet perhaps still more anxiously desires to keep from others by persistently urging that they should agree to leave it to itself under the ægis of a joint guaranty. How impressive would be the example of the prosperity and progress of the Philippines and their people, benefiting by the advantages which the civilization of the more advanced nations would offer in exchange for the opportunities freely furnished for the development of their resources by foreign capital and commercial exchanges—opportunities sought in generous competition by the world.

"Freed from the burdens of a military establishment and favored by the security of a guaranteed and lasting peace, the islands would be irresistible object lessons and effect in a generation more than the eloquence of the idealist is likely to effect in centuries of pleading for the general and voluntary abrogation of this element of sovereignty among the great powers. Why should not the United States, in setting the Filipino people upon their feet, free and independent, use its good offices to negotiate a treaty with the other great powers, adding the islands to the list of those fortunate countries that are forever freed from the peril of foreign war and foreign conquest?

"Whether the next step toward neutralization comes from the initiation of a great power like the United States or eventuates from the counsels of some general congress called for the adjustment of the territorial problems which arise at the conclusion of great wars, the event would be hailed with enthusiasm by all sincere lovers of peace everywhere."

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Mr. MORSE of Wisconsin. Mr. Speaker, of course the question of the ultimate disposition of the Philippine Islands is not before the House at this time. The Delegate from the Philippine Islands has characterized the suggestion of statehood as an idle dream. I want to say that, in my opinion, after listening to the eloquent words of the Delegate from the Philippine Islands, this House would be pretty nearly ready to admit these islands to statehood. I do not believe the statement he makes that the possibility of their being admitted to statehood is a dream is true. I propose, when this question comes before the House, to offer an amendment, and in the place of permitting an independent government there promise them ultimate statehood. I believe that when the membership of this House considers that question they will not vote in favor of the proposition which is suggested in the resolution which we will be asked to consider hereafter.

Now, Mr. Speaker, I desire to call the attention of the House to the bill under consideration. I am going to support it, but I hope the House will amend it.

The 60,000,000 acres of land which came to this country by cession of the islands to the United States, of course, constitute a part of our public domain. Now, we permitted the Philippine Islands to sell that land—dispose of it in homesteads—and put the money into the Philippine treasury. We have not, however, given the title of these public lands to the Philippine Islands by any means. It is still in the United States of America.

A little while after the cession of these islands it was discovered that there was a large corporation in the Philippine Islands—two or three of them; religious orders—that held, in round numbers, 400,000 acres of land. There was a feeling of distrust; there was considerable trouble; the friars had been driven off the land; they owned it and they wanted to go back to it. The Philippine people objected, and the question came up as to the proper disposition of the land.

It was finally determined, and wisely so, that the Philippine Government should purchase the land from these three orders of friars. The land was purchased at an expense of about $7,000,000. The question then arose as to the disposition of the land. They became public lands of the Philippine Islands, and I believe the most, if not all, the members of the committee and people prominent in the affairs of the Philippine Islands supposed that these lands would be disposed of just the same as other public lands were disposed of, namely, only 40 acres to any one individual and 2,500 acres to any one corporation. I speak of acres although the law says hectares.

The Attorney General construed the law otherwise, and held that these lands could be disposed of in large amounts if it was so desired. The larger part of it was so disposed of in large amounts. What was the result? The result was that we permitted these people to purchase these lands from the friars in order to get rid of absentee landlordism, in order to cut the land up into smaller tracts, in order that the Philippine people might live on the lands, might carry them on. What happened? The Government commenced selling these lands in very large tracts, and they went to people who were at that time officers of a corporation now known as the Sugar Trust. I want to quote a few sentences from one of President Taft's statements before the committee when this matter was under consideration:

> Nor would I regard it as a beneficial result for the Philippine Islands to have the fields of those islands turned exclusively to the growth of sugar. The social conditions that this would bring about would not promise well for the political and industrial development of the people, because the cane-sugar industry makes a society in which there are wealthy landowners holding very large estates with most valuable and expensive plants and a large population of unskilled labor, with no small farming or middle-class tending to build up a conservative, self-respecting community from bottom to top.

Now, what have we done and what have we been doing? We have been taking these lands away from this great corporation, these three big organizations of friars, and turning them back and permitting them to go into the hands of another big corporation—the Sugar Trust.

Mr. OLMSTED. Oh, no.

Mr. MORSE of Wisconsin. The gentleman from Pennsylvania says "Oh, no," but I say "Oh, yes," and my authority is just as good as his. The lands do not go to the Sugar Trust directly, but to the officers of the Sugar Trust. They were officers at that time.

Mr. OLMSTED. They are neither officers nor stockholders in the Sugar Trust, but, on the contrary, they are the bitter opponents of that trust.

Mr. MORSE of Wisconsin. Not at the time the testimony was taken, but at the time the sale was made. They were then officers of the Sugar Trust.

Mr. TOWNER. Will the gentleman yield?

Mr. MORSE of Wisconsin. Not at this time. I want to state this proposition. It is proposed by this bill to prevent the sale of this land in larger amounts to any person than 40 acres and to any corporation than 2,500 acres. That land is adapted to the raising of sugar cane, and if we permit the sales to go on in large amounts, as has been done, the result will be that, instead of an absentee landlordism in which the landlords were the religious monks, we will have an absentee landlordism in which the landlords are the sugar people. That is the condition. This bill, so far as it goes, will tend to correct that condition, because it will put the Philippine public lands known as the friar lands in the same class as the other public lands, and it will for a few moments only, as reckoned in the life of a nation, prevent that condition.

I want to call attention to what I believe is the crux of the whole situation. The organic act provided that no agricultural corporation should be permitted to secure or acquire more than 2,500 acres. It could not acquire more than 2,500 acres from the Government or from private people, but the act did not provide that no person could acquire more than 2,500 acres. What is the result? The corporation can not buy up all the lands in the Philippine Islands, but the people who compose the corporation may. The stockholders, directors, and officers of the corporation, under the law as it exists to-day, can evade that law by buying up the lands in the Philippine Islands, and create there large landed estates on which sugar is produced.

The proposition that I tried to have the committee adopt when this bill was up for consideration before the committee was that we put a limitation upon the amount of land that a private individual could acquire. Under heaven, what is the sense of preventing a corporation from acquiring more than 2,500 acres and permitting officers of the corporation to acquire 10,000,000 acres? I tried in committee to get that put on this bill, and I am going to offer the amendment from the floor of the House this afternoon. I do not see how any man can object to it. If it is bad, if it is evil, if it tends toward the development of these great plantations with their attendant serfdom, which always follows the development of a great sugar corporation, to do that, why is it not equally bad for the officers of the corporation to do it?

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. MORSE of Wisconsin. With pleasure.

Mr. LONGWORTH. Would the gentleman say how much of the total output of sugar in the Philippine Islands is produced outside of the island of Negros?

Mr. MORSE of Wisconsin. I can not say.

Mr. LONGWORTH. Is it a large portion?

Mr. MORSE of Wisconsin. I do not know.

Mr. KENDALL. Mr. Chairman, will the gentleman yield for a question?

Mr. MORSE of Wisconsin With pleasure.

Mr. KENDALL. Will the gentleman put into the RECORD the names of the people who have acquired these large tracts of land?

Mr. MORSE of Wisconsin. They are already in the RECORD, I believe. If not, I shall be glad to put them in.

Mr. KENDALL. And how much each has acquired?

Mr. MORSE of Wisconsin. That is in the report, but I will be glad to put it into the RECORD.

Mr. LONGWORTH. Mr. Speaker, the reason I asked the question is because my impression was—certainly it was so when I was in the Philippine Islands myself—that practically the entire output of sugar came from the island of Negros, and I did not know whether since then, by virtue of the operation the gentleman has described of people acquiring large tracts of the friar lands, large amounts of sugar were produced outside of that island.

Mr. MORSE of Wisconsin. I am not sure about that, but I do know that this land was purchased with the object of establishing large sugar plantations, and the hearing before the committee brought out the fact they were developing, in at least three instances, sugar plantations on this land which was purchased in violation of what everybody supposed the law was.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. MORSE of Wisconsin. With pleasure.

Mr. TOWNER. The tract that was acquired by these gentlemen who represented the Sugar Trust, as it is assumed, was what is known as the San Jose estate, was it not?

Mr. MORSE of Wisconsin. That was one of them.

Mr. TOWNER. Was it not the only one?

Mr. MORSE of Wisconsin. Acquired by the officers of the Sugar Trust?

Mr. TOWNER. Yes.

Mr. MORSE of Wisconsin. Yes; I think that is the only one acquired by the officers of the Sugar Trust.

Mr. TOWNER. And that contained about 56,000 acres of land.

Mr. MORSE of Wisconsin. Something over 50,000 acres.

Mr. TOWNER. So it should be understood by the House that no large portion of this tract of 400,000 acres has been disposed of to the people of the Sugar Trust.

Mr. MORSE of Wisconsin. The gentleman has admitted that nearly 56,000 acres in one tract has been disposed of to these people who were at that time officers of the Sugar Trust.

Mr. JONES. I will say to the gentleman, it is 56,210 acres.

Mr. MORSE of Wisconsin. And now that it not the only large sale of land to one person or to one corporation. If the Members of this House will turn to the views of the minority and look on page 3 they will find an account of a large number of sales.

Mr. JONES. Will the gentleman permit a suggestion there?

Mr. MORSE of Wisconsin. With pleasure.

Mr. JONES. I would like to say to the gentleman that the commission also sold a very large tract to another individual, but for some reason that sale was not consummated. The contract of sale was duly executed, but the proposed sale was not consummated.

Mr. MORSE of Wisconsin. Now, I wish the chairman of this committee would consent to an amendment to this act at this time which will prevent the sale of any public lands in these islands to individuals or prevent the acquiring by indivduals of a tract of land—oh, put it high enough—in excess, say, of 2,500 acres. I believe if he will do that he will do a thousand times as much for the people of the Philippine Islands as he will when he passes this bill in this House.

Mr. JONES. Will the gentleman yield for just a suggestion?

Mr. MORSE of Wisconsin. With pleasure.

Mr. JONES. As I understand the law now, it prohibits any individual from holding more than 16 hectares, or 40 acres, of land——

Mr. MORSE of Wisconsin. From holding?

Mr. JONES. I mean from buying more than 40 acres of any public lands.

Mr. MORSE of Wisconsin. Yes.

Mr. JONES. More than 40 acres of land, and it is my contention that the same restrictions apply to the friar lands that apply to the public lands. It is the purpose of this bill to remove any doubt which may exist upon this subject. No public lands have been sold to individuals in excess of 40 acres. The sales made in excess of 40 acres have been of friar lands.

Mr. MORSE of Wisconsin. We do not know whether that is true or not.

Mr. JONES. And they bought friar lands because the commission held that the limitation did not apply to them. It is the purpose of the bill to make it clear that the limitations apply to all lands owned by the Philippine people.

Mr. MORSE of Wisconsin. Then go one step further and prevent an individual from acquiring from the Government or from anybody more than 2,500 acres of land.

Mr. JONES. Does the gentleman believe that it is within the power of Congress to prevent an individual from buying 10 acres from another individual?

Mr. MORSE of Wisconsin. I do.

Mr. JONES. I seriously doubt that.

Mr. MORSE of Wisconsin. I will put in the RECORD some cases, particularly one in the State of Minnesota, which I have not here with me on the floor this afternoon, not knowing that this bill would come up, some decisions which to my mind hold clearly that in the public interest the sovereign government can prevent the acquiring for any purpose of lands larger than a certain amount.

Mr. JONES. By a corporation or an individual?

Mr. MORSE of Wisconsin. By an individual as well as a corporation.

Mr. MADDEN. I was wondering whether the gentleman believes that if I own 40 acres of land in the Philippine Islands I did not have the right to sell that land to some individual who wished to buy it.

Mr. MORSE of Wisconsin. If the individual did not own so much land that the ownership was dangerous to the public welfare.

Mr. MADDEN. If the idea of the gentleman were carried out to its logical conclusion nobody would be able to sell any property they happen to own in the shape of land.

Mr. MORSE of Wisconsin. Not at all.

Mr. MADDEN. Unless they sold it to some person who had no land prior to the purchase.

Mr. MORSE of Wisconsin. Who did not have less than the amount prescribed by law.

Mr. JONES. If the gentleman will permit. If a man owned 1 acre of land and another man owned 40 acres, and the man owning 1 acre bought the 40 acres, that would give him 1 acre more than the amount prescribed by law.

Mr. MORSE of Wisconsin. I would not put the limitation as small as this.

Mr. JONES. Suppose it were 80 acres, would it not be the same thing?

Mr. MORSE of Wisconsin. Say 2,500, and it would be the same thing. I do not ask anything unreasonable. The object of this whole legislation is to prevent absentee landlordism and the acquiring of large tracts of land to be used for sugar plantations, because that sort of thing tends to the creation of two classes, a landlord class and a peon class, if you choose to call it such.

Mr. TOWNER and Mr. FOWLER rose.

The SPEAKER. To whom does the gentleman yield?

Mr. MORSE of Wisconsin. I yield to the gentleman from Illinois.

Mr. FOWLER. I desire to ask if there is any limitation under the law governing the sale of real estate in the Philippine Islands, to prevent corporations from owning an unlimited number of acres.

Mr. MORSE of Wisconsin. Yes; a corporation is prevented from acquiring from any source more than 2,500 acres; that is, an agricultural corporation.

Mr. FOWLER. What is there to prevent an individual from selling his land to a corporation?

Mr. MORSE of Wisconsin. Why, the law itself. If the corporation has 2,500 acres it can not acquire a larger amount than that.

Mr. FOWLER. Is that the limitation which is placed upon the acquirement of the corporation in the islands?

Mr. MORSE of Wisconsin. It is.

Mr. FOWLER. And it can not hold any more land than that 2,500 acres?

Mr. MORSE of Wisconsin. That is the limitation. But the individual can do so, and that is what I am trying to point out to this House.

Mr. FOWLER. One other question. I understand that the limitation placed on these lands—125,000 acres—is 40 acres to the individual. Is that true?

Mr. MORSE of Wisconsin. That is the amount that an individual can purchase directly from the Government; yes.

Mr. FOWLER. Why make a distinction between the amount that a corporation can acquire and the amount that an individual is permitted to acquire?

Mr. MORSE of Wisconsin. It came about in this way: The House placed it at one figure and the Senate at another, and the 2,500 acres is a compromise, the idea being that it took a large number of acres of land in one ownership for the establishment of a paying sugar plantation. Now, in places where tobacco is raised that is not true, but in the places where sugar is the principal crop it was decided by the conference committee and finally passed by both branches of this Congress and fixed at 2,500 acres.

Mr. FOWLER. Do you not think it is unwise to allow a corporation to own real estate and get into the agricultural business?

Mr. MORSE of Wisconsin. I think the gentleman raises a very close question. I think probably it would not be possible, either in the Hawaiian Islands or in the Philippine Islands at this time to produce sugar at all unless a large amount of land was permitted to be held in one ownership.

Mr. FOWLER. One other question. Is it not a fact that the great industrial business of this country is done now by corporations?

Mr. MORSE of Wisconsin. I think so.

Mr. FOWLER. If you permit corporations, then, to own real estate and engage in the agricultural business, would it not inevitably lead to the same condition in the ownership of land and in the cultivation thereof for agricultural products?

Mr. MORSE of Wisconsin. I think it is quite possibly true.

Mr. FOWLER. Is not that a dangerous thing to the poor people of this country in acquiring homes for themselves and their families?

Mr. MORSE of Wisconsin. I think the gentleman is quite likely correct. Now, Mr. Speaker, I do not desire to take any more of the time of the House.

Mr. TOWNER. Will the gentleman yield?

Mr. MORSE of Wisconsin. With pleasure.

Mr. TOWNER. I would like to ask the gentleman whether he thinks the practice with regard to the restriction of the individual ownership of land ought to apply to other Territories that are under the control of the United States Government?

Mr. MORSE of Wisconsin. It ought to especially apply to the Philippine Islands. Most of the other Territories, like Alaska, are not sugar-producing Territories, and it is on account of this fact and on account of the social conditions, that President Taft points out, which arise from the sugar business, that I would insist, in these islands particularly, that that limitation should apply. I do not believe there is a bit of difference between the lands acquired by purchase from the friars and lands acquired in any other way, and I do not believe, so far as the policy is concerned, that we should make the slightest bit of difference in the handling of those lands. They are all public lands. They are all to be disposed of by the Philippine government, and the mere fact that the Government owes something on them cuts no figure in this case whatever.

I believe this bill should be passed, but it should be amended as I have suggested. It will do some little good if it is passed in its present form. It will put off for a few years the fatal day, but now is the time to take the step. We have the bill here, we can amend it at this time, we can put it through the House to-day, and we can settle this question forever. And I sincerely hope the chairman of the committee will accept the amendment. [Applause.]

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED] is recognized for an hour.

Mr. OLMSTED. Mr. Speaker, the Government of the United States has given to the people of the Philippine Islands more generous treatment and a more liberal, more wise, and more beneficent government than any other country on the face of the earth ever gave, under similar conditions, to any dependent colony, province, or territory. We have restored peace and good order, which they had not enjoyed for many years, and have afforded and given to life and property a protection and safety unknown during all the previous history of the islands; we have given them a government in which they have had a greater participation than they ever had in government before; we are endeavoring to conquer the illiteracy which prevails in the islands, and under our rule more than 9,000 teachers are now teaching nearly half a million scholars; we have improved their roads and helped them to many public improvements; we have increased and improved sanitation and hospital facilities, and have very materially reduced their death rate; and while doing all these things we have restored their finances to first-class conditions.

Now, as often happens under such circumstances, benefits have to be bestowed and wise measures enacted over the protest of some or all of the people to be benefited. The passage of this bill would prove greatly to the detriment of the Filipinos. Its defeat will be greatly to their advantage, and yet if we do them the favor of defeating it we must do so, it appears, over what seems to me the very unwise protest of one of their representatives upon this floor—the eloquent gentleman who has just addressed you and whose ability I concede. If the people of the islands were all of his class there might be better reason for the passage of another bill which will come up here in a few days.

But he is only one of the few, the very few, the mere handful of highly educated gentlemen in the islands, and who hope to govern and control the millions of others if they can obtain Philippine independence. Naturally, they prefer that their people shall be "poor and independent rather than rich and dependent" upon the United States.

It can not be true that the Filipinos as a unit are in favor of this bill. Not 10 per cent of them ever heard of it, not 10 per cent of them could read it if they saw it, not 10 per cent of them could read it even if it were printed in the Spanish language. They would not understand it if they would read it. Nobody can understand it without first studying the act of 1902 to ascertain the effect of this proposed amendment. The effect does not appear upon the face of the bill itself.

Mr. QUEZON. Will the gentleman yield?

Mr. OLMSTED. With pleasure.

Mr. QUEZON. Is the gentleman aware of the fact that there has been in every town in the Philippine Islands meetings to urge the support of the bill that is now before the House?

Mr. OLMSTED. I am not aware of it.

Mr. QUEZON. I assure the gentleman from Pennsylvania that that is a fact.

Mr. OLMSTED. It would be interesting to know just how the bill was explained to them. The people of the Philippines have been led largely to believe that there was some project on foot in the United States whereby great corporations and trusts were to gobble up the lands of their islands. Nothing is further from the truth. Under the law as it stands now no corporation can hold more than 2,500 acres. This question is not involved. This bill does not change the law at all as to corporations, but its effect, if enacted into law, will be to limit individuals to 40 acres of friar lands and prevent their sale or encumbrance of even that small acreage for five years after their purchase. It must have been seen by those who heard my eloquent friend from the Philippines, not only between the lines, but on the lines, that his objection to the sale of these lands in larger tracts is based upon the fear that they will be purchased by citizens of the United States in such quantities as will render it more difficult to disengage the islands from the Government of the United States, because, as he frankly said, those people who bought the lands would come here and insist that this Government should keep control, as otherwise their possessions would not be secure.

Why, Mr. Speaker, this bill does not involve any great economic principle, any great principle of government. It applies to about 125,000 acres of land in a country having a land area of more than 115,000 square miles—an area about equal to that of the six New England States, New York, New Jersey, and Delaware combined. It applies only to the unoccupied, vacant, remaining unsold friar lands.

The public lands, so called, were acquired by the United States from the Spanish Crown under the treaty of Paris. The organic act of 1902 very generously provided that they might be disposed of for the benefit of the Filipinos. They had belonged to the Crown of Spain. They had not been, as has been asserted, the inheritance of the Filipinos. They had never belonged to the Filipinos until, in the act of Congress of 1902, we gave them to the Filipinos to be disposed of for their benefit, subject to certain conditions.

One of those conditions was that not more than 16 hectares, or about 40 acres, should be sold to a single individual. Another condition was that no purchaser, even though he paid cash down, could have the lands except upon the condition of personal and continued occupancy for five years, during which period—mark you, for five years—he could neither sell nor encumber those lands. He could not even borrow money on them to improve them.

We had a perfect right to impose that condition, whether it was wise or not, and it can not be considered as illiberal or unjust to have imposed those conditions so long as we ourselves were giving the land to the Filipinos. Whether those conditions were wise or unwise was not a subject of just complaint at that time.

But these friar lands were not public lands. They were in private ownership and had been in private ownership for many years before we acquired the islands. We almost compelled the Philippine Government to purchase them. There were about 400,000 acres of them, in round numbers. About one-half, or 200,000 acres, were vacant, unoccupied, untenanted, wild lands. About half of them, or, say, about 200,000 acres, were in the neighborhood of cities. They were thickly peopled. There were about 160,000 people living on these 200,000 acres.

Under the provisions of the act of 1902, which put no limit upon the amount of friar lands which could be sold to an individual, those lands—the tenanted lands—have been sold or leased—most of them—and some of the unoccupied lands. There remain at this time only about 125,000 acres of unsold friar lands that could possibly be sold in any considerable tracts.

Now, where are those lands? Let me show you. The Binan estate in Laguna Province contains 725 acres unsold. That is all in that Province. Now, would the Government be overturned, would those islands be exploited, if that land were sold—those 725 acres—to one purchaser?

I will put this table in my remarks in concise order, but I will comment upon it as I go along:

Statement showing the area of unoccupied lands on the various friar estates Jan. 1, 1911, showing the approximate size of the vacant tracts.

	Acres.
Binan estate, Laguna Province. The bulk of this area is in one tract in the southwestern part of the estate.	725
Muntinlupa, Laguna Province. The vacant land lies in the southeastern portion of the estate and the great bulk of the area is in one tract.	2,450
Santa Rosa, Laguna Province. Probably not over 400 acres of this is in one tract.	1,300
Calamba, Laguna Province. This, with the exception of a few small tracts, consists of practically three large tracts of 5,000 acres or over.	18,450
Naic, Cavite Province. This consists of practically two tracts—one in the northeastern portion of the estate of about 6,000 acres and the other on the southern end of the estate of about 2,500 acres; the balance is in small parcels.	9,075
San Francisco de Malabon, Cavite Province. Practically all in one tract.	13,900

	Acres.
Santa Cruz de Malabon, Cavite Province. Practically all in one tract, adjoining the vacant land on the San Francisco de Malabon and the Naic estates.	14,700
Imus, Cavite. Practically all in one tract and adjoins the San Francisco de Malabon estate.	22,500
Santa Maria de Pandi, Bulacan Province. This is in scattered parcels not exceeding 100 acres in any one parcel.	4,125
Orion, Bataan Province. One parcel of about 100 acres; balance in small parcels.	175
Talisay, Cebu Province. This is practically one entire tract on which occupants have leased small areas here and there.	10,000
Isabela, Isabela Province	48,622
Total	146,023

The above statement shows that there is vacant and available for sale or lease the following large tracts of friar lands:

Estates.	Number of tracts.	Area.
		Acres.
Isabela	1	48,622
Cavite	1	40,000
Do	1	6,000
Laguna	3	5,000
Do	1	2,400
Do	1	700
Do	1	400
Talisay	1	10,000
		123,122

The Multinlupa estate in Laguna Province has 2,450 acres. The bulk of it is in one tract. On the Santa Rosa estate there are 1,300 acres, but not over 400 acres in any one tract.

Now, would the Philippine Islands be exploited or the form of government be affected if the Philippine Government should sell that tract of 400 acres in one piece to one purchaser? In the Calamba estate there are 18,450 acres, divided into a number of small tracts and three separate tracts of about 5,000 acres each. The largest tract unsold is in the Isabela Province, 48,622 acres. That cost the Government $159,851, a little over $3 an acre. It is in a sparsely settled Province, 100 miles from any seaport, and that seaport itself 200 miles from Manila. You could not sell that land in 40-acre tracts subject to the conditions of this bill in a thousand years. Nobody would buy a 40-acre tract there under the condition that he could not sell it or borrow money on it for five years even though he had paid cash for it. There is no State in the Union, Mr. Speaker, that, so far as I know, has any limit upon the amount of land that may be purchased by an individual. Certainly I know of my own knowledge that Pennsylvania, Louisiana, Mississippi, and other States sold out their lands at fixed prices to anyone who wanted to buy them without limitation as to quantity. I think the same is true of the State of Virginia and all the other States of the Union. Why should we put upon the Filipino people a limitation upon the sale of their own lands of 40 acres? They could not sell them in 40-acre tracts at any such prices as they can obtain in larger tracts.

Mr. JONES. Mr. Speaker, will the gentleman permit a question?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Virginia?

Mr. OLMSTED. Certainly.

Mr. JONES. The gentleman from Pennsylvania was a member of the Committee on Insular Affairs that reported the organic act. Why did he put a limitation of 40 acres on the public lands?

Mr. OLMSTED. I am not responsible for the limitation in regard to public lands. But, as I have said, that was a different proposition, because we were giving away the lands, and it was entirely proper and just that we should attach to the gift any conditions we chose.

Mr. COOPER. The gentleman from Pennsylvania has just suggested that no State in this Union places a limitation on the amount of land that an individual or corporation may own.

Mr. OLMSTED. So far as I know, none upon ownership by individuals.

Mr. COOPER. Then would the gentleman say that there ought not to be in the Philippine Islands any restriction upon the amount of land which a corporation could own there?

Mr. OLMSTED. I would not say that. There are restrictions upon the amount that corporations may own.

Mr. COOPER. Would the gentleman say there ought to be no restriction on the amount of land an individual might own or acquire of the public lands in the Philippines?

Mr. OLMSTED. I will not say that. The public lands were lands we gave them, and I think it was proper to put a limitation on a gift.

Mr. COOPER. Why is it any more proper to put a limitation upon that than it would be upon these four hundred thousand and odd acres of the best lands in the islands, owned by the friars?

Mr. OLMSTED. That is just what I was about to try to explain. The 60,000,000 acres of public lands we were giving away. We had a perfect moral and legal right to impose conditions upon the gift; but these friar lands were purchased by the Filipino people with their own money, with the contemplation clearly expressed in the organic act of 1902 that they were to be sold as rapidly as possible, the proceeds to be put in a trust fund for the purpose of paying off the $7,000,000 of bonds on which they had raised the money to make the purchases. Now, the reason why we ought not by legislation to put these restrictions upon the sale of these friar lands is that they could not get out of them in small tracts the money to pay the bonds. Let me show you how it works. Much has been said about the sale of 56,000 acres to one purchaser in the island of Mindoro. The purchase was made by one E. L. Poole. It subsequently developed that he had made the purchase in the interest of three men whose names have been mentioned. They did not buy it for the Sugar Trust; they bought it for themselves; and it developed in the hearings that the Sugar Trust people were angry with them for doing it. So far as I have ever learned or been able to discover, the Sugar Trust itself does not engage in the raising of sugar cane. It refines sugar, but it does not raise any sugar cane.

Mr. NORRIS. It raises Cain, but not sugar cane.

Mr. OLMSTED. As the gentleman says, it may raise Cain, but not sugar cane. That purchase by Mr. Poole of 56,000 acres was the San Jose estate, on the island of Mindoro, a distant island, unsettled, uninhabited. Nobody would have bought a 40-acre tract there. There were public lands adjoining this estate—just as good land—offered at $2 an acre in 40-acre tracts, but nobody would buy 40 acres. This 56,000 acres was sold for $6 an acre, thus permitting the Philippine Government to get out, with interest, the $298,000 which it had paid for the land, the entire selling price amounting to $367,000.

I do not know that I would be in favor, in general, of allowing sales in such large quantities as that; but that was an isolated tract, and it was a good business transaction. The only other very large tract is the Isabela estate, on which I believe one party was given an option, but threw it up and would not take it. The Philippine Government can probably get its money back out of this estate if permitted to sell in tracts to suit purchasers, but never in 40-acre lots with the nonalienation and nonencumbrance conditions attached.

Mr. BUTLER. Mr. Speaker, will it embarrass my friend if I ask him some questions?

Mr. OLMSTED. Not at all.

Mr. BUTLER. Is this the only sugar land in the Philippine Islands?

Mr. OLMSTED. Oh, no; there are plenty of sugar lands in the Philippine Islands. I am glad my friend has asked that question. The sugar lands in the Philippine Islands are mostly on the island of Negros, as the gentleman from Ohio suggested a few minutes ago. Those lands are worked in a very primitive style. They get about 60 per cent of the juice out of the cane, whereas by modern methods they ought to get 90 per cent. Now, nobody would ever buy an acre of these lands for sugar purposes if they could only buy 40 acres, because the testimony before the Insular Affairs Committee, by witnesses from the Philippines and more particularly from Porto Rico, shows that there ought to be at least 3,000 to 5,000 acres in one ownership to justify the erection of a modern centrale, which costs a great deal of money.

Mr. BUTLER. Is this the only use to which this land can be put—the raising of sugar cane?

Mr. OLMSTED. Oh, no. The principal products of the islands are hemp, copra, sugar, and tobacco, in the order named. Copra, which is the form in which the product of the coconut is exported for external use, is one of the most profitable. The exports of copra from the Philippine Islands in 1910 amounted to more than $9,000,000. The coconut is next to hemp in importance.

Since the gentleman has asked that question, I am reminded to refer to the report of the Philippine Commission for 1910. Upon page 116 I read as follows:

Although the Philippine Islands are to-day, owing to the favorable climate and soil conditions, the greatest coconut-producing country in the world, it has been made practically impossible for a man to own a coconut plantation here unless he can buy private land, for he can not

purchase more than 40 acres of Government (public) land, which, at 54 trees to the acre, would give him a total of 2,160 trees, making no allowance for land needed for building sites or otherwise unavailable. As these islands have thousands of square miles of the best coconut land lying idle, the wisdom of the provision is not apparent.

Similarly, the islands have very extensive unoccupied and uncultivated areas perfectly adapted to the growing of rice. They ought not only to feed their own people liberally but to export rice in large quantities to China and other neighboring countries where there is a strong demand for it. Instead of doing this they imported during the year rice to the value of ₱6,643,924. The obvious remedy for this situation is cultivation upon a large scale with modern methods and machinery, but there would be ground for doubt as to the sanity of a person who would import modern machinery to work a 40-acre tract of rice land.

Mr. BUTLER. It seems to be conceded all around that it would be a good thing financially for the Filipino, but it is said that he is opposed to selling the land in such large tracts. Will the gentleman from Pennsylvania tell me what was discovered in the hearings touching the feeling of the Filipinos as to the disposition of his land in large tracts?

Mr. OLMSTED. It was clear that the only objection to the sale of large tracts was the fear that it might be gathered up by corporations and trusts of the United States, and that if purchased here by individuals the purchasers, fearing that their possessions would not be safe under native rule, would exert their influence to prevent Philippine independence.

Mr. NORRIS. Will the gentleman from Pennsylvania yield for a question or two?

Mr. OLMSTED. Certainly.

Mr. NORRIS. I am asking the questions for the purpose of gathering information, for I know the gentleman has studied the question and understands it better than I do. Does the gentleman think there ought to be no limitation on the amount of land that can be acquired by an individual?

Mr. OLMSTED. Of public land I think there ought.

Mr. NORRIS. Why should there be a limitation on the amount of public land and not on other lands? Is not this land that would be subject to the same objection in one case as in the other as to being held in large quantities?

Mr. OLMSTED. If there were 60,000,000 acres of this land, the question of public policy might come in. As to the public lands, we were giving them those lands, and we preferred to give them so that they could only be sold in small tracts.

Mr. NORRIS. I think that is proper; but why should we limit the public lands as to the amount an individual can purchase unless it is desirable to have the limitation on the amount of friar lands that a man can purchase? Why, if it is not desirable to limit other lands that a man can purchase, should we limit the lands that one individual can purchase?

Mr. OLMSTED. The difference is this: If I am giving the gentleman a farm it is proper and just for me to put conditions on its sale by him, but it would not be proper and just for me to limit and put conditions upon the sale of the gentleman's own farm which he had purchased with his own money.

Mr. NORRIS. The object of the Government in limiting the sale of public lands is to prevent the ownership of large tracts of lands?

Mr. OLMSTED. Yes; to prevent the 60,000,000 acres of public lands donated by the United States from being gathered into a few hands.

Mr. NORRIS. It seems to be conceded by all that it is desirable to see that no one individual owns such large tracts of land, and if that be true——

Mr. OLMSTED. That has not any reference to one individual, but the whole situation of the islands. It is not desirable that the whole land of the islands shall be gathered into a few hands.

Mr. NORRIS. It is desirable to have the lands in the hands of a great many rather than in the ownership of a few.

Mr. OLMSTED. That is it.

Mr. NORRIS. If that be true, why should not we put the limitation on the individual purchasing these lands? It may be that we have not the legal right to do it, but why should it not be desirable to limit it in one case as well as in the other?

Mr. OLMSTED. The reason is that we were giving the lands in the one case, and they can not complain of the conditions; but in the other case it is their own land, bought with their own money, and we ought not arbitrarily to impose such limitations and conditions as will prevent the Philippine Government from recouping itself for the moneys expended in the purchase of these friar lands.

Mr. NORRIS. But we are not pretending to take away any land from any individual; we are only seeking to limit and prevent them from acquiring large tracts of land.

Mr. OLMSTED. It is proposed by this bill to prevent the Philippine Government from selling the 125,000 acres of remaining unoccupied and untenanted friar lands in anything above 40-acre tracts, and that I think unwise and unjust. It amounts to a practical denial of the right to sell.

Mr. NORRIS. I would like to ask the gentleman's judgment, if he has given the subject any thought, as to the right, as a matter of law, of Congress to so legislate as to limit the purchase of land by individuals. I notice that question has been raised in the discussion here.

Mr. OLMSTED. I think Congress had a perfect right in disposing of the 60,000,000 acres of public land to provide that it should not be sold out by the Philippine Government in any larger tracts than 40 acres.

Mr. NORRIS. That does not quite answer my question. I am referring particularly to the amendment suggested by the gentleman from Wisconsin [Mr. MORSE], who said that he proposed to offer later an amendment of that kind. The question was raised by the gentleman from Iowa that we had no constitutional right to put on a limitation of that kind.

Mr. OLMSTED. I think it is a very serious question. I do not care to give an opinion offhand. I have not considered that question, as it is not involved in this bill. If you should enact a law that no man should buy more than 10 acres of land you would deprive the owners of land of the power of sales and thus deprive them of much of the value of their property.

Mr. NORRIS. Of course, but I suppose that would be controlled in the different States by the constitutional limitations. In the Philippine Islands, however, we are not limited by any constitutional inhibition, as I understand it. Still I do not pretend to understand the legal phase of it, for I never heard the question raised until now. I thought the gentleman had studied the question and perhaps had an opinion about it.

Mr. OLMSTED. I have not. It has not even been suggested until to-day.

Mr. BUTLER. Mr. Speaker, I do not desire to go into the constitutional feature of this, but I am going to leave that part for bigger lawyers. I want to get at the justice of the thing. Do the Filipinos object to the sale of this land for any reason except for that of sentiment alone?

Mr. OLMSTED. I do not think the Filipinos would object to the sale of this land in tracts of any size if they did not fear that it would in some way affect the question of independence.

Mr. GARRETT. Mr. Speaker, will the gentleman yield in that connection?

Mr. BUTLER. Just one moment. Has the Filipino in any way assented to the sale of this land? He has a government there. Has the government been consulted?

Mr. OLMSTED. These friar lands have been sold, so far as they have been sold at all, in pursuance of an act of the assembly passed by the Philippine Legislature.

Mr. BUTLER. Who elected that legislature?

Mr. OLMSTED. The Filipinos elected one branch of the legislature, and it required the agreement of the two branches.

Mr. BUTLER. Did the branch of the legislature elected by the Filipinos agree to the sale; did it approve the sale?

Mr. OLMSTED. The legislature authorized the sale of the lands by general legislation. I do not know that these particular transactions were ever brought to their attention.

Mr. BUTLER. I do not know enough about the organized government, but I would thank the gentlemen to answer this further question. The land was sold by a commission.

Mr. OLMSTED. The land was sold by the land department of the Philipipne Islands.

Mr. BUTLER. The land department of the Philippine Islands?

Mr. OLMSTED. Through the regular agencies of the Philippine Government.

Mr. BUTLER. And the Philippine Legislature by general legislation authorized the sale of these lands?

Mr. OLMSTED. Yes.

Mr. BUTLER. Then what are they complaining about? If the people of the Philippine Islands are unanimously opposed to the sale of these lands, why did the legislature, elected by them, authorize the sale?

Mr. JONES. The legislature was not elected by the Filipinos.

Mr. OLMSTED. Some of them changed their views. When they found a large purchase had been made by citizens of the United States, their fears were worked upon to such an extent that they were led to believe their best lands would all be gobbled up by American corporations and trusts.

Mr. BUTLER. I must not ask the gentleman too many questions, and it is because of my high opinion of his good judgment that I venture to constantly interrupt him. I have always gotten valuable information from him. Was this legislature elected?

Mr. OLMSTED. The lower branch was elected by the Filipino people.

Mr. BUTLER. I understood the gentleman from Virginia [Mr. JONES] to say that it was not.

Mr. JONES. I said that the legislature was not elected. The legislature is composed of two branches.

Mr. BUTLER. The legislature is composed of an upper and lower house, I suppose.

Mr. OLMSTED. The lower branch was elected wholly by the Filipino people.

Mr. BUTLER. And that branch consented to this bill?

Mr. OLMSTED. There could not have been any legislation except by both branches.

Mr. JONES. Mr. Speaker, I can not let that statement go unchallenged. I am not willing to assent to the statement that the legislature consented to this sale.

Mr. OLMSTED. I have stated that this particular transaction was never brought before the legislature, so far as I know, but the act itself was passed by the legislature, and in pursuance of that act the sale was made.

Mr. BUTLER. There was no restriction upon the amount to be sold in any one case in the authority given by the legislature?

Mr. OLMSTED. There was not.

Mr. QUEZON. Mr. Speaker, will the gentleman yield?

Mr. OLMSTED. With pleasure.

Mr. QUEZON. Mr. Speaker, I just want to repeat to the gentleman what I said before when I was addressing the House, that the Philippine Assembly did pass a bill providing that the friar lands should not be sold in excess of 40 acres to individuals and in excess of 2,500 acres to corporations; but this bill failed to become a law because the Philippine Commission refused to pass it.

Mr. BUTLER. When was the law passed to which the gentleman refers?

Mr. QUEZON. As soon as they found out that the Philippine Government had sold to representatives of certain gentlemen in New York 56,000 acres of land in Mindoro.

Mr. BUTLER. Now, let me ask——

Mr. LONGWORTH. Let me ask the gentleman if this was unanimous?

Mr. QUEZON. Absolutely unanimous, there being not one dissenting vote.

Mr. BUTLER. Let us learn something in this connection. You do elect a legislature in the Philippine Islands?

Mr. QUEZON. No, sir; we elect the assembly.

Mr. BUTLER. Well, an assembly; you elect the lower house?

Mr. QUEZON. Yes, sir.

Mr. BUTLER. You have voters' qualifications there?

Mr. QUEZON. Yes, sir.

Mr. BUTLER. And this legislature that authorized the sale of this land was elected by the people?

Mr. QUEZON. Yes. I say this assembly, as soon as they found out the sale of the Mindoro state, they tried to pass a bill to prevent further sales of this kind, but it failed to become a law because the commission did not agree to it.

Mr. BUTLER. As soon as they comprehended the extent of their act, as soon as they discovered there was authority in the commission to sell this land in large quantities, then they regretted their act?

Mr. QUEZON. There is something to be said about that, and I do not wish to take up the time of the gentleman from Pennsylvania.

Mr. GARRETT. Will the gentleman permit me to say to his colleague——

Mr. OLMSTED. Certainly.

Mr. GARRETT. I think the situation in regard to that matter is this: The assembly—that is, the legislature—of the Philippines passed this act, and they were of the opinion that the organic law restricted the sale. They did not provide the amount which could be sold by the act which applied, as they thought it would be taken care of by the organic law.

Mr. JONES. They put the same construction Mr. GARRETT, Mr. COOPER, and many others did upon the language of section 65 of the organic act.

Mr. BUTLER. I am willing to accept any statement the gentleman may make, but I would like to know how the gentleman assumes that was in the mind of the Philippine Legislature when they passed the law. That is what bothers me.

Mr. OLMSTED. The fact is that the Philippine Legislature passed one law touching friar lands in which they made the lands salable, subject to the same conditions that the organic act imposed upon the sale of public lands, but, finding that the lands would not sell with that limit of 40 acres, they enacted a later law, authorizing the sale of friar lands, without limit as to quantity, and in pursuance of that law this sale of the San Jose estate of 56,000 acres on the island of Mindoro was made.

Mr. STERLING. Will the gentleman yield for a question?

Mr. OLMSTED. I will.

Mr. STERLING. I understand the gentleman from Pennsylvania thinks it important, from a financial standpoint, that the Government be allowed to sell these lands—that is, the friar lands—in larger amounts.

Mr. OLMSTED. I think it is of the utmost importance.

Mr. STERLING. And that the Philippine Government thinks so.

Mr. OLMSTED. It did think so when it passed that act.

Mr. STERLING. In order to provide the money to meet these bonds.

Mr. OLMSTED. Yes; they were practically compelled by our legislation to purchase these lands at a price it was almost feared they would never be able to get for them again and to incur an indebtedness of $7,000,000 and a charge for annual bond interest of $280,000. Now, it is highly important that they shall get out of this land sufficient money to pay off these bonds, and the prospects are that they will be able to do it if they are permitted to sell the land in reasonable tracts. And let me show you how the sale under the provisions of this law operates. Let me call attention again to the fact that under this bill as proposed you could only sell 40 acres to one person, and he would have to live on it continually for five years, during which period he could neither sell it nor borrow money upon it, and nobody is going to buy much land under those conditions. Let me show you how it works. Down to December 31, 1910, out of 60,000,000 acres of public land subject to these conditions there had been only 52 sales to individuals, aggregating less than 2,000 acres. Now, how long will it take to sell these friar lands—these desolate, wild, unoccupied friar lands—under such conditions as that?

Mr. STERLING. The gentleman spoke awhile ago about the Spanish Government ceding this territory to the United States——

Mr. OLMSTED. Yes; the 60,000,000 acres.

Mr. STERLING. At that time did no individual in the Philippine Islands own title to land? Was their title entirely in the Spanish Government?

Mr. OLMSTED. Yes; thousands and thousands of acres of land; but these particular 60,000,000 acres were in the Spanish Crown.

Mr. STERLING. That land was outside of land owned by individuals?

Mr. OLMSTED. None of it was or ever had been in private ownership.

Mr. STERLING. Was it under cultivation?

Mr. OLMSTED. No; it was not. There may have been some occupants on it, some of what we would call "squatters," and some tenants perhaps, but the provision was made in the act of 1902 that they might acquire the lands which they were occupying.

Mr. GARRETT. Will the gentleman permit me one thing further in answer to the suggestion made by his colleague [Mr. BUTLER] a few moments ago as to the reason of the apprehension of the Filipinos?

As I understand, they are twofold. One is, as stated by the gentleman, the fear that it will interrupt the coming of independence, and the other is, as I understand it, the fear that it will lead back to the very same condition that brought about the necessity for the purchase of these lands a few years ago; that is, the ownership in large bodies.

Mr. OLMSTED. There is not the slightest danger of that. The trouble at that time was that these lands were owned by three orders of friars, to whose membership, I believe, no native priest was admitted. They had great influence in their respective municipalities, and they exerted it altogether in favor of Spain and against the people of the islands when they were in insurrection against Spain. That aroused opposition. They threw some of these priests into prison, some of them were killed, and others they drove into Manila, where the Americans found them when they came to occupy the islands. There is not the slightest danger of the lands going back into their hands again.

Mr. GARRETT. Let me say, I do not think the Filipinos fear they will go back into the hands of the friars again, or into the hands of the religious orders, but one of the troubles was the ownership of these lands in large quantities by these orders, and the Filipino people are apprehensive that the ownership by any other agency, industrial as well as religious, may bring about again the same trouble.

Mr. OLMSTED. Such trouble can never come again. It is gone forever. There were 160,000 people living on friar lands. They would not pay rent. They would not acknowledge the ownership of the friars. They disputed title. That has all been done away with. The Philippine Government borrowed $7,000,000

and bought the lands from the friars. Its title is not in dispute. The question now is how to dispose of the lands so that the Government may get its money back. I think it is best for the islands to dispose of them so that they will be developed and be productive and furnish good living or good wages to the people of the islands.

Mr. J. M. C. SMITH. I would like to inquire whether or not the same limitations are placed upon the other public lands as are sought to be imposed upon these friar lands by this bill?

Mr. OLMSTED. On the public lands which the United States gave to the Philippines—some 60,000,000 acres—we did impose the condition, when we gave them to them, that they could sell only 40 acres to an individual.

Mr. LONGWORTH. Does the gentleman know whether the action of the commission in vetoing this act passed by the general assembly was unanimous?

Mr. OLMSTED. I never heard of the bill, except as stated by the gentleman from the Philippine Islands [Mr. QUEZON].

Mr. QUEZON. I am aware of the fact that the commission opposed the bill, because the commission believes in selling these lands in large tracts. Moreover, for several years they have been recommending to Congress that the limitation imposed by the organic act on the sale of public lands be removed.

Mr. BUTLER. They want to sell in larger tracts?

Mr. JONES. The commission wants to be given a free hand in the matter of the sale of both the public lands and the friar lands.

Mr. LONGWORTH. Without limit?

Mr. JONES. Without limit.

Mr. OLMSTED. I think that statement is without authority.

Mr. JONES. They wish the present limitations removed on both public and friar lands.

Mr. OLMSTED. They have proposed limitations.

Mr. QUEZON. Ten thousand acres.

Mr. OLMSTED. Six thousand hectares to corporations, 500 hectares (1,250 acres) to an individual. Let us get somewhere near accuracy. Here is the report in my hand.

Mr. JONES. There have been several reports. Every year they make some recommendation, and when Mr. Worcester, the secretary of the interior, under whose department these lands are sold, was here he urged the taking off of these limitations. The commission, I will say in reply to the question of the gentleman from Ohio [Mr. LONGWORTH], will never consent to such a measure as that which passed the assembly. I do not know just what the vote was, because four of the nine of the commission are Filipinos, but the majority of them are Americans; and they were all opposed to it, every one of them.

Mr. LONGWORTH. That is the reason I asked whether or not the position taken was unanimous, considering the make-up of the assembly.

Mr. OLMSTED. Let me answer the question. This answers partly the question of the gentleman from Ohio [Mr. LONGWORTH], the gentleman from Virginia [Mr. JONES], and the gentleman from the Philippine Islands [Mr. QUEZON]. I hold in my hand the report of the Philippine Commission, and they do recommend the raising but not the entire removal of the limit on the sale of public lands. This is their language; their recommendation:

> Fifth. That the amount of land which may be acquired, owned, and used for agricultural purposes in the Philippine Islands by any corporation be extended to 6,000 hectares.
>
> Sixth. That the amount of land allowed to be taken up by any one person under the homestead law be increased from 16 to 50 hectares; that the amount that individuals may purchase from the Government be increased to 500 hectares; and that the amount allowed to be sold or conveyed to corporations or associations of persons be increased from 1,024 hectares to 6,000 hectares.

Mr. JONES. That is 15,000 acres.

Mr. OLMSTED. Yes; for corporations. One thousand two hundred and fifty acres for an individual. Now, I was asked whether they were unanimous. This report is signed by W. Cameron Forbes (president), Newton W. Gilbert, Dean C. Worcester, Gregorio Areneta, Rafael Palma, Juan Sumulong, Charles A. Branagan, and Charles B. Elliott; all the Filipino members joined in that unanimous report.

Mr. WILLIS. What is the date of that report?

Mr. OLMSTED. November 22, 1910.

Mr. QUEZON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from the Philippines?

Mr. OLMSTED. I do.

Mr. QUEZON. Mr. Speaker, I would like to inform the House that those four Filipino members of the commission are appointed and therefore they feel that they have to support the policy of the administration.

Mr. BUTLER. Who appoints them?

Mr. QUEZON. The President of the United States.

Mr. OLMSTED. The gentleman does not deny that they are very intelligent gentlemen, does he?

Mr. QUEZON. No, sir; I do not.

Mr. OLMSTED. And the gentleman does not impugn their character?

Mr. QUEZON. Not at all. But the gentleman from Pennsylvania will realize that men are liable to consider their private interests in every question, no matter whether they are Filipinos or Spaniards or Americans or Germans, and these gentlemen, being appointed by the administration, are more or less under the impression that to remain in their position they have to support the policy of the Government. [Laughter.]

Mr. OLMSTED. That is the gentleman's assumption, but I do not think that any one of them was ever removed or threatened with removal for failing to agree or vote with the American members of the commission, and it is a fact that they do not always agree.

Mr. JONES. It may be an assumption, but it is a pretty reasonable one. [Laughter.]

Mr. OLMSTED. As to that, let me call your attention to the case of the United States internal-revenue collector who, although openly opposing President Taft for reelection, was not only not removed from that position, but, his term expiring, he was actually reappointed a few days ago; and I ask the gentleman from the Philippines if he has ever known of a Filipino official in that country being discriminated against or intimidated in any way by the administration?

Mr. QUEZON. I do not say that. I simply say that it is natural and human to be influenced by those to whom we owe our position.

Mr. TOWNER. Mr. Speaker, will the gentleman yield for a statement?

Mr. OLMSTED. Certainly.

Mr. TOWNER. Lest Members get the idea that the commission has the right to dispose of these lands alone, is it not true that these lands can not now be disposed of without the act of the lower assembly of the Philippine Islands, which is composed of Filipinos elected by their people?

Mr. OLMSTED. The organic act provides that these lands shall be disposed of only in accordance with laws passed by the Philippine Legislature.

Mr. TOWNER. And the effect of this law is to limit the right of the Filipinos themselves to dispose of their own property?

Mr. OLMSTED. That is what the pending bill would do.

Mr. QUEZON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from the Philippines?

Mr. OLMSTED. Certainly.

Mr. QUEZON. The effect of this bill will be for Congress to do what the Filipinos want to do, and what they are not allowed to do. [Applause.]

The SPEAKER. Before the gentleman from Pennsylvania [Mr. OLMSTED] resumes, the Chair wants to admonish Members that when they desire to interrupt a gentleman who has the floor they should rise and address the Chair. There is not anything so calculated to produce confusion as for a Member to sit in his seat and interrupt a Member on the floor, because the Member who is making the speech can not hear half the time and know what the other gentleman says. I take occasion at this moment, when nobody is sitting in his seat and interrupting, to make that announcement.

Mr. OLMSTED. Now, Mr. Speaker, to show the operation of this bill should it become a law, I have already stated, and I state again, that during the 10 years ending December 30, 1910, the Philippine Government was able to make only 52 sales of public land to individuals under the conditions which the organic act imposed upon them. They have sold 82 tracts of friar lands in excess of 16 hectares.

Here is a complete table showing all of them:

Friar lands sales of more than 16 hectares to one person.

Purchasers.	Estate.	Total area.	Price.
		Hectares.	
Adriana Sevillana	Banilad	19	₱1,184.58
Victoria Rallos	do	25	1,509.84
Juan P. Gordoro	do	18	25,995.91
Anacleto Reyes	Dampol	30	6,633.97
Jacinto Ycasiano	do	26	4,869.13
Augustin Mariano	do	30	6,964.26
Policarpio de Jesus	do	20	3,679.22
Pedro G. Gonzales	do	50	10,999.41
Monica Galvez	do	63	11,764.09
Claro Castro	do	24	4,818.11
Lazaro Buktaw	do	43	7,644.14
Manuel Casal	do	127	24,372.71

Friar lands sales of more than 16 hectares to one person—Continued.

Purchasers.	Estate.	Total area.	Price.
		Hectares.	
Conrado Ayllon	Dampol	44	₱8,114.78
Eustaquio Avendaño	do	65	12,306.07
Antonio Alva	do	20	3,577.86
Gervacio Alejandrino	do	37	7,001.00
Benigno Angelo	do	38	6,798.00
Juan Alano	Guiguinto	26	5,015.44
Cayetano Bernardo	do	27	5,803.38
Pedro Bernardo	do	19	4,038.00
Doroteo Bulsong	do	17	3,583.88
Pedro Dimagiba	do	19	3,877.00
Pedro Figueroa y Manalo	do	17	3,194.98
Rosenda Mendoza	do	53	10,163.04
Andres Pascual	do	19	3,621.99
Martina Rodrigo	do	29	6,037.91
Geronimo Angeles	Malinta	16	2,270.18
Remigio Bautista	do	29	2,967.64
Marcelo Buenaventura	do	41	5,784.12
Arcadio Constantino	do	31	7,445.32
Patricio Cuerpo	do	30	6,295.64
Esteban Daes	do	46	9,926.26
Faustino Duke	do	25	5,068.18
Raymundo Duran	do	16	2,800.72
Estanislao Francisco	do	17	1,360.72
Florencio Gregorio	do	16	2,156.96
Patricia Miranda	do	37	13,136.20
Roman Ramos	do	10	2,795.12
Nemesio Delfin Santiago	do	49	9,266.42
Gualberto Santos	do	18	2,527.16
Pascuala Serrano	do	39	6,748.38
Tiburcio Serrano	do	22	3,937.76
Rufino D. Valenzuela	do	21	3,875.00
Josquina Lanson	Orion	19	3,078.93
Vicente Rodrigues	do	22	3,493.82
Esperanza Monjon	do	21	2,753.72
Macario Santos	do	74	1,244.37
F. J. Banyea and Joseph Pollacek	Muntinlupa	308	10,740.32
Estanislao Espeleta	do	42	2,953.40
Bayanan plantation syndicate	do	123	4,133.00
E. L. Poole	San Jose	22,484	734,000.00
Francisco Mendoza	San Marcos	87	14,839.50
Leonardo Alagabre	Santa Rosa	23	5,988.76
Francisca Almeda	do	72	15,968.00
Petronila Almodovar	do	15	3,653.52
Francisco Arambulo	do	20	5,572.52
Florencio Baillon	do	24	5,189.72
Angel Bantatua	do	33	7,574.40
Sotero Battallanes	do	24	4,702.44
Narciso Batiller	do	66	13,126.80
Doroteo Carteciano	do	60	9,794.32
Gregorio Carteciano	do	36	8,907.80
Petrona Gomez	do	17	4,232.88
Antonio Gonzales	do	35	8,530.76
Francisco Gonzales	do	18	4,475.80
Ursula de Guzman	do	47	11,995.80
Teodorico Layon	do	18	4,621.24
Marcelo Leyco	do	20	5,070.84
Antonio Lijauco	do	22	5,762.64
Emilio Lijauco	do	36	8,510.36
Teodora Lijauco	do	24	6,424.20
Nicolas Limcaoco	do	19	3,732.00
Maria Manguerra	do	22	5,248.36
Z. K. Miller	do	66	12,774.64
Tumas Nepomoceno	do	29	7,726.32
Pablo Perlas	do	40	10,010.32
Pedro Perlas	do	121	22,542.62
Viturina de los Reyes	do	34	7,376.16
Delfin Vallejo	do	32	8,180.36
Ponciano Vallejo	do	16	369.40
Andres Zavalla	do	120	29,929.78
Angel Zavalla	do	51	11,849.68

Of the 82 persons who have thus purchased more than 16 hectares each of friar lands, 78 are Filipinos and 4 are Americans. Four hundred and ninety-two persons have outstanding leases of more than 16 hectares each of friar lands. Four hundred and seventy-five of such lessees are Filipinos, 15 are Americans, and 2 Englishmen. The most of these leases are for one year. A few of them are for shorter (p. 208) and a few for longer periods. Some of them contain specific options to purchase, as in the case of Gen. Emilio Aguinaldo, who acquired possession of 1,050 hectares under a lease with an option to purchase, and as construed by the officials of the Philippine Government every lease of friar lands involves an option to purchase. If any of these sales or leases in excess of 16 hectares to one person were illegal they were all illegal, whether the purchasers were Filipinos or Americans.

The first on the list is a sale of 19 hectares. There was a little tract of 19 hectares. Would any principle of government have been subserved by requiring that those 3 in excess of 16 hectares should be lopped off?

Mr. JONES. Will the gentleman permit me to call his attention to a matter?

Mr. OLMSTED. Yes.

Mr. JONES. I have noticed what you say in your minority report on that subject. The gentleman will recall what section 65, which provides for the disposition of these friar lands, has to say on that subject. It says:

> Such settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to lease, purchase, or acquire their holdings within such reasonable time as may be determined by said Government.

Now, that 19 hectares of land to which the gentleman refers was the "holding" of a Filipino. It was in his possession, and the law expressly provides that settlers and occupants shall be permitted to purchase their holdings. The purchases of small tracts in excess of 16 hectares, to which the gentleman directs attention, were made by settlers and occupants, and such purchases were authorized by section 65.

Mr. OLMSTED. That is the statement of the gentleman, and undoubtedly his belief; but the gentleman does not know that to be a fact. I might just as well say it is not a fact as for him to say it is.

Mr. JONES. I know it is a fact as well as I can know anything that has been told me by others.

Mr. TOWNER. That is as to that individual instance, but not as to all those other sales. Would the gentleman say that?

Mr. JONES. I mean to say that so far as I know to the contrary every one of those small sales to natives was a sale to a man in possession of the land at the time.

Mr. TOWNER. The gentleman says so far as he knows to the contrary, but has he information which will enable him to say?

Mr. JONES. I do not think there is a single exception.

Mr. OLMSTED. Can the gentleman, without looking at the report, name to me a single native who purchased the land which he was occupying?

Mr. JONES. I can not give names of these natives any more than the gentleman can. He can not even pronounce the names of the natives he has in the report before him.

Mr. OLMSTED. I can pronounce some of them.

Mr. LONGWORTH. This bill would prevent any Filipino who owned 41 acres of land selling that 41 acres hereafter to another Filipino, would it not?

Mr. OLMSTED. No. It would prevent the Government selling more than 40 acres. If the Government had a tract of 41 acres, it could not sell more than 40 acres. I do not know what it could do with the other acre.

Mr. LONGWORTH. Anyone who owned 41 acres of the friar lands could not sell that.

Mr. OLMSTED. He could not sell it for five years after purchasing, that is sure. Now, I want to make a further suggestion to the gentleman from Virginia [Mr. JONES] that if his construction of section 65 is right, then even lands held by the occupant would be subject to the limitations of the act, or, as he says, the 40-acre limitation applied to the public lands.

Mr. JONES. What limitations does the gentleman refer to?

Mr. OLMSTED. If sales of the friar lands, under section 65, are limited at all to the conditions applicable to public lands, they are all applicable to holdings of more than 40 acres.

Mr. JONES. The gentleman has the act before him, and he knows that although this section provides that the land shall be disposed of according to the provisions of this act, the last sentence makes it clear that settlers and occupants of friar lands shall be permitted to purchase their holdings. An exception is expressly made in favor of settlers and occupants.

Mr. OLMSTED. If it is inimical to the interests of the people that anybody shall buy more than 40 acres, why was it not just as objectionable for a man who had squatted on the land to buy more than 40 acres?

Mr. JONES. There is no law that prevents a man from owning over 40 acres. There is a law which prevents his buying from the Government over 40 acres.

Mr. OLMSTED. That is what I am talking about—buying from the Government.

Mr. JONES. This exception is not the only one in the law. I call the gentleman's attention to section 14, which provides that wherever, prior to December, 1908, a native was in the occupancy of land he was not limited to the 16 hectares.

Mr. OLMSTED. If the gentleman will read that, he will find he is entirely mistaken.

Mr. JONES. I wish to correct myself.

Mr. OLMSTED. I have already corrected the gentleman.

Mr. JONES. Section 14 provides that patents may be issued to any native for lands occupied by him prior to the 13th of August, 1898, but limits the quantity to 16 hectares. It also provides that those persons who held equitable interests in public lands prior to the transfer of sovereignty might perfect their titles to those lands. As to those lands, there is no limitation as to quantity. This, I think, is a correct statement of the law as set forth in section 14.

Mr. OLMSTED. There is no reference in section 14 to anything except the public lands, when it provides that title shall not be granted to any land for more than 16 hectares in extent.

But it is not worth while for the gentleman and myself to discuss the proper construction of section 65. The attorney general of the Philippines delivered a written opinion upon it. The Attorney General of the United States delivered an opinion upon it. Mr. Moorfield Story, a distinguished lawyer of Boston, delivered an opinion upon it; and in the report upon the friar-land investigation I had the honor to prepare an opinion which was signed by eight other members of the committee, which I will, if given permission, insert in my remarks here, showing my views and theirs upon the proper construction of section 65, and that it does not limit and was not intended to limit the sale of friar lands or to impose upon them the same conditions of nonalienation and nonencumbrance for five years, which apply to the sales of public lands. I have already pointed out that in 10 years the Government could sell less than 2,000 acres of the public land in 40-acre tracts, under these conditions of nonalienation and nonencumbrance for five years, while it had no difficulty in making a great many sales of the friar lands at greatly higher prices than the public lands were offered at. Friar lands in larger tracts sold at $6 alongside of public lands which could not be sold at $2 in $40-acre tracts.

I was about to illustrate how the 40-acre tract limitation would operate on the friar lands. Here has been a sale—the third on the list—of 18 hectares of very valuable land at a price equal to $722 an acre. Does anybody suppose they could have sold that at such a figure if they had to chop off 2 hectares? And what sort of a price could they have obtained from a separate and distinct purchaser for the 2 hectares? Here is a sale of 59 hectares and another of 127 hectares, and so on. It would have been impossible to have sold those lands if you had to cut them down to 16 hectares. They would not divide into 40-acre lots. It would have been impossible to sell them at any such price, and they could not have sold them at any reasonable price if the purchaser had to keep them five years before he could sell them or borrow money on them.

When this question of friar-land sales arose in the last Congress a committee was appointed to investigate it. The gentleman from Virginia [Mr. JONES] himself in his majority report upon this pending bill quotes from President Taft's message of December 21, 1911. The President said:

> Pending an investigation by Congress at its last session, through one of its committees, into the disposition of the friars' lands, Secretary Dickinson directed that the friars' lands should not be sold in excess of the limits fixed for the public lands until Congress should pass upon the subject or should have concluded its investigation. This order has been an obstruction to the disposition of the lands, and I expect to direct the Secretary of War to return to the practice under the opinion of the Attorney General which will enable us to dispose of the lands much more promptly and to prepare a sinking fund with which to meet the $7,000,000 of bonds issued for the purchase of the lands.

I call attention to this language: "This order has been an obstruction to the disposition of the lands." And now gentlemen propose by the passage of this bill to make the obstruction permanent. That will be the effect of this bill.

Mr. SULZER. Will the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. SULZER. I know the gentleman from Pennsylvania has made a thorough investigation of the subject matter, and I would like to inquire whether the people in the Philippine Islands are in favor of enlarging the number of acres that may be purchased or keeping the law just as it is.

Mr. OLMSTED. The people of the Philippine Islands, as I am convinced—some of them—the few of them who have really considered this matter, are very much afraid, and impose upon others the belief, that if they are sold in large tracts the big trusts and corporations in the United States will gobble them up; that the people of the United States becoming interested there would fear that an independent Filipino Government would render their position less secure and would have sufficient influence with Congress to prevent the granting of Filipino independence.

But I do not think that the disposition of 125,000 acres (for that is all that is left of the unoccupied friar lands, and much of it could not be sold in very large tracts) will have any effect at all upon the question of Filipino independence. I think their fears are groundless. I do not think that any corporation or trust is going down there in any such way. In fact, corporations are, by the present law, limited to the ownership of 2,500 acres, and this bill does not touch that.

I think it would be a good thing for the islands if some one would establish one or more modern sugar centrales and be permitted to buy land enough to warrant them in doing it. I believe it would be a good thing for the Filipinos to have an object lesson and learn the modern methods of making sugar. They could learn to make it a great deal cheaper than they do now. Now they do not save over 60 per cent of the cane juice, whereas by the modern methods they could save 90 per cent.

Mr. SLAYDEN. Will the gentleman yield?

Mr. OLMSTED. I will.

Mr. SLAYDEN. Does the establishment of a sugar centrale depend on the purchase of a large body of land?

Mr. OLMSTED. No sane man would put up a centrale unless he had land enough to raise the cane so as to be assured of cane enough to run his plant.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent that the gentleman have sufficient time to conclude his remarks.

The SPEAKER. The gentleman from Pennsylvania asks that the time of the gentleman from Pennsylvania be extended so that he may finish his remarks. Is there objection?

There was no objection.

Mr. OLMSTED. Mr. Speaker, I appreciate the courtesy of my colleague and of the House.

Mr. SLAYDEN. Another question. My impression of a sugar centrale is that it is a mill prepared to grind or crush the cane and make sugar. It may raise that cane or it may be cane raised by the small farmers in the vicinity. That is done in some instances in the United States, and perhaps it is done in Cuba, but about that I am not informed. Can not that be done just as well in the Philippine Islands; can not the people living around the centrale raise the cane and sell it to the centrale?

Mr. OLMSTED. They could, but would they? That is the question that the party would want to be sure about before they put in the money to establish the centrale. We took a great deal of testimony before the Committee on Insular Affairs in regard to that when we had the Porto Rico question before us, and the unanimous testimony was that nobody would be justified in putting the requisite money into the construction of a centrale, which is very expensive, requiring elaborate machinery and in some cases a railroad running to the field so as to bring in the cane promptly, unless he had land enough to assure him of a sufficient quantity of cane.

They could not depend upon the natives to raise a sufficient supply, and therefore it was deemed wise in the case of Porto Rico to allow a limit of 3,000 acres. Secretary of War Dickinson thought that the limit ought to be 5,000, but we concluded to allow them 3,000, which would assure them of a reasonable amount of cane, and then it was our belief that it would be better to let them depend more or less upon the farmers for the rest. Porto Rico is a small island, and the sugar territory there is quite limited.

Mr. SLAYDEN. The gentleman would not advocate as a policy elsewhere than in the Philippines, perhaps, the acquisition of farming lands by corporations in such quantities that it would to some extent at least interfere with individual ownership of lands?

Mr. OLMSTED. It would not to such an extent that it would interfere with individual operations. Neither under this law nor under the present law can a corporation own more than 2,500 acres of land in the Philippines.

Mr. SLAYDEN. I am sure the gentleman will agree with the suggestion that it is better for any country to have the people interested in the ownership of the soil than to have the corporations own it and the people working for them as hired hands.

Mr. OLMSTED. As a general proposition that is true; but the owners of the soil, so far as sugar is concerned—and I am not saying whether sugar is to be raised in the Philippines or not——

Mr. SLAYDEN. I am assuming that it is.

Mr. OLMSTED. If it is, there must be sufficient capital to put up one of these centrales.

Mr. SLAYDEN. That is the manufacture of the farming product into sugar.

Mr. JONES. Mr. Speaker, will the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. JONES. Is it not true that the Mindoro Development Co., which owns only 2,500 acres of land, has gone to work and put up a magnificent sugar centrale and spent a great deal of money on wharves, harbors, and so forth?

Mr. OLMSTED. I am not advised as to that. I think they did have it in contemplation. Whether they have done it or not I do not know.

Mr. JONES. Oh, yes; they have erected it.

Mr. OLMSTED. If they did, they did it because they had made sure that they could get the cane from the owners of large tracts of land.

Mr. JONES. Because they made sure they could get the cane from Horace Havemeyer and his associates, who bought 56,210 acres of land adjoining them.

Mr. OLMSTED. If they have erected a centrale, I have no doubt they did it on some assurance of that kind. Otherwise they would not have been sane business men. My information is that it has not been constructed. I may be mistaken.

Mr. GARRETT. The gentleman is mistaken about that. It has been constructed.

Mr. JONES. Then they have the object lesson that the gentleman desired.

Mr. OLMSTED. I am glad that they have. It will be a good thing. I do not think that there is any sugar mill in Louisiana dependent entirely upon cane raised by other people. Such mills are invariably owned by those who also own a large acreage of cane-producing land. In Hawaii very large bodies of cane lands are owned by those who grind the cane, and it is so in Cuba and in Porto Rico, for the 3,000-acre limit did not pass the Senate.

Mr. FOWLER. Mr. Speaker, will the gentleman yield?

Mr. OLMSTED. I will.

Mr. FOWLER. I did not quite understand the gentleman as to whether the law is so specific as to confine the alienation of lands to citizens of the Philippine Islands.

Mr. OLMSTED. I have never put that construction upon it. The gentleman from the Philippine Islands, the Resident Commissioner [Mr. QUEZON], does put that construction upon it, and if I correctly understand the gentleman from Virginia [Mr. JONES], he puts that construction upon it. I do not.

Mr. FOWLER. Can that same construction be placed upon the alienation of the individual to the land that he may own?

Mr. OLMSTED. No; I think not.

Mr. FOWLER. The gentleman thinks the individual then may sell his land to a foreigner the same as to a resident?

Mr. OLMSTED. If he bought public land he could not sell it to anybody for five years after that, and then he could sell it to anybody he pleased, so far as the law now stands.

Mr. FOWLER. A resident or a foreigner?

Mr. OLMSTED. Yes.

Mr. FOWLER. Why not limit both the individual and the Philippine Government to the sale of land to the resident Filipino, or to the resident of the Philippine Islands?

Mr. OLMSTED. If that is a desirable thing to do, the gentlemen may suggest it in the form of an amendment. I do not agree to support it, however.

Mr. FOWLER. Does the gentleman not think it advisable that the citizen own the land instead of the foreigner?

Mr. OLMSTED. I believe since the gentleman asks me that it would be a good thing for the Filipinos, if they could induce industrious American citizens to go there and invest a reasonable amount of capital in development of the islands, and in showing them modern processes of agriculture in which they are very backward and deficient. I do not know that I would want to be one of the Americans to go, but I think it would be a splendid thing for them to encourage residents of this country or England or any other country to go there and help them to make the islands as prosperous as the fertility of the soil entitles them to be.

Mr. FOWLER. Ought not such people to become citizens of the Philippine Islands if they want to own the real estate there?

Mr. OLMSTED. Well, I do not know that they would want to stay there a long time before they could acquire even 40 acres.

Mr. FOWLER. Is it not better that the land should lie unimproved and without value to the citizen than to sell it to a foreigner, although he might improve it?

Mr. OLMSTED. That question does not necessarily arise in the consideration of this bill, but I think it would do more good to the Filipinos to get some intelligent, sturdy, honest foreigner in there to show them how to farm.

Mr. FOWLER. But does the gentleman think they ought to give up their lands and homes for that purpose?

Mr. OLMSTED. There is no danger of that. There is ten times as much land there as the Filipinos will cultivate—land enough to support 50,000,000 people.

Mr. JONES. Will the gentleman yield?

Mr. OLMSTED. I will.

Mr. JONES. The question I wish to ask my friend from Pennsylvania is this: He said in reply to the gentleman from Illinois that Mr. QUEZON, the Commissioner from the Philippines, held that these lands could only be sold to natives. He did not mean to say by that that Mr. QUEZON was the only one who held that opinion?

Mr. OLMSTED. No; I distinctly said that, if I correctly understood the gentleman from Virginia, he had expressed that opinion.

Mr. JONES. And all the minority members of the Committee on Insular Affairs of the Sixty-first Congress who signed the minority report, and the three majority members who signed the report written by Judge Madison, took that view. Judge Madison was very strong and emphatic in his declaration that under the law nobody but natives could hold the land.

Mr. OLMSTED. If that is the law, it ought to be changed. I do not think that the people of the United States, who gave 60,000,000 acres to the people of the Philippines, ought to be deprived of the small privilege of purchasing 40 acres, if they want it.

Mr. JONES. I am not discussing the wisdom of the law.

Mr. OLMSTED. Mr. Speaker, it is not my intention to occupy more time of the House. I am not in favor of having the lands of the Philippine Islands exploited in the offensive sense of that term, in the objectionable sense in which we generally use and understand it, but I do not believe there is the slightest danger of that. There are 60,000,000 acres of public lands tied up with these restrictions.

Mr. SLAYDEN. May I ask the gentleman how much of that is arable land, if I may be permitted to do so?

Mr. OLMSTED. If the gentleman means by that land which could be cultivated, I suppose almost all of it could.

Mr. SLAYDEN. Well, how much land is there in the Philippines altogether in acreage?

Mr. OLMSTED. There are more than 115,000 square miles. I should say seventy to eighty million acres.

Mr. SLAYDEN. And 60,000,000 acres of it nearly all arable. Is not an enormous percentage of that area rocky and untillable?

Mr. OLMSTED. On the mountain tops there is a considerable part that probably could not be cultivated.

Mr. SLAYDEN. My information has been that a large part of the islands of the archipelago are small islands that are rocky, that have no soil on them at all of any consequence.

Mr. OLMSTED. A Government officer who has just visited the Philippines has reported upon the wonderful fertility of those lands. Of this 60,000,000 acres of public land much of it is very fertile.

Mr. SLAYDEN. The percentage of that which may be cultivated is a question in my mind.

Mr. OLMSTED. There are certainly a great many more millions of acres which could be readily cultivated than have ever been cultivated in the past 400 years.

Mr. SLAYDEN. My friend says his information is that 20,000,000 acres of the 60,000,000 acres are tillable agricultural lands.

Mr. DICKINSON. In the majority report, out of 60,000,000 acres 20,000,000 acres are classed as agricultural land.

Mr. OLMSTED. What report is that?

Mr. DICKINSON. The majority report.

Mr. OLMSTED. I do not accept that as correct. There is much of this land which to the casual observer might not seem arable but on which coconut trees can be raised, and they are the most profitable crop on the islands. The rubber plant grows wild and can be cultivated so as to be a profitable crop.

Mr. DICKINSON. I am simply calling the attention of the gentleman to the majority report with respect to the number of acres of agricultural land.

Mr. OLMSTED. Mr. Speaker, I must not trespass further upon the time and courtesy of the House. I have already pointed out how difficult, how impossible of sale, the passage of this bill would make these 125,000 acres of vacant friar lands—how impossible it would be for the Philippine Government to reimburse itself to meet its obligations incurred in their purchase. The islands are sufficiently protected from exploitation by the existing limitations upon the 60,000,000 acres of public lands. These 125,000 acres of unsold friar lands are in different islands and scattered through six different Provinces, and they are in irregular tracts, not readily divisible into 40-acre lots, and not salable in such lots.

Why should we impose upon the Philippine Government a restriction upon the sale of its own lands, which it purchased with its own money, the proceeds of its own bonds, for the payment of which it must provide?

These were private lands for many decades before the Spanish War, and it is only fair that the Philippine Government, which bought and paid for them, shall be permitted to realize upon them as soon as possible upon such terms and conditions as its own legislature may prescribe.

If Congress is to fix any limitation at all upon the sale of these friar lands, it ought to be along some reasonable lines, so as not to split up either small tracts or large ones into unsalable fractions; and there is certainly no reason in the world which anybody can give why a person, having purchased and paid for 40 acres of land, shall not be permitted to sell them if he so desires, or mortgage them so as to raise money to cultivate and improve them.

To place upon the sale of these friar lands the same limitations and restrictions now imposed upon the sale of the public lands is substantially to deny to the Philippine Government the right to sell its own property and to deprive it of the means of discharging its own obligations.

The protection of the Philippine Islands from exploitation is already accomplished in the restriction of 60,000,000 acres of public lands to sales in tracts of 40 acres each. The disposition of the friar lands is purely a matter of business. No great question of public policy is involved except the policy of converting them into cash as speedily as possible.

The sale of 125,000 acres in tracts considerably larger than 40 acres would not have a tendency to disturb any settled policy or to overthrow any great principle of government; but to put upon the sale of these friar lands the restrictions and onerous conditions sought to be imposed by this bill would practically prevent their sale and work a wholly unnecessary and inexcusable injustice upon the Filipino people.

I submit that the Philippine Government ought to be permitted to dispose of its own lands as it shall see fit. [Applause.] The existing law does not limit the sale of friar lands, but leaves that matter entirely to the Philippine Legislature. Under permission of the House I here insert as part of my remarks the following section of the report which, on behalf of the Committee on Insular Affairs, I had the honor to present to the House March 3, 1911:

CERTAIN SECTIONS OF THE ACT OF CONGRESS APPROVED JULY 1, 1902, DEAL SPECIFICALLY WITH LANDS ACQUIRED BY THE UNITED STATES UNDER THE TREATY OF PEACE WITH SPAIN, AND CONSTITUTING THE PUBLIC DOMAIN OF THE UNITED STATES IN THE PHILIPPINE ISLANDS. DO THE PROVISIONS OF THOSE SECTIONS APPLY ALSO TO THE FRIAR LANDS, WHICH DO NOT NOW, AND NEVER DID, BELONG TO THE UNITED STATES, BUT AT THE TIME OF THE PASSAGE OF SAID ACT WERE IN PRIVATE OWNERSHIP, AND BY SUBSEQUENT PURCHASE BECAME THE PROPERTY OF THE GOVERNMENT OF THE PHILIPPINE ISLANDS?

The act of Congress entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," approved July 1, 1902, and commonly called "The organic act," is a very long act, divided into 88 sections, covering a great variety of subjects.

Certain of these sections relate specifically to lands in the Philippine Islands belonging to the United States, having been acquired by our Government from the Spanish Crown under the treaty of Paris. Those which need be considered here are sections 12 to 17, both inclusive, which read as follows:

"SEC. 12. That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December 10, 1898, except such land or other property as shall be designated by the President of the United States for military and other reservations of the Government of the United States, are hereby placed under the control of the Government of said islands to be administered for the benefit of the inhabitants thereof, except as provided in this act.

"SEC. 13. That the government of the Philippine Islands, subject to the provisions of this act and except as herein provided, shall classify according to its agricultural character and productiveness, and shall immediately make rules and regulations for the lease, sale, or other disposition of the public lands other than timber or mineral lands, but such rules and regulations shall not go into effect or have the force of law until they have received the approval of the President, and when approved by the President they shall be submitted by him to Congress at the beginning of the next ensuing session thereof, and unless disapproved or amended by Congress at said session they shall at the close of such period have the force and effect of law in the Philippine Islands: *Provided*, That a single homestead entry shall not exceed 16 hectares in extent.

"SEC. 14. That the Government of the Philippine Islands is hereby authorized and empowered to enact rules and regulations and to prescribe terms and conditions to enable persons to perfect their title to public lands in said islands, who, prior to the transfer of sovereignty from Spain to the United States, had fulfilled all or some of the conditions required by the Spanish laws and royal decrees of the Kingdom of Spain for the acquisition of legal title thereto, yet fail to secure conveyance of title; and the Philippine Commission is authorized to issue patents, without compensation, to any native of said islands, conveying title to any tract of land not more than 16 hectares in extent, which were public lands and had been actually occupied by such native or his ancestors prior to and on the 13th of August, 1898.

"SEC. 15. That the Government of the Philippine Islands is hereby authorized and empowered, on such terms as it may prescribe, by general legislation, to provide for the granting or sale and conveyance to actual occupants and settlers and other citizens of said islands such parts and portions of the public domain, other than timber and mineral lands of the United States in said islands, as it may deem wise, not exceeding 16 hectares to any one person, and for the sale and conveyance of not more than 1,024 hectares to any corporation or association of persons: *Provided*, That the grant or sale of such lands, whether the purchase price be paid at once or in partial payments, shall be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee can not alienate or encumber said land or the title thereto, but such restriction shall not apply to transfers of rights and title of inheritance under the laws for the distribution of the estates of decedents.

"SEC. 16. That in granting or selling any part of the public domain under the provisions of the last preceding section, preference in all cases shall be given to actual occupants and settlers; and such public lands of the United States in the actual possession or occupancy of any native of the Philippine Islands shall not be sold by said Government to any other person without the consent thereto of said prior occupant or settler first had and obtained: *Provided*, That the prior right hereby secured to an occupant of land, who can show no other proof of title than possession, shall not apply to more than 16 hectares in one tract.

"SEC. 17. That timber, trees, forests, and forest products on lands leased or demised by the Government of the Philippine Islands under the provisions of this act shall not be cut, destroyed, removed, or appropriated except by special permission of said Government and under such regulations as it may prescribe.

"All moneys obtained from lease or sale of any portion of the public domain or from licenses to cut timber by the Government of the Philippine Islands shall be covered into the insular treasury and be subject only to appropriation for insular purposes according to law."

It is clear that, standing by themselves, these sections do not deal with private lands or with lands which then were, or might thereafter become, the property of the Government of the Philippine Islands. Their operation is, by their very terms, confined to "property and rights which have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain" (sec. 12); "public lands" (sec. 13); "public lands in said islands which had been the subject of transfer of sovereignty from Spain to the United States" (sec. 14); "the public domain * * * of the United States in said islands" (sec. 15); "public lands of the United States" (sec. 16); "public domain" (sec. 17).

The terms "public domain" and "public lands," when used in an act of Congress without qualifying words, are always descriptive of property of the United States, and no other.

The sections quoted do not in themselves contain any reference to the so-called friar lands, which were not the property of the Spanish Crown; were not acquired by our Government under the treaty of peace; and do not now, nor ever did, constitute any portion of the "public land" or "public domain of the United States." The friar lands were, at the time of the treaty of peace, and at the time of the passage of the act of Congress of 1902, in private ownership. Some six years after the treaty of Paris, and two years after the passage of the organic act, they were purchased by the Philippine Government in pursuance of authority contained in sections 63, 64, and 65, as follows:

"SEC. 63. That the Government of the Philippine Islands is hereby authorized, subject to the limitations and conditions prescribed in this act, to acquire, receive, hold, maintain, and convey title to real and personal property, and may acquire real estate for public uses by the exercise of the right of eminent domain.

"SEC. 64. That the powers hereinbefore conferred in section 63 may also be exercised in respect of any lands, easements, appurtenances, and hereditaments which, on the 13th of August, 1898, were owned or held by associations, corporations, communities, religious orders, or private individuals in such large tracts or parcels and in such manner as in the opinion of the commission injuriously to affect the peace and welfare of the people of the Philippine Islands. And for the purpose of providing funds to acquire the lands mentioned in this section said Government of the Philippine Islands is hereby empowered to incur indebtedness, to borrow money, and to issue, and to sell at not less than par value, in gold coin of the United States of the present standard value or the equivalent in value in money of said islands, upon such terms and conditions as it may deem best, registered or coupon bonds of said Government for such amount as may be necessary; said bonds to be in denominations of $50 or any multiple thereof, bearing interest at a rate not exceeding 4½ per cent per annum, payable quarterly, and to be payable at the pleasure of said Government after dates named in said bonds, not less than 5 nor more than 30 years from the date of their issue, together with interest thereon, in gold coin of the United States of the present standard value or the equivalent in value in money of said islands; and said bonds shall be exempt from the payment of all taxes or duties of said Government, or any local authority therein, or of the Government of the United States, as well as from taxation in any form by or under State, municipal, or local authority in the United States or the Philippine Islands. The moneys which may be realized or received from the issue and sale of said bonds shall be applied by the Government of the Philippine Islands to the acquisition of the property authorized by this section, and to no other purposes.

"SEC. 65. That all lands acquired by virtue of the preceding section shall constitute a part and portion of the public property of the Government of the Philippine Islands, and may be held, sold, and conveyed, or leased temporarily for a period not exceeding three years after their acquisition by said Government on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this act: *Provided*, That all deferred payments and the interest thereon shall be payable in the money prescribed for the payment of principal and interest of the bonds authorized to be issued in payment of said lands by the preceding section, and said deferred payments shall bear interest at the rate borne by the bonds. All money realized or received from sales or other disposition of said lands or by reason thereof shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a sinking fund for the payment of said bonds at their maturity. Actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to lease, purchase, or acquire their holdings within such reasonable time as may be determined by said Government."

Nowhere in these sections are the friar lands spoken of as "public lands" or as constituting "parts and portions of the public domain of the United States in said islands."

Section 64 authorized the Philippine Government to purchase the lands of the religious orders and, for the purpose of providing the necessary funds, to issue and sell bonds, the proceeds thereof to be applied to the acquisition of the said lands and to no other purpose.

Section 65 authorizes the Philippine Government to sell all lands acquired by virtue of the preceding section "on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this act," and requires all moneys realized from said sales to be placed in a trust fund or sinking fund for the payment of the principal and interest of said bonds. Does the phrase "subject to the limitations and conditions provided for in this act" bring forward and extend to these friar lands, purchased by the Philippine Government with its own money, and for which it is to reimburse itself out of the proceeds of their sales, all the restrictions placed by sections 12 to 17 upon the acquisition of lands belonging to the United States, but which that Government was practically giving away for the benefit of the Filipino people in the manner and upon the terms it chose to adopt for that purpose? Does that language extend to the friar lands owned

by the Philippine Government the provisions of those sections which, standing by themselves, deal only with lands owned by the United States? The Philippine Legislature and the Philippine officials did not so construe it.

Section 15 of the organic act required legislation by the Philippine Government providing for the sale of public lands of the United States. Section 65 required legislation prescribing terms and conditions for sales of friar lands belonging to the Philippine Government. The Philippine Legislature passed Act No. 926, entitled "The public-lands act," which was amended by Act No. 979, approved October 7, 1903. The second chapter of this act limited the purchase of public lands by a corporation to 1,024 hectares and by an individual to 16 hectares, and it provided that "no association of persons not organized as above and no mere partnership shall be entitled to purchase a greater quantity than will equal 16 hectares for each member thereof." Subsequently the legislature passed Act No. 1120, known as the "friar-lands act," in the preamble of which it is set forth that "the said lands are not 'public lands' in the sense in which those words are used in the public-land act * * * and can not be acquired or leased under the provisions thereof, and it is necessary to provide proper agencies for carrying out the terms of said contract of purchase and the requirements of said act of Congress with reference to the leasing and selling of said lands and the creation of a sinking fund to secure the payment of the bonds so issued."

The ninth section of this so-called friar-lands act required of the chief of the bureau of public lands that "in making such sales he shall proceed as provided in chapter 2 of the public-lands act." This was properly construed by the Philippine officials as imposing the same limitations upon the sale of friar lands as had been in their public-lands act imposed upon the sale of public lands. It was very soon discovered that friar lands could not be sold to any considerable extent under such conditions; therefore, by the Philippine Act No. 1847, approved June 3, 1908, the friar-lands Act No. 1120 was so amended as to remove the obligation to follow the terms of the public-lands act, and thus to remove its restriction upon the amount of friar lands that might be sold to a single purchaser.

Section 86 of the organic act requires "that all laws passed by the Government of the Philippine Islands shall be reported to Congress, which hereby reserves the power and authority to annul the same." In pursuance of that requirement, the acts above mentioned, both original and amendatory, were duly certified to Congress, which has taken no action thereon.

The change in the Philippine law touching friar lands is fully explained in volume 8 of the Annual Report of the Secretary of War for 1908, at page 48, Part II, in the following language:

"Certain important amendments to the friar-land act have been made. This act made the provisions of chapter 2 of the public-land act apply to sales of friar lands. The amount of land which could be sold to an individual was thus limited to 16 hectares, which would in very many cases have defeated the obvious intention of the act to allow tenants to secure their actual holdings, and would have delayed for many years the sale of large tracts, thus obliging the Government to continue to pay interest on their purchase price. The provision of the public-land act that surveys should be in regular subdivisions was entirely impracticable on occupied friar estates on account of the very irregular form of actual holdings.

"The further requirement for advertising after application for purchase had been made imposed an entirely needless and unwarranted expense of ₱20 to ₱100 on each purchaser, and the most liberal arrangement relative to payment possible was that it should be made in one installment, after five years, with interest at 6 per cent.

"Under the law as amended there is no limit as to the amount of land which may be purchased."

The report of the Secretary of War, embodying the report of the Philippine Commission and including the language quoted, was submitted to Congress by President Roosevelt in December, 1908. Thus that construction of the law was given full publicity, not only in the Philippine Islands but in the United States, prior to the commencement of the present administration and long prior to any negotiations by anybody for the purchase of the San José estate.

If the phrase "subject to the limitations and conditions provided for in this act," appearing in section 65 of the organic act, renders the friar lands subject to the conditions found in section 15, by the same reasoning the friar lands must be subject to the provisions of all the sections touching public lands. Among them is section 13, which provides that "a single homestead entry shall not exceed 16 hectares in extent." Was it intended that the friar lands purchased by the Philippine Government with borrowed money to be repaid out of the proceeds of their sales should be subject to homestead entry? Section 14 requires that patents shall be issued without compensation, "conveying title to any tract of land not more than 16 hectares in extent which were public lands and had been actually occupied by said native or his ancestors prior to August 13, 1898." While the San José estate and one or two others were practically untenanted, the most of the friar lands were occupied by natives or their ancestors prior to August 13, 1898. All of the most valuable of the friar lands were thus occupied. Was it the intention of the organic act that the Philippine Government should be compelled to issue patents to these friar lands without compensation? If so, the requirement that the proceeds of sale should be placed in a sinking fund for the repayment of the bonds was of very little value.

Section 14 also limits the former occupant of public lands to the acquisition of not more than 16 hectares; but section 65, relating to friar lands, declares that "actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to lease, purchase, or acquire their holdings within such reasonable time as may be determined by said Government." Had Congress intended to limit the preference of such occupants of friar lands to 16 hectares, would not that limitation have been clearly expressed as in the case of public lands? Does not the use of the term "their holdings" indicate an intention to give them the preference and the right to acquire their entire holdings, whether more or less than 16 hectares?

In the table above given there appear the names of many tenants who have acquired title to lands previously occupied by them in amounts exceeding 16 hectares each.

If the limitations of section 15 apply at all to the lands acquired by the Philippine Government under section 65, they must apply to all lands so acquired. Was it the intention of Congress to cut up, distribute, and impair these tenant holdings of friar lands by clipping off here and there the hectares in excess of 16? If tenants holding 20, or 30, or 40, or more hectares and given the privilege over all others "to lease, purchase, or acquire their holdings" are limited in that preference and in that purchase or acquisition to 16 hectares, then to which particular 16 hectares does the preference and the right of acquisition extend? From which particular hectares are other persons excluded from purchase? By holding off for a term of years such tenant might hold a hundred or a thousand hectares against all the world, and then finally have the right to purchase only 16 himself.

Mr. Storey, in his opinion, cites parts of sections 65 and 15, respectively, but in each instance omits the proviso which is a very important part of the section. Thus the proviso to section 15 provides, as to public lands, "that the grant or sale of such lands, whether the purchase price be paid at once or in partial payments, shall be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee can not alienate or encumber said land or the title thereto, but such restriction shall not apply to transfers of rights and title of inheritance under the laws for the distribution of the estates of decedents. If any part of that section applies to friar lands, it all applies. Congress, as already stated, has practically required the Philippine Government to acquire these lands, in the purchase of which it incurred an indebtedness of $7,000,000 and an annual interest charge of $280,000. Section 65 contemplates that the proceeds of sales of these lands shall be used to meet these interest charges and pay the principal of the bonds. Is it reasonable to suppose that Congress intended not only to limit each sale to 16 hectares (40 acres), but also to make sales practically impossible by requiring that the purchaser must actually occupy, improve, and cultivate the premises for five years, during which period, even though he pay the full cash price on the day of sale, he is forbidden to either sell or mortgage or in any way encumber the land? That was not an unreasonable provision where the Government of the United States was giving away its own land; but a most unreasonable condition to impose upon the sale of friar lands purchased by the Philippine Government with its own money and from the sale of which it was to provide the funds for its own reimbursement. The legislative intent must plainly appear before such a construction can be justified.

If the terms and conditions of section 15 apply to lands purchased and sold under authority of section 65, so also must the provisions of section 16, which declares that—

"such public lands of the United States in the actual possession or occupancy of any native of the Philippine Islands shall not be sold by said Government to any other person without the consent thereto of said prior occupant or settler first had and obtained: *Provided*, That the prior right hereby secured to an occupant of land who can show no other proof of title than possession shall not apply to more than 16 hectares in one tract."

Is it reasonable to suppose that Congress intended that limitation to apply to friar lands? Did it intend to prevent the Philippine Government from selling, at all, friar lands in the possession or occupancy of persons who had no title and did not seek to obtain one? Did Congress intend to compel the Philippine Government to buy land upon which there might be settlers without title, which land the settlers were not compelled to buy, but which the Government could never sell without their consent first had and obtained?

Section 65, which authorizes the sale of friar lands "subject to the limitations and conditions provided for in this act," provides that the money realized from the sales of such lands "shall constitute a trust fund for the payment of principal and interest of said bonds." Section 17 requires that "all moneys obtained from lease or sale of the public domain * * * shall be covered into the insular treasury and be subject only to appropriation for insular purposes according to law." Surely it was not intended by section 65 to extend the terms and conditions of section 17 to sales of friar lands.

All the parts of the act must be considered together and given harmonious and reasonable construction so as to effectuate the legislative intent. The words "subject to the limitations and conditions provided for in this act," as found in section 65, are not meaningless nor without effect even if held not to refer to the provisions of sections 12 to 17, which deal with public lands. There are plenty of "limitations and conditions provided for in this act" to which the sales or leases of friar lands are made subject. For instance, that they may not be leased for a period exceeding three years (sec. 65); that deferred payments and interest thereon shall be payable in the money prescribed for the payment of the principal and interest of the friar-land bonds issued in payment for said lands; that the money realized from the sale of lands shall constitute a trust fund and not go into the insular treasury for general purposes; that actual settlers and occupants shall have the preference over all others to lease, purchase, or acquire their holdings; that public works, duly authorized, may be constructed over and upon them (sec. 74); that corporations may not hold more than 1,024 hectares (sec. 75). This provision is general and applies to public lands, private lands, and friar lands alike.

Section 74 bears evidence that the act all the way through recognizes the distinction between lands of the United States and lands of the Philippine Government. It confers authority for public works to be constructed "over and across the public property of the United States and over similar property of the Government of said islands." This important section upon the subject of franchises contains numerous conditions to which friar lands, as well as public lands, are subjected. It provides that "lands or rights of use and occupation of lands thus granted shall revert to the Governments by which they were respectively granted upon the termination of the franchises and concessions under which they were granted or upon their revocation or repeal." That is plainly one of the limitations and conditions subject to which the purchasers may acquire friar lands.

There are many other "limitations and conditions" prescribed in the organic act, general in character, and which may reasonably be construed to have been extended by section 65 to friar lands; but the limitations and conditions specifically imposed by sections 12 to 17 upon the sale and disposal of lands owned by the United States, and which this Government has generously permitted to be sold for the benefit of the Filipino people, can not by any reasonable construction be made to extend to sales by the Philippine Government of lands purchased with its own money from private owners and which never did belong to the United States.

It is quite within the power of the Philippine Legislature to limit the amount of friar lands which may be sold to a single noncorporate purchaser, but it has not done so and Congress has not done so.

In construing the statute we must of course consider all its parts, and may also properly take into consideration the events and conditions which led to its passage. In passing upon the statutory remedy we must consider the mischief for which it was intended to be the cure.

"The legislative department is supposed to have a consistent design or policy and to intend nothing inconsistent or incongruous. The mischief intended to be removed or suppressed or the cause or necessity of any kind which induced the enactment of a law are important factors to be considered in its construction. The purpose for which a law was enacted is a matter of prime importance in arriving at the correct interpretation of its terms. (Lewis's Sutherland Statutory Construction, second edition, sec. 471.)

"The intention of the legislature in enacting a law is the law itself, and must be enforced when ascertained, although it may not be consistent with the strict letter of the statute. Courts will not follow the letter of a statute when it leads away from the intent and purpose of the legislature and the conclusions inconsistent with the general purpose of the act. (Ibid., sec. 363.)

"Statutes are to be construed as may best effectuate the intention of the makers, which sometimes may be collected from the cause or occasion for passing the statute, and where discovered it ought to be followed with judgment and discretion in the construction, though the construction may seem contrary to the letter of the statute." (Big Black Creek Improvement Co. *v.* Commonwealth, 94 Pa., 450.)

If it be argued that the qualification "subject to the limitations and conditions provided for in this act," as found in section 65, includes necessarily all the limitations and conditions anywhere found in the act, even though they were definitely and distinctly applied in connection with sales of public lands only, the answer is found in the decision of our highest tribunal, as reported in McKee *v.* United States, 164 U. S., 287 (book 41, Lawyers' Co-op. Ed., 437). The fourth section of an act of Congress, approved March 2, 1891, distinctly provided "that any sum or sums of money received into the Treasury of the United States from the sale of lands bid in for taxes in any State under the laws described in the first section of this act, in excess of the tax assessed thereon, shall be paid to the owners of the land so bid in and resold, or to their legal heirs and representatives."

That language was very general, but the Supreme Court of the United States held that it did not apply to all cases. Mr. Justice Peckham, delivering the opinion of the court, said:

"There was added to the act of 1891 the last clause of section 4, which would cover all such cases, and we are of opinion that this last clause does not refer to or cover the cases of those owners who are mentioned in the first clause of the same section. Otherwise this curious result might and in this particular case would follow, etc."

He then proceeds to consider "the contemporaneous history" of the sale of lands under the provisions of the direct-tax act of 1861, and says:

"It is true that if the language used in that last clause be given its widest and broadest application it would include all owners of real estate which had been sold in any portion of the country under the provisions of the direct-tax act. But we think a perusal of the whole act prevents our giving this unlimited construction, because to do so would conflict with what we think was the intention of Congress, gathered from the provisions of the whole act. Under such circumstances it is not only the right but it is the plain duty of the court to limit by a proper construction the otherwise boundless application of the general language used in the statute."

The opinion concludes in these words:

"In this case we think the intention of Congress was plain, and that the general language of the last clause of section 4 should not be held to include the class of owners of lands mentioned in the first clause of the same section, for whose case special provision was therein made."

Applying the principles of construction above set forth, we may well take into consideration the contemporaneous history and the events and conditions which moved Congress to authorize the purchase and sale of these so-called friar lands.

Prior to the Spanish-American War something over 400,000 acres of lands in the Philippine Islands were in the private ownership of the friars. Under the Spanish régime these priests possessed and exercised great power and influence in the communities in which they resided. Some of their estates were unoccupied, but the most of them were thickly peopled. The tenants and subtenants and their families living upon these estates numbered more than 160,000. The Filipino people were engaged in an effort to throw off the tyranny and despotism of Spain. Partly because the friars were not in sympathy with this insurrection, and partly because they were alleged to be oppressive and unsatisfactory landlords, the tenants turned upon them. The priests were driven from their parishes and fled to the city of Manila, where they were found when the Americans took possession of the islands. When the Americans had assumed control the friars insisted upon their rights. The tenants repudiated their obligations to the friars as landlords and refused either to surrender possession of, or to pay rent for, the lands they occupied. The American Government now faced the same serious and disturbing agrarian troubles which had caused the Spanish Government so much annoyance and disaster. That was the mischief. The remedy was to get these lands away from the friars and into an ownership which the tenants would respect. To apply this remedy it became necessary for Congress to provide a way whereby the Philippine Government could itself acquire the lands from the friars. This was accomplished by authorizing that Government to issue its own bonds and apply the proceeds to the purchase of the lands. It was also necessary to provide a method whereby the Philippine Government could provide for the payment of the bonded obligations thus incurred.

This Congress sought to accomplish by authorizing the sale of the lands and requiring the proceeds to be put into a trust fund for the payment of the principal and interest of the bonds. As a further and very necessary means of securing permanent freedom from such troubles as existed, Congress provided that the tenants should themselves have the first right to purchase, and thus acquire ownership of the lands upon which they had lived. Should they not purchase, then the lands were to be sold to others. Public lands of the United States in the Philippine Islands were, by Congress, substantially open to homestead entry, under rigid conditions prescribed in the organic act itself. People who had occupied them for the time, specified in the act, were to be given patents without compensation. The object of disposing of these public lands was not so much to secure funds as to induce the Filipino people to occupy and cultivate them. They were, and are, almost wholly unoccupied. With the friar lands, the case was quite different. Most of them were already in occupation and under cultivation. The object of their sale was to acquire funds with which to repay the money borrowed by the Philippine Government for their purchase. This work would have been defeated by applying to them the conditions of section 15 touching public lands of the United States, under which section the purchaser was not only limited to 16 hectares, but was also prevented from selling, leasing, mortgaging, or otherwise encumbering his land for five years after he had paid for and acquired title. The fact that early sales of friar lands were contemplated by the act is manifest from the fact that, while no limit of time was placed upon leases of public lands, friar lands could be leased only "temporarily for a period not exceeding three years." These leases were made temporary, so that they might not obstruct the sales, which were clearly contemplated and from the funds of which the Philippine Government was to reimburse itself. The practical effect of the conditions imposed by section 15 is well illustrated in the island of Mindoro, where public lands have been offered subject to those conditions at $2 per acre, with not a single purchaser, while friar lands immediately adjoining but without the same onerous conditions, have been sold at more than $6 per acre.

Arising out of this friar-land transaction, the Philippine Government has a bonded indebtedness of $7,000,000, with an annual interest charge of $280,000 thereon. Can it reasonably be assumed that Congress intended that Government to bear this onerous burden itself and to impose upon it the necessity of taxing the Filipino people to meet these obligations, by depriving them of the opportunity to sell, at a fair price and on such terms as they might impose, the very lands for which the indebtedness had been incurred? There were certainly hundreds, perhaps thousands, of tenants of friar lands, each owning more than 16 hectares. To have limited their rights of purchase to that amount of land, ejecting them from the excess, would have aggravated the very difficulty which Congress sought to allay.

A careful study of the organic act in all its parts, taking into account the history of the times and the objects sought to be accomplished, leads to the conclusion that the homestead provisions of sections 12 to 17, relating to public lands of the United States, do not and were not intended to apply to friar lands acquired and sold under the provisions of section 65, and that the act fixes no limit to the quantity of friar lands which may be sold to purchasers other than corporations. It is, as already pointed out, within the power and authority of the Philippine Legislature to limit the amount that may be sold to a single person.

ADJOURNMENT.

Mr. JONES. Mr. Speaker, I do not believe anybody else wishes to address the House, and therefore I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 19 minutes p. m.) the House adjourned until Thursday, May 2, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Department of Commerce and Labor, giving department views on H. R. 19545, a bill relating to the immigration act of 1907 (H. Doc. No. 725), was taken from the Speaker's table, referred to the Committee on Immigration and Naturalization, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DIXON of Indiana, from the Committee on Ways and Means, to which was referred the bill (H. R. 13392) to repeal section 2648 of the Revised Statutes of the United States, 1878, being an act entitled "An act authorizing the surveyors of collection districts to sell blank manifests and clearances, etc., in the northeastern and northwestern frontiers, etc.," reported the same without amendment, accompanied by a report (No. 630), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. EVANS, from the Committee on Military Affairs, to which was referred the bill (H. R. 23668) for the erection of a mortuary and memorial chapel in Arlington Cemetery, reported the same with amendment, accompanied by a report (No. 634), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ASHBROOK, from the Committee on Coinage, Weights, and Measures, to which was referred the bill (H. R. 23570) to authorize the coinage of 3-cent pieces and one-half-cent pieces, and for other purposes, reported the same with amendment, accompanied by a report (No. 636), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill (S. 109) to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect, reported the same with amendment, accompanied by a report (No. 637), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HUMPHREYS of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the

bill (H. R. 23470) to protect American trade and American shipping from foreign monopolies, reported the same without amendment, accompanied by a report (No. 632), which said bill and report were referred to the House Calendar.

Mr. GARRETT, from the Committee on Insular Affairs, to which was referred the joint resolution (H. J. Res. 278) to authorize the President of the United States to secure the neutralization of the Philippine Islands and the recognition of their independence by international agreement, reported the same without amendment, accompanied by a report (No. 635), which said bill and report were referred to the House Calendar.

Mr. MOORE of Pennsylvania, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 299) proposing an international maritime conference, reported the same with amendment, accompanied by a report (No. 638), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HAMILTON of West Virginia, from the Committee on Invalid Pensions, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 24016) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 629), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CLINE: A bill (H. R. 24017) to amend section 4488 of the Revised Statutes of the United States and define the character of life-saving equipment to be carried; to the Committee on the Merchant Marine and Fisheries.

By Mr. PARRAN: A bill (H. R. 24018) for the widening and deepening of the Craighill Channel at Rock Point, near the mouth of the Patapsco River, and the widening and deepening of the channel and the removal of the White Rocks at the entrance of Rock Creek, in the Chesapeake Bay, in the State of Maryland; to the Committee on Rivers and Harbors.

By Mr. HAMILTON of Michigan: A bill (H. R. 24019) granting a pension to persons who are deaf or partially deaf from causes arising while in the military service of the United States; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 24020) to amend section 38 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

Also, a bill (H. R. 24021) to amend section 38 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. MANN: A bill (H. R. 24022) providing for rates of postage on fourth-class mail matter, for the appointment of the parcel transportation commission, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of South Carolina: A bill (H. R. 24023) making appropriations for the legislative, executive, and judical expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. HAYES: A bill (H. R. 24024) increasing the cost of erecting a public building at Santa Barbara, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. ALEXANDER: A bill (H. R. 24025) to amend sections 4400 and 4488 of the Revised Statutes of the United States relating to the inspection of steam vessels, and section 1 of an act approved June 24, 1910, requiring apparatus and operators for radiocommunication on certain ocean-going steamers; to the Committee on the Merchant Marine and Fisheries.

By Mr. BRANTLEY: A bill (H. R. 24026) to incorporate the Naval History Society; to the Committee on the Library.

By Mr. MOORE of Pennsylvania: A bill (H. R. 24027) making an appropriation to defray the expenses of delegates to the Permanent International Commission of Road Congresses; to the Committee on Agriculture.

By Mr. AUSTIN: A bill (H. R. 24028) authorizing and permitting the Tennessee Hydroelectric Co., its successors and assigns, to build and maintain dams and water-power development in and across Clinch and Powell Rivers, in Anderson County, State of Tennessee; to the Committee on Interstate and Foreign Commerce.

By Mr. RANSDELL of Louisiana: A bill (H. R. 24029) to provide for emergency crops on overflowed lands in the south Mississippi Valley; to the Committee on Agriculture.

By Mr. KINKEAD of New Jersey: A bill (H. R. 24030) making appropriation for the further improvement of the Hudson (North) River Channels of New York Harbor, N. Y.; to the Committee on Rivers and Harbors.

By Mr. BURNETT: Resolution (H. Res. 518) setting date for consideration and vote on House bill 22527; to the Committee on Rules.

By Mr. PUJO: Resolution (H. Res. 519) authorizing the payment of expenses incurred by the Committee on Banking and Currency; to the Committee on Accounts.

By Mr. FITZGERALD: Joint resolution (H. J. Res. 312) making appropriations for the relief of sufferers from floods in the Mississippi and Ohio Valleys; to the Committee of the Whole House on the state of the Union.

By Mr. CLAYTON: Joint resolution (H. J. Res. 313) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: Memorial of the Legislature of the State of Massachusetts, favoring the passage of House bill 36, providing for protection of migratory game birds; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HAMILTON of West Virginia: A bill (H. R. 24016) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. ADAIR: A bill (H. R. 24031) granting an increase of pension to Cyrus A. Moneysmith; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Minnesota: A bill (H. R. 24032) granting a pension to Lucie Bostian; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 24033) granting a pension to Margaret A. Warren; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24034) granting an increase of pension to William T. Mahan; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 24035) granting an increase of pension to James W. Whyde; to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 24036) granting an increase of pension to Robert Barrett; to the Committee on Invalid Pensions.

By Mr. BATHRICK: A bill (H. R. 24037) granting an increase of pension to Charles Schlaburg; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 24038) to amend the naval record of Thomas Mooney; to the Committee on Naval Affairs.

By Mr. CATLIN: A bill (H. R. 24039) to correct the military record of Horace McMellon; to the Committee on Military Affairs.

By Mr. COX of Indiana: A bill (H. R. 24040) granting a pension to the children of Preston Decker, deceased; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 24041) granting a pension to William Warner, alias Samuel Mee; to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 24042) to reappropriate certain money for the purpose of paying the claim of John E. Meyer; to the Committee on Indian Affairs.

By Mr. DONOHOE: A bill (H. R. 24043) for the relief of Einar Barford; to the Committee on Claims.

By Mr. FERGUSSON: A bill (H. R. 24044) for the relief of the heirs of Francisco Gonzalez; to the Committee on Claims.

By Mr. FIELDS: A bill (H. R. 24045) granting an increase of pension to Francis Marion Sanders; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 24046) granting a pension to Frank Sanford Stirling; to the Committee on Pensions.

By Mr. GOEKE: A bill (H. R. 24047) granting a pension to Mary F. Hess; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 24048) authorizing the Secretary of War to place the name of George D. Arnold on the rolls

of Company E, Fifteenth Regiment Maine Volunteers, and issue him an honorable discharge; to the Committee on Military Affairs.

By Mr. HAMLIN: A bill (H. R. 24049) granting an increase of pension to W. R. Young; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 24050) for the correction of the military record of David Walker; to the Committee on Military Affairs.

By Mr. KORBLY: A bill (H. R. 24051) granting an increase of pension to Andrew J. Grayson; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 24052) granting an increase of pension to William Coyle; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 24053) granting an increase of pension to Jacob Jones; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 24054) granting an increase of pension to Myron E. Northway; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 24055) granting an increase of pension to Alvira F. Mitchell; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 24056) granting a pension to Homer C. Putman; to the Committee on Pensions.

Also, a bill (H. R. 24057) granting a pension to James W. Griffith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24058) granting an increase of pension to James Allensworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24059) granting an increase of pension to J. M. Burson; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 24060) for the relief of the estate of Kelita Suit, deceased; to the Committee on War Claims.

By Mr. RANDELL of Texas: A bill (H. R. 24061) for the relief of the estate of James B. Ogletree, deceased; to the Committee on War Claims.

By Mr. ROTHERMEL: A bill (H. R. 24062) granting an increase of pension to Erastus W. S. Kintzel; to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 24063) granting a pension to Walter Johnson; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 24064) granting a pension to Mary Siegel; to the Committee on Pensions.

By Mr. STEPHENS of California: A bill (H. R. 24065) granting an increase of pension to John D. Abell; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 24066) granting an increase of pension to Mary L. Parker; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Minnesota: Petition of A. T. Abraham and 11 others, of Lake City, Minn., protesting against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANTHONY: Petition of Clarence Sharon and other citizens of Tupelo, Kans., protesting against adoption of Taylor system in Government shops; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of cashiers of chapters of the American Insurance Union, State of Ohio, favoring passage of Dodds amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of James Welsh and 20 other citizens of Newark, Ohio, against passage of interstate-commerce liquor legislation; to the Committee on the Judiciary.

Also, petition of Porter & Bonham and 10 other merchants of Shreve, Ohio, asking that Congress give the Interstate Commerce Commission further power to control express companies; to the Committee on Interstate and Foreign Commerce.

By Mr. BARCHFELD: Papers to accompany bill for increase of pension of Robert Barrett; to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of Associated Fraternities of America, Lincoln, Nebr., favoring the passage of the Dodds amendment to the House postal appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. DANFORTH: Petition of Coopers' International Union, No. 24, of Rochester, N. Y., against the enactment of House bill 17593; to the Committee on the Judiciary.

Also, petition of Frank W. McHugh Co., of Rochester, N. Y., favoring the passage of House bill 22766, relative to coupons in tobacco packages; to the Committee on Ways and Means.

By Mr. DAVENPORT: Papers to accompany bill for the relief of William Warner; to the Committee on Invalid Pensions.

By Mr. DYER: Petition of citizens of St. Louis, Mo., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of the Geo. F. Dittmann Boot & Shoe Co., of the Dry Goods Man & General Merchant, of the Roberts, Johnson & Rand Shoe Co., of Reeves & Co., of the Multiplex Display Fixture Co., of the Business Men's League, and of the Eddy & Eddy Manufacturing Co., all of St. Louis, Mo., for appropriations to raise the levees of the Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of the St. Louis Metal Trades Association, of St. Louis, Mo., against passage of the Bartlett bill; to the Committee on the Judiciary.

By Mr. FITZGERALD: Papers to accompany bill for increase of pension of Alexander W. Hicks (H. R. 23485); to the Committee on Invalid Pensions.

By Mr. FOSS: Petition of citizens of Chicago, Ill., relative to operation of corporation tax; to the Committee on Ways and Means.

Also, petition of citizens of State of Illinois, against passage of Senate bill 1 for establishment of an independent bureau of health; to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: Petition of Fremont Post, No. 29; of Howard Post, No. 28; of U. S. Grant Post, No. 32; and of G. A. Hobart Post, No. 27, Grand Army of the Republic, of the State of Idaho, favoring passage of House bill 14070 for the relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

Also, petitions of Posts Nos. 33, 5, and 9, Grand Army of the Republic, for enactment of House bill 14070; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of National Association of Life Insurance Policy Holders, of Chicago, Ill., favoring the passage of the Foss bill, to amend the corporation-tax law, etc.; to the Committee on Ways and Means.

Also, petition of F. O. Van Galder, editor Modern Woodmen of America, of Rock Island, Ill., favoring the passage of the Dodds amendment to the Post Office appropriation bill relating to publications issued by fraternal societies; to the Committee on the Post Office and Post Roads.

Also, petition of Dickerman & Co., of Sandwich, Ill., in opposition to the passage of House bills 23192 and 23193, to amend patent laws, etc.; to the Committee on Patents.

By Mr. HANNA: Petition of citizens of Nameless, N. Dak., favoring passage of Postal Progress League parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, petition of Sargent Sunday School Association, Forman, N. Dak., favoring passage of the Kenyon-Sheppard interstate liquor bill (H. R. 16214), to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Also, petition of merchants and dealers of Edgeley, N. Dak., in opposition to any change that would prevent the manufacturer from fixing and enforcing retail prices on his patented goods; to the Committee on Patents.

By Mr. HAYES; Petition of Fort Ramie Grange, No. 358, Soledad, Cal., favoring passage of parcel-post system and opposing 1-cent letter rate; to the Committee on the Post Office and Post Roads.

Also, petition of Lindsay Center of California Civic League, Lindsay, Cal., favoring ample appropriation for the enforcement of the white-slave traffic act; to the Committee on Appropriations.

Also, petitions of William R. Shannon and J. C. Hamilton, of San Jose, Cal., favoring the passage of House bill 20487, for the Federal accident-compensation act to become a law; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of Gilroy, Cal., favoring passage of Haugen bill (H. R. 21225) and defeat of the Lever bill (H. R. 20281); to the Committee on Agriculture.

Also, petition of Retail Druggists' Association, San Francisco, Cal., for the defeat of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of the New York State Mayors' Conference, for improved life-saving facilities on ocean vessels; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the California Wholesale Grocers' Association, of the State of California, favoring the passage of the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of San Francisco, Cal., favoring passage of House bill 17736, for reducing the rate on letter postage to 1 cent per ounce; to the Committee on the Post Office and Post Roads.

Also, petition of J. Kelleher, San Jose, Cal., favoring passage of House bill 20487, for the Federal accident compensation act to become a law; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of San Francisco, Cal., for recognition of Chinese Republic; to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of Palo Alto, Cal., favoring passage of Haugen bill (H. R. 21225) and defeat of Lever bill (H. R. 20281); to the Committee on Agriculture.

Also, petition of the Chamber of Commerce of Sacramento, Cal., favoring passage of House bill 19476, for increasing the California Redwood Park; to the Committee on the Public Lands.

By Mr. KAHN: Petition of Retail Druggists' Association of San Francisco, Cal., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Chamber of Commerce of San Francisco, Cal., submitting amendments of Shipowners' Association of Pacific Coast relative to House bill 11372; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Labor Council of San Francisco, Cal., favoring passage of House bill 11372, known as the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Carpenters' Union, Local No. 1082, San Francisco, Cal., favoring passage of House bill 22339, in opposition to the stop-watch system on Government employees; to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of E. A. Schweiger, of Brooklyn, N. Y., against changing laws bearing on manufactured articles covered by patents; to the Committee on the Judiciary.

Also, petition of Dr. Abram Posner, Brooklyn, N. Y., against passage of House bills 11380 and 11381; to the Committee on the Judiciary.

Also, petition of Simpson-Crawford Co. and the Fourteenth Street Store, favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Jewish community of New York City, against the educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. PARRAN: Papers to accompany bill granting a pension to Edith Mason (H. R. 23228); to the Committee on Pensions.

By Mr. RUCKER of Colorado: Petition of Herman Jansson and others of Denver, Colo., favoring passage of an old-age pension law; to the Committee on Pensions.

By Mr. STEPHENS of California: Resolution of the Sailors' Union of the Pacific, urging passage of the seamen's bill (H. R. 11372); to the Committee on the Merchant Marine and Fisheries.

By Mr. SULZER: Petition of the Surburg Co., of New York City, against passage of the anticoupon bill; to the Committee on Ways and Means.

By Mr. TILSON: Petition of New Haven Caledonian Club, of New Haven, Conn., favoring legislation for better class of immigrants to the United States; to the Committee on Immigration and Naturalization.

Also, petition of the Billings & Spencer Co., of Hartford, and the Edward P. Judd Co., of New Haven, Conn.; to the Committee on Patents.

By Mr. WILSON of New York: Petition of citizens of the State of New York, relative to operation of the corporation-tax law; to the Committee on Ways and Means.

Also, petition of the Jewish community of New York City, against passage of educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Medical Society of the State of New York, favoring passage of bill for a national department of health at Washington, D. C.; to the Committee on Interstate and Foreign Commerce.

Also, petition of the West End Citizens' League, of Woodhaven, N. Y., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of merchants of Brooklyn, N. Y., favoring passage of Senate bill 6403 and House bill 22766, prohibiting use of trading coupons; to the Committee on Ways and Means.

Also, petition of the Catholic Mutual Benefit Association, of Thornell, N. Y., favoring passage of Dodds amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, *May 2, 1912.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

THANKS OF THE PEOPLE OF CHINA (S. DOC. NO. 641).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting for the information of the Senate a copy of a note from the Chinese minister, expressing the thanks of the people of China for the message of congratulation and confidence set forth in the concurrent resolution adopted by the Senate on April 17, 1912, which, with the accompanying paper, was referred to the Committee on Foreign Relations and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the congregation of the Seventh-day Adventist Church of Middletown, N. Y., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. BURTON presented memorials of sundry citizens of Putnam County, Ohio, remonstrating against any reduction of the duty on sugar, which were referred to the Committee on Finance.

Mr. CULLOM presented a memorial of sundry citizens of Alton, Ill., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented a memorial of the Illinois Lumber and Builders Supply Dealers' Association, remonstrating against the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

He also presented a petition of the Peoria Cooperative Cigar Co., of Illinois, praying for the enactment of legislation to prohibit the use of trading coupons, which was referred to the Committee on Finance.

He also presented a petition of members of the St. Peter's Men's Society of St. Peter's Cathedral, of Belleville, Ill., praying for the appointment of a Federal commission on industrial relations, which was referred to the Committee on Education and Labor.

Mr. NELSON presented resolutions adopted by members of the Civic and Commerce Association of Minneapolis, Minn., favoring the adoption of certain amendments to the immigration law, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Nicollet, Minn., remonstrating against the enactment of legislation to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a memorial of the Wholesalers' Board of Trade, of San Diego, Cal., remonstrating against the enactment of legislation to prohibit the towing of log rafts through the open sea, which was referred to the Committee on Commerce.

He also presented a petition of the Mare Island Branch, United States Civil Service Retirement Association, of California, praying for the passage of the so-called Cummins civil service retirement bill, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a telegram in the nature of a memorial from J. F. O'Brien, secretary of the Railroad Brotherhood's legislative board of California, of Bakersfield, Cal., remonstrating against the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

He also presented resolutions adopted by members of the Sailors' Union of the Pacific, favoring the enactment of legislation to safeguard life and property at sea, which were referred to the Committee on Commerce.

Mr. McLEAN. I present resolutions adopted by members of the Arkwright Club, remonstrating against the adoption of the Covington amendment to the Panama Canal bill. I ask that the resolutions be printed in the RECORD and referred to the Committee on Interoceanic Canals.

There being no objection, the resolutions were referred to the Committee on Interoceanic Canals and ordered to be printed in the RECORD, as follows:

We, the undersigned members of the Arkwright Club, being actively interested in the manufacture of cotton goods in New England, understand that the Covington amendment, so called, to the bill now before

Congress, regulating the passage of vessels through the Panama Canal, provides that "it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce, to own, lease operate, control, or have any interest whatsoever, directly or indirectly, in any common carrier by water with which said railroad does or may compete for traffic."

We believe in the regulation of common carriers by the Government, and in the authority granted to the Interstate Commerce Commission. We do not, however, believe in such restriction or limitation of investment in or the development of steamship lines or coastwise trade generally as this amendment provides.

We deem it especially important for the great industries of New England that, under proper restrictions, railroads should be allowed to develop and maintain transportation by water. This is of the utmost importance in the transportation of the freight to and from New England points and the South, especially in connection with the cotton industry. We believe that, with the opening of the Panama Canal, it is of greatest importance that there shall be adequate transportation facilities by water between New England and the Gulf cities.

Therefore, we protest against the adoption of the Covington amendment to the Panama Canal bill as unnecessarily impeding the development of transportation by water, and as thus retarding the development of New England's commerce with southern and Pacific ports; and we urge New England Congressmen to do everything in their power to defeat the amendment.

CHENEY BROS.,
Silk Manufacturers.
By CHARLES CHENEY,
Treasurer.

Mr. McLEAN presented a petition of sundry citizens of Chatham, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. LIPPITT. Mr. President, there has been introduced in the House of Representatives as an amendment to the Panama Canal bill a proposition to prevent the railroads of the country from holding any steamship lines.

This is a matter of the greatest importance to the State of Rhode Island. The railroad lines in previous times have been built north and south through her domain, reaching tidewater in Narragansett Bay, and there connecting with the steamships which carried her products to the different parts of the country. From the earliest times it was found advisable that such railroads and steamships should be owned by the same parties.

It has been the traditional policy of Rhode Island to encourage such ownership, and this proposed measure changing the traditional policy of the State becomes a matter of great interest to us.

The legislature of the State at its recent session passed a resolution on this subject, and as it is short I ask that it be read.

The VICE PRESIDENT. Without objection, the Secretary will read.

The resolution was read and referred to the Committee on Interoceanic Canals, as follows:

STATE OF RHODE ISLAND, ETC.,
IN GENERAL ASSEMBLY,
January Session, A. D. 1912.

Resolution requesting the Senators and Representatives in Congress from Rhode Island concerning House resolution 21969, pending in Sixty-second Congress of the United States.

Whereas it has been the policy of this State, beginning with the earliest railroad charters, to authorize and encourage railroad companies to build their railroads to tidewater, to own wharves and docks, and to operate, or to own the stock of companies operating steamboats; and

Whereas in the last railroad charter granted, and as late as the year 1910, the General Assembly of Rhode Island, in furtherance of this policy, authorized the building to tidewater, the owning of wharves and docks and the operation of, and ownership of the stock of, other companies which operate steamboats or steamships; and

Whereas section 11 of a bill pending in the House of Representatives of the Congress of the United States numbered 21969 and entitled "A bill to provide for the opening, maintaining, protection, and operating of the Panama Canal and the sanitation and government of the Canal Zone" is contrary to the said policy of this State; said section being as follows:

"SEC. 11. That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof as follows:

"'From and after the 1st day of July, 1913, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense'": Now therefore

Resolved, That the General Assembly of the State of Rhode Island opposes any action by Congress in conflict with the beneficial policy of this State as aforesaid, and that the Senators and Representatives in Congress from Rhode Island be, and they are hereby, respectfully requested to do all in their power to the end that section 11 of said bill be stricken therefrom.

—

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, April 26, 1912.

I hereby certify the foregoing to be a true copy of the original resolution approved by his excellency the governor on the 25th day of April, A. D. 1912.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the date first above written.

[SEAL.] J. FRED PARKER,
Secretary of State.

Mr. BRANDEGEE presented resolutions adopted by the representatives of eight young people's societies of eastern Connecticut, in convention at Jewett City, Conn., favoring the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. SWANSON. I present a telegram in the nature of a petition, which I ask may be read and lie on the table.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

ROANOKE, VA., *April 12, 1912.*

Hon. CLAUDE A. SWANSON,
Senator, Washington, D. C.

DEAR SIR: At a regular meeting of Old Virginia Lodge, No. 492, Brotherhood of Railroad Trainmen, held April 1, unanimously voted in favor of Senate bill 5382, known as the workmen's compensation act. Our entire membership will greatly appreciate your influence and vote in favor of same. Our membership is more interested in the passage of this measure than any coming before the Senate in years. We are,

Respectfully, yours,
S. A. PATTERSON, *President,*
J. T. CASH, *Treasurer,*
Old Virginia Lodge 492, Brotherhood of Railroad Trainmen,
416 Eighth Avenue SW.

Mr. SWANSON. I present resolutions adopted by Division No. 250, Order of Railway Conductors, of Bristol, Va., which I ask may be read and lie on the table.

There being no objection, the resolutions were read and ordered to lie on the table, as follows:

Be it resolved by the members of Division No. 250, Order Railway Conductors, of Bristol, Va., That they are opposed to the passage of the bill known as the employees' compensation act.

Resolved further, That the Senators from this State be requested to read this resolution in the United States Senate.

[SEAL.]

Mr. O'GORMAN. I present resolutions indorsing the principle of the parcel post. I ask that the resolutions be read and referred to the Committee on Post Offices and Post Roads.

There being no objection, the resolutions were read and referred to the Committee on Post Offices and Post Roads, as follows:

INDORSING THE PRINCIPLE OF THE PARCEL POST.

NEW YORK STATE AGRICULTURAL SOCIETY,
May 1, 1912.

Senator JAMES A. O'GORMAN,
Senate Chamber, Washington, D. C.

SIR: I beg to transmit herewith for your attention and consideration the following resolution, adopted at a conference of delegates from producers' and consumers' organizations, representing many hundreds of thousands of citizens of this State.

This conference was held on April 19–20, in the rooms of the New York Board of Trade and Transportation, 203 Broadway, New York, N. Y., and was participated in by representatives of the following organizations:

Columbia University; Tribune Farmer; Glenwood Cooperative Stores (Inc.); Housewives' League; American Agriculturist; Bermuda Green Vegetable Growers' Association; agricultural department New York Central Railroad; Agricultural Education Association of Southern New York; Hudson River Fruit Exchange; Montclair Cooperative Store; Cooperative League of New York; Monmouth County Farmers' Exchange; Citizens' Committee of Food; Pomona Grange, Ulster County; Growers and Shippers' Exchange, Rochester, N. Y.; Flatbush Taxpayers' Association; Long Island Agricultural College; New York Association for Improving the Condition of the Poor; American Cooperative Stores Co., Ridgefield Park, N. J.; New York State College of Agriculture; Long Island Potato Exchange; State Grange; New York Vegetable Growers' Association; Western New York Horticultural Society, Rochester; City Club of New York; New York State Agricultural Society; Long Island Cauliflower Association.

The resolution adopted is as follows:

"*Resolved*, That this convention of representatives of 30 organizations of producers and consumers of food products, comprising many hundreds of thousands of the citizens of the State of New York, do emphatically demand of the Congress of the United States now assembled that laws be enacted forthwith providing a complete and adequate parcel and express post; it is further

"*Resolved*, That in the judgment of this convention a parcel and express post will materially reduce the present high cost of living, in that it will provide a means of direct delivery from producer to consumer of most of our food supplies; it is further

"*Resolved*, That any general parcel post and express law so enacted should be equally as liberal as any foreign system now in use and should contain equally as liberal privileges as are now enjoyed by any foreign country in its postal relations with the United States.

"*Resolved*, That the secretary of this convention is instructed to forward a copy of these resolutions to the Hon. ELIHU ROOT, the Hon. JAMES A. O'GORMAN, United States Senators from the State of New York, to the Hon. JONATHAN BOURNE, United States Senator from the State of Oregon, and to Senator GARDNER, United States Senator from the State of Maine."

Respectfully submitted.

HORACE V. BRUCE, *Secretary.*

Mr. OLIVER. I present a communication in the nature of a memorial from George H. McFadden & Bro., a large firm of shippers in the city of Philadelphia, remonstrating against the adoption of the Covington amendment to the bill regulating the passage of vessels through the Panama Canal. It is a short communication, and I ask that it be printed in the RECORD and referred to the Committee on Interoceanic Canals.

There being no objection, the communication was referred to the Committee on Interoceanic Canals and ordered to be printed in the RECORD, as follows:

PHILADELPHIA, PA., *April 27, 1912.*

We, the undersigned, being actively interested in business in New England which involves the transportation of merchandise to and from southern points to New England, understand that the Covington amendment, so called, to the bill now before Congress regulating the passage of vessels through the Panama Canal provides that "it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever, directly or indirectly, in any common carrier by water with which said railroad does or may compete for traffic."

We believe in the regulation of common carriers by the Government and in the authority granted to the Interstate Commerce Commission. We do not, however, believe in such restriction or limitation of investment in or the development of steamship lines or coastwise trade generally as this amendment provides.

We deem it especially important for the great industries of New England that, under proper restrictions, railroads should be allowed to develop and maintain transportation by water. This is of the utmost importance in the transportation of the freight to and from New England points and the South. We believe that with the opening of the Panama Canal it is of greatest importance that there shall be adequate transportation facilities by water between New England and the Gulf cities.

Therefore we protest against the adoption of the Covington amendment to the Panama Canal bill as unnecessarily impeding the development of transportation by water and as thus retarding the development of New England's commerce with southern and Pacific ports, and we urge New England Congressmen to do everything in their power to defeat the amendment.

GEO. H. MCFADDEN & BRO.

Mr. GALLINGER presented a petition of Local Division No. 335, Order of Railway Conductors, of Concord, N. H., praying for the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

Mr. OVERMAN presented a memorial of sundry citizens of Salisbury, N. C., remonstrating against the adoption of the so-called Taylor system of shop management in navy yards, which was referred to the Committee on Education and Labor.

Mr. LODGE presented a memorial of sundry cotton manufacturers of New England, remonstrating against the adoption of the Covington amendment to the Panama Canal bill, which was referred to the Committee on Interoceanic Canals.

Mr. WETMORE presented a petition of members of the Butchers, Grocers, and Marketmen's Association, of Providence, R. I., praying for the removal of the tax on oleomargarine, which was referred to the Committee on Agriculture and Forestry.

Mr. NIXON presented a memorial of Local Branch, National League for Medical Freedom, of Reno, Nev., and the memorial of J. B. Giffen, of San Francisco, Cal., remonstrating against the establishment of a national bureau of health, which were ordered to lie on the table.

Mr. FLETCHER presented a petition of the congregation of the Methodist Episcopal Church of Miami, Fla., and a petition of the Woman's Christian Temperance Union of Jacksonville, Fla., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Division No. 196, Order of Railway Conductors, of Jacksonville, Fla., and a memorial of Local Division No. 458, Order of Railway Conductors, of Lakeland, Fla., remonstrating against the passage of the so-called employers' liability and workmen's compensation bill, which were ordered to lie on the table.

Mr. CLAPP presented a petition of members of the Live Stock Exchange, of South St. Paul, Minn., praying for the adoption of certain amendments to the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. STEPHENSON presented a memorial of members of the Calumet County Union, Wisconsin, remonstrating against a reduction of the tax on oleomargarine, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of members of the Progressive League, of Chippewa Falls, Wis., remonstrating against a reduction of the duty on sugar, which was referred to the Committee on Finance.

He also presented a petition of the State Federation of Labor of Wisconsin, praying for the enactment of legislation to provide for an investigation into the transportation and sale of coal, which was referred to the Committee on Interstate Commerce.

He also presented a petition of members of the State Board of Agriculture of Wisconsin, praying for the enactment of legislation to provide for the encouragement of agriculture, horticulture, and industrial exhibits in the various States, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Milwaukee, Baraboo, West Allis, Fond du Lac, Oshkosh, and Ripon, all in the State of Wisconsin, remonstrating against the establishment of a national bureau of health, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Wisconsin, praying for the passage of the so-called eight-hour bill, which was ordered to lie on the table.

He also presented resolutions adopted by the faculty of the State Normal School, of Stevens Point, Wis., praying for the enactment of legislation providing for vocational education, which were ordered to lie on the table.

Mr. PENROSE presented a petition of the congregation of the Memorial Baptist Church, of Philadelphia, Pa., praying for the enactment of legislation to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. GARDNER presented a telegram, in the nature of a memorial, from sundry citizens of Portland, Me., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented petitions of Mountain Grange, of Buckfield; Morning Light Grange, of Monroe; and Evening Star Grange, of Union; and of local granges of Lincolnville, Otisfield, Portage, Edgecomb, Oxford, and Yarmouth, Patrons of Husbandry, and of sundry citizens of Goldenridge, Hope, Rockport, Martinsville, and Perry, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Dover and Foxcroft, in the State of Maine, remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

Mr. CULLOM. I present a large number of memorials, numerously signed by citizens of Chicago, Peoria, Elgin, Bloomington, Aurora, Moline, Kirkwood, Oak Park, St. Charles, Rock Island, Hinsdale, Springfield, Saybrook, and Champaign, in my State, remonstrating against the passage of Senate bill No. 1, known as the Owen medical bill. I ask that the memorials lie on the table and that the body of one of the memorials be printed in the RECORD, omitting the signatures.

There being no objection, the memorials were ordered to lie on the table, and the body of one of the memorials was ordered to be printed in the RECORD, as follows:

To the Congress of the United States of America,
Washington, D. C.:

We, the undersigned citizens of the United States of America, State of Illinois, do hereby vigorously and emphatically protest against the passage of Senate bill No. 1, introduced by Senator OWEN, providing for the establishment of an independent bureau of health or other similar medical legislation, for the following reasons:

First. We believe that the present Public Health and Marine-Hospital Service has all the power and authority necessary. There is no demand from the people for legislation of this character. Political physicians simply want to increase their power over the individual citizen.

Second. We protest against any extension of the health activities of the Government for the reason that it is unnecessary. The United States Public Health and Marine-Hospital Service combined with the highly efficient service rendered by the State boards of health is able to meet all demands. Further legislation would be useless and would involve an endless expenditure of public moneys.

Third. It provides another agency to interfere with the rights of the individual citizen. The States under the Constitution are intrusted with the conduct of their internal health affairs.

Fourth. The proposed legislation would be an entering wedge for the creation of an immense bureau or department whose influence would be utilized by an interested organization, the American Medical Association. State medicine is as obnoxious to American citizens as State religion.

Fifth. The bill creates three new subdivisions without containing provisions for their organization and powers. It provides for the dissemination of theories at the expense of taxpayers.

Sixth. Once this bill is passed there is nothing to prevent the consolidation of all health activities on the order of the President. Congress refused to create a national department, yet under the Owen bill all agencies desired in the national department may be transferred on presidential order.

Mr. BRADLEY presented petitions of sundry citizens of Lexington, Ky., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

DEPARTMENT OF PUBLIC HEALTH.

Mr. CULBERSON. Mr. President, as chairman of the Committee on Public Health and National Quarantine I have received a number of protests from people of the State of Oklahoma against the passage of what is known as the Owen public health bill, with a special request that I present them to the Senate. I do so, asking that the substance of the memorials be printed in the RECORD, and not copying the names, of course, but that a note of the signatures may be made.

The VICE PRESIDENT. Without objection, that procedure will be had.

The memorials presented by Mr. CULBERSON are as follows:

From 84 citizens of Boley, 22 citizens of Oklahoma City, 5 citizens of Yale, 58 citizens of Chandler, 57 citizens of Oklahoma City, 40 citizens of South Coffeyville, 43 citizens of Boley, 15 citizens of Oklahoma City, 34 citizens of Norman, 28 citizens of Kiefer, 15 citizens of Oklahoma City, 12 citizens of Higley, 10 citizens of Okmulgee, 32 citizens of Morrison, 40 citizens of Oklahoma City, 112 citizens of Jennings, 23 citizens of Purcell, 43 citizens of Chelsea, 30 citizens of Enid, 14 citizens of Carmen, 21 citizens of Cherokee, 14 citizens of Oklahoma City, 28 citizens of Amber, 116 citizens of Lawton, 41 citizens of Lindsay, 29 citizens of Oklahoma City, 67 citizens of Stillwater, 96 citizens of Lawton, 46 citizens of Bartlesville, 35 citizens of Chickasha, 23 citizens of Lawton, 64 citizens of Oklahoma City, 41 citizens of Chickasha, 26 citizens of Enid, 13 citizens of Oklahoma City, 55 citizens of Poteau, 40 citzens of Oklahoma City, 22 citizens of El Reno, 14 citizens of Oklahoma City, 24 citizens of Bartlesville, 40 citizens of Ardmore, 7 citizens of Oklahoma City, 43 citizens of Ardmore, 15 citizens of Oklahoma City, 11 citizens of Perry, 61 citizens of Oklahoma City, 43 citizens of Wagoner, 13 citizens of Oklahoma City, 62 citizens of Chickasha, 32 citizens of Oklahoma City, 29 citizens of Wagoner, 43 citizens of Oklahoma City, 39 citizens of Chickasha, 16 citizens of Chandler, 20 citizens of Chickasha, 37 citizens of Oklahoma City, 12 citizens of Carmen, 39 citizens of Oklahoma City, 52 citizens of Guthrie, 36 citizens of Oklahoma City, 28 citizens of Woodward, 11 citizens of Oklahoma City, 27 citizens of Pawhuska, 8 citizens of Oklahoma City, 30 citizens of Guthrie, 5 citizens of Oklahoma City, 17 citizens of Walter, 21 citizens of Oklahoma City, 30 citizens of Tulsa, 13 citizens of Oklahoma City, 45 citizens of Wagoner, 23 citizens of Oklahoma City, 46 citizens of Stillwater, 8 citizens of Oklahoma City, 57 citizens of Stillwater, 52 citizens of Oklahoma City, 61 citizens of Ames, 32 citizens of Oklahoma City, 5 citizens of Britton, 9 citizens of Oklahoma City, 9 citizens of Claremore, 32 citizens of Oklahoma City, 90 citizens of Chandler, 14 citizens of Oklahoma City, 6 citizens of Britton, 4 citizens of Oklahoma City, 21 citizens of Ardmore, 23 citizens of Oklahoma City, 44 citizens of Shawnee, 13 citizens of Oklahoma City, 35 citizens of Stroud, 22 citizens of Oklahoma City, 43 citizens of Quapaw, 41 citizens of Oklahoma City, 31 citizens of Pond Creek, 31 citizens of Oklahoma City, 14 citizens of Pawnee, 48 citizens of Oklahoma City, 23 citizens of Orlando, 43 citizens of Oklahoma City, 26 citizens of Muskogee, 33 citizens of Oklahoma City, 2 citizens of Pawnee, 20 citizens of Oklahoma City, 28 citizens of Seminole, 49 citizens of Oklahoma City, 45 citizens of Shawnee, 43 citizens of Oklahoma City, 49 citizens of Shawnee, 45 citizens of Oklahoma City, 39 citizens of Lawton, 44 citizens of Oklahoma City, 18 citizens of Mangum, 37 citizens of Oklahoma City, 71 citizens of Miami, 102 citizens of Muskogee, 33 citizens of Oklahoma City, 86 citizens of Shawnee, 16 citizens of Oklahoma City, 18 citizens of Fairview, 89 citizens of Oklahoma City, 41 citizens of Fairfax, 33 citizens of Oklahoma City, 53 citizens of Glencoe, 17 citizens of Oklahoma City, 43 citizens of Guthrie, 11 citizens of Oklahoma City, 45 citizens of Guthrie, 17 citizens of Oklahoma City, 58 citizens of Guthrie, 8 citizens of Oklahoma City, 44 citizens of Guthrie, 7 citizens of Oklahoma City, 86 citizens of Idabel, 17 citizens of Oklahoma City, 131 citizens of Lawton, 58 citizens of Oklahoma City, 49 citizens of Enid, 44 citizens of Oklahoma City, 1 citizen of Edmond, 16 citizens of Oklahoma City, 59 citizens of Davenport, 37 citizens of Oklahoma City, 25 citizens of Davenport, 22 citizens of Oklahoma City, 37 citizens of Cushing, 19 citizens of Oklahoma City, 40 citizens of Cushing, 36 citizens of Oklahoma City, 37 citizens of Collinsville, and 20 citizens of Oklahoma City, all remonstrating against the passage of the bill (S. 1) to establish a department of health, and for other purposes.

Mr. OWEN. Mr. President, I wish to put in the RECORD with regard to these alleged protests against Senate bill No. 1, establishing a public health service, my comment that the protest is based upon the false theory that the health service of the United States would be "admittedly under the control of one school of medicine" and "ultimately abridge the right of the individual citizen to choose the practitioner of his choice in times of illness."

That suggestion is not true. The bill expressly provides the contrary—that the health service shall have nothing to do with controlling the practice of medicine; that it shall not interfere with the right of the citizen to choose his own practitioner; that it shall not interfere with the practitioner of any school of medicine or of healing to practice his profession. That matter being confessedly in the control of the police powers of the State need not to have been negatived by the bill itself, but out of abundant caution and for the reason that that contention had been made the bill does provide that no interference shall be made with any citizen in choosing his practitioner or in practicing any method of healing.

The bill, in fact, does not enlarge the powers now existing in the Bureau of Public Health and Marine-Hospital Service and "Vital Statistics" and in the administration of the pure food and drugs act. These departments are merely brought together in an independent bureau, so as to coordinate their activities and to make more economical and more efficient their administration.

The obvious mechanical and artificial character of these protests I call attention to. The protest which I have in my hand came from Boley, Okla., a little village which I know very well. This protest, like all the others, is based on gross error and obvious misinformation.

The objection which I make is that this protest is based upon the theory that it would interfere with the liberty of the citizen and of the practitioner above referred to and upon the further assertion that such a bureau or department would not only be expensive, which is not true, but that it could in nowise do more effective work than the present bureau, which is also not true.

The statement that there is no public demand for such legislation is also not true, because the public demand has been so great that it represents practically the opinion of a very great majority of the people of the United States, made obvious not only by resolutions of societies devoted to the public health, by the action taken by the various great insurance companies of this country who are concerned in prolonging the life of the policy holders, and of the various societies devoted to the cure and prevention of illness throughout the United States, but it is also made obvious by the declarations of the various great political parties, including the Republican Party in its national platform and the Democratic Party in its national platform.

For many years the question of establishing an independent public health service has been under vigorous and active discussion throughout the United States. The matter was discussed on the floor of the Senate during the last Congress, under Senate bill 6049, on various occasions. Repeated hearings have been held by the Committee on Public Health and National Quarantine of the Senate, and numerous bills have been introduced in Congress bearing upon this question which have been thoroughly considered in the committees of both Houses.

Great organizations have arisen throughout the United States urging the improvement of the public health service. The Republican platform of 1908 gives assurance to this element of the Nation in the following words:

> We commend the efforts made to secure greater efficiency in national public health agencies and favor such legislation as will effect its purpose.

The Republican platform of the State of Ohio declared expressly in favor of—

> The organization of all existing national health agencies into a single national public health department.

In Connecticut and other States similar declarations in party platforms have been made.

The Democratic national platform in 1908, in like manner, states:

> We advocate the organization of all existing national public health agencies into a national bureau of public health, with such power over sanitary conditions connected with factories, mines, tenements, child labor, and such other conditions connected with and in the jurisdiction of the Federal Government, and which do not interfere with the power of the States controlling public health agencies.

The Committee of One Hundred of the American Association for the Advancement of Science, consisting of the most distinguished philanthropists, editors, lawyers, churchmen, educators in the United States, and the American Medical Association, with 80,000 members or associates of men learned in questions of health, advocate the following national platform plank:

> Believing a vigorous, healthy population to be our greatest national asset and that the growth, power, and prosperity of the country depends primarily upon the physical welfare of its people and upon their protection from preventable pestilences of both foreign and domestic origin and from all other preventable causes of disease and death, including the sanitary supervision of factories, mines, tenements, child labor, and other places and conditions of public employment or occupation involving health and life, we advocate the organization of all existing national public health agencies into a national department of public health, with such powers and duties as will give the Federal Government control over public health interests not conserved by and belonging to the States, respectively.

All the great insurance companies of the United States approve this plan, and many of them have started life conservation departments of their own.

President Roosevelt said, in regard to the legislation increasing the power of the Federal Government in relation to the public health:

> I hope to see the National Government stand abreast of the foremost State governments.

President Taft, in his speech at Albany, N. Y., March 19, 1910, argued in favor of the constitutional right to etsablish a bureau of health, and has recommended the establishment of an independent health service.

Such men as Hon. R. S. Woodward, of the Carnegie Institution; Hon. Charles W. Eliot, ex-president of Harvard University; Col. W. C. Gorgas, chief sanitary officer of Panama; and the leading health commissioners of the various States strongly approve the idea of the establishment of an independent health service.

Human life could be prolonged an average to our entire population of 14 years in the United States if the people were properly informed in self-preservation, as was demonstrated in the report on national vitality.

The annual death loss in the United States is approximately seven to the thousand in excess of what it should be under improved conditions, making an unnecessary loss of life in 90,000,000 of people of approximately 630,000 men, women, and children annually whose lives ought to be saved.

This loss, upon any reasonable basis, may easily be estimated at the commercial value of two thousand millions of dollars annually.

Nearly as great a loss is due to the loss of efficiency and the loss of productive power of nearly 3,000,000 persons who are sick on an average during the year and who must be cared for during such preventable illness.

The pension roll, which costs the United States over $160,000,000 annually, is three-fourths due to death and disease which was preventable.

During the Spanish War in four camps—Chickamauga, Alger, Meade, and Jacksonville—there were over 19,000 cases of typhoid fever, with a loss of 1,460 of the finest young men in America, nearly all of which was preventable.

The preventable deaths in the United States were caused by polluted water, impure and adulterated foods and drugs, foul air, bad ventilation, ignorance of the health laws, of hygiene, of exercise, of foods, and of self-care, and to epidemics and various preventable diseases, such as tuberculosis, typhoid and malarial fevers.

A splendid illustration of what can be done is shown in the control of yellow fever in Cuba. In 1896 yellow-fever deaths in Habana, Cuba, amounted to 630 to the hundred thousand, but after the American occupation and the great discovery of James Carroll, Lazier, Walter Reed, and Agrimonte the death rates fell—in 1900, to 124; 1901, to 6; in 1902, to 0; in 1903, to 0; in 1904, to 0.

Except for this discovery it would have been impossible for the United States to have built the Panama Canal, and on the Panama Canal the death rate, even in that tropical country, is not much more than one-half what it is in the United States.

This bill provides that the health service shall not interfere with any of the functions belonging exclusively to the States, nor permit anyone to enter the premises of private persons without the permission of the owner or occupant thereof, and shall have no power to regulate the practice of medicine or the practice of healing, or to interfere with the right of a citizen to employ the practitioner of his choice, or to make any discrimination in favor of or against any school of medicine or of healing.

The opposition which has been stirred up against the establishment of an independent health service has proceeded upon the assumption that the health service would have the right under this bill to interfere with the citizen in employing the practitioner of his own choice or to interfere with the States in the regulation of the practice of medicine or the practice of healing. The Constitution offers abundant protection against these apprehended evils, and the bill permits nothing of the sort. It forbids it.

These protests do not represent the sentiment of the country. The opinion of the people on this question is set forth in Senate Document No. 637, Sixty-first Congress, second session, which contains over 200 pages of abstracts from resolutions of innumerable societies from the various States and from the opinions of leading public men, such as Bryan, Roosevelt, Taft, Cleveland, Gorgas, Wiley, and so forth.

The Senator from Washington [Mr. JONES] put into the RECORD some adverse telegrams, but the following telegram shows that these telegrams do not express the sentiment of the community:

SEATTLE, WASH., *May 1, 1912.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

The trustees of the King County Medical Society sent the following telegram to Senator JONES: "Beg to remind you of letter of December 28, 1911, from King County Medical Society, representing 330 physicians practicing nonsectarian medicines, requesting your support of the Owen bill. Your telegrams read in Senate recently do not express the sentiment of the community." We desire to thank you for your attitude on this great question of public health.

R. W. PERRY,
P. V. VON PHUL,
J. C. MOORE,
R. J. O'HEA,
J. B. MANNING,
H. E. ALLEN,
Trustees King County Medical Society.

It can not be said truly that there is no sentiment for this measure. Our country is the only one in the world that is so far behind in the protection of the health of the country by a proper health service.

I call the attention of the Senate to the fact that while the disaster on the *Titanic* was a terrific destruction of life, the loss by the *Titanic* of 1,700 persons which so shocked the world is actually less than the daily unnecessary loss in the United States of human life by preventable illness. Every day of the year over 1,700 people die by preventable diseases in this country, whose lives could be saved if we had an intelligent administration and if we took more pains to instruct the public in the well-known laws governing human life, which ought to be made as public as the bulletins on the care of our swine against disease.

The Rockefeller Sanitary Commission has been studying the question of hookworm all over the world, and has caused to be made a world-wide investigation into this disorder.

The treatment of this disease is comparatively recent.

Nine hundred millions of the sixteen hundred millions of people on the globe live in countries which are infected by this disorder.

In certain States of the Union, or in certain localities in certain States where a thorough survey has been made, the percentage of children affected by this disease has come as high as 90 per cent, covering the cases of rural children between the ages of 6 and 18.

The number of cases actually diagnosed by the commission itself has been very large, and this work has been done through the State boards of health, which have been taking great interest in the matter.

The number of cases treated last year was over 142,000. It is comparatively easy to cure it.

Within the last three months over 23,000 recorded cases have been treated by the State organization in eight States.

I remind the Senate that when I suggested, two years ago, the prevalence of this disorder in two particular States in the Union—which I need not mention—a Senator from each of those States undertook to deride and ridicule this statement on the floor of the Senate.

The cooperation of State authorities, local authorities, the press, and all classes of citizens of the States affected has become admirable.

I suggest to the Senator from California that it would not suffice to put a corps of Christian Science healers in the field to deal with the hookworm, although I do not object to their activities so long as the world has access to other methods of healing.

Mr. President, I do not wish to have this matter passed by without making a comment upon this character of alleged protest, because these so-called protests are based upon untruth, and the citizens of the country are being misled by statements which are not only false, but are instigated by the Patent Medicine Trust and the enemies of the pure food and drug laws, who can easily excite those who are innocent of wrong purpose to oppose this bill on the absurd theory of "medical freedom."

I enter my protest against memorials based upon statements and conclusions which are obviously untrue. The ordinary citizen signing these petitions does not know that these statements and conclusions are untrue, and therefore may be easily induced to sign the petitions. He has not the bill before him. He has not had the opportunity of studying this measure. He does not know the facts nor the great need for this measure.

I therefore think it proper to put upon the record at the time of the delivery of these petitions my comment upon them.

Mr. President, I think that Senate bill No. 1, against which these petitions are filed, is a matter of such grave national importance that it is the duty of the Members of the Senate to examine that bill and to examine the testimony which has been submitted in connection with it. It has been printed in the form of Senate documents. They are available, and I hope the Senate will, before acting upon the matter, at least give it the patient and conscientious consideration which a measure of this great importance deserves.

I should like to ask that Senate bill No. 1 go over until the first Monday in December.

Mr. SMOOT. Mr. President, in making that request I would not wish the Senator to think that by going over until December there would be no movement on the part of certain members of the committee to pass the bill I introduced and which I expected at the time the Senator's bill is to be discussed to offer as a substitute for that measure. If this bill goes over until next December, then I will ask the Senate to consider the bill I have introduced and which I expected to offer as a substitute for the Senator's bill.

Mr. OWEN. I should be quite content, Mr. President, to make the Senate bill the unfinished business and take it up at once.

Mr. SMOOT. That would be perfectly satisfactory; but, of course, that could not be done.

Mr. OWEN. I ask unanimous consent that that be done.

Mr. SMOOT. That can not be done, because we have unfinished business at the present time.

Mr. OWEN. It may be made the unfinished business, subject to the existing order. I make that motion, if that be the only objection of the Senator from Utah.

Mr. SMOOT. I did not make the metal schedule bill the unfinished business, nor did I ask that it be made the unfinished business, but the Senator from North Carolina [Mr. SIMMONS] asked that it be made the unfinished business.

Mr. SIMMONS. I beg pardon of the Senator from Utah. I was not listening to the first part of his statement.

Mr. SMOOT. The Senator from Oklahoma asked that Senate bill No. 1, creating an independent bureau of health, be made the unfinished business.

Mr. OWEN. Subject to the existing order.

Mr. SIMMONS. I do not see how that could be done.

Mr. SMOOT. I called the Senator's attention to the fact that there is already a bill which has been made the unfinished business, and I did not see how that could be done.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. OWEN. I yield to the Senator from Idaho.

Mr. HEYBURN. Senators are speaking of making this matter or that the unfinished business as though it could be done by the Senate. You can not make anything the unfinished business by motion or by unanimous consent. Unfinished business is the result of the automatic action of the rules and procedure in the Senate. If we were to attempt to make this bill the unfinished business, any objection in December or at any other time would destroy that attempted action.

Mr. SMOOT. Or destroy it now.

Mr. HEYBURN. There is no such thing possible under the rule. Is there talk about the tariff bill having been made the unfinished business on somebody's motion? It was not done; it can not be done.

Mr. SMOOT. It was not done on motion.

Mr. HEYBURN. It can not be done on anybody's motion at any time.

Mr. SMOOT. It was the request of the Senator from North Carolina the day before, and then through the procedure of the Senate after the morning hour it was taken up, and it necessarily became the unfinished business.

Mr. HEYBURN. It can not be done on request; it can not be done by acquiescence.

Mr. OWEN. I withdraw my suggestion, Mr. President.

Mr. HEYBURN. With the Senator's permission, inasmuch as I interrupted him, I want to finish the statement, because it should be better understood than it seems to be. No request, no acquiescence, no unanimous consent can make any measure the unfinished business. The unfinished business is a condition that results from the status of a bill at a certain hour and time, and it would result in the face of all of the objections and could not be augmented by any motion.

Mr. SMOOT. That is true.

Mr. OWEN. Mr. President——

Mr. HEYBURN. We lose sight of that sometimes in talking about agreeing to make something unfinished business. We could not agree to that either by unanimous consent or by vote.

Mr. OWEN. I would be glad, Mr. President, to be permitted to acquiesce for the present in the views of the Senator from Idaho.

Mr. HEYBURN. Some one was proposing to move just in the opposite direction, and I thought it well enough to point it out.

The VICE PRESIDENT. The Senator from Oklahoma withdraws his second request. His first request is that further action upon Senate bill No. 1 be postponed until the first Monday in December next.

Mr. SMOOT. Mr. President, I object to that.

The VICE PRESIDENT. Objection is made.

REPORTS OF COMMITTEES.

Mr. SMITH of Arizona, from the Committee on Public Lands, to which was referred the bill (S. 6245) to provide for an enlarged homestead entry in Arizona where sufficient water suitable for domestic purposes is not obtainable upon the lands, reported it without amendment and submitted a report (No. 690) thereon.

Mr. PAGE, from the Committee on Indian Affairs, to which was referred the bill (S. 338) authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public park purposes, reported it with amendments and submitted a report (No. 691) thereon.

Mr. CURTIS, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 18712. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors (Rept. No. 692); and

H. R. 20586. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 693).

Mr. CURTIS, from the Committee on Pensions, to which were referred sundry bills granting pensions and increase of pensions, submitted a report (No. 694), accompanied by a bill (S. 6646) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills, heretofore referred to that committee:

S. 44. William S. Brown.
S. 349. Albert D. Scovell.
S. 514. George W. Graham.
S. 712. Peter C. Johnson.
S. 717. Susannah Sprague.
S. 1054. William F. Hoffman.
S. 1756. Richard Johnson (alias Curry).
S. 1764. Samuel N. Black.
S. 1921. John B. Farris.
S. 1922. Nelson Coffen.
S. 1969. Himanus De Witt.
S. 2077. Sumner R. Tarbox.
S. 2141. Tillman Settles.
S. 2285. William Hobbs.
S. 2436. Henry A. Dennis.
S. 2521. John Duebenhorst.
S. 2646. George Simpson.
S. 2650. Elise G. Irving.
S. 2879. Francis M. Dean.
S. 2938. Thomas M. Boylan.
S. 3081. Riley Small.
S. 3082. John Adkins.
S. 3093. Thomas B. Davis.
S. 3097. John C. Porter.
S. 3109. David Poffenbarger.
S. 3181. Joseph T. Reno.
S. 3185. Joseph D. Miller.
S. 3204. Job Snyder.
S. 3272. Alva M. Cunningham.
S. 3333. John F. Sowards.
S. 3418. Levi Page.
S. 3541. John H. Wood.
S. 3612. Gustus F. Johnson.
S. 3653. Silas Wilder.
S. 3654. John A. Doan.
S. 3808. Mary E. Lincoln Bradburn.
S. 3823. Joseph Harbaugh.
S. 3832. Bluford S. Jones.
S. 3853. Ursilla G. Underwood.
S. 3860. Taylor Vance.
S. 3861. Mary A. Heflin.
S. 3862. Elijah Cox.
S. 3863. Isaac R. Storm.
S. 3990. Miles J. Burns.
S. 4170. William Hill.
S. 4175. Laurentine V. Tarvin.
S. 4321. William R. Evans.
S. 4480. Barlow A. McCoy.
S. 4527. Falty Livers.
S. 4715. Sara A. Haskell.
S. 4736. David Curfman.
S. 4737. David Cleaver.
S. 4772. Olive A. Cordon.

S. 4908. Henry K. Brawner.
S. 5083. William L. Hines.
S. 5109. Mary A. Herrington.
S. 5130. Henry Grady.
S. 5195. Balaam Fox.
S. 5356. Ellis Miller.
S. 5454. Spear S. Zenor.
S. 5532. William Douglas.
S. 5567. Thomas S. Cogley
S. 5576. August Runge.
S. 5577. Louisa Balgenoth.
S. 5661. Jefferson Wykoff.
S. 5694. Robert F. C. Evans.
S. 5695. James D. Calahan.
S. 5698. Samuel J. Dyer.
S. 5701. Joseph D Taylor.
S. 5747. Collins Blake.
S. 5782. Minnie D. Dobbins.
S. 5801. James D. Boyles.
S. 5803. John G. Thompson.
S. 6003. Reuben E Chapman.
S. 6013. James J. Gallaway.
S. 6014. James W. Jones.
S. 6018. William H. White.
S. 6050. Sarah I. Dunahey.
S. 6051. Charles Heller.
S. 6052. Jerusha Morgan.
S. 6053. James B. Bryant.
S. 6058. Francis M. Hockinbery.
S. 6067. Francis E. Stratton.
S. 6086. Jane Smith.
S. 6102. Francis McCabe.
S. 6112. Jacob M. Roberts.
S. 6114. Samuel E. Prather.
S. 6123. Ada P. Armstrong.
S. 6158. Joseph Nye.
S. 6181. Darwin A. Webb.
S. 6182. William W. Follansby.
S. 6186. Horatio N. Merritt.
S. 6190. Isaac N. Gerhart.
S. 6215. John S. Varney.
S. 6216. Patrick Conley.
S. 6237. Alfred C. Taft.
S. 6240. Elvira Mizee.
S. 6241. John A. Andrews.
S. 6243. Andsell H. Beam.
S. 6250. George F. Brown.
S. 6253. Miranda A. Hishley.
S. 6254. John F. Miller.
S. 6255. John L. Taylor.
S. 6257. Ellis Gully.
S. 6258. Ellis T. Padget.
S. 6264. Pleasant W. Lowe.
S. 6282. Charles K. Conard.
S. 6288. Joseph Walters.
S. 6331. William J. Percy.
S. 6334. Thomas Coats.
S. 6348. Byron F. Nutten.
S. 6349. John H. Kingsley.
S. 6356. Frealing Walker.
S. 6394. Alvord Peck.
S. 6397. William W. Gaines.
S. 6399. Solomon Butler.
S. 6401. James W. Lowrie.
S. 6407. Edwin J. Trobridge.
S. 6418. James P. Jones.
S. 6419. George P. Love.
S. 6436. John Ryan.
S. 6438. Samuel E. Stainbrook.
S. 6442. Henry C. Miller.
S. 6445. Homer McC. Summerville.
S. 6455. Winfield S. Flint.
S. 6461. Benjamin F. Philbrick.
S. 6468. Henry M. Bennett.
S. 6469. James W. Pendleton.
S. 6484. Ralph A. Thompson.
S. 6486. William H. H. Brown.
S. 6568. John J. Mercer.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 5952) to provide for an enlarged homestead entry in Nevada where sufficient water suitable for domestic purposes is not obtainable upon the lands, reported it without amendment and submitted a report (No. 695) thereon.

SAVANNAH RIVER DAMS.

Mr. NELSON. I am directed by the Committee on Commerce, to which was referred the bill (S. 5930) to extend the time for completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, to report it favorably with an amendment, and I submit a report (No. 689) thereon. I call the attention of the senior Senator from Georgia to the report.

Mr. BACON. As this is a very short bill, and important work is suspended on account of the lack of this legislation, I ask for its present consideration.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Commerce with an amendment, in section 1, page 2, line 2, after the word "two," to insert the following proviso:

Provided further, That any dam built under authority of the said act shall be constructed, maintained, and operated subject to and in all respects in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906," and no dam shall be constructed except in conformity to plans which may be hereafter approved by the Secretary of War and the Chief of Engineers.

So as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted for the extension of the time allowed to the Twin City Power Co. to construct dams across the Savannah River, authorized by an act of February 29, 1908, until three years from the date fixed in the original act for its completion, to wit, February 29, 1916: *Provided*, That under the approval of the Secretary of War upon plans and specifications to be submitted, the said corporation may at its option develop its contemplated water power by the construction of one dam in lieu of two: *Provided further*, That any dam built under authority of the said act shall be constructed, maintained, and operated subject to and in all respects in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906"; and no dam shall be constructed except in conformity to plans which may be hereafter approved by the Secretary of War and the Chief of Engineers.

SEC. 2. That the right to amend, alter, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULLOM:

A bill (S. 6647) for the relief of the estate of Conrad Gehrke; to the Committee on Claims.

A bill (S. 6648) granting a pension to R. J. Jamison; and

A bill (S. 6649) granting an increase of pension to William L. Benson (with accompanying paper); to the Committee on Pensions.

By Mr. STEPHENSON:

A bill (S. 6650) for a site and the erection of a public building at Ripon, Wis.; to the Committee on Public Buildings and Grounds.

A bill (S. 6651) granting an increase of pension to William O. Sutherland; to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 6652) granting an increase of pension to William A. Reeves (with accompanying papers);

A bill (S. 6653) granting an increase of pension to Joseph R. Shannon (with accompanying paper); and

A bill (S. 6654) granting a pension to Halle W. Dale, alias Thomas Booker (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 6655) for the relief of Lester A. Rockwell; to the Committee on Military Affairs.

By Mr. O'GORMAN:

A bill (S. 6656) for the relief of the estates of Elias Jacobs and Anna C. Brown; to the Committee on Claims.

A bill (S. 6657) granting a pension to Clara L. A. Read (with accompanying paper); to the Committee on Pensions.

By Mr. THORNTON:

A bill (S. 6658) to provide for emergency crops on overflowed lands in the south Mississippi Valley; to the Committee on Agriculture and Forestry.

Mr. FALL introduced a bill (S. 6659) creating the Mescalero National Park in New Mexico, and providing for the allotment of certain lands in severalty to the Mescalero Apache Indians, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. HEYBURN subsequently said: A moment ago I thought I heard a bill for the creation of a national park referred to the Committee on Indian Affairs. I might, however, have been mistaken.

The VICE PRESIDENT. The Senator from New Mexico, who introduced the bill, will explain its object.

Mr. FALL. The bill to which the Senator from Idaho refers provides for the creation of a national park on the Mescalero Apache Indian Reservation in New Mexico, and for the allotment of certain lands in severalty to the Indians.

Mr. HEYBURN. Such bills go to the Committee on Public Lands. This is to be made a park because these are to be public lands.

Mr. FALL. I have no objection to the reference of the bill to the Committee on Public Lands.

The VICE PRESIDENT. The bill will be referred to the Committee on Public Lands.

By Mr. MARTINE of New Jersey:

A bill (S. 6660) granting an increase of pension to James V. D. Ten Eyck (with accompanying papers); to the Committee on Pensions.

By Mr. DAVIS:

A bill (S. 6661) granting an increase of pension to Charles W. Kerlee (with accompanying paper); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 6662) granting an increase of pension to Mathew Isaacs (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 6663) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; to the Committee on Indian Affairs.

A bill (S. 6664) granting a pension to Annie H. Ross (with accompanying paper); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 6665) granting an increase of pension to Frank S. Blays (with accompanying paper); and

A bill (S. 6666) granting an increase of pension to Harry H. Jones (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 6667) granting an increase of pension to Susie C. Heilner; to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 6668) granting an increase of pension to Samuel H. Craig; and

A bill (S. 6669) granting an increase of pension to Curtis Stimpson; to the Committee on Pensions.

By Mr. PAYNTER:

A bill (S. 6670) granting an increase of pension to James G. A. Middleton (with accompanying papers); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 6671) granting a pension to Edgar E. Cummings; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 6672) to authorize the president and directors of the Georgetown Gaslight Co. to lay a gas main in and along the Conduit Road from a point beginning at the existing gas main in the Foxhall and the Conduit Roads to the District line; to the Committee on the District of Columbia.

By Mr. CRANE:

A bill (S. 6673) granting an increase of pension to James O. Taylor (with accompanying papers); and

A bill (S. 6674) granting an increase of pension to Catherine J. Orr; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6675) to grant an honorable discharge to Philip Cook; to the Committee on Military Affairs.

A bill (S. 6676) granting an increase of pension to Marion Franklin; and

A bill (S. 6677) granting an increase of pension to Abraham Bowman (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 6678) authorizing the Secretary of War, under certain conditions, to detail officers of the Corps of Engineers to perform the engineering work necessary for the construction of a canal between Lake Erie and the Ohio River, and for other purposes; to the Committee on Commerce.

By Mr. BRADLEY:

A bill (S. 6679) granting an increase of pension to Thomas Maupin (with accompanying paper); to the Committee on Pensions.

By Mr. MARTINE of New Jersey (by request):

A joint resolution (S. J. Res. 104) to provide for a more efficient and economical prosecution of work in, and consolidation of, certain services under control of the Navy Department, and for other purposes; to the Committee on Naval Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment proposing to appropriate $50,000 for a survey and system of roads for the proper development of the Mount Rainier National Park, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Lands and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate $100,000 for the establishment of an agricultural plant and experiment station at or near the city of Mandan, N. Dak., etc., intended to be proposed by him to the agricultural appropriation bill (H. R. 18960), which was ordered to lie on the table and to be printed.

OMNIBUS CLAIMS BILL.

Mr. SWANSON (for Mr. MARTIN of Virginia) submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with the findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

Mr. WATSON submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with the findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

ANNA I. WOOD.

Mr. RAYNER submitted the following resolution (S. Res. 303), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Anna I. Wood, widow of the late Thomas Wood, laborer of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

DEPARTMENT OF HEALTH.

Mr. OWEN. I ask that 25,000 copies of Senate Report No. 619 on Senate bill No. 1 be printed.

The VICE PRESIDENT. Without objection, the order requested by the Senator from Oklahoma will be entered.

Mr. GALLINGER. Mr. President, I ask the Senator from Oklahoma if there have not been a pretty liberal number of copies of that bill already printed?

Mr. OWEN. I do not know of any extra copies of the bill being printed. I do not think any copies of the report have been printed for distribution. The report is only seven pages and would hardly cost a dollar a thousand.

Mr. GALLINGER. Is the order requested for the printing of the bill or of the report?

Mr. OWEN. It is for the report, which includes the bill as a part of the report.

Mr. GALLINGER. Has that bill been reported favorably to the Senate?

Mr. OWEN. Yes, sir; it is a very short report, and, as I have said, I do not suppose it would cost a dollar a thousand to print it. A good many people are petitioning Congress under the impression that this is a bad bill, and I should like to have the report printed so as to enable them to become informed with regard to its contents and to learn that it is really a good bill.

Mr. GALLINGER. I have not had any calls with regard to it as yet, and I wondered if we wanted 25,000 copies. We are dealing in thousands here very thoughtlessly, I think, in regard to printing documents. Does not the Senator think that 5,000 copies would answer the purpose for the present?

Mr. OWEN. I would be content with that number, although I think there were a thousand names, more or less, sent in here this morning in communications regarding this matter on petitions which are being artificially manufactured, and I thought it would be well to send these petitioners the bill itself.

Mr. GALLINGER. That, I should think, would be "Love's labor lost," probably.

The VICE PRESIDENT. Without objection, the order will be for printing 5,000 copies.

Mr. HITCHCOCK. I should like to make an inquiry. I think it is wise to have a considerable number of copies

printed, but I should like to inquire whether the views of the minority were filed at the same time?

Mr. OWEN. The minority submitted no views.

Mr. HITCHCOCK. As I understand, the report was not unanimous.

Mr. OWEN. That is true, but there were no minority views submitted.

Mr. HITCHCOCK. There were not?

Mr. OWEN. No.

Mr. SMOOT. I wish to say to the Senator that while there were no minority views filed, there were members of the committee who reserved the right to oppose the bill upon the floor and to offer a substitute for it.

Mr. OWEN. Oh, yes; the Senator from Utah intends to move a substitute for the bill, I believe.

Mr. WORKS. I should like to ask whether this is the last report that was made upon the bill referred to when it came out of the committee?

Mr. OWEN. Yes, sir; it was the only report, so far as I know.

Mr. WORKS. It has been said, Mr. President, that there were no views of the minority submitted. I should like to ask the chairman of the committee out of which this report is supposed to have come whether it was issued with the knowledge of the chairman of the committee or whether it really expressed the views of a majority of the committee?

Mr. CULBERSON. Mr. President, in reply to the inquiry of the Senator from California, I will say I was myself among the number who reserved the right and privilege of opposing this bill on the floor of the Senate. The bill was referred to its author to make the report. I did not see the report, and have not yet read it. I did not concern myself particularly about it, and I do not know whether the report was submitted to any other members of the committee or not. The Senator from Oklahoma [Mr. OWEN], to whom I have referred, can answer the question specifically.

Mr. WORKS. I should like to have an answer to that question from some one who knows. It is my understanding that this report is simply the views of the Senator from Oklahoma alone, and was neither submitted to nor approved by any other member of the committee.

Mr. OWEN. The report is simply an abstract of the bill, with quotations from various authorities who have expressed themselves favorably to it. It contains no peculiar views of the Senator from Oklahoma, but I understand does represent substantially the views of the majority. He was authorized to report the bill, and he reported it with a brief abstract of the bill. The whole matter, including the bill, does not make seven pages. The hearings were very voluminous, going into hundreds of pages, possibly several thousand—the hearings in the Senate and in the House combined.

Mr. SMOOT. The hearings were not upon this bill, however, but upon the bill as originally introduced by the Senator a couple of years ago.

Mr. OWEN. The hearings did proceed upon this bill and upon its predecessor in the previous Congress, bill 6039. But these bills are of like purport. There is no substantial fundamental difference between them.

Mr. SMOOT. I wish to say further that there were members of the committee who voted to have the bill reported to the Senate, as the Senator from Texas [Mr. CULBERSON] has already said, who reserved the right, in agreeing to reporting favorably the bill to the Senate, to object to it and to vote against it on the floor of the Senate.

Mr. OWEN. I should like to ask the Senator from Utah whether there is anything in this report to which he objects?

Mr. SMOOT. I have not objected to the report. I have not read the report.

Mr. OWEN. I do not think he could object to anything in the report, because there is nothing in it but the most formal matter of well-ascertained fact.

I should like to ask the Senator from California if there is anything in the report to which he, as a Senator holding opposing views, objects?

Mr. WORKS. I have no objection whatever to it as coming from the Senator from Oklahoma, but I was trying to ascertain whether it contained the views of the majority of the committee or whether it was made by the Senator from Oklahoma without conference with other members of the committee or without any submission of it to them. I was trying to get an answer to that question.

Mr. OWEN. Mr. President, I very frankly reply to the Senator from California that, being authorized to make the report, I made it. The report as printed speaks for itself that the Senator from Oklahoma made the report. This he did under the usual practice of the Senate.

Mr. WORKS. I have no objection if the Senate desires to send it out as the views of the Senator from Oklahoma, but I did not want it to go out as the declaration of the committee, because I have been informed that it does not contain their views on the subject at all.

Mr. SMOOT. I understand the Senator from Oklahoma modifies his request so as to reduce the number to 5,000?

Mr. OWEN. I do if anybody objects to 25,000 copies; otherwise I would desire 25,000. I understand it would cost the Government about $25. If there is anyone who objects to it, I shall refrain from making any such extravagant request. I do not want to impose upon the Government.

Mr. GALLINGER. I think 5,000 copies will be sufficient.

I wish to ask the Senator from Oklahoma a question. The Senator in debate has frequently said that the President had recommended a department of health. The President recommended a bureau of health. I suppose the report does not contain a statement that he recommended a department of health, because all he recommended in his message to Congress is a bureau; and if the statement is made in the report that the President made that kind of recommendation I hope it will be stricken out.

The VICE PRESIDENT. The Chair understands there is no objection to the request for the printing of 5,000 copies as a Senate document.

Mr. HEYBURN. I should like to check up on this. I can just dimly see the smiling countenance of the Senator from Oklahoma. I understand the bill has gone over until December.

The VICE PRESIDENT. The Senator is incorrect. Objection was made to that.

Mr. HEYBURN. I am incorrect. The bill remains on the calendar.

Mr. OWEN. It does.

Mr. HEYBURN. The proposition is to send out extra copies of the report for the purpose of creating public opinion. In that event I shall do what I may under the rules to have this measure taken up and voted down before the campaign. I merely say that to the Senator.

Mr. ASHURST. Mr. President, I do not know how I shall vote upon this bill. I have a number of telegrams from citizens of Arizona requesting me to vote for the bill and a number asking me to vote against it. I have more than 60 requests for copies of the committee report. I am certain, in view of the discussion that is going on through the public press with respect to this bill, that a great number of copies of the report will be called for.

I earnestly hope no objection will be made to the publication of a sufficient number of committee reports.

The VICE PRESIDENT. No objection has been made, and the order stands entered for the publication of 5,000 copies.

Mr. SMOOT. I should like to correct the Senator from Arizona. The report is not the committee report.

Mr. ASHURST. I have in my hand a printed report of what purports to be a report of the committee. It is either a report or it is not. If it is not a committee report, it should not have been promulgated as such.

Mr. SMOOT. It is not a report from the committee, but a report prepared by the Senator from Oklahoma, and not another member of the committee subscribed to the report or knows what is in it.

Mr. OWEN. I do not wish to allow that statement to stand. The substantial fact is that the Senator from Oklahoma was authorized by the committee to make the report.

Mr. ASHURST. I assume that no Senator ever has or ever will undertake to make a report for a committee without the authorization of the committee, and I am proceeding upon the hypothesis that this report as promulgated and printed was made with the concurrence and authorization of the committee, and I shall so proceed until I am very sufficiently advised otherwise.

Mr. SMOOT. I wish to say that a majority of the committee voted that the Senator from Oklahoma should make the report, and he made the report.

Mr. ASHURST. Then the report was made under the authorization of the committee.

Mr. SMOOT. That is, they ordered him to make a report.

Mr. ASHURST. Certainly.

Mr. SMOOT. That is what he did; but the committee itself has signed no report. You will find no name signed to the report.

Mr. ASHURST. I care not whether the members of the committee signed it or not. If they authorized the report, it is their report.

Mr. SMOOT. I understand.

Mr. ASHURST. I am seeking facts, so I may know how to vote.

Mr. SMOOT. Reports come here which are not unanimous and which are not signed, but whenever a report is made by the committee it is generally signed by those favorable to the report. There are no names signed to this report.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. The Senator from Oklahoma has the floor.

Mr. CULBERSON. I do not care to interrupt the Senator from Oklahoma.

Mr. OWEN. I yield the floor.

The VICE PRESIDENT. The Senator from Texas will proceed in his own right.

Mr. CULBERSON. Mr. President, I simply desire, as chairman of the committee, to say that a majority of the committee ordered a favorable report upon the bill. As chairman of the committee, and following the usual rule of designating some member to make the report, I designated the Senator from Oklahoma, the author of the bill, as the one to make the report, and he did so. Whether the report was submitted by him to other members of the committee I do not know. Speaking for myself, I have not seen the report, except in its printed form, and I have not read it. Of course I did not read it in manuscript form.

With reference to the statement of the Senator from Utah, I will say to the Senator that the committee did not authorize the Senator from Oklahoma to make the report, but as chairman of the committee I followed the usual rule, and I designated him.

Mr. ASHURST. The report should be accepted as a true report or the system abolished, because we are proceeding upon the hypothesis that it is a report of a committee.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from California?

Mr. ASHURST. Very cheerfully.

Mr. WORKS. I was not objecting to the report on the ground that it was not authorized, nor was I criticizing the action of the Senator from Texas, as chairman of the committee, in designating some one to make the report, but it seemed to me a rather singular thing that a member of a committee can incorporate in the report upon that authority data and information and argument in support of the bill. I simply wanted it understood that, so far as this report constituted argument in favor of the bill, it was the argument of the Senator from Oklahoma alone.

The VICE PRESIDENT subsequently said: In order that there may be no misunderstanding about the matter presented by the Senator from Oklahoma, the Chair will state that the Chair understands it was for 5,000 additional copies of the report, not as a document, and, of course, they will go to the document room.

The order as agreed to was reduced to writing as follows:

Ordered, That 5,000 additional copies of Senate Report No. 619, to accompany the bill S. 1, Sixty-second Congress, second session, be printed for the use of the Senate document room.

POST-OFFICE BUILDING AT HURON, S. DAK.

Mr. CRAWFORD. I ask unanimous consent, on account of the importance of time in the matter, that the Senate proceed to the consideration of the bill (S. 6009) to increase the limit of cost of the United States post-office building at Huron, S. Dak.

I will simply state that the Supervising Architect reports that it will require about $6,000 additional appropriation for the post-office building in the town where I live to enable them to complete the surface walls in the same material. The excavation is going on and it is important that the matter receive attention at once if it is to receive attention at all.

There being no objecion, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Public Buildings and Grounds with an amendment, in line 5, before the word "thousand," to strike out "thirty-five" and insert "six," so as to make the bill read:

Be it enacted, etc., That the limit of cost of the United States post-office building at Huron, S. Dak., be, and the same is hereby, increased $6,000, or so much thereof as may be necessary to finish the walls of said building with the stone specified in the existing contract.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WORKMEN'S COMPENSATION AND EMPLOYERS' LIABILITY.

The VICE PRESIDENT. Is there other morning business? If not, morning business is closed, and the Chair lays before the Senate, in pursuance of its unanimous-consent order, a bill the title of which will be stated.

The SECRETARY. A bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries resulting in disability or death to employees of common carriers by railroad engaged in interstate or foreign commerce or in the District of Columbia, and for other purposes.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. SUTHERLAND. I ask that the bill be read for action on the committee amendments.

Mr. CULBERSON. I will ask if a motion to recommit is not in order under Rule XXII?

The VICE PRESIDENT. No such motion has yet been made, but, of course——

Mr. CULBERSON. The motion has been proposed.

The VICE PRESIDENT. It has been printed, but the bill was not then before the Senate.

Mr. CULBERSON. That is in order before an amendment under Rule XXII.

The VICE PRESIDENT. The Chair is in grave doubt whether, under the unanimous-consent agreement, the motion can be entertained.

Mr. CULBERSON. I was about to call attention to that.

The VICE PRESIDENT. The Chair will be glad to hear the Senator from Texas.

Mr. SMITH of Georgia. Mr. President, I wish to put in some memorials, as does the Senator from Missouri [Mr. REED], and the Senator from Texas kindly consents to yield for a moment.

The VICE PRESIDENT. The Chair assumes that can be done, although it is very unusual to interrupt a unanimous-consent agreement to do anything of the kind.

Mr. SMITH of Georgia. It is with reference to this bill.

The VICE PRESIDENT. The Chair does not rule it can not be done; but it is very unusual.

Mr. SMITH of Georgia. A Senator can read them or they can be read by the Secretary during the course of his speech.

The VICE PRESIDENT. The Senator in that respect is correct.

Mr. REED. Mr. President——

The VICE PRESIDENT. The Chair understood the Senator from Georgia wanted to have some telegrams read.

Mr. SMITH of Georgia. The Senator from Missouri will present his first, as they are short ones, and then I will present mine.

Mr. REED. Mr. President, in presenting these telegrams I desire to have the dates of each read in order that the Senate may understand the change of sentiment.

The VICE PRESIDENT. Without objection, the Secretary will read the telegrams, including the dates.

The Secretary read as follows:

NEVADA, MO., *April 8, 1912.*

Hon. JAMES A. REED,
United States Senator from Missouri, Washington D. C.:

Nevada Lodge, No. 365, Brotherhood of Railroad Trainmen, will appreciate your support and vote for Senate bill 5382.

JOE B. AKERS,
Treasurer Nevada Lodge, No. 365.

—

ST. LOUIS, MO., *April 9, 1912.*

Hon. JAMES A. REED,
Washington, D. C.:

The membership of Pacific Lodge 64, Brotherhood of Railroad Trainmen, earnestly request your effort in behalf of workingmen compensation and liability act, Senate bill 5382. Membership, 241.

J. F. MURRAY, *Treasurer.*

—

ST. LOUIS, MO., *April 11, 1912.*

Hon. JAMES A. REED,
Washington, D. C.:

Kindly withdraw support of employees' liability and compensation act as outlined in your Postal telegraph of April 9. Not understood properly. We do not favor any such measure as you set forth. Thanks for your information and appreciate same very much.

W. L. RODGERS,
Secretary, 64, 3113 Rutger Street.
L. HINES,
Treasurer, 64, 2028 Rutger Street.
JNO. MURRAY TARKLAND,
Kirkwood, Mo.

—

ELDON, MO., *April 20, 1912.*

Senator JAMES A. REED,
Washington, D. C.:

Your letter regarding bill 5382 was read to-day at Division 611, Brotherhood Locomotive Engineers, and we request that more time be given for consideration on this bill. We wish to commend you highly for the interest shown in this important matter.

J. J. MURPHY,
Secretary-Treasurer.

—

BROOKFIELD, MO., *April 28, 1912.*

Hon. JAMES A. REED,
United States Senator, Washington, D. C.

MY DEAR SIR: Your digest of the employers' liability bill received, and we greatly appreciate your effort to put the bill before us in its

true light. We have done what we could with other railway organizations at this place to get them to understand the bill.

In addition to the message I am ordered by Brookfield Division, No. 194, Order Railway Conductors, representing 70 members, to ask you to try to defeat the bill. If we are successful in getting the bill held for further consideration and have or 30 or 40 days to work on our membership will obtain great results, as the majority of our membership does not understand the bill.

Very respectfully, yours,

[SEAL.]

J. M. EWING,
Secretary 194, Brookfield, Mo.

—

BROOKFIELD, MO., *April 22, 1912.*

JAMES A. REED,
Senator, Washington, D. C.:

We implore you to use your efforts to postpone any action toward passing House bill No. 20487, Senate bill No. 5382, which has been fully presented to us. At this time we are unalterably opposed to the bill and trust you can defeat same for us.

BROOKFIELD DIVISION, No. 194, ORDER RAILWAY CONDUCTORS,
JAMES EWING, *Secretary.*
ED PLUM, *Chief Conductor.*

—

NEVADA, MO.

Hon. JAMES A. REED,
United States Senator from Missouri, Washington, D. C.:

Your wire 9th, with reference to Senate bill No. 5382, Nevada Lodge, Brotherhood of Railway Trainmen, No. 365, did not understand same, as explained in your message. Will ask you to protect the interests of the working railroad men, and know you will as indicated by your prompt reply. Please advise Senator STONE and Congressman DAUGHERTY.

JOE D. AKERS,
Treasurer Nevada Lodge, No. 365.

—

BROOKFIELD, MO., *April 20.*

J. A. REED,
United States Senate, Washington, D. C.:

Urge your support defeat workman compensation act.

O. C. BARTON, *Secretary.*

—

MOBERLY, MO., *April 19, 1912.*

Senator JAMES A. REED,
Washington, D. C.:

Please hold up bill S. 5382. Get letter.

R. L. CARTER,
Chairman Legislative Committee, Division 49,
Order Railway Conductors, Moberly, Mo.

—

SHEFFIELD, MO., *April 21, 1912.*

Hon. JAMES A. REED,
United States Senator, Washington, D. C.:

Employers' liability act, No. 5382, read at our last regular meeting of P. C. Eldredge Lodge, No. 269, Brotherhood of Railway Trainmen, and was unanimously disapproved.

B. F. DIAL, *Secretary.*

—

ST. LOUIS, MO., *April 16, 1912.*

Hon. JAMES A. REED,
United States Senator, Washington, D. C.

DEAR SIR: Your telegram in answer to our request to support the employees' compensation law was received all right. Many thanks for your prompt answer to same. Please hold the bill up, if possible, until you can hear from us again on the subject. We received your digest of the bill and a copy of the bill also. With best wishes that you will succeed in having it held up for the present, at least, we remain,

Yours, respectfully,

J. L. PATE,
Secretary-Treasurer Division 48,
Brotherhood of Locomotive Engineers.

—

BROTHERHOOD OF RAILROAD TRAINMEN,
Kirkwood, Mo., April 26, 1912.

Hon. JAMES A. REED,
Washington, D. C.

DEAR SIR: Your favor, inclosing copy of employees' liability and compensation act, appreciated, and after a thorough reading of same individually I can personally assure you I am not in favor of same. Do not consider it as reasonable to any extent, more especially as it makes a distinction as between an employee making $100 per month and one making $50. I wish to contend that the $50 per month employee's family is entitled to as much consideration of the right of recovery or compensation as the $100 per month employee. The corporation's right to force injured employees to work or benefit to cease is un-American, narrow, and not within the rule of reason. The right of the court for recovery can not be denied anyone, by such a law or otherwise. Such an enactment would merely make a disabled or injured employee or defendant the victim of court-appointed adjusters or company doctors. Granting to others the right of their own opinions, individually I do not consider the bill a measure of relief to any extent whatever—in fact, quite the contrary. With the assurance of good will on my part, I wish to thank you for your efforts, so far, so good.

Yours, very truly,

J. F. MURRAY.

The VICE PRESIDENT. The telegrams and letter will lie on the table.

Mr. BACON. I present two communications in the nature of memorials in regard to the compensation bill, which I ask may be read. They are short.

The Secretary read as follows:

MACON DIVISION, No. 123,
ORDER OF RAILWAY CONDUCTORS,
Macon, Ga., April 28, 1912.

Hon. A. O. BACON,
United States Senator, Washington, D. C.

DEAR SENATOR: By a unanimous vote of Macon Division, No. 123, Order of Railway Conductors, I was directed to write you requesting that you oppose the passage of the bill now pending before the Congress known as workmen's compensation act.

Our members have not sufficient time to familiarize themselves with the bill, and feel that under no circumstances should the bill be passed at this session of Congress.

I learn from engineers, firemen, and trainmen that fully 95 per cent of all the men are opposed to the bill in its present shape.

Trusting that you can and will use your influence against the passage of the bill, and with best wishes, I am,

Very truly, yours,

A. N. KENDRICK, *Secretary.*

—

DOUGLAS, GA., *April 29, 1912.*

Hon. A. O. BACON,
United States Senate, Washington, D. C.:

Douglas Division, No. 606, Order of Railway Conductors, request that you oppose the workmen's compensation bill pending in Senate and House.

W. B. LEE, *Chief Conductor.*
S. E. PARRISH, *Secretary and Treasurer.*

Mr. BACON. I simply desire to state, in order that there may not appear to be any partiality in the matter, that every communication I have received without exception is opposed to the passage of the bill, except one which I previously submitted to the Senate, and which was afterwards recalled and a communication adverse to the bill sent in its place.

Mr. SMITH of Georgia. I send the following statement to the desk and ask to have it read.

The VICE PRESIDENT. The Senator from Georgia asks unanimous consent to have read the statement he has sent to the desk. Without objection, the Secretary will read as requested.

The Secretary read as follows:

The following is a short statement relative to the present Federal employers' liability act and the proposed Federal compensation act. This argument was presented to Congress by Avondale Division, No. 334, Order Railway Conductors, Birmingham, Ala.

EMPLOYERS' LIABILITY ACT.

The statute makes the railroad company liable to an employee or his survivors when he is injured or killed, when his injury or death results in whole or in part from the negligence of any of the officers, agents, or employees of such carriers, or by reason of any defect or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, roadbed, trucks, boats, wharves, or other equipment.

The statute also declares that contributory negligence of an employee who is injured is not a defense to any suit that may be brought because of the injury or death of the employee, but it provides that where there is contributory negligence—that is, where an employee is partly to blame for an injury or death—that there should be an apportionment of the damages. So that when an employee is injured and brings suit under this act, if both he and the railroad company were negligent, he would be entitled to a verdict at the hands of the jury, but the jury would have the right, if it saw fit, to reduce the amount in proportion to the amount of the negligence of the person injured or killed.

No contract, rule, regulation, or device whatsoever will enable the railroad company to avoid the payment of damages for any liability under this act. No insurance paid by the railroad company for injuries to employees under this act will relieve the railroad company from the payment of damages for injuries.

This act declares that an employee injured or killed is not guilty of contributory negligence of any kind in any case where his injury or death was caused by the failure of the railroad to comply with any of the safety-appliance statutes of the United States.

Nor can he be held to have assumed the risk of injury or death where the railroad company has failed to comply with the safety-appliance statutes.

The act also provides that suits can be brought under the statute in the courts of any State or of the United States which could have jurisdiction.

It is also provided by the present Federal law that a violation of the Federal safety-appliance acts makes the railroad absolutely liable for an injury or death to an employee, and that no defense is available to the railroad where the injury or death results from such violation of the safety-appliance act. It is therefore well to state in this connection the provisions and requirements of the Federal safety-appliance acts:

Locomotives must be equipped with driving-power brakes operated from the cab.

All trains must have cars equipped with continuous power brakes to enable an engineer of a train to control the speed of the train without a brakeman.

They must have couplers that will couple by impact; that is, by pushing them together.

They must have couplers that will uncouple without the necessity of men going between the cars to uncouple.

They must have grab-iron handholds on the ends of cars.

There is a standard height of drawbars of cars, and all cars must measure up to that standard.

The boilers of locomotives and their appurtenances must be in safe condition to operate without unnecessary peril to life or limb.

There must be secure sill steps on every car.

Every car must have efficient brakes.

There must be secure ladders on every car.

There must be secure running boards on every car.

There must be secure handholds or grab irons on roof of cars at top of ladder.

They can not haul cars coupled together by means of chains in any revenue train.

Locomotives must have ash pans that can be operated without going beneath the engine.

When a railroad company fails to have any of the foregoing safety appliances on their cars or engines or fails to have them in operating or good condition, and an employee is injured or killed, the railroad company is guilty of negligence, and the employee, under the law, is neither guilty of contributory negligence nor has he assumed the risk of injury or death by using the unsafe appliances.

Therefore, when an employee is injured on an interstate highway and he is engaged in interstate commerce and the injury or death is caused

by a failure to have any of the safety appliances in operation, the railroad company can offer no defense to the suit. It is only necessary to ascertain the extent of the injury and fix the financial loss for it.

Where the railroad company is itself an interstate highway or handles interstate freight, passengers, or express, and the employee is not engaged in the transportation of interstate commerce, his injury or death by a failure to comply with any of the safety-appliance statutes would give him the right to sue in any State independent of the Federal employers' liability act. He would then be held not to have assumed the risk of injury if he knew that the company failed to use proper safety appliances, for the Supreme Court of the United States has held that the safety-appliance act "is intended to embrace all locomotives, cars, and similar vehicles used on any railroad which is a highway of interstate commerce."

It may be said of the laws of the United States now in force that in practically no case can an employee who has been injured have his right to damages defeated if there is negligence on the part of the railroad. A casual reading of the act will make this clear, and when a failure to comply with the safety-appliance statute results in injury or death there is no defense available to the railroad.

PROPOSED COMPENSATION ACT.

The proposed compensation act contains the following features:

It is exclusive and compulsory, but it only displaces the Federal liability act.

It appoints an adjuster, who is really a special master of the United States court.

The adjuster has the right to fix the amount of compensation to be paid an injured employee under the act.

He has the right, after that amount has been fixed, to increase or diminish it.

He has the right to change a judgment of the court, even though that judgment had been upheld by the court of appeals and approved by the Supreme Court.

He has the right to stop payments provided for in a judgment of the United States court.

Appeals from his decision go to a jury, and the controversy is then between his findings and the injured employee.

It limits the employee in the employment of his attorney, but it places no limit on the railroad as to the employment of an attorney.

It provides for compensation for death or injury, and makes the following classifications:

Death.
Permanent total disability.
Permanent partial disability.
Temporary total disability.
Temporary partial disability.

It provides that no compensation shall be paid for the first 14 days.

It arbitrarily says that no man's wages shall be greater than $100 per month, and all calculation for compensation is based on that arbitrary declaration.

It provides for the practice before the adjuster, the method of appealing the cases, and as to who shall pay the cost. Under it the injured party will have to pay the cost if he excepts and appeals. If the injured employee excepts to the adjuster's findings, he has to pay the cost incurred thereby. If he wants a trial before a jury, he must demand it and must pay the cost of that trial, but paragraph 4 of section 14 says that even before the jury the findings of the adjuster are prima facie evidence of the facts set forth in the findings.

That leaves the trial before the jury where it is not a trial as between the railroad and the employee, but as between the adjuster and the employee, for in the trial the employee will have to attack and overcome with evidence the findings of the adjuster.

It provides a limitation upon the employment of counsel by the employee, but does not limit the railroad company to the amount or quality of its attorneys or counsel, nor to the number of its claim agents that are to be employed.

Section 20 is of more interest to railroad employees on account of its far-reaching effect than one would imagine by reading it. It means that they can say to any man earning over $100 a month when he is injured that he was not entitled to earn more than $100 per month. In future years when wage agreements are considered this limitation on a man's wages can be used by the railroad as an argument.

It provides that if a man receiving permanent partial disability—that is, his hand is cut off—and if he goes to work and he receives another partial disability—that is, his other hand is cut off—he would only be paid for the loss of both hands 50 per cent of his wages, limited to $100 per month, for a total of nine years and six months. The loss of both feet in the same way, or the loss of both eyes in the same way, or the loss of a hand or a foot in the same way would not give him the benefit of the compensation provided for for total permanent injuries.

It provides that dependent children over 16 years of age means children unable to earn a living by reason of mental or physical incapacity.

Many have read the bill a number of times and have failed to find all the jokers.

It provides, on page 41, beginning at line 1, that whenever an employee of an interstate highway is killed or injured it shall be presumed prima facie that he was engaged in interstate commerce.

All employees would prefer to bring their suits under State acts, but the proposed act puts on them the burden of proving that they were not engaged in interstate commerce. It will be almost impossible for them to carry this burden in many cases.

It provides that no man shall be paid for the first 14 days of his injury, and under that a man could be injured, stay away from work 14 days, go to work on the fifteenth day, be injured again on that day, lose 14 days more, and go to work on the fourteenth day again, lose the month's time, and get nothing for his injuries.

It forces an employee to accept the services of the company's physician unless he wants to employ his own at his own expense. The amount of the physician's bills and hospital bills that a man is entitled to from the road is limited to $200, and one serious surgical operation would cost that amount, and after the railroad had paid for that the employee would have to continue the payments.

It allows the employer and employee to constitute committees for the settlement of claims, and this gives the employer a hold that will enable him to squeeze many dollars out of injured employees, for everyone knows that an employee on a committee is not likely to be very severe on his employer when he knows that his own job is at stake.

It limits the payments to a widow to a total of eight years, but the payment stops if she dies or remarries. This would eliminate half the payments to widows. Another one is that children receive the benefits of this act until they are 16. The number of girls who can earn money enough to support themselves between the ages of 16 and 21 are few, and that class would be compelled to supplement their ordinary earnings in extraordinary ways. Take the case of an engineer earning $225 a month, who had two girls in school at the ages of 16 and 17. They would immediately be thrown on the world to earn a living, and to them it would mean starvation or begging. That section could be illustrated in a number of ways.

Another thing, this bill puts a premium on carelessness and recklessness; it provides for the extreme reckless employee the same amount that can be recovered by the very careful employee, and that can be best illustrated in this way: A train hand earning $100 a month carelessly neglects to set a switch to a main line behind a freight train, and a high-class passenger train, properly operated by an engineer and conductor each earning $250 a month, runs into the open switch, and the careful engineer and conductor and the careless train hand are all killed. Thirty passengers may be killed and a half million dollars worth of property destroyed, yet the company will only have to pay for the careful engineer and conductor the same amount that it pays for the careless train hand.

It provides that if the widow has 1 child or 10 children she shall be paid 50 per cent of the wages of the deceased, limited to $50 a month.

It provides for certain payments to the dependent parents, and for a very small amount to be paid other relatives in case there is no widow, children, or parents.

It says that the loss of sight in both eyes, the loss of both feet at or above the ankle, the loss of both hands, the loss of one hand and one foot, an injury to the spine resulting in permanent and complete paralysis of the legs or arms, and an injury to the skull resulting in incurable imbecility or insanity are permanent total disabilities, but it leaves open to the adjuster and the courts the question of what other things are permanent disabilities and provides in that way for many lawsuits.

To those who have the permanent total disabilities it only pays 50 per cent of the salary, limited to $100 a month during the life of the deceased.

It provides that for the loss of the arm above the elbow joint an employee is paid 50 per cent of his wages for six years. That would mean that an employee earning $200 a month will get $3,600 for the loss of his arm. One earning $50 per month will get $1,800 for the loss of his arm. The loss of the leg above the knee joint would only cost the railroad $3,300 for a man earning $100 or more a month, and for a man earning $50 a month it would cost them $1,650.

A complete loss of hearing in both ears would entitle the employee to receive 50 per cent of his salary, as limited heretofore, for 72 months. For the loss of one ear he would be paid for 36 months. It provides that for the loss of the sight of one eye the employee would be paid 50 per cent of his salary, limited to $100 per month, for 30 months. The loss of the sight of an eye permanently incapacitates a railroad man from ever engaging in the service again, and if he were a conductor earning $200 a month he would get $1,500 for that permanent injury.

For the loss of other members he would get similar amounts.

It also provides that if an injured employee goes to work and receives for his work as much as 90 per cent of his wages, limited to $100 per month, the company is to pay him nothing for his injury during the time he is at work. Should he receive less than 90 per cent the compensation shall be diminished.

That portion of the bill really means that should a conductor earning $200 a month have his left hand cut off the company would be due him $50 a month for 57 months. Should he lose a foot they would be due him the same amount for 48 months, but if he accepted from them a position as train auditor, or any other position that would pay him $90 a month, they would never have to pay him a dollar for his injury, and when the 48 months or the 57 months expire the company could discharge him, having paid him $90 a month for his work and nothing for his injury.

An effort has been made to show that this plan originated with railroad employees. That is true, but the employees were the claim agents of the railroad. You will find the scheme fully explained on page 44, Minutes of the Association of Railway Claim Agents at Montreal, and the same page shows you that their work to have this act passed has been done secretly.

The only knowledge that railway employees have of this bill has been gained within the past 30 days, the bill having been published in the various railroad publications since the 1st of March, and in the Railroad Trainman of April, page 355, is another proof of the employees' lack of knowledge of this question.

OUR OBJECTIONS.

We object to this bill because of the provisions above stated, and further because it will compel every railroad man to increase his cost of living by purchasing additional heavy insurance.

We object to it because it displaces the employers' liability act.

We object to it because it does not provide adequate compensation in the case of injury or death.

We object to it because it takes out litigation from the State courts and puts it in the hands of one man.

We object to it because the framers of it evidently hold human life and limb cheap.

We object to it because it is entirely in favor of the railroads and bears no provision in favor of the employee.

During the reading of the foregoing statement,

Mr. SUTHERLAND. Mr. President, this seems to be a pretty long document. I ask the Senator from Georgia whether it would not suit his purpose to have the remainder of it printed without reading?

Mr. SMITH of Georgia. I would rather have it read.

The VICE PRESIDENT. The Secretary will continue the reading.

The Secretary resumed and concluded the reading of the statement.

Mr. McCUMBER. Mr. President, I have received a number of telegrams on this subject, which are not of the usual stereotyped character. One is against the bill, while the others all seem to favor it. I ask that they be read as evidencing the sentiment of a number of organizations in my State.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

MINOT, N. DAK., *April 19, 1912.*

Senator MCCUMBER, *Washington, D. C.:*

Please kill House record.

CHAS. LEE,
Secretary Brotherhood of Locomotive Firemen and Engineers,
Minot, N. Dak.

—

FARGO, N. DAK., *April 4, 1912.*

Hon. P. J. MCCUMBER.

DEAR SIR: We, the members of Division 202, Brotherhood of Locomotive Engineers, request your support of bill No. 5382, as introduced by Senator SUTHERLAND, trusting that this will receive your personal attention, as we consider this proposed law to be the most important legislation that has come up in years for the benefit of our members. Thanking you for past favors, we remain,

Yours, truly,
G. W. REED,
W. J. RIELLEY,
Committee.

—

MINOT, N. DAK., *April 8, 1912.*

Senator P. J. MCCUMBER,
Washington, D. C.:

The members of Minot Lodge, Brotherhood of Railroad Trainmen, request that you use every effort to secure the enactment into law of Senate bill No. 5382. It would be a law that we have long hoped to get, and would be very much disappointed should it fail to pass. Will take the liberty of thanking you in advance for any efforts you may make in favor of same.

H. W. WALKER,
Treasurer Minot Lodge, No. 769.

—

GRAND FORKS, N. DAK., *April 8, 1912.*

Hon. P. J. MCCUMBER,
1534 Twenty-second Street, Washington, D. C.:

At a meeting of Division 69, Brotherhood of Locomotive Engineers, Sunday, April 7, 1912, representing 90 members, resolution passed asking you to lend your support in favor of bills S. 5382 and H. R. 20497.

O. L. YOWELL, *Secretary.*

—

GRAND FORKS, N. DAK., *April 7, 1912.*

P. J. MCCUMBER,
United States Senate, Washington, D. C.:

Trainmen in North Dakota generally are in favor of Senate bill 5382, and Lodge No. 463, of Frand Forks, to-day passed a resolution indorsing same and requesting you to lend your favorable assistance toward the enactment of it. Our membership generally are more interested in this legislation than in any bill that has been before the United States Senate for a number of years.

S. C. LUSH,
Chairman State Legislative Board.

—

ENDERLIN, N. DAK., *April 7, 1912.*

Hon. P. J. MCCUMBER,
Senate, Washington, D. C.:

Enderlin Lodge of Brotherhood of Railroad Trainmen of 131 members urge your active support of Senate bill No. 5382. This measure affects us to greater extent than any similar legislation for many years.

ENDERLIN LODGE OF RAILROAD TRAINMEN.

—

JAMESTOWN, N. DAK., *April 8, 1912.*

P. J. MCCUMBER,
Washington, D. C.:

The members of Division No. 746, Brotherhood of Locomotive Engineers, Northern Pacific Railway, situated at Jamestown, N. Dak., do earnestly desire that you vote in favor of workmen's compensation bill S. 5382 and bill H. R. 20487.

GEO. MCLAIN, *Chief Division 746.*
E. J. MCCURRY, *Secretary.*

Mr. OVERMAN. Mr. President, I have a letter in my hand from one of the leading locomotive engineers in the South. I know him personally. He is a very intelligent man. I want to say that he came here to attend the hearings before our subcommittee, but after coming he did not appear before the committee. He said he dared not go in there, because if he went in and opposed this bill at that time he feared he would be dismissed, as he was an old man. He stated that he had insurance, that he did not want to lose it, and that his charter might be taken from him. Since that time, however, I understand the bridle has been taken off, and he has written me a letter which he has given me permission to publish. I will send it to the desk and ask to have it read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

INTERNATIONAL BROTHERHOOL OF LOCOMOTIVE ENGINEERS,
Raleigh, N. C., April 13, 1912.

Hon. LEE S. OVERMAN,
Washington, D. C.

MY DEAR MR. OVERMAN: I beg to acknowledge receipt of your valued favor of the 16th instant in regard to the workmen's compensation act, and I thank you most heartily for the efforts you are making to delay this measure, but I very much regret to hear you say that the principle is probably right and a step in the right direction. We, the railroad employees who are directly affected, can not see it that way. We feel that it is without doubt one of the most unfair and unjust pieces of legislation ever offered to us. It is class legislation. If a train is wrecked, passengers and crew killed, the passengers can sue for any amount, according to conditions. The crew is denied this privilege. They must accept the miserly sum set forth in this act.

It is unconstitutional from the fact that it denies us a trial by jury, as intended by the Constitution. It is true the language of the bill says we may sue; but what are the conditions? The evidence given before the adjuster shall be prima facie evidence. Again, the jury can not exercise their free thought and make an award according to evidence, but are bound by the amounts set forth in the bill. With these conditions it renders the trial by jury a simple mockery.

We are perfectly satisfied with our present laws, especially the Federal liability act. This gives us the necessary protection. A large per cent of our personal injuries cases are compromised and never go to trial. I promised to send you a copy of the minutes of the Railroad Claim Agents' Association to show you that this measure was the outcome of this association to kill the Federal liability act, but Senator HOKE SMITH wanted the original books, hence I have been unable to get copies. You can see these minutes by calling on him. The actions in the Senate committee to rush the measure without allowing due consideration, and the heads of the labor organizations to smuggle this act in without letting those affected know of its existence, and when by chance we did learn of it and offered a protest we were told to keep quiet or we would be fired. They tell you of the many hearings and publicity this matter had, but they did not tell you that the men affected by this act were not allowed to testify under penalty of expulsion unless they favored the bill. These are facts, nevertheless.

I am not a chronic kicker but a loyal member, and have been for the past 25 years, but when conditions are such that I have to decide whether my loyalty shall be to the order or to my family it does not take me long to decide that my family comes first.

If you want to please 99 per cent of the men in North Carolina affected by the workmen's compensation act—I have allowed 1 per cent margin, although I pledge you my word of honor that I have not found a single man who favors this bill in part or as a whole—then oppose this measure first, last, and always; fight single-eyed for its defeat, and you will ever have the appreciation and deep gratitude of the railroad men of the State.

With best wishes for your success and high personal regards, I beg to remain,

Yours, very truly, D. K. WRIGHT.

Mr. OVERMAN. There is one further article, Mr. President, which I desire to put in the RECORD which has already been before the committee. It is in the shape of a communication in the Raleigh News and Observer, and I am informed, though I do not vouch for the fact, that the article in question was written by one of the great judges of my State, who has been on the bench for 25 years. He is not an "ambulance chaser," but a man of high talents and attainments, and I think his analysis of the bill is about as fine as any I have seen.

Mr. SMITH of Georgia. If the Senator from North Carolina will allow me, I hope that argument will be read. I am reliably informed that it was prepared by the chief justice of the Supreme Court of North Carolina.

Mr. OVERMAN. I ask for the reading of the article, Mr. President.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

THE EMPLOYEES IN OPPOSITION—RAILROAD WORKERS ARE AGAINST THE PASSAGE OF THE FEDERAL ACCIDENT COMPENSATION ACT—HOLD PROPOSED BILL IS WICKEDLY INGENIOUS—THE VIEWS AND POSITION OF THE RAILROAD EMPLOYEES ARE SET OUT BY A DISTINGUISHED LAWYER, WHO HAS GIVEN STUDY TO THE MATTER AND WHO DECLARES THAT THE MEASURE, IF MADE INTO LAW, WILL SERIOUSLY AFFECT RAILROAD EMPLOYEES.

The railroad employees in this country number perhaps one million and a half. This splendid body of men are much concerned over the "compensation act" now pending in the United States Senate. The sentiment of the employees in this section of the country is very adverse to it, and they are confirmed in their views by the opinion of those skilled in the laws in whom they have confidence and with whom they have conferred. This paper is asked to publish the views of a distinguished lawyer in this State who has stood for justice to the employees all these years. He said: "The striking features of the proposed compensation act, so called, may be thus summed up:

"1. It proposes to take from railroad employees the protection they have secured through State and national legislation in this country by means of 'employer's liability' acts, under which a workman who has been injured by the negligence of a common carrier can recover just compensation therefor whether it results in death or lesser injury.

"2. It restricts the compensation far below the actual damages sustained and divides the amount which a jury would award in a lump sum into payments distributed over a varying series of years up to eight years. The highest compensation allowed by the act for wrongful death is $50 per month for eight years, which is equivalent to less than $4,000 cash, and even that is allowed only when the deceased leaves both widow and children.

"3. It proposes to relieve railroad companies by whose negligence the death or other injury is inflicted from the cost of such compensation by placing it upon the shippers and the traveling public, for section 31 provides: 'The burden of compensation under this act for personal injuries shall be considered as an element of the cost of transportation, and the Interstate Commerce Commission in any proceeding before it affecting rates is directed to recognize and give effect to this policy.' Under the present system the owners of the corporation are interested in avoiding accidents and injuries to employees accruing from negligence because compensation therefor will tend to reduce dividends. But the proposed act by shifting this burden upon the traveling public and shippers makes the owners and managers of the railroads immune to any consequences flowing from their negligence. The increase in the number of killed and mangled will be inevitably prompt.

"4. The act further relieves the railroad companies from all expense of litigation which now falls upon them and places it upon the taxpayers, for it provides that the adjustment of losses shall be made by a new set of officials called 'adjusters,' to be paid salaries of $1,800 to $3,000 each, in addition to their actual traveling expenses and their subsistence at the rate of $5 per day, all of which shall be paid out of the Treasury of the United States. Just why these corporations should be relieved of the expense of litigation incident to their refusal to pay

compensation for injuries accruing by their negligence, and why the cost thereof should be shifted to the United States Treasury, is a secret locked up in the breast of the ingenious corporation counsel whose fine Italian hand is seen in every line of this proposed statute. These adjusters will cost the public, for salary and expenses, over $6,000 a year each, and their number is not limited by the act.

"5. Unlike the jury, which now decides upon the compensation to be allowed for negligent injuries caused to employees, this compensation is to be awarded by 'adjusters,' in whose selection the employees will have no voice. This crowd of new officeholders are to be selected and appointed by the Federal judges, who, not being elective and holding for life, may not be altogether uninfluenced in the appointment of such adjusters by their acquaintance with the heads of these great transportation companies by the friendly aid of whom some of the Federal judges have been helped to a seat on the bench. Certainly there is not the same likelihood of adjusters being selected upon the recommendation of the employees.

"6. The compensation provided by the act is very complicated, as well as minute in providing the different kinds of injuries, but it is uniform in only one respect, that the compensation provided is in every instance very far below what may be a just compensation for the injuries sustained.

"7. While the act does not restrict the amount which the corporations shall pay for able and experienced counsel, it is careful to provide that the compensation for counsel retained for the employee shall be fixed by the adjuster, whose method of appointment has already been noted.

"8. The act is also careful to provide that when an employee has been injured or killed neither the cause of action nor the payments due therefor, when determined by the adjuster, shall be assignable. As a further restriction upon the compensation, it is further provided that in calculating wages, the percentage of which shall be the basis of compensation, 26 times the daily wage shall be considered a month's wages, and 'no employee's wages shall be considered more than $100 per month.'

"9. The act is indeed unconstitutional, in that it proposes to deprive the employees of common carriers of the right of trial by jury, which is guaranteed by the seventh amendment to the Constitution of the United States 'in all cases where the amount in controversy shall exceed $20.'

"It is true the act provides for a jury trial if exceptions are filed to the report of the adjuster and a written demand for a jury, but this is practically nullified by a provision that 'the findings of the adjuster shall be received as prima facie evidence in such trial before the jury; that the court may submit special interrogatories and that the trial by jury is waived if this demand for a jury is not made within five days after the adjuster files his report.' Of this filing the employee, who will often be distant from the court, may fail to be apprised.

"10. To sum up: The act takes from the employees the protection of the present employers' liability act; it restricts compensation far below a just compensation and divides the payment over a series of years; it relieves the railroad company of the burden of all compensation and places it upon the shippers and traveling public. The act relieves the companies not only from payment of all court costs, providing for adjusters, who are to be paid out of the Treasury; it provides for the selection of these adjusters in a method which is likely to secure appointees more favorable to the corporations than to the employees; the method of compensation is complicated; it restricts the employee, but not the employer, in the selection of counsel, and deprives them of their constitutional right, guaranteed to all citizens, of a trial by jury.

"11. All this is done upon the pretext that lawyers who represent employees in such cases are 'ambulance chasers,' and that this act will decrease the volume of litigation. It may so do, though it has not had that effect in other countries. But if it has that effect here, it will be by depriving the employees of just remedies and by adding enormously to the advantages already enjoyed by these great combinations of capital in their contests with crippled employees or with destitute wife and children when the employee has been taken from them by death caused by the negligence of the corporation. In free Switzerland every attempt to introduce this proposed 'compensation act' has been defeated, and that country enjoys the broadest and most liberal 'employers' liability act.'

"12. In the language of Mr. Carter, president of the Brotherhood of Locomotive Firemen and Engineers, 'Congress should devote its legislative energy, first, to the prevention of deaths and other injuries to railroad employees by broadening the "safety-appliance" laws and the "employers' liability" laws; and then, when it exhausts its authority and capacity in that direction, enact laws for the compensation of those whose death from injuries were not preventable. Congress should not now accept as inevitable the mangling and killing of thousands of railroad men each month and then attempt to absolve itself and the employers from further responsibility by enacting a law that is said to compensate this awful slaughter of human beings and "charge it to the consumer."'

"13. The statistics show that the number of people killed and wounded by the railroads in this country is twenty times as many in proportion as those occurring on railroads in Europe. If this act is passed, and the compensation for death and injury caused by the negligence of railroad companies is shifted to the traveling public and shippers, as is proposed, by increasing rates, and the cost of litigation is to be shifted, as is also proposed, to the United States Treasury, it is easy to foretell that the increase in negligence in the operation of railroads and in the number of employees killed and wounded thereby will be phenomenal.

"14. The so-called 'relief departments,' by which on a few railroads employees are compelled against their will to raise a fund out of their own wages out of which compensation is paid for those killed and wounded by the negligence of the corporations, is bad enough in all conscience, but this proposed bill is wickedly ingenious." (Raleigh News and Observer, Mar. 7, 1912.)

Mr. SUTHERLAND. The document which has just been read was read before the Judiciary Committee of the House on March 26, and at that time Mr. W. G. Lee, who is president of the Brotherhood of Railroad Trainmen, representing, as I recall, over a hundred thousand men in the United States, made a report. It is contained in the same document. I ask that the Secretary may continue the reading and to read that in connection with what has been read.

Mr. OVERMAN. It follows right along.

Mr. SUTHERLAND. It follows right along.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Without objection, the Secretary will read as requested:

The Secretary read as follows:

[By W. G. Lee, president Brotherhood of Railroad Trainmen.]

In appearing before you I take the same position in reference to my opinion on the proposed compensation act as I did when I appeared before the commission appointed to investigate and report its findings and recommendations to the President on the question of employers' liability and workmen's compensation. That is, briefly, to say that, while the railway employees naturally would prefer a greater amount in benefits, still I feel that the men I represent are agreed that the bill meets with their approval and they are more than anxious to have it enacted into law.

I have the very best of reasons for this belief, based on the inability of the Federal liability law (and, so far as they can apply, the State liability laws) to provide benefits for all cases of injury. We know that in a very fair proportion of cases of death and disability the employer is at fault, and in consequence can be made to pay for his fault, but we also know that there are very many instances of death and disability that can not be attributed to the fault of anyone, and in consequence this great number of accidents is unrecompensed. We believe that instead of having a few benefited under the liability laws as they are now enforced, even though the amounts be large in proportion to those allowed by the proposed compensation act, that it is far better to pay every case of accident and relieve the general suffering. Our efforts, therefore, are directed toward the betterment of the many as against what I believe can truthfully be termed the few. There has been some unfair opposition shown against the proposed measure from one part of the country, namely, a few of the South Atlantic States, but I believe I am justified in saying that the inspiration for the opposition comes from lawyers who have gained the most of their living from the prosecution of personal-injury suits, and who see in the proposed compensation law the necessity for their getting into some other kind of business or being forced to ask a good-natured community to contribute to their maintenance.

Under date of March 7, 1912, there appeared in the Raleigh News and Observer a communication against the proposed bill which has been quite extensively distributed through that part of the country I have just mentioned, and which pretended to show the wicked ingeniousness of the proposed law. It was written by a distinguished lawyer of North Carolina, name unknown, who, to quote from the press, "has stood for justice to the employees all these years," and who summed up his objections to the proposed compensation act in several numbered paragraphs, which I will quote and answer, because I take it that this is the composite objection of many other like distinguished attorneys, who feel that the law is wicked and ingenious because it promises to put the ambulance chaser out of business.

Paragraph 1 of the objections reads:

"1. It proposes to take from railroad employees the protection they have secured through State and national legislation in this country by means of 'employers' liability' acts under which a workman who has been injured by the negligence of a common carrier can recover just compensation therefor, whether it results in death or lesser injury."

The objection that the employees have no longer recourse to the liability laws is correct. I believe, however, that there is too much stress placed on the protection to the employee by way of the State liability laws, for, in my opinion, since the approval of the Federal liability act, that is the law under which railway employees coming under the regulation of Congress must seek their redress. The objectionist does not state, however, that the liability laws in which he places so much dependence do not protect the employee unless the employer is absolutely at fault and it can so be proven. A compensation law, to the contrary, pays for every death and disability, regardless of who is at fault.

Objection 2 reads:

"2. It restricts the compensation far below the actual damages sustained, and divides the amount which a jury would award in a lump sum into payments distributed over a varying series of years up to eight years. The highest compensation allowed by the act for wrongful death is $50 per month for eight years, which is equivalent to less than $4,000 cash, and even that is allowed only when the deceased leaves both widow and children."

The first objection is that compensation is restricted below actual damages. I have yet to hear the claim made in defense of the liability laws that they have given full compensation. The payments under the proposed law were so arranged on the advice of the railway labor organizations, officers, and members, who all agreed that it would be far better for the men and their families to distribute the payments over a period of years rather than to place a lump sum in their hands at one time. If the arrangement for the payment of benefits was satisfactory to the employees who carefully considered it, it surely ought not to meet with serious objection from the distinguished attorney. There is no pretense on the part of the law that it fully compensates for disability or death. It might rather be regarded more as an industrial insurance placed against accident. The amounts mentioned by the objecting attorney are not correct, and I do not hesitate to say that he can not even estimate the amount that will be paid on the average to the railway employees. It is an offhand statement based on prejudice and absolutely without reliable information as its basis.

Objection 3 reads:

"3. It proposes to relieve railroad companies, by whose negligence the death or other injury is inflicted, from the cost of such compensation by placing it upon the shippers and the traveling public, for section 31 provides: 'The burden of compensation under this act for personal injuries shall be considered as an element of the cost of transportation and the Interstate Commerce Commission in any proceeding before it affecting rates is directed to recognize and give effect to this policy.' Under the present system the owners of the corporation are interested in avoiding accidents and injuries to employees accruing from negligence because compensation therefor will tend to reduce dividends. But the proposed act, by shifting this burden upon the traveling public and shippers, makes the owners and managers of the railroads immune to any consequences flowing from their negligence. The increase in the number of killed and mangled will be inevitably prompt."

Were it not for complimenting the distinguished attorney with ingeniousness, I might be tempted to say that he has tried to direct public opinion against the bill; but I rather attribute his expressions to his fears that he will lose if the bill becomes a law. There is no business, aside from that of railway operations, that is not permitted to place the entire cost of its operation on the selling price of its product. The

objection entertained by our distinguished friend is found in practice in every other business. In fact, I am absolutely certain it applies with particular force to his own. Just where anybody exercising ordinary common sense could hope to find a convincing argument against the proposed measure in the fact that the burden of cost would be divided over the entire public, is not easily seen except that he hopes to create prejudice against the law by calling attention to the fact that the public will have to bear its share of the cost. If he were as fair as he claims to be distinguished, he would follow up his objection by referring to the added cost of operation to every product, which cost must be borne by the ultimate consumer. For instance, if the cost of coal mining is increased the consumer pays an added cost for his coal, as everyone knows. If the price of beef is advanced, the packers tell us that it costs more to get its product to the public, and the public pays the cost. If the cost of railway operation is increased because of legitimate expense, why should it not follow that this cost should be assumed by the public, the same as it is assumed in every other advanced cost in every other business? Our distinguished friend would have the public believe that the railway companies have inexhaustible treasuries from which all expenses can be met without paying the least attention to their revenues. It is nothing more than a cheap argument that rests its case in the hope that it can prejudice public opinion against the bill, but it should not appeal to railway employees who are compelled to pay the increased cost of production for everything else.

Objection 4 reads:

"4. The act further relieves the railroad companies from all expense of litigation which now falls upon them and places it upon the taxpayers, for it provides that the adjustment of losses shall be made by a new set of officials called 'adjusters,' to be paid salaries of $1,800—$3,000 each, in addition to their actual traveling expenses and their subsistence at the rate of $5 per day, all of which shall be paid out of the Treasury of the United States. Just why these corporations should be relieved of the expense of litigation incident to their refusal to pay compensation for injuries accruing by their negligence, and why the cost thereof should be shifted to the United States Treasury, is a secret locked up in the breast of the ingenious corporation counsel, whose fine Italian hand is seen in every line of this proposed statute. These adjusters will cost the public, for salary and expenses, over $6,000 a year each, and their number is not limited by the act."

The distinguished attorney is rather mixed up in his statements in objection 4. His burden of grief appears to be that some one besides himself will adjust claims that are in dispute between the employer and the employee. He can not understand why these adjustments should be made at the expense of the Federal Government. It is not difficult to understand why our distinguished friend is opposed to any plan that will take from him what he rightfully believes is his. The railroad employees believe that the Federal Government quite properly can assume this cost, save the expense to the individual employee, and place it generally on the public where it properly belongs. The fine Italian hand to which he refers is not seen in behalf of the corporations, and no one who knows the subject thoroughly honestly can lay claim to any such idea. The proposition, as I view it, is to protect the man from needless expense to which he is now subject in every case when he attempts to recover a dollar for injuries received in the service. The number of adjusters, according to the proposed bill, will correspond to the judicial districts in the United States, or, I believe, 88 in number, and to take the figures of the compensation commission, in which I have the utmost reliance, the additional cost will not exceed a few million a year. This, applied to individual cases of disability and death, would be an enormous cost, but taking the entire country into consideration this expense is so trivial that even the distinguished lawyer will experience difficulty in making the public believe that it had been imposed upon by an increased per capita tax to this slight extent.

Objection 5 reads:

"5. Unlike the jury, which now decides upon the compensation to be allowed for negligent injuries caused to employees, this compensation is to be awarded by 'adjusters,' in whose selection the employees will have no voice. This crowd of new officeholders are to be selected and appointed by the Federal judges, who, not being elective and holding for life, may not be altogether uninfluenced in the appointment of such adjusters by their acquaintance with the heads of these great transportation companies, by the friendly aid of whom some of the Federal judges have been helped to a seat on the bench. Certainly there is not the same likelihood of adjusters being selected upon the recommendation of the employees."

The writer does not go into the difficulties that are sometimes experienced in securing an award from a judge and jury. He would have us believe that in all instances the jury agrees the employer is at fault, and consequently pays the employee or his family enough to provide for them comfortably the remainder of their days and leave something to their descendants. The facts do not substantiate any such specious argument. Again, the attorney objects because "this crowd of new officeholders are to be selected and appointed by the Federal judges," etc. It seems peculiar as well as inconsistent for the distinguished attorney to have so much confidence in a Federal court judge in a liability case and so little of it in the appointment of an adjuster, but that is part of the business of the distinguished attorney, and can be taken exactly for what it is worth, which to the men is nothing.

So far as influence being used in the appointment of these adjusters by the Federal court, I do not hesitate to say that the railroad employees will have just as much if not more influence than their employers. Public opinion counts for something in these days, and if that fact has not come home to the distinguished attorney, I believe that it has been forcibly impressed upon very many men who occupy positions of public trust, and who will not take the chance of flying in the face of a fair public opinion.

The adjusters are not appointed for life, and they can be removed if their services are not satisfactory. Again, the objection does not show that the proposed law provides for committees between the employers and employees, who have it in their power to settle all questions in controversy, and I have confidence enough in the managements and the men to believe that after the law is once fairly operative that the majority of the railway companies and their men will follow this plan of making settlement.

Another objection to section 5 is that it takes away the right of trial by jury, but does not explain to the employees that there is substituted for this trial by jury certainty of compensation in all cases of death and disability. I do not pretend to say that the amount of compensation provided by the law for all cases will equal the amount awarded by a judge and jury when the employer is at fault. But here comes another thought that the distinguished lawyer has failed to set forth, and it is this: The award secured after suit must be reduced first by the amount due the attorney who prosecuted the suit and also by a reduction through interest allowances on the amount that has been received, because it takes time to bring suit and prosecute it, and when we compare benefits under the liability law and under the proposed compensation law these statements I have made have a very significant bearing on the general result. I believe it is safe to say that when the attorney's fees now collected under the liability laws, together with the interest allowances that properly can be deducted from deferred payments made under the liability law as against the immediate payments under the compensation law are taken into consideration that the differences in the amounts paid will not be so great as our distinguished attorney would have us believe.

Objection 6 reads:

"6. The compensation provided by the act is very complicated as well as minute in providing the different kinds of injuries, but it is uniform in only one respect, that the compensation provided is in every instance very far below what may be a just compensation for the injuries sustained."

The objection herein quoted appears to be one of the few truthful statements made by our distinguished opponent. Judging from what he has already said in his objection to the bill, I take it for granted that the bill to him is very complicated, but I make bold to say that anybody who has sense enough to read well-written English can see just what the compensation provides. To an attorney in a hurry to get his share out of a possible lawsuit the law may appear to be complicated, but to the employee who has plenty of time to figure out what it means the law reads plainly enough. He also gets back to his former statement that compensation is very far below just compensation. I agree in this, but I also believe that it is unwise for the railway employees to attempt the impossible in legal enactment, even though it be done to meet the objections of our opponent.

Objection 7 reads:

"7. While the act does not restrict the amount which the corporations shall pay for able and experienced counsel, it is careful to provide that the compensation for counsel retained for the employee shall be fixed by the adjuster, whose method of appointment has already been noted."

This objection is as plain as if the writer had declared his fears that his personal commissary department was in danger. We take it for granted that the corporation has never given him anything to do, and that the most of his revenues comes from the employee whose interest he has defended so vigorously. He objects to the fairness of the judge in appointing the adjusters, but lauds his wisdom and justice to the skies when making an award, all of which is as consistent as the most of the argument he has offered against the bill. He does not have the fairness or the sense to see that the section protects the employee against the rapacity of the ambulance chaser. This is another wickedly ingenious scheme introduced in the bill which does not meet the approval of a certain class of lawyers.

Objection 8 reads as follows:

"8. The act is also careful to provide that when an employee has been injured or killed neither the cause of action nor the payments due therefor, when determined by the adjuster, shall be assignable. As a further restriction upon the compensation, it is further provided that in calculating wages, the percentage of which shall be the basis of compensation, 26 times the daily wage shall be considered a month's wages, and 'no employee's wages shall be considered more than $100 per month.'"

Just why an attorney who is so deeply wrapped up in the welfare of an employee objects to the protection of the amount due him is not explained in his objection, and I leave it for you to guess. His objection to the method for computing computations is doubtless based on the fact that he did not know the railway employees themselves declared in favor of this plan of computation. The proposed compensation law is a give-and-take proposition. It adds to the wages of the man who does not work and takes from the amounts earned by the man who is exceptionally fortunate when it sees to it that the man who makes no wages in every instance receives the maximum amount provided by the law.

Objection 9 reads:

"9. The act is indeed unconstitutional, in that it proposes to deprive the employees of common carriers of the right of trial by jury, which is guaranteed by the seventh amendment to the Constitution of the United States, 'in all cases where the amount in controversy shall exceed $20.'

"It is true the act provides for a jury trial if exceptions are filed to the report of the adjuster and a written demand for a jury, but this is practically nullified by a provision that 'the findings of the adjuster shall be received as prima facie evidence in such trial before the jury; that the court may submit special interrogatories and that the trial by jury is waived if this demand for a jury is not made within five days after the adjuster files his report.' Of this filing, the employee, who will often be distant from the court, may fail to be apprised."

If the distinguished lawyer will read the proposed act and is able to understand it, his objections to the unconstitutionality will be set aside.

Paragraph 10 sums up thus:

"To sum up, the act takes from the employees the protection of the present employers' liability act; it restricts compensation far below a just compensation and divides the payment over a series of years; it relieves the railroad company of the burden of all compensation and places it up the shippers and traveling public. The act relieves the companies not only from payment of all court costs, providing for adjusters who are to be paid out of the Treasury; it provides for the selection of these adjusters in a method which is likely to secure appointees more favorable to the corporations than to the employees; the method of compensation is complicated; it restricts the employee, but not the employer, in the selection of counsel, and deprives them of their constitutional right, guaranteed to all citizens, of a trial by jury."

The whole proposition is based on an attempt to confuse the real purpose of the law by pointing out its pretended injustices and impossibilities. The fact of the matter is that every careful lawyer knows that recovery can not be made twice for the same damage, nor do we believe the courts will permit the employee to have two methods of recovery while denying the same right to the employer. I have answered his statements made in reference to placing the burden on the public, and I do not think it necessary to go over the ground again, nor do his further arguments need repeated attention, because I think I have answered them in their turn.

Paragraph 11 reads:

"11. All this is done upon the pretext that lawyers who represent employees in such cases are 'ambulance chasers,' and that this act will decrease the volume of litigation. It may do so, though it has not had that effect in other countries. But if it has that effect here, it will be

by depriving the employees of just remedies and by adding enormously to the advantages already enjoyed by these great combinations of capital in their contests with crippled employees or with destitute wife and children, when the employee has been taken from them by death caused by the negligence of the corporation. In free Switzerland every attempt to introduce this proposed 'compensation act' has been defeated, and that country enjoys the broadest and most liberal 'employers' liability act.'"

The volume of litigation naturally will be decreased, because there are specific payments provided by the bill for a certain number of injuries that naturally will reduce the question of adjusting the extent of the injury, because it is apparent there will be controversy over injuries the extent of which is not apparent, but there is every reason to believe that precedents once established there will be no further cause for any great degree of difference between the employers and the employees.

The distinguished attorney said: "In free Switzerland every attempt to introduce this proposed compensation law has been defeated, and that country enjoys the broadest and most liberal employers' liability act."

Our friend is again incorrect. The fact is that the Swiss employers' liability law has been repealed and a workmen's compensation law substituted for it after submission to a referendum vote of the Swiss citizenship. But in his mistake, or willful misstatement, he is in full accord with the majority of objections he raised against the proposed law. Switzerland discarded her liberal employers' liability law, and admitted in so doing that many deserving employees could not be recompensed under it, and substituted for it a compensation law that benefits every workman.

Paragraph 12 reads:

"12. In the language of Mr. Carter, president of the Brotherhood of Locomotive Firemen and Engineers, 'Congress should devote its legislative energy, first to the prevention of deaths and other injuries to railroad employees, by broadening the "safety-appliance" laws and the "employers' liability" laws, and then, when it exhausts its authority and capacity in that direction, enact laws for the compensation of those whose death from injuries were not preventable. Congress should not now accept as inevitable the mangling and killing of thousands of railroad men each month, and then attempt to absolve itself and the employers from further responsibility by enacting a law that is said to compensate this awful slaughter of human beings and "charge it to the consumer."'"

With all deference to the opinion of Mr. Carter, I must call the attention of this committee to the fact that all safety appliances in use to-day are the result of legislation and not of the voluntary act of any of the companies, and I can not believe that when the railway companies are forced to pay for the death and disability of every employee that it will have the effect of making them less careful of their employees. If railway companies could go to the public as other businesses can go, and arbitrarily fix the price of transportation, there might be more reason to take this question of increased cost to the public seriously. But when we know how extremely difficult it is for the railway companies to secure an advance in railway rates we know that the railway companies will have to make good cause before they can secure any concessions from the Interstate Commerce Commission. And, again, to get back to the bottom of the operation of this proposed law, every member of your committee knows that it will be several years before the companies will have to pay what they are now paying, for the reason that payments are going to accumulate, and the companies are not going to pay lump sums as they do now, so that we can safely say that it will be at least five years before the accumulated costs to the companies will equal what they are paying now. This fact appears to have been overlooked by our distinguished opponent in his hurry to get before the railway employees to show them the wickedness and ingeniousness of the proposed law.

Paragraph 13 reads:

"13. The statistics show that the number of people killed and wounded by the railroads in this country is 20 times as many in proportion as those occurring on railroads in Europe. If this act is passed and the compensation for death and injury caused by the negligence of railroad companies is shifted to the traveling public and shippers, as is proposed, by increasing rates, and the cost of litigation is to be shifted, as is also proposed, to the United States Treasury, it is easy to foretell that the increase in negligence in the operation of railroads and in the number of employees killed and wounded thereby will be phenomenal."

This is further quoted from Mr. Carter's statements to the compensation commission in Chicago, and I think these statements have been very successfully refuted by Mr. Arthur Holder, representing the American Federation of Labor, who stated to the commission at Washington that the number of accidents had decreased, that greater care was exercised by the employer, and that litigation had decreased to the minimum in England in the past two years.

These statements were corroborated by Mr. Herman Wills, assistant grand chief of the Brotherhood of Locomotive Engineers, who made a personal study of conditions abroad during the fall of 1911 and who came back to us very much impressed with the operation of the English compensation law and this plan in general. His evidence, like that of Mr. Holder, was secured first hand through the organizations of employees. There was not a single objection from them concerning the operation of the law, except that its benefits should be higher. This is a natural objection, as we all know. But so far as the extra care against accidents, the adoption of safety appliances, and the decrease in litigation are concerned the employees of Great Britain unanimously declare that these very excellent results have followed the operation of the law.

We find in our own country that since compensation has been brought forward with a fair chance of a compensation law being enacted that the railway companies have awakened to the conditions under which very much of their work is being performed, and they are taking steps to reduce their casualty records to the lowest possible degree. The largest systems in the country to-day have taken up the question of safety through the appointment of safety committees, who are authorized to point out all of the dangers that attend railway work and are invited to suggest improved methods of safety; and the advice given to the men by those in charge of operation not to sacrifice their lives and limbs for the sake of getting their work done in a hurry is another evidence that the railway companies do not believe that they can reach into the public purse without good reason and reimburse themselves for the added costs that will be necessary because all of the men in the service are to be paid if they are killed or injured.

This lawyer also continually harps on the charge to the consumer. In all fairness, to whom would he charge it? Where does any business get its returns except from the consumer? Even the poor devil who places his case in the hands of an ambulance chaser places him in a position to live off his own returns, in which case the ambulance chaser is the ultimate consumer, and, generally speaking, a very large one in proportion to the amount received. This lawyer pretends to have a tremendous interest in protecting the public, and all through his objections it will be found that his real interest is more in the direction of protecting his own business than it is in protecting the employee.

The lawyer who said the proposed bill is wickedly ingenious might, in full accord with his conscience, have added "so far as we ambulance chasers are concerned." It is natural to look for objection of this kind from men whose principal source of revenue is in jeopardy. The proposed compensation law guarantees to the family of every killed employee a certain revenue for a certain time, and it guarantees the money without giving half of it to any ambulance-chasing attorney. It guarantees to every disabled employee a specific amount for certain injuries and leaves the determination of other amounts to be paid on their apparent effects as compared to other injuries received. There is no law on earth that could go the limit and cover every imaginable accident and its results and give satisfaction. The law, like every other law, will have to be enacted, its principles accepted as correct by the United States Supreme Court; and after it is applied its deficiencies, inaccuracies, and injustices can then be adjusted by amendment.

I can say that a great majority of the members of the Brotherhood of Railway Trainmen are in accord with the principles of the law. They have expressed their desire for it at their convention, and have gone on record in favor of certainty of benefits to take the place of uncertainty of litigation. We believe in doing everything for the benefit of the greatest number, and for this reason we do not point to the high verdicts that are received in exceptional cases as a basis for a compensation law. We realize the impossibility of paying the amount awarded by the exceptional verdict where the employer is absolutely at fault in all cases of injury or death, whether caused by the fault of the employer or the fault of the employee. In behalf of my organization I trust that your committee will see fit to report the bill to your respective assemblies as it has come to you from the compensation commission. I subscribe to the language of the commission in submitting its report to the President, that while this proposed law is not, perhaps, the most perfect measure which could be devised, nor the last word which can be said upon the subject, it is the result of careful investigation and the best thought of the commission, and constitutes a step in the direction of a just, reasonable, and practicable solution of the problem with which it deals. I regard it as desirable constructive legislation, to take the place of destructive litigation, and again express the hope that it may be reported by your committee to both Houses of the Congress and that it may pass at this session.

Mr. SMITH of Georgia. Mr. President, just one word.

In view of the references which have been made to the writer of the article which has been put in the RECORD, I wish to repeat that I am informed the chief justice of North Carolina wrote the article. He has been on the supreme court bench of North Carolina for 20 years. He has been chief justice of the State more than 10 years. He is recognized by all lawyers who are familiar with the reports of that State as one of the greatest judges upon the bench of any State in the Union.

Mr. SUTHERLAND. Mr. President, let me suggest a word in this connection also. I do not know the gentleman who wrote the statement. I do know Mr. Lee very well. Mr. Lee is at the head of the Brotherhood of Railroad Trainmen. He has been with this proposed legislation since its inception. He is familiar with every detail of the bill. He has the interests of these various railroad trainmen at heart, and I venture to say that he knows more about what is for the practical benefit of the railroad men of this country than any judge on the bench in North Carolina or elsewhere.

Mr. President, I ask that the bill be read for action on the amendments of the committee.

Mr. SMITH of Georgia. I did not desire to discuss the merits of the men or the familiarity of the chief justice with the subject of railroads; I wished to state the character of the judge who was the author of the article.

Mr. CLARKE of Arkansas. I have several communications bearing on the pending bill, which I ask to have printed in the RECORD without being read.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

ARKANSAS STATE LEGISLATIVE BOARD,
BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN,
Little Rock, Ark., April 23, 1912.

To Hon. JEFF DAVIS and Hon. JAMES P. CLARKE,
United States Senators, Washington, D. C.

DEAR SIRS: The railway firemen and enginemen of this State desire to appeal to you, through me as their chairman, asking that you kindly use your influence in the postponement of Senate bill No. 5382. This bill, as you know, has for its purpose the repeal of the present employers' liability law.

I hope you will make every effort within your power in protecting our people against such an unreasonable measure, and that May 2 will see the measure postponed until the next session of Congress, when I hope it will meet with defeat.

It is wholly unnecessary for me to go into the so-called merits of this measure, knowing full well your ability to look into the distant danger for which this measure is gotten up. Again I ask you to free our good people from the damage that would be sure to follow the enactment of such a law.

Thanking you in advance and hoping for your success, I am,

Very respectfully, yours,

A. N. DE MERS, *Chairman.*

—

PARAGOULD, ARK., *April 9, 1912.*

Hon. JAMES P. CLARKE,
United States Senator, Washington, D. C.:

The Brotherhood of Railroad Trainmen at Wynee and throughout Arkansas will appreciate your support of the Federal workmen's compensation bill.

P. N. WOOD, *Treasurer.*
J. A. LOONEY, *President.*

FORT SMITH, ARK., *April 8, 1912.*

Hon. JAMES P. CLARKE,
United States Senator, Washington, D. C.:

Brotherhood of Locomotive Engineers at this point earnestly desire your support for passage of Senate bill 5382.

E. C. SPERRY, *Secretary.*

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INTERNATIONAL BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
SUBDIVISION NO. 182. ROBERT HERRIOTT, C. E. W. F. WILSON, F. A. E.
Little Rock, Ark., April 1, 1912.

Hon. JAMES P. CLARKE,
Washington, D. C.

DEAR SIR: You are urged and earnestly requested by the engineers of the State of Arkansas to use your influence and support in getting Senate bill No. 5382, introduced by Senator SUTHERLAND, to pass the Senate, and would ask that you hand this letter to the Representatives in the House so they will know that we would thank them for their support. Thanking one and all for their support in advance,

I am, yours, very respectfully,

J. E. MILLS,
Locomotive Engineer and Secretary Legislative Board, No. 912 North Street.

—

CONGRESS HALL HOTEL,
Washington, D. C., March 20, 1912.

Hon. JAMES P. CLARKE.

DEAR SENATOR: There is now pending in the Senate S. 5382 and in the House H. R. 20487, known as "A bill to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death to employees of common carriers by railroads engaged in interstate and foreign commerce or in the District of Columbia, and for other purposes."

This bill is the result of deliberation by a commission appointed under joint resolution for the purpose of consideration of this subject.

The organizations I am representing, namely, Brotherhood of Locomotive Engineers, Order of Railway Conductors, and Brotherhood of Railroad Trainmen, prepared and were active in aiding the passage of a resolution providing for the appointment of the commission who has made a report and recommended this bill. Through our influence one of our members was appointed a member of that commission.

The chief executives of the organizations I am representing, as well as myself, have given every phase of this question careful consideration, having attended the hearings, and have officially put ourselves and our organizations on record in favor of the pending bill.

Our members will be greatly benefited by the passage of this measure, and we earnestly desire your support of this legislation.

It is possible that some individual members of our organizations, in some localities, may be misled by false and misleading statements that have been circulated. These come, we think, from those who are personally interested in bringing damage suits, as it is a well-known fact that from 30 to 50 per cent of the amounts now recovered from railroads in damage suits is paid to claim attorneys.

The report of the commission, of which you have a copy, shows that the railroad employees will receive benefits of $15,000,000 per annum under the proposed legislation, while under the present law they receive only $10,085,000 per annum less the amount that goes to their attorneys; the $15,000,000, as can be seen from the report, will be paid without detriment to the railways.

The legislation will have a tendency to eliminate a great cause of friction between employer and employee, and is recognized by those who have given it careful consideration to be a fair and just measure.

I wish to most respectfully ask that you give this matter your careful consideration, and will be pleased if you will let me know your views on the subject.

I am, with respect, very truly, yours,

H. E. WILLS,
Joint National Legislative Representative B. of L. E., O. R. C., B. of R. T.

Mr. CULBERSON. Mr. President, I think I had the floor when the reading began. My purpose was to call up the motion I had made to postpone, and to recommit the bill to the Committee on the Judiciary, with certain instructions. That takes precedence under the rules of a motion to amend the bill.

The VICE PRESIDENT. The motion had not been made. The Senator will now make it. The Senator gave notice the other day that he intended to make it when the matter came up, the Chair understands.

Mr. SUTHERLAND. I desire to make a point of order against that motion, that it is in conflict with the unanimous-consent agreement.

Mr. CULBERSON. I should like to make the motion first.

Mr. SUTHERLAND. I thought the Senator had made it.

Mr. CULBERSON. I simply got leave to make the motion.

The VICE PRESIDENT. The Senator had the leave, and was about to make the motion.

Mr. CULBERSON. Yes.

The other day, when this motion to recommit was presented by myself, I was not unmindful of the unanimous-consent agreement; and thinking that possibly it might be held to be in derogation of the unanimous-consent agreement, I prepared certain amendments, which are substantially those contained in the motion to recommit.

I call the attention of the Chair to the fact, however, that to my mind it is not clear that a motion to recommit is in violation of the agreement. It does not say "shall vote upon amendments and the bill until finally disposed of," but it says "that a vote will be taken upon any amendments that may be pending or offered, and upon the bill itself to its disposition," with the proviso which was suggested by the Senator from North Carolina [Mr. OVERMAN], "that a motion shall be in order to postpone to a day certain the further consideration of the bill."

In view of the intimation of the Chair, though, this morning, that he thought the motion as originally prepared by me was in derogation of this unanimous-consent agreement, and not desiring to press it against the intimation of the Chair or that of any Senator, but desiring, on the contrary, to live up to the consent agreement, I have modified the motion in the way I suggested, which I will send to the desk to have read.

The VICE PRESIDENT. The Secretary will read the proposed order as modified.

The Secretary read as follows:

It is ordered, That consideration of S. 5382, "to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes," be, and is, postponed until December 2, 1912, and in the meantime it is recommitted to the Committee on the Judiciary, and said committee is instructed to redraft the bill so as to conform to the following:

1. That it be made optional and cumulative instead of exclusive.
2. That the maximum and minimum schedule of compensation be increased 50 per cent over that proposed in the bill.
3. That the provisions in paragraph 4, section 14, to the effect that the findings of the adjuster shall be received as prima facie evidence of the facts therein and that the court may submit special interrogatories to the jury looking to a special verdict, be stricken out.
4. Omit the requirement in section 1 that to justify recovery the accident must have arisen "out of and in the course of his employment" and insert in lieu thereof the provision of section 1 of the act of Congress of 1908, that the liability shall accrue to "any person suffering injury while he is employed by such carrier in such commerce."

The VICE PRESIDENT. The Senator offers that motion now?

Mr. CULBERSON. I offer that motion to postpone and recommit at this time.

Mr. OVERMAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. OVERMAN. I do not think the unanimous-consent agreement as expressed here on the Calendar of Business means exactly what occurred. It says "that a motion shall be in order to postpone to a day certain the further consideration of the bill." Now, I will read to the Chair the colloquy that occurred, which is found on page 4980 of the RECORD.

The VICE PRESIDENT. The Chair has the RECORD before him.

Mr. OVERMAN. I have been absent from the Chamber and I do not know whether this has been gone over or if the Chair has ruled on it:

The VICE PRESIDENT. The Chair used the term "final disposition" without the Senator from Utah having used it.

Mr. OVERMAN. That is the reason I raised the point.

The VICE PRESIDENT. The Senator from Utah may have had in mind a disposition which should not be final.

Mr. OVERMAN. That is the reason I raised the point.

* * * * * * *

Mr. OVERMAN. If the Senator from Utah will put it in that form, I think it will be agreed to.

As the Vice President had used the word "final," I thought I would raise the question, so that I would not be precluded from making a motion.

The VICE PRESIDENT. The Chair would imagine that with the word "final" omitted, simply leaving it "the disposition of the bill," a postponement of action thereon until next December or any other time would be a disposal of it.

So I inquire now, if this motion should prevail, whether a motion to postpone, say, to the 21st of May, would be in order under that unanimous-consent agreement?

The VICE PRESIDENT. The Chair thinks that the motion proposed by the Senator from Texas [Mr. CULBERSON] is not in order under the unanimous-consent agreement in the form in which it was made. The impression of the Chair is that it is perfectly clear by the proviso agreed to by the Senate and the colloquy at the time it was agreed to that it was the contemplation of the Senate to permit alone a motion to postpone until next December, because succeeding the matter in the RECORD which the Senator from North Carolina [Mr. OVERMAN] has read is the following:

The VICE PRESIDENT. Add as a proviso to the request, then, as heretofore stated by the Chair, the words "*Provided*, That a motion shall be in order to either definitely or indefinitely postpone the further consideration of the bill."

Mr. WILLIAMS. To postpone it to a definite day.

Mr. SUTHERLAND. To postpone to a definite day.

The VICE PRESIDENT. To postpone to a definite day further action thereon.

Mr. SUTHERLAND. Yes.

The Chair then put the question in that form to the Senate, and in that form it was agreed to. So that the one motion now in order, it seems to the Chair, is to postpone to a definite day.

Mr. OVERMAN. Mr. President, on the bottom of page 4980 the Senator from Utah, in asking unanimous consent, said this:

Mr. SUTHERLAND. I will include in my request for unanimous consent the further provision that it shall be subject to the right to move to postpone the further consideration of the bill to a day certain.

The VICE PRESIDENT. Certainly.

Mr. OVERMAN. That is only for one certain day.

The VICE PRESIDENT. Certainly; and that, it seems to the Chair, is the one motion which is now in order.

Mr. CULBERSON. Then I make the motion that the further consideration of the bill be postponed until December 2, 1912.

The VICE PRESIDENT. That motion is certainly in order. The Senator from Texas moves that the further consideration of the bill be postponed until the 2d day of December next.

Mr. SUTHERLAND. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Sentors answered to their names:

Ashurst	Curtis	Myers	Shively
Bacon	Davis	Nelson	Simmons
Borah	Dillingham	Newlands	Smith, Ariz.
Bourne	du Pont	Nixon	Smith, Ga.
Brandegee	Fall	O'Gorman	Smith, S. C.
Bristow	Fletcher	Oliver	Smoot
Brown	Gallinger	Overman	Stephenson
Bryan	Guggenheim	Owen	Stone
Burnham	Heyburn	Page	Sutherland
Burton	Hitchcock	Paynter	Swanson
Catron	Johnson, Me.	Penrose	Thornton
Chamberlain	Johnston, Ala.	Perkins	Tillman
Chilton	Jones	Pomerene	Townsend
Clark, Wyo.	Kern	Rayner	Warren
Clarke, Ark.	Lea	Reed	Wetmore
Crawford	Lodge	Richardson	Williams
Culberson	McLean	Root	
Cullom	Martine, N. J.	Sanders	

Mr. SWANSON. My colleague [Mr. MARTIN of Virginia] is detained from the Senate on account of illness in his family. I make this announcement, and desire to let it stand for the day.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is unavoidably absent on business of the Senate. I should like to have this announcement stand for all votes to-day.

Mr. CRAWFORD. I desire to announce that my colleague [Mr. GAMBLE] is necessarily absent. As I understand, he is paired with the senior Senator from Oklahoma [Mr. OWEN].

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is detained from the Senate by important business.

Mr. JOHNSON of Maine. My colleague [Mr. GARDNER] is necessarily detained from the Senate on business.

The VICE PRESIDENT. Seventy Senators have answered to the roll call. A quorum of the Senate is present.

Mr. CULBERSON. Mr. President, for the present I withdraw the motion to postpone the consideration of the bill.

The VICE PRESIDENT. The Senator from Texas withdraws his motion to postpone the further consideration of the bill.

Mr. SUTHERLAND. I ask that the bill may be now read for committee amendments.

The VICE PRESIDENT. Without objection, the Secretary will read the bill for the presentation of committee amendments.

Mr. SMITH of Georgia. I wish to present, for the information of the Senate and to have read, the amendments which I intend to offer.

The VICE PRESIDENT. Without objection, that may be done at the present time.

Mr. SUTHERLAND. What was the request, Mr. President? I did not hear it.

The VICE PRESIDENT. The request was to have the amendments which the Senator from Georgia purposes hereafter to offer now read for the information of the Senate.

Mr. SMITH of Georgia. And, Mr. President, many amendments which I desire to offer are amendments to strike out certain sections of the bill. As an amendment to strike out a particular section is read I should be glad to have the section of the bill read immediately thereafter, so that it will be seen to what the amendment applies.

Mr. SUTHERLAND. Mr. President, I suggest that the orderly way to proceed is to have the bill first read for committee amendments, and I ask that that be done. I have no objection to the amendments suggested by the Senator from Georgia [Mr. SMITH] being read, but I ask that their reading be postponed until after the bill is perfected.

The VICE PRESIDENT. At the request of the Senator from Utah, then, the Secretary will first read the bill for committee amendments.

Mr. REED. Mr. President, I desire to submit some remarks on the bill, and have arisen for that purpose.

The VICE PRESIDENT. Does the Senator desire to submit them before the bill is read?

Mr. REED. Yes, sir; I desire to submit them now.

The VICE PRESIDENT. Then the Senator from Missouri is recognized.

Mr. REED. Mr. President, this bill directly affects the legal rights of 1,650,000 men. It indirectly affects the rights of their families, which, averaged at four, raises the total number to nearly 9,000,000 people. It affects in a still more indirect way every man, woman, and child in the United States. It proposes to wipe out all of the rights reserved to railway employees and their heirs at common law, all of the rights reserved to them by the statutes of the various States, and all of the rights conferred upon them and reserved to them by the acts of Congress. It substitutes for the common law, for State statutes—some of which have existed for years, some of which have been newly enacted—and for the Federal liability acts enacted in 1908 and 1910 this bill, which was brought into the Senate about 30 days ago. It has been discussed principally to empty benches by two or three Senators. Their remarks were worthy of a hearing by the Senate and by the country, but they were treated with an indifference exceptional even in the Senate.

Before the Senate of the United States passes a bill so radical and revolutionary in its character as the one here proposed it would seem that earnest thought and study should be given to it and that an opportunity ought to be afforded for discussion of the measure by the men who are directly affected by it. It is true, Mr. President, that there appeared before the commission which was created under the act of Congress a few men representing in their official capacity certain railway organizations in the country; but it is perhaps safe to say that not to exceed a score of men who are intimately concerned with the affairs of railway organizations have been before the commission. The bill, therefore, lacks the direct consideration of the men who are to be affected.

I challenge the Senate's attention to the further fact that back of the men who belong to these railway organizations stands an army of women and of children, who, if they are to have protection at all, must receive it at the hands of the lawmakers; and that, therefore, the acts we are about to engage in at this session of the Senate are fraught with the gravest of responsibilities.

In my humble judgment, every man who votes for this measure will regret it most seriously before the lapse of 12 months. I charge upon the conscience of the Members of the Senate the solemn duty before they adopt this revolutionary act, that overturns the common law, annuls the statute laws of the States, and repeals the laws of Congress, that they shall give to the bill most careful attention and reading; I express the doubt now with regret—but, nevertheless, I do express it—that this bill has not even been read by a majority of the Members of the Senate, much less have they read the long report of the commission and the still longer report of the evidence that was taken before the commission.

I challenge attention to another fact, that there is not, to my knowledge, even one Senator who has at any time or in any manner or form received or heard of a protest against this bill from a single railway corporation in the United States. If such a protest has been received, I pause now that the fact may be made known. Your silence confirms my opinion. Yes, sir; here is a bill which, we are told, compels the railway companies to expend for personal injuries inflicted upon their employees $5,000,000 annually over and above the amount they are now required to pay. When did it ever happen in the history of the United States, sir, that any legislation proposing to impose burdens of $5,000,000 upon the railways of the United States annually has been received with a silent acquiescence such as is now manifested? Truly the railway officials are suffering from intellectual paralysis or they have suddenly been converted to the creed of the Altruist or else they know the bill will save them money and that it was drawn in their interest.

Upon the other hand, to state this matter fairly, large numbers of telegrams and letters have been received by nearly every Senator of the body—I doubt not by all of them—but I challenge your thought to this: Nearly all those telegrams began to flood the Senate on about the same day, early in the month of April. They continued for four or five days, coming with great regularity and with considerable similarity of language, and then they practically ceased, and the majority of the later telegrams which have come and been read have implored Congress to postpone action upon this bill or to defeat it.

I take it that I am entirely within the facts when I assume that when this legislation was brought before Congress word was sent to the various organizations that here was a splendid measure, beneficial to them, and that the great principle of compensation was about to be recognized; and, without any intimate knowledge regarding the terms of this bill, these organizations acted and passed their resolutions, but that, some light having later come to them, they are beginning to wake up and to understand what is hidden within the terms of the bill. I

state it as my judgment, for whatever my judgment may be worth, that if this measure is postponed for three months there will arise against it from the labor organizations themselves such a storm as will accomplish its inglorious defeat. I denounce it to-day as the most vicious piece of legislation introduced in Congress in 20 years; and when I make that statement I do not make it in any light or frivolous manner, but as my deliberate judgment.

Sir, after many, many years of battle, persistent, almost heroic, the laboring men of the world have been gradually coming into their rights. I need not rehearse or trace the history of the law. All men, in this body, at least, know that there was a time when the man injured in an employment was without any substantial remedy; we know that as time elapsed and men became more decent the law became more humane, but that until the act of Congress of 1908 railway companies in many cases were able to shield themselves from liability behind three defenses: First, that the act was the result of the negligence of a fellow servant, and that therefore no liability attached to the master; second, that the accident was the result of the risks naturally incident to the business, and that the employee had assumed the risk; and, third, that the man suing had himself been guilty of negligence which in some degree, however slight, had contributed to the injury. Every lawyer who has ever defended a railroad company in a personal-injury suit has depended on those grounds, and every lawyer who has had the temerity and been guilty of the awful crime of suing a railroad company for some poor fellow mangled, maimed, and disfigured for life in a railway accident has had to meet one or all of these defenses.

So, Mr. President, after a contest lasting for a half century or more, those defenses were wiped out by Congress in the act of 1908. For the first time the rule of law was changed, so that when an employee was injured he could recover if the injury was contributed to by any negligence on the part of his employer, instead of being defeated, as the old rule was, if his act had contributed to the injury in the slightest degree.

This law having been enacted, it remained to pass one other law in order to give it potentiality and force, and that was to provide a forum where injured employees could obtain a fair trial before jurymen summoned from the vicinage in which they lived. So, by the act of 1910 it was provided that the suit could be brought in a State court and that it could not be removed by the railway company from that court to a Federal court. Then, for the first time, railway employees were armed with the ability to recover in every case save two; (1) where the injury was the result solely of their own negligence, and (2) where the injury resulted from an accident pure and simple. These acts were challenged both as to their scope and constitutionality, and it was only on the 15th day of last January they received the final approval of the Supreme Court of the United States. Now, having reached that point of perfection, where for the first time the rights of these men were secure and where everything was covered except mere naked accidents (accidents in no way contributed to by any negligent act of omission or commission on the part of the company), we find this state of facts.

In May, 1910, various claim agents of the railway companies began to consider ways and means to avoid the force and effect of these statutes. I hold in my hand, through the courtesy of the Senator from Georgia [Mr. SMITH], the only copy that I have ever been able to find of the minutes of the Association of Railway Claim Agents at their twenty-first annual meeting, held at the Hotel Patten, in the city of Chattanooga, Tenn., May 25, 26, and 27, 1910, and I challenge attention to some of the language which I shall read which was used at this meeting. I challenge attention to it because it clearly proves that legislation of the character provided in this particular bill now under discussion was advocated by these claim agents, and that if this bill does not actually owe its inception to that meeting of claim agents at least they there made fallow the ground.

Mr. OVERMAN. Mr. President, before the Senator reads that I think we ought to have a quorum. I therefore suggest the want of a quorum.

The VICE PRESIDENT. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clarke, Ark.	Guggenheim	Lodge
Bacon	Crane	Heyburn	McCumber
Bourne	Culberson	Hitchcock	McLean
Brown	Davis	Johnson, Me.	Martine, N. J.
Bryan	du Pont	Johnston, Ala.	Myers
Chamberlain	Foster	Jones	Newlands
Chilton	Gallinger	Kern	Nixon
Clark, Wyo.	Gore	Lea	O'Gorman
Oliver	Poindexter	Shively	Stone
Overman	Pomerene	Simmons	Sutherland
Owen	Rayner	Smith, Ariz.	Swanson
Page	Reed	Smith, Ga.	Thornton
Paynter	Richardson	Smith, S. C.	Tillman
Penrose	Root	Smoot	Warren
Perkins	Sanders	Stephenson	Williams

Mr. BRYAN. I wish to announce that my colleague [Mr. FLETCHER] is necessarily absent.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Sixty Senators have answered to their names. A quorum of the Senate is present. The Senator from Missouri will proceed.

Mr. REED. Mr. President, the statement has been made to me that I omitted to say that the fellow-servant defense had been also wiped out. I think I included it in my statement. But I ought to say now, by way of further word preliminary, that in State after State the defenses which the companies have relied upon have been in process of abolition for many years, and that the act of the Federal Government in finally abolishing them and in giving the employee the right to begin and keep his case in the State courts produced a condition which challenged the careful and prayerful thought of these claim agents; that is, assuming that claim agents sometimes pray.

In this report of the claim agents' meeting I find that the following was the fifth topic which they took up for consideration:

> Topic No. 5.—(a) What effect would the passage by Congress of compensation legislation for injured employees have upon the scope of the work of the claim department as now organized?
>
> (b) Should such legislation be enacted, would not the claim departments of the carriers be the proper forums to handle the investigations of the accidents and to make the payments to the parties entitled?

There was also topic 2, which read as follows:

> Topic No. 2.—(a) Does not the tendency of modern legislation, both Federal and State, in curtailing the defenses heretofore available to the carriers, demand that the claim departments should secure relatively a larger proportion of settlements than formerly rather than rely upon the hazards of a trial in the courts?
>
> (b) Do not the existing conditions, caused by recent legislation, tend to enlarge the scope of the work of the claim departments and increase their efficiency for practical results?

Now, at this meeting of claim agents 91 railways or systems were represented, with an aggregate of over 200,000 miles of road. Among other companies present was the New York Central Railway. It was represented by Mr. F. V. Whiting.

Upon the commission that framed this bill sat W. C. Browne, president of the New York Central Railway, and when he was not present he was represented, not on the committee but before the committee, constantly by this same Mr. F. V. Whiting, the claim agent of the road; and Mr. F. V. Whiting, the claim agent of that road, was an active and interesting figure in the meeting of the claim agents, which is recorded in this book I hold in my hand. I shall have to weary the Senate a little—those who remain to listen—and to encumber the RECORD a little bit for the benefit of those who do not remain to listen, in order to challenge attention to these proceedings.

This same Mr. Whiting made a speech upon the topic "Compensation and Compensation Acts." He made it before this meeting of claim agents, and it is recorded there at pages 52 and succeeding pages. I shall not take the time to read all. There was a good deal of preliminary statement, but we finally get down to this statement by Whiting:

> We have gradually seen the defense of "fellow servant" narrowed so far as corporations are concerned and broadened in its application to workmen until in some States, especially with reference to the hazardous part of the railway business, not a vestige remains. Likewise, the defense of "assumed risk" has been partially taken away, and we are now testing a Federal law which, to a great extent, abolishes the doctrine of contributory negligence.

A little later in his speech he discusses the various workmen's compensation acts, and finally he makes his suggestions as to the kind of workmen's compensation acts we should have. I challenge your thought to this, because right here from the lips of this claim agent, made in the secret meeting of the claim agents, is to be found the skeleton of this bill which they are now seeking to impose upon the Senate of the United States.

> Second. It seems to me that compensation to a certain extent should be based upon the number and age of the next of kin—

You will find that in this bill—

> i. e., greater compensation should be paid where deceased leaves a widow and several children than where he leaves but a widow. This can be accomplished by increasing the maximum rate on a percentage basis for each child.

You will find that at one place in the bill.

> Fourth. All payments should, when possible, be based on previous average earnings and not on daily rates.

You find that in this bill; but the commission improved on the claim agent's scheme and "went him one better" by providing that no man's average wages should ever be considered

more than $100 per month, even though his actual earnings were greatly in excess of that amount.

Fifth. We should follow the advice of economic writers to the effect that when compensation is provided rights to recover damages should be eliminated.

You find that in this bill.

And it is the spinal column of the bill—if the bill can be said to have a spinal column. All right to recover damages at law is abrogated, just as recommended by these claim agents in this claim agents' secret meeting.

Then, I find this further statement:

In those States where the liability of the master has been greatly enhanced, where verdicts are beyond all reason, we would welcome reasonable legislation if it brings definiteness and certainty and excludes the chances and uncertainty of the present.

Thus in this convention of claim agents we find them welcoming the very kind of legislation proposed in this bill upon the specific ground that their old common-law defenses have been wiped out.

There were four or five members of the convention who addressed their brother claim agents. All of them agreed upon the desirability of substituting a compensation law for the present liability law. Finally I find this:

Mr. Wilson, of the Lackawanna, brought up the question of the compensation acts, suggesting that the Chair appoint a committee to go into the question thoroughly. Mr. Wilson stated that he considered this perhaps the most important question confronting the railroads today, and he felt that it was a matter which the association ought to take up and work out some practical suggestions. He said, further, that this was a work which would add dignity to the association and be appreciated by the railroad managers and also by any fair-minded commission appointed by the Government or by different States.

Mr. Wilson then made a motion that the Chair appoint a committee of five to investigate this subject and to report at the Montreal meeting. This motion was seconded, and after some discussion was carried. A motion was also made and carried that the secretary and treasurer be instructed to appropriate $150 or $200 to the use of this special committee for their legitimate and reasonable expenses.

The following was the committee named:

Special committee on compensation acts: F. V. Whiting, chairman, New York Central; W. C. Wilson, Lackawanna; G. E. McCaughan, Rock Island; R. C. Richards, Chicago & North Western Railway Co.; C. S. Pierce, Boston & Maine.

So here is the evidence that these claim agents recognized that modern legislation, and especially the acts of Congress, had so greatly increased the chances of an injured employee to recover that it had become to the interest of the railway companies to secure their repeal and the substitution of a compensation act. They knew that the same would be appreciated. It would "increase our dignity" and "render us of greater service to our employers," so they appointed a committee to take up this subject, and provided for the expenses of the committee.

Here, then, is the statement of Mr. Whiting himself, and there are concurring statements of a number of others of these claim agents, that a bill of this kind is a thing the railroads desire, because of the acts of Congress and in those States where laws similar to the Federal acts have been passed.

Now, Mr. President, let us see what they did. I come to the next annual meeting, and here again is a copy of the minutes of the Association of Railway Claim Agents, the same association, held in the succeeding year, May 24 to 26, 1911, at the Hotel Windsor, Montreal, Canada. I wish that these minutes might all be printed as public documents, if this bill goes over, and be sent to the various railway men's organizations.

You will recall that a committee was appointed at the preceding meeting to secure the passage of compensation acts.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. REED. Certainly.

Mr. SHIVELY. I had the misfortune not to hear the Senator when he first began his address. Is he reading from the minutes of a convention held by the Claim Agents' Association?

Mr. REED. I am. I have read from the minutes of the Association of Railway Claim Agents at their twenty-first annual meeting held in Chattanooga, Tenn., May 25 to 27, inclusive, 1910. At that meeting, I will say for the information of the Senator, a committee known as the committee on compensation acts was appointed, and I am now about to read from the report of the succeeding meeting held on the 24th to the 26th of May, 1911, and I propose to read the special committee's report.

Mr. SHIVELY. What I want to know is, Are these annual conventions?

Mr. REED. Yes; they are annual conventions of railway claim agents.

Mr. SHIVELY. They are held by representatives of these organizations, and the Senator is reading from the minutes of one of those annual conventions?

Mr. REED. I am; and these pamphlets are, of course, open for further examination by any Senator.

I call the attention of the Senator from Indiana further to the fact that a Mr. Whiting was the man who made a speech at the previous meeting in favor of this kind of legislation, and he was appointed chairman of the committee.

Now, here is Mr. Whiting's report, together with his fellow members'. Somebody asks here—I hear the voice, although I do not recognize it; some Senator—who is Mr. Whiting? I answer that Mr. Whiting was the claim agent of the New York Central Railway; and that one of the members of the commission which framed the bill we are now considering was the president of the New York Central Railway, and when he was not present on the commission Mr. Whiting sat in the room very steadfastly, very consistently, very attentively, and saw to it that no harm was done during the absence of his chief.

I read from the minutes:

The committee on special compensation acts then presented its report, read by Mr. F. V. Whiting (New York Central Lines):

REPORT OF SPECIAL COMMITTEE ON COMPENSATION.

During the past three years, at least, public thought has to a great extent been directed toward the question of compensating workmen injured in the course of their employment, not only for accidents caused through fault, but also for accidents arising out of the work, which are called inherent risks of the service. At our last annual meeting, held at Chattanooga, topic 5 of the program was that of "Compensation and compensation acts." It is not the intention of your committee to take up any time in rehearsing the history of this movement, and attention is only called to the paper presented at our last annual meeting, and the discussion thereon, so that those who desire may refresh their recollections by examining the minutes of the last meeting.

Your committee, at one of the several meetings it has held, reached the conclusion, owing to the fact that compensation acts were being considered in many States and that action would probably be taken in some of them during the winter, that the most effective and efficient way in which we could serve our association was to prepare a compensation act, to be used as a foundation for legislation everywhere. The committee felt that all the acts which had been suggested were patterned after the English act or acts drawn since and that, no doubt, if such a scheme were prepared it would be followed to some extent.

The committee therefore acquainted itself with laws which had been passed and with acts which were pending before various legislative bodies. It also gathered material from various State commissions and finally set to work to draft a compensation act. A tentative plan was completed, put in print, and submitted to the heads of the various claim departments of roads constituting the membership of the association, and a meeting was held at La Salle Hotel in Chicago on December 13 and 14, 1910.

Now, I remark by way of parentheses that the heads of the various claim departments are always the lawyers who defend the damage suits, so that the plan referred to in the report was submitted to them. I proceed with the reading:

Two days were spent in discussing the plan, and some slight modifications were adopted. It is strange that with an attendance of about 40 men, representing various lines in the United States and Canada, that there should have been such unanimity of thought and conclusions as we had at that meeting. The consensus of opinion was overwhelmingly in favor of compensation, there being three—possibly four—dissenting votes.

Mr. RAYNER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Maryland?

Mr. REED. Certainly.

Mr. RAYNER. May I ask the Senator the date of that?

Mr. REED. Yes, sir. It is May 24 to 26, 1911.

Mr. RAYNER. May I furthermore ask the Senator, if I do not interrupt him, at what time was the committee appointed to investigate this matter?

Mr. REED. I can not answer that question without stopping.

Mr. RAYNER. I will not interrupt the Senator. I simply wanted to know the date.

Mr. REED. The first hearing before the commission was May 10, 1911.

Mr. RAYNER. What is the date of the report?

Mr. REED. The date of the last report is May 25, 1911.

Mr. SMITH of Georgia. Give the date of the first action?

Mr. REED. The date of the first action is a year before that.

Behold, now, these tender-hearted claim agents consorting—their tender, sympathetic souls inspired alone by a compassionate desire to serve injured railroad men by compelling the railways to pay them more money than can be received at law. Who is so foolish as to be thus imposed upon? Yet the claim agents with one voice demanded a compensation act. Were they in favor of it because it would wipe the tears from the eyes of the widow? Did they demand it because it would bring the light of hope to the pain-dulled eyes of some man broken in body and health? Did they support it to the end that the orphan might be preserved from want? Were these the reasons, or was it because they knew if this act could be passed it would save money to the companies they represented? When were their natures and when were their sympathies transformed? In what moment, in what twinkling of an eye, did they change

from claim agents to traveling eleemosynary institutions? They were unanimously in favor of this bill that, according to the statements made here, is going to take millions from the railroads. If these claim agents had reported a bill that would have taken millions from their employers, if they had supported such a bill and forwarded such a measure, there is not one of them who does not know he would have been discharged immediately. I am not saying they are better or worse than other men, but I am saying they are no better than the ambulance chaser that has been abused here. I am saying that the disgraceful spectacle of a lawyer soliciting this business has more than its parallel in a spectacle more abhorrent—that is the presence of a claim agent of a railroad standing beside the bed of a man whose wounds are still bleeding, and trying, under those circumstances, to extort a statement from him.

I am saying that bad as is the ambulance chaser there is a creature in this world viler than he, and that is the man who will take advantage of a poor wretch lying stricken upon the railroad track and get a settlement from him before even a physician has arrived. And I am saying that there is a creature viler than he, and that is the president of a railroad who will authorize things of that kind; and if there is anybody viler than all of them, it is a man who would try to put a law upon the statute books that will despoil the widow and rob the orphan of a man who has gone bravely to his death with hand upon the brakes.

But I read on:

The consensus of opinion was overwhelmingly in favor of compensation, there being three (possibly four) dissenting votes. After this meeting the association, through its secretary, had the plan reprinted without showing that it was the work of the association, and the same has been given very general distribution throughout the country.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. REED. Certainly.

Mr. KERN. Is that last statement shown in the minutes of the proceedings?

Mr. REED. The distinguished Senator from Indiana, known throughout the United States, will oblige me by taking the minutes in his hand, so that out of the mouths of two or more witnesses every word may be established. I know the Senator did not mean to infer that I had misread. He simply meant that he did not know whether I was reading or talking. I am reading, and, lest I should be misunderstood, I will read it again. You will find it on page 44, at the close of the third paragraph of these minutes:

After this meeting the association, through its secretary, had the plan reprinted without showing that it was the work of the association, and the same has been given very general distribution throughout the country.

Why did they not want it known that it was the work of the association? Why these dark-lantern methods? Why this crawling through the shadows? Why this anonymous campaign? Why were these men proceeding secretly, unless the legislation they were promoting was in the interest of the railroads? They understood very well that if the men of this country knew that the bill had originated or was being fathered by the railroads themselves their employees would scan it with a microscope and would discover its iniquities and its injustices. Whenever it is necessary for an association to proceed surreptitiously, whenever it is necessary to send out an anonymous publication, whenever it is necessary to conceal facts, it is time for every honest man to regard its acts with suspicion and to investigate it with care. Such act bears the brand of dishonesty.

But I read on from the point where I paused a moment ago:

We are unable to state what influence this suggested plan has had on legislation, enacted or proposed. No doubt many of the members of the association here present can tell us of instances where the plan has been considered.

Thus these gentlemen, in effect, say, "We have scattered the poison broadcast through the country; we can not as a committee tell just what dog has picked it up; but our intelligent members, coming from various sections of the country, have probably observed and can enumerate the victims."

I do not intend by that illustration to compare these men to dogs, but I do mean to say that this method of scattering ideas in an anonymous, surreptitious way, in order that they may find root in the minds of others, is similar to the act of one who cunningly scatters poison for poor, dumb brutes to pick up, which would be rejected were the hand which scattered it known.

Mr. Whiting made this report, the same Mr. Whiting who was employed by the commission that framed this bill to furnish statistics which the commission regards as so valuable as to warrant their quotation in its report. Mr. Whiting, who while he did not sit on the commission sat with it almost constantly, made the infamous report to the claim agents I have just read. I read further from the same document:

We may state, however, that the act has been introduced in the Iowa Legislature verbatim—

They were doing very well in Iowa. I wonder who represented them in the Legislature of Iowa. I wonder what crooked fellow of that State or what foolish fellow was led to introduce, unbranded as it was, this legislative Maverick.

We may state, however, that the act has been introduced in the Iowa Legislature verbatim; that a voluntary compensation scheme has been passed in New Jersey, taking effect on July 4 next (that great day of liberty—

I wonder if this was irony, or satire, or just what it was intended to be, but here is the parenthesis—

taking effect on July 4 next (that great day of liberty, which was evidently selected as being the most appropriate day of the year on which the act should be put into effect).

Liberty for whom? Liberty for the down-trodden workingman, as the Irishman would say? Was it liberty for the employee or liberty for these concerns that do not want to stand beneath the responsibilities fixed upon them by the recent acts of Congress? Let us read it again:

We may state, however, that the act has been introduced in the Iowa Legislature verbatim; that a voluntary compensation scheme has been passed in New Jersey, taking effect on July 4 next (that great day of liberty, which was evidently selected as being the most appropriate day of the year on which the act should be put into effect), which in many respects is similar to our plan. It is voluntary in form, but compulsory in fact. Employers and employees are deemed to have consented to the act, unless they give notice to the contrary. New employees, unless specifically notifying employers on entering the service, are bound by the law.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. Certainly.

Mr. SMITH of Georgia. I desire to suggest that there is no quorum present.

The PRESIDING OFFICER. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Davis	Martine, N. J.	Richardson
Bacon	Dillingham	Myers	Root
Borah	Fall	Nelson	Sanders
Bourne	Gallinger	Newlands	Smith, Ariz.
Brown	Gore	Nixon	Smith, Ga.
Bryan	Guggenheim	O'Gorman	Smith, S. C.
Burnham	Hitchcock	Overman	Stephenson
Catron	Johnson, Me.	Owen	Stone
Chilton	Johnston, Ala.	Page	Sutherland
Clapp	Jones	Paynter	Swanson
Clark, Wyo.	Kern	Penrose	Tillman
Clarke, Ark.	Lea	Perkins	Townsend
Crane	Lippitt	Poindexter	Wetmore
Culberson	Lodge	Pomerene	Williams
Cullom	McCumber	Rayner	
Curtis	McLean	Reed	

Mr. BORAH. I desire to state on behalf of the members of the Committee on Interoceanic Canals that that committee is having a hearing, and witnesses are appearing before it, which accounts for the absence of some of the members of that committee.

The PRESIDING OFFICER. Sixty-two Senators have answered to their names. A quorum of the Senate is present, and the Senator from Missouri will proceed.

Mr. REED. Mr. President, I was reading at the time the roll call began, I will say for the enlightment of those Senators who have come in since, a portion of the report of one of these claim agents, in which he gleefully boasts of the effect that has come from the anonymous publications they had sent out in favor of a compensation act, and in which he declares that the bill drawn by the claim agents had been introduced in the Iowa Legislature exactly as they wrote it. Another bill, similar to it, had been introduced in New Jersey, which, he says, while it is voluntary in form, is nevertheless compulsory in fact. I had reached the interesting point where he said that in this bill—

Employers generally are penalized if they stay out of the compensation law, for the reason that all common-law defenses are abolished. If an employer comes into the act, he is relieved from the statutory liability imposed upon him, so far as those employees with whom he has contracts are concerned. However, employees who stay out of the act are given additional remedies against the employer. It really looks as if the only thing an employer in New Jersey can do, if he wants to operate under the compensation law, is to employ only those who will agree or consent to be bound by the law.

In other words, the compensation act was so favorable to the employer of labor, as introduced in New Jersey, that these gentlemen seemed to be disturbed as to just how men could be forced to accept it. Mr. Whiting states further:

Detailed maximum amounts are fixed for certain specific injuries, going further as to the extent in character of injuries than the plan proposed by the committee.

In other words, the Legislature of New Jersey had had the temerity to add somewhat to the bill prepared by these gentlemanly conspirators.

I proceed with the reading:

A law has also been enacted in the State of Wisconsin, the terms of which we have not as yet been advised.

A bill very similar to the New Jersey law has been introduced into the Pennsylvania Legislature.

There has also been introduced a Federal compulsory compensation law in the House of Representatives.

Now, this is all a catalogue of those things which this gentleman says resulted from the activity of the claim agents. I think he claimed too much, for I want to discuss this matter thoroughly and frankly. I think before the claim agents ever began to agitate this legislation, before they ever dreamed of accepting it, at the time when they were denouncing it as socialism and as anarchy, labor organizations were trying to have enacted compensation laws. But it was when the statutory law had advanced to a point where the railroad claim agents preferred a compensation law to a liability law that they then seized upon this measure and now boastfully take credit to themselves for all this legislation. I think that what they did succeed in doing, and all they succeeded in doing, was that they were able to influence and largely shape the character of the legislation which was passed in these various States.

Mr. President, those two documents explain very clearly why it is there is no opposition to this bill by the railroads.

The bill which we are now considering was introduced in the Senate on the 20th day of February, 1912. As early as the 25th day of February, 1912, and even earlier, the Senate began to be flooded with telegrams. It was impossible for those telegrams to have been based upon an accurate understanding of what was contained in this bill. In many instances the bill had not had time in due course of mail to reach those who sent the telegraphic importunities. Railway-employee organizations had not had their meetings and time to pass upon the measure. The bill had been amended and reamended up to the very day almost when it was introduced in Congress. Even the printed form which is submitted here shows amendments have been made after the bill was actually put in type. The telegrams, therefore, that have come to us in that early stage mean nothing more than that the officers of these organizations had reported back to the officers of the subordinate organizations, telling them that a compensation law had been agreed upon, and they were asked to lend their indorsement. They gave the indorsement as requested, not because they approved this particular bill, but because they approved the principle of compensation and believed they were getting a bill which would bring to them great benefits and blessings.

I say, as I said in the beginning of my remarks, if this bill is postponed until the members of these organization can have time to advise regarding it among each other and to understand its principles, it will be condemned by substantially a unanimous vote.

I sent this bill to some 10 or 12 societies that had wired me, asking me to give it support. With but two exceptions, after examining the measure, they have wired or written asking either that the bill be defeated or that action upon it be postponed.

Now, Mr. President, I want to discuss the bill itself.

Mr. RAYNER. If the Senator will allow me——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Maryland?

Mr. REED. Certainly.

Mr. RAYNER. The Senator's speech is very instructive and interesting. I wish to ask him if the bill that has been reported by the committee is substantially the same bill that was prepared by these claim agents and sent to the legislatures of some of the States?

Mr. REED. I can not answer that, because the bill which was sent out they themselves say was sent without signature. My only information regarding that bill, or what is contained in it, is that which I gleaned from the reading of these minutes, and I do not find in these minutes repeated expressions of ideas which are embodied in the bill.

I would say this, however, that it would be inconceivable to me that these men would have brought the exact form of bill and laid it down to this commission, but what I do say is that the minutes which I have just read refer to the fact that a bill has been introduced in Congress, and they refer to it——

Mr. SUTHERLAND. What is the date when that statement was made?

Mr. REED. The statement was made in 1910.

Mr. SUTHERLAND. On what date in 1910?

Mr. REED. It is in the minutes of May 24 and 26.

Mr. SUTHERLAND. Of course that was long before this bill was prepared at all.

Mr. REED. The present bill; but a bill had been introduced in Congress—and I state, replying to the Senator from Maryland, while they do not say it is their bill, they catalogue it among those bills which they mention, after having asserted that they had sent out the form of a bill.

Mr. SUTHERLAND. Will the Senator from Missouri permit me to interrupt him?

Mr. REED. Certainly.

Mr. SUTHERLAND. There were two or three bills introduced in Congress. One bill introduced was called the Sabath bill. Another bill was introduced by Mr. LEWIS, a Member from the State of the Senator from Maryland. The bill which Mr. LEWIS introduced is what is generally called the Civic Federation bill—that is, it follows the general lines of the Civic Federation bill. A bill was prepared by the American Federation of Labor. Another bill which was prepared is what is called the commission's bill—that is, there were a number of commissioners appointed, one from each State, and they met and held meetings and prepared a bill which they put out. There have been innumerable bills put out.

Mr. RAYNER. May I ask the Senator——

Mr. SUTHERLAND. Let me say, however, with regard to the question which the Senator asked, I was chairman of this commission; and until the Senator from Missouri mentioned it I never heard of any claim agents' convention. There never was before our commission any bill suggested by any claim agents' convention. The first draft of the bill which was before our commission I prepared myself, and in preparing it I consulted all the laws that I could find. I went over the English law, the German law, the French law, the various laws that that have been presented by many commissions in the United States, the New Jersey law, which has been in operation, the Ohio law, and many others.

Of course, all these laws follow along the same general line. There are two general plans resorted to; one, as we have stated in our report, called the German plan and the other the English plan. If you follow the English plan, the skeleton of any one of these bills would be pretty much the same. But the bill of the commission, which is presented here, is the commission's bill; there is no one responsible for it except the commission, and any insinuation to the contrary of that is utterly false and unwarranted.

Mr. RAYNER. I should like to ask the Senator a question before he takes his seat, knowing how faithfully and laboriously the Senator has worked upon this measure and how impartially I believe he has done it.

I was going to ask him whether any bill had been presented prepared by these claim agents, because I suppose they had the right to present a bill. Of course it might put a different aspect to the case entirely. But what I should like to ask the Senator from Utah is this: Did the American Federation of Labor present either a bill or a skeleton of a bill?

Mr. SUTHERLAND. Not to us; but their bills were published.

Mr. RAYNER. They had a perfect right to do it.

Mr. SUTHERLAND. I can hand the Senator the book from my desk at any moment, and he will find published by the Bureau of Labor of the United States these various bills. They are all printed there in full. I can hand the Senator the volume in a moment. He may look at it.' The American Federation of Labor bill is published, the Civic Federation bill is published, and this commission bill that I spoke of is published. They are all published. If there ever was a bill proposed by the claim agents' convention that was published, I never saw it. I say, and I repeat, that until the Senator from Missouri mentioned it I never heard of any action taken by any claim agents' convention.

Some two or three weeks ago the Senator from Missouri sent out a telegram to some of his constituents in an effort to antagonize this bill, and in that telegram something was said about the claim agents' convention and about this being a claim agents' bill. That was the first intimation I had ever had of it.

Now, let me say, further, there were before our commission, of course, testifying, several of these claim agents. They were before us urging us to recognize their beneficiary organizations, as they were called. We declined to do it. They were before us testifying, as others were, with reference to other matters. Employees were before us; lawyers representing the railroad companies were before us. Our commission was made up of two Members of the Senate, two Members of the House, and two members selected by the President. One of the members selected by the President was Mr. W. C. Brown, the president

of the New York Central lines; the other was Mr. D. L. Cease, the editor of the Railroad Trainman, and he was put upon the commission to represent the railroad employees. Mr. Brown was unable to attend a great number of our meetings.

Mr. Whiting, whose name has been mentioned here, was the chief claims attorney of the New York Central lines. Mr. Brown introduced him to the commission, and he informed us, in substance, that Mr. Whiting was a very well informed man—I never had met him before in my life—and that he could give information—we were seeking information from all sources—he could give information with reference to the details of accidents and various other things perhaps as well as any man in the United States. We availed ourselves of Mr. Whiting's statements and what information Mr. Whiting had, just as we did with others. Mr. Whiting sat in the room while we were at work. Mr. Cease, who was the representative of the railway employees, sat in the room, and he and Mr. Whiting discussed these matters. Sometimes they would agree upon a detail and sometimes they would not. So far, however, as Mr. Whiting's influencing the commission in any respect whatever is concerned, any more than they were influenced by the statement of any other witness—such an assumption as that is not only utterly false, but in view of the make-up of the commission it is utterly absurd. I do not know for what purpose the Senator from Missouri injects all this—I was going to characterize it—perhaps I had better not——

Mr. REED. Just characterize it any way your please, sir.

Mr. SUTHERLAND. Well, I will characterize it—all this stuff, because it is nothing more than stuff.

This bill is to be tested by itself. It ought to be taken by its four corners. If it is not a good bill, it ought to be voted down, and if it is a good bill it ought to be put in operation, it does not make any difference who is in favor of it or who is against it. So far as I am concerned I do not care.

Mr. REED. I feel that I ought to express my pleasure at the fact that the Senator has concluded the question that he rose to ask me, and I thank him for his courteous characterization of my remarks. I shall possibly some day reach that intellectual altitude where I may sit in the shadow of his greatness, and when I do I shall know that there are no other heights to scale.

Mr. President, I have not charged by innuendo that these claim agents wrote this bill; on the other hand, before the Senator took the floor, I had expressly disclaimed that idea; but I had charged, and I now charge, that these claim agents were actively interested in this species and character of legislation, that they desired to have it adopted, and that the ideas and the skeletonization of the very matters that went into this bill afterwards were approved by them in their meetings a year before this commission sat.

Mr. SUTHERLAND. Now, Mr. President——

Mr. REED. And I have charged, and I now charge, that Mr. Whiting practically represented a member of this commission. I base that upon the remarks just made by the Senator, that the president of the New York Central Railroad Co. was absent much of the time, and said Mr. Whiting would remain there and furnish information,

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. Certainly.

Mr. SUTHERLAND. Mr. President, in what respect does the bill presented to the Senate represent the claim agents' proposed measure?

Mr. REED. I called attention to two or three, and before I get through my remarks I shall be prepared to furnish from the minutes of these meetings the things in which they agree with this bill. One thing was this, that the act should be exclusive, and that all legal rights should be wiped out except those reserved in the bill. That was not in accordance with the English act—the Senator said a little while ago this bill resembled it—but it is in conflict with the English act in this fundamental and vital principle.

Mr. SUTHERLAND. Yes.

Mr. REED. For the English act does preserve the right to proceed under the common and statute law or to proceed under the compensation act at the option of the injured man.

Another place where the suggestion these claim agents made in their meeting is found in this bill is that there should be no compensation during the first 14 days of injury. Those two things come to my mind now without going back and examining the minutes.

Mr. SUTHERLAND. Will the Senator permit me to say a word there?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. Certainly.

Mr. SUTHERLAND. So far as the exclusive feature of the proposed law is concerned, it is true that is not in the English law, but it is in every other European law with which I am familiar. The exclusive feature is in the New Jersey law—which, by the way, we followed in many respects—more than that of any other State law with which I am familiar. It is in a number of the other State laws. It is true that in some of the State laws which have been proposed there is a provision that where the negligence is personal—the personal negligence of the employer—then the employee shall have a right to sue; but in many of the State laws the law is exclusive. After a very thorough consideration and for the reasons which we have suggested in our report, we framed this law along exclusive lines.

With reference to the 14-day period, the 14-day period was the exact provision in the English law of 1896. It is true that in the law of 1906 they cut that waiting period down to a week, but for reasons which, if I have the opportunity later, I intend to go into, we followed the two-weeks period. The two-weeks period is also followed in some of the States of the Union. In Germany it is a 13-weeks period before any accident compensation can be allowed; during those 13 weeks the burden falling upon the sickness fund, and so on; in other words, these provisions are not original either with us or, if the claim agents advocated them, they are not original with them. They are well-known provisions in laws of this character.

Mr. REED. I expressly stated that the claim agents——

Mr. DAVIS. Mr. President——

Mr. REED. Just one moment, and then I will yield to the Senator.

I expressly stated that I did not claim that the claim agents originated these compensation ideas. On the other hand, I said that for many years they denounced those who believed in them as socialists; that they adopted them when it was more profitable to adopt them than to live under the laws which had been enacted in the various States and by the Congress of the United States.

What I said further was that these claim agents did agree upon many of the essentials contained in this bill, and that one of them was an important factor, at least as a witness or adviser, before the commission.

I now yield to the Senator from Arkansas.

Mr. DAVIS. If the Senator from Missouri will permit, I understood from the Senator from Utah that the commission followed largely the New Jersey law in framing this bill. Did I understand him correctly?

Mr. SUTHERLAND. I did not suggest to what extent.

Mr. DAVIS. Then, I understand from the Senator from Missouri that the claim agents were responsible for the New Jersey law.

Mr. SUTHERLAND. Oh, no; the New Jersey law was passed before——

Mr. DAVIS. He said they got it introduced almost verbatim in Iowa, and a very similar scheme had been adopted in New Jersey.

Mr. REED. I do not know whether this claim agent was telling the truth or not, because I have heard of claim agents who did not always tell the truth. I do not mean to say that it is a universal rule; I think there are exceptions.

Mr. SUTHERLAND. I do not think the Senator will find any such statement made by the claim agent, because it would be manifestly untrue. Claim agents did not have anything to do with the law in New Jersey.

Mr. DAVIS. If the Senator from Utah will permit me further, I beg to differ with him. The minute which was read does show that the claim agents in their last report claimed credit for the passage of the New Jersey law.

Mr. SUTHERLAND. Let us hear it.

Mr. REED. The minutes of 1911, page 44, last paragraph—I will read the whole paragraph—state:

> We are unable to state what influence this suggested plan—
>
> That is the plan the agents sent out—
>
> has had on legislation, enacted or proposed. No doubt many of the members of the association here present can tell us of instances where the plan has been considered. We may state, however, that the act has been introduced in the Iowa Legislature verbatim; that a voluntary compensation scheme has been passed in New Jersey, taking effect on July 4 next (that great day of liberty, which was evidently selected as being the most appropriate day of the year on which the act should be put into effect), which in many respects in similar to our plan. It is voluntary in form, but compulsory in fact. Employers and employees are deemed to have consented to the act, unless they give notice to the contrary. New employees, unless specifically notifying employers on entering the service, are bound by the law. Employers generally are penalized if they stay out of the compensation law, for the reason that all common-law defenses are abolished. If an employer comes into the

act he is relieved from the statutory liability imposed upon him, so far as those employees with whom he has contracts are concerned. However, employees who stay out of the act are given additional remedies against the employer. It really looks as if the only thing an employer in New Jersey can do, if he wants to operate under the compensation law, is to employ only those who will agree or consent to be bound by the law. Detailed maximum amounts are fixed for certain specific injuries, going further as to the extent in character of injuries than the plan proposed by the committee.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. Oh, yes; certainly.

Mr. SUTHERLAND. Mr. President, I do not understand that it is there suggested that the plan of the bill prepared by those claim agents—if they did prepare one—was adopted by the New Jersey Legislature. It would be absolutely untrue if they did make such a statement, because, as a matter of fact, the New Jersey law was prepared by a commission; and that has been the case with reference to practically all of these State laws. The Wisconsin law was prepared in the same way, by a commission, as was the California law. There are laws of this character—I mean compensation laws—I think, in some 12 States in the Union; and I know that most of them, and I am inclined to think all of them, were prepared by a commission, upon which commission both the employing class and the employed class were represented in almost every instance.

Mr. REED. I can only refer again to the written language and say that it is the report of Mr. Frank V. Whiting, chairman. If he is untruthful, he is yet the same Whiting the distinguished Senator just said had rendered valuable service to the commission.

Mr. SUTHERLAND. Mr. Whiting is not untruthful. I found Mr. Whiting—and I think my colleague upon the commission, the Senator from Oregon [Mr. CHAMBERLAIN], will bear me out in the statement—to be a very truthful and a very well-informed gentleman.

Mr. REED. I have not charged him with being untruthful. I think he told the truth in his report to the claim agents.

Mr. SMITH of Georgia. Will the Senator from Utah allow me to ask him a question in order to call his attention to one thing?

Mr. DAVIS. Mr. President——

The PRESIDING OFFICER. To whom does the Senator from Missouri yield?

Mr. REED. In view of the fact that the Senator from Georgia wishes to ask the Senator from Utah a question, I will yield to him, and then I will yield to the Senator from Arkansas.

Mr. SMITH of Georgia. I only wish to ask the Senator from Utah if he was not inaccurate in his statement that the New Jersey law was compulsory?

Mr. SUTHERLAND. I did not state that the New Jersey law was compulsory.

Mr. SMITH of Georgia. I understood the Senator to say that it supplanted all other legislation.

Mr. SUTHERLAND. Oh, no; I did not so state.

Mr. SMITH of Georgia. I thought the Senator stated that it belonged to that class.

Mr. SUTHERLAND. Oh, no. What I said was that we have taken—I do not remember my exact language—many features from the New Jersey law, and the scheme of our compensation provision was taken from the New Jersey law.

Mr. SMITH of Georgia. The New Jersey law is not exclusive.

Mr. SUTHERLAND. Oh, no. It is just as was stated in the matter which the Senator from Missouri read awhile ago; the New Jersey law is elective in form, but compulsory in fact. If the Senator from Missouri will permit me, I will state, for the benefit of those who may be interested in it, how that comes about.

The New Jersey law provides that if the employer does not come under the compensation law he shall be liable as at common law, stripped of all the common-law defenses, and that if the employee does not come under the compensation law he shall have his right of action for negligence burdened with the common-law defenses, so that the effect of it is to hold over the heads of both classes a club.

Mr. REED. That is about what we would expect from New Jersey.

Mr. SUTHERLAND. The progressive governor of New Jersey——

Mr. REED. He did not recommend that, did he?

Mr. SUTHERLAND. He has advocated it very strongly.

Mr. REED. That is the strongest indictment I have heard against him.

Mr. SUTHERLAND. Well, the Senator will find that to be so.

Mr. MARTINE of New Jersey. Mr. President, if I may be permitted——

The PRESIDING OFFICER. To whom does the Senator from Missouri yield?

Mr. REED. I yield to the Senator from New Jersey.

Mr. MARTINE of New Jersey. Mr. President, the distinguished Senator from Missouri I think is very unfortunate in his expression. You may expect from New Jersey not evil legislation, but good legislation. For many years "New Jersey justice" has been proverbial.

I will say with reference to the New Jersey compensation act, that it has met with the almost universal approbation of the workmen, and particularly of the railroad engineers, in our Commonwealth. There is no State in this Union that is more directly and seriously affected by railroad accidents than the State of New Jersey. Little though we are geographically, we are sandwiched between the great West and the great metropolis of New York. We are gridironed with railroads, and railroad accidents in that State run into the thousands where in other States they run into the hundreds.

As I have said, the New Jersey law has met with universal commendation and favor. I have received, I will say—I had no thought of making this expression, but since the Senator from Missouri, my most lovable and delightful friend—and I hate to be divergent with him, for we are entirely in harmony in general thought—has referred to New Jersey, I will say I have received, from railroad men almost entirely, 148 letters and telegrams favoring the adoption of this bill, and I have received but 12 letters and telegrams opposing this bill. In answer to the suggestion that these letters and telegrams came from the head of a great railroad corporation or through his dictation or influence I will say that on their face they disprove that suggestion.

I shall vote for this measure. It is not all I would like, there are some provisions which I should like to be different, but I believe it to be a step in the right direction and that it is a good bill, and God knows some of us hope to live—I do—to aid in rectifying these ills and evils.

Mr. DAVIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. REED. I yield to the Senator from Arkansas.

Mr. DAVIS. Just for a moment. The Senator from Utah asked the Senator from Missouri to mention the points of similarity between the bill before the Senate and the skeleton bill as prepared by the claim agents. The Senator from Missouri pointed out two very striking features of similarity. Now, I would suggest to the Senator from Missouri that if he will only get the bill that has been introduced almost verbatim in Iowa, he will find, in substance, the bill that is before the Senate to-day. That will answer the question of the Senator from Utah.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. REED. I do.

Mr. CHAMBERLAIN. I desire to say, in this connection, that I have never seen the bill of the claim agents at any time. I will make the further statement that you might compare the bill of this commission with the bills that are in force in nearly every country in the world where such measures are in force, and you would find that there are features that are almost exactly alike. I think it fairer to assume that the railway claim agents, if they did prepare a bill, must have followed, in their essential features, some of the acts that are in force on the Continent of Europe.

Mr. REED. Mr. President, just passing from that particular thought for the moment and replying to my good friend from New Jersey, first I want to say that I should not have made the remark that "one would expect that sort of legislation from New Jersey," because no man has a right to reflect upon a great State. The thing I had in mind which prompted me to make the statement was the fact that New Jersey has been so procorporate in its legislation until recent years; thus in the heat of debate I used the expression I did.

Mr. MARTINE of New Jersey. I should like to say——

Mr. REED. Now, for the benefit of the Senator from New Jersey let me state that it is only recently that the highest court of New Jersey decided that a labor organization could not meet together for the purpose by peaceful means of persuading others to quit work. The decree of the highest judicial tribunal of New Jersey was that that was the law of New Jersey.

That court solemnly held that a statute declaring it to be lawful for men to meet and by peaceable means endeavor to induce others to quit work was in contravention of the constitution of the State of New Jersey.

Mr. MARTINE of New Jersey. Will the Senator permit me one word just there?

Mr. REED. If the Senator will let me conclude this thought I will yield.

I call the attention of the Senate and of the Senator to the further fact that it is not at all remarkable that any kind of law that would give any kind of relief or compensation should have been welcomed by the working classes of New Jersey, in view of the fact that, contrary to the history of most other States, all or substantially all of the old common-law defenses have been preserved in New Jersey until this very recent legislation. So that until this very recent legislation every engineer or fireman or conductor who suffered the loss of a hand or a foot was met with the defense of contributory negligence; he was met with the defense of assumption of risk; he was met with the defense that the accident had occurred through the act of a fellow servant—with the most rigid application of that doctrine. So that these people had come to understand that they practically had no rights except where they could show the clearest and most absolute case at common law. Therefore people thus situated, thus hampered, would naturally welcome any law that would give them compensation upon any terms; but I call the Senator's attention—and I do it most respectfully, for he knows how thoroughly I respect him—to the fact that under the Federal laws now applicable every man affected by this bill has the right to recover compensation unless his own negligence was the sole cause, or unless the injury occurred without the negligence of any person whatsoever. I say, therefore, no matter what the Senator's opinion may be, that the law of New Jersey is an unjust law, because it says, "Here is a compensation act; now, if you will come in and agree to accept its terms, Mr. Employee, then, if your employer also accepts, you may obtain a very meager compensation. But if you dare to refuse acceptance then you can be met with all the old common-law defenses of fellow servant, assumption of risk, and contributory negligence, and thus can be stricken down. It was a legislative device—I do not care who concocted it—to compel people to accept compensation in lieu of their legal and constitutional rights, and no wonder these claim agents gleefully refer to it as being compulsory in fact while it is voluntary in form.

Mr. MARTINE of New Jersey. Mr. President, if the Senator will permit me, I am not here to defend the claim agents, but I am here in defense of the New Jersey statute upon this particular subject. That statute in its workings has proved eminently satisfactory and has met with almost universal approval.

Now, with reference to that particular——

Mr. REED. If I may ask the Senator a question, how long has that statute been in force?

Mr. MARTINE of New Jersey. About a year and a half.

Mr. REED. To whom does it apply?

Mr. MARTINE of New Jersey. It applies to workingmen in many industrial pursuits.

Mr. REED. To laboring men?

Mr. MARTINE of New Jersey. Yes.

Mr. REED. Then, it is not like this bill.

Mr. MARTINE of New Jersey. No; but the same results would follow.

Mr. REED. Oh, no.

Mr. MARTINE of New Jersey. I think that is probably so. We are willing to admit the fact, as the Senator from Missouri has suggested, that for 40 or 50 years we have been under a cloud, under a ban. I am willing to admit that. God knows there has been no State of this Union that has been dominated over more and persecuted more by corporate greed and influence than has been New Jersey; but, thank God, we live in a brighter day; there is a new dawn; we have a Democratic governor who has brought about this great result, and my hope and ambition is that we may press his policies further along until the whole United States may be blessed with his force and his advanced ideas.

Mr. REED. I am willing to admit of record—and I do it gladly—that Woodrow Wilson is a vast improvement over anything you have had in public office in New Jersey for many years; and I am also willing solemnly to admit of record that my good friend, the Senator from New Jersey [Mr. MARTINE], is a vast improvement over some of the other men who have filled that office from the State of New Jersey. I do not refer to the personality of any of these men; I am not comparing them as individuals, but in the fact that human beings are now represented instead of the inordinate greed of gigantic aggregations of wealth. I congratulate the State of New Jersey upon the change, and I trust they will continue to progress along this glorious, sunlit highway until they reach the plane where old Missouri and other good progressive States have been for the last 40 years.

Now, Mr. President, I want to discuss this bill, and I will conclude what I have to say with a word further in reply to the Senator from Utah. He has compared this bill with the laws of European countries; he compared it with the German law. Constantly we are hearing that comparison. Let me call the attention of the Senate to the fact, as I understand it—I may be in error and, if so, the Senator from Utah will correct me—that in Germany there was substantially no right of action on the part of the employee when he was injured unless, possibly, when he was injured by the direct act of the master, and I am not sure that it existed then. For all practical purposes it was nil, and therefore the idea of compensation was taken up not for the purpose of substituting it for liability which existed, as we are doing here, but for the purpose of creating a sort of pension for the unfortunate, and it has proceeded upon that line in Germany and upon that line alone. It is a very different proposition therefore from taking away from men those rights reserved to them under the Constitution, under the statutes, and under the common law, and giving them a substitute therefor which is inadequate.

I understand further that what is true of Germany is true of other continental countries, and that what the gentlemen have been doing is to try to draw a law for American citizens, who possess legal and constitutional rights, and to base it upon the experience of the proletariat of Europe, who had no rights. It is a very different proposition.

When, however, we come to England, the one country which most nearly approaches ours, we find that the rights of the Englishman at common law were preserved to him, and that those rights at common law had been extended by the act of Parliament, and that that act of Parliament had been further extended until in England the right of recovery had become a very broad and generous right; that when they came to adopt the compensation act in England they did not wipe out the legal rights of the English citizen. They allowed those rights to stand and gave him the option to accept this law or to proceed under his legal rights; and one of these claim agents, to wit, Mr. Whiting, after having discussed the English act before his board of claim agents, advocated a departure from that great fundamental principle retained in the English act, to wit, the right of every man to hold his legal rights and to have this additional remedy or alternative remedy. Mr. Whiting advocated that we abandon that, and we do abandon it in this bill.

Now, sir, I have this to say: I have no objection whatever to the enactment of this bill, even with all its bad provisions, and I think many of them wholly bad, if you will make it a right which may be exercised by the men, reserving to them the rights they already have at law. But when you propose to strike down the rights of the American citizen as they have been crystallized and sanctified in the common law for hundreds of years; when you propose to strike down all the rights guaranteed to him by the statutes of all the various States of this Union, and finally wipe out what was done by the act of Congress; when you propose to destroy those rights and substitute this bill with all of its shortcomings and its iniquities, I say you are doing a grave and dangerous thing.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. Oh, yes.

Mr. SUTHERLAND. The Senator a moment ago spoke about the German law and said that, in his opinion, it did not, as I understood him, allow a recovery for negligence—that it practically prevented any recovery at all.

Mr. REED. My understanding has been—I want to be frank about it, and if I am in error I want to be corrected—that for all practical purpose the employee in Germany was without remedy.

Mr. SUTHERLAND. The Senator is in error about that. As early as 1838 the German law provided that, in the case of railroads, they should be liable for all accidents, irrespective of their negligence, unless the railroad company could prove that the accident was caused by the fault of the injured person or by act of God, the risks inherent in the industry itself not being so designated.

Mr. REED. That is a statutory law. Am I not correct in the statement that, outside of the statutory law, they did not have any right of recovery?

Mr. SUTHERLAND. But this statutory law was passed in 1838.

Mr. REED. I understood the Senator.

Mr. SUTHERLAND. The compensation law was not passed until about 25 years ago.

Mr. REED. And it applies to all?

Mr. SUTHERLAND. It applies to all.

Mr. REED. The other applied only to railroad men.

Mr. SUTHERLAND. That is true with reference to that law; but with reference to other industries, some time prior to the compensation law being adopted the master was responsible for his own negligence, but it left proof of negligence to be made by the employee. But, substantially, the English law, so far as that was concerned, prevailed in Germany.

Mr. REED. The fact remains, as I understand, that the ordinary employee had no remedy, except where it was the direct negligence of the master, but that in the case of railroad employees they did have a remedy and the compensation law of Germany is not limited to railway employees, but embraces all classes of employees.

Mr. SUTHERLAND. There was a more liberal remedy in the case of railroads, but in the ordinary industries substantially the common law of England prevailed in Germany. Of course it was not the common law there.

Mr. REED. I do not know what the Senator's authority is, but in going through some of the hearings I have found statements to the contrary, that it was really an act which for the first time conferred rights upon those people. But, even if that is not true, it is of small moment in this discussion. The main fact to be considered here, regardless of where this bill originated, regardless of whether it suits the railroads or does not suit them, is what will be its effect upon the railway employees and upon the railroads, is it a just and proper measure to be enacted into law.

Mr. President, I want to discuss this question at length.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED. Certainly.

Mr. OVERMAN. I offer an amendment to the pending bill, which I desire to have printed by to-morrow.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. SMITH of Georgia. Mr. President, the Senator from Missouri [Mr. REED] has been on his feet two hours, and I move that the Senate take a recess until 2 o'clock to-morrow.

Mr. SUTHERLAND. I hope that will not be done. The Senator from Missouri we all recognize has been on his feet a long time and is no doubt weary, but we can proceed with the reading of the bill and dispose of the committee amendments.

Mr. SMITH of Georgia. Is a motion to take a recess debatable? Does the same rule apply to a motion to take a recess?

Mr. SUTHERLAND. I hope the motion will not prevail. It is yet early.

The PRESIDING OFFICER. The Senator from Georgia moves that the Senate take a recess until 2 o'clock to-morrow.

Mr. CHAMBERLAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oregon suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	McCumber	Sanders
Bacon	Curtis	McLean	Shively
Borah	Davis	Martine, N. J.	Smith, Ariz.
Bourne	Fall	Myers	Smith, Ga.
Bradley	Gallinger	Nelson	Smith, S. C.
Bryan	Gore	Newlands	Stephenson
Burnham	Guggenheim	Nixon	Sutherland
Catron	Hitchcock	Overman	Swanson
Chamberlain	Johnson, Me.	Page	Tillman
Chilton	Johnston, Ala.	Paynter	Warren
Clapp	Jones	Poindexter	Wetmore
Clarke, Ark.	Kern	Reed	Williams
Crawford	Lea	Richardson	
Culberson	Lodge	Root	

Mr. BRYAN. My colleague [Mr. FLETCHER] is absent on business of the Senate.

Mr. WILLIAMS. I wish to state that my colleague [Mr. PERCY] is detained on committee work.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum of the Senate is present. The question is on agreeing to the motion of the Senator from Georgia [Mr. SMITH], that the Senate take a recess until 2 o'clock to-morrow. [Putting the question.] The "noes" appear to have it.

Mr. SMITH of Georgia. I will change the hour to 12 o'clock. That was what I rose for.

The PRESIDING OFFICER. The Senator from Georgia moves that the Senate take a recess until 12 o'clock to-morrow. [Putting the question.] The "noes" appear to have it.

Mr. OVERMAN. I ask for the yeas and nays.

The yeas and nays were ordered and the Secretary proceeded to call the roll.

Mr. MYERS (when his name was called). I am paired for the day with the Senator from Pennsylvania [Mr. OLIVER], who is absent on a matter of importance. If he were present he would vote "nay," while I would vote "yea."

The roll call was concluded.

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. Has that Senator voted?

The PRESIDING OFFICER. He has not voted, the Chair is informed.

Mr. BURNHAM (after having voted in the negative). I transfer the pair to the junior Senator from Illinois [Mr. LORIMER] and will let my vote stand.

Mr. BRANDEGEE. I am paired with the junior Senator from New York [Mr. O'GORMAN] and therefore withhold my vote.

Mr. HEYBURN (after having voted in the negative). I am paired with the senior Senator from Alabama [Mr. BANKHEAD]. I am informed by those who are willing to speak for him that were he present he would vote "nay." I have therefore disregarded the pair and voted "nay."

Mr. CURTIS. The senior Senator from Ohio [Mr. BURTON] is paired with the Senator from Florida [Mr. FLETCHER].

Mr. FOSTER. May I inquire if the junior Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDING OFFICER. The Chair is informed he has not voted.

Mr. FOSTER. I have a general pair with him, and therefore withhold my vote.

Mr. CHILTON. I desire to announce that my colleague [Mr. WATSON] is paired with the Senator from New Jersey [Mr. BRIGGS].

Mr. MYERS. I transfer the pair I have just announced with the Senator from Pennsylvania [Mr. OLIVER] to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. BRANDEGEE. I transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the junior Senator from Iowa [Mr. KENYON] and will vote. I vote "nay."

The result was announced—yeas 25, nays 44, as follows:

YEAS—25.

Ashurst	Hitchcock	Overman	Smith, Ga.
Bacon	Johnston, Ala.	Paynter	Smith, S. C.
Bryan	Kern	Pomerene	Thornton
Clarke, Ark.	Lea	Reed	Tillman
Culberson	Martine, N. J.	Shively	
Davis	Myers	Simmons	
Gore	Newlands	Smith, Ariz.	

NAYS—44.

Borah	Crane	Jones	Poindexter
Bourne	Crawford	Lippitt	Richardson
Bradley	Cummins	Lodge	Root
Brandegee	Curtis	McCumber	Sanders
Bristow	Dillingham	McLean	Smoot
Brown	du Pont	Nelson	Stephenson
Burnham	Fall	Nixon	Sutherland
Catron	Gallinger	Page	Swanson
Chamberlain	Guggenheim	Penrose	Townsend
Chilton	Heyburn	Percy	Wetmore
Clapp	Johnson, Me.	Perkins	Williams

NOT VOTING—26.

Bailey	Fletcher	Lorimer	Smith, Mich.
Bankhead	Foster	Martin, Va.	Stone
Briggs	Gamble	O'Gorman	Warren
Burton	Gardner	Oliver	Watson
Clark, Wyo.	Gronna	Owen	Works
Cullom	Kenyon	Rayner	
Dixon	La Follette	Smith, Md.	

So the motion of Mr. SMITH of Georgia was rejected.

Mr. SUTHERLAND. I know the Senator from Missouri is weary, and to relieve him I will ask that the bill be read for action on the committee amendments.

Mr. REED. Mr. President, I prefer to go on with my remarks if the Senate insists upon staying here. I want to say to the Senator from Utah, and to all the Senators, that this is no filibuster, this is no attempt merely to consume the time of the Senate for the purpose of killing the bill. I had some remarks to make about it which I probably would have concluded by this time had I not been interrupted when the Senator from Georgia asked that we take a recess at the usual hour until to-morrow, which was only a proper courtesy under the cir-

cumstances, and one that I have never questioned, and one which is generally extended to others.

But if the Senate proposes to sit regardless, then I will proceed in the ordinary way, and I want a quorum here every minute.

I simply want to state——

Mr. SUTHERLAND. Will the Senator permit me?

Mr. REED. I think Senators have misapprehended our attitude. We are not trying to consume time here. We want to debate this question.

Mr. SUTHERLAND. I was going to suggest a course which probably would obviate any difficulty. I am not anxious to keep anybody here—nobody on this side is—an unreasonable time. Yet I think we ought within a reasonable time to come to a vote on this bill. I will ask unanimous consent that on Saturday at 3 o'clock a vote be taken on the bill and all amendments then pending or then to be offered.

Mr. SMITH of Georgia. I do not know whether the unanimous-consent agreement could be modified, but if it could be I would not consent to its modification.

Mr. SUTHERLAND. Oh, yes; it has been done.

Mr. SMITH of Georgia. I understand it can not be. I understand the Senator from Massachusetts——

Mr. SUTHERLAND. I know that particular thing has been done.

Mr. SMITH of Georgia. I understand it has been held that a unanimous-consent agreement can not be changed.

The PRESIDING OFFICER. The attention of the Chair was diverted. Will the Senator from Utah kindly restate his proposition?

Mr. SUTHERLAND. I asked unanimous consent that a vote upon the bill and all pending amendments be taken, beginning at 3 o'clock on Saturday.

The PRESIDING OFFICER. In the opinion of the Chair that would be changing the unanimous-consent agreement, which the Chair thinks can not be done.

Mr. SUTHERLAND. Very well.

Mr. OVERMAN. I think the Senator from Utah will not lose anything if he will consent to take a recess until to-morrow at 12 o'clock. The Senator from Missouri has been speaking and has not yet reached the details of the bill. Owing to interruptions that has been impossible, and he has spoken much longer than he would have otherwise done. The Senator from Utah should not insist that we should go on and require him to speak further to-day. This courtesy has been given to every one in my recollection during nine years of service here. Do you propose to make an example of him? When you do that you are not going to make anything by it. I appeal to the Senator from Utah to let a recess be taken now until to-morrow at 12 o'clock. The bill has been read, I understand.

Mr. ROOT. The bill has not been read. We have been all day under the unanimous-consent agreement. The Senator from Utah has been vainly endeavoring to get the bill read for action on the committee amendments. I do not think the Senator from North Carolina knows how much like a threat his observation sounds. I do not think he intended it, but it sounded very much like a threat.

Mr. OVERMAN. I say that this same courtesy has been extended to other Senators.

Mr. ROOT. The Senator from Utah has offered everything that courtesy can suggest to relieve the weariness of the Senator from Missouri by proceeding to have the bill read for action on amendments.

Mr. OVERMAN. Let me ask the Senator from New York if that would be a wise thing to do when the Senator from Missouri is discussing the bill generally? The next amendment probably will cause an hour at least of debate.

Mr. ROOT. Perhaps not.

Mr. OVERMAN. I know it will.

Mr. ROOT. Let us see if the Senate wishes to debate the amendment. It will give the Senator from Missouri the rest his associates desire for him, but for which he does not seem to be very anxious.

Mr. OVERMAN. There have been some general speeches made on the subject by the Senator from Utah, who is usually courteous, and the Senator from Oregon [Mr. CHAMBERLAIN]. Only one speech has been made on the other side. Now, the Senator from Missouri is making a speech on the general bill, and I think it is not right to break into the Senator's speech and begin to discuss the amendments. I hardly think the Senator from New York would say that that would be exactly fair.

Mr. ROOT. The orderly procedure would have been to settle the amendments before speeches were made upon the general subject of the bill.

Mr. OVERMAN. That might have been so.

Mr. SMITH of Georgia. That has not been the practice, so far as I have observed it here. If it is it would seem to be a very strange practice. The general discussion ought to precede all special amendments, I should think. I wanted to have my amendment read before the bill itself was dealt with, because I thought before dealing with the amendments of the committee it was but fair to have also read the amendments intended to be offered by others. My only reason for objecting to reading the bill for amendment was that I know the practice here, and the better practice here would be a general discussion, and then come to the amendments, taking up the committee amendments and then the amendments offered by other Senators.

Mr. LODGE. Mr. President, I rise merely to ask a question. Has the formal reading of the bill been dispensed with?

The PRESIDING OFFICER. It has been dispensed with by the action of the Senate.

Mr. LODGE. The bill is now to be read for amendment?

The PRESIDING OFFICER. It is.

Mr. OVERMAN. The bill has been read.

The PRESIDING OFFICER. It is in the line of being read for amendment.

Mr. LODGE. Speeches can be made at any stage of a general character when the bill is being read.

The PRESIDING OFFICER. There is no question on that point at all.

Mr. CLARKE of Arkansas. Mr. President, before the Senator from Missouri proceeds I want permission to make a statement that I think is timely just at this point.

This bill has been under discussion for an hour or two. It is an exceedingly important bill, one of some complication. It is a bill that involves an entirely new rule in the legislative system of the country. It is one that I entirely approve, and one for which I intend to vote.

I do not believe anyone has abused the patience of the Senate, or that anyone desires to do so. I think the motion for a recess at this time, looked at from the standpoint of a supporter of this proposition, is entirely reasonable and right and ought not to meet with serious opposition. Certainly it should not meet with opposition based on the assumption that anyone is attempting to unduly obstruct the consideration of this measure. It is going too far to assume that any such purpose is entertained by anyone. I trust Senators will treat it from the standpoint of courtesy and the high plane of fairness which has characterized the proceedings of this body, and not at the outset undertake to wave a red flag or provoke a condition of warfare here that the occasion does not justify. I say this to my friend from Utah.

Mr. SUTHERLAND. Mr. President, nothing would be further from any desire of mine than to insist upon going ahead if a very large proportion of the Members of the Senate do not feel inclined to do so, but I do think we ought to dispose of the bill this week.

Mr. CLARKE of Arkansas. I see no reason why it should not be done; and I have every reason to believe that it will be done.

Mr. SUTHERLAND. I was going to suggest to the Senator and to the Senate that so long as this measure is before the Senate undisposed of, we can of course do nothing else.

Mr. CLARKE of Arkansas. We ought not to desire to do anything else. It is a matter of sufficient importance in itself to justify the entire time of the Senate while it is under consideration.

Mr. SUTHERLAND. The Senator is perhaps familiar with the situation on that side of the Chamber.

Mr. CLARKE of Arkansas. I am entirely familiar with the situation on the other side of the Chamber, too.

Mr. SUTHERLAND. Does the Senator think that we can get a vote on the bill by Saturday?

Mr. CLARKE of Arkansas. I see no reason why we should not get a vote, if fair debate has been exhausted, at that time. I have not been aware of any purpose on the part of anyone to captiously obstruct the consideration of the bill, and I do not believe any such purpose prevails.

Mr. SUTHERLAND. Very well. I move that the Senate take a recess until 10 minutes before 12 to-morrow.

The PRESIDING OFFICER. The Senator from Utah moves that the Senate take a recess until 11 o'clock and 50 minutes a. m. to-morrow.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m., Thursday, May 2) the Senate took a recess until 11 o'clock and 50 minutes a. m. Friday, May 3, 1912.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 2, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, deepen our reverence for Thee and increase the divine within us that it may dominate the human and bring us closer to Thee, that we may hallow Thy name in thought, word, and deed. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

GOOD ROADS CONGRESS.

Mr. DUPRÉ. Mr. Speaker, in connection with the elaborate discussion which has recently been had in this House on the subject of good roads and in view of the general interest manifested in this important question, I take occasion at this time to call attention to the fact that the Fifth National Good Roads Congress will meet in the city of New Orleans on May 16, 17, 18, and 19, 1912.

The people of the State of Louisiana have evinced the greatest interest in good roads. In 1910 a constitutional amendment was adopted imposing a general tax of one-fourth of a mill therefor, and it is worthy of note that, while the people of the city of New Orleans will under the terms of that law receive but slight direct benefit as compared with other portions of the State and will yet be compelled to pay the same tax as those owning property outside of the city, the constitutional amendment was carried in the city of New Orleans by a heavy vote. The people of that city realize the inestimable value of good roads and feel that any improvement in them in rural sections must of necessity sooner or later redound to the benefit of urban communities. I mention this fact to show that in our State, at least, there is no clash or conflict between the city and the country on this great question. I trust that a similar spirit of mutual cooperation obtains and will obtain in other parts of the Union.

I beg leave to submit the official call of Arthur C. Jackson, president of the National Good Roads Association, under whose auspices the coming congress in the city of New Orleans is to be held, and the proclamation of Jared Young Sanders, governor of Lousiana, in reference thereto, which I ask to be inserted in the RECORD:

OFFICIAL CALL OF THE FIFTH NATIONAL GOOD ROADS CONGRESS.

To the people of the United States:

The Fifth National Good Roads Congress is hereby called to meet at New Orleans, May 16, 17, 18, and 19, Chicago June 17, and Baltimore June 24, 1912, under the auspices of the National Good Roads Association.

May 16 and 17 will be devoted to the general problem of good roads and streets in their relation to the city, State, and Nation, at which time a Louisiana State good roads association will be developed.

May 18 will be woman's day in connection with the First Louisiana Woman's State Good Roads Convention to be conducted by the club women of Louisiana.

May 19 will be good-roads Sunday, in which the churches of all denominations are urged to participate in a union meeting in recognition of the vital relationship of good roads and streets to the church, school, and home.

June 17, at Chicago (the day before the Republican Party national convention), and June 24, at Baltimore (the day before the Democratic Party national convention), will be devoted to plans for securing good-roads planks in the national party platforms and a general recognition and adoption of State and national aid for the construction and maintenance of public highways.

Officials of all States, counties, cities, associations, corporations, and women's clubs are invited to send delegates.

The President of the United States and ex-President Roosevelt have been named as honorary presidents of this congress. The Vice President of the United States, ex-Vice Presidents Morton, Stevenson, and Fairbanks, the Speaker of the House of Representatives, the Cabinet, United States Senators, Congressmen, and governors of States and Territories honorary vice presidents. Members of State and Territorial legislatures, State highway commissioners and engineers, officers of all good roads, agricultural transportation, industrial, commercial, educational and religious organizations, mayors of cities, State and county superintendents of schools, clergymen, teachers, all members of women's clubs, all rural free-delivery carriers, and the editors of all regular publications honorary members.

The history of the National Good Roads Association has been one of continuous and successful promotion of the good-roads movement since its organization in 1900. Its objects are, first, to associate all interested organizations and individuals in a universal demand for the permanent improvement of public roads and streets; second, to secure better results from the millions of dollars annually expended upon the public roads and streets; third, to have established in all States and Territories highway departments with practical engineering supervision; fourth, to secure thorough teaching of highway engineering in all universities and agricultural colleges; fifth, to utilise all able-bodied tramps, vagrants, paupers, prisoners, and convicts in preparing materials and building public roads and streets; and sixth, to secure State and national aid for the construction and maintenance of permanent public roads.

The good-roads movement in nearly every State had its inception in conventions held by the National Good Roads Association; hundreds of conventions have been held and hundreds of thousands of good-roads addresses have been distributed.

On May 23, 1908, the National Good Roads Congress was incorporated under the laws of the State of Illinois to associate all interested in a national movement for good roads, and the following call was signed by the governors of 40 States and the mayors of more than 100 leading cities:

"Recognizing a well nigh universal sentiment in favor of better public highways and believing that a general discussion of this great problem from every point of view will prove timely and effective, the undersigned join in urging all interested to attend the National Good Roads Congress at Chicago, June 15, 1908, and Denver, July 6, 1908, that the results of its deliberations may be presented for the consideration of the coming national conventions, all legislative bodies, and the public in general."

As a result of the congress the Republican national convention at Chicago adopted the following good-roads plank in its platform:

"We recognize the social and economic advantages of good country roads, maintained more and more largely at public expense and less and less at the expense of the abutting owner."

And the Democratic national convention at Denver declared:

"We favor Federal aid to State and local authorities in the construction and maintenance of post roads."

The second National Good Roads Congress was held at Johns Hopkins University, Baltimore, May 18, 19, 20, and 21, 1909, and in Washington, D. C., May 22, 1909. It was opened by Cardinal Gibbons and addressed by Vice President SHERMAN, Speaker CANNON, Gov. Crothers, and many of the most prominent men in public life.

The third national congress was held at Niagara Falls, N. Y., July 28, 29, and 30, 1910, and was addressed by distinguished good-roads advocates from 11 States and from Canada.

The fourth national congress was held at Birmingham, Ala., May 23, 24, 25, and 26, 1911, with 1,364 delegates in attendance from 18 States.

The importance of this movement for good roads is being recognized as never before, and it is felt that when the women of the Nation add their influence to that of the press and clergy a victory will have been won, greater and more far-reaching in effect than any other within a generation. For it is a matter of tremendous import that in the United States bad roads are directly responsible for the loss of a billion dollars a year, and the saving of this stupendous sum surely constitutes an economic question of vast importance.

When the agricultural production of the United States for the past 11 years totals more than $70,000,000,000 a sum to stagger the imagination, and it cost more to take this product from the farm to the station than from such station to the American and European markets, and when the saving in cost of moving this product of agriculture over good roads instead of bad would have built a million miles of good roads, the incalculable waste of bad roads in this country is shown to be of such enormous proportions as to demand immediate reformation and the wisest and best statesmanship.

Great as is the loss to transportation, mercantile, industrial, and farming interests, incomparably greater is the loss to women and children and social life, a matter as important as civilization itself, and the truth of the declaration of Charles Sumner 50 years ago, that "the two greatest forces for the advancement of civilization are the schoolmaster and good roads," is emphasized by the experience of the intervening years and points to the wisdom of a union of educational forces for aggressive action for permanent roads and streets.

New Orleans is the place and May 16, 17, 18, and 19 is the time.

THE NATIONAL GOOD ROADS ASSOCIATION,
ARTHUR C. JACKSON, *President.*

Proclamation of State of Louisiana.

Whereas the people of Louisiana have by constitutional amendment adopted a special tax for use in State aid for good roads;

Whereas this movement for the betterment of our highways is absolutely essential to our material development and is fast gaining in strength in every community of our State; and

Whereas on the invitation and earnest solicitation of the mayor and the commercial organizations of the city of New Orleans it has been decided to hold the next meeting of the National Good Roads Association in the city of New Orleans on May 16, 17, 18, and 19, 1912:

Now, therefore, I, Jared Young Sanders, governor of Louisiana, do hereby issue this, my proclamation, calling on the mayors of our several cities, towns, and villages, the police juries of our several parishes, farmers' organizations, agricultural clubs, and commercial bodies to appoint and send delegates to this Good Roads Congress, and I request these delegates appointed and all other good citizens whose convenience will permit to attend this Good Roads Congress and thereby obtain the direct and inestimable benefit of an interchange of ideas and experiences with the delegates from other States.

In testimony whereof I have hereby set my hand and caused to be fixed the great seal of the State this 15th day of April, 1912.

[SEAL.] J. Y. SANDERS, *Governor.*
EDW. EVERETT, *Secretary of State.*

POST OFFICE APPROPRIATION BILL.

The SPEAKER. The unfinished business for to-day is the disposition of the Post Office appropriation bill. The previous question was ordered on the bill H. R. 21279 and all amendments to its final passage.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to offer an amendment to the bill H. R. 21279, the Post Office appropriation bill, which passed on Tuesday, and ask that it be read.

The SPEAKER. The bill has not been passed.

Mr. FOSTER. It has passed the Committee of the Whole. This is a matter to which the gentleman from Connecticut [Mr. REILLY] had an amendment, and it was understood it was to be offered. He is unavoidably absent to-day and has requested that I ask unanimous consent that the amendment be offered.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 23, line 18, by inserting after the word "mail" the following:

"*Provided*, That the sum of $6,000 be immediately available for the payment to the widow or next of kin of J. S. March, O. S. Woody,

and W. L. Gwinn, sea post clerks, who lost their lives on the S. S. *Titanic*, said sum to be equally divided, $2,000 to each widow or next of kin."

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent to offer the amendment which has just been reported. Is there objection?

Mr. MANN. Reserving the right to object, I understand the proposition as now presented would make available $6,000—$2,000 a person——

Mr. FOSTER. Yes, sir; that is correct.

Mr. MANN (continuing). On account of the mail clerks who lost their lives in the *Titanic*, which, if the provision which is already inserted in the bill were already in the law, they would receive anyhow?

Mr. FOSTER. That is correct. We inserted a provision in the law that sea postal clerks should receive the same amount as railway postal clerks; that is, $2,000 to be paid the legal representatives for each person who loses his life while in the service by accident.

Mr. MANN. This would simply provide as though the law had already been in operation when this disaster happened?

Mr. FOSTER. Yes, sir; the same thing.

Mr. MANN. I ask the gentleman from Illinois [Mr. FOSTER] this. I do not know of any law in existence now that would authorize the payment.

Mr. FOSTER. There is not any law now that provides for sea post clerks.

Mr. MOON of Tennessee. This is, in effect, an extra appropriation for that purpose?

Mr. FOSTER. Yes; for that purpose—that these three men who lost their lives in the *Titanic* disaster should be paid the same amount as those railway postal clerks who lose their lives in the discharge of their duty.

Mr. MOON of Tennessee. In other words, under existing law, if these men had lost their lives on the railroad, their widows or heirs would in each case have got $2,000, but for want of law covering the sea postal clerks their widows or children would get nothing except for this appropriation?

Mr. FOSTER. That is correct.

Mr. BATHRICK. Employed in the United States service?

Mr. FOSTER. Yes; employed in the United States service.

Mr. BARTLETT. Mr. Speaker, I notice that the amendment of the gentleman says "widows or next of kin." The amendment offered says the money shall be paid "to the widows or next of kin." It seems to me it ought to go to the widows and children surviving, and if none, to their dependent parents. The gentleman's amendment reads "to their widows or next of kin."

Mr. FOSTER. I could not say as to that.

Mr. CALDER. I can say, for the information of the gentleman, that Mr. Gynn had a wife and six children.

Mr. BARTLETT. The money should go to the wife and children surely. I call the attention of the gentleman to the matter. It may be amended in some other place. The provision should be guarded as to who shall be the beneficiaries. It is virtually a gift by the Congress. Of course, I am willing to give this to them, but it ought to go to the people who are dependent. We so provide in the law with regard to the postal clerks on railroads. It should be the same language in both cases, affecting railway postal clerks and sea postal clerks. The person or persons next of kin might be third or fourth cousins, and it might be that there is nobody dependent on these deceased clerks. The next of kin might be able to take care of himself and have ample means. The object of the law in the case of a postal railway clerk is to provide for the dependent family of one who dies or is killed on the railroad.

Mr. FOSTER. I will state to the gentleman that the present law provides for the payment of $2,000 to the legal representative and makes that $2,000 exempt from use or seizure for any debts.

Mr. BARTLETT. In that way it would go into the estate of the man who was killed, and it would be administered and turned over to his wife and children or other dependents.

Mr. FOSTER. I think it would go to the next of kin of these three sea postal clerks.

Mr. BARTLETT. One might have a wife and children, and the others might not have anything but cousins, uncles, or aunts.

Mr. FOSTER. I could not answer the gentleman positively, but my understanding is that these postal clerks, if they have not wives, have immediate relatives, as, for instance, a mother, who would be paid this amount of money.

Mr. BARTLETT. If the gentleman would provide as they do in the matter of the Life-Saving Service, the money would go to the widows and children or dependent parents. In other words, when the Government gives this as a gratuity, the Government ought not to be called upon to contribute something by reason of the death of one of its employees to somebody who is not dependent on the person who dies or is killed, or to somebody who may be competent to take care of himself. The idea of the law is to take care of the widows and children and those dependent on those who die or are killed in the service of the Government; not to everybody who may be of kin to them. I do not feel like objecting, Mr. Speaker. It would be an ungracious thing to do. I suggest, however, to the consideration of the gentleman from Illinois [Mr. FOSTER] and of my friend from Tennessee [Mr. MOON] that if this amendment is adopted it should be so framed as to take care of the people who were dependent on these clerks.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment to the Post Office appropriation bill?

Mr. MANN. Mr. Speaker, I demand a separate vote on what is known as the Shackleford amendment and on what is known as the Barnhart amendment.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands a separate vote on the Shackleford amendment and another separate vote on the Barnhart amendment. The Clerk will report the Shackleford amendment.

Mr. FOWLER. Mr. Speaker, I ask for a separate vote on what is known as the Mann amendment for the Sunday closing of the post offices.

The SPEAKER. The gentleman from Illinois [Mr. FOWLER] demands a separate vote on the Mann amendment about closing post offices on Sunday. Is a separate vote demanded on any other amendment besides these three? If not, the Chair will put the rest of them in gross.

No other separate vote was demanded.

The other amendments were agreed to.

The SPEAKER. The Clerk will report the Shackleford amendment.

The Clerk began the reading of the amendment, which is as follows:

On page 35, at the end of line 7, insert the following:

"That for the purposes of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

"Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of shells, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highway of any State, or civil subdivision thereof, which falls within classes A, B, or C, for the purpose of transporting rural mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of Class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C. That any question arising as to the proper classification of any road used for transporting rural mail shall be determined by the Secretary of Agriculture. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act, under and in accordance with rules and regulations prescribed jointly by the Secretary of the Treasury and the Postmaster General: *Provided, however*, That no payment shall be made under the provisions of this paragraph for the use of any privately owned or toll road.

"The provisions of this paragraph shall go into effect on the 1st day of July, 1913."

During the reading,

Mr. MANN. Mr. Speaker, I ask unanimous consent that the further reading of the amendment be dispensed with.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the further reading of the amendment be dispensed with. Is there objection?

There was no objection.

The question being taken, on a division (demanded by Mr. MANN) there were—ayes 136, noes 49.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 240, nays 86, answered "present" 4, not voting 61, as follows:

YEAS—240.

Adair	Driscoll, D. A.	Johnson, S. C.	Rauch
Adamson	Dupré	Jones	Rees
Aiken, S. C.	Dwight	Kendall	Richardson
Ainey	Dyer	Kennedy	Roberts, Nev.
Akin, N. Y.	Edwards	Kinkaid, Nebr.	Robinson
Alexander	Ellerbe	Lafean	Roddenbery
Allen	Esch	Lafferty	Rodenberg
Anderson, Minn.	Estopinal	La Follette	Rothermel
Anderson, Ohio	Faison	Lamb	Rouse
Ansberry	Farr	Langham	Rubey
Anthony	Fergusson	Langley	Rucker, Colo.
Ashbrook	Ferris	Lee, Ga.	Rucker, Mo.
Austin	Finley	Lee, Pa.	Russell
Barchfeld	Flood, Va.	Legare	Saunders
Barnhart	Fordney	Lenroot	Sells
Bathrick	Foster	Lever	Shackleford
Bell, Ga.	Fowler	Lewis	Sharp
Blackmon	French	Lindbergh	Simmons
Boehne	Gardner, N. J.	Littlepage	Sisson
Booher	Garner	Lloyd	Slemp
Borland	Glass	Lobeck	Sloan
Bowman	Godwin, N. C.	Loud	Small
Bradley	Goeke	McGillicuddy	Smith, J. M. C.
Broussard	Good	McGuire, Okla.	Smith, Saml. W.
Brown	Goodwin, Ark.	McKellar	Smith, Tex.
Browning	Gould	McKenzie	Speer
Buchanan	Graham	McKinney	Stanley
Burke, S. Dak.	Gray	McLaughlin	Stedman
Burke, Wis.	Green, Iowa	Maguire, Nebr.	Steenerson
Burnett	Gregg, Tex.	Martin, Colo.	Stephens, Cal.
Butler	Griest	Martin, S. Dak.	Stephens, Miss.
Byrnes, S. C.	Gudger	Matthews	Stephens, Nebr.
Byrns, Tenn.	Guernsey	Miller	Sterling
Candler	Hamilton, Mich.	Moon, Tenn.	Stone
Cannon	Hamilton, W. Va.	Morgan	Sulloway
Cantrill	Hamlin	Morse, Wis.	Sweet
Carlin	Hammond	Moss, Ind.	Taggart
Carter	Hardy	Mott	Talbott, Md.
Cary	Harrison, Miss.	Murdock	Taylor, Colo.
Claypool	Hartman	Neeley	Taylor, Ohio
Clayton	Haugen	Norris	Thistlewood
Cline	Hawley	Oldfield	Thomas
Collier	Hay	O'Shaunessy	Towner
Cooper	Hayden	Padgett	Tribble
Covington	Heald	Page	Turnbull
Cox, Ohio	Heflin	Palmer	Underhill
Crago	Helgesen	Parran	Underwood
Cullop	Helm	Patton, Pa.	Volstead
Currier	Henry, Tex.	Pepper	Warburton
Daugherty	Holland	Pickett	Watkins
Davis, Minn.	Howard	Plumley	Webb
De Forest	Howell	Porter	Wedemeyer
Dent	Howland	Post	Whitacre
Denver	Hubbard	Pou	White
Dickinson	Hughes, Ga.	Powers	Wickliffe
Difenderfer	Hull	Pray	Willis
Dixon, Ind.	Humphreys, Miss.	Prince	Wilson, Pa.
Dodds	Jackson	Prouty	Wood, N. J.
Doremus	Jacoway	Raker	Young, Kans.
Doughton	James	Ransdell, La.	Young, Tex.

NAYS—86.

Ayres	Floyd, Ark.	Levy	Sabath
Bartholdt	Foss	Littleton	Scully
Bartlett	Fuller	Longworth	Sherley
Beall, Tex.	Gallagher	McCall	Sherwood
Berger	Garrett	McCoy	Sims
Brantley	George	McDermott	Slayden
Bulkley	Gillett	Macon	Stephens, Tex.
Calder	Goldfogle	Madden	Stevens, Minn.
Catlin	Hamill	Maher	Sulzer
Conry	Hayes	Malby	Talcott, N. Y.
Copley	Henry, Conn.	Mann	Taylor, Ala.
Curry	Higgins	Mondell	Thayer
Dalzell	Hill	Moore, Pa.	Tilson
Danforth	Hughes, N. J.	Moore, Tex.	Townsend
Davis, W. Va.	Humphrey, Wash.	Murray	Tuttle
Dies	Kent	Needham	Utter
Donohoe	Kindred	Nelson	Wilder
Draper	Kinkead, N. J.	Nye	Wilson, Ill.
Driscoll, M. E.	Knowland	Patten, N. Y.	Wilson, N. Y.
Evans	Kopp	Payne	Witherspoon
Fairchild	Korbly	Peters	
Fitzgerald	Lawrence	Rainey	

ANSWERED "PRESENT"—4.

Campbell	Moon, Pa.	Riordan	Young, Mich.

NOT VOTING—61.

Ames	Fields	Johnson, Ky.	Redfield
Andrus	Focht	Kahn	Reilly
Bates	Fornes	Kitchin	Reyburn
Burgess	Francis	Konig	Roberts, Mass.
Burke, Pa.	Gardner, Mass.	Konop	Sheppard
Burleson	Greene, Mass.	Lindsay	Smith, Cal.
Callaway	Gregg, Pa.	Linthicum	Smith, N. Y.
Clark, Fla.	Hanna	McCreary	Sparkman
Connell	Hardwick	McHenry	Stack
Cox, Ind.	Harris	McKinley	Switzer
Cravens	Harrison, N. Y.	McMorran	Vreeland
Crumpacker	Hensley	Mays	Weeks
Curley	Hinds	Morrison	Woods, Iowa.
Davenport	Hobson	Olmsted	
Davidson	Houston	Pujo	
Dickson, Miss.	Hughes, W. Va.	Randell, Tex.	

So the amendment was agreed to.

The following pairs were announced:

For the session:

Mr. PUJO with Mr. MCMORRAN.

Mr. RIORDAN with Mr. ANDRUS.

Mr. FORNES with Mr. BRADLEY.

Until further notice:

Mr. SMITH of New York with Mr. CRUMPACKER.

Mr. CLARK of Florida with Mr. AMES.

Mr. CONNELL with Mr. BURKE of Pennsylvania.

Mr. CURLEY with Mr. FOCHT.

Mr. FIELDS with Mr. GREENE of Massachusetts.

Mr. FRANCIS with Mr. HARRIS.

Mr. HOBSON with Mr. HUGHES of West Virginia.

Mr. JOHNSON of Kentucky with Mr. MCCREARY.

Mr. KONOP with Mr. ROBERTS of Massachusetts.

Mr. LINTHICUM with Mr. HINDS.

Mr. HARRISON of New York (against) with Mr. MCKINLEY (in favor).

Mr. MCHENRY with Mr. SWITZER.

Mr. RANDELL of Texas with Mr. VREELAND.

Mr. RILEY with Mr. WOODS of Iowa.

Mr. KITCHIN with Mr. OLMSTED.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. COX of Indiana with Mr. REYBURN.

Mr. SHEPPARD with Mr. BATES.

Mr. MORRISON with Mr. SMITH of California.

Mr. BURLESON with Mr. KAHN.

Mr. GREGG of Pennsylvania with Mr. Young of Michigan.

Mr. HARDWICK with Mr. CAMPBELL.

From April 17 to May 1:

Mr. BURGESS with Mr. WEEKS.

From April 13 to May 4:

Mr. HENSLEY with Mr. HANNA.

Mr. LANGLEY. Mr. Speaker, I answered "present" because of a general pair that I have with my colleague Mr. FIELDS. I am informed that if he were present he would vote "yea," and therefore I desire to vote.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. LANGLEY, and he voted "Yea," as above recorded.

Mr. CAMPBELL. Mr. Speaker, I have a pair with the gentleman from Georgia, Mr. HARDWICK. On the roll call I answered "yea." I desire to withdraw that and answer "present."

The Clerk called the name of Mr. CAMPBELL, and he answered "Present," as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER. The Clerk will report the Barnhart amendment.

The Clerk read as follows:

As an amendment to the amendment, after line 15, page 28, of H. R. 21279, insert the following:

"That it shall be unlawful for any person, association, or corporation to enter or deposit, or to have entered or deposited, into the mails of the United States, as second-class mail matter, any newspaper, magazine, or other periodical publication of like kind published in the United States, unless such publication shall have plainly printed in a conspicuous place therein the name or names of the managing editor or managing editors, the name or names of the publisher or publishers, and the name or names of the owner or owners, including the name or names of the owner or owners of stock, bonds, or other securities, to the amount of $550 or more, which have been issued or sold by the said person, association, or corporation owning or controlling such publication and which may be outstanding: *Provided*, That in the case of newspapers published daily or daily except Sunday it shall be sufficient to publish said names once each week on the same day each week. Also all editorial or other reading matter published in any such circulating periodical, for which money or other consideration is accepted by the publisher or publishers, shall be plainly marked "advertisement" or signed by the name or names of the person or persons in whose interest or interests such article is published. Any person, association, or corporation that shall so enter or deposit, or have entered or deposited, in the mails of the United States any such newspaper, magazine, or periodical publication of like kind in violation of the foregoing provisions shall be guilty of a misdemeanor and be fined in any sum not less than $100 nor more than $1,000 for each offense: *Provided*, That nothing in the paragraph contained shall apply to or include periodical publications published by or under the auspices of fraternal or benevolent societies or orders or trade unions."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 175, nays 54.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 243, nays 77, answered "present" 3, not voting 68, as follows:

YEAS—243.

Adair	Alexander	Ansberry	Ayres
Adamson	Allen	Anthony	Barchfeld
Aiken, S. C.	Anderson, Minn.	Ashbrook	Barnhart
Akin, N. Y.	Anderson, Ohio	Austin	Beall, Tex.

Bell, Ga.	Foster	Lenroot	Rouse
Berger	Fowler	Lever	Rubey
Blackmon	French	Lindbergh	Rucker, Colo.
Boehne	Gallagher	Linthicum	Rucker, Mo.
Booher	Garner	Littlepage	Russell
Borland	Garrett	Littleton	Sabath
Bowman	George	Lloyd	Saunders
Broussard	Glass	Lobeck	Scully
Brown	Godwin, N. C.	Longworth	Shackleford
Buchanan	Goeke	Loud	Sharp
Bulkley	Good	McDermott	Sherwood
Burke, S. Dak.	Goodwin, Ark.	McGillicuddy	Sims
Burke, Wis.	Gould	McGuire, Okla.	Sisson
Burnett	Graham	McKellar	Slemp
Byrnes, S. C.	Gray	McKenzie	Sloan
Byrns, Tenn.	Green, Iowa	McKinney	Small
Candler	Gregg, Tex.	Macon	Smith, J. M. C.
Cantrill	Griest	Maguire, Nebr.	Smith, N. Y.
Carlin	Gudger	Maloy	Smith, Tex.
Carter	Hamilton, W. Va.	Martin, Colo.	Stedman
Cary	Hamlin	Martin, S. Dak.	Steenerson
Clayton	Hammond	Matthews	Stephens, Cal.
Cline	Hardy	Moon, Tenn.	Stephens, Miss.
Collier	Harrison, Miss.	Moore, Tex.	Stephens, Nebr.
Conry	Haugen	Morgan	Stephens, Tex.
Cooper	Hawley	Morrison	Sterling
Copley	Hayden	Morse, Wis.	Stone
Covington	Hayes	Moss, Ind.	Sulzer
Cox, Ohio	Heflin	Mott	Sweet
Cullop	Helgesen	Murdock	Taggart
Curry	Helm	Needham	Talbott, Md.
Danforth	Henry, Tex.	Neeley	Taylor, Ala.
Daugherty	Holland	Nelson	Taylor, Colo.
Davenport	Howard	Norris	Taylor, Ohio
Davis, Minn.	Hughes, Ga.	Oldfield	Thayer
Davis, W. Va.	Hughes, N. J.	O'Shaunessy	Thomas
Dent	Hull	Padgett	Towner
Denver	Humphrey, Wash.	Page	Tribble
Dickinson	Humphreys, Miss.	Parran	Turnbull
Dies	Jackson	Patton, Pa.	Underhill
Difenderfer	Jacoway	Pepper	Underwood
Dixon, Ind.	Johnson, S. C.	Peters	Volstead
Donohoe	Jones	Pickett	Warburton
Doremus	Kendall	Porter	Watkins
Doughton	Kennedy	Post	Webb
Driscoll, D. A.	Kent	Pou	Wedemeyer
Edwards	Kinkaid, Nebr.	Powers	Whitacre
Ellerbe	Kinkead, N. J.	Pray	White
Esch	Kopp	Prince	Wickliffe
Estopinal	Korbly	Rainey	Willis
Evans	Lafean	Raker	Wilson, Ill.
Faison	Lafferty	Rauch	Wilson, N. Y.
Fergusson	La Follette	Rees	Wilson, Pa.
Ferris	Lamb	Richardson	Witherspoon
Finley	Langham	Roberts, Nev.	Young, Kans.
Flood, Va.	Langley	Robinson	Young, Tex.
Fordney	Lee, Pa.	Roddenbery	

NAYS—77.

Ainey	Fairchild	Knowland	Sells
Bartholdt	Farr	Lawrence	Sherley
Bartlett	Fitzgerald	Lee, Ga.	Simmons
Bathrick	Floyd, Ark.	Legare	Slayden
Brantley	Foss	McCoy	Smith, Saml. W.
Browning	Fuller	McKinley	Speer
Butler	Gardner, N. J.	McLaughlin	Stevens, Minn.
Calder	Gillett	Madden	Sulloway
Cannon	Goldfogle	Maher	Talcott, N. Y.
Catlin	Guernsey	Mann	Tilson
Crago	Hamilton, Mich.	Miller	Townsend
Currier	Hartman	Mondell	Tuttle
Dalzell	Heald	Moore, Pa.	Utter
De Forest	Henry, Conn.	Nye	Vreeland
Dodds	Higgins	Patten, N. Y.	Wilder
Draper	Hill	Payne	Wood, N. J.
Driscoll, M. E.	Howell	Plumley	Young, Mich.
Dupré	Howland	Ransdell, La.	
Dwight	Hubbard	Rodenberg	
Dyer	Kindred	Rothermel	

ANSWERED "PRESENT"—3.

Campbell	McCall	Riordan

NOT VOTING—68.

Ames	Fields	Hughes, W. Va.	Palmer
Andrus	Focht	James	Prouty
Bates	Fornes	Johnson, Ky.	Pujo
Bradley	Francis	Kahn	Randell, Tex.
Burgess	Gardner, Mass.	Kitchin	Redfield
Burke, Pa.	Greene, Mass.	Konig	Reilly
Burleson	Gregg, Pa.	Konop	Reyburn
Callaway	Hamill	Levy	Roberts, Mass.
Clark, Fla.	Hanna	Lewis	Sheppard
Claypool	Hardwick	Lindsay	Smith, Cal.
Connell	Harris	McCreary	Sparkman
Cox, Ind.	Harrison, N. Y.	McHenry	Stack
Cravens	Hay	McMorran	Stanley
Crumpacker	Hensley	Mays	Switzer
Curley	Hinds	Moon, Pa.	Thistlewood
Davidson	Hobson	Murray	Weeks
Dickson, Miss.	Houston	Olmsted	Woods, Iowa

So the amendment was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. HARRISON of New York with Mr. HINDS.

Mr. GREGG of Pennsylvania with Mr. SMITH of California.

Mr. JAMES with Mr. CRUMPACKER.

The result of the vote was announced as above recorded.

PARCEL POST.

Mr. SULZER. Mr. Speaker, as an evidence that the people of this country want a general parcel post along the lines of the amendment I offered to the pending Post Office appropriation bill, and that I was right in what I said concerning the matter, I desire to read at this time a leading editorial from the New York Press, dated May 1, 1912:

PARCEL-POST ZONES.

Senator BOURNE proposes a zone system of charges in the parcel-post bill he has just introduced, with varying rates running up to 12 cents a pound for packages not more than 11 pounds carried farther than 2,000 miles. The lowest charge under the Bourne bill is 15 cents for an 11-pound package carried within the limits of a city. On the whole, the average rate of the Bourne bill is far lower than 8 cents a pound in the zones within 1,000 miles, except that the 1-pound package in the 1,000-mile zone pays 9 cents, but each additional pound at 5 cents brings the rate for the maximum package going that distance down to 59 cents as against the 88 cents it would cost under the Sulzer bill. Beyond the zones lying within 1,000 miles the rate, of course, is far higher than the uniform charge of 8 cents a pound for a maximum package of 11 pounds under the measure advocated by Representative SULZER, of New York.

But the Sulzer bill is preferable to the Bourne measure because it is based on the same idea as the uniform letter postage for all distances. That idea rests on the law proclaimed in 1837 by Rowland Hill and ever since adopted by the Governments of the world, and it is this: That once a public transport service is in operation the cost of its use is regardless of the distance traversed upon the moving machinery by any unit of traffic within its capacity.

In the debate on the parcel post a question was asked by Representative NORRIS which occurs to every one unfamiliar with the principle on which the uniform letter postage is based. It would cost 88 cents, under the Sulzer scheme, to send a package weighing 11 pounds across the river from Washington to Alexandria. Did not the gentleman think that charge would be exorbitant and unreasonable? Representative SULZER'S reply was: "No more so in comparison than the cost for a letter carried the same distance."

It is right that mail matter of all kinds should be carried on the uniform system of charges. No distinction should be made in principle between a letter and a package. If the same man shipping a package from Washington to Alexandria for 88 cents were to ship another package from Alaska to Portland, Me., the 88 cents would seem ridiculously low. But the cost of the service in the two cases put together would be met by the two charges for the service combined.

Senator BOURNE'S project is unwelcome not only because it would introduce into the postal scheme a principle at variance with one of its fundamentals but because it opens up a new avenue of discussion and delay. Like the proposition for the Government to buy out the express companies and assume their monopoly itself, the zone-system idea has the effect of distracting attention from the sound and simple program embodied in the general parcel-post measure which Representative SULZER has long been urging on Congress. That bill has the approval of many organizations representing millions of citizens. It is the program upon which all advocates of the parcel post who want to stop talking and establish that great public convenience are in full agreement. Senator BOURNE has done the country great service, and we regard the act of the Republicans of Oregon in retiring him from his seat at the recent primaries as altogether deplorable. But it was perhaps because of a belief on their part that his advocacy of the parcel-post principle was not effective that Mr. BOURNE was deprived of another term in the Senate.

Every Member of Congress who really wants the parcel post will vote for the Sulzer bill. Anyone who votes against it will have difficulty in making the people believe that he is not interested in swelling the golden gains of the extortionate express monopoly.

Mr. Speaker, that editorial from one of the great progressive newspapers of this country speaks for itself and needs no further comment from me.

I now read another editorial, from the New York Evening Mail, dated May 1, 1912:

AN IMITATION PARCEL POST.

About the best that can be said for the parcel-post feature of the Post Office appropriation bill as approved by the House is that it is a makeshift, which is more likely to complicate than to simplify the whole question to which it relates.

The measure provides for an experimental parcel post for rural routes exclusively and a general system applicable to parcels of fourth-class mail matter not exceeding 11 pounds in weight. The rate for the general system is fixed at 12 cents a pound, as prescribed by the International Postal Union, but for the rural route system the rate is 5 cents for the first pound and 1 cent for each additional pound.

The trouble with this arrangement is that it divides parcel-post traffic into two classes and prescribes a different rate for each. In other words, it proposes a discrimination in postal rates based solely on the route over which the traffic passes. In that respect it is a repudiation of the principle of uniformity in charges which governs the entire mail service.

It is amazing that this ill-considered measure should have received the approval of the House as against the Sulzer bill. The latter proposes a simple, businesslike parcel post, general in scope and uniform in rates. The people want it, but the express companies do not, and that explains what has happened.

Mr. SULZER. Mr. Speaker, that editorial is from one of the leading Republican papers in this country. It tells the story, and I am glad to put it in the RECORD.

I now read another editorial from the New York Evening Mail, dated April 29, 1912:

GIVE US A REAL PARCEL POST.

As a demonstration of the art of making two bites of a cherry the creation of a limited parcel post, as proposed in the Post Office appropriation bill now before Congress, may be all right, but as a measure of business policy it is all wrong. If the parcel-post system is sound it should be general, not limited. The proposal for a limited system, together with the creation of a special commission to investigate its op-

eration, is a shifty expedient that will please nobody bue the express companies, from whose extortions the public demands relief.

There is no need of an inquiry as to the desirability of a general parcel post. The value of the system is certified to by every Government that has adopted it. In its ramifications and efficiency our mail service is the best in the world, but in its provisions for carrying merchandise packages we are away behind even the smaller of the European countries. To establish a limited parcel post, confining the service to packages on particular routes, would be an injustice to the routes excluded. It would be like granting a 1-cent letter rate on certain routes and charging 2 cents on others.

The Sulzer bill embodies the true and business-like method of dealing with the matter. It proposes a general parcel-post system applicable to the entire mail service, without any frills or commissions. Naturally, the express companies are opposed to it, but that fact is one of the strongest arguments for its enactment.

Mr. SULZER. Mr. Speaker, that editorial tells the truth, and I hope it will be read by the taxpayers of the country.

I now read an editorial, dated Monday, April 29, 1912, from the New York Evening Globe, a fearless independent newspaper in the city of New York:

FOR PARCEL POST.

Washington dispatches agree that the parcel post is now in good shape to be pushed. At the moment nothing better than the so-called experimental delivery on rural routes is expected at this session. There is no reason, however, why a great deal more should not be obtained. A definite proposal for a general distribution of packages is before the House. It is being seriously considered. The Postal Progress League and other influential bodies indorse it. It is necessary only that public opinion shall express itself in terms which the lawmakers will understand, as demanding that the interests of the people are superior to those of private concerns.

Early in the session the Post Office Committee suggested a two years' trial in the outlying districts. This was intended as a sop that would keep "excessive demands" in order and leave the express companies undisturbed. But the parcel-post men were not appeased. Refusing to accept what they regard as not even an experimental parcel post, they insisted on the real article or nothing. Mr. SULZER responded with a resolution, amending the committee's measure, which meets this requirement. It provides for the delivery of packages of as much as 11 pounds weight instead of only 4, at a postage of 8 cents a pound instead of 16. This is little better than a return to the conditions which the express companies induced Congress to change more than 30 years ago. But it is a very great advance. It would put us abreast of most other progressive countries in this important matter and, if Mr. SULZER's estimates are correct, without cost to the country. He thinks, indeed, that such a service would show a handsome profit, and there is no reason to doubt the soundness of his prediction.

Naturally the express companies object. They have long enjoyed the advantages of a system their own servants among our lawmakers put upon the country. The profits they have got out of it have made them rich enough to be enormously powerful. They will spare no effort to preserve as long as possible a condition that suits them so well. Other selfish interests are with them in the fight to prevent the people from getting what they are entitled to.

All this opposition, however, can be overcome by a determined effort. No reasonable argument has to be met. No vested interest needs to be protected against unfair treatment. The shoe is on the other foot. Vested interests have had their way long enough. It is time the people had theirs. And they can have it if they will speak out. Usually it is difficult to get out a proposal that gives full effect to a popular desire. The Sulzer resolution is not ideal by any means, but it goes a long way in the right direction. With such a bill enacted the country would be committed to the principle and practice of a real parcel post.

Mr. SULZER. Mr. Speaker, the editorial just read is a corroboration of all I have said in Congress on the subject of a general parcel post.

I now read a letter from the Farmers' National Congress:

[President: George M. Whitaker, 1404 Harvard Street NW., Washington, D. C. First vice president: C. F. Sanford, London, Ohio. Second vice president: R. H. Kirby, Dallas City, Ill. Treasurer: W. L. Ames, Oregon, Wis. Legislative agent: John M. Stahl, 6063 Jefferson Avenue, Chicago, Ill. Secretary: John H. Kimble, Port Deposit, Md. Assistant secretaries: O. D. Hill, Kendalia, W. Va.; Strod Hays, Newcastle, Ind.; J. H. Patten, Belton, S. C. Executive committee: Levi Morrison, Greenville, Pa.; A. C. Fuller, Dows, Iowa; L. C. Lawson, Clarks, Nebr. President, secretary, and treasurer, ex officio.]

FARMERS' NATIONAL CONGRESS, U. S. A.,
OFFICE OF THE PRESIDENT, 453 NEWTON STREET NW.,
Washington, D. C., April 29, 1912.

DEAR SIR: The representatives of the Farmers' National Congress have studied carefully the riders on the postal appropriation bill purporting to be a step in the further extension of the parcel-post business. But we are almost forced to believe that these provisions, if they become a law, may actually obstruct a reasonable development of the parcel-post system, and this may furnish an argument later on against a further extension of these facilities. Certain facts and speeches almost lead to the conclusion that some who favored these provisions did so with the purpose of defeating rather than promoting any increase of existing parcel-post facilities. We therefore believe that all real friends of enlarging the parcel-post system should vigorously oppose these riders and advocate something more extensive and something that will count for real parcel-post development.

Respectfully,
J. M. STAHL, *Legislative Agent.*
J. H. KIMBLE, *Secretary.*

Approved.
GEO. M. WHITAKER,
President Farmers' National Congress.

Mr. SULZER. Mr. Speaker, that is all I want to say now on this subject, save to make this prediction, that in less than two years from to-day the people of this country will have a general parcel post, the express companies to the contrary notwithstanding. The struggle for this beneficial postal legislation is not ended. The fight has just begun and the people will win.

The SPEAKER. The Clerk will report the Mann Sunday closing amendment.

The Clerk read as follows:

Amend, page 11, lines 24 and 25; in lieu of the amendment agreed to insert the following:

"In all, $37,878,000: *Provided*, That hereafter post offices of the first and second classes shall not be open on Sundays for the purpose of delivering mail to the general public; but this provision shall not prevent the prompt delivery of special-delivery mail."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. MADDEN. Mr. Speaker, I offer the following motion to recommit, and on that motion I demand the previous question.

Mr. MANN. But I submit the gentleman can not move the previous question yet. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Am I not entitled to recognition for the purpose of offering a motion to recommit, representing the minority?

The SPEAKER. The Chair has pursued this course about that ever since he has been Speaker. If any gentleman on the committee which has charge of a bill desires to offer a motion to recommit, the Chair has generally recognized him, and the Chair thinks that that course ought to be pursued. On tariff bills the Chair has always recognized the gentleman from New York [Mr. PAYNE], except at one time when he requested that the Chair recognize the gentleman from Pennsylvania [Mr. DALZELL], which the Chair did.

Mr. MANN. Mr. Speaker, will the gentleman state whether he is opposed to the bill?

Mr. MADDEN. Mr. Speaker, I am opposed to the bill.

The SPEAKER. The Clerk will report the motion of the gentleman from Illinois [Mr. MADDEN].

The Clerk read as follows:

By Mr. MADDEN. I move that the Post Office appropriation bill, No. 21279, now pending, be recommitted to the Committee on the Post Office and Post Roads, with instructions to strike out, on page 27, of the engrossed bill, line 15, and all following lines to and including line 26; and all of page 28; and all of page 29 down to line 24 on said page; and all of line 13 down to and including line 24 on page 33; and all of page 34 down to line 21; and to report the bill forthwith to the House so amended.

Mr. MADDEN. Mr. Speaker, on that I demand the previous question.

Mr. MOON of Tennessee. Mr. Speaker, I demand the previous question.

Mr. MANN. Mr. Speaker, and upon the previous question I demand the yeas and nays.

The SPEAKER. The gentleman from Tennessee demands the previous question, and the gentleman from Illinois [Mr. MANN], on that motion, demands the yeas and nays. All in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Fifty-four gentlemen have risen; not a sufficient number.

Mr. MANN. I submit, Mr. Speaker, that is more than one-fifth of a quorum.

The SPEAKER. That is true; but it requires one-fifth of those present to order the yeas and nays.

Mr. MANN. But I submit the Chair does not know how many are present without counting.

The SPEAKER. If any gentleman demands the other side the Chair will order it.

Mr. MADDEN. Mr. Speaker, I demand the other side.

Mr. MANN. Mr. Speaker, I make the point of order that without ordering the other side one-fifth of a quorum is sufficient to order the yeas and nays.

The SPEAKER. The invariable practice is to take the last vote as an indication of those present, and, counting the last vote, it would take 64 members to order the yeas and nays.

Mr. MANN. Mr. Speaker, I demand the other side.

The SPEAKER. The gentleman from Illinois demands the other side. All opposed to ordering the yeas and nays will rise and stand until counted. [After counting.] One hundred and eighty-nine gentlemen have risen. On this vote the ayes are 54 and the noes are 189. One fifth having risen, the yeas and nays are ordered.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. If the previous question shall not prevail, would it then be in order to offer to amend the instructions by an amendment providing for parcel post?

The SPEAKER. If the previous question is voted down, then any germane amendment to this motion of the gentleman from Illinois [Mr. MADDEN] is in order.

Mr. LENROOT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LENROOT. Would an amendment providing for a parcel post be germane?

The SPEAKER. The Chair is not called upon to pass upon the germaneness of any amendment until it is offered. The Clerk will call the roll.

The question was taken; and there were—yeas 177, nays 145, answered "present" 4, not voting 65, as follows:

YEAS—177.

Adair	Driscoll, D. A.	Kendall	Ransdell, La.
Adamson	Dupré	Kennedy	Rauch
Aiken, S. C.	Dyer	Kinkead, N. J.	Richardson
Alexander	Edwards	Konig	Rodenberg
Allen	Ellerbe	Korbly	Rothermel
Ashbrook	Estopinal	Lamb	Rouse
Austin	Evans	Langley	Rubey
Barchfeld	Faison	Lee, Ga.	Rucker, Colo.
Barnhart	Fergusson	Lee, Pa.	Rucker, Mo.
Bartlett	Ferris	Legare	Sabath
Beall, Tex.	Finley	Lever	Saunders
Bell, Ga.	Fitzgerald	Lewis	Scully
Blackmon	Flood, Va.	Linthicum	Shackleford
Boehne	Foster	Lloyd	Sharp
Booher	Fowler	Lobeck	Sherley
Borland	Gallagher	McCoy	Sherwood
Brantley	Garner	McDermott	Slayden
Broussard	Garrett	McGillicuddy	Slemp
Brown	George	McKellar	Small
Buchanan	Glass	Macon	Smith, N. Y.
Bulkley	Godwin, N. C.	Madden	Smith, Tex.
Burke, Wis.	Goeke	Maguire, Nebr.	Stedman
Burnett	Goldfogle	Maher	Stephens, Nebr.
Byrnes, S. C.	Gould	Martin, Colo.	Sterling
Byrns, Tenn.	Graham	Moon, Tenn.	Stone
Cantrill	Gray	Moore, Pa.	Taggart
Carlin	Green, Iowa	Moore, Tex.	Talbott, Md.
Carter	Gregg, Tex.	Morrison	Taylor, Ala.
Catlin	Gudger	Murray	Taylor, Colo.
Clayton	Hamill	Neeley	Thomas
Cline	Hamilton, W. Va.	O'Shaunessy	Towner
Collier	Hamlin	Padgett	Townsend
Conry	Hardy	Page	Turnbull
Covington	Haugen	Palmer	Tuttle
Cullop	Hay	Patten, N. Y.	Watkins
Curley	Heflin	Payne	Webb
Daugherty	Helgesen	Pepper	Whitacre
Davenport	Helm	Peters	Wickliffe
Davis, W. Va.	Henry, Tex.	Pickett	Wilson, N. Y.
Dent	Holland	Post	Wilson, Pa.
Denver	Hughes, Ga.	Pou	Witherspoon
Dies	Hull	Powers	Young, Tex.
Difenderfer	Humphreys, Miss.	Prouty	
Dixon, Ind.	Johnson, S. C.	Rainey	
Doughton	Jones	Raker	

NAYS—145.

Ainey	Floyd, Ark.	Lawrence	Sells
Akin, N. Y.	Fordney	Lenroot	Simmons
Anderson, Minn.	Foss	Levy	Sims
Anderson, Ohio	French	Lindbergh	Sisson
Ansberry	Fuller	Longworth	Sloan
Ayres	Gardner, N. J.	Loud	Smith, J. M. C.
Bartholdt	Gillett	McGuire, Okla.	Smith, Saml. W.
Bathrick	Good	McKenzie	Speer
Berger	Goodwin, Ark.	McKinley	Steenerson
Bowman	Griest	McKinney	Stephens, Cal.
Browning	Guernsey	McLaughlin	Stephens, Miss.
Burke, S. Dak.	Hamilton, Mich.	Malby	Stephens, Tex.
Butler	Hammond	Mann	Stevens, Minn.
Calder	Harrison, Miss.	Martin, S. Dak.	Sulloway
Candler	Hartman	Miller	Sulzer
Cannon	Hawley	Mondell	Sweet
Cary	Hayden	Morgan	Talcott, N. Y.
Claypool	Hayes	Morse, Wis.	Taylor, Ohio
Cooper	Heald	Moss, Ind.	Thayer
Copley	Henry, Conn.	Mott	Tilson
Cox, Ohio	Higgins	Murdock	Tribble
Crago	Hill	Needham	Underhill
Currier	Howard	Nelson	Utter
Curry	Howell	Norris	Volstead
Dalzell	Howland	Nye	Vreeland
Danforth	Hubbard	Oldfield	Warburton
Davis, Minn.	Humphrey, Wash.	Parran	Wedemeyer
De Forest	Jacoway	Patton, Pa.	White
Dickinson	Jackson	Plumley	Wilder
Dodds	Kent	Porter	Willis
Donohoe	Kinkaid, Nebr.	Pray	Wilson, Ill.
Doremus	Knowland	Prince	Wood, N. J.
Draper	Kopp	Rees	Young, Kans.
Driscoll, M. E.	Lafean	Roberts, Nev.	Young, Mich.
Dwight	Lafferty	Robinson	
Esch	La Follette	Roddenbery	
Farr	Langham	Russell	

ANSWERED "PRESENT"—4.

Campbell	Hughes, N. J.	McCall	Riordan

NOT VOTING—65.

Ames	Bates	Burke, Pa.	Clark, Fla.
Andrus	Bradley	Burleson	Connell
Anthony	Burgess	Callaway	Cox, Ind.
Cravens	Harris	Littlepage	Roberts, Mass.
Crumpacker	Harrison, N. Y.	Littleton	Sheppard
Davidson	Hensley	McCreary	Smith, Cal.
Dickson, Miss	Hinds	McHenry	Sparkman
Fairchild	Hobson	McMorran	Stack
Fields	Houston	Matthews	Stanley
Focht	Hughes, W. Va.	Mays	Switzer
Fornes	James	Moon, Pa.	Thistlewood
Francis	Johnson, Ky.	Olmsted	Underwood
Gardner, Mass.	Kahn	Pujo	Weeks
Greene, Mass.	Kindred	Randell, Tex.	Woods, Iowa
Gregg, Pa.	Kitchin	Redfield	
Hanna	Konop	Reilly	
Hardwick	Lindsay	Reyburn	

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. DICKSON of Mississippi with Mr. MATTHEWS.

Mr. KINDRED with Mr. HUGHES of West Virginia.

For the session:

Mr. HOBSON with Mr. FAIRCHILD.

The result of the vote was announced as above recorded. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. MADDEN] to recommit with instructions.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 7, noes 206.

So the motion to recommit was rejected.

The SPEAKER. The question is, Shall the amended bill pass?

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 227, noes 5.

So the bill as amended was passed.

On motion of Mr. MOON of Tennessee, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4476. An act to provide for purchase of site, construction of wharf and buildings, and the necessary equipment for a depot for the sixth lighthouse district; and

S. 1337. An act authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4476. An act to provide for purchase of site, construction of wharf and buildings, and the necessary equipment for a depot for the sixth lighthouse district; to the Committee on Interstate and Foreign Commerce.

S. 1337. An act authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act; to the Committee on Military Affairs.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. LLOYD, Mr. ADAMSON, and Mr. JOHNSON of South Carolina rose.

The SPEAKER. The Chair recognizes the gentleman from South Carolina [Mr. JOHNSON].

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24023.

The question is on the motion of the gentleman from South Carolina.

The question was taken.

Mr. ADAMSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Georgia [Mr. ADAMSON] rise?

Mr. ADAMSON. Mr. Speaker, I rise to ask unanimous consent to make some remarks concerning this proposition.

The SPEAKER. The vote has not been announced.

Mr. ADAMSON. My understanding was that I was to be recognized, and I want to have a little conversation with the Speaker and the House about it.

Mr. FITZGERALD. Regular order, Mr. Speaker.

The SPEAKER. The Chair will state what the parliamentary situation was. By consent the House put the Panama Canal bill in the same status as an appropriation bill, with an agreement that general debate should run two days, and one day under the five-minute rule.

Mr. MANN. There was no agreement.

The SPEAKER. The Chair will withdraw that remark. The Speaker was not in the chair when the matter came up. So the motion of the gentleman from South Carolina [Mr. JOHNSON] is a privileged motion, and that would have made the motion of the gentleman from Georgia [Mr. ADAMSON] also a privileged motion.

Now, if the gentleman from Georgia [Mr. ADAMSON] wants to make a remark, the Chair will entertain it.

Mr. MANN. I think we had better have the regular order. I demand the regular order.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent to address the House for one minute.

Mr. MANN. I demand the regular order.

The SPEAKER. The regular order is on the motion of the gentleman from South Carolina [Mr. JOHNSON].

Mr. ADAMSON. I suppose that is not debatable.

The SPEAKER. It is not debatable.

Mr. ADAMSON. All I want to say is——

Mr. FITZGERALD. Mr. Speaker, I object to any statement.

The SPEAKER. The Chair will make this statement on his own motion: That after this legislative bill is disposed of he will recognize the gentleman from Georgia [Mr. ADAMSON] to make his motion in preference to any other appropriation bills.

Mr. ADAMSON. If I could be permitted——

Mr. MANN. We have the regular order. We have rules to go by, and I would like to have them observed. It is not debatable.

Mr. JOHNSON of South Carolina. Pending the announcement of the result of the vote I would like to see if we can come to some agreement as to general debate.

The SPEAKER. Has the gentleman from South Carolina any proposition to make?

Mr. JOHNSON of South Carolina. I ask unanimous consent that when the committee rises this afternoon general debate be closed——

Mr. ADAMSON. Reserving the right to object——

Mr. JOHNSON of South Carolina (continuing). And that the time be divided equally between the two sides.

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent——

Mr. MANN. I demanded the regular order, which is equivalent to an objection.

The SPEAKER. That is equivalent to an objection.

Mr. ADAMSON. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Illinois has already objected, and that settles it.

The ayes have it, and the House resolves itself into the Committee of the Whole House on the state of the Union to consider the legislative, executive, and judicial appropriation bill, with the gentleman from Alabama [Mr. UNDERWOOD] in the chair.

Mr. ADAMSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. I want to know if the statement of the Speaker——

Mr. MANN. Mr. Speaker, I demand the regular order. Has not the House resolved itself into the Committee of the Whole House on the state of the Union?

Mr. ADAMSON. Mr. Speaker, a parliamentary inquiry before the House goes into the Committee of the Whole House on the state of the Union.

The SPEAKER. The House has already resolved itself into the Committee of the Whole House on the state of the Union, and the point of order made by the gentleman from Illinois [Mr. MANN] is sustained. The gentleman from Alabama [Mr. UNDERWOOD] will take the chair.

Mr. UNDERWOOD took the chair amid general applause.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24023—the legislative, executive, and judicial appropriation bill—which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none. The gentleman from South Carolina [Mr. JOHNSON] is recognized.

Mr. JOHNSON of South Carolina. Mr. Chairman, I yield 30 minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. RUCKER of Missouri rose.

Mr. JOHNSON of South Carolina. I yield half a minute to the gentleman from Missouri [Mr. RUCKER].

Mr. BARTLETT. Not to be taken out of my time, however.

The CHAIRMAN. The gentleman from Missouri [Mr. RUCKER] is recognized for half a minute.

Mr. RUCKER of Missouri. Mr. Chairman, I had announced to several Members of the House that at this time I would ask for the consideration of the conference report on House joint resolution 39, providing for the election of Senators by direct vote of the people. I have just received a telegram from Mr. OLMSTED, one of the conferees, in which he says he can not be here to-day. Therefore I want to announce now that I shall not call up the matter until Saturday, but shall do it on Saturday immediately after the reading of the Journal.

Mr. BARTLETT. Mr. Chairman——

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] is recognized for 30 minutes.

Mr. BARTLETT. Mr. Chairman, I yield 30 minutes to the gentleman from Texas [Mr. YOUNG].

The CHAIRMAN. The gentleman from Texas [Mr. YOUNG] is recognized for 30 minutes.

Mr. YOUNG of Texas. Mr. Chairman, among the great questions that confront this Congress for solution in their capacity as representatives of a great people there is none, in my estimation, that should give us greater concern and that calls for wiser counsel than the immigration problem.

At this time I purpose for a few minutes to discuss in a limited way some phases of the question. What I shall say will be remarks addressed in advocacy of the bill on this subject recently reported to this House by the Committee on Immigration and Naturalization, the gentleman from Alabama [Mr. BURNETT] being the chairman.

That the House may have before it the feature of the bill that I deem of prime importance I shall read so much of same as is necessary to have a fair understanding of the questions involved. The bill reads as follows:

That after four months from the approval of this act in addition to the aliens who are by law now excluded from admission into the United States the following persons shall also be excluded from admission thereto, to wit: All aliens over 16 years of age, physically capable of reading, who can not read the English language, or the language or dialect of some other country, including Hebrew or Yiddish: *Provided*, That any admissible alien or any alien heretofore or hereafter legally admitted or any citizen of the United States may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relatives shall be permitted to land.

SEC. 2. That for the purpose of ascertaining whether aliens can read or not the immigrant inspectors shall be furnished with copies of uniform slips, prepared under the direction of the Secretary of Commerce and Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plain type in the various languages and dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. No two aliens coming in the same vessel or other vehicle of carriage or transportation shall be tested with the same slip.

SEC. 3. That the following classes of persons shall be exempt from the operation of this act, to wit: (a) All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Commerce and Labor that they are seeking admission to the United States solely for the purpose of escaping from religious persecution; (b) all aliens in transit through the United States; (c) all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory.

Mr. Chairman, it might be interesting to note the history of legislation on this subject.

From the year 1819 to 1882 immigration was practically unfiltered and there were very few, if any, restrictive laws against it.

There was good reason for this. The class of immigrants coming to us as late as 1880 came in the main from England, Scotland, Ireland, Germany, Norway, Sweden, and Denmark.

These people represented the strongest types of citizenship. They have proven themselves to be honest, conscientious, and industrious.

The illiteracy among them was of a far less percentage than among the immigrant class coming to-day, as I shall show by tables later on.

It is my pleasure to have in my district quite a number of German, Irish, Norwegian, and other such types of the earlier immigration period.

They abandoned the places of their nativity to cast their lot in a country of greater opportunities.

They have become naturalized citizens. They have purchased homes and are leading citizens in their respective communities.

The sturdy Irish, the industrious German and Norwegian and other like races are among our best farmers. Their farms are models, their homes attractive, and their lively interest in the welfare of their respective communities is not excelled by those of native birth.

We show our faith in them by honoring them with official positions, and they do not betray the trust.

They are our leading merchants and bankers and among our most honored and respected citizens.

They take a pride in our schools and willingly support and maintain them.

They are seldom hauled before our courts for infraction of the criminal law.

To this class of people, Mr. Chairman, we should always extend our open-hearted welcome. They are easily assimilable.

As late as 1880, 64.5 per cent of the immigrants to this country came of such stock.

I take it, Mr. Chairman, that this, being the type of immigrants settling among us, is why we find very little restrictive legislation on the subject until comparatively recent date.

In the main, then, our earlier immigration came from northern and western Europe.

Their Governments, as a rule, were of monarchical form. They loved law and order. They easily adjusted themselves to our system of government and had the intelligence to understand our institutions.

Our customs soon became theirs. Their children entered our schools and our language became their source of communication.

When taking the oath of allegiance to our Government, they once and for all abandoned allegiance to the countries of their birth.

In other words, they have willingly become Americanized.

Mr. Chairman, in recent years the conditions have changed, and a new state of affairs now confronts us.

The class of immigrants now coming to our shores is entirely different from that of the earlier period.

During the last 25 or 30 years the source of our immigration has largely shifted to southern and eastern Europe.

I can not do better, Mr. Chairman, to get a clear understanding of this feature of the subject that I am now discussing, than to read a brief statement from the report of the Immigration Commission.

The part I desire to read is as follows:

The old immigration movement was essentially one of permanent settlers. The new immigration is very largely one of individuals, a considerable proportion of whom apparently have no intention of permanently changing their residence, their only purpose in coming to America being to temporarily take advantage of the greater wages paid for industrial labor in this country. This, of course, is not true of all the new immigrants, but the practice is sufficiently common to warrant referring to it as a characteristic of them as a class. From all data that are available it appears that at least 40 per cent of the new immigration movement returns to Europe and at least 39 per cent remains there. This percentage does not mean that 30 per cent of the immigrants have acquired a competence and returned to live on it. Among the immigrants who return permanently are those who have failed, as well as those who have succeeded. Thousands of those returning have, under unusual conditions of climate, work, and food, contracted tuberculosis and other diseases; others are injured in our industries; still others are the widows and children of aliens dying here. These, with the aged and temperamentally unfit, make up a large part of the aliens who return to their former homes to remain.

The old immigration came to the United States during a period of general development and was an important factor in that development, while the new immigration has come during a period of great industrial expansion and has furnished a practically unlimited supply of labor to that expansion.

As a class the new immigrants are largely unskilled laborers coming from countries where their highest wage is small compared with the lowest wage in the United States. Nearly 75 per cent of them are males. About 83 per cent are between the ages of 14 and 45 years, and consequently are producers rather than dependents. They bring little money into the country and send or take a considerable part of their earnings out. More than 35 per cent are illiterate, as compared with less than 3 per cent of the old immigrant class.

Mr. Chairman, looking a little deeper into the change of source of immigration and investigating the class that is coming, we find an alarming state of affairs.

From a speech recently delivered in the other end of the Capitol by one of the Senators from North Carolina [Mr. SIMMONS], I find this statement:

The percentage of illiteracy among the old immigrants—that is, those who antedated 1883—was only 2.7 per cent, far below that of our native population. The rate of illiteracy among the new immigrants, that which has been coming here since 1883, is on an average about 36 per cent, and the bulk of this immigration, the most undesirable portion of it, is of a much higher degree of illiteracy than the general average. Of the 1,500,000 south Italians that came to America from 1899 to 1909, over 800,000, or 54 per cent, could neither read nor write; 54 per cent of the Syrians who came during that period could neither read nor write; 35 per cent of the Poles who came during that period could neither read nor write; 68 per cent of the Portuguese, 38 per cent of the Ruthenians, 51 per cent of the Russians, 58 per cent of the Turks, 27 per cent of the Greeks, and 41 per cent of the Bulgarians and Servians and Montenegrins could neither read nor write.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Texas. I dislike not to yield, but I have but a limited time in which to make my remarks. After I have finished I will be glad to yield to the gentleman.

This statement of the situation is indeed astounding. These people have no knowledge of our Government and but little, if any, understanding of that from which they came.

They do not know what responsibility should attach to citizenship. Our civilization is not theirs. From the very nature of their environments and the civilization from which they come they are unfitted to ever have cast upon them the responsibilities that go with a free and representative form of government. In fact, they do not come to us having any benign purpose of entering into the spirit of government and helping to bear her burdens.

The old immigrant came to become a part and parcel of our fabric. The new immigration come to gather together such a part of our American dollars as they may for the purpose of carrying it with them on their return or to send it back while yet they remain to gather more.

They are sending and taking two hundred and fifty to three hundred millions of dollars out of our country each year, to be planted in lands foreign to ours, and thus they are depleting our financial resources and taking from the real American laborer that which is his.

This is not all, Mr. Chairman. The facts are, with this unlimited horde coming to our shores from year to year and increasing in numbers with alarming rapidity, the future of the real American laborer is problematical indeed.

I have here a table showing the occupations of immigrants coming to this country during 1911. That year 1,030,300 aliens entered, and of that enormous number only 13,496 were farmers; 160,000 were farm laborers in their own country, but they did not seek farm employment here; 175,000 were common laborers; 122,000 were servants; 246,000 had no occupation at all, making in that year 735,000, or three-fourths of the entire immigration, who found their homes either in the slums of the great cities or were employed not upon the farms but in the industries of the country in congested centers.

In this connection I desire to read a page from Dr. Jenks's book with reference to the effect of this kind of competition upon the sanitary and safe conditions of the places where the employees of this country are employed:

Relative to the effect of recent immigration upon native American and older immigrant wage earners in the United States, it may be stated, in the first place, that the lack of industrial training and experience of the recent immigrant before coming to the United States, together with his illiteracy and inability to speak English, has had the effect of exposing the original employees to unsafe and insanitary working conditions, or has led to the imposition of conditions of employment which the native American or older immigrant employees have considered unsatisfactory and in some cases unbearable. When the older employees have found dangerous and unhealthy conditions prevailing in the mines and manufacturing establishments and have protested, the recent immigrant employees, usually through ignorance of mining or other working methods, have manifested a willingness to accept the alleged unsatisfactory conditions. In a large number of cases the lack of training and experience of the southern and eastern European affects only his own safety. On the other hand, his ignorant acquiescence in dangerous and insanitary working conditions may make the continuance of such conditions possible and become a menace to a part or to the whole of an operating force of an industrial establishment. In mining, the presence of an untrained employee may constitute an element of danger to the entire body of workmen. There seems to be a direct casual relation between the extensive employment of recent immigrants in American mines and the extraordinary increase within recent years in the number of mining accidents. It is an undisputed fact that the greatest number of accidents in bituminous coal mines arise from two causes: (1) The recklessness and (2) the ignorance and inexperience of employees. When the lack of training of the recent immigrant abroad is considered in connection with the fact that he becomes a workman in the mines immediately upon his arrival in this country and when it is recalled that a large proportion of the new arrivals are not only illiterate and unable to read any precautionary notices posted in the mines, but also unable to speak English,

and consequently without ability to comprehend instructions intelligently, the inference is plain that the employment of recent immigrants has caused a deterioration in working conditions.

Those people are used to a lower standard of living to that enjoyed by the American laborer. Their highest wage scale in the countries from which they came does not equal our lowest wage scale.

Mr. BARTHOLDT. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Texas. Not just at this time. If I have time before my time is up, I will yield to the gentleman with great pleasure.

The result is these people band themselves together and live in cheap quarters in our great cities and congested centers, and go into the factories and the mines at a low wage scale that would not support an average American workman living according to American customs and surrounded by American conveniences.

This on-coming horde has driven the old immigrant from the factories and the mines to mines in the Central Western States or in altogether different line of work.

On the Republican side of the Chamber, in recent tariff discussions, we heard much of the dire distress that would befall the American laborer if the Democratic idea of tariff for revenue only was enacted into law. Yet, Mr. Chairman, an investigation of the immigration question shows that it is not tariff reduction that should and is alarming the American wage earner, but it is the unjust competition of the class of immigrants who are now displacing him in factory and in mine. [Applause.]

At this point I want to read, as bearing on this question, the following article from the North American. The author says:

Under the plea that the standard of living in the United States is higher than in any other country in the world, that the class of labor itself is better and that therefore greater wages must be paid, the manufacturers of textile products have succeeded for many years in buttressing themselves about with a tariff that is not only protective but exorbitant.

They have held the threat over the country that should the tariff be made lower the present high standard of living made possible by the lucrative wages now being paid must be lowered also. Quite a reverse picture is revealed by the situation at Lawrence.

We find upon investigation that the textile manufacturers have at these mills as squalid labor as can be found in the four corners of the earth. They pared down the wages of these people, not to meet the standard of living in the United States, but to the barest possible margin of existence.

In one miserable tenement building I found 54 persons living. Twenty-two of them worked in the mills at an average pay of $6.67 per week. This is $2.75 per week with which to buy food, clothes, light, and fuel, and pay rent for each one of the 54. These are luxuries which the mill laborers enjoy under the rich picking of a high protective tariff.

This is the condition of affairs our American laborer is up against, and from his real American soul comes the plaintive cry to protect him, his wife, and children from this immigrant horde.

There are thousands of evil consequences permeating every nook and corner of our country incident to these undesirables amongst us.

A look into the great hospitals and insane asylums of New York and other congested centers presents a picture of disease and insanity that is astounding.

That great city, the very gateway through which these people pass, is groaning under the great financial burdens incident to the proper upkeep of these institutions, filled to overflowing with the foreign element who ought to be wards of their native lands.

And yet, Mr. Chairman, there is neither let nor hindrance to stop the ever-increasing tide.

For the year 1910 the immigration was 1,041,570, of whom 223,453 were from Italy alone.

Most of these new immigrants come through Ellis Island, N. Y. Commissioner Williams, of Ellis Island, in an interview in the New York Herald of April 13, said:

The immigration this month has passed the high-water mark. In April last year, which was a big month and taxed the capacity of the department, 85,575 immigrants arrived at Ellis Island. In April of this year the total is expected to be more than 100,000 immigrants, which will be the record for the department.

* * * * * * *

In March of this year 83,654 immigrants arrived, as against 75,306 of last year.

With the inadequate facilities for examination of these vast numbers, who come in during the spring months especially, thousands of diseased, feeble-minded, and otherwise undesirable immigrants are coming in every year. Commenting on the conditions referred to, the Herald in the same article says:

Recently the Herald published statistics showing that more than 60 per cent of the occupants of charitable institutions and insane asylums in New York were foreign born. * * * From the plague-ridden districts of eastern and southern Europe thousands of immigrants are coming here every week. There is no question that many of them are suffering with diseases characteristic of their country, and not a few are in the early stages of consumption.

The New York Times of March 28, 1912, says:

INSANE ALIENS.

The Times is informed by Secretary McGarr, of the State Commission in Lunacy, that, of the 31,432 insane patients under treatment in the 14 State hospitals on February 10 last, 13,163, or 41.9 per cent, were aliens. Foreign-born patients have increased since the Federal census of December 31, 1903, by 1,552, or 13.4 per cent. In the two State hospitals for the criminal insane there were 1,230 patients on February 10, of whom nearly 44.4 per cent were of alien birth; the Federal census of 1910 showed a percentage of aliens to total population in this State of 29.9 per cent.

The prevalence of insanity among immigrants is evidently much greater than among the native born. Of the 5,700 patients admitted to the civil hospitals for the year ending September 30, 1911, 2,737, or 48 per cent, were aliens, and 1,481, or 26 per cent, were of alien parentage, while only 1,224, less than 26 per cent, were of native stock. Of the whole number, the nativity of but 218, which is 3.8 per cent, was not ascertainable. Insanity among the foreign peoples of this city occurs in a still larger percentage of cases. Of the first admissions to the hospitals 2,006 out of 3,221 residents of the city were of foreign birth; that is, 64.1 per cent, although the foreign-born population is but 40.4 per cent of the whole.

Mr. SABATH. Will the gentleman yield now?

Mr. YOUNG of Texas. I regret I can not. I had only 30 minutes allowed me. If I have time when I have finished I will yield to the gentleman.

From the record, as best I can judge it, Mr. Chairman, the great steamship and transportation companies, and it is believed great factory and mining interests, all bent on personal gain, are united in one great effort to induce these undesirables to flock to our shores.

Agents of these steamship companies, with much attractive advertisement, are industriously circulating through the countries of southern and eastern Europe and gathering together this ignorant horde, like the ranchman of our Texas prairies gathers his herd in the season of spring.

Their motive, financial gain.

Commission to agents, large transportation charges to the steamship lines, and cheap labor to the factory and the mine. [Applause.]

Mr. Chairman, this course of conduct is an unpardonable sin against American traditions and the American people.

Already the congested centers are feeling the heavy burdens incident to the present system, and are beginning to cast about for a plan to distribute the ever-increasing population throughout other sections of the country.

I speak for my people in the great fruit and agricultural belt of Texas. We do not want this ignorant class of citizenship to mar and contaminate our present happy conditions.

Some one has well said that probably the most potential force is represented by agriculture. Yet on this question all the farmers' organizations, the Grange, the Farmers' Educational and Cooperative Union, having over 3,000,000 members, and the various labor organizations all over this country are passing resolutions unqualifiedly indorsing this bill, and demanding of Congress that this country of ours be no longer the dumping ground for the illiterate and criminal element that has, through the past 25 years, had such freedom of access to our shores.

The Immigration Commissioners, appointed in pursuance to act of Congress in 1907, have given most comprehensive consideration to all phases of this question.

Experts have gone into every detail of the problem. One million dollars has been spent by this commission in this detailed investigation, and 42 volumes of information have been gathered together covering the various questions involved. This commission with practical unanimity recommends the enactment of the literacy test found in this bill.

I have discussed the measure largely from an economic standpoint. But a more important phase presents itself—the perpetuity of our free institutions is involved.

Mr. Chairman, it has been said by some writer on political economy that an ignorant voter, with a ballot in his hand, is a greater menace to our Government than a mercenary legislator.

In a large measure this is true, for it is to the superstition, prejudice, and ignorance of such voters that a corrupt legislator must appeal with any hope of success, and it is by the use of such ballots in the main that demagogues are too often given responsible official positions. Our greatest safeguards for the perpetuity of our representative system of government is an educated and enlightened citizenship.

This is recognized as an axiomatic truth, and is firmly attested by the great interest our people are taking in every section of our beloved country in advancing our public and private school systems in every community in the land.

Where is there a State in this Union that has not a public-school system supported by taxes voluntarily levied and willingly paid by the suffragens themselves? What State of this Union is without a great university as a capstone to its educa-

tional system? Then, too, your normal colleges and schools for technical training too numerous to mention.

All these, Mr. Chairman, supported by tribute from the people, that our boys may become educated suffragens and our girls, by proper training of mind and heart, may demonstrate the truth of the old adage, "The hand that rocks the cradle rules the world."

I might remark in passing that motherhood's duty is well done when she trains in the home her sons and her daughters for the duties of the hour, and she is the uncrowned queen to whom I bow in reverence, and the personal exercise of the ballot by her can add nothing to her glory in my estimation. [Applause.]

Hundreds of millions of dollars are spent annually for the support and maintenance of this great school system. We love our children and count not the cost. We reverence our Government and want it to live. We prepare our own flesh and blood to intelligently guide the old ship of state, and to them we shall transmit this Republic that has been successfully launched and inherited from our fathers. [Applause.]

That it may survive, an intelligent and educated citizenship must be the custodian of its affairs.

I am American through and through. I honor the traditions and history of our country. I believe in her institutions. For her future I have the most sanguine hopes, notwithstanding the socialistic cry and the constant pratings of the self-righteous demagogues. Ours is the duty of the hour. Let foreigners who desire better conditions, who are tired of their systems of government, and who are real men desiring to become a part of the warp and woof of our structure, have such enlightenment as to become real responsible citizens and let this illiteracy test be enacted into law for our protection. [Applause.]

In conclusion, Mr. Chairman, aliens who have proper motives and desiring citizenship among us should yield unreservedly in mind and heart to our theories of government. It has been established by the blood of our fathers and safeguarded through the years by the wisdom of our statesmen and supported by the honest yeomanry of our country. [Applause.]

She stands to-day a giant among the nations of earth—guaranteeing liberty of speech, thought, and action, and when her blessings are sought by those of alien birth they should yield to her requirements, obey her laws. They must be Americanized or else we shall become foreignized. [Applause.]

I yield back the remainder of my time, Mr. Chairman, to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, how much time has the gentleman used?

The CHAIRMAN. Twenty-five minutes. There are five minutes yet remaining.

Mr. BARTLETT. I reserve that, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman, I believe I have 20 minutes?

The CHAIRMAN. The gentleman has 30 minutes.

Mr. SISSON. I yield so much of the 30 minutes as he may desire to my colleague from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS of Mississippi. Mr. Chairman, a few days ago I received a petition, with resolutions in it, that were adopted by the State Prohibition Convention in the State of Mississippi, with the request that I present them to this House. In those resolutions, after several recitations, I notice this language:

> The issuance of Federal revenue licenses, although a revenue measure, can not be viewed otherwise than as bringing our Government into partnership and complicity with the traffic. What the Government would lose in revenue would, as the Supreme Court of the United States has said, be compensated for a thousandfold in the peace, prosperity, and happiness of our people. However, if licenses are to be issued, the Federal statutes should be so amended as to give them no validity, and make them no protection when business thereunder is carried on in dry territory.

Mr. Chairman, the Prohibition State convention in Mississippi was evidently laboring under the erroneous impression, which is very popular in this country, that the Federal Government issues licenses to retail liquor dealers. That is not true. The Federal Government has not issued licenses to retail liquor dealers for nearly 50 years; and under the old law, when licenses were issued, there was always a provision in the law which met exactly the contention of the Prohibition convention, that those licenses should have no validity and give no protection when business thereunder was carried on in dry territory.

The act of 1794 was the very first excise act that carried a tax on retail liquor dealers and provided for licenses, but in that law there was this proviso:

> *Provided always*, That no license shall be granted to any person to sell wines or foreign distilled spirituous liquors who is prohibited to sell the same by the laws of any State.

That act was repealed in 1802, but during the War of 1812 a similar act was passed, which also required a license, that contained this proviso:

> *Provided always*, That no license shall be granted to any person to sell wine, distilled spirituous liquors, or merchandise, as aforesaid, who is prohibited to sell the same by any State.

That act was repealed in 1817.

In 1862, in the course of the Civil War, Congress again passed a similar excise law, this, too, like its predecessors, providing for licenses; but that act contained the proviso:

> That no license hereinbefore provided for, if granted, shall be construed to authorize the commencement or continuing of any trade, business, occupation, or employment therein mentioned within any State or Territory outside of the United States which shall be specially prohibited by the laws thereof or in violation of the laws of any State or Territory.

In 1864 the act of 1862 was amended, but exactly the same proviso was carried.

In the License cases, which are reported in Fifth Wallace, page 462, and which arose under the act of 1864, the court said:

> This series of propositions and the conclusion in which it terminates depend on the postulate that a license necessarily confers an authority to carry on the licensed business. But do the licenses required by the acts of Congress for selling liquor and lottery tickets confer any authority whatever?
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> * * * * * * *
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> It is not doubted that where Congress possesses constitutional power to regulate trade or intercourse it may regulate by means of licenses as well as in other modes, and in case of such regulation a license will give to the licensee authority to do whatever is authorized by its terms.
>
> But very different considerations apply to the internal commerce or domestic trade of the States. Over this commerce and trade Congress has no power of regulation nor any direct control. This power belongs exclusively to the States.
>
> * * * * * * *
>
> But it is not necessary to regard these laws as giving such authority. So far as they relate to trade within State limits, they give none and can give none. * * * The granting of a license, therefore, must be regarded as nothing more than a mere form of imposing a tax. * * * But, as we have already said, these licenses give no authority; they are mere receipts for taxes.

And so, Mr. Chairman, it is perfectly clear that even under the old statutes, when the word "license" was used, no right, power, or authority was given, or attempted to be given, by Congress to those who were so "licensed" to pursue the business of selling liquor in any State contrary to the laws of such State. By an express proviso in every act, from the first one, in 1794, down to and including the last act in which the word "license" appears, which was the act of 1864, Congress expressly provided that the license should not authorize the licensee to sell liquor in any State contrary to the local law; and in the License cases the Supreme Court of the United States declared that Congress had no power to do so if it so desired.

In 1866, however, Congress struck out the word "license" and inserted in the place thereof the words "special tax," and since that time the Government has issued no license and has attempted to give to nobody any authority in any State to sell liquor contrary to the laws of the State, or in conformity with the laws of the State, for that matter.

Mr. RODDENBERY. Will the gentleman yield for a question right there?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. RODDENBERY. What has been the difference in the actual, practical operation since the change of the name from "license" to "tax," so far as the Government is concerned?

Mr. HUMPHREYS of Mississippi. If I catch the point of the gentleman's question, when this tax was called a license it was insisted that in view of the fact that the Federal Government had no constitutional power to license a business of that sort in a State, therefore the Federal Government had no right to collect the tax. That contention was carried to the Supreme Court of the United States, and in the cases usually called the License cases, which I have just cited, the court held that it was not a license at all in any such sense, but was a tax that parties in the States who were engaged in the business of retail liquor dealing were required to pay.

In order, I suppose, that nobody might be further misled, Congress in 1866, as I was about to explain, reenacted practically the excise laws that had existed theretofore, but struck out that provision of the statute which required—

> that all persons hereafter who shall engage in any of the enumerated businesses shall take out a license—

And in lieu of that inserted—

> shall pay a special tax—

So that no man might be deceived thereafter by believing that he had received a license.

Now, since that time, nearly 50 years ago, the Government has issued no license which could be misconstrued as giving any-

body any authority to go into the States, or any protection, if they sold liquor in a State where it was forbidden by the laws of that State.

Mr. BARTLETT. May I suggest to the gentleman that that same act, or a similar act, contained a provision that the tax should not authorize a man to sell liquor in a prohibition State?

Mr. HUMPHREYS of Mississippi. I have read that; that proviso is in every statute that has been enacted since 1794. Do I answer the question of the gentleman from Georgia [Mr. RODDENBERY]?

Mr. RODDENBERY. Yes; quite fully, and I quite agree with the gentleman as to the technical distinction. It was a revenue measure, in the first instance, and called a license. To meet certain decisions of the Supreme Court, as well as to enable the Government to continue the collection of the revenue and yet not be in conflict with the decisions of the Supreme Court, it was changed in name from "license" into "special tax," as it is now called, but carried with it no express permission to sell liquor.

Mr. HUMPHREYS of Mississippi. The court held that it never had been a license that would carry any authority with it. Although it was called a license, as a matter of fact, it was simply a tax, and Congress subsequently struck out the word "license" and inserted the words "special tax."

Mr. RODDENBERY. And therefore it is as much of a license now as it had ever been.

Mr. HUMPHREYS of Mississippi. It never had been a license in fact, and is not now.

Mr. RODDENBERY. In reference to the petition which the gentleman presents from the Prohibitionists in Mississippi, the use of the word "Government licenses" is technically erroneous; but to all intents and purposes it is as correct now as it ever would have been to have called it a license.

Mr. HUMPHREYS of Mississippi. No; it is not. It is technically and absolutely wrong now. It was technically correct prior to the act of 1866, because prior to that act the Government did issue a license. Since then they have not issued licenses. It is true the license issued was decided by the court not to be such a license as would give authority to any person to sell liquor contrary to State law. Since then no license whatever has been issued by name or otherwise.

Mr. RODDENBERY. Does not the tax levied and collected now protect the holder against any proceeding by the Government just as much as it did when it was called a license?

Mr. HUMPHREYS of Mississippi. Every bit; but it never did and does not now afford any protection against proceedings by the State.

Mr. KENDALL. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. KENDALL. The certificate or receipt which the Government issues now to a retail liquor dealer is substantially what it was when the business was first organized.

Mr. HUMPHREYS of Mississippi. In the form of the receipt?

Mr. KENDALL. It was never intended to afford to a local liquor dealer any immunity against prosecution for violating local law?

Mr. HUMPHREYS of Mississippi. Never.

Mr. KENDALL. All it was designed to do was to evidence the fact that he had paid the tax imposed by the Government upon the operation of the right to do the business.

Mr. HUMPHREYS of Mississippi. That is all.

Mr. KENDALL. I have introduced a bill which is intended to have the Government abandon the business of issuing revenue licenses or collecting revenue taxes in prohibition communities, but I have not been able to get any action on it.

Mr. HUMPHREYS of Mississippi. In the Fifty-eighth Congress I introduced a similar bill, but I was soon convinced that I was following the wrong route. The Government of the United States does not render any assistance to any man who goes into a State and sells liquor in contravention of State law. On the contrary, the Government assists the State, as the law stands to-day, in running down such violators and bringing them to justice, and it does it in this way.

Under the old law the States passed statutes, as they had the right to do, making the issuance of these tax receipts prima facie evidence of a violation of the State law, and the State authorities called upon the internal-revenue collector to furnish them with the evidence, which he refused to do. The court thereupon held that he would have to show his records, because no specific order had been issued by the Treasury Department forbidding him to do so. That case was decided in the Seventy-fourth Federal Reporter, page 928, in the case entitled In re Hirsch. Then the Internal Revenue Commissioner issued this order:

> Collectors are hereby prohibited from giving out any special-tax records or any copies thereof to private persons or to local officers, or to produce such records or copies thereof in a State court, whether in answer to subpœnas duces tecum or otherwise. Whenever such subpœnas shall have been served upon them they will appear in court and answer thereto, and respectfully decline to produce the records called for, on the ground of being prohibited therefrom by the regulations of this department.

Mr. KENDALL. There is an order subsequent to that, is there not?

Mr. HUMPHREYS of Mississippi. There is an order subsequent to that; I think issued last year. The Internal Revenue Commissioner was called upon to go into court and give these records subsequent to this order, which he refused to do, and that proposition finally got into court. The court upheld him in that. That case went up from Arkansas, and the style of the case was In re Lamberton, decided in One hundred and twenty-fourth Federal Reporter. Judge Rogers decided the case, and he upheld the right of the Internal Revenue Commissioner to refuse to give these records to the State court. An effort was made then in Congress to correct that situation.

The particular bill which passed was the one which I myself had introduced, and it required the internal-revenue collector to open these records to inspection by State authorities and to give proper certificates. An Executive order, I understand, has since been issued compelling him to do the same thing. So that now the fact is that when a person in a State where the sale of liquor is forbidden by law pays this special tax the record of that is kept, and that record is made public and is turned over to the State authorities upon request, and in many instances is made prima facie evidence of guilt. So that as the law stands to-day, instead of the Federal Government assisting the illicit retailer, it does exactly the contrary. The Federal Government lends its assistance to the State, so that when the tax is paid the record of that fact is at once available under the law and must be turned over to the State authorities, and then the State authorities, acting upon that, can and do in a number of States proceed with the prosecution, having in their possession this prima facie evidence of guilt.

Mr. SAUNDERS. Mr. Chairman, may I interrupt the gentleman at that point?

Mr. HUMPHREYS of Mississippi. In one moment. I have gotten very far away from the purpose for which I took the floor. My purpose was simply to say that, so far as the law is concerned, so far as Congress has been able to act at all, it has in every statute enacted since 1794 expressly provided that the authority granted by the internal-revenue license, when it was a license, should not protect the seller in a State where he violated the State laws by the sale, and in 1866, about the time of the decision in the License cases, Congress, in order that no man might be deceived by the mere term "license," struck that out of the statute books, and then provided:

> The payment of any tax imposed by the internal-revenue laws for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on the same within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State, or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business for State or other purposes.

That is now section 3243 of the Revised Statutes of the United States.

Mr. SAUNDERS. Mr. Chairman, I desire to call the gentleman's attention to the weakness of the situation in regard to affording information. It is provided that the information may be afforded on request, but these taxes are paid from time to time, and one never knows when they are going to be paid. They are not paid all at one time. They are paid at irregular intervals, and if the prosecuting attorney or the judge desire to be adequately informed they would have to write every day to know whether in that county or locality any of these taxes had been paid. Collectors charge a fee before they furnish this information, so that really the law at present is not aiding very much the prosecution in these cases. If you would provide that the moment the tax is paid the collector shall immediately forward information of that fact to the prosecuting attorney and the judge of the appropriate locality, then you would meet the situation. But as it is, it is imperfectly and inadequately met.

Mr. HUMPHREYS of Mississippi. I will agree to that, but I do not agree to the last statement at all.

Mr. SAUNDERS. What is that?

Mr. HUMPHREYS of Mississippi. That is has amounted to very little assistance——

Mr. SAUNDERS. I come from a community where there is as much——

Mr. HUMPHREYS of Mississippi. If the gentleman will permit me for a moment—I also come from that kind of a community, and I expect that everybody in this House comes from that kind of a community. In my State the law requires the peace officer—the sheriff—to ascertain from the internal-revenue collector's office of that district the names of all those who have paid these taxes and publish them in the newspapers, and the courts meet every six months——

Mr. SAUNDERS. He gets that information to-day of what anybody has paid, but the very next day there may be a half a dozen who pay, and that information is not afforded.

Mr. HUMPHREYS of Mississippi. The gentleman understands if a man pays the tax to-morrow he is just as guilty as if he did it day before yesterday.

Mr. SAUNDERS. Absolutely.

Mr. HUMPHREYS of Mississippi. And the tax is for a year when it is paid, and if the sheriff gets a list every six months, which is required in my State, when the grand jury meets, whether the court meets once in six months or once in three months, it is there to be acted upon, and it has done a tremendous good, in my opinion.

Mr. KENDALL. I desire to say to the gentleman that the law in Iowa provides that the list of retail dealers shall be furnished to the county attorneys of the different counties, and the fact that a man holds a retail liquor receipt is presumptive evidence of guilt. I am very glad to say in this presence that that statute has been of very effective value in the State of Iowa in the enforcement of the laws against the illegal traffic in intoxicating liquors, and we have not encountered the difficulty there suggested by the gentleman from Virginia.

Mr. HUMPHREYS of Mississippi. Well, I am very glad to hear that. It has certainly done tremendous good in the State of Mississippi, and now when a man pays the tax he is informed upon at once. If he fails to pay it, he has two sovereignties after him, the State and the Federal Government. Now, Mr. Chairman, I had no notion of taking up this much of the time of the House, because I have gotten very far from what I had intended to call to your attention. Congress has gone a long way in my opinion. Congress has kept pretty well abreast of public sentiment on the liquor question so far as its legislation is concerned, and if the Prohibitionists throughout the country would direct their activities first against the State legislatures, and then upon the peace officers in their own communities, and assist them in executing the law, they would accomplish very much more than by depending upon further legislation along these lines by Congress. Congress has kept up with the States in this character of legislation, and the failure, where there is a failure, in the execution of prohibition laws is not chargeable, in my opinion, to Congress, but is chargeable to the lack of vigilance or the defects of the laws in the States themselves. [Applause.]

Mr. KENDALL. And to the local officers, nine-tenths of them.

Mr. SISSON. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, on the first day of the present session of this Congress I introduced a bill to abolish the Commerce Court and to amend the existing law so as to limit the issuance of preliminary injunctions in suits brought against the orders of the Interstate Commerce Commission.

The bill I introduced was reported favorably by the Committee on Interstate and Foreign Commerce on the 29th of March, 1912, and I now read same for the information of the House:

A bill to abolish the Commerce Court, and for other purposes.

Be it enacted, etc. That an act entitled "An act to create a Commerce Court, and to amend the act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910, be amended by striking out sections 1 to 6, inclusive, and paragraph 12 of section 13 thereof, and inserting in lieu of said sections 1 to 6, inclusive, and said paragraph 12 the following:

"SECTION 1. That on and after the passage of this act the jurisdiction vested in the Commerce Court in and by said act of June 18, 1910, shall be transferred to and vested in the district courts of the United States.

"Any suit brought to invoke such jurisdiction shall be brought in the circuit of the United States where one of the common carriers who is a party to said suit has its principal operating office, unless said office is in the District of Columbia, in which case said suit shall be brought in the circuit where such carrier has its principal office, and the provisions of an act entitled 'An act to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," "An act to regulate commerce," approved February 4, 1887, or any other acts having a like purpose that may be hereafter enacted, approved February 11, 1903,' shall apply to any and all such suits.

"SEC. 2. That a final judgment or decree of a district court in any such suit may be reviewed by the Supreme Court of the United States if appeal to the Supreme Court be taken by an aggrieved party within 60 days after the entry of such final judgment or decree. Such appeal may be taken in like manner as appeals from a district court of the United States to the Supreme Court are now taken in other suits. The Supreme Court may affirm, reverse, or modify such final judgment or decree, as the case may require. Such appeal, however, shall in no case operate to supersede or stay the judgment or decree appealed from.

"An appeal may also be taken to the Supreme Court of the United States from an interlocutory order or decree of a district court granting or continuing an injunction restraining, staying, or suspending enforcement of an order of the Interstate Commerce Commission, provided such appeal be taken within 30 days after the entry of such order or decree.

"Appeals to the Supreme Court under this section shall have priority in hearing and determination over all other causes except criminal causes in that court.

"SEC. 3. That any suit brought to enforce, or to enjoin, set aside, annul, or suspend any order of the Interstate Commerce Commission, except orders for the payment of money, shall be brought in the name of the commission, or against the commission by name, as the case may be. The pendency of such suit shall not of itself stay or suspend the operation of the order of the commission, but the court may suspend, in whole or in part, the operation of the commission's order pending final hearing and determination of the suit if the court entertains grave doubt concerning the validity of the order and is of the opinion that irreparable injury to the party or parties against whom the order is made will ensue if such order of suspension is not granted. No preliminary injunction, restraining order, or stay order so suspending the operation of an order of the commission shall be made by the court otherwise than as above and on hearing after not less than 5 days' notice to the commission, and no order of the court so suspending the operation of an order of the commission shall continue in force for more than 90 days. In case the court shall so suspend the operation of an order of the commission, the court shall state in its order of suspension the particular or particulars wherein it entertains such doubt concerning the validity of the commission's order, and point to the evidence upon which it bases its opinion that irreparable injury to the party or parties against whom the order is made will ensue if such order of suspension is not granted, and state the nature of the injury.

"SEC. 4. That the Interstate Commerce Commission shall appoint a solicitor, who shall receive an annual salary of $10,000, payable out of the appropriation for the commission in the same manner that salaries fixed by the commission are paid.

"Said solicitor shall, under the direction of the commission, have full charge and control, on behalf of the commission, in the courts of the United States, including the Supreme Court, of any and all suits brought to enforce, or to enjoin, set aside, annul, or suspend, any order or orders of the commission, except orders for the payment of money, and of any and all other suits instituted in court by or against the commission, and the commission may from time to time employ such attorneys as it may deem necessary to assist said solicitor in the conduct of such suits, and fix the compensation to be paid to such attorneys, which compensation shall be paid out of the appropriation for the commission: *Provided*, That any party interested in any order involved in any such suit may intervene in and become a party to said suit and be represented by his, its, or their own counsel therein under such rules, regulations, and practices as are now in effect in equity courts of the United States.

"Any and all costs taxed against the commission, and any expense incurred on behalf of the commission, in any suit instituted in court as aforesaid, shall be paid out of the appropriation for the commission.

"SEC. 5. That all cases pending in the Commerce Court at the date of passage of this act shall be transferred forthwith to said district courts. Each of said cases shall be transferred to the district court wherein it might have been filed at the time it was filed in the Commerce Court if this act had then been in effect, and if it might have been filed in any one of two or more district courts it shall be transferred to that one of said district courts which may be designated by the petitioner or petitioners in said case, or, upon failure of said petitioners to act in the premises within 10 days after the passage of this act, to such one of said district courts as may be designated by the judges of the Commerce Court.

"SEC. 6. That if any carrier fails or neglects to obey any order of the commission other than for the payment of money while the same is in effect, the Interstate Commerce Commission may apply to any district court of the United States, in the circuit wherein such carrier has its principal operating office, unless such office is in the District of Columbia, in which case such application shall be to the district court in the circuit wherein the carrier has its principal office, for the enforcement of such order. If after hearing that court determines that the order was regularly made and duly served, and that the carrier is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such carrier, its officers, agents, or representatives from further disobedience of such order, or to enjoin upon it or them obedience to the same.

"SEC. 7. That any act or parts of any act in conflict with or inconsistent with the provisions of this act are hereby repealed.

"SEC. 8. That this act shall take effect and be in force from and after its passage, except that the judges of the Commerce Court shall have authority to make any and all orders and to take any other action necessary to transfer as aforesaid the cases then pending in the Commerce Court to said district courts."

Mr. Chairman, this bill repeals the first six sections and paragraph 12 of section 13 of the act of June 18, 1910, establishing a Commerce Court. Those sections created that court, specified its duties and methods of procedure, and defined its jurisdiction. Stated somewhat more in detail, the provisions of the various sections were as follows:

Section 1 creates the Commerce Court, defines its jurisdiction, provides for the appointment of its judges and other officers, specifies the localities in which and the methods by which proceedings before this court shall be conducted.

Section 2 provides for an appeal from a final judgment or decree of the Commerce Court to the Supreme Court of the United States, and also an appeal from an interlocutory order of the Commerce Court granting a temporary injunction.

Section 3 directs that suits brought to enjoin the orders of the Interstate Commerce Commission shall be against the United States.

Treats of the granting of temporary injunctions and restraining orders, both by the court and by an individual member of the court.

Section 4 provides that all proceedings which have hitherto been brought in the name of or against the Interstate Commerce Commission shall be brought henceforth in the name of or against the United States, and that the United States may intervene in suits then pending by or against the Interstate Commerce Commission.

Section 5 provides that the Attorney General shall have charge of all suits brought to enforce the act to regulate commerce, and also of all suits brought to enjoin an order of the commission, but gives to the commission itself the right to intervene in proceedings attacking its orders, and also permits interested parties, whether individuals, associations, or communities, to be heard in those proceedings.

Section 6 provides for the transfer of cases pending in the various circuit courts to the Commerce Court.

Also requires common carriers to appoint agents resident in the city of Washington, upon whom service can be made.

Paragraph 12 of section 13 provides that the Attorney General may, in case the order of the Interstate Commerce Commission is not complied with, apply to the proper district court for a mandatory process to compel such obedience.

The general purpose of this bill is to restore matters to the status which they occupied previous to the passage of the Commerce Court act in so far as that act provided for a Commerce Court. The sections in this bill in detail are as follows:

Section 1 transfers the jurisdiction of the Commerce Court to the district courts of the United States. It will be borne in mind that the district courts now exercise the functions discharged by the circuit courts when the Commerce Court was created.

States the venue in which suits attacking orders of the commission shall be laid and provides that the expediting acts shall apply to these suits.

Section 2 provides for an appeal from the district court to the Supreme Court within 60 days from the entry of a final judgment or decree, and that the Supreme Court may affirm, reverse, or modify such final judgment or decree.

Also provides for an appeal to the Supreme Court from any interlocutory order or decree of the district court granting or continuing a temporary injunction.

Provides that appeals to the Supreme Court shall have priority over all other causes except criminal causes.

Section 3 provides that any suit brought to enforce or set aside an order of the Interstate Commerce Commission, except orders for the payment of money, shall be brought in the name of the commission or against the commission.

The district court is allowed to grant a temporary injunction or restraining order only in case that court entertains grave doubt concerning the validity of the order and is of the opinion that irreparable injury to the party or parties against whom the order is made will ensue if such order of suspension is not granted.

The district court is required to state in its order temporarily enjoining the order of the commission the particular or particulars in which it entertains such doubt, and to point out the evidence upon which it bases its opinion that irreparable injury will ensue.

Section 4 creates the office of solicitor of the Interstate Commerce Commission, who shall have charge of the litigation of the commission both in the district courts and before the Supreme Court.

Further provides for the employment of attorneys by the commission to assist its solicitor in the conduct of its litigation.

There is a further provision that any interested party may intervene in any suit brought to set aside the commission's order.

Costs taxed against the commission and all expenses incurred by the commission in the course of this litigation are paid from the appropriation of the commission.

Section 5 transfers all cases pending in the Commerce Court at the date of the passage of the act to the several district courts. Each case is to be transferred to that district court in which it might have been brought at the time it was filed in the Commerce Court. In case it might have been brought in one or two or more districts, it shall be transferred to that one which may be designated by the petitioners. If the petitioners do not so designate within 10 days from the passage of this act, then the judges of the Commerce Court shall designate the district court.

Section 6 provides that if a carrier fails or neglects to obey an order of the commission, the commission may make application to a district court in the district where the carrier has its principal operating office, and requires the court, if the order has been regularly made and duly served, to enforce the same by mandatory process.

Section 7 repeals acts in conflict with the provisions of this bill.

Section 8 provides that this act shall take effect from its passage, except that the judges of the Commerce Court shall have the necessary authority to make orders transferring to the appropriate district courts the cases pending in the Commerce Court at the time of the passage of the act.

If this bill is passed, the law will stand, in the main, as it did before the act creating the Commerce Court, with, however, two substantial exceptions, namely, temporary injunctions and the conduct of the litigation of the commission.

The act of 1906 gave to the circuit courts authority to grant an injunction restraining the operation of the order of the commission temporarily, pending litigation before the circuit court. This bill allows the granting of such a temporary injunction only in case where the court "entertains grave doubt concerning the validity of the order and is of the opinion that irreparable injury to the party or parties against whom the order is made will ensue if such order of suspension is not granted."

It seems evident that when a case has been deliberately heard and decided, the order of the commission should not be lightly, or as a matter of course, set aside. Up to the time that order is made the public has practically no relief from the unlawful rate or practice. If the order is enjoined, the public in most cases can obtain no complete relief against what happens pending the litigation in court.

In a case where one of two parties must suffer it seems but reasonable that the decision of the tribunal appointed to determine the question shall prevail, pending an appeal to the courts.

This bill attempts to reach that end by inhibiting courts from issuing these temporary restraining orders except in cases of "grave doubt."

Congress can without doubt enact that such temporary injunctions shall only continue for a certain time, provided that that time is a reasonable one within which to dispose of the matter upon its merits. It has always seemed to many people that the only effective restraint which can be put upon the power of the court in the granting of these temporary injunctions was to limit the life of the injunction itself. This bill does that by providing that no temporary order shall continue in effect for more than 90 days. This length of time is sufficient in which to try all questions presented to the district courts upon their merits, and the effect of it will be to expedite in the only sure way by which that can be done—the disposition of these questions in the district courts whenever a temporary injunction is granted.

This bill also provides that the court in issuing its temporary injunction shall state the reasons upon which it proceeds, and this is an important provision.

Contrary to the general equity rule, the commission is allowed by the terms of this bill to appeal from an interlocutory order of the district court granting a temporary injunction. It is plain that such an interlocutory order might be granted as a simple exercise of discretion, or it might be granted for some substantial reason. The court might find some defect in the order of the commission or in the proceedings which led up to that order which would invalidate the order, but which could be readily remedied by the commission in some subsequent proceeding. If, now, the court is required to state the ground upon which it acts in the granting of the temporary injunction the commission can determine, first, whether it will stand upon its present order and, second, whether if it elects to do so the substantial question involved can be presented by an appeal from the interlocutory order of the district court.

Mr. Chairman, it was somewhat doubtful under the law as it stood previous to June 18, 1910, to what extent the Interstate Commerce Commission could participate in the conduct of litigation to which it was a party. While the commission was habitually represented by its own attorneys in these proceedings, it is probable that a strict interpretation of the statute would have placed authority over this litigation in the Department of Justice. The act creating a Commerce Court did this in express terms. The present bill vests in the commission

exclusive authority over all litigation to which it is a party either as a complainant or a defendant.

The commission is not a part of the executive branch of this Government, but is really the arm of Congress. The Supreme Court has said that the fixing of an interstate rate or practice is a legislative function. Congress might, by direct enactment, discharge that duty, or it may, as it has done, commit it to some tribunal. The commission reports directly to Congress and not to the President.

Questions with which the commission deals are not law questions; they are rate questions, to the proper solution of which a knowledge of law is but little helpful. To present these questions to the courts it is necessary first of all to have a competent understanding of the facts. The commission knows what it intended to accomplish in a particular instance and how it intended to accomplish that purpose. It can explain the connection of one decision with another and the effect of its decisions upon general commercial and transportation conditions. It is almost essential that the attorney who manages these matters in court shall be in close touch with the commission and in full accord with its purposes and efforts.

This has always been recognized in the past, and until the present Attorney General took office the commission has always, at the request of the Department of Justice, managed, in the main, its own legal matters, either by attorneys regularly employed by it or by special counsel engaged for that purpose. This bill proposes to give the commission authority to do what it has always done in fact up to the last three or four years and what it must do in some form if its litigation is to be properly conducted.

The present system, which permits the Attorney General to virtually overrule the orders of this commission when they are objected to by the carrier, is an apparent absurdity.

The first section of this bill makes the various expediting acts applicable to suits brought in the district courts to enjoin the orders of the commission. The expediting act provides that the Attorney General shall file with the clerk of the district court in which the proceeding is pending a certificate requiring that it be expedited. In the past the Attorney General has been a party to these proceedings. If this bill is adopted he will no longer be such party and will have no interest or knowledge in the premises. It is provided, therefore, that the expediting acts shall apply as a matter of course and without the certificate of the Attorney General.

If a Commerce Court is necessary, a mere saving of expense would be no sufficient reason for abolishing it, but if it is unnecessary the Government ought not to throw away money in its maintenance. It is therefore a question of some importance to inquire whether the present system or the system proposed by this bill would be the more economical. It is evident that the maintenance of the Commerce Court involves a large additional outlay in the following particulars:

There is, first, the appropriation covering the items of rent, the salaries of the officers of the court other than its judges, and all the incidental expenses, aside from the salaries of the judges themselves. What this amounts to can be determined by looking into the estimates for the coming year.

There is, in the second place, the item of the salaries of the judges themselves.

Under the present system five judges are employed almost continuously in Washington. The act provides that the judges of the Commerce Court may be assigned to work upon their respective circuits, and to a very limited extent this has been done, but only to a limited extent.

Under the method proposed by this bill cases now coming before the Commerce Court will be heard by three circuit or district judges in the circuit where the cause is pending. It is a perfectly conservative estimate to say that one-half of the time of the five judges who now constitute the Commerce Court will be saved, and that therefore there will be a saving of at least one-half the salaries paid these judges.

It must be remembered that every circuit for which one of these judges was appointed now needs the continual service of an additional circuit judge for the proper disposition of its business.

There is, in the third place, a very material saving in the expense of conducting the litigation of the commission under the plan proposed by this bill as compared with the present plan.

To-day the work of handling these cases is virtually duplicated. The commission has the right to intervene, and it has in all cases intervened. The commission has not felt that its cases would be properly presented to the court unless it did appear by its own attorneys. It is believed that the Commerce Court judges themselves would bear witness that the substantial burden of this litigation has been sustained by the commission.

The commission employs at the present time a solicitor at a salary of $5,000 per year and an attorney at a salary of $3,900 per year, and these two individuals have represented it in all cases before the Commerce Court and the Supreme Court, with the exception of one or two instances, where special counsel were employed, for the reason that the attorney had formerly been an employee of the commission and was especially familiar with that particular case.

The Department of Justice devotes to this work an Assistant Attorney General and two subordinates, and maintains an expensive suite of offices for the accommodation of these lawyers.

Mr. Chairman, whether greater expedition in disposing of cases would be obtained under the Commerce Court system or under the system proposed by this bill is fairly doubtful. It is evident that when the case once reaches the Supreme Court of the United States, where, as a practical matter, all these cases finally go, it makes no difference whether it comes from the Commerce Court or from the district court. The real question, therefore, is which court below will most expedite the business.

The Commerce Court has nothing to do but to try these cases, and ought to be able to give them great expedition. In point of fact, this has not always been done. One important case was submitted nearly a year before an opinion was handed down by the Commerce Court, and in several instances months between the hearing and the decision have intervened.

It must be evident that if Interstate Commerce Commission cases took their ordinary course before the district courts, as they did prior to the adoption of the expediting acts, great delay would necessarily occur in those courts, but under this bill the expediting act applies which requires that the case shall be heard by three judges and shall be given precedence over other matters.

This practice is almost exactly like that which prevailed previous to the creation of the Commerce Court. Experience under that method of procedure shows that circuit courts did ordinarily obey the mandate of the statute, lay aside other matters, and give actual precedence to these cases. Under that practice fully as prompt a decision was obtained from the circuit court as has been obtained from the Commerce Court. In cases where there was no trial upon the facts decisions were promptly reached from which appeals could be taken to the Supreme Court. Where the case was heard upon the facts by a master there was necessarily the same delay in the circuit court that there has been in the Commerce Court.

If the expediting act is applied in good faith by the district courts, it is believed that matters would be as expeditiously handled under the plan proposed by this bill as under the Commerce Court act.

The Commerce Court, though composed of circuit judges, has no jurisdiction of any kind or character except suits instituted for the enforcing, enjoining, setting aside, annulling, or suspending orders of the Interstate Commerce Commission. Very few suits have been brought, or ever will be brought, in that court to enforce orders of the commission. On the contrary, nearly all suits brought in that court are, and will continue to be, suits against the enforcement of the commission's orders. All these suits are in fact attacks upon the commission. In all these cases the commission stands as the real defendant. These suits may be many and the charges multitudinous, but all the while there will be but one material defendant. The Commerce Court, year in and year out, must for all time, if it be continued so long, hear a never-ending volume of criticism and denunciation of the commission regarding the discharge of its functions and duties. Practically every invocation of the jurisdiction of this court will be adverse to the commission. Is it possible for any five judges to remain unbiased under such conditions? To expect otherwise is too much for weak human nature. In this connection it is interesting to note, as shown by the last annual report of the Interstate Commerce Commission, that out of 27 cases passed on by the Commerce Court since its creation, February 15, 1911, to December 4, the date of said report, that preliminary restraining orders or final decrees have been issued in favor of the railroads in all but 7 cases, and that only 3 of the 7 were of any magnitude; that in but 3 cases of any consequence where the commission and the shippers have been opposed to the railroads have the orders of the commission been sustained even temporarily by the refusal to grant a temporary restraining order.

Is it possible to regard such a record of the Commerce Court as otherwise than destructive of the usefulness of the Interstate Commerce Commission, the instrumentality of Congress by and

through which the rates and practices of the common carriers of the country are to be controlled and regulated?

The Supreme Court has declared that the making of a rate for the future is a legislative and not a judicial function. It has further declared that this function may be exercised by Congress through a commission acting under prescribed rules. The rate thus fixed by a commission is as much a legislative act as if made by Congress itself.

The discretionary power involved in reaching a conclusion that a particular rate is or is not reasonable for the future is, in the very nature of things, a legislative discretion which can not and ought not to be reviewed by the courts; nor can its legislative character be changed even though there is no dispute about the facts in many cases where such discretion and judgment must be exercised. The only questions that can arise for the determination of a court in such cases are two:

First. Did the commission have the power under the law to make the order?

Second. Is the order confiscatory?

The first of these questions involves the construction by the court of the acts of Congress by which the powers of the commission are delegated to it, which is a pure question of law in nowise dependent upon the facts of any given case. The second question is one of fact as to whether the rate fixed by the commission is so low that the carrier can not, in connection with all its other sources of income, earn enough money to enable it to maintain its property and pay operating expenses.

Do either of these questions demand or require special expert knowledge on the part of judges of any court? Do not all courts, both State and Federal, have to construe the statutes of legislative bodies? Does it require unusual legal attainments for judges of one particular Federal court to enable it to properly construe the acts of Congress conferring powers on the Interstate Commerce Commission? Are not the acts of Congress conferring such powers as simple and as easily understood as any other acts?

Is it necessary that the judges of an inferior court, from all of whose decisions a direct appeal lies to the Supreme Court, should be experts, when the judges of the court of last resort are not experts? If experts are needed as judges of the Commerce Court, why should there not be a court of experts to pass on all questions arising out of the application of the fourteenth amendment regarding the acts of the legislatures of the several States and as to the acts of the State railroad commissions? The questions of law and fact in cases arising under the fourteenth amendment of the Constitution are exactly of a kind and character as are those arising under the fifth amendment and requires no different qualifications for judges passing on such questions than is required of the judges of the Commerce Court.

As shown by the latest report of the Interstate Commerce Commission, the State of Illinois has 11,875 miles of railroads; Pennsylvania, 11,083 miles; Texas, 14,243 miles; Iowa, 9,733 miles; Kansas, 9,006 miles; Michigan, 8,985 miles; Minnesota, 8,668 miles; Missouri, 8,077 miles; Ohio, 9,128 miles. All these States have railroad commissions vested with legislative powers in varying degrees regarding rates and practices of railroads, but not one of these great States, with thousands upon thousands of miles of railroads within their respective borders, has any special State court to pass on the validity of the acts of the legislatures of these States or of the orders of the railroad commissions of any of them. Then why should the United States be burdened with the expense of maintaining a special court to pass on questions of law and fact respecting the powers and orders of the Interstate Commerce Commission?

To ask this question is to answer it. There is nothing unusual or out of ordinary court procedure in passing on any facts that may be presented or that is necessary to be considered in determining whether or not a certain rate of fares and charges is or will be confiscatory. The testimony of expert witnesses in such cases must be weighed and considered, but it does not require an expert court of first instances to consider expert testimony any more than it does for a court of last resort.

It appears from several cases determined by the Commerce Court that where there is no conflict of testimony before the commission or where the facts are undisputed that the court holds it has a right to substitute its conclusions of fact from such undisputed testimony for and instead of the conclusions of fact found by the commission and to determine for itself whether or not the rate of fares and charges fixed by the commission for the future is reasonable.

As a great majority of cases wherein the orders of the commission are assailed are based upon undisputed facts, such a holding of the Commerce Court will permit it to review upon the facts the orders of the commission in the same manner as in a court of appellate jurisdiction where causes coming to it by appeal are tried de novo. As the Interstate Commerce Commission is the highest authority on the effect of such holdings by the Commerce Court on the orders of the commission, the following statement of the commission in its last annual report in commenting on the decision of the Commerce Court in the Pacific Coast Switching cases, is entitled to great weight:

> But while it happened to be otherwise in this particular case, it is true of the great majority of the cases heard before this commission that the facts are not in dispute. It is the conclusion to be drawn from those facts which is doubtful. Do the facts, not usually open to question, justify the further conclusion of fact that the rate or the practice under consideration is unjust and unreasonable? It is this inference of fact which the commission must of necessity draw whenever it reaches a conclusion upon any question involving the reasonableness of a rate or the undueness of a discrimination. If the Commerce Court is correct in stating that where the facts are admitted it is for that court to determine whether the rate is unreasonable or the discrimination undue, then ninety-nine one-hundredths of the orders of this commission can be reviewed upon the question of fact by the courts.

Mr. Chairman, it is alleged by the Attorney General that it is unnecessary for the Interstate Commerce Commission to be represented in suits in the courts wherein its orders are attacked, and further that it ought not to be represented in such proceedings by its own counsel.

This contention is based upon the fact that the commission as a tribunal has decided something which is in issue in the court, and it is argued that you might as well have a district judge directing his counsel to appear before the Supreme Court to argue in support of his opinion or decision.

There is no such analogy between a United States district court and its judicial functions and duties and the Interstate Commerce Commission and its administrative functions and duties as to make pertinent the comparison referred to. The district court is strictly a judicial tribunal, trying issues between parties at interest in which they alone are affected. The review of its decisions by the supreme or appellate court is upon appeal, and the only parties interested or affected by the decision are heard upon the record as they have made it. The Interstate Commerce Commission, on the other hand, is not a judicial tribunal, is not a court, and renders no judgments; therefore, there can be no appeal on a judgment to a court. It is authorized and required by law generally to enforce the provisions of the act to regulate commerce, and specifically to enter orders against carriers to cease and desist from the exaction and enforcement of rates, regulations, and practices, and to establish in lieu thereof other rates, regulations, and practices, when, in its opinion, after full hearing upon complaint filed or a proceeding of inquiry instituted on its own initiative, it shall conclude that any rate, regulation, or practice complained of, or involved in an inquiry instituted by itself, is unjust and unreasonable, or unduly discriminatory, and therefore unlawful under the various provisions of the act.

Every rate, regulation, or practice of a common carrier, both directly and indirectly, affects the interests of many persons; therefore every such question is a public question, whether the complaint be instituted by an individual or association or by the commission itself. The administration of this law, therefore, should be uniform in the application of the principles to be applied in the consideration of the varying facts, circumstances, and conditions respecting the questions of reasonableness and of discrimination.

By reason of the ever-changing facts, circumstances, and conditions upon which a question of reasonableness or of discrimination must be determined in each case, it has been deemed impracticable by judicial procedure in the courts to secure and enforce proper regulations, partly because of the necessity for the establishment of rules, regulations, and practices for the future, which is in the nature of a legislative function. In the very nature of the case the question of reasonableness or of discrimination must be determined upon many considerations; one pertinent fact may be of much less consequence in one case than in another, because of countervailing facts, circumstances, and conditions present in one case and not in another. So no specific formula or rule uniformly applicable to all cases can be prescribed for the determination of these questions, no more than a verdict of a jury can be rendered on the basis of a formula or specific rule.

This being so and the commission being appointed with a view to the special qualifications of its members as experts, dealing continually and exclusively with questions of this kind, constantly accumulating, in which the facts, circumstances, and conditions as developed in its investigations from day to day are all available in bringing its expert knowledge to the determination of questions in each case, how can it be possible that any other department, or representative of any other department, can know the reasons and the theory of the commission's action in making a specific order, as well as the commission's own representative, who is continually engaged

with it in connection with controversies growing out of its orders? The commission may be in error, and if so, it is for the courts to refuse to enforce its orders; but it is impossible that any other than its own representative could so well present to the court its reasons and the facts upon which it has felt justified under the law in making the particular order at issue.

It has not, as a court, tried a case between John Doe and Richard Roe, in which no one else is interested, but it has, in the performance of an administrative duty, as an expert body upon full hearing and in obedience to the law, entered an order, which, unless the carriers can secure an injunction against it, will become effective. It is not, therefore, merely the interest of John Doe or Richard Roe that is involved in the enforcement of the order of the commission, but it is a public question affecting many people and many interests, those of others as well as the carriers. For this reason it seems to the committee that the comparison between the commission in endeavoring to show in court the reasons for the order it has made on the one hand and the appearance of a representative of an inferior before a court of appeals, merely to sustain the decision of the judge in a controversy between two individuals, both of whom are represented in the court of appeal as well as before the lower court on the other hand is wholly out of place. The question is an eminently practical one, and it seems too obvious for argument that the representatives of the commission, whether it has made a proper order or not, can better know and present to the court the reasons for its action than anyone else.

If the commission is to be excluded from justifying its orders before the courts, and is to be under the direction and control of the head of another department, it may turn out that the latter may be wholly unfamiliar with the reasons which actuated the commission, or being familiar with these reasons for action, may disagree with it as to the conclusions reached, and therefore be unfavorable to the enforcement of its order.

In either event, the court hearing the controversy must be deprived of the theory and reasons which govern the administrative body charged with the enforcement of the law and the application of its provisions to these controversies, involving not merely private but public interest. If another department is to determine whether the order of the commission should be upheld or not, and the commission is not to be heard, then it would seem consistent that the proposed orders of the commission should be submitted for the approval of the other department before they are entered. This would hardly seem to be compatible with the plainly manifest theory of this legislation, which is that the commission should be as absolutely independent as possible in its action, to the end that it may be perfectly impartial, as indicated in the manner of its establishment.

It is required that not more than a majority of its members shall be of the same political party, that in the ordinary course the term of not more than one member of the commission should expire at the same time, and that it shall report directly to Congress. All of these provisions were intended to make it free of possible political or other influence from any source. Expert knowledge and experience was sought to be secured by the somewhat long term of office of seven years without change in the personnel of more than one commissioner at a time.

The orders which the commission enters are the culmination of its investigations and the application of its expert knowledge to the facts, circumstances, and conditions disclosed in each case. It is its orders which give effect to the provisions of the law. When the validity of these orders is on trial, conceding that they will sometimes be found to be erroneous, how can it be possible that any other than a direct representative of the commission can present as well as he the commission's reasons in justification of its action? What possible impropriety can there be in the appearance of the commission's representative to aid the court in an accurate and correct understanding of the commission's action and its reasons therefor?

The representatives of the complainants and of the defendant carriers will conduct the contest in court mainly from the standpoint of their respective interests and not from the impartial standpoint of the public interest. If the commission is to be kept independent, to the end that it may act with the utmost freedom and impartiality, without restraint, and is to be responsible for the orders it makes, in all fairness to it and to the public it should be permitted to present through its own representative the justifying reasons for its action.

Mr. Chairman, when we reach that part of the bill now under consideration, providing for the abolishing of the Commerce Court, under the five-minute rule, I hope to have some extension of time, when I expect to comment on the small amount of business the Commerce Court will have after the first year or two of its existence and what a heavy burden it is to keep up this unnecessary and very expensive court.

The remarks I am making at this time bear upon the bill which I introduced and which was reported favorably by the Committee on Interstate and Foreign Commerce, rather than on that part of this bill abolishing the Commerce Court.

The CHAIRMAN. The Chair now recognizes the gentleman from Nebraska [Mr. SLOAN].

FREE MEATS AND CEREALS.

Mr. SLOAN. Mr. Chairman, upon the repassage of the old wool bill we were informed there would be no more predigested tariff legislation this term.

The member of the Ways and Means Committee from New York [Mr. HARRISON] paused recently in his defense of a chemical schedule, which he was revising upward, to forecast an early introduction of the agricultural schedule. In this connection he said (p. 2202 of the RECORD):

> The furthest I am willing to go in the doctrine of free raw material is that I am unwilling to lay a tax upon any so-called raw material, the imposition of which will increase the cost of the necessaries of life.

The exigencies of two presidential campaigns in this House have created a little caution and shattered a number of predictions—among others, the early incoming of an agricultural schedule.

I might have waited until that schedule came in, but its character is settled. Instead of taking advantage of this "open season" for all kinds of debate I might have taken leave to print. I am personally as prejudiced against stillborn speeches as I am against caucus-canned legislation. Frankly, a speech that is not good enough for this body to hear is not good enough for my constituents to read. [Applause.] Still, a speech, however lacking, which has been rehearsed before this body may properly be read by a most exacting constituency.

Last April the majority forced through this House, over the opposition of the Northwest, the Canadian pact. That agreement opened our ports to Canadian agricultural products and at the same time opened Canadian ports to our products. We thought the exchange was unfair to the farmer of the Northwest. Thorough debate in each House of Congress demonstrated the justice of our objections. Actual experience during the period between adoption by the United States and rejection by Canada in the lowering of our prices and the early rise after Canadian rejection confirmed those objections, and no man in that part of our country will advocate reviving the pact under any circumstances. When it opened our ports it took away our shield. When it opened Canadian ports it gave, however inadequate, a sword.

The first concrete legislative declaration against the Northwest came from the Democratic caucus in its so-called "farmers' free-list bill." That bill provided that a few articles, such as salt, lumber, leather goods, and machinery, should be admitted at our ports free of duty. These were used to support the name "farmers' free list," while in the middle of the bill was couched the joker, "meats and cereals," which represent nearly all the finished products of the northwestern soil and toil. Salt, lumber, and leather goods were but the gilding of the counterfeit which the Ways and Means Committee handed to the Northwest. The average rate of duty now on these articles conceded to the farmer averaged about the same as the duty upon farm products whether in the form of finished meats and cereals or in the coarser condition.

It is one of the large facts of commerce concerning which statistics are eloquent that grain shipments are relatively decreasing, while the same material in meal, flour, and so forth, are relatively increasing in international changes. The same is true in meats. Shipments of meat on foot have decreased in international shipment.

So the farmer was offered a free nickel for a silver piece varying from a quarter to a dollar. Because it is a matter of common knowledge that the farmer of the Northwest who is making money has from 5 to 20 times as much meats and cereals to sell as he has salt, lumber, and leather goods to buy. And the farmer who has no more than 5 times as much of the former to sell as he has to buy of the latter is on a mad gallop to bankruptcy or the poor house. The farmers of the Northwest resented the insult to their intelligence more than the vain effort to remove the tariff. They had no reason to expect the one, but had been warned against the latter. No farmer ever suggested such a freak of legislation, and few fail to see its fallacy. One farmer in my district, having examined the bill, said, "That bunch must have taken a pointer from old man Jones." You know Newcomb married his daughter and, as a wedding present, he deeded a house and lot worth $1,000 to the young couple. The pair accepted it, learning a short time thereafter that the deed contained the following clause: "Subject to a mortgage of $5,000, which the grantees herein assume and agree to pay." [Laughter.] Never did Get-rich-quick Wallingford ever hand a victim a more deceptive package.

To test the sincerity of the Ways and Means Committee in their gift to the farmers, western Congressmen introduced separate bills providing for the removal of duties on lumber, salt, leather goods, and so forth, and challenged the committee's attention thereto, but to no avail. They did not propose the farmer should have a favor without inflicting a tenfold burden.

You will recall the bill went to a Republican Senate where they do deliberate on tariff bills. The "Meats and cereals" were removed.

Upon return of the bill to the House the gentleman from New York [Mr. FITZGERALD], August 17, 1911, speaking from his coigne of vantage as chairman of the Appropriation Committee, said:

Coming from the section of the country I do I am vitally interested in having meat and bread and flour coming in free of duty from all the world. (See p. 4025, RECORD.)

To this the chairman of the Ways and Means Committee [Mr. UNDERWOOD] responded:

I will say that there is no man in this House more interested in having meat and flour admitted free than I am.

He further and later said:

There is no clause in this bill that is of more interest to my own constituency than the question of free bread and free meat.

To further commit Democratic leadership to this antifarmer policy, Mr. UNDERWOOD, on page 4073 of the RECORD, said:

No; I do not rise to object, but I would like to ask the question if my friend [Mr. HILL of Connecticut] disputes for a moment that every Democrat on the Ways and Means Committee during the consideration of the Payne bill was in favor of free meats?

He thus challenged the country's attention to the then stand of our distinguished Speaker [Mr. CLARK], who was the ranking member of the then minority.

Gov. Eugene N. Foss, the latest convert to Democracy, now in the presidential class, said on the floor of this House on the 21st of May, 1910:

Now, consider all the duties on food products which the people are also demanding shall be removed, the duties especially on grains, cattle, meats, fish, fruits, and vegetables, * * * what reasonable objection can there be from any source to the removal of duties on food products?

By the holy fins of the sacred codfish, does not that presidential candidate know there is a Northwest? [Laughter.]

Not content with committing the present leadership of their party to this antagonistic doctrine, they seek to commit a hoped-for Democratic administration to the same adverse policy. Chairman FITZGERALD, of New York, on August 17, 1911, at page 4082 of the RECORD, said, referring to the amended "Free list":

While this bill would be far preferable to me if it had free meat and free bread from all the world, realizing that such provisions can not be had with a recalcitrant Republican Senate, and knowing that it will be vetoed in any event by a Republican President, I favor its passage in the hope that the people will realize that it is essential that a Democratic victory be had in 1912 in order to give the people the full measure of relief that they demand.

And this, says the RECORD, was followed by "applause on the Democratic side."

What does all this mean? "Coming from the section I do." The immediate section represented in part by the other gentleman from New York [Mr. HARRISON] who forecasted the early incoming of an agricultural schedule.

The immediate section is represented in part by the gentleman from New Jersey [Mr. HUGHES], member of the Ways and Means Committee, who on June 15, 1911, at page 2112, could see nothing unsound in the taxing policies of Henry George, which would place all taxation upon land and make it unprofitable to own real estate. He would have the finished products of the farm put in open competition with the world, and the expenses of the Government to be collected out of the land. Farmers may pay taxes direct and indirect, and if they have been prosperous pay an excise tax; but the grain and live stock grown and raised abroad, reduced to forms of easy shipment, shall enter our ports without bowing to the American flag at the harbor or saying "By your leave" at the customhouse.

Such studied word of authority and formal act set forth the policy of the Democratic majority of this House against the Northwest. "Meats and cereals from all the world"—a brief phrase true; but carried into effect, a severe sentence. To that portion of our country lying north of the Ohio River and west of the upper Mississippi, meats and cereals are directly or indirectly the source of a large per cent of their annual wealth; a large per cent of the meats and cereals of the United States is there produced. Then, to reach the great cities of Boston, New York, Philadelphia, and Baltimore must be carried on an average of about 1,200 miles over land and across one or more mountain ranges.

The seaboard States have a large per cent of the urban population of the country. These States contain largely the mills and factories of the land where millions toil at good wages. The multiplied millions of their products find their best paying, best priced, nearest free market among the farmers of the Northwest. To protect these mills and factories every line of their output is by design or incident protected by tariff placed there by Republican or Democratic Congresses. These meats and cereals are produced on high-priced land with high-priced machinery conducted by high-priced labor.

It is proposed to bring into our ports free of duty meats and cereals "from all the world." To be more specific, the products of Canada, Mexico, Argentina, Chile, Paraguay, Uruguay, Australia, and New Zealand are bidden to come to glut and despoil the home markets. In this they take away our shield, and, refusing to open other markets to us, they deny us a sword.

The coast line of the United States is 4,300 miles. The collective coast lines of these other countries named is 25,468 miles. So that the average distance from field to shipping port in these countries is not more than two-thirds what it is from field to principal points of consumption within the United States. So that when the high rates of land transportation and the low rates upon water are considered, with the Panama Canal finished, the South American and Australasian shippers can lay down their products in New York and Boston at less cost than can the grain and meat producers west of the Mississippi River. This can be readily seen from the following coast-line table of the United States compared with the other countries considered, the rule being that distance to port varies inversely with the length of the coast line.

Area and coast line.

	Area, square miles.	Coast line, nautical miles.
United States	2,974,159	4,300
Brazil	3,291,410	3,700
Argentina	1,139,196	2,140
Chile	292,743	3,043
Uruguay	72,172	330
Paraguay	97,722	None.
Australia	2,974,580	7,800
New Zealand	104,750	2,270
Mexico	767,323	3,100
Canada	3,729,665	3,025
Total outside of United States	12,469,567	25,468

This gives to the United States 692 square miles of area to each nautical mile of coast line, while the average of the other countries is 489 square miles to each nautical mile of coast line. Considering the above and the varying form of coast lines, the distance to port in the United States would be approximately one and one-half times what it averages in these other countries.

The lands of all these countries are cheap. Vast areas in each are Government or State owned, and large stretches are held by speculators. These lands are largely uninclosed, so that pasturage can be had almost for the taking. Brazil's grazing land varies from 11 to 21 cents per acre in the Province of Para. Argentina's grazing lands range from $2 upward, averaging about $11 per acre. Paraguay's grazing land from 4 cents to 24 cents per acre, while its arable land can be purchased for 50 cents per acre. Uruguay's lands vary from $5 upward, averaging about $20.

Taking in account the relative productivity, nearness to seaport, and other considerations, land values in the various countries considered will not average more than from one-tenth to one-fifth of similar lands in the United States. Moreover, the Governments of each country encourage immigration by the establishment of homesteads and the sale of lands on easy terms. To this numerous other advantages and inducements are added. Paraguay not only gives a homestead but pays part of the immigrant's passage, furnishes seed for the first year's crop, exempts personal property from duty at the ports, and exempts his property from local taxation for 10 years.

"Chile of To-day" says, on page 75, that 75,000,000 acres of land fit for grazing are yet untaken, and can be bought for from $2 to $3 per acre, and each acre will graze three to four head of cattle.

Australia has liberal land laws for lease, homestead, or Crown purchase. Team of horses is furnished settlers and cash advanced for necessary improvements. Canada for years has been granting homesteads upon three-year settlement.

WAGES.

The meat and cereal producer of the United States is obliged to pay in wages and maintenance a much higher wage than the average in these competing countries.

The American farmer and cattleman must pay his employee from $20 to $50 per month and furnish him with expensive board, washing, and other privileges. He is entitled to it. From the ranks of the American farm hand has come millions of our best citizens and a large percentage of our soldiers in time of war. He works; he saves. He is strong and healthy. He marries into the families of the community. He rents the land. He then buys his own farm and ultimately pays for it.

All along this course traveled by so many he performs his duties as a citizen, and in his later life we find him the ideal capitalist—the owner of a farm, out of debt, and with something in the bank. He appreciates what he has, because he knows how it was earned. He respects and supports the Government that secured him his opportunity. He has a right and does object to being reduced to the wage and treatment of his competitors in these other countries which run about as follows:

Farmer and herdsmen's wages.

	Per month.
Argentina	$12 to $15
Brazil	12 to 14
Chile	8 to 12
Paraguay	7 to 14

It will be remembered that the maintenance of these countries of the employee is much less than that usually required for the farm hand in the United States.

That these conditions favoring the development of the meat and cereal competition in these other countries as a matter of theory is supported by the crushing facts of commerce is no longer debatable.

RESULT OF FOREGOING CONDITIONS.

I submit table showing cereal production of the United States and competing countries:

Cereals.

	Quantity produced in bushels in certain countries during—		
	1900	1905	1910
United States	[1] 3,519,379,770	[1] 4,519,326,198	[1] 5,143,187,000
Argentina	[2] 157,267,000	[2] 291,453,000	[2] 342,823,000
Chile	[1] 20,000,000	[2] 13,333,000	[2] 21,621,000
Uruguay	[2] 9,926,000	[2] 11,417,000	[2] 14,550,000
Australia	[4] 61,832,000	[1] 75,822,000	[1] 122,228,000
New Zealand	[4] 17,327,000	[1] 26,126,000	[1] 25,156,000
Mexico	[1] 115,162,000	[1] 99,087,000	[1] 209,158,000
Canada	[1] 162,989,000	[1] 417,259,000	[1] 559,060,000
Total outside United States	544,503,000	934,497,000	1,294,096,000

[1] Corn, wheat, oats, rye, and barley.
[2] Wheat and corn only.
[3] Wheat, corn, and oats.
[4] Corn, wheat, oats, and barley.
[5] Corn, wheat, and barley.

It will be noted from the above that in 10 years production increased—

	Per cent.
In the United States	46
In Argentina	117
In Australia	98
In Canada	243
In all the other countries discussed	137

You will note that if the above table fairly supports our proposition the following one, on exports, would seem to establish it beyond cavil:

Cereals.

	Quantity exported, in bushels, from certain countries during—		
	1900	1905	1910
United States	[1] 448,303,196	[1] 285,054,567	[1] 138,778,137
Argentina	[2] 92,460,623	[2] 203,468,125	[2] 188,772,957
Chile	[2] 1,640,500	[2] 3,376,000	[2] 6,087,624
Uruguay	[2] 2,402,000	[2] 2,266,000	[2] 3,681,774
Australia	[4] 16,843,500	[4] 23,459,500	[4] 23,392,730
New Zealand	[5] 7,929,000	[5] 2,093,000	[5] 1,782,780
Mexico	[6] 20,000	[6] 141,000	[6] 7,705
Canada	[5] 29,386,000	[5] 24,052,500	[5] 55,298,917
Total outside United States	150,681,623	268,856,125	294,024,487

[1] Corn, including corn meal; wheat, including flour; oats, including oatmeal; rye, including rye flour; and barley.
[2] Cereals only, except wheat flour.
[3] Corn, including corn meal; and wheat, including wheat flour.
[4] Oats, wheat, and wheat flour.
[5] Barley, oats, wheat, and wheat flour.
[6] Corn, including corn meal.

It will be noted that United States exports of cereals show a decrease in the last 10 years of 69 per cent. At the same rate in four years we will be upon an importing basis. Mind you, the Panama Canal will be in full operation by that time.

During the same 10 years Argentina increased its exports 104 per cent.

During the same 10 years Chile increased its exports 271 per cent.

During the same 10 years Canada increased its exports 88 per cent.

During the same 10 years all other countries discussed increased their exports 95 per cent.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. SLOAN. If it is a short question.

Mr. MADDEN. To what does the gentleman attribute the falling off of exports of cereals by the United States? Is it because of the increase of population, decrease of the output, or because of the increased exports from other countries of those commodities?

Mr. SLOAN. Those are three factors which contribute to it—our decrease and their increase—and I have submitted a number of tables which will be found useful and instructive in arriving at that conclusion, as I shall proceed to discuss.

And whereas the exports from the United States of cereals in 1900 (448,303,186 bushels) was three times what it was from all these other countries combined (150,681,623 bushels), in 1910 the United States exports (138,778,137 bushels) are less than one-half of these combined countries (294,024,487 bushels).

So within a short time the United States will be furnishing just about what it needs, and will be up against the proposition of the Democratic party opening up the ports of this country to a flood from these vast increasing fields of the South and North.

Mr. MURDOCK. Does the gentleman include flour in cereal exports?

Mr. SLOAN. Certainly; and I discuss that later on in one of these tables. Flour, meat, and so on, mean simply cereals ground. The coarse-grains shipments are decreasing, as the table will show, from year to year from all these countries and the ground product is relatively increasing, just as meats are relatively increasing and live-stock shipments are decreasing.

Argentine alone has outstripped us, exporting 50,000,000 more bushels than the United States. The significance of this situation appears in the further facts that the profitable grain area of the United States has reached its limit while Argentina has reduced to cultivation only 1 acre out of an available 7, and Chile 1 acre out of 5. Again the Bulletin of Agricultural Statistics published at Rome for March shows that Argentina increased its winter-wheat area for the 1911–12 year over the 1910–11, 39 per cent, while Chile increased hers 47 per cent. On the other hand the same authority shows the United States to have decreased its area 1⅓ per cent.

Mr. MADDEN. Has the gentleman any figures to show the cost of raising wheat or other cereals in Argentina and Chile as compared with the cost in the United States?

Mr. SLOAN. I have only this. I have given the wages and the prices of land. Those are the two large factors. The other factors, of course, are machinery and the transportation, but I cover the matter of the transportation in this—namely, that they are relatively nearer to the ports than we are, and the nearer they are to the ports the nearer they are to the cheap shipment.

Mr. MADDEN. Has the gentleman anything to show a comparison in the wheat-raising territory of Argentina and Chile?

Mr. SLOAN. I have not the acreage given, but that could be readily deduced from the fact that one has but one-seventh of its available land and the other one-fifth, while we have about reached our limit. Theirs, of course, do not quite come up in yield to ours as one of the factors to be considered.

Mr. KINKEAD of New Jersey. Will the gentleman from Nebraska yield?

Mr. SLOAN. Yes.

Mr. KINKEAD of New Jersey. Do I understand the gentleman correctly when I understand him to state that the rate of wheat production in Canada has decreased?

Mr. SLOAN. This year over last year it has decreased 3 per cent. Of course, that is small, but the point I wanted to make was that these countries down South have increased very largely and that we have apparently reached the limit and have really decreased the last year.

Mr. NORRIS. This decrease in Canada, if the gentleman will permit, is exceptional and not general?

Mr. SLOAN. It is this particular year. I was not claiming that to be true generally of Canada.

Mr. MADDEN. I think as to Canada, her potential wheat fields are vastly in excess of the fields she is cultivating, but in one particular year, for various reasons, there was a decrease. The gentleman does not want to convey the impres-

sion, I presume, that Canada has in any way reached her limit so far as acreage is concerned in the production of wheat?

Mr. SLOAN. No; Canada is one of the countries that may increase her acreage and probably become a more formidable competitor later on.

Mr. MADDEN. Has the gentleman any information which will enable him to say that the price received by the Argentine people for their wheat in the European market is equal to that received by the United States?

Mr. SLOAN. Quality for quality in the European market it meets ours——

Mr. MADDEN. Has the gentleman given any consideration to the fact as to whether there may not be a loss to the shipper of Argentine wheat on account of the fact that they have no boards of trade in which they have the opportunity to hedge against the possible loss that might be caused in the reduction of the price from the day of shipment and the day of arrival in the port on the other side?

Mr. SLOAN. I presume that is true, and I am glad that the gentleman, who lives near to the greatest board of trade in which wheat is handled on earth reminds me of the fact.

To those who opposed the Canadian pact, and I am one of you, let me say in the light of these comparisons and the fact that the exports of Argentina and Chile are three and one-half times the Canadian exports, if you feared and felt the sting of the reciprocity whip, be warned and dread the bite of the "free-list" scorpion. [Applause.]

Mr. LOBECK. Will the gentleman yield?

Mr. SLOAN. Yes.

Mr. LOBECK. Are the climatic and soil conditions better for the raising of wheat and cereals in the Argentine and in Chile than in Canada?

Mr. SLOAN. In some excepted places.

Mr. LOBECK. Better than the United States?

Mr. SLOAN. No; generally I do not think they are. You can not tempt me to say that any place on earth for any purpose is better than the United States or that men are as good, and that is why I want to render the favors unto Americans and keep the handicap on the foreigner. [Applause.]

Mr. LOBECK. I am glad to hear that the gentleman stands by America.

MEATS.

Mr. SLOAN. Every reason for a fair measure of protection upon our cereals applies to our meats, with these additions—the stockman must wait an average of nearly two years while the granger must wait but one for reproduction and turning his money. Again, grain raising operates to deplete the soil, while live stock renews and fertilizes it.

There was a time when tariff distinctions as between live stock on hoof and dressed meats were important. That was before artificial ice making enabled us to ignore both altitude and latitude. By the establishment of packing plants, great and small, through the countries I have discussed in South America and Australasia, with the sea highways of transportation, meats have meant simply the finished products of the farmer's toil.

Export of live stock from the United States decreased in 10 years 31 per cent, while in meats only 24 per cent. Shipments of live stock from Argentina, Australia, Canada, and Mexico, collectively, decreased from 1,207,324 in 1900 to 442,954 in 1910, or 61 per cent. The same group in the same time in meats increased from $41,486,000 to $62,510,183, or 50 per cent. I do not include Uruguay, for the reason that its shipments are simply across the Argentine line for slaughter, thence to be shipped to the consuming markets of the world.

This answers the gentleman's question about the relative shipment of live stock and grains and cereals.

I submit the following table showing the number of live stock convertible into meats:

Meat-producing live stock, 1910.

CATTLE, SHEEP, AND HOGS.

United States	174,078,000
Brazil (estimate)	27,182,000
Argentina	97,912,462
Chile (1908)	6,744,285
Uruguay (1908)	35,120,000
Paraguay (1908)	5,787,960
Australia (1909)	103,466,909
New Zealand	25,499,125
Mexico (1902)	9,283,026
Canada	12,657,119
Total, except United States	323,602,886

I submit also statistics of population for the same countries:

Population, 1910.

United States	91,272,266
Brazil (1908)	21,461,100
Argentina	6,980,000
Chile (1908)	3,302,204
Uruguay	1,094,688
Paraguay (1909)	716,000
Australia	4,374,138
New Zealand (1906)	888,678
Mexico	15,063,207
Canada (1909)	7,185,000
Total, outside of the United States	61,065,015

That while the United States has 30,207,251 more people than the countries discussed, it has less live stock than they. And the other countries have approximately four times as many sheep as the United States. In this connection it may be recalled that when our present agricultural schedule was passed great herds of cattle in South America and sheep in Australia were allowed to run their course of life in one case to be slaughtered for their hides and horns, while in the other they lived to old age, yielding up their annual tribute of wool, then died of old age, their carcasses at death becoming carrion.

I here submit a table of exports of packing-house products of beef, pork, mutton, and veal.

Meats.

PACKING-HOUSE PRODUCTS.

Exported from—	1900	1905	1910
United States	$179,898,782	$170,308,231	$135,959,373
Argentina	11,702,000	30,021,000	33,308,753
Chile			2,538,000
Uruguay	9,537,000	7,427,000	8,309,558
Australia	16,496,000	13,148,000	20,101,416
New Zealand	12,589,000	14,872,000	19,009,013
Mexico			125,298
Canada	13,288,000	16,247,000	8,974,716

Argentina has eight freezing plants and three great packing plants.
Chile has two freezing plants.
Uruguay has 1 cold storage and 33 dried, jerked, and beef extract plants.
Brazil has eight dried beef and extract plants.
Paraguay has one dried beef and one extract plant.

It will be noted that in the last 10 years the exports of the United States have decreased 24 per cent, Canadian exports have decreased 33 per cent, while their three leading competitors have shown an increase as follows:

	Per cent.
Argentina	184
New Zealand	51
Australia	22

Assuming that the same rate of decrease will continue until 1920, and a corresponding increase shall continue in Argentina, then would the latter have equaled the United States in export of meats as it has in the past decade surpassed the United States in cereal exports. That the United States has not already fallen behind Argentina in meat exports is due to our large hog products, in which our southern neighbors thus far have not been able to so successfully compete, although corn and alfalfa, the best pork-making ration, thrive in Argentina. That the Argentina pace is keeping up on beef and we are giving way will be seen from the following table:

Exports to the United Kingdom.

	United States.	Argentina.
	Cwt.	*Cwt.*
1911	174,350	6,176,503
1910	477,147	5,041,130
1909	856,216	4,336,179
1908	1,432,142	3,706,245
1907	2,417,604	2,756,965
1906	2,426,644	2,811,493
1905	2,232,206	2,580,152

That this outcome of our export business may be further certainly forecasted will be seen in the table of areas and population which follows:

Area and population.

	Area, square miles.	1910
United States	2,974,159	91,272,266
Brazil	3,291,416	[1] 21,461,100
Argentina	1,139,196	6,980,000
Chile	292,743	[2] 3,302,204
Uruguay	72,172	1,094,688
Paraguay	97,722	[3] 716,000
Australia	2,974,580	4,374,138
New Zealand	104,750	[4] 888,678
Mexico	767,323	15,063,207
Canada	3,729,665	[3] 7,185,000
Total outside of United States	12,469,567	61,065,015

[1] 1908. [2] 1909. [3] 1903.

It will be seen that there are now in the—

United States, 30.6 persons per square mile.
Brazil, 6.8 persons per square mile.
Argentina, 6.1 persons per square mile.
Chile, 11.2 persons per square mile.
Uruguay, 15.1 persons per square mile.
Paraguay, 7.3 persons per square mile.
Australia, 1.4 persons per square mile.
New Zealand, 8.5 persons per square mile.
Mexico, 19.5 persons per square mile.
Canada, 1.9 persons per square mile.
All other countries discussed average 4.9 persons per square mile.

I submit the following table, showing the areas and population, the number of live stock convertible into meat, and the relation of meat-producing live stock to area and population:

	Area, square miles.	Population, 1910.	Live stock, 1910.	Live stock per person.	Live stock per square mile.
United States	2,974,159	91,272,266	174,078,000	1.9	58.3
Brazil	3,291,416	[1]21,461,100	27,182,000	1.2	8.2
Argentina	1,139,196	6,980,000	97,912,462	14.0	85.9
Chile	292,743	[1]3,303,204	6,744,285	2.0	23.0
Uruguay	72,172	1,094,688	35,120,000	32.0	486.7
Paraguay	97,722	[2]716,000	5,737,960	8.0	58.7
Australia	2,974,580	4,374,138	103,466,909	23.6	34.8
New Zealand	104,750	[3]888,678	25,499,125	28.6	243.4
Mexico	767,323	15,063,207	9,283,026	.6	12.0
Canada	3,729,665	[2]7,185,000	12,657,119	1.7	3.3
Total and averages, except United States	12,469,567	61,065,015	323,602,886	5.3	26.0

[1] 1908. [2] 1909. [3] 1906

Mr. MADDEN. Argentina beef is not as high in price or as high in standard, is it?

Mr. SLOAN. There is nothing raised anywhere, I will say to the gentleman, that equals the American product, whether it is beef, cereals, or men, and I am in favor of taking care of all three of them. [Applause.]

Mr. MADDEN. And the Argentina product has a wider sale in Europe, because it is sold at a lower price?

Mr. SLOAN. Yes. They sell it at a lower price, because they can produce it and carry it more cheaply.

Mr. MADDEN. And another reason why they can sell it at a lower price is that there is no system of inspection in Argentina, and they are not required to adhere to the same standard of meats there that we have here.

Mr. SLOAN. Yes; and that is just another reason why the people of America, who are in favor of pure food, do not want to have an influx of impure products from all those countries pouring into this country, they not having beef inspected.

Brazil was the last monarchy on the continent to become a Republic. It is now and will continue to be an empire of wealth, and in the evolution of tariffs and commerce will become one of the largest factors with which our country must deal. It is passing strange that of this nation of rich area, boundless pampas, fertile valleys, mighty rivers, impenetrable forests, rich mineral wealth, and its centuries of civilized history, so meager up-to-date data are available; but from all to which I have had access, including the Congressional Library, Bureau of Statistics, and especially from the Pan American Union, I am convinced that Brazil is one of our most potential commercial rivals.

The great packers of America and the world have looked upon Brazil, called it good, and are making ready to exploit it. The most recent colossal venture of this kind, started by American capitalists, whom I shall not further designate than to say there are financial dragons among them, after whom knights LINDBERGH and HENRY are now in full pursuit. They have a grant of over 5,000,000 acres of land on very easy terms from the Government. Arrangements have been made for high-bred cattle to be shipped there to improve the local breed. Many thousands we understand already roam over this vast ranch with annual food immediately at hand and no shelter required. Their own railways now under construction will lead to the sea, where the products of their own shambles and packing plants in their own ships may be carried whither they will, preferably to American ports if our duties should be removed. To supervise this great undertaking, Murdo McKenzie, the great stockman of the Northwest and until recently the president of the American Live Stock Association, was employed at a salary equal to a king's ransom. While yet he wielded the gavel of his association, in December he spoke, in part, as follows:

The imposition of an import duty on anything produced in this country in effect gives a protection or advantage to the home producers of such commodities by the amount of the tax. Our position is that we want the favors or burdens of this system equitably distributed, and that so long as the present system of raising money for the support of the Government by means of customs duties continues in effect the live-stock industry should receive its share of the favors; that the labor on the farm or ranch is entitled to the same measure of protection as the labor in the factory.

This association also opposed the farmers' free-list bill. * * * That bill placed on the free list meats, cereals and flour, and some manufactured articles, such as agricultural implements, cotton bagging, boots and shoes, certain kinds of leather, and some classes of lumber. The advocates of this bill claimed that it was designed to compensate the farmer for what he might lose by reason of the passage of the Canadian reciprocity bill. Instead of being a remedy, it simply added to the burdens and preferences sought to be placed on the farmers and stockmen. By this bill the important products of the farm and range were placed on the free list. We were compelled to surrender 100 per cent and secure in return free trade in only a few of the manufactured articles we use. Stated in round figures, this bill would cause the farmers and stockmen to lose $100 for every $5 they might gain as compensatory damages. A very good trade for the other fellow! Another reason advanced by the politician for the passage of the free-list bill was that the free admission of meats would serve as a blow to the so-called Packers' Trust. When you consider that the big packers practically control the meat industry in South America, you can form your own opinion as to how much they would be hurt by the free admission of the products they handle.

This question of free meats from Argentina, free cattle from Canada and Mexico, is the most important question that has ever confronted the live-stock industry. I believe this association should at once take proper steps to see that every stockman and farmer throughout the West is fully informed of the disastrous effect that the free admission of meats from South America would have on home prices. * * *

Please remember I am telling this to you as your president. It will be a dead loss to you if the American Congress passes a law admitting free meats from South America. When I leave these shores the chances are I may be on the other side, but so long as I am your president I feel it my duty to inform you of the danger with which you are confronted. If the ports of this country are open to free meat, you can look for prices to be lower here for your live stock. * * *

It is little wonder that the great packers of the United States and their foreign allies have seen a great field for cheap production. They are alive to the cheapened water paths of commerce and have known the American market as the best in the world, where more people eat meat oftener, with better wages with which to pay for it, than any people on earth. But they find that a former Republican Congress, in sympathy with America's producing toilers, saw with the coming years this condition and provided a reasonable protective tariff amounting on the average to a cent and a half per pound on fresh meats and a higher duty on prepared meats. This means that cattle raised and grazed on free or cheap lands, bought perhaps with money advanced by the foreign government, exempt from taxation, tended and slaughtered by cheap labor, shipped by cheap water transportation to our great seaports, shall bow to the American flag, pay its first burden of taxation to the American Government, and that sufficient to make up in part the difference of our high-priced land and well-paid labor over that of the foreign producer. Where, then, will the exploiters of the South American meat and cereal industries go? They will look over the following tariff table of the nations:

Import duties on meats and cereals.

Country.	Fresh meat per pound (about).	Cured or simply prepared meats per pound (about).	Average of cereals per bushel (about).
Austria-Hungary	$0.03	$0.03	$0.211
France	.024	.032	.177
Germany	.035	.039	.245
Belgium	.019	Free.	Free.
Russia	Free.	.021	Free.
Greece	.020	.014	.162
Italy	.010	.022	.196
Spain	.012	.044	.221
Sweden	.009	.064	.198
Canada	.030	.020	.094
Mexico	.022	.033	.229
Argentina	Free.	.109	.195
Brazil	.028	.192	.177
Australia	.040	.060	.194

If the ships carrying their meats and cereals should anchor at a port of Spain, they find the aristocrats of Aragon and Castile, with a pride in and not a contempt for agriculture, demand payment of an average of 2 cents per pound for meat and 22 cents per bushel for cereals.

If their cargoes go to the ports of the second greatest Republic, they will find a French barrier there, to be lifted only on the payment of 2½ cents per pound for meats and 18 cents per bushel for cereals.

Should they seek the cities of the dual kingdom and ask leave to sell to the citizens of Vienna, Budapest, and Prague, they will be informed that the first duty is to the farmers of Austria-Hungary and Bohemia, whom we count among the best farmers of Europe. "If you would sell to our cities, pay first for every pound of meat 3 cents and every bushel of grain 21 cents."

Should they direct their craft to Hamburg or Bremen, they will meet the demand—for every pound of meat you bring in to compete with the German farmer pay 3½ cents, and for every bushel of grain 24½ cents. The government of the Kaiser, where scientific agriculture has reached a high grade, where the importance of home production of foods in time of war as well as peace is recognized, there is no grudge there against the farmer or the herdsman. They would rather favor the toiler of the Fatherland than the descendants of ticket-of-leave men and native women of Australasia.

Should their heavily laden craft bear into the Scandinavian harbors, they will find that progressive and industrious people saying: "You can pass our customhouse upon paying 1 cent per pound for meats and 20 cents per bushel for cereals. If we have any favors to grant they will go to our own industrious sons, who in the short season wrest from a reluctant earth the food for our people. Our favors will be withheld from the Joses, Miguels, and Pedros of South America."

They know, of course, that the ports of the United Kingdom are open, because 78 per cent of their population is urban and a large percentage of the remainder suburban. But the United Kingdom is just one large widely scattered city, and the suburban portions can not feed the citizens. But I note that no British colony which produces meats or cereals as an established industry has free trade therein. Canada has 2½ cents duty per pound on meats and 10 cents per bushel on cereals.

Australia has an average duty on meat of 5 cents per pound and 19 cents per bushel on cereals. So Mother Britain herself, while she has free trade in her own insular isolation, does not even recommend it to her colonies of continental proportions. With longing eyes they look to the American markets; but friends are yet on guard, and the only hope for them is in the change of guard. That proposed guard would surrender to the common commercial enemy. That surrender would mean to the granger the equivalent of a blight which would reduce his wheat yield from 20 to 16 bushels per acre, or to the live-stock man a pestilence carrying away one-fifth of his herd. This proposed policy is one which says: "If we have any favors to extend, we prefer to give them to the Patagonian nomads rather than the United States farm hand, and prefer the Mexican greaser to the American granger." [Applause.]

But more than this, the rising flood of exports from Australasia and South America is already leaping over the tariff wall; and as the floods of the Mississippi recently rose and broke the levee with immense damage, so if our levee were broken vast and desolating effects would follow. Our imports of meats for 1911 amounted to $1,062,777, and the revenue paid the Government amounted to $234,155. Our imports of cereals for 1911 were in value $1,470,006 and the revenue paid $345,916, the total revenue for meats and cereals being $580,071. What reason the majority will give for throwing away this revenue I am waiting to hear.

Coming from the State I do, having no mineral wealth, little fuel, forestry, or water power, I appreciate the gravity of the situation should this declaration of war against the farmers be carried into effect. If this occurs, we will be as helpless against the influx of foreign products as a Colorado Congressman in a Democratic caucus. [Laughter.] The markets of New York, Boston, Philadelphia, and Baltimore will be controlled by South America and Australasia, as London, Liverpool, and Edinburgh are to a large extent now.

To the Northwest now and to the country at large soon this is the largest tariff problem for consideration. Two reasons are assigned for this adverse policy by its supporters:

First. It will not harm the farmer.

Second. The consumer should be favored over the producer.

The first answers itself. The demand of New York City and Birmingham, Ala., for the removal of duties is to reduce the cost to their citizens. If it reduces the cost to the consumer, the producer will have to stand that reduction.

As to the second proposition—"the consumer should be favored." Permit me to ask since when in American history has the man who rises before the dawn, subdues the forest and the sod, risks all against the chance of drought, flood, frost, or pestilence; who through long day, under burning sun, in drenching rain and blinding storm, become entitled to less consideration than the man whose hours are short, shelter is sure, and periodical payment certain in mill or factory?

Why this special concern about the consumer above the producer? I have listened to all the tariff debates of the Sixty-second Congress, and from that side of the House I have failed to hear any utterance receive the approval of that side for the producers of this country; but practically every speech has had for its burden the special benefits which would come from Democratic policies to the consumer. It has sounded as if some great sanctity hallowed the man who eats or otherwise enjoys, paying little regard to the man who toils and produces.

Out in our country Republican and Democrat alike regard it as honorable to produce and creditable to toil. "Everybody works but father"—he is a consumer and the special subject of Democratic solicitude.

When a boy on the farm, under scorching sun, cultivating corn, as the tiring team followed the long rows, their sweat would attract the gadfly, which would press his free-trade proboscis into the tingling skin. I would use my whip with some force and precision, being a protectionist and a producer. My blow was aimed, not alone to stimulate the producing horse but to stop that consumer, the gadfly. Perhaps, like a great many boys, even at that age, I dreamed of a seat with the mighty. To reach it I thought best to stay with the horse. Little did I think that when I did arrive I should find a majority here standing up for the gadfly. [Laughter on the Republican side.]

Of course, among men we like to see consumer and producer in one. But if the world goes forward, its directing and controlling forces must produce more than they consume. Still those who produce less than they consume, or none at all, seem to be the subject of the majority's special concern. Along the highways of the land walk the "American gentlemen," care free and dominion unlimited, the American tramp. The beau ideals of their class. They toil not, neither do they spin, yet Solomon in all his glory was not arrayed just like one of these. This American gentleman is the ultra typical consumer for whom our friends across the aisle are so much concerned and who multiplies so rapidly in Democratic times.

I saw a man the other day who had built up a colossal fortune. I saw, too, his daughter with her diseased duke, whom she had bought at a European bargain counter in preference to a cancerous count. They were spending with lavish hand. Now, strange as it may appear, my prejudice was not in favor of those consumers. She was one of those free traders who liked the foreign article and bought it. She will probably regret rejecting the home-grown article of worth.

Capt. John Smith was one of the first real protectionists. When the aristocratic young gentlemen came to the Virginia colony and announced themselves as consumers and entitled to the special consideration of old Capt. John, he announced good doctrine, "That he who will not work may not eat." His first consideration was toil and production which might be followed by food and enjoyment. After all, the American people have made the greatest strides in the development of their country, and the multiplication of its wealth and its fair distribution among its citizens when its first concern has been to encourage the toiler and producer that they may not only live for the day but that they shall have plenty for the morrow, which plenty shall constantly grow for the use and enjoyment of the generations to come.

To further exalt the consumer, the chairman of the Ways and Means Committee, in his speech on the sugar schedule, elevated the word "belly" to the parliamentary dignity that Jonah gave the same word in the cetacean chapter of Scripture. His proposition is, "He who eats is nobler than he who toils." The paraphrase, I understand, is—they favor a "bulging belly to a bending back." [Laughter.] That may explain why the chairman of the Ways and Means Committee and the gentleman from Colorado [Mr. RUCKER] do not always agree. The latter has frequently dared protest against caucus action and speak and vote in the interest of the producing Northwest.

I certainly have no objection to a neat-fitting belt. It gives certain gentlemen on either side of the House that "of earth earthy appearance." An expansion at the equator and a slight flattening at the poles.

I like to see working Americans well fed, well clad, well housed, with such creature comforts, which might, as their industry warranted, be called luxuries for their æsthetic and physical enjoyment. But I know that none of these can or ought to precede toil of hand or brain. I hope to be pardoned if my interest is first for the straining shoulder and fashioning hand rather than the tickled palate which merely enjoys; rather the brain that studies and conceives than the one which reads and listens to be entertained. If there is to be any rank or aristocracy in this country, let the Lord of Taste be subject to the King of Toil.

Why, then, the majority's attitude toward the granger and herdsman? It may be found in two magic statements: "Coming from the section I do" (FITZGERALD, p. 4025, RECORD), and "There is no clause in this bill that is of more interest to my own constituency" (UNDERWOOD). Of these men, one controls the main gate for revenue outlet, and the other the main door

for its inlet. They speak the voice of New York and Birmingham, Tammany and Dixie, Wall Street and Steel. They have each mistaken the "rumble of his burg for the murmur of the world." More than that, they seem to have impressed that belief on the majority of this House. That belief has been crystallized into caucus action, and we have learned that the dicta of the caucus is the last word to the House. [Applause.]

How was this done? There are Democratic Members from the Northwest. Why did they submit and let this party policy say, "The farmer is entitled to less consideration than the manufacturers; the stockmen shall be reduced to the same basis as the foreign herdsman"? It was the rumble of Birmingham. Its Representative is chairman of the Ways and Means Committee. That committee named every chairman of the House. These chairmen, seated at the head of their great committees, control legislation through the report or suppression of all bills. Therefore the political life of each Member of the majority was more or less at stake.

I looked at the map and noted the latitude and longitude of Birmingham and New York. I then noted latitude and longitude of the 35 leading committee chairmen. I found that 3 were from the section of the gentleman from New York, 31 from the Birmingham section—Missouri, for obvious political reasons, included in this section—and only 1, SHERWOOD, on Pensions [applause], from the great Northwest, where the meats and cereals are largely produced. I looked over this portion of our country and find that out of the 35 ranking Republican Members on these committees 16 came from the meats and cereal section. A new application for the old, once declared sacred, ratio of 16 to 1. We know that on all revenue matters the minority, during the Sixty-second Congress has been excluded from the committee room in the make-up of the tariff bills. Does anyone think if those 16 ranking Members had been chairmen instead there would have been brought in a bill so directly levied at the farmers' interests?

This assault was made in the name of the people—pronounced "pee-pul." I was curious to see how much they represented the people. I found, upon investigation, that the chairman of the Ways and Means Committee, according to the returns of 1910, represented a district polling 10,114 votes. The district of Mr. PAYNE, ranking minority member, polled 39,938 votes. This led me to further investigate, and the following table will show at once the location of the various members of the legislative cabinet which holds in its hands the fate of our industries, the electorate they represent, and corresponding facts about the ranking minority members:

Committee.	Chairman and ranking minority member.	State.	Total congressional vote.
Ways and Means	Oscar W. Underwood	Alabama	10,114
	Sereno E. Payne	New York	39,938
Rules	Robt. L. Henry	Texas	7,384
	John Dalzell	Pennsylvania	17,469
Judiciary	Henry B. Clayton	Alabama	9,173
	John A. Sterling	Illinois	31,925
Interstate and Foreign Commerce.	Wm. C. Adamson	Georgia	2,815
	Frederick C. Stevens	Minnesota	33,278
Agriculture	John Lamb	Virginia	5,408
	Gilbert N. Haugen	Iowa	16,928
Banking and Currency	Arsène P. Pujo	Louisiana	8,099
	Edward B. Vreeland	New York	38,882
Merchant Marine and Fisheries.	Joshua F. Alexander	Missouri	34,181
	Wm. C. Greene	Massachusetts	23,910
Military Affairs	James Hay	Virginia	10,038
	Geo. W. Prince	Illinois	35,641
Naval Affairs	Lemuel P. Padgett	Tennessee	22,009
	Geo. Edmund Foss	Illinois	42,226
Post Office and Post Roads	John A. Moon	Tennessee	31,036
	John W. Weeks	Massachusetts	33,733
Coinage, Weights, and Measures.	Thomas W. Hardwick	Georgia	5,749
	Wm. W. Griest	Pennsylvania	17,838
Public Lands	Jos. T. Robinson	Arkansas	5,764
	Frank W. Mondell	Wyoming	37,126
Indian Affairs	John H. Stephens	Texas	19,751
	Charles H. Burke	South Dakota	51,367
Territories	Henry D. Flood	Virginia	5,878
	Wm. H. Draper	New York	39,450
Insular Affairs	Wm. A. Jones	Virginia	5,908
	Martin E. Olmsted	Pennsylvania	34,550
Public Buildings and Grounds.	Morris Sheppard	Texas	10,707
	John E. Andrus	New York	46,602
Education	Asbury F. Lever	South Carolina	4,976
	James F. Burke	Pennsylvania	18,794
Patents	William A. Oldfield	Arkansas	6,184
	Frank D. Currier	New Hampshire	39,399
Pensions	William Richardson	Alabama	8,957
	Ira W. Wood	New Jersey	38,443
Claims	Edward W. Pou	North Carolina	20,838
	William H. Heald	Delaware	44,022
War Claims	Thetus W. Sims	Tennessee	21,768
	Elmer A. Morse	Wisconsin	32,310
District of Columbia	Ben Johnson	Kentucky	30,839
	J. Hampton Moore	Pennsylvania	33,468
Revision of Laws	John T. Watkins	Louisiana	4,244
	Reuben O. Moon	Pennsylvania	21,208
Reform in Civil Service	Hamilton L. Goodwin	North Carolina	15,063
	Frederick H. Gillett	Massachusetts	29,193
Irrigation	William R. Smith	Texas	20,068
	Moses P. Kinkaid	Nebraska	47,084
Immigration and Naturalization.	John L. Burnett	Alabama	18,473
	Augustus P. Gardner	Massachusetts	31,977
Census	William C. Houston	Tennessee	16,867
	Edgar D. Crumpacker	Indiana	55,116
Industrial Arts and Expositions.	J. Thomas Heflin	Alabama	10,058
	William A. Rodenberg	Illinois	46,291
Rivers and Harbors	Stephen M. Sparkman	Florida	12,871
	George P. Lawrence	Massachusetts	28,829
Accounts	James T. Lloyd	Missouri	26,845
	James A. Hughes	West Virginia	46,594
Election of President and Vice President.	William W. Rucker	Missouri	37,910
	Marlin E. Olmsted	Pennsylvania	34,550
Appropriations	John J. Fitzgerald	New York	20,016
	Joseph G. Cannon	Illinois	39,518
Foreign Affairs	William Sulzer	New York	16,351
	David J. Foster	Vermont	27,634
Labor	William B. Wilson	Pennsylvania	26,216
	John J. Gardner	New Jersey	39,776
Invalid Pensions	Isaac R. Sherwood	Ohio	45,609
	Cyrus A. Sulloway	New Hampshire	41,447
Total for 35 committees.			568,257 1,236,526

It will be seen that the average electorate represented by the chairman is 16,236; average represented by the ranking minority member, 35,329; and yet legislation has been enacted day after day in the name of the people. In that name a political fighting machine was formed, the most neatly fitting, close connected, remorseless, and apparently invulnerable since the organization of the old Macedonian Phalanx, directed by the gentleman from Alabama—urbane, admiration-compelling UNDERWOOD. He moves like a form of vitalized steel encased in an armor of velvet. He has earned the sobriquet "Velvet Boss" from his adherents, who are many, and admirers, including all of us. [General applause.]

It will be recalled that the Macedonian Phalanx was invincible so long as its fighting was on a selected plain, but when mountain, river, or forest intervened the joints under charge were broken and it fell into disorder. The separate units became in each other's way. Defeat followed. This political phalanx, selecting its own battle ground, has been powerful, but is now placed upon the rugged, broken ground of concrete action. Its weakness is already apparent and it will go to pieces in the November battle, because levying a tariff war against a great section, where the voters are also the toilers, and where that great industry is the basis of our Nation's life, will not meet the approval of the American electorate.

The gentleman from New York [Mr. LITTLETON], on the 18th of March, at page 4060 of the RECORD, in a matchless peroration, said:

> There has been an effort to array the West against the East and the East against the West. * * * There should be industrial peace between the East and the West. They should mutually cooperate here and elsewhere for the equalization of the burdens of taxation to be borne by the whole country.

The Northwest has not designed to array the West against the East, but, on the contrary, for years we have paid golden tribute to the upbuilding of the East, content with the development of our common country and the indirect benefits accruing to the new and developing West. But we shall insist that if you persist in reversing a policy which has been beneficial to you for decades, you will, I trust, pay us the poor compliment of knowing when our interests are assailed and of having the courage to politically fight for them. I have not suggested any sectionalism. I have merely examined and discussed the location, with pertinent attending facts, to which the two great leaders of the majority in this House made reference and plea.

We take a pardonable pride in the great cities of our east and southern coasts. But we know that a great city is a great evil, and that the constant drift of millions of our best blood from the farms to these cities is not well for those who drift, nor is it well for the country at large. We believe that any step taken to lure the young man or woman from farms to cities is unwise for the Nation. Moreover, the man or men, the faction or party, who, by lowering the commercial standing of the farms below that of other industries, and those who would say to the toilers in shop and mill and factory, we will protect you against equality with foreign labor, but to the farmer, we place you on

an equality with the Patagonian nomad or Australian, and thereby render less attractive farm life and opportunity, is no friend of his countrymen. Our fields are simply open-air factories; the farmer must be an engineer to run his machinery; a scientist to properly seed, cultivate, and garner; and an economist to sell and purchase. This is the people against whom you would discriminate; the people who both vote and work, and in their districts the vote and population have a uniform relation.

On April 17 1912, page 4952 of the RECORD, Hon. ALBERT S. BURLESON, of Texas, chairman of the Democratic caucus, whose district presents an electorate of 10,111 votes, asked leave of the House to have printed in the RECORD a speech delivered by the Hon. JOHN J. FITZGERALD, of New York, delivered recently before the New York State Democratic convention, the purpose being to make a campaign document of it. Said Mr. BURLESON:

I assure the gentlemen that this particular speech will not be buried in the CONGRESSIONAL RECORD, for it is our purpose to circulate it in certain of the United States where the people are in need of enlightenment.

In his speech the gentleman from New York, on page 4953, declared the price of "meats and cereals," among other articles, to have been placed upon unjustifiably high levels. On the same page he says "the free-list bill" was sent to the President slightly modified from the form in which it passed the House. It will be recalled that the slight modification was the removal by the Senate of "meats and cereals."

They tell of a man who went to the river. The next day they found his clothes on the bank and took them to his disconsolate widow, saying, "Here is your husband slightly modified." Thus lightly does the majority in this House treat the almost total product of the farmer's toil.

But we have recently heard that the record of this Congress for constructive legislation would be the platform of this majority in the coming campaign. Nearly all we have been doing has been a practical reenactment of legislation passed by the last House except tariff legislation. In tariff legislation there are two classes: First, modification metals, wool, cotton, chemicals, varying from considerable reduction to cheese paring reduction or increase; second, removal of duties, meats and cerals—sugar. This latter class affects the farmer.

In striking contrast with the majority's attitude, comes the statement of ex-President Roosevelt on March 6, at Minneapolis:

There must be no discrimination against the farmer, no effort to make him pay the entire burden of reduction. His interests must be considered with the same care that is given to the interests of other American citizens. The welfare of the farmer like the welfare of the wageworker is vital to our general welfare, and no tariff system is proper that does not recognise as a fundamental necessity the need of caring for the welfare of both wageworker and farmer.

[Applause.]

This tariff attitude of the Democratic Party explains two insistent public inquiries:

First. Why did the Democratic House change front on the Tariff Board? Second. Why was Baltimore selected as a convention city?

In Congress and out of Congress, up to the time of the January, 1911, banquet at Baltimore, the Tariff Board was approved and supported. Up to that time it was expected to treat all industries on the same basis. It is well known that a Tariff Board can be useful only in determining facts when the raising or lowering of duties are contemplated. If removal of duty is contemplated, the board is useless. Since the large tariff changes from that time contemplated removal of duties from practically all the northwestern products, it was thought to be embarrassing and useless to have a board collecting and collating facts which would show the American farmer and cattleman subject to foreign competition like other lines of industry. Therefore they oppose the further existence of the Tariff Board.

Second. It does not come in the utterance of recognized party authority, but from those within the ranks and who insist upon the right to speak and let well-known facts be their corroboration, telling why the claims of St. Louis and Chicago were rejected for Baltimore. It was because they would rather tempt Providence at Baltimore, that old port where their craft parted midships in 1860, that fatal strand where the repaired wreck foundered under the pilotage of Horace Greeley in 1872, than risk the presence and wrath of a great people against whom they had levied relentless tariff war.

Such is the constructive statesmanship upon which appeal is to be made to the country. Free meats, free cereals, like free silver and other seductive-sounding slogans, will have a summer song's existence soon to be repudiated and forgotten.

The American people, in accepting or rejecting political slogans, will remember the respective party tests: Democracy asks, "How does it sound?" Republicans demand, "Is it sound?" [Applause on the Republican side.]

Mr. SHERWOOD rose.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio.

Mr. SHERWOOD. Mr. Chairman, it does not seem to be understood that the great spirits who framed the Federal Constitution and set the young Republic on its career never intended that the Supreme Court should have power to declare an act of Congress unconstitutional. It was twice proposed in the Constitutional Convention of 1787 to give the Supreme Court this power and it was twice voted down, only two States voting for the proposition. Had this power been given the Supreme Court, the Federal Constitution would never have been ratified. The Constitutional Convention met in secret and the journal of proceedings was kept secret, but a vote to destroy the journal failed. Mr. Madison's copy of the proceedings of that remarkable body was only published nearly a half century after the dissolution of the convention. Virginia was represented in that convention by James Madison, jr., and John Blair. Thomas Jefferson, very unfortunately for this country, was abroad as our minister to France. At no time during the sessions of this convention were more than 12 States represented, and one of these States withdrew from the deliberations. While Pennsylvania had eight representatives in this convention, the State of New York had but one—Alexander Hamilton, who was a dominating force and was largely responsible for the undemocratic features of the Constitution. Hamilton declared for the English form of government, with a hereditary President and a House of Lords. While he failed, he did succeed in incorporating the provisions for a Federal judiciary appointed for life. Jefferson, upon his return from France, took strong ground against a Federal judiciary not elected by the people and beyond the recall of the people.

JEFFERSON'S PREDICTION AND PRESENT CONDITIONS.

Jefferson, conceded to be the greatest constructive statesman of either the eighteenth or nineteenth century, said—I quote from Jefferson:

It has long been my opinion, and I have never shrunk from its expression, that the germ of dissolution of our Federal Government is in the judiciary, an irresponsible body working like gravity by day and night, gaining a little to-day and gaining a little to-morrow, and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped.

Are there not signs everywhere, in the almost universal criticisms of our Federal judges, that the remarkable prophecy of Thomas Jefferson is in grave danger of realization. The present unrest among the people, the general discontent of the industrial classes, and the disposition among the struggling masses to embrace extreme measures and to applaud the noisy agitators of impossible reforms are ominous signs that we must read aright and heed. What is wrong with our courts and judges that an ex-President of the United States, conceded to be one of the most adroit politicians of his generation, is now appealing to the masses for upsetting our whole judicial system? What is wrong with our Federal judges, that a candidate for President for a third term, and the foremost rabble rouser of either the nineteenth or twentieth centuries, is exploiting the startling doctrine of the recall of judicial decisions and of submitting the alternate decision to the people en masse as a court of final resort, and by that shibboleth carrying four of the great States in the Union? Surely this is a lurid danger signal that we must heed.

Let us inquire earnestly, and with an unselfish patriotism, what is the matter with the country? What has caused this all-pervading unrest that is sapping the virile spirit of institutions and sysems grounded in centuries of experience and regarded as sacred and hoary?

It is a condition—an alarming condition—that confronts us. There is a cause for the people's lack of confidence in our Federal judiciary, and it is my purpose to show the basis of this lack of confidence and of this threatening unrest among the masses.

EXPRESSIONS FROM PROMINENT PUBLICATIONS.

In that very conservative periodical, the Bankers Magazine, for March, I find the following editorial, which expresses current opinion. I quote:

The evils of our law courts are every day becoming more and more pronounced. Business men are awakening to the circumstances and the need of radical reform measures. It is an absurd situation when one realizes that cases on file that might be settled with little or no trouble or time can be postponed almost indefinitely, and when we can not even then trust the decisions of our carefully selected judges.

The Toledo Blade of April 30, 1912, the leading Republican journal of northern Ohio, in discussing the recent sentence of an Ohio legislator, says editorially:

Their warped ideas as to justice, their habit of being lenient with the rich man and giving the poor man the limit of the law, their apparent blindness of the contempt they invite, have brought into being one of

the biggest issues with which the country has ever dealt. Who would ever have thought of the recall of judges if judges had not indicated the need of such a policy?

In Collier's Weekly for February Carl Snyder gives a very concise and forcible review of one of the most remarkable cases in the entire history of our jurisprudence. So far as I can learn there has been no case presenting so many glaring judicial inconsistencies:

Five of the six judges constituting the supreme court of the State of Ohio in 1909 disbarred Charles A. Thatcher, an attorney of the city of Toledo.

He was charged with scattering among the voters a seditious libel upon judges running for reelection, among them two of the supreme court judges who afterwards disbarred him.

Their honors held his disbarment necessary "in order to protect themselves from scandal and the public from prejudice."

In 1910 they unanimously refused to reinstate him.

In 1911 Federal Judge Killits, of Toledo, one of President Taft's most recent appointees, for the same reason expelled Mr. Thatcher from the bar of his court. He held the attorney guilty of "such a libel as is made a crime under the law of Ohio."

THE THATCHER CASE.

Let me say here that I have no personal or political interest in Lawyer Thatcher or his case. I have not been asked by Mr. Thatcher, either by voice or letter, directly or indirectly, to speak in his behalf. Were Thatcher charged with being a horse thief, a counterfeiter, or a highway robber, he would be entitled to a trial before an unprejudiced court of competent jurisdiction. I am a friend of Judge Morris, a competent and honest judge, whom Thatcher criticized and opposed. I refer to this case solely in order to show the absolute necessity for courts and judges to observe their own limitations of power, under the Constitution and laws. If courts and judges expect to command the respect and confidence of the people, their official proceedings and judicial edicts must be fair and regular. Lawyer Thatcher's entire life has been a combat. He thus developed very aggressive fighting qualities. From boyhood he had supported himself. By his own efforts he put himself through college and prepared for admission to the bar, where, by 20 years of hard work, he acquired a large and lucrative practice. Thatcher early became identified with the prosecution, rather than with the defense of suits brought by those whom the juggernaut of modern industry had maimed or disabled. Mr. Thatcher was a Republican, but experience led him, finally, to think that corporate interests were actually intrenched in some of the courts, and could not be dislodged without evicting some of the judges. In 1908 he decided to appeal to the people.

Among the judges running for reelection in that year upon the Republican ticket were Messrs. Shauck and Price of the supreme court, and Judge Morris of the local court of common pleas. The latter's friends staked his fortunes upon a drastic sentence which he had just imposed upon the members of a local "trust." This proved him, they said, a fearless, independent, "people's judge," and an enemy of corporate arrogance. His Democratic opponent, who was indorsed by two independent organizations, was advertised, on the other hand, as the nominee of the breweries and the trusts and as the abject creature of a political "boss." Mr. Thatcher opposed the reelection of all the three judges above named. To aid in the campaign against Judges Shauck and Price, of the supreme court, Thatcher circulated a pamphlet, which he called "The Judicial Reform Bulletin." He also reprinted a pamphlet of the Ohio Federation of Labor, Brotherhood of Railroad Trainmen, Brotherhood of Locomotive Engineers, and other railroad labor organizations, rehearsing numerous votes by Supreme Court Judges Shauck and Price in favor of corporate litigants.

I quote a paragraph from this circular:

The various decisions of the Supreme Court have caused the judges of the lower courts to hesitate in rendering decisions favorable to the common people, feeling that their decisions will be reversed when reaching the supreme court of the State.

The "Judicial Reform Bulletin" saw the light about 10 days before election. After the election an informer showed the circular to Judges Shauck and Price and their associates in the antechamber of the Supreme Court of Ohio. These august judges pretended to believe that this informer was acting on behalf of the bar of Lucas County, the home of Lawyer Thatcher. Out of hand the court appointed a committee to prepare and file charges based on the offending publication. Not all the active Republican politicians of Toledo were placed on the committee; neither were all Thatcher's personal enemies appointed. But every member of the committee belonged to one or more of these classes. They sat for six weeks behind closed doors while their zealous brethren brought in sensational "copy" about Thatcher. Thus assisted, the committee finally produced a remarkable document. Curiously enough, the very words and phrases of the old sedition law were dug up to express the enormity of Thatcher's offense. Sedition was droned in over 20 variations, which covered about 84 pages, all loaded with allopathic doses of malignant erudition.

Thus armed, the purifiers of the bar prepared to retaliate upon the vilifier of the bench. Thatcher asked to be tried before a disinterested circuit or common pleas court, in Toledo, and to be spared the hardship and expense of attending over a hundred and twenty-five miles from home, with a suite of witnesses. About 100 Toledo attorneys petitioned the supreme court to transfer the case to a Toledo court. Two of the supreme court judges favored it, for the court was more than two years behind its legitimate work, and the Thatcher case was certain to take, as it did, a week to try. Moreover the State constitution gave that court no power to try disbarment cases. It is strictly an appellate or reviewing court, and it had never before assumed to exercise this jurisdiction and had repeatedly refused to do so. True, there is a statute purported to confer the power, but Thatcher was charged with a criminal libel, and the statute in question sanctioned disbarment for crime *only after the accused had been tried and convicted by a jury*. And I need not add here that if Thatcher had libeled a judge or judges that the Ohio law of libel was available to adequately punish him, either by fine or imprisonment, or both. He is financially responsible. Instead, the prosecuting interest against Thatcher fled from the remedies provided by law to redress and punish the abuses of free speech, and invoked a revenge not authorized by any law. And that by a prejudiced court without original jurisdiction. The votes of two other judges, with those of Shauck and Price, made a bare majority for holding the case. Against the constitution and the statute both, the court set its own "inherent prerogative"—and, of course, prerogative won.

I quote an inherent prerogative from this prejudiced and capricious bunch of Ohio supreme court judges:

They said:

Considering the unsettled state of the law in this State and the peculiar circumstances of this case, we are entirely warranted in exercising jurisdiction without being in any way under obligation to do so in every case which may be brought to our notice.

Thus, inherent prerogative relentlessly scorched Thatcher, while it mercifully screened its scorching rays from others far more culpable. A Republican State senator, a personal friend of one of the judges, and a lawyer, was accused of participating in the loot of a poor man's little patrimony. The local judge (it would seem) was disqualified from disbarring him, inasmuch as the judge later was sentenced to the penitentiary as an accessory. But the Ohio Supreme Court spurned this complaint. The same extenuation could not be pleaded in favor of another small group of lawyers from Mr. Thatcher's home city. They were charged with precisely the same misconduct for which Thatcher was presently to answer. In 1906, in an anonymous campaign sheet, "The Independent Citizen," they had libeled and cartooned a judge, who was then a candidate, as a cringing slave, with an iron collar about his neck, led by an iron chain, and made to bow before a bloated potentate, throned upon a pyramid of money bags. In this case the court shut and bolted the door of its antechamber in the face of the complainants. It refused to permit the accusation even to be filed. It has been claimed that the supreme judges were above all suspicion of partiality in the Thatcher case. They say so themselves. I quote from the court's inadequate pretense:

We have entertained the present case with the intention to be absolutely fair to the judiciary and the public interest on the one side and the respondent on the other, and we believe we have not failed in that regard.

Marvelous judges. They confess taking it for granted from the start that the "judiciary" and the "public interest" were the real adversaries of Charles A. Thatcher. Where else, since the time of Jeffreys, shall we look for judges so impartial as to sit by proxy at the prosecutor's table and in person upon the bench. And where else, since the day of Jeffreys, has inherent prerogative been so vehemently championed.

So Thatcher was brought to face "the judiciary" in its double capacity, including its poor relation, "the public interest." He fled to the sanctuary of the Constitution. He laid hold of the horns of the altar, but all in vain. There stood inherent prerogative, "the guardian of the law as it is," and dragged him out, baited him for six days, then disbarred him for life. One judge voted for a temporary suspension. This would have been the sentence, but Shauck and Price, the two members of the bench whom Thatcher had criticized, were on guard, jealously watching out for "the immaculate judiciary" and "the public interest." They turned the scale in favor of permanent disbarment.

EXERCISED THE RIGHT OF AMERICAN CITIZENSHIP.

Because Thatcher had exercised the right of every American citizen, the right of free speech, he was summarily deprived of his right to earn his living in his chosen profession. Here I quote again from the court:

The question is not whether his offense might be punished as a contempt or by prosecution for libel, nor in what capacity he was acting. It is whether he has shown himself by lack of appreciation of ethical standards and by unworthy conduct to be no longer worthy of being recognized as an officer of the courts.

Thus under government by inherent prerogative it makes no difference whether criticism of judges be true or false, whether it be libelous or not. The court is justifiable in disbarring a lawyer if his ethical standards are not up to the ideas of the "inherent prerogatives" of a court acting both as judges and prosecutor.

Mr. MURDOCK. If the gentleman will yield right on that point. I understood the gentleman to say that the court had no jurisdiction in that case.

Mr. SHERWOOD. I said so.

Mr. MURDOCK. Was it not possible for Mr. Thatcher to appeal to some higher court?

Mr. SHERWOOD. There is no higher court in Ohio than the supreme court of that State.

Mr. MURDOCK. I understood that this was an intermediate court.

Mr. SHERWOOD. No, it was the Supreme Court of Ohio. He was up to the highest court in the State.

In April, 1911, the Legislature of Ohio, after careful investigation, by an almost unanimous vote of both houses, declared Thatcher professionally and morally fit to practice law, and directed the court of the State to receive him as an attorney. Representative Smith, a prominent lawyer and member of the house judiciary committee, in discussing the Thatcher bill, declared on the floor of the Ohio House of Representatives that a messenger from the supreme court had requested the members of the committee to wait upon that honorable body for the purpose of discussing that bill and another bill requiring the judges to report the grounds of their decisions. The judiciary committee sent word back that they would give the judges a hearing in the committee room as they would any other citizen. Think of the judges of the supreme court of the great State of Ohio assuming original jurisdiction of a disbarment case of a local attorney, who had criticized said judges in a political campaign. Think of these judges sitting in a case in which they were necessarily full of animosity toward the unfortunate victim of their ultrajudicial indignation.

Mr. PROUTY. Will the gentleman yield for a question?

Mr. SHERWOOD. Yes.

Mr. PROUTY. I have some curiosity to know what became of that act of the legislature restoring Thatcher to his right to practice.

Mr. SHERWOOD. It was declared unconstitutional.

Mr. PROUTY. I anticipated that.

Mr. SHERWOOD. I will get to that a little later. As I remarked in opening, this is the most remarkable case in the entire history of jurisprudence in Ohio, including over a century of political life. I doubt if there is a case of like import in the political history of the United States. There is nothing to compare with it in the entire jurisprudence of England. In England to-day, the bar, composed of the barristers, is governed by the general council of the bar. The solicitors are under the discipline of the statutory committee of the Incorporated Law Society. These two bodies occasionally exchange views in matters concerning the relations of the two branches of the profession. Upon complaint against a barrister, the general council of the bar reports its findings with recommendations, perhaps of disbarment in exceptionally serious cases, to the Benchers of the Barrister's Inn, who alone have the power to act, and nearly always follow the recommendation. Disbarment is inflicted only for moral turpitude, amounting usually to crime. The only case in English practice approximating the Thatcher case occurred in Colonial New York 178 years ago.

In 1734 the royal judges of the Province of New York indicted a New York newspaper publisher, Peter Zenger, for libel in criticizing the court. They disbarred his New York attorneys who started in to show the publication was true, and they threatened to disbar any lawyer of New York Province who might venture to defend him. The former student of Gray's Inn, England, although an old man, journeyed to Albany and actually got Zenger acquitted by a jury under the very noses of the royal court. The fame of his achievement spread not only through the colonies but the mother country as well. From this famous case arose the expression "That's a case for a Philadelphia lawyer." Since then there have been no recorded cases like that of Peter Zenger, or approximating it in royal prerogatives, until the unfortunate Thatcher, of Toledo, Ohio, was arraigned before the Supreme Court of Ohio and disbarred. But this is not all that has happened to Thatcher. The next move to ruin Thatcher was to disbar him from practice in the Federal courts.

I quote briefly from a valuable paper in Collier's Weekly entitled "Judicial Tyranny and Judicial Ethics," by Carl Snyder:

JUDICIAL TYRANNY AND JUDICIAL ETHICS.

I opened a late number of the Federal Reporter, and my eye caught the title: "In re Thatcher—Disbarment for Libel." The opinion was by Justice John M. Killits, recently elevated to the Federal bench for the northern district of Ohio by President Taft. It reviewed the case at length, giving the reasons why Charles A. Thatcher, a lawyer of Toledo, should be barred from practice in the Federal courts, as he had already been barred from practice in the State of Ohio. I read through the 46 closely printed pages of this extraordinary document. When I finished I rubbed my eyes and said:

"Am I living in a Republic or in Russia?"

It was not in the least a judicial opinion, but from end to end an insidious ex parte special plea, endeavoring to bolster up what Judge Killits only too plainly believed to be a very weak case as it had been handled by the Ohio Supreme Court. In his attack on the supreme court justices Thatcher had reprinted a carefully drawn and itemized criticism of these two judges which was being disseminated by the Ohio Federation of Labor in cooperation with the Brotherhood of Trainmen and the Brotherhood of Locomotive Engineers. These charges recited case after case decided by these two judges, invariably in favor of the corporations and against the poor defendants, and declared these judges to be unfit for office. It was a presidential year, and the combined attack of Thatcher and the federation failed of its intended effect. Shauck and Price were reelected. But the actions of the Supreme Court of Ohio are not a tenth part as important as the action of Federal Judge Killits. The Ohio Supreme Court is chosen, nominally at least, by the people, and in due course is subject to their wrath. Judge Killits was not chosen by the people but by the President. This judge holds his office for life and is subject to no recall except by a laborious impeachment by the Congress of the United States. Where, gentle reader, do you imagine that this Federal court, "free," as Judge Killits says, "from bias or local prejudice," resided?

Shall you be astonished to open the almanac and read under the list of Federal judges:

For the northern district of Ohio, John M. Killits; address, Toledo, Ohio.

It happens there are two Federal judges for this northern district. Why was not the case brought before Judge Day, who did not live in Toledo, and who, presumably, would have had no interest in putting Thatcher under the ground?

Without going further into the case I wish to point out the four facts which emerge from this effort judicially to dynamite this Toledo insurrecto:

1. There was no move to disbar Thatcher, and apparently no suggestion to disbar him, before his campaign against Morris and the supreme court judges.

2. Neither the Ohio Supreme Court nor the Federal court decision goes so far as to suggest that the libel alone was sufficient ground for disbarment.

3. It is perfectly clear from the opinion of Judge Spear of the Ohio Supreme Court that the other charges trumped up against Thatcher after his assault on the courts afforded no sufficient ground for disbarment. If every collection transaction of attorneys which had been questioned by client or adversary is a sufficient ground for disbarment, how many lawyers would there be left practicing law?

4. It is perfectly clear that if Thatcher had never assailed these judges there would have been no disbarment proceedings.

I leave it to Mr. Hapgood's philosophical pen to moralize upon the effect of proceedings of this sort on the part of bench and bar on a public which is asked to respect our courts.

So much and much more Carl Snyder wrote in Collier's Weekly about this remarkable case. Judge Killits appointed on a new investigating committee three gentlemen of highly respectable character and unimpeachable political orthodoxy, only two of whom were personally hostile to Thatcher. The old charges were there, and then some more. Thatcher's attorney suggested that the gentlemen interested in prosecuting him had contributed money to obtain affidavits against him. The judge, at first, was indignant, but when it developed by the admission of a prosecuting witness that he, with others, had contributed to such a fund, the judge changed his view to the extent that he commended his conduct and refused to permit any inquiry as to whether other witnesses for the committee had done the same. Thatcher, after a trial before Judge Killits and a long and agonizing wait, was disbarred from practice in the Federal courts. It was charged that the influence which secured the recent appointment of Judge Killits were all hostile to Thatcher, and that Judge Killits was prejudiced against him from the start. It was also charged that Judge Killits had decided the case against Thatcher before the hearing occurred, and that he held his decision for months in abeyance in order to prepare plausible arguments and find some mummified precedents to fortify his opinions. Whether these reports are true or groundless I have no basis for an intelligent opinion. It is a delicate and difficult task to give, offhand, the mental and moral status of the average Federal judge. I prefer to let this case rest on the facts as stated by Carl Snyder in Collier's Weekly. He is a disinterested critic.

But this is not all that has happened to Thatcher. The law of the Ohio Legislature restoring Thatcher to the practice of his profession was, on February 12, 1912, declared unconstitutional by a bench of four common pleas judges, sitting in Toledo, one judge (Curtis Johnson) dissenting. This on the ground that the

law of the Legislature of Ohio was legislative usurpation of judicial power.

But this decision has no bearing on the merits of the Thatcher case. It does not touch the question as to Thatcher's lack of ethical ideals as involved in the decision of the Ohio Supreme Court.

Judge Chittenden, one of the common pleas judges in this case, who concurred with the majority, says:

It should be distinctly understood that we are trying no question of the fitness or unfitness of Mr. Thatcher to practice law.

A majority of the judges held against Thatcher on three propositions:

First. The disbarment of Thatcher by the supreme court was a judicial act.

Second. The legislature that passed the law restoring Thatcher exercised judicial functions which belong exclusively to the courts.

Third. In the disbarment of Thatcher the court exercised an inherent function, or a natural attribute of all courts; a function or power not subject to review by the legislature.

In dissenting from these propositions, Judge Johnson claimed:

First. That the supreme court had no jurisdiction in this case, and he proved it by quoting from the constitution of Ohio as follows:

The supreme court possesses original jurisdiction in quo warranto, mandamus, habeas corpus, procedendo, and such other appellate jurisdiction as may be provided by law.

ONE JUDGE DISSENTING.

Judge Johnson dissenting, denied the existence of inherent power in a court created by the Constitution and subject to such legislation as the supreme law-making power may enact.

Let me ask where does the supreme court obtain its inherent prerogatives or inherent power? It does not take a Philadelphia lawyer to understand that whatever power is given this court by the legislature is not inherent power. The claim that the legislature exercised judicial functions in passing a law relieving Thatcher from the unjust decrees of a court that was without jurisdiction in the case, is lacking the element of either equity or justice. As Judge Johnson says:

The legislature may contribute power to the court and may enlarge its jurisdiction.

Hence it necessarily follows that the authority to contribute power to this court must include the right to limit or restrain the power of the court, especially when the court wantonly violates both the letter and spirit of the constitution in assuming jurisdiction of a case, outside and beyond the limitations imposed by the constitution. Judge Johnson held that if the disbarment of Thatcher was an inherent power lodged in the supreme court for its protection, this inherent power could not legally be extended to disbar Thatcher from practice in any other court. To hold that the supreme court can extend its own inherent power to all the other courts of the State is to claim that the supreme court can legislate, by inherent power. This doctrine is odious to law and equity and common sense. [Applause.]

I quote from Judge Johnson:

Each court is a separate and entirely distinct entity. Each is independent and has its sphere of action and existence. Hence the inference is plain that the judgment of the supreme court, acting by virtue of its inherent power, can not control the judgment of the courts of common pleas as to the exercise of their inherent power.

Judge Johnson gives the law in this case as it is, and as it should be, and as it must be, if we are to have a Government where the laws of the supreme lawmaking power are inviolate from the encroachments and usurpations of prejudiced and venal courts.

When the Supreme Court of Ohio assumes jurisdiction in a case inhibited by the constitution, as in the Thatcher case, where is the remedy to correct the outrage, unless it be lodged in the supreme lawmaking power, or the power that the constitution of Ohio lodges in the legislature?

All the judges who decided this case are able, experienced, and honest, and I believe they were without prejudice. But the majority evidently gave too much consideration to "inherent prerogative," and judicial comity, and the exaggerated ego of the supreme court judges.

ANOTHER IMPORTANT CASE.

I refer to another case of continent-wide notoriety that has caused more criticism and aroused more feeling among the industrial classes than any case in the entire history of the Federal jurisprudence of the United States. On December 23, 1908, Samuel Gompers, president of the American Federation of Labor; Frank Morrison, secretary; and John Mitchell, president of the Mine Workers' Union were sentenced to imprisonment by Justice Wright of the Supreme Court of the District of Columbia for contempt of court, upon the charge that they violated the terms of an injunction granted on petition of the Bucks Stove and Range Co. of St. Louis. As this case involves such rank injustice and so much judicial outrage, I propose a brief review of some of its salient judicial atrocities. In pronouncing sentence upon these labor leaders Justice Wright exhibited such a malignant spirit and used such violent language, and showed such alarming symptoms of pathognomonic hysteria that even as cautious and conservative a journal as the New York Evening Post referred to him editorially as exhibiting "an excess of heat, and indulging in turbid rhetoric." The Outlook magazine (this was before the Colonel took charge of the contributing editor's easy chair) assumed a startled attitude, deprecating his lack of judicial poise, remarking "the dignity of language was all manifested by the supposed criminals," referring to Messrs. Gompers, Mitchell, and Morrison.

This ill-tempered judicial harangue occupied two hours and twenty minutes and only ceased when the real culprit on the bench had exhausted his vocabulary of invective; then he emitted the following: "It is the judgment of the court that you, Frank Morrison, be imprisoned in the jail of the District of Columbia for a term of 6 months; you, John Mitchell, for a term of 9 months; you, Samuel Gompers, for a term of 12 months."

HONORED MEN JUDICIALLY PERSECUTED.

These three conservative, honored, and honorable officials of the industrial workers of the United States, all law-abiding, liberty-loving, large-hearted leaders in the uplift movement of the men and women who are doing the world's work, left the presence of this cruel and unjust judge in silence. Samuel Gompers is the ablest and most conservative labor leader in either the United States or Europe. [Applause.] For 30 times he has been elected president of the American Federation of Labor, covering a period of 30 years. All this time he has been constantly in the limelight, and during all these years of his wearing work for the weary workers there has never been even a suspicion against his honesty or his fidelity among the workers. He has always stood for law and order. He has opposed strikes, and has, for the past decade, favored peaceful arbitration. He has opposed arraying labor against capital. He has devoted the best part of his robust life to every humane movement for the moral and physical betterment of his fellow workers. And his broad humanitarianism, his true Christian temper, while under this cruel and unjust sentence is well illustrated in his calm and dignified review of the case. I quote from Samuel Gompers:

The questions involved in this decision are fundamental questions of constitutional liberty. The sentences imposed upon the defendants sink into insignificance when compared with the court's denial of the right of free speech and freedom of the press. If Justice Wright were at all familiar with the history of the labor movement, if he understood its purposes or its ideals, he would have hesitated before exhausting his vocabulary in denouncing those whom he is pleased to characterize as "the throng" and "the rabble." Our much-maligned labor movement is, in the language of Gladstone, "the bulwark of democracy." It has done more than any other agency to raise to a higher standard of life the working people of our country; it has protected the weak and the helpless against the strong and avaricious; it has taken the child from the mine and the mill and the factory; it has liberated the woman from the garret, the sweatshop, and the hovel; it stands for education, for religion, and for morality; it has restrained the impetuous and stayed the violent; it has given courage to the timid and hope to the despondent; it has stood for construction and improvement and against destruction and debasement; it reaches out the right-hand of fellowship to the fair and humane employer; it has stood like a rock against the inconsiderate, the grasping, and the inhumane employer; it stands for law and order, it opposes anarchy and turbulence; it stands for progress, for moderation, and for liberty; it stands for self-respect, for decency, and dignity.

These condemned labor leaders had committed no offense; they had violated no law. They had not even violated the unjust edict of a servile court. Justice Wright gave the sum and substance of this notorious case when he said:

No defense is offered save these: That the injunction, first, infringed the constitutional guaranty of freedom of the press; second, infringed the constitutional guaranty of freedom of speech.

This is all we need to fittingly illustrate the wrong and outrage of the prison sentence of Justice Wright. Let every patriotic citizen contrast the malignant spirit exhibited by this ill-tempered judge with the dignity and courage and fidelity to the best ideals of true Christian citizenship of Samuel Gompers and his associates.

And did Justice Wright give us the law in this case? No. Did he give us the facts? No. He did neither.

The first amendment to the Constitution reads as follows:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the rights of the people peacefully to assemble to petition the Government for redress of grievances.

THE JUDGE AND THE CONSTITUTION.

In commenting on this section Justice Wright said:

So, with respect to the inhibition against abridging the freedom of speech and of the press, the Constitution nowhere confers a right to

speak, to print, or to publish; it guarantees only that, in so far as the Federal Government is concerned, its Congress shall not abridge it, and leaves the subject to the regulation of the several States, where it belongs.

In other words, this judge holds that a sacred right, guaranteed by the Constitution, that the supreme lawmaking power of the United States has no right to even abridge or modify, can be annulled by an inferior Federal judge. He asserts that the guaranteed rights of a citizen, that the supreme lawmaking power has no right to even abridge, "is subject to the regulation of the several States where it belongs," and further, this limber-minded judicial pettifogger says "the Constitution nowhere confers a right to speak, to print, or to publish." It strikes me that any mature citizen with as much gray matter in his cerebrum as a gray goose will understand that when the Constitution inhibits the abridgment of free speech that, by clear implication, it confers a right to speak, to print, or to publish. Justice Wright held in this case that a judge may do by injunction what Congress is prohibited from doing by legislation. Can there be any doctrine more dangerous to individual rights and personal liberty than this? It is an infamous doctrine, and a Federal judge holding such views is, in my judgment, unfit to hold any judicial office. [Applause.]

A leading labor leader, in a well-poised article in the American Federationist, well says:

Apparently with deliberate design to assist in insidiously undermining constitutional rights by judicial usurpation, Justice Wright says that this injunction only "incidentally" prohibits the exercise of free speech and freedom of the press. How can it be "incidental" when the prohibition is absolute and permanent? Unless constitutional rights are secure from "incidental" as well as every other sort of invasion they are not secure at all. If an injunction may be issued prohibiting freedom of speech and of the press for the purpose of protecting an employer's alleged "property rights" in labor, then there is no limit beyond which our judges may not go in destroying the freedom of the press and the freedom of speech.

Holding that a Federal judge, without a hearing under the forms of law, may, by a judicial edict, deprive a citizen of his rights "incidentally," is a convincing proof that Justice Wright has no adequate conception of the constitutional rights of an American citizen, and is therefore a judicial ignoramus; or else he is so full of prejudice and animosity against the labor leaders that he is utterly unfitted to administer impartial justice. Let us now examine the facts. When we learn that neither Samuel Gompers, nor John Mitchell, nor Frank Morrison violated the spirit or purpose of the injunction we get a better understanding of the injustice perpetrated by Justice Wright in his imprisonment sentence. First, let me say the judicially condemned officials of the American Federation of Labor did not initiate the boycott against the Bucks Co. It simply approved the action of one of its affiliated bodies. Hence, if a boycott against a nonunion concern is a crime, the court's action should have been instituted against the union that inaugurated the boycott. Crime by proxy is a new element in our so-called jurisprudence. Take the case against John Mitchell. He was sentenced by Justice Wright because he signed, with full knowledge of its contents, the "urgent appeal" which accompanied the twenty-seven and odd thousand circular letters to the various secretaries, counseling their distribution. This "urgent appeal" and accompanying circular for financial aid to defend this case in court is presumed to have originated in the Norfolk convention of the American Federation of Labor, which was held in November, 1907. The facts are that Mr. Mitchell was not present at the Norfolk convention, did not attend any session of the executive council of the American Federation of Labor, either then or at any subsequent meeting at which the "urgent appeal" was under consideration. Mr. Mitchell did not sign or have knowledge of the preparation or the circulation of the "urgent appeal." Justice Wright knew all these facts and circumstances when he sentenced John Mitchell to imprisonment. He knew that John Mitchell was absolutely innocent of even any attempt to discredit the court's injunction.

Take the case against Samuel Gompers. As soon as the injunction became operative he took the name of the Bucks Range Co. from the "Don't patronize list" in his newspaper organ, and from that time until this the name of the company has not appeared thereon. It is equally true that Secretary Frank Morrison, either by word or deed, in public voice or public print, never violated the injunction. Any lawyer who examines the record of proceedings in this case will become thoroughly convinced that Justice Wright did not sentence Messrs. Gompers, Mitchell, and Morrison to prison because they had violated the injunction, but because they had defended their constitutional rights as American citizens and the rights of the great body of workers whom they represent. In doing this they were compelled to criticize a judge who not only flagrantly violated the Constitution but consigned to a culprit's prison three law-abiding American citizens, innocent of any violation of this drastic order of a prejudiced court.

But there is another phase of this case. Upon appeal to the higher courts the sentences of Justice Wright upon Messrs. Gompers, Mitchell, and Morrison were reversed. The court held that he imposed a criminal sentence in an injunction suit for civil relief. The highest court, after administering Justice Wright a severe rebuke for the course he had pursued and finding an easy way to let him out of his difficulty, intimated that he might, if he thought the dignity of his court had been hurt, begin proceedings on his own initiative. Before the ink on the higher court's order was dry, he appointed a so-called committee to make an investigation as to whether there was reasonable cause to believe that Messrs. Gompers, Mitchell, and Morrison were guilty of contempt of court. And whom did he appoint as this committee to perform the judicial function of ascertaining whether there were good grounds to believe these men guilty of contempt of court? Why, the very attorneys who were the prosecutors in the first case.

The defendants were again haled before Justice Wright, and to give his unwarranted procedure the appearance of regularity, he "invited" the other justices of the Supreme Court of the District of Columbia to sit with him upon the final argument. During the taking of testimony Justice Wright acted in the dual capacity of prosecutor and judge. As examiner he reserved for the full court objections which counsel for the defendants made, and then as judge he peremptorily decided objections made by his prosecuting committee. He was either examiner or court. He certainly could not act in the two capacities at the same time.

The arguments in this case closed March 15, yet Justice Wright up to this hour has not rendered his decision. Under what practice, under what considerations of decency and a fair regard for the honor, the dignity, and the rights of these labor leaders, Gompers, Mitchell, and Morrison, has this modern Jeffereys (without his brains) withheld his decision nearly seven weeks? It is an outrage, a travesty upon justice and fair dealing.

The encroachments of the Federal judiciary, masquerading as the oracles of immutable law, upon time-honored rights guaranteed by organic law, is responsible for a large part of the popular agitation and unrest among the workers. In milder form these outrageous edicts of some of our Federal judges, notoriously Justice Wright, are patterned after the infamous Jeffreys, who voiced the aggressions of the Stuarts, which led to the uprising of the Round Heads under Oliver Cromwell.

Call it evolution or revolution, or what you will, a better and broader estimate of civil rights and duties has taken possession of the American people. It is the revolution of intelligence, based upon the assumption that they who toil and till should share in the harvest; that the workers in mines and mills, in steel and wool and cotton, should have a living wage, and a living wage means more than a living wage for the day. It means a sufficient wage for the men and women who do the world's work and who produce all our wealth and prosperity, to lay by something for the infirmities of age. We have no old-age pension for the workers as they have in the German Empire. In this great Continental Republic we take small interest in the welfare of the worker when his working days are over.

SOME VALUABLE OPINIONS.

I am glad I am not alone in sounding a danger signal on the many and glaring usurpations of our Federal judges. These numerous and drastic injunctions against the workers have aroused much popular indignation and called forth severe criticism from lawyers, jurists, and students of sociology. I quote a few specimens. In October of 1907 Justice Moody, late of the Supreme Court of the United States, said:

I believe in recent years the courts of the United States, as well as the courts of our own Commonwealth (Massachusetts), have gone to the very verge of danger in applying the process of the writ of injunction in disputes between labor and capital.

Hon. Thomas M. Cooley, president of the American Bar Association, said:

Courts with their injunctions, if they heed the fundamental law of the land, can no more hold men to involuntary servitude, for even a single hour, than can overseers with a whip.

Judge M. F. Tuley, of the appellate court of Illinois, used these words:

Such use of injunction by the courts is judicial tyranny, which endangers not only the right of trial by jury, but all the rights and liberties of the citizens.

Gov. Sadler, of Nevada, said:

The tendency at present is to have the courts enforce law by injunction methods, which are subversive of good government and the liberties of the people.

Prof. F. J. Stimson, of Harvard University, one of the greatest legal authorities, in his new work on Federal and State constitutions, after citing many authorities, says:

These are sufficient to establish the general principle that the injunction process and contempt in chancery procedure, as well as chancery jurisdiction itself, is looked on with a logical jealousy in Anglo-Saxon countries as being in derogation of the common law, * * * taking away the jurisdiction of the common-law courts, and depriving the accused of his trial by jury.

Judge John Gibbons, of the circuit court of Illinois, declared that—

In their efforts to regulate or restrain strikes by injunction, they (the courts) are sowing dragons' teeth and blazing the path of revolution.

Why is it that far more consideration is given in England to the rights of the wageworkers than in the United States? Let me quote from a recent law of the British Parliament:

Be it enacted by the King's most excellent majesty and with the consent of the Lords, spiritual and temporal, and the Commons in Parliament assembled by the authority of the same: It shall be lawful for one or more persons, acting on their own behalf, or in behalf of a trades union in contemplation of a trade dispute, to attend peacefully and in a reasonable manner at or near a house or place where a person works or carries on business, if he attend for the purpose of persuading any person to work or to abstain from working.

This in the land of King George, the hereditary successor of George the Third.

How do the patriotic Sons of the American Revolution like the comparison between the English "trade-dispute law" just quoted and the injunction record of our Federal courts, denying even the liberty of free speech to the American worker?

Shall the workers of the United States be compelled to turn for light and hope from democracy under an elective President to democracy across the Atlantic under a hereditary king?

I am not here to condemn all Federal judges, or even a small minority. I am only giving a few terrible examples of unjust and cruel usurpations, where the most vital constitutional guaranties have been ruthlessly invaded.

What recourse have any people, even under a Constitution guaranteeing civil rights to all alike, when they find themselves in the clutches of judges appointed for life, who are deaf to popular appeals for justice and whose official edicts, however cruel and unjust, can not be even modified by the supreme lawmaking power.

Talk about contempt of court of such a court as that presided over by Justice Wright. The only contempt due in this instance is the contempt of all justice-loving citizens for the atrocious edicts of such a court. Since Runnymeade, when the rude farmers of England invested King John in his castle until they had wrested from his grip the great Magna Charta, the safeguard of personal liberty in every land has been the alertness of the common people, jealous of their inborn rights.

I am not for the recall of judicial decisions. That is revolution. I am for evolution and progress, under proper legal remedies, as provided in the Constitution.

Article 3 section 1 of the Constitution reads as follows:

The judges, both of the supreme and inferior courts, shall hold their offices during good behavior.

The question of good behavior is an ethical question and not a legal question. And I am willing to submit that question, not to the idlers in the courthouse yard, but to the sober judgment of all the people.

In conclusion I repeat what I had the temerity to say on this floor on January 25, 1911.

The best thought of the best thinkers is that in a republic with a written constitution, guaranteeing to every citizen a free expression of opinion on all current topics, there should be no public official—executive, legislative, or judicial—who is above removal or recall of the people. The remedy (and it is far more important and vital than the election of United States Senators) is an amendment to the Constitution providing for the election of all judges by the people, with limited terms of service. This is our supreme patriotic duty, as it involves the perpetuity and safety of our cherished free institutions. [Applause.]

Mr. GILLETT. Mr. Chairman, I feel somewhat modest in venturing to say a word about the bill itself and to keep this vast audience here at this late hour, but I suppose I ought to express the fact that the minority does not concur in all the provisions of this bill. I am happy to say, however, as to the chairman of the subcommittee having charge of the bill for the first time [Mr. JOHNSON of South Carolina] that while there are many features of the bill to which I disagree, the gentleman from South Carolina has brought to the consideration of it prodigious industry, unfailing patience, and courtesy, and I have no question that in all his tedious investigations he has ever had before him the purpose of improving the administration of the Government. My only criticism is that I do not think the results correspond entirely with his wishes. He has had, and the committee have had, it seems to me, such a rage for economy that they have fallen into parsimony. I think they have gone too far in cutting down the force here in Washington and in absolutely refusing to make increases either in force or in salaries; but I do not desire to discuss the important features of the bill now.

There is the question of the Commerce Court, the Bureau of Manufactures, the tenure of office of civil employees, all matters of great importance, in which I differ from the opinions of the majority.

But the chairman has indicated that when these matters come up liberal allowance will be given under the five-minute rule, and I much prefer to discuss them then, when the audience which will vote on them is present. Therefore, Mr. Chairman, I will occupy no more time now. I simply wanted to indicate my position on the bill that there might be no understanding that the committee was unanimous.

Mr. MANN. Mr. Chairman, I desire to submit some remarks.

Mr. JOHNSON of South Carolina. I will yield to the gentleman.

Mr. MANN. I do not ask the gentleman to yield.

Mr. JOHNSON of South Carolina. Does the gentleman from Illinois desire recognition?

Mr. MANN. I do some time, but I want a quorum here when I speak.

Mr. JOHNSON of South Carolina. Does the gentleman want a quorum now?

Mr. MANN. I do if I talk now, but I should prefer to speak to-morrow.

Mr. JOHNSON of South Carolina. Mr. Chairman, the subcommittee having charge of the legislative, executive, and judicial appropriation bill, upon investigation found that in 1898 that bill carried $21,714,566. The amount carried in this bill increased regularly each year, until the present year the appropriation is $36,157,209. If the expenses of the Government were to increase during the next 10 years as they have during the last 10 years, it would be necessary to appropriate $2,000,000,000 a year instead of $2,000,000,000 for each Congress.

The committee believed that the time had come to call a halt. With tremendous momentum it requires an effort to stop. I think that this committee deserves some credit for resisting the importunities that were made upon it to increase the bill over that of the present year.

I wish to say for the minority of the committee who participated in making up the bill that our action was pleasant and harmonious. There are very few items in the bill upon which there was serious difference of opinion. There is only one item in all the bill, perhaps, that can be considered of a partisan character.

Mr. Chairman, a court of equity holds a trustee personally and pecuniarily responsible for any improper use of public funds. We are trustees; we are dealing with the public funds; and while there is no court of chancery before which we can be called upon to account for an unwise or an improper expenditure of the public money, each one of us ought to be honest enough with himself and honest enough with the country to set up in his own bosom a court of conscience, before which questions of the expenditure of public money could be tried.

The newspapers have indicated that the committee have cut remorselessly and mercilessly the salaries of the Government employees. There has been practically no cutting of salaries. I believe that less than a dozen salaries have been cut in this bill out of the 15,000 people that are provided for.

I believe that every salary that has been cut, save one, was cut at the instance of the department in which the salary is paid.

The total appropriations made for the fiscal year 1912 for the objects provided for in the accompanying bill amount to $36,157,209.85, which sum includes $500,000 for the Thirteenth Census, appropriated at the present session in the urgent deficiency act, and also $225,665, the amount expended at the mints during the fiscal year 1911 out of the permanent appropriation for parting and refining bullion, which sum is used by the Treasury in approximating the total appropriations for mints and assay offices for the fiscal year 1912. The permanent appropriation in question is repealed, to take effect at the close of the current fiscal year, and therefore specific appropriations are necessarily made in this bill in its stead for the next year.

The accompanying bill appropriates $33,519,194.06 and makes specific appropriations for 14,877 salaries.

Comparing it with the appropriations for the current year and with the estimates submitted to Congress for the ensuing fiscal year, the following results are shown, namely:

It appropriates $2,638,015.79 less than was appropriated for the same service for the current year.

It appropriates $2,165,153.34 less than was submitted to Congress in the estimates of the departments.

It provides for 406 fewer specific salaries than are appropriated for this year.

It provides for 706 fewer salaries than were recommended in the estimates, or 603 less than were specifically estimated for after deducting the 103 now payable from a general appropriation in the Supervising Architect's office, whose status as to mode of payment is not changed by the bill.

It should also be added that the bill provides for no increase in salaries or rates of compensation for the next fiscal year over those being paid during this fiscal year, except in the one case of a janitor, whose pay was inadvertently reduced the current year to $750 and is now recommended to be restored to $840.

Appropriations for fuel for the Capitol power plant, amounting to $83,000, are omitted from this bill with the purpose of considering and providing for the same in the sundry civil bill, where other expenses of the power plant are provided for. Taking this transferred sum into account, the apparent reduction of the accompanying bill under appropriations is $2,554,615.79.

In addition to the considerable reductions that are specifically recommended in the salary roll of the Government, a general provision, quoted at length at another point in this report, is recommended in the bill, that will prevent the filling of vacancies, except by promotion, occurring in the classified service at Washington during the ensuing fiscal year.

There is also recommended, as quoted elsewhere in this report, a provision requiring the Secretary of War to reorganize the classified service of the War Department, as provided for in the bill, so as to reduce the whole number of the force not less than 10 per cent, the salaries of all places embraced in such reduction to lapse and be covered into the Treasury.

TREASURY REDUCTIONS.

It should be stated, in justice to the Treasury Department, that of the total decrease of 406 existing specific employments proposed by this bill in all of the executive departments 164 of them are in the Treasury Department alone, and practically all of that reduction is made on its initiative in submitting the estimates to Congress at the beginning of this session. It is interesting and important also in this connection to state that during the last Congress, in providing for the Treasury Department for the fiscal years 1911 and 1912, a total reduction was made of 342 salaried places, with annual compensation amounting to $294,140; added to the number diminished in this bill, the total reduction in places in the Treasury Department for the three fiscal years 1911, 1912, and 1913 amounts to 506 specific employments, with annual pay amounting to $501,480.

This represents a reduction for the three years of 14 per cent in the total number of persons employed in the Treasury during the fiscal year 1910, and almost, if not quite, as large a per cent of reduction in the aggregate of salaries paid that year.

As a set-off to this large reduction in annual expenditures for salaries, for the three years there has been appropriated, including amounts in this bill, the sum of $58,970 for labor-saving devices, the use of which will continue over an indefinite period of years, and for material and rental of machines an annual expense is provided for of $76,800. The latter is wholly for the office of the Auditor for the Post Office Department, in which office alone there have been and will be abolished during the three fiscal years 176 places, with total annual salaries amounting to $208,860.

USE OF FIGURES IN EXPRESSING SUMS OF MONEY.

The bill as printed proposes innovations in appropriation legislation by expressing all sums of money in figures instead of spelling them out at length as heretofore, and by grouping, as nearly as possible, all offices or employments by titles or designations and appropriating for them by numbers and rates of compensation, thus avoiding much needless repetition.

The committee have given careful consideration to both of these rather radical departures from long-established custom in methods of legislation, and have taken counsel concerning the same with the Comptroller of the Treasury, the Public Printer, and other officials whose duties bring them into intimate relation with the matter of appropriations and expenditures or who are familiar with the art of printing, and are therefore competent to advise as to the possibility of error in thus expressing the appropriation of money, and have found a general concurrence in the opinion that the proposed changes will facilitate ready comprehension of items in the bill in the course of its detailed consideration in the House; that it will not increase the possibility of errors in engrossment and enrollment; and that it will materially reduce the present great volume of appropriation legislation—an end much to be desired in view of the large bulk and increasing number of volumes required in publishing the laws after the adjournment of each Congress. These innovations, if found practicable and meet with approval by the House and Senate, will, if applied to all appropriation bills, materially reduce the unwieldy bulk of the session laws.

CHANGES IN SPECIFIC EMPLOYMENTS.

The specific changes in the numbers or grades of officers or employees of the Government and their rates of compensation, as compared with the present law and without reference to transfers from one bureau to another, recommended in the bill are as follows:

SENATE.

The bill appropriates for officers, clerks, and other employees in the service of the Senate in the same terms as the law for the current year, except that for certain employees the usual reduction is made growing out of the shorter term of their employment during the ensuing session as compared with the present longer session of Congress; a reduction is made, in accordance with the estimates, of 5 clerks at $2,000 each and 10 stenographers at $1,200 each to Senators who are not chairmen of committees; and a reduction is also recommended of 10 policemen in the Senate Office Building, providing for the same number for that service as is provided for in the House Office Building.

The appropriations of $18,480 for miscellaneous items on account of the Maltby Building, and $3,600 for rent of the warehouse for the storage of public documents for the Senate, are also omitted.

CAPITOL POLICE.

In accordance with the provisions of House joint resolution 75, passed by the House May 26, 1911, a reduction is made in the Capitol police of 1 lieutenant at $1,200 and 34 privates at $1,050 each.

HOUSE OF REPRESENTATIVES.

In accordance with the last apportionment act, provision is made for 42 additional Representatives, at the rate of $7,500 per annum, from March 4, 1913, to June 30, 1913.

In compliance with the resolution of the House, adopted May 9, 1911, the following reduction is made in employees, namely:

1 assistant stenographer to committees	$2,000
1 janitor to official reporters	800
1 janitor to committee stenographers	720
Under the Clerk:	
1 assistant Journal clerk	2,200
1 index clerk	2,500
1 assistant index clerk	1,700
1 stenographer to Journal clerk	980
1 janitor to index room	840
1 janitor	720
1 printing and bill clerk	2,700
1 notification clerk	2,300
1 distributing clerk	2,250
1 document and bill clerk	2,100
1 resolution and petition clerk	2,000
1 printing and document clerk	2,000
1 assistant enrolling clerk	1,800
1 assistant printing and bill clerk	1,800
1 document clerk	1,900
1 superintendent	1,800
1 special employee	1,580
1 assistant	980
1 telegraph operator	1,400
1 assistant operator	1,400
1 messenger, disbursing office	1,100
1 clerk	1,680
1 page	900
1 assistant, bathroom	1,400
1 laborer, bathroom	900
1 janitor, Clerk's office	840
1 janitor, House library	800
1 janitor, file room	800
1 assistant in Clerk's office	1,600
1 assistant, stationery room	2,000
Under Sergeant at Arms:	
1 clerk in charge of pairs	1,800
1 assistant bookkeeper	1,200
1 captain of police, House Office Building	1,600
1 lieutenant, police, House Office Building	1,200
5 privates, police, at $1,050 each, House Office Building	5,250
Under the Doorkeeper:	
1 clerk to Doorkeeper	1,200
1 Assistant Doorkeeper	2,500
2 attendants, old library space, at $1,500 each	3,000
1 chief clerk	2,000
1 clerk	1,600
2 assistant foremen, at $1,200 each	2,400
2 night watchmen, at $720 each	1,440
9 messengers, at $1,180 each	10,620
6 laborers, at $720 each	4,320
1 skilled laborer	820
1 laborer in water-closet	840
69	92,280

Further reductions in compensation and number of employees of the House are recommended in the bill, namely:

3 session clerks to committees, at $6 per day each	$2,160
1 janitor, Committee on Expenditures in the Navy Department	720
2 messengers in the majority and minority caucus rooms, at $1,200 each	2,400
The pay of the department messenger is reduced from $2,250 to $2,000, and provision is made for his appointment by the minority leader of the House	250
6	5,530

Under authority of resolutions of the House, provision is recommended for the following employees:

Office of the Clerk, resolution of May 9, 1911:	
1 chief bill clerk	$3,000
4 assistants to the bill clerk, at $1,500 each	6,000
1 stenographer	1,000
Resolution of February 6, 1912:	
1 janitor to official reporters, during the session	240
7	10,240

LIBRARY OF CONGRESS.

An additional assistant at $1,200 is provided for in the reading room, to take the place of a similar position now carried under the free Public Library of the District of Columbia.

EXECUTIVE OFFICE.

The salary of the Secretary to the President is reduced from $7,500 to $6,000, to take effect on and after March 4, 1913.

DEPARTMENT OF STATE.

Three additional clerks—1 at $1,800, 1 at $1,600, and 1 at $1,000—are provided for; the appropriation of $2,000 for emergency clerical services is omitted, and the lump sum of $25,340, heretofore available for employees in connection with foreign trade relations, is also omitted.

A provision is recommended abolishing the Bureau of Manufactures under the Department of Commerce and Labor, with 27 employees and salaries amounting to $36,600, and transferring the duties of the said bureau to the Department of State.

TREASURY DEPARTMENT.

Office of the chief clerk.—A reduction is recommended of 1 watchman, at $720; 6 charwomen, at $240 each; 5 cabinetmakers, 4 at $1,000 each and 1 at $720; and 1 watchman-fireman, at $720.

An increase is recommended of 1 plumber's assistant at $720, and 3 carpenters, 2 at $1,000 each and 1 at $720.

Division of Bookkeeping and Warrants.—A reduction is recommended of 1 clerk, at $1,200.

Division of Public Moneys.—A reduction is recommended of 1 clerk, at $900.

Division of Loans and Currency.—Certain transfers from the register's office are provided for without change in rate of pay or increase in numbers.

Division of Mails and Files.—A superintendent of mails, at $2,000, instead of a chief of division, at $2,500; a distributing clerk, at $1,400; and 1 document clerk, at $1,000, are provided for.

Reductions are recommended as follows: Four clerks, at $1,400 each; additional to 1 clerk of class 2 in charge of documents, $200; 1 clerk, at $1,200; 6 clerks, at $1,000 each; 2 clerks, at $900 each; 1 assistant messenger, at $720; 1 assistant to document clerk, at $840; and the pay of a mail messenger is reduced from $1,200 to $1,000.

Office of disbursing clerk.—Aside from certain transfers to this office, an increase is recommended of 1 clerk, at $1,800, and 1 clerk, at $1,400.

Office of Supervising Architect.—A reorganization of the force of this office is recommended resulting in a net reduction of 7 employees and $13,740 in the total amount of compensation; no salaries are increased and no new places are created, although some changes in designation are recommended.

A provision is recommended making specific appropriation for 103 employees in this office who are now employed and being paid from the lump appropriation for "General expenses of public buildings" carried in the sundry civil act, their present rate of compensation not being increased or their numbers added to; it is required that specific estimates shall be submitted for these employees for the fiscal year 1913 and annually thereafter.

Office of the Comptroller of the Treasury.—A reduction is recommended of 1 law clerk, at $2,000, and 1 laborer, at $660.

Office of the Auditor for the Treasury Department.—A reduction is made of 1 chief of division, at $2,000; 2 clerks, at $1,200 each; 4 clerks, at $1,000 each; 2 clerks, at $900 each; and 1 laborer, at $660.

Office of the Auditor for the War Department.—A reduction is recommended of 10 clerks, at $1,400 each; 2 clerks, at $1,200 each; 9 clerks, at $1,000 each; and 1 laborer, at $660.

An additional messenger boy, at $480, is recommended.

Office of the Auditor for the Navy Department.—A reduction is made of 1 clerk, at $900.

Office of the Auditor for the Interior Department.—A reduction is recommended of 5 clerks, at $1,200 each, and 5 clerks, at $1,000 each.

Office of the Auditor for State and Other Departments.—A reduction is recommended of 1 clerk, at $900, and 1 laborer, at $660.

Office of the Auditor for the Post Office Department.—A reduction is recommended of 8 clerks, at $1,800 each; 18 clerks, at $1,600 each; 20 clerks, at $1,400 each; 16 clerks, at $1,200 each; 10 money-order assorters, at $660 each; 1 female laborer, at $660; 3 laborers, at $660 each; and 2 charwomen, at $240 each.

Authority is recommended for the necessary employees, with total compensation not exceeding $50,000 during the next fiscal year, to audit the accounts of the postal savings system, the same to be paid out of the appropriation for that system and with the requirement that estimates in detail shall be submitted for this force for the fiscal year 1914 and annually thereafter.

Office of the Treasurer.—A reduction is recommended of 2 chiefs of division, at $2,500 each; 1 assistant chief of division, at $2,250; 1 clerk, at $1,600; 2 clerks, at $1,200 each; 1 clerk, at $1,000; and 2 clerks, at $900 each.

A reduction of 1 clerk, at $700, is recommended in the force of the office employed in redeeming national currency.

A provision is inserted authorizing employment of necessary clerks in connection with the postal savings system at a cost not exceeding $18,000 for the fiscal year 1913, the same to be paid from the appropriation for postal savings system, with the requirement that estimates be submitted in detail for such force for the fiscal year 1914 and annually thereafter.

Bureau of Engraving and Printing.—Provision for a medical and sanitary officer at $2,000 is recommended, and 1 clerk at $780 is omitted.

Secret Service Division.—The salary of the chief is reduced from $4,000 to $3,600.

Office of the Director of the Mint.—A reduction is made of 1 adjuster of accounts at $2,500 and 1 clerk at $1,200.

INDEPENDENT TREASURY.

Office of assistant treasurer at Boston.—The following reductions in pay are recommended: Paying teller from $2,500 to $2,250; 1 clerk at $2,000 instead of 1 assistant paying teller at $2,200; 1 vault clerk from $2,000 to $1,800; 2 specie clerks from $1,650 to $1,600 each; and 3 watchmen from $850 to $840 each.

An additional laborer and guard is recommended at $720.

Office of assistant treasurer at Cincinnati.—An increase is recommended of 2 clerks at $1,300 each.

Office of assistant treasurer at New Orleans.—The pay of receiving teller is reduced from $2,000 to $1,800, and a clerk at $1,400 is recommended instead of a bookkeeper at $1,500.

Office of the assistant treasurer at New York.—The force in this office is reorganized in accordance with the recommendations of the Treasury Department; a reduction is made of 9 in the number of employees and $21,250 is the total pay.

The titles of many of the employees are changed and salaries reduced, as recommended in the estimates, but in no case does any change involve an increase of compensation.

Office of the assistant treasurer at Philadelphia.—The salary of the paying teller is reduced from $2,300 to $2,250, and 1 clerk from $1,200 to $1,000; 1 watchman at $720 is omitted.

Office of the assistant treasurer at St. Louis.—The salaries of 2 clerks are reduced from $1,200 to $1,100 each.

An additional guard is recommended at $720.

Office of the assistant treasurer at San Francisco.—A reduction is recommended in the salaries of 1 bookkeeper from $2,250 to $2,000; the receiving teller from $2,250 to $2,000; and the assistant bookkeeper from $2,000 to $1,800.

MINTS AND ASSAY OFFICES.

A provision is recommended abolishing the coinage mints at San Francisco, New Orleans, and Carson, and the assay offices at Boise, Charlotte, Deadwood, Helena, Seattle, and Salt Lake; the appropriations for the same being omitted, except in the case of the mint at San Francisco, which is provided for as an assay office; the total appropriations for mints and assay offices are reduced from $1,319,755 to $997,700, a decrease of $322,055; the total number of salaries is reduced in the aggregate by 42.

A further provision is inserted abolishing the positions of coiner and melter and refiner in the coinage mints and the assay office at New York, and substituting in their stead super-

intendents of melting and refining and coining departments; and the salaries of the superintendents of the coining departments are reduced from $3,000 to $2,500 each.

GOVERNMENT IN THE TERRITORIES.

The appropriations for expenses of government in the Territories is reduced from $182,650 to $155,150, a decrease of $27,500, and the whole number of salaries in connection therewith is reduced by 18, which reductions are consequent on the admission of New Mexico and Arizona as States.

WAR DEPARTMENT.

Office of the Quartermaster General.—A reduction is made of 1 clerk, at $900; 1 draftsman, at $1,200; and 1 writer of specifications, at $1,200.

Office of the Commissary General.—A reduction is made of 1 clerk, at $900.

Office of the Surgeon General.—A fireman, at $720, is provided for instead of an assistant engineer, at $900.

Office of the Chief of Engineers.—The amount authorized to be used from certain lump appropriations is reduced from $42,000 for 1912 to $40,000 for 1913.

STATE, WAR, AND NAVY DEPARTMENT BUILDING.

A reduction is recommended of 9 watchmen, at $720 each.

NAVY DEPARTMENT.

Bureau of Navigation.—A reduction is recommended of two copyists, at $840 each.

Bureau of Equipment.—A clerk at $1,600 is provided for instead of a draftsman at $1,700.

Instead of a general provision authorizing expenditures not exceeding in the aggregate $125,000 for personal services, to be paid out of the general appropriation for "Increase of the Navy" in the Bureaus of Ordnance, Equipment, Steam Engineering, and Construction and Repair, specific provisions are made under each of these bureaus authorizing, during the next fiscal year, expenditures of this character payable from that appropriation in sums not exceeding the amounts actually expended during the last fiscal year, except in the case of the Bureau of Ordnance the sum that may be expended is increased by $7,600.

Hydrographic Office.—Eighteen additional employees, with pay amounting to $20,560, are recommended in order to enable the Hydrographic Office to produce charts from metallic plates by photolithographic processes.

Naval Militia Office.—Provision is made for one chief clerk, at $1,600; one stenographer, at $1,200; and one messenger boy, at $600.

The committee ascertained that the foregoing employees were being paid under authority of a provision carried in the last naval appropriation act and out of the appropriation for "Arming and equipping the Naval Militia."

DEPARTMENT OF THE INTERIOR.

Office of the Secretary.—A reduction is made of 10 watchmen, at $720 each.

Old Post Office Building.—A reduction is recommended of 5 watchmen, at $720 each.

General Land Office.—The salary of the chief of the Division of Surveys is reduced from $2,750 to $2,400.

Indian Office.—It was ascertained by the committee that there are now, and have been for some time past, employed in this bureau a number of persons who are paid from appropriations carried in the Indian appropriation act, and not deeming it wise at this time to bring about a complete reorganization of this office and make permanent provision for such of these employees as might be permanently required, they have recommended legislation requiring detailed estimates to be submitted for the fiscal year 1914 and prohibiting thereafter employment of any personal services in this office other than such as shall have been specifically appropriated for in the legislative, executive, and judicial appropriation acts.

Pension Office.—Reductions are recommended of 1 deputy commissioner, $3,600; 2 engineers, at $1,200 each; 3 firemen, at $720 each; and 8 watchmen, at $720 each.

SURVEYOR GENERAL.

The office of surveyor general of South Dakota, at $2,000, is omitted.

POST OFFICE DEPARTMENT.

Office of the Postmaster General.—A reduction is recommended of 7 watchmen, at $720 each.

DEPARTMENT OF JUSTICE.

A reduction is recommended of 1 Assistant Attorney General, at $5,000, and of six clerks—1 at $1,400, 1 at $1,200, 2 at $1,000 each, and 2 at $900 each—and an assistant attorney, at $3,500, is recommended in lieu of an attorney in charge of titles at that salary.

A provision is recommended requiring that hereafter the administrative audit of all expenditures under the control of the department shall be made in the Division of Accounts of that department.

DEPARTMENT OF COMMERCE AND LABOR.

Office of the Secretary.—A reduction is recommended of 3 clerks—1 at $1,400, 1 at $1,200, and 1 at $1,000.

The appropriation of $60,000 for compensation and expenses of commercial agents is omitted.

Bureau of Manufactures.—The appropriations for this bureau are omitted and a provision is recommended, as heretofore stated, abolishing the same and transferring its duties to the Department of State.

Bureau of Labor.—A reduction is recommended of 1 messenger at $840.

Census Office.—The salaries and expenses of the Census Office have been paid for the current and two past fiscal years out of the lump appropriations made for expenses of taking the Thirteenth Census. That work will be practically completed at the end of the current fiscal year, and accordingly estimates have been submitted in the usual form and in detail for the ensuing fiscal year, and appropriations are recommended in this bill based upon those estimates. Compared with the detailed appropriations for the office for the fiscal year 1909, the accompanying bill provides for 15 fewer positions and $8,520 less in aggregate salaries.

There is also recommended in the bill an appropriation of $120,000 for temporary clerks to complete the work of the Thirteenth Census.

Bureau of Statistics.—A provision is recommended abolishing the Bureau of Statistics and transferring its duties to the Census Office; providing therefor 60 employees with salaries of $69,640, instead of 57 employees now engaged in the Bureau of Statistics, with salaries amounting to $73,650.

Shipping service.—A reduction of the shipping commissioners is recommended as follows: At Bath, $1,000; Gloucester, $600; Honolulu, $1,200; Mobile, $1,200; Norfolk, $1,500; Pascagoula, $300; and Rockland, $1,200. Salaries of commissioners are reduced as follows: New Bedford, from $1,200 to $1,000; New York, from $5,000 to $4,000; Providence, from $1,800 to $1,700; and San Francisco, from $4,000 to $3,600.

The appropriation for clerks in the offices of shipping commissioners is increased from $33,000 to $35,000.

The pay of the janitor in the New York shipping commissioner's office is restored to $840 from $750, to which latter figure it was inadvertently reduced for the current year.

Division of naturalization.—An increase is recommended of 1 clerk, at $1,600.

JUDICIAL.

Circuit judges.—A provision is recommended prohibiting the appointment of additional circuit judges until the whole number shall be reduced to 29, and that thereafter there shall not be more than 29 circuit judges.

District judges.—Two additional district judges, at $6,000 each, are recommended for the States of Arizona and New Mexico, the same having been authorized by law.

Provision for the clerk of the district court for the northern district of Illinois, at $3,000, is omitted.

Commerce Court.—The appropriations for the Commerce Court, including the salaries of four employees, are omitted, and a provision is recommended abolishing the court.

LIMITATIONS.

Limitations with respect to expenditures or legislative provisions within clause 2 of Rule XXI of the House, not heretofore enacted, are recommended as follows:

On page 52:

"On and after March 4, 1913, the salary of the secretary to the President shall be at the rate of $6,000 per annum."

On page 58:

"Members of the Civil Service Commission and its duly authorized representatives are hereafter authorized to administer oaths to witnesses in any matter depending before the Civil Service Commission."

On page 61:

"Section 5 of the act of February 14, 1903, entitled 'An act to establish the Department of Commerce and Labor,' is repealed, and the duties therein prescribed in relation to the promotion and development of the commerce abroad for the manufactured and other products of the United States, including the

gathering, compiling, publishing, and supplying of valuable and useful information in regard to industries and markets abroad, shall hereafter devolve upon the Department of State, under such regulations as the Secretary of State may prescribe, and all laws inconsistent herewith are repealed."

On page 73, with reference to the Supervising Architect's Office:

"For the fiscal year 1914 and annually thereafter specific estimates shall be submitted for salaries for all personal services of the foregoing character required in the Office of the Supervising Architect of the Treasury, and except as appropriations may be made thereunder no such personal services shall be employed in said office at Washington, D. C."

On page 79:

"*Provided*, That the Secretary of the Treasury may, during the fiscal year 1913, in his discretion, diminish the number of positions of the several grades below the grade of clerk at $1,000 per annum in the Office of the Auditor for the Post Office Department and use the unexpended balances of the appropriations for the positions so diminished as a fund to pay, on a piece-rate basis, to be fixed by the Secretary of the Treasury, the compensation of employees engaged in tabulating, by the use of mechanical devices, the accounts and vouchers of the postal service."

On page 80:

"Postal Savings System, audit of the accounts of, office of Auditor for the Post Office Department.—The Secretary of the Treasury may employ such number of clerks and employees of the several classes and at the several rates of compensation recognized by law, and expend such sums for contingent and miscellaneous items, as may be necessary, in his judgment, to audit the accounts of the Postal Savings System in the office of the Auditor for the Post Office Department: *Provided*, That the money required to pay such clerks and employees, and contingent and miscellaneous items, not exceeding $50,000 for the fiscal year 1913, shall be advanced to the Secretary of the Treasury at regular intervals out of any available appropriation for the establishment, maintenance, and extension of postal savings depositories: *Provided further*, That estimates hereunder shall be submitted in detail for the fiscal year 1914 and annually thereafter."

On page 45:

"The Secretary of the Treasury may employ such number of clerks and employees of the several classes and at the several rates of compensation recognized by law, and expend such sums for contingent and miscellaneous items, as may be necessary, in his judgment, to transact the business of the Postal Savings System in the office of the Treasurer of the United States: *Provided*, That the money required to pay such clerks and employees, and contingent and miscellaneous items, not exceeding $18,000 for the fiscal year 1913, shall be advanced to the Secretary of the Treasury at regular intervals out of any available appropriation for the establishment, maintenance, and extension of postal savings depositories: *Provided further*, That estimates hereunder shall be submitted in detail for the fiscal year 1914, and annually thereafter."

On page 56:

"On and after July 1, 1912, the whole number of collection districts for the collection of internal revenue and the whole number of collectors of internal revenue shall not exceed 62."

On page 62:

"All laws or parts of laws authorizing the establishment of coinage mints at San Francisco, Cal.; New Orleans, La.; and Carson, Nev.; and assay offices at Boise, Idaho; Charlotte, N. C.; Deadwood, S. Dak.; Helena, Mont.; Seattle, Wash.; and Salt Lake, Utah, are repealed, to take effect July 1, 1912; but nothing herein shall be construed as abolishing or prohibiting the maintenance of an assay office at San Francisco, Cal.

"The position of coiner, which has heretofore existed in each of the coinage mints, and the position of melter and refiner, which has heretofore existed in each of the coinage mints and in the United States assay office at New York, are hereby abolished, to take effect on and after July 1, 1912, and on and after that date the duties and responsibilities heretofore imposed by law on the officers holding said positions in each of said mints and the assay office shall devolve upon the superintendents of said institutions; and all assistants and employees of the mints and assay offices of the United States shall, from and after July 1, 1912, be appointed by the Secretary of the Treasury."

On page 67:

"On or before the 30th day of June, 1912, the Secretary of War shall cause a reorganization to be made of the clerical and other office force of the War Department, herein provided for, so as to reduce the whole number of said force not less than 10 per cent, and the salaries or compensation of all places herein provided for in said department that may be embraced within such reduction shall not be available for expenditure, but shall lapse and be covered into the Treasury."

On page 186, with reference to the appropriation for the "Naval Militia Office":

* * * "and no other or further sums shall be expended from said appropriation for or on account of said Naval Militia Office; but all other expenses on account thereof shall be paid out of the appropriations for contingent expenses and for printing and binding for the Navy Department, as in the case of other like expenses of that department."

On page 205:

"For the fiscal year 1914, and annually thereafter, estimates in detail shall be submitted for all personal services required in the Indian Office, and after the end of the fiscal year 1913 it shall not be lawful to employ in said office any personal services other than those specifically appropriated for in the legislative, executive, and judicial appropriation acts, except temporary details of field employees for service connected solely with their respective employments."

On page 207:

"No transfers from the Pension Office existing July 1, 1912, shall be returned to said office."

On page 254, in connection with the appropriation for three attorneys at $5,000 each:

* * * "one of whom shall have charge of all condemnation proceedings in the District of Columbia and supervise the examination of titles and matters arising therefrom in which the United States shall be a party or have an interest, and no special attorney or counsel, or services of persons other than of those provided for herein, shall be employed for such purposes." * * *

On page 256:

"The administrative audit of all expenditures under the control of the Department of Justice shall hereafter be made in the division of accounts of that department."

On page 267, in connection with the Census Office:

"In certifying eligibles from the civil-service registers for the purpose of appointment to positions of clerkships in the Census Office, hereinbefore provided for at salaries of $1,200 or less, the Civil Service Commission shall, so far as practicable under the law of apportionment, certify those who have had at least one year's experience in census work."

On page 271:

"The Bureau of Statistics of the Department of Commerce and Labor is abolished, to take effect July 1, 1912, and the duties required by law to be performed by that bureau are transferred to and shall after that date be performed by the Census Office; and the appropriations for contingent expenses, rent, and printing and binding for the Department of Commerce and Labor shall be available for expenditure on account of the Division of Statistics in the Census Office during the fiscal year 1913 to the same extent the same have heretofore been available for expenditure on account of the Bureau of Statistics."

On page 285:

"No circuit judge shall hereafter be appointed until the whole number of circuit judges shall be reduced to 29, and thereafter there shall not be more than 29 circuit judges."

On page 138:

"SEC. 4. That during the fiscal year 1913 no vacancy occurring in the classified service of any executive department or other Government establishment within the District of Columbia shall be filled except by promotion or demotion from among persons employed within the District of Columbia in such department or establishment: *Provided*, That if in the judgment of the President the exigencies of the service require, and he shall so order, transfers may be made during the fiscal year 1913 from among persons employed within the District of Columbia in one executive department or other Government establishment to fill vacancies that may occur in the classified service of another executive department or other Government establishment.

"SEC. 5. That on and after July 1, 1913, all appointments to positions in the classified service of the executive departments within the District of Columbia provided for at annual rates of compensation shall be made, after the probationary period of six months shall have expired, for terms of five years each; at the expiration of each such appointment the employment of each person so appointed shall cease and determine; and the employment of all persons in the classified service of the executive departments within the District of Columbia, at annual rates of

compensation, who were appointed prior to July 1, 1912, shall cease and determine, unless previously separated from the service on the 30th day of June, 1914: *Provided*, That all persons separated hereunder from the classified service shall, if not more than 65 years of age, be eligible for, and may, in the discretion of the head of the executive department, be reappointed without examination for additional periods of five years if at the time of such reappointment they shall be up to a fair standard of efficiency and capable of rendering a full measure of service in return for the salary of the place to which they may be appointed: *Provided further*, That nothing herein shall be construed to prevent the head of any department from removing at any time, for good and sufficient cause, any employee of his department: *And provided further*, That no person separated from the classified service under this provision shall directly or indirectly solicit indorsement for reappointment through any member of the legislative department, and any person violating this provision shall be denied reappointment: *And provided further*, That no head of an executive department shall receive or consider from any member of the legislative department any request for the reappointment of any person seeking employment in the classified service, and it shall be considered a violation of law for any member of the legislative department to submit to any executive officer a request for the reappointment of any person in said classified service.

"SEC. 6. That any person violating section 4 of the legislative, executive, and judicial appropriation act approved August 5, 1882 (Stat. L., vol. 22, p. 255), shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not less than $100 or by imprisonment for not less than one month.

"SEC. 7. That in addition to the apportionment required by the so-called antideficiency act, approved February 27, 1906 (Stat. L., vol. 34, p. 49), the head of each executive department shall, on or before the beginning of each fiscal year, apportion to each office or bureau of his department the maximum amount to be expended therefor during the fiscal year out of the contingent fund or funds appropriated for the entire year for the department, and the amounts so apportioned shall not be increased or diminished during the year for which made except upon the written direction of the head of the department, in which there shall be fully expressed his reasons therefor; and hereafter there shall not be purchased out of any other fund any article for use in any office or bureau of any executive department in Washington, D. C., which could be purchased out of the appropriations made for the regular contingent funds of such department or of its offices or bureaus.

"SEC. 8. That no money appropriated by this or any other act shall be expended for telephone service installed in any private residence or private apartment or for tolls or other charges for telephone service from private residences or private apartments.

"SEC. 9. That no money appropriated by this or any other act shall be used after the 1st day of October, 1912, for services in any executive department or other Government establishment at Washington, D. C., in the work of addressing, wrapping, mailing, or otherwise dispatching any publication issued by an executive department or other Government establishment at Washington, D. C., or for the purchase of material or supplies to be used in such work; and on and after October 1, 1912, it shall be the duty of the Public Printer to perform such work at the Government Printing Office. Prior to October 1, 1912, each executive department and other Government establishment at Washington, D. C., shall transfer to the Public Printer such machines, equipment, and material as are used in addressing, wrapping, mailing, or otherwise dispatching publications; and each head of such executive department and other Government establishment at Washington, D. C., shall furnish from time to time to the Public Printer mailing lists, in convenient form, and changes therein, for use in the distribution of publications issued by such department or establishment; and the Public Printer shall furnish copies of any publication only in accordance with the provisions of law or the instruction of the head of the department or establishment issuing the publication. The employment of all persons in the several executive departments and other Government establishments at Washington, D. C., wholly in connection with the duties herein transferred to the Public Printer, or whose services can be dispensed with or devolved upon another because of such transfer, shall cease and determine on or before the 1st day of October, 1912, and their salaries or compensation shall lapse for the remainder of the fiscal year 1913 and be covered into the Treasury. A detailed statement of all machines, equipment, and material transferred to the Government Printing Office by operation of this provision and of all employments discontinued shall be submitted to Congress at its next session by the head of each executive department and other Government establishments at Washington, D. C., in the annual estimates of appropriations."

On page 143:

"SEC. 10. That the Commerce Court is abolished on and after July 1, 1912, and all laws, in so far as they provide for the establishment of said Commerce Court, are repealed. The jurisdiction now vested in the Commerce Court is hereby transferred to and vested in the district courts of the United States. All cases pending in the Commerce Court at the date of the passage of this act shall be transferred forthwith to said district courts. Each of said cases shall be transferred to the district court wherein it might have been filed at the time it was filed in the Commerce Court if this act had then been in effect, and if it might have been filed in any one of two or more district courts it shall be transferred to that one of said district courts which may be designated by the petitioner or petitioners in said case, or, upon failure of said petitioners to act in the premises within 10 days after the passage of this act, to such one of said district courts as may be designated by the judges of the Commerce Court. The judges of the Commerce Court shall have authority, and are hereby directed, to make any and all orders and to take any other action necessary to transfer as aforesaid the cases then pending in the Commerce Court to said district courts."

This bill contains some important legislative provisions. I believe that when we reach these provisions in the consideration of the bill under the five-minute rule we ought to have liberal debate. Believing that there will be fair debate on these propositions under the five-minute rule, I shall not detain the House at this late hour in discussing them, except to say a few words on the section dealing with the classified service.

The section touching this matter, incorporated in the bill, is clearly subject to the point of order, but it was put in the bill because the committee realized the we were coming to the parting of the ways. There is a great lobby in Washington engaged in the work of endeavoring to induce Congress to pass a civil pension bill.

Mr. HAMILL. Mr. Chairman, will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. I will.

Mr. HAMILL. I have introduced a civil-service pension bill, and I wish to say to him I know of no lobby working for it, except an intense, compelling public sentiment that is largely making itself felt on Members of the Legislature.

Mr. JOHNSON of South Carolina. I supposed the gentleman was one of the champions of this extraordinary doctrine, and that he was aware of the fact that a distinguished statesman from Ohio is at the head of a committee which raised $30,000, according to the Washington newspapers.

Mr. HAMILL. May I make this suggestion, not wishing of course to unduly abuse the privilege the gentleman has given me to make an interruption——

Mr. JOHNSON of South Carolina. Certainly.

Mr. HAMILL. That the condition is extraordinary, perhaps, in the sense that it has never before received serious consideration from Congress, but it is not extraordinary in the sense it was in any degree unjust or unfair or that Congress will not in the exercise of its wisdom and intelligence in the near future act upon it, and so I take the liberty of taking direct issue with the gentleman.

Mr. JOHNSON of South Carolina. That is the gentleman's privilege, of course. We have incorporated in this bill a provision that requires people who are appointed to the Government service to be appointed for a specified period of time and they may be reappointed without further examination. But as long as people are appointed to office for life—and there is a propaganda going on that they are treated like slaves and that the Government is acting as if it were a government of barbarous people in not providing for them—I think it would be very well to change our method of appointing people and appoint them for a specified period of time. Let them know that at the end of their term their reappointment depends upon their service and I think we would hear less of our bad treatment.

Mr. HILL. Will the gentleman permit me a question?

Mr. JOHNSON of South Carolina. Certainly.

Mr. HILL. If the rule is a good one to apply to the District of Columbia, why is it not equally a good rule to apply to postoffice employees and other employees throughout the United States? Understand I do not say I approve the rule, but I wondered why the committee in establishing such a rule for

the District of Columbia only did not go further and make the same rule apply to all Government employees.

Mr. JOHNSON of South Carolina. I will say to the gentleman from Connecticut that, so far as I know, the Government employees outside of the District of Columbia have not been so persistent in their demand for a civil-service pension.

Mr. HILL. Oh, I think the gentleman is mistaken about that—entirely mistaken about it. I think the demand is not only as strong but stronger, and sustained by local influences besides, at home through all branches of the postal service and the other services, and I am not sure I am not in favor of it; I am rather inclined to think I am, rather than have passed drastic measures at this time. Gentlemen, I remember distinctly, if the gentleman will pardon me, in 1895, just before Mr. Cleveland went out of office, with the departments filled with gentlemen of his political faith, they were swept in by thousands under the civil-service law without examination, making them employees for life or during good behavior. It was discussed on the floor here, and I had a resolution drawn at that time requiring that they should take the civil-service examination, an examination which I believed in; but after full consideration and thinking that possibly it might be considered as partisanship, that resolution was not offered, and every one of those thousands of Democratic employees were swept by a Democratic President for life into the Government service. Now, this is directly and radically the opposite to that action. You say that every one of these Republican employees who have been appointed during the last 16 years shall end their terms in July or October of this year. Is not that rather a drastic proposition, in view of the precedent your own President set for you?

Mr. JOHNSON of South Carolina. No; the term of office will expire July 1, 1914.

Mr. HILL. Very well; whenever it is, it is in the near future.

Mr. JOHNSON of South Carolina. They can be reappointed without reexamination.

Mr. HILL. If they are less than 65 years old.

Mr. JOHNSON of South Carolina. Mr. Chairman, so far as I am concerned, I am perfectly willing to have the 65-year age limit stricken out. The committee has no desire to limit the age to any particular number of years. I am willing for any age limit to be stricken out and let a man be reappointed until he is a hundred years old if he is still efficient. This is to bring it to the attention of the House.

Mr. HILL. Well, I think the gentleman has succeeded in that.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Carolina. Certainly.

Mr. WILLIS. As I understand, one of the objects of the civil-service law is to get these appointments out of politics.

Mr. JOHNSON of South Carolina. Yes.

Mr. WILLIS. Has the gentleman considered in the preparation of his bill the possibility and the probability that by making appointments for five-year periods the very purpose of the civil-service law would thereby be defeated? What does the gentleman think about the possibility of the operation of the law?

Mr. JOHNSON of South Carolina. I do not think it would be defeated, because a man would not come in and go out during the same administration, and at the expiration of the period of five or seven years, whatever the period may be, if we adopt any, if the man at the head of the department should refuse to reappoint he could not have any possible knowledge as to who the successor would be, because he would have to get him through the Civil Service Commission.

Mr. LEVY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Carolina. Certainly.

Mr. LEVY. Does the gentleman seriously mean to throw these people on the world at the age of 65 years, with no provision for them whatever, and to do that in this age of advancement, when every business corporation and firm is providing for its employees in some way? Does the gentleman mean seriously to throw these people on the world at 65 years of age?

Mr. JOHNSON of South Carolina. I was not aware that every corporation and business firm so provided.

Mr. LEVY. The business firms, nearly all of them, nowadays are providing for their clerks. If they retire them, they retire them with a pension, but here you propose to throw these people absolutely on the charity of the world at 65 years of age. Is that the idea of the bill? I do not think the people of the United States will indorse it.

Mr. JOHNSON of South Carolina. The idea is to bring this matter to the attention of the House.

Mr. Chairman, I belong to a school of people who believe that when the service of a civil employee of the Government ceases his pay should stop. What I say about this bill can not be based upon any ill will toward any human being in the service of the Government. So far as I know them, my relations with them have been pleasant. My feelings for them are of the kindliest, and I wish them well.

My objection, Mr. Chairman, is not personal, but to my mind there is involved in this legislation a fundamental principle. If the Congress is ready to embark on that wide and unfathomed sea, well and good; but I believe that every feature of this question ought to be thoroughly discussed before we undertake such a system.

A bill that is now pending provides for the retirement of the departmental clerks at the ages of 65 and 70 years. I want to say to the members of this committee that if you pass a law that allows the clerks of the departments here in Washington to retire on a pension, there is no argument that can be made in their behalf that can not be made for other employees of the Government. When you shall have provided that the departmental clerks may retire upon annuities, what will you do with the men who belong to the Life-Saving Service, whose lives are endangered in an effort to save human life, when they knock at the doors of Congress and ask for similar treatment? When you shall have heard the men of the Life-Saving Service and have provided for them in their old age, because of the splendid and meritorious services that they perform, then will come another powerful and worthy class—the railroad postal clerks. They number 17,000 men, who, next to the engineer and fireman, are on the most dangerous part of the train; who, when they go out from their homes for a run, after kissing their wives and children good-by, do not know whether they will come back alive or dead. I say, Mr. Chairman, that if we enter upon this benevolent scheme of taking care of Government employees in their old age, there is no argument that you can make against placing the railway postal clerks on a civil pension list. I undertake to say that if you enter upon the scheme of civil pensions there is not a Congress that can refuse the request of these men.

When you shall have provided for them there will come up from the customhouses of Boston, New York, Philadelphia, Chicago, and San Francisco, and all over the country, a plea that no man can resist: "You have provided for the Government clerks in Washington; you have provided for the Life-Saving Service; you have provided for the railway postal clerks; we have worn out our lives in the service of the Government in these offices." What argument can you make against placing the man who works in the customhouse of New York, or Boston, or San Francisco, or Chicago upon a pension roll after you have placed the department clerks in Washington and other employees there?

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Carolina. Certainly.

Mr. MANN. The gentleman has been so engaged in the Committee on Appropriations with his necessary and arduous work that I think possibly it has escaped his attention that a bill has already been reported to the House which practically proposes to pay $50 a month to every Government employee who is injured in the service.

Mr. JOHNSON of South Carolina. I did not know that such a bill has been reported to the House. I knew that numerous bills had been introduced.

Mr. MANN. There has been such a bill reported to the House, and it was stated here the other day by the gentleman who introduced the bill that it was the expectation to pass it soon in the House. That statement was made amidst considerable applause among the few who were then present.

Mr. NYE. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. NYE. That relates only to liability for injuries received, and that is quite distinct from this idea of pensioning civil employees.

Mr. MANN. As I said, it is for injuries to people who are injured in the service. There is not very much distinction between giving a man a civil pension when the man in injured in the service and in ordinary conditions granting a pension to one who becomes diseased while in the service so that he can not work, or one who becomes old in the service and who has not saved up anything, or to one who for any other reason is unable to earn a livelihood of his own and wants to be supported out of the Federal Treasury. It is only one step from another.

Mr. JOHNSON of South Carolina. When you shall have done all that, Mr. Chairman, then will come the rural letter carriers,

40,000 strong, who go in sunshine and in rain, in mud and in dust, in heat and in cold, and the city letter carriers, who tread the streets in slush and cold and heat, and they will tell you that you have provided for the Government clerks in Washington and elsewhere; that they have worn their lives away in this arduous service, and what will be your answer? There is no argument that you can use against it. If you are filled with the milk of human kindness, if you are possessed of a sense of equity and right, then you must extend these beneficent provisions of law to these great classes.

Mr. HAMILL. Will the gentleman yield to just a question?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. HAMILL. You have described what might possibly happen if we open the door to pensions, but do you see anything so terrible in the picture which you have drawn, considering that this Government of ours never stops to consider the cost of doing what is right?

Mr. JOHNSON of South Carolina. I have considered it a good deal. I am older in years and older in service than the gentleman from New Jersey [Mr. HAMILL], and I remember what he does not remember, namely, how gently they asked for civil pensions a few years ago and how bold they are now.

Mr. NORRIS. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. NORRIS. I did not hear the beginning of the gentleman's remarks, I am sorry to say, but it struck me, from what I have heard, that he is assuming that unless we take the action that is proposed in this bill it will necessarily follow that we will have to pension all civil employees. I would like to ask the gentleman if he thinks that is a fair assumption?

Mr. JOHNSON of South Carolina. I believe we have reached that point where we must look forward to doing one or the other.

Mr. NORRIS. Does the gentleman think unless we do take the action proposed in the bill that it will necessarily follow that we must enact a civil-service pension bill?

Mr. JOHNSON of South Carolina. I believe the civil-service pension is inevitable unless you make the term of service in the classified service definite.

Mr. NORRIS. And the bill fixes it at five years?

Mr. JOHNSON of South Carolina. Five years.

Mr. NORRIS. Does not the gentleman think that it will necessarily follow that if we fix five years that most of these positions would go back on the political "pie counter" and become the spoils of office?

Mr. JOHNSON of South Carolina. I hope not. I do not think Congressmen should have any patronage whatever.

Mr. NORRIS. It seems to me that danger would be great, and while I concede with the gentleman that the pension question is a great one, and I perhaps to a great extent would agree with the gentleman in that respect, I am firmly of the belief that the other dilemma will bring more evil vastly than the pension system, even if it should come, which I would not be willing to admit or concede.

Mr. JOHNSON of South Carolina. The gentleman was not here when I began my address. I have stated that the committee is not wedded to the 5-year proposition or the 65-year proposition, or any other age. We simply brought it in in order to get it before the House, and it will be open to discussion and open to amendment.

And, Mr. Chairman, after you shall have provided for all the employees in all the departments, you have simply begun to open Pandora's box. It leads as inevitably as anything can lead to an old-age pension; and why not?

Mr. BOWMAN. Will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. BOWMAN. Does the gentleman see any objection, in case it is considered necessary to advance the wages of Government employees, to their capitalizing the amount that is necessary to raise their wages as a pension to be given to them after a certain number of years of service or in case of illness? Do you see any objection to that?

Mr. JOHNSON of South Carolina. I have not the slightest objection to the Government paying them good wages and letting them provide a retirement fund like everybody else.

Can not the people who have worn out their lives on the hillsides, in the valleys, in the shops, in the factories, and in the mines in order to provide mankind with comfort and luxuries, say to you: "You have provided for an old age of comfort to all in the Government service; why can you not provide for us?"

The old mother in Israel, whose hands are wrinkled and in whose cheeks are the furrows of trouble, and upon whose head are the frosts of 70 winters, who has toiled out her life in hard, unremunerating work, will hold out her hands in appeal to you, and you must provide for her.

Mr. Chairman, there are people in this country who believe that those who are on the pay rolls of the Government are the favored people of the earth. I have not troubled the appointment clerks in these various departments of the Government, but one day there came to me a man of splendid character, unquestioned integrity, and fine education, whose family I knew and who were my friends. I accompanied him to the District Building in order to solicit a place. He was told in my presence that there were 3,000 applications for the place and not a vacancy. He was told that if they gave him a position it would be at only $900 a year to begin with, and he was then getting $1,100. He said, "Mr. Commissioner, I would take it. I work 14 hours a day. I work on Sunday. I have to live in close proximity to my place of business. If I had a Government position my hours would be less; I could move out a mile or 3 miles and select such a place as I liked. I get no 30 days' leave of absence; I get no sick leave; I get no holidays." He was a pharmacist. He was an educated man, working 14 hours a day in the District of Columbia, with no 30 days' leave of absence, no 30 days' sick leave, no legal holidays, no half holidays in the summer. He thought, and in that thought he will find that the majority of the people in this country agree with him, that those who have Government positions are favored individuals.

There are in every country unfortunate individuals; there are men who are found in their old age in poverty. I hope there is no place on this earth where the civilized and Christian people are not willing to make ample provision for their comfort as they go down the valley of the shadow of death. But I deny that that same human sympathy that would impel us to provide for and take care of the old would justify us in entering upon a system of legislation that would encourage men not to provide for their old age.

I believe in the men who are filled with the milk of human kindness. I believe in the men who love their fellows. Personally I believe that the only satisfaction we get out of life is what we do toward making other people happy; but I think, Mr. Chairman, that as legislators we ought to weigh well the first step in legislation and ascertain the final result.

The President said recently that the great question to be solved in the future was socialism. I do not know whether he used the word "socialism" in its true sense or as a synonym for anarchy. He evidently did not think of it in its true sense, because, if the newspapers print the truth, the President and all his Cabinet are behind this scheme to start a civil pension list in Washington. Well, gentlemen, if that is not socialism I do not know what it is. And the word does not scare me, either. There are a great many things that are socialistic, as we call them, that are mighty good.

I say, and this is all I want to impress upon this House, that before we pass a bill retiring the clerks in the departments at Washington we ought to think about what we are doing. We ought to think whether we are willing to follow it up and provide a pension—they do not call it a pension; they call it a retirement fund or annuity—we ought to follow it up and ask ourselves the question whether we are willing to provide for all the employees of the Government throughout the United States, and then we ought to go one step further and ask if we are willing to provide for the old age of all the people.

The men who never had a seven-hour day, the men who go to the field with the sun and return from the day's work with the falling dew, should be provided for. The poet expressed it a long time ago. It was that way in his day and it is that way yet:

> The plowman homeward plods his weary way
> And leaves the world to darkness and to me.

Those are his hours. That is his service to mankind. Are you willing to provide for him? When the time comes to vote, if you bring your bill here proposing to grant an annuity to the departmental clerks in the city of Washington, I am going to offer an amendment, if I can, that will extend those provisions to every man in the service of the Government: Now, you can do as you please about it. I will vote for that amendment.

Mr. Chairman, the hour is late, and I desire to incorporate in my remarks certain matters in order that the Members may read them in the RECORD and familiarize themselves with the bill. [Applause.]

RECAPITULATION.

The following tabulated statement gives in detail the appropriations for the current fiscal year, the estimates for 1913, and the amounts recommended in the accompanying bill for the fiscal year 1913.

Comparative statement showing the appropriations for 1912, the estimates for 1913, and amounts recommended for 1913.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL, 1913.

Object.	Appropriations for 1912.		Estimates for 1913.		Recommended for 1913.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
SENATE.						
Salaries of Senators	$680,000.00	92	$690,000.00	92	$690,000.00	92
Mileage	47,000.00		47,000.00		47,000.00	
Salaries, Vice President's office	7,540.00	4	8,540.00	5	7,540.00	4
Salary, Chaplain	1,200.00	1	1,200.00	1	1,200.00	1
Salaries, Secretary's office	92,460.00	41	90,080.00	41	88,960.00	41
Salaries, document room	12,520.00	7	12,520.00	7	12,520.00	7
Salaries, annual clerks, and messengers to committees	319,280.00	172	358,580.00	202	318,640.00	172
Salaries, office Sergeant at Arms and Doorkeeper	152,484.00	130	149,364.00	131	148,884.00	130
Senate Office Building, care of	14,700.00	14	14,700.00	14	14,700.00	14
Senate Office Building, police force	19,050.00	18	19,050.00	18	8,550.00	8
Salaries, post office	19,188.00	15	17,300.00	14	17,300.00	14
Salaries, folding room	27,520.00	28	25,360.00	27	25,360.00	27
Salaries, office Superintendent of Capitol	28,120.00	23	28,120.00	22	28,120.00	23
Senate Office Building	16,800.00	14	16,800.00	14	16,800.00	14
Salaries, annual clerks to Senators who are not chairmen of committees (including, for 1912, $10,000 in deficiency act)	80,000.00	40	70,000.00	35	70,000.00	35
Stenographers to Senators (including, for 1912, $12,000 in deficiency act)	42,000.00	35	30,000.00	25	30,000.00	25
Stationery	16,625.00		17,625.00		16,625.00	
Postage	350.00		350.00		350.00	
Horses and mail wagons	6,000.00		6,000.00		6,000.00	
Material for folding	2,000.00		2,000.00		2,000.00	
Folding speeches and pamphlets	2,000.00		6,000.00		2,000.00	
Fuel, oil, etc., heating apparatus	45,000.00		5,000.00			
Furniture	8,500.00		8,500.00		5,000.00	
Materials for furniture	3,000.00		3,000.00		2,000.00	
Cleaning furniture	2,000.00		2,000.00		2,000.00	
Packing boxes	970.00		970.00		970.00	
Miscellaneous items	50,000.00		50,000.00		50,000.00	
Miscellaneous items, Maltby Building	18,480.00		17,280.00			
Rent of warehouse, storage	3,600.00		3,600.00			
Expenses of inquiries and investigations	25,000.00		50,000.00		25,000.00	
Reporting debates	30,000.00		30,000.00		30,000.00	
Total, Senate	1,783,387.00	634	1,780,939.00	649	1,667,519.00	607
CAPITOL POLICE.						
Salaries	78,150.00	73	78,150.00	73	41,250.00	38
Contingent expenses	300.00		300.00		200.00	
Total, Capitol police	78,450.00	73	78,450.00	73	41,450.00	38
Congressional Directory	1,600.00		1,600.00		1,200.00	
HOUSE OF REPRESENTATIVES.						
Salaries of Members and Delegates	2,989,500.00	398	3,094,500.00	440	3,099,500.00	440
Mileage	154,000.00		154,000.00		154,000.00	
Salaries, Speaker's office	11,640.00	4	11,640.00	4	12,840.00	5
Salary, Chaplain	1,200.00	1	1,200.00	1	1,200.00	1
Salaries, Clerk's office	129,865.00	73	91,970.00	49	91,970.00	49
Salaries, Superintendent of Capitol	40,300.00	34	40,300.00	34	40,300.00	34
Salaries, annual clerks, messengers, and janitors to committees	162,950.00	103	162,950.00	103	162,230.00	102
Salaries, session clerks to committees	11,340.00	9	6,480.00	9	4,320.00	6
Salaries, Sergeant at Arms' office	25,840.00	11	22,840.00	9	22,840.00	9
Police force, House Office Building	19,750.00	18	11,700.00	11	11,700.00	11
Salaries, Doorkeeper's office	192,710.00	198	152,350.00	171	150,900.00	170
Salaries of special employees (including $2,400 for 1912 in deficiency act)	23,339.10	15	23,335.25	15	20,935.25	13
Salaries, post office	32,620.00	30	28,420.00	30	28,420.00	30
Hire of horses and mail wagon	2,500.00		2,500.00		2,500.00	
Salaries, official reporters	32,500.00	7	32,500.00	7	32,500.00	7
Janitor	880.00	1			240.00	1
Salaries, committee stenographers	22,000.00	5	20,000.00	4	20,000.00	4
Janitor	720.00	1				
Clerk hire, Members and Delegates	598,500.00		618,975.00		618,975.00	
Material for folding	10,000.00		10,000.00		10,000.00	
Fuel, etc., heating apparatus	38,000.00		38,000.00			
Furniture	20,000.00		20,000.00		10,000.00	
Packing boxes	3,500.00		3,500.00		3,500.00	
Miscellaneous items	75,000.00		75,000.00		75,000.00	
Stationery	54,750.00		54,750.00		54,750.00	
Postage	1,150.00		1,150.00		1,150.00	
Total, House of Representatives	4,654,474.10	908	4,678,060.25	887	4,629,770.25	882
LIBRARY OF CONGRESS.						
Salaries	246,420.00	246	257,200.00	254	247,620.00	247
Salaries, execution of copyright law	95,180.00	86	102,380.00	92	95,180.00	86
Distribution of card indexes	21,800.00		24,500.00		24,500.00	
Temporary services	2,000.00		2,000.00		2,000.00	
Carrier service in connection with House Office Building	960.00		960.00		960.00	
Division for the blind			7,500.00			
Sunday opening	10,000.00		10,000.00		10,000.00	
Increase of the Library	100,000.00		120,000.00		100,000.00	
Contingent expenses	6,800.00		6,800.00		6,800.00	
Salaries, care and maintenance of building	71,705.00	121	80,205.00	129	71,705.00	121
Sunday opening, extra services for	2,800.00		3,000.00		2,800.00	
Fuel, light, repairs, and supplies	18,000.00		18,000.00		14,000.00	
Furniture	30,000.00		15,000.00		5,000.00	
Total, Library of Congress	595,665.00	453	647,545.00	475	580,565.00	454
BOTANIC GARDEN.						
Superintendent	1,800.00	1	1,800.00	1	1,800.00	1
Wages and miscellaneous expenses	21,093.75		21,093.75		21,093.75	
Total, Botanic Garden	22,893.75	1	22,893.75	1	22,893.75	1

Comparative statement showing the appropriations for 1912, the estimates for 1913, and amounts recommended for 1913—Continued.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL, 1913—continued.

Object.	Appropriations for 1912.		Estimates for 1913.		Recommended for 1913.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
EXECUTIVE.						
Salary, President	$75,000.00	1	$75,000.00	1	$75,000.00	1
Salary, Vice President	12,000.00	1	12,000.00	1	12,000.00	1
Salaries, Executive Office	71,820.00	36	72,540.00	37	71,336.66	36
Contingent expenses	25,000.00		25,000.00		25,000.00	
Total, Executive	183,820.00	38	184,540.00	39	183,336.66	33
CIVIL SERVICE COMMISSION.						
Salaries	204,510.00	154	246,550.00	194	227,230.00	175
Field force	42,560.00	34	44,080.00	33	42,560.00	34
Rural-carrier examining board	22,720.00	21				
Salaries, expert examiners	3,000.00		3,000.00		2,000.00	
Salaries, field examiners			12,000.00	8		
Purchase and maintenance of motor delivery wagon			2,000.00			
Electric conduit and connections			4,000.00		4,000.00	
Traveling expenses	12,000.00		17,000.00		12,000.00	
Total, Civil Service Commission	284,790.00	209	328,630.00	235	287,790.00	209
DEPARTMENT OF STATE.						
Salaries, Secretary's Office	263,800.00	189	272,420.00	193	266,200.00	192
Foreign trade and treaty relations, salaries	100,000.00	25	94,500.00	25	69,160.00	25
Foreign tariffs, collating					10,000.00	
Contingent and miscellaneous expenses	25,500.00		24,780.00		19,000.00	
Purchase of automobile mail wagon			1,000.00		1,000.00	
Rent	3,000.00		11,720.00		9,220.00	
Total, Department of State	392,300.00	214	404,420.00	218	374,580.00	217
TREASURY DEPARTMENT.						
Salaries, Secretary's Office	617,520.00	587	628,680.00	584	619,120.00	584
Stationery	50,000.00		50,000.00		50,000.00	
Postage	1,200.00		1,000.00		1,000.00	
Binding materials (in deficiency act for 1912)	250.00		250.00		250.00	
Newspapers and books	1,000.00		1,500.00		750.00	
Investigation of accounts and records	75,000.00		50,000.00		15,000.00	
Freight, expressage, etc	7,000.00		7,000.00		7,000.00	
Rent of buildings	52,486.00		48,850.00		48,850.00	
Other contingent expenses	73,000.00		71,500.00		69,500.00	
Fire-alarm system	2,166.00		2,166.00		2,166.00	
Electric burglar-alarm device (in sundry civil act for 1912)	720.00		720.00		720.00	
New fire hose and fixtures			1,000.00			
Auditor for Post Office Department, contingent expenses	12,000.00		6,000.00		6,000.00	
Tabulating equipment			81,700.00		81,700.00	
Salaries, Supervising Architect's Office	97,590.00	53	232,720.00	151	83,000.00	46
Authority is recommended for employment during 1913 of 103 additional persons in Architect's Office, payable out of "general expenses, public buildings," in sundry civil act instead of direct appropriation therefor as estimated						
Salaries, Comptroller's Office	76,120.00	40	75,410.00	38	73,460.00	38
Salaries, Office of Auditor for Treasury Department	152,650.00	112	141,790.00	102	141,790.00	102
Salaries, Office of Auditor for War Department	336,750.00	246	312,420.00	225	309,570.00	224
Salaries, Office of Auditor for Navy Department	137,590.00	101	136,690.00	100	136,690.00	100
Salaries, Office of Auditor for Interior Department	156,850.00	113	154,250.00	111	143,250.00	101
Salaries, Office of Auditor for State and Other Departments	118,510.00	82	116,950.00	80	116,950.00	80
Salaries, Office of Auditor for Post Office Department	729,490.00	671	629,620.00	593	629,370.00	593
Salaries, Treasurer's Office	359,440.00	312	345,590.00	303	345,390.00	303
Salaries, reimbursable	221,420.00	216	221,020.00	215	220,720.00	215
Repairs to canceling and cutting machines	200.00		200.00		200.00	
Salaries, Register's Office	70,700.00	57	50,580.00	42	50,580.00	42
Salaries, Office of Comptroller of Currency	142,780.00	107	142,780.00	107	142,780.00	107
Salaries, reimbursable	38,780.00	36	43,460.00	43	38,780.00	36
Expenses, special examinations, and macerating machines	4,800.00		4,800.00		4,800.00	
Salaries, Office Commissioner of Internal Revenue	332,700.00	260	364,740.00	275	332,700.00	260
Withdrawal of denatured alcohol	18,240.00	12			18,240.00	12
Salaries, reimbursable	3,400.00	3	3,400.00	3	3,400.00	3
Salaries, Life-Saving Service	48,120.00	32	48,960.00	33	48,120.00	32
Salaries, Bureau of Engraving and Printing	215,160.00	301	218,160.00	301	216,380.00	301
Salaries, Secret Service Division	16,120.00	9	16,120.00	9	15,720.00	9
Salaries, Office of Director of Mint	29,280.00	16	27,680.00	15	25,680.00	14
Freight on bullion and coin	50,000.00		35,000.00		5,000.00	
Contingent expenses	5,300.00		5,500.00		4,700.00	
Salaries, Office of Surgeon General of Public Health and Marine-Hospital Service	40,980.00	30	41,700.00	31	40,980.00	30
Total, Treasury Department	4,295,312.00	3,396	4,319,906.00	3,361	4,051,056.00	3,232
INTERNAL REVENUE.						
Salaries and expenses of collectors, surveyors, deputies, etc	2,150,000.00		2,250,000.00		2,075,000.00	
Salaries and expenses of agents	2,520,000.00		2,595,000.00		2,565,000.00	
Miscellaneous expenses	100,000.00		100,000.00		75,000.00	
Expenses of collecting corporation tax	100,000.00		175,000.00		150,000.00	
Classifying, indexing, and exhibiting returns of corporations	25,000.00		30,000.00		30,000.00	
Total, Internal Revenue	4,895,000.00		5,150,000.00		4,895,000.00	
INDEPENDENT TREASURY.						
Salaries at Baltimore	34,000.00	24	34,950.00	24	34,000.00	24
Salaries at Boston	46,010.00	31	46,560.00	32	45,950.00	32
Salaries at Chicago (including for 1912 $2,400 in deficiency act)	75,170.00	52	77,230.00	52	75,170.00	52
Salaries at Cincinnati	24,410.00	17	30,390.00	19	27,010.00	19
Salaries at New Orleans	28,890.00	20	30,090.00	20	28,590.00	20
Salaries at New York	206,510.00	130	189,910.00	122	185,200.00	121
Salaries at Philadelphia	49,440.00	36	49,210.00	35	48,470.00	35
Salaries at St. Louis	40,540.00	30	41,610.00	31	41,000.00	31
Salaries at San Francisco	30,420.00	18	29,720.00	18	29,720.00	18
Paper for checks and drafts (in deficiency act for 1912)	10,000.00		10,000.00		9,000.00	
Total, independent treasury	545,390.00	358	539,700.00	353	524,230.00	352

Comparative statement showing the appropriations for 1912, the estimates for 1913, and amounts recommended for 1913—Continued.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL, 1913—continued.

Object.	Appropriations for 1912.		Estimates for 1913.		Recommended for 1913.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
MINTS AND ASSAY OFFICES.						
Salaries, Carson, Nev	$3,350.00	4	$3,350.00	4		
Wages of workmen	6,200.00		4,340.00			
Contingent expenses	3,000.00		3,000.00			
Salaries, Denver, Colo	48,100.00	23	46,100.00	22	$47,700.00	23
Wages of workmen	94,000.00		94,000.00		112,000.00	
Contingent expenses	30,000.00		35,000.00		37,500.00	
Salaries, New Orleans, La	10,300.00	7	8,200.00	5		
Wages of workmen	7,500.00		7,100.00			
Contingent expenses	3,500.00		3,000.00			
Salaries, Philadelphia, Pa	80,300.00	45	74,800.00	41	74,300.00	41
Wages of workmen	295,000.00		305,000.00		305,000.00	
Contingent expenses	70,000.00		70,000.00		70,000.00	
Salaries, San Francisco, Cal	54,300.00	27	51,300.00	25	46,700.00	23
Wages of workmen	155,000.00		122,500.00		80,000.00	
Contingent expenses	40,000.00		40,000.00		35,000.00	
Salaries, Boise, Idaho	8,050.00	5	8,050.00	5		
Wages of workmen	3,540.00		3,440.00			
Contingent expenses	2,500.00		2,220.00			
Salaries, Charlotte, N. C	1,500.00	1				
Wages of workmen	900.00					
Contingent expenses	500.00					
Salaries, Deadwood, S. Dak. (including for 1912, $250 in deficiency act)	6,450.00	4	6,650.00	4		
Wages of workmen	2,300.00		4,100.00			
Contingent expenses	1,500.00		1,500.00			
Salaries, Helena, Mont	10,400.00	6	8,800.00	5		
Wages of workmen	6,500.00		4,000.00			
Contingent expenses	3,250.00		3,000.00			
Salaries, New York, N. Y	46,500.00	23	51,300.00	27	51,100.00	27
Wages of workmen	30,000.00		80,500.00		80,000.00	
Contingent expenses	10,000.00		65,000.00		60,000.00	
Salaries, Seattle, Wash	13,050.00	7	9,850.00	5		
Wages of workmen	22,000.00		17,600.00			
Contingent expenses	6,500.00		6,000.00			
Salaries, Salt Lake City, Utah	7,100.00	4	7,100.00	4		
Wages of workmen	4,500.00		3,200.00			
Contingent expenses	3,500.00		3,500.00			
Amount expended in 1911 from "Parting and refining bullion," repealed after fiscal year 1912	225,665.00					
Total, mints and assay offices	1,319,755.00	150	1,156,500.00	147	997,700.00	114
GOVERNMENT IN THE TERRITORIES.						
Salaries in Alaska	87,000.00	17	87,000.00	17	87,000.00	17
Contingent expenses	7,150.00	1	8,960.00	1	7,150.00	1
Sitka National Monument			1,000.00			
Salaries in Arizona	21,500.00	8	21,500.00	8		
Contingent expenses	1,500.00		1,500.00			
Legislative expenses	2,000.00		24,250.00			
Salaries in New Mexico	27,500.00	10	27,500.00	10		
Contingent expenses	1,500.00		1,500.00			
Legislative expenses	3,000.00		25,000.00			
Salaries in Hawaii	28,000.00	5	28,000.00	5	28,000.00	5
Judges of circuit courts (indefinite)						
Contingent expenses	3,500.00	1	3,500.00	1	3,000.00	1
Legislative expenses			30,000.00		30,000.00	
Total, Government in the Territories	182,650.00	42	259,700.00	42	155,150.00	24
WAR DEPARTMENT.						
Salaries, Secretary's Office	147,970.00	118	149,800.00	118	147,970.00	118
Contingent expenses	75,500.00		75,500.00		73,500.00	
Rent	15,220.00		15,220.00		12,720.00	
Salaries, Adjutant General's Office	781,950.00	638	781,950.00	638	781,950.00	638
Salaries, Inspector General's Office	12,560.00	10	12,560.00	10	12,560.00	10
Salaries, Judge Advocate's Office	20,800.00	16	24,600.00	18	20,800.00	16
Salaries, Signal Office	25,800.00	22	25,800.00	22	25,800.00	22
Salaries, Quartermaster General's Office	278,410.00	222	278,410.00	222	275,110.00	219
Salaries, Office of the Commissary General	78,840.00	63	77,940.00	62	77,940.00	62
Salaries, Office of the Surgeon General	166,288.00	135	169,428.00	137	166,108.00	135
Salaries, Paymaster General's Office	71,900.00	58	72,400.00	58	71,900.00	58
Salaries, Chief of Ordnance	91,760.00	73	91,760.00	73	91,760.00	73
Salaries, Office of Chief of Engineers	100,220.00	80	107,820.00	86	100,220.00	80
Salaries, Bureau of Insular Affairs	91,000.00	73	91,360.00	73	91,000.00	73
Salaries, Division of Militia Affairs (payable from permanent appropriation for militia)						
Total, War Department	1,958,218.00	1,508	1,974,548.00	1,517	1,949,338.00	1,504
PUBLIC BUILDINGS AND GROUNDS.						
Salaries	16,140.00	9	16,740.00	9	16,140.00	9
Foremen and laborers	31,200.00		31,200.00		31,200.00	
Watchmen	30,950.00	43	30,950.00	43	30,950.00	43
Contingent expenses	4,500.00		4,700.00		3,900.00	
Total, Public Buildings and Grounds	82,790.00	52	83,590.00	52	82,190.00	52
STATE, WAR, AND NAVY BUILDING.						
Salaries	112,440.00	201	132,060.00	247	105,960.00	192
Fuel, Lights, and contingent expenses	32,000.00		34,000.00		32,000.00	
Salaries, Mills Building	14,220.00	26	22,740.00	52	14,220.00	26
Miscellaneous	2,000.00		2,000.00		2,000.00	
Purchase of electric generator			14,000.00		14,000.00	
Salaries, State Department Annex	660.00	1	660.00	1	660.00	1
Total, State, War, and Navy Building	161,320.00	228	205,460.00	300	168,840.00	219
NAVY DEPARTMENT.						
Salaries, Secretary's office	73,460.00	50	78,220.00	53	73,460.00	50
Contingent expenses	44,500.00		53,000.00		44,500.00	
Rent	24,500.00		24,500.00		24,500.00	
Salaries, office of solicitor	16,990.00	9	16,990.00	9	16,990.00	9
Salaries, library of the Navy Department	3,980.00	4	3,980.00	4	3,980.00	4

Comparative statement showing the appropriations for 1912, the estimates for 1913, and amounts recommended for 1913—Continued.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL, 1913—continued.

Object.	Appropriations for 1912.		Estimates for 1913.		Recommended for 1913.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
NAVY DEPARTMENT—continued.						
Salaries, office Naval Records of Rebellion	$17,640.00	14	$17,640.00	14	$17,640.00	14
Publication of naval records	21,000.00		21,000.00		21,000.00	
Salaries, office of Judge Advocate	12,320.00	10	12,320.00	10	12,320.00	10
Salaries, Bureau of Navigation	79,440.00	73	82,260.00	73	77,760.00	71
Salaries, office of Naval Intelligence	12,100.00	10	13,160.00	11	12,100.00	10
Salaries, Bureau of Equipment	32,900.00	26	33,300.00	26	32,800.00	26
Salaries, Hydrographic Office	102,500.00	88	106,420.00	91	102,500.00	88
For production of charts from metallic plates by photolithographic process—						
Salaries			20,560.00	18	20,560.00	18
Equipment and supplies			19,000.00		19,000.00	
Press and attachments			6,500.00		6,500.00	
Drafting equipment			820.00		820.00	
Photographic equipment			3,120.00		3,120.00	
Miscellaneous expenses	7,000.00		7,000.00		7,000.00	
Lithographic printing press	4,000.00					
Folding machine	700.00					
Contingent expenses and salaries of branch offices	28,960.00		34,360.00		28,960.00	
Monthly Pilot Chart, North Pacific	2,000.00		2,000.00		2,000.00	
Salaries, Naval Observatory	43,240.00	40	44,280.00	40	43,240.00	40
Contingent and miscellaneous expenses	21,250.00		18,750.00		18,750.00	
Salaries, Nautical Almanac Office	15,640.00	13	16,240.00	13	15,640.00	13
Pay of computers on piecework	7,000.00		7,000.00		7,000.00	
Salaries, Bureau of Steam Engineering	26,380.00	24	26,880.00	24	26,380.00	24
Salaries Bureau of Construction and Repair	57,800.00	56	60,840.00	56	57,800.00	56
Salaries, Bureau of Ordnance	32,960.00	29	41,740.00	35	32,960.00	29
Salaries, Bureau of Supplies and Accounts	110,040.00	99	130,460.00	111	110,040.00	99
Salaries, Bureau of Medicine and Surgery	18,300.00	16	19,260.00	16	18,300.00	16
Salaries, Bureau of Yards and Docks	20,140.00	19	20,640.00	19	20,140.00	19
Naval Militia Office, salaries (payable from annual appropriation, Arming and equipping Naval Militia)						
Total, Navy Department	836,740.00	580	942,240.00	623	877,760.00	596
INTERIOR DEPARTMENT.						
Salaries, Secretary's Office	274,130.00	227	310,280.00	249	266,930.00	217
Additional employees, custody of old Post-Office Building	39,380.00	56	37,780.00	55	35,780.00	51
Salaries, Assistant Attorney General's Office	65,850.00	31	62,550.00	29	65,850.00	31
Expenses, special inspectors	4,000.00		4,500.00		4,000.00	
Expenses of inspectors	9,600.00		13,500.00		9,600.00	
Contingent expenses	122,000.00		130,000.00		122,000.00	
Stationery	69,500.00		70,100.00		69,500.00	
Scientific books	1,000.00		3,250.00		1,000.00	
Rent of buildings (including, for 1912, $375 in deficiency act for Civil Service Commission)	61,775.00		68,275.00		61,775.00	
Postage to Postal Union countries	3,500.00		3,500.00		3,500.00	
Salaries, General Land Office	621,870.00	487	639,700.00	504	621,520.00	487
Expenses of inspectors	8,500.00		8,500.00		8,500.00	
Law books for the library	400.00		400.00		400.00	
Maps of the United States	20,000.00		20,000.00		20,000.00	
Separate State and Territorial maps	2,000.00		2,000.00		2,000.00	
Filing system	3,000.00		3,000.00		3,000.00	
Salaries, Indian Office (including, for 1912, $500 in deficiency act)	232,210.00	179	302,780.00	221	231,710.00	179
Salaries, Pension Office	1,483,620.00	1,127	1,483,620.00	1,127	1,469,700.00	1,114
Expenses, special examiners	215,000.00		215,000.00		215,000.00	
Card-index system	10,000.00		5,000.00		5,000.00	
Salaries, special examiners	58,500.00	45	58,500.00	45	58,500.00	45
Salaries, Patent Office	1,311,010.00	939	1,355,460.00	951	1,311,010.00	939
Scientific library	2,500.00		2,500.00		2,500.00	
Law books for library	500.00		500.00		500.00	
Producing weekly issue of patents	140,000.00		140,000.00		140,000.00	
Investigating public use of inventions	500.00		500.00		500.00	
International Bureau at Berne	750.00		750.00		750.00	
Salaries, Bureau of Education	72,800.00	51	186,320.00	57	72,800.00	51
General expenses			26,900.00			
Books for library	500.00		500.00		500.00	
Collecting statistics	4,000.00		4,000.00		4,000.00	
Distributing documents	2,500.00		2,500.00		2,500.00	
Office, Superintendent of Capitol	30,480.00	22	30,480.00	22	30,480.00	22
Total, Department of Interior	4,871,375.00	3,164	5,192,645.00	3,260	4,840,805.00	3,136
SURVEYORS GENERAL.						
Salaries	38,000.00	13	39,000.00	13	36,000.00	12
Clerk hire	161,900.00		187,600.00		161,900.00	
Contingent expenses	21,000.00		20,700.00		19,700.00	
Total, Surveyors General	220,900.00	13	247,300.00	13	217,600.00	12
POST OFFICE DEPARTMENT.						
Salaries, Postmaster General's Office	177,190.00	220	177,190.00	220	172,150.00	213
Division of Post Office Inspectors	90,520.00	74	90,520.00	74	90,520.00	74
Division of Purchasing Agent	16,420.00	10	16,420.00	10	16,420.00	10
Division of Assistant Attorney General	19,770.00	13	19,770.00	13	19,770.00	13
Salaries, First Assistant Postmaster General's Office	82,650.00	59	83,150.00	59	82,650.00	59
Division of Appointments	63,480.00	44	63,480.00	44	63,480.00	44
Division of City Delivery	28,300.00	22	28,300.00	22	28,300.00	22
Salaries, Second Assistant Postmaster General's Office	224,470.00	158	152,330.00	105	151,830.00	105
Division of Railway Mail Service	40,300.00	26	40,300.00	26	40,300.00	26
Salaries, Third Assistant Postmaster General's Office	229,270.00	181	229,770.00	181	229,270.00	181
Division of Money Orders	73,310.00	59	73,310.00	59	73,310.00	59
Salaries, Fourth Assistant Postmaster General's Office	130,740.00	109	203,880.00	162	203,380.00	162
Division of Dead Letters	170,030.00	161	170,030.00	161	170,030.00	161
Division of Supplies	94,100.00	91	94,100.00	91	94,100.00	91
Division of Topography	46,790.00	36	46,790.00	36	46,790.00	36
Contingent expenses	100,350.00		98,350.00		88,850.00	
Rent	3,500.00		3,500.00		3,500.00	
Official Postal Guide	25,000.00		25,000.00		24,000.00	
Post-route maps	26,000.00		26,000.00		26,000.00	
Total, Post Office Department	1,642,190.00	1,263	1,642,190.00	1,263	1,624,650.00	1,255

Comparative statement showing the appropriations for 1912, the estimates for 1913, and amounts recommended for 1913—Continued.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL, 1913—continued.

Object.	Appropriations for 1912.		Estimates for 1913.		Recommended for 1913.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
DEPARTMENT OF JUSTICE.						
Salaries, Attorney General's Office	$419,010.00	245	$432,210.00	252	$407,610.00	238
Contingent expenses	42,000.00		49,500.00		42,000.00	
Rent (including, for 1912, $5,500 in deficiency act)	32,500 00		31,500 00		31,500 00	
Salaries, Office of Solicitor of Treasury	28,9 0 00	15	28,9 0 00	15	28,9 0 00	15
Purchase of law books	400 00		500 00		500 00	
Salaries, Office of Solicitor of Department of Commerce and Labor	25,2 0 00	14	25,2 0 00	14	25,2 0 00	14
Purchase of books	500 00		500 00		500 00	
Total, Department of Justice	548,1 0 00	274	568,310 00	281	536,0 0 00	267
DEPARTMENT OF COMMERCE AND LABOR.						
Salaries, Secretary's Office	173,900 00	161	184,290.00	168	170,300.00	153
Commercial agents	60,000.00		60,000.00			
Contingent expenses	60,000.00		60,000.00		60,000.00	
Rent	50,000.00		55,000.00		50,000.00	
Salaries, Bureau of Corporations	79,200.00	64	79,200.00	64	79,200.00	64
Salaries and per diem of special agents	175,000.00		175,000.00		175,000.00	
Salaries, Bureau of Manufactures	36,600.00	27	43,700.00	33		
Foreign tariffs, collating and arrangement of	10,000.00		12,000.00			
Salaries, Bureau of Labor	103,000.00	72	104,500.00	72	102,160.00	71
Per diem expenses of special agents	64,090.00		64,090.00		64,090.00	
Books, periodicals, etc	1,000.00		1,000.00		1,000.00	
Medical examination, employees of United States	3,000.00		3,000.00		3,000.00	
Salaries, Lighthouse Bureau	64,630.00	42	65,630.00	42	64,630.00	42
Census Office (including $500,000 for 1912, in urgent deficiency act)	3,000,000.00					
Salaries (including for 1912 the number of salaries constituting the Census Office when specific salaries therefor were omitted for 1910)		626	752,440.00	644	696,340.00	611
Temporary clerks			120,000.00		120,000.00	
Collecting statistics			429,000.00		342,000.00	
Rent			25,000.00		22,080.00	
Stationery			10,000.00		10,000.00	
Miscellaneous expenses			30,000.00		15,000.00	
Books for library			1,000.00		500.00	
Tabulating machinery			20,000.00		26,000.00	
Printing and binding			225,000.00		272,000.00	
Division of Statistics					69,640.00	60
Salaries, Bureau of Statistics	73,650.00	57	84,680.00	64		
Books and periodicals			200.00			
Collecting statistics relative to commerce	4,000.00		4,200.00			
Salaries, Office of Steamboat-Inspection Service	14,640.00	9	15,040.00	9	14,640.00	9
Salaries of steamboat inspectors	347,100.00	93	347,100.00	93	347,100.00	93
Clerk hire, service at large	83,000.00		83,000.00		83,000.00	
Contingent expenses	90,000.00		100,000.00		90,000.00	
Salaries, Bureau of Navigation	33,280.00	24	33,680.00	24	33,280.00	24
Salaries, shipping commissioners	31,900.00	17	32,100.00	17	23,200.00	10
Clerk hire	33,000.00		37,000.00		35,000.00	
Contingent expenses	10,850.00	1	10,940.00	1	9,000.00	1
Instruments for measuring vessels and counting passengers	1,000.00		1,000.00		500.00	
Enforcement of navigation laws	15,000.00		15,000.00		15,000.00	
Wireless communication	7,000.00		10,000.00		7,000.00	
Salaries, Bureau of Immigration and Naturalization	59,500.00	43	61,220.00	44	59,500.00	43
Salaries, Division of Naturalization	58,660.00	44	67,860.00	51	60,260.00	45
Salaries, Division of Information	19,340.00	12	19,340.00	12	19,340.00	12
Salaries, Bureau of Standards	236,340.00	192	269,080.00	221	236,340.00	192
Materials and apparatus	50,000.00		50,000.00		50,000.00	
Repairs and alterations of buildings	2,000.00		2,000.00		2,000.00	
Fuel, heat, light, power, and contingent	25,000.00		25,000.00		25,000.00	
Grading, etc	3,000.00		3,000.00		3,000.00	
Completing testing machine, Pittsburgh	25,000.00					
Testing machine, maintenance and operation	30,000.00		30,000.00		30,000.00	
Investigation of damage due to electric currents	15,000.00		10,000.00		10,000.00	
Investigating fire-resisting properties of materials			20,000.00			
Laboratory building	50,000.00					
Water current meter testing tank			5,000.00		5,000.00	
Testing structural materials	75,000.00		100,000.00		75,000.00	
Total, Department of Commerce and Labor	5,273,680.00	1,484	3,956,290.00	1,559	3,576,100.00	1,435
JUDICIAL.						
Salaries, Supreme Court:						
Chief Justice and associate justices (including for 1912 $9,000 in sundry civil act)	122,000.00	9	131,000.00	9	131,000.00	9
Marshal	4,500.00	1	4,500.00	1	4,500.00	1
Stenographic clerks	18,000.00	9	18,000.00	9	18,000.00	9
Salaries, circuit courts:						
Salaries, circuit judges (including, for 1912, 5 for Court of Commerce)	238,000.00	34	238,000.00	34	238,000.00	34
Clerks	31,500.00	9	31,500.00	9	31,500.00	9
Messenger, eighth circuit	3,000.00	1	3,000.00	1	3,000.00	1
Salaries, district courts:						
Salaries of judges	546,000.00	91	546,000.00	91	558,000.00	93
Salaries, Territory of Hawaii	16,200.00	4	16,200.00	4	16,200.00	4
Salaries, United States judge (retired), indefinite						
District of Columbia:						
Salaries, court of appeals—						
Salaries of chief justice and associate justices	21,500.00	3	21,500.00	3	21,500.00	3
Clerk	3,500.00	1	3,750.00	1	3,500.00	1
Assistant clerk	2,250.00	1	2,500.00	1	2,250.00	1
Reporter	1,500.00	1	1,500.00	1	1,500.00	1
Crier	1,000.00	1	1,200.00	1	1,000.00	1
Messengers	2,160.00	3	2,160.00	3	2,160.00	3
Clerical assistance	1,000.00		1,000.00		1,000.00	
Stenographers to judges	3,600.00	3	4,800.00	3	3,600.00	3
Salaries, supreme court—						
Chief justice and associate justices	36,000.00	6	36,000.00	6	36,000.00	6
Stenographers	5,400.00	6	5,400.00	6	5,400.00	6
Clerk district court northern district of Illinois	3,000.00	1	3,000.00	1		
Commissioner Yellowstone Park	1,500.00	1	1,500.00	1	1,500.00	
Books for libraries, circuit courts of appeals	9,500.00		9,500.00			
Books for judges and district attorneys	15,000.00		15,000.00		16,000.00	

Comparative statement showing the appropriations for 1912, the estimates for 1913, and amounts recommended for 1913—Continued.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL, 1913—continued.

Object.	Appropriations for 1912.		Estimates for 1913.		Recommended for 1913.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
JUDICIAL—continued.						
Court of Customs Appeals:						
Salaries	$54,840.00	15	$54,840.00	15	$54,840.00	15
Rent and contingent	23,000.00		18,740.00		15,350.00	
Court of Commerce:						
Salaries, rent, and contingent	94,500.00	4	74,503.00	4		
Total, judicial	1,258,450.00	204	1,245,030.00	204	1,165,780.00	201
COURT OF CLAIMS.						
Salaries	56,480.00	29	57,400.00	29	56,480.00	29
Employment of auditors	6,000.00	1	10,000.00	1	6,000.00	1
Stationery and contingent expenses	3,900.00		3,900.00		3,900.00	
Purchase of chemical engine			1,030.00			
Reporting decisions	1,000.00		1,000.00		1,000.00	
Custodian of building	500.00	1	500.00	1	500.00	1
Total, Court of Claims	67,880.00	31	73,800.00	31	67,880.00	31
Grand total	36,157,209.85	15,283	35,084,347.40	15,583	23,519,594.05	14,877

NOTE.—Total reduction in amount of estimates, 1913, under appropriations for 1912	$472,862.45
Net increase in number of salaries estimated, 1913, over appropriations for 1912	300
Net decrease in amount of this bill under estimates for 1913	$2,164,753.34
Net decrease in number of salaries in this bill under estimates for 1913	706
Net decrease in amount of this bill under appropriations for 1912	$2,637,615.79
Net decrease in number of salaries in this bill under appropriations for 1912	406

Mr. WICKLIFFE. Mr. Chairman, in calling the attention of this House and of the country to the measure introduced by me on August 14, 1911—H. R. 13568, a bill to establish a bureau of markets in the Department of Agriculture—I wish to say at the outset that in my opinion it is as much the function of the Agricultural Department of our Government to acquire and diffuse knowledge on the question of how to sell the products of the farmer as it is the duty of that department to acquire and disseminate knowledge concerning better methods of producing farm products.

It is one thing to raise farm products, it is another thing to sell farm products, and it is just as much the duty of the great Agricultural Department of the United States Government to assist in disseminating knowledge concerning the latter as the former.

We hear much to-day concerning the flocking to the cities of our rural population, and each recurring decennial census ever shows the trend to be toward the cities. Members of Congress have advanced many theories as to how to combat this centralization in the cities and the leaving of our farms. In my judgment one of the best ways to combat this evil tendency is by our Agricultural Department not only undertaking to instruct the farmer how to raise better crops, but also how to get a fair price for these crops when produced.

What boots it if the farmer raises the most magnificent crop of potatoes, or onions, or cabbage, or beans, and so forth, ever recorded before in our history, if when he goes to sell these products the price he receives is not one-half of what the ultimate consumer pays for them?

If the Members of this House will admit, as I think they will, that these premises are correct, I feel that the first question I should take up in presenting this matter is the question of whether or not the condition exists which requires action, and, this being established, the next point I wish to discuss is what that action should be. I will therefore first discuss the condition that confronts us.

I will state that the first time my attention was particularly called to this question arose under conditions in my district incident to the advent of the cotton-boll weevil. The production of cotton in the district which I represent went down, as the result aforesaid, from 180,000 bales in 1904 to 10,000 bales in 1910. Our people were forced into other avenues of agriculture. They diversified in every direction. They raised a great deal of farm produce which comes under the practical heading of truck farming. I found a great deal of complaint made by them, not that they could not grow these different kinds of products, but that when they grew them they could not get a fair return therefor, although they informed me that the final consumers in the city were paying practically twice the amount for their stuff that the farmer was receiving.

While they had a general idea and a general knowledge concerning the verity of this proposition, yet it was not until quite recently that I was able to obtain figures that would tend to show that this discrepancy did exist, so that same could be put in concrete form and furnish information of a definite character.

In July, 1910, I noticed in an article published by Mr. B. F. Yoakum some figures on this subject that, were it not for the conservative source whence they come, might seem to be highly exaggerated. Among other things, Mr. Yoakum states in the article referred to:

After a careful investigation it is estimated that during the past year—

Meaning 1909—

the farmers received and the consumers of the city of New York paid for the following articles of food approximately the amounts respectively shown:

	Paid to farmer.	Paid by consumer.
Eggs	$17,238,000	$26,730,000
Cabbage	1,825,000	9,125,000
Onions	821,000	8,212,000
Milk	22,912,000	48,880,000
Potatoes	8,437,000	60,000,000

There are other articles mentioned, but I mention the above for brevity and because they are, as a rule, the products of the small farmer or truck grower, which is the class of farmer which, in my opinion, is the most interested in this matter, as the discrepancy seems to be greater in his products than any others.

I admit that these figures are simply astounding, but coming from such an extremely conservative source as Mr. Yoakum, I feel that it can not be said that they have been given without careful study of this question. If this condition prevails with reference to the markets of the city of New York, I do not doubt that it prevails to more or less extent in each of the cities in our Union.

In the parish of Tangipahoa, in my district, our principal industry is truck growing. They are to-day shipping vegetables and berries to all parts of the Union, even shipping strawberries at this season as far west as Seattle, Wash., as far north as Chicago, and as far east as New York City. For years the best citizens of that parish have given thorough study, based on experience, to the marketing of farm products, and I have learned from both private conversation and by letter, from men well qualified to speak, that this problem is one of the greatest that confronts the producer. In a recent letter to me one of the most enterprising and intelligent truck growers writes—after referring to an editorial in the Southern Agriculturist on the subject—among other things—

will say we have too many leeches between the producers and consumers. I read statistics a few days ago that the farmers obtained $6,000,000,000 in 1911 for all farm produce, but the consumer paid thirteen billion. I do not consider that a square deal—

and neither do I, and I do not believe that any Member of this House would so consider it. Later on I will quote others to show that this gentleman's figures are correct.

Such interest in the question of better markets has been manifested among the farmers in the district which I represent until I am firmly convinced that not only my own district, but every rural district in the United States, is interested in this question, for I believe that these conditions of enormous difference between what the farmer receives and the ultimate consumer pays are general throughout the land.

Proceeding upon the theory, however, that information and definite figures are what this House wants and not general allegations as to conditions, I wish to quote a few extracts from the address of Mr. Yoakum, delivered at a meeting of the Texas Farmers' Congress, at College, Tex., on July 26, 1911. I quote:

According to Government reports the producer receives 46 cents for products of the farm for which the consumer pays $1. It is not encouraging to the young farmer boys to see that out of every dollar being paid for the products of the farm their share is only 46 cents, while the remaining 54 cents are distributed among others before these products reach the consumers' tables.

Last year's agricultural products were worth $9,000,000,000 to the farmers. The Government used farm values in getting figures for this total. Assuming that the farmers kept one-third of the products for their own use, the consumers paid over $13,000,000,000 for what the producers received $6,000,000,000. The cost of getting the year's products from producers to consumers amounted to the enormous sum of $7,000,000,000. The real problem to deal with is not high cost of living. It is high cost of selling.

I feel that Mr. Yoakum has herein furnished a term, to wit, "the high cost of selling," which, as a matter of convenience and reference, will be very generally used hereafter by all discussing this question. Mr. Yoakum further says in that address:

The late S. A. Knapp, who had charge of farm-demonstration work in the Department of Agriculture and who had more to do with the recent agricultural development in the South than any one man, used to say that one-eighth of successful farming required scientific knowledge, that three-eighths was an art, and the remainder was simply business. The business end of husbandry has been sadly neglected, and that is the chief reason why agricultural growth makes such a poor showing in comparison with other national development.

The farmers of this country to receive better prices do not have to experiment with untried theories. They only have to copy what others are doing successfully. For instance, the people of Denmark 30 years ago received $12,000,000 for their butter, eggs, and bacon. Then they began the organization of market societies. Now the same character of products brings in over $100,000,000 a year. Nearly all of their dairy products are marketed through cooperative creameries, and their egg-export societies have 25,000 members.

* * * * * * *

The commercial waste in the distribution of farm products is reduced to a minimum. They share in the profits of economical marketing.

The necessity for early action is emphasized in the following paragraph, which I quote from the same address:

Advanced methods in handling the business of the farm are bound to come. What we must realize is the cost of delay. We have already waited too long. We should now work for prompt improvement in marketing facilities.

I now quote views of this gentleman as to the remedy:

The Government should assist in finding a way for better farm marketing. There should be a market bureau of the Agricultural Department devoted to accumulating and distributing information on best methods and best markets for selling.

* * * * * * *

The Government should systematically trace the movement of all farm products to the place of final use and give the country the information. It should give the country the benefit of a thorough investigation of improved selling and marketing systems, including all means of distribution and handling. Results will be immediate. The farmer will reduce his selling cost when he learns in detail about wagon-haul costs, freight charges, cold-storage charges, distribution in cities, profits to dealers, losses through deterioration, and all things which enter into marketing expense. As the selling expense decreases so will the returns to the farmer increase and the cost of living decrease.

Further on, Mr. Yoakum says:

Nine billion dollars is a big lot of money. It is the one great item of our national resource. In connection with this great wealth-producing business, it is certainly conservative, figured from any standpoint, to say that on the $9,000,000,000 farm value crop the producers should receive $2,000,000,000 more money than they are now receiving. These $2,000,000,000 saved would mean to the farmers a $2,000,000,000 saving on a $9,000,000,000 crop. When we discuss figures so large they become mystifying.

These $2,000,000,000 we could save, according to Mr. Yoakum, by a system of getting more direct from the farm to the consumer, is more than the combined revenues of France, Italy, and Germany, and more than double the cost per year of running our own Government.

In an address delivered in the city of Washington last summer, the Secretary of Agriculture, among other things, said:

The price received by the farmer is one thing; the price paid by the consumer is far different. The distribution of farm products from the farm to consumers is elaborately organized, considerably involved and complicated, and burdened with costly features.

In this same address the Secretary of Agriculture further says:

The farmer does not get one-half the price the consumer pays. Therefore the great mass of farmers are not benefited by the rise in price in all goods, and there is no benefit to the country at large. A few middlemen, selected individuals, who step between the farmer and consumer, are the persons who reap the benefit.

If my memory is correct, the Secretary of Agriculture, in his annual report to Congress in 1909 or 1910, gave the amount as 54 per cent which disappears between the producer and ultimate consumer—that is to say, the difference in price which the producer receives and the ultimate consumer pays.

Of course, I am not for a moment contending that under the best methods of farm marketing or the marketing of farm products that there must not be some considerable outlay for transportation, middlemen, and so forth, but what I do contend is that when so large an amount as 54 per cent, as contended by the Secretary of Agriculture—or even a greater amount than that as contended by other authorities whom I have quoted—that there must be of necessity something greatly out of joint in our method of marketing farm products. I am informed that in some countries abroad—Holland, for instance—only 25 per cent disappears between the producer and ultimate consumer, and I am of opinion that there is not a country on the globe where the difference is so vast as it is here in the United States.

I am not in this argument or the measure which I am pressing for the consideration of the House seeking to do an injustice to any calling whatsoever; I am simply seeking to do justice to all classes in this matter. Anything that would tend to bring the producer and ultimate consumer closer together would, in my judgment, be in the interest of both of said classes, and would at least tend toward following the law of supply and demand in a legitimate way.

Transportation companies and retailers are both necessary factors in the distribution of farm products, and I think are recognized as such by all thinking men.

Having established the fact, as I believe I have, that there is entirely too great a difference in what the farmer receives for his products and what the ultimate consumer pays for same, I shall now pass to the next question, to wit, that of securing some remedy.

It might appear to some that a far-reaching investigation, either by this House or the Senate, acting through a special committee of Congress, might get at the bottom of this matter and make such recommendations as to legislation which might solve the problem; but it is my judgment that it would be better to have some department of the executive branch of the Government make a special and specific study as to the best methods of marketing farm products and give the benefit of that information directly to the farmer.

If such division or bureau finds that legislation is necessary, they can report such findings to Congress with such recommendation as they deem best. If, on the other hand, they find upon a full and complete study of the question that certain methods of marketing, certain practices with reference to getting the producer and ultimate consumer closer together, are found to be feasible under existing law, and they can give that information direct to the farmer, both the farmer and ultimate consumer will be greatly benefited thereby.

With this end in view, I introduced H. R. 13568, a bill to establish in the Department of Agriculture a bureau of markets. This measure provides that it shall be the province and duty of said bureau, under the direction of the Secretary of Agriculture, to make diligent investigations of the methods of marketing farm products, and especially with regard to finding out and recommending the fairest and most direct method by which farm products may reach the consumer from the producer by accurately distributing information on the subject in question and on the subject of the best methods and best markets for selling, and providing that said bureau shall from time to time make such public reports of its work as the said Secretary of the department may direct.

As to the details of the measure, they are matters that can be easily perfected by the committee, and I am not in any manner wedded to the specific wording of the bill. What I am after is to have a careful study made of this question by competent, honest, and industrious officials under the direction of the Department of Agriculture, devoting their time specifically to the subject matter.

With a view to remedying this unjust and unfair condition which undoubtedly exists, such a working force can, in due time, certainly work out a better method of marketing farm products than exists to-day. As to the avenue along which we should proceed with reference to solving this problem, and as substantiating my views for the establishment of some bureau or

division to specifically study this question, I will call attention of the committee to the report of the Committee on Agriculture of the United States Senate on April 3, 1912, which contains the following from letters from the Secretary of Agriculture:

My views are that a division of markets in our Bureau of Statistics, adequately equipped with funds and employees to properly handle the matters involved in the proposed legislation, would be of great benefit to the farmers of the country, enabling them to be advised frequently and regularly as to the various points to which their products could be shipped, thus avoiding congestion in certain markets and paucity of supplies in others, and that the probable cost of such a division would be much more than offset by the saving that would be effected to farmers through the aid that would be given them in the proper and economical marketing of agricultural commodities, particularly those of a perishable character.

Further on in the report the Secretary of Agriculture says:

The interests of the farmer are as greatly involved in the proper marketing of his surplus products as they are in their production. The two things, production and marketing, are intimately connected, and in that view it would be wise to place the proposed division in the Bureau of Statistics of the Department of Agriculture.

I therefore submit, Mr. Chairman, that a condition confronts us in the marketing of farm products which requires a remedy, and I further submit that from my investigation and study of this question, extending over a period of nearly two years, that the best avenues along which we can proceed is along the lines I have heretofore suggested.

The question that presents itself in this matter affects the welfare of the great mass of people in the uttermost parts of the country; it makes no difference whether it be one who dwells in the largest city of the land or the farmer who lives in a most sparsely settled rural community, all would be better off if some method were shown along practical lines by means of which he who actually produces a product may exchange that product most directly with him who ultimately consumes it.

The consumers in our large cities would get their necessities of life at a cheaper price than they do now, and the producer of that article would get a higher price than he now receives, because no political economist, in my judgment, would urge that a normal and fair condition exists where more than half of the price disappears between him who produces that article and him who ultimately consumes it.

If the farmer received, say, 10 per cent, 15 per cent, or 20 per cent more than he does to-day for his products he could afford to see the price which exists to-day to the ultimate consumer materially lessened and still be better off than under present conditions.

The "high cost of selling" is certainly one of the greatest problems of the day, and we can not solve it by leaving present conditions alone and devoting all of our energies in the Agricultural Committee and in the Department of Agriculture to directing that great department to improve the methods of cultivation and production of products, when the fact stares us in the face that even when they are produced the farmer finds them blocked from a fair market.

The cry of "back to the farm" will continue to be the cry and will go unheeded unless something is done to secure to the farmer some way of solving "the high cost of selling."

Mr. MANN. Mr. Chairman, I ask unanimous consent that after the first paragraph of the bill is read that I may have the right to half an hour in debate under the same latitude as general debate.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that when the first paragraph of the bill is read under the 5-minute rule that he be entitled to the floor for 30 minutes as under general debate. Is there objection?

Mr. JOHNSON of South Carolina. To-morrow morning will satisfy the gentleman?

Mr. MANN. Yes; I hope it will not be to-night.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HILL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Connecticut [Mr. HILL] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

Mr. JOHNSON of South Carolina. Mr. Chairman, I would like it if the gentleman from New Jersey [Mr. HAMILL] could be recognized for 10 minutes before we begin the reading of the bill under the five-minute rule, and then the gentleman from Illinois [Mr. MANN] will have half an hour to-morrow morning.

Mr. MANN. Was my request agreed to?

Mr. JOHNSON of South Carolina. Yes; for to-morrow morning.

Mr. HAMILL. Mr. Chairman, if it be agreeable to the House and the gentlemen of the subcommittee, I ask that the privilege that has been extended by unanimous consent to the gentleman from Illinois [Mr. MANN] be also accorded to me, after the reading of the first paragraph of the bill, for half an hour, if I desire. I probably shall not use all of the time.

Mr. FITZGERALD. Mr. Chairman, I am constrained to object to that. There was a special reason why no objection was made to the request of the gentleman from Illinois. But general debate on the bill is to be closed to-night.

Mr. HAMILL. Then, Mr. Chairman, availing myself of the consent of the House, I would rather take my 10 minutes at this time.

The CHAIRMAN. The gentleman from New Jersey [Mr. HAMILL] is recognized for 10 minutes.

[Mr. HAMILL addressed the committee. See Appendix.]

Mr. JOHNSON of South Carolina. I call for the reading of the bill.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1913, for the objects hereinafter expressed, namely.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. UNDERWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24023, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

THE CHINESE REPUBLIC.

The SPEAKER laid before the House the following communication from the Chinese Republic, which was read by the Clerk and ordered to be printed in the RECORD:

LEGATION OF CHINA,
Washington, April 27, 1912.

Hon. HUNTINGTON WILSON,
Acting Secretary of State.

SIR: I am instructed by my Government to convey to the Congress of the United States the warm thanks of the people of China for its congratulations on their assumption of the powers, duties, and responsibilities of self-government as well as for its public expression of confidence in their successful adoption and maintenance of a republican form of government, as set forth in its concurrent resolution of April 13, 1912.

I should be greatly obliged if you would be so kind as to transmit the message to the Congress.

Accept, sir, the renewed assurances of my highest consideration.

CHANG YIN TANG.

CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the Resident Commissioner of the Philippines [Mr. QUEZON] may have permission to extend remarks in the RECORD on the bill for civil government in the Philippine Islands, before the House for consideration yesterday.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the Resident Commissioner of the Philippine Islands have permission to extend his remarks in the RECORD. Is there objection?

There was no objection.

PENSION BILLS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 18335) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, disagree to the Senate amendments, and ask for a conference; and I also ask unanimous consent to waive the reading of the Senate amendments.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take up the bill H. R. 18335, disagree to the Senate amendments, and ask for a conference. He also asks unanimous consent to waive the reading of the Senate amendments. Is there objection?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 18337) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, with Senate amendments, disagree to the amendments, and ask for a conference. I also ask unanimous consent to waive the reading of the Senate amendments.

The SPEAKER. The gentleman also asks unanimous consent to take up the bill H. R. 18337, with Senate amendments,

waive the reading, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 18954) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, with Senate amendments, to waive the reading, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take up the bill H. R. 18954, disagree to the Senate amendments, waive the reading, and ask for a conference. Is there objection?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I also ask unanimous consent to take up the bill (H. R. 18955) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, with Senate amendments, disagree to the Senate amendments, and ask for a conference. I also ask unanimous consent that the reading of the Senate amendments be waived.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take up the bill H. R. 18955, disagree to the Senate amendments, and ask for a conference, and also asks to waive the reading of the Senate amendments. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the above four pension bills Mr. RUSSELL, Mr. ANDERSON of Ohio, and Mr. FULLER.

AIDS TO NAVIGATION IN THE LIGHTHOUSE SERVICE.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 22043, an act to authorize additional aids to navigation in the Lighthouse Service, and for other purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference. I also ask unanimous consent to waive the reading of the Senate amendments.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask what the Senate amendments are.

Mr. ADAMSON. They have struck out one or two items and added a few.

Mr. UNDERWOOD. How much does the increased appropriation amount to?

Mr. ADAMSON. Something near $1,000,000. I have not added it up.

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of the bill H. R. 22043, disagree to the Senate amendments, and ask for a conference; also to waive the reading of the Senate amendments. Is there objection?

Mr. FITZGERALD. What was the amount carried by this bill when it passed the House?

Mr. ADAMSON. About $100,000.

Mr. FITZGERALD. And the Senate has added $1,000,000?

Mr. ADAMSON. Oh, I do not say that it is $1,000,000, but they have added a good deal.

Mr. MANN. The Senate has added a good deal to it, the most of which goes to the Pacific coast, up in Alaska, and some on the Atlantic coast.

Mr. FITZGERALD. I ask that the bill lie on the Speaker's table until to-morrow morning.

The SPEAKER. Does the gentleman from New York object?

Mr. FITZGERALD. No; I will withdraw that request.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. ADAMSON, Mr. RICHARDSON, and Mr. STEVENS of Minnesota.

MINORITY VIEWS ON THE SEAMEN'S BILL.

Mr. WILSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that the minority members of the Committee on the Merchant Marine and Fisheries have five legislative days in which to file minority views on the bill H. R. 23673, generally known as the seamen's bill. (H. Rept. 645, pt. 2.)

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the minority of the Committee on the Merchant Marine and Fisheries may have five legislative days in which to file minority views on the seamen's bill. Is there objection?

There was no objection.

MISSOURI RIVER, NEBR.

Mr. ELLERBE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 23774, providing an appropriation to check the inroads of the Missouri River in Dakota County, Nebr., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to proceed, in accordance with such plans, specifications, and recommendations as may be approved by the Chief of Engineers, to take such steps as may be necessary to check the inroads now making by the Missouri River upon the banks of said river in Dakota County, State of Nebraska, opposite the city of Sioux City, Iowa, as may appear to be necessary, and to build such revetment and other protecting work along said river as may be needed for the permanent protection of said bank. That for said purpose there is hereby appropriated, from the money remaining in the Treasury not otherwise appropriated, the sum of $60,000. That said appropriation, being needed to supply an emergency, shall become available from the time of the passage of this act.

With the following committee amendment:

Page 2, line 4, strike out the word "sixty" and insert in lieu thereof the word "fifty."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I wish to ask the gentleman from South Carolina whether there are any other bills for repair work of any damage done by floods at individual places?

Mr. ELLERBE. Mr. Speaker, I will say that I know of none. This is the only bill of the kind—the last bill of the kind that has been considered by our committee.

Mr. FITZGERALD. Mr. Speaker, at another time I objected to a bill of this kind and expressed the opinion, which was acquiesced in, that these matters should be taken care of under general bills. The gentleman from South Carolina [Mr. ELLERBE] has indicated the reasons why this is important at this time, but so that nobody may proceed upon the theory that upon requests for unanimous consent such bills will be considered, I wish to announce that hereafter I shall object to unanimous consent for the consideration of such bills.

Mr. MANN. Mr. Speaker, reserving the right to object, which I shall not do in this case, I would like to ask the gentleman whether this $50,000 will be likely to be expended for the purpose of an emergency fund or whether it is intended, if it is not all expended now, to have a lot of it remain available for any time in the future?

Mr. ELLERBE. Mr. Speaker, I want to say to the gentleman from Illinois that the committee went into the matter very carefully. This is to be an emergency fund, to be expended entirely between now and what they call the June rise.

Mr. MANN. I would suggest that the bill be amended by inserting, on page 2, line 3, after the word "dollars," the language "or so much thereof as may be necessary." The bill makes an appropriation of $50,000, and under the law that remains available until expended, and is so carried upon the books. If it is only for emergency, and that is what I understand this to be, it ought to be changed so as not to leave an unexpended balance.

Mr. ELLERBE. I have no objection to an amendment of that kind.

Mr. MANN. There is a committee amendment that has not yet been acted upon.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 2, line 4, strike out the word "sixty" and insert in lieu thereof the word "fifty."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. ELLERBE. Mr. Speaker, I move to amend, on page 2, line 3, by inserting after the word "dollars" the words "or so much thereof as may be necessary."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. ELLERBE. Mr. Speaker, I move to amend, on page 2, line 3, by striking out the word "remaining."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. ELLERBE. Mr. Speaker, I move to further amend by striking out the last sentence of the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, lines 4, 5, and 6, strike out the words "That said appropriation, being needed to supply an emergency, shall become available from the time of the passage of this act."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ELLERBE, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SAMUEL W. SMITH, for 8 days, on account of important business.

To Mr. SWITZER, until May 25, 1912, on account of important business.

To Mr. DAVENPORT, for 10 days, on account of important business.

ADJOURNMENT.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

Mr. MANN. I would like to ask the gentleman from South Carolina if he is going ahead to-morrow with the bill?

Mr. JOHNSON of South Carolina. We hope to go on with this bill to-morrow.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p. m.) the House adjourned until Friday, May 3, 1912, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PRAY, from the Committee on the Public Lands, to which was referred the bill (H. R. 21826) validating certain homestead entries, reported the same with amendment, accompanied by a report (No. 642), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Pennsylvania, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen, reported the same with amendment, accompanied by a report (No. 645), which said bill and report were referred to the House Calendar.

Mr. LAMB, from the Committee on Agriculture, to which was referred the bill (H. R. 56) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations, submitted the views of the minority thereon (H. Rept. 602, pt. 2), which were ordered to be printed.

Mr. GILLETT, from the Committee on Appropriations, to which was referred the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, submitted the views of the minority thereon (H. Rept. 633, pt. 2), which were ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CANTRILL, from the Committee on Claims, to which was referred the bill (S. 547) for the relief of Sarah A. Waite, reported the same without amendment, accompanied by a report (No. 639), which said bill and report were referred to the Private Calendar.

Mr. HEALD, from the Committee on Claims, to which was referred the bill (S. 4189) for the relief of the estate of Johanna S. Stoeckle, reported the same without amendment, accompanied by a report (No. 640), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill (S. 6384) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 644), which said bill and report were referred to the Private Calendar.

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill (H. R. 4509) to authorize the President of the United States to appoint Robert H. Peck a captain in the Army, reported the same with amendment, accompanied by a report (No. 646), which said bill and report were referred to the Private Calendar.

Mr. HEALD, from the Committee on Claims, to which was referred the bill (S. 4751) for the relief of Albert S. Henderer, reported the same without amendment, accompanied by a report (No. 641), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill (S. 6340) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 643), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Indian Affair was discharged from the consideration of the bill (H. R. 24042) to reappropriate certain money for the purpose of paying the claim of John E. Meyer, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SHACKLEFORD: A bill (H. R. 24067) providing for the construction, erection, maintenance, and operation of a dam across the Osage River in Miller County, Mo., for the purposes of improving navigation and the development of water power; to the Committee on Interstate and Foreign Commerce.

By Mr. DOREMUS: A bill (H. R. 24068) to authorize and empower the Public Health and Marine-Hospital Service to collect, maintain, and make available plans and descriptive matter relative to hospitals, asylums, dispensaries, and like institutions, and make provision therefor; to the Committee on Interstate and Foreign Commerce.

By Mr. KINDRED: A bill (H. R. 24069) to provide for the establishment of a board of inebriety and a hospital and industrial colony for inebriates in the District of Columbia; to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: A bill (H. R. 24070) to amend sections 5 and 7 of the act of March 22, 1906; to the Committee on Indian Affairs.

By Mr. GRIEST: A bill (H. R. 24071) to require adequate life-saving facilities on ocean-going passenger vessels; to the Committee on the Merchant Marine and Fisheries.

By Mr. HEALD: A bill (H. R. 24072) for the erection of two bronze figures of the figurehead of Tecumseh taken from the sloop of war *Delaware;* to the Committee on Naval Affairs.

By Mr. CARY: A bill (H. R. 24073) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Fraternal Order of Eagles; to the Committee on the Public Lands.

By Mr. FERGUSSON: A bill (H. R. 24074) to encourage and promote sinking of wells on desert lands in the State of New Mexico; to the Committee on Irrigation of Arid Lands.

By Mr. HAMILL: A bill (H. R. 24075) making appropriation for the further improvement of the Hudson (North) River Channels of New York Harbor, N. Y.; to the Committee on Rivers and Harbors.

By Mr. MANN: A bill (H. R. 24076) providing for rates of postage on fourth-class mail matter, for the appointment of the parcel transportation commission, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: A bill (H. R. 24077) to protect owners of trade-marks, labels, and similar property; to the Committee on Patents.

By Mr. CLAYTON: Resolution (H. Res. 520) for the consideration of H. R. 23635, etc.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AKIN of New York: A bill (H. R. 24078) granting a pension to John Elson; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 24079) granting a pension to Barbara Heider-Bauman; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 24080) granting an increase of pension to Joseph Goddard; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 24081) for the relief of Henry Hirschberg; to the Committee on Claims.

By Mr. BARTLETT: A bill (H. R. 24082) for the relief of Stephen G. Dorsey; to the Committee on War Claims.

By Mr. BROWN: A bill (H. R. 24083) granting a pension to Christian Wilhelm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24084) granting an increase of pension to John O. Shears; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 24085) granting an increase of pension to Taylor Smedley; to the Committee on Invalid Pensions.

By Mr. COVINGTON: A bill (H. R. 24086) granting an increase of pension to Warren W. Wallace; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 24087) granting an increase of pension to John S. Reagan; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 24088) granting an increase of pension to James B. Coyle; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 24089) granting an increase of pension to Nason F. Waterman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24090) granting an increase of pension to Emery O. Pendleton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24091) granting an increase of pension to David E. Seekins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24092) granting an increase of pension to Albert T. Harvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24093) granting an increase of pension to Oscar L. Staples; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 24094) granting a pension to Daniel Boran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24095) granting a pension to Jacob Freudenberger; to the Committee on Pensions.

By Mr. LEVY (by request): A bill (H. R. 24096) to correct the record of Capt. Henry Clay Fisher, United States Marine Corps, United States Navy; to the Committee on Naval Affairs.

By Mr. LLOYD: A bill (H. R. 24097) granting a pension to James D. Silman; to the Committee on Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 24098) granting an increase of pension to Robert D. Giltner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24099) granting an increase of pension to Samuel Emmitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24100) granting an increase of pension to Parson B. Mix; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 24101) granting a pension to John F. Corcoran; to the Committee on Pensions.

Also, a bill (H. R. 24102) to correct the military record of Edgar B. Wood, deceased; to the Committee on Military Affairs.

By Mr. PEPPER: A bill (H. R. 24103) for the relief of Andrew Wurster; to the Committee on Military Affairs.

Also, a bill (H. R. 24104) for the relief of William Minor; to the Committee on Military Affairs.

By Mr. SHERWOOD: A bill (H. R. 24105) granting an increase of pension to Frank E. Barnes; to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 24106) for the relief of the estate of Ben Whitaker, sr., deceased; to the Committee on War Claims.

By Mr. SULZER: A bill (H. R. 24107) granting a pension to Stuart R. Fairbanks; to the Committee on Pensions.

By Mr. SWITZER: A bill (H. R. 24108) granting an increase of pension to Hiram W. Partton; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 24109) granting a pension to Jessie Banta; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 24110) granting an increase of pension to Edgar Thompson; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 24111) granting a pension to Sarah McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24112) to correct the military record of John M. Kills; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 24113) granting an increase of pension to William Hurt; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AINEY: Petition of Rush Grange, No. 1167, Patrons of Husbandry, of Rush Township; Coast Hill Grange, No. 917, Patrons of Husbandry, of Great Bend Township, Susquehanna County; Oriental Grange, No. 165, Patrons of Husbandry, of Falls Township, Wyoming County; and Salem Grange, No. 965, Patrons of Husbandry, of Salem Township, Salem County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Minnesota: Petition of C. A. Hubbard and 17 others, of Lake City, Minn., against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Papers to accompany bill for the relief of Thomas B. Reed (H. R. 10026); to the Committee on Invalid Pensions.

Also, petition of Oren Nichols and 20 other citizens of Newark, Ohio, protesting against the passage of interstate-commerce liquor legislation; to the Committee on the Judiciary.

Also, petition of Tuttle & Sellers and three other merchants of Creston, Ohio, protesting against enactment into law of any recommendation with reference to the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Memorial of the United Polish Society of Brooklyn, N. Y., against passage of Senate bill 3375, for literacy test; to the Committee on Immigration and Naturalization.

By Mr. BOWMAN: Petition of the Workmen's Circle, New York, protesting against the passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

Also, petition of P. T. Rowe, bishop of Alaska, relative to conditions of the natives of Alaska; to the Committee on the Territories.

Also, petition of G. W. Guthrie, favoring the passage of the Owen bill, to establish the United States public health service (S. 561); to the Committee on Interstate and Foreign Commerce.

By Mr. BUCHANAN: Petition of citizens of Illinois, favoring the passage of the anti-Taylor system bills; to the Committee on the Judiciary.

By Mr. BULKLEY: Resolution of the Cleveland (Ohio) branch of the Lake Seamen's Union, urging the importance of legislation to require all steamers to carry a sufficient number of lifeboats and efficient deck crews; to the Committee on the Merchant Marine and Fisheries.

By Mr. CALDER: Petition of the Workmen's Circle of New York, protesting against the passage of the Dillingham bill (S. 3175), literacy examination; to the Committee on Immigration and Naturalization.

By Mr. COVINGTON: Petition of John B. Shannon and others, of Allegany County, Md., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. CRAGO: Petition of United Workers of America, Local Union No. 2102, Fayette City, Pa., favoring building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of Brave, Greene County, Pa., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DAVENPORT: Petition of citizens of Duncan and Stephens Counties, Okla., against passage of Senate bill 8339, known as the Owen bill; to the Committee on Indian Affairs.

By Mr. DANFORTH: Petition of the Chamber of Commerce of Rochester, N. Y., favoring the passage of House bill 17736, providing for 1-cent postage on first-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Resolution of the Workmen's Circle, in convention at the city of New York May 1, 1912, against passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of the Manufacturers and Merchants' League of Virginia, against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. FOSS: Petition of the Workmen's Circle of New York, protesting against passage of the Dillingham bill (S. 3175) for literacy test of immigrants; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Chicago, Ill., protesting against Senate bill 1, for establishment of an independent bureau of health or other similar medical legislation; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Challenge Cigar Factory, Ottawa, Ill., favoring passage of House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of Bradner, Smith & Co., Chicago, Ill., favoring passage of House bill 17736, for 1-cent postage on letters; to the Committee on the Post Office and Post Roads.

Also, petition of the Chicago Grocers' Exchange, Chicago, Ill., favoring passage of House bill 17736, for 1-cent postage on letters, etc.; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Illinois Conference of the African Methodist Episcopal Church, in favor of proposed exposition to commemorate the freedom of the Negro in America; to the Committee on Industrial Arts and Expositions.

Also, petition of the National Fraternal Press Association, of Columbus, Ohio, favoring the passage of the Dodds amendment to the Post Office appropriation bill, relating to publications of fraternal societies, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of P. T. Rowe, bishop of Alaska, in favor of enactment of legislation to provide a home for the blind and sanitarium for tuberculosis cases for natives of Alaska, and that their health and sanitary care be placed under the governmental health and quarantine department; to the Committee on the Territories.

Also, petition of the Illinois Lumber & Builders' Supply Dealers' Association, of Chicago, Ill., in opposition to the passage of the Bartlett anti-injunction bill; to the Committee on the Judiciary.

By Mr. GRIEST: Petition of C. A. Burrows, of Lancaster, Pa., favoring passage of the old-age pension bill (H. R. 13114); to the Committee on Pensions.

Also, petition of Lampeter Branch of the Lancaster County Farmers' Association, favoring passage of a general parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. GUERNSEY: Petition of citizens of Golden Ridge, Me., favoring passage of House bill 19133, for postal-express system; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA: Petition of the Baptist Sunday School of Fairmount, Richland County, N. Dak., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens and merchants of Wilton, N. Dak., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Devils Lake Lodge, Local No. 2, International Association of Machinists, of Devils Lake, N. Dak., favoring passage of House bill 22339, against use of the stop watch for Government employees; to the Committee on Labor.

Also, petition of the Kensal Farmers' Elevator Co. and other elevators companies and citizens of North Dakota, against passage of the Lever bill against trading in futures in grain, etc.; to the Committee on Agriculture.

Also, petition of J. M. Kennedy, of Hamar, N. Dak., against passage of Lever bill applying to grain; to the Committee on Agriculture.

By Mr. JACOWAY: Petition of citizens of Arkansas, favoring passage of House bill 16450, against unlawful breaking of seals on railroad cars, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. KINDRED: Petition of the Chamber of Commerce of the State of New York, against any legislation prohibiting free tonnage of Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the United Polish Societies of Brooklyn, N. Y., against passage of Senate bill 3375 or any measure containing the literacy test; to the Committee on Immigration and Naturalization.

By Mr. LEWIS: Petition of James Bagley and other citizens of Maryland, relative to inventors, etc.; to the Committee on Patents.

Also, petition of J. V. Yarnall and 24 other citizens of Cumberland, Md., favoring passage of House bill 22339 and Senate bill 6172, to prevent the introduction of the Taylor system into Government shops; to the Committee on Labor.

By Mr. LINDSAY: Petition of the United Polish Societies of Brooklyn, N. Y., and the Workmen's Circle of New York City, N. Y., against passage of Senate bill 3375 or any measure containing the literacy test; to the Committee on Immigration and Naturalization.

Also, petition of the Allied Boards of Trade and Taxpayers' Association, relative to wireless apparatus and operators and sufficient number of lifeboats on all ocean steamers; to the Committee on Immigration and Naturalization.

By Mr. MAHER: Petition of Jewish Community and the Workmen's Circle of New York City, against passage of the Dillingham bill (S. 3375) containing educational tests for immigrants; to the Committee on Immigration and Naturalization.

By Mr. MARTIN of South Dakota: Papers to accompany bill granting an increase of pension to Parson B. Mix, of Hot Springs, S. Dak., who was a member of Company I, One hundred and forty-first Regiment Illinois Volunteer Infantry, Grand Army of the Republic; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Robert D. Giltner; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Samuel Emmitt; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: Petition of the First United Presbyterian Church of Beaver Falls, Pa.; the New Salem Presbyterian Church, Beaver Falls, Pa.; the Free Methodist Congregation of Rochester, Pa., all favoring speedy passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of the Young Men's Christian Association and Woman's Christian Temperance Union of Monongahela, the Woman's Christian Temperance Union of Darlington, the Union Church Meeting, New Galilee, the Woman's Christian Temperance Union of New Brighton, the Methodist Episcopal Church of Ambridge, the Woman's Christian Temperance Union of Midland, and the Woman's Missionary Society of Economy, all in the State of Pennsylvania, favoring speedy passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MOTT: Petition of Local No. 125, National Association of Metal Polishers of Watertown, N. Y., favoring passage of House bill 22339, against the stop watch for Government workers; to the Committee on Labor.

Also, petition of the Workmen's Circle of New York, protesting against the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. O'SHAUNESSY: Petition of the Butchers, Grocers, and Marketmen's Association of Rhode Island, asking that the present internal-revenue laws taxing the manufacturing and selling of oleomargarine be repealed; to the Committee on Agriculture.

By Mr. RAKER: Petition of the Sailors' Union of the Pacific, San Francisco, Cal., favoring passage of House bill 11372; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of California, asking for congressional investigation into the case of the editors of the Appeal to Reason, Leavenworth, Kans.; to the Committee on the Judiciary.

Also, petition of the Board of Trade of San Diego, Cal., protesting against passage of House bills 11372 and 20576; to the Committee on the Merchant Marine and Fisheries.

By Mr. ROBINSON: Petition of the German-American Federation of Arkansas, protesting against any prohibition or interstate-commerce liquor measure now pending; to the Committee on the Judiciary.

By Mr. STEPHENS of Nebraska: Petition of J. O. Blodgett and others, of Columbus, Nebr., for the immediate passage of House bill 16689; to the Committee on the Public Lands.

Also, petition of C. T. Carrig and others, of Columbus, Nebr., asking for the immediate passage of House bill 16689, validating sales of a part of the right of way of the Union Pacific Railroad; to the Committee on the Public Lands.

By Mr. SULZER: Petition of Adolph Hirtestein, favoring passage of House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of the citizens of Vineland, N. J., favoring the immediate enactment of postal progress league bill (H. R. 14) or of a more progressive measure into law; to the Committee on the Post Office and Post Roads.

Also, petition of the Jewish community of New York City, opposing the passage of the Burnett bill containing educational tests for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Vincent Goss, of New York, favoring passage of House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of the Workmen's Circle of New York, opposing the passage of the Burnett bill; to the Committee on Immigration and Naturalization.

Also, petition of the committee of wholesale grocers, favoring the reduction of duty on raw and refined sugar; to the Committee on Ways and Means.

By Mr. TILSON: Petition of New England manufacturers, against passage of the Covington amendment to the Panama Canal bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Workmen's Circle of New York City, against passage of the Dillingham bill (S. 3175) or any measure containing the literacy test; to the Committee on Immigration and Naturalization.

By Mr. UNDERHILL: Petitions of the United Polish Societies of Brooklyn and the Workmen's Circle of New York City, N. Y., against passage of the Dillingham bill (S. 3375) or any measure containing the literacy test; to the Committee on Immigration and Naturalization.

By Mr. WEDEMEYER: Petition of citizens of Adrian, Mich., favoring the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of the Allied Board of Trade and Taxpayers' Association, relative to wireless apparatus and operators and sufficient lifeboats on all ocean steamers; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York Board of Trade and Transportation, favoring passage of Senate bill 2117, for increase in pay for employees in United States Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIS: Petition of Ed. P. Egan and 10 other citizens of Delaware, Ohio, favoring passage of House bill 22339; to the Committee on Labor.

SENATE.

FRIDAY, *May 3, 1912.*

(Continuation of legislative day of Thursday, May 2, 1912.)

The Senate met, after the expiration of the recess, at 11 o'clock and 50 minutes a. m.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes.

Mr. SMITH of Georgia. Mr. President, I suggest that there is no quorum present.

The VICE PRESIDENT. The Senator from Georgia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Lea	Sanders
Bacon	Cullom	Lodge	Simmons
Borah	Curtis	Martine, N. J.	Smith, Ariz.
Bourne	Davis	Myers	Smith, Ga.
Brown	Dillingham	Nelson	Smoot
Bryan	Fall	Overman	Stephenson
Burnham	Fletcher	Owen	Sutherland
Burton	Gallinger	Page	Swanson
Catron	Gardner	Penrose	Tillman
Chamberlain	Gronna	Perkins	Warren
Chilton	Johnson, Me.	Rayner	Williams
Clapp	Johnston, Ala.	Reed	Works
Crane	Jones	Richardson	
Crawford	Kern	Root	

Mr. JONES. My colleague [Mr. POINDEXTER] is unavoidably detained from the Chamber.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. A quorum of the Senate is present. The Senator from Missouri [Mr. REED] is entitled to the floor.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I yield.

Mr. SMITH of Georgia. I am very anxious at this stage to put into the RECORD the amendments that I intend to offer to the bill. It seems to me that it would put them in a convenient form to be seen by Members of the Senate. I sought to do so yesterday morning, and objection was made. If necessary, I will read them myself so as to get them into the RECORD.

The VICE PRESIDENT. Without objection, the amendments proposed to be offered by the Senator from Georgia will be printed in the RECORD. The Chair hears no objection.

The amendments referred to are as follows:

Amendments intended to be proposed by Mr. SMITH of Georgia to the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, viz:

Amend the bill by striking therefrom all of section 3.

In section 30, after the word "before," in line 8, insert the words "or after," so that the section will read:

"SEC. 30. That nothing herein contained shall be construed as doing away with or affecting any common-law or statutory right of action or remedy for personal injury or death happening before or after this act shall take effect."

Amend section 5 by adding at the close thereof the following proviso:

"*Provided*, That if the employee elects to furnish his own physician or surgeon to care for himself, he may recover from his employer such expenses incurred therefor by him as are reasonable and just."

Amend, after line 16, on page 4, section 7, by adding:

"*Provided*, That where it is made to appear that the employer, through its officers and agents, had received knowledge of the accident within 30 days after the happening thereof, no notice whatever shall be required to be given of the action by the employee to the employer."

Amend by adding at the close of section 7 the following:

"It shall be the duty of the employer, within five days after receiving notice through its officers or agents that an employee has received an injury in its service, to notify such employee whether said injury was received while such employee was employed in such commerce by such employer; and in any legal procedure which may follow the employer shall be bound by such notice, and will not be permitted to deny its truth, and on failure of said employer to give said notice said employer shall not be permitted to deny, in any legal procedure, the claim that said injury was received by such employee while employed in such commerce."

Amend by striking section 10.

Amend by striking section 11.

Amend section 13, paragraph 4, by adding at the close of the same: "*Provided*, That either party may take the testimony, to be used before the adjuster, of a witness either by deposition or interrogatories, according to the rules of practice of force in the United States district in which the case is pending."

After the word "require," in section 13, paragraph 9, line 11, insert the words "The reasonable attorney's fees of the employee shall be taxed as cost against the defendant by the adjuster or by the court."

After the word "require," on page 20, section 14, line 21, insert the words "or without giving notice where such notice is not required."

On page 22, section 14, after line 11, add: "*Provided*, That where an employee institutes suit for an injury, claiming that same did not take place while he was employed in interstate or foreign commerce, and fails to recover in such suit, the limitation of the time for his right to proceed under this act shall begin with the termination of such suit, and not with the time when the injury to him occurred."

Amend section 14 by adding paragraph 8 after paragraph 7:

"(8) Employees shall have the privilege of enforcing the rights given to them under this act before the adjuster or to proceed in any State court having jurisdiction, and no suit brought in a State court under this act shall be removed to the United States court."

Amend by striking section 16 and substituting as follows:

"SEC. 16. That on the hearing of a cause of action arising under this act either party shall have the right to elect to commute the monthly payments into a fixed sum, and in that event the fixed sum shall be the present value of the annuities herein provided for, the present value to be calculated on the basis of interest at 5 per cent."

Amend section 20 by striking out in lines 19, 20, and 21 the following words: "No employee's wages shall be considered to be more than $100 a month."

Amend section 21, line 14, by striking out the words "for a period of eight years," and add, in line 15, after the word "death," the words "during the life expectancy of the deceased."

Amend section 21, on page 30, in lines 17, 18, 21, and 22, by striking out the word "sixteen" and inserting "twenty-one." On page 31, line 16, strike out the words "for the unexpired part of the period of eight years."

On page 34, lines 5 and 6, strike out "50 per cent," so that same shall read: "Where permanent total disability results from any injury there shall be paid to the injured employee the monthly wages of such employee during the remainder of his life." In line 17 strike out "50 per cent," so that the same shall read: "Where temporary total disability results from any injury there shall be paid the monthly wages of the employee during the continuance of such temporary total disability."

On page 34, section 21, paragraph 9, subdivision D, strike out the balance of page 34, page 35, and page 36 down to line 6 and insert in lieu thereof:

"(D) Where permanent partial disability results from any injury—

"(1) An amount equal to 50 per cent of his wages shall be paid to the injured employee for the balance of his life in the following instances:

"The loss by separation of arm at or above the elbow joint or the permanent and complete loss of use of one arm.

"The loss by separation of one hand at or above the wrist joint or the permanent and complete loss of the use of one hand.

"The loss by separation of one leg at or above the knee joint or the permanent and complete loss of the use of one leg.

"The loss by separation of one foot at or above the ankle joint or the permanent and complete loss of the use of one foot.

"The permanent and complete loss of hearing in both ears.

"An amount equal to 25 per cent of his wages shall be paid to the injured employee during the remainder of his life for the following injuries:

"The permanent or complete loss of hearing in one ear.

"The permanent and complete loss of sight of one eye.

"An amount shall be paid to the injured employee during the balance of his life for the percentages of his wages stated against such injuries, respectively, as follows:

"In case of the permanent loss of hearing in one ear, 20 per cent.

"The permanent and complete loss of sight of one eye, 20 per cent.

"The loss by separation of a thumb, 15 per cent; of first finger, 12½ per cent; second, third, or fourth finger, 10 per cent.

"The loss of one phalanx of a thumb, two phalanges of a finger, 7½ per cent.

"The loss of more than one phalanx of a thumb and more than two phalanges of a finger, 10 per cent.

"The loss by separation of a toe, 6 per cent."

On page 36, article 2, subdivision 12, amend as follows: Strike out subdivision E and insert the following:

"(E) Where temporary partial disability results from an injury the employee shall receive, during the time he is unable to secure work, his full wages, but after he secures work he shall only receive the difference between the amount of compensation of the work secured and his former wages: *Provided*, That if work is offered to him of a suitable character by his employer, with compensation equal to the amount of his former wages, and he refuses the same, he shall not be entitled to any compensation for such disability during the continuance of such refusal."

Amend section 22, on page 37, line 6, by striking out the words "90 per cent of," and in lines 7 and 8 by striking out the words "as limited by the provisions of section 20 hereof," and by striking out the balance of said section continued in lines 8 to 17, inclusive, and inserting in lieu thereof: "If his wages received fall below the wages he was receiving at the time of the accident, an amount of compensation shall be payable equal to the difference between the wages received and his former wages."

On page 36, after line 23, add a new subdivision to section 21, entitled "F," as follows:

"(F) That the provisions herein set forth fixing the amount of compensation to be paid to an injured employee or his representative in case of his death, shall apply to those employees whose injuries occur without contributory negligence on their part. In other cases where compensation is provided for in this act, the compensation shall be one-half of the amounts stated."

Amend, on page 39, by striking out section 24.

Amend, on pages 43 and 44, by striking out section 29 and in lieu thereof providing: "That in any case the employer or employee may elect before the adjuster or the court to have the case proceed for the present value of the annuity provided for under this act, which shall be the present value of the annuity allowed, calculated at the rate of 5 per cent interest."

Mr. SUTHERLAND. Before the Senator from Missouri resumes, I should like just a moment to make a very brief statement.

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. I yield to the Senator for that purpose.

Mr. SUTHERLAND. Mr. President, yesterday I asked unanimous consent that the vote on this bill be taken on Saturday at 3 o'clock. I was met with the statement that that would be in violation of the unanimous-consent agreement. I stated in that connection that what I was asking had been done before, and that statement seemed to be disputed. I desire, in order to preserve the record upon this question, to call attention to the fact that February 5 of the present year, at the request of the Senator from Massachusetts [Mr. LODGE], unanimous consent was given that on the 5th of March the treaties and resolutions of ratification should be taken up and before adjournment on that legislative day that all amendments to the treaties and the treaties themselves should be voted upon. On March 6, under that unanimous-consent agreement, when the resolutions had been under consideration for a day, on page 2885 of the RECORD, this appears:

Mr. WILLIAMS. My interruption is not for the purpose of asking a question, but I understand that the Senator from New York would rather not go on to-night, and I now understand that if the Senator from Massachusetts will make a request to take a recess until 12 o'clock to-morrow, and to vote not later than 4 o'clock to-morrow afternoon, it will be acceded to.

Mr. MARTIN of Virginia. Four thirty p. m. to-morrow.

Mr. LODGE. Mr. President, I made the request that the Senate take a recess until 12 o'clock noon to-morrow, and that a vote be taken not later than half past 4.

The VICE PRESIDENT. The vote to be taken otherwise as provided in the existing unanimous-consent agreement?

Mr. LODGE. Yes.

Mr. HITCHCOCK. Mr. President, I should like to inquire what assurance a Senator would have that he would be permitted to make even a short address under the terms of such an agreement?

Mr. LODGE. He has all day between 12 o'clock and half past 4.

After further colloquy the Vice President said:

Is there objection to the request of the Senator from Massachusetts? [A pause.] The Chair hears no objection, and the order is entered.

Now, on March 7, the following day, the hour of 4.30 o'clock having arrived, the Vice President stated:

The hour of 4.30 o'clock having arrived, the question first is upon the first amendment to the treaty recommended by the committee, which the Secretary will report. The treaty has not been read in full. Is there objection to dispensing with the first formal reading of the treaty? [A pause.] The Chair hears none.

So it appears very clearly that in that instance, within the past few weeks, the Senate has agreed, after a unanimous-consent agreement, to vote upon a certain legislative day to fix an hour upon a later calendar day when the vote should be taken.

The VICE PRESIDENT. The Senator from Utah submits no request at the present time?

Mr. SUTHERLAND. No; I make no request at present.

Mr. SMITH of Georgia. The Senator from Missouri yields to me for a moment, as I have a telegram that I should like to have read.

The VICE PRESIDENT. Without objection, the Secretary will read the telegram presented by the Senator from Georgia.

The Secretary read as follows:

HOUSTON, TEX., *May 2, 1912.*

Hon. HOKE SMITH, *Washington, D. C.:*

Your speech opposing workmen's compensation act read at meeting of Brotherhood of Railroad Trainmen to-night. Your sentiments unanimously indorsed. We thank you for your position, and hope you will be successful in defeating action or amending bill when it is called to-morrow. Health and success.

CHARLES MURPHY, *Secretary No. 145.*

The VICE PRESIDENT. The Senator from Missouri will proceed.

Mr. REED. Mr. President, as a preliminary to what I am about to say this morning, I want to make this statement: I believe as much as almost any other man in my State I have been regarded as a friend of organized labor. I have frequently represented labor organizations in their controversies in courts and with their employers. I have frequently drafted measures to be introduced on their behalf in the common council of the city in which I live and in the legislature of my State. As a public official it has come to me on numerous occasions to pass upon the requests of labor organizations made to public authority, and in every instance the rulings I have made have been satisfactory to labor organizations. I believe, therefore, that I can speak upon this measure from the standpoint of one who has always endeavored to show a friendly interest in the affairs of those men who seek to protect their rights through organization.

The Members of the Senate who are voting for this bill are undoubtedly largely influenced by the idea that the bill represents substantially the unanimous voice of the labor organizations in this country.

Mr. President, if the bill as now written had been laid before the various labor organizations of the country, and the individual workmen given a fair opportunity to examine and understand its provisions, and if, after a discussion and debate, the railway employees had expressed their opinion with practical unanimity in favor of the measure, I would lay aside my individual judgment and respond to the wishes of those men thus expressed, even though the bill, in my opinion, contained grave errors and tremendous mistakes. But that is not the case. I challenge the attention of the Members of the Senate to what I am about to say with reference to this support the bill is claimed to have and to the origin and character of that support; and when the facts are understood it is my opinion that some of the Members of the Senate at least will change their views, so far as they are affected by the opinion or alleged opinion of the railway men concerned.

I say again to the Senate this is the most revolutionary piece of legislation that has been introduced in the Senate for 20 years. I challenge your solemn judgment and solemn thought, before you wipe out the common-law rights of men as they have existed for hundreds of years, before you wipe out all the statutes that have been enacted in the States in the past 50 or 75 years, before you destroy the acts of Congress which were contended and battled for by the railroad employees of this country for 20 years before they finally were enacted into law, before you take so radical a departure, to give to this bill your careful consideration. I challenge my colleagues upon this side before they say to a million six hundred and fifty thousand railway men and to their wives and their dependents, "You shall hereafter be barred from the courts of your State; you shall hereafter be barred from your rights under the common law of the land, under the statutes of the States and of this Nation," before you say to them, "The only tribunal to which you can appeal is a Federal court," before you undertake that revolutionary step you ought to understand this bill and you ought to give it time and thought and care.

What is there about this bill, sir, that calls for action so suddenly? Why are those who are pressing the bill so anxious that it shall be enacted into law without full and free discussion? Why do they want this bill, which overturns all the precedents of our land and establishes a new course of action, to be forced to a vote in this sudden and almost unprecedented manner?

Men have lived under the present system of laws for many months, and under many of our laws and our general system of jurisprudence for over a hundred years in this country, and it would do no harm, when we undertake to enact legislation of this kind, to ascertain whether it be true that a legal miracle has been brought forth, one which is incapable of improvement by amendment, one to which the collective intelligence of this body can not add a single paragraph of virtue, one in which the collective intelligence of this body can not

discover a single flaw, a bill so miraculously drawn that it is concurred in by the presidents of railroads, by the attorneys for railroads, by the claim agents of railroads, without a dissenting voice, and it is claimed is concurred in by the united voice of labor.

Senators, that feat has never yet been accomplished in this world. That feat will never be accomplished if you give time for discussion. I affirm now that there is no man who ought to regard himself as bound to this bill as a bill representing the opinions of the railway men affected, because of the facts that I am now about to lay before you.

There are in this country four great railway societies, known as the Brotherhood of Locomotive Engineers, the Brotherhood of Railway Trainmen, the Order of Railway Conductors, and the Brotherhood of Locomotive Firemen and Enginemen. There is still another organization which embraces the shopmen, who to a large extent are not affected by this bill.

These several organizations have their local lodges, and these several lodges once in two years—mark you, once in two years, and one of them once in three years—send representatives from their subordinate lodges to an international convention. The international convention of the Brotherhood of Locomotive Firemen and Enginemen only meets once in three years; the other organizations meet once in two years. At the general meeting of the international convention they adopt legislation and they outline policies.

They have, however, done another thing: They have provided for the appointment of an executive agent to represent each of these societies, and the executive agents who at the present time represent these societies are as follows: The Brotherhood of Locomotive Engineers, Warren Stone; the Brotherhood of Railway Trainmen, Mr. Lee; the Order of Railroad Conductors, Mr. Garretson; and the Brotherhood of Locomotive Firemen and Enginemen, Mr. Carter.

These men are named at the general meetings and are denominated the executive officers. The last meetings of these societies and organizations were held months before this bill was drawn in its present form. Therefore, at their general meetings the representatives of these subordinate lodges had no chance to consider this bill. They did have the opportunity to say whether they favored, as a general policy, compensation acts. But to say that you favor compensation acts is very different from saying you favor a particular compensation act. To say that you are in favor of a law that provides that all human beings shall go about the public highways clothed is one thing; to say that they shall go clothed in a particular manner is a different thing. So this bill has never been before any general organization, and the only men who have passed upon it have been these four men, selected not with reference to this bill, bearing no badge of authority or instructions especially applicable to this bill, coming with no letter of advice or counsel, directing them to support this bill. They were simply selected in a general way as executive heads of these bodies. So these four men have passed upon the bill, but the 1,650,000 railway men who are running the trains of this country have not passed upon the bill; they have never even seen this bill.

That is not all, Mr. President. These "rank-and-file" men have been denied the right of protest by the laws of their order, construed, perhaps, improperly extended beyond the point of original intention, but nevertheless now so construed. I have the evidence here to sustain my statement and will lay it before you. These rules are understood to mean that no member of the organization is at liberty to raise his voice in protest against the action of any one of the four head men. The member may speak in favor of that which the four men may do, but he can not, upon matters legislative, protest against the action of these men. So you do not have here the concentered opinion of the railway men of this country; on the contrary, you have the ipse dixit of four men, and, as I shall show you a little later on, of but three of those four men.

Mr. SMITH of Georgia. And now of only two.

Mr. REED. And now, as I am informed by the Senator from Georgia, of only two, the head of the conductors' organization having withdrawn his support.

Mr. SMITH of Georgia. Mr. President, that statement should be modified to this extent—the Senator from Missouri did not exactly understand me—that the conductors' oragnization have withdrawn the restriction put upon the men and permitted them to act independently. I do not understand that Mr. Garretson has himself withdrawn his support, although I find in his testimony before the committee that what he supported was a very different measure from this bill.

Mr. REED. Mr. President, let me put into the RECORD the facts.

Mr. SIMMONS. Mr. President, I wish to ask the Senator from Missouri a question.

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED. Certainly.

Mr. SIMMONS. Do the four men of whom the Senator from Missouri speaks, known as the legislative representatives of these four branches, represent the employees of the railroads?

Mr. REED. They are known, as I understand, as the executive heads. They are supposed to look after all matters which concern their organization, and so they undertake to guard the interests of their organizations in matters legislative. I do not know whether the term "legislative agents" could be applied to them. I think it would be too narrow if so applied.

Mr. SIMMONS. Do I understand the Senator as saying that when these four executive heads meet and indorse a particular bill pending before Congress the membership of the Order of Locomotive Engineers and the other orders representing the employees are not permitted, under the law governing their organizations, to protest against their action?

Mr. REED. That is exactly as I understand it. Stated with accuracy, the members of each organization are barred from protesting against or interfering with the policy of the head of that particular organization, so that when three of these men agreed upon this bill they thereby closed the lips of and silenced the voice of protest. The members of those three organizations were barred from the right of objection. The fourth executive head did not approve the bill, and the members of his organization have been free to express their views and have been protesting generously and with emphasis.

Mr. SIMMONS. Now, following that up, suppose a member of the organization should attempt openly to use influence against the position taken by this executive board with reference to a legislative matter, is there any penalty prescribed by the laws of the organization?

Mr. REED. My understanding is that it means expulsion—that the rule is so construed. I am about to lay the evidence which I have in my possession before the Senate on that subject.

Mr. SIMMONS. Then, I understand from the Senator, that an individual member of these organizations who attempts openly to protest against this recommendation or indorsement, who attempts in any way to exert influence openly in Congress to prevent the carrying out of their indorsement and recommendation, would be subject to expulsion from the order?

Mr. REED. At least he places himself in jeopardy and in conflict with the rules of the order, and my understanding, gained from talking with some of these men, is that it means expulsion. I am about to submit the rules of the organization and some other testimony given before the Senate Judiciary Committee.

Mr. SIMMONS. That is, if the rules were invoked against them, the penalty would be expulsion?

Mr. REED. That is what I understand to be the fact.

Mr. OVERMAN. And also, if the Senator will yield to me——

Mr. REED. Certainly.

Mr. OVERMAN. If any one lodge should protest, it would mean that they would have to surrender their charter.

Mr. SIMMONS. Now, I should like to ask the Senator one further question.

The VICE PRESIDENT. Does the Senator from Missouri yield further?

Mr. REED. Certainly.

Mr. SIMMONS. Has the Senator any information of any pressure having been brought to bear to prevent individual members of these organizations from asserting their wishes and their opinions in respect to this legislation?

Mr. REED. I have nothing further than the statements men have made to me—that it was unsafe for their members to protest and that they did not protest; but nobody has said to me, and I have no letter or telegram to the effect, that any man has been personally threatened.

I hold in my hand the constitution of the Brotherhood of Locomotive Firemen and Engineers for the years 1911, 1912, and 1913, lapsing over until their next convention. Section 5 of article 27 of their constitution reads as follows:

> Any member interfering with legislative matters affecting national, State, Territorial, dominion, or provincial legislation adversely affecting the interest of our members shall, upon conviction by written information, be expelled: *Provided, however,* He shall have right of appeal to his lodge within 30 days after expulsion.

That is the section of the constitution of that one organization. It was handed to me this morning by a member of that organization who represents it in the State of Texas and who states that it is construed to mean that any interference with the

legislative policies of the executive head is held to be a violation of that provision of their constitution.

Mr. CHILTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from West Virginia?

Mr. REED. Certainly.

Mr. CHILTON. I should like to ask the Senator if he is aware of the testimony of these men before the committee to the effect that the reason for this rule is that they found after years of experience that when the order agreed upon a legislative policy individual members would sometimes be influenced by the railroads or by outsiders to interfere with the legislative policy which had been agreed upon, and in order for their organization to be effective they had to adopt some kind of a policy and some kind of means for enforcing the rules of the order. That was testified to and was agreed to, as I understand, before the committee by the representatives of the laboring men.

Mr. REED. Yes, Mr. President, I understand that the reason which was assigned before the committee by those who defended this rule was that the rule had been adopted in order to protect the organizations against the improvident advancement of legislation of an improper character by their members, and also for the purpose of protecting the members against the coercion of their employers; but, like all rules which may be adopted for one purpose, it may be used for another purpose. It is now being applied to mean that when these executive officers have agreed upon a policy, any man who dares to challenge the correctness of that policy is held to be opposing the interests of the organization and he suffers expulsion. Many of these men have insurance for which they have paid for many years, and they forfeit that insurance upon expulsion. So that the effect of the rule, no matter what its origin and no matter what the purpose may have been that called it into existence—the effect and application of the rule now is to close the lips of these men and to silence the voice of protest. If they adopted the rule because some of their members had been previously corrupted, as stated by the Senator from West Virginia, then I challenge thought to the fact that if their members have been corrupted in the past they hardly escape from all danger of that corruption when they place this enormous power in the hands of three or four men.

I am not charging that anybody has been corrupted, but I am saying that the same danger which led them to enact this law exists just as much to-day as it did before. I am not intimating any corruption. Men can differ in this world without an intimation of baseness. I am applying my remarks solely to the reason which was assigned by my friend, the Senator from West Virginia, as the reason for the rule, and he does not assign it as his reason, but as his conclusion derived from testimony given before the Judiciary Committee at the hearings on this bill.

Mr. CHILTON. Mr. President——

The PRESIDING OFFICER (Mr. BROWN in the chair). Does the Senator from Missouri yield to the Senator from West Virginia?

Mr. REED. Certainly; I always yield.

Mr. CHILTON. I should like to ask the Senator this: Can he imagine any way by which a labor organization can protect itself from outside influence, whether by corruption or otherwise, unless it has some rule of this kind?

Mr. REED. Well, if the Senator wants my opinion about this rule—which is entirely aside from the question we are discussing and has nothing to do with it—I reply that no government has ever escaped corruption by providing that the rank and file of the people can not open their lips to protest.

Mr. CHILTON. The only trouble with that——

Mr. REED. We have that right against the President of the United States, and the only place men do not have the right of protest is in Turkey. Really, I believe the right now exists even in that unfortunate land.

Mr. CHILTON. The committee having these matters in charge and hearing the statement of the railway men did not find any way by which they could correct or revise the rules of the organization, and they had to take the statements as they were made, and to take the laws of the organization as they found them.

Mr. REED. I am not criticizing the committee; I trust the delicate sensibilities of the members of the committee will not be shocked by so much as suggestion of responsibility for the rule I am discussing. I am simply arguing the one point that under existing rules the railway men of this country have not been permitted to voice their sentiments against this bill, though they are permitted to support it.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED. Certainly.

Mr. OVERMAN. I think I ought to state here that after this bill was before the Judiciary Committee and had been passed upon, there was a demand that a subcommittee be appointed on the part of the House of Representatives and the Senate from the respective Judiciary Committees to meet and give hearings to some individual railroad men. On that committee were the Senator from West Virginia [Mr. CHILTON], the Senator from Utah [Mr. SUTHERLAND], and myself, and there were three members on the part of the House. There were many railroad employees here, but there were mighty few who went into that room, as the Senator from West Virginia knows.

Mr. REED. Why?

Mr. OVERMAN. I will tell you why. The three leading men who have advocated this bill were in there. There was also present a man by the name of Teat, representing a Georgia order that has no such rule, and some Representatives in Congress who were heard. I was very much astonished when I went to the committee room to see a number of railroad men standing around the door. I knew one of them and invited him to come in. He said, "No; I can not. I have been working for the railroad for 25 years. I have been insured that long, and if I go into that room and protest against this bill I will lose my insurance. I will not only lose my insurance, but I may be expelled. I may not only be expelled, but the lodge I represent may lose its charter. Therefore we people who came here for this purpose are not going in." The only man who went in and heard it, so far as I can remember, was the man named Teat, who headed this organization. So, although we had arranged to give a hearing, had notified these men to be here, and they were here, and the subcommittee was there to give them a hearing, they were not there, but on the outside of the room.

Mr. REED. That is a startling statement. It is, however, a statement that would not be made by the Senator from North Carolina unless it was the truth and the very truth. But what a situation does it disclose to the Congress and the people of the United States. These railway men, big, brave-hearted fellows, who ride their engines into the night and through the storm, who take their lives in their hands every hour, who look with unflinching eyes into the face of death, yet do not dare to voice the protest of their hearts before a committee appointed by Congress to hear them! What a spectacle that is for a white man in a white man's country to contemplate!

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER (Mr. BROWN in the chair). Does the Senator from Missouri yield to the Senator from Oregon?

Mr. REED. I do.

Mr. CHAMBERLAIN. I suppose the Senator concedes that this is a rule which was adopted by these very brave men themselves. It was not a rule enforced on them by any other order than their own.

Mr. REED. I understand the situation. But it does not relieve us from the duty to scrutinize this bill. We can not in the teeth of these disclosures escape responsibility by the claim that the bill has been examined by the railway employees and approved by them, because we now know they have not been permitted to speak.

Mr. OVERMAN. I wish to make another statement which I think I ought to make. One of the men also told me that they did have this rule, and the reason of the rule was that it had in their experience been known that the railroads had employed certain employees to come up here and protest against legislation they were in favor of.

Mr. REED. To protest against it? Who was in favor of it?

Mr. OVERMAN. The order itself was in favor of it. And one example he cited was the boiler-inspection bill. He said the order was in favor of the bill, but they found men here, representing the lodges, about the Capitol day after day protesting against the passage of the bill. They then concluded, in order that this might not happen again, that they would pass this drastic rule, and the only way they could be heard hereafter was through their leaders.

Mr. SUTHERLAND. That was adopted in convention.

Mr. OVERMAN. It was adopted in convention, and therefore hereafter they were not allowed to address any Senator or Member of the House or come here to protest. It must be done through their leaders.

Mr. SIMMONS. With the permission of the Senator from Missouri I should like to ask my colleague one question. I

understood my colleague to say the subcommittee had hearings. Did anybody come before the subcommittee except these four heads of the executive committees?

Mr. OVERMAN. One was there from Georgia, a gentleman by the name of Teat, I think his name is, who said he had come to appear; the prohibition had been taken off by his order. I asked him if any other organization forbade its men to protest against this legislation, that I had been told on the outside they were not allowed to come. He declined to answer my question.

Mr. SIMMONS. As a matter of fact, the subcommittee heard only the statements of these four men?

Mr. OVERMAN. These four men and Mr. Carter, who resigned, who would not have anything to do with it. He was neutral on the subject, and therefore opposed to it. He took opportunity to protest, as did a man by the name of Teat, from Georgia. Judge BARTLETT, another Congressman, and a man by the name of Lewis addressed the committee; Mr. Lee and Mr. Garretson and Mr. Wills made practically the same statement as before the general committee, so far as the men, who could not hear, had heard. They did not come in, but stayed on the outside.

Mr. REED. Does it require a prophet or the son of a prophet to know what happened? These men came here to protest, and am I wrong in assuming that the executive heads warned them to keep out of that room upon the peril of the enforcement of these rules?

But again I say that it is an appalling thing that any four organizations, composed of 1,650,000 American citizens, found that their own men were being corrupted by the railroads to such an extent that they had to adopt a rule of this kind to protect themselves against that infamous practice. If the railroads had been doing that to prevent legislation desired by these men for their real benefit, I challenge your attention to the fact that now there is not even a railroad attorney here to protest against this bill. The answer is the bill suits the railroads to an exact nicety. If the railroads in the past have been so vigilant and unscrupulous that they have not hesitated to bribe their employees to come here and oppose legislation calculated to confer benefits upon their fellow workmen, why are these same railroads not here now protesting? Why are they acquiescing by silence? Nay, why do they through their presidents and claim agents actively cooperate in the passage of the bill? There is but one answer, this bill will benefit the railway companies. This is a railroad bill.

We are forced to conclude that this measure suits the railroads; it suited the railroad president who sat upon the commission; it suited the claim agent of the railroad who advised the commission. It suits them now, and why should it not? It takes these men out of the State courts, where before they have had some measure of protection. It puts them under the control exclusively of the Federal courts, that have always been the city of refuge toward which every railway attorney turned his longing eyes when he had to defend a suit brought by a poor fellow whose arms or legs had been crushed or mangled through the company's negligence.

Where are your railroad officials now with their protests? Where now their bribe money? Where now their claim agents? Where now their lobby? They are sitting complacently back, content that this bill shall become a law. Why should they not be content? It will save them millions of dollars, and it will put them under the control and protection of the Federal courts where they have always longed to go, and to escape which the railroad employees for years have fought and struggled and contended until at last they put upon the statute books a law which permitted them to file their suits in the State court and to stay there. That law is not yet two years old. In fact, as is suggested to me by the Senator from Georgia, it is practically only three months old, because it is only three months since it was finally approved by the United States Supreme Court.

But, Mr. President, I have been interrupted and led somewhat afield from the theme I started to discuss. I was about to furnish some additional evidence of the fact that the employees have had no opportunity to protest. I read the rule of the Brotherhood of Locomotive Firemen and Enginemen. Adopted for whatever purpose it was, it is, nevertheless, now the cord about the throats of these men that chokes them into silence.

Now, there was some of this evidence given before the committee, and I am going to read first the statement of Mr. Lee. I want to have the attention of the Senator from New Jersey [Mr. MARTINE]. I would rather have his attention than that of anybody else.

Mr. MARTINE of New Jersey. The Senator from Missouri is very flattering.

Mr. REED. I am only just.

Mr. MARTINE of New Jersey. You are all right, generally.

Mr. REED. I am all right this time, and the only time you make mistakes is when you differ with me.

Mr. MARTINE of New Jersey. We will not dispute or debate that.

Mr. REED. And we are going to get together yet.

Mr. MARTINE of New Jersey. Certainly.

Mr. REED. Here is a copy of the hearings before the Committee on the Judiciary on this bill, March 15 to March 26. I read from page 73. I am reading from the statement of that Mr. Lee who was yesterday appealed to by the Senator who is sponsor for this bill, and who had read a tirade of Mr. Lewis, denouncing as an ambulance chaser a man who in fact is the chief justice of North Carolina. I take it that Mr. Lee is a biased, prejudiced witness, as shown by that statement of his, and his bias and prejudice are in favor of this bill and all that it contains.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. Certainly.

Mr. SMITH of Georgia. There are so few in the Senate that I think it proper to suggest that there is no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	McCumber	Root
Bacon	Davis	McLean	Simmons
Bourne	Fall	Martine, N. J.	Smith, Ariz.
Bristow	Foster	Myers	Smith, Ga.
Brown	Gallinger	Nelson	Smith, S. C.
Bryan	Gardner	Nixon	Smoot
Burnham	Gronna	Overman	Stephenson
Burton	Guggenheim	Page	Sutherland
Chilton	Johnson, Me.	Paynter	Swanson
Clapp	Johnston, Ala.	Penrose	Thornton
Clark, Wyo.	Jones	Perkins	Warren
Crawford	Kern	Rayner	Wetmore
Culberson	Lea	Reed	Works
Cullom	Lodge	Richardson	

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN] is detained from the Senate on account of illness in his family. I will let this announcement stand for the day.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is unavoidably detained from the Senate.

Mr. CRAWFORD. I desire to state that my colleague [Mr. GAMBLE] is necessarily absent and that he has a general pair with the senior Senator from Oklahoma [Mr. OWEN]. I make this announcement for the day.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum of the Senate is present. The Senator from Missouri will proceed.

Mr. REED. Mr. President, I stated that I would read what Mr. Lee said, because he is an adverse and prejudiced witness. He is prejudiced in favor of this bill, and so prejudiced against everyone who dares lift his voice against it that he is willing to denounce a great judge of a great court as an ambulance chaser simply because he dares call attention in a dignified and logical statement to the bill's manifold defects and injustices. So I read what Mr. Lee said in regard to these coercive measures. Mr. NORRIS asked:

> You do not want the committee to understand that if any local organization was opposed to this bill that there was anything in your rules and regulations that would prohibit them from protesting as earnestly as they saw fit through the members of their board?
>
> Mr. LEE. Absolutely. The member who is honest knows that if he did it would have to be placed before the grand lodge. A few years ago we found railway companies, as Mr. Wills has said, that would wish to oppose some certain law that was really for the benefit of the majority of our class, and they would pick out certain fellows who were fluent talkers, or whom they could control, or whom under threat of dismissal or some other arguments they could send to the legislature to lobby to get certain laws defeated. The result was we could not succeed with anything that would benefit the masses because our members were appearing before these committees. So we passed this law, and to-day there is no member of the Brotherhood of Railway Trainmen in Georgia or in other States who does not know—and there are some of them in this House—that he has a perfect right to appeal and protest through the grand lodge to which he contributes his mite to support, and it would be presented through the executive or the executive would be brought to trial for not doing so.

Here is a plain admission that no man dare protest against a measure recommended by these executive heads except that he can send his protest up through the regular channels reaching that executive head, but he can not protest publicly or to a committee of Congress.

Now, I am not saying this in criticism of these orders. The reason I am saying it I shall, I think, make manifest a moment later. But upon the same line I call your attention to the

statement of Mr. HOWARD, a Member of Congress. He said before this same subcommittee on March 26:

There is a very peculiar condition existing among the railroad men in Georgia. I do not know whether it exists all over the country, but I have been reliably informed that the rank and file of the men who are most affected by the operation of this revolutionary measure can not even write their Senators or their Representatives in Congress a single solitary line in opposition to this bill without violating the rules and regulations of these organizations. That rule does not apply as to the Order of Brotherhood of Locomotive Firemen and Enginemen, but it does apply to all of the other organizations. I speak for the organizations in Georgia now, not confining it to my district, as I have conferred with the representatives of these particular organizations.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I yield.

Mr. SMITH of Georgia (at 1 o'clock and 10 minutes p. m.). It is perfectly evident that Senators do not desire to be present in the Senate at this hour, and I suggest that we take a recess for lunch until 2 o'clock.

The PRESIDING OFFICER. Does the Senator from Georgia make that motion?

Mr. SMITH of Georgia. Yes, sir.

Mr. SUTHERLAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lodge	Sanders
Bacon	Curtis	McLean	Shively
Bourne	Dillingham	Martine, N. J.	Simmons
Bristow	Fall	Myers	Smith, Ariz.
Brown	Foster	Nelson	Smith, Ga.
Bryan	Gallinger	Nixon	Smith, S. C.
Burton	Gronna	Oliver	Smoot
Catron	Hitchcock	Overman	Stephenson
Chamberlain	Johnson, Me.	Page	Sutherland
Chilton	Johnston, Ala.	Penrose	Swanson
Clark, Wyo.	Jones	Rayner	Warren
Clarke, Ark.	Kern	Reed	Watson
Crawford	Lea	Richardson	Williams
Cullom	Lippitt	Root	

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum is present.

Mr. SMITH of Georgia. Mr. President, I will extend the motion to a quarter past 2.

The PRESIDING OFFICER. The Senator from Georgia moves that the Senate take a recess until a quarter after 2 o'clock.

Mr. SUTHERLAND. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. OWEN (when his name was called). I transfer my pair with the Senator from South Dakota [Mr. GAMBLE] to the Senator from Oklahoma [Mr. GORE] and vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is out of the city on business of the Senate. I understand that he is paired with the junior Senator from Missouri [Mr. REED]. I make this announcement for the day.

Mr. SMITH of South Carolina (when his name was called). Has the junior Senator from Delaware [Mr. RICHARDSON] voted?

The PRESIDING OFFICER. He has not.

Mr. SMITH of South Carolina. Then I withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS] and withhold my vote.

The roll call was concluded.

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH], who is absent. I transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "nay."

Mr. CULBERSON. In view of my general pair with the Senator from Delaware [Mr. DU PONT], I withhold my vote.

Mr. GORE. I was not in the Chamber when my name was reached on the roll call. My colleague [Mr. OWEN] transferred his pair to me, and I will allow the transfer to stand.

Mr. BRYAN. I desire to announce that my colleague [Mr. FLETCHER] is necessarily absent on business of the Senate, and that he is paired with the senior Senator from Ohio [Mr. BURTON].

Mr. CLARK of Wyoming. I transfer my pair with the Senator from Missouri [Mr. STONE] to the junior Senator from Iowa [Mr. KENYON] and vote. I vote "nay."

Mr. RICHARDSON. Has the junior Senator from South Carolina [Mr. SMITH] voted?

The PRESIDING OFFICER. He has not.

Mr. RICHARDSON. I announce my pair with that Senator and withhold my vote. If he were present, I would vote "nay."

Mr. GALLINGER. I was requested to announce the pair of the Senator from Connecticut [Mr. BRANDEGEE] with the Senator from New York [Mr. O'GORMAN].

The result was announced—yeas 17, nays 49, as follows:

YEAS—17.

Bacon	Johnson, Me.	Newlands	Smith, Ga.
Bryan	Johnston, Ala.	Overman	Tillman
Chilton	Kern	Owen	
Davis	Lea	Pomerene	
Hitchcock	Martine, N. J.	Reed	

NAYS—49.

Ashurst	Crane	McCumber	Shively
Borah	Crawford	McLean	Simmons
Bourne	Cullom	Myers	Smith, Ariz.
Bradley	Cummins	Nelson	Stephenson
Bristow	Curtis	Nixon	Sutherland
Brown	Dillingham	Oliver	Thornton
Burnham	Fall	Page	Townsend
Burton	Gallinger	Paynter	Wetmore
Catron	Gardner	Penrose	Williams
Chamberlain	Gronna	Percy	Works
Clapp	Guggenheim	Perkins	
Clark, Wyo.	Jones	Root	
Clarke, Ark.	Lodge	Sanders	

NOT VOTING—29.

Bailey	Foster	Martin, Va.	Smoot
Bankhead	Gamble	O'Gorman	Stone
Brandegee	Gore	Poindexter	Swanson
Briggs	Heyburn	Rayner	Warren
Culberson	Kenyon	Richardson	Watson
Dixon	La Follette	Smith, Md.	
du Pont	Lippitt	Smith, Mich.	
Fletcher	Lorimer	Smith, S. C.	

So the Senate refused to take a recess.

Mr. REED. Mr. President, I ought to say to the Members of the Senate who were disturbed at their luncheon by the last two roll calls that they were demanded by the Senator from Utah and not from this side. On no account would we have imposed the hardship upon you of leaving the table, but as there were only about seven Members here, the Senator from Georgia conceived the idea that we might as well go to lunch also, and therefore made the motion for a recess. We had no idea that it would be followed by a demand that would take you from the table. I think I ought to make that statement in order to relieve myself and the Senator from Georgia of any responsibility.

Mr. President, I was reading from the statement of Mr. HOWARD, a Member of Congress, in which he was detailing the fact that railway men were not permitted to protest, and I proceed:

Gentlemen, I do not know whether or not the men in my State or in my district are opposed to this bill. That is not the purpose of my appearance before this committee this morning, to say whether or not they oppose it or whether they are in favor of it. The distinguished chairman of the Senate committee and of this commission, in questioning Mr. Teat a while ago, asked the question whether or not this commission had not been in session for a period of about two years. I can state with some degree of authority that the first time the compensation law was discussed in the South in any way whatever, in an official way, was at Chattanooga on the 25th day of May, 1910, and I think I can say with some degree of certainty that although this commission has had these hearings, and they have been exhaustive and full hearings, and some of the most expert railroad men in all branches have been heard before this commission, I do not suppose to-day there are 50 Members of Congress, in either branch, either in the Senate or in the House, that have read 500 words of the testimony taken before the commission.

And I say now that I think that is the truth right at this minute regarding the Senate. I continue reading:

We understand that hearings are held on a great many measures, and the evidence taken in these hearings is never read or considered until possibly the bill is favorably recommended by the committee holding the hearings.

There was a tentative bill introduced. That bill got to Georgia and these men had read it. The heads of the organizations in Georgia have read it. They say that this bill is revolutionary; that it practically takes from them a constitutional right, and that they want time to deliberate over this bill. All of their organizations meet during the summer, from April on through to July, August, and September. This is not an unreasonable request, as far as my State is concerned. The railroads are not suffering, and neither are the men suffering from the operation of the present laws.

Now, Mr. President, the reading of this rule and the reading of this testimony and the statement of the Senator from North Carolina [Mr. OVERMAN] conclusively demonstrate that the railway men of this country have not been at liberty to express their opinion. Neither have they had opportunity to express an opinion, or to even form a mature opinion, for the reason that this bill was only introduced in Congress some 30 days ago, and in that length of time there has not been the chance afforded for these men, scattered as they are throughout the United States, to obtain copies of the bill, to discuss it with each other, to take advice upon it, and to obtain, if they dare

obtain, the action of their local organizations. Therefore, when we are told here that this bill expresses the universal sentiment of these railroad men, we are told that which can not be sustained by any evidence and that which is not the fact, sir. On the contrary, the evidence now before us is that there is a sentiment of protest, and that that sentiment was silenced at the very doors of Congress; and we have the right to infer it was silenced by these big bosses of the organizations.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED. Certainly.

Mr. SIMMONS. I desire to inquire of the Senator, for information, if he thinks under the rule of which he has spoken that the various local lodges would be prohibited from giving expression to their opinions with reference to this bill?

Mr. REED. That seemed to be the opinion of the Senator from North Carolina [Mr. OVERMAN], the colleague of the Senator.

Mr. SIMMONS. It not only applies to individual members of the order, but to the lodges themselves?

Mr. REED. Yes.

Mr. SIMMONS. But the Senator does think, of course, that when the general conventions of these various branches of railroad employees meet, then there will be freedom of opinion?

Mr. REED. Of discussion.

Mr. SIMMONS. Of discussion.

Mr. REED. And until that time, if I understand the facts, there will not be freedom of discussion.

Mr. President, let us, then, analyze the situation and see what it is. Four men have assumed to agree to this bill for all the railway men of the country. Nay, that statement is not correct, for one of these men, to wit, the head of the Brotherhood of Locomotive Firemen and Enginemen, has not assented to it, but has most vigorously protested against it. So that now you have three men undertaking to speak for eight or nine million people who are directly or indirectly concerned in this legislation. The opinions of those three men do not represent the opinions of their constituency, because their constituency have never had the chance to examine this bill, and they were not elected and sent here with any instructions from that constituency to speak for them with special reference to this particular legislation. So you simply have three individuals standing here and undertaking to tell Congress what it shall do with reference to this vast body of men.

Nay, more, these three men farmed out their authority to Mr. Wills, and Mr. Wills, one man, became the legislative agent here at Washington, actively interesting himself in this legislation. I would not for anything say a word reflecting upon Mr. Wills. I know him but slightly; he is a man very earnest and very fixed and set in his opinions. According to him all candor and honestly, all earnestness of purpose, and all patriotic desire to serve his constituency, he is, nevertheless, but one individual, dowered with no greater intellect, I take it, than that of thousands of other men in his organization whose lips are closed and whose tongues are silenced by this rule and who have never been permitted to speak.

So, in the last analysis, what Congress is asked to do, and what some Members of this Senate are doing, is to lay aside its judgment, the collective and comprehensive judgment of the body, for the opinion of one Mr. Wills. I say that proposition is intolerable. The man who adopts it will live to see a day of regret. Of course, if Mr. Wills is possessed of all knowledge; if he has scaled all the heights, measured all the depths, and surveyed all the boundaries of the intellectual kingdom, if he has analyzed and mastered all the intricate problems of the law, if he is grounded in the principles of the Constitution, if he has the ability of a Webster, we might possibly be justified—some of us weak and erring children—in yielding to his superior judgment; but even Webster might make a mistake and Mr. Wills may be fallible. Already one of these three who delegated his authority to Mr. Wills is, according to the statement of the Senator from Georgia, in doubt in regard to the wisdom of this legislation.

Put this matter over for 60 days and there will rise from these rank and file men in some form—for you can not forever keep the lips of an American citizen closed—there will come in some way a message to the Congress that will say to it that the railway men of this country are not ready to put themselves into the hands of the Federal courts and to close the doors of all other tribunals to them.

I see sitting around me a few men who have protested for many years against the citizen of the State being dragged into the Federal courts to try his case at the instance of a corporation that lives in his State, that makes its living in his State, that is policed and protected by his State, but nevertheless is permitted to drag him into a tribunal which is practically foreign to him, because that corporation happens to have filed its articles in some other State. I see men around me here who recognize the injustice of that system and who have protested against it. I am astounded to see them now willing to confer upon the Federal courts more jurisdiction and more authority than all the laws that have ever been enacted have granted them since the day our Government was born.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Arizona?

Mr. REED. Certainly.

Mr. ASHURST. Mr. President, inasmuch as I have the honor, and it is an honor, to be sitting "around" the distinguished Senator from Missouri [Mr. REED], who is making what I conceive to be a very illuminating speech on this bill, I fear unless I interrupt him now that my silence may be construed to mean that I am in sympathy with that particular part of this bill which seeks to prevent injured railroad men from instituting suit for damages in the courts of the particular State where the injury occurred, but delivers their right to sue to the tender mercies of the Federal courts; and I ask permission of the Senator from Missouri that I may here and now say a word in that respect.

Mr. REED. I yield for that purpose.

Mr. ASHURST. Mr. President, I am in favor of this bill in principle. The constitution of the new State of Arizona—and I will in this great presence say that as a document perpetuating and securing the liberties of the people of a country or a State, no greater document has been written since the Declaration of Independence in 1776 than the constitution of Arizona—and this Arizona constitution lays a mandate upon the State legislature to enact a compulsory-compensation law. Hence I repeat, I am in favor of such a law in principle, but I desire to vote for a real, true compulsory-compensation law, one that will "compensate."

I do not forget that Thomas Jefferson said:

> The Federal judiciary are the sappers who are constantly seeking to undermine the confederated fabric of our Government.

I do not, of course, refer to all the Federal judges when I criticize some of them. I must discriminate, but I do refer to members of the Federal bench who have soiled their ermine. Why this attempt to deprive these engineers, conductors, brakemen, and firemen, the bravest men in the world, of the right to adjudicate their wrongs in their State courts? Is it because the railroad attorneys and the railroad presidents who entertain Federal judges by devious ways—such as paying the judge's expenses on a fishing expedition; and as Plutarch said, "I care not who writes the laws, if I but take the judges fishing"—believe they will have smooth sailing in the Federal courts when some maimed employee with crutches or armless sleeve asks compensation for the loss of a member of his body which God has given him?

Mr. President, when an engineer, brakeman, fireman, or conductor is called to work by the call boy—and too frequently the call boy's name is Death—when the trainman in obedience to duty's call goes out upon the run, the trainman and his wife look into each other's faces and there are the unspoken words, "Shall we ever meet again?"; for a trainman is engaged in an extra-hazardous occupation, engaged in drawing the commerce of the Nation, sitting at his throbbing throttle, transporting citizens over the rails, and is he to be denied when injured the poor boon of going before the courts of his State; denied the privilege of appearing before a judge elected by the vote of his fellow men? Is that to be denied to him?

This bill seeks to drive him exclusively before the Federal courts, some of whose judges, every man who is honest with himself confesses, much to our regret, are now under the suspicion of being in league with the "Interests." Is there a Senator in this great body who will deny that to-day some of the Federal courts are under suspicion; and why? Because all, or nearly all, of the cruel, the unjust, the outrageously unjust injunctions and decisions against the laboring people have come from the Federal courts.

Some of these Federal judges, free from the recall, with the impeachment process a practical impossibility, have come to sit as judicial tyrants.

I have in my desk some notes to which I intended to refer, but I shall not interrupt longer at this point further than to say to the Senator that when looking at me and saying he saw around him men who are turning these cases over to the Federal courts he was for "once" in error, and that there is no more resolute antagonist of the proposition of lodging jurisdiction of these cases solely and exclusively in the Federal courts than I am.

Before I resume my seat I must not be understood as making any assault upon the courts. I venerate the great Supreme Court of this Nation which so ably deals with the ever present

and complex propositions of State and national sovereignty and the liberties of millions of people. This great Supreme Court of the United States is progressive, and I do not include it in my criticisms; but I refer especially to such judges as Judge Grosscup, who has been charged not only with corruption but immorality as well.

I thank the Senator from Missouri for his courtesy.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from California?

Mr. REED. Will the Senator from California pardon me a word, and then I will yield.

I want to say to the Senator who has just taken his seat that either I made a statement directly the opposite of what I intended or he misheard me. What I intended to say, and I think did say, was that I saw around me Senators who have been protesting against the jurisdiction of the Federal courts being exercised over citizens of States upon the ground of diverse citizenship between themselves and the railroad company when that railroad company is in all except form a citizen of the State. I did not mean to say that the Senator who has just taken his seat has been in favor of putting all litigation in the hands of the Federal courts.

I now yield to the Senator from California.

Mr. WORKS. Mr. President, it has become altogether too common nowadays to make wholesale assaults upon the judiciary of this country, as we have just been listening to, and it is exceedingly unfortunate that any such assault should come from a Member of this body. I know—everybody knows—that there are unworthy judges upon the bench, State and Federal, but I happen to know a good many of the Federal judges of this country, and some of them I am glad to say are my warm personal friends. One of them was for a time my partner in business; and I am not going to sit here silently and allow this wholesale charge to be made against the Federal judges of this country, knowing, as I do, that a great many of them are men of the highest character, distinguished for ability and fairness in the conduct of cases of all kinds.

I do not think much can be said when we compare the State and the Federal judiciary in favor of the former in that respect. My experience has taught me that you can depend upon the integrity and fairness of the Federal judges fully as much as upon those who occupy State positions. It is a matter of deep regret that such assaults against the judiciary of the country can be made in the Senate of the United States.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Arizona?

Mr. REED. I do.

Mr. ASHURST. No man venerates more than I do the great, the honest judges of the country, who unmoved by improper influences declare the law and are not under the control of railroad companies. I inveigh only against those judges who go fishing with railroad presidents and railroad attorneys who are litigants before them, and I repeat I do not forget that Plutarch said, "I do not care who writes the laws if I but take the judges fishing." I do not make, and the Senator from California should know that I am not making, an assault upon judges as a whole, but only upon those whose unjust decisions bring our beloved institutions into danger and who therefore deserve to be characterized as I have characterized them, based upon what I conceive to be very sufficient grounds for so doing.

Mr. REED. I take it, Mr. President, so far as I am concerned, that the Senator from California was applying his remark to the Senator from Arizona, and I therefore see no occasion at this moment to indulge in that debate. It has been very interesting and entertaining. I can understand, however, why the Senator from California may consider the judges of Federal courts as desirable as the judges of State courts, in view of the campaign that was recently made in that State, in which, if I understand aright, the courts of his own State were very severely criticized.

I am not of that number who assail courts or assail established authority, but I do unhesitatingly and unequivocally say that in the ordinary State court a railroad man with his hand or leg off, before an ordinary jury summoned from the body of the county in which he lives, has about ten times as much chance to recover as he does in the average Federal court. The railroad men of this country know that and did know it when they insisted, in 1910, upon the amendment to the Federal statute of 1908, which provided that when they filed their case in the State court it could not be taken into a Federal court.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I yield to the Senator from Idaho.

Mr. BORAH. I would ask the Senator from Missouri, in view of his statement as to the advantage of the complainant in a State court as against the Federal court, why is it so, when in both courts jury trials determine all damages?

Mr. REED. That depends very largely upon the man who sits on the bench, and it somewhat depends on the way the Federal juries are selected and who selects them; but principally upon the rulings of the man who happens to be the judge.

Mr. BORAH rose.

Mr. REED. I yield further to the Senator from Idaho.

Mr. BORAH. I myself am very much opposed to the method in which juries are selected in the Federal court, but that is the fault of the Senator from Missouri and myself.

Mr. REED. It is not my fault. I have not been here long enough.

Mr. BORAH. May I say, then, it is the fault of those who make the laws of Congress, because we determine the method in which they shall be selected and how they shall be drawn. We guide and control it.

Mr. REED. That is only a plea in confession and avoidance. It admits the statement that the poor fellow who is litigating does not get the same chance in the Federal court that he does in the State court; and whether the wrong rests upon Congress or not does not help him a bit when the judge instructs him out of court or lectures a jury until it brings in a verdict against him.

Mr. BORAH. The Senator seems to have shifted his position somewhat on that proposition. I do not speak offensively.

Mr. REED. Not at all. You have shifted your viewpoint.

Mr. BORAH. I would undertake to say, and I would undertake to justify my position by the decisions of the Supreme Court of the United States, that the Supreme Court of the United States has been more liberal in its interpretation of the law with reference to the right to recover in damages than have the State courts, and that it has repeatedly reversed the decisions of the State courts in favor of the plaintiffs claiming damages.

I have within the last few months, in view of the charges which have been made, taken the time to go through the decisions of the Supreme Court of the United States and to run down the number of instances in which that court has reversed the holdings of the court of last resort in the State where the decisions of the United States Supreme Court were favorable to those claiming damages in damage suits incurred in railroad accidents, and so forth. I am sure it would be interesting to follow that out, and we would ascertain that the fault does not lie in the rule which has been established in the Federal court so much as it lies in the machinery which is purely under the control of the Congress.

Mr. REED. Yes; but primarily the litigation is under the control of the judge of the United States District Court. It is of the conduct of the case in the courts of which litigants have complained. However, not that I am unwilling to pursue this topic to the end, nevertheless we are getting very far aside from the theme that I was discussing.

Mr. BORAH. Will the Senator pardon me just a moment?

Mr. REED. Certainly.

Mr. BORAH. I have been an advocate to some extent since I came into the Senate of reforming the practice in the Federal courts, and particularly with reference to the instructions which the court may give the jury, and on questions of fact, and to those matters over which we have jurisdiction and control here.

Now, I am not entirely out of harmony with the view expressed by the Senator from Missouri, but I am out of harmony with the reasons for those evils as the Senator views them. I think it lies with us very largely to correct the evils and to apply the remedy for these wrongs, and if we should prescribe, as it should be our duty to do, a correct code of practice for the Federal court with reference to jury trials, I think we would have very little cause of complaint.

Mr. REED. Mr. President, the distinguished Senator, and I admire and respect him, inadvertently conceded the whole of what I have said and much that was said by the Senator from Arizona [Mr. ASHURST], when he said that what we needed was legislation here which would regulate the instructions to juries. In other words, these courts, armed with the broad power of instruction, have abused that power to such an extent that Congress must step in to reform the abuse. That certainly is the inevitable logic of the Senator's statement.

Mr. BORAH. Mr. President, and as usual, Congress being in fault finds it much easier to lay the fault upon some one else than to perform its simple duty.

Mr. REED. I do not agree with that. I do not agree that you can shift the responsibility in that way. If under the law

Congress has given a broad power to a court, leaving it to the judge to instruct as he should instruct, and then if that judge has abused his power, it is no excuse for him to say, "You ought to have tied me so tight that I could not have done wrong." Whenever a man says that, he admits that he is the primary wrongdoer. Nevertheless, the responsibility may rest upon us, in view of that patent wrong, to bind his hands so close that he can not further perpetrate the wrong.

I will stand with the Senator to reform these wrongs. I agree with the Senator that when we come to reform them Congress ought to accept its full share of responsibility and approach that duty bravely and conscientiously. I will go a little further than I think the Senator goes, for I do not believe that the good Lord has ever made a man yet so good or wise that he ought to be placed in a position for life, and held responsible to no one; I will go with the Senator, if he will go with me, and endeavor to secure the submission of an amendment to the Constitution, limiting the terms of all Federal judges to 10 or 12 years, to the end that if mistakes are made in their appointment or if they prove to be incapable or unjust, there may be some other termination to their term of office than the stroke of death or the almost futile remedy by impeachment.

I will be glad to sit down and collaborate with the Senator in framing a law which will change the Federal judicial system. But every word the Senator has stated makes it plain that I am right when I protest against driving all these railway men into these Federal courts that so much do need legislative reformation.

Returning to the theme that I was discussing when I was interrupted and led far afield, I repeat that there has been no expression of opinion on the part of the railroad men of this country who are affected by this bill, that three men have, and, in fact, one man has, undertaken to speak for them; and that Senators here are abdicating the throne of their own judgment and reason and proposing to support this measure upon the assumption that it is the voice of the railway men they are responding to when, in fact, they are responding to the voice of one man.

Mr. President, as high an authority as any one of these men is the president of the Brotherhood of Locomotive Firemen, Mr. Carter. This man's opinion is entitled to as much weight as the opinion of Mr. Wills. He is just as earnest, just as intelligent, just as patriotic, just as learned, and just as high in position. The opinion of Mr. Carter is that this bill is as full of iniquities as an egg is full of meat.

I hold in my hand an article written by Mr. Carter in the form of a special or supplemental report which I do not at this time intend to read, although I think before this discussion is ended I shall ask to have certain portions of it read from the desk. But this one statement I want to read. I trust those Senators who think that this is a bill supported unanimously by the railroad men will give heed to the language of Mr. Carter, the international president of the Locomotive Firemen and Enginemen:

> The proposed bill has the earnest indorsement of President Taft and every member of the commission, of all representatives of railway labor organizations that have spoken upon the subject, and yet I have promised to analyze this bill from a critical standpoint.

Now, the language I am about to read I call attention to. I have read that which I have read to give the context:

> At the recent joint conference of the eastern and western federated boards of the Brotherhood of Locomotive Firemen and Enginemen, which body officially represented the locomotive firemen of 157,580 miles of railway in the United States, a discussion began that indicated the passage of a resolution condemning this bill. At my earnest solicitation the discussion was discontinued and a resolution indorsing my action in withdrawing from the joint national legislative arrangement in support of the proposed measure was tabled only after my repeated requests that the entire matter be not thus disposed of.

Then this man goes on to state, in substance, that because of the gravity of this case, because of the magnitude of the matter concerned, because such great interests were to be affected, he did not desire to have any differences arise between his organization and affiliated organizations, and he had held the matter in abeyance. He discusses this bill almost from the judicial standpoint, and I use the term judicial in the high sense in which it ought to be used. But he ends by pointing out scores of defects in the measure. Mr. Carter speaks with the same authority for his organization, the enginemen, as does Mr. Wills for other organizations.

In this connection I desire to present and have read a document which has just been handed to me and which is addressed to the Congress of the United States and was sent here by the order of Knights of Labor, the local lodge of this city.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

> OFFICE OF RECORDING SECRETARY,
> ORDER OF KNIGHTS OF LABOR, D. A. 66,
> *Washington, D. C., May 2, 1912.*
>
> *To the Congress of the United States.*
>
> GREETING: We respectfully state that at a regular meeting of District Assembly No. 66, Knights of Labor, held this 2d day of May, 1912, at our headquarters, No. 609 C Street NW., the Senate and House bills, commonly known as the Sutherland-Brantley bill (S. 5382 and H. R. 20487), was read and discussed section by section, with the result that I was instructed to forward the protest of said district assembly against the passage of said bill because instead of being an improvement on the existing law it restricts and minimizes the benefits of the present statutes, and nullifies even the common law. Our present law in the District of Columbia is far preferable. We fear that those who have petitioned the Congress for the passage of this law have done so under the misapprehension that it enlarged their rights in the premises instead of contracting them and saddling one-half of the cost on our already overloaded backs and lifting it from the water-logged treasuries of the railroads, who are the defendants in these cases and are trying to shift their growing responsibilities under the laws lately enacted in which our rights are properly safeguarded.
>
> Very respectfully,
>
> E. J. DAKIN,
> *District Master Workman.*
>
> By order of the district assembly and under its seal.

Mr. REED. One word further in regard to the manufacture of this alleged sentiment that is so often referred to here.

Mark you, the rule is that men working in the ranks of labor have their lips closed to offer any opposition to this measure, but, of course, they have no restrictions placed upon them when they are speaking in favor of the bill. Accordingly, we ought to be able under those circumstances to get plenty of evidence for the one side that is allowed to produce witnesses.

So I find that Mr. Wills has been sending out appeals for help. It is the cry of the Macedonian, Come over and help us, but it goes along with the implied statement, If you are against us, keep mighty quiet. Here is a draft of his last letter with which he is flooding the country:

> Should you desire the principles of the workmen's compensation bill, which is now practically up in the House of Representatives for consideration, enacted into law, it is important that you should, without delay, write and wire your Congressman, not giving him your opinion on the bill but urging him to favor this bill without amendment, as amendments are dangerous.

Why dangerous? Here is the Senate in which, in my opinion, there is not a man who will arise and oppose a proper workmen's compensation act. Why then is it dangerous to add an amendment to this bill which would increase the protection to these men? Why is it dangerous to add a single amendment to this measure? If we were to provide that compensation should be given to the 16-year-old daughter of a slaughtered engineer who has not a dollar to live upon, to the end that she might gain an education and fit herself for the battle of life—if we would add that sort of an amendment, would it jeopardize the bill in the Senate? Would it jeopardize it in the House? Would it jeopardize it anywhere among any set of men who are honestly in favor of looking after these great laboring classes? It will not so jeopardize it unless those who profess to be friendly to this legislation are in truth against any proper protection for these men, and are advocating this measure because it is a procorporate measure.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Will the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. Certainly.

Mr. GALLINGER. My attention was attracted by a suggestion made by the honorable Senator that the men in the lower grades were not permitted to oppose legislation. Is that a provision in the rules or regulations of the labor unions?

Mr. REED. Mr. President, I have been discussing that very question for three hours and a half, I think. I have read the rules of the organization; I have read some of the testimony given before the subcommittee of the Judiciary Committee, and the Senator from North Carolina [Mr. OVERMAN] has made a statement of the facts.

Mr. GALLINGER. I will say to the Senator that I have been attending a committee meeting to-day and I did not have the privilege of hearing the Senator. He has not discussed it certainly three hours and a half, because we have not been in session that long a time.

Mr. REED. It seems to me like it was six hours and a half, Mr. President.

Mr. GALLINGER. It struck me as being very remarkable, because there is great clamor on the part of the labor men that the post-office employees should not be permitted the privilege of protesting, and I think they are about legislating upon that point, and it occurs to me that these men ought to be granted that privilege. It is a great hardship if the labor unions deny it to them. That is what attracted my attention. I may be wrong about it.

Mr. REED. The matter has been made rather plain, and as plain as I can make it. I do not care to have any rule of the organization, whether it is wise or unwise, set up in bar of any legislation which we may see fit to enact, which will overturn the outrageous rule dictated by Theodore Roosevelt when he was President, which said to a post-office employee that he must not petition Congress. I trust that this rule of the labor organizations, whether it is a bad rule or not, will not be pleaded in bar of a law that proposes to set aside that decree of Theodore.

The evidence I have submitted, I think, effectually disposes of the claim that there is a universal sentiment in favor of this bill, and brings us to the position that this bill, like all other bills, should be considered upon their merits.

I have not been addressing myself at this length to the particular topic I have considered because I think it ought to be material. My opinion is that when Congress comes to enact a law they ought to give ear and heed to suggestion and argument from every part of the country and from all classes of people. No man is so humble that his prayer should not reach attentive ears. Neither is any man so great that his word should be a word of command.

So we ought to consider this matter now, as some Senators are not considering it, upon its merits as a bill, not upon the hypothesis that it meets with the approval of three or four men who happen just now to be in possession of authority among labor organizations.

Before I begin a discussion of the bill I want to state my position.

There are men here going to vote for this bill who have fought organized labor all their lives. There are men here who would not consent to an adjournment for five minutes, so anxious are they to have this measure rushed through, whose hands have been against organized labor ever since they were old enough to lift their hands, and, singularly enough, at least some of the men who believe this bill ought to be closely scanned and analyzed have stood as the friends of labor. I do not refer to that kind of friendship which is used as an asset to be traded upon, but to the sincere adherence to those policies which make for the advancement of the cause of labor.

Every railroad in the United States is for this bill. Every railroad president is for it. Every claim agent is for it. I expect every Federal judge who would like to have another appointee is for it.

I am in favor of a workmen's compensation act. I am in favor of a workmen's compensation act which will preserve to the employees the rights they now have under the law, and which will extend the beneficent protection of the law to those classes of laboring men engaged in the hazardous business of railroading who are not included within the protection of the present law.

I do not believe in order to have a workmen's compensation act that as a preliminary to obtaining it you must take away from men their constitutional and legal right. In order to extend the benefits of legislation so that it will protect those men who are injured by virtue of the unavoidable accidents or the risks incident to and inherent in the business it is not necessary to take away the legal rights which are now guaranteed by the law.

I am in favor of a workmen's compensation law that will confer rights in addition to the rights the men now have. I do not believe they must purchase that kind of law by yielding their present legal rights. Why should they yield any portion of their legal rights?

Let us stop and consider what this bill does. I give an illustration:

I am a locomotive engineer. My employer hires a careless switchman; I have no part in his selection; I have no chance in the world to regulate his conduct; I am obliged to take my engine out upon the road; the careless switchman carelessly selected neglects to close a switch; my engine plunges into a ditch; both of my hands are destroyed. I was not to blame; I had done no wrong; I had omitted no duty; my hand had been upon the throttle, my eye upon the track. The risk was not inherent in the business.

The accident was not unavoidable; the risk—the danger—came because a negligent man had been put in an important position. And now I come to ask that I be recompensed for the loss of my two hands. What does the judge say to the jury? "You can give this man only such sum of money as will repay him for the actual loss he has sustained by reason of the wrongful act of his employer." I get paid in cold hard dollars only for the actual injury I have suffered. That is the law. Is it unjust to the employer? Is there any reason that any part of the money due for actual loss suffered should be taken from me? Who will stand in a tribunal of conscience and justify the proposition that I should be deprived of that which only compensates me for the loss I have suffered by the wrongful act of the railroad?

But now we come to another class of men who have not hitherto been protected by the law. You propose now to give to those men a measure of protection. I refer to that class who are injured through no fault of theirs and through no fault of a fellow servant, but simply because of the inevitable risk and danger of the business. They have not hitherto been compensated under the law, and you have no right to compensate them now unless you bottom that right upon the equities of their case. Unless, as a matter of justice and a matter of right, they ought to be compensated, then you have no right to grant compensation in this bill or in any other bill. When you give compensation by this bill you admit the fundamental proposition that it is equitable and just that they should be compensated. The question, then, to be determined is, If we are to compensate them, shall we put the burden of their compensation upon the business in which they are injured and out of the risks of which came the damage to them? Shall we load it upon that business and make it carry the charge or shall we take it from the men who have just and legal claims? Shall we take it from the man who was not negligent or shall we take it from the business? Shall we put the burden upon the railroad company and the public that patronize it or shall we put the burden on the nonnegligent engineer who did nothing wrong? Shall we take the money out of his pockets and out of the pockets of his wife and his children or shall we take it from the company and load it on the business? That is the issue here, and there is not a man living who can stand and debate it before these men and let them hear the debate who can justify taking the money from the nonnegligent men rather than the railroad.

"I have a just cause for my two hands gone"—I come back to my illustration—"and here is another man injured because of inevitable risks of the business. Shall the money that should come to me for my right hand be taken away from me and given to the other man in order that he may be compensated, or shall it be taken out of the railroad business? You propose to make me give up the value of my one hand to compensate the man who has a just claim, but not a legal claim"—a claim that you propose now to make a legal one—"you say, give up the money due you for the loss of your right hand for the benefit of a man who has no cause of action. I say, give me pay for my two hands; I am entitled to it; God, in his justice, meant that I ought to be paid for my two hands. The laws says I should be paid for my two hands. Do not, therefore, deny this man who has no right under the present law; pass a law giving him compensation, but do not take the value of the pieces of my body to pay it with; pay it out of the earnings of the business." Why do you not do it? They did it over in England; they do it everywhere where they are not corporation-ridden.

I agree that I will vote—I will gladly vote—to pay a reasonable sum of money to any poor fellow who is injured in a railroad accident, so long as he did not bring that accident upon himself by his own willful misconduct. I will agree to have that money paid out of the earnings of the road, which in the last analysis would make it fall upon the public in general. I will not consent to take from the man who loses both hands the price of one of his hands to compensate the man who has no rights at all. Rather, I will put that burden upon the traffic where it belongs, and give to all these men protection.

Why should we not do it? In the evolution of our law, we must move forward. Why should we not take this step? There was a time when you could not recover at all against your master. We have passed beyond that. There came another time when you could recover when the master's own negligence was the direct and immediate cause of your injury and you were not negligent at all. We have passed beyond that. There came a time when if you were injured by the act of a fellow servant you could not recover, and there came a time in the enlightened progress and advancement of jurisprudence when you could recover if you were injured through the act of a fellow servant. There came a time again when we reached the high-water mark, when Congress passed laws that wiped out the doctrine of the assumption of risk, that wiped out the fellow-servant defense, that wiped out practically the doctrine of contributory negligence, and allowed men to recover, taking into consideration the degree of their negligence. Why should we not now take the further stand that the complications of business, the vast extension of industrial plants, the employment of dangerous machinery have changed the rela-

tions of the employee to the employer so that men who are engaged in these dangerous fields of enterprise ought to be compensated. As we care for the soldier who is injured upon the field of battle, why should we not care for the men employed in occupations equally dangerous, equally necessary to our national life and progress?

These men are soldiers in the great industrial army, and they are obliged to risk life and limb, as are obliged to risk life and limb the men who stand in the red line of battle, and they are equally entitled to our protection. Why should we rob the man who has lost both hands or both feet in order to take care of these other men whom we now propose to bring within the protection of the law? Why not load the business with the additional burden as it should be loaded? It is a burning shame; it is a disgrace to our civilization that it is not done.

Why, sir, the principle ought to be extended beyond railroading. We are now constructing great skyscraper buildings that rear their lofty heads so far above the earth the eye is puzzled and the brain is rendered dizzy by contemplation. Yet scarce one is ever built but takes its toll of human life. The men who stand on swinging beams high above the ground, who look like spiders clinging to ropes and spars at appalling heights, risk their lives each moment they are at work. It is but right that those who take these tremendous risks should know if they are dashed to pieces their families will not be condemned to penury and want.

The list of vocations could be well extended to cover other dangerous employments.

But I come back to this bill and ask why rob the man who has a just cause, and out of his pocket, out of his blood money, out of the price of his life, take something to compensate these other men, who you admit have a just claim? You admit it when you bring their case here and propose to give them compensation. Why not compensate them from the business instead of from the money of widows and orphans? Why, I ask, take the money from the 16-year-old daughter of an engineer instead of taking it from the railroad company and the business? Why say to the engineer who goes out upon his engine and leaves at home a daughter 14 years of age, another 15, another 16, and another 17, "if you are killed to-night they will contribute a meager sum to take care of your 14-year-old daughter for two years; they will contribute a little to take care of your 15-year-old daughter for one year, but all your other children must be turned out to shift for themselves." Is that the friendly kind of legislation we are having here? Senators, this bill is a monstrosity. Every man who votes for it is voting for a bill so iniquitious that it will rise to curse him.

Mr. MARTINE of New Jersey. Will the Senator yield to me a moment?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Jersey?

Mr. REED. Certainly.

Mr. MARTINE of New Jersey. I should like to ask the Senator if, with the amendment I am about to suggest, his objection would be relieved? I realize the force of the argument that is being presented by the distinguished Senator. Section 30, on page 44, reads as follows:

SEC. 30. That nothing herein contained shall be construed as doing away with or affecting any common-law or statutory right of action or remedy for personal injury or death happening before this act shall take effect.

I would add to that the words "or after this act shall go into effect."

Mr. REED. Why, if you will put that in this bill I will take my seat and thank God the light has at last broken.

Mr. MARTINE of New Jersey. I will say, Mr. President——

Mr. REED. I believe my good friend, who always wants to be right and always is when he does not separate from me [laughter], is going to stand with me for that proposition.

Mr. MARTINE of New Jersey. My hat is off to you, and I shall offer that as an amendment when the proper time comes, but if it does not prevail, I shall vote for the bill.

Mr. DAVIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. REED. I yield to the Senator.

Mr. DAVIS. I suggest to the Senator from Missouri that if the Senator from New Jersey should be successful in incorporating his proposed amendment in the bill he would prevent the passage of the bill. Senators on this side of the Chamber, I apprehend, would not want the bill at all with that amendment.

Mr. REED. I am not going to take the uncharitable view that they would vote against the bill because of that humane amendment. That is what I am contending for here, and I will say to the Senator from New Jersey that I think his amendment is in almost perfect shape. I have not examined it critically, as I would if it came up to be voted on, but the idea is there beyond a doubt, and it appears to be well expressed. If you will simply make this bill so that it may be taken advantage of by the railroad men at their option, if they prefer it to their present rights under the law, we will end this discussion now, and I speak for every man on this side of the Chamber who has hitherto been opposing this bill. I think we can pass it unanimously in five minutes' time with that amendment.

Mr. DAVIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. REED. I do.

Mr. DAVIS. In order to make the record absolutely correct, I want it stated in the RECORD that when I made that suggestion a few moments ago I was sitting on the Republican side of the Senate.

Mr. REED. Mr. President, we have not got to the point where that amendment is consented to. If the learned author of this bill is prepared to say now that he will accept any such amendment as has been suggested by the Senator from New Jersey [Mr. MARTINE] we will frame it very quickly and end all discussion; but I am fearful that the Senator from Utah does not agree with the Senator from New Jersey. However, I am pausing now in the hope—it is very faint, but still a hope—that he may consent.

Mr. President, in the absence of any encouraging expressions I shall be obliged to continue discussing the bill. If the bill were a cumulative remedy, I would not object to it, but since it is an exclusive remedy and wipes out all the old common law and statutory rights of these men—every right they have on earth—and substitutes this bill for them, it is important we know what is in the bill.

The first thing I want to call attention to is a provision in the bill that you do not find in ordinary laws, and you can not find justification for it in this bill. We have had some experience in the course of the ages with what is a proper rule with reference to the time in which men can bring their actions; we have statutes of limitation; but there has never been a State yet so corporation ridden that it denied a man his right of action unless he gave notice of it within 10 or 20 days after it had arisen. Always the right of action for two or three years is preserved. The only kind of concern that has required immediate notice, and notice of the character contained in this bill, is an insurance company, which demands notice of a loss within a very few days after the fire has occurred. They have that rule probably for two reasons: First, inadvertently some men fail to comply with it and the company thus acquires a technical defense; and, second, there is a special reason why an insurance company should be given prompt notice; but the courts have invariably held that where notice is required even by an insurance company, and the company has actual notice, written notice is not necessary. The courts have invariably held that a claim against an insurance company can not be defeated if, in fact, the agents of the company, duly authorized, knew of the fire. But here is a bill that right in its inception contains a provision which can not be justified by any man on earth and it will not be justified on this floor. Let me read it:

SEC. 7. That it shall be the duty of the injured employee, immediately upon the happening of the accident, or as soon thereafter as practicable, and not later than 30 days thereafter, and likewise in case of his death by such accident the duty of one or more of the dependents of an employee, within 30 days thereafter, to give or cause to be given to the employer written notice of the accident causing such injury or death, stating in ordinary language—

Mr. MYERS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. Certainly.

Mr. MYERS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Montana suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Ashurst	Curtis	Martine, N. J.	Sanders
Bacon	Davis	Myers	Shively
Bourne	Dillingham	Nixon	Simmons
Bristow	Fall	Oliver	Smith, Ariz.
Brown	Fletcher	Overman	Smith, Ga.
Bryan	Foster	Owen	Smith, S. C.
Burton	Gallinger	Page	Stephenson
Catron	Gardner	Paynter	Sutherland
Chamberlain	Gore	Penrose	Swanson
Chilton	Johnston, Ala.	Perkins	Thornton
Clapp	Jones	Poindexter	Townsend
Clark, Wyo.	Kern	Pomerene	Warren
Clarke, Ark.	Lea	Rayner	Wetmore
Crawford	Lippitt	Reed	Williams
Cullom	McCumber	Richardson	
Cummins	McLean	Root	

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. A quorum of the Senate is present.

Mr. REED. Mr. President, I was reading the requirement of the bill in regard to notice. I would be delighted if the Members of the Senate would give their attention to this, and particularly if the author of it would give his attention. I begin again because of interruptions:

SEC. 7. That it shall be the duty of the injured employee, immediately upon the happening of the accident, or as soon thereafter as practicable, and not later than 30 days thereafter, and likewise in case of his death by such accident the duty of one or more of the dependents of an employee, within 30 days thereafter, to give or cause to be given to the employer written notice of the accident causing such injury or death, stating in ordinary language the time, place, and particulars thereof, the name of the injured or dead employee, his class of service, and the address of the injured employee or person giving the notice.

If this bill stopped there it would be bad enough, but mark this:

Provided, That where it is made to appear that the party herein required to give such written notice has been prevented from giving it through or by reason of mental or physical incapacity, ignorance of law or of fact, or the fraud or deceit of some other person, or from some other equally good cause, the same may be given after the expiration of said 30 days, but not later than 90 days from the date of the accident or death.

Now, any court would construe that to mean this: You must give notice within 30 days, unless you have a good excuse. If you have that good excuse, as specified in the bill, you can then give it within 90 days; but if you fail to give it within 90 days your cause of action is dead.

Let us see how that would work out. It applies to dependents, to the relatives of the dead men as well as to the dead. We may well conceive of a man being killed and his relatives not hearing of it for 90 days of time. They might be abroad; any one of a thousand different sets of conditions might exist that I will not weary the Senate with relating, because they will spring to your minds at once. Mark you, this excludes everybody who does not get in within 90 days. The dependent might be a child six months old, without a representative on earth, without anybody to speak for it. It is cut out. Under the common law or the statutory law its rights would be reserved to it until it arrived at the age of 21, because in the kindness of the law the rights of the infant are preserved, but the first thing this bill does is to strike down all the rights under the old law and give only the rights here reserved.

This bill says no matter what the circumstances are, no matter what the conditions are, if the child is only 6 months old, if the wife is living but is non compos mentis or so sick she can not raise her hand or look after her business, for all time the claim is cut off. Is there anybody in this building, is there anybody in the Senate Chamber—and I had almost included the occupants of the gallery—willing to vote for that? It does not provide even if the railroad company has notice from other sources that that shall be sufficient.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. Certainly.

Mr. SUTHERLAND. I have refrained from interrupting the Senator with reference to a great many statements with respect to the bill, but what he is saying now is so far from what the provisions of the bill are that I should like to call the Senator's attention to them.

Mr. REED. Certainly.

Mr. SUTHERLAND. Section 15, on page 26, provides:

SEC. 15. That while any person entitled to compensation under this act shall be an infant or mentally incompetent, his natural guardian or guardian or committee, appointed pursuant to law, may on his behalf perform any duty required or exercise any right conferred by this act with the same force and effect as if such person was legally capable to act in his own behalf.

Now mark:

No limitation respecting the time within which any right under this act is to be asserted shall, as against such infant or incompetent person, run while such infant or incompetent person has no guardian or committee: *Provided, however*, That the foregoing shall not apply to cases of infancy where the infant is over the age of 18 years, but such infant shall be treated for all purposes of this act as though of full age.

Mr. REED. Mr. President, the original section which I have just read, section 7, relates to the notice that is to be given of the injury, while section 15 relates to the assertion of the rights after the notice has been given. It is the method of procedure afterwards, and it does in a very imperfect way attempt to save the rights subsequent, the rights which have been called into existence by the giving of the notice.

I do not think the Senator from Utah, when he comes to consider those two clauses together, will stand upon the position he has taken.

Manifestly the demand for written notice in the law ought always to give way to actual notice. Here is the way this thing would be worked or could be worked by a dishonest or unscrupulous claim agent. A man is injured in a wreck. A dozen people are killed. Everybody who reads a newspaper knows about it. The claim agents are there. The officials of the road are there. They see the mangled body of the engineer or fireman. They know all about it. The injured man is carried home to his stricken wife. He lies there, perhaps unconscious for days, incapable of doing any business. The woman appalled by the awful catastrophe is likewise incapable of attending to business. The claim agent is there. He says, "You do not need to give any notice." It is true that would be considered a fraud, and that would relieve the injured party from giving the notice within 30 days, but if he continues that sort of flattering and soft talk until 90 days have passed the woman is debarred from any recovery, although every official of the railroad, every employee, from the water boy to the president, knew all about it.

Why is there any such trick in this bill? Why any such deadfall? I do not mean to say it was put there for that purpose, but it simply shows when you wipe out all of the old laws and write a new one you had better be careful how you write it.

Mr. WILLIAMS. If the Senator from Missouri will proceed with the reading for a moment or two, just after what has been read by the Senator, he will find that there occurs this language:

In the absence of such written notice—

That is where no notice has been given at all—

the employer shall not be liable to pay any compensation under this act unless, in cases where the injury has resulted in the absence from work of the employee for at least 2 days and in case of death, it is made to appear that within such period of 30 days such employer had actual knowledge of the injury or death.

Does not the Senator think that extends the time?

Here is what follows that:

That in case of death resulting immediately or within 24 hours from the time of the accident notice thereof shall not be required.

Mr. REED. I want to discuss this bill frankly, and I say to the Senator I have not given full attention—the attention I ought to have given—to the language he has just read. It is barely possible that that provision partially covers some of the cases I have referred to, but in other instances the defense would still, I think, be open.

Now, Mr. President, I want to proceed to another proposition contained in this bill, and it is one I feel ought to receive the most careful consideration of the Senate. It is true there is a provision here in the case of an injury for the appointment of committees which may adjust by agreement the amount to be paid. But, Mr. President, that can be done under the present law. No legislation is required for that, and even if it was it would not be necessary to pass this bill in order to enact that measure.

But aside from that, the ordinary course of procedure is a hearing before an adjuster. I know that in this day and age of the world it is very popular to denounce men possessing a knowledge of the law, and yet there are very few men who would want to have a great property right or a great right of liberty carried before a man ignorant of the law, and for this patent reason: The law is the only means by which a man gets protection in his rights, and the only man who can construe that rule for the protection of human life and human rights is some one who knows what the rule is. Therefore disputes involving large property interest are not turned over for decision to men ignorant of the law.

We have justices of the peace who are not required to be learned in the law, but their jurisdiction is limited to small and trifling matters. But when we come to the question of the selection of these so-called adjusters by the Federal judges, there is no requirement that they shall have any knowledge of the law whatever. They need possess no other qualifications than those possessed by an ordinary justice of the peace—an ordinary layman—and yet we put into their hands not small and trifling matters, but questions which involve large sums of money and the very delicate questions of law.

It is not true that this bill fixes the amounts which are to be paid in cases of injury. It is true that it fixes the amount that is to be paid for certain injuries, but if Senators will examine the bill they will find that the number of injuries which are specified are exceedingly small compared with the injuries which actually do occur, and when the amount is not actually fixed, then it is to be determined by your adjuster. It is not fixed by the law, but he must pass upon the facts and he must determine the rule of law under which he is to weigh these particular facts and arrive at his conclusion. If any man will examine the rules by which the damages are to be estimated according to this bill, I think he will find it one difficult for him to understand.

Thus there is put by this bill into the hands of these men who may be unlearned in any principle of law the decision of these great questions of facts and of law. They are armed with authority as great as the court itself in most particulars—not in all; I will not stop to point out the limitations.

The first real step to be taken under this bill is this: A Federal judge appoints the adjusters. I assume he will appoint some such men as they have heretofore appointed by the courts as commissioners. We may therefore expect that some politician out of a job will get this. In that one man's hand is placed the important business of determining what is due all the railroad men of a judicial district.

Will this bill lessen litigation? I am putting it now to Senators as practical men? Will it not rather increase litigation? At the present time any man can get his trial by filing his cause in the court. He has one trial, and then follows judgment. But under this scheme you start with a trial before this so-called adjuster. You summon witnesses. I am not sure whether he can take depositions or not. If a man lives a distance from a Federal court he may be required to travel all that distance with his witnesses in order to obtain a hearing.

It was said here the other day that there is only one Federal court in the State of Arizona. In that case a man might have to travel clear across that State to have a hearing before the adjuster. The expense incident to this sort of trial is substantially as great as in an ordinary trial in court. Imagine a case of that kind, where a man has received an injury, perhaps not of the most desperate character. The railroad refuses to settle with him. He can not try that case in his local court. He has to travel across the State or part way across the State to see the adjuster. There he can have a hearing, which is in all respects a trial. This scheme gives the claim agent an advantage which will be quickly seized. He will say, "We will take you before the adjuster; you will have to travel a great distance and carry along your witnesses. Then, if you beat us there we will appeal to the Federal courts, and we will keep you in the courts until you will regret not having accepted the amount we offer."

After you have got through trying your case once before the adjuster, then either party may appeal to the court, and for the first time you are in the position where the law now puts you. You have to go through the adjuster's court under this bill before you are as far advanced in the course of litigation as you are now without this bill. When you get to the Federal court, what happens? Then the first thing is to attempt to deprive you of a jury trial. There is not a man who ever defended a railroad company or any other concern in a personal-injury suit who would not have been glad to have waived the jury and gone to the judge. There is not a man who has ever tried one of these cases for a plaintiff who would not have been glad if he could summon a jury to pass upon the man's injuries. The attempt therefore to deprive the injured employees of a jury trial is one of the startling things attempted by this bill.

Why require a notice within five days of a demand for a jury? Why did they give the jury trial at all? The only reason jury trial was not abolished is because, if the railroad presidents who sat upon the commission that framed this bill and the attorneys who were advising them, knew that the bill would be unconstitutional and that it would fall dead from the hands of him who penned it if the right to a trial by jury was utterly refused.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from Missouri yield to the Senator from Oregon.

Mr. REED. Certainly.

Mr. CHAMBERLAIN. I challenge the statement of the Senator that "railroad presidents" sat on that commission. There was one railroad president who did sit upon the commission, and he was appointed by the President.

Mr. REED. I will adopt the singular instead of the plural.

Mr. CHAMBERLAIN. I want to say that the labor organizations were represented there in the person of Mr. Cease. The other members were Members of the House or Senate.

Mr. REED. Yes. I did not mean to say there were two presidents there. There was one, and it has been openly stated, if I mistake not, by the Senator who has given his name to this bill, that they would have been very glad to have done away with the jury trials altogether.

In the name of all that is good, when has it come to the point that Congress proposes to lend its aid to circumscribing the right to trial by jury? I repeat, as I understand the situation, this commission would have denied the right of trial by jury altogether, save that the Constitution would have been violated and the bill would have been a dead letter. Abrogate the right to trial by jury when that jury is invoked by a man injured in a railroad wreck, seek to circumscribe it and hedge it about when the person who is there appealing is a widow in her weeds or a child in its swaddling clothes! Strike down the right of trial by jury! Circumscribe it by a bill here in Congress! Why, sir, every man who has read the history of his country and his race knows that trial by jury is the sheet anchor of human liberty, and that so long as trial by jury is preserved inviolate even the tyrant upon his throne can not destroy the substantial rights of a human being so long as he can demand the verdict of 12 good men among whom he lives. Why, in addition to taking away from these men the right to a trial in the courts of their own State, try to take from them a trial before a jury, even a Federal jury, summoned by a Federal marshal?

Do you, sir, and you, and you, give sanction to that clause of this bill, and, if so, why do you do it? If it be right to circumscribe trial by jury, then let us amend the Constitution and take it away altogether. If it be wise to circumscribe the right of the workingmen who are injured to have their cases passed upon by 12 men, and if we are, as far as possible, to turn them over to the tender mercies of judges who are appointed for life—to any court, appointed or elected—then why not do it in all cases? Why not amend the Constitution and do away for all time in all cases with jury trials?

I know there are men in this country to-day who would wipe out jury trials. I know there are men in this country to-day who do not believe that the common man has intelligence enough to sit upon a jury. I know there are magazine writers and publicists who give to the country their views that only ignorant men sit upon the jury. But I say, sir, in this presence that I would rather have my rights tried, if I had a just and decent case, before 12 men who could not read or write, but who have had experiences in life, whose hearts beat in sympathy with the trials and struggles of the great mass of men, whose souls are thrilled with human sympathy, whose hands touch the horizon of human feeling—I would rather be tried by them than to be tried by the wisest judge who ever sat upon the woolsack. And so would every other man who understands that, after all, the courthouse is the citadel of human rights and that the right to a jury is the keystone which supports the arch of the citadel. Yet here is a bill, written for the alleged protection of 1,650,000 railroad men, and it is proposed by this tricky measure to cheat them, their widows and their orphans, of a right guaranteed in the Constitution of the United States.

Mr. President, I ask how much of litigation have you cut off? You litigate before the adjuster. Then you litigate in the courts. They have to give you a jury, if you are quick on your feet and demand it. And then what? Then they read against you as prima facie evidence the finding of this adjuster. It will be held up there as the solemn decision of the court against you.

We have tried cases, some of us, and we have always known that it was error to introduce into the second trial of a case the fact of the decision having been a certain way in the first trial. That was to the end that you might have a trial upon the evidence produced there and then. But here it is skillfully written the adjuster's finding may be read and shall create a prima facie case. Do you call that protecting and taking care of the railroad men of this country?

I should like to meet some of the men who propose to vote for this infamous measure before great bodies of laboring men and hear them defend their attempt to deprive railway employees of trial by jury. I shall be delighted to hear their apologies for forcing them into Federal courts. Is there any necessity for forcing these men into Federal courts? Concede, now, that an adjuster might settle some claims; concede that he might be of some use, yet why should this Federal adjuster's decision be read as prima facie against either party?

If an appeal must be taken, why should it be taken to a Federal court? Will somebody rise and tell me why it could not as well be lodged in the circuit court or district court of the county, the State court, under whatever name it is, and why that judge could not as well hear the case, and a jury summoned by the county as well try the case as one summoned in the Federal court? Why? Because the adjuster is appointed by the Federal court does not change the relation of the litigants.

They tell us this must be a harmonious scheme; but why will that introduce disharmony into the system? I will wait a long while for a reply to that, and you will have, some of you, a long time to reply to it.

Now, Mr. President, think of this: Under the law as it stands to-day in the case of an injury, where there is liability, the widow is taken care of, the children are taken care of. The present law provides very explicitly, even in the absence of children or wife, that then the money shall go to the parents, if

I remember correctly its terms; it has been some time since I read them. Then, it goes, if there are none of these, to dependent relatives, and for the first time we find the word "dependent" in the present law. But what does this proposed law do? It provides that no children over 16 years of age can get a penny unless dependent.

Now, ordinarily, a lawyer reading that would say the word "dependent" means some one dependent upon the dead man for assistance in getting through life; but over in the back part of the bill we find the word "dependent" defined in a manner peculiar to this bill, and it is that no child is dependent when it is over 16 years of age unless it is incapable of earning a living because of mental or physical incapacity. So that the proposed law, speaking broadly, is so drawn that no child of a man who is injured, even through the grossest negligence of his employer, can recover after it is 16 years of age unless it be an idiot or a cripple.

That is a direct change against the interests of these men in favor of the railroad company. I want to know why it is in the bill. We are talking about taking care of these people, of assisting them, of aiding them, and the humane provision of this bill is that the rights of children shall cease when they are 16 years of age. They may be absolutely dependent upon the dead father for the bread that goes into their mouths; they may be without opportunity of education or chance of advancement in life, yet as they can not qualify as idiots or cripples they go without a penny.

Vote for it, all of you who desire; but, as for me, I will never say to the daughter or the son of a railway engineer, "Sixteen years of age you are to-day, and no further compensation comes to you from the dead hand of your father or the company that he worked for."

Why is that exception made in this bill? Is it upon the principle that it is right to compensate all, whether they are injured through inevitable accident or through negligence or because it is now proposed to include those injured through inevitable accident? Therefore, instead of charging it up to the business as an additional expense, we will take it from the widow and the orphan of those men who to-day have causes of action under the law, and from the man who loses his hands or foot we will take a part instead of taking it from the business.

Well, that is a fine piece of business; it is a beautiful piece of legislation. It is to be railroaded through this Senate. I ask again, Why this haste? Why not give these railway organizations a chance to examine and to speak? Why not see if the bridle can not be removed from their lips? Why not give the men interested a chance to investigate this bill?

I do not possess that degree of egotism which would lead me to believe that I could sit down in my office, even with the advice of a dozen good men, and draw a bill that some practical men working upon the road could not suggest an improvement to.

Only next week there meets a great body of these men at Harrisburg, Pa. Bring this bill before them. Let them discuss it. Let us hear from the men to be affected, not from the three or four men who assume to represent them, but the men who actually do the work and will be affected. There will be there representatives from all parts of the United States. I put it to Senators as a matter of fairness, Should not we wait to hear from those men? Should not action upon this bill be postponed until they can speak?

I have said I would not undertake to draw a bill, even if I had studied the question for years, without consulting the men who are daily engaged at the work and who are to be affected. They see the law from their own viewpoint; they feel the iron entering their soul every day and know where the lash cuts deepest into their flesh. I would not undertake to say that they could not make suggestions that would be of value to me. Other Senators, I am sure, feel the same way. Why not give this bill a postponement and let these men vote upon it?

I have expressed my views very strongly in regard to this bill. I regard it as a measure that is so fraught with iniquity that it ought never to become a law. But, sirs, I yield so high an allegiance, if you please, to the wishes of the men affected that if the bill were given to them and they had a fair opportunity to consider it and were to come back and say, "In view of our experience and after full consideration we want this bill," I would vote for it then, because I would believe I was yielding to men who had the experience.

But you Senators, sitting in your offices, with your multitude of duties, doing the best you can, as most men try to do in this world, but without the time to give to this measure full and mature consideration, are, some of you, blindly accepting the work of other men without having brought to it your individual judgment. In any event, I insist that as of right the 1,650,000 men to be directly affected ought to be heard before a bill so revolutionary shall become a law.

Mr. DAVIS. Mr. President, before the bill progresses to a further stage I desire to be heard for just a short while on its merits. But the hour is late and possibly there might be a desire to take a recess before I could conclude. If there is any inclination of that kind on the part of gentlemen who have the bill in charge I would be glad to have them so express it now.

Mr. SUTHERLAND. I think the Senator had better proceed. I think he will have ample time.

Mr. DAVIS. How long does the Senator want the Senate to remain in session?

Mr. SUTHERLAND. We are under a unanimous-consent agreement to pass the bill on this legislative day.

Mr. DAVIS. Does the Senator purpose having a night session?

Mr. SUTHERLAND. That is for the Senate to determine.

Mr. DAVIS. I mean by that suggestion, does the Senator purpose insisting upon the Senate remaining in session if the matter is not terminated soon?

Mr. SUTHERLAND. I think it is a little early in the day to determine that. It is not quite 4 o'clock. We have two hours or more before it will be late in the afternoon.

Mr. DAVIS. I can not quite understand the diligence of the Senator from Utah.

Mr. SUTHERLAND. I think the session can run until half past 6 or 7 o'clock.

Mr. DAVIS. Usually the Senator is the first man who wants to take out. Now he seems to be pressing for some reason I can not quite understand.

But, Mr. President, I see a disposition upon the part of the managers in charge of the bill to railroad the measure, as I see it, through the Senate without an opportunity being given to the men who are directly affected by the bill to be heard, and possibly without an opportunity upon the part of those who would like to debate it to have a chance to fairly express their views.

If I were permitted to do so, Mr. President, I would indorse absolutely the remarks of my friend from Missouri [Mr. REED] and take my seat, because he has expressed my views upon the merits of the bill most admirably. But I want to say a word for the man who is on the engine to-day—the man who is actually engaged in work. I want him to be heard in this Chamber, and not the paid lobbyist or the paid promoter of so-called labor organizations, who is ever present and hovering around the Senate Chamber.

There are some good men who come here representing labor organizations—many of them, no doubt—but there are some for whom I entertain the most supreme contempt. They do not represent anybody except their own selfish interests. They do not represent the real man who works, the man who toils and labors and sweats upon the engine or the fireman on the train or the brakeman who takes his life in his hands in the discharge of his duty. Those men are at work to-day. Nine-tenths of those men have not seen this bill. Nine-tenths of these men do not know what its provisions are.

I see distinguished Senators here on this floor who are supposed to have given some thought and some consideration to a matter of this importance, but who really do not know anything about the bill themselves. I confess I have not examined it as carefully and critically as I ought to have done. We have not had time to do it. This bill was only introduced here less than a month ago.

Mr. SUTHERLAND. No.

Mr. DAVIS. Other matters have engaged the attention of the Senate. Senators have been occupied with other duties. For the first time on yesterday this matter was really pressed upon the Senate for its consideration.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Will the Senator from Arkansas yield to the Senator from Utah?

Mr. DAVIS. Certainly.

Mr. SUTHERLAND. In order that the record may be straight upon this question I call the attention of the Senator to the fact that this bill was introduced February 20, 1912.

Mr. DAVIS. Certainly; I will give you credit for 30 days more.

Mr. SUTHERLAND. It was reported out of the committee on April 3, and about two weeks ago unanimous consent was given to vote upon it this day. So it would seem that there had been ample time given for its consideration.

Mr. DAVIS. I just missed it 30 days in my statement.

Why this unseemly haste, Mr. President? We had just as well be fair with ourselves, and we had just as well be fair with the country. We had just as well strip this matter of all at-

tempts at subterfuge and dodging and openly admit, because such is the case, that it is a measure not for the protection of the man who works and labors, not for the protection of the man who gives his life and his energy, his muscle and his brain to the duty of railroading, but it is a bill in the interests of the railroad itself. It is a bill attempted to be railroaded through the Senate to cut off the substantial remedies of the fellow who can not be heard on this floor. The brakeman who is engaged in his duties to-day can not come here before committees. The conductor can not come here. They send these lobbyists here, and after a certain stage of evolution they get to be congressional lobbyists. They come here and they forget the fellow back yonder on the train; they forget the fellow back firing; they become entranced with the glitter and tinsel and gloss of their surroundings. They immediately swell up and become great men. They become national characters. They represent great interests. They swell up like a "poisoned pup" in the sunshine, they become so inflated with their greatness.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield further to the Senator from Utah?

Mr. DAVIS. Certainly.

Mr. SUTHERLAND. Just whom does the Senator mean by lobbyists?

Mr. DAVIS. I mean the fellows who are here in the interests of this bill; your claim agents and your other fellows who are here that sat with this committee.

Mr. SUTHERLAND. Does the Senator mean the heads of the labor organizations?

Mr. DAVIS. I am talking about Mr. Whiting, and your men I do not know by name.

Mr. SUTHERLAND. Does the Senator mean the heads of the labor organizations?

Mr. DAVIS. Not necessarily, but for some of them I have but little respect.

Mr. SUTHERLAND. The gentlemen who were here were at the head of the railroad trainmen. Mr. Lee and——

Mr. DAVIS. I do not know them by name.

Mr. SUTHERLAND. Mr. W. S. Stone, head of the engineers.

Mr. DAVIS. I do not know them. I make no personal reference.

Mr. SUTHERLAND. Each one was here spending time helping in the preparing of this bill and indorsing it. Does the Senator mean those gentlemen?

Mr. DAVIS. I mean Mr. Whiting and your crowd of railroad men, if you want to know who I mean.

Mr. SUTHERLAND. Then the Senator does not mean the gentlemen whose names I have mentioned?

Mr. DAVIS. I do not know the men. I mean Whiting and——

Mr. SUTHERLAND. Mr. Whiting was here, and a great many other gentlemen were here.

Mr. DAVIS. And where is the president of the New York Central Railroad?

Mr. SUTHERLAND. He was a member of the commission.

Mr. DAVIS. He was put on the commission for a purpose.

Mr. SUTHERLAND. So if the Senator will call over the list he will see that Mr. Cease was on the commission who represented the employees and consented to this bill.

Mr. DAVIS. I do not know Mr. Cease, but he was a very poor friend of the employees if he consented to this bill.

Mr. SUTHERLAND. A great many people were here whom the Senator does not know.

Mr. DAVIS. Yes; but in the hand of proffered friendship there is concealed a dagger that will cut out the very vitals of the laboring man himself. Railroad men with the soft tread of a cat but with the claws of a tiger may come here under the guise of supposed friendship, and you attempt at one fell swoop to strike at the interests of the laboring man; and you are going to railroad the bill through the Senate, a bill that is revolutionary in its tendency, that destroys the fundamental law, and that takes from the laboring man every vested right he has.

Sir, when the fellows who toil and sweat, when the men who do the real work in these great industrial pursuits understand the real purpose and the real meaning of this bill they will rise to damn you.

My friend, the distinguished Senator from Missouri, showed that in less than two days how the sentiment of his State had changed. I pause to say that there are no brighter, more intelligent, capable railroad men in the country than those of Missouri. In less than two days they have changed their minds on this important question, and they have instructed their representatives to vote against this bill and to do all in their power honorably and consistently for its defeat.

I heard other Senators in the cloakroom, just an hour ago, say that in less than two days their constituents have reversed their position on this question, and that they are now urging them to defeat this measure.

Senators, why this haste? Why this anxiety? The convention of railroad employees will meet at Harrisburg, Pa., on the 8th instant. Can you not stay the hand of the despoiler until the 8th? Can you not let this measure rest, hair hung and breeze shaken as it is, until after the 8th? Why this rush? Is there something that you want to cover up? Is there something that you do not want the public to know? Is there something to conceal? Senators, let us have an open, fair fight on this measure.

I know the bill is going to pass the Senate. There is no use to argue against it. There is no use to talk; the edict has gone forth; the verdict is made up; the question is settled. For my part, I am not a filibusterer, but not until my right hand shall lose its cunning and my tongue cleave to the roof of my mouth will I be found giving assent to such a measure so full of rottenness and deceit as is this measure.

You are in an awful hurry, are you not? You want to get it passed before the labor organizations can be heard.

Senators on the other side of the Chamber, there has been a powerful cleaning out over there among you lately, and there is going to be some more cleaning out soon. The people of this country are awakened to the fact that they can not longer trust the Senate of the United States to give them what they want and what is fair.

I have been here but four years. I see a lot of strange faces over there. Lots of them have gone out and new ones have come in. Just as fast as the people can get a lick at it they settle it.

Why is that true, Mr. President? Why does that condition obtain? It is because the people of this country have lost confidence in the Government itself. They feel that it has become an engine of oppression and tyranny, that the just rights of the humblest citizen do not receive fair recognition at your hands. They feel that Mr. Whiting and the president of the New York Central Railroad sit too near the throne. The people have a right to feel that way when such measures as this are attempted to be railroaded through this body, which is known and spoken of as a great deliberative body.

Senators, why this rush; why this haste?

There is another point. Those of you who have charge of this bill and who are supporting it say that it is in the interest of the laboring man. One Senator told me the other day in private conversation that the railroads would pay out much more money under the operations of this bill than they do under the present system. Does anybody think I am going to believe that? Does anybody imagine for a moment that you could get the fellow who actually works to believe that? Do you think that you can convince me or the country that a railroad corporation is for a bill that compels it to pay out $5,000,000 annually more money under the proposed system than it pays out now? Do you think you can make anybody believe that? The country is made to believe a good many things, but you are taxing their credulity too much when you ask them to believe that.

If you are really in favor of the laboring man and if you want to protect and preserve his rights, ask any lawyer who has charge of this bill and who is interested in promoting its passage why is it that you insist on putting this remedy as an exclusive remedy? Why do you want to take away the right of the laboring man to be heard in his own court, to be heard in his own forum, to be heard by a jury of his own peers, and make this remedy exclusive? Why do you want to do it, if you want to be fair? Is there any fairness in that, do you think?

I have heard it stated by a learned gentleman on the other side of the Chamber that even the English rule makes the right of procedure optional and does not make the remedy exclusive. If those in charge of this bill will adopt the suggestion offered by the Senator from New Jersey [Mr. MARTINE], then much of the objection to the bill will be eliminated. Why not do it? Because if you make the remedy optional with the laboring man, and he chooses to go this route through the Federal adjuster, through the Federal court, to the court of appeals, then he is his own guardian; he can pursue what remedy he chooses. But in the name of decency, Senators, in the name of fairness, in the name of the man who works and labors, I appeal to you to at least give the laboring man the right to select his forum, the right to select his remedy.

Do you know what you are doing when you pass this bill? Members of the Senate, it is the most revolutionary measure to which my attention has ever been called. It wipes out with

one fell swoop the common law, the statutory law, and the act of Congress recently passed, known as the employers' liability act, and which has not yet had an opportunity to be tested to determine whether or not it is satisfactory. It wipes them all out at one fell swoop and substitutes for them a piece of legislation which was formulated with the president of the New York Central Railroad and his chief adviser, Mr. Whiting, sitting close to the throne. We might just as well strip this, Senators; we might just as well stand up and count noses. As soon as the man who works and labors understands what you have done to him, that minute you are going to be called to the bar of public justice to give an account of what you have done here to-day.

I would not vote for this bill, Mr. President; I would resign my seat in the Senate of the United States before I would cast my vote for it. Why? It not only does an injustice to the man who is injured, but it does an incalculable injustice to the widows and orphans of this country, who, I must say, receive practically no consideration at the hands of Congress by this proposed legislation. Why, sir, the largest amount that a man can recover under this bill is $50 a month, and that for eight years.

Take a man whose spine has been absolutely shattered and whose nervous system has been broken down, who is destroyed in body and almost in mind, who must live through life a helpless cripple and almost a maniac because of the negligence and carelessness of a fellow servant—take that man; he may live through a period of years; he was earning $200 or $225 a month as a railroad conductor or engineer, and say to his family, "You have got to nurse this cripple; you have got to attend to this shattered body and almost shattered mind for the remainder of his days, and all we will give you in the way of compensation is $50 a month." And for how long? For eight years. Is that fair? Is there any semblance of fairness or justice in that? Would a railroad man working on a train to-day, taking his life in his hands, agree to such a measure as that? Do you consider that equity and justice? Do you believe that the railroad men will come here and say, "Well done, thou good and faithful servant; we applaud you for your kindness and for your generosity." Senators, stop and think before you do this thing.

I have been a friend of the laboring man all my official life. I was his friend as governor of my State for six years, and I have tried to be the friend of the laboring man since I have had the honor to be a Member of this body. I do not know what the laboring men in my State want; they have not conferred with me, but I know they do not want this bill. I know that this bill is inimical to their best interests, and I shall not support it.

Senators, I say stop before you do this thing and carefully consider it; stop before it is too late. An attempt is being made to railroad this legislation. Put on the brakes, apply the air, put on the emergency, do anything, wave the red light, wave the danger signal, give the boys in the trenches, give the man at the throttle, give the laboring man a chance to be heard.

I want to talk for those men. I am not here talking for Mr. Whiting or the president of the New York Central Railroad. Do you know, my friend, that you need not lose any sleep about the railroads; they will take care of themselves. You know that. They have always done so in all the history of railroads. They will take care of themselves. They are nice kid-gloved fellows, you know. They have great social functions, and they are the cleverest fellows on earth, you know. They will say of the senior Senator from Maryland [Mr. RAYNER], to whom I am addressing my remarks now, "He is the nicest fellow on earth; he is the greatest constitutional lawyer in the world; we will invite him out to-night to a banquet." They will give him a wine supper. They are that kind of fellows. They would not offer you money for your vote—oh, no; that is not their method; they are just good fellows, nice fellows, social fellows, you know, fellows it is agreeable to be with; and you need not lose any sleep about that character of fellow; he will take care of himself. But the fellow who is out yonder in charge of human lives, in charge of human freight, the fellow who is pulling the cord to-day on the engine hauling the train with my babies aboard or your wife aboard, is the fellow you had better watch after. He is the man whose interests you ought to protect. He has not been heard from. Wait until the gravel train gets in. You have heard from the fellow who rides in the Pullman car; now wait until the gravel train gets in. Wait until then, gentlemen of the Senate. Let us hear from the other side. Put this matter off a while; let us be fair.

Why does the Senator from Utah, a man of steady habits, a man of pleasing disposition, a man who is usually not fretful or restless under the curb, a man who takes life easy ordinarily—why does he suddenly get so restless and restive and fretful? He reminds me of one of the—and I do not mean this disrespectfully—horses that I saw at the horse show the other day, one of those restive fellows who just bobs and twists and prances all over the paddock. The Senator from Utah is restless; he can not sit still; he wants to get this bill passed. Why? Senators, I say stop before you do this thing. This bill is loaded. Mr. Whiting and the president of the New York Central Railroad sat close to the throne. Be careful how you vote.

Mr. President, this is no child's matter. This is no vote of a passing moment; it is a vote to change the fundamental law of this land; a vote that will go down to posterity as the deliberate judgment of the Senate. I am told if you do not put the price of legs high enough in this bill you can amend it so as to make the price of legs higher; if you do not give a man enough for an arm you can amend it so as to make the arm cost more. Senators, that is playing with fire. Whenever you abolish the law of the land that has stood for hundreds of years, that has stood the test of time, that has been construed by the courts and passed beyond the stage of speculation, you are doing a dangerous thing. The railroad companies know it. They fought the employers' liability act and took it to the court of last resort. They fought it through the Supreme Court of the United States. They hoped to defeat it there on the ground of unconstitutionality, and, having failed there, then they seek to wipe out all the fundamental laws of the land on this subject—laws, as I have said, which have passed beyond speculation, laws which have been construed by the courts, laws which are fixed and established.

The vested rights of the laboring man to-day are to be taken from him and a mere shadow, a mere subterfuge, a mere dodge, is to be given in their place. Senators, I say in the hand of proffered friendship is concealed the deadly dagger of the railroad companies.

Mr. President, I do not care to say more; probably I should not have said this much, but I want the railroad boys in my State to know that I am not going to see this kind of legislation passed here without raising my voice against it. As I have said, I do not know how they stand, and, more than that, I do not care how they stand at this moment. I do care how they will eventually stand, because I would yield my judgment to theirs if they had expressed it after solemn deliberation; but at this moment they have had no opportunity for deliberate judgment; they have had no chance for deliberation; they have had no chance for counsel or advice. While they are the best crowd of fellows on earth, yet they are the busiest men on earth; they have to trust their business to the heads of their organizations, and I am sorry to say that, in my experience, some of the heads of those organizations have not always been faithful. I repeat, Mr. President and Senators, I care not how the railroad people in my State stand on this question at this moment; I am going to use my judgment, and that judgment is that this bill will mean their ruin and their undoing. My judgment is that this bill is destructive of every substantial right they now have.

I have prosecuted a lot of these cases and I know something about them. I have made the railroad companies twist and squirm; I have made them turn over their "hard-earned dollars," as they call them, to a poor suffering widow or to the helpless orphan child. That is all the kind of business I do, outside of attending to the Senate, as has been charged, a side line; and thank God, Mr. President, I am always found on the side of the under dog in the fight, and I have always been found there.

The railroad companies tell me they want to act fairly; they tell me they want to do justice by their employees. Senators, they would not give them a pleasant look if they did not have to. Talk about a settlement with claim agents! Before a man dies they are worrying and fretting the wife, threatening her with endless litigation. With the children screaming, the father dying, the blood running from his wounds, here is the ruthless, merciless, heartless claim agent standing there with his paper and pen ready to take a dying statement or any statement that he can get from the lips of the injured man that would work against the interests of the widow and children.

Members of the Senate, the present law is good enough, and the railroad men are satisfied with it. Why set it aside? The Supreme Court of the United States has upheld the employers' liability act recommended by Mr. Roosevelt and indorsed by everybody. Let that be tested out; let that be tried out before we embark upon an unknown and untried sea of experiment and speculation.

I will not consume the time of the Senate in discussing the defects and iniquities of the bill itself. That has been ably

covered by the junior Senator from Missouri [Mr. REED], and I indorse his views as mine.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The reading of the bill for committee amendments will be proceeded with.

The Secretary proceeded to read the bill.

The first amendment of the Committee on the Judiciary was, in section 1, page 1, line 7, after the word "employed," to insert "in such commerce," and, on page 2, after the word "employer," to strike out "in such commerce," so as to make the section read:

That every common carrier engaged in interstate or foreign commerce by railroad, including commerce between the District of Columbia and a State (hereinafter designated employer), shall pay compensation in the amounts hereinafter specified to any employee who, while employed in such commerce by such employer, sustains personal injury by accident arising out of and in the course of his employment and resulting in his disability, or to the dependents, as hereinafter defined, of such employee in case such injury results in his death.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

Mr. SMITH of Georgia. The Senator from Texas [Mr. CULBERSON] has some suggestions to make in reference to this section, but I do not know that the amendment proposed by the committee will affect his amendment. I suppose the committee amendments may first be disposed of and that then amendments by individual Senators will be in order.

Mr. CULBERSON. I understand the bill is now being read for action on committee amendments?

The PRESIDING OFFICER. The Senator from Texas is correct.

Mr. CULBERSON. I have an amendment to this section and shall present it in due time.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to. The reading of the bill will be resumed.

The Secretary resumed the reading of the bill and read as follows:

SEC. 2. That every common carrier by railroad in the District of Columbia (hereinafter designated employer) shall pay compensation in the amounts hereinafter specified to any employee who sustains personal injury by accident arising out of and in the course of his employment and resulting in his disability, or to the dependents, as hereinafter defined, of such employee in case such injury results in his death.

SEC. 3. That except as provided herein no such employer shall be civilly liable for any personal injury to or death of any such employee resulting from any such accident.

SEC. 4. That the first 14 calendar days of disability resulting from any injury shall be excluded from the period of time for which compensation is hereinafter specified: *Provided, however*, That during said 14 days the employer shall furnish all medical and surgical aid and assistance that may be reasonably required, including hospital services.

SEC. 5. That after the expiration of the 14 days mentioned in the foregoing section the employer shall continue to furnish such medical and surgical aid and assistance as may be reasonably required, including hospital services, in an amount not exceeding $200, unless such employee elects to furnish his own physician or surgeon or care for himself. The compensation hereinafter provided shall be in addition to all such surgical, medical, and hospital services as set forth in this and the preceding section.

SEC. 6. That no compensation shall be allowed for the injury or death of any employee where it is proved that his injury or death was occasioned by his willful intention to bring about the injury or death of himself or of another, or that the same resulted from his intoxication while on duty.

SEC. 7. That it shall be the duty of the injured employee, immediately upon the happening of the accident, or as soon thereafter as practicable, and not later than 30 days thereafter, and likewise in case of his death by such accident the duty of one or more of the dependents of an employee, within 30 days thereafter, to give or cause to be given to the employer written notice of the accident causing such injury or death, stating in ordinary language the time, place, and particulars thereof, the name of the injured or dead employee, his class of service, and the address of the injured employee or person giving the notice: *Provided*, That where it is made to appear that the party herein required to give such written notice has been prevented from giving it through or by reason of mental or physical incapacity, ignorance of law or of fact, or the fraud or deceit of some other person, or from some other equally good cause, the same may be given after the expiration of said 30 days, but not later than 90 days from the date of the accident or death.

In the absence of such written notice the employer shall not be liable to pay any compensation under this act unless, in cases where the injury has resulted in the absence from work of the employee for at least 2 days, and in case of death, it is made to appear that within such period of 30 days such employer had actual knowledge of the injury or death: *Provided*, That in case of death resulting immediately or within 24 hours from the time of the accident notice thereof shall not be required.

No defect or inaccuracy in the written notice herein required shall be deemed material unless the employer shall show that he was prejudiced thereby, and then only to the extent of such prejudice; and such written notice may be substantially in the following form:

"FORM OF NOTICE OF ACCIDENT AND CLAIM.

"To be filled out by an injured employee or by a dependent of a deceased employee or by a person acting for either.

"To the ——— Railroad Co.:

"You are hereby notified that ——— ——— (name of deceased or injured employee), your employee, met with an accident on the ——— day of ———, 19—, at or near ———, in the State of ———, and that the accident occurred in the course of his employment by you as ——— (class of service), and resulted in his ——— (disability or death) on the ——— day of ———, 19—, and claim for compensation is hereby made under the provisions of the Federal accident compensation act of 1912.

"Name (person giving notice) ——— ———,
"Address ——— ———."

But no variation from this form shall be material if the notice is sufficient to advise the employer that a certain employee by name met with an accident in the course of his employment (stating the nature of such employment) on or about a specified time at or near a certain place which resulted in his disability or death. The notice may be served personally upon the employer, or upon any agent of the employer upon whom a summons may be served in a civil action under the laws of the State or the District of Columbia where the accident occurred, or upon any station agent, or by sending it by registered mail to the employer, addressed to the principal office or to any division superintendent of such employer.

SEC. 8. That it shall be lawful at any time after the expiration of 14 days from the date of an injury, unless an award or findings shall have previously been made, for the employer and employee to settle by agreement according to the limitations of amount and time in this act established, the compensation due under this act, which agreement shall be in writing, signed and acknowledged by the parties, and shall specify the compensation, if any, due and unpaid by the employer to the employee up to the date of the agreement, and, if agreed upon, the amount of the monthly payments thereafter to be made by the employer to the employee, and the time such monthly payments shall continue. In case of death it shall be lawful for the employer and any of the dependents of the deceased employee to settle by agreement in like manner and with the same effect the compensation payable to such dependent under this act. The periods of compensation provided for permanent total disabilities or for the permanent partial disabilities specifically mentioned in subdivision 1, clause (D) of section 21, or for death, and the provisions of this act with respect to periodic payments and the percentage which such payments shall bear to the monthly wages shall not be varied by such agreement. Such agreement may be substantially as follows:

"In the matter of the claim of ——— ——— for personal injury received by ——— ———, in the service of the ——— Railroad (or Railway) Co.

"The ——— Railroad (or Railway) Co. and ——— ———, an employee of said company, injured in its service (or in case of death, ——— ———, dependent of ——— ———, deceased, an employee injured in the service of said company), hereby agree to the following adjustment under the Federal accident-compensation act of 1912 of the liability for injuries (or death resulting from injuries) to ——— ———, received in the course of and arising out of his employment by said company (or receiver, as the case may be), in interstate (or foreign) commerce (or in the District of Columbia), at ———, on the ——— day of ———, 191— (here state the facts generally as to the work in which employee was engaged when injured), the said adjustment being as follows: (Here state the terms of the adjustment, referring to the appropriate sections and subsections of the act.)

"(Signed) ———,
"*Of* ——— *Railroad (or Railway) Co.*
"———,
"*Employee (or dependent of employee.)*"

Said agreement shall be executed in triplicate, one of which may be retained by the employer, one by the employee or his dependents, and the other shall be filed with the adjuster, as provided in section 12. Any modification or alteration of said agreement, if made by the parties, shall be in writing and executed and filed in the same manner and with like effect. If the employer shall fail for a period of 10 days, after written demand, to make any payment provided for in said agreement, the employee or dependent at his election may maintain an action in any State or Federal court of competent jurisdiction to enforce such agreement, or may treat such agreement as rescinded and proceed to enforce the claim for compensation under the provisions of this act. Save as provided in this section no agreement purporting to settle compensation due under this act shall be valid.

SEC. 9. That it shall be competent for any employer subject to the provisions of this act and his employees to organize and constitute, in such manner as they may determine, a committee or committees for the purpose of settling disputes and awarding compensation under and in accordance with the limitations as to amount and time prescribed in this act; and it shall thereupon be the duty of the employer to file a written notice with the adjuster or adjusters having jurisdiction within the territory for which said committee is constituted, giving the names and post-office addresses of the members of the committee or committees. If the compensation due under this act be not settled by the agreement of the parties, and any such committee exists, the differences between the employer and employee arising under this act shall, upon the request in writing of either party and the written consent of the other filed with the committee, be settled by such committee in accordance with the provisions of this act, and after the filing of such consent the provisions of this act with reference to instituting original proceedings before the adjuster shall not apply. Such committee shall not be bound by technical rules and shall give the parties and their witnesses ample opportunity to be heard. The award made by such committee shall be final, except as provided in section 11, and shall be filed by the committee with the adjuster having jurisdiction within 30 days after the same is made, and the provisions of section 12, so far as applicable, shall apply thereto. The adjuster shall file such award with the clerk of the court having jurisdiction in the same manner and with the same effect as findings made by the adjuster, and said award, except that it shall be final, shall be treated in all respects as such findings. If the committee shall fail to make an award within 90 days after the filing of such consent, the same shall, by the said committee, at the request of either party in writing, be immediately referred to the adjuster having jurisdiction thereof, who shall proceed to hear and determine the same as if the claim for compensation were originally before him upon petition and answer.

Mr. CULBERSON. Mr. President, I call the attention of the Senator from Utah to a sentence beginning in line 16, on page 9, and ask some explanation. I did not catch the connection myself. It reads:

The adjuster shall file such award with the clerk of the court having jurisdiction in the same manner and with the same effect as findings made by the adjuster, and said award, except that it shall be final, shall be treated in all respects as such findings.

If it is made final, what other objection could there be made to it?

Mr. SUTHERLAND. The purpose of that provision is that the award when made by the arbitrators shall finally go to the district court, and automatically become a judgment or have the effect of a judgment by the district court, the same as the findings of the adjuster, so that the award of the arbitrators may be enforced by execution or be enforced by any other process that may be appropriate. That is the purpose of the provision. The purpose of it is that the award shall become in effect a final judgment in the district court, just the same as the findings, only that no appeal shall lie from it and no review of it of course shall be had, the arbitration itself being final.

Mr. CULBERSON. I do not catch it yet, but I will take my time and look into it further.

The PRESIDING OFFICER. The reading of the bill will continue.

The Secretary resumed the reading of the bill, and read as follows:

SEC. 10. That before any agreement or award has been made or after the making of any such agreement or award, and at any time before the expiration of two years from the date of the accident, it shall be the duty of the injured employee, if so requested by the employer, to submit himself one or more times, at reasonable times and places, for examination by a duly qualified physician or physicians furnished and paid by the employer. It shall also be the duty of such employee in like manner to submit himself to one or more such examinations whenever his original claim for compensation or the matter of the review of compensation is pending before an adjuster or the court. The employee shall have the right to have a duly qualified physician or physicians, provided and paid for by himself, present at any such examination. If the employee refuses to submit himself to any such examination, or in any way obstructs the same, his right to payments or compensation and his right to take or prosecute any proceeding under this act shall be suspended until he shall have submitted himself for such examination, and no compensation shall at any time be payable in respect to the period of such suspension. Upon request a copy of the report of the employer's physician or physicians of such examination shall be furnished to the employee, and a copy of the report of the employee's physician or physicians, if any, shall be furnished to the employer, within six days after any such examination. The employer shall have the right, in any case of death, to require an autopsy at his expense.

The next amendment was, on page 11, line 8, after the word "time," to insert "within two years after the accident," and in line 21, after the word "but," to strike out "shall order no change of the status existing prior to the application for review" and insert "such order shall have no retroactive effect," so as to make the section read:

SEC. 11. That an agreement for compensation may be modified at any time within two years after the accident by a subsequent agreement. At any time before the expiration of two years from the date of the accident, but not afterwards, and before the expiration of the period for which payment of compensation has been fixed thereby, but not afterwards, any agreement, award, findings, or judgment may be from time to time reviewed by the adjuster upon the application of either party after due notice to the other party upon the ground that the incapacity of the injured employee has subsequently ended, increased, or diminished. Upon such review the adjuster may increase, diminish, or discontinue the compensation from the date of the application for review, in accordance with the facts, or make such other order as the justice of the case may require, but such order shall have no retroactive effect. The findings of the adjuster upon such review shall be served on the parties and filed with the clerk of the court having jurisdiction, in like time and manner and subject to like disposition as in the case of original findings.

The amendments were agreed to.

The Secretary read as follows:

SEC. 12. That it shall be the duty of the employer to file, or cause to be filed, every agreement for compensation, or modification thereof, to which he is a party, in the office of the adjuster having jurisdiction, as hereinafter provided, within 60 days after it is made; otherwise it shall be voidable by the employee or dependent. The same shall be received and filed by said adjuster and recorded and indexed. A copy thereof, certified by the adjuster, may be admitted in evidence with like effect as the original; and it shall be the duty of the adjuster to furnish a certified copy at the request of any person in interest: *Provided*, That the employee or dependent who is a party to said agreement may file the same with the same effect as though filed by the employer: *And provided further*, That where there are two or more adjusters having concurrent territorial jurisdiction, such agreement shall be filed with the adjuster senior in date of appointment.

Section 13 was read to the end of the fifth subdivision, as follows:

SEC. 13 (1) That the United States district court in each judicial district shall, within 30 days after this act takes effect, appoint a competent person to be known as adjuster of accident compensation, and shall, from time to time, whenever the business in any such district in the judgment of the Attorney General of the United States justifies it, appoint additional adjusters. Each of such adjusters shall receive a salary of not less than $1,800 nor more than $3,000 per annum, to be paid by the United States in equal monthly installments in like manner as salaries of district judges are paid. It shall be the duty of the Attorney General of the United States, as soon as practicable, to make inquiry and fix and establish the salary to be paid to each adjuster within the limits aforesaid, the determination by him of the amount to be based upon the extent of the business done or to be done by said adjuster under this act. Each adjuster shall have jurisdiction of all cases arising under this act within the judicial district for which he is appointed: *Provided, however*, That where more than one adjuster is appointed for a judicial district, the court making the appointment may, in its discretion, determine the manner in which the authority of the respective adjusters shall be exercised under this act within the same district or limit the jurisdiction of any adjuster appointed by it to one or more counties or other territorial subdivision within the district, in which case the jurisdiction of such adjuster shall extend to such county or counties, or territorial subdivision only, except as hereinafter provided: *And provided further*, That every appointment of an adjuster shall be certified by the district court making it to the circuit court of appeals having jurisdiction of the district, and said circuit court of appeals may, within 30 days after the receipt of the same, for good cause, disapprove such appointment, in which case it shall become of no effect, and such district court shall make another appointment, but the acts of such adjuster in the meantime shall be valid.

(2) No person shall be appointed as adjuster who, at the time of his appointment, holds any office of profit or emolument under the laws of the United States or of any State other than the office of commissioner of deeds, justice of the peace, master in chancery, or notary public, or who is related by marriage or by consanguinity or affinity within the third degree, as determined by the common law, to any judge of the district court of the United States, or judge or justice of an appellate court, having jurisdiction of the district where in he may be appointed. The adjuster shall be a resident of the territorial district for which he is appointed. He shall hold his office for a term of four years, but may be removed at any time by the court, if his services are no longer required in the public interest or for good cause shown, subject to reinstatement by the circuit court of appeals having jurisdiction. Each adjuster before entering upon the duties of his office shall take an oath of office for the faithful and impartial performance of his duties. In case any adjuster shall be removed, or for any reason shall cease to act, he shall transfer all his official records, files, and papers to his successor in office, or, if none, then to the clerk of the district court having jurisdiction, and the court shall have power to enforce this provision by order: *Provided, however*, That nothing herein shall operate to render any adjuster ineligible to act in a like capacity under the law of any State.

(3) It shall be the duty of the said adjuster to keep a record of his proceedings, and he shall have the power to preserve and enforce order in his presence while transacting business; to subpœna witnesses; to administer oaths in any proceeding and in all other cases where it may be necessary in the exercise of his powers and duties; to formulate, issue, amend, and control his processes and orders consistent with law as may be necessary to carry into effect the powers and jurisdiction possessed by him; to examine persons as witnesses, take evidence, require the production of documents, and to do all other things conformable to law which may be necessary to enable him effectively to discharge the duties of his office.

(4) If any person shall, in proceedings before an adjuster, disobey or resist any lawful order or process, or misbehave during a hearing or so near the place thereof as to obstruct the same, neglect to produce after having been ordered to do so any pertinent document, or refuse to appear after having been subpœnaed, or, upon appearing, refuse to take the oath as a witness, or after having taken the oath refuse to be examined according to law, the adjuster shall certify the facts to the district court having jurisdiction, which shall thereupon in a summary manner hear the evidence as to the acts complained of, and if the evidence so warrant, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the process of or in the presence of the court: *Provided*, That no person shall be required to attend as a witness before an adjuster at a place outside of the State of his residence and more than 100 miles from such place of residence, or unless his lawful mileage and fee for one day's attendance shall be first paid or tendered to him.

(5) It shall be the duty of said adjuster to maintain and keep open during reasonable business hours an office at the place of his residence for the transaction of business under this act, at which office he shall keep his records and papers. He may, however, hear cases at any other place within the limits of his territorial jurisdiction that may be deemed by him most convenient for the parties and witnesses. He shall be allowed all necessary traveling expenses in going to and from his place of residence for the purpose of conducting such hearings, and his necessary and reasonable expense of subsistence while so absent, not exceeding for subsistence the sum of $5 per day. Accounts for all such expenses shall be approved by the district court and transmitted to the Attorney General of the United States and paid as allowed by him. Said accounts shall be rendered quarter yearly, beginning with the 1st day of October next after this law goes into effect. The Attorney General, upon requisition, shall, at the expense of the United States, furnish each adjuster with necessary records, books, blanks, and stationery supplies.

Mr. WILLIAMS. I wish to ask the Senator from Utah in charge of the bill if he has not a committee amendment to offer to clause 5 on page 16?

Mr. SUTHERLAND. I have an amendment to that section and to several other parts of the bill, but I was waiting until the reading of the bill shall have been concluded.

Mr. WILLIAMS. All right.

Mr. SUTHERLAND. Then I have a series of amendments to offer.

The Secretary read as follows:

(6) No adjuster shall act in any case in which he is interested, or when he is employed by either party or related to either party by marriage or by consanguinity or affinity within the third degree, as determined by the common law. Whenever it shall be made to appear, by the application of either party, to the satisfaction of the district court having jurisdiction, that the adjuster before whom any case is pending is disqualified, or that he entertains bias or prejudice, so that a fair and impartial hearing of the case can not be had before him, it shall be the duty of the court to order the case transferred for hearing and disposition to another adjuster within the judicial district, or if none, to another adjuster within the State, or if none, then to appoint a competent person to act in the case as adjuster pro tempore. Such adjuster pro tempore shall possess all the powers conferred upon the adjuster by this act, and shall proceed in the same manner and with the same effect. His compensation shall be fixed by the court appointing him, and such compensation shall be paid by the United States on the approval of the judge and the allowance of the Attorney General. The parties may agree to transfer any case to another adjuster in the same State, and in case of such agreement or order all papers and a certified copy of any record in the case shall without cost be forthwith

transmitted by the adjuster before whom the case is pending to the adjuster agreed upon or designated, who shall, upon receipt of such papers and copy of record, proceed as though the case had been originally brought before him.

Mr. SMITH of Georgia. I should like to ask the Senator in charge of the bill if he objects as we go along to offering amendments as we reach them in the various sections?

Mr. SUTHERLAND. I think we had better first dispose of the committee amendments.

Mr. SMITH of Georgia. I mean committee amendments.

Mr. SUTHERLAND. I would have no objection to doing that, but we have passed over two or three places where amendments should have been noted.

Mr. SMITH of Georgia. It does seem to me that we would understand the bill better if the committee amendments came in in connection with the section.

Mr. SUTHERLAND. I have no objection to that. When the Clerk completes the reading of the subdivision I will offer them.

The Secretary read as follows:

(7) Neither an adjuster nor the partner of an adjuster shall appear as attorney for either party in any proceedings under this act.

Mr. SUTHERLAND. On page 11, line 5, I move to strike out "The employer shall have the right, in any case of death, to require an autopsy at his expense," and in lieu thereof to insert "The United States court, upon application of the employer, may in any case of death, for good cause, order an autopsy, at the expense of the employer."

The amendment was agreed to.

Mr. SUTHERLAND. On page 14, line 10, after the words "master in chancery" insert "referee in bankruptcy."

Mr. SMITH of Georgia. That simply excludes the referee in bankruptcy in addition to the master in chancery.

Mr. SUTHERLAND. It is in addition to the master in chancery.

Mr. SMITH of Georgia. I ask the Senator if he thinks it wise to exclude the master in chancery?

Mr. SUTHERLAND. No; I do not; this is an addition.

The amendment was agreed to.

Mr. SUTHERLAND. On page 16, line 19, strike out the word "may" and insert "shall"; in line 19, strike out the word "any" and insert "such," and after the word "place," in the same line, insert the words "or places"; in line 20, strike out the word "that" and insert "as"; and at the end of the line strike out the words "deemed by him."

The amendment was agreed to.

Mr. WILLIAMS rose.

Mr. SUTHERLAND. I have not quite finished.

Mr. WILLIAMS. In line 20, does not the Senator desire to strike out the word "that" and insert "as will," so that it will read "as will" instead of "that may."

The SECRETARY. In line 20, page 16, it is proposed to strike out the words "that may" and insert "as will."

The amendment was agreed to.

Mr. SUTHERLAND. After the word "witnesses," in line 21, I move to insert "including the place where the accident occurred."

The amendment was agreed to.

Mr. SUTHERLAND. I ask that the paragraph be read as it will read as amended.

The Secretary read as follows:

He shall, however, hear cases at such place or places within the limits of his territorial jurisdiction as will be most convenient for the parties and witnesses, including the place where the accident occurred.

Mr. WILLIAMS. I would suggest to the Senator from Utah for his consideration that he might add to that "and the home of the injured or killed person," or "or the place of residence of the injured or killed."

Mr. SUTHERLAND. Of the injured or deceased?

Mr. WILLIAMS. Of the injured or deceased. That would carry the adjuster to the witnesses instead of the witnesses going to him.

Mr. SUTHERLAND. After the word "occurred," I move to insert "and the residence of the injured or deceased employee."

The amendment was agreed to.

Mr. SUTHERLAND. That is all I have up to that point.

The Secretary read as follows:

(8) The adjuster may, in any case upon application of either party or of his own motion, appoint a disinterested and duly qualified physician to make any necessary medical examination of the employee and testify in respect thereto. Said physician shall be allowed a reasonable fee, to be fixed by the adjuster, not exceeding for each examination $10, which shall be included by the adjuster in his account and paid as provided in paragraph 5 of section 13: *Provided, however,* That the adjuster shall in every case receive the testimony of any physician called by either the employer or the employee.

The next amendment of the committee was, in subdivision 9, on page 19, line 20, after the word "employer" to strike out "and all taxable costs thereafter incurred in the case by the employer shall be taxed against the employee," so as to make the subdivision read:

(9) Witness fees and mileage shall be computed at the rate allowed for witnesses in the United States district courts, and fees and mileage for serving the petition or other papers shall be computed at the rate allowed for service of summons from said court in civil suits by the United States marshal. Costs legally incurred may be taxed against either party, or apportioned between the parties, in the sound discretion of the adjuster or of the court, as the case may be, and as the justice of the case may require: *Provided, however,* That the employer may in any case pending before an adjuster, in writing, offer to allow findings to be made in favor of the employee, specifying the amount of the monthly payment and the length of time such monthly payments shall continue, and in that event, unless compensation (time and amount both considered) exceeding that offered by the employer be found by the adjuster or by the court, no costs thereafter incurred on behalf of the employee shall be taxed against the employer.

The amendment was agreed to.

The Secretary read as follows:

(10) The adjuster or adjusters for the District of Columbia shall be appointed by the Supreme Court of the District, and such adjuster or adjusters shall hold the same tenure of office as prescribed for adjusters appointed by the United States district courts, subject to removal by the Supreme Court of the District of Columbia for like cause, and shall have the same power and jurisdiction under this act within the limits of the District of Columbia, and shall be governed by all the provisions of this act, so far as the same may be applicable, in the same manner as adjusters appointed by the United States district courts. The findings of the adjuster or adjusters shall be transmitted to the said supreme court, and shall be disposed of by said court in the same manner and under the same rules as are prescribed herein for the disposal of such matters by the United States district courts. The said supreme court and the justices thereof shall have and exercise the same power in all cases arising under this act within the District of Columbia as are conferred by this act upon the United States district courts.

SEC. 14. (1) That in default of agreement between the parties interested or submission to a committee, as hereinbefore provided, the employer, employee, or any dependent may, after giving notice of the accident when the same is required, and within six months from the date of the injury or death, institute proceedings for the settlement and adjustment of the claim before an adjuster having jurisdiction within the territory where the accident occurred. Such proceedings may be instituted by petition, setting forth in ordinary language the facts constituting the claim and asking that compensation be fixed and awarded in accordance with the provisions of this act. Unless service is accepted by the party defendant a copy of such petition shall be served upon him and return of such service made in the manner provided by law.

(2) Within 10 days after such service the party defendant may answer the petition and in such answer shall include such questions of law and fact as it may be desired to put in issue. As soon as practicable after the answer has been received the adjuster shall proceed to hear the case and decide the same, his decision both upon questions of fact and law being reviewable in the district court as herein provided. If no answer has been filed within 10 days after the service of the petition, or such other time as may be fixed by the adjuster, the said adjuster shall enter a default and proceed to hear the evidence and determine the case with the same effect as though answer had been made. If no proceedings shall be instituted for the settlement and adjustment of a claim arising under this act within six months, as above provided, the same shall be forever barred, unless the adjuster shall find that the failure to institute proceedings within such time was chargeable to the employer or to circumstances clearly beyond the control of the employee or dependent. But under no circumstances shall any claim for compensation be maintainable after the lapse of one year from the date of injury or death, except in cases in this act otherwise provided for: *Provided,* That in any case where the period during which payments are to be made is not made final by agreement, award, findings, or final judgments, such claim shall be maintainable within three months from the date when the last payment was due according to the terms of such agreement, award, findings, or judgment, or, when no such time has been fixed, or where payments are discontinued by the employer as set forth in section 8, from the date of the last actual payment.

The next amendment was, on page 22, line 5, after the word "final," to strike out "judgments" and insert "judgment."

The amendment was agreed to.

The next amendment was, on page 22, line 13, after the word "counsel," to insert "or an agent," so as to make the subdivision read:

(3) The adjuster shall allow either party to be represented by counsel, or an agent, who need not be a member of the bar, and after hearing any evidence that may be presented and considering any arguments that may be made he shall promptly make and render his findings in writing, a copy of which shall be served on each of the parties, and shall return such findings, together with the petition and answer, if any, into the clerk's office of the United States district court for the district in which he was appointed, or the clerk's office of the Supreme Court of the District of Columbia, as the case may be. The clerk of the court shall forthwith file the same and make an entry thereof on his docket without charge. At any time within 20 days after receiving a copy of the findings either party may file exceptions with the clerk of the court and serve a copy thereof on the adverse party, stating generally that the findings of the adjuster are excepted to on the ground that they are contrary to the law and evidence, whereupon the case shall be tried and determined in said court, all questions of law and fact being open for consideration de novo. And said court may regulate by rule the practice in such cases in all respects not provided for by statute. The party filing exceptions shall at the same time pay to the clerk of the court the sum of $5, which, together with any jury fee paid as hereinafter provided, shall be in lieu of all other clerk's fees and charges, and no other or additional charge for any service rendered by said clerk in said cause except as herein otherwise provided shall be made. Any such amount, as well as any jury fee paid, shall be taxed by the court as costs against the losing party. If no exceptions shall be filed by either party as above provided, the said findings shall become final and have the effect of and, subject to pay-

ment of fees as in other cases, be enforced as a judgment of the court, and the clerk shall, without charge, record said findings and index the same as in the case of other judgments.

The amendment was agreed to.

Mr. WILLIAMS. I should like to ask the Senator from Utah why they put in the term "de novo"? Ought questions of fact to be considered de novo? The adjuster's report of the facts carries up a report, does it not?

Mr. SUTHERLAND. Yes.

Mr. WILLIAMS. And it also carries up all the evidence taken, and the evidence is recorded.

Mr. SUTHERLAND. The evidence would not be recorded. There is no provision for recording it. It is absolutely necessary——

Mr. WILLIAMS. I can see that if the evidence is not recorded, of course, it is necessary.

Mr. SUTHERLAND. Under the seventh amendment of the Constitution the right of trial by jury must be preserved. The evidence must be presented to the jury de novo. We have no right to cut it off.

Mr. WILLIAMS. I see, of course, if the evidence of the witnesses is not taken down and returned to the court, the other court would have to consider the facts de novo.

Mr. SUTHERLAND. Yes.

Mr. WILLIAMS. And, of course, it would consider the law de novo, anyway.

Mr. SUTHERLAND. Yes. The words de novo are not an amendment to the bill. They were in the original bill. They are simply italicized, I suppose, because they are Latin words.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Texas?

Mr. CULBERSON. I do not propose to interrupt the Senator. I thought he had concluded.

Mr. SUTHERLAND. I had concluded.

Mr. CULBERSON. I desire to state to the Senator from Mississippi that in my judgment this section, read in connection with a subsequent one of the bill, violates the seventh amendment to the Constitution of the United States, and I have proposed and will offer at the proper time an amendment seeking to preserve the right of trial by jury, as is provided in that amendment.

Mr. SUTHERLAND. Let me ask the Senator from Texas whether he has in that connection read the case in One hundred and seventy-fourth United States.

Mr. CULBERSON. The Capital Traction Co. case?

Mr. SUTHERLAND. The Capital Traction Co. case.

Mr. CULBERSON. My opinion is based largely upon the opinion in that case.

Mr. SUTHERLAND. I drew this section upon that opinion.

Mr. CULBERSON. I do not think it is properly drawn, though I respect the opinion of the Senator from Utah. The fact is we do not preserve in the bill as written the right of trial by jury within the true meaning of the Constitution. We hamper it with the findings of an adjuster, which the jury or the court must regard as prima facie evidence, and we have to overturn and rebut that by a trial before a jury or even before the court alone. So, the right of trial by jury as guaranteed by the seventh amendment is not preserved in its strength and in its essence and in its fullness, but is burdened and embarrassed by the prima facie finding of an adjuster where a jury is not provided.

Mr. SUTHERLAND. That is not this section. That comes along later.

Mr. CULBERSON. I said that section and the following taken together.

Mr. SUTHERLAND. Yes. There may be room for discussion, as the Senator now suggests, but I think the section that is now being read is clearly warranted by One hundred and seventy-fourth United States. Whether or not we can make the findings of the adjuster prima facie evidence is another question.

Mr. CULBERSON. In the case of the Capital Traction Co. against Hof, in One hundred and seventy-fourth United States, there is no provision and nothing similar to the provision about the prima facie evidence of the findings of an adjuster, on the previous trial, but there is an express direction that the trial shall be according to the principles and usages of the law. The trial by jury in the District of Columbia, after the appeal from the justice of the peace, is not impaired by a requirement that they shall regard as prima facie evidence the findings found by a lower tribunal.

The PRESIDING OFFICER. The reading will proceed.

The reading of the bill was resumed. The next amendment was, in section 14, on page 23, line 24, after the word "jury," to insert the words "upon the claim for compensation under this act," so as to read:

(4) Where exceptions are filed, either party shall have the right, upon a written demand filed with the clerk, to a trial by jury, upon the claim for compensation under this act, as in cases at common law.

The amendment was agreed to.

The reading of the bill was continued, as follows:

The party making such demand shall at the time thereof pay to the clerk the sum of $5 as a jury fee. If a trial by jury is not demanded by either party within five days after the filing and service of the exceptions a jury shall be deemed to be waived, and the court shall thereupon hear and determine the case without a jury. The findings of the adjuster filed as aforesaid shall be received as prima facie evidence of the facts therein set forth in any trial before the court or jury. Where the case is tried by a jury the court may submit special interrogatories, to be answered by the jury in the form of a special verdict.

Mr. WILLIAMS. Mr. President, in the language "the findings of the adjuster filed as aforesaid shall be received as prima facie evidence of the facts therein set forth in any trial before the court or jury," it strikes me if the committee were to strike out the words "or jury" they would accomplish what they want and not raise any constitutional question. In so far as the findings of the adjuster being treated by the jury as prima facie evidence is concerned, they would not be so treated, no matter what the law said; the jury is going to consider the evidence its own way. Of course, if the court was going to hear the evidence it might do very well to require that the court should receive these findings prima facie.

I merely suggest to the Senator from Utah in an interrogatory way as to whether he does not think it would be better to avoid this possible trouble when no practical result will be reached by it. The jury is going to pay no sort of attention to the fact that you tell them they have got to treat something else as prima facie; they are going to draw their own conclusions from the testimony presented to them, and telling them that something is prima facie is really going to have no effect.

It seems to me that all the two words "or jury" inserted there can do is to arouse some degree of hostility against the bill, some degree of suspicion about it and some degree of fear of it—if I may so express it—and, it may be, some doubt as to its constitutionality; because it does seem to me that, generally speaking, if the right to trial by jury is not to be infringed the court might decide that you were hampering it at any rate.

Mr. CRAWFORD. Mr. President, does the question raised by the Senator from Texas really touch the question of the right to trial by jury? Whether or not the law provides that certain proceedings shall be prima facie evidence of the fact, does it have any effect except to shift what is called the burden of proof? In other words, the party relying upon what proceedings were had before the adjuster may introduce those findings in evidence, and the law simply says that that makes a prima facie case. He can stop there if the other side does not challenge it. The law simply says that is sufficient. But if it is challenged, the burden is on the other side to overcome it. That is a mere provision of the law in relation to evidence. I do not see where it touches the right of trial by jury.

Mr. WILLIAMS. Suppose it does not, and it is very doubtful whether it does or does not, what practical effect does it have? It will not have the effect which the Senator anticipates, of changing the burden of proof. The jury is going to hear the testimony and come to its own conclusion by the impression which the testimony makes upon the minds of the jurors.

Mr. CRAWFORD. It simply permits the party standing upon those proceedings to put them in evidence and rest there, because the law says that is a prima facie case; and from that point the burden of overthrowing it is on those who question it.

Mr. ROOT. Mr. President, may I make a suggestion to the Senator from Mississippi that some provision to make the findings admissible may very much decrease the cost and time and labor of a trial? As a rule, it is probable that a great many of the things which are found would be things that neither party had any objection to, and it would make it unnecessary for them to produce witnesses in order to prove it.

It is quite a common thing for our statutes to fix rules of evidence so that certain facts shall be treated as evidence. It tends very much to reduce the expense and trouble of a case for both sides. I have in mind now the statute—I think it is 3083 of the Revised Statutes—which, in the law relating to importations of goods contrary to law, provides that the possession of goods shown to have been imported contrary to law shall be prima facie evidence of knowledge on the part of the possessor.

Mr. WILLIAMS. If the Senator from New York will pardon me, that is totally different. It is like the possession of burglar's tools would create a presumption. That is something growing up out of the case itself; it is a part of the facts of

the case. That is a different thing from making somebody's findings about facts prima facie evidence.

There would be no sort of objection, I take it, upon anybody's part, to having the findings admissible as evidence in the court above. The objection, as I understand it, made by the Senator from Texas is that when it is provided that it shall be prima facie proof without contradiction it shall be conclusive. That is just about what it amounts to.

Mr. ROOT. Why not put in the word "competent" and make it competent evidence?

Mr. WILLIAMS. I think you should simply say it should be admissible. Then there could be no contention, I think, that it would be hampering any trial by jury.

Mr. ROOT. Substitute the word "competent."

Mr. SMITH of Georgia. If the Senator from Mississippi will allow me, I can illustrate very easily how this rule would be very effective. Suppose the defendant presented as a defense the claim that the injured employee was drinking, and therefore the defendant was not liable. The master or the adjuster finds with the defendant, and finds that the party was drinking, and therefore he could not recover. The case goes up then and is tried before a jury. Ordinarily the burden would be on the defendant to show that the party was drinking; but this adjuster, having found that he was drinking, the burden in the trial above would be changed and it would be on the employee to show that he was not drinking. If the jury, under the evidence, did not reach a conclusion that the sworn testimony satisfied them to a reasonable certainty that the injured party was not drinking, they would follow the master and find that he was drinking.

Mr. WILLIAMS. Yes; under this clause as it is written.

Mr. SMITH of Georgia. That is what I say.

Mr. WILLIAMS. But if it was merely made admissible, then if there was no testimony to contradict it it would have its weight with the jury, and if there was testimony to contradict it then the jury could take its choice without any overweight on either side.

Mr. SMITH of Georgia. The object of my statement was to show what I thought was the soundness of the criticism of the Senator from Mississippi.

Mr. CLARKE of Arkansas. Mr. President, I do not understand that making a document or statement prima facie evidence changes the rule that the plaintiff must prove his case by a preponderance of testimony. It is prima facie evidence until some evidence, however slight, is offered in contradiction of it. Then the question would be at issue that must be proved according to the established rules of law. That is to say, the person holding the affirmative of the issue must maintain it by a preponderance of proof. If the finding is to be introduced at all it must have some probative force. It can not be less than being made prima facie evidence. It has no business in the controversy unless it proves something that has some weight or some capacity to prove a fact. Prima facie proof is mere proof that stands until something is offered in contradiction of it.

A provision that a certain document shall amount to prima facie evidence of the fact recited in it does not disturb the other rule, applicable to all sorts of controversies judiciously considered and disposed of, that the party holding the affirmative shall establish his case by a preponderance of evidence.

The introduction of the finding of an adjuster therefore would, if uncontroverted, amount to such proof as would entitle the party in whose favor the finding is made to the judgment. But I do not understand that it would justify the court in deciding that if the jury has a doubt about it it would find in accordance with the finding of the adjuster.

Mr. WILLIAMS. I should like to ask the Senator from Arkansas before he takes his seat a question. Does not the Senator from Arkansas think that if this language read as I shall now read it it would accomplish everything desired, to wit:

The findings of the adjuster filed as aforesaid shall be admissible as evidence in any trial before the court or jury.

Mr. CLARKE of Arkansas. As evidence of what? As evidence of fact?

Mr. WILLIAMS. Simply admissible as evidence. Of course there is evidence of whatsoever the finding tended to prove, but not giving any weight to it by expression of law, leaving the jury to give such weight to it as they choose. Instead of the wording as it is now—

The findings of the adjuster filed as aforesaid shall be received as prima facie evidence of the facts therein set forth in any trial before the court or jury—

It would read:

The findings of the adjuster filed as aforesaid shall be admissible as evidence in any trial before the court or jury.

Mr. CLARKE of Arkansas. Evidence of something.

Mr. WILLIAMS. That I think would leave no question. It would certainly dispose of the question in the mind of the Senator from Texas.

Mr. CLARKE of Arkansas. If the Senator from Mississippi desires me to answer that——

Mr. WILLIAMS. I desire the Senator to do so.

Mr. CLARKE of Arkansas. It will take only half a minute.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. WILLIAMS. I would rather have the Senator from Arkansas answer the question first.

Mr. POINDEXTER. Very well, I will yield. It is only a question that I desire to ask.

Mr. WILLIAMS. It is on the same point?

Mr. POINDEXTER. It is. I will ask the Senator from Mississippi the question when the Senator from Arkansas has concluded.

Mr. CLARKE of Arkansas. I can not exactly draw the distinction between the two forms of expression just at this time, but I am clear in the proposition that no grade of evidence can be any lower than prima facie evidence. It simply raises the presumption that a certain condition of fact exists unless something is offered in contradiction. So that saying a record shall be introduced in evidence and that the jury shall be at large to determine what it means and how much credence shall be given to it and what the evidence should have a tendency to prove is not quite up to my idea of what evidence should be.

Mr. OVERMAN. Does not that change the burden?

Mr. CLARKE of Arkansas. I think not.

Mr. OVERMAN. I know where there is injury by reason of a collision or a derailment they have held that that in itself is prima facie evidence and the burden is then shifted to the railroad to show a negative.

Mr. CLARKE of Arkansas. The burden is very easily shifted. Any sort of legal evidence will do it.

Mr. SUTHERLAND. Mr. President, the object of putting in this provision is, as suggested by the Senator from New York, when the adjuster makes his findings he will pass upon the various matters that are in dispute; he will find, for example, that the employee was in the employ of the railroad company; that he was engaged in interstate commerce at the time of the accident; that he sustained an injury in the loss of a leg or whatever the injury may be.

Now, when the case is brought there may be but one question to present to the jury, namely, the amount of damages, or rather the length of time that the payment should continue, and it would be a wholly unnecessary burden to compel either the employer or the employee to put in proof any facts which are really not in dispute. So the object of it was to make these findings prima facie evidence. I do not care whether we call it prima facie evidence or simply competent evidence, or whatever term is applied, just so long as it may be received as evidence of the fact in the absence of any dispute in regard to it.

Mr. POINDEXTER. Mr. President, the question I was going to ask the Senator from Mississippi [Mr. WILLIAMS] is pertinent in view of the remark of the Senator from Utah. There is a very material difference in the effect this provision would have as it is now worded and if it is changed in accordance with the suggestion of the Senator from Mississippi. To illustrate, if it simply provided that the findings of the adjuster are admissible in evidence, there could be admitted any evidence, and it would have no more effect possibly than merely proving that there had been a proceeding before the adjuster without any possible effect whatever as to the facts in the case. So that it makes a radical change in the provision which ought to be had in mind in considering the proposed change.

Now, as to whether it affects the constitutional right of trial by jury, the Senator from Mississippi seems to draw some distinction between this evidence because it is a finding of an adjuster, because it is the opinion rendered by some one who has heard the evidence and reported on it, and any other rule of evidence, such as the rule in the enforcement of game laws, for instance, that the possession of game is prima facie proof that the law has been violated. I think there is no distinction between the rule of evidence in the one case and in the other. One no more than the other violates the right of trial by jury or in any way encroaches upon the right of trial by jury. It is simply a rule of evidence. Rules of evidence are made by statute, they are made by the courts, and they grow up as part of the common law. There are various kinds and various degrees of such rules, and this, no more than any other rule of evidence fixing the admissibility of evidence, the competency of

evidence, and the probative effect of evidence, will encroach upon the right of trial by jury.

Mr. WILLIAMS. In the two cases cited by the Senator from Washington does he not think the difference really is the difference between a fact and an opinion about a fact? A fact is one thing and an opinion about a fact is another. When, for example, you make the possession of the paraphernalia of gambling prima facie evidence in the case of a man charged with keeping a gambling house, the thing which you call evidence there is a fact; it is a palpable, material, visible fact; but this is the opinion of somebody about a fact.

Mr. POINDEXTER. That is very true.

Mr. WILLIAMS. It is constituting an opinion a fact.

Mr. POINDEXTER. But it may very well be true and a proper rule of evidence that the opinion of a regular official authorized to investigate a certain matter should have as much weight as other facts. It is a fact in itself. The fact is that this official has investigated the case and has come to this conclusion. There is no more reason why that should not be given some probative effect than there is that one of the facts to which the Senator from Mississippi referred should not.

Mr. CULBERSON. Mr. President, while this immediate matter is not regularly here, I will take advantage of the moment to say a word or so about the subject under discussion. On page 23 the bill provides—

whereupon the case shall be tried and determined in said court—

That is, in the district court of the United States—

all questions of law and fact being open for consideration de novo—

I want to emphasize that requirement—all questions of law and fact shall be open for consideration de novo.

Now, going on further, to subdivision 4 of that section of the bill, on page 24 that language is modified by the declaration:

The findings of the adjuster filed as aforesaid shall be received as prima facie evidence of the facts therein set forth in any trial before the court or jury.

The two provisions are, in my judgment, not only inconsistent, Mr. President, but the last one so embarrasses and so burdens the right of trial by jury as to be in substance and in spirit a violation of the seventh amendment of the National Constitution.

Mr. CRAWFORD. Mr. President——

Mr. CULBERSON. If the Senator will allow me, I will conclude in just a moment. The Senator from Georgia has illustrated that there are two instances in this bill, if not more, in which this militates against the employee; that is where he is denied the right to recover either on account of intoxication or because he brought the injury upon himself willfully; so that in those two cases, if not in others—I believe in all cases—the man comes to a trial by jury in the district court of the United States on an appeal from an adjuster, not with the entire freedom which the Constitution contemplated, but he comes with the handicap and the burden that he must show to the jury that the prima facie findings of the adjuster are in fact unjust. He must rebut the prima facie findings of the adjuster, if against him.

Now, the Senator from Utah says—and I had read it substantially in the report of the commission—that this provision is drawn in the spirit of the case of Capital Traction Co. *v.* Hof, reported in One hundred and seventy-fourth United States. Briefly, Mr. President, I want to invite the attention of the Senate to that case. In the first place, the opinion at page 28, approving the language of Chief Justice Hosmer, of Connecticut, uses these words:

A law containing arbitrary and unreasonable provisions made with the intention of annihilating or impairing the trial by jury would be subject to the same considerations as if the object had been openly and directly pursued.

That is the language of Chief Justice Hosmer, of Connecticut, in a case in the supreme court of that State, and is quoted with approval by the Supreme Court of the United States. On page 38 of the same opinion, instead of a case then pending, where the findings of a case appealed from were made prima facie evidence against the man claiming the right of trial by jury, the language of the act of Congress providing for trial by jury, on an appeal from a justice of the peace to a court in the District of Columbia, says what? Not that the trial by jury shall be thus handicapped or in any way encumbered by prima facie findings, but that it shall be "according to law and the equity and right of the matter."

That is the character of law which the Supreme Court of the United States, in the case of Capital Traction Co. against Hof, in One hundred and seventy-fourth United States, says is within the meaning and spirit of the seventh amendment to the Federal Constitution; and inferentially and argumentatively it is said that wherever there is a provision which embarrasses or impairs the right of trial by jury it is within the inhibition of the Constitution, and does not afford the preservation of jury trial within the meaning of that article of the Constitution.

At the proper time, Mr. President, I propose to go somewhat more fully into this question when I present my amendment; but I have taken this opportunity to point out the difference between the case here and the case which was appealed to the Supreme Court of the United States and reported in One hundred and seventy-fourth United States, and which was referred to by the Senator from Utah.

Mr. SUTHERLAND. I suggest that we let this matter pass over and proceed with the reading of the bill. We can take it up at a later stage.

The PRESIDING OFFICER. The Chair does not understand that any amendment has been offered.

Mr. SUTHERLAND. No; no amendment has been offered.

The PRESIDING OFFICER. The reading of the bill will be resumed.

The Secretary resumed the reading of the bill. The next amendment was, in section 14, page 24, line 12, after the word "counsel," to insert the words "or agent," and in line 16, before the word "fee," to strike out the word "counsel," so as to read:

(5) Wherever counsel or agent for the employee has stipulated for a fee, the agreement for such fee to be valid shall be made in writing and filed with the adjuster or clerk of the court in which the case is pending, and the employee shall not be liable to pay any fee in excess of the amount allowed by the adjuster or the court. In every case it shall be the duty of the adjuster or the court, as the case may be, regardless of any agreement, to fix the compensation, which shall not exceed a fair and reasonable sum for the services actually rendered.

The amendment was agreed to.

The next amendment was, on page 25, line 9, after the words "United States," to insert "as in other cases," so as to make the clause read:

(6) Appeals and writs of error may be taken from the district courts to the circuit courts of appeals and to the Supreme Court of the United States as provided in sections 128 and 238 of the Judicial Code, and it shall be competent for the Supreme Court of the United States to require, by certiorari or otherwise, any case to be certified to it for review and determination as provided in section 251 of the Judicial Code. In cases arising in the District of Columbia appeals may be taken from the Supreme Court of the District to the Court of Appeals of the District as in other cases, and appeals and writs of error may be taken to the Supreme Court of the United States as in other cases and said court may require, by certiorari or otherwise, any case to be certified to it for review and determination as in other cases.

The amendment was agreed to.

The Secretary resumed the reading of the bill, as follows:

(7) Any petition may be served by the United States marshal for the district where the proceedings are pending, or by any deputy. Any subpœna, process, or order of an adjuster, or any notice or paper requiring service, may be served by such United States marshal or deputy, or by any citizen of the United States over the age of 21 years, being a resident of such district, or by registered mail sent by the adjuster to the person or employer to be served, postage prepaid, and addressed to the principal place of business of such employer or to the place of residence of such person. The affidavit of such citizen, or the return registry receipt signed by the person or employer to be served, shall be prima facie proof of service.

The next amendment was, in section 15, page 26, line 3, before the word "guardian," to insert the word "natural"; and in the same line, before the word "committee," to insert "guardian or," so as to make the section read:

SEC. 15. That while any person entitled to compensation under this act shall be an infant or mentally incompetent, his natural guardian or guardian or committee, appointed pursuant to law, may on his behalf perform any duty required or exercise any right conferred by this act with the same force and effect as if such person was legally capable to act in his own behalf. No limitation respecting the time within which any right under this act is to be asserted shall, as against such infant or incompetent person, run while such infant or incompetent person has no guardian or committee: *Provided, however*, That the foregoing shall not apply to cases of infancy where the infant is over the age of 18 years, but such infant shall be treated for all purposes of this act as though of full age.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Utah to line 3, on page 26, of this section, at which point the Chair understands the Senator from Utah purposes to move the insertion of a comma.

Mr. SUTHERLAND. Yes; I move, on page 26, line 3, after the word "guardian," where it first occurs, to insert a comma.

The amendment to the amendment was agreed to.

Mr. POINDEXTER. There should also be a comma, should there not, after the word "guardian," where it occurs in the same line the second time? I move that amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The Secretary resumed the reading of the bill, and read as follows:

SEC. 16. That the assignment of any cause of action arising under this act, or of any payments due or to become due under the provisions hereof, shall be void. Every liability and all payments due or to become due under this act shall be exempt from levy or sale for private debt. In case of insolvency every liability for compensation under this

act shall constitute a first lien upon all the property of the employer liable therefor paramount to all other claims or liens except for wages and taxes, and such lien shall be enforced by order of the court.

The next amendment was, in section 17, page 27, line 8, before the word "award," to insert "or"; and in the same line, after the word "award," to strike out "or findings," so as to make the section read:

SEC. 17. That nothing in this act shall interfere with any proceeding by the United States to enforce any act of Congress regulating the appliances or conduct of any common carrier, or affect the liability of any such common carrier to a fine or penalty under any such act. Nothing in this act shall be so construed as to affect the power and jurisdiction of the courts, under the established principles of equity, to reform or cancel any agreement or award.

The amendment was agreed to.

The next amendment was, in section 18, page 28, line 22, after the word "compensation," to strike out "payable" and insert "already paid"; and in line 24, after the word "liability," to insert "and shall to the extent thereof be relieved from future payments," so as to make the section read:

SEC. 18. That where an injury or death for which compensation is payable under this act was caused under circumstances also creating a legal liability for damages on the part of any carrier subject to the provisions of this act other than the employer, the employer shall be subrogated to the right of the employee or dependents to recover against such other carrier, and such employer may bring legal proceedings against such carrier to recover the damages sustained by the injured employee or dependents in an amount not exceeding the aggregate amount of compensation payable to the injured employee or dependents under this act. That where the injury or death for which compensation is payable under this act was caused under circumstances also creating a legal liability for damages on the part of any person other than the employer, such person not being subject to the provisions of this act, legal proceedings may be taken against such other person to recover damages, notwithstanding the payment of or liability to pay compensation under this act; but in such case, if the action against such other person is brought by the injured employee, or, in case of his death, by his dependents, and judgment is obtained and paid, or settlement is made with such other person, either with or without suit, the employer shall be entitled to deduct from the compensation payable by him the amount actually received by such employee or dependents: *Provided*, That if the injured employee, or, in case of his death, his dependents, shall agree to receive compensation from the employer, or institute proceedings to recover the same, or accept from the employer any payment on account of such compensation, such employer shall be subrogated to all the rights of such employee or dependents and may maintain, or, in case an action has already been instituted, may continue an action either in the name of the employee or dependents, or in his own name, against such other person for the recovery of damages, but such employer shall nevertheless pay over to the injured employee or dependents all sums collected from such other person by judgment or otherwise in excess of the amount of such compensation already paid under this act, and costs, attorneys' fees, and reasonable expenses incurred by such employer in making such collection or enforcing such liability and shall to the extent thereof be relieved from future payments.

The amendment was agreed to.

The Secretary read as follows:

SEC. 19. That no contract, rule, regulation, or device whatsoever shall operate to relieve the employer in whole or in part from any liability created by this act.

The next amendment was, in section 20, page 29, line 5, after the word "employee," to insert "unless the monthly wage is ascertained by the contract of employment"; in line 9, after the word "accident," to insert "or, if payment be by the hour, by the piece, or by the job, shall be 26 times the average of one day's earnings in such business and class of service ascertained by taking the aggregate of the earnings for the month next preceding the accident and dividing this aggregate by the number of days on which the employee worked in the month"; in line 16, after the word "based," to strike out "thereon" and insert "on the monthly wages ascertained by the contract of employment or on the amount thereof determined as aforesaid, as the case may be"; and in line 25, after the word "wages," to insert "*Provided*, That where the employee is engaged in a class of service in which employees habitually and with the sanction of the employer receive for their own use gratuities from the traveling public, the monthly wages of such employee shall not be considered to be less than $50 a month"; so as to make the section read:

SEC. 20. That for all the purposes of this act the monthly wages of an employee, unless the monthly wage is ascertained by the contract of employment, shall be 26 times the established day's pay prevailing in the business of his employer for the class of service for which such employee was receiving pay at the time of the accident or, if payment be by the hour, by the piece, or by the job, shall be 26 times the average of one day's earnings in such business and class of service ascertained by taking the aggregate of the earnings for the month next preceding the accident and dividing this aggregate by the number of days on which the employee worked in the month. Calculations of the percentage of wages herein mentioned shall be based on the monthly wages ascertained by the contract of employment or on the amount thereof determined as aforesaid, as the case may be. For the purpose of such calculation, no employee's wages shall be considered to be more than $100 a month or less than $50 per month; except that where in any case the monthly wages of the employee are less than $25 per month, payment for the first 24 months of disability shall not exceed the full amount of such monthly wages: *Provided*, That where the employee is engaged in a class of service in which employees habitually and with the sanction of the employer receive for their own use gratuities from the traveling public, the monthly wages of such employee shall not be considered to be less than $50 a month.

The amendment was agreed to.

The Secretary resumed the reading of the bill and read as follows:

SEC. 21. That compensation under this act shall be made in accordance with the following schedule:

(A) Where death results from any injury, except in the cases provided for in section 23, and except in those cases in which, in certain contingencies, a reduced period is hereinafter provided for, the following amounts shall be paid for a period of eight years from the date of the death.

Mr. SUTHERLAND. On page 30, after line 15, I propose the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah will be stated.

Mr. OVERMAN. Is that a committee amendment?

Mr. SUTHERLAND. It is a committee amendment.

The SECRETARY. At the end of line 15, on page 30, it is proposed to insert:

Provided, however, That this limitation shall not apply to any child under the age of 16 years, but payments shall continue to such child until it shall have attained the age of 16 years.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

Mr. HITCHCOCK. I should like to hear the amendment again read.

The PRESIDING OFFICER. The amendment will be again stated.

The Secretary read the amendment proposed by Mr. SUTHERLAND.

Mr. HITCHCOCK. I should like to inquire of the Senator from Utah whether this bill contemplates that in the event of the accidental killing of a railroad employee who leaves no widow and only one child, being, say, 15½ years old, the only compensation she can recover is a maximum of $25 a month for six months.

Mr. SUTHERLAND. The bill contemplates that the compensation shall cease when the child reaches 16. The provision in all these compensation bills with which I am familiar fixes the same age. Many of the European bills fix it at 15. I know of none that fixes it at more than 16.

Mr. HITCHCOCK. So that in that case a girl 15½ years old, becoming an orphan as the result of the death of her father in an accident, would receive $150 in full settlement?

Mr. SUTHERLAND. If she is dependent——

Mr. HITCHCOCK. What does the word "dependency" mean?

Mr. SUTHERLAND. Unable to earn her living——

Mr. HITCHCOCK. Where is that definition?

Mr. SUTHERLAND. By reason of mental or physical incapacity.

Mr. HITCHCOCK. Does the Senator think it is within the bounds of reason to deprive that girl, 15½ years old, of the right that she now has to a substantial recovery from the railroad company on account of the death of her father and offer her only $150?

Mr. SUTHERLAND. You can not draw a bill of general and universal application that will not admit of some hardships somewhere or other. The purpose of the bill is to take care of these dependents, and we provide by this amendment now that the payments shall continue for the full period up to 16 years. That will add to the amount, as near as I can figure it, about a million dollars; an increase of the aggregate amount in our estimate $15,000,000 to $16,000,000. We have in that respect followed, as I say, the general provisions of laws upon this subject.

Mr. HITCHCOCK. I think it would be a very easy matter so to amend the bill that an orphan girl should not be put off with $150 in the event of the loss of her father.

Mr. SUTHERLAND. The suggestion of the Senator from Nebraska, of course, appeals to me. It does look like an unreasonable hardship——

Mr. HITCHCOCK. It is worse than that. It is monstrous.

Mr. SUTHERLAND. It is not monstrous.

Mr. HITCHCOCK. It is shocking to the country.

Mr. SUTHERLAND. That would be to charge the legislatures of the various countries of the world with doing a monstrous thing. I do not believe that should be said.

Mr. HITCHCOCK. It strikes me as almost inconceivable that there is no other provision for these helpless children than that in this bill. I think if the Senator wants support for the bill he must find some way so as to provide for the children.

Mr. SUTHERLAND. If the Senator had been patient I would have stated that I have an amendment prepared to the provision on page 42 in reference to that subject which I will

offer when we reach it. I do not know whether it will satisfy the Senator, but I will make the suggestion.

Mr. CULBERSON. I ask that the proposed amendment be again read.

The PRESIDING OFFICER. It will be again stated.

The SECRETARY. On page 30, line 15, after the word "death," insert:

Provided, however, That this limitation shall not apply to any child under the age of 16 years.

Mr. CULBERSON. That is enough. I move to strike out "sixteen" wherever it occurs and insert "eighteen."

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to strike out "sixteen" and insert "eighteen."

Mr. SUTHERLAND. The Senator certainly does not want to move it there, because that would necessitate a number of changes in the bill.

Mr. OVERMAN. I rise to a point of order. Are amendments in order now?

Mr. CULBERSON. This is an amendment to the amendment offered by the committee, and it is in order.

The PRESIDING OFFICER. It is in order when offered to the committee amendment.

Mr. SUTHERLAND. We have provided all the way through the bill for this age of 16.

Mr. CULBERSON. And the purpose of some Senators is to correct the bill in this respect throughout.

Mr. SUTHERLAND. The Senator did not hear me out. It provides for 16 years all the way through the bill, and if the Senator's amendment is adopted it will necessitate changing those provisions all the way.

Mr. CULBERSON. That is precisely what I desire to bring about.

Mr. SUTHERLAND. Let me finish. The Senator does not intend to do that at all, if he will let me finish. On page 42 we have a provision which covers the subject of "dependent children over the age of 16," and I intended when we reached that section to broaden the definition so as to include a female child under the age of 18 years. I do not know whether that would meet the views of the Senator from Texas.

Mr. CULBERSON. That does not meet my idea, and I insist on the amendment to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment. [Putting the question.] The "noes" appear to have it.

Mr. CULBERSON and others demanded the yeas and nays, and they were ordered.

Mr. ASHURST. I ask for the rereading of the amendment.

The SECRETARY. On page 30, line 15, after the word "death," insert:

Provided, however, That this limitation shall not apply to any child under the age of 16 years, but payments shall continue to such child until it shall have attained the age of 16 years.

It is proposed to strike out the word "sixteen" and insert "eighteen."

Mr. CULBERSON. Of course that means wherever it occurs.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I transfer the pair to the junior Senator from Illinois [Mr. LORIMER] and will vote. I vote "nay."

Mr. CHILTON (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. CULLOM]. I am opposed to the amendment to the bill.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. I transfer the pair to the junior Senator from Iowa [Mr. KENYON], and will vote. I vote "nay."

Mr. DILLINGHAM (when his name was called). In the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a pair, I withhold my vote.

Mr. RICHARDSON (when Mr. DU PONT's name was called). My colleague [Mr. DU PONT] is necessarily absent. He is paired with the Senator from Texas [Mr. CULBERSON].

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS]. I transfer the pair to the senior Senator from Virginia [Mr. MARTIN], and will vote. I vote "yea."

Mr. RICHARDSON (when his name was called). I have a pair with the junior Senator from South Carolina [Mr. SMITH]. He is not here, and I withhold my vote. If present, I would vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I do not think he has voted. I transfer the pair to the senior Senator from Maryland [Mr. RAYNER], and will vote. I vote "yea."

Mr. WARREN (when his name was called). I ask if the senior Senator from Louisiana [Mr. FOSTER] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. WARREN. I have a general pair with that Senator, and therefore withhold my vote.

The roll call was concluded.

Mr. CULBERSON (after having voted in the affirmative). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Maine [Mr. GARDNER], and will let my vote stand.

Mr. CHILTON. I have information that the Senator with whom I am paired, the Senator from Illinois [Mr. CULLOM], would vote "nay," and so I desire to vote. I vote "nay."

I desire while I am up to announce the pair of my colleague [Mr. WATSON] with the senior Senator from New Jersey [Mr. BRIGGS].

Mr. DILLINGHAM. I will transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the senior Senator from Illinois [Mr. CULLOM], and will vote. I vote "nay."

The result was announced—yeas 25, nays 34, as follows:

YEAS—25.

Ashurst	Gronna	Newlands	Smith, Ga.
Bacon	Hitchcock	Overman	Smith, S. C.
Bryan	Johnson, Me.	Poindexter	Swanson
Culberson	Johnston, Ala.	Pomerene	Williams
Davis	Kern	Shively	
Fletcher	Martine, N. J.	Simmons	
Gore	Myers	Smith, Ariz.	

NAYS—34.

Borah	Chilton	Jones	Sanders
Bourne	Clark, Wyo.	Lodge	Smoot
Bradley	Crane	Nelson	Stephenson
Bristow	Crawford	Nixon	Sutherland
Brown	Cummins	Oliver	Thornton
Burnham	Curtis	Page	Townsend
Burton	Dillingham	Penrose	Wetmore
Catron	Fall	Richardson	
Chamberlain	Gallinger	Root	

NOT VOTING—36.

Bailey	Foster	Lorimer	Rayner
Bankhead	Gamble	McCumber	Reed
Brandegee	Gardner	McLean	Smith, Md.
Briggs	Guggenheim	Martin, Va.	Smith, Mich.
Clapp	Heyburn	O'Gorman	Stone
Clarke, Ark.	Kenyon	Owen	Tillman
Cullom	La Follette	Paynter	Warren
Dixon	Lea	Percy	Watson
du Pont	Lippitt	Perkins	Works

So Mr. CULBERSON'S amendment to the amendment was rejected.

Mr. WILLIAMS. I do not think this is the proper place to offer the amendment, as it would hardly come in here as an amendment to the amendment. I voted for the amendment just offered rather against my judgment because I thought later on, on page 42, would be the proper place and another amendment would be better. When we get to that point I am going to move to amend the language defining what is a dependent child over 16 years, by adding that this shall not apply to certain persons. I am going to move to add "or to any female under the age of 21 years if not married." I think when a boy is 16 years of age, instead of being dependent upon his mother or any pension or annuity to his mother, he ought to be helping her.

Mr. SUTHERLAND. I had already stated to the Senate, before we voted upon the last amendment, that when we reached page 42 I had an amendment upon the same subject that I desired to offer.

Mr. WILLIAMS. About female children?

Mr. SUTHERLAND. With reference to female children.

Mr. WILLIAMS. I am glad to hear that.

Mr. SUTHERLAND. I had already so stated.

Mr. WILLIAMS. They ought to be taken care of until they are 21 or married.

Mr. SUTHERLAND. My amendment provides for 18. At any rate, that will come up when we reach page 42.

Mr. DAVIS. It may be a little out of order to do so, but I am going to take a try at it. I move that the Senate now take a recess until 11.30 o'clock to-morrow morning.

The PRESIDING OFFICER. The Senator from Arkansas moves that the Senate now take a recess until 11.30 o'clock to-morrow morning. [Putting the question.] The noes appear to have it.

Mr. DAVIS. I ask for the yeas and nays.

The yeas and nays were not ordered.

The motion to take a recess was rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The reading of the bill will proceed.

The reading of the bill was resumed and continued to line 18 on page 31, as follows:

(1) If the deceased employee leave a widow and no child under the age of 16, and no dependent child over the age of 16, there shall be paid to the widow 40 per cent of the monthly wages of the deceased.

(2) If the deceased employee leave a widow and any child under the age of 16, or any dependent child over the age of 16, there shall be paid to the widow for the benefit of herself and such child or children 50 per cent of the monthly wages of the deceased.

(3) If the deceased employee leave any child under the age of 16, or dependent child over the age of 16, but no widow, there shall be paid, if one such child, 25 per cent of the monthly wages of the deceased to such child, and if more than one such child 10 per cent additional for each of such children, not to exceed a total of 50 per cent of the monthly wages of the deceased divided among such children, share and share alike: *Provided*, That if the number of children entitled to payment be subsequently reduced to less than four, the amount of the payments shall be correspondingly diminished.

(4) In the event of the death or remarriage of a widow receiving payments under subdivision (2) of this clause, the amounts stated in subdivision (3) shall thereafter be paid to the child or children of the deceased employee therein specified for the unexpired part of the period of eight years from the date of the employee's death, subject to the provisions of subdivision (9) of this clause (A).

Mr. SUTHERLAND. On page 31, line 17, after the word "death," I move to insert "but to continue in any event until the youngest child shall have attained the age of 16 years," so as to read:

(4) In the event of the death or remarriage of a widow receiving payments under subdivision (2) of this clause, the amounts stated in subdivision (3) shall thereafter be paid to the child or children of the deceased employee therein specified for the unexpired part of the period of eight years from the date of the employee's death, but to continue in any event until the youngest child shall have attained the age of 16 years, subject to the provisions of subdivision (9) of this clause (A).

The amendment was agreed to.

The next amendment was, on page 31, line 23, after the word "both," to strike out "parents," so as to make the paragraph read:

(5) If the deceased employee leave no widow or children entitled to any payment hereunder, but leave a parent or parents, there shall be paid, in case of partial dependency, 15 per cent of the monthly wages of the deceased to such parent or parents, and if either is or both are wholly dependent on the deceased there shall be paid in lieu of the 15 per cent, if only one parent, 25 per cent of the monthly wages of the deceased, or if both parents, 40 per cent of the monthly wages of the deceased, to such parent or parents.

The amendment was agreed to.

The reading of the bill was continued, as follows:

(6) If the deceased leave no widow or child or parent entitled to any payment hereunder, but leave any brother, sister, grandparent, or grandchild wholly dependent upon him for support, there shall be paid to such dependent relative, if but one, 20 per cent of the monthly wages of the deceased, or if more than one, 30 per cent of the monthly wages of the deceased, divided among them share and share alike. If none of such relatives is wholly dependent and the deceased leave any such relative or relatives partially dependent upon him for support, there shall be paid to such dependent relative or relatives 10 per cent of the monthly wages of the deceased, divided among them share and share alike.

The next amendment was, on page 32, line 20, to strike out "Canada" and insert "contiguous countries," so as to make the paragraph read:

(7) The foregoing subdivisions of this clause (A) shall apply only to dependents who at the time of the death of the deceased employee are actual residents of the United States or contiguous countries, except (a) if the nonresident dependent be a widow and there be no resident child or children entitled to compensation under this act, there shall be paid to her a lump sum equal to one year's wages of the deceased employee, as hereinbefore defined and limited, for the benefit of herself and nonresident children, if any; (b) if the nonresident dependent be a child or children under the age of 16 years and there be no widow, resident or nonresident, and no resident children entitled to compensation under this act, there shall be paid to such nonresident child or children a like lump sum, to be divided among them share and share alike; it being the intention of the foregoing to exclude from the benefits of this act any such nonresident widow, child, or children, if there be any resident child or children entitled to compensation under this act, and to exclude from the benefits of this act all other resident dependents, if there be any nonresident widow, child, or children entitled to take under the provisions of this subdivision.

The amendment was agreed to.

The reading of the bill was continued, as follows:

(8) If the monthly payments for a death hereunder are at the rate of not more than $15 per month, there shall be paid by the employer a contribution of $75 toward the burial expenses: *Provided, however*, That where no compensation for death of an employee caused as defined by sections 1 and 2 of this act is payable hereunder there shall be furnished by the employer a reasonable burial expense not exceeding $150.

(9) If compensation is being paid under this act to any dependent, such compensation, unless otherwise provided for herein, shall cease upon the death or marriage of such dependent, and in case the dependent be a child, shall cease upon such child reaching the age of 16, unless dependent, and then when such child shall cease to be dependent.

(B) Where permanent total disability results from any injury, there shall be paid to the injured employee 50 per cent of the monthly wages of such employee during the remainder of his life. In the following cases it shall, for the purposes of this section, be conclusively presumed that the injury resulted in permanent total disability, to wit: The total and irrevocable loss of sight in both eyes, the loss of both feet at or above the ankle, the loss of both hands at or above the wrist, the loss of one hand and one foot, an injury to the spine resulting in permanent and complete paralysis of the legs or arms, and an injury to the skull resulting in incurable imbecility or insanity.

(C) Where temporary total disability results from any injury there shall be paid 50 per cent of the monthly wages of the injured employee during the continuance of such temporary total disability.

(D) Where permanent partial disability results from any injury—

(1) An amount equal to 50 per cent of his wages shall be paid to the injured employee for the periods stated against such injuries, respectively, as follows: In case of—

The loss by separation of one arm at or above the elbow joint, or the permanent and complete loss of the use of one arm, 72 months.

The loss by separation of one hand at or above the wrist joint, or the permanent and complete loss of the use of one hand, 57 months.

The loss by separation of one leg at or above the knee joint, or the permanent and complete loss of the use of one leg, 66 months.

The loss by separation of one foot at or above the ankle joint, or the permanent and complete loss of the use of one foot, 48 months.

The permanent and complete loss of hearing in both ears, 72 months.

The permanent and complete loss of hearing in one ear, 36 months.

The permanent and complete loss of the sight of one eye, 30 months.

The loss by separation of a thumb, 13 months; a first finger, 9 months; a second finger, 7 months; a third finger, 6 months; a fourth finger, 5 months.

The loss of one phalanx of a thumb or two phalanges of a finger shall be considered equal to the loss of one-half of a thumb or of a finger, and compensation for one-half of the above periods shall be payable.

The loss of more than one phalanx of a thumb and more than two phalanges of a finger shall be considered as the loss of an entire thumb or finger.

The loss by separation of a great toe, ninth months; any other toe, four months.

(2) In all other cases of injury resulting in permanent partial disability the compensation shall bear such relation to the periods stated in subdivision 1 of the clause (D) as the disabilities bear to those produced by the injuries named therein, and payments shall be made for proportionate periods not in any case exceeding 72 months.

The next amendment was, in section 21, page 36, line 18, to insert "suitable" before the word "work," so as to make the paragraph read:

(E) Where temporary partial disability results from an injury, the employee, if he is unable to secure work, shall receive 50 per cent of his wages during the continuance of such disability; but such payment shall not extend beyond the period fixed for payment for permanent partial disabilities of the same character; and if the employee refuses to work after suitable work is furnished or secured for him by the employer, he shall not be entitled to any compensation for such disability during the continuance of such refusal. If the employee is at work at reduced wages, he shall receive compensation according to the method provided in section 22.

The amendment was agreed to.

The next amendments were, in section 22, page 37, line 25, to insert "the employer may continue such injured employee in his service at suitable work, and if the employee accept such work and continue in his employer's service"; in section 22, page 37, line 4, to strike out the words "not accrue" and insert "be suspended"; in line 5, before the word "for," to insert 'such"; in line 7, before the word "as," to strike out "injury" and insert "accident"; in line 8, after the word "wages," to insert "received"; and in line 15, before the word "work," to insert "such," so as to make the section read:

SEC. 22. That, notwithstanding any agreement, award, finding, or judgment as hereinbefore provided for the employer may continue such injured employee in his service at suitable work and if the employee accept such work and continue in his employer's service, compensation in any case of injury shall be suspended while the injured employee is at such work for which he receives wages which do not fall below 90 per cent of the wages he was receiving at the time of the accident, as limited by the provisions of section 20 hereof. If his wages received fall below such 90 per cent, an amount of compensation shall be payable equal to the difference between said 90 per cent and such wages, not to exceed, however, 50 per cent of the monthly wages he was receiving at the time of the accident determined according to the provisions of section 20.

The time during which the employee is at such work shall effect a reduction to that extent in the aggregate period for which payments would otherwise be made.

The amendments were agreed to.

Mr. SUTHERLAND. In section 22, page 37, line 7, I submit a committee amendment. I move to strike out the words "as limited by the provisions of section 20 hereof."

The amendment was agreed to.

Mr. SUTHERLAND. In line 13, I move to strike out the words "determined according to the provisions of section 20."

The amendment was agreed to.

The next amendment was, in section 23, page 38, line 6, after the word "subdivision" to strike out the word "(seven)" and insert "(7)," so as to read:

SEC. 23. That should an employee who sustains an injury resulting in permanent total or permanent partial disability die from any cause at any time, or should an employee who sustains an injury resulting in temporary total or temporary partial disability die as a result of such injury after 14 days of disability, the employer shall be liable for an amount to be ascertained as follows:

First. By computing the amount which would have been payable under clause (A) of section 21, if death had immediately resulted from the accident and the dependents existing at the time of the accident entitled to compensation had remained so entitled for a period of eight years, except in cases covered by subdivision (7), in which the amount shall be taken as one year's wages of the deceased employee.

Mr. SUTHERLAND. In section 23, page 38, after the word "accident," in line 3, I move to insert a period and to strike out the remainder of that paragraph down to and including the word "employee," in line 8, in the following words:

And the dependents existing at the time of the accident entitled to compensation had remained so entitled for a period of eight years, except in cases covered by subdivision (7), in which the amount shall be taken as one year's wages of the deceased employee.

The amendment was agreed to.

Mr. CLARKE of Arkansas. Mr. President, the Senate has now been in session about seven hours, and during that time we have made very rapid progress in the perfection of the bill, according to the views of those who are directly in charge of it. I think we ought to take cognizance of common sense and not protract the session to an extent that will still further exhaust the capacity of the Senate to do intelligent and expeditious work. I think we ought to discuss the proposition of taking a recess until some hour which will be satisfactory. I do not believe anyone desires to unusually protract the consideration of the bill or by unreasonable objections to arrest the progress of it.

Mr. SUTHERLAND. Will the Senator not permit, before making the suggestion, that the reading of the bill may be finished? It will take only a few minutes.

Mr. CLARKE of Arkansas. I have no objection except that I thought the time had arrived when we ought to attempt to find out the differences between us as to how long the Senate is to remain in session. I will renew the request after the bill has been read.

Mr. SUTHERLAND. Yes; it will take only a few minutes.

Mr. SMITH of Georgia. I should like to ask the Senator from Utah whether it will be agreeable at the conclusion of perfecting the bill by the committee amendments to take a recess?

Mr. SUTHERLAND. I shall move that the Senate take a recess when the reading of the bill has been finished?

Mr. SMITH of Georgia. Until 12 o'clock to-morrow?

Mr. SUTHERLAND. We shall have to meet a little earlier than 12 o'clock.

Mr. OVERMAN. Eleven fifty.

Mr. SMITH of Georgia. I suggest 11.30.

Mr. SUTHERLAND. The reading of the bill can be finished in a very few minutes.

Mr. SMITH of Georgia. I would very much prefer to take a recess until 11.30 and then have half an hour at lunch, but I presume the proposition would not be agreeable to those in charge of the bill.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The reading of the bill was resumed as follows:

Second. By deducting from such amount a sum equal to the payments for the period between the accident and the death, which, if the accident had immediately resulted in death, the employer, by reason of the happening of any of the contingencies mentioned in clause (A) of section 21, would have been relieved from making.

Third. By deducting from the remainder so ascertained the amount of the compensation paid up to the time of death under clause (B), (C), (D), or (E) of section 21 or under section 22.

The amount so ascertained shall be paid to the dependents, if any, of such employee, living at the time of his death, in the same amounts and subject to the same contingencies as if compensation had been payable to them under clause (A) of section 21 by reason of their having been dependent at the time of the accident: *Provided*, That should an employee who sustains an injury resulting in permanent partial disability die from cause other than the injury at any time, the liability of the employer shall not exceed the unpaid balance of the amount which, if the injured employee had lived, would have been paid under the terms of any agreement, award, findings, or judgment, or under clause (D), section 21, or under section 22.

SEC. 24. That if, in an accident, an employee receive an injury resulting in permanent partial disability and in the same accident receive additional injury, which, by itself, entitles him to compensation, or if he be injured in the service of the same employer while entitled to or receiving payments for a previous injury, the amount of the monthly payment to him for such combined injuries shall be computed as for a single injury as provided for and limited by section 20 hereof, but in such case the periods of time prescribed for such combined injuries, severally, shall be added together: *Provided*, That where any of such periods is less than three months, the same shall not be added, but shall be disregarded.

If an employee receive an injury, which, of itself, would only cause permanent partial disability, but which, combined with a previous injury, does in fact cause permanent total disability, the employer shall only be liable as for the permanent partial disability, so far as the subsequent injury is concerned.

SEC. 25. That in case any employee for whose injury or death compensation is payable under this act shall, at the time of the injury, be employed and paid jointly by two or more employers subject to this act, such employers shall contribute the payment of such compensation in the proportion of their several wage liability to such employee. If one or more but not all of such employers should be subject to this act, then the liability of such of them as are so subject shall be to pay that proportion of the entire compensation which their proportionate wage liability bears to the entire wages of the employee: *Provided, however*, That nothing in this section shall prevent any arrangement between such employers for a different distribution, as between themselves, of the ultimate burden of such compensation.

SEC. 26. That where payment of compensation is made to the widow for the use of herself, or for the use of herself and child or children, her written receipt therefor shall acquit the employer. Where payment is made to any child 18 years of age or over, the written receipt therefor of such child shall acquit the employer. Where payment is due to a child under the age of 18 years, the same shall be made to a duly appointed and qualified guardian of such child under the laws of the State of such child's residence, and the written receipt therefor of such guardian shall acquit the employer.

SEC. 27. That the term "dependent" shall include all persons who are entitled to compensation under the provisions of clause (A), section 21, and of section 23, and wherever the context requires it, shall be held to include the personal representatives of the deceased and guardians of infants or incompetent persons.

The term "injury," wherever the context requires it, shall be held to include death resulting from injury.

The term "employee" includes an apprentice, but does not include an employee whose employment is purely casual, and not for the purposes of the employer's business. It shall include the singular and plural and both sexes. Any reference to an employee who has been injured shall, where the employee is dead, and the context requires it, include a reference to his dependents or personal representatives

The term "physician or physicians" includes surgeon or surgeons.

The term "child or children" shall include posthumous children and all other children entitled by the law of the State where the accident happens to inherit as children of the deceased employee.

"Disability" under this act shall mean want of capacity or ability by reason of injury to make full wages and full time in the position where working at the time of receiving the injury.

The term "dependent child over the age of 16," wherever it occurs in this act, or any reference to such child, shall be construed to mean a dependent child over the age of 16 years unable to earn a living by reason of mental or physical incapacity.

Mr. SUTHERLAND. On page 42, line 5, after the word "incapacity," I move to insert "or a female child under the age of 20 years, unless sooner married."

Mr. HITCHCOCK. I should like to ask the Senator from Utah whether, in view of that amendment, we should not insert the word "male" before the words "dependent child"?

Mr. SUTHERLAND. No; I think not, because that is a definition of what is a dependent child over the age of 16. I do not think it would hurt to put in the word "male," but I do not think it is at all necessary.

Mr. SMITH of Georgia. I should like to understand just what the amendment is and how the paragraph would read as amended.

The PRESIDING OFFICER. The paragraph will be read as it would stand if amended.

The Secretary read as follows:

The term "dependent child over the age of 16," wherever it occurs in this act, or any reference to such child, shall be construed to mean a dependent child over the age of 16 years unable to earn a living by reason of mental or physical incapacity, or a female child under the age of 20 years, unless sooner married.

The PRESIDING OFFICER. The question is on agreeing to the amendment as proposed by the Senator from Utah.

The amendment was agreed to.

The reading of the bill was continued as follows:

Whenever an employee of a common carrier engaged in interstate or foreign commerce by railroad shall sustain personal injury by accident arising out of and in the course of his employment resulting in his disability or death, it shall be presumed prima facie that such employee was at the time of the accident engaged in such commerce.

SEC. 28. That without otherwise affecting the meaning or interpretation thereof the phrase "personal injury by accident arising out of and in the course of his employment"—

(a) Shall not cover an employee except while he is engaged in, on, or about the premises where his services are being performed, which are occupied by or under the control of the employer, or while he is engaged elsewhere in or about his employer's business where his service requires his presence as a part of such service at the time of the injury and subjects him to dangers incident to that employment.

(b) It shall not include an injury caused by the wilful act of another directed against him for reasons personal to such employee and not against him as an employee or because of his employment.

(c) It shall not include a disease or infection except as it shall result from the injury.

The next amendment was, in section 29, page 43, line 23, before the words "per cent," to strike out "five" and insert "four," so as to make the section read:

SEC. 29. That where in any case payments have continued for not less than six months either party may, upon due notice to the other party, apply to the court having jurisdiction of the territory within which the accident occurred for an order commuting the future payments to a lump sum. The application shall be considered by the court sitting without a jury, and may be granted where it is shown to the satisfaction of the court that the payment of a lump sum in lieu of future monthly payments will be for the best interest of the person or persons receiving or dependent upon such compensation, or that the continuance of monthly payments will, as compared with lump-sum payments, entail undue expense or undue hardship upon the employer liable therefor, or that the person entitled to compensation has removed or is about to remove from the United States. Where the commutation is ordered the court shall fix the lump sum to be paid at an amount which will equal the total sum of the probable future payments, capitalized at their present value upon the basis of interest calculated at 4 per cent per annum with annual rests. Upon paying such amount the employer shall be discharged from all further liability on account of the injury or death, and be entitled to a duly executed release, upon filing which, or other due proof of payment, the liability of such employer under any agreement, award, findings, or judgment shall be discharged of record.

The reading of the bill was continued, as follows:

SEC. 30. That nothing herein contained shall be construed as doing away with or affecting any common-law or statutory right of action or remedy for personal injury or death happening before this act shall take effect.

The next amendment was to strike out section 31, page 44, lines 9 to 14, inclusive, which reads as follows:

SEC. 31. That it is hereby declared to be the policy of Congress that the burden of compensation under this act for personal injuries shall be considered as an element of the cost of transportation, and the Interstate Commerce Commission in any proceeding before it affecting rates is directed to recognize and give effect to this policy.

The amendment was agreed to.

The reading of the bill was resumed and concluded, as follows:

SEC. (32) 31. That it shall be the duty of every employer subject to this act to make reports of accidents, payments, and operations under this act to the Interstate Commerce Commission in such detail and at such times as the said commission may by general regulation require. Such reports shall be compiled and the general results thereof published as soon after they are received as practicable.

SEC. (33) 32. That this act shall take effect on the 1st day of July, 1912, and may be cited as the Federal accident compensation act of 1912.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 18033. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes;

H. R. 21279. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes; and

H. R. 23774. An act providing an appropriation to check the inroads of the Missouri River in Dakota County, Nebr.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18335) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ANDERSON of Ohio, and Mr. FULLER managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18337) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ANDERSON of Ohio, and Mr. FULLER managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18954) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ANDERSON of Ohio, and Mr. FULLER managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18955) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ANDERSON of Ohio, and Mr. FULLER managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ADAMSON, Mr. RICHARDSON, and Mr. STEVENS of Minnesota managers at the conference on the part of the House.

HOUSE BILLS REFERRED.

H. R. 18033. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes, was read twice by its title and referred to the Committee on Territories.

H. R. 21279. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, was read twice by its title and referred to the Committee on Post Offices and Post Roads.

H. R. 23774. An act providing an appropriation to check the inroads of the Missouri River in Dakota County, Nebr., was read twice by its title and referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the congregation of the Baptist Church of Pittsview, Ala., and a petition of the congregation of the Methodist Episcopal Church of Russell County, Ala., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Young Men's Hebrew Association of St. Louis, Mo., expressing sympathy for the loss of life by the sinking of the steamship *Titanic*, which were referred to the Committee on Commerce.

Mr. BOURNE. At the request of Paul A. Harsch, secretary to the National League for Medical Freedom, I present a large number of memorials from citizens of the State of Oregon, remonstrating against the passage of any national so-called health legislation such as the Owen bill and other measures. I move that the memorials lie on the table.

The motion was agreed to.

Mr. OLIVER presented a petition of sundry citizens of Shohola, Pa., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregation of the Free Methodist Church of Rochester; of the Woman's Christian Temperance Union of Brave; and of members of the Men's Brotherhood of St. Stephen's Lutheran Church, of Pittsburgh, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. ROOT presented memorials of sundry citizens of Buffalo, Ithaca, New Rochelle, and Rochester, all in the State of New York, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

AGRICULTURE APPROPRIATION BILL.

Mr. BURNHAM, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, reported it with amendments and submitted a report (No. 696) thereon.

MISSOURI RIVER EMERGENCY APPROPRIATION.

Mr. NELSON. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 23774) providing an appropriation to check the inroads of the Missouri River in Dakota County, Nebr.

Mr. BROWN. Mr. President, that is a bill of very great emergency, and it is very short. I wish that it might be considered.

The VICE PRESIDENT. Without objection, the Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. PENROSE:

A bill (S. 6680) granting an increase of pension to Isaac Smouse (with accompanying papers); to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 6681) granting an increase of pension to Sophfronia F. Cady; to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 6682) for the relief of John Duggan, alias John McCarty (or McCarthy); to the Committee on Military Affairs.

By Mr. KERN:

A bill (S. 6683) granting an increase of pension to Josiah L. Burton (with accompanying papers); and

A bill (S. 6684) granting a pension to Oscar C. Shull (with accompanying paper); to the Committee on Pensions.

By Mr. TILLMAN:

A joint resolution (S. J. Res. 105) authorizing Surg. Eugene Wasdin, United States Public Health and Marine-Hospital Service, to accept a decoration tendered him by the Italian Government; to the Committee on Foreign Relations.

OMNIBUS CLAIMS BILL.

Mr. SHIVELY submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the

Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

HOURS OF LABOR.

Mr. ROOT submitted an amendment intended to be proposed by him to the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, any Territory, or for the District of Columbia, and for other purposes, which was ordered to lie on the table and be printed.

AIDS TO NAVIGATION.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NELSON. I move that the Senate insist upon its amendments and agree to the conference asked by the House, and that the Chair appoint the conferees.

The motion was agreed to; and the Vice President appointed Mr. NELSON, Mr. BURTON, and Mr. FLETCHER conferees on the part of the Senate.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes.

Mr. SMITH of Georgia. I have a letter and telegram which I desire to have put in the RECORD.

There being no objection, the letter and telegram were ordered to be printed in the RECORD, as follows:

KANSAS CITY, MO., *May 3, 1912.*

Hon. JAMES A. REED,
United States Senate, Washington, D. C.:

Railroad men here heartily approve your position on compensation bill. Mr. Wills, of Brotherhood of Locomotive Engineers, does not represent sentiments of railroad men in this section.

L. GOLDANELS, *Secretary No. 537,*
Brotherhood of Locomotive Firemen and Engineers.

ST. JOSEPH, MO., *April 30, 1912.*

Hon. JAMES REED,
United States Senator, Washington, D. C.

DEAR SIR: A copy of Senate bill 5382, known as the Federal compensation bill has been taken up and considered by the members of the P. Lavelle Lodge, No. 92, Brotherhood of Railroad Trainmen, St. Joseph, Mo., and the action taken thereon was against the passage of the bill.

We do not think it is the kind of compensation bill that is desired, and we furthermore do not think it is just to the cause of railroad employees.

Hoping that you will do all in your power to defeat the passage of this bill, and thanking you for the copy of bill and the explanation of same, we are,

Yours, very truly,

THOS. FANINGTON.
CHAS. S. SIMINEO.
A. C. VOORHIES.

Mr. SUTHERLAND. I move that the Senate stand in recess until 11.50 o'clock to-morrow.

Mr. BACON. There is no "to-morrow" in the legislative day.

Mr. SUTHERLAND. If the Senator will give me some parliamentary word that will fit, I will accept his suggestion.

Mr. BACON. The Senator will have to say "Saturday."

Mr. SUTHERLAND. I move that the Senate take a recess until the calendar day Saturday next, at 11.50 o'clock.

The motion was agreed to, and (at 6 o'clock and 20 minutes p. m., Friday, May 3) the Senate took a recess until Saturday, May 4, at 11 o'clock and 50 minutes a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 3, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

Our Father in heaven, we bless Thee for the eternal principles revealed in the marvelous Sermon on the Mount, which inspires to holy living, comforts the sorrowing, soothes the dying, and makes clear the immortality of the soul. Help us to live those principles and prove ourselves worthy sons of the living God, in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE RECORD.

Mr. MANN. Mr. Speaker, I call attention to a speech inserted in the RECORD, on page 5999, by the gentleman from New York [Mr. SULZER] on the Post Office appropriation bill, where the previous question had been ordered and debate was out of order. The RECORD shows, on page 5999 once and on page 6000 three times, practically the following: "I now send to the Clerk's desk and ask to have read a certain paper." And then follows: "The Clerk read as follows."

Of course no such transaction took place in the House. I do not think in inserting speeches in the RECORD out of place any Member ought to purport to state a transaction as taking place in the House which does not take place in the House. In the absence of the gentleman from New York [Mr. SULZER], I shall not make any motion and do not know that I would do it if he were here. But if such things are to occur in speeches inserted in the RECORD, making misstatements as to what actually took place in the House, purporting to state that the gentleman asks the Clerk to read and the Clerk does not read——

Mr. KENDALL. Following that by a comment on what is purported to have been read——

The SPEAKER. The Chair would ask the gentleman from Illinois [Mr. MANN] what suggestion he has to make about it, if any? It seems to the Chair——

Mr. MANN. The suggestion I make is that if it occurs hereafter probably I shall move to strike the statement from the RECORD, because it is not fair to the House, especially where the previous question is ordered and debate is not in order, to make it appear that a gentleman not only debates, but that the Clerk reads.

The SPEAKER. The Chair thinks the suggestion of the gentleman from Illinois [Mr. MANN] is proper. The only question is where to order the speech printed. The gentleman from New York had the right to print a speech. It seems to the Chair that it ought to be taken out of the place in which it is inserted now, undoubtedly.

Mr. FINLEY. I suggest this. The gentleman from New York [Mr. SULZER] is not here, and it may be, through inadvertence or otherwise, that this speech or proposed speech was inserted in the wrong place in the RECORD.

Mr. MANN. In any event it is not proper in the insertion of a speech by leave to purport and put in what the Clerk does. The Clerk does nothing.

Mr. FINLEY. I agree with the gentleman on that proposition.

Mr. MANN. It is an erroneous statement. I do not make any motion at present, but this is not the first time it has happened and I think it is time to call attention to it.

Mr. FINLEY. I will state it is the first time I have known it to happen.

The SPEAKER. The Chair will ask the gentleman from Illinois [Mr. MANN], who keeps account of these detailed matters, how many days under the practice are allowed for the correction of the permanent RECORD now?

Mr. MANN. Until it is made up; usually about 10 days, I think.

Mr. KENDALL. Mr. Speaker, I want to call the attention of the gentleman from South Carolina [Mr. JOHNSON] to the fact that these remarks, to be pertinent at all, would have to appear where they appear now in the RECORD, because they relate to an editorial which was not printed until the 1st day of May.

The SPEAKER. Let the matter hold over until the gentleman from New York [Mr. SULZER] comes back, and the Chair will then take the trouble to notify him.

ORDER OF BUSINESS.

Mr. POU. Mr. Speaker, I ask unanimous consent that the next legislative day, immediately following the disposition of the bill now under consideration, be allotted to the Committee on Claims for the consideration of bills on the Private Calendar.

The SPEAKER. The gentleman from North Carolina [Mr. POU] asks unanimous consent that the next legislative day succeeding the disposition of this appropriation bill by the House shall be set apart for the Committee on Claims—of course with the proviso that the next legislative day after this bill is disposed of would not be Calendar Wednesday.

Mr. MANN. I was going to suggest that, and I was going to suggest further unanimous-consent day.

Mr. ADAMSON. Mr. Speaker, as I understand, that committee is entitled to a day by right and by rule.

Mr. MANN. If it gets it; yes.

Mr. ADAMSON. I understood yesterday, Mr. Speaker, that the Panama Canal bill would come up after this bill was finished, and that upon that arrangement I would not be prejudiced by substituting a subsequent day for this.

The SPEAKER. The gentleman from North Carolina [Mr. POU] asks unanimous consent that the first legislative day, provided it is not Wednesday——

Mr. MANN. Or unanimous-consent day. Does the gentleman include in his request an exception of unanimous-consent day?

Mr. POU. Yes; I except that.

The SPEAKER (continuing). And except the day for unanimous consent and suspension of the rules, shall be set apart for the consideration of bills from his committee.

Mr. NORRIS. Except Monday and Wednesday?

The SPEAKER. Except Monday and Wednesday.

Mr. MANN. Bills on the Private Calendar. I take it, claims should not have preference over war claims.

Mr. POU. There would not be any controversy about that.

Mr. MANN. There would be a controversy, because when claims are in order war claims are also in order.

Mr. POU. My proposal was to set apart a day for the consideration of bills from the Committee on Claims.

Mr. MANN. Reserving the right to object, Mr. Speaker, if the gentleman had the right to-day, he would not have that preference.

Mr. NORRIS. Why does not the gentleman make a request that bills in order to-day will be in order on the day that is set apart? That would simply substitute this day for a day following the finishing of the pending appropriation bill.

Mr. POU. I made the proposition so that the bills now on the calendar could be considered. There are many gentlemen, a large number, interested in them.

Mr. MANN. There are a large number of bills on the Private Calendar reported from committees other than the Committees on Claims and War Claims, which, under the practice, come up in regular order, either on claims day or war-claims day. If the gentleman wants to substitute another legislative day for to-day, I have no objection, but I think it ought to be on the same terms as though the calendar were called to-day.

Mr. POU. I am willing to accept that amendment.

The SPEAKER. The gentleman from North Carolina [Mr. POU] asks unanimous consent that on the first legislative day succeeding the disposition of this appropriation bill, provided the day is not the first or third Monday, or Wednesday, shall be set apart for such business as would be in order to-day——

Mr. MANN. On the Private Calendar.

The SPEAKER. On the Private Calendar. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent to revise and extend some remarks which I made on the day before yesterday on House bill 17556.

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED] asks unanimous consent to extend his remarks in the RECORD on House bill 17556. Is there objection?

There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24023, the legislative, executive, and judicial appropriation bill, with Mr. UNDERWOOD in the chair.

The CHAIRMAN. Under the unanimous-consent agreement before the committee rose last evening it was agreed that the gentleman from Illinois [Mr. MANN] should be recognized for 30 minutes. The Chair recognizes the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I shall not address the House at this time upon the subject which I had intended to, and I ask leave to extend my remarks in the RECORD upon a matter entirely different from the one I had intended to address the House upon.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

[Mr. MANN addressed the committee. See Appendix.]

The Clerk read as follows:

Clerks and messengers to committees: Clerk to the Committee on Additional Accommodations for the Library of Congress, $2,220, messenger, $1,440; clerk to the Committee on Agriculture and Forestry, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Appropriations, $4,000, two assistant clerks, at $2,500 each, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee to Audit and Control the Contingent Expenses of the Senate, $2,500, messenger, $1,440; clerk to the Committee on Canadian Relations, $2,220, messenger, $1,440; clerk to the Committee on the Census, $2,220, messenger, $1,440; clerk to the Committee on Civil Service and Retrenchment, $2,220, messenger, $1,440; clerk to the Committee on Claims, $2,500, assistant clerk, $2,000, assistant clerk, $1,440, messenger, 900; clerk to the Committee on Coast and Insular Survey, $2,220, messenger, $1,440; clerk to the Committee on Coast Defenses, $2,220, assistant clerk, $1,440; clerk to the Committee on Commerce, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Conference Minority of the Senate, $2,220, assistant clerk, $1,800; clerk to the Committee on Conservation of National Resources, $2,220, messenger, $1,440; clerk to the Committee on Corporations Organized in the District of Columbia, $2,220, messenger, $1,440; clerk to the Committee on Cuban Relations, $2,220, assistant clerk, $1,440; clerk to the Committee on Disposition of Useless Papers in the Executive Departments, $2,220, messenger, $1,440; clerk to the Committee on the District of Columbia, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Education and Labor, $2,220, assistant clerk, $1,440; clerk to the Committee on Engrossed Bills, $2,220, messenger, $1,440; clerk to the Committee on Enrolled Bills, $2,220, assistant clerk, $1,440; clerk to the Committee to Examine the Several Branches of the Civil Service, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Department of Agriculture, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Interior Department, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Department of Justice, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Navy Department, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Post Office Department, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Department of State, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Treasury Department, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the War Department, $2,220, messenger, $1,440; clerk and stenographer to the Committee on Finance, $3,000, messenger, $1,440; clerk to the Committee on Fisheries, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on the Five Civilized Tribes of Indians, $2,220, messenger, $1,440; clerk to the Committee on Foreign Relations, $2,500, assistant clerk, $2,220, messenger, $1,440; clerk to the Committee on Forest Reservations and the Protection of Game, $2,220, messenger, $1,440; clerk to the Committee on the Geological Survey, $2,220, messenger, $1,440; clerk to the Committee on Immigration, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Indian Affairs, $2,500, assistant clerk, $1,440; clerk to the Committee on Indian Depredations, $2,220, messenger, $1,440; clerk to the Committee on Industrial Expositions, $2,220, messenger, $1,440; clerk to the Committee on Interoceanic Canals, $2,220, assistant clerk, $1,440; clerk to the Committee on Interstate Commerce, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee to Investigate Trespassers on Indian Lands, $2,220, messenger, $1,440; clerk to the Committee on Irrigation and Reclamation of Arid Lands, $2,220, messenger, $1,440; clerk to the Committee on the Judiciary, $2,500, assistant clerk, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Joint Committee on the Library, $2,500, messenger, $1,440; clerk to the Committee on Manufactures, $2,500; assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Military Affairs, $2,500, assistant clerk, $2,220, assistant clerk, $1,440, messenger, $900; clerk to the Committee on Mines and Mining, $2,220, messenger, $1,440; clerk to the Committee on the Mississippi River and its Tributaries, $2,220, messenger, $1,440; clerk to the Committee on Naval Affairs, $2,500, assistant clerk, $1,440; clerk to the Committee on Pacific Islands and Porto Rico, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Pacific Railroads, $2,220, messenger, $1,440; clerk to the Committee on Patents, $2,220, messenger, $1,440; clerk to the Committee on Pensions, $2,500, assistant clerk, $1,800, two assistant clerks, at $1,440 each, messenger, $1,440; clerk to the Committee on the Philippines, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Post Offices and Post Roads, $2,500, three assistant clerks, at $1,440 each, messenger, $1,440; clerk of printing records, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Private Land Claims, $2,220, assistant clerk, $1,800; clerk to the Committee on Privileges and Elections, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Public Buildings and Grounds, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Public Health and National Quarantine, $2,220, assistant clerk, $1,440; clerk to the Committee on Public Lands, $2,500, assistant clerk, $1,440; clerk to the Committee on Railroads, $2,220, messenger, $1,440; clerk to the Committee on Revolutionary Claims, $2,220, messenger, $1,440; clerk to the Committee on Rules, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Standards, Weights, and Measures, $2,220, messenger, $1,440; clerk to the Committee on Territories, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Transportation and Sale of Meat Products, $2,220, messenger, $1,440; clerk to the Committee on Transportation Routes to the Seaboard, $2,220, messenger, $1,440; clerk to the Committee on the University of the United States, $2,220, messenger, $1,440; clerk to the Committee on Woman Suffrage, $2,220, messenger, $1,440; in all, $318,640.

Mr. AUSTIN. Mr. Chairman, I desire to ask the gentleman having this bill in charge if he can give the committee any information as to how much work the Senate Committee on Revolutionary Claims has to do. I see this bill carries $2,220 for a clerk and $1,440 for a messenger to that committee. I also wish to inquire as to the Committee on the University of the United States.

Mr. NORRIS. Mr. Chairman, before the gentleman from South Carolina answers the gentleman from Tennessee, I should like to ask the gentleman from Tennessee if it is his intention to make a motion to add an assistant clerk or messenger in these cases?

Mr. AUSTIN. That is the reason I asked for the information. I supposed the present clerk was overworked, and that we might give him an assistant or two.

Mr. BARTLETT. Mr. Chairman, these items have been carried in the legislative bill ever since I have been here, as well as ever since the gentleman from Tennessee and the gentleman from Nebraska have been here, and this is the first time they have ever found the items in the bill, it seems.

Mr. AUSTIN. Inasmuch as the policy of this bill is to cut, economize, and reduce in the various executive departments of the Government, why not begin at the other end of the Capitol Building and make a fight for economy all along the line?

Mr. JOHNSON of South Carolina. Mr. Chairman, there is a well-established rule that one House never interferes with the

appropriations that are made for the convenience and accommodation of the other House.

Whatever may be the opinion of the members of the Committee on Appropriations as to the expenditures of the Senate, we did not feel authorized to call the Senators before us and inquire into the propriety of those expenditures. We have written into the paragraph which was just read the law for this fiscal year, taking into account the shorter session, so far as the session employees are concerned.

I may say that there was submitted to the Committee on Appropriations a proposition to increase by more than 30 persons the clerks and messengers who are already provided for. During the first session of the Sixty-second Congress, while the House was dispensing with 100 employees, or thereabouts, the Senate by special resolutions created 30 new places, and other resolutions of a like character have passed at this session. Your committee did not include in this bill these people who are now on the pay roll of the Senate under special resolutions and who are being paid out of the contingent fund.

I want to say that in 1902 the paragraph which we have just read carried $161,000. As it is made up by the Committee on Appropriations it carries $318,000. As the committee was requested by the Senate to make it up it would have carried $358,000, or an increase from $161,000 in 1902 to $358,000 for the year 1913. But the committee, under the long-established and well-recognized rules that must obtain between the two Houses, did not feel justified in going into the expenditures of the Senate.

Mr. AUSTIN. Will the gentleman tell me if there is any legislation pending in the Senate in reference to the university of the United States?

Mr. JOHNSON of South Carolina. I do not know what legislation is pending in the Senate.

Mr. AUSTIN. The Senate has a Committee on the University of the United States, a clerk to that committee at a salary of $2,220, and a messenger a $1,440. Is there any legislation or anything at all looking to the establishment of a university of the United States in the Senate?

Mr. FITZGERALD. For a great many years there has been a pronounced movement which contemplated the expenditure of a large sum of money for that purpose, and I am surprised that it has escaped the attention of the gentleman from Tennessee.

Mr. AUSTIN. What I am complaining of is that the bill appropriating the money is not here. If a Senator has introduced a bill looking to the appropriation for the establishment of a university of the United States, that would not justify the Senate in appointing a committee and a clerk and a messenger and perpetuate these salaries without bringing in some legislation with reference to the establishment of such a university.

Mr. FITZGERALD. That would be a matter that the Senate could more properly determine than the gentleman from Tennessee or myself. Just how much assistance is required for one Senator or several Senators to consider one or more bills is something I am unable to state, as I never enjoyed the privilege of serving as a Senator. I have some knowledge of what a Member of the House requires.

Mr. AUSTIN. I want to ask the gentleman having the bill in charge why it is that we are appropriating in the bill $2,000 per annum for secretaries to Senators and only $1,500 for secretaries to Members of the House, and why we allow each Senator not only a secretary at a salary of $2,000 a year, but also furnish him, in addition, with a stenographer at an annual salary of $1,200 a year? Why should a United States Senator be provided with a secretary at a salary of $2,000 and a stenographer at $1,200, and a Member of the House only provided with a secretary at $1,500? Then we are voting in this bill $1,440 per annum for a messenger to a committee of the Senate and only $720 for a messenger to a committee in the House of Representatives. Why is it that we are called upon to discriminate against this House in favor of the Senate, paying our employees in a number of instances only half of what we are willing to sit here and pay to corresponding employees in the Senate? It is not justice to our employees and it is not fair to ourselves.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. AUSTIN. Certainly.

Mr. FITZGERALD. Which does the gentleman think is wrong, the compensation paid to the employees of the Senate or the compensation paid to those in the House? Does he think that those in the Senate are paid too high or those in the House too low?

Mr. AUSTIN. I do not think the compensation paid to those in the Senate is too much, but I do think that a messenger of this House at $60 a month is not receiving enough. I say when we sit here and vote to provide a Senator with a secretary at $2,000 a year and a stenographer at $1,200 a year, and $1,440 for a messenger, we are saying by that vote that we indorse it and approve it. If we do that with reference to the employees of the Senate, there can be no excuse for not increasing the salaries of those in the House to a corresponding amount. We might as well fix the salaries of the Senators at $10,000 a year and fix our own salaries at $7,500 a year.

Mr. PAGE. Mr. Chairman, will the gentleman submit to a suggestion?

Mr. AUSTIN. Certainly.

Mr. PAGE. I would suggest to the gentleman that he offer an amendment to this paragraph reducing the salaries of these employees in the Senate, putting them on a par with those in the House.

Mr. AUSTIN. No; I would rather offer an amendment to raise the salaries of the employees of the House and put them on a level with those of the Senate.

Mr. PAGE. Then I would suggest to the gentleman that when we reach that paragraph in the bill he offer that amendment.

Mr. AUSTIN. I would be glad to have the assistance of the gentleman from North Carolina.

Mr. PAGE. I do not promise my assistance. I merely make that suggestion.

Mr. GARNER. Mr. Chairman, I did not happen to be in the House this morning at the time the bill was taken up. I did not know that we met at 11 o'clock, notwithstanding my suggestion the other day to the gentleman from Illinois [Mr. MANN] that we ought to keep up with the record. I desire to call the attention of the gentleman in charge of the bill to an item under the office of the Vice President, which has been passed, which appears on page 2 of the bill. At the beginning of this Congress the Democratic caucus saw fit to strike out all of the appropriation for the item in the House of Representatives for two telegraph operators under the jurisdiction of the Speaker. I notice in the bill, as reported, an item for a telegraph operator for the Vice President at $1,500 a year, and a telegraph page for $600 a year. I would like the gentleman in charge of the bill to explain to the House why it is any more necessary for the Vice President to have a telegraph operator and a page for the telegraph operator than it is for the Speaker of the House of Representatives.

Mr. JOHNSON of South Carolina. Mr. Chairman, I have already explained that the Committee on Appropriations, under the rules that obtain between the two Houses, did not feel justified in inquiring into the propriety of these expenditures on the part of the Senate. We may have our individual ideas about their extravagance or their impropriety, but in a legislative capacity we are not at liberty to inquire into them, and we simply write into the bill the estimates sent to us by the Secretary of the Senate—or, in this case, we have written into the bill the current law.

Mr. GARNER. Then, if I understand the gentleman in charge of the bill, it makes no difference how extravagant it might appear to the House of Representatives or to the Committee on Appropriations, that committee would not take the position under any condition that it could go into the matter of the necessity of the employees in the Senate. Here is one instance where the House of Representatives has taken action and has decided, so far as the House is concerned, that it did not need a telegraph operator, that it did not need a page to the Speaker for the telegraph operator, and if this instance is not sufficient to convince the Committee on Appropriations that it is extravagant, that it is a matter into which the House of Representatives ought to look, then we must submit absolutely to the suggestions of the Senate regardless of what our opinions may be in respect to the extravagance of their appropriations.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Texas [Mr. GARNER] is not justified in the inference which he draws. The Senate has determined that the telegraph office which it maintains is necessary for the convenience and the business of the Senate. Members of the House might differ as to what is necessary for the convenience and proper conduct of public business in some other legislative body, but, after all, this House would not tolerate any interference by the Senate with what it determined to be necessary in order to transact the public business of the House. If the House assumes that attitude so far as its own personnel is concerned, its own con-

venience, as to the things necessary to enable it to transact its business, then it must recognize that right in the other body. The only thing that the House can properly do, in those instances in which it would appear that expenditures are made to enable the Senate to transact its business which are out of proportion to what reasonable men would believe to be necessary, is to call the attention of the country to the fact. I do not know, and I do not know any other gentleman here who does know, that the telegraph office maintained by the Senate is not essential. The fact that the House abolished the telegraph operator here is no criterion as to whether such a position is necessary in the Senate. I know that abolishing that office did inconvenience the work conducted under me.

Mr. GARNER. Mr. Chairman, the gentleman from New York I am sure is as familiar with the workings of the Senate as any Member of the House——

Mr. FITZGERALD. I do not profess to know anything about the way the Senate works.

Mr. GARNER. I do not contend that the gentleman knows anything about it, but I contend that he is as familiar with it, doubtless, as any Member of the House. It may be that no Member of the House knows anything about the workings of the Senate.

But I want to ask the gentleman if he can conceive of any reason why a telegraph operator should be furnished to the Vice President of the United States any more than to the Speaker of the House of Representatives?

Mr. FITZGERALD. It is not furnished to the Vice President. We should be fair about these things.

Mr. GARNER. Well, the appropriation.

Mr. FITZGERALD. Well, the appropriation is made under the Vice President, and the operator is appointed by the Vice President, and he is employed in a telegraph office maintained by the Senate. For its convenience or by its organization the appointment apparently is made by the Vice President, and the appropriation is placed under him. I do not believe the Vice President has any need for a telegraph operator himself, but if the Senate is maintaining a telegraph office there is need for a telegraph operator, and if the appropriation is made it must be made under some official who will have the appointment.

Mr. GARNER. Can the gentleman conceive of any conditions, so far as his observation goes, why the Senate of the United States has any more need of a telegraph operator than the House of Representatives?

Mr. FITZGERALD. Well, I am not sufficiently familiar with the duties and work of the Senate to know. I do know this: I have seen in the past 13 years of my service here gentlemen of this House indulge in very severe criticisms of the personnel of the Senate and the extent of the service which it insists upon having, and after they have left this body for another place of more distinguished public service and became Members of the Senate apparently their viewpoint has entirely changed, and they no longer rave against the extravagances of the Senate, but seem to become happily reconciled to them.

Mr. DYER. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield.

Mr. DYER. Do I understand the gentleman from New York to concede to the Senate absolutely the right to fix the salaries of its employees regardless of what this House may think of it?

Mr. FITZGERALD. My information is that since the beginning of the Government the Senate has insisted upon that right, and in no instance has it ever yielded from that position.

Mr. DYER. Will the gentleman yield for this question also following that? I would ask the gentleman if he does not think that the President of the United States should be shown the same consideration by this House that it shows to the Senate?

Mr. FITZGERALD. No; I do not. The President is a different individual; he is at the head of the executive department of the Government. This is the legislative department of the Government.

Mr. DYER. Should he not be shown the same consideration in reference to his secretary, whose salary has been reduced?

Mr. FITZGERALD. Well, we will discuss that question when we come to it. We have shown every consideration to the President of the United States in the preparation of this bill.

Mr. MANN. Mr. Chairman, with reference to the statement made by the gentleman from Texas [Mr. GARNER], it is but fair to say that the total appropriation for the officers under the Vice President is $7,540, while the total appropriation under the Speaker is $12,840, and it does not make much difference what you call those officials. I have no doubt they are needed by both the Vice President and the Speaker. Mr. Chairman, in this bill in the item which has just been read, carrying the employees of the committees of the Senate, the total is $318,640. The total for employees of the committees of the House carried in the bill is $162,230, about one-half the amount carried in the bill for the Senate and less than one-half the amount now actually being paid to employees in the Senate. I took occasion some time ago——

Mr. BARTLETT. Mr. Chairman, I ask for order; I can not hear the gentleman, and I would ask the gentleman to repeat that statement of the amount, as I did not hear it. I understood him to say it was $162,000.

Mr. MANN. I will repeat the statement. The amount carried in the bill for the committees of the House is only about half the amount carried for the employees of the committees of the Senate and is less than half the amount now actually carried for employees in the Senate.

Mr. GARNER. Will the gentleman yield?

Mr. MANN. Let me make this statement and then I will be glad to yield. Some time ago, due to possible idle curiosity, I examined into the activities of some of these numerous committees of the Senate and discovered that many of them had had no bills referred to them for many terms of Congress, and hence had made no report upon any bill, and hence they could have had no business to transact. But, Mr. Chairman, it is fair to say that many of these committees, both of the House and of the Senate, are maintained for the purpose of maintaining employees of the committees in order that those employees may render assistance to the chairmen of the committees. I think it would be a wise policy if the House extended that theory so that some of the older Members of the House who are more active in connection with legislation might have the assistance which they require in the work of legislation. The clerks to Members of the House, in the main, are engaged all the time in work passing between the Member and his constituents and as a rule do not have much time to give much attention to legislative work. It is also but fair to say that a Senator of the United States represents as large a constituency in the total as the total membership of the House, and that therefore each Member of the Senate has a larger constituency than each Member of the House, and having a smaller number of Members of the Senate they require a larger number of employees to transact the official business which comes to them from their constituencies throughout the country.

A Senator from my State, that now will soon have 27 Members in the House, has an average constituency equal to more than 13 Members of the House. And while the 13 Members of the House each have a clerk, it is but fair that the Senator should have a larger number of employees to do his work than the one Member of the House. And I think as a rule these things have grown up in the Senate because they were required. I have discovered in my service in the House that chairmen of committees, which committees have employees sufficient to give aid to the chairmen, do more work and better work on the average than is done without them. The number of bills reported at this session of Congress where the reports are incorrect or where the bills do not conform with the reports would astonish Members of the House if their attention was called to it in every case, and that is largely because the committees, in the first place, have new employees, and in the second place, some of them do not have sufficient employees. The amount of legislation transacted by Congress now is manyfold what it was only a few years ago. Look, for instance, just at the printed volumes of the laws passed by Congress. What is now two large volumes a few years ago was one volume much thinner than either of the two is now. That means more work, and more work means necessarily more employees if the work is to be done intelligently. [Applause.]

Mr. GARNER. Will the gentleman yield?

Mr. MANN. I beg the gentleman's pardon. I will yield.

Mr. GARNER. I want to ask the gentleman a question in reference to one of the statements which he made. The gentleman says, if I understood correctly, the Senate in reality was paying twice as much as is now being paid to the House committee employees. I would like the gentleman to state to the House in what way the Senate pays more than is indicated by the appropriation.

Mr. MANN. We make an appropriation for a contingent fund in the House, and there is a contingent fund in the Senate. We have passed a number of resolutions in the House for employees to be paid out of the contingent fund until otherwise provided by law. The Senate has done the same thing, and I think there has been added since the current law went into effect, last July, 30 or 40 employees in the Senate. Two were added the other day for a new committee, which will never meet, probably.

Mr. GARNER. I thought possibly the gentleman had reference to the question of the extra month's salary.

Mr. MANN. Oh, no.

Mr. GARNER. The Senate has made no attempt so far to pay out of its contingent fund or any other fund which is in the exclusive control of the Senate any——

Mr. MANN. They can not do that out of the contingent fund unless it is largely increased. I think they have hard work to pay them now out of the contingent fund.

Mr. BARTLETT. It does not require the action of both Houses, but it always goes on the appropriation bill.

Mr. MANN. I know if the Senate has a contingent fund it can spend it as it pleases. It might pay it all to one man, for all I know. I am quite certain we can not do it out of the contingent fund that is provided in the law or in the bill.

Mr. OLMSTED. Mr. Chairman, I wish to add to what the gentleman from Illinois has said, that I am not disturbed that each Senator has a greater allowance for clerical hire than a Member of the House, and I am led to that reflection in consideration of my own State, which has at this time 32 Members in this House. Each Member has one clerk. Speaking of my own experience for many years, I have employed all the time one extra clerk at my own expense, and part of the time a second assistant, for I have a very large correspondence. Two Senators, with two extra clerks each, represent the same constituency that we 32 Members of the House represent, with 32 clerks, and they have proportionately as large a correspondence as we have. I have not the slightest doubt that each Senator from Pennsylvania expends out of his own pocket quite a large sum each year for clerical assistance.

The business of this House has so wonderfully increased that more clerical assistance is necessary. Some years ago—not so many years ago—the total number of bills offered was one or two or three thousand and up to five thousand bills in a Congress. Now we have more than 40,000 bills introduced in a Congress. We get inquiries from constituents about some or all of these bills. We have to have assistants who can devote their time entirely to looking up these bills and advising us about them, so that we can advise our constituents. I have letters in my pocket this morning that it would take me a day to look up the information necessary to enable me to answer them intelligently. Speaking as a Member of the minority, of course we Members of the minority have no committee clerks to assist us and have simply the personal clerk allowed to each Member.

I do not think that on the average the clerical assistance allowed to Members of the Senate is more than they require, and in many instances, in the case of Senators representing the larger States, I feel certain that the Senators have to pay something out of their own pockets every year for necessary clerical assistance.

Mr. AUSTIN. Mr. Chairman, I want to say a word to the gentleman from Texas [Mr. GARNER] in answer to his reply to the gentleman from Illinois [Mr. MANN] as to this difference in the total amounts required to run the Senate and the House. You will find in this appropriation bill that practically every committee of the Senate has an assistant clerk, at $1,800 a year. The House has not. You will find that every committee of the Senate has a messenger, at $1,440 a year, while we are paying ours at the rate of $720. They also have a personal clerk, at $2,000, and a stenographer, at $1,200, whereas we appropriate only $1,500 each for our personal clerks and nothing for stenographers for the Members of the House.

Mr. BARTLETT. Not to every Senator, but only to Senators who are not chairmen of committees. Only clerks to such Senators get $2,000. That is the language.

Mr. AUSTIN. That is true. Every Senator without a chairmanship gets a clerk at $2,000 and a stenographer at $1,200, and every Senator who is chairman of a committee has a committee clerk at $2,250, in some instances at $3,000, and in one instance at $4,000.

Mr. BARTLETT. Not every one.

Mr. AUSTIN. I say "in many instances," and also an assistant clerk, at $1,800, and a messenger, at $1,440.

Mr. KENDALL. Those are only the chairmen.

Mr. BARTLETT. If the gentleman will examine the bill—I do not myself know what they have—he will find that this bill does not carry an assistant clerk for every chairman.

Mr. AUSTIN. I say in a number of instances.

Mr. BARTLETT. That is true with a number of important committees, like Agriculture, Appropriations, and so forth.

Mr. AUSTIN. The Committee on Indian Affairs, the Committee on Foreign Affairs——

Mr. BARTLETT. They are very important committees, just like ours.

Mr. AUSTIN. I am not talking about their importance at all. I am simply calling attention to this difference, so that the gentleman from Texas [Mr. GARNER] may understand how it is made up.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Post office: Postmaster, $2,250; chief clerk, $1,800 (deficiency act July 21, 1911); seven mail carriers and one wagon master, at $1,200 each; four riding pages, at $912.50 each; in all $17,300.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Does the gentleman desire that reference to the deficiency act to remain in the bill as a part of the bill, in lines 21 and 22, page 8?

Mr. JOHNSON of South Carolina. That is the law under which this appropriation was made.

Mr. MANN. Does the gentleman desire the reference to be retained?

Mr. JOHNSON of South Carolina. Yes. We want to keep the reference there in order to keep track of the appropriation. It was put in designedly.

Mr. MANN. It is not retained anywhere else, apparently.

The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FAISON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 23774. An act providing an appropriation to check the inroads of the Missouri River in Dakota County, Nebr.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. BURTON, and Mr. FLETCHER as the conferees on the part of the Senate.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Folding room: Assistant, $1,400; clerk, $1,200; foreman, $1,400; 9 folders, at $1,000 each; 14 folders, at $840 each; page, $600; in all, $25,360.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I suppose this assistant was an assistant superintendent. What is he now? Under the folding room in the Senate there used to be a superintendent and an assistant superintendent. What is the assistant now?

Mr. JOHNSON of South Carolina. I would simply say that as to these two men in the folding room of the Senate we have used the titles that they used, and have put into the appropriation bill the law of the current year.

Mr. MANN. Formerly it was assistant superintendent. I do not know what you mean when you just call him an assistant.

Mr. NORRIS. Where is his boss appropriated for here?

Mr. JOHNSON of South Carolina. They had a superintendent and they abolished him, and they call these men foreman and assistant.

Mr. MANN. It ought to be assistant foreman, or whatever it is, and not simply an assistant.

The Clerk read as follows:

For mileage of Representatives and Delegates, and expenses of Resident Commissioners, $154,000.

Mr. PAGE. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out lines 15 and 16 on page 11 and insert in lieu thereof:

"For mileage of Representatives, Delegates, and Resident Commissioners, at the rate of 5 cents for each mile traveled by the usual route from their home to the seat of government, $38,500."

Mr. GARNER. I did not happen to be in the Hall when the item with reference to mileage of Senators was read. I will ask the gentleman if he offered a similar amendment on page 1 with reference to the mileage of Senators?

Mr. PAGE. The gentleman did not, because he was in the same fix as the gentleman from Texas and he did not happen to be on the floor. After disposing of this amendment, I will ask unanimous consent to recur to that item for the purpose of offering a similar amendment.

Mr. Chairman, I have no disposition whatever to discuss the merits or demerits of the provision as contained in the bill or the amendment which I have offered. The question has been before the Committee of the Whole House on the state of the Union

time and time again and has been thoroughly discussed, and everybody here certainly understands the whole question, which is, as I see it, whether or not we, as Members of the House of Representatives, shall continue to vote to ourselves an amount of money for a purpose for which it is not expended.

I believe that we, as Members of the House, are entitled to, and that the people of this country believe we should have, only an amount that will defray the expenses of a Member coming to the sessions of the House. I think it is due to the House itself and to its membership that we should consider this matter in the light of the facts as they exist, and deal with it honestly between ourselves and the people whom we represent.

A great deal has been said, by my colleagues on this side of the House particularly, about economy. I am inclined to think that rather too much has been said along that line in connection with some matters about which we legislate; but I do believe that if we expect the country to take us seriously, and if we are expecting to make any impression upon the country at all that our purpose is to economize, we should begin, as we did in the beginning of this Congress, with the organization of this House—that we should begin with ourselves. And I honestly and earnestly believe that the compensation I have provided in the amendment that I have sent to the desk is ample to pay every expense of a Member of the House in connection with his travel, and that that is all he is entitled to, and all that the people of this country believe we should have; and I hope the amendment may prevail.

Mr. SHARP. Mr. Chairman, I wish to say——

Mr. JOHNSON of South Carolina. Mr. Chairman, this amendment is of some interest to the membership of the House, and I ask that all debate on the amendment close in 30 minutes.

The CHAIRMAN. The gentleman from South Carolina asks that debate on the pending amendment to the paragraph——

Mr. JOHNSON of South Carolina. And all amendments thereto.

The CHAIRMAN. And all amendments thereto be closed in 30 minutes. Is there objection?

There was no objection.

Mr. SHARP. Mr. Chairman, the gentleman from South Carolina has given his reasons for the adoption of this amendment so tersely and in terms so well expressed that I do not know that I can add anything to what he has said. I will say that had he not first offered the amendment I would have done so.

We had this discussion some months ago upon the floor of this House, and unfortunately the proposition to reduce the mileage compensation was at that time voted down, though I think it provided for 10 cents instead of 5 cents a mile.

But it seems to me there is an additional reason at this time for practicing economy in the manner suggested in this amendment.

Mr. GARNER. Will the gentleman yield for an interruption?

Mr. SHARP. Certainly.

Mr. GARNER. In the gentleman's judgment, what is the equitable reason for any appropriation whatever to pay the expenses of Congressmen coming to and going from Washington? Is it the purpose to equalize the salary of the Congressman, and if so, will 5 cents per mile pay the Member's expenses when he brings his family to the Capital?

Mr. SHARP. It will pay his own individual expenses, but it will not of course take care of the railroad expenses of his family. It must be remembered that this law allowing 20 cents per mile was put on the statute books at a time when Members of Congress received only $5,000 per annum. They are now getting $7,500 per annum. There is an additional reason, it seems to me, for us to now inaugurate this policy of economy in the House. It was only at the last session of Congress that we saw fit in our judgment—although I voted and spoke against it—to increase the membership of the House under the recent decennial census by an addition of 42 Members which, at the least estimate, will call for an additional expenditure in salaries, clerk hire, mileage, and so forth, of $500,000 per annum. I am not finding fault with the general plan of economy shown in this bill. I have no criticism to make of the committee in its endeavor to lop off the services of unneeded employees wherever it finds them, though I deplore the effect. But it does seem to me that we can set a shining example here ourselves if we begin to apply the remedy at home, and instead of taking 20 cents a mile we consent to this amendment which allows but 5 cents a mile each way, as I understand it, which seems to me to be adequately sufficient to cover all the necessary expenses. I am heartily in favor of the amendment and sincerely hope it will carry.

Mr. CANNON. Mr. Chairman, I am amused, I will not say disgusted, at this amendment. I have listened with interest to the gentleman from Ohio and also to the gentleman from North Carolina, both of whom, I believe, notwithstanding the law touching mileage, now want to cut it down to 5 cents a mile one way.

This legislative body acts so far as legislation is concerned, for a great block of people—90,000,000 in round numbers. We come and go by decennial apportionment, according to the population from our respective districts.

I have been here a long time. I could have stopped any time I chose to, and there have been many people that have desired me to halt. [Laughter.] I have a very good district that I appreciate highly. I am said to be a multimillionaire, all the way from two millions to a thousand millions, according to the declaration of those who are from time to time pleased to state, and all of which people say, now and then, that I have made by being a Member of the House. [Laughter.]

I laugh and go on. It is true that I have a modest competency, but I want to say to you that considering the support of my family, the education of my two children, the campaign expenses in my district, which have never been extravagant, because extravagant sums could not be used profitably in the district that I represent, my expenses have been more than I receive.

For eight years I have kept house in Washington while I was Speaker. Before that I lived in hotels. I have drawn almost a quarter of a million dollars from the Public Treasury in about 38 years of service, and I am here to tell you that my expenditures have been a half a million dollars at least, although I have lived at home modestly and fairly modestly in Washington.

"Well, how did you get it?" [Laughter.] I had a modest competency in black Illinois lands that I got when they were cheaper than they are now, and by appreciation I have income enough so that each year I have something to the good after I answer many demands, charitable and otherwise, for my own city and county and district.

Now, my individual experience is not a guide for others. I have never apologized for all the salary I have received and I never will. Why should gentlemen sit still here and assent to this rate of mileage in the Senate? Why should they assent to the Senate having secretaries at $2,000 a year while the House has secretaries at $1,500 a year I do not know?

Mr. JOHNSON of South Carolina. Will the gentleman yield?

Mr. CANNON. With pleasure.

Mr. JOHNSON of South Carolina. I would like to ask the gentleman a question. I think I have heard the gentleman from Illinois when he was in charge of the appropriation bills state repeatedly here that we could not inquire into the expenditures of the Senate.

Mr. CANNON. Oh, I am not criticizing the gentleman from South Carolina, and I am particeps criminis; I am a member of the committee in the minority that reported this bill. I mean, when we reach it, to move to increase the payment for the clerical assistance to the individual Member from $1,500 to $2,000. [Applause.] I want to say that I have but little patience with this talk of economy in this great body that legislates for all the people upon the question of mileage, which, in point of fact, is expended in the trips we take back and forth to our homes and in bringing our families here. In my judgment, it will make no vote for any gentleman who dwells on that kind of economy. [Applause.] Oh, I have seen this proposition made from time to time during all these years. Like hope, it springs eternal. It is not a new proposition to me. In every Congress during the 38 years that I have served here I have seen people agonizing to get rid of this mileage appropriation.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, I recollect the gentleman from Indiana, Mr. Holman, who was a great legislator. He was called the watch dog of the Treasury. He died poor, and he was always against the increase of salaries. I speak of him lovingly. He has passed over. I recollect one time we had a special session of Congress, which lasted all of the summer. That was the summer before he died. Then came the regular session. We adjourned, as I recollect, in September, and met again in December. That distinguished gentleman, who sat on the other side of the House, opposed the appropriation for mileage for the regular session. I laughed and said, speaking

to him familiarly and lovingly, "Oh, Judge, after all, the law which is upon the statute books gives the mileage for each session of Congress." The House overruled him and almost unanimously voted for the appropriation. Shortly after I met a daughter of his, and she came up to me and shook my hand and with tears streaming down her cheeks said: "Oh, Mr. CANNON, papa was wrong and you were right. You do not know how much we needed that money to pay our current bills." Mr. Chairman, he has crossed over. I am not criticizing him, I am speaking of him lovingly. He was a great legislator, but he had that one weakness—that he was afraid to take that which the law gave to him.

Mr. Chairman, I am not going to criticize the Democratic caucus. You have flapped your wings and crowed about starting economy here. The country has not paid as much attention to you as it would to a last year bird's-nest. [Laughter.] Your economy has been little pin economy. You have been talking about mills, when we have before us for appropriation legislation that involves the expenditure of hundreds of millions of dollars. That being the fact, we should have all of the clerical help that we need, and we deserve the salary that we get and the mileage and the stationery allowed. If I had my way about it, instead of decreasing the salary of the Members of Congress, I would increase it, especially for that assistance that is necessary in these changing conditions to enable Members to keep respectable track of important questions that come before us for legislation. [Applause.]

Mr. PAGE. Mr. Chairman, I ask unanimous consent to modify my amendment by adding at the end, after the word "Government," the words "and return," so as to make it apply 5 cents each way. As it reads it would apply only one way.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to modify his amendment. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, is not the gentleman willing to take a vote of the House on the question of mileage 5 cents one way?

Mr. PAGE. No. I do not think that would meet the expenses of a Member in going and coming.

Mr. MANN. Neither will the other.

Mr. PAGE. It will if he is an economical gentleman.

Mr. MANN. It will not if he has a wife.

Mr. PAGE. The gentleman and I disagree upon that point. I do not think that it contemplates paying the expenses of his family.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

Mr. GOLDFOGLE. Mr. Chairman, I ask unanimous consent that the amendment be now reported.

The CHAIRMAN. Without objection, the Clerk will report the amendment as it now stands.

The Clerk read as follows:

After the word "Government," in the last line of the amendment, add the words "and return," so that the amendment will read:

"By the usual route from their homes to the seat of Government and return, $38,500."

Mr. MANN. Mr. Chairman, I would like to have the amendment reported in full, if we may.

The CHAIRMAN. The gentleman from Illinois asks that the modified amendment be reported. Without objection, it will be done.

The Clerk read as follows:

Strike out lines 15 and 16, on page 11, and insert in lieu thereof the following: "For mileage of Representatives, Delegates, and Resident Commissioners at the rate of 5 cents for each mile traveled by the usual route from their homes to the seat of Government and return, $38,500."

The CHAIRMAN. Is there objection to the modification of the amendment? [After a pause.] The Chair hears none.

Mr. SHERLEY. Mr. Chairman, I offer the following as a substitute to follow after the figures "$154,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, on page 11, line 16, after the figures "$154,000," the following: "*Provided*, That no part of this sum shall be paid to any Representative or Delegate which shall exceed a sum sufficient to pay the actual railway, Pullman, and steamship fares of himself and the immediate members of his family in coming once from his home to Washington and returning therefrom as certified by him to the Clerk of the House."

Mr. SHERLEY. Mr. Chairman, I do not desire to convict myself of that cheeseparing economy that the distinguished gentleman from Illinois laughed at, but I am one of those people who do not believe that a thing is made justifiable because of its size, and I have never felt that we were justified in paying ourselves an extra salary under the disguise of mileage. It has two vices. In the first place, it is an indirect and a cowardly way of doing a thing. In the second place—and to my mind the very much stronger reason against it—is that it creates inequality among Members. I was one of the men who voted for an increase of salary from $5,000 to $7,500. I would vote tomorrow, if I thought the salary ought to be increased, to increase it, but I am not willing to vote myself a fixed salary and then under the disguise of mileage vote myself an increased salary, and I particularly am not willing to give to a Member from Washington or from California or from any other distant point a greater compensation than is given to other Members. Now, it so happens that my mileage, as I stated a year ago, is that of the average Member, and I can speak without special bias. Mileage should be for the purpose it purports to be for—to pay the actual expenses of coming here with your family and returning from here to your home. That is all that is provided for in my substitute.

Mr. PAGE. I just want to ask the gentleman if, in his opinion, his amendment would not increase the aggregate of the amount rather than diminish it?

Mr. SHERLEY. It certainly would not, in my judgment, come anywhere near increasing it, but it would put the membership of this House on a plane of equality and pay the actual expenses, and then there would not be dissatisfaction over it throughout the country.

Mr. BORLAND. I would like to ask the gentleman whether he has occasion in the number of terms he has served here to return to his home in Kentucky several times during a session of Congress?

Mr. SHERLEY. I have occasion, but most of the occasions have been made by myself and not on Government business. [Applause.] If I choose to go to Kentucky and look after my political fences, it is on my business and not the Government's, and it should not pay me mileage for doing it. [Applause.] I have served in this House 10 years, nearly, and I have never known a time when public duty demanded I should travel to the extent of my mileage and I have not known it in the case of other Members, either.

Mr. BORLAND. I have, Mr. Chairman; I have not served a single session of this House without the necessity of returning to my district several times during the session.

Mr. SHERLEY. The gentleman has had more calls home than I have had. I can only speak from my own information.

Mr. BORLAND. And I want to say they are not wholly political calls, either; they are all commercial gatherings in the district of interest to my district and my constituents.

Mr. SHERLEY. I am willing to accept the gentleman's statement, but we have to judge from our own experience, and I am still of the opinion that what the gentleman states with regard to himself is an exception to the rule. I have seen more damage to the public service through nonattendance here than I have ever seen through lack of ability to go home because of a shortage in mileage.

Mr. CARTER. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. CARTER. With regard to the question asked by the gentleman from North Carolina [Mr. PAGE], if this will not cause the appropriation to exceed the present appropriation, under the terms of the gentleman's amendment that would be an impossibility, because the appropriation of $154,000 is the maximum.

Mr. SHERLEY. That is true; but I was answering not the technical question, but the real question that underlies it. There is no intention to increase mileage, but there is the intention to give to the Members the actual expenses that they incur.

Mr. TAGGART. Will the gentleman yield?

Mr. SHERLEY. I yield to the gentleman from Kansas.

Mr. TAGGART. Does the gentleman have in mind that a few days ago this House practically voted $25 per annum off of the salary of every Member of this House as a tax upon the salary of the Members of the House?

Mr. SHERLEY. The gentleman may consider that is a reason for keeping something that I do not think the membership is entitled to. But I can not believe that my obligation to pay, along with other citizens, a tax, entitled me to a mileage that otherwise I would not be entitled to.

Mr. TAGGART. Do you hold that it is an advantage to live at a distance from the Capital?

Mr. SHERLEY. I hold this as a fact, that there are Members of this House, by virtue of the distance that they live from the Capital and by virtue of the mileage that they thereby receive, that have an addition made to their salaries as Members that is not made to other Members of the House. I know the matter has been thrashed out about one's family and the moving

of the household, and all that. It applies in the same degree to a man who lives 600 miles as to the man who lives 3,000 miles away. One man gets a profit on 600 miles and the other gets a profit on 3,000 miles of travel. I do not want him to have a profit or loss on either. I want to pay him what he actually has to spend and nothing more or less.

Mr. CARTER. The gentleman provides here for the expenses of the members of his immediate family. I wanted to know what he considered as members of an immediate family.

Mr. SHERLEY. I would consider as members of the immediate family the wife and dependent children; if he had no wife and his mother kept house for him, in that instance his mother. There is no trouble in defining that. Men who want to be fair know what immediate members of the family mean.

Mr. SHARP. I hold in my hand here a picture of 12 children belonging to a gentleman——

Mr. SHERLEY. Yes; and I am willing to pay a little extra to that citizen, if a Member of Congress. There are some of us without that number, and we will help to bring the average down.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. SHERLEY] has expired.

Mr. FITZGERALD. Personally, I am indifferent as to what is done about the mileage. I have stated on other occasions that I receive $92 a session, so that it is immaterial to me whether mileage be voted. The Committee on Appropriations, however, did not recommend any change in this mileage because of the experience of Members in connection with it in the past.

Since 1866 Members of Congress have received mileage at the rate of 20 cents a mile, and during the 13 years I have been in the House on numerous occasions efforts have been made to change the rate at which the mileage has been paid, and on every occasion the effort has failed. I am more interested, Mr. Chairman, in effecting some real, substantial reforms in the expenditures of public money than I am in engaging time and again in this fruitless debate. I know that some of the Members of the House are honestly of the opinion that the amount of mileage is too extravagant; that it is paid upon an erroneous basis; that it is paid in sums that can not be justified; and yet upon every occasion when the matter is debated the same arguments are repeated in favor of and against the proposition, and inevitably the House has voted to leave the mileage as it has been during all these years. I propose to vote to sustain the committee.

Mr. LEVER. How much will the saving amount to here?

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. This item is for mileage for the session of Congress which ordinarily under the law would commence next December?

Mr. FITZGERALD. Yes.

Mr. MANN. Does the gentleman think there will be any real occasion for using any of the money, according to present indications?

Mr. FITZGERALD. I am not interested——

Mr. MANN. Will not this session end on the 4th of next March?

Mr. FITZGERALD. I am not interested in that at this time.

Mr. MANN. I think the gentleman and all the rest of us are very much interested in it.

Mr. FITZGERALD. If the gentleman will not take up my time, it will hasten the adjournment of this Congress. The committee reported this appropriation in conformity with the law because time and again—and during this very Congress itself—the House has refused to change the rate at which mileage is paid.

Mr. Chairman, I know that this matter affects gentlemen differently. Perhaps I would receive more under the amendment of my colleague from Kentucky [Mr. SHERLEY] than I receive under the present law. I would be one of those who would be benefited by receiving the actual expenses of my family coming to and returning home from Washington. But the law has been this way since 1866, and Members have given innumerable reasons for the retention of the present amount of mileage. The Committee on Mileage, which has jurisdiction of the matter, has not reported any of the many bills pending before it for the purpose of effecting a change in the mileage paid.

I desire to say also that the country has acquiesced in the arguments advanced in favor of the present system, and we gain nothing by stirring it up and not accomplishing what is sought. So far as I am concerned, whether some Members receive more mileage than they should or not, I may say that many people think some Members receive more salary than they should; but it is apparent that it is impossible to fix any system or any rule which will not work out inequalities. It may be argued that there is no reason for paying mileage to anyone except Members who bring their families. In that case Members like myself would have an advantage over those who are single.

The CHAIRMAN. The question is on the adoption of the substitute offered by the gentleman from Kentucky [Mr. SHERLEY].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. PAGE].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. PAGE. I ask for a division, Mr. Chairman.

Mr. FOSTER. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 43, noes 110.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Officer of the Speaker: Secretary to the Speaker, $4,000; clerk to the Speaker's table, $3,600, and for preparing Digest of the Rules, $1,000 per annum; clerk to the Speaker, $1,600; messenger to the Speaker, $1,440; messenger to the Speaker's table, $1,200 (transferred from Doorkeeper's office); in all, $12,840.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the word "officer" and insert in lieu thereof the word "office," at the beginning of line 19, page 11.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Carolina [Mr. JOHNSON].

The Clerk read as follows:

Amend, line 19, page 11, by striking out the word "officer" and inserting in lieu thereof the word "office."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN The Clerk will read.

The Clerk read as follows:

Office of the Clerk: Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $6,500; hire of horse and wagon for use of the Clerk's office, $900, or so much thereof as may be necessary; chief clerk, $4,500; journal clerk, and two reading clerks, at $4,000 each; disbursing clerk, $3,400; tally clerk, $3,300; file clerk, $3,250; enrolling clerk, $3,000; chief bill clerk, $3,000 (House resolution May 9, 1911); assistant to chief clerk, and assistant enrolling clerk, at $2,500 each; assistant disbursing clerk, $2,400; stationery clerk, $2,200; librarian, $2,100; assistant file clerk, $1,900; two assistant librarians, and one clerk, at $1,800 each; three clerks, at $1,680 each; bookkeeper, and assistant in disbursing office, at $1,600 each; four assistants to chief bill clerk, at $1,500 each (House resolution May 9, 1911); stenographer to clerk, $1,400; locksmith, who shall be skilled in his trade, $1,300; messenger in chief clerk's office, and assistant in stationery room, at $1,200 each; messenger in file room, one messenger in disbursing office, and assistant in House library, at $1,100 each; stenographer to chief bill clerk, $1,000 (House resolution May 9, 1911); three telephone operators, at $900 each, three telephone operators, at $75 per month each from December 1, 1912, to March 31, 1913; night telephone operator, $720; for services of a substitute telephone operator when required, at $2.50 per day, $200; two laborers in the bathroom, at $900 each; two laborers, and page in enrolling room, at $720 each; allowance to chief clerk for stenographic and typewriter services, $1,000; in all, $91,970.

Mr. GARNER. Mr. Chairman, I offer an amendment. I wish to call to the attention of the gentleman in charge of the bill the fact that I want to offer an amendment on page 12, line 25, to strike out "720" and insert in lieu thereof "900." I will state for the information of the committee——

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. GARNER].

The Clerk read as follows:

Page 12, line 25, strike out the figures "720" and insert in lieu thereof "900."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] reserves a point of order on the amendment.

Mr. GARNER. Mr. Chairman, I will state for the information of the committee that during this session of Congress the Committee on Accounts have had occasion to go through and examine a great many, if not all, of the employees of the House. Some apparent injustices have come under our observation, and this is one of them. There are appropriated for in this bill three telephone operators, at $900 each, and three telephone operators, at $75 per month for the time they are employed, which is equal to $900 a year.

In the same paragraph is an appropriation of $720 for a telephone operator known as a night operator. We discovered, in going through these different offices, that this is the least desirable place appropriated for in the telephone service. In other words, the employee would prefer to have some of the places elsewhere appropriated for at the same salary, to the $720 place. A night employee goes on at 4 o'clock in the after-

noon and stays until 12 o'clock midnight, and the fact having come under our observation, it was suggested in the committee that we call the matter to the attention of the Committee on Appropriations.

Mr. MANN. Why does not the gentleman propose to increase it?

Mr. GARNER. I was explaining the necessity of the change and for offering this amendment, inasmuch as the gentleman from New York [Mr. FITZGERALD] had made a point of order against it. Either the others ought to be appropriated for at $720, or this one ought to be appropriated for at $900 a year.

I simply call it to the attention of the committee, in order that they may consider the justness of increasing this salary. I do it at the suggestion of the Committee on Accounts, who would make this in order if it was submitted to them for that purpose.

Mr. MANN. Are these telephone operators women or men?

Mr. GARNER. They are all women.

Mr. MANN. The night operator?

Mr. GARNER. The night operator who looks after matters of the telephone service is a man, but the employees in the House of Representatives carried in these appropriations, I am informed, are all women.

Mr. MANN. This night operator carried in this appropriation is a woman?

Mr. GARNER. Yes.

Mr. MANN. What are her hours?

Mr. GARNER. From 4 o'clock in the afternoon until 11.30 or 12 o'clock at night, as the emergency may arise. I hope the gentleman from New York [Mr. FITZGERALD] will withdraw his point of order.

Mr. FITZGERALD. Mr. Chairman, I think this should be stated about the House organization: At the beginning of this Congress certain action was taken by which the organization of the House was fixed. The Committee on Appropriations had nothing to do with it and was not consulted about it. It has followed the action of the House in fixing the organization. If the committee itself had proposed to increase the compensation of employees of the House upon its own initiative, because convinced that some of them received insufficient compensation, the committee would be very severely criticized and Members would very greatly resent its action. The attention of the committee has not been called to this matter. We have been in session a year, during which this condition has existed. It seems to me that if any change is to be made toward increasing these compensations, it should be done in some other way than proposed here. I shall insist on the point of order.

Mr. GARNER. Mr. Chairman, if the gentleman is sincere, and I am sure he is, that the question ought to be left to the organization of the House, why does he not withdraw his point of order and let the committee pass on the propriety of increasing this salary?

I want to say, further, that I did speak with the chairman of the subcommittee, the gentleman from South Carolina [Mr. JOHNSON] about the matter in general conversation, in reference to the employees of the House, suggesting that some ought to be cut out, and that in this instance and one other instance the salaries ought to be equalized. This was while the subcommittee was considering the bill, and I will say to the gentleman from New York in all candor that he ought at least to give the committee an opportunity to vote on the propriety of equalizing these salaries.

Mr. FITZGERALD. May I ask the gentleman a question?

Mr. GARNER. Certainly.

Mr. FITZGERALD. The gentleman is a member of the Committee on Accounts, and if they considered it proper they could pass a resolution which would make this in order on the bill.

Mr. GARNER. I understand that, and the Committee on Accounts, I anticipate, would not have a dissenting vote against doing that. The only thing is, if this increase is not carried here for the next fiscal year it will have to come out of the contingent fund of the House.

Mr. BARTLETT. Until provided for by law.

Mr. GARNER. Until provided for by law.

Mr. BARTLETT. And if the gentleman's committee had passed the resolution heretofore he could have offered this amendment now, and it would have been in order on this bill.

Mr. GARNER. I understand that; but I will suggest to the gentleman from Georgia that if it is a desirable amendment the mere fact that it does not happen to be in order, it seems to me, ought not to be insisted upon in this particular case.

Mr. BARTLETT. I will say that I will vote for the gentleman's amendment if it is not held out of order.

Mr. GARNER. I can state for the Committee on Accounts—and the chairman of that committee is here to confirm what I say—that the matter has been discussed in the Committee on Accounts, and that it met with no objection, and that the Committee on Accounts, who could give the Committee on Appropriations jurisdiction of it, are perfectly willing and anxious that it should be done. It does seem to me that the chairman of the Committee on Appropriations ought not to insist on his point of order.

Mr. FITZGERALD. Does the gentleman from Texas know how much similar night operators are paid here in Washington by the telephone company?

Mr. GARNER. I have not the slightest idea. I do not contend that the salary ought to be higher than it is, except that the salaries ought to be equalized; and if the gentleman does not think it ought to be $900 he ought to cut the other salaries from $900 to $720, which is within his purview as chairman of the Committee on Appropriations.

Mr. FITZGERALD. If the gentleman wishes to test the sense of the House, he can offer that amendment.

Mr. GARNER. I suggest that if the gentleman wishes to test the sense of the House he can offer an amendment. I am pointing out the injustice done one operator in comparison with other operators just appropriated for.

Mr. FITZGERALD. The gentleman is mistaken; the business done by this operator is hardly enough to keep him awake. I insist on the point of order.

The CHAIRMAN. The gentleman from New York insists on the point of order. As the Chair understands, the salary is fixed by law.

Mr. FITZGERALD. It is the same sum as appropriated for in the current year, and that is the current law.

The CHAIRMAN. The Chair sustains the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SAUNDERS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5930. An act to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908; and

S. 6009. An act to increase the limit of cost of the United States post-office building at Huron, S. Dak.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Under Superintendent of the Capitol Building and Grounds: Chief engineer, $1,900; 3 assistant engineers, at $1,300 each; 24 conductors of elevators, including 14 for service in the House Office Building, at $1,200 each, who shall be under the supervision and direction of the Superintendent of the Capitol Building and Grounds; machinist, $1,300; electrician, $1,200; 4 laborers, at $800 each; in all, $40,300.

Mr. HAMLIN. Mr. Chairman, I offer the following amendment: In line 6, page 13, strike out the word "three" and insert the word "four."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 6, strike out the word "three" and insert the word "four."

Mr. HAMLIN. Mr. Chairman, this adds one assistant engineer. I desire to call the attention of the committee to a condition that exists in this particular department; but before going into that I ask the Clerk to read a communication I have here bearing on this proposition from the Superintendent of the Capitol Building and Grounds.

The Clerk read as follows:

OFFICE OF SUPERINTENDENT OF UNITED STATES CAPITOL BUILDING AND GROUNDS,
Washington, D. C.

Hon. C. W. HAMLIN.

DEAR JUDGE HAMLIN: It would be a blessing if we could have another assistant engineer.

Compare the table I send. You will see the Senate has 11 employees; the House 8; and the House work necessarily is heavier.

Sincerely,

ELLIOTT WOODS.

Heating and ventilating department—United States Senate.

Chief engineer	$2,160
1 assistant engineer and electrician	1,800
1 assistant engineer	1,440
1 assistant engineer	1,440
1 assistant engineer	1,440
1 machinist and electrician	1,400
1 machinist and electrician	1,400
1 laborer	720
1 laborer	720
1 laborer	720
1 laborer	720

Heating and ventilating department—House of Representatives.

Chief engineer	$1,900
1 assistant engineer	1,300
1 assistant engineer	1,300

1 assistant engineer	$1,300
1 machinist	1,300
1 electrician	1,200
1 laborer	800
1 laborer	800

Mr. HAMLIN. Mr. Chairman, I would like to have the Clerk read another communication handed to me a few moments ago in relation to the same matter.

The Clerk read as follows:

OFFICE OF SUPERINTENDENT,
UNITED STATES CAPITOL BUILDING AND GROUNDS,
Washington, D. C. May 3, 1912.

Hon. C. W. HAMLIN,
House of Representatives.

DEAR SIR: Referring to your inquiry and to my former application to the House Committee on Appropriations for the increase in the engineering force, heating and ventilating department, House wing, I beg to say that I request one additional assistant engineer, who would be of particular service to us in connection with additional machinery which we have installed in the House wing, particularly with reference to refrigerating machinery installed for the benefit of the House restaurant, which will save the Government considerable money and the cost of ice.

The Senate wing of the Capitol is provided with an engineering force consisting of one chief engineer at $2,160 per annum and four assistant engineers, one at $1,800 and three at $1,440, whereas the House equipment consists of one chief engineer at $1,900 and three assistant engineers at $1,300.

As the House service is of necessity greater than that in the Senate wing, you can see that the request for the additional assistant engineer ought not to be unreasonable.

Very respectfully,

ELLIOTT WOODS,
Superintendent United States Capitol Building and Grounds.
By WELCH.

Mr. HAMLIN. Now, Mr. Chairman, I hope the gentleman from New York will not insist on his point of order, if it is, in fact, subject to a point of order.

Mr. MANN. It is not subject to a point of order.

Mr. HAMLIN. I hardly think it is myself.

Mr. FITZGERALD. We will discuss that later.

Mr. HAMLIN. I want to state to the committee that I hope gentlemen will hear me for a moment, because my cause is undoubtedly just.

Mr. MANN. Will the gentleman yield for one question?

Mr. HAMLIN. Certainly.

Mr. MANN. Was this matter presented to the Committee on Appropriations?

Mr. HAMLIN. It was presented to the Committee on Appropriations by myself, or to the chairman of the subcommittee that brought in this bill. The first communication that I had read was also presented to the chairman of the subcommittee in charge of this bill, and I understand that the superintendent appeared before the committee and told them, substantially, and probably a great deal more in extenso than he wrote to me, and which statement will appear in the hearings.

What I want the committee especially to consider is this: There is a gentleman employed now in that department who has been employed there about 29 years. He is very competent, and he is now rated as one of the laborers at a salary of $800 per year. He shoveled coal there for twenty-odd years, but has become competent for the position of assistant engineer, and the superintendent informs me that it is necessary to use him frequently as an assistant engineer. The result is that while he is carried as a common laborer, and paid a salary of only $800 a year, he in fact puts in his time doing the work and the service of an assistant engineer, and at other times on the elevator doing the work of a $100 per month man.

[The time of Mr. HAMLIN having expired, by unanimous consent he was given five minutes more.]

You have heard the letters read from the superintendent, Mr. Woods, showing conclusively that this extra man is needed, and I appeal to this committee, in common fairness and justness, that this man who is competent to fill this position ought not to be compelled, as he now is compelled, to fill a position and do the work of a man who fills the position and gets a salary of $1,300. Yet this man gets a salary of only $800 a year.

Mr. MURDOCK. Will the gentleman yield?

Mr. HAMLIN. Certainly.

Mr. MURDOCK. Will this decrease the number of laborers?

Mr. HAMLIN. That is a question I asked the superintendent this morning, but I will not be certain as to his answer. I was in a great hurry, for I thought that this provision would be up in a moment and I wanted to be upon the floor. The impression I have is it will not require an extra laborer, but will only increase the cost to the Government about $500 a year, as this man now draws $800 as a laborer.

I may be wrong in this. There is no man more in favor of economy in expenditures than I am, but I am not such an economist that I want to do any man an injustice. This Government is able to pay for the services rendered to it, and no one ought to be required to render any service for which the Government does not pay.

Mr. FITZGERALD. Do I understand the gentleman to say that this is an increase of compensation of some man who is now doing work similar to other men?

Mr. HAMLIN. I said that a man is now being used to fill the position of assistant engineer, and he is doing the work of an assistant engineer, a position which pays $1,300 a year, and is detailed frequently to the elevators, which pays a salary of $1,200 a year, when they need a man there. He is, however, only getting the pay of a common laborer—$800 a year. He is a competent man, and he has been in the service about 20 years, and has given his life to the work and understands it. I submit that it is not right to make him do this work which he does for $800 a year.

Mr. MANN. Was this additional employee estimated for by the Superintendent of Capitol Buildings and Grounds?

Mr. HAMLIN. I have not seen the estimate, and I do not know.

Mr. MANN. Does the gentleman know what statement the superintendent made before the Committee on Appropriations on this subject?

Mr. HAMLIN. I know this—that the first statement I have had read here, that he very much needed this assistant engineer, was made to the Committee on Appropriations, because I presented it myself.

Mr. MANN. The Committee on Appropriations has its hearings printed. Did he appear before that committee?

Mr. FITZGERALD. He did not.

Mr. MANN. The hearings will show whether he appeared or not.

Mr. HAMLIN. I would like to be corrected if I am wrong. I can not be corrected in the statement which I have made, because my statement is correct. The superintendent told me that he did. If he did not, I would like to be corrected.

Mr. AUSTIN. The gentleman went before the committee?

Mr. HAMLIN. I did.

Mr. MANN. When was the gentleman before the committee?

Mr. HAMLIN. Several months ago.

Mr. MANN. The letter just read is dated May 3.

Mr. MURDOCK. The gentleman presented two letters.

Mr. HAMLIN. One of them is not dated.

Mr. AUSTIN. The last letter read was dated to-day.

Mr. HAMLIN. And written to-day; but the letter I had before the Committee on Appropriations and the one I had first read was written perhaps a month and a half ago.

Mr. MANN. I do not believe that any committee of the House or anybody else will pay any attention to a letter dated like that. A letter that is of any value is dated to-day.

Mr. HAMLIN. I will ask the gentleman from South Carolina, who is in charge of the bill, if Mr. Woods was not before his committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Missouri be extended for two minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the time of the gentleman from Missouri be extended for two minutes. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. Mr. Chairman, I would say that when the gentleman from Missouri forwarded to me the letter from Mr. Woods, on the first occasion I had I asked Mr. Woods about the matter, and he said to me personally that it was a very meritorious case. He came before the committee and proposed a reorganization scheme of the force under him.

Mr. FITZGERALD. That is, his office force?

Mr. JOHNSON of South Carolina. His office force; but at that time he talked about this other matter, and we finally decided to write the matter into the appropriation bill as it is for the present year, and we made no changes in regard to his office force or any other force. He did say that this was a very meritorious case.

Mr. HAMLIN. Mr. Chairman, I did not forward to the gentleman from South Carolina any communication, but presented Supt. Woods's letter in person. I know that Supt. Woods told me he had been before the committee, but that does not meet the proposition that I am urging upon this House. We are confronted with this actual condition. He needs this extra man. He says that he is actually using this man who is carried on the rolls at $800 per year to serve sometimes as assistant engineer and sometimes as elevator man. The salary is not sufficient to meet this man's actual expenses, he tells me, and I have no doubt that what he says is true. And he is compelled to do the work of a man at $1,300 a year, and if this man is doing this work he is entitled to the salary of the position.

A MEMBER. What is his name?

Mr. HAMLIN. Sheely. I believe we ought to do common justice to everybody. If the man is not required to do the work, then I do not ask for this increase, but if he is required to do the work he ought to have the pay. He says he does it, Supt. Woods says he does it, and some of you have ridden with him on the elevator, and he is doing the work of a man who is getting $1,300, whereas he only gets $800. He does the work of an assistant engineer and he is doing it almost every day of the year. So I only ask as a matter of common justice that this increase be made. I believe his work as an assistant engineer entitles him to more; Supt. Woods says so, and I think our experience is Supt. Woods does not ask for anything he does not think he needs, and I believe the amendment ought to be adopted and this extra assistant engineer granted to this department.

Mr. FITZGERALD. Mr. Chairman, nobody in this House has greater confidence in Mr. Woods than I have. It is my experience on the Committee on Appropriations that his requests for mechanical assistants have been met in a very generous spirit by that committee. Mr. Woods did not estimate for this assistant engineer. He made no formal application for the place. When he appeared before the committee in connection with the reorganization of his office force he was asked by the gentleman from South Carolina about a letter which he had written to Mr. HAMLIN and which Mr. HAMLIN had brought to the committee. It is a very poor method to be adopted for any committee appropriating for the public service——

Mr. HAMLIN. Will the gentleman yield?

Mr. FITZGERALD. In one moment—to adopt a suggestion in that informal way. If the Superintendent of the Capitol Building and Grounds considers that some particular official is essential to the proper conduct and management of the service about the Capitol he should apply for it properly and in a formal manner and let his request be considered. He should not be importuned by Members for any reason to write letters for some particular individual which may be used as a lever to have their compensation increased. If he needs an assistant engineer so that this man may be promoted he evidently does not need the laborer who is doing the work of the assistant engineer, and no force about this Capitol can be properly kept in control unless a proper inquiry be made when these applications are submitted.

Mr. HAMLIN. I hope the gentleman will not think that anything I have said intended any criticism of the action of the committee. I am satisfied if the gentleman understood the situation——

Mr. FITZGERALD. Perhaps the gentleman has not understood me. I endeavored mildly to criticize the method followed in attempting to have this compensation increased.

Mr. HAMLIN. I will say furthermore to the gentleman that he hardly does me justice when he intimates I have been importuning the Superintendent of Capitol Building and Grounds to write these letters. That is not accurate.

Mr. FITZGERALD. Well, I did not——

Mr. HAMLIN. I became interested in this man because I happened to know him, and I happened to know what he was doing. I saw Supt. Woods and asked if it were true that this man was rendering this service and only drawing this salary, and he said it was true, and that he needed him and had to have him, because he did not have enough others, and he appealed to me as a matter of common justice. I asked him about this, and he said, "I will go before the committee"——

Mr. FITZGERALD. Well——

Mr. HAMLIN. If that is importuning, then I am glad of it, and I am not ashamed of it.

Mr. MANN. Will the gentleman yield for a question?

Mr. HAMLIN. Yes.

Mr. MANN. Has the gentleman ever introduced a resolution or appeared before the Committee on Accounts for the purpose of having this salary increased?

Mr. HAMLIN. I have not.

Mr. MANN. Why does not the gentleman pursue the ordinary course?

Mr. HAMLIN. Simply because, I will state frankly to the gentleman, that until yesterday I had an impression that the item was carried in the appropriation bill.

Mr. MANN. The Committee on Accounts would have jurisdiction.

Mr. HAMLIN. I have always had some doubt about that. I have had some doubt about the Committee on Accounts having jurisdiction of this proposition.

Mr. MANN. Of course they have jurisdiction.

Mr. HAMLIN. And I will say there is no doubt about the Appropriations Committee having jurisdiction to increase the salary, and I applied to the committee that did have jurisdiction, and thought until yesterday it was in the bill.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. CANNON. Mr. Chairman, I ask that the gentleman's time be extended for five minutes; I want to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. CANNON. The gentleman from Illinois asked the gentleman why he did not apply to the Committee on Accounts. The gentleman has heard of asking for bread and getting a stone, I apprehend?

Mr. HAMLIN. Yes.

Mr. GARNER. Will the gentleman yield? Did the gentleman from Illinois ever ask for bread and get a stone?

Mr. HAMLIN. He has given it.

Mr. GARNER. Very often, I guess, as a member of the Committee on Appropriations.

Mr. CANNON. I have had, if the gentleman will allow me, some such experience under certain conditions; that is not the rule in this case.

Mr. HAMLIN. There is no doubt the man I am pleading for here to-day is asking for bread and getting a stone. And I believe that this committee, in all fairness to this man, will increase this salary.

Mr. FITZGERALD. I insist on the point of order.

Mr. LEVER. Mr. Chairman, I would like to be heard on the point of order.

Mr. Chairman, it has been held frequently by the Chair that where a salary is provided by law a proposition of increasing the number of men drawing the salary under that authorization is not subject to a point of order. I do not have within my hand's reach the precedent for that proposition, but I remember very distinctly in the consideration of the agricultural appropriation bill recently that this very question was considered, and it was held that where there was authorization for the employment of officials or employees within a given class the point of order did not lie against the proposition to increase the number of employees in that class. If the Chair will refer to the decisions rendered by the Chairman of the Committee of the Whole House on the state of the Union which had under consideration the agricultural appropriation bill this year, he will find that ruling was made repeatedly in the consideration of the bill.

Mr. FITZGERALD. I was going to ask whether the gentleman was referring to the rulings on the agricultural bill?

Mr. LEVER. The agricultural appropriation bill is the biggest bill that comes to this House. It is even bigger than the bill that comes from the Appropriations Committee, because it reaches more people and does more good, and the rulings made on that bill are more carefully made than the rulings on any other bill in the Committee of the Whole House on the state of the Union. The gentleman does not deny my primary proposition?

Mr. FITZGERALD. Yes, I deny it; because the gentleman understands the basis on which the ruling was made. Under the organic act relating to the Department of Agriculture it was held under that law that it was in order. There is no such law whatever governing the employees under the Superintendent of the Capitol Building and Grounds. Under the rulings, if the gentleman insists that this is in order, he must produce the law upon which he bases his contention.

Mr. LEVER. There is this about it. The gentleman from New York [Mr. FITZGERALD], one of the parliamentary sharks of the House, and one of the gentlemen on the other side, who is also a parliamentary shark of the House, differ on this proposition, and little fish like myself can very well afford to stand aside, but I know what happened on the agricultural bill on this proposition.

Mr. FITZGERALD. Mr. Chairman, I ask for a ruling.

The CHAIRMAN (Mr. JACOWAY). The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Clerks, messengers, and janitors to committees: Clerk to the Committee on Accounts, $2,500, assistant clerk, $1,800, janitor, $1,000; clerk to the Committee on Agriculture, $2,500, assistant clerk, $1,800, janitor, $1,000; clerk to the Committee on Appropriations, $4,000, and $1,000 additional while the office is held by the present incumbent, assistant clerk and stenographer, $2,500, assistant clerk, $1,900, janitor, $1,000; clerk to the Committee on Banking and Currency, $2,000, assistant clerk, $1,200, janitor, $720; clerk to the Committee on the Census, $2,000, janitor, $720; clerk to the Committee on Claims, $2,500, assistant clerk, $1,200, janitor, $720; clerk to the Committee on Coinage, Weights, and Measures, $2,000, janitor, $720; clerk to the Committee on the District of Columbia, $2,500, assistant clerk, $1,800, janitor, $720; clerk to the Committee on Elections No. 1, $2,000, janitor,

$1,000; clerk to the Committee on Elections No. 2, $2,000, janitor, $720; clerk to the Committee on Elections No. 3, $2,000, janitor, $720; clerk to the Committee on Enrolled Bills, $2,000, janitor, $720; clerk to the Committee on Foreign Affairs, $2,500, assistant clerk, $1,800, janitor, $720; clerk to the Committee on Immigration and Naturalization, $2,000, janitor, $720; clerk to the Committee on Indian Affairs, $2,500, assistant clerk, $1,800, janitor, $720; clerk to the Committee on Industrial Arts and Expositions, $2,000, janitor, $720; clerk to the Committee on Insular Affairs, $2,000, janitor, $720; clerk to the Committee on Interstate and Foreign Commerce, $2,500, additional clerk, $2,000, assistant clerk, $1,500, janitor, $1,000; clerk to the Committee on Irrigation of Arid Lands, $2,000, janitor, $720; clerk to the Committee on Invalid Pensions, $2,500, stenographer, $2,190, assistant clerk, $2,000, janitor, $1,000; clerk to the Committee on the Judiciary, $2,500, assistant clerk, $1,600, janitor, $720; clerk to the Committee on Labor, $2,000, janitor, $720; clerk to the Committee on the Library, $2,000, janitor, $720; clerk to the Committee on Merchant Marine and Fisheries, $2,000, janitor, $720; clerk to the Committee on Military Affairs, $2,500, assistant clerk, $1,500, janitor, $1,000; clerk to the Committee on Naval Affairs, $2,400, assistant clerk, $1,500, janitor, $1,000; clerk to the Committee on Patents, $2,000, janitor, $720; clerk to the Committee on Pensions, $2,500, assistant clerk, $1,600, janitor, $720; clerk to the Committee on Post Offices and Post Roads, $2,500, assistant clerk, $1,400, janitor, $1,000; clerk to the Committee on Printing, $2,000, janitor, $1,000; clerk to the Committee on Public Buildings and Grounds, $2,500, assistant clerk, $1,200, janitor, $720; clerk to the Committee on Public Lands, $2,000, assistant clerk, $1,200, janitor, $720; clerk to the Committee on Revision of the Laws, $2,000, janitor, $720; clerk to the Committee on Rivers and Harbors, $2,500, assistant clerk, $1,800, janitor, $1,000; clerk to the Committee on Rules, $2,000, janitor, $720; clerk to the Committee on Territories, $2,000, janitor, $720; clerk to the Committee on War Claims, $2,500, clerk, to continue Digest of Claims under resolution of March 7, 1888, $2,500, assistant clerk, $1,200, janitor, $720; clerk to the Committee on Ways and Means, $3,000, assistant clerk and stenographer, $2,000, assistant clerk, $1,900, janitor, $1,000, janitor, $720; in all, $162,230.

Mr. LAFFERTY. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 14, insert after line 24 the following:
"Clerk to the Committee on Mileage, $500."

Mr. JOHNSON of South Carolina. I make a point of order on that, but if the gentleman wants to be heard I will reserve it.

Mr. LAFFERTY. I would like to be heard. The clerk to the Committee on Mileage during the last session and so far during this session has served without compensation. He performed a great deal of work in going over the railroad guides and figuring up the amount of mileage that was justly due the several Members. His work resulted in a saving of about $2,500 as compared with the mileage accounts of previous years. I may say that he fixed my mileage at $35 less than was allowed to my predecessor. The clerk's name is Robert C. Collins. He is clerk to the gentleman from Pennsylvania [Mr. LEE], chairman of the Committee on Mileage. I am a member of the committee myself, and several members of that committee have requested me to offer this amendment to give the young man some compensation during the coming year.

Mr. MURDOCK. Will the gentleman yield?

Mr. LAFFERTY. Yes.

Mr. MURDOCK. My impression is that this work was formerly done by a clerk in the Sergeant at Arms' office, and that he was paid for it. My understanding is that formerly he was paid.

Mr. LAFFERTY. I understand that is true.

Mr. JOHNSON of South Carolina. I would like to ask the gentleman what possible labors can devolve on the Committee on Mileage during the short session of the Sixty-second Congress? We have all been elected, our mileage has been adjusted, and there is no work to do.

Mr. LAFFERTY. It is true that in equity this appropriation of $500 for the coming year for the clerk would, to my way of viewing it, be compensation for work largely already done and for which he has received no pay.

But it is also true that this clerk will have considerable work to do in the coming year. I have been in the office of the Committee on Mileage, while the mileage list was being made up, and heard him answer the telephone four or five times in the course of an hour in response to inquiries from Members and others wanting to know about questions of mileage. He is a veritable bureau of information on that subject, and he has performed a great deal of labor during the past year. We are going to have other meetings of that committee. We have bills pending before the Committee on Mileage, and I do not think the clerk ought to be expected to serve for nothing. I think $500 would be the least we could justly offer him for the two years' service he will perform.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oregon yield to the gentleman from Illinois?

Mr. LAFFERTY. Yes; I shall be glad to do so.

Mr. MANN. The gentleman perhaps is not familiar with the practice in the past in reference to matters of this kind. The practice has been that in the closing days of a session of Congress cases that are really meritorious, wherever there are such, are taken care of by the Committee on Accounts.

Mr. LAFFERTY. Well, that being the case, I shall not insist upon my amendment.

Mr. MANN. That is the only way it has been done.

Mr. LAFFERTY. If the Committee on Accounts will take this matter up and allow it, if it is meritorious, I will not press my amendment now.

Mr. GARNER. Mr. Chairman, as a member of the Committee on Accounts I could not undertake to speak for the committee; I can speak only for myself. But——

Mr. MANN. That is the practice of the House.

Mr. GARNER. Yes. This is for compensation for work already done. Now, if the clerk of the Committee on Mileage can come before the Committee on Accounts and make an equitable showing, I feel sure that the committee will give him a fair hearing, and if it is shown that he is entitled to this compensation the Committee on Accounts will doubtless recommend it.

Mr. MANN. The appropriation for mileage this year is $154,000. The mileage that has actually been paid at this session is a little over $151,000. How much has been saved by this gentleman's computation I do not know; whether the $154,000 would have all been spent without him I do not know.

Mr. LAFFERTY. Mr. Chairman, in view of what has been said, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman from Oregon [Mr. LAFFERTY] asks unanimous consent to be permitted to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I wish to call the attention of the gentleman in charge of the committee to page 14, line 3, which provides for a janitor, at $1,000, for the Committee on Elections No. 1. I want to know why there should be any difference in the pay of the janitors of these three Committees on Elections, Nos. 1, 2, and 3.

Mr. MANN. Mr. Chairman, I think I can give a better explanation of that than can the gentleman from South Carolina [Mr. JOHNSON], although I am not interested. Formerly there was one Committee on Elections. Before I came to the House that committee was subdivided into three committees. While it was still one committee it was provided with a clerk and a janitor, and when the committee was subdivided into three committees the clerk and the janitor remained with the Committee on Elections No. 1. In the course of time, when the gentleman from New York [Mr. DRISCOLL] was chairman of one of the Committees on Elections, and I was chairman of the Committee on Elections No. 1, janitors and clerks were allowed to the other Committees on Elections.

I think I have the most efficient janitor and messenger around this Capitol, and, without any request from me, because of the service which he was performing, which came under notice of the clerk to the Committee on Accounts, the Committee on Accounts at one time, in reporting a resolution, provided for the increase of salary of my janitor from $720 to $1,000—a salary which he never received, because immediately thereafter I became chairman of the Committee on Interstate and Foreign Commerce, and the man who succeeded my janitor in the Committee on Elections No. 1 got the increased salary. Thereupon, I may say modestly, I proceeded to get the salary of the janitor to the Committee on Interstate and Foreign Commerce raised to $1,000, where it is now.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. MANN. Yes.

Mr. FITZGERALD. That compensation was raised in the days when they raised the compensation not only of those who asked to have it raised but those who did not? [Laughter.]

Mr. MANN. No. There are times when people take notice of the merit or modesty of the people who serve them; and in this case the House of Representatives took notice of the merits of my modest janitor, who, so far as efficiency is concerned, I will put up against the clerk of almost any committee of the House.

Mr. GARNER. No; they took notice of the modesty of the gentleman from Illinois, not the modesty of his janitor. [Laughter.]

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I move to strike out "$1,000" and insert "$720," on page 14, line 13.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. MICHAEL E. DRISCOLL].

The Clerk read as follows:

On page 14, line 13, strike out the figures "1,000," and insert in lieu thereof "720."

Mr. MICHAEL E. DRISCOLL. Now, Mr. Chairman, I am not very touchy about the salaries, but I wish to say this, that so far as I have ever heard there is no difference in the work done by the Committees on Elections Nos. 1, 2, and 3. The contested-election cases are divided up by the Speaker among those three committees as fairly and equitably with regard to work as may be. The janitors certainly have not much to do with the work that is done before any of these committees, and I do not think anybody complains that the janitors of any of the committees are not getting all they are earning, because none of them are working very hard. Now, where there are three committees of absolutely equal rank in all respects, doing the same kind of work in every particular, the janitors or messengers doing the same kind of work in all respects and not very much of it, it is not quite fair that one should get $1,000 and the other should get $720. Therefore, since I am not in favor of raising salaries and am in accord with the committee in this respect, and since $720 is ample pay for any man who acts as a janitor or messenger for any of these committees, it strikes me that a man who is getting $1,000 ought to be reduced to the level of the other two who get $720 each, and that the amendment ought to prevail.

Mr. MANN. Mr. Chairman, just a word. I do not know who this employee is, but many people have the idea that a janitor is a mere janitor to take care of the committee room. Many years ago the House used to provide messengers as well as janitors. Finally it commenced to use the language "janitor," and some of the janitors are mere janitors. Some of them are employees who do that work. I never have had a janitor who was a mere janitor. I have had a janitor who was not only a janitor but a messenger and a clerk, an employee who did efficient service. Now, this man, whoever he may be, has been employed by the chairman of that committee at a salary fixed at $1,000—brought here at that salary—and it seems to me that in all fairness to him he ought to be permitted to draw the salary during the term of this Congress.

Mr. MICHAEL E. DRISCOLL. I will admit that while the gentleman from Illinois [Mr. MANN] was chairman of that committee he worked very hard himself, harder I think than any other man in this House, and he probably made his clerks and messenger or janitor work; but without any reflection on the present chairmen of the committees, it can not be claimed by any reasonable man that one of these committees now does any more work than either of the other two, and I do not think the gentleman from Illinois will claim that Committee No. 1 has now any more cases or any more work to do than either Committee No. 2 or Committee No. 3, and I do not think he will claim here that the janitor to Committee No. 1 is required to do any greater or any more arduous or any higher class of work than the janitors to Committees 2 and 3. Therefore there should not be this discrimination between them.

Mr. MANN. I do not undertake to say what services the janitors of any of the committees are performing. I know that at this session of Congress Committee on Elections No. 1 has had a good deal of work to do. Possibly the other committees have had. I am not interested in the question, but when we have given authority to employ a man at a salary, in fairness to the man we ought to do as we do in private life, keep him during the term for which he supposed he was employed and for which we supposed he was employed.

Mr. JOHNSON of South Carolina. Mr. Chairman, before the Congress met a committee appointed by the Ways and Means Committee examined all the officials of this House. They determined that certain officers were useless, and that certain salaries ought to be reduced. We have carried out the resolution reported by that committee. The Committee on Appropriations does not know who this janitor is, but whoever he is, he was appointed at a salary fixed at $1,000. He has been brought here from his home with the expectation of receiving that salary. The Committee on Appropriations have not felt justified in changing it. I hope that the amendment will be voted down.

Mr. BARTLETT. Mr. Chairman, I am opposed to this amendment. I happen to have been a member of the Committee on Elections No. 1 in my first service in this House. When I came here there was only one committee to consider election cases, known as the Committee on Privileges and Elections. There were then pending 41 contested cases, and in order to expedite the hearings of those cases, at the suggestion of Speaker Reed, the committee was divided into three committees, known as Committees on Elections Nos. 1, 2, and 3, with the positive statement made that those committees were not to be continued any longer than the exigencies of that particular session required.

But having created the committee, having created the chairmanship, having created the clerks, and there being no suggestion from either side of the House that the useless division of the Committee on Elections should be discontinued, they have been continued. The reason the janitor for Committee on Elections No. 1 receives $1,000 is that the old Committee on Privileges and Elections had a janitor at a salary of $1,000, and he was assigned to Committee No. 1.

The truth about the whole business is that there is no necessity for three Committees on Elections, because, as I understand, for the last 8 or 10 years there has been no contests to apportion more than one or two to each committee. But the Committee on Elections No. 1 has had a janitor at $1,000 a year; it has been appropriated for year after year and the janitor has been appointed under the understanding that that salary was to continue.

Mr. GARRETT. Will the gentleman yield?

Mr. BARTLETT. I will.

Mr. GARRETT. I ask the gentleman if he does not think, as a matter of fact, that all Committees on Elections should be abolished; that there ought not to be any standing Committee on Elections? It is not a legislative committee.

Mr. BARTLETT. When the committees were organized it was the Committee on Privileges and Elections, and I think the old committee ought to be restored and this division of Committees on Elections be done away with. The understanding was, and the statement was made on the floor of the House by Speaker Reed, at the time the resolution dividing up the Committee on Privileges and Elections was agreed to, that it was only for the fact that in the Fifty-fourth Congress there were 41 election cases and one committee could not dispose of all the cases in time to have a hearing before that Congress expired. Nobody who voted for or against the proposition thought that these three committees were to continue during all time.

Now, replying to my friend from Tennessee, I say that I recall what I have stated with reference to the time when these committees were created, and I certainly had expected that when the Democrats got control of the House, carrying out their—I will not say expected or pretended plan of reduction of expenses—but their proclaimed plan of reduction of expenses, that these useless committees would be dispensed with.

Reference has been made by the gentleman from South Carolina about carrying out the policy suggested in the beginning of this Congress by the committee appointed from the Committee on Ways and Means to reduce the officers of the House. I remember with what éclat it was proclaimed that the House had saved $187,000 a year by the reduction of its own force. The report of this committee shows that all we can do, that all we have been able to save in the expenses of the Government by reduction of the officers of the House is $92,280. So we have not been able to come up to the expectation of the Democratic caucus by at least 50 per cent. I am sorry that we have not been able to do it.

Mr. JOHNSON of South Carolina. Will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. JOHNSON of South Carolina. I want to say that the $180,000 was based upon the reduction in the officers of the House and the extra month's pay.

Mr. BARTLETT. No; it was said that we had cut off of our own force that amount and that we started our economy program in our own House. The truth about it is it had not been inquired into, and they have found out since they made the reductions that it was necessary, in order to carry on the business of the House, to reinstate, by resolutions from the Committee on Accounts, some of these officers or like places that had been abolished.

I do not think that this janitor's salary ought to be reduced. I think we ought to permit it to stand where it is and where it has been for years. I do think we ought not to have three Committees on Elections when one committee can abundantly dispose of the business it has and have ample time and leisure for the balance of the session.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. MICHAEL E. DRISCOLL. How many years has this salary been at $1,000?

Mr. BARTLETT. I can not say.

Mr. MICHAEL E. DRISCOLL. Only one year?

Mr. MANN. The salary took effect, I think, two years ago last July.

Mr. BARTLETT. I think the gentleman from Illinois is mistaken.

Mr. MICHAEL E. DRISCOLL. Originally, the janitors' salaries were all the same.

Mr. MANN. Originally, there was only one janitor, and he was for Committee on Elections No. 1.

Mr. BARTLETT. Now, Mr. Chairman, I am in favor of economy; I am in favor of reducing expenditures——

Mr. MICHAEL E. DRISCOLL. Then commence right here.

Mr. BARTLETT. Oh, I would commence at places that the gentleman would not begin at; I would vote against the proposition of taking forty-two or seventy-five million dollars out of the Treasury in order to pay service pension bills. I want to reduce expenditures, not by striking off a few dollars from the salary of employees of the House and reducing the means afforded to the Members of the House to discharge their official duties, which does not amount to anything, but by voting against these increased appropriations, which take millions out of the Treasury. I do not seek to economize by simply striking a few dollars off from the salary of a janitor to a committee. [Applause.]

Mr. HAMLIN. Mr. Chairman, I am in favor of this amendment, and I know nothing about this janitor, but I only want to make this observation. I can not quite harmonize the idea of members of the committee who are in favor of such rigid economy and yet are not willing to agree to an amendment to equalize the salaries of men engaged in the same work exactly, simply for no other reason than it has been at this figure for a couple of years and ought not now to be disturbed. A few moments ago when I presented to the committee a proposition that ought to have appealed to everybody in justice to a man who is rendering actual service for inadequate pay, the proposition was defeated on the point of order made by the chairman of the Committee on Appropriations. Here we are confronted with this proposition. A janitor for one of the Elections Committees, Elections Committee No. 1, having no more business than the Elections Committee No. 2 or Elections Committee No. 3, and yet the janitors of those other two committees, doing the same kind of work, are getting $720 a year each, and this man is getting $1,000. There are five other committees of this House that are being served by one janitor alone who takes care of the office of all five of the committees, carries the mail, and gets only $720 during the time Congress is in session. Now, it seems to me, we ought not to be so particular and stickle so closely on a report that may have been brought by the Appropriations Committee that we are not willing to equalize these things and treat men fairly. If this man is entitled to $1,000 per year, the men doing like work are entitled to the same amount. If these others are entitled to only $720, then this man is only entitled to $720, I care not who he is and I do not know who he is. What are we for if it is not to do justice to all the employees in the service of this House and under the jurisdiction of this House?

Mr. GARRETT. If the gentleman will permit me. Like the gentleman, I do not know who the janitor is and I do not care very much about it, but this idea occurs to me, that that janitor came here and accepted employment at that salary and it would amount to a breach of contract almost to reduce that salary during the time for which he was appointed.

Mr. HAMLIN. That janitor came here and accepted the employment with the understanding he might be discharged at the end of any month. We have a right to discharge him, and the bill provides these janitors may be discharged at any time, and any man who accepts appointment here comes with the understanding that his salary may be increased or it may be reduced at any time, and I do not think it is any good reason why this salary should be paid for next year. He is getting $1,000 this year and we can not change that, and if we use that as an argument why he must have it next year, the same argument will prevail when we come to appropriate for the year 1914.

Mr. GARRETT. It looks to me as if the salary ought to be changed in advance of the man's accepting the appointment.

Mr. HAMLIN. When are you going to get it reduced if you do not do it now? If you wait until next year you will then say it is $1,000 this year and ought to be $1,000 next year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask that the gentleman may have two minutes additional.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Missouri may have two minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. I understood the gentleman's position a few moments ago was that he was in favor of increasing a salary from $800 to $1,200 on the ground that $800 was not sufficient. Now he is in favor of decreasing the salary from $1,000 to $720 on the ground that $720 is sufficient.

Mr. HAMLIN. No; unfortunately, the gentleman did not understand my position.

Mr. MANN. What is the gentleman's position?

Mr. HAMLIN. I am not saying $1,000 is too much. Maybe these other janitors ought to have their salaries raised to $1,000, but it is manifestly wrong—three men working side by side and doing the same work for the same kind of committees—to give two $720 each and the other $1,000. I plead with you——

Mr. MANN. But the gentleman is assuming they are doing the same work.

Mr. HAMLIN. I have a right to assume they are doing the same work. They are exactly in the same business, looking after the Elections Committees, with equal jurisdiction.

Mr. MANN. The gentleman may say the same thing about all committees.

Mr. MICHAEL E. DRISCOLL. Nobody claims that this fellow does any more work than the others.

Mr. HAMLIN. They are doing the same work, and nobody claims, as my friend from New York suggests, that he is doing any more work than any of the other janitors of these Election Committees. All I am asking is to treat these people fairly. I do not know any of them, but I say it is wrong to pay some $720 a year, and, as I said a while ago, some janitors caring for five committees at $720 a year and give this one man $1,000.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that all debate on this amendment close in three minutes.

The CHAIRMAN. The gentleman from South Carolina moves that all debate on this amendment close in three minutes.

The question was taken, and the motion was agreed to.

Mr. FITZGERALD. The committee inquired into the compensation being paid to the janitors of the Elections Committees, and it was of the opinion that the compensation should be the same in each instance. It was ascertained, however, that the janitor had been appointed to this committee at the compensation of $1,000. He was selected because he was a man who could be obtained for $1,000, upon the expectation that he would be continued during this Congress. The Committee on Appropriations did not believe it would be performing a great public service or contributing anything to economy in the public expenditure to reduce a man to $720 in order to have his compensation fixed on the same basis as that paid to some other person.

I know that the gentleman from New York [Mr. MICHAEL E. DRISCOLL], who has proposed this amendment, served in the last Congress as chairman of the Committee on Elections No. 3, and he appointed a janitor at $720 a year. I suppose he appointed the kind of a man he could get for $720 a year. If the compensation had been $1,000 a year he perhaps would have gotten a better man, and perhaps would have been able to have rendered better service to the House. The fact is, all these men are not janitors in the way the word "janitor" is understood. They are to assist the man who is chairman of the committee in the necessary clerical services he requires, and it depends very much on the type of man who is chairman of the committee as to whether he needs any clerk or whether any number of clerks will enable him to do any work properly devolving upon him.

Mr. HAMLIN. Then, if that is true, why not increase the salary of the janitors of the other two election committees to $1,000?

Mr. FITZGERALD. Because it appears there is no necessity for such increase. They were appointed on the understanding that they would receive $720. The gentleman from Illinois [Mr. MANN] has pointed out the inconsistency to the gentleman from Missouri. He complained because some present employee here, receiving $800, was not paid sufficiently. He singles out a poor janitor and proposes to reduce his salary $280 in the belief that he is accomplishing some public good.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. Let us have a vote, Mr. Chairman.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from New York [Mr. MICHAEL E. DRISCOLL].

The question was taken, and the amendment was rejected.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I offer the following amendment:

On page 14, line 4, strike out the figures "720" and insert in their place the figures "1,000"; and on the same page, line 6, change both of the items of "720" to "1,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 4, strike out the figures "720" and insert "1,000"; and in line 7 strike out the figures "720" and insert the figures "1,000."

Mr, JOHNSON of South Carolina. I make a point of order against that.

Mr. MANN. I would like to have the amendment correctly reported.

The CHAIRMAN. The Chair did not hear the gentleman from Illinois.

Mr. MANN. The amendment was not correctly reported. The Clerk read the wrong line.

The CHAIRMAN. The gentleman from New York [Mr. MICHAEL E. DRISCOLL] will please restate the amendment.

Mr. MICHAEL E. DRISCOLL. The second part of the amendment is:

Line 6, page 14, strike out "720" and insert in place thereof "1,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 6, strike out "720" and insert "1,000."

Mr. JOHNSON of South Carolina. Now, Mr. Chairman, I make a point of order against that. We have been discussing it 20 minutes.

The CHAIRMAN. The Chair will state to the gentleman from South Carolina that it is not in compliance with existing law and not in conformity with clause 2 of Rule XXI, and therefore sustains the point of order.

The Clerk read as follows:

For six clerks to committees, at $6 each per day during the session, $4,320.

Mr. JOHNSON of South Carolina. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 16, strike out lines 4 and 5, and insert in lieu thereof the following:

"For nine clerks to committees, at $125 per month each during the session, $4,500."

Mr. LEVER. Mr. Chairman, I offer the following as an amendment to the amendment.

The CHAIRMAN. Does the gentleman from South Carolina [Mr. JOHNSON] yield the floor for that purpose?

Mr. JOHNSON of South Carolina. Mr. Chairman, I supposed I had the floor.

The CHAIRMAN. The Chair asked the gentleman if he yielded for that purpose?

Mr. JOHNSON of South Carolina. Mr. Chairman——

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] has the floor.

Mr. JOHNSON of South Carolina. Mr. Chairman, I yield to my colleague [Mr. LEVER].

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Page 16, line 4, strike out the word "six" and insert the word "nine."

Mr. FITZGERALD. I suggest that amendment is not in order at this time. The gentleman from South Carolina [Mr. JOHNSON] moves to strike out the two lines.

The CHAIRMAN. The Chair sustains the point of order.

Mr. JOHNSON of South Carolina. I move to strike out "six" and insert "nine."

The CHAIRMAN. The Chair sustains the point of order. The amendment now pending before the committee is the amendment offered by the gentleman from South Carolina [Mr. JOHNSON].

Mr. JOHNSON of South Carolina. This amendment is in order to provide nine session clerks at $125 per month. There are nine committees that are not provided with annual clerks. These session clerks have been receiving heretofore $6 a day. The committee brought in a proposition to appoint six clerks at $6 per day during the session. The chairmen of the committees affected by this legislation suggested that we change it from six to nine and that they would be satisfied with that amendment; and, believing that that was what the gentlemen wanted, I introduced this amendment.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Carolina. Certainly.

Mr. LEVER. I will say to my colleague that on this proposition, as one of the chairmen of those nine committees, I was not consulted and I never heard of it until I saw it in the bill.

Mr. ROTHERMEL. What committees are they?

Mr. JOHNSON of South Carolina. There are nine committees. I did not recall the names of them all. Alcoholic Liquor Traffic is one of them.

Mr. LEVER. Mr. Chairman, if my colleague will yield, I have eight committees here—Alcoholic Liquor Traffic; Education; Election of President, Vice President, and Members of Congress; Enrolled Bills; Mines and Mining; Railways and Canals; Reform in the Civil Service; and Disposition of Useless Papers. There is one other which I do not recall. All those are involved in this proposition.

Mr. JOHNSON of South Carolina. Now, Mr. Chairman, we brought in this amendment in order to give all these committees clerks at $125 per month each.

Mr. FOSTER. This cutting of the clerks' salaries from $6 a day to $125 per month of course affects the committee of which I am chairman. I will not complain about that. So far as that matter is concerned, I would care but little if you cut the clerk off entirely. If I can not do the work, it would be that it would have to go undone. But I call the attention of the committee to this fact: This amendment has been offered by the gentleman in charge of the bill now under consideration before the Committee of the Whole House on the state of the Union. I do not know how much work other committees have which have session clerks. Of course the Committee on Mines and Mining has considerable work to do, as might be shown from what that committee has done in the last few months. But I want to call the attention of the committee to the fact that, while the committee has been particular to move to reduce the compensation of these clerks who receive $6 per day during the session, which is about $1,000 for the long session of Congress, or a little more, and about $700 for a short session, lasting about four months, at $6 a day, I do not complain. I am ready to do whatever the House may see fit to do. I am always willing to submit to what the House does after the House by a majority decides a question in these matters.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. MANN. The gentleman is now chairman of the Committee on Mines and Mining, which, since the creation of the Bureau of Mines, has become a very active committee in the House. The gentleman's committee ought to have an annual clerk at $2,000.

Mr. FOSTER. Well, my colleague may be right about that, but I am not here to ask that of the House.

Mr. MANN. It should have it, under all the precedents.

Mr. FOSTER. In view of what my colleague has said, it is well known that that bureau since it has been established has created a great deal more work for the Committee on Mines and Mining, and the correspondence is at times quite heavy, and there is a good deal of work to do.

Now, I want to call the attention of the House to some other things that are possibly outside of this particular item.

Mr. NORRIS. Before the gentleman leaves that item will he submit to a question there?

Mr. FOSTER. Yes.

Mr. NORRIS. The gentleman is speaking of the work of his committee and the correspondence that comes to it on account of the activity of the Bureau of Mines. I would like to ask him now, for information upon that point, whether that correspondence is confined to the times when the House is in session or is it just as voluminous when the House is not in session?

Mr. FOSTER. No. As is the case with other committees, I think it is not as great during the time between the sessions of Congress as during the session.

Mr. NORRIS. Is there any considerable amount of it?

Mr. FOSTER. Yes; there is a good deal of work to be done every day.

Mr. NORRIS. I think the gentleman ought to give his experience to the House. He has been chairman most of the time since that bureau was created, and he could give us some light on the proposition as to whether he ought to have an annual clerk or a session clerk.

Mr. FOSTER. Well, I have not been chairman of a committee of the House before, and so I am not able to speak in comparison with the work of other committees of the House. There are other committees which have a great deal more work than this one has, as you no doubt know. But of course during the session the business has been quite large and is increasing, and every day there is a lot of work to be done by the clerk of that committee.

Mr. KOPP. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. KOPP. Does the gentleman think the services rendered by these session clerks are of a higher grade than the services rendered by the secretaries to the Members?

Mr. FOSTER. I do not know whether that is so or not. The only thing is, it is a less permanent employment than that of the clerks to Members. The clerks to Members are employed for the year, and these clerks are only employed for the session.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOSTER. I should like to have about two minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. FOSTER. Mr. Chairman, of course if the House cuts this compensation to $125 a month during the session, it becomes a question, so far as I am concerned, whether I could employ a secretary who would come from my home or not. I do not think I could, but I could get along in some way. I want to say to the House that I am not complaining; but, for instance, in this bill there have been janitors given to certain committees in the House Office Building. The Committee on Mines and Mining has two rooms over there which are taken care of by charwomen of the House Office Building. Not very far from where I happen to be located in that House Office Building is another committee which I think is probably not of greater importance, but equally so, that has a janitor or messenger, whatever he is called, with the same number of rooms and the same kind of rooms. The Committee on Mines and Mining have no janitor. I do not think we need any. I do not want any. I think it would be an extravagance to give one at this particular time; but I do not know whether the Committee on Appropriations investigated that matter particularly or not, to see whether these committees were entitled to and ought to have a janitor or messenger at an expense of $720 or $1,000 per year, a total of nearly as much as the clerk receives in the course of the two years, about as much as the clerk of the Committee on Mines and Mining would get.

Mr. CANNON. Mr. Chairman, I have just come in, and heard the concluding remarks of my colleague from Illinois. It seems to me from what I gather that "I would waits upon I dare."

Mr. GARNER. Mr. Chairman, I rise for the purpose of calling the attention of the House to the propriety of assigning session clerks to committees, and I believe that if the committee will give fair consideration to it, as the Committee on Accounts have tried to do, they will come to the conclusion that I have come to, and that is that the session clerks, so far as being a benefit to a committee, are a farce. If these committees are entitled to clerks, or if they ought to have assigned to them clerks of any character, what we ought to do is to give them annual clerks. The idea is that by assigning to them session clerks and giving them the extra assistance they will be able to perform their services as Congressmen more efficiently. I want to say to the House that I have had a change of heart to an extent with reference to these clerks and other clerical help to committees. When I first started in to examine them by virtue of my position on the Committee on Accounts I was thoroughly convinced that there was from 50 to 75 per cent more clerical help to the committees than they ought to have, but I found that I was in error in that. I can truthfully say that there are some committees that have janitors that are absolutely unnecessary. I have in my mind one or two cases where the man has absolutely nothing on the face of the earth to do except to take the Member's hat as he comes in and to brush his coat as he starts out. And one of those Members happens to be an individual who never was accustomed to anything of that kind before, and as a result he has felt a great deal of timidity, and he keeps the janitor inside of the room instead of having him sit outside. But the point I want to bring to the attention of the committee is this: That we ought to adopt this amendment of session clerks at $125 a month, and give us 9 clerks, because if you do not adopt this amendment, and you leave it at $6 a day for 6 committees, you are going to have the Committee on Accounts in this position at the next session of Congress. My friend, the chairman of the Committee on Education [Mr. LEVER], and my friend here, the chairman of the Committee on Alcoholic Liquor Traffic [Mr. CANDLER], will be in before the Committee on Accounts, and they will show conclusively, on account of the tremendous legislation that is before those respective committees, the great importance of having session clerks; while my friend, the chairman of the Committee on Mines and Mining [Mr. FOSTER], will be around, and by virtue of the activity of the Bureau of Mines he will convince us beyond doubt that he ought to have a clerk. So the result will be that you will have 9 committees, each of which will have convinced the Committee on Accounts that it needs a session clerk, and there are only 6 session clerks to assign to them. Whereas if you adopt the other amendment you will have 15 clerks, at $125, and the cost will be no greater. The gentleman asks why I favor $125 a month as against $6 a day. I reply to him that these session clerks are a force that do practically no work as committee clerks. Very few of these committees do any work whatever.

The result is that they are given more in the way of assistants for performing personal clerical work, getting at it indirectly, as session clerks. The Committee on Accounts thoroughly thrashed out this matter, and the House thoroughly thrashed it out, and came to the conclusion that it ought to be $125 a month rather than $6 a day, for the reason that each one of the expenditure committees has a clerk at $125 a month. If you give these gentlemen who do less work session clerks at $6 a day, the gentlemen who are chairmen of committees on expenditures will come in and say, "My committee does more work than the Committee on Alcoholic Liquor Traffic, and that committee has a clerk at $6 a day," and then insist that they have a clerk at the same salary.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, is a substitute for the amendment now in order?

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn.

Mr. MANN. Reserving the right to object, I should like to ask what the pending amendment is.

The CHAIRMAN. If there be no objection, the Clerk will report the pending amendment.

The Clerk read as follows:

On page 16, strike out lines 4 and 5 and insert in lieu thereof the following:

"For 9 clerks to committees, at $125 per month each during the session, $4,500."

The CHAIRMAN. The pro forma amendment being withdrawn without objection, the gentleman from South Carolina offers the following substitute for the amendment.

The Clerk read as follows:

For 9 clerks to committees, at $6 each per day during the session, $6,480.

Mr. LEVER. Mr. Chairman, in the matter of the difference in pay for janitors to Committees on Elections Nos. 1, 2, and 3 my distinguished colleague [Mr. JOHNSON], the chairman of the subcommittee in charge of this bill, argued that he proposed to stand by the committee report for the reason that this particular janitor had been employed and had accepted with this committee a contract which, to his mind, carried him not for one session but two sessions of Congress. I want to say that the clerk of the committee of which I have the honor to be chairman—and I assume that all the clerks of all these nine committees have been employed upon the theory that they were to be kept in employment for this entire Congress and not brought here for the salary of $1,000 or $1,200 for the year and then for a reduced salary at the end of this session—accepted his position on the idea that he was to be carried during the entire Congress.

If my colleague's reasoning is correct with reference to the janitor of the Committee on Elections No. 1, my reasoning is correct with reference to the clerks of these nine committees which are provided with session clerks at $6 per day.

Mr. GARNER. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. GARNER. Does the gentleman undertake to say that the chairmen of the different committees have brought men from their districts that they would not have brought anyway—is it not a fact that a number of chairmen have added to the secretary's salary the salary of the session clerk?

Mr. CANDLER If the gentleman will allow me, I want to say that I am chairman of the Committee on Alcoholic Liquor Traffic, and I brought a man from my home town as clerk, and my secretary is an entirely different man. And this man that I brought is doing the work of the committee.

Mr. LEVER. Mr. Chairman, I want to reply further to my colleague from South Carolina [Mr. JOHNSON] who is a mighty wise man and a very good man, that one of the other reasons assigned for the refusal to equalize the salaries of this janitor for these election committees was that the House of Representatives in its resolution adopted May 9, 1911, did not provide for the reduction of that janitor's salary so as to equalize his salary with those of the other janitors of the other two election committees. I want to call attention of the committee to the fact that the resolution did not provide either for the reduction of the salaries of the clerks of these nine committees, which are now proposed to have their salaries reduced to $125 a month.

I think the gentleman from Texas is right. I am sure my friend from Illinois is right on this proposition. These nine committees deserve to exist or they ought to be abolished. If you are going to continue their existence you ought to provide them with the machinery to do the business of these committees. I say candidly to my friend from Texas that I could not get a man from South Carolina who is worth shucks to come here and live in the city of Washington under the expensive conditions that we have to live under at a salary which in two years may net him $1,500 or $1,800 a year. What good would such a

clerk be to me? Absolutely none in the world. The result is that I added that to the salary of my own clerk and put it right up to him to hire somebody else to do the odds and ends of my own work, addressing seed slips, addressing speeches, and doing things that most anybody can do. I do not like to be put in that position. If you are going to continue the Committee on Education, of which I happen to be the chairman, it seems to me that you ought to provide us with an annual clerk, and pay that clerk such a salary as I can afford to bring from home some young and ambitious man and give him an opportunity of staying in Washington so that he may be of some service to me as chairman of the committee and some service to the country as a whole. Let these committees get busy with the matters before them and let this House give these committees the necessary machinery with which to do the work on these committees.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that all debate on this paragraph and amendments close in seven minutes.

The CHAIRMAN. The gentleman from South Carolina moves that all debate on the paragraph and amendments close in seven minutes.

The motion was agreed to.

Mr. MANN. Mr. Chairman, I want to cite a particular instance. This proposition of the committee is to reduce the number of session clerks from nine to six. In the assignment of these clerks that inevitably means that the Committee on Education would be left without any clerk.

Mr. HAMLIN. The gentleman means just the reverse.

Mr. MANN. No; the motion of the gentleman from South Carolina is to increase it from six to nine. It is nine now, but the committee proposes to reduce it to six. The Committee on Education would be left without a clerk. I have watched in this House with great interest the career of the gentleman from South Carolina [Mr. LEVER].

Mr. HAMLIN. If the gentleman will pardon me, in the interest of accuracy, the print is for six clerks, and the amendment is to make it nine clerks.

Mr. MANN. The committee has reported for six clerks; the substitute is to make it nine clerks.

As I say, Mr. Chairman, I have watched the career of the gentleman from South Carolina [Mr. LEVER] since he came into this House. He came originally before the committee of which I was chairman, of Elections No. 1, on a contest. I have paid close attention to him ever since. No man in this House has grown more rapidly in the estimation of the House [applause] or in the efficient work that he has performed than has the gentleman from South Carolina. [Applause.] To-day he occupies a position of great importance to this House upon the Committee on Agriculture, of which he is one of the leading members. I think that, although he may be chairman of a nominal committee like the Committee on Education, the House in justice to itself ought to provide him in some form with a proper clerk, which can only be done, in my judgment, by adopting the proposition which he has presented to the House. [Applause.]

Mr. CANDLER. Mr. Chairman, as chairman of one of these committees involved in this proposition, I want to state my situation for the consideration of the House. I will state that the clerk of the committee of which I am chairman, Mr. W. E. Small, jr., resigned a position which he had and came from Mississippi to the city of Washington, a man who has a wife to support as well as himself. He is a competent man, qualified to discharge the duties of the position. I could not get a man that would perform these duties that would come from the State of Mississippi to Washington for anything less than the salary that is prescribed. As far as I am concerned, I am perfectly willing to abide by the judgment of the House as to what is just and right with reference to this matter. I want to say that the committee on the organization of the House provided for these committees.

They provided for them at the time when they knew the amount fixed for session clerks. They retained the committees knowing that to be the fact, and, as was said by my distinguished colleague from South Carolina a moment ago, they either ought to be maintained and given proper clerical assistance, at a salary that makes possible the employment of somebody who is competent to discharge that work, or they ought to be abolished.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield for a question?

Mr. CANDLER. I have not much time.

Mr. MICHAEL E. DRISCOLL. It is a short question. Did this $6 a day include Sundays?

Mr. CANDLER. Yes.

Mr. MICHAEL E. DRISCOLL. They are paid for Sundays?

Mr. CANDLER. They are paid $6 a day during the month. Now, then, that being true, the committee on organization of the House having maintained these committees, then they should have a clerk during the session of Congress at the amount heretofore fixed. Whatever the House sees proper to do about the matter, I shall not complain. The clerk to my committee, I will state to Members, expected to receive during the sessions of this Congress the amount which he is receiving now. If you take it away from him, I do not suppose he will remain in the city of Washington, because I do not believe he could afford to remain for the amount the other amendment provides for. Whatever you do in the matter which is right and honest will be satisfactory to me. By that standard I am perfectly willing for this question to be settled. [Applause.]

The CHAIRMAN. The question is on the substitute offered by the gentleman from South Carolina [Mr. LEVER].

The question was taken, and the substitute was agreed to.

The CHAIRMAN. The question is on the amendment as amended by the substitute.

The question was taken, and the amendment as amended was agreed to.

The Clerk read as follows:

Office of Doorkeeper: Doorkeeper, $5,000; hire of horses and wagons and repairs of same, $1,200, or so much thereof as may be necessary; department messenger, to be appointed by the chairman of the conference minority, $2,000; special employee, John T. Chancey, $1,800; special employee, $1,500; superintendent of reporters' gallery, $1,400; janitor, $1,500; 16 messengers, at $1,180 each; 14 messengers on the soldiers' roll, at $1,200 each; 15 laborers, at $720 each; laborer in the water-closet, $720; laborer, $680; 2 laborers, known as cloakroom men, at $840 each; 8 laborers, known as cloakroom men, 2 at $720 each and 6 at $600 each; female attendant in ladies' retiring room, $800; superintendent of folding room, $2,500; 3 clerks, at $1,600 each; foreman, $1,800; messenger, $1,200; janitor, $720; laborer, $720; 32 folders, at $900 each; 2 drivers, at $840 each; 2 chief pages, at $1,200 each; messenger in charge of telephones, $1,200; messenger in charge of telephones (for the minority), $1,200; 46 pages, during the session, including 2 riding pages, 4 telephone pages, press-gallery page, and 10 pages for duty at the entrances to the Hall of the House, at $2.50 per day each, $13,800; superintendent of document room, $2,900; assistant superintendent, $2,100; clerk, $1,700; assistant clerk, $1,600; 7 assistants, at $1,280 each; assistant, $1,100; janitor, $920; messenger to press room, $1,000; in all, $150,900.

Mr. OLMSTED. Mr. Chairman, I move to strike out the last word, simply to suggest to the chairman of the subcommittee in charge of the bill——

Mr. GARRETT. Mr. Chairman, I want to reserve a point of order.

Mr. AUSTIN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. OLMSTED (continuing). That I was out of the Chamber for a moment, and the matter may have been provided for, but in order to make certain I ask the gentleman from South Carolina if the item, line 10, page 1, "Compensation of Senators, $690,000," ought not to be corrected? That is evidently based upon the proposition that there are 92 Senators, but we have recently admitted into the Union two new States, which would make 4 new Senators, or 96 in all, and it would make necessary an appropriation of $720,000 to pay their salaries at $7,500 each.

Mr. JOHNSON of South Carolina. Mr. Chairman, at the time the bill was made up the States had not been admitted into the Union, and the compensation in this bill provides for 92 Senators. That is to provide for the 92 Senators provided for by law. Of course, the Senate having increased by four new Senators will make the necessary amendment.

Mr. OLMSTED. I did not know but that the gentleman would like to go back and make the correction inasmuch as the two new States have been admitted.

Mr. JOHNSON of South Carolina. Wait until it gets over to the Senate, which does not overlook anything.

Mr. AUSTIN. Mr. Chairman, I desire to make a point of order. I make the point of order to the language, beginning on line 19, page 16, "to be appointed by the chairman of the conference minority" on the ground, Mr. Chairman, that that is new legislation on a legislative appropriation.

Mr. JOHNSON of South Carolina. Mr. Chairman, the Committee on Appropriations inserted those words because they were informed that in preceding Congresses, when the Democrats were in the minority, the leader of the minority was permitted to appoint that employee. We put those words there in order to be absolutely fair to the leader of the minority.

The CHAIRMAN. The Chair would ask the gentleman from South Carolina to address himself to the point of order. Does this language change existing law?

Mr. JOHNSON of South Carolina. I know of no law that requires that this employee shall be appointed by the minority, but the custom has been for him to be so appointed, and we put in those words.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I move to strike out, on page 16, lines 19 and 20, the words "department messenger, $2,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, lines 19 and 20, strike out the words "department messenger, to be appointed by the conference minority, $2,000."

Mr. MANN. Part of it has already gone out. Mr. Chairman, it was not at my request that there was inserted in the bill that provision that the department messenger should be appointed by the chairman of the conference minority. I was sent for one time by the Committee on Appropriations and asked whether I thought that was proper, and I said I had no objection. Afterwards I made some investigation and should have moved to strike out this entire language, whether the appointment by the conference minority had been stricken out on the point of order or not. The department messenger provided for in this bill in the current law has not been performing the services of a department messenger since last year, and never did have much service of any kind to perform. Years ago there was a department messenger, and in the Fifty-fourth Congress, or rather, in the Fifty-third Congress and preceding Congress, and in the Fifty-fourth Congress, when the Republicans came into control of the House, they provided for a department messenger, and appointed a Republican to the place.

The previous department messenger had been a Democrat, and a resolution was passed providing for an assistant department messenger, and the Democrat was appointed to that place. I doubt if there are 20 men of the House who know what the duties of the department messenger are. Has anyone here ever called on the department messenger? His duties are to work for Members of Congress. Has anyone here ever availed himself of that privilege?

Mr. DALZELL. You mean the position that was held by Mr. Vail?

Mr. MANN. By Mr. Vail.

Mr. DALZELL. I have.

Mr. MANN. The gentleman from Pennsylvania has. Has anyone else?

Mr. NORRIS. I do not know whether the gentleman wants us all to testify; but I have.

Mr. SHERLEY. I did not know that there was such a person. From what State does he come?

Mr. MANN. You can not prove it by me.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. MANN. Yes.

Mr. COOPER. Are there 20 gentlemen in the House who know what "chairman of the conference minority" means?

Mr. MANN. There are 20 who ought to know. The minority leader in the House has been designated in the statutes for years as "chairman of the conference minority." How the title originally started, I do not know.

Mr. SHERLEY. If the gentleman will permit, I will suggest that 20 Members, I guess, understand the meaning of "chairman of the conference minority."

Mr. MANN. The chairman of the conference minority is the so-called minority leader, and has been for years. Whoever put the provision in in the first place called him "chairman of the minority conference."

Mr. COOPER. How can the English language be tortured into any such meaning as the gentleman gives to that expression, namely, "chairman of the conference minority," as meaning the minority leader?

Mr. MANN. I do not undertake to explain it.

Mr. COOPER. It is an absolutely senseless expression, if that is what it means.

Mr. MANN. I agree with the gentleman entirely.

Mr. SHERLEY. He means expression and not place, does he not?

Mr. MANN. Yes; I think so. I agree with the gentleman now that there is no occasion to retain this department messenger. The gentleman who now occupies the place sent word to me recently that if this item was carried in the bill he was going to oppose it, unless I would agree to reappoint him. I said I would make no agreement about appointing anybody, because I had intended to move to strike out the item. There is no occasion for the place. This side of the House does not want it. That side of the House is under no obligations, that I know of, to appoint a Republican in the place, and, if they are, it is not their business to select a Republican. There is no occasion to use the place. There is a regular department messenger, who himself in one day of the week can do all the work which is asked for by all the Members of Congress in the entire seven days of the week, without another department messenger.

Mr. DALZELL. Do you refer to the party who is now holding that place, Col. Coombs?

Mr. MANN. This is not Col. Coombs's place.

Mr. AUSTIN. I desire to be heard.

Mr. GARNER. Will the gentleman from Tennessee [Mr. AUSTIN] permit me to ask the gentleman from Illinois a question in his time?

Mr. AUSTIN. Certainly.

Mr. GARNER. Will the gentleman from Illinois give me his attention, inasmuch as I have the permission of the gentleman from Tennessee to ask him a question? Does the gentleman from Illinois [Mr. MANN] believe it is to the interest of the Members of the House to have the continuous notice given, as has been going on for the last year or two, when bills are reported from committees and when they have passed the House?

Mr. MANN. I thought that was a good thing, but the gentleman's party by caucus abolished the job of notification clerk.

Mr. GARNER. Let us be perfectly frank and candid and say that we abolished it, because we did abolish it with the distinct understanding in the reorganization that the clerk at $3,000 a year should be the man who had been doing this work for two or three years past; but in making up the business the party emergencies demanded he should be relieved of this work, and this messenger has been doing that identical work ever since.

Mr. FITZGERALD. That is a violation of the law.

Mr. MANN. It is a criminal violation of the law, and if it continues I am going to call it first to the attention of the officers of the House and next to the criminal officers of the Government.

Mr. GARNER. I want to say, Mr. Chairman, I do not propose, so far as I can prevent it, that the House at any time have any misinformation. Let us understand every proposition on its merits and vote on its merits. This messenger, so-called, is absolutely useless as a messenger, as the gentleman from Illinois [Mr. MANN] has stated, but he has been doing other work.

Mr. MANN. You mean the individual has been doing other service?

Mr. GARNER. He has been doing the service of notifying Members of Congress of the condition and status of their bills.

Mr. MANN. I have no feeling against the individual, because he is a good man.

Mr. GARNER. I certainly have nothing against him myself.

Mr. MANN. He is an efficient notification clerk, and I would be glad to have the Democrats appoint him to the office.

Mr. GARNER. On the other hand, I have the kindliest feeling for him, and I would like to see him appointed to the place.

Mr. MANN. Not as department minority messenger?

Mr. SHERLEY. Is it not possible for some other clerk to notify us of these things without providing for this man?

Mr. GARNER. With the indulgence of the gentleman from Tennessee [Mr. AUSTIN], I want to say, Mr. Chairman, that when we reorganized the House we provided for one clerk at $3,000 a year. That place is carried in this bill now. We also provided for three or four clerks at $1,600 a year. The little bureau in which those clerks were employed was in room No. 15, up there where the bill business was transacted. I do not know exactly what the duties are, but it was stated by the gentleman from Pennsylvania [Mr. PALMER] at the time, when the question was asked whether we would continue the notification clerk, that the clerk who was receiving $3,000 would be the man who would perform that work. That is my understanding. At any rate, none of these other clerks can do this work, in my opinion.

Mr. SHERLEY. If the gentleman will permit, the point I make is not as to the personnel. I do not care a hang about the personnel. I never saw the man in question. But if it is a useless job, the gentleman who fills it ought not to be retained simply because we like him. I would like to ask the gentleman from Texas if anyone is performing this work who is drawing another salary?

Mr. GARNER. If you discontinue the minority messenger, then if Congress wanted to continue the work of the notification clerk, the Committee on Accounts would have to come in and create a new salary.

Mr. SHERLEY. That is inconceivable to me.

Mr. DALZELL. Do I understand the gentleman from Texas to say that the man who was discharged from the position of notification clerk is now a minority messenger, charged up as a minority employee to the Republican Party?

Mr. GARNER. The gentleman who is now designated as minority department messenger is now performing the duties of the present notification clerk.

Mr. DALZELL. That is what I wanted to know.

Mr. GARNER. Now, if the House wants to continue this notification business, if the Members of the House desire to be advised as to the condition of their bills, it strikes me they must either continue this man and let him do that work or else create another place.

Mr. SHERLEY. Is that a fair conclusion to come to?
Mr. GARNER. That is the situation as it exists.
Mr. PALMER. Mr. Chairman, will the gentleman yield?
The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Pennsylvania?
Mr. GARNER. I do.
Mr. PALMER. The gentleman has just stated that in order to continue this notification work it will be necessary to create a new place. Why can not one of this man's assistants do this work which he was to do under the plan of reorganization in this House?
Mr. GARNER. I just stated a moment ago what the situation is. Perhaps the gentleman from Pennsylvania did not hear me. I was not sufficiently advised as to the work required at the time when the change was made by the reorganization to determine that.
The CHAIRMAN. The time of the gentleman from Tennessee [Mr. AUSTIN] has expired.
Mr. PALMER. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Texas [Mr. GARNER] be extended.
Mr. GARNER. I have no time. I was occupying time allotted to the gentleman from Tennessee [Mr. AUSTIN]. Mr. Chairman, I ask that the gentleman be given five minutes more.
The CHAIRMAN. Is there objection to the gentleman's request?
There was no objection.
Mr. PALMER. Was not the assistant bill clerk's office abolished and a new bureau created, with a chief at a salary of $3,000 a year and four assistants, at $1,500 each? And was it not the understanding in the Democratic caucus, and was it not the understanding in the House when the resolution was passed that carried that caucus action into effect, that the work of the notification clerk would be done by that bureau?
Mr. GARNER. Certainly.
Mr. PALMER. Now, as I understand it, despite that understanding and despite that action of the caucus and that action in the House, the work has been done by somebody else who is not in that little bureau.
Mr. GARNER. That is correct.
Mr. PALMER. Then, I think, the office ought to be abolished.
Mr. BYRNS of Tennessee. But it is necessary, is it not?
Mr. GARNER. I will say to the gentleman from Pennsylvania that the fact was called to my attention that under the provision with reference to the clerk, at $3,000 a year, and four assistants, at $1,500 each, there was not sufficient clerical help to do the work assigned to them and, in addition, to do this notification work.
Mr. PALMER. I think I am sufficiently advised to say that it is sufficient.
Mr. GARNER. That is a question between the gentleman from Pennsylvania and some other Members of Congress who claim to have looked into the situation—Members who are at the head of committees. I might say that the chairman of the Committee on Accounts tells me that the information that he gets from the officers in charge is that unless the work is performed by this messenger it would cease altogether, because there is not sufficient clerical force there to do it. Mr. Chairman, I now yield back my time.
Mr. MANN. Then the Committee on Accounts ought to provide for sufficient clerical force.
Mr. HELM. Mr. Chairman, will the gentleman yield?
Mr. GARNER. I have no time. I yielded my time back to the gentleman from Tennessee [Mr. AUSTIN].
Mr. AUSTIN. I yield time to the gentleman from Kentucky.
The CHAIRMAN. The gentleman from Texas will be recognized to allow the gentleman from Kentucky to ask a question.
Mr. HELM. I was not in the House when the gentleman stated what the duties of this notification clerk are. What are they?
Mr. GARNER. The gentleman has doubtless had some bills reported to the House since he has been a Member, has he not?
Mr. HELM. I never have had bills brought to my committee by a messenger or a clerk, but I have been notified over the telephone that there are bills referred to my committee, and I have had to walk around to the document room to get those bills myself.
Mr. GARNER. The gentleman did not catch my inquiry or did not properly understand it.
Mr. HELM. What I am trying to find out is what is the duty of this man.
Mr. GARNER. Whenever a bill which has been introduced by the gentleman from Kentucky is reported favorably it is the duty of the clerk to inform the gentleman from Kentucky that it has been reported favorably. When such a bill has passed the House it is the duty of the clerk to inform the gentleman that the bill has passed, and so on, down to its final signing by the President of the United States.
Mr. HELM. I would say to the gentleman that I have received such notices as that.
Mr. GARNER. That is his duty.
Mr. LANGLEY. And he performs other duties in addition to that. That is not his only duty.
Mr. SHERLEY. What are the other duties that he performs?
Mr. DYER. Mr. Chairman, a parliamentary inquiry.
The CHAIRMAN. The gentleman will state it.
Mr. DYER. Who has the floor?
The CHAIRMAN. The gentleman from Texas [Mr. GARNER].
Mr. HUMPHREYS of Mississippi. Will the gentleman from Texas state that this messenger was one of the minority employees?
Mr. GARNER. Mr. Chairman, I understand the custom has been for a number of years to permit the minority side of the House to select this particular employee. I do not know anything about it, except what I have been told.
Mr. HUMPHREYS of Mississippi. But he is not, under the law, one of the minority employees.
Mr. GARNER. Oh, no; this is new law and has been stricken out on a point of order.
Mr. AUSTIN. Mr. Chairman, there has evidently been a necessity for this clerk, or the gentleman from Illinois [Mr. MANN] would have long since objected to this wasteful and needless expenditure of money, because this appropriation has been made year after year. I know this man's work. Not only does he notify every Member of this House when a pension bill is favorably reported and when it is acted upon in the House, but also when it is acted upon in the Senate and when it is approved by the President of the United States. He does the same thing with reference to every other bill that goes on the calendar and that is considered by this House. Now, simply because he has been selected in the way he has, it is said that there is no necessity for his services.
I sat in a Republican caucus when our minority representation was selected. There were five employees. Every one of them went to a northern or eastern State—New York, Pennsylvania, Illinois, and one or two other States. Although there were half a dozen or more southern Republicans, we received nothing in the way of patronage in the Republican caucus; but we found that the minority were entitled to one of the messengers, and the Representative from Kentucky on my right, Mr. LANGLEY, the Representative from Virginia, Mr. SLEMP, and myself presented to the officers of this House the name of a southern Republican, and along with our indorsement we filed the indorsement of the following Members: Messrs. DALZELL, BURKE of South Dakota, RODENBERG, OLMSTED, PRINCE, CURRIER, WEEKS, DRAPER, FOSS, GILLETT, AUSTIN, SLEMP, LANGLEY, LAFEAN, MCCALL, WOODS of Iowa, MADDEN, FOWLER, WILSON of Illinois, HAWLEY, HUMPHREY of Washington, NEEDHAM, MOORE of Pennsylvania, MCKINLEY, and others.
Mr. DALZELL. Did the gentleman mention my name?
Mr. AUSTIN. The gentleman from Pennsylvania [Mr. DALZELL] indorsed Mr. Jarvis. I saw the gentleman's name with others on the list.
Mr. DALZELL. The gentleman is mistaken.
Mr. AUSTIN. I am not mistaken.
Mr. FOSTER. The original petition had the name of the gentleman from Pennsylvania. He may not have known what he signed.
Mr. DALZELL. The party whom I indorsed, and for whom I have been very earnestly working, was Mr. Vail, who formerly occupied the other place.
Mr. AUSTIN. The gentleman signed the other petition, too.
Mr. DALZELL. If I did, I did not know what I was doing.
Mr. MANN. That is probably the case with others.
Mr. DALZELL. I should like to see the original petition.
Mr. MOORE of Pennsylvania. Inasmuch as the gentleman has read my name as a signer of the petition, I should like to say that I have no recollection of having signed the paper. I should like to see the signature.
Mr. AUSTIN. I will send a page to the committee room and get the paper.
Mr. MOORE of Pennsylvania. If my signature is there I will acknowledge it, but I do not remember it.
Mr. AUSTIN. We found that the minority usually selected this messenger. We found in office a man who had served under the Republican Clerk of the House, with a good record for efficiency, for more than 12 years, and with these petitions of representative Republicans we appeared before the Committee on Accounts and succeeded in having that man retained. Now,

when this bill was reported with a provision in it in the shape of new legislation to give the control of this appointment, not to the minority but to the leader of the minority, I asked the leader of the minority what he was going to do with the good Tennessee Republican that we had in this comfortable job. He said he did not know what he was going to do; that he had not committed himself to anyone. Had my point of order not been made, I do not know whether the gentleman would have asked this House to abolish this office or not.

Mr. LANGLEY. Was the suggestion by the gentleman from Illinois [Mr. MANN], that this place is not necessary, made before or after the point of order was sustained?

Mr. AUSTIN. It was made afterwards.

Mr. MANN. It might have been made before.

Mr. AUSTIN. The gentleman from Kentucky [Mr. LANGLEY] and myself waited on the minority leader to know what disposition was going to be made of this position in the event that the point of order was not raised, and, as I have stated, the gentleman from Illinois [Mr. MANN] said he had not made up his mind; that he did not have anyone in view for the position; and not having any assurances that our man would be retained I did what every other Member of the House would do to protect a friend—I made the point of order. And I say that if there has been a necessity for this position in the last 14 years, there is a necessity for it to-day; and I ask this Committee of the Whole to keep the provision for the place in the law.

Mr. LANGLEY. What is the law now?

Mr. AUSTIN. For a messenger at this salary.

Mr. LANGLEY. And how appointed?

Mr. AUSTIN. There has been no provision as to how he should be appointed.

Mr. BYRNS of Tennessee. In the same language as heretofore?

Mr. AUSTIN. Precisely the same language that has been in every legislative appropriation bill reported to this House for years.

Mr. MADDEN. I understand the gentleman from Tennessee to say that he would not have made the point of order if he had had a promise that his man would be appointed.

Mr. AUSTIN. If he had been retained. That is what I am fighting for—for my own.

Mr. MADDEN. Then the gentleman is not making a point of order on the merits?

Mr. AUSTIN. I am doing anything and everything possible to save my man. [Applause.]

Mr. SHERLEY. This man is not performing any duties as clerk for the minority, is he?

Mr. AUSTIN. He is not only performing duties for the minority, but for the majority and for every man in this House.

Mr. SHERLEY. In point of fact, he is not doing anything as a clerk for the minority, but he is doing some work for the entire membership of the House that it was contemplated would be done by another force now in existence. Is not that true?

Mr. AUSTIN. I do not know whether that is true or not.

Mr. SHERLEY. I so understand, and that the interest of the gentleman is to keep the man from Tennessee in the place.

Mr. AUSTIN. There is no better Republican living than this man.

Mr. SHERLEY. I have no doubt about that; but I do not see why Uncle Sam should keep a Tennessee Republican, or a Democrat, for that matter, in a position unless he is needed.

Mr. AUSTIN. But you have kept him here for 15 years.

Mr. SHERLEY. Then it is time that we woke up.

Mr. AUSTIN. It ought not to take you 15 years to wake up.

Mr. SHERLEY. We did not know about it until you fellows fell out, and that is when we get our dues. [Laughter.]

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that all debate on this paragraph and amendment close in seven minutes.

Mr. MANN. Do I understand that that time is to be used by two gentlemen opposing the motion?

Mr. JOHNSON of South Carolina. Does the gentleman from Illinois want more time?

The CHAIRMAN (Mr. BURNETT). The gentleman from South Carolina moves that all debate on this paragraph and amendments thereto close in seven minutes.

The motion was agreed to.

Mr. MOON of Tennessee. Mr. Chairman, there is just one word that I want to say about this matter. I am as much in favor of economy in the administration of this House as anybody on this floor, but there is no more important place in the service of the House than the one that is occupied by Mr. Jarvis. It enables the Members of the House to attend to their duties without looking after the smaller things. It is stated by my colleague from Tennessee, Mr. AUSTIN, that in the division of the offices of this House this one went to the minority. In the first place, I want to insist that it is a fact that not a single position has gone to a Republican south of the Ohio River except to this gentleman. I know something about the contest in this matter. Some gentlemen on the other side have wanted the place for a gentleman who lives farther north. It is all right to give gentlemen in the North all the places they are entitled to, and all right for the minority to have a fair representation in the distribution of these places in the House, but I submit that because they have the power on that side, so far as sections are concerned, it is not right to deprive these southern Republicans of all the places that they have in the organization of this House. No man who believes in fair dealing will undertake to do it, and I do not think any Democrat on this side will sustain any such position. This is an important position and ought to be filled properly, and it is filled properly. I do not believe that this contest between our Republican brethren ought to be permitted by the Democrats to be determined along sectional lines. When Republican places are to be filled, the southern Republican is entitled to recognition.

Mr. BYRNS of Tennessee. Mr. Chairman, it has been assumed by certain gentlemen that this position is not needed; that we are giving the salary to a man who is not doing any work. I think the gentleman from Texas showed very clearly that if this position is not retained, Members will no longer receive notification as to the action upon bills which they have introduced in this House.

Mr. SHERLEY. Will the gentleman yield?

Mr. BYRNS of Tennessee. Certainly.

Mr. SHERLEY. Is it not true that we created a corps with the express understanding that that corps should perform this service?

Mr. BYRNS of Tennessee. That may be true.

Mr. SHERLEY. Does the gentleman know of his own knowledge that they are unable to do it?

Mr. BYRNS of Tennessee. The statement has been made on the floor that the corps to which the gentleman refers was unable to do the work, and this man was placed in that office for the purpose of performing the necessary work.

Mr. SHERLEY. Then we should change the personnel.

Mr. LANGLEY. Will the gentleman yield, inasmuch as debate has been limited to a few minutes more, and I may not get the floor in my own right? I hope the gentleman from Tennessee will state what I know he knows to be true, that Mr. Jarvis is one of the hardest worked men attached to the force here in the Capitol, and one of the most capable men we have. He even employs some one at times to help him, because he can not do himself all the work put upon him. That we must have done the work that he is doing there is no question.

Mr. BYRNS of Tennessee. Mr. Jarvis has been here for many years, and I undertake to say that I do not know a more competent man who could be selected; and as the gentleman from Kentucky well says, he is busy all the time, and frequently has to employ some one to assist him in doing the work.

Mr. SABATH. Does the gentleman mean to say that we could not find a Democrat who is just as competent?

Mr. BYRNS of Tennessee. There is no question about that, but this position was given to the minority. I insist that it is not given to the chairman of the minority or to any particular member of the minority, but to all the minority. The gentleman from Tennessee [Mr. AUSTIN] has read to the House a partial list of the minority Members who requested that Mr. Jarvis be appointed to that place.

Mr. PALMER. Will the gentleman yield?

Mr. BYRNS of Tennessee. Certainly.

Mr. PALMER. Is it not a fact that the work of the notification was turned over to Mr. Jarvis after he received this appointment because there was nothing else for him to do?

Mr. BYRNS of Tennessee. I do not so understand it.

Mr. PALMER. And is it not a fact that the work before that was done by the assistants that the gentleman has spoken of?

Mr. HUMPHREYS of Mississippi. No; that force has never done the work. Mr. Jarvis succeeded Mr. Wakefield. Mr. Wakefield did the work, and Mr. Jarvis succeeded him; and no employee in this House, no Member of this House, works harder or puts in more hours every day in hard work for the efficient conduct of the business of this House than does Mr. Jarvis.

Mr. PALMER. I have no doubt about that, but what I want to know is why is not the work done by the assistant bill clerk?

Mr. HUMPHREYS of Mississippi. All I know is that Mr. Jarvis is doing the work, and that no clerk in the employ of the House does as much work in the 24 hours a day as he does.

Mr. MANN. Will the gentleman from Tennessee yield, as he has taken a good deal of my time?

Mr. BYRNS of Tennessee. I did not take the gentleman's time. The Chair recognized me, and I am talking in my own time.

Mr. MANN. And the gentleman's side asked to limit debate, and took two speeches on that side.

Mr. BYRNS of Tennessee. The gentleman has been recognized several times, and I have been recognized only once on this side. The gentleman has made one speech on the amendment, but I will yield to the gentleman in my time.

The CHAIRMAN. The time of the gentleman from Tennessee has expired; all time has expired on this paragraph. The Clerk will report the amendment.

The Clerk again read the amendment.

The CHAIRMAN. The question is on adopting the amendment.

The question was taken; and on a division (demanded by Mr. AUSTIN) there were 59 ayes and 13 noes.

The CHAIRMAN. The amendment is agreed to, and the Clerk will read.

Mr. AUSTIN. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty-three Members present, not a quorum, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Ames	Estopinal	Lafean	Prouty
Andrus	Evans	Lafferty	Pujo
Anthony	Fairchild	La Follette	Rainey
Barchfeld	Fields	Lawrence	Randell, Tex.
Bates	Focht	Lee, Ga.	Rauch
Bathrick	Fornes	Legare	Reilly
Boehne	Gardner, Mass.	Lenroot	Reyburn
Bradley	Gillett	Lindsay	Roberts, Nev.
Brantley	Goeke	Linthicum	Rouse
Broussard	Gould	Littleton	Russell
Bulkley	Greene, Mass.	Longworth	Saunders
Burgess	Griest	McDermott	Scully
Burke, Pa.	Gudger	McGillicuddy	Sells
Burke, S. Dak.	Hamilton, W. Va.	McGuire, Okla.	Shackleford
Burleson	Hanna	McHenry	Sheppard
Calder	Hardwick	McLaughlin	Sherwood
Callaway	Harris	McMorran	Simmons
Cantrill	Harrison, Miss.	Macon	Sisson
Carlin	Harrison, N. Y.	Maher	Slemp
Carter	Hay	Malby	Small
Clark, Fla.	Hayes	Martin, Colo.	Smith, Saml. W.
Connell	Heald	Martin, S. Dak.	Smith, Cal.
Copley	Henry, Conn.	Matthews	Smith, N. Y.
Covington	Hensley	Mays	Smith, Tex.
Cox, Ind.	Higgins	Mondell	Sparkman
Cox, Ohio	Hinds	Moon, Pa.	Speer
Crago	Hobson	Moore, Tex.	Stack
Cravens	Holland	Morse, Wis.	Stanley
Crumpacker	Houston	Mott	Switzer
Curley	Howard	Murray	Taylor, Col.
Currier	Howell	Nelson	Thayer
Davenport	Hughes, Ga.	Nye	Thomas
Davidson	Hughes, N. J.	Oldfield	Townsend
Davis, Minn.	Hughes, W. Va.	Parran	Turnbull
Dickson, Miss.	James	Patton, Pa.	Vreeland
Difenderfer	Johnson, Ky.	Payne	Whitacre
Dodds	Kahn	Peters	Wilson, Ill.
Doremus	Kent	Pickett	Wilson, N. Y.
Draper	Kindred	Plumley	Wilson, Pa.
Driscoll, M. E.	Kitchin	Powers	Woods, Iowa
Dwight	Konig	Pray	Young, Mich.
Edwards	Konop	Prince	

The committee rose; and Mr. GARNER assuming the chair as Speaker pro tempore, Mr. UNDERWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee finding itself without a quorum the roll was ordered to be called, that 224 Members had answered to their names, a quorum, and he reported herewith the names of the absentees.

The SPEAKER pro tempore. The Committee of the Whole House on the state of the Union finding itself without a quorum rose and the Chairman of said committee reports 224 Members as being present. The names of the absentees will be noted and the committee will resume its sitting.

Mr. AUSTIN. Mr. Chairman, I ask for tellers on the last vote.

The CHAIRMAN. The present occupant of the chair was not in the chair when the question arose. The reporter's notes show that the question of no quorum was made after the announcement of the vote and the chairman had ordered a call of the roll. The Chair holds it is too late to call for tellers.

Mr. MANN. Mr. Chairman, while I made the motion to strike out and while whatever the reporter's notes may show, it is true the gentleman from Tennessee [Mr. AUSTIN] made a point of order immediately upon the announcement of the vote.

Mr. LANGLEY. And he addressed the Chair two of three times before that statement was made.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that we have a vote by tellers.

Mr. MANN. I do not want the matter by unanimous consent. I think we ought to have a decision of the Chair.

The CHAIRMAN. The Chair stands on the reporter's notes.

Mr. MANN. If the Chair will permit, I will say the reporters' notes are not always accurate, in this, that the reporter's notes have to put one thing ahead of another while the two may occur at the same time. The fact is, as I think no one will dispute, that immediately upon the announcement of the vote the gentleman from Tennessee made the point of order that no quorum was present for the purpose of invalidating the vote.

The CHAIRMAN. The Chair will say to the gentleman, unfortunately the present occupant of the chair was downstairs at lunch at the time the point was raised and therefore is not informed on the question, but the Chair must sustain the record, and as the Chairman of the committee had ordered the Clerk to proceed it was too late to demand a division; but the gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that the vote may be taken by tellers. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Tellers have not been ordered.

Mr. GARNER. The gentleman from South Carolina asked unanimous consent to have a vote by tellers and there was no objection.

The CHAIRMAN. The gentleman from South Carolina asked unanimous consent that this vote might be taken by tellers. The Chair submitted it and received unanimous consent and the gentleman from Tennessee, Mr. AUSTIN, and the gentleman from South Carolina, Mr. JOHNSON, will act as tellers.

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent that the proposition be stated again, as there are a large number of Members here now who were not present when the question was up.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the amendment be again reported, as there are many Members present who were not present when the former vote was taken. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, lines 19 and 20, strike out the words: "Department messenger, to be appointed by the chairman of the conference committee, $2,000."

Mr. FITZGERALD. The words "chairman of the conference committee" have been stricken out on a point of order, which the RECORD will show.

The CHAIRMAN. The Chair so understands. Those words were stricken out on a point of order, and the Clerk will report the proposition without them.

The Clerk read as follows:

Page 16, lines 19 and 20, strike out the words "department messenger, $2,000."

The committee divided; and the tellers reported that there were—ayes 66, noes 29.

So the amendment was agreed to.

The Clerk read as follows:

For the following minority employees authorized and named in the resolution adopted by the House of Representatives April 10, 1911, namely, special employee, $1,800; special messenger and assistant pair clerk, $1,800; special messenger, $1,500; special chief page and pair clerk, $1,800; in all, $6,900.

Mr. MANN. Mr. Chairman, I move to amend, in line 23, by striking out "$1,500" and inserting "$1,800" in lieu thereof.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, line 23, strike out "$1,500" and insert "$1,800" in lieu thereof.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on that.

Mr. MANN. Mr. Chairman, this is one of the minority places authorized by a resolution of the House, filled by the Republican caucus. As I understand, this place is filled by Mr. Bert Kennedy, who was the Assistant Doorkeeper of the House at a salary of $2,500. He was given this place at a salary of $1,500, although at the time it was assigned to him by the caucus I think it was generally understood he was to receive a salary of $1,800. The amendment is, of course, subject to a point of order. Kennedy has been an employee of the House ever since I have been here, and was an employee some time before I came to the House. He is a very valuable employee for the minority side and for the House, so far as that is concerned. For an old employee $1,500 is not a proper salary.

Mr. FITZGERALD. Mr. Chairman, this is one of the places which has usually been assigned to the minority.

Mr. MANN. This is a minority place under the resolution of the House.

Mr. FITZGERALD. And the custom has been that the determination of such matters should be adjusted by the Committee on Accounts.

Mr. MANN. If the gentleman will pardon me, he is slightly in error. The custom has been, and the same custom was followed this time, for some one in behalf of the minority to offer a resolution in the House and have it adopted. When the resolution was offered this time, if I recollect, by the gentleman from Pennsylvania [Mr. DALZELL] in behalf of the minority, it was agreed to, and the salaries were the same, it is true, that were provided for the Democratic employees in the Sixty-first Congress. It never has gone, I think, through the Committee on Accounts.

Mr. FITZGERALD. What happened was this: That the custom had been during a number of years for the majority to assign certain positions to the Democrats.

Mr. MANN. Assigned by resolution of the House, usually offered by the Democratic side of the House.

Mr. FITZGERALD. When the gentleman from Pennsylvania [Mr. DALZELL] offered his resolution inquiry was made if it were the same as had been theretofore allowed to the minority, and there was no objection.

Mr. MANN. That is quite true.

Mr. FITZGERALD. I think that is true. I know the gentleman mentioned by the gentleman from Illinois, and he is probably one of the most efficient employees the minority has ever had in the House.

Mr. MANN. I am inclined to think that myself.

Mr. FITZGERALD. If his compensation is to be increased, the burden should not be put upon us. We have reported the compensation now authorized. I do not believe the committee would be justified in permitting it to be increased.

Mr. MANN. I will say to the gentleman frankly, if this case was acted upon by the Committee on Accounts, I would not say anything about it now or make a request, but the Committee on Accounts, as I recollect, has never passed upon these matters. Eighteen hundred dollars for Mr. Kennedy will even then be a reduction in the expenditures of the House of $600 from the salary he drew before, and he was worth to us when we were in the majority the entire salary he drew.

Mr. LEVER. May I ask what was the salary under the Republican administration?

Mr. MANN. Twenty-five hundred dollars.

Mr. LEVER. Was it the same place?

Mr. MANN. Oh, no. He was Assistant Doorkeeper.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. MANN. Certainly.

Mr. BARTLETT. The increase of salaries of House employees, both of the minority and majority, has always been authorized, when authorized at all, by a resolution from the Committee on Accounts before being put in the bill.

Mr. MANN. That may be so. I would not say to the contrary, but I will say this to the gentleman: That my recollection is that all the minority places have been fixed and the salaries provided by resolutions offered from the floor of the House, ordinarily by some one in the minority.

Mr. BARTLETT. That is true.

Mr. MANN. I think that has been the custom.

Mr. BARTLETT. Yes; and this man's place was provided for, as stated by the gentleman from New York [Mr. FITZGERALD], at the beginning of the session by a resolution offered by the gentleman from Pennsylvania [Mr. DALZELL].

Mr. MANN. Yes.

Mr. BARTLETT. And the statement was made that the same number of employees was allowed at the same salary.

Mr. MANN. I will say to the gentleman frankly that in making up the list which was submitted to the Republican caucus afterwards, while I did not make up the list myself, on the motion that was made I understood that Mr. Kennedy was to be taken care of at the salary of $1,800. Through some error, either on my part or on the part of somebody else, that was not done. He is one of the valued employees on this side of the House, and he has been in the service, like the venerable Capt. Chancey over there, for many years. I think we can afford to pay him a living salary.

Mr. BARTLETT. I think he has been here ever since the Fifty-fourth Congress; according to my recollection, anyhow.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. MANN. I hope the gentleman will not insist on his point of order.

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. FITZGERALD. I do not feel——

Mr. MOON of Tennessee. Mr. Chairman, I make a point of order.

Mr. MANN. The point of order is conceded.

The CHAIRMAN. The point of order is sustained.

Mr. GARNER. Mr. Chairman, I move to strike out the last word. I want to submit a statement for the information of the gentleman from Illinois [Mr. MANN]. It has been stated before the Committee on Accounts that the minority has two pair clerks, while the majority has but one pair clerk. In our reorganization plan we eliminated all the pair clerks on the majority side with the exception of one. I notice in this appropriation here a provision for a special messenger and assistant pair clerk at $1,800, and a provision for a special chief page and pair clerk at $1,800. I would like to have the gentleman from Illinois state what duties these employees perform, and whether or not, according to his information, there are two pair clerks on the minority side and one on the majority side.

Mr. MANN. I think it is true that there are two pair clerks on the minority side and one pair clerk on the majority side. However, the pair clerks act for both sides, so that it does not make very much difference so far as that is concerned. It is true that there were formerly two pair clerks for the majority side and two pair clerks for the minority side, and when the majority side cut off one of their pair clerks we did not cut off one of our pair clerks on the minority side. I assume as a matter of fact, if there were two minority pair clerks and two majority pair clerks, they would endeavor to protect both sides impartially, and it is largely work that is done regardless of partisanship. There are enough to take care of the Members of the House on these questions.

Mr. GARNER. As a matter of fact, in exercising our economy we proceeded to exercise it with reference to the majority employees, without applying the same rule with respect to the minority employees.

Mr. MANN. I will say to the gentleman that I would have to think some time to know who are the minority pair clerks, so that I call on the minority employees and the majority employees, perhaps indiscriminately, probably as often and perhaps oftener than any other Member of the House. I call upon them for various duties, and upon the various employees of the minority, regardless of whether they are pair clerks or not, and ask them to do certain things. They are kept pretty busy.

Mr. GARNER. My purpose in making the inquiry of the gentleman was a double purpose. First, I wanted to call his attention to the fact that there is no effort now, the first time we have had opportunity to control in the matter, to apply the same rules on the minority side that we apply to the majority side, for the reason that heretofore when we were in the minority we have had these identical employees, and I for one contend that that having been done, it should be done now. But I will say that I find upon investigation that these two men have all the work they can do when Congress is in session.

Mr. MANN. I think they have. You have two pair clerks when you want them. We make use of them at other times for other things, I think, in the House.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For clerk to the conference minority of the House of Representatives, $2,000; assistant clerk, $1,800; in all, $3,800. Said clerk and assistant clerk to be appointed by the chairman of the conference minority.

Mr. MANN. Mr. Chairman, I move to strike out, in line 25, the figures "1,800" and insert in lieu thereof the figures "1,200," and, following that, insert "janitor, $1,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

On page 18, line 25, strike out the figures "1,800," and insert in lieu thereof "1,200."

Mr. MANN. And insert "janitor, $1,000."

Mr. FITZGERALD. That is in accordance with the resolution?

Mr. MANN. This is in accordance with the resolution of the House. I will say, Mr. Chairman, that the bill and the present law provide for the minority leader a clerk at $2,000 and an assistant clerk at $1,200. In December last I asked the Committee on Accounts to give me a janitor at $1,000 and to reduce the salary of the assistant clerk from $1,800 to $1,200, because I had to have a janitor. That action was taken; the House passed a resolution to that effect on the 19th of December, so that the amendment which I have offered is now in order under the rules of the House.

Mr. BARTLETT. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Georgia?

Mr. MANN. Certainly.

Mr. PALMER. Would it not be proper to amend the first line of the paragraph on page 18, referring to the conference minority, by adding "janitor and assistant clerk"?

Mr. MANN. Yes; it could be done.

Mr. BARTLETT. Has this resolution been complied with by paying the money out of the contingent fund?

Mr. MANN. Yes.

Mr. GARNER. That is according to the arrangement.

Mr. MANN. The House passed the following resolution on December 19, 1911:

House resolution 325.

Resolved, That the chairman of the conference minority is hereby authorized to appoint a clerk at the rate of $1,200 per annum and a janitor at the rate of $1,000 per annum, to be paid out of the contingent fund of the House, payable monthly until otherwise provided by law, such appointment to date from December 1, 1911, and to be in lieu of one clerk now provided for at the rate of $1,800 per annum.

Mr. BARTLETT. And this is in accordance with the resolution that the House adopted?

Mr. MANN. Yes.

Mr. MOORE of Pennsylvania. The paragraph refers twice to the "conference minority." That term has been criticized, so far as good English is concerned. It seems to me the word "conference" ought to be stricken out.

Mr. BARTLETT. The act which authorized these positions under the conference minority was enacted some years ago. Mr. Richardson of Tennessee offered the resolution when he was minority leader, and that is what it was called and has been called in the law ever since.

Mr. MANN. It was called that, I suppose, to distinguish it from the chairman of the Republican caucus, and I think the same language is used in the Senate; why, I do not know, but it is in the law.

Mr. BARTLETT. That is what it is called in the law, and has been ever since.

Mr. MOORE of Pennsylvania. It would perhaps be better expressed if the word "conference" was left out.

Mr. MANN. The chairman of the minority might be chairman of the Republican caucus.

Mr. MOORE of Pennsylvania. Why should it not be the minority caucus chairman?

Mr. GARNER. Does the gentleman think the chairman of the caucus of the minority or of the majority ought to have a clerk at $2,000, an assistant clerk at $1,200, and a janitor?

Mr. MOORE of Pennsylvania. These places are conceded to the minority. It is a question what the "conference minority" means.

Mr. MANN. What the "conference minority" means is well known by the accounting officers, and there is no question about it.

Mr. MOORE of Pennsylvania. I am satisfied to draw attention to it.

The CHAIRMAN. The clerk will again report the amendment.

The Clerk read as follows:

Page 18, line 25, strike out "$1,800" and insert in lieu thereof "$1,200," and insert "janitor, $1,000."

The amendment was agreed to.

Mr. MANN. I ask to have the total, $3,800, changed to $4,200.

The CHAIRMAN. If there is no objection, the Clerk will change the totals.

Mr. MANN. And strike out the word "and," between "clerk" and "assistant clerk," and insert a comma; and add, after the second word "clerk," in line 19, the words "and janitor."

The CHAIRMAN. If there be no objection, this amendment will be agreed to.

There was no objection.

The Clerk read as follows:

For janitor for rooms of official reporters of debates, at $60 per month during the session, $240.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the words "during the session, $240."

The CHAIRMAN. The clerk will report the amendment.

The Clerk read as follows:

Line 16, page 19, strike out the words "during the session, $240."

Mr. JOHNSON of South Carolina. The object of this amendment is this: The Committee on Accounts authorized a janitor for the Official Reporters' room. The Committee on Appropriations were under the impression that it was a session janitor, but we are now informed that the resolution intended an annual janitor.

Mr. MANN. The amendment ought to carry the total. It does not make any appropriation now.

Mr. GARNER. Strike out "two hundred and forty" and insert "seven hundred and twenty."

The CHAIRMAN. The Clerk will again report the amendment, if there be no objection.

Mr. JOHNSON of South Carolina. The amendment I offered is to strike out the words "during the session, $240." It will then provide for $60 a month. Of course, if it is annual, it is a mere matter of calculation.

Mr. MANN. I think the total ought to be put in.

Mr. GARNER. Put in $720. I ask that the clerk report the amendment again.

Mr. JOHNSON of South Carolina. I have no objection to putting in "$720."

The Clerk read as follows:

Page 19, line 16, after the word "month," strike out the words "during the session, $240."

Mr. MANN. I move to amend.

Mr. BARTLETT. Let us adopt that amendment first.

Mr. MANN. I move to amend by inserting "$720."

The CHAIRMAN. The gentleman from Illinois moves an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 19, lines 15 and 16, to read "for janitor for rooms of official reporters of debates, at $60 per month, $720."

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment as amended.

The amendment as amended was agreed to.

The Clerk read as follows:

Stenographers to committees: Four stenographers to committees, at $5,000 each; in all, $20,000.

Mr. GARNER. Mr. Chairman, I move to strike out the last word.

In the reorganization of the House at the beginning of the special session, the janitor to the official reporters and the janitor to the committee stenographers were stricken out, but in a resolution introduced by the gentleman from Pennsylvania [Mr. PALMER] after investigating the situation fully, he proposed to restore these two places. The Committee on Accounts had hearings and came to the conclusion that these two places ought to be restored. But no resolution has been introduced and no action taken other than the action in reference to the janitor for the official reporters. The situation is this. The stenographers to committees are now paying a salary to a janitor to the committee rooms. That janitor not only cleans up the various rooms occupied by the stenographers to committees, but answers the telephone calls, which is an important factor to men occupied all the time as they are, and then he performs another service in the way of paring cylinders for the phonographs which they use, and other necessary services for those gentlemen.

Mr. JOHNSON of South Carolina. If the gentleman will pardon me, I will say that if he will offer his amendment we will vote on it.

Mr. GARNER. Very well; I did not want to offer it without making some explanation. Mr. Chairman, I move to insert between lines 18 and 19, on page 19, the following:

For janitor to rooms of stenographers to committees, at $60 per month, $720.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Between lines 18 and 19, page 19, insert as a new paragraph: "For janitor to rooms of stenographers to committees, at $60 per month, $720."

The amendment was agreed to.

The Clerk read as follows:

Clerk hire, Members and Delegates: To pay each Member, Delegate, and Resident Commissioner, for clerk hire, necessarily employed by him in the discharge of his official and representative duties, $1,500 per annum, in monthly installments, $618,975, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, shall be entitled to payment under this appropriation.

Mr. CANNON. Mr. Chairman, I move the following amendment:

In line 2, page 20, strike out the figures $1,500 and insert the figures $2,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 2, strike out the figures $1,500 and insert the figures $2,000.

Mr. JOHNSON of South Carolina. Mr. Chairman, I reserve a point of order against that.

Mr. RUCKER of Colorado rose.

Mr. CANNON. If the gentleman from Colorado [Mr. RUCKER] wishes to speak to the point of order, I will yield to him.

Mr. RUCKER of Colorado. The gentleman from Illinois can proceed, and I will discuss the point of order later.

Mr. CANNON. I have no desire to talk about it if the point of order is well taken.

The CHAIRMAN. The gentleman from Illinois states that he does not care to discuss the amendment until the point of order is decided. The gentleman from South Carolina makes the point of order, and the Chair will hear the gentleman on that point of order.

Mr. RUCKER of Colorado. I understood that the gentleman from South Carolina reserved the point of order, and I would not like to discuss it now because it might cut off the gentleman from Illinois.

Mr. CANNON. I have no desire to speak if the point of order is well taken.

The CHAIRMAN. The gentleman from Illinois stated that he did not desire to have the point of order reserved. Will the gentleman from South Carolina state his point of order?

Mr. JOHNSON of South Carolina. Mr. Chairman, the proposition is to increase the pay of the secretaries to Members from $1,500 to $2,000 per annum. There is no law to pay such an amount of $2,000. We are now paying them $1,500 under the annual appropriation bill. The $1,500 is justified on the ground not that there is any law for it specifically, but on the ground that it has been provided for year after year. The gentleman's amendment is to increase it to $2,000, and I think it is clearly subject to a point of order.

Mr. RUCKER of Colorado. Mr. Chairman, the gentleman from South Carolina does not state the proposition in its entirety. It is not an appropriation for the salary of the clerk. If the gentleman's point of order is well taken, it ought to be made to the entire paragraph. It is not an appropriation for the salary of the clerk, it is an appropriation to the Members of Congress and the Delegates, and therefore it is not subject to the point of order which he has made. If he will make his point of order against the entire paragraph, it might be entitled to more consideration.

We had this matter up two years ago on the motion made by myself to increase this appropriation from $1,500 to $2,000—not an appropriation for the clerk's salary, but an appropriation to the Members of Congress, who had the right to expend it as they saw proper, and the resolution further provided, not that the sum should be entirely used for the employment, but only such part as might be needed.

Mr. MURDOCK. Will the gentleman yield?

Mr. RUCKER of Colorado. Yes.

Mr. MURDOCK. Is it the gentleman's position that while the paragraph is subject to a point of order and the point of order is not made, then an amendment to the paragraph is not subject to a point of order?

Mr. RUCKER of Colorado. Surely; because this amendment is therefore made germane to the paragraph itself. Now, Mr. Chairman, tactics of this character have occurred many times in this House, and likewise have occurred many times in our national politics, to the effect that Republicans are always on the lookout to steal the thunder from the Democratic side, and this instance is not an exception. It was originally intended for me to offer this amendment, because I made the same effort on the floor of the House two years ago; but my genial friend from Illinois [Mr. CANNON] anticipated me, but I absolve him from that ulterior motive.

The CHAIRMAN. The Chair will ask the gentleman from Colorado to address himself to the point of order.

Mr. RUCKER of Colorado. I was going to say, Mr. Chairman, that my remarks always sparkle like diamonds when I am discussing anything that I know something about, but when I am assigned to a question on a point of order I have to wander a little bit to gather myself to even look at the proposition. [Laughter.] I could not show up here at all as even a spurious gem of radiance in the discussion of a point of order, and had it not been for the fact that my friend from Illinois [Mr. CANNON] asked me to, knowing I had gone through this mill before, I would not assume the task we doubtless had in view that when the point of order was made by the gentleman from Massachusetts [Mr. GILLETT] the laboring oar was thrown toward me with the gentleman from New Hampshire [Mr. CURRIER]—who, by the way, was as great a parliamentarian as we had in the House at that time, and nearly always occupied the chair when questions of importance were coming up—in the chair. The Speaker, my friend from Illinois [Mr. CANNON], usually put him in the chair in important matters, and even the gentleman from New Hampshire got rattled at first when the gentleman from Massachusetts [Mr. GILLETT] made the point of order against my amendment, but he soon righted himself and reversed himself, and decided that the point of order was not well taken. [Applause.]

Now, I have given to the Chairman [Mr. UNDERWOOD], whom I hope will be as good a parliamentarian as he will make a President, and whom I know of course to be a great parliamentarian, all the data necessary for an intelligent disposition of the point—I will not say he is any less a parliamentarian than my friend from New Hampshire [Mr. CURRIER]—but nevertheless I knew that on account of his limitations it was necessary for him to be advised in advance of my views and of the point of order I anticipated might be made by my friend from South Carolina. So I submitted the authority to him, and it occurs to me in this view that the question issettled. We have got a precedent, and the only precedent that we can go by, and I do hope that this Democratic Congress will not go back upon precedents that are so well founded in point of law and common sense as this one. [Applause.]

Mr. CANNON. Mr. Chairman, as I understand the facts to be, there was legislation—and I will ask the gentleman from New York to correct me if I am in error—by a joint resolution fixing the allowance to clerks of Members at $1,200. Am I correct?

Mr. RUCKER of Colorado. That is correct.

Mr. CANNON. Subsequently Congress session after session appropriated $1,500. Now, I do not claim that the appropriation of $1,500 without changing the law—merely appropriating the money—makes a precedent of existing law. Perhaps the decisions have been both ways about that matter, but I do claim——

The CHAIRMAN. Will the gentleman from Illinois allow the Chair to ask a question?

Mr. CANNON. Certainly.

The CHAIRMAN. Is there any law now on the statute books fixing this salary at any amount?

Mr. MANN. Twelve hundred dollars.

Mr. CANNON. Yes; fixing it, as I am informed by, I think, reliable authority, at $1,200; but here is a provision appropriating $1,500. Now, then, no point of order was made upon the $1,500, but there was an amendment offered to take that provision which was subject to the point of order and increase it by a germane amendment to $2,000. In other words, here is a child not authorized by law appropriated for by the committee too late to offer a point of order as against the $1,500, and an amendment has been offered, and it is germane. I think that is all I desire to say.

Mr. FITZGERALD. Mr. Chairman, I do not agree with the gentleman from Illinois. This is what is known as an allowance for clerk hire, and the provision in the current law provides for a specific allowance to Members of Congress to pay clerks necessarily employed by them. The dictionary defines an allowance to be an act of authorization. I take it that the change in the law that has been made allows a Member of Congress for clerk hire at the rate of $1,500 a year. I do not believe that the provision in the bill is subject to the point of order. Here is a limitation of $1,500 as the amount that can be paid to Members of Congress for clerk hire and that amount has been fixed. These provisions have now been carried for some five or six years. It seems to me any attempt to increase the amount to which the Member is limited is in effect an increase in the compensation and subject to the point of order.

The CHAIRMAN. The Chair is ready to rule. The law at present provides that clerk hire for each Member of Congress shall be $1,200. That is the existing law. The committee has reported a paragraph to this bill providing that the clerk hire of Members of Congress shall be $1,500 a year. If a point of order had been made against the paragraph in time the Chair would have held that it was subject to the point of order, because it was contrary to existing law. No point of order having been made against the paragraph, it comes before this House in the condition that a new amendment would come before the House that was offered that was subject to the point of order, and the point of order not having been made, it would be in order to offer a germane amendment. Now, in Hinds' Precedents, volume 4, paragraph 3823, the same proposition was before the House, and the Chair will ask the Clerk to read the paragraph.

The Clerk read as follows:

Hinds' Precedents, volume 4, paragraph 3823, page 553:

"A paragraph which proposes legislation in a general appropriation bill being permitted to remain, it may be perfected by a germane amendment. On December 21, 1896, the House, in Committee of the Whole House on the state of the Union, was considering the legislative, executive, and judicial appropriation bill, and the paragraph relating to the organization of the Library of Congress had been reached, when Mr. FREDERICK H. GILLETT, of Massachusetts, offered this amendment:

"'All the above appointments, except the librarian and two assistants, are to be made from lists of eligibles to be submitted by the Civil Service Commission, under their rules, who are hereby empowered to hold examinations for all the above positions.'

"Mr. William A. Stone, of Pennsylvania, made the point of order that the amendment changed existing law.

"After debate, the Chairman ruled:

"'This bill when reported to the House contained, in the paragraph relating to the Library of Congress, that which is manifestly on its

face new legislation. This would have been subject to a point of order under the provisions of Rule XXI, section 2. No such point of order was made, and the bill therefore was sent by the House to the Committee of the Whole for consideration just as it was reported and in its entirety. Under these circumstances, as has been heretofore several times ruled, no point of order could be made in the committee against the paragraph on the ground that it contained new legislation. The committee, in other words, could not refuse to consider what the House had sent to it for consideration. But the right of consideration involves also the right of amendment; that is to say, the committee has the right to perfect as it may see fit the matter submitted to it. For these reasons the point of order is overruled.'"

The CHAIRMAN. Now, the proposition pending before the House is in the same position as if it were offered as an independent amendment that was subject to the point of order, but the point of order not being made, it is open to a germane amendment. The Chair for that reason overrules the point of order.

Mr. CANNON. Mr. Chairman, I do not desire to detain the committee beyond a very few sentences. I am here to say that my belief is, and certainly I know from personal experience, that $1,500 does not cover the cost of clerical assistance that I am required to have to perform my duties as a Member of Congress touching and incident to legislation, and I doubt if $1,500 will do it for any Member. I can not always get a competent clerk who is a stenographer and typewriter. You have at times, under stress, to have assistance additional to the one person. The Senate of the United States, and I am not criticizing that body, but the gentleman from Illinois [Mr. MANN] stated, and truthfully, that that body of 94 or 96 Senators as against our 400 people in round numbers, soon to be 433, has in the shape of assistance touching legislation and the performance of their duty as legislators an amount two times what this body, consisting of 400 people, has. We do not make any question with the Senate. The Senate takes the position, which will have to be conceded, that that is a matter personal to their duties and that they are the judges of it. That we concede, and we do not claim we are legislating for them by insisting upon a provision which will render us competent from the standpoint of clerical help and assistance, which it is desirable should be something more than clerical help and embrace a knowledge of legislation and of procedure.

Two thousand dollars is a modest and proper allowance. Therefore I offer the amendment and shall vote for it. [Applause.]

Mr. LEVER. Mr. Chairman, I propose to support the amendment of the gentleman from Illinois [Mr. CANNON], and I do it for the reason, in addition to the reasons stated by the gentleman from Illinois, that it is almost impossible to get the necessary clerical help for $1,500 to do the work of an average Member of Congress. I make it a rule in my business to answer every letter and every postal card that comes to me in the course of my correspondence, and it is proper that I should do so. The public is entitled to it. It makes it necessary for my clerk to answer anywhere from 75 to 100 letters every day. In addition to that, it is incumbent upon him when I am in attendance upon my committee meetings, as I am every day in the year when I am here, to go to the departments and attend to the business that comes into my office in the ordinary course of my work. I can not do it and he has not the time to do it. I would like to see this salary increased to a point where it would permit me to employ a man who could attend to my departmental duties—or a woman, as my friend from Colorado [Mr. RUCKER] suggests—and to attend to my duties in the office and give me a chance to do the work of my office.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. LEVER. I will.

Mr. FITZGERALD. I would like to ask if the gentleman and his clerk can not attend to all of his duties——

Mr. LEVER. I am attending to my duties in a way satisfactory to my constituents.

Mr. FITZGERALD. I did not say that. You said the pressure was so great that he could not attend to them. Will this additional salary enable him to attend to them?

Mr. LEVER. I think so, and for this reason: I do not expect to get two clerks at $1,000 each who will attend to the duties of my office, but I do expect by giving to my clerk $2,000 in toto to permit him to employ somebody who is willing to serve at $40 or $50 a month to take care of the routine of my office, addressing seed slips, addressing speeches, write the ordinary letters that come into my office and every office every day in the year, which anybody can answer, and permit my real clerk to attend to the departmental work, while I care for the bigger things that I, as a Member of Congress, on account of my duties as such, can not take care of.

My committee, the Committee on Agriculture, meets practically every day in the week. It meets at 10.30 o'clock in the morning. I have to be there at that time. I can not attend to the thousand and one demands upon me in the departments and attend to my larger duties as a Member of Congress. The people in my district have a right to have their minor propositions in the departments attended to.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. LEVER] has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. What I would like to say is this: That there should be authorized to be employed by a Member of Congress some person who should take up the departmental work of the Members of Congress and permit the Member of Congress to do the larger duties of a Member. Instead of having to run from 8.30 o'clock in the morning from department to department, doing messenger service, make that Member of Congress get down square to his desk and solve the bigger problems of legislation. That would be real business and sense.

You can not do it as you are doing it now. And the result is that we come into this House from time to time with great big propositions that are ill considered, that are hastily considered, and that do not meet, when we bring them here, the views of the majority of the House. I am willing, as far as I am concerned, to go down to my district and meet my people, as they are a conservative, sensible people, on this proposition of economy. I do not believe that the people of my district have ever failed or will fail to distinguish between an extravagant expenditure and an economical investment. [Applause.]

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. LEVER. Not just now. And I regard the proposition of furnishing to a Member of Congress sufficient machinery to help him carry on the business of his great office and representing all the people as a proposition not of expenditure but of economical investment. [Applause.]

Mr. FOWLER. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by substituting "$1,200" instead of "$2,000."

[Mr. FOWLER addressed the committee. See Appendix.]

Mr. FITZGERALD. Mr. Chairman, I am opposed to this amendment.

Mr. SIMS. Which one?

Mr. FITZGERALD. The amendment offered by the gentleman from Illinois.

Mr. SIMS. There are several gentlemen from Illinois. Which one?

Mr. FITZGERALD. I mean the senior one, who for so many years gained such distinction and reputation as an economist, and who seems now to have strayed far from his early standards. I believe the House should have some facts presented to it before it attempts to vote for the amendment.

This amendment adds $216,000 to the amount of money paid to Members of the House for clerk hire. This Congress at the outset practically reduced the compensation of every employee in the House except those personal to the Members of Congress. It refused to appropriate an extra month's compensation, which for more than 30 or 40 years had been given to the employees of the House. Gentlemen do not need clerks of the character described by the gentleman from South Carolina [Mr. LEVER] to perform their congressional duties. They need clerks to perform their political duties, to keep them in Congress. [Laughter.] Those clerks are engaged not in performing great public services, but in trying to cultivate a public opinion favorable to the Members of the House.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Not at present. I know as much about it as the gentleman from Colorado.

Mr. RUCKER of Colorado. A great deal more.

Mr. LEVER. In the opinion of the gentleman from New York.

Mr. FITZGERALD. I am engaged in the same sort of work myself, and I employ assistance when I require that character of work, when the allowance made to me by the Government is insufficient.

We might as well be honest about this thing. This is not an appropriation to put on the rolls additional employees. It is to increase the amount of money that goes to the individual Member, to be disbursed by him for clerical services.

I am greatly gratified at the action of the gentleman from South Carolina [Mr. LEVER] for his assistance to the Democratic Party in its attempt to make some record for economy at this session of Congress. He has pulled a laboring oar all through this session.

I have not found him endeavoring to help the committee any or the party any. The gentleman from Illinois [Mr. MANN] boasted at the last session that before the Democrats had finished in this Congress they would be appropriating more for the service of this House than any party ever in its history had appropriated, and his able lieutenant [Mr. CANNON] for the first time in my experience is found proposing an amendment to add $216,000 to the cost of maintaining the House and its servants.

Mr. FOWLER. It is more than that.

Mr. FITZGERALD. There may be some justification to afford Members of Congress additional clerical hire at this particular time. Some of them will need it before next November, if they continue as they have been going during the present session of Congress. They will need more than clerk hire. [Laughter.] They will need an eloquence that has not been attained in the history of civilized or uncivilized men to convince some constituencies that their record justifies their continuance in this House.

We might as well face this proposition squarely. Is the Democratic Party honest? Is it sincere? Does it mean what it proclaims or has it been hippodroming? Is it refusing to increase the compensation of employees in every department of the Government in an attempt to stop the tremendous outpouring of money from the Federal Treasury only to succumb to the proposition that the allowance to Members of this House for clerk hire shall be increased 33 per cent?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I am not a leader in this House. I am just an humble Member. I have tried to follow my party when I thought my party was right. I believe in economy, as does the gentleman from New York [Mr. FITZGERALD]; but I believe in that economy which looks to real economy, and not to that class of economy which is an absolute handicap upon the efficiency of the Members of Congress and the efficiency of the governmental agencies. [Applause.] I am a member of the Agricultural Committee, a committee which I regard to be as big a committee, if that is possible, as the Committee on Appropriations; and I think I can state, as demonstrated by the records of my committee, that "the gentleman from South Carolina," referred to by the gentleman from New York, can show a record of real economy upon that committee greater by 50 per cent than is shown upon the bill introduced here to-day. [Applause.] The Committee on Agriculture, with a bill involving in total annual appropriations about $17,000,000, reduced that bill as against last year $1,400,000 and more. [Applause.] And those reductions were such as did not impair the service of the Department of Agriculture. This committee to-day comes in here with a bill carrying appropriations in the neighborhood of $30,000,000 and reduces it to the extent of about $2,000,000 or a little more, a bagatelle in comparison.

Mr. FITZGERALD. Two million six hundred thousand dollars.

Mr. LEVER. Two million six hundred thousand dollars, as the gentleman from New York says; and I submit that the Agricultural Committee, of which I am a member and which the gentleman from New York [Mr. FITZGERALD] attacks, has made a reduction in expenditures greater by 50 per cent or more in comparison as against his own committee, and he can not deny it. I do not propose to stand here on the floor of this House and permit even the great chairman of the Committee on Appropriations to give to the country the impression that I am not willing to reduce expenditures and that he is the only economist in this House. [Applause.] But I do propose to stand and let the gentleman from New York know that the "little man from South Carolina" has sense enough to know the real difference between an expenditure and an investment. [Applause.]

Mr. FITZGERALD. The gentleman talks about the extraordinary reductions made by the Committee on Agriculture. Eight hundred thousand dollars of his $1,400,000 reduction was in the emergency appropriation of $1,000,000 and did not affect the service of the department in the slightest degree.

Mr. LEVER. I will say to the gentleman from New York that I discussed that proposition with a hundred Members on the floor of this House, and perhaps I was unfortunate when I did not discuss it with the gentleman from New York. [Applause.] I showed then that a man might be worth $10,000,000, and if he could not get his paws upon it he would not be worth 10 cents, and when we opened the doors of the Treasury to $1,000,000 we put it back into currency.

The Senate of the United States, in reporting the agricultural bill, has put back into it the $1,000,000 that we of the Committee on Agriculture cut out. We have been real economists and not cheap economists. [Applause.]

Mr. RUCKER of Colorado. Mr. Chairman——

The CHAIRMAN. All time on this amendment has expired. The question is on the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question being taken, on a division (demanded by Mr. FOWLER) there were—ayes 3, noes 90.

Mr. FOWLER. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and three Members, a quorum of the Committee of the Whole is present. The noes have it, and the amendment is rejected. The question now recurs on the amendment of the gentleman from Illinois [Mr. CANNON]. On that amendment all debate is exhausted.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from South Carolina moves to strike out the last word.

Mr. JOHNSON of South Carolina. Mr. Chairman, of all the duties that can devolve upon a Member of Congress, the duty of making up the legislative, executive, and judicial appropriation bill is the most difficult. This bill provides for the compensation of 15,000 Government employees. It is an ungracious thing, it is an unpleasant thing, to stand out against the importunities of the 15,000 employees and their friends.

My own personal inclination would be to increase, and to increase liberally, the compensation of every person in the service of the Government; but, gentlemen, in 1898 this bill carried a total of twenty-one million and odd dollars. It has grown rapidly and constantly with each year. The current year it is $36,000,000. The committee that made up this bill thought the time had come when a halt ought to be called. Notwithstanding the wish of the committee in many cases to increase compensation and to increase force, we have felt constrained to deny the increases.

It may be, gentlemen, that our conduct appears ungracious and harsh, but I assure the membership of this House that in discharging this unpleasant duty we have tried to be fair to the country. It has not been many years, gentlemen, since Members of Congress were not provided with any clerical help. In 1893 for the first time the Congress provided $100 per month. In 1907, without any change in the law, a change was made in the appropriation to $1,500. The proposition now before the House is to increase this amount 33⅓ per cent, or, in other words, to vote for our own comfort and for our own convenience $219,000.

Mr. HAMLIN. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. HAMLIN. Does the gentleman think it is entirely accurate when he speaks of voting for our own comfort and convenience? Does he not think that the pay of our clerk hire, if the clerk is competent, is for the convenience of the people whom we represent in this House, rather than for ourselves? [Applause.]

Mr. JOHNSON of South Carolina. Oh, certainly; I understand that whatever duties we perform ourselves, or whatever duties we perform through our clerks, are for the convenience of our constituents.

Mr. HAMLIN. Then, ought the gentleman in all fairness to characterize it as being for our comfort and convenience? Ought we not to pay our clerks whatever is necessary for the convenience of our constituents?

[The time of Mr. JOHNSON of South Carolina having expired, by unanimous consent he was given five minutes more.]

Mr. MANN. Mr. Chairman, I ask unanimous consent that the debate on this amendment may close in five minutes, the gentleman from South Carolina to have the time.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the debate close in five minutes, and the gentleman from South Carolina to have that time. Is there objection?

Mr. AUSTIN. I object.

Mr. SIMS. Mr. Chairman, I would like to ask the gentleman a question. The gentleman is discussing this matter so seriously that he seems to think there is some apprehension that this amendment may be agreed to.

Mr. JOHNSON of South Carolina. I do.

Mr. SIMS. You could not pass it with a steam roller.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that all debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from South Carolina moves that all debate on this amendment close in five minutes.

The question was taken, and the motion was agreed to.

Mr. FOWLER. Mr. Chairman, I desire to ask the gentleman from South Carolina a question.

Mr. JOHNSON of South Carolina. I will yield to the gentleman.

Mr. FOWLER. Does the gentleman know any Member of this House who would not accept the position of a Congressman without any clerk hire at all?

Mr. JOHNSON of South Carolina. I suppose we would all be glad to come to Congress. We ought to be proud to have the confidence and respect of 200,000 American citizens, whether we have one or a dozen clerks. Gentlemen, I never longed for wealth and luxury; I know the people in poverty.

I have walked the ways that they walk. I know that men sometimes forget, amid the luxurious surroundings of the National Capital, the millions of people who are back on the hillsides and down in the valleys. As for me, I would rather continue to know those people, to know how they live, to know how they think and what they feel, than to dress in purple and fine linen and fare sumptuously every day.

When you talk about economy that makes for good government, when you vote in this House $2,000 for clerical help to assist you in your reelections, do not forget that there are 14,000,000 families in the United States who live on $600 a year or less. [Applause.] Do not forget that the man who has charge of the section hands on the railroad, the man who plows, and the man who works in the shop and in the factories, out of his meager earnings, must contribute the money that you propose now and here to vote to yourselves.

Mr. LEVER. Will my colleague yield?

Mr. JOHNSON of South Carolina. Well, the gentleman has had two speeches on this amendment.

Mr. LEVER. I only want to ask my friend if he regards the appropriation for clerk hire as an appropriation to help Members? I regard it as a governmental service.

Mr. FOSTER. How much political work does the gentleman's clerk do?

Mr. LEVER. None.

Mr. JOHNSON of South Carolina. Everybody knows that we use our clerks for political purposes to help us in our political campaign. [Applause.] There is no doubt about that. Gentlemen, it would be something that you could not face this country on to deny to 15,000 people in the governmental departments an increase of salary, and yet vote to increase the salary of your own help 33⅓ per cent. It is more the moral effect of what we propose to do than the actual amount of money it would take out of the Treasury.

But I want to say now that while I have stood resolutely against appeals that have been made to me, although in my heart of hearts I wanted to do what I was asked to do; I want to say that after standing out and assuming an attitude that appears so ungracious, that appears so hard-hearted, that appears so cruel, that makes one appear as if he had none of the milk of human kindness in him—I say that if this House undertakes to load down this appropriation with this proposition you can not expect the members of this committee to bear the odium of standing out against 15,000 people's importunities. If you can not deny yourselves, how do you expect us to deny them? [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired; all time has expired. The question is on the adoption of the amendment offered by the gentleman from Illinois [Mr. CANNON].

The question was taken; and on a division (demanded by Mr. CANNON) there were—ayes 56, noes 48.

Mr. FOSTER and Mr. BEALL of Texas demanded tellers.

Tellers were ordered.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. FOSTER) there were—ayes 44, noes 54.

Mr. BEALL of Texas demanded tellers.

Tellers were ordered.

The Chair appointed as tellers Mr. RUCKER of Colorado and Mr. FITZGERALD.

The committee again divided; and the tellers reported that there were—ayes 49, noes 54.

So the committee refused to rise.

The CHAIRMAN. Tellers having been ordered on the amendment of the gentleman from Illinois, the Chair will designate the gentleman from Illinois, Mr. CANNON, and the gentleman from South Carolina, Mr. JOHNSON, as tellers.

Mr. CANNON. Will the Chair designate the gentleman from Colorado instead of myself?

The CHAIRMAN. The Chair will designate the gentleman from Colorado in place of the gentleman from Illinois.

The committee again divided; and the tellers reported that there were—ayes 53, noes 48.

So the amendment was agreed to.

Mr. BARTLETT. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, by adding to the section the following: "*Provided*, That all clerks to Members and Delegates shall be placed on the roll of employees of the House and be subject to be removed at the will of the Member or Delegate by whom they are appointed, and any Member or Delegate may appoint one or more clerks, who shall be placed on the roll as the clerk of such Member or Delegate making such appointment."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BARTLETT. Will the gentleman state what his point of order is?

Mr. FITZGERALD. That it is not germane——

Mr. BARTLETT. Certainly it is.

The CHAIRMAN. The Chair will ask the gentleman not to reserve the point of order.

Mr. FITZGERALD. Then I make the point of order.

The CHAIRMAN. The Chair will hear the gentleman from New York on the point of order.

Mr. FITZGERALD. The provision in the bill provides for the payment to Members of Congress of compensation in a certain sum for necessary clerk hire. This amendment provides that certain clerks shall be made employees of the House and placed on the rolls, a legislative provision not at all germane to this provision. This question, Mr. Chairman, has in other sessions of Congress been presented in this form and the point of order has been sustained.

The CHAIRMAN. The Chair will ask the gentleman from New York to address himself to this point. This whole paragraph was out of order; it is new legislation. It seems to the Chair that the amendment offered by the gentleman from Georgia is germane to the pending proposition. If it is germane and the original proposition was contrary to existing law, the point of order not being made, I will ask the gentleman to advise the Chair as to whether or not a germane amendment seeking a limitation on the original proposition is not in order. The Chair would like to hear from the gentleman on that.

Mr. FITZGERALD. Mr. Chairman, the provision in the bill is to pay each Member, Delegate, and Resident Commissioner for clerk hire necessarily employed by him in the discharge of his official duties so much per annum. The provision offered by the gentleman from Georgia is to create new employees of the House. The clerks now employed by Members are not employees of the House; they are not part of the personal services of the House; it is an allowance to the Member himself that is given under the bill, to be disbursed by him. In previous sessions—and I shall try to have one located in a moment—the same question has been before the House in the same form, and it has been invariably held that such a provision is not germane. The provision in the bill is not to appropriate for employees of the House, but the provision of the gentleman from Georgia is to create certain employees and place them upon the rolls of the House.

Mr. MANN. Mr. Chairman, the paragraph in the bill would not have been subject to the point of order in the first place if it had carried $1,200 instead of $1,500 per annum, so that the only thing in the paragraph which made it subject to the point of order was the mere amount that was carried. The resolution which authorized the payment of clerical hire in the first instance was $1,200 instead of $1,500, as carried in the bill. Now, that made the paragraph subject to the point of order. That made the amendment offered by my colleague in order, because it was addressed to the point which made the original paragraph subject to the point of order; but the rule, Mr. Chairman, has always been that although a paragraph subject to the point of order is subject to amendment, it must be of a subject matter of the same character, must be concerning the subject matter which made the original paragraph subject to the point of order, and the latitude of amendment is not as wide as it is on ordinary amendments. The rulings have been consistent that although an amendment may be germane, it is yet not in order upon a paragraph which was subject to a point of order if it introduces a new subject matter. Now, this amendment pending introduces an entirely new subject matter. It does not

relate to the amount to be paid to the clerk at all, and the point which made the paragraph subject to amendment was the provision fixing the amount payable to Members for clerk hire. Now, another proposition comes up, relating to an entirely different subject matter, which, though it may be germane to the original paragraph itself, is not germane to the point which made the original paragraph amendable. Here is a proposition now to add clerks upon the roll, introducing another subject, and I have no doubt the Chair has before him the rulings which show that where it introduces another subject it is subject to the point of order.

Mr. AUSTIN. Mr. Chairman——

The CHAIRMAN. The gentleman from Tennessee [Mr. AUSTIN] is recognized.

Mr. AUSTIN. I would like to have the attention of the chairman of the Committee on Appropriations [Mr. FITZGERALD].

Mr. FITZGERALD. I prefer the gentleman would address the Chair. I am not going to discuss the merits of this at all.

Mr. AUSTIN. I would like to appeal to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. I decline to listen to the gentleman.

Mr. AUSTIN. This question involves the honor of the membership of this House.

The CHAIRMAN. If the gentleman from Tennessee desires to address himself to the point of order, the Chair will hear him.

Mr. AUSTIN. Mr. Chairman, I trust the present occupant of the chair can see his way clear to rule this amendment in order. As I said, it involves the honor of every Member of this House. We are constantly accused of voting this money for clerk hire and putting it in our pockets, and as long as the law remains as it is it will give an opportunity to those who wish to misrepresent and traduce us a chance to make this charge.

The CHAIRMAN. The gentleman from Tennessee [Mr. AUSTIN] must address himself to the point of order.

Mr. AUSTIN. And I hope there can be found in the rules and the precedents something upon which the Chairman can base a decision that will relieve us from an unjust insinuation of this kind.

Mr. MANN. Mr. Chairman, may I call the attention of the Chair to the Manual, page 405, paragraph 824, the second paragraph on the page, referring to paragraphs containing legislation, as follows:

A paragraph which proposes legislation being permitted to remain may be perfected by a germane amendment, but this does not permit an amendment which adds additional legislation:

And the citations are given to Hinds' Precedents.

The CHAIRMAN. The Chair agrees with the gentleman from Illinois on that proposition. That is clear. The Chair will ask the gentleman from Illinois the question he asked a while ago—whether this is additional legislation or whether it is legislation that limits the operation of the preceding paragraph?

Mr. MANN. This is additional legislation, clearly. That paragraph carries only what is now authorized by law, except as to the amount. This is additional legislation—new legislation, in my judgment.

Mr. FITZGERALD. It is a limitation on the expenditure of the money.

The CHAIRMAN. The Chair does not so regard it. But the Chair will be glad to hear from the gentleman from New York [Mr. FITZGERALD] as to whether or not this language is merely directory of how these clerks shall be carried and how they shall be appointed?

Mr. FITZGERALD. Mr. Chairman, in the first place, there is no provision whatever as to the employment of clerks. The law is that there shall be paid to the Members of Congress a certain sum for clerk hire. It does not say that the Member shall pay that money in compensation in any particular way. It does not say that he shall have to pay it at any particular time; but it pays him money for clerk hire. The amendment of the gentleman from Illinois [Mr. CANNON] was in order because the limitation to the amount had been changed.

I will read in a moment the statute as it now exists. This provision is:

That all clerks to Members and Delegates—

There are no clerks to Members and Delegates provided by the statute—

shall be placed on the roll of employees of the House and subject to be removed at the will of the Members and Delegates by whom they are appointed. And any Member or Delegate may appoint one or more clerks, who shall be placed on the roll as the clerk of such Member or Delegate making such appointment.

There is no authority in law for the appointment of clerks by either Members or Delegates.

The law is, under this statute of March 3, 1893—

That on and after April 1, 1893, each Member and Delegate of the House of Representatives may, on the first day of every month during the sessions of Congress, certify to the Clerk of the House of Representatives the amount which he has paid or agreed to pay for clerk hire necessarily employed by him in the discharge of his official and representative duties.

And so forth.

This statute provides that the Member shall certify to the Clerk of the House either the amount which he has paid or the amount which he has agreed to pay to the extent of $1,500 a year. The Member is paid that sum in monthly installments by the Clerk.

Now, this amendment that they shall appoint clerks, to be placed on the rolls of the House by Members, for which there is not now any authority whatever, can not, in my opinion, be construed as germane to this provision. The only legislation that is in order because germane to this provision, by reason of the fact that the entire provision would have been subject to a point of order, is an amendment affecting the amount which under the law can be paid.

Mr. HAMLIN. Mr. Chairman, will the gentleman yield to a question?

The CHAIRMAN. Does the gentleman yield.

Mr. FITZGERALD. Yes.

Mr. HAMLIN. Under that statute no Member can honestly draw a dollar of this money unless he solemnly certifies that he has either paid or promised to pay it out for clerk hire, can he?

Mr. FITZGERALD. I have read the statute.

Mr. HAMLIN. That is the statute, is it not?

Mr. FITZGERALD. I have read the statute.

Mr. HAMLIN. Is the gentleman not willing to commit himself?

Mr. FITZGERALD. I am not going to stand here and be catechised as to what Members can and can not do. I have read the law. It is clear to me, and it is clear to the gentleman from Missouri.

Mr. HAMLIN. I am not afraid to construe that law. The opinion of the gentleman and my opinion is that no Member can receive a dollar of that money unless he solemnly certifies that he has either paid or promised to pay it out for clerk hire. If that be true, to put the clerks on the roll and pay them directly does not, in fact, impugn the letter or spirit of the law a particle.

The CHAIRMAN. The Chair will be glad to hear the gentleman on the point of order.

Mr. FITZGERALD. I have quoted the statute, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Georgia [Mr. BARTLETT] desire to speak to the point of order?

Mr. BARTLETT. If the Chair is ready to rule, I do not care to.

The CHAIRMAN. The Chair would be glad to hear from the gentleman from Georgia.

Mr. BARTLETT. The point of the gentleman from New York [Mr. FITZGERALD] is that this amendment is not germane. I question if the Chair has any doubt as to that proposition. The law establishes the payment of clerk hire to Members.

Mr. FITZGERALD. The amendment changes the law.

Mr. BARTLETT. If the gentleman had refrained from interrupting me and had allowed me to follow my line of argument I would have gotten, later on, to that proposition. My friend is prone to criticize the gentleman from Missouri for interrupting and yet he himself interrupts. We should proceed in a parliamentary manner. However, I have no objection to the interruption.

Mr. Chairman, this proposition is germane. Why? Because we have here for consideration the subject matter of clerk hire to Members and Delegates already provided for by law. The manner in which it is paid is provided for by law. The original statute provides that the amount should be $100 per month during the sessions of Congress. The law was then amended so as to make it $1,200 a year, and afterwards, on an appropriation bill, it was provided that the amount should be $1,500 a year, and this bill contains a provision to pay $1,500 not authorized by law.

The original statute provides that each Member shall certify to the Clerk of the House that he has paid or contracted to pay for clerical services either a part of the amount or the full amount, and we sign that certificate, along with the receipts for our salaries, and the amounts are paid out in checks.

True, the amount is paid to the Member, but I presume each Member does as I do and follows the practice that I have followed since I have been receiving the amount, namely, of indorsing that check over to the person who does the work; and

I do not believe that there is any man in the House who does not properly dispose of that amount of money. But I do know that there are people, who are not familiar with the facts, who charge that Members of the House pay out only a certain amount of that money and then dispose of the rest in a way different from that contemplated by the statute.

Now the subject matter here is clerks and clerk hire to Members. The very provision reads, Mr. Chairman, that Representatives and Delegates to Congress whose credentials are in due form and have been duly filed with the Clerk of the House, in accordance with section 31 of the Revised Statutes, shall be entitled to payment under this appropriation. Section 31 provides for a roll to be made up of the Members of the House, and the Members who go upon that roll are the men entitled to draw this money.

Now the proposition being to legislate in reference to clerk hire to Members and the law providing how it shall be disposed of and paid to the Members, this simply proposes to provide that it shall be paid by the Members to these people who are put upon the roll.

The Members still pay it, if they desire to do so, but the clerks go to the roll, to demonstrate to the House that the money of the Government appropriated for a certain purpose has been paid to the men who are entitled to receive it—it indicates to the House that the money has been paid to those who do the work as clerks to the Members, and who are as such clerks entitled to it, and the whole matter is made public, just as other persons who do service for the public as employees of the House are required to be placed on the rolls. It gives publicity and prevents criticism and disarms censure.

Now, Mr. Chairman, I do not desire to continue the discussion. The amendment is germane. We have engaged here in legislating about a proposition that is not authorized by law, so far as the amount is concerned. We have amended this provision of law by new legislation. I do not think this is such legislation as is forbidden by the rule. It simply provides the manner in which the money shall be spent; it limits the way in which it shall be paid out. I have offered it for the purpose of giving to this House an opportunity to do that which it ought to have done from the inception of this law, to wit, that the money shall be paid to the clerks, and thus insuring that these insinuations, innuendoes, and charges against the Members of the House, sometimes made, once and for all time may be met and dispelled. [Applause.]

Mr. OLMSTED. Mr. Chairman, this bill as it now stands does not appropriate to pay any clerks. It appropriates to pay each Member for clerk hire necessarily employed by him.

Now, the only illegality in this provision in the bill is simply in the matter of the amount to be paid to each Member—$1,500—whereas the act of Congress says $1,200. The amendment offered proposes a new, distinct, substantive proposition of direct legislation, not upon the question of the amount involved. I will simply take the time of the Chair and of the committee to call attention to the language of a ruling made on the 29th of March, 1904, the Chairman at that time being THEODORE E. BURTON, of Ohio, now sitting in the body at the other end of the Capitol. He said:

> The Chair, though somewhat doubtful, thinks this is the best rule, that if a paragraph has been included in the bill which has in it a taint of illegality or of being contrary to existing law, that paragraph can be corrected or perfected by an amendment; but if the paragraph which is proposed as an amendment carries a further degree of illegality, affecting the whole paragraph as amended, then it is not in order.

At a subsequent time a similar question came before the House. I find it reported in section 3837 of Hinds' Precedents. Mr. Sherman, of New York, now Vice President of the United States, ruled to the contrary. An appeal was taken, and the decision of the Chair was overruled by a vote of 86 to 109. It seems to me, upon these authorities and upon the plain proposition that this amendment bears an added taint of illegality, the point of order must be sustained.

Mr. COOPER. Mr. Chairman, a parliamentary inquiry. I desire to know whether the amendment of the gentleman from Georgia proposes that the money for clerk hire shall be paid directly to the clerks?

Mr. BARTLETT. No.

Mr. COOPER. Or does it direct that the money shall be paid to the Member, and that he shall pay it to the clerk whose name is on the roll? I understood the gentleman from Pennsylvania [Mr. OLMSTED] to say that this was new legislation, because it would direct the payment of the money directly to the clerk instead of to the Member.

Mr. OLMSTED. If the gentleman will permit, I do not desire to be understood as saying that exactly, but it does direct that the clerk shall be put upon the roll of the House. It is not a limitation upon the appropriation at all. It is a positive direction that the Members' clerks shall be put upon the roll of employees of the House.

Mr. COOPER. Mr. Chairman, may I say one word as to that? It seems to me that this ought to be construed in such a way as will make the best law, if there is any doubt as to the proper construction, and the best law would be a law which would absolutely compel an honest payment of this money. Now, as I look at it, Mr. Chairman, the original proposition in the bill is that the Member, Delegate, or Resident Commissioner shall receive for clerk hire necessarily employed by him in the discharge of his official duties as Representative, $1,500 per annum; and the amendment of the gentleman from Georgia [Mr. BARTLETT] does not change that at all, except in the way of identifying positively the clerk who is to receive the money. That is all. It leaves it to the Member of the House to pay it to the man whom he hires, but simply puts in the law a method of identifying the payee. That is all. It ought to be in order upon grounds of the highest public policy. [Applause.]

The CHAIRMAN. The law provides that each Member of Congress is entitled to receive $1,200 a year for clerk hire. The Committee on Appropriations in reporting this bill, in conformity to the action of a number of Congresses that have preceded this one, has reported a provision allowing each Member of Congress and Delegate $1,500 a year for clerk hire. That provision is clearly contrary to existing law. It has no legal authority in the bill under the rules of the House. It is legislation on an appropriation bill not warranted by law and in violation of Rule XXI of this House.

But the provision having been read, and no Member of the House having made a point of order against it in the bill until an amendment was offered, under the rules and precedents of the House it is now not subject to a point of order, and it stands out independent of existing law. It does not come into this bill as a part of existing law, but stands out as an original amendment, offered by the committee—and it would be the same thing if it was offered by a Member on the floor of this House—that is, contrary to the rules of the House because it amends the existing law.

Now, two points are made against this amendment as it stands. One is that the amendment offered by the gentleman from Georgia seeks to change existing law, and therefore is not in order as an amendment to the provision offered by the committee. The other is that it is not germane to the provision offered by the committee.

As the provision offered by the committee itself is in violation of existing law, and stands before this House without warrant of law to sustain it, and can only stand here because a point of order is not made against it, it seems to the Chair clear that a point of order can not be made against the amendment to the provision that is in violation of existing law on the ground that the amendment is in violation of existing law, provided the amendment is germane to the provision offered by the committee, both being in violation of law, the point of order not having been made to it and it being too late to make it.

Then, the only other question is whether or not the amendment offered by the gentleman from Georgia is germane to the provision in the bill as amended by the gentleman from Illinois. That provision, as it now stands, reads:

> To pay each Member, Delegate, and Resident Commissioner for clerk hire necessarily employed by him in the discharge of his official and representative duties $2,000 per annum, in monthly installments.

The amendment offered by the gentleman from Georgia provides that all clerks to Members and Delegates shall be placed on the rolls of the employees of the House, and be subject to removal at the will of the Member or Delegate by whom they are appointed, and any Member or Delegate may appoint one or more clerks who shall be placed on the rolls as the clerk of such Member or Delegate out of said appropriation.

Now, the original provision does not provide for the employment of clerks by the House, but it provides that appropriations shall be made from which Members of the House may employ clerks themselves. The amendment offered by the gentleman from Georgia does not provide that these clerks shall be a part of the clerical force of the House; it merely provides that the Members appointing the clerks shall enroll them on the rolls of the House, clearly carrying the intention that those who are employed shall be known; and that intention is clearly demonstrated by the provision, because it does not designate how many clerks shall be employed by each Member. Under this provision one Member may employ one clerk at $2,000 a year and another Member may employ four clerks at $500 a year, clearly showing that the provision does not intend to make them a part of the clerical force of the House, but is merely

intended to make the Member who receives this money designate who shall receive it on the rolls of the House.

It seems to the Chair that it is clearly in order [applause] to the original proposition to state how the Member shall designate who he is employing, and that he shall, on a fixed roll of the House, insert the names of the persons whom he has employed under this appropriation. [Applause.] The question is on the amendment.

Mr. BARTLETT. Mr. Chairman, I want to amend the amendment so as to include the Resident Commissioner.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to modify his amendment by inserting the Resident Commissioner. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, I do not desire to detain the House with any extended remarks. I think it is absolutely necessary and decent for us to adopt this amendment.

Mr. MANN. Will the gentleman yield for a question? I thought when the amendment was read that the word "pay" was left out. Does the gentleman mean that the clerks that are put on the roll shall receive pay directly or that the money shall be paid to the Member?

Mr. BARTLETT. I hope that the construction will be that the money will be paid to the Member.

Mr. MANN. Mr. Chairman, I ask that the Clerk report the last few words of the amendment in my time.

The CHAIRMAN. The Clerk will read the last part of the amendment, if there is no objection.

There was no objection.

The Clerk read as follows:

And any Member, Delegate, or Resident Commissioner may appoint one or more clerks, who shall be placed on the rolls as the clerk of such Member, Delegate, or Resident Commissioner making such appointment.

Mr. MANN. There was something said about pay in the amendment as read by the Chairman.

The CHAIRMAN. The Chair read the amendment into the original provision.

Mr. COOPER. I would like to ask the gentleman from Georgia if the words "or clerks" ought not to be inserted after the word "clerk"?

Mr. BARTLETT. I have no objection, although the singular includes the plural.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. HEFLIN) there were 76 ayes and 20 noes.

So the amendment was agreed to.

The Clerk read as follows:

For postage stamps for the Postmaster, $250; for the Clerk, $450; for the Sergeant at Arms, $300; and for the Doorkeeper, $150; in all, $1,150.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. FINLEY having assumed the chair as Speaker pro tempore, Mr. UNDERWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24023, the legislative, executive, and judicial appropriation bill, and had directed him to report that it had come to no resolution thereon.

EXPENSES OF COMMITTEE ON THE JUDICIARY.

Mr. LLOYD. Mr. Speaker, I offer the following privileged resolution from the Committee on Accounts.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 486 (H. Rept. 651).

Resolved, That all expenses that may be incurred by the Committee on the Judiciary in making the investigation authorized by House resolution 481 shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

The committee amendment was read, as follows:

Amend, line 3, after the figures "481," by inserting the words "to an amount not exceeding $25,000."

The question was taken, and the amendment was agreed to.

Mr. HILL. Mr. Speaker, wait a moment. What is this investigation? We had a $25,000 resolution last week. What is the purpose of this?

Mr. LLOYD. This is an investigation that is authorized by the Committee on the Judiciary.

Mr. HILL. To investigate what?

Mr. BARTLETT. The Money Trust and everything connected with it.

Mr. LLOYD. We had a trust resolution a few days ago in regard to the Money Trust question.

Mr. HILL. I thought that was before the Banking and Currency Committee.

Mr. LLOYD. Part of the original resolution goes to the Committee on Merchant Marine and Fisheries and part to the Judiciary Committee.

Mr. HILL. I would like to inquire if we are to have another resolution from the Committee on Merchant Marine and Fisheries to authorize them to expend $25,000?

Mr. LLOYD. That has already been done.

Mr. MANN. Will the gentleman yield to me two or three minutes?

Mr. LLOYD. Certainly.

Mr. MANN. Mr. Chairman, resolution 405, which I think was the original resolution, was divided up in substance by a resolution between various committees including the Judiciary Committee, and the Judiciary Committee, by resolution of the House, was authorized to carry on any investigation it pleased within its jurisdiction which were referred to in resolution 405, but subsequently the House, the other day, repassed the substance of everything in House resolution 405, and directed the Committee on Banking and Currency to investigate the whole subject.

I do not oppose this resolution, because I am quite willing, if gentlemen on that side of the House are determined, for them to show either how extravagant or how inefficient the committees are when they have appointed one committee for making one investigation that they shall appoint another committee to make the same investigation, because this is work that the Committee on the Judiciary ought to do. I agree with the gentleman that the Judiciary Committee ought to do it. We have already passed a resolution of the House directing the Committee on Banking and Currency to do it and another resolution directing the Committee on the Judiciary to do it.

Mr. HILL. Mr. Chairman, a day or two ago a gentleman came to me at my office to show me a series of blanks, which I understand are issued under the authority of the Committee on Banking and Currency, calling upon every State as well as national bank in the United States for information over which this Congress has not the slightest particle of control.

Mr. BARTLETT. State banks?

Mr. HILL. State banks—under this provision spending money when every particle of information with reference to national banks which is sought for by those questions can be obtained in the comptroller's office without any expenditure of money, and the facts sought to be obtained from the State banks Congress has no jurisdiction over. Now, I have not the slightest particle of objection to voting $25,000 to get new and original information, but to duplicate work that has already been done and secure information which we have no control over seems to me to be unwise expenditure.

Mr. FOSTER. Let me ask the gentleman from Connecticut a question. If the Aldrich Currency Commission did not send these blanks to all the banks of the country?

Mr. HILL. They were authorized to do it by direct act of Congress, and, in my judgment, it has accomplished no good whatever. I was opposed to it in the beginning. I think it has been useless work for the last five years, as it has been carried on, and I am opposed to the proposition which the Aldrich Currency Commission submitted. I believe you can not build up a sound currency system on a false foundation, and therefore I am opposed to the whole thing, unless the fiat money at the base of the system now can be eliminated.

But if you can get any information that is of value in this way, that is not already in the comptroller's office in the Treasury Department, I have no objection. But I agree with the gentleman from Illinois [Mr. MANN] that it is absolutely useless to spend thousands and thousands of dollars in duplicating work which is already done and paid for.

Mr. LLOYD. Mr. Speaker, it is not expected that these committees shall duplicate their work. The Judiciary Committee was authorized by a resolution of the House to perform certain work, and it is necessary in the performance of that work that they incur certain expense, and this simply provides that that expense may be made and may be met out of the contingent fund of the House. I ask for a vote on the amendment.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The resolution as amended was agreed to.

CRAYON PORTRAITS OF EX-SPEAKERS.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the consideration of the resolution (H. Res. 264) which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. LLOYD] asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 264 (H. Rept. 649).

Whereas for many years there have been hanging upon the walls of the Speaker's Lobby crayon portraits of ex-Speakers James K. Polk, John Bell, Howell Cobb, John W. Davis, M. C. Kerr, Schuyler Colfax, Robert M. T. Hunter, Andrew Stevenson, Philip Barbour, J. W. Jones, John G. Carlisle, John White, Linn Boyd, Jonathan Dayton, J. L. Orr, Langdon Cheeves, Nathaniel Macon, and William Pennington; and

Whereas by resolution of the Sixty-first Congress these portraits were ordered substituted by oil paintings which are now being hung in place of said crayon portraits: Therefore be it

Resolved, That as soon as said portraits are substituted the crayon portraits be given to the States whose Representatives said ex-Speakers were, and that the Clerk of the House shall ship said crayon portraits to the secretary of state of the several States entitled to receive them, and inform said officials that said portraits are given by Congress to said States.

Also the following committee amendment was read:

Page 1, line 7, after the word "States," insert the following: "*Provided*, That no part of the cost of transporting said portraits shall be paid by the Government."

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. LLOYD. These portraits are to be given to the States.

Mr. BARTLETT. I understand that this is an application for unanimous consent, but I do not desire to object. You say you give them to the States. Usually the State is represented by its officials instead of by itself, and you direct that the portrait shall be sent to the secretary of state and he shall receive it. It seems to me that we ought to have some way of communicating with the representatives of the State.

Mr. FITZGERALD. Is this a simple resolution?

Mr. LLOYD. I am inclined to think it is complex.

Mr. FITZGERALD. I am in earnest. Is it a House or a joint resolution?

Mr. LLOYD. It is a simple resolution.

Mr. FITZGERALD. What right has the House by simple resolution to dispose of any property belonging to the House?

Mr. MANN. If there is no harm, let us dispose of them.

Mr. LLOYD. These crayon portraits are of no value, and the purpose of this is to authorize us to send these pictures, which are down in the crypt, to the States of the respective ex-Speakers.

Mr. FITZGERALD. What I wish to inquire is of the right of the House——

Mr. MANN. They are not an asset, but a liability. [Laughter.] We have the same power to do it as we have to clean out any other rubbish.

Mr. FITZGERALD. These crayon portraits were so offensive to the esthetic tastes of the Members of the House that we took them off of the walls of the Speaker's lobby, and now we are proposing to donate them to somebody in the belief that we are doing them a favor.

Mr. BARTLETT. Among these Speakers was a citizen of Georgia, Howell Cobb. I would think that if you are going to give them away, instead of sending them to the States, they ought to be given to the members of the families of those ex-Speakers.

I know that ex-Speaker Howell Cobb has daughters living at Athens, Ga., who would probably be glad to receive this portrait. I think the State of Georgia already has a large portrait of Howell Cobb hanging in the State library, or hanging somewhere else on the walls of the State capitol.

Mr. LLOYD. If it is given to the State and the State desires to do so, it can donate it to the family of Howell Cobb.

The SPEAKER pro tempore. Is there objection to the consideration of the resolution?

Mr. MANN. I will not object, but if there is going to be further discussion of it here to-night, I may.

Mr. AINEY. Mr. Speaker, I would like to ask the gentleman from Missouri [Mr. LLOYD] if it will be compulsory upon the States to receive these portraits. [Laughter.] There is nothing in the resolution about securing the consent of the States.

Mr. LLOYD. Mr. Speaker, let us have consideration of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question now is on agreeing to the resolution as amended.

The question was taken, and the resolution as amended was agreed to.

LEAVE OF ABSENCE.

Mr. SISSON, by unanimous consent, was granted leave of absence, for one day, on account of important business.

PHILIPPINE INDEPENDENCE.

Mr. GARRETT. Mr. Speaker, I have a request for unanimous consent which I have reduced to writing, and I ask that it may be read.

The SPEAKER pro tempore. Without objection, the Clerk will read the request submitted by the gentleman from Tennessee [Mr. GARRETT].

The Clerk read as follows:

I ask unanimous consent that the bill (H. R. 22143) to establish a qualified independent government for the Philippines, and to fix the date when such qualified independence shall become absolute and complete, and for other purposes, and also House joint resolution 278, to authorize the President of the United States to secure the neutralization of the Philippine Islands and the recognition of their independence by international agreement, which bill and resolution have been favorably reported by the Committee on Insular Affairs and are now upon the calendar, shall have the same status as privileged reports of committees provided under the first section of paragraph 56 of Rule XI.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I will say to the gentleman from Tennessee that I do not think he ought to present a request of that sort in a House where there are only a few Members present at 7 o'clock in the evening.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I hope the gentleman will withdraw his request to-night.

Mr. GARRETT. I am not responsible for the absence of Members.

Mr. MANN. It is now 7 o'clock.

Mr. GARRETT. I will say, Mr. Speaker, that the matter has been pending for some time, and I understand it has been agreed upon with the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. MANN. This is a matter that affects the House, and it may affect the procedure of the House for the rest of the session, and therefore Members should be here when the order is presented.

Mr. AINEY. Mr. Speaker, if unanimous consent is given, how would it affect unanimous consent given to bills reported by the Committee on Claims?

Mr. GARRETT. It would not affect that at all.

Mr. MANN. It would not affect that at all. This will be the continuing order for the balance of this year.

Mr. OLMSTED. I want to ask if it is intended to consider both the bill and the resolution at the same time.

Mr. GARRETT. No; I suppose in the order in which they are named.

Mr. MANN. I do not like to object, but if the gentleman insists upon his request, I shall be compelled to.

Mr. GARRETT. In view of that suggestion, I shall have to withdraw it.

Mr. OLMSTED. I should like to ask the gentleman if, when the gentleman offers it again, he will not add "and that in the consideration of said bill in the Committee of the Whole House on the state of the Union general debate shall be confined to the subject matter of the bill as reported, and matters relating thereto"?

Mr. GARRETT. I shall not object to that. Of course, when the matter comes up, if it is agreed to in this way, when unanimous consent is requested for the limitation of debate, that would be in order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman for unanimous consent?

Mr. MANN. Reserving the right to object, does the gentleman insist?

Mr. GARRETT. If the gentleman makes his suggestion in that way, I shall have to withdraw it.

The SPEAKER pro tempore. The gentleman withdraws his request.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6009. An act to increase the limit of cost of the United States post-office building at Huron, S. Dak.; to the Committee on Public Buildings and Grounds.

HOUR OF MEETING TO-MORROW.

Mr. JOHNSON of South Carolina. I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 11 o'clock. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 41 minutes p. m.) the House adjourned until to-morrow, May 4, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting an item for inclusion in the general deficiency bill, granting authority to the accounting officers of the Treasury to credit in the accounts of Capt. Briant H. Wells, quartermaster, United States Army, the sum of $850.05 disallowed against him on the books of the Treasury (H. Doc. No. 727); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting estimate of deficiencies in appropriations required by the Treasury Department for Internal-Revenue Service, Bankers' Electric Protection Association, and Marine-Hospital Service (H. Doc. No. 729); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting an estimate of appropriation in the sum of $28,000 to enable the Commissioner of the General Land Office to make field examinations of selected lieu lands in the State of Colorado and to adjudicate the same in the General Land Office, made by Public resolution No. 57, approved February 16, 1911 (36 Stat., p. 1454) (H. Doc. No. 728); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting estimate of appropriation in the sum of $581.13 to cover deficiency in appropriation for re-marking the boundary line between Texas and New Mexico, for which an appropriation of $20,000 was made (H. Doc. No. 726); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HARDY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 23676) to regulate the officering and manning of vessels subject to the inspection laws of the United States, reported the same with amendment, accompanied by a report (No. 648), which said bill and report were referred to the House Calendar.

Mr. HAMILTON of Michigan, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 23461) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River at or near Millard, Ky., reported the same without amendment, accompanied by a report (No. 650), which said bill and report were referred to the House Calendar.

By Mr. MOON of Pennsylvania, from the Committee on the Judiciary, submitted minority views on the bill (H. R. 23635) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," which views were referred to the House Calendar. (H. Rept. 612, pt. 2.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 18691) granting a pension to Cobb T. Berry; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23181) granting a pension to Samuel R. Ballentine; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21253) granting an increase of pension to John R. Vickers; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17151) granting a pension to Cobb T. Berry; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20768) granting an increase of pension to Homer D. Snediker; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18833) granting an increase of pension to Thomas Hogan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18253) granting a pension to F. W. Braun; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16175) granting an increase of pension to William C. Hopper; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14532) granting a pension to Thomas F. Hassett; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6954) granting an increase of pension to Alexander R. Blazer; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11211) granting a pension to Alexander Frazer; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8184) granting an increase of pension to Michael Dolan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23209) granting a pension to Henry A. Ridgeway; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23791) granting an increase of pension to Henry Senne; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24037) granting an increase of pension to Charles Schlaburg; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SHERWOOD: A bill (H. R. 24114) to provide for remodeling the old post-office building at Toledo, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. THAYER: A bill (H. R. 24115) to prevent restrictions or discriminations in the sale, lease, or license of tools, implements, appliances, or machinery covered by interstate commerce; to the Committee on the Judiciary.

Also, a bill (H. R. 24116) to prevent restrictions or discriminations in the sale, lease, or license of tools, implements, appliances, or machinery, or in the use of any method or process covered by the United States patent laws; to the Committee on the Judiciary.

By Mr. HULL: A bill (H. R. 24117) to promote efficiency in the Government service; to the Committee on Reform in the Civil Service.

By Mr. ROBINSON: A bill (H. R. 24118) providing an appropriation to check the inroads of the Arkansas River in Lincoln County, Ark., in front of the State farm; to the Committee on Rivers and Harbors.

By Mr. SIMMONS: A bill (H. R. 24119) to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes; to the Committee on Agriculture.

By Mr. KENT: A bill (H. R. 24120) to amend section 3 of an act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907; to the Committee on Foreign Affairs.

By Mr. POU: A bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties and other claims; to the Committee on Claims.

By Mr. WEBB: A bill (H. R. 24122) authorizing the Secretary of War to construct a public highway from a point on the Southern Railway beginning at or between the towns of Kings Mountain and Grover, N. C., to the monument erected by the United States Government on the Kings Mountain battle ground; to the Committee on Appropriations.

By Mr. CURRY: A bill (H. R. 24123) creating the Mescalero National Park in New Mexico and providing for the allotment of certain lands in severalty to the Mescalero Apache Indians; to the Committee on Public Lands.

By Mr. HOBSON: A bill (H. R. 24124) to facilitate voting in election of President, Vice President, and Members of Congress;

to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. CARY: A bill (H. R. 24125) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Benevolent and Protective Order of Elks; to the Committee on the Public Lands.

By Mr. ALLEN: A bill (H. R. 24151) to provide for the erection of a monument to Gen. William Henry Harrison, late President of the United States; to the Committee on the Library.

By Mr. FITZGERALD: Resolution (H. Res. 521) for the consideration of H. R. 24023, the legislative, executive, and judicial appropriation bill; to the Committee on Rules.

By Mr. RAKER: Resolution (H. Res. 522) directing the Committee on Foreign Affairs to ascertain regarding the purchase by foreign Governments of land and fishery rights on the west coast of Mexico, etc., and to make report to the House; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 24126) granting an increase of pension to Jesse Baumgardner; to the Committee on Invalid Pensions.

By Mr. ADAMSON: A bill (H. R. 24127) granting a pension to Mary E. Spraberry; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 24128) granting a pension to Patterson McGeehan; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 24129) for the relief of the estate of Patrick Ryan; to the Committee on War Claims.

By Mr. CLAYPOOL: A bill (H. R. 24130) granting a pension to James M. Humphrey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24131) granting a pension to Sullivan McKibben; to the Committee on Invalid Pensions.

By Mr. COOPER: A bill (H. R. 24132) granting an increase of pension to George H. Farrar; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 24133) granting a pension to Foster Rine; to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 24134) for the relief of Elizabeth Evans; to the Committee on War Claims.

By Mr. HOWELL: A bill (H. R. 24135) granting an increase of pension to Jane K. Carpenter; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 24136) for the relief of the estate of Peter C. Brashear, deceased; to the Committee on War Claims.

By Mr. KINKEAD of New Jersey: A bill (H. R. 24137) to refund to National Cartage & Warehouse Co., of New York City, N. Y., excess duty; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 24138) granting an increase of pension to Joel Ratliff; to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 24139) granting an increase of pension to William F. Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24140) granting an increase of pension to Henry Coster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24141) granting an increase of pension to Elizabeth Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24142) granting an increase of pension to Herman Boedicker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24143) granting an increase of pension to Sarah E. Bapp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24144) granting an increase of pension to James Perry; to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 24145) to correct the military record of A. G. Hamilton; to the Committee on Military Affairs.

By Mr. SELLS: A bill (H. R. 24146) granting a pension to Ollie Frazier; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 24147) granting a pension to James C. Carson; to the Committee on Pensions.

Also, a bill (H. R. 24148) granting a pension to John P. Martin; to the Committee on Pensions.

By Mr. TOWNER: A bill (H. R. 24149) granting an increase of pension to John Payton; to the Committee on Invalid Pensions.

By Mr. TUTTLE: A bill (H. R. 24150) granting an increase of pension to Winfield Scott McGowan; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of the Merchants and Manufacturers' Association of Cincinnati, Ohio, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. ANDERSON of Minnesota: Petition of J. Thrut and 17 others, of Dodge Center, Minn., against passage of the parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of the Workmen's Circle of New York City, against the passage of the Dillingham bill (S. 3175) for the literacy test; to the Committee on Immigration and Naturalization.

Also, resolutions of Edward S. Matthias Camp, No. 46, Department of Ohio, United Spanish War Veterans, in support of the Crago bill (H. R. 17470) for pension for the widows and minor children of Spanish War veterans; to the Committee on Pensions.

By Mr. ASHBROOK: Petition of S. M. Warner and 6 other merchants, of Fredericksburg, Ohio, against passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of J. N. Stone and 20 other citizens, of Newark, Ohio, against passage of interstate-commerce liquor law; to the Committee on the Judiciary.

By Mr. BOWMAN: Petition of the Keystone Watch Case Co., of Philadelphia, Pa., against any changes in the present patent laws; to the Committee on Patents.

Also, petition of the United Polish Societies of Brooklyn, N. Y., against passage of the Dillingham bill and all measures favoring the literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of the estate of Patrick Ryan; to the Committee on War Claims.

By Mr. CALDER: Petition of the National Association for the Advancement of Colored People, of New York City, favoring passage of Senate bill 180; to the Committee on Appropriations.

Also, petition of the Farm Journal, of Philadelphia, Pa., favoring passage of Dodds amendment with 10 per cent restriction omitted; to the Committee on the Post Office and Post Roads.

Also, petition of the Allied Board of Trade and Taxpayers' Association, relative to wireless apparatus and operators and sufficient lifeboats on all ocean steamers; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Boitel & Ring and Henry Fisher, of Brooklyn, N. Y., favoring passage of Senate bill 6103 and House bill 22766, for prohibiting use of trading coupons; to the Committee on Ways and Means.

By Mr. DICKINSON: Petition of Windsor Post, No. 580, Grand Army of the Republic, favoring passage of House bill 14070; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: Petition of W. M. Daniel and other citizens of Salisbury, N. C., favoring passage of House bill 22339; to the Committee on the Judiciary.

By Mr. DRAPER: Petition of the United Polish Societies of Brooklyn, N. Y., against passage of Senate bill 3375 or any measure containing the literacy test; to the Committee on Immigration and Naturalization.

By Mr. MICHAEL E. DRISCOLL: Resolution of the Rochester Chamber of Commerce, favoring passage of Senate bill 4308 and House bill 17736, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Lake Seamen's Union, Buffalo, N. Y., favoring passage of House bills 21372 and 23673; to the Committee on the Merchant Marine and Fisheries.

By Mr. DYER: Petition of Vehicle Top & Supply Co. and the Brown Shoe Co., of St. Louis, Mo., favoring passage of bill for building higher the levees on the lower Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of Hotel Jefferson, St. Louis, Mo., favoring passage of the Stevens-Gould net-weight bill; and of the State of Missouri Railroad and Warehouse Department, of Jefferson City, Mo., against passage of House bill 22593, authorizing the Interstate Commerce Commission to make a physical valuation of the railway properties of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Kansas City Live Stock Exchange, Kansas City, Mo., against any change in present inspection laws; to the Committee on Agriculture.

Also, petition of J. P. H. Gemmer, of St. Louis, Mo., against any bills to restrict the rights now granted under the patent laws; to the Committee on Patents.

Also, petition of the Ferd. Messmer Manufacturing Co., St. Louis, Mo., against passage of Kenyon-Sheppard or any other

interstate liquor bill, and of members of the Brotherhood of Locomotive Engineers of St. Louis, Mo., favoring passage of House bill 20487, the Federal accident compensation act; to the Committee on the Judiciary.

Also, petition of the St. Louis Metal Trades Association, of St. Louis, Mo., against passage of the Bartlett bill or any other bill to impair the power of the judiciary; to the Committee on the Judiciary.

Also, petition of Anti-Monopoly Drug Co., St. Louis, Mo., favoring passage of Senate bill 6103 and House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

By Mr. FULLER: Petition of the Society of the Sons of the Revolution, in the State of Illinois, favoring immediate passage of Senate bill 271, relating to collection and publication of archives concerning the Revolutionary War; to the Committee on Military Affairs.

Also, petition of the Illinois Central Railroad, favoring the adoption of the Thistlewood resolution to appropriate $250,000 to repair and strengthen levees around Cairo, Ill., etc.; to the Committee on Rivers and Harbors.

Also, petition of Wilmer Atkinson, editor of the Farm Journal, of Philadelphia, Pa., in favor of the Dodds amendment to the appropriation bill, relating to publications issued by fraternal societies; to the Committee on the Post Office and Post Roads.

By Mr. HAYES: Petition of the Women's Improvement Club of Escalon, and J. B. Curtin, Sonora, Cal., favoring passage of bill for flood-water canal from San Joaquin River; to the Committee on Rivers and Harbors.

Also, petition of the San Francisco Labor Council, the Sailors' Union of the Pacific, and the Chamber of Commerce of San Francisco, Cal., favoring passage of House bill 11372—the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Women's Improvement Club of Madero, Cal., and the Chamber of Commerce of Hollister, Cal., favoring construction of a flood-water canal from the San Joaquin River; to the Committee on Rivers and Harbors.

Also, petition of Kullman, Salz & Co., Benicia, Cal., and Hale Bros. (Inc.), San Francisco, Cal., favoring continuance of the Tariff Board; to the Committee on Appropriations.

By Mr. KAHN: Petition of the Chamber of Commerce, San Francisco, Cal., against abolishment of Bureau of Manufactures, Department of Commerce and Labor; to the Committee on Appropriations.

Also, petition of Eldora S. Deacon, San Francisco, Cal., submitting proposed amendment relative to water rights at Waianae-Uka, island of Oahu, Hawaii; to the Committee on Insular Affairs.

Also, petition of Local No. 158, Brass and Chandelier Workers, of San Francisco, Cal., favoring passage of House bill 22339, against introduction of the Taylor system into Government shops; to the Committee on Labor.

Also, petition of H. Levi & Co., San Francisco, Cal., submitting proposed amendment relative to water rights at Waianae-Uka, island of Oahu, Hawaii; to the Committee on Insular Affairs.

Also, petition of the Sailors' Union of the Pacific, San Francisco, Cal., favoring passage of the seamen's bill (H. R. 11372); to the Committee on the Merchant Marine and Fisheries.

By Mr. LAFFERTY: Petition of B. H. Miller and other citizens of Oregon, favoring the building of at least one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. LINDSAY: Petition of Goodwin Brown, New York, representing the State hospital commission of the State of New York, relative to immigrant insane in the New York State hospitals for insane, and also additional appropriations for necessary medical inspection by inspectors trained in the care and treatment of insane; to the Committee on Immigration and Naturalization.

Also, petition of the American Enameled Brick & Tile Co., New York, N. Y., protesting the passage of the anti-injunction bill; to the Committee on the Judiciary.

Also, petition of the National Association of Life Insurance Policy Holders of Chicago, Ill., relative to operation of corporation tax; to the Committee on Ways and Means.

Also, petition of the Polish National Alliance, Brooklyn, N. Y., protesting against the passage of the Dillingham bill or any other measure favoring further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. MAHER: Petition of the Polish National Alliance of Brooklyn, N. Y., against passage of the literacy test and any other new restriction tending to check immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Allied Board of Trade and Taxpayers' Association, relative to wireless apparatus and operators and sufficient lifeboats on all ocean steamers; to the Committee on the Merchant Marine and Fisheries.

By Mr. McCOY: Petition of the Police Lieutenants' Association of Newark, N. J., favoring passage of the Hamill bill, for letter carriers' pensions; to the Committee on Pensions.

Also, petition of Newark Lodge, No. 340, International Association of Machinists, and Local No. 44, Metal Polishers' Union of North America, Newark, N. J., favoring passage of House bill 22339 and Senate bill 6172, against introduction of Taylor system into Government shops; to the Committee on the Judiciary.

By Mr. McGUIRE of Oklahoma: Petition of citizens of Falls City, Nebr., asking that the Judiciary Committee report the Kenyon-Sheppard bill and the Webb bill for the consideration of the House as soon as possible; to the Committee on the Judiciary.

By Mr. NEEDHAM: Petition of citizens of Reedley, Cal., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Los Angeles Chamber of Commerce, Los Angeles, Cal., relative to setting aside public lands in Western States to be sold for funds with which to build good roads; to the Committee on the Public Lands.

Also, petition of the Workmen's Circle of New York City, against passage of the Dillingham bill (S. 3175) for literacy test; to the Committee on Immigration and Naturalization.

Also, resolution of the Wholesalers' Board of Trade, of San Diego, and the Chamber of Commerce of San Diego County, Cal.; against House bills 11372 and 20576, prohibiting the towing of log rafts and lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Sailors' Union of the Pacific and the San Francisco Chamber of Commerce, favoring passage of the seamen's bill (H. R. 11372); to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Coalinga, Cal., favoring a clause in the naval appropriation bill providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. POU: Petition of the Improved Order of Red Men, favoring bill for erection of memorial to American Indians; to the Committee on Indian Affairs.

By Mr. REILLY: Petition of the Workmen's Circle of New York City, against passage of the Dillingham bill (S. 3175), for the literacy test; to the Committee on Immigration and Naturalization.

Also, petition of New England manufacturers, against the adoption of the Covington amendment to the Panama Canal bill, regulating the passage of vessels through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of New England manufacturers, protesting against the adoption of the Covington amendment to the Panama Canal bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Local No. 79, Carpenters and Joiners, favoring passage of House bill 22339; to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of medical societies, physicians, and citizens of the State of Texas, against passage of the Owen bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Texas, against establishment of a national department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. TILSON: Petition of the United Polish Societies of Brooklyn, N. Y., protesting against passage of Senate bill 3175 or any measure containing the literacy test; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of the Workmen's Circle, New York, protesting against the Dillingham bill (S. 3175), containing the literacy test; to the Committee on Immigration and Naturalization.

Also, petition of the Knights of the Maccabees of the World, Buffalo, N. Y., favoring the passage of a bill that will give fraternal publications the same privileges in the mails as that of commercial publications; to the Committee on the Post Office and Post Roads.

Also, petition of the United Polish Societies of Brooklyn, N. Y., protesting against the passage of any measure containing the literacy test; to the Committee on Immigration and Naturalization.

SENATE.

SATURDAY, *May 4, 1912.*

(Continuation of legislative day of Thursday, May 2, 1912.)

The Senate met, after the expiration of the recess, at 11 o'clock and 50 minutes a. m.

RIVER AND HARBOR APPROPRIATION BILL.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Senate bill 5382 is before the Senate as in Committee of the Whole and open to amendment.

Mr. NELSON. Mr. President, on behalf of the Committee on Commerce, I ask leave to report back House bill 21477, the river and harbor bill, with certain amendments, and I submit a report (No. 697) thereon. I desire to state that at the earliest opportunity after the pending bill is disposed of I shall call up this bill.

I wish to state, further, that the bill as it came from the House appropriated a little over $24,000,000 in cash and $2,200,000 in continuing contracts. The Senate committee by its various amendments have added about $8,000,000 in cash to the bill, making the total amount of the bill somewhere about $34,000,000. One hundred and eighty-five amendments were offered in the Senate, involving $44,000,000. If we had adopted all those amendments we would have increased the bill to the extent of $44,000,000. We could not do that. We have endeavored to get a moderate bill. We were somewhat handicapped in this matter because of the exigency that arose on the Mississippi River. We have added to the bill, in respect to that portion of the river from the Passes up to Cape Girardeau, Mo., $2,500,000 beyond the bill as it passed the House.

The PRESIDING OFFICER. The present occupant of the chair is of opinion that it is somewhat in violation of the unanimous-consent agreement to admit other business, but if there be no objection the report will be received.

The SECRETARY. A bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. NELSON. I ask to have the report printed.

The PRESIDING OFFICER. It will be printed, under the rule.

CALLING OF THE ROLL.

Mr. REED. Mr. President, I raise the question of the lack of a quorum.

The PRESIDING OFFICER. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	Kern	Pomerene
Bacon	Culberson	Lea	Reed
Borah	Cullom	Lodge	Richardson
Bourne	Cummins	McCumber	Root
Bristow	Davis	McLean	Shively
Brown	Dillingham	Martine, N. J.	Simmons
Bryan	Fall	Myers	Smith, Ga.
Burnham	Fletcher	Nelson	Stephenson
Burton	Foster	Oliver	Sutherland
Catron	Gallinger	Overman	Swanson
Chamberlain	Guggenheim	Page	Thornton
Clapp	Johnston, Ala.	Perkins	Works
Clark, Wyo.	Jones	Poindexter	

Mr. SWANSON. I wish to announce that my colleague [Mr. MARTIN] is detained from the city on account of illness in his family. I will let this announcement stand for the day.

Mr. RICHARDSON. My colleague [Mr. DU PONT] is necessarily absent from the city.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum of the Senate is present.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. BACON. Before the Senate proceeds to the regular order, I ask permission to introduce out of order, so that it may be printed, an amendment which I propose to offer to the Indian appropriation bill (H. R. 20728). I ask that the amendment be printed and referred to the Committee on Indian Affairs. I also ask that a letter from the Secretary of the Interior relating to the same matter may be printed in connection with the amendment and referred to the Committee on Indian Affairs.

The PRESIDING OFFICER. Without objection, the amendment will be received and it will be printed with the accompanying letter.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes.

Mr. DAVIS. I ask permission to have a short telegram read before the consideration of the bill is proceeded with.

The PRESIDING OFFICER. Without objection, the telegram will be read.

The Secretary read as follows:

LITTLE ROCK, ARK., *May 3, 1912.*

Hon. JEFF DAVIS, *Washington, D. C.:*

We, as representatives of Division 131, Order of Railway Conductors, implore that you use best efforts to defeat bill entitled "Workmen's compensation act."

J. B. MILLIKEN.
A. H. JOHNSON.

Mr. CULBERSON. Mr. President, are amendments other than committee amendments now in order?

The PRESIDING OFFICER. The Chair understands that the committee amendments have been disposed of and that amendments are in order.

Mr. CULBERSON. I understand that the Senator from Georgia [Mr. SMITH] desires to speak generally on the bill, and I will wait before offering the amendments formally.

Mr. SMITH of Georgia. Mr. President, I favor the general principles of the workmen's compensation bill. My opposition to the measure now pending before the Senate is due to the fact that I think the bill does not properly regard the rights of the employees of the railroad companies. I believe its passage would be a great injustice to them if it is passed in its present form.

I therefore desire to urge one of two courses with reference to it—either that it be allowed to go over until December, that the bill in its details may be studied thoroughly not only by the members of the committee who prepared it but by other Senators and by the public at large, or else, if the bill is to be passed now, that the existing rights of railroad employees be preserved to them and that the bill be made cumulative and not exclusive.

Why should this bill be pushed through so hurriedly? It is a measure of vast importance. It concerns the future of a very large part of the American people. There are nearly 1,800,000 men employed on the railroads. Estimating an average family of five, we would have nearly 10,000,000 of our people concerned in this bill.

When did the Senate rush through so hastily a measure which affected so many of the citizens of our country and affected them so vitally? This bill was only introduced in February. Only 30 days ago it was reported from the Judiciary Committee. What the Judiciary Committee intended to present to the country has been known but 30 days. The men interested in this measure have not spoken upon it. The telegrams which you have received commending this measure have not been received since the measure was perfected and since the men knew what the measure was.

I wish to urge upon Senators that they have not heard from the railroad employees on this measure as it is. Why do Senators object to delay? Next week one of the strongest organizations of railroad men meets in annual convention at Harrisburg, Pa. The Brotherhood of Locomotive Engineers will meet on the 8th there. One or two of the chief officers of that association have approved this bill, but the rank and file have been muzzled. They have been prevented from presenting their protest to you. To my certain knowledge one of their leaders came here, intending to appear before the Judiciary Committee, but, learning that not only his membership but the membership of his lodge might be withdrawn if he appeared, he concluded that he could render more service staying inside the order than by quitting it. Now, within two weeks you can hear from them. If you rush this bill through at once, you prevent them from having a hearing.

The Firemen's Brotherhood, one of the four largest organizations of railroad men, has been relieved, so that they can express themselves, and you are beginning to hear from them. About two weeks ago the conductors, finding dissatisfaction among their men, were relieved, and you are hearing from them. During the summer the principal organizations of most of these bodies will meet. Of course, if you pass the bill now, you will prevent them from letting you hear from them. If you wait until December, you will find out what they really think about it.

Ah, Senators, with the facts before you, you can not defend a vote for this bill upon the theory that the men have asked for it, for to your attention is brought the fact that the men have not asked for it. There are two heads of organizations here still pressing it—a Mr. Lee and a Mr. Wills. We heard from Mr. Lee through a paper or an argument he presented replying to an article from the chief justice of the Supreme

Court of North Carolina, in which he went on to denounce the author of the article as an ambulance chaser. His language reminded me of the railroad claim agent's, and it sounded like one of that class prepared his article for him.

If the balance of his statement is no more accurate than his characterization of the writer of the article about which he complains, who has for 20 years been upon the supreme court bench of North Carolina and for 10 years chief justice of that bench, his statements are entitled to but little credit.

We heard yesterday of an article sent by Mr. Wilis to engineers throughout the country urging them to telegraph to Senators and Representatives to vote for this bill just as it is, without any amendment, for, he declared, "amendments are dangerous." Dangerous to whom? Not to the men. No one will suggest an amendment to this bill that will make it harder on the men. Dangerous, then, to whom? Necessarily to the railroad companies, for they have got everything in this bill that the ingenuity of a trained railroad lawyer could put into it to facilitate defense to their cases. I think every difficulty that the trained railroad lawyer ever met in conducting the defense of a case by an employee is carefully guarded in this bill. Dangerous, then, to whom? Dangerous to the railroads, not to the men. Dangerous to amend it, he says.

Why, the Senator from Utah yesterday presented three amendments, one of which modified the autopsy provisions in the original bill, the provision that allowed the railroad claim agents, at their own volition, to take up and cut up as they saw fit any railroad employee killed in the line of his work. It required no judicial discretion to let them do it; it was an arbitrary right given to them. The Senator from Utah has presented an amendment modifying that clause. Yet Mr. Wilis insisted that any kind of an amendment was dangerous. Dangerous to take the 16-year limit off the daughters? Why, the Senator from Nebraska [Mr. HITCHCOCK] was shocked on yesterday when he understood that the 16-year-old girl of a dead railroad man was to be turned off without a dollar. No matter how completely the negligence of the railroad company was responsible for his death, no matter how completely free from criticism had been his conduct, the 16-year-old daughter was to be turned off with nothing; and when the Senator from Utah was questioned about it, he excused the bill by suggesting that there were others to be taken care of. Now, he has put a modification upon that provision. Yet Mr. Wilis tells us that any amendment would be dangerous. I do not believe Mr. Wilis will be here next December representing the Brotherhood of Locomotive Engineers.

I ask that this bill go over until fall, because there are many objections to it. There are many things in it that can be improved, or, at least, where the rights of the employees may be broadened without injustice to the railroad companies; and before their rights are cut off at common law and at statute law and this bill substituted exclusively as their means of redress it is not unreasonable to insist that the fullest time be given to the men involved—not just to Lee and Wilis, but to the men themselves who meet in their national conventions next week and during the coming summer to consider these questions and to be heard before us. Is that unreasonable? Why object to it? It is so important to them; it is of such infinite importance to them.

But Senators say, "True, there are defects about the bill, but we will pass it and correct it in later years." What about the poor fellows who are hurt in the meantime? Correcting 5 or 10 years from now will not do them any good. You will have taken away from them their rights by passing this bill; you will have passed it without giving them a chance to be heard; and though you may correct the defects of the bill within the next 10 years, that will not do any good to the widows and orphans whose husbands and fathers are killed in the meantime. It will not do any good to the men themselves who are injured in the meantime.

Now, if you hope to perfect it in a few years, why not leave them their present rights under existing laws? Why not let it go over until December and perfect it before you put it on them? That is all I am asking. I am urging the Senate to do one of two things—to leave them their present rights under existing laws, while this present measure is being tried and being perfected, or that you let the bill go over until December, that the bill itself may be perfected after the men themselves have been heard.

The present rights of the men have just been established. For years they have been fighting to obtain them; for years they have been fighting to be relieved from the inhuman line of decisions that followed Priestly *v.* Fowler, decisions that regarded money as of more consequence than life; decisions that took care of a man's freight and paid him a hundred cents on the dollar for it, but built around human life and human limb a line of rulings that allowed life and limb to be taken without compensation. At last the beneficent act passed by Congress in 1908 has been fully sustained by the Supreme Court of the United States; only in February it was sustained; and now, just as it is established, just as the Supreme Court has declared that it is the law, you strike it down. Ah, Senators, is that right? Is it right, just as the law they have fought for so long has been sustained by the Supreme Court of the United States, to strike it down?

If you put into this bill a provision that it shall not be exclusive, if you leave the men their present rights until we try this bill, and in a few years' time, through experience, perfect it and then make it exclusive, I shall have nothing to say. If you merely make it cumulative instead of exclusive I shall join the men who favor it and vote for it.

The English law in many respects has been used as the basis of the proposed law, but the English law provides that the remedy shall be cumulative. The English workmen's compensation act preserves to the men their common-law rights; it preserves to the men their statutory rights under the employers' liability act, and it gives them a workmen's compensation act in addition. This bill is stricter on the men than the English workmen's compensation act; it is harder on them than that act in the fact that it cuts off from them their statutory and common-law rights in addition to the compensation act.

Let me call your attention to the trouble about making this bill the exclusive remedy. The constitutionality of this bill and the meaning of the bill will be questioned. In the proceedings of the commission will be found an elaborate criticism upon the constitutionality of this bill; strong arguments were presented against its constitutionality. I shall not discuss them, but I only call attention to the matter sufficiently to show that the constitutionality of this bill must go to the courts. Suppose it is held to be unconstitutional, as the first employers' liability act was held to be, then what becomes of the men?

Leave them their present rights until this bill has been tested; wait until it is held constitutional before you strike down their existing rights. That is what I am pleading for.

Then, what does it mean? There is a great deal of doubt.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Dakota?

Mr. SMITH of Georgia. I do.

Mr. CRAWFORD. I should like to inquire of the Senator how it would destroy existing rights if the court should find that the statute was invalid?

Mr. SMITH of Georgia. They would be in abeyance in the meantime.

Mr. CRAWFORD. They would be in abeyance, but they would not be destroyed.

Mr. SMITH of Georgia. The statute of limitations might run against them.

Mr. CRAWFORD. That would mean a very long litigation.

Mr. SMITH of Georgia. It will take three years to go to the Supreme Court on the constitutionality of this bill. It has taken us nearly four years to carry the present employers' liability bill through to the Supreme Court. It was passed in May, 1908, and the decision of the Supreme Court was rendered in February, 1912.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. SMITH of Georgia. Yes.

Mr. CHAMBERLAIN. I simply desire to ask the Senator if he knows what the Federal statute of limitations is, if there is any, against a claim of this kind?

Mr. SMITH of Georgia. The Federal statute, I think, is two years under the employers' liability act. The Federal statute of limitations would be superseded by the statutes of the various States in some instances, and the statutes of the different States would be suspended, so far as the men involved in interstate commerce are concerned, by this bill. Congress having provided a remedy, it would take the place of the State statute.

Mr. CHAMBERLAIN. Does the Senator think the State statutes would govern a proceeding in a Federal court under a Federal statute?

Mr. SMITH of Georgia. Not at all; but it would govern the rights in a State court at common law; and if it is constitutional it strikes down and suspends the jurisdiction of the State courts as to all interstate-commerce employees.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Florida?

Mr. SMITH of Georgia. I do.

Mr. BRYAN. I suggest to the Senator from Georgia that there was no Federal statute placed in abeyance under the employers' liability act while that act was being tested in the courts of the United States.

Mr. SMITH of Georgia. And that was not exclusive in any sense. Mr. CARY in a most elaborate argument debated the constitutionality of this bill, and other briefs were filed attacking its constitutionality. As I have said, I shall not argue the proposition as to its constitutionality. To be frank, I do not know what the Constitution does mean or where we are going to stop on this subject. We have already gone further than I thought we could, and I would not venture an opinion and I would not place great reliance upon the opinion of anybody else about where it will stop. I think we shall know where it will stop when the Supreme Court settles it; but with that question involved, why make this remedy exclusive?

I said that the meaning of the bill was doubtful. I am not so much criticizing the phraseology of the bill as the necessary doubt as to the meaning of such a bill. Why make a remedy of this kind exclusive when you are reaching out into a new field full of doubt?

The bill provides that—

> Any employee who, while employed in such commerce by such employer, sustains personal injury by accident arising out of and in the course of his employment.

When is he and when is he not to be considered employed in such commerce? That is a very important question for construction, and it will have to be construed before we will know. When will it be determined that the accident arose out of and in the course of his employment? That is a matter for construction. Will it apply to men in the shops? Will it apply to men in the yards? Take the case of a railroad beginning in a State and ending in a State and yet engaged in interstate commerce. To what extent and where will it apply to men employed by that railroad? In the record will be found a statement presented to the commission by the attorney general of the State of Washington, calling their attention to the fact that upon these questions the district courts have disagreed already. If you leave the employee his present remedy, he can bring his suit; he can put in two counts; he can plead both ways; he can protect himself from the loss of his rights while the meaning of this bill is being determined.

Nearly all the State statutes are made cumulative or optional and elective, yet this bill, just as the employers' liability act is decided to be constitutional, though the men for three or four years have been held in a sea of doubt—this bill is to be substituted for the established law, and for another term of years they are to be left in doubt, if this bill repeals existing laws. What I ask is that in fairness, if this bill must pass now—and I understand you have the votes to pass it; I understand that some Senators on this side will vote for it—but if it is to be passed now, I plead with you do not strike down the existing remedies and put these men in a condition of utter doubt.

If you take the plan provided in this bill for serving a petition before the adjuster and leave it as it is to-day, it will be a most difficult matter to secure service. I defy any lawyer to take the plan of service and to know just how to serve a petition. The bill certainly must be amended in that respect. It tells you how to serve the process, but how you can do what it tells you is a very different thing.

We are told that this bill is intended to stop waste; it is designed to do away with the existing laws because the existing laws permit litigation, and this is a beneficent scheme that is to terminate litigation. The Senator who supports this bill upon that theory is ready to chase a rainbow whenever its presence is suggested. In the first place, the amount of litigation on the part of the railroad employees is rapidly decreasing; the amount of litigation is much less in comparison with the number injured than the discussion of this question by the advocates of this bill indicates, and I will prove that by the record before the commission.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. SMITH of Georgia. Certainly.

Mr. REED. I do not wish to interrupt the Senator, but the Senator from Oregon [Mr. CHAMBERLAIN] asked the Senator from Georgia if he knew what was the limitation in the present Federal statute. I desire to read the limitation provision in that statute. It is as follows:

> SEC. 6. No action shall be maintained under this act unless commenced within two years from the day the cause of action accrued.

Mr. CHAMBERLAIN. Mr. President, that was hardly what I desired to know. I was asking that question on the assumption that this bill might be tested by a proceeding in the court and might finally be held to be unconstitutional, say at the end of three or four years. Would that affect existing rights under the present liability law?

Mr. REED. Beyond question, unless this bill is amended so as to avoid the limitation which I have just read; that is to say, the section I have just read requires the action to be brought under the present Federal statute within two years from the date of the injury. If a man is injured and he proceeds under this present bill, assuming it to be his proper and exclusive remedy, and two years elapse pending that litigation, and it is then decided that this bill is unconstitutional, and he then goes back and undertakes to bring his action under the existing Federal statutes, he would be met by the bar of the time limitation therein expressed. This is true beyond any earthly question. Such a litigant would be out for all time.

Mr. SMITH of Georgia. Mr. President, there is a more serious trouble than that. We are dealing with a class of people who need their money at once. Even if you save them the statute at the end of three years, you have stopped them from their rights for three years. You are dealing with children and widows; you are dealing with men in many cases without means, who depend upon their daily labor for their livelihood, and when you stop their rights after they are injured, so that they can not earn a living, then the fact that you give back to them the right to sue three years later does not sustain them in the suffering and the want you have put on them in the meantime. The preservation of the statute of limitations is not the redress—and just here I am going to stop to say that in my plan, or the plan I would advocate, of a workmen's compensation act, I have a view radically different from this bill in this regard. It provides that for two weeks after injury nothing is to be paid. My own view is that every workmen's compensation act should provide a scheme whereby for the first 30 days, at least, during which a man is suffering from an injury he should draw his pay and draw it promptly, so as to keep want away from his door while he is suffering from such physical injury. That is the German theory for treating this question.

Since the interruption I have turned to the expression of opinion by the attorney general of the State of Washington that I contemplated reading to the Senate but for the fact that I could not find it instantly. He says:

> First, the carrier must be engaged in interstate commerce; and, second, the employee must be engaged in interstate commerce. The decisions, even the few that we now have, are in absolute conflict. For instance, Judge Kershon in the Pennsylvania district court has held that a workman engaged in repairing a bridge is not within the provisions of the Federal liability act; another district court has come to exactly the contrary conclusion. Former Judge Whitson, of the eastern district of Washington, held that a brakeman engaged in repairing a brake was engaged in repairing cars.

I come to the theory presented to support this bill that it would largely eliminate litigation and that now nearly all claims are litigated. I find, Senators, in the record the testimony of Mr. Whiting, the claim agent who has been criticized and who may or may not be entirely worthy, but who has gotten up some figures, a portion of which I will use. He has undertaken to ascertain certain facts about accidents and payments for accidents during a three-year period on 25 per cent of the railroads in the United States, and the result of his statement is that of the claims against these roads amounting to 41,571, all were settled except 344, which went to judgment.

It is but fair to say that some of these settlements were cases in which suit was first brought, but it is equally fair to claim from his testimony that the great bulk of the cases are now settled without litigation, and the percentage of settlements which he presents under the existing law is greater than the percentage of Germany and England under their workmen's compensation acts.

Again, the amount paid out for settlements was $8,567,636, while the amount by judgment was $800,748. Again, you will find in the record, at page 1196, the testimony of Mr. Warfield, counsel for the Louisville & Nashville Railroad, in which he declares that 95 per cent of the accidents on his road are settled without litigation; settled directly with the parties injured without any employment of counsel at all, and that only 5 per cent of the cases go into the hands of attorneys.

It is very easy to protect the railroad man from exorbitant charges by attorneys. We can amend the employers' liability act and provide that in no case shall a contingent fee be more than 20 per cent, and that in no case of settlement without an actual trial shall it be over 10 per cent; and under this bill, creating almost absolute liability, removing the defenses that have heretofore been the cause of litigation, that compensation would be ample.

Now, this new act will lessen settlements. It withdraws the inducement to settle. It cuts down the amount of recovery in cases of trial so strongly that the railroads will litigate, because they will not have anything, scarcely, to pay, even if they lose, and they will insist that the employee take what they offer, for even if they litigate they will not have much to pay.

This large volume of settlements now made are to avoid litigation. They are due to the danger of much larger payments if litigation takes place; and now, if you adopt this bill, under which, even if litigation takes place, nothing scarcely could be recovered, you encourage the railroad companies to litigate.

I said that this new bill furnishes a wide field for litigation—in the first place, as to the constitutionality of the bill, to which I have referred; in the second place, as to the meaning of the terms of the bill, the character of the position occupied by the employee; and then, gentlemen, comes a most artistic piece of work. It is the creation of this adjuster. The name is misleading. I do not think it was exactly right to all these men over the country to call him an adjuster, because the idea went out to them that when they came to this adjuster he was to pay them. That is not his authority at all. He is a Federal trial judge, appointed by the district court judge. He has no power over a case except to hear it when it is brought to him and try it under the evidence.

The next thing that is artistic and misleading about this bill is the way in which the case is to be brought before the adjuster. Instead of telling the employee just plainly, "You may bring your suit before that judge," the bill states that a little communication is to be presented to him. Why not call it what it is? A suit, a lawsuit before a man authorized by law to try it. This adjuster is to be a trial judge without a jury, and the little notice the bill requires is the declaration filed before him and which is to be answered by the defendant. It is the machinery for litigation. It is not expressed in terms to carry a clear conception of its effect.

Just here let me stop and say that there is no provision in this bill which will enable the plaintiff to get his witnesses or get his testimony if the witnesses are outside of the district. The bill does not say he can take testimony by deposition, to be used before this master or judge. It does not say "you may take it by interrogatories." Of course the railroad does not take its testimony in that way. It has the cooperation of the other railroads, and it brings its witnesses on free transportation, but the plaintiff must rely upon depositions and interrogatories to get his testimony. Nobody was working on the employees' side when this bill was framed. That was not thought of. It was the claim agents and the attorneys for the railroads who were before the commission who suggested everything they needed. There is absolutely no provision in this bill by which a plaintiff can get a witness outside of the jurisdiction of the trial judge called adjuster.

Then comes this privilege with reference to an appeal. It is a de novo trial. Anyone familiar with defending railroad suits knows how the railroad attorney loves to have another trial when he has lost the first time; how he seeks it. Here this bill says, "You try this case before this judge without a jury. You can take it right on up and have a brand new trial in the court above, if you want it." How it takes care of the troubles that have surrounded them! That is not all.

After it has been tried before the judge in any court above, within two years, whenever they seek it, the railroad can have another hearing. The case can be brought up anew before this trial judge without a jury, called adjuster, and another hearing can be had, and if the defendant is not satisfied with the second hearing, a third hearing can be had, and there is no limitation in this bill as to the number of times a case can be brought up anew before this trial judge without a jury.

Second, the employee can not use this remedy. He is cut off from his wages, a cripple, and if he can pull through one trial he is fortunate. He will need somebody's help. Without the privilege of creating any lien on what he recovers, with what is to come to him, a bare pittance, without the privilege of making a contract with counsel, he can be harassed by trial after trial and trial after trial. It would pay the railroads to do it. They can appeal and lessen the danger by harassing the employee with such innumerable trials that it will pay better for him to take anything that is offered.

Senators, I do not believe there is one railroad man in fifty who will stand for this measure, and after they have suffered from it a little while there will not be one in five hundred; and what I want to impress here is that these telegrams do not speak from the men about this measure, and Senators can not, when they return to their homes and find the distress they have brought, blame it on the men for having brought it on themselves, because the RECORD will be full of the fact that the Senate has been advised how little the men have had to do with it. Will Senators vote for such a measure?

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. SMITH of Georgia. I do.

Mr. SIMMONS. The Senator from Georgia has made what to my mind is a startling statement about this bill. I understood the Senator to say that after the trial before the adjuster, if the railroad desired it, it was entitled to have another trial before the court, and if the result of that trial was not satisfactory to the railroad, it was entitled to have another trial, and if that was not satisfactory, still another trial.

I should like, if I have understood the Senator correctly, to have him tell us upon what condition, if any, these additional trials would be allowed. That is to say, does the Senator mean to say that the railroad, having had its hearing before the adjuster and once before the court, could without any assignment of error in the decision of the court have another trial?

Mr. SMITH of Georgia. Yes.

Mr. SIMMONS. Simply by asking for one?

Mr. SMITH of Georgia. Yes. I will explain what the bill means on that subject and what I think of it. The bill provides that during two years the railroad company, even after hearing, can have the employee reexamined by physicians, and have one or more additional hearings. Either the railroad or the man can do that. The man can apply for an increase of his pay at any time within two years and have another reference.

Mr. SIMMONS. Then I understand the Senator to mean that if the railroad people want another hearing, after the court has once decided it, it would be necessary to allege a change in the condition of the plaintiff?

Mr. SMITH of Georgia. The hearing follows as a matter of course. Permission to have a second hearing is not necessary. The bill gives them the right to apply to the adjuster and to have another hearing.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. Certainly.

Mr. SUTHERLAND. The bill provides that at any time within two years either party may apply to the adjuster, and upon showing that the disability has increased or decreased or ceased there may be an adjustment of the order for compensation.

If the Senator will permit me, that provision is a very usual one.

Mr. SMITH of Georgia. I will not yield now for a speech. I yielded for your statement of fact, but not for a speech. I prefer to go on with my own speech. The Senator can make his speech when I get through.

Mr. SUTHERLAND. I will not interrupt the Senator further, with that admonition.

Mr. SMITH of Georgia. That is precisely what I said at the outset with reference to the bill—that the provision to the employee is worthless. If he can drag through his two trials, he is doing very well; but he can be, at the option of the railroad, any time it sees fit within two years, carried before the adjuster and another hearing had before the adjuster at the pleasure of the railroad company. That is what I said.

I said that this bill arbitrarily gives to each side the right to apply, within two years, for a hearing before the adjuster.

Mr. SIMMONS. That application for a new hearing or a rehearing would be based upon an allegation of a change in the physical condition of the plaintiff, would it not? I am simply asking for information.

Mr. SMITH of Georgia. No.

Mr. SIMMONS. I understood the Senator first to say that it is a matter of right.

Mr. SMITH of Georgia. It is a matter of right.

Mr. SIMMONS. Without any change in the original status as it was presented to the trial court or the adjuster, the railroad or the plaintiff can ask for a rehearing?

Mr. SMITH of Georgia. I say it is a matter of right.

Mr. SIMMONS. And does not depend upon the changed condition of the plaintiff?

Mr. SMITH of Georgia. The hearing is a matter of right.

Mr. SHIVELY. Is there nothing left to the discretion of the court?

Mr. SMITH of Georgia. Not as to whether there shall be another hearing. The hearing arbitrarily follows the application.

Mr. SIMMONS. But there must be an allegation of a change in the physical condition of the plaintiff.

Mr. SMITH of Georgia. It does not say there must be such an allegation.

Mr. SIMMONS. Then it seems to me there is a provision in this bill violative of every principle of jurisprudence of which I have ever heard.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. I will to call attention to a fact, but not to discuss the bill.

Mr. SUTHERLAND. I call attention to it because I am sure the Senator does not want to misrepresent the bill. The section referred to is section 11 on page 11. It says that—

> The judgment may be from time to time reviewed by the adjuster upon the application of either party, after due notice to the other party, upon the ground that the incapacity of the injured employee has subsequently ended, increased, or diminished.

Mr. SMITH of Georgia. But the review itself is a matter of course. It is an arbitrary right to have the review. It is just exactly as I said it was—the arbitrary right, as many times as they see fit, to drag the employee before this adjuster and have other hearings. There is no limitation as to the discretion of the adjuster to reduce the amount allowed. It is true that it purports to give it to the employee as well as the employer, but what I insist upon, Senators, is that the employee who can pull through one trial and live has done all he can, and that this provision gives to the railroad companies, the defendants, a right which will enable them to so annoy the plaintiffs as to force them to take anything claim agents offer.

There could not be a provision framed by the ingenuity of a corporation counsel—no lawyer who ever represented railroad companies could suggest a provision—to put the railroad employee more perfectly in the hands of the claim agent.

Litigation stopped? There never was a bill framed that more perfectly provided litigation and litigation and litigation, and all at the expense of the workmen.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Carolina.

Mr. SMITH of Georgia. Yes.

Mr. SMITH of South Carolina. The Senator from North Carolina asked a question a moment ago, that, in case there was an adjudication of this matter and a subsequent review of the case was desired, whether it would not be a part of the allegation that there had been a change in the condition of the person. If I understand the Senator from Georgia, he means to say that whenever there is a request for the reopening of the case it has to be granted, but it is predicated upon a change in the condition of the individual who had been injured.

Mr. SMITH of Georgia. There does not have to be any application for a reopening. There is an application for another hearing, and the other hearing takes place.

Mr. SMITH of South Carolina. But is it not predicated upon some change in the condition of the party?

Mr. SMITH of Georgia. I will read the language of the proposed bill:

> At any time before the expiration of two years from the date of the accident, but not afterwards, and before the expiration of the period for which payment of compensation has been fixed thereby, but not afterwards, any agreement, award, findings, or judgment may be from time to time reviewed by the adjuster upon the application of either party, after due notice to the other party, upon the ground that the incapacity of the injured employee has subsequently ended, increased, or diminished. Upon such review the adjuster may increase, diminish, or discontinue the compensation from the date of the application for review.

Mr. SMITH of South Carolina. That is the very point I wanted to call attention to. The phraseology says upon the allegation that there is a change in the condition of the plaintiff. That is the only point I wanted to get at.

If the Senator from Georgia will permit me, I understand the point he is making is that the railroads, being in a better financial condition, can call for this review, and as a matter of fact, under the terms of the bill, they can do it upon their allegation at any time they see fit.

Mr. SMITH of Georgia. Absolutely.

Mr. SMITH of South Carolina. And the other man is not financially able to do the same thing.

Mr. SMITH of Georgia. And they can bring him in and bring him in and bring him in.

Mr. REED. Mr. President, this is the point in this matter: All that is required is the mere naked allegation, the mere filing of a statement, "We demand a review and allege that there has been a change of condition." Without any preliminary showing of a change of condition, but upon the mere naked allegation, the review takes place. There is no penalty of any kind if the allegation is found upon the trial to be false, and there is no provision to protect the man against being dragged into the various parts of the district following up the adjuster, and nothing to protect him against the expense of again bringing his witnesses.

Mr. SMITH of Georgia. Not only that, but he can be again examined by the doctors for the railroad from time to time. Kindly this bill permits that when the doctors for the railroad examine him he may have a doctor at his own expense. How is the injured employee to pay for expert service to meet these innumerable examinations by the expert surgeon of the railroad? Can anybody conceive anything that can be suggested to be added to this bill that would help the railroad company or its counsel in defending a suit? There is no provision for the pay of the physician of the poor fellow who is hurt. There is nothing to help him out.

Mr. SMITH of South Carolina. Not if he gains the case.

Mr. SMITH of Georgia. No; not if he gains the case. He can not be treated except by their physician. If he has his own physician he must pay him himself. He can not recover reasonable compensation for his own doctor if his doctor treats him. No; the railroad company must furnish the doctor if it pays him, and just as often for two years as claim agent wants to have the employee examined he will have it done.

There are some expert physicians and there are some expert witnesses who are physicians, and to their examination he must submit, and when he gets his judgment it is not final. They can literally wear him out. I said that the imagination could not suggest anything to add to this bill that would help the claim agent make the man who was hurt take anything that was offered to him.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield further to the Senator from South Carolina?

Mr. SMITH of Georgia. Certainly.

Mr. SMITH of South Carolina. I think it would be enlightening to compare this particular feature of the bill with the existing law. When there is a suit and judgment is rendered under the existing law, that is final.

Mr. SMITH of Georgia. Unless it is taken to a higher court.

Mr. SMITH of South Carolina. Unless it is taken to a higher court, and there is some grounds to set it aside; but when we have adjudicated, that is the final settlement of the question, and the plaintiff knows exactly what he has and there is no possibility of a reopening of the case. Why is it that the limitations do not apply in the present law as in this proposed law?

Mr. SMITH of Georgia. Under the existing law one trial, unless set aside, is final. Under the proposed law there can be two trials arbitrarily before a first judgment, and then the subsequent right for two years, just as often as the railroad company wants to do it, to carry the employee before this trial judge without a jury and have a rehearing, and a rehearing, and a rehearing. They were not content with saying that they could do it one time; it is from time to time that they are to do it. And this is your workmen's compensation law.

Mr. CULBERSON. I will ask the Senator from Georgia——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas?

Mr. SMITH of Georgia. Certainly.

Mr. CULBERSON. I will ask the Senator if he construes section 11 that in the case of an application for a new trial before the adjuster there is any jury trial provided at all at that?

Mr. SMITH of Georgia. I do not know what it means. It does not say.

Mr. CULBERSON. The language is:

> The findings of the adjuster upon such review shall be served on the parties and filed with the clerk of the court having jurisdiction, in like time and manner and subject to like disposition as in the case of original findings.

But so far as I can see this section does not provide for a jury trial upon such a review and refinding by the adjuster.

Mr. SMITH of Georgia. I suppose they would be obliged to allow an appeal in each instance or else it would clearly be unconstitutional, if it is not clearly unconstitutional anyhow. That is an open question. That is one of the questions to be litigated by this bill that is lauded in a bill to terminate litigation. That is one of the things that is left in the air by this perfect measure that can not wait until next December for further consideration and investigation.

If a case on rehearing goes on up to the district court, then that means another expense to the plaintiff. If it does not go up then that means that arbitrarily the trial judge without a jury, called adjuster, can finally put the employee injured wherever he sees fit.

Mr. DAVIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Arkansas?

Mr. SMITH of Georgia. Yes.

Mr. DAVIS. I should like to have the Senator from Georgia draw the contrast sharply, if he will, between the conditions under the present law and what may be obtained under this mode of procedure. As I understand it, under the present law——

Mr. SMITH of Georgia. I do not wish to yield to anyone to make a speech at this time.

Mr. DAVIS. The Senator from Georgia can do that much more admirably than I can, and I would be glad to have him do it.

Mr. SMITH of Georgia. I tried to do that in my discussion of this case several days ago, which went into the RECORD and has been printed. It would take me quite a length of time to go over that question again. I wish to say to the Senator from Arkansas that I discussed very elaborately about three weeks ago that branch of the case, and it is in the RECORD; and it would require very much more time than I would wish now to give to go into it further.

As to the mere matter of procedure, there is a difference which I am pressing and which I did not press then—I believe the Senator from Arkansas had reference to the matter of procedure more than to anything else. Under the existing law an injured employee can sue in the State courts and try his case before a jury of his neighbors, who know him and know his character, and have one verdict, if it is not set aside, and that is the end of litigation. The case can not be removed to the United States court. Under this bill—

Mr. DAVIS. Right there, I suggest to the Senator from Georgia that under one procedure the man gets the money and puts it in his pocket and under the other it drags along two years, because he is paid month by month.

Mr. SMITH of Georgia. I am not prepared to say whether, in some instances, it would not be better to let them receive their pay not all in a lump sum. I am not pressing a final discussion of that question.

Under this bill, instead of the right of trial by jury in your own State courts, the employee must go before this trial judge, without a jury, appointed by the district court judge. He has no means to get the testimony of a witness by depositions or by interrogatories. Counsel making suggestions for the railroads, I suppose, knew that they could bring all their witnesses by train and they did not need depositions and interrogatories. His case can be forced into a second trial by an appeal to the district court before a jury. Then he can be brought before this adjuster for another hearing, and it may go up probably, and from time to time during the whole of two years he can be kept trying and trying and trying his case, and be examined and examined and examined by the physicians of the railroad company. And this is to be made the exclusive remedy for these men.

I have called attention to the fact that in all of these hearings certainly for some time the law will be unsettled as to what classes of employment and what classes of work will be covered by the act. The facts will be open for discussion and for litigation. The question of drinking, the question of intent, will still be left open. If the man is to be paid whose gross negligence causes the accident, why should not the man also be paid who took a drink? I am opposed to hiring a man on a railroad that takes a drink in service; but if this bill is so beneficent and wishes to take care of the man whose gross negligence is the exclusive cause of the injury, why strike out the man who took a drink?

How the injured employee at the time was employed is a question which will be open for litigation. Then what was the nature of his injury. Was it partial or total? Was it permanent or temporary? All these questions must be settled by this trial judge without a jury.

I do not think the counsel for railroads are fond of juries, and I should think they would be delighted with a trial judge without a jury.

Now, let me call your attention to the fact that the great bulk of injuries are injuries not referred to at all in these schedules of payments contained in the proposed bill.

Again, using Mr. Whiting's figures, of the injuries he settled 37,099 were temporary injuries while only 1,527 were permanent. This bill provides no schedule for any temporary injury. The amount of payment of every temporary injury is left perfectly open by this bill and a large part of permanent injuries are left open. Yet in the classification of 40,000 injuries that it was necessary for the railroad to settle, 37,000 of them were temporary injuries. This bill fixes no compensation at all for any of these cases.

With this trial judge without a jury, appointed by the Federal court judges to try the cases, and with the opportunity furnished to harass these 37,000 men who have temporary injuries, the injured employee will say: "I can not do anything; I am helpless; you can literally wear me out. I will take anything and go. You can furnish machinery to so harass me that I am at the mercy of the claim agent. Whatever the claim agent offers I must take."

According to Whiting's showing, over one-third of the entire amount that he paid out for injuries on the roads were temporary injuries. Gentlemen have talked about this bill increasing the burdens of railroads $5,000,000, without anything to base the statement on, until some of them actually believe it is so, and they have actually caused the President to publish that this bill will increase the amount the railroads will have to pay $5,000,000. I utterly repudiate such a proposition. There is not a thing to base it on. No one knows what the present legislation will make the basis of compensation, because it has not been tried, and they do not know what will be done by the claim agents under this proposed bill, and when they talk about increasing burdens $5,000,000 I am willing to attribute to most of them lack of knowledge and not insincerity of the statement.

At the outset of this discussion, when the bill was first mentioned upon the floor, I questioned the accuracy of that statement by the Senator from Utah, and after examining the record I see that he has nothing to base it on.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. NELSON in the chair). Does the Senator from Georgia yield to the Senator from Missouri?

Mr. SMITH of Georgia. I do.

Mr. REED. If I am not interrupting the Senator, as applicable to the point he has just made, viz, that more settlements are now made than will be made under the pending bill, I desire, with the Senator's consent, to read a statement from Mr. R. C. Richards, the claim agent of the Northwestern Railway, made at the claim agents' meeting on the 25th to 27th of May, 1910. I read it in corroboration of the figures the Senator has given and of his statement. Mr. Richards said:

> But there are one or two points I would like to make in connection with the subject; that is, that these new statutes—

That is, the Federal statutes—

> have practically taken away the defenses of fellow servant, assumption of risk, and contributory negligence. In other words, they have practically given every employee who is injured a right of action if there is any negligence on the part of the employer. That is about where we have gotten to. That being so, it becomes essential and extremely necessary that the claim departments and men connected with claim departments be efficient and capable. That instead of making lawsuits we should make settlements. We all know how many claims a $10,000 verdict will settle. We all know that every time we have a personal injury of any severity and we have litigation we are running the risk of a $10,000 verdict—

He might have said a $50,000 verdict.

> We all know how hard it is to get a verdict set aside after it is rendered. Therefore it seems to me it is essential that we should settle more cases and have less litigation. And in order to settle cases the claim department must be efficient. It must investigate cases to-day that have occurred on yesterday, and not next year, because next year the witnesses are scattered and the lawsuit has commenced and the people have been told what to testify to in order to make a case.

I pause here long enough to say that one question solemnly discussed by these claim agents was the availability and value of witnesses who frequently came to them offering to sell their testimony. I proceed with the reading.

> It is therefore important, it seems to me, that the investigation should follow immediately after the accident, and that when the facts are arrived at so that the man who is to adjust the claim can pass on it, the settlement should follow immediately after the investigation.

Now, note this language:

> Now, I think during the last 10 months the line I represent has had some 6,000 or 7,000 employees injured and something like a hundred killed, and out of that vast number of injured and killed, and that is about 80 per cent of our personal injuries, we had 40 lawsuits, and I think we had that small number of lawsuits because of the efficiency of the men who are working under me and their promptness in settling claims.

I think that fully sustains the Senator in his position that the present law makes for settlement, while the proposed law probably will make for litigation.

Mr. SMITH of Georgia. Mr. President, there will not be any trouble about the fact that cases are going to be settled if the law is allowed to remain. The trouble is if they can not pass this bill.

Mr. OVERMAN. Mr. President, I suggest the want of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. REED. If in order, I should like to make a motion that we take a recess until 2 o'clock, and on that we can have the call of the yeas and nays.

The PRESIDING OFFICER. The suggestion is made that there is no quorum. Under the rule the roll must be called. Of course, if there is no quorum, the Senate can not take a recess.

Mr. SMITH of Georgia. But we can adjourn.

The PRESIDING OFFICER. The Senate can adjourn, but it can not take a recess. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Lodge	Root
Bacon	Cullom	Martine, N. J.	Sanders
Bourne	Cummins	Myers	Shively
Brown	Fall	Nelson	Simmons
Bryan	Fletcher	Oliver	Smith, Ariz.
Burnham	Gardner	Overman	Smoot
Burton	Guggenheim	Owen	Stephenson
Catron	Hitchcock	Page	Sutherland
Chamberlain	Johnson, Me.	Penrose	Townsend
Chilton	Johnston, Ala.	Percy	Warren
Clapp	Jones	Perkins	Watson
Clark, Wyo.	Kern	Pomerene	Wetmore
Crawford	Lea	Richardson	Williams

Mr. TOWNSEND. I desire to announce that the senior Senator from Michigan [Mr. SMITH] is absent on business of the Senate. I should like to have this announcement stand for all votes taken to-day.

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is detained from the Chamber on important business.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum is present.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. SMITH of Georgia. Yes.

Mr. REED. I think it is only right that the Senator should be allowed time to get his lunch.

Mr. SMITH of Georgia. I thank the Senator, but that is entirely unnecessary. I am not the least bit fatigued. A few hours on my feet will not fatigue me physically at all.

Mr. SUTHERLAND. I will say to the Senator that if he himself desires to get luncheon, I certainly will not object to a short recess.

Mr. SMITH of Georgia. I believe that we always ought to have a recess from half past 1 to 2, so that Senators may eat lunch at the same time and get back to the Chamber. I thank the Senator for his suggestion, but it is not essential.

Mr. REED. Mr. President, it is essential to some of the rest of us.

Mr. SMITH of Georgia. Then I accept the suggestion.

Mr. REED. I move that we take a recess until 2 o'clock.

Mr. SMITH of Georgia. The Senator from Utah made a suggestion.

Mr. SUTHERLAND. I do not object to that, Mr. President.

The PRESIDING OFFICER. What is the suggestion?

Mr. SUTHERLAND. That a recess be taken until 2 o'clock.

The PRESIDING OFFICER. The Senator from Missouri moves that the Senate take a recess until 2 o'clock.

Mr. REED. I will modify the motion to provide for a recess until half past 2, if that suits the Senator.

Mr. SUTHERLAND. Very well.

The PRESIDING OFFICER. The Senator from Missouri moves that the Senate take a recess until half past 2. [Putting the question.]

The motion was not agreed to.

Mr. SMITH of Georgia. Mr. President, I do not think Senators knew that was the suggestion of the Senator from Utah.

I have been endeavoring to bring to the attention of the Senate, first, that the litigation under our present laws is rapidly decreasing; that the policy of the railroads more and more is to settle; that a very small proportion of the cases are now litigated; and that with the employers' liability law established litigation will practically be a thing of the past and settlements will be the general practice. I also have undertaken to bring to the attention of the Senate the fact that under this proposed law there is an almost limitless field for litigation; that you are moving out into an unexplored territory; that you are putting upon the country a new bill with many terms in it which are unsettled; and that the litigation will be far more under the new bill than it is to-day.

I wish to call the attention of the Senate to the experience of England under the workmen's compensation act. If you will turn to the record of the testimony before the committee, you will find complaint that there is a great increase of litigation in England; that the litigation there is now rapidly increasing and not decreasing under the workmen's compensation act. You will find also that in Germany, during 1907, the last year for which I have the statistics, 70,000 cases were litigated and 19,504 were appealed to the higher courts under the workmen's compensation act. This theory that you have found something that will end litigation, tested by experience, is a mere piece of imagination. If we are to have a bill that ends litigation, we must have something different from what has been presented here.

Mr. REED. Mr. President, I renew——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. SMITH of Georgia. Yes.

Mr. REED. I renew my motion that the Senate take a recess until 2 o'clock.

The PRESIDING OFFICER. The Senator from Missouri moves that the Senate take a recess until 2 o'clock.

Mr. REED. I will suggest quarter past 2—that is only a few minutes.

The PRESIDING OFFICER. The Senator from Missouri moves that the Senate take a recess until quarter past 2 o'clock. [Putting the question.] By the sound the noes have it.

Mr. REED. Mr. President, I raise the question of no quorum.

The PRESIDING OFFICER. The suggestion is made that no quorum is present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	McLean	Smith, Ga.
Borah	Curtis	Martine, N. J.	Smith, S. C.
Bourne	Davis	Myers	Smoot
Bristow	Fall	Nelson	Stephenson
Brown	Fletcher	Oliver	Sutherland
Bryan	Foster	Page	Thornton
Burnham	Gallinger	Penrose	Tillman
Burton	Gronna	Percy	Townsend
Catron	Guggenheim	Perkins	Warren
Chamberlain	Johnson, Me.	Reed	Williams
Clapp	Johnston, Ala.	Richardson	Works
Clark, Wyo.	Jones	Root	
Clarke, Ark.	Lea	Sanders	
Crawford	Lodge	Smith, Ariz.	

Mr. JONES. I will state that my colleague [Mr. POINDEXTER] is detained on public business.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Fifty-three Senators have answered to their names. A quorum is present.

Mr. SMITH of Georgia. Any Senator who desires to examine the question can find on page 568 of the record quite an elaborate discussion of the distressing increase of litigation that has taken place in England under the workmen's compensation act.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. SMITH of Georgia. Certainly.

Mr. REED. I move that we take a recess until a quarter past 2, which is a half hour. It will not make for delay. I think it will facilitate the business of the Senate.

The PRESIDING OFFICER. The Senator from Missouri moves that the Senate take a recess until a quarter after 2 to-day. [Putting the question.] The noes appear to have it.

Mr. SMITH of Georgia. I call for a division.

There were on a divison—ayes 10, noes 16.

Mr. SMITH of Georgia. I wish to say that many more than 10 voted in the affirmative. I call for another count simply to test that question.

Mr. MYERS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. RICHARDSON (when Mr. DU PONT's name was called). My colleague [Mr. DU PONT] is necessarily absent from the city. He is paired with the Senator from Texas [Mr. CULBERSON]. If he were present my colleague would vote "nay."

The roll call was concluded.

Mr. CLARK of Wyoming. I am paired with the Senator from Missouri [Mr. STONE]. I transfer the pair to the junior Senator from Iowa [Mr. KENYON], and will vote. I vote "nay."

Mr. OWEN. I transfer my pair to my colleague [Mr. GORE], and will vote. I vote "yea."

Mr. LEA. I have a general pair with the Senator from Rhode Island [Mr. LIPPITT], which I transfer to the senior Senator from Virginia [Mr. MARTIN], and will vote. I vote "yea."

Mr. CHILTON. I have a pair with the senior Senator from Illinois [Mr. CULLOM].

Mr. WATSON. I have a pair with the senior Senator from New Jersey [Mr. BRIGGS], which I transfer to the senior Senator from Maryland [Mr. RAYNER], and will vote. I vote "yea."

Mr. SWANSON. I desire to ask whether the junior Senator from Nevada [Mr. NIXON] has voted?

The PRESIDING OFFICER. The Chair is informed he has not.

Mr. SWANSON. I have a general pair with him, and withhold my vote.

Mr. JOHNSTON of Alabama. I wish to announce for the day the pair of my colleague [Mr. BANKHEAD] with the senior Senator from Idaho [Mr. HEYBURN], and the pair of the Senator from Texas [Mr. BAILEY] with the Senator from Montana [Mr. DIXON].

The result was announced—yeas 26, nays 39, as follows:

YEAS—26.

Ashurst	Fletcher	Newlands	Smith, Ariz.
Bryan	Hitchcock	Overman	Smith, Ga.
Chamberlain	Johnson, Me.	Owen	Thornton
Clapp	Johnston, Ala.	Pomerene	Tillman
Clarke, Ark.	Kern	Reed	Watson
Davis	Lea	Shively	
Fall	Myers	Simmons	

NAYS—39.

Borah	Cummins	Nelson	Smith, S. C.
Bourne	Curtis	Oliver	Smoot
Bristow	Dillingham	Page	Stephenson
Brown	Foster	Paynter	Sutherland
Burnham	Gallinger	Penrose	Townsend
Burton	Gronna	Percy	Warren
Catron	Guggenheim	Perkins	Wetmore
Clark, Wyo.	Jones	Richardson	Williams
Crane	Lodge	Root	Works
Crawford	McLean	Sanders	

NOT VOTING—30.

Bacon	Cullom	La Follette	Poindexter
Bailey	Dixon	Lippitt	Rayner
Bankhead	du Pont	Lorimer	Smith, Md.
Bradley	Gamble	McCumber	Smith, Mich.
Brandegee	Gardner	Martin, Va.	Stone
Briggs	Gore	Martine, N. J.	Swanson
Chilton	Heyburn	Nixon	
Culberson	Kenyon	O'Gorman	

So the Senate refused to take a recess.

Mr. SMITH of Georgia. I desire to thank the Senators on the other side for the courtesy they have shown me in giving me an opportunity to get lunch. But I rested without it. The suggestion of a recess did not originate on this side. The Senator from Utah [Mr. SUTHERLAND] first suggested it, and the suggestion having come from him, we supposed it would be agreeable to the other side; else we would not have acted upon the suggestion at all.

Mr. SUTHERLAND. As I came into the Chamber the Senator from Georgia was mentioning my name. I did not catch in what connection.

Mr. SMITH of Georgia. All I said was that we would not have suggested a half hour for lunch except that the Senator from Utah kindly did, and we appreciated it, and after a little reflection determined to accept the suggestion.

Mr. SUTHERLAND. The Senator is quite right. I was sitting on that side, and I said I would not object to it, but I——

Mr. SMITH of Georgia. At first I felt we should not accept it, and I so indicated to the Senator, but after a moment's reflection I felt it would be so refreshing that we should be glad to accept it.

Mr. SUTHERLAND. I found the sentiment so decidedly against postponing the consideration of the measure that I yielded.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. SMITH of Georgia. Certainly.

Mr. LODGE. Without any reference to taking a recess to-day, I should like to remind the Senate that we have been accustomed for many years to meet at 12 o'clock, and this meeting at 2 is an innovation. Never in my time in this body has the Senate taken a recess for luncheon for anybody, because it would break up all business during the day to take a recess during the middle of the session for that purpose.

We shall have to go along meeting at 12 o'clock to do the business, and I think it would be a great mistake if we should establish the practice of taking a recess for luncheon in the middle of the day's work when we meet at 12 o'clock. My objection is to a general practice of that kind and not to any specific case.

Mr. BACON. While it is true it has not been the practice——

Mr. LODGE. It has been done just once. I know the case, which occurred a very short time ago, and the time it took to do it then; and I was surprised——

Mr. BACON. It was done several years ago.

Mr. LODGE. It was done, I thought, within a year or two. It was done three years ago, the Senator from Kansas says. The Senator's service has been long here, and I venture to say that in all that time that is the only case.

Mr. BACON. It is the only case.

Mr. LODGE. I never heard of the House or the Senate doing it, and I think it would be a great interruption of public business when we meet at 12 o'clock.

Mr. BACON. I was simply correcting the Senator's statement, for I understood him to say that it never had been done.

Mr. LODGE. I knew of that one case.

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. SMITH of Georgia. Mr. President, I have been endeavoring to bring to the attention of the Senate the fact that the whole tendency under existing legislation is a decrease of litigation. I think I have established by the evidence in the RECORD that the amount of litigation now going on over these personal-injury cases against railroads is far less than the suggestion would indicate. I have also undertaken to show that under the pending bill there would necessarily be a great deal of litigation. I have called attention to the fact that in Germany the litigation is very great and that it is increasing in England.

The most shocking part of the facility for litigation under this bill grows out of the right not only to have the case tried once but over and over and over again for two years, at the option of the railroad companies.

I called attention to the fact that the provision for service was defective in this bill. I want to renew that suggestion. There is no definite provision for service of process in this bill which meets the requirements of conditions as they exist. Most of the corporations operating railroads throughout the country have their principal office away from the State in which the operation takes place. There is no provision in the bill that service can be made upon the local agent or representative of the railroad company doing business in the State.

The notice required from employees of their injuries is of a character liable to cause trouble and to forfeit their rights. There is no suggestion in the bill that the railroad company should furnish the employee also with a definite statement in its possession as to whether the railroad company will claim that the accident occurred while the employee was under the provisions of this law or under the provisions of some other law.

I desire to discuss briefly the amount of the compensation allowed to employees under this bill. Take the case of an engineer, who is killed, making $200 a month, $2,400 a year. On the basis of 4 per cent the present value of the annuity covering his income would be $35,000. If he is killed the bill gives his widow $3,800, payable monthly, for eight years. If she has children it is $4,800, at $50 a month. The present value of the life of the deceased was $35,000. The compensation the bill allows to the widow and children is $50 a month until it amounts to $4,800, subject to cease if the widow marries or dies or the children arrive at the age of 16.

Take the case of an engineer losing his foot above the ankle. His compensation, at $50 a month, would be $2,800. Unquestionably his capacity to work is half gone, if not more. His financial loss alone is between $15,000 and $17,000. This bill allows him $2,800, payable $50 a month. Under the existing law he has an absolute right to recover; his recovery would easily be for such an injury $15,000 or more. He could settle to-day for $10,000 to $15,000. This bill cuts him to $50 a month until he gets $2,800.

It is a harder bill than the English law in every way. Compare the salaries of our men and the compensation in England and the amount there allowed is much more to the benefit of the employee.

I desire to state that the compensation under the English employers' liability act and under the English workmen's compensation act are not the same. The compensation in some respects is better in England under the employers' liability act. Under the employers' liability act in England the total sum of three years' previous salary could be recovered, which would be $7,500. In the case of the engineer to which I referred—and this sum can be paid for any injury where the proof justifies it—$7,500 could be recovered under the English rule. It is cut down to $2,800, arbitrarily cut down, by this proposed bill. The engineer who has a permanent injury that disables him for life is cut down to $600 a year.

What are those permanent injuries recognized by this bill? Both legs off, both hands off, both eyes out, being injured to such an extent that both limbs are completely paralyzed. What about the other injuries? Even for the extreme injuries I have mentioned it is only $600 a year, where the man's income before was $2,400.

If you will compare the schedules fixed by this bill with the pension schedule you will find that it is not half as large as the pension schedule. Five hundred thousand pensioners take care of the pension schedule. There are 1,800,000 employees of rail-

rends to take care of this schedule, and they will take care of it, and they are entitled to a hearing on it, and they have not had it. You will cut them off for two weeks after injury with nothing. The German law has a provision which takes care of them for three months. I insist, Mr. President and Senators, that in any wisely constructed workmen's compensation act the first thought should be to care for the man at once after the injury a reasonable time while he is perfectly helpless, and instead of proceeding upon the theory that you will cut him off for a certain number of weeks with nothing for fear that he may be malingering, treat him like he is an honest man and you will be more apt to make him an honest man. Treat him like he is dishonest and the effect of your treatment will be demoralizing upon him.

So you see, Senators, this bill cuts down 80 per cent at least the recovery of a number of men. What excuse is there for it? What are you taking away their present rights from them for? You know they do not understand it or they would not approve of it. You know that the engineer who learns that you propose to give him $2,800 in $50 installments for the loss of his hand or his foot will rise in indignation against this measure and against the men who put it on the statute books. If Senators would only listen they would stop and they would not pass it.

The committee has gotten it up and it seems to be the plan to just put it through without reflection or consideration by those who intend to vote for it. If they would scan its detailed provisions they would not approve it. Compare it with the schedule of compensation to pensioners for the loss of a limb. There is an elaborate schedule of compensation for pension injuries. Take other schedules of compensation for injuries. You are putting a burden on these men by the cold, hard limitation of their rights. You have arbitrarily said that no man shall be considered as making over $100 a month, no matter how great his injury, and you will allow him but half of the hundred, $50 a month, for complete and total loss of the capacity to work.

Then you have said that if he suffers the loss of an arm or a leg, though the loss is a permanent injury, though you know it cuts him down one-half, you will give him only $50 a month for a few months, instead of for life. The soldier who has lost an arm or two arms gets his $100 a month the balance of his life, and so on the compensation comes for life. What is to become of the one-armed and the one-legged railroad men when the time arrives that the meager allowance you give them shall cease? What is to become of the widows when the eight-year period is out?

The committee had before them statistics to show that the average widowhood period of an employee of the railroads who is killed on the railroads is 15 years, and yet they cut her to a meager sum for 8 years.

[At this point a message was received from the House of Representatives, which appears elsewhere.]

Mr. REED. Mr. President, I raise the question that there is no quorum present.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Dillingham	McLean	Root
Borah	Fall	Martine, N. J.	Sanders
Bourne	Gallinger	Myers	Shively
Bradley	Gore	Nelson	Simmons
Bristow	Gronna	Newlands	Smith, Ariz.
Brown	Guggenheim	Oliver	Smith, Ga.
Bryan	Hitchcock	Overman	Smoot
Burton	Johnson, Me.	Page	Stephenson
Chamberlain	Johnston, Ala.	Paynter	Sutherland
Clapp	Jones	Percy	Swanson
Clark, Wyo.	Kern	Perkins	Thornton
Clark, Ark.	Lea	Poindexter	Townsend
Crawford	Lodge	Reed	Warren
Curtis	McCumber	Richardson	Works

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. A quorum is present. The Senator from Georgia will resume.

Mr. SMITH of Georgia. Mr. President, just to let Senators see that already the men are beginning to know something about it, I will send to the Secretary's desk a letter to be read which has just been brought to me from Buffalo, N. Y.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN,
ERIE SYSTEM,
Buffalo, N. Y., May 3, 1912.

Hon. HOKE SMITH,
Senate Chamber, Washington, D. C.

YOUR HONOR: At a regular meeting of J. G. Hubbard Lodge, Brotherhood of Locomotive Firemen and Enginemen, it was requested of me to thank you for the fearless stand you took in behalf of the many railroad employees, and we trust will meet with success in defeating the workmen's compensation act in its present stage.

The employers' liability act has been a blessing to employees and their families, and to take that from them would be an unworthy act.

Thanking you once more for our membership's interest, I wish to thank you for the families of employees.

With best wishes, and trusting your term in the United States Senate will be of many years,

Very respectfully,
H. P. HANVEY.

Mr. SMITH of Georgia. Mr. President, I had about completed the criticism that I wanted to make upon the effect of this bill in cutting down the compensation of the men. It is perfectly apparent that to arbitrarily say none of the high-class employees of the railroad companies shall be considered as making over $100 a month, and then to say that in case of complete and permanent total disability the compensation shall not be to any of them more than $50 a month is to take from them their present rights, and then to say that except in the case of total permanent disability you will give this meager $50 a month for one or a few months is to utterly disregard any fair spirit of compensation. If the man has a permanent loss of a part of his body which is to incapacitate him to a certain extent all of his life, why limit his compensation to a small sum monthly for a few years? If his arm is gone or if his leg is gone and half of his capacity to labor is gone, why say that you will arbitrarily consider him as not having made over $100 a month, and then arbitrarily say you will only allow him one-half of that, and then arbitrarily say that you will allow him that half but a few months, unless your purpose was to prevent his compensation, unless your purpose was taking away from him his present rights, to give him a mere bagatelle in its place.

Yet that is what this bill will do. You have an engineer making $2,400 a year. His leg has been cut off in a case where he is entirely free from fault, and this bill would give him $2,800, payable at $50 a month, when his financial loss as the result of cutting off his leg is between $15,000 and $17,000. Estimating that he had only lost one-half of his earning capacity and giving him the present value of that earning capacity at the age of 45——

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. SMITH of Georgia. Yes.

Mr. CHAMBERLAIN. I should like to ask the Senator if he knows what proportion of engineers now who may be injured get nothing under the law of 1908?

Mr. SMITH of GEORGIA. No; and nobody else knows. There are very few in my section of the country. It is the rarest thing in that section that an engineer gets nothing, and it is the rarest thing that he has a lawsuit. There is scarcely a chance under the present law for him to lose. He can never lose except where the accident is the sole and exclusive cause of his negligence.

The theory about mere accidents with nobody to blame I take no stock in. Accidents do not happen except where somebody is at fault. Either proper machinery has not been furnished or proper rules have not been given or proper work under those rules has not been done. I believe it is a safe proposition to say that in cases of engineers not 10 per cent of them are injured where they can not recover, and if the accident is due solely to the negligence of the engineer who is hurt, I deny the soundness of the proposition that the man who is injured without fault shall have 80 per cent of his rights taken away from him under the claim that you propose to compensate somebdy who could not before have recovered.

As to the class of men to whom I am referring, it is a low estimate that the bill you are pressing will take 75 per cent of their rights from them. If you wish to give something to the man whose negligence was the sole cause of the accident, it ought not to come out of the man who was not negligent at all. Is not the compensation to the negligent to be given as a matter of public policy? Must you not justify that as a matter of public policy, and ought not the charge to either be levied on the Treasury of the United States or on commerce?

What excuse is there to take it, and take it twice, from the man who was free from fault? The excuse for this measure is that you are going to take care of somebody who heretofore was not taken care of. That somebody is the man injured exclusively by his own fault or by accident.

As I said before, accidents without faults are very rare. Somebody is negligent when these injuries take place. The real beneficiary is the man who is the exclusive cause of his own injury. Now, broaden the law, if you please, to care for the man whose negligence was the exclusive cause of his own injury; but when you do that, do not take it twice from the pocket of the man who was not at fault. If it is to be done as a matter of public policy, let commerce stand it. Do not grind

labor. Do not put the iron into the wives and children and into injured men who are free from fault.

It is incomprehensible to me that Senators who I know are filled with regard for their fellow men can be willing to put this burden on these men. I have heard some of them excuse themselves upon the theory that if we who oppose the bill are right the burden will be taken off after a while; but what about the men who are hurt in the meantime? Why is it you are not willing to let the present law stand and add this proposed law? You do not want it to stand, because you want to cut down the rights of the men under the present law. That is the only reason for it. The present law can not stand, because you want to take the rights of the men under the present law to furnish the money for the new men you are going to compensate under the new law; and these new men you are going to compensate under the new law are the men whose negligence is the sole cause of the catastrophe. And you are reducing compensation to those now entitled to recover far more than is necessary to provide payment for the negligent. Ah, Senators, if we could have a hearing, if men would listen, they would not vote for such a proposition.

I can understand how a man who has helped work this bill out, who is, in a sense, its father, becomes blinded to its faults, as the parent is blinded to the faults of his child, as the mother can see no evil in her offspring; but there are Senators on the other side who are voting for this measure whose hearts are full of love for their fellow men, whose consciousness of what is right and whose desire to serve the human race moves them in all they do, and if we could only have a hearing from them, if they could only be induced to consider this question, they would not do this thing; they would not allow it done.

It is perfectly easy to provide this additional privilege to the negligent. This bill will provide for that, but if you want to provide for the negligent without taking the rights of the vigilant, leave the vigilant the laws they have—that is all. Let the existing law stand, and pass this bill. You will then have provided for the negligent without encroaching upon the rights of the vigilant.

Senators, is it right to take away from the vigilant railroad men to give to the negligent? Ah, I want to tell you, you take it twice over from them; you take $2 from them every time you give a dollar to the negligent; you give $1 to the railroad company and $1 to the negligent by the bill you are about to pass. Pass the bill, provide for the negligent, but leave to the vigilant the rights they have under existing laws. Let us find out how the new measure is going to work before we take away from the employees of the railroads the laws already given them, before we take away their rights which have been established by the courts. Let us not throw them out into this new sea of doubt, stripped of their established rights.

I can understand why the railroads are not fighting this measure. I can understand how their claim agents and their general counsel are chuckling over it. I understand why a large part of the million seven or eight hundred thousand employees are not protesting against it; but I have not any doubt about their protesting in the course of the next few months. And you will not let it go over to hear from them; you will not give them time that they may consider it.

If I were considering this question purely from a political standpoint, I would welcome such action from the other side of the Senate. I am not afraid but that long before November the man or the party that presses this bill will be punished for doing so; but I would rather see the rights of these men cared for without regard to party; I would rather see them protected than to name a President. I can not forget that when, almost a boy, with practically nothing, I came to a great city they were my first friends and gave me my first small fees that helped to enable me to meet my monthly expenses, and if they are ground down and if the burdens of this bill are placed upon them, I can grieve with them, and only regret that I did not have the capacity to bring it to the attention of Senators that they might realize what they were doing.

I have said that the provision for service in this bill was defective. If you will turn to page 25, section 7, any lawyer in this body who will study that section will see that he would not know how to have a defendant corporation served. There is no designation of the officer to be served. It reads:

(7) Any petition may be served by the United States marshal for the district where the proceedings are pending, or by any deputy.

Any subpœna, process, or order of an adjuster, or any notice or paper requiring service, may be served by such United States marshal or deputy, or by any citizen of the United States over the age of 21 years, being a resident of such district, or by registered mail sent by the adjuster to the person or employer to be served, postage prepaid, and addressed to the principal place of business of such employer or to the place of residence of such person.

Where is the principal place of business? Where is the principal office? It may not be in your State. There ought to be provision made for service on the agent of the railroad in the district where the accident occurs. There ought to be careful consideration of the question as to the class of agents upon whom service could be had in the various districts, and facilities for service ought to be provided. I mention that, Senators, simply to show that while at every point the railroad's right has been guarded, there has not been the same study incident to the other side. I do not mean any criticism upon the framers of the bill; but the representatives of the corporations were there suggesting, suggesting, suggesting, and whenever you come to suggestions from their trained representatives and suggestions from one or two men who are the heads of the brotherhoods an unequal match has taken place, and the one side is guarded while the other is neglected. I would not know how to advise a service in my State on half the railroads doing business there.

I made some reference to the English law. I find volumes of decisions of cases carried to the courts on account of the English workmen's compensation act. I find that it is more liberal than this bill by far, in that it leaves a considerable sum that might be recovered, even for a minor injury, and, therefore, if an employee goes into court there is room for him to move his damages up to a considerable sum, even though his injury was not a complete disability. They give a limit for complete disability, but they leave all other disabilities only limited by the compensation for a complete disability. If we were to apply the same rule, we would fix the highest compensation at $50 a month for the wife of the man injured and we would cut nobody below that, but leave every other injury that latitude toward which to reach as a basis for settlement. This bill undertakes to cut everybody down to small and limited payments for short periods, thereby being differentiated from the English law, and the differentiation classes it as less favorable to the employee.

Now, if you turn to the English employers' liability act you will find that the limitation there is the past three years' income of the injured employee, and any employee for any kind of injury is only restricted to not more than three years' income; so that the engineer to whom I have referred, for any injury he had received, would have the latitude of $7,500 as compensation, while it is here proposed to give him less than that for his greatest injury, and arbitrarily to say that it shall be much less than that for subordinate injuries. The English employers' liability act and the English workmen's compensation act differ in the amounts which can be recovered. The Senator from Utah was mistaken when he said that the compensation provided by the two acts was the same.

The most vital part of the English workmen's compensation act is that it preserves all the existing rights under other laws to the employees. Here it is, Senators [exhibiting]; I have brought the volume here. The English workmen's compensation act is in addition to their rights at common law and their rights under the employers' liability act. This bill does not compare with the English law in its kindly treatment of the employees. This bill is only applied to railroad men, the highest class of employees we have, while the English law applies to all workmen and literally goes to the extent of taking care of them in cases of sickness, not from physical injury but from diseases developed along the line of their work. Our law is harsh almost to the extreme as compared with the English law.

If the Senator would accept the principle of the English law, I would vote for his bill. If he would accept the principle of leaving existing remedies and letting it work out in that way, I would vote for this bill, because I would know that in most instances they would shun his bill until we improved it. I would know that the burdens of this bill would not fall on them unless they voluntarily took it. I do hope Senators will stop before they put this measure on these people. I do hope they will hesitate at least and give a little more thought to it, even if they have not appeared to be giving much attention to it except to respond to roll calls and uniformly and solidly vote to press forward and to pass it without amendment unless the amendment comes from the committee.

Mr. OVERMAN. And then retire to the cloakroom.

Mr. SMITH of Georgia. And then retire to the cloakroom.

We are going to ask you, first, to postpone this bill until December next and give the men a chance to be heard and give us all a chance to study it and work on it and improve it.

Senators, 1,800,000 men are involved, nearly 10,000,000 people altogether, including their families. You have seen that as they find out about it they do object to it. If you have studied this bill, you see there are faults in it. If you are not prepared

to say there are faults in it, you must be prepared to say that doubts are raised. Let it wait until December. We have a right to set it for the first Monday in December and make it still the special order by unanimous consent, to be disposed of at once. I believe in workmen's compensation acts, but I want some compensation to them; I want some benefit to them; I do not want it merely to cut out what they have and do practically nothing toward helping them.

Senators, if you will not let the bill go over until December, then just make one little change in it—strike out section 3, which declares that after the passage of this bill it shall be the only remedy. Why do you take away from them the rights they have? Why do you not leave their present rights to them? If you mean to help them, how can you justify taking from them what they now have? No man can defend his vote on this bill on the ground that he sought to serve the railroad men, when he is asked Why did you vote to make this remedy exclusive; why did you take from them the rights they have under the employers' liability act and at common law? If you will vote for that, we will ask nothing more. You will have your workmen's compensation act; you will have done that for them and taken nothing from them.

They have a right to ask why you take their present rights from them. If you have carefully considered most of the communications coming from these men, you will see that they thought you were giving them something new and not taking away what they had. They did not understand that you were going to take away from them what they already had. If you will read the testimony of the head of the conductors' association, you will see that he begged the commission not to take from them their present rights; you will see that the head of the firemen's association did the same thing; you will see that they did not agree at all to have their present rights taken from them; and when they thought a workmen's compensation act was coming they were expecting a workmen's compensation act in addition to what they had, not as a substitute for what they had. You will find the protest all through the testimony against the small compensation provided, and you will find a very storm of indignation against it when it is understood.

Mr. CLARKE of Arkansas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Arkansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cummins	McLean	Smith, Ariz.
Borah	Curtis	Martine, N. J.	Smith, Ga.
Bradley	Davis	Myers	Stephenson
Bristow	Fall	Nelson	Sutherland
Brown	Gallinger	Oliver	Swanson
Bryan	Gardner	Overman	Thornton
Catron	Gronna	Page	Townsend
Chamberlain	Hitchcock	Paynter	Warren
Chilton	Johnson, Me.	Perkins	Wetmore
Clapp	Johnston, Ala.	Poindexter	Williams
Clarke, Ark.	Jones	Pomerene	Works
Crawford	Kern	Richardson	
Culberson	Lea	Root	
Cullom	Lodge	Simmons	

Mr. SUTHERLAND. I desire to state that my colleague [Mr. SMOOT] is detained from the Senate on business of the Senate.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names; a quorum of the Senate is present.

Mr. CLARKE of Arkansas. Mr. President, I ask unanimous consent that on Monday at 5 o'clock the vote be taken on all pending amendments and the final passage of the bill, and that all amendments intended to be proposed to the bill be presented to the Senate before 3 o'clock on that day.

Mr. OVERMAN. Provided the bill is not postponed to a day definite.

Mr. CLARKE of Arkansas. Certainly.

Mr. SUTHERLAND. Why not say before 5 o'clock? We may get ready to vote before that time.

Mr. CLARKE of Arkansas. Oh, yes; if it is the will of the Senate to vote earlier than that.

Mr. SUTHERLAND. Not later than 5 o'clock, then.

Mr. CLARKE of Arkansas. Not later than 5 o'clock.

The PRESIDING OFFICER. Will the Senator from Arkansas kindly repeat his request?

Mr. CLARKE of Arkansas. I ask unanimous consent that the Senate vote on the pending bill and all amendments not later than 5 o'clock on Monday next, and that all proposed amendments to the bill shall be presented before 3 o'clock on that day.

Mr. SUTHERLAND. Not later than 3 o'clock.

Mr. OVERMAN. Provided the bill is not postponed to a definite time.

Mr. CLARKE of Arkansas. That is part of the existing unanimous-consent agreement.

Mr. OVERMAN. But that will have to go in in the new unanimous-consent agreement.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent that the bill and all pending amendments be voted on not later than 5 o'clock on Monday next, and that all amendments proposed to the bill be presented to the Senate previous to 3 o'clock on that day. Is there objection?

Mr. SUTHERLAND. I think there should be an understanding about the motion to postpone. I do not think we ought to wait for such motion until 5 o'clock or until after the amendments are disposed of. What does the Senator from North Carolina say about that?

Mr. OVERMAN. The motion might be made on Monday morning.

Mr. SUTHERLAND. Monday morning. If that is understood——

Mr. SHIVELY. Is not that illogical? Should not the motion to postpone come after the bill shall have been perfected?

The PRESIDING OFFICER. Is there objection to the request?

Mr. REED. First, I want to understand what is proposed as a unanimous-consent agreement. I do not think it is yet clear. I understood the Senator from Arkansas [Mr. CLARKE] and I understood the Senator from North Carolina [Mr. OVERMAN] to suggest that as a part of the agreement the clause should go in, already in the previous agreement, stating the right to make a motion to postpone to a day certain. Then I understood the Senator from Utah [Mr. SUTHERLAND] to raise some question about that. I should like to have the agreement, whatever it is, stated in concrete form before I yield my consent.

The PRESIDING OFFICER. The only request that has been made, the Chair will say, is that made by the Senator from Arkansas [Mr. CLARKE], that the bill and all pending amendments be voted on previous to 5 o'clock on Monday next, and that all amendments proposed to the bill be submitted to the Senate before 3 o'clock on that day.

Mr. REED. That, then——

Mr. OVERMAN. The Senator from Arkansas [Mr. CLARKE] accepted a suggestion, "provided it is not postponed in the meantime."

Mr. CLARKE of Arkansas. It was not my purpose to modify the substantive part of the existing agreement, but merely to modify it by getting an hour fixed for a vote.

The PRESIDING OFFICER. Then, the unanimous-consent agreement would be in about this phraseology: "Provided that the bill, on motion, has not been postponed to a day certain previous to the hour agreed upon."

Mr. SUTHERLAND. I think the Senator from North Carolina and I do not disagree about it. I think there should be also an understanding that if a motion to postpone is made, it should be made during the morning hour—that is, early in the day, before we get to the time to dispose of the amendments.

Mr. OVERMAN. That is satisfactory.

Mr. SHIVELY. The Senate may so perfect the bill that nobody will want to postpone it; may so modify it that every Senator may be satisfied with it. Why limit the right to make the motion to postpone to a period prior to the possible adoption of amendments? If a motion to postpone is to be made, such motion to postpone should not come until after the amendments have been voted on. The adoption of certain amendments may make the bill agreeable to Senators who would otherwise vote for its postponement.

Mr. SUTHERLAND. I can foresee some difficulty there. If we agree that the amendments shall be voted on prior to 5 o'clock and then leave in the air the question of a motion to postpone I do not know where we are going to finally land, and I want that matter out of the way.

Mr. OVERMAN. We might agree to have a vote before the close——

Mr. SUTHERLAND. I do not care when it is done, so that it is before the time to vote upon the amendments shall expire. Else after voting upon the amendments we may be kept all of another day fussing with the motion to postpone.

Mr. CLARKE of Arkansas. What would be the objection to fixing 3 o'clock before we vote upon anything?

Mr. SUTHERLAND. Very well.

Mr. SHIVELY. The objection is the one which has just been stated. We are asked to vote on a motion to postpone before we vote on the amendments. Just the reverse is the order in which the motion to postpone should come before the Senate. If certain amendments are adopted, all Senators may be against postponement. Amendments should be exhausted before postponement is considered. Otherwise certain Senators may vote

for postponement because of what they regard as fatal defects in the bill, and which defects might have been cured by amendment.

The PRESIDING OFFICER. The agreement might be made that the motion to postpone shall precede immediately the question of the passage of the bill.

Mr. SWANSON. It seems to me the unanimous-consent agreement would include a vote before 5 o'clock, the amendments to be presented before 3, and also such motions as are admitted under the previous consent agreement. That would not alter the previous agreement at all—that at 5 o'clock we proceed to vote on all amendments and motions admitted under the previous agreement. It seems to me that would obviate all the objections presented.

Mr. SUTHERLAND. All I want is that when we enter into this unanimous-consent agreement there shall be no opportunity, after we have complied with these conditions, for further long discussion over the question of postponement. I suggest that we begin voting before 5 o'clock, and without further debate dispose of this bill. That is the point I want to make.

Mr. OVERMAN. And all motions and amendments.

Mr. SUTHERLAND. And all motions and amendments.

Mr. OVERMAN. There will be no argument if that is put in the agreement.

Mr. SUTHERLAND. If you reserve the right to make a motion to postpone, without any limitation as to when it shall be made, it may be made after all the amendments are adopted.

Mr. OVERMAN. It will have to be made before we begin to vote, because that is the time when we shall vote on the amendments and motions.

Mr. SUTHERLAND. If that is understood——

Mr. OVERMAN. As I understand, the question could be put before the time to vote.

Mr. POINDEXTER. Mr. President, I wish to make a suggestion as to the form in which the proposed unanimous-consent agreement has been stated. There will undoubtedly be a number of amendments. It is impossible to tell how long it will take the Senate to vote on all those amendments. So it is impossible to tell how long before 5 o'clock we would have to start in order to vote before 5 o'clock.

I think the form of the agreement ought to be as stated by the mover, that we begin to vote on these amendments not later than 5 o'clock and without interruption we vote upon all pending motions and amendments and the passage of the bill without further debate. If you put the form of the agreement as stated in the first place, it will be impossible to tell when the voting should begin in order to conclude it before 5 o'clock.

Mr. SUTHERLAND. The Senator's suggestion, then, is that we consent to include the previous condition that all debate shall end——

Mr. POINDEXTER. That is my suggestion; that the Senate at 5 o'clock shall proceed to vote upon all pending amendments and motions and on the bill itself.

Mr. SUTHERLAND. I think that would follow, but at the same time——

Mr. POINDEXTER. Then all Senators would know that no vote will be taken before 5 o'clock.

Mr. CLARKE of Arkansas. Not later than 5 o'clock.

Mr. POINDEXTER. Not later than 5 o'clock.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. One Senator at a time.

Mr. SHIVELY. Will the Senator not agree that the vote on the motion to postpone shall be taken immediately before the vote on the final passage of the bill?

Mr. SUTHERLAND. I have no objection to that after the time when all amendments are out of the way, provided it be understood——

Mr. SHIVELY. It is not a debatable question. There can be no delay.

Mr. SUTHERLAND. Then the unanimous-consent agreement will be, as I understand, that not later than 3 o'clock all amendments shall be submitted; that not later than 5 o'clock the Senate shall proceed, without further debate, to vote upon all pending amendments and the bill; and that the motion to postpone to a day certain shall be disposed of after the amendments shall have been disposed of.

Mr. SHIVELY. Just prior to the vote on the passage of the bill.

Mr. POINDEXTER. I should like to ask the Senator from Utah what would be the objection to including the motion to postpone to a day certain with all other motions and amendments to be voted on at 5 o'clock or not later than 5 o'clock?

Mr. SUTHERLAND. To begin to vote not later than 5 o'clock?

Mr. POINDEXTER. To begin to vote on those not previously disposed of.

Mr. BACON. The Senator from Utah, I hope, did not think a motion to postpone could be made after the passage of the bill.

Mr. SUTHERLAND. No; I had not much of that idea.

Mr. SMITH of Georgia. I have sought for some time to explain my objection to the proposed unanimous-consent agreement, but I have not been able to get the ear of the Senate. I have but one objection to it. I think we ought to have the right to continue to offer amendments, and not merely for delay.

Suppose the Senate should vote down the proposition to give the man the right to recover his full pay. I hope they will not. I would then want to make a trial on 75 per cent of his salary. I would want to test this down if necessary, and to get the very best we can—better, I hope, than the bill proposes. Not for delay, for I want to assure the Senator from Utah it has not been my purpose in this matter to delay further than this: I wanted the matter kept before the Senate long enough to catch to some extent the ear of the country. I did not hope we would have the hearing of the Senate of any debate, but I did hope the discussion of the subject might catch the ear of the country. I have never had any thought of undertaking to stop procedure arbitrarily, but I have believed it was fair to us and only just to this measure that it should go along slowly enough for a few days to let the country know we were considering it.

I am anxious to have a vote here on Monday. We do not seem to be able to attract attention and make any impression.

Mr. SUTHERLAND. Can not the Senator submit his amendments before 3 o'clock on Monday?

Mr. SMITH of Georgia. I hope I will not have many. It is only in the event that they are voted down that I will offer others, but I state frankly that it is not with any purpose of delay. We might agree to this: That after 5 o'clock there should be no more debate, and we should vote, and it is possible we might get through with it early Monday morning and then commence voting. I think we will get to voting on them by morning.

Mr. BACON. I think the almost universal practice in these unanimous-consent agreements is to provide that not later than a certain hour the Senate will begin to vote upon all amendments pending and to be offered. That is so general that I may almost say it is universal. I think that is the proper course.

Of course, as was explained by my colleague, sometimes the adoption of one amendment will require another, or the failure of one amendment makes it necessary to offer another amendment. It seems to me it is the simplest thing in the world to say not later than a fixed hour the Senate shall proceed to vote upon amendments offered and to be offered and the bill, including, as suggested by the Senator from Virginia, any motions which are permissible under the present agreement.

Mr. SUTHERLAND. Why would it not be better to fix the hour at 3 o'clock—to begin voting at 3 o'clock on all amendments.

Mr. SWANSON. It seems to me we have a unanimous-consent agreement, which we are all in honor bound to keep. The only question is when shall we proceed to execute the unanimous-consent agreement heretofore made. It seems to me that this unanimous-consent agreement covers every difficulty suggested by any Senator. It seems to me if we will agree that at 5 or 4 or 3 o'clock we will proceed to execute the unanimous-consent agreement heretofore made, it will cover the entire case and we would then execute the agreement made several days ago.

Mr. SUTHERLAND. That would seem to be so.

Mr. SWANSON. It seems to me if we agree that at 3 or 4 or 5 o'clock we will vote——

Mr. CULLOM. Without debate.

Mr. SWANSON. Without debate, we will execute the agreement heretofore entered into.

Mr. HITCHCOCK. I think there is this decided objection: If we name an hour certain to vote on the amendment, this Chamber will be practically empty until that hour comes.

Mr. SUTHERLAND. "Not later than." The amendments can be called up at any time.

Mr. HITCHCOCK. I think it should be agreed that a vote may be had on an amendment at any time, so as to guarantee the presence of Senators.

Mr. SUTHERLAND. That is the understanding.

Mr. HITCHCOCK. I have a suggestion which I have reduced to writing: That all debate shall cease not later than 4 o'clock Monday; that any amendment may be submitted to a vote at

any time; that after all amendments shall be disposed of, it shall be in order to make a motion to postpone to a day certain; and if it fails, the bill shall then be voted upon.

Mr. CLARKE of Arkansas. I will modify the request I made and ask that not later than 3 o'clock on Monday the Senate proceed to vote on the bill and all pending motions and amendments.

Mr. SUTHERLAND. Without further debate.

Mr. CLARKE of Arkansas. Of course, that means amendments offered or to be offered.

Mr. SUTHERLAND. And without further debate.

Mr. CLARKE of Arkansas. And without further debate.

Mr. HITCHCOCK. Does that preclude submitting amendments to a vote before 3 o'clock?

Mr. CLARKE of Arkansas. Oh, no. It says "not later than."

Mr. SMITH of Georgia. I am perfectly willing to accept the suggestion of the Senator from Nebraska, that after 4 o'clock there shall be no further debate and not later than 4 o'clock we shall proceed to vote.

Mr. CLARKE of Arkansas. There is very little difference between 3 and 4 o'clock; it is only an hour. If it is agreeable to the Senator from Utah we will make it 4 o'clock.

Mr. SUTHERLAND. Very well.

Mr. CLARKE of Arkansas. Then I remodify the motion by substituting 4 o'clock for the vote on the bill, and that we shall then proceed without further debate to vote on all amendments and on the motion to postpone.

Mr. HITCHCOCK. Whenever an amendment of that kind is in order to be voted upon.

Mr. CLARKE of Arkansas. Yes.

The PRESIDING OFFICER. Then the proposed unanimous-consent agreement, as the Chair understands it, is that on Monday next, not later than 4 o'clock p. m., the Senate will proceed, without further debate, to vote upon any amendment then pending or which may be offered to the said bill, and upon the bill itself, and further, that immediately prior to the time for taking the vote on the passage of the bill, if a motion then be made to postpone the further consideration thereof to a day certain, it shall be entertained.

Mr. SUTHERLAND. That such a motion shall be in order.

Mr. WARREN. Unless there has been some arrangement as to the hour of meeting, it would leave the hour of meeting at 2 o'clock.

The PRESIDING OFFICER. That can be arranged later. Is there objection to the request?

Mr. SMITH of Georgia. I understand the hour of meeting will be 12 o'clock.

Mr. SUTHERLAND. We will take a recess until 11.50.

Mr. SMITH of Georgia. Eleven fifty.

Mr. REED. Mr. President, I want to say this: My own judgment is that this agreement ought not to be made; that this bill ought to be fought out, and these amendments ought to be discussed. There are vices in this bill that have not yet been exposed and will not be in the short time allotted. But I do not intend to stand here against the judgment of other men interested as I am in the amendment of this bill, and I am not going to make the objection which would bar a unanimous-consent agreement. But I am yielding with reluctance and express the opinion that we are making a mistake. However, I will not take the responsibility of standing out against all my colleagues.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Arkansas? The Chair hears none, and it is so ordered. What is the pleasure of the Senate?

Mr. SUTHERLAND. Unless somebody else desires to be heard this afternoon, I will move that the Senate stand in recess until the calendar day of Monday at 11.50 a. m.

Mr. SMITH of Georgia rose.

Mr. SUTHERLAND. If the Senator from Georgia desires to proceed, I, of course, will not make the motion.

Mr. SMITH of Georgia. I think I had better go on with my amendments. We may be able to vote on some of them this afternoon.

Mr. SUTHERLAND. Very well.

Mr. SMITH of Georgia. We are cutting off our time and there will be but a short time for debate.

Mr. SUTHERLAND. Very well.

Mr. SMITH of Georgia. Mr. President, the time will be so short on Monday that I think it essential this afternoon that the nature of the amendments I intend to offer should be discussed. We have not any real hope of discussing them before the Senators, but we can discuss them and put them in the RECORD and carry them at least to the fight we will make in the House, if the Senate passes the bill without placing on it the amendments. Let the parties interested know what the Senate has done and what the House has a chance to do, and if we have a little delay we feel sure it will not be long before the Member of the House or the Senator who votes for this measure and against these amendments will not be able to defend himself before the pile of telegrams and letters from railroad men condemning his conduct.

I want the men interested to understand how we wish to improve this bill if it will pass it.

The first amendment which I have suggested is to strike out section 3. Section 3 makes this bill the exclusive remedy of railroad men. I want that stricken out.

Of course, later on we would have to amend the title, but under the practice of the Senate the title can not be amended until the bill is passed.

Mr. POINDEXTER. I should like to call the Senator's attention to section 30, which deals with the same matter.

Mr. SMITH of Georgia. I shall be glad to send the Senator a copy of all my printed amendments.

Mr. POINDEXTER. Just on that particular point, in order to accomplish the object the Senator has in view, there should be stricken out the words "happening before this act shall take effect."

Mr. SMITH of Georgia. Or else to insert, after the word "before," the words "or after."

My next amendment is to amend section 30 so as to insert, after the word "before," the words "or after," so that section 30 will read as follows:

That nothing herein contained shall be construed as doing away with or affecting any common law or statutory right of action or remedy for personal injury or death happening before or after this act shall take effect.

Now, Senators, our first suggestion is to give the Senate a chance to save these men their present rights, and we, or most of us, are willing to go on record on that subject. We know they ought to be saved, and we feel that there are a number of Senators on the other side who ought to vote with us on it, having the same views about human rights and human beings that we have, who really have the idea, new fashioned as it may be, that life and limbs are almost as precious as dollars and cents, and that even the Senate of the United States might afford to put the limbs and the life of a man who works on a railroad on a plane just as high as it puts the freight of a shipper. There is not any scaling of the value of the freight. If it is lost, the shipper gets paid. If the negligence of the railroad or the lack of negligence of the railroad loses the freight of the shipper, the railroad pays full price for it.

I have an unreasonable notion that if, from the negligence of a railroad, an engineer is killed his wife and children might be allowed a claim against that railroad for the fair financial value of the life of that engineer, and it is not extreme to think that a human life might be treated in compensating the widow and the little children somewhat in the same way that you would treat the freight of a great shipper that is lost in transportation. You would pay the shipper the full value, and yet the Senate is asked to treat the widow and the children to about 20 per cent of the value of the life of an engineer.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. SMITH of Georgia. Certainly.

Mr. REED. Can not the Senator from Georgia see that there is a distinction naturally appealing to the latter-day business man between the property that a man has in his hand that is negligently cut off and the property that a shipper has in a load of hogs—that they are upon an entirely different plane and that the hogs ought to have the advantage in this day and year of grace?

Mr. SMITH of Georgia. I was actually advancing the astonishing proposition in the presence of this body that I am so unreasonable as to feel that the widow and children ought to have recognition, and that the wife of the engineer might be treated——

Mr. REED. Lest I might be misunderstood, let me say that I am equally unreasonable.

Mr. SMITH of Georgia. I understood the Senator from Missouri, and I want to tell Senators that it is going to be recognized in the same way. I want to tell Senators that you can put a limitation on now, but you can not keep it there. You can say that $4,000 paid monthly at $50 a month is all the widow and half a dozen children can have for the life of an engineer whose expectancy according to the table has a present value of $35,000, but you can not keep it there. I am here to protest that we do not start it so.

Now, if you are simply dealing with the engineer who is exclusively at fault, whose negligence was the sole cause of the catastrophe—if you are seeking in a wise public policy to give

something then, your figures fixed would be reasonable. If you would pass a bill without destroying the present rights of the employees, your figures intended for the man whose negligence was the sole cause of the catastrophe might be considered reasonable, but you can not sustain that estimate of compensation in the other cases.

Therefore, we urge the Senate to do as the English law does. When they adopted their workmen's compensation act they made it cumulative. They left the employee with all his common-law rights; they left him with all his statutory rights under the employers' liability act; and they added the workmen's compensation act. You strike down the employers' liability act just at the moment when you know it has become effective, or at least you propose to do it by this bill.

Now, next——

Mr. SIMMONS. What has the Senator to say about the constitutionality of the proposition, anyhow?

Mr. SMITH of Georgia. I have stated, Mr. President, in the opening of my remarks that there are a number of grave constitutional questions that can be raised as to the validity of this bill. I stated that I did not intend to discuss them; that I only presented to the Senate the fact that they were raised by lawyers and briefs were filed before the commission pointing out unconstitutional provisions and attacking the constitutionality of this bill generally. Instead of stopping to discuss the constitutional questions in detail, I only desired to present the question as to its constitutionality as a reason why, if we pass the bill, we ought not to repeal the existing rights and leave the employee without his present remedies while we are embarking in a sea of constitutional doubt.

I criticized the provision of the bill which takes from the employee the right to be compensated in damages for the expenses of his injury. His right to employ his own physician and collect reasonable fees charged him by his own physician is taken away by this bill. He can not have a physician paid for by the road unless it is the road's own physician.

He can now employ a physician; he can have his family physician; he can employ his own surgeon, and he can recover the cost of that physician provided the charges are reasonable. You take that from him, and you prescribe under this bill the very thing that the railroads have always wanted.

Oh, how tender this bill is toward all their defenses. You prescribe that not a dollar of compensation is to be paid except where the railroad's own physician does the work. I propose to amend the bill by providing:

That if the employee elects to furnish his own physician or surgeon to care for himself, he may recover from his employer such expenses incurred therefor by him as are reasonable and just.

Next, amend, after line 16, on page 4, section 7, by adding:

Provided, That where it is made to appear that the employer, through its officers and agents, had received knowledge of the accident within 30 days after the happening thereof, no notice whatever shall be required to be given of the action by the employee to the employer.

Why penalize the employee for not giving notice when the employer already has notice? I will tell you why. It is the cunning device—I will not say that, because I do not know who devised it, but it is the adroit defense furnished to the railroad lawyer by requiring the employee to furnish a statement of his case right away, to give all his notions of his case right away to the railroad company. It is to commit the employee to a statement of his case at once, and to hold it as his admission to break him down if need be. My amendment provides that if the employer through his officers or agents knows about the accident within 30 days the employee need not notify him of what he already knows.

Amend section 7 by adding the following:

It shall be the duty of the employer, with five days after receiving notice through its officers or agents that an employee has received an injury in its service, to notify such employee whether said injury was received while such employee was employed in such commerce by such employer; and in any legal procedure which may follow the employer shall be bound by such notice, and will not be permitted to deny its truth, and on failure of said employer to give said notice said employer shall not be permitted to deny, in any legal procedure, the claim that said injury was received by such employee while employed in such commerce.

It just occurred to me that while you are taking care everywhere of the interest of the employer you might do something for the employee, too.

Amend by striking out section 10 and by striking out section 11.

Section 10, that I ask to strike out, is as follows:

SEC. 10. That before any agreement or award has been made or after the making of any such agreement or award, and at any time before the expiration of two years from the date of the accident, it shall be the duty of the injured employee, if so requested by the employer, to submit himself one or more times, at reasonable times and places, for examination—

One or more, just as many as they want. The injured employee must trot up to the claim agent whenever he wants him—

for examination by a duly qualified physician or physicians furnished and paid by the employer.

Of course they would be paid for by the employer. They are its men. They are being used to prepare its testimony. It is real kind that the railroad company will pay for them and that it does not try to make the employee, who has not anything, pay for the examining surgeons who are to testify against him.

The section continues:

It shall also be the duty of such employee in like manner to submit himself to one or more such examinations whenever his original claim for compensation or the matter of the review of compensation is pending before an adjuster or the court. The employee shall have the right to have a duly qualified physician or physicians, provided and paid for by himself, present at any such examination.

Now, that is kind. It is real kind to say to an employee who is a freeman that he can take his own physician along with him, provided he pays the bill, when the railroad's physician examines him. How could you keep him from doing it? That is indeed generous.

The section continues:

If the employee refuses to submit himself to any such examination or in any way obstructs the same, his right to payments or compensation and his right to take or prosecute any proceeding under this act shall be suspended until he shall have submitted himself for such examination, and no compensation shall at any time be payable in respect to the period of such suspension. Upon request a copy of the report of the employer's physician or physicians of such examination shall be furnished to the employee, and a copy of the report of the employee's physician or physicians, if any, shall be furnished to the employer, within six days after any such examination. The employer shall have the right, in any case of death, to require an autopsy at his expense.

The original plan of this bill was to allow the claim agent representing the employer to take up and cut up the dead body of an employee to make an autopsy whenever he got ready. I am glad the Senator from Utah modified that provision, although Mr. Wills said it was dangerous to change the bill in any way.

Now, I move to strike out that section. I also move to strike out the next section, which is section 11. Section 11 is the one which allows the railroad to bring the injured employee before the adjuster from time to time. It is under section 11 that litigation does not terminate and that innumerable hearings can be placed upon the employee, if the claim agents want to do it.

I suggest as an amendment to amend section 13, paragraph 4, by adding at the close of the same:

Provided, That either party may take the testimony to be used before the adjuster, of a witness, either by deposition or interrogatories, according to the rules of practice of force in the United States district in which the case is pending.

I say this bill is drawn without any provision which allows testimony to be taken. If it is there, I have not been able to find it. Of course the railroads do not need it. They do not take their testimony that way. They bring witnesses from all over the country. But the employee does need it.

Mr. President, I will send up to the Secretary this amendment to section 13, and I think I will perhaps offer it now. It is a good one to break the ice on. On page 3, line 3 to line 8, I offer that amendment now.

Mr. SUTHERLAND. Let the amendment be read.

The PRESIDING OFFICER. The Senator from Georgia offers the following amendment.

The SECRETARY. Amend section 13, paragraph 4, by adding at the close of the same the following words:

Provided, That either party may take the testimony to be used before the adjuster of a witness, either by deposition or interrogatories, according to the rules of practice of force in the United States district in which the case is pending.

Mr. SMITH of Georgia. On that I call for the yeas and nays.

Mr. SUTHERLAND. Mr. President, I desire to be heard for just a moment.

In preparing the bill, the view of the commission was that the general law of the United States with reference to taking depositions would apply to taking depositions before this adjuster, for the reason that the adjuster is, in substance and effect, an arm of the court, the same as a United States commissioner is an arm of the court, and the Supreme Court has held that it has control over the United States commissioner, and wherever he is lacking in power to do any particular thing the court itself may direct it. Therefore our thought was that it would follow that in a proper case depositions might be taken under the general law.

But this simply makes definite and certain what we believed was included in the law without it, and I shall not object to it.

Mr. SMITH of Georgia. I did not catch the Senator's reason for thinking that he had provided for it already.

Mr. SUTHERLAND. The reason, with reference to all matters of this kind, was that the adjuster would be, in effect, an arm of the court, just as the United States commissioner is an arm of the court. It has been held, with reference to United States commissioners, that the commissioner was all the time under the direction and control of the court, and that where the law was lacking in definite directions to him the court could supply that the same as it could, under the general law, do the thing itself. That was, in substance, the holding, but as I have said——

Mr. SMITH of Georgia. Have you not in this bill specifically directed the way in which this man is to take the testimony and where he should go?

Mr. SUTHERLAND. That is quite true.

Mr. SMITH of Georgia. Having expressed a portion of his authority in that regard, have you not excluded the balance?

Mr. SUTHERLAND. No more than in the case of the United States commissioner. The Senator will find the case in 155 United States Reports, page 595, which holds substantially as I have stated. But I see no objection to the amendment, and as far I am able to do so, I accept it.

Mr. REED. The trouble with the Senator's argument is that a United States commissioner exists under general law as a branch of the Federal court. This is an exclusive bill and stands by except where it incorporates the provisions of the law otherwise.

I suggest to the Senator, in addition to this amendment, the further statement that "evidence taken before a commissioner may be preserved in writing and may be read upon the trial with the force and effect and under the same circumstances that a deposition would be admissible."

Mr. ROOT and others. Question!

Mr. SMITH of Georgia. I call for the yeas and nays.

Mr. REED. I wanted to know whether the Senator from Utah would accept that amendment. Otherwise I shall write it out.

Mr. SUTHERLAND. I beg the Senator's pardon. I did not know he was addressing me.

Mr. REED. Directly.

Mr. SUTHERLAND. I will be glad if the Senator will restate his suggestion.

Mr. REED. I suggest that the bill ought to be further amended by providing that "evidence taken before a commissioner may be preserved in writing upon the trial of the case before the court and can be there read under the same circumstances and with the same force and effect as a deposition."

Mr. SUTHERLAND. I see no objection to that.

Mr. REED. I should like to have that language added.

The PRESIDING OFFICER. Will the Senator from Missouri kindly submit his amendment in writing?

Mr. REED. I will do so.

Mr. SHIVELY. I understood the Senator from Utah to say that he would accept the amendment suggested by the Senator from Georgia. So there is no occasion for calling for the yeas and nays.

Mr. SMITH of Georgia. I will simply offer that amendment and have it ready, without any further discussion on it, to vote upon Monday afternoon. As there will be no contest over it, it may then be submitted as one of the amendments.

Mr. SUTHERLAND. It may as well be disposed of.

Mr. SMITH of Georgia. If we dispose of it now we have to raise the point of bringing Senators here to vote.

Mr. SUTHERLAND. That point need not be made unless the Senator desires to do it.

The PRESIDING OFFICER. Does the Senator from Georgia desire a vote on the proposed amendment now?

Mr. SMITH of Georgia. No; I do not insist on it now.

Mr. SHIVELY. I understand the amendment has been accepted, and it is a mere matter of reducing it to writing.

The PRESIDING OFFICER. The Chair will suggest that one Senator can not accept an amendment submitted by another Senator. It is for the Senate to do that.

Mr. SUTHERLAND. I did not so state. I simply said that, so far as I was able to do so, I would accept it.

Mr. SHIVELY. In the absence of objection, that is always a proper course.

The PRESIDING OFFICER. It is merely a question whether the Senator from Georgia desires the amendment to be voted on now or whether he withdraws it for the present.

Mr. SMITH of Georgia. I do not insist on voting upon it now, there being no question about it.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Georgia. [Putting the question.] The ayes appear to have it. The ayes have it.

Mr. REED. Does that include the further language——

Mr. SMITH of Georgia. The Chair misunderstood me. I said I did not insist on a vote now.

The PRESIDING OFFICER. The Chair apologizes. The Senator from Georgia then withdraws his amendment for the present.

Mr. SMITH of Georgia. Yes, I will withdraw it; because the Senator from Missouri has a still further suggestion of some language with reference to it, and I think it quite important that it should be perfected. In the multitude of amendments that I felt called upon myself to suggest to this bill, which I think ought to be amended far beyond the suggestions I have made, I really did not have the time to complete them with that accuracy I would have liked.

I think the amendment to strike out section 11 is an amendment we might well take up now. I offer that. My proposition is to strike out section 11 from the bill. I move to strike it out.

The PRESIDING OFFICER. The Senator from Georgia moves the following amendment.

Mr. ROOT. Let it be read, Mr. President.

The SECRETARY. On page 11 strike out all of section 11.

Mr. SMITH of Georgia. Mr. President, I think it important to call the attention of the Senate to what that section does. That is the section which makes it practicable for the railroad company to bring the injured man after his case has been heard——

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Dakota?

Mr. SMITH of Georgia. Certainly.

Mr. CRAWFORD. It seems to me that the Senator had an amendment pending here, and it was practically accepted and yet no action was taken upon it. Now, we are not making much progress if we get so near together as that and then let the matter go over.

Mr. SMITH of Georgia. Did not the Senator understand the Chair? The Senator from Missouri [Mr. REED] had a suggestion of some change.

Mr. CRAWFORD. That was accepted.

Mr. SMITH of Georgia. I did not so understand it.

Mr. CRAWFORD. It was accepted, and it seems to me that ought to be settled before we take up another amendment.

Mr. SMITH of Georgia. I did not understand that it had been agreed to.

The PRESIDING OFFICER. The Senator from Georgia withdrew the amendment, which was his entire right.

Mr. SMITH of Georgia. I did it because I understood it had not been perfected. If it has been perfected, I am perfectly willing to press that amendment to a vote.

Mr. CRAWFORD. The reason why I rose is because I think we would have a clear record and would know better where we are if an amendment on which we were practically agreed was settled in the record before we went to another.

Mr. SMITH of Georgia. I think if the Senator had heard all that took place he would have understood that the Senator from Missouri suggested an amendment, and there was some criticism upon it.

Mr. CRAWFORD. I understood that that was accepted.

Mr. SMITH of Georgia. I then suggested that it be perfected as practically agreed on.

Mr. CRAWFORD. I did not hear that.

Mr. SMITH of Georgia. I said we were not ready then to vote on it, as it had not been reduced to writing, but we could pass upon it without further discussion on Monday. But if the Senator from Missouri has it ready, we might vote on it now.

Mr. REED. I suggest to the Senator from Utah this language, which I have now reduced to writing:

Evidence produced before the adjuster may be taken in writing or in shorthand and may thereafter be read in evidence on the trial of said cause before the adjuster or the court under the same circumstances and with the same force and effect as a deposition.

Mr. SMITH of Georgia. That is an addition?

Mr. REED. That is an amendment to your amendment. I add it at the end of your amendment.

Mr. SUTHERLAND. Let the amendment to the amendment be read.

Mr. SMITH of Georgia. I will offer again the amendment I had, because I see that what the Senator from Missouri has is not a modification of my amendment, but an addition to it.

The PRESIDING OFFICER. The amendment and the amendment to the amendment will be stated.

The SECRETARY. The Senator from Georgia moves to amend section 13, paragraph 4, found on page 16 of the bill, by adding at the close of the paragraph the following proviso:

Provided, That either party may take the testimony, to be used before the adjuster, of a witness, either by deposition or interrogatories,

according to the rules of practice of force in the United States district in which the case is pending.

The Senator from Missouri proposes to add, after the word "pending" in the proposed amendment, the following words:

Evidence produced before the adjuster may be taken in writing or in shorthand, and may thereafter be read in evidence on the trial of said cause before the adjuster or the court under the same circumstances and with the same force and effect as a deposition.

Mr. SUTHERLAND. Mr. President, that was hardly as I understood the proposition which the Senator from Missouri made. I would have no objection if the amendment is so worded that the transcript of the shorthand notes of the reporter are properly authenticated. There ought to be a provision of that sort.

Mr. ROOT. "When properly authenticated."

Mr. SUTHERLAND. Yes; "when properly authenticated."

Mr. REED. Authenticated by the adjuster or by the reporter?

Mr. SUTHERLAND. It should be authenticated by the reporter.

Mr. REED. I think that is right.

Mr. SUTHERLAND. I think the phrase "when properly authenticated" will cover it.

Mr. SMITH of Georgia. I should like to suggest to the Senator from Missouri that he keep that amendment until Monday morning and study it out a little before we finally determine what we shall put in.

Mr. REED. Very well. Then I will withdraw it temporarily.

The PRESIDING OFFICER. The question, then, is on agreeing to the amendment offered by the Senator from Georgia.

The amendment was agreed to.

Mr. SMITH of Georgia. Now I offer an amendment to strike out section 11.

The PRESIDING OFFICER. The Senator from Georgia proposes an amendment, which will be stated.

The SECRETARY. It is proposed to strike out section 11 of the bill.

Mr. SUTHERLAND. Mr. President, if that amendment were agreed to, it would take out of the bill what I regard as one of the very important provisions of it and one of the very important provisions for the protection of the employees. The Senator from Georgia, all the way through his discussion, not only of this section but of others, has referred to it as though it were a provision which the railroad companies alone could make any application of. Now, let me read the essential part of that provision:

At any time before the expiration of two years from the date of the accident, but not afterwards, and before the expiration of the period for which payment of compensation has been fixed thereby, but not afterwards, any agreement, award, findings, or judgment may be from time to time reviewed by the adjuster upon the application of either party after due notice to the other party upon the ground that the incapacity of the injured employee has subsequently ended, increased, or diminished. Upon such review the adjuster may increase, diminish, or discontinue the compensation from the date of the application for review, in accordance with the facts, or make such other order as the justice of the case may require, but such order shall have no retroactive effect.

Mr. President, the whole theory of the compensation law is to compensate the injured employee for disability. The disability may be any one of four classes: It may be a permanent total disability, in which case the compensation continues for life; it may be a temporary total disability, in which case the compensation continues so long as the disability continues; it may be a partial permanent disability, in which case the compensation continues for a certain definite length of time—in one case for 72 months, and in case of a slight injury, like the loss of a finger, for a few months, and so on; then, the fourth class is where the injury is of a temporary partial character, in which case the compensation continues under this bill so long as the man is not able to obtain work.

Take a case where a man has received what is denominated a temporary total disability. Upon investigation of that case it may be determined from the evidence of the medical examiners that he has such an injury as will continue for six months, and the adjuster fixes the compensation accordingly; he directs that the compensation at the rate of $50 a month shall be paid to that man for the period of six months; but before the six months expire it is discovered that, instead of that being a temporary total injury, it is a permanent total injury; that the diagnosis is erroneous; then this man should have the right—and the right is preserved to him under this bill—of going before the adjuster and showing that in the meantime his injury has increased in character; so that, instead of being a temporary total injury it is a permanent total injury; then, this compension will continue for life. Again at the end of six months it may be found that he has not recovered. His disability is still regarded as a temporary total disability; but it is lasting longer than was at first anticipated; instead of lasting six months, it bids fair to last a year; so he goes before the adjuster and the adjuster directs that the compensation shall continue to that man for another year; and so on. That is an illustration of the application of the law for the benefit of the employee.

On the other hand, the adjuster finds that the employee has been temporarily totally injured, and within a week he discovers that the man was not injured or that the man has recovered in spite of the predictions of the doctors and has gone to work somewhere at full wages, and it is discovered beyond question that he is not injured; then the railroad company should have a right to protect itself. It is for the mutual protection of both, and I do not know of any compensation law that does not include some such provision as this.

Now, we have limited the time in which a review may be had to two years. Some of the laws permit it to be made at any time, even beyond the period of two years; but we have limited it to two years, for the reason that we believed from an investigation we made of the subject that the character of practically every injury will have been determined within two years; that even if it is to be a total permanent injury, two years will disclose that fact, and the cases where it will not be disclosed may be regarded as negligible. Therefore, after the expiration of two years application for review, either on the part of the railroad company or on the part of the injured employee, in the vast majority of cases, in practically all cases, might be regarded as vexatious; and so we limit the time within the two years; but within the two years, in order that no injustice may be done, we permit these applications to be made.

Mr. ROOT. Mr. President, if we are to have a vote on this amendment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New York suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	McLean	Richardson
Bacon	Cummins	Martine, N. J.	Root
Bourne	Curtis	Myers	Shively
Bristow	Davis	Nelson	Simmons
Bryan	Fall	Newlands	Smith, Ga.
Burnham	Fletcher	Oliver	Stephenson
Chamberlain	Gallinger	Overman	Sutherland
Chilton	Gronna	Page	Thornton
Clapp	Johnson, Me.	Perkins	Warren
Clark, Wyo.	Kern	Poindexter	Wetmore
Crane	Lea	Pomerene	Williams
Crawford	Lodge	Reed	

Mr. ASHURST. I should like to be permitted to state that my colleague [Mr. SMITH of Arizona] is absent from the Chamber on important matters connected with his duty as a Senator.

Mr. BACON. Mr. President, I ask that the number of Senators present may be announced.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names; not a quorum.

Mr. BACON. Well, Mr. President, in view of the fact that the time has been fixed for a vote on the pending bill, a limitation within which this matter is to be concluded, I hope the Senate will stay in session and send for absent Senators and require them to be here.

Mr. SUTHERLAND. I ask that the absentees be called.

Mr. BACON. There is certainly no propriety in fixing a time for a vote and then for Senators to absent themselves and prevent a proper consideration of a measure. I hope the Senate will not permit it.

The PRESIDING OFFICER. The names of the absentees will be called.

The Secretary called the names of the absent Senators.

Mr. SANDERS, Mr. JONES, and Mr. WORKS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum of the Senate is present.

Mr. CRAWFORD. Mr. President, I desire to say a few words with reference to this amendment. I confess that in some respects this bill does not suit me. It is a pioneer measure, and undoubtedly will have to be amended from time to time if it becomes a law, and in some of the contentions of the Senator from Georgia [Mr. SMITH] I recognize a great deal of force, but I want to say to the Senator that, to my mind, he is not helping this bill nor helping the men whom I know he wants to help in his proposal to strike out this section. I believe this section is one of the most important sections of the bill from the standpoint of the railway employees.

The Senator from Georgia has had very large experience, I understand, with cases of railway employees and with the wide range of injuries that are sustained by them. Unless it be a case of the loss of a limb, it very often happens that it is impossible to tell within the first few days after the injury how slight or how serious that injury may be. Take the case

of a shock. Very often these injuries are attendant upon shock resulting from head-on collisions, or the ditching of a train, or the jumping from a train, or the receipt of a wound that in sympathetic effect may destroy the hearing or may destroy the sight. It may be a gradual loss of sight. You may not be able to say within the first 30 days that the sight has been seriously injured. It may be a symptom appearing within the first 30 days which gradually develops and finally ends in total blindness. It is the same way with the hearing and the same way with nervous shocks. As the Senator from Georgia in his experience understands full well, in cases of neurasthenia, injuries to the spine, and progressive paralysis, resulting from shock, you can not tell whether the disability is going to disappear in 30 days or whether after 3 or 4 months; it is simply developing and may end in death. The amendment of the Senator proposes to cut off all opportunity for the employee to go before the adjuster after it is discovered that a mistake has been made and that the injury is much more serious than it was thought to be at the first examination. To shut off absolutely any right on his part to ask that his case may be again examined, I think, if the Senator from Georgia will permit me to say it, would be a most serious mistake and a most serious crippling of the bill from the standpoint of the employee.

If the Senator will permit me, I remember that only a few months ago there came before the Committee on Claims of the Senate the case of a locomotive engineer on the Isthmus of Panama, in charge of an engine used with a steam shovel. There was a 3 per cent grade, and on a wet day imperceptibly his train had moved slightly until his cab came too close to the steam shovel, and in its movement back and forth as the train slid within reach, the arm of the shovel struck the cab and a sliver in some way flew and struck him near one of his eyes. Gradually—it did not appear for some time, but gradually—the injury developed and grew until he lost the sight of his right eye. They carried him along in a secondary position, working on a switch, until it finally developed that the sight of the other eye was weakened, and that he was very likely to become totally blind. He was sent back to the United States, and, while making some settlement with an accident insurance company in Cleveland Ohio, he became so despondent over the prospect of losing his sight entirely that he committed suicide. The employers had no idea during the first 30 days or so after he had received this injury that that man was going to become totally blind; he did not expect to become totally blind. Suppose the matter had been adjusted and settled within the first 30 days after the injury, how much damages would he have received? Would the Senator prevent him three months afterwards from making application to have a rehearing, in view of the fact that his injuries as they developed proved to be far more serious than he had himself expected?

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Mississippi?

Mr. CRAWFORD. I do.

Mr. WILLIAMS. I ask the Senator to yield merely to suggest a class of cases that occur much more frequently than that.

Mr. CRAWFORD. I was myself going to give another instance or two.

Mr. WILLIAMS. Injuries growing out of hurts upon the head which very frequently at first and for quite a while are considered merely temporary and quite insignificant, will afterwards develop into epilepsy, partial paralysis, and sometimes into insanity.

Mr. CRAWFORD. True enough.

Mr. WILLIAMS. And undoubtedly when it is ascertained that what was at first thought to be a mere temporary, insignificant hurt was really a permanent one, crippling the man both in body and in mind—frequently in one and sometimes in both—he ought to have a chance to obtain an increase in the amount allowed him as compensation, when it is considered that the compensation is for the real injury inflicted and not merely for the apparent injury at any particular time.

Mr. CRAWFORD. That is true.

I call the attention of the Senator from Georgia to another case occurring here in Washington. It is a pathetic case of a young man, with a wife and children, who while walking in the basement of the Bureau of Printing and Engraving, going around to his elevator early in the morning and in a rather dark passage, happened to step into a low place in the floor and fall. Ordinarily, you would have said that the mere tripping and falling on the floor in the basement corridor would not have amounted to anything; would not have been worthy of passing notice; would not have called even for a shin plaster, and yet some wrench occurred—just how or in what way is not known—and to-day this young man's trouble has developed until he has absolutely lost the use of his lower extremities and has to be wheeled in a carriage. Ganglia have gathered in bunches up and down his spinal column; running sores have broken out, and the whole history of the case shows no other cause for it; no hereditary trouble, no personal dissipation, no other cause for it except some injury received in that apparently slight accident.

Another case I remember very well in my own experience was that of a lady who was thrown by a collison simply a few feet from an ordinary seat in a day coach to the floor of the car; but afterwards when the case was being tried and she came into court and physicians examined her it developed that neurasthenic trouble had set in and it was merely a question of time when her life would have to pay the penalty.

A disease resulting from an injury like that develops often very slowly; during the first three months of its history it is a question whether the patient is not recovering; and yet the development goes on until finally it ends in death. Now, after an injured employee has gone before an adjuster in the early history of his case and had it investigated and had compensation fixed upon the basis of a slight injury, and after the facts are developed it appears to be a most serious and permanent injury, would the Senator bar such an employee absolutely from having the case reexamined? I think to do so would be a very serious mistake.

Mr. SMITH of Georgia. I would add to the history of cases of the kind to which the Senator refers one which just recently happened in Atlanta. About six months ago a professor of music in our public schools was thrown from a street car and he hit his head. In a day or two he was up again and thought he was all right. The claim agent went around to see him and made him an offer of a couple hundred dollars, which he accepted. Within two months his trouble in his head became acute, and he quit for a rest. Within two months later he was sent to the insane asylum of the State, and since then he has there died from his injury. So the line of cases to which the Senator refers are within the observation of all of us.

I condemn the whole plan of this bill. I condemn the two-weeks system. The German plan compensates the employee for three months before he receives any compensation under the workmen's compensation act. My own view of an intelligent and sound system is one which shall provide a plan not arbitrarily denying payments for two weeks, but a comprehensive and well-prepared workmen's compensation scheme that arbitrarily takes care of an employee if he is hurt under some system of official examination for a few months before he is forced to go before an adjuster at all.

My criticism of this section is not made in the sense of the suggestion of either Senator. I grant you that no employee should be put in a position where his rights are finally concluded a few days after the hurt. If we are to have a sound plan in the interest of the employees, we will cover the first three months, and then the litigation will start. I object to the unlimited right of reexamination contained in this bill. If there were a provision that covered the expense of the employee, I would not object, but to this very limited compensation that he is to receive, and with the unlimited right of the claim agent to ask him before the adjuster from time to time for two years I do object. It is possible that the section might be amended so as to relieve it of the arbitrary treatment of the employee.

But this section does not simply give the employee once, later on, after he finds out what is the matter with him, the right to go before the adjuster and receive the treatment that you suggested he might have. It gives the claim agent or the railroad company the right to take him from time to time before the adjuster. There is no necessity for that. If it is deemed necessary to provide under the system of the bill that the compensation shall be fixed, except in cases of unmistakable permanent injuries, to last 18 months or a limited number of months, and that at the close of that period or at a period fixed, covering the length of time that may be thought necessary, the adjuster should bring the party before him again and physicians appointed by the court or at the instance of either side, once, and that at the end of a certain term of months the party should again appear before the adjuster to see whether time has wrought a change, I would not object. What I object to is the provision in the bill which subjects the employee to a trial before the trial judge without a jury, and then to a trial in the district court before a jury, a trial de novo, with the expense falling on him, with no provision that the expense shall be paid by the railroad company, and then just as often as the claim agent desires to do it, this section allows the employee to be brought time after time before the adjuster for examination

and reexamined and reexamined—physicians' bills, physicians' bills, physicians' bills, to testify. That is the burden I am criticizing.

I think the Senator from South Dakota might perfect amendments to this section that would carry the beneficial effects that he suggests and rid it of all the burdens that it throws so heavily on the employee.

The difference between the two is this: The railroad company can afford to lavish its funds upon litigation if it deters claims, and it is an economical proposition that brings a saving to it, but the employee is not fitted to bear the burden of the fight, and it is the limitless burden that can be placed on him under this section against which I protest. I have worked out no amendments to put it where it should properly stand.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Dakota?

Mr. SMITH of Georgia. Certainly.

Mr. CRAWFORD. Does the Senator from Georgia think it would be fair not to have this privilege a reciprocal one?

Mr. SMITH of Georgia. I think it should be reciprocal.

Mr. CRAWFORD. Supposing the employee really was not injured so seriously as was contemplated, should not the reciprocal provision allow the same privilege to the company?

Mr. SMITH of Georgia. Yes; and I so stated.

Mr. CRAWFORD. Is it quite fair to assume that a statute, as fair on its face to the employee, which simply gives a reciprocal right to the same extent and no greater to the employer, is to be used as an engine to completely destroy this man by bringing him before the adjuster without cause? Does not the Senator think that that course of procedure would react on the railroad company and to its injury to a greater extent than that of the employee?

Mr. SMITH of Georgia. I answer the Senator, no; and if it did I answer the Senator that wise judgment is not used ordinarily by the railroad companies, or many of them, in treating their employees. It is improving.

Mr. KERN. I should like to inquire of the Senator if a proviso added to section 11, to the effect that not more than one application for review shall be made by either party within the period of one year, would not meet his objection?

Mr. SMITH of Georgia. That would vastly improve it. I do not think it ought to be allowed once every year. I think the first trial ought not to begin before a few months after the accident, and I think, then, when there is application for a rehearing from either side, or, better than that, I think that either side might properly have the right to petition the United States district court judge and, for cause, obtain from him an order authorizing a rehearing or reinvestigation before the adjuster. I have never suggested that it should not be reciprocal. I suggested that it should be reciprocal. But I pressed the fact that it was a burden on one when it was not on the other; that a number of investigations would be no burden on the railroad company. They have their regular physicians, employed usually by the year. In my section every road has its able surgeon, among the very ablest in this country, who is employed by the year, who treats their cases and testifies for them in court. Our best surgeons are retained as the surgeons of the railroads. It is very difficult to get an able surgeon to examine an employee and testify. He might treat him, but the surgeon who is not retained by the railroad companies to treat its cases does not enjoy going into court on behalf of the plaintiff. If this bill was so amended as to provide that the rehearing could be within the discretion of the United States district judge for cause shown, I would not object.

Mr. SUTHERLAND. The Senator from Georgia has several times referred to the German law with reference to the 13 weeks' period. They have altogether a different situation there than we have. In Germany there are a lot of these interrelated schemes for the benefit of employees. They have, for example, the sickness fund, out of which the first 13 weeks of any injury as well as a sickness is compensated for. That sickness fund is not contributed by the employer. It is contributed by the employees and the employer in the proportion of two-thirds by the employees and one-third by the employer, and the effect of it is to relieve the employer from making compensation, except to the extent of one-third, during the first 13 weeks. The employer does not begin to pay the full compensation for the accident until the expiration of 13 weeks. It is an altogether different situation from the one we have here.

Mr. SMITH of Georgia. I never suggested that it was the same situation.

Mr. SUTHERLAND. I do not think we could in a law of this kind provide for a sickness fund.

Mr. SMITH of Georgia. What I said was that the German system carried the compensation for a certain length of time. I was under the impression it was 3 months, but the Senator says 13 weeks.

Mr. SUTHERLAND. Thirteen weeks. That is three months.

Mr. SMITH of Georgia. I do insist that any perfect system ought to contemplate a plan by which the injured employee receives with certainty support for the first few weeks of his injury, whether it be by a system of insurance or national taxation. Under the national-taxation system we have the whole power of Congress. Taxes can be levied to provide the funds.

Mr. SUTHERLAND. It seems to me we can not deal with that subject in this legislation. There are a great many good reasons for making a waiting period. All laws provide for some waiting period. I will not stop to go into that now, but, later on, if I have the opportunity, I will discuss the matter.

Mr. REED. Mr. President, I want to make an observation. I think there is much merit in the suggestions coming from both sides. I think the Senator from South Dakota [Mr. CRAWFORD] is right in the view that there may be cases where the gravity of the injury will not be fully developed at the date of the hearing and where justice to the employee will require a review.

I think, on the other hand, there is great force in the argument advanced by the Senator from Georgia that if you place in the hands of a railroad company the power to call for an unlimited number of examinations, you have given the company the enginery by which it can greatly harrass and trouble and perhaps destroy the employee in a contest between a man and a great aggregation of men organized, with its attorneys and its physicians and backed by its capital. All men who have studied the matter know that the thing that is most to be desired after all by the employee is a speedy trial and a final end of the controversy, and that it is the prolonged trial, the endless litigation, which results finally in defeating the benefits the law intends to confer.

I have not that worshipful respect or, I should say, adoration for the Federal judiciary possessed by some men. Neither do I belong to that class who denounce Federal judges in the aggregate and by the wholesale. In the last analysis the best place to have your rights guarded is in some court. The Federal court is not the tribunal to which I would like to see these matters go; but if they are to go to that court, I would rather trust the judge to see that oppressions are not worked or abuses practiced than to leave it to an adjuster or to the claim agent of the road.

I suggest there should be a provision in this bill, as outlined by the Senator from Georgia, that upon a showing of probable cause made to the United States district judge having jurisdiction of the matter he is authorized to order a review of the case. That would safeguard the rights of both parties, because the judge would not order a review unless there was some ground or reason for it, and on the other hand, he would order the review upon a showing of probable cause. It seems to me that meets both difficulties, and that it ought to be accepted without much question. I would be inclined to favor that rather than a proposition to strike out the entire clause.

Mr. SMITH of Georgia. I should prefer that to striking out the entire section. I simply did not have the time to perfect the section. I found it objectionable as it stood, so I sought to strike it out.

Mr. REED. I should like to ask the Senator from Utah, who is in charge of the bill, if he would object to adding after the word "diminished," in section 11, where it occurs in line 17, this language:

Provided, however, That before any such review is had the judge of the United States court shall find as a fact that there is probable cause for such review.

Mr. SUTHERLAND. Oh, Mr. President, that would result in having the United States judge practically examine the case in advance of the adjuster doing it and the judge determining whether there has been a change in the conditions. That is the business of the adjuster—it is his sole business.

Mr. REED. The Senator will pardon me. An application filed before the Federal judge, supported, for instance, by an affidavit on the part of the injured man that since the making of the award he had discovered a change in conditions, would be a very simple matter. On the other hand, an application by a railroad company, that since the making of the award they had discovered that the man was not injured at all or that his injuries were not of the character claimed, supported by an affidavit, would be a very simple matter. It would not be a trial. It would not amount to an investigation. It would merely place in the hands of the judge the power of protecting both parties, and it seems to me most reasonable.

Mr. SUTHERLAND. It seems to me the proposition the Senator from Missouri makes could have but one result—to

require the employee to hire a lawyer every time he made application to the Federal court for an examination of this kind.

Mr. REED. I do not understand that that would follow. Why would he have to hire a lawyer to file an application of that kind, when it is claimed that under the beneficent provision of this bill he can try his entire case without a lawyer?

Mr. SUTHERLAND. Before the adjuster; not in the court.

Mr. REED. And it is proposed to allow him, in this bill, to be heard in the Federal court without a lawyer, if I understand the bill.

Mr. SUTHERLAND. The Senator misunderstands it.

Mr. REED. You have provided practically that, because you have provided that he can not have a good lawyer, because he can not make a contract——

Mr. SUTHERLAND. He can get an honest lawyer.

Mr. REED. Patently, if the theory that was painted here by the Senator a few days ago in advocating this bill is to develop into an actuality. Lawyers will no longer hardly be necessary in these cases; the men are to be taken care of by their societies and organizations; and it is a strange thing, now, when we are simply asking that some limitation be placed upon the right to demand examination after an examination, that we are met by the claim that a simple application of that kind can not be made without employing a lawyer. Surely that is so simple a matter that even the class of lawyers who are going to get into the business under this bill will know enough to make that kind of an application. I think a man could do it himself. If the Federal courts are going to act as a sort of guardian of these men, which is the way they are pictured here, benevolently inclined guardians, it will not require very much effort for a poor fellow to make sufficient showing to get that sort of an order made if he has good cause to show.

I am not saying this to provoke discussion, but the section as now drawn is far from just. I submit further, is it not the safer plan to place some limitation upon the power of claim agents to demand repeated examinations? I know of no way to protect both parties better than by allowing the court to supervise the applications for review.

Now, mark you, you are proposing to change a judgment. You are proposing to alter and set aside a judgment by hearing, and perhaps a half a dozen hearings, before an adjuster, although that judgment may have been rendered in a United States court and confirmed upon appeal, and you are giving the adjuster the right to retry the case time after time. There ought to be a limit to that, and if you will vest the discretion in the judge, I am sure he will guard the interests of both sides, not giving unnecessary trials, and at the same time allowing the matter to be opened for review in case fraud has been worked or grievous wrong done.

The Senator will not accept it? Then, of course, we can vote upon this measure, and we will offer our proposition as an amendment.

Mr. DAVIS. If the Senator from Georgia has concluded, I move that the Senate take a recess until 11.50 o'clock Monday morning.

Mr. SMITH of Georgia. I hope not. We have limited time, and we want to go through with these amendments to-night.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas that the Senate take a recess until 11.50 o'clock Monday morning.

The motion was rejected.

Mr. SMITH of Georgia. Mr. President, so much has been said about Federal judges that I would not do justice to my own feelings if I did not say that so far as concerns the district in which I live we have a Federal judge whom I would trust with any question of law or question of fact or question of right as quickly as I would any man who lives; and if our own district alone was to be affected, and the whole question was to be decided without a jury, it could be left to him to pass upon the rights of parties, and under a law which would give him a fair latitude in fixing those rights we would know that every man who had any claim in the district would be dealt with fairly, equitably, and kindly. A higher type of lawyer or judge sits upon no bench anywhere in the world.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Georgia to strike out section 11.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. SMITH of Georgia. Mr. President, we will renew on Monday our criticism of section 11 and present an amendment to it which I hope the Senate will adopt.

Now, after the word "require," in section 13, paragraph 9, line 11, I move to insert the words "The reasonable attorney's fees of the employee shall be taxed as cost against the defendant by the adjuster or by the court."

I want to discuss that for just a moment. I can not think that such a provision would be dangerous.

In support of that amendment, discussing it generally now, but not pressing it for an immediate vote, I have this to say: That you propose to cut to very small sums the compensation of these men under this bill. You propose to leave them the most scanty support, a bare possible chance to live. You provide a judge to try the cases. It is true you have called him an adjuster, and you have a provision about notice of claim made before him, but if the employee gets his rights he must have a lawyer. This bill does not allow a contract between the employee and his lawyer, and it limits recoveries to small amounts. Do not take the necessary expense of trial out of the meager pittance that you leave the men. Allow the adjuster to tax the reasonable cost and the reasonable lawyers' fees and charge them to the railroad companies. That is my suggestion. I will press that on Monday and pass on now.

After the word "required," on page 20, section 14, line 21, insert the words "or without giving notice where such notice is not required."

I wish to bring this especially to the attention of the Senator from Utah, because I think when he examines the bill he will agree to it.

Mr. SUTHERLAND. Mr. President, the section already provides that in default of an agreement, after giving notice of the accident when the same is required, within six months from the date of the injury the proceedings shall be instituted. It does not seem to me that the amendment suggested by the Senator is necessary, but it puts the question beyond any doubt, and therefore I shall not object to it.

Mr. SMITH of Georgia. I understood the Senator to say he would not object to it.

Mr. SUTHERLAND. I shall not object.

Mr. SMITH of Georgia. I thought possibly some question might be raised.

Mr. SUTHERLAND. So far as I am able to do so, I will accept the suggested amendment.

Mr. SMITH of Georgia. Then I will offer the amendment now.

The PRESIDING OFFICER. Will the Senator repeat the amendment?

Mr. SMITH of Georgia. After the word "required." on page 20, section 14, line 21, insert the words "or without giving notice where such notice is not required."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia.

The amendment was agreed to.

Mr. SMITH of Georgia. On page 22, section 14, after line 11, add:

Provided, That where an employee institutes suit for an injury, claiming that same did not take place while he was employed in interstate or foreign commerce, and fails to recover in such suit, the limitation of the time for his right to proceed under this act shall begin with the termination of such suit, and not with the time when the injury to him occurred.

There will be a great many cases in which there is much doubt as to which of the laws is applicable. The employee may think that the statute we are passing is not applicable, and in that event it seems to me the statute should run from the trial of his case in the other court.

Mr. SUTHERLAND. Mr. President, I do not want to say that I will accept that now, but I recognize that there is a good deal of merit in the suggestion made by the Senator.

However, let me suggest to the Senator from Georgia that the language of the proviso is "and fails to recover in such suit, the limitation of the time for his right to proceed under this act shall begin," and so on.

Mr. SMITH of Georgia. I think it ought to be qualified so as to read "fails to recover on account of."

Mr. SUTHERLAND. Precisely. That is the suggestion I was going to make, "fails to recover on the ground that he was not engaged in interstate commerce."

Mr. SMITH of Georgia. I will agree to that qualification.

Mr. SUTHERLAND. I hope the Senator will not press that to-night. I am very much inclined to agree with the Senator about it.

Mr. SMITH of Georgia. Very well. Amend section 14 by adding paragraph 8, after pargraph 7, as follows:

(8) Employees shall have the privilege of enforcing the rights given to them under this act before the adjuster or to proceed in any State court having jurisdiction, and no suit brought in a State court under this act shall be removed to the United States court.

I will not press that now. It speaks for itself and argument upon it is hardly necessary.

My next amendment provides for striking out section 16 and substituting what I shall read:

That on the hearing of a cause of action arising under this act either party shall have the right to elect to commute the monthly payments into a fixed sum, and in that event the fixed sum shall be the present value of the annuities herein provided for, the present value to be calculated on the basis of interest at 5 per cent.

I am not sure whether that is best. I have doubt about it myself. My earnest desire is to see these men served. I want to suggest a criticism on the section as it is embodied in the bill. It undertakes to make these claims a lien, in case of failure of the roads, superior to all other liens. I do not see how that can be done. I do not see that Congress has any such power. Take the case of a railroad in a State beginning in the State and ending in the State with a State charter. Under its State charter it has issued bonds and mortgaged its property for those bonds and they have been sold. Subsequently it is consolidated in another line and enters into interstate commerce. What authority has Congress to divest those liens? What power has Congress to do it? I think it is a very dangerous proposition for Congress to be undertaking, under its interstate commerce power, to assume the authority to divest an existing lien, and I am exceedingly doubtful myself whether such an act could divest the lien.

Mr. WILLIAMS. I should like to ask the Senator from Georgia if his amendment contemplates striking out this part of section 16:

That the assignment of any cause of action arising under this act, or of any payments due or to become due under the provisions hereof, shall be void. Every liability and all payments due or to become due under this act shall be exempt from levy or sale for private debt.

Mr. SMITH of Georgia. Well, it would strike all of it out. I do not like to see it all stricken out, and yet I do think it ought to be qualified.

Mr. WILLIAMS. Why does not the Senator offer an amendment in reference to it instead of striking out this very excellent provision, which is for the protection of the laboring man?

Mr. SMITH of Georgia. I would answer the Senator that I simply did not have the time to perfect it.

Mr. WILLIAMS. It would not take five minutes.

Mr. SMITH of Georgia. I suggest that the Senator do it.

Mr. WILLIAMS. I do not want to do it; but if I wanted to modify it I would not strike out the two first provisions which make an exemption fund for the laboring man of these monthly payments so that they may not be taken from him, and so that the object of the bill, which is to give him support, may be accomplished.

Mr. SUTHERLAND. Mr. President, the provision to which the Senator from Georgia calls attention we had ourselves some doubt about, but in examining the State laws we found many statutes where the workman had been given a lien for his wages which was made superior to all other claims against the property, and those statutes seemed to have been sustained.

Mr. SMITH of Georgia. Were they sustained on statutes made subsequent to the mortgages executed?

Mr. SUTHERLAND. That is my understanding; on the same theory they sustained the mechanics' lien, although there was a mortgage upon the property. If the mechanic builds a house and adds that to the property, he has a lien for the material which he furnished upon the house. The workman who puts his work into the operations of the railroad has been instrumental in keeping it a going concern, and upon that theory, as I understand it, the statutes have been sustained. However, I frankly say to the Senator that it is a matter about which I am not entirely clear. What I was going to say finally was that if we can do it, it seems to me that we ought to do it.

Mr. SMITH of Georgia. I agree with the Senator about that, and if the Senator——

Mr. SUTHERLAND. The most that could happen to it would be for the court to say that it could not be given application as against existing mortgages. That would not affect the validity of the law in any respect. It would simply give it effect as applied to new mortgages or to new liens. Inasmuch as it will not endanger the law in any other respect, I think we had better leave it in and let the courts deal with it.

Mr. SMITH of Georgia. The trouble about that is that if it is not valid your whole system of long-time payments is objectionable. It is exceedingly dangerous to provide that the payments shall be monthly, drawn out through indefinite time, unless a lien can be given for the delayed payments.

Mr. SUTHERLAND. If the Senator will permit me, he will observe that in the bill we have provided that the findings of the adjuster shall go to the court and become automatically a judgment of the court.

The judgment, therefore, of the Federal court would become a lien upon the property within the county where the judgment was rendered and in any other county where it might be filed. Therefore the judgment would constitute a good lien against the railroad property and against all debts created after the time of the rendering of the judgment. That, I think, would afford a pretty fair protection for the payment of these claims. But, in addition to that, we put in this provision to strengthen it.

Mr. SMITH of Georgia. To make that judgment good, in nearly every section it must be carried to the various counties and recorded. It seemed to me that the bill had not gone far enough to take care of the rights of the parties as to the monthly payments, that it had not sufficiently safeguarded their rights against possible future financial trouble on the part of the companies, and it was for that reason I suggested the elective privilege of lump-sum payments, doubting myself the wisdom of the lump-sum payments and yet objecting to leaving the plaintiffs with no protection indefinitely, doubting very seriously whether the provision with reference to prior liens would be effective.

Now, there is one other criticism upon section 16 that I wish to make. What power has this employee to base an employment of his doctor on? How can he obtain the services of a doctor? At least this provision should be amended to allow him to subject his recovery to the proved expenses of his trial. You leave him nothing to borrow a cent on. You leave him nothing to send for witnesses on. When he sends for his witness he has to pay his railroad fare and his per diem to get him. You leave him helpless to litigate by providing that what he gets can not be subjected to any kind of lien; there ought to be some provision of modification that will facilitate his protecting his rights. You just leave him absolutely helpless in front of the adjuster and the claim agent so far as financial resources for litigation are concerned.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Dakota?

Mr. SMITH of Georgia. Yes.

Mr. CRAWFORD. This situation appears to be one which can arise only in case the railway company is insolvent.

Mr. SMITH of Georgia. Not at all. What I am discussing now——

Mr. CRAWFORD. I mean the one making these allowances a first lien.

Mr. SMITH of Georgia. I have passed from that. I was discussing another provision.

Mr. CRAWFORD. Perhaps I am breaking in at the wrong place. I thought that was still being considered. I had been studying it.

Mr. ROOT. May I ask what has become of the amendment?

Mr. SMITH of Georgia. It is simply here. I am discussing it.

Mr. ROOT. I mean what has become of the proposed amendment relating to the lien.

Mr. CRAWFORD. Has it been laid over?

Mr. SMITH of Georgia. I have not formally introduced any of these amendments. I am reading them for information and discussion.

The PRESIDING OFFICER. The Senator from Georgia did not offer it.

Mr. SMITH of Georgia. As I read some that met the approval of the Senator from Utah, we have agreed on them and passed others.

Mr. ROOT. May I ask the Senator whether it is his purpose to introduce any further amendments this afternoon?

Mr. SMITH of Georgia. Yes.

Mr. ROOT. And ask for a vote on them?

Mr. SMITH of Georgia. I can not tell about that.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Dakota?

Mr. SMITH of Georgia. I do.

Mr. CRAWFORD. What objection has the Senator to acting upon proposed amendments such as this one?

Mr. SMITH of Georgia. They are not offered yet. I should desire to discuss them all.

Mr. CRAWFORD. And then offer them later.

Mr. SMITH of Georgia. Offer them from time to time as I think the most judicious time develops.

Mr. CRAWFORD. I was going to suggest to the Senator that we could vote more intelligently, it seems to me, on an amendment after the discussion relating to that particular

amendment had closed. If we take them en bloc we may have a great deal of confusion.

Mr. SMITH of Georgia. We will try to take them up again and relieve the Senator from that embarrassment on Monday, or we might possibly reach one that we think it desirable to bring to a vote before then.

I propose to amend section 20 by striking out, in lines 19, 20, and 21, the following words: "No employee's wages shall be considered to be more than $100 a month."

We insist that provision should be stricken out; that the arbitrary provision that no employee may be regarded as making over a hundred dollars a month is utterly inexcusable. We insist that if an engineer is making $200 a month or $250 a month he should be treated as making that, and for the Senate to pass a bill arbitrarily cutting a man's estimated pay to a hundred dollars a month, although it may be two and a half times that much, can find no logic for its defense. That amendment I shall certainly press, and I hope Senators will give us a "yea-and-nay" vote on it. I trust Senators will strike that particular provision from this bill.

I propose to amend section 21, line 14, by striking out the words "for a period of eight years," and add in line 15, after the word "death," the words "during the life expectancy of the deceased."

Senators will at once see what is the object of that amendment. It is simply that we deny the propriety of limiting the meager compensation the widow is to receive to eight years. No defense can be made of the proposition to cut her off in that way. If she remarries, of course, she loses it, and if she dies she loses it. The committee had the statistics before them that the average widowhood of the widows of deceased railroad employees was 15 years, and yet they cut down the time that they give such widows the paltry part of their husband's earnings to eight years, and they cut off the children at 16. I was astonished when on yesterday Senators declined to increase that age period in the case of the children.

I desire to urge upon the Senate that this bill does not fully compensate or justly recognize the rights of the widows of these men; that when it arbitrarily provides that $100 shall be considered the limit of the salary and then arbitrarily provides that the widow shall not have more than 40 per cent of that, and not have it for more than eight years, and seeks to wipe out her present rights, it can not be defended. And the million eight hundred thousand railroad men will rise and protest against it. They ought to do so; they ought to make themselves heard in protest against such treatment.

I propose to amend section 21, on page 30, in lines 17, 18, 21, and 22, by striking out the word "sixteen" and inserting "twenty-one," and on page 31, line 16, by striking out the words "for the unexpired part of the period of eight years." That amendment provides that the time children shall receive compensation for the death of their fathers shall not be 16 years, but 21 years. Why not? The law gives them far more now.

You can not magnify the idea of taking care of those whose own negligence is the sole cause of accident and mislead the people who are interested in this measure. They will come back to you and say, "If, in the kindness of the legislators, those who are injured exclusively by their own negligence are to be cared for, do not take the money, two or three times over, out of the pockets and out of the rights of those who have been injured when free from fault." We will urge upon the Senate the amendment striking out the age limit at 16 and putting it at 21.

I propose to move to amend, on page 34, lines 5 and 6, by striking out "50 per centum," so as to read: "Where permanent total disability results from any injury there shall be paid to the injured employee the monthly wages of such employee during the remainder of his life."

Why not? Later on in this bill I propose to offer an amendment providing that compensation here suggested shall only go to those employees who are injured without fault on their part, but that the compensation of those injured through their own fault shall be the amount provided in the pending bill; but I shall seek to amend the pending bill so as to provide that the employee injured without his fault through the negligence of the corporation shall have preserved to him at least the financial compensation to which he is now entitled under the employers' liability act. I do not ask that he shall have compensation for his pain and suffering and deformity, but I do insist—and that is the effect of this amendment—that the employee who is injured by the negligence of the defendant railroad company shall receive the compensation that he now gets, so far as his financial loss is concerned, though not, I repeat, for his pain and suffering and deformity. I ask that his compensation shall be proportioned to the income that he was making; that is, if his total disability is brought about by an accident, then his compensation shall be his monthly wages during the total disability; and if that total disability is permanent, then that it shall be during his life; and if it is temporary, then that it shall be while the disability lasts. That amendment I shall ask you to vote upon.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. Certainly.

Mr. SUTHERLAND. Several Senators have been to me and suggested that they are weary, that it is Saturday afternoon, and that we ought to take a recess until Monday morning. I was going to suggest to the Senator from Georgia, if it would be agreeable to him, that we can meet at an earlier hour than has heretofore been suggested.

Mr. SMITH of Georgia. I should like to press these proposed amendments just a little further, and then I shall be ready to agree to a recess. I want it known that there are issues between us; I want the issues to be known, and I want them in the CONGRESSIONAL RECORD.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Dakota?

Mr. SMITH of Georgia. Yes; for a question, but for nothing else.

Mr. CRAWFORD. That is what I want. I want to find out what this issue is. Do I understand the Senator correctly in this, that he wants to preserve all the old distinctions between the men who sustained injuries in line of duty, but who are chargeable with negligence, and those who are not negligent? Does he wish to preserve that old distinction and the old distinctions relating to fellow servants?

Mr. SMITH of Georgia. Certainly not; I think they were barbarous.

Mr. CRAWFORD. Very well. Where are you going to draw the line between the men for whom you want to preserve the right to recover damages, as they have it under the old conditions, and limit others to the rights and benefits of this act?

Mr. SMITH of Georgia. I can answer the Senator easily. I want to preserve to every man the rights he has at common law and under the employers' liability act.

Mr. CRAWFORD. Under the employers' liability act?

Mr. SMITH of Georgia. Yes.

Mr. CRAWFORD. That is the act of 1908.

Mr. SMITH of Georgia. Precisely. I want to preserve for the employees what they now have, and I want whatever else you do to be something more for them without taking from them what they now have.

Mr. CRAWFORD. You will still have a class of worthy men who go out maimed, halt, blind, and some of them to their deaths, who can not be helped under the employers' liability act of 1908, and who are absolutely remediless at common law or under the laws of the several States. The Senator from Georgia would give that class, which is very large in number and very worthy, the benefit of this bill, but, of course, they would be denied any other benefit?

Mr. SMITH of Georgia. That is true.

Mr. CRAWFORD. And he wishes to reserve these additional benefits for the more fortunate class who might otherwise come in under the act of 1908 or under the old rules pertaining to negligence?

Mr. SMITH of Georgia. I will answer the Senator.

Mr. CRAWFORD. Do I understand that that is the Senator's position?

Mr. SMITH of Georgia. Partly so and partly not. I can make it very clear to the Senator, clearer than his question would indicate. I believe in the employers' liability act; I think it is a righteous law. I think the line of decisions following Priestly *v.* Fowler were court-made law to a large extent, built on precedents and at the sacrifice of human rights and human blood. I think that the Congress has wisely passed the employers' liability act. I want to leave to the men their rights both at common law and under the employers' liability act as they stand, and I am willing to join the Senator in giving the benefits of the meager pay that is offered in this bill to the men who heretofore have not been provided for; but I am not willing for you to take care of the men who have not heretofore been provided for by taking $2 out of the pockets and from the rights of the men heretofore provided for for every dollar which I believe this act will give to the men who have not been heretofore provided for.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. Yes.

Mr. SUTHERLAND. One theory—I will not undertake to state the whole argument in favor of this proposition—but one theory upon which it is based is this——

Mr. SMITH of Georgia. One moment. I do not want to take the time of the Senate longer than 6 o'clock, and I am anxious to put in the remainder of my amendments before that time.

Mr. SUTHERLAND. I wanted to get the Senator's view of this matter. It will take but a moment to state what I have in mind.

Mr. SMITH of Georgia. Very well.

Mr. SUTHERLAND. We are not dealing with cases that have already occurred; we are dealing with cases that will occur in the future. The effect of a law of this kind is to say to the employer, "There will be accidents happen to your employees in the future. It can not be told in advance whether those accidents will occur in such manner that you will be liable for a large amount of damages or that you will be liable for nothing. Now, we will say in advance to you, no matter how this accident occurs, whether under circumstances that you will be liable or under circumstances that you will not, we will compel you to pay what we regard as a fair proportion of the loss." Then we say to the employee, "You are going to be injured in the future, but it can not be told whether you will be injured under such circumstances that you can recover a large verdict or that you can recover nothing, and we say to you in advance, no matter how this accident may occur we will guarantee you a certain definite sum of money."

It seems to me that that presents a logical and sensible basis for a law and presents a basis upon which the Supreme Court would hold the law to be constitutional, but where the Senator proposes to provide in his amendment that the master or the employer shall continue to be liable for his negligence and superadd to that a liability in every case where he is not liable for negligence you propose a law that the Supreme Court would not fail to declare to be unconstitutional.

Mr. SMITH of Georgia. I do not think the Senator from Utah believes that if this bill were made cumulative, without being made the sole remedy, it would be unconstitutional or that it would affect its constitutionality at all.

Mr. SUTHERLAND. Mr. President, I do think that it would affect its constitutionality. That is the precise law that was involved in the Ives case in New York, a case which I think has been somewhat misunderstood, but that was the precise law which the Court of Appeals of New York held to be unconstitutional.

Mr. SMITH of Georgia. I do not think there is any trouble about that; not the slightest.

What are they undertaking to do upon this bill? The Senator says they propose in the future to hold out to the injured employees certain compensation. Let us scan it a little. That compensation is not based on what they make; it does not recognize what each man is earning; it undertakes arbitrarily to cut the salaries of many of them in half; and then it undertakes to cut that half in two. They undertake to do it with no statistics and no information as to what the men get now. They do it arbitrarily at a time when the men are beginning to receive the benefits from the most beneficent act that was ever passed. They do it in a way that can have but one effect, and that is to serve the railroad companies, the defendants.

I deny the right or the wisdom of wiping out the present laws and giving such a meager, trifling substitute to the men. Therefore I urge that if you take from the employees who are hurt without negligence all compensation for pain and suffering and deformity you have taken one-third from them. It is as little as you should do to leave them with provision made to pay their actual financial loss. As to the others, those who are injured as the result of contributory negligence, one-half the sum you give could be agreed on; but to take the man who was free from negligence and who was making, perhaps, $250 a month, and who was injured exclusively by the negligence of the defendant, and arbitrarily cut his salary to a hundred dollars, say you will not recognize him as making but two-fifths of what he was making; then arbitrarily say you will pay him but one-half of that two-fifths, or one-fifth of what he was making before; and then arbitrarily say, when you injure him for life by cutting off his arm or leg, that you will not pay except for a few months that paltry $50, only a little over a year's compensation in all, is treatment you can not defend. You can not defend it on the theory that you want a contribution to take care of the negligent; you can not defend it on the theory that perhaps he might have been injured when he was negligent. He might well say to you, "Suppose I was; you give me but a year's salary, and I would rather risk that." You have not put enough in it; you have made it narrower and closer and harder than the law found in England or in Germany.

I criticize the plan of compensation provided by this bill for those permanently disabled to a partial extent. If a man has lost his arm, his damage is for life, not for a few months, and he should receive compensation for life. What is he to do after the few months pass?

That is not the plan upon which you handle pensions. Take your pension laws, which I brought here to call to your attention. You give a hundred dollars to a man who has lost two hands or two feet. You give him from $50 to $75 for smaller injuries. You go through the whole list of injuries, and the compensation is for life. Why should a permanent injury, although only partial in its extent, not be compensated for for life? If the arm is gone for life, if the leg is gone for life, the theory of this bill, which compensates for a few months and stops, is unsound. The true rule should be to determine what percentage shall be allowed for the extent of the injury, and carry that through life.

What is he to do at the end of a few months? This bill was to have been rushed through the Senate in a day and it would have been rushed through in less than a day had not some of us felt that attention should be called to it. You will still rush it through about 30 days after the committee reported on it. Great matters of this kind are usually allowed to lie upon the desk for the fullest consideration. Why are the Senators unwilling for it to go over until December? Are they afraid it will weaken as it is publicly examined? Are they afraid it will break down in front of public criticism?

I hope it will not be passed across the Hall. I hope that, even if the Senate decides to pass it, it will not be concluded before next December. If it is to be postponed until next December, why would it not be wise to keep it here and let us consider it until next December, too? I do not believe it can possibly be rushed through in the other House, although I do not know. It is a violation of the rules of this body to surmise what the other House will do, and I suppose I should withdraw the surmise.

This bill, amended as I suggested, would provide that where a partial permanent disability takes place it would give compensation through life. I suggest that an amount equal to 50 per cent of his wages shall be paid to the injured employee for the balance of his life in the following instances:

The loss by separation of arm at or above the elbow joint or the permanent and complete loss of use of one arm.

The loss by separation of one hand at or above the wrist joint or the permanent and complete loss of the use of one hand.

The loss by separation of one leg at or above the knee joint or the permanent and complete loss of the use of one leg.

Then, further down, I suggest smaller percentages of compensation, but I carry the percentages through life where the partial injury is one which will run through life. The bill as now framed will only compensate to the extent of a small amount each month for a few months for these injuries.

Mr. President, I have brought these amendments now to the attention of the Senate, if not to the attention of Senators, and I trust somewhat, through the splendid opportunity that this forum furnishes, to those outside of the Senate. As I stated at the outset, I have never had any thought of undertaking anything like an obstruction of legislation in the sense of an effort to continuously prevent a vote; but I have all the way through contemplated, if it was necessary to obtain just a few days' hearing, to waste some time, if compelled to waste it. However, I am glad to say that what I feared would be a situation that might force us to that course has not existed. I have finished all that I wish to say at this time.

Mr. SUTHERLAND. I ask that the bill be reprinted, showing the amendments thus far adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Georgia. I should like to ask also that the amendments offered by me be reprinted. There is an error on the first page, and the edition is exhausted.

RETIRED SOLDIERS (S. DOC. 642).

The PRESIDING OFFICER (Mr. GALLINGER) laid before the Senate a communication from the Secretary of War, transmitting a petition from sundry retired officers requesting that

the provisions of Senate bill 2605, Sixty-second Congress, first session, be extended so as to include retired soldiers with creditable Civil War service, which, with accompanying paper, was referred to the Committee on Naval Affairs and ordered to be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 23774) providing an appropriation to check the inroads of the Missouri River in Dakota County, Nebr.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented a petition of the congregation of the Swedish Temperance Church of Worcester, Mass., and a petition of the congregation of the Swedish Methodist Episcopal Church, of Gardner, Mass., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. SANDERS presented petitions of sundry citizens of Selmer, Tenn., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. LODGE presented memorials of the Massachusetts Cotton Mills, the Boston Manufacturing Co., the Whittenton Manufacturing Co., the Salmon Falls Manufacturing Co., and the Pacific Mills, all in New England, and the memorial of Stephen M. Weld and sundry other citizens of Boston, Mass., remonstrating against the adoption of the Covington amendment to the Panama Canal bill, which were referred to the Committee on Interoceanic Canals.

Mr. CLAPP presented a memorial of members of Group 81, Polish National Alliance of the United States of North America, of Duluth, Minn., remonstrating against the enactment of legislation to restrict immigration, which was referred to the Committee on Immigration.

Mr. PENROSE presented a petition of the Philanthropic Committee of the Philadelphia Yearly Meeting of Friends, of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Lampeter Branch of the Lancaster County Farmers' Association, of Pennsylvania, praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE. I present resolutions adopted by the General Assembly of the State of Rhode Island, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

STATE OF RHODE ISLAND, ETC.,
IN GENERAL ASSEMBLY,
January Session, A. D. 1912.

Resolution requesting the Congress of the United States to pass such laws, rules, and regulations concerning the navigation of vessels engaged in international and coastwise trade as will safeguard and protect the lives and property of passengers and crews, and for the equipment of such vessels and steamers with sufficient and adequate boats, rafts, and appliances.

Whereas it has come to the attention of this body that on the 15th day of April, A. D. 1912, more than 1,500 lives were destroyed by the disastrous collision of the steamship *Titanic*, while proceeding to the port of New York; and

Whereas it further appears to this body that the existing laws, rules, and regulations concerning and appertaining to the navigation of vessels and steamers while engaged in the transportation of passengers between international and coastwise ports are inefficient for the protection and preservation of the life and property of the passengers and crews thereof; and

Whereas it appears to this body that the existing laws, rules, and regulations concerning and appertaining to the equipment of vessels with boats, rafts, and other appliances and apparatus for the protection and preservation of the lives and property of the passengers and crews while engaged in the transportation of passengers between international and coastwise ports are wholly inadequate and inefficient; and

Whereas it appears to this body that many vessels and steamers at present engaged in international and coastwise trade are being so navigated as to endanger the lives of the passengers and crews thereof, and that they are insufficiently and inadequately equipped and provided with boats, rafts, or other apparatus and appliances for the safety and protection of the passengers and crews in case of accident, collision, or other disaster: Therefore be it

Resolved, That the Congress of the United States of America be, and it is hereby, requested to take such immediate action as in its judgment it may deem fit and proper to the end that efficient laws, rules, and regulations concerning the navigation of vessels engaged in international and coastwise trade be passed and adopted as will safeguard and protect the lives and property of passengers and crews thereof, and to the further end that all such vessels and steamers be equipped with sufficient and adequate boats, rafts, and other apparatus and appliances for the safety, protection, and preservation of the passengers and crews thereof; therefore be it further

Resolved, That the Senators and Representatives from this State in Congress now assembled be and they are requested to use their utmost efforts to the end aforesaid, and that a copy of this resolution be sent to each of them forthwith.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, May 3, 1912.

I hereby certify the foregoing to be a true copy of the original resolution approved by his excellency the governor on the 29th day of April, A. D. 1912.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the date first above written.

[SEAL.] J. FRED PARKER,
Secretary of State.

Mr. ASHURST. I present a number of telegrams in the nature of memorials, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

BISBEE, ARIZ., *May 2, 1912.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

Owen medical bill is dangerous, for the reason that it is an opening wedge to the establishment of governmental medicine, which is equally as bad as governmental religion. I pray that you will please change your campaign promise and vote against the bill.

JOHN J. PATTON.

—

BISBEE, ARIZ., *May 2, 1912.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

Please ignore your preelection pledge and vote against the Owen medical bill, as it is an opening wedge for governmental medicine, which is as dangerous as governmental religion. In this land let us have "freedom ring."

MABEL BROSTROM.

—

BISBEE, ARIZ., *May 2, 1912.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

Hope you see the injustice. Owen bill restricting the rights of mental freedom. We should have our liberty to choose medically as well as religiously. This bill is an encroachment on the sacred rights of the people. Trust you will do all in your power to defeat this bill.

LEVINA DOHERTY.

—

PRESCOTT, ARIZ., *May 2–3, 1912.*

Hon. HENRY F. ASHURST,
United States Senate Chamber, Washington, D. C.:

We believe the Owen bill to be pernicious and against the public interests, and we ask you to work and vote against its passage.

H. H. Bilies, W. W. Elliott, M. T. Tribby, E. A. Kastner, Geo. Bentson, D. W. Russell, H. W. Heap, C. H. McLane, J. B. Regers, M. E. Spaulding, John Lawler, T. J. Nolan, Anton Schneider, H. Brinkmeyer, Thos. J. Crowl, Ed. W. Wells, W. T. Hargrove, D. J. Sullivan, J. W. Hobbs, B. Tilton, A. J. Head.

—

WILLCOX, ARIZ., *May 2, 1912.*

HENRY F. ASHURST,
United States Senate, Washington, D. C.:

We ask you to vote against the Owen bill.

Mrs. Wm. M. Riggs, Mrs. Jas. J. Riggs, Mrs. Wm. A. Stark, Mrs. Gus. L. Moore, Mrs. Theo. Waughtel, Mrs. Ed. Riggs, Harvey Amalong, Mrs. B. G. Hines, Mrs. Kate Gardner, Miss Georgia Gardner, Mrs. Lucinda Soule.

—

TUCSON, ARIZ., *May 2–3, 1912.*

Senator H. ASHURST,
Washington, D. C.:

Your attention to vote medical bill in Arizona Senate of 12 to 2 in favor medical freedom. Think as American citizens are entitled to as much freedom in religious matters as in medical. Hope you can see your way clear to help defeat the Owen bill.

W. S. EDWARDS.

—

WILCOX, ARIZ., *May 2–3, 1912.*

Senator HENRY F. ASHURST,
Washington, D. C.:

We, the undersigned free-born American citizens of the United States, emphatically protest against the passage of any such un-American measure as the Owen bill now before Congress, and feel that we should request our Senators to assist in killing the bill.

E. A. ELY.
W. I. CRAWFORD.
GEO. A. HANMORE.
W. KALT RELEUX.
T. F. MERRILL.
S. N. KEMP.
MRS. G. S. RICABY.
H. A. MORGAN.

—

BISBEE, ARIZ., *May 2, 1912.*

Hon. H. F. ASHURST,
United States Senate, Washington, D. C.:

The Owen medical bill is dangerous because it is the opening wedge to governmental medicine, which is as wrong as governmental religion. Please ignore your preelection pledge and vote against the bill.

J. G. PRITCHARD.

BISBEE, ARIZ., *May 2, 1912.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

I understand you pledged yourself during the campaign to support the Owen medical bill. If this is so, please reconsider before voting. The bill is dangerous because it is designed as an entering wedge to establish governmental medicine, which would be as unconstitutional as governmental religion.

BRUCE PERLEY.

TUCSON, ARIZ., *May 3, 1912.*

HENRY F. ASHURST,
United States Senate, Washington, D. C.:

Myself and family believe in Christian Science and are opposed to the provisions of the Owen bill, whereby we will be prohibited from practicing the tenets of our belief. We think it is against the spirit of our institutions and earnestly ask your assistance in defeating it.

Mrs. S. H. DRACHMAN.

Mr. ASHURST presented petitions of sundry citizens of Tempe, Mesa, and Camp Verde, all in the State of Arizona, praying for the adoption of an amendment to the mining laws making valid all oil locations without the necessity of discovery of oil prior to location, which were referred to the Committee on Mines and Mining.

Mr. POINDEXTER presented a petition of members of Pend Oreille Grange, Patrons of Husbandry, of Newport, Wash., praying for the establishment of a governmental postal express, which was referred to the Committee on Post Offices and Post Roads.

He also presented telegrams in the nature of memorials from B. H. Hotchkin, of Wenatchee; George N. Tuesley, of North Yakima; O. D. Sterling, of Walla Walla; Dr. J. E. Lydon, of Spokane; W. T. Thomas, of Tacoma; H. W. Newton, of Spokane; C. S. Jackson, of Aberdeen; J. W. Hodge, of Aberdeen; Mrs. Max Baumeister, of Walla Walla; J. A. Hood, J. J. Carney, F. W. Loomis, John B. Orlorn, and J. E. Anderson, of Aberdeen; Margaret Center, of Walla Walla; J. A. Marmaduke, of Seattle; Caryll T. Smith and sundry other citizens of Aberdeen; N. C. Wilson, of Walla Walla; and of sundry citizens of Seattle, all in the State of Washington, remonstrating against the passage of the so-called Owen medical bill, which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Unions, of Cashmere, Prescott, and Waitsburg, all in the State of Washington, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULLOM:

A bill (S. 6685) granting a pension to Sara Sibree Bornemann (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 6686) authorizing the Secretary of the Interior to permit exchanges of lands of Osage allottees, and for other purposes; to the Committee on Indian Affairs.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following joint resolution:

On April 30, 1912:

S. J. Res. 102. Joint resolution relative to the rebuilding of certain levees on the Mississippi River and its tributaries.

AGRICULTURAL APPROPRIATION BILL.

Mr. BURNHAM. I desire to give notice that on Tuesday next, at the conclusion of the routine morning business or as soon thereafter as there may be an opportunity, I shall ask the Senate to proceed to the consideration of the bill known as the agricultural appropriation bill, being House bill 18960.

RECESS.

Mr. SUTHERLAND. I move that the Senate now take a recess until the calendar day of Monday at 11.50 o'clock a. m.

Mr. REED. I thought the Senator was going to make the hour of meeting earlier than that.

Mr. SMITH of Georgia. Say, 11 o'clock.

Mr. REED. It will take a long time to discuss the long amendments.

Mr. SUTHERLAND. Very well; I will change it to the hour of 11 o'clock.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah that the Senate now take a recess until 11 o'clock on Monday morning.

The motion was agreed to, and (at 5 o'clock and 50 minutes p. m., Saturday, May 4) the Senate took a recess until Monday, May 6, 1912, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 4, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal and ever-living God, our heavenly Father, we bless Thee for that deep and hidden spring within, which is ever urging us onward and upward to the heights of spiritual glory. That something, strange and mysterious, which will not be satisfied with less than the best make us tractable to the holy influence. That our light may so shine before men that they may see our good works and glorify our Father in heaven. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

DAMS ACROSS THE SAVANNAH RIVER.

Mr. ADAMSON. Mr. Speaker, I ask the Speaker to lay before the House Senate bill 5930, an act extending the time for the completion of dams across the Savannah River, granted by act approved February 29, 1908, a House bill for the same purpose being on the calendar, reported from the House Committee on Interstate and Foreign Commerce.

The SPEAKER. The Chair lays before the House the bill (S. 5930) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908.

Mr. MANN. Is this the same bill as the bill reported to the House?

Mr. ADAMSON. It is, with a slight difference, which I want to correct by an amendment. It is for the same purpose.

Mr. MANN. What is the difference?

Mr. ADAMSON. The Senate bill requires the completion in conformity with the act of June 23, 1910. The House bill did not contain that provision, but the report sets out the reasons why it was not so amended as recommended by the War Department. The only difference is that we would like to exempt it from the second proviso in section 4 of the act of June 23, 1910, by reason of the expenditure of money heretofore made in reliance upon the original grant of consent.

Mr. MANN. I submit, Mr. Speaker, that where a Senate bill is taken from the Speaker's table because it is substantially the same as the House bill already reported, it must be substantially similar, otherwise the Members of the House can not tell what they are voting upon.

The SPEAKER. That is undoubtedly the rule, as stated by the gentleman from Illinois.

Mr. MANN. Certainly bills are not substantially similar where one bill provides for 50 years' franchise and another bill for an unlimited franchise.

The SPEAKER. The Chair thinks that is correct.

Mr. ADAMSON. The bills are for the same purpose.

The SPEAKER. It makes no difference if they are for the same purpose, if they are not substantially the same. If objection is made, the bill will have to be referred to the Committee on Interstate and Foreign Commerce.

Mr. MANN. I will not object, Mr. Speaker.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 6, page 3, after the word "six," insert:

"Excepting the second proviso in section 4 of the said act of June 23, 1910, that the authority granted shall terminate at the end of a period not to exceed 50 years. This extension of time is exempted from that proviso by reason of the expenditures of money heretofore made in reliance upon the original grant of consent."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar bill (H. R. 22092) to extend the time of the Twin City Power Co. for the completion of a dam across the Savannah River was laid on the table.

INDEPENDENT GOVERNMENT FOR THE PHILIPPINES.

Mr. GARRETT. Mr. Speaker, I have a request for unanimous consent, which I have reduced to writing and will ask to have the Clerk read.

The Clerk read as follows:

I ask unanimous consent that the bill (H. R. 22143) to establish a qualified independent government for the Philippines, and to fix the date when such qualified independence shall become absolute and com-

plete, and for other purposes, and also House joint resolution 278, to authorize the President of the United States to secure the neutralization of the Philippine Islands and the recognition of their independence by international agreement, which bill and resolution have been favorably reported by the Committee on Insular Affairs and are now upon the calendar, shall have the same status as privileged reports of committees provided for in the first section of paragraph 56 of Rule XI; and that in the consideration thereof in Committee of the Whole House on the state of the Union general debate shall be confined to their subject matter and matters relating thereto. General debate upon the two propositions shall be limited to 30 hours, one-half of same to be controlled by the gentleman from Virginia [Mr. JONES] and one-half by the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. MANN. Mr. Speaker, reserving the right to object, I did not catch the latter part of the reading.

Mr. GARRETT. As to the amount of time and division of time? It fixes the amount of time at 30 hours, 15 hours on a side on the two propositions.

Mr. MANN. Is it the idea of the gentleman to have these bills made practically continuing orders, subject to the consideration of appropriation bills and other privileged matters, or to come in ahead of appropriation bills?

Mr. GARRETT. Mr. Speaker, there is no intention of displacing the business of the House with the consideration of this resolution any more than is proper. It will be a matter of agreement and arrangement between the chairmen of the various committees and the Speaker and other gentlemen of the House.

Mr. MANN. Yes; but we met this situation the other day: The gentleman from Georgia [Mr. ADAMSON] had the Panama toll bill made privileged. Thereupon he intended to call it up ahead of the legislative appropriation bill and had very strong equities in his favor, and now is promised that it will come up ahead of the naval appropriation bill, the sundry civil bill, and the general deficiency bill. Does not the gentleman think that his request ought to be subject to the consideration of appropriation bills, so that there will be no conflict in the House between the chairmen of the different committees endeavoring to get the Chair to recognize one or the other?

Mr. FITZGERALD. If the gentleman will permit me, I have a provision that I shall ask to have inserted in the gentleman's request, or I shall be forced to object; providing that general appropriation bills shall at all times have preference over the bill and resolution herein mentioned. It is very embarrassing to those in charge of appropriation bills, as well as to the Speaker, to attempt to keep track of business that may be made privileged, unless closer contact can be had, because of the work that engrosses Members who are preparing bills, and inadvertently causes misunderstandings to arise. If this provision be adopted no misunderstanding can arise.

The SPEAKER. The Chair will state to the House that there are two special orders in force now. One of them will only take one day; that is, the next legislative day after the consideration of the legislative bill is ended, excluding Wednesday and the first and third Mondays, is to be devoted to business on the Private Calendar. The other is the one the gentleman from Illinois referred to, the Panama Canal toll bill. That is a standing order.

Mr. GARRETT. Mr. Speaker, I want to make this statement as the reason for asking to have this done in this way. Of course it could be done by a rule. A rule can be brought in, and if the House chooses to pass it, it will make it in order at any time

But it was thought best after a conference between the majority and minority members of the Committee on Insular Affairs to try to do it in this way, in the belief that it would interfere less with the business of the House. If we brought in a rule, it would be almost impossible to know in advance what time to fix. I think under this plan there will be a better opportunity for gentlemen to prepare themselves for debate, and there will be better opportunities for Members to know when the bill will be likely to come up than if we resorted to the other method.

Mr. MANN. The old practice, which I think was better, was to make a bill like this a continuing order, subject to appropriation bills and other privileged matters before the House, so that when other privileged matters were to come up the bill would not be in order, but when we did not have other privileged matters in order the bill would be a continuing order.

Mr. SHERLEY. Mr. Speaker, I have never been a believer in tying the hands of the House in advance. There are a number of bills that, in my judgment, are as much—and perhaps more—desirable to be considered than the bill now being presented for special privilege. Believing that, and realizing the time of year, the situation of the calendar generally, and the need of putting appropriation bills through, I shall take upon myself the burden of objecting to unanimous consent.

The SPEAKER. The gentleman from Kentucky objects.

NAVAL EXPENDITURES.

Mr. PADGETT. Mr. Speaker, I desire to call up a privileged resolution from the Committee on Naval Affairs.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 363.

Whereas it was provided by an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes," approved March 4, 1911, that certain sums should be expended only upon certain terms and conditions, namely:

First. For "Increase of the Navy; torpedo boats: On account of submarine torpedo boats and subsurface destroyers, heretofore authorized, $890,833.88: *Provided*, That no part of this appropriation shall be expended for the construction of any boat by any person, firm, or corporation which has not at the time of the commencement and during the construction of said vessels established an eight-hour workday for all employees, laborers, mechanics engaged in doing the work for which this appropriation is made: *Provided*, That this limitation shall not apply to payments to be made upon vessels authorized prior to the approval of this act."

Second. It was further provided that "The total increase of the Navy, $26,005,547.67." * * * "*Provided*, That no part of any sum herein appropriated shall be expended for the purchase of structural steel, ship plates, armor, armament, or machinery from any persons, firms, or corporations who have combined or conspired to monopolize the interstate or foreign commerce or trade of the United States, or the commerce or trade between the States and any Territory or the District of Columbia, in any of the articles aforesaid, and no purchase of structural steel, ship plates, or machinery shall be made at a price in excess of a reasonable profit above the actual cost of manufacture. But this limitation shall in no case apply to any existing contract."

Resolved, That the Secretary of the Navy be, and he is hereby, directed, if not incompatible with the public interest, to report to the House of Representatives, for its information, what sums appropriated in said act have been expended for ships, torpedo boats, armor or armament, ship plates, structural steel, or machinery, and what amount, if any, has been paid for said torpedo boats or their armament, or for any supplies, munitions of war, or other articles or things provided for in said act, to the United States Steel Corporation, or any subsidiary company of said corporation, and if any such purchase has been made, whether before or after the 27th day of October, 1911.

And the Secretary of the Navy is further directed to report whether the Navy Department has received bids or entered into any contract agreement or understanding, whether oral or written, for the purchase of armor or armor plate, structural steel, ship plates, machinery, or other article or thing provided for in said act with said United States Steel Corporation, or any subsidiary company thereof, and whether such contract or agreement, if made, was entered into before or after said 27th day of October, 1911.

If any such purchases have been made, bids received, or contracts entered into with said United States Steel Corporation, or any subsidiary company thereof, the Secretary of the Navy is directed to report to the House of Representatives, for its information, all the facts and circumstances within the knowledge of the Navy Department under which any such purchases may have been made, bids received, or contracts, understandings, or agreements negotiated or entered into.

The committee amendment was read, as follows:

Strike out all after the word "resolved," in line 1, page 2, and insert the following:

"That the Secretary of the Navy be, and he hereby is, directed to report to the House of Representatives, for its information, a full statement and complete list of all bids received, contracts made, and moneys expended, giving the names of all persons, firms, or corporations submitting bids or with whom contracts were made, together with the dates and amounts of each bid submitted and contract entered into, under the provisions of the paragraphs 'Increase of the Navy; torpedo boats' and 'Increase of the Navy; armor and armament,' of the act entitled 'An act making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes,' approved March 4, 1911."

Mr. PADGETT. Mr. Speaker, I desire to yield to the gentleman from Kentucky [Mr. STANLEY], the author of the resolution.

Mr. STANLEY. Mr. Speaker, the real menace to the prosperity of the people and the maintenance and security of this Government is within and not without our borders. There is no probability that an "army with banners" will in the near future cross our borders or that a hostile fleet will threaten the cities by the sea.

We are face to face with the menace of monopoly. It is farcical for this Government to attempt to foster and restrain monopoly at the same time. If we are to-day unable to build battleships without paying an excessive price to an Armor-Plate Trust, operating in open violation of law, and without the necessity of having high officials either close their eyes to such violation of law or connive at it, then we should start now upon the construction of a sufficient plant to make our own armor plate. The frauds which have hitherto been perpetrated should warn us that we can not expect these concerns to manufacture armor of such quality as to stand the tests which they have so often evaded or to supply this armor at a reasonable price.

If the makers of armor are sufficiently powerful to force officials to shut their eyes to an unlawful combination, even now arraigned by the Department of Justice, they may be powerful enough to force those same officials to close their eyes to the inferiority and defects in that same armor plate. Both the majesty of the law, the security of the thousands of brave men, and the future dominance of the flag upon the sea demand the passage of this resolution. Every Secretary of the Navy who

has investigated this question in the last 20 years has found that an Armor-Plate Trust did exist even before the formation of the gigantic combinations in the steel business which now exist were ever formed, before the United States Steel Corporation and the International Harvester Co. were ever dreamed of.

If isolated concerns, competing in other respects, were enabled in the past repeatedly and successfully to sell to this Government faulty and inefficient armor, attached to the ships by weak and treacherous bolts, and if they were able, as has been demonstrated, to induce their employees and others to supply false and worthless tests to such armor and fastenings, although they knew the lives of brave men and the honor and security of their country were imperiled by their pitiless and criminal cupidity, and enabled to form combinations and to make agreements international in their scope, by which this worthless armor and its treacherous fastenings were sold to this and other Governments, may we not reasonably apprehend that great combinations, which are now charged by the Department of Justice with the gravest offenses and the most extensive and pernicious combinations in restraint of trade in violation of the law, will not at this time overlook this hitherto fertile field for exploitation and extortion?

Congress, dreading the consequences of such a combination and apprehending the perils to national honor and security and to those who have consecrated their lives to their country's defense, wisely enacted this drastic legislation expressly prohibiting the Secretary of the Navy from expending the funds of this Government upon those who do not respect its laws and who may care less for its security than their own personal emolument.

The question was taken, and the committee amendment was agreed to.

The resolution as amended was agreed to.

Mr. MANN. The committee recommended the striking out of the preamble, and that vote comes after the passage of the resolution.

The SPEAKER. The question is on striking out the preamble.

The question was taken, and the motion was agreed to.

PUBLIC DEBT OF VIRGINIA.

Mr. DAVIS of West Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, for the purpose of inserting a very able address made by the gentleman from West Virginia [Mr. HAMILTON] before the Committee on the Judiciary on the 24th of April, 1912, in reference to the formation of the State of West Virginia and the obligations on the part of the Government of the United States. [Applause.]

The SPEAKER. The gentleman from West Virginia asks unanimous consent to extend in the RECORD a speech made by his colleague [Mr. HAMILTON of West Virginia].

Mr. MANN. Mr. Speaker, reserving the right of object, has not this speech already been printed by the Government?

Mr. DAVIS of West Virginia. Not in the RECORD.

Mr. MANN. No; but printed in the hearings.

Mr. DAVIS of West Virginia. As a part of the hearings only, and is interspersed with other matter. The speech, I think, is of sufficient historical value to justify its preservation in this form.

Mr. MANN. I shall not object, although I doubt very much the propriety of printing any document by the Government in one form and then in another.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The address referred to is as follows:

Mr. HAMILTON of West Virginia said:

Mr. Chairman, at the outbreak of the Civil War the Commonwealth of Virginia was the fifth in population and wealth of all the States in the Union, and by far the most populous of those which had seceded therefrom. Five of her eminent citizens had held the presidential office, and their terms as such aggregated in length one-half of the time from the adoption of the Constitution to the outbreak of that great war.

On May 23, 1861, this great State, by an ordinance of her convention, adopted by her voters, seceded from the Union of States—that organization to the formation of which her illustrious statesmen had so materially contributed, in the most notable gathering for civic purposes which the world has ever known. Her greatest citizen—the world's greatest benefactor—had presided over the deliberations of this convention and for eight years had occupied the highest place of honor in the Government thereby ordained. Her people, with that of many of the other States, believed that the contracting powers which had formed the Union possessed the right to dissolve it whenever the necessity, in their opinion, might arise therefor.

It is idle at this time to comment upon the right, then believed by many to exist, of a State to separate itself from the Union. It is sufficient to say that there was then a division in sentiment upon that question throughout the whole country, and had it been submitted to an impartial jury of its ablest lawyers it is impossible to say what opinion would have been rendered by the tribunal.

From time to time as the world has made its onward march of progress great questions have arisen which no legal tribunal, however able, has been competent to decide, and in such cases a resort to force has been the only means by which the all-important question could be finally determined and set at rest. In consequence of this truth the people of Virginia and of the other seceding States are no more entitled to discredit for voting the several ordinances of secession than are those other persons who oftentimes are called upon to settle by their vote momentous issues and who register thereon their honest differences of opinion.

Upon the adoption of the ordinance by the convention, and before it was decided by the people, a counter movement was begun in those counties of Virginia lying on the west side of the Allegheny Mountains to avert, so far as possible, the effect upon them of the secession and keep that territory within the Union.

It will not be seriously contended at this day that, however patriotic the people behind this movement were, there was any warrant either in the Constitution of the Federal Union or that of the State of Virginia for the uprising which finally resulted in the division of the Commonwealth and the formation out of her territory of a new State.

I do not desire to be misunderstood in what I am now saying, nor as casting the least reflection upon the origin of that good State in which I have resided since its formation, and of which, or a part of which, I am an humble Representative in this Congress. When I say that West Virginia was not admitted to the Union by any warrant in the Constitution of the United States, but, on the contrary, as I believe, in direct opposition to one of its plainest mandates, I do not for a moment contend that in a broader sense and under a higher law it was illegally admitted.

There are certain laws of necessity which arise higher than written constitutions, and which are oftentimes invoked for inhabitants of territories placed in unusual circumstances. Constitutions are the handiwork of men, while these higher laws to which I have referred are made by no human power and arise wholly out of the needs and exigencies of the occasion which calls for their enforcement. It was through no written constitution that our forefathers of the thirteen British Colonies, in the latter part of the eighteenth century, of their own volition and in the power of their God, arose and cast off the yoke of a foreign government which oppressed them, and made free for the occupancy and enjoyment of those who might succeed them the most glorious country under the sun. No revolution, however beneficial may have been its object, has ever been effected by or through the provisions of a written constitution. West Virginia is not the child of the National Constitution, but is the offspring of that greater law of necessity before referred to, and her lineage from the god of war is as direct as was that of the sons of the vestal virgin who founded the ancient city on the Tiber, which for many centuries controlled the destinies of the world.

I have naught but praise for those eminent citizens then residing within the present boundaries of the new State, but now, alas, with but two or three exceptions gone to their reward, who had the foresight, the ability, and the courage to formulate and press forward to consummation the plans for the creation of the new State. They are entitled to more credit when it is considered that they had no written provisions to rely upon, but were compelled to resort to that higher rule of action which in the extremities of peoples have always guided their most eminent statesmen. From the days when Joshua established his followers on the eastern shore of the Mediterranean, where they became a renowned nation of antiquity, until the present, those who have succeeded in their efforts for the betterment of the conditions of their people have not only received, but have deserved, the plaudits of the historian.

I shall presently endeavor to show that the State of West Virginia was formed and admitted into the Union through the conviction of the necessity therefor and as an absolute military measure in time of war by those who were in a situation to know all the circumstances. If I can succeed in this, I have made proof of one proposition upon which the relief asked for in the pending resolution is partly predicated.

On January 1, 1861, the Commonwealth of Virginia was indebted to various creditors in the aggregate sum of about

$33,000,000, and the object of this resolution is to have the National Government assume that part of such debt which under ordinary circumstances would be equitably chargeable to the territory of West Virginia, and as to which the forced separation without the consent of Virginia injured and crippled that State in her means of payment. It can not be maintained that the effect of this resolution will be solely for the benefit of the bondholding creditors of Virginia or that it may give rise to fraudulent collusions relative to the debt, because it is safeguarded by a provision that no money whatever shall be paid thereunder except pursuant to the findings of the Supreme Court of the United States or upon such other settlement as shall be entirely satisfactory to Congress.

The debt was contracted for the purpose of making internal improvements within the State of Virginia; and at that time the counties now composing the new State were not populous; many of them were unsettled, and little if any of the money for which the debt arose was expended within that territory. So that it can be maintained that upon a truly equitable settlement of the accounts for improvement nothing would have been due from the new State to the old.

It is true that the Supreme Court of the United States, in a preliminary opinion in the cause pending before it, has held that the territory now comprising West Virginia should contribute to the payment of this debt; but this conclusion is reached because of the original unity of the two States and of the existence of such unity at the time of the creation of the debt, and is not based upon any theory that West Virginia, as a separate entity, ever agreed to discharge any part thereof; and it is expressly stated that the ordinances relative to the formation of the State of West Virginia, and the constitution afterwards adopted by its voters, have no weight in the determination of the question. It is treated as a quasi international matter, and the court declares that the rules relative to the settlement of international disputes are applicable thereto. It will be observed that the court, in the treatment of this case, can not inquire into the motives and reasons existing in the minds of the Congressmen and of the President upon the passage and approval of the bill for the admission of the State. They are political questions upon which the coordinate legislative and executive branches of the Government are conclusive upon the court.

To convince you, Mr. Chairman, that the formation of West Virginia was truly and essentially the result of a military necessity, existing at a time of actual war, it is only necessary to point out the circumstances existing at the time of the admission. These circumstances are evidenced by the country's written history, and particularly by the debates in Congress and the papers of the President and other executive officers contemporaneous with the fact.

It may be recalled that in the year 1862 the greatest civil war of ancient or modern times was raging in this Nation, and that the political horizon was dark and gloomy. Virginia, as I have said, was the most powerful of all the States engaged upon one side of the hostilities. She was furnishing the flower of her manhood for the cause which her convention and her people had decreed to be just and right. One of the greatest of America's generals, a native of that Commonwealth, had declined a commission at the head of the Union forces and, in obedience to the mandate of his State, was leading the armies of the South in apparent victorious opposition to the Union; and he had behind him an army as brave and valiant as any that has been described in history or song. The geographical lines of this great State were within gunshot of the room in the National Capitol in which you are now sitting. It will thus be seen that if Virginia could be weakened or crippled, a staggering blow would be inflicted upon the Confederacy itself.

Two bills for the admission of West Virginia as a State were pending in Congress. One introduced on June 25, 1862, by the Hon. William G. Brown, the father of the present Representative from the same territory. The other had been reported from the Committee on Territories in the Senate pursuant to a memorial presented to that body on May 28 by the Hon. Waitman T. Willy, a Senator residing within the borders of the proposed new State but accredited to the State of Virginia. The memorial was accompanied by a constitution adopted by certain citizens and voters residing within the territory proposed to be admitted. The House bill afterwards substituted for the Senate bill passed, as I shall show, and became the law for the admission. I can not take the time of this committee to detail at length all of the proceedings leading up to the presentation of these bills in Congress, although I deem it important that some of the main features be presented.

The ordinance of secession was adopted by the Virginia convention on April 17, 1861, and was to be voted upon by the people on the 23d day of May following. Upon the action of the convention, and, in fact, before that time, when it had become apparent what the action would be, various meetings were held in the counties west of the mountains for the purpose of opposing and creating sentiment in opposition to secession. The most important of these meetings, and the one which may be regarded as taking lead in the movement which resulted in the creation of the new State, was held in the town of Clarksburg, Harrison County, renowned as the birthplace of Stonewall Jackson and the home of your colleague, Mr. Davis. This meeting assembled after an informal notice of 48 hours, and the leading spirit thereof was John S. Carlile, who had been a member of the secession convention and was subsequently a Senator in Congress from what was called the restored government of Virginia. Mr. Carlile offered a resolution, which was adopted, in which it was recited that the State authorities of Virginia had placed the State in hostility to the Union and had inaugurated a war without consulting those for whom they professed to act and providing that the counties composing northwestern Virginia should appoint not less than five of their wisest and discreetest men to meet in convention on May 13 following to determine on such action as they should take in the emergency, and naming the delegation from the county of Harrison, with Mr. Carlile at its head. This mass meeting was held five days after the adoption by the convention of the ordinance of secession and more than one month before the time fixed for the popular vote thereon; and the convention which it called was to meet in the city of Wheeling 10 days before the time fixed for such vote. The convention met at Wheeling at the time designated, and was attended by many of the ablest men in that section of the State. The manner of their selection as delegates had not been defined, and they were selected in various ways—some by mass convention, some by municipal authorities, and in at least one case, that of the county of Wood, the second most populous county of the Territory, it was in some way adopted that every Union citizen of the county who should be in attendance at Wheeling should be a delegate to the convention.

I have mentioned these matters to show the chaotic condition as to the credentials of what is perhaps the most important gathering of men ever assembled in a political capacity within the territory of the State of West Virginia. They were men of undoubted ability and of great patriotism, having for their object the accomplishment of a worthy end; but I think it can be said that this convention, the initial step, as it may be called, in the formation of West Virginia, was not a body to be recognized as authoritative under any constitution, National or State. This convention was in session three days, during which time it provided for a second convention, to be held on June 11, following, in the event that the ordinance of secession should be adopted by the people on the intervening 23d of May. It resolved that in the event of such adoption the people of the counties represented should, on June 4, select delegates to the convention fixed for the 11th; that the senators and delegates who should be elected to the General Assembly of Virginia at the general election to be held on May 23, who concurred in the views of the convention should be entitled to seats in that body. This second convention met in the city of Wheeling on June 11, and there were in attendance some of the senators and delegates elected to the Virginia Assembly, together with many delegates who had been in some way appointed to the convention on June 4 in accordance with the resolution of the adjourned convention. It will thus be seen that even in this second convention there were no persons who had been duly elected in any manner provided for by law, to any representative capacity, except those elected to the Virginia Legislature, whose place of meeting was fixed by law at the city of Richmond. This second convention assembled under the authority of the first convention, which, in its turn, had met in pursuance of the mass meeting held at Clarksburg on April 22. It proceeded to declare vacant all the State offices of Virginia and to fill them by persons of their own selection, and to form a State organization, which was called the restored government of Virginia, with Francis H. Pierpont as governor. It ordained that on October 24, following, an election should be held to vote upon the question of a new State and to elect delegates to a convention to frame a constitution therefor.

James G. Blaine, in describing, in his "Twenty Years of Congress," the situation then prevailing in the territory, says:

> Notwithstanding the compliance with the outward forms and requirements; notwithstanding the recognition by Congress of the new government, it was seen to be essentially and really the government of West Virginia. It was only nominally and by construction the government of the State of Virginia. It did not represent the political power or the majority of the people of the entire State. The Senators and Representatives of Virginia were in the Confederate Congress. The strength of her people was in the Confederate Army, of which a dis-

tinguished Virginian was the commander. The situation was anomalous, though the friends of the Union justified the irregularity of recognizing the framework of the government in the hands of loyal men as the actual civil administration of the State of Virginia.

It was this organization that gave its consent to the creation of the State of West Virginia out of the territory of Virginia, and this is the only effort made to comply with that provision of the National Constitution which forbids Congress to create one State within the territory of another without the latter's consent.

The constitutional convention afterwards met and made a constitution and submitted it to a vote of the people, and the vote was taken on April 3, 1862, and there were cast in favor of the constitution 18,862 votes, and against it, 514. It seems to have been conceded by debates in Congress that this was less than half of the voting strength even of the territory seeking to be admitted, to say nothing of all that more populous portion of the State lying east of the mountains, which, of course, did not participate in any of the proceedings.

The measure for admission was ably debated in both branches of Congress by many statesmen. It was opposed in the Senate by Messrs. Sumner, of Massachusetts; Trumbull, of Illinois; Bayard and Saulsbury, of Delaware; Cowan, of Ohio; Powell, of Kentucky, and many others who were regarded as Senate leaders at that time. The bill passed the Senate on July 14 by a vote of 23 to 17. To show that the most eminent statesmen are not, in situations of excitement, altogether substantial in their views, the fact is pointed out that John S. Carlile, the very man at whose instance the Clarksburg convention was called and on whose motion the first Wheeling convention assembled and who was most clamorous for proceedings to form a new State, upon the final passage of the bill voted in the negative; while his colleague, Mr. Willey, who was a member of the first Wheeling convention, and therein cautioned deliberation and carefulness, and on one occasion characterized the extreme views of Carlile as treasonable, became its staunchest advocate.

When the bill came up for consideration in the House it was opposed and declared to be unconstitutional by many of the ablest Representatives, among whom were Mr. Conway, of Kansas; Mr. Crittenden, of Kentucky; Mr. Dawes, of Massachusetts; and Roscoe Conkling, of New York. Thaddeus Stevens, at that time the chairman of the Ways and Means Committee and the majority leader on the floor of the House, and with authority almost dictatorial, supported the bill, and I desire to quote a part of what he said:

I have had great difficulty in determining how I should vote upon this measure as a question of policy, and I can hardly say that I have yet made up my mind; but, as at present advised, I shall vote for the admission of the State, and desire to state my grounds for so doing. I do not desire to be understood as being deluded by the idea that we are admitting this State in pursuance of any provision of the Constitution. I find no such provision which justifies it. * * * By the Constitution a State may be divided by consent of the legislature thereof and by the consent of Congress. Now, sir, it is but mockery, in my judgment, to tell me that the Legislature of Virginia has ever consented to this division. There are 200,000 out of 1,250,000 of people who have participated in this proceeding. * * *

Before all this was done the State had a regular organization, a constitution under which that corporation acted. By a convention of a large majority of the people they changed their constitution and changed their relations to the Federal Government from that of one of its members to that of secession against it. Now, then, how has that State ever given its consent to this division? A highly respectable but very small number of the citizens of the State of Virginia—the people of West Virginia—assembled together, disapproved of the acts of the State of Virginia, and with the utmost self-complacency called themselves Virginia. Now, is it not ridiculous? Is not the very statement of the fact a very ludicrous thing to look upon? * * *

The State of Virginia therefore has never given its consent to the separation of the State. I desire to see it (the separation); and, according to my principles, I can vote for its admission without any compunctions of conscience. * * * But, sir, I understand that these proceedings take place not under any pretense of constitutional right but in virtue of the laws of war; and by the laws of nations these laws are what we choose to make them, so that they are not inconsistent with the laws of humanity. I say, then, that we may admit West Virginia not by virtue of any provision of the Constitution but under our absolute power which the laws of war give us in the circumstances in which we are placed. I shall vote for this bill upon that theory, and that alone, for I will not stultify myself by supposing that we have any warrant in the Constitution for this proceeding.

This argument of the great leader had the effect to put the bill through the House, and it passed that body on December 10, 1862, by a vote of 96 to 55.

Everything shows that President Lincoln had grave and serious doubts as to what course he should take in the premises. He called upon six members of his Cabinet for their written opinions. Three of them advised that the bill was clearly unconstitutional; among these was the Attorney General, an able and eminent lawyer. He advised that the act was not warranted by the Constitution, stating that the legislature which gave consent to the dismemberment of the State of Virginia, being composed chiefly, if not entirely, of the persons representing the counties desiring to be admitted, was not a legislature competent to give consent on behalf of Virginia, and that on account of its intrinsic demerits and its revolutionary character the act in question was highly inexpedient and improper.

President Lincoln was placed in a position of responsibility which had, perhaps, never confronted any man under a constitutional government. He was compelled by the very exigencies of the perilous situation to resort to that higher law of self-protection, which, under the laws of war, have always been inherent in every sovereignty in time of danger. As Chief Executive of the Nation, in time of peril he had the right to resort to anything not inconsistent with the laws of humanity which would tend to the salvation and stability of the Government. When the preservation of the Government, and not the interpretation of its internal rules of action, is the supreme question, and war prevails, the laws of war render nugatory all written constitutions. Mr. Lincoln, rising above the ordinary interpretation of the Constitution prevailing in time of peace, availed himself of this great law of necessity. He accepted the responsibility and acted in that way which his forceful mind conceived to be for the best interests of the Nation.

In the autumn and winter of 1862 Abraham Lincoln occupied upon this planet a place of responsibility never equaled in all the annals of history, and almost every official act of his was pregnant with this responsibility. Two years before he had been elected to the Presidency at an election when considerably more than half of the popular vote had been cast against him. He had assumed his duties when it was plain that he would have to conduct the Nation either successfully or unsuccessfully through the greatest civil conflict which the world has known.

In the fall of 1862, at the national congressional elections, the great States of New York, Pennsylvania, Ohio, and Illinois returned delegations to the House which were supposed to be in opposition to his policies. He had been publicly criticized in an impatient and unjust manner by Horace Greeley, the great advocate for the abolition of slavery. He had been called upon by a delegation of eminent ministers of the gospel, who had urged upon him the emancipation of the slaves, and to whom he had been compelled to reply that such a proclamation would be useless when all the armies under his control could not enforce it on the opposite shore of the Potomac River from his Capital. He had written to Mr. Greeley, in substance, that slavery was not the supreme question of the hour, but that the salvation of the country was that question. That he would be willing to emancipate every slave if it would save the Union, or would be willing to save the Union without the emancipation of a single slave; and that what he should do, or refrain from doing, about slavery would be according to the effect which such action or nonaction would have upon the salvation of the Union. He saw the advancing army of Lee almost at the National Capital, and, with the exception of one or two battles in the West, nearly every prominent engagement of the war had resulted in advantage to the South. With a valiant enemy to his front and carping critics at his back the low-water mark of the Union had been reached, and he was sorrowful, gloomy, and despondent. But nevertheless, under all his adverse surroundings he was glorious and grand; and, with all reverence, his position was not altogether dissimilar to that of the Divine Man of Sorrow who, 18 centuries before in his Father's temple, had bowed his head in grief and uttered the words, "Oh! Jerusalem, Jerusalem."

It is said that in his Egyptian campaign Napoleon called the attention of his soldiers to the Great Pyramid and inspired them by the declaration that 40 centuries of history looked down upon them from its summit. At the time of which I am speaking Mr. Lincoln, at the head of the American Nation, was as firm and unshaken as that ancient monument. He looked into the future and he saw that in all succeeding time he would be held responsible for a mistake or given praise and credit for the proper action.

On the 17th day of September the southern forces had been, for the time being, checked by the Battle of Antietam, and this gave him the opportunity to declare and put into effect certain policies which he had been anxious to adopt. One of these was his border State policy, by which he endeavored to get a chain of friendly slave-holding territory between the North and the actual seat of conflict. West Virginia was a part of the territory with which he desired to complete that chain, and, after serious reflection, he decided that he would approve the bill for its admission. And to evidence the fact that he regarded his action as a war measure, I call attention that in a written opinion filed by him he said:

We can scarcely dispense with the aid of West Virginia in this struggle, much less can we afford to have her against us in Congress and in the field. Her brave and good men regard her admission into the Union as a matter of life and death. They have been true to the Union

under very severe trials. * * * The division of the State is dreaded as a precedent, but a measure made expedient by war is no precedent in time of peace. I believe that the admission of West Virginia is expedient.

He had determined to divide Virginia, that the Nation might remain undivided; and as another potent circumstance in evidence that he acted from military necessity, I call attention to the fact that within a few hours of his approval of the West Virginia bill, on the last day of December, 1862, he, on January 1, 1863, issued the final proclamation for the emancipation of the slaves of the several States in secession.

The merest glance, Mr. Chairman, at the situation then prevailing will indicate the wisdom of the President in his views that it was expedient to admit the State of West Virginia. By the acquirement of that territory there was placed between the Northern States and the southern army 25,000 square miles of land, mountainous in its character and embracing, among other chains, the great Appalachian Range, extending from the line of Pennsylvania to the eastern line of Kentucky, and from thence by way of the quasi neutral or friendly territory of Kentucky to the northern boundary of Tennessee. Within the territory so stricken from the mother State was the Baltimore & Ohio Railroad, the greatest trunk line at that time in the country. Within that territory it extended from Harpers Ferry westward to the city of Grafton, and there divided into two branches, one extending southwestward with its terminus at St. Louis and the other northwestward to Chicago, with more than 400 miles in the territory of the new State. It also afforded to the National Government, as within Federal lines, access to the channel of the Ohio River from a point north of Pittsburgh to the mouth of the Big Sandy River, which constitutes the eastern boundary of Kentucky, and, by reason of the attitude of Kentucky, giving an open highway to the Mississippi River—in all, a distance of about 1,000 miles. This railroad and this river were of incalculable benefit to the Government in the transportation of troops and munitions of war, and for a military advantage like this Cæsar or Napoleon would have sacrificed a hundred thousand men and would have paid a mint of coin.

In my endeavor to show that the territory of West Virginia was acquired as a war measure, I may have been somewhat tedious; but I have thought it necessary to do this that the resolution which I am discussing might be placed within a line of precedents which I believe to be controlling on its consideration.

I need not remind this committee of judges and able lawyers of the force of governmental precedents. Long before the time when the Persian King, unable to sleep, at midnight arose to search throughout his chronicles for precedents, and from that day till the present the only law governing a sovereignty on any question has been that which has grown out of its own actions upon similar questions in former times. Indeed, the bulk of all rules of civil action depends upon precedents, and the great unwritten common law is but the application of what has been before done under given statements of fact.

It will be observed, as I proceed, that the United States has upon various occasions, both in time of war and peace, found it expedient to acquire from foreign countries, and in some instances from States of the Union, certain territories, and except as to the notable instance of the acquirement from Virginia of the Northwest Territory, to which I shall hereafter allude, no single instance exists in which they did not pay a just and adequate compensation therefor, and in nearly, if not quite, all of the occasions, in addition to the payment of large money considerations directly made, the Government has assumed the payment of unsettled, undefined, and unliquidated debts which were chargeable against the territory so acquired.

After the annexation in 1845 of Texas to the United States a war arose between this Nation and Mexico because the latter Government was endeavoring to reacquire Texas when its independence had long before been acknowledged by the United States, and such independence made perpetual by the admission of its territory into the Union as a separate State. This state of war was terminated in 1848 by the treaty of Guadalupe-Hidalgo. During the progress of the war the soldiers of the Union had made full conquest of the Republic of Mexico and our flag was flying and our troops were quartered in the capital city of that country. By every law of nations and of war her whole territory belonged to the United States Government and there rested upon it no legal duty to make compensation for any part thereof. But nevertheless the treaty to which I have referred released and reinvested Mexico with title to all that portion of her original territory lying to the southwest of the Rio Grande, and in addition thereto provided that the Government should pay to her the sum of $15,000,000 for that part of the conquered territory lying to the north of the river and west of the line of Texas. Besides the payment of that vast sum of money by the said treaty, this Government undertook to pay large sums for certain existing debts of Mexico, some of which had been then determined and some were yet to be determined, and wholly exonerated that Republic from all liabilities therefor. Mr. Blaine in his work says that these debts amount to about $4,000,000, but in May last the Secretary of the Treasury informed me by letter that the actual amount paid and assumed to be paid at that time amounted to $5,340,253.16.

Five years after the adoption of the treaty of Guadalupe-Hidalgo this Government, under the Gadsden treaty, purchased a small strip of the land which it so generously surrendered to Mexico and paid therefor the magnificent sum of $10,000,000.

A half century later this country again engaged in foreign war; this time with the Spanish Government because of its tyrannical and inhuman treatment of our neighboring island of Cuba. This war was short, but yet long enough for our Army and Navy forces to take complete possession by conquest and subjugation of the island of Porto Rico and the Philippine Archipelago.

We held these possessions by the right of war with a title which would have been recognized and acknowledged by every civilized nation of the world. Yet following the humane plan formerly adopted in regard to Mexico, this Government, by its treaty, made full compensation to Spain for the territory of which she had been deprived. We paid her $20,000,000 in cash, and in addition thereto, by one clause of the treaty, the Government assumed and agreed to pay every debt, public or private, which any or all of the citizens of this country might have against the Government of Spain, and Spain was entirely absolved therefrom.

Under date of the 9th of this month, the Secretary of the Treasury has advised me that under this clause of the treaty debts aggregating $1,387,845.74 have been allowed and paid from appropriations made by Congress.

Prior to the year 1802 this Government had been in a dispute with the State of Georgia relative to the territory then claimed by Georgia and now constituting the States of Alabama and Mississippi. It was claimed by the National Government that the title of Georgia only extended to her present western limits and that the lands between those limits and the Mississippi River were held by the Government under the peace treaty of 1783 with England. The Government had organized the Territory of Mississippi, which originally covered the State of Alabama. Georgia, out of this disputed land, had made grants to various companies and organizations in the valley of the Yazoo River, within the present State of Mississippi, covering about 36,000,000 acres. To end the dispute, Georgia finally released all claim west of her present limits, and the Government made payment to her by way of cash and scrip, to make good the Yazoo grants, the sum of $6,200,000, and, in addition thereto, granted to the State a strip of land, 12 miles wide, extending all along its northern boundary, which had been acquired by the Government from South Carolina.

It will be observed that in this settlement the Government undertook to make good the apparent obligations resting upon the territory so taken in relation to the unauthorized grants theretofore made by the State of Georgia, and, indeed, in every instance where the Government has acquired territory it has in some manner or other assumed various debts and obligations theretofore resting upon the territory.

When Texas was admitted to the Union her western border was ill-defined, and thereafter a serious dispute arose between her and the Government as to the title to certain territory lying to the east of the Rio Grande River and west of the present western line of Texas. Texas claimed this territory as having belonged to her when she was a Republic. The United States claimed it by reason of her conquest of Mexico, and, in truth, the Government at the time, through its commanding general, Stephen W. Kearney, had the possession thereof. In the year 1850, in the Thirty-first Congress, composed of the very ablest men of the day, the Whig leader, Henry Clay, at that time about to close his public career, offered in the Senate for consideration certain measures bearing upon the slavery and other questions, which are known as the omnibus compromise of 1850. One object was the organization of New Mexico as a free-soil Territory, and in the boundaries thereof was included the territory in dispute with Texas. As a part of the general compromise it was enacted that the sum of $10,000,000 should be paid to Texas for the territory of which she was about to be deprived, and on September 9 an act was passed organizing the new Territory and including therein the disputed portion.

It may not be improper to call attention, while passing, to the fact that in both the cases of Georgia and of Texas the terri-

tory taken by the Government was in dispute, with the probabilities very strong that the Government was the true owner. In the case of Virginia and West Virginia there can not be the slightest doubt as to title, for Virginia had held the land without the shadow of dispute since long before the organization of the National Government.

The bill for the compensation of Texas provided that $5,000,000 of the purchase money should be held until the release of certain debts against the State, but on February 28, 1855, the Government by a supplemental bill, after it had in fact paid $8,500,000 on account of the compromise, appropriated the additional sum of $7,500,000 for the benefit of the creditors; and it thus appears that that part of the present State of New Mexico involved in the dispute with Texas has cost this Government $16,000,000.

The debate in the Senate in reference to these compromise measures of 1850 is perhaps the most notable discussion which had occurred therein since the foundation of the Republic, and was participated in by a greater number of its eminent statesmen. The speech made by Henry Clay upon that occasion is the last notable public expression of the views held by him upon important questions, and he died two years later. John C. Calhoun, the great leader of southern thought, arose in his place, for the last time, to speak upon this question. He was so feeble that he could not finish and handed his manuscript to his long-time friend and comrade, James M. Mason, of Virginia, who read it for him. He left the Chamber and but a few days thereafter his death was announced to the Senate. It was upon this bill that Daniel Webster, on March 7, 1850, made his great speech, which, by reason of certain expressions therein relative to the question of slavery, ostracized him from friends in the North and rendered his nomination for the Presidency two years later impossible. Many other prominent Senators spoke upon this question, including Thomas H. Benton, who subsequently became the historian of the debate. There was a difference of opinion between these men on many of the questions involved in the discussion, but there was not in the whole debate the slightest expression of opposition against the payment to the State of Texas of the amount designated for the territory of which it was supposed she was about to be deprived.

It seems to me, Mr. Chairman, that the opinions and uttered declarations of the great men of our country may well be taken as authority on the policy of the Nation on similar questions when they arise; and I refer to them as constituting strong argument for the position which I assume upon this resolution. There have been, and still are, other great men in this country whose views are instructive at this time. A short time ago, in a discourse in the House of Representatives upon another subject, I took occasion to refer to three distinguished men who have occupied high stations in the minds of the people of this country. If you will allow me, I will quote what I then said:

> This country has produced three men the coincidences in whose lives are so striking as to indicate that they are not the result of chance. Each of them has been thrice defeated for the highest office within the gift of the people; two of them upon three occasions by the people at large, and the other twice in the conventions of his party and once by the electors at the polls. One of these men, Henry Clay, was the leading man in his country's history during the first half of the nineteenth century, and he has been described as the leading English-speaking statesman of his period. Another, James G. Blaine, led the advance guards of his party when it had supreme control, from the close of the Civil War to the latter decade of the nineteenth century, and his voice was powerful and potent in forming the constructive policies of the Nation. The third, William Jennings Bryan, has for 15 years or more formulated the policies and the leading principles of the great militant Democratic Party and still is its acknowledged leader. Not only is this true, but there is indissolubly connected with his great name many principles of right and justice which have been engrafted upon the public policy of the country by the assistance of the very men who defeated him for office while they were opposing such principles. Clay was a Whig, Blaine a Republican, and Bryan a Democrat. So that the three great parties who have at different times controlled the destiny of the Nation are each represented in the illustrious trio. We are told that the joint lives of three great patriarchs—Adam, Methuselah, and Noah—made a continuous line from the creation of the world to its destruction by the Deluge, and that they carried down in their memories until the time that letters were discovered the antediluvian traditions and histories of our planet.
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> As a parallel to this I point out the fact that Henry Clay was born 12 years before the adoption of the American Constitution. He died in June, 1852, 22 years after the birth of James G. Blaine, in 1830. Mr. Blaine died in January, 1893, when William Jennings Bryan, born in 1860, was 33 years old. Bryan still lives, and it is the hope of every good citizen of this land that he may long continue in his upright and useful career. It will appear that the joint lives of these three men extend from a period antedating the formation of this Government by 12 years down to the present day, and these three illustrious men could have easily handed down by word of mouth, without change of verbiage, the Constitution of the country, though it had never been reduced to writing. No man reviles the memory of Henry Clay or casts reproach upon the brilliant genius of James G. Blaine, and the time will come when the third parallel, William Jennings Bryan, upon the consideration of the great deeds which he has accomplished for the benefit of man, will be spoken of only in the highest terms of praise and honor.

Mr. Chairman, I can show that each of these three men is committed to the policy of this resolution. I have already shown that Mr. Clay, by his compromise measures of 1850, advocated almost the identical measure you are now considering. The difference in the two propositions is this: In the Texas matter the object was to compromise and settle for the time being a question bearing merely upon a governmental policy of the country. In the case of the division of Virginia and the organization of West Virginia the object was the salvation of the Nation, and at a time when it was feared the very life of the Government was at stake.

That Mr. Bryan is committed to the substance of this resolution is shown by his conduct at the time when the Spanish treaty stood in imminent danger in the Senate, when by his influence with the minority members of that body he prevailed upon them to vote for ratification.

In the case of Mr. Blaine it is not necessary to rely upon a comparison of measures. His forceful pen has left on record his opinion upon the identical thing involved before you. Because of his great intellect, deep research, and actual knowledge of all the matters pertaining to the civil strife between the States he was in every way competent to express an opinion and make an argument upon the subject.

I call your attention to what he has written in his great history:

> To the old State of Virginia the blow (the separation) was a heavy one. In the years following the war it added seriously to her financial embarrassment, and has in many ways obstructed her prosperity. As a punitive measure for the chastening of Virginia it can not be defended. Assuredly there was no ground for distressing Virginia by penal enactments that did not apply equally to every other State of the Confederacy. Common justice revolts at the selection of 1 man for punishment from 11 who have been guilty of the same offense. If punishment had been designed, there was equal reason for stripping Texas of her vast domain, and for withdrawing the numerous land grants which had been generously made by the National Government to many States in rebellion. But Texas was allowed to emerge from the contest without the forfeiture of an acre, and Congress, so far from withdrawing the lands by which other Southern States would be enriched, took pains to renew them in the years succeeding the war. The autonomy of Virginia alone was disturbed. Upon Virginia alone fell the penalty which if due to any was due to all. * * *
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> Virginia owed a large debt held in great part by loyal citizens of the North and by subjects of foreign countries. The burden was already as heavy as she could bear in her entirety, and dismemberment so crippled her that she could not meet her obligations. The United States might well have relieved Virginia and have done justice to her creditors by making some allowance for the division of her territory. Regarding her as only entitled to the rights of a public enemy so long as she warred upon the Union, we may confidently maintain that she is entitled at least to as just and as magnanimous treatment as the National Government extends to a foreign foe. In our War with Mexico it became our interest to acquire a large part of the territory owned by that Republic. We had conquered her armies, and were in possession of her capital. She was helpless in our hands. But the high sense of justice which has always distinguished the United States in her public policies would not permit the despoilment of Mexico. We negotiated, therefore, for the territory needed, and paid for it a larger price than would have been given by any other nation in the world.
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> The American Government went still further. Many of our citizens held large claims against Mexico and the failure to pay them had been one of the causes that precipitated hostilities. Our Government, in addition to the money consideration of $15,000,000 which we paid for territory, agreed to exonerate Mexico from all demands of our citizens and to pay them out of our own Treasury. This supplementary agreement was nearly $4,000,000.
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> If the United States were willing to place Virginia on the basis which they magnanimously placed Mexico after the conquest of that Government, a sufficient allowance should be made to her to compensate at least for the part of her public debt which presumptively was represented by the territory taken from her. If it be said in answer to such suggestion that it would be fair for West Virginia to assume the proportional obligation thus indicated, the prompt rejoinder is that, in equity, her people are not held to such obligation. The public improvement for which the debt was in large part incurred had not been in so far completed as to benefit West Virginia when the Civil War began, their advantages being mainly confined to the tidewater and piedmont sections of the State. There is indeed neither moral nor legal responsibility resting on West Virginia for any part of the debt of the old State.
>
> In determining the relative obligations of the Government and of the government of West Virginia concerning the debt, it is of the first importance to remember that the new State was not primarily organized and admitted to the Union for the benefit of her own people, but in a far larger degree for the benefit of the people of the whole Union. The organic law would not have been strained, legal fictions would not have been invented, if a great national interest had not demanded the creation of West Virginia. If it had not been apparent that the organization of West Virginia was an advantage to the loyal cause; if the border-State policy of Mr. Lincoln, so rigidly adhered to throughout the contest, had not required this link for the completion of the chain, the wishes of the people most directly involved would have never had the slightest attention from the Congress of the United States. * * *
>
> Nor should it be forgotten that the State of Virginia before the war might well be regarded as the creditor and not as the debtor of the National Government. One of her earliest acts of patriotism as an independent State was the cession to the Government of her superb domain on the north side of the Ohio River, from the sale of which more than $100,000,000 have been paid into the National Treasury. * * * In the formal and necessarily austere administration of public affairs there is little room for the interposition of sentiment. Yet sentiment has its place. We stimulate the ardor of patriotism by the mere display of a flag which has no material force, but which is emblematic of all material force and typifies the glorious Nation. We

stir the ambition of the living by rearing costly monuments to the heroic dead. It may surely be pardoned if Americans shall feel a deep personal interest in the good name and fortune of a State so closely identified with the early renown of the Republic—a State in whose soil is mingled the dust of those to whom all States and all generations are debtors—the Father of his Country, the author of the Declaration of Independence, and the chief projector of the National Constitution.

Mr. Blaine, in the extract which I have read, alludes to the cession by Virginia of the northwestern territory, and it may not be improper to refer a little further to that subject. On March 1, 1784, the State of Virginia ceded to the National Government, then represented by an unstable and imperfect Union under the Articles of Confederation, that vast scope of country lying to the west and north of the Ohio River and between that river and the Great Lakes on the north and the Mississippi on the west. This cession was made without the payment of a single dollar from the Treasury of the United States, and at a time when the Federal Union was crushed with poverty and debt, and its paper issued to pay her soldiers in the Revolutionary War was purchasable at the merest trifle.

Within a year after the adoption of the Constitution the Secretary of the Treasury submitted to Congress a plan for the sale of all of these lands, which was adopted by Congress, and under it the disposition of the lands was inaugurated, and money began to flow into the Treasury, and from that time to the present the international credit of the United States has stood the highest in the world.

In stating that Virginia made this cession I do not ignore the fact that about the same time grants were made by other States of certain undefined claims held by them in the same territory. But I think I am authorized in the statement that the true ownership of the territory lay in Virginia. She had title extending as far back as the year 1609 of "the whole seacoast north and south, within 200 miles of Old Point Comfort, extending from sea to sea, west and northwest"; but what is still more conclusive she had, prior to her cession, reduced it to possession, and then held the same by an armed force under her great pioneer general, George Rogers Clark. The cessions made by New York, Connecticut, and two or three other States were only of claims, and were made for the purpose of quieting rather than creating title. I may say, however, that Connecticut, true to the reputation of her founders for enterprise and thrift, in her cession made a reservation of a large tract in Ohio, which seems to have ripened to such an extent that Ohio purchased the same from her. It is perhaps the only instance on record where title to real estate ensued from a reservation in a grant.

This territory now comprises the States of Ohio, Indiana, Illinois, Wisconsin, Michigan, and about 26,000 square miles, or one-third of Minnesota.

It is worthy of note at this time that the ordinance reported to the Continental Congress for the government of the Northwest Territory by a committee of which Thomas Jefferson was the chairman provided that "after the year 1800 of the Christian era there shall be neither slavery nor involuntary servitude in any of the said States—to be formed out of that territory—otherwise than in punishment of crime whereof the party shall be duly convicted to have been personally guilty." The language proposed by Mr. Jefferson relative to slavery is almost identical with that contained in the antislavery amendment to the Constitution adopted at the close of the Civil War.

About the same time as the cession of the Northwest Territory Virginia also ceded for beneficial national purposes without compensation all that territory lying on the south of the Ohio River extending from the mouth of the Big Sandy to the Mississippi, now constituting the State of Kentucky, so that it may be said that the title to all land in States bounding upon the great Ohio River is held either immediately or remotely under the former ownership of the Commonwealth of Virginia.

Certainly when Virginia made these cessions they carried with them all the future potentiality of the territory, and therefore I think I am warranted in saying that these gifts constitute the grandest cession without compensation ever made by one sovereignty to another. As you have heard, Mr. Blaine says that more than $100,000,000 have come into the Treasury of the United States from sales of land in the Northwest Territory. I have found it impossible to get the exact amount, as there seems to be no account in the Treasury Department fully covering it, but by calculation made from certain figures in the last report of the Commissioner of the General Land Office I estimate the amount at about $138,000,000. At a low rate of interest it will be seen that these sales have benefited the Government more than $500,000,000.

Let us look at it in another way. This Government has paid for the purchase of Louisiana, including interest and debts assumed, the sum of $27,267,621.98; for the purchase of east and west Florida, $6,489,768; for the cession from Mexico under the treaty of 1848, $15,000,000; for the Mexican purchase under Gadsden treaty, $10,000,000; for adjustment of dispute between Texas and the Government, $16,000,000; for the purchase of Alaska from Russia, $7,200,000; for the settlement of dispute between Georgia and the Government, $6,200,000; for the Philippine Archipelago and Porto Rico under Spanish treaty, $20,000,000; for the purchase of the Panama Canal Zone, $10,000,000. These territories represent all which have been purchased or acquired by the Government, either from foreign countries or inland States, except the District of Columbia and the Northwest Territory, and the aggregate of the several amounts named is $113,000,000. From these figures it is apparent that with the exception of the original colonies and some three or four States which have been carved therefrom, the State of Virginia, by her cession of the Northwest Territory, has furnished to the Government, directly or indirectly, every acre of its inland territory, its islands of the sea, and every other kind or character of real estate of which it is the owner or over which it has sovereignty, and there still would remain to the moral credit of Virginia in the Treasury of the United States $25,000,000, counting principal only. Virginia has been called the mother of Presidents, and the facts and figures which I have attempted to give indicate that she is likewise entitled to be called the mother of Territories and States. More than two-thirds of the inland States of this Union and all of its foreign territory have been virtually contributed by her.

Just a little more about Kentucky and the States of the Northwest Territory. The total internal revenue of the Nation for the year ended June 30, 1910, was $289,000,000, of which $148,000,000, or more than one-half, was paid by these States. The total production of corn in 1910 was 3,126,000,000 bushels, more than 1,000,000,000, or about one-third, of which was produced in the States referred to, and their production constituted considerably more than one-fourth of all the corn crop of the world. In the same year they produced one-fifth of all the wheat, one-half of all the oats, more than one-fifth of all the barley, between one-third and one-half of all the rye, one-third of all the potatoes, one-fourth of all the hay, six-tenths of all the tobacco produced in the continental territory of the United States. They have nearly one-fourth of the total population of the Nation and the three largest cities within the territory have a larger population than the Nation had at its organization. They have one-fourth of all the railroads and public-service corporations. They own about the same of all the gold and silver coin and bullion. The value of their real estate is $16,000,000,000, in a total of $62,000,000,000. They own about the same proportion in all the live stock and farm implements and machinery, and manufacturing machinery and tool implements. They also have one-fourth or more of all that wealth unclassified in the census records.

With the exception of two incumbents, every President of the United States elected since 1860 has come from this territory, and when the ones so excepted were in office the Vice Presidents were from these States, and from the year 1869 to 1873 they furnished both the President and Vice President. The three great men who suffered martyrdom while at the head of the Nation—Lincoln, Garfield, and McKinley—all lie buried in this territory. The two living ex-Vice Presidents, as well as the two ex-Speakers of the House of Representatives, live in this territory, and it has furnished the Chief Justice of the Supreme Court of the United States since the death of Roger B. Taney, in 1864, until within a few months past, when the present incumbent was selected. Of the 112 sessions of Congress held during the last century, 48 were presided over by Speakers from these States; Henry Clay in different Congresses has presided over 13 sessions, while Joseph G. Cannon has presided over 10. This territory furnished both these men, Mr. Clay having the longest noncontinuous service and Mr. Cannon the longest continuous service of any who have held that great office. The minority leader of the House of Representatives is a Representative from one of these States, while both the majority leader and the Speaker were born in another of them. These States have 105 Members of the Congress of the United States as constituted at the beginning of this Congress.

I call attention to these figures, Mr. Chairman, merely to show the magnificence of that great gift which Virginia, in her ancient ascendancy, when rich, made to our common country in the time of its necessity and poverty.

I ask you, sir, when all these facts are considered, is it just and equitable that Mexico and Spain be compensated for territories taken from them, while Virginia, whose generosity I have pointed out, shall remain unrecompensed? Is it right to pay $16,000,000 to Texas and $6,000,000 to Georgia for lands of doubtful title, and to allow Virginia to be deprived of a valuable part of her territory without the shadow of recom-

pense? Neither Mexico, Spain, Georgia, Texas, nor any other State or nation has ever contributed one single acre to this Government without adequate compensation and without provision being made for a large part of their outstanding obligations. Even in the purchase of Louisiana from France, this country, in addition to the money consideration, agreed to pay the obligations of the foreign country to all the citizens of this country for the spoliation of their ships and cargoes, and of these French spoliation claims large numbers have been allowed. Every appropriation which Congress has made in payment for property taken or destroyed in war—and such appropriations have been many—afford a precedent for the action we are asking.

It is true that this State of Virginia for four years was in rebellion against the Government. So was Texas, so was Georgia, and so was your own fair State. But, save the loss by Texas, Georgia, Alabama, and the other Southern States, of the valorous sons who fell in action and now sleep in soldiers' graves upon their sunny slopes and beside their summer waters, these great States sustained no permanent loss by the Civil War.

If it is claimed that this resolution is not for the benefit of Virginia, but of West Virginia only, I will answer that the debt to which it refers is the debt of the mother Commonwealth. As I have read from Mr. Blaine, no part of the money which it represents was spent for the benefit of West Virginia, and I further say that the honor of Virginia is involved as well as that of West Virginia, and if the great cession of the Northwest Territory is in any way to be considered, either in its legal aspect or as a cause for national gratitude and justice, then it is of the utmost importance to remember that when that gift was made Virginia and West Virginia were one.

Mr. Chairman, the Civil War has long been over, and between these two States all vestige of contention, strife, and hatred engendered by the Civil War is gone. The brother and the brother have been reconciled. Still this debt remains and is the subject of litigation and contention, not only in the courts but among the people. It is the only continual reminder of the Civil War; and it is to be hoped that this great Nation, in the exercise of that generosity which has prevailed in all its former dealings with public questions and of that justice which is evidenced by its unbroken line of precedents, will take such action relative to this matter as will render completely tranquil the civil relations between this glorious mother and the daughter of her sore travail.

SPEAKER PRO TEMPORE AT SUNDAY SESSION.

The SPEAKER. The Chair designates Mr. HUGHES of New Jersey to preside over the session of the House to-morrow, at the memorial service to Mr. LOUDENSLAGER.

RULE FOR LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HENRY of Texas. Mr. Speaker, I submit the following privileged resolution from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 521.

Resolved, That in the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government, and for other purposes, in the Committee of the Whole House on the state of the Union, it shall be in order to consider without intervention of a point of order any section of the bill as reported, and an amendment authorized by the Committee on Appropriations as a committee amendment to read as follows: "Hereafter the administrative examination of all public accounts, preliminary to their audit by the accounting officers of the Treasury, shall be made as contemplated by the so-called Dockery Act, approved July 31, 1894, and all vouchers and pay rolls shall be prepared and examined by and through the administrative heads of divisions and bureaus in the executive departments and not by the disbursing clerks of said departments, except that the disbursing officers shall make only such examination of all vouchers as may be necessary to ascertain whether they represent legal claims against the United States."

Mr. LENROOT. Mr. Speaker, I make the point of order against the consideration of this resolution at this time because that resolution has never been before the Committee on Rules. I have not seen a copy of it as a member of that committee.

Mr. HENRY of Texas. Mr. Speaker, I will state that I saw nearly every member of the Committee on Rules, I think 9 out of 11, on yesterday, and the majority agreed to report the resolution. It is a fact that that committee did not actually assemble in the committee room, but they were on the floor of the House. I hunted for the gentleman from Wisconsin but was unable to find him.

Mr. MANN. Mr. Speaker, I make the point of order that no such resolution has ever been introduced and referred to the Committee on Rules, and hence they could not act upon it.

Mr. HENRY of Texas. The gentleman is mistaken about that.

Mr. FITZGERALD. I introduced the resolution yesterday.

Mr. MANN. This resolution has not been referred and reported back.

Mr. HENRY of Texas. It was introduced and referred there. Of course if the gentleman desires——

Mr. MANN. This resolution has not been introduced.

Mr. HENRY of Texas (continuing). If the gentleman desires to be so highly technical, the chairman of the Committee on Rules will call a meeting of that committee at once, and the resolution will be acted upon, I apprehend, and will be reported out.

Mr. MANN. That is all right.

Mr. HENRY of Texas. Mr. Speaker, I withdraw the resolution.

MINORITY VIEWS ON HOUSE JOINT RESOLUTION 278.

Mr. OLMSTED. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OLMSTED. I would like to inquire whether there has been any variation of the rule under which the majority and minority reports presented together from a committee are printed together?

The SPEAKER. There has been no variation of that rule.

Mr. OLMSTED. On House joint resolution 278 I placed the minority report in the hands of the gentleman from Tennessee [Mr. GARRETT], who filed them both together, and when I sent down for a copy of the report I only got the majority report.

The SPEAKER. There is no question about the rule and practice. Somebody made a mistake about it. The Chair does not know who it was.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that they be reprinted and printed together.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the report (No. 635) of the majority and the views of the minority on House joint resolution 278 be reprinted and printed together. Is there objection? [After a pause.] The Chair hears none.

Mr. OLMSTED. If it is a mistake in this particular case, I do not wish to make any fuss about it, but when people send for a report they ought to be able to get both sides of the question.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24023, the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, with Mr. UNDERWOOD in the chair.

The Clerk read as follows:

For the following in the office of the President of the United States: Secretary, at the rate of $7,500 per annum until March 4, 1913, and at the rate of $6,000 per annum on and after March 4, 1913; executive clerk, $5,000; chief clerk, $4,000; appointment clerk, $3,500; record clerk, $2,500; 2 expert stenographers, at $2,500 each; accountant, $2,500; 2 correspondents, at $2,250 each; disbursing clerk, $2,000; clerks—3 at $2,000 each, 6 of class 4, 2 of class 3, 5 of class 2; 2 of class 1; 1 clerk-messenger, $1,000; 2 messengers, at $900 each; 2 messengers; 2 laborers, at $720 each; in all, $71,336.66: *Provided*, That employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States, for such temporary assistance as may be necessary.

Mr. GILLETT. Mr. Chairman, I move to amend by striking out, on page 28, in lines 9, 10, 11, and 12, all the words that limit the salary of the Secretary to the President so that it will stand:

Secretary, $7,500.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, strike out, in lines 10, 11, and 12, the following:

"Until March 4, 1913, and at the rate of $6,000 per annum on and after March 4, 1913."

Mr. GILLETT. Mr. Chairman, I have no desire to take the time of the House in any discussion of this kind. It was discussed very thoroughly, at great length, and with much warmth last year, and the Secretary's salary was established at $7,500.

Mr. BARTLETT. I understand the gentleman objects to the amendment which provides that after March 4, 1913, the salary shall be $6,000?

Mr. GILLETT. I do.

Mr. BARTLETT. That does not interfere with the present occupant of that position, does it?

Mr. GILLETT. It does not.

Mr. BARTLETT. And the gentleman ought not to concern himself about the next occupant, probably. It is our duty to take care of him. The gentleman knows it will be an entirely different political party then in charge.

Mr. GILLETT. Mr. Chairman, that is just where I differ from the gentleman. I am opposing this item and offering this amendment, not for any particular individual, but because I think it is the proper salary for the office, regardless of what party or what individual shall fill it. I think, as I stated last year, that the office of the secretary to the President, considering the length of his hours of labor, the quality of work required of him, the judgment, wisdom, and tact which he ought to possess, is well entitled to $7,500. I think it is a mistake to cut it down, and therefore I offer this amendment.

Mr. BUCHANAN. Mr. Chairman, I raise the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois [Mr. BUCHANAN] makes the point of order that there is no quorum present. The Chair will count. [After counting.] There are 104 Members present—a quorum.

Mr. JOHNSON of South Carolina. Mr. Chairman, the amendment before the House is to strike out the provision that fixes the salary of the Secretary to the President at $6,000 after March 4, 1913. In order that the action of the committee might be absolutely nonpartisan and impersonal, we made the regulation to take effect after the beginning of the next term. We can not know who the occupant of the White House will be, whether he will be a Democrat or whether he will be a Republican. We thought that $6,000 was proper compensation.

I want to call the attention of the committee to this fact: The section that has just been read provides for the Executive offices—the clerical help of the President of the United States. The Committee on Appropriations for the current year provided for the President the number of people that they asked for and at the salaries they asked. There was not the dotting of an "i" or the crossing of a "t" in the request that came from the Executive offices, as it was put in the bill. But when the bill went over to the Senate, notwithstanding the House had given the President every employee that was asked for, and had given the salaries that had been asked for, the Senate increased the compensation of the secretary from $6,000 to $10,000. When the bill came back to the House during the closing hours of a short session of Congress, the House was practically compelled by way of compromise to put the salary at $7,500.

Now, that is how the present arrangement came about. This committee has endeavored to be absolutely fair. We did not want to do anything that would be considered as a personal affront to the President of the United States by reducing the compensation of his secretary. We did not want to do anything that would be partisan in its character. So that it might be fair, in order that it might be nonpartisan, we put it in the law that it should take effect March 4, 1913.

Mr. CANNON. Mr. Chairman, I approve of the amendment offered by the gentleman from Massachusetts [Mr. GILLETT]. We all know something of what the duties of the private secretary to the President are. The salary now fixed by law is $7,500. This proposes to decrease the salary after the 4th of March next to $6,000.

Mr. JOHNSON of South Carolina. Mr. Chairman, does the gentleman from Illinois [Mr. CANNON] understand that there is no law fixing the salary of $7,500 now? It is simply in the current appropriation law, but it has never been enacted.

Mr. CANNON. What is the salary by law?

Mr. JOHNSON of South Carolina. The salary by law is $5,000, I think.

Mr. CANNON. The gentleman, then, might have accomplished——

Mr. JOHNSON of South Carolina. Mr. Loeb was the first man who ever received in excess of $5,000. The House increased his salary to $6,000.

Mr. CANNON. I was under the impression that the law provided for $7,500.

Mr. JOHNSON of South Carolina. No, sir.

Mr. CANNON. Then a point of order would have taken this item out?

Mr. JOHNSON of South Carolina. It would be too late now, as the gentleman well knows.

Mr. MANN. It would not, anyhow. A point of order would not have taken it out.

Mr. JOHNSON of South Carolina. Not under the Holman rule.

Mr. CANNON. The gentleman says the law is $5,000, and a point of order would have taken it out.

Mr. JOHNSON of South Carolina. If the gentleman had made a point of order against $6,000 it would have obtained, but the amendment has been discussed, and it is too late.

Mr. CANNON. Precisely. It is not subject to the point of order. I favor the amendment. We pay the Librarian of Congress $6,500 a year. We pay the Superintendent of the Library, the man that just cares for the building, $5,000 a year. We pay Cabinet officials, I believe, $12,000 a year. Now, the gentleman seems to feel that out of courtesy to the President this salary should remain at $7,500 up until the 4th of March next, and then should be only $6,000.

I do not know who will be inaugurated on the 4th of March next. It may be the Speaker of this House. [Applause.] It may be the gentleman who presides over the Committee of the Whole, Mr. UNDERWOOD. It may be a Republican, a Democrat, or what not. [Laughter.] I did not intend to call Mr. Bryan by name [renewed laughter]; but, gentlemen, soberly now, and it is early in the morning, and we are all duly sober—the secretary to the President is one of the most important officials in the Government; in my judgment, after the President, the most important connected with the Executive office. And whoever is nominated and elected as President, he will be my President, as well as your President, and I will not care to play what seems to me—not speaking discourteously—peanut politics. [Laughter and applause].

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. GILLETT].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. GILLETT, Mr. CANNON, and Mr. DYER demanded a division.

The committee divided; and there were—ayes 40, noes 49.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

On and after March 4, 1913, the salary of the Secretary to the President shall be at the rate of $6,000 per annum.

Mr. GILLETT. Mr. Chairman, I make the point of order that that is new legislation.

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts.

Mr. GILLETT. It is new legislation. The Holman rule would be the only warrant or justification for it.

The CHAIRMAN. The Chair will state that the Chair has not the statute before him. What is the salary in the present law now?

Mr. GILLETT. It fixes the salary at $5,000, I understand.

Mr. SHERLEY. Mr. Chairman——

Mr. MANN. Before the Chair sustains the point of order will he hear a word?

The CHAIRMAN. I will recognize the gentleman from Illinois after the gentleman from Kentucky [Mr. SHERLEY]. The gentleman from Kentucky is recognized.

Mr. SHERLEY. Mr. Chairman, the Clerk has just read the paragraph in this bill, to which a point of order has been made, relating to the salary of the Secretary to the President, which for the next fiscal year is covered by an item which has just been adopted by the House, making the salary after the 4th day of March $6,000, and this provision is in keeping with that; and the House having permitted that to stay in, I submit that the second paragraph is not subject to a point of order.

Mr. MANN. Mr. Chairman, the paragraph which has already been passed in the committee is a mere appropriation. Whatever salary may have been fixed, the House is quite at liberty to appropriate either more or less. When no point or order is made the House can appropriate more, and it can appropriate less than the amount provided by law regardless of the amount fixed by law.

Now, the Holman rule provides that it shall be in order where the bill—

Shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

And if this paragraph proposing to fix the salary of the Secretary to the President proposes to fix it at a less amount than is now authorized by law, it would be a reduction in the compensation, and hence I think it is in order. But it proposes now to make a law increasing the salary.

Mr. GILLETT. I understand the Chair sustained the point of order on that ground.

Mr. MANN. I thought the Chair overruled the point of order.

The CHAIRMAN. The Chair intended to sustain the point of order. The Chair thinks the gentleman from Illinois misunderstood the Chair. As the Chair understands the law, the compensation provided by law is $5,000. The fact that the salary has been fixed at $7,500 by an appropriation bill in years past does not change the law of the land, and the Holman rule does not apply in this case. The Chair therefore sustains the point of order. The Clerk will read.

Mr. BARTLETT. Mr. Chairman, I move to insert "$5,000" in place of "$6,000."

Mr. FITZGERALD. I make the point of order, Mr. Chairman, that that paragraph is passed.

Mr. BARTLETT. If the gentleman wants to make a point of order on it, I will withdraw my motion.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CIVIL SERVICE COMMISSION.

For commissioner, acting as president of the commission, $4,500; 2 commissioners, at $4,000 each; chief examiner, $3,000; secretary, $2,500; assistant chief examiner, $2,250; 3 chiefs of division, at $2,000 each; examiner, $2,400; 3 examiners, at $2,000 each; 4 examiners, at $1,800 each; clerks—4 of class 4, 21 of class 3, 28 of class 2, 38 of class 1, 32 at $1,000 each, 20 clerks, at $900 each; messenger; assistant messenger; engineer, $840; telephone switchboard operator; 2 firemen, at $720 each; 2 watchmen; elevator conductor, $720; 3 laborers; 3 messenger boys, at $360 each; in all, $227,230.

Mr. DYER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] moves to strike out the last word.

Mr. DYER. I would like to ask the chairman of the subcommittee, the gentleman from South Carolina [Mr. JOHNSON], concerning the item where it says there are "three laborers and three messenger boys, at $360 each," what is the class of work done by these three laborers, and how many hours they have to devote to that class of work?

Mr. JOHNSON of South Carolina. On what page is it?

Mr. DYER. Page 29, at the bottom of the page, line 23.

Mr. JOHNSON of South Carolina. "Three messenger boys, at $360 each." I asked that question myself. They are boys who just put in a few hours a day; schoolboys who do this light errand work.

Mr. DYER. That applies to the three laborers also?

Mr. JOHNSON of South Carolina. No. I understand that in the case of the boys it is light work, just for schoolboys who want these temporary places. The laborers get $660.

Mr. DYER. There is nothing there saying that they shall get $660.

Mr. FITZGERALD. There is a general law that fixes the compensation of laborers at that amount.

Mr. DYER. Very well. I withdraw my pro forma amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] withdraws his pro forma amendment. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF STATE.

For Secretary of State, $12,000; Assistant Secretary, $5,000; Second and Third Assistant Secretaries, at $4,500 each; chief clerk, $3,000; 2 Assistant Solicitors of the Department of State, to be appointed by the Secretary of State, at $3,000 each; law clerk, and assistant, to be selected and appointed by the Secretary of State, to edit the laws of Congress and perform such other duties as may be required of them, at $2,500 and $1,500, respectively; Chief of Bureau of Manufactures and Trade Relations, $2,500; 2 chiefs of bureaus, at $2,250 each; 5 chiefs of bureaus, at $2,100 each; 2 translators, at $2,100 each; additional to Chief of Bureau of Accounts as disbursing clerk, $200; private secretary to the Secretary, $2,500; clerk to the Secretary, $1,800; clerks—16 of class 4, 16 of class 3, 25 of class 2, 41 of class 1, 3 of whom shall be telegraph operators, 16 at $1,000 each, 19 at $900 each; chief messenger, $1,000; 5 messengers; 22 assistant messengers; messenger boy, $420; packer, $720; 4 laborers, at $600 each; telephone switchboard operator; assistant telephone switchboard operator; in all, $262,800.

Mr. GILLETT. Mr. Chairman, I make the point of order, on line 18, page 31, against "Chief of Bureau of Manufactures and Trade Relations, $2,500."

The CHAIRMAN. What is the gentleman's point of order?

Mr. GILLETT. That that is not authorized by law. There is at present a Bureau of Trade Relations, but subsequently in the bill, under the Department of Commerce and Labor, the present Bureau of Manufactures in that department is transferred or attempted to be transferred to the Department of State; and in anticipation of that the committee in this section has put in "Chief of the Bureau of Manufactures and Trade Relations." But there is at present no such bureau, as I have no doubt the gentleman from South Carolina [Mr. JOHNSON] will admit.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. HAY having taken the chair as Speaker pro tempore, Mr. UNDERWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, and had come to no resolution thereon.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and twenty-four Members are present—not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. A call of the House is ordered. The Doorkeeper will close the doors, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson, Ohio.	Fields	Langley	Saunders
Andrus	Fordney	Legare	Scully
Barchfeld	Fornes	Levy	Sells
Bates	Francis	Lindsay	Shackleford
Bathrick	Gardner, Mass.	Linthicum	Sheppard
Bradley	George	Lloyd	Simmons
Burgess	Goldfogle	Longworth	Sisson
Burke, Pa.	Greene, Mass.	McGillicuddy	Small
Burleson	Griest	McHenry	Samuel W. Smith
Butler	Gudger	McMorran	Smith, Cal.
Calder	Guernsey	Madden	Smith, N. Y.
Callaway	Hanna	Maher	Sparkman
Clark, Fla.	Hardwick	Matthews	Stack
Conry	Harrison, N. Y.	Mays	Stanley
Covington	Hayden	Moon, Pa.	Stephens, Nebr.
Cox, Ind.	Heald	Moore, Tex.	Stephens, Miss.
Cox, Ohio.	Hensley	Murdock	Stevens, Minn.
Cravens	Higgins	Nelson	Sweet
Crumpacker	Hill	Olmsted	Switzer
Curley	Hinds	Parran	Taggart
Davenport	Hobson	Patten, N. Y.	Talbott, Md.
Davidson	Houston	Pepper	Taylor, Ala.
Dickson, Miss.	Howard	Peters	Taylor, Ohio
Difenderfer	Hughes, W. Va.	Porter	Tuttle
Dodds	Jackson	Prince	Utter
Donohoe	Johnson, Ky.	Prouty	Vreeland
Doremus	Kahn	Pujo	Weeks
Doughton	Kindred	Randell, Tex.	Whitacre
Draper	Kitchin	Reyburn	Wilson, N. Y.
Dwight	Konop	Riordan	Wood, N. J.
Fairchild	Kopp	Robinson	Woods, Iowa
Faison	Lafean	Rodenberg	
Ferris	Lamb	Rucker, Colo.	

The SPEAKER pro tempore. Two hundred and fifty-seven Members have answered to their names, a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

RULE FOR LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HENRY of Texas. Mr. Speaker, I submit a privileged resolution from the Committee on Rules.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 521 (H. Rept. 658).

Resolved, That in the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government, and for other purposes, in the Committee of the Whole House on the state of the Union, it shall be in order to consider without intervention of a point of order any section of the bill as reported, and an amendment authorized by the Committee on Appropriations as a committee amendment, to read as follows:

"Hereafter the administrative examination of all public accounts, preliminary to their audit by the accounting officers of the Treasury, shall be made, as contemplated by the so-called Dockery Act, approved July 31, 1894, and all vouchers and pay rolls shall be prepared and examined by and through the administrative heads of divisions and bureaus in the executive departments and not by the disbursing clerks of said departments, except that the disbursing officers shall make only such examination of all vouchers as may be necessary to ascertain whether they represent legal claims against the United States."

Mr. HENRY of Texas. Mr. Speaker, I demand the previous question on the resolution.

Mr. CAMPBELL. Mr. Speaker, I demand the yeas and nays on the previous question.

The SPEAKER pro tempore. All those in favor of ordering the yeas and nays will rise. [After counting.] Forty-one Members have risen, not a sufficient number.

Mr. CAMPBELL. I demand the other side.

The other side was taken, and 151 Members having arisen, the yeas and nays were ordered.

The question was taken; and there were—yeas 138, nays 107; answered "present" 6, not voting 140, as follows:

YEAS—138.

Adair	Edwards	Johnson, S. C.	Rothermel
Aiken, S. C.	Ellerbe	Jones	Rouse
Alexander	Evans	Kinkead, N. J.	Rubey
Allen	Fergusson	Korbly	Rucker, Mo.
Ansberry	Finley	Lee, Ga.	Russell
Ashbrook	Fitzgerald	Lee, Pa.	Sabath
Ayres	Flood, Va.	Lever	Sherley
Barnhart	Floyd, Ark.	Littlepage	Sherwood
Beall, Tex.	Foster	Lobeck	Sims
Bell, Ga.	Fowler	McCoy	Slayden
Blackmon	Gallagher	McDermott	Smith, Tex.
Boehne	Garner	McKellar	Stanley
Borland	Garrett	Macon	Stedman
Brown	Glass	Maguire, Nebr.	Stephens, Miss.
Buchanan	Godwin, N. C.	Martin, Colo.	Stone
Bulkley	Goeke	Moon, Tenn.	Sulzer
Burke, Wis.	Goodwin, Ark.	Morrison	Taggart
Burnett	Graham	Moss, Ind.	Talcott, N. Y.
Byrnes, S. C.	Gray	Murray	Taylor, Ala.
Byrns, Tenn.	Gregg, Pa.	Neeley	Taylor, Colo.
Candler	Gregg, Tex.	Oldfield	Thayer
Cantrill	Hamilton, W. Va.	O'Shaunessy	Thomas
Carter	Hamlin	Padgett	Townsend
Cary	Hammond	Page	Tribble
Clayton	Hardy	Palmer	Turnbull
Collier	Harrison, Miss.	Peters	Underhill
Connell	Hay	Post	Underwood
Cullop	Heflin	Pou	Watkins
Daugherty	Helm	Rainey	Webb
Davis, W. Va.	Henry, Tex.	Ransdell, La.	White
Dent	Holland	Rauch	Wilson, Pa.
Denver	Hughes, Ga.	Redfield	Witherspoon
Dickinson	Hull	Reilly	Young, Tex.
Dies	Humphreys, Miss.	Richardson	
Dixon, Ind.	Jacoway	Roddenbery	

NAYS—107.

Ainey	Foss	Lawrence	Pray
Akin, N. Y.	French	Lenroot	Prouty
Ames	Fuller	Lindbergh	Raker
Anderson, Minn.	Gardner, N. J.	Loud	Rees
Anthony	Gillett	McCall	Roberts, Nev.
Austin	Good	McCreary	Rodenberg
Berger	Green, Iowa	McGuire, Okla.	Stamp
Bowman	Hamilton, Mich.	McKenzie	Sloan
Broussard	Harris	McKinley	Smith, J. M. C.
Browning	Hartman	McKinney	Speer
Cannon	Haugen	McLaughlin	Steenerson
Cooper	Hawley	Malby	Stephens, Cal.
Copley	Hayes	Mann	Sterling
Crago	Helgesen	Martin, S. Dak.	Sullaway
Currier	Henry, Conn.	Miller	Taylor, Ohio
Curry	Howell	Moore, Pa.	Thistlewood
Danforth	Howland	Morgan	Tilson
Davis, Minn.	Hubbard	Morse, Wis.	Towner
De Forest	Humphrey, Wash.	Mott	Volstead
Dodds	Kendall	Murdock	Warburton
Driscoll, M. E.	Kennedy	Needham	Wedemeyer
Dupré	Kent	Norris	Wilder
Dyer	Knowland	Nye	Willis
Esch	Kopp	Patton, Pa.	Wilson, Ill.
Estopinal	Lafferty	Payne	Young, Kans.
Farr	La Follette	Pickett	Young, Mich.
Fecht	Langham	Powers	

ANSWERED "PRESENT"—6.

Adamson	Burke, S. Dak.	Hamill	Levy
Bartlett	Campbell		

NOT VOTING—140.

Anderson, Ohio	Draper	Kahn	Randell, Tex.
Andrus	Driscoll, D. A.	Kindred	Reyburn
Barchfeld	Dwight	Kinkaid, Nebr.	Riordan
Bartholdt	Fairchild	Kitchin	Roberts, Mass.
Bates	Faison	Konig	Robinson
Bathrick	Ferris	Konop	Rucker, Colo.
Booher	Fields	Lafean	Saunders
Bradley	Fordney	Lamb	Scully
Brantley	Fornes	Langley	Sells
Burgess	Francis	Legare	Shackleford
Burke, Pa.	Gardner, Mass.	Lewis	Sharp
Burleson	George	Lindsay	Sheppard
Butler	Goldfogle	Linthicum	Simmons
Calder	Gould	Littleton	Sisson
Callaway	Greene, Mass.	Lloyd	Small
Carlin	Griest	Longworth	Smith, Saml. W.
Catlin	Gudger	McGillicuddy	Smith, Cal.
Clark, Fla.	Guernsey	McHenry	Smith, N. Y.
Claypool	Hanna	McMorran	Sparkman
Cline	Hardwick	Madden	Stack
Conry	Harrison, N. Y.	Maher	Stephens, Nebr.
Covington	Hayden	Matthews	Stephens, Tex.
Cox, Ind.	Heald	Mays	Stevens, Minn.
Cox, Ohio	Hensley	Mondell	Sweet
Cravens	Higgins	Moon, Pa.	Switzer
Crumpacker	Hill	Moore, Tex.	Talbott, Md.
Curley	Hinds	Nelson	Tuttle
Dalzell	Hobson	Olmsted	Utter
Davenport	Houston	Parran	Vreeland
Davidson	Howard	Patten, N. Y.	Weeks
Dickson, Miss.	Hughes, N. J.	Pepper	Whitacre
Difenderfer	Hughes, W. Va.	Plumley	Wickliffe
Donohoe	Jackson	Porter	Wilson, N. Y.
Doremus	James	Prince	Wood, N. J.
Doughton	Johnson, Ky.	Pujo	Woods, Iowa

So the previous question was ordered.

The Clerk announced the following pairs:

For the session:

Mr. BARTLETT with Mr. BUTLER.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. RIORDAN with Mr. ANDRUS.

Mr. FORNES with Mr. BRADLEY.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Until further notice:

Mr. LANGLEY with Mr. FIELDS.

Mr. LEGARE with Mr. WOODS of Iowa.

Mr. TUTTLE with Mr. WOOD of New Jersey.

Mr. SMALL with Mr. WEEKS.

Mr. SISSON with Mr. VREELAND.

Mr. SHARP with Mr. UTTER.

Mr. RUCKER of Colorado with Mr. SIMMONS.

Mr. RANDELL of Texas with Mr. SELLS.

Mr. LLOYD with Mr. ROBERTS of Massachusetts.

Mr. LINTHICUM with Mr. PRINCE.

Mr. KITCHIN with Mr. OLMSTED.

Mr. KINDRED with Mr. PORTER.

Mr. HAYDEN with Mr. NELSON.

Mr. GUDGER with Mr. MONDELL.

Mr. GOLDFOGLE with Mr. MADDEN.

Mr. GEORGE with Mr. KINKAID of Nebraska.

Mr. FRANCIS with Mr. JACKSON.

Mr. FERRIS with Mr. HUGHES of West Virginia.

Mr. FAISON with Mr. HEALD.

Mr. DANIEL A. DRISCOLL with Mr. HIGGINS.

Mr. DIFENDERFER with Mr. PLUMLEY.

Mr. CURLEY with Mr. GREENE of Massachusetts.

Mr. COX of Ohio with Mr. DALZELL.

Mr. CARLIN with Mr. CRUMPACKER.

Mr. COVINGTON with Mr. CALDER.

Mr. CALLAWAY with Mr. BURKE of Pennsylvania.

Mr. BRANTLEY with Mr. BARCHFELD.

Mr. BOOHER with Mr. BARTHOLDT.

Mr. WILSON of New York with Mr. LAFEAN.

Mr. PATTEN of New York with Mr. GRIEST.

Mr. HOWARD with Mr. MATTHEWS.

Mr. DOUGHTON with Mr. FORDNEY.

Mr. LITTLETON with Mr. DWIGHT.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. BATHRICK with Mr. SAMUEL W. SMITH.

Mr. HARRISON of New York with Mr. HINDS.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. PUJO with Mr. MCMORRAN.

Mr. CLARK of Florida with Mr. AMES.

Mr. MCHENRY with Mr. SWITZER.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. COX of Indiana with Mr. REYBURN.

Mr. SHEPPARD with Mr. BATES.

Mr. BURLESON with Mr. KAHN.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Until May 21:

Mr. BURGESS with Mr. WEEKS.

Ending May 4:

Mr. HENSLEY with Mr. HANNA.

Mr. JAMES with Mr. LONGWORTH.

From May 3 and ending two weeks hence:

Mr. SHACKLEFORD with Mr. DRAPER.

Mr. CAMPBELL. Mr. Speaker, how am I recorded as voting?

The SPEAKER pro tempore. In the negative.

Mr. CAMPBELL. Mr. Speaker, I have a general pair with the gentleman from Georgia, Mr. HARDWICK, and I ask that my name be called again.

The SPEAKER pro tempore. Call the name of the gentleman from Kansas.

The name of Mr. CAMPBELL was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The gentleman from Texas is recognized for 20 minutes.

Mr. HENRY of Texas. Mr. Speaker, the resolution upon which the previous question has just been ordered makes certain legislative provisions now in the bill being considered in order and not subject to a point of order. All of those legislative provisions are in behalf of public economy and retrenchment in the expenditures of this Government. Those legislative matters to which I have referred are already in the bill as reported to the House, upon which the Members will be allowed to vote as to their merits after the adoption of this rule. And in addition to those there is a provision that one amendment, which

is set out at the end of the rule, shall be in order and not subject to a point of order. It seems to me that this explanation is sufficient to inform the House about the effect of the resolution that is now under consideration. I reserve the balance of my time.

The SPEAKER. The gentleman from Texas reserves the balance of his time. The gentleman from Wisconsin is recognized for 20 minutes.

Mr. LENROOT. Mr. Speaker, if I shall occupy as much as 10 minutes I will ask the Speaker to notify me at the end of that time, as I wish to yield to others. Mr. Speaker, I have often wondered upon what theory the Democratic Party called itself progressive. We have some illustration of it in the rule now before the House. Before those gentlemen who are now in a majority became the majority, so long as I have been a Member of the House, no special rule making new legislation in order on an appropriation bill was ever reported to the House until the point of order was determined by the Chair. After that was done it sometimes happened that the Committee on Rules did report a rule specifying that things that had been held out of order should be held in order on an appropriation bill.

Mr. PALMER. Mr. Speaker——

Mr. LENROOT. I can not yield in the time I have.

Mr. PALMER. I wanted to call the gentleman's attention to some instances——

Mr. LENROOT. I can not yield. A short time ago we had the first illustration of the progress of the Democratic majority along that line, namely, the Post Office appropriation bill, when, even before any matters had been held out of order, the Committee on Rules was assembled and reported a rule to this House specifying a large number of matters that should be held in order notwithstanding the rules of the House. This morning we find that the majority has taken another step along these lines, and we now have before us a rule abrogating Rule XXI of the House and making everything in this legislative appropriation bill, a bill consisting of 135 pages, in order. Progress, Mr. Speaker, along that line may be satisfactory to the Democratic majority, but I want to ask the chairman of the Committee on Rules, instead of reporting a rule of this kind making everything in order on this bill, why do not they squarely offer an amendment to the general rules of the House repealing Rule XXI? Why should everything be in order upon this bill any more than upon any other appropriation bill, and I hope some gentleman will answer in this debate. Now, Mr. Speaker, I can see some reason why the majority wants to do this thing. They want to get some legislation contrary to the general rules of the House in this bill reported by the committee without going upon record on a roll call of the House. We had an illustration only day before yesterday of the Democratic majority dodging an important question of a parcel post, and we now have another proposition—perhaps there are many more, but the one I have especially in mind is where they propose to dodge another question—namely, the revolutionizing of the classified service of the Government and throwing out upon the world every employee here in Washington over 65 years of age. Now, the majority knows that if they are compelled to vote on an aye-and-no vote on the question it would not command a corporal's guard upon either side of the aisle, because it would meet with the just condemnation of this country from one end to the other, but with this rule adopted, with the legislation being in order and no roll call possible upon it, they may do it and get away with it. Now there are times, Mr. Speaker, when I frankly concede that legislation and appropriations are so intimately connected that they should be considered together, but never, in my judgment, should general legislation of an important nature be considered in any appropriation bill. The rule that has been in force—I do not know how long, but I think ever since Congress began its life—prohibited general legislation upon appropriation bills. It was a wise rule, but if the Democratic majority shall progress further along the line they propose this morning then I see no reason why all legislation of the Congress of the United States should not be and will not be included in appropriation bills, thereby enabling the majority to avoid going upon record where the people of this country may have an opportunity of knowing how they voted upon the various questions, for it is a splendid method of concealing from their constituents how they stand upon important questions. [Applause.]

Now, I want to yield some of my time.

The SPEAKER. The gentleman has consumed six minutes.

Mr. LENROOT. Then I will yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the rule makes in order on this legislative bill, contrary to the ordinary rules of the House, an appropriation that is not authorized by existing law, and there are a number of such items in the bill. It also makes in order any legislative proposition in the bill, and, as the gentleman from Wisconsin has just remarked, will allow an avoidance of a roll call upon the several items in the bill, because when the Committee of the Whole, where this bill is first considered, has reported to the House, a separate vote can not be demanded on any item which was in the legislative bill, and we had an illustration the other day of the operation of a rule that we adopted a few years ago for the purpose of giving the minority an opportunity of putting the majority on record by a roll call, because the Speaker of the House refused to recognize the minority leader to make the motion to recommit the Post Office appropriation bill, stating that he felt obliged to recognize a member of the committee first, and under that same rule any member of the committee may declare himself opposed to the legislative bill upon a motion to recommit and receive recognition, although in that case, as in the case the other day, the gentleman who obtained recognition and declared that he was opposed to the bill did not vote against it on the division which I demanded. The theory of legislation is that Members of the House shall go on record on legislative propositions. That is avoided in the Committee of the Whole House on the state of the Union, because we all know that it is not possible to have a roll call upon every item of appropriations in a long appropriation bill and ever finish the bill, but by this rule which you bring in you show that, through cowardice, you are afraid to go on record on a legislative proposition in your bill; you are afraid to vote upon these different propositions, knowing well that the minority can not vote against the bill in the end which provides the money with which to carry on the Government. However, I am inclined to think that if you keep on adding these legislative provisions to appropriation bills, cowardly refusing to place yourself on record on the items of legislation, that the President will be called upon to do what President Hayes did do many times, veto the appropriation bills, and let the country decide whether you should deprive the Government of existence through cowardly refusing to go on record on legislative propositions.

You might as well say here that we have adopted rules of the House and we now abandon them. Why do you not provide that you do away with the rules and let everything be considered on appropriation bills? Here is an appropriation committee with no legislative jurisdiction over the subject matter in this bill, reporting a bill covering these matters of legislation that belong to other committees, and you are afraid to vote on it, afraid to vote either "aye" or "no," afraid to go on record; but you hide behind a Committee of the Whole, where a roll call can not be called.

The SPEAKER. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. LENROOT. Will not the gentleman from Tennessee [Mr. GARRETT] use some of his time?

Mr. GARRETT. I yield five minutes to the gentleman from South Carolina [Mr. JOHNSON].

Mr. JOHNSON of South Carolina. Mr. Speaker, every provision in this legislative bill is intimately connected with and relates to appropriations and tends to economize in the public expenditures.

As to the section of the bill to which the gentleman from Wisconsin [Mr. LENROOT] has referred, and which will be fully debated when we reach it, in regard to the classified service in the District of Columbia, I would say that the committee proposes—and that may allay your alarm—when that section is reached to strike out "65 years" and make people who are in the classified service eligible for reappointment as long as they are able to discharge the duties of their office. We propose to go further. We are dealing with a great question and we are not trying to do it in a cowardly way or a partisan way. We are willing to strike out "1914," when all the people who are now in the service would be eligible for reappointment without further examination, and insert in lieu thereof "July 1, 1917," so that two presidential elections will intervene between the time that we pass this law and the time when any Government employee will come up for reappointment. The difficulty about this thing is this: What the committee had in mind is not the age limit, which has been seized upon to alarm the public. The age limit is of no importance. What we have in mind and what we want the House to consider is whether in the classified service of the Government hereafter men shall be appointed for a definite period of time or for life.

We believe that it is in the interest of efficient administration, we believe it is in the interest of economical adminstraton, that people shall be appointed for a definite period of time.

I do not care whether you make it five years, or seven years, or nine years. There is no politics in it, and it is simply those who conjure up things in their imagination that can find either cowardice or politics in it.

I have never known the day, whether in the majority or in the minority, in Washington or in my district, I was afraid to say honestly where I stood.

The SPEAKER. The time of the gentleman from South Carolina [Mr. JOHNSON] has expired.

Mr. GARRETT. Mr. Speaker, I yield two minutes more to the gentleman.

Mr. JOHNSON of South Carolina. Let me say one word more about legislation on an appropriation bill. Under the great Magna Charta, to which we trace our liberties, the English Parliament has wrung from kings rights for the people. Parliament has secured those rights because it attached to the money bills to run the Government the laws that the people demanded. This Congress ought to repeal the rule which prohibits legislation on appropriation bills. We have a right to say to the Government upon what terms these moneys are granted. Of course, special privilege objects, because they can keep their hands in the Treasury until the House and the Senate and the Executive are all against them. But if you can put your legislation on bills that must be considered by all branches of the Government, that must be acted on, then people must show their colors, and sometimes, perhaps, they would permit special privilege to lose its hold rather than to starve the Government. [Applause.]

The SPEAKER. The time of the gentleman from South Carolina [Mr. JOHNSON] has expired. The gentleman from Wisconsin [Mr. LENROOT] has 9 minutes remaining and the gentleman from Tennessee [Mr. GARRETT] 10 minutes remaining.

Mr. LENROOT. Mr. Speaker, I yield two minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Speaker, the gentleman from South Carolina has completely misinterpreted the spirit and purpose of the rule which prohibits new legislation upon general appropriation bills. General appropriation bills are passed to support the Government. They must be passed in order that the Republic may live. Every Member of the House is anxious that the Government shall live, and therefore anxious to support the general appropriation bills. But when there is coupled with such a bill other legislation to which he is opposed on principle an honest legislator is put in this dilemma: He must either vote for the entire bill, including the objectionable legislative riders, or else vote against the bill, and so vote against appropriations necessary to sustain the Government. This is a species of legislation by coercion.

Once on this floor, when men had declared that a House general appropriation bill containing new legislative provisions must be enacted into law, and had threatened that if the Senate did not pass it containing those provisions the House would refuse to pass the general appropriation bills, Gen. Garfield, in a speech, very powerfully brought home to certain gentlemen the evil possible in this method of legislating when he said:

> You tried for four years to shoot this Government to death, and now because upon a general appropriation bill necessary in part to sustain the Government you can not have your way upon irrelevant subject matters, you propose to starve it to death.

[Applause.]

The SPEAKER. The time of the gentleman from Wisconsin [Mr. COOPER] has expired.

Mr. LENROOT. Mr. Speaker, I yield one minute more to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. New legislation on a general appropriation bill like this is absolutely without excuse except where it is of an unimportant character or there is a general acquiescence in the proposition involved in the rider; but not where the legislation proposes, as in this case, to change a law which experience has demonstrated to be of very great importance to the proper administration of the civil service of the country. [Applause.]

Mr. LENROOT. Mr. Speaker, I yield the balance of my time to the gentleman from Kansas [Mr. CAMPBELL].

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] is recognized for six minutes.

Mr. CAMPBELL. Mr. Speaker, it has just been stated by the gentleman from South Carolina that the British Parliament wrested certain good laws from the King by attaching those laws to appropriation bills, and likened the necessity of attaching laws in this bill to the necessity that existed in the British Empire in the years that have so long gone by.

There is no similarity between the conditions existing then in that country and now in this country. We are the sovereigns here. We have rules by which we can pass laws for our own government. We have the pursestrings in our hands and are empowered to make appropriations for the maintenance of the Government, and we have wisely from the beginning recognized the wisdom of separating general legislation from appropriation bills. Nothing could more emphasize the wisdom of that separation than the attempt that is being made here to pass important laws on this appropriation bill.

Take the matter of the change that is proposed in our civil service. Let it be understood that the civil service as it is now established in this country is not the growth of a year or a few years, but is the work of years and the efforts of the highest type of American citizenship. The campaign that was made against the spoils system was inaugurated years ago in this country and in behalf of reform in the civil service. It is proposed to undo on an appropriation bill in this year of grace 1912 all that has been done for civil-service reform, without a hearing by a committee, and that without a roll call. It is proposed, in effect, to abandon the benefits of all the reform in the civil service that has come as the result of so many years of work and to substitute in its place the spoils system of the old days.

Oh, gentlemen, your prospects in the November election are not sufficiently brilliant to justify you in taking that step in order to provide you with spoils to divide up among your adherents. The country is not yet ready to abandon the merit system of civil service for the spoils system.

The country is not yet ready to abandon the civil-service system for the spoils system.

You are proposing to do another thing, you say, solely for the sake of economy—for the purpose of saving money. Without a hearing, without reference to the Committee on the Judiciary, without reference to the Interstate and Foreign Commerce Committee, you propose to abolish the Court of Commerce.

Oh, that is popular. The Court of Commerce decided a case adversely to the Interstate Commerce Commission, and in some newspapers and magazines it has made itself unpopular. But you are not depriving the judges of life terms at the salaries they are now drawing for performing the services required of them in the Court of Commerce. You give them their salaries for doing absolutely nothing but wait for vacancies on the circuit bench. You save nothing by abolishing the court, except that you give these gentlemen liberty to pass perhaps the remainder of their lives in leisure. Why, it is nonsense and shows the folly of legislating in an appropriation bill. This gag rule should therefore be voted down.

The SPEAKER. The time of the gentleman has expired.

Mr. SHERLEY. Will the gentleman permit a question?

Mr. CAMPBELL. Yes.

The SPEAKER. The time of the gentleman has expired.

Mr. GARRETT. Mr. Speaker, I yield the remainder of my time—10 mintues—to the gentleman from New York [Mr. FITZGERALD].

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] is recognized for 10 minutes.

Mr. MANN. How much time has the gentleman?

The SPEAKER. The gentleman from New York has 10 minutes.

Mr. GARRETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT. All the time on that side has expired, has it not?

The SPEAKER. All the time allotted to the gentleman from Wisconsin [Mr. LENROOT] has expired.

Mr. FITZGERALD. Mr. Speaker, this rule proposes to make in order certain provisions reported in this bill by the Committee on Appropriations. For the information of the gentleman from Wisconsin [Mr. LENROOT], let me tell him that it is based upon a rule reported and adopted by a Republican House of Representatives at the first session of the Fifty-ninth Congress, a rule for which the gentleman from Kansas [Mr. CAMPBELL] voted and on which the gentleman from Illinois [Mr. MANN] did not vote, because he was paired with the gentleman from Georgia [Mr. HOWARD].

Now, I will take up——

Mr. MANN. You will not explain the circumstances.

Mr. FITZGERALD. Yes; I will explain the circumstances. Certain gentlemen made points of order against certain provisions of the bill, as a result of which many provisions were taken out. The Committee on Rules was appealed to and brought in a rule making it in order to insert the provisions eliminated; the rule was adopted. I opposed it, because the rule was being used to take care of certain favorites of the Republican Party for whom provision had been made in the bill. In this bill there is no increase of salary proposed except to one person, and that is to remedy an error made last year by a misprint by which the salary of a laborer was reduced.

At the time referred to, in the Fifty-ninth Congress, there had been suggested a legislative provision in reference to the departmental clerks. Section 8 of the legislative appropriation bill of that year, reported from a Republican committee, provided that all the employees in the departments in Washington should go out of the service at 70 years of age, and provided that no employee over 65 years of age should be continued above a certain designated salary, and that no employee over 68 years of age should be continued above another salary. There was no minority report by the Republican members against that provision, although the gentleman from Massachusetts [Mr. GILLETT], now a member of the committee which considered this bill and a member of the subcommittee, was a member of the committee which considered that legislative bill and was a member of the subcommittee at that time, as I recall. There was some discussion when the provision was reached in the bill about the propriety of eliminating men who had attained a certain age in the Government service.

Perhaps the gentleman from Kansas [Mr. CAMPBELL] does not recall the good speeches he makes as well as other Members of the House do. On the 13th of March, 1906, in the course of that debate, the gentleman from Kansas [Mr. CAMPBELL] said:

Mr. Chairman, has the committee given any consideration to the proposition to have the civil-service rules applied to the admission of persons into the public service, have them serve for a specified time or term, and then go out and make their way in the world before they have reached the age when they are incapacitated to take care of themselves?

Later on, being recognized in the debate, the gentleman from Kansas [Mr. CAMPBELL] made this statement:

Why not make a term, say, of six years, and have able young men and women coming in and going out constantly after a six-year term in the public service?

[Applause on the Democratic side.]

Then the question of a civil pension list will never worry the Government, and the question of having done injustice to an old employee who has given a lifetime of service to the Government will not be a matter of consideration here or elsewhere.

[Laughter and applause on the Democratic side.]

When a Democratic committee proposes such a provision, making the term five years instead of six years, the gentleman from Kansas declaims against this outrageous attempt to put into force the old spoils system. [Applause on the Democratic side.]

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Kansas?

Mr. FITZGERALD. I yield for a question.

Mr. CAMPBELL. Sometimes men have occasion to change their minds, and this is a very progressive age. [Laughter.]

Mr. FITZGERALD. Yes; and judging from the gentleman's conduct, he is progressing about as rapidly as any man in public life. [Applause on the Democratic side.]

Mr. Speaker, the gentleman from Wisconsin [Mr. LENROOT] protests against making legislation in order on an appropriation bill. He voted a few days ago to make in order a provision to require the publication of the names of stockholders and editors and publishers of newspapers, which was contained in the Post Office appropriation bill. So did the other gentleman from Wisconsin [Mr. COOPER], and the gentleman from Kansas [Mr. CAMPBELL] also voted to make in order upon an appropriation bill a proposition to condemn the express companies. That is progressive, indeed. That was becoming decidedly progressive in this age of progressiveness. [Applause.]

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. LENROOT. I know that the gentleman does not wish to state an inaccuracy. I did not vote for the condemnation of express companies.

Mr. FITZGERALD. I spoke of the gentleman from Wisconsin [Mr. LENROOT] voting for the provision making the publication of the names of stockholders of newspapers compulsory, and his colleague [Mr. COOPER] voted to make that in order, and the gentleman from Kansas [Mr. CAMPBELL] not only voted for that, but he also voted to make the express-company provision in order.

Mr. Speaker, who has made a single legitimate criticism of the provisions of the bill which under this rule will be in order during the consideration of the bill; who has pointed out in this discussion obnoxious and injurious provisions in the bill as reported from the committee; who has urged any argument against it except the gentleman from Kansas [Mr. CAMPBELL], of short memory [applause on the Democratic side], who thought he could make some political capital by resurrecting a ghost, as well as the gentleman from Wisconsin [Mr. COOPER], who, like many old-time Republicans, most of them long since dead, when they had no other argument to make waved the bloody shirt and attempted to stir up sectional strife [applause on the Democratic side] and arouse the bitterness and rancor which originated in an unfortunate division among the people of this country?

He referred to a speech of Mr. Garfield's about legislation on an appropriation bill. He might have read that magnificent speech made by Mr. Garfield during the same session of Congress in which he contended that all of the legislation which he was condemning at that particular time should in the name of peace and amity be repealed so as to show that this was one country, one common brotherhood, one united country, which had forgotten and forever put aside to rest without disturbance the scars and divisions of the past. [Applause on the Democratic side.] If he had read that patriotic utterance of that distinguished gentleman he would not have reiterated the bright epigram with which in the heat of a five-minute debate Mr. Garfield had electrified the House.

There is no danger that the Democratic House will attempt to starve this Government. If it has no higher motive than mere partisan advantage, it would not do so. It expects to have control of it soon and to use these appropriations itself. It will make every appropriation essential for the proper and economical conduct of the Government.

But it will commence now, and, so far as it has the power, it will eliminate useless and unnecessary offices that have encumbered the Public Treasury so many years. [Applause.] Gentlemen will have an opportunity to vote on some of these questions. They will have an opportunity to vote on the question which their distinguished long-time leader offered to the bill and had adopted in the late hours of the afternoon yesterday. We will see how many Republicans will vote on a roll call to increase the compensation of their own employees in this House.

Certain methods are well understood. Such attempts to embarrass the majority by offering amendments that men can not be induced to vote for on record if you held before them all the wealth of Crœsus will not accomplish much.

The provisions made in order by this rule will be debated when they are reached. The Committee on Appropriations has not committed itself, so far as any provision is concerned, that it is not willing to discuss and debate them. It is as ready to accept recommendations as to make them. Certain important reforms in the administration of the public service are essential; they are proposed in the bill; this is the only way they can be considered by the House; and I favor considering them and enacting them into law. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired. All time has expired. The question is on the adoption of the resolution.

Mr. MANN. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 141, nays 101, answered "present" 5, not voting 144, as follows:

YEAS—141.

Adamson	Dixon, Ind.	Jacoway	Rubey
Aiken, S. C.	Driscoll, D. A.	Johnson, S. C.	Rucker, Colo.
Alexander	Edwards	Jones	Russell
Allen	Ellerbe	Kinkead, N. J.	Sabath
Ansberry	Evans	Korbly	Sharp
Ashbrook	Fergusson	Lamb	Sherley
Ayres	Finley	Lee, Ga.	Sherwood
Barnhart	Fitzgerald	Lee, Pa.	Sims
Beall, Tex.	Flood, Va.	Lever	Sisson
Blackmon	Floyd, Ark.	Levy	Slayden
Boehne	Foster	Lobeck	Smith, Tex.
Booher	Gallagher	McCoy	Stanley
Borland	Garner	McDermott	Stedman
Brown	Garrett	McKellar	Stephens, Miss.
Buchanan	Glass	Maguire, Nebr.	Stephens, Tex.
Bulkley	Godwin, N. C.	Moon, Tenn.	Stone
Burke, Wis.	Goeke	Morrison	Sulzer
Burnett	Goodwin, Ark.	Moss, Ind.	Sweet
Byrnes, S. C.	Graham	Murray	Talcott, N. Y.
Byrns, Tenn.	Gray	Neeley	Taylor, Ala.
Candler	Gregg, Pa.	Oldfield	Taylor, Colo.
Cantrill	Gregg, Tex.	Padgett	Thayer
Carlin	Hamilton, W. Va.	Page	Townsend
Carter	Hamlin	Palmer	Tribble
Claypool	Hammond	Pepper	Turnbull
Clayton	Hardy	Peters	Underhill
Cline	Harrison, Miss.	Post	Underwood
Collier	Hay	Pou	Watkins
Conry	Hayden	Rainey	White
Cullop	Heflin	Rauch	Wickliffe
Daugherty	Helm	Redfield	Wilson, Pa.
Davis, W. Va.	Henry, Tex.	Reilly	Witherspoon
Dent	Holland	Richardson	Young, Tex.
Denver	Hughes, Ga.	Roddenbery	
Dickinson	Hull	Rothermel	
Dies	Humphreys, Miss.	Rouse	

NAYS—101.

Ainey	Anderson, Minn.	Bowman	Cary
Akin, N. Y.	Austin	Browning	Catlin
Ames	Berger	Cannon	Cooper

Copley	Helgesen	McKinley	Slemp
Currier	Henry, Conn.	McKinney	Sloan
Danforth	Higgins	McLaughlin	Smith, J. M. C.
Davis, Minn.	Howell	Malby	Speer
De Forest	Howland	Mann	Stephens, Cal.
Dodds	Hubbard	Martin, S. Dak.	Sterling
Driscoll, M. E.	Humphrey, Wash.	Mondell	Stevens, Minn.
Dyer	Kendall	Moore, Pa.	Sulloway
Esch	Kennedy	Morgan	Taylor, Ohio
Farr	Kent	Morse, Wis.	Thistlewood
Focht	Kinkaid, Nebr.	Mott	Tilson
Foss	Knowland	Murdock	Towner
French	Kopp	Needham	Volstead
Fuller	La Follette	Norris	Warburton
Gardner, N. J.	Langham	Nye	Wedemeyer
Good	Lawrence	O'Shaunessy	Wilder
Green, Iowa	Lenroot	Patton, Pa.	Willis
Hamill	Lindbergh	Pickett	Wilson, Ill.
Hamilton, Mich.	Loud	Powers	Young, Kans.
Harris	McCall	Pray	Young, Mich.
Haugen	McCreary	Prouty	
Hawley	McGuire, Okla.	Raker	
Hayes	McKenzie	Rees	

ANSWERED "PRESENT"—5.

Bartlett	Campbell	Guernsey
Burke, S. Dak.		Macon

NOT VOTING—144.

Adair	Draper	Kahn	Randell, Tex.
Anderson, Ohio	Dupré	Kindred	Ransdell, La.
Andrus	Dwight	Kitchin	Reyburn
Anthony	Estopinal	Konig	Riordan
Barchfeld	Fairchild	Konop	Roberts, Mass.
Bartholdt	Faison	Lafean	Roberts, Nev.
Bates	Ferris	Lafferty	Robinson
Bathrick	Fields	Langley	Rodenberg
Bell, Ga.	Fordney	Legare	Rucker, Mo.
Bradley	Fornes	Lewis	Saunders
Brantley	Fowler	Lindsay	Scully
Broussard	Francis	Linthicum	Sells
Burgess	Gardner, Mass.	Littlepage	Shackleford
Burke, Pa.	George	Littleton	Sheppard
Burleson	Gillett	Lloyd	Simmons
Butler	Goldfogle	Longworth	Small
Calder	Gould	McGillicuddy	Smith, Saml. W.
Callaway	Greene, Mass.	McHenry	Smith, Cal.
Clark, Fla.	Griest	McMorran	Smith, N. Y.
Connell	Gudger	Madden	Sparkman
Covington	Hanna	Maher	Stack
Cox, Ind.	Hardwick	Martin, Colo.	Steenerson
Cox, Ohio	Harrison, N. Y.	Matthews	Stephens, Nebr.
Crago	Hartman	Mays	Switzer
Cravens	Heald	Miller	Taggart
Crumpacker	Hensley	Moon, Pa.	Talbott, Md.
Curley	Hill	Moore, Tex.	Thomas
Curry	Hinds	Nelson	Tuttle
Dalzell	Hobson	Olmsted	Utter
Davenport	Houston	Parran	Vreeland
Davidson	Howard	Patten, N. Y.	Webb
Dickson, Miss.	Hughes, N. J.	Payne	Weeks
Difenderfer	Hughes, W. Va.	Plumley	Whitacre
Donohoe	Jackson	Porter	Wilson, N. Y.
Doremus	James	Prince	Wood, N. J.
Doughton	Johnson, Ky.	Pujo	Woods, Iowa

So the resolution was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. WEBB with Mr. STEENERSON.

Mr. SMITH of New York with Mr. SIMMONS.

Mr. RUCKER of Missouri with Mr. PAYNE.

Mr. MOORE of Texas with Mr. MILLER.

Mr. MARTIN of Colorado with Mr. LAFFERTY.

Mr. GEORGE with Mr. NELSON.

Mr. CRAVENS with Mr. GILLETT.

Mr. CONNELL with Mr. CURRY.

Mr. BELL of Georgia with Mr. CRAGO.

Mr. ADAIR with Mr. ANTHONY.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following House bills:

On April 30, 1912:

H. R. 22580. An act to authorize the change of the names of the steamers *Syracuse* and *Boston;* and

H. R. 13988. An act to authorize the Director of the Census to collect and publish additional statistics of tobacco.

On May 3, 1912:

H. R. 18336. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

ROBERT W. ARCHBALD (H. DOC. NO. 730).

The SPEAKER laid before the House the following message from the President of the United States, which was read, ordered printed, and referred to the Committee on the Judiciary:

To the House of Representatives:

I am in receipt of a copy of a resolution adopted by the House on April 25, reading as follows:

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to transmit to the House of Representatives a copy of any charges filed against Robert W. Archbald, associate judge of the United States Commerce Court, together with the report of any special attorney or agent appointed by the Department of Justice to investigate such charges, and a copy of any and all affidavits, photographs, and evidence filed in the Department of Justice in relation to said charges, together with a statement of the action of the Department of Justice, if any, taken upon said charges and report.

In reply, I have to state that, in February last, certain charges of improper conduct by the Hon. Robert W. Archbald, formerly district judge of the United States Court for the Middle District of Pennsylvania, and now judge of the Commerce Court, were brought to my attention by Commissioner Meyer, of the Interstate Commerce Commission. I transmitted these charges to the Attorney General, by letter dated February 13, instructing him to investigate the matter, confer fully with Commissioner Meyer, and have his agents make as full report upon the subject as might be necessary, and, should the charges be established sufficiently to justify proceeding on them, bring the matter before the Judiciary Committee of the House of Representatives.

The Attorney General has made a careful investigation of the charges, and as a result of that investigation has advised me that, in his opinion, the papers should be transmitted to the Committee on the Judiciary of the House, to be used by them as a basis for an investigation into the facts involved in the charges. I have, therefore, directed him to transmit all of the papers to the Committee on the Judiciary; but in my opinion—and I think it will prove in the opinion of the committee—it is not compatible with the public interests to lay all these papers before the House of Representatives until the Committee on the Judiciary shall have sifted them out and determined the extent to which they deem it essential to the thoroughness of their investigation not to make the same public at the present time. But all of the papers are in the hands of the committee and therefore within the control of the House.

WM. H. TAFT.

THE WHITE HOUSE, *May 3, 1912.*

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill (H. R. 24023).

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union with Mr. UNDERWOOD in the chair.

The CHAIRMAN. When the committee rose there was a point of order pending, made by the gentleman from Massachusetts [Mr. GILLETT], on lines 17 and 18, page 31, in reference to the Bureau of Manufactures and Trade Relations. Since the committee rose the House has adopted a rule that would make this provision in order, and the Chair therefore overrules the point of order.

Mr. DYER. Mr. Chairman, I desire to offer an amendment to line 3, page 32.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 32, line 3, strike out the figures "600" and insert in lieu thereof the figures "720."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against that that it is new legislation and increases the compensation.

The CHAIRMAN. What is the provision of law in regard to it?

Mr. FITZGERALD. The current law is $600.

Mr. DYER. That is in the preceding appropriation bill. There is no law that fixes the salary at $600 a year.

Mr. FITZGERALD. Under the rules of the House where there is no general law authorizing the salary the appropriation in the preceding appropriation bill carries authority of law which is construed to be the law and any proposed increase is a violation of the rule.

The CHAIRMAN. The Chair sustains the point of order and the Clerk will read.

The Clerk read as follows:

Section 5 of the act of February 14, 1903, entitled "An act to establish the Department of Commerce and Labor," is repealed, and the duties therein prescribed in relation to the promotion and development of the commerce abroad for the manufactured and other products of the United States, including the gathering, compiling, publishing, and supplying of valuable and useful information in regard to industries and markets abroad shall hereafter devolve upon the Department of State, under such regulations as the Secretary of State may prescribe, and all laws inconsistent herewith are repealed.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 33, strike out the paragraph beginning with line 5 and ending with line 15.

Mr. MANN. Mr. Chairman, when we created the Department of Commerce and Labor a few years ago we provided in that department a Bureau of Manufactures.

Mr. JOHNSON of South Carolina. Will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. JOHNSON of South Carolina. I want to ask unanimous consent that this section of the bill be passed until the section dealing with the same proposition later in the bill is reached, for two reasons.

Mr. MANN. I am perfectly willing.

Mr. JOHNSON of South Carolina. The gentleman from Texas [Mr. BURLESON] has had special interest in these matters, and he will not be here until next Tuesday. It will save debating the matter twice.

Mr. MANN. I agree with the gentleman, but will the gentleman's request include the next paragraph as well as this one?

Mr. JOHNSON of South Carolina. In so far as it deals with the subject, let us debate it all at one time.

Mr. MANN. This paragraph and the one next to it which relates to the same subject?

Mr. JOHNSON of South Carolina. Yes; this section and the next section. Mr. Chairman, I ask unanimous consent that we pass, on page 33, the section beginning with line 5 and ending with line 15; also the section beginning with line 16 and ending with line 33, until we reach later in the bill sections dealing with the same subject matter under the Department of Commerce and Labor.

The CHAIRMAN. The committee has heard the request of the gentleman from South Carolina. Is there objection?

Mr. HUMPHREY of Washington. Mr. Chairman, reserving the right to object, I anticipate that we will, later this evening, reach page 62, which contains items in regard to the mints and assay offices. I would like to know if we can not agree that those items shall go over, and not consider them this afternoon.

Mr. FITZGERALD. When we reach that provision I think there will be no trouble in reaching an arrangement that will be perfectly fair to everybody.

Mr. JOHNSON of South Carolina. We want to read as much as possible of this bill this afternoon. Of course, if there are sections that will involve debate we will be very glad to pass them

Mr. HUMPHREY of Washington. I agree with the gentleman exactly, and that is all I want to do, but I desired to call the attention of the gentleman to the fact.

Mr. MOORE of Pennsylvania. Mr. Chairman, may I inquire what the understanding was. We can not hear over here.

The CHAIRMAN. The request of the gentleman from South Carolina is to pass the two paragraphs on page 33, commencing with line 5 and ending with line 23, until a similar provision in the bill relating to the same subject matter is reached. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

TREASURY DEPARTMENT.

Office of the Secretary: Secretary of the Treasury, $12,000; three Assistant Secretaries of the Treasury, at $5,000 each; clerk to the Secretary, $2,500; executive clerk, $2,400; stenographer, $1,800; three private secretaries, one to each Assistant Secretary, at $1,800 each; Government actuary, under control of the Treasury, $2,250; clerks—one of class four, four of class three, two of class two; chief messenger, $1,100; assistant chief messenger, $1,000; three messengers, at $900 each; four messengers; in all, $60,510.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word.

I wish to call the attention of the gentleman having this bill in charge to the fact that this provision carries an appropriation of $12,000 for the Secretary of the Treasury; and as I am informed he is over 65 years of age. Does not the gentleman think we ought to include him in the class we are going to legislate out of office on account of age?

Mr. JOHNSON of South Carolina. The gentleman has not availed himself of the vast fund of information I gave the House this morning or he would not have asked that question.

Mr. AUSTIN. I did not happen to be present when this vast fund of information was turned loose on the House, but I will avail myself of the opportunity to read it in the RECORD to-morrow.

Mr. JOHNSON of South Carolina. I stated to the House there was a principle involved which we desired to discuss and not what the gentleman is talking about.

Mr. AUSTIN. Mr. Chairman, I can not see the policy or the justice of framing an appropriation that will legislate out of office men who have been devoting——

Mr. JOHNSON of South Carolina. Well, the gentleman does not know what he is talking about. I told the House this morning that we were going to strike out the 65 years and leave people eligible to reappointment as long as they live, if it is 120 years of age. [Applause.]

Mr. AUSTIN. Mr. Chairman, I beg the gentleman's pardon. I was not present and did not hear his assurance with reference to extending the age limit for filling public offices.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

Office of chief clerk and superintendent: Assistant and chief clerk, including $300 as superintendent of Treasury Building, who shall be the chief executive officer of the department and who may be designated by the Secretary of the Treasury to sign official papers and documents during the temporary absence of the Secretary and the assistant secretaries of the department, $4,000; assistant superintendent of Treasury Building, $2,500; clerks—four of class 4, 1 of class 3, 2 of class 2, 2 of class 1, 1 at $1,000, 1 at $900; 2 messengers; 3 assistant messengers; messenger boy, $360; storekeeper, $1,200; telegraph operator, $1,200; telephone operator and assistant telegraph operator, $1,200; chief engineer, $1,400; 3 assistant engineers, at $1,000 each; 8 elevator conductors, at $720 each, and the use of laborers as relief elevator conductors during rush hours is authorized; 3 firemen; 5 firemen, at $660 each; coal passer, $500; locksmith and electrician, $1,400; captain of the watch, $1,400; 2 lieutenants of the watch, at $900 each; 65 watchmen; foreman of laborers, $1,000; 2 skilled laborers, at $840 each; 2 skilled laborers, at $720 each; wiremen—one at $1,000, one at $900; 34 laborers; 10 laborers, at $500 each; 1 plumber, and 1 painter, at $1,100 each; plumber's assistant, $720 (in lieu of watchman-fireman, $720, Cox Building); 85 charwomen; carpenters—2 at $1,000 each, 1 at $720. For the Winder Building: Engineer, $1,000; 3 firemen; conductor of elevator, $720; 4 watchmen; 3 laborers, one of whom, when necessary, shall assist and relieve the conductor of elevator; laborer, $480; and 8 charwomen. For the Cox Building, 1709 New York Avenue: Two watchmen-firemen, at $720 each; and 1 laborer; in all, $170,460.

Mr. KOPP. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 35, line 19, strike out the word "three" at the end of the line and insert in lieu thereof the word "eight," and strike out the words "five firemen, at $660 each" in line 20.

Mr. JOHNSON of South Carolina. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. Does the gentleman from South Carolina make the point of order that this is a change of existing law?

Mr. JOHNSON of South Carolina. Yes, sir; that it is an increase in salary over the current law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. KOPP. Will the gentleman reserve his point of order?

Mr. JOHNSON of South Carolina. Oh, certainly, if the gentleman desires.

The CHAIRMAN. The Chair has sustained the point of order.

Mr. KOPP. But the gentleman reserved the point of order, Mr. Chairman.

Mr. JOHNSON of South Carolina. I do not want to cut the gentleman off.

Mr. KOPP. Mr. Chairman, I move to strike out the last word. If it is impossible in this House to get justice for poor laboring men, and gentlemen on the other side will not even reserve a point of order so one can present what is seemingly an injustice to these men, I think we have reached a plane in legislation that our constituents will not justify. Here, Mr. Chairman, is something that I conceive the Democratic majority, or at least some on that side of the aisle, want to correct, but those in charge of the bill apparently will not give ear even to have it explained. I would like to ask the gentleman in charge of the bill what law there is or what reason there is for carrying five firemen for this particular place at $660 each?

Mr. JOHNSON of South Carolina. Will the gentleman yield?

Mr. KOPP. Certainly.

Mr. JOHNSON of South Carolina. They are carried at those figures because that is what the law fixes them at.

Mr. KOPP. I think the gentleman is mistaken about the law fixing them at that amount, and I would like for him to produce the law. Now, Mr. Chairman, the law provides firemen at $720 each. This is the only place in this bill where firemen are asked to work at $55 a month. In the Post Office Department there are 17 firemen. They draw $720 per year. In the State War and Navy Building there are 10 firemen and they draw $720 per year. In this one place, because years ago these were put in as helpers, they are drawing but $55 a month. Mr. Chairman, I am not acquainted with the personnel of these places, although two years ago I did happen to know one man who worked there. They are white men, they are doing the work of firemen side by side with those who are drawing $720. Now, Mr. Chairman, with all our cry for economy, and I believe there is plenty of room for such economy, I do not believe we want to say to these five men that they must work for $55 a month in this day and age, and I did think, Mr. Chairman, this would be corrected in the present bill.

Last year I brought the matter up, and because I was unfortunately absent when it was reached in the bill I could not secure unanimous consent to return to it. As I stated a moment ago, I have no interest in the matter, but I believe as

legislators acting for 90,000,000 people that our constituents do not want us to attempt economy which is not real economy; that our constituents do not want us to ask hard-working, honest, white laboring men who are trying to honorably support their families in this day and age to work for $55 a month. I will ask any man on this floor whether he thinks a man with $55 a month can even pay the rent of a home to live in decently and furnish the necessaries of life. Now, this is only a raise of $5 a month and will make these firemen all the same, so the bill will be a harmonious bill from the beginning to the end, and all the firemen will receive $60 a month. Mr. Charman, knowing of these conditions, I would not feel I was doing my duty to the House if I did not present the facts as I know them.

Mr. DYER. Will the gentleman yield?

Mr. KOPP. Certainly.

Mr. DYER. I want to call the attention of the gentleman to page 35 of the bill, where it says, on line 20:

Five firemen, at $660 each; coal passer, $500.

Mr. KOPP. The amendment I have offered is at that very point, to strike out and make it eight firemen, at $720, which is an addition of $5 a month.

Mr. DYER. What about the coal passer?

Mr. KOPP. I do not desire to ask any man to give his exclusive time to the Government for $500 a year. I do not think the amendment will be adopted, because the gentlemen in charge of the bill are so magnanimous as to not reserve a point of order, but have already made it, and thus prevented the House from passing upon it.

Mr. DYER. I want to say to the gentleman in charge of the bill that when the Post Office bill was up we made an amendment to increase the salaries of laborers and watchmen to $700 and $720, the minimum; some of them at $840, but the minimum was raised to $700, recognizing, as we ought to recognize, that it is impossible in this day, when the cost of living has so increased, to ask a man to give all of his time to this Government, be he a laborer or watchman or coal passer or what, and pay him such a salary as $500 a year. Mr. Chairman, one of the greatest assets that this Government has to-day is in its personnel in the various departments of this Government, located mainly here in Washington, and to ask them to take less than they have been receiving, to reduce them $100 or so, is outrageous, and no man ought to ask that it be done. There is not a single increase of any man in the Government in this entire bill, excepting one, who was omitted or neglected to be corrected in the last appropriation bill. The gentlemen on that side know that the cost of living in the last two years has greatly increased. To-day to expect a man to rent a decent house and house his family, to provide something for them to eat and to wear, and to send them to school, and to rear them decently in this city of Washington, high as everything is, on the sum of $500 a year ought to be considered disgraceful.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. DYER. I will.

Mr. BYRNS of Tennessee. I want to say to the gentleman the committee has not cut any of these salaries. They are as they were estimated for by the heads of the departments.

Mr. DYER. The gentleman is a member of that committee, and he knows that the head of a department goes to this Committee on Appropriations with the fact staring him in the face that this Democratic House of Representatives wants to cut down salaries.

Mr. BYRNS of Tennessee. I want to say further that these salaries are what the gentleman's own party allowed to the various employees in the bill for the current year.

Mr. DYER. I will say to the gentleman, regardless of any party, it is wrong. I ask the gentleman if he is willing to vote for a man to rear his family upon $500 a year?

Mr. BYRNS of Tennessee. I do not remember that the gentleman made any complaint last year when this matter was up. I submit that the head of a department knows better what a laborer's services are worth than we do, because he is familiar with the work done by him.

Mr. DYER. If I had been here, I would have made it, Mr. Chairman. I think the gentleman from New York [Mr. FITZGERALD], the chairman of this great committee, knows it is outrageously unfair for a man to receive a salary of $500 a year or $600 a year. I ask the gentleman from New York if he does not think we ought to increase these salaries to the minimum of $720 for the laborer, the fireman, or a coal passer, working for the Government of the United States. The gentleman can not answer it, Mr. Chairman, satisfactorily to his own party or satisfactorily to this committee.

Mr. FITZGERALD. I know there is great activity and anxiety among the Republicans during this session of Congress to increase compensation of employees. For years we reported this bill, fixing in it the compensation originally fixed by the heads of the departments, and neither one of these energetic gentlemen raised his voice about the men who it is now claimed are underpaid. Now, in a hypocritical attempt to make it appear that the Democratic Party in its program of economy is doing an injustice toward Government employees, they are making motions that they know are not in order under the rules, and that they would not dare to make if the Republicans were in control, just for the purpose of giving vent to these eloquent periods. If the gentlemen have gratified their desire to make these statements, realizing that the Democratic Party has not reduced a single salary, with one or two exceptions that can be justified, and that in its own good time when it gets complete control of the Government, it will do that justice to the Government employees to which they are entitled and which, if they have not, has been refused for 16 years under complete Republican control, we will now proceed, I hope, to dispose of the public business without wasting our time.

Mr. DYER. Mr. Chairman——

Mr. KOPP. Mr. Chairman——

Mr. DYER. Mr. Chairman, I ask unanimous consent for one minute.

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. DYER. The Chairman of the Committee on Appropriations intimated that because the previous Congress had not seen fit to raise the salaries of these men, that the Republicans have no right now to say anything. I say, Mr. Chairman, that conditions have changed since then, and while I was not a Member of Congress then, if I had been I never would have voted to ask a man to give his whole time to this Government for $500 a year. The gentleman says that the Democratic Party will administer the Government along these lines in a short time. They may do so, but I have too much confidence in the decency and good sense of the American people to believe that they will turn the Government over to men who want these men to live upon such indecent wages as $500 a year.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. KOPP. Mr. Chairman, I move to amend, on page 35, line 20, by striking out the words:

At $660 each.

Mr. JOHNSON of South Carolina. Let the amendment be stated from the desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 35, line 20, strike out the words "at $660 each."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that that changes existing law.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] makes the point of order that this changes existing law. The Chair is informed that this bill is written in accordance with the existing law. If the gentleman from Wisconsin [Mr. KOPP] has anything to show that this is not a change of existing law, the Chair will be glad to hear him.

Mr. MANN. Mr. Chairman, the amendment which the gentleman has offered is to strike out certain language in the bill. There is no obligation on the part of the committee to retain everything in a bill which is reported here. The Appropriations Committee reports certain language in the bill. Now, if you wish to insert language in the bill, of course that would be subject to a point of order, but here is a proposition merely to strike out of the bill certain language contained therein. Certainly the Chair can not hold that the committee does not have the power under the rules to strike out a part of the bill?

The CHAIRMAN. Under that section of Rule XXI, known as the Holman rule, which authorizes a reduction, the Chair overrules the point of order and holds the motion in order.

Mr. FITZGERALD. This does not strike out any positions. It only strikes out a rate, an amount, and fixes the salary. If you strike that out, it changes the law. I think I can demonstrate that.

The CHAIRMAN. If the gentleman from New York desires to be heard on that, the Chair will be glad to hear him.

Mr. FITZGERALD. Under the law, if "$660" is stricken out the compensation paid to them is $720, unless the compensation be specifically fixed in the bill. The striking out of the $660 does not drop the firemen, but it increases their compensation by $60 a year. By taking off the limitation of $660 the salary will be paid under the general provision, which fixes the amount at $720.

Mr. MURDOCK. But it reduces the appropriations in this bill.

Mr. FITZGERALD. It does not. It increases them.

Mr. JOHNSON of South Carolina. Mr. Chairman, I call the attention of the Chair to section 2 of the bill.

Mr. MANN. After all, Mr. Chairman, the point is whether the rules are so constructed that the House can neither add to a provision reported from the Committee on Appropriations or subtract from it. Have we reached the point where the Committee of the Whole House on the state of the Union can do nothing except to let the bill be read from the Clerk's desk, and that you can not add to or subtract a word; that you can not add the word "the" or take away the word "a"? Are we so completely under the control of the Committee on Appropriations that we have no power to change a bill? Where is the rule that contains a provision which says you can not strike out a part of a bill that is reported? You can strike out an appropriation and you can strike out any word in the bill. What authority has the gentleman for saying that the rules are so provided under this administration of the House that the House can not even strike out the word "at"?

Mr. FITZGERALD. Nobody suggested that.

Mr. BARTLETT. Mr. Chairman——

The CHAIRMAN. The Chair is ready to rule.

Mr. BARTLETT. Just one suggestion, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, if the Chair will turn to section 2 of this bill, on page 137—a section which is now the law of the land—the Chair will observe that it provides that "the pay of telephone-switchboard operators, assistant messengers, firemen, watchmen, laborers, and charwomen provided for in this act, except those employed in mints and assay offices, unless otherwise specially stated, shall be as follows," and then it provides that the salary for telephone-switchboard operators, assistant messengers, firemen, and watchmen shall be at the rate of $720 per annum, and that the pay of laborers shall be at the rate of $660 per annum, so that if you strike out "$660," under the section of the bill, section 2, which is the present law of the land and the existing law, you give them $720 each, which would be an increase over the amount carried in the bill.

The CHAIRMAN. Does the Chair understand the gentleman from Georgia to say that the appropriation is made for these employees twice in this same bill?

Mr. BARTLETT. No, sir; I do not. I simply say that section 2 of the bill provides what they shall receive when not otherwise specifically provided for. Section 2 is the current law, the law of the land, so that it would be an increase from $660 to $720 if you strike out $660, because the bill provides and the bill carries the current law of the land, providing that the compensation shall be $720 when not otherwise specifically provided for.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Illinois?

Mr. BARTLETT. Yes.

Mr. MANN. A while ago we had up a provision for the salary of the Secretary to the President, where the law fixes the salary at $5,000 and the appropriation act for the current year carried the amount at $7,500. Does the gentleman think it would be subject to a point of order if an amendment were proposed to leave it at $7,500.

Mr. BARTLETT. Yes.

Mr. MANN. Does the gentleman think when the law fixes a certain salary for a certain officer and the Congress appropriates more or less than that amount in a bill that it is subject to a point of order in the next session or the next Congress to fix the salary by law?

Mr. BARTLETT. Certainly not, if it is less. The law fixes the salary.

Mr. MANN. It does not make any difference whether it is more or less. Under the rules of the House the law fixes the salary. We may appropriate more or less, but the law fixes the salary, and if we strike out the salary, the officer is entitled to the salary fixed by law.

Mr. BARTLETT. That is exactly what I stated.

Mr. MANN. But it is not subject to a point of order.

The CHAIRMAN. The Chair will rule. The amendment offered by the gentleman from Wisconsin [Mr. KOPP] provides for striking out after the word "firemen," in line 20, page 35 of this bill, the words "$660 each." The Chair does not think that this amendment is directed at existing law. This House has the right to make an appropriation or refuse to appropriate for the salary of any man who is employed by the Government. If the Chair were to hold that it would be a change of existing law for the gentleman to move to strike out a line that carries an appropriation, it would prevent the House from refusing to appropriate for the salary of an officer who is on the pay roll of the Government. This House has repeatedly——

Mr. FITZGERALD. I wish to call the attention of the Chair to the fact that this is not the appropriation. The amendment is to strike out the rate at which the compensation is to be paid. If they desire to eliminate these laborers, the proper amendment would be to strike out "three laborers, at $660 a year," the word "at" being understood. Six hundred and sixty dollars is the rate of compensation.

The CHAIRMAN. Well, the Chair does not find that that differentiates the question of striking out the rate of compensation and the compensation.

Mr. FITZGERALD. If this rate be stricken out, another rate takes effect.

The CHAIRMAN. The Chair recognizes that. But it is within the power of the House, when it reaches the other rate, to strike that out. It seems to me it is necessary for the House to have control of the proposition as to whether it will pay the salary or not pay the salary. If there was nothing else in this bill except the "$660," to strike out the amount would clearly carry the salary with it. Now, there may be some other clause in this bill that fixes another salary, but that leaves it to the House to attend to that proposition when it reaches it in the proper order. The Chair must hold that the House has the authority to refuse to appropriate, if it desires to do so, and therefore overrules the point of order.

Mr. KOPP. Mr. Chairman, this will leave the bill, if the amendment should be adopted, in this shape: "Three firemen; five firemen," which would be the same as "eight firemen." The salary of firemen is fixed by law at $720 per year, or $60 per month.

Now, Mr. Chairman and gentlemen, it is immaterial to me what the House does. The gentleman from New York [Mr. FITZGERALD] attempted to found this upon a partisan basis by saying that gentlemen on this side of the House were anxious now to raise the salaries since his side of the House is in the majority.

Now, so far as I am concerned, I stood here last year and the year before and tried to correct this injustice. Here are five firemen, and the only firemen who have been asked to work for $55 per month side by side with other firemen drawing $60 per month. The gentleman from New York said a moment ago that the only changes they had made in raising salaries was to right wrong and wipe out injustice. I ask you gentlemen to wipe out one more injustice, and if you feel that your record for economy is so great that you can not afford to pay $5 per month for five hard-laboring white men trying to make an honest living for their families, why then vote against it. I feel that my duty is performed when I have presented for the attention of the House the facts of the case.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. KOPP. Certainly.

Mr. BYRNS of Tennessee. Does not the gentleman think that the heads of the department, who made the estimates for the firemen and the coal passers and other unskilled employees, know about what their services are worth?

Mr. KOPP. If that were true I do not know how the Committee on Appropriations has cut this bill down $2,000,000.

Mr. BYRNS of Tennessee. We have not reduced the salaries.

Mr. KOPP. You have cut out a lot of things that the department had estimated for, and if the gentleman is correct that they know best, why should the Committee on Appropriations refuse to follow the estimates?

Mr. BYRNS of Tennessee. The gentleman misunderstood my question. My question was whether or not the heads of the departments did not know better what the individual services of certain employees were worth than the gentleman from Wisconsin.

Mr. KOPP. I will answer the gentleman's question by asking another. Does not the department know about the number of watchmen required better than the Committee on Appropriations?

Mr. BYRNS of Tennessee. Not necessarily, especially since it appears in the hearings had by the committee that there are two or three times as many as are necessary, a fact which was not seriously controverted.

Mr. KOPP. I do not care what the estimates are, if we find that men are asked to work for a great Government at wages that are not living wages, I do not believe we can shift that responsibility onto the heads of the departments or anyone else. It is our duty to see that justice is done to all, and especially those who are not in a position to help themselves.

Mr. MANN. Mr. Chairman, just a word. I remember last year when the gentleman from Wisconsin [Mr. KOPP] called attention to this case, and at that time, I think, it was generally understood in the House, and expression was given to it privately, that if the facts were disclosed, as the gentleman, in his enthusiasm, had stated, that it would be corrected another year. My understanding was that the department itself would recommend an increase of salary to these firemen. I do not know whether the estimates were made for an increase or not. I am told that these are the only white firemen in the Government service in Washington who are working at this small salary, and they are working side by side with other firemen who receive a larger salary. In the first place, it was either inadvertence or lack of money that their salary was placed at this sum, and it was never called to the attention of Congress until a year or two ago, when it was stated among a number of us privately—I think, on both sides of the House—that if that was the situation we would endeavor to correct it another year.

Mr. BARTLETT. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BARTLETT. Does the gentleman remember what the last appropriation bill carried?

Mr. MANN. The same as this, $660.

Mr. BARTLETT. And the bill before that?

Mr. MANN. I do not remember anything about the matter until last year. I remember the gentleman from Wisconsin last year called attention to this case and there was considerable discussion in regard to it.

Mr. BARTLETT. The last appropriation bill is the same as this.

Mr. MANN. I so stated; it was not changed then, but it was discussed on the floor at that time and among gentlemen privately, I think, on both sides, it was agreed that it ought to be corrected.

Mr. BARTLETT. As far as I am concerned these are the people whose salaries I should like to see raised.

Mr. FOSTER. As I understand, they do the same work as the others, who get $720?

Mr. MANN. Yes; they work side by side; there is no difference at all. This is not an ordinary case.

Mr. FOSTER. Then I think they ought to have the same pay.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. DYER) there were—ayes 45, noes 16.

So the amendment was agreed to.

Mr. DYER. Now, Mr. Chairman, I offer the following amendment, to take care of my coal passer. I move to strike out the figures "500," in line 20, page 35, and insert the figures "600."

Mr. FITZGERALD. To that I make a point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Office of Comptroller of the Treasury: Comptroller of the Treasury, $6,000; Assistant Comptroller of the Treasury, $4,500; chief clerk, $2,500; chief law clerk, $2,500; 9 law clerks revising accounts and briefing opinions—1 at $2,100, and 8 at $2,000 each; expert accountants—6 at $2,000 each; private secretary, $1,800; clerks—8 of class 4, 3 of class 3, 1 of class 2; stenographer and typewriter, $1,400; typewriter-copyist, $1,000; 2 messengers; assistant messenger; 1 laborer; in all, $73,460.

Mr. JOHNSON of South Carolina. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 41, after line 2, insert the following:

"Hereafter the administrative examination of all public accounts, preliminary to their audit by the accounting officers of the Treasury, shall be made as contemplated by the so-called Dockery Act, approved July 31, 1894, and all vouchers and pay rolls shall be prepared and examined by and through the administrative heads of divisions and bureaus in the executive departments and not by the disbursing clerks of said departments, except that the disbursing officers shall make only such examination of all vouchers as may be necessary to ascertain whether they represent legal claims against the United States."

Mr. MANN. Mr. Chairman, this is such an important matter in one way that I wish the gentleman from South Carolina would briefly tell us what this does so that we can be informed about it.

Mr. JOHNSON of South Carolina. Mr. Chairman, when the subcommittee was engaged in making up the bill we found a marked difference in the cost of disbursing money in the different departments. For instance, the Treasury Department which disburses about $17,000,000, does it this year at a cost of about $15,000. We found that the Department of Justice, which disburses only about $4,000,000, and that largely in salaries, cost very much more, possibly twice as much, as to disburse the money in the Treasury Department.

And so we examined the facts and found that there was no comparison to be drawn between the expense in the different departments. We thereupon inquired into it. We found this state of affairs. The Dockery Commission, which went through all the departments very thoroughly a few years ago, in order to do away with the cumbersome system of auditing, provided that the auditing should take place in the office of the auditor for the respective departments, but that there should be an administrative audit in the bureaus; the auditors themselves and the bureaus both having the right to appeal to the Comptroller of the Treasury for his construction of the law before they took any steps to expend the appropriation or the matters might be appealed to him after action was taken.

So the Dockery Commission, in order to prevent this duplicating of auditing, the work in the auditors' offices was combined, and it had to go through the channel and to the Comptroller of the Treasury before the money was paid. They provided that the bureau should have an administrative audit. Nobody is better qualified to certify to a disbursing officer that certain people are on the pay roll at a certain sum a month and are entitled to receive a certain amount than the man at the head of the bureau himself.

Now, when we looked into the question of this marked difference in the cost of disbursing money we found that the disbursing officers had from time to time come to the Committee on Appropriations and asked for so many clerks of class 4, so many of class 3, and so on, and that they had built around themselves a complete and perfect auditing system—that is, in some of the departments—so that they ceased to be disbursing officers and became auditing and disbursing officers.

We sent for the Comptroller of the Treasury and we went over this whole question with him and got the benefit of his views as to the trouble. We had the benefit of his suggestions as to what would cure the trouble, and in consequence of the conferences we had with the Comptroller of the Treasury and in consequence of the investigation which I have endeavored to call to your attention, we framed this amendment, submitted it to the full Committee on Appropriations, and I think it meets with the unqualified approval of every member of the committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask that the gentleman have five minutes more.

The CHAIRMAN. Without objection, the time of the gentleman will be extended five minutes.

There was no objection.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. MOORE of Pennsylvania. One of the evils that is complained of is in the settlement of accounts against the Government, the auditors claiming to be behind in their work. Does the gentleman believe that this amendment, as suggested by the committee, will facilitate the settlement of accounts of individuals against the Government?

Mr. JOHNSON of South Carolina. I think it will expedite it, because instead of having an auditing office in each department we simply require the disbursing officer to ascertain to his satisfaction that it is a legal claim and that there is an appropriation to pay it when the warrant goes to him, not that he will, like an Auditor or Comptroller of the Treasury, go to examining the facts and inquire into the expediency and propriety of the claim.

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentleman is aware that some claims are held up for many years, and frequently when efforts are made to settle, either by law or otherwise, the argument is made that there is not sufficient help to make up the accounts or they are not accessible. Of course we hear a good deal about circumlocution in Government offices, and I would like to know if it is the gentleman's interpretation of his amendment that its passage would mean that accounts with the Government will be settled more expeditiously?

Mr. JOHNSON of South Carolina. I believe that will be the effect.

Mr. CANNON. Will the gentleman yield to me right there?

Mr. JOHNSON of South Carolina. Certainly.

Mr. CANNON. I think there is no great complaint about the payment, if the gentleman will allow me, for money that is due by the Government for services performed. The complaint to which the gentleman refers, I think, is in the matter of claims that rest against the Government, many times not under contract, many times and most times growing out of the Civil War, the war for the Union, with two and a half million men in the field, matters of bounty pay and settlement, and in the main they were paid. But there is a class of claims arising from future legislation and future decision; and I may say further, if the gentleman will indulge me, that there are lawsuits pending all the time in the Court of Claims and legisla-

tion touching longevity and touching many things where the people have been paid for their services, but these claims come by virtue of future legislation or judicial determination, and in a Government such as ours it takes time. I do not believe this amendment will materially affect that class of business which is in large part a business that is ordinarily disposed of by the Auditor for the War Department.

Mr. JOHNSON of South Carolina. I meant to say that in the case of claims that are well founded in law and are payable out of current appropriations there would be less delay in having the bureau make such audit and pass it on for payment rather than to make an exhaustive audit.

Mr. CANNON. In other words, as I understand the gentleman, he desires to have an administrative audit, so called, and to cut out any other audit substantially until it reaches the Treasury Department and the auditor's office?

Mr. JOHNSON of South Carolina. Yes.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For expenses of collecting the corporation tax authorized by the tariff act approved August 5, 1909, $150,000.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word, in order to ask the chairman of the committee in regard to the $150,000 for collecting the corporation tax. Does that contemplate suits that will have to be brought to enforce the collecion of penalties against corporations that have failed to make their returns in the time and manner required by law?

Mr. JOHNSON of South Carolina. No; the Commissioner of Internal Revenue stated, in response to a question as to why he wanted such a large increase, that it was important for the Treasury to send special agents to examine the books of large corporations. It is not for the purpose of bringing suit, but it is for the purpose of making minute examinations of corporations which would otherwise escape the taxation, and he said, if I may add, that if we would give him the money he asked for that he felt he could assure the committee that for every dollar of that money it would result in the collection of $25 for the Treasury that would otherwise not be collected.

Mr. BARTLETT. Now, Mr. Chairman, I am familiar with that statement, and I made the inquiry and moved to strike out the last word in order to be recognized for this purpose. Mr. Chairman, there are some 8,000 corporations that are now subject to penalties for failure to make returns or to make returns by the 1st of March under the first enforcement of the corporation-tax law. There may be some that ought to be punished. The law provided that if any corporation that was subject to the tax failed to make a return by the 1st of March that the Commissioner of Internal Revenue should ascertain what their returns should be and automatically add 50 per cent to the tax that they did return or should have returned; or in case a corporation returns its tax on the 2d day of March, the Commissioner of Internal Revenue added as a part of the tax the 50 per cent, and it became part of the tax. Also, there was a provision in the bill which made it a criminal offense not to make the return by the 1st of March. There are quite a number of small corporations that are not subject to this tax that failed to make return, and they became liable to be indicted and prosecuted, or their officers, under one of the sections of the law.

The Secretary of the Treasury is authorized by the general law to settle and compromise with that particular class of cases. There are a number of corporations, small corporations, I know of my own knowledge in my own district, while there is quite a number that would not be subject to the tax, yet they were compelled, in order to settle a threatened prosecution, to pay to the Government $25—some less, but not over $25—some escaped by the payment of $10 or $15, because they failed to make the return on the 1st of March, not that they were subject to the tax, but showing that they were not subject to the tax. I have one or two cases in my district to which my attention has been called in which the return reached the internal-revenue collector's office in Atlanta on the 2d of March, and they have been compelled to pay the 50 per cent additional tax as a penalty or the 50 per cent additional tax as a penalty for failure to make the returns on the 1st of March, and it can not be remitted by the Secretary of the Treasury, although in several cases which I presented to him he was desirous of being able to remit the penalty. I call the attention of the committee to this because of this question. There are bills pending, and I think there ought to be some legislation which will permit the Secretary of the Treasury to compromise or to remit these penalties as well as to settle the so-called quasi criminal offenses, and that is the reason I asked the question, in order that the attention of the committee might be directed to it. I hope the legislation will be enacted in some way that will not permit these hardships, not upon the people who seek to evade the law, not upon people who are subject to the tax, but simply through some sort of misfortune or accident they were prevented from the return being made by the 1st of March, or did not make the return because they were not subject to the provisions of the law.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

Office of assistant treasurer at Philadelphia: Assistant treasurer, $5,000; cashier, $2,500; paying teller, $2,250; coin teller, $2,000; vault clerk, $1,000; bookkeeper, $1,800; assorting teller, $1,800; receiving teller, $1,700; redemption teller, $1,600; clerks—1 at $1,600, 2 at $1,500 each, 3 at $1,400 each, 1 at $1,300, 5 at $1,200 each, 1 at $1,000; chief guard, $1,100; 6 counters, at $900 each; 6 watchmen, at $720 each; in all, $48,470.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 61, line 10, after the words "paying teller," at the end of line 9, strike out "$2,250" and insert "$2,300."

Mr. MOORE of Pennsylvania. I think perhaps this is a clerical error. I do not believe the committee intended to save that $50 difference in salary. It looks to me like a clerical error.

Mr. JOHNSON of South Carolina. What salary is that?

Mr. MOORE of Pennsylvania. You have fixed the salary of the paying teller at $2,250.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent to have the amendment reported again.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. MOORE of Pennsylvania. This is a difference of $50. I question if that is what the committee meant.

Mr. FITZGERALD. It was on the recommendation of the department.

Mr. MOORE of Pennsylvania. To save this $50?

Mr. JOHNSON of South Carolina. For the benefit of the gentleman from Pennsylvania [Mr. MOORE] and all those in the House who are interested in the subtreasuries, I wish to make this statement. The Secretary of the Treasury has sent from his office certain experts to all of the subtreasuries throughout the United States. He endeavored to standardize the work and to equalize the compensation, and he sent down to the committee as the result of the labors of his department in investigating all the subtreasuries these estimates. In a few instances—but I think very few, maybe half a dozen—there was a slight change in the compensation of some of the officials. I did not remember at the time the particular one to which the gentleman refers, and whatever changes were made have been very slight, and it is done by the Secretary in the belief that he was treating them all alike for the same kind of work, taking into consideration the size of the town and the compensation for like services.

Mr. MOORE of Pennsylvania. I notice the compensation for paying tellers varies. It is $2,000 in New Orleans, for instance, and $3,000 in New York.

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. MOORE of Pennsylvania. And $2,250 in Philadelphia, according to this bill, but the difference was so slight that I thought, perhaps, it was a typographical error.

Mr. JOHNSON of South Carolina. I stated a moment ago that the information brought to our committee was that they tried to adjust these salaries so as to be absolutely fair to every man, treating them all alike, taking into consideration the conditions of their work and the amount of responsibility, the amount of money handled, and all that sort of thing. They told us how much each man handled in New York, Boston, and different places, but I do not remember the amounts.

Mr. MOORE of Pennsylvania. So it is on the recommendation of the department?

Mr. JOHNSON of South Carolina. We wrote this as we were asked to write it.

Mr. MOORE of Pennsylvania. The change is made on the recommendation of the department itself?

Mr. JOHNSON of South Carolina. Yes, sir. There has been no change made at the instance of the committee. Whatever changes were made were made on the recommendation of the Secretary of the Treasury.

Mr. BARTHOLDT. Will the gentleman yield to an interruption?

Mr. JOHNSON of South Carolina. Certainly.

Mr. BARTHOLDT. I notice that the salary of the Assistant Treasurer at St. Louis was reduced a very small amount, $100, but I would like to ask the gentleman just why that was done? I see that the salary of the subtreasurer at New Orleans and at San Francisco is fixed at exactly the same amount as the salary at St. Louis, and I know that the volume of business done in the city of St. Louis is much greater than that at either San Francisco or New Orleans. Now, if, as the gentleman says, these salaries have been adjusted in accordance with the volume of business, the salary at St. Louis should certainly be increased.

Mr. JOHNSON of South Carolina. It has not been reduced.

Mr. BARTHOLDT. It has been reduced $100.

Mr. JOHNSON of South Carolina. Oh, no.

Mr. BARTHOLDT. I understood it had been reduced $100.

Mr. MANN. The clerks that have been carried at $900, I think, are now carried at $1,100.

Mr. Chairman, in reporting this bill the committee have made a number of changes in the office of assistant treasurer at various cities, as stated by the gentleman, in accordance with the organization and reorganization plan of the department. I called attention a few years ago to the gross inaccuracy and unfairness of corresponding salaries in different subtreasuries. And evidently the department this time has endeavored to make recommendations to put salaries upon a somewhat more reasonable and fairer basis as compared with the work in the different cities. The gentleman from Pennsylvania [Mr. MOORE] calls attention to a reduction of salary of $50 in one instance. In Boston they have reduced the salary of a vault clerk from $2,000 to $1,800.

Mr MOORE of Pennsylvania. I observe the Boston paying teller is rated at $2,250.

Mr. MANN. The paying teller was $2,500, and it was reduced to $2,250. In New York the assistant cashier is reduced from $4,200 to $4,000, and the vault clerk from $3,200 to $3,000, and various changes are made there besides the one to which the gentleman has called attention. In New Orleans the receiving teller is reduced from $2,000 to $1,800.

Mr. MOORE of Pennsylvania. That is a reduction of——

Mr. MANN. That is a reduction of $200. Some years ago I called the attention of the House to this situation: That some official in one city which transacted one-third of the business was paid a higher salary than a corresponding official in another city transacting three times the business in the subtreasury, which, of course, was something that had grown up through a course of years and through the raising of salaries, probably on the floor of the House or in the Senate, or perhaps in the department, because some person had been in the service for a number of years and they wanted to increase his salary temporarily. Of course when he went out his successor received the same salary. This reorganization carried in the bill is certainly a desirable and fair thing to do in the effort, at least, to put the salaries in the different cities somewhat on the same basis for the same work.

Mr. FITZGERALD. In some instances, while there was some slight decrease, not very great, in others there were increases to equalize the service. The committee accepted the recommendation of the department.

Mr. MANN. At Boston there is a decrease of $60. In Chicago there is an increase of $2,500 altogether.

Mr. DYER. What is the decrease at St. Louis?

Mr. MANN. Last year it was $40,540; this year it is $41,060.

Mr. BARTHOLDT. Mr. Chairman, will the gentleman yield there?

Mr. MANN. Yes.

Mr. BARTHOLDT. I notice that the salary of the paying teller at San Francisco, for instance, is $2,400 and the salary of the paying teller at St. Louis is $2,000.

Mr. MANN. Yes.

Mr. BARTHOLDT. Now, if the salaries, as my friend from South Carolina [Mr. JOHNSON] says, have all been adjusted on an absolutely equitable basis, I do not see why there should be a difference in those two salaries, particularly when you take into consideration the fact that the volume of business done at St. Louis is greater than that done at San Francisco.

Mr. MANN. I will say to the gentleman that the paying teller at San Francisco has always acted also as assistant cashier, and he has additional duties to perform over those of the paying teller at St. Louis.

Mr. BARTHOLDT. The bill does not state it.

Mr. MANN. But that is the fact. He always has been assistant cashier and acts as assistant cashier in addition to acting is paying teller. The San Francisco office was originally the highest-paid office in the country, a fact growing out of conditions prevailing there, probably, at the time when the office was created. But the salaries at San Francisco have been reduced since then from time to time. The gentleman can not always tell by the title in these Treasury offices just what an official performs, because a person performing the same duties in one office may be called by one title in one office and by another title in another office. They do not string out the titles so as to include all the duties that are performed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYES. Mr. Chairman, I want to say, in corroboration of what the gentleman from Illinois has stated, that the officer at San Francisco is really filling two positions, at a salary of $2,400. The gentleman from Missouri [Mr. BARTHOLDT] is mistaken, I think, in stating that the volume of business done in St. Louis is larger than that done at San Francisco.

Mr. BARTHOLDT. I have seen the figures recently, and they are certainly larger than at San Francisco.

Mr. HAYES. They are not very much larger, if at all.

Mr. BARTHOLDT. I have not the figures here; but that is my impression.

Mr. HAYES. I think the officers in the Subtreasury at San Francisco are doing substantially what the officers of the Subtreasury at St. Louis are doing.

Mr. BARTHOLDT. The gentleman will see from the titles that there is a great deal of difference.

Mr. HAYES. As stated by the gentleman from Illinois [Mr. MANN], some of the officers at the San Francisco Subtreasury are filling two positions.

Mr. MANN. If the gentleman will permit, I will say that the paying teller at Chicago receives $2,000, and still he probably does 10 times as much work in that capacity as the officer at San Francisco. And yet the officer at San Francisco is entitled to the salary he receives for the work he does, because he has additional work besides that of merely paying out money through the window.

Mr. DYER. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Missouri?

Mr. JOHNSON of South Carolina. Certainly.

Mr. DYER. I notice here, on line 24 of page 61, "two janitors, at $600 each." I notice in line 15 of the same page "six watchmen, at $720 each." There is no provision in that paragraph as to the subtreasury at Philadelphia for janitors. Do I understand that those who do janitors' work at the subtreasury at Philadelphia and also at the subtreasury in New York and in other subtreasuries are carried as watchmen?

Mr. JOHNSON of South Carolina. I do not know under what title they are carried.

Mr. DYER. Well, I would like to ask the gentleman from Illinois [Mr. MANN] about that.

Mr. MANN. I can give the gentleman some information on the subject. While the subtreasury at Chicago has a great many more rooms to look after and a great deal more business to transact, the bill carries only one janitor for Chicago and two for St. Louis. The fact is, however, that a proportion of the work done by the janitors in public buildings is done not directly through this appropriation, but through an appropriation for the custodian of the public building, and it does not necessarily indicate that all the janitor work is done by these officials. The custodian of the building under the Treasury Department has control of the janitors.

Mr. MOORE of Pennsylvania. In Philadelphia it is the collector of the port.

Mr. DYER. Do not these watchmen do janitor work?

Mr. MANN. I do not know whether they do or not.

Mr. MOORE of Pennsylvania. The care of building in Philadelphia is under the control of the collector of the port.

Mr. DYER. What I want to call to the attention of the gentleman is this: Here in the subtreasury at St. Louis two men are carried as janitors at $600 each, whereas they are carried in the subtreasuries at Philadelphia and New York and other places as watchmen at $720 each. I think it is no more than fair that these two janitors at St. Louis who receive $600 each should be carried at the same amount, namely, $720; and I ask the gentleman from South Carolina [Mr. JOHNSON] if he will agree to that amendment?

Mr. MANN. Will the gentleman yield for a question?

The CHAIRMAN. The Chair will state to the gentleman from Missouri that it is not in order to offer an amendment to that item at this time.

Mr. MANN. Will the gentleman from Missouri yield?

Mr. DYER. Yes.

Mr. MANN. If you want to increase the salary of the janitors at St. Louis, then you want also to increase the number

of janitors at Chicago, so that if you want to make the salary at St. Louis $720, those two should not be expected to do only the work of one janitor at Chicago. I know that we are fast in Chicago, but I did not know we were so much faster as that would indicate.

Mr. BARTHOLDT. We have one more watchman.

Mr. FITZGERALD. They need it at Chicago. [Laughter.]

Mr. MANN. We have not any more. We have three watchmen and you have two watchmen, a guard, and two janitors.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment:

Amend, page 61, line 15, after the words "at $900 each," and preceding the word "watchmen," strike out "six" and insert "seven."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The Clerk read as follows:

Amend, page 61, line 15, after the words "at $900 each," and preceding the word "watchmen," strike out "six" and insert "seven."

Mr. MOORE of Pennsylvania. Mr. Chairman, in explanation of the amendment, I desire to state——

Mr. JOHNSON of South Carolina. Mr. Chairman, I make a point of order against that amendment on the ground that it changes existing law.

The CHAIRMAN. The Chair will ask the gentleman from South Carolina if the present law provides for six watchmen?

Mr. JOHNSON of South Carolina. It does.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask the gentleman to reserve his point of order for a moment until I can discuss the question.

The CHAIRMAN. The Chair has already decided the point of order.

Mr. MOORE of Pennsylvania. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from South Carolina made the point of order, and the Chair ruled on it.

Mr. MOORE of Pennsylvania. May I not know what the point of order is?

The CHAIRMAN. The point of order is that the existing law provides for six watchmen.

Mr. MANN. I understand it does not provide for six watchmen at Philadelphia. I understand it provides for seven watchmen.

The CHAIRMAN. The Chair asked the gentleman from South Carolina if his point of order was that the amendment changed existing law, and the Chair understood him to answer that it did.

Mr. MOORE of Pennsylvania. The existing law provides for seven watchmen at Philadelphia.

Mr. JOHNSON of South Carolina. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from South Carolina withdraws the point of order. The Chair was misled as to the condition.

Mr. MOORE of Pennsylvania. I want to ask the gentleman from South Carolina if the same condition holds in regard to these watchmen as obtained in regard to the paying teller; whether this recommendation for a reduction in the number of watchmen comes from the department? This is a case of taking away a man's position. The other was a matter of adjusting salaries. I think I am justified in offering the amendment with a view of trying to save this place to the employee, if possible. Was this reduction of the force recommended by the department?

Mr. JOHNSON of South Carolina. The committee was so thoroughly impressed with the fact that the Treasury Department had made an honest effort to examine into these subtreasuries and to equalize the pay and adjust the force to the work done that we accepted these estimates as they came down from the department. We believe they are trying to do right, and we believe they did do right, and we gave them what they asked for.

Mr. MOORE of Pennsylvania. Then the department made a recommendation that the force be reduced from 7 to 6?

Mr. JOHNSON of South Carolina. Yes.

Mr. MOORE of Pennsylvania. And it is not at the suggestion of the committee?

Mr. JOHNSON of South Carolina. No; we acted on the suggestion of the department.

Mr. MOORE of Pennsylvania. The gentleman understands that I must do the best I can to hold the place. If the department recommended it I will have to submit the matter to the House. We feel that we need this watchman at the subtreasury. There is a large amount of money in the treasury, and these men have to make relays to protect the deposits. I hope the House will permit this watchman to remain and will adopt the amendment.

Mr. MANN. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. Certainly.

Mr. MANN. Considering the fact that the business in the subtreasury at Chicago is much greater than it is in Philadelphia, what excuse can the gentleman offer for having six watchmen at Philadelphia when we only have three in Chicago?

Mr. MOORE of Pennsylvania. I will frankly admit that Philadelphia is a much more peaceful city than is Chicago, but occasionally the inhabitants of Chicago migrate to Philadelphia.

Mr. MANN. If that is the only excuse the gentleman offers I shall be compelled to vote against his amendment.

Mr. MOORE of Pennsylvania. Oh, I have stronger grounds than that. The gentleman asked his question in a humorous vein and I answered it in the same manner. This watchman is needed in Philadelphia for the protection of the money of the United States.

Mr. JOHNSON of South Carolina. I want the gentleman from Pennsylvania to understand that I made the point of order under a misapprehension of the number that the law provided.

Mr. MOORE of Pennsylvania. I understand that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Office of Assistant Treasurer at St. Louis: Assistant treasurer, $4,500; cashier, $2,500; paying teller, $2,000; receiving teller, $1,800; assorting teller, $1,800; change teller, $1,600; 3 clerks, at $1,500 each; coin teller, $1,200; bookkeeper, $1,500; 7 clerks, at $1,200 each; 2 clerks, at $1,100 each; 3 clerks, at $1,000 each; 3 clerks, at $900 each; 2 watchmen, at $720 each; 2 janitors, at $600 each; guard, $720; in all, $41,060.

Mr. DYER. Mr. Chairman, I would like to ask the gentleman from South Carolina why it was that they reduced two clerks from $1,200 last year to $1,100 this year? Was that recommended by the Secretary?

Mr. JOHNSON of South Carolina. Just for the same reason that I have explained in regard to all the subtreasuries. We believe that the Secretary of the Treasury, for his subordinates, made an earnest and honest effort to adjust the salaries on a fair basis, and adjust the force in all the subtreasuries, and whatever has been done in the matter of reducing anybody's compensation, if it has been reduced, was at the instance of the department.

Mr. DYER. The gentleman will agree that that is the fact, that two clerks with salaries of $1,200 have been reduced to $1,100?

Mr. JOHNSON of South Carolina. Yes; but we have followed the request of the department in doing it. We made no personal investigation of the St. Louis office.

Mr. DYER. Mr. Chairman, I suppose the gentleman will object, under the circumstances, to an amendment putting them back to $1,200?

Mr. JOHNSON of South Carolina. I should have to object.

Mr. DYER. Mr. Chairman, I offer the following amendment: Page 61, line 24, strike out the figures "600" and insert in lieu thereof "720." I hope the gentleman will not make a point of order to that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 24, page 61, strike out the figures "600" and insert in lieu thereof the figures "720."

Mr. JOHNSON of South Carolina. To that, Mr. Chairman, I make a point of order.

The CHAIRMAN. Does the Chair understand that $600 is the current law?

Mr. JOHNSON of South Carolina. That is the current law.

Mr. DYER. Will the gentleman reserve the point of order until I ask a question? The current law provides that janitors shall get $660 a year, does it not?

Mr. JOHNSON of South Carolina. No; the janitor gets whatever compensation is fixed where he is provided for. If you change the compensation, you change his pay, of course. This was fixed, and this particular item is the current law not only as to number, but as to pay.

Mr. DYER. The gentleman knows that some time ago they got $500 in some places, and the pay has been increased on appropriation bills to $720.

Mr. JOHNSON of South Carolina. There is no law fixing the compensation of these officials, but their compensation depends on the law as it reads at the particular place they are provided for.

Mr. DYER. Does not the gentleman think that these salaries ought to be increased?

Mr. JOHNSON of South Carolina. The Secretary of the Treasury has investigated all of these officials and their salaries, and the committee has followed the recommendations.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

For paper for interest, transfer, redemption, pension, and other checks and drafts for the use of the Treasurer of the United States, assistant treasurers, pension agents, disbursing officers, and others, $9,000.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that we pass without prejudice over that portion of the bill beginning in line 12, page 62, "mint and assay offices," down to and including the bottom of page 65. These matters will provoke some discussion, and I have promised gentlemen interested in them not to take them up this afternoon.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to pass without prejudice that portion of the bill beginning at line 13, page 62, to the bottom of page 65. Is there objection?

Mr. RAKER. Mr. Chairman, will the gentleman from South Carolina indicate that when the House meets the next time to consider this bill he will return the first thing and commence where we leave off to-day?

Mr. JOHNSON of South Carolina. I could not indicate when we will return to this section, but I will say to the gentlemen that no advantage will be taken of them.

Mr. FITZGERALD. Mr. Chairman, this afternoon a number of Members are absent. This bill will be continued, and the purpose will be to dispose of these matters as rapidly as possible. There will be no agreement not to take them up in the future. Members must be here when the bill is under consideration. The next time that the bill will come up will be next Tuesday.

Mr. HUMPHREY of Washington. I agree with the gentleman from New York that Members should be here, but the gentleman from South Carolina was making a statement as to when the bill would be taken up again.

Mr. FITZGERALD. In view of the statement of the gentleman from South Carolina I did not wish gentlemen to be misled. We will start on Tuesday, and the disposition will be to proceed with this bill and to dispose of all the parts as they are reached as rapidly as possible.

Mr. HUMPHREY of Washington. I do not disagree to that.

Mr. FITZGERALD. I did not want Members to be misled.

Mr. MOORE of Pennsylvania. Mr. Chairman, can we have the assurance that this will not be taken up before next Tuesday?

Mr. MANN. No, you can not; because we might reach it on Monday.

Mr. FITZGERALD. I doubt that.

The CHAIRMAN. The Chair will again state the request of the gentleman from South Carolina. The request is that that portion of the bill beginning at line 13, page 62, to the bottom of page 65, be passed without prejudice. Is there objection?

Mr. HUMPHREY of Washington. I only want some assurance that it will not be taken up again to-day.

Mr. JOHNSON of South Carolina. No; we will not take it up again to-day.

The CHAIRMAN. The Chair hears no objection to the request, and it is so ordered.

Mr. DUPRÉ. Mr. Chairman, I ask unanimous consent to return to page 59 for the purpose of offering some amendments in relation to the office of assistant treasurer at New Orleans.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to return to page 59 for the purpose of offering amendments. Is there objection?

There was no objection.

The Clerk read as follows:

On page 59 of the printed bill, under the caption "Office of the assistant treasurer at New Orleans," in line 10, after the words "receiving teller," amend by striking out the figures "1,500" and inserting the figures "2,000."

Mr. DUPRÉ. Mr. Chairman, the object is to restore the salary which exists under the present law.

The question was taken, and the amendment was rejected.

Mr. DUPRÉ. I also offer the other amendment.

The Clerk read as follows:

Amend page 59, line 11, after the word "clerk," by striking out the words "fourteen hundred" and insert the figures "1,500."

Mr. DUPRÉ. In that case the official was previously known as a bookkeeper at a salary of $1,500. He is changed in this to a clerk with a salary of $1,400. I move the adoption of the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For legislative expenses, namely: Furniture, light, telephone, stationery, record casings and files, printing and binding, indexing records, postage, ice, water, clerk hire, mileage of members, and incidentals, pay of chaplain, clerk, sergeant at arms, stenographers, typewriters, janitors, and messengers, $30,000: *Provided*, That the members of the Legislature of the Territory of Hawaii shall not draw their compensation of $200 or any mileage for an extra session, held in compliance with section 54 of an act to provide a government for the Territory of Hawaii, approved April 30, 1900.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What is this proviso that the Legislature of Hawaii shall not draw their compensation of $200, and so forth.

Mr. JOHNSON of South Carolina. The legislature only meets every two years. The sessions of the legislature are biennial.

Mr. MANN. I understand, but what is the object of putting in a provision they shall not draw their compensation for an extra session held in compliance with the law?

Mr. JOHNSON of South Carolina. Well, that is as it came to us from the department.

Mr. GARNER. That is in the last legislative act.

Mr. MANN. No; it is new language here.

Mr. JOHNSON of South Carolina. The department asked for it.

Mr. MANN. All right.

The Clerk read as follows:

WAR DEPARTMENT.

On or before the 30th day of June, 1912, the Secretary of War shall cause a reorganization to be made of the clerical and other office force of the War Department, herein provided for, so as to reduce the whole number of said force not less than 10 per cent, and the salaries or compensation of all places herein provided for in said department that may be embraced within such reduction shall not be available for expenditure, but shall lapse and be covered into the Treasury.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The item providing for a reduction of 10 per cent directs that the Secretary on or before the 30th day of June next shall reorganize his force. Of course this bill is not likely to become a law very much before the 30th of June, if at all. Suppose it did not become a law until the 30th of June? Would the Secretary be able to effect this reorganization?

Mr. JOHNSON of South Carolina. Of course the law would not be operative. He could not be expected to comply with a law that was not in existence.

Mr. MANN. Suppose it became a law on the 29th of June and the Secretary did not reorganize his force, is there any sort of penalty in here? That is what I want to get at.

Mr. JOHNSON of South Carolina. There is no penalty, and if it became a law after the 1st of June——

Mr. MANN. I wondered whether we wanted to pass a law which very likely could not be executed. I doubt whether it will be possible for any Secretary to reorganize his force between the date when this bill becomes a law and the 30th of June, and whether we should pass a law knowing the officers could not comply with it.

Mr. GARNER. Does not the gentleman suppose the Secretary has some idea of this being in the bill, and that it might possibly become a law? He may take cognizance of it at this time.

Mr. MANN. Well, he will not know what is to become the law. Here is an item which might be in conference until the very last moment, and the Secretary can not make his plans accordingly. He usually has enough to do to take care of the things that he has to do, without taking care of dreams. I only call it to the attention of the committee so it may at least be considered whether he is under an obligation to execute a law where it was impossible for him to do it, in order to have the matter cleared up.

Mr. FITZGERALD. I will say this to the gentleman, that as this is such a meritorious bill, we anticipate it will become a law several weeks before the end of June.

Mr. MANN. The gentleman is sometimes very facetious.

Mr. FITZGERALD. No; I am not.

Mr. MANN. And I have never seen him so facetious before as he is on this occasion. The gentleman does not believe for one second that this bill will become a law before the 30th of June.

Mr. FITZGERALD. I hope it will.

Mr. MANN. I hope it will become a law by the 1st of June, but, hope deferred maketh the heart sick.

Mr. FITZGERALD. I do not wish to express any view that would indicate there is going to be any sort of obstruction to the passage of such a meritorious measure——

Mr. MANN. Well, in the ordinary course of events——

Mr. FITZGERALD. I think the gentleman realizes that if the difficulty to which he refers should appear to be inevitable that we will do our very best to make provision that would enable the department to have what was a reasonable time.

Mr. MANN. I call attention so the gentleman might state on the floor that if the bill becomes a law too late to effect the reorganization within the time here prescribed that the Secretary would not be to blame if he did not comply with the strict terms of the provision in the bill.

Mr. GARNER. But if he did comply with the spirit of the law he might reorganize the force after the 1st day of July and save the 10 per cent.

Mr. FITZGERALD. The gentleman realizes, and I think the committee realizes, that it may be possible that some modification of this provision in reference to time may be necessary, and that could be adjusted, probably, on the deficiency bill, which is usually the very last bill to be agreed upon. Nobody would expect the Secretary to do that which was impossible. The committee expected that he would carry out this law in good faith, and the committee put no penalty in the bill for a failure to comply with this provision, because it believed that if the Congress enacted such a provision, no matter who were Secretary of War, he would try in good faith to carry out the direction of Congress.

Mr. MANN. In other words, if this becomes a law and the Secretary is unable to comply with it before the 30th day of June because it is not in force before the 30th of June, the gentleman expects the Secretary to do that which the law requires him to do before the 30th of June after the 30th of June.

Mr. GARNER. As soon as possible.

Mr. FITZGERALD. I think the gentleman and myself are in agreement as to what would be expected. Not only that, but the majority members of the committee as well as the minority proceeded upon the assumption that there would be no disposition on the part of the Secretary of War to ignore or to defy an act of Congress, and that he would in good faith endeavor to carry out the law as enacted.

Mr. JOHNSON of South Carolina. I think the War Department wants it.

Mr. MANN. I know; but I have on more than one occasion heard the gentleman criticize a department officer for not doing a thing which was clearly understood he should not do in the way the law provided under certain conditions.

Mr. FITZGERALD. I never did that knowingly——

Mr. MANN. I will not say that——

Mr. FITZGERALD. I may have done it unintentionally, but I think the spirit of this provision is understood.

The Clerk read as follows:

Office of the Judge Advocate General: Chief clerk and solicitor, $2,500; clerks—1 of class 4, 2 of class 3, 2 of class 2, 6 of class 1; copyist; 2 messengers; assistant messenger; in all, $20,800.

Mr. WILLIS. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 6, page 69, after the semicolon, insert "2 law clerks, 1 at $2,000 and 1 at $1,800."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. WILLIS. Mr. Chairman, if this amendment shall be adopted I shall offer another to strike out, in line 6, the word "two" and insert in lieu thereof the word "three," and in line 7 to strike out the word "two," after the word "three," and in lieu thereof insert the word "three." I have offered this amendment because there is a peculiar situation in the office of the Judge Advocate General, as is shown in the hearings on pages 312 and 313. The office of the Judge Advocate General is the Law Division of the War Department. As the chief law officer of the War Department, it becomes his duty to pass upon a very great number of important legal questions growing out of the several jurisdictions of the office. For example, the War Department must approve the plans and locations of bridges and dams on navigable streams under existing statutes. Of course those questions are referred to the Judge Advocate General's office for opinions thereon; also questions as to the alteration of bridges, involving hearings which frequently have to be held in order that information may be secured. Then there is the question of establishing harbor lines, upon which there will be arguments and hearings. Under the jurisdiction of this office are permits for the construction of piers and wharves on navigable streams and questions growing out of the removal of sunken wrecks. Of course in the determination of all these matters there must be hearings and arguments and frequently involved legal opinions and documents must be prepared.

Also a great deal of legal work grows out of the river and harbor improvements and the preparation of opinions relative thereto; also legal questions relative to military reservations, national cemeteries, the soldiers' homes, and questions concerning civil employees, among them the applicability of the eight-hour law to the civil employees of the War Department. All of these important questions are within the civil jurisdiction of the Judge Advocate General; and then, of course, everybody knows that the Judge Advocate General has extensive duties to perform growing out of the military and criminal jurisdiction of that office. In other words, then, it is perfectly clear that this is the legal division of the War Department, and I invite attention to the fact, as set forth in the hearings, that, although it is a legal division, there is absolutely no provision for a law clerk. It seems to be a peculiar situation, inasmuch as we have an office here that has to do entirely with legal questions, yet there is no adequate provision for legal assistance.

Mr. FITZGERALD. Will the gentleman yield?

Mr. WILLIS. Certainly.

Mr. FITZGERALD. The clerks authorized may be law clerks. The classification of clerks merely fixes the compensation.

Mr. BYRNS of Tennessee. If the gentleman will permit, I will call attention to the fact that Gen. Crowder stated that his chief clerk and solicitor were lawyers of ability, and several other clerks now in the office had attended law schools and were lawyers.

Mr. WILLIS. In response to that, I want to suggest, both to the gentleman from New York [Mr. FITZGERALD] and to the gentleman from Tennessee [Mr. BYRNS], who are excellent lawyers, that it is perfectly apparent that it is not possible to get and retain for any length of time very much of a lawyer for the salaries paid to this grade of clerks. It is conceded that the present office force is efficient, but it is inadequate for the kind and quantity of work to be done.

I am familiar with the statement made here by Gen. Crowder. He says there are two clerks who have recently graduated from night school, and they are performing the duties of law clerks. I submit, Mr. Chairman, that is hardly an adequate equipment for this great office, which has to deal with important and far-reaching legal questions involving millions of dollars of the people's money. And the best evidence of that, if any further evidence be necessary, is the fact that the Judge Advocate General himself, in his statement, asks for this specific increase which I have undertaken to provide for in these amendments.

And, further, it has been stated here a number of times by the chairman of the subcommittee that reductions have been made only as they have been recommended by the heads of departments. I may say in passing that I think the heads of departments and the committee have rendered an important and patriotic service in seeking to reduce expenditures, but I call the attention of the committee to this fact, that in this particular case the Secretary of War recommends this specific increase I am now suggesting. I will not take time to read all of his statement. With the permission of the committee I shall insert some of it in the RECORD, however. Gen. Crowder says:

You will notice I have asked for an increase, and it is for the purpose of directing your attention to the necessities of the bureau in that regard that I would like to speak for a moment.

It will be noticed, in looking over the clerical force of the department, that, notwithstanding it is a law office, it has not an appropriation for a single law clerk, and when you take into consideration the extent of the civil jurisdiction of the War Office, it appears almost impossible to carry on the work without some provision being made in this regard. The highest salary in my department is $1,800, and I have two at $1,600, two at $1,400, and six at $1,200.

The CHAIRMAN. Are any of these clerks lawyers?

Gen. CROWDER. Yes, sir. Some of them have attended night law schools, and I think two of them have succeeded in getting diplomas, but they were not brought into the service as law clerks. My chief clerk is a lawyer of ability, and I have in the $1,800 position temporarily a man who is rendering very excellent service, but whom I can not retain at his present salary.

* * * * * * *

In this estimate I have asked for two additional clerks, one at $2,000 and one at $1,800, of the law-clerk class. I took the initiative at the suggestion of the Secretary of War, who examined into the affairs of the office, and made the suggestion based upon the work that his desk was sending to my office. Since then he has looked into the matter more thoroughly, and he authorized me to say this morning that he does not think the increase asked for here is at all sufficient. I prepared a memorandum showing the work coming into the office for consideration in greater detail than I have stated, and he has approved this memorandum and authorized me to submit it to the committee as a part of my statement to you this morning. I would like to have authority from the committee to do that.

The increase asked for is primarily necessary to meet the demands for legal services in respect of the civil jurisdiction of the Secretary of War, and more particularly with reference to the duties with which he is charged in respect of navigable waters and under annual river and harbor acts. Extensive legal hearings are held before the Secretary of War, at which parties in interest are represented by attorneys, and it is not infrequent that lengthy printed briefs are filed for the consideration of the Secretary of War, raising issues of law and fact upon which he must reach a conclusion and base his administrative

action. Not infrequently river and harbor appropriations are conditioned upon the cooperation of communities which involves their participation in the work, and the Secretary of War is directed not to release Federal appropriations until local communities have complied with conditions. Sometimes bond issues are required by local communities, and rights of way are to be acquired, necessitating condemnation proceedings, or bonds are to be given for the performance of the obligations of the community. The legal question as to whether or not there has been compliance upon the part of local communities is always submitted to this office for opinion.

This is only one branch of the civil work coming to this office, but furnishes perhaps more technical questions to resolve than any other. In the disbursement, however, of Army appropriations the supply departments make many contracts, and the contracts, bonds given for their performance, and all questions arising in the execution of contracts are considered and passed upon by the Judge Advocate General.

In other words, here is a recommendation——

The CHAIRMAN (Mr. HUMPHREYS of Mississippi). The time of the gentleman has expired.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIS. This recommendation is, I think, in the long run in the direction of real economy. I believe it will give better public service. I believe it will make it possible better to deal with the work which properly comes within the jurisdiction of the office of the Judge Advocate General. And I invite attention again to the peculiar fact that this office, which is the legal end of the War Department so far as the appropriation is concerned, has no provision whatever for law clerks. If this amendment is adopted it will provide two.

I submit another observation. Now, you take the similar office in the Navy Department that has substantially the same kind of work to perform—not so much, I may say in passing—and I find on examination that in that similar office in the Navy Department there are 19 employees, the total salary of whom aggregates $29,310, or an average salary of $1,543, whereas in this department, that has this tremendously important business to attend to, and which is now behind in its work and is hampered and cramped because of the lack of sufficient law clerks in this division—the office of Judge Advocate General of the War Department—there are only 16 employees as compared with 19 in the similar office in the Navy Department. And whereas the total salary of those employees in the Navy Department is $29,310, here in the office of the Judge Advocate General it is but $20,800, an average salary of only $1,300 as compared with $1,543 in the similar division of the Navy Department.

Mr. BYRNS of Tennessee. Where did the gentleman get his information as to the clerks in the corresponding office in the Navy Department?

Mr. WILLIS. From the hearings. If the gentleman will take the number of clerks in the office of the Solicitor General of the Navy and in the office of the Judge Advocate General of the Navy Department, he will see that those two offices—the office of the Judge Advocate General and the office of the Solicitor General of the Navy Department—perform the same duties in the Navy Department that are performed in the War Department by the office of the Judge Advocate General of that department, yet in the Navy Department the number of employees is 19, drawing an aggregate salary of $29,310, an average to each employee of $1,543 per annum, while in the office of the Judge Advocate General of the War Department the total salaries aggregate $20,800, or an average of $1,300 per annum for each of the 16 employees. The adoption of this amendment will save the people's money by giving them more efficient service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I desire to make a pro forma motion to strike out the last word.

I was unavoidably absent when the provision in regard to the War Department force was reached. This bill provides for a flat 10 per cent reduction in the force in the War Department. I am aware that the Chief of Staff recommended a 25 per cent reduction in that force and that the committee did not go further in its investigation except to examine or give hearings to the heads of the various bureaus—The Adjutant General's office, the Commissary Department, and the Quartermaster's Department, and so on. I am informed, after rather careful inquiry, that they all did not agree with the Chief of Staff in his statement, but each one insisted that the business of the Government could not be transacted properly with any reduction of force, and in some instances they insisted on an increased force. As I understand, it was just a flat statement on the one hand and a protest on the other by the head of every bureau. It seems to me that the committee did not go into detail at all. But by this provision on the 1st of July next 10 per cent of the force of that great department is to march out if the provision should be enacted into law. My own judgment is that the committee should have ascertained bureau by bureau in what manner the 10 per cent should be made up, whether at the head or the bottom or between. I have no objection in the War Department or any other department to any diminution of force that will not embarrass the public service. Just why the majority of the committee did not provide for the decrease of the force one-quarter, as recommended by the Chief of Staff, instead of one-tenth, I do not know. I will be glad to pause for information upon that point. If his recommendation was good enough to provide a 10 per cent reduction, was it not good enough for a 25 per cent reduction?

Mr. GARNER. They wanted to give it in broken doses, so the effect would not be so hard on the patients.

Mr. CANNON. In broken doses? I am now talking seriously about the public service. I say again, it may be that a 10 per cent reduction is apt, but, for anything that appears to this committee, if it is apt, a 25 per cent reduction is apt. Nobody disputes that proposition.

That is about all I desire to say. I do not aim in my remarks to criticize from an unfriendly standpoint the Chief of Staff. I have the honor of an acquaintance with him, and he is a very able man.

Just whether he knows more about this service than the heads of the various bureaus who insist that no decrease in the force should be had, but rather an increase on account of the necessities of the public service, I do not know. In this condition of contradiction I suppose I am a little in the position of the colored man who, when there was a dispute about religious matters and he was "jacked up" and requested to explain what he thought about it, said, "I think this darkey will take to the woods." [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I wish to say this to the committee: In three years the Treasury Department has reduced the clerical force of the department by about 16 per cent, reducing the number of clerks from 3,800 to 3,396. That was done on the initiation of the department, and yet all the time the heads of the respective bureaus and divisions in the department were insisting that the force could not be reduced, but that, on the contrary, in many instances, it should be increased.

The Chief of Staff of the Army went before the Committee on Expenditures in the War Department and made quite an extensive statement as to the clerical force needed in the War Department and the reduction that could be made therein, and it came to the attention of the members of the committee in charge of the legislative bill. They sent for the Chief of Staff. They asked him if he stood on what he said before the Committee on Expenditures in the War Department, and he said that he did.

The Committee on Appropriations did not then attempt to review the situation in the War Department in the same way as it did with respect to the Treasury Department. An official who states he is the official advisor, both as to departmental and military affairs, to the Secretary of War insisted that the clerical force in the War Department was too large. The heads of the various bureaus insisted either that they had only the force that they needed or else that they had an inadequate force. The committee did not attempt to single out the places to be abolished, but instead inserted a provision to the effect that the department itself should reorganize and eliminate the places that are not necessary.

It is hardly fair to criticize this side of the House for accepting the recommendation of the Chief of Staff. When the Army appropriation bill was under consideration in the Committee of the Whole this side of the House was criticized because it attempted to propose legislation to which the Chief of Staff was opposed, and which, under the advice of the Secretary of War, he said was ill advised. This time the committee, thinking perhaps it might be possible to satisfy those who were criticizing us when the Army bill was under consideration, accepted the opinion of the Chief of Staff as to what would be best to do. Nobody on this side of the House, I will say to the gentleman, has any desire to cripple or impair the efficiency of the governmental service. I do not care how much money is required; I am willing to vote all the money that is necessary to enable this Government to be conducted properly.

My opinion, based on the investigations which I have been a party to, is that there are in many instances duplications of service, unnecessary employees—grown up perhaps without responsibility to be fixed upon any particular branch of the Government; and I think that this opportunity, given to the

department to eliminate those employees that are not necessary and to organize its force so that its business may be efficiently conducted, will not harm the service, but will do much good.

Mr. AUSTIN. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Tennessee?

Mr. FITZGERALD. Yes.

Mr. AUSTIN. All through the report which accompanies the bill are statements here and there about a clerk cut off, or a watchman cut off, and a charwoman cut off. Were all of these reductions made by the committee respecting the various bureaus of the Government upon the recommendations of the heads of the respective departments?

Mr. FITZGERALD. No. It is rather exceptional to find any department of the Government, outside of the Treasury Department, recommending any reductions in its force. During the past three years the Treasury Department has done excellent work in this direction, as we frankly concede. But outside of that department it is rare to find any department recommending reductions in force. I might say, in addition, that the Post Office Department has in some places at this time made recommendations to reduce the force and effect economies. The reductions made here are reductions made by the committee after investigations by which it was convinced that these services could be dispensed with because they are unnecessary.

Mr. AUSTIN. Were these reductions, then, made against the protests of the heads of the respective departments?

Mr. FITZGERALD. Well, these places were not provided for any more than additional places were not provided for which the department asked, and the committee did not assume that simply because the places exist that that is conclusive evidence that they are necessary.

Mr. AUSTIN. But where there was a conflict between the heads of departments who were granted hearings by the various subcommittees of the Committee on Appropriations, and where the heads of departments stated that these positions were necessary for the proper and efficient management and conduct of the respective departments, did the committee, without any indications of that kind, take its own judgment?

Mr. FITZGERALD. There never was any conflict. The department representatives appeared before the committee and presented such information as they possessed as to the necessity for the places, and then the committee determined whether the places were necessary. If the committee determined that they are not necessary, it recommended accordingly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I move to strike out the last two words. I desire recognition to make a brief statement. I want to ask the gentleman from New York how many decreases have been made in the Treasury Department employees?

Mr. FITZGERALD. Five hundred and six in three years.

Mr. CANNON. In three years. Where?

Mr. FITZGERALD. In the departmental service.

Mr. CANNON. I know; let us particularize about it.

Mr. FITZGERALD. In various bureaus.

Mr. CANNON. I know; but let us particularize about it. Does the gentleman mean in every bureau?

Mr. FITZGERALD. I have not the details before me at present.

Mr. CANNON. The gentleman can ascertain if he will only ask the gentleman sitting by him.

Mr. FITZGERALD. I do not think either myself or the gentleman to whom the gentleman from Illinois refers carries the details of these reductions in his head. I shall be glad before this bill is completed to place in the RECORD a statement showing the reductions effected in the last three years in the Treasury Department.

Mr. CANNON. I will say this, if the gentleman does not give me an answer——

Mr. FITZGERALD. I do not answer because I have not the information ready.

Mr. CANNON. I think the clerk to the gentleman's committee can get it in a few minutes. The gentleman says that aid is not given by the heads of bureaus in effecting reductions, and so forth. The largest reduction of force, according to my recollection, that was made in the Treasury Department grew out of the introduction of machinery in the Bureau of Engraving and Printing and by an invention that numbered the notes as they were printed and put the seals on the notes. That, I think, dispensed with a number of people aggregating, perhaps, 100, who were employed in the Treasury Department, the same work being done now in another branch of the Treasury Department, the Bureau of Engraving and Printing.

I think also there was some decrease in consequence of certain reforms in the method of auditing in the office of the Auditor for the Post Office Department, which used to be called the office of the Sixth Auditor.

I am very glad those reforms have been brought about, but they were made upon the suggestion of those who were at the head, as I recollect, of the various bureaus, and by the use of machinery and by intelligent printing and sealing. It was by those means that those retrenchments were made.

Now, we have no such showing in the War Department. I am not here by any manner of means to criticize, save alone that I do not quite indorse the plea in set-off that the gentleman from New York has made, because that side of the House went against the advice of the Chief of Staff on the Army appropriation bill, and now the gentleman seeks to bring in a set-off by acting according to the advice of the Chief of Staff in this bill. [Applause.] I do not exactly know——

Mr. TILSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Connecticut?

Mr. CANNON. Yes.

Mr. TILSON. Would it not be more consistent if we were going to follow the advice of the Chief of Staff to follow it in matters military rather than in this matter, which is purely a civil administrative matter? In the case of the Army bill, where the Chief of Staff made recommendations in regard to military matters in which he is supposed to be an expert, the House did not follow his advice. Now in a matter in which he is not supposed to be more of an expert than any other bureau head we are following his advice.

Mr. CANNON. It is not for me to comment on that statement.

Mr. BARTLETT. May I suggest to the gentleman from Illinois——

Mr. CANNON. Yes.

Mr. BARTLETT (continuing). That the Secretary of War is not simply the adviser of Congress in reference to the detailed matters of keeping up the Army, but also the discharge of his official duties connected with the Department of War.

Mr. CANNON. I do not know what recommendation the Secretary of War may have made; whether he coincides with the recommendation of the Chief of Staff or not.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I have now the "statement of the new offices created," the document familiar to Members of the House.

Mr. CANNON. And also the decreases?

Mr. FITZGERALD. Yes; and it shows that last year in the Treasury Department there were 75 places created with salaries totaling $83,807 and 316 places omitted with salaries aggregating $283,259. The net decrease is 241 places and about $200,000 in salaries.

Mr. CANNON. Was not the bulk of that decrease due to the fact that the Bureau of Engraving and Printing, by the use of additional machinery in the sealing of the notes and securities, was able to do the work with less labor by half than had theretofore been required, and they were enabled to do away with a number of low-priced employees?

Mr. FITZGERALD. My recollection is that there were two divisions affected by that change. One was the Division of Loans and Currency and the other was the office of the Treasurer of the United States. In the office of the Treasurer of the United States there were 13 places created and 60 dropped, and in the Loans Division there were 64 places abolished and 1 created.

Mr. CANNON. Almost 140 in the aggregate.

Mr. AUSTIN. Will the gentleman give us the information from the Sixth Auditor's office on account of the substitution of accounting machines.

Mr. FITZGERALD. I am not referring to that.

Mr. CANNON. I will see that the table is made and subsequently placed in the RECORD.

Mr. FITZGERALD. I will be glad to place the table in the RECORD. I ask unanimous consent, Mr. Chairman, to put the statement in the RECORD for three years past.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FITZGERALD. I submit as a part of my remarks, to be printed in the RECORD, extracts from the annual statements of "new offices created and offices omitted" for the two regular sessions of the last Congress, covering the fiscal years 1911

and 1912, showing in detail and by offices and bureaus the reductions made in the force of the Treasury Department, and also an extract from the report on this bill showing the further reductions proposed by this bill:

SECOND SESSION OF THE SIXTY-FIRST CONGRESS, FISCAL YEAR 1911.

New offices created and offices omitted.

	New offices created.		Offices omitted.	
	No.	Amount.	No.	Amount.
TREASURY DEPARTMENT.				
Office of the Secretary.				
Executive clerk	1	$2,400.00		
Messenger	1	900.00		
Wireman (office of chief clerk and superintendent)	1	900.00		
Superintendent of supplies	1	2,000.00		
Clerks of class 2, at $1,400 each (General Supply Committee)	2	2,800.00		
Clerk of class 1	1	1,200.00		
Laborers, at $660 each (Division of Loans and Currency)	2	1,320.00		
Paper counters and laborers, at $620 each (Division of Loans and Currency)	7	4,340.00		
Clerks, at $1,000 each (Division of Revenue-Cutter Service)	2	2,000.00		
Messenger boy (Division of Printing and Stationery)	1	360.00		
Assistant to document clerk (Division of Mail and Files)	1	840.00		
Messenger boy (Division of Mail and Files)	1	360.00		
Deputy disbursing clerk	1	2,750.00		
Clerks of class 2, at $1,400 each (Office of disbursing clerks)	2	2,800.00		
Assistant messenger (Office of disbursing clerks)	1	720.00		
Examiner			1	$2,000.00
Messenger			1	840.00
Laborer			1	660.00
Messenger boy			1	360.00
Watchmen, at $720 each (Office of chief clerk and superintendent)			2	1,440.00
Skilled laborer (Office of chief clerk and superintendent)			1	720.00
Draftsman (Office of chief clerk and superintendent)			1	1,200.00
Laborer (Division of Bookkeeping and Warrants)			1	660.00
Assistant messenger (Division of Customs)			1	720.00
Clerk (Division of Appointments)			1	900.00
Assistant messenger (Division of Appointments)			1	720.00
Expert counters, at $720 each (Division of Loans and Currency)			2	1,440.00
Clerk of class 3 (Division of Revenue-Cutter Service)			1	1,600.00
Clerk of class 2 (Division of Revenue-Cutter Service)			1	1,400.00
Foreman of bindery, at $6 per day (Division of Printing and Stationery)			1	1,873.00
Binders, at $4 per day each (Division of Printing and Stationery)			4	5,008.00
Sewers and folders, at $2.50 per day each (Division of Printing and Stationery)			2	1,565.00
Clerk (Division of Mail and Files)			1	900.00
Laborer (Division of Mail and Files)			1	600.00
Disbursing clerk (Offices of disbursing clerks)			1	2,500.00
Clerk of class 3 (Offices of disbursing clerks)			1	1,600.00
Clerk of class 1 (Offices of disbursing clerks)			1	1,200.00
Clerk (Offices of disbursing clerks)			1	900.00
Messenger (Offices of disbursing clerks)			1	840.00
Laborer (Offices of disbursing clerks)			1	660.00
Total, office of the Secretary	25	25,690.00	31	32,311.00
Office of the Supervising Architect.				
Executive officer	1	3,250.00		
Laborer	1	360.00		
Assistant to Supervising Architect			1	3,250.00
Laborer			1	660.00
Total, office of the Supervising Architect	2	3,610.00	2	3,910.00
Office of Comptroller of the Treasury.				
Law clerks, revising accounts and briefing opinions, at $2,000 each	2	4,000.00		
Clerk of class 3	1	1,600.00		
Clerk of class 2			1	1,400.00
Total, office of Comptroller of the Treasury	3	5,500.00	1	1,400.00
Office of Auditor for the War Department.				
Clerk			1	1,000.00
Clerks, at $900 each			8	7,200.00
Clerks, at $840 each			3	2,520.00
Total, office of Auditor for the War Department			12	10,720.00
Office of Auditor for Interior Department.				
Skilled laborer			1	720.00
Laborers, at $660 each			2	1,320.00
Total, office of Auditor for Interior Department			3	2,040.00

SECOND SESSION OF THE SIXTY-FIRST CONGRESS, FISCAL YEAR 1911—con'd.

New offices created and offices omitted—Continued.

	New offices created.		Offices omitted.	
	No.	Amount.	No.	Amount.
TREASURY DEPARTMENT—continued.				
Office of Auditor for Post Office Department.				
Skilled laborer	1	$1,000.00		
Money-order assorters, at $340 each	5	4,200.00		
Money-order assorters, at $780 each	5	3,900.00		
Female laborers, at $660 each	2	1,320.00		
Skilled laborers, at $840 each	6	5,040.00		
Skilled laborers, at $720 each	8	5,760.00		
Messenger boys, at $480 each	4	1,920.00		
Messenger boys, at $360 each	5	1,800.00		
Clerks of class 4, at $1,800 each			3	$5,400.00
Clerks of class 3, at $1,600 each			3	4,800.00
Clerks of class 2, at $1,400 each			9	12,600.00
Clerks of class 1, at $1,200 each			14	16,800.00
Clerks, at $1,000 each			46	46,000.00
Clerks, at $900 each			2	1,800.00
Money-order assorters, at $660 each			2	1,320.00
Messengers, at $840 each			6	5,040.00
Assistant messengers, at $720 each			9	6,480.00
Total, office of Auditor for Post Office Department	36	24,940.00	94	100,240.00
Office of the Treasurer.				
Clerk of class 1	1	1,200.00		
Expert counters, at $900 each	20	18,000.00		
Clerk of class 4 (To be reimbursed by the national banks)	1	1,800.00		
Expert counters, at $1,200 each (To be reimbursed by the national banks)	10	12,000.00		
Expert counters, at $1,000 each (To be reimbursed by the national banks)	11	11,000.00		
Expert counters, at $900 each (To be reimbursed by the national banks)	11	9,900.00		
Expert counters, at $800 each (To be reimbursed by the national banks)	11	8,800.00		
Expert counters, at $700 each (To be reimbursed by the national banks)	11	7,700.00		
Clerk of class 2			1	1,400.00
Clerks, at $900 each			20	18,000.00
Expert counters, at $720 each			12	8,640.00
Assistant messenger			1	720.00
Laborers, at $660 each			6	3,968.00
Foreman pressman			1	1,500.00
Pressmen, at $1,400 each			14	19,600.00
Separators, at $660 each			42	27,720.00
Feeders, at $660 each			22	14,520.00
Machinists, at $1,000 each			2	2,000.00
Messenger (to be reimbursed by the national banks)			1	840.00
Total, office of the Treasurer	76	70,400.00	122	98,900.00
Office of the Register of the Treasury.				
Clerk, assorter of canceled bonds for binding	1	800.00		
Counters, at $720 each			5	3,600.00
Total, office of the Register of the Treasury	1	800.00	5	3,600.00
Office of the Comptroller of the Currency.				
Clerks of Class 1, at $1,200 each	15	18,000.00		
Counters, at $840 each	7	5,880.00		
Assistant messenger	1	720.00		
Total, office of the Comptroller of the Currency	23	24,600.00		
Office of the Commissioner of Internal Revenue.				
Head of division	1	2,500.00		
Clerk of class 2	1	1,400.00		
Clerk	1	1,000.00		
Messenger	1	840.00		
Assistant messengers, at $720 each	2	1,440.00		
The following authorized and being paid from the appropriation "withdrawal of denaturalized alcohol" are specifically appropriated for in the office of the Commissioner of Internal Revenue for the fiscal year 1911, namely:				
1 chief chemist, $3,000.00				
1 first assistant chemist, 1,800.00				
1 clerk of class 4, 1,800.00				
1 clerk of class 3, 1,600.00				
4 clerks of class 2, at $1,400 each, 5,600.00				
3 clerks of class 1, at $1,200 each, 3,600.00				
1 messenger, 840.00				
12 Total, 18,240.00				
Head of division			1	2,250.00
Total, office of the Commissioner of Internal Revenue, specific	6	7,180.00	1	2,250.00
Office of Life-Saving Service.				
Draftsman			1	1,500.00
Office of the Director of the Mint.				
Private secretary	1	1,800.00		
Clerk of class 3	1	1,600.00		
Skilled laborer	1	720.00		
Clerk of class 4			1	1,800.00
Clerk of class 1			1	1,200.00
Clerk			1	1,000.00
Laborer			1	660.00
Total, office of the Director of the Mint	3	4,120.00	4	4,600.00

SECOND SESSION OF THE SIXTY-FIRST CONGRESS, FISCAL YEAR 1911—con'd.
New offices created and offices omitted—Continued.

	New offices created.		Offices omitted.	
	No.	Amount.	No.	Amount.
TREASURY DEPARTMENT—continued.				
Methods of administration in the Treasury.				
For investigation of accounts and records, and to secure better methods of administration, with a view to greater economy in the expenditure of public money, including necessary traveling expenses, in connection with special work, or obtaining of better administrative methods in any branch of the service within or under the Treasury Department, including the temporary employment of agents, stenographers, accountants, or other expert services, either within or without the District of Columbia, there is appropriated for the fiscal year 1911 the sum of $75,000, and for the balance of the fiscal year 1910 by the urgent deficiency act (p. 436) there was appropriated for these purposes the sum of $25,000; in all, $100,000				
Total, Treasury Department, specific	175	$166,840.00	276	$261,531.00

LAST SESSION OF THE SIXTY-FIRST CONGRESS, FISCAL YEAR 1912.

TREASURY DEPARTMENT.				
Office of the Secretary.				
Messenger		1	$840.00	
Elevator conductors, at $720 each	Office of chief clerk and superintendent.	2	1,440.00	
Charwomen, at $240 each		4	960.00	
Clerk of class 1	Division of Customs.	1	1,200.00	
Clerk		1	1,000.00	
Custodian of paper (Division of Loans and Currency)		1	2,250.00	
Bookbinder	Division of Printing and Stationery.	1	1,250.00	
Clerk of class 1		1	1,200.00	
Messenger (office of disbursing clerk)		1	840.00	
Assistant chief messenger				1 $1,000.00
Clerk of class 4	Office of chief clerk and superintendent.			1 1,800.00
Clerk of class 1				1 1,200.00
Assistant messengers, at $720 each				2 1,440.00
Watchmen, at $720 each				2 1,440.00
Laborer				1 600.00
Laborers, at $480 each				3 1,440.00
Foreman of cabinet shop				1 1,500.00
Cabinetmakers, at $1,000 each				6 6,000.00
Carpenter				1 1,000.00
Carpenter's helper				1 660.00
Clerks, at $900 each	Division of Bookkeeping and Warrants.			2 1,800.00
Assistant messenger				1 720.00
Clerk of class 2	Division of Customs.			1 1,400.00
Clerk				1 900.00
Clerk of class 4	Division of Loans and Currency.			1 1,800.00
Clerk of class 3				1 1,600.00
Clerk of class 1				1 1,200.00
Clerk				1 1,000.00
Expert money counters, at $720 each				3 2,160.00
Laborers, at $660 each				5 3,300.00
Superintendent of paper room				1 1,200.00
Paper cutter				1 939.00
Paper counter				1 720.00
Paper counters and laborers, at $620 each				50 31,000.00
Clerks of class 3, at $1,600 each (Division of Printing and Stationery)				2 3,200.00
Clerk (Division of Mail and Files)				1 900.00
Clerk of class 3	Office of disbursing clerk			1 1,600.00
Clerks of class 2, at $1,400 each				2 2,800.00
Clerks of class 1, at $1,200 each				2 2,400.00
Assistant messenger				1 720.00
Total, office of the Secretary		13	10,980.00	99 79,439.00
Office of the Supervising Architect.				
Clerk of class 2		1	$1,400.00	
Laborer				1 $360.00
Total, office of the Supervising Architect		1	1,400.00	1 360.00
Office of Auditor for Treasury Department.				
Chief clerk and chief of division		1	2,250.00	
Clerk of class 1		1	1,200.00	
Deputy auditor				1 2,500.00
Chief of division				1 2,000.00
Clerks, at $1,000 each				3 3,000.00
Total, office of Auditor for Treasury Department		2	3,450.00	5 7,500.00

LAST SESSION OF THE SIXTY-FIRST CONGRESS, FISCAL YEAR 1912—cont'd.
New offices created and offices omitted—Continued.

	New offices created.		Offices omitted.	
	No.	Amount.	No.	Amount.
TREASURY DEPARTMENT—continued.				
Office of Auditor for War Department.				
Chief clerk and chief of division	1	$2,250.00		
Deputy auditor			1	$2,500.00
Chiefs of division, at $2,000 each			3	6,000.00
Clerks of class 1, at $1,200 each			30	36,000.00
Clerk			1	900.00
Laborer			1	600.00
Total, office of Auditor for War Department	1	2,250.00	36	46,060.00
Office of Auditor for Navy Department.				
Chief clerk and chief of division	1	2,250.00		
Deputy auditor			1	2,500.00
Chief of division			1	2,000.00
Clerks, at $1,000 each			6	6,000.00
Clerks, at $900 each			5	4,500.00
Clerk			1	800.00
Total, office of Auditor for Navy Department	1	2,250.00	14	15,800.00
Office of Auditor for Interior Department.				
Chief clerk and chief of division	1	2,250.00		
Clerk of class 4	1	1,800.00		
Clerk of class 2	1	1,400.00		
Messengers, at $840 each	2	1,680.00		
Assistant messenger	1	720.00		
Deputy auditor			1	2,500.00
Chief of division			1	2,000.00
Clerks, at $1,000 each			2	2,000.00
Clerks, at $900 each			9	8,100.00
Laborers, at $660 each			3	1,980.00
Skilled laborers, at $720 each			3	2,160.00
Female laborer			1	600.00
Total, office of Auditor for Interior Department	6	7,850.00	20	19,340.00
Office of Auditor for the State and Other Departments.				
Chief clerk and chief of division	1	2,250.00		
Deputy auditor			1	2,500.00
Chief of division			1	2,000.00
Laborer			1	660.00
Total, office of Auditor for the State and Other Departments	1	2,250.00	3	5,160.00
Office of Auditor for Post Office Department.				
Assistant and chief clerk	1	3,000.00		
Principal bookkeepers, at $2,000 each	4	8,000.00		
Money-order assorters, at $780 each	5	3,900.00		
Chief clerk			1	2,000.00
Deputy auditors, at $2,500 each			2	5,000.00
Clerks of class 4, at $1,800 each			4	7,200.00
Clerks, at $900 each			24	21,600.00
Money-order assorters, at $660 each			19	12,540.00
Total, office of Auditor for Post Office Department	10	14,900.00	50	48,340.00
Office of the Treasurer.				
Clerks of class 1, at $1,200 each	3	3,600.00		
Clerks, at $1,000 each	2	2,000.00		
Expert counters, at $700 each	8	5,600.00		
Clerks, at $900 each			10	9,000.00
Expert counters, at $800 each			11	9,900.00
Expert counters, at $800 each			5	4,000.00
Expert counters, at $720 each			13	9,360.00
Laborers, at $660 each			2	1,320.00
Charwomen, at $240 each			16	3,840.00
Expert counters, at $700 each (to be reimbursed by the national banks)			3	2,100.00
Total, office of the Treasurer	13	11,200.00	60	39,520.00
Office of the Register of the Treasury.				
Clerks, at $900 each			2	1,800.00
Counters, at $720 each			12	8,640.00
Laborers, at $660 each			3	1,980.00
Total, office of the Register of the Treasury			17	12,420.00
Office of the Comptroller of the Currency.				
Clerks of class 1, at $1,200 each	2	2,400.00		
Clerks, at $900 each	6	5,400.00		
Counter	1	840.00		
Counters, at $700 each	3	2,100.00		
Clerk of class 2	To be reimbursed by the national banks. 1	1,400.00		
Expert counters, at $840 each	7	5,880.00		
Total, office of the Comptroller of the Currency	20	18,020.00		

LAST SESSION OF THE SIXTY-FIRST CONGRESS, FISCAL YEAR 1912—cont'd.

New offices created and offices omitted—Continued.

	New offices created.		Offices omitted.	
	No.	Amount.	No.	Amount.
TREASURY DEPARTMENT—continued.				
Office of the Commissioner of Internal Revenue.				
Clerks, at $2,000 each	2	$4,000.00		
Clerk of class 1	1	1,200.00		
Fourth assistant chemist			1	$1,200.00
Clerks, at $900 each			2	1,800.00
Laborers, at $660 each			3	1,980.00
Total, office of the Commissioner of Internal Revenue	3	5,200.00	6	4,980.00
Office of Life-Saving Service.				
Draftsman	1	1,500.00		
Messenger	1	840.00		
Assistant messenger			1	720.00
Total, office of Life-Saving Service	2	2,340.00	1	720.00
Bureau of Engraving and Printing.				
Clerk	1	1,000.00		
Clerk			1	780.00
Helper			1	720.00
Total Bureau of Engraving and Printing	1	1,000.00	2	1,500.00
Secret Service Division.				
Assistant messenger	1	720.00		
Attendant			1	720.00
Total, Secret Service Division	1	720.00	1	720.00
Office of the Director of the Mint.				
Clerk of class 2			1	1,400.00
Total, Treasury Department, specific	75	83,810.00	316	283,259.00

[Extract from report on the pending bill.]

TREASURY DEPARTMENT.

Office of the chief clerk: A reduction is recommended of 1 watchman, at $720; 6 charwomen, at $240 each; 5 cabinetmakers, 4 at $1,000 each and 1 at $720; and 1 watchman-fireman, at $720.

An increase is recommended of 1 plumber's assistant at $720, and 3 carpenters, 2 at $1,000 each and 1 at $720.

Division of Bookkeeping and Warrants: A reduction is recommended of 1 clerk, at $1,200.

Division of Public Moneys: A reduction is recommended of 1 clerk, at $900.

Division of Loans and Currency: Certain transfers from the register's office are provided for without change in rate of pay or increase in numbers.

Division of Mails and Files: A superintendent of mails, at $2,000, instead of a chief of division, at $2,500; a distributing clerk, at $1,400; and 1 document clerk, at $1,000, are provided for.

Reductions are recommended as follows: Four clerks, at $1,400 each; additional to 1 clerk of class 2 in charge of documents, $200; 1 clerk, at $1,200; 6 clerks, at $1,000 each; 2 clerks, at $900 each; 1 assistant messenger, at $720; 1 assistant to document clerk, at $840; and the pay of a mail messenger is reduced from $1,200 to $1,000.

Office of disbursing clerk: Aside from certain transfers to this office, an increase is recommended of 1 clerk at $1,800 and 1 clerk at $1,400.

Office of Supervising Architect: A reorganization of the force of this office is recommended resulting in a net reduction of 7 employees and $13,740 in the total amount of compensation; no salaries are increased and no new places are created, although some changes in designation are recommended.

A provision is recommended making specific appropriation for 103 employees in this office who are now employed and being paid from the lump appropriation for "General expenses of public buildings" carried in the sundry civil act; their present rate of compensation not being increased or their numbers added to; it is required that specific estimates shall be submitted for these employees for the fiscal year 1913 and annually thereafter.

Office of the Comptroller of the Treasury: A reduction is recommended of 1 law clerk, at $2,000, and 1 laborer, at $660.

Office of the Auditor for the Treasury Department: A reduction is made of 1 chief of division, at $2,000; 2 clerks, at $1,200 each; 4 clerks, at $1,000 each; 2 clerks, at $900 each; and 1 laborer, at $660.

Office of the Auditor for the War Department: A reduction is recommended of 10 clerks, at $1,400 each; 2 clerks, at $1,200 each; 9 clerks, at $1,000 each; and 1 laborer, at $660.

An additional messenger boy, at $480, is recommended.

Office of the Auditor for the Navy Department: A reduction is made of 1 clerk, at $900.

Office of the Auditor for the Interior Department: A reduction is recommended of 5 clerks, at $1,200 each, and 5 clerks, at $1,000 each.

Office of the Auditor for State and Other Departments: A reduction is recommended of 1 clerk, at $900, and 1 laborer, at $660.

Office of the Auditor for the Post Office Department: A reduction is recommended of 8 clerks, at $1,800 each; 18 clerks, at $1,600 each; 20 clerks, at $1,400 each; 16 clerks, at $1,200 each; 10 money-order assorters, at $660 each; 1 female laborer, at $660; 3 laborers, at $660 each; and 2 charwomen, at $240 each.

Authority is recommended for the necessary employees, with total compensation not exceeding $50,000 during the next fiscal year, to audit the accounts of the postal savings system, the same to be paid out of the appropriation for that system and with the requirement that estimates in detail shall be submitted for this force for the fiscal year 1914 and annually thereafter.

Office of the Treasurer: A reduction is recommended of 2 chiefs of division, at $2,500 each; 1 assistant chief of division, at $2,250; 1 clerk, at $1,600; 2 clerks, at $1,200 each; 1 clerk, at $1,000; and 2 clerks, at $900 each.

A reduction of 1 clerk, at $700, is recommended in the force of the office employed in redeeming national currency.

A provision is inserted authorizing employment of necessary clerks in connection with the postal savings system at a cost not exceeding $18,000 for the fiscal year 1913, the same to be paid from the appropriation for postal savings system, with the requirement that estimates be submitted in detail for such force for the fiscal year 1914 and annually thereafter.

Bureau of Engraving and Printing: Provision for a medical and sanitary officer at $2,000 is recommended, and 1 clerk at $780 is omitted.

Secret Service Division: The salary of the chief is reduced from $4,000 to $3,600.

Office of the Director of the Mint: A reduction is made of 1 adjuster of accounts, at $2,500, and 1 clerk, at $1,200.

The question being taken, the amendment was rejected.

The Clerk read as follows:

And the services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary, may be employed only in the office of the Chief of Engineers, to carry into effect the various appropriations for rivers and harbors, fortifications, and surveys, to be paid from such appropriations: *Provided*, That the expenditures on this account for the fiscal year 1913 shall not exceed $40,000; and that the Secretary of War shall each year, in the annual estimates, report to Congress the number of persons so employed, their duties, and the amount paid to each.

Mr. MANN. Mr. Chairman, I move to strike out the last word. We have two or three other matters to attend to——

Mr. JOHNSON of South Carolina. Mr. Chairman, if the gentleman from Illinois does not object, we want the Clerk to read down to the Navy Department. I do not think there will be a word of debate before that.

Mr. CANNON. Why not consider it read by unanimous consent?

Mr. MANN. There are three propositions that will take a little time.

Mr. JOHNSON of South Carolina. Of course, if the gentleman wants to rise—Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. UNDERWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24023, and had directed him to report it had come to no resolution thereon.

RELIEF OF SUFFERERS FROM FLOODS.

Mr. BARTLETT. Mr. Speaker, I am directed by the Committee on Appropriations to call up the following joint resolution and ask its immediate consideration.

The SPEAKER. The gentleman from Georgia calls up the following joint resolution——

Mr. BARTLETT. And I would ask that it be considered in the House as in the Committee of the Whole.

The SPEAKER. And the gentleman asks that the joint resolution be considered in the House as in Committee of the Whole. Is there objection?

Mr. MANN. Let us have it reported.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

House joint resolution (H. J. Res. 312) making appropriations for the relief of sufferers from floods in the Mississippi and Ohio Valleys.

Resolved, etc., That there is appropriated, out of any money in the Treasury not otherwise appropriated, the following sums for the relief of sufferers from floods in the Mississippi and Ohio Valleys, namely:

WAR DEPARTMENT.

Under the Quartermaster General: For providing tents and other necessary supplies and services and for reimbursement of the several appropriations of the Quartermaster's Department, United States Army, from which temporary relief has already been or may be afforded, $277,179.65.

Under the Commissary General: For rations issued and to be issued by the Commissary Department and for reimbursement of appropriations for subsistence of the Army from which temporary relief has already been or may be afforded, $420,000.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT. Mr. Speaker, I have no desire to make any remarks.

Mr. RUSSELL. Mr. Speaker, the gentleman from Kentucky [Mr. JAMES] and I at the same time introduced the first two bills asking for $250,000 each for the relief of distress and destitution among the people resulting from the recent unprecedented floods. The districts represented by us, upon opposite sides of the Mississippi River and immediately below the mouth of the Ohio, were by reason of their location the first to suffer. The stage of the water at the mouth of the Ohio and in the adjacent

territory was about 2 feet higher than ever before, and our constituents were the first to learn that the levees upon which the Government and the people had expended hundreds of thousands of dollars, and that had withstood the menace of all former floods of recent years, were now insufficient and furnished no security. The first to meet the wrath of any unexpected pestilence or calamity naturally encounter more dangers and suffer more privations and distress than those who are afterwards forewarned and, to some extent, prepared for their coming and their ravages. So, too, our constituents were the first to face the dangers of this flood and doubtless sustained greater losses than any other like territory in the Mississippi Valley. The actual property loss in my district alone will far exceed a million dollars.

There has been nothing during my brief service in this House of which I was expected to take official cognizance that has so touched my feelings and enlisted my sympathies as the distressing messages and appeals for assitance from county and city officials, and other citizens of my district, all of whom I know to be honorable and reliable and many of them my near neighbors and lifetime friends.

But, Mr. Speaker, I do not ask to consume the time of the House to advocate the passage of this bill, as I believe that to be unnecessary. I hope and believe there will not be a vote cast against it. But I speak more to commend President Taft for his willingness, his earnestness, and his promptness in responding to the appeals and in relieving the distress of suffering humanity.

When innumerable telegrams were pouring in upon me, asking for assistance and advising me that some were lost, some were starving, some were driven by the raging waters to housetops, and that thousands had fled from their homes to places of safety, to me it seemed to be an extreme emergency. I conferred with my friend from Kentucky [Mr. JAMES], to the hills of whose district many of my constituents had fled, and we introduced our bills asking for an appropriation for relief. We both appeared before the Appropriation Committee and made arguments in support of our bills, and were given a respectful hearing by that committee; but this method seemed too slow for the distressing necessities of the hour. We went to see the President and showed to him some of the messages received and made our statements, and in his own words he said, "Boys, I will try to help you out." I shall never forget his assuring words, nor cease to thank him for giving expression to them. He at once sent for the Quartermaster General, and in our presence said to him, "General, get busy. Send the necessary men into the flooded districts; send tents, blankets, and provisions necessary to relieve the suffering people, and I will trust Congress to protect me in the expenses necessarily incurred."

Mr. Speaker, I am in a sense a partisan, but I am glad that I have never been so blinded by partisanship that I could not see the virtues or the noble qualities of one of a different political faith, and am glad here and now not only to express my thanks and the thanks of my constituents, but am glad to make public acknowledgment of his noble qualities of heart that I believe led him to take such prompt action and to render such timely and efficient service in extending relief to the suffering and distressed.

During those days of trouble and suffering among my constituents I also conferred with the officers of the American Red Cross Society in this city, Miss Mabel T. Boardman and Mr. Charles L. Magee, and through them and other officers of that most worthy society very much was done in cooperating with the Government officials and the local relief committees for the flood sufferers in the district that I represent, and I now, for my constituents, desire to publicly express their grateful thanks to them for their benefactions.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BARTLETT, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ROBERT W. ARCHBALD.

Mr. CLAYTON. Mr. Speaker, I offer the following privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 524.

Resolved, That the Committee on the Judiciary be, and is hereby, authorized to inquire into and concerning the official conduct of Hon. Robert W. Archbald, formerly district judge of the United States Court for the Middle District of Pennsylvania and now a judge of the Commerce Court, touching his conduct in regard to the matters and things mentioned in House resolution 511; and especially whether said judge has been guilty of an impeachable offense, and to report to the House the conclusions of the committee in respect thereto, with appropriate recommendation; and

Resolved further, That the Committee on the Judiciary shall have power to send for persons and papers, and to subpœna witnesses and to administer oaths to said witnesses; and for the purpose of making this investigation said committee is authorized to sit during the sessions of this House; and the Speaker shall have authority to sign and the Clerk to attest subpœnas for any witness or witnesses.

The question was taken, and the resolution was agreed to.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled the bill (H. R. 23774) providing an appropriation to check the inroads of the Missouri River in Dakota County, Nebr., when the Speaker signed the same.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I desire to call up the bill (S. 5624) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which bill is now on the Speaker's table, and I move that the House agree to the request of the Senate for a conference.

The SPEAKER. The gentleman from Missouri moves to take from the Speaker's table the pension bill, S. 5624, and agree to the conference asked.

The question was taken, and the motion was agreed to; and the Speaker announced as conferees on the part of the House Mr. RUSSELL, Mr. ANDERSON of Ohio, and Mr. FULLER.

ADJOURNMENT.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned to meet to-morrow, Sunday, May 5, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of Commerce and Labor, transmitting the department's views of H. R. 19544, saying the exception in the case of "railway lines entering the United States from foreign contiguous territory," should not be eliminated from the law (H. Doc. No. 731), was taken from the Speaker's table, referred to the Committee on Immigration and Naturalization, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HUMPHREY of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 23067) to amend the laws relating to navigation, reported the same with amendment, accompanied by a report (No. 653), which said bill and report were referred to the House Calendar.

Mr. POST, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 22907) to provide American registry for the steamer *Damara*, reported the same without amendment, accompanied by a report (No. 656), which said bill and report were referred to the House Calendar.

Mr. TOWNSEND, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 137) to amend the joint resolution of May 25, 1908, providing for the remission of a portion of the Chinese indemnity, reported the same without amendment, accompanied by a report (No. 654), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WICKLIFFE, from the Committee on Agriculture, to which was referred the bill (H. R. 24029) to provide for emergency crops on overflowed lands in the Mississippi Valley, reported the same with amendment, accompanied by a report (No. 655), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 24025) to amend sections 4400 and 4488 of the Revised Statutes of the United States relating to the inspection of steam vessels, and section 1 of an act approved June 24, 1910, requiring apparatus and operators for radio communication on certain ocean-going steamers, reported the same with amendment, accompanied by a report (No. 657), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PARRAN: A bill (H. R. 24152) to provide for the purchase of a site and the erection of a public building thereon at Hyattsville, in the State of Maryland; to the Committee on Public Buildings and Grounds.

By Mr. PUJO: A bill (H. R. 24153) to amend and reenact section 5241 of the Revised Statutes of the United States; to the Committee on Banking and Currency.

By Mr. MOORE of Pennsylvania: A bill (H. R. 24154) to equip the U. S. S. *Adams* with electrical and wireless apparatus; to the Committee on Naval Affairs.

By Mr. ANSBERRY: A bill (H. R. 24155) providing for the erection of a monument to Col. William Jennings, at Fort Jennings, Ohio; to the Committee on the Library.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 24156) directing the sale and disposition of the surplus lands of the Chilocco Indian Reservation in Oklahoma; to the Committee on Indian Affairs.

By Mr. WICKERSHAM: A bill (H. R. 24157) to provide for holding the Alaska Semi-Centennial Exposition at Fairbanks, Alaska, for the exhibition of the products and resources of the Territory, making appropriations therefor, and for other purposes; to the Committee on Industrial Arts and Expositions.

By Mr. FOWLER: Resolution (H. Res. 523) calling upon the Secretary of the Treasury for certain information; to the Committee on Expenditures in the Treasury Department.

By Mr. ROBERTS of Massachusetts: A memorial from the Massachusetts Legislature, favoring Federal protection to migratory game birds; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 24158) granting an increase of pension to William F. Whitmore; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 24159) granting an increase of pension to John Ritter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24160) granting an increase of pension to Calvin M. Rogers; to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 24161) providing for the recognition of the heroic services of Chief Boatswain Patrick Deery, United States Navy; to the Committee on Naval Affairs.

By Mr. BYRNES of South Carolina: A bill (H. R. 24162) for the relief of Beech Branch Baptist Church, of Hampton County, S. C.; to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 24163) granting a pension to James P. Barton; to the Committee on Pensions.

By Mr. CONNELL: A bill (H. R. 24164) granting an increase of pension to Charles Schroder; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 24165) granting an increase of pension to Charles W. Webster; to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 24166) granting a pension to Jacob Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24167) granting an increase of pension to Allen Conner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24168) granting an increase of pension to Benjamin F. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24169) granting an increase of pension to Jacob Schmidt; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 24170) granting an increase of pension to David Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24171) granting an increase of pension to James Phillips; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 24172) granting an increase of pension to Horace J. Bennett; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 24173) for the relief of the estate of G. W. Rogers, deceased; to the Committee on War Claims.

Also, a bill (H. R. 24174) for the relief of T. J. Hill, sr., administrator of the estate of Harvey McAlister, deceased; to the Committee on War Claims.

By Mr. JACOWAY: A bill (H. R. 24175) for the relief of Mrs. E. W. Brown; to the Committee on War Claims.

Also, a bill (H. R. 24176) for the relief of Edgar Shinn; to the Committee on Claims.

By Mr. KINKAID of Nebraska: A bill (H. R. 24177) granting an increase of pension to John W. Widdoes; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 24178) granting an increase of pension to Pha Tefft; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24179) granting an increase of pension to Martin J. Tunney; to the Committee on Pensions.

Also, a bill (H. R. 24180) granting an increase of pension to Rachel I. Holloway; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 24181) granting an increase of pension to James Crawford; to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 24182) to correct the military record of John M. Southard; to the Committee on Military Affairs.

By Mr. PATTON of Pennsylvania: A bill (H. R. 24183) granting an increase of pension to Cyrus Michaels; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 24184) granting a pension to Bridget Tierney; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 24185) granting a pension to Olive E. Myer; to the Committee on Invalid Pensions.

By Mr. SPEER: A bill (H. R. 24186) granting a pension to Isabella Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24187) granting an increase of pension to George R. Stearns; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 24188) granting an increase of pension to Hannah Edgington; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 24189) granting an increase of pension to Stephen Bostwick; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 24190) granting an increase of pension to Henry W. Sanford; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Minnesota: Petition of F. Augustine and 13 others, of Kasson, Minn., against the extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Papers to accompany House bill 23726, for the special relief of Nathan M. Wells, of Company G, Sixty-fourth Regiment Ohio Volunteer Infantry; to the Committee on Invalid Pensions.

Also, petition of E. B. Coleman and 20 other citizens of Newark, Ohio, protesting against passage of interstate-commerce liquor law; to the Committee on the Judiciary.

Also, petition of the Mayers Bros. Co. and 10 other merchants, of Millersburg, Ohio, against passage of any parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Memorial of the New York Board of Trade and Transportation, favoring increase in pay of commissioned medical officers of the Public Health and Marine-Hospital Service of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: Petition of the University of Missouri, of Rolla, Mo., in favor of House bill 6304, providing for Federal support of State mining schools; to the Committee on Mines and Mining.

By Mr. CLINE: Petition of citizens of Fort Wayne, Ind., favoring the anti-Taylor system bills (H. R. 22339 and S. 6172); to the Committee on the Judiciary.

By Mr. DYER: Letter from Albert Blair, of St. Louis, Mo., relative to incorporation of the Rockefeller Foundation; to the Committee on the Judiciary.

By Mr. ESTOPINAL: Petition of Aug. Glandot, jr., New Orleans, La., favoring passage of Senate bill 6103 and House bill 22766, for prohibiting use of trading coupons; to the Committee on Ways and Means.

Also, petition of the Louisiana Homestead League, asking that building and loan associations and homestead leagues be exempted from payment of income or excise taxes; to the Committee on Ways and Means.

By Mr. FARR: Petition of Samuel J. Hall and 18 others, of Scranton, Pa., favoring building one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of Rev. Thomas F. Coffey and others, of Carbondale, Pa., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of John Coyne and 24 others, of Scranton, Pa., asking for the construction of a battleship in New York Navy Yard; to the Committee on Naval Affairs.

By Mr. FULLER: Petition of Hannah H. Weirick, of South Beloit, Ill., favoring the enactment of proposed legislation, with certain amendments, relating to water rights in the island of Oahu, Hawaii, etc.; to the Committee on the Territories.

Also, petition of Adolph G. Tesche, Mendota, Ill., concerning proposed legislation to change the patent laws; to the Committee on Patents.

Also, petition of Young & Jaskowieck, La Salle, Ill., favoring the passage of House bill 22706, to prohibit the use of trading coupons; to the Committee on Ways and Means.

By Mr. HANNA: Petition of citizens of Nome, N. Dak., against passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Dakota, favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of citizens of North Dakota, against passage of the Lever antifuture-trading bill; to the Committee on Agriculture.

By Mr. HELM: Papers to accompany claim of G. W. Rogers, of the State of Kentucky, for property taken by the Army of the United States at Richmond, Ky., in 1862; to the Committee on War Claims.

By Mr. LOBECK: Resolutions of citizens of Benson and Kennard, Nebr., favoring passage of the Haugen bill and against passage of the Lever bill; to the Committee on Agriculture.

Also, petition of the Woman's Christian Temperance Union of the State of Nebraska, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MARTIN of South Dakota: Petition of Sibug Browluaig, Tulare, S. Dak., in opposition to the Lever antifuture-trading bill; to the Committee on Agriculture.

Also, petition of Joseph H. Koch, Tulare, S. Dak., in opposition to the passage of the Lever antifuture-trading bill; to the Committee on Agriculture.

Also, petition of Midison Farmers' Elevator Co., in opposition to the Lever antifuture-trading bill; to the Committee on Agriculture.

By Mr. McKINNEY: Petition of residents of Rock Island and Moline, Ill., favoring the passage of House bill 22330 and Senate bill 6172—the anti-Taylor system bills; to the Committee on the Judiciary.

By Mr. McCOY: Petition of the Police Lieutenants' Association of Newark, N. J., favoring the passage of the Hamill bill; to the Committee on Reform in the Civil Service.

By Mr. MOON of Tennessee: Papers to accompany bill to correct the military record of John M. Southard, of Sparta, Tenn.; to the Committee on Military Affairs.

By Mr. REDFIELD: Resolution of the Allied Board of Trade and Taxpayers' Association, relative to wireless apparatus and operators and sufficient lifeboats for ocean steamers; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the United Polish Societies and Polish National Alliance, of Brooklyn, and the Workmen's Circle and Jewish Community, of New York City, against passage of bill for literacy test of immigrants; to the Committee on Immigration and Naturalization.

By Mr. SMITH of New York: Resolution of the Buffalo Local Colony Alliance of Polish Roman Catholic Union of America, against the literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SPEER: Papers to accompany House bill 23758, granting an increase of pension to Lester R. Warner, of Pennsylvania, and House bill 23509, granting an increase of pension to Jeremiah D. Allen, of Pennsylvania; to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of the Committee of Wholesale Grocers, New York, N. Y., favoring reduction of duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of the Order of Railway Conductors of America, Division No. 54, of New York City, favoring passage of House bill 20487, a Federal accident compensation bill; to the Committee on the Judiciary.

Also, paper expressing the wail of the Government clerk, dedicated to the Committee on Appropriations; to the Committee on Appropriations.

Also, petition of the Committee of Wholesale Grocers, favoring reduction of duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. THISTLEWOOD: Petition of citizens of Duquoin, Ill., protesting against the passage of amendment to immigration bill providing for the deportation of political refugees; to the Committee on Immigration and Naturalization.

HOUSE OF REPRESENTATIVES.

SUNDAY, *May 5, 1912.*

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. HUGHES of New Jersey.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite and eternal Spirit, life of our life, soul of our soul, spirit of our spirit, our God and our Father, we thank Thee for the blessed assurance that as the child born in the manger was an incarnation, so is every child born into the world an incarnation. And just so surely as the Jesus rose from the dead, so surely is death the resurrection for every man.

"For we know that if our earthly house of this tabernacle were dissolved, we have a building of God, a house not made with hands, eternal in the heavens.

"For we that are in this tabernacle do groan, being burdened; not for that we would be unclothed, but clothed upon, that mortality might be swallowed up of life.

"Now, He that hath wrought us for the selfsame thing is God, who also hath given unto us the earnest of the spirit."

Blessed truth, which bridges the gulf and makes the continuity of life a living reality.

Cold in the dust the perished heart may lie,
But that which warmed it once can never die.

We thank Thee for the splendid personality of the Member in whose memory we assemble. Pronounced in his convictions, pure in his motives, an indefatigable worker, he served his State and Nation with fidelity and singleness of purpose. He may not return to us, but we shall surely go to him. Be this the comfort of those who knew and loved him.

Be graciously near to the bereaved wife and grandchildren, and help them to look forward with imperishable hope.

I walk with bare, hushed feet the ground
Men tread with boldness shod;
I dare not fix with mete and bound
The love and power of God.

In the spirit of Christ, the Lord. Amen.

The Clerk began the reading of the Journal of the proceedings of yesterday, when, on request of Mr. BROWNING and by unanimous consent, the further reading of the Journal was dispensed with and the Journal was approved.

THE LATE REPRESENTATIVE HENRY C. LOUDENSLAGER.

Mr. BROWNING. Mr. Speaker, several Members of the House who have signified their intention of speaking to-day have unexpectedly been called from the city. I ask unanimous consent that any Member who desires may print in the RECORD remarks on the life, character, and services of the late Representative LOUDENSLAGER.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent that the Members of the House may print remarks in the RECORD on the late Representative LOUDENSLAGER. Is there objection?

There was no objection.

Mr. BROWNING. Mr. Speaker, I offer the following resolutions, which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 525.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. HENRY C. LOUDENSLAGER, late a Member of the House from the State of New Jersey.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were agreed to.

Mr. GARDNER of New Jersey. Mr. Speaker, again we are called together to pay tribute to the life and service of a dead Member. These frequent occurrences impress us anew each time with the fact of man's mortality. They awaken and revivify, also, the recollection of those hundred others whom we admired, with whom we were in close friendship, and some of whom we loved. The memorial service comes as an afterglow to a life's sunset and is often beautiful in its reflections.

To-day we commemorate the life and work of a citizen of my own State of New Jersey. For her interests his zeal never flagged. He felt, too, a deep regard for the permanent welfare of his country and, actuated by patriotic motives, followed the light as it was given to him to see the light.

In the Fifty-third Congress, which first assembled in special session in August, 1893, there were few Republicans. Most of them had faced a storm and all had survived a tidal wave.

Among those taking their seats, for the first time, in that session was HENRY C. LOUDENSLAGER, of New Jersey. He was then 41 years of age. Along some lines he had studied hard and acquired much. Though he was not highly educated according to the common standard, his mind was already disciplined. His experiences had been varied and were a valuable part of his equipment. The 20 years of his majority had been active, even strenuous, years. He had not shunned the tumult. The circumstances of his election made his commission to a seat in this House a certificate of inborn power.

Every wide environment produces its type, every period its men and the institutions of a country their representatives. And HENRY C. LOUDENSLAGER, national counsellor, retaining influence and interest in his State and local affairs, was a product of American environment, institutions, and opportunity. Our life and institutions, measured by the world's standard, have been more than successful. Our country has, beyond precedent, been fruitful in successful men, in wide variety, and in all lines of endeavor. The field of effort here has been less restricted; the promise has been greater and the trammels have been less than elsewhere at any known time. The right of initiative has been without class restraint. Birth has neither given the rank nor fixed the station. Every path leading to a goal has been free to every foot. Strength to continue and courage to receive the occasional thorn and still press on have been the only requirements. Our country has been the field and our flag the emblem of individual opportunity. Our great men have risen by native power.

A depressed beginning has not been a bar to distinction. A clouded life's morning has not hindered the gilding of the noon. Birth and inheritance have not been a guarantee nor have poverty and humility been a bar to a future for the American child. The shadows cast by most of the monuments to our great men are typical of the clouded beginning of the lives that the shafts commemorate.

Out of the shade and into the field of activity LOUDENSLAGER stepped in youth. He was charged with energy, inspired by hope, and steadied by determination. He was emboldened by a yet shadowy appreciation of his own powers. He was armed by nature to battle with the adverse influences that assail the striving young man, and he was victor in his earlier struggles for recognition, standing, and place, until one day the opposing forces parted and he stepped into this Hall to begin that long and influential service destined to end only in that tragedy which at last overtakes and destroys every life. His entrance into the national council, as already suggested, was not a fortuitious event. It was a recognition. It came with the succession of events in a career that had taken on momentum. His was a district distinguished for its learned and able men, where ambition was not wanting, where success meant triumph over forces very worthy and very formidable.

That his service here was marked by energy and industry goes without statement; that he was gifted with keen insight and a penetrating foresight in public matters was and is recognized; that he was a counselor of more than ordinary sagacity is known to all who knew him well; that the interests of his district were thought out, watched, and contended for with energy and success members of the committees of the House having them in charge well remember.

LOUDENSLAGER'S reputation became national; his influence great; his ability admired. He had attained recognition, rank, and influence in the first legislative body in the world. He began without the equipment that opportunity of learning gives, having been educated chiefly in the school of affairs, but he had fought the fight and won. He illustrated in his career the opportunity of American manhood.

A notable characteristic of Mr. LOUDENSLAGER was faith in himself, and he inspired this faith in others. So it came about that when he led in a movement his followers believed his efforts would bring success, if that were possible, and they supported him with enthusiasm. If, as sometimes happens to all, success was not achieved, they accepted failure as inevitable. Their confidence in him remained unshaken.

During Mr. LOUDENSLAGER'S last years dark shadows fell thick across the bright pathway of his life. One after the other the children, to whom he had been devoted, for whose welfare he felt a worthy father's solicitude, and whose promise had been an inspiration to him, were called from him and earth. The disease that death took up as an arm with which to conquer him added torture to his grief. His powers wasted until at length on the 12th of August, 1911, the heart that never quailed in the combat was stilled and the body lost its courageous soul.

Further upon the tender relations of his domestic life I shall not advance. I would not touch the wound that the parting leaves. If sweet memories, the balm of sympathy, devoted friendship, the mending hand of time, and the peace that is of heaven may heal or soothe the broken heart, let the effect of these beneficent influences be undisturbed. Our expression of grief might fall as grating discords upon those afflicted by bereavement more deeply than we can feel or know.

Our departed friend may have left no song to float for generations in our national atmosphere. He may have left no burning oration that will inspire the ambitious youth of coming generations. His effigy may or may not rise on the national landscape, but he has left the lasting marks of a successful congressional career, which has been felt in the Nation and in his State. His district has been advanced by his labors.

His efforts and the crown of success that followed them remain an inspiring example to American youth, who may need encouragement to break over the bounds of their surroundings and create their own opportunities for success.

LOUDENSLAGER'S name is in the splendid and imposing picture of our new Navy. And if, which may God forbid, it shall come to pass that out of the waywardness and greed of nations our proper defense shall require that we make reply to "the last argument of the powers," he will be heard in the grim oratory of the American Navy when in action it speaks to the world for the perpetuity and dignity of our own institutions and the honor of our flag.

Mr. CANNON. Mr. Speaker, I was very well acquainted with the late Representative LOUDENSLAGER. In fact, I believe during the whole of his service we were colleagues in the House. He was a good legislator, a good citizen, and a good friend. There are many traits or factors that unite to make a good legislator, and perhps no one individual has all the necessary factors to make him, even approximately, a perfect legislator; in fact, perfection is in Deity alone.

Some men are good legislators, some men have magnetic force, some men, without knowing why or how, are great leaders. Oratory does not necessarily mean efficiency, and in many instances the individual who by nature is equipped for oratory relies upon the tension of the vocal chords that set the air to vibrating, and when the vibrations cease to travel, and the emotion aroused for the moment has subsided, the permanent effect of the oratory is not to be found.

I do not mean by this to discourage the orator, because if he has that gift, and knowledge, character, devotion to a cause, and other qualities of leadership he is fully equipped to affect his brethren, whether in church or state, or, broader than that, in the affairs of the world.

But, as a rule, my observation has been that in matters of legislation, in the courts, in business life, in fact, almost everywhere, the men who are efficient and industrious are those, as is the common expression out West, and perhaps as well in the East, who "have their feet in the soil." By that is meant those who have trod the paths that every individual must tread who relies upon his own industry and ability for bread—the class of people, especially of the United States and largely in the world, who make the civilization.

Mr. LOUDENSLAGER was not an orator, but he was a man of affairs. He had character, and he was loyal. He understood that a twofold cord is strong, that a threefold cord is stronger, and that a fourfold cord is not easily broken. He never believed for a moment that one could issue a mandate and the village, or the city, or the township, or the county, or the State, or the whole country would hasten to obey the command. He cooperated with his fellows and was a strong factor in legislation and in the affairs of life, because he realized that without cooperation of all men who have substantially similar views no progress can be made.

Such men as HARRY LOUDENSLAGER can ill be spared from public life, and it is especially unfortunate when in full vigor they are called to the great beyond. Perhaps I am not an impartial witness, because during my service in the House I was in close touch with Mr. LOUDENSLAGER in the House and in political campaigns, but his colleagues, those who opposed him politically as well as those with whom he cooperated, admired and respected him.

I do not know that I can with profit say more than I have said. If the relatives, friends, and associates of a man can say that he did the best he could, that he did not let the singletree to which he was harnessed drop behind while the force that controlled the other singletree forged ahead, perhaps that is as high praise as can be given to any of us in life or after we have crossed over. I am not fond of funerals. I am not fond of a memorial session like unto this. There was much in the saying of the Master, "Let the dead bury their dead." We are compelled practically to acknowledge the wisdom of that saying, otherwise, with two or three generations coming and going in each century, the world would be one vast world of mourning. I say I am not fond of funerals.

I am not afraid of them as the years come and go. I was at one time when I was a younger man, but I play the philosopher now. If the man with the scythe should come, I would dodge through the door if possible. I would turn and fight him if I were able, but if he prevailed I should lift my hat and say, "I have had my swing." I realize that one of these days there will be a funeral to which I have to go, and I shall be quite content if when I go my associates can feel as kindly toward me as the associates of HARRY LOUDENSLAGER feel toward his memory.

I do not speculate as to the future. I do not know any more of the future than I know of the past. So far as the future is concerned, Lowell voiced, I think, the faith and the hope of most men in a brief sentence or two when he said:

> Every mortal man of us holds stock in the only public debt that is absolutely sure of payment, and that is the debt of the Maker of this Universe to the universe he has made. I have no notion of selling out my shares in a panic.

Mr. PADGETT. Mr. Speaker, to-day we come to pay a just tribute of respect to the memory and the life services of our late colleague, HENRY C. LOUDENSLAGER, once a distinguished Member of this House. Upon a memorial occasion like this it occurs to me that everyone who has a just appreciation and a proper respect for the memory of one whose character he rightly understood and whose merits he well knew would avoid foolish praise and fulsome flattery and speak the words of truth as they relate to the character of the man to whom we pay the tribute. HENRY LOUDENSLAGER, as we all familiarly called him, was every whit of him a man. When I say a man I do not simply mean flesh and blood, bone and sinew, but I mean he possessed those elements of manhood, those attributes of character, those essentials of integrity, of virtue, and of high-mindedness that constitute and make up those resultants which in a general way we term character, which are in truth the distinguishing marks that make the man and not the animal.

Mr. LOUDENSLAGER was a man of fine intellect. He had the capacity to understand and grasp intelligently the questions that presented themselves to him in the faithful discharge of his duty as a Member of the Congress. He did not grope in darkness; he did not spend his life in misunderstandings; he was not satisfied to live on a low plane of ignorance and a base conception of those great principles, those splendid truths, which exhibited themselves in the national life and national character of the American people during the long years in which he served as a distinguished Member of this House. Endowed, as I say, by nature with a fine mind, he was capable of rising to a high plane of intellectual conception and to take a broad and comprehensive grasp of the questions that affected the history of the country which he was helping to make and to the success of which he was contributing by his labors. Not only was he a man of fine intellect, but he was a man with a good heart. Base purposes, ignominious loves, did not fill his heart. His impulses were good; his aspirations were inspired by a noble instinct. He possessed a heart in which the red blood of human kindness flowed, that manifested itself in the contact and touch of his life with the touch of the lives of his fellow beings, a heart that was generous, a heart that was kind, a heart that beat in generous sympathy with his fellows and his friends. Mr. LOUDENSLAGER was a man of high ideals. Mr. Speaker, after all, the ideals of life are much of life.

Our ideals are the standards by which we gauge our character. Our ideals are the measures that show the length and the breadth, the height and the depth, of our thoughts and our purposes and our impulses and our conduct. As we think we act. The thoughts that come out of the heart and intellect move us to action. These acts beget our characters, and our characters are such that they either receive the commendations and plaudits of our fellows or their condemnation.

We who knew him can say that the life and character of Mr. LOUDENSLAGER, late our colleague and associate in our work here, were such as to command and generously to receive our commendation and our praise. Not only was he a man of a good heart; he was a man of generous purposes. He did not have malice and vindictiveness and hatred. A smile was upon his face, a kind word was upon his lips, a warm clasp was in his handshake. He was a man who had friends because he himself was a friend, generous, kindly, warm-hearted in his association and in his disposition.

For six years I served with him as a member of the Committee on Naval Affairs, and I think during that six years of intimate association I had an opportunity to know something of the make-up of the man. In addition to that, for six years we lived in the same hotel, and were associated day and night in our official relations and in our social intercourse. I felt as I stood by his open grave that not only could I pay sincerely a tribute to his memory, but I felt that I had personally lost a friend.

Mr. Speaker, we have just passed through the winter. The trees had given up their foliage. They looked bare and dead. There were no signs of life to be seen in vegetation. The birds ceased to sing and there seemed to be a hush and a silence in nature. The springtime came, the life returned with the beauty of the foliage and the blooming of the flowers and the music of the song birds; and so it is, Mr. Speaker, the thought comes to us of death and life. Death is the chill of winter. The eye ceases to sparkle, the tongue is silent, the ear is leaden, the body is motionless, the music is hushed. The grave and the resurrection. Only one day separated Calvary and Easter, death and life. The Master said:

> Except a grain of wheat perish it can not grow.

I hold in my hand a little, rugged, unsightly object, which they say is a seed. As long as I hold it there such it remains. We place it in the soil; it breaks down its tissue; it decays; but out of its death there comes the plant that grows into beauty of foliage, beauty of flower, and richness of fruitage. Here, sir, we are circumscribed and hampered and bound by the limitations of the flesh. Methinks when the flesh breaks down out of it will come the fullness of life that will bear the beauty of its foliage and the fullness of its fruitage. Only a broken and an emptied vessel, broken that He might heal me, emptied that He might fill me—fill me with the fullness, the richness of that life, with all of its opportunities unbounded and untrammeled, as full as the limitations of eternity, as great as the powers of Omnipotence.

Mr. Speaker, we can only take the word of the poet who said:

> I know not where His islands lift
> Their fronded palms in air;
> I only know I can not drift
> Beyond His love and care.

And that is the thought we have of our friends who command our respect, our reverence, and our love here—that over there is the fullness of that life which we crave when we say, "'Tis life, not death, I crave; a richer, fuller, grander, nobler, better life I would have."

For his family I am sure that I reflect the feelings of everyone who knew him when I say that to Him who numbers the hairs of our head, who permitteth not a sparrow to fall to the ground unnoticed, who tempers the wind to the shorn lamb—to His love, to His care, to His mercy we commend them.

Mr. FOSS. Mr. Speaker, I, too, desire to pay a brief tribute to the memory of our late colleague, Mr. LOUDENSLAGER, with whom I was associated in my congressional service.

As has been stated, he became a Member here in the Fifty-third Congress and served until this, the second session of the present Congress. He had been elected to ten successive Congresses, and had served more than 18 years.

Very few Members have enjoyed such a long service as this. In looking over the Congressional Directory I find less than ten of the present House who had served longer than he at the time of his death. His long service demonstrated the confidence which the people of his district reposed in him.

And then, too, his service here was during one of the most important periods in the history of this country. With the exception of the earlier period of the formation of our Government and the great Civil War period there has been more important legislation passed in the last 20 years than ever before. Great issues and great national problems have been considered, debated, and solved. Let me briefly enumerate: Questions of finance; the establishment of the gold standard; four revisions of the tariff; the annexation of Hawaii; the War with Spain and the problems growing out of it; the expansion of territory; the acquisition of Porto Rico and the Philippines, and the government thereof; the enlargement of the Army; the building up of the Navy; the reorganization and improvement of our Diplomatic and Consular Service; the creation of the new Department of Commerce and Labor; the regulation of railroad rates; the extension of the jurisdiction of the Interstate Commerce Commission over sleeping cars, express companies, pipe lines, telegraph and telephone companies; the establishment of a special Commerce Court; pure-food act; meat-inspection legislation; the establishment of postal savings banks; excise tax on corporations; conservation of public lands; preservation of national forests; national irrigation projects; extensive river and harbor improvements, greater than ever before; four great States added to the Union; and many other things that I have not time to mention. Truly, he lived in a great period in the history of our country, and when he reviewed his life's work as he lay waiting for the final call, he must have contemplated with some satisfaction that he had played a part, and a strong

part, in the doing of things during this golden period of our national growth, influence, and power.

A Member's service here might be divided into three parts: First, attention to his correspondence and the numerous requests made of him, most of them outside of his strictly congressional duties. No one paid more attention to these than Mr. LOUDENSLAGER. He told me once that he always wrote the last letter to his correspondent, even when no reply was expected. He kept in the closest touch with his constituents, and hence his political strength at home. Secondly, his service on the floor. He was always punctual at roll calls. While he did not often take part in debate, yet when he spoke he had something to say and to the point, and spoke with splendid effect. Thirdly, the work in the committees. We all realize how important this has become, and more so with the increased membership of this House. The time for consideration of questions in the House is so short, if it were equally divided, it would not amount to much more than 30 seconds daily for each Member. Each committee is practically a little house in itself. Fully nine-tenths of all the bills reported pass without material amendment. The analytical study of a measure in the committee is regarded as entitled to more weight than the largely superficial consideration of it on the floor amid the noise and confusion of this large body.

In the work of the committee Mr. LOUDENSLAGER largely excelled. His judgment was exceptional. He viewed matters from a great variety of standpoints. For many years he was a member of the Committee on Naval Affairs and took a great deal of satisfaction in that work, because his heart was in it. He was responsible in a large degree for the building up of the American Navy. When he first became a member of the Naval Committee, we had a very small Navy—probably not over 300,000 tons. He took delight in building it up to its present tonnage of about 1,300,000 tons and contributed of his thought and labor to that end. At least 75 per cent was authorized during his membership on the committee.

Mr. LOUDENSLAGER was a very agreeable gentleman in every way. He was always cheerful, genial, and companionable, and made many friends who to-day mourn him.

He was a strong partisan and fought valiantly for his party. He had rare political foresight, and his judgment was of great service to his party in political campaigns.

In his death his constituency lost an able Representative, this House a popular Member, his party a tireless worker, the Navy a warm friend, and the country a patriotic citizen and excellent public servant.

Mr. BURKE of South Dakota. Mr. Speaker, I am here to pay my tribute to the memory of our deceased colleague, whom I loved, respected, and admired, and who was my good friend.

It happened that when I came to Washington to enter upon my duties in the beginning of my service, which was the first session of the Fifty-sixth Congress, that almost, if not the first, Member I met was the Hon. HENRY C. LOUDENSLAGER. It was going to Paterson, N. J., to attend the funeral of Vice President Hobart that I met him. He had then been a Member of the House for some years, but he introduced himself, greeting me so cordially and during that day showed me so much attention that he made me feel as if I belonged in the senior instead of the freshman class. All of us remember our first service in the House, and we each have a tender spot in our heart for some old Member who treated us with kindness and showed us some attention and consideration during our initiation. I never forgot Mr. LOUDENSLAGER'S kindness toward me on the occasion referred to, and from that time on I was his devoted friend. This trait in his character undoubtedly had much to do in making him so popular and drawing to him so many friends, and naturally the longer he remained here the more friends he had, as he possessed the faculty of retaining the friendships he formed. In my early experience I often consulted and went to him for information and advice, and it was particularly refreshing to consult him when discouraged and troubled because of my inability to accomplish something I had hoped I might obtain speedily. He was always the same—approachable, patient, and considerate—and would inconvenience himself and spend his time willingly to ascertain your trouble and tell you what to do and how to do it, and if he saw you were disheartened and discouraged he would greet you so pleasantly, offering you a few words of cheer, that you would leave his presence inspired with renewed hope and feeling so much better by reason of his words of encouragement and advice that what seemed difficult or hopeless before appeared easy.

His willingness to do for others was taken advantage of, as is usually the case with one of his disposition, and much responsibility was placed on his shoulders in addition to his official and personal duties, and undoubtedly these responsibilities contributed in a large measure to his early demise. He gave many years of faithful work in serving his party, being an active member, and later secretary of the congressional committee, and no one questions but what the success of his party in many of the campaigns was due in a large degree to his wisdom, his energy, his determined activity, and his strong personality. He seemed to know no limit to his endurance, and therefore overtaxed his strength. He was a partisan in politics, but always fair toward his political opponents, and never permitted political considerations to influence him in doing what he believed to be right upon matters of legislation. The merit of the proposition was his guide in determining any measure upon which he had to pass, and he apparently knew no friend or enemy in the discharge of his legislative duty.

The people of the first district of New Jersey learned to love and admire him as a friend and a true man early in his career, and, appreciating his sterling qualities and his usefulness, they chose him as their Representative in this body in 10 consecutive elections. This indeed was a great tribute to his worth, and it is a mark of distinction that few receive who obtain membership here. It may be of interest to know that of the present membership of this House only 9 Members have been elected 10 or more consecutive terms, and I think that number is above the average.

No district ever had a more faithful Representative, and because he was faithful and possessed of a strong personality and great ability he was continued. It is no easy matter now for one holding public office, especially membership here, to maintain the confidence of a constituency for any considerable time. There is more or less disposition to detract, condemn, and criticize, and to destroy reputation, and to impute evil motives to what men do in the discharge of public duty, and not infrequently they are maligned and libeled, and one who survives it must indeed have character and the confidence of his constituency.

While Mr. LOUDENSLAGER was always approachable and cordial, he would not tolerate a slight or an insult, and would resent it so promptly and with such firmness that there would be no likelihood of its being repeated. He despised deception and hypocrisy and had only contempt for the demagogue. He had his griefs and sorrows, having lost his only daughter after she had grown to womanhood, and later his only son, who was just on the threshold of his early manhood; and while those who knew him intimately knew that he suffered as only a devoted parent can suffer who has been so afflicted, he bore it bravely and patiently and outwardly presented his usual pleasant manner, greeting you with a smile oftentimes when it must have required great effort to do so.

For a long time he suffered at intervals from the disease that finally resulted in his untimely death; and while he seemed to know that he might not long survive, it apparently made no difference in his happy disposition. He met you as usual, speaking lightly of his condition and apparently having no fears, and I understand that he maintained this attitude to the end.

No matter how much he accomplished or how great his success in any undertaking, he never boasted, and his extreme modesty was only another of his many virtues. He was charitable to the extent of being generous, and those who approached him for aid or assistance invariably were rewarded.

I do not believe he ever intentionally did anyone a wrong. He was happiest when doing for others; and if these qualities do not constitute a religion, they do constitute, in my opinion, the requirements of a true Christian. He was possessed of a sweetness of disposition and a nobility of character such as only few have. To his legion of friends who knew him only as "Harry," he was always congenial and companionable, and his life to them was an inspiration. Living as I did for many years at the same hotel, I had an opportunity of seeing him almost daily during the sessions of Congress, and therefore was in a position to observe him in private life. One of his many attractions that always commanded my admiration was his gentleness, his devotion, and his extreme consideration for his estimable wife, his manner toward her always being that of a gallant knight toward his lady.

His untimely death is not only a great loss to the district that he so long represented, but also to his State, to the country, and to this House. Those of us who were privileged to be his colleagues miss his attractive and delightful companionship and feel keenly the absence of his wise counsel; and so long as any of the membership of which he was a part remains here, his high character, his great industry, his devotion to duty, and his strong personality will ever be remembered.

Mr. RICHARDSON. Mr. Speaker, my acquaintance with Mr. LOUDENSLAGER commenced in the Fifty-sixth Congress. During that term of Congress I was assigned to the Pension

Committee over which Col. LOUDENSLAGER presided as chairman, and for more than 10 years I was ranking Democratic member of the committee, and by virtue of that position I was a member of the various conferences with Mr. LOUDENSLAGER that took place between the Senate and the House of Representatives Pension Committees. In that capacity our relations as public servants were intimate and I had unquestioned opportunities to observe and know the man. I do not hesitate to say now that there are but few official positions among Members of Congress that hourly tests the innate sense of justice and the obligations to duty than does the position of chairman of the Pensions Committee. Col. LOUDENSLAGER was in every respect a kind, generous, tender-hearted man. He knew, in a broad, comprehensive manner, that the duty of the committee over which he presided was to revise the unfavorable action of the Commissioner of the Bureau of Pensions, which apparently gave him great discretion. In the performance of this delicate duty Col. LOUDENSLAGER was always guided by the law and established precedents.

He was firm and decided in his convictions, and while his generous heart would cause him to listen to the pathetic appeals of the sorrow-stricken widow and her helpless children, yet he would not depart from the stern dictates of the law. I honored him as an honest, just, and good man. In his life as a public servant he was faithful, conscientious, and vigilant in attention to his public duties. He recognized, without the touch of humiliation or servility, the true obligations existing between a Representative and the constituents who honored him with public position. In these relations he would spurn subserviency or the sacrifice of his independence. Free from stubborn persistence, he was always ready and willing to listen patiently to those who differed with him. His constituents honored and loved him, and he went to his untimely grave with the great and comforting commendation of his grateful constituents and his admiring colleagues from all sections of the Union, "Well done, good and faithful servant."

In his congressional career, Col. H. C. LOUDENSLAGER made but few speeches. He was given to but few words on the floor of the House, but when he felt it was his duty to speak, but few Members could express themselves more vigorously and in more apt and expressive words.

Col. LOUDENSLAGER not only enjoyed the confidence and respect of the Members of this House, regardless of party alignments, but in his own party and with the national leaders he was honored with high position, on account of his fidelity to his party and by reason of his fine judgment and sagacity as a political leader. For some years prior to his death, even midst the discharge of official duties, he was a great sufferer from the encroachments of bad health, but he was reluctant to give up, and he stood at his post at the jeopardy of his health. His friends saw the ravages that disease was rapidly making on his impaired constitution and he resisted their importunities until he truly yielded up his life to the responsibilities of his duties as the public servant of his people.

But he has gone to his eternal rest, followed by the profound regrets of his indulgent constituents, a grateful public, and his devoted colleagues.

Mr. GREGG of Texas. Mr. Speaker, in no language is the certainty of death more tersely and graphically expressed than in the Arab saying, "Death is a black camel which kneels at every man's door."

In nine years of service in this body I can but recall how often has the dread summons sounded and how many of our colleagues have gone over there.

While HENRY CLAY LOUDENSLAGER stood on the summit of life and was in the bloom of his faculties he heard his Great Captain's call. He ascended on high. It has always seemed to me that the incompleteness of life, its disappointments, and its unrealized ideals are the strongest proofs of the immortality of the soul. Surely in the divine economy of human life there must somewhere be a state or condition where the blasted hopes and ungratified aspirations of our life here are made good and man's heroic efforts are ultimately crowned with success. So we all believe is the finished destiny of our deceased friend and colleague. HENRY CLAY LOUDENSLAGER did not live in vain, nor did he die without leaving behind him the fragrant memory of a life well spent and a career which illustrates the ennobling possibilities of American life. Our friend was born amid lowly surroundings. His youth was spent as a strong and sturdy boy on his father's farm. Before he had reached his majority he left his humble tenement and launched in a business career. In 10 years we find him elected to and discharging the arduous duties of county clerk in his native county. Such was the impress he made by the efficient and successful administration of the difficult duties of that responsible office he was reelected without opposition. At the expiration of his second term he was elected by an overwhelming majority as a Representative in the Congress of the United States in the Fifty-third Congress. For nine successive, continuous terms he was reelected as Representative of the first congressional district of his native State, New Jersey.

There are at least two well-defined classes in the House of Representatives. First, are those Members who have the divine gift of eloquence, who are great in debate, and who, on all the acute living issues which stir their countrymen, can blow a trumpet call to their party followers. This class bulks large in the public vision. They fill the speaking trumpet of fame and are cheered in the battle by the exultant shouts of their party followers and applauding colleages.

But there is a larger and more useful class of Representatives. The hard-working, tireless, industrious Representative, who, unappreciated, unnoticed, uncheered, slaves at his work for his country's good through the long day and far into the silent watches of the night. He never attracts popular attention and never wins popular applause, but all his colleagues can testify to the transcendent importance of his service. HENRY CLAY LOUDENSLAGER was a typical representative of this class. He brought to the discharge of his duties all the virtues of his sturdy ancestry.

He was for years chairman of the Committee on Pensions. While he was warm and mellow hearted, he was inexorably just. He was never the slave of sentiment. Duty was the presiding genius of his life. How well and faithfully he discharged the duties of the chairmanship of that vexatious committee the public never knew. But all his colleagues know. For long years he was a leading and influential member of the important Committee on Naval Affairs. For six years I was associated with him on that committee, and I cheerfully bear testimony to his fidelity, to his unwearied industry, and to his broad and liberal views as to the policies which should be carried out in the administration of naval affairs. He felt a patriot's genuine pride in his country's grandeur, and thought, mistakenly, I believe, that the only adequate expression of the greatness of his country was a large and magnificent Navy, a Navy which could not only defend us against all foes, but one which would strike with awe all foreign nations.

He had a talent for business and a genius for organization. In recognition of his eminence in these qualities he was elected as secretary to the Republican congressional committee for two terms—1906–1908. An efficient secretary to a campaign committee is far more useful and necessary than its titular head. Under Mr. LOUDENSLAGER'S efficient management, and largely through his efforts, his party was victorious in the two elections of 1906 and 1908.

In 1910, just after he had been triumphantly reelected to the Sixty-second Congress, in the high tide of success, in the flush of victory, he was suddenly stricken. He realized at once that the end was death. Heroically, without hope, he bore the agony of a long and painful sickness. Realizing that the end was near, he returned to his home, and there, on the 12th day of August, 1911, surrounded by his loved ones, without a murmur, unshudderingly, he boarded that mysterious bark which touches at every man's port, and then, we trust, he sailed through radiant seas to the far-away, happy islands of the noble, the true, and the blessed of all the ages.

Mr. ROBERTS of Massachusetts. Mr. Speaker, after many years' acquaintance with HENRY C. LOUDENSLAGER, I can look back upon our friendship with no other feeling than joy and gladness that I was privileged to know, and know well, so strong and true a character. He was not a man who bestowed his trust and confidence lightly. With him friendship had a real meaning, and only after deliberate study did he take one to his bosom and call him friend. That relationship once established he was all that the word friend implies. He had many excellent and, in this day, somewhat unusual qualities. That which most strongly appealed to me was the tactful and kindly way he had of pointing out one's failings or shortcomings, and this took courage of the highest order. His admonitions were never given in an offensive manner, but as from a father to a son, with a genuineness that made one love him all the more and feel that he was a friend indeed. Nor was he always looking for flaws to correct. He was equally generous in according praise where merited and never in any fulsome or ostentatious way.

Another of his qualities, and one which exemplified his breadth of mind, was the readiness with which he accorded credit to or acknowledged ability in those in opposition to him. He had a keen discrimination in this respect, and was able to

subordinate his own antipathy to such a degree that he could survey the field calmly and discern the good which would be lost to the sight of the ordinary man because of his personal prejudice or rancor.

Mr. LOUDENSLAGER was an extremely intense man, equally so in his work or his play, and coupled with his intentness was a fixedness of mind and a tenacity of purpose that enabled him to successfully accomplish almost any task which he undertook. When once embarked upon an undertaking he was tireless in his efforts and so great was his energy that he was always a host in himself in its behalf. His mind was singularly keen, clear, and analytical. Had he cultivated the art of public speaking his mellow voice, splendid physique, sound logic, and fine gift of imagination would have made him a formidable debater and a powerful orator. In committee or before small gatherings he was always ready, fluent, and convincing, but he rarely spoke before large audiences, seeming to distrust himself when in the presence of so many, a distrust which was wholly imaginary and without foundation. The few times I have heard him speak in Congress and before large gatherings gave ample evidence of the latent power within him, and his words were couched in language so sincere, logical, forceful, and well chosen as to lift his effort to the plane of real oratory.

In politics he was an uncompromising partisan. A firm believer in government by parties, he was a hard and resourceful fighter for party principles and party success. To him his party was above any individual in it and to it he gave freely, fully, and gladly the best of effort and judgment that was in him, often to the jeopardy of his own personal success and to the certain detriment of his health. Had his devotion to his party been less his years among us would have unquestionably been prolonged. Not only did he achieve distinction as a worker in the party organization, but in its councils as well; for he had a singularly clear conception of the trend of national events which caused his judgment to be sought by party leaders and his advice carefully considered and in many instances followed.

As a legislator he was broad-minded, liberal yet not extravagant, and extremely conscientious. Surrounded and beset, as are all legislators, by selfish interests, each looking for its own advancement, he could not be swerved from his conception of right and duty by any appeal to friendship or threat of personal disadvantages; yet no man I have ever known in public life was more susceptible to an appeal based on friendship than was HENRY C. LOUDENSLAGER.

He was devoted to the interests of the district he so long and so usefully represented, proud of the State of his nativity, untiringly seeking to advance her to a place of still greater prominence in the sisterhood of States, and New Jersey and the first congressional district of that State may well mourn the termination of his long and honorable career.

Guile, deceit, treachery—three failings only too common in humanity—were utterly abhorrent to his nature, and he never hesitated to denounce either when known. His word was more sacred to him than his bond. When once he announced his attitude or gave his promise, there never was any doubt as to where he would be found when the time for action arrived. He always stood without hitching, and that means a great deal in the everyday affairs of life as well as in politics and statecraft.

His cheery greeting, genial smile, and strong, true handclasp were never absent, even in the late days of his final illness, and made all who came in contact with him feel the sincerity and genuineness of the man.

After all is said and done, the one commanding and domineering quality which makes a man stand out conspicuous among his fellows and causes him to be remembered long after all others have faded from the mind is that of absolute and unwavering loyalty. This was preeminent in the character of HENRY C. LOUDENSLAGER. He was loyal to his country and its institutions; he was loyal to his high sense of public duty; he was loyal to his friends. To have known him was but to respect him; to have known him well, to admire him; to have known him intimately, to love him with a love that lingers long and with increasing fragrance in the memory of those admitted to his intimate frendship.

Mr. BUTLER. Mr. Speaker, this man possessed so many qualities that he was always thought of by us as a friend. We treated him as a friend and he never failed to respond in kind. When he came to Congress a score of years ago, he brought with him a disposition to kindness, a trait which came to him with his birth, one that never can be acquired with the fullness possessed by him. As our knowledge of him developed so did our liking for him grow until we reached a period in our acquaintance when we felt ourselves privileged to give him the lovable name of "Loudy," the nickname familiar to every one of us who sat with him during his membership.

In this feeble tribute to HARRY LOUDENSLAGER'S memory I have no desire to add to his merits and at the same time I hope I shall in no way take from them. The effort to speak of one—toward whom our affections constantly drift—with candor and according to his deserts is not without difficulty because of the inclination which our impulses give us.

I knew HARRY LOUDENSLAGER before I came to Congress; our districts lay opposite each other across the Delaware River. We met here as neighbors with good feelings toward each other. He held out his hand to me and asked to be my friend and wished my friendship in return. The compact was made with promptness and kept without an interruption during our service of almost 15 years. His constituency, like that of my own, naturally had interests which our combined efforts could well serve. His people manufactured, so did mine. Their product was similar and therefore the same law affected both. They alike asked for an extension of commerce and we labored together for their common benefit. Together they demanded increased internal improvements, and again their interests were mutual. The fields of our agricultural constituents yielded the same product and was sold in the same market. They visited each other across the river, and in some instances became attached through the bonds of matrimony. Thus our labors, lying along common lines, were oftentimes divided, of which my friend always assumed the larger share. I went to him with all my troubles, which he took upon himself with a cheerfulness that shamed the selfishness within me. I received from him a willing assistance which I was anxious but unable to return. When I complained, he cheered; when I despaired, he encouraged.

His time belonged to everybody but himself, and it was always used by others without the slightest respect for its owner. His service was rendered without bargain or expectation of return. How he accomplished so much in the space of time given man to work was the wonder of us all.

His purse had no string to it and he lived with the knowledge that his "shroud would contain no pocket." He shared to the extent of his means and with a spirit that makes generosity real. His cordiality furnished a reason for the attention which he always had. He would not live alone; he would not be alone. He had no trouble finding companionship; indeed, it was always ready. Yes; it awaited him.

With all this lovable spirit, HARRY LOUDENSLAGER had a courage that propped the weak and led the hesitating. His arguments were convincing and always at hand, as he would use the little familiar sentence, "Now, wait a bit." A man of strong sense, with a wit natural to himself alone, and armed with facts, he was an adversary who was seldom selected the second time.

Mr. Speaker, what can I say of this man which is unknown to all those who live in his little world? They knew him to hate a lie; so did we who lived with him here. They had learned of his candor; it was soon made familiar to us. They appreciated his energy that never wearied; we soon discovered it and then employed it in affairs that were ours, not his. They felt his influence over men; those of us who strove to promote or defeat some measure, sought it for the good of the cause we advocated.

This man worked for the common good, and his efforts received the response which comes from grateful hearts. I know that he demanded justice at the same time that he dispensed it. In nothing did he pretend. He worked for a constituency that employed as well as one that was employed. He never feared contests between capital and labor, because he was strong enough to be fair to both. Where interests conflicted, he solved the problem as his good judgment directed, having but one regret, that his conclusions might have brought disappointment or inflicted pain. It will always be said of him that no Member of the House during his time was more generally useful in disposition of its business than he, and but few had greater influence over its conclusions.

HARRY LOUDENSLAGER was a Republican of the old style. He believed in the rule of the majority and always cheerfully submitted to it. When beaten he raised his hat to his adversary and when successful he naturally demanded the same treatment in return. He never left his party or its councils, but always obeyed its decrees. He was one of the active party men of New Jersey who assisted in placing the majority in that State on the Republican side. He took his political baptism during this struggle. While not a political intolerant, from party questions and party issues he never wandered. On tariff questions he was not only zealous but an extreme partisan. He sincerely believed in the doctrine of protection, and no argument could persuade him to abandon views he formed during the great political struggle for party supremacy, which have made New Jersey famous. His party stood by his leadership for more than a score of years; God's hand removed him from it. His

battles have been furious, but no man appeared who could overcome him. Much of his strength, which was unusual, is attributable to those traits of character of which I have spoken—loyalty to cause, with a fellow feeling for its enemy.

The domestic life of my friend was simple and sincere. He had many sorrows which at times greatly depressed him. As he gave his full share in his official life, he did the same in the confines of his family, to which he was greatly devoted. His public life was in the open, and his frankness disclosed his reflections; yet with this, no man ever said that he abandoned his friend or violated the confidence of him who gave it.

HARRY LOUDENSLAGER made no pretense to genius or great leadership of men. He did not claim to rank among the statesmen who sit in select councils where policies are proppsed affecting all the men and all the things of the world. But he did reign among the men who accomplished results and who at this time—one year since he went away—speak of him with emotion and with recollections that are tender and lasting. Only two days ago at a luncheon in the House restaurant, where his personal friends had gathered, his name was mentioned, when the remark was made "Don't disturb the poor fellow; he was tired when he left and has earned the rest which God has given him."

Mr. TOWNSEND. Mr. Speaker, it has often seemed to me that a fair and just measure of a man's good qualities may be taken from the estimate in which the man is held by his own people—the men, the women, the children, who are his neighbors. This thought was much in my mind when, with my colleagues from this House, we went to pay the respect of Congress to the memory of the late HENRY C. LOUDENSLAGER. As we drew near the residence of our late brother we could not help being impressed with the many signs of deep and general sorrow for their departed friend shown by all classes of the people in that neighborhood. They who knew him best and knew him longest were the ones who grieved most over his loss. Not only in that immediate neighborhood where the man had lived, but throughout the district on that day, we saw these unusual signs of sorrow and of respect for the memory of the departed. That, Mr. Speaker, is to my mind as fine a tribute as can be given to a man's character; it is a thing we all strive for and value most after we attain it—the esteem and liking of those who form our own local communities. It was a tribute to the character of HENRY C. LOUDENSLAGER which could not be higher, which could not be of more consolation to the members of his family. There must of necessity be much that is good, much that is gentle and kind, much that is high-spirited and just in a man to earn and keep in so marked a degree, as we observed that Mr. LOUDENSLAGER had earned and kept, the high esteem and affection of all those who, throughout his life, had best opportunity to judge him for what he really was.

Mr. FOSTER. Mr. Speaker, we are gathered here to-day to pay the tribute of respect to our departed colleague, Mr. HENRY CLAY LOUDENSLAGER. We are again reminded that there is an end to human life. That sooner or later death must come to all, and we see those of our friends who are active to-day gone to their rest to-morrow. We then ask, is this all of life? Is this the end of mankind? Certainly no one here to-day feels that all of our existence ends with the grave, but that we must look beyond this world to see the perfect man. This life is short, yet we are reminded that men accomplish much good in the world in what we call the short space of time of man's life. It is men who spend their lives trying to make the world better; men who are trying to do something to help mankind; men who stand for high ideals, who look ahead and beyond self, who are altruists in the fullest sense of the term. It is not always the one who lives the longest who accomplishes the most, but it is he who lives the best, and who lives so that the world is made better by his life well spent. We must first act by starting out to be true and honest with ourselves; we may deceive others, but ourselves we can not deceive. When the sunset of our lives come and the twilight of death gathers about us, we should have the consciousness of mind that leads us to know that we have accomplished something in the world; that our lives have not been lived in vain.

On my entrance to Congress it was my fortune to be placed on the Committee on Pensions, of which Mr. LOUDENSLAGER was then the chairman. During my four years of service on that committee I found him kind and considerate of every Member. Always ready and willing to give everyone a fair hearing, and never did he show the least partiality, whether Democrat or Republican. He was always fair to everyone having a case before the committee, and the most humble Member of the House always had just as fair a hearing as the most prominent. He was an ideal chairman in the conduct of the business coming before a committee. Mr. LOUDENSLAGER was always true to his convictions. He did not try to deceive anyone. He was always kind and courteous in his treatment of all. He was a strong partisan, but that did not cause him to show any of it in his treatment of any member of the opposite party.

I am always glad to say a good word for a true man, one who had the interest of his fellow man at heart; one who was ready and willing to say and do something that would help those who needed help. Who of us does not at some time need some help of those with whom we come in contact? The one who is ready to say something and never ready to do is not always the best, but it is he who is ready to help, as well as to say what should be done; not to only say but to do is what counts. Sometimes persons make great professions of their love for mankind, but with only the selfish motive—with the hope of doing something for self.

Our success in life depends on what we stand for and advocate. The question should come to us all, Have we done the best we could for the world, and have we done our full duty to mankind? It is not the amount of money we may accumulate in this world that makes us successful, but it is how well the money that has been accumulated has been used. Some men are very rich in property, yet poor in the success of life; theirs have really been lives of poverty. All their lives they have struggled to make one more dollar to add to what they already have, yet after it is all over and they pass from this earth they have not been missed, and no particular act of theirs can be pointed to as one intended to make the world better. But the generous, whole-souled man whose heart beats in sympathy for his fellow man, who is ever ready to do something for others and never misses an opportunity to help some one, is the person who is appreciated and really counts for something. We must not forget that things in this world do not come to us while we sit down and wait, and one who does so will find the procession has moved by and he is left behind. Things in this life are not worth much except what we work for ourselves. God has placed us on this earth endowed with certain talents, not all the same, it is true, but we should make the best of what we have. We never know how much we can do for the world until we go out and make an honest effort. I can not better express this idea than to quote these beautiful lines—

Trust in thine own untried capacity
As thou wouldst trust in God Himself. The soul
Is but an emanation from the whole.
Thou dost not dream what forces lie in thee,
Vast and unfathomed as the greatest sea;
The silent mind o'er diamond caves may roll;
Go seek them—but let Pilot will control
Those passions which thy favoring winds can be.
No man shall place a limit on thy strength:
Such triumphs as by mortals may be gained
May yet be thine if thou wilt but believe
In thy Creator and thyself. At length
Some feet will tread the loftiest heights attained;
Why not thine own? Press on; achieve; achieve.

There is no place in this world for the person who thinks he can slip through this life, have a good time, do nothing, and live off the labor of others. Every young man should realize that there is no room for anyone who is not willing to make an honest effort, who is not willing to work for what he gets. Our colleague started in life on the farm; he knew what it was to work; he was taught that when a young man, and the lesson of industry he did not forget. He did his duty in every position in which he was placed. Let us this day remember that we must live so that the world will be better for our having contributed something to help mankind, and when we are gone our friends can truthfully say a good man has passed to his reward.

We should not forget that—

We live in deeds, not years, not breaths;
In feelings, not in figures on the dial.
We should count time by heart throbs. He most lives
Who thinks most, feels the noblest, acts the best.

Mr. McCOY. Mr. Speaker, it is with some hesitation that I venture to say anything upon this occasion about one with whom it was not my pleasure to have had a personal acquaintance, but it is not inappropriate even under such circumstances to join in the tribute being paid to-day to the memory of one who for so many years was honored by one of the districts of my State by an election to this House.

At the beginning of the extra session, a little more than a year ago, the grip of that illness which resulted in Mr. LOUDENSLAGER's death was firmly fixed, and he did not thereafter come into contact with any of his old friends here nor with those who were then for the first time sitting as Members of Congress, but that he was being missed by those old friends of his was soon known to the new Members, especially to those from his own State, and when the end came the expressions of sorrow-

were many and genuine and not confined to Members on his own side of this House.

I think probably there are few places where the measure of a man is more completely taken than right here among Members of this House, and it is said of Mr. LOUDENSLAGER that no man had more real friends, not only among his party associates but among those of the opposing political faith.

Some one may say that Members with whom I have talked were mindful of the maxim, de mortuus nihil nisi bonum, but the expressions of praise of Mr. LOUDENSLAGER are so hearty, and of sorrow at his loss so genuine, that I am certain that they were uttered without restraint or reserve.

To those to whom Mr. LOUDENSLAGER'S loss means so much more than it can mean to anyone else, it must be an infinite satisfaction that none here named him but to praise.

Mr. McKINLEY. Mr. Speaker, those of us in this House who were associated with HENRY C. LOUDENSLAGER in the daily work of Congress, the various activities of committee duties and general parliamentary proceedings, who were thrown in contact with him in political contests, whether as friend or adversary, and who shared his companionship when cares of state were relaxed, can truthfully pay tribute to him as a competent public servant, a political opponent worthy the steel of any man, a generous foe and a glorious friend—in fact, a true and admirable man in every sense of the word.

During his long term of service in this House he won the friendship of men of all parties, who were attracted to him by his worth and personal merits and paid him the respect thus commanded regardless of party affiliations. One of his most notable traits of character was a downright straightforwardness which never deviated. It was either "yes" or "no" with him, and whichever it was the verdict was to be depended upon to the end.

He had an extraordinarily clear sense of public duty, and he adhered to it rigidly. He believed that he owed it to his constituents and to his country to fulfill the tasks allotted to him, and he made it his daily concern to do so. He was methodical to a degree and a punctual and constant attendant upon sessions of committees and of the House. While he was chairman of the Committee on Pensions he applied his orderly and methodical business mind to the details of every case before the committee and saw to it that justice was done every applicant, however humble.

As a member of the Committee on Naval Affairs he took a deep and sincere interest in the upbuilding of the American Navy, and was one of the most indefatigable workers in the task of framing the great appropriation bills. He was devoted to the interests of his State and his district. I venture to say that no Member of this House had a wider personal acquaintance among his constituents or was more attentive to their demands and welfare.

He was a staunch believer in the principle of a protective tariff which would safeguard American industries and bring the greatest meed of prosperity to American workingmen. As a business man he was level-headed and conservative, and in politics the same; but a catholic disposition gave him a wide tolerance of the opinions of others. Indeed, it was this catholicity of nature which won him friendship in the opposing party that endured to the day of his death.

From close personal association with him in the direction of Republican campaigns for the election of Members of Congress, I am competent to speak of his invaluable services to his party—work which indeed shortened his days and, I believe, hastened his untimely end. In 1906 he was secretary of the Republican congressional campaign committee, and when JAMES S. SHERMAN, the chairman, was taken sick upon Mr. LOUDENSLAGER fell all the duties of the chairmanship. In 1908 and 1910 he was in full charge of eastern headquarters.

He was a man of remarkable political judgment and a master of political diplomacy. He had the rare faculty of composing differences among the factions and bringing men together. In campaigns he never asked anyone to do more than he was willing to perform. He was the first man to take up the work in the morning and the last to leave at night. A splendid physique enabled him to do more than ordinary men could accomplish, and he taxed it unmercifully in the interests of his party and of his country.

He possessed a rare personal charm of manner, the natural result of a kindly and generous disposition. He enjoyed dispensing hospitality, and it gave him pleasure to make others happy. It must not be understood that this inferred any weakness of character, for he could be adamant upon occasion and stern and inflexible when circumstance required.

Another admirable trait of his nature was his demeanor of rare and punctilious courtesy toward everyone, regardless of rank or social position. Indeed, the humbler the individual the more marked would be his consideration of that person's feelings and rights.

He was one of God's noblemen and a friend to mankind. In his death his State and country lost a worthy son and his friends a companion whose presence will be missed, but whose memory and influence will survive long afterwards.

Mr. KINKEAD of New Jersey. Mr. Speaker, I have always regarded the custom by which the House of Representatives sets aside a few hours in which Representatives may pay a tribute to the memory of those who pass away while in the service of the House as a beautiful and touching one.

During the few years that I have been in Congress I have seen the hand of death strike down a De Armond and Missouri weep for her illustrious son.

Three times has death visited the delegation sent here by Tennessee—a Brownlow, a Gordon, and a Taylor have passed to the great beyond.

Kansas has mourned the judicial Madison, and the Keystone State lamented the loss of George W. Kipp and that kindly old gentleman so long the father of the House, Gen. Henry H. Bingham. Vermont has been visited and death called the genial Foster to his reward. Nor does the list, Mr. Speaker, end here.

On this present sad and solemn occasion we have gathered to pay our tribute to the memory of an honored son of New Jersey. To few indeed was it given to serve our State for greater length in Congress, and still fewer gave her a more distinguished and honorable service in this House.

HENRY CLAY LOUDENSLAGER was first elected to Congress in 1892, and if he had lived until the present session expired he would have served his district for 20 consecutive years.

If I were to state his dominating characteristic, I believe I would say that it was absolute frankness. No one ever doubted where he stood, and he always made his fight in the open. Intensely loyal to his friends, but always fair to his opponents. He was particularly kind and gracious to new Members, especially to those coming from his own State, and the fact that one belonged to a party other than his own did not make the slightest difference with him; he was always ready to aid a younger Member in every way that was in his power; affable and ever accessible when his advice or aid was needed.

Mr. LOUDENSLAGER rarely spoke in the House, but when he did address Congress he always received close attention, having the faculty of being able to express himself in concise, clear, terms and always to the point. He was ever watchful of the needs of the people of his district and of his State, always prompt in his attention to congressional duties, and singularly successful in obtaining the Federal assistance requested by his people.

Few men that I have ever known had his facility for making and retaining friends. His candor and honesty won for him the respect and confidence of the leaders of both political parties in his State and Nation. Realizing the value of his conservative and intelligent judgment, those in charge of his party's affairs appointed him secretary to the Republican congressional committee for three successive terms. His duties in this connection he faithfully carried out.

I remember well the day he left Washington for French Lick Springs, Ind., where he hoped to regain his health. Little did we think when he bade us good-by that day and we admonished him to return to us shortly in his old-time health and vigor that that good-by was to be our last. The House at that time had under consideration tariff legislation in which he and his people were deeply interested. He hesitated to leave Washington then, having refused the entreaties of his friends to leave months before in order to care for his health. He believed that his duty to his district required his presence here. He sacrificed his health and, as events proved, he lost his life as a result of this devotion to his constituents.

Mr. Speaker, the outpouring of people of all denominations and all political parties who attended the funeral services at his home in Paulsboro, N. J., on August 16 last and the evidence on all sides of the grief which was in their hearts spoke more effectively than can any feeble words of mine of the affectionate esteem in which Mr. LOUDENSLAGER was held by those who had so signally honored him in life.

A loyal friend, a generous opponent, a faithful Representative.

I will always count it a priceless heritage to have known him and to have served in Congress with him.

Mr. AIKEN of South Carolina. Mr. Speaker, with no hope of adding to the splendid tributes that have been paid to the memory of HENRY CLAY LOUDENSLAGER, but prompted by the

high esteem in which I held the deceased, I must give some expression of that esteem on this occasion.

My friendship for Mr. LOUDENSLAGER, overreaching party and sectional lines, originated in my admiration for his manly qualities and his official integrity. I was a member of the Committee on Pensions with him for more than seven years. His kindly and receptive heart held out no barriers to the true man who sought his friendship.

Mr. LOUDENSLAGER was preeminently a man of affairs, intensely practical, and always active. In his public career was illustrated the type of the Representative of to-day.

In what may be termed the heroic period of American history, when Representatives in this body became world-famed for their eloquence, their logic, and their fervor of speech, legislation was deliberative rather than active. A primitive country, an agricultural population scattered over vast territory that had not yet felt the touch of industrial development, were not only productive of men of the meditative and deliberative type, but laid few duties on the national legislator, except such as affected the shaping of a new government. Glorious as are the pages of our history that are adorned by names of statesmen of this type, and priceless as is the legacy that they have left us, the fact that they were attuned to the task by environment should not be forgotten. Supreme in their day and generation, it is doubtful if they would have harmonized with the fevered pulse beats of this electric age.

In this day of steam and electricity when in travel months have been reduced to days, and men commune instantly for thousands of miles in mid-ocean, when the happenings of the civilized world may be known each day by the humblest citizen, when commerce and manufacturing have multiplied a thousandfold, legislation has changed with the changing times and the type of legislator has changed accordingly. So vast and varied are the business interests that now affect or are affected by government, that legislation is necessarily made up largely of business details, which has called into public service a large per cent of business men. Our friend was of this type—clear cut, decisive of speech, quick of action, and of mature judgment. He legislated with a purpose and with a directness that was usually effective.

Mr. LOUDENSLAGER was an orthodox Republican, but party allegiance carried him only where his judgment approved.

> Statesman, yet bound to truth of soul sincere,
> Of action faithful and in honor clear.

There is a lesson of hope and promise to the youth of our land in the public service of our friend. Born on a farm in Gloucester County, N. J., May 22, 1852, he left his home at an early age to engage in business in Philadelphia. He was in business for 10 years, when he was elected county clerk of Gloucester County, N. J. Then followed his election to the Fifty-third Congress and later his election as secretary of the Republican congressional campaign committee. He served continuously in Congress to the day of his death. A strong factor in his promotion was loyalty to his friends. This was a marked characteristic. He selected his friends with unerring judgment, and he held them by constancy. To the intelligent young man of fixed and honest purpose, advancement is not accidental, but is the result of a perfectly natural law.

In every new responsibility assumed by Mr. LOUDENSLAGER he proved worthy of the trust. Only the right can issue from an honest motive. The philosopher poet enunciated a principle as everlasting as the ages—that the man who is true to himself can not be false to anyone.

But, Mr. Speaker, we must turn from the life work of the deceased to dwell for a few brief moments on the sad providence that has removed him from our midst.

The march of civilization has done little to rob death of its terror. Stoicism may sear it over, philosophy may garnish it, and religion may point across the dark abyss to the other shore, but to the intelligent man it will ever be a grim and terrible monster.

He who was the light and life of the world, the morning star to which all coming generations will look for guidance, was also the Son of Man, and though the great beyond was to him an open book, he approached the "valley and shadow" with human dread. In this he has taught us to value life, and when its mission is ended to lay it down, not lightly, but in the fear of God.

Nothing can take away the pang that we feel in separating from those we love. The more intense our love the more trying the final separation. But a life well spent and love in life requited is a balm for the broken heart.

Those who the death of our friend touched most closely will not cease to lament their loss; but to recount his virtues will ever be a compensating pleasure. They gave to death what was mortal; they have with them the essence of his being, that which is immortal.

Mr. MOORE of Pennsylvania. Mr. Speaker, I have chosen to wait until others have spoken, because my relations with the late HENRY C. LOUDENSLAGER were of long duration, our personal friendship having extended over nearly a third of a century. Mr. LOUDENSLAGER represented the district in New Jersey in which I was born. He also was a native of that soil. I had therefore watched his career with more than ordinary interest. I knew him first as county clerk, and after his election as a Member of Congress aided in making him better known and appreciated on the Pennsylvania side of the Delaware River. It is therefore a matter of great satisfaction to me, knowing his early history as I knew it, to hear his praises sounded by men distinguished in national affairs, as those who have spoken to-day. The address of the distinguished senior Member from New Jersey [Mr. GARDNER] attests the esteem in which Mr. LOUDENSLAGER was held by those who associated with him in the New Jersey delegation.

The ex-Speaker of the House of Representatives, the gentleman from Illinois [Mr. CANNON], has paid a touching tribute to him, whom he respected as an able legislator and a loyal friend; and among others who have spoken are the present and the former chairman of the Committee on Naval Affairs, the gentleman from Tennessee [Mr. PADGETT], and the gentleman from Illinois [Mr. FOSS], representing both of the great political parties, each of whom, rising above the spirit of partisanship, has given expression to the high esteem in which he held our departed colleague. I have been impressed by all these addresses, and particularly that of our good friend, the gentleman from Alabama [Mr. RICHARDSON], a typical son of the South and a brave soldier of the Confederacy, who succeeded Mr. LOUDENSLAGER as chairman of the Committee on Pensions. The significance of these speeches and of others made by his admiring friends evidence the strong position held by Mr. LOUDENSLAGER in this House and demonstrate the hold he had upon its good will.

In view of all these kindly expressions it is fair to say that when Mr. LOUDENSLAGER entered the Fifty-third Congress and started out upon that career which was to earn for him a national reputation there were those who had their misgivings as to the wisdom of sending an inexperienced country boy to these great Halls, but, as step by step he progressed and as term after term he returned to this House, the doubts and fears as to his capacity for the work he had undertaken gave way to sentiments of confidence and admiration. He knew how to work, and he was not afraid to undertake large tasks; he was skillful and quick to seize upon opportunities; he became the firm friend of Speaker Reed and was intrusted by that great man with the execution of many of the important details entering into the proceedings of Congress. He had the friendship of Speaker Henderson, and upon the advent of Speaker CANNON had so developed as a useful factor in guiding legislation that he became one of the trusted men about the Speaker's chair. His activities invited the attention of the national leaders, and for many years he was the friend and associate of Mr. SHERMAN, now Vice President of the United States, but then directing the congressional campaigns. He learned to know the congressional districts of the United States as intimately as he knew his own, and his effectiveness as a manager was generally recognized.

During the course of the addresses this afternoon it occurred to me that some lessons were to be drawn from the life of our lamented friend which might be of advantage to the yeomanry as well as to the youth of the country. First of all, the action of the first New Jersey district in regularly returning Mr. LOUDENSLAGER to Washington demonstrated the wisdom of keeping a good man in Congress. If Mr. LOUDENSLAGER had confined his efforts solely to the first district of New Jersey his usefulness would have been limited and might have ended with his first term. He preferred, however, to broaden his sphere of influence. I well remember helping, in my feeble way, to strengthen his friendships upon the Pennsylvania side of the noble Delaware. There were times when he helped us upon the Pennsylvania side, and there were times when we helped him upon the New Jersey side. But he reached out even beyond the boundary lines of New Jersey and of Pennsylvania. He made friends everywhere, and in making these friends he was able to do tenfold for the people of his district what he would have been able to do had he plodded along in his solitary way. I remember that the people of New Jersey sometimes hinted that the Representative of the first district had become "the seventh Member from Philadelphia," but I noticed then, as has been easily demonstrated, since I followed Mr. LOUDENSLAGER into Congress, that, while he was considerate of his friends in other districts and entertained in his heart a warm spot for Philadelphia, his statesmanship was never so broad that he did not first of all attend to the wants of "the folks at home."

Reference has been made to the humble beginning of our departed colleague. Like many of us he was the product of the farm and the pathway of his early life was not strewn with roses. He struggled against unfavorable conditions. He had to combat them and to overcome them; his success in life was due to his industry, to the power of marshaling his forces, and to his capacity as an organizer. He was not only an organizer of business and of politics, he was an organizer of friendships. It has been said that he answered every letter. In his own way of stating it, he "always wrote the last letter." He watched the little things as well as the big things and never failed to keep in touch with his constituents. What finer lesson for the youth of the country than this—success based upon industry and performance of duty? Mr. LOUDENSLAGER was a public servant who deserved well of the people, and for 10 successive terms the people set their seal of approval upon him by sending him back to Congress. While they honored him they also assured themselves of an invaluable experience and of a devotion upon the part of their Representative that was not to be questioned.

Mr. LOUDENSLAGER was a man of lovable traits. I can see him now entering the doorway yonder, with stalwart form and smiling countenance, passing down the center aisle to the Speaker's table, and there wheeling about to greet friends and survey the House. I observe the whispered conversation, the friendly quip, and the other evidences of a cheerful mind. Even in this memorial hour we can not overlook the associations of yesterday, the friendly handclasp and cheery tones of him who is gone.

The former Speaker of the House has told us of his reluctance to attend memorial occasions. None of us relish the necessity which brings us into the realm of sorrow, but it is through such sorrow as settles round us now that we can best appreciate the cheer and the fellowship we once enjoyed. Indeed, we are met to praise and commend rather than to grieve and to pine. The fate of our friend is but the common fate of us all. There is but a difference in the number of the days. In the end we are brought to a common level. Neither wealth nor poverty is treated differently. The luxurious *Titanic* sinks in the Polar seas, carrying with her the richest and the poorest. Steerage passengers or cabin de luxe, it makes no matter. All alike must face the great Creator of all.

Rich and lowly, beggar and lord, over the bridge they go.

And so, as we meet to memorialize our friend, it would seem better that we should look upon the brighter side; that we should think of the good he had done; that we should speak of his generous impulses.

His life was not without its sorrows, not without its clouds; but neither pain nor sorrow nor dread of the evil day could rob him in life of those fine characteristics of fellowship and good cheer which made his friends cling to him "as with hooks of steel."

One more thought. It is pardonable upon an occasion like this. We have had assembled here the representatives of great causes and of all parties. They have striven with each other in times of turmoil and in hours of bitterness, but there has been on this occasion a unanimity of thought, a oneness of purpose—the sprinkling upon the grave of our departed friend the roses of love and appreciation. Would, Mr. Speaker, that we might practice more in daily life the precepts of this day, and that to the living, as the honors come and go, we might extend the garlands so often and so ungenerously reserved for the grave.

Mr. BROWNING. Mr. Speaker, there can probably be no greater tribute paid to the character of Mr. LOUDENSLAGER than a mention of the fact that he was known and addressed as "Harry" by his friends, his neighbors, his business and political associates, and his comrades in all walks of life. And so it is of HARRY LOUDENSLAGER that I shall speak briefly to-day, giving a short sketch of his career and adding a few sentences of personal remembrance and appreciation.

He came to Washington in 1893, a Member of the Fifty-third Congress, was reelected to every succeeding Congress, and would have served for 10 consecutive terms or 20 years had he lived till the 4th day of March next. Only four of the present Members of this body have exceeded that service. He was the first man to serve more than two terms or four years from the first congressional district of New Jersey.

The Fifty-third Congress was Democratic, and of course Mr. LOUDENSLAGER was a minority Member during his first term, but in the next Congress he was assigned by Speaker Reed to the chairmanship of the Committee on Pensions and to membership on the Committee on Coinage, Weights, and Measures. He retained his chairmanship of the Committee on Pensions until the present Congress, but was transferred from the Committee on Coinage, Weights, and Measures to the Committee on Naval Affairs, of which he became the ranking member.

Beginning with his first term he was a member of the Republican congressional committee. In 1895 he was placed on the executive committee, and in 1906 he became the committee's secretary and for a time acting chairman.

He also served as secretary of the Republican caucus.

He attained eminence in the Order of Red Men, was a thirty-second degree Mason, a prominent Odd Fellow, and a member of the Benevolent Order of Elks. He was a member of the Union League of Philadelphia and the Republican Clubs of New York and Camden. He was at all times an influential factor in the social, industrial, and commercial life of the cities of Camden and Philadelphia and throughout the counties of his district.

Mr. LOUDENSLAGER was a man who believed that "an ounce of work was worth more than a ton of talk," and he could be found at his desk from early morn till late at night solving the intricate and perplexing problems that must ever come to the public man who serves his country loyally and faithfully.

As chairman of the Committee on Pensions his heart was in his work and his sympathy was always with the petitioner, and while his judgment and duty oftentimes compelled him to stand for and render adverse report, the performance of such duty grieved him deeply, and I have heard him many times express regret that he felt obliged to take adverse action in any case affecting a soldier or the widow of a soldier.

His pride of country and devotion to the upbuilding of our great Navy was shown year after year as the annual appropriation bill was framed. His work was mainly done in the committee room, but his remarks on the floor of the House were in no uncertain tone. A paragraph from his speech of April 17, 1900, will illustrate his convictions, which never left him. He said in supporting the naval bill:

I deem it an honor to be a member of the Committee on Naval Affairs, whose work forms so important a part of the duties of the House of Representatives, which has to do, perhaps, more than any other committee with providing means for defending the national honor and protecting the vast business interests of the United States, both at home and abroad.

I derive no little pride from the fact that since I have been associated with that committee I have stood at all times with those of my colleagues who have steadfastly pursued the policy of building up a navy for the United States that will be adequate to the needs of so great and glorious a Nation; for if ever a public policy has been vindicated; if ever the foresight of man in providing for the exigencies of the future has by subsequent events been demonstrated to have been wise, the history of the year 1898 can not be truthfully written without according honor and credit to those public men who since 1883 have planned or aided in the schemes for the construction of a navy for the United States that would be commensurate with the urgent needs of this, the most important branch of the public defense.

"Loudy," as he was affectionately called by his closer friends, was not only repeatedly honored by his district and by his associates in Congress, but by many others, and on occasions that are rarely equaled. One of these affairs was an interstate testimonial in the form of a dinner at the Union League Club, in Philadelphia, December 13, 1902. At the dinner were the governors of the States of Pennsylvania, New Jersey, and Delaware; the mayor of Philadelphia; the entire membership, both Republican and Democratic, of the Naval Affairs and Pensions Committees of the House—21 States in all being represented.

During recent years his office, as you know, was at the end of the corridor fronting this Hall and was the Mecca of his fellow Members and newspaper men, who seldom passed his door without stopping a moment. It was said that his door was always open and that he was always in.

But his record as a public official is too well known to need my further comments. He served his country faithfully and well, performed every duty with zeal and fidelity, and gained the appreciation and gratitude of all, from the President of the United States to his humblest constituent.

In 1906 Mr. LOUDENSLAGER was made secretary of the congressional committee, and during the campaign of that year, as well as those of 1908 and 1910, he was found at headquarters in New York City giving his best energies to the work of the campaign.

In 1906, because of the illness of Chairman SHERMAN during the closing weeks of the campaign, all the work devolved on the secretary. Again, in 1908 and 1910 he had full charge of eastern headquarters and literally gave his life to what he considered his duty, sacrificing his health and his personal interests that he might make the best effort possible to perform the task imposed upon him by his party colleagues.

In this work he was the same genial and approachable HARRY LOUDENSLAGER as at Washington. He was a master of detail, had infinite patience with callers, used exact judgment in his decisions, and was indefatigable and tireless in his effort to gain success for his colleagues. He was usually the first to

appear at headquarters in the morning and often worked far into the night. No one had a clearer perception of the exact condition of affairs, and his close prediction of the results in 1906 and 1908 showed his grasp of the situation. In 1910 he made no forecast of the result, and hopeful as were his associates, we all felt that his judgment spelled defeat.

Because of this close attention to work at headquarters he jeopardized his own election in 1910, and for a while on election night there was doubt of his success. An incident of that night will serve to illustrate the love he gained and held from all who were associated with him in his work. It was about 2 o'clock in the morning, and the returns from his district were far from satisfactory. So interested in his success were his friends that the rooms at headquarters were filled with not only members of his family and close friends from home, but everyone of the working people at headquarters had remained, each eager to congratulate "Loudy" on his reelection. It was perhaps nearly 3 a. m. when, after conflicting messages indicating now victory and again defeat, positive word came from an authoritative source that he was reelected by a safe plurality. Immediately a shout went up from every throat, and each and every one crowded around to shake the popular and lovable man by the hand, with a word or two of sincere congratulation, and then the tired but happy group of friends and office associates and employees departed with perhaps the most cordial good night that "Loudy" ever heard.

Of his personal traits generosity easily took the lead, and many a poor dweller in his district was made happier and more comfortable because of his help, given without the knowledge of any but the recipient. During the campaign of 1910, when everything seemed to be going wrong, he called us in one day to show us a letter from an old lady who had known his mother, and who had sent him her photograph with the wish that she had a vote to give him at election. I learned afterwards that HARRY had mailed that poor woman $100, and the grateful letter he received in return he would not have parted with for another hundred.

Personally, I am at a loss for words to pay the tribute I would wish to pay to the memory of one of my dearest and closest friends.

I came here during Mr. LOUDENSLAGER'S second term and remained in his confidence and closest companionship till the end. I shared in his work, both here, in New York at headquarters, and at home. I rejoiced with him in his triumphs. I consulted with him in his contests. I assisted him and cooperated with him when and where I could. He was "Harry" to me and I was "Bill" to him. My loss and grief at his departure were too great to be measured by words, and, though the people of the first congressional district of New Jersey have chosen me to fill his place as best I can, I would most willingly forego my own position as his successor could he be restored to us. But as an all-wise Providence has ordained to the contrary, we can and will hold dear the memory of HARRY LOUDENSLAGER, and we can and will be inspired to greater and better efforts ourselves because of his splendid example as a man, a citizen, and a Representative.

ADJOURNMENT.

And then, in accordance with the resolution heretofore adopted (at 2 o'clock and 25 minutes p. m.), the House adjourned until to-morrow, Monday, May 6, 1912, at 12 o'clock noon.

SENATE.

MONDAY, *May 6, 1912.*

(Continuation of legislative day of Thursday, May 2, 1912.)

The Senate met, after the expiration of the recess, at 11 o'clock a. m.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Senate bill 5382 will be proceeded with as in Committee of the Whole.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes.

Mr. SUTHERLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crawford	McLean	Sanders
Borah	Culberson	Martine, N. J.	Shively
Bradley	Cullom	Myers	Simmons
Brandegee	Cummins	Nelson	Smith, Ariz.
Bristow	Curtis	Nixon	Smith, Ga.
Brown	Dillingham	O'Gorman	Smoot
Bryan	Fletcher	Overman	Sutherland
Burnham	Foster	Page	Swanson
Burton	Gallinger	Percy	Thornton
Catron	Guggenheim	Perkins	Tillman
Chamberlain	Johnson, Me.	Poindexter	Townsend
Chilton	Johnston, Ala.	Pomerene	Warren
Clapp	Jones	Reed	Wetmore
Clark, Wyo.	Lea	Richardson	Williams
Clarke, Ark.	Lodge	Root	Works

The PRESIDING OFFICER. Sixty Senators have answered to their names. A quorum of the Senate is present.

Mr. CHILTON. Mr. President——

Mr. CULBERSON. Before the Senator from West Virginia proceeds to discuss the bill, I should like to have him yield to me to have read a telegram and a letter.

Mr. CHILTON. Certainly; I yield for that purpose.

The PRESIDING OFFICER. The telegram and letter will be read.

The Secretary read as follows:

LITTLE ROCK, ARK., *May 5, 1912.*

Senator CULBERSON, *Washington, D. C.:*

We wish to concur in your position against the compensation bill pending and highly indorse your action, as it does not meet the approval of the well-informed railway employees in this vicinity and we desire its defeat.

W. D. JACKSON.
W. T. PEARSALL.

JOINT LABOR LEGISLATIVE BOARD OF TEXAS,
Fort Worth, Tex., May 3, 1912.

Hon. CHARLES CULBERSON,
United States Senate, Washington, D. C.

DEAR SIR: I am just in receipt of a printed report of a hearing on the employees' compensation bill, before a House committee March 26, 1912, and from it I get the information that our people, members of the Order of Railway Conductors, are at liberty to protest direct to our Congressmen and United States Senators, and I beg to submit my protest to this bill, remembering, however, it is my personal protest.

Our biennial legislative convention closed in San Antonio April 12 last, and I do not think a single member of that convention was then or is now favorable to this bill, and I am assuming, after having read your interview in the press, in which you expressed opposition, that you are doing what you can to defeat this measure, which I sincerely trust you may succeed in doing, at least postponing it until the men so vitally interested can have an opportunity to properly digest its contents.

With our present Federal statute, employers' liability law, and which is almost word for word as our Texas statute, any change ought to give the employee something that the supreme courts have held is fair and equitable for injuries received, without any consideration whatever as to whether the injured gets it all or what portion he may receive after suit.

This bill now pending before Congress will absolutely peon the injured and place him at the mercy of the employer, and place the employment of counsel virtually in the hands of the employer, when such counsel is supposed to represent the employee. There are so many objectional features in this bill, and knowing that you are and have always been inclined to protect the employee against the power of the employer, I leave it to you, and ask that any further information you may desire as to the position of our people in Texas will be furnished if possible to do so, if you will command me; and again asking that, if it be possible, postpone action at this Congress, and for which your friends in Texas will sincerely appreciate.

If anything of interest to us comes up kindly keep me posted, and for which I thank you in advance.

Sincerely, yours, C. F. GOODRIDGE.

Mr. MYERS. In relation to the pending bill and as a part of the argument thereon I ask to have read by the Secretary a preamble and resolution of the legislative board of the Brotherhood of Locomotive Engineers of Montana.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

HELENA, MONT., *April 10, 1912.*

Whereas there has been introduced in the Senate of the United States by Senator SUTHERLAND Senate bill No. 5382; and

Whereas there has been introduced in the Congress of the United States House bill No. 20487, by Congressman BRANTLEY, member of a so-called Employees' Compensation Committee, appointed by the President of the United States, a bill which destroys all existing liability laws which have been secured by years of hard-fought legislation; and

Whereas this bill does not furnish an adequate compensation as former laws; and

Whereas this bill assumes that engineers' wages to be $100 per month, which is 50 per cent of his wages; and

Whereas this bill prevents a widow from remarrying, if she would receive continued compensation, and would prevent a normally endowed daughter, after the age of 16 years, from receiving compensation, and would tend to make the dependent families of engineers a prey to prostitution, destitution, and degradation, removing parental and governmental support and protection to children when most needed; putting a premium on railways employing men who have no resident heirs in the United States; tending to cause cessation of safety appliances, if cheaper to pay meager compensation by insuring employees under law, and adding the cost to production and transportation; and

Whereas this committee has spent a great amount of time in considering the different data advanced by those favoring and opposing the compensation bill; and
Whereas their findings are that those speaking to represent the side of labor mostly represented their individual opinion, as the men actually affected by the bill have not had any time to consider or obtain data upon such bill; and
Whereas the committee have found that such members as they have considered the bill with are strenuously opposed to such bill; and
Whereas no member of this committee has found one man in actual service who approves of the bill, and as this committee has found that not 1 per cent of the men in actual service know even that such a bill was in contemplation to be introduced in this session of Congress; and
Whereas this bill has the support of employers who formerly opposed adequate liability law; and
Whereas in drafting this bill data was secured by comparing American conditions with European conditions, to the detriment of American labor; and
Whereas in foreign countries where compensation laws are in effect the necessity of legal action to collect same is continually increasing; and
Whereas in Switzerland, where labor has a direct voice in legislation, this law has been repudiated; and
Whereas a strong reason for adopting this law, advanced by those favoring the bill, is that it will eliminate court action or reduce it to a minimum; and
Whereas compiled data shows increasing court action where such a bill is in effect. Another reason advanced by those favoring this bill is that court action is slow and inadequate in meting out justice to injured and dependents under liability law. We assume it reasonable to presume that if Congress can not remedy liability law after agitation and trials of years they will fail to remove those defects in a new law which has not even been considered in America until a very recent date. We do assume that all they will accomplish is the amount that can be collected, which is so meager and inadequate that competent legal attorneys can not be secured to protect and collect meager amounts for dependents, as you can not get competent attorneys cheap, at much recognized fee, than you can engage any man much less the recognized schedule of wage or salary for such work performed, leaving employee or dependents without legal protection and support, as only such legal counsel could be obtained as does not class at all with railway legal counsel, as they always have the best; and
Whereas opinion prevails that most commissions, both National and State, fail to obtain the desired conditions or even show progress to that end we put no confidence or assurance in the adjuster or commission that might be selected. We recognize this as a party-machine politics; and
Whereas this bill provides that employer can give or secure employment for injured employees, and if employee refuse such employment no compensation is due him during the time of such refusal. This we condemn as unfair and unjust, especially to engineers, whose strenuous occupation, at even a young age, may have impaired health and constitution, so that they are not able to perform other labor. We consider that section of the bill providing no compensation for the first 14 days' injury as unjust and an incentive to railway companies not to adopt or keep in repair safety appliances to prevent minor accidents; and
Whereas the minimum in deaths and injuries are so meager and inadequate, being such a small per cent of engineer's actual wages; and
Whereas engineer's life is uncertain and average short, we condemn the bill as void of any sense of justice or even consideration to engineers and trainmen and their dependents, causing most desirable trainmen and enginemen to leave railway service, and being great reason for young men of good character and intelligence from entering railway service; and
Whereas the members of the Brotherhood of Locomotive Engineers in Montana have had no time to acquaint themselves with the bill, inasmuch as no data pertaining to said bill was received by them until said bill was introduced: Therefore be it

Resolved, That the members of the Montana Brotherhood of Locomotive Engineers' legislative board in session assembled submit a copy of our findings to all divisions of the Brotherhood of Locomotive Engineers in Montana; copy to the State legislative boards in the United States for their consideration, and that they, through our executives, ask their Representatives and Senators in Congress to delay action on this bill until the railway men of the United States can be heard upon so grave and important a piece of legislation.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Georgia?

Mr. CHILTON. I do.

Mr. SMITH of Georgia. I will merely ask that the memorials be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the request will be complied with.

The memorials referred to are as follows:

ATLANTA, GA., *May 5, 1912.*

Hon. HOKE SMITH,
United States Senate, Washington, D. C.:

The Order of Railway Conductors, Atlanta Division, 180, thank you for the fight you have made in the Senate against the employees' compensation act.

E. A. WARNICK.

—

ATLANTA, GA., *May 5, 1912.*

Hon. HOKE SMITH,
United States Senate, Washington, D. C.:

Georgia Division, 457, Order Railway Conductors, heartily thank you for your stand against the "employees' compensation act" and ask you to continue this fight to a finish.

W. N. HARKINS, *Secretary.*

—

MACON, GA., *May 5, 1912.*

Hon. HOKE SMITH,
United States Senate, Washington, D. C.:

At to-day's meeting of Macon Division, Order of Railway Conductors, 237 members, your speech opposing workmen's compensation act was unanimously indorsed, and I was directed to thank you for the organization for the interest you have always shown in behalf of railway employees. Your continued opposition to this bill will be appreciated.

A. N. KENDRICK, *Secretary.*

—

ARGENTA, ARK., *May 5, 1912.*

Senator HOKE SMITH,
Washington, D. C.:

Have just received CONGRESSIONAL RECORD containing your speech delivered in Senate on April 13 in opposition to the proposed workmen's compensation bill, and heartily concur with you in the objections interposed, and wish to thank you in behalf of the railway employees in the West for the interest you have taken in this bill. Have before me complete report of the commission that drafted the bill, and also President Taft's special message recommending its passage. Have carefully analyzed the proceedings and the bill, and am of the opinion that should it pass it will be repudiated, most especially by the railway employees in the western zone, and I trust it will be defeated by a large majority. If not, I would suggest an amendment thereto to include the traveling public.

W. E. PEARSALL.

—

LITTLE ROCK, ARK., *May 5, 1912.*

Senator HOKE SMITH, *Washington, D. C.:*

The railroad employees of Arkansas appreciate your opposition to the compensation bill. We are bitterly opposed to this bill, and appeal to you to do all within your power to defeat same. This bill does not read right to us.

W. E. PEARSALL.
W. D. JACKSON.

—

MACON, GA., *May 5, 1912.*

Hon. HOKE SMITH and Hon. A. O. BACON,
United States Senators, Washington, D. C.:

Whereas it has come to the knowledge of railway employees that there is now pending in Congress a bill known as the workmen's compensation act; and
Whereas this bill is to become a substitute for all laws now in effect protecting said employees in case of personal injury; and
Whereas it would become their exclusive remedy for injuries, thereby taking away from them their present rights—rights that railway employees have been endeavoring for years to have enacted into laws and which we believe are much more favorable to said employees than the bill now pending as a substitute: Therefore be it

Resolved, That railway employees here assembled in this union meeting in the city of Macon, State of Georgia, the 5th day of May, do oppose this bill, and will continue to oppose it by using all honorable means in our power.

Resolved further, That this meeting indorse the action taken by the Senators and Congressmen in opposing this bill.

Resolved further, That a copy of these resolutions be sent to the two Senators and each Congressman from the State of Georgia.

W. E. GRAY, *Secretary of Meeting.*

—

MEMPHIS, TENN., *May 2, 1912.*

Hon. HOKE SMITH,
United States Senate, Washington, D. C.

DEAR SIR: A copy of your speech in the United States Senate on April 15, 1912, relative to the workmen's compensation act was read at a meeting of Warren S. Stone Division, No. 672, Brotherhood of Locomotive Engineers, at their regular meeting in this city to-day and a motion was adopted that the locomotive engineers of Memphis, Tenn., extend to you a vote of thanks for opposing a bill that would be detrimental to the interests of the vast army of railroad men of this country.

It was further ordered that a copy of this letter be sent to the chairman of the legislative board and to all local divisions of our order in the State of Georgia.

Yours, truly,

F. M. ANDREWS,
Secretary Division No. 672,
Brotherhood of Locomotive Engineers,
225 West Iowa Avenue, Memphis, Tenn.

Mr. CLARKE of Arkansas. I ask that the memorial, in the form of a telegram, which I send to the desk, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The memorial referred to is as follows:

LITTLE ROCK, ARK., *May 5, 1912.*

Senator JAMES P. CLARKE, *Washington, D. C.:*

The railroad employees of this vicinity appeal to you to do all you can to defeat compensation bill. We are bitterly opposed to it and do not want it passed.

W. D. JACKSON.
W. E. PEARSALL.

Mr. CHILTON. Mr. President, I take it that no Senator here is insensible to the great responsibility which the enactment of radical legislation of this kind imposes. I do not hesitate to say that were this a question which had been considered for the first time at the present session of Congress I should hesitate to give it my support, much less would I enthusiastically support, as I do, the present measure. But this legislation, this principle, to speak more accurately, is not new; it has been under consideration as compared with liability laws for years; it has been considered at length by the National Civic Federation; it has been considered by labor organizations, national and State; it has been considered by political economists for years and years; it has been considered and tried in other civilized countries; and we approach it, not as a new subject, but as one that has been thrashed out by great men and considered by great minds the world over.

I do not deny that if I could be made to believe that organized labor opposed this measure I would hesitate a long time to lend

it my vote; for, Mr. President, after we have passed upon the principle—that is, after we have passed the stage that the Congress have indorsed the principle of laborers' compensation—I think that those most interested in it, to wit, the laboring men who will be affected, should be first considered.

I approach this subject enabled to say in my own mind that I am convinced that organized labor in the United States, certainly organized labor in the State of West Virginia, has had ample time to consider this measure, has actually considered it, and, after that kind of mature and careful consideration of this particular bill and the principles which it involves, has given it unqualified indorsement—that is, a majority of them have done so.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. CHILTON. I do.

Mr. REED. I should like to have the Senator kindly tell us when this particular bill was generally disseminated among the laboring men—the organized laboring men—of the State of West Virginia; how many copies were sent to them, when they were sent, and who sent them.

Mr. CHILTON. Mr. President, later on I shall give the sources of my information. I will merely state now that I was only referring to the principle of laborers' compensation. Later on, however, I shall show, in a very brief way, the extent to which this particular bill and the provisions of this particular bill have come directly to the attention of the laboring people of the United States.

Mr. President, the railway employees of the United States have four general organizations. Those organizations are the Order of Railway Conductors, the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Engineers and Firemen, and the Brotherhood of Railway Trainmen. I understand that those four organizations embrace practically all of the men engaged in the railway service—that is, interstate-railway service—who will be affected by this bill.

Mr. President, if we strike down labor, if we do anything in this Senate that is to go out to the world to indicate that we have no confidence in the organization—I mean in the militant organization—that labor has erected for itself, we shall, in my judgment, do a much more radical thing than by passing any measure now before the Senate.

Right at the outset, Mr. President, I know, as I shall show you later on, that these organizations, in so far as we can know that kind of a fact, have expressed themselves to Congress. We are asked to encourage rebellion amongst those men. They have passed resolutions which have received the approbation of the local organizations for a number of years—reasonable precautions against corruption in their ranks; sensible precautions against rebellion in their ranks. Without these precautions there is no need to appoint a legislative committee to come here and give us what is the intelligent, sober opinion of labor. They appoint presidents, vice presidents, advisory boards, and legislative representatives at this Capitol. We are asked now to say that all of those are absolutely unworthy of being heard in the Senate, that they are either so corrupt or so ignorant that this Senate can not rely upon their representations to our committees or to this body; and we are asked here now to pause in our regular proceedings after a commission of the Government has considered this bill, after a committee of this body has considered it, after this Senate has considered it, and we are asked to pause for what? To pause and see whether or not a rebellion can be started in the ranks of labor and the chief officers of those organizations can be discredited and shown to the Senate as misrepresenting instead of representing labor organizations.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. CHILTON. With pleasure.

Mr. REED. Does the Senator mean to say that it would be starting a rebellion if this bill were postponed until the 8th day of this month, until the general national conference of the Brotherhood of Locomotive Engineers should have its meeting in his own State, and there have the opportunity through its representatives to discuss this bill—the very meeting and the only meeting that has power to instruct the man who came here and undertook to sanction this bill? Would that be rebellion? Does the Senator mean to say he fears to trust this general meeting?

Mr. CHILTON. Mr. President, I fear not to trust any regular meeting of organized labor to disclose to this body or to any other body the position of labor upon any question, but when we have here the expressions of the labor organizations, when we have them here asking us not to do the thing which certain Senators are asking us to do, then I do say that, in my opinion, without reflecting, of course, upon the honorable Senators who take that position, it is encouraging rebellion amongst them. It is exactly, sir, as if at Lawrence, Mass., where organized labor decided upon a strike—I am just giving that as an illustration and taking no sides upon it—after that strike had been decided on by the regularly elected officers of the labor organizations, those who favor labor and who believe in the right of labor organizations to strike had said, "You people do not represent organized labor; wait, let us fight this thing; let us discredit the men who have called this strike; discredit the president, the vice president, the executive board, and the advisory board; let us stir up a rebellion, let us get a meeting of labor and go down to the locals and let them call this strike off." The two positions, in my judgment, are parallel.

Mr. REED. Mr. President, if the Senator will permit me, I do not want to be constantly interrupting him——

Mr. CHILTON. I will permit almost anything from the Senator from Missouri.

Mr. REED. But the instance he cites has no more to do and is no more parallel with the question at issue than an excerpt from the history of the fall of Sodom and Gomorrah.

Mr. CHILTON. Mr. President, I will do anything for the Senator from Missouri, but I do not want him to inject a speech or an answer to my argument at this point.

Mr. REED. Very well; I will not answer it now, but I shall be very glad to do so later.

Mr. CHILTON. I have no doubt the Senator can answer. I will say that, in my judgment, the Senator from Missouri can answer any argument, whether it be good or bad.

Mr. REED. But a bad one very much easier than a good one.

Mr. CHILTON. Well, I do not know. I have seen the Senator when I think he answers a good argument even better than he does a bad one.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from North Carolina?

Mr. CHILTON. Yes, Mr. President.

Mr. SIMMONS. Suppose we were to concede what the Senator suggests, that there should be more or less discipline in these labor organizations, does not the Senator think that the United States Senate, with the duty of wise, conservative, and discreet legislation imposed upon it, when it comes to its notice in an authentic way that the representatives of labor who have given their sanction to this bill are not upon this question in harmony with the rank and file of labor, ought to take notice of that fact?

Mr. CHILTON. Unquestionably, if it comes; but my idea about that, if the Senator will permit me——

Mr. SIMMONS. Then can the Senator doubt that the opposition of the employees of the railroad corporations is brought in present conditions to the notice of the Senate in a way that we can not question that there is great, almost overwhelming, opposition upon their part?

Mr. CHILTON. No.

Mr. SIMMONS. And I want right here to say to the Senator——

Mr. CHILTON. Let me answer the Senator. I do not think it is overwhelming.

Mr. SIMMONS. Well, I will withdraw that and say "large opposition."

Mr. CHILTON. I do not think it is in any sense overwhelming, nor is it convincing to me; it is not even persuasive to me, as I will show later on.

Mr. SIMMONS. Well, Mr. President, to argue that it would be necessary to make a speech; and the Senator, as I understand, a few moments ago objected to a speech being made.

Mr. CHILTON. I think we ought to make one speech at a time.

Mr. SIMMONS. But I want to say to the Senator, in this connection, that on Saturday I had occasion to run down to my State. On the way I had a conversation with the conductor on the train, whom I know to be a very intelligent man, and he stated to me not only his intense opposition to this measure, but he stated that he did not know a conductor on his part of the Atlantic Coast Line who was not likewise strongly in opposition to it.

Mr. CUMMINS. Mr. President, on this side we are wholly unable to hear what is taking place on the other side of the Chamber.

Mr. CHILTON. Can the Senator hear me?

Mr. CUMMINS. And we still have some interest in the subject.

Mr. SIMMONS. I was simply asking the Senator from West Virginia if he did not think, when the Senate had notice brought home to it in such a way that its authenticity could not be doubted, that there was serious opposition on the part of the rank and file of the employees of these corporations to this legis-

lation to which their executive committee had agreed, that the Senate ought to take notice of that fact?

Mr. CHILTON. Mr. President, of course, this question involves a great many considerations. I think I will in the short time I shall occupy the floor answer that suggestion of the Senator, and show, I think, that, so far as the evidence has come to me, there is nothing more in these protests than such a condition as you will find wherever a number of men are involved. In such circumstances you will always find some who—not speaking disrespectfully—"kick"; some who are opposed to the present organization; in other words, there has never yet been formed an organization of religionists or politicians or any other kind of an organization, labor or otherwise, involving thousands of men in which you could count upon the hearty cooperation and support of every single one of them.

Mr. SIMMONS. But, if the Senator will permit me, I thought the Senator was making an argument a little while ago——

The PRESIDING OFFICER. Senators will please address the Chair and secure permission to interrupt. Does the Senator from West Virginia yield to the Senator from North Carolina?

Mr. CHILTON. With pleasure.

Mr. SIMMONS. I thought the Senator was making the argument a little while ago that because these four members of the executive committee had been selected by labor to represent them in matters pertaining to legislation, therefore the Senate could safely act upon their advice with respect to this question.

Mr. CHILTON. I was simply beginning to give various reasons why the Senate should conclude now that organized labor is for this measure. I had given but one of them, and if the Senator will be patient I will give him, in my clumsy way, the additional reasons why I think we are safe in saying that organized labor has had full opportunity to consider this matter, that it has considered it, and that a great majority of the intelligent, well-informed members of organized labor are here asking us not only to write upon the statute books the principle of laborers' compensation, but to do it now and to do it with this particular bill. But I can not do it all at once. I have to take it one point at a time and show you by the record what is in their minds.

Mr. President, so important did organized labor consider this matter that when the commission was appointed under the resolution of the Sixty-first Congress to consider this great subject they employed counsel—gentlemen of national reputation—to go before that commission and to represent organized labor and to induce the commission to go right forward and prepare a concrete measure and present it to the Representatives of the people and to have it acted upon at once. That counsel was the Hon. Frank B. Kellogg.

Now, on June 14, 1911, Mr. Kellogg appeared before that commission and stated that he represented Mr. Garrison, president of the Order of Railway Conductors; Mr. W. G. Lee, president of the Brotherhood of Railroad Trainmen; Mr. W. S. Stone, grand chief of the Brotherhood of Locomotive Engineers; and Mr. W. S. Carter, president of the Brotherhood of Locomotive Firemen and Enginemen.

Mr. REED. I am not interrupting the Senator for any captious purpose, but I desire to ask him now if that attorney represented anybody but these four men; the complaint being, to make my statement complete, that only four men have spoken. How does it add to the solemnity or the potentiality of their act that they hired an attorney, because if they were unauthorized to represent labor at large, then the fact that they employed an attorney does not add in any way to the force of their acts. It is the same four men.

Mr. CHILTON. I will say to the Senator, as I said to the Senator from North Carolina, that I can not develop my argument all at once. This is simply one stage in my effort to show to the Senate that organized labor understands this question; and that the men who represent organized labor have proceeded conscientiously, intelligently, and faithfully to carry out the desire of labor in this country to write upon the statute books of the Nation an honest and fair laborers' compensation act.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Georgia?

Mr. CHILTON. With pleasure.

Mr. SMITH of Georgia. Is it not true that Mr. Carter abandoned the bill and that Mr. Garretson, in his statement before the commission, criticized severely the character of the bill we are now considering?

Mr. CHILTON. I do not so understand it. If Mr. Carter has abandoned it, I am not aware of it. The able counsel who represented him filed briefs and made a long argument before the commission in June, 1911.

Advancing one step further I want to call the attention of the Senate to the statement of Mr. W. G. Lee, president of the Railway Trainmen, found in the report of the hearings before the Judiciary Committee of the House, Sixty-second Congress, March 15 to 26, 1912, on pages 76 to 83, inclusive.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Utah?

Mr. CHILTON. Yes.

Mr. SUTHERLAND. I call the attention of the Senator from West Virginia to the fact that in addition to employing Mr. Kellogg, these organizations also employed Mr. Judson, who is the author of a work on interstate commerce, and the Senator will find that at page 221 Mr. Judson stated that he and Mr. Kellogg had been employed to represent these brotherhoods.

Mr. CHILTON. I understand that. I do not think there will be any question——

Mr. REED. May I ask the Senator from Utah a question?

Mr. CHILTON. If it is not long.

Mr. REED. It will take just a moment.

Does the Senator from Utah claim that Mr. Judson was employed in any way or by any other person than Mr. Kellogg?

Mr. SUTHERLAND. I know nothing about it, except what the gentlemen said. Judson said that he was employed to represent these brotherhoods, expressly named them, and said they embodied some hundreds of thousands of employees. That is all I know about it.

Mr. CHILTON. Is the Senator through?

Mr. REED. Yes.

Mr. CHILTON. Much has been said by distinguished men upon this floor in criticism of this bill, and I am sure that I want my vote upon this matter to be right; I want my people to understand why I am doing what I am, and I ask, without reading it, permission to insert as a part of my remarks the paper read by Mr. Lee before our committee of the Senate, from page 76 to page 83 of the hearings before the House committee, March 15 to 26, 1912.

The PRESIDING OFFICER. Without objection that order will be made.

The matter referred to is as follows:

[By W. G. Lee, president Brotherhood of Railroad Trainmen.]

In appearing before you I take the same position in reference to my opinion on the proposed compensation act as I did when I appeared before the commission appointed to investigate and report its findings and recommendations to the President on the questions of employers' liability and workmen's compensation. That is, briefly to say that, while the railway employees naturally would prefer a greater amount in benefits, still I feel that the men I represent are agreed that the bill meets with their approval and they are more than anxious to have it enacted into law.

I have the very best of reasons for this belief, based on the inability of the Federal liability law (and, so far as they can apply, the State liability laws) to provide benefits for all cases of injury. We know that in a very fair proportion of cases of death and disability the employer is at fault, and in consequence can be made to pay for his fault, but we also know that there are very many instances of death and disability that can not be attributed to the fault of anyone, and in consequence this great number of accidents is unrecompensed. We believe that instead of having a few benefited under the liability laws as they are now enforced, even though the amounts be large in proportion to those allowed by the proposed compensation act, that it is far better to pay every case of accident and relieve the general suffering. Our efforts, therefore, are directed toward the betterment of the many as against what I believe can truthfully be termed the few. There has been some unfair opposition shown against the proposed measure from one part of the country, namely, a few of the South Atlantic States, but I believe I am justified in saying that the inspiration for the opposition comes from lawyers who have gained the most of their living from the prosecution of personal-injury suits, and who see in the proposed compensation law the necessity for their getting into some other kind of business or being forced to ask a good-natured community to contribute to their maintenance.

Under date of March 7, 1912, there appeared in the Raleigh News and Observer a communication against the proposed bill which has been quite extensively distributed through that part of the country I have just mentioned, and which pretended to show the wicked ingenuousness of the proposed law. It was written by a distinguished lawyer of North Carolina, name unknown, who, to quote from the press, "has stood for justice to the employees all these years," and who summed up his objections to the proposed compensation act in several numbered paragraphs which I will quote and answer, because I take it that this is the composite objection of many other like distinguished attorneys, who feel that the law is wicked and ingenuous because it promises to put the ambulance chaser out of business.

Paragraph 1 of the objections reads:

"1. It proposes to take from railroad employees the protection they have secured through State and National legislation in this country by means of 'employers' liability' acts under which a workman who has been injured by the negligence of a common carrier can recover just compensation therefor, whether it results in death or lesser injury."

The objection that the employees have no longer recourse to the liability laws is correct. I believe, however, that there is too much stress placed on the protection to the employee by way of the State liability laws, for, in my opinion, since the approval of the Federal liability act, that is the law under which railway employees coming under the regulation of Congress must seek their redress. The objectionist does not state, however, that the liability laws in which he places so much dependence do not protect the employee unless the employer is absolutely at fault and it can so be proven. A compensation law, to the contrary, pays for every death and disability, regardless of who is at fault.

Objection 2 reads:

"2. It restricts the compensation far below the actual damages sustained, and divides the amount which a jury would award in a lump

sum into payments distributed over a varying series of years up to eight years. The highest compensation allowed by the act for wrongful death is $50 per month for eight years, which is equivalent to less than $4,000 cash, and even that is allowed only when the deceased leaves both widow and children."

The first objection is that compensation is restricted below actual damages. I have yet to hear the claim made in defense of the liability laws that they have given full compensation. The payments under the proposed law were so arranged on the advice of the railway labor organizations, officers and members, who all agreed that it would be far better for the men and their families to distribute the payments over a period of years rather than to place a lump sum in their hands at one time. If the arrangement for the payment of benefits was satisfactory to the employees who carefully considered it, it surely ought not to meet with serious objection from the distinguished attorney. There is no pretense on the part of the law that it fully compensates for disability or death. It might rather be regarded more as an industrial insurance placed against accident. The amounts mentioned by the objecting attorney are not correct, and I do not hesitate to say that he can not even estimate the amount that will be paid on the average to the railway employees. It is an off-hand statement based on prejudice and absolutely without reliable information as its basis.

Objection 3 reads:

"3. It proposes to relieve railroad companies by whose negligence the death or other injury is inflicted, from the cost of such compensation by placing it upon the shippers and the traveling public, for section 31 provides: 'The burden of compensation under this act for personal injuries shall be considered as an element of the cost of transportation and the interstate Commerce Commission in any proceeding before it affecting rates is directed to recognize and give effect to this policy.' Under the present system the owners of the corporation are interested in avoiding accidents and injuries to employees accruing from negligence because compensation therefor will tend to reduce dividends. But the proposed act, by shifting this burden upon the traveling public and shippers, makes the owners and managers of the railroads immune to any consequences flowing from their negligence. The increase in the number of killed and mangled will be inevitably prompt."

Were it not for complimenting the distinguished attorney with ingeniousness, I might be tempted to say that he has tried to direct public opinion against the bill; but I rather attribute his expressions to his fears that he will lose if the bill becomes a law. There is no business, aside from that of railway operations, that is not permitted to place the entire cost of its operation on the selling price of its product. The objection entertained by our distinguished friend is found in practice in every other business. In fact, I am absolutely certain it applies with particular force to his own. Just where anybody exercising ordinary common sense could hope to find a convincing argument against the proposed measure in the fact that the burden of cost would be divided over the entire public, is not easily seen except that he hopes to create prejudice against the law by calling attention to the fact that the public will have to bear its share of the cost. If he were as fair as he claims to be distinguished, he would follow up his objection by referring to the added cost of operation to every product, which cost must be borne by the ultimate consumer. For instance, if the cost of coal mining is increased the consumer pays an added cost for his coal, as everyone knows. If the price of beef is advanced the packers tell us that it costs more to get its product to the public, and the public pays the cost. If the cost of railway operation is increased because of legitimate expense, why should it not follow that this cost should be assumed by the public, the same as it is assumed in every other advanced cost in every other business? Our distinguished friend would have the public believe that the railway companies have inexhaustible treasuries from which all expenses can be met without paying the least attention to their revenues. It is nothing more than a cheap argument that rests its case in the hope that it can prejudice public opinion against the bill, but it should not appeal to railway employees who are compelled to pay the increased cost of production for everything else.

Objection 4 reads:

"4. The act further relieves the railroad companies from all expense of litigation which now falls upon them and places it upon the taxpayers, for it provides that the adjustment of losses shall be made by a new set of officials, called 'adjusters,' to be paid salaries of $1,800—$3,000 each, in addition to their actual traveling expenses and their subsistence at the rate of $5 per day, all of which shall be paid out of the Treasury of the United States. Just why these corporations should be relieved of the expense of litigation incident to their refusal to pay compensation for injuries accruing by their negligence and why the cost thereof should be shifted to the United States Treasury is a secret locked up in the breast of the ingenious corporation counsel, whose fine Italian hand is seen in every line of this proposed statute. These adjusters will cost the public, for salary and expenses, over $6,000 a year each, and their number is not limited by the act."

The distinguished attorney is rather mixed up in his statements in objection 4. His burden of grief appears to be that some one besides himself will adjust claims that are in dispute between the employer and the employee. He can not understand why these adjustments should be made at the expense of the Federal Government. It is not difficult to understand why our distinguished friend is opposed to any plan that will take from him what he rightfully believes is his. The railroad employees believe that the Federal Government quite properly can assume this cost, save the expense to the individual employee, and place it generally on the public where it properly belongs. The fine Italian hand to which he refers is not seen in behalf of the corporations, and no one who knows the subject thoroughly honestly can lay claim to any such idea. The proposition, as I view it, is to protect the man from needless expense to which he is now subject in every case when he attempts to recover a dollar for injuries received in the service. The number of adjusters, according to the proposed bill, will correspond to the judicial districts in the United States, or, I believe, 88 in number, and to take the figures of the compensation commisalon, in which I have the utmost reliance, the additional cost will not exceed a few million a year. This applied to individual cases of disability and death would be an enormous cost, but taking the entire country into consideration this expense is so trival that even the distinguished lawyer will experience difficulty in making the public believe that it had been imposed upon by an increased per capita tax to this slight extent.

Objection 5 reads:

"5. Unlike the jury, which now decides upon the compensation to be allowed for negligent injuries caused to employees, this compensation is to be awarded by 'adjusters,' in whose selection the employees will have no voice. This crowd of new officeholders are to be selected and appointed by the Federal judge, who, not being elective and holding for life, may not be altogether uninfluenced in the appointment of such adjusters by their acquaintance with the heads of these great transportation companies, by the friendly aid of whom some of the Federal judges have been helped to a seat on the bench. Certainly there is not the same likelihood of adjusters being selected upon the recommendation of the employees."

The writer does not go into the difficulties that are sometimes experienced in securing an award from a judge and jury. He would have us believe that in all instances the jury agrees the employer is at fault and consequently pays the employee or his family enough to provide for them comfortably the remainder of their days and leave something to their descendants. The facts do not substantiate any such specious argument. Again, the attorney objects because "this crowd of new officeholders are to be selected and appointed by the Federal judges, etc." It seems peculiar as well as inconsistent for the distinguished attorney to have so much confidence in a Federal court judge in a liability case and so little of it in the appointment of an adjuster, but that is part of the business of the distinguished attorney and can be taken exactly for what it is worth, which to the men is nothing.

So far as influence being used in the appointment of these adjusters by the Federal court, I do not hesitate to say that the railroad employees will have just as much if not more influence than their employers. Public opinion counts for something in these days; and if that fact has not come home to the distinguished attorney, I believe that it has been forcibly impressed upon very many men who occupy positions of public trust and who will not take the chance of flying in the face of a fair public opinion.

The adjusters are not appointed for life, and they can be removed if their services are not satisfactory. Again, the objection does not show that the proposed law provides for committees between the employers and employees, who have it in their power to settle all questions in controversy, and I have confidence enough in the managements and the men to believe that after the law is once fairly operative that the majority of the railway companies and their men will follow this plan of making settlement.

Another objection to section 5 is that it takes away the right of trial by jury, but does not explain to the employees that there is substituted for this trial by jury certainty of compensation in all cases of death and disability. I do not pretend to say that the amount of compensation provided by the law for all cases will equal the amount awarded by a judge and jury when the employer is at fault. But here comes another thought that the distinguished lawyer has failed to set forth, and it is this: The award secured after suit must be reduced first by the amount due the attorney who prosecuted the suit, and also by a reduction through interest allowances on the amount that has been received, because it takes time to bring suit and prosecute it, and when we compare benefits under the liability law and under the proposed compensation law these statements I have made have a very significant bearing on the general result. I believe it is safe to say that when the attorney's fees now collected under the liability laws, together with the interest allowances that properly can be deducted from deferred payments made under the liability law as against the immediate payments under the compensation law are taken into consideration, that the differences in the amounts paid will not be so great as our distinguished attorney would have us believe.

Objection 6 reads:

"6. The compensation provided by the act is very complicated as well as minute in providing the different kinds of injuries, but it is uniform in only one respect, that the compensation provided is in every instance very far below what may be a just compensation for the injuries sustained."

The objection herein quoted appears to be one of the few truthful statements made by our distinguished opponent. Judging from what he has already said in his objection to the bill, I take it for granted that the bill to him is very complicated, but I make bold to say that anybody who has sense enough to read well-written English can see just what the compensation provides. To an attorney in a hurry to get his share out of a possible lawsuit the law may appear to be complicated, but to the employee who has plenty of time to figure out what it means the laws reads plainly enough. He also gets back to his former statement that compensation is very far below just compensation. I agree in this, but I also believe that it is unwise for the railway employees to attempt the impossible in legal enactment, even though it is done to meet the objections of our opponent.

Objection 7 reads:

"7. While the act does not restrict the amount which the corporations shall pay for able and experienced counsel, it is careful to provide that the compensation for counsel retained for the employee shall be fixed by the adjuster, whose method of appointment has already been noted."

This objection is as plain as if the writer had declared his fears that his personal commissary department was in danger. We take it for granted that the corporation has never given him anything to do, and that the most of his revenues come from the employee whose interest he has defended so vigorously. He objects to the fairness of the judge in appointing the adjusters but lauds his wisdom and justice to the skies when making an award, all of which is as consistent as the most of the argument he has offered against the bill. He does not have the fairness or the sense to see that the section protects the employee against the rapacity of the ambulance chaser. This is another wickedly ingenious scheme introduced in the bill which does not meet the approval of a certain class of lawyers.

Objection 8 reads as follows:

"8. The act is also careful to provide that when an employee has been injured or killed neither the cause of action nor the payments due therefor, when determined by the adjuster, shall be assignable. As a further restriction upon the compensation it is further provided that in calculating wages, the percentage of which shall be the basis of compensation, 26 times the daily wage shall be considered a month's wages, and 'no employee's wages shall be considered more than $100 per month.'"

Just why an attorney who is so deeply wrapped up in the welfare of an employee objects to the protection of the amount due him is not explained in his objection, and I leave it for you to guess. His objection to the method for computing computations is doubtless based on the fact that he did not know the railway employees themselves declared in favor of this plan of computation. The proposed compensation law is a give-and-take proposition. It adds to the wages of the man who does not work and takes from the amounts earned by the man who is exceptionally fortunate when it sees to it that the man who makes no wages in every instance receives the maximum amount provided by the law.

Objection 9 reads:

"9. The act is indeed unconstitutional in that it proposes to deprive the employees of common carriers of the right of trial by jury, which is guaranteed by the seventh amendment to the Constitution of the United States 'in all cases where the amount in controversy shall exceed $20.'

"It is true the act provides for a jury trial if exceptions are filed to the report of the adjuster and a written demand for a jury, but this is practically nullified by a provision that 'the findings of the adjuster shall be received as prima facie evidence in such trial before the jury; that the court may submit special interrogatories, and that the trial by jury is waived if this demand for a jury is not made within five days after the adjuster files his report.' Of this filing the employee, who will often be distant from the court, may fail to be apprised."

If the distinguished lawyer will read the proposed act and is able to understand it, his objections to the unconstitutionality will be set aside.

Paragraph 10 sums up thus:

"To sum up, the act takes from the employees the protection of the present employers' liability act; it restricts compensation far below a just compensation and divides the payment over a series of years; it relieves the railroad company of the burden of all compensation and places it upon the shippers and traveling public. The act relieves the companies not only from payment of all court costs, providing for adjusters who are to be paid out of the Treasury; it provides for the selection of these adjusters in a method which is likely to secure appointees more favorable to the corporations than to the employees; the method of compensation is complicated; it restricts the employee, but not the employer, in the selection of counsel, and deprives them of their constitutional right, guaranteed to all citizens, of a trial by jury."

The whole proposition is based on an attempt to confuse the real purpose of the law by pointing out its pretended injustices and impossibilities. The fact of the matter is that every careful lawyer knows that recovery can not be made twice for the same damage, nor do we believe the courts will permit the employee to have two methods of recovery while denying the same right to the employer. I have answered his statements made in reference to placing the burden on the public and I do not think it necessary to go over the ground again, nor do his further arguments need repeated attention, because I think I have answered them in their turn."

Paragraph 11 reads:

"11. All this is done upon the pretext that lawyers who represent employees in such cases are 'ambulance chasers,' and that this act will decrease the volume of litigation. It may do so, though it has not had that effect in other countries. But if it has that effect here, it will be by depriving the employees of just remedies and by adding enormously to the advantages already enjoyed by these great combinations of capital in their contests with crippled employees or with destitute wife and children when the employee has been taken from them by death caused by the negligence of the corporation. In free Switzerland every attempt to introduce this proposed 'compensation act' has been defeated, and that country enjoys the broadest and most liberal 'employers' liability act.'"

The volume of litigation naturally will be decreased, because there are specific payments provided by the bill for a certain number of injuries that naturally will reduce the question of adjusting the extent of the injury, because it is apparent there will be controversy over injuries the extent of which is not apparent, but there is every reason to believe that precedents once established there will be no further cause for any great degree of difference between the employers and the employees.

The distinguished attorney said: "In free Switzerland every attempt to introduce this proposed compensation law has been defeated, and that country enjoys the broadest and most liberal employers' liability act."

Our friend is again incorrect. The fact is that the Swiss employers' liability law has been repealed and a workmen's compensation law substituted for it after submission to a referendum vote of the Swiss citizenship. But in his mistake, or willful misstatement, he is in full accord with the majority of objections he raised against the proposed law. Switzerland discarded her liberal employers' liability law, and admitted in so doing that many deserving employees could not be recompensed under it, and substituted for it a compensation law that benefits every workman.

Paragraph 12 reads:

"In the language of Mr. Carter, president of the Brotherhood of Locomotive Firemen and Enginemen, 'Congress should devote its legislative energy, first, to the prevention of deaths and other injuries to railroad employees by broadening the "safety-appliance" laws and the "employers' liability" laws, and, then, when it exhausts its authority and capacity in that direction, enact laws for the compensation of those whose deaths from injuries were not preventable. Congress should not now accept as inevitable the mangling and killing of thousands of railroad men each month, and then attempt to absolve itself and the employers from further responsibility by enacting a law that is said to compensate this awful slaughter of human beings and "charge it to the consumer."'"

With all deference to the opinion of Mr. Carter, I must call the attention of this committee to the fact that all safety appliances in use today are the result of legislation and not of the voluntary act of any of the companies, and I can not believe that when the railway companies are forced to pay for the death and disability of every employee that it will have the effect of making them less careful of their employees. If railway companies could go to the public, as other businesses can go, and arbitrarily fix the price of transportation, there might be more reason to take this question of increased cost to the public seriously. But when we know how extremely difficult it is for the railway companies to secure an advance in railway rates we know that the railway companies will have to make good cause before they can secure any concessions from the Interstate Commerce Commission. And, again, to get back to the bottom of the operation of this proposed law, every member of your committee knows that it will be several years before the companies will have to pay what they are now paying, for the reason that payments are going to accumulate, and the companies are not going to pay lump sums as they do now, so that we can safely say that it will be at least five years before the accumulated costs to the companies will equal what they are paying now. This fact appears to have been overlooked by our distinguished opponent in his hurry to get before the railway employees to show them the wickedness and ingeniousness of the proposed law.

Paragraph 13 reads:

"13. The statistic show that the number of people killed and wounded by the railroads in this country is 20 times as many in proportion as those occurring on railroads in Europe. If this act is passed and the compensation for death and injury caused by the negligence of railroad companies is shifted to the traveling public and shippers, as is proposed, by increasing rates, and the cost of litigation is to be shifted, as is also proposed, to the United States Treasury, it is easy to foretell that the increase in negligence in the operation of railroads and in the number of employees killed and wounded thereby will be phenomenal."

This is further quoted from Mr. Carter's statements to the compensation commission in Chicago, and I think these statements have been very successfully refuted by Mr. Arthur Holder, representing the American Federation of Labor, who stated to the commission at Washington that the number of accidents had decreased, that greater care was exercised by the employer, and that litigation had decreased to the minimum in England in the past two years.

The statements were corroborated by Mr. Herman Willis, assistant grand chief of the Brotherhood of Locomotive Engineers, who made a personal study of conditions abroad during the fall of 1911 and who came back to us very much impressed with the operation of the English compensation law and this plan in general. His evidence, like that of Mr. Holder, was secured first hand through the organizations of employees. There was not a single objection from them concerning the operation of the law, except that its benefits should be higher. This is a natural objection, as we all know. But so far as the extra care against accidents, the adoption of safety appliances, and the decrease in litigation are concerned the employees of Great Britain unanimously declare that these very excellent results have followed the operation of the law.

We find in our own country that since compensation has been brought forward with a fair chance of a compensation law being enacted that the railway companies have awakened to the conditions under which very much of their work is being performed, and they are taking steps to reduce their casualty records to the lowest possible degree. The largest systems in the country to-day have taken up the question of safety through the appointment of safety committees, who are authorized to point out all of the dangers that attend railway work and are invited to suggest improved methods of safety; and the advice given to the men by those in charge of operation not to sacrifice their lives and limbs for the sake of getting their work done in a hurry is another evidence that the railway companies do not believe that they can reach into the public purse without good reason and reimburse themselves for the added costs that will be necessary because all of the men in the service are to be paid if they are killed or injured.

This lawyer also continually harps on the charge to the consumer. In all fairness, to whom would he charge it? Where does any business get its returns except from the consumer? Even the poor devil who places his case in the hands of an ambulance chaser places him in a position to live off his own returns, in which case the ambulance chaser is the ultimate consumer, and, generally speaking, a very large one in proportion to the amount received. This lawyer pretends to have a tremendous interest in protecting the public, and all through his objections it will be found that his real interest is more in the direction of protecting his own business than it is in protecting the employee.

The lawyer who said the proposed bill is wickedly ingenious might, in full accord with his conscience, have added "so far as we ambulance chasers are concerned." It is natural to look for objection of this kind from men whose principal source of revenue is in jeopardy. The proposed compensation law guarantees to the family of every killed employee a certain revenue for a certain time, and it guarantees the money without giving half of it to any ambulance-chasing attorney. It guarantees to every disabled employee a specific amount for certain injuries and leaves the determination of other amounts to be paid on their apparent effects as compared to other injuries received. There is no law on earth that could go the limit and cover every imaginable accident and its results and give satisfaction. The law, like every other law, will have to be enacted, its principles accepted as correct by the United States Supreme Court, and after it is applied its deficiencies, inaccuracies, and injustices can then be adjusted by amendment.

I can say that a great majority of the members of the Brotherhood of Railway Trainmen are in accord with the principles of the law. They have expressed their desire for it at their convention, and have gone on record in favor of certainty of benefits to take the place of uncertainty of litigation. We believe in doing everything for the benefit of the greatest number, and for this reason we do not point to the high verdicts that are received in exceptional cases as a basis for a compensation law. We realize the impossibility of paying the amount awarded by the exceptional verdict where the employer is absolutely at fault to all cases of injury or death whether caused by the fault of the employer or the fault of the employee. In behalf of my organization I trust that your committee will see fit to report the bill to your respective assemblies as it has come to you from the compensation commission. I subscribe to the language of the commission in submitting its report to the President, that while this proposed law is not, perhaps, the most perfect measure which could be devised, nor the last word which can be said upon the subject, it is the result of careful investigation and the best thought of the commission, and constitutes a step in the direction of a just, reasonable, and practicable solution of the problem with which it deals. I regard it as desirable constructive legislation, to take the place of destructive litigation, and again express the hope that it may be reported by your committee to both Houses of the Congress and that it may pass at this session.

Mr. CHILTON. If Senators will read that paper they will find that practically every position which has been taken in the Senate against the principles of this bill has been met by Mr. Lee just as thoroughly as they will ever be met by any Senator upon this floor. It shows that he has not taken a hurried or cursory view of this subject or of this bill, but that he has studied it carefully, has digested its provisions, and is prepared to recommend to his people and to recommend to this body not that the principle of this bill alone shall be written upon the statute books, but that this bill is the bill which is satisfactory now to the ranks of labor and which they ask us to pass.

Mr. SMITH of Georgia rose.

Mr. CHILTON. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I wish to ask the Senator whether Mr. Lee presented that as an oral argument or a written paper?

Mr. CHILTON. My recollection is that it was as a paper he had prepared. I recall now exactly what it was.

Some distinguished southern man had prepared a paper seting forth the various objections to this bill, and it was printed in some paper in the South—I have forgotten exactly which one—the Raleigh News and Observer, of March 7, 1912. There was some dispute as to whether the man who wrote it was a lawyer or a railway conductor. I think it turned out that he was a lawyer—I do not recall.

Mr. SMITH of Georgia. He was the chief justice of the supreme bench of North Carolina.

Mr. CHILTON. I recall that he was regarded as a very able man, and it was so understood by the committee.

At any rate, Mr. President, I am willing to go to my people with this argument upon the one side and the answer of Mr. Lee paralleling it, and to abide the consequences, both in my own State and in the Nation, for my vote. I think the objections are answered; they are met completely and fully, and so far as I am concerned, I am willing to stand by Mr. Lee in his position.

But I want especially to call the attention of the Senate to the closing remarks of Mr. Lee, as follows:

I can say that a great majority of the members of the Brotherhood of Railway Trainmen are in accord with the principles of the law. They have expressed their desire for it at their convention, and have gone on record in favor of certainty of benefits to take the place of uncertainty of litigation. We believe in doing everything for the benefit of the greatest number, and for this reason we do not point to the high verdicts that are received in exceptional cases as a basis for a compensation law. We realize the impossibility of paying the amount awarded by the exceptional verdict, where the employer is absolutely at fault, to all cases of injury or death, whether caused by the fault of the employer or the fault of the employee. In behalf of my organization, I trust that your committee will see fit to report the bill to your respective assemblies as it has come to you from the compensation commission. I subscribe to the language of the commission, etc.

Now, Mr. President, it does seem to me——

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Mississippi?

Mr. WILLIAMS. Will the Senator pardon an interruption here?

Mr. CHILTON. With pleasure.

Mr. WILLIAMS. In reenforcement of what the Senator has just said, I want to say this: Before I ever had read the bill I began to receive communications from locals in the State of Mississippi. They were not communications asking me to support the general principles of a compensation bill, but they named this bill by number, by title, and by authorship, and every communication was a request to support it. To those I replied that I had not read the bill; that I would look into it, and, if I thought it to the best interests of the people of the United States, I would support it. I later on looked into it. I concluded that the bill was a good one, and I wrote to some of them accordingly.

But the point I am trying to make here in supplement to what the Senator has said, is that the petitions and requests were signed by the presidents and secretaries of the locals, designating the bill by number, by title, and by authorship.

Mr. SMITH of Georgia rose.

Mr. WILLIAMS. One word more.

I have received only two communications from the State of Mississippi on the other side, one of them last Saturday and the other one this morning, in the face of the great number that came from all the centers of railway work in the State. I am not willing to believe that these men were either so dishonest as to create the impression upon my mind that they were not speaking for a particular bill which they never read or of which they knew nothing, or that they were so ignorant as to be asking me to support a bill the contents of which they did not know when they named it by number, author, and title.

Mr. SMITH of Georgia. Will the Senator from Mississippi let me ask him a question?

Mr. WILLIAMS. Certainly.

Mr. SMITH of Georgia. Is it not true that at least one or two of the local committee here sent out to the various lodges requests for these indorsements, and in the request stated the number of the bill and gave the further description to which the Senator has referred?

Mr. CHILTON. I will say this, that I——

Mr. WILLIAMS. One moment. I would rather reply, if the Senator will permit me.

Mr. CHILTON. All right.

Mr. WILLIAMS. I do not know and I do not care. If these men are so ignorant of their interests and are so reckless with regard to the advice they give me as to lead me to believe they do not know what they are talking about, when naming the very bill and its title and its author, then they have acted dishonestly with me as their representative and Senator.

I do not know that what the Senator from Georgia suggested was said. I know that suggestions were sent to get up protests against it. Some of the very telegrams which have been read here show that they were in response to arguments and analyses that have been sent from here. Am I to give less respect to the opinion of a man because somebody has called his attention to the subject matter on one side or the other? I think not.

Mr. CHILTON. Mr. President, I can say to the Senator from Georgia that what he says is strictly true. It appeared in our hearings—it appeared in one of the hearings that I attended of the joint subcommittee—that the representatives of labor here have sent out this bill and have sent out the House bill, have referred to it, and there is no doubt that the local organizations have had their attention called to this bill by subject matter and by its number. That appeared before us. I say it is possible that that is the only information some of them probably would have on the subject.

But, Mr. President, this committee who heard these men can answer any insinuation as to these representatives of labor being inefficient or being ignorant. I would just as soon believe a statement that the Senator from Georgia did not understand what he was doing on this floor as to hearken for a moment to the statement that one of these men did not understand exactly what he was doing, exactly what this bill would accomplish, exactly the effect it would have on the laboring men under him. They are intelligent men, well-informed men, good talkers, fair in their statements, and they showed that they knew a great deal more about this subject than I did, after I had studied it and had definite and certain ideas about it, and they showed me that they made that kind of careful study of the subject which I had not been able to make.

But going a step further, having shown that Mr. Lee and his organization, so far as we can know of the organization, so far as anybody can speak for it unless he wants to have a rebellion in the ranks, having shown that he and his organization supported this measure, let us see how it is with the railroad conductors.

On page 89 of the same hearing of March 15–26 we have the statement of Mr. Garrettson, of the Order of Railroad Conductors. Some of us asked specifically the question, not whether those in charge of these organizations favored this bill, but how the organizations as organizations stood in reference to this particular bill. We made the question apply as to the organizations and we made it apply to the specific bill that is now pending before the Senate, and we got an answer from them.

Mr. REED. What page is that?

Mr. CHILTON. Page 89 of the second hearing. I will give you this in a moment.

Mr. Garrettson spoke as follows:

There are a few things that I wanted to say in connection with the matters that have been brought out this morning because of my position representing the organization.

The Order of Railroad Conductors, comprising nearly 50,000 men, distributed in 600 subordinate divisions, or lodges, has had this bill under consideration, and the bill has been individually presented, because—

Then he turned to Judge BRANTLEY and said:

Judge BRANTLEY, I want to ask you to verify this: The first complete printed copy of the bill that was ever published was in our official organ, was it not?

Mr. BRANTLEY. Yes.

Mr. GARRETTSON. It went into the hands of every individual member of the organization, because they all receive that paper.

Mr. President, I have not time to go into all these arguments. Our time is limited.

Mr. BACON. Will the Senator permit me to make a suggestion to him?

Mr. CHILTON. Yes, sir.

Mr. BACON. This is a very long and a very intricate bill. I suppose the Senator would recognize that in such meetings as he refers to by these organizations consideration must have been comparatively brief.

I want to call the Senator's memory to the fact that the Judiciary Committee, composed of lawyers accustomed to examining and construing statutes, did not meet simply for one day, in which they found it sufficient to examine the details of the bill, but, as the Senator will remember, held meeting after meeting of two and three hours in length, and that this was necessary for that compact body of lawyers, eight or ten or a dozen, as the case might be, who were present, to go through the bill and examine it; and after its examination we are still engaged in a discussion in which a great many provisions are shown to be difficult of understanding, and even as to the construction of them.

Now, how can the Senator think that this body of men, untrained in such work as the construction of statutes, in the hurried meetings which they could only have had in the intervals of their work, could possibly have arrived at an understanding as to the true meaning and purpose of the many details of the bill and the effect it would have upon them in their vital interests?

Mr. CHILTON. Let me answer the question of the Senator from Georgia. I will say to the Senator I do not expect them to do it, and that is why we should give the greater weight to those trained men whom those laborers have employed to come here and represent them, and who have even gone to Europe, as we have not done, to study this question, and who have studied for years and years every phase of it. Why should we not look upon them as protectors of the men?

I thank the Senator for calling my attention to the fact that the Judiciary Committee of the Senate did consider carefully this measure. The Senator will recall that it was read section by section and discussed and debated.

Mr. BACON. Yes; and it took I do not know how many meetings. Those meetings, as I said, lasted two or three hours, and at the end of it we find the committee divided on this matter, some of us thinking one thing about it and others thinking another. Yet it is expected that these workingmen should gather for an hour or so after their day's labor and with no opportunity for proper discussion or examination of it, in one meeting, probably, as I suppose is true——

Mr. CHILTON. No; Mr. Garrettson says that this was sent to the men individually, and it was considered by the local lodges.

Mr. BACON. So probably in one week.

Mr. CHILTON. I think every week or every month.

Mr. BACON. Passing from that, for I have no intention of unduly interrupting the Senator, I want to say in reference to another suggestion he has made, as to whether or not we ought to override or ignore the desire of these men to inform themselves and to be governed by their own judgment and insist upon it we shall be governed by the judgment of men they appointed as their legislative agents.

The Senator speaks of our encouraging rebellion. These men can have no object for rebellion, except to get what they consider to be best for themselves. If the majority of them think it is best for themselves that this bill should be changed, it seems to me that it ought to be changed, and if they require time within which to make that investigation, as is shown to us by the communications we have, I can see no reason why we should proceed and utterly ignore their wish in that regard.

Of all things, it seems to me a matter which is so radical as this, which proposes to separate them from the balance of all other citizens of the United States, and to say, while all other citizens can go into the courts for their rights, these men shall be debarred from it—such a proposition as that seems to me to be one of such gravity that to make haste is incompatible with the proper discharge of our duty in the matter.

Mr. CHILTON. Mr. President, I will only say it will never be contended—I might say it will never be suspected by anybody where they are known—that a matter presented to the Senate by the Senators from Georgia and the junior Senator from Missouri has been in any sense ignored.

Mr. BACON. If the Senator will pardon me, he misunderstood what I said. I was not speaking about ignoring what we did, but I was speaking about ignoring the wish of this vast body of workingmen.

Mr. CHILTON. That is what I am talking about.

Mr. BACON. The Senator expressed it in another way.

Mr. CHILTON. We heard the objection of these distinguished men, able to present any cause in any presence, and those objections have been presented to labor—militant, organized labor—and all of these objections have been considered and have been disposed of upon the ground of economy and upon the ground of humanity.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Virginia?

Mr. CHILTON. With pleasure.

Mr. SWANSON. The Senator is discussing the approval of organized labor affected by the provisions of this bill. Speaking of these unions, I wish to say that in the State of Virginia, which is very near Washington, all these measures are easily accessible to them, and those objections have been distributed through the entire State, which have been presented so interestingly to the Senate. Every union in Virginia affected by this measure has passed resolutions requesting me to extend my support to it, stating that it is one of the most important measures affecting labor pending in Congress. There was only one exception to this, and that was from the Order of Railway Conductors at Bristol, who passed a resolution, which I had printed in the RECORD, protesting against the passage of the bill.

These unions in Virginia have had every opportunity since the discussion of the measure in recent days to reconsider, and not one has reconsidered—not one has asked me to consider their approval of this measure withdrawn. I am satisfied they have had every opportunity to hear both sides of this question in the State of Virginia. They are very near to Washington, and it is very accessible for the information to reach me. I say I am satisfied that the unions affected in Virginia are at this time overwhelmingly in favor of the passage of the bill.

Mr. CHILTON. I thank the Senator for supplementing what I said on that point.

Mr. President, passing on, because I want to be very brief, on the 26th of March, 1912, while the joint subcommittees of the Senate and House were considering this bill this telegram was read to us, and I want to read it to the Senate:

NEW YORK, *March 26, 1912.*

H. E. WILLS,
Congress Hotel, Washington, D. C.:

Impossible for me to be present at hearing on workmen's compensation bill to-day. This will authorize you to give the proposed bill my indorsement in the strongest possible terms. I consider this the most important legislation that has come up in years, and every energy should be used to have it become a law.

W. S. STONE.

Mr. Stone, it will be recalled, is the president of the Brotherhood of Locomotive Engineers, and Mr. Wills is the vice president, if I am not mistaken. I am not sure about that. He is, besides, the legislative representative here of several of these organizations.

So we have not only Mr. Stone and Mr. Lee but I want further to read to the Senate a letter I received since this debate has begun from Mr. Wills, to show how apprehensive are the representatives of organized labor that this session may pass without these principles being placed on the statute books.

The letter is as follows:

CONGRESS HALL HOTEL,
Washington, D. C., May 1, 1912.

Hon. WILLIAM E. CHILTON,
United States Senate.

DEAR SIR: As the authorized representative of the Brotherhood of Locomotive Enginemen, the Order of Railway Conductors, and the Brotherhood of Railway Trainmen, I am instructed to speak for the membership of these three organizations in reference to matters pertaining to national legislation.

During the past year I have devoted much of my time to the workmen's compensation bill now pending in Congress. The chief executives of these organizations, as well as nearly all of their prominent and active members, have taken part in the deliberations before the commission appointed for the purpose of considering this subject. In fact, one of the members of one of our organizations was a member of that commission. The conclusions arrived at by the commission in reference to this bill have the indorsement and approval of over 90 per cent of the approximate 230,000 members, who are citizens and residents of the United States, and we very much desire that the bill, as it is drafted, should pass and become a law. We would, at this time, look upon any amendments offered as being dangerous to the bill and to its passage and to our interests.

I would most respectfully ask that you use your influence to secure the passage of the bill without endangering it by amendments of any kind. We feel that some of the provisions of the bill can and will be improved, but it is our desire at this time to get the principles established, and so far as may be found necessary make the improvements later on.

Trusting you will give this such consideration as it may merit, I am, with respect,

Very truly, yours, H. E. WILLS,
Joint National Legislative Representative.

Now, Mr. President, there is no need for anyone to attack Mr. Wills here before me, for I have heard him talk. The Senate ought to know that this man has been appointed by the labor organizations to go to Europe and study this question. He has gone there. He has studied it for a purpose and studied it intelligently and effectively, and he has given to the commission and has given the committee of this body the benefit of that information.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from North Carolina?

Mr. CHILTON. Certainly.

Mr. SIMMONS. I should like to ask the Senator right at that point a question for my own information. I have regarded all the time the fact that the remedy provided in this bill is made exclusive as one of——

Mr. ROOT. It is impossible for us to hear on this side of the Chamber.

Mr. SIMMONS. I was saying to the Senator from West Virginia, in connection with his statement last made about Mr. Wills going to Europe, that I had regarded the provision of the bill making the remedy it provides an exclusive remedy as one of the fundamental defects in it, perhaps the most fundamental, from my standpoint.

The Senator now has stated that Mr. Wills, who is one of these legislative representatives, had been to Europe for the purpose of investigating the subject matter of the bill. I was going to ask the Senator if Mr. Wills or any of the other members of this legislative committee who went to Europe for that purpose called the attention of the Senate committee to the system of any government regulating this matter where the remedy provided in the act was made exclusive.

Mr. CHILTON. I will say to the Senator I do not know.

Mr. SIMMONS. Has the Senator any information on that subject? Is this remedy exclusive in any workmen's compensation act now in existence in any of the countries of Europe?

Mr. CHILTON. I will say to the Senator that I can not definitely answer that question. The subject of it was discussed. I have no doubt that the Senator from Utah [Mr. SUTHERLAND] will supply that information later on. We know that in some of the countries it is not, because their systems

are different. In most of the countries of Europe they have all the systems. As I understand it, they have an insurance system.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER Does the Senator from West Virginia yield to the Senator from Utah?

Mr. CHILTON. Certainly.

Mr. SUTHERLAND. I do not want to take up the time of the Senator from West Virginia just now, because I intend to discuss that feature of the bill later along, and will undertake to point out to the Senate why it is advisable to put it in and why it is for the advantage of the employees themselves to put it in.

The Senator asks, however, whether or not the men who represented the organizations were in favor of this feature. I will answer——

Mr. SIMMONS. No; I was not asking that. I assume that they favor this feature, but the information I was seeking to get was this: The Senator from West Virginia had stated that these representatives of labor had been to Europe to investigate this system. Now, this is a provision which strikes me as objectionable, and I had assumed that in connection with their investigation in Europe the committee, in its interrogatories directed to these gentlemen, probably made the inquiry as to whether there was a similar provision in any of the labor-compensation acts of Europe. I do not know. I am asking for information, and only for information.

Mr. SUTHERLAND. I do not think that these men who were in England reported specifically upon that feature of the English law. I do not recall whether they did or not.

Mr. SIMMONS. I know that in England the remedy is not exclusive, but I supposed possibly it might be in some other countries, and I should like to examine their law, if the Senator can tell me what other countries or country makes the remedy exclusive, as proposed in this bill.

Mr. SUTHERLAND. Every country in Europe makes it exclusive, except England.

Mr. SIMMONS. In most of the other countries of Europe the railroads are owned by the Government.

Mr. SUTHERLAND. The law applies to other industries as well. It is not confined to railroads.

Mr. SIMMONS. The Senator says that all the other countries make it exclusive except England?

Mr. SUTHERLAND. Every country in Europe except England; and in England, as I shall undertake to show, the provision for optional remedy practically amounts to nothing, because of the limitations placed upon it. Let me just call the attention of the Senator to the statement made by the head of the American Federation of Labor upon this very subject, in answer to the question:

> The CHAIRMAN. Do you mind my asking you one or two questions about these other features of the bill? I do not know whether you have thought about them. You have not told us what you think about the provision for making the law compulsory. Have you thought about that feature?
>
> Mr. GOMPERS. I should say that the law ought to be compulsory.
>
> The CHAIRMAN. That is, it ought to be a system complete in itself, excluding the common-law remedy and the common-law defenses?
>
> Mr. GOMPERS. I would rather see all who were injured and their dependents fairly cared for than to have one get a large verdict or a large amount and the remainder fritter away their time in litigation.

These men have talked about this feature. They have studied it.

Mr. CHILTON. Mr. President, the statement of W. G. Lee, which I have put in the RECORD, shows that they have considered this matter and they have answered the suggestions against it. I have not time to go into the constitutional argument, even if I considered myself competent to do so, but I can well recognize that after all has been said Congress could not make it optional to one side without making it optional to the other side of the controversy. That is the plain, homely way labor states it, and I believe that is about all there is in it.

Mr. SIMMONS. Does the Senator mean to say all four of these gentlemen representing labor approve this provision of the bill making the remedy exclusive?

Mr. CHILTON. I can only say, Mr. President, that I have given what they said, exactly as they said it, have read to the Senate the language in which they indorsed it, have put the statement of Mr. Lee into the RECORD, and it is there for Senators to see.

Mr. SIMMONS. I asked the question because——

Mr. CHILTON. I do not think all of them did in terms agree as to that particular point, for I can not recall whether or not that point was presented to each one. But it is apparent that they could not indorse the bill without indorsing its exclusive-remedy provision.

Mr. SIMMONS. I asked the question because I was advised that they did not all agree to this provision of the bill.

Mr. CHILTON. Well, I have not stated that they did.

Mr. SIMMONS. I know the Senator has not. I asked the Senator whether he meant to say——

Mr. OVERMAN. They have not all agreed to the bill or to its principle.

Mr. CHILTON. The record is here, and it is for each man to decide for himself.

Mr. OVERMAN. The Senator remembers Mr. Carter's statement.

The PRESIDING OFFICER. Senators will please address the Chair and obtain permission to interrupt. Does the Senator from West Virginia yield to the Senator from North Carolina?

Mr. CHILTON. I do.

Mr. OVERMAN. Mr. Carter has rather disapproved of the bill, has he not? The Senator has read his statement, I understand.

Mr. CHILTON. I have not read it and know nothing about it except from statements made on the floor of the Senate.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Georgia?

Mr. CHILTON. I do.

Mr. SMITH of Georgia. Did not Mr. Garretson, for the conductors, insist before the commission that the bill ought to be made elective and that their present rights ought to be reserved?

Mr. CHILTON. At the last hearing Mr. Garretson—I can not recall all of it—but I think Mr. Garretson said the only objection he would suggest was that possibly some of the amounts agreed upon were not quite right; but of course all of us understand that they have been considerably advanced since that time by amendments, which have been agreed to by the committee.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Utah?

Mr. CHILTON. With pleasure.

Mr. SUTHERLAND. When Mr. Garrettson first appeared before our committee to discuss this matter he said he thought we ought to make the law elective, because the men, when a thing was taken away from them, would always give it a fictitious value. While he himself apparently did not think it was of consequence, his position was that if it was taken away they would at once regard it as of fictitious value; but after the bill was framed and after the reasons were presented to him—and we did present them through the report of the commission—Mr. Garrettson very heartily assented to the proposition that the law ought to be made exclusive.

Mr. CHILTON. I must hurry on, Mr. President. Some criticism has been made here of the haste in regard to this legislation and the desire to vote at this time. I do not know how that strikes others, but to my mind the reasons given by the friends of this measure before the committee are most conclusive upon that point; and I want briefly to call the attention of the Senate to the reasons that lead me to conclude that it is my duty here to advocate haste in the disposition of this legislation.

There are by the figures, roughly speaking, from 85,000 to 90,000 men annually injured on railroads in the United States. I have the figures for 1907 and, I think, the number was given at 92,000. Do we realize that that means 7,500 of these men per month fall victims to our system; that it means 250 a day; that it means a little more than 10 every hour; or 1 every 6 minutes?

Mr. REED. Mr. President, just to get this right——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. CHILTON. Yes.

Mr. REED. Is the Senator reading figures applicable alone to men engaged in interstate railroading or is he reading figures that apply to all persons injured upon railroads or are they applicable to all persons injured in every employment?

Mr. CHILTON. I am reading figures given by the Senator from Oregon [Mr. CHAMBERLAIN] as applying to the men who are engaged in railroad employment.

Mr. REED. Oh, no; the Senator is mistaken.

Mr. CHAMBERLAIN. All railway employees.

Mr. CHILTON. All railway employees, as I understand—those who are employed on railroads, both State and interstate.

Mr. President, that means, going a little further, that since this bill was introduced, on February 20, there have been 37,500 casualties in railway employment. By those figures, since the bill was reported to the Senate, on the 3d day of April, there have been 8,250 of such casualties; and while the distinguished Senator from Missouri [Mr. REED] held the floor of the Senate discussing the bill 250 employees of the railroads were killed or injured.

Mr. REED. May I rise to remark, then, that the railroad managements of this country seem to be more reckless with their men than I have been with the time of the Senate?

Mr. CHILTON. I can never imagine the Senator from Missouri being reckless in anything. I take it that the judgment of mankind has convicted the railroads of being at least the victims of a craze for rapid transit and great tonnage. Unfortunately, that craze has made victims of unfortunate men who are not able to stand it; and that is why I am for this bill.

While the distinguished Senator from Georgia [Mr. SMITH] held the floor, as I make the calculation, there were 100 victims of the present system, more than half of whom can never have any compensation from any source under heaven.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Georgia?

Mr. CHILTON. Yes.

Mr. BACON. I dislike to interrupt the Senator, but I suppose he does not attribute any connection between the occurrence of these accidents and the delivery of the speeches. If so, the Senator himself, I presume, is contributing to that number right now.

Mr. CHILTON. I realize that.

Mr. BACON. But what I really wanted to ask the Senator was this——

Mr. CHILTON. I was just making a comparison or an illustration showing the reasons for prompt action.

Mr. BACON. If he thinks this bill is going to lessen that number of victims or would it lessen the compensation?

Mr. CHILTON. It will absolutely take every helpless human being from his present unfortunate position. That is why I am for this bill. Of course, Mr. President, I meant no reflection upon the Senators who have occupied the floor. It was their right; indeed, it was their duty to take the time of the Senate to present everything that can be urged to sustain their view, which I think they have done.

Mr. SMITH of Georgia. I should like to ask the Senator if he has any accurate statistics to show what proportion of the injured are injured exclusively by their own negligence or by accidents that could not have been provided against, and what proportion are injured who, under existing laws, could recover?

Mr. CHILTON. I have the same data that all Senators have. We all understand that under our system they can not be absolutely accurate—I make that concession—but I certainly insist that my deductions from those figures are as trustworthy as the deductions of the distinguished Senator from Georgia. We both have the same figures. I present my views as to what those figures mean and the direction in which they lead me.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Washington?

Mr. CHILTON. Certainly.

Mr. POINDEXTER. In answer to the question just asked by the Senator from Georgia, I will say that I have here a statement made by John H. Wallace, a member of the Industrial Insurance Commission of the State of Washington, in an address before the American Association for Labor Legislation in this city, December 28, 1911, in which he makes this statement—how accurate it is I do not know; I only give it for what it is worth—

> Able investigators have conclusively demonstrated that not to exceed 15 per cent of the men injured in work accidents could obtain compensation under the old system.

Mr. SMITH of Georgia. That is the old system. I was talking about the new system involved in the recently confirmed employers' liability act.

Mr. POINDEXTER. I do not think he includes that in his statement; I am unable to say; but I will say that he was contrasting it with the law as it existed before the compensation act of October 1, 1911, in the State of Washington.

Mr. CHILTON. The battle cry of modern progress is to put "the man above the dollar." To that I give my approval. Here I give it my vote whenever I can support it by a grant clearly made in terms in the Constitution, or reasonably implied, as necessary, in administering or carrying into the law another grant. In the matter before us there can be no doubt now of the power of Congress. This bill is admitted to be within the powers of Congress. That it will help more people than it can possibly hurt can not be successfully denied. According to the figures furnished by the junior Senator from Oregon, in 1897 there were more than 87 per cent of the injuries to railroad workmen for which there could be no relief. In other words, by those figures for that year there were 3,809 persons whose injuries were compensated in damages under existing law and 25,491 who could recover nothing. In 1907 there were 92,178 injuries and deaths from railroad accidents, or more than three times as many as in 1897. According to the figures of the Senator from Oregon, of these 92,178 killed and injured in 1907 less than 17 per cent could recover under existing law, or 15,600, while the other 76,578 would go without any redress whatever. By the figures of 1897 it is 29,300 men against the dollars of 3,809 and the railroads. By the figures of 1907 it is 92,178 men against the dollars of 15,600 and the railroads. It ought not to be hard to find on which side of that proposition is the dollar and on which side is the man.

But it has been argued that the estimated number of recoveries is too small, and I admit that the Oregon Senator's figures were taken from the statistics of Germany and that any calculation based on them is not accurate; but there is undoubted weight in the estimate of Mr. James Herrington, chairman of the employers' liability commission of Ohio, found on page 7 of the hearings before the Judiciary Committee of the House of March 15 and 26, 1912. He estimates that after giving the men the benefit of all so-called employers' liability acts there are 44 per cent of cases of injury and death that go without redress unless we pass some legislation of this kind. Reduced to the concrete case, that means that at best, with Federal and State liability acts, with jury trial, with the fellow-servant doctrine abolished, according to the figures for 1907, there are 40,000 helpless victims of man's vain effort to put the dollar above the man. Mr. President, much has been said and written in late years about "progressive legislation." Some of this legislation has been so branded or tagged without authority; but a laborer's compensation law, fairly and honestly adjusting the principle to the nature of the business and to the reasonable demands of the laboring man and to the dictates of humanity, comes nearer to being the genuine article than any that can be named. The National Civic Federation, labor organizations generally, political economists, all political parties, and many State legislatures have committed themselves to that principle of settling disputes, lessening litigation, and saving for the helpless the needless waste in witness fees, lawyers' charges, and other costs of litigation.

Suppose that an injured workman recovers $10,000, which is certainly above the average verdict. The fees to lawyers range from one-third of the recovery up to one-half. If one-third be paid, the injured man will receive $6,666, but he will likely be compelled to litigate the claim for years and will be subjected to expense and loss which he can never recover. In a case in which such a recovery as I have mentioned would be probable or even possible, the compensation under this act would so nearly approximate the net sum received by the man in his successful litigation that it could hardly be doubted that he would prefer the settlement fixed by the act in the first instance. But when the laboring man remembers that in accepting this act—and conceding for the argument that he gives up something—he is opening the door of opportunity to 40,000 equally as deserving brothers, he will gladly make the choice in favor of the principles of the pending bill. I object to the consideration of this important economic question from the standpoint of any individual. Any reform that undertakes to embrace over a million and a half men can not put all of them in the situation of the most fortunate any more than it should reduce all of them to the situation of the least fortunate. We are here adding many millions of dollars to the annual expenses of the railroads. To me that means nothing if by so doing I can sleep in the certainty that the 40,000 railroad employees who may be injured annually by causes that will not now entitle them to recover compensation, and their dependent children and wives, will be secure in a living. The increased charge upon the railroads and the possible diminution of verdicts for a few are counterbalanced by the good that will be done for the thousands who are now absolutely helpless.

Mr. President, I can not be made to believe that the officers and leaders of the national labor organizations of this country are so stupid or so untrustworthy as to treat lightly this most important subject. The representatives of these organizations seem to be most intelligent and much in earnest. They are not only in favor of the principle of this bill, but they ask us to pass this particular bill, and if a test shall disclose mistakes or injustices, they comprehend fully that it is easier to amend an act than it is to secure the first passage of the act involving the principle. We should view this effort of theirs to take the first step toward the rising sun largely from the standpoint of humanity. This country can not permit the thousands to become helpless in order to maintain doctrines that have been embalmed under the name of the common law. This statute, under the authority of the interstate-commerce clause of the Constitution, admittedly strikes right and left at decisions, precedents, and the common law, but it preserves the jury, and it compensates every woman and child whose protector and sup-

port is rendered helpless. I have no criticism to make of others who have brought themselves to the conclusion that this is unwise legislation; but I warn the Senate that if we concede that the principle of this bill is right from the standpoint of both the man and the dollar, then I am unwilling to vote that organized labor is a farce and that every man who has appeared before the commission and the committee is begging us to pass a law that will be repudiated by the men in the organizations. Organized labor will be disorganized labor whenever the representatives of the people, in an honest effort to enact a principle into law, shall be blamed by the men for doing what the officers and representatives ask. I am not alarmed that organized labor will repudiate or disgrace the intelligent, sensible, earnest men who appeared at these hearings.

They were, in any company, able representatives who had given deep thought to the subject and were ready to discuss practically every phase of the situation. They are still insisting that this bill shall pass now. They are responsible to their organizations and to their members if they deceive us as to the attitude of those organizations; and I again warn those who insist upon appealing from the expressed wish of the representatives whose duty it is to inform us, to their future successors, that such a course involves serious consequences to those organizations. No greater injury could be done to organized labor than to have it said that its representatives here can not be depended upon. When we call upon organized labor and take it into our counsels upon a problem of economics and humanity, I shall not for slight cause presume to injure those representatives in the eyes of the world or in the estimation of their local lodges. Such a course to my mind would assume that their organization is both unreliable and ignorant. If we consult them as organizations we must do so under their rules and laws. I would hesitate a long time to encourage rebellion in their ranks, even if I had stronger reasons than have yet been submitted to sustain the idea that these representatives of labor have without sufficient information or designedly misrepresented to us the true attitude of their organizations. But this question is more far-reaching than organizations, it is more important than politics, it is bigger than the dollar.

It marks the awakened conscience of humanity, appealing for women, children, and the helpless. It is the cry of the heart that we are our brother's keeper, and that if we indulge the propensity for rapid transit and large tonnage, the soldiers who are killed and wounded in the fierce struggle must not be the only losers. The bill is a form of enforced insurance or a pension to the soldiers of interstate commerce. I have appealed to those soldiers to help me in my efforts to carry out a sincere plan to make the average of all better and more secure. They have answered with their approval of a plan that has been tried. I am willing, indeed glad, to be one of those who vote for this measure, and without reflecting upon those offering the many amendments, I have decided, as have those representatives, that most of the amendments pending will endanger the passage of the bill. The present bill, as amended by the committee, is, in my opinion, stronger and more likely to pass than it would be if amended in the particulars proposed. The bill is the result of long study and investigation. It has been practically agreed upon, as I understand, by the railroads and the representatives of the labor organizations. These representatives are not suspicious because the cry of humanity has been heard by the railroad officials. They do not, for that reason, question the correctness of the data that shows that it will be expensive to the railroads. Figures made before the railroads acquiesced are the same after the acquiescence.

In other words, this bill is satisfactory to both sides to a long contest for the principle which it enacts. Amendments, under these conditions, are dangerous, and for this reason, and not because I am personally opposed to some of the amendments, I shall vote against all the radical amendments. I want a laborers' compensation act passed at this session, and I agree with the representatives of labor here and with the petitions and letters received from my own State, without a single dissenting voice, that the bill as it is has the best chance of passage. For the sake of the thousands falling daily, to give hope to their dependent wives and children, and to atone for a mistake of civilization, this bill, in my humble judgment, should be passed with enthusiasm.

My known respect for the Senators opposing this bill and for those trying to amend it will be sufficient guaranty that no offense is meant when I assert that many of the arguments presented here are the same that have usually appeared when State legislatures have in the past undertaken to enact legislation of this kind. Many of them, if not all, were answered by the arguments before the committee. The difference between the standpoints of the two sides is that the bill's enemies can only point to a few cases in which the bill may reduce the recovery of the injured workman, whereas the friends of the measure give the facts and figures which prove that the measure will improve the condition of the railroad workmen as a class, will increase the aggregate sum which all the injured and their dependents will receive, and will bring about a condition that will leave not a single helpless victim of the tragedy of railroad operation, so far as it is in the power of Congress to deal with the subject.

The friends of the measure do not claim that it is perfect, but they do know that it is an improvement, that it is decided progress in the right direction. There would have been no interstate-commerce act, no antitrust law, no employers' liability law, no safety-appliance law, unless the friends of these progressive measures had in the start made concessions. So it is with this bill. The friends of the principle want Congress to make this substantial beginning and allow experience to perfect it. The overlooked rights of employer and employee, if any, and the effect of the principle upon both will develop. Congress can amend this law at the next session as easily as it can then pass another and different law.

Amazement has been expressed that a certain candidate for President has recently developed great strength among the masses. There is no mystery about it. It is because the people now believe that he will be potential in compelling action in matters that are alarming to the public mind. The people do not expect perfection of Congress, but they demand an honest effort. Those who oppose the candidate to whom I refer must do so by argument based upon facts. They can not defeat him with ridicule, for the people are in earnest about reforms that save life and limb as much as they are alarmed at the evidences of a "corner" in the productive energies, the money, and the credit of the country. Thoughtful men are concerned lest the pendulum swing too far, but these must understand now that the pendulum will swing, and the only way to prevent it from swinging too far is to see that reactionary efforts are not made to prevent it from swinging at all.

The public mind is now centered, as I believe, upon the passage of this bill, and I think that the greatest good to the greatest number can be accomplished by its passage, and that quickly.

Mr. ROOT. Mr. President, I am warmly for this bill, because I believe in its principle and I have believed in and advocated it for many years. Years ago I found myself arguing in favor of the change in public policy which it involves on the same side as Mr. Gompers and Mr. John Mitchell. In the joint subcommittee of the Judiciary Committees of the two Houses of Congress, which gave hearings upon the bill, I found my old and firm convictions reenforced by the approval of the thoughtful and experienced and able official representatives of three of the great organizations of railroad employees in the country, and by the accredited legislative representative of those organizations. And as an individual Senator, in part representing a State through which pass a considerable number of great lines of railroads essential to the interstate commerce of the country, I found my views supported with substantial unanimity by the expressions of opinion on the part of the railroad employees who are among my constituents.

I am for the measure, however, not because these constituents of mine or these representatives of labor are for it, but because I believe in it. I believe that the old system under which we have been running and under which the employees of our great industrial establishments have no recourse under the law when they are disabled by accidents incident to their employment, except a suit for damages against their employer, is a vicious system and based upon an erroneous view of the true relation of the employee to the employment.

It may well be, when one man employs another for a particular service, the question whether there will be an accident is beyond human foresight, and that the responsibility for the accident should be determined by an ascertainment as to whether it was caused by the negligence or fault of the one or the other. But in the great industrial organizations of our time we know beforehand that there will be a certain percentage of accidents, a certain percentage of loss of life and limb. It can be reduced under the doctrine of averages, and it is as certain as sunrise and sunset. The loss of life and limb is just as much an incident to a great railroad or to a great industry or to a great contracting business as is the breaking of tools or the wearing out of implements, and it should be regarded just as much a part of the expense of the business as the cost of replacing tools and machinery.

Therefore I believe that a measure of this kind is sound economically, and I know that it will be far better for the employees—and I think probably better for the employers—in all

the great industrial enterprises of the country than the old method of accident suits. It is far better to give to the employee who is injured a fixed and definite compensation promptly, certainly, without the cost of employing lawyers and without incurring the gambling risk of being able to fix responsibility upon the employer, than it is to leave him in the hands of the lawyer, who may win or may lose, leave him to the delays of litigation for months or years, during which he must be without compensation, living upon credit, upon the most expensive credit, to come at the end possibly into a considerable sum and possibly into nothing, with the certainty that from 30 to 50 per cent of his problematical recovery will be taken for the costs and expenses of his litigation.

I believe the measure is a great constructive measure of progress. I believe it is a measure in recognition of the true interests of our self-governing people and the true interests of humanity. I believe it will be for the benefit not only of the laboring men, not only of the industrial organizations of which they are a part, but for the benefit of the whole people, all of whose interests must be conserved and advanced by a system under which justice is done.

Now, sir, as to this bill. The subject is a complicated one. It affects a great variety of employments; it affects a great variety of different conditions. All of us who have been interested in the subject have been observing for years the efforts made in the different States to draft measures which would give practical effect to the principle. We have seen that a very large number of the measures which have been devised have been defective, some in one way and some in another. All of them have been to some degree unsatisfactory.

Several years ago an effort was made to bring about action on the part of the National Congress for the enactment of a bill which might serve as a model for legislation throughout our various States. The difficulty of reaching a conclusion, and the difficulty of determining just what kind of provision was best adapted to secure the desired result, were so great that the only avenue toward progress in the desired direction appeared to everyone to be the selection of a commission which might really study the subject. And accordingly, two years ago in the coming month, such a commission was agreed to, composed of two Members of the Senate, two Members of the House, and representatives from outside of Congress of the two interests most directly to be affected and most familiar with the subject—Mr. Brown, the president of the New York Central, to represent one point of view and Mr. Cease, the editor of the leading organ of the railway trainmen, to represent the other point of view.

That commission exhibited most commendable industry and painstaking fidelity to their duty. They held long and numerous sittings, they heard testimony, they examined witnesses with a degree of interest and thoroughness and acumen which shows that there was nothing perfunctory in their idea of what they were appointed for. The representatives of the great railroads were examined, and the representatives of the great organizations of railway employees were examined, and representatives of organized labor generally, so every point of view was secured; and, as a result, the committee framed a bill, which was, in substance, the bill that is now before us, modified in some slight details, but in substance the bill that is now here.

An examination of the testimony shows that every paragraph of that bill was subjected to criticism and discussion; that it represents a conclusion reached upon the presentation of views on every side. The bill produced is a balanced bill. It is a bill which represents the unanimous judgment of the commission and which challenges the general assent of the people who represent all the different interests directly affected, not as perfect, but as the best measure which could be framed in view of the different ideas as to the probable workings of its provisions.

The estimates as to costs by the commission were, in round numbers, about these: That the present payments of the railroads by way of compensation for accidents are about $10,000,000 a year, and that the probable payments under the schedule made up by the commission for accidents would be about $15,000,000 a year. That was on the best testimony that the commission could secure, but it is very doubtful. Mr. Lewis, of Baltimore, the draftsman of the Maryland statute, was before the joint subcommittee of the two Houses, and he has given a large part of his life to this subject. He was himself a working miner in the coal mines, and while supporting himself by the work of his pick he studied law and became a lawyer, and he has devoted himself to the interests of his old associates. As I have said, he was the draftsman of the Maryland compensation law. Mr. Lewis said to our subcommittee that although the estimates upon the evidence before the commission showed that the cost to the railroads would probably be $15,000,000 a year as against the present cost of $10,000,000, in his judgment it would be nearer $50,000,000 a year.

Mr. SUTHERLAND. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Utah?

Mr. ROOT. Certainly.

Mr. SUTHERLAND. Since the bill was prepared by the commission we have added certain liberalizing amendments. We have provided that the payments shall continue to the children until they reach 16 years of age.

I simply wanted to call the Senator's attention to the fact that if a man should be killed, leaving a widow and four children, one an infant child, one of 2 years, one of 4 years, and one of 6, at the end of the 8-year period there would be one child who would still live 2 years before the 16-year period was ended, one who would live 4 years, one 6, and one 8. To the four children for 2 years the payments at 50 per cent will continue; to three of them for another 2 years 45 per cent will continue; to two of these for another 2 years 35 per cent will continue; and to one, 25 per cent for another 2 years. If the Senator will make the computation he will find that the original maximum of $4,800 payable to the widow and children in case of death is therefore increased to $10,000, and as nearly as I can make the estimate we shall have increased the amount to be paid under this bill with these and other amendments to about $18,000,000 instead of $15,000,000.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Ohio?

Mr. ROOT. Certainly.

Mr. POMERENE. In giving the estimate as to the probable cost of this bill to the railroad companies, can the Senator from New York advise whether the changed condition of the Federal statute was taken into consideration? I refer to the act of 1908.

Mr. ROOT. I think in a general way it was, but it was impossible, of course, to have any data upon which any computation could be made.

The Senator from Utah has called my attention to the fact that a part of the time during which the data were taken the recent statute to which the Senator from Ohio referred was in force. The three years taken were 1908, 1909, and 1910. The act was passed in 1908. So the latter part of the time would carry that act into effect.

Mr. POMERENE. I was aware that the act is a very recent one, but in view of the fact that some of the States have similar statutes it occurred to me that some data may have been gathered, and it would have given a fair basis for computation.

Mr. ROOT. Mr. President, as the Senator from Utah suggests to me, the results of the investigation by our national commission agree with the results of the investigations by the commissioners of the several States who have been considering the subject, and it shows a double basis.

After the commission had done its work and made its report, I think a little more than three months ago, the bill which the commission had prepared was introduced and it was referred to the Judiciary Committees of the two Houses. As the Senator from Georgia [Mr. BACON] has told us, in the Judiciary Committee of the Senate it was considered with very great care and at great length. The committee held many meetings in which, paragraph by paragraph, the provisions of the bill were discussed. When told that there were in one section of the country certain railway employees who had objections and who desired to be heard, an arrangement was made under which the Judiciary Committee of the Senate and the Judiciary Committee of the House appointed subcommittees to sit in joint session and hear whatever opposition there might be. Those subcommittees met, and the only opposition was a request from the representative of certain employees in the State of Georgia that action be postponed. There were also certain remarks made by some Congressmen in opposition to the bill.

Mr. BACON. Mr. President, will the Senator permit me to interrupt him?

Mr. ROOT. Certainly.

Mr. BACON. As I was present on the occasion, it is due to fact to say that while it is true, as stated by the Senator, that the direct application to the committee was limited to such request as he now mentions, it is also true that there were delegations here representing three of the four organizations, and that recalls a fact that I think the Senator overlooked, the fact that there was more than a request by one of the representatives. I think that was the Senator's statement. Was it not?

Mr. ROOT. That was my statement, according to my recollection. If I am wrong, I shall be very glad to be corrected.

Mr. BACON. A Representative in Congress, the Senator means, I presume.

Mr. ROOT. My statement was, or I intended it to be, and I think it was, that a representative of certain labor organizations in the State of Georgia appeared and requested a postponement.

Mr. BACON. I misunderstood the Senator.

Mr. ROOT. And that was the only opposition from any labor people; but there were also some Members of Congress who appeared and spoke in opposition to the bill.

Mr. BACON. The Senator is correct absolutely in that. I want to make the additional statement, however, that there were representatives here from three out of the four great organizations, who came from the State of Georgia, who did not appear before the committee, but who did come to me personally and to my colleague and certain Representatives in Congress, and laid their matters before us and them, in which they not only desired postponement, but they were absolutely opposed to the measure. They did not appear before the subcommittee upon the statement which they made to us that they could not do so with safety; that the rules and regulations were such that if they did appear personally they would endanger their membership in their organizations and endanger even the charter of their suborganizations, and while they went with us to the door they would not go inside the room on that account.

Mr. ROOT. Mr. President——

Mr. OVERMAN. Being on the committee, will the Senator yield to me?

Mr. ROOT. I will.

Mr. OVERMAN. I will state that when we called a meeting I was very much surprised to see not the people there who were protesting against it, but leaders who had been before the joint committee asking for this legislation, to wit, Mr. Garrettson, Mr. Wills, and Mr. Lee. When I went to the committee, I did find a delegation from my State. I asked them in, but they said they could not go in. The spokesman said he could not go in; he had been notified that if he appeared there to protest against the bill he would be dismissed from the order and lose his charter.

Mr. ROOT. Mr. President, I am glad to have my statement of what appeared before the committee corroborated by the Senators from Georgia and North Carolina. What occurred in private between them and any of their constituents, of course, I can not know, but it would not be strange if constituents of theirs had expressed themselves precisely in accordance with the statements now made. Many years ago I had the great pleasure of knowing very well that very distinguished patriot and statesman, Mr. Samuel J. Tilden. I remember once in conversation with him he made a statement to me and said, "Nobody can dispute that," and he instantly caught himself and said, "No; I take that back. You put any hundred men in a room and make any proposition on earth to them, and you will find somebody who will dispute it."

Now, of course, with a measure of this description, which is a balanced measure, a measure taking into consideration views upon both sides and upon a variety of sides, a complicated subject, and which seeks to do what seems most wise upon consideration of all the testimony and all the argument, it is impossible that such a measure should not find opposition from some one who looks at it from only one side and in the light of one set of assumed facts and one set of arguments.

But, Mr. President, the fact remains that the men who are charged by these great employees' organizations with the duty of attending, listening to the testimony, and hearing the arguments, and carefully scanning, with a critical spirit and full knowledge of the conditions, every paragraph of the proposed legislation, in order to see that the interests of their constituents are not sacrificed—the fact remains that those men are in favor of this legislation.

I can well understand that opposition should be stirred up to a measure of this kind by representations as to the character of the measure made by persons who, in perfect sincerity and good faith, but looking from one side only of the subject, consider that the measure ought to be different. I can well understand, sir, that gentlemen who have been engaged in extensive and long-continued practice as lawyers in the prosecution of damage suits against railway companies should have acquired an attitude which leads them, with perfect sincerity, to oppose the bill. The Senator from Arkansas [Mr. DAVIS] was so frank as to avow in the Senate in the course of his remarks the other day that he had enjoyed a long and extensive experience in prosecuting damage suits against railway companies, and he said to us that that was his principal business. I do not wonder that he has acquired an attitude which leads him, with perfect sincerity, to think that this is a bad bill.

But, Mr. President, while I do not doubt the gentlemen who are now opposing the bill from the lawyer's standpoint have rendered honest and faithful service to their clients, let me say to them that, in my mind, upon the basis of long experience and observation, the great advantage of the bill is that it relieves the laboring people of our country from dependence upon the class of lawyers who have fattened upon their misfortunes, and it substitutes the certainty of reasonable compensation without the necessity of paying a large part of it to a lawyer for the gambler's risk that every poor fellow who is hurt now takes.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Georgia?

Mr. ROOT. Certainly.

Mr. BACON. I will say to the Senator, as one who has had experience on both sides of this question, and a very considerable one, that the railroad men in Georgia do not agree with the distinguished Senator. I presume there has been about as much in the way of litigation in Georgia on this subject as in any other State; and, as I said, I speak from knowledge of both sides of this question, having represented both sides very considerably; and so far as I know, in that large State, with very much more than the average railroad mileage compared with other States, there is, so far as my information goes, absolute unanimity in the thousands and tens of thousands of employees in that State in the position that they will be damaged by this bill, and that they are better under the system as it will certainly exist under the present law. So, while the Senator is very emphatic in his view as to what is the interest of these men, he is opposed by their own opinion in regard to that matter, and unanimously so, in my State.

Mr. ROOT. Mr. President, I do not doubt that the attitude of the railroad men in Georgia is due to the superior character of the bar of that State, which we should naturally infer from the representatives we see here in the Senate. But sometime, even as against that beneficent control, the gospel of freedom will be preached in Georgia and the railway men there will be awakened to the true interests of their calling, as the railway men, 90 per cent of them, over the whole country have already been awakened.

Mr. BACON. Without interrupting the Senator further on that line, if he will permit me, I will say, so far as my information goes, every railroad in the State is in favor of this proposed legislation and every employee against it.

Mr. ROOT. Mr. President, the fact that the railroads were in favor of the legislation would not prejudice me against it.

Mr. BACON. No; it would not me either.

Mr. ROOT. But I will say that while I suppose that I should have been as likely to hear from railroads as anybody, because there are many in the State of New York, and I have personal acquaintances with the managers and officers of many of them, friendship of many years with many of them, not a single representative of any railroad has ever communicated to me on the subject of this measure. But I have here, sir, a lot of communications from the railroad employees, and I beg to ask the Senate's attention to them—I hope not too tediously:

A telegram from Division 418 of the Brotherhood of Locomotive Engineers of Mechanicsville, N. Y., desiring my support for this bill.

A telegram from Division 421 of the Brotherhood of Locomotive Engineers of Buffalo, N. Y., desiring my support.

A telegram from Division 152, Brotherhood of Locomotive Engineers, located at Oswego, N. Y., desiring my support.

A similar telegram from Division 59 of the Brotherhood of Locomotive Engineers at Albany.

A similar telegram from Division No. 14, Brotherhood of Locomotive Engineers at Utica.

A similar one from Subdivision 58, Brotherhood of Locomotive Engineers, of Oneonta.

A similar one from Division 15, Brotherhood of Locomotive Engineers, of Buffalo.

A similar one from Division 641, Brotherhood of Locomotive Engineers, of Hornell. It says:

> Comprising 100 members, unanimously request you to use your influence and please support Senate bill 5382, known as Federal compensation bill, as it is of vital importance to us.

Another from Harlem Division 783, Brotherhood of Locomotive Engineers, of Harlem, N. Y.

Another from D. F. Wait Lodge, of Railroad Trainmen, representing 800 men. They say:

> We urge upon you to use your best efforts to further the advancement of Senate bill 5382. We heartily approve of same and trust that your efforts for its passage will meet with success.

Another from Parlor City Lodge, Brotherhood of Railroad Trainmen, of Binghamton, to the same effect.

Another from Schenectady:

The undersigned, representing nearly 600 men employed in railway service, respectfully urge you to lend your favorable assistance toward the passage of Senate bill 5382. Our membership is more interested in this bill than in any proposed legislation in many years.

Another from Lodge 829, of Railroad Trainmen in Brooklyn, N. Y.

Another from Walton Lodge, Brotherhood of Railroad Trainmen, to the same effect.

Another from Lodge 186 of Railroad Trainmen saying:

Our membership—307—earnestly solicit your support for the passage of Federal workmen's compensation bill, No. 5382.

A letter from the International Brotherhood of Locomotive Engineers, Division 41, at Elmira, N. Y., saying:

I have been instructed to write to you in behalf of Division 41, Brotherhood of Locomotive Engineers, and request you to support the Federal accident compensation bill.

From the W. C. Hayes Division, No. 732, Brotherhood of Locomotive Engineers, of Port Jervis, N. Y., saying:

The members of W. C. Hayes Division, No. 732, Brotherhood of Locomotive Engineers, at their meeting held April 12, 1912, directed me in their behalf to urge your support of the measure known as the workmen's compensation act introduced by Senator SUTHERLAND (No. 5382).

Another from Syracuse, N. Y., saying:

At a regular meeting of this division, held April 7, 1912, the following action taken, that we ask you to give your support to help the passage of Senate bill 5382.

That was from the International Brotherhood of Locomotive Engineers. Another from Electric City Division, No. 382, Brotherhood of Locomotive Engineers at Buffalo, asking support of this bill; another from Albany Division, No. 46, asking support for it; another from Champlain Division, No. 217, of the Brotherhood of Locomotive Engineers, saying:

We earnestly believe the proposed law a most meritorious piece of legislation, and we trust it will receive your assistance.

Another from the Brotherhood of Railroad Trainmen in Utica, saying:

The above-named lodge would like you to favor the Federal accident compensation bill introduced by Senator SUTHERLAND.

A letter from Watervliet, N. Y., saying:

Being one of your constituents and a railroad man for a number of years and a member of Trojan Lodge, No. 90, Brotherhood of Railroad Trainmen, and having heard Senate bill 5382, introduced by Senator SUTHERLAND, discussed on several different occasions, I believe the bill, if made a law, would be beneficial to all concerned, as it would stop the waste of money under the present system.

I have traveled quite a few hundred miles in the past four months in different States and have heard railroad men generally discuss the bill and they all favor it.

I believe your support of this bill would be appreciated by the working people of your State.

Another from Trojan Lodge, No. 90, Brotherhood of Railroad Trainmen, at Troy, asking me to do everything in my power to secure the passage of the bill, and saying:

As at our previous meetings the bill was read and freely discussed. There were at this meeting 317 members, who unanimously instructed me to make the above request.

You will perceive, sir, that this letter from Trojan Lodge, No. 90, shows that the bill was up for consideration and was discussed at successive meetings, and that as the result of those successive discussions the 317 members voted unanimously, requesting that the bill be passed.

Another from the Brotherhood of Railroad Trainmen at Albany, saying:

We, as the representatives of a membership of 10,000 trainmen in the State of New York, do most earnestly request you to use your best efforts in securing a favorable report from the committee and the passage of the bill through the Senate.

Another from the Brotherhood of Railroad Trainmen of Newburgh to the same effect; another from the Brotherhood of Railroad Trainmen at Rochester, saying:

We, the president and secretary, on behalf of Genesee Lodge, No. 289, Brotherhood of Railroad Trainmen, which has a membership of 198 citizens of the State of New York, wish to take this opportunity to respectfully urge upon you, and through you the Senate of the United States, to use your influence and vote in an effort to have the pending employers' liability and workmen's compensation bill enacted as a law. The statements of our grand president, Brother Lee, we hope have convinced you that there is need of such a bill without any reiteration of those statements from us; but as we are on the ground and almost daily come in contact with these cases, namely the robbery of the corporations who employ us, as well as the needy and sometimes destitute families of the killed or injured, by these shyster law firms and lawyers. We therefore have personal knowledge that there is need for such legislation.

Another, from G. M. Hallstead Division, No. 434, Brotherhood of Locomotive Engineers, to the same effect; another, from the Locomotive Engineers of Rensselaer Subdivision, No. 752, to the same effect; another, from the Brotherhood of Locomotive Engineers, No. 18, at Rochester, asking support of this bill; another, from Thomas Dickson Division, No. 171, Order of Railway Conductors, saying:

The railroad men for years have fought, worked, and died in their endeavor for such legislation as is covered by Senate bill 5382.

We need the protection that this law would give us. May we not hope for your support of the measure?

This organization is unanimously in its favor and are confident that while railroad companies are compelled to give us this protection they will not, in the aggregate, be great sufferers as against present methods under existing laws.

Another, from Corning Lodge of the Brotherhood of Railroad Trainmen, saying:

As treasurer of Corning Lodge of the Brotherhood of Railroad Trainmen, I ask you to lend your assistance toward the passage of Senate bill No. 5382. I know our membership generally is more heartily in favor of this legislation than in any bill that has been proposed in several years.

Another, from the Empire City Lodge, No. 167, Brotherhood of Railroad Trainmen, to the same effect; another, from Watertown, N. Y., from the members of Brotherhood of Railroad Trainmen, Lodge No. 48, saying:

The members of the Brotherhood of Railroad Trainmen of Watertown Lodge, No. 480, are specially desirous that the Federal workingmen's compensation bill be passed, and ask you to lend your assistance toward the passage of the said bill (S. 5382). Our membership generally are more interested in the passage of this bill than any that has been proposed for a number of years.

Another from Binghamton Division, No. 154, Order of Railway Conductors, saying:

At a regular meeting of Binghamton Division, No. 154, Order of Railway Conductors, a resolution was unanimously adopted that it is the sentiment of this division that they are in favor of the bill introduced in the Senate as S. 5382.

Another from the Frontier City Division, No. 167, of the Order of Railway Conductors, to the same effect; another from the Brotherhood of Railway Trainmen at Mechanicsville, N. Y., to the same effect; another from the Brotherhood of Railroad Trainmen, Now or Never Lodge, No. 517, saying:

NOW OR NEVER LODGE, No. 517,
BROTHERHOOD OF RAILROAD TRAINMEN,
April 7, 1912.

HON. ELIHU ROOT,
United States Senate, Washington, D. C.

DEAR SIR: Senate bill 5382, known as the workmen's compensation bill, introduced by Mr. SUTHERLAND, of Utah, is now before the branch of the Legislature of which you are a member for consideration.

I represent Lodge 517 of the Brotherhood of Railroad Trainmen, composed of 592 members, all of whom work on the Long Island Railroad. We are more interested in this legislation than in any bill which has been introduced for many years and are very anxious that it should become a law.

If this bill is passed the men who are injured while working will receive damages to an amount fixed by law. There will be no necessity of expensive and tiresome litigation. The injured men or their families will not be compelled to accept what they are offered by the company in whose employ they were injured, because they have not the means of securing just compensation through a lawsuit.

I hope you will view the passage of this bill favorably.

Another from the Champlain Division of the Brotherhood of Locomotive Engineers, at Whitehall, N. Y., to the same effect.

Mr. LODGE. Would it interrupt the Senator for me to make a suggestion at this point?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. ROOT. Certainly.

Mr. LODGE. I merely wanted to say, Mr. President, that I have had a great many letters and telegrams of precisely the same character as those read by the Senator from New York. I had some of them printed on the 10th of April in the CONGRESSIONAL RECORD. One of the first is from Mr. H. H. Wilson, who was chairman of the legislative board of the Locomotive Engineers in my State. I know him very well personally. Two years ago he was badly injured when on duty on his locomotive by an explosion of steam, but he managed to bring his train in safely without injury to anyone else. I mention that because he is a man who has been through a serious accident.

In the same way I know very well the man who represents the legislative board of conductors in Massachusetts, and he also writes a letter on the subject. The communications from those men, Mr. President, and all the other letters that I have read and have had printed with them show that those men know exactly what this bill is and that they know exactly what they are talking about. They discuss the details of the bill; they are anxious for the establishment of the principle which the bill contains; and as we have been speaking about the feeling in the different States, I have received scores of letters and telegrams from men of that character, thoroughly informed as to the subject, while I have not received one syllable of opposition from any railroad man in my State.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from New York yield to the Senator from California?

Mr. ROOT. Certainly.

Mr. WORKS. I should like to supplement what the Senator from New York [Mr. ROOT] has said on this branch of the sub-

ject by saying that I have received numerous telegrams from my State, not only from individual employees of the railroad companies, but from organizations, and that I have received just one telegram in opposition to the bill.

I want to say, in addition, that I favor this bill because I believe it to be just and fair in principle. Whether the details will all work out justly and fairly will have to be determined by putting it in operation. I am not supporting it alone because the railroad employees of my State have asked it, but because the bill appeals to my own judgment, and I am not going to hold them responsible for the mistake, if there is any mistake, in enacting it.

Mr. ROOT. Mr. President, the Senator from California has stated much better than I have been able to state the precise attitude which I occupy toward this proposed legislation. It is not because these constituents of mine, to whose communications I have referred, ask for it, but it is because I believe the bill to be wise and just, and their communications confirm me in my belief that it is wise and just, that I am for the bill.

I know many of these men, Mr. President. I know that there is no more intelligent set of men in this country than the railroad trainmen, the railroad conductors, and the locomotive engineers, from whom these communications come. Let nobody make the mistake of supposing that they do not understand their business, of supposing that they have called for the passage of a bill without having given most careful, thorough, and intelligent consideration as to the effect it is going to have upon them and their families. There is nothing stereotyped about these communications. No manufacturer ever studied a tariff law to determine whether he would be for it or against it with greater solicitude and greater intelligence than have these men studied this measure. When I find the members of these organizations, scattered all over the country, employed on a dozen different railroads, expressing the same conclusions which the heads of their organizations have expressed and which their legislative representative has expressed, I feel pretty confident that I have not made any mistake in my judgment that this measure is a wise one for the labor side of the interest involved.

Mr. President, as to the make-up of the bill, it is a difficult thing to draft a bill that will be just, and it is an easy thing to destroy a bill that relates to a complicated subject and involves delicate adjustment. I do not say that any amendment of which we have notice, that any amendment that will be offered, will be for the purpose of defeating this bill, but I do say that any bill that involves a complicated and delicate adjustment like this can be defeated by amendment. I do say that the offering of numerous amendments to a bill of delicate adjustment is a most common and ordinary method of defeating such a bill. I do say that this bill can not be made over successfully on the floor of the Senate or on the floor of any legislative body. Its provisions to be effective and just must be carefully and deliberately studied in committee, and I do say that there is only one way for those who are in favor of putting the principles of this bill into our statutes to accomplish that purpose, and that is to stand by this bill as it is and to prevent its being torn to pieces by amendment. For that reason I shall vote against the amendments which have been proposed and which are to be proposed, except in so far as they commend themselves to the judgment of the gentlemen who have studied this bill week after week and month after month and who are familiar with all the balancing considerations which have led to the present adjustment.

I believe that the true dictate of wisdom for all persons who can be affected by this legislation is expressed in an article in the Railroad Trainman, the organ of the Brotherhood of Railroad Trainmen, in the issue for May of the present year.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Oregon?

Mr. ROOT. Certainly.

Mr. CHAMBERLAIN. I merely desire to call the attention of the Senator to the fact that the editor of that magazine, who is an old railroad man himself, was a member of the commission.

Mr. ROOT. Precisely so. The editor is Mr. D. L. Cease, who was a member of the commission representing the labor point of view. This article says:

> The chief purpose of the commission, and we believe of the thinking members of the railroad organizations, is to secure the enactment of the law and the establishment of its principles by our courts. Afterwards, if the amounts are found to be inadequate, it will then be within the province of the railway employees of this country to amend the law and abolish objectionable features that may be found and increase the amounts provided in the proposed law.

I suppose he means it will be within their province to ask Congress to amend the law.

The attitude of the American Federation of Labor, as exhibited in their official organ, the American Federationist, for May, 1912, is in substance the same. They say:

> The House Committee on the Judiciary ordered the Howland bill—

The Howland bill is a bill of the same character, relating to Government employees generally—

> ordered the Howland bill favorably reported out of committee on April 11. This is a very fortunate circumstance, and will be instrumental in obtaining a uniform basis of benefits for Government employees and for employees of common carriers, and while it may be said that the scale of benefits are, comparatively speaking, small, yet the fact remains that this scale is greater than that provided by any of the State laws or by any of the laws in vogue in foreign countries, and if it is found that the scale of benefits are too low they can be increased at a future date by amendment to the act.

So, Mr. President, if it appears that the estimates of cost to the railroad companies are not substantiated by experience under the law, the law can be modified to conform to the actual facts as they are ascertained. At present the important thing for every man who believes in substituting this new system for the old, vicious, wasteful system under which we have been living is to pass this bill as it is, exhibiting, as it does, the best judgment and the most painstaking inquiry and thought of our own associates, with all the assistance that it was possible to get in our country—to pass this bill and depend upon the experience under the bill to determine what modification, if any, it may require.

Mr. NEWLANDS. Mr. President, I shall vote for the pending bill, first, because it accords with the convictions of many years regarding the best method of establishing industrial peace between the railroad corporations and their employees, and, second, because as a measure of peace it has received the support of the organizations of railroad employees in my State and, I believe, throughout the country. I have received many telegrams and communications from officials and members of various railroad organizations in my State regarding this bill, and all urge its adoption as the most important measure that has been produced affecting the interests of railroad employees. I have not received a single communication protesting against it. I ask leave of the Senate to insert in the RECORD some of these telegrams and communications.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, that order will be made.

The letters and telegrams referred to are as follows:

WINNEMUCCA, NEV., *March 29, 1912.*

Hon. E. E. ROBERTS,
Member of Congress.
Hon. GEORGE S. NIXON,
United States Senator.
Hon. FRANCIS G. NEWLANDS,
United States Senator, Washington, D. C.

SIRS: We, the undersigned, members of Harry Wilson Lodge, No. 313, Brotherhood of Railroad Trainmen, urgently request that you lend your assistance and influence in the passage of the bill known as the Federal accident compensation act, introduced in the House of Representatives by Representative BRANTLEY as bill No. 20847, and introduced in the Senate by Senator SUTHERLAND as bill No. 5382.

We also desire to correct any impression that may have been urged upon you in reference to the railway employees not being interested in the passage of this legislation, and earnestly request that you give this measure whatever aid you consistently can.

I have the honor to be, sirs,
Your obedient servant,

F. M. AYERS,
General Chairman, Brotherhood of Railroad Trainmen.

JAMES RITCHIE,	R. CALIHAN,
J. W. DAVY,	GEO. GINGERY,
N. P. MORE,	T. D. LA POINT,
J. N. HOHN,	L. D. BRADY,
J. C. GRAMLEY,	THOMAS FOX,
E. FREIDLEIN,	W. C. GAASH,
S. R. COULTER,	J. D. REED,
C. P. CALVERT,	E. THOMPSON,

Members of Harry Wilson Lodge, No. 313, Brotherhood of Railroad Trainmen.

ELKO, NEV., *April 8, 1912.*

Hon. F. G. NEWLANDS,
Washington, D. C.

In behalf of Division 794, Brotherhood of Locomotive Engineers, I earnestly request that you use all honorable means to have the workmen's compensation bill become a law.

Yours, truly,
H. L. CASE,
Secretary-Treasurer Division 794, Brotherhood of Locomotive Engineers.

WINNEMUCCA, NEV., *April 9, 1912.*

Hon. FRANCIS G. NEWLANDS,
Senate, Washington, D. C.

Members of Harry Wilson Lodge, No. 313, Brotherhood of Railroad Trainmen, respectfully request you give Senate bill No. 5382 your earnest consideration. Workingmen more interested in this bill than any other for years.

C. P. CALVERT, *Secretary.*

SPARKS, NEV., *April 9, 1912.*

Senator FRANCIS G. NEWLANDS,
Washington, D. C.

Division 158, Brotherhood of Locomotive Engineers, located at Sparks, Nev., earnestly request that you use your best efforts to urge the

passage of Senate bill 5382, known as the Federal accident-compensation bill, as we believe it is the most important legislation that has come up for years.

By order of the division.

J. A. ROSS, *Secretary-Treasurer.*

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SPARKS, NEV., *April 8, 1912.*

Senator F. G. NEWLANDS,
Washington, D. C.

Meeting this day, Brotherhood of Railway Trainmen, 170 members, passed unanimous resolution urging you to do all in your power to support Senate bill 5382; House of Representatives, 2047. Our membership is more interested in this bill than any that has been proposed for a number of years.

G. HOLLAND, *President.*

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ORDER OF RAILWAY CONDUCTORS, DIVISION 94,
Sparks, Nev.

Hon. FRANCIS G. NEWLANDS,
United States Senate, Washington, D. C.:

DEAR SIR: I am instructed to write and earnestly request you to use your influence and vote in favor of workmen's compensation bill, H. R. 20437.

Very truly,

FRANK HART,
Secretary Division 94, Order of Railway Conductors.

—

DEATH VALLEY LODGE, No. 781,
BROTHERHOOD OF RAILROAD TRAINMEN,
Las Vegas, Nev., April 2, 1912.

Hon. F. G. NEWLANDS,
Washington, D. C.

DEAR SIR: After years of agitation and strenuous effort on the part of labor organizations to secure an equitable workmen's compensation law through Congress, a bill has at last been introduced in the Senate as S. 5382, by Senator SUTHERLAND, and in the House as H. R. 20487, by Mr. BRANTLEY.

This bill, coming up at the next session of Congress, will no doubt meet with strong opposition and protest on the part of railroad companies, and in order to become a law will need true and loyal support to watch and push its progress.

Mr. NEWLANDS, you have during your stay in the Senate shown fair and courteous treatment to the man who labors and toils for a living. This bill is of vital importance to us, and, with this one object in view, I write to you to investigate same, and hope you will intercede in its behalf and favor so as to become a law.

Will you kindly acknowledge receipt of this letter, and oblige?

J. S. ROBERTS,
Secretary, Box 82.

Mr. NEWLANDS. I remarked that this bill accords with my convictions long entertained. Six years ago I offered in the Senate a bill for the national incorporation of the great systems of interstate railways. In that bill I endeavored to shape just provisions relating to the stockholders, the shippers, and the employees of the railway systems. One important provision of that bill—the most important in addition to the one providing for a board of conciliation—was the provision for an accident and insurance fund for the employees of the great interstate railway systems. It provided that 1 per cent of the gross receipts of the interstate railways should go into a fund in the Treasury for the payment of allowances to employees who were disabled, either by accident or old age, and provided that the Interstate Commerce Commission should establish the rules and regulations under which relief from this fund should be given.

In advocating this national incorporation bill in a speech, delivered April 4 and 5, 1906, I said:

A national incorporation act should also provide for an insurance fund. We all know that in every State in the Union the employees of railroads are pushing legislation fixing the liability of corporations for injuries to employees, even though caused by the negligence of fellow employees. There is constant warfare between the railroads and their employees upon this question, and it is another fruitful source of the activity of railroads in politics. In order to protect themselves, they are omnipresent in all the legislatures of the country upon this subject. It seems to me that we should frankly recognize such liability as a charge upon the transportation of the country. There should be a fund created to aid those employees who are disqualified for active service by accident or old age by providing that the national corporations should pay into the National Treasury 1 per cent of their gross receipts, which, under the present system, would amount to about $20,000,000 annually.

This fund should be invested by the Interstate Commerce Commission in interest-bearing securities, and the Interstate Commerce Commission should frame rules and regulations with regard to its payment to the employees disqualified either by age or by accident. This $20,000,000 would not be taken from the profits of the stockholders, but would be imposed upon the commerce of the country as part of the operating expenses of the companies. In this way we would do much to relieve the present hostility between the corporations and their employees regarding this matter, and we would do much to protect the men who are engaged in this public service of an extra hazardous character.

Later on in 1906, when an amendment to the bill to regulate interstate commerce was offered, relating to employers' liability, I announced that I would favor the amendment, but that I regarded all legislation relating to contributory negligence, the negligence of a coemployee, and to employers' liability as a brutal way of dealing with the entire subject. In that speech I went on to say:

When an employee is injured he must commence a suit against the railroad company. He must employ a lawyer, to whom he gives an agreement entitling him probably to 50 per cent of the judgment. Railroads make a business of contesting almost all these cases, for they fear if they do not they will be subjected to infinite litigation.

* * * * * * *

I can understand how a railroad, as a matter of settled policy, would contest these cases, for oftentimes the suits are exaggerated as to the amount claimed; the services of unscrupulous lawyers are obtained; a popular prejudice is aroused; and as a result of this system, the railroads often feel themselves compelled to defend all cases lest the settlement of one would only be an invitation for the commencement of another. So, also, when a man is killed, his representatives are compelled to sue, and they go through the same long and weary process, failing in proper relief to the employee or his representatives, and resulting largely in vexation and harassment to the corporation.

I believe that the Congress of the United States, in dealing with interstate commerce, should recognize the hazardous nature of the occupation, should recognize these injuries as incident to the occupation, and should provide a pension and insurance fund by these corporations which will automatically take care of these cases and relieve the courts of their determination.

In another part of this speech I urged that the charge should not be imposed in whole or in part either on the employees or the shareholders of the corporation, but that it should be frankly imposed upon the transportation of the country as one of the expenses of operation.

Later on, in 1908, the question of compensation for injuries to Government employees came up, and with reference to that subject I said:

I have to say on that subject that I regard any amendment to this bill which will turn over the liability of this Government to an employee for injuries received to the determination of a court of justice really inflicts a cruelty upon such employee. I can imagine an ideal administration of justice without delay, without expense to the litigant, but unfortunately we have not such ideal conditions for the administration of justice; and to give an employee a mere right to bring a lawsuit is no substantial relief. We all know how such lawsuits are conducted; that the injured employee is usually without funds to pay an attorney; that he is oftentimes compelled to make a contingent arrangement with an attorney, and is oftentimes obliged to divide with him the amount of a possible judgment. Oftentimes at the end of the litigation the injured employee will receive little or nothing, the entire judgment being absorbed in counsel fees and the expenses of litigation.

In addition to that is the hardship of delay, more demoralizing to an employee than anything that can be conceived of, for, relying upon a possible realization of a judgment, he is likely to neglect his business, and thus he becomes a mere expectant of fortune, abandoning his occupation for the chance of a future realization.

And in another place in this speech I said:

The occupation is a hazardous one. The service is paid for by the public, and there is no reason why the public should not pay a charge in proportion to the hazard of the occupation, that charge to go into an insurance funds for the compensation of the employees.

I have not as yet been able to secure consideration by the Senate of this national incorporation bill to which I have referred, but I hope that some day that bill or the provisions of that bill will be substantially incorporated in the law. I should have preferred the method pointed out by that bill of dealing with this subject. I should have preferred that 1 per cent should be levied upon the gross receipts of all the railway companies for this purpose. At the time the bill was introduced 1 per cent of the gross receipts would have been about $20,000,000. To-day 1 per cent of such gross receipts would amount to $27,000,000 annually. I would prefer to turn over the administration of such a fund to the Interstate Commerce Commission, under rules and regulations provided by it, for that commission would have an easy and informal way of conferring with the different railway organizations of the country, and could from time to time make such readjustment and reapportionment of the allowances made under it as would be just according to existing conditions.

One fault I have to find with this proposed act is that it will be difficult hereafter to make any amendment to any of the provisions, for such an amendment would require careful inquiry before the committees of both Houses and the action of Congress. I think it would be much better to leave such matters to the rules and regulations of the Interstate Commerce Commission, for the reason that that commission is gaining a constantly increasing knowledge of the problems that relate to transportation, and that all these problems are interrelated in determining the question of the reasonable charge. I believe that the commission should have control not only of the rate making, but of all the factors that relate to rate making, such as the determination of stock and bond issues, the valuation of the roads, the allowance for operating expenses, including allowances made to disabled employees, and how that they should above all have control over the great question of conciliation between the railroads on the one hand and the employees upon the other.

But, Mr. President, whilst I would prefer the method of adjusting these matters which I have suggested, I regard the bill which has been presented and which has the support of the railroad organizations as a vast improvement upon existing law, and I shall, therefore, support it as a measure intended to promote industrial peace and to produce more harmonious rela-

tions between the railroads and their employees than those which have hitherto obtained.

I must confess, Mr. President, that I am somewhat embarrassed regarding some of the amendments which have been introduced to this bill, amendments which by themselves I would be disposed to favor, in so far as they increase the allowances made for certain disabilities provided for by this bill. But I am conscious of the fact that this is a bill of nice adjustment, and that it is extremely difficult in a body of this kind, of such large membership, to produce the readjustments that will maintain the general harmony and proportion of the bill.

The bill does not cover disability caused by long service and old age and does not in its entirety carry sufficient money. I think that at least 1 per cent of the gross receipts of the corporations should be devoted to the humane purposes of guarding against disability caused either by accident or old age, and 1 per cent would be $27,000,000 annually, judged by the present receipts, instead of $18,000,000 carried by this bill. But I am conscious of the fact that if each Member of the Senate should seek to insert in the bill his individual convictions as to a particular compensation or as to a particular disability, serious disharmony may be produced which may imperil or delay the measure.

So far as the communications which I have received are concerned, not one suggests an amendment. The bill as framed is recommended by the labor leaders. A representative of the railway employees organizations was a member of the commission that framed it. I shall therefore feel content, unless some amendment is offered which I regard as of overwhelming importance, not to destroy the general proportion and adjustment of this bill. I shall vote against recommitting the bill to the Judiciary Committee or any postponement of its consideration such as has been proposed. It is late in the session, and as the tariff, the appropriation bills, and other important measures are pressing, delay may imperil action at this session. The bill will go from this body to the House of Representatives. Doubtless the very able, searching, and thorough discussions which it has been our good fortune to listen to will go to the entire country, will be considered by the officials of the railroad organizations, will be debated in these railroad organizations themselves, and later on in the House committee there will be opportunity for some expression from them upon this important subject. All that I can say, from the communications which I have received from these organizations and their members thus far, is that they regard the principle as so essential and so immediately important that they would not welcome any advocacy of changes that would imperil the bill or even delay it. And so, Mr. President, my inclination will be not to vote for any of the amendments offered to this bill, however meritorious I may regard them individually.

Mr. REED obtained the floor.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Florida?

Mr. REED. I do.

Mr. BRYAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Florida suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	Lippitt	Root
Borah	Cummins	Lodge	Sanders
Bradley	Curtis	McCumber	Shively
Brandegee	Davis	McLean	Simmons
Briggs	Dillingham	Martine, N. J.	Smith, Ariz.
Bristow	du Pont	Nelson	Smith, Ga.
Brown	Fall	Newlands	Smoot
Bryan	Fletcher	Nixon	Stone
Burnham	Foster	Oliver	Sutherland
Burton	Gallinger	Overman	Swanson
Catron	Gore	Owen	Thornton
Chamberlain	Guggenheim	Page	Tillman
Clapp	Hitchcock	Paynter	Warren
Clark, Wyo.	Johnson, Me.	Percy	Williams
Clarke, Ark	Johnston, Ala.	Perkins	Works
Crane	Jones	Pomerene	
Crawford	Kern	Reed	
Culberson	Lea	Richardson	

The PRESIDING OFFICER. Sixty-nine Senators have answered to their names. A quorum of the Senate is present. The Senator from Missouri is recognized.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to his colleague?

Mr. REED. I do.

Mr. STONE. Before my colleague proceeds, I will ask permission to have read, in the nature of a preface to his remarks, a letter which I received this morning.

The PRESIDING OFFICER. Without objection, the letter will be read, as requested.

The Secretary read as follows:

ANCHOR LODGE, No. 54,
BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN,
Moberly, Mo., May 4, 1912.

Hon. W. J. STONE,
United States Senate, Washington, D. C.

DEAR SIR: At a regular meeting of Anchor Lodge, No. 54, Brotherhood of Locomotive Firemen and Enginemen, at Moberly, Mo., May 2, 1912, the lodge considered House bill, known as employees' liability and compensation bill. This lodge represents 250 engineers and firemen.

The lodge voted unanimously their disapproval of this bill in its present form, and instructed the secretary to respectfully request both United States Senators and our Representative in Congress to oppose this bill. There has been an effort to convince the labor organizations of the country that this measure is in the interests of labor, and to conceal the real results of the passage of such a law, especially, that it deprives injured employees of the constitutional right of a trial by jury, and deprives him of the benefits of all existing laws.

First. We are opposed to any repeal of the Federal employees' liability act now in force and recently held valid by the United States Supreme Court.

Second. We are opposed to any bill that deprives employees of their right to try their cases in State courts, or that deprives us of a right to a jury trial.

Third. We are opposed to the extension of Federal jurisdiction over the railroad employees. We are opposed to the appointment of Federal adjusters or Federal physicians to determine controversies.

Fourth. We are opposed to the unreasonable limitations upon the amount of recovery.

Fifth. We recognize that there are many provisions of the law whose interpretations and efforts can not be foreseen. It would throw the whole matter in a state of chaos.

Sixth. We do not know, and doubt whether any lawyer knows whether the bill would be constitutional at all or not. We are opposed to experiments that might deprive us of any recovery at all for years.

Seventh. We denounce the measure as it stands as a railroad measure, designed to deprive us of the fruits of many years battle for a fair liability legislation.

We believe that mostly, if not all, labor organizations who have indorsed this measure have done so under false representation. When once the provisions of this bill are understood, especially that it is exclusive of any other remedy, State or Federal, no one can support it except through a disposition to lessen liability.

The members of this lodge are watching with interest the debate upon this bill, and will appreciate all effort to defeat it.

Very respectfully,

[SEAL.] R. L. MAXWELL.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Florida?

Mr. REED. I do.

Mr. BRYAN. I have several amendments which I propose to offer before the vote is taken, and now take advantage of the courtesy extended to me by the Senator from Missouri to explain the amendments. I propose to offer three amendments, whose aim is to extend the period of limitation fixed by this act from six months to two years.

Those amendments propose to strike out the words "six months," in line 21, on page 20, and to insert in lieu thereof the words "two years"; on page 21, line 20, strike out "six months" and insert "two years"; and on page 22, line 1, strike out "one year" and insert "two years."

Then again, on page 29, section 20 of the bill provides that the monthly wage shall be considered as 26 times—

the established day's pay prevailing in the business of his employer for the class of service for which such employee was receiving pay.

Now, in each class of service men are drawing different wages, and it seems to me it would be more fair to take the wage the man himself was receiving, and if injured or killed that the compensation should be based upon the salary he was receiving, irrespective of the salary received by the particular class to which he belongs.

Again, on page 20, section 22, I offer an amendment to strike out the words "such injured employee," page 37, line 1, and insert in lieu thereof "an employee entitled to compensation under clause E of section 21." I do that for the reason that it is not stated in this bill whether the employees there intended to be cared for are those suffering from a partial disability or from total disability. I understood the Senator from Utah to construe that provision as applying only to employees suffering from partial disability.

It was the contention of the Senator from Georgia [Mr. SMITH] and the Senator from Missouri [Mr. REED] that the language "such injured employee," as appears in section 22, would be applicable to those suffering from total disability as well as to those suffering from partial disability. It was the intention of both the Senator from Utah and the Senator from Georgia that it should not apply to those suffering from total disability, and this amendment simply makes that certain.

Then, again, on page 38 of the bill, I will offer an amendment to strike out lines 9 to 14, which read as follows:

Second. By deducting from such amount a sum equal to the payments for the period between the accident and the death, which, if the accident

had immediately resulted in death, the employer, by reason of the happening of any of the contingencies mentioned in clause (A) of section 21, would have been relieved from making.

I shall move that amendment for the reason that it seems, when you have taken and computed the amount which dependents would have received if death had been immediate, and taken from that amount the amount which the employee himself had received, in justice there should be no further deduction from the total amount to be allowed to the dependents.

Mr. DAVIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. DAVIS. I did not know the Senator from Missouri has the floor.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. REED. Did the Senator from Arkansas want to put in some telegram?

Mr. DAVIS. I have here just a couple of telegrams that I wanted to offer.

Mr. REED. I yield for that purpose.

Mr. DAVIS. I do not care to have them read, but merely printed in the RECORD.

The PRESIDING OFFICER. Without objection, that order will be made.

The telegrams referred to are as follows:

LITTLE ROCK, ARK., *May 4, 1912.*

Senator JEFF DAVIS,
Raleigh Hotel, Washington, D. C.:

Just read extracts from your speech delivered in Senate yesterday in opposition to proposed workmen's compensation bill and heartily concur with you in the objections you set forth. Have made careful analysis of proposed bill and have before me concise report of the commission that drafted bill, also President Taft's special message recommending its passage. I trust that it will meet its Waterloo next Monday if vote is taken. Large majority of well-informed railway employees that have given this bill careful consideration in this vicinity have repudiated its entirety.

W. E. PEARSALL.

LITTLE ROCK, ARK., *May 6, 1912.*

Senator JEFF DAVIS, *Washington, D. C.:*

Railroad men in Arkansas are practically in unit against employees' compensation bill. Our orders have wired CLARKE and other Senators.

LEE FARRABEE.

Mr. REED. Mr. President, I do not intend to take much time, but before this debate closes it seems to me one or two matters ought to be cleared up. In the first place, I protest against the doctrine advocated by the Senator from New York [Mr. ROOT] that the employees of railways should be put upon the same basis as the machinery and rolling stock of the road. I do not concur in the idea that the flesh and blood engaged in railway transportation shall be thus regarded and treated. I do not believe that modern legislation has advanced to that point where human beings can be placed in the same category with inert matter. I do not assent to that doctrine because it is inhuman and revolting to every sense of right and to every sentiment of the heart.

But if we were to eliminate the humane thought we would, nevertheless, not be able to justify that kind of argument, because the rolling stock and the roadbed have no legal rights to be affected, while the great mass of men coming within the purview of the present bill have legal rights both at common law and under the statutes of the United States and of the several States.

This bill has to be approached from some other standpoint than the one advanced by the Senator from New York. We must understand, to begin with, that we are not only dealing with human beings, but we are dealing with the legal rights of those human beings, and that the first proposition contained in this bill is to deprive the railroad men of this country of their present rights under the law.

I desire, Mr. President, to clear up another statement, not only made by the distinguished Senator from New York, but by other Senators, and apparently concurred in by many men, that this bill abolishes trials in court, because it fixes the amount to be recovered. That is a statement which has been constantly asserted here upon the floor of the Senate, that has been sent broadcast throughout the land, and that is absolutely without any foundation whatever to stand upon.

This bill does provide the amount which is to be paid for the loss of a hand or of two hands, or a foot or of two feet, or of a leg or of two legs, of both ears, of both eyes, and of one eye. At about that point the fixed amount ceases to be operative. Yet it is a fact not only sustainable by statistics, but one of common observation, that the injuries specified do not cover one-tenth of the injuries suffered by railway men. To illustrate, suppose a man's jaw is broken. Suppose a man is disfigured for life. Suppose a man's chest is crushed. Suppose a man's back is injured. Suppose a man's heart action is interfered with. Suppose a man's circulatory apparatus is disarranged. Suppose a man is paralyzed in one arm partially.

Mr. President, I can stand here and go through the list of human ills, and they will come before you by the thousand, whereas there are only some 10 or 20 injuries covered by this bill and specific amounts of compensation named.

Now, sir, when you get beyond the 10 or 20 which are specified, the amount of the damage is a thing which must be settled by some tribunal, and it must be settled by a trial of fact, just the same as you settle the identical questions now by a trial of fact. The questions to be determined will be, What is the extent of the injury; how much has it deprived the man of the ability to earn a living; and how long will it last? Every question, so far as the measure of damages is concerned, or the amount of damage is concerned, that now must be litigated in the courts will be litigated under this bill, and every man who is fair understands that to be the case if he has read the bill. So let us have done with the claim that the bill ends litigation. It does not end litigation. It will not even diminish the number of controversies.

That is not all, Mr. President. The bill introduces into the contests a mystery that no legal mind upon this continent can solve. The Lord has not yet made a man so wise that he can draw an instruction under the terms of this bill giving to a jury an intelligible rule of damages applicable to any one of that great class of injuries where the specific amount to be paid is not set forth.

Mr. SMITH of Arizona. Or any injury not mentioned in the bill.

Mr. REED. Or any other injury not mentioned in the bill. I thank the Senator from Arizona.

Why, sir, at common law and under the statutes the matter was sufficiently difficult, and yet the instruction read something like this: In considering the amount of damage the jury may take into consideration the age and the expectancy of life of the injured party, the lessening of his earning capacity, his pain and suffering, the necessary expense for physicians, nursing, medicines, and so forth. That rule was understandable. Let me read you the mysterious rule of damages in this bill.

Mr. CLARKE of Arkansas. While the Senator is looking for that clause may I ask him a question?

Mr. REED. Certainly.

Mr. CLARKE of Arkansas. If an injury should occur that is not described in this bill, would not that be ground for insisting that the provisions of this bill did not apply to it, and the person injured would be remitted to his rights under the existing law?

Mr. REED. No; not as I understand it.

Mr. CLARKE of Arkansas. It is exclusive as to the things it covers, but not exclusive as to the things it does not cover.

Mr. REED. But it has a clause in here which specifies what you are to get for the loss of hearing or the loss of a leg or an arm——

Mr. CLARKE of Arkansas. But it is a compensation bill. That is the dominant idea, and the first idea with reference to its construction that will take place. But if a case should be clearly developed that is not in the terms or meaning of the bill, does the Senator think the party injured would be entirely deprived of all remedy?

Mr. REED. No. The Senator does not understand me or else I do not understand him.

Mr. CLARKE of Arkansas. Probably I am the one at fault.

Mr. CULBERSON. I call the attention of the Senator from Missouri to section 3 of the bill.

Mr. REED. In answer to the Senator from Arkansas I call his attention now——

Mr. CLARKE of Arkansas. I am quite familiar with the general language of the section, but I think the dominant purpose of the bill, that controls the generality of language, is, if it should be developed that an injury had been inflicted for which there is no compensation provided by the bill, the person injured would be remitted to his rights under the existing law.

Mr. REED. I did not make myself plain in my statement. I was perhaps unfortunate in language. There are certain injuries listed and the proposed law states the specific amount which is to be paid in these cases. There is then a general clause which reads:

> In all other cases of injury resulting in permanent partial disability the compensation shall bear such relation to the periods stated in subdivision 1 of this clause (D) as the disabilities bear to those produced by the injuries named therein, and payments shall be made for proportionate periods not in any case exceeding 72 months.

That, I take it, was intended to furnish a measure of damages and recovery for those who are not specifically mentioned in the list I have called attention to.

Mr. CLARKE of Arkansas. That is somewhat in the nature of an answer to the suggestion I made. Then either one of two things results—this bill must either provide compensation for the injury or the passage of the bill does not deprive the person injured of his rights as they exist under the present law.

Mr. REED. I agree with the Senator that that would possibly follow. I am not clear on that, but I am speaking now of the uncertainty introduced into the law by this bill.

I say not a lawyer or a judge upon the earth can draw an instruction a jury can understand and which will comply with the section I have just read. For instance, I find that one of my ribs is torn loose from my spinal column and that I am going to suffer from it all my life. Now, what relation does that bear to the clause in the bill that fixes the value of my finger or of my thumb or of my hand or of my foot? How can a jury pile comparison upon comparison and draw deduction after deduction and get at a result? I say that you have not only kept in this bill all the uncertainty as to damages except in the few instances I have referred to, but you have introduced a rule and measure of damages that is beyond the comprehension of any man on this earth.

There is not a Senator here, and there are many learned and able lawyers in this body, who can in a week's time draw an instruction under that clause which will give a jury a fair guide and that he can assert with any degree of confidence will be within the meaning of the law.

So, Mr. President, the talk that you do not need courts, the talk that you do not need lawyers, under this bill sinks into a condition where it can hardly be said to be respectable.

Moreover, the bill itself gives the lie to that claim, because it provides a vast machinery of the law—trial before an adjuster, trial before the court, the right of appeal, and then the right to reopen the case a dozen times or more for further trials. All the way through the bill we have the machinery of the law provided for. So when these railroad men are being told in one breath, here is a bill that preserves your rights and does away with litigation, and in the next breath are told that their rights are preserved through trials by court, a contradiction which is so plain as to be laughable is manifest.

Mr. President, it was stated here by the Senator from Nevada [Mr. NEWLANDS] that he favored a bill which would permit settlements out of court. It is a consummation devoutly to be wished, but, in the name of high heaven, do we need this bill to create that right? That privilege antedates every court and every law of the world—the right of men to get together and adjust their own differences has always existed and will continue, regardless of the fate of this measure. It is provided here, of course, that certain men can get together and agree, but aside from the bill they can do that. They can do it as well now as they can after the bill is passed.

Mr. SMITH of Arizona. Will the Senator allow me to ask him a question for information?

Mr. REED. Certainly.

Mr. SMITH of Arizona. Does not section 3 so involve the rule of damages as to take away by its insertion in the bill the general rule for damages in the case of accidents? Section 3, as the Senator from Texas [Mr. CULBERSON] called attention to, seems to me to make the rule more involved and to make it impossible to lay down under that section any clear measure of damages that the adjuster or even the court could fix.

Mr. REED. I concur with the view of the Senator entirely. Section 3 wipes out all the legal remedies and leaves us in a new and unexplored field. We must grope our way. Probably the courts will be inclined to look at old precedents for a guide, but their application will be difficult. Not only does section 3 leave us in that uncertain position, but when we come to the rule of damages which is prescribed nobody on earth can understand it.

Mr. SMITH of Arizona. That is what I was speaking about.

Mr. REED. Now, Mr. President, I want to answer another proposition, because it has been asserted here not once but scores of times. It is the plea in confession and avoidance with which we are met every time we point out a defect of this bill, namely, "that, of course, the bill is probably imperfect, but it can be amended hereafter." It does not make any difference apparently how grave is the mistake of the bill, how fraught with danger is a provision of the bill, how clearly that danger is pointed out nor how certain it is to fail, we are met by the argument, "pass this bill in its imperfect shape, and then some day, somewhere, somehow, maybe, we will fix up that mistake."

Senators, what are we here for to-day? I grant you that no perfect law probably has ever been framed by any body of men. But what kind of a proposition is it to advance that because a perfect law has never been framed we should deliberately enact a statute full of imperfections which we now see? What kind of logic is that?

Mr. SHIVELY. Will the Senator yield to me for a moment?

Mr. REED. Certainly.

Mr. SHIVELY. It has been argued here that this is a good measure for the employer and for the employee; that it opens up a method by which adjustments can be made and tedious, expensive litigation avoided. The Senator has just pointed out the dangers and the risks involved in this proposed legislation. If it contains the merit that has been ascribed to it by Senators, then would it not be a good thing to make the remedy elective instead of compulsory? Would not that avoid all the danger and the risk to which the Senator points and at the same time equip the machinery for the application of the rule of compensation?

Mr. REED. And have a test by experience.

Mr. SHIVELY. Yes.

Mr. REED. I agree with the Senator from Indiana, but the point I am making is—and I do not know whether I talk to the deaf ears of the adder or not—that while we may not expect to make a perfect bill, while we must anticipate that imperfections will hereafter be discovered in any law, that affords no reason for passing a bill which we now know is full of imperfections. How will you justify that sort of action? The 10,000,000 people who are to be affected by it will have to live under this law, which you say is imperfect, until it can be amended.

And, sir, I make you the prediction that when you come to amend this bill and strengthen it in favor of these laboring men you will find that concensus of opinion, that agreement of mind, which is now so startlingly exemplified between Mr. Wills claiming to represent the railway men and the president of the New York Central Railway Co. You will not find that concurrence of railway presidents in amending the law you now find favoring the railroading of this bill. I hesitate to use the slang expression—but it will go well with the followers of Roosevelt. If the railroads ever get this strangle hold once upon their employees you will find there will be activity on the part of the railroads against every possible amendment to this bill which is in the interest of the employees.

Now, Mr. President, right there is a good time, I think, and a good place to challenge attention to this peculiar thing. These railroad men, a million six hundred and fifty thousand of them, appear to be represented by just four men, and one of them withdrew from the conference. It appears further that of the three who remained one of them is dissatisfied with the bill. The three did select Mr. Wills to represent them.

So in the last analysis a million six hundred and fifty thousand railroad men in this country and all their wives and all their children have been placed in the care and keeping of Mr. Wills alone.

Now, we have been told on this floor by the Senator from West Virginia [Mr. CHILTON] that which I formerly suspected, that Mr. Wills has made an agreement with the railroads to pass this particular bill without amendment. Conceive, if you can, Mr. Wills in an intellectual contest with the president of the New York Central Railway, with the claim department of the New York Central Railway, with all the skilled lawyers of the New York Central Railway, with the president of the New York Central Railway sitting upon the commission, with his claim agent beside him, and Mr. Willis standing there alone.

I do not reflect upon Mr. Wills. He, I understand, was once an engineer; at least, for a long time he was employed on a railroad. He is a man, I think, with a good average mind, and only a good average mind for that class of people; but when you put him in a contest with the skilled attorneys of these railways, he standing there to represent his men and they to represent their interests and their capital, the contest is as unequal and as uneven as a race between a thoroughbred horse that can trace its ancestry to some flying steed that a thousand years ago spurned the sands of Arabia and a broken-down, overworked plowhorse. Mr. Wills stood no more show than that poor plowhorse.

Now, let us see how shrewd is Mr. Wills, who represents these men. He sent here a letter, which was read to-day by the Senator from West Virginia, demanding that this bill be passed without the dotting of an "i" or the stroking of a "t." He declared the bill to be the best that could be obtained; and yet the Senator from Utah, who is the sponsor for the bill, tells us this very blessed day of grace that here in the Senate, in the face of Mr. Wills's protest, the bill has been so amended that there will be $6,000,000 annually added to the liability of the railway companies—that the benefits the men who are hurt

and their wives and children will receive are by these amendments increased $6,000,000.

What does Mr. Wills think of his judgment, and what do you think of Mr. Wills's judgment, when he protested against any amendment, and yet because of the fight a few of us have made $6,000,000 has already been added for the benefit of the railway men?

Why, if Mr. Wills would pack his grip and go home and leave this bill to the real friends of these men, who occupy this floor, we will do more than add $6,000,000; we will restore to these men their rights under the law, or rather we will preserve those rights to them. The idea of the Senate of the United States sitting here and saying that it is bound to support this bill because Mr. Wills has put his O. K. upon it is preposterous. When did you abdicate the throne of your reason? When did you lay aside your duty to the country and to these men?

It was said here by the Senator from West Virginia [Mr. CHILTON] that the doctrine is acknowledged to-day that "we are our brother's keeper." Well, if I am my brother's keeper I intend to be his keeper to the best of my ability, according to my own judgment, and I do not intend to constitute myself a proxy for the judgment of Mr. Wills or any other one man.

But, sir, how does Mr. Wills stand here before this body? What right has he to speak? He does not represent these organizations directly. He is the legislative agent, we are told, appointed by these three men, and his business is to look after legislation. Let us concede that he represents the three men. Did he or the three men represent the railroad men of this country upon these measures? Sir, it is idle to talk about them representing the men upon these measures, because this bill was not before the men.

I utterly deny and repudiate the assertion that it has ever been put before these men. They are 1,650,000 men scattered all over the United States engaged in their various employments. Have they had the opportunity to examine this bill, to study its merits, and to counsel together? They have been busy running their trains; they have been at their daily toil. It is but 30 days since the bill was reported. It could not be passed upon by those men at this very moment, because it is yet subject to change. They have not seen this bill; they have not had an opportunity to consult about it; and if they had, what will be said to the evidence which was produced here that there is a rule which closes their lips and silences their tongues? What has the Senate to say to the assertion made by the Senator from North Carolina [Mr. OVERMAN], when he stood in his place and said the railroad men had come to the doors of the Judiciary Committee, which had the bill under consideration, and turned back, and said they dared not speak?

My very good friend, the able and genial Senator from Mississippi [Mr. WILLIAMS], said this morning that he had received a large number of telegrams, all in favor of the bill, and he added that those telegrams contained the number of the bill and the name of its author or sponsor. A little further on he made a statement which I do not believe he meant, or else I misheard him, that if those men had recklessly wired him without knowing what was in the bill, they could take the responsibility, and he did not care. Ah, I know better than that, Mr. President. I know the Senator well enough to know that his heart is so kind and his spirit so generous that, even if he got a thousand telegrams of that kind, and he found the men had sent them under a mistake, he would quickly allow them to rectify that mistake.

Mr. President, the Senator did receive that kind of telegrams.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. Certainly.

Mr. WILLIAMS. Of course the Senator from Missouri does not want to misquote what I said.

Mr. REED. I certainly do not.

Mr. WILLIAMS. What I said was, if they had wired me to support a particular bill, as they did, describing it by number, by title, and by authorship, leading me to believe that they knew what they were doing and had seen it and read it, when they had not in fact done so, they had done, in my estimation, an unfair and dishonest thing with me. That is what I said.

Mr. REED. Well, I will accept that statement. No remark I have made has been intended in criticism of the Senator from Mississippi. I think entirely too much of him to criticize him, even if he were wrong, and he is seldom wrong; but he does not mean what he said just now—that is, he does not mean it in the sense some people might take it, because if Mr. Wills sent a telegram or a letter out to these various societies, and said to these men, "We have got a compensation bill at last, boys; its author is So-and-so and its number is so-and-so"—giving its number and its authorship—and added, "Please wire Senator WILLIAMS to support it;" and they, relying upon Mr. Wills, sent that kind of a message and were mistaken, I know the Senator from Mississippi well enough to know that his generous spirit would not hold them to any grave responsibility nor would he say they had intentionally misled him.

Mr. WILLIAMS. Mr. President, if the Senator from Missouri understood me to say that I shall either support or oppose the bill because these men or anybody else asked me to support or oppose it, he misunderstood me. I did not say that I had supported the bill because they had asked me to do so. I stated the fact that they had asked me, and that I had replied saying that I would study the bill, look into it, and see if it was in the interests of the public, and if I found it was I would support it, and later on I did support it.

Then what I added was that if any body of men anywhere—I will modify it and extend it—if they or anybody else undertook to instruct me in my legislative duty by asking me to support a specific measure which they themselves had not even read, they had done one of two things—they had either acted very unfairly toward me or very stupidly for themselves.

What I say is not that they are responsible for my vote, but they are responsible for their own action. If I had not agreed with them, such telegrams might have been forty times as numerous and I would not have voted for the bill, of course. We were discussing the question as to whether organized labor was in favor of this particular bill, and the Senator from Missouri in a previous speech had made the statement that, while they were in favor of a compensation bill, none of them had ever said they were in favor of this particular compensation bill. It was relevant to that matter that I quoted what had occurred in my own State, and the Senator from Virginia quoted what had occurred in his State.

Now, I should like to ask the Senator from Missouri—it is very general with the people everywhere to undertake to instruct Senators upon their duties and to advise them, and they have a perfect right to do so; of course the Senator ought not to be bound by the instructions or advice unless his own judgment agrees with it, but does not the Senator agree with me, when a man asks me to support a particular measure, describing it so that it can be identified, that that man, if he has never seen the measure and does not know what it contains, has either acted with stupid unfairness to himself or with great unfairness to me?

Mr. REED. No; I can not concur in that last statement, and for this reason: I think the Senator from Mississippi leaves out of consideration the fact that men may, without being stupid, repose confidence in others; and if such men had a statement made to them by some one in whom they thought they had the right to repose confidence, that a bill was proposed which was of great benefit to them, I would not want to say that they were stupid or I would not want to say that they were dishonest if, acting upon that assumption, they sent a message asking for the support of the bill, always believing, as they would have the right to believe, especially when they wired the Senator from Mississippi, that he would not act upon their request blindly, but that he would give to it such consideration as would be warranted by the gravity of the proposition.

I do not care, however, to pursue that further than to say that the very fact that these men, almost before the bill had been reported to Congress, sent in messages specifying its title, its number, and its author indicates to my mind that they were sending those messages in response to an instruction or request from Mr. Wills or from some other person; that from him they got their information, and from him they got their inspiration.

Mr. LEA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Tennessee?

Mr. REED. Certainly.

Mr. LEA. I have received a great many telegrams like the one to which the Senator has just referred, when the bill was first introduced; but recently I have been receiving telegrams like the one which I shall send to the desk and ask to have read.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

MEMPHIS, TENN., *May 5, 1912.*

LUKE LEA,
Senate, Washington, D. C.:

Be it resolved by 224 members, Division 175, Order Railway Conductors, Memphis, Tenn., That they are opposed to passage of bill known as employees' compensation act.

Resolved further, That Senators from this State be requested to read this resolution in United States Senate.

F. J. WRIGHT, *Secretary.*

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. REED. Certainly.

Mr. SHIVELY. I, too, have received many telegrams, resolutions, and petitions on this bill. These I have had printed in the RECORD. It is only just to say that a majority of them favor this legislation. That was, however, earlier in the period of agitation of the question before the Senate. I am now in receipt of communications, from one of which I read a few sentences. This communication is from F. M. Pence, secretary of Logan Division, No. 110, Order of Railway Conductors of America, in which he says:

At to-day's meeting of Logan Division, No. 110, Order of Railway Conductors, after considering the employers' liability and compensation act and thoroughly dissecting the same and finding the jokers therein, they ask that you disregard the former request for your support of this legislation. They ask you to lend your support to defeat this measure, as it is vicious legislation.

That is an indication of the changing attitude on the part of some of these organizations after they have made an investigation of the matter. It is easily seen how men may earnestly support the general principle of compensation, but may find on examination of the pending bill that it offers no compensation commensurate with the rights given under the Federal act of 1908, and which rights are withdrawn by the pending bill. I certainly favor the principle of compensation, but I want it without indiscriminate sacrifice of existing rights. If the bill is as meritorious as its advocates insist, make the remedy it offers optional, and its merit can be fully tested in practice without exchanging what is certain for that which must be experimental.

Mr. REED. Why, Mr. President, it is as clear as the noonday sun just what has happened here.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Arizona?

Mr. REED. Certainly.

Mr. ASHURST. Inasmuch as other Senators, with entire propriety, it seems to me, have asked permission to have incorporated in the RECORD telegrams upon this subject, I ask permission to have read at the desk the telegram which I hold in my hand with reference to this bill, so that it may be incorporated in the RECORD.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

WILLISTON, N. DAK., *May 5, 1912.*

Senator ASHURST, *Washington, D. C.:*

Every locomotive engineer in Montana is opposed to workmen's compensation act. Montana Brotherhood of Locomotive Engineers legislative board have sent resolutions, letters, and telegrams to Wills, national legislation representative of engineers, conductors, and trainmen's orders, demanding he advise Senators and Representatives of their opposition to bill. Please show our friends this message. I am satisfied engineers' legislative board chairman of Montana will verify this statement if called upon to do so.

A MEMBER OF BROTHERHOOD OF LOCOMOTIVE ENGINEERS.

Mr. REED. The fact that there is no name signed to that telegram points an important lesson: There is another man who is opposed to the bill but does not dare to speak unless he first gets the right from his chief.

Mr. President, I started to say when I was interrupted that it is as plain as the noonday sun how the Senate came to be flooded with these telegrams. The union labor men of the world for 30 years have been contending for a compensation act—an act that would take care of all of them in case of injury. They have been denounced as socialists and bad citizens for advancing that doctrine, and the denunciation has come loudest from that element of our standpat Republican friends who are now most loudly proclaiming their interest in this bill. It is a refreshing sign to see some of them stand upon the floor of the Senate and put up even any kind of an appeal on behalf of the laboring men, and particularly the union laboring men, of the country; it is a unique spectacle. If they were only advocating a bill that did in fact take care of these men, I would believe that the day was at hand when the lion and the lamb could lie down together; I would turn my expectant eyes toward the horizon to catch—confident that I would soon behold—the glories of the rising sun of the millennium. But when I find them so earnestly advocating a measure which deprives the railway employees of their legal rights I am constrained to inquire whether they are interested in the railway trainmen or the railway directors.

Mr. President, these messages were sent in the way I have indicated. The men now are beginning to discover the truth; their eyes are beginning to be opened, and the messages that are now coming, so far as I know, are about 10 to 1 against the bill. Upon our side we have called attention to the fact that a great meeting of one of these organizations will be held on the 8th day of this month. Why not wait until the men at that speak? The reply of the Senator from West Virginia was—and I was sorry to hear a Democrat make it—that we, by asking that delay, were trying to introduce discord and rebellion into the ranks of labor.

Almost the very first principle that union labor began contending for among its own members was the right of a referendum vote. All of the Senators upon the other side of this Chamber who have not been included in the denunciations of being engaged in crooked politics by Theodore the First, all of those men who love to call themselves "progressives," have been advocating the initiative and referendum in politics; they have stood here with outstretched hands, saying: "Let the people rule; give the common people the right to vote upon every proposition." That has found very hearty response in my bosom; but now, when we ask that this measure, that strikes at the homes, that strikes at the income, that strikes at the legal rights of 1,650,000 men, when we ask that this measure now formulated and in Congress shall be allowed to lie until the men themselves shall have the right of a referendum vote, we are met by the claim that that introduces rebellion into the ranks of labor.

I affirm, sir, that no honest friend of labor has any right to assume that Mr. Wills represents union labor upon this bill, and I will tell you why. If this bill had been laid before the respective lodges of railway men, if time for discussion had elapsed, if delegates had then been elected to their grand councils or general meetings, by whatsoever name they are known, and if those representatives had passed a resolution in favor of this bill and had then instructed Mr. Wills or anybody else to come here and insist upon its adoption without amendment, Mr. Wills would be representing the railroad men; but this bill has never been before a single one of these organizations; it has not been before the subordinate lodges, unless within the last 20 days; it has never been before a single general meeting of these bodies; it has never received their sanction or their support; and when Mr. Wills stands here and says he represents them, he assumes a thing which does not exist.

The Senator from Nevada asked us to pass this bill without amendment, on the theory that over in the House of Representatives it might be amended. It is not proper, I believe, to discuss what they are doing or what they may do in the House of Representatives; but it is a matter reported in the public press that they are already having hearings over there on this bill or one just like it; that they are trying to railroad it through the committee in the House; that Mr. Wills is most active in that movement, and that the whole effort is by whip and spur to drive this bill through before it can be reported back to the men that Mr. Wills and the other two gentlemen claim to represent.

They tell us it is a matter of agreement with the railroads. That is the statement contained in the letter of Mr. Wills. If it is a matter of agreement with the railroads, will the railroads repudiate that agreement if this bill is passed over for 20 or 30 days? Will they break with Mr. Wills if the bill is laid over for a short time? Ah, it is not opposition from the railroads that Mr. Wills fears; it is not opposition from the railroads the distinguished Senators who are supporting this bill on the other side fear; but it is the opposition of the men who are about to be despoiled of their rights that they fear. If you have an agreement with the railroad presidents to pass this bill, will they not keep it, sir?

If you have gone into a back room or into a front hall—I care not where—and agreed with them upon this measure, then is it not safe to let it stand for a little while? Why is it that you come here clamoring for action now, now, now, when the bill is agreed upon and can be passed at any time? The answer is you dare not wait for the voice of the laboring men, the men affected. When you hear that voice it will come like the voice of many waters, and it will overwhelm those who put this thing upon these defenseless men who are running their engines and trains of cars the while they are here betrayed.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Jersey?

Mr. REED. Certainly.

Mr. MARTINE of New Jersey. I feel that the Senator's wholesale arraignment is utterly ungenerous. I shall vote for this bill, and I say advisedly there is no Senator in this body who is closer in heart, in activity, and in sentiment to the laboring men that am I; and, thank God, I can say that my identity and closeness with the laboring men has not been in the line of

counsel or lawyer, but it has been simply as their friend and adviser. I feel that the assertion made by the Senator, wherein he would arraign all who fail to stand by the proposition on his side, is ungenerous and unfair.

I feel, Mr. President, that this bill does not contain all I desire, but I believe it is a step in the right direction. I would amend it; I would leave it optional with the employees whether they would avail themselves of the privileges of this bill or have a trial by jury. I shall vote for such an amendment, and I shall vote for other amendments; but, in the end, if those amendments fail I shall vote for the bill.

Mr. President, within two hours, almost within the precincts of the Senate, I met a railroad man and I asked him how he and his associates stood on this measure. He replied: "We laboring men want this bill passed because it takes from us that terrible uncertainty which to-day prevails whenever a railroad employee is injured." So, I insist that the wholesale denunciation of gentlemen who choose to stand upon the other side is unfair, ungenerous, undemocratic, and utterly beyond the lines of that principle which the Senator loves as I do.

Mr. REED. Why, Mr. President, when I was talking about the "other side" I was looking at the other side of the Chamber. I had my back turned toward the Senator from New Jersey.

Mr. MARTINE of New Jersey. I know, but the Senator's voice, as a friend of mine used to say of my voice, is like an Irishman's whisper—you can hear it around the block. [Laughter.]

Mr. REED. Ah! I am glad it reached around to the Senator from New Jersey and actually got through his epidermis. I am glad that it has reached around far enough now so that he admits this bill is full of iniquities. I think if we had the bill to consider a little longer we could awaken the voice of his conscience so that it would clamorously demand that he vote against a bill full of iniquities.

Mr. President, a little further in regard to the proposition of amendment. What a peculiar situation? An amendment suggested by the Senator from Utah can be accepted on the other side, but an amendment suggested by anybody else must be voted down regardless of its merit; and yet amendments have been suggested here that every man in the Senate knows ought to be in this bill. There are not, I think, two men in the Senate who will say that the right of trial by jury ought to be taken away from any man merely because he forgets or is unable to serve a notice demanding a jury within five days after appeal from the adjuster. Is there anybody on the other side; is there any progressive Republican over there who is progressing in the direction of an abolition of trial by jury? Is there any progressive Republican on the other side who has been standing and painting pictures of the glorious plains upon which we are to advance, where human rights shall be protected—is there any one of them who believes that the only place where a laboring man should be allowed to get a trial is in a Federal court? Is that the newest doctrine of the Progressive?

You say we will amend it afterwards. Why not amend it now? Why not make this bill right now? You tell us it is a step in the right direction. I have heard about that step in the right direction until I have actually grown leg weary. Is it necessary because you are going to take a step in the right direction that you should at the same time take two steps in the wrong direction? Is it necessary because you are going to pass a compensation act that you should at the same time do grievous wrongs in passing it? Is it necessary, in order to take care of that class of employees who are injured through accident for which no one is directly responsible, to take away the rights of those men who are injured without fault and without negligence?

Is it necessary to strike down the common law and the laws of Congress and the laws of the States in order that you may take a step in the right direction? That is not progress. That is taking one step forward and two steps backward. You are taking a step forward which will include some men not now included within the beneficence of the law, and you are taking two steps backward when you undertake to deny the right of trial by jury, when you undertake to deny the right of trial in the State courts, and a still further step backward when you deprive these men of those rights for which they have been contending all these years.

But there is a catch phrase going around here. It is said the certainty of recovery will end litigation. We have been entertained with a lot of figures showing the amount of litigation that has been had in the past. But every man in the Senate knows that those figures are misleading. Why are they misleading? Because they are made up partially from States where the old common-law defenses exist. They are made up from States where the old common-law defenses have only been partially abolished. They are made up, so far as they apply to the Federal courts, under a new law which has not been really tested, and was not approved by the Supreme Court until the 15th day of last January. That law has not been generally appealed to because of the doubt as to its validity. And so, sir, the figures advanced are as misleading as figures can be. The men who bring them forward here well know they are misleading.

I want to give some statistics which it will not take very long to present, and I say that this statement I am about to read shows that if you will only allow the present Federal liability acts to stand a little longer there will not be much work in the courts for any lawyer and there will not be much litigation for the injured men.

Ralph C. Richards has for many years been at the head of the claim department of the great Chicago & Northwestern Railway. When he was talking before his claim-agent associates he said:

> But there are one or two points I would like to make in connection with the subject: That is that these new statutes have practically taken away the defenses of fellow servant—assumption of risk and contributory negligence. In other words, they have practically given every employee who is injured a right of action if there is any negligence on the part of the employer. That is about where we have gotten to. That being so, it becomes essential and extremely necessary that the claim departments and men connected with claim departments be efficient and capable. That instead of making lawsuits we should make settlements. We all know how many claims a $10,000 verdict will settle. We all know that every time we have a personal injury of any severity and we have litigation we are running the risk of a $10,000 verdict. We all know how hard it is to get a verdict set aside after it is rendered. Therefore it seems to me it is essential that we should settle more cases and have less litigation. And in order to settle cases the claim department must be efficient, etc.

And then he adds:

> Now, I think during the last 10 months the line I represent has had some 6,000 or 7,000 employees injured and something like a hundred killed, and out of that vast number of injured and killed, and that is about 80 per cent of our personal injuries, we had 40 lawsuits, and I think we had that small number of lawsuits because of the efficiency of the men who are working under me and their promptness in settling claims.

That statement was made at the claim agents' meeting; that statement was made by Mr. Richards on the 25th day of May, 1910, before we had the full benefit of the Federal liability act, and yet there is the plain admission of the great claim agent of this great system of roads that there were only 40 lawsuits, although 6,000 or 7,000 were injured. They paid everybody else off.

There is not a compensation law that has ever been passed in a European country where the figures will show as large a percentage of settlements. Why? Because now the right to recover under the Federal liability act is practically certain, and because, as was said by the Senator from Georgia, railroads know that if they do not settle at a fair sum they may have to pay a very large verdict. But when you pass this law, where the liability is specifically fixed and can never exceed the amount there fixed, the railroads can litigate to the day of doom and not be in any danger.

I know that this bill is going to be passed; it is going to be passed in spite of all that has been said here. It is going to be passed by men who will try to shield themselves behind the claim that it has been supported by labor organizations; but the labor organizations will reply to you that they were not notified, they had no chance to be heard; the labor organizations will reply to you that they sent you down here to guard their interests and that you have not guarded them. The labor organizations will not be solaced by the pretense that you voted for this bill under a misapprehension.

I know you are going to pass this bill, and I also know that you will tell these men that some time, somewhere, you are going to amend it. They will reply: "What of the widows and children; what of the maimed and crippled during those intervening years? You had the wrongs pointed out to you and you did not respond to the warnings." I know you are going to pass the bill. I know, and you do, that when you pass it every railroad claim agent will be delighted, to use the phrase that has been worn threadbare by a distinguished citizen who, when he is not delighted, is always abusing somebody.

I know you are going to pass it, and I have only this to say as a final word: Ride on, my lords; but in the end you will find it difficult to justify your conduct, in standing with the railroad presidents, in supporting a bill that every railroad president in the country has already O. K'd and every railroad lawyer in the country has already approved, which was introduced in the name of labor, but has not been sanctioned by labor. I dare to make this prophecy, that when the labor organizations of this country find they must go into the Federal courts to litigate their rights, when they find themselves substantially deprived

of the right of trial by jury, when they find that all the rights they have contended for during all these years have been taken away, they will speak to you in no uncertain tone.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Arizona?

Mr. REED. I was about to yield the floor. I had in fact concluded, but if the Senator desires I will yield to him.

Mr. ASHURST. Mr. President, just a word, with the permission of the Senate, by the courtesy of the Senator from Missouri [Mr. REED]. I desire to make a statement at this time because, if I understand the situation correctly, I may not have the opportunity to do so later.

We all remember the great effort made by the railroad employees to secure the enactment of a law which would enable them to institute suits for damages for injuries, without being obliged to run the gantlet of the rigorous common law, and as a culmination of the work on the part of the railroad employees the employers' liability law of 1906 was passed. This act was, by the Supreme Court of the United States, declared to be unconstitutional. Then the present efficient employers' liability law of April 22, 1908, was enacted, over the intense opposition of the railroad companies, and subsequently, on April 5, 1910, the act of April 22, 1908, was amended as follows:

Under this act an action may be brought in a circuit court of the United States in the district of the residence of the defendant, or in which the cause of action arose, or in which the defendant shall be doing business at the time of commencing such action. The jurisdiction of the courts of the United States under this act shall be concurrent with that of the courts of the several States, and no case arising under this act and brought in any State court of competent jurisdiction shall be removed to any court of the United States.

SEC. 2. That said act be further amended by adding the following section as section 9 of said act:

"SEC. 9. That any right of action given by this act to a person suffering injury shall survive to his or her personal representative for the benefit of the surviving widow or husband and children of such employee, and if none, then of such employee's parents, and if none, then of the next of kin dependent upon such employee, but in such cases there shall be only one recovery for the same injury."

Approved, April 5, 1910.

This amendment, approved April 5, 1910, struck terror to the railroad attorneys, for, prior to that time, under the question of diverse citizenship, the defendant company could remove such cases to a Federal court. This amendment affirmatively provided that no case arising under the act of April 22, 1908, brought in any State court should be removed to any court of the United States, and now we find that within three months after the enactment of the amendment of April 5, 1910, the railroad companies became very active, and with suspicious generosity came forward asking and unanimously advocating a compulsory compensation law which would vest exclusive jurisdiction of these cases in the Federal courts, thus striking down the amendment of April 5, 1910, which gave the railroad employees the right to go into the State courts. This may serve as an explanation of the activity on the part of the railroad companies in their attempt to secure the passage of the pending bill.

Mr. President, I question the motives of no Senator. I concede to all Senators who are in favor of this bill the same measure of patriotism, purity, and integrity of purpose that I claim for myself. That much I cheerfully grant. But I shall not be silent when a bill so unusual is hurried through. It has been stated that if the bill should be amended, the railroad companies will withdraw their friendship for the bill and that, therefore, it will fail of passage. Mr. President, if the railroad companies have that much power, their power is too great.

The Senator from New York [Mr. ROOT]—and I regret he is not present, because I wish to say something to him and of him—during his able speech cast a glance over to this side of the Chamber and said he could well understand how attorneys who have been instituting suits against the railroad companies could oppose this bill. I say to the Senator, in reply, that I can and do well understand why attorneys who have been active as representatives for railroad companies and vested interests all their lives can consistently try to pass this bill. I desire further to tell the distinguished Senator from New York that I am not looking at this bill from the standpoint of a lawyer who institutes suits against railroad companies. Neither am I looking at it from the standpoint of a man who represents railroad companies, but I am looking at it simply, solely, and only from the standpoint of an American Senator.

Mr. SMITH of Georgia obtained the floor.

Mr. POINDEXTER. Will the Senator yield for just a moment?

Mr. SMITH of Georgia. Certainly.

Mr. POINDEXTER. I hold in my hand a statement giving an account of the operations of the employees' compensation act of the State of Washington during the first four months in which it was in operation, and I have also in the same connection a statement made by John H. Wallace, a member of the Industrial Insurance Commission of the State of Washington, as to the operation of industrial insurance from the workmen's standpoint. I ask that these documents may be printed in the RECORD without being read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

REVIEW OF THE FIRST FOUR MONTHS' OPERATION OF THE WORKMEN'S COMPENSATION ACT.

Summary of operation.

Firms listed and assessed	4,540
Employees listed and protected	100,000
Accidents reported	2,700
Claims adjusted	1,500
Disallowed, waived, and in process of adjustment	1,200
Paid into accident fund	$428,057.42
Paid out for claims	57,329.08
Balance in fund	370,728.34
Invested in 5 per cent reserves	62,716.35

STANDING OF STAR CLASSES.

Class 5. General construction, balance	$19,809.04
Class 6. Power line construction, balance	16,804.21
Class 7. Railroad construction, balance	22,776.71
Class 10. Lumbering, milling, etc	123,308.18
Class 14. Street-railway operation	26,058.56
Class 16. Coal-mining operation	30,788.92
Class 20. Woodworking	13,159.46
Class 34. Steel and iron manufacturing	11,953.08

The workmen's compensation act went into effect as between employer and employee, October 1, 1911, at which time the preliminary work of the commission had been fairly well done, as far as listing employers, collecting contributions, and establishing an accident fund were concerned. The great work, however, of building up a claim system whereby industrial accidents could be promptly reported, investigated, passed upon, and paid for, was very largely to be worked out.

From the beginning the accidents reported to the commission in one form or another averaged considerably over 500 a month. At the beginning a large number of trivial and unimportant accidents were reported, which had to be passed upon with as much care as a major accident. The commission, however, soon adopted the 5 per cent rule, in which it declined to consider a claim in which the workman had lost less time than 5 per cent of a working month (26 days) or had suffered an accident which impaired his earning capacity less than 5 per cent.

On the other hand the average held good throughout the four months from the fact that as employer and employee began to understand the law more thoroughly accidents which had previously been unnoticed and unreported began to reach the commission in large numbers. On January 31, 1912, approximately 2,700 accidents had been reported to the commission; 1,500 had been passed upon; a considerable number disallowed, waived, and withdrawn; while a large proportion of the balance remained incomplete, owing to the failure of the employer or employee to file the proper papers or procure the necessary medical certificates.

The standing of the accident fund on the above date was as follows:

Total amount paid in	$428,057.42
Claims paid	57,329.08
Leaving a balance of	370,728.34
Reserves to guarantee pensions	62,716.35

While the reserves have been formally transferred from the accident fund to reserve fund by the purchase of interest-bearing bonds, it is hardly proper to deduct that amount from the balance in the class funds, for the reason that the money is being used up solely in paying out monthly pensions to widows and children of deceased workmen, but the large balance of over $370,000 should be considered in relation to the reserves of over $62,000. Both of these funds are bearing interest, the working balance carried in the bank of 2 per cent and the reserves invested in the interest-bearing securities of 5 per cent and 6 per cent.

An examination of some of the principal classes in the accident fund shows that the rates levied upon the various industries for the purposes of the accident fund are probably ample for the purpose. Every taxpayer who calls to inspect the books of the commission is referred to the "star fund," class No. 10, lumbering, logging, etc., into which has been paid $150,887.51, with $27,579.33 paid out for claims, leaving a balance of $123,308.18, with $24,150.43 invested in interest-bearing securities. This fund was originally collected on estimated pay rolls for October, November, and December, 1911, and the commission had the right to call for an additional assessment for the month of January. This, however, is never done unless the fund has been so heavily drawn upon that the danger line has been passed and additional money is needed to pay claims.

If, however, the lumbermen's class continues its wonderful record for the first four months' operation of the law, it is likely that no assessment will be needed for many months to come, probably not before July 1, 1912, in which event the preliminary assessment, instead of covering three months only, would actually cover nine months' operation of the law.

The same condition is present in some degree in class 5, general construction work, in which the gross amount of $22,428.79 has been collected and only $2,619.75 paid out, leaving a balance of $19,809.04 in the fund, $5,324.02 of which is invested in interest-bearing reserves.

Another class in this same desirable category is class 7, construction of railroads, which shows a credit collection of $26,702.71, with paid claims amounting to $3,926 and a working balance of $22,776.71, of which balance $5,585.86 is invested in reserves.

With these two classes is somewhat intimately associated class 6, installing power lines, which paid into the accident fund $19,170.02; claims paid, $2,365.81; leaving a balance of $16,804.21.

In a way the street railways of the State are also entitled to a star classification on their operations for four months, their statement of class condition being as follows:

Total amount paid in	$27,228.22
Claims paid	1,169.66
Balance	26,058.56
Invested in reserves	1,486.00

The employers of this class have always given the act a very liberal interpretation, and, although strongly imbued with the fear that the operations of the law would be along socialistic lines, they placed no opposition whatever in the way of the commission, paid their assessments promptly, and have established systems of accident reports which are well-nigh perfect in their completeness.

Perhaps the most important class in the way of administration is class 16, coal mines, statement of whose funds is as follows:

Total amount paid in	$36,050.12
Claims paid	5,261.20
Working balance	30,788.92
Invested in reserves	9,299.83

The importance of this class lies in the fact that although the operation of coal mining is one of the most hazardous in the State, only four deaths have occurred therein since the law went into effect, and no disaster of any kind has overtaken the workmen comprised within this class. It was freely argued at the time when the act was discussed on the floor of the legislature that one accident in a coal mine would wipe out a whole accident fund, and it is undoubtedly true that any of the old-fashioned disasters would speedily deplete class 16. The significant and hopeful phase of the situation, however, is the belief of competent miners with whom Commissioner John H. Wallace is in close touch that the old-fashioned disaster is practically a thing of the past, owing to better methods of ventilation, illumination, and spread of intelligent cooperation in the mining industries of the State.

But 1 class of the 48 shows a balance "in the red," which is class 46, including manufactures of powder and fireworks. The reason for this is the Chehalis disaster, in which eight young women lost their lives, requiring a reserve of $7,659.35 to be set aside. The powder class comprises practically only four plants—the Du Pont Powder Co., near Tacoma; the Imperial Powder Co., near Chehalis; the powder works at Mukilteo, and a fireworks-manufacturing concern in Seattle. Of these the Du Pont Powder Co., which is the Washington branch of the Powder Trust (the legality of whose methods is now under scrutiny by the Federal Government), is by far the largest.

On the basis of pay rolls, Du Pont would pay over 90 per cent of the contributions into class 46, and the commission feels that it is the irony of fate that on the very day when the draft had been authorized from the main office of the trust in Wilmington, Del., the disaster in Chehalis occurred, which caused the Du Pont Co. to refuse to pay its contribution and serve notice on the commission that, no matter what rules and regulations should be adopted for the government of class 46, it would nevertheless contest the constitutionality of the law in the highest tribunal of the Nation, viz, the Supreme Court of the United States.

Pension payments were, however, begun out of the funds in hand.

It should also be noted that the Imperial Powder Co. was the first employer to appeal from the rulings of the commission on account of a penalty assessed against it under section 9, which forbids the employment of minors in the hazardous industries of the State. This penalty amounted to $1,297.16, and, had it been paid by the Imperial Co. without protest, it would have kept the fund balance on the right side of the ledger.

It is significant also that up to the 1st of January it had not been necessary to institute proceedings against any firm in the State for nonpayment of its contribution. With the expiration of the first three months, however, a careful check was made by the chief auditor of the commission and a small number of delinquent firms (less than 5 per cent of the total of nearly 5,000 listed by the commission) were reported to the attorney general in order that suits might be brought. A round dozen of these are under way. Various other suits are in progress where workmen have been injured in hazardous pursuits while their employers were in default. These suits are instituted by the claimants themselves, who have the right to sue under such conditions, with the usual defenses of "fellow servant," assumption of risk, and contributory negligence" abolished.

Litigation is also in prospect which will define the powers of the commission in respect to listing occupations on railroads doing interstate business, the latter claiming that practically every occupation in the operating department is of an interstate character and at least one claimant alleging that the occupation of a watchman at a bridge is of a purely local character.

So far only one claimant has taken his case into court, and, on the other hand, the commission has received hundreds of congratulatory letters from employers and employees, in which they set forth their satisfaction with the law and with the administration thereof by the commission.

The burning issue of the industrial situation to-day is the need of a first-aid fund. When the act was discussed in the legislature it already bore a provision for first aid, which was stricken out at the urgent request of the manufacturers, who declared that they desired to establish their own first-aid funds. It was also felt that the law, revolutionary as it was in a great many respects, would prove to be of sufficient burden without the addition of a first-aid provision. The whole matter was therefore stricken out and the schedules designed to accompany that provision were allowed to remain as they are, which is substantially as follows:

An unmarried workman gets $20 a month during disability, with $5 added for a wife and $5 for each child, up to $35, which may be increased 50 per cent during the first six months of disability. The most that any workman may draw, therefore, is $52.50, which, however, may never be over 60 per cent of his wages.

Practically the same figures apply to pension payments, so it will be seen that the law provides simply for the bare necessities of life during disability or after the death of a workman, and the expense of doctors' bills, hospital dues, etc., is absolutely unprovided for. It is clearly up to the employers and employees of the State to give this question of first aid careful and serious consideration, inasmuch as it constitutes, in the opinion of the commission, the most imminent problem in connection with the administration of industrial insurance in this State to-day.

On reaudit it was found that a reclassification of various industries was possible, by means of which many weak classes may be materially strengthened, thus making it a more practical business proposition to administer the funds in the event of crippling or disabling disasters.

The commission is continually confronted by new questions of administration, such as firms not formally included under the law who desire to take advantage of its benefits, now that it has been proven an unqualified success. Such firms are being referred by the commission to class 48, "nonhazardous firms under elective adoption," in which they and their employees may be included by mutual agreement and fully protected at the rate of 1.35 per cent.

COMPULSORY STATE INSURANCE FROM THE WORKMAN'S VIEWPOINT.

An address by John H. Wallace, member Industrial Insurance Commission of the State of Washington, before the American Association for Labor Legislation, Washington, D. C., December 28, 1911.

It has been said that so long as the workman receives compensation for work accidents he is not concerned with the source of the money; that he cares not whether the employer goes bankrupt paying the bill, whether insurance corporations assume the indebtedness, or whether it is paid out of a common fund contributed by all the industries. The attitude of the workman in the State of Washington, in the formation and final passage by the legislature of our compensation act, must tend to disprove this statement. The members of the American Association for Labor Legislation are familiar with the text of the act passed in my State. Other members of the Washington commission have explained to some of you the salient points. As members of a national organization concerned with the procuring for the American States the best system of compensation possible to replace the slow, unjust, and obsolete common-law procedure, you will be interested in the unique system of Washington, in formation and in process of administration, as viewed by the working people who are the beneficiaries.

I. WORKINGMEN UNDER THE COMMON LAW.

It is unnecessary for me to point out to this body the universal experience of working people under the so-called common-law system. Able investigators have conclusively demonstrated that not to exceed 15 per cent of the men injured in work accidents could obtain compensation under the old system, leaving the heaviest burden in modern life to fall on the weakest members of society in 85 per cent of such cases. Not only this, but the funds paid out by employers to protect themselves against excessive verdicts, if not all verdicts, have been largely wasted from the workman's viewpoint. Not less than $1,000,000 a year in each great industrial State was paid out by employers. Not more than 20 or 25 per cent reached the working people in the 15 per cent class entitled to compensation heretofore under the old system. This situation clearly demonstrates that where some few may have obtained heavy damages, the vast majority of workmen were left as charges upon society or to bear their burden alone with the best courage their crippled condition permitted.

The president of the United States Casualty Co., in a widely circulated address opposing State insurance, solicits condolence because for five-year periods he shows that the insistence of juries that damages be paid injured men has compelled these companies to disburse over 50 per cent of their premiums received, which means that less than 25 per cent of the premiums collected have reached the victims of accidents, the other 25 per cent being eaten up in attorney fees, court costs, time lost, and expense in going to lawyers, as against the 100 per cent collected in premiums from the industries, all going to injured workmen where the State insures the employees against industrial accidents.

Casualty companies, with their liking for litigation and their limitation of protection to $5,000, except with double or quadruple premiums, have not afforded protection to the many young industries endeavoring to get a foothold in our undeveloped State, and we were not sure that a system which would practically compel all employers to insure with these companies would protect the injured workman against the irresponsible, the bankrupt, or absconding employers who had lapsed their policies or violated some technical requirement in the same. The establishment of a State fund rests on the insurance principle of distribution of risk—that one employer should not bear alone the exceptional stroke of bad luck.

Economically the old system is wholly indefensible because of the waste of the 75 or 80 per cent of the funds taken out of industry to repair the man loss thereof—a waste absorbed my lawyers, by commissions paid for placing insurance policies, by executive salaries of numerous insurance corporations, by duplicated clerical forces, by dividends to clamorous stockholders of such companies, by claim agents who sought advancement by a record of elimination of claims and contemptible settlements, by payment of unnecessary witness fees and court costs, by maintaining the machinery of appeals and the multiplication of judges necessary to hear such lawsuits, both meritorious and born of fraud. The magnitude of this litigation which necessarily arouses class antagonism, recrimination, and bitterness, also in no small way has contributed to the restlessness of the working class caused by the delays of justice, and of the criticism of the courts as institutions. It is useless to say to this body that the system so characterized is universally condemned, and the only question which arises in the minds of thinking people is, What is the best system to replace it?

In the State of Washington the workmen have contributed their full share of time and thought and cooperation in evolving a system which, we think, is in most respects superior to any piece of compensation legislation in the United States. To quote Mr. Robert W. Bruere in the October Harper's Monthly, "One State, Washington, honoring the liberal spirit of the West, has inaugurated a system of compulsory State insurance against industrial accidents which for comprehensive justice and social wisdom compares favorably with the most advanced legislation in Europe."

An able corporation lawyer of Spokane had in a previous legislature submitted a compensation bill under the elective plan, providing a maximum of $3,000 in event of death. This bill, not having the indorsement of either employers or the workmen of the State, got scant consideration at the hands of the legislature of 1909.

The Tacoma Commercial Club, in August, 1910, at a time when the United Mine Workers were in convention in Seattle, issued a call for a meeting of manufacturers and labor men of the State to discuss some form of remedial legislation.

II. THE INVESTIGATION COMMISSION.

As might have been anticipated, neither the representatives of capital nor labor came into the meeting with any concrete program, yet as a result the governor of the State, Hon. M. E. Hay, was empowered to appoint an investigating commission of 10 members, 5 representing the employers and 5 the employees. On September 29, 1910, the commission so appointed organized and secured the services of Harold Preston, of Seattle, as it legal advisor, that gentleman being a profound student of industrial problems and one of the ablest constitutional lawyers in the Pacific Northwest.

While the sessions of this commission were often heated and the interests represented not always harmonious, yet it must be said that the prompt, courageous, remedial legislation which was born in this commission was made possible by the fact that in this new northwestern State are to be found not only big, generous employers who were disgusted with the legal system surrounding them, and who often drew large checks, not in charity but in justice, to compensate the

men in their employ or their dependents; but because likewise, among the working people of this State are to be found the youngest and best blood of this continent and of Europe—brave spirits who left the old home conditions to become full-blown men in a new land of opportunity and do their part in obtaining justice for themselves and their fellows—the same mingling of stocks which we find in the early settlement of the Atlantic coast, building a people which, we believe, represents the very flower of civilized mankind.

This body will be interested in the contested questions before that commission. The limitation of the amount to be paid in event of death was one resulting in the adoption of the principle that $4,000 to a beneficiary aged 30 years would be a reserve that would guarantee a pension throughout life or dependency and insure the self-respect and good citizenship—insure the grocery bill, if you please—of all survivors, most of whom heretofore had been obliged to lower their standard of living, if not to accept the bitter bread of public or private charity. In other words, the principle adopted in the State of Washington is not the damage measured by the earning power of the workman killed or permanently disabled, but the insuring of a monthly payment to one who in the front ranks of industry has gone down before the flying shafts or whirring saws or munching cogs, smothering gases or falls of rock, and stands before society a crippled and deserving veteran. Heretofore Governments have gladly pensioned the young soldier injured in the course of duty in defending hearth and home or in righting insufferable wrongs abroad; the working people, at least, now insist that the soldier of pence, also obeying the commands of society, who produces clothing for the body or food for the blood or a roof for the household, shall also be pensioned when mangled, maimed, and dismembered by the machinery that moves with nerves of steel and fingers of brass, so gigantic and elemental that flesh and bone are as nothing in its power.

The committee, therefore, with one accord agreed on the principle that lump-sum payments to helpless survivors should rarely be given. However, the commission, at its discretion, has ample power to pay off a mortgage on a widow's home, or advance money to permanently cure a crippled child, or, in other words, commute a portion or all of the reserve fund set aside for the survivor's use into a lump-sum payment. The scale of payments for partial disability was graduated down from $1,500 maximum, the compensation for the loss of the major arm, other injuries to be compensated in proportion to the $1,500 maximum.

III. First-Aid Fund.

The principle of a fund as a buffer for first aid to the injured was recognized by the commission on the insistence of labor's representatives, and the following sections were taken from the draft presented by the commission to the legislature:

"CREATION OF FIRST-AID FUND.

"SEC. 10. A fund is hereby created in the State treasury to be known as the first-aid fund. Into it shall be paid by each employer on or before the 15th day of November, 1911, and each month thereafter, the sum of 4 cents for each day's work or fraction thereof done by each workman for him during the preceding calendar month or part thereof. Two cents of such 4 cents shall be deducted by the employer from the pay of the workman.

"DISBURSEMENTS OF FIRST-AID FUND.

"SEC. 11. Upon the occurrence of any injury to a workman he shall receive from the first-aid fund proper and necessary medical, surgical, and hospital services and compensation for the period of temporary or other disability in the sum of $5 per week for not to exceed three weeks, payable at the end of each week. It shall be the duty of the employer to see to it that immediate medical and surgical services are rendered and transportation to hospital provided, and all charges therefor shall be audited and paid and be payable only by the department out of the first-aid fund."

In the first aid the principle of joint contribution by employer and workman as approved and the amount—4 cents a day—equally divided, approximates the payment of $1 per month, the usual contribution to hospital funds in the lumbering and coal-mining industries in our State. The payment for ambulances, physicians, and hospital treatment and surgical appliances, limited to three weeks and to $5 per week, was designed to prevent simulation and fraud upon the State, in addition to securing that instant attention to the injured on which humanity insists.

Labor opposed joint contribution to the fund further and other than first aid for the reason that the employer owns and operates the dangerous agencies for his own profit, and has heretofore contributed, so far as compelled to, to the man-loss resulting from such dangerous agencies by payments to casualty companies or through the channels of the courts—in many instances both, since the usual limit of protection in a casualty policy is $5,000 and the amounts claimed in lawsuits tend to greatly exceed that sum.

The employer, so far as allowed by competition and if not bankrupted by a sympathetic jury, has passed these charges on to the public in the price of the product, along with the depreciation of machinery and plant. Labor saw no injustice in providing that in the same way the buying public should pay for broken men in the industry as well as for broken machinery, the equivalent paid out and wasted heretofore being now turned into legitimate channels for the actual sufferers of the industrial system. In either event the public must pay the price either in the product or in institutions of relief or in charity's grudging doles.

In the fixing of rates, according to the presumed hazard of the occupations regarded as extra hazardous, the commission was guided by an actuary of long casualty experience. In the lumbering industry, for instance, $1.50 per $100 of pay roll was the average rate charged on insurance policies. One per cent more was added, making the State rate $2.50.

The term "extra hazardous" in the Washington draft and law was inserted out of fear of constitutional objections otherwise, but all employers outside the law may voluntarily bring their business under its terms by joint agreement with the employees.

IV. In the Legislature.

The Washington Compensation Act as approved by the commission reached the legislature as one of the leading measures of the administration of Gov. Hay, and its passage was widely advocated and as vigorously opposed, particularly in the State senate, where various other bills were proposed to protect particular interests or promote pet schemes or to advance political interests of several senators. As the bill emerged into law the first-aid feature was stricken out. It was opposed in fear that State supervision of hospital treatment would result in the upbuilding of a political machine for administration and in the location and construction of State-built hospitals. It was opposed as abolishing hospital funds in remote logging camps where a resident physician is commonly retained on salary to look after not only accidents but sickness and family ills as well.

It was opposed also because the deduction from wages operated to take a heavy percentage out of earnings of low-paid employees; and, lastly, because it was argued that this was a daring piece of social legislation, and would be sufficiently cumbrous for the first two years of its experimentation without the burden of the first-aid feature and the close supervision and weekly payment of bills required. In the discussions one representative, representing a district devoted largely to logging and lumbering interests, insisted that the State, with its slow, incompetent, and bureaucratic tendencies could not give men the paternal care which the corporations were now efficiently supplying, to which Representative Teats, a Tacoma lawyer who had built up a fortune as a damage-case specialist and who handled the measure in the house, replied that unquestionably the first-aid feature would interfere with a well-known corporation graft, where men were kept in constant rotation in order to obtain from them a hospital fee—a deduction of $1 per man—that working in conjunction with the so-called employment agencies they kept three crews constantly moving—one crew coming, one crew leaving, and one at work—a dollar a head per month collected from five or six crews each 30 days.

While in the legislature the bill was improved in two important particulars; first, the objections against a huge fund being taken out of the industries of the State and piled up in the State treasury by the continuous compulsory payment of a flat rate on the pay rolls, instead of one common accident fund of all employers, with men in all degrees of hazard, the legislature established 47 funds, representing 47 compulsory associations of employers. Related industries are grouped together, and the opportunity for criticism of particular establishments and mutual steps toward prevention of accidents thereby greatly encouraged.

For instance, class 10 embraces only employers engaged in logging operations, sawmills, shingle mills, etc.

Class 14, street railways.

Class 16, coal mines, etc.

Already the lumbering organization is looking forward to standardizing of plants and machinery in order to prevent accidents and save themselves money. Under our law the fewer the accidents in any class the smaller the amount which those particular employers must contribute. The State pays the costs of administration out of general taxes.

Second. Provision is made in the law as enacted that whenever any one of the 47 groups of employers has sufficient funds on hand to care for the accidents of their particular class no further sums will be assessed until the fund is reasonably depleted by the drain of compensatory payments.

Other than the changes just enumerated the act passed our legislature as recommenedd by the investigating commission. A handsome majority was given in the house, but in the senate, owing to the attitude of senators with bills of their own, all the resources of the governor were caled upon to obtain the two votes needed to pass the measure. Some of these lawyer senators saw no further into social needs than the limitation of lawyers' fees in damage cases to 10 or 25 per cent of the verdict. At this point the remarkable speech of Peter Henretty, a coal miner from Cle Elum, on the floor of the senate probably did more than any other one thing in compelling the passage of the law to compensate injured workmen.

V. The Law in Operation.

The workmen's compensation act was passed and signed by Gov. Hay on March 14, 1911, the three members of the administrative commission were appointed, and the new department organized June 8, 1911. Beginning July 1, the commission procured the services of about 20 men as traveling auditors and began a preliminary survey of the State to ascertain the industries within the scope of the law. It was gratifying that in this first contact not less than 90 per cent of the employers were found to be in the most hearty accord with the law, gladly giving every courtesy and the heartiest cooperation to the agents of the commission seeking information and their pay rolls, and remitted about $400,000 on approximately 4,000 pay rolls.

The State-wide feeling of employers was that this law, dispensing with middlemen and with court processes, enabled the man hurt to receive one hundred cents on the dollar paid out for such purpose by the employer. Suggestive of this attitude is a statement by one of the largest employers of labor in the city of Spokane, who when the question arose as to whether this system would not increase the rate of insurance, said: "What if the rates were a little higher, so long as the benefits went directly to the injured employee or his dependents and tended to a better feeling between employer and employee."

The employers were quite unfamiliar with the break-up of the accident fund into 47 groups, and were gratified to learn that they were classed with employers of their own kind and yet in groups sufficiently large to give effect to the insurance principle of distributing the risk and not bankrupting the establishment that might have a series of accidents.

Administratively the division of the plant into extra hazardous and nonhazardous departments constituted a vexatious problem, but the commission's attitude in treating the plant as a unit and including all employees therein was generally approved.

Another problem is the twilight zone between State and Federal jurisdiction in interstate commerce as applied to steamboats on Puget Sound and on the Columbia River, State boundary bridges and various railway operations, Alaska fishing boats with canning establishments in the State of Washington, stevedores and longshoremen loading and unloading ocean carriers under admiralty jurisdiction.

It is certainly to be hoped that Congress in its forthcoming legislation will so dovetail with State activities that compensation will be sure and the process of obtaining it rendered certain as between State and Federal courts or systems.

The problem of contractors is vexatious, jumping in their operations from one class to another with big jobs or small jobs or no jobs at all—in many instances without offices or records—now employed by municipalities and now by private citizens. The contractor erecting a 42-story building in Seattle is embraced under the law, and also the one employing two men building a chicken coop, who may fall from a trestle and claim State compensation. These items suggest the complexity of administrative detail.

The rates are tentative, subject to future adjustment; not by the commission, however, but by the legislature. A rate of 2¼ per cent for sawmill employees is apparently yielding ample funds for their protection; but with a rate of 5 per cent placed on bricklaying and 3½ per cent on "carpenter work not otherwise specified," it remains to be seen if inequalities are not here present to be worked out and

remedied by the legislature with the aid and advice of the present commission.

Rates in the State of Washington, while apparently fixed by the text of the law, are, in fact, automatically adjustable to the accidents which occur in all continuously operating classes at least. In the contractor classes equity between competitors seems to demand continuous monthly payment until the legislature revises construction rates.

The employers of my State have been marvelously fruitful in suggesting variations in rates and reasons therefor—often unmindful of the fact that a small class is a dangerous class for an individual employer to be in; for instance, the powder class, where eight girls from 14 to 21 years of age were instantly killed on November 1, requiring a fund to be set aside amounting to about $8,000 to insure the monthly payments to their parents. Only four powder plants, all but one very small, operate in the State of Washington. These plants, by reason of that accident, have witnessed their joint fund more than absorbed, making a deficit to be made up at the end of this year, a condition which applies to any class at the end of any year where a deficit at the present rates results.

On this question of rates it does not follow that casualty companies' rates heretofore represent the real hazard—rather "what the traffic will bear." Two sawmills of the same company operating within a short distance of each other illustrate my point. With no apparent difference in hazard one plant paid $1.35 and the other $1.50 per $100 of payroll.

We are not convinced in Washington that the casualty companies' experience at the present time will give any adequate standard of rates. They refused to give to the public figures which their actuaries had already compiled, but in their experience they have dealt with only 15 or 20 per cent of the injuries chargeable to industry. We are not sure that our State department is not as competent to find correct rates by experimentation as they are. Four times in one year in Seattle they changed the rates on automobile insurance. (Under our Washington law we adjust the rate each month by making an assessment or passing up the opportunity.) This is recognized by the companies themselves, as Actuary Wolfe, in a widely circulated address, recommends State control of rates as a cure for evils admittedly existing in these companies.

The business interests of the State, always jealous of the drain of funds to Wall Street or other eastern localities, are pleased with the principle of home rule of compensation funds. Says Gov. Hay:

"Out of $600,000 collected from the employers of the State of Washington in 1909 only $100,000 ever reached the injured workman or his family—half a million dollars drawn from the avenues of commerce and industry to pay an army of officers, agents, and adjusters of the liability companies and to line the pockets of the stockholders whose only interest is that of a dollar-and-cent proposition."

Administratively the absence of the first-aid feature has of course raised problems. Employers whose injured men have heretofore been sent to the hospital and first aid paid for by casualty companies now find the State gives no relief except by the payment after 30 days in part or in full to the workman on account of the injury. In some cases the attending physicians and city hospitals are reported not to give the best care and attention the case warrants, which, of course, represents ultimately an unnecessary burden upon the class to which his employer belongs.

VI. TWO MONTHS OF ACCIDENT EXPERIENCE.

Opponents of compulsory State insurance point out as the two greatest weaknesses of the system: First, that such a system does not operate effectively in preventing accidents, and, second, that it operates unfairly in grouping together employers whose establishments represent great differences in danger to the employees.

Affirmatively the Washington State Asylum endeavors to check accidents: First, with a penal increase of rates applied to any establishment where accidents for a sufficient period show careless management, defective or obsolete machinery; second, it also penalizes the violation of safeguarding statutes and the employment of children under working age by requiring the employer to pay into the fund as penalty 50 per cent of what the law allows the victim.

The present commission is in contact and cooperation with the State University and the State Industrial College to obtain special studies in causes of accidents and university extension lectures on methods and appliances for safeguarding, hence we anticipate large results, since it must be evident that employers will desire to save money rather than have accidents, for in many instances all they need is education.

Mr. Tecumseh Sherman, former labor commissioner of the State of New York, is much concerned for fear State bureaus will either be unable to afford as prompt compensation as the individual firms or casualty companies could, or if they do act with speed, it will be with a paternal indulgence that must cripple industries or seriously burden the general taxpayer who maintains the officials of inspection.

We feel that it is not proven that the State can not procure as competent employees as casualty companies, since we have been able to obtain in our service in Washington some of the best-trained and most-ambitious claim agents and auditors heretofore connected with casualty corporations in the State, and the compulsory associations of employers in our State where establishments, big and little, are peculiarly anxious that their competitor pay equally with themselves are prolific in suggestion, and they are ready for the voluntary associations looking to standardizing and accident prevention, which this commission will be active in getting organized.

Mr. Sherman does not like the Washington law, because the compensation is not measured in all cases by the wage, but we in Washington did not like Mr. Sherman's New York law, which provided a payment to a widow of a sum equal to four years' wages of her husband, in no case to exceed $3,000, which she might dissipate in her ignorance of financial pitfalls, or the provision to a workman totally disabled that he should receive a weekly payment not to exceed $10 a week, nor to extend more than eight years from the date of the injury, leaving the widow or the blind workman in old age a helpless charge on public or private charity, and depriving, under these conditions, the child of its legitimate birthright under such a law. Under our Washington law the first care has been that the child of the present shall have an opportunity to be a good citizen of the future.

Mr. Sherman, in his memorial to the congressional committee, insists that the excess paid by the good employer appears to give gratuitous insurance to the escaping firm. We must grant that our administrative problem is difficult as to the intermittent or alien contractor, the dummy corporation, the tramp ship, and the elusive little shop, but we believe that our system will catch such employers as readily as the casualty company, because the man hurt will come to the State for compensation and the employer must then deal with our department. If he refuses, we reach him with summary process, with civil suit in the name of the State, or with criminal procedure, or all three.

Our law is criticized as merely an insurance against destitution, and we grant the charge as to the widow and her flock, or as to the sightless or armless victim of a bloody misfortune of peace. Our law does give compensation in other cases.

Perhaps it is fair to the employer to say that no workman has any assurance that he will continue to earn his present wage for eight years or one year; but every workman is entitled that he shall not starve in civilized society if rendered unable to labor, and that his helpless dependents shall not be driven to charity, or worse. Our law provides for a monthly payment of from $20 to $52.50 to a workman temporarily totally disabled, providing such payment does not exceed 60 per cent of his wages; and our compensation scale for permanent partial disability runs from $1,500 for a major arm at or above the elbow, and $1,250 for loss of one eye or hand at wrist, down to $25 for the little toe or first joint of the little finger.

Furthermore, we see no reason why, as a matter of public policy, the State should not encourage a skilled workman with large earning power to provide private insurance for his family through the fact of being familiar with the maximum allowed by the State in event of his death or disability.

Mr. Sherman believes that the State commission would allow exaggerated and doubtful claims to please the working people. In Washington, however, the commission, with the maximum laid down by the legislature, has prepared a scale for practically all injuries, based on scientific information obtained from reports of the Surgeon General of the United States Army, standard texts, and 100 detailed schedules from eminent surgeons throughout the United States. The practice of the present commission is that no claim is allowed until the employer has made a detailed report, the claimant likewise, and also the physician and witnesses. In case of doubt the nearest agent is ordered to make special investigation; in case of continuing disability condition reports by the physician or employer are required to check simulation, fraud, and error.

The legal theory in Washington is that the sovereign State practically licenses these dangerous agencies operating for profit, requiring that degree of care from all operating them that none shall cause accidents, and if accidents do happen, as we know they must, then that the employer shall pay into a guaranty fund to care for the victims, and we believe that the Supreme Court of the United States, when it comes to this question, will find that the public welfare demands this legislation more imperatively than it demands contribution by banks to protect depositors.

The first two months of experience seem to show about 600 accidents per month, varying from the loss of life and total permanent disability down to trivial bumps and bruises and even torn trousers.

In closing, gentlemen of the Labor Legislation Association, as a citizen of one of the newest and most virile States of the American sisterhood, as a workman almost born in the mines of England and a graduate of the child-labor system of the mines of Pennsylvania, as an operative in and about the coal mines of Washington for 10 years, and having been honored with the privilege of representing organized labor on various occasions and for considerable periods, I point with pride, as an old phrase goes, to my magnificent State that without cowardice and without hypocrisy threw aside all fetters of ancient custom and entangling legal verbage and hide-bound decisions and enacted a law not in charity and not in malice but in justice to every man who invests his brain or his brawn in developing the resources of the Commonwealth. And in so doing the workmen of the State and the employers thereof are not unmindful of the greatness which must come to this State and its people.

The Panama Canal will bring ships and products not only from the Atlantic seaboard but from Europe with the steerage cargoes of wistful-eyed men from all sections of the Old World seeking work in a new land. We are tributary to the undeveloped empire of Alaska and the front door to the millions of the Orient. We are providing for that industrial empire on the western edge of the continent which is yet in its infancy. We are not unmindful of the magnificent mountains that surround the valleys and inland sea of Puget Sound, from which leap white torrents with the unharnessed energy of a million wild horses and sufficient for the turning of countless wheels that will needlessly grind and maim and dismember men unless such dangerous agencies are so operated that accidents will be reduced to the minimum. And we are not evading full responsibility that human beings who have given all that God gave them to the service of mankind shall be compensated for their mite offering, even though they be known by number and are of that class which have heretofore been termed "just wops."

Mr. SMITH of Georgia. Mr. President, we are about to vote on this bill.

Mr. SUTHERLAND. Will the Senator from Georgia yield to me for a moment?

Mr. SMITH of Georgia. Certainly.

Mr. SUTHERLAND. I wish to call attention to an obvious error made in the reprint of the bill. On page 44 of this new print I find the words "or after," as though the amendment had been offered and adopted. As a matter of fact, no such amendment has been adopted, and I ask that the words be stricken out.

The PRESIDING OFFICER. Without objection, the words will be stricken from the bill.

Mr. GORE. Mr. President, I ask leave to have printed in the RECORD several telegrams and communications from railway men in Oklahoma. I have not the papers with me at the moment, and I ask permission to insert them hereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Georgia. Mr. President, we have about reached the time to vote on this measure. The few minutes remaining give little opportunity for further debate. I can only state the case.

After years of effort on the part of the men organized and doing the work for the railroad companies the Congress of the United States passed the most favorable legislation in behalf of

the men that has ever been passed by any country in the world. Doubt existed as to the constitutionality of the act. Lawyers throughout the country hesitated to trust their clients' cases under it, and only last February was the law sustained by the Supreme Court of the United States.

Immediately upon establishing their rights the proposition comes to us to repeal the law establishing their rights and to substitute this new untried measure.

I am opposed to this substitute because I do not think it does the men justice. The Senator from New York [Mr. ROOT] favors it and manifests much interest in the men. I yield to his greater interest, because we all know his big heart, filled with love of mankind, that makes his very presence warm the neighborhood which he occupies.

Mr. President, two reasons are submitted in support of this bill. First, it is urged that we are to do away with litigation, a thing greatly to be desired, but who has shown that this measure can do away with litigation? Such a measure has not done away with it anywhere else. Our reports from England show us to-day an increase in litigation in their courts where the workmen's compensation act is involved. The reports that come to the commission from the various roads indicate that litigation is being minimized under existing law.

In my own State, in 1910, we duplicated for intrastate transactions the Federal employers' liability act. We have had the operation of the laws applied to intrastate transactions, and suits by employees against railways have practically stopped in Georgia. Liability being practically established by the employers' liability act, nearly every case is settled by the claim agents, and the percentage of litigation as compared to the accidents is less under our employers' liability act than it is under the English compensation laws.

To broadly state that you are presenting a measure which will stop litigation is easy. To present an argument to sustain the statement was not undertaken. What is there in this measure to stop litigation? You have made it much worse than the English act. The English act has a provision calculated to lessen litigation, in that it gives the maximum recovery for the most extreme injury and leaves all the subordinate injuries with the right to claim that maximum. The railroad companies have an inducement to settle all the smaller injuries lest the employee sue and the courts allow the maximum.

But this bill not only makes a maximum for the largest injuries, but goes on down to the smallest injuries and makes a very small maximum for them, leaving therefore no latitude to the employee to recover any considerable sum in any case and leaving him with no margin for negotiation. Under your proposed bill the claim agent can hold over the injured employee a threat that if he does not accept whatever is offered him he will be compelled to sue before the trial judge without a jury, with the right in the railroad to take the case up to the higher court, and with the further right to the latter, whenever it sees fit, to bring him back through the same process time and time again, and with the further threat that even if the employee recovers the workman's compensation act will give him practically nothing.

With this bill you are passing, confronting the employee, giving a maximum very small for all kinds of injuries, and graded smaller and smaller as you get to the smaller injuries, there is nothing to help him to settle and everything to say to the railroad company, "Litigate as much as you want. You can not have much to pay. Offer as little as you please. The employee must take it, or else the burden of the trial you put on him will be more than the amount he can possibly recover." Instead of stopping litigation, this provision furnishes the means to facilitate it, unless it is intended that the employee's compensation is reduced to nothing.

There is another way you could have stopped litigation as well as this. You could have passed a bill providing that under no circumstances could the employee have anything at all. I am surprised that that plan did not occur to some of the warm advocates of terminating litigation.

Now I want to come for a moment to the amounts provided in this bill and show you how unjust they are. It is said that you are providing for the man whose own negligence causes the accident, and you are also providing for the man who is injured through nobody's negligence, and because you are extending by the bill the compensation principle to these men heretofore not compensated you must make these severe cuts in the rights of those who can now recover full compensation.

I want to show Senators—and I can do it in a moment—that not one out of ten will receive rights in the future who have not them now. They have shown you no figures. They have talked loudly about $10,000,000, the present amount, and $15,000,000, the future amount. They have given you nothing to sustain this claim. There are no statistics as applied to the present law. Let us take the case of a conductor. What are the opportunities of a conductor being injured by his own negligence? He occupies practically the same place as a passenger. Not one case occurs out of fifty where under the present law he could not recover. This bill would pay him, if injured, in this one more case in fifty where now he can not recover, but it will cut down two-thirds from his present right of recovery in the 49 cases, and in the one additional case give him only one-third of his loss.

Take the case of an engineer. What are the opportunities for him to be injured outside of his own negligence? Through the negligence of the operators, through the negligence of the other engineer, through the negligence of the trainmen, through the condition of the track, and through defects in the engine. There are ten other ways to injure him to one from his own negligence. There are ten chances in which he is protected to-day to the one chance of protection that you give him, and yet for giving him that one new chance you cut the chances he now has down two-thirds, to give him one-third of his injury if he is hurt by this new chance.

You may take the case of any railroad employee, and the employee may take his own case, and look around and see that when you undertake to make him believe that you are adding ninety new opportunities to recover to the ten he now has, you are wasting words and that your claims are utterly without foundation.

I submit to the personal information of any Senator, I submit to his personal consideration, the case of any one of these employees of a railroad. Look over the field and see what the chances are for him to be injured, and see how many of them he already has covered, and how little you give him by this new legislation. You do not know whether it will apply to trackmen or not. You do not know whether it will apply to yardmen. You do not know whether it will apply to the men in the machine shops.

Now, how are the employees cut down by this new bill? You provide, first, that however much he may make he shall not be considered to have been making over $100. Is it fair? Would it spoil the whole scheme, instead of limiting him to $100, if you were to treat him on the basis of what he actually earned? Would such an amendment be destructive to this beautiful structure that has been so carefully prepared? It would increase the compensation more nearly to what the men actually lose by injuries.

Let me ask your attention to the second plan of compensation, which is based, it seems to me, upon a radically unsound principle. You take the men with permanent injuries—the loss of an arm or the loss of a limb or a foot. There is a permanent injury, and yet instead of fixing the percentage of his wages lost by the injury and giving him permanently that amount you give it to him for only a few months. If the injury is permanent, the compensation should be permanent.

The Senator from West Virginia [Mr. CHILTON], almost in tears, talked about these people who were going to be hurt between now and December, if you do not pass the bill to-day. I should like for him to tell what is to become of the men, after they have been hurt and have drawn the pittance you give them for several months, when your bill stops all payments to them? I would be glad to gather a few of his tears and mingle them with the tears of some of the Senators on the other side, and save them for the men permanently injured, whom you would compensate for only a few short months.

I insist, Senators, that any sound principle of compensation, where the injury is a permanent one—permanently lessening the capacity of the man to labor—should continue coequal with the time that the injury is to last.

I have prepared a number of amendments, and others will be offered. Amendments that I submit will not destroy the entire structure of the bill, but they will be a little improvement to it, and they are amendments which ought to appeal to those Senators whose sole concern is the good of the men, who are not thinking for one moment about the stockholders who own the road, who have no associations with those who own the road, but whose close relations with the men cause them to act solely for the good of the men.

The PRESIDING OFFICER (at 4 o'clock). The time for voting has commenced.

Mr. SMITH of Arizona. May I, just before the time is up, ask permission to have printed in the RECORD two letters on this matter in explanation, in part, of my vote?

The PRESIDING OFFICER. Without objection, permission is granted.

The letters are as follows:

SAN XAVIER DIVISION, No. 313,
ORDER OF RAILWAY CONDUCTORS OF AMERICA,
Tucson, Ariz., April 1, 1912.

Hon. MARCUS A. SMITH,
United States Senate.

DEAR SIR: Division No. 313 of the Order of Railway Conductors of America has instructed me to address a communication to you respectfully requesting that you support the bill that has been introduced in the Senate as S. 5382, by Senator SUTHERLAND, who was chairman of the committee appointed to secure an equitable workman's compensation law, and in the House as H. R. 20487, by Mr. BRANTLEY, vice chairman. Our joint national representative, Mr. H. E. Wills, who is now in Washington, will explain to you more fully the time, labor, and expense that the labor organizations have been to in getting these bills introduced. He not only represents the Order of Railway Conductors, but the Brotherhood of Locomotive Engineers and the Brotherhood of Railroad Trainmen as well, and we would deem it as a special favor if you would make an effort to become acquainted with Mr. Wills. Trusting that you will give this matter your attention and favorable consideration, we are,

Yours, truly, SAN XAVIER DIVISION, No. 313,
By C. F. DAVANT,
Secretary and Treasurer.

—

DEWEY LODGE, No. 460,
BROTHERHOOD OF RAILROAD TRAINMEN,
Tucson, Ariz., April 4, 1912.

Mr. MARK SMITH,
Washington, D. C.

DEAR SIR: The members of this lodge are very anxious for the passage of workingmen's compensation act, and favor the bill introduced in the Senate as S. 5382, by Senator SUTHERLAND, and in the House as H. R. 20487, by Mr. BRANTLEY.

Any assistance you can give toward the passage of this bill will be appreciated by the members of this organization.

Thanking, etc.,

[SEAL.] J. H. HIGHBAUGH,
Secretary 460, Brotherhood of Railroad Trainmen.

Mr. SUTHERLAND. I offer the following amendment: In section 4, page 2, line 20, after the word "specified," insert "but this shall not be construed to reduce the length of time over which payments shall extend wherever specific periods are herein fixed."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Utah.

Mr. REED. I want to get the reference.

The SECRETARY. Section 4, page 2, of the bill, after the word "specified," in lines 19 and 20.

Mr. BACON. I should like to have the Secretary read the section as it would read when amended. It is impossible to understand the amendment without the context.

The PRESIDING OFFICER. The section will be read as it would stand if amended.

The SECRETARY. If amended, section 4 will read:

SEC. 4. That the first 14 calendar days of disability resulting from any injury shall be excluded from the period of time for which compensation is hereinafter specified, but this shall not be construed to reduce the length of time over which payments shall extend wherever specific periods are herein fixed: *Provided, however*, That during said 14 days the employer shall furnish all medical and surgical aid and assistance that may be reasonably required, including hospital services.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was agreed to.

Mr. OVERMAN. Mr. President, in response to the request of hundreds of thousands of these working men, and in order that Senators may understand the amendments in the bill, I move that the further consideration of the bill——

Mr. SUTHERLAND. I make the point of order that debate is not in order.

The PRESIDING OFFICER. Debate is not in order.

Mr. OVERMAN. I move that the further consideration of the bill be postponed until June 4.

The PRESIDING OFFICER. The Chair will remind the Senator from North Carolina that under the unanimous consent agreement that motion is to be entertained immediately before the vote upon the final passage of the bill is taken; so it can not well be made now.

Mr. OVERMAN. I thought the understanding was that it could be made at any time before the vote on the final passage of the bill.

The PRESIDING OFFICER. No; "immediately before," as the Chair understands it. The Chair will have the unanimous consent agreement read.

The Secretary read as follows:

It is further agreed that on Monday next, not later than 4 o'clock p. m., the Senate will proceed, without further debate, to vote upon any amendment then pending or which may be offered to the said bill, and upon the bill itself; and further, that immediately prior to the time for taking the vote on the passage of the bill, if a motion then be made to postpone the further consideration thereof to a day certain, it shall be entertained.

Mr. OVERMAN. I see I am wrong, Mr. President. Having made the original proposition and having asked that that exception be made, and that the motion might be made at any time after 4 o'clock, I thought it in order now; but I see that under the unanimous consent agreement, as it here appears, it is not now in order.

Mr. CULBERSON. I offer an amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Texas offers an amendment, which will be read.

The SECRETARY. On page 24, lines 6 to 8, inclusive, strike out the following:

The findings of the adjuster filed as aforesaid shall be received as prima facie evidence of the facts herein set forth in any trial before the court or jury.

The PRESIDING OFFICER. The question is on agreeing to the amendment. [Putting the question.] The "noes" appear to have it.

Mr. CULBERSON. I ask for the yeas and nays.

Mr. CLARKE of Arkansas. Mr. President, I think if the Senator from Utah is heard from about the amendment it will obviate the necessity of a roll call on agreeing to it.

Mr. SUTHERLAND. If I may be permitted, so far as I can, I accept that amendment.

The PRESIDING OFFICER. The vote will be taken vive voce again. The question is on agreeing to the amendment proposed by the Senator from Texas.

The amendment was agreed to.

Mr. CULBERSON. I offer another amendment, which I send to the desk.

The PRESIDING OFFICER. The Chair suggests to the Senator that it relates to the title, and the title will be considered after the bill has passed.

Mr. CULBERSON. It relates to the title and to section 3 also. They go together necessarily.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In the title of the bill strike out the word "exclusive" and insert the word "optional," and strike out section 3 of the bill entirely.

The PRESIDING OFFICER. The question is on agreeing to the amendment presented by the Senator from Texas. [Putting the question.] The noes appear to have it.

Mr. SMITH of Georgia. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BACON. I ask for the reading of the section proposed to be stricken out.

The PRESIDING OFFICER. The section will be read.

The SECRETARY. It is proposed to strike out section 3 in the following words:

SEC. 3. That except as provided herein no such employer shall be civilly liable for any personal injury to or death of any such employee resulting from any such accident.

The PRESIDING OFFICER. The question is on agreeing to the amendment, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. JOHNSTON of Alabama (when Mr. BANKHEAD's name was called). I wish to state that the Senator from Texas [Mr. BAILEY] is paired with the Senator from Montana [Mr. DIXON]. The Senator from Alabama [Mr. BANKHEAD] is paired with the Senator from Idaho [Mr. HEYBURN]. I make the announcement for the day.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH], who is absent. I transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "nay."

Mr. CRAWFORD (when Mr. GAMBLE's name was called). I desire to state that my colleague [Mr. GAMBLE] is necessarily absent. He has a general pair with the senior Senator from Oklahoma [Mr. OWEN]. I am advised that if my colleague were present he would vote to sustain the committee and against the amendment.

Mr. BORAH (when Mr. HEYBURN's name was called). I desire to state that my colleague [Mr. HEYBURN] is necessarily absent. As has been stated, he is paired with the Senator from Alabama [Mr. BANKHEAD]. I will allow this statement to stand for the day.

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is necessarily absent from the city. I will allow this statement to stand for every vote save the one upon the final passage of the bill.

Mr. OWEN (when his name was called). I am paired with the Senator from South Dakota [Mr. GAMBLE]. If he were present, I should vote "yea." I withhold my vote.

Mr. OLIVER (when Mr. PENROSE's name was called). My colleague [Mr. PENROSE] is necessarily absent and is paired with the Senator from Mississippi [Mr. WILLIAMS]. If present my colleague would vote "nay." I will allow this statement to stand for the day.

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. In his absence I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE], but I have just been informed that if he were present he would vote "nay." I therefore desire to vote. I vote "nay."

The roll call was concluded.

Mr. FOSTER (after having voted in the negative). I understood that my pair, the junior Senator from Wyoming [Mr. WARREN], has not voted, and I withdraw my vote.

Mr. RICHARDSON. I will transfer my pair with the junior Senator from South Carolina [Mr. SMITH] to the senior Senator from Pennsylvania [Mr. PENROSE] and vote. I vote "nay."

The result was announced—yeas 26, nays 52, as follows:

YEAS—26.

Ashurst	Hitchcock	Overman	Smith, Ga.
Bacon	Johnston, Ala.	Paynter	Stone
Bryan	Kern	Poindexter	Swanson
Culberson	Lea	Reed	Tillman
Davis	Martine, N. J.	Shively	Watson
Fletcher	Myers	Simmons	
Gore	O'Gorman	Smith, Ariz.	

NAYS—52.

Borah	Clark, Wyo.	Guggenheim	Perkins
Bourne	Clarke, Ark.	Johnson, Me.	Pomerene
Bradley	Crane	Jones	Richardson
Brandegee	Crawford	Lippitt	Root
Briggs	Cullom	Lodge	Sanders
Bristow	Cummins	McCumber	Smith, Mich.
Brown	Curtis	McLean	Smoot
Burnham	Dillingham	Nelson	Sutherland
Burton	du Pont	Newlands	Thornton
Catron	Fall	Nixon	Townsend
Chamberlain	Gallinger	Oliver	Wetmore
Chilton	Gardner	Page	Williams
Clapp	Gronna	Percy	Works

NOT VOTING—17.

Bailey	Heyburn	Owen	Stephenson
Bankhead	Kenyon	Penrose	Warren
Dixon	La Follette	Rayner	
Foster	Lorimer	Smith, Md.	
Gamble	Martin, Va.	Smith, S. C.	

So Mr. CULBERSON's amendment was rejected.

Mr. REED. I send to the desk an amendment which I offer.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 24 of the last print of the bill, amend section 14, paragraph 4, by striking out of that paragraph the following words:

If a trial by jury is not demanded by either party within five days after the filing and service of the exceptions a jury shall be deemed to be waived, and the court shall thereupon hear and determine the case without a jury.

Mr. STONE. Let us see how the section would read if amended as proposed.

The PRESIDING OFFICER. The paragraph will be read as it would read if amended.

The SECRETARY. If amended, paragraph 4 of section 14, beginning at the bottom of page 23, would read:

(4) Where exceptions are filed, either party shall have the right, upon a written demand filed with the clerk, to a trial by jury, upon the claim for compensation under this act, as in cases at common law. The party making such demand shall at the time thereof pay to the clerk the sum of $5 as a jury fee. The findings of the adjuster filed as aforesaid shall be received as prima facie evidence of the facts therein set forth in any trial before the court or jury. Where the case is tried by a jury the court may submit special interrogatories, to be answered by the jury in the form of a special verdict.

Mr. CLARKE of Arkansas. Just at that place I have an amendment to the amendment to perfect the section. I intended to offer it at a later time, but I think I will do so at this stage.

I move to amend, on page 24 of the last print, by striking out all after the word "by," in line 3, down to and including the word "exceptions," in line 4, and insert:

The party filing said exceptions within five days after the service of the exceptions, then the other party shall have the right for an additional five days to demand a jury on the terms aforesaid, and if neither party shall demand a jury within the times herein respectively allowed—

Then the section goes on to read—

a jury shall be deemed to be waived, etc.

The intention of the amendment is to give the party to file the exceptions five days in which to demand a jury, and if he does not do so within five days then the other party shall have the right to five days.

Mr. REED. Mr. President, as a matter of inquiry, would not the Senator be willing to let the amendment I offer be voted on and then offer his later?

Mr. CLARKE of Arkansas. I would be very glad to do so if it will not preclude my rights by doing that.

The PRESIDING OFFICER. The amendment of the Senator from Arkansas is to perfect the text of the bill, the Chair understands, and that is perfectly in order.

Mr. CLARKE of Arkansas. I call the attention of the Senator from Utah to my amendment. Possibly it may not be antagonized.

Mr. SUTHERLAND. Let it be read. Let that part of the section be read as it would read if amended.

The SECRETARY. On page 24, beginning with line 3, after the word "by," strike out the words "either party within five days after the filing and service of the exceptions," and insert the words:

The party filing said exceptions within five days after the service of the exceptions, then the other party shall have the right for an additional five days to demand a jury on the terms aforesaid, and if neither party shall demand a jury within the times herein respectively allowed—

So that if amended it will read:

If a trial by jury is not demanded by the party filing said exceptions within five days after the service of the exceptions, then the other party shall have the right for an additional five days to demand a jury on the terms aforesaid, and if neither party shall demand a jury within the times herein respectively allowed, a jury shall be deemed to be waived, and the court shall thereupon hear and determine the case without a jury. The findings of the adjuster filed as aforesaid shall be received as prima facie evidence of the facts therein set forth in any trial before the court or jury. Where the case is tried by a jury the court may submit special interrogatories, to be answered by the jury in the form of a special verdict.

Mr. SUTHERLAND. I see no objection to that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Arkansas.

Mr. REED. A parliamentary inquiry. That amendment is offered as an amendment to the amendment I offered?

Mr. CLARKE of Arkansas. It is offered as an amendment to perfect the original text before the Senator proposes to strike out. That is the parliamentary course. Then will come the question on the motion to strike out.

Mr. REED. Very well. I merely wished to understand it.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Arkansas [Mr. CLARKE].

The amendment was agreed to.

Mr. REED. Now, Mr. President, I offer the amendment which I send to the desk. I desire to modify it, however, to include this language——

The PRESIDING OFFICER. It will be so included. The Secretary will read the amendment as modified.

Mr. REED. So that the entire limitation will be stricken out.

Mr. LODGE. The question now is to strike out the words as they have been amended.

The PRESIDING OFFICER. As amended. The Secretary will state the amendment.

The SECRETARY. It is proposed, in section 14, on page 24, of the reprint of the bill, beginning in line 2 with the word "If," to strike out the following words:

If a trial by jury is not demanded by the party filing said exceptions within five days after the service of the exceptions, then the other party shall have the right for an additional five days to demand a jury on the terms aforesaid, and if neither party shall demand a jury within the times herein respectively allowed a jury shall be deemed to be waived, and the court shall thereupon hear and determine the cause without a jury.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri.

Mr. REED. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). As before stated, I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence, I transfer that pair to the junior Senator from Illinois [Mr. LORIMER], and shall vote. I desire this statement to stand for the remainder of the day. I vote "nay."

Mr. CLAPP (when Mr. DIXON's name was called). The senior Senator from Montana [Mr. DIXON] is paired with the senior Senator from Texas [Mr. BAILEY]. I make that statement for the day.

Mr. FOSTER (when his name was called). In the absence of the Senator from Wyoming [Mr. WARREN], with whom I am paired, I withhold my vote.

Mr. CRAWFORD (when Mr. GAMBLE's name was called). I desire that the statement made by me on the former roll call as to my colleague [Mr. GAMBLE] shall stand during all the votes taken through the day.

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). I desire to announce that my colleague [Mr. MARTIN] is paired with the junior Senator from Wisconsin [Mr. STEPHENSON]. I wish this announcement to stand for the day.

Mr. RICHARDSON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. Under the arrangement with the Senator from Missis-

sippi [Mr. WILLIAMS], I transfer that pair to the senior Senator from Pennsylvania [Mr. PENROSE], which will enable both the Senator from Mississippi and myself to vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH], and ask that the pair and the announcement stand for the remainder of the day. I vote "nay."

The roll call having been concluded, the result was announced—yeas 25, nays 53, as follows:

YEAS—25.

Ashurst	Gronna	O'Gorman	Smith, Ga.
Bacon	Hitchcock	Overman	Stone
Bryan	Johnston, Ala.	Paynter	Swanson
Culberson	Kern	Reed	Tillman
Davis	Lea	Shively	
Fletcher	Martine, N. J.	Simmons	
Gore	Myers	Smith, Ariz.	

NAYS—53.

Borah	Clarke, Ark.	Lippitt	Root
Bourne	Crane	Lodge	Sanders
Bradley	Crawford	McCumber	Smith, Mich.
Brandegee	Cullom	McLean	Smoot
Briggs	Cummins	Nelson	Sutherland
Bristow	Curtis	Newlands	Thornton
Brown	Dillingham	Nixon	Townsend
Burnham	du Pont	Oliver	Watson
Burton	Fall	Page	Wetmore
Catron	Gallinger	Percy	Williams
Chamberlain	Gardner	Perkins	Works
Chilton	Guggenheim	Poindexter	
Clapp	Johnson, Me.	Pomerene	
Clark, Wyo.	Jones	Richardson	

NOT VOTING—17.

Bailey	Heyburn	Owen	Stephenson
Bankhead	Kenyon	Penrose	Warren
Dixon	La Follette	Rayner	
Foster	Lorimer	Smith, Md.	
Gamble	Martin, Va.	Smith, S. C.	

So Mr. REED's amendment was rejected.

Mr. BACON. Mr. President, I offer the amendment which I send to the desk as a proviso to the third section of the bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. It is proposed to add at the end of section 3, on page 2, the following words:

Provided, That it shall be competent for such employer and employee to stipulate and agree in writing that the liability of the employer to the employee for any personal injury to or death of such employee shall be as prescribed in the act of April 22, 1908, entitled "An act relating to the liability of common carriers by railroad to their employees."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Georgia.

Mr. BACON. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. RICHARDSON (when his name was called). I have heretofore announced the transfer of my pair with the Senator from South Carolina [Mr. SMITH] to the senior Senator from Pennsylvania [Mr. PENROSE]. I now make that announcement to stand for the remainder of the day. I vote "nay."

The roll call having been concluded, the result was announced—yeas 28, nays 51, as follows:

YEAS—28.

Ashurst	Foster	Martine, N. J.	Simmons
Bacon	Gardner	Myers	Smith, Ariz.
Bryan	Gore	O'Gorman	Smith, Ga.
Clarke, Ark.	Hitchcock	Overman	Stone
Culberson	Johnston, Ala.	Paynter	Swanson
Davis	Kern	Reed	Tillman
Fletcher	Lea	Shively	Watson

NAYS—51.

Borah	Clark, Wyo.	Jones	Richardson
Bourne	Crane	Lippitt	Root
Bradley	Crawford	Lodge	Sanders
Brandegee	Cullom	McCumber	Smith, Mich.
Briggs	Cummins	McLean	Smoot
Bristow	Curtis	Nelson	Sutherland
Brown	Dillingham	Newlands	Thornton
Burnham	du Pont	Nixon	Townsend
Burton	Fall	Oliver	Warren
Catron	Gallinger	Page	Wetmore
Chamberlain	Gronna	Perkins	Williams
Chilton	Guggenheim	Poindexter	Works
Clapp	Johnson, Me.	Pomerene	

NOT VOTING—16.

Bailey	Heyburn	Martin, Va.	Rayner
Bankhead	Kenyon	Owen	Smith, Md.
Dixon	La Follette	Penrose	Smith, S. C.
Gamble	Lorimer	Percy	Stephenson

So Mr. BACON's amendment was rejected.

Mr. OVERMAN. I send forward an amendment, and on its adoption I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from North Carolina offers an amendment, which the Secretary will state.

The SECRETARY. It is proposed to add a new section to the bill, to be numbered section 31½, as follows:

SEC. 31½. That nothing in this act shall be held, in any manner, to deprive any State court of jurisdiction of all common-law and statutory remedies heretofore existing for all cases of negligence occurring upon any railroad doing business in the State in which said railroad is incorporated, notwithstanding the fact that said railroad at the time is engaged in doing an interstate business.

The PRESIDING OFFICER. The Senator from North Carolina demands the yeas and nays on the amendment.

The yeas and nays were ordered and taken.

Mr. DILLINGHAM (after having voted in the negative). I should like to inquire whether the senior Senator from South Carolina [Mr. TILLMAN] has voted?

The PRESIDING OFFICER. The Chair is informed the Senator from South Carolina has not voted.

Mr. DILLINGHAM. Having a general pair with that Senator, I withdraw my vote.

The result was announced—yeas 23, nays 52, as follows:

YEAS—23.

Ashurst	Gore	O'Gorman	Simmons
Bacon	Hitchcock	Overman	Smith, Ariz.
Bryan	Johnston, Ala.	Paynter	Smith, Ga.
Culberson	Kern	Poindexter	Stone
Davis	Lea	Reed	Swanson
Fletcher	Myers	Shively	

NAYS—52.

Borah	Clark, Wyo.	Johnson, Me.	Pomerene
Bourne	Clarke, Ark.	Jones	Richardson
Bradley	Crane	Lippitt	Root
Brandegee	Crawford	Lodge	Sanders
Briggs	Cullom	McCumber	Smoot
Bristow	Cummins	McLean	Sutherland
Brown	Curtis	Nelson	Thornton
Burnham	du Pont	Newlands	Townsend
Burton	Fall	Nixon	Warren
Catron	Gallinger	Oliver	Watson
Chamberlain	Gardner	Page	Wetmore
Chilton	Gronna	Percy	Williams
Clapp	Guggenheim	Perkins	Works.

NOT VOTING—20.

Bailey	Gamble	Martin, Va.	Smith, Md.
Bankhead	Heyburn	Martine, N. J.	Smith, Mich.
Dillingham	Kenyon	Owen	Smith, S. C.
Dixon	La Follette	Penrose	Stephenson
Foster	Lorimer	Rayner	Tillman

So Mr. OVERMAN'S amendment was rejected.

Mr. CULBERSON. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Texas offers an amendment, which will be stated.

The SECRETARY. On page 29, lines 20 and 21, after the word "hundred" and before the word "dollars," it is proposed to insert the words "and fifty," and in line 21, after the word "than," to strike out "fifty" and insert "seventy-five," so as to read:

For the purpose of such calculation, no employee's wages shall be considered to be more than $150 a month or less than $75 a month.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas. [Putting the question.] By the sound the "noes" seem to have it.

Mr. CULBERSON and Mr. SMITH of Georgia demanded the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I notice the absence from the Chamber of the distinguished Senator from South Carolina [Mr. TILLMAN]. Having a pair with him I withhold my vote.

The roll call having been concluded, the result was announced—yeas 27, nays 50, as follows:

YEAS—27.

Ashurst	Hitchcock	Overman	Smith, Ariz.
Bacon	Johnston, Ala.	Paynter	Smith, Ga.
Bryan	Kern	Poindexter	Stone
Culberson	Lea	Pomerene	Swanson
Davis	Martine, N. J.	Reed	Watson
Fletcher	Myers	Shively	Williams
Gore	O'Gorman	Simmons	

NAYS—50.

Borah	Clark, Wyo.	Guggenheim	Perkins
Bourne	Clarke, Ark.	Johnson, Me.	Richardson
Bradley	Crane	Jones	Root
Brandegee	Crawford	Lippitt	Sanders
Briggs	Cullom	Lodge	Smoot
Bristow	Cummins	McCumber	Sutherland
Brown	Curtis	McLean	Thornton
Burnham	du Pont	Nelson	Townsend
Burton	Fall	Newlands	Warren
Catron	Foster	Nixon	Wetmore
Chamberlain	Gallinger	Oliver	Works
Chilton	Gardner	Page	
Clapp	Gronna	Percy	

NOT VOTING—18.

Bailey	Heyburn	Owen	Smith, S. C.
Bankhead	Kenyon	Penrose	Stephenson
Dillingham	La Follette	Rayner	Tillman
Dixon	Lorimer	Smith, Md.	
Gamble	Martin, Va.	Smith, Mich.	

So Mr. CULBERSON's amendment was rejected.

Mr. REED. I offer the amendment I send to the desk.

The SECRETARY. On page 29, lines 20 and 21, after the word "hundred," insert "and twenty-five"; on page 29, line 21, after the word "than," strike out "fifty" and insert "seventy-five," so that if amended it will read:

For the purpose of such calculation, no employee's wages shall be considered to be more than $125 a month or less than $75 a month.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Missouri.

Mr. REED. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Again I announce my pair, and I withhold my vote. If the Senator from South Carolina [Mr. TILLMAN] were present, I would vote "nay."

The result was announced—yeas 26, nays 51, as follows:

YEAS—26.

Ashurst	Gore	O'Gorman	Smith, Ariz.
Bacon	Hitchcock	Overman	Smith, Ga.
Bryan	Johnston, Ala.	Paynter	Stone
Culberson	Kern	Poindexter	Swanson
Davis	Lea	Reed	Watson
Fletcher	Martine, N. J.	Shively	
Foster	Myers	Simmons	

NAYS—51.

Borah	Clark, Wyo.	Johnson, Me.	Richardson
Bourne	Clarke, Ark.	Jones	Root
Bradley	Crane	Lippitt	Sanders
Brandegee	Crawford	Lodge	Smith, Mich.
Briggs	Cullom	McCumber	Smoot
Bristow	Cummins	McLean	Sutherland
Brown	Curtis	Nelson	Thornton
Burnham	du Pont	Nixon	Townsend
Burton	Fall	Oliver	Warren
Catron	Gallinger	Page	Wetmore
Chamberlain	Gardner	Percy	Williams
Chilton	Gronna	Perkins	Works
Clapp	Guggenheim	Pomerene	

NOT VOTING—18.

Bailey	Heyburn	Newlands	Smith, S. C.
Bankhead	Kenyon	Owen	Stephenson
Dillingham	La Follette	Penrose	Tillman
Dixon	Lorimer	Rayner	
Gamble	Martin, Va.	Smith, Md.	

So Mr. REED's amendment was rejected.

Mr. CULBERSON. There is one other amendment which I propose.

The SECRETARY. On page 2, lines 2 and 3, strike out the words "arising out of and in the course of his employment."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Texas.

The amendment was rejected.

Mr. POMERENE. I offer an amendment. I move to strike out, beginning with line 17, on page 32, and ending with line 12, on page 33, both lines inclusive. The purpose is to do away with the discrimination between resident and nonresident dependents.

The SECRETARY. On page 32 it is proposed to strike out subsection 7 of section 21, which reads as follows:

(7) The foregoing subdivisions of this clause (A) shall apply only to dependents who at the time of the death of the deceased employee are actual residents of the United States or contiguous countries, except (a) if the nonresident dependent be a widow and there be no resident child or children entitled to compensation under this act, there shall be paid to her a lump sum equal to one year's wages of the deceased employee, as hereinbefore defined and limited, for the benefit of herself and nonresident children, if any; (b) if the nonresident dependent be a child or children under the age of 16 years and there be no widow, resident or nonresident, and no resident children entitled to compensation under this act, there shall be paid to such nonresident child or children a like lump sum to be divided among them share and share alike; it being the intention of the foregoing to exclude from the benefits of this act any such nonresident widow, child, or children, if there be any resident child or children entitled to compensation under this act, and to exclude from the benefits of this act all other resident dependents if there be any nonresident widow, child, or children entitled to take under the provisions of this subdivision.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Ohio.

Mr. POMERENE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Not knowing whether the Senator from South Carolina [Mr. TILLMAN] intends to return to the Chamber this afternoon, I make the announcement of my pair with him and will let it stand on all questions in connection with this bill until he returns.

The roll call was concluded.

Mr. DU PONT (after having voted in the negative). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As I observe he has not voted, I withdraw my vote.

The result was announced—yeas 29, nays 45, as follows:

YEAS—29.

Ashurst	Gore	Myers	Smith, Ariz.
Bacon	Gronna	O'Gorman	Smith, Ga.
Bryan	Hitchcock	Overman	Stone.
Chilton	Johnson, Me.	Paynter	Watson
Davis	Johnston, Ala.	Pomerene	Williams
Fletcher	Kern	Reed	
Gallinger	Lea	Shively	
Gardner	Martine, N. J.	Simmons	

NAYS—45.

Borah	Clark, Wyo.	McCumber	Sanders
Bourne	Crane	McLean	Smoot
Bradley	Crawford	Nelson	Sutherland
Brandegee	Cullom	Newlands	Swanson
Briggs	Cummins	Nixon	Thornton
Bristow	Curtis	Oliver	Townsend
Brown	Fall	Page	Warren
Burnham	Foster	Percy	Wetmore
Burton	Guggenheim	Perkins	Works
Catron	Jones	Poindexter	
Chamberlain	Lippitt	Richardson	
Clapp	Lodge	Root	

NOT VOTING—21.

Bailey	du Pont	Martin, Va.	Smith, S. C.
Bankhead	Gamble	Owen	Stephenson
Clarke, Ark.	Heyburn	Penrose	Tillman
Culberson	Kenyon	Rayner	
Dillingham	La Follette	Smith, Md.	
Dixon	Lorimer	Smith, Mich.	

So Mr. POMERENE's amendment was rejected.

Mr. POMERENE. I offer the following amendment, to come in on page 33, at the conclusion of line 12, as a proviso:

The PRESIDING OFFICER. The Senator from Ohio submits an amendment, which will be read.

The SECRETARY. On page 33, after the word "subdivision," at the end of line 12, insert the following proviso:

Provided, however, That nonresident dependents living in foreign countries not contiguous to the United States shall have the same rights hereunder as resident dependents, if those countries accord to the nonresident dependents of their employees the same rights as are given to their resident dependents.

Mr. POMERENE. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not in the Chamber, I withhold my vote.

The roll call having been concluded, the result was announced—yeas 29, nays 44, as follows:

YEAS—29.

Ashurst	Gronna	O'Gorman	Smith, Ga.
Bacon	Hitchcock	Overman	Stone
Bryan	Johnson, Me.	Paynter	Swanson
Chilton	Johnston, Ala.	Pomerene	Watson
Davis	Kern	Reed	Williams
Fletcher	Lea	Shively	
Gardner	Martin, N. J.	Simmons	
Gore	Myers	Smith, Ariz.	

NAYS—44.

Borah	Clapp	Lippitt	Richardson
Bourne	Clark, Wyo.	Lodge	Root
Bradley	Crane	McCumber	Sanders
Brandegee	Crawford	McLean	Smith, Mich.
Briggs	Cullom	Nelson	Smoot
Bristow	Cummins	Nixon	Sutherland
Brown	Curtis	Oliver	Thornton
Burnham	Fall	Page	Townsend
Burton	Gallinger	Percy	Warren
Catron	Guggenheim	Perkins	Wetmore
Chamberlain	Jones	Poindexter	Works

NOT VOTING—22.

Bailey	du Pont	Lorimer	Smith, Md.
Bankhead	Foster	Martin, Va.	Smith, S. C.
Clarke, Ark.	Gamble	Newlands	Stephenson
Culberson	Heyburn	Owen	Tillman
Dillingham	Kenyon	Penrose	
Dixon	La Follette	Rayner	

So Mr. POMERENE's amendment was rejected.

Mr. HITCHCOCK. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 31, line 19, after the word "years" in the reprint, insert:

But any female child shall continue to receive her share until she reaches 20 years of age, unless sooner married.

So that if amended the paragraph will read:

(4) In the event of the death or remarriage of a widow receiving payments under subdivision (2) of this clause, the amounts stated in subdivision (3) shall thereafter be paid to the child or children of the deceased employee therein specified for the unexpired part of the period of eight years from the date of the employee's death, but to continue in any event until the youngest child shall have attained the age of 16 years, but any female child shall continue to receive her share until she reaches 20 years of age, unless sooner married, subject to the provisions of subdivision (9) of this clause (A).

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska. [Putting the question.] The noes seem to have it.

Mr. HITCHCOCK. I ask for the yeas and nays.

The yeas and nays were ordered; and, being taken, resulted—yeas 30, nays 47, as follows:

YEAS—30.

Ashurst	Hitchcock	Overman	Smith, Ga.
Bacon	Johnson, Me.	Paynter	Stone
Bryan	Johnston, Ala.	Poindexter	Swanson
Culberson	Kern	Pomerene	Tillman
Davis	Lea	Reed	Watson
Fletcher	Martine, N. J.	Shively	Williams
Gardner	Myers	Simmons	
Gore	O'Gorman	Smith, Ariz.	

NAYS—47.

Borah	Clark, Wyo.	Jones	Richardson
Bourne	Crane	Lippitt	Root
Bradley	Crawford	Lodge	Sanders
Brandegee	Cullom	McCumber	Smith, Mich.
Briggs	Cummins	McLean	Smoot
Bristow	Curtis	Nelson	Sutherland
Brown	Dillingham	Newlands	Thornton
Burnham	du Pont	Nixon	Townsend
Burton	Fall	Oliver	Warren
Catron	Gallinger	Page	Wetmore
Chamberlain	Gronna	Percy	Works
Clapp	Guggenheim	Perkins	

NOT VOTING—18.

Bailey	Foster	Lorimer	Smith, Md.
Bankhead	Gamble	Martin, Va.	Smith, S. C.
Chilton	Heyburn	Owen	Stephenson
Clarke, Ark.	Kenyon	Penrose	
Dixon	La Follette	Rayner	

So Mr. HITCHCOCK's amendment was rejected.

Mr. JOHNSTON of Alabama. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 23, line 25, strike out all, after the word "law," and, on page 124, strike out all, in lines 1 and 2 to the word "if," striking out the following words:

The party making such demand shall at the time thereof pay to the clerk the sum of $5 as a jury fee.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Alabama.

The amendment was rejected.

Mr. KERN. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Amend section 21 by striking out the word "forty," in line 20, page 30, and inserting in lieu thereof the word "fifty," so as to read:

(1) If the deceased employee leave a widow and no child under the age of 16, and no dependent child over the age of 16, there shall be paid to the widow 50 per centum of the monthly wages of the deceased.

Mr. KERN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and, being taken, resulted—yeas 28, nays 50, as follows:

YEAS—28.

Ashurst	Gore	O'Gorman	Simmons
Bacon	Hitchcock	Overman	Smith, Ariz.
Bryan	Johnston, Ala.	Paynter	Smith, Ga.
Culberson	Kern	Poindexter	Stone
Davis	Lea	Pomerene	Swanson
Fletcher	Martine, N. J.	Reed	Tillman
Gardner	Myers	Shively	Watson

NAYS—50.

Borah	Clark, Wyo.	Jones	Root
Bourne	Crane	Lippitt	Sanders
Bradley	Crawford	Lodge	Smith, Mich.
Brandegee	Cullom	McCumber	Smoot
Briggs	Cummins	McLean	Sutherland
Bristow	Curtis	Nelson	Thornton
Brown	Dillingham	Newlands	Townsend
Burnham	du Pont	Nixon	Warren
Burton	Fall	Oliver	Wetmore
Catron	Gallinger	Page	Williams
Chamberlain	Gronna	Percy	Works
Chilton	Guggenheim	Perkins	
Clapp	Johnson, Me.	Richardson	

NOT VOTING—17.

Bailey	Gamble	Martin, Va.	Smith, S. C.
Bankhead	Heyburn	Owen	Stephenson
Clarke, Ark.	Kenyon	Penrose	
Dixon	La Follette	Rayner	
Foster	Lorimer	Smith, Md.	

So Mr. KERN's amendment was rejected.

Mr. CLARKE of Arkansas. Mr. President, I offer the amendment which I send to the desk as a proviso at the end of subdivision 3, section 14, on page 23. I call the attention of the Senator from Utah [Mr. SUTHERLAND] to the amendment.

The PRESIDING OFFICER. The Senator from Arkansas submits an amendment, which will be stated.

The SECRETARY. On page 23, line 21, at the end of subdivision 3, after the word "judgments," it is proposed to insert the following proviso:

Provided, That if the employer shall file exceptions to the findings of the adjuster, and shall not on the trial de novo in the district court reduce the amount awarded by the adjuster to the employee, there shall be added by the court when judgment is entered on the finding of the court or the verdict of the jury on the trial in said district court, 25 per cent on the sum awarded to the employee by said court in its findings or by the verdict.

Mr. SUTHERLAND. I see no objection to that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KERN. I have some other amendments which I desire to offer. I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 30, line 26, paragraph 2 of subdivision A, section 21, after the word "deceased," it is proposed to insert:

Provided, That if such deceased employee shall leave more than four children under the age aforesaid, or dependent as aforesaid, said payment shall be increased 10 per cent for each of such additional children, not exceeding in all 80 per cent of such total monthly wages.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana.

Mr. KERN and Mr. SMITH of Georgia called for the yeas and nays on the amendment.

The yeas and nays were ordered; and, being taken, resulted—yeas 29, nays 49, as follows:

YEAS—29.

Ashurst	Gore	Overman	Smith, Ga.
Bacon	Hitchcock	Paynter	Stone
Bryan	Johnson, Me.	Poindexter	Swanson
Chilton	Johnston, Ala.	Pomerene	Tillman
Culberson	Kern	Reed	Watson
Davis	Lea	Shively	
Fletcher	Myers	Simmons	
Gardner	O'Gorman	Smith, Ariz.	

NAYS—49.

Borah	Crane	Lippitt	Sanders
Bourne	Crawford	Lodge	Smith, Mich.
Bradley	Cullom	McCumber	Smoot
Brandegee	Cummins	McLean	Sutherland
Briggs	Curtis	Nelson	Thornton
Bristow	Dillingham	Newlands	Townsend
Brown	du Pont	Nixon	Warren
Burnham	Fall	Oliver	Wetmore
Burton	Foster	Page	Williams
Catron	Gallinger	Percy	Works
Chamberlain	Gronna	Perkins	
Clapp	Guggenheim	Richardson	
Clark, Wyo.	Jones	Root	

NOT VOTING—17.

Bailey	Heyburn	Martine, N. J.	Smith, S. C.
Bankhead	Kenyon	Owen	Stephenson
Clarke, Ark.	La Follette	Penrose	
Dixon	Lorimer	Rayner	
Gamble	Martin, Va.	Smith, Md.	

So Mr. KERN's amendment was rejected.

Mr. KERN. I now offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. It is proposed to strike out, in section 21, subdivision 3, of clause (A), on page 31, lines 1 to 11, inclusive, and to insert the following:

(3) If the deceased employee leave any child under the age of 16, or dependent child over the age of 16, but no widow, there shall be paid, if one such child, one-third of the monthly wages of the deceased to such child, and if more than one such child, 10 per cent additional for each of such children, not exceeding a total of 80 per cent of the monthly wages of the deceased, divided among such children, share and share alike: *Provided*, That such payments to said children shall continue until they severally reach the age of 16 years, and in the case of female children as hereinafter provided in section 27: *And provided further*, That as the number of children entitled to payment shall be subsequently reduced by reaching the age limit as herein fixed, or otherwise, the amount of the payments shall be correspondingly diminished.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana.

Mr. KERN. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered; and, being taken, resulted—yeas 25, nays 50, as follows:

YEAS—25.

Ashurst	Hitchcock	Poindexter	Stone
Bacon	Kern	Pomerene	Swanson
Bryan	Lea	Reed	Tillman
Culberson	Myers	Shively	Watson
Davis	O'Gorman	Simmons	
Fletcher	Overman	Smith, Ariz.	
Gore	Paynter	Smith, Ga.	

NAYS—50.

Borah	Clark, Wyo.	Johnson, Me.	Root
Bourne	Crane	Jones	Sanders
Bradley	Crawford	Lippitt	Smith, Mich.
Brandegee	Cullom	Lodge	Smoot
Briggs	Cummins	McCumber	Sutherland
Bristow	Curtis	McLean	Thornton
Brown	Dillingham	Nelson	Townsend
Burnham	du Pont	Nixon	Warren
Burton	Fall	Oliver	Wetmore
Catron	Gallinger	Page	Williams
Chamberlain	Gardner	Percy	Works
Chilton	Gronna	Perkins	
Clapp	Guggenheim	Richardson	

NOT VOTING—20.

Bailey	Gamble	Lorimer	Penrose
Bankhead	Heyburn	Martin, Va.	Rayner
Clarke, Ark.	Johnston, Ala.	Martine, N. J.	Smith, Md.
Dixon	Kenyon	Newlands	Smith, S. C.
Foster	La Follette	Owen	Stephenson.

So Mr. KERN's amendment was rejected.

Mr. KERN. I have one more amendment, which I now offer.

The PRESIDING OFFICER. The Senator from Indiana offers an amendment, which will be stated.

The SECRETARY. It is proposed to amend section 21 by striking out the words "seventy-two months," in line 13, page 35, and inserting in lieu thereof the words "ninety-six months."

The PRESIDING OFFICER. The question is on the amendment.

Mr. REED. I ask for a roll call.

Mr. KERN. I ask that the clause be read as it will appear if amended.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

The permanent and complete loss of hearing in both ears, 96 months.

Mr. KERN. I ask for the yeas and nays.

The yeas and nays were ordered; and, being taken, resulted—yeas 28, nays 49, as follows:

YEAS—28.

Ashurst	Gore	O'Gorman	Simmons
Bacon	Hitchcock	Overman	Smith, Ariz.
Bryan	Johnston, Ala.	Paynter	Smith, Ga.
Culberson	Kern	Poindexter	Stone
Davis	Lea	Pomerene	Swanson
Fletcher	Martine, N. J.	Reed	Tillman
Gardner	Myers	Shively	Watson

NAYS—49.

Borah	Clark, Wyo.	Jones	Sanders
Bourne	Crane	Lippitt	Smith, Mich.
Bradley	Crawford	Lodge	Smoot
Brandegee	Cullom	McCumber	Sutherland
Briggs	Cummins	McLean	Thornton
Bristow	Curtis	Nelson	Townsend
Brown	Dillingham	Nixon	Warren
Burnham	du Pont	Oliver	Wetmore
Burton	Fall	Page	Williams
Catron	Gallinger	Percy	Works
Chamberlain	Gronna	Perkins	
Chilton	Guggenheim	Richardson	
Clapp	Johnson, Me.	Root	

NOT VOTING—18.

Bailey	Gamble	Martin, Va.	Smith, Md.
Bankhead	Heyburn	Newlands	Smith, S. C.
Clarke, Ark.	Kenyon	Owen	Stephenson
Dixon	La Follette	Penrose	
Foster	Lorimer	Rayner	

So Mr. KERN's amendment was rejected.

Mr. WILLIAMS. I move to strike out "four," in line 10, on page 31, and substitute for it the word "three."

The SECRETARY. On page 31, line 10, it is proposed to strike out "four" and insert "three," so as to read:

Provided, That if the number of children entitled to payment be subsequently reduced to less than three, the amount of the payments shall be correspondingly diminished.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Mississippi. [Putting the question.] The noes seem to have it.

Mr. MYERS. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. REED. I send to the desk an amendment, and upon it I ask for the yeas and nays. I have several other amendments, but I shall not ask for the yeas and nays upon the others.

The PRESIDING OFFICER. The Senator from Missouri offers an amendment, which will be stated.

The SECRETARY. Amend section 27, page 42, by striking out lines 1 to 6, inclusive, as follows:

The term "dependent child over the age of 16 years," wherever it occurs in this act, or any reference to such child, shall be construed to mean a dependent child over the age of 16 years unable to earn a living by reason of mental or physical incapacity or a female child under the age of 20 years, unless sooner married.

And inserting in lieu thereof the following:

The term "dependent child" shall be construed to mean a child that is wholly or in part dependent for its livelihood or education upon the financial assistance of the person injured.

The PRESIDING OFFICER. On the amendment the Senator from Missouri demands the yeas and nays.

The yeas and nays were ordered; and, being taken, resulted—yeas 27, nays 49, as follows:

YEAS—27.

Ashurst	Gardner	O'Gorman	Simmons
Bacon	Gore	Overman	Smith, Ariz.
Bryan	Johnston, Ala.	Paynter	Smith, Ga.
Culberson	Kern	Poindexter	Stone
Davis	Lea	Pomerene	Swanson
Fletcher	Martine, N J.	Reed	Watson
Foster	Myers	Shively	

NAYS—49.

Borah	Clark, Wyo.	Jones	Sanders
Bourne	Crane	Lippitt	Smith, Mich.
Bradley	Crawford	Lodge	Smoot
Brandegee	Cullom	McCumber	Sutherland
Briggs	Cummins	McLean	Thornton
Bristow	Curtis	Nelson	Townsend
Brown	Dillingham	Nixon	Warren
Burnham	du Pont	Oliver	Wetmore
Burton	Fall	Page	Williams
Catron	Gallinger	Percy	Works
Chamberlain	Gronna	Perkins	
Chilton	Guggenheim	Richardson	
Clapp	Johnson, Me.	Root	

NOT VOTING—19.

Bailey	Heyburn	Martin, Va.	Smith, Md.
Bankhead	Hitchcock	Newlands	Smith, S. C.
Clarke, Ark.	Kenyon	Owen	Stephenson
Dixon	La Follette	Penrose	Tillman
Gamble	Lorimer	Rayner	

So Mr. REED's amendment was rejected.

Mr. REED. I offer an amendment, and call the attention of the Senator from Utah to it, it being an amendment that he practically accepted the other day.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 23, after the amendment already agreed to at that point, offered by the Senator from Arkansas [Mr. CLARKE], it is proposed to insert:

The evidence produced before the adjuster shall be taken in writing or in shorthand, and shall be, in case of appeal from the finding of the adjuster, transcribed and duly authenticated and filed with the clerk of the United States court, and may be thereafter read in evidence in any future hearing or trial in said cause under the same circumstances and with the same force and effect as a deposition may now be read in suits at law.

Mr. SUTHERLAND. I suggest that it be amended by adding the word "if"; so as to read, "if the evidence * * * shall be taken."

The PRESIDING OFFICER. Debate is not in order.

Mr. SUTHERLAND. That if the testimony shall be taken in shorthand it may be used, and then I shall have no objection, but I do not think we ought to compel the taking of testimony in shorthand before the adjuster.

Mr. REED. I will accept the modification suggested by the Senator.

The PRESIDING OFFICER. The Chair will suggest that technically this amendment is not in order, it being an amendment to an amendment which has been agreed to as in Committee of the Whole, but it can be offered in the Senate. Perhaps meanwhile it may be perfected. Does the Senator withdraw the amendment for the present?

Mr. REED. I ask now to change the amendment by inserting in the amendment the word "if," and offer it in that way.

The PRESIDING OFFICER. The Secretary will report the amendment as modified. It is suggested to the Chair that the amendment would more properly come before the other amendment than after it.

Mr. REED. I offer it with reference to the bill and not the amendment.

The SECRETARY. On page 23, line 21, after the word "judgments," insert:

If the evidence produced before the adjuster shall be taken in writing or in shorthand, it shall be, in case of appeal from the finding of the adjuster, transcribed and duly authenticated and filed with the clerk of the United States court, and may be thereafter read in evidence in any future hearing or trial in said cause under the same circumstances and with the same force and effect as a deposition may now be read in suits at law.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. REED. I offer the amendment I send to the desk.

The SECRETARY. Amend section 13, paragraph 9, page 19, of the last print, by adding at the end of said paragraph the following:

That no costs shall be taxed against the employee if the adjuster or the court shall find as a fact that the refusal of the employee to accept the amounts offered was not unreasonable or unjustifiable.

Mr. SUTHERLAND. I have no objection to the amendment.

The amendment was agreed to.

Mr. REED. I offer the following amendment, and I call the attention of the Senator from Utah to it.

The PRESIDING OFFICER. The Senator from Missouri submits an amendment, which will be read.

The SECRETARY. On page 36, amend section 21 by adding at the end thereof the following words:

Whenever it shall appear that the injury was occasioned, or directly contributed to, by the failure or neglect of the employer to provide the safety appliances required by the laws of Congress, then there shall be added to the sums provided to be paid under this bill 25 per cent.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri. [Putting the question.] The noes appear to have it.

Mr. MYERS. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. SMITH of Georgia. I ask the Secretary to turn to the printed amendments that I have submitted and take them in their order.

The PRESIDING OFFICER. The first amendment submitted by the Senator from Georgia will be read.

The SECRETARY. At the top of page 2 of the proposed amendments, amend the bill by adding at the close of section 5 the following proviso:

Provided, That if the employee elects to furnish his own physician or surgeon to care for himself he may recover from his employer such expenses incurred therefor by him as are reasonable and just.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Georgia.

The amendment was rejected.

The PRESIDING OFFICER. The Senator from Georgia submits the following amendment, which will be read.

Mr. SMITH of Georgia. And on this amendment I ask for the yeas and nays.

The SECRETARY. After line 16, on page 4, section 7, add the following proviso:

Provided, That where it is made to appear that the employer, through its officers and agents, had received knowledge of the accident within 30 days after the happening thereof no notice whatever shall be required to be given of the action by the employee to the employer.

The PRESIDING OFFICER. The Senator from Georgia demands the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). The senior Senator from South Carolina [Mr. TILLMAN] has left the Chamber for the afternoon. As I have a general pair with that Senator, I shall withhold my vote on all the subsequent amendments to the bill.

The roll call having been concluded, the result was announced—yeas 23, nays 49, as follows:

YEAS—23.

Bacon	Foster	Overman	Smith, Ariz.
Bryan	Hitchcock	Paynter	Smith, Ga.
Chilton	Kern	Pomerene	Swanson
Culberson	Lea	Reed	Watson
Davis	Myers	Shively	Williams
Fletcher	O'Gorman	Simmons	

NAYS—49.

Borah	Crane	Lippitt	Root
Bourne	Crawford	Lodge	Sanders
Bradley	Cullom	McCumber	Smith, Mich.
Brandegee	Cummins	McLean	Smoot
Briggs	Curtis	Martine, N. J.	Sutherland
Bristow	du Pont	Nelson	Thornton
Brown	Fall	Nixon	Townsend
Burnham	Gallinger	Oliver	Warren
Burton	Gardner	Page	Wetmore
Catron	Gronna	Percy	Works
Chamberlain	Guggenheim	Perkins	
Clapp	Johnson, Me.	Poindexter	
Clark, Wyo.	Jones	Richardson	

NOT VOTING—23.

Ashurst	Gamble	Lorimer	Smith, Md.
Bailey	Gore	Martin, Va.	Smith, S. C.
Bankhead	Heyburn	Newlands	Stephenson
Clarke, Ark.	Johnston, Ala.	Owen	Stone
Dillingham	Kenyon	Penrose	Tillman
Dixon	La Follette	Rayner	

So the amendment of Mr. SMITH of Georgia was rejected.

The PRESIDING OFFICER. The Senator from Georgia offers the following amendment, which will be stated.

The SECRETARY. Add at the close of section 7, at the bottom of page 5, the following words:

It shall be the duty of the employer, within five days after receiving notice through its officers or agents that an employee has received an injury in its service, to notify such employee whether said injury was received while such employee was employed in such commerce by such employer; and in any legal procedure which may follow the employer shall be bound by such notice, and will not be permitted to deny its truth, and on failure of said employer to give said notice said employer shall not be permitted to deny, in any legal procedure, the claim that said injury was received by such employee while employed in such commerce.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Georgia.

The amendment was rejected.

The PRESIDING OFFICER. The Senator from Georgia offers the following amendment, which will be read.

Mr. SMITH of Georgia. I will skip the next two amendments, and as the next one has been agreed to I will go down to line 9.

The PRESIDING OFFICER. The next amendment will be stated.

The SECRETARY. On page 22, section 14, at the end of line 11, after the word "payment," insert the following proviso:

Provided, That where an employee institutes suit for an injury claiming that same did not take place while he was employed in interstate or foreign commerce and fails to recover in such suit, the limitation of the time for his right to proceed under this act shall begin with the termination of such suit, and not with the time when the injury to him occurred.

Mr. SMITH of Georgia. After the word "suit," where it occurs in the fourth line of the paragraph, I move to add "on the ground he was employed in interstate commerce," so that the proviso will read "that where an employee institutes," and so forth, "and fails to recover in such suit on the ground he was employed in interstate commerce."

Mr. SUTHERLAND. I suggest to the Senator from Georgia that if he would let his amendment read "upon the ground that he was engaged in such commerce" it would refer to both interstate and foreign commerce.

Mr. SMITH of Georgia. I will accept that modification, and say "in such commerce."

Mr. SUTHERLAND. I see no objection to that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Georgia as modified.

The amendment as modified was agreed to.

Mr. SMITH of Georgia. I requested the Secretary to begin on line 9 on that page. He skipped an amendment on page 3 of my amendments.

The PRESIDING OFFICER. Will the Senator from Georgia state the amendment?

Mr. SMITH of Georgia. After the word "require," in section 13, paragraph 9, line 11, insert the words:

The reasonable attorney's fees of the employee shall be taxed as cost against the defendant by the adjuster or by the court.

The PRESIDING OFFICER. The Chair is of opinion that as the Senator had his amendment reprinted quite likely the Secretary has not the same draft the Senator has.

The SECRETARY. On page 3, of the reprint, beginning with line 3, the amendment to come in on page 19, paragraph 9, of section 13, after the word "require," insert the words:

The reasonable attorney's fees of the employee shall be taxed as cost against the defendant by the adjuster or by the court.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Georgia.

The amendment was rejected.

Mr. SMITH of Georgia. The next amendment was perfected on yesterday. It it on page 20, section 14, line 21.

The PRESIDING OFFICER. The Chair is informed that that amendment has been agreed to.

Mr. SMITH of Georgia. Then we come down to line 18.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Amend section 14 by adding paragraph 8 after paragraph 7, as follows:

(8) Employees shall have the privilege of enforcing the rights given to them under this act before the adjuster or to proceed in any State court having jurisdiction, and no suit brought in a State court under this act shall be removed to the United States court.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Georgia.

Mr. SMITH of Georgia. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll, Mr. ASHURST responding in the affirmative.

Mr. CHILTON. I should like to have the amendment read.

The PRESIDING OFFICER. A response having been made, under the rule the amendment can not be read again.

The roll having been called, the result was announced—yeas 24, nays 48, as follows:

YEAS—24.

Ashurst	Gore	Myers	Shively
Bacon	Hitchcock	O'Gorman	Simmons
Bryan	Johnston, Ala.	Overman	Smith, Ariz.
Culberson	Kern	Paynter	Smith, Ga.
Davis	Lea	Poindexter	Stone
Fletcher	Martine, N. J.	Reed	Watson

NAYS—48.

Borah	Clark, Wyo.	Jones	Richardson
Bourne	Crane	Lippitt	Root
Bradley	Crawford	Lodge	Sanders
Brandegee	Cullom	McCumber	Smith, Mich.
Briggs	Cummins	McLean	Smoot
Bristow	Curtis	Nelson	Sutherland
Brown	du Pont	Nixon	Thornton
Burnham	Fall	Oliver	Townsend
Burton	Gallinger	Page	Warren
Catron	Gronna	Percy	Wetmore
Chamberlain	Guggenheim	Perkins	Williams
Clapp	Johnson, Me.	Pomerene	Works

NOT VOTING—23.

Bailey	Foster	Lorimer	Smith, Md.
Bankhead	Gamble	Martin, Va.	Smith, S. C.
Chilton	Gardner	Newlands	Stephenson
Clarke, Ark.	Heyburn	Owen	Swanson
Dillingham	Kenyon	Penrose	Tillman
Dixon	La Follette	Rayner	

So the amendment of Mr. SMITH of Georgia was rejected.

Mr. SMITH of Georgia. I have very few more amendments to offer. I move to amend by striking out section 16, on page 26, where it appears in the bill, and in lieu to insert what I ask may be read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Georgia will be read.

The SECRETARY. Strike out section 16, and in lieu insert the following as section 16:

SEC. 16. That on the hearing of a cause of action arising under this act either party shall have the right to elect to commute the monthly payments into a fixed sum, and in that event the fixed sum shall be the present value of the annuities herein provided for, the present value to be calculated on the basis of interest at 5 per cent.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Georgia.

The amendment was rejected.

The PRESIDING OFFICER. The Senator from Georgia proposes an amendment, which will be stated.

The SECRETARY. It is proposed to amend section 20 by striking out in lines 19, 20, and 21 the following words:

No employee's wages shall be considered to be more than $100 a month.

The amendment was rejected.

The PRESIDING OFFICER. The Senator from Georgia proposes another amendment, which will be stated.

The SECRETARY. It is proposed to amend section 21, line 14, by striking out the words "for a period of eight years," and add, in line 15, after the word "death," the words "during the life expectancy of the deceased," so that if amended it will read:

(A) Where death results from any injury, except in the cases provided for in section 23, and except in those cases in which, in certain contingencies, a reduced period is hereinafter provided for, the following amounts shall be paid from the date of the death during the life expectancy of the deceased:

Mr. SMITH of Georgia. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered, and taken.

Mr. LIPPITT (after having voted in the negative). Has the Senator from Tennessee [Mr. LEA], with whom I am paired, voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. LIPPITT. Then I withdraw my vote.

The result was announced—yeas 22, nays 49, as follows:

YEAS—22.

Ashurst	Gore	O'Gorman	Smith, Ariz.
Bacon	Hitchcock	Overman	Smith, Ga.
Bryan	Johnston, Ala.	Paynter	Swanson
Culberson	Kern	Reed	Watson
Davis	Martine, N. J.	Shively	
Fletcher	Myers	Simmons	

NAYS—49.

Borah	Clark, Wyo.	Lodge	Sanders
Bourne	Crane	McCumber	Smith, Mich.
Bradley	Crawford	McLean	Smoot
Brandegee	Cullom	Nelson	Sutherland
Briggs	Cummins	Nixon	Thornton
Bristow	Curtis	Oliver	Townsend
Brown	du Pont	Page	Warren
Burnham	Fall	Percy	Wetmore
Burton	Gallinger	Perkins	Williams
Catron	Gronna	Poindexter	Works
Chamberlain	Guggenheim	Pomerene	
Chilton	Johnson, Me.	Richardson	
Clapp	Jones	Root	

NOT VOTING—24.

Bailey	Gamble	Lippitt	Rayner
Bankhead	Gardner	Lorimer	Smith, Md.
Clarke, Ark.	Heyburn	Martin, Va.	Smith, S. C.
Dillingham	Kenyon	Newlands	Stephenson
Dixon	La Follette	Owen	Stone
Foster	Lea	Penrose	Tillman

So the amendment of Mr. SMITH of Georgia was rejected.

The PRESIDING OFFICER. The Senator from Georgia submits another amendment, which will be stated.

The SECRETARY. It is proposed to amend section 21, on page 30, in lines 17, 18, 21, and 22, by striking out the word "sixteen" and inserting "twenty-one."

The amendment was rejected.

The PRESIDING OFFICER. The Senator from Georgia proposes another amendment, which will be stated.

The SECRETARY. On page 31, line 16, it is proposed to strike out the words "for the unexpired part of the period of eight years."

The amendment was rejected.

The PRESIDING OFFICER. The Senator from Georgia offers a further amendment, which will be stated.

The SECRETARY. On page 34, lines 5 and 6, it is proposed to strike out "50 per cent," so as to read:

Where permanent total disability results from any injury there shall be paid to the injured employee the monthly wages of such employee during the remainder of his life.

The amendment was rejected.

The PRESIDING OFFICER. The Senator from Georgia submits another amendment, which will be stated.

The SECRETARY. On page 34, line 17, it is proposed to strike out the words "fifty per centum," so as to read:

Where temporary total disability results from any injury there shall be paid the monthly wages of the employee during the continuance of such temporary total disability.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Georgia.

The amendment was rejected.

The PRESIDING OFFICER. The next amendment submitted by the Senator from Georgia will be stated.

The SECRETARY. On page 34, section 21, paragraph 9, subdivision D, it is proposed to strike out the remainder of page 34 and page 35, down to line 6, page 36, and in lieu thereof to insert the following:

(D) Where permanent partial disability results from any injury—

(1) An amount equal to 50 per cent of his wages shall be paid to the injured employee for the balance of his life in the following instances:

The loss by separation of arm at or above the elbow joint or the permanent and complete loss of use of one arm.

The loss by separation of one hand at or above the wrist joint or the permanent and complete loss of the use of one hand.

The loss by separation of one leg at or above the knee joint or the permanent and complete loss of the use of one leg.

The loss by separation of one foot at or above the ankle joint or the permanent and complete loss of the use of one foot.

The permanent and complete loss of hearing in both ears.

An amount equal to 25 per cent of his wages shall be paid to the injured employee during the remainder of his life for the following injuries:

The permanent or complete loss of hearing in one ear.

The permanent and complete loss of sight of one eye.

An amount shall be paid to the injured employee during the balance of his life for the percentages of his wages stated against such injuries, respectively, as follows:

In case of the permanent loss of hearing in one ear, 20 per cent.

The permanent and complete loss of sight of one eye, 20 per cent.

The loss by separation of a thumb, 15 per cent; of first finger, 12½ per cent; second, third, or fourth finger, 10 per cent.

The loss of one phalanx of a thumb, two phalanges of a finger, 7½ per cent.

The loss of more than one phalanx of a thumb and more than two phalanges of a finger, 10 per cent.

The loss by separation of a toe, 6 per cent.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia.

The amendment was rejected.

The PRESIDING OFFICER. The next amendment submitted by the Senator from Georgia will be stated.

The SECRETARY. On page 36, article 2, it is proposed to strike out subdivision E and insert in lieu thereof the following:

(E) Where temporary partial disability results from an injury the employee shall receive, during the time he is unable to secure work, his full wages, but after he secures work he shall only receive the difference between the amount of compensation of the work secured and his former wages: *Provided*, That if work is offered to him of a suitable character by his employer, with compensation equal to the amount of his former wages, and he refuses the same, he shall not be entitled to any compensation for such disability during the continuance of such refusal.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDING OFFICER. The next amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. It is proposed to amend section 22, on page 37, line 6, by striking out the words "90 per cent of"; in lines 7 and 8, by striking out the words "as limited by the provisions of section 20 hereof"; and by striking out the remainder of the section continued in lines 8 to 17, inclusive, and inserting in lieu thereof:

If his wages received fall below the wages he was receiving at the time of the accident, an amount of compensation shall be payable equal to the difference between the wages received and his former wages.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. SMITH of Georgia. I ask that the next amendment of which I have given notice, and which is in print, be omitted.

The PRESIDING OFFICER. That amendment will be omitted. The next amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. It is proposed to amend, on page 39, by striking out section 24.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDING OFFICER. The next amendment submitted by the Senator from Georgia will be stated.

The SECRETARY. On pages 43 and 44, it is proposed to strike out——

Mr. SMITH of Georgia. I ask that that be omitted, but I should like to have a vote on the amendment appearing on page 7 of the printed amendment, line 17.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 36, after line 23, it is proposed to add a new subdivision to section 21, entitled "F," as follows:

Mr. SMITH of Georgia. In view of the shape the bill is now in, I will not tender that amendment. It was tendered in the case of other amendments which have been offered.

Mr. SUTHERLAND. Mr. President, I suggest that the amendment offered by the Senator from Missouri, which has been incorporated in the bill on page 23, come after subdivision 4, on page 24, line 11, and that the word "and" in the second line be changed to "it."

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

Mr. REED. May I inquire of the Senator from Utah, Does that conform to the copy that we have here? I could not hear the Senator.

Mr. SUTHERLAND. It does.

Mr. REED. Very well. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend section 3, paragraph 9, by striking out all that portion of the paragraph after the word "*Provided*," in line 11 thereof.

Mr. REED. I ask that the portion proposed to be stricken out be read.

The SECRETARY. On page 19, line 12, it is proposed to strike out:

Provided, however, That the employer may in any case pending before an adjuster, in writing, offer to allow findings to be made in favor of the employee, specifying the amount of the monthly payment and the length of time such monthly payments shall continue, and in that event, unless compensation (time and amount both considered) exceeding that offered by the employer be found by the adjuster or by the court, no costs thereafter incurred on behalf of the employee shall be taxed against the employer.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. REED. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend section 13, paragraph 9, by adding at the end thereof the following:

Provided further, That if the findings in favor of the employee are in excess of the amount tendered, then the employer shall pay all of the costs, including a reasonable attorney's fee of the employee.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. REED. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend section 27, at the top of page 42, by striking out, "The term 'dependent child over the age of 16 years,' whenever it occurs in this act, or any reference to such child, shall be construed to mean a dependent child over the age of 16 years unable to earn a living by reason of mental or physical incapacity, or a female child under the age of 20 years, unless sooner married," and inserting in lieu thereof the following: "The term 'dependent child' shall be construed to mean a child over 16 years of age that is wholly or in part dependent for its livelihood or education upon the financial assistance of the person injured."

Mr. REED. I will say that the amendment is very similar to one that was voted down, but has a correction. I wish to say that because I do not want to be understood as offering the same amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. BRYAN. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend section 22 by striking out the words "such injured employee," on page 37, line 1, and inserting in lieu thereof the words "an employee entitled to compensation under clause E of section 21."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. REED. Mr. President, I offer the amendment, which I send to the desk, and ask for the yeas and nays upon it. It is the last time I will ask for them.

The PRESIDING OFFICER. The Senator from Missouri submits an amendment, which will be stated.

The SECRETARY. Amend section 21 by adding, at the end thereof the following words:

Wherever it shall be proven that the injury suffered was directly contributed to by the failure of the employer to comply with a public law, then there shall be added to the amounts herein to be paid 25 per centum.

The PRESIDING OFFICER. The Senator from Missouri demands the yeas and nays on the question of agreeing to the amendment.

The yeas and nays were ordered; and, being taken, resulted—yeas 29, nays 46, as follows:

YEAS—29.

Ashurst	Gardner	O'Gorman	Smith, Ga.
Bacon	Gore	Overman	Stone
Bryan	Hitchcock	Paynter	Swanson
Chilton	Johnston, Ala.	Poindexter	Watson
Clarke, Ark.	Kern	Reed	Williams
Culberson	Lea	Shively	
Davis	Martine, N. J.	Simmons	
Fletcher	Myers	Smith, Ariz.	

NAYS—46.

Bourne	Crawford	Lippitt	Root
Brandegee	Cullom	Lodge	Sanders
Briggs	Cummins	McCumber	Smith, Mich.
Bristow	Curtis	McLean	Smoot
Brown	du Pont	Nelson	Sutherland
Burnham	Fall	Nixon	Thornton
Burton	Foster	Oliver	Townsend
Catron	Gallinger	Page	Warren
Chamberlain	Gronna	Percy	Wetmore
Clapp	Guggenheim	Perkins	Works
Clark, Wyo.	Johnson, Me.	Pomerene	
Crane	Jones	Richardson	

NOT VOTING—20.

Bailey	Dixon	Lorimer	Rayner
Bankhead	Gamble	Martin	Smith, Md.
Borah	Heyburn	Newlands	Smith, S. C.
Bradley	Kenyon	Owen	Stephenson
Dillingham	La Follette	Penrose	Tillman

So Mr. REED's amendment was rejected.

The PRESIDING OFFICER. If there be no further amendments, the bill will be ordered to be engrossed for a third reading.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. OVERMAN. I move that the further consideration of the bill be postponed until Monday, the 27th day of May, when it shall be taken up as the unfinished business.

The PRESIDING OFFICER. The Senator from North Carolina moves that the further consideration of the bill be postponed until the 27th day of May.

Mr. OVERMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I transfer to the junior Senator from Iowa [Mr. KENYON], and will vote. I vote "nay."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the negative). The senior Senator from South Carolina [Mr. TILLMAN] having come into the Chamber since I announced the transfer of my pair with him to the junior Senator from Iowa [Mr. KENYON], I withdraw the announcement, but I will allow my vote to stand.

The result was announced—yeas 24, nays 55, as follows:

YEAS—24.

Ashurst	Gardner	Martine, N. J.	Simmons
Bacon	Gore	Myers	Smith, Ariz.
Bryan	Hitchcock	O'Gorman	Smith, Ga.
Culberson	Johnston, Ala.	Overman	Stone
Davis	Kern	Reed	Tillman
Fletcher	Lea	Shively	Watson

NAYS—55.

Borah	Clarke, Ark.	Lippitt	Richardson
Bourne	Crane	Lodge	Root
Bradley	Crawford	McCumber	Sanders
Brandegee	Cullom	McLean	Smith, Mich.
Briggs	Cummins	Nelson	Smoot
Bristow	Curtis	Newlands	Sutherland
Brown	Dillingham	Nixon	Swanson
Burnham	du Pont	Oliver	Thornton
Burton	Fall	Page	Townsend
Catron	Gallinger	Paynter	Warren
Chamberlain	Gronna	Percy	Wetmore
Chilton	Guggenheim	Perkins	Williams
Clapp	Johnson, Me.	Poindexter	Works
Clark, Wyo.	Jones	Pomerene	

NOT VOTING—16.

Bailey	Gamble	Lorimer	Rayner
Bankhead	Heyburn	Martin, Va.	Smith, Md.
Dixon	Kenyon	Owen	Smith, S. C.
Foster	La Follette	Penrose	Stephenson

So Mr. OVERMAN's motion was rejected.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. SUTHERLAND, Mr. WILLIAMS, and others called for the yeas and nays, and they were ordered.

Mr. MYERS. I move that the further consideration of the bill be postponed until the second legislative day of the next regular session of Congress, and on that I ask for the yeas and nays.

Mr. LODGE. I make the point of order that only one motion to postpone is allowable under the unanimous-consent agreement.

The PRESIDING OFFICER. The Chair sustains the point of order. The question is, Shall the bill pass, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). On this vote I am paired with the senior Senator from Maryland [Mr. RAYNER]. If he were present, he would vote "yea" and I should vote "nay."

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is necessarily absent. If he were present, he would vote "yea."

Mr. SWANSON (when Mr. MARTIN's name was called). My colleague [Mr. MARTIN] is detained from the Senate Chamber on account of serious illness in his family. If he were present, he would vote "yea."

Mr. GORE (when Mr. OWEN's name was called). My colleague [Mr. OWEN] is paired with the Senator from South Dakota [Mr. GAMBLE].

The roll call was concluded.

Mr. SMOOT. The junior Senator from Wisconsin [Mr. STEPHENSON] is necessarily detained from the Senate. If he were here, he would vote "yea."

The result was announced—yeas 64, nays 15, as follows:

YEAS—64.

Borah	Crawford	Jones	Pomerene
Bourne	Cullom	Lea	Richardson
Bradley	Cummins	Lippitt	Root
Brandegee	Curtis	Lodge	Sanders
Briggs	Dillingham	McCumber	Smith, Ariz.
Bristow	du Pont	McLean	Smith, Mich.
Brown	Fall	Martine, N. J.	Smoot
Burnham	Foster	Nelson	Sutherland
Burton	Gallinger	Newlands	Swanson
Catron	Gardner	Nixon	Thornton
Chamberlain	Gore	O'Gorman	Townsend
Chilton	Gronna	Oliver	Warren
Clapp	Guggenheim	Page	Watson
Clark, Wyo	Hitchcock	Percy	Wetmore
Clarke, Ark.	Johnson, Me.	Perkins	Williams
Crane	Johnston, Ala.	Poindexter	Works

NAYS—15.

Ashurst	Davis	Paynter	Smith, Ga.
Bacon	Kern	Reed	Stone
Bryan	Myers	Shively	Tillman
Culberson	Overman	Simmons	

NOT VOTING—16.

Bailey	Gamble	Lorimer	Rayner
Bankhead	Heyburn	Martin, Va.	Smith, Md.
Dixon	Kenyon	Owen	Smith, S. C.
Fletcher	La Follette	Penrose	Stephenson

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 312) making appropriations for the relief of sufferers from floods in the Mississippi and Ohio Valleys, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill of the Senate (S. 5930) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 20, 1908, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House insists upon its amendment to the bill (S. 5624) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ANDERSON of Ohio, and Mr. FULLER managers at the conference on the part of the House.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 312. Joint resolution making appropriations for the relief of sufferers from floods in the Mississippi and Ohio Valleys was read twice by its title and, on motion by Mr. FOSTER, referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the petition of T. C. Leckey, of Portsmouth, N. H., praying for the enactment of legislation to prohibit the use of trading coupons, which was referred to the Committee on the Judiciary.

He also presented a petition of Mount Prospect Grange, No. 242, Patrons of Husbandry, of Lancaster, N. H., and a petition of Lamprey River Grange, No. 240, Patrons of Husbandry, of Newmarket, N. H., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented a petition of sundry citizens of Odon, Ind., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Appropriations, to which was referred the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia, asked to be discharged from its further consideration and that it be referred to the Committee on the District of Columbia, which was agreed to.

Mr. BOURNE, from the Committee on Commerce, submitted a report (No. 698) to accompany the bill (S. 6412) to regulate radio communication, heretofore reported by him.

BILLS INTRODUCED.

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 6687) to authorize the extension of Oak Street NW., in the District of Columbia (with accompanying paper); to the Committee on the District of Columbia.

A bill (S. 6688) to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes'" (with accompanying papers); to the Committee on Public Buildings and Grounds.

By Mr. STEPHENSON:

A bill (S. 6689) granting an increase of pension to Jairus P. Heath (with accompanying paper); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 6690) granting an increase of pension to Edwin W. Johnson; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 6691) to indemnify the State of Massachusetts for expenses incurred by it in defense of the United States; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 6692) to provide for a permanent supply of coal for the use of the United States Navy and other governmental purposes, to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes; to the Committee on Public Lands.

By Mr. JONES:

A bill (S. 6693) to provide water for irrigating lands of the Yakima Indian Reservation, Wash., and for other purposes; to the Committee on Indian Affairs.

A bill (S. 6694) to amend the laws relating to navigation; to the Committee on Commerce.

By Mr. JOHNSON of Maine:

A bill (S. 6695) granting an increase of pension to James A. Wise (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO POST OFFICE APPROPRIATION BILL.

Mr. CULLOM submitted an amendment relative to the renewal of contracts made in any city providing for 3 miles or more of double lines of tube for the transmission of mail, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 21279), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. LEA submitted seven amendments intended to be proposed by him to the bill (H. R. 19115) making appropriation for the payment of certain claims in accordance with the findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which were referred to the Committee on Claims and ordered to be printed.

WORKMEN'S COMPENSATION ACTS (S. DOC. NO. 643).

Mr. CHAMBERLAIN. I present a paper, being a summary of the laws of other countries on the subject of workmen's compensation, including the Federal employees' liability act of 1908, the Government employees' compensation act of 1908, and the British workmen's compensation act of 1906. I move that the paper be printed as a Senate document.

The motion was agreed to.

CANADIAN HOMESTEAD LAWS (S. DOC. NO. 644).

Mr. SMOOT. There is certain correspondence from the Secretary of the Interior transmitting the exact wording of the Canadian statutes upon which the three-year homestead law of that country is based, taken from the Canadian Dominion lands act. I ask that the correspondence be printed as a Senate document.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, an order therefor is entered.

RELIEF OF FLOOD SUFFERERS.

Mr. WARREN. From the Committee on Appropriations, I report back favorably with amendments the joint resolution (H. J. Res. 312) making appropriations for the relief of sufferers from floods in the Mississippi and Ohio Valleys, and I submit a report (No. 699) thereon. I ask consent for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 1, line 12, before the word "thousand," to strike out "two hundred and seventy-seven" and insert "four hundred and two," and on page 2, line 6, before the word "thousand," to strike out "four hundred and twenty" and insert "eight hundred and thirty-seven," so as to make the joint resolution read:

Resolved, etc., That there is appropriated, out of any money in the Treasury not otherwise appropriated, the following sums for the relief of sufferers from floods in the Mississippi and Ohio Valleys, namely:

WAR DEPARTMENT.

Under the Quartermaster General: For providing tents and other necessary supplies and services and for reimbursement of the several appropriations of the Quartermaster's Department, United States Army, from which temporary relief has already been or may be afforded, $402,179.65.

Under the Commissary General: For rations issued and to be issued by the Commissary Department and for reimbursement of appropriations for subsistence of the Army, from which temporary relief has already been or may be afforded, $837,000.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. WARREN. I ask that the report which accompanies the joint resolution may be printed in the RECORD. The joint resolution as it came from the House contained an appropriation of nearly $700,000. It carries now over $1,200,000. So I ask that the report and papers be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Mr. WARREN, from the Committee on Appropriations, submitted the following report (No. 699), to accompany House joint resolution 312:

The Committee on Appropriations, to which was referred the joint resolution (H. J. Res. 312) making appropriations for the relief of sufferers from floods in the Mississippi and Ohio Valleys, having considered the same, reports it back herewith and recommends its passage with the following amendments:

That the amount under the Quartermaster General be increased from $277,179.65 to $402,179.65—an increase of $125,000.

That the amount under the Commissary General be increased from $420,000 to $837,000—an increase of $417,000.

Total increase recommended, $542,000.

Amount of resolution as passed the House, $697,179.65.

Amount of resolution as reported to Senate, $1,239,179.65.

The following correspondence is respectfully submitted, showing the necessity for the increases recommended:

UNDER THE QUARTERMASTER GENERAL.

WAR DEPARTMENT,
Washington, May 6, 1912.

Hon. FRANCIS E. WARREN,
Chairman Appropriations Committee,
United States Senate.

DEAR SENATOR WARREN: I have the honor to inclose herewith copies of additional estimate of $125,000, submitted by the Quartermaster General for relief of sufferers from floods in the Mississippi and Ohio Valleys, and the papers pertaining thereto, which were sent this morning to the Secretary of the Treasury. It is understood that this estimate has been transmitted by the Secretary of the Treasury to the Speaker of the House of Representatives.

Very respectfully,

H. L. STIMSON,
Secretary of War.

—

WAR DEPARTMENT,
Washington, May 4, 1912.

The honorable the SECRETARY OF THE TREASURY.

SIR: I have the honor to forward herewith for transmission to Congress a special additional estimate of an appropriation of $125,000 required by the War Department for providing tents and other necessary supplies and services for the relief of sufferers from floods in the Mississippi and Ohio Valleys and for reimbursement of the several appropriations of the Quartermaster's Department, United States Army, from which temporary relief has already been or may be afforded.

The distress resulting from the floods in the Mississippi Valley, which have continued longer than was expected, necessitates the expenditure of larger amounts than were anticipated when the estimate for $275,000, now before Congress, was submitted.

Very respectfully,

H. L. STIMSON,
Secretary of War.

—

WAR DEPARTMENT,
Washington, May 4, 1912.

The honorable the SECRETARY OF THE TREASURY.

SIR: I have the honor to advise you that the special additional estimate of $125,000, for providing tents and other necessary supplies and services for the relief of sufferers from floods in the Mississippi and Ohio Valleys, this date forwarded to you by the Secretary of War for transmission to Congress, has received the approval of the President and that evidence of such approval is on file in this office.

Very respectfully,

JOHN C. SCOFIELD,
Assistant and Chief Clerk.

—

WAR DEPARTMENT,
Washington, April 30, 1912.

The PRESIDENT.

MY DEAR MR. PRESIDENT: I submit herewith for your consideration and action a special estimate for an appropriation of $125,000 required by the War Department for providing tents and other necessary supplies and services for relief of the sufferers from floods in the Mississippi and Ohio Valleys in 1912 and for reimbursement of the several appropriations of the Quartermaster's Department, United States Army, from which temporary relief has already been or may be afforded.

The Quartermaster General states that the distress resulting from the floods in the Mississippi Valley, which have continued longer than was expected, necessitates the expenditure of larger amounts than were anticipated when the estimate for $275,000 now before Congress was submitted.

Very respectfully,

HENRY L. STIMSON,
Secretary of War.

Approved.

WM. H. TAFT.

MAY 3, 1912.

—

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL,
Washington, April 30, 1912.

The SECRETARY OF WAR.

SIR: I have the honor to transmit herewith additional estimate for the relief of sufferers from floods in the Mississippi and Ohio Valleys which, it would now appear, will be required in addition to the $275,000 estimated for on the 14th instant.

Very respectfully,

J. B. ALESHIRE,
Quartermaster General United States Army.

—

UNDER THE COMMISSARY GENERAL.

WAR DEPARTMENT,
OFFICE OF THE SECRETARY OF WAR,
Washington, May 6, 1912.

Hon. F. E. WARREN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: We have found that the $420,000 for the relief of flood sufferers, which it is understood passed the House on Saturday night, will be inadequate. The latest reports from officers on the ground indicate that relief must be extended to 150,000 people for 35 days, at a cost of approximately $15,000 per day, and that the additional sum of $417,000 is necessary.

Estimate has been submitted to the President for this additional amount, and in order to expedite matters I am sending one to you, with a copy of the telegram on which it is based.

The Commissary General conferred with Gen. Bixby, Chief of Engineers, who confirms the statement made by Maj. Normoyle that the conditions will undoubtedly continue for at least six weeks more.

I urge that this additional amount of $417,000 be added to the $420,000 already appropriated by the House, making a total amount for subsistence of $837,000.

Very respectfully,

HENRY L. STIMSON,
Secretary of War.

VICKSBURG, MISS., *May 4, 1912.*

COMMISSARY GENERAL UNITED STATES ARMY,
Washington, D. C.:

On April 16 I wired from Memphis as follows: First district, 15,000 destitutes; second, 15,000; third, 28,000; fourth, 30,000; total, 83,000 flood sufferers, with reports from all districts that more are coming in daily. Consensus of opinion that we will be obliged to take care of these people from three to six weeks. This estimate based on the cost of $10,000 per day for subsistence. Reports from districts at Vicksburg to-day as follows: First district, 5,000; second district, 17,000; third district, 30,000; fourth district, 105,000; fifth district, 8,000; total, 165,000. As to the fourth district, Capt. Hegeman, in charge, advises that the following is a conservative list: Natchez, 15,000 people; Greenville, 22,000; Tensas Parish, 15,000; Yazoo City, 2,500; Sunflower River, Miss., 15,000; Millekens Bend, La., 2,200; Atherton, 1,000; Mounds, La., 3,000; Thomastown, La., 1,400; Steels Bayou, 10,000; Delhi, La., 2,000; Jena, La., 1,000; Columbia, 1,500; Delta, La., 400; Black River district, Tensas River, Mason Bayou, 11,000; total, 105,000. As to the fifth district, Capt. Logan reports 8,000 to-day, but advises that he expects an increase to 15,000 under present conditions—that is, the break at Torras and Bayou Sara. Should break occur at Morganza, he states the number in the fifth district will be at least 50,000. In view of the pessimistic reports in consequence of the rise in the upper Mississippi and tributaries and the return to flood conditions in the first and second districts, where until recently conditions were improving daily, it is difficult to arrive at any definite conclusion as to the length of time flood conditions will prevail, especially in the fourth and fifth districts. From St. Louis I heard unofficially to-day that river men in general are of the opinion that the highest stage of water ever known there is expected with the June rise. It was stated, further, that a 40-foot stage was expected at that point in June. These reports, together with other unfavorable local reports from Memphis, are mentioned to show that it is difficult to make an estimate of the situation. Liabilities incurred for subsistence in all five districts to date is $312,000. The rations covered by same and remaining on hand to date should carry us to include May 10. In addition to the balance of the $420,000 appropriated for subsistence—that is, $108,000—I believe we should count on caring for 150,000 people for at least 35 days from May 10, at an approximate cost of $15,000 per day. This would call for an aditional appropriation of $417,000 over and above the original $420,000 appropriated for susbsistence. We have officers on duty as inspectors in the several districts, and by watchful administration the additional appropriation recommended should take care of the situation, and possibly beyond that date if necessary.

NORMOYLE.

DESIGNATION OF PRESIDENT PRO TEMPORE.

Mr. SHIVELY. Mr. President, information has come that it will be impossible for the President of the Senate to be in the Senate to-morrow to preside. I therefore ask the unanimous consent of the Senate that the senior Senator from New Hampshire [Mr. GALLINGER] be chosen as President pro tempore to preside over the proceedings of the Senate on Tuesday, the 7th day of May, 1912.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Indiana? The Chair hears none, and it is so ordered.

Mr. SHIVELY submitted the following resolution (S. Res. 304), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected JACOB H. GALLINGER, a Senator from the State of New Hampshire, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Tuesday, May 7, 1912.

Mr. SHIVELY submitted the following resolution (S. Res. 305), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected JACOB H. GALLINGER, a Senator from the State of New Hampshire, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Tuesday, May 7, 1912.

Mr. SMOOT. I move that the Senate adjourn until 12 o'clock Tuesday.

The motion was agreed to, and (at 7 o'clock and 5 minutes p. m., Monday, May 6) the Senate adjourned until Tuesday, May 7, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 6, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

Our Father in heaven, we thank Thee for the power and efficacy of prayer; that the way is open; that whosoever will may come to the fountain of life and drink freely. When the sky is black above us and the heart is bowed in sorrow, out of the deeps we may cry unto Thee, and deep answers deep and the heart is comforted. When the skies are bright above us and the heart beats high with fondest hopes, we may be cheered on our way to every good purpose. When doubts arise and temptations assail us, our faith may be strengthened and the power of resistance increased. Hence we pray for Thy blessing, that we may be guided and strengthened for the work of this day, that it may be in consonance with Thy will. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Mr. WILLIAM S. VARE, Member-elect from the State of Pennsylvania, appeared at the bar of the House and took the oath of office as prescribed by law.

CHANGE OF REFERENCE.

Mr. HENRY of Texas. Mr. Speaker, I desire to submit a request for unanimous consent. I ask unanimous consent for a change of reference of House resolution No. 512 from the Committee on Expenditures in the Department of Agriculture to the Committee on Rules.

The SPEAKER. What is the resolution about?

Mr. FLOYD of Arkansas. Will the gentleman yield? What resolution is that?

Mr. HENRY of Texas. It is the resolution for the investigation and inspection of meats, and so forth. It is a very extensive resolution, and should go to the Committee on Rules, inasmuch as it embraces a great deal of power and privileges that have never been conferred upon the Committee on Expenditures in the Department of Agriculture.

Mr. FLOYD of Arkansas. Has the gentleman conferred with the chairman of that committee as to the matter?

Mr. HENRY of Texas. I have not.

Mr. FLOYD of Arkansas. Then I object.

LEVEE ACROSS BRANCH OF ST. FRANCIS RIVER.

The SPEAKER. This is the day for unanimous consent and the suspension of the rules, and the Clerk will report the first bill on the Unanimous Consent Calendar.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 21590) to authorize levee and drainage district No. 25, Dunklin County, to construct and maintain a levee across a branch or cut-off of St. Francis River in Missouri.

The Clerk read the bill, as follows:

Be it enacted, etc., That levee and drainage district No. 25, of Dunklin County, in the State of Missouri, a corporation organized under the laws of the State of Missouri, is hereby authorized to construct and maintain a levee across an arm or branch of the St. Francis River, known as "Dunklin County Cut-off," at a point in section 32, township 19 north, range 9 east, in Dunklin County, Mo., along the bank of the St. Francis River, and near the head of the said branch or cut-off; and also to construct and maintain a levee across the mouth of the Varney River where it runs into the St. Francis River, in or near section 32, township 18 north, range 8, in Dunklin County, Mo.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

The title was amended to read as follows:

Amend the title so as to read: "A bill to authorize levee and drainage district No. 25, of Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River and to construct and maintain a levee across the mouth of the Varney River, in the State of Missouri."

DAMS ACROSS KANSAS RIVER.

The next business on the Calendar for Unanimous Consent was the bill (S. 1524) to authorize the construction and maintenance of a dam or dams across the Kansas River in western Shawnee County or in Wabaunsee County, in the State of Kansas.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the assent of Congress is hereby given to the Topeka Commercial Club, organized under the laws of Kansas, its successors and assigns, to erect, construct, and maintain a dam or dams across the Kansas River at a suitable place or places in western Shawnee County, or in Wabaunsee County, in the State of Kansas, in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,'" approved June 21, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. JACKSON. Is there anyone here appearing for this bill? I would like to know something about it, in the meantime reserving the right to object. I do not know anything about it.

Mr. ANTHONY. I would suggest to the gentleman that if he would look up the bill he would find all the facts in the report.

Mr. JACKSON. I will ask the gentleman if he would as soon let it go over?

Mr. ANTHONY. I see no reason why the bill should go over, and if the gentleman knows any reason I would like to have him state it.

Mr. JACKSON. I do not know anything about it. I am trying to find out something about it.

Mr. ANTHONY. Is it not incumbent upon the gentleman, then, to make an investigation of bills he sees on the calendar and that are up for passage?

Mr. JACKSON. Unfortunately, I did not see it on the calendar.

Mr. ANTHONY. It has been on the calendar for some time, I will say to the gentleman.

Mr. JACKSON. About how long?

Mr. ANTHONY. Since April 13. I will say for the information of the gentleman that this is a Senate bill. It has passed the Senate, and it is a bill which gives authority for the construction of one or two dams across the Kansas River for the purpose of supplying power to the city of Topeka, and the Topeka Commercial Club, a sort of quasi commercial corporation, asks for this grant with the idea that if the dams are constructed the power will be used for municipal and commercial purposes.

Mr. JACKSON. Is this the bill introduced by Senator Curtis?

Mr. ANTHONY. I introduced the bill in the House. It has the approval of Secretary Fisher.

Mr. JACKSON. I know something about the Curtis proposition.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Topeko Commercial Club, a corporation organized under the laws of Kansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate not to exceed two dams across the Kansas River, at points suitable to the interests of navigation in western Shawnee County, or in Wabaunsee County, in the State of Kansas, in accordance with the provisions of the act approved June 23, 1910, entitled 'An act to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.'

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read a third time, and passed.

REMOVAL OF RESTRICTIONS—LANDS OF THE FIVE CIVILIZED TRIBES.

The next business on the Calendar for Unanimous Consent was the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I do not know who is in charge of this bill.

The SPEAKER. Who is in charge of this bill?

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice until my colleague from Oklahoma [Mr. CARTER] can come in. He has a small amendment which he wishes to offer, and he wants to present the bill. He is reporting it. It is quite an important matter for our State.

Mr. MANN. I do not object to passing it over, but when it comes up I think I shall object to the consideration.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent to pass over this bill without prejudice. Is there objection?

There was no objection.

RIGHT OF WAY ACROSS FORT MASON MILITARY RESERVATION, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22204) granting a right of way to the Panama-Pacific International Exposition Co., or any other party or parties approved by the Secretary of War, across the Fort Mason Military Reservation in California.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of the United States is hereby given the Panama-Pacific International Exposition Co., or any other party or parties approved by the Secretary of War, to locate, construct, maintain, and operate a railroad and tunnel upon and across the property belonging to the United States at Fort Mason, in the State of California, upon such location and under such regulations as shall be approved by the Secretary of War.

The SPEAKER. Is there objection?

Mr. SLAYDEN. Mr. Speaker——

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Texas [Mr. SLAYDEN] a question or two.

Mr. SLAYDEN. Very well.

Mr. MANN. I see this bill would give not only to the Panama-Pacific International Exposition Co. the right to operate a railroad and a tunnel, but it would also give that right to any other party or parties approved by the Secretary of War, without any limitation of time or limitation of persons, and, if passed, it would apparently hereafter confer upon the Secretary of War the right under such terms as he shall provide to allow anybody at any time to construct a railroad or tunnel across Fort Mason. Now, I take it that the gentleman does not desire to confer that right upon the Secretary of War.

Mr. SLAYDEN. Mr. Speaker, I will tell the gentleman the history of this bill and my connection with it. The bill first passed a year or more ago. It was intended to give the Southern Pacific Railway the right to constuct this tunnel under the military reservation. The Southern Pacific Railway, having considered the advantages of it to them, and the cost, declined to undertake the construction. But the Panama-Pacific International Exposition Co. are exceedingly anxious to have the tunnel constructed. It will facilitate their work, and cheapen the cost of their undertaking in San Francisco.

The bill was offered by the gentleman from California [Mr. KAHN], and would have been pressed through the committee by him if it had not been for the fact that he was taken away on account of illness. After he had gone I received a note from him asking me to get the bill reported and endeavor to have it put through the House. I took the matter up with the War Department, and the officials of that Department have communicated their opinion with reference to it. That opinion is found in the report, which the gentleman from Illinois seems to have in his hand.

Less than a week ago I conferred with the Secretary of War about the matter, and he says that in the shape it is now in he has no objection whatever to it. It was the intention of Mr. KAHN—and the bill, if it does not provide for it, may be so amended without any trouble—that after the exposition is over, after they shall have completed their work, the tunnel shall be turned back to the War Department.

Mr. MANN. I would suggest to the gentleman that I think it is quite proper that we should grant authority to construct the railroad and the tunnel, but there ought to be a limitation of time here, so that it will not confer indefinite power after the exposition is over to allow the Secretary of War to permit such tunnel or railroad as he may deem proper to be constructed. There should be a time limit inserted in the bill as to the construction of this railroad, because I take it that it is to be constructed before the exposition is held or it will be of no value so far as this is concerned. Would the gentleman be willing to agree to an amendment?

Mr. SLAYDEN. I would be willing to agree to any reasonable amendment.

Mr. MANN. An amendment fixing the time and providing that it would not run beyond the close of the exposition for the construction of the tunnel, and reserving the right to alter, amend, or repeal?

Mr. SLAYDEN. Certainly, if the gentleman will submit that amendment.

Mr. MANN. How long a time would be necessary?

Mr. SLAYDEN. I am sorry to say that I am not sufficiently acquainted with the facts to be able to state.

Mr. RAKER. Mr. Speaker, I would like to ask the gentleman a question. It seems to me that the bill ought to have the proviso suggested by the gentleman from Illinois, and it ought to have the further proviso that "the right to alter, amend, and repeal this act is hereby expressly reserved."

Mr. MANN. That is one of the amendments that I just suggested.

Mr. RAKER. I wish to say, further, that I tried to get into communication with the Panama-Pacific International Exposition Co., and called them over the telephone yesterday. I called the attention of one of the officials particularly to that part of the bill, on lines 4 and 5, which reads as follows:

Or any other party or parties approved by the Secretary of War.

It seems to me the right ought to be given to the Panama-Pacific International Exposition, and the right to an individual ought not to be granted in the bill.

Mr. MANN. It certainly ought not, unless for a limited time, so that it will not run beyond the life of the exposition.

Mr. RAKER. Yes.

Mr. MANN. So that if they wish to let somebody else do it the right will not extend indefinitely in the future.

Mr. RAKER. Yes.

Mr. SLAYDEN. Does the gentleman know how soon the exposition company will require the use of this tunnel?

Mr. RAKER. They would commence in one or two months. They are working on the matter now. They are getting all the other conditions in shape, and the sooner they can get the right of way the sooner they will have the tunnel prepared for the use of the exposition.

Mr. SLAYDEN. I can only say to the gentleman from Illinois that my part in this is played at the suggestion of the gentleman from California [Mr. KAHN], who wrote to me about it.

Mr. MANN. Why do you not strike out the words:

Or any other party or parties approved by the Secretary of War—

So that the right will be given to the exposition company without any alternative proposition?

Mr. SLAYDEN. I am willing to accept that amendment.

Mr. RAKER. And then add the other provision as to the right to repeal. With that in it I think it ought to go through, and there would be no possible objection to it.

Mr. SLAYDEN. Very well. I move to amend the bill by striking out——

The SPEAKER. The gentleman has not yet got unanimous consent for the consideration of the bill.

Mr. RAKER. With those amendments there would certainly be no objection by anyone. I most earnestly hope that there will be no objection, so that the bill may become a law at an early date. It will be of great benefit and should pass.

Mr. SISSON. Reserving the right to object, does the amendment propose to limit the life of the concern? How long does it continue?

Mr. SLAYDEN. I will say to the gentleman that if the bill does not meet his views in that respect, we are perfectly willing to accept an amendment. I only appear here as the friend of the gentleman from California [Mr. KAHN], who is away. The only desire is to give to the Panama-Pacific International Exposition Co. the right to construct and operate this railroad for the purposes of the exposition.

Mr. SISSON. I have no objection, except that I do not want the right to continue indefinitely.

Mr. RAKER. Make it a year after the exposition closes.

Mr. SLAYDEN. That is perfectly satisfactory.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Speaker, I move to amend by striking out, in lines 4 and 5, the words:

Or any other party or parties approved by the Secretary of War.

Mr. RAKER. Oh, no. The words "approved by the Secretary of War" ought to be retained in the bill. It is only necessary to strike out the words "or any other party or parties."

Mr. SLAYDEN. Whichever the gentleman prefers. I shall not object. Does the gentleman desire the words to be added "when approved by the Secretary of War?"

Mr. RAKER. Yes.

Mr. MANN. Who is to build the road?

Mr. RAKER. The Panama-Pacific International Exposition Co.

Mr. MANN. Then the words—

or any other party or parties approved by the Secretary of War—

may be stricken out.

Mr. SLAYDEN. That is what I thought.

Mr. MANN. That will give the exposition company the right which it desires.

Mr. RAKER. Should it not read:

That the consent of the United States is hereby given the Panama Pacific International Exposition Co. when approved by the Secretary of War.

Mr. MANN. That is already in the bill.

Mr. RAKER. All right. Then that may be stricken out.

Mr. SLAYDEN. Mr. Speaker, I renew my amendment.

The SPEAKER. The question is on the amendment of the gentleman from Texas [Mr. SLAYDEN], which the Clerk will report.

The Clerk read as follows:

Amend, lines 4 and 5, page 1, by striking out the words "or any other party or parties approved by the Secretary of War."

The question being taken, the amendment was agreed to.

Mr. SLAYDEN. Now, Mr. Speaker, I move to amend by adding another section, that the right to alter, amend, or repeal this act is hereby reserved.

Mr. MANN. Is hereby expressly reserved.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

SEC. 2. That the act approved January 8, 1909, entitled "An act granting a right of way to the Southern Pacific Railroad Co. across the Fort Mason Military Reservation in California," be, and the same is hereby, repealed.

Mr. SLAYDEN. It is necessary to repeal that act because, although it was passed in 1909, the Southern Pacific Railroad Co. refused to build the road.

Mr. RAKER. Mr. Chairman, the amendment of the gentleman from Texas should read:

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. SLAYDEN. Yes; that is my amendment. The Clerk is writing it now.

The Clerk read as follows:

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The question being taken, the amendment was agreed to.

Mr. MANN. The committee amendment has not been voted on.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend by adding:

"SEC. 2. That the act approved January 8, 1909, entitled 'An act granting a right of way to the Southern Pacific Railroad Co. across the Fort Mason Military Reservation in California' be, and the same is hereby, repealed."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended by striking out the words "or any other party or parties approved by the Secretary of War."

On motion of Mr. SLAYDEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

TRANSFER OF OLMSTEAD LANDS, NORTH CAROLINA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20738) for the transfer of the so-called Olmstead lands in the State of North Carolina from the Solicitor of the Treasury to the Secretary of Agriculture.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of Agriculture shall, from and after the passage of this act, have charge of the several tracts of land in Clay and Graham Counties, N. C., known as the Olmstead lands, aggregating approximately 32,483 acres, being the lands conveyed to the United States by Levi Stevens and wife on March 15, 1869, in compromise and settlement of an indebtedness due the United States by E. B. Olmstead.

SEC. 2. That the Solicitor of the Treasury is hereby authorized and directed to transfer to the Secretary of Agriculture all title, papers, and correspondence relating to said lands on file in his office.

SEC. 3. That the said lands shall be subject to such of the provisions of the act approved March 1, 1911 (36 Stat. L., p. 961), as apply to lands purchased thereunder.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAWLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXCHANGE OF SCHOOL LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19344) to authorize the Secretary of the Interior to exchange lands for the school sections within an Indian, military, and national forest, or other reservation, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to make exchange of lands with the several States for those portions of the lands granted in aid of common schools, whether surveyed or unsurveyed, which lie within the exterior limits of any Indian, military, national forest, or other reservation, the said exchange to be made in the manner and form and subject to the limitations and conditions of sections 2275 and 2276 of the Revised Statutes, as amended by act of February 28, 1891 (26 Stats., p. 796), and any such exchange whether heretofore or hereafter made shall restore full title in the United States to the base land, upon approval of such exchange, without formal conveyance thereof by the State.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, it seems to me that I shall have to object. The bill apparently would be in the interest of the State of California and a Mr. Hyde. The report makes this statement in a letter addressed to the gentleman from California [Mr. RAKER]:

Shortly after Mr. Kingsbury took office as surveyor general of California, in January of 1907, he also discovered that indemnity or lieu lands were almost entirely controlled by F. A. Hyde. Hyde was enabled to control these lands by reason of the fact that until a section of school lands was placed within the limits of a reservation created by proclamation of the President, no lands could be selected in lieu thereof, nor could any applicant file an application for lieu lands in the State land office. For years Mr. Hyde was enabled to secure the first informa-

tion as to the creation of national reservations, which thereby enabled him, under the laws of California, to file applications before any other person had the necessary information.

As far as I can learn from the bill and report, it gives Mr. Hyde a decided advantage by the passage of the bill, an advantage which he obtained improperly or through improper information furnished to him.

Mr. RAKER. Will the gentleman permit an explanation?

Mr. MANN. That is what I want, and the reason I am calling the gentleman's attention to this fact.

Mr. RAKER. I want to call attention to the fact that there are about 450,000 acres of land in California that have been applied for under the various provisions and exchange asking for land owned by the United States. Filings were made upon that land and certificates from the Land Department and lists sent to the General Land Office. To-day there are no approvals of these lists, which involve about 450,000 acres.

The letter which the gentleman from Illinois read refers to my first correspondence with the Department of the Interior relative to the proposed amendment by Mr. Lake to the bill and a proposed amendment by Mr. Bolton—the part of the report found on page 6 of the bill referring to the act of the legislature of 1909, which confirms the right to these various parties who had originally filed upon this land. The department had held that exchange could be made in surveyed sections 16 and 36 in place within a reservation, and later the United States circuit court held that no such exchange could be made. Therefore this act of the Legislature of California was passed to confirm the original applicants of the land that they might obtain title. This matter was taken up with the Department of the Interior and the State officers of California, and an arrangement had by which if Congress approved of that exchange of title and transfer to the Government heretofore would be confirmed without patent and application of those made for the land would be in shape that if the Secretary approved the list, they would eventually get their title. I want to call the gentleman's attention particularly to the letter——

Mr. MANN. I have read all the letters in the report very carefully, and I will say to the gentleman that the letter I quoted from was not written, as the gentleman assumes, in reference to the Bolton amendment. That came up later in the correspondence. It had not been suggested at the time the letter I quoted from was sent.

Mr. RAKER. The letter was filed with the committee and published in the hearings of the committee and considered, and the Secretary's attorney, Judge Clements, said that this bill should not be amended so as to permit the clients, Benson and Hyde and others, to defeat the prior applications for this land.

Mr. MANN. The letter I quoted from was dated March 11 last. The gentleman wired to California on March 25 for the first time in reference to the Bolton amendment. Now, it is a fact, is it not, that these lieu lands are worth more than the original base lands?

Mr. RAKER. No.

Mr. MANN. It seems they are very anxious to exchange them. Why should Mr. Hyde immediately get information concerning the forest reservation and then propose to select lieu lands for base lands if the base lands were not taken away?

Mr. RAKER. I hope the gentleman will not object to this. Let me call attention to this one fact: Originally, for over 40 years——

Mr. MANN. I will say to the gentleman that I do not doubt there ought to be some relief to the State of California, but I am not willing by unanimous consent to pass a bill which looks to me would be more beneficial to one man than to anyone else, and that man one who, through securing information improperly, acquired the title to a large share of the lieu lands.

Mr. RAKER. The gentleman from Illinois is mistaken in regard to the record. If he will let me explain, I think I can make it clear.

Mr. MANN. I have examined very carefully the gentleman's report and all the papers published in the report.

Mr. RAKER. Let me call the gentleman's attention to this fact. For 40 years and over the residents of California have made applications for these school lands, and they sent their applications to the various land departments, and then they were listed and sent to the Secretary of the Interior. None of these applications to-day have been approved. Now, these men have been using and cultivating these lands since that time.

Mr. MANN. Is it not a fact that most of these lands were first controlled by Hyde?

Mr. RAKER. No.

Mr. MANN. Then there is a false statement in the report.

Mr. RAKER. It is just the other way. When the case was decided by the Federal court at Los Angeles the Federal judge held that all selections of sections 16 and 36 in place that were in a forest reserve were not subject to be used as base.

Mr. MANN. What is the statement in the letter of the Attorney General?

Mr. CARLIN. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is being pursued.

Mr. CARLIN. The regular order is to object or allow the bill to be read.

The SPEAKER. Of course, the debate is by unanimous consent, but it is in order unless the gentleman objects.

Mr. CARLIN. But I have demanded the regular order.

Mr. HAY. The demand for the regular order is equivalent to an objection.

The SPEAKER. Ordinarily the Chair thinks that is correct, but——

Mr. CARLIN. I do not object to the bill, but I want the gentleman from Illinois to either object or not object.

The SPEAKER. This debate is proceeding by unanimous consent, and any individual who wants to cut off the debate can do so by objecting.

Mr. MANN. I will ask the gentleman what this statement means, on page 9 of the report:

> Hyde was enabled to control these lands by reason of the fact that until a section of school lands was placed within the limits of a reservation created by proclamation of the President, etc. For years Mr. Hyde was enabled to secure the first information as to the creation of national reservations, which thereby enabled him, under the laws of California, to file application before any other person had the necessary information.

Now, that is in reference to these lieu lands which the gentleman now seeks to perfect through this bill.

Mr. RAKER. No; that is not the condition. It has been assumed for years Messrs. Hyde and Benson had inside information of the Land Department, and when a reserve was created that they immediately filed upon the school sections within the reserve, but that does not apply to the lands now involved.

Mr. MANN. Did not they then immediately make application for lieu lands for these school-section lands?

Mr. RAKER. Not for these involved here.

Mr. MANN. Why, certainly; that is what the report says.

Mr. RAKER. No; let me call the gentleman's attention to this matter: Right after the decision of the circuit court and the passing of the legislature new parties went in and filed a second time upon all of these lands and now claim to own them.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I shall be compelled to object.

The SPEAKER. The gentleman from Illinois objects. The bill will be stricken from the calendar and the Clerk will report the next bill.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

COST OF LIVING IN FOREIGN COUNTRIES (H. DOC. NO. 736).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Acting Secretary of State, with accompanying data, on cooperation and the cost of living in certain foreign countries. The information is supplementary to that contained in my message of March 13, 1912.

WM. H. TAFT.

THE WHITE HOUSE, *May 6, 1912.*

SUPERANNUATED EMPLOYEES (H. DOC. NO. 732).

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with accompanying papers, referred to the Committee on Reform in the Civil Service and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report of the Commission on Economy and Efficiency on the subject of the retirement from the classified civil service of superannuated employees. To the plan proposed in this report and set forth in detail in the accompanying draft of a bill I give my unqualified approval, because I believe it to be sound in principle and just both to the Government and to its employees.

NECESSITY FOR A RETIREMENT PLAN.

It is unnecessary at this time to discuss at length the necessity for adopting some plan by which the service may be relieved of the loss from the inefficiency of the personnel caused by the retention on the rolls, after long and faithful service, of those who have passed the age when they can perform a full day's work. The subject is one with which all administrative officers are familiar. It has been referred to in several messages which I have sent to the Congress and in many reports of the heads of

departments. It is conceded by everyone acquainted with the situation that some action must be taken. Under present conditions the loss to the Government will continue to increase. Some method other than the summary discharge of employees when they become inefficient on account of age must be adopted. The present practice of retaining such employees on the rolls and, as they grow older, expecting from them a smaller quantity and lower grade of work can not continue indefinitely without seriously impairing the efficiency of the entire service and imposing upon the Government a cost that will be in excess of the expense to be incurred by the adoption of a reasonable plan for remedying existing conditions.

PROPOSED PLAN OF RETIREMENT.

The plan submitted by the commission contemplates that each employee in the classified service in the executive departments and establishments at Washington shall be retired as soon as he reaches the age of 70 years and shall receive thereafter an annuity equal to one-half of his annual salary, with the provision that no annuity shall exceed $600.

I invite particular attention to the fact that the plan provides that each person hereafter entering the service shall pay the entire expense of his own retirement by contribution from his salary, so that when he reaches the age of 70 years the fund he has accumulated will provide his retirement allowance. In such a case the only contribution of the Government, if any, will be the difference between the interest earned by his savings deposited in the Treasury and invested by the Government and the rate of 4 per cent per annum. So far as concerns this class of persons, there certainly can be no reasonable objection to the plan, and I doubt if any plan more beneficial both to the Government and to the employee could be devised.

EMPLOYEES NOW IN THE SERVICE.

It is evident that the application of the plan only to those who hereafter enter the service would not relieve the present condition due to superannuation nor save the Government from the constantly increasing loss from that cause. It is not practicable for those now 70 years of age, or for those nearing that age, to provide the cost of retirement entirely at their own expense. To meet the existing situation and to put a retirement plan into effect immediately there must be some contribution by the Government. This contribution need be little more in the aggregate than is now the Government's loss from inefficiency due to superannuation. After a comparatively short period of years the annual payments made by the Government will be less than the loss it would sustain if no plan were adopted.

It is proposed that an employee now in the service who has reached the age of 70 years shall be retired and be paid by the United States an annuity equal to one-half of his average annual pay for the last five years, but no such annuity to exceed $600. As to an employee less than 70 years of age, it is proposed that he shall be retired when he reaches 70 on an annuity equal to one-half of his average annual pay for the entire period of his service (no annuity to exceed $600), and that there shall be deducted from his pay until he reaches 70 years such an amount, not exceeding 8 per cent of his pay, as, with 4 per cent interest, will purchase his annuity. In the case of an employee who has but a few years to serve before reaching 70, some contribution by the Government will be necessary to supplement his savings in order to provide an annuity of a reasonable amount.

ANNUITIES LIMITED TO $600.

A retirement plan is only a means to an end and that end is an increase of efficiency in the public service. The Government is not required to take charge of an employee's finances, nor is it justified in doing so except so far as it is necessary to protect the Government against the inefficiency of the employee due to superannuation. It is my opinion, therefore, that a plan of retirement should be so adjusted as to make the least possible demand upon the Government and at the same time draw from his personal control as little of an employee's money as possible. The proposed plan meets these requirements. While the maximum annuity of $600 is not sufficient to provide the luxuries of life, it is enough to insure an employee against want, even if he has been so unfortunate as to have made no other provision for his declining years. It is sufficient also to render ineffectual the appeals so often made to the sympathy of administrative officers when they attempt to remove from office an employee who has become inefficient through old age. At the same time the amount withheld from an employee's salary in order to provide his annuity is not sufficient to justify the thrifty in complaining that they are being deprived of an excessive portion of their income which they could invest more profitably.

RATE OF INTEREST ON SAVINGS.

In any compulsory saving plan it is but just that the Government should guarantee a reasonable rate of interest to its employees. Four per cent is the rate now paid by the Government on deposits of enlisted men of the Army and Navy, and it is the rate paid by many savings banks. The plan recommended by the commission contemplates the investment of the savings of employees in the highest class of securities and that the United States shall contribute such amount, if any, as may be needed to insure the employees receiving 4 per cent per annum.

APPLICATION OF PLAN TO EMPLOYEES IN THE DISTRICT OF COLUMBIA.

I am convinced that the application of the plan should be limited for the present to the classified civil service in the executive departments and offices at Washington, where the loss from superannuation is the greatest. While any plan is in its experimental stage it should be kept within narrow limits. If successful in operation in Washington, it can be extended as the needs of the service require.

COST TO THE GOVERNMENT.

It being conceded that no immediate benefit to the Government could accrue without some temporary help from it, I directed the Commission on Economy and Efficiency to make an investigation of the loss due to superannuation in the service at Washington. Its report sets forth in detail the results of this investigation. It has involved an examination of the efficiency of 22,754 employees, as such efficiency was reported by the departments. At no other time has such a thorough investigation been made of the service in Washington. An earnest effort was made to ascertain and to state in money the financial loss which is sustained from the inefficiency of aged persons in the service. While the loss shown as the result of the investigation is undoubtedly much less than the actual loss from superannuation, the figures are sufficiently large to justify the Government in giving temporary aid in putting the plan into operation. Accepting the very conservative figures as to the loss now sustained, the inefficiency in the service which is due to old age can be wiped out immediately and permanently in Washington by an average annual expenditure during the next 20 years of $226,986 over and above the annual loss that will be sustained from superannuation if no plan is adopted for avoiding it. The accompanying report shows further that the saving to the Government that will result from the adoption of the proposed plan will equal, in the course of the succeeding 16 years, the entire cost of inaugurating the plan.

STRAIGHT PENSIONS NOT ADVISABLE.

I am firmly convinced that the proposed plan is superior to any form of straight pensions, in that an employee upon retirement at any time may avail himself of his savings with the accrued interest, or his representatives may do so in the event of his death, whereas any form of pension or gratuity from the Government must inevitably be considered as a part of compensation and is available only to those employees who succeed in living to a given age, in remaining in the service to that age, and in living a sufficient time beyond that age to receive in pension payments the value of their deferred pay. Avoiding, therefore, the dangers and disadvantages of the straight pension, the proposed plan commends itself as satisfactory from the viewpoint of the Government and the viewpoint of the employees. It is advantageous to the Government, since the efficiency of the service will be increased by providing the means of retiring those who have reached the age of decline. It is advantageous to the employees, since it protects them from want in old age with the least interference in their private affairs, and makes the service more attractive to the younger employees by facilitating promotions to higher salaries and grades at earlier ages than is possible under present conditions.

CONCLUSION.

A careful study of the existing situation with reference to superannuation, and a consideration of the worse conditions that will appear in the future, leads me again to commend the subject to the earnest consideration of the Congress. I believe that the plan proposed in the commission's carefully prepared and exhaustive report is the best that has been devised for meeting the present and future needs of the service, and therefore I urge the enactment of the necessary legislation to put it into effect at an early date.

WM. H. TAFT.

THE WHITE HOUSE, *May 6, 1912.*

UNALLOTTED LAND, OMAHA INDIAN RESERVATION, STATE OF NEBRASKA.

The next business on the Calendar for Unanimous Consent was the bill (S. 5060) to provide for the disposal of the unallotted land on the Omaha Indian Reservation, in the State of Nebraska.

The Clerk read as follows:

An act (S. 5060) to provide for the disposal of the unallotted land on the Omaha Indian Reservation in the State of Nebraska.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be surveyed, if necessary, and appraised, in manner hereinafter set forth, in tracts of 40 acres each, and, after such survey and appraisement, to sell and convey, in quantities not to exceed 160 acres to any one purchaser, all the unallotted lands on the Omaha Indian Reservation, in the State of Nebraska, except such tracts as are hereinafter specifically reserved: *Provided*, That the said land shall be sold to the highest bidder under such regulations as the Secretary of the Interior may prescribe, but no part of said land shall be sold at less than the appraised value thereof: *And provided further*, That prior to such appraisement and sale any member of the Omaha Tribe whose allotment is subject to erosion by the Missouri River shall be permitted to relinquish such allotment and select lieu lands of equal area from the unallotted lands, the lands so relinquished to become a part of the unallotted tribal lands and subject to appraisement and sale under the terms of this act.

SEC. 2. That the Secretary of the Interior is hereby directed to reserve from sale, under the terms of this act, the following tracts of land for the purposes designated: Forty-nine acres of the land now used for agency purposes to be reserved for agency and school purposes for so long as the need thereof exists; 10 acres to be selected by the tribe for use as a tribal cemetery; 10 acres of the land now reserved for the use of the Presbyterian Church to be selected by the officials of said church for the use of the church so long as needed for religious or educational purposes; 2 acres of the land on which is standing what is known as the old Presbyterian mission building, and the Secretary of the Interior is hereby authorized to cause a patent in fee simple to issue therefor in the name of the State Historical Society of Nebraska: *Provided*, That of the land now reserved for agency purposes the Secretary of the Interior is directed to reserve and set aside for town-site purposes 164 acres other than the 49 acres hereinbefore reserved, and shall cause the same to be surveyed and platted into town lots, streets, alleys, and parks, the lots to be appraised and sold under the terms of this act, but no bid shall be received therefor except from members of the tribe, and the streets, alleys, and parks are hereby dedicated to public use.

SEC. 3. That the appraisement directed by this act shall be made by three competent commissioners to be appointed by the Secretary of the Interior, after the completion of the surveys herein directed and authorized, one of whom shall be a resident citizen of the State of Nebraska, one an employee of the Indian Bureau, and one holding tribal relations with the Omaha Indians; said commission to be paid a salary of not to exceed $5 per day each while actually employed in the inspection and appraisal of said land, such appraisement to be completed within such a period after the date of the organization of said commission as the Secretary of the Interior shall designate.

SEC. 4. That the proceeds of such sale, after paying all the expenses incident to and necessary for carrying out the provisions of this act, and after reimbursing the general trust fund of the tribe for any assessment paid therefrom for protecting the unallotted tribal lands from overflow, shall be divided pro rata among the children of the Omaha Tribe living on the date of the passage and approval of this act who have not received allotments of land under the acts of August 7, 1882 (22 U. S. Stat. L., 341), and March 3, 1893 (23 U. S. Stat. L., 630), and shall be expended for the benefit of said Indians when and in such manner as in the opinion of the Secretary of the Interior shall be to their best interests, and pending such expenditure by the said Secretary the sums due the respective Indians shall be placed to the credit of the said Indians in the Treasury of the United States, and shall bear interest at the rate of 5 per cent per annum, but in the event of the death of any such Indian while there remains in the Treasury to his credit any part of the sum so deposited the said sum shall be paid at once to his heirs, who shall be determined by the Secretary of the Interior in accordance with the laws of descent in force in the State of Nebraska, and the action of the Secretary of the Interior in determining the legal heirs of any deceased Indian, as provided herein, shall in all respects be conclusive and final.

SEC. 5. That for the purpose of carrying out the provisions of this act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000, or so much thereof as may be necessary, to be reimbursable out of the funds arising from the sale of said lands.

SEC. 6. That all acts and parts of acts not consistent with the provisions of this act are hereby repealed.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I notice in the report of the department in reporting upon this bill it states as follows:

Section 4 of the bill provides that the proceeds derived from the sale of the tribal lands shall be deposited in the Treasury of the United States to the individual credit of the unallotted children living at the date of the passage of the act, to draw interest at the rate of 5 per cent per annum, each Indian to be paid his share with accrued interest when he reaches the age of 25 years.

That seems to have been changed in the bill. Does not the bill now provide—

But in the event of the death of any such Indian while there remains in the Treasury to his credit any part of the sum so deposited, such sum shall be paid at once to his heirs, who shall be determined by the Secretary of the Interior.

And so forth.

What would happen? Suppose an Indian died with a sum to his credit in the Treasury and leaving small children who are incompetent to take care of themselves. They get the money, do they not, or their guardian, under this bill?

Mr. STEPHENS of Nebraska. I should think so. That is what the bill says. Would there be serious objection, do you think, for the Secretary, in his discretion, to pay according to the competency of the heirs?

Mr. MANN. Well, it says, on page 4, line 22—of course this is after the money goes into the Treasury to the credit of the Indian:

But in the event of the death of any such Indian while there remains in the Treasury to his credit any part of the sum so deposited, such sum shall be paid at once to his heirs, who shall be determined by the Secretary of the Interior.

Mr. STEPHENS of Texas. I will call the attention of the gentleman to the first line on page 5.

Mr. MANN. Yes; that is where it says in accordance with the laws of descent.

Mr. STEPHENS of Texas (reading):

The action of the Secretary of the Interior in determining the legal heirs of any deceased Indian as provided herein shall in all respects be conclusive and final.

Mr. MANN. That only allows the Secretary to determine the heirs, but it provides the money shall be paid at once to them.

Mr. STEPHENS of Texas. After the Indian is dead the money is paid to the Treasury, and the Secretary of the Interior has to determine, under the laws of Nebraska, who these heirs are in accordance with the laws of descent in force in the State of Nebraska.

Mr. BURKE of South Dakota. My understanding of it is that in case of the death of the Indian that the money shall be paid to his heirs, as the bill states. Of course, it would have to be paid to his heirs, I think that is the intention.

Mr. MANN. I have no doubt that is the intention of the bill. The Secretary, however, has recommended that he be allowed to pay the money to the Indians when they reach the age of 25 years.

Mr. BURKE of South Dakota. The intention in formulating the act——

Mr. CARLIN. Mr. Speaker, I demand the regular order.

The SPEAKER. The Chair ruled wrongly awhile ago——

Mr. MANN. When we find out what the gentleman's bill is we will fix that when it comes up.

The SPEAKER (continuing). And the demand for the regular order is equivalent to an objection.

Mr. CARLIN. Mr. Speaker, I do not object to the bill, but I object to discussion taking place before the bill is before the House for consideration. My point is, the Chair has to put the question, Is there objection——

The SPEAKER. The Chair thinks that is right.

Mr. CARLIN (continuing). And if there is no objection, I have none to the discussion of the bill when it is before the House.

Mr. MANN. Well, it has always been the custom, and it will always continue to be the custom, if bills are to be passed on the Unanimous Consent Calendar, that gentlemen have the right to reserve the right to object until they make some inquiry about the bill.

Mr. CARLIN. That is perfectly proper.

Mr. MANN. The gentleman has a right to prohibit that by calling for the regular order.

Mr. CARLIN. Here we find ourselves going into a discussion of a bill upon its merits, which sometimes lasts an hour and deprives the House of an opportunity to act upon the Calendar for Unanimous Consent. Now, I have no objection to this bill.

Mr. MANN. I will say to the gentleman that if he proposes to object, they might as well abolish the Unanimous Consent Calendar.

Mr. CARLIN. I have no desire——

Mr. MANN. The gentleman has expressed his desire.

Mr. CARLIN. Let the gentleman understand me. I have no objection to inquiries being made, but I do object to gentlemen taking up the time of the House who propose to object when the time comes.

Mr. MANN. The gentleman probably does not know what he will do in advance. Possibly he does; but I make inquiries in good faith.

Mr. CARLIN. If the gentleman is doing that now, I will withdraw my demand for the regular order.

Mr. MANN. I do not ask any concession from the gentleman at all.

The SPEAKER. The gentleman from Virginia [Mr. CARLIN] withdraws his demand for the regular order of his own motion. The Chair will state that all of this interlocutory debate that takes place on unanimous consent is by unanimous consent, and until somebody objects, and if the question is raised the Chair would have to put the question whether they objected to unanimous consent to consider the bill or not. But the universal practice has been, in the House, that gentlemen inquire for a reasonable length of time as to the merits of the bill. The Unanimous Consent Calendar does not mean that a bill shall be rushed through without anybody knowing what is in it.

Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The gentleman from Nebraska [Mr. STEPHENS] is recognized.

Mr. STEPHENS of Nebraska. Mr. Speaker, I ask unanimous consent to consider this bill in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Nebraska [Mr. STEPHENS] asks unanimous consent to consider this bill in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the committee amendments to the Senate bill.

The Clerk read as follows:

Page 1, line 6, insert, after the word "each," "in such manner as he may direct."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 3, line 7, after the word "act," strike out "but no bid shall be received therefor except from members of the tribe."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 3, line 10, after the word "use," insert a colon and the following:

"*Provided further*, That the lands allotted, those retained or reserved, and the surplus land sold, set aside for town-site purposes, or otherwise disposed of, shall be subject for a period of 25 years to all of the laws of the United States prohibiting the introduction of intoxicants into the Indian country."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 3, strike out all of section 3, extending from line 16 on page 3 to line 2 on page 4.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 5, strike out section 6, included in lines 12 and 13.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

CAPT. JOHN W. GULICK.

The next business on the Calendar for Unanimous Consent was the Senate joint resolution No. 90, to authorize Capt. John W. Gulick, United States Army, to accept a position under the Government of the Republic of Chile.

The Clerk read as follows:

Resolved, etc., That Capt. John W. Gulick, Coast Artillery Corps, United States Army, be, and he is hereby, permitted to accept from the Government of the Republic of Chile the position of instructor of the Coast Artillery of the Chilean Army and the emoluments, rights, and privileges pertaining thereto.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

The question is on the third reading of the Senate joint resolution.

The resolution was read a third time and agreed to.

On motion of Mr. PEPPER, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

CONTINUATION OF PEACE COMMISSION.

The next business on the Calendar for Unanimous Consent was House joint resolution 66, to amend the joint resolution authorizing the appointment of a commission in relation to universal peace.

The Clerk read as follows:

Resolved, etc., That the joint resolution approved June 25, 1910, entitled "Joint resolution to authorize the appointment of a committee in relation to universal peace," be, and the same is hereby, amended so as to read:

"That the said commission shall be required to make final report within two years from the date of the passage of this resolution."

Mr. CLINE. Mr. Speaker, I ask unanimous consent to consider this resolution in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Indiana asks unanimous consent to consider the resolution in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Mr. CLINE. Mr. Speaker, I offer an amendment to the body of the resolution.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out all after the resolving clause and inserting in lieu thereof the following:

"That the time within which the commission authorized by the joint resolution entitled 'Joint resolution to authorize the appointment of a commission in relation to universal peace,' approved June 25, 1910, is required to make final report is hereby extended for two years from the 25th day of June, 1912, but in every other respect said joint resolution shall continue in full force and effect."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows:

Joint resolution extending the time for making final report by the commission authorized by the joint resolution entitled "Joint resolution to authorize the appointment of a commission in relation to universal peace," approved June 25, 1910.

REGISTRATION OF TRADE-MARKS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10648) amending an act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with the Indian tribes, and protect the same."

The Clerk read the bill, as follows:

Be it enacted, etc., That the act approved February 20, 1905, as amended, be, and the same is hereby, further amended so that section 5 thereof shall read as follows:

"SEC. 5. That no mark by which the goods of the owner of the mark may be distinguished from other goods of the same class shall be refused registration as a trade-mark on account of the nature of such mark unless such mark—

"(a) Consists of or comprises immoral or scandalous matter.

"(b) Consists of or comprises the flag or coat of arms or other insignia of the United States or any simulation thereof, or of any State or municipality, or of any foreign nation, or of any design or picture that has been or may hereafter be adopted by any fraternal society as its emblem, or of any name, distinguishing mark, character, emblem, colors, flag, or banner adopted by any institution, organization, club, or society which was incorporated in any State in the United States prior to the date of the adoption and use by the applicant: *Provided*, That said name, distinguishing mark, character, emblem, colors, flag, or banner was adopted and publicly used by said institution, organization, club, or society prior to the date of adoption and use by the applicant: *Provided*, That trade-marks which are identical with a registered or known trade-mark owned and in use by another and appropriated to merchandise of the same descriptive properties, or which so nearly resemble a registered or known trade-mark owned and in use by another and appropriated to merchandise of the same descriptive properties as to be likely to cause confusion or mistake in the mind of the public or to deceive purchasers shall not be registered: *Provided*, That no mark which consists merely in the name of an individual, firm, corporation, or association not written, printed, impressed, or woven in some particular or distinctive manner, or in association with a portrait of the individual, or merely in words or devices which are descriptive of the goods with which they are used, or of the character or quality of such goods, or merely a geographical name or term, shall be registered under the terms of this act: *Provided further*, That no portrait of a living individual may be registered as a trade-mark except by the consent of such individual, evidenced by an instrument in writing: *And provided further*, That nothing herein shall prevent the registration of any mark used by the applicant or his predecessors, or by those from whom title to the mark is derived, in commerce with foreign nations or among the several States or with Indian tribes which was in actual and exclusive use as a trade-mark of the applicant or his predecessors from whom he derived title for 10 years next preceding February 20, 1905: *Provided further*, That nothing herein shall prevent the registration of a trade-mark otherwise registrable because of its being the name of the applicant or a portion thereof."

The SPEAKER pro tempore (Mr. HAY). Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the House bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. BRANTLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SUPPORT OF INDIGENT PERSONS, ALASKA.

The next business on the Calendar for Unanimous Consent was the bill (S. 267) providing for assisting indigent persons, other than natives, in the District of Alaska.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act 5 per cent of all the moneys collected by the clerks of the district courts in Alaska for licenses and occupation taxes in the District of Alaska, now paid by the said clerks into the Alaska fund and to the treasurers of the several incorporated towns in Alaska, shall be paid into the Treasury of the United States and there held as a separate fund for the relief of the indigent persons, other than natives, in Alaska.

SEC. 2. That the said fund shall be disbursed upon the recommendation of the governor of Alaska to such persons and in such manner as he may direct: *Provided*, That the governor, in his annual report, shall submit an itemized statement with proper vouchers of all expenditures under this act.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have the gentleman from Texas [Mr. HARDY] make a very brief statement of the purpose of the bill, if he will, and explain particularly why there is a change made so that the money that is now paid out of license fees for the sup-

port of the insane is diverted to other purposes by this bill and the insane are not provided for at all.

Mr. HARDY. I will state, Mr. Speaker, that the Delegate from Alaska, as well as the governor of Alaska and all the other persons who appeared from up there who were interested in the matter, explained to us that the insane were provided for by some method under the school fund, and this was specifically for the purpose of taking care of those who might be hurt or injured or something of that sort, or indigent as described in the bill.

Mr. MANN. The law provides that a certain amount of this license fund shall be used for the benefit of the insane, or may be used for that purpose. I think since that law was passed we have provided an insane hospital up there. There may be some provision in relation to it carried in the sundry civil bill. Is the gentleman quite confident that that is entirely provided for in other ways? Why should we provide out of the General Treasury for the care of the insane in Alaska when we turn over all the license fees, partly for the care of those who are incapacitated and partly for other purposes?

Mr. HARDY. I will state, if the gentleman will permit, that possibly the Delegate from Alaska is more intimately acquainted with the exact status of the law than I, and he will be here directly. But my impression is——

Mr. MANN. The time for him to be here is when the bill is up.

Mr. HARDY. I myself am responsible, possibly, for his being away just now.

The statement that I have to make is that all parties from Alaska are agreed that the insane are taken care of under other provisions of law. Furthermore, I will call attention to the fact that this bill undertakes to provide specifically for a division of 10 per cent, so that it would be applied separately to each of the four districts, and if it should not all be absolutely required it would be turned back to the general fund, to be used by the Territory of Alaska for road improvements. Not a dollar of it comes out of the Treasury of the United States.

Mr. YOUNG of Kansas. Mr. Speaker, will the gentleman permit me to make a suggestion?

Mr. HARDY. Yes.

Mr. YOUNG of Kansas. The governor of Alaska appeared before our committee and recommended the passage of this bill practically in the form in which it is presented, did he not?

Mr. HARDY. Yes; both the Delegate and the governor.

Mr. YOUNG of Kansas. The Delegate and others from Alaska who understood this subject recommended the passage of this bill, and we drew up this bill in committee for the purpose of meeting exactly the wishes of the governor and the Delegate from Alaska and everybody who appeared before the committee.

Mr. MANN. I know; but there are other people who have a right beside the people of Alaska. It is very natural that they should want to get all they can, and it is perfectly proper that they should, but the question is whether we will turn over to them all the licenses received and in addition pay out of the General Treasury for the partial support of those people.

Mr. HARDY. This bill does not divert anything. It only changes the percentage of a certain fund that may be applied to the purposes of this bill.

Mr. MANN. Is it not a fact that the insane are already provided for by act of Congress, and while the original act provided that the insane should be provided for out of this fund? If somebody has worked out a plan so as to provide for them out of the General Treasury, we should be informed of it.

Mr. HARDY. I will only state that the insane are provided for by other legislation. I do not know what that legislation is. And this bill is designed to give 10 per cent of the "Alaska" fund, or so much thereof as is needed, for the care of the indigent.

Mr. MOORE of Pennsylvania. I would like to ask the gentleman from Texas whether a provision like this is made with respect to other Territories?

Mr. HARDY. I could not say as to that. This bill came over from the Senate without any administrative regulations, and the Senate bill set apart only 5 per cent of this fund.

Mr. FLOOD of Virginia. Mr. Speaker, I wish to say that this has been done with respect to all the other Territories, and it has been the rule in Alaska for years.

Mr. MANN. I will say to the gentleman that, so far as that is concerned, for years we have been taking this fund in Alaska and turning over the license fees that are collected, partly for the benefit of the road fund and partly for the care of the indigent.

Mr. MOORE of Pennsylvania. Leaving it in the discretion of the governor to disburse it?

Mr. MANN. A certain percentage of it is used for road improvement, and a certain percentage is used for the care of the indigent.

The SPEAKER pro tempore. Is there objection?

Mr. CANNON. One moment. I would like to ask a question. The House passed, a few days ago, a bill to organize the Territory of Alaska. If we pass this pending bill, and that other legislation should be enacted, what becomes of this law?

Mr. HARDY. My impression is that this law would bind until the legislation enacted by Congress should change it. It would hold until that Territorial government was organized.

Mr. CANNON. The gentleman is clear that they would have this burden to assume?

Mr. HARDY. They have already assumed it. It does not add anything to the burden. It takes 10 per cent of certain local taxes which they now pay and appropriates it to this purpose.

Mr. MANN. While the gentleman says it does not add anything to the burdens of these people, or only takes 10 per cent, the fact is that we turn over the residue of the fund to be used for the building of roads, and every year there is a proposition made here, which we usually agree to, to appropriate a certain sum out of the Treasury, in addition to the fund under this section, for the building of roads. I agree with the gentleman that the indigent must be cared for.

Mr. HARDY. It is a matter of necessity, which is urged upon us by every consideration of humanity and insisted upon by the people there.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. HARDY. I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That section 1 of an act entitled 'An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes,' approved January 27, 1905, as amended by an act approved May 14, 1906, and as further amended by an act approved February 6, 1909, be, and the same is hereby, amended so as to read as follows:

"'SECTION 1. That all moneys derived from and collected for liquor licenses, occupation or trade licenses, outside of the incorporated towns in the Territory of Alaska, shall be deposited in the Treasury Department of the United States, there to remain as a separate and distinct fund, to be known as the "Alaska fund," and to be wholly devoted to the purposes hereinafter stated in the Territory of Alaska. Thirty per cent of said fund, or so much thereof as may be necessary, shall be devoted to the establishment and maintenance of public schools in said Territory; 10 per cent of said fund shall be, and is hereby, appropriated and authorized to be expended for the relief of persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident; and all the residue of said fund shall be devoted to the construction and maintenance of wagon roads, bridges, and trails in said Territory: *Provided*, That the clerk of the court of each judicial division of said Territory is authorized, and he is hereby directed, whenever considered necessary, to call upon the United States marshal of said judicial division to aid in the collection of said license moneys by designating regular or special deputies of his office to act as temporary license inspectors, and it shall be the duty of said United States marshal to render such aid; and the said regular or special deputies while actually engaged in the performance of this duty shall receive the same fees and allowances and be paid in the same manner as when performing their regular duties.

"'SEC. 2. That at the end of each fiscal quarter the Treasurer of the United States shall divide the amount of said 10 per cent of said fund so received during the quarter just ended into four equal parts, and transmit to each of the four United States marshals in Alaska one of said equal amounts

"'SEC. 3. That each of said marshals is hereby authorized to expend so much of the money received by him under this act as may, in his discretion, be required for the relief of those persons in his division who are incapacitated through nonage, old age, sickness, or accident, and who are indigent and unable to assist and protect themselves: *Provided*, That each marshal, with his quarterly report, shall submit an itemized statement, with proper vouchers, of all expenditures made by him under this act, and he shall at the time transmit a copy of said statement to the governor of the Territory: *Provided further*, That any unexpended balance, remaining in the hands of any marshal at the end of any quarter, shall be returned to the Treasurer of the United States, and by him deposited in the said "Alaska fund," and the said sum shall be subsequently devoted, first, to meeting any actual requirements for the care and relief of such persons as are provided for in this act in any other division in said Territory wherein the amount allotted for that purpose has proved insufficient; and, second, if there shall be any remainder thereof, said remainder shall be devoted to the construction and maintenance of wagon roads, bridges, and trails in said Territory.'"

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

Mr. MANN. Mr. Speaker, I move to strike out, on page 3, in line 17, the words "Sec. 2," and the same in line 23.

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 17, strike out the words "Sec. 2," and also, in line 23, strike out the words "Sec. 2."

Mr. MANN. The reason for that is that this is an amendment to section 1 of an act, and it all ought to appear as one section instead of being subdivided into several sections; otherwise no one would know where the section ended.

Mr. HARDY. Mr. Speaker, I do not believe there is any objection to striking out those two divisions and to make it all a part of section 1 instead of having three sections.

Mr. WICKERSHAM. If it is understood that sections 2 and 3 are new material and not a part of the old law.

Mr. MANN. That is the very object of my amendment, so that section 1 shall read "as follows."

Mr. HARDY. I think the amendment is all right.

The amendment of Mr. MANN to the committee amendment was agreed to.

Mr. MANN. I move to strike out the last word for the purpose of asking a question. On page 3, in line 18, we have the word "Treasurer." The provision is—

That at the end of each fiscal quarter the Treasurer of the United States shall divide the amount—

And so forth. I think that should be "Secretary of the Treasury." It is the Secretary who makes the vouchers and warrants upon which money can be obtained, I suppose.

The SPEAKER pro tempore. Does the gentleman offer an amendment to the amendment?

Mr. HARDY. It is a matter of construction, and I think the word "Treasurer" would be sufficiently definite. The official designation is "Secretary of the Treasury."

Mr. MANN. I would not be certain, but I think it is the Secretary of the Treasury. Whichever it is, it will not do to put in the other, because they probably would not get the money. As it is to be transmitted, I think it would be the Secretary of the Treasury. I move, in line 18, page 3, to strike out "Treasurer" and insert the words "Secretary of the Treasury."

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 18, strike out the word "Treasurer" and insert in lieu thereof the words "Secretary of the Treasury."

Mr. HARDY. The question I was going to suggest was that one motion be made to cover the word "Treasurer" there, and also in subsequent parts of the bill where the word "Treasurer" occurs, as in line 10, page 4.

Mr. MANN. At the other place it is a provision for returning it to the Treasurer, I think.

Mr. HARDY. Yes.

Mr. MANN. It might be returned to the Treasurer.

Mr. HARDY. Still, if it is technically correct in one place it is in the other.

Mr. MANN. That may be.

Mr. HARDY. I am trying to get it right in both places.

The SPEAKER pro tempore. The question is on the amendment to the amendment proposed by the gentleman from Illinois [Mr. MANN].

The amendment to the committee amendment was agreed to.

Mr. HARDY. The same change ought to be made in line 10, page 4.

The SPEAKER pro tempore. The gentleman from Texas [Mr. HARDY] asks unanimous consent that the same change be made in line 10, page 4.

Mr. MANN. That ought to be "Treasury" instead of "Treasurer."

Mr. HARDY. On page 4, line 10, change the word "Treasurer" to "Treasury."

Mr. MANN. On further consideration I think we had better leave it as it is.

Mr. HARDY. Then I will leave it as it is.

Mr. MANN. Mr. Speaker, I move to strike out the last word. There is a provision on page 4, that after the money is expended for the indigent:

And, second, if there shall be any remainder thereof said remainder shall be devoted to the construction and maintenance of wagon roads, bridges, and trails in said Territory.

Mr. HARDY. That is done upon reports from each separate division, authorized and required to be made by the terms of the bill.

Mr. MANN. But the bill says, "*Provided further*, That any unexpended balance remaining in the hands of any marshal at the end of any quarter shall be returned to the Treasurer of the United States and by him deposited in the said Alaska fund, and the said sum shall be subsequently devoted, first, to meeting any actual requirements," and so forth.

And then it says, "If there shall be any remainder thereof said remainder shall be devoted to the construction and maintenance of roads," and so forth.

Does it mean the remainder at the end of a quarter or at the end of a year?

Mr. HARDY. It means at the end of a year. Alaska is divided into four sections. We did not know whether each section would consume, for the needs of the indigent, all the 10 per cent allotted to it, each section having one-quarter of the 10 per cent; one section might have large demands for indigent needs and another small demands, so the purpose was to provide for the entire demand of the four sections, using any surplus in one section to eke out the needs or deficiency of another, and if at the end of a year all the sections had not consumed the whole 10 per cent it would go back to the road fund.

Mr. MANN. Although I am not prepared to say how it ought to read, I am inclined to think there will be trouble about it.

The SPEAKER pro tempore. The question is on the amendment to the Senate bill.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act to provide assistance to persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident, and for other purposes."

On motion of Mr. HARDY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. HARDY. Mr. Speaker, I will ask unanimous consent to incorporate in my remarks the report of the committee.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to extend remarks in the RECORD on this bill.

The SPEAKER pro tempore. The gentleman from Alaska asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

STREET RAILWAY IN SOUTH HILO, HAWAII.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii.

The Clerk began the reading of the bill.

Mr. LENROOT. Mr. Speaker, this is a very lengthy bill, and we might avoid reading it if I reserve an objection and make a statement. This bill proposes a 50-year franchise to a street railway corporation in Hawaii. It exempts property from taxation for a period of 10 years, and while it attempts to prevent stock watering, it apparently fails to accomplish the purpose. It should be amended in many important particulars, and I am constrained to object.

Mr. FLOOD of Virginia. Will the gentleman reserve his objection?

Mr. LENROOT. I will reserve the objection.

Mr. FLOOD of Virginia. Mr. Speaker, this is a bill granting a franchise to an electric railway company in a small town in the Island of Hawaii. The town has a population of about 7,000 people scattered around a circular bay. A wharf is being built 2 miles from the center of the town. It will be expensive to get from the wharf to the business part of the town and more expensive to get freight between these points. Now, they have to pay for passenger fare 50 to 75 cents. The people concerned are desirous of having this railway built which will haul them for a 5-cent fare and haul freight much cheaper than the present arrangement will. Then there is a large tract of Government land lying near by, which will be open for occupation in the near future, between the center of the town and the wharf that it is thought will be settled by working people. There are only about 7,000 people here, and it is difficult to finance a company to build a railroad in a town of this size.

This bill went through the Hawaiian Legislature with only one vote against it. After that it was carefully examined by the governor, and a number of amendments suggested by him, which are not incorporated in it. He thought, as amended that it protected absolutely the interests of Hawaii and the town of

Hilo and the public. It was then carefully examined by the Secretary of the Interior who had indorsed it, with the amendments suggested by the government of Hawaii. Then the Committee on Territories considered it and added other amendments, and in its present shape it is indorsed by all of these persons and tribunals and by the Delegate from Hawaii.

It is true that it does give a 50-year franchise, and it exempts the property from taxation for a limited period, but gentlemen will understand that it is difficult to raise money to build an electric railway line of this character in a town of this size. In every particular the interests of the public are protected by this bill, and I have heard no objection coming from any source in reference to it, except by a railway company in Hawaii that this electric line will probably parallel for a short distance. The governor, the legislature, the Secretary of the Interior, the Delegate from Hawaii, the Committee on Territories, all unanimously indorse this bill, and the only objection to it comes from this steam railway company whose lines may be paralleled by this line. I hope the gentleman will not object, because this is a growing town and it needs better transportation between the different parts of the town and from the wharf to the business part of the town than it has. We ought not to allow the selfish objections of a corporation already there stand in the way of this needed enterprise.

The SPEAKER pro tempore. Is there objection?

Mr. LENROOT. Mr. Speaker, reserving the right to object, in reply to the gentleman, I do not question his good faith or that of the committee in the preparation of this bill, but the arguments which have been made by the gentleman from Virginia have been made in nearly every city of the United States as an excuse for granting a franchise that never ought to have been granted. I have no objection to granting a franchise to this street railway corporation, but I am not willing as a Member of Congress to stand here and approve of the provisions in this bill, which are absolutely vicious in principle, and I therefore object.

Mr. FLOOD of Virginia. I will suggest to the gentleman that he let the bill come up and offer such amendments as he wishes.

Mr. LENROOT. I have not had an opportunity to see the bill until this morning, and although I have in mind several amendments, I have not prepared any.

Mr. FLOOD of Virginia. I will ask unanimous consent to let the bill be passed, without prejudice, until the gentleman prepares them.

Mr. LENROOT. If the gentleman will make a request to pass it over until the next unanimous-consent day——

The SPEAKER pro tempore. The gentleman can put the bill on the Unanimous Consent Calendar again. The gentleman from Wisconsin objects.

Mr. FLOOD of Virginia. Mr. Speaker, is not this suspension day, and will not a motion to suspend the rules be in order?

The SPEAKER pro tempore. The Chair can not entertain a motion to suspend the rules until the Unanimous Consent Calendar is disposed of.

Mr. FLOOD of Virginia. A motion to suspend the rules will be in order after this calendar is through.

REPAIR OF LEVEES, MISSISSIPPI RIVER.

The next business on the Calendar for Unanimous Consent was the resolution (H. J. Res. 309) appropriating money for the repair of levees on the Mississippi River.

The Clerk read the title.

Mr. MANN. Mr. Speaker, this has been passed.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, House joint resolution 309 is identical with the Senate resolution which came over the other day and to which the House agreed.

The SPEAKER pro tempore. Therefore the gentleman wishes it stricken from the calendar?

Mr. HUMPHREYS of Mississippi. Yes; stricken from the calendar.

Mr. MANN. Mr. Speaker, I ask to have the House resolution laid on the table.

The SPEAKER pro tempore. The gentleman from Illinois asks that the House joint resolution be laid on the table. Without objection, it will be so ordered.

There was no objection.

LEGALIZING CERTAIN CONVEYANCES HERETOFORE MADE BY UNION PACIFIC RAILROAD CO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16689) legalizing certain conveyances heretofore made by the Union Pacific Railroad Co.

The Clerk read as follows:

A bill (H. R. 16689) legalizing certain conveyances heretofore made by the Union Pacific Railroad Co.

Be it enacted, etc., That all conveyances heretofore made by the Union Pacific Railroad Co., or by the Union Pacific Railway Co., of land forming a part of the right of way of the Union Pacific Railroad Co. granted by the Government by the act of Congress of July 1, 1862, entitled "An act to aid the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," are hereby legalized, validated, and confirmed: *Provided*, That no such conveyances shall have the effect to diminish said right of way to a less width than 100 feet on each side of the center of the main track of the railroad as now established and maintained.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. The committee has made such important committee amendments that I ask to have them reported.

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The Clerk read as follows:

First. Page 1, line 3, after the word "by," insert the following: "And all rights acquired by adverse possession against."

Second. Page 1, line 3, after the amendment just suggested, the word "the" before "Union" should begin with a capital letter.

Third. Page 1, line 4, after the word "or," strike out the word "by."

Fourth. Page 1, line 5, the word "the," preceding the word "Union," should begin with a capital letter.

Fifth. Page 2, add a new section, as follows:

"SEC. 2. That all conveyances, agreements, or acts heretofore made or done by, and all rights acquired by adverse possession against The Union Pacific Railroad Co., or the Union Pacific Railway Co., or The Denver Pacific Railway & Telegraph Co., or the successors or assigns of any of them, conveying any land forming a part of the right of way between Denver, Colo., and Cheyenne, Wyo., of or by any of said companies under any act of Congress or defining the limits of said right of way or restricting the same, are hereby legalized, validated, and confirmed: *Provided*, That said conveyances, agreements, or acts shall not have the effect to diminish said right of way to a less width than 50 feet on each side of the center of said railroad as now established and maintained."

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. REES and Mr. NORRIS rose.

Mr. NORRIS. I yield to the gentleman from Kansas.

Mr. REES. I wish to ask if the gentleman would have any objection to inserting the name of the Leavenworth, Pawnee Western Railroad Co., the Union Pacific Railroad Co., eastern division, and the Kansas Pacific Railroad Co.?

Mr. NORRIS. Where does the gentleman propose to insert them?

Mr. REES. The names ought to follow in the first section, I suggest, either just before or just after the names of the companies the gentleman has named.

Mr. NORRIS. As I understand the gentleman, that will cover the Kansas situation, will it?

Mr. REES. I think that will cover the Kansas situation.

Mr. NORRIS. Those are the technical names of the Union Pacific system down there under which it was organized?

Mr. REES. Yes; I understand those are the technical names.

Mr. NORRIS. I have no objection to the gentleman's amendment.

Mr. MANN. Does that mean to enlarge the scope of the bill or simply perfect the names?

Mr. NORRIS. In my judgment it would not enlarge its scope. I think that simply proposes to add to it the technical names of the Union Pacific Railroad as they exist and did exist in Kansas.

Mr. MANN. As the gentleman has provided in section 2?

Mr. NORRIS. No; section 2 is for Colorado. I provided in section 1 for the State of Nebraska. The amendment should be put in section 1.

Mr. MANN. Well, in section 1 you only cover the Union Pacific, and in section 2 you cover both.

Mr. NORRIS. I have an amendment to the section, which I expected to offer, to perfect the names, as there is one mistake in the names now.

Mr. MANN. The gentleman from Kansas wants to perfect the names. I would like to know whether it is the intention to simply perfect the names so as to cover all the property or to add a lot of other rights of way about which we have no information.

Mr. REES. It is not my intention to add any rights of way, I will say to the gentleman. The Kansas situation, as far as the Union Pacific running through it, is just the same as it was through Nebraska and Colorado.

Mr. CLAYTON. Mr. Speaker, who has the floor?

The SPEAKER pro tempore. The gentleman from Kansas has the floor.

Mr. REES. I will yield.

Mr. NORRIS. I understood I had the floor, and I yielded to the gentleman from Kansas.

Mr. CLAYTON. Suppose you recognize me in my own right and we will settle the matter.

The SPEAKER pro tempore. The Chair can not do that; the gentleman from Kansas has the floor.

Mr. REES. I yield to the gentleman.

Mr. CLAYTON. Mr. Speaker, it does not make any difference in whose time I am recognized, as I merely want to make an observation. This bill was introduced January 3, 1912, and the Committee on the Judiciary have given several hearings on this bill and we endeavored to perfect it, and on the suggestion, I believe, which originated with the Representatives of Colorado and indorsed by former Gov. Thomas, of Colorado, and former Judge Banks, of Denver, Colo., and following the suggestions of a gentleman from Greeley, Colo., who appeared before the committee at the instance of the gentleman from Colorado [Mr. RUCKER], this section 2 was explained to the committee before it was incorporated into the bill. It was made manifest to the committee that this section 2 ought to be added to the bill. Now, there has been no suggestion of the sort made by the gentleman from Kansas until a few minutes ago. Doubtless he is correct in his statement that it is necessary to make this bill more comprehensive than it is in the form in which it was reported, but I for one would like to know the reason for making the proposed amendment.

Mr. REES. If the gentleman will turn to page 52 of the hearings he will find a statement there from N. H. Loomis which gives a history of that part of the Union Pacific Railroad in Kansas.

The name of the company was originally the Leavenworth, Pawnee & Western Railway Co. Now, some of these acts of the Government and of the railway took place during the time that the railroad company bore this name; and simply in order to make the names technically correct I thought it wise to make this correction.

Mr. CLAYTON. May I ask the gentleman a question? Have you reduced your amendment to writing?

Mr. REES. I have reduced it to writing, but I am not sure as to the proper place in which to insert it. I thought probably it ought to be in both the first and second sections.

Mr. NORRIS. There will be no occasion for it in the second section. That applies only to the situation in Colorado, and specifically states "from Denver to Cheyenne." I hope the gentleman will not offer the amendment until the amendments I have here are offered, because it will come in appropriately, I think, after one I want to offer.

The SPEAKER pro tempore. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, lines 3 and 4, insert the words "and all rights acquired by adverse possession against."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Page 1, line 4, strike out the word "the" and insert the word "The," with a capital T.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. NORRIS. Now, Mr. Speaker——

The SPEAKER pro tempore. The Chair thinks we had better complete the committee amendment.

Mr. NORRIS. Because this amendment comes in ahead of it in the order of the bill is the reason that I wish to offer it now. I have no objection, however, if you desire to go on with the committee amendment.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 5, strike out the word "by."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 6, strike out the word "the" at the end of the line and insert the word "The" with a capital "T."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. NORRIS. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The gentleman from Nebraska offers an amendment, which the Clerk will report.

Mr. NORRIS. I offer it merely to correct a possible error in the names.

The SPEAKER pro tempore. The Clerk will report the amendment of the gentleman from Nebraska.

The Clerk read as follows:

Amend, page 1, line 6, by inserting, after the word "Company," appearing at the end of line 5 and the beginning of line 6, the following: "or Union Pacific Railroad Co."

Mr. MANN. Where does that come in?

Mr. NORRIS. That comes in right at the beginning of line 6, after "Company," but the word "Company" is partly on line 5.

Mr. CLAYTON. Just before the word "of."

Mr. MANN. How would that read then?

Mr. NORRIS. It is another technical one.

The SPEAKER pro tempore. The Clerk will again report the amendment.

The amendment was again reported.

Mr. NORRIS. I will explain. The original company was "The Union Pacific Railroad Co.," and the word "the" was a part of the corporate name. The next company was the "Union Pacific Railway Co.," the word "the" not being a part of the corporate name. The third company was "Union Pacific Railroad Co.," which is exactly like the original company, except there is no "the" in the corporate name, and this amendment is simply put in to get into the law the technical name of the present company.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. MANN. If any amendment is to be offered by the gentleman from Kansas——

Mr. NORRIS. Then it ought to follow this amendment.

Mr. MANN. It should be, properly, an amendment to this amendment.

Mr. REES. Mr. Speaker, I move to amend by adding the following.

The SPEAKER pro tempore. Does the gentleman from Kansas [Mr. REES] move to amend the amendment of the gentleman from Nebraska [Mr. NORRIS]?

Mr. REES. Yes.

The SPEAKER pro tempore. The Clerk will report the amendment.

Mr. REES. To follow the amendment offered by the gentleman from Nebraska [Mr. NORRIS].

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

The Leavenworth, Pawnee & Western Railroad Co.——

Mr. NORRIS. The gentleman wants the word "or" in there.

Mr. MANN. Necessarily.

The SPEAKER pro tempore. The Clerk will report the amendment with the change suggested.

The Clerk read as follows:

Or the Leavenworth, Pawnee & Western Railroad Co., or the Union Pacific Railway Co., eastern division, or the Kansas Pacific Railway Co.

The SPEAKER pro tempore. The question is on agreeing to the amendment of the gentleman from Kansas to the amendment of the gentleman from Nebraska.

The question was taken, and the amendment to the amendment was agreed to.

The SPEAKER pro tempore. The question now is on the amendment of the gentleman from Nebraska [Mr. NORRIS].

The question was taken, and the amendment as amended was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, add a new section, as follows, beginning with line 10:

"SEC. 2. That all conveyances, agreements, or acts heretofore made or done by, and all rights acquired by adverse possession against the Union Pacific Railroad Co., or the Union Pacific Railway Co., or the Denver Pacific Railway & Telegraph Co., or the successors or assigns of any of them, conveying any land forming a part of the right of way between Denver, Colo., and Cheyenne, Wyo., of or by any of said companies under any act of Congress or defining the limits of said right of way or restricting the same, are hereby legalized, validated, and confirmed: *Provided*, That said conveyances, agreements, or acts shall not have the effect to diminish said right of way to a less width than 50 feet on each side of the center of said railroad as now established and maintained."

Mr. MANN. Mr. Chairman, I move to strike out, in line 17, page 2, the words "or by."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 17, of the amendment, strike out the words "or by."

Mr. MANN. They do not belong in there.

Mr. NORRIS. I do not think they do, either.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question is on the committee amendment as amended.

The question was taken, and the committee amendment as amended was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, it is perfectly plain that the title should be amended.

Mr. CLAYTON. The title ought to conform to all these amendments that have been added to the bill. That is manifest.

The SPEAKER pro tempore. Without objection, the title will be amended to conform to the amendments that have been adopted.

There was no objection.

On motion of Mr. NORRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. CLAYTON. Now, Mr. Speaker, I desire to extend my remarks by printing in the RECORD some letters. One of them is a letter addressed to Representative LOBECK in behalf of this legislation. Another is a letter addressed to Representative KINKAID of Nebraska to the same effect. Another is a letter addressed to the Chairman of the Committee on the Judiciary by the Hon. Charles S. Thomas, former governor of Colorado. There is a similar letter addressed to the Chairman of the Committee on the Judiciary by the Hon. James J. Banks, a former judge, now a practicing attorney, Denver, Colo., to the same effect.

Mr. RUCKER of Colorado. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Alabama yield to the gentleman from Colorado?

Mr. CLAYTON. I do.

Mr. RUCKER or Colorado. Of course I do not mind the gentleman minimizing the efforts of the Representatives of Colorado in the passage of this bill——

Mr. CLAYTON. Oh, I want to say to the gentleman——

Mr. RUCKER of Colorado. I will say to the gentleman from Alabama that the gentleman from Nebraska [Mr. NORRIS] was in charge of this bill, and he knows that the Colorado Members were responsible for the insertion of the second section in this bill. I do not care about being ruthlessly set aside. I simply want to be treated fairly.

Mr. CLAYTON. The gentleman has spoken a little too quickly. I was going to say that the Members from Colorado had repeatedly interviewed the chairman of the Committee on the Judiciary and had appeared before that committee in behalf of this legislation. I was about to give the gentleman from Colorado credit for his usual industry and care in looking after the matters of Colorado. [Applause.] It applies to all of the Members from Colorado, as much so to his colleagues as to himself, and I know that the gentleman is generous in wanting to accord to his colleagues that equal industry and patriotic fervor that he claims for himself. [Applause.]

Mr. RUCKER of Colorado. I was actuated only by a spirit of fairness to the committee chairman in making the statement. I was aware he was familiar with my efforts generally, but I knew he was unadvised that I was instrumental for section 2 appearing in the bill, which applies to Colorado.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent to extend his remarks in the RECORD by the insertion of certain letters. Is there objection?

There was no objection.

Following are the letters referred to:

ALDA, NEBR., *February 26, 1912.*

Hon. C. O. LOBECK, *Washington, D. C.:*

MY DEAR LOBECK: Please permit me to presume on my personal friendship with you by sending you the inclosed petitions forwarded me by friends in the west part of the county.

There is a universal desire along the line of the Union Pacific Railroad to have this right-of-way matter settled. We believe House bill 16689 will greatly aid in settling the disputed titles; and if the bill is promptly passed, settlement may be effected before actual homicides grow out of the intolerable state of things existing along this road for the past three years.

Very truly, yours, HUGH F. MCINTOSH.

—

UNITED STATES POST OFFICE,
Brady, Nebr., February 24, 1912.

Hon. M. P. KINKAID,
Washington, D. C.

DEAR SIR: Herewith find petition praying for the passage of House bill 16689, the sentiments of the people in this part of the country. There is, and always has been for years, a sentiment against the railroad for claiming the 400 feet of right of way as according to the first grant of the United States. The railroad forfeited their rights under that grant.

Respectfully,

E. H. SPRINGER.

DENVER, COLO., *March 28, 1912.*

Hon. HENRY D. CLAYTON,
Chairman Judiciary Committee,
House of Representatives, Washington, D. C.

MY DEAR SIR: I wish to commend to your favorable consideration a bill now pending in the House of Representatives, which has been referred to the Committee on the Judiciary. It is entitled "A bill legalizing certain conveyances heretofore made by the Union Pacific Railroad Co." and was introduced by Mr. NORRIS. Its purpose is to validate conveyances made by the Union Pacific Railroad Co. of land forming part of its right of way. The railroad company conveyed these lands years ago for a valuable consideration and are now bringing actions to have the deeds canceled on the ground that it had no power to alienate this land.

Mr. NORRIS's bill, as originally drawn, only covers conveyances made along the right of way of the main track of the Union Pacific Railroad Co. The old Pacific railway system, which was created by acts of Congress, consisted not only of this main land running from Omaha west, but of a number of "feeders" starting from such points as Kansas City and St. Joseph to be connected with the main line at about the one hundredth meridian. Of these, what became later known as the Kansas Pacific was the only one that was complete, and it was only complete as far west as Denver. A local road called the Denver Pacific had, in the meantime, surveyed and graded a line from Denver to Cheyenne, connecting with the Union Pacific main line, and by an act of Congress of 1869 the Kansas Pacific was relieved from the necessity of continuing its line to the junction with the Union Pacific main line and was permitted to contract with the Denver Pacific to build its line, the same to be used jointly by the two companies. All of these railroads subsequently became and are now part of the present Union Pacific system, and amendments have been, or will be, introduced whereby conveyances by the Denver Pacific road will be included in the act.

I am the attorney for certain persons living along the line of the Denver Pacific road whose titles are now being attacked, although they date back to 1869 or 1870, and are based upon deeds from the Denver Pacific road itself or from land companies organized by its officers and directors, who acquired the land by patent from the United States Government and afterwards sold it.

It is claimed now, although the claim was never made until two or three years ago, that the road was granted a 400-foot right of way, and that as it could not alienate it—as decisions of the United States Supreme Court held—the deed should be canceled without compensation. As a matter of fact, the act of 1869, which permitted the Kansas Pacific Co. to contract with the Denver Pacific and build the line to Cheyenne, says nothing about the width of the right of way, and it has always been supposed by the railroad company and by everybody else that the right of way was 100 feet, and this is all that has ever been used or that it is likely will ever be necessary to use.

I have written to Hon. EDWARD T. TAYLOR, Representative from this State, asking him to see that the bill is properly amended so as to afford relief to the residents of this State who bought their land from the Denver Pacific Railway & Telegraph Co. or land companies organized by its officers.

The purpose of the bill is a most worthy one, being practically merely to confirm the title of the present owners of property bought from the railroad company or its officers. This property was sold to bona fide purchasers, and a great deal of it has been improved. Taxes have been paid on all of it for nearly 40 years, and there is every reason why their title should be confirmed and none why it should be destroyed.

The only opposition to the bill, I am informed, comes from the Union Pacific Railroad Co., which is trying to invalidate, through the courts, its own acts. The decisions of the courts, and especially of the United States Supreme Court cases, are very doubtful. Estoppel, occupancy, payment of taxes, and the statute of limitations being all apparently ineffective as defenses to the present owners of property, therefore relief is sought through Congress.

I feel that the property owners along the line of the Denver Pacific road are entitled to even more consideration than those along the main line, for on that line the act of Congress expressly granted a 400-foot right of way, and on the line of the Denver Pacific the statute was at least ambiguous.

Trusting you can give this act your favorable consideration, I am, with best wishes,

Yours, very truly, C. S. THOMAS.

—

DENVER, COLO., *March 28, 1912.*

Hon. HENRY D. CLAYTON,
Chairman Judiciary Committee,
House of Representatives, Washington, D. C.

MY DEAR SIR: I desire to call your attention to and ask your assistance in a matter which I am convinced is one deserving your attention and assistance, and which will affect the property interests of a number of people living in this State.

There is now pending in the House a bill legalizing certain conveyances heretofore made by the Union Pacific Railroad Co., introduced by Mr. NORRIS, of Nebraska, which has been referred to the Committee on the Judiciary, and on which a hearing is set for April 2.

This act provides that all conveyances heretofore made by the Union Pacific Railroad Co. of land, forming a part of the right of way granted to it by the Federal Government, are legalized, and it is proposed to amend this bill so as to widen its scope to include not only the Union Pacific Railroad Co., but also the old Kansas Pacific and Denver Pacific which are now parts of the Union Pacific system.

It may doubtless seem strange that an act of Congress should be necessary to validate these deeds. The fact is, and this reveals the equitable nature of the proposed act, that the validity of these conveyances is attacked by the present Union Pacific Co., the grantee of the companies which executed the deeds and received the consideration paid for the land.

The old Denver Pacific Railroad runs between Denver, Colo., and Cheyenne, Wyo., which is only a few miles beyond the Colorado line. It was built about 1870 to connect Denver with the main line of the Union Pacific at Cheyenne, and it connects at Denver with the western terminus of the Kansas Pacific. Under an act passed in 1869, the Kansas Pacific was relieved from the necessity of constructing its line farther than Denver, as required by the earlier acts, and was permitted to contract with and use the line of the Denver Pacific. Along the line of this Denver Pacific road has grown up a number of thriving towns, as it passes part of the way through one of the most productive agricultural regions of Colorado. Although, in the earlier acts, the right of way of the Union Pacific Railroad had been fixed at 400 feet, there

was nothing in this act of 1869 which fixed any particular width for the right of way.

It was always assumed by the Denver Pacific Railroad Co., and by others, that a right of way 100 feet wide existed until about the year 1907 or 1908. About that time certain decisions of the United States Supreme Court in regard to the Northern Pacific right of way, holding that the right of way granted by Congress to the railroad company could not be alienated even by deed from the railroad company itself, doubtless induced the Union Pacific Co., which had by this time acquired the Denver Pacific Railroad, to claim a right of way 400 feet wide and to assert that all titles which had been acquired beyond the 100-foot strip the road had been using and without the 400-foot strip were void.

These titles had been acquired in two ways: One, by direct conveyance back in the early seventies from the railroad company; and, two, by conveyance from the land companies organized by the officers and directors of the railroad company, for the purpose, as the articles of incorporation state, of acquiring, holding, and disposing of lands lying along the lines of the said road. Under these deeds many persons entered possession of these lands, improved them, conveyed them, and paid taxes on them for nearly 40 years. The lands were sold originally by the railroad company or the land company to bona fide purchasers, and it was the idea of no one until within the last two or three years that these titles were not as good as any titles in the State. The courts have practically held that neither the payment of taxes nor the statute of limitations can affect the right of the railroad company to the land.

If you can see your way clear to lend your support to this bill, it will of great benefit to the towns lying along the line of this road in Colorado. Every consideration of equity and fair dealing demands that the people who now occupy these lands, and who bought them in good faith and who have expended a great deal of money in improving them in some cases, should get this relief.

The railroad company has always found the 100-foot right of way sufficient for it, and there is no claim on its part that it is not sufficient now. The road is a single track between Denver and Cheyenne, and 100 feet would give it room to lay seven or eight parallel tracks, which it will never by any possibility be necessary for it to do. It has additional land at all stations for depots, sidetracks, etc.

The action of the railroad company in bringing suits to recover these lands has awakened a great deal of antagonism toward it, particularly along the line of the road, and if this bill of Mr. NORRIS's is passed it will be a very popular measure and will be the means of confirming honest property owners in their just rights.

The original bill, as introduced by Mr. NORRIS, only provides for the validation of conveyances heretofore made by the Union Pacific Co. His bill was drawn probably for the benefit of residents in Nebraska along the line of the old Union Pacific or Kansas Pacific. I understand that amendments have been proposed to include the Denver Pacific. I am especially interested in conveyances by the Denver Pacific Railway Co. and the Denver Pacific Railway & Telegraph Co., or by any land company composed in whole or in part of officers or directors of any of the aforesaid corporations, and which were incorporated for the purpose of acquiring, holding, and disposing of lands lying along the lines of said companies or any of them.

When the Denver Pacific and the Kansas Pacific were building the directors of the two roads jointly organized land companies, received patents from the United States for lands and—in good faith—sold them for a valuable consideration. Many of these good people now on the lands, or their grantors, bought from these land companies, and the validation of the conveyances by the railroad companies alone, without including the land companies' conveyances, would not protect them.

With best regards, I am,

Yours, very truly, JAS. J. BANKS.

SALE OF MARINE-HOSPITAL SITE, OCRACOKE, N. C.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21481) providing for the sale of the old marine-hospital site at Ocracoke, N. C.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to sell and convey the old marine-hospital site at Ocracoke, N. C., to the highest bidder after due advertisement thereof, at such time and on such terms as he may deem to be to the best interests of the United States, and to deposit the proceeds in the Treasury as a miscellaneous receipt.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the committee amendments.

The Clerk read the first committee amendment as follows:

Page 1, line 5, strike out the word "Ocrakoke" and insert the same word spelled "Ocracoke."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will read the next committee amendment.

The Clerk read as follows:

Page 1, line 6, insert, after the word "Carolina," the following: "to the highest bidder after due advertisement thereof."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended House bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. AUSTIN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SPECIAL EXAMINER OF DRUGS, ETC., PORT OF BOSTON.

The next business on the Calendar for Unanimous Consent was the bill (S. 275) to make the special examiner of drugs, medicines, and chemicals an assistant appraiser at the port of Boston.

The Clerk read the bill, as follows:

Be it enacted, etc., That the special examiner of drugs, medicines, and chemicals in the district of Boston and Charlestown, Mass., shall, in addition to his duties as special examiner, for which he shall be appointed with special reference to his qualifications, perform the duties and hold the rank of an assistant appraiser.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I hope somebody may be able to give a reason for the passage of this bill. There is no reason given in the report of the committee of the House, and there is no reason given in the report of the committee of the Senate, and there is no reason given in the recommendations concerning it by the Secretary of the Treasury. If there is a reason for it, somebody ought to give it. The gentlemen who reported it in both House and Senate and the Secretary of the Treasury did not seem to be able to find any reason for it. [Laughter.]

Mr. PETERS. Mr. Speaker, the examiner of drugs at the port of Boston has been in charge of the laboratory division, and it is necessary as a part of his responsibility, and should be necessary, for him to sign certain papers. It very much facilitates the work of the department if he can sign these papers as assistant appraiser, which he can not do at the present time.

This bill involves no change of salary and is simply asked for by the Treasury Department and the collector of customs at Boston as an administrative aid to the department's work there.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

HOLEB, ME., A SUBPORT OF ENTRY.

The next business on the Calendar for Unanimous Consent was the bill (S. 3160) to establish Holeb, Me., a subport of entry in the customs collection district of Bangor, Me., and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That Holeb, Me., be, and the same is hereby, established a subport of entry in the customs collection district of Bangor, Me., and that the privileges of the first section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the said subport of Holeb, Me.

SEC. 2. That the Secretary of the Treasury is hereby authorized to discontinue Lowelltown as a subport of entry whenever he may be satisfied that the maintenance of such subport is no longer necessary to the transaction of the public business.

The SPEAKER. Is there objection?

Mr. SLAYDEN. Mr. Speaker, reserving the right to object, I want to ask the gentleman a question about the bill. Will or will not this bill multiply the number of these small ports that we have in this country where it costs more dollars to collect than we get in—more dollars for expenses than the total revenues of the port?

Mr. PETERS. This bill will not increase in any way the expenses of the department. The port which is to be abolished is Lowelltown, Me., near the boundary between Maine and the Province of New Brunswick, at the point where the Canadian Pacific goes from the State of Maine into Canada. It is proposed to have the business done at the other station, Holeb, Me., a short distance to the east, at which place the Canadian Pacific is now establishing facilities for transacting the business. There is no change whatever in the relations of the Government, and it will not add anything to the expenses.

Mr. SLAYDEN. Is it necessary to have such a subport?

Mr. PETERS. It is. This is on the main line of the Canadian Pacific, and there is a substantial amount of business done there. The value of the imports for the last fiscal year was about $63,000, on which were collected $9,464 in duties.

Mr. SLAYDEN. Mr. Speaker, I have no objection to the bill. I merely want to add that in my judgment the whole system of the collection of customs duties ought to be revised and the districts reshaped and the expense of collection materially reduced, as many Secretaries of the Treasury have told us could be done.

Mr. PETERS. I entirely agree with the gentleman from Texas in those views.

Mr. FOSTER. Can the gentleman inform us whether it is the intention of the Treasury Department to discontinue the subport at Lowell town?

Mr. PETERS. That will be done as soon as the facilities at Holeb are completed, but it was impossible for the first subport to be discontinued and the second one to be established at the same moment, because it is necessary to have the facilities at Holeb completed before the subport at Lowell town can be abolished.

Mr. FOSTER. Does the gentleman from Massachusetts think that will be done as soon as the new one is authorized?

Mr. PETERS. We have the assurance of the Treasury Department that as soon as the subport at Holeb is established the one at Lowell town will be discontinued.

Mr. SLAYDEN. And that there will be no additional expense to the Government by reason of the passage of this act?

Mr. PETERS. There will be no additional expense to the Government by reason of the passage of this act.

Mr. FOSTER. This does not say that they must discontinue the subport at Lowell town. It simply gives them the right to do it if they so desire.

Mr. SLAYDEN. If that is so, it ought to be amended.

Mr. PETERS. That was the form in which the bill came to us from the Senate, and the Secretary of the Treasury is anxious to discontinue the Lowell town subport just as soon as he possibly can. The bill authorizes the Secretary of the Treasury to discontinue Lowell town "whenever he may be satisfied that the maintenance of such subport is no longer necessary to the transaction of public business." He will do so as soon as the tracks at Holeb are completed.

Mr. RUCKER of Colorado. Mr. Speaker, reserving the right to object, how far apart are these two subports?

Mr. PETERS. I think they are about 4 miles apart.

Mr. RUCKER of Colorado. Does the gentleman really think that 4 miles is a great enough distance to make this change necessary, especially if the gentleman, who as a member of the Committee on Ways and Means succeeds in putting wool, sugar, and meat on the free list, and bringing Canada in under a reciprocity agreement, all of which, I understand, he favors, in which event we shall have no import duties to collect from entries made at either of these ports upon those articles?

Mr. PETERS. I do not catch the point of the gentleman's question. I see by looking at the report that Holeb is 10 or 12 miles from the international boundary. It will be used instead of Lowell town, which will be discontinued as a port and as a stopping place by the railroad.

Mr. RUCKER of Colorado. Is it not true that one town being 10 miles from the other, there is at the same time no assurance that the one subport will be discontinued when the other is established?

Mr. PETERS. I say exactly that. The establishment of the subport of entry at Holeb is for the express purpose of providing for the discontinuance of the subport at Lowell town. There will be no more ports established than exist at the present time.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Chair will state that this bill is on the Union Calendar.

Mr. PETERS. I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. PETERS, a motion to reconsider the last vote was laid on the table.

PATENTS TO PUBLIC LANDS IN CERTAIN CASES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23238) to authorize the issuance of absolute and unqualified patents to public lands in certain cases.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, in cases where patents for public lands have been issued to entrymen under the provisions of the acts of Congress approved March 3, 1909, and June 22, 1910, reserving to the United States all coal deposits therein, and lands so patented are subsequently classified as noncoal in character, to issue new or supplemental patents to such entrymen, conveying to them the absolute and unqualified title to the lands so previously entered, patented, and thereafter classified as noncoal.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object——

The SPEAKER. The gentleman from Illinois reserves the right to object.

Mr. TAYLOR of Colorado. Shall I make a statement about the bill?

Mr. MANN. The gentleman can do whatever he likes. When he gets through I shall object.

Mr. TAYLOR of Colorado. Of course, if the gentleman is going to object, there is no use in making any statement.

The SPEAKER. Does the gentleman from Illinois object?

Mr. MANN. I reserved the right to object. Unless the gentleman desires to make a statement, I object.

Mr. TAYLOR of Colorado. Mr. Speaker, of course if the gentleman is going to object, I do not know that there is any use in my making a statement.

Mr. RUCKER of Colorado. Can we not have the privilege of knowing the grounds of the gentleman's objection?

Mr. TAYLOR of Colorado. Will the gentleman inform us what his objection is to the bill?

Mr. MANN. I object to the principle of the bill, I object to the form, I object to the substance, I object to the manner. [Laughter.]

Mr. TAYLOR of Colorado. Outside of that I suppose it is all right. [Laughter.] Is there anything the gentleman does not object to in connection with it?

Mr. MANN. I am not sure; I have not found anything in it that appeals to me.

Mr. BURKE of South Dakota. Will the gentleman from Illinois permit me to interrogate the gentleman from Colorado?

Mr. MANN. Yes; as far as I am concerned.

Mr. BURKE of South Dakota. I want to call attention to the fact that on April 4, 1911, I introduced a bill, H. R. 50, which in substance is the same as the bill of the gentleman from Colorado. I called upon the chairman of the committee some time early in the special session and asked to have the bill referred to the department. I discovered in the winter that it had not been so referred, and I had the House bill No. 50 referred to the department, and it was reported favorably. I noticed that immediately following the receipt of that report the gentleman from Colorado introduced the bill which is now on the calendar and which is practically the same bill that I introduced. Can the gentleman explain how it happens that a bill should be introduced by himself, acting as chairman of the committee at the time, and substituted for a bill that had already been referred to the committee, and upon which the department had made a report?

Mr. TAYLOR of Colorado. I will say to the gentleman that I did not know that he had a bill or that he had had a favorable report upon it. The gentleman never came before the committee and called attention to that fact.

Mr. BURKE of South Dakota. That explanation is entirely satisfactory to me.

Mr. TAYLOR of Colorado. I will say, furthermore, that I have had for a year letters inquiring if there could not, in some way, be some provision made, or ruling of the Interior Department, or a bill passed that would grant the people an absolute title to their lands on these coal reservations where the lands had been afterwards classified as being no coal thereon. I submitted a written request to the Department of the Interior for a statement as to their views on the subject, and, if it met with their approval, for a memorandum draft of a bill. I do not know that I am violating any confidence when I say that I prepared this bill in conformity with the suggestions of the department. I introduced it, it was referred to the department, and the Secretary made a favorable report upon it. I understood the gentleman from Wyoming had a bill similar to this, but as he did not press it and as I had for some time been in communication with the Department of the Interior on this and other public-land matters and the inquiries about this measure kept coming in, I called the matter up myself and it was favorably reported by the committee. It is not a matter that affects Colorado any more than other sections of the country. As the acting chairman I merely attended to this as I did to many other matters of public concern.

Mr. MANN. I hope the gentleman will not think that this has anything to do with my objection.

Mr. TAYLOR of Colorado. Oh, no.

Mr. MANN. I never heard of this until the other day.

Mr. CARLIN. Mr. Speaker, I would like to ask the gentleman from Illinois if it is his intention to object to the bill?

Mr. MANN. It is.

Mr. CARLIN. Then I demand the regular order.

Mr. MANN. I object.

ANNUITIES TO THE SIOUX INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21887) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

Mr. MANN. Mr. Speaker, if the gentleman from Nebraska desires to make a statement, I will reserve an objection.

The SPEAKER. Does the gentleman from Illinois object?

Mr. MANN. In the end I shall object.

The SPEAKER. The gentleman might as well make his objection now.

Mr. MANN. I always give a man a show for his white alley. [Laughter.]

Mr. FOSTER. That is not much of a show, to notify him in advance that you will object.

Mr. STEPHENS of Nebraska. Mr. Speaker, I do not know why the gentleman from Illinois should object to this bill; it passed the House last year with nearly or the same provisions that it now has.

Mr. MANN. I can tell the gentleman why I object. In my judgment, it will take three and a half million dollars out of the Public Treasury without any consideration whatever.

The SPEAKER. Does the gentleman from Illinois object?

Mr. MANN. I do if I have to answer now. I was willing to let the gentleman from Nebraska make a statement.

The SPEAKER. The gentleman from Illinois objects.

AGRICULTURAL LANDS IN LAWRENCE AND PENNINGTON COUNTIES, S. DAK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20480) excepting certain lands in Lawrence and Pennington Counties, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves."

The Clerk read the bill, as follows:

Be it enacted, etc., That the following-described townships in the Black Hills Forest Reserve, S. Dak., to wit, township 3 north, 1 east, and all of townships 2 north, 1 east, and 2 north, 2 east, which are within Lawrence County, and township 1 north, 3 east, in Pennington County, Black Hills meridian, are hereby excepted from the operation of the provisions of section 4 of an act entitled "An act to provide for the entry of agricultural lands within forest reserves," approved June 11, 1906. The lands within the said townships to remain subject to all other provisions of said act.

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, I desire to ask the gentleman what this bill means to do and why these exceptions to the property in these counties?

Mr. MARTIN of South Dakota. In 1906 the Congress passed a general act permitting the settlement of homesteaders on agricultural lands within forest reserves. Section 4 of that act excepted out the counties of Lawrence and Pennington, S. Dak., from the general operation of the act for the reason that portions of the lands in these counties were mineral in character, and it was desired not to open to agricultural settlement any portion of lands that might be mineral. Later certain townships within these counties were found to be agricultural lands and nonmineral, and an act precisely like this was passed in relation to them. Now, this excepts certain other townships which are ascertained by the department to be agricultural, and the effect is only to put them under the operation of the general law.

Mr. SABATH. Has this the approval of the Department of Agriculture?

Mr. MARTIN of South Dakota. It has the approval of the Department of Agriculture, and the Interior Department also has recommended the bill.

Mr. SABATH. Does this refer to the whole county or only such parts that are agricultural land?

Mr. MARTIN of South Dakota. It only applies to certain lands in these townships, which are agricultural. It only applies to such valleys and lands as are suitable for agriculture, and in each instance the application must be made to the Department of Agriculture to examine and list the sections that the applicant wants to settle as agricultural.

Mr. SABATH. It does not provide for an exception to the lands in the entire county?

Mr. MARTIN of South Dakota. Oh, no; only to these townships. It makes the general law for agricultural entry applicable the same as it is to all agricultural lands.

Mr. SABATH. In what form are these opened to settlement?

Mr. MARTIN of South Dakota. Only by homestead entries; by anybody that is a qualified homesteader.

Mr. SABATH. Now can people like those living in my country ascertain what lands are open for settlement?

Mr. MARTIN of South Dakota. They can go out there and apply to have them listed as agricultural lands, and when that is done they can enter them.

Mr. SABATH. The reason that I ask the question is that I have received many letters from people in my section making inquiries about the lands.

Mr. MARTIN of South Dakota. I will say to the gentleman that in my judgment some of the best homestead opportunities in the United States are in portions of these forest reserves, and particularly in the Black Hills Forest Reserve, and settlers are going there and availing themselves of these opportunities, and it is open to anybody.

Mr. SABATH. Does the gentleman think this land should be open to settlement?

Mr. MARTIN of South Dakota. I do, by all means.

Mr. SABATH. And it is good land?

Mr. MARTIN of South Dakota. Very.

Mr. SABATH. I withdraw my objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MARTIN of South Dakota. Mr. Speaker, this bill being on the Union Calendar, I ask that it be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

Mr. MARTIN of South Dakota. Mr. Speaker, the gentleman from Illinois calls my attention to the advisability of a slight change in the language for the purpose, perhaps, of expressing more clearly the meaning, and I offer as an amendment, in line 5, to strike out the word "all" and insert "so much," and in line 6 to strike out the word "which" and insert "as." It is simply a matter of phraseology.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, strike out the word "all" and insert in lieu thereof the words "so much"; page 1, line 6, strike out the word "which" and insert in lieu thereof the word "as."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MARTIN of South Dakota, a motion to reconsider the vote by which the bill was passed was laid on the table.

JUDICIAL PROCEDURE OF UNITED STATES COURTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16461) to regulate the judicial procedure of the courts of the United States.

The Clerk read as follows:

Be it enacted, etc., That section 269 of the act approved March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary" be, and the same is hereby, amended so as to read as follows:

"SEC. 269. That no judgment shall be set aside, or reversed, or new trial granted, by any court in the United States in any case, civil or criminal, on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for any error as to any matter of pleading or procedure, unless in the opinion of the court to which the application is made, after an examination of the entire cause, it shall appear that the error complained of has injuriously affected the substantial rights of the parties. The trial judge may in any case submit to the jury the issues of fact arising upon the pleadings, reserving any question of law arising in the case for subsequent argument and decision, and he and any court to which the case shall thereafter be taken on writ of error shall have the power to direct judgment to be entered either upon the verdict or upon the point reserved, if conclusive, as its judgment upon such point may require."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The committee amendments were read, as follows:

1. On page 1, line 8, insert after the word "judgment" the words "decree, or order," so that the line as amended will read "that no judgment, decree, or order shall be set aside," etc.

2. On page 1, line 9, after the word "court," strike out the word "in" and insert in lieu thereof the word "of," so that the bill as amended will read "courts of the United States" instead of "courts in the United States."

3. On pages 1 and 2 of the bill, strike out all after the word "criminal," on page 1, line 10, down to and including the word "parties," on page 2, line 2, and insert in lieu thereof the words "on account of any error which does not injuriously affect the substantial rights of the party complaining."

4. On page 2, line 3, after the word "may," insert the words "in his discretion."

The committee amendments were agreed to.

The report of the Committee on the Judiciary is as follows:

Mr. DAVIS of West Virginia, from the Committee on the Judiciary, submitted the following report, to accompany H. R. 16461:

The Committee on the Judiciary, having had under consideration the bill (H. R. 16461) to regulate the judicial procedure of the courts of the United States, report the same back with certain amendments and with the recommendation that the bill as amended do pass.

The several amendments as reported are as follows:

1. On page 1, line 8, insert after the word "judgment" the words "decree or order," so that the line as amended will read "that no judgment, decree, or order shall be set aside, etc."

2. On page 1, line 9, after the word "court," strike out the word "in" and insert in lieu thereof the word "of," so that the bill as amended will read "courts of the United States" instead of "courts in the United States."

3. On pages 1 and 2 of the bill, strike out all after the word "criminal," on page 1, line 10, down to and including the word "parties," on page 2, line 2, and insert in lieu thereof the words "on account of any error which does not injuriously affect the substantial rights of the party complaining."

4. On page 2, line 3, after the word "may," insert the words "in his discretion."

The amendments suggested are designed to perfect the form of the bill without in any essential particular affecting its purpose.

The bill, as originally drawn, was prepared by a committee of the American Bar Association, by which also it has been under discussion for five years. In an amended form it passed the House of Representatives unanimously on the 6th day of February, 1911, and in the message of the President sent to Congress on December 21, 1911, we find the following recommendations:

"The American Bar Association has recommended to Congress several bills expediting procedure, one of which has already passed the House unanimously, February 6, 1911. This directs that no judgment should be set aside or reversed or new trial granted unless it appears to the court, after an examination of the entire cause, that the error complained of has injuriously affected the substantial rights of the parties, and also provides for the submission of issues of fact to a jury, reserving questions of law for subsequent argument and decision. I hope this bill will pass the Senate and become law, for it will simplify the procedure at law."

Similar legislation to that now proposed has been adopted in Illinois, Kansas, Ohio, and Wisconsin, and by constitutional amendment in California; has passed both houses of the Legislature of the State of New York, and on the 2d day of April, 1912, was before the governor of that State for his signature.

No doubt a similar rule has been applied without express statutory mandate in the courts of other States. The necessity for Federal legislation on this subject is well illustrated by a comparison of the language of the Supreme Court of the United States in the case of Railroad Company v. O'Reilly (158 U. S., 334) and its language in the case of Cunningham v. Springer (204 U. S., 647). In the former of these cases it is said:

"While an appellate court will not disturb a judgment for an immaterial error, yet it should appear beyond a doubt that the error complained of did not and could not have prejudiced the rights of the party duly objecting."

On the other hand, in the latter case, it is said:

"These three illustrations * * * illustrate the importance of a strict application of the principle that the excepting party should make it manifest that an error prejudicial to him has occurred in the trial in order to justify an appellate court in disturbing the verdict."

In other words, in the first of these cases the Supreme Court holds that an error is presumed to be prejudicial until the contrary appears, and in the second, that an error is presumed to be harmless until the contrary is made to appear. It is the purpose of the first section of the present bill to enact in so far as the appellate courts are concerned that in the consideration in an appellate court of a writ of error or an appeal judgment shall be rendered upon the merits without permitting reversals for technical defects in the procedure below, and without presuming that any error which may appear has been of necessity prejudicial to the complaining party.

The second clause of the bill is drawn so as to provide a method by which in a proper case a verdict on questions of fact may be taken on the trial, reserving questions of law for more deliberate consideration either by the trial judge or in the appellate court. It authorizes the court to direct judgment to be entered upon the verdict or upon the point reserved, if conclusive, as its judgment upon such point reserved may require. This amendment gives additional value to the trial by jury. It will prevent the delay, expense, and consequent injustice caused by new trials upon every issue when the judgment of the appellate court differs from that of the trial court upon some point of law.

To quote from the opinion of the New York Court of Appeals in a recent case:

"It frequently happens that cases appear and reappear in this court after three or four trials where the plaintiff on every trial has changed his testimony in order to meet the varying fortunes of the case upon appeal."

Extreme instances of such delay may be found in the Hillmon case (145 U. S., 285; 188 U. S., 208), where the second judgment of reversal was 23 years after the trial began; and Spirnger v. Westcott (166 N. Y., 117), where there were four appeals and the recovery was $900 for the contents of a trunk.

The common-law practice of demurrers to the evidence and judgments non obstante veredicto embody the same idea with some limitations, while the judicature act of England carries the same principle and has so justified itself in practice that in that country final judgment is rendered on appeal in 90 per cent of the cases in which the judgment below is reversed, and in only 10 per cent of the reversals is a new trial ordered.

Your committee believe that the reforms embodied in this bill are wise and consonant with the promise of Magna Charta, that justice shall be denied or delayed to no man, and that the administration of justice shall not be so cumbrous, dilatory, and consequently expensive that it shall be obtainable only by the rich.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DAVIS of West Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

LIFE BOATS AND RAFTS ON ALL ARMY TRANSPORTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23626) to appropriate $300,000, or so much thereof as may be necessary, to equip all Army transports with all life boats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports, and the crew of said transports.

The Clerk read as follows:

Be it enacted, etc., That the sum of $300,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of equipping all Army transports with all lifeboats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports, and the crew of said transports; said sum to be expended under the direction of the Secretary of War, who is hereby directed to make to Congress an itemized statement showing how the sum aforesaid has been expended.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HAY. Mr. Speaker, I move to consider this bill in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Virginia asks unanimous consent to consider this bill in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

Mr. HAY. Mr. Speaker, I move in line 8, page 1, to strike out the word "which" and insert the word "whom."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 8, strike out the word "which" and insert in lieu thereof the word "whom."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The next bill on the calendar was passed the other day, so it will be stricken out.

REGULATION OF IMPORTATION OF NURSERY STOCK, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21291) to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes.

Mr. SISSON. Mr. Speaker, this is a long bill and, as I expect to object to it, I do not see any necessity in taking up the time of the House.

The SPEAKER. The gentleman from Mississippi objects. The bill will be stricken from the calendar.

ADDITIONS TO PUBLIC BUILDING, SALT LAKE CITY, UTAH.

The next business on the Calendar for Unanimous Consent was the bill (S. 4245) to increase the limit of cost of the additions to the public building at Salt Lake City, Utah.

The Clerk read as follows:

Be it enacted, etc., That the limit of cost of the additions to the public building to be erected at Salt Lake City, in the State of Utah, is hereby increased from $205,000 to $225,000.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HOWELL. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Utah asks unanimous consent to consider the bill in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HOWELL, a motion to reconsider the vote by which the bill was was passed was laid on the table.

DAM ACROSS THE PEND OREILLE RIVER, WASH.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22731) to extend the time for the construction of a dam across the Pend Oreille River, Wash.

The Clerk read as follows:

Be it enacted, etc., That the time for the commencement and completion of the construction of a dam across the Pend Oreille River, Wash., authorized by the act entitled "An act authorizing the construction of a dam across the Pend Oreille River in the State of Washington by the Pend d'Oreille Development Co., for the development of water power, electrical power, and for other purposes," approved February 25, 1907, be extended for one and three years, respectively, from the date of the passage of this act.

SEC. 2. That the construction, maintenance, and operation of the dam therein authorized by the aforesaid act shall be in all respects in accordance with and subject to the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LA FOLLETTE, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS LEVISA FORK, BIG SANDY RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23407) authorizing the fiscal court of Pike

County, Ky., to construct a bridge across Levisa Fork of the Big Sandy River.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted for the fiscal court of Pike County, Ky., to construct, maintain, and operate a bridge across Levisa Fork of the Big Sandy River at a point suitable to the interests of navigation, at or near the Mouth of Card, in the county of Pike, in the State of Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS TUG FORK, W. VA.

The next business on the Calendar for Unanimous Consent was the bill (S. 6167) to authorize the Williamson & Pond Creek Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, Mingo County, W. Va.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Williamson & Pond Creek Railroad Co., a corporation organized under the laws of the State of Kentucky, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Tug Fork of Big Sandy River at or near Williamson, Mingo County, W. Va., where the said Tug Fork forms the boundary line between the States of West Virginia and Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 6, strike out the word "railroad."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. MANN. I move to amend, on line 8, page 1, by inserting, after the word "River," the words "at a point suitable to the interests of navigation."

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, on page 1, line 8, after the word "River": "At a point suitable to the interests of navigation."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The bill was read the third time and passed.

LEVI MEMORIAL HOSPITAL ASSOCIATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5602) authorizing the Leo N. Levi Memorial Hospital Association to occupy and construct buildings for the use of the corporation on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark.

The Clerk read the bill, as follows:

Be it enacted, etc., That the exclusive right to use, occupy, and enjoy the possession of all of lots Nos. 3 and 4, in block No. 114, in the city of Hot Springs, Ark., is by this act granted to the Leo N. Levi Memorial Hospital Association, a corporation organized under the laws of the State of Arkansas, for the purpose of erecting and maintaining thereon a suitable and sightly building for the use of the said corporation. The rights and privileges granted under this act shall continue as long as the property is used and occupied for the purposes mentioned in this act, subject, however, to the following conditions and limitations, namely, that unless said Leo N. Levi Memorial Hospital Association shall within five years after the passage of this act erect and equip a suitable and sightly building for the purposes above mentioned, or if said Leo N. Levi Memorial Hospital Association shall at any time hereafter use or permit the premises to be used for any other purpose than that herein granted, then and in either event all the rights, privileges, and powers by this act granted and conferred upon said order shall be forfeited to the United States.

SEC. 2. That upon compliance with the conditions and requirements of section 1 of this act by said corporation the Secretary of the Interior, in his discretion, is hereby authorized to lease the said order a sufficient quantity of hot water to accommodate said order for all drinking purposes, and to supply not more than five bathtubs, under such rules and regulations as he may prescribe; and all improvements made upon said property shall be subject to the approval of the Secretary of the Interior.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

Mr. FOSTER. Mr. Speaker, I would like to ask the gentleman from Arkansas [Mr. ROBINSON] a question. I notice they use the term "Memorial Association," and that over on page 2 they talk about "order."

Mr. MANN. They have an amendment to correct that.

Mr. ROBINSON. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The gentleman from Arkansas [Mr. ROBINSON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 2, lines 13 and 17, by striking out the word "order" and inserting in each case the word "association."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I desire to offer a further amendment.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding a new section, to be known as section 3, to read as follows:

"The right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. ROBINSON. Mr. Speaker, I accept the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended House bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

INTERNATIONAL MARITIME CONFERENCE.

The next business on the Calendar for Unanimous Consent was the House joint resolution 299, proposing an international maritime conference.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the President of the United States be, and he hereby is, authorized and requested to ascertain the opinions of maritime nations upon the desirability of an international maritime conference, to meet at Washington on the invitation of the United States, to consider uniform laws and regulations for the greater security of life and property on merchant vessels at sea, including, if practicable, regulations to establish standards of efficiency of the officers and crews of merchant vessels and the manning of such vessels; regulations for the construction and inspection of hulls, boilers, and machinery; regulations for equipment of ocean steamers with radio apparatus, searchlights, submarine bells, lifeboats, and other life-saving and fire-extinguishing appliances; regulations concerning accommodations for steerage passengers and crews; regulations concerning lights, sound signals, steering and sailing rules; regulations for an international system of reporting and disseminating information relating to aids and perils to navigation; and such other matters relating to the security of life and property at sea as may be proposed.

SEC. 2. That the President is hereby further requested to communicate to the next session of Congress the substance of the replies of maritime nations, with his recommendations upon the desirability of calling an international maritime conference at Washington for the purposes named.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

On page 2, line 5, after the word "navigation," insert the following: "The establishment of a patrol system in the region of ice or elsewhere, or of a system of convoys for ocean-going vessels, or of a relief station at Cape Race or elsewhere, or of lane routes to be followed by trans-Atlantic steamers.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

In section 2, page 2, line 8, strike out the words "the next session of" and in the same line, after the word "Congress," insert "at the earliest possible time."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

COINAGE OF 3-CENT PIECES AND ½-CENT PIECES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23570) to authorize the coinage of 3-cent pieces and ½-cent pieces, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That as soon as practicable after the passage of this act there shall be coined at the mints of the United States a 3-cent piece of the standard weight of 60 troy grains and a ½-cent piece of the standard weight of 30 troy grains, with no greater deviation from the standard weight than 2 grains each piece, and said coins shall be composed of 75 per cent copper and 25 per cent nickel. The diameters and the devices of said coins shall be fixed by the Director of the Mint with the approval of the Secretary of the Treasury: *Provided, however*, That upon one side there shall be an inscription of the word "Liberty" and the year of the coinage, and upon the reverse there shall be an inscription of the words "United States of America" and a designation of the value of the coin. Said 3-cent piece shall have one perforation in the center, and shall be a legal tender in any payment to the amount of 30 cents. The ½-cent piece shall be a legal tender in any payment to the amount of 25 cents.

SEC. 2. That all laws now in force relating to the minor coins of the United States and the striking or coining of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for the security of the coin, or for any other purpose, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized.

SEC. 3. That from and after the passage of this act all 1-cent pieces coined at the mints of the United States shall be of the standard weight of 48 troy grains, with no greater deviation from the standard weight than 2 grains each piece, and shall be composed of 75 per cent copper and 25 per cent nickel.

SEC. 4. That all acts or parts of acts in conflict herewith are hereby repealed.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Ohio [Mr. ASHBROOK] first how many amendments there are to the bill?

Mr. ASHBROOK. One amendment.

Mr. MANN. What does the gentleman mean in his report when he used this language:

The committee amendments were both suggested by the Director of the Mint after more thorough investigation subsequent to the introduction of the bill.

And again:

The second amendment strikes out the provision requiring the perforation in the 3-cent piece?

Mr. ASHBROOK. I will say to the gentleman that this report was prepared for the committee which acted upon the bill.

Mr. MANN. Prepared before it was read?

Mr. ASHBROOK. It was prepared in anticipation, and when the committee acted upon the bill they only saw fit to make one amendment, and this report was put in the box without that correction having been made.

Mr. MANN. Does not the gentleman think that was a little negligent, not to mention swift?

Mr. ASHBROOK. We wanted to be on time.

Mr. MANN. The gentleman remembers what happened once when Congress passed a law in reference to the coinage of silver. We did not get over the agitation concerning it, politically, for many years. If the gentleman makes a report before the bill is ordered to be reported, and that report does not correctly state what the bill proposes to do, it might lead to disastrous consequences.

Mr. ASHBROOK. The report shows that but one amendment was made by the committee, and, as I stated to the gentleman, this report was put in the basket without the second amendment being stricken out.

Mr. MANN. Does not the gentleman think that when we are changing the coinage laws we are entitled to have the committee give examination to the report it makes, and not make a report that has not been acted upon by the committee or authorized by the committee, which shows either negligence or carelessness on the part of some one?

Mr. ASHBROOK. I do not understand that the committees pass on the reports. They order the reports made, as they did in this case. I plead guilty to having put the report in the basket without this erasure having been made.

Mr. MARTIN of South Dakota. Mr. Speaker, reserving the right to object, I notice that in the first paragraph of the bill the diameter and device of these coins are left to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury.

Mr. ASHBROOK. That is correct.

Mr. MARTIN of South Dakota. I have not the slightest doubt but that these officers would desire to take great pains to make the diameter of these coins such as would not interfere by similarity with other coins now in use. Still, I think that Congress ought not to leave that subject in a condition of uncertainty. As the gentleman knows, there are a great many valuable devices for counting coins, some of them being quite expensive, that are used very largely by banking and commercial institutions. These machines are dependent entirely for their working principle upon the diameter of the coin, and therefore if the new coins were to be made of the same diameter as the old coins it would wipe out of existence to a very large extent these machines and cause a loss of the money invested in them. They are owned largely, as I said, by banks and others having to do with the handling of coin.

I therefore suggest to the gentleman whether he would have objection to amending the bill on page 2, line 2? That is the portion of the bill having reference to the diameter of the coins to be determined by these officers. I suggest to add after the word "Treasury," page 2, line 2, the following:

But the diameter of neither of the said coins shall be identical with the diameter of any other United States coin in common use.

Mr. ASHBROOK. I will say to the gentleman that the Director of the Mint, Mr. Roberts, appeared before the committee and made a statement that this matter had been carefully considered, and if the gentleman will read the hearings of the committee he will see that the Director of the Mint stated that he had given that question a great deal of consideration; that he had conferred with the manufacturers and users of counting machines and slot machines, and does not want a coin that would interfere with these machines, and did not propose to make a coin that would interfere with them in any way. I am ready to accept the gentleman's amendment. Mr. Speaker, I ask unanimous consent——

Mr. MARTIN of South Dakota. I have no doubt of the disposition of these officers, but these same officers would not, of course, always remain in office.

The SPEAKER. Does the gentleman from South Dakota offer an amendment?

Mr. MARTIN of South Dakota. I will, if the gentleman in charge of the bill does not object.

The SPEAKER. Is there objection to the consideration of the bill? The Chair hears none. The gentleman from South Dakota offers an amendment.

Mr. MANN. Mr. Speaker, this is a Union Calendar bill.

The SPEAKER. The gentleman from Illinois reminds the Chair that this bill is on the Union Calendar.

Mr. ASHBROOK. I started to make that request, and was interrupted. I now ask unanimous consent, Mr. Speaker, that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Ohio [Mr. ASHBROOK] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, may I ask the gentleman a question?

Mr. ASHBROOK. I would be very glad to have the gentleman do so.

Mr. TILSON. Has the gentleman considered the change of the 1-cent piece, and whether the change of composition will necessarily mean a change of diameter?

Mr. ASHBROOK. It will make no change whatever in the size of the penny. It changes the composition only. It will then have the same composition and appearance as the 5-cent piece.

Mr. TILSON. It will go into the same slot machine and counting device as at present?

Mr. ASHBROOK. Yes; I so understand.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from South Dakota.

The Clerk read as follows:

Amend page 2, line 2, by inserting after the word "Treasury" the following: "but the diameter of neither of the said coins shall be identical with the diameter of any other United States coin in common use."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. AUSTIN. Mr. Speaker, I wish to ask the gentleman a question.

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Tennessee?

Mr. ASHBROOK. I yield.

Mr. AUSTIN. What necessity is there for half-cent pieces?

Mr. ASHBROOK. I will say to the gentleman that it was the opinion of the Secretary of the Treasury that there was a very great demand for it. This bill was originally introduced for the 3-cent piece only, but after conference with the Secretary of the Treasury he recommended, as will be seen by the printed report, that it should include the half-cent piece.

Mr. AUSTIN. Is it for the department stores that you want it?

Mr. ASHBROOK. It is for the use of the people. It is believed that with a half-cent piece the people would get the benefit. The half cent now goes to the grocer and merchant in mak-

ing change, and if there is a half-cent piece the people will get the benefit in making change.

Mr. AUSTIN. Have you considered the question of putting "In God we trust" on these new coins?

Mr. ASHBROOK. I am in favor of it, but we have not included it, because these coins never had this motto on them.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

On page 2, line 7, strike out, after the word "piece," the following: "shall have one perforation in the center, and."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the amended House bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ASHBROOK, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. This is the end of the Unanimous Consent Calendar.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, in order that we may be able to make as much progress as possible with the legislative, executive, and judicial appropriation bill to-morrow, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

Mr. MANN. Reserving the right to object, is it the intention to bring up the legislative bill the first thing?

Mr. UNDERWOOD. The gentleman in charge of the bill [Mr. JOHNSON of South Carolina] informs me that he will move to take it up at 11 o'clock. Of course, something unforeseen may occur, but that is his intention.

Mr. KNOWLAND. Reserving the right to object, there is an item in the bill in which many Members are interested who might not be here at 11 o'clock, thinking that the House was going to meet at 12 o'clock. I want to know whether that item will be taken up before 12 o'clock.

Mr. UNDERWOOD. I can not tell the gentleman that, as I am not in charge of the bill, and it happens that I shall be in the chair, so that I shall have no control over the matter.

Mr. MANN. I do not think there will be any trouble about it. Besides, it is easy enough to make a point of no quorum and notify everybody.

The SPEAKER. Is there objection?

There was no objection.

FIFTH INTERNATIONAL CONGRESS OF CHAMBERS OF COMMERCE, ETC.

Mr. PETERS. Mr. Speaker, I move to suspend the rules and pass House joint resolution 234, making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

The SPEAKER. The gentleman from Massachusetts [Mr. PETERS] moves to suspend the rules and pass the joint resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and requested to extend to the Governments of the commercial nations of the world an invitation to be represented officially at the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations, to be held in Boston, Mass., September 24 to 28, 1912.

That for the necessary expenses of the meeting in the United States of the International Congress of Chambers of Commerce and Commercial and Industrial Associations, including a tour by the foreign delegates of the principal commercial, industrial, agricultural, and social centers of the United States, for the purpose of acquainting them with our institutions and enterprises, $50,000 be, and hereby is, appropriated.

That the Secretary of State is hereby requested to ask the Governments of the commercial nations of the world to notify the leading business organizations of their respective countries of this action by the Congress of the United States of America and suggest their cooperation.

The SPEAKER. Is a second demanded?

Mr. FITZGERALD. I demand a second.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] demands a second.

Mr. PETERS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Massachusetts has 20 minutes and the gentleman from New York 20 minutes.

Mr. PETERS. Mr. Speaker, this joint resolution provides in substance that the President of the United States be authorized to extend invitation to the governments of the commercial nations of the world to send delegates to the meeting of the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations, to be held in Boston, September 24 to 28, 1912. It further provides an appropriation of $50,000, which is to be expended in the transportation of the delegates from the foreign chambers of commerce, after the close of the Boston meeting, to certain of the commercial and industrial centers of the United States to which they have already been invited.

It is the purpose of this resolution to give a national character, by invitation of the Government, to this meeting in September, which is in itself a national event. This Congress of International Chambers of Commerce has already held four meetings. Two years ago the meeting was in London. It was proposed by the American delegation there that the next meeting should be held in this country.

The importance of this meeting of this congress of international commercial bodies can not be overestimated. Sixty-two commercial bodies in our principal cities have already passed resolutions favoring the passage of this resolution. Thirty-four governors of States have already accepted invitations to act as members of the American honorary committee, and are themselves to serve on the delegations from their respective States to this meeting to be held next September. I will add at the conclusion of my remarks a list of these chambers of commerce and these governors. The entire expense of the meeting in Boston are to be borne by the citizens of that city. Both the foreign delegates and those from this country are to be entertained there. A sum of money is being raised in Boston, between $75,000 and $100,000, and with that money the meeting itself is to be run. It is to the great advantage of our country that these representative business men shall have an opportunity to see America and to meet the principal commercial people in our large cities and properly realize the great resources of our country.

Appreciating this benefit, the commercial organizations from the Atlantic to the Pacific have extended invitations to these delegates to visit them. When the delegates are in these cities they will, of course, be the guests of the local organizations, and will be entertained there as they are to be entertained in Boston, by the local citizens. This appropriation is asked to pay the transportation between these cities. Not one cent of this appropriation is expected to be spent within the city of Boston or the State of Massachusetts, and its only purpose is to allow an opportunity for these delegates to see the whole of our country. We are to open up in a few years the Panama Canal, and the great industrial opportunities of the South are confronting this country. This proposes to make a particular effort to obtain from the South American Republics large representations of their commercial men, and it is hoped that by sending these delegates through our country we can not only encourage the friendly feeling between the United States and those various countries who are sending their men to us, but that we can also greatly extend our trade and show to these delegates the facilities we have for supplying the demand for various commodities in their own home markets.

Mr. AUSTIN. Will the gentleman yield?

Mr. PETERS. Certainly.

Mr. AUSTIN. Is this a unanimous report from the committee?

Mr. PETERS. It is a unanimous report from the Committee on Foreign Affairs.

Mr. BUCHANAN. Will the gentleman yield to me?

Mr. PETERS. Certainly.

Mr. BUCHANAN. What is the number of delegates from the foreign countries that will attend this convention?

Mr. PETERS. About 500.

Mr. BUCHANAN. And this appropriation is to pay for the expenses of the transportation of these delegates?

Mr. PETERS. Purely for the transportation of these delegates. It is particularly essential to have an invitation given because they are officials, they have an official relation with the Government they represent.

Mr. AUSTIN. I would suggest that the gentleman reserve the balance of his time to answer the watchdog of the Treasury who is to follow him.

Mr. RODDENBERY. Will the gentleman yield for a question?

Mr. PETERS. I will yield to the gentleman from Georgia.

Mr. RODDENBERY. Does not the gentleman think that in the matter of transportation and entertainment to be given these delegates of the various trades from foreign countries that the cities where they are to visit could very well take care of the transportation without calling upon the Treasury?

Mr. PETERS. I think that would be asking too much of the local bodies. The meeting is an international meeting, and local bodies are doing all of the local entertainment; we are anxious, and the committee is anxious to send these delegates from Boston out through to the Pacific coast if possible. Invitations have been extended farther west than Chicago, and it is for this transportation that it is proposed to ask the assistance of the central Government.

Mr. RODDENBERY. Why should the Treasury of the United States be called upon to pay for the transportation of delegates to an international congress to the various cities throughout the country?

Mr. PETERS. Because it is an international event; it is an official event; and because the local bodies are straining themselves to take care and provide for the entertainment of the visitors.

Mr. RODDENBERY. Were the invitations issued before there was any official recognition? Does not the resolution carry the recognition?

Mr. PETERS. Yes; but this is the first official recognition of it. The invitation from this country had to be tendered at the meeting in London two years ago, when Congress was not in session.

Mr. Speaker, I reserve the balance of my time, and from it I yield three minutes to the gentleman from New York.

ORGANIZATIONS WHICH HAVE URGED THE PASSAGE OF THE PETERS RESOLUTIONS CARRYING A NATIONAL APPROPRIATION OF $50,000.

Akron Chamber of Commerce, Akron, Ohio; Albany Chamber of Commerce, Albany, N. Y.; Baltimore Board of Trade, Baltimore, Md.; Buffalo Chamber of Commerce and Manufacturers' Club, Buffalo, N. Y.; Butte Chamber of Commerce, Butte, Mont.; Cleveland Chamber of Commerce, Cleveland, Ohio.; Charleston Commercial Club, Charleston, S. C.; Illinois Manufacturers' Association, Chicago, Ill.; Chicago Association of Commerce, Chicago, Ill.; Cincinnati Chamber of Commerce and Merchants' Exchange, Cincinnati, Ohio; Cincinnati Commercial Association, Cincinnati, Ohio; Columbus Chamber of Commerce, Columbus, Ohio; Council Bluffs Commercial Club, Council Bluffs, Iowa; Denver Chamber of Commerce, Denver, Colo.; Detroit Board of Commerce, Detroit, Mich.; Dover and Foxcroft Board of Trade, Dover, Me.; Erie Chamber of Commerce, Erie, Pa.; Evansville Business Association, Evansville, Ind.; Geneva Chamber of Commerce, Geneva, N. Y.; Galveston Commercial Association, Galveston, Tex.; Gloucester Board of Trade, Gloucester, Mass.; Indianapolis Commercial Club, Indianapolis, Ind.; Kalamazoo Commercial Club, Kalamazoo, Mich.; Kansas City Board of Trade, Kansas City, Mo.; Los Angeles Chamber of Commerce, Los Angeles, Cal.; Little Rock Board of Trade, Little Rock, Ark.; Milwaukee Chamber of Commerce, Milwaukee, Wis.; Newark Board of Trade, Newark, N. J.; New London Business Men's Association (Inc.), New London, Conn.; New Orleans Progressive Union, New Orleans, La.; New Orleans Board of Trade, New Orleans, La.; New York Produce Exchange, New York, N. Y.; Chamber of Commerce of State of New York, New York, N. Y.; New York Merchants' Association, New York, N. Y.; American Manufacturers' Export Association, New York, N. Y.; National Association of Manufacturers, New York, N. Y.; Norfolk Board of Trade and Business Men's Association, Norfolk, Va.; Oklahoma City Chamber of Commerce, Oklahoma City, Okla.; Oakland Chamber of Commerce, Oakland, Cal.; Philadelphia Maritime Exchange, Philadelphia, Pa.; Philadelphia Commercial Museum, Philadelphia, Pa.; Philadelphia Bourse, Philadelphia, Pa.; Philadelphia Chamber of Commerce, Philadelphia, Pa.; Philadelphia Commercial Exchange, Philadelphia, Pa.; Philadelphia Board of Trade, Philadelphia, Pa.; Pittsburgh Chamber of Commerce, Pittsburgh, Pa.; Providence Board of Trade, Providence, R. I.; Rochester Chamber of Commerce, Rochester, N. Y.; Sacramento Chamber of Commerce, Sacramento, Cal.; Salem Board of Trade, Salem, Mass.; San Francisco Chamber of Commerce, San Francisco, Cal.; Scranton Board of Trade, Scranton, Pa.; Manchester Business Men's Association, South Manchester, Conn.; St. Louis Business Men's League, St. Louis, Mo.; St. Louis Merchants' Exchange, St. Louis, Mo.; Syracuse Chamber of Commerce, Syracuse, N. Y.; Toledo Commerce Club, Toledo, Ohio; Washington Chamber of Commerce, Washington, D. C.; Southern Commercial Congress, Washington, D. C.; Wilkes-Barre Chamber of Commerce, Wilkes-Barre, Pa.; Worcester Board of Trade, Worcester, Mass.; York Chamber of Commerce, York, Pa.

Governors who have accepted membership to the American Honorary Committee, practically all of whom have signified their intention to attend the congress as delegates:

Gov. Baldwin, Connecticut; Gov. Marshall, Indiana; Gov. McCreary, Kentucky; Gov. Eberhart, Minnesota; Gov. Brewer, Mississippi; Gov. Norris, Montana; Gov. Wilson, New Jersey; Gov. Dix, New York; Gov. Bass, New Hampshire; Gov. Burke, North Dakota; Gov. Cruce, Oklahoma; Gov. Aldrich, Nebraska; Gov. Pothier, Rhode Island; Gov. Blease, South Carolina; Gov. Hooper, Tennessee; Gov. Mann, Virginia; Gov. Glasscock, West Virginia; Gov. Carey, Wyoming; Gov. Pennewill, Delaware; Gov. Gilchrist, Florida; Gov. Frear, Hawaii; Gov. Hawley, Idaho; Gov. Sanders, Louisiana; Gov. Oddie, Nevada; Gov. McDonald, New Mexico; Gov. Harmon, Ohio; Gov. West, Oregon; Gov. Colton, Porto Rico; Gov. Vessey, South Dakota; Gov. Spry, Utah; Gov. Colquitt, Texas; Gov. Hay, Washington; Gov. Kitchin (unable to attend, but will serve on American Honorary Committee), North Carolina; Gov. Brown (thinks he will be unable to accept), Georgia; Gov. Osborn (thinks he will be unable to accept), Michigan; Gov. McGovern (thinks he will be unable to accept), Wisconsin.

The SPEAKER. The gentleman from Massachusetts has consumed seven minutes, and the gentleman from New York is recognized for three minutes.

Mr. REDFIELD. Mr. Speaker, it is a pleasure in connection with this request, coming from the Boston Chamber of Commerce, to tell this House that this particular chamber recently dealt with this House in a way which was not narrow, not niggardly, and not mean. I had the pleasure of being a member of a special committee of three which sat in Boston during the fall, and at that time the Chamber of Commerce of the city of Boston put at our disposal for 10 days 2 large rooms and a clerical staff, for which they refused to receive any compensation. It is a pleasure on this floor to acknowledge the courtesy of the Boston Chamber of Commerce to this House.

This bill, Mr. Speaker, is to pay, on behalf of the United States Government, just what other Governments have for years paid for the same purpose, neither more nor less, except this; that whereas Great Britain for this express purpose pays $400,000 a year, we are called upon to pay less than one of our cities pays—the extreme total of $50,000.

The gentlemen who will come hither are not private merchants or manufacturers engaged upon their personal business. They are official members of official bodies known to and recognized by every Government on the Continent of Europe, and they come in behalf not of themselves but of the nations of which they are citizens.

The chambers of commerce abroad are on a strictly official basis; not like our own bodies, voluntary organizations. It is my belief, sir, as a manufacturer and business man, that this investment will be returned many times over, and that it is necessary, unless we are to appear before the nations of the world as unwilling to do for their official bodies what they have cheerfully heretofore done for us.

The SPEAKER. Does the gentleman from New York desire to use any of his time?

Mr. PETERS. If no one desires to oppose the resolution, I ask for a vote.

Mr. FITZGERALD. I have not had an opportunity; the gentleman has been occupying all the time. Mr. Speaker, I am opposed to the resolution. It comes with poor grace from representatives of great commercial bodies in the various cities of the country to come begging Congress for what they call a mere pittance in order to advertise their businesses and enterprises to their competitors from abroad. I know of no objection to the Government extending an official invitation to these delegates from other countries to come and participate in an international convention in this country. I should not object to the paying out of the Federal Treasury of the expenses of public officials who might properly participate in such a conference and represent officially the Government of the United States. But that is not what is proposed here. This is an innovation. I know of but one other instance in which traveling expenses of visiting delegations to this country were paid from the Treasury—that was at the time of the Interparliamentary Union, which held its convention in this country, and so many Members of Congress desired to participate and had shared the hospitality of other countries that they felt unable to resist the temptation to pay out of the public funds for the entertainment of men occupying similar positions to those occupied by themselves here.

Why should the Congress pay the traveling expenses of these visitors about the country in order that its natural resources, its beauties, its picturesqueness, and the enterprise of its people might be shown to persons coming from other countries to this particular convention? There is to be an International Congress of Hygiene and Demography in this country within a very short time. The delegates will represent a very important phase of public service throughout the world. Why should we not provide funds to enable them to travel about the country and to see its wonderful enterprise and development? There is now being held in this city the Ninth International Conference of the Red Cross, comprised of persons engaged entirely in philanthropic work, not engaged in enterprises for their own benefit, not coming to this country to ascertain whether they can develop and improve their own businesses so as to outdo American manufacturers in their own home market, but coming here in order to develop and to promote projects which have for their purpose the amelioration of suffering wherever it may be found throughout the civilized world. Yet nobody suggests that they be sent about the country at the expense of the Federal Government that they may have better opportunities to be informed as to the conditions under which certain catastrophes might happen, resulting in an appeal to the generosity of the peoples of the world under the peculiar conditions arising from great disasters. Yet the great business interests of the country, the men who are obtaining most of the advantage from legislation——

Mr. RODDENBERY. Will the gentleman yield?

Mr. FITZGERALD. In just a moment—the men who are enriching themselves at the expense of all the people under our very generous tariff laws, they are not willing to contribute $50,000 so that these delegates may be carried about the coun-

try and see what the American manufacturers are doing. They are willing to entertain these delegates when they arrive in their cities, but they ask that the Public Treasury be imposed upon to defray the traveling expenses. If 50 of the great cities of this country interested in these interprises contributed $2,000, or only $1,000, apiece, they would readily meet these expenses.

Twenty-five important commercial centers of the country, if they would contribute $2,000 apiece, would meet this proposed expenditure; but it has become so customary to look upon the Federal Government as the only thing undefended in the United States, the one place for which no one raises a protecting hand——

Mr. TOWNSEND. Will the gentleman yield?

Mr. FITZGERALD. In a moment—that there is an overflowing Treasury to which everybody should apply, into which everybody should dip to help along their particular pet enterprises, that these eminent gentlemen, members of the commercial bodies of the country, are appealing to Congress for this appropriation of $50,000. Shame on the business interests of America that they should put themselves in the attitude of coming as supplicants to the Federal Treasury in order that they may transport about the country the representatives of commercial life of the other civilized nations. Now I yield to the gentleman.

The SPEAKER. To whom does the gentleman yield?

Mr. FITZGERALD. I yield first to the gentleman from Georgia [Mr. RODDENBERY].

Mr. RODDENBERY. I would like to ask the gentleman from New York a question. To whom does the gentleman think this $50,000 is to be paid? The resolution does not state.

Mr. FITZGERALD. Well, I have not thought anything about it. I have examined the joint resolution and wondered by whom the money would be disbursed, but as I hope it will not be disbursed at all, I was not so much interested in that phase of the matter.

Mr. TOWNSEND. I would like to ask the gentleman from New York, if he contends that these commercial cities that entertain these commercial bodies should pay for the entertainment, would not he be justified, when the brother of an emperor or a king comes here, in asking that the citizens of Murray Hill, who alone entertain them, should pay for that entertainment?

Mr. FITZGERALD. Well, the question is too involved to determine at this time. If Murray Hill, N. J., or Murray Hill, N. Y., determines to entertain the brother of an emporer or a king and they can obtain the consent of the gentleman to be entertained, I have no doubt they will furnish the money to do it.

Mr. TOWNSEND. Well, they did not, however.

Mr. PETERS. In reply to the——

Mr. FITZGERALD. I will yield to the gentleman to ask a question, but not to reply to anything.

Mr. PETERS. I wish to make a statement, then.

Mr. FITZGERALD. I will not yield for a statement in my time.

Mr. PETERS. I desire to correct a statement——

Mr. FITZGERALD. I will not permit the gentleman to correct my statement in my time.

Mr. PETERS. Well, to answer a question of the gentleman from Georgia.

Mr. FITZGERALD. The gentleman can do that in his own time. I yield to the gentleman from Georgia.

Mr. RODDENBERY. As the gentleman and myself are going to vote against the payment of this $50,000 I am anxious to ascertain against whom we are to vote. I would rather like to press the gentleman to tell us where and to whom this money is to be paid. If we are to appropriate Government money to be disbursed we should know to whom it is to be paid.

Mr. FITZGERALD. Let me suggest to the gentleman from Georgia that he inquire from those who are proposing this legislation for that information, because I am not responsible for it. Mr. Speaker, think of the city of New York and its chamber of commerce, representing the wealth, business, and prosperity of that great metropolis expecting the Federal Government to pay for the transportation of 500 delegates from Boston to New York in order that they may be entertained. Think of the Board of Trade of Chicago, anxious to have the representatives of these business enterprises of Europe and South America come to their city to see the progress it has made in business and manufactures and to extend its hospitality to them, asking the Federal Government to pay their expenses to Chicago. I would sooner guarantee their expenses back from most of the places to the seaport than to pay to take them to some of those communities which would depend upon the Federal Government for such expenses.

Mr. Speaker, this is an innovation. We can not refuse to do for the delegates of every congress of an international character assembling in the United States under the official invitation whatever is done for these delegates. It is best that the Congress should commence now with the business interests of this country and have a precedent established that those who are interested in bringing such enterprises to this country must be willing and ready to pay the expenses incident thereto.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. FITZGERALD. Certainly; I yield to the gentleman.

Mr. BARTLETT. Does not the gentleman think that if they are expecting Congress to render this aid that they ought to consult Congress before calling a meeting of these boards of trade, and so forth?

Mr. FITZGERALD. They probably would have done so if, as I have already stated, it had not been the practice to look upon the Federal Government as the only unprotected Treasury in the United States. How much time have I used, Mr. Speaker?

The SPEAKER. The gentleman has used 12 minutes, and has 8 minutes remaining.

M. FITZGERALD. Mr. Speaker, I reserve the balance of my time.

Mr. PETERS. Mr. Speaker, how much time have I remaining?

The SPEAKER. Ten minutes.

Mr. PETERS. I yield four minutes to my colleague from Massachusetts [Mr. CURLEY].

Mr. CURLEY. Mr. Speaker, the chairman of the Committee on Appropriations, the distinguished gentleman from New York [Mr. FITZGERALD], would have the Members of the House believe that the foreign chambers of commerce interested in the movement in behalf of the Fifth International Congress of Chambers of Commerce, to be held in the United States, are actuated solely by a desire to participate in a junket. And for his particular benefit, and the benefit of the Members of the House who have not had the opportunity to consider the proposal, I desire to direct attention to the pamphlet issued by the Boston Chamber of Commerce and containing a brief summary of the aims and objects of the International Congress.

It declares that the International Congress of Chambers of Commerce and Industrial and Commercial Associations is an organization representing the business men of the entire world. The delegates to the Congress are of two classes: First, the official delegates designated to attend the congress by the Governments of the leading commercial nations; second, the delegates appointed by the leading business organizations of the world who are affiliated with the congress. The purpose of the congress is to facilitate the commercial intercourse of nations and to promote cordial relationship between them. It strives to secure harmony of action on all international questions affecting commerce and trade by enlisting the cooperation of the various nations to obtain uniform laws with reference to commercial matters. To this end it considers at its biennial sessions questions of international scope affecting business and business relations. The recommendations adopted by vote of the delegates are carried out by a permanent committee, the headquarters of which are at Brussels, and which keeps in touch with the constituent organizations and the Governments of all countries.

The First International Congress of Chambers of Commerce was held at Liege, Belgium, in 1905. This meeting resulted in the appointment of a permanent committee and the decision to hold these congresses every two years. The second congress was held at Milan, Italy, in 1906; the third congress at Prague, Austria, in 1908; and the fourth congress was held in London, England, in 1910. At these congresses the organization was perfected, rules adopted, a permanent committee elected, and special committees appointed.

These congresses have attained a notable place in the business life of Europe. In America, sometimes, it is not appreciated that the chambers of commerce in many European countries are almost governmental in character. The relations between the leading commercial organizations of Europe which are included in the international congress and the various European Governments have always been of an extremely cordial nature. The interest taken in the work of the congress by business men of highest standing of various nationalities, together with the official recognition vouchsafed by the Governments of the various countries, has made possible the very tangible results already achieved. The intangible results in the promotion of international commercial good will are practically incalculable.

The first congress enjoyed the patronage of the Belgian secretary of state for foreign affairs and minister of industry and labor. The second congress was held under the patronage of His Majesty the King of Italy, while the honorary presidents were the Italian ministers of foreign affairs and of industry and commerce. The third congress was opened in person by its hon-

orary president, His Imperial Highness the Archduke Charles Francis Joseph. The fourth congress in London was opened by the Rt. Hon. Sydney Buxton, M. P., the president of the board of trade, and had as an honorary vice president, Prime Minister Asquith, of England. Associated with the congress were the English governmental and commercial leaders.

With England and Germany to-day it is a life and death struggle for commercial supremacy, as their industries could not survive without export trade.

That a real need for foreign markets is here now is evidenced by the figures of our trade with the world as compiled by the Bureau of Statistics, Department of Commerce and Labor.

These statistics show that the foreign commerce record of the United States for the calendar year 1911, so far as relates to total imports and exports, shows imports $1,532,931,861, a larger total than in any year except 1910, which showed $1,562,904,151 as the value of imports. The exports of the calendar year 1911 were valued at $2,092,375,141, a larger total than in any preceding year, and considerably larger than the total of $1,923,426,205 shown by 1907, the former high-record year in exports. The excess of exports over imports in the calendar year just ended was $559,441,280, a larger excess of exports than in any year since 1908, when the total was $636,000,000, while that of 1900 was $649,000,000.

These figures demand that foreign trade be intelligently and systematically developed, to the end that we shall have entry to the markets of the world in consonance with the increasing dependence of our industries upon foreign markets.

The time has passed when we can safely regard foreign markets as dumping grounds for surplus products during periods of business depression at home.

The foreign market should be regarded in its true light—it is the primary market of the future, whose requirements and customs must be understood and complied with to secure results.

The same degree of business sagacity and wisdom that has made industries a success at home is required even in a larger degree abroad where the keenest of competition obtains.

When we consider that 10 years ago there were few well-organized and effective commercial bodies in the United States and that to-day there are nearly 6,000, we have some idea of the interest taken generally in the country in the proposition under consideration.

The membership is recruited from the progressive business men of the country, and who are alive to the needs of the hour and desirous of aiding in the development of our resources, which are the life of this Nation.

The serious problem involved by our unfortunate position from a maritime standpoint is apparent to every man. A war between England and Germany to-morrow would be productive of panic in this country, as we depend almost wholly upon these nations for the handling of our commerce, which to-day consists largely of manufactured goods.

How important it is can be gleaned from comparison of the import and export trade with our South American neighbors. In the year ending June 30, 1911, the total value of the principal articles of import from Latin America into the United States were but $369,796,530, while the principal articles of export from the United States to Latin America for the same period were $270,663,222.

But of these imports and exports more than $100,000,000 represented manufactured goods, the work upon which furnished employment for a three months' term at least annually to many of our industries, and the importance of which must be self-evident to every Member of the House.

We can not bring our country, with its varied industries, to every foreign power we transact business with, but we can bring the leading representatives of foreign trade to our country and in this great international congress provide means for the material increase of our foreign trade, insure permanence of employment to thousands of employees, and that will largely aid the prosperity of our country and the happiness of our people.

The SPEAKER. The time of the gentleman from Massachusetts [Mr. CURLEY] has expired. The gentleman from Massachusetts [Mr. PETERS] has six minutes, and the gentleman from New York [Mr. FITZGERALD] eight minutes.

Mr. FITZGERALD. I yield five minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Speaker, I have said something in the past of the great enterprise of the State of California. I want to now emphasize my appreciation of the wonderful State on the Pacific coast. I observe by the hearings which were had before the Committee on Foreign Affairs that gentlemen who represented the State of California were very anxious that a commercial congress should visit the Pacific coast, and I observed the willingness whereby they would take these delegates from one end of the State to the other free of cost, transport them to the different industrial cities in that great State, that they might see what they had out there, and I have contrasted that with the action of the city of Boston, on the east, that has, I think, shown its willingness to take this great commercial congress, but at the same time appear upon this floor and ask that $50,000 be appropriated from the National Treasury to help them do so. And I want to say, Mr. Speaker, that in all this we are reminded of the fact that the great city of Boston on the east needs this help from the National Treasury to look after this commercial congress; and, of course, we ought to give it to them. I will guarantee that if this great commercial congress will come to the city of Chicago, in my own State, there will be no trouble in entertaining it when it gets there and, if necessary, they would be willing to help pay the expenses of this commercial congress in the city of Boston.

Mr. PETERS. Will the gentleman yield?

Mr. FOSTER. In just a minute. The enterprise that has been displayed in the past by the city of New York, the city of Chicago, the city of St. Louis, the cities of San Francisco and Los Angeles, Cal., would never permit those cities to come to this Congress and ask that $50,000 be taken out of the Treasury to help to entertain the congress that Boston wants to be held in their city in September.

Mr. PETERS. I wish to say that the citizens of Boston are paying the entire expense of the congress and are raising between $75.000 and $100,000 to do so. They wish to give the citizens of Chicago and other cities an opportunity to show the delegates their cities. Boston itself does not wish this appropriation—not a cent will be spent there; it is purely for transportation expenses. Boston provides national hospitality for the congress; it should not be called upon to pay the delegates' expenses in traveling to Chicago and to the other cities which have extended invitations to them.

Mr. FOSTER. Oh, I suppose the city of Boston is fully capable of looking after itself. I suggest that if Boston is not able to take care of this great commercial congress and look after it properly, you should change this resolution and simply invite the commercial congress to meet in the city of Chicago, and then I am satisfied that all the money that is necessary will be immediately raised without coming to this Congress and asking that $50,000 be appropriated out of the National Treasury. I am surprised that the great city of Boston, with all its commercial enterprises, with all its factories and diversified industries that we have heard so much boasting about throughout the country in the last few years, should have its Representatives come to this Congress and ask $50,000 out of the Treasury because they want the President to invite delegates to a national commercial congress to meet in the city of Boston. [Applause.]

The SPEAKER. The time of the gentleman has expired. The gentleman from New York [Mr. FITZGERALD] has three minutes and the gentleman from Massachusetts [Mr. PETERS] has six minutes.

Mr. FITZGERALD. Mr. Speaker, I wish to say to the gentleman from Massachusetts [Mr. CURLEY] that he perhaps misunderstands the reason why the export trade of the United States with the South American countries is not greater than it is. It is not because representatives of business enterprises in South America have not been in this country, but it is because of the lack of shipping facilities from this country to South America. If, instead of frittering away years of time here in attempts to provide special privileges in the way of subsidies for some ships, some intelligent legislation had been enacted so that American ships could take their former place in the oversea trade, the exports from this country to the South American countries would have largely increased over what they are at present.

The fact can not be denied—I have looked through the report on this bill carefully, and it contains a large number of communications from various commercial bodies throughout the United States—that the opinion is prevalent that those gentlemen who are members of these associations will be benefited because of the development in the trade, the enlargement of the business in which they are engaged, by the tour which it is proposed shall be taken by these delegates.

If the American manufacturers and the American business men had the enterprise they are supposed to have and were willing to pay for the advantages and opportunities to extend the trade of America, instead of having the cost placed upon those who are not participants in the profits to be derived, there would be little complaint about the failure to extend the export trade and little difficulty about extending it as much as it could reasonably be extended. [Applause.]

Mr. CURLEY. Mr. Speaker, will the gentleman yield to a question?

Mr. FITZGERALD. I can not yield. I am informed that the boards of trade and chambers of commerce throughout the United States are so numerous that if they would contribute $10 each to the fund they could easily raise the requisite amount of money.

Only a short time ago, within a few weeks, there was a gathering in this city to organize a national chamber of commerce. Why not let it do something practical now? Let it finance the proposed tour of these delegates.

One other thing. This international congress can rival in many respects those that have taken place in other countries. True, it may not be possible for this commercial congress to be opened by "His Imperial Highness," or "His Royal Highness," or the brother of the Emperor, but good average American citizens who have been honored and complimented by their fellow citizens by being placed in important official positions, and who properly have control of such activities, will very gladly and properly participate in these exercises, and although they may lack the distinguishing and confusing titles that have been read by the gentleman from Massachusetts for our enlightenment and confusion. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. PETERS. Mr. Speaker, I yield two minutes to the gentleman from California [Mr. RAKER].

The SPEAKER. The gentleman from California [Mr. RAKER] is recognized for two minutes.

Mr. RAKER. Mr. Speaker, it seems that the matters involved in this resolution are broader than the gentleman from New York has presented to the House. Under the resolution, and as the matter now stands, the people of Boston have fixed the time and the place for holding this convention, and there are to be in attendance 500 or more delegates from foreign countries, coming to the United States to meet at Boston for the purpose of consultation and advice and seeing what they can in this country.

There is no provision beyond that. The resolution does not go any further than that. Now, with 500 delegates from foreign countries, members of the chambers of commerce, members of commercial clubs, and members of industrial associations, visiting this country in that way, ought not this Government as a Government say to these men who have come from such a distance: "We have the grandest country on earth in natural resources and in manufacturing facilities, and we want your trade. We want you to become acquainted with the United States, and when you get through with Boston, the Chamber of Commerce at New York, and then the Chamber of Commerce at Chicago, and then the Chamber of Commerce at Kansas City will invite you? And after that the Chambers of Commerce at San Francisco and at Sacramento, Cal., or the Chamber of Commerce of Portland, Oreg., will invite you, and show you what they have?" These delegates should see the resources of the United States, and to do so they must go over the whole country. [Applause.]

Mr. Bunker, of the San Francisco Chamber of Commerce, appeared before the Committee on Foreign Affairs, and, as part of my remarks, I submit his statement there made when this bill was being considered by your committee, which is as follows:

STATEMENT OF MR. WILLIAM M. BUNKER, REPRESENTING THE SAN FRANCISCO CHAMBER OF COMMERCE.

Mr. BUNKER. Mr. Chairman and gentlemen, in the name of the San Francisco Chamber of Commerce I thank you for the chance to indorse the resolutions providing for the proper and profitable entertainment of the foreign delegates to the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations, to be held in Boston September next.

We of the Pacific coast felicitate Boston and our common country on an occasion destined to stimulate trade and promote international thought. International thought is the goal of goals of the near future. This though Americans are still groping for national thought. Of sectional thought we have enough and to spare. Through international thought we may achieve a foreign trade success worthy of the country. Unless we think internationally we will continue to lag in the world race for foreign trade.

With the Panama Canal nearing completion, we of San Francisco, we of California—yes, we of the Pacific coast—are trying to measure up to approaching advantages and responsibilities. We are trying to think on international lines.

We have already discarded sectional feeling. We have already learned to think nationally. We have already learned that superior climates and superior soils and manifest destiny do not automatically produce prosperity. Successful as we are, we of the coast are not as successful as we should be. And so we seek commercial attrition. The coming of commercial and industrial men, and picked men at that, from all parts of the world looks good to us.

In Great Britain and Germany the commercial organizations work with the Government for foreign trade. These organizations are broadly representative and thoroughly democratic. Their success is due to efficiency and elasticity. The constituent members of the central and controlling organization in Great Britain are British chambers of commerce. The link that should connect American commercial organizations with the Government has yet to be forged. As a condition precedent our commercial organizations must be educated and inspired.

The foreign delegates to the international congress will assist in this campaign of education. Their very presence in this country will suggest a new commercial movement. Therefore we ask that they be taken north, south, east, and west and brought into close contact with business men. We are not proposing a showy and purposeless junket. We are pointing to an opportunity to awaken and electrify the American business world. We want American organizations in all parts of the United States to learn the secret of an efficiency that has enabled other countries to win foreign trade, especially the trade of Latin America. We want our business men to learn through personal contact and personal questioning the thousand and one essentials that can only be learned in this way.

Students of trade currents are especially interested in these resolutions, because they know that chambers of commerce and similar organizations want to prepare for the changes in domestic as well as foreign trade and anticipate the opening of the Panama Canal. These organizations are beginning to sense the situation. According to the Bureau of Manufactures, Department of Commerce and Labor, there are over 5,000 strictly commercial and industrial organizations in this country, with a membership of over 500,000.

The CHAIRMAN. I am a friend to San Francisco, and I know how enthusiastic the business people are in San Francisco, and of course you want these delegates from foreign countries to visit San Francisco and see the wonders of California and the Pacific coast.

Mr. BUNKER. We are thinking nationally and trying to think internationally.

The CHAIRMAN. You want them to visit you, do you not?

Mr. BUNKER. We want them to visit the Pacific coast; yes, sir.

The CHAIRMAN. And if they agree to come you will pay all expenses?

Mr. BUNKER. And when they come there we will take them around, up and down the State, with its 1,200 miles of seacoast and nearly 400 miles——

The CHAIRMAN (interposing). And the Chamber of Commerce of San Francisco will pay the expenses?

Mr. BUNKER. We will pay the expenses and take care of them in California, and the other Pacific Coast States will follow the same plan.

Mr. CURLEY. The export trade of the United States in the last fiscal year was in the vicinity of $3,000,000,000. If our industries are to expand, they can only expand as a consequence of the increase of our export trade, and affairs of this character will assist in that expansion.

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Mr. SHARP. Won't the practical effect of this trip of these foreign agents to our cities result that instead of our own great concerns sending to them its traveling men all over the world to get orders, will it not bring the prospective purchasers to our own doors and in that way help our commercial expansion?

Mr. FLOOD. What will become of our commercial travelers, then?

Mr. SHARP. We will have more of them.

Mr. BUNKER. I think that would be one of the results. I think we may assume that, because of the commercial experiences we have had.

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I think you will agree with me, gentlemen, that an American awakening is in order.

And so we say, we of the Pacific coast, and especially we of the exposition city, send the delegates along and we will give them a characteristic welcome. We want to be looked over and criticized and contrasted. And yet through a change common to communities as well as to individuals we may be in a mood to accept commendation.

We want to show our foreign friends the matchless site of the Panama-Pacific International Exposition. We want them to glimpse the high ideals of that enterprise. We want them to realize that the exposition will mirror the splendors and superiorities of modern progress.

Gentlemen of the Committee on Foreign Affairs, for the reasons that have been advanced, for equally convincing reasons that will suggest themselves to you, we ask that you advocate the adoption of these resolutions, and thus give the business of the country a friendly and practical impulse.

The chambers of commerce and other commercial and industrial organizations and bodies of California are urging the passing of this resolution. I hope it will pass. We want foreign trade for our surplus products. This is a good way to inform the outside world what we have and its superior quality. This is a national and not a local matter. We should not be small on questions that affect the national growth and welfare. If you want to get people interested, you must show them, and here is a great opportunity, and it should be accepted. The way to know what we have is to see it.

The SPEAKER. The time of the gentleman has expired.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

The SPEAKER. The gentleman from Massachusetts [Mr. PETERS] has four minutes remaining.

Mr. PETERS. I yield one minute to my colleague [Mr. WEEKS].

Mr. WEEKS. Mr. Speaker, I suppose there is no difference of opinion on this floor as to the desirability of extending our foreign trade. Here is a practical proposition for that purpose, and for that purpose solely. If the gentleman from New York [Mr. FITZGERALD] or the gentleman from Illinois [Mr. FOSTER] represented their own constituents in opposing this appropriation, there would be some force in it; but the Merchants' Association of New York and the Commerce Association of Chicago have both advocated and are advocating the passage of this resolution and the making of this appropriation.

Now, if it were simply a question of these delegates coming to Boston, holding a convention there, and then getting on board ship and returning to Europe, neither the Boston Chamber of Commerce nor anyone else would be here asking for an appro-

priation; but when they have seen what there is to be seen in Boston and vicinity, the Boston people are public spirited enough to want them to go on and see the rest of the country and get the benefit which they may obtain by visiting New York and Chicago and San Francisco and the other points where they can get real information about the great industries of this country.

Mr. PETERS. I yield the balance of my time to the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for three minutes.

Mr. MANN. Mr. Speaker, I take it that every city with a commercial organization is willing to pay the expenses incident to the entertainment of delegates from abroad when they visit that city, but there is the practical difficulty that unless the delegates visiting from abroad travel under the control and direction of some Government official there is no way by which they can be taken from one place to another in an orderly manner; and if they do travel under the direction of Government officials, then the Government should pay the ordinary traveling expenses.

With our foreign trade increasing as it has recently increased, with our foreign exports of manufactures increasing, we ought to be willing to expend a little sum of money in order that these delegates from abroad may see, not merely Boston, on the Atlantic coast; not merely New York, on the Atlantic coast, but the great interior of our country, where the heavy business is done; and I do not believe that the people who pay the taxes ought to be deprived of the privilege of having these foreign delegates visit all parts of the country and all the people in the country who pay the taxes.

This is not a new proposition, as has been suggested by some gentlemen. We have done this several times before with different foreign visitors, and it is to our interest that when these visitors come to Boston, or before they come to Boston, the State Department shall have the opportunity to lay out a program for them throughout the United States, where these delegates may visit different commercial cities and have their local expenses paid by the local organizations, but do it in an orderly way, passing through Boston and New York, through Cincinnati and Chicago, Minneapolis and Kansas City, and points farther West, and through the southern portion of the country. I know of no other way by which it can be arranged except by the method of having the State Department, or the other Government officials who will have charge of it, arrange a program and act in cooperation with the commercial bodies of the different cities.

When the delegates see this great country and make acquaintances and friends here it will greatly aid us, not merely in selling our goods abroad, but it will aid us in purchasing those goods which we buy abroad. In the interest of the country, in my judgment, the resolution ought to pass.

The SPEAKER. The gentleman's time has expired. All time has expired.

Mr. PETERS. I desire to modify my original motion, and ask unanimous consent to offer an amendment, on page 2, line 8, which amendment is in the hands of the Clerk.

The SPEAKER. The gentleman from Massachusetts [Mr. PETERS] asks unanimous consent to offer an amendment. Is there objection?

Mr. MANN. He asks unanimous consent to modify his motion.

Mr. PETERS. I ask unanimous consent to modify my motion.

Mr. RODDENBERY. Mr. Speaker, reserving the right to object, I should like to know in what manner the gentleman proposes to modify his motion.

The SPEAKER. The Clerk will report the proposition of the gentleman from Massachusetts.

Mr. RODDENBERY. I reserve the right to object.

The Clerk read as follows:

Amend, on page 2, line 8, by inserting the words "to be expended under the direction of the Secretary of State."

The SPEAKER. Is there objection?

Mr. RODDENBERY. Reserving the right to object, would the gentleman be willing further to modify his request so that instead of "$50,000" it be "$50,000, or so much thereof as may be necessary," and also to modify his resolution "that none of this appropriation should be expended except for the purpose of transportation"? The resolution now reads:

That for the necessary expenses of the meeting—

In Boston; that is what it means when you say "in the United States."

Mr. MANN. The Government officials would have to be paid.

Mr. PETERS. It is very difficult for me to determine the meaning of so long and complicated an amendment as the gentleman suggests.

Mr. RODDENBERY. I am inclined to agree with the gentleman, but under a motion to suspend the rules we are absolutely denied the right of offering amendments, and unless this comes in by unanimous consent it can not come in at all.

Mr. PETERS. I have offered an amendment which I think meets the objection that the gentleman originally made, and I can not offhand pass on the meaning or effect of so long an amendment as the gentleman proposes to offer to the bill.

Mr. RODDENBERY. It merely restricts it to the transportation expenses. I heard the minority leader make the same criticism on an appropriation of a certain amount without a reservation the other day, that without the restriction the entire amount would be expended. I am opposed to the resolution, whether amended or not amended, but would like to make it the least objectionable possible.

Mr. PETERS. I will accept that amendment.

Mr. HAMLIN. Mr. Speaker, reserving the right to object, I confess that I have been attending a committee meeting and am not familiar with what the proposition is except that I have caught it since I came in. I think I know what it is in a general way, but I would like to know if the expenditure of this money is safeguarded so that the expenditure may not be covered up by a secret certificate in the Treasury. If it is not, I shall object.

Mr. MANN. It does not come under that provision.

Mr. HAMLIN. Neither did the money appropriated for the Lake Champlain celebration, but it was covered in that way.

Mr. MANN. It was erroneously covered that way.

Mr. PETERS. This is safeguarded; the Secretary of State is responsible for the expenditure of the money.

The SPEAKER. The Clerk will report the modification proposed by the gentleman from Georgia and accepted by the gentleman from Massachusetts.

The Clerk read as follows:

In line 7, after the word "dollars," insert "or so much thereof as may be necessary to use for transportation only."

The SPEAKER. The question is on suspending the rules and passing the bill with the modifications that have been stated.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. PETERS demanded a division.

The House divided.

The SPEAKER. On this question, the ayes are 59, and the noes are 41. Two-thirds not having voted in favor thereof, the House refuses to suspend the rules and pass the bill.

Mr. PETERS. Mr. Speaker, I make the point of no quorum.

Mr. RODDENBERY. Mr. Speaker, I make the point of order that that will not apply to the vote already taken which has been announced.

Mr. PETERS. I will withdraw the point of no quorum, Mr. Speaker.

Mr. MANN. And I make the point of no quorum on the vote.

The SPEAKER. What is the point the gentleman from Illinois makes?

Mr. MANN. That there is no quorum and was no quorum when the vote was taken.

Mr. FOSTER. I make the point of order, Mr. Speaker, that the Speaker had already announced the vote.

The SPEAKER. The gentleman from Illinois will not contend that in announcing the vote the Speaker has to take cognizance of whether there was a quorum present?

Mr. MANN. Not at all, but it is the invariable practice that where a point of no quorum is made it vacates the vote.

The SPEAKER. The point that no quorum is present has been withdrawn.

Mr. MANN. But I renewed it.

The SPEAKER. Does the gentleman from Illinois make the point of no quorum?

Mr. MANN. I did.

The SPEAKER. The Chair will count. [After counting.] One hundred and thirty-nine Members present; not a quorum.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House.

Mr. MANN. But there is an automatic call of the House on the vote.

Mr. HAY. The Speaker had announced the vote.

Mr. MANN. The Chair always announces the vote before a point of no quorum is made. No other business was transacted before the gentleman from Massachusetts made the point of no quorum, and where a point of no quorum is made the rule provides for an automatic vote.

The SPEAKER. The rule provides for an automatic call of the House when a vote is being taken.

Mr. MANN. But, Mr. Speaker, under the rule the point of no quorum can be made at any time before any other business is transacted.

The SPEAKER. The Chair will hear the gentleman from Illinois.

Mr. MANN. Mr. Speaker, no one has ever made the point of no quorum that I know of before the announcement of the vote. It was always made after the announcement of the vote.

The SPEAKER. The Chair will ask the gentleman, before he begins reading authorities, to allow the Chair to state this situation as it is. A standing vote had been taken, and the Chair had announced the vote, and announced that two-thirds not having voted in the affirmative the motion to suspend the rules was lost, and had started to recognize the gentleman from South Dakota [Mr. BURKE].

Mr. MANN. But the gentleman from Massachusetts was on his feet addressing the Chair; and this is the rule. I read from page 375 of the Manual, paragraph 756.

Whenever a quorum fails to vote on any question, and a quorum is not present, and objection is made for that cause, unless the House shall adjourn there shall be a call of the House.

That is the rule providing for an automatic call of the House on a question. That is precisely what took place. A quorum failed to vote. I made the point of order that no quorum was present, and objected for that reason. The gentleman from Massachusetts had made the point immediately upon the announcement of the vote that a quorum was not present. Jefferson's Manual provides—although I can not lay my hand on it just now—that a point of no quorum can be made on a vote at any time before any further business is transacted.

Mr. CANNON. Mr. Speaker, does not the gentleman from Illinois think that after a vote is announced, 59 for and 41 against, and an announcement by the Speaker that two-thirds having failed to vote for the motion, that it is lost—is not that transaction closed, and is not the announcement that it is lost business within the meaning of the rule? And is not the time immediately after the vote is announced the time to make the point of no quorum, if made at all?

Mr. MANN. The gentleman from Massachusetts made the point of no quorum immediately after the announcement of the vote. The Speaker has been in the House many years, and knows that the point of no quorum is always made by the defeated side; and until there is an announcement no one can know which the defeated side is.

The SPEAKER. The recollection of the present occupant of the chair as to the decisions upon that question coincide very largely with the statement just made by the gentleman from Illinois [Mr. CANNON]. The Chair announced the vote, 59 in the affirmative to 41 in the negative, and the Chair always stops long enough to give any Member that has any objection to the announcement which he knows is coming, to take any action.

Mr. MANN. On this question the gentleman from Massachusetts was on his feet—I was observing him—endeavoring to make a point of no quorum while the Chair was making the announcement.

Mr. FOSTER. I think, Mr. Speaker, my colleague will remember that he did not make the point of order until after the announcement of the vote.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 16 minutes p. m.), in pursuance to the order heretofore made, the House adjourned to meet to-morrow, Tuesday, May 7, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of War submitting an additional estimate of appropriation for providing tents and other necessary supplies and services for the relief of sufferers from floods in the Mississippi and Ohio Valleys (H. Doc. No. 734); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of Commerce and Labor, transmitting an opinion as to a proposed amendment to the Burnett bill pending in the House and the Dillingham bill which has passed the Senate (H. Doc. No. 735); to the Committee on Immigration and Naturalization and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of communication of the Attorney General submitting increase in the estimate of appropriation for fiscal year ending June 30, 1913, for enforcement of antitrust laws (H. Doc. No. 733); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SIMMONS, from the Committee on Agriculture, to which was referred the bill (H. R. 24119) to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes, reported the same without amendment, accompanied by a report (No. 660), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 23837) to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes, reported the same with amendment, accompanied by a report (No. 661), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COPLEY, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5910) granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes, reported the same without amendment, accompanied by a report (No. 664), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SLAYDEN, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 94) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, reported the same without amendment, accompanied by a report (No. 662), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 101) to appoint Andrew D. White a member of the Board of Regents of the Smithsonian Institution, reported the same without amendment, accompanied by a report (No. 663), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims, reported the same with amendment, accompanied by a report (No. 659), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DYER: A bill (H. R. 24191) appropriating $30,000,000 for the purpose of maintaining, raising, and protecting against the impending and future floods the levees on the Mississippi River, rivers tributary thereto, and the drainage district adjacent thereto; to the Committee on Rivers and Harbors.

By Mr. RUSSELL: A bill (H. R. 24192) to provide for the purchase of seed and for emergency crops on overflowed lands in the Mississippi Valley; to the Committee on Agriculture.

By Mr. ROBINSON: A bill (H. R. 24193) authorizing the order of the Knights of Pythias to erect and maintain a sanitarium or bathhouse on the Government reservation at the city of Hot Springs, Ark., and for other purposes; to the Committee on the Public Lands.

By Mr. SMITH of Texas: A bill (H. R. 24194) to create a new division of the western judicial district of Texas, and to provide for terms of court at Pecos, Tex., and for a clerk for said court, and for other purposes; to the Committee on the Judiciary.

By Mr. CARY: A bill (H. R. 24195) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Loyal Order of Moose; to the Committee on the Public Lands.

By Mr. WEEKS: A bill (H. R. 24196) to authorize the construction of a dam across the Kootenai River, in the State of Montana; to the Committee on Interstate and Foreign Commerce.

By Mr. PADGETT: A bill (H. R. 24197) to authorize Carl J. Kiefer and Laurent Lowenberg to construct two dams across

Duck River in Hickman County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. GARRETT: Resolution (H. Res. 526) to establish a qualified independent government for the Philippines and to fix the date when such qualified independence shall become absolute and complete, and for other purposes; to the Committee on Rules.

By Mr. McCALL: Resolution (H. Res. 527) to investigate conditions with regard to the sanitation of alley houses and tenements in the District of Columbia; to the Committee on Rules.

By Mr. LEE of Georgia: Resolution (H. Res. 528) referring certain claims to the Court of Claims for finding of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary" (Public act No. 475, 61st Cong., 2d sess., p. 1138); to the Committee on War Claims.

By Mr. O'SHAUNESSY: Memorial of the Legislature of the State of Rhode Island, requesting the Senators and Representatives in Congress from Rhode Island to oppose section 11 of House bill 21969; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Rhode Island, requesting Congress to enact laws for the protection of life and property in the coastwise trade; to the Committee on Interstate and Foreign Commerce.

By Mr. UTTER: Memorial of the General Assembly of Rhode Island, requesting the Senators and Representatives from Rhode Island to oppose section 11 of House bill 21969; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the General Assembly of Rhode Island, favoring laws for the safeguarding of life and property in the coastwise trade; to the Committee on Interstate and Foreign Commerce.

By Mr. CURLEY: Memorial of the Legislature of the State of Massachusetts, relative to Federal protection of migratory game birds; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOEHNE: A bill (H. R. 24198) granting an increase of pension to Elizabeth Schreiner; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 24199) granting an increase of pension to James Stonebraker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24200) granting an increase of pension to Charles W. Wallace; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 24201) granting an increase of pension to Maria J. G. Hammack; to the Committee on Pensions.

By Mr. CARY: A bill (H. R. 24202) granting a pension to Augusta E. Fowler; to the Committee on Invalid Pensions.

By Mr. CONNELL: A bill (H. R. 24203) granting an increase of pension to Theodore Couse; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 24204) for the relief of Lewis F. Phister; to the Committee on Claims.

By Mr. GOEKE: A bill (H. R. 24205) to remove the charge of desertion from the record of George Stotts; to the Committee on Military Affairs.

By Mr. GOULD: A bill (H. R. 24206) granting an increase of pension to Albion K. Fletcher; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 24207) for the relief of Isaac Janes; to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 24208) granting a pension to John A. Miller; to the Committee on Pensions.

By Mr. MACON: A bill (H. R. 24209) granting an increase of pension to John W. Hill; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 24210) granting a pension to M. B. Sasser; to the Committee on Pensions.

Also, a bill (H. R. 24211) granting a pension to Robert Wombles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24212) granting a pension to Bettie Howard Unthank; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24213) for the relief of the heirs of John Day, deceased; to the Committee on War Claims.

By Mr. SLEMP: A bill (H. R. 24214) granting a pension to Mrs. William L. Beverly; to the Committee on Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 24215) granting an increase of pension to James M. Fink; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 24216) granting an increase of pension to George W. Moore; to the Committee on Invalid Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 24217) granting a pension to David Guy Stout; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24218) granting an increase of pension to Sarah W. Inch; to the Committee on Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 24219) granting a pension to Monroe C. Teller; to the Committee on Invalid Pensions.

By Mr. WILDER: A bill (H. R. 24220) granting an increase of pension to Charles D. Copp; to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 24221) granting an increase of pension to William Long; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under cause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AYRES: Petition of the Workmen's Circle, in opposition to the literacy test; to the Committee on Immigration and Naturalization.

By Mr. BARTHOLDT: Petition of the Anti-Monopoly Drug Co., of St. Louis, Mo., in favor of House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of the Ferd. Messmer Manufacturing Co., of St. Louis, Mo., protesting against interstate liquor legislation; to the Committee on the Judiciary.

Also, petition of the Railroad and Warehouse Department of Jefferson City, Mo., protesting against certain provisions of House bill 22593, providing for physical valuation of railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Workmen's Circle of New York City, N. Y., protesting against the literacy test; to the Committee on Immigration and Naturalization.

Also, petition of the United Polish Societies of Brooklyn, N. Y., protesting against the Dillingham anti-immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Harry P. Harding Post, No. 107, Grand Army of the Republic, of St. Louis, Mo., in favor of the Sherwood pension bill; to the Committee on Invalid Pensions.

Also, petition of Right Rev. Dan S. Tuttle, bishop of Missouri, of St. Louis, Mo., protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the International Brotherhood of Locomotive Engineers, of St. Louis, Mo., in favor of the employees' liability bill (H. R. 2048); to the Committee on the Judiciary.

Also, petition of the University of Illinois, Urbana-Champaign, Ill., in favor of bill providing for an international commission on wages and prices; to the Committee on Foreign Affairs.

Also, petition of J. H. Roedeman, of St. Louis, Mo., favoring passage of House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

By Mr. BUTLER: Petition of the Business Men's Association, Coatesville, Pa., in opposition to the passage of legislation which would prohibit vessels owned by railroad corporations from using the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Wisconsin: Resolution of O. D. Pease Post, No. 94, Grand Army of the Republic, of Watertown, Wis., against passage of Senate bill 18, to incorporate the Grand Army of the Republic; to the Committee on the District of Columbia.

Also, resolution of O. D. Pease Post, No. 94, Grand Army of the Republic, of Watertown, Wis., favoring passage of House bill 14070, for relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: Petition of the First Methodist Episcopal Church, the First Presbyterian Church, the United Presbyterian Church, and the United Brethren Church, of Arkansas City, Kans., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CARY: Resolution of the Wisconsin Antisaloon League, favoring passage of the Webb-Sheppard-Kenyon interstate liquor bill; to the Committee on the Judiciary.

By Mr. CALDER: Petition of Frank S. Davison, of Brooklyn, N. Y., against passage of any bills to amend United States patent laws; to the Committee on Patents.

Also, petition of Frank E. Houts, favoring passage of Senate bill 6103 and House bill 22766, prohibiting use of trading coupons; to the Committee on Ways and Means.

Also, resolution of the New York State Mayors' Conference, of New York City, N. Y., relative to requirements of ocean vessels; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the George F. Blake Manufacturing Co., of East Cambridge, Mass.; the Power & Mining Machinery Co. of Cudahy, Wis.; and the Chamber of Commerce of the State of New York, against amendment prohibiting use of Panama Canal to any steamship company in which any railroad has an interest; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. E. B. Judd, member of the Massachusetts Society for Prevention of Cruelty to Animals, and citizens of Dorchester, Mass., against shipment of unweaned calves (H. R. 17222); to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chandler & Taylor Co., of Indianapolis, Ind., against passage of House bill 16844, that manufacturer's name shall appear on goods that he manufactures; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Jewish Community of New York City, N. Y., against an educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. CURLEY: Petition of Massachusetts Stationers' Association, against any legislation that will change the present rights of either the inventor or manufacturer; to the Committee on the Judiciary.

Also, petition of citizens of Massachusetts, favoring old-age pensions for deserving men and women over 60 years of age; to the Committee on Pensions.

Also, petition of New England manufacturers, against the Covington amendment to Panama Canal bill regulating passage of vessels through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the United Polish Societies of New York City, N. Y., against passage of literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DICKINSON: Paper to accompany House bill 9557, granting an increase of pension to William J. McGhee, of Windsor, Henry County, Mo.; to the Committee on Invalid Pensions.

By Mr. DONOHOE: Petition of citizens of Pennsylvania, favoring passage of the anti-Taylor system bill (H. R. 22339 and S. 6172); to the Committee on Labor.

By Mr. DYER: Petition of the Dorris Motor Car Co., the Citizens' Industrial Association, the National Metal Trades Association, and the Moon-Hopkins Billing Machine Co., of St. Louis, Mo., against passage of Clayton anti-injunction bill; to the Committee on the Judiciary.

Also, petition of the Corno Mills Co., of St. Louis, Mo., asking immediate relief for flooded districts in Mississippi Valley; to the Committee on Rivers and Harbors.

Also, petition of Blackwell-Wielandy Book & Stationery Co., St. Louis, Mo., favoring passage of bill to raise the levees of the lower Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of Building Industries Association and Permanent Exhibit, St. Louis, Mo., protesting against any bill modifying the present injunction law and also against the passage of House bill 23635; to the Committee on the Judiciary.

By Mr. ESCH: Petition of the Workmen's Circle, against passage of Senate bill 3175, the Dillingham bill; to the Committee on Immigration and Naturalization.

Also, petition of the United Polish Societies, Brooklyn, N. Y., in opposition to any measure containing the literacy test; to the Committee on Immigration and Naturalization.

Also, petition of Wisconsin Antisaloon League, Milwaukee, Wis., favoring the speedy passage of the Webb-Sheppard-Kenyon bill; to the Committee on the Judiciary.

By Mr. FORNES: Petition of U. T. Hungerford Brass & Copper Co., New York, N. Y., in opposition to the passage of legislation which would prohibit vessels owned by railroad corporations from using the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Enameled Brick & Tile Co., of New York City, N. Y., against passage of the anti-injunction bill, and of James T. Coughlin, of New York City, N. Y., against changing laws bearing on manufactured articles; to the Committee on the Judiciary.

Also, petition of Jewish Community and Socialist Party, Branch No. 4, and the Workmen's Circle of New York City, N. Y., against passage of the Dillingham bill (S. 3175) for literacy test of immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the United Polish Societies, Brooklyn, N. Y., opposing the passage of any measure containing the literacy test; to the Committee on Immigration and Naturalization.

By Mr. FOSS: Petitions of G. Mergz & Son and John W. Werhn, Chicago, Ill., favoring passage of House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

By Mr. FULLER: Petition of J. M. Huff and other citizens of Belvidere, Ill., favoring the passage of the Hamilton bill (H. R. 17222), to regulate the interstate transportation of immature calves; to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Heating & Supply Co., Rockford, Ill., opposing the passage of House bills 23192 and 23193; to the Committee on Patents.

Also, petition of L. H. Burkart and other citizens of Rockford, Ill., favoring passage of House bill 22339, the anti-Taylor system bill; to the Committee on the Judiciary.

By Mr. GARRETT: Papers to accompany bill for the relief of Mary U. Westmon's land; to the Committee on War Claims.

By Mr. GOULD: Petition of members of China Grange and Local Assembly, No. 1555, Knights of Labor, of Hallowell, Me., favoring passage of House bill 19133, for postal-express service; to the Committee on Interstate and Foreign Commerce.

By Mr. GOLDFOGLE: Petition of P. T. Rowe, bishop of Alaska, relative to the condition of the natives; to the Committee on the Territories.

Also, petitions of the Geo. F. Blake Manufacturing Co., East Cambridge, Mass., and the Snow Steam Pump Works, Buffalo, N. Y., protesting against legislation to prohibit the use of the Panama Canal by steamship companies in which railroads are interested; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Deam Steam Pump Co., Holyoke, Mass., protesting against legislation which would prohibit vessels owned by railroad corporations from using the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Power & Mining Machinery Co., Cudahy, Wis., protesting against legislation which would prohibit vessels owned by railroad corporations from using the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. HARTMAN: Petition of the Polish American Societies of the State of Pennsylvania, against passage of bill for literacy test; to the Committee on Immigration and Naturalization.

By Mr. HAMLIN: Resolution of the Metropolitan Baptist Church, of Washington, D. C., relative to Senate bill known as the Jones excise bill; to the Committee on the District of Columbia.

By Mr. KAHN: Petition of the Willamette Pulp & Paper Co., San Francisco, Cal., opposing reduction in appropriation for fighting forest fires; to the Committee on Appropriations.

Also, petition of Hon. J. B. Curtin, Sonora, Cal., submitting senate joint resolution 6, California Legislature, relative to flood-water canal for San Joaquin River; to the Committee on Rivers and Harbors.

Also, petition of Hale Bros. (Inc.), San Francisco, Cal., favoring bill for retention of Tariff Board; to the Committee on Appropriations.

By Mr. KINNEY: Petition of residents of Rock Island, Ill., favoring passage of the anti-Taylor system bills; to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of the Order of Railway Conductors, Division No. 54, of New York City, favoring passage of House bill 20487, a Federal accident compensation bill; to the Committee on the Judiciary.

Also, petition of the Kaufmann & Strauss Co., of New York City, N. Y., against passage of the Webb interstate liquor bill (H. R. No. 17593); to the Committee on the Judiciary.

Also, petition of the Rochester Chamber of Commerce, Rochester, N. Y., favoring passage of 1-cent letter rate (H. R. 17736); to the Committee on the Post Office and Post Roads.

Also, petition of the Central Federated Union, New York City, N. Y., favoring passage of the Hughes eight-hour bill (H. R. 9061) and House bill 22339 and Senate bill 6172, to regulate the method of directing the work of Government employees; to the Committee on Labor.

Also, petition of the Yarn Agency and the American Thread Co., of New York City, N. Y., favoring prompt passage of House bill 309, for assistance needed in district producing cotton; to the Committee on Rivers and Harbors.

By Mr. LOUD: Petition of the president of St. Stanislaus Society, the president of St. Michael Society, the president of Kosciusko Political Club, and the pastor of St. Mary's Church, of Gaylor, Mich., against passage of educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. McKINNEY: Petition of the Military Tract Live Stock Shippers' Association of Illinois, protesting against the passage of House resolution 512, relating to the inspection and destruction of diseased cattle; to the Committee on Agriculture.

By Mr. MOORE of Pennsylvania: Petition of Keystone Lodge, No. 129, and of Independent Order B'rith Abraham, of Philadelphia, Pa., in opposition to the Burnett bill; to the Committee on Immigration and Naturalization.

Also, petition of Philadelphia Star Lodge, No. 105, Independent Order B'rith Sholom, Philadelphia, Pa., in opposition to the literacy test; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of cotton buyers and brokers of New England, against adoption of Covington amendment to the Panama Canal bill regulating the passage of vessels through the canal; to the Committee on Interstate and Foreign Commerce.

By Mr. RUCKER of Colorado: Petition of L. F. Spratlen and others, of Denver, Colo., against extension of parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of Edward Plucheck and others, of Colorado, favoring passage of House bill 14; to the Committee on the Post Office and Post Roads.

By Mr. SABATH: Petition of Chicago Grocers' Exchange, favoring the 1-cent letter rate (H. R. 17736); to the Committee on the Post Office and Post Roads.

Also, petition of the National Progresista Party, Manila, P. I., relative to the freeing of the Philippine Islands; to the Committee on Insular Affairs.

By Mr. SMITH of New York: Petition of governing board, American Federation of Labor, and the International Association of Machinists, of Buffalo, N. Y., favoring the passage of House bill 22339; to the Committee on the Judiciary.

Also, petition of the Lake Seamen's Union of Buffalo, N. Y., favoring passage of House bills 11372 and 23673, to compel steamships to carry efficient deck crews and sufficient number of lifeboats; to the Committee on the Merchant Marine and Fisheries.

By Mr. J. M. C. SMITH: Petition of citizens of Michigan, against passage of anti-injunction bills; to the Committee on the Judiciary.

Also, papers accompanying bill granting increase of pension to James M. Fink, of Hillsdale County, State of Michigan, late private in Company H, Sixteenth Ohio Volunteer Infantry, Fifteenth Army Corps, Army of Tennessee; to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of Joseph Frandt, of Canajoharie, N. Y., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Yarn Agency and the American Thread Co., of New York, N. Y., favoring passage of House bill 309, assistance for district producing cotton; to the Committee on Rivers and Harbors.

Also, petition of John B. Clark, of New York, N. Y., favoring passage of bill to establish an international commission on cost of living; to the Committee on Foreign Affairs.

Also, petition of Kaufmann & Strauss Co., of New York, N. Y., against passage of Webb interstate liquor bill (H. R. 17593); to the Committee on the Judiciary.

Also, petition of the Committee of Wholesale Grocers of New York, N. Y., favoring reduction of duties on raw and refined sugars, and of Henry W. Horstmann, of New York, N. Y., favoring passage of Senate bill 6103 and House bill 22766, prohibiting use of trading coupons; to the Committee on Ways and Means.

Also, petition of C. W. Leavitt & Co., of New York, N. Y., relative to reduction in tariffs; to the Committee on Ways and Means.

By Mr. WOOD of New Jersey: Petition of the Presbytery of Elizabeth, N. J., favoring the passage of an effective interstate-commerce law to prevent the shipment of intoxicating liquors into prohibition territory; to the Committee on the Judiciary.

SENATE.

TUESDAY, *May 7, 1912.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Thursday, May 2, 1912, when, on request of Mr. MCCUMBER and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

GENERAL PENSION LEGISLATION.

Mr. MCCUMBER. Mr. President, before the morning business begins, I ask leave to submit a conference report on the disagreeing votes of the two Houses upon the amendments of the Senate to House bill No. 1.

The PRESIDENT pro tempore. Does the Senator from North Dakota ask for its present consideration?

Mr. MCCUMBER. I ask for its present consideration.

Mr. BRISTOW. Mr. President, I suggest the absence of a quorum, in order that more Senators may be here when the report is read.

The PRESIDENT pro tempore. The Senator from Kansas suggests the absense of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Lea	Sanders
Bacon	Curtis	Lodge	Simmons
Borah	Davis	McCumber	Smith, Ariz.
Bourne	Fall	Martine, N. J.	Smith, Ga.
Brandegee	Gallinger	Myers	Smoot
Bristow	Gardner	Nelson	Sutherland
Brown	Gronna	Nixon	Swanson
Burnham	Guggenheim	O'Gorman	Thornton
Burton	Hitchcock	Owen	Tillman
Chilton	Johnson, Me.	Page	Townsend
Clark, Wyo.	Johnston, Ala.	Perkins	Warren
Clarke, Ark.	Jones	Pomerene	Williams
Crane	Kenyon	Richardson	Works
Culberson	Kern	Root	

Mr. MARTINE of New Jersey. I was requested to announce that the Senator from South Carolina [Mr. SMITH] is detained at home owing to illness in his family.

Mr. JONES. My colleague [Mr. POINDEXTER] is detained from the Chamber by important business.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. A quorum is present. The Senator from North Dakota submits a privileged report, which will be read.

The Secretary read as follows (S. Doc. No. 645):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"SECTION 1. That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of 62 years and served 90 days, $13 per month; 6 months, $13.50 per month; 1 year, $14 per month; 1½ years, $14.50 per month; 2 years, $15 per month; 2½ years, $15.50 per month; 3 years or over, $16 per month. In case such person has reached the age of 66 years and served 90 days, $15 per month; 6 months, $15.50 per month; 1 year, $16 per month; 1½ years, $16.50 per month; 2 years $17 per month; 2½ years, $18 per month; 3 years or over, $19 per month. In case such person has reached the age of 70 years and served 90 days, $18 per month; 6 months, $19 per month; 1 year, $20 per month; 1½ years, $21.50 per month; 2 years, $23 per month; 2½ years, $24 per month; 3 years or over, $25 per month. In case such person has reached the age of 75 years and served 90 days, $21 per month; 6 months, $22.50 per month; 1 year, $24 per month; 1½ years, $27 per month; 2 years or over, $30 per month. That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor by reason thereof, or who from disease or other causes incurred in line of duty resulting in his disability is now unable to perform manual labor, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to length of service or age.

"That any person who has served 60 days or more in the military or naval service of the United States in the War with Mexico and has been honorably discharged therefrom, shall, upon making like proof of such service, be entitled to receive a pension of $30 per month.

"All of the aforesaid pensions shall commence from the date of filing of the applications in the Bureau of Pensions after the passage and approval of this act: *Provided*, That pensioners who are 62 years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent

any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *Provided further*, That no person who is now receiving or shall hereafter receive a greater pension, under any other general or special law, than he would be entitled to receive under the provisions herein shall be pensionable under this act.

"SEC. 2. That rank in the service shall not be considered in applications filed hereunder.

"SEC. 3. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this act, except in applications for original pension by persons who have not heretofore received a pension.

"SEC. 4. That the benefits of this act shall include any person who served during the late Civil War, or in the War with Mexico, and who is now or may hereafter become entitled to pension under the acts of June 27, 1890, February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906, or the acts of January 29, 1887, March 3, 1891, and February 17, 1897.

"SEC. 5. That it shall be the duty of the Commissioner of Pensions, as each application for pension under this act is adjudicated, to cause to be kept a record showing the name and length of service of each claimant, the monthly rate of payment granted to or received by him, and the county and State of his residence; and shall at the end of the fiscal year 1914 tabulate the record so obtained by States and counties, and shall furnish certified copies thereof upon demand and the payment of such fee therefor as is provided by law for certified copies of records in the executive departments."

And the Senate agree to the same.

Amend the title so as to read: "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico."

P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

ISAAC R. SHERWOOD,
JOHN A. M. ADAIR,
Managers on the part of the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the conference report? The Chair hears none. The question is on agreeing to the conference report.

Mr. MCCUMBER. Mr. President, I think it quite proper, before adopting the report, that I should make a statement to the Senate indicating what has been done by the conferees.

The annual increase to the pension appropriation bill, under H. R. No. 1, as it passed the House, was $75,651,548.

The annual increase to the pension appropriation bill under the Senate amendment to the House bill was $24,112,578.

The average increase per year for five years under the House bill was approximately $56,500,000.

The average increase per year for five years under the Senate amendment was approximately $20,400,000.

The conference committee increased the Senate amendment by $1,685,000, making the annual additional cost, approximately, $25,798,000, or an annual average increase for each year for five years of $22,000,000.

It is probable that Senators desire at this time to know exactly what the appropriation bill will have to carry in additional amounts to meet the new provisions of the pension law. After the conferees had agreed, I wrote to the Commissioner of Pensions to obtain new figures upon the estimated cost of this bill as modified by them for the five ensuing years, giving the amounts of additional cost each year. I will ask that the letter may be read by the Secretary.

The PRESIDENT pro tempore. The letter will be read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, May 6, 1912.

Hon. P. J. MCCUMBER,
Chairman Committee on Pensions, United States Senate.

MY DEAR SENATOR: Replying to your personal request of this date relative to the cost of the bill H. R. 1, as agreed to by the conferees (entitled "An act granting pensions to certain enlisted men, solders and officers, who served in the Civil War and the War with Mexico"), I have the honor to advise you that the approximate increase in the annual value of the pension roll thereunder as estimated by this bureau is $25,797,702. The number of beneficiaries is estimated at 420,965, and the average annual increase per pensioner is $61.28. The approximate increase in disbursements for pensions under this bill is estimated as follows:

First year	$12,000,000
Second year	35,000,000
Third year	23,000,000
Fourth year	21,000,000
Fifth year	19,000,000

The average increase per year for the first five years is $22,000,000.

Very respectfully,

J. L. DAVENPORT, *Commissioner.*

Mr. MCCUMBER. I submit a table herewith showing the amount of pension which would be received by the survivors at the several ages and for the several lengths of service during the war. Where any column in this table contains two numbers, the lower number is the measure of pension which the soldier would receive under the Senate amendment, and the upper number is the amount he will receive under the conference agreement. I ask that the table may be inserted in the RECORD.

The PRESIDENT pro tempore. Without objection, that order will be made.

The table referred to is as follows:

Age.	90 days.	6 months.	1 year.	1½ years.	2 years.	2½ years.	3 years.
62.....	$13.00	$13.50	$14.00	$14.50	$15.00	$15.50	$16.00
66.....	15.00	15.50	16.00	16.50	17.00	18.00 / 17.50	19.00 / 18.00
70.....	18.00	19.00	20.00	21.50 / 21.00	23.00 / 22.00	24.00 / 23.00	25.00 / 24.00
75.....	21.00	22.50	24.00	27.00 / 25.50	30.00 / 27.00	30.00 / 28.50	30.00 / 30.00

Mr. MCCUMBER. A glance at the table will show that the only changes made by the conferees were changes that involved the amounts of pensions of those of advanced years or of longer service. I will give to the Senate at this time the increases. There were no increases whatever to those between 62 and 66 years of age. There were no changes in the amounts that would be received by the soldier who had attained the age of 66 years and who had served less than two and one-half years. Under the Senate amendment the soldier 66 years of age who had two and a half years of service would receive $17.50 a month. The conferees increased this 50 cents a month, making it $18. The soldier of the same age who had served three years under the Senate amendment would receive $18 per month and under the conference report $19 per month, or an increase of $1 per month. The soldier who had reached the age of 70 years and who had served one and a half years under the Senate amendment would receive $21 per month; under the conference report he would receive $21.50 per month, or an increase of 50 cents. On two years' service, under the Senate bill, he would receive $22 per month; under the conference report, $23 per month, or an increase of $1 per month.

Under the Senate amendment he would receive for two and one-half years' service $23 per month; under the conference report $24 per month, or an increase of $1 per month. For three years' service and over, under the Senate amendment, he would receive $24 per month; under the conference report $25 per month, or an increase of $1 per month. The soldier who has attained the age of 75 years, and who has had one and one-half years' service, under the Senate amendment would be entitled to receive $25.50 per month; under the conference report for one and one-half years' service he would receive $27 per month, or an increase of $1.50 per month. For two years' service, under the Senate amendment, he would receive $27 per month; under the conference report $30 per month. The $30 per month, Mr. President, is the greatest amount that is allowed any soldier, and therefore $30 would be received by the 75-year-old soldier who had served two years, under the conference report, whereas he would have had to serve three years in order to have received the $30 under the Senate amendment.

These are the only changes in amounts. As heretofore shown, this report increases the Senate amendment $1,685,000 per annum, or it would make an average annual increase of about $1,400,000 for the five succeeding years.

I think, Mr. President, it is proper at this time to explain the reasons which actuated the conference committee in agreeing to other amendments and in receding from one of the Senate provisions. Section 4 of the bill as it passed the Senate provided as follows:

That the Commissioners of Pensions shall make, at the time of submitting his next annual report, a separate report for each county of each State, Territory, or District, containing a statement or table which shall contain the names, lengths of service, monthly rates of payment, and residences, of all pensioners of the United States; and shall thereafter, as said annual reports are submitted, make separate reports similar in all respects, except that such subsequent reports shall contain only those added to the pension roll during the fiscal year for which each annual report is made.

Mr. President, the impossibility of making the report called for in this section within the time therein mentioned, namely, at the time of the making of the annual report for 1912, will be apparent to anyone upon second thought. The expense and delay to the business of the bureau will appear from the reading of the letter from the Secretary of the Interior of date April 12, 1912, which I ask to have read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 12, 1912.

Hon. P. J. MCCUMBER,
Chairman Committee on Pensions,
United States Senate.

SIR: I have the honor to acknowledge receipt of your inquiry of the 5th instant relative to section 4 of H. R. No. 1, as amended by the Senate, in which it is provided that the Commissioner of Pensions shall make, at the time of submitting his next annual report, a separate report for each county of each State, Territory, or district, containing a statement or table giving the names, lengths of service, monthly rates of payment, and residences of all pensioners of the United States.

The Commissioner of Pensions advises me that it is probable that more than 400,000 claims will be filed under this bill (should it become a law) within a year after its enactment; and that to adjudicate these claims and keep the regular work of the bureau current the services of the entire clerical force of the bureau will be required for at least two years—even if he be not required to submit a list of the pensioners on the roll with the information called for in this section.

The commissioner further advises me that to furnish the list of pensioners with the data asked for in this section, at the time of submitting his next annual report, the services of practically the entire available force of the Bureau of Pensions will be required for from two to three months in its preparation. He states that it will be necessary to withdraw from the files of the bureau the papers in nearly 600,000 individual pension cases, and to make a careful examination of the reports of the War or Navy Department in each case in order to determine the length of service rendered. This requirement applies to all the survivors of the Civil War on the pension roll, as well as those who served in the War with Mexico, the Spanish War, the Regular Army and Navy, and the various Indian wars. The work of adjudicating the claims filed under this bill can not be carried on while an investigation is being made of the same cases to determine the length of service. This section will therefore require a practical suspension of the adjudication of claims under the bill for some three months.

However, if the requirement as to length of service be omitted, all the other data required by this section may be obtained from the records of the pension agencies without the examination of any of the cases in the files of the Bureau of Pensions. Omitting length of service, it is believed that the other data could be furnished by the pension agencies with a slight additional force of temporary clerks within 30 days and with no serious interference with the settlement of the new claims filed under this bill.

The Commissioner of Pensions advises me that it would entail very little extra expense to prepare a list for publication at the close of each fiscal year, said list to contain the names, lengths of service, monthly rates of payment, and residences of all pensioners in the case of all first allowances under this bill, and that such a list in two-years' time would contain practically all the survivors of the Civil War. Provision might then be made to furnish a statement giving the same data relative to all other pensioners on the roll, which would thus complete the entire pension roll.

It must be remembered that such a list published at the close of the present fiscal year would contain the present rates of pension, while under this bill the rates of nearly all the survivors of the Civil War will have been increased in accordance with the provisions of the bill.

For these reasons it would appear to be advisable that this section be modified to omit the length of service, or that provision be made for the publication at the close of each fiscal year of a list containing the names, lengths of service, monthly rates of payment, and residences of all pensioners to whom first allowances have been made under this bill; or that the preparation of the entire list be postponed until the close of the fiscal year 1914, by which time all the claims under this bill will have been disposed of, the rates of pension adjusted in accordance therewith, and the lengths of service ascertained in all such cases.

Very respectfully,

SAMUEL ADAMS, *Acting Secretary.*

Mr. McCUMBER. Mr. President, it will be observed from this letter from the department that to adjudicate the claims under this bill and to keep the work current in the Pension Bureau the services of the entire force of the bureau would be required for at least two years, even though no other work was imposed upon them. So that, if we attempted to get the data within the time prescribed, we would necessarily delay the work of adjudicating the pension claims that would be filed under the bill.

It will also be observed that the whole available force would be required three months in order to get the data, even though they did nothing else in the work of the Pension Bureau; in other words, it would be impossible to get the data within the time required under the bill, though every clerk in the Pension Bureau should be put to work upon that matter, as about 600,000 cases would have to be examined in the Pension Bureau and data would also have to be obtained from the War Department in that many cases.

This would operate as a suspension of all other business. And even though it were possible to secure it in time, it would be inaccurate as to the rates of pension, because the figures would have to be based upon the pension received under the present law, whereas such figures would have to be changed in probably over 400,000 cases in the next two years to conform to the facts. Hence the information would be wholly inaccurate and not what the Senate desired to secure by its amendment.

Both length of service and the amount of pension are material matters in this section. Therefore to effectuate the purpose sought to be obtained by the Senate provision within a reasonable time, without delay to other business, the conferees agreed to section 5 of the bill as reported by the conferees, which is as follows:

That it shall be the duty of the Commissioner of Pensions, as each application for pension under this act is adjudicated, to cause to be kept a record showing the name and length of service of each claimant, the monthly rate of payment granted to or received by him, and the county and State of his residence, and shall, at the end of the fiscal year 1914, tabulate the record so obtained by States and counties, and shall furnish certified copies thereof upon demand and the payment of such fee therefor as is provided by law for certified copies of records in the executive departments.

By this substitute we shall be able at the end of two years to secure accurate data, which will be open to the public, and which can be obtained, in whole or in part, upon the demand of of any person.

Again, Mr. President, section 4 of the Senate amendment also provided:

And that no person shall receive a pension under this act who is or shall be in receipt of an income of $2,400 per year.

The Senate conferees receded from this provision. A letter from the Secretary of the Interior of date April 12, explaining the effect of this provision, seemed to justify the Senate conferees, in order to secure an agreement, in abandoning this amendment. I will ask the Secretary to read the letter.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 12, 1912.

Hon. P. J. MCCUMBER,
Chairman Committee on Pensions, United States Senate.

SIR: I have the honor to acknowledge receipt of your inquiry of the 5th instant in connection with the bill H. R. No. 1, as amended by the Senate, wherein it is provided that no person shall receive a pension under this act who is or shall be in receipt of an income of $2,400 per year.

The Commissioner of Pensions advises me that under this provision it will be necessary that evidence be furnished by every applicant under the bill—should it be enacted into law—showing the amount of his annual income. He further advises me that it will also be necessary to call for corroborative proof in support of the claimant's allegations as to his income in each claim filed. Upon receipt of the evidence filed in response to the requirements it will be necessary to make a careful examination of the same to determine whether the requirements have been met, and in many cases additional evidence will be necessary to reconcile discrepancies or to supply omissions therein.

It is the opinion of the Commissioner of Pensions that this provision in the bill, if retained, will reduce the number of certificates which the bureau would otherwise be able to issue under this act by about one-third; that is, that one-third less certificates can be issued in the same length of time with the income clause retained than could be issued were that clause omitted. Without such a provision it was estimated that it would require about two years to adjudicate all claims which would be filed under this bill. It is believed, therefore, that it would require about one-third longer or three years to adjudicate all claims if this clause be retained.

It seems probable, as you state, that not to exceed 2 per cent of the veterans of the Civil War are in receipt of an annual income of $2,400, and therefore that the number of survivors who would be excluded from the benefits of the bill under the income clause would be about 9,000. The average increase per pensioner under this bill is $57.27. The annual increase to which these 9,000 would otherwise be entitled is $515,430, which would, of course, reduce the annual cost of this bill by that amount.

The Commissioner of Pensions is of the opinion that it will be necessary for him to assign between 200 and 300 clerks, who are now engaged upon other work, to the adjudication of claims under this bill in addition to the regular examining force of the bureau. The additional administrative expense in ascertaining the income of all applicants under said section, in view of the fact that the services of such clerks on that particular line of work will be required for one year longer than otherwise, and that quite a large number of the claims must necessarily be referred to the field for special examination, is estimated at about $500,000. This is not the increase per annum, but the entire increase in the cost of administration in connection with the cost of the bill with the income clause retained, while the reduction in the cost of pensions which would result therefrom is about $515,430 per annum.

Very respectfully,

SAMUEL ADAMS,
Acting Secretary.

Mr. McCUMBER. Mr. President, reduced to two simple propositions, this letter shows that it would cost as much to the Government of the United States to enforce that provision as it would be able to save under that provision; and, second, it would require an extra year in the adjudication of the claims of soldiers who file under this law. During that period possibly 45,000 soldiers would pass away, who would be deprived of their pension during the last year of their lives. Therefore the conferees on the part of the Senate receded from that provision of the bill.

Mr. President, there was a defect in the wording of the February 6, 1907, law which was not cured by an amendment to that law, but which was cured by a provision in the pension

appropriation bill of 1907. This provision, which has been inserted by the conferees as section 4, provides as follows:

That the benefits of this act shall include any person who served during the late Civil War, or in the War with Mexico, and who is now or may hereafter become entitled to pension under the acts of June 27, 1890, February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906, or the acts of January 29, 1887, March 3, 1891, and February 17, 1897.

The amendment, as it passed the Senate, provided that the act was to be an amendment of the act of February 6, 1907. The conferees agreed that, in order to avoid any possible construction that this act should be deemed to repeal the act of February 6, 1907, that the provision declaring it to be an amendment should be stricken out and that the new act should be considered merely as granting the right to additional and increased pensions to such as desired to take advantage of it, and those who do not desire so to do will still be receiving their pensions under the old law.

As this bill originated in the House, it might be called a purely service-pension bill, and hence the title "An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico" was appropriate. The Senate amendment destroyed the purely service character of the House bill, and therefore the committee of conference agreed to amend the title so as to read:

An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico.

Mr. President, as shown in the last letter from the Commissioner of Pensions, this act will give an average annual increase to each soldier and sailor of the Civil War, over and above his present pension, of $61.28. This sum, however, represents only an average. As a matter of fact, the annual increase to the older veterans will be very much more than that amount; and all of the younger veterans will have the consolation of knowing that as advancing age decreases their ability to labor and increases their wants there will be awaiting them an increase in pension to at least partially meet their requirements.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

Mr. BRISTOW. Mr. President, all of us have a great many inquiries for information as to this bill, and I ask that of the concise statement which has just been submitted by the chairman of the committee 5,000 copies be printed as a public document (S. Doc. No. 645) for the use of the Senate.

The PRESIDENT pro tempore. The Senator from Kansas moves that 5,000 copies of the statement just made by the Senator from North Dakota be printed as a public document.

Mr. SMOOT. I want to suggest to the Senator that his request should be that they shall be for the use of the Senate. If he requests that 5,000 copies be printed as a public document for the use of the document room or for the use of the Senate, then they will go to our document room.

Mr. BRISTOW. I did say for the use of the Senate.

Mr. SMOOT. I did not catch that part of the request.

The PRESIDENT pro tempore. Without objection, the request will be granted.

Mr. BRISTOW. I also ask that the bill be printed as a part of the document.

The PRESIDENT pro tempore. Without objection, that order will be made.

ENROLLED BILL SIGNED.

The PRESIDENT pro tempore announced his signature to the enrolled bill (H. R. 23774) providing an appropriation to check the inroads of the Missouri River in Dakota County, Nebr., which had previously been signed by the Speaker of the House of Representatives.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18335) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18337) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18954) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18955) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 275. An act to make the special examiner of drugs, medicines, and chemicals an assistant appraiser at the port of Boston;

S. 3160. An act to establish Holeb, Me., a subport of entry in the customs collection district of Bangor, Me., and for other purposes;

S. 4245. An act to increase the limit of cost of the additions to the public building at Salt Lake City, Utah; and

S. J. Res. 90. Joint resolution to authorize Capt. John W. Gulick, United States Army, to accept a position under the Government of the Republic of Chile.

The message also announced that the House had passed the following bills, with amendments, in which it requested the concurrence of the Senate:

S. 267. An act providing for assisting indigent persons, other than natives, in the District of Alaska;

S. 1524. An act to authorize the construction and maintenance of a dam or dams across the Kansas River, in western Shawnee County, or in Wabaunsee County, in the State of Kansas;

S. 5060. An act to provide for the disposal of the unallotted land on the Omaha Indian Reservation, in the State of Nebraska; and

S. 6167. An act to authorize the Williamson & Pond Creek Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, Mingo County, W. Va.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 10648. An act amending an act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with the Indian tribes, and to protect the same;"

H. R. 16461. An act to regulate the judicial procedure of the courts of the United States;

H. R. 16689. An act legalizing certain conveyances heretofore made by the Union Pacific Railroad Co.;

H. R. 20480. An act excepting certain lands in Lawrence and Pennington Counties, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled

"An act to provide for the entry of agricultural lands within forest reserve;"

H. R. 20738. An act for the transfer of the so-called Olmstead lands, in the State of North Carolina, from the Solicitor of the Treasury to the Secretary of Agriculture;

H. R. 21481. An act providing for the sale of the old marine-hospital site at Ocracoke, N. C.;

H. R. 21590. An act to authorize levee and drainage district No. 25, of Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River, and to construct and maintain a levee across the mouth of the Varney River, in the State of Missouri;

H. R. 22204. An act granting a right of way to the Panama-Pacific International Exposition Co. across Fort Mason Military Reservation in California;

H. R. 22731. An act to extend the time for the construction of a dam across the Pend Oreille River, Wash.;

H. R. 23407. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Lavisa Fork of the Big Sandy River;

H. R. 23570. An act to authorize the coinage of 3-cent pieces and one-half-cent pieces, and for other purposes;

H. R. 23626. An act to appropriate $300,000, or so much thereof as may be necessary, to equip all Army transports with all lifeboats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports, and the crew of said transports;

H. J. Res. 66. Joint resolution extending the time for making final report by commission authorized by the joint resolution entitled "Joint resolution to authorize the appointment of a commission in relation to universal peace," approved June 25, 1910; and

H. J. Res. 299. Joint resolution proposing an international maritime conference.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of sundry citizens of Joseph, Oreg., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Presbytery of Morris and Orange, in the State of New Jersey, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. NELSON presented memorials of sundry citizens of Ada, Minn., remonstrating against the passage of the so-called Lever bill in so far as it applies to grain, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry business firms of Minneapolis, Minn., praying for the enactment of legislation to prohibit the use of trading stamps, which was referred to the Committee on Finance.

He also presented a petition of Pascack Grange, No. 141, Patrons of Husbandry, of Park Ridge, N. J., praying for the enactment of legislation to regulate the sailing of passenger vessels leaving American ports, which was referred to the Committee on Commerce.

Mr. BURNHAM presented petitions of Pequawket Grange, of North Conway, of Hillsboro County Grange, of Bedford, and of Lamprey River Grange, of Newmarket, all of the Patrons of Husbandry, in the State of New Hampshire, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Mount Gardner Grange, No. 218, Patrons of Husbandry, of Woodsville, N. H., remonstrating against the adoption of certain amendments to the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Division No. 335, Order of Railway Conductors, of Concord, N. H., praying for the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

He also presented a memorial of sundry New England cotton manufacturers, remonstrating against the adoption of the Covington amendment to the Panama Canal bill, which was referred to the Committee on Interoceanic Canals.

Mr. WORKS. I present a telegram, in the nature of a memorial, remonstrating against the passage of the Owen medical bill. I ask that the telegram lie on the table and be printed in the RECORD without reading.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

CHICAGO, ILL., *April 29, 1912.*

Hon. JOHN D. WORKS, *Washington, D. C.:*

During 20 years I have had to take cognizance of frequent efforts to secure additional so-called health legislation, mostly in the eastern States and cities. Never once has this been asked for by the people, either by way of protection or otherwise, but always by physicians seeking greater monopoly in the healing art. The Owen bill, at present pending before Congress, is the most glaring specimen of this sort of class legislation that I have ever seen, and it is so utterly un-American that it should be defeated, especially because of the fact that, on the fact of defeat, the American Medical Association has now undertaken to secure large numbers of signatures to petition for favorable action by Congress upon their monopolistic pretentions.

GEO. H. KINLER.

Mr. WORKS presented memorials of Local Union No. 60, Farmers' Educational and Cooperative Union of America, of Los Gatos, and of sundry citizens of Long Beach, Los Angeles, Pasadena, and Redlands, all in the State of California, and a memorial of the United Trades and Labor Council, of Pittsburg, Kans., remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also presented a memorial of the Wholesalers' Board of Trade of San Diego, Cal., remonstrating against the enactment of legislation to prohibit the towing of log rafts in the open sea, which was referred to the Committee on Commerce.

Mr. CULLOM presented petitions of sundry citizens of Rock Island and Moline, in the State of Illinois, praying for the enactment of legislation to regulate the method of directing the work of Government employees, which were ordered to lie on the table.

He also presented a memorial of the Chicago Association of Commerce, of Illinois, remonstrating against the discontinuance of the Bureau of Manufactures, which was referred to the Committee on Manufactures.

He also presented resolutions adopted by the Brown County Medical Society, of Illinois, favoring the establishment of a department of public health, which were ordered to lie on the table.

He also presented a petition of members of the Woman's Christian Temperance Union of Washington, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BRISTOW presented a petition of sundry citizens of Arkansas City, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the North Solomon Congregation of the Church of the Brethren, of Solomon, Kans., praying for the passage of the so-called Kenyon "red-light" injunction bill, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Scott, Taft, Tweed, Healy, and Manning, all in the State of Kansas, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the North Solomon Congregation of the Church of the Brethren, of Solomon, Kans., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling odds and bets, which was referred to the Committee on the Judiciary.

He also presented a petition of the North Solomon Congregation of the Church of the Brethren, of Solomon, Kans., praying for the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the North Solomon Congregation of the Church of the Brethren, of Solomon, Kans., praying that an appropriation be made for the suppression of the white-slave traffic, which was referred to the Committee on Appropriations.

He also presented a petition of the North Solomon Congregation of the Church of the Brethren, of Solomon, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and ships, which was referred to the Committee on Public Buildings and Grounds.

Mr. KENYON presented memorials of sundry citizens of Oskaloosa, Fairfield, Burlington, Independence, Dubuque, Iowa City, Denison, and Belle Plaine, all in the State of Iowa, remonstrating against the establishment of a national bureau of health, which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Shenandoah, Iowa, praying for the enactment of legislation to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of College Springs, Iowa, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Iowa, praying for the enactment of legislation to regulate the inter-

state transportation of intoxicating liquor, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND. I present numerous memorials signed by citizens of Michigan, remonstrating against the passage of Senate bill No. 1, known as the Owen bill, providing for the creation of a national bureau of health. I move that the memorials lie on the table.

The motion was agreed to.

Mr. TOWNSEND presented a petition of sundry citizens of Adrian, Mich., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. JONES. I present a telegram in the nature of a memorial, remonstrating against the Owen medical bill. I ask that the telegram lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

TACOMA, WASH., *May 5, 1912.*

Senator WESLEY L. JONES,
Washington, D. C.:

In the State meeting of the Mothers' Congress of Parent-Teachers' Association here yesterday a motion to indorse the Owen health department bill was overwhelmingly defeated. Debate preceding vote showed keen appreciation of danger underlying the bill.

CHAS. F. KRAFT.

Mr. JONES. I present a number of telegrams and letters signed by several hundred citizens of the State of Washington, remonstrating against the Owen medical bill. I ask that the telegrams and letters lie on the table and that the signatures be noted in the RECORD.

There being no objection, the telegrams and letters were ordered to lie on the table and the signatures to be printed in the RECORD, as follows:

From Sophie A. Berbee, of Bellingham; from B. H. Rotchkin, of Wenatchee; from H. B. Drisko, of South Bellingham; from George N. Tuesley, of North Yakima; from Charles E. Cutter, of North Yakima; from H. F. Morse, president Washington Osteopathic Association, of Wenatchee; from F. K. Reilly, of Anacortes; from S. B. Irish, of Bellingham; from Charles Adams, of Colville; from Mrs. Michael Earles, of Seattle; from C. P. Tatro, of Seattle; from James F. Zediker, of North Yakima; from J. A. Falconer, of Everett; from Edd A. Beekman, of North Yakima; from Henry Rush and sundry other citizens of Seattle; from Ellen M. Walthew and sundry other citizens of North Yakima; from Mrs. L. Robinson and sundry other citizens of Puyallup; from P. J. Church and sundry other citizens of Seattle; from Dora Campbell and 336 other citizens of Seattle; from Charles W. Littlefield, chairman Washington State committee, the National League for Medical Freedom; and of C. G. Billings and 10 other citizens of Wenatchee, all in the State of Washington.

Mr. JONES. I also present a number of telegrams and letters in favor of the Owen medical bill. I ask that the telegrams and letters lie on the table and that the signatures thereto be noted in the RECORD.

There being no objection, the telegrams and letters were ordered to lie on the table and the signatures to be noted in the RECORD, as follows:

From Mrs. O. G. Ellis, chairman Food Sanitation Committee, Washington State Federated Clubs, of Olympia; from E. F. Chase, secretary Yakima County Medical Society, of North Yakima; from R. W. Perry, president King County Medical Society, of Seattle; from W. W. Mackenzie, president Spokane County Medical Society, of Spokane; from Russ Banks, secretary Lewis County Medical Society, of Centralia; from Harriet J. Clark, of Seattle; from Mildred Purman, of Seattle; from Stuart Wilson, of Tacoma; from Dr. Dean and Dr. Burdon, of Seattle; from E. M. Carr, of North Yakima; from Mrs. G. N. McLoughlin, of Seattle; from H. E. Cline, of Seattle; from W. W. Seymour, of Tacoma; from E. W. Bender, of Tacoma; from John W. Stevenson, president Whitman County Medical Association, of Palouse; from J. Thomas Dowling, of Seattle; from E. E. Shaw, of Walla Walla; from L. B. Collier, of Seattle; from C. S. Kalb, of Spokane; from J. B. Kinne, of Aberdeen; from Maude Farrer, of Seattle; from George A. Gray, of Spokane; from J. A. Bline, of Walla Walla; from C. W. Bates, of Kelso; from John C. Sundberg, of Seattle; from C. W. Lane, of Miles; from Park Weed Willis, of Seattle; from Orange Edwards, of Seattle; from C. E. Eaton, of Columbia Station, Seattle; from John W. Wilkins, of Seattle; from N. P. Wood, of Seattle; from Hamilton Stillson, of Seattle; from W. F. Cunningham, of Seattle; from Edward A. Rich, of Tacoma; from Arthur C. Johnson, of Spokane; from W. N. Hunt, of Burlington; from J. W. Sherfey, of Washtucna; from G. B. Kuykendall, of Pomeroy; from E. F. Chase, secretary Yakima County Medical Society, of North Yakima; from E. D. Sutton, of Tacoma; from J. Earl Else, of Pullman; from A. E. Stuht, of Spokane; from Charles M. Doland, secretary Spokane County Medical Society, of Spokane; from E. O. Sutton, secretary Pierce County Medical Society, of Tacoma; from Wilson Johnston, of Spokane; from Thomas H. Grosvenor, secretary Chelan County Medical Society, of Wenatchee; from Herbert E. Coe, secretary King County Medical Society, of Seattle—all in the State of Washington—and from Andrew B. Humphrey, chairman the Republican Club of New York.

Mr. OWEN. I ask to have printed in the RECORD a letter addressed to the Senator from Washington [Mr. JONES] by one of his constituents bearing on Senate bill No. 1.

The PRESIDENT pro tempore. Without objection, the request will be granted.

Mr. JONES. Do I understand that it is a letter addressed to me which the Senator from Oklahoma has asked be printed in the RECORD? Of course, if it is a letter addressed to me, I would like to have it.

Mr. OWEN. I have no doubt the Senator has it, but I do not think it appears among his exhibits, and I therefore present it.

Mr. JONES. I desire to say that I should like to see it if it is addressed to me. I propose to present to the Senate all letters that are sent to me, either for or against this measure.

Mr. OWEN. Mr. President, I gladly withdraw the letter and ask that it be sent to the Senator from Washington.

The PRESIDENT pro tempore. The letter is withdrawn.

Mr. OWEN. I present a telegram from members of the faculty of the Academy of Medicine of Kalamazoo, Mich., indorsing the bureau of health bill. I ask that the telegram lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

KALAMAZOO, MICH., *April 25, 1912.*

Senator OWEN, *Washington, D. C.:*

The Kalamazoo Academy of Medicine at its meeting held last Tuesday unanimously indorsed the Owen bill as it is now revised, and pledged itself to support you in any effort you may make to have this bill passed. The academy is composed of 125 physicians in Kalamazoo, Allegan, and Van Buren Counties.

Dr. O. H. CLARK, *President.*
Dr. C. E. BOYS, *Secretary.*
Dr. O. H. ROCKWELL, *Counselor.*

Mr. OWEN presented a petition of sundry citizens of Sulphur, Okla., in behalf of themselves, the Indian tribes, and the entire Southwest, praying for the enactment of legislation fixing the title to the Platt National Park in the Federal Government, which was ordered to lie on the table.

Mr. LEA. I present a large number of petitions signed by citizens in various parts of the country in behalf of the claim of the heirs of the late Gen. John Sevier. I move that the petitions be referred to the Committee on Claims.

The motion was agreed to.

Mr. O'GORMAN presented petitions of sundry citizens of White Plains, Brooklyn, New York, New Rochelle, and Long Island City, all in the State of New York, praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which were referred to the Committee on Pensions.

He also presented a petition of the South Side Board of Trade of New York City, N. Y., praying for a suspension of the import duty on potatoes, which was referred to the Committee on Finance.

He also presented a petition of the North Side Board of Trade of New York City, N. Y., praying that an appropriation be made for the improvement of Bronx Falls from Harlem to the East River, in that State, which was ordered to lie on the table.

He also presented resolutions adopted by the board of directors of the Maritime Association of the Port of New York, favoring an appropriation for the construction of a landing place at the Harbor of Refuge at Port Judith, R. I., which were ordered to lie on the table.

He also presented resolutions adopted by the members of the Chamber of Commerce and Manufacturers' Club of Buffalo, N. Y., praying for the adoption of certain amendments to the corporation-tax law, which were referred to the Committee on Finance.

He also presented resolutions adopted by Franklin Union, No. 23, International Printing Pressmen and Assistants' Union of North America, of New York City, N. Y., favoring the enactment of legislation providing for an increase in the salaries of pressmen employed in the Government Printing Office, which were ordered to lie on the table.

Mr. BURTON presented a memorial of the International Cutlery Co., of Fremont, Ohio, remonstrating against any reduction of the duty on razors, which was referred to the Committee on Finance.

He also presented a memorial of the International Cutlery Co., of Fremont, Ohio, remonstrating against any change being made in the duty on scissors, which was referred to the Committee on Finance.

Mr. CURTIS presented a petition of sundry citizens, guards at the United States Penitentiary, Leavenworth, Kans., praying that they be granted an increase in their salaries, which was referred to the Committee on Appropriations.

Mr. PERKINS presented a memorial of Local Union No. 60, Farmers' Educational and Cooperative Union of America, of Los Gatos, Cal., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Reedley, Cal., praying for the enactment of an interstate liquor law to

prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a telegram, in the nature of a memorial, from Charles A. Stewart, of San Francisco, Cal., chairman executive committee, Northern California Hotel Association, remonstrating against the discontinuance of the United States mint at San Francisco, Cal., which was referred to the Committee on Appropriations.

He also presented memorials of the Board of Trade of Anaheim, Cal., and of sundry citizens of California, remonstrating against any reduction of the duty on sugar, which were referred to the Committee on Finance.

Mr. CLAPP presented petitions of members of the Saturday Lunch Club and of sundry citizens of Minneapolis, Minn., praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE presented a petition of members of the Humane Research Club, of Newport, R. I., praying for the enactment of legislation to regulate the interstate transportation of immature calves, which was referred to the Committee on Interstate Commerce.

Mr. ROOT presented a petition of Local Grange No. 659, Patrons of Husbandry, of Cassadaga, N. Y., praying for the establishment of a governmental system of postal express, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by the South Side Board of Trade, of Brooklyn, N. Y., praying that the import duty on foreign-grown potatoes be suspended for a period of six months in order that the people of the United States may secure the benefit thereof, which were referred to the Committee on Finance.

Mr. RAYNER presented a petition of members of the Men's League of the Eutaw Place Baptist Church, of Baltimore, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. FLETCHER presented resolutions adopted by Major Thomas M. Woodruff Camp, No. 4, Department of Florida, United Spanish War Veterans, of Jacksonville, Fla., favoring the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which were referred to the Committee on Pensions.

Mr. MARTINE of New Jersey presented a petition of Pascack Grange, No. 141, Patrons of Husbandry, of Woodcliff Lake, N. J., praying for the enactment of legislation providing for the better equipment of trans-Atlantic steamers, which was referred to the Committee on Commerce.

Mr. PENROSE presented a memorial of Group No. 145, Polish National Alliance of the United States, of Anticoke, Pa., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Lancaster County, Pa., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce and the Business Men's Association of Coatesville, Pa., praying for the enactment of legislation providing for the opening of the Panama Canal to vessels of all tonnage, irrespective of ownership, which was referred to the Committee on Interoceanic Canals.

Mr. BOURNE presented a memorial of sundry citizens of Gresham, Oreg., remonstrating against the passage of the so-called Owen medical bill, which was ordered to lie on the table.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which was referred the bill (S. 6383) to amend an act approved February 19, 1909, entitled "An act to provide for an enlarged homestead," reported it with an amendment and submitted a report (No. 700) thereon.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (S. 5458) to extend the time for the completion of a bridge across the Delaware River south of Trenton, N. J., by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, reported it with an amendment and submitted a report (No. 701) thereon.

He also, from the same committee, to which was referred the bill (S. 6614) to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn., reported it without amendment and submitted a report (No. 702) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 15361) for the patenting of certain land to Thomas Wall, of the State of Mississippi, asked to be discharged from its further consideration and that it be referred to the Committee on Indian Affairs, which was agreed to.

Mr. BRANDEGEE. At the request of the chairman of the Committee on the Philippines, and for my colleague Mr. McLEAN, I report from the Committee on the Philippines, with amendments, the bill (S. 5455) to establish a system of wireless telegraphy in the Philippine Islands, and I submit a report (No. 703) thereon.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. JOHNSTON of Alabama, from the Committee on Military Affairs, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

S. 1170. A bill for the relief of Nathan Mendenhall (Rept. No. 704); and

S. 5441. A bill for the relief of William Thomas (Rept. No. 705).

Mr. BROWN, from the Committee on Indian Affairs, to which was referred the bill (S. 1231) for the relief of the heirs of John W. West, deceased, reported it without amendment and submitted a report (No. 706) thereon.

HOOKWORM AND SOIL POLLUTION.

Mr. SMOOT. From the Committee on Printing, I report back, with an amendment, House concurrent resolution No. 46, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the House of Representatives 5,000 copies on manila paper of a wall chart on hookworm and soil pollution, and that the same be distributed through the folding room of the House of Representatives.

The PRESIDENT pro tempore. The amendment of the committee will be stated.

The SECRETARY. In lines 4, 5, and 6 strike out the words "and that the same be distributed through the folding room of the House of Representatives" and in lieu insert "3,500 for the use of the House of Representatives and 1,500 for the use of the Senate."

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

RECORD OF PRIVATE CLAIMS (S. DOC. NO. 646).

Mr. CRAWFORD. From the Committee on Claims I present a record of and index to private claims brought before the Senate during the Fifty-ninth Congress and the Sixtieth Congress, authorized by the act making appropriations to supply deficiencies for the fiscal year 1910, and for other purposes, approved June 25, 1910. I ask that the papers be printed as a public document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIAMS:

A bill (S. 6696) to repeal legal prohibitions upon American registration of foreign-built ships for foreign trade (with accompanying paper); to the Committee on Commerce.

By Mr. CULLOM:

A bill (S. 6697) granting a pension to Henry B. Massey (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 6698) granting an increase of pension to William H. Hooker (with accompanying paper); to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 6699) for the relief of R. S. Thornton; to the Committee on Claims.

A bill (S. 6700) granting an increase of pension to Henry Randolph (with accompanying paper); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 6701) granting an increase of pension to James E. Smith (with accompanying papers); and

A bill (S. 6702) granting an increase of pension to George H. Torrence (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:
A bill (S. 6703) fixing the time for election of Representatives and Delegates in Congress and for the appointment of electors of President and Vice President of the United States; to the Committee on Privileges and Elections.
A bill (S. 6704) to pay Charles Max Wittig $500 back bounty; to the Committee on Claims.
A bill (S. 6705) granting an increase of pension to Emily J. Walton;
A bill (S. 6706) granting an increase of pension to James Sweet;
A bill (S. 6707) granting a pension to Daniel P. Andrus; and
A bill (S. 6708) granting an increase of pension to Thomas McCarty; to the Committee on Pensions.
By Mr. NELSON (by request):
A bill (S. 6709) to regulate the depth to which ocean and coastwise steamers of the merchant marine of the United States may be loaded;
A bill (S. 6710) to require inspection of the lights which by articles 2, 3, and 5 of section 1 of the act approved June 7, 1897, the vessels of the merchant marine of the United States are required to carry and to require towed vessels to blow warning signals in fogs; and
A bill (S. 6711) to give greater protection to the crews of towed vessels of the merchant marine of the United States; to the Committee on Commerce.
By Mr. O'GORMAN:
A bill (S. 6712) for the relief of Bernard Citroen; to the Committee on Claims.
By Mr. JOHNSON of Maine:
A bill (S. 6713) granting a pension to Susan B. Merrill; to the Committee on Pensions.
By Mr. FALL:
A bill (S. 6714) to create the Rio Grande National Park in New Mexico; to the Committee on Public Lands.
By Mr. MARTINE of New Jersey:
A bill (S. 6715) granting an increase of pension to Mary T. Winans (with accompanying paper); to the Committee on Pensions.
By Mr. SMITH of Arizona:
A bill (S. 6716) granting a pension to Henry Lottner; to the Committee on Pensions.
By Mr. CURTIS:
A bill (S. 6717) granting an increase of pension to John Donnells;
A bill (S. 6718) granting an increase of pension to John R. Moore;
A bill (S. 6719) granting a pension to Sarah L. Orr;
A bill (S. 6720) granting an increase of pension to Le Roy Gardner;
A bill (S. 6721) granting an increase of pension to Edgar Cross;
A bill (S. 6722) granting an increase of pension to William G. Thompson;
A bill (S. 6723) granting an increase of pension to Josephus Brown;
A bill (S. 6724) granting an increase of pension to Sobieski K. Withers (with accompanying paper);
A bill (S. 6725) granting a pension to Fred M. Livingston (with accompanying papers);
A bill (S. 6726) granting an increase of pension to John B. Craig (with accompanying papers);
A bill (S. 6727) granting an increase of pension to James L. Brown (with accompanying papers);
A bill (S. 6728) granting an increase of pension to Joseph Carnahan (with accompanying papers);
A bill (S. 6729) granting an increase of pension to Loman G. Heusted (with accompanying papers); and
A bill (S. 6730) granting an increase of pension to John Noble (with accompanying paper); to the Committee on Pensions.
A bill (S. 6731) for the relief of William H. H. Center; and
A bill (S. 6732) for the relief of Phillip Watson (with accompanying paper); to the Committee on Claims.
A bill (S. 6733) to correct the military record of Samuel Pickerel (with accompanying papers); to the Committee on Military Affairs.
By Mr. GALLINGER:
A bill (S. 6734) to provide for the erection of an armory in the District of Columbia; to the Committee on Public Buildings and Grounds.
A bill (S. 6735) to regulate the practice of medicine and midwifery in the District of Columbia, and to punish persons violating the provisions thereof; to the Committee on the District of Columbia.
By Mr. CLAPP (for Mr. LA FOLLETTE):
A bill (S. 6736) granting a pension to Elizabeth Schaefer (with accompanying paper); to the Committee on Pensions.
By Mr. BRADLEY:
A bill (S. 6737) granting an increase of pension to Reuben Cooley (with accompanying paper); and
A bill (S. 6738) granting an increase of pension to Michael J. McCarthy (with accompanying paper); to the Committee on Pensions.
By Mr. SHIVELY:
A bill (S. 6739) granting an increase of pension to John Dixon (with accompanying paper); and
A bill (S. 6740) granting a pension to Amelia J. Sweeney (with accompanying paper); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FALL submitted an amendment proposing to appropriate $200,000 for the establishment of a sanitarium for the care and treatment of tubercular Indians, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.
Mr. BURNHAM submitted an amendment proposing to increase the salary of the messenger to the Committee on Agriculture and Forestry from $1,440 per annum to $1,800 per annum, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

EIGHT-HOUR LAW.

Mr. ROOT. There was a clerical error in certain amendments which I submitted the other day, intended to be proposed by me to the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.
I present the amendments now in corrected form and ask that they lie on the table and be printed.
The PRESIDENT pro tempore. The amendments will lie on the table and be printed as requested.

DEPARTMENT OF HEALTH.

Mr. OWEN. I present a paper, being abstracts from those who indorse Senate bill No. 1. I ask that the abstracts lie on the table and be printed in the RECORD.
There being no objection, the abstracts were ordered to lie on the table and to be printed in the RECORD, as follows:

THE ADVOCATES OF AN IMPROVED NATIONAL HEALTH SERVICE, A NATIONAL BUREAU OR DEPARTMENT OF HEALTH.

POLITICAL AND INDIVIDUAL.

The Republican national platform, 1908:
"We commend the efforts designed to secure greater efficiency in national public-health agencies and favor such legislation as will effect this purpose."
President Taft:
"For a very considerable period a movement has been gathering strength, especially among the members of the medical profession, in favor of a concentration of the instruments of the National Government which have to do with the promotion of public health. In the nature of things, the Medical Department of the Army and the Medical Department of the Navy must be kept separate. But there seems to be no reason why all the other bureaus and offices in the General Government which have to do with the public health or subjects akin thereto should not be united in a bureau to be called the 'Bureau of Public Health.' This would necessitate the transfer of the Marine-Hospital Service to such a bureau. I am aware that there is a wide field in respect to public health committed to the State, in which the Federal Government can not exercise jurisdiction, but we have seen in the Agricultural Department the expansion into widest usefulness of a department giving attention to agriculture when that subject is plainly one over which the States properly exercise direct jurisdiction. The opportunities offered for useful research and the spread of useful information in regard to the cultivation of the soil and the breeding of stock and the solution of many of the intricate problems in progressive agriculture have demonstrated the wisdom of establishing that department. Similar reasons, of equal force, can be given for the establishment of a bureau of health that shall not only exercise the police jurisdiction of the Federal Government respecting quarantine, but which shall also afford an opportunity for investigation and research by competent experts into questions of health affecting the whole country, or important sections thereof, questions which, in the absence of Federal Government work, are not likely to be promptly solved."
Ex-President Roosevelt:
"Our national health is physically our greatest national asset. To prevent any possible deterioration of the American stock should be a national ambition. We can not too strongly insist on the necessity of proper ideals for the family, for simple living, and for those habits and tastes which produce vigor and make men capable of strenuous service

to their country. The preservation of national vigor should be a matter of patriotism.

"For this reason, and because many of the problems of public health are interstate in their character, the aid of the Federal Government is necessary to supplement the work of State and local boards of health. Federal activity in these matters has already developed greatly, until now it includes quarantine, meat inspection, pure-food administration, and Federal investigation of the conditions of child labor. It is my own hope that these important activities may be still further developed.

* * * * * * *

"I also hope that there will be legislation increasing the power of the National Government to deal with certain matters concerning the health of our people everywhere; the Federal authorities, for instance, should join with all the State authorities in warring against the dreadful scourge of tuberculosis. I hope to see the National Government abreast of the foremost State governments."

Ex-Vice President Charles W. Fairbanks:

"I am thoroughly in sympathy with such a movement."

Ohio State Legislature.

Ohio Republican platform, 1908.

Delaware Republican platform, 1908.

The Republican Club, New York City.

The Democratic national platform, 1908:

"We advocate the organization of all existing national public-health agencies into a national bureau of public health, with such power over sanitary conditions connected with factories, mines, tenements, child labor, and other such subjects as are properly within the jurisdiction of the Federal Government and do not interfere with the power of the States controlling public-health agencies."

Ex-President Grover Cleveland:

"I am in complete sympathy with the aims and purposes [to establish a national department of health] of this committee [of one hundred on national health]."

Mr. William J. Bryan:

"Congress should appropriate money to carry on investigations into diseases national in their scope."

Independence League platform, 1908:

"We favor the creation of a national department of public health, to be presided over by a member of the medical profession, this department to exercise such authority over matters of public health, hygiene, and sanitation which come properly within the jurisdiction of the National Government and do not interfere with the right of States or municipalities."

Ex-President Eliot, of Harvard University:

"I have a very stronge sense of the value of the work already done by the committee of one hundred on national health and of the importance of the work immediately before it, namely, the creation of a national bureau of public health, with a commissioner of health at its head."

Dr. Harvey W. Wiley, Chief of the Bureau of Chemistry:

"The supervision of the public health, being the most important work in the preservation of our natural resources, should be given to a national department of health, the head of which should be a member of the President's Cabinet and by education and experience be skilled in matters relating to the department over which he is called to preside."

Others commending the movement are Secretary Wilson, of the Department of Agriculture; Dr. Cressy L. Wilbur, chief statistician, Division of Vital Statistics, Department of Commerce and Labor; Surg. Gen. Torney, War Department; Rear Admiral Charles F. Stokes, Surgeon General United States Navy; Hon. Andrew D. White, ex-president Cornell University, ex-ambassador to France; and many thousands of individuals.

STATE.

Hon. William Hodges Mann, governor of Virginia:

"I sincerely hope that the Committee [on Public Health and National Quarantine, in the Senate] may have evidence before it which will justify a favorable report, and that a department of public health, under a secretary with a seat in the Cabinet, may be established."

Among other indorsements from State governors are those of—

Hon. William M. O. Dawson, governor of West Virginia.
Hon. Samuel G. Dixon, governor of Pennsylvania.
Hon. John C. Cutler, governor of Utah.
Hon. B. B. Brooks, governor of Wyoming.
Hon. Curtis Guild, jr., governor of Massachusetts.
Hon. George E. Chamberlain, governor of Oregon.
Hon. B. B. Comer, governor of Alabama.
Hon. Albert E. Mead, governor of Washington.
Hon. Coe I. Crawford, governor of South Dakota.

STATE BOARD OF HEALTH.

Dr. Joseph Y. Porter, president of the Conference of State and Provincial Boards of Health of North America:

"It has been the hope of the State health officers for a number of years that finally the representatives of this great Government might recognize the fact that we are deserving of a representative in the President's Cabinet, and that therefore a department of public health should be inaugurated by Congress."

This conference of State health officers has more than once passed resolutions indorsing the proposal for a national department of health.

Among particular State boards of health advocating a national bureau or department of health are:

California State Board of Health.
Delaware State Board of Health.
Arkansas State Board of Health.
North Carolina State Board of Health.
Indiana State Board of Health.
Iowa State Board of Health.
Kansas State Board of Health.
Louisiana State Board of Health.
Kentucky State Board of Health.
Maryland State Board of Health.
Michigan State Board of Health.
Oklahoma State Board of Health.
Pennsylvania State Board of Health.
Nebraska State Board of Health.
Vermont State Board of Health.
Wyoming State Board of Health.
Oregon State Board of Health.
Montana State Board of Health.
New York State Board of Health.
Rhode Island State Board of Health.
Tennessee State Health Association.
Utah State Board of Health.
Washington State Board of Health.
West Virginia State Board of Health.
Board of Supervisors of the State of Mississippi.

CITY.

Dr. J. E. Crichton, department of health of Seattle, Wash.:

"To mention the points which impress me as most important, as the commissioner of health of the second largest American port on the Pacific, I would begin by saying that there should be a national department of health with a Cabinet member, preferably. A bureau of health as a second choice, of course. I believe a Cabinet office is necessary and proper in order that there may be some proper control of vital statistics and the registration and proper reporting of communicable diseases."

Among other city health officers indorsing the establishment of a national bureau or department of health are:

Dr. Ernest J. Lederle, commissioner of health, New York City.
Dr. J. H. Landis, health officer, Cincinnati, Ohio.
Dr. Guy L. Kiefer, health officer, Detroit, Mich.
Dr. James Bosley, commissioner of health, Baltimore, Md.
Dr. M. Goltman, superintendent health department, Memphis, Tenn.
Dr. C. S. Woods, secretary department of public health and charities, Indianapolis, Ind.
Dr. Charles V. Chapin, superintendent of health, Providence, R. I.
Dr. B. Becker, health officer, Toledo, Ohio.
Dr. Paul D. Casey, secretary of health department, Dallas, Tex.
Dr. Walter S. Wheeler, health commissioner, Kansas City, Mo.
Dr. Samuel G. Paul, health commissioner, Salt Lake City, Utah.

BOARD OF TRADE AND CHAMBER OF COMMERCE.

Lancaster (Pa.) Board of Trade:

"Whereas the most important subject before the American people to-day and for all time to come is the proper conservation of the physical and mental energies of the race, in order to insure the perpetuation of the sterling qualities of virile manhood and womanhood so essential to the continued preeminence of the Nation and to bring to each citizen his just share of the joy to be derived from perfect health; and

"Whereas this condition can be most materially assured and hastened through the creation of a Federal health department, in charge of a competent health commissioner, who, by means of educational propaganda, closer quarantine, and interstate regulation, can thereby better safeguard the Nation's health; and

"Whereas Senate bill No. 6049 (now No. 1), introduced by Senator OWEN, of Oklahoma, provides for the establishment of a health department and a Cabinet officer in charge of the same: Therefore be it

"Resolved by the directors of the Lancaster Board of Trade, of Lancaster, Pa., That we heartily favor the passage of Senate bill 6049, and earnestly urge the members of the United States Senate from this State to give their active support to its final enactment."

Among others indorsing the department idea are those in the following cities:

The Pasadena Board of Trade, Pasadena, Cal.
Indianapolis Board of Trade, Indianapolis, Ind.
Board of Trade, Ashland, Mass.
Fitchburg Board of Trade and Merchants' Association, Fitchburg, Mass.
Salem Board of Trade, Salem, Mass.
The Worcester Board of Trade, Worcester, Mass.
Elizabeth Board of Trade, Elizabeth, N. J.
Hoboken Board of Trade, Hoboken, N. J.
Board of Trade, Long Branch, N. J.
New Lots Board of Trade, Brooklyn, N. Y.
Richmond Hill Board of Trade, Richmond Hill, N. Y.
Erie Board of Trade, Erie, Pa.
Susquehanna Board of Trade, Susquehanna, Pa.
Morgantown Board of Trade, Morgantown, W. Va.
Springfield Board of Trade, Springfield, Mass.
Cleveland Chamber of Commerce, Cleveland, Ohio.
Chamber of Commerce, Tucson, Ariz.
Longbeach Chamber of Commerce, Longbeach, Cal.
Oakland Chamber of Commerce, Oakland, Cal.
Chamber of Commerce, Petaluma, Cal.
San Jose Chamber of Commerce, San Jose, Cal.
Chamber of Commerce, Athens, Ga.
Chamber of Commerce, Quincy, Ill.
Bangor Chamber of Commerce, Bangor, Me.
The Commercial Club of Minneapolis, Minn.
The Willard Commercial Club, Willard, N. Mex.
Chamber of Commerce, Olean, N. Y.
Rochester Chamber of Commerce, Rochester, N. Y.
Syracuse Chamber of Commerce, Syracuse, N. Y.
Chamber of Commerce, Yonkers, N. Y.
Chamber of Commerce, Akron, Ohio.
Hobart Chamber of Commerce, Hobart, Okla.
Oklahoma City Chamber of Commerce, Oklahoma City, Okla.
Chamber of Commerce, Allentown, Pa.
Merchants' Association and Chamber of Commerce, Altoona, Pa.
Butler Chamber of Commerce, Butler, Pa.
Chamber of Commerce, Clearfield, Pa.
Sumter Chamber of Commerce, Sumter, S. C.
The Commercial Club, Sioux Falls, S. Dak.
San Angelo Chamber of Commerce, Texas.

SCIENTIFIC.

American Association for the Advancement of Science (1906; reindorsed in 1911):

"Whereas the American Association for the Advancement of Science has appointed a committee of one hundred on national health, and this committee is performing a work of great importance for the welfare of the Nation: Be it

"Resolved, That all members of this association are urged to cooperate with the committee in its efforts to conserve and improve the health of the people and especially in its plans to increase the efficiency of the National Government in dealing with the problems of public health."

MEDICAL.

American Medical Association:

"Whereas, Hon. ROBERT L. OWEN, Senator from Oklahoma, has introduced in the Senate of the United States Senate bill No. 1, creating a department of public health for the purpose of giving proper study to the causes of disease; and

"Whereas such a department has been formally approved in the platforms of all of our great political parties, and by President Roosevelt and President Taft, in order that our country may be placed on

plane with the other civilized nations of the world in the conservation of our greatest national asset—the health and lives of our people; and

"Whereas through sinister and corrupt efforts of the patent medicine manufacturers, and those opposed to the honest administration of the pure food and drug laws, many worthy persons have been misled into believing that this great measure, designed solely for the protection of the public health and for the prevention of disease, is designed to have any jurisdiction in limiting the practice of medicine: Now therefore be it

"Resolved, That the American Medical Association pledges its support to the principles of the Owen bill, Senate bill No. 1, creating a department of public health; that it repudiates and denounces the misrepresentation of this measure and the base slanders against the medical profession distributed through the corrupt efforts of the interests which are behind the so-called League of Medical Freedom; that it declares itself as distinctly opposed to any effort, now or hereafter, by the Congress to regulate or control the practice of medicine or to discriminate for or against any school or system of practice: And in order the better to give effect to the principles herein set forth, be it further

Resolved, That the proposed organization of a national department of health, as contemplated in the bill recently introduced into the Senate of the United States by Senator ROBERT L. OWEN, of Oklahoma, we believe to be a measure of the greatest national importance and we bespeak for it your earnest support."

Other medical organizations indorsing the improvements of the public health service, the national bureau, or the department movement are:

Dr. William M. Polk, president of the New York Academy of Medicine.
Medical Society of the County of Kings, N. Y.
Mississippi Valley Medical Association.
Pharmacological Society.
Northwestern Medical School Alumni.
American Association of Medical Milk Commissions.
Tri-County Medical Society of Woodbury, N. J.
Medical Society of State of New York.
Medical Society of the Missouri Valley.
American Urological Association.
American Climatological Association.
American Opthalmological Society.
American Academy of Medicine.
Medical Society of State of Pennsylvania.
Fort Wayne Medical Society.
Medical Association Embracing Five States in the Southwest.
Tri-State Medical Association.
Minnesota State Medical Association.
Homeopathic Medical Society.
San Francisco County Medical Society.
The Public Health Commission of Medical Society of State of California, Pasadena.
Medical Association of District of Columbia.
Medical Association of Georgia, Athens.
South Idaho District Medical Society, Boise, Idaho.
Indiana State Medical Association, Linton, Ind.
Iowa Medical Society, Des Moines, Iowa.
Kentucky State Medical Association.
Norfolk District Medical Society, Dorchester, Mass.
Medical and Chirurgical Faculty of Maryland, Baltimore.
Mississippi State Pharmaceutical Association.
Nebraska State Medical Association, Lincoln.
Oklahoma State Medical Association.
Allegheny County Medical Society, Pittsburgh.
South Dakota State Medical Association.
Jefferson County Medical Society, Birmingham, Ala.
State Medical Association of Texas.
National Association of Retail Druggists.
Institute of Dental Pedagogues, Washington, D. C.
National Dental Association, Dorchester, Mass.
American Physiological Society.
American Society of Biological Chemists.
American Gastro-Enterological Association.
American Chemical Society, San Francisco, Cal.
And many others.

RELIGIOUS.

International Committee of Young Men's Christian Associations, New York, N. Y.
National Baptist Publishing Board, Nashville, Tenn.
Rev. Granville S. Taylor, Methodist Episcopal Church, Duncan, Okla.
Presbyterian Church, Leadville, Colo.
Swedish Lutheran Church, Leadville, Colo.
Brotherhood of the First Presbyterian Church, Fort Collins, Colo.

EDUCATIONAL.

Edward T. Ware, Atlanta University, Atlanta, Ga.
F. E. Hirsch, Charles City College, Charles City, Iowa.
C. O. Bates, Coe College, Cedar Rapids, Iowa.
President E. P. Craighead, Tulane University, New Orleans, La.
Edmund C. Sanford, Clark College, Worcester, Mass.
William A. Webb, Central College, Fayette, Mo.
William S. Aldrich, Thomas S. Clarkson Memorial School of Technology, Potsdam, N. Y.
A. Grant Evan, University of Oklahoma, Norman, Okla.
A. M. Campbell, president Franklin College, New Athens, Ohio.
President R. G. Waterhouse, Emory and Henry College, Emory, Va.
Edward Dwight Eaton, Beloit College, Beloit, Wis.
W. O. Carrier, Carroll College, Waukesha, Wis.

These are only a few of the educational indorsements, and do not include the representatives on the Committee of One Hundred. These include the presidents of Yale, Harvard, and other leading universities.

LIFE INSURANCE.

Association of Life Insurance Presidents.
Metropolitan Life Insurance Co., New York.
Equitable Life Assurance Society, New York.
Postal Life Insurance Co., New York.
New York Life Insurance Co., New York.
Dr. J. W. Fisher, medical director of the Northwestern Mutual Life Insurance Co.
Jos. A. De Boer, president National Life Insurance Co., Montpelier, Vt.
J. G. Walker, president Life Insurance Co. of Virginia, Richmond, Va.
W. C. Baldwin, president Pittsburg Life & Trust Co., Pittsburgh, Pa.
The Columbia Life Insurance Co., Cincinnati, Ohio.
Z. Taylor Emery, M. D., The Manhattan Life Insurance Co., New York.
F. W. Frelinghuysen, The Mutual Benefit Life Insurance Co., Newark, N. J.
W. A. Lindly, president the Security Mutual Life Insurance Co., Lincoln, Nebr.
American Life Insurance Co., Des Moines, Iowa.
American Central Life Insurance Co., Indianapolis, Ind.
Philip Burnet, president Continental Life Insurance Co., Wilmington, Del.
Commercial Life Insurance Co., Chicago, Ill.
Isaac Miller Hamilton, president Federal Life Insurance Co., Chicago, Ill.
The Great Western Life Insurance Co., Kansas City, Mo.
M. Rothschild, president Immediate Benefit Life Insurance Co., Baltimore.
International Association of Accident Underwriters.
J. B. Reynolds, president Kansas City Life Insurance Co., Kansas City, Mo.
W. A. Cole, president Lamar Life Insurance Co., Jackson, Miss.
Texas Life Convention, Houston, Tex. (includes Southwestern Life Insurance Co., Dallas; San Antonio Life Insurance Co., San Antonio; Fort Worth Life Insurance Co., Fort Worth; Great Southern Life Insurance Co., Houston).

LABOR.

American Federation of Labor:

"Whereas legislation for the improvement of public health is directly for the benefit of the members of organized labor and even more for the benefit of the families of the members of the American Federation of Labor:

"Resolved, That the American Federation of Labor shall cooperate in supporting the legislative program of the Committee of One Hundred on National Health and further include the legislative program of the Committee of One Hundred on National Health in the legislative program of the association; and be it further

"Resolved, That a special committee be appointed to cooperate in securing such legislation at Washington."

Among other indorsements are those of the—
United Mine Workers of America.
Ancient Order of United Workmen of Massachusetts, Boston.
Cigar Makers' International Union of America, Chicago.
Brotherhood of Painters, Decorators, and Paper Hangers of America, Lafayette, Ind.
Brotherhood of Railroad Freight Handlers, Chicago.
International United Brotherhood of Leather Workers, Kansas City, Mo.
Granite Cutters' International Association of America, Quincy, Mass.
Journeymen Tailors' Union of America, Bloomington, Ill.
International Association of Machinists, Washington, D. C.
National Association of Master Plumbers, Chicago.
Arkansas Retail Hardware Association.
International Carpenters and Joiners.

GRANGE.

National Grange, Des Moines, Iowa.
New York State Grange.
Maine State Grange.
Varysburg Grange, No. 1046, Varysburg, N. Y.
Saco River Grange, Bar Mills, Me.
Farmers' Educational Union of America.

PHILANTHROPIC AND FRATERNAL.

American Association for the Study and Prevention of Infant Mortality, Baltimore:

"Resolved, That the American Association for the Study and Prevention of Infant Mortality indorse the movement for a national department of health, believing that the establishment of such a department will lead to great reduction of infant mortality, not only through improved regulation of interstate commerce in milk, infant foods, and medicines, but also through wider dissemination of information and more rapid improvement in our knowledge of the causes of infant mortality and the methods of prevention."

Among others that have passed similar indorsements are—
National Association for the Study and Prevention of Tuberculosis.
American Public Health Association, Washington, D. C.
The Associated Charities, Pueblo, Colo.
Board of Public Charities, New Britain, Conn.
The Associated Charities of Pensacola, Fla.
Associated Charities and Philanthropies, Peoria, Ill.
The Associated Charities, South Bend, Ind.
Topeka Provident Association, Topeka, Kans.
The Federated Charities of Baltimore.
Milk and Baby Hygiene Association, Boston.
The Associated Charities, St. Paul, Minn.
Orange Bureau of Associated Charities, Orange, N. J.
Keene Associated Charities, Keene, N. H.
National Conference of Charities and Correction, New York.
The Schenectady Charities Association, New York.
Associated Charities, Raleigh, N. C.
Oklahoma State Conference of Charities and Corrections, Guthrie.
The United Charities, Wilkes-Barre, Pa.
National Child Labor Committee, New York.
Connecticut State Conference of Charities and Correction.
Social Service League, Elmira, N. Y.
Consumers' League of Oregon.
Council of Social Agencies (including 80 organizations), St. Louis, Mo.
Leadville Improvement Association, Leadville, Colo.
De Witt Clinton Health League, New York City.
American Association for Preventing the Pollution of Rivers and Waterways, Washington, D. C.
National Municipal League.
Anti-Tuberculosis League, South Bend, Ind.
Louisiana Anti-Tuberculosis League, New Orleans.
National Civic Federation, New York City.
American Civic Association.
Southern Conservation Congress, Atlanta, Ga., 1910.
Third National Conservation Congress, Kansas City, Mo., 1911.
Trans-Mississippi Commercial Congress, Kansas City, Mo.
International Conference of Knights Templar, Detroit, Mich.
Grand Council Royal Arcanum of Minnesota, Minneapolis, Minn.
Odd Fellows, Leadville, Colo.
Patriotic Order Sons of America, Meriden, Conn.
American Waterworks Association.

WOMEN'S CLUBS.

General Federation of Women's Clubs.
New Jersey State Federation of Women's Clubs.
Tennessee Federation of Women's Clubs.

Women's Clubs of the State of Texas.
Woman's Club of Orange, N. J.
National Woman's Christian Temperance Union.
Omaha (Nebr.) Woman's Club.
Visiting Nurse Association, South Bend, Ind.
Evanston Woman's Club, Illinois.

RACE DEGENERACY (S. DOC. NO. 648).

Mr. TOWNSEND. I have a copy of an address delivered by Dr. J. H. Kellogg, of Battle Creek, Mich., before the medical congress at New Haven, Conn., last year. I ask that the address be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, an order therefor is entered.

HEALTH CONSERVATION (S. DOC. NO. 647).

Mr. OWEN. I present a paper by Parker H. Sercombe, of Fairhope, Ala., relative to the bill (S. 1) to establish a national department of health. I ask that the paper lie on the table and be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, the memorial will lie on the table and an order for the printing thereof will be entered.

UNALLOTTED INDIAN LANDS.

The PRESIDENT pro tempore. The bill (S. 405) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands is in conference between the two Houses, and the conferees on the part of the Senate are the Senator from South Dakota [Mr. GAMBLE], the Senator from North Dakota [Mr. MCCUMBER], and the Senator from Missouri [Mr. STONE]. The Senator from South Dakota is absent and can not serve. The Chair has been requested to ask that he be excused from further service and to substitute the junior Senator from Minnesota [Mr. CLAPP] in his place. Without objection, that substitution will be made.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

Mr. SUTHERLAND. Mr. President, the workmen's compensation bill which has been sent to the other House had an error in the enrollment. I therefore move that the House be requested to return the bill to the Senate in order that the error may be corrected.

The PRESIDENT pro tempore. The Senator from Utah moves that the House of Representatives be requested to return to the Senate the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes. The question is on that motion.

The motion was agreed to.

COST OF LIVING IN FOREIGN COUNTRIES (H. DOC. NO. 736).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Acting Secretary of State, with accompanying data, on cooperation and the cost of living in certain foreign countries. The information is supplementary to that contained in my message of March 13, 1912.

WM. H. TAFT.

THE WHITE HOUSE, *May 6, 1912.*

[Papers accompanied a similar message to the House of Representatives.]

ECONOMY AND EFFICIENCY IN THE CIVIL ESTABLISHMENT (H. DOC. NO. 732).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Civil Service and Retrenchment and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report of the Commission on Economy and Efficiency on the subject of the retirement from the classified civil service of superannuated employees. To the plan proposed in this report and set forth in detail in the accompanying draft of a bill I give my unqualified approval, because I believe it to be sound in principle and just both to the Government and to its employees.

NECESSITY FOR A RETIREMENT PLAN.

It is unnecessary at this time to discuss at length the necessity for adopting some plan by which the service may be relieved of the loss from the inefficiency of the personnel caused by the retention on the rolls, after long and faithful service, of those who have passed the age when they can perform a full day's work. The subject is one with which all administrative officers are familiar. It has been referred to in several messages which I have sent to the Congress and in many reports of the heads of departments. It is conceded by everyone acquainted with the situation that some action must be taken. Under present conditions the loss to the Government will continue to increase. Some method other than the summary discharge of employees when they become inefficient on account of age must be adopted. The present practice of retaining such employees on the rolls and, as they grow older, expecting from them a smaller quantity and lower grade of work can not continue indefinitely without seriously impairing the efficiency of the entire service and imposing upon the Government a cost that will be in excess of the expense to be incurred by the adoption of a reasonable plan for remedying existing conditions.

PROPOSED PLAN OF RETIREMENT.

The plan submitted by the commission contemplates that each employee in the classified service in the executive departments and establishments at Washington shall be retired as soon as he reaches the age of 70 years and shall receive thereafter an annuity equal to one-half of his annual salary, with the provision that no annuity shall exceed $600.

I invite particular attention to the fact that the plan provides that each person hereafter entering the service shall pay the entire expense of his own retirement by contribution from his salary, so that when he reaches the age of 70 years the fund he has accumulated will provide his retirement allowance. In such a case the only contribution of the Government, if any, will be the difference between the interest earned by his savings deposited in the Treasury and invested by the Government and the rate of 4 per cent per annum. So far as concerns this class of persons, there certainly can be no reasonable objection to the plan, and I doubt if any plan more beneficial both to the Government and to the employee could be devised.

EMPLOYEES NOW IN THE SERVICE.

It is evident that the application of the plan only to those who hereafter enter the service would not relieve the present condition due to superannuation nor save the Government from the constantly increasing loss from that cause. It is not practicable for those now 70 years of age, or for those nearing that age, to provide the cost of retirement entirely at their own expense. To meet the existing situation and to put a retirement plan into effect immediately there must be some contribution by the Government. This contribution need be little more in the aggregate than is now the Government's loss from inefficiency due to superannuation. After a comparatively short period of years the annual payments made by the Government will be less than the loss it would sustain if no plan were adopted.

It is proposed that an employee now in the service who has reached the age of 70 years shall be retired and be paid by the United States an annuity equal to one-half of his average annual pay for the last five years, but no such annuity to exceed $600. As to an employee less than 70 years of age, it is proposed that he shall be retired when he reaches 70 on an annuity equal to one-half of his average annual pay for the entire period of his service (no annuity to exceed $600), and that there shall be deducted from his pay until he reaches 70 years such an amount, not exceeding 8 per cent of his pay, as, with 4 per cent interest, will purchase his annuity. In the case of an employee who has but a few years to serve before reaching 70, some contribution by the Government will be necessary to supplement his savings in order to provide an annuity of a reasonable amount.

ANNUITIES LIMITED TO $600.

A retirement plan is only a means to an end, and that end is an increase of efficiency in the public service. The Government is not required to take charge of an employee's finances, nor is it justified in doing so except so far as it is necessary to protect the Government against the inefficiency of the employee due to superannuation. It is my opinion, therefore, that a plan of retirement should be so adjusted as to make the least possible demand upon the Government and at the same time draw from his personal control as little of an employee's money as possible. The proposed plan meets these requirements. While the maximum annuity of $600 is not sufficient to provide the luxuries of life, it is enough to insure an employee against want, even if he has been so unfortunate as to have made no other provision for his declining years. It is sufficient also to render ineffectual the appeals so often made to the sympathy of administrative officers when they attempt to remove from office an employee who has become inefficient through old age. At the same time the amount withheld from an employee's salary in order to provide his annuity is not sufficient to justify the thrifty in complaining that they are being deprived of an excessive portion of their income which they could invest more profitably.

RATE OF INTEREST ON SAVINGS.

In any compulsory saving plan it is but just that the Government should guarantee a reasonable rate of interest to its employees. Four per cent is the rate now paid by the Govern-

ment on deposits of enlisted men of the Army and Navy, and it is the rate paid by many savings banks. The plan recommended by the commission contemplates the investment of the savings of employees in the highest class of securities and that the United States shall contribute such amount, if any, as may be needed to insure the employees receiving 4 per cent per annum.

APPLICATION OF PLAN TO EMPLOYEES IN THE DISTRICT OF COLUMBIA.

I am convinced that the application of the plan should be limited for the present to the classified civil service in the executive departments and offices at Washington, where the loss from superannuation is the greatest. While any plan is in its experimental stage it should be kept within narrow limits. If successful in operation in Washington, it can be extended as the needs of the service require.

COST TO THE GOVERNMENT.

It being conceded that no immediate benefit to the Government could accrue without some temporary help from it, I directed the Commission on Economy and Efficiency to make an investigation of the loss due to superannuation in the service at Washington. Its report sets forth in detail the results of this investigation. It has involved an examination of the efficiency of 22,754 employees, as such efficiency was reported by the departments. At no other time has such a thorough investigation been made of the service in Washington. An earnest effort was made to ascertain and to state in money the financial loss which is sustained from the inefficiency of aged persons in the service. While the loss shown as the result of the investigation is undoubtedly much less than the actual loss from superannuation, the figures are sufficiently large to justify the Government in giving temporary aid in putting the plan into operation. Accepting the very conservative figures as to the loss now sustained, the inefficiency in the service which is due to old age can be wiped out immediately and permanently in Washington by an average annual expenditure during the next 20 years of $226,986 over and above the annual loss that will be sustained from superannuation if no plan is adopted for avoiding it. The accompanying report shows further that the saving to the Government that will result from the adoption of the proposed plan will equal, in the course of the succeeding 16 years, the entire cost of inaugurating the plan.

STRAIGHT PENSIONS NOT ADVISABLE.

I am firmly convinced that the proposed plan is superior to any form of straight pensions, in that an employee upon retirement at any time may avail himself of his savings with the accrued interest, or his representatives may do so in the event of his death, whereas any form of pension or gratuity from the Government must inevitably be considered as a part of compensation and is available only to those employees who succeed in living to a given age, in remaining in the service to that age, and in living a sufficient time beyond that age to receive in pension payments the value of their deferred pay. Avoiding, therefore, the dangers and disadvantages of the straight pension, the proposed plan commends itself as satisfactory from the viewpoint of the Government and the viewpoint of the employees. It is advantageous to the Government, since the efficiency of the service will be increased by providing the means of retiring those who have reached the age of decline. It is advantageous to the employees, since it protects them from want in old age with the least interference in their private affairs, and makes the service more attractive to the younger employees by facilitating promotions to higher salaries and grades at earlier ages than is possible under present conditions.

CONCLUSION.

A careful study of the existing situation with reference to superannuation, and a consideration of the worse conditions that will appear in the future, leads me again to commend the subject to the earnest consideration of the Congress. I believe that the plan proposed in the commission's carefully prepared and exhaustive report is the best that has been devised for meeting the present and future needs of the service, and therefore I urge the enactment of the necessary legislation to put it into effect at an early date.

WM. H. TAFT.

THE WHITE HOUSE, *May 6, 1912.*

[Papers accompanied a similar message to the House of Representatives.]

KANSAS RIVER DAMS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1524) to authorize the construction and maintenance of a dam or dams across the Kansas River in western Shawnee County, or in Wabaunsee County, in the State of Kansas, which was to strike out all after the enacting clause and insert:

That the Topeka Commercial Club, a corporation organized under the laws of Kansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate not to exceed two dams across the Kansas River, at points suitable to the interests of navigation in western Shawnee County, or in Wabaunsee County, in the State of Kansas, in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. CURTIS. I move that the Senate concur in the House amendment.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 16689. An act legalizing certain conveyances heretofore made by the Union Pacific Railroad Co.;

H. R. 20480. An act excepting certain lands in Lawrence and Pennington Counties, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves"; and

H. R. 20738. An act for the transfer of the so-called Olmstead lands, in the State of North Carolina, from the Solicitor of the Treasury to the Secretary of Agriculture.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 21590. An act to authorize Levee and Drainage District No. 25, of Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River, and to construct and maintain a levee across the mouth of the Varney River, in the State of Missouri;

H. R. 22731. An act to extend the time for the construction of a dam across the Pend Oreille River, Wash.; and

H. R. 23407. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Lavisa Fork of the Big Sandy River.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 22204. An act granting a right of way to the Panama-Pacific International Exposition Co. across Fort Mason Military Reservation, in California; and

H. R. 23626. An act to appropriate $300,000, or so much thereof as may be necessary, to equip all Army transports with all lifeboats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports, and the crew of said transports.

The following joint resolutions were severally read twice by their titles and referred to the Committee on Foreign Relations:

H. J. Res. 66. Joint resolution extending the time for making final report by commission authorized by the joint resolution entitled "Joint resolution to authorize the appointment of a commission in relation to universal peace," approved June 25, 1910; and

H. J. Res. 299. Joint resolution proposing an international maritime conference.

H. R. 10648. An act amending an act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with the Indian tribes, and to protect the same, was read twice by its title and referred to the Committee on Patents.

H. R. 16461. An act to regulate the judicial procedure of the courts of the United States, was read twice by its title and referred to the Committee on the Judiciary.

H. R. 21481. An act providing for the sale of the old marine-hospital site at Ocracoke, N. C., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 23570. An act to authorize the coinage of 3-cent pieces and one-half cent pieces, and for other purposes, was read twice by its title.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Finance.

Mr. POMERENE. A similar bill, in fact a duplicate of that bill, was referred a couple of weeks ago to the Committee on Coinage, Weights, and Measures, and I would suggest that a reference be made to that committee. They have somewhat considered it.

Mr. SMOOT. In looking into the question I find that all similar bills have always gone to the Finance Committee, and that is the proper committee to which it should go. I do not see why it should be changed.

Mr. POMERENE. A former bill was referred by the Senate to the other committee.

Mr. SMOOT. A bill introduced in the Senate may have been referred to the Committee on Standards, Weights, and Measures, but every bill of this kind has been acted on in the past by the Committee on Finance, and I think that is the proper reference.

Mr. LODGE. It is the Committee on Standards, Weights, and Measures. There is no Committee on Coinage. All coinage bills have heretofore gone to the Committee on Finance.

The PRESIDENT pro tempore. The Chair so understands. The Senate committee is the Committee on Standards, Weights, and Measures, and presumably the former bill was referred to that committee.

Mr. POMERENE. It was. I misnamed the committee.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Finance unless otherwise ordered. The Senator from Ohio can make a motion to refer it to the Committee on Standards, Weights, and Measures.

Mr. POMERENE. I move that the bill be referred to the Committee on Standards, Weights, and Measures.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Ohio.

The motion was not agreed to.

The PRESIDENT pro tempore. The reference will be to the Committee on Finance.

THE CALENDAR.

The PRESIDENT pro tempore. The morning business is closed.

Mr. SMOOT. I ask unanimous consent that the Senate proceed to the consideration of the calendar, under Rule VIII, and consider bills to which there is no objection.

Mr. POINDEXTER. Why not proceed in regular order to the consideration of the calendar?

Mr. SMOOT. My object is to get rid of as many bills as possible by 2 o'clock to which there is no objection. At that time the unfinished business will be taken up, and the senior Senator from Iowa [Mr. CUMMINS] will address the Senate. There are a good many bills upon the calendar, and if we expect them to pass the House we ought to get them to the House as soon as possible.

Mr. POINDEXTER. There is one matter on the calendar to which there may not be any objection, and that is the resolution calling for a report from the Department of Commerce and Labor in regard to labor conditions in Lawrence, Mass. If there is objection to that resolution, I will move to proceed to its consideration.

Mr. SMOOT. I could not promise as to whether there will be any objection to that resolution or not. The only question would be that if there is any strong or determined opposition to a measure and it should be taken up, it will take the balance of the time until 2 o'clock, and nothing will be accomplished. We have now only 40 minutes until 2, and I thought we could get through with a number of bills to which there is no objection. I hope the Senator from Washington will look at the matter in that way.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar under Rule VIII.

Mr. POINDEXTER. I ask for the regular order.

The PRESIDENT pro tempore. The Senator from Washington objects, and the Senate will proceed to the consideration of the calendar under Rule VIII. The first business on the calendar will be stated.

STANDARD OIL CO. AND AMERICAN TOBACCO CO.

The first business on the calendar was Senate concurrent resolution 4, instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co.

Mr. POMERENE. I am advised that the rule in regard to resolutions of this character is that they shall be first referred to the proper committee and be reported back by the committee. I was disposed to insist upon the consideration of the resolution in the Senate without a reference, but in view of what has been the practice I will consent, with the permission of the Senate, that the resolution be referred to the Judiciary Committee, and I do this with the hope that there will be a reasonably prompt report upon it.

The PRESIDENT pro tempore. The concurrent resolution will be referred to the Committee on the Judiciary.

BILLS PASSED OVER.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as next in order on the calendar.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order on the calendar.

Mr. BRISTOW. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 2151) to authorize the Secretary of the Treasury to use, at his discretion, surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Mr. BRISTOW. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. The bill has been twice read, and certain amendments have been agreed to.

Mr. SMOOT. The junior Senator from Utah [Mr. SUTHERLAND] asked that it go over the last time it was reached. He is not here, and therefore I will ask that it go over to-day.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4762) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient adminstration of civil government in the Philippine Islands, and for other purposes," was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 459) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribes of Indians was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

LAWRENCE (MASS.) STRIKE.

The resolution (S. Res. 231) for the investigation and report by the Secretary of Commerce and Labor regarding certain labor conditions in Lawrence, Mass., was announced as next in order, and the Senate resumed its consideration.

Mr. LODGE. Is there not an amendment pending to that resolution?

The PRESIDENT pro tempore. There is a pending amendment, which will be stated.

The SECRETARY. It is proposed to strike out, after the word "country," in line 8, the words "also what action has been taken by the local authorities at Lawrence to forcibly interfere with the free passage of said aliens or others from the city of Lawrence and State of Massachusetts to other States."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LODGE. I wish to suggest to the Senator from Washington [Mr. POINDEXTER] that there are some other words in the resolution which seem now to be needless, particularly those in reference to the strike. The strike is over, and the Senator does not desire to limit it, I suppose.

Mr. POINDEXTER. I ask unanimous consent that the words in reference to that matter be stricken out.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. After the name "Massachusetts," in line 5, it is proposed to strike out the words "and especially those now engaged in strike."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Washington.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS PASSED OVER.

The bill (S. 5076) to promote instruction in forestry in States and Territories which contain national forests was announced as next in order.

Mr. SMOOT. Let the bill go over, Mr. President.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates

of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen, was announced as next in order.

Mr. SMOOT. I ask that that bill go over, Mr. President.

Mr. BRISTOW. Mr. President, I desire to say that, because of the limited time now remaining until 2 o'clock, when the unfinished business will be laid before the Senate, I shall not ask to take up this bill, as it can not be disposed of in that time and would simply interfere with other bills which ought first to be passed upon.

Mr. SMOOT. That is the reason why I objected to its present consideration.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 2051) to promote the efficiency of the Life-Saving Service was announced as next in order.

The PRESIDENT pro tempore. The bill has been heretofore read in full.

Mr. BRISTOW. I ask that that bill go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (H. R. 17029) authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post was announced as next in order.

Mr. WARREN. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 5206) to amend that portion of the act of Congress approved March 3, 1911 (36 Stat. L., p. 1066), relating to the reservation of an easement in lands bordering Flathead Lake, was announced as next in order, and the bill was read.

Mr. SMOOT. Mr. President, I see the report on this bill suggests certain amendments. Before I consent to its consideration, I want to know whether those amendments are embodied in the bill.

The PRESIDENT pro tempore. No amendment is indicated in the bill, the Chair will suggest to the Senator from Utah.

Mr. SMOOT. Then, if there is no amendment in the bill, I ask that it go over until I have time to examine it.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 5728) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage Nation of Indians against the United States, was announced as next in order.

Mr. LODGE. I ask that that bill go over.

The PRESIDENT pro tempore. The bill goes over.

The resolution (S. Res. 242) directing the Committee on Post Offices and Post Roads to inquire into and report to the Senate whether post-office inspectors are being sent through the country to influence postmasters to aid in the election of delegates for or against any candidate for the Presidency, etc., was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The resolution goes over.

SANATORIUM FOR CHOCTAWS AND CHICKASAWS.

The bill (S. 5676) authorizing the Secretary of the Interior to set aside for sanatorium purposes not to exceed four sections of the unallotted tribal lands of the Choctaw and Chickasaw Nations of Oklahoma was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to designate and set aside not to exceed four sections of the unallotted lands belonging to the Choctaw and Chickasaw Tribes of Indians in Oklahoma for the purpose of providing land on which to build a sanatorium or sanatoria for the benefit of those tribes of Indians.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUPPLEMENTAL TREATY WITH CHOCTAW INDIANS.

The bill (S. 5141) to correct an error in the record of the supplemental treaty of September 28, 1830, made with the Choctaw Indians, and for other purposes, was announced as next in order.

The Secretary read the bill.

Mr. SMOOT. I inquire of the Senator from Mississippi if that is not substantially the same bill which passed the House of Representatives and which was referred to the Committee on Public Lands, as to which to-day I asked that the Committee on Public Lands be discharged from its further consideration and that it be referred to the Committee on Indian Affairs.

Mr. WILLIAMS. Mr. President, I will state that identical bills on the subject were introduced in the Senate and in the other House. One of those bills passed the House with an amendment, and a favorable report was made on the one in the Senate with an amendment. I should like to have both bills go to the committee to which I have had referred the bill introduced in the Senate—the Committee on Indian Affairs.

Mr. SMOOT. It seems to me, if I may make a suggestion, that the proper way to do would be to take the House bill, which was referred to the Committee on Indian Affairs to-day, substitute it for this bill, and pass it. That would conclude the matter.

Mr. WILLIAMS. That would be satisfactory to me.

Mr. SMOOT. It is for that reason that I have asked that the Senate bill go over to-day, and then it can be substituted at any time in the committee for this bill.

The PRESIDENT pro tempore. The bill will be passed over for the present.

Mr. WILLIAMS. If it be in order, I should like to make the motion now.

Mr. SMOOT. If we had the House bill here the motion would be in order, but that bill is not in the Senate, it having gone to the committee.

Mr. WILLIAMS. All right; then I will make that motion later; but I thought we ought to have the bill go to the committee that deals with such subjects here, inasmuch as they have made a favorable report, and that would save the committee from further work.

BILL PASSED OVER.

The bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911, was announced as next in order.

Mr. LODGE. Let that bill go over.

The PRESIDENT pro tempore. The bill goes over.

SCHOOL DISTRICTS IN ALASKA.

The bill (S. 5629) to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Territories with an amendment, on page 5, line 11, after the word "not," to strike out "less" and insert "more"; in the same line, after the word "than," to strike out "one thousand dollars nor more than"; and in line 12, after the word "thousand," to strike out "five hundred"; so as to read:

> The governor shall assign and set apart to each school district established and organized under the provisions of this section a sum, not more than $2,000, in proportion to the number of pupils in the district and the particular needs of the district, for the construction and equipment of a schoolhouse, which sum shall be paid by the Secretary of the Treasury to the treasurer of the school district upon the order and voucher of the governor out of that portion of the said Alaska fund set apart for the establishment and maintenance of public schools.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDIANS OCCUPYING RAILROAD LANDS.

The bill (S. 5674) for the relief of Indians occupying railroad lands was considered as in Committee of the Whole.

Mr. CURTIS. Mr. President, I think there is an error in line 3 of the bill. I was not present in the committee when the bill was considered, but the Secretary of the Interior has jurisdiction over Indian lands, and I suggest, therefore, that the word "Treasury," in line 3, be stricken out and that the word "Interior" be substituted in lieu thereof.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 1, line 3, after the words "Secretary of the," it is proposed to strike out "Treasury" and insert "Interior," so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to request of the present claimant under any railroad land grant a relinquishment or reconveyance of any lands passing under the grant which are shown to have been occupied for five years or more by an Indian entitled to receive the tract in allotment under existing law but for the grant to the railroad company, and upon the execution and filing of such relinquishment or reconveyance the lands shall thereupon become available for allotment, and the company relinquishing or reconveying shall be entitled to select and have patented to it other vacant public lands of equal value in the same State, as may be agreed upon with the Secretary of the Interior.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 4204) to provide for the final settlement with the Tillamook Tribe of Indians of Oregon for lands ceded by

said Indians to the United States in a certain agreement between said parties, dated August 7, 1851, was announced as next in order.

Mr. CHAMBERLAIN. I ask that that bill go over and also that the six bills following it on the calendar be passed over.

The PRESIDENT pro tempore. At the request of the Senator from Oregon Senate bills 4204, 4205, 4533, 4534, 4535, 4536, and 4537 will be passed over.

COMPULSORY EDUCATION IN ALASKA.

The bill (S. 5254) to provide for compulsory education of the children of Alaska, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 3316) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, was announced as next in order.

Mr. LODGE. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

SYSTEM OF RURAL COOPERATIVE CREDITS.

The joint resolution (S. J. Res. 75) to provide for the appointment of a commission to investigate the operations of cooperative land-mortgage banks and cooperative rural credit unions in other countries was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The joint resolution has heretofore been read in full and certain amendments recommended by the committee have been agreed to. The Chair understands there is pending an amendment submitted by the Senator from North Carolina [Mr. OVERMAN], which will be stated.

The SECRETARY. It is proposed to amend, on page 2——

Mr. GRONNA. Mr. President, that amendment has heretofore been rejected.

The PRESIDENT pro tempore. Very well. If there are no further amendments to be offered, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii, was announced as next in order.

Mr. CLAPP. I ask that that bill be passed over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 284) for the relief of Andrew H. Russell and William R. Livermore was announced as next in order.

The PRESIDENT pro tempore. The bill has been reported from the Committee on Claims with an amendment in the nature of a substitute, which the Secretary will read for the information of the Senate in the absence of objection.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

That the Court of Claims is hereby authorized to take jurisdiction over the certain claim of Col. Andrew H. Russell and Col. William R. Livermore on account of the alleged infringement by the United States of their patent, No. 230,823, dated August 3, 1880, for a magazine firearm, and make findings and conclusions of fact and law and report the same to the Senate in regard to the following matters, to wit:

Said court shall ascertain and determine and report whether said Andrew H. Russell and William R. Livermore would have any lawful claim for damages or compensation against the United States on account of any such alleged infringement if the United States were an individual or private corporation, and if so, the amount of such damages or compensation; also whether the alleged invention upon which said claim is based was known or used by others in any foreign country before the alleged invention or discovery thereof was made by either the said Andrew H. Russell or the said William R. Livermore; also whether the manufacture by the United States of a certain magazine firearm, known as the Krag-Jörgensen rifle, under a certain license from the Krag-Jörgensen Gewaerkompagni, of Christiania, Norway, was an infringement of the patent No. 230,833 for a magazine firearm granted to said Andrew H. Russell. The court is further authorized, with other testimony which may be submitted by either side, to receive and consider, subject to objections as to its competency and materiality, the testimony already taken in the certain suit brought in the United States Circuit Court for the District of Massachusetts by Andrew H. Russell and William R. Livermore and dismissed for want of jurisdiction: *Provided*, That the Krag-Jörgensen Gewaerkompagni shall receive such notice of the hearing of said claim as the court shall direct, and the said Krag-Jörgensen Gewaerkompagni shall be permitted to appear at said hearing and to be represented by counsel, within such reasonable time as shall be limited by the court, and shall be allowed to submit testimony and to be heard as one of the parties to the inquiry.

Mr. SMOOT. Mr. President, I understand unanimous consent has not been given for the consideration of that bill.

The PRESIDENT pro tempore. It is up in its regular order, subject to objection.

Mr. SMOOT. I object to its consideration.

The PRESIDENT pro tempore. The bill will be passed over on the objection of the Senator from Utah.

The bill (S. 4840) to carry into effect the judgment of the Court of Claims in favor of the contractors for building the U. S. battleship *Indiana* was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4159) for the relief of F. M. Lyman, jr., was announced as next in order.

Mr. SMOOT. And that, too.

The PRESIDENT pro tempore. The bill was adversely reported. It will go over.

The bill (S. 4230) for the relief of Robert F. Scott was announced as next in order.

Mr. SMOOT. Let it go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 364) for the relief of Ramney Y. Lyman was announced as next in order.

Mr. SMOOT. Let the bill go over.

The bill (S. 111) to authorize the sale and disposition of the surplus and unallotted lands in Washabaugh County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect, was announced as next in order.

Mr. OWEN. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over

MEMORIAL AMPHITHEATER AT ARLINGTON CEMETERY.

The bill (S. 4780) for the erection of a memorial amphitheater at Arlington Cemetery was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with amendments.

Mr. BRISTOW. Mr. President, I should like to inquire of the Senator from Utah [Mr. SUTHERLAND], who has charge of the bill, whether this amphitheater will have provision for the holding of funeral exercises and burial exercises that may take place at the cemetery? There is a request before the Committee on Military Affairs—a bill is pending before the committee, I believe, for that purpose—asking for the erection of a chapel. It seems to me if a building of this size is to be erected at this expense there ought to be provision in the amphitheater for such exercises.

Mr. SUTHERLAND. I think the plans of the building do not include a chapel, but there is a room in connection with the amphitheater that could be very readily used for that purpose. It would probably need some additions in the way of furnishings.

I will say to the Senator from Kansas that this structure was practically authorized by an act of Congress in 1909, directing the preparation of plans and appropriating money for that purpose. The plans have all been prepared, and the Senator will find copies of them in the report of the committee.

The passage of the bill is strongly urged by the members of the Grand Army, and before our committee a large number of them apppeared. One of the things that appealed to all of us was the request that they all made that the amphitheater might be provided for and erected while some of them were alive. It provides a place where services can be held.

Mr. WARREN. Mr. President, I agree with the Senator from Kansas; if it is such a building that any portion of it can be used for this purpose it should be done. It is highly necessary, for it is almost a disgrace now. Funeral services are held there without proper covering, and when bodies come to the city for burial at Arlington they have to be placed in storehouses, stables, and places of that kind, and there is no proper sufficient place in which to hold services. I do not know that I have ever before had my attention called to this bill, and I do not know that it is compatible with the architect's plans, but if it could be so arranged I would prefer to let the bill go over and let the committee figure upon it, because the necessity of such a place is well known and it is important.

Mr. SUTHERLAND. I think it better to let the bill be passed. The room I spoke of can very readily be adapted for that purpose with an additional apprpropriation hereafter.

Mr. MARTINE of New Jersey. Mr. President, in answer to the Senator from Kansas, I will say that the plans are exceedinly elaborate and they contemplate a very beautiful building, permanent in character. A room such as the Senator from Kansas has suggested is very much needed. As I recall, the diagram which is on the Senator's desk and the description as given by the architect provide a place where gatherings may be held, within shelter and within doors. It is a very much needed thing, and it was pressed very urgently, as has been said by the Senator from Utah, by the members of the Grand Army and by other interests. I think that would all be encompassed.

Mr. LODGE. I suggest, in line 10, page 1, after the words "memorial amphitheater," the insertion of the words "including chapel."

The PRESIDENT pro tempore. The committee have recommended certain amendments, which will first be acted upon.

Mr. HITCHCOCK. I have not heard any statement of just what this expenditure is for or what the memorial building is for. What will the building be used for? For what purpose?

Mr. SUTHERLAND. It is for use for memorial services and any services that may be held at Arlington. The situation in the cemetery now is a disgrace. There is no fitting place for the holding of these memorial services, which, as the Senator knows, bring to that historic place people from all over the country. Some of the most noted and important people gather there.

The erection of this amphitheater has been in contemplation for a number of years. Some years ago Congress passed an act appropriating, I think, $5,000 for the purpose of preparing plans for the erection of the amphitheater. Those plans have now been prepared. The Senator will find upon his desk a copy of a portion of them.

Mr. WARREN. May I ask the Senator from Utah——

Mr. HITCHCOCK. I hope the Senator from Wyoming will allow me to conclude my questions. I still do not understand what memorial services are proposed. Does the Senator refer to the memorial service once a year or funeral exercises?

Mr. SUTHERLAND. Funeral services and the memorial service held once a year; any gathering of that character.

Mr. POINDEXTER. Such as the services in connection with the dead from the battleship *Maine*?

Mr. SUTHERLAND. Yes; such memorial services as were had the other day in reference to the *Maine* dead.

Mr. HITCHCOCK. It seems to me three-fourths of a million dollars is a very large amount of money to put into a building which is to be used only upon the rarest occasions, and I think too much of an economical administration of public funds to favor such an expenditure unless a very decided showing can be made. I do not doubt that an auditorium should be provided in this cemetery; I think there should be provided a place for meetings, but to expend $750,000 on such a building at a time when we are supposed to be contemplating economical methods strikes me as rather contradictory.

Mr. SUTHERLAND. This is a building intended not only for use but which is of a commemorative character as well. We ought not to erect in Arlington Cemetery, that historic burying ground, something that is not in keeping with it, something that is not handsome and ornate.

Mr. WARREN. Mr. President, I appreciate the fact that we ought to have a fine building there as a memorial. There is but one Arlington. But I would oppose an expenditure of this kind and a building of this kind if I did not believe it would be so built as to be adapted to the very purpose we were talking about a moment ago, of holding funeral services, and also for such vaults and crypts as may be necessary. In fact, most of the services held in Arlington are in the nature of ceremonies which occur from day to day as the bodies of officers and men of the Army and Navy are brought here from various places for interment. So, ninety-nine out of one hundred, I may say, of the ceremonies will be in the nature of funerals.

Mr. HITCHCOCK. I will ask that the bill go over.

The PRESIDENT pro tempore. The bill will go over.

NAVY AND MARINE CORPS DEATH GRATUITY.

The bill (S. 3645) to amend the law providing for the payment of the death gratuity as applicable to the Navy and Marine Corps, was considered as in Committee of the Whole. It proposes to amend the law referred to as follows:

Strike out the words "contracted in the line of duty" and insert in lieu thereof the words "not the result of his own misconduct."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS RELATING TO COTTON.

The bill (H. R. 14052) authorizing the Secretary of Agriculture to issue certain reports relating to cotton, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry with an amendment to strike out section 2, in the following words:

SEC. 2. That the Secretary of Agriculture shall cause the Bureau of Statistics of the Department of Agriculture to issue a report, on or about the first Mondays in August, September, and October of each year, showing the condition of the cotton crop of the United States on these respective dates.

Mr. SMOOT. I should like to ask the Senator who reported the bill, the Senator from South Carolina [Mr. SMITH] whether this information can be gathered.

Mr. SMITH of Georgia. The Senator from South Carolina is not now in the Senate Chamber.

Mr. SMOOT. Has the Senator from Georgia given any attention to the bill?

Mr. SMITH of Georgia. Not a great deal. Perhaps it would be better to let it go over until the Senator from South Carolina can be present.

Mr. CLARKE of Arkansas. Mr. President, the bill should not go over if it is possible for any of those of us here who are familiar with the cotton question to enlighten the Senator.

The purpose is to ascertain the amount of cotton of the former year unconsumed and on hand. The cotton grown during the former season and unconsumed when the new crop comes in cuts quite a figure in the amount of cotton available for manufacturers.

Mr. SMOOT. I think it is a good thing to secure the information, and I have no objection to it, but section 3 of the bill, which will take the place in number of the old section 2 that it is proposed to strike out, provides:

SEC. 3. That the Secretary of Agriculture shall cause the Bureau of Statistics of the Department of Agriculture to issue each year, immediately following the publication of the ginning report of the Census Bureau of December 1, an estimate of the total production of cotton in the United States for the current crop year.

Mr. CLARKE of Arkansas. The details of the bill were worked out by the Secretary of Agriculture, as I was informed by the Senator from South Carolina.

Mr. SMOOT. I notice there is no report from the Senator from South Carolina or the department. I wish to ask the Senator from Arkansas if he thinks this section can be carried out?—

SEC. 3. That the Secretary of Agriculture shall cause the Bureau of Statistics of the Department of Agriculture to issue each year, immediately following the publication of the ginning report of the Census Bureau of December 1, an estimate of the total production of cotton in the United States for the current crop year.

Let me ask the Senator if it is possible for the Secretary of Agriculture to comply with that section and issue the information immediately following the publication of the ginning report of the Census Bureau on December 1?

Mr. CLARKE of Arkansas. That can be fairly well ascertained and by methods entirely under his control. He can apply to the different manufacturers, whose establishments are well known to those who are familiar with the manner of carrying on that business, and ascertain it, perhaps about as accurately as any other fact of that kind can be ascertained without the power to send for persons and papers and administer oaths. He can do it approximately.

That is what that phrase means. After the ginning report is published, he will ascertain what part of the crop of the former year is still on hand and unconsumed.

Mr. BACON. Without having it again repeated in the RECORD, I ask that the bill be again read. I am sure the Senator from Arkansas is mistaken.

Mr. CLARKE of Arkansas. I am responding to the language read by the Senator from Utah.

The PRESIDENT pro tempore. The bill will again be read.

The SECRETARY. As proposed to be amended the bill will read as follows:

Be it enacted, etc., That the Secretary of Agriculture be directed to cause the Bureau of Statistics of the Department of Agriculture to issue a report, on or about the first Monday in July of each year, showing by States and in total the number of acres of cotton then in cultivation in the United States.

SEC. 2. That the Secretary of Agriculture shall cause the Bureau of Statistics of the Department of Agriculture to issue each year, immediately following the publication of the ginning report of the Census Bureau of December 1, an estimate of the total production of cotton in the United States for the current crop year.

SEC. 3. That all acts or parts of acts inconsistent with the foregoing provisions be, and the same are hereby, repealed.

Mr. SMOOT. The only question in my mind is whether what is required by the bill can be accomplished.

Mr. CLARKE of Arkansas. It can be accomplished, but it does not go as far as I thought it did. We had better let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

BILLS PASSED OVER.

The bill (S. 5294) to establish in the Bureau of Statistics, in the Department of Agriculture, a Division of Markets, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 5186) to incorporate the Brotherhood of North American Indians was announced as next in order.

Mr. OWEN. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

CLAIMS OF PONCA TRIBE OF INDIANS.

The bill (S. 461) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of

the Ponca Tribe of Indians against the United States was announced as next in order, and the Secretary read the bill.

THE METAL SCHEDULE.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. CUMMINS rose.

Mr. BORAH. Will the Senator from Iowa yield to me for just a moment?

Mr. CUMMINS. Certainly.

EIGHT-HOUR LAW.

Mr. BORAH. I desire to give notice that on Thursday I will ask the Senate to consider, after the routine morning business, the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

Mr. SMOOT. I suppose the Senator will not insist that that should interfere with the unfinished business?

Mr. BORAH. I design to take up the bill between the close of the routine morning business and 2 o'clock.

Mr. SIMMONS. We can not hear on this side what the Senator from Idaho is saying.

Mr. BORAH. I said that on Thursday I would seek to have House bill 9061, known as the eight-hour bill, considered.

Mr. SIMMONS. Does the Senator mean to the displacement of the unfinished business?

Mr. BORAH. I have no intention of interfering with the unfinished business. I desire to take up the bill after the routine morning business, prior to 2 o'clock, or prior to 4 o'clock, as the case may be.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Idaho suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	Lippitt	Sanders
Borah	Cummins	Lodge	Shively
Bourne	Curtis	Martine, N. J.	Simmons
Brandegee	Dillingham	Myers	Smith, Ariz.
Bristow	du Pont	Newlands	Smith, Ga.
Brown	Fall	Nixon	Smith, Md.
Bryan	Fletcher	O'Gorman	Smoot
Burnham	Foster	Oliver	Stone
Burton	Gallinger	Overman	Sutherland
Catron	Gardner	Owen	Swanson
Chamberlain	Gronna	Page	Townsend
Chilton	Hitchcock	Penrose	Warren
Clapp	Johnson, Me.	Percy	Watson
Clark, Wyo.	Johnston, Ala.	Perkins	Wetmore
Clarke, Ark.	Jones	Pomerene	Works
Crawford	Kenyon	Rayner	
Culberson	Lea	Richardson	

Mr. MARTINE of New Jersey. I again announce that the Senator from South Carolina [Mr. SMITH] is detained from the Senate on account of illness in his family.

The PRESIDENT pro tempore. Sixty-six Senators have answered to their names. A quorum of the Senate is present.

THE METAL SCHEDULE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. CUMMINS. Mr. President, I hope that my Democratic friends will pardon me if once in a while I speak especially to my Republican associates. I value very much the sympathy which I have always received when speaking upon this subject from Senators upon the other side of the Chamber, and I hope that I will continue to receive it. I am conscious, however, that the argument which I propose to make upon this subject must be addressed largely to those who, like myself, hold that it is a wise governmental policy to adequately protect the American markets against unfair competition from abroad.

I can not refrain at this moment from saying that I believe it is a Republican duty to revise at least four schedules of the tariff law before we either take a recess or adjourn, and in so far as my meager influence can prevail there will be no adjournment until the attention of the Senate has been given to these four schedules. I name them: The metal schedule, the sugar schedule, the wool schedule, and the cotton schedule. They are the four most important parts of the system that we have devised for the protection of American industry, and I think that the Senate will be faithless to its trust if it adjourns or consents to an adjournment before it has diligently attempted to relieve the American people of some of the burdens—unjust burdens—imposed upon them through the provisions of these schedules.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. WORKS in the chair). Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I do.

Mr. SIMMONS. In this connection, speaking for this side of the Chamber, I wish to say to the Senator that it is our determination, so far as we can, not to permit an adjournment until the Senate has acted upon every tariff bill which has been sent or may be sent hereafter to the Senate from the House during the present session.

Mr. CUMMINS. I understood that to be the position of the Senator from North Carolina, but I add one thing to his statement. If the House—if I am permitted to refer to it in this way—does not pass a revised cotton schedule, I believe it to be the duty of the Senate to add by way of amendment to some one of the schedules already sent to us by the House a proper revision and reduction of the duties in that schedule, because it is apparent to anyone who is acquainted with the subject, and especially apparent to anyone who has given even casual examination to the luminous and persuasive report made by the Tariff Board upon that schedule, that it needs revision, thorough and radical revision, quite as much as any of the schedules that have hitherto been passed by the House and transmitted to the Senate.

The reason I have made the statement which I have just made with regard to what I think to be our duty is that there seems to be an impression abroad that we can adjourn, and properly adjourn, before we have considered all these schedules. If I may be allowed to introduce a partisan reason into the discussion, I desire to say to my fellow Republicans that when we go next November to the voters of this country asking them to retain the supremacy we have and regain the supremacy we have lost we will occupy a most disadvantageous ground if we on this side of the Chamber have failed to do what we ought to have done in 1909.

I believe that the people of this country are dissatisfied with the Payne-Aldrich tariff law. I question no man's integrity of purpose, I question no man's patriotism in dealing with this matter, but the day has gone by for indulging in any illusions with regard to it. We did not do in 1909 what we ought to have done. We did not fulfill the promises that we had given the people of the United States, according to the standards which they recognize and according to the standards which they enforced in the last election.

I do not intend to harrow up the feelings of my brother Senators; that is the very furthest from my purpose; but I must deal with the subject honestly. I must speak my mind with regard to it or not speak at all. We have here four great schedules in which I believe that the duties are too high and in two of them at least the Tariff Board has declared unmistakably that they are too high. The report of the Tariff Board with respect to the wool schedule and the cotton schedule verifies every statement made by those who sought to reduce the duties of these schedules in 1909. There still remains some difference of opinion with regard to the extent of the reduction, but when we come to those schedules I will endeavor to point out that every position taken and every argument advanced by those on this side of the Chamber who sought to reduce the duties in those schedules in 1909 have been vindicated by the examination since made by the Tariff Board.

Now, I appeal to my brother Republicans that we must not make the mistake again. When we lay before the voters of this country the performances of the Senate of the United States, let those performances include at least an earnest and persistent purpose on our part to bring the duties of the tariff law to that point which in 1908 we promised they should reach. If this is done, there will then remain the old issue—I do not disparage it, I understand perfectly its gravity and its importance—as to whether duties should be levied upon imports in order to encourage and protect the industries of the United States and to safeguard the workingmen of the United States in the wages which they now receive, or whether they should be laid with no other object in view save the raising of revenue to support the institutions of the United States. Upon that issue there may be fair debate. We have won upon that issue many times in days that are gone, but we can not win upon that issue if it is accompanied with the assertion and with the proof that the duties we have laid upon these imports are higher than necessary to encourage and sustain these industries and to safeguard the working people of the country.

It seems to me that this appeal ought to sink deeply into the hearts of my brother Republicans. I do not believe in tariff duties for revenue. I may be somewhat radical, but if you will eliminate the question of protection from duties upon imports I would gather but little of the revenue which we need for the support of the Government at our customhouses. There is another way, and a more equitable way, a juster way in which to raise the greater part of the revenue that we need than by duties upon imports. I am for these duties first and foremost, because I do not want to subject American industries to the unequal competition of foreign lands. But the very moment that we levy duties that confer upon our own industries the privileges of monopoly, that moment we have not only neutralized all the benefits and advantages of our system of protection, but we have armed the selfish men of our country—and men always are selfish and always will be selfish—with an instrument that enables them to take from a defenseless people fortunes which have grown to appalling proportions, and which have imposed upon those who must build them, those who must create them, those who must pay for them, burdens which a free people and an intelligent people ought not to bear, and which they will not bear, as has been abundantly demonstrated in times past.

I come now to say that if the amendment which I have proposed to the metal schedule be adopted it will, if otherwise commerce is made free in the United States, enable the users and consumers of the various articles comprised in Schedule C to buy them for $100,000,000 per year less than they now pay. I recognize that I can not prove mathematically the statement I have just made, but I can prove it and I will prove it substantially before I have finished to the satisfaction of every impartial mind.

I mean by what I have just said that the American producers of iron and steel in all the forms enumerated in this schedule could sell what they produce to the people of the United States and to the people of other countries for $100,000,000 less than they now sell them, could still return an ample profit to the capital employed, could still sustain the wages which are now characteristic of America, and lose no man under the American sky a single day's work.

The inference from what I have just said, and I do not shrink from it at all, is that the producers of iron and steel in the United States in all the forms take every year from the American people $100,000,000 more than they ought to take, and they take it simply to swell the colossal fortunes which have characterized this industry.

More ill-gotten gain is traceable to the metal schedule or to the industries involved in the metal schedule than in any other schedule of the tariff. We have heard a great deal about Schedule K in times past, and it is one of the manifestations of recent years that Schedule K, although formerly defended everywhere, has no defender now. So fas as I know there is not a man in the Senate or in the House or anywhere else who ventures to defend the wool and the woolen schedule. Yet the woolen schedule is a decree of divine justice as compared with the metal schedule. It has not returned to those who have been interested in the subject a tithe of the profits or the fortunes that have gathered around or which have been drawn from the metal schedule.

I assume that the reason we grow indignant about the wool schedule and forget the metal schedule is that we wear clothes; they are therefore felt readily and easily by every man and every woman; and we do not wear iron and steel, not in any great quantities, and these articles seem somewhat removed from us; but we pay for them precisely as we pay for wool and woolens, and in the last analysis the high prices of iron and steel bear just as hardly upon the great mass of the people as do the high prices of woolens. The only difference between the attitude of the woolen schedule and the iron and steel schedule is this: In 1909 we did materially reduce the metal schedule—I mean, as to the heavier forms of steel. We did not reduce the more highly organized forms of steel or metal, but, on the contrary, in a great many of the paragraphs of the Payne-Aldrich tariff law we increased the duties of metal manufactures as compared with the duties of the Dingley law; but we did reduce the duties of these heavier forms of iron and steel, and those reductions have been cited as an evidence of our willingness and our desire to fulfill the platform of 1908 and to answer the demands of the people with respect to those duties.

It does no good to reduce duties if they still remain prohibitive; and while I know there have been some importations under the metal schedule, they do not make against the assertion that I have just made in the great length and breadth of the schedule. We did not reduce a single duty that would enable under any circumstances our foreign competitors to enter into rivalry with us, and we did not reduce them so as to affect in the slightest degree the prices which had theretofore prevailed in the industry. Therefore, as I have said more than once, so far as any benefit to the American people is concerned, we might just as well have done with the metal schedule in 1909 what we did with the woolen schedule—left it without any change whatsoever.

I have said that I believed that the producers of iron and steel in the United States could sell their products for $100,000,000 per year less than they now sell them without disturbing wages and without costing any man in the United States a day's work, and still retain a profit upon all the honest capital invested in the business. I say to you frankly that if it were a mere question of enriching the United States by $100,000,000 per year, I would not consume the time of the Senate in discussing the schedule. I am not one of those who believe that it ought to be the highest object of our people or of our Government to increase wealth. Wealth has, in addition to manifold responsibilities and duties, a great many deteriorating and enervating influences, and I am not here to advise a reduction of the duties in this schedule merely for the purpose of making the United States richer. It is quite otherwise. The evil, the crime—the social crime—of excessive duties lies in the fact that they are the instrumentalities of an unfair and unjust distribution of wealth. It matters a great deal less how much we are worth now than it matters how wealth is distributed. Does it pass into the hands of the men who make it and in the proportion in which they make it? I look upon that as the vital problem of the hour. It is the only menace of this time—the only real menace of this time—it is the only danger that I foresee as I look forward into the future and endeavor to cast the horoscope of free institutions. The only disaster that I can imagine is the disaster which will follow a general belief that the United States is helping the rich against the poor, helping those who already have more than they ought to have, and obstructing the pathway of those who have less than they ought to have. It is utterly impossible that this country shall prosper—shall ever fulfill the hopes, the dreams of the forefathers—unless its people believe that its laws are just and fair and that wealth is distributed according to the laws of justice and fairness.

Mark you, do not misunderstand me. I am not suggesting an even or an equal distribution of wealth. To so suggest would be contrary to my own convictions and contrary to the convictions of all those whom I address. I want wealth, however, distributed according to laws which every man in the abstract recognizes. I want commerce to be free. I want the opportunity for rivalry and for struggle to be open to all men who have the courage and the spirit to enter the field of human activity. The very moment the United States erects an obstacle or an obstruction in the way of that commerce, that moment it is diverting the wealth of the country from the hands of those who have made it and ought to take and hold it into the hands of those who, favorites of fortune as they are, are seeking an unfair and an unconscionable advantage in life.

It is the same problem that inheres in the regulation of commerce among the States and with foreign nations. The act of taking money from the people of this country by reason of an excessive duty is in moral quality and in consequence exactly the same as taking money from the people by reason of monopoly. There is no difference whatsoever. I believe that our power to deal with this subject arises not from our power to tax or to levy import duties so much as from our power to regulate commerce among the States and with foreign nations. I doubt exceedingly the right of the United States merely in the exercise of its taxing power to levy duties to encourage our industries and to protect American workingmen, but under our authority to regulate commerce with foreign nations we have unquestionably the power to so restrict these channels of commerce as to benefit or advantage our own people.

There is but one defense for the doctrine of protection; I think it is a sound defense; but there is but one defense, and that is, that the duty laid upon a given article that can not be produced in America without the duty will raise the price of all the unprotected articles. Unless the tariff has that effect, generally speaking, upon the industries and the commerce of the country, it is utterly indefensible. I believe it has that effect; but the very moment that you raise the duty above the point that is necessary to insure substantial equality between the domestic and the foreign manufacturer, that very moment we Republicans violate the very doctrine we advocate, and we remit the system of protection to the domain of monopoly. Therefore, I have done everything I could for now many years to reduce these duties to that point.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. Certainly.

Mr. HITCHCOCK. Before the Senator passes from that point, I will say that I have been a good deal interested in his striking showing that the steel interests are charging $100,000,000 a year for their products more than is necessary to maintain American wages and reasonable profits. I understood that to be the statement of the Senator; am I substantially correct?

Mr. CUMMINS. The Senator has restated my proposition.

Mr. HITCHCOCK. Now, can the Senator go further and state for how many years that excessive charge has been laid upon the American public?

Mr. CUMMINS. Mr. President, I will show presently that it has been laid upon the American public for a great many years; and, while I do not attribute to the Senator from Nebraska any political purpose in the inquiry, I can easily see that there is in his mind an idea that the Republican Party has been responsible for these excessive burdens. I want to remind him, however, that the burden was never higher, relatively speaking, than it was in the Wilson bill, adopted by our Democratic friends in a very peculiar way, I am told, and I might just as well recite it now as at any other time. I do not want to give a partisan tinge to this, and perhaps I am all wrong in thinking that the Senator from Nebraska attached any political significance to his inquiry; but the Wilson bill, when it passed the House, made some reductions in the metal schedule. It came to the Senate and was in charge of the then distinguished Senator from Maryland, now gone to his last reward. I am told that, feeling his inadequacy to deal with so complicated a matter, he passed the construction of the steel schedule over to his intimate friend, the then Senator from Pennsylvania; that the Senator from Pennsylvania wrote the steel schedule in the Wilson bill, and at the appropriate moment—this is one of the traditions of the Senate—he took it from his desk, passed it over to the Senator from Maryland, and it was then and there adopted as a part of that revision.

I only mention this to indicate that the Democratic Party is not entirely free from responsibility with regard to the burdens of the metal schedule. The metal schedule has been the favored son, if I may speak in that way of the tariff, for a long time. Pennsylvania in the House, you will remember, was for many, many years represented by a Democratic statesman who did not share with some of you the belief that duties ought to be levied for revenue alone, and he was very effective through all those years in securing the substantial and practical assent of his Democratic friends to duties upon iron and steel that were entirely indefensible. They have been indefensible for 20 years or more. I think there was a time when they may have been justified. My inquiries have not gone back so far; but I remember a time when the duty on steel rails was $28 a ton, and I believe that the duty of $28 per ton at that time could have been much more easily defended than the duty of $3.92 a ton at the present time.

So let us proceed with this discussion and this inquiry, ridding it, so far as possible, from partisan coloring.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I am very glad to yield to the Senator from Georgia.

Mr. BACON. With the permission of the Senator, I do not think my friend from Nebraska had any such design, because he had asked me the question before he had asked the Senator, and I could not give him the information. I desire to say, however, to the Senator from Iowa that whatever may be proper and just criticisms as to the past, we have to deal with the present, and if the Senator from Iowa will go as far as we on this side of the Chamber will in the reduction of the metal schedule upon this present occasion, I think he will have no reason to criticize the schedule as being one which is oppressive.

I want to say further to the Senator, with his permission—and I do this now because, as I understand, the Senator has about completed his general remarks and is going on to the discussion of this particular bill—I am correct in that, am I not?

Mr. CUMMINS. I am pretty nearly through with the general discussion.

Mr. BACON. I did not interrupt the Senator while he was in his general statement because he was making a very interesting and connected one, and I did not wish to do so, but as he has about, as I understand, concluded that, I want to say that I think the Senator's argument as it has progressed has been a very strong argument against the protective system, not only in part but in whole. As I understand the Senator's position, he is opposed in part to the protective system, though not altogether, but I think the logical result of his presentation is the condemnation of all of it, and, with the permission of the Senator, without interrupting him unduly, I simply want to call attention to his proposition, as I understand it to be, that a tariff which will destroy competition is infamous, but that a tariff which will only partially destroy it is to be commended. I do not believe that that proposition can be logically defended.

Mr. CUMMINS. Mr. President, if I misinterpreted the thought in the mind of the Senator from Nebraska, I beg his pardon; and, if I did, I will answer the question directly, that this burden has been imposed for a great many years—just how many it is impossible for me to tell, because, in order to fix the period, I would be required to examine the economic situation in each of those past years.

Replying now to the Senator from Georgia, he will remember that we have had many passages in regard to this matter in times that are gone. He misapprehends me entirely if he thinks that I believe in partial protection or believe in a part of the doctrine of the Republican Party. I believe in it wholly; I believe in it to its full extent. The point I have been endeavoring to make is that the very moment the duty passes beyond the amount necessary to enable our own producers to enter our markets upon fair terms, that moment it ceases to be protection and takes on, as I have endeavored to suggest, all the consequences and merits all the obloquy of monopoly.

Mr. BACON. Mr. President, I do not wish to interrupt the Senator for any great length of time, for I am really anxious to hear him upon the discussion of the metal schedule; but, in order that my view may be properly presented, I want to call the attention of the Senator to a further statement on his part. The Senator said—and I think correctly—that the only ground upon which the protective policy could be defended would be that in the raising of the prices of the particular articles protected there was a corresponding benefit in the raising of all other prices; and if that was not the effect of it, it could not be defended. I think I correctly understood the Senator, did I not?

Mr. CUMMINS. The Senator understood me correctly, except that he must use the word "generally."

Mr. BACON. Well, generally.

Mr. CUMMINS. I do not think that the soundness of the doctrine can be tested by applying it to a particular article.

Mr. BACON. Unless it was a very large one.

Mr. CUMMINS. Yes.

Mr. BACON. Now, I simply want to illustrate that proposition by one industry that comes very closely home to those of us from my section. The Senator well knows that in the production of raw cotton—the agricultural product, not the manufactured product—there can be no benefit to the cotton raiser from the protective tariff, because the price of that article is a price fixed in the foreign market, which can not be influenced by the imposition of a tariff upon that article in this country; nor can there by any such corresponding benefit to those who raise it from any indirect influence as will compensate them for the burdens which they have to bear on account of the tariff. If that were a small industry the Senator might say that was a negligible quantity and not to be taken into consideration; but, according to the rule laid down by the Senator himself, if it is a very large industry and bears a very considerable proportion in its magnitude to the industries of the country, then it does invalidate his argument.

As to the extent of that industry, of course it is sufficient to say that it is an industry the value of whose product in the last year, or the year before the last—and when I say "the last year" I mean the last cotton year, which I think ended in September—the value of whose product, with its side products, of seed, cake, oil, and so forth, amounted to a thousand million dollars. It is the largest of all single exports from this country, larger than any manufactured export, larger than any other agricultural export. It is that which corresponds to the largest amount of gold that comes into this country—and I use the word "corresponds" because that which keeps gold from going out by bills of exchange is the same as that which brings gold in—and yet all of those who are engaged in that industry have to pay increased prices on every article which they use in the production of that commodity and on every article which they themselves consume; and if the rule laid down by the Senator is correct, that, it seems to me, would invalidate his argument. That is only one illustration. There are a great many other industries in this country which stand in a similar position. I think the Senator is correct in his statement that it is an absolute impossibility to defend the protective tariff, unless upon the principle that if it lays burdens its benefits are equally distributed.

Mr. CUMMINS. Mr. President, if I were to admit the premise stated by the Senator from Georgia, his reasoning is so perfect that I would be compelled to admit also his conclusion. I do not, however, admit it. I do not believe that the price of cotton to the planter would be the same if there never had been a protective duty levied in the United States. I do not believe that the price of the cotton of the South is wholly fixed by the foreign market. I do not believe that the foreign market price is fixed without reference to the conditions in America. Everything that we do here affects the market price abroad. That was thoroughly discussed last year with reference to our other agricultural products. If we suppose now—and I want to answer the Senator thoroughly and fully, because while I believe in a very sharp reduction of these duties I believe just as firmly in the righteousness and in the efficacy of protective duties—that we had never had a protective duty in the United States; that we had never had a cotton mill in the United States; that all the cotton raised in this country had been shipped abroad to the cotton mills of other countries; that instead of a population of ninety or ninety-five millions in the United States, by reason of having been confined to agriculture we had a population of only thirty-five or forty million, it is impossible, I think, to assert, in view of all these things, which, of course, can not be demonstrated but can only be conjectured, that the billion dollars worth of cotton raised in the South, if it had been raised, could have been sold at the price at which it was sold, even though the price is fixed, as the Senator from Georgia says it is fixed, in a foreign land.

I believe that the system of protection, notwithstanding all its excesses, has tended to the general and uniform development of the United States. I believe it has added immensely to the population which is now crowded within our borders; and if I did not believe these things it would be impossible for me to stand here and defend the doctrine of taxing one man in order to enable another to do business. I am one of those who believe that, until very recently at least, the great volume of agricultural products was not directly enhanced in value by reason of the duties laid upon them, and yet I believe that the duties laid upon other products, other commodities, other articles, have afforded these agricultural producers markets for their products and thereby have tremendously increased the price of agricultural products. If I did not so believe I would not be a protectionist for a moment.

Mr. BACON. With the permission of the Senator, I am very much afraid that further investigation on his part will separate him from those with whom he is now politically affiliated.

Mr. CUMMINS. Well——

Mr. BACON. Pardon me a moment. The suggestion that the price of cotton is not fixed in a world market is an absolutely new one to me. Two-thirds of the cotton crop goes abroad. I am speaking generally, of course.

Mr. SMOOT. For the year 1910 there were only 3,206,708,226 pounds of cotton exported.

Mr. BACON. Give us the bales. We can tell better by that.

Mr. SMOOT. This is in pounds. I will give you the figures in dollars and cents—$450,447,243.

Mr. BACON. When was that—what year?

Mr. SMOOT. Nineteen hundred and ten. In 1909 it was $417,390,665.

Mr. BACON. The Senator is reading, of course, from the Statistical Abstract?

Mr. SMOOT. From the Statistical Abstract.

Mr. BACON. I have not the figures before me, but I am sure of two facts. It may have been the year ending 1909 that I speak of it bringing a thousand million dollars. I am sure that is a correct statement.

Mr. SMOOT. We exported during the fiscal year 1909, stated in dollars and cents, less than we did in the fiscal year 1910.

Mr. BACON. I have forgotten which year it was. But in the record year the total crop, with its side products, speaking generally—it may have been a little more or a little less—a thousand million dollars; and I am not mistaken about the fact that, speaking generally, two-thirds of the cotton crop is exported.

Mr. SMOOT. Well——

Mr. BACON. Will the Senator please let me finish the sentence?

Mr. SMOOT. Certainly.

Mr. BACON. The cotton crop, speaking as a general average, in the full years is about 12,000,000 bales and about 4,000,000 bales are manufactured in the United States and about 8,000,000 bales of cotton go outside the United States.

I am sure that that statement will be corroborated by proper investigation. I can not now take the Statistical Abstract and interrupt the Senator to establish that point, but I will do so.

Mr. CUMMINS. May I suggest that that is not material to the point we are discussing?

Mr. BACON. It is much the larger proportion; more than twice as much.

Mr. SMOOT. Each bale of cotton weighs 500 pounds.

Mr. BACON. That is the commercial bale.

Mr. SMOOT. That is the commercial bale. In 1910 there were 6,400,000 bales of cotton exported.

Mr. BACON. I am quite confident I am correct about it, and I will show it before the debate is through. I can not do it now. I know the fact is well established that two-thirds of the cotton crop goes to Europe. About 2,000,000 bales of it is manufactured in the North and about 2,000,000 in the South; it may be a little more than that. The remainder of the crop goes abroad. But to say that, with very much the larger proportion of that cotton going abroad, the price is not fixed abroad is to fly in the face of every principle of political economy.

Mr. CUMMINS. The price abroad is fixed partially by the supply of the United States, and that portion of the supply especially that can be exported.

Mr. BACON. I want to say one other thing to the Senator, and then I will not interrupt him further.

I want to complete this: The suggestion that the tariff affects the price of cotton is so absolutely foreign to the fact that I can not forbear to call the attention of the Senator to one thing. In the first place, the fact that cotton is manufactured in this country does not cut any figure with the question of how much cotton the world needs to consume, and if the amount required is not manufactured by this country, it will be manufactured by some other country. In the second place, even the matter of supply and demand does not always fix the price of cotton, although of course it generally does so. The cost of the production of cotton does not, I am sorry to say, fix the price of cotton. It is very frequently the case that the price of cotton is far below the cost of production. I have seen cotton selling at 4 cents a pound, where it cost 7 or 8 to make it; and if it were true, as suggested by the Senator, that the effect of the protective tariff is to control the prices of raw cotton or materially influence them, so long as the protective tariff was in vogue of course it would be a safeguard against any such disastrous consequences.

But I will not interrupt the Senator further, for of course the discussion of this question could not be settled in any short debate, and I know the Senator wants to proceed with the discussion of this schedule.

So far as concerns the question raised by the Senator from Utah, I will show I am correct before we get through this debate.

Mr. CUMMINS. I should be very glad to discuss the general merits of the doctrine of protection as compared with free trade or a tariff for revenue alone. I have done it many times, sometimes to my satisfaction, sometimes otherwise. I did not intend, however, this afternoon or at any time during the progress of the consideration of this schedule to enter that general subject. What I am trying to do mainly is to convince my fellow Republican Senators, who view it from their own standpoint, that the duties attached to the articles in this schedule are altogether too high, and that they furnish the means, the instrument, for unjust exactions——

Mr. BACON. I wish the Senator very much success in that direction.

Mr. CUMMINS (continuing). Upon those who are compelled to bear this burden.

I had not quite reached the specific items when interrupted by the Senator from Utah. I want to call the attention of Senators on this side of the Chamber for a few moments to another question. When I have insisted in recent days upon a revision of the steel schedule I have been met with the reply that we ought not to revise the schedule until the Tariff Board investigates the subject and makes a report upon it.

I want your thoughtful and considerate attention to that subject: I believe it is true that a great many of the Senators on this side of the Chamber who will vote against the amendments that I have proposed—if they do vote against them—will do so upon the belief that we ought not to revise or change the duties of this schedule until the Tariff Board makes a report upon it.

I want you to consider very thoughtfully the consequence of that position taken at this time by the Republican Senate. First, you are taking that position—if you do take it—because the President of the United States has taken it. I do not want to say a word in disparagement of our Chief Executive. I do not feel any disparagement of the President, but I know that this view has acquired strength and has taken hold of the Senate, or at least this side of the Senate, because the President has announced it as a policy that there shall be no revision of

any schedule of the tariff until the board has examined it and has, through him, furnished the information upon which we may proceed.

I take this opportunity of deploring such Executive interference with the legislative branch of the Government. I have heard a great deal of alarm expressed with regard to the judicial recall. I have heard great alarm voiced with respect to the review of judicial decisions through a popular vote. I am for neither one nor the other. I do not believe in the judicial recall and I do not believe in the review of judicial decisions by a popular vote. But the revolution that would be accomplished in American institutions by both these principles would be inconsequential and insignificant as compared with the revolution that has been in progress now for some years and which has firmly established a practice through which the President of the United States coerces in one way or another the action of the Congress.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. Mr. President, so far as I personally am concerned, I wish to say that the reason why I think it unwise at the present time to revise the metal schedule is not the fact that the President says that the Tariff Board should make a report, but the fact that if there is going to be a report made by the Tariff Board I believe it unwise to make a revision now. If upon a report being made we should find that there should be a revision, make it at that time.

There is nothing that hurts business so much as unsettled conditions. The tariff cut in two would not hurt as much as unsettled conditions have in the last two years. If a knew there was not going to be a Tariff Board report on this schedule, then I would try my best to meet the Senator from Iowa and see if, with the information we have, we could arrive at a rate which would at least protect the industries of this country so that they would not be destroyed. I do not want rates too high, and I certainly do not want them too low; and it is for that reason that I feel it would be unjust to go into the revision of this schedule at the present time.

Mr. CUMMINS. Mr. President, the Senator from Utah is the last man in the Chamber whose sincerity I would doubt, and therefore I accept what he has said as conclusive, with respect to himself; but I know as well as I can know anything that is not established by that tangible evidence which courts of law in their rigid procedure require; that the reason we can not advance immediately to a fair consideration of the metal schedule is because the policy has been proclaimed that we are to leave the tariff alone until the President's employees shall be enabled to reach the subject under consideration.

It to me is one of the distressful things that the Congress of the United States must follow a policy in legislation which has been adopted or promulgated by the Chief Executive, or be denounced throughout the country as disloyal and unfaithful to the administration. I have resented it before and I resent it again.

What has happened in the last few years in the United States has degraded Congress to that point where it must either accept these policies or be heralded everywhere as either unfaithful to the people or disloyal to the President. In looking over the field of general government, Mr. President, I still retain that very high respect and great veneration which I have always experienced in reference to our courts. I do not share in the least degree the sentiments of those who feel that our courts have invaded the domain of legislation. I believe that, on the whole, the courts of the United States and the judges of the United States and the courts of all the States and the judges of all the States have been more faithful, more loyal, more efficient in the administration of the law as well as in the administration of justice than any other department of government. The Executive of the United States is the aggressor in the governmental domain. We have gradually permitted the Executive to usurp substantially the powers and the privileges and the honors and the dignities of the legislative branch of the Government.

It is shocking to me to hear men from one end of this country to the other in discussion as to what sort of law the President wants or any former President wanted, and it will be shocking to me if the discussion continues with respect to any succeeding President. He has the right, it is his duty, it is his high privilege to recommend to the Congress any law that he believes will be for the welfare of the people of the country and bring to our attention any subject which he thinks we ought to consider, but there his interference with the legislative branch of the Government ought to cease, and it ought to be looked upon as impertinent, as inappropriate, as though he were to approach the judicial branch of the Government and ask it for a decision in accordance with a prearranged policy as to come to the legislative branch with anything more than a recommendation carrying with it the weight which its argument gives it, carrying with it the weight which the high personality of its author confers upon it; and I should like to see the Congress of the United States regain the freedom that it formerly exercised.

I should like to see it enjoy the liberty which it formerly possessed, so that each individual Member of Congress would hold himself responsible not to the President of the United States for the manner in which he performed his duties, but to the people who commissioned him to pass laws for their benefit and for their welfare. Without unduly emphasizing anything that has been done by the present Chief Executive, I thought it my duty to make this suggestion at this time, because I know it to be true that when this schedule is rejected by my Republican associates it will be rejected because it is believed by them that it is the policy of the President of the United States to enter upon no revision of the tariff until the Tariff Board has passed upon it.

My colleagues on this side of the Chamber, will you refresh your memories a moment with regard to the history of the Tariff Board? When did the Republicans of the Senate become so much attached to this board? There was a time when we who were in favor of a revision of the tariff were alone in favoring the creation of a tariff commission clothed with adequate power, independent in its operation, responsible to Congress, the only body of men under the laws and the Constitution of the United States who need the information gathered by a tariff commission. There was a time when those who were in favor of a revision insisted upon the creation of such a tariff commission in order to facilitate and to speed the revision of the tariff, in the hope that the duties might be at some time lowered to the point where they would not be a reproach upon the doctrine of protection.

If you will remember, prior to 1909 the Senator from Indiana, the Senator from Wisconsin, and the Senator from Iowa, my colleague, all introduced bills for the establishment of a tariff commission, not a tariff board whose duties should be to give information to the President, but for a tariff commission that would at the behest and under the command of Congress secure the information that Congress needed in order to deal successfully with such complicated and difficult matters.

What consideration did those bills receive in the Senate of the United States? None whatever, so long as they were being urged by men who wanted their help in the revision of the tariff, and so the session of Congress closed with nothing done.

Nineteen hundred and nine came along, and it was sought by the Senator from Indiana to attach to the tariff bill of that year a pargraph or a section for the establishment of a tariff commission, properly clothed with adequate power. The result of his effort was that there came into the tariff bill two or three sentences, not creating a tariff commission, but authorizing the President to employ skilled persons to enable him to apply accurately the maximum and minimum provisions of the tariff law of that year; and we were compelled to accept that as a step in the right direction.

The year 1910 came, and you will all remember how earnestly some of us pleaded with you to bring on for hearing the bill that had been introduced by the Senator from Indiana and had come from the Finance Committee, changed somewhat, under the report of the distinguished Senator from Massachusetts. The session was drawing to a close. There were half a dozen of us, or more, who were insisting upon an opportunity to discuss this proposition and to vote upon the creation of a tariff commission; and you will not fail to remember that it was not until I incurred the displeasure of most of the Members of the Senate by refusing to consent to a time for voting upon the Lorimer case that we were able to secure any arrangement whatsoever for the consideration of the commission bill.

I want to say that my brother Republicans upon this side of the Chamber, when that time came, when the agreement was made, acted in absolute good faith and that they carried out with fidelity the arrangement into which we entered. But it was a late performance of a high and sacred duty, and we passed the bill at a time when obstacles interposed in the House prevented its passage there, inasmuch as it reached the House in the closing hours of the session.

Such is the history of the movement in the United States for a tariff commission—not a tariff board, but a tariff commission—properly endowed with power and continuous in its functions.

I think I am bound to say that a little later the most rigid of the high protectionists, the men who had theretofore obstructed the passage of the commission bill most effectually,

had reached the conclusion that it was a wise addition to our governmental institutions, and it was then, or about that time, that the power of the present board was enlarged so that it could do effective work.

Let me not pass this moment in my speech without saying that I have the highest respect for the members of the board appointed by the President. I think he made wise selections. I believe each one of them is an honest man, and I believe each one of them is a faithful, intelligent, and capable man. I think their work as a whole ought to be commended, and I think it is of great value to the Congress of the United States as well as to the people of the United States. I compliment them and congratulate them upon the thoroughness of their investigation and the zeal with which they have accomplished a very difficult undertaking. They have given us very much that we had before, but they have given us some things that we had not before, and which will help us when we come to revise the wool schedule and the cotton schedule.

But, nevertheless, I am bound to say that I think the Tariff Board as it is now constituted is an impertinence. I think it is a part of that revolution which I suggested a few moments ago, and which I deplore so much, that passes all the real power of the United States into the hands of the Executive. It is for Congress to pass tariff laws. Congress is primarily responsible for the character of our tariff laws. It is not the President who is responsible for them. We want the information, and the medium through which the information is gathered ought to be a congressional instrumentality, responsible to us, and only to us.

I venture the suggestion that at the will of the President, and at his pleasure, this board can either gather the information which we desire or refuse to gather it. It can take a schedule that we think ought to be postponed to some other time or it can take one that is imminent.

Let us do what we ought to do and as soon as we can do it; and thereon I appeal to the Democrats. It is said that the Democrats here and in the House are opposed to a tariff commission. I hope they will reflect upon that subject and reconsider their determination, if that is the conclusion they have reached. It is just as important to you who propose tariff measures for the purpose of securing revenue as it is for us who propose tariff measure for the maintenance of protection. You may not devise these laws with the same object that we have in view, but you need the same general information in this great intricacy of commerce at the present time—an intricacy that has multiplied in the last few years. It used to be a plain, simple thing. Formerly it was not difficult to understand prices; formerly it was not hard to trace the movements of trade; but now, in this wonderful life, not peculiar to America, but existing everywhere throughout the world, it takes a skilled mind to understand commerce and the relations that its various parts bear to each other. I earnestly hope that Senators both on this side of the Chamber and the other will join in the effort to secure the establishment of such a valuable and helpful arm in the performance of our duties.

Now, I turn again to my Republican friends. Ought you to wait for the revision of the metal schedule until the Tariff Board, such as it is, has reported upon it? I can not believe you will. Our friends on the other side, who control the other branch of Congress, declare that they will make no appropriation for the maintenance of the Tariff Board. The Lord only knows—I do not speak it irreverently, but He only knows—how long our Democratic friends will be in control of the other branch of Congress; and are you to await that uncertainty in political life before you undertake to revise these duties, if you are convinced that they ought to be revised?

Mr. OLIVER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Penpsylvania?

Mr. CUMMINS. I do.

Mr. OLIVER. Mr. President, assuming that the Tariff Board will not be continued in office; that our friends on the other side of the Capitol will insist on withholding the appropriation necessary for its continuance, I should like to ask the Senator from Iowa, in view of the fact that this board is in existence and that it has been hard at work and has presented its report upon two of the schedules which he thinks it is so necessary to revise, would it not be wise at least to defer the consideration of the schedules upon which they have not reported and proceed to the consideration of those upon which we already have the information necessary for their proper consideration?

I will say for myself, Mr. President, that I stand ready, without prompting from the Executive or from any other person, to consider and to assist in the enactment of any legislation looking toward a reduction upon any schedule on which we have proper information to justify a reduction; but I do say that I am not ready to take the dictum of the Representative from Alabama or the Senator from Iowa and use that as a basis for this important legislation.

Mr. CUMMINS. Mr. President, I am quite aware that the dictum—although I do not just know what the Senator means by that—of the Senator from Iowa will have little or no influence with the Senator from Pennsylvania. I assure him now that during the whole course of this debate I will never in a single instance ask him to take my dictum for anything whatsoever. I will present before I have finished the result of investigations made by men quite as competent, quite as faithful, as the members of the Tariff Board.

I answer his first question: No; it is not wise to defer the revision of the metal schedule under the circumstances. If the Finance Committee had reported the wool bill before it reported the metal bill, I would have said instantly that it was our duty rather to take up the wool bill and dispose of it; but we have not the wool bill before us. We have the metal schedule before us, and inasmuch as I hope we will deal not only with wool and cotton but sugar and steel before we adjourn, I think it makes little difference in what order we discuss these several schedules.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I do.

Mr. SIMMONS. I suggest to the Senator that the Finance Committee acted upon the metal schedule first because the metal schedule came to the Senate first. At the time the metal schedule was taken up in the committee for hearings the wool schedule had not reached the Senate at all.

Mr. CUMMINS. I desire to answer the Senator from Pennsylvania further, and it is a part, naturally, of the discussion I was attempting to make. I have given one reason why we should proceed with the metal schedule, notwithstanding the fact that the Tariff Board has not reported upon it. I give another. It is that we know as much about the metal schedule, or a very large part of it, as we can possibly know after all the tariff commissions that may be created by law have entered into it and reported upon it. The essential facts with regard to the manufacture of iron and steel here and abroad are known. They have been collected by men who are abundantly capable of collecting them, and every Senator has access to the information. Of course, I shall not attempt to present it all to the Senate, but every Senator can know with some diligence every essential thing connected with the manufacture and sale of the heavier forms of iron and steel, and with regard to the more highly organized forms of iron and steel, if we will reduce those duties to the level of the Dingley law we will have accomplished something for the people of this country.

My amendment proposes a horizontal reduction upon these 28 paragraphs of 20 per cent. I do not believe there is a Senator here who, looking into them, will be able to convince an impartial mind that the reductions which I have proposed with regard to these smaller forms of manufacture reaches anywhere near the point that I have said the Republican Party ought to reach; and with regard to the heavier forms and those paragraphs in the schedule that I have rewritten, I intend to produce absolute proof as to their production and the cost of it, as well as the production abroad and its cost.

But there is another answer which is in my mind with regard to the delay. Suppose I prove to you that these duties are too high and that they do lay a burden upon the people of the United States, who ought to enjoy the profits or the advantage of the interim while the Tariff Board is reporting? I ask my brother Republican Senators, who laid these duties upon these industries? What did the men who laid them know with regard to the subject? How does it happen that they reached the conclusion that there should be a duty of $3.92 on steel rails or a duty of from $6 to $18 a ton upon structural iron and steel? How? They must have had some information with regard to the subject. It was alleged that they were attempting to perform or carry out the promises of the Republican platform and to fulfill the Republican standard of protection. I ask you who voted for the Payne-Aldrich Act, how did you know that these duties were required? You must have found it somehow. If you discovered it, the same information that was open to you then is open to us now. All the knowledge which the Finance Committee in 1909 had upon the subject, as well the Finance Committees of former years, we have, and not only all the knowledge that they had is in our possession, but a vast accumulation of information that has been gathered since. We know a great deal more about it now than was ever known before.

Yet I am told that the people of this country must bear this burden, if it is a burden, until the Tariff Board reports, and they must bear it because we do not know what duties ought to be laid upon these articles in order to protect American industries. That is not an answer which will be accepted by the people of the United States who are not directly interested in these industries. When it is recognized that we have this knowledge, that we have all the hearings before the Ways and Means Committee of 1909, that we have 1,000 pages of hearings before the Finance Committee of the Senate in 1912, that we have the long-continued examinations and investigations of the Commissioner of Corporations, of the Bureau of the Census, of the Immigration Commission, of special agents who have gone up and down Europe in order to ascertain precisely what we want to know, the plea for delay will be overruled by the great body of the voters.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. I know the Senator from Iowa has given a great deal of time and study to the steel industry. I should like to ask the Senator if he believes that there is anything like live or living competition in the steel industry of the United States to-day?

Mr. CUMMINS. Mr. President, answering that question as it relates to what I call the heavier forms of iron and steel, I say no; there is no such thing as real, substantial competition. Answering it with respect to a great many of the more finely organized forms of iron and steel, I think there is competition.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. I should like to suggest to the Senator from Idaho that all the members of the Finance Committee who listened to the appeals of the independent manufacturers of this country was convinced beyond question that there is competition, and of the severest kind. In fact, it was the appeal of the independent manufacturers of this country that made me go into the details of the cost of production of these articles from their own books, as I have done.

Mr. BORAH. Mr. President, I have not had time to read the report of the Finance Committee, but upon that statement I shall take great pleasure in doing it, because if there is any real competition in the steel industry in the sense that it would transfer any of the benefits of revision to the masses of the people, I should be glad to know of it, and it would have very much to do with me when I come to cast my vote on the proposition.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I do.

Mr. SIMMONS. Mr. President, so far as the statement of the Senator from Utah is concerned, as to the testimony of the various manufacturers who came before the Finance Committee, it is true that each of those manufacturers contended that there was competition, but I will ask the Senator if it is not also true that whenever the question was asked—and it was repeatedly asked—if there was any competition as to prices, it was found that the prices obtaining were uniform or practically uniform throughout the country; and if it was not admitted by the independents, who were claiming that they were competitors of the United States Steel Corporation, that the United States Steel Corporation fixed the price of the product, and that they invariably followed that price?

Mr. SMOOT. Answering the Senator from North Carolina, I will say that it was testified that the prices were always the same for this reason, that no matter whether the independent manufacturers advanced the price or not, all other manufacturers would have to meet it and did meet it; that in ordinary times, when there was more production than there was demand for it, the Steel Corporation made the price, but whenever there was a lack of goods manufactured, many, many times the independents made the prices and the Steel Corporation followed it.

Mr. BORAH. Mr. President, upon the statement made by the Senator from Iowa, and upon the statement made by the Senator from Utah, and the statement made by the Senator from North Carolina, I should like to know whether the masses of the people are going to get any benefit out of this controversy.

Mr. SMOOT. I will say that there are many rates which are proposed to be reduced that the ultimate consumer will never get one iota of benefit from. For instance, we will take fishhooks at 40 cents a gross.

Mr. BORAH. Let us take something more practical. Let us take practically everything that we eat and practically everything that we wear. Are they getting any benefit from any matter we are dealing with here?

A few years ago we put several hundred articles on the free list, and the masses of the people did not get a color of a cent's benefit from any one of them, because there was a power in the American market place which controlled the price and fixed it regardless of the question what the tariff was.

Mr. CUMMINS. Mr. President, if I may be permitted to reply to the Senator from Idaho and the Senator from Utah——

Mr. SIMMONS. Mr. President——

Mr. CUMMINS. I yield to the Senator from North Carolina, if he desires to make a further statement.

Mr. SIMMONS. The Senator from Utah says that the independents had to follow the prices fixed by the Steel Corporation.

Mr. SMOOT. In certain cases.

Mr. SIMMONS. That is true, provided the Steel Corporation reduced their price. Then the independents, of course, would have to reduce their prices in order to meet that. It is not true that where the Steel Corporation increased its price the independents were compelled also to increase theirs; but, as a matter of fact, it was testified that whenever the Steel Corporation increased their prices the independents made a like increase of prices to meet that.

Mr. SMOOT. Mr. President, that was on account of the demand of the market. Of course the independents, just the same as the Steel Corporation, get all they can possibly get, because there are times when they are actually compelled to sell below cost, as they testified. That condition does not exist only in the steel industry, but it exists in every kind of business.

Mr. SIMMONS. As the Senator from Idaho suggests, that will likely continue as long as we have a combination in this country that absolutely controls the price of the product; and we will have that combination in this country unless we break it up through the courts or unless we break it up by admitting foreign competition that will force them to reduce their prices; and it is the purpose of the Democrats in proposing this reduction to break that competition by allowing foreign competition.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield to the Senator from Idaho, but I hope that he will be brief.

Mr. BORAH. The Senator from North Carolina says we are going to give the masses a benefit by permitting the foreigner to come in. Now, we tried that with reference to timber. It was said: If you import timber from Canada the home builder would get cheaper lumber. Therefore we took off about a million and a quarter dollars of revenue per year and lowered the price of lumber, and the home builder has not got the color of a cent of benefit from the transaction. That million and a quarter dollars went into somebody's pocket, but not into the home builder's pocket.

Mr. SMOOT. And also, in answer to the Senator, I will call his attention to the fact that as to many of the articles upon the free list, their prices are controlled just the same in this country as are the prices of articles that carry a duty.

Mr. SIMMONS. The only purpose——

Mr. CUMMINS. Mr. President, I desire to proceed, I think, with my argument, if Senators will allow me.

Mr. SIMMONS. Will the Senator from Iowa permit me one minute to reply to the Senator from Utah and to the Senator from Idaho?

Mr. CUMMINS. Yes.

Mr. SIMMONS. Mr. President, I concede that when the prices in this country, fixed by combination or otherwise, exceed world prices, all that can be accomplished is to force down prices in this country, where monopoly exists, to the level of world prices through competition from abroad.

Mr. CUMMINS. Mr. President, I find myself differing somewhat from my friends upon both sides of the Chamber. If anyone indulges in the delusion or in the hope that a modification or adjustment of the tariff law will solve all the ills or remedy all the ills of modern life, he is doomed to disappointment. It will not. The proper adjustment of tariff duties is one of the things that will tend toward the proper and wise solution of these problems. If we had in the United States free, full, and substantial compensation in every industry it would make no difference whatsoever whether the duties were high or low, for the price of every American product would soon seek and maintain an American level, but competition in many of

the industries of this country has been annihilated, has been driven out, and those who are able to control or have the power to fix prices are protected against foreign competition by these duties. So long as they are protected in no more than a fair American price, I am willing to be confined to the remedy of dissolution and destruction of trusts and combinations, but so far as they are protected by the higher or the excessive duty, I want that removed in order to subject them to the danger of foreign invasion, knowing that when they apprehend importation when prices are raised above a fair point, they will not be so likely to raise them above the fair point. The only way in which they can then make undue exactions upon our commerce is to enter into combinations with the producers abroad. That may happen. It has happened in times past. Whenever it does happen, the reduction of duties upon imports is entirely futile so far as our protection is concerned. We must then turn to some other remedy. It is a great mistake to suppose that this Government of ours and this life of ours, complicated and intricate as they are, can be brought into proper relation by any one thing done by Congress. We are engaged in the greatest work of modern times. No other country in the world ever attempted so great and difficult a duty as confronts the Government of the United States. I do not believe that there is any other nation on the face of the earth that has presented to it anything like the complications and intricacies of relation between our people and the Government—the Federal Government and the State governments—and the relation between the Government and foreign countries, as present themselves to our Government at this time. We shall have to approach the problem by slow degrees; we shall have to be thoughtful about everything we do; but when we see a thing that ought to be done, to turn aside from it because we have not the benefit of some instrumentality that we should be glad to have is to abdicate our duty and is to abandon the functions which the law and the Constitution impose upon us.

Mr. President, of course I apologize for taking two hours in what might be called a preface to the address which I had expected to deliver. I have the same excuse that all of you have. Whenever you rise to address the Senate, it is to occupy only a small part of the time actually consumed. I now come to the examination of the pending schedule.

Mr. SMOOT. Mr. President, if it be agreeable to the Senator from Iowa, I will ask unanimous consent that the Senate take up the calendar under Rule VIII.

Mr. CUMMINS. That will be entirely agreeable to me.

THE CALENDAR.

Mr. SMOOT. I ask unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII, resuming its consideration where we stopped this morning, and not retracing the numbers already passed over.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that, beginning at the point where it was left off this morning, the calendar be taken up under Rule VIII, unobjected cases to be considered.

Mr. SMOOT. Before that is done, Mr. President, I will ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. Without objection that order will be made. Is there objection to the request made by the Senator from Utah to resume the consideration of the calendar of unobjected cases? The Chair hears none; and the Secretary will state the first case on the calendar.

PROCEDURE IN UNITED STATES COURTS.

The bill (S. 5917) relating to procedure in United States courts was considered as in Committee of the Whole.

The Secretary read the bill, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 5, after the word "conclusive," to strike out "as its judgmnt may require" and insert "upon the merits," so as to make the bill read:

Be it enacted, etc., That no judgment shall be set aside or reversed or new trial granted by any court of the United States in any case, civil or criminal, on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless, in the opinion of the court to which application is made, after an examination of the entire cause, it shall appear that the error complained of has injuriously affected the substantial rights of the parties. The trial judge may in any civil case tried before a jury submit to the jury in connection with the general verdict specific issues of fact arising upon the pleadings and evidence, and he and any court to which the case shall thereafter be taken on writ of error shall have the power to direct judgment to be entered either upon the verdict or upon the special findings, if conclusive, upon the merits.

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to.

Mr. BACON. Mr. President, I do not wish to unduly delay the bill, but I want to look at it somewhat before it is acted upon by the Senate. I recollect when we had the discussion of the bill before the committee that there were some features of the bill to which I very seriously objected. I can not tell, merely from the reading of the bill at the desk, whether my objections were cured by the amendments which were adopted. I recollect particularly that I was seriously concerned by what I understood to be the provision of the bill which would make the exclusion or the admission of improper evidence not a sufficient ground for the reversal of a decision if, in the opinion of the reviewing court, it would not have affected the final judgment, so far as its merits were concerned. I think that is a most dangerous proposition.

Mr. BRANDEGEE. Would the Senator from Georgia object to having the bill now read?

Mr. BACON. Of course not. I supposed the bill had been read.

The PRESIDENT pro tempore. The bill has been read.

Mr. BRANDEGEE. And considered for a few minutes? It is a very short bill.

The PRESIDENT pro tempore. The Chair will state that the bill has been read, and is now being considered as in Committee of the Whole.

Mr. BACON. I understood the bill had been read when I made the point in reference to it.

Mr. OVERMAN. I understand the Senator from Maryland [Mr. RAYNER] desires to be present when this bill is considered.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BACON. I do not object to its present consideration so far as the discussion of it goes.

Mr. OVERMAN. I think the Senator from Maryland asked me to object if the bill came up while he was absent, and I shall have to object.

Mr. BACON. It is a most important and far-reaching bill.

The PRESIDENT pro tempore. Being objected to, the bill goes over.

WRITS OF ERROR FROM STATE COURTS.

The bill (S. 3749) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, on page 1, after the word "follows," in line 7, to strike out:

SEC. 237. A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States; or where is drawn in question the validity of a statute of, or an authority exercised under, any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States; or where any title, right, privilege, or immunity is claimed under the Constitution, or any treaty or statute of, or commission held or authority exercised under, the United States, may be reexamined and reversed or affirmed in the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in the court of the United States. The Supreme Court may reverse, modify, or affirm the judgment or decree of such State court, and may, at their discretion, award execution or remand the same to the court from which it was removed by the writ.

And in lieu thereof to insert:

SEC. 237. It shall be competent for the Supreme Court to require, by certiorari or otherwise, any such case to be certified to the Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court, although the decision in such case may have been against the validity of the State statute or authority claimed to be repugnant to the Constitution, treaties, or laws of the United States, or in favor of the title, right, privilege, or immunity claimed under the Constitution, treaty, statute, commission, or authority of the United States.

So as to make the bill read:

Be it enacted, etc., That section 237 of chapter 10 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, is hereby amended so as to read as follows:

"SEC. 237. It shall be competent for the Supreme Court to require, by certiorari or otherwise, any such case to be certified to the Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court, although the decision in such case may have been against the validity of the State statute or authority claimed to be repugnant to the Constitution, treaties, or laws of the United States, or in favor of the title, right, privilege, or immunity claimed under the Constitution, treaty, statute, commission, or authority of the United States."

Mr. ROOT. Mr. President, there was a clerical error in the bill as made up. The words "so as to read as follows," on line 6, page 1, should have been "by adding thereto the following."

I now move that amendment. What is proposed is an addition to section 237. I think the committee are unanimous upon that point in the bill.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New York will be stated.

The SECRETARY. On page 1, line 6, after the word "amended," it is proposed to strike out the words "so as to read as follows" and to insert the words "by adding thereto the following"; so as to read:

That section 237 of chapter 10 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, is hereby amended by adding thereto the following:

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to.

Mr. BACON. Is that the only amendment which has been offered, Mr. President?

Mr. BRANDEGEE. I think, if that language is changed, on page 2 of the bill the words "section 237" should also be stricken out.

Mr. ROOT. Yes; they should be stricken out.

The PRESIDENT pro tempore. The amendment suggested by the Senator from Connecticut will be stated.

The SECRETARY. On page 2, line 16, it is proposed to amend the amendment of the committee by striking out "section 237."

The amendment to the amendment was agreed to.

Mr. BACON. I will ask the Senator from New York, in charge of the bill, to explain its effect. I do not make the request on my own account, but there are Senators who desire to hear it explained.

Mr. ROOT. Mr. President, the original bill was framed so as to give, in cases where a right was claimed in a State court under the Constitution or laws of the United States and the decision was in favor of the right, the same right of appeal which exists under present law when the decision is against the right. The committee thought that, instead of throwing open the whole field, so that whenever there was a decision upon a claim of right under the Constitution or laws of the United States in favor of the right, the parties could always appeal to the Supreme Court of the United States, it would be sufficient to accomplish the purpose to give the power to the Supreme Court to bring up such cases by certiorari. If everybody were given the right to appeal, we felt there would be a flood of cases coming up to the Supreme Court for the purpose of delay, and the Supreme Court calendar would be uselessly burdened.

The sole object of the bill, Mr. President, is to make it possible for the Supreme Court to pass upon Federal questions so as to have uniformity of law. I presume the bill arose out of the fact that there were decisions in the State of Washington and in the State of New York upon workingmen's compensation acts which were directly in opposition, the court in the State of Washington holding that such a law did not violate the fourteenth amendment of the Constitution, while the court in the State of New York held that such a law did violate the fourteenth amendment. So we have in two States two different decisions regarding the effect of a provision of the Constitution of the United States.

This bill, giving the right of certiorari, will enable the Supreme Court to bring up such a question whenever it is necessary or desirable for the purpose of securing uniformity in the law; and, at the same time, it will not open the gates to a flood of appeals in cases where decisions have been rendered in favor of provisions of the Constitution or of the laws.

Mr. HITCHCOCK. Mr. President, I do not yet quite understand what the present law is.

Mr. ROOT. The present law is, section 237 of the revision of the laws approved March 3, 1911, that whenever a claim of right is made in a State court under the Constitution or laws of the United States and the decision is against the claim, an appeal will lie to the Supreme Court of the United States; so that if any man in the State courts is denied a right that he claims under the Constitution or the laws of the United States he has an appeal to the Supreme Court. The law now gives that same right to a man where his claim is allowed, but, so far as the litigants themselves are concerned, there is no reason for it whatever. The only object of it was to enable the Supreme Court to secure uniformity of decision, and that, the committee thought, would be accomplished by giving the right of certiorari.

Mr. HITCHCOCK. The Senator illustrates that situation by referring to two decisions involving the same principle, in one of which it was favorable to the claimant and in another against him.

Mr. ROOT. Yes.

Mr. HITCHCOCK. But it seems to me that if the Supreme Court already has the power to order up one case it would also cover the other case, even though not ordered up.

Mr. ROOT. It has not, Mr. President. It does not proceed by certiorari. It depends upon whether the parties wish an appeal. The parties in the State of Washington apparently had no desire to appeal to the Supreme Court, and the parties in the State of New York could not appeal to the Supreme Court, and so there the decision stands. Under this bill as reported by the committee those parties who are dissatisfied with such a decision in the State of New York could go to the Supreme Court, and if that court thinks it desirable to secure uniformity in the decisions it brings that case up by certiorari.

Mr. BACON. If I understand correctly, Mr. President—and possibly it may elucidate the matter—as the law now stands, in case there is a claim denied where a party claims a right under the Constitution of the United States, that party can come to the Supreme Court of the United States to have that right adjudicated; but if the claim is allowed, the party on the other side, who is dissatisfied with it, under the present law would not have that privilege. This bill simply gives the opportunity for certiorari in such cases as the Supreme Court may deem sufficiently meritorious to warrant their being taken to the Supreme Court to have the matter adjudicated. That is the statement of the case as I understand it.

Mr. ROOT. Precisely.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee as it has been amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 5956) to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

NATHAN M'DANELD.

The bill (S. 4341) to remove the charge of desertion from the military record of Nathan McDaneld was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of the pension laws Nathan McDaneld, who was a private of Troop A, Fifth Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said troop and regiment on the 27th day of July, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. SMOOT. Mr. President, I notice that the junior Senator from Nebraska [Mr. HITCHCOCK], who reported the bill, is present, and I should like to ask him whether there was any evidence whatever to show that Mr. McDaneld did not desert from the Army? Is there any question as to the facts in the matter?

Mr. HITCHCOCK. Mr. President, I do not recall exactly the facts in this particular case, as there have been a great many similar bills before the Committee on Military Affairs, but this is one of those cases in which the soldier, after serving, I think, in this instance, something like four years, left the service without authority or leave after the war was practically over. The committee thought that by reason of his long service, extending over a period of four years, which, as I recall, embraced service in a number of battles, and in view of the fact that he did not leave his command until after actual hostilities had ceased for a number of months, and having introduced some evidence that he was sick at the time, it would be proper to give him a pensionable status, as provided in this bill.

Mr. WARREN. Mr. President, I will refresh the Senator's memory by suggesting that the soldier served two terms of enlistment and was honorably discharged from the first one. It was in his second enlistment that he left the service, but the war was then about over.

Mr. JONES. The soldier served from October 13, 1860, until July 9, 1864, nearly four years.

Mr. LODGE. I see by reading the report that he served longer than that. He served from October, 1860, to July, 1864, and then reenlisted, and did not leave the service until the 27th of July, 1865.

Mr. WARREN. He served nearly four years in his first enlistment, when he received an honorable discharge, and then he enlisted for a second term and left the service, as many another man did, thinking the war was over. The proper proclamation to that effect had not been made, but there was no fighting after that time, and he, like many others, is marked on the records as being a deserter.

Mr. SMOOT. The only thing——

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. Certainly.

Mr. BRISTOW. If the Senator will examine the report, he will find that this man went home to visit his sick wife after he thought the war was over, when there was nothing further to do, and he did not go back to his regiment. That is all there is to it.

Mr. SMOOT. I did not have the opportunity to read the report. All I desired was to ascertain the facts in the case. On the statements which have been made I have no objection to the bill, Mr. President.

Mr. BRANDEGEE. Mr. President, while the bill purports to give the beneficiary a pensionable status, the amendment recommended by the committee provides distinctly that he shall not have a pensionable status.

Mr. SMOOT and Mr. LODGE. Oh, no.

Mr. BRANDEGEE. That is the way it is in the bill.

Mr. SMOOT. Oh, no; it provides "that no pension shall accrue prior to the passage of this act."

Mr. BRANDEGEE. That is true.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Nathan McDaneld."

BILL PASSED OVER.

The bill (S. 2605) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

STREET RAILWAY EXTENSIONS IN THE DISTRICT OF COLUMBIA.

The bill (S. 5990) to provide for the extension of the underground system of the Washington Railway & Electric Co. and the City & Suburban Railway of Washington along certain streets in the city of Washington, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments. The first amendment was, in section 1, on page 1, line 4, before the words "is hereby," to insert the word "it," so as to read:

That the Washington Railway & Electric Co., of the District of Columbia, be, and it is hereby, authorized and directed to extend its lines of street railway with a single track of underground conduit construction, and to equip, operate, and maintain the same with necessary switches, connections, and turnouts, along the following route.

The amendment was agreed to.

The next amendment was to strike out section 2, as follows:

SEC. 2. That the City & Suburban Railway of Washington be, and is hereby, directed to extend its lines of street railway with single track of underground conduit construction, and to equip, operate, and maintain the same, with necessary switches, connections, and turnouts, in C and D Streets NE., from Thirteenth to Fifteenth Streets, which extensions are authorized in amendments to the charter of the Eckington & Soldiers' Home Railway Co. of July 5, 1892, and February 13, 1893.

And to insert in lieu thereof:

SEC. 2. That the City & Suburban Railway of Washington be, and it is hereby, directed to extend its lines of street railway with single track of underground conduit construction, and to equip, operate, and maintain the same, with necessary switches, connections, and turnouts, in C and D Streets NE., from Thirteenth Street to Fifteenth Street.

The amendment was agreed to.

The next amendment was, in section 4, on page 3, line 14, before the word "companies," to strike out "respectve" and to insert "respective," so as to make the section read:

SEC. 4. That where the extensions authorized and directed by this act coincide with each other, or with a line or lines of existing street railways, or street railways hereafter authorized to be constructed, suitable arrangements may be made by the respective companies for the reciprocal use of trackage, upon terms mutually agreed upon; or, in case of disagreement, the matters in dispute shall be determined by the Supreme Court of the District of Columbia upon petition filed by either party.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, was announced as next in order.

Mr. LODGE. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 117) granting an increase of pension to Annie G. Hawkins, was announced as next in order.

Mr. SMOOT. I ask that the bill which has just been stated and the bill following it on the calendar be passed over. The chairman of the Committee on Pensions is not present at this time, and he desires to be here when these bills are taken up.

Mr. DU PONT. I should like to have the bills taken up, Mr. President.

Mr. SMOOT. I know the chairman of the committee desires to be heard upon the two bills; in fact, he asked, in case they should come up during his absence, to request that they go over.

Mr. DU PONT. Very well.

The PRESIDENT pro tempore. At the request of the Senator from Utah, Senate bill 117 and Senate bill 118 will be passed over.

The bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. The bill will be passed over on request of the present occupant of the chair.

The bill (S. 5860) to provide for agricultural entries on coal lands in Alaska was announced as next in order.

Mr. CLARK of Wyoming. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

HOMESTEADS IN FLATHEAD IRRIGATION PROJECT.

The bill (S. 5957) providing for the issuance of patents to entrymen for homesteads in the so-called Flathead irrigation project was announced as next in order.

Mr. BORAH. I will ask the Senator from Utah if this bill is not covered by the bill we passed the other day?

Mr. SMOOT. No. It is the same subject matter as the bill which was passed the other day, but this applies only to Alaska.

Mr. BORAH. The bill as to Alaska has gone over.

Mr. SMOOT. Oh; I thought we were considering that. My attention was diverted for the moment.

The PRESIDENT pro tempore. It is Order of Business No. 548.

Mr. SMOOT. I ask that Calendar No. 548 be transferred to Rule IX.

The PRESIDENT pro tempore. It will be transferred to Rule IX.

ROADS IN COLVILLE RESERVATION, WASH.

The bill (S. 5350) authorizing and directing the Secretary of the Interior to investigate and report upon the advisability of constructing roads upon the diminished Colville Indian Reservation in the State of Washington, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, in line 4, page 1, after the word "directed," to insert "without additional cost," and on page 2, line 3, after the word "reservation," strike out the remainder of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed without additional cost to investigate and report to Congress at its next session the necessity or advisability of constructing wagon roads on the diminished Colville Indian Reservation in the State of Washington. If he shall find the construction of such roads to be necessary or advisable he shall submit specific recommendations in respect to the kind of roads to be constructed, their location and extent, together with an estimate of cost for the same, and what portion thereof shall be paid out of the proceeds of the sale of surplus lands of such reservation.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VITAL STATISTICS FOR ALASKA.

The bill (S. 5211) to require the registration of vital statistics in the Territory of Alaska, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Territories with amendments.

The first amendment of the Committee on Territories was, on page 2, section 2, line 22, after the word "shall," to strike out "be of the standard form approved by the United States Bureau of the Census, and shall"; on page 3, line 5, after the word "race," to strike out "birthplace"; in line 6, after the word "race," to strike out "birthplace"; in line 8, after the word "living" and the semicolon, to strike out "whether born at full term and stillborn or born alive; and," so as to read:

SEC. 2. That the certificate and record of birth shall contain a statement of the place of birth; date of birth; full name of child (the given name to be added by a supplementary statement if the child is not

named at the time of making the return); sex; whether a plural birth (twin, triplet, etc.); legitimacy or illegitimacy; full name of father (except for illegitimate children); residence, color or race, age, and occupation of father; maiden name, residence, color or race, age, and occupation or mother; number of child of mother, and number of children living.

The amendment was agreed to.

The next amendment was, on page 3, section 3, line 24, after the word "shall," to strike out "be on the standard form approved by the United States Bureau of the Census and shall"; on page 4, line 4, after the word "father," to strike out "birthplace of father"; in line 5, after the word "mother," to strike out "birthplace of mother; signature and address of informant; official signature of United States commissioner, with date on which the certificate was filed, and registry number;" in line 15, after the word "obtained," to strike out "and the circumstances may render it necessary"; in line 19, after the word "relatives," to strike out "whether insured; and if so, in what company or companies, and for what amount or amounts," so as to read:

SEC. 3. That the certificate and record of death shall contain a statement of the place of death; full name of the decedent; sex; color or race; whether single, married, widowed, or divorced; date of birth; age; occupation; birthplace; name of father; maiden name of mother; date of death; medical certificate of cause of death; length of residence at place of death, in hospital or institution, or in the Territory; former or usual residence; place and date of burial or removal; and the signature of the undertaker or person acting as such. Also, for the purposes of identification, the following additional information shall be entered on the back of the certificate of death as fully as the information can be obtained: Height; weight; complexion; color of hair; if married, full name and residence of the surviving husband or wife; names and addresses of living children; names and addresses of other relatives.

The amendment was agreed to.

The next amendment was, on page 8, section 7, after the numeral "7," to strike out "That it" and to insert "That the United States commissioner in each of the commissioner precincts in the Territory of Alaska, when applied to for that purpose by any person legally entitled to a marriage license, shall issue a license in substance as follows:

"Marriage license: (Name of place where office is located, month, date, year.) To any person authorized by law to perform the marriage ceremony, greeting: You are hereby authorized to join in marriage A. B., of ———, aged ———, and C. D., of ———, aged ——— (and name of parent or guardian consenting). And of this license you will make due return to my office within 30 days.

"[SEAL.] "———— ————,
"United States Commissioner.

"The United States commissioner shall keep a correct copy of all marriage licenses by him issued in a book to be provided for that purpose, together with a copy of the return, indorsed on such license by the person performing the marriage ceremony, and shall be entitled to receive the sum of $1 for the same, to be paid by the parties applying for the same. It"; on page 9, line 8, after the word "make," to insert "return of the license to the commissioner issuing the same within 30 days after performing such ceremony. He shall also make"; in line 11, after the words "certificate in," to strike out "triplicate" and insert "duplicate"; in line 19, after the words "and that," to strike out "said certificate" and insert "the license authorizing such marriage"; in line 24, after the word "wife," to strike out "and within 30 days from the date of the marriage shall file the third copy with the United States commissioner of the precinct in which the marriage was performed. And the person solemnizing the marriage shall collect from the contracting parties the sum of $1, which said amount he shall pay to the United States commissioner at the time he files said certificate of marriage. And in case he shall fail or refuse to collect the sum of $1, as above required, he shall pay said amount to said United States commissioner out of his own funds" and insert "No person empowered by law to join others in marriage shall marry any person until a license issued by a United States commissioner for the Territory of Alaska, under his hand and official seal, shall be produced by him," so as to make the section read:

SEC. 7. That the United States commissioner in each of the commissioner precincts in the Territory of Alaska, when applied to for that purpose by any person legally entitled to a marriage license, shall issue a license in substance as follows:

Marriage license: (Name of place where office is located, month, date, year.) To any person authorized by law to perform the marriage ceremony, greeting: You are hereby authorized to join in marriage A. B., of ———, aged ———, and C. D., of ———, aged ——— (and name of parent or guardian consenting). And of this license you will make due return to my office within 30 days.

[SEAL.] ———— ————,
United States Commissioner.

The United States commissioner shall keep a correct copy of all marriage licenses by him issued in a book to be provided for that purpose, together with a copy of the return, indorsed on such license by the person performing the marriage ceremony, and shall be entitled to receive the sum of $1 for the same, to be paid by the parties applying for the same. It shall be the duty of every person authorized to perform marriages within the Territory of Alaska to make return of the license to the commissioner issuing the same within 30 days after performing such ceremony. He shall also make out a marriage certificate in duplicate upon blanks which shall be furnished him by the Territorial registrar of vital statistics upon application therefor. The said certificate shall conform to the present requirements of the law of the Territory of Alaska as to what a marriage certificate shall contain, except that in addition to the present requirements of a marriage certificate, said certificate shall state in what commissioner's precinct the marriage was performed and that the license authorizing such marriage will be filed for record and recorded in said precinct within 30 days after said marriage is performed, and the person performing such marriage shall deliver one copy of said marriage certificate to the husband and one copy to the wife. No person empowered by law to join others in marriage shall marry any person until a license issued by a United States commissioner for the Territory of Alaska, under his hand and official seal, shall be produced to him. And any person failing or refusing to comply with the provisions of this section, or with any part thereof, shall be deemed guilty of a misdemeanor.

The amendment was agreed to.

The next amendment was, on page 10, section 8, line 21, after the word "precinct," to strike out "and said United States commissioner shall receive as compensation for his services in recording each of said certificates $1 for each certificate of birth, $1 for each certificate of death, and $1 for each certificate of marriage; that the fees for recording the certificates of births and deaths shall be included by the United States commissioner in his quarterly account of claims, and shall be paid by the United States in the same manner and from the same funds as claims for fees of justices of the peace in criminal cases are paid," so as to read:

SEC. 8. That it shall be the duty of every United States commissioner within the Territory of Alaska to record every birth certificate, death certificate, and marriage certificate presented to him for record where the birth, death, or marriage took place, or the body of a dead person was found in his precinct.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

A bill (S. 5719) to increase the efficiency of the Medical Department of the United States Navy was announced as next in order.

Mr. BORAH. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 1) to establish a department of health, and for other purposes, was announced as next in order on the calendar.

Mr. OWEN and Mr. LODGE. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 5169) authorizing the Ponca Tribe of Indians to intervene in the suit of the Omaha Indians in the Court of Claims, and for other purposes, was announced as next in order.

Mr. LODGE. Let it go over, Mr. President.

Mr. OWEN. The suit has already been authorized and brought, and I think there is no objection to permitting these parties to intervene in a suit which has been brought.

The PRESIDENT pro tempore. Objection has been made, and the bill goes over.

DISTRICT ATTORNEY, EASTERN DISTRICT, LA.

The bill (S. 1590) providing for an increase of salary for the United States district attorney for the eastern district of Louisiana, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, in line 4, after the words "hundred and" to strike out "eleven" and insert "twelve," and in line 6, after the words "at the rate of" to strike out "five" and insert "four," so as to make the bill read:

Be it enacted, etc., That, commencing with the fiscal year beginning July 1st, 1912, the salary of the United States district attorney for the eastern district of Louisiana shall be at the rate of $4,000 per annum.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IMPROVEMENTS ON CERTAIN CHOCTAW AND CHICKASAW LANDS.

The bill (S. 6219) providing for the purchase of permanent improvements on the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations by the citizens erecting such improvements, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 5, after the word "land" to insert "prior to the approval of the act authorizing the sale of the surface of the said segregated coal and asphalt lands," so as to make the bill read:

Be it enacted, etc., That the houses and other valuable and permanent improvements placed upon the segregated coal and asphalt lands of the

Choctaw and Chickasaw Nations, in the State of Oklahoma, by private individuals and not purchased by the Indian nations shall be scheduled to those who erected such improvements, and shall be appraised independently of the surface of the land on which they are located; and if the citizens erecting such improvements fail to buy the surface of the lands on which their improvements are located at the highest bid, said improvements shall be sold with the lands at the appraised value of the land and improvements, and the citizen erecting the same shall receive out of such purchase money the appraised value of the valuable and permanent improvements erected by him on such land prior to the approval of the act authorizing the sale of the surface of the said segregated coal and asphalt lands.

Mr. OWEN. On page 1, line 7, after the word "who," I move to strike out "erected" and insert "own"; in line 10, before the word "such," I move to strike out "erecting" and insert "owning"; and, on page 2, line 3, after the word "citizen," I move to strike out "erecting" and insert "owning."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the purchase of permanent improvements on the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations by the citizens owning such improvements."

SECOND HOMESTEAD ENTRIES IN CERTAIN CASES.

The bill (S. 4580) to permit second homestead entries in certain cases was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That where any person, otherwise duly qualified to make entry of public lands under the homestead or desert-land laws, has heretofore made or may hereafter make entry under said laws, and has forfeited or abandoned the same, such person may be permitted to make another entry upon showing to the satisfaction of the Secretary of the Interior that the prior entry was made in good faith, was forfeited or abandoned because of matters beyond his control, and that he has not speculated in his right nor otherwise committed a fraud or attempted fraud in connection with such prior entry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the allowance of second homestead and desert entries."

THE CHEMICAL SCHEDULE.

The bill (H. R. 20182) to amend "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, was announced as next in order on the calendar.

Mr. LODGE. Let it go over.

The PRESIDENT pro tempore. It will go over.

REGULATION OF WIRELESS TELEGRAPHY.

The bill (S. 6412) to regulate radio communication was considered as in Committee of the Whole.

The PRESIDENT pro tempore. This bill has been twice read.

Mr. BACON. I should like to hear it read again, if it is not too long.

Mr. BOURNE. It is a long bill. It is a bill which was unanimously reported by the Committee on Commerce—it is a committee bill—regulating radio telegraphy.

Mr. BACON. Wireless telegraphy?

Mr. BOURNE. Yes. It is a corollary to the treaty which the Senate ratified some two or three weeks ago. There is no objection to having the bill read if the Senator from Georgia would like to have it read.

Mr. BACON. It is a matter that has been before the Committee on Foreign Relations, so far as the treaty is concerned, and has been considerably discussed and considered in various aspects.

I should like to ask the Senator from Massachusetts [Mr. LODGE], who was active in that consideration, if he is familiar with the terms of this bill, and whether he considers it in accordance with the treaty.

Mr. LODGE. I have not examined the bill in detail, but it is a bill prepared by the Committee on Commerce and has their unanimous support, and is, I believe, in harmony with the provisions of the treaty which our committee reported. It is a long bill. I believe it to be entirely——

Mr. BACON. I do not request that it be read, but I should like to ask the Senator from Oregon to state the general features of the bill.

Mr. BOURNE. Mr. President, I will say for the information of the Senator from Georgia that this bill was referred, with other bills, to a subcommittee of the Committee on Commerce. On the subcommittee were the Senator from Ohio [Mr. BURTON], who is a member of the Committee on Foreign Relations; the Senator from Michigan [Mr. SMITH], the Senator from Florida [Mr. FLETCHER], the Senator from North Carolina [Mr. SIMMONS], and I.

The original bill was a departmental bill, and in the bill the provision was made for authorization of such rules and regulations as the department might wish to make in accordance with whatever the President or the Secretary of Commerce and Labor thought best. The committee thought it would be much better to have in the bill itself the exact confines of the activities of private interests. So the bill was worked out on those lines.

It specifies just exactly what private interests can and what they can not do. It fits the action of the Committee on Foreign Relations with relation to the treaty and its ratification by the Senate, and is corollary to a treaty that was passed, and it is necessary in order to carry out the treaty.

Hearings were held and all commercial interests given an opportunity to appear before the subcommittee. A day was taken therefor; the hearings are printed, and every Member of the Senate has had copies of the hearings furnished to him.

I will state the main features of the bill. The first is to secure an ascertainment, so that everybody may be cognizant of the exact number of activities that are in operation. That is provided for under the licensing features of all instruments. Second, a licensing of individual operators. It is compulsory with the Secretary of Commerce and Labor that upon application these licenses shall be issued. The third is to minimize the possibility of any interference under the present state of the art of wireless telegraphy. This is minimized by the rules and regulations embodied in the bill itself.

Under the present development of the science there are some wave lengths up to 6,600 meters. These would be equivalent to some 34 telephone lines. The Government is given the right to the exclusive use of eight of these telephone lines, in effect, which would be the wave lengths from 600 meters to 1,600 meters. Amateurs are given the right to use up to 200-meter wave lengths, and the Secretary of Commerce and Labor can, in his discretion, issue special permits to use other waves to amateurs or individuals who are studying along the line of wireless telegraphy.

Then a pure sound is provided in the bill, which is necessary in order to minimize the possibility of interference. To the commercial interests of the country are left the use of 26 telephone lines, using that term as a simile. So the restriction upon the commercial interests is not an unnecessary one to attain the object of the bill, the purpose being to prevent interference so far as it is possible to do so in the present development of the art.

Provision is made in the bill that as the art develops and improvements are made the Secretary of Commerce and Labor may extend the scope of the activities of commercial and private interests, but he can not limit them other than the limitations as they exist in the bill.

Then, a clause is contained in the bill which provides for the public receiving continuous service. The United States already has in existence, through the Navy and War Departments, a chain of stations from one coast around to the other, with the exception of two gaps held by private interests. There is a provision in the bill that in case the commercial interests fail to give service in those two gaps the Government may furnish the service during such period of failure, so that the public at large can have continuous service, making a charge for that of not more, as I remember, than $1.50 for a certain number of words. I think that is provided for under the treaty.

Mr. BACON. I will say to the Senator and to the Senate that the reason which prompted my inquiry is this: This matter has been before the Foreign Relations Committee for several years on the question whether we would recommend to the Senate the ratification of the treaty which was proposed between all of the leading nations, including the United States, with reference to this subject, and the matter was delayed for years before the Committee on Foreign Relations, because of the fact that very large interests were involved, and also because the science was in a measure undeveloped, and we thought it best to wait.

But the fact was brought to the attention of the committee, within the recent past, that there was soon to be in London a convention of the representatives of the different powers for the purpose of formulating, as I understand, regulations which would cover very much the grounds spoken of in this bill, and it was said that if we did not ratify the treaty we would not be permitted to send a delegate to that convention. That was the main consideration which induced the Committee on Foreign

Relations to report the treaty to the Senate, and the Senate acted upon it, and the treaty was ratified.

Now, the question in my mind is whether or not this bill is in any manner an anticipation of the work which is to be done by that convention when it meets in London.

The Senator from Ohio [Mr. BURTON], who belongs to each of these committees, possibly is in a position to give me the desired information somewhat more directly than one who is not upon the Foreign Relations as well as the Commerce Committee.

Mr. BURTON. Mr. President, I would state that the ratification of the treaty contemplates our attendance at the convention to be held in London in June. The delegates have already been designated, and the diplomatic and consular appropriation bill makes an appropriation for their expenses. This bill is entirely in line with the treaty. Of course it contains additional features to make it applicable to our own situation.

There are two things, I should say, in general secured by this bill. First, the carrying out of the obligations imposed upon us by the treaty or convention; second, local regulations. I will say to the Senator from Georgia that I do not think we ought to wait until after the convention in June before we pass this bill. The recent *Titanic* disaster emphasizes very strongly the necessity of legislation upon this subject.

In the next place, radical changes by the convention at London do not seem probable. Propositions for modifications have already been published. While I take it these do not preclude the bringing forward of other propositions at the meeting itself, so far as regards those which have been presented and published they would be quite in harmony with this bill. There might be a necessity for some amendments to the bill after the convention, but I do not anticipate that any radical changes would be required.

Mr. BACON. I will simply ask the Senator whether or not this bill covers the question of the transmission of marine messages?

Mr. BURTON. Oh, certainly.

Mr. BACON. I mean the transmission of messages from one ship to another.

Mr. BURTON. Certainly. All those grounds are covered with considerable care.

Mr. BACON. I agree with the Senator that we should have legislation on this subject as speedily as possible, and I was only anxious to know whether our work was of such a character that it would have to be done over again as soon as the convention in London shall have acted. Of course, under the statement made by the Senator, if there should be such regulations promulgated by that convention the amendments necessary could very readily be drafted upon the law.

Mr. BURTON. I think they could readily be made, and I believe I am correct in saying that they could be quite as readily made if the groundwork afforded by this legislation should now be enacted into law.

Mr. HITCHCOCK. I should like to ask a question of the Senator from Oregon or the Senator from Ohio. Does the paragraph on page 6 requiring every station to designate a certain definite wave length and that the wave length shall not exceed 600 meters or shall exceed 1,600 meters comply with the terms of the convention?

Mr. BOURNE. Yes; I think so.

Mr. HITCHCOCK. My recollection is that that convention, which was agreed to, provided that every coastal station shall have definite'y a 300-meter wave length and a 600-meter wave length. This paragraph seems to contemplate——

Mr. BOURNE. To what paragraph is the Senator referring?

Mr. HITCHCOCK. The paragraph on page 6.

Mr. BOURNE. The first paragraph?

Mr. HITCHCOCK. The paragraph reads:

> First. Every station shall be required to designate a certain definite wave length as the normal sending and receiving wave length of the station. This wave length shall not exceed 600 meters or it shall exceed 1,600 meters.

Mr. BOURNE. That complies exactly with the Berlin convention.

Mr. HITCHCOCK. My recollection of the terms of the convention is that every coastal station was definitely required to maintain an apparatus for two wave lengths, one of 300 meters and the other of 600 meters, the evident purpose being that they should always be ready to receive messages sent by either of those wave lengths. But this paragraph seems to contemplate that any station can maintain a wave length anywhere from 100 to 1,600 meters.

Mr. BOURNE. If the Senator will read the bill through, he will see that provision was made in the bill that amateurs may take and use up to 200 meters.

Mr. HITCHCOCK. That does not cover the point. I think the Senator from Oregon has not understood me. If we are under treaty obligation with these other countries to maintain regulations under which coastal stations shall always be ready to receive messages of 300 or 600 meter wave lengths, should we not provide in the bill that those coastal stations shall always be ready to receive messages of those wave lengths? Should we allow them in this bill to select any wave length they please below 600 and over 1,600 meters?

Mr. BOURNE. I am not a specialist on wireless telegraphy. My understanding from the governmental representatives, the Commissioner of Navigation, and from Lieut. Commander Todd, was to the effect that this is in actual compliance with the first regulations under the Berlin convention and that there is given to the Government the right of way between the 600-meter wave length and the 1,600-meter wave length.

Mr. HITCHCOCK. That is true, but——

Mr. BOURNE. This provision is for that special purpose.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I do.

Mr. LODGE. As the Senator from Nebraska will remember, the treaty was to limit certain wave lengths to the use of the Government. I have sent for the treaty to see whether I am right, but my remembrance of the treaty is that all was excluded between 300 and 1,600 meters.

Mr. BURTON. Mr. President, if the Senator from Massachusetts will permit me, it is required that the wave lengths should be of 300 or 600 meters. It is all set forth in the treaty.

Mr. LODGE. It is.

Mr. BURTON (reading):

> Two wave lengths, one of 300 meters and the other of 600 meters, are authorized for general public service. Every coastal station opened to such service shall use one or the other of these two wave lengths.

The exclusion is 600 to 1,600 meters.

Mr. LODGE. I see.

Mr. BURTON. In a way I think the criticism of the Senator from Nebraksa is well taken. However, in the granting of licenses that can very readily be taken care of, and I do not see that it is necessary to insert any provision in regard to it.

It will be noticed that the provision on page 6, to which the Senator from Nebraska has called attention, refers to every station, while the treaty refers to those public stations which are used for communication with the sea.

Mr. HITCHCOCK. If there is still power in the authority issuing the licenses to require every coastal station to maintain apparatus for a wave length of 300 meters and also for a 600-meter wave length, then my suggestion is not of any importance, but if there is no provision for that power in the licensing authority, then I think this paragraph ought to be broadened, because we are certainly under an international obligation to constantly maintain at these coastal stations apparatus ready to receive a 300-meter wave length message and a 600-meter wave length message.

Mr. BOURNE. You would be bound by that, anyhow.

Mr. HITCHCOCK. Yes; we would be bound by it, it is true. If we are bound by it, our legislation ought to provide that the coastal station should be ready.

Mr. BOURNE. I will say, for the information of the Senator from Nebraska, that in the issuance of licenses the Secretary of Commerce and Labor will give that information, so that they will know exactly what wave lengths each instrument is using or each agency has.

Mr. HITCHCOCK. If the licensing power has the authority to make that condition, I think that will be sufficient.

Mr. MARTINE of New Jersey. Mr. President, I should like to say, in reference to this matter, that I have received very many protests against a measure that should tend to blot out, so to speak, independent wireless telegraphy. I wish to ask the Senator who has the measure in charge whether it will prevent the independent use of wireless telegraphy?

Mr. BOURNE. I will state for the information of the Senator from New Jersey that as far as possible provisions are made in the bill to give the widest possible activity to the independent or commercial instruments. They have all had opportunities of being heard, and all their objections were taken into consideration by the committee drawing the bill. The main purpose of the bill is to minimize the possibilities of interference and increase the efficiency of the service, which is for the general benefit of everybody, the commercial interests as well as the general welfare of the public itself.

Mr. MARTINE of New Jersey. That is all encompassed in the bill?

Mr. BOURNE. As far as possible, up to the present development of the art of wireless telegraphy.

The PRESIDENT pro tempore. If there is no amendment to be offered as in Committee of the Whole, the bill will be reported to the Senate.

Mr. ROOT. Mr. President, I think it would be advisable to have a clause added to give effect to what the Senator from Nebraska has suggested, and I was engaged in drafting one, if I can be indulged for a moment.

Mr. BURTON. Mr. President, I think I can suggest phraseology. It is to add at the end of line 11:

And every coastal station opened for general public service shall have an available wave length either of 300 or 600 meters.

I do not think that is entirely necessary, but it makes it more clear that the terms of the convention are complied with.

Mr. HITCHCOCK. It seems to me if the coastal station is required to have a 300-meter wave length, it should also be required to have apparatus for a 600-meter wave length.

Mr. ROOT. I will put it in this shape, and I will ask the Senator's attention to it. It is to add the words of the treaty:

Every coastal station shall be limited to two wave lengths for general public service, one of 300 and the other of 600 meters.

Mr. LODGE. Those are the words of the treaty.

Mr. BURTON. Mr. President, just one suggestion. It is to say "use" rather than "be limited to."

Mr. HITCHCOCK. I think that correction is proper. It seems to me that every coastal station should be required to have apparatus for a 300 and a 600 meter wave length to comply with the treaty. Then, in addition to that, it can have anything above 1,600, but the requirement should be for 300 and for 600 meter wave lengths.

Mr. ROOT. I propose to add the very words of the treaty regulation:

Two wave lengths—one of 300 meters and the other of 600 meters—are authorized for general public service. Every coastal station opened to such service shall use one or the other of these two wave lengths.

Mr. BOURNE. I should like to ask the Senator from New York if his proposed amendment were adopted whether it would not restrict the activity of the coastal station? They would be limited to the exclusive use, then, of those two wave lengths of 300 and 600 meters. As I understand the science as at present developed, they have 6,600-meter wave lengths, and the length of the wave is one of the important factors as to the area of the zone of activity. It seems to me that the Senator would prevent the accomplishment of what he seeks by the limitation he would place upon it.

Mr. HITCHCOCK. I think the Senator from Oregon misunderstands the situation. The treaty requires every coastal station to be ready at all times to receive any message that is sent either on a 300-meter wave length or a 600-meter wave length. We have to carry out that treaty, and we should require all coastal stations to be equipped to do that. That will not prevent them, however, from having apparatus also capable of receiving a 400-meter or a 500-meter or a 1,700-meter wave length. It simply requires that they shall at least be ready to receive a 300 or a 600 meter wave length, so as to be able to take what may come in from the ocean.

The PRESIDENT pro tempore. Will the Senator from New York send his amendment to the desk?

Mr. FLETCHER. Mr. President, the bill provides that this wave length shall not exceed 600 meters. It may be less—it may be 300 meters or 400 meters or 500 meters—but the provision is that it shall not exceed 600 meters or it shall exceed 1,600 meters. It seems to me it leaves the field wide open for the provision of the convention and does not interfere at all with it.

Mr. LODGE. This is to compel them to have an apparatus which shall take either a 300 or a 1,600 wave length. It will not confine them to other lengths, as I understand it.

Mr. SHIVELY. It is not a limitation; it is a requirement.

Mr. LODGE. It is not a limitation; it only requires them to have certain lengths available.

Mr. BOURNE. I understand the purpose would be to have the receiving instruments so attuned that they would receive at any time a wave length of 300 meters or a wave length of 600 meters. If the suggested amendment of the Senator from New York can be read, I am perfectly willing to accept it, if it does not militate against the purpose of the bill.

Mr. LODGE. I think the amendment of the Senator from New York is in the nature of a limitation. It seems to me that what we want to do is to make sure that we shall be able to have wave lengths of 300 and 600 meters, and they may use any others that they want as the bill provides.

Mr. BURTON. I think I can suggest an amendment that will make it perfectly clear, if the Senator from New York will allow me. It is to add at the end of section 11 the following words:

Every coastal station opened to general public service shall be authorized to use two wave lengths, one of 300 meters and the other of 600 meters, and all such stations shall use one or the other of these two wave lengths.

That is the language of the treaty. The objection that I find to the amendment as proposed by the Senator from New York is that it creates a restriction, which is not intended, I think, by the convention.

Mr. BACON. I think the suggestion of the Senator from Ohio would be construed to be a restriction.

The PRESIDENT pro tempore. Does the Senator from Ohio offer his amendment?

Mr. SHIVELY. It seems to me the language employed by the Senator from Ohio would not be a requirement.

Mr. BURTON. Every such station, or all such stations, shall use one or the other of these two wave lengths. That makes it compulsory. They have the option between the two.

Mr. BACON. Would not that be exclusive of anything else?

Mr. BURTON. The language I have suggested is the language of the convention.

Mr. BACON. It is not the purpose, I understand, to limit it.

Mr. BURTON. I do not think it is exclusive. I suggested a few minutes ago the words "shall be available," but I think it better to follow the exact language of the convention—"shall use."

Mr. BACON. As I understand the purpose of the treaty, it is to require them to have those two wave lengths, but not to prohibit them from having others if they wish.

Mr. ROOT. The language of the convention regulation contains a specific reservation of authority, and if we are not going to conform exactly to the general provisions as to wave lengths, we ought not to enlarge the powers of the stations that follow that reservation. The treaty regulation is first the general proposition:

Two wave lengths, one of 300 meters and the other of 600 meters, are authorized for general public service. Every coastal station opened to such service shall use one or the other of these two wave lengths. During the whole time that the station is open to service it shall be in a condition to receive calls according to its wave length, and no other wave length shall be used by it than the service of general public correspondence.

Then comes in a reservation of authority for each of the treaty powers, and that is as follows:

Each Government may, however, authorize in coastal stations the employment of other wave lengths designed to insure long-range service or any service other than for general public correspondence established in conformity with the provisions of the convention, provided such wave lengths do not exceed 600 meters or that they do exceed 1,600 meters.

I am afraid that none of the language we have suggested here quite meets that regulation.

Mr. LODGE. If I may make a suggestion as to an amendment, why is it not simple to make it read:

That all coastal stations shall be required to conform to the provisions of the Berlin convention.

Mr. BOURNE. I will accept that.

Mr. HITCHCOCK. I have drawn an amendment which embodies that idea, which I should like to submit:

Every coastal station opened to general public service shall at all times be ready to receive messages of such wave lengths as are required by the convention.

Mr. ROOT. The convention requires us to make regulations which will exclude them from doing it. They not only must be ready to receive messages upon those wave lengths, but they are prohibited from using other wave lengths except under the specific conditions which are stated.

Mr. HITCHCOCK. That is already provided for in section 12. That is the section which prohibits them from using anything between 600 and 1,600 meters of wave lengths and allows them to use everything below and above. So this will simply require them to conform to the terms of the convention. I send my amendment to the desk and ask that it be read.

Mr. LODGE. I think that my proposition is rather a simpler one, requiring the postal stations to conform to the provisions of the Berlin convention.

Mr. BACON. As I understand the provision in the treaty read by the Senator from New York, it is simply an agreement that we may authorize the use of certain wave lengths, and that would not be covered by such a provision as the one suggested by the Senator from Massachusetts. It would require something affirmative.

Mr. LODGE. Then the amendment suggested by the Senator from Nebraska [Mr. HITCHCOCK] would be more complete.

Mr. HITCHCOCK. I ask to have my amendment read.

The PRESIDENT pro tempore. The Senator from Nebraska submits an amendment, which will be read.

The SECRETARY. On page 6, line 11, after the word "meters," insert:

Every coastal station opened to general public service shall at all times be ready to receive messages of such wave lengths as are required by the Berlin Convention.

Mr. BACON. That still does not relate to a wave length other than the two mentioned.

Mr. HITCHCOCK. They are already provided for.

Mr. LODGE. They are already provided for in the bill.

Mr. BACON. That is, the provision in the bill authorizing above 1,600 meters?

Mr. LODGE. They are excluded between 600 and 1,600 meters by the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

Mr. BURTON. I ask that it may be read again.

The Secretary again read Mr. HITCHCOCK's amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. OLIVER. Mr. President, before the bill is finally passed I wish to say that the statement that it comes with the unanimous recommendation of all the members of the Committee on Commerce is not altogether correct. I, as a member of the committee, reserved the right to oppose certain parts of the measure, and my opposition has been rather intensified than otherwise since then. However, I recognize that when the treaty was up I had the same argument to offer in opposition to it, and I did not succeed very well. I am not very fond of butting my head against a stone wall, so I will not urge the objections I urged then.

I only want it understood that I think this is, on the whole, an unwise piece of legislation; and that, if I had the say so, I should strenuously oppose it and vote against it, but I do not propose to urge my objection at this time.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CRITTENDEN STREET NW., DISTRICT OF COLUMBIA.

The bill (S. 6156) to direct that Crittenden Street NW., between Iowa Avenue and Seventeenth Street NW., be stricken from the plan of the permanent system of highways for the District of Columbia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RETRIAL OF MILITARY ACADEMY CADETS.

The joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them, was announced as next in order.

Mr. CURTIS. Mr. President, I understood that when this bill came up a certain other cadet was to be included. I have not his name at this time, and I should be glad, therefore, to have this bill go over until I can be prepared to offer the amendment.

Mr. DU PONT. If the Senator from Kansas will allow me, this bill refers solely and only to four cadets who were tried by a certain military tribunal which was convened on the 16th day of August, 1911. The cadet to whom the Senator from Kansas refers could not be included in this bill, because he was not tried by that tribunal.

Mr. CURTIS. Do I understand that this bill does not apply to cadets who were dismissed?

Mr. DU PONT. It does not apply to the cadet to whom the Senator refers.

Mr. CURTIS. Very well; I withdraw my request.

Mr. ROOT. May I ask whether any report accompanies the bill?

Mr. DU PONT. I will say to the Senator from New York that no formal report has been made to accompany the bill, but I stand ready to explain it if the Senator from New York or any other Senator should so desire.

Mr. ROOT. I should be very glad to hear some explanation of it.

Mr. DU PONT. This bill authorizes the court-martial which tried four cadets to reconvene for a reconsideration of the sentence. The sentence was imposed under the former regulations of the Academy, which were changed on the 15th of June last, but which had not been superseded by the new regulations, so far as their promulgation was concerned, until the 1st of September, as a certain period of time was necessary for the printing of the new regulations and forwarding them to the Academy.

The old regulations provided that any cadet who was shown to have used any alcoholic stimulant—a glass of beer, for instance—should be dismissed, no distinction being made between the case of a man who went off and became disgracefully drunk and disorderly and a man who merely drank a glass of beer; in other words, the West Point code in this respect was a Draconian law, which was also the case so far as it related to several other particulars, one of which was hazing; but Congress changed the regulations in regard to this two years ago, since which time there has been no difficulty.

In this particular case four cadets were tried on evidence which was furnished by themselves under compulsion. They were ordered to answer certain questions implicating themselves. The offenses themselves were not of a serious character. There was no drunkenness involved, no disorder, and no disgraceful conduct of any kind. It was simply and plainly a violation of the rules of the Academy as set forth in the old regulations, which would not necessarily have involved dismissal under the new and amended regulations.

When the matter was referred to the President he was satisfied that an injustice had been done, particularly so, as the members of the court, upon being appealed to, reported that they understood they were bound by the text of the former regulations.

Upon these grounds, therefore, this joint resolution has been prepared. It was drawn up by the Judge Advocate General of the Army; it is believed to be of a legal character, and calculated to render substantial justice to the parties concerned.

Mr. CURTIS. Mr. President, I have been listening to the statement of the chairman of the committee, and I believe that he states a case that includes the young man to whom I have referred. That being true, I ask that the bill go over.

Mr. SWANSON. I move that the Senate proceed to the consideration of the bill just objected to by the Senator from Kansas.

Mr. BRISTOW. That would be a violation of the unanimous-consent agreement, would it not?

Mr. SWANSON. I do not think there is any unanimous-consent agreement except to take up bills on the calendar under Rule VIII.

The PRESIDENT pro tempore. The Senator is mistaken about that. The unanimous-consent agreement was——

Mr. SWANSON. I should like to have read the terms of the agreement. I was present when it was entered into, and I did not understand that it was——

The PRESIDENT pro tempore. The Senator did not permit the Chair to conclude his sentence. As the Chair understands, the unanimous-consent agreement was that the Senate should proceed to the consideration of unobjected cases on the calendar.

Mr. SWANSON. I was present when the request was made, but I did not understand it to include merely unobjected cases.

Mr. ROOT. We have been on the calendar twice to-day.

Mr. SWANSON. I was here the second time the calendar was taken up, and I think the agreement did not include the stipulation that none but unobjected bills should be considered. The request was simply that the Senate proceed to consider bills on the calendar under Rule VIII. I should like, in this connection, Mr. President——

Mr. BRISTOW. Mr. President, I desire to state that other bills have been passed over which Senators would have been glad to have taken up, but they were passed over because they would create discussion.

Mr. SWANSON. I should like to ask the Senator from Kansas to withdraw his objection to the consideration of this bill. It is very important for these young men, if they are to go back to the academy, that action should be taken quickly. I should like to say that the department favors the bill. These young men were tried for an offense, the penalty for which at the time it was committed was expulsion; but the War Department decided that the regulations were entirely too harsh, and they were modified. If the same offense were to be committed at the academy now there would be no such penalty imposed. When the cases of these young men were tried the court-martial understood that they had no discretion except to expel the four cadets. It was so stated by the commandant at the academy. The old regulations have been modified, and all that this bill does is to reconvene the court-martial and give them the privilege of rehearing these cases, subject to the regulations that should have governed at the time of the trial. As I understand, the members of the court-martial insisted at the time of the trial that they should apply the regulations that were in force at the time the offense was committed.

Mr. BORAH. Regular order, Mr. President.

Mr. SWANSON. As I understand, if they had applied the regulations existing at the time of the trial the cadets would not have been expelled.

Mr. BORAH. I call for the regular order.

The PRESIDENT pro tempore. The regular order is demanded. The Secretary will state the next bill on the calendar.

WASHINGTON IMPROVEMENT & DEVELOPMENT CO.

The joint resolution (H. J. Res. 142) to declare and make certain the authority of the Attorney General to begin and

maintain and of any court of competent jurisdiction to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898, was announced as next in order.

Mr. POINDEXTER. I ask that the joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

MARSHAL'S DISBURSING OFFICERS.

The bill (S. 4461) permitting chief office deputy United States marshals to act as disbursing officers for their principals in cases of emergency was considered as in Committee of the Whole. It provides that in case of the illness or necessary absence of any United States marshal from his office his chief office deputy may, with the approval of the Attorney General first obtained, act in the marshal's place and discharge all of the duties required by law of such United States marshal in his capacity as a disbursing officer; the official bond or bonds of the marshal in such cases to cover and apply to the acts of the person so acting for him, and such person shall while so acting be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the United States marshals.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT OF NEW HAMPSHIRE.

The bill (S. 4679) to amend section 95 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was considered as in Committee of the Whole. It proposes to amend section 95 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, so as to read as follows:

SEC. 95. The State of New Hampshire shall constitute one judicial district, to be known as the district of New Hampshire. Terms of the district court shall be held at Portsmouth on the last Tuesday in October, at Concord on the last Tuesday in April and the second Tuesday in December, and at Littleton on the third Tuesday in September.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADAM D. SHRINER.

The bill (S. 1792) to correct the military record of Adam D. Shriner was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, on page 1, line 3, after the word "of," to strike out "any laws conferring rights, privileges, or benefits upon honorably discharged soldiers," and insert "the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof," and in line 12, after the word "That," to strike out "other than as set forth, no pay, bounty, pension, or other emolument shall accrue by reason of the passage of this act," and insert "no pension shall accrue prior to the passage of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Adam D. Shriner, late of Company D, Fourth Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 10th day of May, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED EXECUTIVE SESSION—HOUR OF MEETING TO-MORROW.

Mr. SMOOT. I move that the Senate adjourn.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah withhold the motion?

Mr. SMOOT. I withhold the motion.

Mr. CLARK of Wyoming. Before the motion is put, I desire to say that before to-morrow evening, at such time as may be convenient, I hope the Senate may go into executive session, in order to consider certain nominations which have been pending for some time and upon which it is important the Senate should act.

Mr. SMOOT. Then, I will modify my motion and move that the Senate adjourn until to-morrow at 12 o'clock.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah withhold his motion?

Mr. SMOOT. I withhold the motion for a moment.

Mr. WARREN. I give no notice, but I hope to-morrow we shall be able to take up the calendar where we left off to-day and go through with unobjected cases, as there are some House bills and also some very important Senate bills that ought to pass and go to another place.

Mr. SMOOT. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 37 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 8, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 7, 1912.*

The House met at 11 o'clock a. m., and was called to order by the Speaker, who took the chair amid general applause.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, quicken, we beseech Thee, the godlike in us as individuals and as a people, and inspire us with greater zeal, greater energy, greater courage, a deeper patriotism, that the evils which doth so easily beset us may be diminished and the good accentuated; that strife may cease and harmony prevail in every home, in every State throughout our Union; that the genius of our Republic may more and more obtain. To the honor and glory of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24023, the legislative, executive, and judicial appropriation bill, with Mr. UNDERWOOD in the chair.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read the title, as follows:

A bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The Clerk read as follows:

STATE, WAR, AND NAVY DEPARTMENT BUILDING.

Office of the superintendent: Clerk of class 3; stenographer and typewriter, $900; chief engineer, $1,400; 5 assistant engineers, at $1,000 each; electrical machinist, $1,200; captain of the watch, $1,200; 2 lieutenants of the watch, at $840 each; 40 watchmen; carpenter, $1,000; electrician, $1,200; machinist, painter, and plumber, at $1,000 each; 3 dynamo tenders, at $900 each; 7 skilled laborers or mechanics, at $840 each; messenger; foreman of laborers, $840; 10 firemen; 11 conductors of elevators, at $720 each; 17 laborers; 3 second-class firemen, at $660 each; 4 forewomen of charwomen, at $300 each; 77 charwomen; gardener, $720; in all, $105,960.

Mr. AUSTIN. Mr. Chairman, I wish to ask the gentleman in charge of this bill why the salary of the 40 watchmen mentioned in line 11, page 77, is not given.

Mr. BURLESON. Because the salary of watchmen being fixed by law, it is not necessary.

Mr. JOHNSON of South Carolina. Where the salary is fixed by law and no amount is mentioned, of course that refers to the statutes.

The Clerk read as follows:

Hydrographic Office: Hydrographic engineer, $3,000; assistant, $2,200; assistant, $2,000; nautical experts—1 at $1,800; 2 at $1,600 each, 1 at $1,400, 3 at $1,200 each, 3 at $1,000 each; clerks—1 of class 2, 1 of class 1; custodian of archives, $1,200; 3 copyists—1 at $840, 2 at $720 each; compiler, $1,400; editor of Notice to Mariners, $1,600; computer, $1,400; draftsmen—3 at $1,800 each, 4 at $1,600 each; 2 at $1,400 each, 2 at $1,200 each, 5 at $1,000 each, 1 at $900; 3 apprentice draftsmen, at $700 each; chief engraver, $2,000; engravers—2 at $1,800 each, 3 at $1,600 each, 1 at $1,400, 6 at $1,200 each, 2 at $1,000 each, 1 at $720; apprentice engraver, $800; apprentice engraver, $700; plate printers—chief, $1,400, 1 at $1,200, 1 at $1,000, 2 at $900 each, 1 at $800; apprentice plate printers—1 at $700, 1 at $600; chief lithographer, $1,800; 2 lithographers, at $1,000 each; apprentice lithographer, $700; electrotyper and chart plate maker, $1,200; assistant messenger; four laborers; helpers—2 at $720 each, 2 at $660 each, 1 at $600, 1 at $500, 1 at $480; in all, $102,500.

Mr. JOHNSON of South Carolina. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 81, line 91, strike out the words "three copyists" and insert in lieu thereof the following: "Copyists, three, at $900 each."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Additional employees, for production of charts from metallic plates by photolithographic process: Draftsmen—one at $1,800, two at $1,400

each, two at $1,200 each, five at $1,000 each; process photographer, $1,600; photographic printer, $1,200; lithographic pressman, $1,400; lithographic transferer, $1,400; two negative cutters, at $1,000 each; two feeders, at $480 each; in all, $20,560.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What is the occasion of these additional employees in the Hydrographic Office, at the top of page 82?

Mr. JOHNSON of South Carolina. They have changed their process of producing these charts and maps, and it was necessary to give them this additional machinery and this additional force in order to perfect the work. I will say to the gentleman from Illinois that I visited the Hydrographic Office and went all through it——

Mr. MANN. It is always very expensive when a Member of Congress visits one of the departmental offices.

Mr. JOHNSON of South Carolina. You know there has been quite a controversy going on as to where these maps should be made, whether they should be made by the Weather Bureau or by the Hydrographic Office, and I brought some of the charts down to the room of the Committee on Appropriations, charts covering the same thing, but the committee did not feel that it had information enough to justify it in determining the question as to where these charts ought to be made, and we simply left that matter where it was. The statement before the committee was to the effect that they have reduced the cost of producing these charts almost 90 per cent.

Mr. MANN. Instead of the fact, if it be a fact, and of course I do not doubt the gentleman's statement, you carry the same number of employees you carried before and then add on a lot of them because you say they do the work cheaper, and, as a rule, I find it very often happens that where you do the work cheaper it costs more to do it. That seems to be the case here.

Mr. BURLESON. Mr. Chairman, with the permission of the gentleman from South Carolina, I would like to state to the gentleman from Illinois our information from the chief of that bureau is that they have on hand now approximately a million dollars of work to be done that heretofore has been done by the engraving process, and by a new method—the photolithograph process—instead of this work costing $1,000,000 it can be done for 80 or 90 per cent less, or between $100,000 and $200,000. There is where saving is effected, and this additional force which is necessary to inaugurate the new process is a mere bagatelle compared with the immense saving that is to be effected by the adoption of this process and the abandonment of the engraving of these charts, maps, and so forth.

Mr. MANN. Where is the reduction in the appropriation? The gentleman talks about a saving; where is the reduction in the appropriation? Here is an addition of $20,560 in the amount of the appropriation; and where is the reduction?

Mr. BURLESON. I will say to the gentleman from Illinois that we are not striving to make a mere superficial appearance of a saving, but we are struggling to bring about an actual bona fide saving, and I will again state to the gentleman that our information is that there is approximately a million dollars' worth of this engraving to be done which can be done under this new process at a saving approximating $800,000 or $900,000.

Mr. MANN. Then, if it be done under the new process by the new employees, why do you carry all the old employees to do work under the old process?

Mr. FITZGERALD. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. FITZGERALD. The Hydrographic Office has at present a stock of foreign charts which it is necessary to reproduce.

Mr. MANN. I do not apprehend that the Hydrographic Office is behind in its work more than for years. There has been a controversy going on for years that the Hydrographic Office is doing other work.

Mr. FITZGERALD. The Weather Bureau has been trying to do the work of the Hydrographic Office.

Mr. MANN. I am not entering into that.

Mr. FITZGERALD. I want to explain the purpose of this provision. This is work that must be done. To-day under the present methods it will cost about one million and a half of dollars to do the work necessary. By giving this increase of force it can be done for about 90 per cent less.

Mr. MANN. That is easy to say. The Hydrographic Office always wants a larger appropriation. Now, we have made an appropriation this year outside of the employees for a photolithographic process, larger than for the current year, and the gentleman has added two or three additional copyists.

Mr. FITZGERALD. Those three additional copyists are already provided for, and were omitted from the bill in the printing of it.

Mr. MANN. That is not the record I have before me.

Mr. FITZGERALD. I am stating what is the fact. It is an error in the printing of the bill.

Mr. MANN. It may have been. It is all right. Then the amount is the same that it is for the current year, and on the plea that the work can be done cheaper by another process you add other employees, retaining the old process as well as using the new one. I can not understand the economy that increases the expenditure.

Mr. FITZGERALD. If the gentleman believes that the committee has made a mistake in giving these additional employees or that their action is not justified, and it will not result in economy, the thing to do would be to move to strike them out. This committee has not given any additional employees any place unless an overwhelming showing is made to justify it.

Mr. MANN. It is easy to say "move to strike out." I understand very well that it would not prevail as against the committee, but the committee has up to date shown no reason for giving the old employees work under the old process and then adding new employees to work under the new process.

Mr. FITZGERALD. The Hydrographic Office to-day, with its present complement, is unable to furnish the Navy with the charts necessary for navigation.

Mr. MANN. I have heard that story ever since I have been a Member of the House. So far as I know, it has been true. So far as I know, the Navy has gotten along very well with the hydrographic charts that it did obtain. The Hydrographic Office would like to make all the charts for all the nations in the world.

Mr. FITZGERALD. They would not.

Mr. MANN. I do not believe they ought to do it at our expense.

Mr. BURLESON. Will the gentleman permit a question? Will the gentleman contend that the photolithographic process is more expensive than the engraving process?

Mr. MANN. I presume it is cheaper.

Mr. BURLESON. Then, if it is cheaper, I assure the gentleman that the purpose of this item is to substitute the photolithographic process for the engraving process.

Mr. MANN. But to retain all the employees engaged on the other process and add to the employees on the photolithographic process.

Mr. GARNER. The committee contends in case they should furnish enough employees under the old process to do the work necessary now it would taken ten times as many as provided for in this new process.

Mr. MANN. The gentleman and I are familiar with that claim. I have heard it enunciated in the House for 15 years, and they have gotten along very well without increasing the force.

Mr. FITZGERALD. Does the gentleman from Illinois contend that all the requests for additional employees for the various bureaus are so exaggerated, so lacking in real basis, that we are not justified in making this change?

Mr. MANN. I say this: If you take the new process, which is 90 per cent cheaper than the old process, and adopt the new process, the result ought to be a decrease in the expenditures. On the contrary, here is an increase in the appropriation.

Mr. FITZGERALD. I may say this to the gentleman from Illinois: That I had some doubts as to the propriety of this increase. The gentleman from South Carolina and myself visited the Hydrographic Office.

Mr. MANN. As I remarked before, it is very expensive to the Government for a Member of Congress who knows nothing about some expert matter to visit a department and have the expert explain to him how essential it is to do this thing or that thing, showing how much cheaper it is to do it in this way or in that way. It invariably increases the expenditure.

Mr. FITZGERALD. The gentleman from Illinois is competent to testify about that.

Mr. MANN. They have tried to work it on me many times, I will say to the gentleman.

Mr. FITZGERALD. The gentleman's scientific knowledge has frequently led him to adopt the views of many so-called experts in behalf of new devices, and it has caused him to astonish the House in regard to his extravagant action in the appropriations for the public service.

Mr. MANN. That is not the case on this occasion. It is the gentleman from New York who on this occasion is proposing to increase the expenditure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I ask for an extension of time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FITZGERALD. The gentleman from South Carolina and I visited this office and examined into the matter, and I was satisfied that the expenditure proposed was proper.

Mr. BURLESON. I will say to the gentleman that I did not visit that office, but the showing that was made convinced me that the appropriation was necessary.

Mr. MANN. But the gentleman from Texas [Mr. BURLESON] lives at the Cosmos Club, and that is the next thing to visiting the establishment. [Laughter.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Additional employees, for production of charts from metallic plates by photolithographic process: Draftsmen—1 at $1,800, 2 at $1,400 each, 2 at $1,200 each, 5 at $1,000 each; process photographer, $1,600; photographic printer, $1,200; lithographic pressman, $1,400; lithographic transferrer, $1,400; 2 negative cutters, at $1,000 each; 2 feeders, at $480 each; in all, $20,560.

Mr. DYER. Mr. Chairman, I would ask the chairman of the subcommittee a question.

The CHAIRMAN. Does the gentleman make a motion?

Mr. DYER. Yes. I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. DYER. I would like to ask the gentleman in charge of the bill what is the work that the two feeders do and whether they are men or women. They are mentioned on line 7 of page 82.

Mr. JOHNSON of South Carolina. They are press feeders.

Mr. DYER. Are they men or women?

Mr. JOHNSON of South Carolina. They may be men or they may be women. I did not see any women feeding the press on the day I was there.

Mr. DYER. Do they give all their time to this work?

Mr. JOHNSON of South Carolina. I suppose they work seven hours a day.

Mr. DYER. I think, Mr. Chairman, in that case that is not enough pay for men or women who may be the heads of families. I move, Mr. Chairman, to strike out the words——

Mr. JOHNSON of South Carolina. They are getting all they asked for, so far as the committee knows.

Mr. DYER. Does the gentleman think that is enough for them?

Mr. BURLESON. It is all the department estimated for them when the matter was brought to the attention of the department by the chief of the bureau in charge of the matter, and the department did not recommend any more in the bill.

Mr. DYER. But the gentleman knows that the committee has changed the estimates submitted by the department in a number of other matters. I ask the gentleman if he does not think the committee ought to have changed the estimate from $480 to a decent wage?

Mr. BURLESON. The gentleman on that is entirely out of accord with the leader of the minority side, who protested against any increase in the force. The gentleman is out of line with his leader.

Mr. DYER. I do not agree with the leader in making reductions that are not right and proper, in my judgment. I move, Mr. Chairman, to strike out "480" and make it "600."

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The gentleman submits an amendment, which the Clerk will report.

The Clerk read as follows:

On page 82, line 7, strike out "480" and insert in lieu thereof "600."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. DYER].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. DYER. I demand a division, Mr. Chairman.

The committee divided; and there were—ayes 14, noes 35.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For purchase of copperplates, steel plates, chart paper, packing boxes, chart portfolios, electrotyping copperplates, cleaning copperplates; tools, instruments, power, and materials for drawing, engraving, and printing; materials for and mounting charts; reduction of charts by photography; photolithographing charts for immediate use; transfer of photolithographic and other charts to copper; care and repairs to printing presses, furniture, instruments, and tools; extra drawing and engraving; translating from foreign languages; telegrams on public business; the preparation of Pilot Charts and their supplements, and the printing and mailing of the same; purchase of data for charts and sailing directions and other nautical publications; works and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, $7,000.

Mr. BUCHANAN. Mr. Chairman, from information received from my constituents, who have studied and are interested in the patent laws, I am led to the following conclusion: The recent decision of the Supreme Court over patents seems to have made it necessary for Congress to enact a law to protect the merchants and consumers against restriction of prices for certain manufactured articles. It seems that our patent laws are being stretched and extended to protect the plans of many manufacturers, who wish to overcharge the public for their product. I presume that the original purpose of our patent laws was to give the inventor of a new and original device a monopoly of the manufacture, use, and sale of that device for a certain number of years.

Under recent decision of the United States courts, the manufacturer of any patented article can incorporate in the mechanism or construction of a patented device, which is or may be neither basic nor fundamental, and thereby acquire the right to dictate the price at which the complete article can be sold to the consumer, no matter through how many hands it may pass after leaving his immediate control. With this protection he advertises his article in an extravagant manner, and by exaggerated claims creates a demand at a fictitious price. He thus induces the retail dealer to purchase and carry in stock his goods to supply the demand created. In many instances the retailer does not buy nor sell these goods because of their merit, but because of the inducement offered by the manufacturer in the form of an exorbitant profit, not subject to exposure by competition, and the public pays double and sometimes a triple price by reason thereof. It is no exaggeration to say that many of these so-called patented articles cost less to produce than the amount expended in advertising.

The most objectionable feature of the controlled-price plan is not the price the patentee manufacturer obtains as his reward or tribute for his invention, but the excessive profit of the retailer on a resale of the article, which he could not get unless he was protected by the price alone capable of being fixed by the patentee. I contend that once the patentee has made and sold his patented article it should pass from under the monopoly and sell in the open market free from restriction as to the resale price to the consumer.

If the merchant and consumer can not be protected by a law which restricts a patentee's right to a monopoly of the manufacture and sale of his patented article without control of price, once the article has been sold by him, then the law should clearly specify that the addition of a patented device to any unpatented article or an article on which the basic and fundamental patents have run out does not give the patentee any rights as to the control of the retail price of the complete article. This would remedy a large portion of the present evil, as it would prevent manufacturers who have enjoyed the profits of a patent monopoly during its legitimate term from controlling the price indefinitely by the addition of patents, added simply to give control of the selling price.

Through correspondence with Mr. Elmer Franklin Bubb, an eminent citizen of my district, I am led to the following conclusion: The law should also be sufficiently comprehensive to give inventors or others holding patents the right to secure an injunction preventing infringers from manufacturing or using parts or all claimed in the said patents, without the payment of a royalty to the parties owning the patents, if they are not manufacturing the inventions described. Injunctions should issue before United States district court. When parties can not agree on the royalty to be paid, the court will fix the royalty rate. The right to appeal to the United States Supreme Court should be reserved, but the injunction should stand until reversed by the United States Supreme Court.

Anyone should be allowed to manufacture an invention if the parties owning patent for two or more years do not make an effort to manufacture or dispose of same, providing they pay a royalty to parties owning patent, and if the manufacturers and parties owning patent can not agree on the royalty rate then the United States district court, after a full hearing on both sides, may fix the rate, subject to appeal to the United States Supreme Court.

I also desire to insert the following editorials on the subject from the Chicago Daily News of March, 1912:

"SMOTHERING" PATENTS.

According to recent dispatches from Washington there has been introduced in Congress a bill by Representative THAYER, of Massachusetts, ostensibly for the protection and benefit of the people. It purports to be legislation against what is termed the "smothering" of patents. The bill provides that except in cases of dispute—and in any event within two years—a patent shall have no force unless the article patented shall be manufactured. It is claimed that under existing patent laws the Government does not furnish adequate protection or provision for real benefit to the people.

For example, to follow Mr. THAYER'S line of argument, an inventor may be influenced to dispose of his rights on a "royalty" arrangement. Then if the manufacturer should fail to manufacture the article that patent would be "smothered." Of course it would, and that is precisely what many big concerns do to prevent independent companies

from manufacturing some patented article which may be far superior to any manufactured by the big concern.

It has taken the inventors of some of the most useful inventions now in general use three to five years to interest sufficient capital to place an invention on the market. What would have been the result if only two years had been allowed? Why, the inventors would have received no benefit from their inventions.

Many manufacturing concerns have in their basements what they call "the morgue," where can be seen the "remains"—models—of hundreds of machines and devices in the way of improvements that have been acquired on the royalty plan, or more often purchased for a few hundred dollars.

Most of the improvements, especially improvements in inventions in everyday use, are made by workmen and machinists employed in manufacturing establishments. Now, a machinist employed by the National Cash Register Co. or the United States Steel Corporation, for example, who invents a new and useful improvement in some article manufactured by one of these companies and secures a patent on it ought to be in position to demand a fair price for his invention. But should the legislation referred to—which no doubt was inspired by some of the large manufacturing interests—become a law, then any such companies having a practical monopoly of manufacturing the class of goods to which the invention related would only have to refuse to buy the patent and at the end of two years could manufacture the invention without giving the inventor any compensation whatsoever.

From my point of view—and I have had considerable to do with patents—the enactment of such a law, while on its face in the interest of the people, would only inure to the benefit of the trusts and other combines among manufacturers in case a useful and valuable invention were brought out by a person financially unable to start manufacturing within the prescribed two years.

Had such a law been in force during the last century how would Mergenthaler, Westinghouse, Howe, Bell, and others have profited by their inventions?

The Americans enjoy prestige for ingenuity, but not so much because we are naturally a Nation of inventors as because we have the cheapest and most liberal patent laws of any country.

Let the patent laws alone.

T. M. DANIELS.

CHICAGO.

—

TO PROTECT INVENTORS.

Permit me to join "Discouraged inventor" and others in voicing their disapproval of the Thayer bill now pending in the national legislature. The sources and purposes of such proposed legislation are not hard to find when the results are considered. Yet these results will undoubtedly be more far-reaching than may at first glance be apparent. Then, too, the question has an economic side.

I have been actively interested in patents and kindred matters for fully 50 years and have been the grantee of nearly 100 in that time. It is significant to observe that in none of these did I succeed in interesting capital in less than three years—the average would be about five—to say nothing of the additional time that elapsed before the actual manufacture was begun. Nor do I know of a single invention which has been manufactured within two, three, or even four years of the date of issuance of the grant. True, many inventions, worthless from a practical standpoint, have been financed in remarkably short periods—weeks even—with absolutely no intention of ever manufacturing the article, the invention having appealed to the "backers" solely as a stock-jobbing proposition of glaring possibilities. Here, too, the inventor as usual is the loser.

The bill in question is confiscatory in nature, and will only increase the trials of the poor inventor which have in fact become proverbial. Its sole purpose is to benefit the large manufacturer by undermining and practically destroying the object of patent legislation—protection of the inventor. It can only serve to take away from the inventor, without remuneration, what he has achieved after perhaps years of tireless and ceaseless effort and the expenditure of what is often his last penny. Hereafter no invention need be purchased or shop rights acquired by manufacturers desiring to make the subject of the invention. They will simply conspire to refrain from investing till the necessary two years shall have elapsed.

The length of time required to interest capital in an invention is never a test of its practicability or value as a sound manufacturing proposition. As a matter of fact, history shows that the more practical the invention the longer the time required to get it on a paying basis. A "wild-cat" scheme is always more easily "floated" than a legitimate venture.

We should not let our sense of justice be blinded by personal interests, and our legislators will best serve us when they consider the interests and rights of the majority calculated by numbers and not by dollar signs. It is only equitable that the products of one's mental faculties should be protected and all profits arising therefrom should inure to the benefit of the one giving them the first semblance of practical form.

INVENTOR-MANUFACTURER.

CHICAGO.

—

INVENTORS AND A BILL.

I sincerely hope that the influence of the press will be directed against the new legislation on patents contemplated by the bill introduced in Congress by Representative THAYER. I am sure that all inventors will be antagonistic to it.

To show how utterly unfair to an inventor such legislation would be, let me cite my own experience. Some five years ago I applied for a patent for an improvement in internal-combustion engines. My claims were allowed before I had time—being a poor man—to more than build my first experimental model; that is to say, after the lapse of about a year. Then, my own funds being exhausted, it became necessary for me to interest outside parties. This finally, after much tribulation of the spirit, I succeeded in doing, and by that time another year had passed. The manufacturers whom I had interested immediately set to work to design and build a four-cylinder automobile engine embodying my ideas.

Of a complicated machine of this kind the designing alone is a matter of several months, and after that comes the building of it, and although that, with every facility at command, means at least another two or three months, it is after the completion of such first experimental machine that the true work of perfection begins.

Thus in my case it is now nearly two years since the first work on this machine was begun, and, nevertheless, it is not yet brought to the point where actual manufacture of the machine can be begun.

Under the proposed legislation, therefore, in spite of all the work done and the money expended upon this invention, my patent would be taken away from me, because time would have won the race against me.

DISCOURAGED INVENTOR.

—

PERVERTING THE PATENT LAWS.

Patent laws have served a useful purpose in this country in encouraging inventions. Recently, however, there has been considerable complaint of the perversion of patent laws to promote the growth and power of injurious trusts. Chief Justice White, of the United States Supreme Court, has rendered a valuable public service in directing attention to the effect of a ruling by that court relating to this subject. Justices Hughes and Lamar joined with Chief Justice White in the dissenting opinion.

The opinion of the majority of the court had the support of four of the justices. It held that the maker of a patented article had the right to require a purchaser, as a condition of securing the article, to confine his use of certain supplies not covered by patent to those sold by the maker of the patented article.

This ruling, in the opinion of the Daily News, is contrary to public policy. The minority of the court is right in saying that it is likely to promote trade monopoly, and in suggesting that if the decision is to stand Congress should enact legislation embodying the correct policy.

The maker of a patented article is entitled to a monopoly for a designated period of years of the manufacture and sale of that article. It is a perversion of the idea underlying patent legislation to say that he may use the power conferred by law to acquire monopoly control of the manufacture and sale of articles of common use which should be produced under competitive conditions.

The ruling of the Supreme Court and the protest against it by a minority of the court serve the purpose of calling the attention of the country again to the need of revising the patent laws so as to eliminate therefrom the features that tend unduly to promote trust control of the sale of articles not covered directly by patents.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

No expenditure shall be incurred or authorized for personal services or otherwise under the Hydrographic Office at Washington, D. C., during the fiscal year 1913 except as herein authorized by appropriations under the Navy Department or under appropriations that may be made for printing and binding.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that, beginning on page 85, from line 5 down to line 16 on page 86, the matter relating to the Naval Observatory and the Nautical Almanac be passed over for the present.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that that portion of the bill relating to the Naval Observatory and the Nautical Almanac be passed over without prejudice for the present. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR.

Office of the Secretary: For compensation of the Secretary of the Interior, $12,000; First Assistant Secretary, $5,000; Assistant Secretary, $4,500; chief clerk, including $500 as superintendent of buildings, who shall be chief executive officer of the department and who may be designated by the Secretary of the Interior to sign official papers and documents during the temporary absence of the Secretary and the Assistant Secretaries of the department, $4,000; assistant to the Secretary, $2,750; assistant attorney, $2,500; 2 special inspectors, whose employment shall be limited to the inspection of offices and the work in the several offices under the control of the Department of the Interior, at $2,500 each; 6 inspectors, at $2,500 each; chief disbursing clerk, $2,250; clerk in charge of supplies, $2,250; clerk in charge of mails, files, and archives, $2,250; clerk in charge of publications, $2,250; private secretary to the Secretary of the Interior, $2,500; clerks—4 at $2,000 each, 13 of class 4, 18 of class 3, 21 of class 2, 24 of class 1, 3 at $1,000 each; returns office clerk, $1,600; female clerk, to be designated by the President, to sign land patents, $1,200; 8 copyists; multigraph operator, $900; typewriter repairer, $900; switchboard telephone operator; 9 messengers; 7 assistant messengers; 21 laborers; skilled mechanics—1 at $900 and 1 at $720; 2 carpenters, at $900 each; plumber, $900; electrician, $1,000; laborer, $600; 6 laborers, at $480 each; packer, $660; 2 conductors of elevator, at $720 each; 8 charwomen; captain of the watch, $1,200; 30 watchmen; additional to 2 watchmen acting as lieutenants of watchmen, at $120 each; engineer, $1,200; assistant engineer, $1,000; 7 firemen; clerk to sign, under the direction of the Secretary, in his name and for him, his approval of all tribal deeds to allottees and deeds for town lots made and executed according to law for any of the Five Civilized Tribes of Indians in the Indian Territory, $1,200; in all, $266,930.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Tennessee [Mr. AUSTIN] is recognized.

Mr. AUSTIN. I wish to ask the gentleman in charge of the bill for information. The report shows that a reduction is made of 10 watchmen in the Interior Department.

Mr. GARNER. On what page is that?

Mr. AUSTIN. It is on page 9 of the report.

Mr. GARNER. What page of the bill?

Mr. AUSTIN. I do not know on what page of the bill it is, but the report, here on page 9, shows that a reduction is made of 10 watchmen, at $840 each, in the Interior Department. Was that reduction made on the recommendation of the officials of the Interior Department?

Mr. JOHNSON of South Carolina. The chief clerk of the department appeared before the committee and we asked him why he needed so many watchmen, and in substance he said

that he did not know any reason except that they had them. That is all the information we could get.

Mr. AUSTIN. Did the committee make any investigation and ascertain whether there was a real public necessity for this force of 10 watchmen that has been eliminated from the appropriation?

Mr. JOHNSON of South Carolina. The testimony of the officials who appeared before us left us in very grave doubt as to whether they were needed, and our own judgment confirmed that doubt.

Mr. AUSTIN. Did you have the superintendent of the building or the chief of the watch present before the committee?

Mr. JOHNSON of South Carolina. We had the superintendent of the building, who is chief clerk of the department, before us.

Mr. AUSTIN. And he could not give you any information showing the necessity for the continuation of these men?

Mr. JOHNSON of South Carolina. He indicated merely what I told the gentleman.

Mr. AUSTIN. The officials of the Interior Department, as I understand, requested and estimated for 3,260 officials. They had 3,164 during the 12 past months, and this bill provides for 3,136, so that this bill carries a reduction of 28 under the existing law and 124 less than the estimates submitted by the Interior Department. Is that true?

Mr. JOHNSON of South Carolina. We cut off something like 30 people of the present force, all told.

Mr. AUSTIN. Was that done upon the recommendation or against the recommendation of the department?

Mr. JOHNSON of South Carolina. It was based on our judgment after hearing the evidence.

Mr. AUSTIN. Now, has the committee left a sufficient number of watchmen in that building to guard the interests of the Government and protect the valuable records stored in that department?

Mr. JOHNSON of South Carolina. We believe more than sufficient.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For employees, for the proper protection, heating, care, and preservation of the old Post Office Department building, occupied by the Department of the Interior, namely: Engineer and electrician, $1,600; assistant engineer, $1,000; 4 firemen; 3 watchmen, acting as lieutenants, at $840 each; 15 watchmen; conductor of elevator, $720; 14 laborers; 9 laborers, at $480 each; 3 skilled mechanics (painter, carpenter, and plumber), at $900 each; in all, $35,780.

Mr. GILLETT. Mr. Chairman, I do not agree with the statement of the chairman of the committee that the only information we could get from the department was that they kept these watchmen because they had them before. As I remember the testimony, the chief clerk told us what the watchmen did, that they had a certain number at each door, and the majority of the committee inferred that they could get on with less; but my recollection does not at all accord with that of the gentleman in his statement that the chief clerk admitted that they could get on with less, or that he gave no reason. My recollection is that he told us how they were stationed, and it was from that the majority inferred that they could get on with less. I think they ought to accept the responsibility themselves for the cutting down of these watchmen, and not shift it to the statement of the chief clerk. They have cut down the force in all the departments. My opinion is that they have been too drastic and have gone too far. At any rate, I do not think the responsibility ought to be placed on the statement of the chief clerk. I certainly do not recall that in this or any other department they said that they could be reasonably safe without the watchmen.

Mr. BYRNS of Tennessee. Mr. Chairman, the chief clerk stated that they had 40 watchmen in the Patent Office Building alone, that there were three reliefs and only four floors in the building, and that at night only one door was kept open; and the committee naturally concluded, and in my opinion very wisely concluded, that it was unnecessary to have 12 men on guard at one door at night.

Mr. AUSTIN. But is it not true that the Government does not carry any insurance at all on its buildings, and do they not have watchmen on all the floors of every building, and is there not a necessity for watchmen on every floor in each Government building for that reason?

Mr. FOSTER. And they will have them.

Mr. BYRNS of Tennessee. There will be several watchmen on each floor of the Patent Office Building under the provisions of this bill.

Mr. AUSTIN. Is it not a fact that practically all these watchmen are old soldiers?

SEVERAL MEMBERS. Oh, no.

Mr. AUSTIN. And is not this bill going to legislate them out of office without making any provision for them?

Mr. BYRNS of Tennessee. I do not understand that all of these watchmen are old soldiers.

Mr. AUSTIN. My information is they are nearly all old soldiers.

Mr. BYRNS of Tennessee. It is not my information.

Mr. BURLESON. The gentleman from Tennessee [Mr. AUSTIN] is mistaken about that.

Mr. AUSTIN. Did the committee make an investigation, or is that simply the opinion of the gentleman?

Mr. FITZGERALD. This does not cut out the old soldiers. If they are cut out it will be Republican officials who remove them.

Mr. AUSTIN. That depends altogether on how many are on the roll, and how much of a cut there is, because there is a cut of 10 in one department of the Government, and if that cut continues in all the executive departments it is bound to reach some old soldiers who are filling those positions.

Mr. FOSTER. There is no danger of that.

The Clerk read as follows:

General Land Office: Commissioner of the General Land Office, $5,000; assistant commissioner, $3,500; chief clerk, $2,500; chief law clerk, $2,500; 2 law clerks, at $2,200 each; 3 law examiners of surveyors general and district land offices, at $2,000 each; recorder, $2,000; chiefs of division—2 at $2,400 each, 10 at $2,000 each; assistant chief of division, $2,000; law examiners—13 at $2,000 each, 10 at $1,800 each, 18 at $1,600 each; clerks—27 of class 4, 51 of class 3, 74 of class 2, 77 of class 1, 65 at $1,000 each; 65 copyists; 26 copyists, at $720 each; 2 messengers; 10 assistant messengers; 6 skilled laborers, who may act as assistant messengers when required, at $660 each; 16 laborers; laborer, $480; packer, $720; depositary acting for the commissioner as receiver of public moneys, $2,000; clerk and librarian, $1,000; in all $621,520.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I should like to ask the gentleman whether the intention was to reduce the salary of the Chief of the Division of Surveys in the Land Office? I notice that last year we carried the Chief of the Division of Surveys in the Land Office at $2,750.

Mr. JOHNSON of South Carolina. Yes. The intimation that the committee had was that this particular clerk was doing precisely the same kind of work as the other $2,400 men.

Mr. MANN. The gentleman did not make any inquiry as to whether there had been any reason at some time for increasing the salary of this official, or of the place?

Mr. BURLESON. I will say to the gentleman from Illinois that the information that came to the committee was that this salary had heretofore been increased on two occasions, beyond the amount originally fixed by law, and above the salaries being paid to men doing similar work, and that the considerations moving the increase of this officer's salary were purely personal. The man holding the office, so we were informed, is related to a high official formerly serving in another place in this Capitol, and your committee believed that it was only right that this officer's salary should be brought down to a parity with the salaries paid other men for performing similar services for the Government.

Mr. MANN. That may all be. I do not know the official or anything about him, but it has happened in the past—and will happen in the future—that a man holding a particular place has his salary increased because of the merits of the man, as we at times here have increased the salaries of some of the officials of the House, employees of committees, and others, while a particular place is held by a certain official who may be unusually efficient. I only ask whether the committee made any inquiry in reference to that. Apparently they did not.

Mr. BURLESON. We did, to our complete satisfaction.

Mr. MANN. What was the result of the inquiry?

Mr. GARNER. The result was that they cut the salary down.

Mr. MANN. Oh, they cut it down just "because."

The Clerk read as follows:

Indian Office: Commissioner of Indian Affairs, $5,000; assistant commissioner, $3,500; second assistant commissioner, who shall also perform the duties of chief clerk, $2,250; financial clerk, $2,250; chiefs of division—1 at $2,250, 1 at $2,000; law clerk, $2,000; assistant chief of division, $2,000; private secretary, $1,800; clerks—14 of class 4, 25 of class 3, 24 of class 2, 2 at $1,500 each, 43 of class 1, 23 at $1,000 each; stenographer, $1,000; 29 copyists; messenger; 4 assistant messengers; 4 messenger boys, at $360 each; in all, $231,710.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word. I think we have too many Assistant Commissioners of Indian Affairs. I would like to inquire of the gentleman in charge of the bill in relation to this provision. I know that the Secretary of the Interior undertook to increase the force very much, and I heard his evidence before the subcommittee. I thought from what I learned that we had too many assistant commissioners. I understand the work in the Indian Office is decreasing, or ought to be decreasing, and I would like to know what the necessity is for this second assistant commissioner. I

move to strike out, in lines 12 and 13, the words "second assistant commissioner, who shall also perform the duties of chief clerk, $2,250."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 96, lines 12 and 13, strike out the words "second assistant commissioner, who shall also perform the duties of chief clerk, $2,250."

Mr. JOHNSON of South Carolina. Mr. Chairman, I want to explain why the amendment ought not to be adopted. We have made an effort to find out what the force in the Indian Office was doing. This section of the bill that has just been read has always been provided for in the legislative bill.

Mr. MANN. Will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. Certainly.

Mr. MANN. Is it not a fact that this was a chief clerk, but he was afterwards made deputy commissioner to perform duties which the chief clerk could not perform because the commissioner and first deputy commissioner was often absent from the city, and that it was as a mere matter of convenience that he was created second assistant commissioner to sign papers?

Mr. JOHNSON of South Carolina. That is right. I think the office is needed. They have, in addition to what we carry in this bill, a lump sum carried in the Indian appropriation bill, and we have provided here that hereafter they shall submit estimates to Congress and that the men shall be provided for. But we can not afford to strike out any man provided for in this bill.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. JOHNSON of South Carolina. Certainly.

Mr. BARTLETT. Is it not a fact, according to the testimony of the Secretary of the Interior, that this second assistant commissioner is an office not authorized by law, but created by a provision in an appropriation bill some years ago?

Mr. JOHNSON of South Carolina. I believe that is true.

Mr. BARTLETT. Then here is a proposition to continue an office created only three or four years ago, which is not necessary, in my judgment, and ought not to be continued. I happened to be present when the hearings were had before the subcommittee. If you strike it out you simply strike out an office that was incorporated in an appropriation bill three or four years ago and not authorized by existing law. We ought not to provide for it in the bill where it is not provided for by law, especially when it does not decrease expenditures. My motion is simply to strike out from this bill a provision not authorized by law.

Mr. BURLESON. Mr. Chairman, I will state to the committee that during the preparation of this bill I was inclined to take the view now expressed by the gentleman from Georgia, but the Commissioner of Indian Affairs made a showing that at this particular time there is considerable paper work being done in the Bureau of Indian Affairs as a result of certain reorganizations taking place and certain allotments being made, and that there are a number of clerks that have been appropriated for under the Indian appropriation bill who are now carried in his bureau and are under the direct supervision and control of this assistant commissioner, and that it is absolutely necessary at this time that his services should be continued.

It is true, as said by the gentleman from Georgia [Mr. BARTLETT], that this particular office was created by a provision carried in an appropriation bill, and that in fact there is no law authorizing the existence of the office, but at the same time the showing made by the Commissioner of Indian Affairs so impressed the subcommittee that, whereas I was at first inclined to take the same view as expressed by the gentleman from Georgia [Mr. BARTLETT], I finally reached the conclusion that it was necessary that it should be continued.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. BURLESON. With pleasure.

Mr. BARTLETT. Can the gentleman tell how many employees they have in Washington in the Indian Office?

Mr. BURLESON. I can not give the exact number, but there are about 200.

Mr. BARTLETT. Two hundred and thirty, and they have to look after only about 275,000 Indians, and in addition to that they have the Indian appropriation bill where provision is made for them.

Mr. BURLESON. I have heretofore stated that there are about 50 clerks carried in the Indian appropriation act that are under the direct supervision of this particular officer, and the committee was thoroughly impressed that we should continue the item providing for this officer.

Mr. CAMPBELL. Mr. Chairman, I heartily concur in what has been said by the gentleman from Texas [Mr. BURLESON] in regard to this particular officer. This officer is as essential as any other officer provided for in this bill. The officer mentioned performs important services in the absence of the commissioner and his deputy, who are necessarily often away from the city, and during their absence there is no other person authorized to act for the commissioner.

Mr. BARTLETT. You have one assistant commissioner. If the commissioner is absent you have this assistant commissioner and do not need this second assistant commissioner.

Mr. CAMPBELL. I will state that the officer in question does a great deal of field work. The commissioner is away and the deputy is away; they go out into the field where they become familiar with the work, and they render a better service to the Indians and to the country than they could by remaining in the office.

Mr. DYER. Will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. DYER. I would like to know from the gentleman if the duties of the Indian Commissioner and the assistant commissioner take them out of the city for any considerable period of time?

Mr. CAMPBELL. Sometimes they are away from the city for quite a while; they have to travel long distances, and are necessarily absent a considerable time.

Mr. ESCH. If the gentleman will pardon me, is it not a fact that they have to spend a good deal of time in making and letting contracts for supplies?

Mr. CAMPBELL. That is true; the commissioner has to go or send a deputy for the letting of these contracts.

Mr. MANN. Mr. Chairman, while the motion of the gentleman from Georgia is to strike out the second assistant commissioner of Indian affairs under that title it is in fact a striking out of the chief clerk for the Indian Office. The bill carries a chief clerk for the Indian Office called the second assistant commissioner, but who also performs the duties of chief clerk, and who receives a salary for the double duties of $2,250. In the Land Office the chief clerk performing only the duties of a chief clerk receives a salary of $2,500. In the Pension Office the chief clerk receives a salary of $2,500, and in the Patent Office the chief clerk receives a salary of $3,000. All of these bureaus are organized on the basis of supervision by a chief clerk in addition to the commissioner, and you can not manage the business, advantageously at least, without a chief clerk.

Now, because the commissioner and deputy commissioner are frequently absent from the city, either on Indian reservations or in connection with the letting of Indian contracts or other work, a few years ago Congress authorized the chief clerk to sign as deputy commissioner, and then called him a second assistant commissioner, but in fact he is a mere chief clerk of the department, who would have to be retained in any event.

The CHAIRMAN (Mr. SISSON). The question is on the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

No transfers from the Pension Office existing July 1, 1912, shall be returned to said office.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What is the meaning of that provision in reference to transfers from the Pension Office? What does that provision mean at the top of page 98?

Mr. JOHNSON of South Carolina. That has been carried in the bill for a long time.

Mr. MANN. I beg the gentleman's pardon. It is new in the bill this year. What does it mean? It could not have been carried in the bill before because it relates to July 1, 1912.

Mr. JOHNSON of South Carolina. I find we put it in at the request of the Commissioner of Pensions. He asked us to put it in.

Mr. MANN. I suppose it means clerks who had been transferred from the Bureau of Pensions to some other bureau should not be transferred back, but I do not know.

Mr. JOHNSON of South Carolina. They have been detailed from time to time as work at that particular office grew less, and I suppose some of them are transferred now and he does not want them back.

Mr. MANN. It looks to me as if the work in the office would grow greater from now on.

Mr. JOHNSON of South Carolina. I think we will have to provide several hundred additional clerks, which were not contemplated when the commissioner sent in this estimate.

Mr. MANN. Then these clerks who had been in the Pension Office and understood the duties, I think of all the clerks, should be the ones to go back to the office.

Mr. JOHNSON of South Carolina. When the conferees report the Sherwood bill and it is agreed to, we will take up that question of supplying the additional clerks that will be needed for the Pension Office. We may provide for it in another way and repeal this provision, but it is in there at the request of the Commissioner of Pensions.

Mr. MANN. If I were in charge of the bill I would strike it out, but I am not.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

For per diem, when absent from home and traveling on duty outside the District of Columbia, for special examiners or other persons employed in the Bureau of Pensions, detailed for the purpose of making special investigations pertaining to said bureau, in lieu of expenses for subsistence, not exceeding $3 per day, and for actual and other necessary expenses, including telegrams, $215,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Heretofore we have provided "and for actual and necessary expenses." Now the gentleman inserts in the bill the word "other," so that it reads "for actual and other necessary expenses." As it read before it meant both actual and necessary expenses. As it reads now it means actual and other expenses. Now, what expenses are there other than actual expenses? There must be some reason for inserting the new word in the law. Is it contemplated to pay any expenses except actual expenses? [After a pause.] Well, as I can not get an answer, I withdraw the pro forma amendment. [Laughter.]

The Clerk read as follows:

For an additional force of 45 special examiners for one year, at $1,300 each, $58,500, and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of the bill what is the purpose of increasing the force of field examiners?

Mr. JOHNSON of South Carolina. What is the item?

Mr. AUSTIN. It is an increase in the force of pension examiners. What is the purpose?

Mr. JOHNSON of South Carolina. He said he needed them.

Mr. AUSTIN. For what purpose?

Mr. MANN. This is not an increase.

Mr. JOHNSON of South Carolina. It is the number of examiners the commissioner said he needed.

Mr. AUSTIN. I withdraw the pro forma amendment.

The Clerk read as follows:

Bureau of Education: Commissioner of Education, $5,000; chief clerk, $2,000; specialist in higher education, $3,000; for the investigation of rural education, industrial education, and school hygiene, including salaries, $6,000; editor, $2,000; statistician, $1,800; specialist in charge of land-grant college statistics, $1,800; translator, $1,800; collector and compiler of statistics, $2,400; specialists—1 in foreign educational systems, and 1 in educational systems, at $1,800 each; clerks—2 of class 4, 3 of class 3, 4 of class 2, 8 of class 1, 7 at $1,000 each; 6 copyists; 2 copyists, at $800 each; copyist, $720; 2 skilled laborers, at $840 each; messenger; 1 assistant messenger; 3 laborers, at $480 each; laborer, $400; in all, $72,800.

Mr. LEVER. Mr. Chairman, I desire to offer the following amendment: On line 19, page 100, at the end of line 19, strike out the words "six thousand dollars" and insert in lieu thereof the words "fifteen thousand dollars."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 100, line 19, strike out the amount "six thousand dollars" at the end of the line and insert in lieu thereof "fifteen thousand dollars."

Mr. JOHNSON of South Carolina. Mr. Chairman, I make the point of order against the amendment.

Mr. LEVER. Mr. Chairman, I submit that the proposition is not subject to the point of order.

Mr. MANN. Why not?

The CHAIRMAN (Mr. SISSON). Does the gentleman desire to be heard on the point of order?

Mr. LEVER. No; I am ready for the Chair to rule on the point of order if it is subject to the point, though I am confident it is not. However, before the Chair rules, will my colleague reserve the point of order for a moment, that I may be heard on the merits of the proposition?

Mr. JOHNSON of South Carolina. Certainly; if the gentleman desires to talk.

Mr. LEVER. Mr. Chairman, the item to which my amendment refers is "for the investigation of rural education, industrial education, and school hygiene," and carries an appropriation of $6,000 to do that work. The authority for this very important investigational work was carried by the last appropriation bill. This year the Commissioner of Education estimated a total appropriation for his bureau the sum of $73,100, including this item. The committee has seen fit to allow only the amount carried in last year's appropriation bill. Mr. Chairman, I regard the investigation of rural education, industrial education, and school hygiene as a matter of prime and vital importance to this country.

The system of education which touches the boy or the girl—the farm boy and farm girl—who produce the raw material, and the system which touches the boy and girl of the shop and the factory who transform this raw material into the finished products, must enlist the profoundest attention and thought of the statesmanship which looks further than into the immediate present. This Congress can well afford to stop occasionally in the hurly-burly of its great game and take count of what the future of the country must be and of the agencies which must make that future. This amendment intends to provide machinery with which to make these investigations in the various States in order that all the States may have the benefit of the best system in the country. I say that this is a matter of prime and vital importance, both to the generation now growing up and to the generation yet unborn.

I recognize, of course, that the Bureau of Education is not and should not be more than a clearing house of information. I am not willing for the Federal Government to exercise any control whatever over the educational systems of the various States beyond that of furnishing information and advice when sought, but I do believe that there is a necessity for vitalizing the Bureau of Education and making it especially subserve the purpose for which it was created, namely, to be such a clearing house of information as will be of such real value as to make it the leader in an advisory way of every great educational movement in this country. This the bureau can not do—can not perform the functions for which it was created if we are going to adopt this niggardly policy with reference to the appropriations which we make for it. Now, Mr. Chairman, I want to call the attention of the committee to some——

The CHAIRMAN. The Chair will say to the gentleman from South Carolina that he is not discussing the point of order. The Chair will ask the gentleman from South Carolina, who has charge of the bill——

Mr. JOHNSON of South Carolina. I reserved the point of order.

Mr. LEVER. The gentleman from South Carolina reserved the point of order and I was speaking——

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. GILLETT. Mr. Chairman, before the Chair rules on the point of order, if the Chair is going to sustain the point of order I would like to be heard.

The CHAIRMAN. The Chair is clearly of the opinion that the point of order should be overruled and will so hold, and does not desire to hear from the gentleman from Massachusetts.

Mr. GILLETT. I only wished to be heard if the Chair was going to sustain the point of order. I agree with the Chair, that the point of order should be overruled.

The CHAIRMAN. Unless the gentleman from South Carolina [Mr. JOHNSON] desires to be heard upon his point of order, the Chair is satisfied, and will overrule the point of order.

Mr. LEVER. Mr. Chairman, I am very glad the Chair takes that very liberal view, and, if I may be permitted, I desire to go on with my remarks.

Mr. Chairman, my amendment is to provide an increase in the amount of the appropriation carried for this work which I have been describing and which I regard as of so much and such far-reaching importance to all the people. This is a new line of work, and I desire to read for the information of the committee the character of that work as furnished to me, at my request, by a gentleman in the Bureau of Education.

Mr. GARNER. Will the gentleman yield to a question?

Mr. LEVER. Yes; though I should like to go on.

Mr. GARNER. How much of the proposed increase would be used in the way of salaries? Can the gentleman give an estimate of it?

Mr. LEVER. I will say to the gentleman from Texas that the appropriation now, of $6,000, is spent in this way: For the employment of one expert in rural education, together with his traveling expenses, $2,775; an expert in school hygiene, at a salary of $3,000, with $825 for traveling expenses; and for industrial education they have allotted a sum of $400.

Now, then, of the two men operating under the appropriation of $6,000 carried in the last appropriation bill, one was appointed in September of last year and the other in December of last year. And already they have expended almost all of the appropriation.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word. I do it for the purpose of asking the gentleman from South Carolina [Mr. LEVER] a question with reference to this appropriation. The gentleman says there is one expert in rural education at an annual compensation of $2,775 a year now and his expenses?

Mr. LEVER. Including his expenses?

Mr. SLAYDEN. Yes. What is the particular qualification of an expert in rural education? What does he do?

Mr. LEVER. That is what I was about to say when your colleague from Texas [Mr. GARNER] interrupted me. I want to read in the RECORD just what these men do.

Mr. SLAYDEN. I want to know what the expert in rural education does?

Mr. LEVER. The expert is regarded as a man who has had large experience in the matter of rural education and is regarded in the educational world as a leader in that kind of work. A line of work touching rural education has been established under which is being made as thorough a study as possible into the present status of rural education in the States in order to awaken public interest and call attention to the alarming backwardness of the rural schools as compared with city schools, and also to endeavor to devise and suggest ways and means of dealing with the problems.

Mr. SLAYDEN. Is not the State of South Carolina doing that work for your schools?

Mr. LEVER. The State is doing a great deal of work in that line, and doing it well, but my State is willing to accept expert information on any subject if it believes in its practicability.

Mr. SLAYDEN. The gentleman from Texas [Mr. BURLESON] tells me that the committee has been asked to provide an expert in home making in connection with rural schools.

Mr. LEVER. If that is true, I do not know it. The other expert is from Alabama, Dr. Dressler, who is in charge of school hygiene, and whose business it is to furnish information so far as possible with reference to the best hygienic ventilating and sanitary system which the best experts can find, and to furnish also models for the best, most modern, and at the same time least expensive school buildings suited to local conditions.

Mr. BURLESON. I will state for the information of the gentleman from South Carolina that three of the experts intended to be provided for in this increase are one expert in industrial vocational education of $4,500, one specialist in agricultural educational schools at $4,000, and one specialist in education relating to home making at $3,500.

Mr. LEVER. Let me say to my friend from Texas that the proposition that he lays down is based upon the idea that the committee was to appropriate the estimates made of $73,000 and some odd.

The CHAIRMAN. The time of the gentleman from Texas [Mr. SLAYDEN] has expired.

Mr. BURLESON. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Texas moves to strike out the last two words.

Mr. BURLESON. I will state to the gentleman from South Carolina if it is intended to provide for these specialists, then the gentleman's amendment is wholly useless, for the reason that we allow the estimate for the particular item that the gentleman is attempting to increase.

Mr. LEVER. My understanding of it is this: I have not had the benefit, of course, of having these gentlemen before me and cross-examining them, but my information is that they desire to carry on the line of work they are now carrying on under the present appropriation, and to do so with several additional experts of the same kind, and that to do so it will be necessary to increase the appropriation $6,000 or $8,000 or $10,000 in order to furnish the number of men with which to do the work the most rapidly and at the same the most efficiently.

Now, Mr. Chairman, if I may use the balance of the gentleman's time, I want to say that——

Mr. BURLESON. I would like to yield to my colleague [Mr. SLAYDEN] for two minutes. I will give the gentleman from South Carolina the remainder of the five minutes.

Mr. LEVER. I want to say, Mr. Chairman, that when you take into consideration the fact that——

Mr. BARTLETT. Mr. Chairman, I have no objection to the gentleman from South Carolina speaking as much as he desires, but I do make the point of order now that nobody can yield time in the Committee of the Whole.

The CHAIRMAN. The point of order is sustained.

Mr. BARTLETT. I now move that the gentleman from South Carolina [Mr. LEVER] be allowed five minutes in his own right.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] moves that the gentleman from South Carolina [Mr. LEVER] be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I am much obliged to my friend from Georgia [Mr. BARTLETT].

I was about to say, Mr. Chairman, when interrupted, when we take into consideration the fact that in rural districts the school population between 5 and 18 years of age is 13,422,896—a great army that must fight the social, economic, and political battles of the future—and that the enrollment in rural schools is 71.6 per cent, or 9,570,793, leaving approximately 4,000,000 of the future economic, social, and political soldiers of the country out of the schools in which they must be trained for their duties; and when we consider that the daily attendance is only 65 per cent, or 6,221,000, we are forced to conclude that here is a field for the work of the student and the statesman. The monthly salaries of rural teachers is $44.90, or $269.40 per year. To these we have intrusted our children at the most critical period in their lives, when they are most susceptible to good or bad influences, when their characters are forming—intrusted them into the hands of the most poorly paid class of people in this country, and yet a class that deserves the most profound respect and earnest support of all. No man can measure the influence upon the history of this country of the schoolteacher. No man can accurately measure the influence which the teacher of his boyhood, the person to whom he looked for guidance and wisdom, has had upon his life. Next to the man who stands in the pulpit in shaping the destiny of men and nations stands the man or the woman whose life work it is to deal with the immature and developing minds of the youth of the country. Be it said to the everlasting credit of this class of our people, they stand second to none in virtue, patriotism, and earnest devotion to duty.

More than this, the average annual session of our rural schools is 120 days. Four months out of twelve our country boy and girl have the opportunity to develop and educate and train the mind—the mind upon the training of which so much of the happiness of the boy or girl is to depend. I say, Mr. Chairman, when you take into consideration these facts and then take into consideration the further fact that the agricultural masses of this country—the people out on the farm and in the small town and village—constitute the great conservative force of the country which some of these days will save it from the red flag raised in the great cities, it seems to me this House ought to be profoundly impressed with the fact that while it is not the duty of the Federal Government to go into the States and take care of their educational systems, it is the duty of this Government to lend its aid to every effort to provide for leadership in this great undertaking and to encourage the awakening of the States to a fuller appreciation of the need of better schools in rural districts. [Applause.]

Mr. BARTLETT. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Georgia?

Mr. LEVER. Yes.

Mr. BARTLETT. Is it contemplated that part of this increase provided for by the gentleman's amendment shall be expended by the Commissioner of Education in the line indicated by his testimony, when he made this statement:

> I am asking for funds for a group of 9 or 10 men and women, strong, earnest, well equipped, with sufficient knowledge of education and sufficient acquaintance with the country and country life to give them at least the right point of view. These men and women should investigate the rural schools of the countries in which work of special and unusual excellence has been done—the village schools of Switzerland, for example, and the schools of the open country in Denmark—find what is good in them, interpret it, adapt it to our needs, and then assist in applying it to the improvement of our rural schools in all parts of the country. There are in this country 1,500,000 miners, 750,000 of them coal miners. Most of these are foreigners, speaking foreign tongues. It is difficult to teach their children in the ordinary schools and by the ordinary methods. A careful study should be made of this problem. In this the division of rural schools in this bureau should help.

Does the gentleman propose to have the money spent along that line?

Mr. LEVER. I will say to the gentleman that in conversation with officials in the bureau—it happens that the commissioner himself is away on his bridal tour at this time—I do not understand it to be contemplated to use this appropriation along any other line than for investigations into rural and industrial education and school hygiene.

Mr. BARTLETT. The gentleman does not contemplate that the amount provided for by the bill shall be used as suggested by the commissioner?

Mr. LEVER. No; that is not rural schools.

Mr. BARTLETT. No; I agree with the gentleman that that is not rural schools.

Mr. LEVER. I brought this matter up in order to call it to the attention of the committee, and I did not rise to offer this amendment in any frivolous spirit. I am in dead earnest about it. I would be glad to have the support of this committee upon a proposition that I regard as perhaps more vital than any other problem we are facing in this country. It is the duty of Congress, if we are going to have a Federal bureau of education, to give it enough money to make it a vital force in carrying out the functions for which it was created, and if we are not going to do it we ought to abolish it and say that the Federal Government has no interest in a broad, national way in the solution of the great educational problems of this country. [Applause.]

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to extend his remarks by inserting certain statements and statistics in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

RURAL EDUCATION.

A division of rural education has been established, which is making as thorough a study as possible into the present status of rural education in order to awaken public interest by calling attention to the alarming backwardness of the rural schools as compared with the city schools, and to devise and suggest ways and means of improvement. The inquiry is concerned with the following phases of rural education:

The quality of the teachers in service and various means of improving the quality.

The special preparation of teachers for rural work.

The contents of the school course of study and the economical arrangement of a program.

The organization of the school districts.

The supervision.

The support, including the distribution of State and county funds.

Illiteracy in the country districts.

These are the most important features of rural education on which immediate definite information is wanted. The division has well on toward completion a bulletin covering the above items, and is planning an exhaustive study of each item, the results of which will be published as soon as possible.

The division has published a bulletin on a "Course of study for rural teachers in nature study, elementary agriculture, sanitary science, and applied chemistry," and has a circular on the industrial supervision for rural schools about ready for distribution.

It has material collected for a publication on training courses for teachers for rural work, also on agricultural instruction in public high schools, both of which will be ready for publication in July or sooner.

It is having educational surveys made of several counties in various sections of the country. It has secured the services of 20 special collaborators to act as "feelers" for the office and keep it in touch with the most advanced rural school work of the country, so that information of especial value may be collected and distributed. Each of these persons is also to make a special study of some phase of rural work, the results of which, if of sufficient national value, will be published by the bureau. Such collaborators are all persons engaged in rural education connected with State departments of education, colleges, normal schools, or as county superintendents.

The division is encouraging the introduction of special courses in preparation for rural teachers in State normal schools, State colleges of agriculture, and high schools, and it is giving advice relative to such courses in many schools at the present time; it is encouraging the establishment of experimental and demonstration schools to work out and demonstrate the functions of the rural school, and it is aiding several State and county special commissions appointed to study their local rural educational problem.

For the entire country, including urban and rural.

Total school population (5–18)	25,016,501
Enrolled in school (71.3 per cent)	17,813,852
Daily attendance (72.1 per cent)	12,827,307
Number of teachers	523,210
Monthly salaries of teachers	$61.70
Yearly salaries of teachers	$493.60
Number of days in annual session (7⅞ months)	157½

IN RURAL DISTRICTS.

School population (5–18)	13,422,896
School enrollment (71.6 per cent)	9,570,793
Daily attendance (65 per cent)	6,221,000
Monthly salaries of teachers	$44.90
Yearly salaries of teachers	$269.40
Average annual session, days	120
	Estimated.
Number of 1-room schoolhouses	185,000
Number of log buildings still used for school purposes	10,000
Number of country schools in 16 Southern States with no toilets whatever, per cent	50
Number with sanitary toilets in same States, per cent	5
Number of teachers, normal graduates or college graduates with professional training, less than, per cent	5

Of the total illiteracy in cities and districts of less than 25,000, 80 per cent is in the rural country.

Illiteracy among native white children of native white parents is three and one-half times the amount of illiteracy among native white of foreign parentage, due to the fact that the foreign population is assembled in cities where good schools are provided.

No expert supervision of country schools in any States except in the New England States, Ohio, West Virginia, and Oregon but that given by a county superintendent.

The county superintendent is a political officer in 26 States.

In 11 States no educational qualifications whatever are required, and 11 other States require no experience in teaching.

SCHOOL HYGIENE.

1. This division has served as advisor in plans for school buildings, whose combined cost will approximate $6,000,000. These buildings are being erected in all parts of the country.

2. Detailed information regarding the health of school children has been forwarded to a great many people who have applied for help. Country teachers, county superintendents, city superintendents, and college professors have thus been aided.

3. The division is compiling an annotated bibliography of practically all of the worthy material bearing on the proper construction of schoolhouses and the hygienic care of school children. The most urgent need at present exists in country schools. In many parts of the country the district schools are unwholesome and insanitary, and those who are charged with securing better conditions do not know what is best to do.

4. Knockdown models of country schoolhouses are being constructed by the division, in order that these may be duplicated and sent to country-school officers, to help them to build better buildings at less expense.

This division will make a careful study of the conditions as they now exist, and issue, as soon as possible, a bulletin on country schoolhouses and school hygiene as it relates to the district schools. A large per cent of the school buildings now in use in the country are poorly lighted, badly heated and ventilated, and are equipped with desks and other necessary furniture unhygienic in the extreme. The division is in communication with school boards and district trustees from all parts of the country, and expects to be able to furnish plans and suggestions for the construction of better buildings, more sanitary toilets, and the general equipment of schoolhouses.

5. This division is serving as a clearing house for State boards of health on all questions relating to school hygiene and medical inspection of school children. The various State boards of health furnish their printed matter, and, in turn, ask for information concerning other States.

Mr. BOWMAN. Mr. Chairman, I desire to be recognized.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that all debate on this paragraph and amendments close in 15 minutes.

The CHAIRMAN. The gentleman from South Carolina moves that all debate on the pending paragraph and amendments thereto be closed in 15 minutes.

Mr. SMALL. Mr. Chairman, I want to be heard on this matter. I would like to have five minutes of that time.

Mr. JOHNSON of South Carolina. Mr. Chairman, I will make it 20 minutes.

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] moves that all debate on the pending paragraph and amendments thereto be closed in 20 minutes. The question is on agreeing to that motion.

The motion was agreed to.

Mr. BOWMAN. Mr. Chairman, I favor the amendment proposed by the gentleman from South Carolina [Mr. LEVER]. At the last session of the Legislature of the State of Pennsylvania regulations regarding industrial education as well as a new school code were passed, which provided for vocational education and the medical inspection of schools and school children, thus following the example set by England, most of the European states, Japan, the Argentine Republic, and the State of Massachusetts, and recently quite a number of other States, either in compulsory or permissive form.

The English law provides for such a medical examination, at least once a year, as would decide whether each child of school age was in such a condition as to take full advantage of the school facilities provided by the State.

The amendment proposed by the gentleman from South Carolina not only provides for rural education and industrial education, but also investigation into the very important matter of school hygiene. The State of Pennsylvania has learned that by means of this law they can discover and eradicate obscure diseases that existed in the homes of some of those who have recently immigrated to this country. After the children have been sent out of school because they have a certain disability or disease, in indigent cases doctors and nurses are frequently provided by the local communities, and thus not only the physical but the moral and the mental tone of the families, as well as that of the State as a whole, can be greatly improved and advanced.

The increase of this appropriation will assist in extending industrial education to the rural communities. And I may say, in connection with the inclusion of the medical inspection provision in the Pennsylvania school code, that the application of the law was limited in rural communities. Hence it is of great importance that the General Government should take up this question, so that it can disseminate information as to the importance of these questions of rural education, vocational education, and, more important than all, the conservation of the health of the school children, so that thereby hereafter men and women sound in mind and body can be obtained for the advancement of the country.

I trust that the amendment will prevail, increasing the appropriation for these beneficent purposes.

Mr. SMALL. Mr. Chairman, this is one of the most important items in this appropriation bill, and the amendment offered by the gentleman from South Carolina [Mr. LEVER] ought to prevail.

The particular item here is in this language:

For the investigation of rural education, industrial education, and school hygiene, including salaries, $6,000.

The amendment is to increase that amount to $15,000. If this increase is made, it will be expended in the improvement of methods of rural education. When a proposition comes before this House looking to the betterment of farming conditions, ordinarily it commands friends in its support; and no more meritorious proposition looking to that betterment has been considered in this House than the increase proposed in this amendment. Gentlemen who attempt to ridicule it, to minimize its importance, are simply not advertent to the movement in progress for the betterment of agricultural methods. It was only on yesterday that the central committee of the American Bankers' Association, meeting at some point in the State of New York, passed a resolution looking toward the stoppage of the movement for the depopulation of the farms, for the betterment of farming methods, and for an increase in agricultural production. The gentleman from South Carolina [Mr. LEVER] referred to some of the methods of investigation proposed by the Commissioner of Education, and in that he reflected, as I understand, the wishes of the commissioner himself.

The commissioner is Dr. P. P. Claxton, an eminent successor of the worthy gentlemen who have preceded him in that high position, and in the estimates submitted to Congress it is shown here that he asks for an increase of $30,000 in this appropriation, the whole amount to be expended in additional specialists and other employees in the advancement of rural education.

Mr. Chairman, the one thought which, as I understand, is to-day dominating the minds of the best educators is to make our system of education in larger degree vocational, to make the rural schools institutions which shall not only fit the pupils for successful farm work, but teach them to understand that the vocation of farming is one of the most attractive which they could adopt. In all the States, particularly the agricultural States, men who have given the deepest study to this subject realize that if this movement of depopulating the farms is to cease we must introduce into our rural schools teaching upon the elements of agriculture, something of the problems of plant life, something of the elemental knowledge of the soil, something by which these children shall have added to their curriculum studies which will make farm life more attractive to them and which will make them more successful in their vocation.

The object of this appropriation is simply to increase the efforts of the Bureau of Education, in cooperation with the departments of education of the several States, to make the rural schools more vocational, to make them more useful in the rural life where they are established, and to help make farm life more attractive and the vocation of the farmer more profitable than it has been in the past.

Mr. Chairman, what the Department of Agriculture is doing in its line the Bureau of Education ought to be doing. It is acknowledged by all thoughtful men that the Department of Agriculture is adding millions of dollars to the productiveness of our country, and we ought to give the same encouragement and the same opportunity for increasing the usefulness of its functions to this Bureau of Education.

Mr. AUSTIN. Mr. Chairman, I have watched the course of the Representative from South Carolina [Mr. LEVER], who offered this amendment, with a great deal of interest since I have been a Member of this House, and I want to compliment him and his constituency upon the splendid record he has been making here in the interests of the people. Then in discussing this item I wish to call the attention of this House to the splendidly equipped man who now fills the position at the head of this bureau, Prof. P. P. Claxton, a native of North Carolina, who for a number of years has been identified with the faculty of the University of Tennessee, and who was the originator and the heart and soul of the great summer school inaugurated at the University of Tennessee, at Knoxville, Tenn., for the development of the educational interests of the entire South.

Of the very many excellent appointments made by President Taft, with a view to promoting the efficiency of the public service, he certainly did not err in naming Prof. Claxton. It was not a question of politics, for he is an independent Democrat, but that selection was based alone upon the ground of efficiency, and in making that appointment the President received his inspiration from the leading educational institutions scattered all over the country.

Now that this bureau has at its head a man in every way equipped for the extension and development of the educational interests of the country, we should not hamper him in not voting appropriations for active, efficient, and energetic work in the field. This Congress could not make a better investment than along the lines proposed in this amendment; and when we think of the immense amount of money we are voting out of the National Treasury, and consider the fact that for this bureau we are voting less than $75,000, I can not understand why any Member who believes in education, and especially in the need for improvement of rural educational methods, can stand in the way of the adoption of this amendment. I hope that the members of the Committee on Appropriations while they are going over the various departments with a fine-toothed comb, looking for retrenchment and reduction of public expenses, will not carry that method or policy to the extreme, but on the other hand will deal most leniently with this department, which should appeal to every Member of this House. [Applause.] If we are to make rural life desirable and keep the boys on the farms and away from the crowded cities, Congress must look to legislation that will make conditions in the rural districts more desirable for the old and young alike. [Applause.]

Mr. BURLESON. Mr. Chairman, at the outset I want to say that I am in thorough accord and in full sympathy with everything that has been said by the gentleman from North Carolina [Mr. SMALL], the gentleman from Tennessee [Mr. AUSTIN], and the gentleman from Pennsylvania. The work sought to be done by the Commissioner of Education is very desirable and is being done by the various States of the Union.

I want at this time to pay a tribute to the zeal, the earnestness, and ability of the present commissioner, Dr. P. P. Claxton. [Applause.] I will indulge in a little prophecy with reference to that officer. I confidently believe that the Bureau of Education under his administration will accomplish as much good as this bureau did under the direction and guidance of that distinguished scholar, the late Dr. William Torrey Harris. But, gentlemen of the committee, I am opposed to the pending amendment, and for this reason: Unfortunately for the gentleman from South Carolina who offers this amendment, every dollar that was asked for the purpose for which he seeks to increase the appropriation by $9,000 was granted by your committee. I read from the estimates:

For the investigation of rural education, industrial education, and school hygiene, including salaries, $6,000.

Every dollar for this purpose estimated for, your committee allowed, and is carried in this bill as an appropriation under the Bureau of Education. Dr. Claxton desired to go beyond the authorized functions now being discharged by his bureau. He wanted to employ experts, to venture into a field not authorized by law, not provided for by statute, to employ experts in vocational education, to employ specialists in home making, to employ specialists and experts in relation to secondary schools; and your committee felt that they were not authorized under the law to grant that request. If the gentleman from South Carolina had offered an amendment to provide for these specialists, there would have been some appropriateness in the amendment he offered; but he proposes to increase an item for which Dr. Claxton himself did not ask but $6,000. We did not feel authorized to go beyond the scope of the law to provide in this bill for activities not authorized by law.

The law makes no provision for the employment of experts in vocational education. The law does not authorize the employment of specialists in home making. It does authorize and there is carried an appropriation in the bill of $6,000 for the purpose urged by the gentleman from South Carolina, estimated for by the department at $6,000 and allowed by your committee at $6,000. Now, Mr. Chairman, will the committee, nolens volens, grant an increase of $9,000 beyond what Dr. Claxton has asked?

Mr. LEVER. Will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. LEVER. The gentleman from Texas has seen in the consideration of appropriation bills, dozens of times, the Committee of the Whole House increase the appropriation beyond the estimate.

Mr. BURLESON. Yes; but not during this Congress——

Mr. LEVER. Yes; by this Congress.

Mr. BURLESON. I think the gentleman is mistaken, but I want to say that such action is never justified.

Mr. Chairman, we have at the head of the various bureaus of our Government—and I approve of it—enthusiasts, men who magnify, and properly so, the importance of the work that they have in hand. They always ask for every dollar that they can justify at the hands of Congress, and in this particular item Dr. Claxton did not ask one cent beyond $6,000 for this purpose, and that we allowed him. I hope the amendment will be defeated.

Mr. SMALL. I want to say to the gentleman that I find in the Book of Estimates under the item of $6,000 these words:

Additional for specialists, assistants, and clerks in rural education, submitted $30,900.

Mr. BARTHOLDT. Mr. Chairman, I wish to make an observation in connection with this debate on the general subject

of education. I am not advised as to the particular merits of the amendment now pending, but I shall vote, as I always have done, for every appropriation asked for to promote the cause of education. Therefore I shall vote for this amendment. But, Mr. Chairman, there is one observation I would like to make on the general question of education, which, it seems to me, concerns Congress as much as it does the States. Under our Constitution the States have sole and exclusive jurisdiction with respect to that subject, but there is one matter which concerns the National Legislature as much as any of the State legislatures, and that is that all of our children should be properly educated with respect to government and governmental affairs.

I take this occasion to say what I have wished to say for some time past: That our courses of study should be enlarged so as to include instruction in the science of government. At the present time our children leave school at the age of 14 and 15 years absolutely ignorant, if I may use that harsh term, with respect to our fundamental structure of government. We should remember that the safety of our institutions and of our Government rests not upon the written law, but upon the loyalty of the hearts and minds of the people; and therefore our boys should be instilled with knowledge of our Constitution and of our institutions, because upon that knowledge, in the future, depends the security of the country. [Applause.] How can our young men be expected, when they become of voting age, to vote intelligently upon propositions to change our governmental system, when as a matter of fact they lack the necessary knowledge of the fundamentals of government, of the checks and balances provided by the fathers, and of the difference between our tried system of self-government and other systems embracing untried and radical innovations? In my limited time I merely wish to call attention to this important matter, so that educators may consider it with a view to enlarging the course of study of our schools in this essential particular. [Applause.]

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken; and on a division (demanded by Mr. BURLESON) there were 47 ayes and 24 noes.

Mr. JOHNSON of South Carolina demanded tellers.

The question of ordering tellers was taken; and 17 Members having arisen, tellers were refused.

Mr. BURLESON. I demand the other side, Mr. Chairman.

The CHAIRMAN. The order to vote by tellers requires one-fifth of a quorum, and there is no other side. The yeas have it; the amendment is agreed to, and the Clerk will read.

The Clerk read as follows:

Contingent expenses, Department of the Interior: The following sums, which shall be so apportioned as to prevent deficiencies therein, namely: For contingent expenses of the office of the Secretary of the Interior and the bureaus, offices, and buildings of the Interior Department, including $7,500 for the Civil Service Commission: For furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, street car tickets not exceeding $100, expressage, wagons and harness, motor trucks, motorcycles, and bicycles, maintenance and exchange of same, food, forage, and shoeing of horses, diagrams, awnings, filing and labor-saving devices, constructing model and other cases and furniture, and other absolutely necessary expenses, including fuel and lights, typewriting and adding machines and exchange of same, $122,000.

Mr. FOWLER. Mr. Chairman, I move to strike out the figures "$122,000" and substitute in lieu thereof the figures "$75,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 102, line 21, strike out the figures "$122,000" and insert the figures "$75,000."

Mr. FOWLER. Mr. Chairman, the paragraph at which my amendment is directed deals with an appropriation for contingent expenses. It is very unfortunate, Mr. Chairman, that the word "contingent" is so often used by legislative bodies. While I am aware of the fact that it is impossible in every case to foretell just what expenses are necessary, but wherever it is possible to itemize the various objects for an appropriation it ought to be done. This paragraph carries an appropriation of $122,000 without indicating the items which it is intended to cover. The people of the country are anxious to know how their money is spent and for what purposes. This character of appropriations gives an opportunity for a reckless, wasteful, and useless expenditure of money by those who have charge of it, and such appropriations should never be made unless it is absolutely necessary. On examining the hearings before the Appropriations Committee, on page 160, I find the following colloquy between Congressman BURLESON, of Texas, and Mr. Wilmeth:

Mr. BURLESON. Mr. Wilmeth, I notice in the statement of the contingent expenses of the Treasury Department an item for one of the high officials of the Treasury Department, for expenses incurred incident to attending the American Bankers' Association in California, $403.75.

Mr. WILMETH. That refers to the treasurer.

Mr. BURLESON. Are you familiar with the necessities for that trip?

Mr. WILMETH. No, sir; I am not.

Mr. Chairman, here is an appropriation of $403.75 undoubtedly used by the Treasurer of the United States for paying his personal expenses to attend a bankers' meeting. It seems as though no one before the committee could give any reason why this money should be used in this way. Again, Mr. Chairman, I find on pages 163 and 164 of the same hearings the following colloquy between the same gentlemen:

Mr. BURLESON. While we are on that question, I notice an item here of freight on one desk from Boston, Mass., to Washington, D. C., for an official of the Treasury Department. What is that?

Mr. WILMETH. What is that, Mr. BURLESON?

Mr. BURLESON. It is a small charge; the freight on one desk; but why are you shipping desks around the country?

Mr. WILMETH. Without knowing what that specific case is, I presume possibly that was a desk for the Secretary, or one of the Assistant Secretaries, that was purchased there. That is not the usual place to purchase furniture of that kind for the department, because we usually buy it off of the regular contract; but that is unquestionably what that refers to, and that is usual, I should say, too.

Mr. BURLESON. I note an item here—an item for shipping boxes to Dublin, N. H. Why do you ship boxes to Dublin, N. H.?

Mr. WILMETH. The Secretary maintains a summer office there.

Mr. BURLESON. Right on that point, does the Government move the office of the various bureaus to the summer homes of department heads when they establish them during the summer time?

Mr. WILMETH. If the Secretary wanted a typewriter from the department sent up there for official use; yes. We would pay freight on that typewriter, too. We would not pay for anything that was not for official use, however. Now, this last summer he had two men up there with him, and I sent a typewriter from the department and we paid the express charges on it—just boxed it up over here in our storeroom and sent it to him. I think you will find those cases are more or less infrequent.

Now, Mr. Chairman, we find a condition existing in the Treasury Department which may well cause us to pause and hesitate when appropriations present themselves under the head of "contingent" expenses. The $403.75 was undoubtedly expended by the Secretary of the Treasury for the purpose of paying his own personal expenses to attend a bankers' meeting on the other side of the continent.

Mr. Chairman, we should not forget that we are dealing now with the money which is collected from the common people of this country, because they are the great consuming force and, inasmuch as the greater portion of our taxes are collected at the customhouse, this great consuming force pays the greater part of these taxes. The section hand on the railroad, or the coal miner working in subterranean dusty and smutty caverns, the employee in the sweatshop factory, and the toiling producers of the soil, pay more of these taxes than the millionaires of the country, and they are the people who have a right to know just how their money is expended. Mr. Chairman, I am not in favor of appropriating a dollar of this money for any other purpose than that which is absolutely necessary to carry on the powers of this Government. To appropriate money for private uses, such as this $403.75 appears to be, under the head of "Contingent expenses," is an unwarranted, high-handed act and should not be sanctioned by any decent legislator. The Secretary of the Treasury will receive a salary of $12,000 anually hereafter until it is changed to a larger sum, and that is what will be done if we may judge the future action of Congress by what it has done in the past. He is plenty able to pay his own expenses anywhere, because he is a rich banker and I understand has a large income other than that of his salary. We are pledged to a system of economy, and for one I am in favor of carrying it out in good faith. I am not in harmony with that class of men who believe in fooling the people all the time, neither do I believe, as some would pretend to indicate, that the people can be fooled much longer on any of these great questions of state. On the other hand, Mr. Chairman, I believe in dealing with the people's money as economically and as wisely as we would our own business affairs.

Mr. Chairman, it would appear that the Secretary of the Treasury has established at Dublin, N. H., a summer home, and that he is spending at least a portion of the year up there. This is a species of aristocracy bordering on royalty, but I am not complaining because the Secretary has established a summer home, but I do seriously object to his moving the office of the Secretary of the Treasury away from the city of Washington and establishing it at other and uncertain places in the country. Our forefathers established this department at Washington, D. C., and he who accepts the position is expected to keep it in Washington. Neither am I in favor of expending the money of the people to pay freight charges on the necessary furniture and other things to be used in connection with the office at his summer home. If he is compelled to do any portion of the work at his summer resort he should provide the means to pay the expenses of shipping articles back and forth from Washington to

his country seat. There is no warrant under the law to pay these expenses out of the Treasury of the United States. It looks too much like playing a game of royalty, a policy which is un-American in character, and against the spirit of the institutions of this Republic. Yet, Mr. Chairman, under the head of "Contingent expenses" appropriations are made from year to year and expended for just such illegal and unwarranted purposes as automobile hire, traveling expenses, expensive receptions, useless and expensive furniture, and a thousand other things. Just how far the Government is going to commit itself on the question of "contingent" appropriations I am not able to say, but I do want it clearly understood that I refuse to follow the leadership of any man in such an uncertain policy which breeds corruption in the expenditure of the people's money. For this reason, Mr. Chairman, I have offered an amendment to change the amount proposed under this head from $122,000 to $75,000. I trust that the amendment will pass.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For surveyor general of the Territory of Arizona, $2,500; and for the clerks in his office, $13,000; in all, $15,500.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to amend on page 105, line 1, strike out the words "of the Territory."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 105, line 1, strike out the words "of the Territory."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For surveyor general of the Territory of New Mexico, $2,500; and for clerks in his office, $15,500; in all, $18,000.

Mr. JOHNSON of South Carolina. On line 20, page 106, I move to strike out the words "of the Territory."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 106, line 20, strike out the words "of the Territory."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For stationery, telephone, towels, binding, post-office box rent, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $900.

Mr. MARTIN of South Dakota. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 107, after line 7, by inserting:

"For surveyor general of South Dakota, $2,000; for clerks in his office, $5,000; for rent of office for the surveyor general, pay of messengers, stationery supplies, drafting instruments, fuel, ice, binding records, post-office box rent, telegrams, registration of letters, towels, furniture and typewriter repairs, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $800; in all, $7,800."

Mr. MARTIN of South Dakota. Mr. Chairman, the committee in the draft of the bill has dropped out the provision for the office of the surveyor general of the State of South Dakota. The amendment which I have offered restores the item to the bill in accordance with the estimates from the department published in the Book of Estimates. The Commissioner of the General Land Office in his testimony was questioned as to whether this office should not with others be abandoned at this time. His testimony in answering the following questions I will read:

Mr. BURLESON. Would it not be more economical to conduct it from this end of the line?

Mr. DENNETT. I doubt it. We would have to have more clerks to do it, Mr. BURLESON.

Mr. BURLESON. Could not a number of the offices of the surveyors general be abolished?

Mr. DENNETT. Not under the present conditions; they are all doing a great deal of work.

These questions were drawn out under the preceding questions which had reference directly to this office in South Dakota. The note from the Book of Estimates on this subject is as follows:

NOTE.—No appropriation for the payment of salaries of clerks in the surveyor general's office for South Dakota was asked last year, the public surveys therein being largely completed, but a special appropriation of $50,000 for resurveys in Nebraska was made for 1912, without provision for office work upon the returns thereon, and Nebraska not being a surveying district and the General Land Office being wholly unable to handle these returns without materially increased force in the surveying division, the same will be sent to the surveyor general of South Dakota for working up, and that official will also be required to handle the returns of fractional South Dakota surveys which last year were handled with difficulty in the General Land Office because of the pressure of regular work.

Now, the truth, Mr. Chairman, is that the subdivisional surveying of South Dakota is not all completed. Work of that kind is prepared for the field this year. Then, in addition, is all this work under a special appropriation for Nebraska which is attached to this South Dakota office for the purpose of office work, and the Commissioner of the General Land Office says very frankly if this item is dropped it simply means that an additional force will have to be provided to do that work elsewhere. In addition to that it ought to be noted, something not referred to in the testimony, that South Dakota is quite an important mining State. In gold production it still ranks fourth in the Union, and all of that work of making the surveys for applications for mineral patents is done in the office of the surveyor general at Huron, and it has often happened, indeed, owing to the accumulation of other work that mining-survey work is considerably behind.

If this office is entirely dropped out and no provision whatever is made in this bill for the performance of that necessary work for the making of mineral surveys it will be still further behind. It is perfectly apparent from the testimony of the commissioner and under the estimates that so far as this coming fiscal year is concerned the retention of this office is absolutely necessary for the carrying on of the work. As one representing that State, when work of that office is completed I certainly shall not be here asking for a continuation, but the funds for the coming fiscal year are absolutely necessary, as the commissioner himself has stated.

Mr. KINKAID of Nebraska. Mr. Chairman, I move to strike out the last word. It does not make any difference to Nebraska where this work is performed, but it is important that it be performed punctually, somewhere or other. Hitherto, since so much resurveying has had to be done in Nebraska, and the office of surveyor general for Nebraska having gone out of existence, this work has been performed in the office of the surveyor general of South Dakota—that is, making out reports on surveys made in Nebraska, or, rather, resurveys, because all of Nebraska had been resurveyed before the office of surveyor general in that State was abolished, but latterly it has become necessary to make resurveys on account of the obliteration of the very old surveys caused by sand blowing in the sandy regions and by prairie fires, and, to some extent, on account of imperfect surveys in the first instance. Now, the office in South Dakota of the surveyor general has been doing this work, is prepared to do the work, is used to doing the work, and can do the work expeditiously, because the work of that State of that character is not very large.

The work might be greatly delayed here at Washington, and the department says it is not equipped for doing the work here. I know from personal observation, and perhaps most of the Members know from personal observation, especially those from public-land States who visit the survey branch, that they have not the office room there for the help to perform this work; and, besides, I deem it a proper consideration that the necessary help, which will be temporary, more or less, can be picked up better in South Dakota than it can here at Washington. I think the help that comes here to Washington wants to be permanent, and they are apt to ask to have themselves made permanent if they come here, while it can adjust itself automatically out in South Dakota, where they can pick up the necessary help, use it as long as the employees are necessary, and dispense with clerks when they become unnecessary. And therefore I deem it very proper that this amendment be adopted.

Mr. JOHNSON of South Carolina. Just a minute, gentlemen; there is no reason why the amendment of the gentleman from South Dakota should be adopted. The testimony of the Commissioner of the General Land Office is that the surveying work in South Dakota is practically completed, and the only way that they can possibly give that office any work to do is to send to South Dakota the survey work that is done in Nebraska.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. MARTIN of South Dakota. I would like to ask the gentleman what his idea is as to the proper manner in which to do the mineral surveying work that is being done for South Dakota in the surveyor general's office?

Mr. JOHNSON of South Carolina. I have simply the statement here of the commissioner. The commissioner says that in South Dakota the work is virtually completed.

Mr. MARTIN of South Dakota. That is the work of the original survey. The subdivision work is still on in South Dakota, as he states in his annotation here.

Mr. JOHNSON of South Carolina. The gentleman will notice that they did not even submit any estimates for the current

year for South Dakota. There is not a clerk employed; there is no salary being paid, unless it is the salary of the surveyor general. Now, then, they have adopted a new system for the surveying of these public lands. Instead of letting this work out by contract, which has been the work that these surveyors general have supervised—making contracts with people to survey these public lands—the Land Office is now surveying the land with Government employees. We are doing the work with our own force, and the time is rapidly approaching when there will be no governmental necessity for a surveyor general in any State in the Union. And surely the Committee of the Whole is not going to put into this bill a provision for a surveyor general in the State of South Dakota when the Commissioner of the General Land Office says that the work is practically completed, and the only way to give the office any work to do is to send it from Nebraska or some other State.

Let us vote.

The CHAIRMAN. The question is on the amendment of the gentleman from South Dakota [Mr. MARTIN].

The question was taken and the amendment was rejected.

The Clerk read as follows:

For pay of janitor, stationery, plats and supplies, printing and binding, drawing tables, drafting instruments, post-office box rent, typewriters, drayage, towels, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $1,000.

Mr. TILSON. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of the bill a general question as to the construction of it. The question is why the surveyors general of these various States are put into this bill rather than into the sundry civil bill; the legislative, executive, and judicial appropriation bill containing in the main appropriations for the employees and officials at the seat of Government? There are some exceptions, I know, namely, the shipping commissioners, the steamboat inspectors, the surveyors general, and a few others.

Mr. JOHNSON of South Carolina. This bill does cover the items the gentleman refers to. Most of the moneys that are used outside of the District of Columbia are appropriated for in the sundry civil bill, but we simply have followed what we found to be the precedent, appropriating for the surveyors general and their clerical help only, but not for the other work.

The Clerk read as follows:

DEPARTMENT OF JUSTICE.

Office of the Attorney General: Attorney General, $12,000; Solicitor General, $10,000; assistant to the Attorney General, $7,000; 6 Assistant Attorneys General, at $5,000 each; Assistant Attorney General of the Post Office Department, $5,000; Solicitor of Internal Revenue, $5,000; Solicitor for the Department of State, $5,000; 3 attorneys, at $5,000 each, one of whom shall have charge of all condemnation proceedings in the District of Columbia and supervise the examination of titles and matters arising therefrom in which the United States shall be a party or have an interest, and no special attorney or counsel, or services of persons other than of those provided for herein, shall be employed for such purposes; attorneys—1 at $3,750, 3 at $3,500 each, 1 at $3,250; 12 at $3,000 each, 1 at $2,500; assistant attorneys—1 at $3,500, 2 at $3,000 each, 2 at $2,750 each, 5 at $2,500 each, 1 at $2,400, 2 at $2,000 each; assistant examiner of titles, $2,000; chief clerk and ex officio superintendent of the buildings, $3,000; superintendent of buildings, $500; private secretary and assistant to the Attorney General, $3,000; clerk to the Attorney General, $1,600; stenographer to the Solicitor General, $1,600; law clerks—3 at $2,000 each, 2 of class 4; clerk in office of the Solicitor of Internal Revenue, $1,800; attorney in charge of pardons, $3,000; superintendent of prisons, $4,000; disbursing clerk, $2,750; appointment clerk, $2,000; Chief of Division of Investigation, $3,500; examiners—3 at $2,500 each, 4 at $2,250 each, 2 at $2,000 each, 3 at $1,800 each; librarian, $1,800; clerks—8 of class 4, 12 of class 3, 6 of class 2, 15 of class 1, 13 at $1,000 each, 20 at $900 each; chief messenger, $1,000; packer, $900; messenger, $960; 5 messengers; 13 assistant messengers; 7 laborers; 7 watchmen; engineer, $1,200; 2 assistant engineers, at $900 each; 4 firemen; 2 conductors of the elevator, at $720 each; head charwoman, $480; 22 charwomen. Division of Accounts: Chief of Division of Accounts, $2,500; chief bookkeeper and record clerk, $2,000; clerks—3 of class 4, 4 of class 3, 6 of class 2, 5 of class 1, 2 at $900 each; in all, $407,610.

Mr. BARTLETT. Mr. Chairman——

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of this bill the reason for reducing the force in the Department of Justice in the bureau for the examination of records and titles.

Mr. JOHNSON of South Carolina. That is the section for three attorneys, at $5,000 each, one of whom shall have charge of the examination of titles and the condemnation of lands in which the United States is party. Is that what the gentleman refers to?

Mr. AUSTIN. Yes.

Mr. JOHNSON of South Carolina. What does the gentleman wish to know about it?

Mr. AUSTIN. I want to know the committee's reason for making a reduction there, because I understood the department needed these services.

Mr. JOHNSON of South Carolina. We have not made any reduction. We have simply provided what is in the current law. What the gentleman refers to happened in this way: We provided in this section that one of these attorneys shall represent the United States in condemnation proceedings. That is for the purpose of preventing some outside employment that has taken place, as the gentleman is aware. It happens that the gentleman who has been conducting that kind of work for the Attorney General is being paid out of a lump-sum appropriation, and that was brought to the attention of the chairman of the subcommittee since this bill has been introduced. But I do not think the Attorney General will have any trouble in that regard. He can transfer this man to this particular appropriation. It seems he is especially fitted for that work; and then he can take care of one of the other men under some other appropriation.

Mr. AUSTIN. That has reference to Mr. Strickland, has it?

Mr. JOHNSON of South Carolina. I believe that is the name.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] is recognized.

Mr. BARTLETT. Mr. Chairman, this is the appropriation for the Department of Justice, under whose jurisdiction come the prosecutions for the violations of the antitrust law and the interstate-commerce law.

I know that this bill does not carry the appropriations for the expenses for the Department of Justice to aid it in the prosecution of violations of the antitrust law, but that the sundry civil bill will carry them. It appears that in 1902—I think it was, Mr. Chairman—by an amendment placed upon the legislative, executive, and judicial appropriation bill there was appropriated the sum of $500,000—an amendment offered by a Democrat on this side of the Chamber—for the purpose of prosecuting the violators of the antitrust law and those who might violate the interstate-commerce law. That appropriation, or whatever has been necessary of it, has been carried each year, and not until that appropriation was made had there been provided funds for the department to vigorously prosecute violations of those laws.

Now, I am one of those who believe that the antitrust law as it now exists is a good law. It may need amendment, but not such as will lessen its force and efficiency. I believe that it can be enforced. I believe that the decisions of the Supreme Court as they have pronounced upon the law are sufficient to enforce the law against its violators. I do not believe that there should be any amendment to that law which would make any distinction between "good trusts" and "bad trusts." I do not believe there are any good or benevolent trusts in this country. [Applause.]

I do not believe that this Congress ought to be called upon to pass, or should pass, any law that would exempt from the provisions of the antitrust law any corporation or anybody who would engage in monopoly or in the restriction of trade.

I desire to call attention just here to what has been recommended that Congress should do in this particular. On the 8th day of December, 1908, we had a very celebrated message sent to Congress by the President, Mr. Roosevelt, on various subjects, a message in which recommendations were made to the Congress as to what it should do with reference to enacting laws on the subject. I will read from the message sent to the House on the 8th day of December, 1908, as follows:

As regards the great corporations engaged in interstate business, and especially the railroads, I can only repeat what I have already again and again said in my messages to the Congress. I believe that under the interstate clause of the Constitution the United States has complete and paramount right to control all agencies of interstate commerce, and I believe that the National Government alone can exercise this right with wisdom and effectiveness so as both to secure justice from, and to do justice to, the great corporations which are the most important factors in modern business.

I desire specially to call attention to what I shall now read:

I believe that it is worse than folly to attempt to prohibit all combinations as is done by the Sherman antitrust law, because such a law can be enforced only imperfectly and unequally, and its enforcement works almost as much hardship as good. I strongly advocate that instead of an unwise effort to prohibit all combinations, there shall be substituted a law which shall expressly permit combinations which are in the interest of the public, but shall at the same time give to some agency of the National Government full power of control and supervision over them. One of the chief features of this control should be securing entire publicity in all matters which the public has a right to know, and furthermore, the power, not by judicial but by Executive action, to prevent or put a stop to every form of improper favoritism or other wrongdoing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. I ask for a further five minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. BARTLETT. Now, it was stated in the press yesterday that the gentleman who wrote this message declared that the present President of the United States, who quoted it in a speech recently made, was a fit subject for admission to the Ananias Club; and I have read the identical words that the President of the United States in his speech in Maryland said, that the former President said that "it is worse than folly to undertake to prohibit all combinations, as is done by the Sherman antitrust law." I have also read his recommendations, not that the law be repealed but that some other law should be substituted for it. And how could you substitute some other law for it unless you would repeal its provisions in a very material degree?

I will read from the message of March 25, 1908:

All of these combinations, if and while existing for and engaged in the promotion of innocent and proper purposes, should be recognized as legal. As I have repeatedly pointed out, this antitrust law was a most unwisely drawn statute. It was perhaps inevitable that in feeling after the right remedy the first attempts to provide such should be crude; and it was absolutely imperative that some legislation should be passed to control, in the interest of the public, the business use of the enormous aggregations of corporate wealth that are so marked a feature of the modern industrial world. But the present antitrust law, in its construction and working, has exemplified only too well the kind of legislation which, under the guise of being thoroughgoing, is drawn up in such sweeping form as to become either ineffective or else mischievous.

In the modern industrial world combinations are absolutely necessary; they are necessary among business men, they are necessary among laboring men, they are becoming more and more necessary among farmers. Some of these combinations are among the most powerful of all instruments for wrongdoing. Others offer the only effective way of meeting actual business needs.

Then he urges this:

The interstate-commerce law should be amended so as to give railroads the right to make traffic agreements, subject to these agreements being approved by the Interstate Commerce Commission and published in all of their details.

So there we have the statements made by the former President in these messages, in which the Sherman antitrust law is declared to be "ineffective" and "mischievous" and should be supplanted by another law; messages in which he said "it is worse than folly to attempt to prohibit all combinations."

And we have seen in the last few days and in the last few weeks that the "good trusts," like the Harvester Trust and the United States Steel Corporation, are furnishing the campaign funds with which to nominate the former President, and if they are successful in nominating and electing the former President who uttered these words, and you shall have a Republican Congress, you can have the Sherman antitrust law either repealed or so modified that something will be "substituted" for it, in which event the gentlemen who compose the Harvester Trust and the Steel Trust can become the controllers of the business of the country, sanctioned by the man to whom they are now furnishing money and campaign funds for the purpose of having him renominated, and if renominated I doubt not all the money and campaign funds necessary to secure his election, if that be possible.

Now that we have reached this part of the bill relating to the Department of Justice, where we provide the money for the purpose of enforcing the law and carrying out these various prosecutions, I have thought it proper to call the attention of the country to the fact that the President of the United States, in 1908, began his attack upon the Sherman antitrust law and favored the substitution of something else for it; that he was in favor of railroad pooling; and if he shall be reelected, I apprehend his accustomed consistency will induce him to take a like position.

Mr. HAMMOND. May I inquire of the gentleman the name of the President who declared that another law should be substituted for the Sherman law?

Mr. BARTLETT. I read from his messages, from the message of March 25, 1908, and the message of December 8, 1908. I did not suppose that anybody would forget who was President during those eventful years.

Mr. MANN. No Democrat can forget it.

Mr. BARTLETT. No Democrat will forget it, and there are some Republicans who would be glad to forget it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman——

Mr. FOCHT. Does not the gentleman from Georgia think that the gentleman referred to in these messages will be nominated and elected, without regard to his position on that subject?

Mr. BARTLETT. I have fears that he will be nominated—not the fear that he can not be defeated, but fear for the good of the country and the safety of its institutions if he should be elected. I believe probably he will be nominated, and he may be elected; but nothing so bad ever happened to the country as if he should be. I call attention to the fact that in place of the Sherman antitrust law he desired to have something else substituted, and he desired that the courts should not have any control over the enforcement of the law, but that the power should be granted to the President to enforce that law instead of having it enforced by judicial proceedings. This same President did undertake to decide questions which the courts should have decided, and on the 4th of November, 1907, if I recall correctly, he ruthlessly trampled the Sherman antitrust law beneath his feet and permitted the great steel corporation to take over and absorb its only competitor in this country, the Tennessee Coal & Iron Co. No wonder that Perkins and Morgan and Gary and McCormick, and all these men who control the great steel corporation, are flocking to his support and swelling his coffers in order to carry on a campaign of purity as exemplified in Maryland yesterday, when, as I am informed, the votes of the colored brother sold for from $10 to $75 apiece. [Applause on the Democratic side.]

Mr. MARTIN of South Dakota. I ask unanimous consent to extend my remarks by inserting in the RECORD a communication on the subject of the conservation of moisture and rainfall in connection with scientific farming.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD by inserting a communication. Is there objection?

There was no objection.

The communication referred to is as follows:

CONSERVATION OF THE WATER SUPPLY.

WASHINGTON, *May 4, 1912.*

HON. EBEN W. MARTIN.

DEAR SIR: As the Representative of a State where the conservation and best use of its rainfall is of vital importance for the best interests of your State in its agricultural advancement, as well as of all the region of country with a somewhat limited precipitation, and as a practical means of greatly lessening floods, in answer to your inquiry I submit the following as the result of my investigations and experiments of 17 years to find a practical method of stopping the enormous waste from allowing more than one-half the rainfall to run off from the surface where it falls onto the lowlands, making them too wet for their best use, and into the streams, causing damaging floods, is something that might well command the attention of the Congress. This run-off carries with it the fertilizing material that rain water contains and that ought to be absorbed into the soil where the rain falls; carries with it much of the decaying vegetable matter from the surface that is needed there to form the humus so vitally essential to plant growth; carries with it in its wash and erosion some of the best of the soil, polluting the streams, and filling up their beds with silt. All of this waste, in addition to the loss of soil moisture on the uplands, where it is needed, and in the case of lands that are now semiarid is badly needed, can easily be stopped.

The method in agricultural operations is contour plowing and disk harrowing. This consists of plowing a backfurrow around the outside of the field, forming a ridge to hold the water from running off from the field itself; then inside of this ridge plowing backfurrows at intervals across the slope and around the knolls and hollows, guiding the plow so that the first furrow that marks the position of the backfurrow will be horizontal, curving, wherever necessary, to keep the furrow on the same water level so that the water will not run lengthwise of the furrow; make the backfurrows at intervals apportioned to the degree of slope of the surface. When all the necessary backfurrows are plowed, then plow around and around each space between the backfurrows, turning the furrow always toward the backfurrowed ridge, leaving the resulting dead furrow in the center of each space; run the disk harrow parallel to the backfurrows so as to throw more dirt onto each ridge the first time around, and do not lap the disk at any time; this will leave innumerable smaller ridges made by the disk, each little ridge horizontal, and no flow of water lengthwise of any of the ridges. There should be a backfurrow in the center of each hollow and a dead furrow on the top of each knoll, so that the tendency of each year of cultivation will be toward a general leveling. These many ridges distributed over the surface prevent any run-off whatever on any of the semiarid lands, and except in extraordinary downpours prevent it on all lands, and even in extraordinary downpours hold back so much of it that no damaging floods would ever occur where the lands generally were worked under this system. These ridges do not interfere with mowing or reaping if the mower or reaper be run up and down the slope so as to cross the ridges at right angles. The ridges once formed remain to hold the rainfall when the land is seeded down for meadow or pasture.

In forestry every necessary trail or wagon road through the forest should be an embankment to hold back the run-off, which it will do very effectually if intelligently located and short side spurs be made where needed to prevent water from running lengthwise of the trail. Every such combined ridge, spur, and trail is an effective firebreak for fire when it starts and is confined to the forest floor. As the forest floor itself is a considerable obstruction to the surface run-off of the rainfall, I have found in practice that the additional expense of combining the necessary ridges, trails, wagon roads, and firebreaks of a forest to hold the rainfall and guard against sweeping fires is not enough greater than the cost of the trails, roads, and firebreaks alone to be at all prohibitory. And as it is only necessary to have enough small dams and embankments to supplement the obstructions of the forest floor itself, our forests can easily be put in condition to hold back nearly all the surface run-off and the annual growth be doubled, as I have proved in my own forest at Hubert, Minn. This system enables each prairie farmer to grow from pine seed a timber belt windbreak for his farm that will yield him in fuel and timber as much profit as any other equal acreage on his farm. To do this he has only to plow a back-furrowed ridge on each side of the strip where he wants his windbreak, with an occasional cross ridge. If the ground slopes lengthwise of the strip, finish plowing with a dead furrow in

the middle; disk harrow, broadcast the pine seed early in the spring, harrow in with a light harrow, mulch with 2 inches of straw, and nature will do the rest. The drifting of soil in prairie sections is greatly lessened by the system of ridges, and, combined with an efficient pine windbreak and the plowing under of legumes, will be eliminated. Pine trees for windbreaks can be grown from the seed anywhere in the United States under the embankment system, but it is not practicable to grow them in some sections by transplanting.

This method of conservation of the rainfall is not an untried theory of mine, but has been worked out to a practical demonstrated fact by me on my 1,500-acre tract at Hubert, Minn., and as this method puts into the soil all of the rainfall and melting snow instead of a part of it, as other dry-farming methods do, it will make every acre of dry land that has 10 inches or more of annual rainfall good farming land. It enables the farmer on semiarid land to do away with the necessity of a summer fallow, and raise instead an annual crop; it enables the efficient irrigation of a much larger acreage with the same amount of stored water; it stops soil erosion and enables the farmers of the great Northwest to prevent future damaging floods in the Mississippi River by holding the rainfall on their farms, greatly to their own benefit and profit. That farmers and owners of timberlands will do this as soon as they are shown the process and its benefits there can be no doubt. I find that even where I have in wet years 34 inches of precipitation it doubles the annual agricultural crops and more than doubles the forest growth. I have more than a million pine trees growing from seed under this system, some of which are 12 inches in diameter in 17 years from the seed, and the land upon which these trees and my crops grow and my cows and goats are pastured contributes not one drop of its rainfall and melting snow to the streams at the headwaters of the Mississippi at flood times, and with millions of farmers, cattle rangers, and timberland owners doing the same thing because it benefits them personally, floods would be easily controllable. Instead of millions of dollars annually to repair the damages from Mississippi River floods let the Government expend one-tenth of one million in establishing cooperative demonstration farms in all the region tributary to that great river and show the people how to stop this waste. Indeed, the cost of this part of this great conservation work need not exceed $5,000 a year, as I am prepared to show, while the cost of putting the Government forest reservations in a condition to hold back one-half the present surface run-off need not exceed $100,000 a year for five years, and each year's work would stop 10 per cent of the run-off and would increase the annual growth 10 per cent. I am thoroughly familiar with the topography and conditions of the forest reserves tributary to the Mississippi River, and from long practical experience as well as scientific investigation in this work I can estimate closely the cost and effect.

With great respect,

FREEMAN THORP.

HUBERT, MINN.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FITZGERALD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and War with Mexico.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18335) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. SHIVELY as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18337) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. SHIVELY as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18954) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. SHIVELY as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18955) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. SHIVELY as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested.

S. 5382. An act to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes.

The message also announced that the Senate had passed the following order:

Ordered, That Mr. GAMBLE be excused from further service as a conferee on the bill (S. 405) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands, and Mr. CLAPP was appointed in his place.

The message also announced that the Senate had passed House concurrent resolution 46 with an amendment.

The message also announced that the Senate had passed the following resolution (S. Res. 305):

Resolved, That the Secretary notify the House of Representatives that the Senate has elected JACOB H. GALLINGER, a Senator from the State of New Hampshire, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Tuesday, May 7, 1912.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 23774. An act providing an appropriation to check the inroads of the Missouri River in Dakota County, Nebr.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

The administrative audit of all expenditures under the control of the Department of Justice shall hereafter be made in the Division of Accounts of that department.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 117, strike out the paragraph included in lines 17, 18, and 19.

Mr. MANN. Mr. Chairman, I was under the impression that this item in the bill with reference to the administrative audit of expenditures in the Department of Justice was covered by the amendment offered by the gentleman from South Carolina [Mr. JOHNSON] that we adopted on Saturday last relating to all the departments of the Government. I do not know whether that is the case or not. I have conferred with the gentleman from New York [Mr. FITZGERALD] about it, and he thinks that this does not conflict with the amendment already agreed to.

Mr. JOHNSON of South Carolina. I will say to the gentleman from Illinois that this provision was inserted in the bill before we had the Comptroller of the Treasury before the committee in regard to the other amendment which has already been adopted.

Mr. MANN. Of course this provision was in the bill as reported. The other amendment was offered from the floor and applies to all the departments.

Mr. JOHNSON of South Carolina. Yes; and this provision fixes the particular division that shall do this accounting in that department.

Mr. MANN. The other provision says that it shall not be done in a particular division. That is the trouble about it. The amendment which was agreed to the other day provides:

That hereafter the administrative examination of all public accounts preliminary to their audit by the accounting officers of the Treasury shall be made as contemplated by the so-called Dockery Act, approved July 31, 1894, and all vouchers and pay rolls shall be prepared and examined by and through the administrative heads of divisions and bureaus in the executive departments.

That is quite in conflict with a proposition that—

The administrative audit of all expenditures under the control of the Department of Justice shall hereafter be made in the Division of Accounts of that department.

Which does the gentleman intend—to have the accounts audited by the administrative heads in the Department of Justice or audited by the Division of Accounts?

Mr. JOHNSON of South Carolina. As I stated, this clause was put in the bill before the other amendment was adopted, and if the other amendment covers it there would be no objection to this going out. The gentleman will understand that when the bill was originally prepared this clause was put in it, and subsequently we had Gen. Tracewell before us, and after conferring with him we agreed upon the amendment that has already been adopted.

Mr. MANN. Now, as I understand, when the Dockery law went into effect the result was that in the Department of Justice there was created a Division of Accounts for the purpose of passing on accounts of certain judicial officers, such as marshals,

clerks, commissioners, and so forth. They, I suppose, would, under the provisions of the bill already agreed to, be audited by the Division of Accounts instead of by the disbursing officer as now provided. Of course the gentleman understands that the department itself is opposed to any change whatever. The department itself insists that, as a disbursing clerk has to pay from 50 or more appropriations and is responsible for the money he pays out, he ought to be permitted through his office to examine the accounts before he pays the money. But I take it that he is in no different position in the Department of Justice than the disbursing officer in any other department of the Government. It would seem to me that if you adopt a general rule for all departments it is not desirable to provide a special rule for one of the departments.

Mr. FITZGERALD. If the gentleman will permit me, there is a reason in the Department of Justice. The Department of Justice has no divisions or bureaus like any other departments. The Division of Accounts was specifically created in order to meet that situation. In the Treasury Department the disbursing officer does not attempt to make the audit that is made here. He pays out from over 400 accounts, as against 50 accounts in the Department of Justice, and pays out a much larger sum of money with a much less force than does the disbursing officer in the Department of Justice.

Mr. MANN. If the gentleman will permit me, the amount of money paid out by a disbursing officer is not much of an indication of the amount of work that it may involve. There is not very much difficulty in paying out money in the Treasury where the sums are large and are fixed propositions. It is quite a different thing to examine the accounts of marshals, clerks, and other officials of the judicial department of the Government, where you have to examine the accounts of many different officers, and where, if you pay an account erroneously, you have to stand good for it. We have had lots of cases, since I have been in the House, coming to the Committee on Claims, involving claims of that nature, which have been allowed or disallowed in the Department of Justice, accounts in relation to marshals and accounts of clerks.

Mr. FITZGERALD. In the Treasury Department they average 11,000 to 12,000 checks a month, while in the Department of Justice they have 22,000 a year. There is just as much difficulty and trouble, just as much responsibility in the Treasury Department as in the Department of Justice, but there is this difference: The Treasury Department has its office adjusted in conformity with law. Under the Dockery Act, the provision to which the gentleman refers, it provided that certain accounts should be audited by the Attorney General before being passed to the auditor. That had not been the practice up to that time. In the law making that provision additional clerks were provided, and it specifically mentioned this audit, and in that way this Division of Accounts grew up. They audit the accounts of the marshal and other officers, while the disbursing officer audits the accounts of the judges and the departmental service. The attempt that is being made here is to make the Division of Accounts do the administrative audit for the entire department. I think it is the proper thing to do.

Mr. MANN. The Dockery Act provided:

> Before transmission to the Department of the Treasury of the accounts of district attorneys, assistant attorneys, marshals, commissioners, clerks, and other officers of the courts of the United States, except consular courts, made out and approved as required by law, accounts relating to prisoners convicted and held for trial in any courts of the United States, and all other accounts relating to the business of the Department of Justice, the courts of the United States other than consular courts, shall be sent with vouchers to the Attorney General and examined under his supervision.

Now, the gentleman must remember, when computing the cost of the disbursing officer in the Attorney General's office compared with others, that the Attorney General has to pass upon these accounts and allow them or disallow them. It is not a mere audit.

Mr. FITZGERALD. These accounts to which the gentleman has made reference are all audited now in the Division of Accounts, and not by the disbursing officer. Our purpose is to turn over from the disbursing officer the auditing of all other accounts to the Division of Accounts. I submit a letter from the Attorney General on this matter and my reply thereto:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., May 6, 1912.

Hon. JOHN J. FITZGERALD,
Chairman Committee on Appropriations,
House of Representatives.

DEAR MR. FITZGERALD: In the legislative, executive, and judicial appropriation bill (p. 117) is a provision that "The administrative audit of all expenditures under the control of the Department of Justice shall hereafter be made in the Division of Accounts of that department."

I do not know where this provision originated. It would upset the system which experience has evolved in the department. The Dockery Act of July 31, 1894 (28 Stat., 210), contains the following provision:

"Before transmission to the Department of the Treasury, the accounts of district attorneys, assistant attorneys, marshals, commissioners, clerks, and other officers of the courts of the United States, except consular courts, made out and approved as required by law, and accounts relating to prisoners convicted or held for trial in any court of the United States, and all other accounts relating to the business of the Department of Justice, or of the courts of the United States other than consular courts, shall be sent with their vouchers to the Attorney General and examined under his supervision."

The enactment of the Dockery law necessitated the creation of the Division of Accounts of the Department of Justice, in order that the accounts of judicial officers, such as United States marshals, clerks of the United States courts, United States commissioners, wardens of penitentiaries, etc., should receive the administrative examination under the supervision of the Attorney General, as required by this act, which examination could be had in no other way.

The disbursing clerk pays from 50 appropriations accounts relating to the business of the department proper, such as salaries and traveling expenses of executive officers and employees, and purchases from the contingent fund, as well as salaries of judicial officers; and it was found for his protection that the audit of these accounts should be made in the disbursing office. A requirement by statute that this audit be made in the Division of Accounts would impair the efficiency of the audit and withdraw from the disbursing clerk the protection which has been evolved to prevent him from disbursing moneys which, on the audit of the Treasury Department or under the ruling of the comptroller, he might not be able to justify, and it would not result in any saving to the Government—in fact, if anything, it would increase the work and require a larger force and cause considerable delay in the settlement of accounts.

The Division of Accounts and the disbursing office are absolutely separate and distinct, and have no connection with each other.

For the reasons stated above, I beg that you will use your influence to have this provision stricken from the bill.

Faithfully, yours,

GEO. W. WICKERSHAM, *Attorney General.*

MAY 7, 1912.

Hon. GEO. W. WICKERSHAM, *Attorney General.*

DEAR SIR: Acknowledging receipt of your letter of yesterday concerning the provision in the pending legislative, etc., appropriation bill requiring the administrative audit of all accounts under the Department of Justice to be made in the Division of Accounts of the department, I beg to inform you that the same was inserted in the bill by the committee after very careful consideration.

It appears from a reading of the report of the Dockery Commission and the debates in Congress at the time of establishing the present system of accounting that the Department of Justice alone up to that time (1894) had not established and was not practicing a system of administrative audit of its accounts. Therefore in discontinuing the detailed audit of the comptroller's office and recognizing in its stead the administrative audit of the several departments, section 22 of the so-called Dockery Act (July 31, 1894) was adopted, together with section 13, which is quoted in your letter and which in terms established in your department an administrative audit of certain specified accounts "and all other accounts relating to the business of the Department of Justice or of the courts of the United States," and coincident with this legislation and in the same act provision was made for certain clerks "for examination of accounts as required by section 13."

Acting on the advice of the comptroller and other officials of the Treasury charged with the execution of the laws of accounting, as well as upon general knowledge acquired after quite an extended inquiry into the methods of administrative auditing in all of the departments, the committee are persuaded that it is fundamentally wrong to have such audit made by the same organization that is charged with the duty of disbursing in any department.

The committee are also persuaded that it was the clear intent of the accounting act of 1894, and the provision, at the same time, for the additional clerks referred to, to provide for one central auditing organization in the Department of Justice, and that it was not contemplated, at the time, or at any time since, by Congress that the disbursing clerk's office would also be an administrative auditing office.

Very respectfully,

JOHN J. FITZGERALD,
Chairman Committee on Appropriations,
House of Representatives.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. MANN) there were 24 ayes and 41 noes.

So the amendment was rejected.

The Clerk read as follows:

DEPARTMENT OF COMMERCE AND LABOR.

Office of the Secretary: Secretary of Commerce and Labor $12,000; Assistant Secretary, $5,000; private secretary to the Secretary, $2,500; confidential clerk to the Secretary, $1,800; private secretary to Assistant Secretary, $2,100; chief clerk and superintendent, $3,000; disbursing clerk, $3,000; Chief of Appointment Division, $2,500; Chief, Division of Publications, $2,500; Chief, Division of Supplies, $2,100; clerks—10 of class 4, 11 of class 3, 12 of class 2, 11 of class 1, 10 at $1,000 each, 6 at $900 each; 2 telephone operators, at $720 each; messenger to the Secretary, $1,000; 5 messengers; 10 assistant messengers; 7 messenger boys, at $480 each; engineer, $1,000; 3 skilled laborers, at $840 each; 2 conductors of elevators, at $720 each; 2 firemen, at $660 each; 18 laborers; 5 laborers, at $480 each; cabinetmaker, $1,000; carpenter, $900; chief watchman, $900; 11 watchmen; 18 charwomen; in all, $170,300.

Mr. SMALL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

For compensation at not more than $10 per day and actual necessary traveling expenses of commercial agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, $60,000; and the results of such investigations shall be reported to Congress.

Mr. FITZGERALD. Mr. Chairman, I make a point of order that that is not authorized by law.

The CHAIRMAN. The Chair will hear the gentleman from North Carolina as to whether he contests that proposition.

Mr. SMALL. Mr. Chairman, I had supposed that it was authorized by existing law.

The CHAIRMAN. Can the gentleman from North Carolina apprise the Chair where the law is?

Mr. SMALL. I find in the Book of Estimates under this paragraph a reference to the acts of February 14, 1903, and March 4, 1911.

Mr. BARTLETT. Those are appropriation acts.

The CHAIRMAN. The Book of Estimates is not authorization, for it often carries estimates not authorized by law. The Chair will ask the gentleman what law he has to sustain the authorization.

Mr. SMALL. I know of no other authority except those. I ask the gentleman from New York to reserve his point of order for a moment.

Mr. FITZGERALD. I do not wish to have a lot of time occupied unnecessarily. If the gentleman wishes to make a statement of five minutes I will reserve it that long. I will state that such an item as he proposes has been carried in appropriation bills for several years past.

The CHAIRMAN. The Chair desires to state that he prefers to dispose of the point of order first.

Mr. FITZGERALD. I will make the point of order, and the gentleman from North Carolina can speak afterwards by unanimous consent.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I insist that before the Chair sustains the point of order Members may be heard. The Chair has sustained the point of order before anybody has an opportunity to argue the point of order, and has been doing that constantly, and if it continues I shall demand a quorum of the committee.

The CHAIRMAN. The gentleman from Illinois will come to order.

Mr. MANN. The gentleman from Illinois is in order.

Mr. BARTLETT. I submit, Mr. Chairman, that the gentleman from Illinois is not in order in lecturing the Chair at any time.

The CHAIRMAN. The gentleman from Illinois will come to order.

Mr. MANN. The gentleman from Illinois is in order.

The CHAIRMAN. The Chair has sustained the point of order.

Mr. MANN. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eight-nine gentleman are present—not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adamson	Greene, Mass.	Littleton	Roberts, Nev.
Andrus	Gregg, Pa.	Longworth	Robinson
Anthony	Gudger	McCreary	Rothermel
Bates	Guernsey	McDermott	Sabath
Bathrick	Hamill	McGillicuddy	Saunders
Berger	Hardwick	McGuire, Okla.	Scully
Bradley	Harrison, N. Y.	McHenry	Sells
Brown	Hawley	McLaughlin	Shackleford
Burgess	Hayes	McMorran	Sharp
Burke, Pa.	Helgesen	Madden	Sheppard
Burke, S. Dak.	Hensley	Maher	Smith, Saml. W.
Burke, Wis.	Hill	Matthews	Smith, Cal.
Callaway	Hinds	Mays	Smith, N. Y.
Catlin	Holland	Miller	Sparkman
Clark, Fla.	Houston	Mondell	Speer
Claypool	Howland	Moore, Pa.	Stack
Connell	Hughes, W. Va.	Moore, Tex.	Stanley
Covington	Jackson	Mott	Stevens, Minn.
Cox, Ind.	James	Murray	Sulloway
Cox, Ohio	Johnson, Ky.	Nelson	Sulzer
Cravens	Kahn	Oldfield	Switzer
Curley	Kindred	Olmsted	Taylor, Ala.
Davenport	Kinkaid, Nebr.	Palmer	Taylor, Ohio
Davidson	Kitchin	Parran	Thomas
Dickson, Miss.	Konop	Patten, N. Y.	Townsend
Difenderfer	Lafean	Patton, Pa.	Tuttle
Draper	La Follette	Pepper	Volstead
Dwight	Langley	Plumley	Whitacre
Fairchild	Lawrence	Porter	White
Faison	Lee, Ga.	Post	Wilson, Ill.
Fields	Lee, Pa.	Pujo	Wilson, Pa.
Fordney	Legare	Randell, Tex.	Woods, Iowa.
Fornes	Levy	Ransdell, La.	Young, Mich.
Gardner, Mass.	Lewis	Reyburn	
Goeke	Lindsay	Riordan	
Goldfogle	Littlepage	Roberts, Mass.	

During the roll call the Chairman said:

The committee will rise informally to receive a message from the Senate.

Mr. MANN. Mr. Chairman, I make the point of order that the committee can not rise during a roll call.

The CHAIRMAN. The gentleman from Illinois objects. The Clerk will call the roll, and those gentlemen who did not respond to their names on the first roll call will answer as their names are called.

The Clerk resumed and concluded the roll call.

The committee rose, and Mr. FITZGERALD assumed the chair as Speaker pro tempore.

Mr. UNDERWOOD. Mr. Speaker, the Committee of the Whole House on the state of the Union finding itself without a quorum, the Chair directed that the roll be called. Thereupon 251 gentlemen answered to their names, a quorum, and I report back the names of the absentees.

The SPEAKER pro tempore. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee finding itself without a quorum, he directed that the roll be called. Thereupon 251 gentlemen answered to their names, a quorum. He reports herewith the names of the absentees, which will be entered upon the Journal. The committee will resume its sitting.

The CHAIRMAN. The Clerk will read.

Mr. GILLETT. Mr. Chairman, I wish to ask a question of the gentleman in charge of the bill by unanimous consent. I would like to call the attention of the gentleman to the fact that I have an amendment I wish to submit here, and also a little later another regarding the Bureau of Manufactures, but it touches one of the questions which I understood was to be put over and taken up after the undisputed parts of the bill have been read. Therefore I would like to ask the gentleman whether he would allow me to offer the amendment later or whether I shall be obliged to offer it now in its place?

Mr. JOHNSON of South Carolina. I think it is best to read those parts of the bill that will provoke no controversy and then take up the Bureau of Manufactures or the other parts of the bill afterwards.

Mr. GILLETT. That is what I understood. Then the gentleman will give unanimous consent——

Mr. MANN. The gentleman will have to ask unanimous consent of the committee to return to this point and also to the point after line 22 to offer the amendment.

Mr. GILLETT. I ask unanimous consent, Mr. Chairman, that after the undisputed portions of the bill have been read we recur to this point, and also to page 120, line 22, for an amendment——

The CHAIRMAN. Will the gentleman from Massachusetts indicate to the Chair the points in the bill to which he desires to recur?

Mr. GILLETT. It is where we are now, and also on page 120, line 22.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the portions of the bill indicated by him may be passed without prejudice until the completion of the bill.

Mr. MANN. Mr. Chairman, the gentleman's request is not to pass, as I understand, any portion of the bill, but to have the right to recur to those places in the bill for the purpose of offering an amendment.

The CHAIRMAN. The request of the gentleman is to have the right to recur to those places in the bill for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ESTOPINAL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce or in the District of Columbia, and for other purposes.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

In certifying eligibles from the civil-service registers for the purpose of appointment to positions of clerkships in the Census Office hereinbefore provided for at salaries of $1,200 or less, the Civil Service Commission shall, so far as practicable under the law of apportionment, certify those who have had at least one year's experience in census work.

Mr. MANN. Mr. Chairman, I move to strike out the last word. In the item below—I thought it was in this item—is a paragraph for the purpose of closing up the work of the last census, and I notice the gentleman requires the temporary clerks to be certified for appointment from the civil-service

registers. Is that more desirable than to authorize the reappointment of a clerk who has been in the Census Office and who has the knowledge and the experience and the practice of handling the machines? Would it not be better to permit reappointment of people who are experienced, rather than to require the appointment of somebody who is entirely new to the work?

Mr. JOHNSON of South Carolina. I will say to the gentleman from Illinois that these recommendations here were made by the Director of the Census and we put them in the bill just exactly as he requested—the number of clerks, how they were to be selected, the amount of money, and so forth.

Mr. MANN. The Director of the Census may be right, but, on the other hand, he might be wrong. It is perfectly patent to any gentleman that a clerk who has been in the Census Office working one of these computing machines is worth a great deal more to put back there than a new clerk from the civil-service register who never had anything to do with one of the machines. Now, these people who work these machines have to be educated to the work. They have to learn the business, and that is largely what this work is. The Director of the Census may not desire to have the odium of having appointments made through official influence, and I suppose that is the first thing that would be said. I have nobody I want to appoint, but I believe these clerks who have learned the business in the Census Office and who were let out only a short time ago will be able to do twice as much work in many places as new people unused to the work.

Mr. JOHNSON of South Carolina. I would say to the gentleman from Illinois [Mr. MANN] that we have looked over the question which he is now discussing. When the Director of the Census was before the committee I asked him in regard to the employment of these clerks to complete the work of taking the census, and the question was as to whether those temporary clerks, who were employed to take the census during the decennial period, could not be employed to advantage. The director at first was inclined to think that that would be well, but after further consideration he decided that these clerks had been discharged, they had gone to their homes, and were scattered over the country, and, taking into consideration all the conditions as they existed, he asked us to put in this provision as it is.

Mr. MANN. Why should they not be employed? The gentleman will admit, I know, that a clerk who has been operating one of these computing machines will be of more value for a short period of time than some one who comes to it perfectly new.

Mr. JOHNSON of South Carolina. I had that idea myself, but I am not an expert in completing the work of the census, and we followed the advice of the man in charge of the work.

Mr. CANNON. If the gentleman will allow me, these temporary clerks were appointed from the various States. They were discharged, and some of them went home and some did not. It seems to me that as to those who went home or as to those who remain, being trained in this service, they should be preferred; and it seems to me the appropriation ought to so provide. Otherwise we will have people from the District of Columbia appointed, to the exclusion of those who have gone home.

Mr. PAYNE. Will the gentleman allow me to make a suggestion right there?

Mr. JOHNSON of South Carolina. The gentleman from Illinois [Mr. CANNON] spoke of those who had gone home and those who remained in Washington. They have all gone back to the various States from which they came. They were all discharged prior to the 1st day of February, I believe.

Mr. LLOYD. Mr. Chairman, the gentleman is mistaken in the statement that he makes, as a matter of fact, about all having gone home. There are numbers of them here and seeking employment.

Mr. PAYNE. I think every gentleman here would testify to that. But I was going to suggest to the gentleman, if he carries out his program and has them appointed from the civil-service list, they will come here from every State in the Union; not simply from the District of Columbia, but from all over the United States, so that it will be no better in regard to calling them back from the States than it would be to call back these temporary clerks. But he will find enough of them here in the city of Washington, I think, from what I have heard about it, to fill all these places, and it seems to me it would be better to authorize the Director of the Census to employ these temporary clerks who are suitable, so far as he can, and, if necessary, to make up the balance of the list from the civil service.

Mr. JOHNSON of South Carolina. The gentleman from New York [Mr. PAYNE] will understand, I suppose, that in all probability quite a number of these clerks who were temporarily employed in the Census Office have taken the civil-service examination and are on the regular eligible list, no doubt, and they can be called for.

Mr. PAYNE. I think the gentleman will find those who are on the regular civil-service list have been transferred to other offices, because they were eligible to fill positions under the civil service, and those who went out were simply put on the temporary roll from the examination made in the Census Office, and not on the civil-service list.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. JOHNSON] has expired. The Clerk will read.

The Clerk read as follows:

Temporary clerks: In addition to the employees hereinbefore provided for, the Secretary of Commerce and Labor may appoint, on the recommendation of the Director of the Census, for such time as may be necessary, but not beyond June 30, 1913, not exceeding 175 temporary clerks, to be certified for appointment from the civil-service registers, such clerks to be paid salaries not greater than $900 per annum, or to be paid on a piece-price basis, and for the payment of the compensation of said temporary clerks there is appropriated the sum of $120,000.

Mr. MANN. Mr. Chairman, I move to insert, on page 23, line 12, after the word "clerks," the words:

To be appointed from among the clerks formerly in the Census Office or——

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert in line 12, page 123, after the word "clerk," the following: "To be appointed from among the clerks formerly in the Census Office or"——

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order. Did not the Clerk read the next paragraph?

The CHAIRMAN. The gentleman offered his amendment at the end of the paragraph. Does the gentleman from New York [Mr. FITZGERALD] make the point of order or reserve it?

Mr. FITZGERALD. I reserve it until I find out what it is.

Mr. MANN. It is not subject to a point of order. I just as soon have the gentleman make it. If it is subject to a point of order I do not want to detain the House.

Mr. BARTLETT. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] has the floor.

Mr. MANN. Mr. Chairman, that would authorize the Director of the Census for this temporary census work, not to exceed a year, as provided in the bill, to appoint these 175 temporary clerks either from among those who have been in the Census Office and dismissed by reason of reduction of the force, or those to be certified for appointment from the civil-service register.

It seems to me that with the large number of clerks who were recently dismissed from the Census Office, clerks who were familiar with the work of the office, who have learned at the expense of the Government about the work to be done, it is in the interest of economy to permit those persons, so far as they will, to go back into that office for this temporary work rather than put green hands at it for a period of one year. Some of these people have been in the office for some time, and the force has been cut down and they have been cut out. They know what this work is. They understand the working of the machines in the office, and they understand the methods of computation that are followed in the office. They know how the work is done. They have learned at the expense of the Government. Now, the proposition to put entirely new persons in there for the short period of only one year can not, I think, be justified as against giving the other people an opportunity if they will accept it.

Mr. BARTLETT. Mr. Chairman, I understand that a point of order has been reserved.

The CHAIRMAN. A point of order was reserved by the gentleman from New York [Mr. FITZGERALD].

Mr. BARTLETT. Mr. Chairman, I am in sympathy with the proposition of the gentleman from Illinois [Mr. MANN]. It is not a fact, as I understand it, that all these clerks have returned home to the States from which they were appointed. It is a lamentable fact that large numbers of them were discharged when they ought not to have been discharged.

I hold in my hand the evidence offered before the Committee on Appropriations on Decemebr 13, 1911, when the Director of the Census was applying for a deficiency, when he asked for a million dollars. In that evidence he stated that he had on hand $580,000 of the former appropriation, and that he was expending the money at the rate of $275,000 a month, so that he would have enough to enable him to conduct the operations of his bureau until the 1st of February. Congress granted to him $500,000 additional to carry the work of his office forward until

the 1st of April. But because Congress did not give him the full $1,000,000 he asked for, he proceeded at once in January to decapitate large numbers of those clerks, including some who had gone home on their Christmas holidays and who returned here without any notification whatever that they were to be discharged.

Mr. BURLESON. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Texas?

Mr. BARTLETT. Yes.

Mr. BURLESON. Does the gentleman think that the director ought to be allowed to exercise his choice as to who should go back there and be allowed to select his particular favorites?

Mr. BARTLETT. No; I do not. But this is the only way in which we can repair in part a great wrong that has been done by this director to large numbers of faithful employees. I know that with full funds in his hands to operate the bureau until the 1st of April, he filled this town on the 1st of January with hundreds and hundreds of efficient clerks, most of them women, who had come here after having undergone civil-service examinations in their respective States. He turned them loose without any means of subsistence whatever.

I know that to be a fact, as every other Member of this House knows if there were clerks in that office from their districts. The fund appropriated for the taking of the census, amounting as it did to $15,000,000, has been wasted, and I measure my words when I make that statement. It has been wasted, not by the payment of large salaries to efficient and hard-working men and women in that office, but by giving large per diem allowances to special agents to do very little except political work during the year 1910 in the various congressional districts.

Now, these men and women, these girls and young ladies, who were employed in the Census Bureau, after having undergone the civil-service examination at home, ought to have been retained until at least the 1st of April. But merely because Congress and the committee having charge of these appropriations declined in December to appropriate a full million dollars, when the Census Director had in July previously estimated that he would not require that much, simply because Congress saw fit to appropriate only $500,000, this Director of the Census in January proceeded to throw out on the street without notice hundreds of worthy and faithful employees.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. I would like to have two minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman [Mr. BARTLETT] asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. BARTLETT. I understand, Mr. Chairman, that I have the right to discuss the merits of the question. I do not want to violate any rule.

I say this Director of the Census, having $580,000 left of the former appropriation, which would have carried the work to the 1st of March, having been given $500,000 additional, would have been able, with an expenditure at the rate of $275,000 a month, to proceed with the work until the 1st of April; and simply because he was denied this full million dollars that he asked for he proceeded, in the beginning of January, without cause, to ruthlessly and cruelly turn these employees out upon this town.

I am in favor of this amendment because it is in some measure a reparation for a wrong that has been committed. While we can not remedy the great wrong that has been done to these employees who have been faithful and efficient, we ought to at least permit them again to be employed, if we can do so. Therefore, I say, I am in favor of the amendment if it shall be held to be in order, because it is proper and wise that those people should have an opportunity to work—an opportunity of which they have been deprived without justice and without right. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from New York [Mr. FITZGERALD] insist upon his point of order?

Mr. FITZGERALD. I withdraw it.

The CHAIRMAN. The gentleman from New York withdraws his point of order.

Mr. JOHNSON of South Carolina. Mr. Chairman, I stated a moment ago, in answer to the question of the gentleman from Illinois [Mr. MANN], that we had interrogated the Director of the Census upon the very question involved in this amendment. We asked him about the employment of people who had had previous experience in the taking of the census, in order to complete this work, and his answer to that question was substantially this: He said in the first place that these people—most of them—have gone away. He said, "If you put a provision in the bill directing that I should employ these people out of the 3,000 the selection would fall upon me, and I do not want to have to make it." He said further that a large number of the people who were employed in the taking of the census had stood the regular examinations and were then on the eligible list.

Mr. BARTLETT. Mr. Chairman, may I interrupt my friend there?

Mr. JOHNSON of South Carolina. In one moment. There is a provision in this bill that in certifying eligibles the Civil Service Commission shall, so far as practicable, certify those who have had at least one year's experience in census work.

Mr. BARTLETT. If the gentleman will go to either the Democratic or Republican campaign rooms, or to any of these rooms in the House and Senate Office Buildings, he will find numbers of these former employees of the Census Office working for $1.50 or $2 a day, and instead of going away from here they are undertaking to make a living the best way they can. The eligible list is crowded now, and they would only take their places amongst those who are not at the head of the list.

Mr. MANN. Can they take the examination without going home?

Mr. BARTLETT. Under the census law they have got to take it at their homes.

Mr. MANN. They have got to take it at their homes, under the law?

Mr. JOHNSON of South Carolina. I do not know. I am simply telling you that the Director of the Census said they had taken the examination, and that he could get them regularly from the Civil Service Commission.

Mr. MANN. Is it not a fact that under the law now a person from any State taking the examination for a civil-service appointment must take that examination at home?

Mr. JOHNSON of South Carolina. That is the law as I understand it.

Mr. BARTLETT. That is the exact law providing for the taking of the census of 1910, that a person must stand the examination in the district where he resided.

Mr. MANN. We put that in the census law, but that is the general law.

Mr. JOHNSON of South Carolina. That is the general law.

Mr. MANN. Does the gentleman believe it is fair to a person who wants to be employed in the Census Office to make that person go home to Arizona, or California, or even to South Carolina, which is not so far away, or to Chicago, which is farther than South Carolina, in order to take the examination? Should not these people have just as much chance as the people who live in the District of Columbia permanently, who can take the civil-service examination here?

Mr. JOHNSON of South Carolina. I presume they have stood the examination wherever the law required them to stand it. At any rate, the director says so.

Mr. FITZGERALD. I desire to call the attention of the House to the inconsistency of the gentlemen who are proposing this amendment. The Committee on Appropriations reported a provision designed to effect an improvement in the civil service. It was charged with attempting to resurrect and to perpetuate the spoils system, because that provision contemplated that an employee at the end of five years should cease to be in the service and should not be reappointed unless certified as having had a record of proper efficiency.

When the act providing for the Thirteenth Census passed the Congress it provided for the appointment of the employees of the Census Office without regard to the civil-service law. That was vetoed by a former Republican President, who is at present a candidate for the renomination, because, as he said, it proposed to establish the spoils system in the Census Office and to permit wicked politicians in this House and the Senate to grab the patronage that would be created. He is now charging the present administration with using the patronage of the public service in an attempt to defeat him for the nomination and to make possible the renomination of the present President.

Mr. BARTLETT. While he is using Perkins's money to buy the nomination.

Mr. FITZGERALD. I am not inclined to support the representatives of the administration in this House and I am not inclined to follow the suggestion of the gentleman from Georgia. I am not inclined to place at the disposition of the President $120,000 of patronage to use against the former President and against the Democratic Party. If gentlemen are opposed to the spoils system, if they really are sincere in their advocacy of the civil service and desire to perpetuate it, then this provision, recommended by the Director of the Census, which provides for the appointment of these clerks and officials in con-

formity with the civil-service law, giving preference to those who have heretofore been employed in the Census Office for positions the salaries of which are $1,200 or less, will be adopted. This will in good faith carry out the intention of the law and will keep ourselves from being subjected to the pressure and temptation to utilize these places for political purposes rather than for the public service. [Applause.]

During the present session of Congress the Director of the Census desired $500,000 to do this work. We refused to give it to him. He comes now and asks, not for $500,000, but for $120,000, to complete the work that he insisted would require half a million dollars. We probably can have it completed for that amount if these employees are appointed in accordance with the civil-service law. If they are put at the disposal of the administration, if they are to be appointed upon the recommendation of those in sympathy not only with the party in power, but with the majority faction, whichever it may happen to be, of the party in power, it probably will require the original $500,000 to do the work that it is now stated can be done for $120,000.

Now, let us see just how sincere the Republicans are in their protestations against the resurrection of the old spoils system. Here is the amendment offered by the gentleman from Illinois, to permit the employment of former employees of the Census Office regardless of whether they be on the civil-service list or not. Here is the recommendation of the committee that these employees must be taken from the civil-service list. The question can not be more fairly presented. I appeal to this side of the House to support this provision which will enable us to obtain these employees regardless of the influence and pressure that comes from political sources, and thus enable us efficiently to promote the public service.

Mr. PAYNE. Mr. Chairman, I am glad to see that my friend from New York is a new convert to the civil-service law, and I am glad to see him so enthusiastic over the terms of the law. I hope he will remember that when we come to later provisions in the bill; but he is a little overenthusiastic in trying to use that as a club with which to beat this amendment. He speaks about these people being brought here by the Republicans; they have been brought here apportioned from the districts by both Republicans and Democrats. If every man on that side who had an appointee here, who is here still and asking him to find him some work to do in Washington in some department, will vote for this amendment, the gentleman can not count a half a dozen on that side who will vote against it. I hope the amendment will be agreed to and give relief to these people, and that my enthusiastic friend from New York will relent a little bit and carry out the spirit and intent of the civil-service law in keeping good people, good clerks, in the service of the Government. I hope he will relent just that much.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. This amendment is under the title "temporary clerks," is it not?

Mr. MANN. Yes.

Mr. CANNON. Now, I call attention to lines 1 to 6, page 123, which are as follows:

> In certifying eligibles from the civil-service registers for the purpose of appointment to positions of clerkships in the Census Office hereinbefore provided for at salaries of $1,200 or less, the Civil Service Commission shall, so far as practicable under the law of apportionment, certify those who have had at least one year's experience in census work.

Now, I fancy that all of them have had one year's experience in census work. I will ask my colleague whether or not that is not sufficient to cover the temporary clerks and accomplish what he desires to do by his amendment?

Mr. MANN. In the first place, that provision does not apply to the appointment of temporary clerks. It expressly provides for the appointment of clerks in the census "hereinbefore" provided for.

Mr. CANNON. Could not the matter desired be arrived at by unanimous consent to provide for those "hereinbefore or hereinafter provided for"?

Mr. MANN. If they had desired to have it that way it would be easy to say "herein" provided for, but the committee deliberately—and, I suppose, for cause—put in the word "hereinbefore."

I will say to my colleague that, in my judgment, with the provision in the bill it practically confines these temporary appointments to people who live in the District of Columbia, with a permanent residence here. In other words, the people who are on the civil-service list—the eligible list now—who have been clerks in the Census Office in the main are people who live in Washington or people who have gone home and taken the civil-service examination. If they have gone home and taken the civil-service examination, it is unlikely that they will want to come back here for $75 a month for 12 months. But the people who are on the eligible list here are people who live permanently in Washington and who did take the civil-service examination here. A clerk from the district of my colleague could not take a civil-service examination in Washington, but he must go home to Illinois and take it. Of course, these people have all been examined for appointment to the Census Office.

Mr. HAMLIN. Mr. Chairman, I want to ask the gentleman a question. These discharged clerks that were employed there, of course, have taken a civil-service examination, and were on the register; were they not retained on that register? Is not the old register available, and if this provision should become a law, would not they be certified from the old register?

Mr. MANN. No; they are not on the eligible list. They were on the eligible list of the census register.

Mr. HAMLIN. That is exactly what these former examinations were for.

Mr. MANN. No; there is quite a distinction between the eligible list of the census register and the eligible list of the civil-service register. They are not now on that eligible list, any of them.

Mr. HAMLIN. The law that we were talking about requiring them to take the examination at home for census work does not apply to the civil-service examination to which the gentleman refers.

Mr. MANN. Oh, yes. We put in the census law a provision which affected the civil-service examination and required this examination to be made at home.

Mr. HAMLIN. There must have been some special dispensation, then, because I remember recently there was a notification given out that these discharged employees could take the civil-service examination for general clerical work here in the District, and a number of them have taken it.

Mr. MANN. I had a case last summer where a man in Chicago, whose residence was in Honolulu, wanted to take a civil-service examination, and he had to go to Honolulu to take it under what seemed to me to be a very absurd law that we put into the census law.

Mr. HAMLIN. If the gentleman will permit me, as long as we are relating experiences, I had a man in the Census Office from my district who tells me that when or before he was discharged, he took an examination for the general service here in the District and is now on the eligible list.

Mr. MANN. He might do that by declaring that he was a resident of the District of Columbia.

Mr. BYRNS of Tennessee. I think they had a rule by which they permitted those here in the temporary service to stand an examination in the District as residents of their respective States, but I do not think that rule applied after the discharge went into effect; it applied only while they were in the temporary service.

Mr. MANN. That might have been while they were in the temporary service. Now, the gentleman from New York, feeling that he has a bad cause, attempts to interject partisan politics into this proposition. All there is in this proposition, as a matter of fact, is the employment of 175 clerks at $75 a month for a year, or for not exceeding one year's time. Nor under this provision in the bill is it required in any event that clerks shall be selected from the top of the register. It leaves to the Director of the Census, as the gentleman from New York would say, the power to select anybody they pleased from the eligible registers, just such power as they would have under the provision which I have offered. Certainly the appointments are not made under the provisions of the bill as they are made in other cases. They are made only from the civil-service registers, not made at the top of the register, nor was it so intended.

Mr. BURLESON. Will the gentleman yield?

Mr. MANN. I have very little time, but I yield to the gentleman.

Mr. BURLESON. I want to ask the gentleman what he thinks of the suggestion made by his colleague [Mr. CANNON]—that, in line 3, after the word "hereinbefore," be added the words "and hereinafter"—to meet the very objection the gentleman is now making?

Mr. MANN. No. Here is the proposition: We brought a large number of clerks to Washington in the Census Office. We have educated them in census work. They have been dismissed now because the census work was decreased and the appropriation was not large enough to continue them. Now, you propose to increase the appropriation, but not give those clerks who were dismissed a chance to get back to work. If the appropriation had been available before the 1st of June, those clerks would have been kept in the service; and some of them are in Washington in the belief that in the course of time Congress would

be compelled to appropriate some money to finish the work, and that they, having the experience, would be given the preference in the employment; and it seems to me they ought to be given preference in the employment, and the amendment which I have offered merely permits the Director of the Census to appoint from the list of dismissed those who were experienced, if he pleases, and I take it that the Director of the Census may not desire to assume that responsibility. But he assumed the responsibility of discharging them and selecting them to be discharged, and if he is the man I believe he is, he can take the responsibility of reinstating those who are capable of doing the work.

Mr. BARTLETT. Will the gentleman yield for a question? This amendment, of course, does not contemplate any distribution of clerks according to quota of the States that might be entitled to it.

Mr. MANN. Of course, that would be impossible, but without this amendment I think no one will receive employment except residents of the District of Columbia. With it, I take it, that the Director of the Census would employ those who seek employment, and I doubt whether the number will be very large.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Illinois.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. MANN) there were—ayes 56, noes 62.

So the amendment was rejected.

The Clerk read as follows:

For furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraph and telephone service, photographic work and supplies, transportation and preparing articles for shipment, horses, wagons, electric truck, and maintenance thereof, diagrams, maps, blue prints, awnings, shelving, filing apparatus, fuel, light, office fixtures, street-car tickets not exceeding $50, and other absolutely necessary expenses, including the purchase, rental, construction, repair, and exchange of mechanical appliances, repairs to the Census Building, and necessary expenses in connection with the prosecution of fraudulent census returns, $15,000.

Mr. HEFLIN. Mr. Chairman, I move to strike out the last word, in order to submit a few remarks. Mr. Chairman, the hearings upon this bill, as the hearings upon other bills making appropriations for the various departments of this Government, disclose the useless expenditures and the willful waste of the people's money. I find in reading the hearings upon this bill that of the money expended from the contingent fund by the high-protection officeholders they are displaying a peculiar friendship for the laboring man and the manufacturer of the United States—the two interests that they claim above all others to love and protect. Why, I find in the hearings here, Mr. Chairman, that the gentleman from Texas [Mr. BURLESON], a member of the Appropriations Committee, asked a question which disclosed the fact that in one of these departments they went to Persia to buy a rug of extra quality, costing $320 [applause on the Democratic side], and they went to Daghestan, or some such place—it ought to be "dadgasted" [laughter]—and bought an oriental rug costing $188; and they bought a Balkan rug costing $147. [Applause on the Democratic side.]

These are the men who propose to protect the American manufacturer by guaranteeing to him a reasonable profit, who have pledged their support and protection to the American laboring man, and yet they tax him to raise money with which to buy oriental rugs [applause] to put in the departments here at Washington, rugs that you can mire down in [laughter], not fashioned by the skilled hand of the American laborer that you deceive every two or four years by telling him that you are for him, that you give him employment, that you give him prosperity. [Applause on the Democratic side.] You do not go to the place where he labors and ask for these rugs to put in these various departments of the Government, but you go abroad and you buy them from what you term the pauper labor of Europe, and yet these prices would indicate that that labor in Europe is faring sumptuously every day at the price you paid for those rugs. [Applause on the Democratic side.] Not only that, Mr. Chairman, but I find here that the Republicans have bought to go upon the harness of dray horses "silver-buckle hame straps." What do you think the farmer who uses iron and steel buckles, for which you tax him $10 on every $25 worth, will think of that? As he plows with plain backband and simpl. trace chains and cotton plow lines, what will he think when he reads that you are buying "silver-buckle hame straps" to adorn these horses pulling drays about the city of Washington? [Applause on the Democratic side.]

Extravagance, willful waste of the people's money; why you have deceived them, and now when the time comes and the election of a Democratic President is staring you in the face, you are trying to get back to the old spoils system and hold up $120,000 worth of jobs. [Applause on the Democratic side.] I can tell you now that after November next get ready to have a housecleaning in the city of Washington. [Applause on the Democratic side.] Make ready for it. It is coming. To-day your Republican ex-President is going over the country attacking the Republican President and accusing him of being tied up with the interests, and you have the present President telling the country how much of a demagogue and hypocrite the ex-President is. [Applause on the Democratic side.] In the city of Baltimore, where this ex-President and President were both running and having political speakings day and night, the Democratic Speaker of this House polled more votes than both of them for President. [Applause on the Democratic side.] The time will not be long until the people will come into their own. It has been a genuine blessing to the people that the Democrats carried this House. We have unearthed things that the country did not know. You Republicans have been in control for 16 years and the Democratic investigation committees have gone to work and they are unearthing extravagance, waste, graft, and fearful conditions along many lines, and by the time the November election comes the people will say to you, "You have been weighed in the balance and found wanting; get out now, you unfaithful servants." [Loud applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HAMLIN. Mr. Chairman, along this same line I want to call attention to one or two items in addition to those suggested by my friend from Alabama [Mr. HEFLIN], who has just taken his seat. I find in the hearings an item of $135 for the painting and repairing of an old buggy down in the Treasury Department. The gentleman from Texas [Mr. BURLESON] asked the witness during the hearings what was the character of this buggy that cost $135 to repair and paint, and the witness replied:

This is really a small wagon; an old-timer. I expect that wagon is 50 years old.

They are evidently dealing in old and certainly expensive relics. They could have bought the buggy new, I presume, for $60 or $75, but they go and pay $135 of the people's money to repair and repaint this old antiquated vehicle. This item only serves as a sample of the practice prevalent in the departments.

I recall, also, that two years ago, when this bill was up for consideration, I took occasion to call attention of the House and country to similar items in one of the other departments, wherein they had certified that they had paid the year previous for the care and keep of four horses, a buggy, and a wagon, $3,419.37.

The people of this country are patient and long-suffering——

Mr. MANN. And so are we. [Laughter.]

Mr. HAMLIN. The gentleman has the privilege of retiring. [Laughter and applause.] I will say this to the gentleman, that when the people of this country find out a little more about the miserable grafting that has been going on under Republican rule you will all retire.

Mr. BARTLETT. Will be retired, you mean.

Mr. HAMLIN. Yes; will be retired. There is a condition existing in some of the departments to-day wherein men are carried upon the pay rolls at large salaries who render practically no service to the United States Government whatsoever. [Applause on the Democratic side.]

It came to my knowledge recently, and it appears in the hearings, that there is a colored man, by name Rinkert, in the State Department assigned to the mail room and on the pay roll at $1,200 a year, and who has been there for three years, placed there by special Executive order, and who recently has been away on an ocean trip with the Secretary of State, hobnobbing with princes and potentates and playing the part of the Secretary's valet, and still drawing his $1,200 a year. The evidence also showed that there were two old Union soldiers—majors, in fact, and entitled to that designation because of its being won by bravery in the Army—assigned to that same mail room, one drawing $720 a year and the other at $1,000 a year, and the evidence shows that they are often on duty at 7 o'clock in the morning and frequently work until 7 o'clock at night. These old white soldiers worked faithfully every day, this negro whenever he felt like it, but certainly not more than one-third of the time. I asked the chief of that division why these old soldiers were worked overtime. He said the rush of business compelled it. Then I asked why he did not call upon this colored man and compel him to do his part of the work. He answered that he had absolutely no control over him. When the people of this country, and especially the comrades of these two old soldiers, find out that they are working from morning until night, one at $720 and the other at $1,000 a year, and that this negro is

drawing $1,200 a year and working just when he pleases, you fellows who are responsible for this condition of affairs will all be retired. [Applause on the Democratic side.]

The Clerk read as follows:

The Bureau of Statistics of the Department of Commerce and Labor is abolished, to take effect July 1, 1912, and the duties required by law to be performed by that bureau are transferred to and shall after that date be performed by the Census Office; and the appropriations for contingent expenses, rent, and printing and binding for the Department of Commerce and Labor shall be available for expenditure on account of the Division of Statistics in the Census Office during the fiscal year 1913 to the same extent the same have heretofore been available for expenditure on account of the Bureau of Statistics.

Mr. WILLIS. I desire, Mr. Chairman, to offer an amendment.

Mr. CANNON. Mr. Chairman——

The CHAIRMAN (Mr. FINLEY). The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the paragraph, lines 3 to 14, both inclusive.

Mr. CANNON. Does the gentleman insert an amendment?

Mr. WILLIS. If the gentleman will permit, the amendment that I have offered proposes to strike out this paragraph, and I was about to explain that if it was adopted I would propose another amendment to strike out the next paragraph, and then to insert substantially the provision that exists in the present law.

However, I will be very glad to withdraw my amendment and yield to the gentleman from Illinois [Mr. CANNON], who is a member of the committee and desires to offer an amendment.

Mr. CANNON. The gentleman from Ohio [Mr. WILLIS] withdraws his amendment, and I offer the following amendment.

Mr. JOHNSON of South Carolina. Let me say to the gentleman from Illinois that we passed without prejudice a provision for the State Department providing for the consolidation of the Bureau of Trade Relations and of Manufactures. We have also passed over, under the Department of Commerce and Labor, the paragraph relating to the Bureau of Manufactures. We are now at the paragraph dealing with the Bureau of Statistics under the Department of Commerce and Labor.

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] will desist until the amendment is reported.

Mr. JOHNSON of South Carolina. We have passed over the other provisions by unanimous consent. I would like to have this provision passed over also, because they are all intimately connected and will be debated together after we read the parts of the bill that are not in controversy. Then we will take up the whole question.

Mr. CANNON. Does the gentleman expect to finish the bill this week?

Mr. JOHNSON of South Carolina. We hope to pass the bill to-night.

Mr. CANNON. I would be glad to have the amendment reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of lines 3 to 14, inclusive, on page 125, and insert: "Bureau of Statistics: Chief of bureau, $4,000; chief clerk, $2,250; chief of division, $2,000. Clerks: Five of class 4, five of class 3, one at $1,500, nine of class 2, eleven of class 1, thirteen at $1,000 each, six at $900 each, one messenger, one assistant messenger, one messenger; in all, $73,650."

Mr. JOHNSON of South Carolina. I understand the gentleman from Illinois [Mr. CANNON] desires to be heard on this particular section now, and after he shall have been heard I will make the request.

Mr. MANN. I do not think it proper to have the matter go over until after he has been heard. What time does my colleague wish to get away?

Mr. CANNON. I want to get away Thursday evening.

Mr. MANN. This could be taken up the first thing if the bill went over.

Mr. BURLESON. We will agree to bring it up the first thing.

Mr. CANNON. I have no objection, if the matter is taken up the first thing on Thursday morning.

Mr. JOHNSON of South Carolina. It will be taken up the first thing after we finish the parts of the bill that do not provoke debate.

Mr. CANNON. That will not provoke debate?

Mr. JOHNSON of South Carolina. Yes.

Mr. MANN. It will not probably be up to-night, but otherwise it would certainly be up the first thing Thursday.

Mr. CANNON. I have no objection to its going over if the gentleman from Ohio [Mr. WILLIS] does not object.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask that this section be passed over without prejudice.

Mr. CANNON. This and the next.

The CHAIRMAN. Request is made that this section and the next be passed over without prejudice. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Shipping service: For salaries of shipping commissioners in amounts not exceeding the following: At Baltimore, $1,200; at Boston, $3,000; at New Bedford, $1,000; at New Orleans, $1,500; at New York, $4,000; at Philadelphia, $2,400; at Portland, Me., $1,300; at Port Townsend, $3,500; at Providence, $1,700; at San Francisco, $3,600; in all, $23,200.

Mr. HARRISON of Mississippi. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Mississippi [Mr. HARRISON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 22, page 127, after the words "at New Orleans, $1,500," insert the following: "Pascagoula, Miss., $300."

Mr. HARRISON of Mississippi. Mr. Chairman, for 40 years there has been a shipping commissioner at Pascagoula, Miss. By the terms of this bill there is proposed to be stricken from the law appropriation for about seven shipping commissioners, and in that seven Pascagoula is included. The item carried in the bill heretofore for Pascagoula has been only $300.

I take it that the committee struck out the item because of economy, as they thought. I do not believe, Mr. Chairman, that there is any economy in striking out the appropriation for the shipping commissioner at Pascagoula. There may be in these other items [laughter], but at Pascagoula there is not. If the shipping commissioner is knocked out at Pascagoula, the Commissioner of Navigation, Mr. Chamberlain, informs me that in all probability the collector of customs at that seaport will call for another clerk, or for some more help.

At Pascagoula now the collector of customs has only two clerks. If you knock out the shipping commissioner at $300 a year at Pascagoula, with the idea of saving that $300, you will in all probability entail an additional expense of a clerk to the collector of customs at Pascagoula, thereby costing $600, $800, or $1,000, and in that event your economy program will not work.

Mr. JOHNSON of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. HARRISON of Mississippi. Yes.

Mr. JOHNSON of South Carolina. Will the gentleman tell me what shipping there is to keep two clerks busy at Pascagoula?

Mr. HARRISON of Mississippi. I do not know; but I do know that there has been enough shipping at Pascagoula to keep a commissioner busy there for 40 years.

There was an attempt made at the last session of Congress to strike out the Pascagoula commissionership, but the Senate put it back. I would say, too, to the gentleman from South Carolina [Mr. JOHNSON] that the export trade at Pascagoula has increased wonderfully within the past 10 years.

There is not a particle of testimony in the hearings had before this committee that would warrant this House in believing that anything would be saved by striking out the appropriation for the Pascagoula shipping commissioner. The question was not asked in the hearing. On the contrary the question was put to Mr. Chamberlain, the Commissioner of Navigation, by the gentleman from South Carolina [Mr. JOHNSON] himself.

I read from the hearings:

Mr. JOHNSON. Suppose we just leave one of the places out; not put it in the bill.

Mr. CHAMBERLAIN. The work would revert to the collector of customs. Whether that would be an economy or not would depend on whether the collector of customs would go to the Treasury Department and say: "I have all this extra work, and I will have to have an extra clerk." You might abolish a man who costs $600 or $700 and get a $900 or $1,200 clerk instead. Beyond that, in some places, there is some objection to combining the offices; an objection on the part of the business community and not on account of any officer of the Government.

In addition to that, Mr. Chairman, I want to say that this port of Pascagoula within the last 10 years has doubled itself in the amount of exports shipped from there. Necessarily the duties that are devolved upon the shipping commissioner have increased, and during all this time the salary has never been increased. The completion of the new project recently approved by the United States Board of Engineers for Pascagoula Harbor and the completion of the Panama Canal insures the continued increase in the duties that devolve upon the shipping commissioner there. The shipping commissioner at Pascagoula does not get $300 a year; he only gets $243 a year.

Now, it may be right, as I said, to strike out some of these other places that the committee contemplates, because in most of them the shipping commissioner receives $800 or $1,000 or $1,500 a year, and by striking out such places and putting in a clerk to the collector of customs at $700 or $800 a year the

Government would save a few hundred dollars; but by striking out the commissioner at Pascagoula, where the Government pays only $243 a year, if it entails an additional clerk to the collector of customs there, it would certainly be no economy and no saving to the Government. I hope, Mr. Chairman, that my amendment will be adopted. [Applause.]

Mr. BURLESON. It is true, Mr. Chairman, as stated by the gentleman from Mississippi [Mr. HARRISON], that Pascagoula has had a shipping commissioner for 40 years, and it can be said with equal truth that for about 39 years and 6 months the office has been wholly unnecessary. [Laughter.]

The Commissioner of Navigation, when he was before the subcommittee during the preparation of this bill, was asked if he had to name five or six of these offices which could be abolished, which offices he would name, and in answer he stated that Pascagoula would head the list. [Laughter.]

Mr. HARRISON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. HARRISON of Mississippi. Is it not a fact, I will ask the gentleman, that he and the commissioner concluded that Pascagoula should be knocked out because it was the smallest salary paid any commissioner in all the list?

Mr. BURLESON. No; that is not a fact, and that consideration did not control our action. Mr. Chairman, this is no new matter. The committee has had the abolishment of this office before it prior to this session of Congress, just as we have had before us the matter about the collectors of customs at a number of customs offices in this country, where the salaries paid are largely in excess of the amount of revenues collected.

The truth is, this is a wholly unnecessary office. In last year's bill, when it was in charge of the present minority, there was carried a provision abolishing this office at Pascagoula. It passed this House and went to the Senate, where, for some reason, it was reinserted in the bill.

I repeat that this is a wholly unnecessary office. It is true it only burdens the Government to the extent of $243, but, gentlemen, as was said by the gentleman from Mississippi, there are others like this to follow, and if this body wants to economize in the expenditure of money we could not do better than to commence by lopping off such unnecessary offices. The gentleman [Mr. HARRISON of Mississippi] says that perchance if this office of shipping commissioner is abolished at Pascagoula the collector of customs may go to the Treasury Department and ask for an additional clerk. I stand here to express my belief that when he asks for the additional clerk he will not get him, because the officer in charge of the Treasury Department at this time is just as earnest in his efforts for economy as any man on this side of the Chamber.

Now, I appeal to the members of this committee, here is an effort being made without reference to partisanship, without reference to section, with reference to personal considerations, because, if there is a man in this House who could secure the reinsertion of the item for this commissioner at Pascagoula, it is the affable, genial, and able gentleman from Mississippi [Mr. HARRISON]. We all are fond of him, but it is not a question of personal favoritism. It is a question of whether we will permit the hand of the official to be thrust into the Treasury of the United States and take therefrom $243 for a purpose wholly unnecessary. I ask the committee to vote down the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The question being taken, the amendment was rejected.

Mr. WEEKS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 127, line 25, after the figures "$3,000," insert the following: "At Gloucester, Mass., $600."

Mr. WEEKS. Mr. Chairman, I hope that pride in sustaining the committee's report will not prevent the gentleman in charge of this bill from accepting the amendment which I now offer, as my colleague [Mr. GARDNER] is unable to be present to-day.

Gloucester is the most important fishing port on the Atlantic coast. There are something like 5,000 sailors who have their home port there, and innumerable vessels make it their home port. It has had a shipping commissioner for many years, whose salary has been as large as $2,000 a year. Two years ago it was reduced to $1,200 and in last year's bill it was reduced to $600.

The shipping commissioner at Gloucester not only passes on the shipping articles of some 1,200 men who are actually engaged in fishing, as sailors on schooners and vessels in the merchant service, but of more than 1,800 men who are engaged on the basis of shares, for which latter service he receives no recompense whatever.

The collector of the port at Gloucester has stated in a letter to the Secretary of the Treasury that if this commissioner is not provided it will be necessary to have an additional clerk in his office, and an additional clerk will necessitate an expense of between $800 and $1,200, depending on the length of service of the clerk, so that there can be no possible saving in transferring this office from the shipping commissioner to a clerk in the customhouse.

Mr. MANN. What are the duties of the shipping commissioner?

Mr. WEEKS. The duties of the shipping commissioner are to pass on the articles of agreement between the masters of vessels and members of the crew. It has always been the policy of this country to protect seamen as far as possible in their articles of agreement, because it is presumed that they have no organization to protect themselves and that for other reasons they may be unable to do so.

Mr. MANN. Is the gentleman aware that there are now pending upon the calendar various bills reported from the Committee on the Merchant Marine and Fisheries, some of which are likely to pass, that will very greatly add to the duties of shipping commissioners?

Mr. WEEKS. I have not had that called to my attention.

Mr. MANN. There are such bills.

Mr. BURLESON. They will not add to the duties of the shipping commissioner in Gloucester, though.

Mr. MANN. Apparently they will require the services of a shipping commissioner every few miles along the coast.

Mr. WEEKS. I am very greatly obliged to the gentleman from Illinois for that information.

Now, Mr Chairman, not only do the masters of vessels in Gloucester wish this commissioner retained, but the Board of Trade of Gloucester has passed resolutions to that effect, and the Secretary of the Treasury has stated in a letter that it will be necessary to employ this additional clerk in case the office of shipping commissioner at Gloucester is abolished.

I will insert in my remarks the vote of the Board of Trade of Gloucester, the resolutions of the master mariners in Gloucester, and the letter of the Secretary of the Treasury sustaining that point.

There is no economy in the abolition of this office and, furthermore, it will be a great inconvenience. The office of the shipping commissioner in Gloucester is on the water front. He is personally acquainted with the men who are engaged in a seafaring life, both masters and seamen. He has held that office for many years. He was once a master himself. He knows those men so well that when the master of a vessel wants a crew, he knows where to find the men and what men are suitable for the service desired.

So that he is of great assistance to the shipping industry of that port. Outside of the economical feature, which the members of the Appropriation Committee may urge, this is a matter of accommodation to the shipping interests of that great port, but there is no economy in it. It will benefit no one; it will simply abolish an office in order to demonstrate on the face of the returns that economy has been practiced, when, as a matter of fact, at the end of the year you will find that a Treasury clerk has performed the service, not as well as the shipping commissioner and at a greater cost.

Sailors make the shipping office a rendezvous while waiting for employment. They can not go to the customhouse, removed from the water front, and use that as a place to loiter; that would not meet with the approval of those who use the customhouse for other purposes. It is impossible to replace this shipping office with a customhouse service without greatly incommoding the sailors, the masters, and the people of Gloucester as well. It will not save a dollar, and I hope that my amendment will prevail. [Applause.]

GLOUCESTER BOARD OF TRADE,
Gloucester, Mass., March 28, 1912.

Hon. AUGUSTUS P. GARDNER,
Washington, D. C.

DEAR SIR: At a meeting of the Gloucester Board of Trade held last evening it was voted that the secretary be instructed to write to you urging you to use your influence in the retention of the shipping commissioner's office at this port.

We learn that the office may be abolished on account of lack of appropriation to continue it.

We believe that there is no need of our calling your attention to the importance of the office at this port, serving, as it does, the 5,000 seamen who sail from this port, and we trust that we shall be able to forestall the movement to abolish the office.

Yours, respectfully,

RICHARD W. FREEMAN,
Secretary Gloucester Board of Trade.

GLOUCESTER MASTER MARINERS' ASSOCIATION,
Gloucester, Mass., March 19, 1912.

Hon. A. P. GARDNER,
Washington, D. C.

SIR: The Master Mariners' Association to-day expressed by vote its desire to assist in the retention of the shipping commissioner's office at this port.

I was instructed to write to you and inform you of the wishes of our members and request that you do all possible to assist.

We are informed that the office may be abolished because funds will not be appropriated to continue it. The small sum spent at this port does more good for our owners, masters, and fishermen than much greater amounts at other places.

Respectfully, J. H. STAPLETON, *Secretary.*

—

OFFICE OF THE COLLECTOR OF CUSTOMS,
Port of Gloucester, Mass., March 15, 1912.

Hon. JAMES F. CURTIS,
Assistant Secretary of the Treasury, Washington, D. C.

SIR: In answer to your letter of February 21, 1912—

In the event of the withdrawal of the shipping commissioner at this port the work could at times be done by the present force at this office, but not as efficiently as now performed by Mr. McDonald, who now does that work.

Most of the time the present force in this office would not be available for the work.

To do the work now performed by Mr. McDonald it would necessitate the employment of at least one more clerk, but in that case the assistance to owners, masters, and seamen now given by Mr. McDonald could not be approximated, as he is familiar with the many details which make his work of value. He is acquainted with the seamen; they make his office their headquarters.

He visits the offices of the owners, and is able to advise them as to the men available and their efficiency for the particular voyage. He secures places for many seamen and assists owners in many ways that bring him no remuneration.

Respectfully, WALTER F. OSBORNE, *Collector.*

Mr. BURLESON. Mr. Chairman, the cause of Gloucester appeals to me, because the gentleman who is particularly interested in it is disabled at this time and not able to be present. He was disabled in the prosecution of a worthy cause, and I wish it were so that I could yield to the amendment offered by the gentleman, his colleague [Mr WEEKS], and permit the adoption of the amendment.

But fortunately an economy will be effected if the amendment offered by the gentleman from Massachusetts is voted down, and an unjustifiable expenditure authorized if it is adopted. Hence I must oppose it. The gentleman speaks of the great inconvenience to which seamen will be subjected if this item is not reinserted in the bill. As a matter of fact, during the entire year there were shipped and reshipped from Gloucester less than three sailors a day, requiring the attention from the shipping commissioner of just about 15 or 20 minutes each day, and this light duty can be imposed on a clerk in the customhouse office without the slightest inconvenience to the clerk, and save $1,000 a year for the Treasury.

Mr. WEEKS. Will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. WEEKS. There were 1,844 seaman shipped from Gloucester, from whom the commissioner received no recompense whatever.

Mr. BURLESON. If that is true the Commissioner of Navigation has been very derelict, because he reports only 1,124 shipped and reshipped during the entire year. I hold in my hand his report from which I read.

Mr. WEEKS. That is in addition to those he has mentioned.

Mr. BURLESON. Oh, this is a report made under a Republican administration, and I commend it to this side as a report upon which they can place absolute reliance. [Laughter.] Mr. Chairman, we are not playing any favorites. Pascagoula has just been eliminated and immediately following this amendment for Gloucester will be an amendment offered to save Mobile, where there were 2,787 sailors shipped and reshipped during the last year, and I am going to insist that that amendment shall also be defeated, as I am insisting that this amendment be now voted down. The gentleman says that it is going to subject somebody to great inconvenience. In what particular? The shipping commissioner states in the hearings that if these officers are stricken out it will be no inconvenience to the public, for their duties will be imposed on the officers of the customs office at the same port and at most they will ask for an additional clerk.

Mr. Chairman, time and time again the suggestion has been made to eliminate these unnecessary officers, but for some reason or other they always find a place in the appropriation bill. I want to promise the House now that this year they are not going back into the bill; that is, they will not be reinserted in this bill at the other end of the Capitol if the House will stand by us and uphold our efforts to economize. [Applause.]

Mr. PAYNE. I have heard some such talk as that before from members of the Appropriation Committee.

Mr. BURLESON. And the gentleman will hear more of it during this session and the next session, and I hope, for the good of the country, for the next four years.

Mr. PAYNE. There is always a reconsideration afterwards.

Mr. BURLESON. But to return, who will be subjected to inconvenience? The shipping commissioner says that if this office is abolished some clerk in the customhouse will take over the work. It is true, I do not doubt, that a request will be made for an additional clerk, but I want to state, and I think I know whereof I speak, they will not get it. If you vote down the amendment it will save approximately $1,200 a year for years to come; adopt it and you continue an indefensible expenditure.

Mr. WEEKS. Will the gentleman yield?

Mr. BURLESON. Certainly

Mr. WEEKS. Did the Commissioner of Navigation recommend the abolition of this office?

Mr. BURLESON. No; the Commissioner of Navigation did not recommend the abolition of any of these offices, but when he was asked a question what offices he would name if six were to be dispensed with, Gloucester was about the second that he mentioned.

Mr. WEEKS. Does the gentleman know that the Commissioner of Navigation is opposed to the abolition of this office?

Mr. BURLESON. I do not know it.

Mr. WEEKS. I know it.

Mr. BURLESON. I do not know where the gentleman gets his information. I know that it will effect an economy to eliminate it, and that when done it will not bring about the slightest inconvenience or suffering on the part of the public service.

Mr. WEEKS. How does the gentleman figure out that it will produce an economy of $1,200 a year when the total cost of the office last year was less than $900?

Mr. BURLESON. The gentleman ought to keep his facts on straight. Last year the salary paid there was $1,100. I said approximately $1,200.

Mr. WEEKS. The gentleman is a year behind the times. Last year the salary was $600.

Mr. BURLESON. I hold in my hand the last report of the shipping commissioner, and he says that the total amount of salaries there was $1,108.35. But suppose it was only $8.35; your committee is making an effort to lop off an unnecessary office, and the question is whether the House will uphold the hands of the committee in this effort that it makes. I ask for the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. WEEKS) there were—ayes 37, noes 46.

So the amendment was rejected.

Mr. GOULD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert, after the semicolon, line 25, page 127, the words "at Bath, Me., $800," and change the total from $23,200 to $24,000.

Mr. GOULD. Mr. Chairman, I offer this amendment in behalf of my colleague from the second district, Mr. MCGILLICUDDY, who has been called home on account of the death of his mother, and who would, if here, I am sure, urge this amendment. I offer it on behalf of the city of Bath, which has built more ships and done more to maintain the American flag on the seas than any city on either coast of America.

For a great many years the people of Bath have had this office in that city. It has been of great use to the shipmasters who go in there, and to the sailors who ship from that port. It has been said that it cost more to ship a sailor from that port than from some others, but let me say to this House that the sailors who ship from that port are American sailors, and if there is one thing that is American left in the shipping industry of this country, we should retain it. [Applause.]

I am told by the people of Bath that during the shipping season it is necessary to keep the commissioner's office open from 3.30 o'clock in the morning until 12 o'clock at night. If this work is transferred to the customhouse, that will not be done and the shipmasters will be discommoded and injured in not being able to procure crews for their ships when they are required upon short notice. If you discontinue this office, the work must be done by some extra help to be employed at the customhouse, and in the end will effect no saving to the Government. I hope, as this adds no extra expense to this important branch of the public service, that this small consideration will be extended to the city of Bath, and that this amendment to the committee bill will be adopted.

Mr. BURLESON. Mr. Chairman, just one word. The facts with reference to Bath are simply these. They ship and reship fewer seamen from Bath than they do from Gloucester, and every reason that could be urged for the abolishment of the

offices at Pascagoula and Gloucester can be urged with equal force against Bath. I regret that the gentleman from Maine, who represents the Bath district, is not present, and I regret that action must be taken during his absence; but, Mr. Chairman, I earnestly insist that the amendment be defeated. And right here I want to direct the attention of the committee to this fact: That a majority of these places stricken down are situated in districts represented by Democrats on this floor, and I repeat what I said a moment ago here—there is no sectionalism in the action we suggest, there is no partisanship in it, your committee agreed upon the proposition that these were wholly unnecessary officers, and I ask that you vote down this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Wireless communication: To enable the Secretary of Commerce and Labor to enforce the act approved June 24, 1910, entitled "An act to require apparatus and operators for radio-communication on certain ocean steamers"; and to employ such persons and means as may be necessary, $7,000.

Mr. TILSON. Mr. Chairman, I move to amend line 25, at the end of page 128, by striking out the words "seven thousand dollars" and inserting in lieu thereof the words "ten thousand dollars."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 128, line 25, strike out the figures "$7,000" and insert in lieu thereof the figures "$10,000."

Mr. TILSON. Mr. Chairman, the amendments which were offered a few moments ago and so promptly voted down were all in the interest of particular localities. In this instance it is not a case of asking to save something for my own locality or to secure something for my own locality; what I am asking for here is something solely for the general good.

At present there are employed in the Department of Commerce and Labor three inspectors of wireless-communication facilities aboard vessels leaving American ports. This amendment seeks to provide for an additional inspector. It is the duty of these inspectors to go on board ships before they leave American ports and see that they have the proper wireless apparatus and that it is in proper working order. The three inspectors already provided for are distributed as follows: One in New York, covering that port and New England; one in San Francisco, covering the entire Pacific coast; and one in Baltimore, covering the entire Atlantic coast and Gulf coast from Philadelphia to Galveston. The Department of Commerce and Labor is desirous of securing an additional inspector. I refer you to the hearings and to Mr. Chamberlain's testimony in the hearings, in which he says:

Mr. CHAMBERLAIN. We asked for $10,000 last year, and the estimate was cut down to $7,000.

Mr. JOHNSON. What do you do with that money?

Mr. CHAMBERLAIN. We have three wireless inspectors, and we desire four—one for New York, one for the Pacific coast, one for the Gulf ports, and one for the rest of the Atlantic coast, leaving out New York. As a matter of fact, we have had to make one man cover all the territory from Philadelphia to Galveston, and that is too much territory for one man to undertake to cover and really do any work.

Mr. JOHNSON. What do these inspectors do?

Mr. CHAMBERLAIN. They usually go on the vessels immediately before they sail and see that the apparatus is in working order; that the operator is where he can be summoned.

Now, Mr. Chairman, it seems to me, in view of the importance of wireless communication, which has been brought most forcibly to our attention by the recent *Titanic* disaster, that here is a good opportunity to add an extra precaution on behalf of those who travel by sea by employing an additional inspector to see that all vessels clearing our ports are properly equipped with wireless apparatus, as required by law, and that it is in proper working order. I hope, Mr. Chairman, that this amendment will prevail.

Mr. JOHNSON of South Carolina. Mr. Chairman, I want to say in reply to the gentleman that we have given the Commissioner of Navigation the same that he has this year. I am satisfied that a little later an additional sum of money may have to be appropriated for this purpose. Very active work is going on in the matter of wireless telegraphy. The catastrophe of a few days ago has given quite an impetus to it. In the Senate as well as in the House legislation is pending, but until that legislation is passed, until we can see a little further into the future and know a little more definitely how much money is needed, I think it best just to let this provision pass as it is.

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. MOORE of Pennsylvania. How many men are provided for by this appropriation of $7,000?

Mr. JOHNSON of South Carolina. Three.

Mr. MOORE of Pennsylvania. And their work is to inspect the vessels and see that the wireless apparatus is on board and in perfect working order?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. MOORE of Pennsylvania. And those three men do the work for the entire coast line of the United States?

Mr. JOHNSON of South Carolina. Yes; I think they do. I am satisfied, as I stated a moment ago, that a little later it will be necessary probably for us to appropriate more money, but let us get a little more light on the subject and know where it ought to be spent.

Mr. TILSON. May I interrupt the gentleman?

Mr. JOHNSON of South Carolina. Certainly.

Mr. TILSON. By asking him this question: Is it not a fact that the Department of Commerce and Labor, as represented by Mr. Chamberlain, informed the committee that in order to carry on the service properly they should have four inspectors?

Mr. JOHNSON of South Carolina. Yes.

Mr. TILSON. And did he not make that estimate before the *Titanic* disaster?

Mr. JOHNSON of South Carolina. I think perhaps when this investigation is all over we will have to have more than four. We are willing to appropriate whatever money is needed, but we prefer to allow this legislation to take place and further investigation be had, so as to know how much is needed and to appropriate for it properly and intelligently.

Mr. TILSON. If the gentleman will allow me to state in his time, I have just had a conversation with the Assistant Secretary of Commerce and Labor and I asked him specifically on what part of the coast this additional inspector was needed most, and he said that at the present time the Gulf ports were the ones most neglected, on account of the inspector in charge of that division being in Baltimore. The intention, if this additional inspector is granted, is to assign at least one to the Gulf ports to cover vessels sailing from New Orleans and from other Gulf ports. It seems to me we should be derelict in our duty if we failed to have all the Government requirements carried out in regard to wireless apparatus by failing to provide for a sufficient number of inspectors to properly enforce the law.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. TILSON. I shall be glad to yield if the gentleman from South Carolina [Mr. JOHNSON] will permit.

Mr. JOHNSON of South Carolina. I yield.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. JOHNSON] has expired.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word, merely to say that I hope this amendment will prevail. I happened to be on the coast not so very long ago. On the southeastern Atlantic, and also as well on the Gulf coast, we are in a very backward condition with regard to our wireless establishment. This is not a large amount. It is simply a small addition in order to make the service a little more efficient, and I hope the amendment will prevail.

Mr. BYRNS of Tennessee. Will the gentleman permit me to ask him a question?

Mr. HOBSON. Yes.

Mr. BYRNS of Tennessee. The gentleman, of course, is aware of the fact that the committee of the Senate which has been investigating the *Titanic* disaster proposes to make recommendations, including, possibly, something in regard to improving the wireless service. Now, does not the gentleman think that in view of the fact that this report is soon to be made and that some legislation will be had touching the wireless service it would be best for Congress to wait until the whole matter can be investigated and something can be done giving effective and substantial relief along the lines the gentleman suggests rather than to appropriate two or three thousand dollars more at this time and then find, after a full investigation, that the money was not wisely appropriated, but that a much larger sum is needed for the development of the service along other lines?

Mr. HOBSON. I think if it were a general proposition and taking up material changes in the wireless system and wireless installations in the country, his contention would hold, but it is merely a question of making more efficient what now exists or what ought now to exist, irrespective of any future development.

Mr. BYRNS of Tennessee. I think there is a disposition which is universal in the House, as well as at the other end of the Capitol, to enact legislation which will improve this service,

and I submit to the gentleman that if we at this time increase this appropriation $2,000 or $3,000, as the gentleman indicates he would like to have done, it may result in simply appropriating the money and no particular benefit be derived from it.

Mr. HOBSON. I think the gentleman will find, if he will look into it, that this is for a specific purpose, namely, merely to facilitate the inspection of wireless service, and of wireless service where it is now most in need of such inspection, namely, on the southeastern Atlantic and the Gulf coasts.

Mr. MANN. Will the gentleman yield?

Mr. HOBSON. Yes.

Mr. MANN. Does the gentleman happen to be familiar with the bill that is already on the calendar, reported from the Committee on the Merchant Marine and Fisheries, to amend the act of 1910 relating to the wireless? It extends quite a good deal the scope of that act.

Mr. HOBSON. I am in favor of it. That was up when I was a member of that committee. I have not examined the details of this bill as it has come in now.

Mr. MANN. It is a new bill.

Mr. HOBSON. I am perfectly aware of the fact that we will continue to reorganize and develop this whole question of wireless, and interference, and all those matters.

Mr. MANN. This law which they seek to have the inspection under now is only two years old.

Mr. HOBSON. Only two years old.

Mr. MANN. And this bill that is reported by the gentleman from Missouri [Mr. ALEXANDER] proposes to change the law of 1910, quite materially increasing the work.

Mr. HOBSON. I understand that perfectly; but, to be concrete, I was on the coast of North Carolina not long ago and had occasion to speak with the inspector of the life-saving service there, and he pointed out how the great weakness along there was in the wireless system, and he brought that specifically to my attention. He came to me especially to see if it would not be possible to get Congress to lend them a hand to make it more efficient. And this amendment in nowise would interfere with the continuity of the development of that system in some subsequent legislation.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words.

I think the committee itself will realize that an appropriation of $7,000 for the employment of inspectors to look out for the wireless telegraph equipment of vessels along the Atlantic coast line, with its 1,800 miles along the Gulf coast, the Pacific, and the Great Lakes, is insignificant and insufficient for the purpose. It seems almost ridiculous that this great service should be undertaken for any such sum. I question whether even an advance of $3,000, as suggested by the gentleman from Connecticut [Mr. TILSON], will enable the Department of Commerce and Labor to do much greater work than it does now. But we have reached the time in our maritime experience where it is important and almost vital that we should make every possible provision for the safety of life and property at sea. This very afternoon most of my time has been spent in endeavoring to come to terms with the Navy Department with regard to wireless to be placed upon a ship on which will shortly sail a number of young men to study navigation. We complain of the decadence of the American merchant marine. We offer very few inducements to boys to take up the occupation of a mariner. Now, in the instance of the *Titanic* we have before us an object lesson of the perils of the sea and of the dangers that confront even those who take cabin passage upon large and magnificent vessels. So that in the matter of a small appropriation like this it would seem we are flying in the face of the wind when we do not take advantage of every opportunity that presents itself to properly equip the vessels that carry human lives.

I hope this amendment will pass. I believe it to be insufficient as it is, but I trust the committee will see the wisdom of meeting the situation that now alarms the people of this country. Let us help to appease the excitement that has prevailed in the last few weeks. Let us give to the people the assurance that those taking passage on transoceanic vessels and those who necessarily must sail before the mast or down with the stokers are protected so far as the Congress of the United States is able to afford protection to them.

This will not interfere with the reports and recommendations that are coming in as the result of the *Titanic* investigation. It surely is not trespassing upon the Treasury of the United States nor upon any policy of economy to permit the passage of an amendment at this time which will place the paltry sum of $10,000 in the hands of the Department of Commerce and Labor to do the very best it can to safeguard life upon the high sea. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Connecticut [Mr. TILSON].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. TILSON. A division, Mr. Chairman.

The committee divided; and there were—ayes 39, noes 36.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For completing investigation of the effects of electric currents upon gas and water pipes, and upon the reenforced foundations of buildings, bridges, and other structures, and for determining methods of discovering and preventing the destructive effects of such currents, including personal services in the District of Columbia and in the field, $10,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice that this item in reference to the investigation relating to the effect of electric currents on gas and water pipes, and so forth, reads "for completing the investigation."

Mr. JOHNSON of South Carolina. What page is that on?

Mr. MANN. At the bottom of page 121. Considering that this subject has been under investigation in all the large cities of the country for a great many years, it is gratifying to think that the investigation now being made in the Bureau of Standards is about to be completed.

I can remember hearing, nearly 20 years ago, a distinguished scientist state that all the gas pipes and water pipes of Chicago would be utterly destroyed by electrolysis in 7 years from that time. It is true that the pipes are still there, and it is true that I read the other day the statement of another eminent scientist that they were now nearly destroyed and would all be gone very shortly. But if it is true that the Bureau of Standards is able to complete this investigation on this subject during the next fiscal year it is very happy news. Do they say they can complete the investigation during the next fiscal year?

Mr. JOHNSON of South Carolina. It is so stated on page 757 of the hearings. I asked the director the question about when the work would be completed, and he said it was his plan to finish the investigation with this appropriation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For rent of necessary quarters in Washington, D. C., and elsewhere $7,000; for necessary traveling expenses of members of the court and clerk, $330; for books, periodicals, and stationery; for pay of bailiffs and all other necessary employees not otherwise specifically provided for; and for such other miscellaneous expenses as may be approved by the presiding judge, $8,000; in all, $15,330.

Mr. GILLETT. Mr. Chairman, I ask unanimous consent that we may hereafter return to the end of this paragraph, in order to permit the submission of an amendment. The amendment which I propose to introduce is to establish a Commerce Court.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GILLETT] asks unanimous consent that the committee may return hereafter for an amendment to be offered to this paragraph. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Court of Claims: Chief justice, $6,500; 4 judges, at $6,000 each; chief clerk, $3,500; assistant clerk, $2,500; bailiff, $1,500; clerks—1 at $1,600, 2 at $1,400 each, 3 at $1,200 each; stenographer, $1,200; chief messenger, $1,000; 3 firemen; 3 watchmen; elevator conductor, $720; 2 assistant messengers; 2 laborers; 2 charwomen; in all, $56,480.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of making an observation with reference to the form of the bill.

Gentlemen will all notice, on examining the bill, that the sums in this bill are printed in figures. I do not know how it has occurred to other gentlemen, but I wish to compliment the Committee on Appropriations for making this experiment. While I can see that there may be a slightly greater danger of making typographical errors in formulating a bill like this when the sums are printed in figures instead of in words, yet it not only shortens the bill in length, but fixes it so that the eye catches the sums so easily that I hope the Committee on Appropriations will include this innovation in the other two bills which they have yet to report. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. The pay of telephone-switchboard operators, assistant messengers, firemen, watchmen, laborers, and charwomen provided for in this act, except those employed in mints and assay offices, unless otherwise specially stated, shall be as follows: For telephone-switchboard operators, assistant messengers, firemen, and watchmen, at the rate of $720 per annum each; for laborers, at the rate of $660 per annum each; assistant telephone-switchboard operators, at the rate of $600 each, and for charwomen, at the rate of $240 per annum each.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. JOHNSON of South Carolina. We appreciate very much what the gentleman from Illinois [Mr. MANN] has said in regard to the manner of printing the bill. I think it is due to the clerk to the Committee on Appropriations to say that he took up this matter with the Public Printer and with some of the Treasury officials of the Government, and ascertained that the chances of making any mistakes by reason of printing the bill in figures instead of in words spelled out were so slight as to be negligible. The committee therefore adopted the suggestion of the clerk, the Public Printer, and other officials who looked into the matter, and we have here an estimate that the cost of printing this bill in figures is $1,107 less than it would have been if the amounts in the bill had been spelled out. I wanted the Committee of the Whole to know that the clerk of the Committee on Appropriations deserves most of the credit. [Applause.]

Mr. MANN. If the gentleman from South Carolina will permit, there have been many occasions when the clerk to the Committee on Appropriations has more than earned his salary, and this is one of those. [Applause.]

Mr. JOHNSON of South Carolina. I will say he is the most valuable man in the service of the Government. [Applause.]

The Clerk read as follows:

SEC. 3. That the appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated otherwise than temporarily for performing such service, and the heads of departments shall cause this provision to be enforced.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word. I do this for the purpose of making a brief observation and asking the gentleman from South Carolina [Mr. JOHNSON] a question.

This section just read provides that the appropriations herein made shall not be available for the compensation of any persons incapacitated otherwise than temporarily for performing such service and that the heads of departments shall cause this provision to be enforced.

In the Post Office appropriation bill passed the other day provision was made whereby in the case of clerks in the Railway Mail Service who were injured they should receive full compensation for the period of one year if entirely incapacitated to perform their work, and, I believe, 50 per cent of their salary for the next year, which is the end of their pay. I wanted to ask the chairman of the committee whether the Committee on Appropriations have considered any plan whereby there may be some provision to take care of people who are injured in the public service? I notice in this bill appropriations are made for firemen, watchmen, elevator men, and others who may be considered as being engaged in somewhat hazardous occupations. If anyone is injured, he can not be retained in the service at all under this bill. Where a man is injured in the line of his duty in the service of the Government, inasmuch as it is now demanded, and properly so, that employers throughout the country shall make compensation to their employees who are injured, it seems to me there ought to be some provision for Government employees who are injured. Have the committee considered that at all?

Mr. JOHNSON of South Carolina. I will say to the gentleman that that question has not been discussed by the Committee on Appropriations, but this does not prevent the payment of salaries to people who are temporarily unable to discharge the duties of their positions. If they should be permanently injured in the service then, of course, they would have to come in under some other provision of law—which I believe exists—to secure their compensation.

Mr. WILLIS. If the gentleman will permit me, I have in mind a case where a man was permanently injured in the service. His name is H. W. Borden, a railway mail clerk. Here is his own statement:

I entered the postal service in the fall of 1901, and, with the exception of the time that I was compelled to lay off on account of injuries received in accidents while on duty, I have performed regular service.

The first serious accident that I was in occurred on February 14, 1903, at Ravensworth, Va. On account of injuries received in this accident I was compelled to lay off some five or six months. On May 30, 1910, at Sycamore, Va., I was again very seriously injured, from the effects of which I have not as yet fully recovered. In addition to many severe wounds and bruises I sustained double sacro-iliac dislocation and injured hip, which has and is still causing me to use support in the way of crutch and cane while walking or standing. About 18 months after I met with this accident I was given notice by the department I would have to return to road duty or resign, so that my place could be filled. So by not being physically able to return to road duty I was forced out of the service. I must say that rooting is rather bad when one is untrained and physically handicapped. As I was unconscious at the time, I am unable to give you any detailed description of the accident or wrecked car. The car must have been of an inferior type, for all of the 10 clerks on duty were more or less injured, and I am told that the car was completely demolished.

Next to the importance of legislation to prevent as far as possible such disastrous accidents and resultant injuries, the question to provide at least partial relief for those who may suffer a similar fate in the future is decidedly important.

His case would not come under this provision, because he was injured in the Railway Mail Service. He is a helpless, hopeless cripple, injured at his post in the performance of his duty. There ought to be some relief for cases of this kind.

Mr. JOHNSON of South Carolina. This law would not apply to him, because he is not provided for in this bill.

Mr. WILLIS. I understand that perfectly well. But suppose one of these firemen should be injured. That is a hazardous employment.

Mr. JOHNSON of South Carolina. If he were temporarily injured he could be carried under this bill.

Mr. WILLIS. Does that rest in the discretion of the head of the department?

Mr. JOHNSON of South Carolina. The gentleman is a lawyer, and a good lawyer, and can construe the language as well as I can.

Mr. WILLIS. I thank the gentleman.

Mr. JOHNSON of South Carolina. And he knows the difference between a temporary and a permanent disability.

Mr. WILLIS. I am simply calling attention to it as a suggestion. I am not offering an amendment. It seems to me there ought to be some provision in the Federal statutes for cases of that kind.

Mr. MANN. I rise to oppose the motion of the gentleman from Ohio to strike out the last word. This section has a somewhat interesting history, which it may be worth while to refer to.

A good many years ago what they call superannuation became what was then called prevalent in the Government service. Congress, endeavoring to do something, asked the departments how many persons they had in the service over a certain age, and the various departments reported the number of persons over 70 years of age. Every year the heads of departments would report, urging a civil pension or retirement list, each saying that his department had in it a great number of clerks or employees who were incapacitated from the full performance of their work by reason of age. They would make this straight and plain assertion.

Congress finally called the bluff by inserting this provision, directing the heads of departments to enforce the rule that if a person was incapacitated otherwise than temporarily he could not draw the salary of his position. These complaints ceased at once, and from that time to this nobody has been able to find the head of any department who will publicly say that he has in his service any person incapacitated for any reason whatever. That is the only effect that it has. It prevents the heads of departments from shying bricks at Congress. It never has effected the discharge of anybody. It never has effected the promotion of anybody. It never has had any effect whatever upon the service, except to prevent the Secretaries in the Cabinet scolding Congress because it does not provide for these incapacitated persons; and it only has a limited effect in that direction, because while they will not say now that their employees are any of them incapacitated, they still say that they must have a retirement list.

Mr. GILLETT. I should like to suggest to the gentleman from South Carolina that we have now reached a point in the bill where all the other sections are contested. Would it not be well now for the committee to rise?

Mr. JOHNSON of South Carolina. I intended to make that motion. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. UNDERWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24023, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

DISTRICT APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I am directed by the Committee on Appropriations to report back the bill H. R. 17681, an act making appropriations for the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes. The committee have disagreed to all the Senate amendments, and I ask unanimous consent that the House disagree to the Senate amendments and ask for a conference thereon. (H. Rept. 669).

The SPEAKER. The gentleman from Texas asks unanimous consent that the House disagree to the Senate amendments on

House bill 17681, the District appropriation bill, and ask for a conference. Is there objection?

Mr. MANN. I want to look over the amendments, and for the present I object.

PHILIPPINE INDEPENDENCE.

Mr. JONES. Mr. Speaker, I have just discovered that the bill H. R. 22143 has been placed by mistake on the Union Calendar. It ought to be on the House Calendar, and I ask unanimous consent that the change may be made.

Mr. MANN. What bill is it?

Mr. JONES. It is what is known as the bill for Philippine independence.

Mr. MANN. I think it is properly on the Union Calendar.

Mr. JONES. For what reason?

Mr. MANN. Any bill that provides for a disposition of a part of the United States ought to be on the Union Calendar.

Mr. JONES. I do not know of any rule of the House that applies to the disposition of territory, but this bill does not appropriate any money, and it seems to me that under the rules of the House it clearly ought to be on the House Calendar.

Mr. MANN. If it was a bill disposing of a part of the public domain it should go to the Union Calendar, and when the gentleman proposes to give it away by wholesale it seems to me that the same rule ought to apply. But what difference does it make?

Mr. JONES. So far as I am concerned it makes no difference at all, except that I am anxious that the bill shall be on the proper calendar. If the bill ever comes up in the House, I do not want the question raised. If the Speaker thinks that it is now on the proper calendar, and so rules, that will be perfectly satisfactory to me.

The SPEAKER. The Chair is not sufficiently familiar with the provisions of that bill to know whether it falls under the rule or not. There are two provisions of the rules that affect the matter. The first is the second subdivision of Rule XIII, which reads as follows:

A calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character directly or indirectly appropriating money or property.

The second is subdivision 3 of Rule XXIII, which reads as follows:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of the bill has commenced.

It seems to the Chair that if this bill provides for the release of the Philippine Islands, then it would fall under that rule and go to the Union Calendar.

Mr. MANN. Does the gentleman from Virginia expect to call that bill up to-morrow?

Mr. JONES. I can not say at this time.

RELIEF OF FLOOD SUFFERERS IN THE MISSISSIPPI AND OHIO VALLEYS.

Mr. FITZGERALD. Mr. Speaker, I ask that the Speaker lay before the House the resolution, with Senate amendments, making appropriations for the relief of the flood sufferers.

The SPEAKER. The Chair lays before the House House joint resolution 312, making appropriations for the relief of sufferers of the floods in the Mississippi and Ohio Valleys, with Senate amendments.

The Senate amendments were read.

Mr. FITZGERALD. Mr. Speaker, I move that the House agree to the Senate amendments. I wish to say that as this resolution passed the House it carried $277,000 for the Quartermaster's Department and $420,000 for the Commissary General's Department; in all, $697,000. When the resolution was prepared the information was before the Committee on Appropriations that additional money would be required, but the estimates had not at that time been prepared and submitted. The estimates reached Congress before the Senate considered the resolution, and the Senate has amended the resolution so as to insert the amounts that will be required.

One other matter I wish to refer to——

Mr. MANN. Before the gentleman goes away from that, am I correct in the assumption that after the bill passed the House, in fact only yesterday, the Chief of Engineers received word from points throughout the country that are affected by this proposition upon which he made a new estimate to cover this additional amount?

Mr. FITZGERALD. No. The Quartermaster General at the time stated that he knew that he would require $125,000 additional, but the estimate had not been submitted. The Commissary General was not certain as to the amount he would require, and it may be that additional money to that carried here will be required.

Mr. MANN. Is it a fact that yesterday they received telegrams from the flood points throughout the country, upon which they based the estimate?

Mr. FITZGERALD. They are estimates obtained since the bill passed the House. When the resolution passed the House the gentleman from Missouri [Mr. RUSSELL] made a statement as to the conditions under which the appropriation had been made, and inadvertently I think, put the Committee on Appropriations in a position that might be construed as somewhat hostile, or reluctant, to making the appropriation. The fact is that on April 4 the gentleman from Missouri [Mr. RUSSELL] and the gentleman from Kentucky [Mr. JAMES] introduced resolutions to appropriate $250,000 for the relief of the flood sufferers. No definite information having been received upon which to base any appropriation, a number of the members of the Committee on Appropriations had a conference, and I conferred with the President of the United States, and there was an understanding that it would be advisable for the President to utilize the supplies and appropriations available for the Army, so as to take care of the immediate necessities until we could ascertain as definitely as possible what would be required to meet the situation. The President on the 5th of April, the day following the conversation, sent a letter to me, and so that there may be a record of what happened, I ask unanimous consent to insert that letter in the RECORD as it explains exactly the relations of the committee and the President to the situation.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD, is there objection?

There was no objection.

The letter is as follows:

THE WHITE HOUSE,
Washington, April 5, 1912.

Hon. JOHN J. FITZGERALD,
Chairman Committee on Appropriations,
House of Representatives.

MY DEAR MR. FITZGERALD: As I told you yesterday, by direction of the Secretary of War two officers of the Quartermaster Department have been sent to that part of the Mississippi Valley where floods are reported. We have had telegraphic communication from them, but they have not yet succeeded in reaching Hickman and New Madrid, though they have opened communication with the mayor of the latter town. This is owing to interruption in the railroad traffic and the necessity for proceeding part way by boat.

I write to say that I do not think it wise to make any appropriation for the purpose of buying food and other supplies until these officers reach the ground and give us some idea of the amount needed and the extent of the suffering and destitution.

Meantime, before any appropriation is made, the Secretary of War will not hesitate to use, of the Army supplies, whatever is immediately needed, and I have no doubt that he has near at hand a sufficient amount to relieve such suffering as can be relieved in that way. I shall advise you to-morrow of any further information that we have received.

I inclose a copy of a telegram from Capt. Hegeman for your information.

Sincerely, yours, WM. H. TAFT.

Mr. RUSSELL. Mr. Speaker, I want to disclaim any purpose to either reflect upon the Committee on Appropriations or to fail to give them due credit for what they have done. My only object has been to obtain prompt relief for my distressed constituents. I stated in my remarks on last Saturday when this resolution was passed by the House that when the gentleman from Kentucky [Mr. JAMES] and I introduced our bills, asking for relief for the flood sufferers, that we followed them to the Committee on Appropriations and made arguments in support of the bills, and further stated that the committee gave us a very courteous hearing. I then stated that this method seemed too slow to meet the emergencies of the occasion and that we went to the President, and he promptly ordered the relief to go to the stricken districts, saying that he would trust Congress to protect him. Now, in stating that I simply meant to say that the necessary and legitimate delays by the Appropriations Committee and Congress in passing the bills and affording relief would be such that great distress would be experienced by the people in my district, many of whom were then suffering and starving, and that I felt that a more prompt remedy was necessary. I did not then know that there had been any correspondence between the Committee on Appropriations and the President upon the subject. I had no thought and no intention of reflecting upon the committee nor any member of it, and I want to state now that the committee has treated us very courteously and very kindly in the consideration of all of our bills for the relief of flood sufferers, for which they have my thanks.

Mr. FITZGERALD. Mr. Speaker, I understood that was the gentleman's position. I thought what was done was inadvert-

ent, and I made this statement for two reasons: First, so there would not be any misunderstanding of the committee's position, and, second, to forestall any criticism of the President. The President, after conferring with many interested, acted as he did, and it was understood that in acting as he did he was acting without authority; but after a conference there was an understanding that, in view of the emergency, that nobody would criticize his action, but that legislation would follow as speedily as necessary to supply the funds that would be used.

Mr. MANN. Will the gentleman yield for a suggestion? This is one of those cases where the gentleman advised the President to do an illegal act, and everybody agreed that it was the duty of the President to do that act which probably was illegal, certainly without authority.

Mr. SHERLEY. Mr. Speaker, if the gentleman will permit, I think it is only fair to say that the committee informally, without coming to an actual vote, came to a conclusion in regard to the matter, and as a result of that conclusion the chairman not only saw the President, but I myself, knowing somewhat of the situation in the Ohio and Mississippi country, saw the President, and it was as a result of that complete understanding between the legislative branch and the Executive that this money was paid out as the demands required.

Mr. MANN. Of course, the committee had no authority——

Mr. SHERLEY. Unquestionably not.

Mr. MANN. It was a question where everybody agreed the law did not provide for it——

Mr. SHERLEY. And the fact is, as practical men we dealt with a practical situation.

Mr. MANN. And properly.

Mr. SHERLEY. And properly so.

Mr. FITZGERALD. And there is no desire to leave the record so that it might justify an unfair criticism of the President. It is one of those occasions where everybody, the executive department and the legislative department, were in accord.

Mr. MANN. If the gentleman will permit, when I read what the gentleman had done in connection with what the President was going to do, I said to myself, both gentlemen are acting wisely, as usual. [Applause.]

The SPEAKER. Is there objection to the gentleman's request to concur in the Senate amendments? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to insert as part of my remarks on the provision in the bill relating to the audit in the Department of Justice a letter which I received from the Attorney General, and the reply which I have sent him to-day, throwing some light upon the purpose of the provision.

The SPEAKER. The gentleman from New York asks leave to print in the RECORD the letters indicated. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed with amendments joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

H. J. Res. 312. Joint resolution making appropriations for the relief of sufferers from floods in the Mississippi and Ohio Valleys.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled joint resolution and bills of the following titles:

S. J. Res. 90. Joint resolution to authorize Capt. John W. Gulick, United States Army, to accept a position under the Government of the Republic of Chile;

S. 4245. An act to increase the limit of cost of the additions to the public building at Salt Lake City, Utah;

S. 3160. An act to establish Holeb, Me., a subport of entry in the custom-collection district of Bangor, Me., and for other purposes; and

S. 275. An act to make the special examiner of drugs, medicines, and chemicals an assistant appraiser at the port of Boston.

RETURN OF SENATE BILL TO THE SENATE.

The SPEAKER. The Chair lays before the House the following resolution from the Senate, which the Clerk will read.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none, and it is so ordered.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DIES, for five days, on account of illness in his family.

To Mr. LITTLEPAGE, for five days, on account of important business.

To Mr. CALLAWAY, for one week, on account of important business.

ADJOURNMENT.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 41 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, May 8, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of State in connection with the International Commission on Private and Public International Law, and requesting appropriation therefor (H. Doc. No. 742), was taken from the Speaker's table, referred to the Committee on Foreign Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PUJO, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 24153) to amend and reenact section 5241 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 665), which said bill and report were referred to the House Calendar.

Mr. MARTIN of Colorado, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 21290) to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended, reported the same without amendment, accompanied by a report (No. 666), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 23460) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River, at Marrowbone, Ky., reported the same without amendment, accompanied by a report (No. 667), which said bill and report were referred to the House Calendar.

Mr. SLAYDEN, from the Committee on the Library, to which was referred the bill of the House (H. R. 24026) to incorporate the Naval History Society, reported the same without amendment, accompanied by a report (No. 668), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LA FOLLETTE: A bill (H. R. 24222) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Order of Owls; to the Committee on the Public Lands.

By Mr. BARTHOLDT: A bill (H. R. 24223) to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and, as a means to that end, to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage, and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies; to the Committee on Rivers and Harbors.

By Mr. TOWNSEND: A bill (H. R. 24224) to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909; to the Committee on Patents.

By Mr. GREGG of Texas: A bill (H. R. 24225) to amend an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899; to the Committee on Naval Affairs.

By Mr. TOWNER: A bill (H. R. 24226) to amend section 675 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. PETERS: A bill (H. R. 24227) to amend section 11 of an act entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public-building acts, and for other purposes," approved March 4, 1909; to the Committee on Public Buildings and Grounds.

By Mr. HAYES: A bill (H. R. 24228) to provide for the purchase of a site and the erection thereon of a public building at San Luis Obispo, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. BARTLETT: Resolution (H. Res. 529) to make special order to consider H. R. 23189; to the Committee on Rules.

By Mr. SMITH of Texas: Resolution (H. Res. 530) authorizing the Committee on Irrigation of Arid Lands or any subcommittee thereof to sit during the sessions of the House and during the recess of Congress, etc.; to the Committee on Rules.

By Mr. HELM: Concurrent resolution (H. Con. Res. 51) instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co.; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 24229) granting an increase of pension to Ezra H. Root; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 24230) for the relief of heirs of Dr. Hervey Baker, deceased; to the Committee on War Claims.

By Mr. BARCHFELD: A bill (H. R. 24231) granting an increase of pension to John H. Boring; to the Committee on Invalid Pensions.

By Mr. BUCHANAN: A bill (H. R. 24232) granting an increase of pension to Henry Sikes; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 24233) granting a pension to Fannie M. Huggins; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 24234) granting an increase of pension to Lucy A. Kephart; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 24235) for the relief of John A. Wanless; to the Committee on Military Affairs.

By Mr. FOSTER: A bill (H. R. 24236) granting an increase of pension to Daniel Ward; to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 24237) granting a pension to Mary E. Gage; to the Committee on Invalid Pensions.

By Mr. GRAY: A bill (H. R. 24238) granting a pension to William S. Yates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24239) granting an increase of pension to Joseph J. Caldwell; to the Committee on Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 24240) granting a pension to Dora Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24241) granting an increase of pension to Nathan C. Kelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24242) granting an increase of pension to Charles M. Dolman; to the Committee on Invalid Pensions.

By Mr. HARRIS: A bill (H. R. 24243) granting an increase of pension to William H. S. Becker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24244) granting an increase of pension to Henry Tolman; to the Committee on Invalid Pensions.

By Mr. LENROOT: A bill (H. R. 24245) granting a pension to Mary F. Ferguson; to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 24246) granting an increase of pension to Levi Shaw; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 24247) granting an increase of pension to William J. Arthur; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24248) granting an increase of pension to Samuel Rowsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24249) for the relief of the legal representatives of J. W. West, deceased; to the Committee on War Claims.

By Mr. PATTON of Pennsylvania: A bill (H. R. 24250) granting an increase of pension to George W. Livingood; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 24251) granting an increase of pension to Lucy J. Parres; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24252) granting an increase of pension to Martin Adam; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 24253) for the relief of estate of L. B. Moore, deceased; to the Committee on War Claims.

By Mr. STEPHENS of California: A bill (H. R. 24254) granting an increase of pension to Albert McMaster; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 24255) granting an increase of pension to Andrew Minkler; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 24256) for the relief of John Dwyer; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 24257) granting a pension to William J. Abrams; to the Committee on Pensions.

By Mr. TILSON: A bill (H. R. 24258) authorizing the reenlistment of Ralph C. Wetherbee; to the Committee on Naval Affairs.

By Mr. TOWNER: A bill (H. R. 24259) granting an increase of pension to Isaac O. Roby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24260) granting an increase of pension to Calvin Barker; to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 24261) for the relief of John E. Prudhomme; to the Committee on War Claims.

By Mr. WHITE: A bill (H. R. 24262) for the relief of Theodore D. McCaddon; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of Cigar Makers Union, Local 176, Newark, Ohio, favoring passage of House bill 17253, relating to use of smokers by cigar makers; to the Committee on Ways and Means.

Also, petition of Frank Linskey and 10 other citizens of Newark, Ohio, against passage of any interstate liquor laws; to the Committee on the Judiciary.

By Mr. AYRES: Petition of Allied Committees Political Refugees League of America, protesting against the passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. BOWMAN: Petition of Central Federated Union, New York, N. Y., favoring the passage of the Hughes eight-hour bill (H. R. 9061); to the Committee on Labor.

Also, petition of Group 145 of the Polish National Alliance of the United States of America, of Nanticoke, Pa., protesting against the passage of the Burnett bill; to the Committee on Immigration and Naturalization.

Also, petition of Pennsylvania Retail Jewelers' Association, opposing changing the present patent law; to the Committee on Patents.

By Mr. BUTLER: Petition of Independent Order B'rith Sholom, West Chester Lodge No. 125, West Chester, Pa., against passage of Senate bill 3175 and House bill 22527, for literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. CARY: Resolutions of Local No. 71, United Garment Workers, Milwaukee, Wis., favoring passage of House bill 20423, legalizing the registration of union labels; to the Committee on the Judiciary.

Also, petition of Central Federated Union of New York City, N. Y., favoring passage of House bill 22339, the Hughes eight-hour bill; to the Committee on the Judiciary.

By Mr. CALDER: Petition of Robert T. Brinkley, United Spanish War Veterans, Camp No. 18, Brooklyn, N. Y., favoring passage of House bill 17470, known as the Crago bill, to pension widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, petition of the Yarn Agency and the American Thread Co., of New York City, N. Y., favoring passage of House bill 309, for appropriation for Mississippi levees; to the Committee on Rivers and Harbors.

Also, petition of Joseph M. Dodd Co., of Brooklyn, N. Y., against passage of House bills 11380 and 11381; and Kaufmann & Strauss Co., of New York City, N. Y., against passage of Webb interstate liquor bill; and Order of Railway Conductors, Division No. 54, of New York City, N. Y., favoring passage of House bill 20487, a Federal accident compensation bill; to the Committee on the Judiciary.

By Mr. CARTER: Petition of citizens of Sulphur, Okla., urging acceptance of State legislature memorial and requesting Congress to make necessary appropriation for Plate National Park; to the Committee on Appropriations.

By Mr. CONRY: Petition of 101 citizens of the United States, passengers on steamship *Blucher*, favoring removal of prohibition upon the American registration of foreign-built ships for foreign trade; to the Committee on the Merchant Marine and Fisheries.

By Mr. DANFORTH: Petition of J. L. Luitz & Co., of Rochester, N. Y., favoring the enactment of House bill 22766, the anticoupon tobacco bill; to the Committee on Ways and Means.

Also, petition of citizens of Rochester, N. Y., favoring the passage of House bill 22339, to regulate the method of directing the work of the Government employees; to the Committee on Labor.

Also, petition of Alfred Dreyfus Lodge, No. 201, Independent Order B'rith Abraham, of Rochester, N. Y., protesting against the enactment of House bill 22527; to the Committee of Immigration and Naturalization.

By Mr. MICHAEL E. DRISCOLL: Petition of United States Grand Lodge, Order B'rith Abraham; Syracuse City Lodge, No. 26; and the Beth Israel Congregation, all of Syracuse, N. Y., against passage of the Burnett bill (H. R. 22527); to the Committee on Immigration and Naturalization.

Also, petition of allied committees of the Political Refugees' League of America, protesting against passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of Missouri Waterway Commission, St. Louis Mo., relative to an amendment for the river and harbor bill concerning the Missouri River; to the Committee on Rivers and Harbors.

By Mr. ESCH: Resolution of Allied Committees Political Refugees' League and Anti-Root Immigration Amendment Conference, against passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

Also, petition of manufacturers of the city of Eau Claire, Wis., against passage of the anti-injunction bill; to the Committee on the Judiciary.

By Mr. FITZGERALD: Petition of the Workmen's Circle of New York City, against passage of Senate bill 3175, the literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Allied Board of Trade and Taxpayers' Association, relative to sufficient lifeboats, etc., for ocean steamers; to the Committee on the Merchant Marine and Fisheries.

Also, petition of North Side Board of Trade, New York, and New York Board of Trade and Transportation, both relative to improvement of the Harlem River; to the Committee on Appropriations.

Also, petition of the Marine Firemen, Oilers, and Watertenders' Union of New York, favoring passage of Senate bill 2117, entitled "An act to promote the efficiency of Public Health and Marine-Hospital Service"; to the Committee on Interstate and Foreign Commerce.

Also, petition of Chamber of Commerce of San Diego County, protesting against House bills 11372 and 20576, prohibiting the towing of log rafts or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of State Federation of Pennsylvania Women and the Civic Club of Shippensburg, Pa., both favoring an appropriation of $105,000 for the pier at Philadelphia Emigrant Station, Gloucester City; to the Committee on Appropriations.

Also, petitions of Jewish Community of New York City and Polish National Alliance of Brooklyn, N. Y., both protesting against the literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Refugees Allied Committee of the Political League of America, in opposition to the passage of the Dillingham bill (S. 3175) to amend the immigration laws; to the Committee on Immigration and Naturalization.

Also, petition of Central Federated Union of Greater New York, favoring the passage of the Hughes eight-hour bill (H. R. 9061) to regulate the method of directing the work of Government employees; to the Committee on Labor.

Also, petition of Chicago Baptist Social Union, of Chicago, Ill., favoring the passage of the Kenyon-Sheppard interstate liquor bills; to the Committee on the Judiciary.

Also, petition of Emerson-Brantingham Co., of Rockford, Ill., protesting against the proposed abolishment of the Commerce Court and the Bureaus of Manufactures and Statistics; to the Committee on Appropriations.

By Mr. FULLER: Petition of Rockford Manufacturers & Shippers' Association, of Rockford, Ill., protesting against passage of proposed legislation to amend the patent laws; to the Committee on Patents.

By Mr. GOLDFOGLE: Petition of Rochester Chamber of Commerce, Rochester, N. Y., favoring passage of 1-cent letter postage law; to the Committee on the Post Office and Post Roads.

Also, petitions of the Laidlaw-Dunn-Gordon Co., of Cincinnati, Ohio, against amendment to prohibit the use of the Panama Canal to any steamship company in which any railroad has an interest; and Mebuis & Drescher Co., of Sacramento, Cal., favoring passage of Senate bill 4727 and House bill 4667, as one which would not be unjust to manufacturers; and Newport Humane Research Club, of Newport, R. I., favoring passage of House bill 17222 against shipment of unweaned calves; and New York Board of Trade and Transportation, favoring increased pay for officers of the Public Health and Marine-Hospital Service of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of Nassau Operating Co., Long Beach, Long Island, N. Y., favoring extension of Life-Saving Service by continuing it all the year round instead of abandoning it during the summer months; to the Committee on the Merchant Marine and Fisheries.

By Mr. HANNA: Petition of H. A. Dorothy, Colyell, N. Dak., favoring reduction in the duty on raw and refined sugar; to the Committee on Ways and Means.

Also, petition of Rolin C. Cooper, Cooperstown, N. Dak., against passage of the Lever antifuture trading bill; to the Committee on Agriculture.

Also, petition of citizens of Wyndmere, county of Richland, N. Dak., against passage of parcel-post bill; and of Wimbledon, county of Barnes, N. Dak., favoring passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. HENRY of Connecticut: Petition of Order of B'rith Abraham, Hartford, Conn., protesting against the passage of House bill 22527, and citizens of Hartford Conn., protesting against passage of Root amendment to immigration bill; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Petition of allied committees, Political Refugees' League of America, protesting against passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petition of Elmira Townsend Auxiliary, No. 3, United Spanish War Veterans, of San Francisco, Cal., favoring passage of House bill 17470, to pension widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, petition of Sanborn-Vail & Co., of San Francisco, Cal., against clause in the new patent law which provides that the manufacturer of a patented article may not maintain a retail selling price on his article; to the Committee on Patents.

Also, petition of Council of Jewish Women, San Francisco, Cal., favoring the passage of appropriate laws to prevent sea disasters; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Local 68, International Association of Machinists, San Francisco, Cal., favoring the passage of House bill 22339; to the Committee on the Judiciary.

Also, petition of C. N. Beal, San Francisco, Cal., favoring passage of House bill 22589; to the Committee on Foreign Affairs.

By Mr. LINDBERGH: Resolution of G. B. Adams Post, No. 157, Grand Army of the Republic, Sixth Congressional District, State of Minnesota, favoring House bill 14070, for pension for widows and minor children of Spanish War veterans; to the Committee on Pensions.

By Mr. LINDSAY: Petition of allied committees Political Refugees' League of America, protesting against the passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. MARTIN of South Dakota: Petition of citizens of the United States, passengers on the steamship *Blucher*, numbering 101, asking removal of the prohibition upon the American registration of foreign-built ships for foreign trade; to the Committee the Merchant Marine and Fisheries.

By Mr. McKINNEY: Petition of John A. Nelson Progressive Railway Lodge, No. 695, Junior Order of American Mechanics, Rock Island, Ill., favoring legislation to prohibit the use of a stop watch in timing the movements of a Government employee; to the Committee on the Judiciary.

By Mr. MOTT: Petition of Rochester (N. Y.) Chamber of Commerce, favoring the passage of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Political Refugees' League of New York City, protesting against the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

Also, petition of Morrisville Grange, No. 1149, Morrisville, N. Y., protesting against the Lever oleomargarine bill; to the Committee on Agriculture.

By Mr. O'SHAUNESSY: Petition of Independent Order B'rith Abraham, Providence, R. I., and United States Grand Lodge Order B'rith Abraham, Providence, R. I., both opposing the passage of the Burnett bill (H. R. 22527); to the Committee on Immigration and Naturalization.

By Mr. REDFIELD: Petition of Central Federated Union, New York, N. Y., favoring passage of the Hughes eight-hour bill (H. R. 9061); to the Committee on Labor.

Also, petition of Allied Committees Political Refugees' League of America, in opposition to the passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

Also, petition of South Side Board of Trade, New York, favoring suspension of tariff on potatoes; to the Committee on Ways and Means.

Also, petition of Citizens' Association of Ray Ridge and Fort Hamilton, relative to improvement of the Harlem River; to the Committee on Appropriations.

By Mr. SIMS: Petition of Presbyterian Sunday School, Selmer, Tenn., favoring adoption of House joint resolution 163; to the Committee on the Judiciary.

Also, petition of the Christian Bible School, Selmer, Tenn.; the Baptist Sunday School, Selmer, Tenn., and the Methodist Sunday School, Selmer, Tenn., all praying for the adoption of House joint resolution 163; to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of citizens of San Antonio, Tex., against passage of the Owen bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of New York: Resolution of Allied Committees Political Refugees' League and Anti-Root Amendment Conference, against passage of Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of California: Petition of William Thurn, of Pasadena, Cal., indorsing resolutions of New York State mayors conference in New York City, relative to size of passenger vessels and sufficient lifeboats, etc.; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of United States relative to the removal of the prohibition of American registration of foreign-built ships for foreign trade; to the Committee on the Merchant Marine and Fisheries.

By Mr. WILSON of New York: Petition of citizens of Brooklyn, N. Y., favoring passage of House bill 22339 and Senate bill 6172, against stop watch in Government shops; to the Committee on the Judiciary.

Also, petition of Royal Neighbors of America, Kansas City, Kans., and the Homesteaders, Des Moines, Iowa, both favoring passage of the Dodds amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of South Side Board of Trade of New York City, N. Y., favoring passage of law to suspend for six months the import duty now upon foreign-grown potatoes; to the Committee on Ways and Means.

Also, petition of Kaufmann & Strauss Co., of New York City, N. Y., against passage of the Webb bill, an interstate liquor law; to the Committee on the Judiciary.

Also, petition of Allied Committee of the Political Refugee Defense League of America and Independent Order of B'rith Abraham, Eastern New York Lodge, No. 184, New York City, N. Y., against passage of literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of 101 citizens of the United States, passengers on the steamship *Blucher*, favoring removal of prohibition upon the American registration of foreign-built ships for foreign trade; to the Committee on the Merchant Marine and Fisheries.

By Mr. WOOD of New Jersey: Petition of the Hunterdon County Woman's Christian Temperance Union, urging the speedy passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, papers to accompany House bill 24221, granting an increase of pension to William Long; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *May 8, 1912.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

OMAHA INDIAN RESERVATION, NEBR.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5060) to provide for the disposal of the unallotted land on the Omaha Indian Reservation, in the State of Nebraska, which were, on page 1, line 5, to strike out "in manner hereinafter set forth" and insert "in such manner as he may direct"; on page 1, line 5, after "each," to insert "or as nearly as to the Secretary may seem practicable"; on page 3, beginning in line 4, after "act," to strike out "but no bid shall be received therefor except from members of the tribe"; on page 3, line 7, after "use," to insert "*Provided further*, That the lands allotted, those retained or reserved, and the surplus lands sold, set aside for town-site purposes, or otherwise disposed of, shall be subject for a period of 25 years to all of the laws of the United States prohibiting the introduction of intoxicants into the Indian country"; on page 3, to strike out lines 8 to 19, inclusive; on page 3, line 20, to strike out "4" and insert "3"; on page 4, line 23, to strike out "5" and insert "4"; and on page 5, to strike out lines 4 and 5.

Mr BROWN. I move that the Senate concur in the House amendments.

Mr. HEYBURN. I ask for information what bill is this.

Mr. BROWN. It is a bill which authorizes the sale of certain unallotted lands on the Omaha Indian Reservation.

Mr. HEYBURN. In your State?

Mr. BROWN. Yes; in Nebraska.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Nebraska that the Senate concur in the amendments of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 312) making appropriations for the relief of sufferers from floods in the Mississippi and Ohio Valleys.

The message also announced that the House had passed a bill (H. R. 5602) authorizing the Leo N. Levi Memorial Hospital Association to occupy and construct buildings for the use of the corporation on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark., in which it requested the concurrence of the Senate.

The message further returned to the Senate, in compliance with its request, the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes.

The message also transmitted to the Senate resolutions of the House on the life, character, and public services of the Hon. HENRY C. LOUDENSLAGER, late a Representative from the State of New Jersey.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 275. An act to make the special examiner of drugs, medicines, and chemicals an assistant appraiser at the port of Boston;

S. 1524. An act to authorize the construction and maintenance of a dam across the Kansas River, in western Shawnee County, or in Wabaunsee County, in the State of Kansas;

S. 3160. An act to establish Holeb, Me., a subport of entry in the customs collection district of Bangor, Me., and for other purposes;

S. 4245. An act to increase the limit of cost of the additions to the public building at Salt Lake City, Utah;

S. J. Res. 90. Joint resolution to authorize Capt. John Q. Gulick, United States Army, to accept a position under the Government of the Republic of Chile; and

H. J. Res. 312. Joint resolution making appropriations for the relief of sufferers from floods in the Mississippi and Ohio Valleys.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint resolution adopted by the Legislature of Arizona, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Joint resolution (S. J. Res. 2) requesting that the Sixty-second Congress of the United States submit to the several States an amendment to the Constitution of the United States providing for the election of United States Senators by a direct vote of the people.

Whereas Article V of the Constitution of the United States provides that whenever two-thirds of both Houses of Congress shall deem it necessary Congress shall propose amendments to the Constitution, or, on application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments; and

Whereas the legislatures of 29 States have applied to the Congress of the United States for the submission to the States of an amendment to the Constitution of the United States providing for the election of United States Senators by a direct vote of the people: Therefore be it

Resolved by the Senate and the House of Representatives of the Legislature of the State of Arizona, That the Sixty-second Congress of the United States is requested, and by this resolution application is made, by the Legislature of the State of Arizona to the Congress of the United States in its Sixty-second session to submit to the several States an amendment to the Constitution of the United States providing for the election of United States Senators by a direct vote of the people; and

Resolved further, That a copy of this resolution be certified by the chief clerk of the house and the secretary of the senate to the Speaker of the House and the President of the Senate of the Congress of the United States.

M. G. CUNNIFF,
President of the Senate.
SAM B. BRADNER,
Speaker of the House of Representatives.

We, B. F. Thum, chief clerk of the House of Representatives, and J. M. McCollum, secretary of the Senate of the Legislature of the State of Arizona, now in session, do hereby, severally, certify that the above and foregoing is a full, true, and correct copy of senate joint resolution No. 2, and of the whole thereof, as adopted by the Legislature of said State of Arizona.

Witness our hands this 2d day of May, 1912.

B. F. THUM,
Chief Clerk House of Representatives.
J. M. MCCOLLUM,
Secretary of the Senate.

Mr. LODGE. Mr. President, I present a protest from certain citizens of my State against the immigration bill recently passed. I wish to call attention to one statement:

The Dillingham bill, in addition to a literacy test, provides in section 18 thereof that all immigrants be required to carry with them a certificate of identity.

I merely desire to say that that is not the case. No such requirement is made by the proposed law. Section 18 requires for statistical purposes that certain statements be taken from the immigrant. He is furnished with a duplicate of that in case he wishes to leave the country and return. There is no requirement of a certificate of identification in it.

As the protest is printed, I thought this error might be repeated in other protests, and I wished therefore to call attention to it.

The VICE PRESIDENT. The memorial will lie on the table.

Mr. GALLINGER presented the petition of George C. Evan, of Jefferson, N. H., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Berlin, N. H., praying for the enactment of legislation to provide for the protection of passengers on ocean vessels, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. JONES. Mr. President, yesterday I presented certain telegrams and letters in favor of the Owen medical bill. I asked that certain of those telegrams be printed in the RECORD. There was evidently a misunderstanding about it, and they were not printed in the RECORD. So I will ask that the telegrams be procured which were signed by Mrs. O. G. Ellis, chairman food sanitation committee, Washington State Federated Clubs of Olympia; E. F. Chase, secretary Yakima County Medical Society, of North Yakima; R. W. Perry, president King County Medical Society, of Seattle; and W. W. Mackenzie, president Spokane County Medical Society, of Spokane, and that they be printed in to-morrow's RECORD.

The VICE PRESIDENT. Without objection, that will be done.

The telegrams referred to are as follows:

OLYMPIA, WASH., *May 2, 1912.*

Senator WESLEY L. JONES, *Washington, D. C.:*

Surprised to hear of your opposition to the Owen bill for Federal health department. Washington State Federation of Women's Clubs, after discussion and clear understanding, indorsed the measure without dissenting vote. We are 5,000 women in this State.

Mrs. O. G. ELLIS,
Chairman Food Sanitation Committee,
Washington State Federated Clubs.

NORTH YAKIMA, WASH., *February 15, 1912.*

Hon. WESLEY L. JONES,
United States Senator, Washington, D. C.:

The Yakima Medical Society to a man indorse Senator Owen's bill to establish a department of health. Letter will follow.

Respectfully, by order of Yakima County Medical Society,
E. F. CHASE, *Secretary.*
THOMAS TETREAU, *Health Officer.*

SEATTLE, WASH., *April 30, 1912.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.:

Beg to remind you of letter of December 28, 1911, from King County Medical Society, representing 330 physicians practicing nonsectarian medicine, requesting your support of Owen bill. Your telegrams read in Senate recently do not express the sentiment of this community.

R. W. PERRY, *President.*
J. C. MOORE, *Vice President.*
J. B. MANNING, *Secretary.*
P. V. VONPHUL,
R. J. O'SHEA,
H. E. ALLEN,
Trustees King County Medical Society.

SPOKANE, WASH., *May 2, 1912.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.:

The Spokane County Medical Society, membership 140, heartily indorse the Owen bill and urge you to use every honorable means in support of same.

W. W. MACKENZIE, *President.*

Mr. TOWNSEND. I present a telegram, in the nature of a petition, from R. C. Jamison, secretary of the Wayne County Medical Society, of Michigan, in favor of the Owen medical bill. I ask that the telegram lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

DETROIT, MICH., *May 7, 1912.*

Hon. CHARLES TOWNSEND,
United States Senator, Washington, D. C.:

The Wayne County Medical Society, consisting of 600 members, is overwhelmingly in favor of the passage of the Owen bill.

R. C. JAMISON, *Secretary.*

Mr. GARDNER presented petitions of Local Granges of Gouldsboro, Seboeis, East Corinth, Bucksport, Wiscasset, North Lovell, East Summer, Warren, China, all of the Patrons of Husbandry; of Federal Labor Union, No. 11434, of Augusta; of Carpenters' Union No. 621, of Bangor; of the Local Assembly Knights of Labor, of Hallowell; of the Mule Spinners' Association, of Brunswick; and of sundry citizens of Mecca, Mapleton, and Lisbon Falls, all in the State of Maine, and of Local Grange, Patrons of Husbandry, of Cassadaga, N. Y., praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Board of Trade of Bath, Me., and a memorial of sundry New England cotton manufacturers, remonstrating against the adoption of the Covington amendment to the Panama Canal bill, which were referred to the Committee on Interoceanic Canals.

He also presented a petition of the committee of wholesale grocers of New York City, praying for a reduction of the duty on raw and refined sugars, which was referred to the Committee on Finance.

Mr. SANDERS presented a petition of sundry citizens of Lonsdale, Fountain City, and Knoxville, all in the State of Tennessee, praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Naval Affairs.

Mr. GRONNA. I have a number of telegrams from citizens of my State, remonstrating against the passage of the Bourne general parcel-post bill. They are all very brief, and I ask that they may be printed in the RECORD and lie on the table.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

HATTON, N. DAK., *May 7, 1912.*

Senator A. J. GRONNA, *Washington, D. C.:*

We are opposed to the Bourne general parcel-post bill, which we understand was just introduced in the Senate, and wish you would use your influence to defeat same.

OLSON, HEGG & Co.

TOLNA, N. DAK., *May 7, 1912.*

Senator GRONNA, *Washington, D. C.:*

We are very much opposed to BOURNE'S general parcel-post bill. Will be a great detriment to business in this State. We urge you to do all possible to oppose same bill. Answer.

NICK HALVORSON & Co.

PISEK, N. DAK., *May 7, 1912.*

Hon. A. J. GRONNA,
Senate, Washington, D. C.:

The passing of the Bourne parcel-post bill or any such measure I most emphatically protest. The pay roll of additional employees thereby created will form a deficit beyond comprehension, and so will be trans-

portation on the parcel. The whole public will have to bear this incomprehensible deficit, while the benefit will not be general. I implore your best ability to oppose the passage of this bill.

A. ARUMRICH.

—

BERTHOLD, N. DAK., *May 7, 1912.*

Senator A. J. GRONNA, *Washington, D. C.:*

I am very much opposed to the Bourne general parcel-post bill, and I hope you will do all you can to defeat it. Thanking you in advance,

Yours, truly,

E. E. MAUEL.

—

NORTHWOOD, N. DAK., *May 7, 1912.*

Senator GRONNA, *Washington, D. C.:*

As a retail dealer I most emphatically protest against the passage of the Bourne parcel-post bill, and against any parcel-post legislation until Congress has given the matter thorough investigation as to how it would affect our business conditions. I believe it would prove a great handicap to retailers.

OTTO SAUGSTAD.

—

MINOT, N. DAK., *May 7, 1912.*

Hon. A. J. GRONNA, *Washington, D. C.:*

We are convinced that the Bourne parcel-post bill will be a millstone attached to the retail dealers of this State. May we have your strong influence in defeating the bill?

JACOBSON & FUGELSO.

—

BOTTINEAU, N. DAK., *May 7, 1912.*

Hon. A. J. GRONNA, *Washington, D. C.*

DEAR SIR: Please use your best efforts to defeat the Bourne general parcel-post bill, as I consider it detrimental to the best interests of this State.

W. R. MCINTOSH.

—

FORBES, N. DAK., *May 7, 1912.*

United States Senator A. J. GRONNA,
Washington, D. C.:

We are very much opposed to the Bourne general parcel-post bill now before the United States Senate and ask that you use your influence to defeat this measure, as its passage would work hardship to the merchants throughout the smaller towns and villages in the several States.

HELLEKSON, SCHULSTAD & CO.

—

JAMESTOWN, N. DAK., *May 7, 1912.*

Hon. A. J. GRONNA.
Care United States Senate, Washington, D. C.:

I believe the Bourne general parcel-post bill would be very detrimental to the interest of the merchants in all country towns throughout the United States. I hope you will vote and work against it.

H. B. ALLEN.

—

WAHPETON, N. DAK., *May 7, 1912.*

Senator A. J. GRONNA, *Washington, D. C.:*

No doubt you realize the importance of the Bourne general parcel-post bill. We sincerely ask that you consider carefully the danger which would arise, should this bill be passed, and will use your influence in opposition to it. It will create an enormous deficit and horde of additional employees.

H. H. ONSTAD.

—

GRAND FORKS, N. DAK., *May 6, 1912.*

Hon. A. J. GRONNA, *Washington, D. C.:*

We urge your loyal support in defeating the Bourne general parcel-post bill, believing that it is not based on thorough investigation and would mean an enormous deficit in Post Office Department.

BARNES & NUSS CO.

Mr. GRONNA. I present another telegram, from the Medical Society of Cass County, N. Dak., asking that the Owen health bill be passed. I ask that it also be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

FARGO, N. DAK., *May 5, 1912.*

Hon. A. J. GRONNA,
United States Senator, Washington, D. C.:

The Medical Society of Cass County, N. Dak., wishes to go on record as heartily in favor of the Owen Senate bill and solicit your support of the same.

DR. P. RINDLAUB,
President Cass County Medical Society.

Mr. GRONNA presented a memorial of sundry citizens of Park River, N. Dak., remonstrating against the passage of the so-called Lever bill in so far as it restricts the free and open marketing of grain, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of members of the Twentieth Century Club of Devils Lake, N. Dak., praying for a reduction of the duty on sugar, which was referred to the Committee on Finance.

He also presented the petition of Gilbert Howell, president of the National Fraternal Press Association, praying for the enactment of legislation extending the privileges of second-class postage rates to the publications of fraternal societies and organizations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the James W. Houston Co., of Pittsburgh, Pa., praying for the enactment of legislation to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of members of the Commercial Club of Lewistown, Mont., praying for the enactment of legislation creating a national game preserve in eastern Montana, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of members of the National Association of Talking Machine Jobbers, remonstrating against the adoption of certain amendments to the patent laws, which was referred to the Committee on Patents.

He also presented a memorial of the Down-Town Taxpayers' Association, of Brooklyn, N. Y., remonstrating against the adoption of the proposed Gallinger amendments to the bill limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, which was ordered to lie on the table.

Mr. SMITH of Arizona. I present telegrams in support of the Owen medical bill. The telegrams are very short, and I ask that they lie on the table and be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

TUCSON, ARIZ., *May 7, 1912.*

Hon. MARCUS A. SMITH, *Washington, D. C.:*

I urgently request you to support Senate bill No. 1.

I. E. HUFFMAN, *Mayor of Tucson.*

—

PEARCE, ARIZ., *May 8, 1912.*

Hon. MARCUS A. SMITH,
United States Senate, Washington, D. C.

DEAR SIR: I wish to call your attention to the fact that the Owen bill, establishing a public health bureau, will work to the advantage of all the people and not as Senator WORKS and other opponents claim—that it favors any certain cult or ism of medical science. It will not in any way interfere with the various State laws regulating the practice of medicine, so all the arguments of its opponents fall flat.

I trust you may give the bill your hearty support. I am,

Yours, very truly,

JOSEPH PESTAL.

—

TUCSON, ARIZ., *May 5, 1912.*

Senator MARCUS A. SMITH,
United States Senate, Washington, D. C.:

We urgently request your hearty support of Senate bill No. 1.

H. W. Fenner, M. D.; A. W. Olcott, M. D.; W. V. Whitmore, M. D.; A. G. Schnabel, M. D.; H. H. Pilling, M. D.; Ira E. Huffman, M. D.; M. A. Rodgers, M. D.; H. E. Crepin, M. D.; G. R. Servin, M. D.; G. D. Troutman, M. D.; Meade Clyde, M. D.

—

TUCSON, ARIZ., *May 6, 1912.*

Hon. MARCUS A. SMITH,
Care Senate, Washington, D. C.:

I heartily favor the establishment of a department of public health as provided for in Senate bill No. 1, popularly known as the Owen bill, and therefore request your support thereof. I am convinced that public sentiment locally will approve such action.

FRANK H. HEREFORD.

—

TUCSON, ARIZ., *May 6, 1912.*

Hon. MARCUS A. SMITH, *Washington, D. C.:*

Please support Senate bill No. 1, popularly known as the Owen bill, for the establishment of a department of public health.

WM. MCDERMOTT.

Mr. SMITH of Arizona. I also present a number of telegrams, in the nature of memorials, remonstrating against the Owen medical bill. I ask that the telegrams lie on the table and be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

LOS ANGELES, CAL., *April 23, 1912.*

Hon. MARCUS A. SMITH,
United States Senate, Washington, D. C.:

Can you see your way clear to oppose the enactment into law of the proposed Owen public health service bill? This bill is but an entering wedge for medical legislation that would eventually rob the people of individual rights, and it should be defeated in infancy. A referendum vote would kill it.

For 30 years past your well-wisher. D. A. MACNEAL.

—

WILLCOX, ARIZ., *May 2, 1912.*

MARCUS A. SMITH,
United States Senate, Washington, D. C.:

We ask you to vote against the Owen bill.

Mrs. Wm. M. Riggs, Mrs. Jas. J. Riggs, Mrs. Wm. A. Stark, Mrs. Gus L. Moore, Mrs. Theo. Waughtel, Mrs. Ed. Riggs, Harvey Amalong, Mrs. B. G. Hines, Mrs. Kate Gardner, Miss Georgia Gardner, Mrs. Lucinda Soule.

—

BISBEE, ARIZ., *May 2, 1912.*

Hon. MARCUS SMITH,
United States Senate, Washington, D. C.:

Hope you see the injustice Owen bill restricting the rights of medical freedom. We should have our liberty to choose medically as well as religiously. This bill is an encroachment on the sacred rights of the people. Trust you will do all in your power to defeat this bill.

MRS. LEVINA DOHARTY.

PRESCOTT, ARIZ., *May 2, 3, 1912.*

Hon. MARCUS A. SMITH,
United States Senate Chamber, Washington, D. C.:

We believe the Owen bill to be pernicious and against the public interests, and we ask you to work and vote against its passage.

H. H. Bliss, W. W. Elliott, M. T. Tribby, E. A. Kaatner, Geo. Bentson, D. W. Russell, H. W. Heap, C. H. McLane, J. B. Rogers, M. E. Spaulding, John Lawler, T. J. Nolan, Anton Schneider, H. Brinkmeyer, Thos. J. Crowl, Ed. W. Wells, W. T. Hargrove, D. J. Sullivan, J. W. Hobbs, B. Tilton, A. J. Head.

—

WILLCOX, ARIZ., *May 2, 3, 1912.*

Senator MARCUS A. SMITH, *Washington, D. C.:*

We, the undersigned, free-born American citizens of the United States, emphatically protest against the passage of any such un-American measure as the Owen bill now before Congress, and feel that we should request our Senators to assist in killing this bill.

E. A. Ely, T. F. Merrill, S. N. Kemp, W. Kalt, Mrs. G. A. Ricaby, H. A. Morgan, Reulaux, Geo. A. Hanmore, W. I. Crawford.

—

TUCSON, ARIZ., *May 3, 1912.*

MARCUS A. SMITH,
United States Senate, Washington, D. C.:

Myself and family believe in Christian Science and are opposed to the provisions of the Owen bill, whereby we will be prohibited from practising the tenets of our belief. We think it is against the spirit of our institutions and earnestly ask your assistance in defeating it.

Mrs. S. H. DRACHMAN.

—

TUCSON, ARIZ., *May 3, 1912.*

MARCUS A. SMITH,
United States Senate, Washington, D. C.:

Believing that the Owen bill is inimical to Christian Science, in which my wife, daughter, and myself have faith, we earnestly request you to vote against it. We oppose the idea of a law compelling us to accept medical aid in which we do not believe.

H. E. HEIGHTON.

—

TUCSON, ARIZ., *May 3, 1912.*

Hon. MARCUS A. SMITH, *Washington, D. C.:*

Will highly appreciate your best efforts to protect Christian Science practice against Owen medical bill. It is un-American to legislate against our religious freedom, and it should be our privilege as individuals to seek relief from our ills by choosing either him who prescribes pills the size of horse beans or the one who issues them the size of pearl sago, dissolved in a gallon of water, or, as Christian Scientist, be permitted to seek relief through Him with whom all things are possible, in accordance with our religious belief.

GUST. A. HOFF AND FAMILY.

—

DOUGLAS, ARIZ., *May 1–2, 1912.*

Hon. MARCUS SMITH,
United States Senate, Washington, D. C.:

As adherents of Christian Science, we urge you to reconsider your determination to vote for the Owen bill, as the passage of this bill would not only deprive us of medical freedom, but of our religious liberty as well.

Mrs. W. T. WEBB.
Mrs. DAVID ROBSON.

—

DOUGLAS, ARIZ., *May 1–2, 1912.*

MARCUS A. SMITH,
Care United States Senate, Washington, D. C.:

As citizen of Arizona, urge you to look at Owen bill from a standpoint of justice. If passed, it means depriving me of my religious and medical freedom. It is not constitutional. It is nothing but a medical trust. Understand you are pledged to vote for it.

Mrs. H. A. STRODTHOFF.

—

BISBEE, ARIZ., *May 2, 1912.*

Hon. MARCUS A. SMITH,
United States Senate, Washington, D. C.:

Owen medical bill is dangerous for the reason that it is an opening wedge to the establishment of governmental medicine, which is equally as bad as governmental religion. I pray that you will please change your campaign promise and vote against the bill.

JOHN J. PATTON.

—

BISBEE, ARIZ., *May 2, 1912.*

Hon. MARCUS A. SMITH,
United States Senate, Washington, D. C.:

Please ignore your preelection pledge and vote against the Owen medical bill as it is an opening wedge for governmental medicine, which is as dangerous as governmental religion. In this land let us have "freedom ring."

MABEL BROSTROM.

—

BISBEE, ARIZ., *May 2, 1912.*

Hon. MARCUS A. SMITH,
United States Senate, Washington, D. C.:

The Owen medical bill is dangerous because it is the opening wedge to governmental medicine, which is as wrong as governmental religion. Please ignore your preelection pledge and vote against the bill.

J. G. PRITCHARD.

—

BISBEE, ARIZ., *May 2, 1912.*

Hon. MARCUS A. SMITH,
United States Senate, Washington, D. C.:

I understand you pledged yourself during the campaign to support the Owen medical bill. If this is so please reconsider before voting. The bill is dangerous because it is designed as an entering wedge to establish governmental medicine, which would be as unconstitutional as governmental religion.

BRUCE PERLEY.

Mr. CRANE presented a petition of Sergeant Fred Thomas Camp, No. 48, Department of Massachusetts, United Spanish War Veterans, of Haverhill, Mass., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. OLIVER. I present a petition from 101 citizens of the United States who were passengers on the steamship *Bluecher* in April last, praying for the removal of the prohibition upon the American registration of foreign-built ships for foreign trade. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. RAYNER presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Naval Affairs, to which was referred the bill (S. 5955) for the relief of certain retired officers of the Navy and Marine Corps, reported it without amendment and submitted a report (No. 710) thereon.

Mr. CLAPP, from the Committee on Naval Affairs, to which was referred the bill (S. 2795) to promote pharmacists to the grade of chief pharmacist in the Navy, reported it with amendments and submitted a report (No. 711) thereon.

He also, from the same committee, to which was referred the bill (S. 473) relating to Navy retirements, reported it with an amendment and submitted a report (No. 712) thereon.

Mr. BRYAN, from the Committee on Naval Affairs, to which was referred the bill (S. 5155) for the relief of James E. Walker, reported adversely thereon, and the bill was postponed indefinitely.

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (S. 5433) for the proper recognition of the services rendered by Herman Haupt during the Civil War, submitted an adverse report (No. 713) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. ROOT, from the Committee on Industrial Expositions, to which was referred the bill (S. 5113) granting a charter to the National Emancipation Commemorative Society of the United States of America, asked to be discharged from its further consideration and that it be referred to the Committee on the Judiciary, which was agreed to.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 6603) authorizing the Secretary of the Treasury to convey to the city of Wilmington, N. C., portion of the marine-hospital reservation not needed for marine-hospital purposes, asked to be discharged from its further consideration and that it be referred to the Committee on Public Buildings and Grounds, which was agreed to.

Mr. TILLMAN, from the Committee on Naval Affairs, to which was referred the bill (S. 2949) to establish a hydrographic station at Los Angeles, Cal., reported it without amendment and submitted a report (No. 714) thereon.

Mr. WETMORE, from the Committee on Naval Affairs, to which was referred the bill (S. 5214) to increase the number of paymasters and passed assistant and assistant paymasters in the United States Navy, reported it with an amendment and submitted a report (No. 715) thereon.

Mr. WARREN, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (S. 3947) to provide for a bridge across Snake River, in Jackson Hole, Wyo., reported it with amendments and submitted a report (No. 716) thereon.

EMERGENCY CROPS ON OVERFLOWED LANDS.

Mr. BURNHAM. From the Committee on Agriculture and Forestry I report back favorably with amendments the bill (S. 6658) to provide for emergency crops on overflowed lands in the south Mississippi Valley, and I submit a report (No. 707) thereon. I call the attention of the junior Senator from Louisiana [Mr. THORNTON] to the bill.

Mr. THORNTON. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for information.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, in line 5, before the word "thousand," to strike out "one hundred" and insert "fifty"; in line 6, before the word "Mississippi," to strike out "south"; in the same line, after the word "Valley," to strike out the words "by extending the farmers' cooperative demonstration work of the Bureau of Plant Industry, the purchase and distribution of suit-

able seed, and all other necessary expenses," and insert "to be expended by the Department of Agriculture"; in line 9, before the word "employment" to insert the word "temporary"; and in line 10, after the word "assistants," at the end of the bill and before the period, to insert a comma and the words "and for the payment of all other necessary expenses during the present emergency," so as to make the bill read:

Be it enacted, etc., That there shall be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000 to meet the crop emergency in the overflowed lands of the Mississippi Valley, to be expended by the Department of Agriculture for the temporary employment of local agents, experts, and assistants, and for the payment of all other necessary expenses during the present emergency.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for emergency crops on overflowed lands in the Mississippi Valley."

JOHN W. MORSE.

Mr. LODGE. From the Committee on Naval Affairs I report back favorably, with amendments, the bill (S. 2356) for the relief of John W. Morse, and I submit a report (No. 708) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for information.

The Secretary read the bill.

Mr. CULBERSON. Let the report be read.

Mr. LODGE. The report is very long, because it contains all the items. I can state it in a moment.

Nearly two years ago Senators may remember that a pay clerk named Lee robbed the safe of a paymaster on one of our ships in Cuba, I think at Guantanamo or Habana. The amount taken was over $50,000. A court of inquiry exonerated the paymaster and held that he had taken every possible precaution and the loss was in nowise due to him.

The bill was introduced more than a year ago. Since that time Lee has been arrested and $26,000 has been recovered, but $17,000 still stands on the books of the Treasury debited to the paymaster. Of course, he can not receive his pay unless that debit is changed on the books. It has always been done in similar cases. The bill is recommended by the department.

Mr. CULBERSON. Is the report unanimous?

Mr. LODGE. It is the unanimous report of the committee.

Mr. BRISTOW. I should like to inquire if these disbursing officers give any bond or security of any kind?

Mr. LODGE. The paymaster gives a bond.

Mr. BRISTOW. But does the clerk who handles the money?

Mr. LODGE. The clerk has the paymaster's responsibility.

Mr. BRISTOW. Did he take a bond from the clerk?

Mr. LODGE. I think not. He had no bond from the clerk at all. There is no possibility whatever of his recovering the money from the clerk.

Mr. BRISTOW. Are clerks of paymasters under bond in any way?

Mr. LODGE. Not to my knowledge. They do not handle the money. All the money is in the hands of the paymaster. This man broke the safe and took the money out of the safe during the absence of the paymaster. The court of inquiry investigated it very thoroughly and exonerated the paymaster entirely.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, in line 5, before the word "thousand," to strike out "forty-six" and insert "seventeen"; in line 6, before the word "hundred," to strike out "four" and insert "eight"; in the same line, before the word "dollars," to strike out "ninety-one" and insert "thirty-eight"; and in line 6, before the word "cents," to strike out "ninety-five" and insert "twenty-eight," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit in the accounts of Paymaster John W. Morse, United States Navy, the sum of $17,838.28, being the amount stolen from United States funds by Pay Clerk Edward V. Lee, United States Navy, and charged against the accounts of the said John W. Morse, paymaster, on the books of the Treasury Department.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. I ask that the report may be printed.

The VICE PRESIDENT. In the RECORD?

Mr. LODGE. I think it had better be printed as a report.

The VICE PRESIDENT. Not in the RECORD?

Mr. LODGE. Not in the RECORD, but as a report. It may be necessary for reference in the House.

The VICE PRESIDENT. The report will be printed under the rule.

RELIEF OF ENLISTED MEN OF U. S. S. "GEORGIA."

Mr. CLAPP. From the Committee on Naval Affairs I report back favorably without amendment the bill (S. 5362) to reimburse the enlisted men of the U. S. S. *Georgia* who suffered loss through the defalcation of Paymaster's Clerk Edward V. Lee (S. Rept. 709), and I ask for its present consideration.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the several enlisted men of the Navy and Marine Corps then attached to the U. S. S. Georgia the respective sums of money placed by said enlisted men on deposit for safe-keeping with the pay officer of said ship, as permitted by article 1331 of the Navy Regulations, which said sums were stolen on February 10 or 11, 1911, by one Edward V. Lee, clerk to said pay officer; and the sum of $4,300, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

Mr. BRISTOW. I should like to make an inquiry about the bill.

Mr. CLAPP. It involves the same case as the bill which was just passed. These seamen had a certain sum, amounting, in the aggregate, to a little over $4,000, in the safe which was broken into. The object of the bill is to reimburse them.

Mr. BRISTOW. Why should the Government repay them? It was their money.

Mr. CLAPP. I think it is a most meritorious bill. The Government encourages on the part of these sailors the habit of depositing their money, and in this particular instance the safe was burglarized. It is a small amount, comparatively. I think it would be very unfortunate if these sailors should lose it.

Mr. BRISTOW. It is unfortunate for any man to be robbed, but I do not think the Government ought to reimburse every man whose pocket happens to be picked or safe happens to be burglarized.

Mr. CLAPP. I do not think so either, but here is a class of men the Government is particularly anxious to encourage in the habit of keeping their savings and making their deposits on shipboard.

Mr. LODGE. There are regulations and provisions, I think, by the Government for taking care of the seamen's money.

Mr. CLAPP. Yes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WATSON:

A bill (S. 6741) authorizing the Secretary of War to donate to the city of Huntington, W. Va., carriage and cannon or field-pieces; to the Committee on Military Affairs.

By Mr. FALL:

A bill (S. 6742) to provide for the purchase of a site for the erection of a public building in Tucumcari, N. Mex.;

A bill (S. 6743) to provide for the purchase of a site for the erection of a public building at Deming, N. Mex.;

A bill (S. 6744) to provide for the purchase of an extension to the site and the erection of a Federal building in Las Vegas, N. Mex.; and

A bill (S. 6745) to provide for the erection of a Federal building in Las Cruces, N. Mex.; to the Committee on Public Buildings and Grounds.

By Mr. SANDERS:

A bill (S. 6746) for the relief of heirs of Dr. Hervey Baker, deceased (with accompanying paper); to the Committee on Claims.

By Mr. GARDNER:

A bill (S. 6747) granting a pension to Almacia G. Bartlett; to the Committee on Pensions.

By Mr. HEYBURN:

A bill (S. 6748) for the relief of the State Board of Regents of the University of Idaho; to the Committee on Appropriations.

A bill (S. 6749) granting a pension to Allen V. Webster (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:
A bill (S. 6750) granting an increase of pension to Arnold Bloom (with accompanying papers); to the Committee on Pensions.
By Mr. CATRON:
A bill (S. 6751) relative to the powers and duties of United States surveyors general; to the Committee on Public Lands.
By Mr. CUMMINS:
A bill (S. 6752) granting an increase of pension to George B. Turney (with accompanying paper); to the Committee on Pensions.
By Mr. DU PONT:
A bill (S. 6753) for the relief of the heirs of John W. Massey; to the Committee on Claims.
A bill (S. 6754) granting an increase of pension to George Elliott; to the Committee on Pensions.
By Mr. GUGGENHEIM:
A bill (S. 6755) granting an increase of pension to Jane Hubbard; to the Committee on Pensions.
By Mr. BRADLEY:
A bill (S. 6756) granting an increase of pension to John T. Craddock (with accompanying paper); to the Committee on Pensions.

AMENDMENT TO MILITARY ACADEMY APPROPRIATION BILL.

Mr. DU PONT submitted an amendment providing that hereafter graduates of the Military Academy shall receive mileage as authorized by law for officers of the Army, from West Point, N. Y., to the station which they first join for duty, etc., intended to be proposed by him to the Military Academy appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

THE METAL SCHEDULE.

Mr. WATSON submitted an amendment intended to be proposed by him to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," which was ordered to lie on the table and be printed.

DRY-LAND HOMESTEADS.

Mr. HEYBURN submitted the following resolution (S. Res. 306), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and is hereby, directed to furnish the Senate with full information as to the number of homestead entries and the additions to existing homesteads made in each State and in the aggregate under the enlarged homestead acts approved February 19, 1909, and June 17, 1910.

RECALL OF JUDGES (S. DOC. NO. 649).

Mr. LODGE. I present a brief argument in opposition to the recall of judges, by Rome G. Brown, of Minneapolis, Minn., presented before the Minnesota State Bar Association at its annual meeting at Duluth, Minn., July 19, 1911. I ask that the argument be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

INITIATIVE AND REFERENDUM (S. DOC. NO. 651).

Mr. OWEN. I present a memorial by C. F. Taylor, editor of the Equity Series, on the initiative and referendum and the fundamental error in the reasoning set forth in the argument found in certain Senate documents. I ask that the memorial be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATE AMENDMENTS TO ARBITRATION TREATIES (S. DOC. NO. 654).

Mr. HITCHCOCK. I ask to have printed as a Senate document an article which appeared in the North American Review for the current month of May by the senior Senator from Georgia, Hon. AUGUSTUS O. BACON, on the subject of the Senate amendments to the arbitration treaties. I will submit the article later.

The VICE PRESIDENT. Without objection, the order will be entered as requested.

BILLS OF LADING (S. DOC. NO. 650).

Mr. CLAPP. I ask that the hearings before the Committee on Interstate Commerce, United States Senate, Sixty-second Congress, on the bill (S. 4713) relating to bills of lading in commerce with foreign nations and among the several States, and the bill (S. 957) relating to bills of lading, being parts 1, 2, and 3, be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

HOUSE BILL REFERRED.

H. R. 5602. An act authorizing the Leo N. Levi Memorial Hospital Association to occupy and construct buildings for the use of the corporation on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark., was read twice by its title and referred to the Committee on Public Lands.

BRIDGE ACROSS THE BIG SANDY RIVER.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6167) to authorize the Williamson & Pond Creek Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, Mingo County, W. Va., which were, on page 1, line 6, to strike out "railroad"; and on page 1, line 8, after "at," to insert "a point suitable to the interests of navigation."

Mr. NELSON. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

SENATOR FROM ILLINOIS.

Mr. BRISTOW. Mr. President, I should like to inquire of the chairman of the Committee on Privileges and Elections when we shall have a report on the Lorimer case?

Mr. DILLINGHAM. Mr. President, I hope by the end of this week the report will be completed. It is in a good state of progress. We have devoted a great deal of time to it in order to condense the information and get it in presentable form. I expect we shall be able to complete the report during the present week.

Mr. BRISTOW. I make the inquiry because it has been now three months to-day, if I remember rightly, since the hearings closed, or since the case was closed. Senators have had the abstract of evidence for many weeks. The session is approaching summer, and I do not think the Senate should adjourn without action on this case. It seems to me—a year practically has now passed since the case was referred to the committee—that we should have had a report sooner, and I had in mind a motion asking the committee to make a report not later than Monday next. I believe I will make that motion. I move that the Senate request the Committee on Privileges and Elections to file its report in the Lorimer case not later than Monday next.

The VICE PRESIDENT. The Senator from Kansas moves that the Committee on Privileges and Elections be requested to make the report in the Lorimer case on or before Monday next.

Mr. CULBERSON. We have been unable on this side of the Chamber to hear the Senator from Vermont [Mr. DILLINGHAM]. I should like to ask him to repeat substantially his statement, if he will do so.

Mr. DILLINGHAM. Mr. President, I have no apologies whatever to make for any delay there has been in filing the report in the Lorimer case. True it is, as the Senator from Kansas [Mr. BRISTOW] has said, that case was referred to our committee nearly a year ago. The committee has substantially devoted five months—of course, with interruptions—to the investigation. One hundred and two full working days were given to public hearings in that case and over 180 different witnesses were summoned and examined before the committee. In addition to that, a large volume of documentary evidence was received. That evidence was printed and it has been presented to the Senate in eight volumes, containing nearly 9,000 pages of testimony. After the hearings closed, time was given to counsel to file briefs in the case, first, with respect to the law, and, secondly, with respect to the facts. Those briefs were filed probably six weeks ago, more or less; I do not know. I did not attempt to take up the work of drawing a report until the briefs were filed. Then I was called away from the city twice, once on public business and once for the same reason that almost every Senator has left the Chamber and has left the city during the present session. Other members of the committee have been out of the city. It has been almost impossible to bring them together for a consideration of certain questions that needed to be considered. I have devoted more work to the affairs of the Senate this winter than I ever did in any previous winter in my experience here. I have worked evenings as well as days.

As I said when I began, I have no apologies to offer for any delay there has been in making the report. The report has been enormously expensive to the Government; it has been made upon newly discovered evidence, so called; it has required a great deal of time to go through these volumes, to harmonize the testimony of different witnesses, to eliminate that which seemed to be false, to reach the kernel of the truth, and try to present it to the Senate.

I do not relish the criticism that came from the Senator from Kansas; I do not accept it as rebuke. I read in the Chicago Tribune of the 30th of April that some movement of this kind was to be taken; I have been expecting it since that time. I

say now that the work of drawing the report is well advanced. The majority of the committee are holding meetings twice and three times a week, and last night were together until nearly midnight in connection with this work. If it has come to that in this Senate, that men who like to stand for character in a matter of this importance are to be criticized for delay, I must submit; but I want to say for the committee that has been back of me—if I do not say it for myself—that I have never heard a suggestion of delay. I do not think that the thought has ever entered the mind of any member of the committee that there has ever been any purpose to delay its report beyond a point where it was necessary to go in order to present an intelligent report to this body. The charge that there is an intention of throwing the matter over until next winter is false. The Senate can do what they please about this motion.

Mr. CULBERSON. Mr. President——

Mr. DILLINGHAM. I beg pardon of the Senator from Texas. I said in opening—and I forgot to repeat it in answer to his inquiry—that the report is so far advanced that I expected it would be completed during the present week.

Mr. CULBERSON. That is what I wanted to understand.

Mr. KENYON. Mr. President, the inquiry of the Senator from Kansas was not directed to the minority of the Committee on Privileges and Elections, as I understand; but I want to say on behalf of the minority that their report is ready. There are, however, no rules of the Senate, as I understand, by which a minority report can be filed.

Without any spirit of criticism of the record in this case, the dates would seem to indicate that a report ought soon to be filed. The investigation was ordered on June 7, 1911; hearings were commenced on June 20, 1911, and were closed on February 9, 1912; briefs on the law were to be filed by March 1; briefs on the facts by March 15; and the last brief was filed on March 17. It is, therefore, three months since the testimony closed and 52 days since the last brief was filed. It would seem that some time ought to be fixed for a report—not any immediate time, if more time is necessary—but simply that some time ought to be fixed.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I yield.

Mr. HEYBURN. I should like to ask the Senator from Iowa a question. Under what rule of this body does the document denominated a "minority report" come?

Mr. KENYON. I understand that it is merely a presentation of the views of the minority.

Mr. HEYBURN. It is not provided for by any rule of this body, nor is it recognized otherwise, and it should not be. The majority of a committee is the committee. I merely make that suggestion. I hope the time is close at hand when these documents called "minority reports" will pass out of existence.

Mr. KENYON. I do not think they will pass out in the Senator's time or mine.

Mr. HEYBURN. They may.

Mr. BRISTOW. Mr. President, the Senator from Vermont [Mr. DILLINGHAM] seemed to exhibit some warmth in replying to a suggestion that I had made. I do not care to criticize the Committee on Privileges and Elections, but I do feel that there should be action in this case. It has been pending for practically a year. The taking of evidence was closed three months since, and we are advised now that the minority of the committee, who hold different views from the majority, are ready to submit their views. So it seems to me that the Senate is entitled to have the views of the majority as well.

The action I took this morning was taken because I believed the report ought to be made; but upon the statement made by the Senator from Vermont that probably his report will be filed during the week, I will withdraw the motion and not press it at this time.

The VICE PRESIDENT. The Senator from Kansas withdraws his motion.

HOUR OF DAILY MEETING.

Mr. GALLINGER. Mr. President, I have a resolution which I desire to offer. I will simply suggest that, in my individual opinion, the time has come when the Senate ought to meet at 12 o'clock and diligently work with a view to final adjournment at some reasonable time during the year. I offer the resolution that I send to the desk.

The VICE PRESIDENT. The Secretary will read the resolution submitted by the Senator from New Hampshire.

The Secretary read as follows:

Resolved, That until otherwise ordered the hour of daily meeting of the Senate shall be 12 o'clock noon.

The resolution was considered by unanimous consent and agreed to.

RETRIAL OF MILITARY ACADEMY CADETS.

Mr. CURTIS. Mr. President, yesterday I objected to the consideration of Senate joint resolution 99 because it did not cover the case of a Kansas cadet, whose name I was informed would be included. Since that time I have carefully looked into the case, and while I find that the cadets included by the joint resolution were dismissed for committing the same offense as the cadet I had in mind, they were tried at a different time, and the bill would not assist the cadet living in the State of Kansas. I therefore withdraw my objection and hope the Senate will give unanimous consent to consider the joint resolution at this time.

The VICE PRESIDENT. The Senator from Kansas asks unanimous consent for the present consideration of a joint resolution, the title of which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which, on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them.

Mr. GALLINGER. Mr. President, before action is taken on the joint resolution I should like the Senator having it in charge to tell just what offense these young men committed. I recall the fact that, perhaps, two or three years ago we restored some young men, I think, to the Naval Academy, by act of Congress, and there was very severe criticism of that action; in fact, it was stated to me by some of the officers of that academy that it greatly demoralized the academy and was a great detriment to the service. I have not had time to look at the report in this case, if there is any, but I should like a brief statement made as to the real offense or offenses committed by these young men.

Mr. CURTIS. Mr. President, before the statement is made by the chairman of the committee, I desire to explain to the Senate why I asked unanimous consent for the present consideration of the joint resolution. The joint resolution was taken up yesterday, and would have passed but for the objection which I made. I made the objection because the joint resolution did not include a cadet who had been dismissed from the academy, and who lived in the State of Kansas, whom I had expected would be included in the provisions of the joint resolution. After looking up the case, I have found that it would do no good to include him in this joint resolution, because no relief could be given; and I thought it only proper, therefore, to ask unanimous consent for the present consideration of the joint resolution, inasmuch as it had gone over yesterday upon my objection.

Mr. DU PONT. Mr. President, the old regulations of the Military Academy, among other things, provided as follows:

> No cadet shall drink any spirituous or intoxicating liquor, or bring or cause the same to be brought within the cadet limits, or have the same in his room, tent, or otherwise in his possession, upon pain of being dismissed the service.

It will be observed that this is a very stringent regulation and that it goes very far. The new regulations which were approved by the Secretary of War on the 15th of June last, and as such have the force of law, provide as follows:

> Cadets who shall drink or be found under the influence of intoxicating liquor, or bring or cause the same to be brought within the cadet limits, or have the same in their rooms, tents, or otherwise in their possession, shall be dismissed the service or otherwise less severely punished.

The idea of the new regulations was to discriminate between a man who might have taken a glass of beer, for example, without affecting him in any respect, and a man who might have taken liquor to such an extent as to be disorderly or otherwise misconduct or disgrace himself.

As to the facts in connection with these four cadets, it appears that the Corps of Cadets was on a practice march; that is to say, they marched a number of miles into the country, went into camp, and the following day marched back to the academy. This was in the line of their military instruction. It appears that after having marched away from West Point and had gone into camp, several of the cadets walked about in the neighborhood.

The cases of three of those mentioned in the joint resolution are very fresh in my recollection. They stopped at a country store and asked for a soft drink of some kind, ginger ale or other nonalcoholic beverage, and that not being procurable, they drank a glass or two of blackberry wine. That was their offense. The fourth had a phial of some sort of intoxicating liquor in his coat pocket, which he had not tasted. It was a very small quantity, a quarter of a pint or something of that kind, and he had not himself tasted any of the liquor.

Now, in addition to that I will say to the Senator from New Hampshire these four cadets were not detected in their violations of the regulations. They were known to have been walk-

ing out beyond the limits of the camp, and they were asked the question whether they had seen any cadets drink or have intoxicating liquor in their possession. They declined to answer the question on the ground that it would incriminate them. Two who had been together, each seeing the other take a glass of wine, declined to answer the question on the ground that it would incriminate them, but being ordered by the superintendent, Gen. Barry, to answer the question, each then stated under protest that he had seen his companion take a glass of wine. On this evidence they were ordered before the court-martial and dismissed the service, on the ground that the court could not impose any other punishment under the regulation which I have read.

Mr. HEYBURN. Let me see the new regulation.

Mr. DU PONT. The law has been changed.

Mr. SMOOT. Will the Senator tell us the date when the law was changed?

Mr. DU PONT. I will with great pleasure. The old regulations were changed on the 15th of June last, and the new regulations were promulgated to the Corps of Cadets on the 1st of September. The cadets were tried before the promulgation of the new regulations.

Mr. GALLINGER. There is no question that these young men did violate the existing regulation?

Mr. DU PONT. There is no question as to that.

Mr. GALLINGER. I am in the habit of following committees; that is my usual custom; and inasmuch as these new regulations have been agreed to since that time and a less severe punishment may be inflicted upon violators of the law or the regulation, I am not going to insist upon any objection.

I will go only to this extent: I want the privilege of voting against the bill, because I believe it is bad legislation.

Mr. SMOOT addressed the Chair.

Mr. DU PONT. I yield to the Senator from Utah.

Mr. SMOOT. I notice the regulations were approved June 15 and were not shipped by the Public Printer to the Superintendent of the Military Academy at West Point until the 29th of August.

Mr. DU PONT. That is the case as I have stated it.

Mr. BACON. This is a discussion in which we are all interested, but of the conversation among the group of Senators who have lately been speaking we have not heard any part.

The VICE PRESIDENT. The Senate will be in order.

Mr. SMOOT. I wanted to know of the Senator whether it is to be the policy of the Military Committee to authorize a rehearing in cases of dismissal for offenses of this character.

The reason I ask the question is that some two years ago a widow's son from my State, a cadet at Annapolis, took a drink of liquor once and once only and was dismissed from the academy. Every effort was made to have the circumstance overlooked, and it was appealed to the President of the United States, but failure was the result, and if this is to be the policy that is to be adopted I think a case of that kind ought to be taken into consideration.

Mr. SWANSON. The distinction between that case and this is that the young men were tried in August. They had not then promulgated this order imposing a less penalty than dismissal. If the court-martial had known that, they would not have recommended dismissal. The question is whether they should not have been tried under the new rule.

Mr. LODGE. When was the offense committed?

Mr. DU PONT. I have charge of the bill, and I will answer the Senator from Massachusetts. The trial took place on the 16th day of August.

Mr. LODGE. I know that. What I want to get at is the date of the offense.

Mr. DU PONT. The date of the offense was about the 1st of August.

Mr. LODGE. The 1st of August?

Mr. DU PONT. Yes.

Mr. LODGE. At the time the new regulation had been approved and was in force.

Mr. SMOOT. But the cadets did not know that.

Mr. LODGE. It did not make any difference whether the cadets knew it or not.

Mr. DU PONT. It was actually the law, but it had not been promulgated, but when Gen. Barry convened the general court-martial he was aware of it, inasmuch as he had prepared the new regulations, and he knew that they had been approved by the Secretary of War, but he did not inform the president of the general court-martial to that effect, and allowed these men to act without knowledge of the change in law, and then approved the dismissal of the cadets.

Mr. LODGE. The court-martial, then, acted under the belief that they were required by the regulations to impose a sentence of dismissal?

Mr. DU PONT. It did.

Mr. LODGE. Whereas, as a matter of fact, if they had known that they had power to impose a less sentence, they would have done it.

Mr. DU PONT. A very large proportion of the court recommended them to clemency, and that the sentence be modified, as it was shown that the offense was not serious.

Mr. OVERMAN. What is the report of the commandant of West Point, Gen. Barry, on this matter?

Mr. DU PONT. Gen. Barry approved of their being dismissed, and said it was necessary to enforce the regulations of the academy in the interest of discipline.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Kansas?

Mr. DU PONT. Certainly.

Mr. BRISTOW. I desire to say, as a member of the Committee on Military Affairs, that I declined to join in the report in favor of this bill. I do not think it is policy to relinquish the discipline. The cadets knew they were violating the laws of the academy, and I do not think any relinquishment of discipline that would tend young Army officers from indulging in intoxicating liquors should be recognized by the American Congress. An Army officer should not be addicted to the habit of using intoxicants; his responsibilities are too great; and I do not want to cast my vote in behalf of this measure influenced by sympathy for the relatives of these young men; and I take this opportunity to express my views, and I shall vote against it.

Mr. DU PONT. Mr. President, I cordially concur with the Senator from Kansas [Mr. BRISTOW] in thinking that nothing should be done to put the stamp of approval by Congress of intemperance or of the undue use of intoxicating liquors, but the mere fact that a cadet has been shown to drink a glass of beer I do not think warrants his being dismissed from the academy and have the stigma of drunkenness put upon him and his family and his whole military career ruined by a small offense of this kind. In all such serious matters every enlightened code of justice discriminates between offenses of greater or less gravity.

Mr. BACON. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Georgia?

Mr. DU PONT. Certainly.

Mr. BACON. The Senator from Delaware will permit me to make a short statement.

Mr. President, I have an interest in this matter, because one of these young men comes from my State. I have been unable to hear the presentation which has been made by the Senator from Delaware, and therefore if I repeat anything he said I may be excused. I want to make a short statement of the case as I know it.

The offense of these two young men—and I want to ask the Senator from Kansas to hear what I am saying now—was a very minor offense. If they had been guilty of drinking liquor to excess, or even if they had been drinking any strong liquor, it would be a different case from what it is. The fact is on a walk these young men at a wayside inn took a little domestic wine—homemade wine—and after they had gotten that wine they were joined or came into contact in some way with some officers who had arrested some other young men who had been guilty of an infraction of the rules in regard to the same matter.

They were not intoxicated in the least, and there was no suspicion, even on the part of the officers, that they had taken a drink, and it was only the fact that they were interrogated about these others—I think it was anyhow some side issue—that they themselves inquired of as to whether or not they had taken a drink stated that they had. They were in the company of officers immediately after, and the officers never suspected it, and it was not anything like intoxication. There was no drinking of whisky or any distilled liquor. There was no drinking of wine of any strength. There was some little domestic wine gotten at the wayside house.

I state that fact to differentiate it from the case the Senator from Kansas has in his mind when he speaks of officers or cadets who have been guilty of violating the rules in regard to drinking intoxicating liquors. It is not of that class.

Now, the particular point I want to call attention to is this: Without repeating what I heard the Senator from Delaware state, these officers who sat upon the court were not informed of this fact of the change in the rule.

But I am not going into that because it has been fully stated, and I heard that much about it. But there is another fact, and I do not know whether it was stated by the Senator from Delaware, which is this: We, of course, have had this matter under consideration and have been in consultation with officers of the

department and with the President for some time, and it was finally determined that the department should communicate with the officers who sat upon the trial of the case to ascertain whether or not they would have acted otherwise than they did if they had known of this new regulation. I do not think I am violating confidence when I say that before that reference to these officers was made the statement was made to us that if the officers still said that if they had known the regulations they would have imposed the same sentence, that that would be the end of it. The department communicated with these officers, and the information which the War Department secured from these officers was to the effect that had that change of regulation been known their action would have been different.

It is upon that basis that this bill has been introduced, not with reference to what they have done, not to set aside what they have done, but to reconvene the same court, the same officers, and have them under the law as it then existed, but of which they were then in ignorance, but with their present knowledge of the law again pass upon the case.

It does not reverse what they have done. It does not set aside what they have done. It just puts it in their possession to again hear the case with full knowledge of the law. That is all. And if they after hearing it say that these young men shall not be returned that is the end of the matter. That is all there is to it.

Mr. ROOT. May I inquire whether there is any report accompanying the bill?

Mr. DU PONT. There has been no report made for the reason that it was believed that the joint resolution set forth the facts in sufficient detail.

Mr. BACON. I do not think it is improper to state that a conference was had between Senators representing the four States from which the cadets came, and the President of the United States and the Secretary of War.

The statement was made by Senators that unless it was a matter which would be in entire harmony with the views of the Secretary of War we would not press it. It was finally suggested that that course should be taken and that the matter should, by the Secretary of War, again be brought to the attention of the officers composing this court, and the result is such as I have stated.

I repeat, the joint resolution does not set aside the finding of that court. It does not commit it to another court. In view of the fact that the officers who composed that court were not then apprised of the new order, it simply provides that they shall again hear the case with a knowledge of the law as it exists, and with full right and power to determine what shall be done, as much so as if it had been the original trial.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from New York?

Mr. DU PONT. I will yield to the Senator from New York in one moment. I should like to say that I agree absolutely with the Senator from Georgia in his conclusion, but I think one statement he made was not quite accurate. The joint resolution provides that the court is to reconvene not to reconsider the case, but to reconsider the sentence and simply take the sentence into consideration, not to hear testimony again.

Mr. BACON. That is rather a distinction without a difference.

Mr. DU PONT. In my judgment there is a difference between that and the reopening the whole of the findings. The court-martial is only to reconsider the sentence.

Mr. BACON. I did not intend by what I said to indicate other than what the Senator now says.

Mr. DU PONT. That is what I supposed. I now yield to the Senator from New York.

Mr. ROOT. Mr. President, I am not so much concerned with the question of the sentence upon these particular individuals as I am for the discipline of the Military Academy. Nothing can be worse than for Congress to interfere with discipline in the Military and Naval Academies. I think if we are going to act here—and I am willing to vote for the joint resolution on the statements which have been made—we ought to have those statements in such form that it will remain of record and be a part of the precedent which is established, so that this may never be perverted to a precedent for an interference in the discipline of the academy. Without a record, without a report which gives the evidence that the court was misled by their ignorance of the law, this would stand upon our record as being merely an attempt on the part of Congress to bring about an amelioration of the action of the authorities charged with maintaining discipline. I am not willing to vote for any action which may seem to set such a precedent.

I can well remember being in conversation with a gentleman in charge of one of the institutions in Europe corresponding to West Point, and being told, "Ah, we can not maintain discipline as you can, because whenever a young man is involved in charges of infractions of discipline some powerful influence comes in to prevent his being dealt with as is necessary for the discipline of the institution." For more than a hundred years we have kept these institutions free from any interference, either of politics or of personal influence, and if we are to interfere now and provide for a new trial or the opportunity for a new sentence for these young men, let us have a record which makes it clear that we are not establishing a precedent of congressional interference with the action of the regularly constituted authorities of the academy.

Mr. BACON and Mr. SWANSON addressed the Chair.

The VICE PRESIDENT. The Senator from Delaware still holds the floor. Does the Senator from Delaware yield, and to whom?

Mr. DU PONT. I yield to the Senator from Georgia.

Mr. BACON. I do not wish to interfere with the Senator from Virginia if he desires to go on.

Mr. SWANSON. Oh, no.

Mr. BACON. Mr. President, I entirely agree with what is said by the Senator from New York as to the importance of doing nothing which will impair the efficiency of discipline at the Military Academy. If this were a bill to set aside the finding of the court, I myself would vote against it, because of the fact that I think it would be better that an injustice should be done to some one than that the utter discipline of the academy should be destroyed. I recognize the fact that if Congress by legislation interferes to the effect of setting aside the judgments of courts-martial as to matters concerning the cadets it would absolutely destroy discipline. But there is nothing here which looks in that direction at all.

The only suggestion I would make to the Senator from New York is somewhat twofold. One is that the debates we have had set out the facts, and the other is that if it is insisted upon I have no doubt the Senator from Delaware will file a report which will set out the facts. But I do not think that that should necessarily interfere with the present consideration of the joint resolution.

Mr. GALLINGER. If the Senator from Delaware will permit me, I suggest to him that he ask leave to file a report in this case. I think that important.

Mr. DU PONT. I was just about to make such a request on behalf of the Committee on Military Affairs, that it be permitted to file a supplemental report upon the joint resolution. Then the report will be on the files of the Senate.

I now yield to the Senator from Virginia.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. The Senator from Delaware has yielded to the Senator from Virginia.

Mr. HEYBURN. I do not know that the Senator from Delaware can parcel out the time in that way.

The VICE PRESIDENT. The Senator can not parcel out the time, but he still has the floor, and he can yield the floor to any Senator.

Mr. HEYBURN. I will yield to the Senator from Virginia. Having addressed the Chair first, it is for me to yield; it is not for the Senator from Delaware.

The VICE PRESIDENT. The Chair thinks the Senator from Delaware still has the floor, and he has yielded. No objection has been made to that course.

Mr. HEYBURN. I will wait until the Senator from Delaware yields the floor.

Mr. DU PONT. I yield to the Senator from Virginia, who has been waiting for some time to be heard.

Mr. SWANSON. I thank the Senator from Delaware.

It seems to me this case presents an absolute act of justice. Here were young men who committed an offense which at that time did not make them liable absolutely to expulsion. They were tried by a court-martial in August, when the court had a right to consider whether they should be expelled or not. It seems to me there is involved in this case an absolute act of justice that Congress ought willingly to concede to these young men. It is not impairing the discipline, it is enforcing the discipline and law prevailing at West Point. If the law at that time, as applied to West Point, was that the court-martial could either expel or reprimand for the offense, and if that fact was not considered by the court-martial, and they thought they were able to do nothing except to expel, discipline and law at West Point were not enforced. All that the joint resolution does is to give the court-martial an opportunity to administer the law and regulations that existed at West Point at the time the offenses were committed and at the time they were tried.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Kansas, who is now asking recognition?

Mr. BRISTOW. I should like to ask a question of the Senator from Virginia, by permission of the Senator from Delaware.

Mr. DU PONT. Very well; I yield for that purpose.

Mr. BRISTOW. I wish to ask the Senator from Virginia if these cadets did not know that they were violating the regulations of the academy when they committed the offense?

Mr. SWANSON. I will answer that I have no doubt they knew it, but whether it was known or unknown they are liable to the regulations fixed under the law for the government of the academy. The authorities at the academy tried them under a law and regulation which did not exist; that had been changed. It was changed on the 15th of June and they were tried in August. Congress is asked to provide that justice shall be administered to them according to the discipline and the rules and regulations that were existing at that time. That is all that is asked in the joint resolution. We are not reinstating the cadets. We are simply carrying out the rules and regulations and letting the court-martial consider the regulations that existed at the time of the trial.

Mr. BRISTOW. Why has there not been a request for a recommendation from the Secretary of War in regard to this measure, as is the usual custom?

Mr. DU PONT. This matter was taken up by the Senators from the four States. It so happened that the four cadets who were tried came from four separate States. The Senators from those States went to the President and sought an interview with him, as he was the person directly concerned, it being an Executive act. The Secretary of War had nothing to do with it. The interview with the President was largely verbal and the statements were verbal, after which the joint resolution was introduced, and I think I am violating no confidence in saying the President of the United States had informed us that he doubted whether substantial justice had been done, and that he would authorize the Secretary of War to communicate with the members of the court-martial and to ascertain whether at the time they imposed the sentence they knew or believed they had a right to impose a lesser penalty under the regulations. We were verbally informed, not as members of any Senate committee, but as independent Senators, that the members of the court-martial had informed the Secretary of War that they were ignorant of such fact, whereupon the President repeated the statement as to his doubts whether substantial justice had been done in the cases of these cadets, and informed us that the matter could only be remedied by Congress. Now we have come to Congress to this end, with the joint resolution which was prepared by the Judge Advocate of the Army, introduced in the Senate, and referred to the Committee on Military Affairs, who directed that it be reported back favorably.

Mr. SWANSON. It seems to me the Senator——

The VICE PRESIDENT. Does the Senator from Delaware further yield to the Senator from Virginia?

Mr. DU PONT. I yield to the Senator from Virginia.

Mr. SWANSON. The issue in this case is not whether the cadets drank whisky or did not drink whisky; the issue is whether you shall maintain discipline at West Point by trying a cadet under the rules and regulations or whether you shall try him by rules and regulations that were not existing at that time. They had been changed on the 15th of June and they were tried in August. I say, when it is evident that the rules and regulations were not enforced and that injustice was done through a mistake of facts, the only way it can be corrected is by reassembling the court-martial and let that court-martial consider the rules and regulations in existence at that time. That is all that is asked to be done.

Mr. ROOT, Mr. JONES, and others addressed the Chair.

The VICE PRESIDENT. Does the Senator from Delaware yield, and to whom? Several Senators are asking for recognition.

Mr. DU PONT. I yield to the Senator from New York.

Mr. ROOT. Mr. President, I wish to say that I stand precisely with the Senator from Virginia upon his proposition. I think we ought to have a record here by a report from the Military Committee which will show that we are making a precedent in accordance with the statement of the Senator from Virginia, instead of having it appear that we are making a precedent of interference with the discipline. If these young men were tried and sentenced by a court which understood that they were bound by the regulations to impose a sentence of dismissal when as a matter of fact the regulations had been changed so that they were not bound to impose that sentence——

Mr. DU PONT. Those are the facts.

Mr. ROOT. Then I think the young men ought to have a new trial on the ground of a mistake of law. But we should have some evidence in the proper and customary form showing that such a mistake was made.

Mr. DU PONT. I agree entirely with the Senator.

Mr. ROOT. If we do not have it we will be making a precedent of simple interference with discipline.

Mr. DU PONT. I will say to the Senator from New York that I agree with him, and I will undertake to file a supplementary report to accompany the joint resolution.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield the floor?

Mr. DU PONT. I yield to the Senator from Idaho.

Mr. HEYBURN. I will wait until I get the floor in my own right.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Kansas?

Mr. DU PONT. I do.

Mr. BRISTOW. I think that a report should be filed before the joint resolution is passed. It is a strange proceeding to pass a bill and then have a report come in. The report might be different from what we considered it would be at the time the bill was passed. Why can not the joint resolution go over and let the report be filed?

The VICE PRESIDENT. The question now pending is that the Senate will give unanimous consent for its present consideration.

Mr. HEYBURN. Mr. President, I think the question, if the Senator is to be understood as making a motion, was that he be permitted to make a report, and that rather than have it go over——

The VICE PRESIDENT. The Chair so understood, but prior to that permission had been asked for present consideration, and pending the putting of that question this discussion has been had.

Mr. HEYBURN. If I have the recognition of the Chair——

The VICE PRESIDENT. The Senator from Idaho now has the floor.

Mr. HEYBURN. I will make a statement which may be of some interest in regard to this class of cases. In 1906 a measure of this kind was introduced for the purpose of displacing the unfinished business in this body, which was then the pure food and drug act. When it became evident that that bill would succeed, two or three insignificant cases of reinstating cadets at Annapolis were brought forward with great gusto as being public measures of the highest importance, upon which the discipline of the Navy depended. I think every Senator who voted for it regretted it afterwards, and, as was suggested by some Senator here this morning, I think, perhaps, the Senator from Kansas, every Senator recognized that they had been led into making a mistake in order to accomplish a piece of diplomatic legislation. The Senator who led in that is not now a Member of this body, but I remember it well.

Now, we are asked here to review the action of the President of the United States, because it is the President's approval of the action of this board that constitutes the official act. The President approved the action of the board. The board was merely a means of advising the President in the execution of the law. There is no board that executes the law. Boards are the mediums through which facts are ascertained to enable those intrusted with the execution of the laws to perform their duty.

It is rather a serious proposition when you propose to reopen the judgment of the President of the United States, who did know that a rule existed, because he had signed it, and who did know the exact status of the case. The President knew when he approved of it the status of the law, and without impeaching his careful, accurate determination of the fact, we can not waive that question.

Mr. BACON. Mr. President——

The PRESIDING OFFICER (Mr. LODGE in the chair). Does the Senator from Idaho yield to the Senator from Georgia.

Mr. HEYBURN. Yes.

Mr. BACON. Is it not true that the board was not informed of that fact?

Mr. HEYBURN. That is not material. If the President had known it he would simply have said to the board, "Take this view; the law has been changed recently."

Mr. BACON. But he did not know that the board had acted without a knowledge of that fact.

Mr. HEYBURN. All I rose to do was to call attention to the status of these cases and suggest that when the President of the United States communicates with Congress he does not do

it by talking to individual members of committees. The President has at his control a legally organized and recognized method of saying to Congress, or to the Senate in this case, "It appears to me that when the proceedings of this board were approved by me I was not advised at that time that there had been a change in the law," and saying to the Senate of the United States, through the medium of a constitutional message, "I would advise the Senate to take such action in the matter as would obviate this mistake." Now, that is the dignified way of meeting it, and not get up here and say that you talked with The Adjuant General, or you have talked with the Secretary of War, or even with the President. That is not the way messages come into the Senate.

I know nothing of the merits, so I will not even suggest the merits of this case. But let us proceed in a dignified and orderly way.

Mr. GALLINGER. Mr. President, for the purpose of enabling the Committee on Military Affairs to submit a report in this case, I object to the present consideration of the joint resolution.

The PRESIDING OFFICER. Objection is made, and the joint resolution goes over.

RIVER AND HARBOR APPROPRIATION BILL.

The PRESIDING OFFICER. The calendar under Rule VIII is in order.

Mr. NELSON. Mr. President, it was my purpose to ask the Senate to consider the river and harbor bill this morning, but I understand that the Senator from Iowa [Mr. CUMMINS] would like to continue his remarks on the tariff bill. In view of that fact, I shall not call up the river and harbor bill (H. R. 21477) at this time.

Mr. CLARKE of Arkansas. May I ask the Senator from Minnesota at what time does he expect to ask that that bill be taken up?

Mr. NELSON. I expect to call up the bill at the very earliest opportunity I can get.

Mr. CLARKE of Arkansas. But the Senator has not in his mind at this time a definite hour when he expects to call up the bill?

Mr. NELSON. I have not. I shall, however, be glad to call it up when the Senator from Iowa has closed his remarks.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Nevada?

Mr. NELSON. I do.

Mr. NEWLANDS. If the Senator will permit me, has any arrangement been made regarding the consideration of the river and harbor bill?

Mr. NELSON. No such arrangement has been made.

Mr. NEWLANDS. I make the inquiry because I have just entered the Chamber.

Mr. NELSON. I have stated to the Senate that it was my purpose to call up the river and harbor bill for consideration this morning, but I ascertained that the Senator from Iowa desired to continue his remarks on the tariff bill, and on that account I shall not call the bill up until he shall have concluded.

Mr. NEWLANDS. May I ask the Senator from Minnesota whether he is likely to call up the bill to-day or whether it will go over until to-morrow?

Mr. NELSON. I am unable to say. If the remarks of the Senator from Iowa should not continue beyond 3 o'clock, I might ask the Senate to consider the bill to-day.

Mr. NEWLANDS. Mr. President, I should like to give notice that when the river and harbor bill comes up I shall desire to address the Senate on the Mississippi River situation.

THE METAL SCHEDULE.

Mr. SIMMONS. Mr. President, I ask unanimous consent that the unfinished business, being House bill 18642, be now taken up for consideration.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the unfinished business be now laid before the Senate. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. CUMMINS. Mr. President, I desire to express my appreciation of the very generous suggestion made by the Senator from Minnesota [Mr. NELSON]. I had hoped that I might conclude my remarks upon this subject before this time, but other business has intervened that seemed to be necessary. Therefore I am projected, as usual, into the very midst of the hour for luncheon.

Iron ore bears under the existing law a duty of 15 cents per ton. In the amendment which I have proposed it is put upon the free list. The existing duty is not large. It might almost be termed nominal, and yet I believe that it ought to be upon the free list for four reasons:

First. By far the greater proportion of the iron ore produced in the United States is mined by companies which do not mine it for sale, but which do mine it for conversion in their own furnaces into pig iron.

Second. It costs less in the United States at the furnace than it does abroad at the furnace.

I do not intend to pause at this time in order to establish this fact, because the whole question will finally, in a very few moments, merge into the inquiry as to the cost of pig iron.

Third. The eastern coast of the United States ought not to be burdened with the freight rate from the Lake region upon iron ore. The eastern coast of the United States, a very narrow territory along the eastern coast, is the only part of the eastern half of the United States that can by any possibility come into competition with foreign steel and iron, and we ought, for the benefit of the manufacturers of steel and iron along that coast, to admit, without any burden whatsoever, iron ore.

Fourth. As a matter of public policy it is unwise to artificially hasten the exhaustion of our supply of iron ore. It will be far better for the people of the United States to take what ore may come at this time under free importation from Cuba or from any other country than to exhaust, at large expense and with long hauls in transportation, the ores that lie in the interior of our own country.

For these reasons, which I will probably amplify as I go forward in the consideration of the proper duty upon pig iron, I have in the amendment which I shall presently offer placed iron ore upon the free list. I do not believe that any possible reason can be given for attaching a duty to its importation, except that it might raise and would raise a small revenue; but as I am not looking at this subject primarily from the standpoint of the revenue I have ventured to put it upon the free list.

I come now to pig iron, and I shall devote a good deal of time to pig iron, because it is the great basic material upon which the iron and steel industry of the country is founded, and as my amendment begins its duties at this point, I intend to digress just long enough to make some brief but general observations upon the Republican rule for the ascertainment of duties.

Broadly speaking, the system of protection intends—and I want my Republican friends to listen to and carry with them this statement—broadly speaking, the system of protection intends to so burden importations that our markets can be supplied with domestic productions with fair profit to the producer. If anyone dissents from that general statement of the doctrine of protection, I would be glad if he would dissent now, because it is upon that foundation that I build the fabric which I shall offer to the Senate in this amendment.

Every thoughtful—I emphasize the word "thoughtful"—every thoughtful Republican recognizes that there are certain limitations in the application of the doctrine. I state these limitations in this way: First, that it must be restricted to those things which we are naturally fitted to produce and respecting which our inability to sustain free competition with the world is due to a higher labor or a higher capital cost. Second, that it can not be applied to protect inefficiency—and that I shall also amplify presently as I come to deal more in detail with this subject. It is impossible for the Republican Party to long maintain the system of protection if it be intended or used for the purpose of protecting the inefficient against the inroads or the rivalry of the efficient, nor can it be used for the purpose of maintaining or sustaining industries that are unfortunately or mistakenly mislocated. We can not burden the commerce of the country in the effort to maintain industries that are not so situated that they can avail themselves of the natural, the essential economies of the time. Third, it can not be applied to protect great disparity in the cost of transportation. There comes a time when we must cease our efforts to equalize the difference in the cost of transportation when that difference is very great.

No more vivid or pertinent illustration of the limitations upon the doctrine of protection can be found than in lemons. I thought of that because I happened to be looking directly at the Senator from New York [Mr. ROOT], who, in 1909, made so gallant a fight to prevent the increase in the duty upon lemons. We can not maintain a duty on lemons that will enable that commodity to pay a freight rate across the American Continent and supply the citizens of New York. It is impossible for us to ignore the economic reasons which require that territory to take a part of its supply of this commodity from a land that can reach New York at a freight rate less than one-half,

possibly one-fourth, of the freight rate from California to New York. We must do what we can fairly and reasonably to cover the disparity in the cost of transportation, but I think there is no Republican who will claim that we must, in order to produce a commodity in the United States, give to that commodity such protection as will, under all conditions, equalize freight rates where the difference is great.

There has been a good deal of criticism—and I speak of it now as coming from the other side of the Chamber and from other sources—upon the definition of the doctrine of protection as contained in our last national platform. I believe that, technically, these criticisms are well founded, but substantially they are without merit. In 1908 we said:

> In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between cost of production at home and abroad, together with a reasonable profit to American industries.

Technically and literally the platform presents a standard which is impossible of ascertainment or application. There are as many different costs of production in the United States as there are different plants or industries engaged in the production of a particular article. The cost of the article at one period of the year varies from the cost of it at another period of the year; the cost of the article varies according to the volume of the business of which it is a part. It is mathematically utterly out of the question to apply the difference between the cost of production here and abroad, for the reasons stated, and, further, because the same variety with regard to the cost of production will be found abroad as is found at home. As an illustration, pig iron, which I will presently discuss, varies in this country as much as $2 a ton in cost of production. Take wool, and, as shown by the report of our Tariff Board, it varies in the cost of production from less than nothing, with a large credit, indeed, to its production, to 19 cents a pound or more. It is apparent that no mere mathematician can take the statistics and create out of them a rule by which he can measure tariff duties. We forget sometimes, when we are clinging to the literalness of this rule, a further statement in the Republican platform of 1908. It is this:

> The aim and the purpose of Republican policy being not only to preserve without excessive duties the security against foreign competition to which American manufacturers, farmers, and producers are entitled, but also to maintain the high standard of living of the wageworkers of this country, who are the most direct beneficiaries of the protective system.

As illuminated, as interpreted, by the phrase which I have just read in your hearing, the previous definition becomes altogether understandable and altogether easy of application. Therefore the criticism of our definition, of which I have heard so much, is rather technical than substantial. But what we intend to do and ought to do is to put such a duty upon the various articles that we are fitted to produce as will enable our manufacturers, living as they do, paying the wages they do to enter our markets and there dispose of their commodities at a fair profit; and so understanding the doctrine of protection, I turn now to pig iron.

But before I enter upon the details of the process of producing it or the cost of producing it I want Senators to look at the map which has been hung upon the wall in order to better understand the part which transportation plays in the problem of protection.

This map contains a cross near the center of Indiana east and west and toward its southern border north and south, which is intended to mark the center of population of the United States. You all understand that there are as many people south of that line as north, as many people west of that line as east. There is as much steel and iron—more steel and iron—used in the United States west of a line drawn north and south through the center of population than there is used east of that line.

I have a very interesting table upon that point, which shows one phase of the consumption of iron and steel. I have here a table which shows the railway mileage of the several States in 1910. It shows that the States lying west of the center of population—and I have given the East the benefit of all territory that can not be divided; I have given the East the benefit of Indiana and the benefit of Alabama—it shows that lying west of the center of population there are, or were at that time, 142,597.04 miles of railway. Lying east of the center of population there were 97,841.8 miles of railway. I instance this simply to show that the one enterprise which is the largest consumer and user of steel and iron in our country has for its greater field the western territory.

Mr. President, I ask that the table to which I have just referred, and which I believe is authentic, be inserted in my remarks.

The PRESIDING OFFICER (Mr. BOURNE in the chair). Without objection, it is so ordered.

The table referred to is as follows:

West.	Miles.	East.	Miles.
Arizona	2,097.31	Alabama	5,226.16
Arkansas	5,305.51	Connecticut	1,000.14
California	7,771.89	Delaware	334.81
Colorado	5,532.56	Florida	4,431.54
Idaho	2,178.63	Georgia	7,056.49
Illinois	11,878.34	Indiana	7,420.14
Iowa	9,754.68	Kentucky	5,526.21
Kansas	9,066.88	Maine	2,248.06
Louisiana	5,553.74	Maryland	1,426.45
Minnesota	8,668.60	Massachusetts	2,115.21
Mississippi	4,506.16	Michigan	9,021.13
Missouri	8,082.74	New Hamshire	1,245.93
Montana	4,207.42	New Jersey	2,260.49
Nebraska	6,067.15	New York	8,429.77
Nevada	2,276.66	North Carolina	4,932.41
North Dakota	4,201.07	Ohio	9,134.46
Oklahoma	5,980.22	Pennsylvania	11,290.17
Oregon	2,284.69	Rhode Island	212.14
South Dakota	3,947.65	South Carolina	3,441.74
Texas	14,281.81	Tennessee	3,815.97
Utah	1,985.94	Vermont	1,100.48
Washington	4,875.21	Virginia	4,534.94
Wisconsin	7,475.21	West Virginia	3,600.99
Wyoming	1,644.89	District of Columbia	35.97
New Mexico	3,032.08		
Total	142,597.04	Total	97,841.80

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. Has the Senator an estimate showing the amount in pounds of steel rails east of the dividing line and also west of the dividing line? The reason I ask is this: Most of the railroads in the East have a great deal heavier rail than the railroads in the West, and I started to collect figures showing that the difference in the weight of steel rails in the West and in the East would about balance as to weight; but I have not the complete information.

Mr. CUMMINS. I have not attempted even to estimate, and it would be an estimate largely, the relative weight of steel rails west of the center of population and east of the center of population; but the point I desire to make does not need any disparity between the consumption of steel East and West. It will be quite, I think, as apparent, if we assume that there is the same amount of steel used West as East.

Mr. SMOOT. I believe, from the answers I have already received, that that will be the case.

Mr. CUMMINS. This map further shows, and purely for illustrative purposes, seven cities, each marked with a red circle, at which the seven of the principal steel plants of the country are located. I do not want anybody to think that these are all the plants or even all the important plants, but for the purposes of the argument I am making I am content with showing the geographical location of the seven largest steel plants in the United States. The one farthest east is Bethlehem—the Bethlehem Steel Co.—the next is Baltimore, the next Harrisburg, the next Johnstown, the next Pitsburgh, the next Buffalo, then Chicago, and finally Birmingham.

The United States Steel Corporation has its largest plants at Pittsburgh and Chicago. I, of course, include Gary within the territory that I describe as Chicago, and a lesser plant at Birmingham, formerly owned by the Tennessee Coal & Iron Co., of which we have heard so much. The Pennsylvania Iron & Steel Co. has one plant at Harrisburg, and I think one at Baltimore. The Maryland Steel Co. has one at Baltimore. The Cambria Iron & Steel Co. has now and has had for many years a large plant at Johnstown, somewhat east of Pittsburgh. The United States Steel Corporation and the Jones & McLaughlin Co., another very large enterprise, are at Pittsburgh. The United States Steel Corporation is at Chicago and at Birmingham. The Lackawanna Iron & Steel Co. at Buffalo.

The freight rates upon pig iron from foreign countries to the eastern seaboard will average about $2 per ton. The freight rate varies much, as is true with all ocean carriage, but I state a very low average when I say from the furnace in any foreign country to the eastern seaports of our own country the rate is $2 a ton upon pig iron and rises, of course, with the different kinds of iron and steel as they rise in value.

I have had prepared for me by the Interstate Commerce Commission certain——

Mr. SMOOT. I have carefully collected the ocean freight rates from Great Britain and the north seaports to Boston, to New York, to Philadelphia, and to Baltimore on iron ore, pig iron, rails, billets, bars, plates, structural iron, sheets and tin plates, rods, wire, and tubular products, and I wish to say to the Senator that in speaking of pig iron the ocean rate from Great Britain and the north seaports to Boston is $1.50.

Mr. CUMMINS. I do not know where the Senator from Utah derives his information, and do not doubt that, taking it for a particular time, it may be correct. I reassert, however, that the average rate on pig iron from foreign countries—mark you, I do not speak now only of the ocean carriage, but from the furnaces in Great Britain and Germany and France to our eastern seaboard—will average $2 per ton.

As I was about to remark a moment ago, I have had prepared by the Interstate Commerce Commission sheets showing the freight rates upon all the heavy forms of iron and steel from our eastern border toward the West, and these sheets show not only the domestic rate—that is, the rate if the shipment originates in the United States, but the import rate as well—that is, the United States part of the rate if the article is brought from a foreign country. I ask, Mr. President, not to have these sheets inserted in the midst of my remarks, but printed as an appendix to the remarks, because I think they will be very useful and helpful to anyone who desires to investigate the matter in the future.

The PRESIDING OFFICER (Mr. CRAWFORD in the chair). Without objection, the sheets will be printed as an appendix to the remarks of the Senator from Iowa.

(For the sheets referred to see Appendix.)

Mr. CUMMINS. Assuming that the $2 rate per ton, of which I have spoken, is correct (the Senator from Utah says a dollar and a half instead of $2), let us see what effect that rate will have upon our own production and distribution of iron and steel, and especially pig iron.

Beginning with $2 at the seaboard, the import rate upon pig iron to Harrisburg, including the $2 rate from abroad, is $4.40 per ton.

Mr. SMOOT. From where?

Mr. CUMMINS. From abroad to Harrisburg. I am speaking especially of English shipments, but what is true of them is likewise true of all the other ports of Europe, or substantially true. What does that mean? It means that a manufacturer of pig iron or any other steel product at Pittsburgh, desiring to ship his product toward the West—and nearly the whole country lies west of Harrisburg—begins with that advantage. I do not intend to disparage the eastern States at all, but it is still true that much the larger part of the United States lies west of Harrisburg. So an American producer at Harrisburg—that is to say, the Pennsylvania Iron & Steel Co., manufacturing pig iron at Harrisburg and shipping it to the West for any purpose whatsoever—begins with an advantage of $4.40 per ton, and even the most enthusiastic advocate of high duties does not assert that the difference in the cost of production at home and abroad is $4.40 per ton.

I go a step further west, and take the great manufacturing establishments at Pittsburgh, which I suppose produce and turn out more iron and steel than any other district in the world. I am dealing with pig iron, although what I say about pig iron, so far as the freight rates are concerned, is true of every other product. The United States Steel Corporation or Jones & Laughlin at Pittsburgh, wanting to ship pig iron to the West or ship any of the products of pig iron to the West, begin with an advantage or a preference of $5.40 per ton, and the English manufacturer of pig iron, in order to put himself upon even terms with the producer at Pittsburgh, must first pay $5.40 per ton before he can begin the voyage of business with our domestic manufacturer.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. I think it would be fair to call attention to the fact that the freight rate from Pittsburg to Mobile, we will say, to-day, upon the pig iron is $6.72, or more than it is from Birmingham, England, to Mobile. The freight rate from Pittsburgh to New Orleans is $6.72.

Mr. CUMMINS. May I interrupt the Senator from Utah there? I do not want him to project a southern situation into the phase of the subject that I am now discussing. I will come to the South presently.

The PRESIDING OFFICER. Does the Senator from Iowa decline to yield?

Mr. CUMMINS. No; I do not decline to yield further, but I wanted to make that suggestion to the Senator.

Mr. SMOOT. Then I will take San Francisco. The freight rate on pig iron from Pittsburgh to San Francisco is $14 to-day.

Mr. CUMMINS. I understand that perfectly. And when the Senator from Utah assumes to put a duty on pig iron that will enable the producer of pig iron in Pittsburgh or Chicago to take it to San Francisco and pay $14.50 freight upon it and meet the German manufacturer of pig iron or the English manufacturer of pig iron there, who pays freight and a duty of $5 or $6, he is insisting upon a burden that the American people will not endure. I will come to the San Francisco situation presently.

Mr. SMOOT. I do not want the Senator to say that I am insisting upon that, because I am not. I am simply calling attention to the fact. I was going on to take up the San Francisco rate and go right through.

Mr. CUMMINS. If the Senator wants to ask any question, I will be delighted to answer it. I will come presently to the western situation and the southern situation, and in all probability I will make admissions that will be wholly satisfactory to the Senator from Utah; that is to say, I will not hesitate to make admissions that there are some parts of the United States that we can not cover with a duty upon pig iron without so enhancing the value of that commodity as to destroy the fundamental rights of free men to do business without undue restriction.

But I am going on now with this northern and western situation. I repeat that the great iron producers of Pittsburgh, when they are brought into competition with the iron producers of the Middlesborough district of England or the Luxemburg district across the Channel, have the advantage I have mentioned in all the shipments west of Pittsburgh until they reach the zone of water influence along the southern and the western shores of America. They have the advantage of $5.40 per ton, and there is no man in this Chamber or elsewhere who dare assert that the difference between the cost of producing this article here and abroad is one-half of $5.40 per ton.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I do.

Mr. TOWNSEND. I am very much interested in what the Senator is saying, but I was wondering, when he speaks of a point in the western territory from Pittsburgh, if he can tell us what the import rate from Great Britain to that western point is—not to Pittsburgh.

Mr. CUMMINS. I am giving it to Pittsburgh.

Mr. TOWNSEND. I am not talking about Pittsburgh.

Mr. CUMMINS. I will go back. The table I have introduced shows all these rates.

Mr. TOWNSEND. Of course the Senator recognizes that the import rate from the seaboard to any point in the interior is much less than the domestic rate on the competing product.

Mr. CUMMINS. It is not so much less as the Senator may think; but I desire to remind the Senator from Michigan of the statement I made when I was attempting to define the limitations which must be put upon the doctrine of protection in order that it may be tolerable, and one of those limitations was that we can not protect an American industry against misapplied or ill-adjusted freight rates. There is no reason why a cargo of pig iron coming from England and landing in New York should be carried toward the West for any less rate by our railroads than though that cargo originated in New York. Whenever we impose upon the American producers of steel and iron the necessity for efficiency and activity and the assertion of their own rights, there will cease to be the difference to which the Senator from Michigan has just called attention.

Mr. TOWNSEND. I quite agree with the Senator on that. I was speaking about the fact that it existed.

Mr. CUMMINS. The fact is that if they were attempting to ship to the Missouri River as between Pittsburgh and the Missouri River and England and the Missouri River, there would be a difference of about $4 a ton.

Mr. SMOOT. No; the Senator is mistaken.

Mr. CUMMINS. I do not intend now, if I may suggest to the Senator from Utah, to inquire into all his calculations. I have made my calculations. I have that information from the Interstate Commerce Commission, and I must be permitted to rely on it during the course of my argument.

But if it were half of that, if the manufacturer at Pittsburgh had but $2 advantage over the manufacturer in England, would there be any pig iron shipped from England to the Missouri River or to Chicago? There is no pig iron shipped from abroad to any point that is beyond 50 or 75 miles west of the eastern border of the United States until you reach the western coast, where there is a small amount of pig iron brought in from China. There is not very much, but there is a small amount of pig iron brought in there, and there could be more

brought there, and I expect that there will be more brought there, because unless the Panama Canal is efficient in reducing the freight rate from our eastern seaports to our western seaports, we can not take pig iron or any other product of iron and steel across the American continent on our railways and compete with a freight rate of one-half or less than one-half the amount from England or Germany or France, and we ought not to attempt to do it. I now yield to the Senator from Utah.

Mr. SMOOT. I suppose the Senator recognizes the fact that the rate on pig iron or structural steel or any other commodity made by the mills in Pittsburgh has to find a market not only East but West as well. Is it not a fact that the manufacturer of rails or pig iron in Pittsburgh, in order to reach any of the North Atlantic ports, has a disadvantage as against the man who manufactures these articles in Birmingham?

Mr. CUMMINS. Most of them, yes; some of them, no; as I will presently show.

I have now, as it seems to me, demonstrated beyond any controversy whatever that we need no protection upon iron and steel to prevent importations from abroad to any part of the territory of the United States west of Harrisburg. I think that line might well be advanced 50 miles east of Harrisburg, but I take Harrisburg as a convenient separating line. Until we reach the Pacific coast there is no protection needed, and not one pound of iron or steel in heavy form could be introduced into that territory, even though a foreign government were to pay $2 a ton export bounty upon it.

Mark you, I am making a discrimination now between the heavier and cheaper forms of iron and steel and the more finely organized and manufactured forms of steel. We will reach a point finally where the cost of the article is so largely in excess of the cost of the material and where the value bears so little relation to the weight, that upon some of those articles without a duty our foreign competitors might get into the territory I have described. But as to the articles I am now discussing, they are as safe from invasion by any foreign producer as though they were surrounded by a Chinese wall and were guarded by all the military force of the country.

Now, I come to answer the question just put by the Senator from Utah with regard to shipments east. Taking Harrisburg again, the rate on pig iron, Harrisburg to New York, is $1.75 per ton. At times when England can import pig iron into the United States for $1.50 a ton, the Englishman would have an advantage of 50 cents a ton in New York. The rate from Pittsburgh to New York is $2.60 per ton, and if the average rate from foreign countries to New York is $2 a ton the foreign manufacturer would have an advantage of 60 cents per ton.

Mr. WILLIAMS. The Pittsburgh man would have the advantage?

Mr. CUMMINS. No; the foreign manufacturers would have the advantage of 60 cents per ton. To be absolutely candid about it, if the cost at the furnace abroad and at home is the same, and if we are ready to put a duty on pig iron and the subsequent materials that grow out of it that will absolutely protect, at all hazards and at all times, every inch of the territory of the United States, then we would be compelled to put some duty on pig iron. But in putting a duty on pig iron that under those circumstances will protect the port of New York, or the port of Boston, or of Baltimore, from foreign imports, we must lay a duty that rises so high, so far as the interior is concerned, that it becomes absolutely indefensible upon the doctrine of protection, as I understand it and as I have endeavored to state it during the course of these remarks. I simply want Senators to remember the barrier which transportation itself erects for the protection of the American producer as I go forward to consider the actual cost at the furnace of this material here and abroad.

Prior to 1912 the Commissioner of the Bureau of Corporations, Mr. Herbert Knox Smith, than whom there is no more intelligent and faithful public servant, made a most exhaustive and prolonged examination into the cost of the heavier articles of iron and steel in our own country. His examination consisted of the most thorough-going scrutiny of the books of the various iron and steel producers. There is no conjecture, there are no estimates. He reproduces what the iron and steel manufacturers themselves put down upon their books for their own guidance and their own information. I intend at this time to refer to the results of his investigation. There are many other sources of information, but I can not and I will not take up the time of the Senate by bringing into my remarks now all the investigations that have been carried forward upon this subject.

His report takes the period from 1902 to 1906. I have no doubt that immediately it will be asserted that conditions have changed since 1906, and that it costs more in the United States to produce these things than it cost then. I will give further attention to that before I close the debate upon this subject, but in order to allay any misapprehensions upon that matter I desire to read a single paragraph from the report to which I have referred. It is found on page 2, paragraph 6:

> That the costs for this period (1902 to 1906, inclusive) are substantially representative of present conditions is shown—

Says the author of the report—

> by a comparison of costs for a number of important selected plants for special products from 1902 to 1906, inclusive, and for 1910.

There is in this report a very careful showing with regard to the cost of the United States Steel Corporation alone, and that showing relates to the cost of that company for 1910 and a comparison of the cost for 1910 by that company with the cost for 1902 to 1906 verifies what Mr. Smith, the Commissioner of Corporations, says in the paragraph I have just read.

I assume that every Senator here knows in a general way the process of manufacture.

Mr. SMOOT. Is the Senator going to leave the question of cost?

Mr. CUMMINS. Yes; the question of comparative cost.

Mr. SMOOT. I will simply say to the Senator that Herbert Knox Smith's cost on pig iron is so near—within 1 cent a ton—of that which has been submitted by Mr. Schwab, Mr. John A. Topping, and others, that I certainly shall not make the statement that the cost is greater to-day than it was at the time Herbert Knox Smith made his report.

Mr. CUMMINS. I am deeply obliged to the Senator from Utah for the statement he has just made. I have heard it asserted a good many times here that the present cost is much greater than in former years, and I wanted to begin with a full understanding upon that point.

Mr. SMOOT. The only question in the difference of cost, as I have heard it stated, is that the ore to-day is not carrying as much iron as it did in 1902, and, therefore, carrying a less percentage of iron, of course, the metallic mixture of the pig iron or the steel rail would cost more. But, on the other hand, there are reductions that have been made which would about offset it, as far as the cost is concerned.

Mr. CUMMINS. And, aside from that, the mines of foreign countries are becoming exhausted just as our own are, and therefore I assume this reduced or lessened richness of the ore is true everywhere. The iron ore is brought to a furnace and there, with coke and fluxing material, is converted into pig iron by melting.

I know the Senator from Pennsylvania [Mr. OLIVER] doubts my scientific knowledge on this subject—and it is very much less than his own—but——

Mr. OLIVER. Mr. President——

Mr. CUMMINS. I know something about it and will try to describe——

The PRESIDING OFFICER (Mr. BRISTOW in the chair). Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. I do.

Mr. OLIVER. I simply want to disclaim any such idea. The Senator from Iowa, I think, is very thoroughly informed upon the different processes of the manufacture of what are generally considered the rougher grades of steel. I want to concede that to him, and I do so very willingly.

Mr. CUMMINS. Pig iron is used in two general ways. First, it is remelted and used for castings without any intermediate process. I do not intend this afternoon to refer to cast iron. Second, it is melted with proper injection of other metallic mixtures and is turned into ingots. These ingots are then rolled into the various forms of rolled steel. The ingot may be rolled directly into the steel rail; it often is. It may be rolled into billets, which in turn are rolled into structural iron or steel, or bar iron, or rods, or any of the various forms of which I shall speak.

I want the Senate to hold that general process in mind while I turn now to what has been shown by the United States itself, for on this matter and so far as the investigation is concerned, Mr. Herbert Knox Smith may speak for the United States or the executive department of the United States. He examined the books showing the production of 66,816,004 tons of pig iron, covering the period from 1902 to 1906. I do not assert it as being literally true, but that must be 75 or 80 per cent of the entire production of pig iron in this country during that period. It would be most interesting to read everything he has said about it, but I do not intend to take the time.

I call your attention to the first table, not the first table in his report, but the first table that refers to the subject that I am specially discussing. It shows the result of an examina-

tion of 66,000,000 tons and more of pig iron. He has divided pig iron into three classes. The first is the Bessemer pig. The second is what he calls basic iron, although I think he has somewhat miscalled it. Anyhow, what he means to classify there is the pig iron that has been made for what is known as the open-hearth process.

Mr. OLIVER. Mr. President, I know the Senator wants to be accurate, and I will correct him in that. Basic iron is pig iron made in exactly the same way as Bessemer, but of such composition as to be used in the basic process of the manufacture of steel as against the acid, open-hearth process.

Mr. CUMMINS. That is precisely what I attempted to say. I think the Commissioner of Corporations intends the 9,573,000 tons there to represent pig iron made for the open-hearth process.

Mr. OLIVER. No; pig iron made for the purpose of being used in the open-hearth process.

Mr. CUMMINS. I mean for the purpose of being used in the open-hearth process.

Mr. OLIVER. Yes; that is right.

Mr. CUMMINS. And the other classification is of southern ores of low grade in Alabama and that region.

Here is the cost that he gives us:

The net metallic mixture of the Bessemer pig is $7.30 a ton, of the basic pig iron $7.14 a ton, and of southern iron pig $2.35 per ton. That means the iron ore and the other metals that enter into the composition of pig iron.

The next is coke, limestone, labor. The labor involved in converting enough ore to make a ton of pig iron for the Bessemer process is 77 cents; the labor for the basic is 62 cents; and the labor in the southern pig is $1.23—that is, all the labor attending the conversion of iron ore into pig iron.

Mr. SMOOT. Mr. President——

Mr. CUMMINS. Now, I do not say that that is all the expense of converting iron ore into pig iron. I am speaking now of the labor of the furnace and about the furnace.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. About the only difference, I think, between the position I take and the position the Senator from Iowa takes is the question as to what is labor and what it amounts to.

Mr. President, on this particular matter I certainly hope I shall have a chance to prove to the Senate that instead of the labor that is in pig iron being as stated—and I will give the details of every part of it—it is $4.50 a ton. Of course, I would not attempt to take the time now, but the only difference between the Senator and myself on this whole question is as to what is the actual labor in taking the ore and making it into steel really.

Mr. CUMMINS. But, Mr. President, my friend from Utah, it seems to me, does not analyze this question as he should. Referring again to the table that we have just been mentioning, the cost of the metallic mixture is $7.32 for Bessemer pig. What does that mean? It means all the labor that was required to take that ore from the mine. It means the royalty which the company paid, or claimed to pay. It means the cost of transportation from the ore mine to the lake. It means the cost of transportation from the lake to the furnace. It means wages at the American price. It means more than that. This item of $7.32 includes not only all the high wages which the companies paid at the mines, or claimed to pay; it means not only the high wages of the employees of the transportation company; but it means all the profit which has been nominally derived in transferring the ore from the company which nominally mined it to the company which transported it and from the company which transported it to the company which used it in its blast furnace. That item of $7.32 includes all this labor and all this profit; and if you were to take the profit alone that is charged up to the mining company and to the transportation company from the item $7.32, you would reduce it by more than $2 per ton. Therefore I do not differ from my friend from Utah. I know that there is a great deal of labor in the item of $7.32; I know there is a great deal of labor in the item $3.89 for coke; but I am dissecting the report of the Commissioner of Corporations in order to show you what a ton of pig iron costs in this country as compared with the cost abroad.

Mr. SMOOT. Just one minute. The cost of that item will depend, of course, upon how they keep their books; as to where they charge each item. Now, I want to say——

Mr. CUMMINS. This table has all the items, anyway.

Mr. SMOOT. I think the items are the same as those the Senator has. This item of 77 cents, as reported by Herbert Knox Smith—and he claims that the cost is $14.01—under the estimate given by Mr. Schwab is $1.30; and yet the estimated cost of pig iron by Mr. Schwab is 1 cent a ton less than that given by Herbert Knox Smith. So I asked Mr. Schwab how he accounted for that, and he said it was merely a matter of how they kept their books. Some may say that Mr. Schwab has charged too much on this particular item of labor; but Mr. Schwab's ultimate result is a cent a ton less than that of Herbert Knox Smith. So that can not be.

Mr. CUMMINS. No matter whether Mr. Schwab and Mr. Herbert Knox Smith differ as to particular items or differ as to the result, without in the least saying anything disparaging of Mr. Schwab, I prefer to take the conclusions of an officer of the United States, selected to do this work impartially and fairly.

Mr. SMOOT. No; I do not think it would make any difference in the ultimate result because of that fact. It only means that that much more work is included in the other items because of the fact that the results both those gentlemen reached are exactly the same.

Mr. CUMMINS. The Senator from Utah, however, is very far from clear. He suggested a moment ago that the labor cost of pig iron was over $4 per ton. Of course the purpose of that suggestion was to instill into the minds of Senators the idea that if the labor cost here was twice as much as the labor cost abroad, there ought to be a duty on pig iron of at least $2.50 per ton. Therein his reasoning is very fallacious, as I have endeavored to show——

Mr. SMOOT rose.

Mr. CUMMINS. Just a moment—because in ascertaining the cost of pig iron in this country I have taken $7.30 as the cost of the metallic mixture, just as the Commissioner of Corporations did, and that includes all that the company which produced the ore paid for wages and all it paid for every expense of producing it. I have taken $3.89 for coke.

Mr. WILLIAMS. Plus their profits.

Mr. CUMMINS. And their profits; but I will come to that; I shall insist on the deduction of profit presently. But the item of $3.89 for coke includes all that was paid to the owner of the coal land for royalty, all that was paid for mining the coal, all that was paid for transporting the coal, and all that was paid for converting the coal into coke. Therefore I hope the Senator from Utah, seeing his error, will not suggest that in the table I have presented here it is necessary to allege that the labor cost of converting the iron ore into pig iron is more than 77 cents.

Mr. SMOOT. Why, Mr. President, I could not help stating that it is more because of the facts.

Mr. CUMMINS. Well, I give you up. [Laughter.]

Mr. SMOOT. I will state the facts as to the labor cost. Take what this $7.30 represents. The lease or royalty is only 25 cents, the mining is 82 cents, and the transportation from the mines to the Lakes is 67 cents. Those are the figures given by Herbert Knox Smith.

Mr. CUMMINS. Certainly.

Mr. SMOOT. The cost from the Lakes is 74 cents, to Pittsburgh 67 cents, the total transportation cost is $2.08, the general charges are only 16 cents on this, and that makes $3.31. It takes 1.97 tons of ore——

Mr. CUMMINS. I hope the Senator from Utah will not go into that subject. It is totally foreign to the question I am now discussing.

Mr. SMOOT. No; I am going to bring you to the $7.30.

Mr. CUMMINS. I do not need to be brought to it. It is in the report, and there it must stay.

Mr. SMOOT. We are discussing the question of what represented labor.

Mr. CUMMINS. I am discussing the question of how much it costs to produce a ton of pig iron, and we find it costs $7.30 for its ore.

Mr. SMOOT. I can tell the Senator exactly what it is.

Mr. CUMMINS. I know. I do not need to ask the Senator from Utah.

Mr. SMOOT. The Senator from Iowa says it is 77 cents.

Mr. CUMMINS. That is the cost of converting iron ore into a ton of pig iron. The labor cost—the wage cost—is 77 cents.

Mr. SMOOT. Well, of course——

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I do.

Mr. BACON. I simply want to suggest, Mr. President, that this is a very interesting subject, and we are very much interested in the Senator's address. I should be very glad if we could hear him continuously, and then we shall be equally glad to hear the Senator from Utah continuously. We could

appreciate it very much better than we can in this interjected way. Frequently the conversation is between Senators who are standing near each other, and we can not hear it. I do not, of course, want to interfere in any way, but I should be very glad to hear each of the Senators continuously in a consecutive way.

Mr. CUMMINS. Mr. President, there is really no difference between the Senator from Utah and myself with regard to this. It is merely the way of stating it. He desires to separate from the beginning to the end all the processes of labor from all other costs. He might just as well say that all of the $14.01, the cost of producing Bessemer pig iron, is labor. In one sense it is all labor. As I remarked the other day, if we could conceive a world uninhabited, with its resources unused, it would be impossible to impute to anything in such an earth any value whatsoever. Men must come and perform some labor upon these materials and create some demand for their use before there is anything of value, but if I could paint upon the mind of the Senator from Utah the picture of a blast furnaceman and hold it there, I tell him again that I am trying to find out what it costs him to convert iron ore into pig iron, and I restate that it costs him, if he desires to make Bessemer pig, $7.30 for the metallic contents of his ton of pig iron. It costs him $3.89 for his coke. In both those cases there is included every cent that the men who produced the ore or the men who produced the coke paid for the labor and paid for every other thing necessary to that production. To his men who took the iron ore and converted it into a ton of pig iron he paid 77 cents, and no more; other operating expenses, and by that is meant the general expense of the furnace, 87 cents; so that the furnace cost is $13.26 for the Bessemer pig iron and for the southern pig iron it is $9.52.

You will observe that below the general furnace cost there has been added 75 cents per ton in the one case and 13 cents in the other for what is termed "additional cost." Now, let us see if we agree on what the additional cost is. The additional cost, as added by the Commissioner of Corporations, is largely for depreciation. I want the Senate to know precisely what the commissioner says about that part of the cost.

On page 24 of this report the commissioner says:

> The items of additional cost derived from the profit and loss accounts can not be allocated except by more or less arbitrary methods of apportionment. They comprise the items of general expense and depreciation.

I especially want Senators to remember now that the 75 cents per ton on Bessemer pig includes the items of general expense and depreciation. That will be especially important when I come to refer you to a similar table with regard to the cost of making pig iron in England, where those items are not included in the estimate or in ascertaining the cost of making pig iron.

Therefore we have those costs that you see before you [indicating] in the United States, and they are the average costs. They are not taken from the large companies alone nor from the small companies alone, but from substantially all of the companies of the United States which make pig iron, and I think it absolutely fair if we assume that in our country the items there shown represent the reasonable costs of this production.

I remind you again that the total includes, first, the profits of mining ore; second, the profits of transportation, as the table itself shows; third, the profits of coal mining and coke conversion; fourth, the profits of coal transportation if the company which manufactures the pig iron owns the transportation company; fifth, all operating and maintenance expenses; and, sixth, general expenses and depreciation. All these items are in this table added to the cost of material and labor, and the total is, as you see, $14.01 for Bessemer pig iron and $9.65 for southern pig iron, the great distinction between the two qualities being that one is mainly used for casting and the other for steel rolled products.

I now beg your attention to a corresponding table, which I am sorry I have not reproduced so that you could see it. The table itself is found in the report of Charles M. Pepper, a special agent of the Department of Commerce and Labor, of his investigations in respect to the cost of making pig iron and other iron products abroad, and especially in England. Now, my Republican friends, at least, will not, I think, question the capacity of Charles M. Pepper to make such an investigation. He is, in the first place, a man of many, many years of experience. He was chosen by the present administration for the performance of one of the most delicate and one of the most difficult duties ever imposed upon a citizen of the country with reference to the late lamented reciprocity agreement with Canada. He stands deservedly at the head of men of his occupation, and I therefore submit what he has brought to the people of the United States for their guidance with the utmost confidence. He was commissioned by the Department of Commerce and Labor to inquire into this subject, and on the 2d day of April, 1909, he made a report that was intended as a guide for the Finance Committee in the preparation of the act of 1909, but which, I am bound to say in defense of Mr. Pepper, was not very influential in the deliberations of that committee.

I will read these costs so that you may know them. The pig iron is divided into two classes—the first called Cleveland pig iron, which is the product of a general district there, and, I think, largely called "Cleveland," because certain commercial warrants, which are current in England and which pass from hand to hand very much like commercial paper, are called "Cleveland warrants," although the pig iron itself may have given the name to the warrants—I am not sure about that—but, anyway, it is pig iron produced in the Middlesborough district, and it corresponds to the southern pig in our country, as you will see presently when I introduce a sheet which will show the prices of pig iron in this country and abroad during the last year or more.

The other kind of pig iron referred to here is what he calls "hematite," made from hematite ores that are largely imported into England and the pig iron produced from which corresponds to the Bessemer pig, which commands the highest price in the United States. Mr. Pepper reports that the cost factors are as follows: Iron ore, $3.89—that is for the Cleveland pig—and $6.20 for the hematite pig.

I pause there simply to say that the reason our metallic cost is higher apparently than the cost abroad is that in the figures which I have placed before you there are included the profits of the companies which are separated only by name, but which are credited with profits in the course of the transaction of the business of the integrated company.

The coke in the case of the Cleveland pig iron costs $3.89, and in the case of the hematite pig iron, $5.10—a very great advance over our cost for coke. "Limestone, 36 cents in the one case and 32 cents in the other. Wages"—and I think Mr. Pepper is perhaps more happy in the description than Mr. Smith, because he defines just what he means—"wages at furnace for the Cleveland pig, 91 cents a ton"; with us it is $1.23 a ton in Alabama; "and for hematite pig 97 cents a ton"; with us it is 77 cents a ton. The labor of converting ore into Bessemer pig in our country is 20 cents a ton less than the cost of converting the same kind of ore into the same kind of pig iron in England.

Now, it matters not about the wages. I am happy to believe that we pay more here than they do there, and, so far as I am concerned, I will always stand for a duty that will lift the wages of the men of the United States, but I do not want a duty based upon a false pretense, for in England, as you see by this report, the cost of taking these ores after they are delivered at the furnace and converting them into a ton of pig iron is 20 cents a ton more than in the United States. If anyone attempts to sustain a tariff duty on pig iron upon the assumption that it costs more to turn the iron ore into pig in the United States than in England he will be compelled first to overturn the report of Mr. Pepper, made after the most careful investigation.

I will not read all the remaining items, but I will read the last one alone, in order that the Senator from Utah, who may have this report before him——

Mr. SMOOT. I have it.

Mr. CUMMINS. Will be reminded of it. The last item is fixed charges, including relining and repairs, 55 cents in the one case and 56 in the other.

The result of this showing by Mr. Pepper is that in the case of Bessemer pig iron the cost abroad is $13.45 a ton and the cost of the parallel to our southern pig iron is $9.92 a ton.

Mr. SMOOT. From what page has the Senator been reading?

Mr. CUMMINS. Page 10. This, Senators, is the result of, I assume, as careful and complete and thorough an investigation as was ever made into the subject. Standing just exactly as the tables now stand, without any further examination at all, it would appear that the cost of Bessemer pig iron in the United States is 56 cents a ton more than abroad and that the cost of producing the lower grade of pig iron is 27 cents a ton more abroad than in the United States, but all this without taking into account what it costs the man abroad to bring his product to the United States.

Mr. GALLINGER. Mr. President——

Mr. CUMMINS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. The Senator is making a very interesting statement. Could the Senator explain how, in view of

the fact, which the Senator concedes, that we are paying a higher rate of wage in this country than is paid in Europe, we are producing that particular product at a less cost than they are producing it abroad? Have we better facilities or better methods?

Mr. CUMMINS. The explanation is not difficult. I think it is because our material does not cost us as much as it does the producer abroad.

Mr. GALLINGER. Ah, that is all I wanted to know. I wanted to know exactly where the difference came in.

Mr. CUMMINS. That is one of the reasons, at least. There is another reason, and that is, although possibly it is not so much true of pig iron as of many other products, our superior skill in the use of machinery.

Mr. GALLINGER. That is the point which I thought it likely the Senator would bring out. That, to some extent, explains it.

Mr. CUMMINS. I do not think that that applies so fully to pig iron as it does to some of the other products of steel; but the great difference is the difference in the cost of material.

Mr. WILLIAMS. Mr. President, I want to ask the Senator a question there. In the calculation of cost of English hematite pig iron at $13.45, is there an item included corresponding to the item of additional cost for depreciation?

Mr. CUMMINS. There is not. I was about——

Mr. WILLIAMS. So that if that item were included the difference would not exist, would it?

Mr. CUMMINS. I was about to show what items are to be taken out of our table here in order to make it entirely parallel with the table abroad, and you will be, I think, somewhat surprised—I was about to say gratified—to discover that we are making pig iron in the United States for a great deal less than they are making it abroad; and if we loose a little in the basis for protective duties, we ought to supply that loss with increased pride in the American name.

Mr. SMOOT. Mr. President——

Mr. CUMMINS. I now yield to the Senator from Utah.

Mr. SMOOT. I was going to ask the Senator what goes into the manufacture of pig iron that is cheaper in this country than abroad? Commencing, now, with ore; the ores from Spain are delivered in England and also in Germany, where there is no transportation inland, at a lower rate than ores are delivered to any steel mill in the United States.

Mr. CUMMINS. I do not agree with the Senator from Utah about that. I assert that ore at the furnace in the greater part of Europe is higher than ore at the furnace in the United States; I assert that coke, or the fuel used in converting ore into pig iron, is much more expensive abroad than it is at home. If the Senator from Utah will permit me, my eye has just fallen upon what Mr. Pepper has said with regard to ore in England.

Mr. SMOOT. On what page?

Mr. CUMMINS. I am now reading from page 11. He heretofore says that England uses 50 per cent of imported ores.

Mr. HITCHCOCK. Is it a Senate document from which the Senator is reading?

Mr. CUMMINS. It is Senate Document No. 42, Sixty-first Congress, first session.

Mr. SMOOT. It is also House Document No. 1353.

Mr. CUMMINS. I repeat that about one-half the ores that are used in England are imported ores, and this is what Mr. Pepper says with regard to that subject:

> The prices of foreign ore were lower—

He is now speaking, I suppose, of 1908—

> The prices of foreign ore were lower than in 1907, when as high as 25s. ($6.08) per ton had been paid for Spanish ore—

And nearly all the ore that England imports comes from Spain.

> In 1908 the range of prices for rubio ore—

That is Spanish ore—

> at Middlesborough was from 14s. 9d. ($3.58) to 16s. 6d. ($4.01). In December it was an even 16s. ($3.89).

That is per ton.

There is much more in this report of like tenor.

Mr. President, the highest price that is claimed for ores from the Lake region at the Lake ports, including all the profits of the mythical ore companies, is $2.64 a ton.

Mr. SMOOT. Oh, no.

Mr. CLAPP. That is wrong.

Mr. CUMMINS. And the iron content of the Lake-region ore is much higher—there is a greater percentage than the iron content of the Spanish ore. Therefore I assert, and I will prove it—I did not suppose it would be contested—that on an average, after eliminating the general subject of profits of ore companies which do not exist in fact, that the ore at the furnace in the United States costs a great deal less than at the furnace abroad.

Mr. SMOOT. Herbert Knox Smith's report shows that the ore costs $3.31 instead of $2.40; and not only that, but the Senator must understand that there are ores from Spain imported into this country; and why are they imported?

Mr. CUMMINS. I will tell you why they are imported. Aside now from some ores that may be imported because we have no like ores in the United States and must import them, ores are imported because of the tremendous cost of transportation from our ore-producing regions to the eastern manufacturing localities.

Mr. SMOOT. The total transportation charge, according to Mr. Herbert Knox Smith, is $2.08, and yet the ores from Spain are imported into this country.

Another thing—the cost of transportation of ore from Spain to England and to Germany is but a very, very small part of what it costs from the mines of the Northwest to Pittsburgh or to Harrisburg or whatever eastern point it may be. And so, also, if you will take the English ores and find the metallic content of the ore that is shipped from Spain you will find that the metallic content is a great deal higher than the metallic content of our ores from Michigan to-day.

Mr. CUMMINS. I am relying upon Mr. Pepper. I have never analyzed the foreign ores, and I must accept what the authorized agent of our own Government has reported with regard to that subject.

I recall the attention of the Senator from Utah, however, to the report of Mr. Smith. He has just said that Mr. Smith reports that the cost of ore is $3.81.

Mr. SMOOT. No; $3.31.

Mr. CUMMINS. $3.31. If he will turn to page 16 of his report—table 2——

Mr. SMOOT. I have not that report. I have the other report.

Mr. CUMMINS. He will find for 106,268,728 tons of ore the following result:

	Cost per ton.
Labor	$0.45
Other mining	.37
Royalty	.25
Cost at mine	1.07
Rail freight	.67
Lake freight	.74
Cost lower lake ports	2.48
General charges	.16
Total book cost	2.64

Mr. SMOOT. If the Senator will add those figures up he will find it is more than that price.

Another thing: I followed him exactly down to the lower lake ports——

Mr. CUMMINS. You are disputing this report, as I understand it. You are not disputing me, but you are disputing Herbert Knox Smith, because I have just read his figures, unless there is a mistake in the addition.

Mr. SMOOT. He said $3.31, as I quoted it.

Mr. CUMMINS. There are a great many places for getting ore in the United States as well as abroad, and I concede that you can get a locality where it will cost $3.31, but I am now giving the cost of the ore from the greatest iron-producing region of the country, which produces, I suppose, more than 80 per cent of all the iron ores that are used in the United States.

Mr. SMOOT. I was using the figures that the Senator used to get his $7.30 metallic mixture. Those are the figures I was using.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr CUMMINS. I do.

Mr. OLIVER. In this there is not included any rail freight from the lower lake ports to the furnace.

Mr. SMOOT. That is where——

Mr. CUMMINS. I expressly excluded that.

Mr. OLIVER. I wanted to call attention to that fact. I understand the Senator did not. But to get the cost at the furnace there must be added for the Pittsburgh district 96 cents a ton on the ore.

Mr. CUMMINS. At Pittsburgh that is true; at Chicago it is nothing.

Mr. OLIVER. No; at Chicago it is nothing.

Mr. CUMMINS. At Cleveland it is nothing.

Mr. OLIVER. But a large proportion of the pig iron that is made in this country is made at some point where there must be transportation from the lower lake ports to the furnace.

Mr. CUMMINS. The commissioner says in that respect:

The average book cost of lake ore at lower lake ports during the five years, 1902 to 1906, was $2.64 per ton.

I reassert on all the evidence before us, in answer to the question put to me, that the reason why we produce pig iron cheaper than it can be produced abroad is that our ore costs us less, our coke costs us less, and the item of labor is almost negligible, because it is done in such measure by machinery.

I return now to the point from which I was diverted, to compare these two tables as they ought to be compared. I take the item of $14.01 as the cost of Bessemer pig. According to that table, without including the transportation profits, the profits on the metallic mixture and on coke amount to $1.79 per ton.

Mr. SMOOT. That is speaking, I suppose, of the United States Steel Corporation, who make their own coke and their own limestone and have their own transportation?

Mr. CUMMINS. No.

Mr. SMOOT. That happens with the United States Steel Corporation, but what about the independent manufacturer who has no transportation facilities?

Mr. CUMMINS. The Senator is in error about that. The profit to the United States Steel Corporation is quite a good deal more than the sum I have mentioned.

Mr. SMOOT. How would an independent make any profit out of transportation if he had to pay the rates charged, or how could he make any profit if he had to pay his royalty? He could not make any profit out of those items.

Mr. CUMMINS. I expressly said awhile ago that the $1.79 I proposed to deduct from the $14.01 in order to reach the real American cost did not include the profits on transportation. I know that there are many companies that do not own railroads, and therefore they must pay the cost of transportation, but there are very few companies of any magnitude which do not take their ore from the bed or which do not perform all the processes, except transportation, from the mine to the finished product, whatever it may be.

Now, I call attention to what our Government says in that respect—about the $1.79. I am reading from the letter of submittal on page xiii:

Many of these companies—

Speaking of those he had examined—

were highly integrated; that is, they linked up under one control, through various subsidiaries, ore mines, blast furnaces, steel works, etc. Their "cost sheets," however, did not correspond with this integration. The cost of each subsidiary was shown as though it were independent, and included profits paid to other subsidiaries.

To illustrate, one subsidiary of a combination operating blast furnaces would pay to another subsidiary which mined ore a price for ore that included a profit to the ore company. This price would, however, be entered by the furnace company as a part of its costs. That is, they were "book costs," and they included considerable profits really received by the same interests.

All those have gone into our American table to find the cost of pig iron.

These immediate profits are very important. For example, the average "book costs" of Bessemer pig iron over the five-year period was $13.89 a ton. "Transfer" profits were $1.79, leaving a cost of $12.10.

In further answer to the Senator from Utah, I will say that a very large part of the production of pig iron is carried on by companies which take their ore from the beds and carry on the processes under the same management; and this investigation of the commissioner covered all these companies, as well as some which were not so large.

Now, then, deducting $1.79, which constituted no part of the cost of pig iron, and the result is, with regard to Bessemer pig, that it costs in the United States $12.22 a ton; and deducting a less amount from the southern pig, because the operation there is not so highly integrated—deducting a dollar—the cost would be $8.65 a ton; and the results are that Bessemer pig abroad costs $13.45 a ton, at home $12.22; the southern pig abroad $9.92, at home $8.65. But that is not all.

Mr. SMOOT. Before leaving——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. I should like to call the Senator's attention to the report just read about "book costs" and intercompany profits. If he had continued reading that report he would have found that Mr. Herbert Knox Smith makes this statement, following the very place where the Senator stopped reading:

The bureau deducted these intermediate "transfer" profits for all the important simpler products. The resulting "revised cost" must, however, be handled with great caution.

Mr. CUMMINS. I am handling them with great caution.

Mr. SMOOT. I see the Senator is.

Mr. CUMMINS. And so is the Senator from Utah.

Mr. SMOOT. Yes. I want to be perfectly frank in this matter, because I think the Senator has stated there every single item as stated here, and has taken nothing into consideration on the other hand, and I do not believe he wants to do that. Mr. Herbert Knox Smith says here:

The margin between this revised cost and the selling price is, of course, much larger than the margin over the "book cost"; but, on the other hand, that larger margin must cover all the stages of production and therefore a much larger investment. The profit above the "book cost" of a subsidiary is to be applied simply to the investment of that company.

It is a cost; there is a depreciation on machinery, and the extra handling of the ore; and they caution you not to take the $1.79.

Mr. CUMMINS. I do not understand the caution of the Commissioner of Corporations in that way. In dealing with these reports, I, of course, have neither exaggerated nor diminished them. I am taking them precisely as they are. When we come to determine how much duty should be laid upon pig iron in order to cover these rather vague and uncertain matters referred to by the Senator from Utah, that is another thing. But I am coming first to a demonstration of what it costs here, as compared with what it costs abroad, to manufacture pig iron, and I have so far, upon unquestioned statements, if the accuracy of our Bureau of Corporations be granted, reached the conclusion that in our country we make Bessemer pig for $12.22 a ton, and southern pig for $8.65, and that abroad it costs $13.45 in the one instance and $9.92 in the other.

Mr. SMOOT rose.

Mr. CUMMINS. But that is not all, if the Senator from Utah will permit me.

In the English table of costs there is no charge for either general expense or depreciation. In our table there is a charge for general expense and depreciation, and the item of additional cost, which in our table covers general expense and depreciation, in order to make the two tables parallel and cover the same items, ought to be eliminated. If 50 cents were added to the cost abroad to cover the same element of cost that we have in this item of 75 cents, the foreign cost would be $13.95 for Bessemer pig and $10.42 for the Cleveland pig.

Mr. BACON. If the Senator is about to pass from that immediate branch of the subject, I should like for him to give an explanation as to why it is that the labor cost in the southern iron is very much greater than the labor cost in the two other grades of iron.

Mr. CUMMINS. The principal reason is that the southern ore is a very low grade of ore and requires a great deal more labor to take it from the mine and carry it to the blast furnace and convert it into pig iron than the ores which run so much higher in iron content.

Mr. BACON. It is the difference in the character of the material, is it?

Mr. CUMMINS. And possibly a little in the superior equipment of the northern blast furnaces.

Mr. BACON. Does the Senator attribute it in any degree to the different character of labor?

Mr. CUMMINS. I do not. I have not——

Mr. BACON. I am asking for information. It is not arguendo.

Mr. CUMMINS. I certainly understand that, and I have no other information upon the subject than is found somewhere in the commissioner's report. He explains it on page 23:

For southern pig iron the cost of coke per ton of pig iron was very high—namely, $4.48—not so much because the price of coke at the furnace was high—only $2.54 per ton with very little freight expense or transfer profit included—but because an exceptionally large quantity was required to melt the low-grade southern ores, namely, 3,523 pounds per ton of pig iron.

And again:

The labor costs for Bessemer pig iron averaged somewhat higher than for basic; this was probably due to a greater average size and efficiency of equipment for the basic furnaces. The labor costs for southern pig iron were very much greater than for either Bessemer or basic pig iron. The chief reason for this probably was that the southern furnaces, on account of the low grade of the ore, required the using of a much greater quantity of materials in the furnace per ton of product. Thus for the production shown in the above table the average quantity of ore, coke, and limestone per ton of pig iron in the Bessemer and basic furnaces combined was 3.36 tons as against 4.53 tons for the southern furnaces, or 34.8 per cent more for the latter. Other factors account-

ing for the high labor cost of southern pig iron were smaller and less efficient furnaces and the lower efficiency of labor itself.

This is the explanation given by the commissioner.

Mr. BACON. With the permission of the Senator from Iowa, I should like to ask one other question.

I notice that the additional cost in each of the several grades is in laverse order from that of the labor cost. Whereas the labor cost in the southern iron is with the highest, the additional cost in the southern ore is the lowest. Can the Senator give any explanation of that fact?

Mr. CUMMINS. I can not give any original suggestion. It is explained by the commissioner in his report, though I doubt whether it is wholly satisfactory.

Mr. OLIVER. I would suggest that this same question occurred to my mind, and that item of $1.19 in the southern column would probably include a part of what is included in additional cost in the other two. It is a matter of different kinds of bookkeeping.

Mr. BACON. I notice that the two items together, other operating expenses and additional cost, in each case make pretty near the same amount, carrying out the suggestion of the Senator from Pennsylvania.

Mr. CUMMINS. I have now concluded my general review of the relative costs of producing pig iron in the United States and abroad, but I fortify——

Mr. TOWNSEND. If I understood the Senator correctly, he said that the labor cost entering into a ton of Bessemer iron was negligible, owing to the fact that so much of the work was done by machinery. Is that exceptional to the United States?

Mr. CUMMINS. Oh, no.

Mr. TOWNSEND. Is the machinery used here about the same as that used abroad?

Mr. CUMMINS. I am not able to say from any personal investigation, but I assume that our blast furnaces are somewhat better than the blast furnaces used abroad, simply because all our appliances for production in the United States are better than they are abroad. That possibly may not be accurate in every respect, but it is so nearly true that it may be stated as a general proposition.

Mr. OLIVER. As a general proposition our modern furnaces are much larger; they handle a very much greater amount of product and turn out a greater product per day, and in that respect are better equipped than the older furnaces abroad. But the manufacturer abroad in reconstructing their furnaces are gradually coming up to our standard of efficiency.

Mr. CUMMINS. I have demonstrated, I think, that if these reports are to be accepted as even approximately correct the cost of producing pig iron in the United States is lower than in other countries of the world; and that, although the difference is not great, whatever it is is with this country. I fortify that conclusion by a table which is presented to us by the Commissioner of Corporations, which shows the results of an examination of the books of the United States Steel Corporation for the year 1910. I will not read these items, but it is sufficient to say that, excluding the intermediate or transfer profits of this corporation, its cost for the production of pig iron for the year 1910 was: Bessemer pig, $9.71; southern pig, $8.57. That is so much lower than any suggested foreign cost that you may add to what is generally supposed to be the advantage of the Steel Corporation over other producers $2 per ton; and still we will have a cost less—or at least not greater—than the cost in our rival countries. Therefore, upon this great basic material, which is the beginning of all the iron and steel products, we need no duty whatsoever to measure the difference between cost abroad and at home. Even if we disregard the advantage we possess in the matter of transportation, we would need no duty upon this material.

I have devoted a great deal of time to it, Senators, not so much because of its intrinsic importance, but because I want to show that in the subsequent processes of the conversion of iron and steel into the various forms in which they are used it would be indefensible to add anything in the way of a compensating duty—that is to say, to put any duty upon any iron and steel product upon the hypothesis that the basic material costs more in this country than it costs abroad. I reckoned that, this being the first step in the ladder which leads up to the highest duties, it was of vital importance that we should understand whether in attaching the duties to these various commodities as we go forward we must allow anything on account of a higher cost of pig iron in this country than abroad, as we know that we must do when we come to put duties upon the manufactures of wool and other like things.

I ask, Mr. President, to insert as a part of my remarks the three tables to which I have recently referred and upon which I have commented.

The PRESIDING OFFICER. There being no objection, it is so ordered.

The tables are as follows:

Average book costs per gross ton of specified kinds of pig iron, showing furnace cost as given in the cost sheets (including intermediate profits), together with "additional costs" (derived from profit and loss accounts), 1902–1906.

Items.	Bessemer iron.	Basic iron.	Southern iron.
Tons produced	51,902,099	9,573,539	5,339,766
Net metallic mixture	$7.30	$7.14	$2.35
Coke	3.89	3.30	4.48
Limestone	.43	.47	.27
Labor	.77	.62	1.23
Other operating	.87	.77	1.19
Furnace cost	13.26	12.30	9.52
Additional cost	.75	.52	.13
Total cost	14.01	12.82	9.65

Cost factors	Cleveland.	Hematite.
Iron ore	$3.89	$6.20
Coke	3.89	5.10
Limestone	.36	.32
Wages at furnace	.91	.97
Stores, loose plant, etc.	.16	.14
Bricks, clay, and boiler coal	.16	.16
Fixed charges, including relining and repairs	.55	.56
Total	9.92	13.45

Comparison of steel corporation's integration furnace cost per gross ton for Bessemer, northern basic, and southern pig iron, as shown by the records of the corporation, for 1910.

Items of cost.	Bessemer (6,209,534 tons).[1]	Northern basic (4,543,177 tons).[1]	Southern (585,273 tons).[2]
Net metallic mixture	$4.95	$5.28	$2.88
Coke	3.30	3.31	3.80
Limestone	.41	.48	.19
Labor	.55	.56	.75
Other operating	.50	.46	.95
Furnace cost [3]	9.71	10.09	8.57

[1] Integration cost (exclusive of any return to investment on any anterior stage of production or transportation).
[2] Book cost (which does not include any intermediate profit).
[3] This does not include any allowance for additional costs shown on the profit and loss accounts.

Mr. CUMMINS. Notwithstanding the conclusions that I have reached, my amendment puts a duty upon pig iron of $1 per ton. I have suggested this duty not because I believe that there is any difference against us as to the cost of production; I have done it in order to furnish some defense against what is ordinarily known in commerce with foreign countries as "dumping." I know there may be times when foreign countries may be willing to put upon our shores pig iron at less than cost, and I do not want to subject our producers to that peril.

Furthermore, I have attached this duty because some of the eastern manufacturers of pig iron may feel the pressure of these reductions. They may feel it because they are not located as they ought to be to produce pig iron. Ultimately the laws of industry and commerce will compel such readjustment as will produce this commodity at the place or places where it can be most economically produced, but in the meanwhile I am willing that there shall be a duty of a dollar a ton upon pig iron in order to furnish these unfortunately located industries an opportunity for readjustment.

Another interesting thing that I desire to introduce into this subject is a sheet which shows the market price of pig iron abroad during the last year. It shows by a chart the line of price of American No. 2 pig iron, which is the southern pig, of which I have been speaking, of Cleveland pig iron, of Luxemburg, and of the hematite—the last three foreign iron. It is one of the corroborating things, too, that during the whole year the price of pig iron abroad has been higher than the price of pig iron at home.

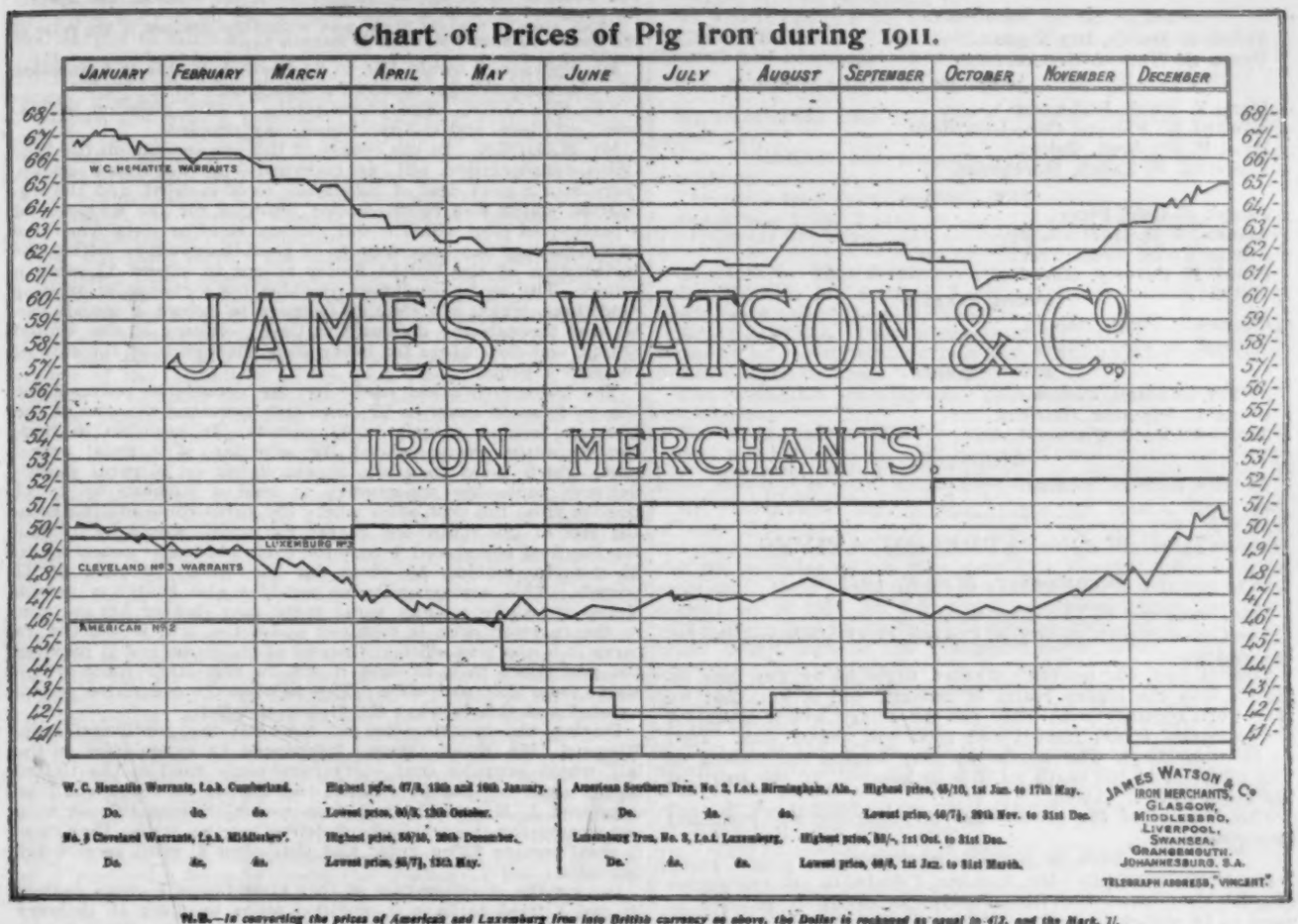
It was said the other day when the Senator from North Carolina [Mr. SIMMONS] was speaking that this was a temporary condition; that there was an unusual and abnormal condition abroad; and that pig iron had been much higher there on account of prosperous times than in former years; but my friend from Utah [Mr. SMOOT], who made that assertion, had not examined the facts, for I find upon investigation that the

price of pig iron during the last year in England has been little, if any, higher than the average price of the last five years.

I have prepared a table showing the price of pig iron abroad since 1897, and I desire to attach the sheet to which I referred a few moments ago, as well as the table to which I have just referred, to my remarks upon this subject.

The PRESIDING OFFICER. Without objection, permission is granted.

The sheet and table referred to are as follows:



N.B.—In converting the prices of American and Luxemburg Iron into British currency as above, the Dollar is reckoned as equal to 4/2, and the Mark, 1/.
(The graph of W.C. Hematite Warrants is based on the Settlement Price.)

Price of pig iron abroad since 1897.

Year.	Cleveland pig iron.	West Coast hematite (Bessemer).	Scotch pig iron.
1897	$9.87	$11.74	$11.03
1898	10.26	12.67	11.47
1899	14.62	16.68	15.51
1900	16.72	19.15	16.87
1901	11.01	14.25	13.07
1902	11.98	14.47	13.26
1903	11.27	13.78	12.71
1904	10.68	12.99	12.51
1905	12.04	14.70	13.01
1906	12.89	16.42	14.29
1907	13.52	18.18	(1)
1908	12.26	14.86	(1)

[1] No business done in warrants.

Mr. CUMMINS. Mr. President, I have now finished my review of the subject of pig iron. What I have hereafter to say with regard to ingots and billets and bars and steel rails and structural steel can be more quickly said; but I would prefer not to take up those items this afternoon. Therefore I yield the floor, hoping to regain it at some other time to present these other forms of steel.

EXECUTIVE SESSION.

Mr. BRANDEGEE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After two hours and twenty minutes spent in executive session, the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until tomorrow, Thursday, May 9, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate May 8, 1912.

COLLECTOR OF CUSTOMS.

John Bourne, of New York, to be collector of customs for the district of Dunkirk, in the State of New York. (Reappointment.)

PROMOTIONS IN THE NAVY.

Lieut. Francis Martin to be a lieutenant commander in the Navy from the 1st day of July, 1911, to fill a vacancy.

Lieut. Emil P. Svarz to be a lieutenant commander in the Navy from the 25th day of January, 1912, to fill a vacancy.

Lieut. (Junior Grade) Harry L. Pence to be a lieutenant in the Navy from the 11th day of October, 1911, to fill a vacancy.

Ensign Harlow T. Kays to be a lieutenant (junior grade) in the Navy from the 12th day of February, 1912, upon the completion of three years' service as an ensign.

Boatswain Birney O. Halliwill to be a chief boatswain in the Navy from the 23d day of February, 1912, upon the completion of six years' service as a boatswain.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 8, 1912.

SURVEYOR OF CUSTOMS.

Jacob J. Greenewald to be surveyor of customs for the port of Salt Lake City, in the State of Utah.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Carroll S. Graves to be a lieutenant.

Ensign (Junior Grade) Stephen B. McKinney to be a lieutenant.

POSTMASTERS.

MICHIGAN.

Frank E. Hardy, Big Rapids.
Byron S. Watson, Breckenridge.

MISSOURI.

Mary E. Black, Richmond.
Edward W. Flentge, Cape Girardeau.
Basil B. Kimbrell, Fulton.
Frederick B. Rauch, Morehouse.

NEW YORK.

Joseph E. Cole, Perry,
Alexander M. Harriott, Rye.
Austin Hicks, Great Neck.
Frank N. Lovejoy, Macedon.

NORTH DAKOTA.

Charles H. Burch, Drake.
William H. Pray, Valley City.

SOUTH DAKOTA.

Arthur E. Dann, Centerville.
Elmer G. Houston, Oelrichs.
James H. Reed, Timber Lake.

WASHINGTON.

Thomas Harries, Renton.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 8, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

Eternal God, our heavenly Father, draw us by Thy holy influence into the higher realm of thought and action, that we may work together with Thee for the things which make for righteousness, truth, justice, and good will among men. That as instruments in Thy hands we may hasten the coming of Thy kingdom in the earth as it is in heaven. In the spirit of the Lord, Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow [Thursday] morning.

Mr. MANN. Is it the intention immediately after the reading of the Journal to go ahead with the legislative bill?

Mr. UNDERWOOD. That is the understanding, and the purpose of asking this consent is to allow more debate on certain important matters in the legislative bill.

Mr. MANN. I think it very desirable to meet early.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. UNDERWOOD]? [After a pause.] The Chair hears none.

QUESTION OF PERSONAL PRIVILEGE.

Mr. MADDEN. Mr. Speaker, I desire to rise to a question of personal privilege.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] rises to a question of personal privilege, which he will state.

Mr. MADDEN. I wish, Mr. Speaker, to state that in the Chicago Tribune, under the date of May 2, really published in the paper of May 3, an article appears in which the minority leader of the House, my colleague [Mr. MANN], is interviewed. The heading of this article says:

MADDEN, Speaker CLARK, and MOON accused by MANN of hatching the plot.

Then Mr. MANN goes on, and the paper purports to quote him in what he says. This was in reference to the parcel-post business, and the motion which I made to recommit the bill. Here is what Mr. MANN is quoted as saying:

"The whole affair is a dirty deal, and the people who have been fighting for a parcel post so many years ought to know it," said Representative MANN to-night.

"Speaker CLARK, Chairman MOON, and MADDEN hatched up this plot. I went to the Speaker two weeks ago and asked that I be recognized on the motion to recommit, and told him what I intended to do. He said he would have to recognize Representative GARDNER of New Jersey, the Republican member of the committee in charge of the minority opposition to the bill. I said that would be satisfactory, as GARDNER and I were agreed on the bill. GARDNER was to allow me to make the motion.

MANN EXPLAINS TRICK.

"This morning MOON came to me and asked to see my bill. I showed it to him in the confidence that I, as minority leader, would be recognized to present the substitute bill. He read my zone-system plan over and returned it to me without comment. Now, I learn that he tried to get GARDNER to make the motion so as to shut me out. GARDNER refused. So he induced MADDEN to do the business, and Speaker CLARK agreed to carry out the plan.

"This piece of trickery is the most scandalous defiance of the rules of the House we have witnessed in many a day."

Mr. Speaker, I would like to be allowed, if this is a question of personal privilege, to make a statement.

The SPEAKER. The Chair thinks it is a question of personal privilege, and the gentleman may proceed.

Mr. MADDEN. In the course of the proceedings on the Post Office appropriation bill, as everybody in the House knows, there was a good deal of legislation recommended, and the legislation which was recommended provided for the adoption of a parcel-post plan which would give the right to every American citizen to send any parcel up to 11 pounds anywhere within the jurisdiction of the United States at not to exceed 12 cents a pound. The recommendation provided for a change in existing conditions, which are that no package to exceed 4 pounds can be sent through the domestic mails by citizens of the United States, and the charge for every such package is at the rate of 16 cents a pound.

The recommendation made by the committee reduced the charge from 16 cents to 12 cents and increased the size of the package from 4 pounds to 11 pounds. In addition to that, the committee recommended the adoption of a rural parcel post, which gives to every citizen living on a rural postal-delivery route the opportunity to send a package up to 11 pounds from the post office where the rural route originates to the end of the route, the charge for which would be 5 cents for the first pound and 1 cent for each additional pound up to 11 pounds, making 15 cents for the whole package of 11 pounds. This recommendation provides also that any person living anywhere on any rural route may deliver his package to the carrrier, who is required under the law, if enacted, to carry it to the post office at the end of his route, and it requires the post office then to send it out on any other route which starts from that post office. This is what the committee recommended and this is what the House adopted.

During the consideration of this bill the gentleman from Missouri [Mr. SHACKLEFORD] introduced an amendment to the bill, which provides that every rural-route road in the United States shall be classified; that the classes of roads shall be numbered A, B, and C; that class A shall receive $25 per mile per annum for the privilege of delivering the mails; that class B shall receive $20 a mile; and that class C shall receive $15 per mile.

During the consideration of this amendment I spoke against it, and I tried to have it modified so as to cover all delivery routes, whether within cities or in the country. But while I was trying to have it amended I still said, frankly, that I was opposed to the principle involved in it, first, because the Government of the United States is paying at the present time $1,000 per annum to each rural carrier who is employed by the Government for the delivery of the mail to the citizens who live on rural routes, and this bill provides that that compensation shall be increased to $1,074. And it looked to me to be not only unfair but unjust and unwise for the Government of the United States to seek to compensate the farmer by the payment of $25, $20, or $15 per mile per annum for the privilege of passing along the highways to deliver the farmer his mail. I was strenuously opposed to it. I am opposed to it now.

There was another provision introduced into this bill as an amendment from the floor. That provision was introduced by the gentleman from Indiana [Mr. BARNHART]. It provided for the publication of the names of all the stockholders and the officers and controlling managers of all the newspapers in the United States, and for other information which I did not think the Government ought to impose upon the newspapers of the country. And so I was opposed to that.

But both these measures were adopted, and when the bill came from the committee to the House, as a member of the Committee on the Post Office and Post Roads I felt that, as I was opposed to these measures in the bill, if no other member who outranked me on the Committee on the Post Office and Post Roads wished to make a motion to recommit, it was my right to do so, and I rose in my place as a Member of the House and as a member of the Committee on the Post Office and Post Roads, and I exercised my right under the rule to introduce a motion to recommit with instructions to strike out the two items that I have described.

My colleague rose in his place, and he requested me to allow him to make the motion. I refused. He wanted to introduce a

motion to recommit with instructions to report back a parcels post bill which he himself had introduced only the night before, which no man in the House had ever read, which had never been sent to any committee or been considered by any committee—a bill which provided that rural carriers were to receive one-half of the revenues to be derived by the Government as the result of parcel-post delivery in the country, up to $600, thus enabling a rural carrier to draw as compensation for his service not only $1,074, as provided by law, but $600 in addition to that, making $1,674 per annum, while the letter carriers in the cities of the country, who would also be called upon to make these deliveries of parcels, are getting from $900 to $1,200 a year, depending upon the time of their service, and no provision was made for additional payment to these men. I was opposed to what he intended to do, because I was opposed to the Government of the United States entering into any contract with the rural carriers under which the carriers were to get half the receipts of the office, in addition to their salaries.

Now, one thing more. The statement made by my colleague to the effect that I entered into a plot with anybody is false in every particular. [Applause on the Democratic side.]

I entered into no plot, no scheme, and had no understanding. I stood on the floor of the House exercising my rights as a Member of the House, and particularly exercising my rights as a member of the Committee on the Post Office and Post Roads, whose bill was under consideration. I had no contract with Mr. MOON of Tennessee. I had no contract with the Speaker of the House. If the Speaker of the House knew that I was going to make a motion, he knew more than anybody else did, for I did not talk to anybody about what I was going to do. I had no talk with Mr. MOON of Tennessee. I had no arrangement with the Speaker for recognition. I rose in my place and made the motion. I was recognized. It was perfectly in order. I see no reason why I should not be recognized. I see no reason why the minority leader of this House should feel called upon to criticize me in the public press for doing my duty on the floor of this House as I understand it. [Applause on the Democratic side.] If he had any criticism to make of me and of my action, his place to criticize me was on the floor, where I could reply to him. He had no right to go into the newspapers and characterize my attitude as "an infernal plot." I want to say to him that my motives are as pure as his. [Applause on the Democratic side.] I have no interest in doing anything that is not for the best good of the country. Of course my colleague thinks that what he does not do is not properly done. I am sorry for that. [Applause on the Democratic side.] He thinks that all the wisdom and all the integrity of the country is bottled up in him, and I deny it. [Applause on the Democratic side.] I have great admiration for his genius, for his ability, but I frequently have to doubt the wisdom of his judgment. [Applause on the Democratic side.]

I want him to distinctly understand, and I want the people of my district and of this country to understand, that I am here as one of the entities of this House, as one of the Members of this House, with a certificate as big as that of any other Member of this House, and I am not going to be directed in the attitude I am to assume on great public questions by the attitude of the minority leader, unless he agrees with me and I agree with him. [Applause on the Democratic side.]

Now, he never spoke to me in connection with the motion that he proposed to make. I had no understanding of what he proposed to do. I did not know he had talked to Mr. GARDNER, or that he had talked to anybody, and I did not care, so far as that goes. He had not talked to me. Perhaps he did not think it was worth while to talk to me. [Laughter on the Democratic side.] I protest against any such slanderous statements as have been made by my colleague. Every word uttered by him is a deliberate falsehood, so far as it relates to any combination or any plot that I was in with the Speaker of the House or anybody else. [Applause on the Democratic side.]

My reason for not having made this statement sooner is that on Saturday morning, May 4, I received word that my wife, who for more than two years has been seriously ill, was much worse, and I went home to see her, returning only this morning, and for the further reason that I did not see the interview until I was on the train on my way home.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday, and the call rests with the Committee on Insular Affairs, and the unfinished business is the bill H. R. 17756, of which the Clerk will report the title.

CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS.

The Clerk read the title of the bill, as follows:

A bill (H. R. 17756) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes."

The SPEAKER. If no gentleman wants to take the floor to speak on this bill, the Chair will put the question on the passage of the bill.

Mr. COOPER rose.

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED] will be recognized first.

Mr. OLMSTED. I am not quite ready, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] will be recognized.

[Mr. COOPER addressed the House. See Appendix.]

Mr. OLMSTED. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 2, after the word "islands," by inserting "unless the Philippine Government shall provide otherwise by appropriate legislation either general or as to any specific tract or tracts."

Mr. MANN. That should come in on line 4.

Mr. JONES. Mr. Speaker, I ask unanimous consent that the Clerk again report the amendment.

Mr. OLMSTED. There seems to be a different print. There seems to be two different prints, and I think this should come in line 6 after the word "islands."

The SPEAKER pro tempore. The Clerk will again report the amendment.

The Clerk read as follows:

Page 2, line 6, after the word "islands," insert "unless the Philippine Government shall provide otherwise by appropriate legislation either general or as to any specific tract or tracts."

Mr. OLMSTED. Mr. Speaker, there has been a good deal of very able and interesting discussion on this bill. I think the gentleman from Virginia [Mr. JONES] in charge of the bill and the gentleman from Wisconsin [Mr. COOPER] were both in error as to their recollection concerning certain features of the organic act of 1902, for I find that as reported from that committee there was no limitation whatever upon the sale of friar lands except such as the Philippine Government might itself prescribe. I have the report in my hand. It was a Senate bill originally. The House, by amendment, struck out all of the Senate bill and inserted a substitute, and this is what it said on the subject of friar lands. Section 15—first I will say that section 65 of the act of 1902, as now upon the statute books, relates to friar lands, but in the House bill, as reported from that committee, it was section 15 which authorized the purchase of the lands held by the religious orders, and section 16 provided that after purchase—

they might be granted, held, and conveyed by the Government of said islands on such terms and conditions as it may prescribe.

Then later—probably in conference—the whole bill was shifted around so that the provision relating to friar lands was found in section 65, and it did say there it might be sold upon such terms as the Philippine Government might by legislation prescribe, "subject to the limitations and restrictions of this act." There were limitations and restrictions in the act that did apply to friar lands, but it is my contention that it does not apply to them the same conditions and restrictions that it applies to public lands. In sections 14, 15, and 16 of the act of 1902 you will find they are spoken of as "the public lands of the United States," they being the lands which the United States acquired from the Crown of Spain, while the friar lands were declared when purchased to be the property of the Philippine Government. They are entirely separate and distinct from the public lands of the United States.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. OLMSTED. I do.

Mr. STEPHENS of Texas. I believe the gentleman and myself were Members of Congress at the time and heard the discussion upon this bill in 1902. Is it not the remembrance of the gentleman—I know it is of mine—that this matter was limited, and we understood that an individual could not acquire more land that he acquired under the public-land laws of the United States, and that not more than 2,500 acres could be acquired by a corporation, and that that was done for the purpose of preventing the exploitation of the Philippine Islands and holding the islands for the benefit of the Filipino people?

Mr. OLMSTED. That is entirely true as to the 60,000,000 acres of public lands, and no corporation can hold more than 2,500 acres of any kind of lands. But it is not necessary to discuss that now. My very elaborate opinion appears in the report of the Committee on Insular Affairs which made the investigation of these friar-land sales in the last Congress, and by leave of the House I reinserted it in my speech of last Wednesday. It appears in this morning's RECORD at page 5718.

I think it is an unanswerable argument. Judge Madison, of Kansas, who had reached a different conclusion and prepared a different opinion, when I read mine aloud to him in the Committee on Insular Affairs threw down his and said, "That argument is unanswerable." That was my opinion then and it is my opinion to-day, and the introduction of this bill, unless my opinion was right, would not have been necessary.

This bill is so drawn that no Filipino, no American, could possibly understand its object or discover its purpose or effect unless he was thoroughly familiar with the subject, hunted up the organic act of 1902, and compared section 65 of that original act with section 65 as this bill proposes to amend it. The original act said these friar lands were to be sold on such terms and conditions as the Filipino Government by legislation should prescribe. Those words are stricken out by this amendment, and in lieu thereof we have—

and shall be held, sold, and conveyed, or leased temporarily, under the same limitations and restrictions as are provided in this act for the holding, sale, conveyance, or lease of the public lands in said islands.

Mr. JONES. I would like to ask the gentleman if the committee would accept this amendment, would the bill then be acceptable to the gentleman?

Mr. OLMSTED. I should still be opposed to the bill, but the bill would be less objectionable than it is now.

Mr. JONES. If it would remove the gentleman's objection, I would be willing to accept this amendment; that would not very materially change it, so far as the gentleman's position is concerned. I would like it to read:

That unless the Philippine Government shall hereafter provide.

Put the word "hereafter" in there.

Mr. OLMSTED. I think that is the construction of it.

Mr. JONES. But some gentleman thought that there had been a good deal of legislation in the past on the subject.

Mr. OLMSTED. According to my amendment, this bill, if passed, would be the law and could only be changed by legislation by the Legislature of the Philippines.

Mr. JONES. That is my construction, but in deference to the opinion of some other gentleman I would put in the word "hereafter."

Mr. OLMSTED. I have no objection to that.

Mr. JONES. And if we could agree as to the measure, with that amendment, I would be very glad to accept it.

Mr. MANN. Does the gentleman from Pennsylvania [Mr. OLMSTED] intend to offer another amendment?

Mr. OLMSTED. I have another amendment which I propose to offer. I will ask the Clerk to read it, and have it considered as pending.

The SPEAKER pro tempore (Mr. RUCKER in the chair). The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 21, after the word "holdings," insert:
"*And provided further*, That in the sale of lands by the Philippine Government there shall be no restriction, limitation, or discrimination against any citizen of the United States."

Mr. OLMSTED. Without objection, I would change that amendment to an amendment in the form of the one which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 21, by inserting after the word "holdings," the following:
"*And provided further*, That every citizen of the United States shall be permitted to purchase land from the Philippine Government subject to the limitations and restrictions herein provided."

Mr. JONES. I understand what the object is, but your amendment says that any citizen of the United States shall be permitted to buy any of the public lands of the Philippine Islands, and that would include the so-called public lands subject to the limitations and restrictions of this act.

Mr. OLMSTED. Yes.

Mr. JONES. It occurred to me that it possibly might mean subject to the restrictions and limitations of this bill, but you refer to the act which this bill would amend?

Mr. OLMSTED. Surely. And the act as it would be amended by this bill.

Mr. MARTIN of South Dakota. The gentleman might say, "This act as amended." Would that help it?

Mr. OLMSTED. I have no objection to that. I have no objection to changing it so that it will read: "This act as hereby amended."

The SPEAKER pro tempore. Without objection, the change will be made.

There was no objection.

Mr. TOWNER. Mr. Speaker——

The SPEAKER pro tempore. Will the gentleman from Pennsylvania yield to the gentleman from Iowa?

Mr. OLMSTED. Certainly.

Mr. TOWNER. I want to ask my colleague on the committee if the effect of the amendment was not really to place the situation where it stands now without the passage of any law?

Mr. OLMSTED. I think not. I think it would require future action by the Philippine Legislature.

Mr. TOWNER. Would it not require future action by the Philippine Legislature before any lands now could be disposed of?

Mr. OLMSTED. Before they can be sold in excess of 40 acres, it would, should this bill pass. As the law now stands, there is no necessity for further action by the Philippine Legislature.

Mr. TOWNER. There would be no objection to the bill as amended, if the gentleman will accept it, as I can see.

Mr. OLMSTED. I should still be opposed to it. I think it ought to be left just as it is.

Mr. TOWNER. That is, you would prefer——

Mr. OLMSTED. Do I understand the gentleman from Virginia [Mr. JONES] to accept both of those amendments?

Mr. JONES. No. I have not said anything in regard to them yet.

Mr. OLMSTED. Mr. Speaker, the effect of this bill is not only to limit the sale of friar lands to tracts of 40 acres to any one individual, but also to require that the purchaser shall live upon the 40 acres continuously for five years; and during that period, although he may have paid, cash down, full price for the land, he may not sell it, and he may not even mortgage it or borrow money upon it with which to improve it.

Now, I think as these friar lands belong to the Philippine Government, to the Filipino people, that were purchased by them with their own money, by which they incurred an indebtedness of $7,000,000 and an annual interest charge of $280,000, it would be monstrously unjust to them to restrict them in that way, when practical experience has demonstrated that they can not sell the land under such restrictions for sufficient price to reimburse them for the cost of them. If they are permitted to sell them in convenient tracts, some in larger tracts, they can get their money out of them. They have sold friar tracts at $6, where 40-acre tracts with these restrictions could not be sold for $2 an acre. Why should the Congress of the United States say that they shall not sell their own lands except under such burdensome conditions as prevent them from selling them at all?

Take the Isabela estate. It is in a wild, un-Christian province, 100 miles from a seaport, and that seaport 200 miles from Manila. Nobody would go there and buy a 40-acre tract and live on it unless he could borrow enough money to improve it.

If it could be cut up into reasonable tracts it could be sold for enough money to reimburse the Philippine Government for its purchase. Why should they not be permitted to do it? They have their own legislation now that authorizes the sale. This bill would not only amend the organic act of 1902, but it would repeal or render ineffective the Filipino statute.

Mr. MARTIN of South Dakota. Could that Isabela estate be sold under the interpretation that is placed on the selling of actual holdings to any extent?

Mr. OLMSTED. There is no holding in it at all. It is untenanted. My information is that it is rich land. It will be sold eventually in larger tracts for as much as the Government paid for it, with interest, but if in 40-acre tracts, under the restrictions, it can not be sold in 100 years.

In the meantime the Philippine Government will be paying the interest on its bonded debt. Why should we do this? We do not so restrict the sale of lands in Wisconsin, or in Virginia, or in Massachusetts, or in North Dakota, or anywhere else. Why should we impose such an onerous burden as that upon the Filipino people? It is something that I can not understand. There never was any desire on the part of the Filipino people for any such legislation as this until they were led to believe by some of their leaders that great interests here were going to gobble up their lands and that the investment by Americans there would in some way prevent the granting of independence. They reasoned that the Americans holding lands there would argue before Congress that their possessions would have less security under a native government than under the present government.

Mr. DAVIS of Minnesota. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Minnesota?

Mr. OLMSTED. I yield to the gentleman from Minnesota, a member of the Insular Committee.

Mr. DAVIS of Minnesota. The Philippine law, if the gentleman will pardon me for first making a preliminary remark, provides that an individual can purchase only 40 acres of these lands?

Mr. OLMSTED. Public lands.

Mr. DAVIS of Minnesota. And that a corporation can purchase only 2,500 acres?

Mr. OLMSTED. That is right.

Mr. DAVIS of Minnesota. That is provided for in section 65.

Mr. OLMSTED. No; section 15.

Mr. DAVIS of Minnesota. I think section 65 applies the same terms. Now, section 75 makes a further limitation upon the number of acres that a corporation can own at all.

Mr. OLMSTED. No corporation can own more than 2,500 acres.

Mr. DAVIS of Minnesota. That is either by purchase from the Government or from any other source?

Mr. OLMSTED. Friar lands, public lands, or lands from a private individual.

Mr. DAVIS of Minnesota. Yes. But as I read the law there is no limitation upon the ownership which can be acquired by a private individual.

Mr. OLMSTED. There is not, except as to public lands.

Mr. DAVIS of Minnesota. Hence, while there is an absolute limitation upon either the purchase, the acquiring, or the controlling of public land by a corporation to 2,500 acres, yet there is no limitation upon the amount that can be acquired and held and controlled by an individual. Now, does not the gentleman think——

Mr. MICHAEL E. DRISCOLL. Does the gentleman from Pennsylvania assent to that?

Mr. DAVIS of Minnesota. Does not the gentleman think, if we are going to keep these islands or attempt to control them in the interest of the Filipinos, that there ought to be at least some limitation upon the number of acres that an individual may acquire, not by purchase in the first instance from the Filipino Government but what he may acquire by purchase from other individuals, and thus prevent the possibility of one man or one or two men individually buying up the whole public domain there, if they have enough money, and thus creating a greater monopoly in one or two individuals than we permit in a corporation?

Mr. OLMSTED. Well, that is a question that is not involved in the consideration of this bill. No individual now can purchase more than 40 acres of the public land, of which there are something like 60,000,000 acres.

Mr. DAVIS of Minnesota. But he can acquire by purchase from other individuals the whole island if he has money enough?

Mr. OLMSTED. Well, if the other individuals owned the whole island and were willing to sell, he could.

Mr. DAVIS of Minnesota. But the corporations can not?

Mr. OLMSTED. That is true.

Mr. DAVIS of Minnesota. Why, then, place a greater limitation upon the corporation than upon the individual, if we would be consistent?

Mr. OLMSTED. The lands were in the ownership of private individuals, when we acquired occupation of the islands, in much larger tracts than 40 acres.

Mr. DAVIS of Minnesota. And the three religious orders of friars, I understand, owned these 400,000 acres?

Mr. OLMSTED. Yes.

Mr. DAVIS of Minnesota. What is there to prevent individuals, for instance, Horace Havemeyer, from going there and purchasing all the 400,000 acres?

Mr. OLMSTED. I am told there is one individual or partnership owning 14,000 acres of good sugar land. There is nothing to prevent Mr. Havemeyer or anybody else from buying that land if they have money enough to buy it.

Mr. DAVIS of Minnesota. Does not the gentleman think there should be a restriction against the purchase of such a large area, thus establishing a sugar monopoly? If he had money enough he could purchase land enough and thus acquire control of the islands.

Mr. OLMSTED. There is nothing in this bill to prevent an individual from purchasing all the sugar land owned by private individuals in the Philippine Islands.

Mr. TILSON. Mr. Speaker, may I ask the gentleman a question?

Mr. OLMSTED. Certainly.

Mr. TILSON. Have we ever attempted to restrict in any State or Territory the amount of land that may be bought by an individual?

Mr. OLMSTED. Not to my knowledge.

Mr. TILSON. Is there any more danger of a large monopoly from the purchase of land there than there is in Louisiana? Would it be fair for us to prohibit, if we had the power, anyone in Louisiana from selling a large amount of land that he might own?

Mr. DAVIS of Minnesota. I grant you that is true; but when we obtained these public lands, and when we obtained the friar lands, apparently the settled object of this Government was to prevent exploitation. In other words, the design was to sell the lands in small tracts to actual settlers, giving the preference to those who were already tenants or occupants of the land. Hence I say there is no more danger in Louisiana than there is over there in the Philippines. There is just as much. But why make the distinction as to the corporation and limit the corporation to the ownership of 2,500 acres and not limit the individual at all? An individual can go on and accomplish just as much as the corporation, and perhaps there are individuals in the United States who have money enough to purchase the whole 400,000 acres, not directly from the Government, not directly from the Filipinos, but to purchase from other holders until such individuals usurp or confer upon themselves the ownership of the entire Philippine Islands. There is nothing in the present law or in the present bill that would prevent that in the least.

Mr. OLMSTED. Mr. Speaker, the effect of my first amendment there is simply this: As the law now stands, and under the act already passed by the Philippine Government, there is no restriction upon the amount of friar lands which may be sold to an individual. This bill would not only restrict the sale to 40 acres, but would also, as I have said, impose these other burdensome and almost impossible conditions. Now, the effect of my amendment would be that if this bill is passed, the law would stand as this bill makes it stand, with the proviso that the Philippine Legislature may hereafter impose different terms and conditions, either generally as to all these lands or particularly as to certain specific tracts. In other words, it leaves it with the Filipino people to do with these lands what they please. Now, those of you who in a few days are going to vote to declare their independence must certainly believe that they would wisely dispose of their own lands. It seems to me there can hardly be any objection to that amendment, and it would, at least, be an improvement upon the bill as it now stands.

Mr. JONES. Mr. Speaker, I will say to the gentleman that with the slight modification of putting the word "hereafter" after the word "shall," in his amendment, I will accept it.

Mr. OLMSTED. Then, I should like to have a vote on the amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 6, by inserting after the word "islands" the following:

"Unless the Philippine Government shall provide otherwise by appropriate legislation, either generally or as to any specific tract or tracts."

Mr. OLMSTED. Insert the word "hereafter" after the word "shall."

The SPEAKER pro tempore. The question is on the amendment as modified.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SHERLEY. Is the bill now up for amendment, or is it subject to general debate?

Mr. OLMSTED. We are considering the bill in the House.

The SPEAKER pro tempore. The bill is being considered in the House. Anyone who has the floor has the right to offer an amendment.

Mr. SHERLEY. Has the bill been read for amendment at all?

Mr. OLMSTED. We are in the House.

Mr. SHERLEY. The bill must be read. I want to know if it has been read.

The SPEAKER pro tempore. The bill was read at the last session when it was under consideration.

Mr. OLMSTED. I call for a vote on that amendment.

The SPEAKER pro tempore. The question is on the amendment.

Mr. SHERLEY. I should like to have the amendment reported.

The SPEAKER pro tempore. The amendment will be reported.

The Clerk read as follows:

Amend, page 2, line 6, by inserting after the word "islands" the following:

"Unless the Philippine Government shall hereafter provide otherwise by appropriate legislation, either generally or as to any specific tract or tracts."

Mr. SHERLEY. I suggest to the gentleman that we ought not to vote on an important matter of this kind without a quorum. I have no desire to stop the gentleman in his speech.

Mr. MANN. Both sides are agreed on the amendment.

Mr. SHERLEY. The matter might be delayed until the conclusion of the discussion.

Mr. OLMSTED. I would rather discuss the bill when there is a quorum here, if there is to be one here.

Mr. SHERLEY. I feel that a bill of this importance should not be finally considered and passed without a quorum being present for full consideration of it. I did not know we were going to reach that stage so rapidly. I simply make that suggestion to the gentleman.

Mr. JONES. I ask that the amendment be put. Then the gentleman can raise his point of no quorum.

Mr. SHERLEY. The gentleman has not the floor to ask that.

The SPEAKER pro tempore. The question is on the amendment.

The question being taken, on a division (demanded by Mr. SHERLEY) there were—ayes 27, noes none.

Mr. SHERLEY. I suggest the absence of a quorum, Mr. Speaker.

The SPEAKER pro tempore. Evidently there is no quorum present.

Mr. JONES. I move a call of the House.

The SPEAKER pro tempore. That is not necessary. The Doorkeeper will close the doors. The Sergeant at Arms will notify absentees. Those in favor of the amendment will vote "aye," those opposed to the amendment will vote "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 189, nays 43, answered "present" 14, not voting 146, as follows:

YEAS—189.

Adair	Driscoll, M. E.	Konig	Rothermel
Aiken, S. C.	Dyer	Kopp	Rubey
Ainey	Edwards	La Follette	Rucker, Colo.
Akin, N. Y.	Ellerbe	Lamb	Russell
Alexander	Estopinal	Langham	Saunders
Allen	Farr	Lee, Ga.	Scully
Ames	Fergusson	Lee, Pa.	Sherley
Anderson, Ohio	Ferris	Levy	Simmons
Ansberry	Finley	Linthicum	Slayden
Austin	Flood, Va.	Lloyd	Sloan
Ayres	Floyd, Ark.	Lobeck	Small
Barnhart	Foss	Longworth	Smith, J. M. C.
Bartholdt	Fuller	Loud	Smith, Tex.
Bartlett	Gallagher	McDermott	Speer
Bell, Ga.	Gardner, N. J.	McGillicuddy	Stanley
Boober	Garner	McKellar	Stedman
Borland	Garrett	McKenzie	Steenerson
Bowman	George	McKinley	Stephens, Cal.
Browning	Godwin, N. C.	McKinney	Stephens, Miss.
Buchanan	Gregg, Tex.	Macon	Stephens, Nebr.
Burke, Wis.	Griest	Madden	Stephens, Tex.
Burleson	Guernsey	Maguire, Nebr.	Sterling
Burnett	Hamlin	Mann	Sweet
Butler	Hammond	Miller	Taylor, Ala.
Byrns, Tenn.	Harris	Moon, Tenn.	Thayer
Calder	Harrison, Miss.	Moore, Pa.	Thistlewood
Candler	Hartman	Morgan	Tilson
Cannon	Hay	Morrison	Towner
Cantrill	Hayden	Moss, Ind.	Tribble
Cline	Heflin	Mott	Turnbull
Collier	Helm	Needham	Underhill
Connell	Henry, Conn.	Oldfield	Underwood
Conry	Hensley	Olmsted	Utter
Covington	Holland	O'Shaunessy	Vare
Currier	Howard	Padgett	Volstead
Curry	Howell	Palmer	Vreeland
Dalzell	Hughes, Ga.	Payne	Watkins
Danforth	Hughes, N. J.	Pepper	Wedemeyer
Daugherty	Humphrey, Wash.	Peters	Whitacre
Davis, Minn.	Humphreys, Miss.	Pou	Wilder
De Forest	Jacoway	Powers	Willis
Dent	Johnson, S. C.	Pray	Wilson, Ill.
Denver	Jones	Prouty	Wilson, Pa.
Dickinson	Kennedy	Rauch	Witherspoon
Dixon, Ind.	Kinkaid, Nebr.	Redfield	Young, Tex.
Donohoe	Kinkead, N. J.	Rees	
Doughton	Kitchin	Reilly	
Driscoll, D. A.	Knowland	Rodenberg	

NAYS—43.

Anderson, Minn.	Francis	Kent	Raker
Berger	French	Lenroot	Robinson
Blackmon	Good	Lindbergh	Sims
Bulkley	Goodwin, Ark.	Martin, Colo.	Sisson
Cooper	Gray	Martin, S. Dak.	Stone
Copley	Green, Iowa	Morse, Wis.	Sulzer
Curley	Hardy	Murdock	Talcott, N. Y.
Doremus	Haugen	Neeley	Warburton
Evans	Hubbard	Nelson	White
Foster	Jackson	Prince	Young, Kans.
Fowler	Kendall	Rainey	

ANSWERED "PRESENT"—14.

Campbell	Glass	Roddenbery	Talbott, Md.
Cary	Houston	Rouse	Weeks
Esch	Kahn	Sabath	
Fornes	McCall	Stevens, Minn.	

NOT VOTING—146.

Adamson	Burgess	Crago	Dwight
Andrus	Burke, Pa.	Cravens	Fairchild
Anthony	Burke, S. Dak.	Crumpacker	Faison
Ashbrook	Byrnes, S. C.	Cullop	Fields
Barchfeld	Callaway	Davenport	Fitzgerald
Bates	Carlin	Davidson	Focht
Bathrick	Carter	Davis, W. Va.	Fordney
Beall, Tex.	Catlin	Dickson, Miss.	Gardner, Mass.
Boehne	Clark, Fla.	Dies	Gillett
Bradley	Claypool	Difenderfer	Goeke
Brantley	Clayton	Dodds	Goldfogle
Broussard	Cox, Ind.	Draper	Gould
Brown	Cox, Ohio	Dupré	Graham
Greene, Mass.	Konop	Moore, Tex.	Sheppard
Gregg, Pa.	Korbly	Murray	Sherwood
Gudger	Lafean	Norris	Slemp
Hamill	Lafferty	Nye	Smith, Saml. W.
Hamilton, Mich.	Langley	Page	Smith, Cal.
Hamilton, W. Va.	Lawrence	Parran	Smith, N. Y.
Hanna	Legare	Patten, N. Y.	Sparkman
Hardwick	Lever	Patton, Pa.	Stack
Harrison, N. Y.	Lewis	Pickett	Sulloway
Hawley	Lindsay	Plumley	Switzer
Hayes	Littlepage	Porter	Taggart
Heald	Littleton	Post	Taylor, Colo.
Helgesen	McCoy	Pujo	Taylor, Ohio
Henry, Tex.	McCreary	Randell, Tex.	Thomas
Higgins	McGuire, Okla.	Ransdell, La.	Townsend
Hill	McHenry	Reyburn	Tuttle
Hinds	McLaughlin	Richardson	Webb
Hobson	McMorran	Riordan	Wickliffe
Howland	Maher	Roberts, Mass.	Wilson, N. Y.
Hughes, W. Va.	Malby	Roberts, Nev.	Wood, N. J.
Hull	Matthews	Rucker, Mo.	Woods, Iowa
James	Mays	Sells	Young, Mich.
Johnson, Ky.	Mondell	Shackleford	
Kindred	Moon, Pa.	Sharp	

So the amendment was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. GLASS with Mr. SLEMP.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. RIORDAN with Mr. ANDRUS.

Mr. FORNES with Mr. BRADLEY.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Until further notice:

Mr. ASHBROOK with Mr. ANTHONY.

Mr. BOEHNE with Mr. CATLIN.

Mr. BRANTLEY with Mr. CRUMPACKER.

Mr. BROWN with Mr. DODDS.

Mr. BYRNES of South Carolina with Mr. FOCHT.

Mr. CARLIN with Mr. FORDNEY.

Mr. CLARK of Florida with Mr. GILLETT.

Mr. CLAYPOOL with Mr. GREENE of Massachusetts.

Mr. CLAYTON with Mr. HAMILTON of Michigan.

Mr. CULLOP with Mr. HANNA.

Mr. DIES with Mr. HAYES.

Mr. FAISON with Mr. HELGESEN.

Mr. DUPRÉ with Mr. HEALD.

Mr. FITZGERALD with Mr. HILL.

Mr. GOLDFOGLE with Mr. HOWLAND.

Mr. GRAHAM with Mr. HUGHES of West Virginia.

Mr. GREGG of Pennsylvania with Mr. LAFFERTY.

Mr. GUDGER with Mr. LAWRENCE.

Mr. HENRY of Texas with Mr. MCCREARY.

Mr. HULL with Mr. MCGUIRE of Oklahoma.

Mr. JAMES with Mr. MCCALL.

Mr. JOHNSON of Kentucky with Mr. MCKINNEY.

Mr. KORBLY with Mr. MCLAUGHLIN.

Mr. LEVER with Mr. MALBY.

Mr. MCCOY with Mr. MONDELL.

Mr. PAGE with Mr. NYE.

Mr. POST with Mr. PICKETT.

Mr. RICHARDSON with Mr. ROBERTS of Massachusetts.

Mr. RUCKER of Missouri with Mr. ROBERTS of Nevada.

Mr. SHARP with Mr. SMITH of California.

Mr. THOMAS with Mr. STERLING.

Mr. WEBB with Mr. WOOD of New Jersey.

Mr. WICKLIFFE with Mr. YOUNG of Michigan.

Mr. CARTER with Mr. KAHN.

Mr. ROUSE with Mr. MATTHEWS.

Mr. LITTLETON with Mr. DWIGHT.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. HARRISON of New York with Mr. HINDS.

Mr. PUJO with Mr. MCMORRAN.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. SHEPPARD with Mr. BATES.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Mr. COX of Indiana with Mr. REYBURN.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. MCHENRY with Mr. SWITZER.

Mr. BATHRICK with Mr. SAMUEL W. SMITH.

Mr. CALLAWAY with Mr. BURKE of Pennsylvania.

Mr. WILSON of New York with Mr. LAFEAN.

Mr. FIELDS with Mr. LANGLEY.

Mr. COX of Ohio with Mr. TAYLOR of Ohio.

Mr. MURRAY with Mr. CRAGO.

Mr. LEGARE with Mr. WOODS of Iowa.

Mr. RANDELL of Texas with Mr. SELLS.

Mr. KINDRED with Mr. PORTER.

From April 17 to May 21:

Mr. BURGESS with Mr. WEEKS.

From May 3 for two weeks:
Mr. SHACKLEFORD with Mr. DRAPER.
From May 7 until further notice:
Mr. BEALL of Texas with Mr. HAWLEY.
From May 4 to May 13:
Mr. DIFENDERFER with Mr. PLUMLEY.
From May 7 for 10 days:
Mr. KONOP with Mr. SULLOWAY.

Mr. KAHN. Mr. Speaker, is the gentleman from Oklahoma, Mr. CARTER, recorded?

The SPEAKER. He is not.

Mr. KAHN. I voted "aye." I am paired with the gentleman from Oklahoma and I wish to withdraw that vote and answer "present."

The Clerk called the name of Mr. KAHN, and he answered "Present," as above recorded.

The result of the vote was then announced as above recorded.

Mr. JONES. Mr. Speaker——

Mr. SHERLEY. Mr. Speaker, I make the point of order that the gentleman from Pennsylvania [Mr. OLMSTED] is entitled to the floor, and has the floor.

Mr. JONES. Mr. Speaker, I would like to know how the gentleman from Pennsylvania——

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. JONES. Mr. Speaker, I rise for the purpose of moving the previous question upon the bill and all pending amendments.

Mr. MORSE of Wisconsin. Will the gentleman withhold his motion until I can offer an amendment?

Mr. JONES. Mr. Speaker, I will withhold that motion until these gentlemen can send up their amendments and let them be considered as pending.

Mr. SHERLEY. Mr. Speaker, I make the point of order——

The SPEAKER. Will the gentleman withhold for a moment? Let the gentlemen send up their amendments——

Mr. SHERLEY. Mr. Speaker——

The SPEAKER. The gentleman from Kentucky is recognized to make his point of order.

Mr. SHERLEY. Mr. Speaker, the point of order is this, that the gentleman from Virginia has been recognized; he has voluntarily surrendered the floor and he is not again entitled to recognition while other Members who have not been recognized desire to be recognized and to be heard on the bill.

Mr. MANN. Mr. Speaker, I would like to be heard on the point of order.

The SPEAKER. The Chair will hear the gentleman from Illinois.

Mr. MANN. Mr. Speaker, the gentleman from Virginia, this being a House Calendar bill, when the bill first came up took the floor and occupied an hour. Subsequent to that the gentleman from Pennsylvania was recognized to offer an amendment, and of course under the rules was entitled to an hour to discuss the amendment and to take the floor on the amendment, and by that the gentleman from Pennsylvania lost the floor. Now the gentleman from Virginia asks recognition for the purpose of moving the previous question, not for the purpose of debate. I do not think he would be entitled to recognition for the purpose of debate if anyone else was asking for recognition, but it seems to me that the gentleman in charge of a bill, with no one on the floor at the time when an amendment was in order, is entitled to recognition for the purpose of offering an amendment if he chooses to do so, or for the purpose of moving the previous question——

Mr. MARTIN of Colorado. But there was some one on the floor seeking recognition.

Mr. MANN (continuing). Because without that there would be no way of closing debate for a month.

Mr. SHERLEY. Mr. Speaker, while the gentleman undertakes to make the statement that it would require a month to close debate, the fact always has been this, that a Member in charge of a bill, when it is called up with the House sitting as the House, has an hour. He has the privilege then of moving the previous question and to continue control of his bill; the previous question would then be voted upon. If it is voted up, the bill comes up for a vote; if it is voted down, the power passes to some one who is opposed to it. If, however, he voluntarily gives up the control of his bill, the man who is recognized has the right in his time to make a motion or move the previous question, and he, having been once recognized, can not again claim recognition to the exclusion of others, because, if the gentleman from Illinois is right in his position, it lies within the power of the gentleman in charge of the bill, having had an hour, to yield the floor and then at any time he sees fit cut off debate by moving the previous question.

Mr. MANN. He must be entitled to recognition for the purpose of offering an amendment as gentlemen in charge of the bill are entitled to recognition in Committee of the Whole House on the state of the Union. It is true we are in the House, but the gentleman in charge of the bill is entitled to recognition for the purpose of making the motion as against anyone on the floor asking recognition for debate.

Mr. OLMSTED rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. OLMSTED. For the purpose of a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OLMSTED. I had the floor to offer an amendment. I did offer it, and it was acceptable to the gentleman from Virginia [Mr. JONES]. He asked me if I had any other amendment, and I said I had another, and he seemed to desire to know what it was; so I agreed to let it be read and be considered pending. I stopped then, because there was no further controversy as to my first amendment, so that it might be formally adopted; but somebody made the point of no quorum, and that necessitated a roll call. It was not demanded by me, and I would like to be heard briefly on my second amendment, which has not been discussed.

The SPEAKER. The parliamentary situation is this, and the Chair does not think there is much difficulty about it: The gentleman from Virginia [Mr. JONES] is in charge of the bill. It has been the custom at least for 18 years in this House—I do not know how much longer—that a Member in charge of a bill is in charge of it [laughter], not for the purpose of talking all the time, but he can make a speech not to exceed an hour unless the House grants him more time, and the gentleman from Virginia did that. The gentleman from Pennsylvania [Mr. OLMSTED] took the floor for an hour. If anybody had raised the point of order against him then, he would have had to postpone his hour until everybody else had been heard who wanted to be heard, because that is the rule. If the gentleman from Virginia had undertaken to make a speech now, he would have to postpone that speech until every Member in the House who wanted to be heard had been heard, except that he would have the right to conclude. The gentleman from Pennsylvania [Mr. OLMSTED], it seems, got an hour and then lost it by reason of this roll call and amendment. Therefore the gentleman from Virginia, before anybody else gets recognition for a speech, has the right to make this motion for the previous question. Now, the question is——

Mr. OLMSTED. Mr. Speaker, I will ask the gentleman from Virginia if he will not, under the circumstances, withhold his motion, say, for 10 minutes?

Mr. JONES. Mr. Speaker, I will be very glad to do so, but the gentleman from Pennsylvania knows that there is a filibuster movement on foot here——

Mr. OLMSTED. But the gentleman from Virginia knows I have no part in the filibuster movement.

Mr. JONES. No; and that would probably add to the difficulty of passing the measure this evening.

The SPEAKER. Now, if the gentleman from Pennsylvania has another amendment the Chair thinks he has a right to offer it.

Mr. OLMSTED. I have it here now.

Mr. MARTIN of Colorado. Mr. Speaker, I would like to ask unanimous consent to ask the gentleman from Virginia a question. I would like to ask——

The SPEAKER. The gentleman from Colorado asks unanimous consent to ask the gentleman from Virginia a question. Is there objection? [After a pause.] The Chair hears none.

Mr. MARTIN of Colorado. I would like to ask the gentleman if he can not defer his motion for half an hour or an hour to give a few of us about five minutes apiece. I think I ought to have a little time, as I was the author of the investigation in the last Congress that brought about this legislation.

Mr. JONES. Mr. Speaker, I make this statement: If it can be agreed by unanimous consent that this motion for the previous question shall be put at 4 o'clock, I shall be glad to do it, but unless unanimous consent can be gotten for that I can not consent.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. Do I understand that the gentleman from Pennsylvania [Mr. OLMSTED] is in order to offer an amendment to this bill before the gentleman from Virginia [Mr. JONES] is in order to move the previous question?

The SPEAKER. The way that situation arose was this: The gentleman from Virginia [Mr. JONES] moved the previous question. Of course it is not debatable. Then the gentleman

from Wisconsin [Mr. MORSE] rose and asked him to withhold that motion until he could offer an amendment, and then six or eight other gentlemen indicated that they had amendments.

Mr. JONES. One other.

The SPEAKER. And the gentleman from Virginia [Mr. JONES] said he would withhold it that long, which he did, and the Chair ordered all of them to send their amendments to the Clerk's desk.

Mr. SHERLEY. Do I understand from the Chair's statement, then, that these various amendments are pending, and if they are pending are they subject to amendment or debate prior to the previous question?

The SPEAKER. There can not be more than four amendments pending to any one section.

Mr. SHERLEY. Are they pending, and are they debatable now?

The SPEAKER. No. The motion of the gentleman from Virginia [Mr. JONES] was for the previous question on the bill and all amendments thereto to final passage.

Mr. MANN. Mr. Speaker, if the gentleman will permit, the Speaker was not in the chair when this took place. Of course, there was only one amendment offered. That was offered by the gentleman from Pennsylvania [Mr. OLMSTED]. That was the one that was voted upon. The gentleman from Pennsylvania gave notice that he would offer another and have it read from the Clerk's desk, but it was not in order to offer it at the time because it in no way related to the other amendments.

The SPEAKER. What is the contention of the gentleman from Illinois?

Mr. MANN. That there is no amendment pending before the House unless the gentleman has an opportunity to offer one now.

The SPEAKER. That is exactly what the gentleman from Pennsylvania has done. He offered his amendment after the gentleman from Virginia [Mr. JONES] moved the previous question, but the gentleman from Virginia withheld his motion for the previous question until gentlemen could offer amendments.

Mr. MANN. If the gentleman from Virginia [Mr. JONES] withheld his motion for the purpose of letting the gentleman offer the amendment, I have no objection to the amendment.

Mr. MARTIN of Colorado. I do not understand the gentleman from Virginia [Mr. JONES] accorded any such exclusive privilege as that to the gentleman from Pennsylvania [Mr. OLMSTED].

The SPEAKER. He did not undertake to do anything of the sort.

Mr. MARTIN of Colorado. I have an amendment I would like to offer, Mr. Speaker. I have a substitute to the bill and all pending amendments.

The SPEAKER. The gentleman will suspend a moment. The gentleman from Kentucky [Mr. SHERLEY] understands, and so does the Chair, that you can have an amendment and an amendment to the amendment, a substitute and an amendment to the substitute, and that is all the amendments you can have on any one proposition. But if these amendments which come in by the grace of the gentleman from Virginia apply to different sections under that arrangement, they would all be in order, if they were germane, providing no more than four, as stated, apply to any one proposition in the bill.

Mr. SHERLEY. What I would like to ask the Chair is this: If these gentlemen are to be recognized to offer amendments, does the Chair then hold that the gentleman from Virginia [Mr. JONES] is entitled to recognition over anyone else to move the previous question so as to prevent debate on these amendments?

The SPEAKER. The Chair will decide that question when it arises. The question is on agreeing to the motion for the previous question.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. JONES. A division, Mr. Speaker.

The House divided; and there were—ayes 59, noes 64.

Mr. JONES. Mr. Speaker, I ask for tellers.

Tellers were ordered.

Mr. SHERLEY. A parliamentary inquiry, Mr. Speaker. Is that a sufficient number? We are in the House instead of in committee.

The SPEAKER. One-fifth of a quorum is sufficient under the rule.

Mr. SHERLEY. I had not made the calculation.

The SPEAKER. A quorum is 197, and 40 is more than one-fifth of 197. The gentleman from Virginia [Mr. JONES] and the gentleman from Pennsylvania [Mr. OLMSTED] will take their places as tellers.

The House again divided; and there were—ayes 61, noes 65.

So the motion for the previous question was rejected.

Mr. REDFIELD. Mr. Speaker, I make the point of no quorum.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry——

Mr. GARRETT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] makes the point of order that there is no quorum present. The Chair will count. [The Chair proceeded to count.]

Mr. GARRETT. Mr. Speaker, I withdraw the point of no quorum.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the House proceed with the consideration of this bill for 40 minutes under the 5-minute rule, and that at the end of that time the previous question shall be considered as ordered.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the House proceed with the debate under the 5-minute rule for 40 minutes, and that at the end of that time the previous question shall be considered as ordered.

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I would like to suggest to the gentleman that he couple with his agreement the proposition that there be no other matter considered to-day than this bill. I shall not then object.

Mr. MANN. Well, I will couple with that agreement that upon the passage of this bill the House shall adjourn—after the final vote on the bill the House shall adjourn.

The SPEAKER. And the gentleman from Illinois enlarges his request to the effect that after the disposition of this bill the House shall adjourn.

Mr. JONES. I object, Mr. Speaker.

The SPEAKER. The gentleman from Virginia objects.

Mr. OLMSTED. Mr. Speaker, I now offer again and desire to be heard upon the amendment which was read some time ago and which is considered pending.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED].

The Clerk read as follows:

Page 2, line 21, after the word "holdings," insert the following: "*And provided further*, That every citizen of the United States shall be permitted to purchase lands from the Philippine Government, subject to the limitations and restrictions herein provided."

Mr. OLMSTED. Mr. Speaker, the Government of the United States donated to the Philippine Government the 60,000,000 acres of land which, under the treaty of Paris, we acquired from the Government of Spain. In making that donation we affixed a condition, not only that not more than 40 acres should be sold to any one person, but that the person purchasing should live upon the land for five years continuously.

Mr. FOWLER. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. OLMSTED. Not at present.

Mr. FOWLER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. FOWLER. The gentleman from Pennsylvania [Mr. OLMSTED] has had his hour, and there are other gentlemen who desire to speak.

Mr. OLMSTED. May it please the court, I have not had two minutes yet. [Laughter.]

Mr. MANN. Mr. Speaker, if the gentleman will permit, the gentleman from Pennsylvania [Mr. OLMSTED] is entitled to an hour upon his amendment.

The SPEAKER. The Chair is inclined to think that the gentleman from Pennsylvania, having offered his amendment, is entitled to his hour. The House had the privilege of cutting off all this debate and did not do it.

Mr. FOWLER. Mr. Speaker, I understood the ruling of the Chair to be, before the motion was taken on the previous question, that he who had occupied an hour on this bill and had surrendered the floor was not entitled to speak on the bill further if there were any other gentlemen who wanted to speak on the bill.

The SPEAKER. That is absolutely correct, and if the gentleman were trying to speak on the bill the Chair would rule that anybody who had not spoken should have the right of way. But the gentleman from Pennsylvania [Mr. OLMSTED] has offered an amendment, and he has the right to an hour on the amendment.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OLMSTED. I hope this will not come out of my time.

Mr. SHERLEY. After the gentleman has finished his speech any gentleman who has not spoken will be entitled to recognition to speak on the bill?

The SPEAKER. It seems so to the Chair.

Mr. SHERLEY. Or would the gentleman from Virginia [Mr. JONES] have the right to interpose the previous question?

The SPEAKER. If the gentleman from Pennsylvania finishes his speech and stops—which he would have to do [laughter]—and if the gentleman from Virginia then got the floor before anybody else did, the Chair would undoubtedly hold that he had the right to order the previous question, because it must be that somebody has charge of the bill in the House.

Mr. SHERLEY. But if the Chair please, I suggest that, the previous question having been voted down, it is an indication on the part of the House that it desires debate on the bill, and those of us who never have had the privilege of speaking to the bill ought to be given that privilege before the gentleman from Virginia could be recognized to move the previous question.

The SPEAKER. Any gentleman that can get the floor has the right to move the previous question. There are no two opinions about that, the Chair would think, unless the gentleman from Kentucky [Mr. SHERLEY] claims that the gentleman from Virginia [Mr. JONES] lost control of the bill when the motion for the previous question was voted down.

Mr. SHERLEY. Unquestionably, if that is the result of the vote.

The SPEAKER. The Chair will dispose of that point when the time comes.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker and gentlemen, I wish to detain you long enough to express my approval of this particular bill, and especially of the principle involved in it, because so far as it goes it embodies the proper attitude of this Government toward the Philippine Islands and people. The particular amount of land which this bill, if enacted into law, proposes to put into the same legal status as the 60,000,000 acres acquired by our Government from Spain is not so very large, and no very great damage could be done if it were left as it is, even under the construction given by the Attorney General to the present law. However, it is entirely proper for the Congress to take notice of the opinion given by the Attorney General construing the law by which the insular government got possession of the friar lands, and as directly as possible express its disapproval of the sale of about 55,000 acres of land at one time and to one person.

My opinion of the law which provided for the acquisition of the friar lands is not entitled to any considerable weight, but the understanding of Congress at the time that law was enacted, and the general impression of what it was expected to accomplish, are entitled to much consideration. It was the general opinion at that time, according to my recollection, that the friar lands, when acquired by the insular government, would be placed in the same legal status as the larger amount of land acquired from Spain, and would with reference to sales, rentals, and so forth, be subject to the same rules, regulations, and law.

It has been stated here that up to a recent date 8,393 separate sales of friar lands were made, of which sales 82 involved tracts in excess of 16 hectares, or 40 acres each. Of those 82 sales only 6 exceeded 100 hectares, and of those 6, one was the sale to Mr. E. L. Poole of a very large tract—about 55,000 acres. This very large number of small sales indicates clearly that the insular government was in good faith administering the law according to its spirit as well as letter by permitting people who occupied lands under the administration of the friars to buy their holdings from the Government, the overwhelming majority of which were below 16 hectares, and those which were above that amount only very little in excess thereof.

I am opposed to the exploitation of the Philippine lands or other resources by any class of people, and especially by Americans, because the more limited are American interests in the islands the more readily and easily we will be able to withdraw American occupation when the time comes. Congress has never directly and formally declared the policy of this country in favor of discontinuing its occupation of the Philippines when they are fit to manage their own affairs and govern themselves; but the executive department of this Government has always, I think, unqualifiedly given the Filipinos to understand that when they are sufficiently developed financially, industrially, and politically to establish a stable form of government and maintain law and order, that this country will then withdraw its occupation, set them up as an independent people under a government established by themselves, and bid them Godspeed. I am not convinced that they are sufficiently advanced to do that now, and I am afraid they will not be at the end of eight years; but I hope to live to see the time when they will be, and to see the time when this country is honorably rid of them and out of this unfortunate and un-American entaglement. Therefore, it seems to me, that when that time comes, the fewer the interests of American citizens, directly or indirectly, in the lands, mines, factories, or in other respects, in the Philippines, the more promptly we can sever our relations with the islands.

I have always been opposed to any legislation or propositions which came before the House tending to involve our people in contracts or permanent business relations of any kind with the Filipinos, because I always feared that those people would exercise their influence in maintaining American sovereignty, which they might think would be to their advantage.

I distinctly recollect some years ago when a bill was up providing for mining contracts in the Philippines that it was opposed and voted down on the floor of this House under the impression, and because of the argument, that it might tie up the Philippines to us when the time should come when we otherwise would be willing and ready to sever our relations with them. I have always been opposed to spending large amounts of money in permanent fortifications and military establishments in the islands looking toward permanent occupation; and I have been in favor of securing either a small island or an advantageous place in a large island, with good natural harbors, on which we could establish our own improvements and maintain it permanently as a coaling, naval, and commercial station when we were ready to surrender occupation in the balance of the archipelago.

I was not very favorably disposed toward the provision in the Payne tariff law which opened our ports—the best in the world—to Philippine sugar and tobacco to a considerable amount, because I feared it would tempt the cupidity and enterprise of American refiners to go over there and buy up large tracts of sugar land, establish large plantations, and take advantage of that law in getting their sugar into this country free of duty. The expected happened, for it appears that very soon after the enactment of that law Mr. Poole, who is said to be a relative of Havemeyer and a member of the Sugar Trust, proceeded to buy in one lump this 55,000 acres of Philippine sugar land, and is proceeding to develop it as a great sugar plantation. Money is power the world over, and if other wealthy Sugar Trust magnates should be permitted to buy up large tracts of sugar land and establish their factories over there, they might, and perhaps would, oppose the discontinuance of American domination in the islands in their own interest.

Whatever may be said of American treatment of the Philippines in other respects, no one can claim that we took possession of them for the purpose of exploiting them or making money out of them. We subdued the people, it is true, and the loss of Philippine life and property in that process was tremendous; but aside from that our administration in the islands and our desire to help them and uplift them has been more generous, magnanimous, and liberal than in the case of any other colonizing or dominating power in the history of the world.

It was the wish of President McKinley that the islands should not be exploited. That has been the desire and wish of almost every American from that time to this, save those who went over there to make money.

The permission to Mr. Poole to buy this fifty or sixty thousand acres of land is contrary to the overwhelming sentiment of this country and contrary to the uniform policy of this country toward the Philippines since our occupation of the islands. The Congress owes it to the country and to itself to repudiate, as far as it can, that transaction, and to put itself on record against the permission of similar transactions in the future.

Our possession and occupation of the islands have been attended with enormous losses of money and some loss of life and property and much loss to the health of many of our citizens. But there is no use in crying over spilled milk. The past can not be changed; but we should at least demonstrate to the Filipino people and to the world that our conduct in the administration of the islands has not been actuated by selfish motives; that while we may have made mistakes, perhaps to their injury, those mistakes have not been due to any desire to make money out of them, either for this Government or for American citizens or corporations; and the enactment of this bill into law will be consistent in this regard with our treatment of them since our occupation.

Mr. OLMSTED. Mr. Speaker, I thought I had the floor.

The SPEAKER. The gentleman from Pennsylvania is recognized.

Mr. OLMSTED. Mr. Speaker, when, under the treaty of Paris, the Government of the United States acquired from the Crown of Spain some 60,000,000 acres of land, we were sufficiently generous to provide by act of Congress that those lands might be administered by the Philippine Government for the benefit of the Filipino people. A provision to that effect was made in what is commonly called the organic act, approved July 19, 1902.

Now, there has been a good deal of discussion as to what provision was made in that act with reference to the sale of the

friar lands, which, as I have already attempted to explain, are a very different proposition from what are called the public lands. The public lands sometimes in the act of 1902 are spoken of as "the public lands," but generally as "the public lands of the United States," and were never the inheritance of the Filipinos as has been stated. They never belonged to the Filipinos. They belonged to the Crown of Spain.

The United States purchased them. It had the right to do with them as it pleased. In the exercise of that right, and of a liberality and a generosity never before illustrated in any Government on earth, the United States gave those 60,000,000 acres of public lands which belonged to it to the Filipino people.

Now, in that same organic act of 1902 provision was made that the Philippine Government might purchase what are commonly called the friar lands, being some 400,000 acres of land which did not belong to the Crown of Spain, did not belong to the United States, did not belong to the Filipino Government, but were in the private ownership of certain religious orders, the Augustinians, commonly called the shod Augustinians by way of distinction from the barefoot Augustinians, the Recolletos, and the Dominicans.

Now, those lands were, about half of them, very thickly peopled. Upon about 200,000 acres of them there were living over 160,000 people. There are some of them near Manila and some of them near other big towns, and are rich, fertile, valuable lands. But the priests, the friars, who owned those lands, were in bad odor with the Filipino people. It seems that no native priest was ever admitted to their order. They sympathized with Spain. In the insurrection of the Filipino people against Spain the friars were understood to be in accord with Spain. The Filipinos had attacked the friars. They had killed about 50 of them. They had incarcerated a good many of them, and the others they had driven into Manila, where the Americans found them when they came to take possession of the islands. Now, as to the other half of these lands, they were, some of them, upon islands which were wild, unoccupied, untenanted; vacant, profitless lands, but we had to buy all of them in order to get any of them. The trouble was that the tenants on these friar lands finally refused to acknowledge the title of the friars at all. They would not pay rent. They simply lived on the land, denied the title of the actual owners, and refused to pay rent. The friars demanded either the rents or the possession of their lands, and the American Government found itself in all sorts of trouble between the friars and their thousands of tenants.

Under the authority of the act of Congress and under the skillful and diplomatic handling of the matter by William H. Taft, who was then in charge of the Philippines, arrangements were made whereby the Philippine Government became the possessor of the titles which had existed in the friars, and became the owners of the lands. In order to do that they had to issue $7,000,000 of bonds at 4 per cent, the annual interest charge being $280,000. They had no difficulty in arranging with the tenants, making peaceable, harmonious, orderly agreements with the 160,000 people upon one-half of those friar lands. They had no trouble with them. The agrarian and political troubles which arose out of the ownership of the friars have all passed away. The lands are disposed of all except about 125,000 acres. That is all there is of the friar lands remaining which anybody could pick up in any considerable tracts, and they are scattered through six different Provinces in different islands. Some of them are in Christian Provinces and some of them in non-Christian Provinces, inhabited by wild tribes.

This bill proposes that these friar lands shall be made subject to the same conditions which we imposed upon the disposition of the public lands by the Filipinos when we gave them the lands. I want to call attention again to the onerous conditions of those restrictions. No individual could buy more than 40 acres. The purchaser must live on that 40 acres continuously for five years, and during that time he could not sell the land, even though he had paid the full purchase price down in cash at the time of the transaction. He could not sell an inch of the land for five years. He could not borrow money on it to buy the water buffalo to cultivate it or to build a shack upon it. Now, who would buy 40 acres of land upon the Isabela estate, 100 miles from the seaport nearest to Manila, and that seaport 200 miles from Manila? Wild, desolate, uninhabited island, in a non-Christian province, peopled by wild tribes. Who would buy 40 acres there at any price if he had to go and live there for five years and could not sell or mortgage the land?

But in larger tracts those lands can be sold at fair prices. The difference between selling under the conditions applicable to the public lands and selling in larger blocks and without those onerous conditions of continuous occupancy, nonalienation, and nonencumbrance for five years is more than 4 to 1. They can get more than four times as much for those lands in large tracts and without these burdensome conditions as they can for the public lands.

Mr. MANN. Will the gentleman yield for a question?

The SPEAKER. Will the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. OLMSTED. Certainly.

Mr. MANN. I understood the gentleman to say that a person would not be able to sell the land or to mortgage it for five years. What is about the price at which those lands would sell?

Mr. OLMSTED. The public lands are offered at a price of something less than $2 an acre.

Mr. MANN. The friar lands?

Mr. OLMSTED. The friar lands have been sold at all the way from $6 to $722 an acre.

Mr. MANN. I understand that under the general law, in which the friar lands are to be included, if a man had money enough to pay half the price for the land he would not be able to borrow the other half to complete the payment.

Mr. OLMSTED. Should this bill pass he could not borrow a cent on the land, even though he paid the whole of the price cash down or if he paid half or a quarter. He is positively prohibited from selling or encumbering or alienating the land in any way. That is the law now as to public lands, and this bill proposes to extend it to friar lands.

Mr. MANN. Can they buy on terms?

Mr. OLMSTED. They can buy, payable in installments; but whether they pay in installments or pay cash down, they must live on the land continuously for five years, and can not sell or borrow money on it during that period.

Mr. MANN. If a man should buy a piece of land and pay the first two installments and then want to borrow money on his land and pay in full the balance, he would not be permitted to do so within five years?

Mr. OLMSTED. He would not. He could not borrow money on it in any way, shape, or manner during that period of five years.

Mr. JONES. Mr. Speaker, I think the gentleman from Pennsylvania is not discussing his amendment. I do not want to limit him, but this general question has been very fully discussed, and I would be glad if the gentleman would confine his remarks to his amendment.

Mr. OLMSTED. I will endeavor to do so within reasonable limits.

Mr. GREEN of Iowa. Will the gentleman yield for one more question?

Mr. OLMSTED. Yes.

Mr. GREEN of Iowa. Will the gentleman state what is the quality of the remaining friar lands compared with those that have been disposed of?

Mr. OLMSTED. Just as good lands as any that have been disposed of, but they are not so near the city, and for that reason are not quite so valuable. The remaining land is just as fertile, but will not sell for as much as the land near Manila, and would not sell quite as well because the police regulations are not so strict where the land is located. But as far as the fertility and value of the land goes for sugar, hemp, cocoanuts, or rice it is just as good as any land in the islands.

Mr. Speaker, I was about to call attention to the fact that when I asked the gentleman from Wisconsin whether there were these restrictions on the sale of the friar lands in the bill as originally reported from the Insular Affairs Committee, the gentleman from Wisconsin hesitated for a moment, and the gentleman from Virginia [Mr. JONES] answered that there were. Am I right?

Mr. JONES. I will say that I do not remember just what I said, but I would like to say now that there was in that bill a provision for purchasing these lands and disposing of these lands. It was not section 65. My recollection is that it was section 15, and my recollection is that when the bill went into conference the numbering of the sections was changed. It may not have been in the exact language of the present law. It may be that in conference there were some changes made, but there was a section providing for the purchase of the lands and for the disposition of them, and I think the section was numbered 15.

Mr. OLMSTED. Was there any limit on the number of acres of the so-called friar lands which might be sold to any one person?

Mr. JONES. That I could not undertake to say. I do not know just exactly how the section read, but I know that there was a section in the House bill and there was none in the

Senate bill. The point that I undertook to make was that the Senate had nothing in it on the subject, while the House prepared a bill which provided for the disposition of the lands and reported it as a substitute for the Senate bill. That bill went into conference, and quite a number of changes were made, and I know the numbering of the sections was changed, and it is entirely possible that changes were made in the verbiage of that section.

Mr. OLMSTED. I was not a member of the Committee on Insular Affairs at that time. I was appointed to that committee by Speaker Henderson on the 13th of May, 1902, just before the bill came up in the House. I have in my hand the report of the Committee on Insular Affairs on that bill, and I think that the gentleman from Virginia is correct in stating that the section for the purchase of these lands of the religious orders was section 15. Then, section 16 provided:

That the land acquired under the authority of section 15 of this act shall constitute a portion of the public property of the Government of the Philippine Islands, and may be granted, sold, and conveyed by the Government of said islands on such terms and conditions as it may prescribe.

There is not a word about 16 hectares or 40 acres, or any limitation whatever.

Mr. JONES. I would like to remark right there that that is a very strong argument in favor of our position. When the bill came from the House, according to the gentleman from Pennsylvania, it contained no limitations as to the land that could be sold, but in conference limitations were placed upon the sale, the limitations now in the law.

Mr. OLMSTED. That is the question. The provision relating to the purchase of these lands became section 65, and it does not say, as the pending bill does, that they shall be sold subject to the provisions pertaining to the public land, but upon such terms as the Philippine Government may by legislation prescribe, "subject to the terms and conditions of this act." There are a great variety of terms and conditions provided for the friar lands. If Congress had desired to impose the same conditions as on the public lands it seems to me that Congress would have said: "Subject to the same terms and conditions as are herein provided for the sale of the public lands." But that is neither here nor there; that time has passed. That act has been on the statute books for 10 years and we are now amending it.

Mr. JONES. Will the gentleman permit a question?

Mr. OLMSTED. Certainly.

Mr. JONES. The gentleman was a member of the committee when this bill was pending in conference, and he was a member of the committee when the conference report was made to the House and the bill was adopted. I would like the gentleman to state to the House why, in his opinion, that limitation which he has read was put in the bill at all, if it was not the intention of Congress to put limitations on it. Why did it not leave the matter as it left the House?

Mr. OLMSTED. It did. There are plenty of limitations provided that are applicable to the friar lands. For instance, that they may not be leased for a period exceeding three years. That shows an intention that they should be promptly sold. There is another provision that the money shall be put in a trust fund to pay off the bonds.

Then there is another provision that deferred payments shall bear the same interest as that paid on the bonds issued for the purchase of the friar lands. Another condition was that the money realized from the sale of the lands should constitute a trust fund and not go into the Treasury for general purposes.

There is no evidence at all that they intended to limit the holdings to 40 acres. Then there is another provision that corporations shall not hold more than 1,024 hectares, and another that the Government shall have certain rights of way over these lands.

There are a great many conditions named in the act to which they were thus made subject, but Congress did not in terms make them subject to the provisions in relation to public lands. It strikes me that that is significant. Had Congress wanted to impose those conditions it would have said so specifically. But it omitted to impose those limitations and conditions upon them.

Now, it has been contended by the gentleman from Virginia upon the floor of this House, and he is a lawyer for whose judgment I have great respect, that under section 15 of the organic act as it now stands public lands can not be acquired by a citizen of the United States. That section provides:

SEC. 15. That the Government of the Philippine Islands is hereby authorized and empowered, on such terms as it may prescribe, by general legislation, to provide for the granting or sale and conveyance to actual occupants and settlers and other citizens of said islands such parts and portions of the public domain, other than timber and mineral lands of the United States in said islands as it may deem wise, not exceeding 16 hectares to any one person, and for the sale and conveyance of not more than 1,024 hectares to any corporation or association of persons: *Provided*, That the grant or sale of such lands, whether the purchase price be paid at once or in partial payments—

And that answers the question of the gentleman from Illinois [Mr. MANN]—

shall be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee can not alienate or encumber said land or the title thereto; but such restriction shall not apply to transfers of rights and title of inheritance under the laws for the distribution of the estates of decedents.

I call particular attention to the words "actual occupants and settlers and other citizens of said islands."

A citizen of the Philippine Islands—that term is defined in the organic act as follows:

That all inhabitants of the Philippine Islands continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then residing in said islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands, except such as shall have elected to preserve their allegiance to the Crown of Spain.

And so forth.

Under that language a citizen of the United States is not a citizen of the Philippine Islands, and there is no provision of law by which he can become one. Now, it is the opinion of as good a lawyer as my friend from Virginia that under that law no citizen of the United States can acquire even 40 acres of public land in the Philippines.

Mr. JONES. Mr. Speaker, will the gentleman yield for a moment? The gentleman from Pennsylvania quotes me entirely correctly. That was the position which I held, and I still hold that position. I want to ask the gentleman if that was not the position taken by Judge Madison and two other Members of the majority in the Sixty-first Congress. I will ask if Judge Madison, whose opinion the gentleman quoted during this discussion, did not write a report in which he took precisely the same ground as I took, that the commission could not sell one acre of these public lands to any alien?

Mr. OLMSTED. I do not know exactly who would be considered an alien in the Philippine Islands.

Mr. JONES. To anybody other than a native of the islands.

Mr. OLMSTED. I think that he perhaps used the word "alien," and he drafted an opinion—I do not remember the exact opinion, but it was in harmony with the suggestion of the gentleman from Virginia.

Mr. JONES. So I was not alone in that matter?

Mr. OLMSTED. Oh, no; not at all.

Mr. MANN. Will the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. MANN. Is not the purpose of the gentleman's amendment to practically acknowledge the contention of the gentleman from Virginia and correct it?

Mr. OLMSTED. That is the intention. I want to remove all question, all doubt, and make it perfectly plain that a citizen of the United States may have the poor privilege of buying 40 acres of public land in the Philippine Islands if he so desires. It seems to me that it would be humiliating to the people of the United States if, after having given away those 60,000,000 acres of land to the Filipinos, we are to be deprived of the privilege of buying and paying for even the small allowance of 40 acres. While a citizen of the United States is not a statutory citizen of the Philippine Islands within the meaning and intent of the organic act of 1902, nevertheless we are not foreigners in those islands. A citizen of the United States is not a foreigner in any land over which the Stars and Stripes float in protection. [Applause.] Not being a foreigner, being under the protection of the same flag and of the same Government, what earthly reason can there be why a citizen of the United States shall be denied the privilege, either by the organic act or in this bill, of purchasing 40 acres of land and raising a coconut grove in the Philippine Islands if he so desires? The purpose of my amendment is to insure that privilege, and I will ask to have it read in my own time.

The SPEAKER. The Clerk will report the amendment again.

The amendment was again reported.

Mr. HILL. Mr. Speaker, will the gentleman kindly yield to me for a moment or two? I do not want to deprive the gentleman of his time.

Mr. OLMSTED. You mean for an interruption? Certainly.

Mr. HILL. Mr. Speaker, I have just heard the amendment read. I have not been here during the progress of the debate, but I have very distinct and clear ideas on this whole subject. I visited the Philippine Islands twice, was here during the original discussion when the organic act was passed, and had inserted an amendment in it on this very subject. I have visited most

of the large places in the entire archipelago. I rode for two days for 80 miles across the largest island of them all, Mindanao. I say as a business man that the wisest thing that could be done for the Philippine Islands is to have American capital go there and be invested, and preferably go there and be invested under the jurisdiction and control of the Filipinos themselves, and therefore this morning for a moment or two I questioned the gentleman from Wisconsin as to whether this bill met the approval of the Resident Commissioner from the Philippine Islands. I think the wisest thing that can be done is to allow the people who are now located on the friar lands to have those lands, buy them from the Government, and the Government take a mortgage back if the tenants have not the money to pay for them. That is the first proposition. That being so, it strikes me the wisest thing that can be done would be for the Filipino Government, the Government of the Filipinos themselves, in whom I have confidence, for I have met many of them—wise, intelligent, prudent, thoughtful, and patriotic men, loving their country just as much as I love the State of Connecticut—I would let them have unlimited control, without restriction, of the balance of these friar lands to sell in such a way as they, in their judgment, saw fit for what they believed to be for the best interests of the islands.

I would trust the two Resident Commissioners from the Philippine Islands with full control in regard to all the unoccupied friar lands, and I would equally trust the Philippine Legislature itself to do the same thing, believing that they would do that which was wise and best for their own country. And for us here, 10,000 miles away from the scene of operations, to attempt to control the situation out there, of which we can have little knowledge, is a piece of unwise legislation.

Mr. REDFIELD. Will the gentleman yield?

Mr. HILL. Certainly.

Mr. REDFIELD. It is a pleasure, Mr. Speaker, to agree most cordially with every word that the gentleman from Connecticut [Mr. HILL] has said. The sad and regretful thing about the Philippine Islands is the awful poverty of the peasant farmer.

Mr. HILL. Absolutely.

Mr. REDFIELD. It is pitiful. It makes the saddest parts of the sad places in different parts of Ireland look like a garden blossoming as a rose. And it can not be told more clearly than in a few words which will contrast one of the nearest tropical countries with the Philippines.

If the gentleman will allow me a single moment, I would like simply to state in a few sentences the facts regarding Java on the one hand and the Philippines on the other. I had the pleasure of going from one to the other. Java, an island almost precisely the size of the State of New York, or of Pennsylvania, supports 30,000,000 people, and is a food exporter. There is not a man here that has not been familiar with Java coffee, Java sugar, Java tobacco, and a dozen other products of Java, and yet in that island, which is chiefly mountainous and the size of New York State almost precisely, they support 30,000,000 people and at the same time export food. In the Philippines, with every advantage that Java has, and more, where the country is less mountainous and as fertile, and her area more than double and her population but 8,000,000, she is a food importer. She can not feed herself. It is the poverty of the tao, of the Philippine farmer, which is the supreme and controlling factor in the Philippine Islands, and it is the curse of the islands that the "politico" holds that farmer in his grasp and uses him in his poverty and in his ignorance for his own selfish ends. [Applause.]

Mr. HILL. Mr. Speaker, the comparison of Ireland with the Philippine Islands is not a fair illustration. Ireland was under an English landowning aristocracy, and it is undoubtedly true that great areas of that country have long been held by individuals for the purposes of hunting and for game preserves, and not for cultivation. It is not so in the Philippines. For two days I rode through the island of Mindanao—and there are gentlemen here who can indorse what I say—and saw a soil as fine as anything under the heavens. We rode through grass so high that you could see nothing except the heads of your companions. There was a magnificent soil, which had been lying uncultivated from the dawn of creation until now. I do not care whether it is in 40-acre sections or in 40,000-acre sections, if you can get that country under cultivation and give the people employment, instead of allowing it to be occupied here and there by a little settlement of Moro Indians, and the larger part of the islands uncultivated and in virgin condition, it is the best thing you can do. It seems to me to be folly for us to legislate here, with prejudices formed under an entirely different condition of things, that they shall not sell their land except in 40-acre tracts. What is the purpose of it? It is to prevent outsiders from so-called exploitation of the islands. But the people do not cultivate them. They can not afford to do so. They have not the money to make great sugar plantations and great tobacco plantations. But if men will go in there and put in their capital and buy the land—I mean the public lands, and not the lands occupied by the individual citizen or Filipino to-day—but buy the public land now unoccupied and give these people employment, and take the Moros out of savagery and put them to work, it will do more to civilize, educate, and cultivate those people and build up and strengthen and enrich the islands than anything we could do. And for us here to enact restrictive legislation based upon entirely different conditions to those islands is making a fatal mistake, so far as their prosperity and advancement are concerned. Give them work at fair wages. Let the capital go in there.

I remember when the first bill was passed I put in an amendment in regard to the amount of land that could be secured, making the exception that irrigation companies should have the privilege of buying larger quantities, because, of course, an irrigation company can not work to advantage on a 40-acre tract. And that provision is still in the bill. Whom is it going to harm that a man should go down into Mindanao or Mindoro and buy thousands of acres of land and run a sugar plantation, where the land now is absolutely wild and unoccupied. Talk about conservation—I would rather conserve the people than conserve empty land. That is the kind of conservation I am for. And, gentlemen, I tell you, as honestly as anything I have ever believed in my life, that this legislation you propose to pass is a fatal mistake for the advancement of the Philippines.

Mr. OLMSTED. Mr. Speaker, the land area of the Philippine Islands is equal to that of all the islands that compose the Empire of Japan, with its 40,000,000 people. It is greater than the six New England States and New York and Delaware combined.

Yet we have this whole controversy raging here over an attempt to limit the sale of 125,000 acres of friar lands to tracts of 40 acres each. And gentlemen seek to deprive citizens of the United States from purchasing even 40 acres. These lands, according to the report of a Government official who has recently visited the islands, an official of the Agricultural Department, are the most fertile lands that he ever saw. There is no doubt about their fertility. And yet, adapted as many of them are to the cultivation of rice, and the people living, as the people of the islands do, largely upon rice, they did not raise enough last year to supply them with food. They imported rice of the value of over ₱7,000,000—more than $3,500,000—when every pound of it ought to have been raised there on the islands.

But you can not raise rice by modern methods on a 40-acre tract, and, of course, you can not make sugar by modern methods on 40-acre tracts. If there is anybody on earth to be benefited by this proposed legislation, it is the existing sugar-mill men. One of them, I am told, owns 14,000 acres of land in the Island of Negros. The sugar-mill men may be benefited by the maintenance of a monopoly, which would be interfered with if people could buy enough of these lands to start modern sugar centrales. It takes about a million dollars to establish a first-class sugar centrale, and when it is constructed it makes the production of sugar very much cheaper than by the old methods, utilizing 90 per cent of the juice of the cane, as against 60 per cent now realized in those islands.

There is no reason why those islands should not raise enough produce to support a population of 50,000,000, and yet they are not at present raising enough to feed themselves, because they do not know how. They need a few Pennsylvania Dutch farmers down there to show them how to cultivate their land. They need some Yankees there. They need to have some citizens of the United States there to show them what thrift is, to teach them how to make money, to earn money, and to save money, and how to make their lands produce.

The object of my amendment is to enable citizens of the United States to buy land there, even though they can buy it only in 40-acre tracts. What on earth is the objection to that?

Mr. JACKSON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Kansas?

Mr. OLMSTED. Certainly.

Mr. JACKSON. If I understand the gentleman's argument correctly, the settlement of large numbers of American citizens in the Philippine Islands would foreclose the possibility of Philippine independence, and make it absolutely necessary that American laws should be permanently established over them, would it not?

Mr. OLMSTED. That is on the assumption that the Filipinos themselves are not able to maintain a good government there.

Mr. JACKSON. Does not the gentleman believe that the argument of the gentleman from Connecticut [Mr. HILL] that the permission for the investment of large amounts of capital there would mean that the country must be permanently taken and governed by Americans?

Mr. OLMSTED. Oh, not at all. But I believe that it will be governed by Americans until such time as the Filipinos are fitted for self-government. I think that they would be fitted for self-government more quickly if they had a sprinkling of American citizens there to show them how to make the most of their natural advantages.

Mr. JACKSON. Does the gentleman believe that a greater amount of American capital would go there unless it were understood that the American Government would be permanent, or unless some arrangement for the neutralization of the islands would be agreed upon by the different world powers?

Mr. OLMSTED. If that is true, it is based upon the assumption that the Filipinos are not fitted for self-government and could not be relied upon to maintain a stable government. Yet a bill is pending now, and is liable to come up in the House any day, declaring for their independence.

The only objection that anybody could raise to my amendment is that anybody going there to the islands and investing capital would insist upon the maintenance of a stable government, and the belief that the Filipinos could not do that would tend to defer the action of Congress in granting independence to the people of the islands.

Mr. HILL. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Connecticut?

Mr. OLMSTED. I do.

Mr. HILL. I dislike to interrupt the gentleman so frequently, but there are two things that the Filipinos have got to do: First, they have got to raise enough crops to live on; and, second, they have got to raise crops to sell. They raise hemp, and their land is adapted to the raising of sugar. This bill provides that the land shall be conveyed in tracts limited to 40 acres. What is a man who has got only 40 acres going to do with his cane?

Mr. OLMSTED. He is not going to raise much cane.

Mr. HILL. No; he is not going to raise cane.

Mr. OLMSTED. But this bill will tend to raise Cain. [Laughter.] A man with 40 acres of land is not justified in building a centrale, even if he had the requisite capital.

Mr. HILL. And he can not borrow the necessary capital.

Mr. OLMSTED. No; he can not. He is not permitted to mortgage or otherwise encumber his land for five years.

Mr. HILL. Would not such a man be better off if some one would go in and build a centrale and buy his cane from him? And is he not just as well off if somebody else comes in and buys the land and gives him steady work at good wages? If he owns the 40 acres of land and can not make it pay, he has got to sell it, whether he wants to or not. It seems to me he would be in a better condition if somebody else should own the land and employ him, if he has not got the capital himself.

Mr. OLMSTED. If I owned land in the Philippine Islands, and some one came along and built a centrale and offered to buy my cane, I should feel that he had at least doubled the value of my land. That has been the experience in Porto Rico, where French and English and American capital has built these large centrales, and thus manufactured sugar much cheaper than the Porto Ricans could.

They have purchased land enough to insure themselves a reasonable supply of cane and they buy the balance of the cane. They prefer to buy it, if they can, from the neighbors who own their own farms. They take all the cane that the people in the surrounding country can raise, and pay them better prices than they ever got for any other crops in the island. That island is more prosperous to-day than it ever was before. That ought to be the condition in the Philippines. People who wish to put their capital there ought to be permitted, as a good business proposition, to buy enough land to justify them in erecting sugar centrales, so that they may also buy the product of the 40-acre-tract owners all about them. Of course if it is the policy of the United States to prevent the sugar industry from being successful in the islands, then this bill is just the thing.

It is customary to speak of the Philippines as a bad bargain. I hear people say, "I wish we could get rid of the Philippines. We can not do it honorably, because they are not fitted for self-government, but I wish we could get rid of them as a bad bargain." Now, that depends. I am not here to say that the United States proposes to hold the Philippines indefinitely, but I do say that if the United States did propose to hold them, it could make them among our richest possessions.

Mr. REDFIELD. Will the gentleman yield?

Mr. OLMSTED. With pleasure.

Mr. REDFIELD. There is one crop in the Philippine Islands, an increasing crop there, which, so far as I know, has never been mentioned here, certainly not during my brief presence in the House, the consideration of which is quite as important to the future of the Philippine Islands as sugar or rice or even hemp. I refer to the crop called copra. The dried meat of the coconut is at once an article of limited supply and for which there is an enormous demand. The demand is vastly larger than the supply known in the world. I went there as a business man to investigate, and as a result of that investigation I firmly believe that we have in the Philippine Islands a dependency, a possession, a sister State, call it what you will, more valuable, acre for acre, than any equal area of the continental United States. I believe that sincerely.

The cost of raising copra by the crudest method is approximately $13 or $14 a ton. The present market price is $72 or $73 a ton. There is not enough to be had. It goes chiefly to France, where it is used principally as a substitute for cream butter. When I was in the Far East one large English and one large American concern were both seeking to buy coconut oil, which is made from copra. Each wanted 1,000 tons, and could not get it. It is almost impossible to get enough. The coconut-oil works in Manila are about to be rebuilt. A gentleman is here in this country buying machinery for that purpose now. It is an immensely profitable and an absolutely certain crop. It needs almost no care. The only thing to be done is to wait eight years and then you will sell the product of your trees for a dollar per tree per annum to a Chinaman, who takes all the risk and does all the work. This is one of the great world food supplies. It is a joke to talk about raising it on 40 acres. The Filipino natives scratch their scanty acres with a wooden stick pulled by a long-horned carabao that suffers fearfully unless he can soak himself with water every two hours. That sort of plowing only scratches the top of the ground to a depth of 3 or 4 inches. If these men had irrigation they could raise two crops a year, which they now fail to do. Irrigation costs money, but by the help of it they could double their annual crop, and in some places could get three crops a year from their farms. But even so, to attempt to raise rice, hemp, sugar, or copra on 40 acres is an absurdity. We of the western world have attempted to legislate our occidental ideas for the benefit of an oriental people without realizing the great contradiction in economic conditions, in climate, and in every form of ethnic and religious relationship. We in a wild spirit of experiment and in a perfect spirit of imperialism have attempted to legislate for these oriental people, and it is an absurd proposition for us to say that a man there, under those conditions which we know so little about, shall own no more than so much land. As the gentleman from Connecticut [Mr. HILL] has so wisely said, it is absurd for us, living 10,000 miles away and who, perhaps, would not know copra when we saw it, who could not tell one grade of hemp from another, or one grade of sugar from another, who perhaps would not know a sugar mill from a sawmill, to say that a man, however hardy, however vigorous, however thrifty, shall own not more than 40 acres of land; not 41 acres, but 40. That is the law laid down by the great American people for the government of the Filipinos. That is republicanism, democracy, equality, call it what you will. Is it not absurd? [Applause.]

Mr. GARRETT and Mr. QUEZON rose.

The SPEAKER. Does the gentleman yield?

Mr. OLMSTED. I yield to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Did the gentleman from Pennsylvania catch clearly the question of the gentleman from New York [Mr. REDFIELD]? [Laughter.]

Mr. OLMSTED. Now I yield to the gentleman from the Philippines.

Mr. QUEZON. I should like to know if the gentleman from Pennsylvania will yield to me to make a few statements, for just two minutes.

The SPEAKER. The gentleman from Pennsylvania has five minutes remaining.

Mr. OLMSTED. The gentleman can get his own time after I sit down. I have but five minutes remaining.

Mr. QUEZON. Very well. I will not interrupt the gentleman now.

Mr. OLMSTED. I should be glad to yield, except that my time is so limited. I merely wish to call attention again to the tenor and purport and object of my amendment, which is simply to provide that citizens of the United States, who gave these 60,000,000 acres of land to the Filipino people, shall not be deprived of the small privilege of buying 40 acres there if they want to. I think it is humiliating to decree that a citizen of the United States can not hold land in any territory over which the flag floats. That is the purpose of my amendment. I want to

see whether this House is willing to vote that no American citizen shall be permitted to buy 40 acres of land formerly owned by the Government and still under the American flag. [Applause.]

PRELIMINARY STATEMENT AND RECAPITULATION RELATIVE TO THE PURCHASE OF THE FRIAR LANDS, THE LAW RELATING THERETO, AND THE FACTS INVOLVED IN THE SALE WHICH LED UP TO THE CONGRESSIONAL INVESTIGATION.

Mr. MARTIN of Colorado. Mr. Speaker, by the treaty with Spain concluded in December, 1898, the United States acquired the public domain of the Philippine Islands, amounting to some 60,000,000 acres of the total area of some 72,000,000 acres. Perhaps 40,000,000 acres of these lands were timbered and mountainous and are reserved from entry under the organic law of the Philippines enacted by Congress and approved July 1, 1902. Some 12,000,000 acres were in private ownership; some 5,000,000 or 6,000,000 were being or had been cultivated. Lands in the Philippines are measured by hectares, a hectare being, roughly, 2½ acres. I shall speak in acres. Of the privately owned lands some 400,000 acres, said by Mr. Taft and others to be among the richest in the archipelago, were owned or claimed by orders of friars, and were known as the frair lands. Sugar and tobacco were their principal products. After the acquisition of the Philippines there was found to exist a bitter controversy, of historical duration, between the tenants or occupants of these lands, some 60,000 tenant families in number, and the orders of friars, growing out of rival claims of ownership.

To remove this condition, which was considered inimical to the peace and welfare of the Filipinos, and for the professed purpose of getting these estates into the hands of the tenants or occupants, the United States successfully negotiated for their purchase; and in the organic act of the Philippines, already referred to, authority was given the Philippine Government to issue bonds, take over, administer, and dispose of these lands. Bonds in the sum, roughly, of $7,200,000 were issued by the Philippine Government, and by agreements entered into in December, 1903, these friar lands were taken over, and under the provisions of the organic act became the public property of the Philippines.

LIMITATIONS UPON LAND OWNERSHIP.

Section 15 of the organic act of the Philippines limited the quantity of the public lands which might be acquired by an individual to 40 acres and by corporations or associations to 2,500 acres. Section 75 limited agricultural corporations to the ownership of 2,500 acres. This was for the avowed purpose of preventing foreign exploitation. Sections 63 and 65, providing for, or rather enabling the Philippine Government, to purchase and dispose of the friar lands, subjected these lands to the limitations of the act. The Philippine Commission, by the public-land act passed October 7, 1903, subjected the public lands to the limitations contained in section 15 of the organic act, and by the friar-land act, passed April 26, 1904, subjected the friar lands to the limitations contained in the public-land act. These acts of the Philippine Commission, however, were merely declaratory of the organic law. Let it be borne in mind, once for all, that no act or omission of the Philippine Government could annul, set aside, or modify the provisions of the organic act, the constitution of the Archipelago. This is elementary and axiomatic.

THE ACTS WHICH RESULTED IN THE INVESTIGATION.

Notwithstanding these friar lands were taken over from their former owners for the express purpose of breaking them up in small holdings among the natives, and notwithstanding the limitations and safeguards thrown about their disposition by Congress, on November 22, 1909, the insular government entered into an agreement with one Edward L. Poole, who represented three purchasers, Horace Havemeyer, Charles H. Senff, and Charles J. Welch, stockholders and directors of the Sugar Trust, for the sale of the San Jose estate of 56,000 acres in the island of Mindoro. A final certificate of sale was issued on January 4, 1910, prior to which time, however, the prospective purchasers had taken the precaution to require no less a guarantee than the written opinion of the Attorney General of the United States to the effect that the friar lands were not subject to the quantity limitations in the public-land laws.

The cause of this precaution was that on September 3, 1909, a Mr. Hammond, of the law firm of Strong & Cadwalader, of New York, of which firm Mr. Henry W. Taft, a brother of President Taft, is now the leading member, and of which Attorney General Wickersham was a member before assuming his present position as Attorney General, had called at the Bureau of Insular Affairs, at Washington, with a view to negotiating for the purchase of friar lands and particularly of the San Jose estate, as stated in a letter written by Gen. Edwards, Chief of the Bureau of Insular Affairs, to Gov. Forbes, at Manila, on September 27, 1909. It is true that Gen. Edwards later appeared before the Insular Committee and stated that he did not believe Mr. Hammond had discussed the purchase of friar lands, but the following record evidence would appear to dispose of the latter contention:

EDWARDS TO CONGRESS.

APRIL 11, 1910.

Major McIntyre thinks Mr. Hammond did not bring up the question of the purchase of any special piece of property in the Philippine Islands, nor is he positive that he mentioned the purchase of land on the friar estates.

EDWARDS TO FORBES.

SEPTEMBER 27, 1909.

A representatives of a New York law firm, one of the best in New York, has visited this office in connection with the purchase of the San Jose estate in Mindoro.

INSULAR BUREAU SAID FRIAR LANDS COULD NOT BE SOLD IN BULK.

On the occasion of this visit on September 3, 1909, it appears that Mr. Hammond was informed by Col. McIntyre that the friar lands could not be sold because of limitations in the organic law of the Philippines enacted by Congress. At the time Mr. Hammond made this call Mr. Poole was in New York in consultation with Mr. Havemeyer and Mr. Welch preparatory to embarking for the Philippines to purchase sugar lands, Mr. Poole having had such connections with these parties in Cuba, and it being their desire to get in on the ground floor in the Philippines under the free-trade act about to pass Congress. Mr. Poole was to be accompanied by a Mr. Prentiss.

When Poole and Prentiss arrived in Manila they informed the insular officials that they had been advised by the Insular Bureau in Washington that the friar lands could not be sold in large tracts. They referred to the information given them by their attorney, Mr. Hammond. Thereupon Gov. Gen. Forbes cabled Gen. Edwards that Poole and Prentiss desired to purchase the San Jose estate, but had been informed by the Insular Bureau, of which Gen. Edwards is the chief, that it could not be purchased by an individual. Whereupon Gen. Edwards cabled Gov. Forbes that it was thoroughly understood in the Insular Bureau at Washington that the friar lands could be sold to an individual without regard to limitation as to area, and that when Mr. Hammond called it was not understood that efforts were being made to sell these estates.

I have already called attention to Gen. Edwards's self-contradiction touching the object of Mr. Hammond's visit to the Insular Bureau at Washington on September 3, 1909. While an utter lack of prudence was displayed by every official of both the American and insular administrations touching the sale of the friar lands, the purchasers appear to have been very cautious. Notwithstanding the assurances given them by all of the officials of the insular government at Manila and the Insular Bureau at Washington, they demanded in addition the written guaranty of the Attorney General of the United States.

WHY SUCH GUARANTY COULD BE ASKED.

Not every mere purchaser of a piece of land, it may be remarked in passing, is in a position to request the written opinion of the Attorney General of the United States to confirm his title, but it must be considered who these purchasers were. These purchasers were directors and stockholders of the Sugar Trust, and Mr. Horace Havemeyer, the son of the founder of the Sugar Trust, had retained Mr. Henry W. Taft as an attorney of record to defend him personally, and Mr. Henry W. Taft had also appeared as attorney of record to defend the Sugar Trust against criminal prosecutions by the Federal Government at a time when Attorney General Wickersham was a member of the law firm, and the firm had been paid fees aggregating more than $27,000 for these services, in which fees Mr. Wickersham participated. It does not appear even at this late day to have occurred to the defenders of the policy of the administration that even a Member of Congress could not have procured from the Attorney General of the United States an opinion of the character rendered in favor of the purchasers of the San Jose estate, or that the ordinary individual could not have gotten across the threshold of the War Department with such a request. Notwithstanding the failure of the Committee on Insular Affairs to properly characterize some of the factors involved in this transaction, I still adhere to the opinion expressed by me in seeking to bring about the investigation that only the persons and attorneys involved could have successfully taken up the negotiations for the purchase of these lands or could have secured the rendition of such an opinion.

INSULAR BUREAU CHANGES ITS MIND.

On October 22 Col. McIntyre wrote Mr. Hammond that the friar lands were for sale.

What caused Col. McIntyre to write this letter does not appear. There was no way in which I could make it appear. This was a congressional investigation. It was an inquiry by a committee of Congress into acts affecting the administration. It was an administration committee. The committee was pri-

marily interested in protecting the administration. The committee never saw an original document. It never saw an original cablegram or telegram. It accepted alleged copies. It accepted parts of alleged copies. These were usually furnished days after their existence was disclosed by the witnesses at the hearings. When it was disclosed that a document or writing of any kind existed, the witness would be asked if he would kindly furnish the committee with a copy. Sometime afterwards, maybe a day or maybe a week, the witness would kindly furnish the committee with a copy by delivering the same to the clerk, and it would then, without examination, be printed in the record. This, I believe, is the usual manner of congressional investigations and explains their uniform failure to ascertain the facts. If a lawyer were to conduct a case in court as the average congressional investigation is conducted, he ought to be disbarred for incompetence. As a rule, much more verity attends the proceeding in a justice court involving a disturbance of the peace of a $10-book account then attends the gravest and most important of congressional inquiries.

The principal exception under my observation to this rule was the Ballinger-Pinchot inquiry, in which both sides employed able counsel. Insistence upon the best evidence, insistence upon the original documents, destroyed the case of the administration in that investigation. There is no question whatever in my mind that had not Mr. Brandeis been employed to prosecute that investigation against the administration it would have been a failure. The President of the United States, the Attorney General of the United States, the Secretary of the Interior of the United States, and their subordinates conspired to suppress the evidence and deceive the committee; and but for the employment, the ability, and the persistence of Mr. Brandeis the conspiracy would have succeeded. I refer to the inquiry into the sale of the frair lands as an investigation, but I use this term merely as a convenience. The proceedings were merely a parody upon an investigation, conducted more in accordance with a political election contest than a judicial proceeding. Still, as I shall undertake to show, some results were produced.

THE TAFT FIRM DRAFTS A SUBSTITUTE.

On the next day after Col. McIntyre informed Mr. Hammond by mail of his discovery that the friar lands were for sale—that is to say, on October 23, 1909, Mr. Hammond wrote Col. McIntyre that—

after careful consideration and in view of the fact that it may be necessary for my former clients to request some discretionary action upon the part of the Government officials, I decided that they had better be represented by other counsel. Accordingly, the firm of Cravath, Henderson & De Gersdorff has taken up the matter.

I may say here that all of the facts to which I am referring may be established by reference to the hearings; but I am only making some preliminary statements which are necessary to a clear understanding of the results of the investigation which I shall discuss hereafter. I can not, therefore, take the time to quote all of the letters and cablegrams to which I have referred.

An attempt has been made to have it appear that Mr. Henry W. Taft's law firm withdrew from the negotiations for the purchase of the San Jose estate before it was consummated. The fact remains, however, that the law firm of Cravath, Henderson & De Gersdorff entered into the negotiations at the invitation of Mr. Taft's law firm; that upon their entry they were furnished all the information theretofore secured from the Insular Bureau, and that when Mr. De Gersdorff appeared in Washington on November 23, 1909, with a memorandum prepared from this information, and which memorandum was presented to the Attorney General and served as the basis of his opinion, the San Jose estate had already, and on the day prior, been sold to Mr. Hammond's clients. The firm of Cravath, Henderson & De Gersdorff rendered no actual service whatever in these negotiations. The record clearly shows that the agreement to sell had already been entered into.

While I am not able to prove it, I am satisfied that De Gersdorff came to Washington, upon cabled information of the sale from Manila, although it was pretended that his first knowledge of the sale was a newspaper cablegram shown him in the Insular Bureau. Like many other questionable transactions that have occurred, the truth will probably never be known until there is a change of political control in the department, and even then incomplete records will thwart the investigator.

On December 4 the Attorney General was asked for his opinion as to the validity of the sale, and on December 18 he issued the opinion declaring the friar lands not to be subject to the quantity limitations in the public-land act, which opinion was cabled to Manila on December 22. I have already stated that the final certificate of sale was executed on January 4, 1910. This summarizes the main features of the transaction as they were known at the time the Committee on Insular Affairs began its investigation. Some new and very interesting facts brought out in the investigation will be discussed later, and they will be the better understood for the foregoing recapitulation of the facts upon which the investigation was based.

SUBSTITUTE EMBODYING MINORITY FINDINGS IN FRIAR-LAND INVESTIGATION.

Mr. JONES. Mr. Speaker, I desire to be recognized to oppose this amendment. Nobody who has spoken seems to be on the other side. I do not care to speak on the bill, but I desire to oppose this amendment.

Mr. MARTIN of Colorado. Mr. Speaker, I have a substitute to offer to the pending bill and all amendments.

The SPEAKER. Is the gentleman from Colorado opposed to this amendment of the gentleman from Pennsylvania?

Mr. MARTIN of Colorado. I am; and I have a substitute for the pending bill and all amendments. I am just as much opposed to the amendment offered by the gentleman from Pennsylvania as the gentleman from Virginia could possibly be.

The SPEAKER. The Chair thinks that the gentleman from Colorado under the circumstances is entitled to recognition.

Mr. JONES. All I ask is that the Chair will recognize me to oppose this amendment before the matter is disposed of.

The SPEAKER. Certainly; the Chair will be just about it.

Mr. MARTIN of Colorado. Mr. Speaker, I send to the Clerk's desk the following substitute for the pending bill and all amendments, which I desire to have read in my time as a part of my remarks.

The Clerk read as follows:

That section 15 of an act entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," be amended so as to read as follows:

"SEC. 15. That the Government of the Philippine Islands is hereby authorized and empowered, on such terms as it may prescribe, by general legislation, to provide for the granting or sale and conveyance to actual occupants and settlers and other citizens of said islands such parts and portions of the public domain, other than timber and mineral lands of the United States in said islands, as it may deem wise, not exceeding 16 hectares to any one person, and for the sale and conveyance of not more than 1,024 hectares to any corporation or association of persons: *Provided*, That the grant or sale of such lands, whether the purchase price be paid at once or in partial payments, shall be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee can not alienate or encumber said land or the title thereto; but such restriction shall not apply to transfers of rights and title of inheritance under the laws for the distribution of the estates of decedents.

Mr. MARTIN of Colorado. Mr. Speaker, if the Clerk will pause, I want to say at this point that my substitute, as far as read by the Clerk, is simply a reenactment of section 15 of the organic law of the Philippine Islands—that is, the public-lands section. There is no new material in the substitute until this point where the Clerk is about to begin reading, and I ask close attention of Members to the subsequent provisions of the section, which are new provisions proposed.

The Clerk continued the reading of the proposed substitute, as follows:

Provided further, That any and all sales or leases of public agricultural lands heretofore made, whether such lands were acquired under the treaty of peace with Spain or otherwise, to other than actual occupants and settlers and other citizens of said islands, are hereby declared to be null and void as contrary to the provisions of this act, and such lands shall escheat to the Government of the Philippine Islands, which escheat shall be determined by a legal proceeding in the name of the Government of the Philippine Islands, conducted in the supreme court thereof under the direction of the governor thereof, unless the grantees and lessees or their assigns shall surrender such lands to the Government of the Philippine Islands within a period of five years from the time this section as amended by this act goes into effect, and until the same is so surrendered said lands shall be subject to a graduated increase of taxation, being taxable at the end of one year at the rate of 5 per cent of the purchase price, and at the end of two years at 10 per cent per annum, and thereafter said rate of taxation on said lands shall increase annually at the rate of 50 per cent until the same is surrendered; and any such transaction that may be pending at the time this act as amended goes into effect shall be canceled by the Philippine Government; and said government shall return without interest to such purchasers or lessees or their assigns any amounts that have been paid, and shall cancel any notes or obligations issued in part payment, restoring them to the purchasers or lessees or their assigns under the instruments so canceled. Title to any such lands shall fully revest in the Government of the Philippine Islands, to be disposed of subject to the conditions and limitations of this act: *Provided further*, That all officers and employees of the Philippine Government, without regard to citizenship, are prohibited from directly or indirectly purchasing or leasing or becoming interested in the purchase or lease of any public lands, and all such sales and leases heretofore made are hereby declared to be null and void, and the Secretary of War is hereby directed to forthwith take the necessary steps to effect the restoration of said lands to the Philippine Government, including all such lands and interests therein acquired and held by such officers and employees through membership or shareholding in any association or corporation, which practice is hereby forbidden. Any officer or employee who hereafter violates this provision shall be forthwith removed from his office, and shall further be deemed guilty of a misdemeanor, upon conviction of which he may be punished by imprisonment for a period not exceeding one year, and by fine not exceeding $1,000, or both, in the discretion of the court.

Mr. OLMSTED. Mr. Speaker, I make the point of order that the amendment is not germane.

Mr. JONES. I was about to make the same point of order.

The SPEAKER. Will the gentleman state his point of order?

Mr. OLMSTED. The amendment is not germane to the bill. The bill amends section 65 of the organic act, and this is an amendment to section 15.

The SPEAKER. While the gentleman from Colorado is occupying the time, the Chair will examine the amendment.

Mr. OLMSTED. I will reserve the point of order.

The SPEAKER. The gentleman from Colorado is not discussing his amendment but the amendment offered by the gentleman from Pennsylvania. He had his amendment in the nature of a substitute read for the information of the House, so that he is entitled to an hour. In the meantime the Chair will examine the amendment.

Mr. MARTIN of Colorado. Mr. Speaker, I want to say at this time that the gentleman from Pennsylvania is correct in stating that my substitute does go to section 15 instead of section 65, but it affects identically the same legislation, but it applies the remedy to the public-lands section instead of the friar-lands section. Now, I want to yield five minutes to the gentleman from the Philippine Islands [Mr. QUEZON].

Mr. QUEZON. Mr. Speaker, I almost congratulate myself that I am denied the right to vote, for if I had to vote on this bill after listening to the gentleman from Connecticut [Mr. HILL] and the gentleman from New York [Mr. REDFIELD] I would not know how to vote. [Laughter.]

Listening to the gentleman from Connecticut and the gentleman from New York I am inclined to believe that they favor the idea of allowing the Filipino people to decide for themselves what to do and what should be done with their lands. Listening to the distinguished gentleman from New York, I am inclined to believe that in his opinion Congress, 12,000 miles away from the Philippine Islands, can not wisely legislate for the Filipinos. I must say that I agree with the gentlemen that the Filipinos ought to be allowed to decide for themselves what should be done in regard to their own lands, and, with due respect to the wisdom of Congress, I also share the opinion that it can not fitly legislate for the Filipinos. We are striving for precisely this very thing, we are trying to be recognized as having the right of governing ourselves on the very ground stated by the gentleman from New York [Mr. REDFIELD], to wit, that Congress is too far away from the Philippines and does not know nor can it ever know as well as we do what is best for us.

But, Mr. Speaker, I would like to ask the gentleman from New York whether or not he, by what he said, means precisely that he approves of allowing the Filipinos to elect a legislature of their own and permit that legislature to decide upon the disposition of our friar and public lands? Is that his proposition? If so, I will say to the House that I am in perfect accord with the gentleman from New York.

But I fear, Mr. Speaker, that when gentlemen say let the Filipinos do what they want about their lands they mean let the present Filipino legislature, which is a body composed of the Philippine Commission—a branch appointed by the United States and the Philippine Assembly—let the present legislature decide for the Filipino people. Then I say in this particular case each house of the legislature has already expressed its views, and the opinion of the Philippine Commission is different from and opposed to the opinion of the Philippine Assembly. They do not agree. Then what should be done? I believe, Mr. Speaker, that Congress should do exactly what the Filipinos are asking it to do.

The Philippine Assembly, representing the Filipino people, is urging Congress to limit the sale of the friar lands and the public lands and all kinds of Government lands to 40 acres to an individual, and 2,500 acres to corporations. [Applause.]

Mr. Speaker, almost in every previous piece of legislation enacted by Congress the Filipino people have not been heard, and, if they have been heard, Congress has not done what they have asked Congress to do. This will be the first time, as far as I know, if Congress should pass this bill, that Congress will do exactly what the Filipinos want, and therefore every gentleman on the floor of this House who believes that the Filipinos know what is best for them and should be allowed to legislate for themselves ought to vote for the bill, because this bill is exactly expressing the will of the Filipino people.

Now, I want to make a statement regarding what the gentleman from New York said as to copra. It is true that copra is the most profitable crop of the Philippines, and because copra is the most profitable crop we do not want large sugar plantations in the islands. Why so? Because copra at the same time that it yields to the owner of land a great profit permits that such owner may be a small farmer, while the sugar industry is a monopoly of the rich. It is not correct to say——

The SPEAKER. The time of the gentleman has expired.

Mr. REDFIELD. Mr. Speaker, I ask that the gentleman's time be extended.

Mr. MARTIN of Colorado. Mr. Speaker, I have the floor and I will yield five minutes more to the gentleman from the Philippine Islands. I feel that this is his cause rather than ours, and I want him to have all the time he desires.

Mr. QUEZON. I thank the gentleman from Colorado. In the case of copra, Mr. Speaker, it is not correct to say that a man can not raise copra when he has only 40 acres. A man on 40 acres of land can plant 1,600 coconut trees, and 1,600 coconut trees will yield him a square and clear profit of $5,000 a year. Is not this a good income for a farmer?

Mr. FOWLER. And on 40 acres?

Mr. QUEZON. And on 40 acres. Is it not better to have every man in the Philippines raising copra on 40 acres of land, thus being a self-supporting landowner and therefore a law-abiding and conservative man—because every landowner is a law-abiding and conservative man, for he is interested in his country and in his land—is it not better, Mr. Speaker, to have every man in the Philippines raising copra on 40 acres of land than to have very large sugar plantations owned by foreigners, with Filipinos as peons working on the plantations and in the factories?

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. QUEZON. Certainly.

Mr. SHERLEY. Is it not true that you are bound to have your land on the seacoast in order to successfully raise coconut trees?

Mr. QUEZON. No, sir; you can raise coconuts most everywhere in the islands, on the seaside as well as in the interior, and you can get copra everywhere. Now, Mr. Speaker, I feel that I can discuss the subject of copra, because I come from a Province where the main crop is copra. I can inform the House that while in my Province of Tayabas we do not have very rich men, while there are not to be found men owning thousands and thousands of acres of land worked and farmed by hundreds and hundreds of unskillful laborers, we have, however, a great many well-to-do men, and every man owns his own land and raises his own coconut trees and makes his own copra; and if you would look at the statistics of the islands, you will find that there are few Provinces in the archipelago where the percentage of literacy is higher and the percentage of criminality is lower than in that Province. Certainly there is no Province in the Islands where the people at large are happier and more prosperous. On the other hand, in the Province of Negros, where there are large sugar plantations, while there are immensely wealthy men, yet the people in general are poor and ignorant. This is an object lesson that the Filipinos have in mind when they consider what should be done with their public domain. [Applause.]

The lands ought to be kept for the benefit of the majority of the people. It is the natural inheritance of the people and ought to be owned by the people. I am not at all in sympathy with the idea of making the Philippines mainly a sugar-producing country. I do not want to wreck the sugar industry——

The SPEAKER. The time of the gentleman has again expired.

Mr. MARTIN of Colorado. I will yield five minutes additional to the gentleman, Mr. Speaker.

Mr. QUEZON. I do not want to destroy the sugar industry already established in the islands; but it is unnecessary, it is injurious, to dedicate new lands of the public domain or the friar lands to sugar plantations. President Taft, when governor general of the Philippine Islands, testifying before the Committee on Insular Affairs, said that it is injurious for the people at large to make the sugar industry the main industry of the Philippine Islands. We do not need to open more land for sugar purposes. To begin with, Mr. Speaker, we can not send to this country more than 300,000 tons of sugar free of duty, and the lands producing sugar in the Philippines already in private ownership are capable of raising more than 300,000 tons of sugar. What would be the result in allowing these large American corporations to go to the islands and be dedicated to the raising of sugar? Having the money, they can raise more cane and produce sugar more cheaply with their modern methods than the Filipinos can. The result would be that they will be the only ones producing sugar, and they will be the only ones sending to the United States the 300,000 tons free of duty. It has been stated that Congress established free trade between the Philippines and the United States as a generous treatment to the Filipino people. If we permit the creation of these sugar plantations that the Sugar Trust is trying to create in the Philippines, the Sugar Trust will be the only

one profited by the free trade between the United States and the Philippine Islands, and in this manner the purpose of the Congress, which is to benefit the Filipinos, will be entirely defeated.

These are the reasons, Mr. Speaker, why we do not want to open our lands for exploitation. [Applause.]

Mr. MARTIN of Colorado. Mr. Speaker, how much time has been consumed?

The SPEAKER. Twenty minutes.

THE SUBSTITUTE ANALYZED.

Mr. MARTIN of Colorado. The substitute which has just been read and which I shall not discuss in detail at this time, simply applies and carries into effect the findings and conclusions of the minority of the Insular Committee in the last Congress, which has now became the majority, in the investigation of land sales in the Philippines.

The minority found that the limitations upon the quantity of public lands which might be sold to an individual or corporation applied as well to the friar lands, and that all sales and leases of either public or friar lands to other than actual occupants and settlers and other citizens of the Philippine Islands, were forbidden by the organic law.

The committee also found that sales and leases of public and friar lands were being made to officials and employees of the insular government, including officials and employees of the land office itself.

The substitute I offer, instead of amending the friar-land sections of the organic law of the Philippines by constituting them a part of the public domain, and thus subjecting them to the limitations upon the sales of public lands, to wit, 40 acres to an individual and 2,500 acres to a corporation, and thus by implication admitting that the limitations do not now apply, and thus also by implication affirming sales heretofore made—instead of this, I say, my substitute affirms and declares the application of the limitations in the public-land sections to the friar-land sections, and declares all sales made in excess of these limitations to be null and void, and provides for the escheat of these excesses back to the Philippine Government, and forbids the sale or lease of any lands in the ownership or control of the Philippine Government to Philippine Government officials and employees.

This, in a paragraph, is the substance and effect of my substitute, and this is what the minority of the Committee on Insular Affairs in the last Congress, which has now become the majority, in its report declared the law to be.

ONLY CITIZENS OF THE PHILIPPINES ENTITLED TO PUBLIC LANDS.

I shall insert at this point in my remarks the following striking paragraphs from the report of the minority of the Insular Committee in the friar-land investigation, declaring the opinion of the then minority, now the majority, that all sales and leases of public lands to any persons other than native Filipinos, and many such sales and leases have been made, were in violation of the organic law.

It is a conceded fact that, assuming to act under authority of section 15, the bureau of public lands of the department of the interior in the Philippine Islands has "granted or sold and conveyed" to persons who are not "citizens" of those islands certain "parts and portions of the public domain" acquired by the United States from Spain, other than timber or mineral lands. Thus we are confronted at the very threshold of this investigation with the consideration of a grave legal question.

In our opinion there is but one construction to be placed upon the words "actual occupants and settlers and other citizens." They are in themselves clear and free from all ambiguity or doubt. There can be no uncertainty, we think, as to their true intent and meaning. Citizens of the Philippine Islands, and only such citizens, can, under the very letter of the law, acquire under the provisions of section 15 any portion of the public lands ceded to the United States by the Kingdom of Spain.

MINERAL LANDS OPEN TO CITIZENS OF THE UNITED STATES.

I shall also insert at this point some of the more striking paragraphs setting forth the clear reasoning of the minority upon this proposition, and I direct particular attention to the fact that, as pointed out by the minority, while section 15 of the act of July 1, 1902, being the organic law of the Philippine Islands, expressly limited sales and leases of the public lands to "citizens of the islands," as citizenship is defined in section 4 of the act, section 21 relating to mineral lands, and section 53 relating to coal lands, throw such lands open to "occupation and purchase by citizens of the United States or of said islands," thus, in the language of the committee, drawing a clear distinction between agricultural and mineral lands, and determining beyond dispute the intention of Congress to reserve the agricultural lands of the islands as the heritage of the natives, while permitting others than natives to enter and develop the mineral resources of the archipelago:

MINERAL LANDS OPEN TO AMERICANS.

It seems to us to be perfectly clear from a careful consideration of the purposes and objects obviously intended to be attained by the framers of sections 14 and 15, as well as from the explicit and unambiguous language employed in section 15, defining the persons who could purchase lands, that the sale of such lands, made under that section, is confined to citizens of the islands.

All doubt which may by anybody be entertained as to the correctness of this conclusion must, we think, be removed by an examination of the provision which relates to the sale of mineral lands, contained in section 21, to which reference has heretofore been made. It is therein declared that the public lands in the Philippine Islands in which "valuable mineral deposits" are found shall be open to "occupation and purchase by citizens of the United States or of said islands." A clear distinction is here made between mineral lands and agricultural lands. Citizens of the United States are permitted under section 21 to share with those of the Philippines the benefits which may be derived from the ownership of public lands in which there are to be found "valuable mineral deposits."

The ownership of agricultural lands for manifest reasons is, by the express terms of section 15, confined exclusively to the citizens of the Philippine Islands in their individual and corporate capacities. It is difficult to understand how this eminently just and proper policy with reference to the disposition of the public domain could be more clearly set forth and expressed when sections 14 and 15 are read and considered together, as they should be.

In further support of our interpretation of the meaning of the words "actual occupants and settlers and other citizens," as they appear in section 15, it may be added that the right to enter vacant coal lands is by section 53 expressly confined to persons who are citizens of the United States or of the Philippine Islands, or who have "acquired the rights of a native of said islands under and by virtue of the treaty of Paris, or any association of persons severally qualified as above."

If, therefore, for the above reasons, our contention is sound that the right to acquire, by purchase, agricultural public lands is confined to citizens of the Philippine Islands, then it must follow that all sales made of such lands to citizens of the United States or other aliens are illegal, any enactments of the Philippine Government to the contrary notwithstanding.

PERMITTING PHILIPPINE LEGISLATURE TO REMOVE LIMITATIONS A MISTAKE.

Mr. Speaker, it has been more than a year now since the investigation of the sale of the friar lands by Congress was concluded, and I have not since reviewed this matter or refreshed my recollection as to the facts. I believe, however, that, as the author of the investigation which stopped the sale of the friar lands in the Philippine Islands and resulted in this legislation, I ought to make some contribution to this discussion with reference to certain questions which I have heard mooted back and forth here and concerning which there seems to be a great deal of doubt, and upon which I possess some information that has not been imparted to the Members on this floor in the debate.

I want to say at the outset, however, Mr. Speaker, that I believe this House made a serious mistake this afternoon in adopting the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED], and that mistake, Mr. Speaker, was made unknowingly. It will appear in the RECORD of these proceedings that an amendment offered by the gentleman from Pennsylvania to empower the Philippine Legislature to remove the limitations from the sale of the friar lands was overwhelmingly adopted; and, Mr. Speaker, so far as numbers are concerned, that amendment was overwhelmingly adopted, but so far as an understanding of the possible effect of that amendment was concerned there exists no majority at all; and it is my belief that if that amendment had been debated 30 minutes in this House, and the possible results of it disclosed, it would have been defeated instead of adopted by such a majority. And I have no regret, Mr. Speaker, that my name will appear among the small minority of this House who cast a vote against the amendment of the gentleman from Pennsylvania [Mr. OLMSTED].

Now, Mr. Speaker, why do I say this? In the discussion in this House last Wednesday I heard such questions asked as these:

Are not the Filipino people in favor of the sale of these lands in large tracts?

Is not the Filipino Assembly itself in favor of the sale of the friar lands in large tracts?

Did not the Filipino Assembly knowingly pass amendments to the friar land act removing the limitations and permitting sales in large quantities?

And there are gentlemen in this House who are under the impression at this moment that the Filipino Assembly did knowingly pass acts removing the limitations from the friar lands and permitting the sales that have already taken place. And I want to say to you, gentlemen, that the same representation was made to the Committee on Insular Affairs which investigated the sales of the friar lands. The heads of the Philippine Government came before that committee, and as one of their principal defenses set up the passage of these amendments to the friar land act by the Philippine Assembly, removing these limitations.

I am going to take the time to read a little colloquy that occurred before the Committee on Insular Affairs when Mr. QUEZON, the Resident Commissioner from the Philippine Islands, appeared before the committee, which will go to raise the presumption that the passage of those amendments by the Philippine Assembly was nothing short of a deliberate and

premeditated fraud upon that body, that the members never knew they were passing such acts, that they never contemplated such a result, and when they learned of the construction that had been placed upon those acts they overwhelmingly and unanimously repudiated them.

Now, listen to this:

Mr. MARTIN. When did you first learn that such a sale as that of the San Jose estate could be made under the law?
Mr. QUEZON. I never learned of it.
The CHAIRMAN. Mr. Martin, I do not think that is of any importance.

Mr. Speaker, I am willing to let the dead past bury its dead so far as that investigation is concerned. But it is rather significant that the third line I have read, and without premeditation upon my part, contains that injunction:

The CHAIRMAN. Mr. Martin, I do not think that is of any importance.

Such observations as that, Mr. Speaker, were only too plentiful during this alleged investigation. I do not believe a more one-sided, unequal contest was ever waged before a committee of Congress than the struggle made by myself in the investigation of the sale of these friar lands before the Insular Committee during the last Congress, when, even before the report of that committee had been signed, there appeared in the patent insides of the papers published in my district a résumé of the alleged facts, showing the great expense to which I had put the Government, and how the insular officials had been vindicated and I had been completely discredited as to the result of the investigation, and statements to that effect.

I want to say, Mr. Speaker, I think the result of that investigation fully justified my efforts. Here is some justification of it from an address of the Hon. Jacob M. Dickinson, Secretary of War, delivered at the popular banquet given by the Filipino reception committee at the Hotel de Francesco at Manila on the evening of November 2, 1910.

Secretary Dickinson said:

I will state generally as to the friar lands that at the time the contracts were made for other sales in larger amounts it was not supposed that there would be any objection. The main idea was to reduce the bonded debt as rapidly as possible. Now that opposition has been declared and the matter is under investigation in Congress, no sale of these lands in large quantities will be authorized until the situation is fully developed.

INVESTIGATION STOPPED SALES AND FRUSTRATED POLICY OF EXPLOITATION.

And, Mr. Speaker, there have been no large sales made from that day to this. And while I am not a man of any exaggerated idea of my own importance, and although I do not think I suffer from an undue amount of conceit, yet I do think there is nothing particularly discrediting in the fact that a new minority Member of this Congress, serving his first term, with the national administration arrayed against him, with the insular government arrayed against him, with the Insular Bureau in the War Department arrayed against him, and with the majority of the committee and of the House arrayed against him, was successful in stopping and defeating the exploitation of the Philippine Islands. [Applause on the Democratic side.] I am willing, Mr. Speaker, to rest on what I have gotten out of it and to stand the discredit for what they say I did not get out of it.

PRESIDENT PROPOSES TO REVIVE POLICY.

I might properly add as another testimonial to the effectiveness of my campaign against the sale of the friar lands the following paragraph from the message of the President of the United States to the Congress on December 21, 1911, in which the President refers to the suspension of sales as the result of the friar-land investigation and warns Congress of his intention to resume the practice. The pending bill is the answer of the Insular Committee of the House to the message of the President, and it is notice to the exploiters that in purchasing these lands they are acquiring lawsuits instead of indefeasible titles. The paragraph from the President's message follows:

FRIARS' LANDS.

Pending an investigation by Congress at its last session, through one of its committees, into the disposition of the friars' lands, Secretary Dickinson directed that the friars' lands should not be sold in excess of the limits fixed for the public lands until Congress should pass upon the subject or should have concluded its investigation. This order has been an obstruction to the disposition of the lands, and I expect to direct the Secretary of War to return to the practice, under the opinion of the Attorney General, which will enable us to dispose of the lands much more promptly and to prepare a sinking fund with which to meet the $7,000,000 of bonds issued for the purchase of the lands. I have no doubt whatever that the Attorney General's construction was a proper one, and that it is in the interest of everyone that the land shall be promptly disposed of. The danger of creating a monopoly of ownership in lands under the statutes as construed is nothing. There are only two tracts of 60,000 acres each unimproved and in remote Provinces that are likely to be disposed of in bulk, and the rest of the lands are subject to the limitation that they shall be first offered to the present tenants and lessors, who hold them in small tracts.

MR. TAFT ON BOTH SIDES OF QUESTION.

The President in his message above quoted, it will be noticed, says that he has—

no doubt whatever that the Attorney General's construction was a proper one.

Referring thus to the opinion of Attorney General Wickersham holding that the limitations upon the public lands in the Philippine Islands do not apply to the 400,000 acres acquired, or, rather taken away, from the religious orders.

The President, by one of those chameleonic changes for which he has become noted and which render it difficult, if not impossible, for the observer to determine at any given moment whether the President is going or coming, appears to have changed his mind about what is right and best for the Philippines, since he made the following statement in his special report on the Philippines to President Roosevelt on January 23, 1908:

Nor would I regard it as a beneficial result for the Philippine Islands to have the fields of those islands turned exclusively to the growth of sugar. The social conditions that this would bring about would not promise well for the political and industrial development of the people, because the cane-sugar industry makes a society in which there are wealthy landowners, holding very large estates with most valuable and expensive plants, and a large population of unskilled labor, with no small farming or middle class, tending to build up a conservative, self-respecting community from bottom to top.

In fairness to the President, however, it should be said that he maintained one and the same opinion with respect to this matter for a longer time than usual, as appears from the following statement made by him as civil governor of the Philippines before the House Committee on Insular Affairs on February 26, 1902, at which time the able and distinguished gentleman from Wisconsin, Mr. COOPER, was chairman of that committee:

There is no desire on the part of the commission to have that kind of exploitation which will lead to the ownership of principalities in the islands by a corporation.

As conclusively showing the attitude of Mr. Taft and others with reference to the purpose of this Government to take over the friar lands and dispose of them to the natives, I take the liberty of quoting from my speech of June 13, 1910, Sixty-first Congress, second session, entitled "Exploiting the Philippines":

MR. TAFT BEFORE THE SENATE COMMITTEE—THE FRIAR LANDS FOR THE FILIPINOS.

On February 7, 1902, Gov. Taft was before the Philippine Committee of the Senate, and in his testimony elucidated his ideas concerning the disposition of the friar lands, his testimony being in accord with the recommendations made by the Philippine Commission, as is illustrated by the following testimony from pages 178–179 of the hearings:

The CHAIRMAN. In this connection, as we have got onto the matter of what is necessary for the commissioners to do, I wish to ask if you consider it very important for the general welfare and pacification of the islands that we should buy the friars' lands or make arrangements to give them back to the actual settlers at the earliest moment?
Gov. TAFT. Yes, sir; I do. I do not think there is any one thing which Congress has been invited to do in the report that is more immediately important than that. * * * Now, I think it may be said generally, as we said in our first report, that the title of the friars to those lands is, as a legal proposition, indisputable. If we can buy those lands and make them Government lands, and in that way separate in the minds of the tenants the relation of the friar to the land, and say to the tenants "we will sell you these lands on long payments, so that they will become yours," I believe we can satisfy the people and avoid the agrarian question which will arise when our Government is appealed to to put into possession of those lands the people who own them.

From the above it will be noted that Gov. Taft's understanding was that these friar lands were to be made "Government lands," presumably to be merged with and treated the same as other Government lands, which had been ceded to the United States by Spain.

On February 28 Gov. Taft was before the Insular Committee of the House and reiterated what he had said before the Senate committee. From page 223 of these hearings we read:

Mr. MADDOX. If I understand you, from what I have heard you say I gather that you think it would be cheaper for the United States to undertake to buy these lands than to restore them to their owners?
Gov. TAFT. I do; what I mean is, if we buy the lands we put the title of the Government between the friars and the subsequent disposition of the lands, and that then the Government may, by liberal terms to the tenants, enable the tenants, by payments strung over a long number of years, to become the owners of the land. The payments can be arranged so that not much more than the rent would nevertheless pay for the land. And in that way I think the insular government could probably be made whole or nearly so. I think the plan proposed by the commission as adopted in the bill introduced by Mr. COOPER contemplates the establishment of a sinking fund out of the proceeds of the sales of the lands to the tenants to meet the bonds.

Neither the reports of the Philippine Commission, the report of the Senate Committee on the Philippines, nor the testimony before the Senate and House committees contain a line to indicate that such an outcome as the sale of the San Jose estate was thought of or contemplated by any witness, officer, or public official.

Besides the members of the Senate Committee on the Philippines, those whose testimony or reports have been quoted to the exact contrary include Jacob Gould Schurman, George Dewey, and Charles Denby, of the Schurman-Worcester Philippine commission; William H. Taft, Luke E. Wright, Henry C. Ide, and Bernard Moses, of the Taft Philippine Commission, and ELIHU ROOT, Secretary of War. It was on the printed utterances of these reputable and prominent men that Congress had to rely, and the opinion of the Attorney General that the intent was that these friar lands need not be held for and divided up amongst the Filipino people, but that they could be sold off in 55,000-acre tracts to Havemeyer and other syndicates, thereby giving them the opportunity to reestablish a system of absentee landlordism, which had been mainly responsible for the various insurrections that had occurred in the islands for the preceding 30 years, is tantamount to accusing some or all of these men of bad faith. Can it be presumed for one moment that Congress would have authorized the issue of over $7,000,000 worth of 4½ per cent bonds to purchase the friar lands if Congress at that time had before it the draft of the contract which the Philippine Government since has made with the Havemeyer syndicate and the opinion of the Attorney General confirming that contract?

Mr. Speaker, I think, if the truth were known, that Mr. Taft's present opinion as to what is the law in the Philippines touching limitations upon the sale of the friar lands is not of any more ancient date than his opinion as to the best policy to be pursued with regard to the genuine welfare of the Filipino people; and if Mr. Taft wants to take the position now that he has no doubt about the legality of the sale of Philippine lands in tracts of 50,000 acres, when for years as Secretary of War he kicked his toes about the committee rooms of Congress to secure an amendment to the organic law of the Philippines permitting the sale of as much as 10,000 acres, he has my permission to do so; and he will not be any more variable and inconsistent than he has been upon much more important matters directly and vitally affecting his own country.

FOOLING THE FILIPINOS.

But to return to my colloquy with Mr. QUEZON, touching the manner in which the Filipino Assembly was induced to repeal the limitations on the friar lands.

As I have said, I am willing to "let the dead past bury its dead" on that investigation. I think we ought to be willing to make allowance for congressional investigations, anyhow. [Laughter.] I think a man ought hardly to anticipate, when he starts anything like that, that he is getting into any kind of judicial proceeding [laughter], and if any Member is laboring under such a delusion and will call on me, I will give him a lot a valuable inside information on that subject. [Laughter.]

Mr. QUEZON. It never occurred to me, Mr. MARTIN, personally, that the sale of the San Jose estate could be made under the present law. I am expressing my personal opinion.

Mr. MARTIN of Colorado. When did you first hear that it had been sold?

Mr. QUEZON. When you presented one of your resolutions.

Mr. MARTIN of Colorado. You did not know that the San Jose estate had been sold until I discussed it on the floor of the House of Representatives?

Mr. QUEZON. No, sir.

Mr. MARTIN of Colorado. On the 25th of March, 1910?

Mr. QUEZON. Yes, sir.

Mr. MARTIN of Colorado. And you did not know that it could be done?

Mr. QUEZON. No, sir.

Mr. MARTIN of Colorado. Were you a member of the Philippine Assembly in 1908?

Mr. QUEZON. Yes, sir.

Mr. MARTIN of Colorado. Were you the floor leader of the Nationalist Party?

Mr. QUEZON. Yes, sir.

By the way, that was the majority party that controlled the Philippine Assembly, of which Mr. QUEZON was the floor leader at that time. The colloquy goes on:

Mr. MARTIN of Colorado. Were you a member of the Philippine Assembly when the amendatory act of June 3, 1908, to the friar-land act was passed?

Mr. QUEZON. I was a member of the Philippine Assembly.

Mr. MARTIN of Colorado. At that time?

Mr. QUEZON. Yes, sir.

Now, Mr. Speaker, just briefly, this amendatory act of June 3, 1908, referred to, was the act of the Philippine Assembly under which these sales were made. The construction of that amendatory act, which was passed unanimously by the Philippine Assembly, was the step that opened the doors to the sale of these lands in bulk.

And just while I am mentioning that opinion of the attorney general of the Philippine Islands and looking across the aisle at my friend from Kansas [Mr. MURDOCK], I recall that within six weeks, before I received the information that started me to work and resulted in this investigation—I think I am violating no confidence when I say I was walking across the plaza to the Capitol one day with the gentleman from Kansas when we got to discussing the opinions of the Attorneys General of the United States, and he said to me, "MARTIN, if you ever get time you will find it a profitable and interesting study to look up the opinions of the Attorneys General of the United States. You will find that they invariably found the way out or the way in for the special interests to violate the laws of this country." [Applause.]

I do not say the gentleman put it exactly in those terms, but it has been the opinions of the Attorneys General that have made the hog holes through which the hogs found egress and ingress, as their interests might be, in the Federal statutes of the United States.

I did not dream at that time that within six weeks I would find an opinion by the Attorney General of the United States, as to which, if there can be any question about the legal proposition involved, there can certainly be no question with reference to the policy involved. In other words, even though it can be pleaded for the Attorney General—and this is all that can be pleaded for him—that Congress failed to effectuate its intent, and he found a technical defect in the law which he interpreted to the advantage of the people who wanted to violate the law, yet there can be no question whatever but that it was the policy of this Government, it was the purpose and the intent of this Government, to prevent the sale of Philippine lands in bulk, and such sale of these friar lands above all other lands, Mr. Speaker. If there were any lands the alienation of which was sought to be prevented—alienation in the manner in which this estate was sold—it was these particular lands which had been cultivated, which were largely near centers of civilization, rather than the great wild, outlying tracts where the Filipino natives, perhaps, were not fitted to go and did not have the means to go.

ABSURD TO CONTEND THAT FRIAR LANDS NOT PROTECTED.

Mr. Speaker, it is an absolute absurdity, in my judgment, to take the position at this day that these friar estates were forcibly taken over in large tracts from their original owners for the purpose of turning them back to other large owners. If there is any one fact connected with the history of these lands that stands out clearly, distinctly, and above dispute it is, as succinctly stated by the gentleman from Wisconsin [Mr. COOPER] to-day, that they were taken over for the purpose of being broken up into small holdings among the native people of the Philippine Islands. There is no question about that, and I believe, as the gentleman from Wisconsin [Mr. COOPER] believes, that it was never in the mind of any man, it was never in the mind of the present President of the United States, it was never in the minds of the heads of the Insular Bureau, that such a thing as the sale of the San Jose estate, a tract of 56,000 acres, to one man was possible under the law.

Mr. Speaker, why should the President of the United States, when he was Secretary of War, have knocked at the door of Congress, session after session, to enlarge the limitations of the public-land act; why should the Philippine Commission in their annual reports have ever recommended the enlargement of the quantities of land that could be acquired, if they already had hundreds of thousands of acres of land there that could be disposed of in unlimited quantities? And, mind you, no such quantity as 56,000 acres was ever suggested. The maximum recommendation I have ever been able to find was 25,000 acres, and that only once. Most of the recommendations ran only to 10,000 or 15,000 acres. None of these estates were sold in bulk until the fall of 1908, four years after we acquired them. And yet gentlemen would put the Philippine Commission in the attitude of knocking at the doors of Congress for permission to sell 10,000 acres of land in one tract when they had three or four hundred thousand acres that they could sell in one tract, or in such quantities as they saw fit.

I say to such gentlemen I have searched this record as few other men have—I would not say as no other man has—and I defy any man on the floor of this House; I defy any man living and walking on the top of God's earth to point me to one utterance of record anywhere which indicates that the thought existed in the mind of any man that such a transaction as the sale of the San Jose estate could have been consummated in all the years prior to the time it was consummated. No such thing exists. I know there are gentlemen on the other side of this question who are able, well-posted men, who have studied the case exhaustively; but I do not feel any hesitancy in defying them to point out to me a single utterance to the contrary of what I have said. On the other hand, the record is full of facts and utterances going to show that everybody thought, up

to the time the disclosure came here in Congress, that these lands could not be sold in bulk as they have been sold.

SENATE BILL AS INTRODUCED AND AS AMENDED.

Mr. Speaker, it is a singular fact that at this day there should be any controversy as to the plain intent of Congress to subject the friar lands to the limitations of the public-land act. In order to set at rest any controversy on this point, I submit the following results of my own investigation, in which I went to the document room of the United States Senate and there carefully read every copy and reprint of the Philippine Government bill from first to last, carefully noting the language of the act as first introduced in the Senate with reference to the friar lands, and in each succeeding print as the bill was acted upon in committee or in the Senate from time to time, down to and including its final passage by the Senate. I find that on January 7, 1902, Mr. LODGE introduced Senate bill 2295, it being the original of the act of Congress of July 1, 1902. At that time the public-land sections of the bill were 10 and 11, and the friar-land sections were 50 and 51. Section 51 read as follows:

That all lands acquired by virtue of this amendment shall constitute a part and portion of the public property of the Government of the Philippine Islands and may be leased, let, sold, and conveyed by the Government of the Philippine Islands on such terms and conditions as it may prescribe—

the limiting clause, which now appears in the friar-land sections, not then appearing.

On March 31, 1902, Mr. LODGE reported Senate bill 2295 with amendments. The friar-land sections were unaltered, except that section 50 was divided into two sections, and in the amended bill the three friar-land sections were numbered 64, 65, and 66.

On April 18, 1902, the bill was amended in Committee of the Whole as reported by Mr. LODGE, with amendments, on March 31, 1902, the friar-land sections therefore remaining the same as reported on March 31, 1902.

On May 28 and 29, 1902, the bill was considered and amended in Committee of the Whole. Mr. LODGE from the floor offered the limiting clauses at the places and as they now appear in sections 63 and 65 of the act of Congress. Just prior to that the Senate had adopted an amendment limiting single homestead entries to 40 acres in extent, or its equivalent in hectares. At all stages of the bill in the Senate the land sections were replete with drastic limitations, which therefore destroys the contention that at the time the limiting clauses were inserted in sections 63 and 65 there were no land limitations in the act.

LIMITING AMENDMENTS OFFERED BY MR. LODGE.

I shall also insert at this point the amendments offered by Mr. LODGE, limiting single homestead entries to 40 acres and affixing the conditions and limitations of the entire act to the friar-land sections, just as the same appear in the CONGRESSIONAL RECORD of the Fifty-seventh Congress, first session, at pages 6082–6083:

Mr. LODGE. In section 11, on page 7, line 15, after the word "provided," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 11, on page 7, line 15, after the word "provided," it is proposed to insert:

"*Provided*, That a single homestead entry shall not exceed 40 acres in extent or its equivalent in hectares."

The amendment was agreed to.

* * * * * * *

Mr. LODGE. In section 64, on page 38, line 11, after the word "authorized," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 64, on page 38, line 11, after the word "authorized," it is proposed to insert the words "subject to the limitations and conditions prescribed in this act."

The amendment was agreed to.

Mr. LODGE. In section 65, on page 38, line 21, after the word "parcels," I move to insert the words "and in such manner."

The amendment was agreed to.

Mr. LODGE. In the next line, line 22, after the words "affect the," I move to insert the words "peace and," so as to read "affect the peace and welfare of the people of the Philippine Islands."

The amendment was agreed to.

Mr. LODGE. In section 66, on page 40, line 4, after the word "prescribe," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 66, page 40, line 4, after the word "prescribe," it is proposed to insert "subject to the limitations and conditions provided for in this act."

The amendment was agreed to.

Mr. LODGE. In line 5 of the same section and on the same page, after the word "purchaser," I move to insert the words "of any parcel or portion of said lands."

The amendment was agreed to.

Without respect to party, every Member of the Senate seemed to realize that desperate attempts would be made by unscrupulous exploiters to enslave the natives and use them as a means to wrest the wealth of the Philippines from the Filipino people. The fear was that the unscrupulous exploiters would enlist unscrupulous Philippine officials under their banner and that that combination would plunder the islands and their people. The Senate had had the bill under consideration for nearly five months and had strengthened it at every point where its Members could conceive it possible that a loophole might exist.

Notwithstanding the fact that exceptional care had been exercised in framing and amending the land sections of the bill, the Senate still was apprehensive that some day the government they were creating in the Philippines might be led to defy the will of Congress and trample the law under their feet, and so, on June 2, the Committee on the Philippines decided to eliminate all risk of such a denouement by so amending the bill as to prohibit the sale or lease of land to corporations and to forbid the organization of corporations to engage in agriculture, as will be seen from the following extracts from the CONGRESSIONAL RECORD, page 6151:

Mr. LODGE. At the top of page 11 I move to strike out the words: "Nor more than 5,000 acres to any corporation or association of persons," and to insert: "But no such land shall be leased, let, or demised to any corporation until a law regulating the disposition of the public lands shall have been enacted under the provisions of section 12."

Mr. HOAR. By whom is that law to be enacted?

Mr. LODGE. By the Philippine Commission, to be drafted and submitted to the President for his approval, and to Congress. It can not become a law without the approval of Congress.

Mr. HOAR. Is there any objection to putting in the amendment "and approved as herein provided"?

Mr. LODGE. "Enacted and approved." That is all it means, and I have no objection to that.

Mr. ALLISON. "As provided in section 12," I would say.

Mr. LODGE. Yes; "as provided in section 12."

The PRESIDING OFFICER. The amendment as modified will be stated.

The SECRETARY. On page 11, lines 1 and 2, strike out the words:

"Nor more than 5,000 acres to any corporation or association of persons."

And insert:

"But no such land shall be leased, let, or demised to any corporation until a law regulating the disposition of the public lands shall have been enacted and approved as provided in section 12."

The amendment was agreed to.

[CONGRESSIONAL RECORD, June 2, 1902, pp. 6154–6155.]

Mr. LODGE. I send to the desk an amendment to section 79, on page 50, which I ask to have read.

The SECRETARY. In section 79, on page 50, line 9, after the word "created," it is proposed to strike out:

"And every corporation authorized to engage in agriculture shall, by its charter, be restricted to the ownership and control of not to exceed 5,000 acres of land; and this provision shall be held to prevent any corporation engaged in agriculture from being in anywise interested in any other corporation engaged in agriculture."

And in lieu thereof to insert:

"No corporation shall hereafter be authorized to engage in agriculture until and unless provision shall be made therefor under the law regulating the disposition of the public lands enacted in accordance with the provisions of section 12."

Mr. BACON. I wish the Senator from Massachusetts would explain exactly what is the change that is made in that amendment.

Mr. LODGE. It makes it correspond with the change made in the section with regard to mining lands; that is, that there shall be no land granted to any corporation for agricultural purposes until land laws shall be drafted by the Philippine Commission and shall have been approved by the President of the United States and submitted to Congress.

Mr. BACON. Do I understand from that that it does away with the provision which contemplates the leasing of lands in the Philippine Islands?

Mr. LODGE. That has already been taken out.

Mr. BACON. I did not know that.

Mr. LODGE. This simply provides that there shall be no grant to any corporation at any time, unless provided by law.

Mr. BACON. Do I understand that the entire section which contemplates the leasing of 5,000 acres of land to corporations has been eliminated?

Mr. LODGE. That has been entirely eliminated and remitted to future decision under the land laws.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Massachusetts [Mr. LODGE].

The amendment was agreed to.

In addition to the foregoing quotations from the CONGRESSIONAL RECORD, the Senate debates are replete with statements showing that Senators feared the exploitation of the Philippines, no matter how strictly safeguarded, and were anxious to insert in the bill every practicable proviso to insure against such a policy.

And yet, at this late day, and after the worst fears have been realized, and after the policy of this Government touching its sacred trust in the Philippines has been violated, Members are heard to stand upon the floor and question whether it was ever the intent of Congress to safeguard the Philippines against exploitation.

THE LAW OF THE CASE.

Before dismissing the legal question I wish to refer briefly to the law of the case as argued by the law firm of Ralston, Siddons & Richardson, of Washington, which furnished the Committee on Insular Affairs in the friar-land investigation with an able brief dealing principally with the legal problems involved, including the proposition that all sales and leases of agricultural land by the insular government are void, as in violation of the organic act. I shall not go over the ground covered in the brief, but will succinctly recapitulate the main points raised by the attorneys.

Section 12 of the act of Congress provides that all the property and rights acquired by the treaty with Spain—which included the public lands—

are hereby placed under the control of the Government of said islands, to be administered for the benefit of the inhabitants thereof, except as provided in this act.

Section 13 provides for the classification of the agricultural lands and the making of rules and regulations for their disposition, subject to the provisions of the act, which rules and regulations shall not become effective until they receive the approval of the President and are submitted to and not disapproved or amended by Congress.

Section 15 provides for the granting or sale of the agricultural lands—

to actual occupants and settlers and other citizens of said islands, not exceeding 16 hectares to any one person and * * * not more than 1,024 hectares to any corporation or association of persons.

Section 4 defines citizens of the Philippine Islands to be the inhabitants thereof who were Spanish subjects on April 11, 1899, and their descent.

It is pointed out that section 13 confined the disposition of public agricultural lands to citizens of the Philippine Islands as defined in section 4, and that therefore all sales and leases to others than Spanish inhabitant-subjects at the time of American occupation and their descent are invalid. This construction appears to be incontestable, and additional force, if any is needed, is given by the fact that section 21, dealing with the mineral lands, which are reserved from the operation of sections 13 and 15, are declared to be—

free and open * * * to occupation and purchase by citizens of the United States or of said islands.

And the fact that section 53, which deals with the coal lands, gives the right of entry to—

every person above the age of 21 years who is a citizen of the United States or of the Philippine Islands.

Passing now to new matter, the Philippine Commission proceeded to make rules and regulations governing the disposition of the public lands, the same being embodied in act No. 926, as amended by act No. 979, known as the public-land act, and approved October 7, 1903, which act was duly submitted to the President of the United States and by him approved and transmitted to the Congress, which did not disapprove the same, thereby giving the act force and effect as law in the Philippines.

Sections 1, 10, and 22 of this act provide, respectively, that—

any citizen of the Philippine Islands or of the United States, or of any insular possession thereof, may, respectively, enter a homestead, purchase agricultural public lands, and lease agricultural public lands.

Under the foregoing provisions, which have been given by the Insular Government the force and effect of amendments to the act of Congress, many tracts of the public lands have been sold and leased to American citizens and corporations and American officials in the islands. I do not care to add to the able legal argument of the law firm which has briefed this proposition or to cite any authorities to sustain the contention that no act of the Philippine Commission or Assembly could operate to amend, alter, or repeal the act of Congress which is the organic law of the Philippines, but I want to call attention to the title of the public-land act, No. 926, as amended by No. 979, which reads as follows:

An act prescribing rules and regulations governing the homesteading, selling, and leasing of portions of the public domain of the Philippine Islands, prescribing terms and conditions to enable persons to perfect their titles to public lands in said islands, providing for the issuance of patents without compensation to certain native settlers upon the public lands, providing for the establishment of town sites and sale of lots therein, and providing for a hearing and decision by the court of land registration of all applications for the completion and confirmation of all imperfect and incomplete Spanish concessions and grants in said islands, as authorized by sections 13, 14, and 15 of the act of Congress of July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes." (357.)

It will be noticed that the purpose of the act, as indicated by the title, is merely to prescribe—

rules and regulations governing the homesteading, selling, and leasing of portions of the public domain in the Philippine Islands, etc.—

as authorized by sections 13, 14, and 15 of the act of Congress.

First, it was "an act prescribing rules and regulations," the terms used in section 13 of the act of Congress, and, second, "as authorized by section 13" and the other public-land sections of said act of Congress. While it is an axiom of statutory construction that anything in the statute repugnant to the Constitution is invalid, yet the title of the public-land act itself would indicate that the commission had only in mind the formulation of the necessary rules and regulations to carry out its constitutional powers and that these powers were to be exercised under authority and with the limitations in mind of the Constitution, which in this case was the act of Congress of July 1, 1902.

In this connection I wish to call attention to the following paragraph in the opinion rendered by Attorney General Wickersham to the Secretary of War on December 18, 1909, it being the friar-land opinion:

The public-land act was "general legislation" to carry out the provisions of sections 12, 13, 14, 15, and 16. The restrictions and limitations of these sections are specific and well defined. They apply to lands acquired by the treaty of peace with Spain. The citizens are limited in their rights to purchase to quantity and to compliance with the requirements of occupancy and cultivation. (14.)

When, therefore, in addition to the legislation to carry out the provisions of the sections enumerated, the Philippine Commission created entirely new and alien classes of persons entitled thereunder to acquire the public domain in the several ways provided, these unauthorized provisions, when put to the test, fall before the specific and well-defined restrictions and limitations of the organic act.

This limitation of Philippine public-land rights to the Filipinos justifies and explains the whole body of Philippine land laws and bottoms the Philippine policy of this Government upon the single proposition that the insular government is merely the trustee under limited and well-defined powers of the public agricultural lands of the islands for the use and benefit of the Filipinos. It brings out clearly the fundamental truth that it was the purpose of this Government that these lands should be inviolate to the Filipinos and that neither Americans nor any other citizenship could acquire them. It explains away all seeming inconsistencies in the agricultural land laws, all the provisions of which, whether dealing with individuals, associations or corporations, homesteads, sales or leases, fall readily and harmoniously into place. And it applies with equal if not greater force to the so-called friar lands than the lands acquired by treaty with Spain.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Colorado. I will.

Mr. MANN. The gentleman is making a very interesting speech. Does not the gentleman think it would be desirable to have a larger number of the Members present to hear his speech, and would not the gentleman be willing to have the House adjourn, and to conclude his speech on another day?

Mr. MARTIN of Colorado. I hope this not the case of a Greek bearing gifts. [Laughter.] I will say to the gentleman in all candor——

Mr. MANN. It is quite evident that on a bill of this sort, to which the gentleman offers a substitute, there would be a roll call. It is quite evident also that there is no quorum of the House present. Considering the time of day and other things, I think it is quite evident that a quorum would not be secured for the rest of the evening. Would it not be better for the gentleman to make his speech just before a vote is taken?

Mr. MARTIN of Colorado. Will not the gentleman be so kind as to withhold these rather disturbing suggestions until I conclude my remarks? I will say to the gentleman candidly that I do not want to start into this subject again, and I do not want to discuss it much further.

Mr. MANN. I was thinking that, perhaps, the gentleman would rather make his speech on the same day that the vote was taken than the week previous. If the gentleman wishes to continue his remarks to-night I shall be glad to listen to him a little longer.

Mr. MARTIN of Colorado. I am not going to assume that my remarks will change any votes. I am making these remarks now largely as a matter of duty. I have a number of very warm friends in the Philippine Islands, particularly in official circles. The administration people over there, I know, regard me with feelings akin to affection, and they would be grievously disappointed if I were to let this debate go by without saying something and without putting something in the RECORD. So, to be candid with the gentleman from Illinois, I am really talking for them and for the RECORD, and not for the House. [Laughter.]

Mr. MURDOCK. Will the gentleman yield?

Mr. MARTIN of Colorado. Certainly.

Mr. MURDOCK. I was hoping that the gentleman would continue and reveal to the House why it was that Mr. QUEZON did not know that this measure that permitted the sale of the friar lands passed the Filipino Legislature when it did. Does the gentleman expect to do that?

Mr. MARTIN of Colorado. Yes; and it is not a matter that will reflect on the gentleman from the Philippine Islands at all.

Mr. MURDOCK. Oh, no; I did not suppose that it would.

Mr. MARTIN of Colorado. I should be glad to do that. Now, I will continue the colloquy that I have been reading. I left

off where Mr. QUEZON said that he was floor leader of the majority party of the Philippine Legislature when it passed the amendatory act which authorized the sale of this estate in bulk. I will read:

Mr. MARTIN of Colorado. I want to read you this statement made by Mr. Worcester, on page 689 of the record, in speaking of the act of June 3, 1908, under which these sales have been made.

I want to say that Mr. Worcester is the secretary of the interior of the Philippine Islands. He is at the head of the land department. He is a strong, able man. I have never had the pleasure of meeting the Governor of the Philippine Islands, but I would not be disappointed if, after meeting him, I found the dominating mind, the controlling personality in the Philippine Commission, was Mr. Worcester, the secretary. I believe the gentleman from Wisconsin [Mr. COOPER] will agree with me on that proposition.

PHILIPPINE ASSEMBLY DID NOT INTEND TO REPEAL LIMITATION.

Now, I will read to Members in this House the statement which the secretary made to the Committee on Insular Affairs touching the manner in which these amendments were passed by the Filipino Assembly. Mr. Worcester, speaking of the act of June 3, 1908, said:

It was prepared by Capt. Sleeper and subsequently informally communicated by me to the joint committee of the Philippine Legislature, reason for that action being that its passage through the assembly might be expedited through having some one there who would understand just what its purpose was. The act could not be formally brought before the joint committee for official action, as it had not been submitted to them by the president of either house. I did, however, read it to them, call their attention to its provisions and its purpose, and requested them to do what they could to see that it went through when it came up in the assembly. As far as I remember, I took no other special action in regard to that act. It should, however, be stated that nearly a year later another amendatory act was passed which reenacted the language of the first amendatory act as far as the removal of the restrictions is concerned. That later act, it will be noted, was passed after the Philippine people had had abundant opportunity to realize what we had done by our first amendatory act. It originated in the Philippine Assembly, and first came to Capt. Sleeper and myself after its passage there, so far as I remember, without any previous knowledge of its existence either on the part of the director of lands or of myself. It is thus shown clearly that after the people at large and the lower house had had abundant opportunity to realize the purpose of the first amendatory act, through the fact that that purpose had been carried into effect, the lower house voluntarily reaffirmed the action taken by reenacting the original provision.

I read this to Mr. QUEZON in the committee.

Mr. COOPER. Is that the statement of Mr. Worcester?

Mr. MARTIN of Colorado. That is the statement of Mr. Worcester. Then I said to Mr. QUEZON, "Do you wish to make any statement with reference to Mr. Worcester's statement?"

Mr. QUEZON said:

I was not in Manila when the first bill was introduced, and I do not know how it passed. I believe, however, from the action of the assembly, of which I spoke a moment ago, in passing a bill which imposes upon the friar lands the limitations of the public lands, that the assembly did not realize the effect of the act of June 3, 1908, when they passed it.

Mr. QUEZON. Mr. Speaker, with the permission of the gentleman from Colorado, I wish to inform the House how this act passed the assembly, its members not believing or knowing that it was authorizing the sale of the friar lands in large tracts.

The sale and disposition of the friar lands was provided for in the act enacted by the Philippine Commission before the creation of the assembly. Later on the Philippine Commission and the assembly tried to amend that act in certain details regarding the publicity that should be given to the sale of these lands. In the original act it was provided that in the case of unoccupied lands the director of the bureau of lands will follow the provisions of section 15 of the organic act.

The amendatory act passed by the Philippine Legislature left out this sentence. In this amendatory act it was not said that the director of public lands had to bind himself by section 15 of the organic act.

But the assembly understood, and I am sure the director of lands also understood, that it was not necessary to keep this provision in the law, because the act of Congress was, anyhow, binding upon the director of public lands, and it was unnecessary for the Philippine Legislature to say so.

Far it was from the minds of the assemblymen that the insular government, being in charge of the execution of the laws of Congress, would take advantage of the silence of the Philippine Legislature to defeat the will of Congress clearly expressed in the organic act. One word more. It is admitted that as soon as the Filipino people learned that an immense estate was sold to Mr. Poole, from everywhere in the Philippines came protests against the supposed law which authorized that sale; and, Mr. Speaker, it bespeaks the ability of that assembly and its faithfulness in complying with the wishes of the people, the fact that it proceeded immediately to amend the act in accord with the wishes of its constituents.

Mr. JONES. And the commission refused to accept it.

Mr. QUEZON. And the commission refused to accept.

Mr. OLMSTED. Will the gentleman yield for one question? The gentleman was not present and was not in Manila at the time that act was passed?

Mr. QUEZON. I said I was not, and I am giving an explanation of how, in leaving those few words out, the commission and attorney general used it as an argument to say that bill must be the lands act of the Philippines.

Mr. OLMSTED. I merely asked the question to negative the inference drawn by some gentlemen from the statement of the gentleman from Colorado [Mr. MARTIN] to the effect that the gentleman did not understand the effect of the bill.

Mr. MARTIN of Colorado. I am glad the gentleman from Pennsylvania asked that question. Here was certainly a very important piece of legislation. That will hardly be gainsaid at this time; and yet here is a pretense that because the gentleman, Mr. QUEZON, the floor leader, was not present the day this was passed, that is sufficient to account for his lack of knowledge concerning it. Is that all the accountability the floor leader has to legislation affecting the very life of his people and their welfare? Gentlemen will understand that his physical presence there would have nothing to do with his knowledge of the pendency and discussion and passage of such an important piece of legislation as this.

So, first, we have the testimony of the floor leader, a man who should and would have knowledge of such important legislation, whether he was there or not, if anybody had knowledge of it; and the very fact that the floor leader of that people, a man brilliant and able and well informed as the Commissioner from the Philippines [Mr. QUEZON], did not know at that time, and did not know for months afterwards, that such a sale could be made, I think ought to be conclusive if anything in the world would be.

But there is further evidence than that, Mr. Speaker. There is somewhere in the hearings a resolution of the Philippine Assembly protesting against these sales, and this resolution was passed unanimously—not a dissenting vote—by the Philippine native assembly, elected by the people of the islands:

Resolution declaring the sale in large and unlimited tracts of land belonging to the so-called friar estate to be contrary to the will, the sentiment, and the interest of the Philippine people.

I say to you gentlemen on the other side of this question that these resolutions are in the record.

PROTEST OF PHILIPPINE ASSEMBLY.

The resolution referred to is as follows:

[Assembly resolution No. 14, Second Philippine Legislature, first session.]

Resolution declaring the sale in large and unlimited tracts of land belonging to the so-called friar estates to be contrary to the will, the sentiments, and the interests of the Philippine people.

Whereas it is the general desire of the Philippine people to secure, now and in future, the means to preserve peace and bring happiness to the inhabitants of this country through a quiet, peaceful, and productive exploitation of its soil;

Whereas the Philippine people consider that the acquisition of unlimited tracts of land by large foreign associations or corporations, for the purpose of exploiting them for their own benefit, might disturb that peace and destroy that happiness desired with such fervor, because it believes that such corporations would establish a ruinous competition with the Philippine capitalists and producers, as thanks to their powerful resources they would acquire predominance in the field of exploitation of the native energies, and that, once established in the country, said corporations would constitute a great obstacle to the political emancipation desired by the Philippine people in general;

Whereas the transfer to the corporations mentioned of the land purchased from the friars might result in a renewal in this country of the political-social disturbances of the past caused by the exploitation of the same estates by the religious corporations, this circumstance having constituted, as everybody knows, one of the principal causes of the last Philippine revolution;

Whereas the rule of the corporation or the concentration of the great agricultural interests in the hands of corporations has produced and is producing in the various countries, first in England, then in Germany, and subsequently in the United States, social commotions that are always a menace to the safety and welfare of a nation;

Whereas the Philippine Republic, ever to be remembered by us all, endeavored during the brief period of its existence to prevent this fearful social peril by providing, in the additional article of its constitution, for the transfer of the property and buildings of the religious corporations to the national Philippine Government;

Whereas the present government of occupation has purchased the friar estates, not for the purpose of making them a new source of disturbances and protests, but in order to contribute to the peace and welfare of the Philippine people, according to the provisions of section 64 of the organic law of the Philippine Islands;

Whereas the Philippine Assembly deems it a duty not to be evaded, and at the same time a right derived from the essential principles of a democratic régime, to cause the voice of the people represented by it to be heard in the official spheres of the Philippine administration and of the Government of the sovereign country: Now therefore be it

Resolved, That the Philippine Assembly do, and hereby does, declare, without entering upon a discussion of the legality or illegality of the matter, that the sale in large and unlimited tracts of the so-called "friar estates" to great corporations for their exploitation is contrary to the will, the sentiments, and the interests of the Philippine people; and further, that the assembly do, and hereby does, state its de-

sire that the sale of said estates to persons other than those who were tenants of the same prior to June 3, 1908, and of all other property acquired by the Government subsequent to the treaty of Paris be made subject to the limitations contained in section 15 of the organic act of the Philippine Islands relative to the public lands acquired by the United States in the Philippine Islands under the treaty of peace with Spain; and

Resolved further, That copies of this resolution be forwarded to the Congress of the United States, the Philippine Commission, and the honorable the Secretary of War.

Adopted December 6, 1910.

I hereby certify that the foregoing resolution was adopted by the house on December 6, 1910.

RAMÓN DIOKNO,
Secretary Philippine Assembly.

But there is further evidence in the record.

Mr. COOPER. And that is the same assembly which they claim——

Mr. MARTIN of Colorado. The same assembly which they claim amended the law so as to permit of these sales.

Mr. COOPER. Could there be any plainer demonstration that they did not understand the import of that law?

Mr. MARTIN of Colorado. I think not; and I want to add this——

Mr. LONGWORTH. How much time elapsed between those two amendments?

Mr. MARTIN of Colorado. A year. I want to add this, that when I undertook to present this resolution to the Committee on Insular Affairs I was met with the question as to whether or not I thought it could affect the legality of the action of the assembly; and I said, why, certainly not. I will admit that no resolution of protest now could be heard for the purpose of determining that question, but I considered it not only material but absolutely conclusive as to the attitude of the assembly upon the policy involved in this legislation.

But it developed last Wednesday, Mr. Speaker, when the gentleman from the Philippines had the floor, that since this investigation by the Committee on Insular Affairs in the last Congress the lower house of the Philippine Legislature passed an act prohibiting these sales of the friar lands in large tracts. I do not know exactly the scope of the act, whether it invalidated the sales that had already been made; I do not know its terms; but at any rate it was an act to prevent the sale of the friar lands in large tracts and applied the restrictions of the public lands to the friar lands. Am I right about that?

Mr. QUEZON. Yes, sir.

Mr. MARTIN of Colorado. It passed the assembly unanimously and was rejected. By whom? Rejected by the council appointed by the President, consisting of the Philippine Commissioners.

THE ATTITUDE OF THE PHILIPPINE COMMISSIONERS IN CONGRESS.

Several times during the debate I have heard the gentleman from the Philippines [Mr. QUEZON] questioned with regard to the attitude of his colleague and with a view to ascertaining whether or not Mr. QUEZON'S colleague was in harmony with Mr. QUEZON'S position with reference to land limitations and sales in the Philippines, the obvious object of these questions, coming as they do from gentlemen upon the other side of the question, being to weaken the position of Mr. QUEZON by showing, inferentially at least, that Mr. QUEZON is not supported by his colleague in his efforts in behalf of this bill and against the sale of the friar lands. One thing all must say for Mr. QUEZON, and that is, he is here to speak for himself and that he has spoken so ably and so eloquently as to win the admiration and applause of all Members, regardless of their attitude upon this bill.

But I will go a step further and I will say that because of Mr. QUEZON'S attitude in the Sixty-first Congress in favor of the investigation of the sale of the friar lands, which investigation was ordered just at the close of the session in June, 1910, Mr. QUEZON was unanimously reelected by the Philippine Assembly as a Commissioner from the Philippine Islands, while his colleague, because of his failure to oppose the sale of the friar lands, was unanimously rejected by the assembly. The commission, however, which disapproves Mr. QUEZON and approves his colleague, refused to concur in the reelection of the former without the reelection of the latter, and as a consequence a vacancy was threatened in both Commissionerships from the Philippine Islands. This condition was met in the last session of the Sixty-first Congress by the passage of an act extending the terms of office of both Commissioners until such time as the Philippine Legislature, consisting of the assembly elected by the people and the commission appointed by the President of the United States, shall elect their successors.

The attitude of the Philippine Assembly toward their congressional delegates is only another side light thrown clearly upon the position of the representative Filipino body upon the question at issue.

That Mr. QUEZON has been strongly and consistently against this policy of exploitation from the beginning is clearly shown by the following colloquy on the floor of the House, which I take the liberty of reproducing from the CONGRESSIONAL RECORD of May 21, 1910, at page 6823:

Mr. MARTIN of Colorado. I would like to ask the gentleman how his people will view the new movement of American capital into the Philippine Islands to buy up and develop large tracts of land there?

Mr. QUEZON. My people are informed of the policy of the United States Government upon this question, which is not to sell more than 1,024 hectares of land to any corporation, and they have from the very beginning applauded this policy.

In fact, the Filipinos have considered the provision of the "organic act" limiting the area of land acquirable by corporations to 1,024 hectares as the best proof that the Philippines have not been occupied by Americans for exploitation purposes.

Mr. MARTIN of Colorado. And they would not applaud any departure from that policy then?

Mr. QUEZON. No, indeed.

Mr. MARTIN of Colorado. But supposing the land is held in large tracts in the names of agents of exploiting foreign corporations or interests?

Mr. QUEZON. The result would be the same; it would be just as objectionable.

Mr. Chairman, I shall avail myself of the opportunity afforded to me by the questions of the gentleman from Colorado to make clear the attitude of the Filipinos regarding the land question. We are not anticapitalists, neither are we antiforeigners. We do not want to encircle the islands with some sort of a "China wall"; we welcome the coming in of capital to stimulate commerce and develop industry. We receive with open arms every foreigner who visits or lives with us. The hospitality of the Filipinos is proverbial. But we are against the ownership of large tracts of land, either by corporations or by individuals, for it is incompatible with the real prosperity of the natives. You can not have, Mr. Chairman, a solid, conservative, contented, law-abiding community unless the plain people, as your beloved Lincoln affectionately called them, have and cultivate their own land. Moreover, large agricultural enterprises in the Philippines will, sooner or later, bring about Chinese or other oriental immigration into the islands, which we are fighting against. For these reasons I, on behalf of my people as well as of myself, respectfully ask Congress to strictly adhere to its policy concerning this matter, as it has been defined in the "organic act."

THE JOKER—AND WHY.

And yet, Mr. Speaker, in the face of such a record as this the official heads of the insular government come all the way to Washington and pretend to tell the committee of Congress that the Philippine people, through their assembly, assented to these sales and to this policy, and knowingly have passed laws intended to repeal the limitations and permit the sales of these lands in any quantity whatsoever.

Now, Mr. Speaker, do you see why I say the House of Representatives made a mistake this afternoon in accepting the little joker of the gentleman from Pennsylvania [Mr. OLMSTED] authorizing the Philippine Legislature to turn around and do once more what they have already been hoodwinked into doing? I want to say to you, Mr. Speaker, that until such time as the American Government has determined what its final attitude toward the Philippines is to be, I am not in favor of permitting even the Philippine Legislature to dispose of those lands in this way. [Applause.]

Why, gentlemen, there is no need of passing this bill with the amendment of the gentleman from Pennsylvania incorporated in it. The gentleman from Pennsylvania well knows that the native assembly in the Philippines is unanimously opposed to the sale of these lands. He knows that. He knows about these protests by the assembly. He knows about the attempted passage of the act, which has been blocked by the commission. Why, then, does he press his "little amendment"? Oh, it is a small matter! It is not very material! Let us put it in now, for the sake of peace, and go ahead! Why does he press an amendment to authorize the Philippine Assembly to do something that he knows it is unanimously opposed to doing? I will tell you. It is because the Philippine Assembly will do once more just as it has done once before, namely, pass some alleged harmless amendment to these land laws, and then some accommodating attorney general will construe that amendment as it is wanted to be construed. Now, that is all there is to it. And that is the reason, Mr. Speaker, that this Congress should safeguard those lands even by withholding from those people the power to be taken advantage of and to dispose of them until such time as we have determined whether or not we propose to retain those islands.

EXPLOITERS KNOW WHAT THEY WANT.

I want to say something in behalf of the gentlemen who want these land limitations abolished and who want other things done. As a whole, we seem to be drifting with reference to the Philippines. There seems to have been much uncertainty as to what ought to be done with them and when it ought to be done. But there are certain gentlemen——

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. MARTIN of Colorado. In just a moment. But there are certain interests, there are certain people—it does not matter whether they are in Congress, or down here in the departments,

or over in Manila, or elsewhere—whenever they do anything it is toward a certain and definite end, and that end is the permanent retention of the Philippine Islands by the United States. It does not make any difference whether it is a free-trade bill or a bill permitting them to increase their bonded indebtedness from $5,000,000 to $15,000,000, as is now proposed, or a bill to remove the land limitations and allow them to be acquired by foreign interests; it does not matter what it is—it always points in one and the same direction, and that is the creation of ties between the United States and the Philippines which it will be difficult, if not impossible, to sever in the future. [Applause.]

Mr. GARRETT. Will the gentleman yield?

Mr. MARTIN of Colorado. I will.

Mr. GARRETT. Has the gentleman read the bill providing for Philippine independence?

Mr. MARTIN of Colorado. I have.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT. Mr. Speaker——

Mr. MANN. Mr. Speaker, I make the point that there is no quorum present.

Mr. GARRETT. If the gentleman will permit me for one minute——

Mr. MANN. I will be very glad to withhold for one minute. I thought the gentleman wanted an hour.

Mr. GARRETT. Does the gentleman from Colorado mean that that bill is not in good faith?

Mr. MARTIN of Colorado. I do not believe that. I believe that bill is in good faith, and I am in good faith in favor of that bill.

Mr. GARRETT. I thought the gentleman's remarks might be misconstrued.

Mr. MARTIN of Colorado. I beg to assure the gentleman I have not the slightest thought of that character.

THE LAW IS CLEAR AND ITS PURPOSE PLAIN.

The whole subject of both the law and policy of our Government touching the land of the Philippines may be most appropriately dismissed with the concluding paragraph of the minority report of the friar-land investigation by the Bureau of Insular Affairs in the Sixty-first Congress, and I respectfully submit this paragraph to the consideration of all persons who are interested in the conservation of the islands for the inhabitants thereof and not for their exploitation by aliens:

In conclusion, we wish to emphasize what has hereinbefore been said in respect to the policy which has of late obtained in the Philippine Islands in regard to the sale and other disposition of the vast public domain of those islands, whether these lands be known as public lands or friar lands. They are the property of the people of the Philippines, and should be administered and disposed of solely in their interest and for their benefit. They are thoroughly united in their opposition to the policy of exploitation to which the bureau of public lands seems to be so resolutely committed and which is being pursued with utter disregard of the opinions and wishes of those most interested. That the officials whose duty and responsibility it is to administer the public-land laws have, at least until recently, entertained doubts as to the legality of the policy pursued by them is evident from the fact that they have so frequently sought and obtained legal opinions with which to fortify their position. In our opinion these doubts should have been resolved in the interest of the citizens of the islands rather than in that of the aliens, whose purpose it was to exploit the islands. To our minds, the law governing the disposition of these lands is so clear that there is no need for any resort to the courts in respect to it. If the policy laid down in the act of Congress of July 1, 1902, is a narrow and mistaken one, then Congress should change it. It alone is clothed with the power to do so.

W. A. JONES.
ROBERT N. PAGE.
FINIS J. GARRETT.
M. R. DENVER.
HARVEY HELM.

WHAT IS WANTED IN THE PHILIPPINES.

What is wanted in the Philippines is not more law, but the enforcement of existing law. This fact was clearly demonstrated in the investigation of the friar-land sales. The story, taken from the hearings, relating to the sale of the San Jose estate to Mr. E. L. Poole, the agent of Horace Havemeyer, Charles H. Senff, and Charles J. Welch; to the Mindoro Development Co. of New Jersey, organized by the last-named gentlemen, to operate a sugar plantation upon said estate; and to the three subsidiary companies organized by Mr. Welch, through his immediate family in California, to be operated in conjunction with the San Jose estate and the Mindoro Development Co., furnishes a study in legal and corporate trickery upon the one hand and official negligence and incompetence on the other hand, out of which could be rewritten the cause and the philosophy of the greater part of the failures of the law to protect the public interests in the United States since the beginning of the era of the ascendency of wealth in the affairs of this country.

The story as told in the hearings is worth reading. It contains a dash of humor. The main factor in the little play resorted to many of the funny dodges and tricks known to the law to violate its letter while observing its spirit. He worked in his wife and his wife's folks and their lawyers and clerks and hired men, in ignorance, it now appears, of the utter complacency of the officials with whom he would have to deal. In other words, he labored under the delusion that he must appear to comply with the law.

"Their money was good," said Secretary Worcester, speaking of the principals behind Agent Poole. These principals had already had their attention called by the Bureau of Insular Affairs to the utter failure of even more severe restrictions to protect Porto Rico from the Sugar Trust. Land holdings in Porto Rico had been limited to 500 acres instead of 2,500, but the Sugar Trust had gone in there and wiped out the small sugar planter and the small sugar maker and had converted Porto Rico into one huge sugar plantation. "Go ahead," said the Insular Bureau, in effect. "Never mind the law or the restrictions or the limitations in the Philippines. You see what the result has been in Porto Rico." And they went ahead. And they found officials, as the story will show, a story made up of quotations from the testimony of these officials at the hearings, who were willing to take their money and ask no questions and write out agreements in violation of the law and permit failure to comply with the law.

WHAT THE STORY WILL SHOW.

But for fear you have not time to read the story, let me summarize briefly what the story will show:

First. That the insular government entered into an agreement with E. L. Poole to convey to him, or his individual or corporate nominees, a tract of 56,000 acres of land, although the organic law forbids any corporation to own or hold more than 2,500 acres of land; that no effort was made to ascertain whom or what Poole represented, and that this sale was reported officially and repeatedly as a sale to Poole for himself and not as agent for any other person.

Second. That the principals for whom Poole acted organized the Mindoro Development Co., a corporation with unlimited powers, the incorporators of which were dummies, and the object of which was to operate not only this entire tract of 56,000 acres of land as a sugar plantation, but the lands of subsidiary corporations, the president of the corporation being Mr. Welch, the managing factor among the owners of the San Jose estate, and whose relatives composed the subsidiary corporations.

Third. That Mr. Welch, through his father's estate and through his wife, brother, and brother-in-law and their partners, clerks, and employees, organized into three corporations, was permitted to file applications for and purchase nearly 7,500 acres of public land, the maximum permitted by law, at 2,500 acres per company, these tracts being contiguous to each other and lying between the San Jose estate and Mangarin Bay, the nearest port, and through which lands it was desired to run a railroad from the San Jose estate to the port; that Mr. Welch and his relatives were permitted to purchase these lands without filing the affidavits required by section 75 of the organic law of the Philippine Islands, showing that stockholders in any one of the corporations were in no wise interested in any other such corporation; and that the relations between these different concerns were such that Mr. Poole, the manager of the San Jose estate, who was also the manager of the three California corporations, proceeded under cable orders from Mr. Welch to build a railway across the lands of the three California corporations without the consent of the three owning corporations.

Fourth. That the identity and the unity of all these interests and concerns were rendered so complete in the investigation as to lead Mr. Welch finally to say:

We are practically the same. There is no getting away from that. We are quite a family party.

THE SAN JOSE ESTATE.

One of the principal transactions giving rise to the investigation in the last Congress was the sale of the San Jose estate of 56,000 acres, situated in the island of Mindoro, to one Edward L. Poole. The certificate of sale was executed at Manila on November 23, 1909. This sale was stated by the insular officials at Manila and by the Insular Bureau at Washington as made to an individual.

It was stated by Capt. Sleeper, director of lands, that—

No person is known to have purchased any friar lands as agent or factor for any other person. It is said that Mr. Edward L. Poole, who purchased the San Jose estate, Mindoro, represents Mr. Welch, but purchase was made in his own name.

It appears, however, that the certificate of sale provided for the conveyance of the land to the ostensible purchaser, E. L. Poole, "or his nominees," thereby plainly putting the Government upon notice that Poole was not acting for himself but in a representative capacity. It further appears from the testimony of Director Sleeper that between December 6 and 10, 1909, he discovered that Mr. Poole represented a corporation known as the Mindoro Development Co., of New Jersey. This fact was disclosed to Director Sleeper at a time when he had under consideration the execution of new or amended certificates of sale, whereby the estate would be cut into two large tracts and a smaller tract, which was to be deeded directly to the corporation for mill site, railroad headquarters, and other purposes incident to the operation of a large sugar plant and plantation. Director Sleeper, when asked why he had inserted the proviso "or his nominees," replied that it was probably done at the request of the attorney for the purchaser, Mr. E. B. Bruce, a lawyer of Manila. The director admits that no effort whatever was made to ascertain who or what Mr. Poole's prospective nominees might be. Indeed, both Director Sleeper and Secretary Worcester admitted that no inquiry whatever was prosecuted to ascertain the identity or character, whether individual or corporate, of Mr. Poole's associates.

On January 4, 1910, sale certificate No. 1 was canceled and in lieu thereof there was issued sale certificates Nos. 2 and 3, providing for the conveyance of the land to Poole "or his corporate or individual nominees."

In a report prepared by Secretary Worcester at Manila on August 29, 1910, relative to the charges against the conduct of the affairs of the department of the interior and the bureau of public lands, and at page 45 of said report the secretary sets out in full sale certificate No. 1, which instrument, be it remembered, had been canceled on January 4 preceding. On page 47 is made a brief mention of the cancellation of No. 1 and the execution of Nos. 2 and 3, but the new certificates themselves do not appear, nor anything to indicate the change that had been made providing for the execution of deeds to Mr. Poole's corporate nominees. When Secretary Worcester and Director Sleeper were examined before the committee sale certificate No. 1 was fully gone into and the witnesses were questioned at some length about the insertion of the proviso "or his nominees." When it developed from Director Sleeper's testimony that the certificate had been canceled and new certificates issued, he, upon request, furnished copies of the new certificates to the clerk of the committee and they were inserted in the printed hearings, where they appear, together with No. 1, at pages 251, 252, and 255, from which it would appear that they had been offered and were before the committee simultaneously. This, however, as I say, is not the case, only No. 1 at that stage of the hearings having been before the committee, as it appeared in the Secretary's report referred to. When asked on cross-examination as to why, when he was being examined about sale certificate No. 1, he had not called the attention of the committee to the character of the proviso in sale certificates Nos. 2 and 3, Mr. Worcester answered:

> I have always taken it for granted that you (MARTIN) could be depended on to bring out any points of that sort.

Mr. Worcester professed to the committee at all times exceeding frankness and a desire to fully and truthfully disclose every fact within his knowledge. This statement he iterated and reiterated, and without comment I submit the foregoing reply to my question as to why he had not disclosed this proviso.

Mr. Worcester, in his report already referred to, said:

> Had the Government sold the estate, as charged, to the Mindoro Development Co. of New Jersey, the Havemeyer Exploiting Co., or to any other corporation, its action might properly be subject to the severest criticism.

When confronted with the fact that he had approved the execution of instruments to convey the estate to Poole's corporate nominees, Mr. Worcester said that—

> in carrying out all these agreements which we make, we are subject to the laws of the land. I do not hold that under that agreement Mr. Poole could compel me to make an illegal transfer of land or could compel me to transfer land to a corporation in excess of that which a corporation was entitled to hold.

While fully agreeing with the truth of the foregoing statements, the question yet remains, Why did the director of public lands execute and the secretary approve a contract which is upon its face an admitted violation of the law? If he could not convey the estate to Poole's corporate nominees, why enter into a solemn agreement in writing so to do? And why had every official concerned protested that the sale had been made to an individual when it was known to them that Mr. Poole was merely the agent of both associate and corporate nominees?

THE PURCHASERS WIDE AWAKE.

While the insular officers may not have known or cared with whom they were dealing, or what character of transaction they were sanctioning, the other parties seem to have known clearly what they wanted and took every safeguard devisable by skilled lawyers to secure it.

On March 9, 1910, 60 days after closing the San Jose deal, Mr. Edward L. Poole executed a declaration of trust, stating specifically that—

> in purchasing the said estate (he) was acting as the agent for Horace Havemeyer, Charles J. Welch, and Charles H. Senff, who furnished him the entire amount paid by him for said property.

Also declaring that he held the property in trust for the benefit of these persons and had no interest in the same other than the bare legal title, and agreeing—

> to convey the said property to such persons, firms, or corporations as the said persons shall from time to time direct, free and discharged from any claim or liability to him by reason of any act whatsoever.

If the director of lands deemed it necessary to say, as he did in his report to Secretary of War Dickinson on May 5, 1910 (H. Doc. No. 1071, p. 107):

> That no person was known to have purchased any friar lands as agent or factor for any other person, and that Mr. Poole purchased the San Jose estate in his own name—

he must have felt like a very much deceived individual when Mr. Poole produced this declaration of trust before the Committee on Insular Affairs, and Secretary Worcester must have felt likewise.

OFFICIAL INDIFFERENCE.

Some doubt, however, naturally arises as to their feelings in this particular from the following statements made by them before the committee:

> Mr. GARRETT. Capt. Sleeper, was any effort made to ascertain who the "company" was of Welch & Co.?
> Mr. SLEEPER. By me?
> Mr. GARRETT. Yes, sir.
> Mr. SLEEPER. No, sir.
> Mr. GARRETT. Or anybody else?
> Mr. SLEEPER. No, sir.
> Mr. CRUMPACKER. Was any inquiry made?
> Mr. WORCESTER. I made no inquiry, sir. I took it for granted that they were men with capital who had the price to pay for the land which they desired to get. Their money was good.

The following colloquy will also throw some light on their state of mind and relieve any impression of shock by reason of the disclosure that Poole was merely the agent of Havemeyer, Welch, and Senff and the Mindoro Development Co.

> Mr. MARTIN of Colorado. The officials did not make any very strenuous efforts to pry into your private affairs, did they?
> Mr. POOLE. Mr. Martin, why should they? I came over there to buy land.
> Mr. MARTIN of Colorado. Yes.
> Mr. POOLE. They had a white elephant on their hands and they very gladly sold it.
> Mr. MARTIN of Colorado. And they did not make any inquiries as to who it was being unloaded on as long as it was being unloaded and they were getting the money?
> Mr. POOLE. Getting the money and stopping that enormous sum of interest eating up every year.

It should always be borne in mind that Mr. Poole represented an interest thought to be against the letter and known to be against the spirit of the law, and indisputably against the insular policy of this Government.

Mr. Taft, in a special report to President Roosevelt, January 23, 1908, already quoted, said:

> Nor would I regard it as a beneficial result for the Philippine Islands to have the fields of those islands turned exclusively to the growth of sugar. The social conditions that this would bring about would not promise well for the political and industrial development of the people, because the cane-sugar industry makes a society in which there are wealthy landowners, holding very large estates with most valuable and expensive plants and a large population of unskilled labor, with no small farming or middle class tending to build up a conservative self-respecting community from bottom to top.

Yet here were sugar interests seeking to acquire a tract of 55,000 acres of land, when the largest holding ever recommended, even by such an ardent exploiter as Mr. Worcester, is 25,000 acres, and representing a corporation with chartered powers which would enable it to set up an imperium in imperio and establish on a huge scale the very conditions against which Mr. Taft specifically inveighed. That such a result could not be accomplished without the connivance or the culpable negligence of the insular officials ought to go without saying.

THE MINDORO DEVELOPMENT CO.

It is difficult in arranging the testimony adduced at the hearings to distinguish between the San Jose estate, managed by Poole for Havemeyer, Welch & Senff, and the Mindoro Development Co., managed by Poole for Havemeyer, Welch & Senff, and

to treat them separately. This difficulty is increased by Mr. Welch when he says:

As far as the San Jose estate and the Mindoro Development Co. are concerned, there is a mighty close community of interest. We are practically the same. There is no getting away from that.

I may say, in passing, that I had not been attempting to get away from it, but had been endeavoring most diligently to get to it, and I acknowledge my obligations to Mr. Welch for having confirmed my judgment that the very character of the enterprise demanded essential unity and that any appearance to the contrary was simply juggling with the law.

The Mindoro Development Co. was incorporated under the laws of the State of New Jersey on December 8, 1909, with a capitalization of $100,000, with almost unlimited powers as to the kinds of business in which it could engage, including the right—

to invest in, hold, subscribe for, buy, sell, and in any manner acquire and dispose of the stocks, bonds, and other obligations of other corporations, and while the owner of any such stocks, bonds, or other obligations to exercise all the rights, powers, and privileges of ownership thereof, including the right to vote.

The incorporators of this company were Robert J. Bain, Samuel S. Moore, and Charles E. Scribner. Some light is thrown upon the identity and interest of these gentlemen by the following testimony:

Mr. GARRETT. It seems from some statement in the record that Robert J. Bain, Samuel S. Moore, and Charles E. Scribner, all of New Jersey, are the incorporators of the Mindoro Development Co. Now, have they any interest in it?
Mr. HAVEMEYER. Not that I know of.
Mr. GARRETT. Own no stock in it?
Mr. HAVEMEYER. Not to my knowledge.
Mr. JONES. Are you sure there are any such people, or may they not be fictitious names?
Mr. HAVEMEYER. It is possible.
Mr. HELM. As a matter of fact, you got a few dummies over there to organize a company, and then you practically took possession of it. That is the fact of the matter, is it not?
Mr. WELCH. I guess so.

As a matter of fact, two of the three incorporators were law clerks in the offices of Corbin & Collins, lawyers, of Jersey City, N. J., who filed the articles of incorporation, which were drafted by Mr. De Gersdorff, of the law firm of Cravath, Henderson & De Gersdorff, of New York, along lines laid down by Mr. John Henry Hammond, of the law firm of Strong & Cadwaladar, of New York, of which law firm Henry W. Taft is the leading member, and of which Mr. Wickersham was a member until he became Attorney General.

The work of organization having been accomplished, the dummies were relieved of their alleged holdings; the capitalization was increased from $100,000 to $1,000,000 on January 5, 1909, being the day following the receipt of a cable from Poole, at Manila, that the final certificates of sale had been issued—certificates Nos. 2 and 3—carrying the new "corporate nominee" clause; and Messrs. Havemeyer, Welch, and Senff became the holders of $250,000 of paid-up capital stock each, the balance, $250,000, remaining in the treasury. The only other stockholders taken in were H. O. Havemeyer, who purchased 50 shares of stock from Horace Havemeyer, and Welch & Co., a California corporation controlled by the Welch family, to which concern Mr. Welch transferred 500 shares of his stock. Mr. Welch was elected president of the Mindoro Co., and Mr. Horace Havemeyer treasurer.

The Mindoro Development Co. at the time of the investigation was having a large sugar plant constructed by the Honolulu Iron Works for the San Jose estate.

OTHER PREPARATIONS—MR. POOLE GETTING BUSY.

Mr. Poole, on December 14, 1909, had begun shipping supplies to the San Jose estate and was busily arranging for the establishment of the sugar plantation, although word was not cabled to Manila of the favorable opinion of Attorney General Wickersham until December 22. It is made plain, however, throughout the testimony that no delay in the plans of the investors or their agent was suffered by reason of the fact that the Attorney General of the United States was to render an opinion of such grave import as to absolutely revolutionize the land and industrial policies of the Philippine Islands, and that, too, upon a question which had vexed the judgment of the able lawyers who represented them. But this feature will be left for discussion elsewhere.

The operations of Mr. Poole in establishing a sugar plantation brings us to another branch of the inquiry which is as difficult to distinguish from the San Jose estate-Mindoro Co. propositions as it is to distinguish between these propositions themselves. It was desired to run a line of railway from the sugar plant of the Mindoro Co. on the San Jose estate to Mangarin Bay, a distance of about 12 miles, where was the only available harbor—so reported by the director of lands—along the coast line there. Deep-draft vessels may land at the wharf built by the Mindoro Co. With the usual care and foresight displayed by the company, it had secured a 99-year lease upon 1,000 feet of the foreshore, upon which it will have exclusive dock privileges.

Mr. Welch stated that the company had a 25-year lease on the foreshore, but when Mr. Poole appeared he said he thought it was for 99 years, and cabled information later inserted shows the lease to have been for 99 years. This giving of a 99-year lease is in keeping with the policy of the insular officials in the administration of their trust over the resources of the Philippine Islands. All public-land leases are made for the longest period of time allowed by law, to wit, 25 years, at the minimum rental allowed by law, to wit, 10 cents gold per acre per annum, with renewal option for 25 years more. If there is no law to invalidate the 99-year foreshore lease given the Mindoro Development Co., then it ought to be annulled as grossly contrary to public policy. The time has gone by for granting 99-year privileges, or virtually giving them away, as in this case, to 20-year corporations.

THE THREE CALIFORNIA COMPANIES.

In order to give the Mindoro Co. and the San Jose estate complete land connection with the harbor, and at the same time afford a railway right of way, three agricultural companies were organized at San Francisco under the laws of California. These three companies were the San Carlos, San Francisco, and San Mateo Agricultural Cos. They were organized by the law firm of Lent & Humphrey, and the following are given by Lent & Humphrey as the stockholders of the three companies:

San Francisco Co.: William F. Humphrey, Elizabeth L. Welch, Homer P. Brown, J. Montgomery Strong, T. T. McDonald, A. C. Hampton.
San Carlos Co.: A. P. Welch, J. D. McFarland, George Jones.
San Mateo Co.: Eugene Lent, Robert C. McGahie, George D. Perry.

The managing agent of the three companies is Mr. Edward L. Poole, the managing agent of the San Jose estate.

Mr. Welch testified that Eugene Lent, of the law firm of Lent & Humphrey, and a stockholder in the San Mateo Co., is his brother-in-law; that A. P. Welch, stockholder in the San Carlos Co., is his brother; and that Elizabeth L. Welch, stockholder in the San Francisco Co., is his wife.

Mr. Welch had testified that Elizabeth L. Welch was the "sister-in-law of Mr. A. P. Welch," but on page 815 he said:

There is one thing I do not want to conceal; Elizabeth L. Welch is my wife.

William F. Humphrey, of the San Francisco Co., is the law partner of Brother-in-law Lent.

J. Montgomery Strong, of the San Francisco Co., is Mr. Welch's wife's cousin and was Mr. Welch's first emissary to the Philippines in March, 1909, when Messrs. Welch and Havemeyer first became assured of free trade in sugar between the United States and the Philippines, which became an assured fact on August 5, 1909.

T. T. McDonald, another of the San Francisco Co.'s stockholders, is Secretary of the Mindoro Development Co. in New York, and Mr. Welch's right-hand man in that office.

Homer P. Brown, of the San Francisco Co., is the manager of the estate of Andrew Welch & Co., which is the estate of Mr. Charles J. Welch's father, deceased.

Thus we see that all the stockholders in the San Francisco Co. are Welch's relatives and employees, excepting A. C. Hampton, whom Mr. Welch does not know and who is probably a dummy.

As already stated, Mr. A. P. Welch, of the San Carlos Co., is the brother of Charles J. Welch, and Charles J. Welch does not know J. D. McFarland or George Jones, the other two stockholders, and who are probably employees or nominal parties; and

Eugene Lent, of the San Mateo Co., is a brother-in-law, while George D. Perry of said company is in the employ of Brother-in-law Lent's law firm. Mr. Welch does not know the remaining stockholder of the San Mateo Co., Robert J. McGahie, who is probably also a nominal party.

To sum up in the words of Mr. Welch, "We are quite a family party."

The books and records of these California companies were called for, but not produced, and the only evidence as to stockholders, and so forth, is to be found at pages 811–815, in the affidavits furnished by Lent & Humphrey. What the interests of these various stockholders are do not appear, but it is fair to assume that the companies are in the complete control of the Welch family and it will be shown later that their affairs are as much under the direction of Mr. Charles J. Welch as are the Mindoro Development Co. and the San Jose estate. These companies were organized at the suggestion of Mr. Welch when he visited California after Mr. Poole had departed

from New York for the Philippines to purchase sugar lands, which was on or about September 7, 1909.

SOME GRAPEVINE TESTIMONY.

Before proceeding to consider the testimony bearing upon the affairs of these companies in the Philippines, it will be well to first consider them at this end of the line from the standpoint of Mr. Welch's testimony. He was very vague and uncertain as to what transpired between himself and his California relatives whereby they were induced to go into these enterprises and to secure the services of Mr. Edward L. Poole.

Mr. Welch said:

I do not know that the Mindoro Development Co. would allow Mr. Poole to represent those companies as an agent there——

thus giving the impression that if Mr. Poole was representing these companies his action might not meet with the approval of the Mindoro Co. Mr. Welch, when questioned as to how the California parties got in connection with Mr. Poole, replied:

I do not know. Very likely I wrote out to them about it. I guess I did. I very likely must have indicated to Mr. Poole that these California people wanted to buy the land.

I am amply borne out by the record when I state that a great deal of the testimony of witnesses upon material points consisted of "perhaps," "probably," "very likely," "I guess," "I presume," and so forth, all of these guesses relating to matters which could be established by documentary evidence. One might well infer from Mr. Welch's testimony—in fact, one could only infer—that he knew little about the affairs of the California companies or Mr. Poole's connection with them, when, in fact, he was the directing head.

The testimony of Mr. Welch at page 801 is a fair sample of this character of evidence, and is here submitted verbatim:

Mr. PARSONS. What agreement is there in regard to the development company's running over the lands of two of them?
Mr. WELCH. There is no agreement at present.
Mr. PARSONS. How did it get permission to go over there?
Mr. WELCH. I do not know.
Mr. PARSONS. But it is over them, is it not?
Mr. WELCH. I believe so.
Mr. PARSONS. Who will know about that?
Mr. WELCH. I don't know.

For the purpose of showing that Mr. Welch did know all about this matter and that his was the directing mind, I shall, at the risk of getting ahead of my story, here set out his cabled instructions to Mr. Poole on December 30, 1909:

California colonia companies, whose charters you now have, should acquire public land between San Jose and Mangarin, factory getting right of way for the railroad from them.

This copy of the cablegram, it may be remarked, was not produced while Mr. Welch was a witness before the committee on January 12, 1911, and did not, in fact, appear until Mr. Poole arrived from the Philippines and appeared before the committee on February 11, 1911, just one month later, when it was offered by Mr. Welch.

After Mr. Welch had testified that he did not know whether the Mindoro Co. had permission to lay a railroad over the lands of the California companies, and did not know whether, in fact, it was over them, and did not know who would know, the following colloquy occurred:

The CHAIRMAN. Do you mean to say that you just built a railroad across those people's land without their leave or license?
Mr. WELCH. That is about the size of it, Mr. Chairman.

And, on page 802, the following:

The CHAIRMAN. Did you consult with any of the owners or officers or agents of any of these three colonia companies in regard to the matter, as to their wishes as to whether you should go across their land or not?
Mr. WELCH. No; there was no direct consultation, but it was implied at the time that they went in there. There was never any objection raised, and they certainly wanted the railroad through there.

It will not do to assume, however, because of the character of his testimony, that Mr. Welch is a fool, and his testimony, or rather lack of testimony, read in the light of the statements subsequently made to the committee by his agent, Mr. Poole, discloses some method in an apparent lack of business sense and ability which if true would establish him to be utterly unfit to administer the large interests that are under his control in the United States, Cuba, Hawaii, and the Philippine Islands.

Mr. Poole, be it understood, went from New York direct to the Philippines, without having any communication whatever with Mr. Welch's California relatives. He arrived in Manila on October 11. His first knowledge that Mr. Welch's relatives in California wished him to act as their agent in securing agricultural lands came in the shape of a letter received by him from Lent & Humphrey, the San Francisco attorneys, on November 6, 1909.

No reply was made to this letter until December 30, 1909, on which date it was answered by Mr. Bruce, Poole's Manila attorney.

Mr. Poole did not bring this letter of November 6 with him or one single scrap of documentary evidence of any character whatsoever. After having admitted in various ways that he came from the Philippines without any documentary evidence, this matter was definitely summed up as follows:

Mr. MARTIN of Colorado. You virtually, then, came all this long distance to appear before this committee empty handed, so far as correspondence and documents are concerned.
Mr. POOLE. I did not know that I was to appear before the committee. The cable simply said presence desired in Washington or in New York, I do not remember which.

To return now to the testimony going to show that, notwithstanding Mr. Welch's repeated assertions of lack of knowledge of the affairs of the California companies and Mr. Welch's connection therewith, attention is again called to the fact that on December 30, 1909, which was the very day on which Attorney Bruce, by letter, answered the letter of Lent & Humphrey of November 6, Mr. Poole received from Mr. Welch the cable already mentioned:

California Colonia Co., whose charters you now have, should acquire public land between San Jose and Mangarin, factory company getting right of way from them.

Upon receipt of this cablegram, Mr. Poole immediately began the survey of the railroad from the San Jose estate to the harbor. As nearly as he could fix the time, it was the first week in January, 1909. At that time he had not filed the land applications of the California companies; in fact, did not file their applications until February 2. He had not received any authority from the Philippine Government to run a railway across the public lands, which was the character of lands acquired by the California companies. He had not received any authority from the California parties, because his attorney had only just started on its journey across the Pacific an answer to the only letter that he—Poole—had ever received from them, the character of which letter is, of course, wholly unknown. The only authority he had received from any source whatever was Mr. Welch's cablegram of December 30, concerning which the following colloquy appears in the hearings:

Mr. MARTIN of Colorado. You proceeded in the first week in January, under authority of Mr. Welch's cablegram of December 30, to survey your right of way?
Mr. POOLE. No, sir; I did not. You mean to start in operations on a small scale?
Mr. MARTIN of Colorado. Yes.
Mr. POOLE. I did. Of course, that was very general. I started the right of way, the survey, several different rights of way, etc.

Mr. Welch's evasiveness with reference to the California companies is still further understandable in the light of the provision in section 75 of the act of Congress that—

It shall be unlawful for any member of a corporation engaged in agriculture or mining, or for any corporation organized for any purpose, except irrigation, to be in any wise interested in any other corporation engaged in agriculture or in mining.

Mr. Welch did not want to appear to be in any wise interested in the California companies, and yet it is established beyond question that his managing agent in the San Jose estate was likewise his managing agent in the affairs of the three California companies, which are the properties of his immediate relatives and their employees. It is probably fair to Mr. Welch to say that he did not have anything like a detailed arrangement or understanding with his wife, his brother, and his brother-in-law about their Philippine enterprise and Mr. Poole's relations therewith. It was Mr. Welch's affair as much as theirs, and he knew that he had a free hand. If there has not been clearly established such an interrelation and community of interest between these parties and concerns as to bring them within the inhibition of section 75, then it would be impossible to devise a provision of law which would prevent a member of one corporation from being in any wise interested in any other corporation. The language of the statute is the simplest and the most sweeping that could have been devised.

A SUMMING UP.

The law provided that the agricultural lands of the Philippine Islands should be disposed of only to citizens of the islands. It provided that not more than 16 hectares should go to an individual and not more than 1,024 hectares should go to a corporation or association of persons. It provided that agricultural corporations should be limited by their charters to 1,024 hectares. It made it unlawful for any member of a corporation engaged in agriculture or mining and for any corporation organized for any purpose except irrigation to be in anywise interested in any other corporation engaged in agriculture or in mining.

And yet, in the face of these stringent, sweeping, and seemingly unassailable safeguards, we have a sale of a 56,000-acre tract of Government lands to an association of persons not citizens of the Philippine Islands. We have as the very heart and life force of these lands an American corporation owned

and controlled by this association of persons. We have three other American corporations controlled by the family of the head of the other corporation, owning in the aggregate 7,000 acres of public land, tying this estate to the water front with the railroad of the larger corporation running through the lands of the smaller corporations to a wharfage upon which the larger corporation has a 99-year lease, and we have the same managing agent for all these concerns.

We have therefore a condition which it was the obvious purpose, intent, and policy of Congress to prevent, a large community interest which could not be more essentially unified to all practical intents and purposes were there no restrictions whatever in the law, and this with the acquiescence of the officials of the Philippine Government.

SECTION 75 NOT COMPLIED WITH.

An interesting side light is thrown upon the attitude of the insular officials by its dealings with Mr. Poole for the three California companies. On February 2, 1910, Mr. Poole simultaneously filed the applications of the three California companies for nearly the maximum quantity of land allowed by law to each corporation. Stress has been laid by the Philippine officials upon the statement appearing on the face of each application that neither the corporation nor any "member has ever purchased any land or acquired interest therein under said law." This is depended upon by the officials to insure against the violation of the provisions of section 75. It could be absolutely true that neither the applying corporation nor any member thereof had ever purchased any land or acquired interest therein under said law and still not satisfy the requirements of the law. In the first place, this is not a statement that no member of a particular corporation "is in anywise interested" in any other agricultural corporation. In the next place, these applications being filed simultaneously and no land therefore having as yet been purchased or interest acquired, the same individuals might file for a hundred corporations simultaneously, and, while still being within the truth in each application, would be preparing to acquire a multiplicity of interests. I advance these propositions merely for the purpose of showing the insufficiency of the applications, which are in a large measure relied upon by Secretary Worcester and Capt. Sleeper to compensate for their failure to secure the evidence which it will now be shown was called for by them, and demanding full compliance with the law.

It appears that on May 4, 1910, Capt. Sleeper advised the Secretary of the Interior of the applications of the California companies, each of Capt. Sleeper's three letters ending as follows:

Attention is invited to the fact that this land adjoins tract applied for by the other companies, and that Mr. E. L. Poole is agent for the three companies.

Mr. Worcester being then absent, Acting Secretary Thomas C. Welch on May 9 replied, stating:

As it does not appear from the papers that the stockholders in one of these companies are not stockholders in another, I would suggest that you request the agent to furnish us with the necessary information on this subject, which may be in the form of an affidavit by some officer of the company having knowledge as to who are the stockholders. The papers will be held pending receipt of such information.

In this letter Mr. Welch also called attention to the requirements of section 75 of the act of Congress.

Thereupon Director Sleeper wired Attorney Bruce at Manila as follows:

Sales applications held up pending receipt of evidence that stockholders in any one of the corporations are in no way interested in any other corporation. (Sec. 75, act of Congress, July 1, 1902.)

To which Mr. Bruce, on May 10, replied, stating that the articles of incorporation—

show that there are no common stockholders and incorporators among them—

But stating that—

I shall at once cable to our correspondents in the United States for the affidavits.

Mr. Bruce asked permission to proceed pending the receipt of the affidavits.

Acting Secretary Welch, on May 13, 1910, authorized the Director of Lands to proceed—

It being understood, however, that the applicants are to furnish corroborative proof of the statements in said (Bruce's) letter before such sale be finally consummated.

The director of lands on May 16, 1910, sent Mr. Bruce a copy of the Acting Secretary's letter.

Mr. Bruce on May 18 wrote Capt. Sleeper:

I have already written to the United States and requested our correspondents to forward at once affidavits showing the stockholders of the various companies.

It may be said here that these affidavits were never secured, but after my demand affidavits were sent on to Washington by Lent & Humphrey, the San Francisco attorneys, on December 29, 1910, and were inserted in the hearings on January 12, 1911.

The next thing appearing in the record about this matter is a letter from the director of lands to Mr. Bruce asking him for the affidavit of Mr. Poole, "that he is not a stockholder in any one of the three companies," and so forth, which affidavit was executed by Mr. Poole on June 4, 1910.

Mr. Worcester stated that he did not think Mr. Bruce sent to the United States for the affidavits, although later he stated that Capt. Sleeper thought Mr. Bruce had sent for them "in spite of the fact that he was not required to do so."

Mr. Worcester later cited as an instance of his care in enforcing the law his action with reference to the three California companies, saying:

The question of the propriety of my action was raised, but the information which I requested was furnished. In point of fact, the information was furnished without much demurrer.

It will be borne in mind, of course, that it was not furnished at all.

Again, Mr. Worcester stated with reference to Mr. Bruce's action about the affidavits, "whether they were demanded of him or not, he very kindly wrote for them."

On the same page, Mr. Worcester stated that he considered the affidavits were unnecessary, basing his answer upon the contents of the application.

Mr. Worcester said:

I should say that a good deal more than was called for by the law has been furnished.

All of which goes to show clearly the laxity with which the law is interpreted and enforced. There is no escape from the facts established by the testimony that, after calling for affidavits specifically showing that the stockholders in any one company were not stockholders in any other company, the applications of the corporations were approved without the production of the evidence called for, although casual examination of the record and the various statements made by Mr. Worcester, and particularly his statement at page 537, would give the impression that the law had been fully complied with. Considering the whole character of the testimony and of the transactions with which we are dealing, it may be said that the affidavits which were sent on to Washington on my demand, in so far as they are worth anything, detract from rather than add to the showing made to the insular officials. If the parties in interest are willing to rest on this showing, then in the light of the whole testimony I invoke the presumption that a complete statement of the facts would show these companies to be the properties of the Welch family, if indeed it can be said that there is anything now lacking in the testimony to establish that fact; and if the present scope of the operations of the Welch family in the island of Mindoro is within the law, then there is no reason why the scope of their operations may not be indefinitely extended to embrace the entire island, or so far as Welches hold out. Being quite wealthy, when they run out of Welches, they could accumulate quite a bit of land through the medium of their many lawyers and employees and in this way the entire island of Mindoro could be benevolently assimilated, and all the blessings of sugar plantation peonage, the truck store, the scrip system, the company bull pen, church, schoolhouse, parks, places of amusement, and so forth, all amply provided for in the charter of the Mindoro Development Co.; could be brought home to the primitive inhabitants thereof.

LAW SHAMEFULLY EVADED.

The testimony give by the insular officials and by Messrs. Welch and Poole is absolutely convincing as to the indifference of these officials to the carefully drawn safeguards of the land provisions of the organic law of the Philippines. It is established beyond dispute, and even more fully than my quotations from the hearings relative to the San Jose estate, the Mindoro Development Co., and the three California companies, that these officials, in their anxiety to dispose of these lands, never gave a thought to the fact that they were creating a condition which, had it been submitted to the precedent sanction of Congress, would not have received even the recognition or courtesy of consideration. The most pronounced advocate of exploitation can not take the position that the Congress, which had refused to increase the limit of land holdings to 10,000 acres or to any other quantity above 2,500 acres, would have sanctioned the sale of 56,000 acres, as was done in the case of the San Jose estate, and of 49,000 acres, as was attempted to be done in the case of the Isabela estate, and of 15,000 acres, as was attempted to be done in the case of the Calamba estate.

Indeed, the disclosures with reference to the foregoing transactions richly merit the following observation in the minority report of the Committee on Insular Affairs:

Considering these astounding facts, it is difficult to escape the conclusion that the land laws of the Philippines are being evaded in the most shameless manner, even if we can be mistaken in our construction of those laws.

THE TALA ESTATE.

But it was in the case of the Tala estate above all others in which the insular officials displayed a total lack of appreciation of the character of the trust devolving upon them in the administration of the lands of the Philippines; and it is much more properly a trust than the administrative duties devolving upon the Interior Department of the United States with respect to the public lands of this country, for the Filipinos are, in a sense, the wards of this country, and until it is finally determined whether they are to remain forever a part of the household of the trustee or are to be emancipated and set up independently in business for themselves, it is the rule of law and of equity and of morals that their estate should be preserved from spoliation and administered and conserved as nearly as possible in accord with the terms, conditions, and objects of the trust.

The Tala estate consists of about 17,000 acres of land, situated within 7 miles of the boundaries of the city of Manila. Owing largely to the difficulties then involving all of these estates, only about 20 per cent of the Tala estate was occupied by tenants at the time the friar lands were taken over by the Philippine Government. Instead of offering this estate for lease or sale to the natives after it had been surveyed and all the steps preliminary to such disposition had been taken, the director of public lands, with the approval of the secretary of the interior, executed an agreement to lease, with purchase option, to the executive secretary of the Philippine Government, for all of the unoccupied land on the estate, and also for all of the occupied land in case the tenants failed or refused to buy their holdings. As this agreement was the most extraordinary instrument of this character of which I have ever heard, I shall summarize for you its more striking features.

THE AGREEMENT EXTRAORDINARY.

Paragraph 1 relieved the lessee from paying any rent for land which did not return him a net profit of ₱20 per hectare ($4 per acre).

Paragraph 2 provided that in cases of applications for leases filed by others—and these others, of course, would be natives—he, the executive secretary, would be notified and given the first right to lease the land out from under the native applicant.

Paragraph 3 gave the executive secretary the preference right to lease abandoned lands.

Paragraph 4 required cultivation of a certain acreage per annum, with no penalty for failure to cultivate, and this paragraph was so conditioned that uncultivable lands upon the estate could be set off against the area required to be cultivated, which provision, by reason of the fact that the bad land on the estate exceeded the annual quantity required to be cultivated, relieved the lessee from all cultivation. This extraordinary construction and effect of the provision was made clear by the testimony of the director of lands.

Paragraph 5 contained the significant provision that the Government would sell these leased lands to the executive secretary whenever the Philippine Legislature should so amend the friar-land act as to permit of their sale. The agreement was executed on April 20, 1908, and the desired law was passed June 3, 1908, just six weeks thereafter.

Paragraph 10 contained the extraordinary provision that the director of public lands would use his official influence to obtain adequate police protection and Government aid in the construction of highways and bridges on and to the lands of the estate.

AGREEMENT UNIQUE—COMPLIED WITH.

It was admitted that no other land agreement executed by the director of lands contained any such extraordinary, not to say unheard of, conditions as those above recited. Pursuant to the provision in paragraph 10, the Government had begun the improvement of the road from Manila to the estate by macadamizing 1 mile of it and repairing other parts of it. The Government had also put in one concrete steel reenforced bridge at a cost of $10,000 gold or more; another such bridge with a 10 or 12 foot waterway under it, and about 15 such culverts. In other words, at the time of the investigation the Government had probably expended some $25,000 in gold to improve the road to the estate. Why such improvements could not have been put in for native owners and why native owners should not have been furnished the police patrol said by the insular officials to have been needed in the locality does not seem to have occurred to the officials at all. These conveniences and safeguards appear to have become necessary only under an agreement to lease and sell the land to one of the superior officials of the insular government. It further appeared that the executive secretary had upon his leased lands some eighty-odd subtenants and 15 or 20 employees—a colony, therefore, of a hundred or more able-bodied natives.

A more complete perversion of the declared purpose in taking these lands away from their former owners could not well be imagined. An interesting and somewhat significant development, however, of the attack on this transaction was the practical unanimity with which the Filipino people rose in behalf of the executive secretary. He is not only exceedingly popular with the Filipinos, but would appear to have practically a monopoly of that distinction among the heads of the insular government. Mr. Carpenter, it appears, has labored earnestly for the welfare of the Filipino people and has treated them fairly and considerately, and they all, without regard to the issue involved, came to his personal defense, the Philippine Assembly even going to the extent of adopting resolutions expressive of their regard and concern for Mr. Carpenter. The incident presented a rather peculiar commentary upon the status of colonial officials and was in marked contrast to the treatment accorded the secretary of the interior in a somewhat similar, but much less important case.

It appears that a nephew of the secretary of the interior had leased a tract of 2,500 acres of public lands, and this, because of the hostile attitude of the Filipinos toward the secretary, caused the matter to be published and treated as a crime, as the result of which publication every person connected with the newspaper and including a member of the Philippine Assembly, was criminally prosecuted and sentenced to prison and mulcted in heavy damages besides.

I may say that Mr. Carpenter impressed me very favorably, and I could well understand the regard expressed by the Filipinos for him. Such a transaction, known to and approved by the heads of the Philippine Government, would be impossible in the United States. Such a transaction in the United States would destroy the administration connected with it. A somewhat different standard appears to prevail in the Philippines. Land is plenty and development scarce. Mr. Carpenter proposed to make his estate an object lesson and a sort of agricultural school. He impresses one as being in absolute good faith, and I am glad to say that I can not feel that Mr. Carpenter considered himself as engaged in other than a laudable enterprise, which was to be beneficial to the countryside.

It should, however, require no argument to demonstrate the error of the transaction. If Mr. Carpenter could purchase the Tala estate he could purchase all of the friar estates. And hard though officials have strained to reason themselves into the right in their dealings with the friar lands, they are brought up short when confronted with the question whether they would sell all of these estates to one of their own number, or, indeed, to any other one person. They would sell one estate to one official, or they would sell one tract of 56,000 acres to one individual representing both an association and a corporation. But here they would seek to draw a line which can not be legally drawn. This is not a question of limitations to be made by officials to suit each individual case, but of limitations fixed by law to govern all cases. This is the real proposition the insular officials are up against. In all of these larger transactions the leases differ in their provisions, but all of the leases and nearly all of their provisions were without warrant of law. I have never at any time said that the present limitations in the Philippine land laws are the best for the development of the country. I have said that the limitations are there; that they are clear and specific; and that they should be observed until changed by Congress and not evaded and winked out of existence by administrative officers.

OTHER PRACTICES OF QUESTIONABLE POLICY.

No matter how well meaning and how free from personal or official dishonesty such transactions might be at the inception, it is just as certain as life and human nature that eventually they would result result in undesirable, not to say corrupt, conditions. Many instances developed at the hearings indicating that an overhauling of the land administration in the Philippines did not occur any too soon. Government officials and employees are permitted to purchase and lease both public and friar lands. They are permitted to locate and patent mining claims. All of the foregoing include officials and employees of the land bureau itself. It appears that the assistant director of public lands had on file an application for the lease of 2,500 acres of public lands. The application secured to him the right to the use and occupancy of the land and that without rent until such time as the lease should issue. These lands, as in the case of the lease to the nephew of the Secretary of the Interior, are leased for 50 years, the maximum allowed by law, and at the minimum rental allowed by law, which is as low as 20 cents per acre per annum. The testimony showed that among the lessees of public lands were a number of corporations organized and controlled by officials of the Philippine government, including the heads of bureaus, the legal advisers of the insular government, and, as I have said, even the heads of the

land bureau itself. Such a policy is absolutely certain to produce intolerable conditions, and should be done away with by law. All Government officials and employees should be prohibited from acquiring public lands and resources during their connection with the Government.

It seems incredible that officials of intelligence and experience could countenance the practices disclosed in connection with the administration of lands in the Philippines and hope to escape the legitimate consequences. Imagine for one moment the chief of a division in the General Land Office at Washington or the register or receiver of a local land office acquiring 2,500 acres of public domain or organizing and heading a corporation to acquire and develop such land. Indeed, such a thing could not be even imagined in this country, and it should not be permitted in the other.

On the whole, I believe firmly that the result of the investigation into the administration of lands in the Philippines will ultimately result in great benefits. It will stop in their incipiency some errors of practice. It will serve to clear away some misunderstandings. It will serve to bring greater care and system into the administration of lands. It will serve, in a word, to lock the barn before, not after, the stealing of the horse. I feel, therefore, that the investigation which, as one of its results, produced the pending legislation was of good and lasting service, both to this country and the country of which it is the legal guardian.

Instead, therefore, of entertaining the slightest concern over the displeasure of those who were inconvenienced by it, I shall always feel a rewarding satisfaction that I took up, brought about, and pressed the investigation to a conclusion, with the manifest good results accomplished.

PROTEST OF ANTI-IMPERIALIST LEAGUE.

I shall conclude with the resolutions of protest against further sales of the friar lands adopted and sent out for presentation to the House by the executive committee of the Anti-Imperialist League, an organization numbering among its membership many of the leaders of thought in this country, and particularly in New England, these resolutions having been evoked by the stated intention of the President to order the resumption of friar land sales. The resolutions recite the recommendations made in all of the four reports of the friar land investigation in favor of further legislation touching these lands, and I commend them to the consideration of Members:

BOSTON, *December 30, 1911.*

To the President of the United States:

The undersigned, in pursuance of a resolution adopted by the executive committee of the Anti-Imperialist League, invite your attention to the following facts:

The sale of the lands in the Philippine Islands which are known as the friar lands was made the subject of an investigation by the Committee on Insular Affairs, under a resolution passed by the House of Representatives on the 25th day of June, 1910, and their report was made on the last day of the Sixty-first Congress. Though the conclusions of the members were stated in four different reports, one signed by nine members of the committee, one signed by three members of the committee, one signed by a single member of the committee, and the fourth signed by five members of the committee, the whole committee without regard to party affiliations concluded that further legislation by Congress was necessary in regard to the sale of these lands.

Thus the report signed by Mr. OLMSTED and Mr. CRUMPACKER and seven others concluded with the phrase: "The advisability of enacting reasonable limitations respecting the quantity of friar lands that may hereafter be acquired, either by individuals or corporations, is respectfully commended to the consideration of Congress."

Mr. RUCKER, regarding it as a doubtful question whether the sales already made of friar lands were legal, recommended that a test suit should be brought for the purpose of having that question determined by a judgment of a court.

The report signed by Messrs. HUBBARD, DAVIS, and Madison concluded: "We join most heartily in commending to Congress consideration of the question of placing a reasonable limitation upon the quantity of friar lands that may be acquired by an individual, and we indulge the hope that until Congress has had an opportunity to act no further sales shall be made of such lands in large tracts." The fourth report, signed by Mr. JONES and four others, reached the conclusion that the sales already made were in violation of the law, and that if any change was to be made in the law Congress alone could make it. The reports also disclosed that the policy of the law in regard to the exploitation of the Philippines had been disregarded and its requirements, in some cases at least, evaded.

In view of these reports all further sales of the friar lands were suspended by the Secretary of War, Mr. Dickinson, pending the action of Congress.

Although the Sixty-second Congress did not undertake during the extra session to deal with any but tariff questions and questions of necessary appropriation, and is just beginning a session which will be devoted to general legislation, we observe by your message sent to Congress on the 21st of December, 1911, that you propose to direct the Secretary of War to continue the sales of the friar lands.

The executive committee earnestly hopes that this intention will not be carried out, and that while there is not only a substantial doubt as to the power of the insular government to sell the friar lands in such large tracts as have already been sold, there is also the serious question whether, if the law does authorize such sales, it should not be amended so as to prevent any sales of these lands in quantities exceeding the amounts specified in section 15 of the organic act approved July 1, 1902. These questions involve considerations of public policy far more important to the Filipino people and to the people of the United States than any amount of money which can be realized from the sale, and while these questions are unsettled the continuance of sales by Executive order without action by Congress will not only embarrass Congress and discourage the Filipinos, who are opposed to the sale of their most fertile lands in large tracts to nonresident exploiters, but will also leave a cloud upon the titles of purchasers that may embarrass them in the future.

In the opinion of many good lawyers the purchasers of the lands already sold have not acquired a title to the lands which they have purchased, and important questions of policy are raised in the reports of the Insular Committee which only Congress can settle.

We earnestly protest, therefore, against any further sales of the lands in question, both because such sales tend to foreclose a question that is now under consideration by Congress and because the sales, in our judgment, tend to postpone the independence of the Philippine Islands and to embarrass the relations between those islands and the United States by creating interests adverse to the interest of the Filipino people.

MOORFIELD STOREY, *President.*
ERVING WINSLOW, *Secretary.*

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 1524. An act to authorize the construction and maintenance of a dam or dams across the Kansas River in western Shawnee County or in Wabaunsee County, in the State of Kansas; and

S. 5060. An act to provide for the disposal of the unallotted land on the Omaha Indian Reservation, in the State of Nebraska.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1590. An act providing for an increase of salary for the United States district attorney for the eastern district of Louisiana;

S. 1792. An act for the relief of Adam D. Shriner;

S. 3645. An act to amend the law providing for the payment of the death gratuity, as applicable to the Navy and Marine Corps;

S. 3749. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 4341. An act for the relief of Nathan McDaneld;

S. 4461. An act permitting chief office deputy United States marshals to act as disbursing officers for their principals in cases of emergency;

S. 4580. An act to authorize the allowance of second homestead and desert entries;

S. 4679. An act to amend section 95 of the "act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 5254. An act to provide for compulsory education of the children of Alaska, and for other purposes;

S. 5350. An act authorizing and directing the Secretary of the Interior to investigate and report upon the advisability of constructing roads upon the diminished Colville Indian Reservation in the State of Washington, and for other purposes;

S. 5629. An act to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905;

S. 5674. An act for the relief of Indians occupying railroad lands;

S. 5676. An act authorizing the Secretary of the Interior to set aside for sanatorium purposes not to exceed four sections of the unallotted tribal lands of the Choctaw and Chickasaw Nations of Oklahoma;

S. 5990. An act to provide for the extension of the underground system of the Washington Railway & Electric Co. and the City & Suburban Railway of Washington along certain streets in the city of Washington, and for other purposes;

S. 6156. An act to direct that Crittenden Street NW., between Iowa Avenue and Seventeenth Street NW., be stricken from the plan of the permanent system of highways for the District of Columbia;

S. 6219. An act providing for the purchase of permanent improvements on the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations by the citizens owning such improvements;

S. 6412. An act to regulate radiocommunication; and

S. 5382. An act to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce or in the District of Columbia, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated.

S. 5382. An act to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce or in the District of Columbia, and for other purposes; to the Committee on the Judiciary.

S. 1590. An act providing for an increase of salary for the United States district attorney for the eastern district of Louisiana; to the Committee on the Judiciary.

S. 1792. An act for the relief of Adam D. Shriner; to the Committee on Military Affairs.

S. 3645. An act to amend the law providing for the payment of the death gratuity as applicable to the Navy and Marine Corps; to the Committee on Naval Affairs.

S. 3749. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the Judiciary," approved March 3, 1911; to the Committee on the Judiciary.

S. 4341. An act for the relief of Nathan McDaneld; to the Committee on Military Affairs.

S. 4461. An act permitting chief office deputy United States marshals to act as disbursing officers for their principals in cases of emergency; to the Committee on the Judiciary.

S. 4580. An act to authorize the allowance of second homestead and desert entries; to the Committee on the Public Lands.

S. 4679. An act to amend section 95 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

S. 5254. An act to provide for compulsory education of the children of Alaska, and for other purposes; to the Committee on the Territories.

S. 5350. An act authorizing and directing the Secretary of the Interior to investigate and report upon the advisability of constructing roads upon the diminished Colville Indian Reservation in the State of Washington, and for other purposes; to the Committee on Indian Affairs.

S. 5629. An act to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905; to the Committee on the Territories.

S. 5674. An act for the relief of Indians occupying railroad lands; to the Committee on Indian Affairs.

S. 5676. An act authorizing the Secretary of the Interior to set aside for sanatorium purposes not to exceed four sections of the unallotted tribal lands of the Choctaw and Chickasaw Nations of Oklahoma; to the Committee on Indian Affairs.

S. 5990. An act to provide for the extension of the underground system of the Washington Railway & Electric Co. and the City & Suburban Railway, of Washington, along certain streets in the city of Washington, and for other purposes; to the Committee on the District of Columbia.

S. 6156. An act to direct that Crittenden Street NW., between Iowa Avenue and Seventeenth Street NW., be stricken from the plan of the permanent system of highways for the District of Columbia; to the Committee on the District of Columbia.

S. 6219. An act providing for the purchase of permanent improvements on the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations by the citizens owning such improvements; to the Committee on Indian Affairs.

S. 6412. An act to regulate radio communication; to the Committee on the Merchant Marine and Fisheries.

ENROLLED JOINT RESOLUTION AND BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 312. House joint resolution making appropriations for the relief of sufferers from floods in the Mississippi and Ohio Valleys.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1524. An act to authorize the construction and maintenance of a dam across the Kansas River in western Shawnee County, or in Wabaunsee County, in the State of Kansas.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PORTER, for one week, on account of sickness in his family.

To Mr. ADAMSON, for one week, on account of sickness in his family.

CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes a point that there is no quorum present.

Mr. JONES. The gentleman withholds that for the present.

Mr. MANN. I withhold it for the present.

Mr. JONES. I want to ask unanimous consent that all gentlemen who have spoken on this bill (H. R. 17756) may be permitted to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Virginia [Mr. JONES] asks unanimous consent that all gentlemen who have spoken on this bill have leave to extend their remarks in the RECORD.

Mr. MANN. That applies to all gentlemen who have already spoken?

Mr. JONES. Who have already spoken.

The SPEAKER. It applies to gentlemen who have already spoken, and they can extend their remarks in the RECORD on this bill. Is there objection? [After a pause.] The Chair hears none.

ADDRESSES ON THE LATE SENATOR RICHARD BRODHEAD, OF PENNSYLVANIA.

Mr. PALMER. Mr. Speaker, I ask unanimous consent to have inserted in the RECORD addresses in connection with the presentation to the Court of Claims of the portrait of Richard Brodhead, a former Member of this House and a former Senator, who was the author of the law which created the Court of Claims.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to print in the RECORD certain speeches made on the presentation of the portrait of Hon. Richard Brodhead, of Pennsylvania, to the Court of Claims. Is there objection?

There was no objection.

The following are the addresses referred to:

ADDRESS OF HON. ROBERT E. JAMES, OF EASTON, PA., DELIVERED ON MARCH 6, 1912, IN PRESENTING TO THE COURT OF CLAIMS ON BEHALF OF THE BAR ASSOCIATION OF NORTHAMPTON COUNTY THE PORTRAIT OF THE LATE SENATOR RICHARD BRODHEAD, OF PENNSYLVANIA.

"With permission of the court, I rise to announce that there is in your honors' presence a delegation of the Bar Association of the County of Northampton, State of Pennsylvania, who present themselves to the court and indulge in the hope that your honors will grant them a few moments for the purpose of respectfully tendering to this body a memorial of the gentleman whom they believe was largely, if not almost entirely, instrumental in the constitution of this court.

"Richard Brodhead was born in 1810. His birthplace was in the far northeastern section of Pennsylvania. There, on the banks of the upper Delaware, in one of the most beautiful spots of all that most favored country, began his useful life. Mountain and meadow and river and forest all combined to make his world beautiful. There was the peace and quiet, the beauty of surroundings and simplicity of life, that best school mind and heart for great endeavor, and amid these surroundings, in such a charming location, Richard Brodhead spent the early days of his life. There he received his early education. There was imbued into his very soul those principles of morality and patriotism which made him the man he was in his after days. Later we find him, in 1830, at Easton, in the law office of the Hon. James M. Porter, who a little later became Secretary of War under President Pierce. Shortly after his admission to the bar he was elected to the Legislature of the State of Pennsylvania and served one term. Scarcely had he finished his term when he was sent to the lower House of the National Congress. He remained there from 1841 to 1847. Again an appreciative public called for his ability in the service of the State and he was elected a Member of the United States Senate, representing his native State—a speedy and merited promotion. He was fortunate in living in a period when merit was summoned to place. He had learned in his extended service in the House and in his early experience in the United States Senate that it was necessary for the Congress to try out the vexed questions of claimants against the United States. Those claims were great in number, intricate in character, and most difficult of just adjudication, yet it was a duty incumbent upon the Congress in ordinary session to pass upon the merits and demerits of these claims. Influence was frequently more potent than evidence, and a friendly feeling more effective than uncertain proof. Frequently injustice was done, and in the absence of method and rule the final adjudication was a creature of chance, a resultant of conditions perhaps entirely foreign to the claim and its merits.

"Such were the conditions when Senator Brodhead entered upon his duties.

"At an early period in his senatorial career he was appointed chairman of the Committee on Claims, where this whole matter came to his immediate attention. He immediately conceived the idea that some commission, some court, some judicial body which should ascertain the merits of the contentions of these claimants and determine whether the United States had any legal or moral duty to care for them or their interests should

be created. In consequence, a resolution was offered and a special committee was appointed, of which Senator Brodhead was made chairman, to investigate the subject and make subsequent report to the Senate, which was done. A short time afterwards Mr. Brodhead made his report as chairman of the committee, suggesting the advisability of the constitution of a court, a separate judicial tribunal, surrounded by all the safeguards arising from the methods of established legal procedure and with all the precautions that surround such a tribunal, for the purpose of investigating all claims of this character.

"This recommendation was enacted into a statute and this court, with its long record of usefulness, is the beneficent result of his intelligent judgment and persistent energy. If a life crowded with benefit to his people had no other accomplished result which would justify the approbation of his constituency, this alone would suffice.

"He left his impress on public affairs, and when, in 1857, the turning political tide announced the advent of new doctrines and new men, he ended a notable and honorable public career; and with the content that follows duty well performed he turned to the people who loved him and to the mountains he loved. The clouds that foreboded the storm were then already gathering and soon burst into a tempest of war, and when the strife was at its highest and the end might not yet be forecast, Richard Brodhead was summoned by that other Voice from strife to peace. Then passed an able lawyer, an eloquent pleader, a statesman, and a gentleman.

"And now we, as the representatives of the Northampton bar, for that bar which was honored by his career and dignified by his life, tender to this court this portrait of the Senator as a memorial of a useful life and pray that it may fitly find space amid these scenes of highest usefulness, which his labor aided to make possible."

ADDRESS OF CHIEF JUSTICE STANTON J. PEELLE, OF THE UNITED STATES COURT OF CLAIMS, IN RESPONSE TO THAT OF HON. ROBERT E. JAMES.

"Gentlemen of the Bar Association of Northampton County: The court receives with pleasure and gratitude this portrait of the late Richard Brodhead, a Senator from Pennsylvania in the United States Senate from December, 1851, to March 3, 1857, and the clerk is requested to cause the same to be appropriately hung in the reception room.

"It is altogether fitting that this should be done, since Senator Brodhead, a man of wide experience in both Houses of Congress and with a keen foresight, introduced and had referred to the Committee on Claims, of which he was a member, the bill to establish a commission for the examination and adjustment of private claims against the Government. When the bill was up in the Senate for consideration Senator Hunter, of Virginia, suggested some amendments, and the bill was finally referred to a select committee consisting of Senators Brodhead; Jones, of Tennessee; Hunter, of Virginia; Clayton, of Delaware; and Clay, of Alabama. This committee subsequently reported, through Senator Brodhead, its chairman, a substitute for the bill, which provided for the establishment of a permanent court instead of a commission. The bill so reported met with the approval of the Senate and passed that body without opposition. When the bill was considered in the House some immaterial amendments were made, and it passed that body February 22, 1855, and two days later was signed by the President and became a law.

"The bill originally provided for the appointment of three judges, but subsequently the law was amended providing for a chief justice and four judges, and the court as thus constituted was given jurisdiction to render final judgment, with the right of appeal to the Supreme Court.

"The wisdom of the founders has time and again been demonstrated in the determination by the court of vital questions affecting the honor of the Nation as well as its good faith toward its citizens in the judicial settlement of claims arising under both international and municipal law.

"The court has not only been a relief to Congress from the many burdens which would otherwise have been imposed on it in an ex parte consideration of claims, but has proved a safeguard against the allowance of fraudulent and unjust claims against the Government.

"The members of the bar of Northampton County, Pa., represented by their committee presenting the portrait, are to be commended in their effort to perpetuate the memory of one of their most distinguished members, who had the honor to serve in the Senate with such distinguished men as Clay, Douglas, Seward, Cass, Chase, Hunter, Hale, and others of lesser note, but of great ability, from various States.

"On behalf of the court I desire to express our thanks through the committee to the members of the bar of Northampton County, Pa., for this portrait."

[From the Philadelphia Evening Telegraph, Monday, Mar. 18, 1912.]

BRODHEAD, OF PENNSYLVANIA—FATHER OF COURT OF CLAIMS, BUT HIS FAME SHOULD REST UPON RECORD AS ORIGINAL CONSERVATIONIST.

Briefly calling attention to an almost forgotten page of American history, a press dispatch from this capital announced the other day that certain gentlemen, learned in the law, would take steps to honor the memory of Richard Brodhead, sometimes United States Senator from Pennsylvania, and generally recognized as "Father of the Court of Claims."

Mr. Brodhead was a one-term Senator, a man of few words and a strict constructionist of the most rigid type.

I find no biography of him in the Congressional Library, and Lanman's Dictionary disposes of him in fewer than 40 words, saying: "Brodhead, Richard, was a native of Pike County, Pa.; was a Representative in Congress from 1843 to 1849; a Senator of the United States from 1851 to 1857. Died at Easton, Pa., September 17, 1863."

Ben: Perley Poore sheds little additional light, but does inform us that Mr. Brodhead had no opposition at the polls when he entered Congress.

Richard Brodhead was indeed "Father of the United States Court of Claims," but his fame should not rest on that achievement.

He was one of the original, if not the original, conservationist.

He believed that the western lands should be reserved to actual settlers, and he fought in committee and on the floor the proposition to alienate large tracts to corporations.

He was uncompromisingly opposed to railway land grants, a policy that had much to commend it half a century ago, with millions of acres isolated from market; but a policy so abused that it has brought the entire system of railway subvention into disrepute.

It was while he was in the Senate, December 6, 1854, that Senator Brodhead introduced a bill establishing a commission for the examination and adjustment of private claims. It was a carefully drawn and well prepared bill, and was reported back without amendment by the committee. It was Senator Hunter, of Virginia, who suggested that a court instead of a commission be created, and such a bill was drawn later by a select committee, of which Senator Brodhead was chairman.

The wisdom of such a court is no longer doubted. It would be hard to estimate the burden of work it has taken from the shoulders of Congress.

Indeed, Congress had, in 1854, reached a point when it could no longer do the work. Its hands were tied for lack of time, and this was virtually an abridgement of the right of petition as guaranteed by the first amendment to the Constitution.

The creation of the Court of Claims was indeed a long stride in the direction of broadening the Constitution without changing its text, so that the letter would be at agreement with the spirit.

And it was done by the creation of a court—a fact that some of those who are looking for a "shorter and simpler method of amendment" would do well to bear in mind.

Senator Brodhead was a strong believer in the plain people and in their rights—under the law. His public utterances are fragmentary, but some of them I find to be epigrammatic and philosophical to a degree. In a speech delivered in the United States Senate March 15, 1854, upon the public-land question, he forecasted a condition that has since arisen, and offered as a substitute for the land-grant measure then pending a bill of his own, which looked mainly to the protection of settlers.

The measure before the Senate proposed to grant alternate sections of United States land to the State of Iowa to aid in the construction of railroads, and the Iowa delegation was pushing it to a passage. The frank intention was to give these sections—five miles on either side of the right of way—to railroads to aid in their construction. The arguments were plausible and, in fact, not without logic. As I have said already, it was the abuse of the land-grant system—abuses that there is not space to discuss at the present time—that led to scandals at a later date.

But Brodhead held, with Benton, that the lands belonged to the people, and that they should be permitted to settle upon them without paying a profit to the Government. With the aid of such men as Andrew Johnson, Brodhead gave this theory the first interpretation, which led to a homestead law, which is one of the glories of the Republican Party, and yet Brodhead and Johnson were both Democrats.

In the speech of March 15, already cited, Senator Brodhead said:

"We are here to make general laws for the public good, and the fewer they are in number the better. * * * We can not legislate in regard to particular localities. We can not properly or wisely judge whether a railroad should run east or west or north or south. Some of the old States might want a road to run one way, some another way. * * * Why should we provide for a sale and settlement of the public lands in a particular part of a new State and not another? There is but one rational answer to the question. Every general law will operate injuriously in particular cases, and therefore complaints may seem to be justly made, but it should be remembered that it is much easier to point to defects, to touch blemishes, than to extract them, to demolish an edifice than to erect a convenient substitute."

The "blemishes" are all too apparent at the present time; so, too, is the difficulty of "extracting" them. These conditions have led to the conservation movement, and the conservation movement, like everything else of inherent merit, has attracted the demagogues. What Brodhead predicted has come to pass. He was at agreement with President Andrew Jackson, of whom he was a disciple. Jackson said, in 1832—20 years before the Brodhead speech:

"It can not be doubted that the speedy settlement of these lands constitutes the true interest of the Republic. The wealth and strength of a country are its population, and the best part of the population are the cultivators of the soil. Independent farmers are everywhere the basis of society and the true friends of liberty. It seems to be our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue."

Again the Senator showed himself to be a true prophet when he forecasted the unrest of Kansas and similar communities that were already revealing a tendency to cry out "Wolf!" when there was no wolf. "I am willing," declared the Keystone statesman, "that the western people should go on prospering and complaining. That great philosopher and statesman, Thomas Jefferson, made a remark that may well be applied to the western people and the Western States:

"'So we have gone on,' declared Jefferson, 'and so we shall go on, puzzled and prospering beyond example, and shall continue to growl, to multiply, and to prosper until we exhibit an association powerful, wise, and happy beyond what has yet been seen by man.'"

ADJOURNMENT.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point that there is no quorum present.

Mr. JONES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 57 minutes p. m.) the House, in accordance with the order previously adopted, adjourned until Thursday, May 9, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an additional estimate of appropriation for the subsistence of the sufferers from the Mississippi River (H. Doc. No. 744); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Navy, referring to House resolution 363, asking information concerning contract and payment thereon under "Increase of the Navy," and advising, as soon as the information can be collated, it will be forwarded to the House (H. Doc. No. 745); to the Committee on Naval Affairs and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce and Labor submitting revised estimate of appropriation under title "Salaries, Bureau of Fisheries, Biological Station, Beaufort, N. C." (H. Doc. No. 743); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HARTMAN, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6472) to authorize the Secreatry of the Treasury to sell certain land to the First Baptist Church of Plymouth, Mass., reported the same without amendment, accompanied by a report (No. 670), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARNHART, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (S. J. Res. 97) authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross and to erect temporary structures in Potomac Park, Washington, D. C., reported the same without amendment, accompanied by a report (No. 671), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill (H. R. 24194) to create a new division of the western judicial district of Texas and to provide for terms of court at Pecos, Tex., and for a clerk for said court, and for other purposes, reported the same with amendment, accompanied by a report (No. 673), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RUCKER of Missouri, from the Committee on the Judiciary, to which was referred the bill (H. R. 23186) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 672), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LEE of Pennsylvania: A bill (H. R. 24263) to amend section 5 of the act of Congress entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States, enacted on the 29th day of June, 1906"; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 24264) to provide for publication by national banking associations and savings banks and trust companies of the reports of resources and liabilities and dividends required to be made by them to the Comptroller of the Currency; to the Committee on Banking and Currency.

By Mr. BUCHANAN: A bill (H. R. 24265) to amend paragraph 2 of an act to amend section 100 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, as amended by the act approved June 8, 1906; to the Committee on the District of Columbia.

By Mr. ROBINSON: A bill (H. R. 24266) to authorize the sale of burnt timber on the public domain; to the Committee on the Public Lands.

By Mr. KAHN: A bill (H. R. 24267) to provide for admission to the Government Hospital for the Insane, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 24268) to provide for the transfer of criminal insane to the Government Hospital for the Insane, and for other purposes; to the Committee on the District of Columbia.

By Mr. FITZGERALD: A bill (H. R. 24269) to provide for certification, by the attorneys for all parties interested, of true copies of transcripts of record, judgments, decrees, or other papers in cases on appeal from or writ of error to review a judgment or decree of any judge or court of the United States; to the Committee on the Judiciary.

By the SPEAKER: Memorial of the Legislature of the State of Arizona, favoring the election of United States Senators by direct vote of the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AKIN of New York: A bill (H. R. 24270) granting an increase of pension to Charles E. Fitcham; to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 24271) granting an increase of pension to Walter Hartpence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24272) granting an increase of pension to Jesse Baumgardner; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 24273) granting an increase of pension to Susan A. Cole; to the Committee on Invalid Pensions.

By Mr. BULKLEY: A bill (H. R. 24274) for the relief of Rudolph L. Johns; to the Committee on Claims.

By Mr. CARY: A bill (H. R. 24275) granting a pension to Samantha Flynn; to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 24276) granting an increase of pension to John M. Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24277) granting an increase of pension to Benjamin F. Malott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24278) granting an increase of pension to George D. Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24279) granting an increase of pension to Alexander J. C. Wead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24280) granting an increase of pension to Charles Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24281) granting an increase of pension to Maud A. Johnston; to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 24282) granting an increase of pension to Morgan Sharp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24283) granting an increase of pension to Francis M. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24284) granting an increase of pension to Isaac M. Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24285) granting an increase of pension to Louis Ernest; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24286) granting an increase of pension to Richard S. Gordon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24287) granting an increase of pension to Edwin I. Bachman; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 24288) to correct the military record of James Kane; to the Committee on Military Affairs.

By Mr. EDWARDS: A bill (H. R. 24289) for the relief of the heirs of Hope Brannen; to the Committee on War Claims.

Also, a bill (H. R. 24290) for the relief of the heirs of Bennett Jarrell; to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 24291) granting an increase of pension to Franklin Jarrett; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 24292) granting a pension to George Brooks; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 24293) granting a pension to Peter Gilner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24294) granting an increase of pension to Angeline Wilson; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 24295) granting a pension to John Usner; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 24296) for the relief of Alonzo D. Cadwallader; to the Committee on Military Affairs.

By Mr. HAMLIN: A bill (H. R. 24297) granting a pension to Samuel Blackburn; to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 24298) granting an increase of pension to John McGahan; to the Committee on Invalid Pensions.

By Mr. HARRISON of Mississippi (by request): A bill (H. R. 24299) for the relief of the estate of Robert Moore; to the Committee on War Claims.

By Mr. HENRY of Connecticut: A bill (H. R. 24300) granting an increase of pension to James Baxter; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 24301) granting an increase of pension to U. A. Smith; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 24302) granting an increase of pension to Clay W. Evans; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 24303) granting an increase of pension to James A. Underhill; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 24304) granting a pension to Myrtle Webster; to the Committee on Pensions.

Also, a bill (H. R. 24305) granting an increase of pension to John M. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24306) granting an increase of pension to Levi M. Hall; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 24307) granting a pension to Maria A. Potter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24308) granting an increase of pension to James A. Adcock; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 24309) granting a pension to Harriet J. McNeil; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24310) granting an increase of pension to John H. Gilbert; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 24311) granting an increase of pension to Elizabeth Weems; to the Committee on Pensions.

By Mr. PALMER: A bill (H. R. 24312) granting an increase of pension to William Riehl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24313) granting an increase of pension to William Custard; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 24314) granting an increase of pension to Henry C. Mears; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 24315) granting a pension to William M. Faidley; to the Committee on Pensions.

By Mr. SLOAN: A bill (H. R. 24316) granting an increase of pension to William Brassfield; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 24317) for the relief of Jabez Lumbert; to the Committee on Military Affairs.

By Mr. UNDERHILL: A bill (H. R. 24318) granting an increase of pension to Edmund O. Beers; to the Committee on Invalid Pensions.

By Mr. WEDEMEYER: A bill (H. R. 24319) granting an increase of pension to Almond B. West; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Congregation Amhr Liebovitch, Chicago, Ill., protesting against passage of the Dillingham bill (S. 3175) and Burnett bill (H. R. 22527); to the Committee on Immigration and Naturalization.

Also, resolution of the United Hebrew Trades of New York, B'nei Ephraim Lodge, No. 172, and Congregation Shalel Shalen, both of Chicago, Ill., against passage of the Dillingham bill (S. 3175) and the Burnett bill (H. R. 22527), for literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. AKIN of New York: Resolutions of the United Polish Societies of Brooklyn, and United Hebrew Trades of New York City, and City Council and citizens of Johnstown, N. Y., against passage of Senate bill 3175 and House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. ALEXANDER: Petition of Carlton S. Winslow and 104 other citizens of Harrison County, Mo., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of Daniel Coffman and 20 other citizens of Newark, Ohio, against passage of interstate liquor law; to the Committee on the Judiciary.

Also, petition of the Thread Agency, of Cincinnati, Ohio, favoring passage of House bill 309, for an appropriation for Mississippi River levees in the cotton section; to the Committee on Rivers and Harbors.

By Mr. AYRES: Petition of the United Hebrew Trades of New York, protesting against passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. BERGER: Resolutions of societies in the Socialist Party in the States of New York, New Jersey, Connecticut, and Washington, against passage of the Dillingham bill, containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BOWMAN: Petition of the Yarn Agency, Philadelphia, Pa., favoring appropriation for the levees on the Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of the Allied Committee of the Political Refugee Defense League of America, protesting against the Root amendment to the immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of the Wilkes-Barre Chamber of Commerce, Wilkes-Barre, Pa., favoring bill providing buildings appropriate for embassies, etc.; to the Committee on the Public Lands.

Also, resolutions of allied committees, Political Refugees' Defense League, and United Hebrew Trades of New York, against passage of Dillingham bill and other bills containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Central Labor Union of Wilkes-Barre and citizens of Pennsylvania, favoring passage of House bill 22339, against use of the stop watch for Government employees; to the Committee on the Judiciary.

By Mr. CALDER: Petition of the Laidlaw-Dunn-Gordon Co., Cincinnati, Ohio, protesting against prohibiting vessels interested in railroads from using the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Hazzard Drug Store, New York City, favoring passage of House bill 22766, to prohibit use of trading coupons; to the Committee on Ways and Means.

Also, petition of the South Side Board of Trade, New York, N. Y., favoring the suspension of tariff on potatoes; to the Committee on Ways and Means.

Also, petition of Chester H. Hoffman, protesting against passage of House bills 23192 and 23193, for preventing the manufacturer from fixing and enforcing retail prices of his patented goods; to the Committee on Patents.

Also, petition of the Rochester Chamber of Commerce, favoring passage of the 1-cent letter rate; to the Committee on the Post Office and Post Roads.

Also, petitions of the Polish National Alliance and the United Polish Societies, of Brooklyn, N. Y.; the allied committees, Political Refugees' Defense League; the Independent Order B'rith Abraham, Moses Lodge, No. 180; and the United Hebrew Trades, of New York, all protesting against the passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. CURLEY: Petition of Hebrew Progressive Lodge, No. 177; Pride of New England Lodge, No. 305; and Lazarus Davis Lodge, No. 548, Independent Order B'rith Abraham, of Boston, Mass., all protesting against the passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

Also, petition of the United Commercial Travelers of America, protesting against the removal of assay office at Seattle, Wash.; to the Committee on Appropriations.

Also, petition of cotton buyers and brokers, protesting against the passage of the Covington amendment for prohibiting vessels interested in by railroads from using the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. DENVER: Papers to accompany House bills 6439, 15502, 11910, 19001, 11927, 13169, 18180, 18811, 17616, 14995, 15837, 17621, and 6436; to the Committee on Invalid Pensions.

Also, papers to accompany House bills 11907 and 13171; to the Committee on Pensions.

By Mr. DAUGHERTY: Petition of citizens of Cassville, Mo., favoring passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. MICHAEL E. DRISCOLL: Resolution of the United Hebrew Trades of New York, against passage of the Dillingham bill containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DANIEL A. DRISCOLL: Petition of Local No. 1345, United Brotherhood of Carpenters and Joiners of America, Buffalo, N. Y., against the stop watch for Government employees; to the Committee on the Judiciary.

Also, resolutions of the allied committee of the Political Refugee Defense League of America and United Hebrew Trades of New York, against passage of the Dillingham bill (S. 3175), containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of Local No. 41, International Association of Machinists, St. Louis, Mo., favoring bill prohibiting use of the stop watch for Government employees; to the Committee on the Judiciary.

By Mr. ESCH: Resolution of the United Hebrew Trades of New York, against passage of the Dillingham bill, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. FOCHT: Papers to accompany bill for the relief of David P. Little; to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Rebecca Miller; to the Committee on Invalid Pensions.

By Mr. FRANCIS: Petition of citizens of Ohio, against passage of the Dillingham bill containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of Neffs and citizens of Belmont County, Ohio, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FULLER: Petition of the Allied Printing Trades Council of Chicago, Ill., relating to loose-leaf work for the Government; to the Committee on Printing.

Also, petition of 101 citizens of the United States, passengers on steamship *Blucher*, favoring removal of prohibition upon American registration of foreign-built ships for foreign trade; to the Committee on the Merchant Marine and Fisheries.

By Mr. GOLDFOGLE: Petitions of Independent Brisk De Litau Lodge, No. 565; Horodenker Lodge, No. 472; Benjamin Harrison Lodge, No. 9; Excelsior Lodge, No. 277; Ascher Lodge, No. 27; Eliohon Lodge, No. 104; and Jurawner Lodge, No. 33, Independent Order B'rith Abraham, of New York, all protesting against passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

Also, petition of cotton merchants of New York City, protesting against the Covington amendment for prohibiting vessels that railway corporations are interested in from using the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of American Lodge, No. 167, and Kaiser Friederick Lodge, No. 10, Order B'rith Abraham; the allied committees, Political Refugees Defense League; the United Hebrew Trade Union; the Central Federated Union; and the Federation of Bessarabian Organizations, all of New York City, protesting against passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. GRIEST: Petition of General William S. McCaskey Camp, No. 53, United Spanish War Veterans, of Lancaster, Pa., favoring the passage of the Crago bill (H. R. 17470); to the Committee on Pensions.

By Mr. GUERNSEY: Petition of H. I. Mittenthal and 24 others, of Bangor, Me., favoring building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of Guy C. Porter and 34 others, members of Houlton Grange, favoring passage of House bill 19133 and Senate bill 5474, for postal-express system; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA: Petition of citizens of North Dakota, favoring a reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of E. G. Quamme, of North Dakota, against passage of the Lever antifuture trading bill; to the Committee on Agriculture.

Also, petition of citizens of North Dakota, favoring passage of a parcel-post bill, and of citizens of Milnor, N. Dak., against passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Dakota, favoring passage of an interstate liquor law; to the Committee on the Judiciary.

By Mr. HENRY of Connecticut: Petition of the Independent Order B'rith Sholon, Hartford, Conn., protesting against passage of House bill 22527; to the Committee on Immigration and Naturalization.

By Mr. HILL: Resolutions of Lodge No. 643, Independent Order of B'rith Abram, of Stamford, and of Lodge No. 613, Independent Order of B'rith Abram, of Danbury, Conn., against passage of the Dillingham and Burnett bills, for literacy test of immigrants; to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petitions of the Board of Trade; Nathan Dohrmann Co.; Coffin, Redington Co.; and D. Ghiradelli, all of San Francisco, Cal., in opposition to the Bartlett bill and all other injunction bills that will legalize boycott; to the Committee on Labor.

Also, petition of Buckingham & Hecht, San Francisco, Cal., in opposition to the passage of the Bartlett bill and all other injunction bills that will legalize boycott; to the Committee on Labor.

By Mr. LINDSAY: Resolutions of David Rockowe Lodge, No. 214, the United Hebrew Trades of New York, the Independent Baron Hirsch Zas Lodge, No. 128, and Pride of the North Lodge, No. 149, of Brooklyn, N. Y., against passage of the Dillingham bill (S. 3175) and the Burnett bill (H. R. 22527) for literacy test of immigrants; to the Committee on Immigration and Naturalization.

By Mr. LOUD: Petition of Rev. John D. Kaplanowski, pastor of St. Anthony Church, and 4 other residents of Auburn, Mo., protesting against the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. McGILLICUDDY: Petition of Kimball Post, No. 38, Grand Army of the Republic, Livermore Falls, Me., favoring passage of the Sherwood bill (H. R. 14070); to the Committee on Invalid Pensions.

Also, petition of citizens of Lisbon Falls, Me., favoring passage of House bill 19133; to the Committee on Interstate and Foreign Commerce.

By Mr. McCOY: Petition of United Polish Societies of Brooklyn, N. Y., protesting against passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. MONDELL: Petition of Carpenters' Local Union, No. 1384, of Sheridan, Wyo., indorsing House bill 22339, for prohibiting the use of stop watches in Government workshops; to the Committee on Labor.

By Mr. MOON of Tennessee: Petition of the B'nai Zion Congregation, the Young Men's Hebrew Association, and the Independent Order B'rith Abraham, of Chattanooga, Tenn., all protesting against the passage of the Burnett bill (H. R. 22527); to the Committee on Immigration and Naturalization.

By Mr. MOTT: Petition of the United Hebrew Trades of New York, protesting against the passage of the Dillingham bill; to the Committee on Immigration and Naturalization.

By Mr. O'SHAUNESSY: Petition of the Brown & Sharpe Manufacturing Co., of Providence, R. I., against changes in the present patent laws; to the Committee on Patents.

Also, resolution of the United Hebrew Trades of New York, of Baron Hirsch Lodge, No. 99, and of Bicker Cholon Lodge, No. 303, of Providence, R. I., against passage of Dillingham bill (S. 3175) and the Burnett bill (H. R. 22527), the literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Providence, R. I., favoring passage of House bill 22339 and Senate bill 6172, the anti-Taylor system bills, timing workman with a stop watch while at work; to the Committee on the Judiciary.

By Mr. PATTEN of New York: Petition of the Medical Society of the State of New York, favoring the establishment at Washington of a national department of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Workmen's Circle, Jewish Community, United Polish Societies, and Allied Committees Political Refugees Defense League, of New York City, N. Y., all protesting against the passage of the Dillingham bill (S. 3175); also, the United Hebrew Trades of New York, protesting against passage of the Dillingham bill; to the Committee on Immigration and Naturalization.

Also, petition of the North Side Board of Trade, New York, relative to improvement of the Bronx Kills, Harlem River, and East River; to the Committee on Rivers and Harbors.

By Mr. PALMER: Resolution of the philanthropic committee of the Philadelphia (Pa.) Yearly Meeting of Friends, favoring adoption of House joint resolution 163; to the Committee on the Judiciary.

Also, petition of citizens of Pike County and Farmersville Grange, No. 328, Northampton County, Pa., favoring passage of House bill 19133, for a postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY: Resolutions of Gladstone Lodge, No. 241, of Waterbury, and citizens of New Britain, Conn., and United Hebrew Trades of New York, against passage of the Dillingham and Burnett bills, containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Waterbury Typographical Union, No. 329, of Waterbury, Conn., favoring passage of Dodds amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. J. M. C. SMITH: Papers to accompany bill for the relief of Jabez Lumbert, of Sunfield, Mich., a soldier of the Civil War, a private in Company H, One hundredth Regiment Ohio Volunteer Infantry; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: Resolution of the Polish National Alliance Council at Dorn Polski, against passage of the Dillingham bill (S. 3175) and the Burnett bill (H. R. 22557), for literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of Theodore A. Bell, favoring the San Francisco Mint appropriation; to the Committee on Appropriations.

Also, petition of Central Federated Union, New York, favoring the passage of the Hughes eight-hour bill; to the Committee on Labor.

Also, petition of United States Grand Lodge, Order B'rith Abraham, No. 466, of New York, protesting against passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

Also, petition of the committee of wholesale grocers of New York City, favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. TAYLOR of Alabama: Memorial of Mobile Basin and Tennessee River Association, relative to appropriation of $250,000 to deepen the water in channel to Mobile; to the Committee on Rivers and Harbors.

By Mr. TILSON: Petition of the Socialist Party of America, New Haven, Conn., and the Independent Order B'rith Abraham, Columbus Lodge, No. 61, New Haven, Conn., both protesting against the passage of the Dillingham bill; to the Committee on Immigration and Naturalization.

By Mr. UTTER: Petition of Hope of Rhode Island Lodge, No. 549, Independent Order B'rith Abraham, and the Star of Rhode Island Lodge, No. 330, Order B'rith Abraham, both protesting against literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. WEDEMEYER: Papers in the special pension case of Almond B. West; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of Goodwin Brown, of New York, representing the State Hospitals Commission of the State of New York, favoring amendments relative to increase in appropriation for Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Polish National Alliance of New York and American Hebrew Lodge, No. 274, of Brooklyn, N. Y., and Hebrew Trades of New York, against passage of the Senate bill 3175 and House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *May 9, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

AID TO INDIGENTS IN ALASKA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 267) providing for assisting indigent persons, other than natives, in the District of Alaska, which were to strike out all after the enacting clause and insert:

That section 1 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, as amended by an act approved May 14, 1906, and as further amended by an act approved February 6, 1909, be, and the same is hereby, amended so as to read as follows:

"SECTION 1. That all moneys derived from and collected for liquor licenses, occupation or trade licenses, outside of the incorporated towns in the Territory of Alaska, shall be deposited in the Treasury Department of the United States, there to remain as a separate and distinct fund, to be known as the 'Alaska fund,' and to be wholly devoted to the purposes hereinafter stated in the Territory of Alaska. Thirty per cent of said fund, or so much thereof as may be necessary, shall be devoted to the establishment and maintenance of public schools in said Territory; 10 per cent of said fund shall be, and is hereby, appropriated and authorized to be expended for the relief of persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident; and all the residue of said fund shall be devoted to the construction and maintenance of wagon roads, bridges, and trails in said Territory: *Provided*, That the clerk of the court of each judicial division of said Territory is authorized, and he is hereby directed, whenever considered necessary, to call upon the United States marshal of said judicial division to aid in the collection of said license moneys by designating regular or special deputies of his office to act as temporary license inspectors, and it shall be the duty of said United States marshal to render such aid; and the said regular or special deputies while actually engaged in the performance of this duty shall receive the same fees and allowances and be paid in the same manner as when performing their regular duties.

"That at the end of each fiscal quarter the Secretary of the Treasury of the United States shall divide the amount of said 10 per cent of said fund so received during the quarter just ended into four equal parts, and transmit to each of the four United States marshals in Alaska one of said equal amounts.

"That each of said marshals is hereby authorized to expend so much of the money received by him under this act as may, in his discretion, be required for the relief of those persons in his division who are incapacitated through nonage, old age, sickness, or accident, and who are indigent and unable to assist and protect themselves: *Provided*, That each marshal, with his quarterly report, shall submit an itemized statement, with proper vouchers, of all expenditures made by him under this act, and he shall at the time transmit a copy of said statement to the governor of the Territory: *Provided further*, That any unexpended balance remaining in the hands of any marshal at the end of any quarter shall be returned to the Treasurer of the United States and by him deposited in the said 'Alaska fund,' and the said sum shall be subsequently devoted, first, to meeting any actual requirements for the care and relief of such persons as are provided for in this act in any other division in said Territory wherein the amount allotted for that purpose has proved insufficient; and, second, if there shall be any remainder thereof, said remainder shall be devoted to the construction and maintenance of wagon roads, bridges, and trails in said Territory."

And to amend the title so as to read: "An act to provide assistance to persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident, and for other purposes."

Mr. NELSON. I move that the amendments of the House of Representatives be referred to the Committee on Territories.

The motion was agreed to.

CHESTNUT-TREE BLIGHT (S. DOC. NO. 653).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 30th ultimo, certain information regarding the study and investigation of the so-called chestnut-tree blight, which, with the accompanying papers and illustrations, was referred to the Committee on Agriculture and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS (S. DOC. NO. 652).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion of law filed by the court in the cause of the trustees of the Methodist Episcopal Church of Louisa, Ky., *v.* The United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the concurrent resolution of the House (H. Con. Res. 46) providing for the printing of 5,000 copies of a wall chart on hookworm and soil pollution for the use of the House of Representatives.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of members of the Church Street Methodist Sunday School, of Selma; of the congregations of the Church Street Methodist Church, of Selma; the Jasper Baptist Church, of Walker County; and the Methodist Episcopal Church of Walker County; of the Aid Society of the Alabama Street Methodist Episcopal Church, of Selma, all in the State of Alabama; and of the Woman's Christian Temperance Union of Springville, Pa., praying the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Philadelphia, Pa., and a memorial of the Central Federated Union, of New York City, N. Y., remonstrating against the adoption of a proposed amendment to the immigration law providing an educational test for all immigrants, which were ordered to lie on the table.

Mr. WETMORE. I present a memorial signed by nine prominent cotton-manufacturing corporations of Rhode Island. The memorial is short, and I ask that it be read and referred to the Committee on Interoceanic Canals.

There being no objection, the memorial was read and referred to the Committee on Interoceanic Canals, as follows:

APRIL 22, 1912.

We, the undersigned manufacturers, being actively interested in the manufacture of cotton goods in New England, understand that the Covington amendment, so called, to the bill now before Congress regulating the passage of vessels through the Panama Canal provides that "it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever, directly or indirectly, in any common carrier by water with which said railroad does or may compete for traffic."

We believe in the regulation of common carriers by the Government and in the authority granted to the Interstate Commerce Commission. We do not, however, believe in such restriction or limitation of in-

vestment in or the development of steamship lines or coastwise trade generally as this amendment provides.

We deem it especially important for the great industries of New England that under proper restrictions railroads should be allowed to develop and maintain transportation by water. This is of the utmost importance in the transportation of the freight to and from New England points and the South, especially in connection with the cotton industry. We believe that, with the opening of the Panama Canal, it is of the greatest importance that there shall be adequate transportation facilities by water between New England and the Gulf cities.

Therefore we protest against the adoption of the Covington amendment to the Panama Canal bill as unnecessarily impeding the development of transportation by water and as thus retarding the development of New England's commerce with southern and Pacific ports, and we urge New England Congressmen to do everything in their power to defeat the amendment.

Sayles Bleacheries, Saylesville, R. I., by Chas. O. Read, general manager; Glenlyon Dye Works, Saylesville, R. I., by Chas. O. Read, treasurer; Lorraine Mfg. Co., Pawtucket, R. I., I. R. MacColl, treasurer; Ponemah Mills, Taftville, Conn., J. A. Atwood, treasurer; Lonsdale Co., Goddard Bros., agents; Hope Co., Goddard Bros., agents; Blackstone Mfg. Co., Goddard Bros., agents; Slater Mfg. Co., Wm. H. Harriss, treasurer; Quidnick Windham Mfg. Co., J. H. Hamble, treasurer.

Mr. WETMORE presented a petition of the Local Council of Women of Rhode Island, praying for the enactment of legislation providing for vocational education, which was ordered to lie on the table.

He also presented a telegram in the nature of a memorial from E. A. Beaman, president of the Rhode Island Branch of the National Metal Trades Association, remonstrating against the passage of the so-called eight-hour bill, which was ordered to lie on the table.

Mr. CULLOM presented a memorial of the Allied Printing Trades Council of Quincy, Ill., remonstrating against any increase in second-class postage rates, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Trades and Labor Assembly of Decatur, Ill., praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Education and Labor.

He also presented petitions of members of the Morgan County Medical Society and of the Medical Club of Jacksonville and of the North Central Illinois Medical Association, of Streator, all in the State of Illinois, praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. BURNHAM presented a petition of Local Grange No. 167, Patrons of Husbandry, of Candia, N. H., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. JONES. I present a telegram, in the nature of a petition, in support of the Owen medical bill. I ask that the telegram lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

SEATTLE, WASH., *May 8, 1912.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.:

We hope you will see your way clear to give your hearty support to the Owen bill establishing a national department of health. No bill was ever more clearly in the interests of the masses of the people than this one. It would be an essential aid to the pure-food law. It is expressly declared in this bill that the health service established under it shall have no power to regulate the practice of medicine or practice of healing or to interfere with the rights of citizens to employ a practitioner of their choice. There is not a line in the bill that by any construction would interfere with the personal right or liberties of the individual citizen.

THOMAS BURKE.

Mr. TOWNSEND. I present a telegram, in the nature of a petition, relative to the Owen medical bill. I ask that the telegram lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

PONTIAC, MICH., *May 8, 1912.*

Senator CHARLES E. TOWNSEND,
Washington, D. C.:

The Pontiac Commercial Association at its regular meeting, May 7, in response to request from people of the city by resolution directed me to request you to vote for the Owen bill, now pending before the United States Senate, and to use your personal influence to secure its enactment.

E. B. LINABURY, *Secretary.*

Mr. TOWNSEND presented a petition of Holland Camp, No. 38, Department of Michigan, United Spanish War Veterans, of Holland, Mich., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Brant, Mich., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

Mr. OLIVER presented a petition of Hopewell Grange, No. 1398, Patrons of Husbandry, of Cross Roads, Pa., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Westmoreland County Medical Society, of Pennsylvania, praying for the establishment of a department of public health, which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Mahoning, Pa., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Business Men's Association of Coatesville, Pa., praying for the enactment of legislation providing for the opening of the Panama Canal to vessels of all tonnage irrespective of ownership, which was referred to the Committee on Interoceanic Canals.

Mr. GALLINGER presented a memorial of the Columbia Heights Citizens' Association, of Washington, D. C., remonstrating against the enactment of legislation to provide deficiencies in the fund for police and firemen's pensions, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Columbia Heights Citizens' Association, of Washington, D. C., and a petition of the congregation of the Congress Street Church, of Washington, D. C., praying for the enactment of legislation governing the granting of licenses for bar rooms in the District of Columbia, and for other purposes, which were ordered to lie on the table.

He also presented the petition of William M. Bass, of Washington, D. C., praying for the enactment of legislation to maintain the present water rates in the District, which was referred to the Committee on the District of Columbia.

Mr. ASHURST presented a petition of the United Brotherhood of Leatherworkers on Horse Goods of Kansas City, Mo., praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Education and Labor.

Mr. JOHNSTON of Alabama presented a petition of sundry citizens of Tuscumbia and Sheffield, in the State of Alabama, praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Education and Labor.

Mr. CURTIS presented petitions of sundry citizens of Auburn and Michigan Valley, in the State of Kansas, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Goodland, Kans., praying for the enactment of legislation providing for free mail delivery in towns, cities, and villages with a population of 1,000 or over, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Baileyville and Emporia, in the State of Kansas, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Muscotah, Concordia, Basehor, Bonner Springs, Holton, Dresden, Michigan Valley, Stockton, and Hollenberg, all in the State of Kansas, remonstrating against the enactment of legislation to permit the coloring of oleomargarine in immitation of butter, which were referred to the Committee on Agriculture and Forestry.

Mr. DU PONT presented a petition of the executive board of the State Federation of Women's Clubs, of Wilmington, Del., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. OWEN. I present a telegram in the nature of a petition, in favor of the national department of health bill. I ask that the telegram lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

LINCOLN, NEBR., *May 8, 1912.*

Senator OWEN,
United States Senate, Washington, D. C.:

Nebraska State Medical Association, of 1,000 members, in annual session unanimously indorse your bill for a national department of health.

Truly, W. H. WILSON, M. D.,
Chairman of Committee on Legislation.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to which was referred the bill (S. 4838) to amend section 96 of the "act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported it with amendment.

Mr. BURNHAM, from the Committee on Commerce, to which was referred the bill (S. 5387) to construct and place a lightship near Monhegan Island, entrance to Penobscot Bay, Me., reported it with amendments and submitted a report (No. 717) thereon.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (H. R. 23407) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Levisa Fork of the Big Sandy River, reported it without amendment and submitted a report (No. 718) thereon.

Mr. OLIVER, from the Committee on Commerce, to which was referred the bill (H. R. 22731) to extend the time for the construction of a dam across the Pend Oreille River, Wash., reported it without amendment and submitted a report (No. 719) thereon.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 1332) an act regulating Indian allotments disposed of by will, reported it without amendment and submitted a report (No. 720) thereon.

Mr. OWEN, from the Committee on Indian Affairs, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 4947. A bill providing for the equalization of Creek allotments (Rept. No. 721); and

S. 3843. A bill granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes (Rept. No. 722).

Mr. TILLMAN, from the Committee on Naval Affairs, to which was referred the bill (S. 2001) to provide for the award of congressional medals of honor to officers of the naval service, and officers and enlisted men of the Revenue Marine, and for other purposes, reported it with amendments and submitted a report (No. 723) thereon.

Mr. BROWN, from the Committee on Military Affairs, to which was referred the bill (S. 5808) granting right of way across Port Discovery Bay, United States Military Reservation, to the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington, reported it with amendments and submitted a report (No. 724) thereon.

Mr. DU PONT, from the Committee on Military Affairs, submitted a report (No. 725) to accompany the joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which, on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them, heretofore reported by him.

COAL-MINING OPERATIONS IN WYOMING.

Mr. CLARK of Wyoming. From the Committee on Public Lands I report back favorably, with an amendment, the joint resolution (S. J. Res. 100) authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming. For the reason that the necessity for its passage is immediate, I ask for the present consideration of the joint resolution.

The VICE PRESIDENT. The Secretary will read the joint resolution for the information of the Senate.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in line 4, after the word "authorized," to strike out the words "in his discretion," so as to make the joint resolution read:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized to allow the Owl Creek Coal Co. to continue the operation of its mine or mines upon any of the lands embraced in Lander (Wyo.) coal entries Nos. 18 to 40, inclusive, in general conformity with the terms of an order made October 5, 1910, by the Circuit Court of the United States for the District of Wyoming in a proceeding wherein the United States of America was plaintiff and the Owl Creek Coal Co., Clara H. Carhart, and Elsie C. Carhart were defendants.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HEYBURN. I suggest that the title needs amendment. The word is "authorizing." It should be made to conform to the amendment.

Mr. CLARK of Wyoming. The word "authorizing" is all right. It does not need amendment.

Mr. HEYBURN. The Secretary of the Interior has no discretion about it. The words "in his discretion" have been cut out.

Mr. CLARK of Wyoming. That does not affect the title of the joint resolution.

Mr. HEYBURN. If the title expresses it properly, all right.

UNION PACIFIC RAILROAD CO. CONVEYANCES.

Mr. SMOOT. On May 7 the bill (H. R. 16689) legalizing certain conveyances heretofore made by the Union Pacific Railroad Co. came to the Senate and was referred to the Committee on Public Lands. I ask that that committee be discharged from the further consideration of the bill and that it be referred to the Judiciary Committee.

Mr. HEYBURN. I should like a little further information in regard to the nature of that bill.

Mr. SMOOT. There was a bill introduced by the Senator from Kansas [Mr. BRISTOW] on April 29, 1912, similar to the one which passed the House. The bill in the House was referred to the Judiciary Committee and reported out of that committee. It passed the House and came over here, and was, as I stated, referred to the Committee on Public Lands. My attention was called to it this morning by the chairman of the Judiciary Committee, stating that he thought it ought to be referred to the Judiciary Committee, and therefore I make the request. It is in relation to a right of way.

Mr. HEYBURN. Mr. President, the rules of the House and the rules of the Senate differ materially in regard to the jurisdiction over such matters. I have been waiting with a watchful eye for this proposed legislation to come before the Senate with a view of investigating the merits of the proposal. I would ask that the Senator allow it to go over.

Mr. SMOOT. I will withdraw the request, so that the Senator from Idaho may have an opportunity to examine the bill.

Mr. HEYBURN. Very well.

The VICE PRESIDENT. The Senator from Utah withdraws the request for the present.

Mr. SMOOT subsequently said: I asked that the Committee on Public Lands be discharged from the further consideration of the bill (H. R. 16689) legalizing certain conveyances heretofore made by the Union Pacific Railroad Co., and that it be referred to the Committee on the Judiciary. The Senator from Idaho [Mr. HEYBURN] objected. After an examination of the bill, however, he has no objection to such reference, and I now renew my request for the change of reference.

The VICE PRESIDENT. Without objection, the change of reference will be made.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULLOM:

A bill (S. 6757) granting an increase of pension to John Harrison; to the Committee on Pensions.

By Mr. THORNTON:

A bill (S. 6758) for the relief of heirs or estate of Joseph Melancon, deceased (with accompanying paper); to the Committee on Claims.

By Mr. GARDNER:

A bill (S. 6759) granting an increase of pension to John D. Perkins (with accompanying paper); to the Committee on Pensions.

By Mr. BORAH (by request):

A bill (S. 6760) for the relief of Nathaniel M. Eldredge; to the Committee on Public Lands.

By Mr. BURNHAM:

A bill (S. 6761) for the relief of Augustus A. Gibson and others; to the Committee on Claims.

By Mr. KERN:

A bill (S. 6762) granting an increase of pension to Richard F. Jacks (with accompanying paper); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 6763) to authorize the cities of Bangor and Brewer, Me., to construct or reconstruct, wholly or in part, and maintain and operate a bridge across the Penobscot River between said cities, without a draw; to the Committee on Commerce.

By Mr. OWEN:

A bill (S. 6764) granting an increase of pension to Lansing B. Nichols (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 6765) providing for the improvement of the roadway from the railroad depot at Fredericksburg, Va., to the national cemetery near Fredericksburg; to the Committee on Military Affairs.

By Mr. CLARKE of Arkansas:

A bill (S. 6766) providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark.; to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 6767) to terminate the Indian Office, and for other purposes; to the Committee on Indian Affairs.

By Mr. PENROSE:

A bill (S. 6768) granting an increase of pension to W. E. Roach;

A bill (S. 6769) granting an increase of pension to Levi H. Hahn; and

A bill (S. 6770) granting a pension to Robert W. Shaffer; to the Committee on Pensions.

By Mr. LEA:

A bill (S. 6771) appropriating $250,000 for levee work on the Mississippi River; to the Committee on Commerce.

By Mr. GORE:

A joint resolution (S. J. Res. 106) creating a joint commission on public highways, and for other purposes; to the Committee on Agriculture and Forestry.

AMENDMENT TO POST OFFICE APPROPRIATION BILL.

Mr. GORE submitted an amendment proposing to create a joint commission on public highways, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 21279), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. BURNHAM submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

Mr. BACON submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which was ordered to be printed and, with the accompanying copy of the findings of the Court of Claims, referred to the Committee on Claims.

EIGHT-HOUR LAW.

The VICE PRESIDENT. The morning business is closed.

Mr. BORAH. Mr. President, I gave notice day before yesterday that I would ask the Senate to consider at this time House bill 9061, known as the eight-hour bill. I am not going, however, to ask for anything more than the reading of the bill this morning, owing to the fact that the Senator from Minnesota [Mr. NELSON] desires to proceed with the river and harbor bill, and the further fact that a Senator is absent who desires to be present when the bill is discussed. I therefore, with this modification of the notice, ask unanimous consent to call up the bill.

Mr. GALLINGER. Mr. President, there is no objection to that if it is for the purpose of simply reading the bill. I wish to say to the Senator from Idaho that there is at least one Senator who has not had time to examine the bill with the care that he desires to give to it before it is taken up for serious consideration, and I hope the Senator will not unduly press the bill.

Mr. BORAH. I will not unduly press it.

Mr. GALLINGER. I do not know exactly what the Senator means by that. Perhaps I did not use a very apt term.

Mr. BORAH. I think the Senator used the correct term, but I want the emphasis in the right place.

Mr. GALLINGER. I wanted to suggest to the Senator, knowing the Senator's persistence when he is in charge of a bill, that probably this bill will not be expedited unless we be given full time to examine it and prepare ourselves to discuss it. We have been pretty busy here of late, some of us at least. I hope the Senator——

Mr. BORAH. I do not think the Senator will have any reason to complain. I propose to give time for the bill, because the more Senators study it the more they will be in favor of it.

Mr. GALLINGER. That may be so.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes, be taken up. Without objection, the bill is before the Senate as in Committee of the Whole.

Mr. LODGE. Has the bill been read?

The VICE PRESIDENT. The bill has not been read. The bill is taken up as in Committee of the Whole, without objection. The Chair hears no objection.

Mr. LODGE. I thought the bill was to be read for information.

The VICE PRESIDENT. It was the request of the Senator from Idaho that the Senate should proceed with the reading of the bill. It will be read.

The Secretary proceeded to read the bill.

Mr. BORAH. Mr. President, I desire to suggest the correction of what is a really verbal inaccuracy. On page 3, in line 25, before the words "this act," I move to insert the words "section 1 of."

The VICE PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. In section 2, on page 3, line 25, before the words "this act," it is proposed to insert the words "section 1 of."

The VICE PRESIDENT. Without objection, the amendment will be agreed to.

Mr. HEYBURN. Mr. President, I did not understand that we were going to consider the bill now for amendment.

The VICE PRESIDENT. Oh, no; the bill is not being considered for amendment. The junior Senator from Idaho simply suggested a verbal amendment, and it may only be considered by unanimous consent, and even that——

Mr. HEYBURN. I should like to have the verbal amendment which has been proposed restated.

The VICE PRESIDENT. The Secretary will again state the amendment proposed by the junior Senator from Idaho.

The Secretary again stated the amendment proposed by Mr. BORAH.

The VICE PRESIDENT. If there is any objection, the amendment can not be now considered. No amendment can be now considered except by unanimous consent.

Mr. HEYBURN. There will be something doing when this bill is really before the Senate. I did not understand that it would be before the Senate now.

Mr. BORAH. I have no desire to urge the amendment if the senior Senator from Idaho objects.

The VICE PRESIDENT. Very well. The amendment will not be considered as suggested at the present time, but is withdrawn. The Secretary will resume the reading of the bill.

The Secretary resumed and concluded the reading of the bill.

Mr. LODGE. Mr. President, I ask that two amendments which I intend to propose to the bill may be printed and lie on the table.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BORAH. I ask to have the report upon this bill printed in the RECORD in connection with the reading of the bill, and then I ask that the bill be laid aside.

The VICE PRESIDENT. Without objection, the report of the committee on the bill will be printed in the RECORD following the reading of the bill.

The report referred to is as follows:

[Senate Report No. 601, Sixty-second Congress, second session.]

HOURS OF DAILY SERVICE OF LABORERS AND MECHANICS UPON GOVERNMENT CONTRACTS.

Mr. BORAH, from the Committee on Education and Labor, submitted the following report, to accompany House bill 9061:

The Committee on Education and Labor, having had under consideration House bill 9061, report the same favorably without amendment and recommend its passage.

The following is a copy of the bill as it passed the House and is now reported to the Senate:

"An act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

"Be it enacted, etc., That every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work; and every such contract shall stipulate a penalty for each violation of such provision in such contract of $5 for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon said work; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions of this act directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld for the use and benefit of the United States, the District of Columbia, or the Territory contracting by the officer or

person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States or the Territory, and in the case of a contract made by the District of Columbia to the commissioners thereof, who shall have power to review the action imposing the penalty, and in all such appeals from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may within six months after decision by such head of a department of the Commissioners of the District of Columbia file a claim in the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court.

"SEC. 2. That nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for such materials or articles as may usually be bought in open market, except armor and armor plate, whether made to conform to particular specifications or not, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not: *Provided*, That all classes of work which have been, are now, or may hereafter be performed by the Government shall, when done by contract, by individuals, firms, or corporations for on behalf of the United States or any of the Territories or the District of Columbia, be performed in accordance with the terms and provisions of this act. The President, by Executive order, may waive the provisions and stipulations in this act as to any specific contract or contracts during time of war or a time when war is imminent. No penalties shall be imposed for any violation of such provision in such contract due to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been justifiable. Nothing in this act shall be construed to repeal or modify the act entitled 'An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia,' being chapter 352 of the laws of the Fifty-second Congress, approved August 1, 1892, or to apply to work done under contracts made prior to the passage of this act."

The constitutionality of this measure has been discussed at great length before the committee by able counsel, especially as against its constitutionality. There does not seem to the committee, however, to be any serious doubt as to the power of Congress to pass such a measure. The bill provides that every contract hereafter made to which the United States is a party, and every contract made for and on behalf of the United States which may require or involve the employment of laborers or mechanics, shall contain a provision that no laborer or mechanic doing any part of the work covered by the contract in the employ of the contractor or any subcontractor shall be required or permitted to work more than eight hours in any one calendar day.

The sole question would seem to be, may the Government exercise its discretion in entering into a contract and require terms which preclude men working for more than eight hours for any calendar day? The numerous questions which have arisen, and which have been many times before the court and most ably discussed before the committee relative to prohibiting individuals and concerns entering into contracts limiting the hours of work, can not be relevant or controlling here. The Government has the right to contract, and it would seem that it would have the right to decline to enter into a contract unless the terms of the same are satisfactory to it as to any contracting party.

The most serious question, and the one to which the more earnest consideration was given, is as to the policy of such a measure. Is it wise for the Government to refuse to contract except upon such terms as will prevent the laborer from working more than eight hours? This in fact brings up the question of an eight-hour day, its moral and economic effects upon society, for the influence and effect of this law will greatly augment the strength of the movement for a universal eight-hour day. The friends and supporters of the measure recognize the effect in this respect which this law is bound to have. It will no doubt in many ways reach in effect beyond the immediate contracts entered into by the Government.

Much has been said as to the inconvenience which would result to the employers in establishing the eight-hour day. Doubtless in some instances and to some extent this inconvenience, necessitating in some instances rearrangement, will follow. It is perhaps true, also, that in some instances there may result a greater expense to the Government. But these things we believe are to be considered as of minor importance compared to the general benefit to be derived from an eight-hour day for laborers. We believe it means better work, better citizens, and in the end far better for society.

Prof. Rae, in his careful study of the eight-hour day and speaking particularly of the eight-hour day in Victoria, says:

"Of course differences in the value of product are not the same thing as differences in its amount, and the figures must be taken for what they are worth. Only I think they tend to support the conclusion that the shortening of the day to eight hours has not been followed by any corresponding loss of product, but rather—whatever it be due to—by an increase of product and even by an increase per hand employed. * * * It is, I think, beyond question that the shortening of the day to eight hours has improved the efficiency of labor during the time employed both as to quantity and quality, and there is every probability that in some trades and some particular kinds of work this cause alone would lead to as much being done in the short day as the long one."

Again the authority says:

"What use does the workingman of Victoria make of the leisure he has obtained through the eight-hour day? The 'go' and energy he is said by so many observers to put into his work is itself good evidence that he does not spend his time in vicious dissipation. If a shorter day in the workshop meant only a longer evening in the tavern he could not possibly show such signs of invigoration,' and his day's work and his day's wages would soon have hopelessly declined. The general opinion in Victoria is that the habits of workingmen have improved and not deteriorated through the short hours. By leaving early in the afternoon they are able to live out in the suburbs in neat cottages with little gardens behind them which are almost invariably owned by their occupiers and they spend much of their leisure tending their little garden or in some outdoor sport or with their families. The two first effects of the 10-hour act in this country were the multiplication of mechanics' institutes—night schools and popular lectures on the one hand and the multiplication of the garden allotments on the other. Work people had neither time nor energy for such pursuits before—the only resource of the languid is the tavern. But with the longer evening at their disposal it became worth while devising other ways of enjoying it and the favorite among the English factory hands seemed to be the mechanics' institute in winter and the garden allotment in summer."

The conclusion of the author upon this subject may be stated as follows, and practically in his own language:

The evidence gathered and the facts at hand lead us to believe that the approach of a general eight-hour day of labor has no blight to cast on the economic prosperity either of the working class or of the Nation at large, while it will be certain to contribute greatly to the moral and social elevation of both.

It would be much better, no doubt, if an eight-hour day could be secured without legislation. Legislation in such matters should ordinarily be postponed long enough to give every opportunity for the business world to adjust itself to proper rules and conditions. It would be better for the employer and employee to adjust the hours of labor without the rigid and positive provisions of the law. If it could be brought about in this way peculiar and exceptional conditions could be arranged for and taken care of which it is impossible to do under the law. A law universal in its application, as it must be, makes it necessary for some concerns or employers to suffer embarrassment for a time. But it is believed that legislation is now necessary. This legislation has been up for discussion now for more than 10 years before the Congress of the United States. The business concerns have had ample notice. Those who can best afford to give an eight-hour day and who have most influence by their stand in retarding the movement seem determined not to yield until compelled to do so by law. A distinguished member of Parliament once said while the eight-hour law was under discussion in that country:

"Employers would never introduce the eight-hour law out of their own accord. In all my 40 years of experience, I have never known them of their own accord to either raise wages or shorten hours. And nothing can make the eight-hour day general but legislation."

This is stated too broadly so far as this country is concerned, for many employers have adopted the eight-hour day. But while individual employers have adopted the rule they can ill afford to abide by the rule if their more powerful competitors refuse to do so. So long as the large and dominant business concerns stand in the way of this movement there can be no permanent or general results obtained. Although individuals in particular concerns may receive the benefits by reason of the eight-hour day in those particular concerns, there can be no general benefit from a general rule, and, moreover, in the end these particular individuals must inevitably go back to the longer hours. Too much can not be said in favor or in commendation of many of the employers of labor in this country for the manner in which they have come to treat their employees—the improved sanitary conditions and the voluntary shortening of the hours. But what they voluntarily do others equally able to do refuse to do. It follows, therefore, that these individual employers seeking to better conditions are loaded with an extra burden which they ought not to bear.

No better illustration of the refusal of many of our industries to yield to nothing less than a rigid and exacting rule may be found in a most instructive report lately made by the Department of Commerce and Labor in the steel industry, a part of which is quoted, and it is as follows:

"The fact that stands out most strikingly in any study of the labor conditions in the iron and steel industry in the United States is the unusually long schedule of working hours to which the larger number of the employees in this industry are subject.

"During May, 1910, the period covered by this investigation, 50,000, or 29 per cent, of the 173,000 employees of blast furnaces and steel works and rolling mills covered by this report customarily worked 7 days per week, and 20 per cent of them worked 84 hours or more per week, which, in effect, means a 12-hour working day every day in the week, including Sunday. The evil of 7-day work was particularly accentuated by the fact developed in the investigation that the 7-day working week was not confined to the blast-furnace department, where there is a metallurgical necessity for continuous operation, and in which department 88 per cent of the employees worked 7 days a week, but it was also found that, to a considerable extent, in other departments, where no such metallurgical necessity can be claimed, productive work was carried on on Sunday just as on other days of the week. For example, in some establishments the Bessemer converters, the open-hearth furnaces, and blooming, rail, and structural mills were found operating 7 days a week for commercial reasons only.

"The hardship of a 12-hour day and a 7-day week is still further increased by the fact that every week or two weeks, as the case may be, when the employees on the day shift are transferred to the night shift, and vice versa, employees remain on duty without relief either 18 or 24 consecutive hours, according to the practice adopted for the change of shift. The most common plan to effect this change of shift is to work one shift of employees on the day of change through the entire 24 hours, the succeeding shift working the regular 12 hours when it comes on duty. In some instances the change is effected by having one shift remain on duty 18 hours and the succeeding shift work 18 hours. During the time that one shift is on duty, of course, the employees on the other shift have the same number of hours of relief from duty.

"That much of the Sunday labor which has been prevalent in the steel industry is no more necessary than in other industries is shown conclusively by the fact that at the time of the investigation made in 1910 by this bureau into the conditions of labor in the Bethlehem Steel Works the president of the steel corporation directed the rigid enforcement of a resolution adopted three years previous, cutting out a large part of Sunday work except in the blast-furnace department. Even in the blast-furnace department, where there is a metallurgical necessity for continuous operation day and night throughout seven days of the week, there is practically nothing except the desire to economize in the expense of production that has prevented the introduction of a system that would give each employee one day of rest out of the seven.

"Since the beginning of the present investigation, however, this matter of abolishing seven-day work for the individual employees in the blast furnaces, as well as in other departments of the industry, has received the attention of the American Iron and Steel Institute, and through a committee of that organization a plan has been proposed which gives each employee one day of rest each week. A number of the plants throughout the country have, at the instance of the institute, adopted this plan or some modification of it, and have successfully operated it for several months. A thorough discussion of these plans and of their value in solving the problem to which they are applied will be found in the volume dealing with the general conditions of labor in the industry.

"During the investigation those in charge of the plants have in their discussions with representatives of the bureau frequently emphasized

the fact that the men working these very long hours are not kept busy all the time. To a considerable extent this is perfectly true; but the employees in question are on duty and subject to orders during the entire period, and they are not, except in rare instances, allowed to leave the plant. It should not be overlooked that it is not simply the character or the continuity of the work, but the fact that in the case of the 12-hour-a-day man one-half of each 24 hours—more than three-fourths of his waking hours—is spent on duty in the mills, which is of significance to the worker and his family. Nothing has been done by the manufacturers nor have any proposals been made to lessen the proportion of men working 72 hours or more per week. It was found in this investigation that nearly 43 per cent of the 173,000 employees in the iron and steel industry were working at least 72 hours per week, or 12 hours per day for six days a week. This proportion remains unchanged, being unaffected by the plan to give the men who were working 84 hours per week one day of rest in seven.

"An added significance attaches to the conditions of labor here described as characteristic of the iron and steel industry when we consider that the general tendency in other industries for years past has been toward a shorter working-day. Years ago the 10-hour day became almost a standard; since that time further reductions have brought the working-day to 9 and in many cases to 8 hours, and this reduction has been accompanied by a part holiday on Saturday. It is, therefore, in striking contrast to this general tendency in other industries to find in a great basic industry, such as that part of the iron and steel industry covered in this report, that approximately only 14 per cent of the 173,000 employees work less than 60 hours per week and almost 43 per cent work 72 hours or over per week.

"Another striking characteristic of the labor conditions in the iron and steel industry is the large proportion of unskilled workmen in the labor force. These unskilled workmen are very largely recruited from the ranks of recent immigrants. For the industry as a whole, not far from one-half of the 91,463 employees in the productive iron and steel occupations included within this investigation were of the class of unskilled workmen. In the blast-furnace department, the largest single department in the industry, more than two-thirds of the 24,722 employees in productive occupations were unskilled laborers, a large proportion of whom do not yet speak or understand English; and even in the South the number of immigrants employed in the industry is rapidly increasing.

"Taking the employees in all occupations in the industry, nearly 60 per cent are foreign born, and nearly two-thirds of the foreign born are of the Slavic races. Large as is the proportion that unskilled labor forms of the total labor force in the iron and steel industry, steel experts have noted the fact that the tendency of recent years has been steadily toward the reduction of the number of highly skilled men employed and the establishment of the general wage on the basis of common or unskilled labor. Nor is this tendency likely to diminish, since each year sees a wider use of mechanical appliances which unskilled labor can easily be trained to handle.

"Of the total of 172,706 employees, 13,868, or 8.03 per cent, earned less than 14 cents per hour (throughout this report the earnings given represent the actual amount earned by the employees less the amount paid helpers and other employees for their assistance, where work is done on a contract basis. No account is taken of deductions for hospital or medical fees and similar deductions for which the employee receives some return); 20,537, or 11.89 per cent, earned 14 and under 16 cents; and 51,417, or 29.77 per cent, earned 16 and under 18 cents. Thus 85,812, or 49.69 per cent of all the employees, received less than 18 cents per hour. Those earning 18 and under 25 cents per hour numbered 46,132, or 26.71 per cent, while 40,762, or 23.61 per cent, earned 25 cents and over. A few very highly skilled employees received $1.25 per hour; and those receiving 50 cents and over per hour numbered 4,403, or 2.55 per cent of all employees.

"In general it may be said that earnings of less than 18 cents per hour represent unskilled labor. The group earning 18 and under 25 cents per hour represents semiskilled workmen, while those earning 25 cents and over per hour are skilled employees. The most common rate per hour for unskilled labor in the New England district was 15 cents; in the Eastern district, 13 and 14 cents; in the Pittsburgh district, 16 and 17 cents; in the Great Lakes and Middle West district, 15, 16, and 17 cents; and in the Southern district, 10, 12½, 13, and 13¾ cents.

"A brief summary of the conditions as regards earnings, hours, and days worked per week in the industry is given in the table which follows. It is given here as preliminary to a more detailed examination of the results of the investigation, department by department.

Summary of earnings and hours of labor, by branches of the industry.

Branches of industry.	Number of plants.	Number of employees.	Earnings per hour—per cent of employees earning—			Hours per week—per cent of employees customarily working—			Per cent of employees customarily working 7 days per week.
			Under 16 cents.	Under 18 cents.	25 cents and over.	84 hours and over.	72 hours and over.	60 hours and under.	
Blast furnaces	156	31,354	31.70	65.96	7.70	[1] 62.79	[1] 68.55	[1] 10.71	[1] 87.88
Steel works and rolling mills:									
Bessemer converters	24	5,618	13.88	47.03	26.36	18.08	65.61	17.84	24.07
Open-hearth furnaces	80	14,618	20.04	48.80	23.75	23.65	76.29	8.07	30.20
Puddling mills and crucible furnaces	58	7,489	17.53	27.99	51.46	.65	3.85	72.47	1.42
Rolling mills	212	43,631	15.88	40.25	32.45	[2] 8.28	[2] 40.68	31.23	[2] 10.00
Tube mills	12	4,252	8.77	47.81	11.71	1.55	3.71	65.85	1.93
Total, steel works and rolling mills	212	75,608	16.30	41.61	31.03	[2] 10.85	[2] 43.69	[2] 31.79	[2] 13.65
Power, mechanical, and yard force	168	65,744	18.45	51.22	22.64	11.70	28.94	55.56	19.34
Grand total	[3] 338	172,706	19.92	49.09	23.09	[4] 20.59	[4] 42.58	[4] 37.02	[4] 29.28

[1] Not including 31 employees who worked 2 days only and 2 employees who worked 3 days only.
[2] Not including 2 employees who worked 1 day only.
[3] Actual number of plants. The total number of plants can not be obtained by simple addition of the number of plants having the specified departments as many plants have two or more departments. For example, many plants with blast furnaces have also steel works and rolling mills.
[4] Not including 2 employees who worked 1 day only, 31 employees who worked 2 days only, and 2 employees who worked 3 days only.

"The facts presented in the above table are of such simple character that no explanation is necessary. It is sufficient merely to point out the wide differences which exist between the various departments. The blast furnaces show the lowest general level of earnings, 65.96 per cent of all the employees in that branch of the industry earning less than 18 cents per hour, 31.7 per cent earning less than 16 cents per hour, and only 7.7 per cent, or 1 man in 13, earning as much as 2 cents per hour. More than four times as many employees earned less than 16 cents per hour as earned 25 cents or more per hour. The highest general level of earnings shown are for the puddling mills and crucible furnaces, where 51.46 per cent of the employees earn 25 cents and over per hour and 27.89 per cent earn under 18 cents per hour. Even greater differences exist between the different branches of the industry as regards working time. The blast furnaces and open-hearth furnaces show the longest schedule of working hours, and the tube mills, puddling mills, and crucible furnaces decidedly the shortest."

According to the dividends paid, as shown by the reports of the United States Steel Co., there was certainly little reason for this exacting service. Every right-thinking American citizen must take pride in the prosperity and the success of our business concerns, as their prosperity is indispensable to the success and the prosperity of the people generally. But when such enormous wealth is amassed, partly, at least, through such a cruel and brutal system of industrial slavery this Government is bound in its own defense, for its citizenship is its life, to interpose between the strong and the weak and exert its influence, both moral and legal, to rescue its citizenship from such conditions. No man can meet the obligations and discharge the duties of citizenship in a free government who is broken in spirit and racked in body through such industrial peonage. Even in the strength of his early manhood he has not the opportunity or time to prepare himself for the duties of citizenship, and before he has reached the prime of life under such conditions, sodden in mind and broken in health, he is cast off as a useless hulk—a burden and a curse to society and a menace to the Government. It is just as much the duty of the Government, when it can do so, to protect its citizens from such outrageous treatment as it is to protect a citizen from the burglar or the highwayman. Everyone knows and everyone is willing to discuss what the duty and obligations of the citizen are toward the Government. But one of the proposition which can no longer be postponed in this country is: What is the duty of the Government toward the citizen? If these laws regulating the hours of labor come, therefore, they come not simply because laboring men ask for them; they come because conditions in the industrial world make it impossible to ignore that request.

It has been urged before the committee and it will be argued by many that this bill will greatly disturb business; that it will close some business concerns; and that as it is a step toward a general eight-hour law it will cause business disturbance generally—in other words, that it is revolutionary. "Revolutionary" is an old and familiar friend in the upward movement of the human family, and while he is always on hand he has not so far been an entire success as a prophet. When the question of shorter hours was being discussed many years ago in England almost every economist and most of the leading men of the day condemned it. The great leader, Richard Cobden, declared it would stop every factory engine in the country. But the prophecy remains unfulfilled, notwithstanding the shorter hours were brought about through legislation. No doubt some business concerns will suffer a temporary inconvenience or loss. But in the long run the loss will likely not be nearly so great as anticipated, and even if so, when weighed against the general good it ought not to prevail against such legislation. Some one has said that "the State is justified in passing any law or even in doing any single act which, without ulterior consequences, adds to the sum total of human happiness. * * * The question is a question of balances of advantages to the public. If interference benefits 20,000 persons while noninterference benefits only 10,000, the State's duty is to interfere."

This rule may not be sound in all its application, but it is certainly sound when the manhood and the womanhood of American citizenship are involved.

We call attention in this connection to the message of President Taft, communicated to Congress at the beginning of this Congress, December 6, 1910:

"Since 1868 it has been the declared purpose of this Government to favor the movement for an 8-hour day by a provision of law that none of the employees employed by or on behalf of the Government should work longer than 8 hours in every 24. The first declaration of this view was not accompanied with any penal clause or with any provision for its enforcement, and, though President Grant by a proclamation twice attempted to give it his sanction and to require the officers

of the Government to carry it out, the purpose of the framers of the law was ultimately defeated by a decision of the Supreme Court holding that the statute as drawn was merely a direction of the Government to its agents and did not invalidate a contract made in behalf of the Government which provided in the contract for labor for a day of longer hours than 8. Thereafter, in 1892, the present 8-hour law was passed, which provides that the services and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor on any of the public works of the United States and of the said District of Columbia is hereby restricted to 8 hours in any one calendar day. This law has been construed to limit the application of the requirement to those who are directly employed by the Government or to those who are employed upon public works situate upon land owned by the United States. The construction prevented its application to Government battleships and other vessels built in private shipyards and to heavy guns and armor plate contracted for and made at private establishments.

"The proposed act provides that no laborer or mechanic doing any part of the work contemplated by a contract with the United States in the employ of the contractor or any subcontractor shall be required or permitted to work more than eight hours a day in any one calendar day.

"It seems to me from the past history that the Government has been committed to a policy of encouraging the limitation of the day's work to eight hours in all works of construction initiated by itself, and it seems to me illogical to maintain a difference between Government work done on Government soil and Government work done in a private establishment, when the work is of such large dimensions and involves the expenditure of much labor for a considerable period, so that the private manufacturer may adjust himself and his establishment to the special terms of employment that he must make with his workmen for this particular job. To require, however, that every small contract of manufacture entered into by the Government should be carried out by the contractor with men working at eight hours would be to impose an intolerable burden upon the Government by limiting its sources of supply and excluding altogether the great majority of those who would otherwise compete for its business.

"The proposed act recognizes this in the exceptions which it makes to contracts 'for transportation by land or water, for the transmission of intelligence, and for such materials or articles as may be bought in the open market, whether made to conform to particular specifications or not, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not.'

"I recommend that instead of enacting the proposed bill, the meaning of which is not clear and definite and might be given a construction embarrassing to the public interest, the present act be enlarged by providing that public works shall be construed to include not only buildings and work upon public grounds, but also ships, armor, and large guns when manufactured in private yards or factories.

"One of the great difficulties in enforcing this eight-hour law is that its application under certain emergencies becomes exceedingly oppressive, and there is a great temptation to subordinate officials to evade it. I think that it would be wiser to allow the President, by Executive order, to declare an emergency in special instances in which the limitation might not apply, and, in such cases, to permit the payment by the Government of extra compensation for the time worked each day in excess of eight hours. I may add that my suggestions in respect to this legislation have the full concurrence of the Commissioner of Labor."

Ex-President McKinley, speaking in the House of Representatives on August 28, 1890, said:

"And the Government of the United States ought, finally and in good faith, to set this example of eight hours as constituting a day's work required of laboring men in the service of the United States. The tendency of the times the world over is for shorter hours for labor—shorter hours in the interest of health, shorter hours in the interest of humanity, shorter hours in the interest of the home and the family—and the United States can do no better service to labor and to its own citizens than to set the example to States, to corporations, and to individuals employing men by declaring that, so far as the Government is concerned, eight hours shall constitute a day's work and be all that is required of its laboring force.

"Therefore, Mr. Speaker, this bill should be passed. My colleague, Mr. Morey, has stated what we owe the family in this connection, and Cardinal Manning, in a recent article, spoke noble words on the general subject when he said:

"'But, if the domestic life of the people be vital above all; if the peace, the purity of homes, the education of children, the duties of wives and mothers, the duties of husbands and fathers be written in the natural law of mankind; and if these things are sacred far beyond anything that can be sold in the market, then I say if the hours of labor resulting from the unregulated sale of a man's strength and skill shall lead to the destruction of domestic life, to the neglect of children, to turning wives and mothers into living machines and of fathers and husbands into—what shall I say—creatures of burden? I will not say any other word—who rise up before the sun and come back when it is set, wearied and able only to take food and lie down and rest, the domestic life of man exists no longer and we dare not go on in this path.'

"Mr. Speaker, we owe something to the care, the elevation, the dignity, and the education of labor. We owe something to the workingmen and the families of the workingmen throughout the United States, who constitute the large body of our population, and this bill is a step in the right direction."

Ex-President Roosevelt, in his annual message to the Fifty-seventh Congress, first session, said:

"So far as practicable, under the conditions of Government work, provisions should be made to render the enforcement of the eight-hour law easy and certain. In all industries carried on directly or indirectly for the United States Government, women and children should be protected from excessive hours of labor, from night work, and from work under insanitary conditions. The Government should provide in its contracts that all work should be done under fair conditions, and, in addition to setting a high standard, should uphold it by proper inspection, extending if necessary to the subcontractors. The Government should forbid all night work for women and children, as well as excessive overtime."

The VICE PRESIDENT. Without objection, the bill will now be laid aside.

Mr. GALLINGER. The bill will remain on the calendar?

The VICE PRESIDENT. Oh, certainly; but the consideration of it is dispensed with for the present time.

RIVER AND HARBOR BILL.

Mr. NELSON. I move that the Senate proceed to the consideration of the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. NELSON. Mr. President, I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first acted upon.

The VICE PRESIDENT. The Senator from Minnesota asks unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be first acted upon. In the absence of objection, it will be so ordered.

Mr. NELSON. I now yield the floor to the Senator from Nevada.

Mr. NEWLANDS. Mr. President, I desire to say a few words regarding the general bill and also the Mississippi River situation as accentuating the agitation which has been conducted for many years for a different method of organizing the work respecting the regulation of river flow.

It has been the custom of Congress to include both rivers and harbors in one bill, called the river and harbor bill. It is the contention of those who desire a reform in the method of dealing with this subject that there should be one bill relating to harbors and another relating to rivers. It is estimated that the entire expenditure upon both rivers and harbors in the history of our Government have been about $623,000,000. I am unable to say what proportion of that sum has been spent upon harbors on our ocean coasts and the Great Lakes and what proportion has been spent upon the rivers, but I have a statement of the Engineer Corps of the Army regarding the segregation of this large sum as between the different coasts and watersheds of the country. Of this $623,000,000, the sum of $167,000,000 has been spent upon the rivers and harbors on the Atlantic coast, and I presume the larger part of that has been spent upon harbors.

On the Gulf coast, omitting the Mississippi, the sum of $53,000,000 has been expended; on the Pacific coast $41,000,000, $15,000,000 of that sum being spent upon the Sacramento Valley and southern Pacific coast and $26,000,000 on the rivers and harbors of the northern Pacific coast. Upon the Great Lakes the sum of $105,000,000 has been expended. On the Mississippi River basin, including the Mississippi and all its tributaries, the expenditure has been $257,000,000, and that sum is segregated as follows: On the Mississippi up to St. Louis, omitting the Ohio River, $108,000,000; on the Mississippi River above St. Louis, omitting the Missouri, $57,000,000; on the Missouri River, $16,000,000; and on the Ohio River, $76,000,000. Of course this entire sum of $257,000,000, so far as the Mississippi basin is concerned, has been expended upon rivers and not upon harbors, except possibly some expenditures near New Orleans.

Mr. GORE. I desire to ask the Senator from Nevada how much of this $623,000,000 has been wasted, and if he has any report or document showing that fact?

Mr. NEWLANDS. I know of no document showing any waste. I have no doubt that each individual project has been conducted with the efficiency and the economy that have usually characterized the Corps of Engineers of the Army in the prosecution of this great work; but I also have no doubt that a large amount of money has been wasted as the result of legislation having little regard to the proper relation of projects, the dovetailing one with another, and such a logical arrangement and sequence of projects as to result in a continuous system of related waterways, embracing the standardizing of the channels and the maintenance of a more equal flow, with a view to navigation by vessels of standard draft. I think the waste has been in the system rather than in the construction of the particular projects upon which Congress has instructed the Engineer Corps of the Army to enter.

Mr. GORE. One further question. I ask whether the Senator has any report or document showing the amount of annual commerce or traffic on the rivers included in the Mississippi River Basin?

Mr. NEWLANDS. There are such documents, but I do not have them at present available. I will state, generally, that there has been a steady decline in the commerce on the Mississippi River. That has been due to the competition of the railroads, and mainly due to the unfair competition of the railroads. The methods which they have pursued have been to reduce, during the navigating season, their rates to such a point as to make inland water transportation noncompensatory, and then

to restore their rates during the winter season, when the rivers are not competitors, and thus recoup their losses. By these methods they have practically driven off all the steamboat lines that used to exist. Gradually wharf facilities have decayed, the terminals have been abandoned, boats have been laid aside to rot, and the result is that, whilst the river has been improved for navigation, it has been without those advantages of terminal facilities and proper cooperation with the railway systems of the country to enable waterway transportation to exist. I may say that contemporary with any reform which we shall execute in the method of developing our waterways there must be legislation which will prohibit this unfair competition upon the part of the railroads and thus compel proper cooperation between the two public agencies, the two public servants—the railway servants on the one hand and the waterway servants on the other.

Mr. GORE. Under the last interstate-commerce act, passed about two years ago, and which, I believe, is called the Townsend-Elkins Act, such manipulation on the part of the railroads is prohibited by that statute, is it not?

Mr. NEWLANDS. Yes.

Mr. GORE. That act provided that when a railroad reduces a rate to meet water competition it can not again raise the rate.

Mr. NEWLANDS. But that will have to be supplemented by additional legislation compelling the proper cooperation upon the part of the railroads, and particularly by legislation that will result in the restoration of the transfer facilities and terminal facilities and an entirely new equipment of boats and barges, the old one having disappeared. This must be accompanied by such continuous and logical and consecutive development of our waterways as will make them as safe for steamboats and barges and as continuous for their transportation as are our railroad lines.

One of the things we contend for is that it is just as essential to have all these facilities for the waterways as it is to have stations, sidetracks, and terminal facilities for railroads; and it is just as illogical to expect good work from a waterway developed as our waterways have been, without protecting it against unfair competition and without securing proper terminal sites and facilities and proper transfer facilities, as it would be to expect good service from a railway which every fifty or a hundred miles has a break of a mile or two in the track or from a railroad which has no sidetracks, no terminal facilities, and no transfer facilities.

The waste and the lack of result come from the methods that have been pursued, and for those methods the executive department of the Government is not responsible. The legislative department of the Government is responsible, and we have reason to believe that proper legislation has for many years been hamstrung by the great railway systems of the country, Congress acting not consciously, but unconsciously, under influences directed by them in such a way as not to interfere with the expenditure of money, but to prevent that money from being made effective in securing through waterway transportation.

Now, Mr. President, I intend to confine myself this morning mainly to the consideration of the Mississippi River Basin. That basin is bounded by this blue line [indicating on map] and embraces pretty nearly two-thirds of the area of the country. It is bounded by the Allegheny and the Appalachian Mountains on the east, by the Rocky Mountains on the west, and almost all its tributaries on the west take their sources in the Rocky Mountain region, the arid and semiarid region, whose waters come from the melting snows, whilst the tributaries on the east have their source in the Allegheny and the Appalachian Ranges. This vast watershed pours its water into these various tributaries and then finally into the Mississippi River, and the entire basin discharges itself between these narrow boundaries in Louisiana and Mississippi, represented upon the map [indicating], a space of only a few miles.

Now, you can imagine that if that entire surface were concreted, so that it would shed water easily, so that there would be no absorption of water by the soil, so that there would be no obstruction of the flow of the water by the cultivation of the soil or by the natural absorption of the forests and forest cover, how quickly that water would rush down to the Gulf; and the tendency of our civilization has been to increase the run-off. That entire area, of course, has not been covered with a concrete surface, but we have been engaged in the destruction of forests whose moisture-absorbing qualities are well known and the verdure of which absorbs immense quantities of water.

Mr. BRISTOW. I should like to inquire of the Senator whether, as a matter of fact, in prairie countries where the surface has been broken by cultivation and the prairie sod disturbed the tendency is not to hold the water more than to precipitate it?

Mr. NEWLANDS. I think so. I think that has been a counteracting tendency. I think proper cultivation of the soil increases its absorbent qualities.

Mr. HEYBURN. May I ask the Senator from Nevada a question?

Mr. NEWLANDS. Certainly.

Mr. HEYBURN. Has the Senator made an estimate or has he the information as to the comparative quantity of timber within that area of the Mississippi Basin between periods—the present and past?

Mr. NEWLANDS. No.

Mr. HEYBURN. Whether there is as much timber there now as there ever was within the knowledge of anyone?

Mr. NEWLANDS. I do not think so.

Mr. HEYBURN. Has the Senator ascertained any facts which do give data upon that question?

Mr. NEWLANDS. I have not any available now, because I do not intend to take much time.

Mr. HEYBURN. I did not intend to interrupt the Senator. I thought perhaps he had it, because if we discuss it I will go into the question of the comparative quantity of timber at the different periods, for the purpose of showing that there never was a time when there was as much timber standing on the ground in that area as there is now.

Mr. NEWLANDS. Now, Mr. President, the problem before us, then, is to stay the rapid run-off of the water that falls from the heavens and to prevent as much of that water as possible during the period of the flood from coming down and vexing the five or six States within whose borders there are about 30,000,000 acres of alluvial land, called swamp land—about 20,000,000 acres—a region as rich as the region of the Nile, and only needing protection from these extraordinary floods to be capable of wonderful production.

You will observe that on the west the rivers that enter into the Mississippi are the Red River, the Arkansas, the Missouri with all its tributaries—the Missouri extending far into Montana and its tributaries embracing many of the States of the arid and semiarid region.

The problem, therefore, is to save that water as much as possible either by promoting the natural absorption of the soil through forest cover and through improved and scientific methods of cultivation which will have that in view or through artificial storage, that artificial storage to be used beneficially for purposes of irrigation or the development of water power.

Here let me say that whilst the irrigation problem at present relates only to the arid and semiarid region, yet the irrigation of the future will doubtless be extended to the humid region, just as it is to-day in Europe, for you will find that in humid Germany almost all their streams are utilized for irrigation as well as for navigation, this irrigation vastly increasing the production of the soil, because it is a scientific application of moisture to cultivation instead of the accidental application of the rains as they fall from the heavens.

Then, as to the development of water power, we all realize that electric power is entering more commonly into the general and common lives of our people than almost any other element. It is used for heating; it is used for cooking; it is used for power; and electric power is now being used in almost every household, and its use is being graudally extended in various forms.

Mr. HEYBURN. Has the Senator ascertained how much, if any, electric power has been placed upon the market or made available to the people out of the great, immense withdrawals for that purpose which have been existing for some years?

Mr. NEWLANDS. I beg the Senator to excuse me from entering into questions of controversy of that kind. My purpose is simply to make a general statement. I wish to give way to the Senator from Mississippi, whose region is particularly interested in this matter.

Mr. HEYBURN. I did not desire to interrupt the Senator, to his annoyance. I did not know just exactly how he desired to present the question.

Mr. NEWLANDS. I will be glad to take up that matter hereafter.

Now, Mr. President, what is necessary further than arresting this water and staying its progress above in the various watersheds tributary to the Mississippi River by the promotion of natural and artificial storage, by the use of flood waters for irrigation and their storage for the development of water power? Of course the work that has been going on in the lower reaches of the river for years under the direction of the Mississippi River Commission is absolutely essential. That work consists of channel dredging, bank revetment, and levee building.

Bank revetment consists in protecting the banks, composed of alluvial soil, which melts like sugar under the impact of

water, by great mats of willow which are constructed on the surface of the water near the banks and then lined along the banks and sunk by imposing rock upon them. Those willow mats, which are very durable in their character, protect the banks from erosion and bank caving, and in that way the levees which are built back of the banks and are intended to save the interior region from these annual overflows are protected. Without these bank revetments the force of the flood would cave the banks, the caving banks would gradually undermine the levees, and all would go.

That work has been going on under the direction of the Mississippi River Commission, a commission organized under the direction of Congress, composed of Army engineers and civil engineers and acting in cooperation with the various States and levee districts in such a way as to have certain work done by the National Government and certain work done by the States and levee districts.

It was determined some time ago that it would cost about $80,000,000 to complete the work the National Government had in contemplation in the lower Mississippi, from the Ohio down, and it was determined to do that work at the rate of about $4,000,000 annually for 20 years. The mistake was in not making a shorter period and increasing the annual amount. Had that been done the disastrous effects of the present flood would have been averted. The estimate is that the present flood will cause a loss in the production of that entire region of between $100,000,000 and $200,000,000 this year alone. Of the 20,000,000 acres of alluvial land in that region about 8,000,000 acres are overflowed, and of that 8,000,000, assuming that only 3,000,000 acres have been under cultivation and that the total annual product of every acre amounts to $100, you would have a loss of $300,000,000, and if the total product of every acre amounts to $50 you would have a total loss of $150,000,000.

It is feared that the flood will not subside in time to permit even a partial cultivation of this area during the coming year, and thus we will have a total loss in production of between one and two hundred million dollars in a single year, caused by the failure of the National Government to expend $80,0000,000 within 10 years instead of, according to its present plan, $80,000,000 within 20 years.

Now, the system of cooperation which has existed between the National Government and the various States is that the National Government is taking care of the dredging and revetment and the States have assumed a constantly increasing portion of the levee building, so much so that out of the total expenditure last year on the part of the National Government of pretty nearly $4,000,000 in the lower Mississippi, only $130,000 was expended by the National Government for levee building. We have been constantly decreasing the amount and calling upon the levee districts to increase their proportion. Had the National Government this last year expended, instead of $130,000, one million and a half for levee protection, it is probable that the consequences of this flood would have been averted. As it is we are called upon now to expend a million and a half dollars to repair the crevasses that have been made by the flood.

Mr. President, there is another thing that has characterized this entire work, and that is a lack of harmony and a lack of cooperation between the various services of the Government that relate to the development or the use of water. Now, what are those services? First, we have the Reclamation Service, embracing 15 States, the arid and semiarid States, embracing within their jurisdiction all of the tributaries of the Mississippi to the west. That is a vast service. It has expended over $60,000,000 in irrigation works. It has constructed the highest dam in the world. The problems which it has met are greater problems even than those we have been obliged to meet in the Panama Canal. Yet there is no system by which the Reclamation Service, having jurisdiction over the upper reaches of the great tributaries of the Mississippi, can be brought into teamwork with the Engineer Corps of the Army having jurisdiction of the lower reaches of the Mississippi. In addition to the Reclamation Service, we have the Forestry Service, which has entered upon the work of conserving the forests, and Congress has gone so far as to authorize the expenditure of $11,000,000 in the purchase of forests within the watersheds of navigable rivers, notably the White Mountains and in the Appalachian Range. That work is being conducted by a commission composed partly of executive officials and partly of Members of the Senate and of the House. Yet that commission is not engaged in any teamwork, or cooperative work, with the Corps of Engineers of the Army; it is not instructed to consult with it, although the problem which it has in hand is the purchase of forests which are regarded as essential to the preservation of the watersheds of navigable streams.

The only power under which we claim the right to enter upon the acquisition of these vast areas is the commerce power of the Constitution.

Mr. HITCHCOCK. I understood the Senator to say that there is no teamwork between the irrigation authorities and the authorities in charge of the work on the lower Mississippi.

Mr. NEWLANDS. Yes.

Mr. HITCHCOCK. As I recall it, however, an amendment was made to the irrigation act at a recent session of Congress, in which some of the irrigation work was placed under the jurisdiction of Army engineers. Will the Senator explain to what extent that was done?

Mr. NEWLANDS. When it was proposed to expedite the completion of some of the irrigation projects of the West by a loan from the Treasury, to be reimbursed subsequently by the sale of the arid lands reclaimed, provision was made in the act that an examination of all the irrigation projects should be made by a board of engineers of the Army, with a view to their giving their findings and advice as to the places in which the $20,000,000 should be expended. Their cooperation was confined to that, and to that alone. They were not charged with the duty of aiding in the construction of the works; they were not brought into general consultation with the Reclamation Service. Their work was confined simply to an examination of the various projects and a recommendation to the President.

I may say that that instance of cooperation shows how happily a general system of cooperation would work out, for that board of engineers examined every irrigation project most critically, and the result was a clearing up of the public mind regarding charges that were made with reference to the economy and efficiency with which that work was conducted. A very gratifying report was made by the engineers of the Army, and I have no doubt that their suggestions were of great service to the Reclamation Service. That only illustrates the value of teamwork, cooperative work, upon the part of the scientific services of the country.

The men who have been engaged in the Reclamation Service have been engaged in every variety of hydraulic engineering, and their experience will be of value. If the Engineer Corps of the Army in that instance could be called upon to aid the Reclamation Service, why should we not provide the machinery by which the Reclamation Service can give its aid and advice to the Engineer Corps of the Army, and why should we not provide a method by which these two great scientific services, having control of different portions of these great rivers, which constitute the largest navigable surface in our country, can come together and form common plans and present them to Congress for its consideration?

And why should not the Forest Commission now engaged in the purchase of watersheds confessedly for the purpose of promoting navigation be brought into cooperative action? Why should not the Forestry Service and the Weather Bureau also be brought into such cooperation, and the Geological Survey also, which has an annual appropriation of many hundreds of thousands of dollars, with a view to making water investigations throughout the entire country, and whose labors led first to the organization of the Reclamation Service, a survey which by the way has been the mother of many scientific services, such as the Mining Bureau recently organized into a separate service?

The wise and logical action with reference to the entire Mississippi Valley, therefore, is to bring all these scientific services into cooperation with each other through the creation of a river regulation board.

The bill which I have been urging for years provides for such a board, of which the Chief of Engineers of the Army is to be the chairman, the board to be composed of the Chief of Engineers, the chairman of the Mississippi River Commission, the Chief of the Reclamation Service, the Chief of the Forestry Service, the Chief of the Weather Bureau, the Chief of the Geological Survey, the Chief of the Drainage Division of the Agricultural Department, and such other scientific services as the President may bring into coordination with the Corps of Engineers of the Army. My bill provides that they shall view an entire watershed, consisting of the main river and all its tributaries, as a unit, and present their plans for a system of related waterways with a view of regulating stream flow and standardizing the channel so that it can be navigated by boats of standard draft, and also consider the great work of improving the navigation of rivers by slowing up and obstructing and retarding the floods, either by natural or artificial storage, and that they shall also bring into cooperation with the National Government the various State organizations having to do with

waterways, drainage, water-power development, and irrigation in such a way as that joint plans can be formed so that these works can be dovetailed into each other for a complete and harmonious development, those plans providing for an apportionment of costs as between the National Government and the State governments or the communities affected.

You will find in this river and harbor bill specific measures of cooperation of that kind. It is simply an enlargement of the system of cooperation which now prevails with reference to the Mississippi River below Cairo, through the organization of the Mississippi River Commission, for that commission has established a complete system of cooperation with the States and with the levee districts and the communities in which it operates.

Mr. President, the next question is as to the plan. Are we going to plan in a big way and execute in a big way or are we going to content ourselves with the sporadic and accidental appropriations that we have been making up to this time, gradually improving it is true in our system, but not yet having reached any degree of perfection?

We all know that the old system was purely the spoils system, under which an individual Member of the House or an individual Senator insisted upon a particular project within his district or within his State, and brought all the powers of energy and of persuasion to the accomplishment of his purpose. We know how necessary it was in those conditions for the different Members and Senators to come to an agreement among themselves, and it was as much a part of the spoils system as the old method of urging the appointment of the officials of the country before civil service was fully organized.

We have gradually improved upon those methods. We have created a board of review in the Corps of Engineers of the Army. Gradually a sentiment has been created under which Congress rejects any project which has not met the approval of the Corps of Engineers or of the board of review, and that policy has been fairly well maintained. But Congress has never yet given the Corps of Engineers of the Army the power to present to Congress a complete plan for the development of the waterways of the country.

When I first took up the consideration of this question, my interest in it being stimulated by my appointment upon the Inland Waterway Commission, I was disposed to arraign the Board of Engineers of the Army for lack of initiative. I complained that they had been content to go along executing individual and detached projects here and there which resulted in the expenditure of money in a particular district, but led to no practical and satisfactory results in creating continuous waterways. But at last I was informed by one of the officers in the Engineer Corps that Congress had not only not authorized them to enter upon such a study, but had absolutely forbidden them in successive river and harbor bills from doing so.

I was amazed to find in these river and harbor bills absolute prohibitions upon the Engineer Corps of the Army preventing them from making any suggestion whatever to Congress except with regard to the specific project turned over to them for their consideration and report.

Now, as a result there is an improvement in this bill in that particular. I will not weary Senators by calling attention to an amendment which I offered to the river and harbor bill, which remedied this difficulty. The committee has placed that amendment in this river and harbor bill. It authorizes the Engineer Corps of the Army to present a comprehensive plan of related waterways to the country, and at the next session of Congress I have no doubt that it will be produced.

But the Commerce Committee was unwilling to act upon my further contention—a contention represented in the amendment which I presented and which I shall insert in the RECORD—that they should in this very bill not only provide that the Engineer Corps of the Army, in the interest of navigation and as a pure matter of transportation, make a comprehensive study of the waterways of the country, but should also provide for a scheme of cooperation of services and of cooperation with State and communities, to which I have referred.

The committee or members of the committee expressed an unwillingness to place my full amendment in this bill, the contention of those who opposed it being, not that they were hostile to its purpose, but that the whole subject matter could be more properly considered in the general bill which I have presented upon this subject and which has been pending in somewhat varying form for years. I stated to the committee that if that was their view I should expect an early report upon my bill. That bill had been previously referred to a subcommittee, which had but one meeting upon the subject. Though there had been an expression at that meeting of friendliness to the general principle of the bill, there had been a disposition to cut down the large fund called for by it, a fund of $50,000,000 annually for 10 years, which, in my judgment, is essential to the entire scheme.

I did not wish to press my amendment against the sentiment of so many of the committee, and I asked an informal expression from the members of the Commerce Committee whether or not they thought the general action called for by my general bill was desirable.

I am glad to say that a majority expressed themselves in favor of it. I hope that I will be sustained by that committee and by the Senate in an effort to bring up that bill for speedy action at this session of Congress, for everything that is contained in it is substantially demanded by the national platforms of both parties, the platform of the Republican Party substantially indorsing in all its details Mr. Roosevelt's recommendations regarding waterways; and this entire scheme was included in the report of the Inland Waterways Commission, which he indorsed in a message to Congress. So also that policy was laid down with the utmost detail in the Democratic platform, which called for cooperation of services, for cooperation of the Nation with the States, and for the creation of an ample fund for continuous work.

Now, I will close by saying that it is useless to enter upon this work unless we enter upon it in a big way and unless we determine now to make a definite expression as to the total sum we are willing to expend. If we only contemplate an expenditure of $100,000,000, we should tell our engineers to plan accordingly; if we intend to expend $500,000,000 within the next 10 years, we should tell them to plan accordingly; and we should provide the funds, so that those funds will not be subject to political exigencies and emergencies that now thwart the purpose of Congress every four years, when a record for economy is desired at election time, and oftentimes at intervening periods.

The amendment which I presented provides for a fund of $50,000,000 continuing appropriations for 10 years; and, until otherwise directed by Congress, it divides that fund between the different watersheds of the country. Of that fund of $50,000,000, $5,000,000, or 10 per cent, is assigned to the rivers of the Atlantic coast, 10 per cent, or $5,000,000, to the rivers of the Gulf coast, excluding the Mississippi; $5,000,000 to the rivers tributary to San Francisco Bay, the Sacramento, the Feather, and the San Joaquin; $5,000,000 to the Columbia Basin, comprising the Columbia River, Snake River, and the Willamette. Then, as to the Mississippi River, the amendment provides that, in addition to all the money now provided, the Mississippi River shall receive, from the Gulf up to St. Louis, $10,000,000 annually, where it now receives $4,000,000; that the Ohio River, with its tributaries, shall receive $5,000,000; that the upper Mississippi shall receive $5,000,000; and that the Missouri River and its tributaries shall receive $5,000,000, making a total for the Mississippi River and its tributaries of $25,000,000 annually. One-tenth of the fund is also set aside for the basin of the Great Lakes and for connecting the Lakes with the Ohio and the Mississippi, where practicable, by canal.

Of course, as we go along with the work, under the advice of this board of river regulation we can vary this apportionment. If we find that one region does not require as much as was anticipated and that another requires more, we can transfer from one segregation to another; but it seems to me important that we should provide this fund, so that we shall know what we have to rely upon hereafter, either out of current revenue or by an increase of revenue through an income tax, a corporation tax, or an occupation tax. It seems to me that in the great constructive work of the country, embracing to-day not more than $125,000,000 annually out of a revenue of a billion dollars, there should be no uncertainty as to the consecutiveness of the work; and to-day in our fortifications, in the extension of our Navy, in our forests, in our river works, and in our public buildings the appropriations do not aggregate more than $125,000,000, outside of the Panama Canal. We could safely increase that to $150,000,000 or even $250,000,000.

I will add that, as we are temporarily engaged in the Panama Canal enterprise, that is taking a large amount of money, my amendment provides for that by appropriating up to the time of the completion of the Panama Canal to this fund only $5,000,000 annually, of which $2,000,000 annually, in addition to existing appropriations, shall go to the lower Mississippi River; $1,000,000 to the Ohio River; $1,000,000 to the Missouri River; and $1,000,000 to the Sacramento and San Joaquin; but after the completion of the Panama Canal then $50,000,000 annually for 10 years shall be put into this fund.

Mr. President, I have taken longer than I expected because of interruptions and suggestions which have been made from time to time respecting this matter. I hope there will be a full ex-

pression regarding this important question from Senators, and particularly from those Senators who live in the Mississippi Valley and who realize the importance of immediate action. We can not assume that, because we have had the highest flood in history this year we shall not have another flood next year. It is estimated by high scientific authorities that the losses caused by floods in the United States equal $250,000,000 annually. Pittsburgh alone suffers an annual loss of about $5,000,000 as the result of these floods. By the organization of this great work, by the storage and diversion of flood waters for the irrigation of arid lands and for the future irrigation of lands in the humid regions, and the storage of water for the development of water power, we can take care of a large portion of the flood waters of the Ohio, the Upper Mississippi, and the Missouri, and thus diminish the crest of the flood down below Cairo, where it overflows this great principality.

We can put those floods to the highest and most beneficial purposes, instead of allowing them to be employed, as they now are, for purposes of destruction. And we can put these stored waters not only to beneficial use above, after the floods are over, but below in increasing the ebb flow of the river for navigation during the period of drought. By a system of cooperation with the States of the Mississippi Valley, we can build up a country there larger than Holland, just as perfect in its system of waterway transportation and railway transportation, and more perfect in its intensive cultivation. There is no region in the world that can be made so productive and so attractive for residence as that region, a large part of which is now almost pestilential, for we have learned, through the administration of the Panama Canal, how sanitation can go hand in hand with construction and make a region of this kind most comfortable and attractive for residence.

I shall append in the RECORD the amendment (a) to which I have referred, and which was adopted by the committee as well as the additional amendments (b, c, d, e, f, g), which I desired, but which I was urged not to press at this time, but to rely for its consideration in my general bill.

The matter referred to is as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 21477) making appropriations for rivers and harbors, and for other purposes, viz: Insert the following:

(a) That the Secretary of War shall cause the Chief of Engineers of the Army and the Board of Engineers for Rivers and Harbors to report to Congress, in which shall be included a preliminary report, not later than December 1, 1912, upon the saving, as well as other advantages, which can be accomplished by the adoption of the continuing-contract system, the rapidity with which projects should be completed, upon methods of standardization by which the waterways of the country may be improved uniformly in proportion to their capacities and to the existing or probable demands of general commerce, and also report upon one or more systematized schemes of such improvement, involving all waterways heretofore examined, together with any natural or artificial channels, essential for the utilization thereof, whether heretofore examined or not; also upon all projects heretofore adopted, the further improvements of which is not desirable or the expenditure upon which is out of proportion to the benefit derived therefrom. Such report may include other related information pertaining to the uses or control of the waters of the country, and the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated for such examination and report.

(b) That for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end for the storage of flood waters in the watershed of such navigable rivers, including the beneficial use and control of such flood waters, in the maintenance so far as practicable of a standard flow for navigation, the reclamation of arid and swamp lands, and the development of water power; and for the protection of watersheds from denudation, erosion, and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies in plans and works, having in view such river regulation and control, the sum of $5,000,000 annually for each of the years following the 1st day of July, 1912, and up to the date of the completion and opening to commerce of the Panama Canal, and thereafter the sum of $50,000,000 annually for each of the 10 years following the completion of the Panama Canal, is hereby reserved, set aside, and appropriated and made available until expended, out of any moneys not otherwise appropriated, as a special fund in the Treasury to be known as the river regulation fund.

(c) That of the said river regulation fund, until otherwise directed by law, one-tenth thereof shall be apportioned to the rivers on the Atlantic coast, one-tenth thereof to the rivers on the Gulf coast outside of the Mississippi River, one-fifth thereof to the Mississippi River from St. Louis to the Gulf, one-tenth thereof to the Missouri River and its tributaries, one-tenth thereof to the Ohio River and its tributaries, one-tenth thereof to the upper Mississippi River above St. Louis and its tributaries, one-tenth thereof to the Sacramento and San Joaquin Rivers and their tributaries in California, one-tenth thereof to the Columbia and Snake Rivers and their tributaries in Oregon, Washington, and Idaho, and one-tenth thereof in the connection of the Great Lakes with the Ohio and Mississippi Rivers: *Provided*, That out of such fund, in addition to the appropriations made in this act, $2,000,000 annually shall be expended in the improvement of the Mississippi River below St. Louis and $1,000,000 annually in the improvement of the Missouri River between Sioux City, Iowa, and its mouth, and $1,000,000 annually in the improvement of the Sacramento and Feather Rivers, Cal., in continuing improvement and toward the controlling of débris and floods, in accordance with the recommendations of the California Débris Commission in its report dated June 30, 1907 (printed in the Annual Report of the Chief of Engineers, United States Army, for 1907, p. 2269): *Provided further*, That no part of such sum herein appropriated shall be expended on the Sacramento and Feather Rivers unless the State of California shall appropriate for the prosecution of the work herein referred to and deposit in the Treasury of the United States a sum double that annually appropriated by the United States: *Provided further*, That the Treasurer of the United States is hereby authorized to receive from the State of California any and all sums of money that have been or may hereafter be appropriated by said State for the purpose herein set forth, and when so received the said sums are herein appropriated for the purpose set forth, to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, United States Army. The recommendations contained in House Executive Document No. 81, Sixty-second Congress, first session, having been adopted by act of the California Legislature of December 23, 1911, are hereby adopted by the Congress of the United States, and the same are to be made the basis of operations under the appropriation herein made: *Provided, however*, That, at the discretion of the Secretary of War, work may be begun on any portion, section, or unit of the work when the rights of way and spoil banks needed for such portion, section, or unit of the work have been acquired.

(d) That a board is hereby created, to be known as the board of river regulation, consisting of the Chief of Engineers of the United States Army, the chairman of the Panama Commission, the chairman of the board of review of the Engineer Corps of the Army, the chairman of the Mississippi River Commission, the Director of the United States Geological Survey, the Chief of the Weather Bureau, the Forester of the Department of Agriculture, the Director of the Reclamation Service, the Chief of the Drainage Division of the Department of Agriculture, the Secretary of the Smithsonian Institution, one hydraulic engineer, one sanitary engineer, and one electrical engineer, the last three to be appointed by the President and to hold office at his pleasure, and each to receive an annual compensation of $7,500, payable out of the river regulation fund.

The Chief of Engineers shall be the chairman of such board, and the secretary shall be annually elected by the board from its members.

(e) That the functions of said board shall be to investigate and obtain full information concerning all matters involved in or specifically related to the objects set forth in paragraph (*b*) of this section, and for such purpose is authorized to expend a suitable and necessary proportion of the moneys therein appropriated; but said board shall not expend or incur liability for the expenditure of any money for the construction or execution of plans or projects without the specific approval of Congress, as hereinafter set forth; that said board is hereby authorized and directed to enlist through the President the services of any Federal department or bureau the statutory authority of which may involve investigations or constructive work that is necessary or desirable in the comprehensive performance of the objects set forth in such paragraph, and to bring into cooperation and to harmonize and unify the work of said departments or bureaus as may be necessary to provide against duplication or unwarranted or incomplete work with respect to the objects herein provided; and that said board is authorized to defray the expenses of such investigations or assistance to the extent of the ultimate cost thereof to said departments or bureaus through a transfer of equivalent proportions of the appropriation herein provided.

(f) That the board shall develop, formulate, and prepare plans for the accomplishment of the purposes herein provided, and shall report the same to Congress annually and at such other times as may be required; and whenever the recommendations or any parts thereof in said report shall receive the approval of Congress the said board shall proceed to construct and execute the same in accordance with the plans so approved: *Provided*, That the provisions of this section shall be so administered as in no way to supersede or conflict with any specific provisions which Congress shall from time to time make by way of appropriations other than such as are made by this act for work and improvements to be performed or maintained by the Corps of Engineers, United States Army, but that all work prescribed under this section shall be supplemental to and coordinated with the work as specifically prescribed by Congress in other acts.

(g) That the board shall in all cases where possible and practicable encourage, promote, and endeavor to secure the cooperation of State and local government bodies, public and quasi public corporations, private associations, and persons in carrying out the purposes and objects of this act, including the securing of the financial cooperation of said parties; that it shall negotiate and arrange plans for the apportionment of work, costs, and benefits, and to secure the agreement and consent of said parties, contingent upon the final approval of same by Congress as herein provided, which approval and consent may include the acceptance and use of any funds or property donated or subscribed or in any way provided for cooperative work, but no moneys shall be expended under any arrangement for cooperation approved by Congress until the funds to be provided by the parties to such arrangement shall have been made available for disbursement.

Mr. PERCY obtained the floor.

Mr. FLETCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bourne	Dillingham	Nelson	Smith, Ariz.
Brandegee	du Pont	Newlands	Sutherland
Brown	Fall	Nixon	Swanson
Bryan	Fletcher	Page	Thornton
Burnham	Gallinger	Paynter	Tillman
Burton	Gardner	Penrose	Townsend
Catron	Johnson, Me.	Percy	Warren
Chamberlain	Johnston, Ala.	Perkins	Watson
Clarke, Ark.	Jones	Rayner	Wetmore
Crawford	Lea	Richardson	Williams
Culberson	Lodge	Root	Works
Cullom	McCumber	Sanders	
Curtis	Martine, N. J.	Shively	

Mr. TOWNSEND. I desire to announce that the senior Senator from Michigan [Mr. SMITH] is unavoidably detained from the Senate.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is detained from the Chamber by important business.

Mr. SMITH of Arizona. I desire to say that my colleague [Mr. ASHURST] has just been called from the Chamber on important business.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum of the Senate is present.

Mr. PERCY. Mr. President, for weeks past the public press has been filled with the horrors of the unparalleled overflow disaster in the Mississippi Valley, and, without desiring to delay a vote upon this bill, I wish briefly to advert to the conditions there and to the provisions of this bill which deal with the Mississippi River from Cape Girardeau to the Head of Passes, known as the lower Mississippi.

Before doing so, Mr. President, I want to say that Congress has responded to every appeal made to it from that stricken section. An appropriation of $650,000 has been made for emergency work on the levees, and a million and a quarter dollars, in round numbers, have been appropriated for feeding the flood sufferers. Whatever the representatives from the Mississippi Valley have said that the people there needed Congress has been swift to give. In a spirit of unexampled generosity, there has been no opposition, no division of party nor of section, and, representing in part the people of that stricken section, I want to express their recognition of the burden of gratitude imposed upon them by the treatment which Congress has seen fit to accord to them in this the hour of their greatest trouble. Yet, Mr. President, the generosity of the response to these appeals can not disguise the fact that for weeks a proud and a self-reliant people, inhabiting one of the most fertile countries of the world, have been knocking at the doors of Congress like mendicants seeking for charity, and the response made discloses the fact that Congress, by the magnitude of the disaster which has come to that section of the country, has been compelled to embark upon what has been always an unsafe and dangerous governmental policy—that of extending charity—a policy which has no boundary save the boundary fixed upon the efforts of human sympathy to relieve human suffering and human woe.

The question which insistently presents itself for answer is whether this disaster could have been averted, and, still more, whether the recurrence of it can be avoided or the chances of it recurring minimized; and if so, in what way?

When this great flood first began to come down the Mississippi River some weeks ago the people of the valley felt no alarm. No apprehensions were aroused by the coming flood. They had, behind the levees, enjoyed 9 years of complete protection from overflow—15 years of almost total protection, the last overflow having occurred in 1903, which was limited in area, and the one before that in 1897.

During that time they had seen millions of dollars expended in building up a levee system which they had come to regard as impregnable. The total expenditures on the levees aggregated the enormous amount of $82,000,000 up to June, 1910, of which the Federal Government had contributed $24,000,000, and the various levee organizations, by submitting to the most onerous system of taxation to which a people ever voluntarily submitted, contributed $58,000,000. Railroad systems had threaded the entire valley; forests had been felled; villages had sprung up; the population had doubled; the agricultural products had doubled within 15 years.

But the one factor that more than anything else gave to the people of the valley a feeling of confidence and security in their levee system was that the Federal Government was aiding in the maintenance of that system.

The great mass of the people did not stop to scrutinize the extent of that aid or whether it meant safety, but they felt that the Government had taken hold of it and had dealt with it in such a fashion as would afford adequate protection from the floods of the river.

But this year, for the first time since 1844, the flood waters of the three rivers came out in conjunction. Unusual as the statement may seem, it is absolutely correct. For the first time since 1844 the upper Mississippi, the Ohio, and the Missouri came out in conjoint flood. The course of the river has been that the Ohio and the upper Mississippi ran off their floods before being joined by the Missouri, but with these three rivers coming out at flood stage the water crept higher and higher until the feeling of security was changed to dismay and discouragement, and as every record of high water one after the other was broken, the levees for 1,600 miles were manned by anxious workers who strove to raise these frail barriers high enough to prevent inundation; they fought desperately to save their homes, their very lives.

Congress helped with an emergency appropriation of $650,000. The various levee boards, by anticipating their revenues, by issuing certificates of indebtedness, by issuing bonds, by bankrupting their treasuries, contributed $2,000,000 to the emergency fight within a few weeks. Then came the crevasses, and the great river poured its yellow torrent over fertile fields, inundated villages, swept away homes, took everywhere its toll of human life; for many men and women in the open fields and in the lonesome woods struggled, gasped, gurgled, and died in the embrace of the yellow flood.

Eight railroad systems were paralyzed, millions of dollars' worth of property destroyed, and at last, instead of fertile fields there is a yellow lake 10,000 square miles in area, greater in area than the States of Rhode Island, Delaware, and Connecticut added together—as great as the States of Rhode Island, Delaware, and New Jersey—a section of the country producing in cotton alone more than $50,000,000 worth annually. The damage, without reference to the crops of this year, it is estimated, will reach $50,000,000. The cotton crop alone of this year in the submerged area which can not now be made will add $60,000,000 to that sum. In dollars and cents this flood has cost an amount almost twice as much as it would take to build a complete levee system from Cairo to the Gulf on both sides of the river, up to the Government standard and requirement, if there was not a single foot of levee in existence. On this lake, covering that vast area, is borne the wreckage of homes and the saving of years, and to-day 150,000 people are being fed on Government rations at 10 cents per day per head.

Disheartened, discouraged, dismayed, these people are to-day surrounded with Job's comforters, who have brought from the limbo of forgotten things every discarded fallacy and every discredited theory, telling them that "your levee system has been a failure; the bed of the river has been raised; you have to resort to outlets or to reservoirs."

I would say to the people of that valley and to the United States Senate that there is not a single disaster which has come from this unparalleled flood which serves to discredit in any way the efficiency of a levee system; that the Government engineers in charge of the river have reported the cause of each and every break which has occurred in the levees, and not one break has occurred, either in the overflow of 1912 or in any other which has preceded it, where the levee was up to the Government standard in height and in dimensions.

The flood has shown what every engineer, whether Government engineer or a levee board engineer, well knew, that the levees, as constructed, were not sufficient to carry off any such flood as this.

The dealing with the river by a system of levees was not entered upon hastily, nor has it not been prosecuted without proper scientific research and information in regard to it. In 1861 Abbott and Humphreys, most eminent surveyors, wrote a treatise on the Mississippi River, which is to-day a standard work on that subject, and they came to the conclusion then that the floods of the Mississippi River could be dealt with by levees and by levees alone.

Following the flood of 1874 Congress created a commission of five Government engineers, and instructed them to investigate and report upon the floods of the Mississippi River and the best method of controlling such floods, and that commission reported that the levee system was feasible and was the only system that could be adopted for dealing with the question.

Following the flood of 1897 the Senate designated a subcommittee of the Commerce Committee to again investigate the question of how best the river could be dealt with. The distinguished chairman of the Commerce Committee to-day was chairman of that subcommittee, and in passing I will say that he and the Senator from New Hampshire are the only two living members of that commission. That commission made a personal inspection of conditions, and in addition to that took the testimony of every surveyor who was familiar with the conditions on the river, whether they were Government surveyors belonging to the Army corps or civilians, and their report on this subject is the most luminous statement now extant on the Mississippi River. In most unequivocal terms they stated that the levee system was the only method of handling the floods of the river; that the outlet system could in the nature of things afford no relief, because no outlet could be made above Red River; that the reservoir system could not be successfully used because no place for reservoirs could be found adapted to control the floods of the river along the Ohio River.

In 1879 Congress created the Mississippi River Commission, composed of members of the Army corps, the Geodetic Coast Survey, and civilians selected because of their high character and familiarity with this great subject; and from that time up to to-day that commission has been dealing with the Mississippi River, investigating the changing conditions of it and making recommendations for the treatment of it as called upon by Congress.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Nevada?

Mr. PERCY. I yield.

Mr. NEWLANDS. Will the Senator permit me to state that whilst he is undoubtedly correct and accurate in his statement that the levee system is a success, and that these existing difficulties are due to the fact that the levees have not reached the standard prescribed by the Corps of Engineers of the Army, yet in his reference to the report of the Senator from Minnesota made some years ago he stated that that report showed that the reservoir system which would stay the flow of these floods down to the Mississippi was impracticable upon the Ohio River.

In reference to that I wish to say that whilst, with reference to the information that then existed, that report was in accord with general sentiment, yet that since then a thorough examination has been made of the reservoir sites on the Allegheny River alone by the Pittsburgh Flood Commission, with the most experienced engineers of the country, and at an expenditure of $100,000, and that report shows that storage can be made there that would save Pittsburgh itself from the disastrous effects of those flood waters of the Ohio into the Mississippi. That view was sustained by Mr. Leighton, the chief hydrographer of the Geological Survey, who has been giving some years of his life to the study of reservoir questions, and who insists that upon the Ohio and its tributaries, the Allegheny and the Monongahela, the Tennessee and the Cumberland, storage is practicable that will materially diminish the amount of water during the flood season in the Mississippi, and that similar opportunities exist upon other rivers.

The Senator will understand that I do not say that at all as minimizing the force of what he has to say and urge regarding the necessity of having protection in the case of revetment work and levee protection regarding the Mississippi River from Cape Girardeau down. All the work that has been done has been necessary work. The only difficulty was it was not done with sufficient speed and sufficient expenditure of money, and I stand most heartily for an increase of the annual appropriations in that region.

Mr. PERCY. I do not care to enter into any discussion of the reservoir system nor in any way to take issue with the Senator from Nevada. The more water that can be handled in reservoirs of course the less we would have to control by the levee system, and yet I made that statement upon the judgment of those who have investigated for years the question of controlling the floods of the Mississippi River. Referring to the report made by the committee, of which the Senator from Minnesota was chairman, I will read just a paragraph of it referring to the reservoir subject:

> The evidence, as well as the other data, discloses that on the Ohio River, as well as its main tributaries, where reservoirs could act more directly on the floods than elsewhere, with the exception hereinafter stated, there are no suitable sites or holding grounds where reservoirs could at any moderate or reasonable expense, and without working far-reaching and extensive damage, be constructed that would at all be adequate to pen up and retain the great downpour from innumerable mountain torrents during the great freshets of January, February, and March. There are no great basins adequate for reservoir purposes either on the Monongahela, the Allegheny, the Tennessee, or the Cumberland; and to be effective in repressing the floods of the Ohio, big, strong reservoirs would be requisite on these streams.
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> The only place where a reservoir basin can be found, proximate and sufficiently large to afford a holding ground at all commensurate with any material or practicable relief, is the St. Francis Basin; but the cost of constructing and maintaining a system of reservoirs in this basin would be enormous and far greater than the cost of leveeing the entire river front of the basin. The scheme is regarded by nearly all engineers and other experts as wholly impracticable. In short, your committee can discover no just or adequate relief in reservoirs.

The VICE PRESIDENT. Will the Senator from Mississippi suspend for a moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I am advised that the Senator from Iowa [Mr. CUMMINS] does not wish to go on with his speech to-day, and as the Senator from Minnesota is anxious to proceed with the consideration of the river and harbor bill, I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, on the request of the Senator from North Carolina, the unfinished business is temporarily laid aside. The Senator from Mississippi will proceed.

Mr. PERCY. In testimony recently given before the Commerce Committee the Chief of Engineers used the expression that it would take a reservoir as large as the State of Kentucky to furnish any relief against a flood such as is now going down the Mississippi River. That is the result of the 30 years' consideration of the question by the Mississippi River Commission.

I will mention just one other feature, without unnecessarily prolonging the discussion, which this commission considered, and that was the idea that the bed of the river was filling up, and the task of building levees to control floods was a hopeless one. In 1881, 1882, and 1883 they had soundings made every quarter of a mile across the Mississippi River from Cape Girardeau down, and on every cross section they took 75 soundings as to the depth, thus enabling the commission to plat the entire bed of the river. In 1894 and 1895 they again took soundings over 429 miles of the river which had been more perfectly inclosed by levees than any other section of it, and those soundings showed that there had been no raising of the bed, but, if anything, a lowering of it by the levee system.

They also took the trouble to investigate the common rumors and generally accepted fallacies that the Yellow River of China and the Po and the Rhine had had their beds raised by a levee system, and in every instance, for instance, by Gen. J. H. Wilson as to the Yellow River of China, and Gen. Comstock as to the Po and the Rhine, it was affirmatively shown that these were fallacies and superstitions rather than facts. The only river that there is any accurate testimony as to the bed having been raised at all by floods is the Nile; and during a period of 1,600 years the bed of that river has apparently filled up 2.11 meters.

So, Mr. President, the consensus of all expert authority is that the situation along the Mississippi River must and can be controlled by a levee system. If there was needed a practical illustration of the correctness of this scientific proposition it was furnished by the present flood. There is but one section of levee along the entire Mississippi River on either bank that has been constructed up to the dimensions that the river commission has denominated as the ultimate grade, and that is the levee system along the upper Yazoo levee district, 125 miles in length. Along that levee system there has not been a single crevasse during this flood, and that notwithstanding the fact that the river along that levee district attained an altitude of 2.4 feet higher than any known flood which has preceded this one.

Not only that, but the report of the Government engineers shows that those levees have been from 3 to 4 feet above the present flood. The Government has not contributed a dollar to the maintenance of those levees for four or five years except some revetment work, and of the $650,000 appropriated as an emergency fund by this Congress not one dollar was asked for in that district.

So this flood has demonstrated that the present levee system is inadequate to care for a flood such as this has been, but it has just as assuredly demonstrated that a levee system built according to the grade and specifications recommended as the ultimate grade by the Mississippi River Commission would afford safety. It is simply a question of dirt in the levee and of a sufficient amount of money being furnished to put that dirt there. There is no engineering problem connected with it. There is not an engineer along the Mississippi River who could not build a levee system which would in all probability have carried off this water, provided he had been furnished with sufficient means to construct it.

Is the amount that is necessary to insure safety a prohibitive amount? The estimate of the Chief of Engineers, I am informed, made since this flood, and I think that is concurred in by the Mississippi River Commission, is that it would take $11,000,000 to build the levees up to what the commission denominated its tentative grade. This water has demonstrated, too, that the tentative grade is not the one which will afford any ultimate safety, and consideration of that grade must be discarded.

The Chief of Engineers also estimates that it will take $30,000,000 to construct the levees up to those dimensions which in his judgment would have carried off this flood. That amount in magnitude is beyond the reach of the local levee boards along the Mississippi River. If Congress to-day would announce the policy that no more governmental aid would be extended to the building of levees along the Mississippi River, within 15 years that whole vast fertile area would be a wilderness. The people of the valley realize that the task is one beyond their strength. While, as I have said, by the most onerous system of taxation that a free people have ever imposed upon themselves they have in the past raised $58,000,000 for levee purposes, in the raising of this $30,000,000 they realize that they must have Government aid of a most substantial kind.

The Federal Government, in 1910, undertook to deal with the Mississippi River question and announced the policy of expending $80,000,000 in the treatment of the river in revetment, channel, and levee work, to be expended four million a year over a period of 20 years. This flood demonstrates the fact that such a policy is unwise, narrow, and illiberal; and not only

that, but whenever you extend that relief over a period of 20 years, during every year of that 20 you are inviting the recurrence of some such disaster as has overtaken the valley this year.

If a man with funds to build a 10-story building should start out to build a story of it every year for 10 years, before he completed that task his relatives would have him in the asylum. And yet, in judgment, he would be a Solomon compared with the wisdom displayed by the Federal Government in dealing with this question and spending $80,000,000 over a period of 20 years, for at least when he returned each year he would have the stories that he had theretofore constructed to build on, while every year during these 20 years when the Government goes back to take up its work it is liable to find a part of its work gone and its ally in that work, the local districts, impoverished and pauperized.

For many years it has been known of all men who have studied Mississippi River conditions that the "dribbling" policy of the Government in doling out money for the Mississippi River rendered almost certain the occurrence of the disaster which has now befallen the great valley.

Following the flood of 1882, President Arthur sent to Congress the following message:

> The immense losses and widespread suffering of the people dwelling near the river induce me to urge upon Congress the propriety of not only making an appropriation to close the gaps in the levees occasioned by the recent floods, as recommended by the commission, but that Congress should inaugurate measures for the permanent improvement of the navigation of the river and security of the valley. It may be that such a system of improvement would as it progressed require the appropriation of $20,000,000 or $30,000,000. Even such an expenditure, extending as it must over several years, can not be regarded as extravagant in view of the immense interest involved.
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> The safe and convenient navigation of the Mississippi is a matter of concern to all sections of the country, but to the Northwest, with its immense harvests, needing cheap transportation to the sea, and to the inhabitants of the river valley, whose lives and property depend upon the proper construction of the safeguards which protect them from the floods, it is of vital importance that a well-matured and comprehensive plan for improvement should be put in operation with as little delay as possible. The cotton product of the region subject to the devastating floods is a source of wealth to the Nation and of great importance to keeping the balance of trade in our favor. It may not be inopportune to mention that this Government has imposed and collected some $70,000,000 by a tax on cotton, in the production of which the population of the lower Mississippi is largely engaged, and it does not seem inequitable to return a portion of this tax to those who contributed it, particularly as such an action will also result in an important gain to the country at large, and especially so to the great and rich States of the Northwest and the Mississippi Valley.

Following the floods of 1903, I appeared before the Commerce Committee of the Senate urging larger appropriations for the Mississippi River, and I quote from my statement then made to that committee:

> The high water of 1903 wrought a destruction of $5,000,000 on levee property and the property behind the levees. The next flood that comes along, while you are giving us a million dollars a year, and we are, by the most burdensome taxation, raising a million more, may inflict $20,000,000 instead of $5,000,000.

Mr. President, this flood does not teach any lesson as to the inefficiency of the levee system, but it does teach a lesson as to the inefficiency of the method by which the National Government has been dealing with that question. The Committee on Commerce increased the bill by two and a half million dollars, making it six million instead of three and a half million dollars. The increase was as great as the committee felt warranted in making to a bill which had passed the House, the increase having to be by way of amendment. Again, in all probability, the committee felt that right under the shadow of a great disaster was not an opportune time to change a governmental policy which would reach throughout the years. But when the total effects of this flood are accurately and correctly reported to Congress by the Mississippi River Commission, when they can see the disaster which has been wrought and see the cost of the safety which can be secured, the people of the Mississippi Valley and of this entire country will expect that Congress shall deal with the question by a method which will minimize at least the chances of the recurrence of such a disaster. I believe that Congress will answer that expectation. If $80,000,000 is to be expended, and there is now seventy million left of that amount, it should be expended in the shortest time in which it can be economically and properly disbursed.

There can not be any other rule. Whether it should be $10,000,000 a year for seven years or on some other basis will be better determined when the report of the commission comes in; but it must be on a basis which will bring protection to that area as speedily as possible. It is just the difference between a stupid policy and an intelligent one, and I submit that Congress should adopt the policy which will afford protection to an area which to-day produces as much cotton as the Valley of the Nile and the potentialities of which are seven times as great.

While in this bill, Mr. President, the representatives from the valley do not press for any more than the committee has incorporated in it, yet they feel that with the proper information before Congress it will at its next session embody into a bill an intelligent policy for handling the river.

Mr. NEWLANDS. Mr. President, I wish to ask the Senator from Mississippi a question before he takes his seat. I understand from him that the estimate of the engineers is that $30,000,000 expended on the levees would bring their height and their strength up to a standard that would enable them to resist such a flood as we have had this year.

Mr. PERCY. As expressed by a member of the commission, it would carry such a flood, in his judgment, from Cairo to the Gulf without disaster.

Mr. NEWLANDS. I would ask whether that $30,000,000 would go entirely for levee purposes, or whether a part of it would go for revetment work.

Mr. PERCY. The $30,000,000 contemplated in that estimate was to go for levees. It is not contemplated that the Government would have to furnish the entire $30,000,000. Under an appropriation of $10,000,000 a year for three years, if seven or seven and a half million dollars was devoted to levees and the balance to revetment, the local organizations could increase the seven and a half million dollars up to something like $10,000,000 a year for levees, thus completing the work within a period of three years, and thereafter, the $10,000,000 appropriations continuing, eight millions or more could go to revetment and channel work and the balance to levees.

Mr. NEWLANDS. But the appropriation of $10,000,000 annually for three years, applied to levee building, would bring the levees up to the standard that the Engineer Corps intends to establish in the future?

Mr. PERCY. Yes.

Mr. NEWLANDS. And to that amount the Senator thinks the districts affected would be able to contribute how much? They have been very seriously crippled, I presume, by this disaster.

Mr. PERCY. They have been seriously crippled; their treasuries have been absolutely depleted, and their revenues will be seriously affected for the current year by the inability to make crops in the overflowed areas. Still, I would say that during the three years, the Government contributing seven and a half million to levees, the local organizations could be relied upon to raise as much as two and a half million dollars a year.

Mr. BURTON. Mr. President, it is not my intention to vote against this bill, but I am unwilling to see it pass without pointing out some of the defects which appear in it and the reason for such defects. They have been the result largely of conditions which do not indicate any blame on the part of legislators; and for this reason I do not intend to criticize my old associates in the House or any person in the Senate.

Prior to 1910 the question was much discussed whether we should have an annual river and harbor bill or pursue the old method of biennial bills. The arguments in favor of the annual bill were, first, that a yearly appropriation would place our river and harbor improvements in the same standing as the other activities of the Government, and that these improvements were worthy of an annual bill as much as the Navy or the Army or other public activities. It was also argued that in case of emergencies such as were arising in the Mississippi River better provision could be made if there were an annual bill, and also that the appropriations might better meet the requirements of existing conditions. The arguments against it were, first, that it was impossible to frame in a single session a river and harbor measure which would adequately take into account all the existing circumstances; that it was a practical impossibility to prepare in each session a well digested and fair measure of this kind. Again, it was argued that with the pressure for appropriations there was a far greater probability that undeserving projects would be adopted.

I think I may state, Mr. President, that the policy of an annual river and harbor bill adopted in 1910 has not justified the change, at least not up to date. It has accentuated the old defects. It has caused an increase, I believe, of waste, and Congress has made many injudicious selections which would not have been made under the old method of biennial, or, as in some cases, less frequent bills. There are certain reforms in our river and harbor policy which are absolutely essential if we are to prosecute these improvements in a business-like and economical manner. They are absolutely essential if we be fair to the whole country.

In the first place, we should make a sweeping reform in the adoption of the so-called continuing-contract system in the case of large projects. As some may not understand it, I will explain what is meant by the continuing contract system. Under it when an improvement is adopted provision is made by appro-

priation or authorization for its total cost. If, for instance, a river or a harbor improvement is adopted which will cost $3,000,000, and it will require five years for its completion, $600,000 is appropriated in the bill; and there is added an authorization under which contracts may be made for the remaining $2,400,000, the required appropriation being made year by year in the sundry civil appropriation bill. After a project is adopted there is no further attention paid to it in the river and harbor bill.

Under this plan of annual bills the method pursued would be to appropriate $600,000 one year. That would be the ideal method, though, in fact, it would be more likely to be $100,000; the second year another $600,000, and the third year another $600,000, and so on until all is appropriated.

Now, the advantages of the continuing-contract system are perfectly manifest. In some instances the economy made possible has caused a reduction of at least 40 per cent on the total cost. It requires an installation of a large and expensive plant, whether a fifth of the work is done or the whole. Economy can be secured in a great variety of ways by planning at the start for the completion of the entire work.

The second advantage is that every community interested in a particular improvement knows, if it is provided for under a continuing contract, that the work will be pushed, presumably, to speedy completion. If ships are to be built, if wharves are necessary to handle the freight, private enterprise can be enlisted to provide them by the time the work is finished and can begin them with the beginning of the improvement.

There is a third advantage which in its effect upon practical legislation is as important as the other two. If the whole project is adopted at one time, more careful and discriminating attention will be given to it, and it will not be adopted at all unless it is worthy.

The bill here is full of appropriations for projects costing millions of dollars upon which a first appropriation was made of $100,000 or sometimes less. It was easy for this small first appropriation to slip into the bill, and then after this was made the argument could be presented to Congress that the Government was committed to the completion of that project, which never ought to have been commenced at all. I might give one or two illustrations. A year ago a partial appropriation of $100,000 was made for the construction of three locks and dams in a certain river, the cost of which would be $350,000 apiece, a total of $1,050,000. The $100,000 was allowed to lie in the Treasury because the appropriation was too small to commence operations. When this bill came to us from the House $75,000 more was appropriated, making an aggregate of $150,000—less than one-half the sum required for the completion of one of the three locks and dams. I may say that the Senate committee struck it out, and I trust that the Senate will concur in our action in placing the seal of disapproval on a proposal so utterly unbusinesslike. I may say in this connection that the smallness of the proposed appropriation indicates that there was a doubt on the part of Congress whether it should ever have committed itself to the project at all, and that that was one reason for the very small initial appropriation of $100,000.

Another reform in our system which is very much needed is more discrimination in the selection of projects. Since 1902 every survey or preliminary examination for a river or harbor must be examined by a board of review, consisting of engineer officers. It is first examined by the local engineer in the locality in which the river or harbor is located. It then goes to a division engineer, if the first engineer is an officer of minor rank. It then passes from the one or two who have first examined it to this board of review. The creation of this board has worked a revolution in our river and harbor appropriations. It has eliminated many undeserving schemes. The board oftentimes in approving projects also makes salutary modifications which confer a great deal of benefit. The great essential object of it is to have one standard for the whole country. Formerly an engineer in one section of the United States might favor a certain project, while an engineer in another portion would have opposed one of equal merit. With all these differing standards their recommendations came here to Washington. Now there is a uniform standard.

It is with the utmost deference, Mr. President, that I criticize this board or the engineering corps. I have so often spoken in eulogy of them. Their lives are given to the service of the Government with a skill and honesty unsurpassed, I believe, by any body of public servants in the world. But I think in recent years they have sent to us with their approval recommendations which are not justified by existing conditions.

We here in Congress are largely to blame. When surveys have been ordered and the engineers have sent in an unfavorable report, not infrequently a request has been made for a resurvey, and in some instances, though I am glad to say that the cases are rare, Congress has adopted a proposed river and harbor project after the board of review has put the seal of condemnation on it. But in examining their recent reports it is very apparent that the engineers are far more liberal in recommending projects than they formerly were. I want to bring up as one illustration the proposed improvement of the Missouri River. In their first report the engineers did not favor this improvement, or if one was recommended it was only for a comparatively limited expenditure; but after one or two further requests for surveys had been made by Congress a report came to us favoring that project.

I concede, Mr. President, that this appropriation will become a law, but I am unwilling to allow it to pass without expressing my opinions upon this subject. I most confidently appeal to the future, that best final judge of all things, in support of the opinion that this proposed expenditure of $20,000,000, so far as benefit to navigation is concerned, will be altogether ineffective and wasted. It is proposed to expend for a channel from the mouth of the Missouri River to Kansas City, a distance of about 400 miles, $20,000,000, and for an equal distance from Kansas City to Sioux City $22,500,000 additional. It is also stated that the cost of maintenance from the mouth to Kansas City will be $500,000, with an additional expense of $60,000 per annum for snagging, an amount greater than the total required for the maintenance of the harbors of Portland, Boston, New York, Baltimore, Norfolk, and Charleston, with their enormous commerce—and for what?

What is the prospect of commerce there? You can tell pretty readily, Mr. President, from the figures relating to a section of the Mississippi River extending up from Cairo to St. Louis and the mouth of the Missouri. There is certainly no magic that will make this stream, 400 miles above the Missouri, with a projected depth of 6 feet, a better avenue for commerce than the 180 or so miles from the mouth of the Missouri River to the mouth of the Ohio, upon which there is the great city of St. Louis.

Let me call attention to results in that stretch of the river. Up to date the United States has expended approximately $15,000,000 on that 180 miles. The quantity of shipments from St. Louis in 1880 was 1,038,000 tons; it fell in 1900 to 245,800 tons; and in this last year the quantity fell to 191,965 tons. In the year 1871 44 per cent of the shipments of freight from the city of St. Louis were by river; in the year 1909 the percentage was one-half of 1 per cent; that is, the proportion a little less than 40 years earlier was 88 times as great as it now is. Does anyone for a moment think that to improve that river 400 miles to Kansas City will bring results more favorable than in the channel already existing?

Mr. GALLINGER. Mr. President, the matter which the Senator from Ohio is discussing interests me, because I have wondered why it was that Congress has shown a disposition to resume the custom of making large appropriations for the Missouri River. I recall the fact that some years ago—possibly the senior Senator from Minnesota can state what year it was——

Mr. NELSON. It was in 1897.

Mr. GALLINGER. In 1897 a committee of this body was appointed to make an investigation of the Mississippi and Missouri Rivers, the Senator from Minnesota being chairman of that committee. The late Senator Vest, of Missouri, was on the committee, as was ex-Senator Berry, of Arkansas, and I chanced to be designated as a member. We made a very thorough investigation, going from the headwaters of the Mississippi to the Gulf, taking testimony along the way. The committee unanimously came to the conclusion that it was a waste of money to make any further expenditures upon the Missouri River and recommended the abolition of the Missouri River Commission. In response to the views of the committee, the Missouri River Commission was abandoned, and I think for a few years afterwards no appropriations were made for that stream. Now it seems we are going back to the system that prevailed before that investigation was made, and, as I think, we are going to waste every dollar that we appropriate for that purpose.

I thank the Senator from Ohio for permitting me to say a word along that line.

Mr. BURTON. I will state, Mr. President, that under the river and harbor bill brought into the other House in 1902, the Missouri River Commission was abolished, and I think it a very serious retrograde step to again take up the improvement of this river. That does not mean that some slight appropriation ought not to be made to maintain the present channel of 4½ feet.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Nevada?

Mr. BURTON. Yes.

Mr. NEWLANDS. I would ask the Senator from Ohio whether there is not the same reason for the cooperative development of the Missouri River between Kansas City and St. Louis as there is for the development of the Mississippi River below Cairo?

Mr. BURTON. Mr. President, I think there is.

Mr. NEWLANDS. Do they not involve the same problems, first, of the regulation of the river itself for navigation and, second, the reclamation of a vast area of alluvial land of incomparable fertility?

Mr. BURTON. I think they do, although the conditions are not quite the same. There are, however, not the very wide bottom lands to be overflowed for which levee protection is required. The conditions in a measure are the same, because there is a certain quantity of land in great basins and a certain quantity in the bottoms to be protected by levees.

Mr. NEWLANDS. The Senator realizes that there is a valley there of alluvial soil over 300 miles in length, varying in width from 3 to 10 miles, does he not?

Mr. BURTON. Yes.

Mr. NEWLANDS. Well, that is a pretty large body of land.

Mr. BURTON. I doubt whether it is as much as 10 miles in width in any portion between Kansas City and the mouth, but in some portions of the river it is.

Mr. NEWLANDS. In some portions of the river it is. That soil is just as rich as the soil below, is it not?

Mr. BURTON. Certainly; just as rich, though, of course, the tropical, the climatic conditions are different.

Mr. NEWLANDS. The climatic conditions are different, it is true; the production may not be of so tropical a character as it is below, but, as I understand, the problems are the regulation of the flow of the river and the reclamation of land of great fertility. Those are the two problems; they can be dovetailed into each other; and, according to the Senator's statement, it would cost very much less on the Missouri River, because there you do not require the levees that you do on the Mississippi River, and all that you have to accomplish will be the revetment of the banks and the dredging.

Mr. BURTON. And the making of impermeable dikes.

Mr. NEWLANDS. So that, the problems being the same, the expenditure per mile of development would be very much less. I ask, how can the development of the Mississippi River—the cooperative development of the Mississippi River—as it has gone on for years, be sustained, and yet the development of the Missouri River for this distance be denied? My judgment is that relatively it is of equal importance, and that it ought to be extended to that large area between Kansas City and Sioux City, embracing a distance of 300 miles and also embracing a very large alluvial area.

Mr. CRAWFORD. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from South Dakota?

Mr. BURTON. I do.

Mr. CRAWFORD. I simply desire to ask the Senator from Ohio if this change back to the project of improving the Missouri River has not been a deliberate change, the result of powerful public sentiment brought to bear by great communities like Kansas City and other vast communities that contribute to this general plan, and who have a firm conviction that there is some substance to their demand that that project be considered? I know—of course, the Senator knows much more about it than I, for I know very little about it—it became such a live question that the people in Kansas City put boats on the river, started navigation back and forth so as to protect themselves against the extortions of the railways, and that it was the uprising of those people and the demand from those great communities which I supposed had caused the committee to again take up those projects, and that there was something substantial back of their demands.

Mr. BURTON. Answering first the question of the Senator from Nevada [Mr. NEWLANDS], I would say that, in my opinion, just the same reason exists for cooperation in the Missouri Valley as exists in the lower Mississippi; but there is a difference in degree. In support of the opinion that there should be cooperation, the official report on which this appropriation was based states that in the treatment of the river in the neighborhood of Jefferson City for a distance of 45 miles 15,000 acres of very valuable land were reclaimed. Those lands are probably worth $100 an acre. So there was a valuation created by this Government improvement of $1,500,000. The same report states that the total value of the property protected, which is now threatened by the river, between its mouth and Sioux City, about 800 miles, is about $125,000,000. Where private property is benefited to such an extent the localities and other interested parties should be required to contribute a substantial share of the expense.

Mr. President, I want to dwell a little more on the futility of this project. A glance at the map of the Missouri River will show that, beginning at its mouth, it flows west 400 miles, then turns at right angles and goes to the north. Parallel with that river there are great railway systems, and the portion of the river between Sioux City and Kansas City, running nearly north and south, is frequently crossed by railroads, with connections to St. Louis and to Chicago. A singular feature of the improvement of the Mississippi River as a regulator of freight rates is that the regulation of the differentials that are granted by railroads because of water competition has conferred a greater benefit upon Chicago than upon St. Louis, because Chicago, with its great railroad systems running out through Iowa and to northern Missouri, are all the while contending for this traffic in localities near the Missouri and the Mississippi Rivers. The railroads make the differential rates so as to drive water competition out of existence, it is true, and thus railroad rates to St. Louis are lower than they otherwise would be; but Chicago is compelled to meet that competition and the railways running out of Chicago have still further lowered their rates; so that Chicago has derived a greater benefit than has St. Louis from the transportation possibilities of the upper Mississippi. Now, does anyone suppose, with all those railway systems crossing and parallel with the Missouri River, that any considerable quantity of freight is going to be carried to St. Louis or elsewhere by the river?

Again, the freight that is carried in that locality is very largely grain. I should like to have any Member of the Senate point out to me a case in which grain is carried to a shallow river, unless it be some stream like the upper Missouri, where transportation facilities are very largely lacking, and then transferred to the river and carried to a final market. The fact is that on the upper Missouri, in the Dakotas and up into Montana, although the stream is small and comparatively a small sum has been spent, there is a bigger traffic than there is on the whole of the lower Missouri. Why? Because conditions are different.

Some one was calling attention a few days ago to the fact that, as he maintained, the Missouri River had a large traffic, amounting to 762,720 tons. That is quite a traffic, Mr. President and Senators. Of those 762,000 tons, 721,000 tons is sand and gravel, barged an average distance of only 1 mile. The rest is made up of riprap willows, a very small quantity of grain—not more than 4,000 tons—and 3,000 tons of coal.

But, it is said, if the river is improved traffic will develop upon it; that it is unfair to dwell upon the statistics as they are to-day. Mr. President, I challenge contradiction on this point: Has there been a single case where traffic has not existed on a shallow depth before a greater depth was created? There may be cases where there are insuperable obstacles which have to be remedied by locks and dams; but you may be sure, if a river promises anything in the way of improvement and has an assured depth—I do not care what it is—there will be traffic on it, and you will not create traffic by a greater depth. You may multiply the amount; you may greatly increase it; but, if it is a proper artery of commerce, that commerce will be there on the four feet and a half which now exists just as surely as it would be on a greater depth.

Now, in answer to the Senator from South Dakota [Mr. CRAWFORD], it is true that organizations have favored this improvement. There has been a strong public sentiment in favor of it, and I do not wish to disparage the importance of that public sentiment. Out in Kansas City they raised something over a million dollars to put boats on the river. They have shown, however, most commendable prudence; they put that money in the bank, and it was stated a few days ago that they had purchased a boat from the proceeds of the interest on the money they had put in the bank. They have spent some minor sums for boats, I believe, and perhaps for wharves at East St. Louis; but the quantity of traffic that has been developed has been trivial, and I feel that as usual railroad freight rates will be decreased, and this will draw traffic from the river to the railroads. I have known a number of instances in which men have gotten together and uttered their condemnation of the railways, declared for river improvements and projected boat lines, and have continued that until Saturday night, and on Monday morning they have made some arrangement with the railway lines to carry all their freight. That is what I fear will happen in this particular case, although the interval may be somewhat longer.

Mr. CRAWFORD. Is that true peculiarly of the Missouri River?

Mr. BURTON. Not at all. I merely mention that as an illustration.

Mr. CRAWFORD. Has that not occurred in connection with practically every river in the United States?

Mr. BURTON. The fact of the matter is that the whole situation there is due to an unnatural division of freight rates. The rate on first-class freight from New York City to St. Louis, a distance of nearly 1,000 miles, is 87½ cents a hundred pounds; to Kansas City, less than 400 miles farther, it is $1.47½, or 60 cents for that 400 miles alone. Anyone can see in a moment that that is an unnatural division of freight rates. You can not blame the people at Kansas City or anywhere else for agitating for this waterway, but the question is, Mr. President, Shall we spend $20,000,000 and incur a burden of $560,000 a year merely for the sake of bringing down the freight rate, when one order, one stroke of the pen of the Interstate Commerce Commission, could accomplish the same result? I have such absolute confidence that this will result in nothing but waste and that no traffic will develop that I feel, Mr. President, that I should not be doing my duty if I did not point out the prospect ahead of us in making this appropriation.

Mr. POINDEXTER. I did not hear the early part of the Senator's address, and consequently I can not tell just what conclusion the Senator is going to draw from the facts which he has stated, but the facts which he has just pointed out as to the effect of water transportation on freight rates to Chicago, for instance, operating so far as that from the Mississippi River, and the fact that Kansas City had raised a million dollars for a project to put a boat line on the Missouri River and had purchased a boat to put on the river, the result of which was the lowering of the freight rate——

Mr. BURTON. It has not been done yet. It may be, and yet I doubt it.

Mr. POINDEXTER. Well, the Senator said, as I understand—that was practically the burden of his argument—that that would be the result. Does not that demonstrate the fact, notwithstanding the power of the Interstate Commerce Commission, even under the statute as it is now, although it has hardly as yet had a full opportunity to operate, having only been passed in 1910, that water competition is a far more effective regulator of freight rates than the Interstate Commerce Commission? And does it not demonstrate that water competition, even though it is not actually competing, is worth all that we propose to expend on it?

Mr. BURTON. Mr. President, that is a question which would require a good while to answer, but I will go into it briefly. First, there is no question but that water competition, actual or potential, does have a tendency to lower freight rates on railroads. But whether the waters be improved at Government expense or the railroads built by private capital, in either case it is a contribution from the resources of the country. Any judicious policy should cause the two to harmonize. It is a waste of capital and an injudicious line of action to do in an indirect way, by wasting millions of dollars in the digging out of a channel, what can be done by legislation without such waste.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield further to the Senator from Washington?

Mr. BURTON. Certainly.

Mr. POINDEXTER. The Senator is undoubtedly familiar with the effect which the Interstate Commerce Commission itself gives to water transportation as a competing factor in fixing railroad rates.

Mr. BURTON. Yes.

Mr. POINDEXTER. And that if water transportation was not possible, if it did not exist at all, there would be apparently no prospect of securing the same effect from governmental regulation. It is recognized by the highest court in the land, and constantly recognized by the Interstate Commerce Commission as a factor in determining freight rates; that is, where water competition exists the Interstate Commerce Commission recognizes it as a legitimate reason for lowering freight rates, and where it does not exist it recognizes the absence of it as a legitimate reason for refusing to lower freight rates.

Mr. BURTON. Water transportation does already exist there. The depth which is stated in the report is a minimum of 4½ feet the year round, sufficient for barges, and, no doubt, in great degree, it has already had its effect in lowering freight rates; but the true principle is this: Waterways as well as railways are proper agencies for the carrying of freight, but each has, and should occupy, its proper field. If there is a river where there will be no profitable result in improving it as a factor in developing the resources of the country it ought not to be improved, because every dollar expended upon it is wasted. As was stated by President Hadley, it would be a good deal cheaper to spend a few thousand dollars more for judges and commissions who would fix fair rates.

Now, there is one other point with which I want to deal before passing from the Senator's question. Is it quite fair to the interior localities in the country that have no waterway competition for the United States Government to build canals and waterways simply for the sake of compelling competing railways to lower their rates? This money that is paid on the Missouri River is raised by taxation from the whole United States, from the inland localities as well as those bordering on the sea and on the river. Now, by every dollar which you diminish rates on a railroad where it competes with a waterway, you inevitably compel an increase in the rates which the railroad will charge in the interior, away from the waterways. Is it not fair that those who have the burden to pay alike in the interior should have fair treatment? Is it fair that they should be discriminated against because of the amount that is raised from them for this purpose? It is a perfectly clear proposition that if you lower rates in one locality below a normal level you have to raise them in another.

Mr. POINDEXTER. The question which the Senator from Ohio asks raises, in my judgment, the most important principle in the fixing of freight rates in this country, particularly as applied to interior points. Undoubtedly this is an injustice to the interior cities of the country to require them to contribute to the development of harbor facilities at the terminal points of railroads——

Mr. BURTON. I would not go quite that far; not on a river, where there is a natural harbor.

Mr. POINDEXTER. You may limit it to a harbor, but I regard that the same principle in less degree applies to the improvement of terminal facilities in harbors, for transcontinental railroads. Take any of the great ports on the Pacific coast where Congress has expended millions of dollars in order to improve harbor facilities which are used for terminals, for transshipment, by the great transcontinental railroads. In other words, any just principle of railroad regulation ought not to allow the railroads to lower their rates so as to shut out water competition or to lower them for that reason below a reasonable degree and then recoup themselves by charging higher rates to interior points. The just principle of freight rate, considering water competition and real competition, is that there shall be real competition; and when the point is reached where the railroad can not compete profitably with the waterway, the waterway should get the freight and do the business. The entire country would get the benefit of it, and the rate of the railroads to the point where there is water competition should not be fixed lower than a reasonable rate; and the interior points would have the benefit in accordance with conditions, if different conditions existed there, of the same reasonable rate as was enjoyed at the point where there is water competition.

Mr. BURTON. There are two things I would suggest to the Senator from Washington. In the first place, where there is a natural waterway and traffic exists upon it, its improvement can not do otherwise than promote the general interests not only of the section in which it is located, but the whole country. That applies especially to the improvement of our harbors. I think it would not be an exaggeration to say that the improvement of the harbors on the Gulf coast raised the value of agricultural lands for five or six hundred miles to the north.

A word on the other point to which the Senator from Washington referred, when he said that if the waterways can carry the freight more conveniently, they should carry it. You can not dispose of that proposition quite so briefly, for the variety of freight to be carried is great and some commodities would naturally be carried on the waterways and some by the railroads.

Very often the opening of a water route does not detract from but adds to the business of the railroad parallel to it.

Mr. TOWNSEND. May I ask the Senator from Ohio a question?

Mr. BURTON. Certainly.

Mr. TOWNSEND. As I understood him, he thought it was poor economy to appropriate so much money for improving these rivers, when the same result might be accomplished through a ruling of the Interstate Commerce Commission.

Mr. BURTON. Or by legislation.

Mr. TOWNSEND. It is true that some of the Missouri point rail rates, as well as Pacific point rail rates, are what would be considered an unremunerative rate or a rate below what any commission would fix.

Mr. BURTON. If that is the case, I fancy they would not order them to be lowered. I really do not know, but I have not understood——

Mr. TOWNSEND. It is my understanding that a great many of these rates are fixed at water competitive points at rates which would be absolutely unremunerative, but they were so fixed for the reason that the railroads could collect the freight and get traffic which otherwise they would lose altogether, and they might better haul that at cost, or even below cost, than to let it go to the river.

My point is this: That potential or actual water competition does fix the rate and lower rates below what could be fixed by the commission, because the only authority of the commission would be to fix a just and reasonable rate, which must of itself be remunerative. Otherwise it would not be a consitutionally fixed rate.

Mr. BURTON. I am not informed as to the rates on the Missouri River, but I desire to state to the Senator from Michigan certain practical facts. It can not be that any condition would arise from this improvement which would have the effect of lowering those rates so as to divide the business with the river.

First of all, let me say that previous to 1903 there was shipped from St. Louis a considerable quantity of grain down the river to New Orleans. Now I understand there is not a single ton shipped on the Mississippi. In 1906 there was a great cotton crop. Not only were all the warehouses at Memphis filled, but cotton was stored on the street. There was an ample channel, 10 or 12 feet, from there on down to the mouth of the river at New Orleans. Yet in spite of this railway congestion not a single bale of cotton went by the river.

In 1910 ex-President Roosevelt bound a bale of cotton at Memphis, with the intention of reviving river shipments of cotton from Memphis to New Orleans. I do not know whether that bale went down by water or not, but I am quite sure that if it did no other bale was shipped from Memphis to New Orleans by the river. If that is true it shows the waterway can serve no useful purpose as a freight regulator.

Mr. PERCY. Does the Senator know how much of that cotton which was then stored in Memphis came into Memphis over the Mississippi River?

Mr. BURTON. A very considerable amount, no doubt.

Mr. PERCY. Is it not true that the rate by the Mississippi River affects the freight rates of railroads?

Mr. BURTON. No one would think of abandoning the Mississippi River as a factor in the problem of transportation.

I want to say in this connection that one of the presidents of the Mississippi River Commission told me that on three trips which he made down the Mississippi River no request was made of him for a greater depth than now exists. Requests were confined to those for revetment or levees or something of that kind. What does that show? It shows that there is sufficient depth.

Mr. PERCY. Nine feet.

Mr. BURTON. Nine feet from Cairo. As to the river at St. Louis, the reports of 1911 state:

> During the past year the river stages have been remarkably low, yet there was maintained a channel depth of 8 feet during the entire season, while the river was unobstructed by ice, except for short periods, at several places where the depths were reduced to 6½ feet, until readjustment was brought into action from these shoals, when the required depth was obtained.

There is now from the city of St. Louis a depth of 8 feet, and yet the traffic has been steadily diminishing. Nevertheless it is proposed to carry the 8-foot depth up 400 miles into the interior, in the delusive hope that traffic will be developed.

I thank the Senator from Mississippi [Mr. PERCY] for asking me a question which leads me to make a suggestion that the traffic on this river is almost exclusively conveyed for short distances. Cotton is hauled on the river to Memphis from points above and below and also to Vicksburg and other points, but when it reaches those places—certainly Memphis—it goes on to destination by rail and no further resort is had to the river.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Oklahoma?

Mr. BURTON. Certainly.

Mr. GORE. We hear a great deal about river navigation in Europe. I think the Senator went abroad one year as a member of a commission. I should like to ask him what river or canal in Europe has an equal channel or an equal depth to the Mississippi from St. Louis to the sea?

Mr. BURTON. The Rhine has the same; 9 feet, 10½ feet part of the way. I would suggest, however, that the Rhine has a more perfect channel than any river I know of, but we have spent more money on the section of the Mississippi River between the mouth of the Missouri and the mouth of the Ohio than the German Government in the same time has spent on the Rhine. The results are 191,000 tons on this section of the Mississippi River and 30,000,000 to 40,000,000 tons on the Rhine. If I had time I would go over the whole subject of the very wide difference in conditions which exists in relation to these rivers, but I do not wish to detain the Senate. One of these differences is the greater quantity of freight that can be carried by American trains. The trains on the railways on both sides of the Rhine look like toys, consisting of 5 to 8 ton cars. I want to give some figures taken from the Railway Age Gazette in regard to the maximum haul by freight trains in this country. The figures may have been increased in the last few years.

> On the 18th of June, 1909, the Pennsylvania Railroad hauled a train of 94 gondola cars from Altoona to Harrisburg, 124 miles, with a load of 5,042 tons, and an average load of 56.3 tons per car. The total weight of the train, including locomotive and cars, was 6,992 tons. In August, 1909, the Lake Shore & Michigan Southern Railway hauled 100 steel cars loaded with 7,433 tons of iron ore from Ashtabula, Ohio, to Youngstown in the same State, a distance of 65 miles. This is an average per car of 74.3 tons.

It will be noted by this that in the perfection of the railroad equipment and of the roadbed it has now become possible to carry 7,500 tons of freight on a single train. I think I am safe in saying that there is no European railway, outside of one near Cardiff, would be able to carry a thousand tons.

Mr. GALLINGER. If the Senator will permit, I was about to ask him if it was not a fact that the German Government, controlling to a considerable extent both the railways and the water transportation of that Empire, practically prohibits the use of large cars and large engines on their steam roads?

Mr. BURTON. I would not say that it is a practical prohibition. The smaller size is due to the conditions existing there. The fact that the roadbeds usually have heavy grades and curves is one factor. The extremely high cost of new right of way is another factor having an important bearing on railway construction.

Then, again, their whole system of distribution affects the size of the cars to be used. They want to fill a car for one customer or for one locality. I presume tradition, also, has something to do with it.

Mr. GALLINGER. I will ask the Senator if the German Government does not absolutely direct, at least encourage, the transportation of all heavy material by water?

Mr. BURTON. Decidedly.

Mr. GALLINGER. Decidedly.

Mr. BURTON. It is not only an encouragement, but the conditions are such that they can do it properly.

I do not agree with those who ascribe the large traffic on rivers and canals in Europe to the governmental policy. There is a difference of natural conditions which contributes largely to the same result.

Mr. POINDEXTER and Mr. CRAWFORD addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Ohio yield?

Mr. BURTON. The Senator from Washington is next.

Mr. POINDEXTER. I just wanted to ask a single question of the Senator, who has been to Germany and no doubt made special observations with reference to this question. Is it not true there are a number of railroad lines paralleling the Rhine River?

Mr. BURTON. One on each side.

Mr. POINDEXTER. One on each side; and notwithstanding that fact there is water traffic on the Rhine?

Mr. BURTON. Yes.

Mr. POINDEXTER. Is it not true that the same conditions exist, probably to a less extent, on the Seine in France?

Mr. BURTON. Not by any means to the same extent.

Mr. POINDEXTER. Are there not a large number of boats coming into the city of Paris?

Mr. BURTON. Yes; from points near to the city of Paris. The city of Paris has the largest tonnage of any city in France, consisting largely of building material and supplies for the city.

Mr. POINDEXTER. Is it not fundamental, making allowance for the difference in the amount of traffic, that water transportation in one country is controlled by the same conditions in another country, and if it exists in Europe in competition with the railroads it can exist in this country in competition with the railroads, the same amount of traffic being in existence?

Mr. BURTON. I would say most certainly not, because there are radical differences. I do not wish to go into that to any great extent, but in the preliminary report of the National Waterways Commission the difference between the two are very fully set forth. If anyone desires to study the subject it is treated there.

Mr. CRAWFORD. Under the law of Germany there is a preferential in favor of water transportation?

Mr. BURTON. There is in France, not in Germany. The rate must be 20 per cent higher on the railroads in France; not in Germany. If 20 per cent is not sufficient to sustain water-borne traffic, the Government would undoubtedly afford other advantages. The State governs the canals.

Mr. WILLIAMS. I wish to ask the Senator from Ohio if he does not think that the difference of conditions here and on the Rhine and on the Danube are owing to our existing law and to the rulings the Interstate Commerce Commission have made concerning that law. We have a sort of a long and short haul provision, but it was modified so that a railroad was permitted to reduce its rates where it had water competition without being compelled to reduce its intermediate rates where no water competition exists.

If I understand the condition of things in Germany and in Austria, such a law and such a ruling do not prevail; and when a railroad there reduces it rates, say from Mannheim to Düsseldorf on the Rhine, it must make a corresponding reduction in local rates. As a consequence it does not do it, and as a consequence of not doing it the river carries the heavy, bulky products—ore and coal and lumber and various things—and the railroads carry other articles between Mannheim and Düsseldorf. They thus avoid railroad freight congestion, and as another consequence the river does an actual business. Is not the trouble here owing to the fact that we permit the railroad to meet water competition without requiring them to make the same reduction as to intermediate or interior points?

Mr. BURTON. I think the statement the Senator from Mississippi has made is an item in determining the difference, but those are not the essential differences between conditions here and in Europe.

I will refer to the preliminary report of the United States National Waterways Commission made in 1910, beginning on page 30.

Mr. CRAWFORD. What is the number of the document?

Mr. BURTON. Senate document No. 301, Sixty-first Congress, second session.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Oklahoma?

Mr. BURTON. Certainly.

Mr. GORE. I wish to ask the Senator if he does not think that the success of river and canal navigation in France and Germany is largely due to the fact that the Government owns the railroads, and that the rivers and the railroads cooperate in a general system of distribution?

Mr. BURTON. I think that has some effect, because where there is harmony there will be development. But in Russia, where the Government improves the rivers and also owns the railroads, there is the same policy of rate cutting in summer, and of discriminating against places that develop a big boat traffic, as there is in the United States, where the waterways are improved by the Government and the railroads are owned by private capital.

One reason for the supremacy of railway transportation in this country is that we are very much better furnished with railroads than Europe, as a whole. The railroad mileage here, not only by population but speaking geographically, is greater than in Europe.

It is a notable fact that the railway mileage per square mile in the United States, at least in the settled portions, is equal to or greater than that in Europe, while the entire mileage per thousand of population is five times as great, thereby showing that the United States is much more adequately furnished with means for railway transportation.

I might at this point dwell briefly on a subject which I had intended to speak on a little later. The most effective policy will be to provide cooperation between the railroads and the waterways, voluntary or compulsory. Then the question will settle itself. Where the river or the waterway is the best agency for carrying freight it will be adopted. Where it is not, the railway or some other agency will be adopted. To a large extent all our appropriations for rivers and canals will be wasteful and ineffective until that policy is brought about.

For instance, take a railroad leading to a city on the Mississippi River. There ought to be a common terminal or wharf to which the railroad can bring its freight and transfer it to boat. Instead of there being cooperation there is at present constant conflict between them. Until cooperation is brought about there will be rivalry, and in that rivalry the railroads will be sure to get the advantage. No matter how much you may regulate them, no matter what statutes you may pass, they will be sure to get the benefit because of their enormously greater mileage and the greater ease and convenience of distribution. A railroad can overcome considerable elevations and be built to almost any point, but the river only goes in a fixed channel. Our warehouses and our manufacturing establishments are located on railroads. The manufacturer can bring the railroad to his establishment, but it is impossible to bring the river to it.

I think these appropriations for locks and dams in rivers are very largely premature until we settle the basic problem of securing cooperation between these two agencies.

Mr. NEWLANDS. I would ask the Senator from Ohio whether, if we can secure legislation such as he refers to, that would accomplish cooperation between the railways and the waterways, he would then be prepared to enter upon a comprehensive plan for waterway development—river development.

Mr. BURTON. I would favor improving now a river where it is a useful agent of transportation, but I am afraid there are very few of them that are useful agencies outside of a few exceptional trunk-line channels and some minor streams where there is local traffic.

Mr. NEWLANDS. I recall hearing a very able speech from the Senator from Ohio before the River and Harbor Congress in which he approved of their motto—a policy rather than a project—and intimated that he would not oppose the aim of their operations, which was the expenditure of $50,000,000 upon the waterways and harbors of the country, if a proper system could be devised. May I ask the Senator what system he would suggest as an appropriate one that would result in the expenditure for a continuous number of years of $50,000,000 in the development of our waterways.

Mr. BURTON. I remember very distinctly what I said before that River and Harbor Congress. I said it was a question not so much of money, but of what was actually needed. I would not oppose an appropriation of $50,000,000, or even more. I have the credit or discredit, one or the other, of bringing in the largest river and harbor bill ever passed by Congress. It carried $86,000,000 in appropriations and authorizations, and I did not fear it at all, because I thought it was unusually free from waste or improper items and because it carried so many great projects to completion. That was the bill of 1907.

But in order to answer the Senator's question more fully, I would say, however, that it is putting the cart before the horse to say you will spend $50,000,000 on river and harbor projects. First, you want to select out your river projects, which, I believe, was a part of the Senator's plan. After selecting the rivers that need improvement, then find out how much it will cost to improve them.

Neither do I wish to be understood, Mr. President, as favoring the suspension of appropriations for rivers. There are certain classes of them that may be improved very profitably now. But what I do say is that any large development, any comprehensive development, of the inland waterway system of this country is not possible under present conditions; that is, you can not make it a valuable asset to the country. The money that you expend for it will be very largely wasted.

While I am on that subject let me say another thing. Before any such system is commenced, there should be a proper adjustment of costs and benefits between the General Government and the localities particularly benefited.

We have in one of the engineers' reports a recommendation for locks and dams costing well over $1,000,000, and with a possibility of their costing $3,000,000; and if you will examine the document, you will find that the argument most strenuously pressed by its advocates is that it would make available 1,150 acres of land.

Now, take the case to which I shall refer in a few minutes, the Big Sandy River, near my own State, the boundary line between Virginia and Kentucky. That has been improved, and the appropriations for it thus far have been $1,701,000. What is the object? To afford transportation to certain coal mines that are up that river. It does not seem to me that the Federal Government should be subjected to the burden of paying that expense just to bring out coal from that river and its two branches. Let those who are benefited pay a part of the cost.

Now, there is another thing about it. It is almost always true that the pressure for an appropriation here is strongest just in the degree that it will benefit some private interest, and the pressure is much less where it is for the general benefit.

Mr. HEYBURN. I should like to ask the Senator whether or not in his judgment private individuals have a right to go upon a navigable stream and take possession of it for the purpose of making an improvement in that stream.

Mr. BURTON. There has never been any difficulty about their getting consent to make improvements. Of course, if they went there to build a lock or a dam or any obstruction, or if

they went there to change the course they would need to have the consent of the Government.

Mr. HEYBURN. We would first have to authorize the Secretary of War to grant his consent. Now, take the New River, for instance, in Tennessee, which was improved some 25 or 30 years ago for the purpose of getting at the New River coal mines. The Government made that navigable for flatboats in order that that coal might be made accessible and could be taken to market. Could an individual enterprise have gone into that stream and made improvements, under the law, as an interstate proposition?

Mr. BURTON. Certainly; if it had the consent of the Government to do it.

Mr. HEYBURN. Whose consent?

Mr. BURTON. The consent of Congress.

Mr. HEYBURN. They must get it, and that is just what they were asking for; not that, because it is completed, but similar enterprises are sought to be developed under the legislation of Congress. Is not that what this appropriation bill undertakes to do?

Mr. BURTON. This appropriation bill is made up for the most part of appropriations payable directly from the Federal Treasury. In perhaps 15 or 20 instances there is provision made for participation.

Mr. HEYBURN. If in that enterprise they had improved New River, for instance, would they not have been either interfered with in their enjoyment of the river as improved or compelled to share it with others?

Mr. BURTON. Of course, if they charged tolls or exacted the exclusive use for one company they would need to have the consent of Congress, and that would have been rather grudgingly granted.

Mr. HEYBURN. Is it not better that the Government should make the improvement and control the use of the river?

Mr. BURTON. I think not when it is so largely for private interests.

Mr. HEYBURN. Those mines have opened up an entirely new section of coal development which, perhaps, never would have been known to exist.

Mr. BURTON. Not only have we new sections of coal to be developed but we have a great many old ones under existing facilities of rail or water.

One other thing in this connection which, I think, bears a very important relation to the whole subject of river and harbor improvements is the protection of banks and the building of levees. This bill raises the appropriation for the Mississippi River below Cairo, or rather below Cape Girardeau, from $3,500,000, as it came from the House, to $6,000,000. It also provides that $4,000,000 of the amount shall be expended in the building of levees.

Mr. President, I do not think that any voice here will be raised in opposition to fair, generous provision for those people who have suffered a most frightful misfortune because of this great flood, but I do not wish the bill to carry any inference that hereafter the Government is going to bear by general taxation the cost of the building of levees in the lower Mississippi. So far as navigation is concerned, which is the proper function of our legislation, it is not necessary to protect those lands from overflow. That may seem a harsh view to take of it, but the main object has been the protection of the great areas of adjacent property. In the past the people of the lower Mississippi have contributed very liberally. They have spent more money for levees than the Federal Government. In view of this great emergency this year, we ought to take care of the situation, but, as far as I am concerned, I do not wish it to be understood that this bill is a committal to the policy that the United States shall take exclusive charge of those levees in the future. There is a great amount of work to be done in revetment. That has a bearing principally upon navigation, and incidentally upon the protection of levees and private property. I think it must be agreed by all that that is the proper function of the Federal Government.

Mr. President, there is another point that I wish to make.

Mr. PERCY. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. BURTON. Certainly.

Mr. PERCY. Right at that point, I do not understand that the Senator's statement means that he would hereafter expect to antagonize the building of levees upon some scheme of contribution to a joint fund by both the Federal Government and the local levee board.

Mr. BURTON. I do not know that I should. What the Mississippi River Commission ought to have accomplished before this great flood was a permanent division under which their funds were to be devoted to dredging and to the building of revetment, while the abutting property should take care of the levees. They probably labored under a sort of misapprehension. They thought the levee system was practically finished.

I would not say that under a proper division I would oppose a certain participation by the Federal Government in the construction of levees, though, as I stated, I should be very glad to see that division absolutely made; that is, revetment of the channel to be taken care of by the Federal Government and the levees by the adjacent States.

Mr. PERCY. With the levees up to what the Government engineers say would be a safe grade, I should think that thereafter the principal sums appropriated by the Federal Government should be used for revetment purposes. Until that grade is reached, I think the principal portion of those funds should be used in levee building.

Mr. BURTON. Certainly in the present emergency the most pressing construction is the levees.

Mr. PERCY. There is one other feature to be noted. While the engineers do not say that levee building is as imperatively necessary in aid of navigation as the revetment, the voice of the commission has always been that levees are essential to regulate the navigation of the river. Doubtless the Senator recalls the testimony of Col. Sutler, of the Corps of Army Engineers, and of Capt. Leach, and of Col. Kingman, corroborating them, that if the levees did not protect a single acre of land they would recommend the construction of them there by the Federal Government as an aid to navigation.

Mr. BURTON. I have given considerable attention to the effect of levees on navigation, and I think up to a certain point they are of essential importance.

I wish to state in this connection, Mr. President, that there ought to be a review of our river and harbor projects so that our policy may harmonize with the present conditions. There are a great many streams in the country that were very valuable for navigation before a dredge was ever put into them by the United States Government, and now after the expenditure of very large amounts they are almost useless. Two years ago I called attention to the Red River in Louisiana, Arkansas, and Texas. I think it also touches another State. At the close of the Civil War a great fleet gathered at Shreveport, scores of boats, some of them 200 feet long, fine palatial passenger steamers, bringing out the cotton.

Let us see what the traffic was for the last year over the 476 miles below Fulton Harbor. The tonnage, aside from saw logs, which would go there without any improvements, was 10 tons of grain, 16 tons of provisions, 26 tons of fish, and 10 tons of ice. In all, 62 tons were carried on those 476 miles of river. The Government has expended about $3,000,000 on that stream. There is an appropriation of $50,000 for it in this bill, which is at the rate of $806 for every ton of merchandise or grain carried on that river in the preceding year.

It seems to me, Mr. President, it is a pretty strong case to appropriate $50,000 for a stream that carries 62 tons, with a valuation of $6,667. The amount we are asked to appropriate in this bill is practically eight times as much as all the value of the merchandise and freight carried.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. Certainly.

Mr. HEYBURN. I should like to ask the Senator a question. Does the question of railroads paralleling the river enter into it?

Mr. BURTON. There are railroads in that region, of course. I do not recall whether they exactly parallel it or not, but I fancy that they reach all the important towns.

Mr. HEYBURN. Does the existence of navigable water that might be used for the purpose of transportation affect the railroad rates at all?

Mr. BURTON. I am inclined to think it does, to speak with entire fairness.

Mr. HEYBURN. I have in mind a river on which the Government has spent a lot of money to make it navigable, and while the river was not much used it reduced the freight rate $8 a ton on the railroads.

Mr. BURTON. That, I maintain, is an entirely unnatural way of producing or obtaining a salutary result. We ought to have some other way besides wasting money in the improvement of channels.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Kansas?

Mr. BURTON. Certainly.

Mr. BRISTOW. If the freight rate on the rail line was the normal charge made for carrying the traffic on lines that are not connected with a river in any way, does the Senator not think the river traffic might be much heavier than it is?

Mr. BURTON. Yes; I think it would. It does evidently lower freight rates; but that is not all by any means. There is the quicker transmission, the better preservation of freight by putting it in wooden cars, and the fact that when loaded the shipper can get a bill of lading and take that to a bank and borrow on it as security. All those things enter into the problem. Those are natural advantages which the railroad has over the waterway.

Then there is this artificial advantage that the railway has over the waterway of adjusting its rates so as to get just below the figure which the freight can be profitably carried by water.

I want to call attention to a class of appropriations which I think has been more objectionable than any other, those in which provision has been made for locks and dams in numerous streams. I am glad to know that there is omitted from this bill, and I congratulate the chairman of the committee——

Mr. NELSON. How many locks and dams are on the Ohio River, if the Senator will tell me?

Mr. BURTON. Twenty or thirty, and all in active use.

Mr. NELSON. I should like to have the Senator object to locks and dams on the Ohio.

Mr. BURTON. I have often heard——

Mr. NELSON. I want to say further to the Senator from Ohio, if he will allow me to interrupt him, I am conscious of the fact that probably we have not as good a river and harbor bill in the Senate as we had while the Senator from Ohio was chairman of the Committee on Rivers and Harbors. That is our misfortune, and I can easily reply to it, but I do not want to weary the attention of the Senate with that matter. I will concede for the benefit of the Senator from Ohio that we had a more perfect river and harbor bill when he was chairman of the committee of the House.

Mr. BURTON. Mr. President, I regret the Senator from Minnesota takes so antagonistic a position. I have always taken it for granted that any item in any appropriation bill could be criticized and that it was the duty of a Senator to criticize it. I know the opposition that arises in the newspapers of some locality when a Member of Congress points out injudicious items in which it is interested, but I think I should be lacking in courage, I should be lacking in my obligation to the Senate and to the country, when objectionable items creep into a bill if I did not point them out. That is the course I propose to pursue at all times, whatever the opposition may be or from whatever source it may come.

I was about to congratulate the Senator from Minnesota on the fact that the Big Sandy River and the Levisa and the Tug Forks are left out of this bill. This was a project for 21 locks and dams. To show how readily persons may go astray, beginning in 1899 delegations came to Washington to advocate that improvement. They gave the most glowing account of the quantities of coal near the river and its two branches. They stated that by the building of several dams a very large amount would be available. That was an improvement which was provided for very largely by amendments added here in the Senate. It was opposed, and somewhat strenuously, in the House from the start. There are now five locks and dams built at a cost of about $1,500,000.

Several years ago there were 545 tons of coal transported on this river and its two branches. A year later the amount had decreased to 6 tons, and last year not a single ton was transported.

Another thing, those people asserted that you could not build railroads into that region. Now, let us see what is said in a report made by a Government engineer on that subject:

> So far the improvement has reached but one coal mine which ships principally by rail.

In the same letter it is said:

> Few, if any, of the coal mines lie in such a position that the coal can be readily placed on coal barges.

In addition to this cost of a million and a half, or thereabouts, there is an average cost of about $20,000 for annual care and maintenance.

Mr. President, I will give a few figures in regard to the Kentucky River. I do so because I think that is one of the most valuable object lessons in regard to the effect of improvements upon the development of traffic.

Until 1889 there were five dams. A comparison of the traffic of 1889 with 1909, when there were 11 dams, shows that the amount carried has diminished. A comparison with two years later, in 1911, when another dam was added making 12 in all, shows it has still further diminished; all of which indicates the gradually decreasing importance of water-borne traffic in the growth of the country.

There are other streams to which I thought of referring, like the Brazos and the Trinity in Texas and the Muskingum in my own State, but I have already detained the Senate much longer than I had intended and I will not dwell upon it.

Mr. President, occasionally when views which seem to a Senator valuable on questions of legislation are presented the attempt is made to destroy the influence of what he may say by some reference to his own State. It is in line with the old plan of those who defend themselves against accusations for offenses by abusing the prosecuting attorney. I do not think there is very much force in it, but I am perfectly ready to explain my connection with the Ohio River.

In the first place the Senator from Pennsylvania [Mr. OLIVER] with his community at Pittsburgh is far more interested in that river than is my State, although it bears the proud name of the Ohio River. In like manner are the States of West Virginia, Kentucky, Indiana, and Illinois interested.

A comparison of the Ohio with others has been made. Why, it has 300 times the traffic that is carried on the Missouri River. It has an annual tonnage of ten or twelve million. This with the Erie or barge canal are the most hopeful projects to improve in this country. If those two do not succeed I do not know of any waterway that will pay for its improvement. The improvement was commenced 20 years before I had any connection with the River and Harbor Committee. The completion of this great project under the present plan was not commenced until after I had left that committee. It was made a political issue against me in my State, it being maintained that I had stood in the way of this improvement, because I treated it as I did all other projects whether in my own State or elsewhere, by the same iron rule, the same standard of comparison.

So I may state, Mr. President, it is hardly fair to suggest the idea that the Ohio River is obtaining a larger appropriation than it deserves. It is my duty, as it is the duty of every Senator who represents his State, to see that it has fair treatment and not one iota more. Not only is this the case, but, as I have already stated, I think it is by no means just to lay upon me the responsibility for the initiation of that improvement or for its prosecution.

Mr. President, in many ways I approve the suggestions of the Senator from Nevada [Mr. NEWLANDS]. I think, to speak freely, that many of his projects anticipate an ideal condition rather than those which now exist. Many of us have given much attention to the impounding of waters by reservoirs. As regards the upper Mississippi that would be impracticable. We have some reservoirs there but they are few. A reservoir system in the upper Missouri or, I think, on the Missouri anywhere would be entirely impracticable. You must always bear in mind that floods are liable to come not from the headwaters but from the central or lower portions of the stream. I do think, however, that there is enough in this subject to merit our careful attention. So, on the recommendation of the National Waterways Commission, a provision has been made for an examination of the headwaters of the Monongahela and the Allegheny. There is the place, if any, where a reservoir system might diminish the floods in the Ohio and the Mississippi. But with the present stage of the development of our country the cost of constructing reservoirs is likely to be altogether out of proportion to the benefit. When we have densely populated areas, as in Japan and in Holland, and the value of agricultural lands reaches the same figures here and the pressure of population on every acre becomes the same, then, perhaps, reservoirs or other similar provision against floods will be feasible and profitable. I do not say but that in exceptional cases it would be feasible now. In any event it is worthy of examination.

I agree with the Senator from Nevada that the proper working out of this proposition requires not only cooperation between the Federal Government and the communities affected but the improvement of streams in such a manner as to develop all their possibilities of beneficial use. In a well-developed country such a policy can be carried out. But the problem before us just now, while it should look to an ultimate policy of most adequate and complete development, must stop short of that in my judgment.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. Certainly.

Mr. HEYBURN. I had expected when the discussion of this bill was on that we would have an expression and reference to the work of the Waterways Commission, its investigations abroad, involving cheaper transportation through a system of

canals. There has been great silence upon the question of the control of the waters in foreign countries. I know the Senator who now occupies the floor gave careful attention to that question abroad, and it would have been gratifying, and I have no doubt illuminating, to have had some reference to the work and the results of the work of that commission which examined these same questions as applied to those older countries.

Mr. BURTON. Mr. President, I can not but express my thanks to the Senator from Idaho for his very friendly expression. In the first place, our conclusions are concisely stated in printed reports, the final report having been brought to my desk this very day. It is Document No. 469, Sixty-second Congress, second session. The first portion of it particularly—somewhat less than a hundred pages—dwells on the subjects to which the Senator from Idaho refers, as well as on others. I would state, however, that that report occupies a somewhat wider field than the question of river and harbor appropriations.

Mr. HEYBURN. I would ask, then, under what legislative head will we come in contact with the consideration of the developed facts gathered by that commission? I had thought that when such questions as were raised by the Senator from Nevada [Mr. NEWLANDS] came before the Senate the information gathered by this Waterways Commission would be most valuable, and that it was gathered with a view to the consideration of just such questions as are now before us.

Mr. BURTON. I will state in that connection, Mr. President, that not later probably than Saturday it is my expectation to introduce two bills relating to water power, one on public lands and the other as an amendment to the general dam act, both of which are recommended by the commission, or in line with its recommendations, and other bills may perhaps follow.

Mr. HEYBURN. Of course, I can not anticipate the nature of that presentation, but it would seem to me that it would be duplicating to some extent the work proposed by this bill. If we are going to have a new and better system of controlling and using the waters of the country as a result of the work of the waterways commission, why not bring it in in connection with this legislation?

Mr. BURTON. Well, this bill is largely an appropriation bill, and whatever suggestions we might make would be on general questions of policy. I do not think they run together.

In conclusion, Mr. President, I merely want to call attention to section 2 of this bill, being an amendment which is proposed and approved by the Senate committee.

SEC. 2. That the Secretary of War shall cause the Chief of Engineers of the Army and the Board of Engineers for Rivers and Harbors to report to Congress, in which shall be included a preliminary report not later than December 1, 1912, upon the saving, as well as other advantages, which can be accomplished by the adoption of the continuing contract system, the rapidity with which projects should be completed, upon methods of standardization by which the waterways of the country may be improved uniformly in proportion to their capacities and to the existing or probable demands of general commerce, and also report upon one or more systematized schemes of such improvement, involving all waterways heretofore examined, together with any natural or artificial channels, essential for the utilization thereof, whether heretofore examined or not; also upon all projects heretofore adopted, the further improvement of which is not desirable or the expenditure upon which is out of proportion to the benefit derived therefrom.

I hope for favorable information as the result of such a report.

I end as I commenced, by saying that I am not intending to vote against this bill, but it is nevertheless one in which there are glaring defects, not so much the fault of the Committee on Rivers and Harbors of the House of Representatives or the Committee on Commerce of the Senate, as of the system under which we are working and the difficulty of avoiding the insistent demands of localities and local interests and of developing, in the face of pressure, a system which shall be fair and helpful to the whole country.

[Mr. NEWLANDS addressed the Senate. See Appendix.]

Mr. WILLIAMS. Mr. President, I wish to consume about 5 or 10 minutes of the time of the Senate.

My own people down in the lower Mississippi Valley are suffering great hardships and are destined to suffer still greater hardships before the expiration of this crop year. The water is on the land; the boll weevil is waiting to get on the cotton; and the charbon is amongst the stock, killing horses, mules, hogs, sheep, and cattle. The disease is a result of water exposure and food deprivation. The negroes are huddled helplessly in the towns. There is industrial anarchy and chaos everywhere.

I do not want to take much of the time of the Senate. I do not want to assume a critical attitude toward the Committee on Commerce. It has acted very kindly to us, with a spirit we could not have asked anything further from. But I do wish to express a few ideas in connection with the general subject more fitted for future than for present consumption.

I think that the great Mississippi River problem ought to be segregated, and ought to be dealt with as the Panama Canal was dealt with. Its magnitude justifies it, and the greatness of the results as an investment to the American people would justify it; and I am a great deal dissatisfied with the present dribbling policy.

The Mississippi River does not present a thousand problems; it presents one. It ought to be dealt with as one. There is a great valley, unexcelled in fertility, unparalelled in potentialities, and it ought to be handled in a way worthy of itself.

Mr. President, if it cost as much wherever necessary to canalize and straighten, and wherever necessary to revet, and wherever necessary to levee the Mississippi River as it has cost and will cost to build the Panama Canal—$400,000,000—that amount of money spent upon the Mississippi River would be worth as an investment to the American people ten times what the Panama Canal as an investment is or ever will be worth to them.

I do not want to say anything that will leave bad feeling behind. I do not mean as a criticism what I am about to say now. I do not mean to leave with its utterance the thought in anybody's mind that I am even complaining of conditions as they are, but I do know—I do at least believe—that if the Mississippi River had taken its source in the northwestern part of Pennsylvania and had flowed through the thickly settled portions of the northern and eastern country and had debouched somewhere in Massachusetts it would all be walled by now with granite, if granite had been found necessary to confine its waters. This Mississippi is one problem, and the problem consists in dredging the Mississippi River, in canalizing it and straightening it at places, in revetting it at other places, and above all in giving everywhere continuous lines of levees approximately equidistant from one another upon the opposite bank of the Mississippi River.

There is no fault about the Eads theory. It works perfectly. Wherever that great river is controlled during flood times between embankments, keeping it within its channel, and the levees approximately equidistant from one another, there will follow mathematically the result of scouring out the bottom of the river, deepening the channel, preventing future floods by that process, as well as preventing present floods by the levee embankments themselves.

The only trouble is this: When you have a theory founded upon a condition, you must comply with the condition or your theory will not work. Thus far it has not worked, because there have been long distances where levees have not been built. In my State and a part of Louisiana, for example, there are 214 miles where the Government has adopted the walnut hills, as they are called, as a levee. These hills sometimes abut into the river, are sometimes a quarter of a mile from it and sometimes 20 miles from it, thus causing sagging and currenting and cross-currenting which has defeated the theory, because the condition of the theory has not been complied with, and it must be complied with if the theory itself is to work out.

But more than that has to be done, and it ought to be done not with a dribble year by year, but we ought to get at it like we went at the Panama Canal. "Here is your problem. Let us do it, and let us be done with it."

More than mere leveeing is necessary. At places the river ought to be straightened out and canalized. That was a part of the Eads theory, as well as levees and jetties and revetments. I think it would pay the United States Government, when they get through in Panama, to move up the dredge boats and other machinery and put them in the Mississippi River from St. Louis down, and above St. Louis as well, and utilize this plant in dredging the river to a depth of 12 or 14 feet.

You say the levees would cost $30,000,000 to bring them up to the Mississippi River Commission's standard. Now, remember, Senators, that in so far as the levees have been brought up to the standard, we have suffered no disaster. There is only one section on the Mississippi River where that has taken place, and that is in my levee district, in the Yazoo country. The man who worked there was called a crank upon the levee system. He has had the levees built not only to the tentative height and the tentative base, but to the standard height and base, and as a consequence the levees are 3 or 4 feet out of the water, and there has been no trouble and no disturbance. I say this, although my own land to-day is lying under water, because the levees in the lower districts broke and the water backed up onto the lands in the lower part of the upper district.

Here is a case where people have spent their money. In the lower levee districts, where my colleague lives, the people

are paying 9 mills taxes, $1 a bale on their cotton, and, I think, $1 an acre on their land.

Mr. PERCY. Ten mills.

Mr. WILLIAMS. Ten mills instead of nine.

Now, where we did complete the levees properly, as we did all above, we have not called upon the United States Government for anything for, I think, four years, nor have we called upon them for anything this year.

Why do you want to dribble? Why do you want to say a thing will cost $30,000,000, and we will put in $6,000,000 of it this year and $6,000,000 next and $6,000,000 next, instead of putting in $30,000,000 this year or next and having it done with. Why run the risk of having water like this come and destroy what improvements you have made? The calculation is that the present waters will destroy a million and a half in levees. I think when we get through with it is will be nearer two and a half millions. Why have what you have in process of construction destroyed, instead of completing the construction and being done with it? Why not defy the floods for all time by a completed structure?

Do not tell me we are not rich enough to do it. We are rich enough to do anything that is an investment and not a mere expenditure. You are spending millions upon nonproductive works, and this is a productive work. It is an investment. It is in no sense an expenditure at all. It is like building a house to rent. Just in proportion as you do the work, the people there are able to pay taxes to State, county, and Nation—to the Nation in shape of increased consumption of goods which are taxed and the tax upon which flows into the National Treasury.

I am not complaining now at all. I do not want to be understood as doing it. I understand that under the circumstances the Commerce Committee has acted more generously by us than I expected. I am very much pleased, but I do think that they ought to consider this matter as one worthy of being segregated and treated as one great national problem, and they ought to consider it from the standpoint of the navigability of the river more than they are now doing. I tell you, until you have got the continuous line of levees without a break in it you can not bring into operation the forces that you relied upon under the Eads theory to deepen the channel and thereby to anticipate the necessity of building higher embankments by deepening the channel, so as to confine the river within the banks. Thus in the future it will not be necessary to build higher and higher levees, but, on the contrary, we can spend less for embankments year after year.

I want to thank the Senate for its attention. I should like at some future day to make an address to the Senate upon the subject of the Mississippi River problem as it presents itself to my mind. I have uttered these few thoughts now because it seemed to me important to do it in connection with the question in its present attitude. I have said what little I have said as something suggestive of thought for the consideration of a great and complete scheme.

Mr. NELSON. Mr. President, I have abstained from making any remarks on this bill, because I have been so anxious to have it considered, and not because I had nothing to say. I will merely ask the Senate to sit here while we go through the bill. I am not going to make any speech.

The PRESIDING OFFICER. The bill will be read.

Mr. NELSON. We have dispensed with the formal reading of the bill, and the bill is now to be read for committee amendments.

The PRESIDING OFFICER. The Chair understands that order has heretofore been entered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Commerce was, on page 2, after line 6, to insert:

Improving South Bristol Harbor, Me., completing improvement in accordance with report submitted in House Document No. 564, Sixty-second Congress, second session, $3,500.

The amendment was agreed to.

The next amendment was, on page 2, after line 17, to insert:

Improving north of Pollock Rip Channel through the shoals lying near the entrance to Nantucket Sound, Mass., in accordance with the report submitted in House Document No. 536, Sixty-second Congress, second session, $250,000.

The amendment was agreed to.

The next amendments were, on page 3, line 10, before the word "thousand," to strike out "eighty" and insert "forty," and in the same line, after the word "dollars," to insert "*Provided*, That local interests shall contribute an equal amount," so as to make the clause read:

Improving Malden River, Mass.: Completing improvement in accordance with the report submitted in House Document No. 77, Sixty-second Congress, first session, and subject to the conditions set forth in said document, $40,000: *Provided*, That local interests contribute an equal amount.

Mr. NELSON. I hope the amendments will be disagreed to.

The amendments were rejected.

The next amendment was, on page 3, after line 11, to insert:

Improving harbor at New Bedford and Fairhaven, Mass., in accordance with the report submitted in House Document No. 442, Sixty-second Congress, second session, and upon the conditions therein prescribed, $56,610.

The amendment was agreed to.

The next amendment was, on page 3, after line 20, to insert:

Improving the harbor of refuge, Block Island, R. I., in accordance with the report submitted in House Document No. 828, Sixtieth Congress, first session, $30,000.

The amendment was agreed to.

The next amendment was, at the top of page 4, to insert:

Improving West River (New Haven Harbor), Conn.: For construction and maintenance in accordance with the report submitted in House Document No. 535, Sixty-second Congress, second session, $54,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 14, to strike out:

Improving Connecticut River, Conn.: For maintenance of improvement above Hartford, $25,000.

Mr. NELSON. We were in some doubt whether it was below or above Hartford, and we have agreed to let it go into conference and be settled there.

The amendment was agreed to.

The next amendment was, at the top of page 6, to insert:

Improving harbor at Mamaroneck, N. Y., in accordance with the report submitted in House Document No. 1087, Sixty-first Congress, third session, $29,500: *Provided*, That any necessary easements for right of way and for the disposition of dredged material on Harbor Island be furnished by local interests free of cost to the United States.

The amendment was agreed to.

The next amendment was, on page 7, after line 3, to insert:

Improving Jamaica Bay, N. Y., and entrance thereto in accordance with the report submitted in House Document No. 1488, Sixtieth Congress, second session, $500,000, from which amount the Secretary of War may reimburse the city of New York each month for the dredging and the disposition of dredged material of the preceding month at the actual unit price per cubic yard, place measurement: *Provided*, That such cost does not exceed 8 cents per cubic yard.

Mr. JONES. I wish to ask the chairman of the committee if the dredging is done by the city of New York?

Mr. NELSON. The dredging is done by the city of New York under contract, but must conform to the regulations of the War Department.

The amendment was agreed to.

The next amendment was, on page 7, line 21, before the word "thousand," to strike out "twenty-five" and insert "one hundred and ninety"; and in the same line, after the word "dollars," to insert "of which amount so much as may be necessary may be used for the construction of a dredge: *Provided*, That if, in the opinion of the Secretary of War, dredges of a suitable character to do the work at Absecon Inlet are readily obtainable for doing the work by contract at reasonable rates, the amount herein appropriated shall become immediately available for the prosecution of such work," so as to make the clause read:

Improving Arthur Kill, N. Y. and N. J.: For maintenance of improvement of Arthur Kill and the waters connecting Raritan Bay with New York Harbor, including channel north of Shooters Island, $20,000.

Improving Absecon Inlet, N. J., in accordance with the report submitted in House Document No. 1395, Sixty-first Congress, third session, $190,000, of which amount so much as may be necessary may be used for the construction of a dredge: *Provided*, That if, in the opinion of the Secretary of War, dredges of a suitable character to do the work at Absecon Inlet are readily obtainable for doing the work by contract at reasonable rates, the amount herein appropriated shall become immediately available for the prosecution of such work.

The amendment was agreed to.

The next amendment was, on page 9, after line 8, to insert:

Improving Newark Bay and Passaic River, N. J., in accordance with the report submitted in House Document No. 707, Sixty-second Congress, second session, $5,000. The Chief of Engineers may, in his discretion, with the approval of the Secretary of War, consolidate existing projects and cancel existing contracts for the improvement of said bay and river and use available unexpended balance for the new project if, in his judgment, such consolidation and cancellation would be in the interest of the Government: *Provided*, That any of the said projects may be so modified as to allow for the narrowing of said channel width where necessary to prevent encroachment upon existing docks and to allow for the widening of the channel at the bends of the river where considered desirable in the interest of commerce and navigation.

The amendment was agreed to.

The next amendment was, at the top of page 10, to strike out:

Improving Passaic River, N. J.: For maintenance of improvement above the Montclair & Greenwood Lake Railroad bridge, $5,000.

The amendment was agreed to.

The next amendment was, on page 10, line 23, before the word "dollars," to insert "five hundred thousand," so as to make the clause read:

Improving Delaware River, Pa., N. J., and Del.: Continuing improvement and for maintenance from Allegheny Avenue, Philadelphia, to the sea, $1,500,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 23, to insert:

Improving Leipsic River, Del., in accordance with the report submitted in House Document No. 574, Sixty-first Congress, second session: Any unexpended balance of appropriation heretofore made for the improvement of Leipsic River, or so much thereof as may be required, may be expended for making cut-offs Nos. 1 and 5: *Provided*, That the necessary land for them shall be furnished free of cost to the United States.

The amendment was agreed to.

The next amendment was, on page 11, after line 6, to insert:

Improving Leipsic River, Del., in accordance with report submitted in House Document No. 647, Sixty-second Congress, second session, and upon the condition specified in said report, $19,600.

The amendment was agreed to.

The next amendment was, on page 11, after line 11, to insert:

Improving Little River, Del., in accordance with the report submitted in House Document No. 626, Sixty-second Congress, second session, and upon the condition specified in said report, $14,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 16, to insert:

Improving harbor at Wilmington, Del., in accordance with the report submitted in House Document No. 359, Sixty-second Congress, second session, $250,000, of which amount so much as may be necessary may be used for the purchase or construction of a dredging plant to be used in connection with the work of improving and maintaining the harbor at Wilmington, Del., and at other places in the engineer district, with headquarters at Wilmington.

The amendment was agreed to.

The next amendment was, on page 12, after line 2, to strike out:

Improving Youghiogheny River, Pa.: Continuing improvement, $75,000.

The amendment was agreed to.

The next amendment was, on page 12, line 9, after the word "Delaware," to strike out "For maintenance, and completing" and insert "Completing," and in line 13, before the word "thousand," to strike out "seventeen" and insert "fourteen," so as to make the clause read:

Improving Broad Creek River, Del.: Completing improvement in accordance with the report submitted in House Document No. 601, Sixty-first Congress, second session, $14,520.

The amendment was agreed to.

The next amendment was, on page 13, after line 8, to insert:

For the dredging of Elk River to Elkton, Md., $8,200.

The amendment was agreed to.

The next amendment was, on page 15, line 13, after the word "dollars," to insert:

Provided, That the provisions of section 11 of the river and harbor act of March 3, 1899, are hereby made applicable to the Potomac and Anacostia Rivers, and hereafter harbor lines in the District of Columbia, or elsewhere on said rivers, shall be established or modified as therein provided; and all laws or parts of laws inconsistent with this proviso are hereby repealed: *Provided further*, That hereafter the officer in local charge of the improvement shall have authority, with approval of the Chief of Engineers, United States Army, when no public building is available, to rent suitable offices, to be paid for pro rata from the appropriations for works in his charge: *And provided further*, That the proviso in the act of June 3, 1896, entitled "An act making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes," under the item "Improving Potomac River at Washington, D. C.," is hereby repealed.

The amendment was agreed to.

The next amendment was, on page 16, after line 18, to insert:

Improving Aquia Creek, Va., in accordance with the report submitted in House Document No. 579, Sixty-second Congress, second session, $21,400.

The amendment was agreed to.

The next amendment was, on page 17, line 12, after the date "nineteen hundred and twelve," to insert "(H. Doc. No. 589, 62d Cong., 2d sess.); and the foregoing appropriation shall be devoted to that purpose. For the construction of a dredge to be used in the improvement and maintenance of said inland waterway, $200,000, or so much thereof as may be necessary, of which amount not to exceed $10,000 may be expended for contingent improvements of said inland waterway; in all, $700,000," so as to make the clause read:

Improving inland waterway from Norfolk, Va., to Beaufort Inlet, N. C., in accordance with the report printed in House Document No. 391, Sixty-second Congress, second session, $500,000. And the Secretary of War is hereby authorized to purchase from the Chesapeake & Albermarle Canal Co. the canal and appurtenant property belonging to said company in accordance with the agreement entered into between the Secretary of War and said company under date of February 17, 1912 (H. Doc. No. 589, 62d Cong., 2d sess.); and the foregoing appropriation shall be devoted to that purpose. For the construction of a dredge to be used in the improvement and maintenance of said inland waterway, $200,000, or so much thereof as may be necessary, of which amount not to exceed $10,000 may be expended for contingent improvements of said inland waterway; in all, $700,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 2, to insert:

For the construction of a harbor of refuge at Cape Lookout, N. C., in accordance with the report submitted in House Document No. 528, Sixty-second Congress, second session, or such modification of the plan contained in said report as may be deemed advisable after examination and survey, $300,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 4, to insert:

Improving Cape Fear River at and below Wilmington, N. C., in accordance with the report submitted in House Document No. 287, Sixty-second Congress, second session, $300,000.

The amendment was agreed to.

The next amendment was, on page 20, line 9, after the word "report," to strike out "of the Board of Engineers for Rivers and Harbors, dated April 3, 1911," and insert "of the Board of Engineers for Rivers and Harbors submitted in Senate Document No. 350, Sixty-second Congress, second session, and upon the conditions set forth therein," so as to make the clause read:

Improving harbor at Charleston, S. C.: Continuing improvement of the 28-foot channel to the sea, $50,000; completing improvement of a 20-foot channel in Ashley River up to Standard Wharf, in accordance with the report printed in Rivers and Harbors Committee Document No. 4, Sixty-second Congress, second session, $51,150; completing improvement of Shipyard Creek in accordance with the report of the Board of Engineers for Rivers and Harbors submitted in Senate Document No. 350, Sixty-second Congress, second session, and upon the conditions set forth therein, $5,000; in all, $106,150.

The amendment was agreed to.

Mr. DU PONT. I ask unanimous consent to turn back. I have an amendment to offer at page 11.

Mr. NELSON. Let the committee amendments be disposed of first. That is the order.

The PRESIDING OFFICER. The unanimous-consent agreement was that the committee amendments should be first considered.

Mr. DU PONT. Very well.

The next amendment was, on page 20, line 18, before the word "thousand," to strike out "sixty-two" and insert "twelve," so as to make the clause read:

Improving Winyah Bay, S. C.: Continuing improvement and for maintenance, $112,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 20, to insert:

Improving St. Marys River, Ga. and Fla., in accordance with the report submitted in House Document No. 697, Sixty-second Congress, second session, $19,450.

The amendment was agreed to.

The next amendment was, on page 23, line 16, after the word "dollars," to insert "and that the provision in the river and harbor act approved February 27, 1911, authorizing and empowering the Secretary of War to enter into contract with the Ragland Water Power Co. to complete the dam partially built by the United States at Lock No. 4, on the Coosa River, is hereby reenacted, and the time fixed therein for making said contract and for beginning said work is hereby extended six months from the date of the approval of this act," so as to make the clause read:

Improving Coosa River, Ga. and Ala.: Continuing improvement and for maintenance between Rome, Ga., and Dam No. 4, Alabama, $20,000; continuing improvement by the construction of a lock in Dam No. 4, and by the construction of Dam No. 5, in the State of Alabama, $124,000; in all, $144,000; and that the provision in the river and harbor act approved February 27, 1911, authorizing and empowering the Secretary of War to enter into contract with the Ragland Water Power Co. to complete the dam partially built by the United States at Lock No. 4, on the Coosa River, is hereby reenacted, and the time fixed therein for making said contract and for beginning said work is hereby extended six months from the date of the approval of this act.

The amendment was agreed to.

The next amendment was, on page 24, line 2, after the word "Florida," to strike out "by the new route between Sapelo and Doboy Sounds by way of Front River," so as to make the clause read:

Improving waterway between Savannah, Ga., and Fernandina, Fla., as recommended in the reports submitted in House Document No. 1236, Sixtieth Congress, second session, and in the Annual Report of the Chief of Engineers for 1911, $40,000: *Provided*, That of this amount so much as shall be necessary may, in the discretion of the Secretary of War, be expended for maintenance of harbor at Darien, Ga.

The amendment was agreed to.

The next amendment was, on page 25, line 1, to strike out "Improving harbor at Key West, Fla.," and insert "Improvement at Key West, Fla.: Deepening and widening the main ship channel at the entrance and at Triangle Shoals, so as to afford a channel 30 feet deep and 300 feet wide, and removing shoals in the anchorage in accordance with the report submitted in House Document No. 706, Sixtieth Congress, second session, $48,000"; in line 8, before the word "maintenance," to strike out "For" and insert "for"; and in line 9, after

the word "dollars," to insert "in all, $63,000," so as to make the clause read:

Improvement at Key West, Fla.: Deepening and widening the main ship channel at the entrance and at Triangle Shoals, so as to afford a channel 30 feet deep and 300 feet wide, and removing shoals in the anchorage in accordance with the report submitted in House Document No. 706, Sixtieth Congress, second session, $48,000; for maintenance of improvement of the northwest entrance channel, $15,000; in all, $63,000.

Mr. NELSON. I have an amendment to offer to the amendment. Before the word "Congress," in line 7, I move to strike out "Sixtieth" and insert "Sixty-second."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 27, line 14, to insert:

Improving the entrance of Charlotte Harbor, Fla., in accordance with the report submitted in House Document No. 699, Sixty-second Congress, second session, $20,000, upon the condition that local interests contribute one-half of the estimated original cost of said improvement.

The amendment was agreed to.

The next amendment was, on page 27, after line 23, to insert:

Protecting shore of Anastasia Island, in St. Augustine Harbor, Fla., by groins, in accordance with the report submitted in House Document No. 580, Sixty-second Congress, second session, $15,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 3, to insert:

Improving the entrance to St. Josephs Bay, Fla., so as to secure and provide an available channel 24 feet deep at mean low water and 300 feet wide through the bar, $20,000, the work to be done by the Government plant: *Provided*, That local interests will contribute an equal sum toward the execution of the project, in accordance with the report submitted in House Document No. 660, Sixty-second Congress, second session.

The amendment was agreed to.

The next amendment was, on page 29, after line 14, to insert:

That the provision in the river and harbor act approved March 3, 1905 (33 Stats., p. 1128), granting Louis M. Tisdale the right and authority to construct and operate a channel through Mobile Bay, and to construct and maintain wharves, piers, anchorage and turning basins, and other similar structures in said bay, is hereby revived and reenacted: *Provided*, That the said provision is hereby so amended as to vest in the South Mobile Terminal Co., its successors and assigns, all the rights, privileges, and authority thereby granted to the said Louis M. Tisdale, upon full and complete assignment and transfer of all such rights, privileges, and authority of said Tisdale to the said South Mobile Terminal Co.: *Provided also*, That the said provision is hereby further amended so as to extend the time for completing the work therein authorized for a period of five years from the approval of this act: *And provided also*, That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The next amendment was, on page 30, line 14, before the word "hundred," to strike out "one" and insert "two," and in the same line, after the word "dollars," to insert "of which amount $120,000 may be applied to the purchase or construction of a suitable dredge: *Provided*, That the U. S. dredge *Barnard* may be transferred back to the improvement from which it was transferred by act approved February 27, 1911, and the balance remaining on hand of the $60,000 authorized by the act of February 27, 1911, to be expended for the repair and modification of the U. S. dredge *Barnard*, may be expended for the purchase or construction of the dredge herein authorized," so as to make the clause read:

Improving harbor at Gulfport, Miss.: Continuing improvement and for maintenance of anchorage basin at Gulfport and channel therefrom to the anchorage or roadstead at Ship Island, and for the improvement and maintenance of channel at Ship Island Pass, $200,000, of which amount $120,000 may be applied, etc.

The amendment was agreed to.

The next amendment was, on page 33, after line 2, to insert:

Bayou Terrebonne, La.: That the proviso in the river and harbor act of June 25, 1910, making appropriation for improving Bayou Terrebonne, La., be, and the same is hereby, amended to read as follows: "*Provided*, That before any expenditures are made the right of way for the additional width required for excavation and for depositing dredged material be given by local interests free of cost to the United States."

The amendment was agreed to.

The next amendment was, on page 35, line 17, before the word "three," to strike out "The Secretary of War may appoint a board of five engineer officers whose duty it shall be to examine Galveston Harbor and Channel, Tex., and make report, with estimate of cost, with a view to securing and maintaining a depth of 35 feet by extension of the jetties, or by dredging, or by both, as the board may deem most economical," and insert "The Secretary of War may appoint a board of three engineer officers whose duty it shall be to examine the following harbors and channels in Texas, at or near Galveston, to wit: Galveston Harbor and Channel, Texas City Harbor and Channel, Port Bolivar Harbor and Port Bolivar Channel leading thereto, all with a view to a depth of 35 feet," so as to make the clause read:

The Secretary of War may appoint a board of three engineer officers whose duty it shall be to examine the following harbors and channels in Texas, at or near Galveston, to wit: Galveston Harbor and Channel, Texas City Harbor and Channel, Port Bolivar Harbor and Port Bolivar Channel leading thereto, all with a view to a depth of 35 feet. The said board shall also make an investigation as to the advisability of constructing a dike or dikes along the Houston Ship Channel and report whether or not such dike or dikes will operate in lieu of the dike recommended in the report for Greater Galveston to be built east of the Texas City Channel for the purpose of protecting the Texas City Channel and Galveston Channel.

The amendment was agreed to.

The next amendment was, on page 36, line 1, before the words "engineer officers," to strike out "five" and insert "three"; in line 5, after the word "feet," to insert "or such depth as may be considered advisable in the interest of commerce," so as to read:

The Secretary of War may appoint a board of three engineer officers, whose duty it shall be to examine Port Aransas (Aransas Pass and the Harbor Island basin), Tex., and make an estimate of the cost of securing a depth of 25 feet, or such depth as may be considered advisable in the interest of commerce.

The amendment was agreed to.

The next amendment was, on page 36, line 9, after the words "Mustang Island," to strike out "All the waters lying between Harbor Island and the mainland are hereby declared nonnavigable" and insert "and the question of declaring all or any of the waters lying between Harbor Island and the mainland nonnavigable," so as to make the clause read:

And said board shall report fully upon all matters pertaining to the creation of a deep-water harbor of the first class, including the dike on St. Joseph Island and harbor facilities at the northern end of Mustang Island, and the question of declaring all or any of the waters lying between Harbor Island and the mainland nonnavigable.

Mr. HEYBURN. I should like to inquire of the Senator in charge of the bill what authority Congress has to declare a stream nonnavigable? A stream is navigable or nonnavigable, according to the fact. There is generally a purpose behind the attempt to get possession of a stream.

Mr. NELSON. We have struck those lines out of the bill.

Mr. HEYBURN. I observe that. Let me just call attention to it in a moment, because it is quite a burning question. The language proposed to be inserted reads:

And the question of declaring all or any of the waters lying between Harbor Island and the mainland nonnavigable.

Mr. NELSON. We have reported that the words be stricken out of the bill.

Mr. HEYBURN. Lines 10 and 11 are stricken out, but how about lines 12 and 13, which I have just read?

Mr. BURTON. This board of engineer officers are to report on that.

Mr. NELSON. That is left for the Engineer Department to report on.

Mr. HEYBURN. I know; but——

Mr. NELSON. They are simply to report to us on that question. They are not to take independent action; they are to submit it to Congress.

Mr. HEYBURN. I do not believe that Congress or any board in the Government may be authorized to declare a stream nonnavigable. I know where it has been attempted it has always been the forerunner of turning the river over to private enterprise. I have applications and petitions now from various business enterprises, as they call themselves, to declare Clear Water River nonnavigable, and I have advised them that neither Congress nor any board of the Government has that power. A river is navigable as a matter of fact or it is not navigable, and we ought not to start in upon a system of making streams navigable by legislation or by the report of a board. It is particularly objectionable.

Mr. NELSON. We have struck that clause out of the bill.

Mr. HEYBURN. I understand that; I have the bill before me; but you authorize a board to declare——

Mr. NELSON. Not to declare, but simply to make a report.

Mr. HEYBURN. It amounts to the same thing.

Mr. NELSON. Oh, no.

Mr. HEYBURN. I want to eliminate from legislation the recognition of the right to declare a stream nonnavigable by any department of the Government. You might as well authorize some board to report to us upon the sun, whether or not it rises in the east or in the west. Rivers are navigable to some men and not to others; they are navigable for some purposes and not for others. If you can once get a foothold for people to stand where they can have a river declared nonnavigable in order that they may use it or take exclusive possession of it, you will have laid the foundation for a great deal of trouble. I do not like the recognition in this bill or in any legislation of the existence of power anywhere in anyone to declare a stream nonnavigable. I object to the use of that word or to the inferential right of anyone to do it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HEYBURN. What is the vote upon?

The PRESIDING OFFICER. Upon the amendment striking out lines 10 and 11 and inserting the words in italics.

Mr. HEYBURN. I am still occupying the floor in regard to it in the hope that I may attract the attention of some Senator to the importance of this quesion.

The PRESIDING OFFICER. The Chair begs the Senator's pardon. The Chair thought the Senator had concluded.

Mr. HEYBURN. If it were a trivial matter I would not occupy the attention of the Senate for a moment, but I do sincerely hope that Senators will recognize the importance of reserving against any branch of the Government the right to declare that a stream is navigable or nonnavigable, because it is always made the basis of some attempt to retain exclusive possession of that stream. I hope that——

Mr. NELSON. Mr. President, this is not a stream, it is a harbor. I will read the whole clause as it will read with the words stricken out:

And said board shall report fully upon all matters pertaining to the creation of a deep-water harbor of the first class, including the dike on St. Joseph Island and harbor facilities at the northern end of Mustang Island, and the question of declaring all or any of the waters lying between Harbor Island and the mainland nonnavigable.

Mr. HEYBURN. I object to that amendment because it undertakes to confer a power upon the board to do that which they should not have the power to do. I hope the amendment will not be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. HEYBURN. I reserve the right to object to that amendment later on, and perhaps it will have been thought about.

The PRESIDING OFFICER. The Senator will have an opportunity when the bill is in the Senate.

The next amendment was, on page 36, after line 13, to strike out:

The expenses connected with making the two foregoing investigations and reports shall be paid from the appropriation for examinations, surveys, and contingencies of rivers and harbors.

The amendment was agreed to.

The next amendment was, on page 37, after line 7, to insert:

Improving the Sabine-Neches Canal, Tex., from the Port Arthur Ship Canal to the mouth of the Sabine River, the Neches River up to the town of Beaumont, and the Sabine River up to the town of Orange: The authorization for the improvement adopted by the river and harbor act of February 27, 1911 (36 Stat., p. 943), is hereby extended so as to include the cutting off of bends or the widening of the channels to such extent as may be recommended by the Chief of Engineers and approved by the Secretary of War: *Provided*, That the total cost shall not be increased beyond that specified in the act of February 27, 1911: *Provided further*, That nothing herein contained shall change the terms of cooperation specified in said act.

The amendment was agreed to.

The next amendment was, on page 37, line 24, to insert the word "and" before the word "Cedar."

The amendment was agreed to.

The next amendment was, on page 38, after line 10, to insert:

Improving mouth of Brazos River, Tex.: For maintenance, $25,000.

The amendment was agreed to.

The next amendment was, on page 38, line 18, before the word "thousand," to strike out "and commencing the construction of two additional locks and dams, four hundred and twenty" and insert "three hundred and forty"; in line 20, before the word "survey," to strike out "instrumental"; in the same line, after the word "river," to insert "and reexamination of the project"; and, on page 39, line 1, before the word "thousand," to strike out "four hundred and thirty-five" and insert "three hundred and fifty-five," so as to make the clause read:

Improving Trinity River, Tex.: Continuing improvement with a view to obtaining a depth of 6 feet between the mouth and Dallas by the construction of locks and dams heretofore authorized, $340,000: *Provided*, That of this amount so much as shall be necessary may be expended for an accurate survey of the river and reexamination of the project as recommended in the Annual Report of the Chief of Engineers for 1911; continuing improvement and for maintenance by open-channel work, $15,000; in all, $355,000.

The amendment was agreed to.

The next amendment was, on page 39, line 7, before the word "thousand," to strike out "fifty" and insert "sixty-two"; in the same line, after the word "dollars," to insert "of which amount $12,000, or so much thereof as may be necessary, may be expended in the construction of highway bridges at points where the said waterway will intersect existing county roads"; and, in line 13, before the word "thousand," to insert "and twelve," so as to make the clause read:

Improving inland waterway on coast of Texas: For maintenance of improvement of that section of the waterway between West Galveston Bay and Brazos River, $10,000; continuing improvement between Brazos River and Matagorda Bay, $62,000, of which amount $12,000, or so much thereof as may be necessary, may be expended in the construction of highway bridges at points where the said waterway will intersect existing county roads; and completing improvement of the Guadalupe River up to Victoria, $40,000; in all, $112,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 13, to insert:

The Secretary of War is authorized to change the route of the channel from Aransas Pass to Pass Cavallo so as to pass by the town of Port O'Connor, Tex., and to expend available funds for this work instead of maintaining the channel along its present route, in accordance with the report of the Chief of Engineers, 1911.

The amendment was agreed to.

The reading of the bill was continued to line 8 on page 40.

Mr. CLARKE of Arkansas. May I inquire of the chairman of the committee if there is not an amendment from the committee in line 6, page 40?

Mr. NELSON. The Senator has the wrong place in the bill. The amendment comes in later.

Mr. CLARKE of Arkansas. My understanding is that it comes on page 40, after line 6, as an independent paragraph.

Mr. NELSON. No; the Senator's amendment comes after the Mississippi River appropriation, as I understand it.

Mr. CLARKE of Arkansas. No, sir.

Mr. NELSON. On page 49.

Mr. CLARKE of Arkansas. There are two amendments. The Secretary may proceed with the reading, and I will call the attention of the Senator to it.

The PRESIDING OFFICER. The Chair would suggest to the Senator that the agreement was that the committee amendments should first be considered.

Mr. CLARKE of Arkansas. But this is a committee amendment.

Mr. NELSON subsequently said: I offer an amendment to come in on page 40, at the end of line 6.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 40, after line 6, it is proposed to insert the following:

For improving the Arkansas River, in Arkansas: For protecting the north bank thereof, in the bend in front of the Crawford County Levee, south of Van Buren, in sections 8, 9, and 10 of township 8 north, range 30 west, $30,000. This appropriation shall be expended as soon as practicable in accordance with plans to be approved by the Chief of Engineers of the War Department.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 40, line 20, after the word "dollars," to insert "for the purchase of flowage rights over lands submerged as a result of the construction, operation, and maintenance of Dams Nos. 6 and 7, $2,500; in all, $7,500"; so as to make the clause read:

Improving Cumberland River above Nashville, Tenn.: For maintenance of improvement by open-channel work $5,000; for the purchase of flowage rights over lands submerged as a result of the construction, operation, and maintenance of Dams Nos. 6 and 7, $2,500; in all, $7,500.

The amendment was agreed to.

The next amendment was, on page 42, after line 6, to insert:

That the item in the river and harbor act of June 25, 1910, making appropriation for improving Kentucky River, and providing that, of the amount appropriated, "the sum of $6,000 may be expended for the construction of a bridge across Tates Creek and the restoration of the county road near Otter Creek," be, and is hereby, so amended as to authorize the Secretary of War to use so much of said sum as may be necessary (not exceeding $1,500) for reimbursing the county of Madison, in the State of Kentucky, the moneys expended by said county for the restoration of the said county road near Otter Creek.

The amendment was agreed to.

The next amendment was, on page 43, after line 10, to insert:

Improving Ohio River: For the raising and strengthening of the levees in the city of Cairo, Ill., on the Ohio and Mississippi Rivers, and in the Cairo drainage district, $250,000: *Provided*, That the city of Cairo shall expend, or cause to be expended, the same amount for the same purpose.

The amendment was agreed to.

Mr. NELSON. I offer an amendment, to come in on page 43, after line 16.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 43, after line 16, it is proposed to insert:

For the raising and strengthening of the levees in the city of Mound City, Ill., on the Ohio River, $20,000, on the condition that the city of Mound City shall furnish an equal amount for the same purpose.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 43, after the amendment just adopted, to insert:

Improving the Allegheny River, Pa., in accordance with the report submitted in House Document No. 540, Sixty-second Congress, second session, $300,000: *Provided*, That local interests contribute an equal amount.

The amendment was agreed to.

The next amendment was, on page 43, after line 23, to strike out:

Improving harbor at Manistee, Mich: For maintenance, $6,000.

The amendment was agreed to.

The next amendment was, at the top of page 44, to insert:

Improving the harbor at Manistee, Mich., in accordance with the report submitted in House Document No. 599, Sixty-second Congress, second session, and subject to the conditions set forth in said document, $150,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 5, to insert:

Improving harbor at Arcadia, Mich.: Continuing improvement and for maintenance, $15,000.

The amendment was agreed to.

The next amendment was, on page 44, line 23, before the word "hundred," to strike out "two" and insert "four," so as to make the clause read:

Improving St. Marys River at the falls, Michigan, by the construction of a fourth lock, in accordance with the report submitted in House Document No. 64, Sixty-second Congress, first session, $400,000.

The amendment was agreed to.

The next amendment was, on page 45, line 10, after the word "dollars," to insert:

Provided, That the third condition imposed upon the city of Kewaunee, Wis., as set forth in House Document No. 324, Sixtieth Congress, first session, and authorized by the river and harbor act of June 25, 1910 (36 Stat., p. 656), be, and the same hereby is, waived in accordance with the report of the Board of Engineers for Rivers and Harbors, dated February 26, 1912. (House Rivers and Harbors Committee Doc. No. 7, 62d Cong., 2d sess.)

So as to make the clause read:

Improving harbor at Kewaunee, Wis.: For maintenance, $10,000: *Provided*, That the third condition imposed upon the city of Kewaunee, Wis., as set forth in House Document No. 324, Sixtieth Congress, first session, and authorized by the river and harbor act of June 25, 1910 (36 Stat., p. 656), be, and the same hereby is, waived in accordance with the report of the Board of Engineers for Rivers and Harbors, dated February 26, 1912. (House Rivers and Harbors Committee Doc. No. 7, 62d Cong., 2d sess.)

The amendment was agreed to.

The next amendment was, on page 46, line 12, after the name "Minnesota," to strike out "For maintenance, $3,200," and insert "For improving and deepening channel to secure and maintain a depth of 8 feet, $13,200," so as to make the clause read:

Improving Warroad Harbor, Minn.: For improving and deepening channel to secure and maintain a depth of 8 feet, $13,200.

The amendment was agreed to.

The next amendment was, on page 47, after line 3, to insert:

Improving harbor at Chicago, Ill., by the construction of a breakwater to form an outer harbor, in accordance with the report submitted in House Document No. 710, Sixty-second Congress, second session, $350,000: *Provided*, That the work hereby contemplated shall not be commenced until assurances satisfactory to the Secretary of War shall have been received that the work contemplated by the city of Chicago as a part of said improvement will be actually undertaken and completed by said city.

The amendment was agreed to.

The next amendment was, on page 47, line 23, after the word "feet," to strike out "three" and insert "six"; in line 24, before the word "dollars," to strike out "five hundred thousand"; on page 48, line 4, after the word "levees," to insert "which shall be considered extraordinary emergency work"; in line 10, after the word "river,' to insert "*Provided*, That in view of the existing emergency $4,000,000 of the money hereby appropriated may be devoted to the repair and construction of levees"; in line 13, before the word "money," to insert "residue of the"; and in line 24, after the word "appropriated," to insert:

Provided further, That the sum of $50,000, or so much thereof as may be necessary, shall be allotted, from the appropriation made in this paragraph, to the Auburn and Linwood levee districts on the Arkansas River, in the counties of Lincoln and Desha, in the State of Arkansas, for the purpose of repairing and rebuilding the levees under the control of said districts, respectively, damaged or destroyed by the overflow of the waters of the Mississippi River during the present year of 1912; the proportion in which said sum shall be allotted to said districts, and the specific work for which the same shall be expended therein, shall be made as the Mississippi River Commission shall direct.

So as to make the clause read:

Improving Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement with a view to securing a permanent channel depth of 9 feet, $6,000,000, which sum shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, for the building of levees, which shall be considered extraordinary emergency work, between the Head of Passes and Cape Girardeau, Mo., and for surveys, including the survey from the Head of Passes to the headwaters of the river, in such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river: *Provided*, That in view of the existing emergency $4,000,000 of the money hereby appropriated may be devoted to the repair and construction of levees: *Provided further*, That of the residue of the money hereby appropriated so much as may be necessary shall be expended in the construction of suitable and necessary dredge boats and other devices and appliances and in the maintenance and operation of the same: *Provided further*, That the water courses connected with said river and the harbors upon it, now under the control of the Mississippi River Commission and under improvement, may, in the discretion of said commission, upon approval by the Chief of Engineers, receive allotments for improvements now under way or hereafter to be undertaken, to be paid for from the amount herein appropriated: *Provided further*, That the sum of $50,000, or so much thereof as may be necessary, shall be allotted, from the appropriation made in this paragraph, to the Auburn and Linwood levee districts on the Arkansas River, in the counties of Lincoln and Desha, in the State of Arkansas, for the purpose of repairing and rebuilding the levees under the control of said districts, respectively, damaged or destroyed by the overflow of the waters of the Mississippi River during the present year of 1912; the proportion in which said sum shall be allotted to said districts, and the specific work for which the same shall be expended therein, shall be made as the Mississippi River Commission shall direct.

Mr. NELSON. I desire to offer several amendments to that amendment.

The PRESIDING OFFICER. The amendments to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee on page 49, line 5, before the word "rebuilding," by striking out "and" and inserting "or"; in line 6, after the word "destroyed," by striking out "by" and inserting "during"; and in line 8, after the word "twelve," by inserting the words "or by protecting the bank in front of said levees."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 49, after line 12, to insert:

The traveling expenses of the civilian members of the Mississippi River Commission, when on duty, shall be computed and paid in the same way as the traveling expenses of the Army members of said commission.

The amendment was agreed to.

The next amendment was, on page 49, after line 16, to insert:

The Mississippi River Commission is hereby authorized and directed to make an examination and survey of all the lands subject to overflow from the Mississippi River, situate on the east bank of the river between Brunswick, Warren County, Miss., and Bayou Sara, for the purpose of ascertaining the location, quantity, character, and value of such lands, and for the purpose of ascertaining what portions of such lands, if any, it would be advisable to protect from overflow by levee construction, and the cost of such construction, and for the purpose of ascertaining the cost of acquiring such portions of said lands as it would not be advisable to protect from overflow by levee protection. The commission is further directed to prepare topographic maps of the lands so examined and surveyed, and to make its report on such examination and survey, with its recommendation thereon, to the Chief of Engineers before the 1st of November, 1912, and the Chief of Engineers shall transmit the said report to Congress on or before the first Monday of December, 1912. The sum of $20,000 is hereby appropriated for the purpose of making and reporting the foregoing prescribed examination and survey.

Mr. HEYBURN. Mr. President, I ask the Senator in charge of the bill whether there should not be, in lines 10, 11, and 12, the usual provision "or so much thereof as may be necessary"? That is an arbitrary appropriation of $20,000.

Mr. NELSON. Those words could very well go in, but the Engineer Department would not use any more than was necessary.

Mr. HEYBURN. But, still, we ordinarily in legislating insert that provision "or so much thereof as may be necessary."

Mr. NELSON. I have no objection to that qualification. Let it read "the sum of $20,000, or so much thereof as may be necessary."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 50, line 11, after the word "dollars," it is proposed to amend the committee amendment by inserting "or so much thereof as may be necessary."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, at the top of page 51, to insert:

Reservoirs at headwaters of Mississippi River: For completing construction of low reservoir dam at Gull Lake, Minn., provided for in the river and harbor act of March 2, 1907 (34 Stats., 1105), $15,000, of which sum so much as may be necessary may be applied to the erection of dam-tender's dwelling and to the digging of necessary ditches between Gull Lake and Round Lake, and between Round Lake and Long Lake, including purchase of the rights of way needed in connection therewith, and construction of necessary bridges.

The amendment was agreed to.

The next amendment was, on page 51, line 18, after the word "dollars," to insert:

Provided, That cooperation from the localities benefited may be required in the prosecution of the said project in case any comprehensive plan is hereafter adopted for an apportionment of expense generally applicable to river and other projects in which any improvement now or hereafter adopted confers special or exceptional benefit upon the localities affected.

So as to make the clause read:

Improving Missouri River, with a view to securing a permanent 6-foot channel between Kansas City and the mouth of the river, in accordance with the report submitted in House Document No. 1287, Sixty-first Congress, third session, and with a view to the completion of such improvement within a period of 10 years, $800,000: *Provided*, That cooperation from the localities benefited may be required in the prosecution of the said project in case any comprehensive plan is hereafter adopted for an apportionment of expense generally applicable to river and other projects in which any improvement now or hereafter adopted confers special or exceptional benefit upon the localities affected.

Mr. HEYBURN. I should like to inquire how you would enforce a provision of that kind? Of course, the residents along that quite considerable section of the river would be benefited, but how would you compel them to contribute?

Mr. NELSON. We would do it as we have done it in many other instances in this bill.

Mr. HEYBURN. I notice that you have been doing it in many instances.

Mr. NELSON. This is intended to meet a contingency on the Missouri River in case levee construction shall be necessary on one side of the river. In the event that levee construction is needed to protect navigation there, we believe the localities should contribute, as they have done on the lower Mississippi.

Mr. HEYBURN. But how would you enforce a provision of that kind?

Mr. NELSON. Well, that is a question for future determination.

Mr. HEYBURN. We ought always to have in view the ability to enforce any law we may enact.

Mr. NELSON. We can always do it, as we have done it in many instances, by making the Government appropriation conditional on the local interests appropriating a certain amount. That is the way we do in other instances.

Mr. HEYBURN. The Senator probably is somewhat familiar with that section of the country. I am.

Mr. NELSON. I am.

Mr. HEYBURN. It would be rather difficult to collect any assessment that might be levied upon those living along the river.

Mr. NELSON. The provision does not contemplate that; it simply contemplates that local communities will probably have, as is the case on the lower Mississippi, levee districts and levee boards, and we would operate through them.

Mr. HEYBURN. That is not a rich district there.

Mr. NELSON. Oh, no.

Mr. HEYBURN. It is a poor district; and this provision will result in rendering the appropriation of no avail, because, of course, the Government would not be able to collect the necessary sum.

Mr. NELSON. The provision does not affect the appropriation made in this bill.

Mr. HEYBURN. Well, would the Government go on and do this work?

Mr. NELSON. The Government would go on and expend this money. There is already nearly a million dollars on hand outside of this. This does not affect in the least the appropriation made in the bill.

Mr. HEYBURN. I have no doubt at all that the Government could expend this money and do this work; but, then, why put in a provision here that contemplates that a community in such financial condition as that community is, as a matter of fact, shall be compelled to contribute equally with the Government? In other words, we would have the Government matching pennies with a poor community along the river. It does not seem to me to be wise, but I merely call attention to it in passing.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 52, line 3, after the word "dollars," to insert:

For improvement of said river in Dakota County, State of Nebraska, opposite the city of Sioux City, Iowa, by revetment and other protecting work along said river as may be needed for the permanent protection of said banks, $60,000.

Mr. NELSON. I ask that that amendment may be disagreed to. Since the bill was reported the House of Representatives has passed a bill, which has also been passed by the Senate, making an appropriation for this special purpose.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 52, line 11, before the word "thousand," to strike out "seventy-five" and insert "one hundred and fifty," and in line 12, before the word "thousand," to strike out "one hundred and fifty" and insert "two hundred and eighty-five," so as to make the clause read:

Improving Missouri River: For improvement and maintenance from Kansas City to Sioux City, $75,000; for improvement and maintenance from Sioux City to Fort Benton in accordance with the report submitted in House Document No. 91, Sixty-second Congress, first session, $150,000; in all, $285,000.

Mr. NELSON. I move to amend the amendment in line 12, on page 52, by striking out "eighty-five" and inserting "twenty-five."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee on page 52, line 12, before the word "thousand," by striking out "eighty-five" and inserting "twenty-five."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 52, after line 16, to insert:

Improving Kansas River, Kans.: For improvement of Kansas River up to Argentine, Kans., in accordance with the report submitted in House Document No. 94, Sixty-second Congress, first session, $4,000.

The amendment was agreed to.

The next amendment was, at the top of page 53, to insert:

Improving Los Angeles outer harbor in accordance with the report submitted in House Rivers and Harbors Committee Document No. 8, Sixty-second Congress, second session, $327,250.

The amendment was agreed to.

The next amendment was, on page 53, after line 5, to insert:

That the Secretary of War be, and he is hereby, authorized to grant to the city of Los Angeles, Cal., all the right, title, and interest of the United States in and to that portion of the submerged land around the military reservation of Deadmans Island, acquired under act of the Legislature of the State of California approved March 9, 1897, which lies west of the westerly pierhead line of Los Angeles Harbor between station 15, as established by the Secretary of War July 29, 1908, and station 12, as established May 31, 1911, containing an area of 9.75 acres, more or less, in exchange for the grant by said city to the United States, for use for public purposes, of an approximately equal area of submerged land of said city in that portion of Los Angeles Harbor known as the outer harbor, having a frontage of 950.53 feet on West Channel, and lying adjacent to and southerly of the submerged lands in front of the San Pedro Military Reservation.

Mr. HEYBURN. I should like to inquire where the title will rest in the lands which we are to receive for those in exchange.

Mr. NELSON. It will rest in the United States.

Mr. HEYBURN. Then, under what law of the United States will that land be disposable?

Mr. NELSON. They will be public lands of the United States.

Mr. HEYBURN. Submerged lands?

Mr. NELSON. Submerged lands.

Mr. HEYBURN. Has the committee taken into consideration the rule of law established in reference to submerged lands in the Potomac cases?

Mr. NELSON. I understand that law, but of course the Government officials will see to it that we get good title.

I will state the purpose of the exchange. The city of Los Angeles is spending a large amount of money in improving the harbor. To make that improvement complete they require a small strip of land—9 acres—on the eastern side. We get another piece of the same kind of submerged lands on the western side. The engineers appeared before the committee, and they had a map showing the location, and they were satisfied the exchange should be made. I have no doubt they will see to it that the title is good. Of course, being tidal land, the title must be taken from the State.

Mr. HEYBURN. I had that in mind.

Mr. NELSON. There is no doubt about that, but the Government officials are familiar with that and will see to it that we get good title.

Mr. HEYBURN. The submerged lands belong to the State.

Mr. NELSON. Certainly, unless in this case—and that I do not know—the State may have conveyed it to the city. But I want to say that in any event, wherever the title to these submerged lands may rest, the Senator may rest assured that the Government officials will not make the exchange until they get good title.

Mr. HEYBURN. Let us stop for a moment. It is worth while, because it may involve us in a very serious proposition. The Government is proposing to give up its title where it has none and to receive for it in exchange land that it can not take title to. There may be some difficulty about it. I do not know that much harm can come out of it, because the whole thing may be a nullity.

Mr. ROOT. This is land acquired under the act of the Legislature of the State of California.

Mr. HEYBURN. Where is the act of the Legislature of California assenting to this exchange? We are taking the chances of doing a thing that may not be realized upon; and I wanted to call attention to it, so that the RECORD might show that we did not pass it over without notice.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Commerce.

The amendment was agreed to.

The next amendment was, on page 54, line 7, before the word "thousand," to insert "and thirty," so as to make the clause read:

Improving harbor at Oakland, Cal.: Continuing improvement, $130,000.

The amendment was agreed to.

The next amendment was, on page 54, after line 23, to insert:

Improving Stockton Harbor, Cal., by dredging McLeods Lake and Fremont Channel, with a view to securing a permanent channel depth of 9 feet, in accordance with the report submitted in House Document No. 581, Sixty-second Congress, second session, $11,000.

The amendment was agreed to.

The next amendment was, on page 55, after line 4, to insert:

Improving Tillamook Bar and Bay, Oreg.: For maintenance, $5,000.

The amendment was agreed to.

The next amendment was, on page 55, line 11, after the word "dollars," to strike out "for maintenance of improvement, $5,000; in all, $105,000," so as to make the clause read:

Improving Tillamook Bay and Bar, Oreg., in accordance with the report submitted in House Document No. 349, Sixty-second Congress, second session, and subject to the conditions set forth in said document, $100,000.

The amendment was agreed to.

The next amendment was, on page 55, after line 13, to insert:

Improving Nehalem Bar and entrance to Nehalem Bay, Oreg., in accordance with report submitted in House Document No. 623, Sixty-second Congress, second session, and subject to conditions set forth in said document, $100,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 8, to strike out:

Improving Columbia and Lower Willamette Rivers below Portland, Oreg.: Continuing improvement and for maintenance, $155,000.

And insert:

Improving Columbia and Lower Willamette Rivers below Portland: Continuing improvement in accordance with the report submitted in House Document, No. 1278, Sixty-first Congress, third session, $180,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 21, to insert:

Improving Oregon Slough, Oreg., in accordance with the report submitted in House Document No. 712, Sixty-second Congress, second session, and subject to the conditions set forth in said document, $50,000.

The amendment was agreed to.

The next amendment was, on page 57, line 5, before the word "hundred," to strike out "six" and insert "eight," so as to make the clause read:

Improving Columbia River between the foot of The Dalles Rapids and the head of Celilo Falls, Oreg. and Wash.: Continuing improvement, $800,000.

The amendment was agreed to.

The next amendment was, on page 57, line 9, before the word "thousand," to strike out "thirty" and insert "fifty," so as to make the clause read:

Improving Columbia River and tributaries above Celilo Falls to the mouth of Snake River, Oreg. and Wash.: Continuing improvement, $50,000.

The amendment was agreed to.

The next amendment was, on page 58, after line 13, to insert:

For the protection of the buildings and property of the United States at Valdez, Alaska, from glacial floods, $55,000.

The amendment was agreed to.

The next amendment was, on page 58, after line 16, to insert:

Improving Apoon mouth of Yukon River, Alaska, in accordance with the report submitted in House Document No. 556, Sixty-second Congress, second session, $130,000.

The amendment was agreed to.

The next amendment was, on page 59, line 2, after the word "dollars," to insert "*Provided*, That the Secretary of War is authorized and directed to report to Congress as to the advisability of providing for the west breakwater referred to under project No. 2 in House Document No. 593, Sixty-first Congress, second session," so as to make the clause read:

Improving Kahului Harbor, Hawaii: Completing improvement, $100,000: *Provided*, That the Secretary of War, etc.

The amendment was agreed to.

The next amendment was, on page 59, after line 7, to insert:

That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, upon vouchers approved by the chairman of the Committee on Commerce of the Senate, from any moneys in the Treasury not otherwise appropriated, the sum of $4,000, or so much thereof as may be necessary, for the expenses of the National Waterways Commission necessarily incurred for clerical and stenographic services in publishing hearings (S. Doc. No. 274) and completing the final report (S. Doc. No. 469).

Mr. NELSON. I have an amendment to offer at the end of the paragraph.

The SECRETARY. At the end of the paragraph, it is proposed to strike out the period and insert a semicolon and the following words:

And all books, maps, charts, and other material relating to waterways in the possession of the National Waterways Commission shall be turned over to the College of Engineers, Washington Barracks, D. C., and all similar material relating to railways shall be turned over to the Interstate Commerce Commission.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 59, after line 17, to strike out:

The depth of water in tidal waters, as well as in rivers and nontidal channels, whenever referred to in this act shall be understood to mean the depth at mean low water unless otherwise expressed.

And insert:

The depth of water in tidal waters, as well as in rivers and nontidal channels, whenever refered to in this act, shall be understood to mean the depth at mean low water during the lowest water month of the navigation season, unless otherwise expressed; and for purposes of estimates, construction, and maintenance of river and harbor improvements herein or heretofore provided for, shall imply that the actual channel way may be given such increased depth and width as may be necessary to allow of free movement of boats of draft equal to the specified depth.

The amendment was agreed to.

The next amendment was, on page 60, line 15, after the word "examinations," to insert "and minor surveys," so as to make the clause read:

The Chief of Engineers, in his discretion, and after approval by the Secretary of War, is hereby authorized to make preliminary examinations and minor surveys and to remove snags and other temporary or readily removable obstructions from tributaries of waterways already under Federal improvement or in general use by navigation, to be paid from the appropriations for the adjoining waterways.

The amendment was agreed to.

The next amendment was, at the top of page 62, to insert:

Whenever the appropriations made by Congress for river and harbor works can be more advantageously expended by combining in one contract two or more works, such combinations shall be made. And whenever the appropriations made, or authorized to be made, for the completion of any river and harbor work shall prove insufficient therefor, the Secretary of War may, in his discretion, on the recommendation of the Chief of Engineers, apply the funds so appropriated or authorized to the prosecution of such work.

Mr. HEYBURN. I should like to have some explanation of that item. That opens the way to selection—as to whether this work or that may be carried on, and the appropriation diverted from some work specifically provided for.

Mr. NELSON. The Senator misapprehends the purpose.

Mr. HEYBURN. That is the effect of it. I want to see.

Mr. NELSON. The Senator misapprehends the object.

Mr. HEYBURN. I merely heard it read.

Mr. NELSON. It frequently happens in making appropriations that where the Government engineers' report indicates that a certain project will cost, for instance, when completed, $500,000, Congress sees fit to appropriate only a hundred thousand dollars to begin with. That is adopting the project, and this is to permit the Government to go on and go far as they can with the hundred thousand dollars.

Mr. HEYBURN. But projects may be united.

Mr. NELSON. But the project has to be adopted by Congress, and it is also prescribed in the appropriation made.

Mr. HEYBURN. It opens the door to the diversion of an appropriation for one purpose to a joint purpose.

Mr. NELSON. Not at all. It would not allow the diversion of money to another purpose. That is not the purpose at all.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 62, after line 9, to insert:

In their execution and inspection of river and harbor improvement work, at points beyond easy reach of ordinary regular transportation lines, Engineer officers are authorized to hire and use such transportation as they may consider desirable and advantageous to the progress of work.

The amendment was agreed to.

The next amendment was, on page 62, after line 14, to insert:

The Chief of Engineers is authorized, in case of emergencies during the preparation for and the consideration of river and harbor estimates and bills, to employ such additional office force as he may find necessary for that purpose, to be paid from the appropriation for examinations, surveys, and contingencies of rivers and harbors.

The amendment was agreed to.

The next amendment was, on page 62, after line 20, to insert:

The board of five Engineer officers for rivers and harbors created by section 3 of the act of June 13, 1902, is herewith increased in numbers to nine Engineer officers, of whom at least the majority shall be of rank not less than lieutenant colonel.

Mr. NELSON. I offer an amendment to the amendment.

The SECRETARY. On page 62, line 24, after the word "to," insert "not exceeding."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, at the top of page 63, to insert:

For the construction at the Engineer School of a building with library accommodations and other facilities for the instruction of officers of the Corps of Engineers in duties pertaining to the improvement of rivers and harbors, $100,000.

The amendment was agreed to.

The next amendment was, on page 63, after line 9, to insert:

In order to make possible the economical future development of water power the Secretary of War, upon recommendation of the Chief of Engineers, is hereby authorized, in his discretion, to provide in the permanent parts of every dam authorized at any time by Congress for the improvement of navigation such foundations, sluices, etc., as may be considered desirable for the future development of its water power.

The amendment was agreed to.

The next amendment was, on page 63, after line 17, to insert:

Section 5 of the act of Congress entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved February 27, 1911, shall not be interpreted to prevent the assignment or transfer as second lieutenants in the Corps of Engineers, upon the recommendation of the Chief of Engineers, of such graduates of the United States Military Academy as have been or who may be recommended for such assignment upon graduation by the academic board of the said Military Academy in excess of the minimum number made mandatory therein.

The amendment was agreed to.

The next amendment was, on page 64, after line 4, to insert as a new section the following:

SEC. 2. That the Secretary of War shall cause the Chief of Engineers of the Army and the Board of Engineers for Rivers and Harbors to report to Congress, in which shall be included a preliminary report not later than December 1, 1912, upon the saving, as well as other advantages, which can be accomplished by the adoption of the continuing contract system, the rapidity with which projects should be completed, upon methods of standardization by which the waterways of the country may be improved uniformly in proportion to their capacities and to the existing or probable demands of general commerce, and also report upon one or more systematized schemes of such improvement, involving all waterways heretofore examined, together with any natural or artificial channels essential for the utilization thereof, whether heretofore examined or not; also upon all projects heretofore adopted the further improvement of which is not desirable or the expenditure upon which is out of proportion to the benefit derived therefrom. Such report may include other related information pertaining to the uses or control of the waters of the country, and the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated for such examination and report.

The amendment was agreed to.

The next amendment was, on page 65, line 3, to change the number of the section from 2 to 3.

The amendment was agreed to.

Mr. NELSON. That brings us down to section 3. I ask to go back to page 11, line 25, and I offer the following amendment.

The PRESIDING OFFICER. The Senator from Minnesota in behalf of the committee submits an amendment, which will be read.

The SECRETARY. On page 11, line 25, after the word "Wilmington," insert the following proviso:

Provided, That if, in the opinion of the Secretary of War, dredges of a suitable character to do the work at Wilmington, Del., are readily obtainable for doing the work by contract at reasonable rates, the amount herein appropriated shall become immediately available for the prosecution of such work.

The amendment was agreed to.

Mr. NELSON. I wish to state that we have now covered all the bill except surveys, and if the Senate will stay a few minutes, I think we will get through with the bill. There are very few amendments to the remaining portion of the bill.

The PRESIDING OFFICER. The reading of the bill will be continued.

The reading of the bill was resumed.

The next amendment was, on page 66, line 7, after the word "feet," to insert "and of widening the channel on the northern side by the removal of the ledge near the Essex Bridge," so as to make the clause read:

Beverly Harbor, Mass., with a view to securing a channel depth of 24 feet and of widening the channel on the northern side by the removal of the ledge near the Essex Bridge.

The amendment was agreed to.

The next amendment was, on page 66, after line 20, to insert:

Harbor of refuge at or near Scituate, Mass.

The amendment was agreed to.

The next amendment was, on page 66, after line 22, to insert:

Narragansett Pier, R. I., with a view to the construction of a breakwater at or near the life-saving station.

The amendment was agreed to.

The next amendment was, at the top of page 67, to insert:

Dutch Island Harbor, R. I., with a view to the removal of rocks now obstructing the approach channel.

The amendment was agreed to.

The reading of the bill was continued to line 15 on page 67.

Mr. NELSON. I offer the following amendment. On page 67, after line 15, I move to insert:

Great Chazy River, N. Y., from the village of Champlain, N. Y., to the mouth thereof, with a view to deepening and making navigable the channel of the same.

The amendment was agreed to.

Mr. NELSON. I also move to add:

Little Salmon River, N. Y., at Fort Covington, N. Y., with a view to deepening the channel thereof.

The amendment was agreed to.

Mr. NELSON. On page 67, after line 12, I move to insert:

Buffalo Harbor, N. Y., with a view to increasing the width of the entrance of the inner harbor to 400 feet by removing the Government south pier at the mouth of Buffalo River.

The amendment was agreed to.

Mr. NELSON. On page 67, after line 12, I move to insert:

Wethersfield Cove, Connecticut River, with a view to securing a navigable channel from said river into said cove.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, on page 67, after line 22, to strike out:

Tarrytown Harbor, N. Y., with a view to the modification or abandonment of the existing project.

The amendment was agreed to.

The next amendment was, on page 68, after line 4, to insert:

Rahway River, N. J., including the construction of the necessary cut-offs, and with a view to the consideration of any proposition for co-operation on the part of local interests.

The amendment was agreed to.

The next amendment was, on page 68, after line 14, to insert:

That a preliminary investigation be made to determine whether a system of impounding reservoirs at the headwaters of the Allegheny, Monongahela, and Ohio Rivers is needed to provide sufficient water during dry seasons to operate the present and proposed system of locks and dams in these rivers, and to what extent the Federal Government, on the basis of their benefit to navigation, is justified in cooperating with local communities which may be interested in the construction of such reservoirs primarily for the purpose of flood prevention, and the feasibility of operating such reservoirs for the double purpose of flood prevention and improving navigation; and that this investigation be conducted by a joint board of two engineers, one to be designated by the Chief of Engineers, Corps of Engineers, United States Army, and the other by the Director of the Geological Survey; and that the results of this investigation be reported to Congress, with such additions as may be made thereto by the said Chief of Engineers and Director of the Geological Survey, not later than December 7, 1912; and that for this purpose the sum of $5,000, or so much thereof as may be needed, be, and the same is hereby, appropriated.

Mr. JONES. I wish to ask the Senator if he does not think, in line 17, after the word "Rivers," the words "and their tributaries" ought to be inserted?

Mr. NELSON. I think that is a good amendment. I accept it.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 68, line 17, after the word "Rivers," insert the words "and their tributaries."

The amendment to the amendment was agreed to.

Mr. REED. I wish to call the attention of the chairman of the committee to lines 17 and 18, on page 68, where the investigation is required to determine whether the impounding of the waters is needed. I think it ought also to express the idea as to whether it is practicable to do that. It might be needed and yet might not be practicable or feasible.

Mr. NELSON. What amendment does the Senator suggest?

Mr. REED. I suggest to change the word "needed" to "feasible" or "practicable."

Mr. NELSON. Very well; I have no objection to that amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In line 18 strike out the word "needed" and insert the word "feasible."

Mr. BURTON. I think the Senator's first suggestion would cover the case, so as to read "is needed and is practicable."

Mr. REED. Very well; that is satisfactory.

The SECRETARY. After the word "needed" insert the words "and practicable."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. NELSON. I ask the Senate to go back to page 66, and I offer the following amendment.

The PRESIDING OFFICER. In behalf of the committee the Senator from Minnesota offers an amendment, which will be stated.

The SECRETARY. On page 66, after line 3, insert:

Wills Strait, between Orrs and Bailey Islands, Casco Bay, Me.

The amendment was agreed to.

The next amendment was, on page 69, line 16, before the words "Curtis Bay," to strike out "to" and insert "in," and in the same line, after the words "Curtis Bay," to insert "and," so as to make the clause read:

Channel in Curtis Bay, and in Patapsco River, Baltimore Harbor, Md., with a view to securing a channel depth of 34 feet, or such increased depth over the completed project as may be deemed advisable.

The amendment was agreed to.

The next amendment was, on page 69, after line 19, to insert:

Cabin Branch and Curtis Creek, Md., to connect with the main channel from the Patapsco River to the pier of the Baltimore & Ohio Railroad.

The amendment was agreed to.

The next amendment was, on page 70, after line 6, to insert:

Hunting Field Creek, Md.

The amendment was agreed to.

The next amendment was, on page 70, after line 7, to insert:

Rock Hall Harbor, Md., with a view to extending navigation beyond its present head.

The amendment was agreed to.

The next amendment was, on page 70, after line 9, to insert:

Breton Bay, Md.

The amendment was agreed to.

The next amendment was, on page 70, after line 10, to insert:

Chesapeake Bay, Md., off Pooles Island, on the route between Baltimore and Philadelphia, between the southwest bar and the northeast bar.

The amendment was agreed to.

The next amendment was, on page 71, after line 3, to insert:

From deep water to Oyster, Va., to provide a channel 100 feet wide and 6 feet deep, with a suitable anchorage for small boats.

The amendment was agreed to.

The next amendment was, on page 71, after line 6, to insert:

Chesapeake Bay, with a view to providing a suitable channel at Tangier, Va.

The amendment was agreed to.

The next amendment was, on page 71, after line 8, to insert:

Jackson Creek Bar, Va., with a view of cutting through same to provide a harbor at Deltaville.

The amendment was agreed to.

The next amendment was, on page 71, after line 10, to insert:

Nassawadox Creek, Va., with a view to the removal of the bar at its mouth so as to connect with the bay and provide a suitable channel.

The amendment was agreed to.

The next amendment was, on page 71, after line 13, to insert:

Chesapeake Bay, with a view to straightening the north side of the channel at the entrance of the harbor at Cape Charles City, Va., and to increasing the width of the channel 200 feet.

The amendment was agreed to.

The next amendment was, on page 71, after line 17, to insert:

Hampton Creek, Va., for purpose of making this river deeper and more suitable for anchorage and use of boats and vessels.

The amendment was agreed to.

The next amendment was, on page 71, after line 20, to insert:

Savages Creek, Va., with a view to providing a suitable channel from Chesapeake Bay to Eastville.

The amendment was agreed to.

The next amendment was, on page 72, line 18, after the name "South Carolina," to strike out "from its mouth up to Lumberton" and insert "from its mouth to the turnpike bridge over said river in Hoke and Scotland Counties, N. C.," so as to make the clause read:

Lumber River, N. C. and S. C., from its mouth to the turnpike bridge over said river in Hoke and Scotland Counties, N. C.

The amendment was agreed to.

The next amendment was, on page 72, after line 21, to insert:

Northwest prong Bay River to public wharf at dam in town of Bayboro, N. C.

The amendment was agreed to.

The next amendment was, on page 72, after line 23, to insert:

Meherrin River, N. C., from its mouth to the head of navigation.

The amendment was agreed to.

The next amendment was, at the top of page 73, to insert:

Trent River from Newbern to Pollocksville, N. C., for a depth of 10 feet.

The amendment was agreed to.

The next amendment was, on page 73, after line 2, to insert:

Cape Fear River, below Wilmington, N. C., with a view to securing a depth of 20 feet to quarantine station.

The amendment was agreed to.

The reading was continued to line 9, on page 73.

Mr. NELSON. On page 73, after line 9, I move to insert:

Savannah River at North Augusta, S. C., with a view to determining what improvements are necessary in the interest of navigation.

The amendment was agreed to.

Mr. NELSON. On page 73, line 9, after the words "South Carolina," I move to add, "by way of Alligator Creek and Seewee Bay."

The amendment was agreed to.

The next amendment was, on page 73, after line 9, to strike out:

Tugaloo River, from Fort Madison, S. C., to Toccoa, Ga.

And to insert:

Tugaloo River, Ga. and S. C., from the mouth of Panther Creek to the head of Chandlers Shoals, with a view to its improvement by means of open-channel work.

Mr. BACON. I do not know that it is very material, but the name of the river is improperly spelled. It is Tugalo. There is only one "o" instead of two.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. Strike out the final "o" in the name "Tugaloo."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 75, after line 2, to insert:

Channel from Pineland, on Pine Island, Lee County, Fla., running westerly to deep water at a point in Pine Island Sound, about 1 mile in length, such channel to be not less than 5 feet deep and of sufficient width.

The amendment was agreed to.

The next amendment was, on page 75, line 10, after the name "Gulf of Mexico," to insert "and between Stokes Ferry and Panasoffkee," so as to make the clause read:

Withlacoochee River, Fla., including channel from Port Inglis to the anchorage in the Gulf of Mexico, and between Stokes Ferry and Panasoffkee.

The amendment was agreed to.

The next amendment was, on page 75, after line 12, to insert:

St. Johns River, Fla., from outlet of Lake Harney to Lake Washington, including removal of bars in Lakes Harney and Puzzle.

The amendment was agreed to.

The next amendment was, on page 75, after line 15, to insert:

Charlotte Harbor, Fla., from the 24-foot contour inside Boca Grande Pass to the 16½-foot contour west of Punta Gorda Point, thence to the town of Punta Gorda, with a view to obtaining a channel 20 feet in depth with suitable width.

The amendment was agreed to.

The next amendment was, on page 75, after line 22, to insert:

Inland waterway from Pensacola Bay through Bay La Launch, to the western shore of Wolf's Bay, Florida and Alabama.

The amendment was agreed to.

The next amendment was, on page 76, after line 1, to insert:

Conecuh River, Ala., from River Falls to its mouth.

The amendment was agreed to.

The next amendment was, on page 76, after line 14, to insert:

Horse Shoe Lake, which leaves Tchula Lake in Holmes County, Miss.

The amendment was agreed to.

The next amendment was, on page 76, after line 21, to insert:

Mouth of Bayou St. John, Orleans Parish, La.

The amendment was agreed to.

The next amendment was, on page 77, after line 15, to strike out:

Inland waterway on the coast of Texas with a view to a change of route at or near Port O'Connor.

The amendment was agreed to.

The next amendment was, on page 77, after line 17, to insert:

Rio Grande River, from Velarde, N. Mex., to the sixth standard parallel south New Mexico meridian.

The amendment was agreed to.

The next amendment was, on page 77, after line 20, to insert:

St. Francis River, Ark., from its mouth to Madison, and the L'Anguille River from its junction with St. Francis to Marianna, for the purpose of ascertaining the feasibility and cost of providing permanent navigation thereon.

The amendment was agreed to.

The reading of the bill was continued to line 2, on page 78.

Mr. NELSON. On page 78, I move to add, after line 2, the following:

Black River in Arkansas, an examination thereof near Buttermilk Bank, with a view of protecting bank, and for obtaining estimate of cost thereof if found to be necessary.

The amendment was agreed to.

The reading of the bill was continued to line 16, page 78.

Mr. NELSON. On the same page, after line 12, I move to insert:

Kanawha River, W. Va., with a view to increasing the height of the locks and dams of said river so as to make a 9-foot stage to the Ohio River.

The amendment was agreed to.

Mr. NELSON. On the same page, after line 16, I move to insert:

Harbor at Spring Bay, on the Illinois River, between Copperas Creek and La Salle, Ill., with a view of improving it by dredging to a suitable navigable depth.

The amendment was agreed to.

The next amendment was, on page 78, after line 16, to insert:

Ohio River, Shawneetown levee, Ill.

The amendment was agreed to.

The next amendment was, on page 78, after line 18, to insert:

Little Wabash River, at Maunie, Ill.

The amendment was agreed to.

The next amendments were, on page 79, line 9, after the word "River," to insert "Ohio"; in the same line, to strike out "as," before "with," and after "with" to insert "a"; and in the same line, before the word "snagging," to strike out "of" and insert "to," so as to make the clause read:

Mahoning River, Ohio, with a view to snagging that portion between Warren and Levittsburg and 5 miles farther toward its source.

The amendment was agreed to.

The next amendment was, on page 79, after line 13, to insert:

Charlevoix Harbor, Mich., with a view to an increased depth between Lake Michigan and Pine Lake.

The amendment was agreed to.

The next amendment was, on page 79, after line 15, to insert:

Survey, for the purpose of charting only, of Crooked Lake, Burt Lake, and Mullett Lake, and their connecting waters, constituting the so-called inland route extending easterly from the vicinity of Petoskey, Mich.

The amendment was agreed to.

The next amendment was, on page 79, after line 19, to insert:

Grays Reef Passage, off Waugoshance, in Lake Michigan, with a view to removing shoals and deepening passage.

The amendment was agreed to.

The next amendment was, on page 80, after line 13, to insert:

Mouth of the Siskiwit River, Wis., on Lake Superior.

The amendment was agreed to.

The next amendment was, on page 80, after line 15, to insert:

Brule Harbor, Wis., with a view to its improvement for minor lake craft.

The amendment was agreed to.

The next amendment was, on page 81, after line 13, to insert:

Mille Lacs Lake and Onamia Lake, Minn., with view to improving the navigability of the Mississippi River by constructing a dam across Rum River at or near Onamia and thereby creating a reservoir in said lakes.

The amendment was agreed to.

The next amendment was, on page 82, after line 9, to insert:

San Francisco Bay, Cal., from the mouth of the Guadaloupe River to a point 4,150 feet northwest therefrom, with a view of securing a permanent channel 300 feet wide with a depth of 18 feet at low tide.

The amendment was agreed to.

The next amendment was, on page 82, after line 21, to insert:

Crescent City Harbor and vicinity, California, with a view to securing a suitable harbor.

The amendment was agreed to.

The next amendment was, on page 83, after line 4, to insert:

Redondo Harbor, Cal.

The amendment was agreed to.

The next amendment was, on page 84, after line 8, to insert:

Yaquina Bay and bar entrance, Oreg., including consideration of any proposition for cooperation on the part of local interests.

The amendment was agreed to.

The next amendment was, on page 84, after line 11, to insert:

Port Orford Harbor, Oreg., including consideration of any proposition for cooperation on the part of local interests.

The amendment was agreed to.

The next amendment was, on page 84, after line 13, to insert:

Port Orford Harbor, at Grave Yard Point, Oreg., with a view to improving the same for the establishment of a harbor of refuge.

The amendment was agreed to.

The next amendment was, on page 84, after line 20, to insert:

Columbia River, Wash., between Vancouver and the mouth of the Willamette, with a view to improvement in cooperation with the port of Vancouver.

The amendment was agreed to.

The next amendment was, at the top of page 85, to insert:

Columbia River, Wash., from and through Rickey and Grand Rapids to the international boundary line, with a view to open river navigation.

The amendment was agreed to.

The next amendment was, on page 85, after line 12, to insert:

Waterway connecting Similk Bay with Padilla Bay, Wash.

The amendment was agreed to.

The next amendment was, on page 85, after line 14, to insert:

The Secretary of War is authorized, in his discretion, and upon the recommendation of the Chief of Engineers, to permit any corporation or association of persons, at their own expense and without cost to the United States Government, to modify or relocate any navigable channels in Padilla Bay necessary in connection with the reclamation of tidelands in Padilla Bay, Skagit County, State of Washington: *Provided*, That the work so done shall be in accordance with plans approved by the Chief Engineer of the War Department.

Mr. HEYBURN. Just that the record may be clear, I call attention there that you are attempting to do with tidelands in Washington something that you have no power to do, and in order that it may appear of record that we were not oblivious to that fact. Of course those are the lands regarding which the decision of the Supreme Court of the United States was rendered.

Mr. JONES. I desire to suggest that all we do in this amendment is to get the permission of the Secretary of War to allow local people to make some changes in the channel.

Mr. HEYBURN. The legislature of your State has control of those lands.

Mr. JONES. It does not control the navigable channel, however, and that is all this provision does.

Mr. HEYBURN. If they are merely tidelands, it does.

Mr. JONES. This is a navigable channel.

Mr. HEYBURN. I am referring now to lands between high and low water.

Mr. JONES. This does not affect those lands at all.

Mr. HEYBURN. Well, the record will hereafter stand as an indication of the fact.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, at the top of page 86, to strike out:

Willapa River and Harbor, Wash., including consideration of any proposition for cooperation on the part of local interests.

And in lieu thereof to insert:

Willapa Harbor and Willapa River, Wash., from Raymond to the sea, including consideration of any proposition for cooperation on the part of local interests.

The amendment was agreed to.

The next amendment was, on page 86, after line 6, to insert:

Nasel, North, and other streams entering Willapa Harbor, Wash., with a view to snagging the same.

The amendment was agreed to.

The next amendment was, on page 86, after line 8, to insert:

Channel connecting Admiralty Inlet with Crockett Lake, Wash., together with a report upon any other benefits which may accrue aside from those pertaining to navigation.

The amendment was agreed to.

The next amendment was, on page 86, after line 16, to insert:

San Juan Harbor, P. R., with a view to improvement in cooperation with the local government.

The amendment was agreed to.

The next amendment was, on page 88, after line 24, to insert:

The printing of matter relating to river and harbor works, including all reports, compilations, regulations, etc., whose preparation is allowable under War Department regulations, may, upon recommendation of the Chief of Engineers and approval by the Secretary of War, be paid for from river and harbor appropriations.

The amendment was agreed to.

The next amendment was, on page 89, line 5, to change the number of the section from 3 to 4.

The amendment was agreed to.

The next amendment was, on page 90, line 1, to change the number of the section from 4 to 5.

The amendment was agreed to.

The next amendment was, on page 91, line 4, to change the number of the section from 5 to 6.

The amendment was agreed to.

The next amendment was, on page 91, line 20, to change the number of the section from 6 to 7.

The amendment was agreed to.

The next amendment was, on page 92, after line 3, to insert:

There shall also be printed 1,500 copies of the index to the Report of the Chief of Engineers, United States Army, from 1866 to 1912, inclusive, to include the reprinting of House Document No. 439, Fifty-seventh Congress, second session, covering the period from 1866 to 1900, inclusive, authorized by section 13 of the act of June 13, 1902; the additional information covering 1901 to 1912, inclusive, to be furnished by the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 92, after line 15, to insert as a new section the following:

SEC. 8. That section 8 of the act of June 18, 1878 (20 Stat., p. 164), entitled "An act to organize the Life-Saving Service," authorizing the Secretary of the Treasury to detail officers of the Revenue-Marine Service to act as inspectors and assistant inspectors of life-saving stations in the Life-Saving Service, be, and the same is hereby, repealed.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HEYBURN. I have one reserved amendment. I ask to recur to page 36, lines 11, 12, and 13, and I renew my motion to strike out all after the word "nonnavigable," in line 11. The matter was rather lightly considered, I think, by the Senate, and it is important.

Mr. NELSON. What is the Senator's motion?

Mr. HEYBURN. The language reads:

And said board shall report fully upon all matters pertaining to the creation of a deep-water harbor of the first class, including the dike on St. Joseph Island and harbor facilities at the northern end of Mustang Island.

I do not move to strike that out, but I move to strike out these words:

And the question of declaring all or any of the waters lying between Harbor Island and the mainland nonnavigable.

I object to the recognition of any power in Congress, either by its own action or by its authorization, to declare water navigable or nonnavigable. That matter rests with the courts.

The PRESIDING OFFICER. Will the Senator from Idaho kindly permit the bill to be reported to the Senate, at which time his amendment will be in order?

Mr. HEYBURN. I reserve the amendment.

The PRESIDING OFFICER. The amendment will be reserved.

Mr. NELSON. A separate vote can be taken on that amendment in the Senate.

The bill was reported to the Senate as amended.

Mr. HEYBURN. I now renew my motion, on page 36, line 11, after the word "nonnavigable," to strike out the words:

And the question of declaring all or any of the waters lying between Harbor Island and the mainland nonnavigable.

Of course I realize that that is confined to the waters mentioned in this bill, but if Congress once recognizes that principle, it will make trouble in the courts; it will make trouble in the State legislatures; it will make trouble wherever cupidity desires to possess itself of the exclusive right of a stream. I suppose all of us have had many applications—I think I would be safe in saying that my colleague and myself have had applications—to have certain streams declared nonnavigable.

There is no such power vested in any department of the Government or in Congress as to declare a stream nonnavigable. That is a question of fact. The citizens of the United States have a right to navigate any stream upon which they may navigate for their purposes. I am not willing that Congress shall even suggest that it has this power. Application has been made time and again to seize one of the rivers of our State that was used for years by the inhabitants dwelling along it, extending many miles back into the country. Why Congress should in this way, as an adjunct to a bill of this kind, undertake to establish such a principle is entirely beyond my understanding.

I give notice now that I am going to discuss this question, and if it comes back in any conference report I will discuss it again for some length of time, because it involves a big principle of government; it is important to hundreds of thousands of people; and we might just as well thrash it out. If you vote it down, the record will stand as an evidence that it either did not receive attention or that it was not understood by the United States Senate; that is all.

I do not propose that the Senate shall act unadvisedly in this matter. The people who want this kind of legislation are those who want to seize the streams of the country for their exclusive use and to shut out those who are entitled by the natural rights and conditions surrounding them to use these streams.

Mr. NELSON. Mr. President, to save any discussion, I will agree that those words shall be stricken out.

Mr. HEYBURN. I do not want an agreement. I want a vote.

Mr. NELSON. Well, a vote.

Mr. HEYBURN. We have passed the point of agreement. A vote will come when I have said what I want to say. I am not going to be caught between two streams.

Mr. BURTON. If the Senator from Idaho will excuse me, I think he misapprehends the situation here entirely.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. HEYBURN. I do.

Mr. BURTON. I do not remember the exact location, though I think I have been in this particular harbor. There are islands lying near to the mainland. In order to reach the mainland it is necessary to have a channel inclosed by dikes. That channel is kept open by the movement of the tide backward and forward. Harbor Island is located but a short distance from the mainland. In order to make the channel which reaches the mainland adequate to keep it open by the ebb and flow of the tide it is necessary to close the opening between the channel and the mainland. It is an essential part of the improvement, and there is no desire to shut off anybody's rights.

Mr. HEYBURN. But it is not necessary to use this language in order to accomplish that purpose. If this was simply a proposition to fill in and take possession for public purposes of a channel or any other adjunct of the waterways of the country, I should, of course, have no objection, and I recognize the right to do it; but to declare or to assert the right by Congress to say that a stream may be declared nonnavigable by a board is not within my view of either its power or right.

Now, let us be candid about this thing. It may seem like a trifling question to those whose interests could not be affected by it, but it is a question that affects in one single instance 60 miles of settlement in one of the great grain-producing sections of the United States and one of the great lumber-producing sections of the United States. They want to build a dam in it and dam it up, so that no person can pass that dam without paying toll. They object to putting a lock in the dam, because it would be too expensive to them. They want to take a public river, and they want it without expense or trouble. That is the question; it is one of home application, and it will come home to a great many others than those who are interested in this question if you once recognize the right of Congress to declare a stream nonnavigable.

Suppose that Congress, in some hour of weakness, should declare the Potomac River nonnavigable because, forsooth, some railroad or some other enterprise wanted to take possession of that river and build a bridge without a draw in it. That is the principle that is involved in this matter.

Mr. BACON. Will the Senator permit me to ask him a question for information?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. BACON. In what way does the Senator think the question whether a stream at a certain point is or is not navigable should be decided?

Mr. HEYBURN. It has always been determined by the courts on the facts in each particular case. Now Congress is going to assert the power to say a stream is nonnavigable, and its decision probably can not be reviewed by the courts.

Mr. BACON. But Congress does assert the power so far as to determine whether or not obstructions shall be put in a river or over a river at a certain point.

Mr. HEYBURN. It allows, if it may be so termed, an obstruction which may be relieved against by a lock or by a draw or any other method that will allow the people to go through it. I do not think for a moment that the Senator from Georgia would contend that Congress has the right to declare the Potomac River nonnavigable.

Mr. BACON. It would be very unreasonable for Congress so to do; but that does not settle the question of power.

Mr. HEYBURN. Well, I doubt the power. I think the Supreme Court would hold that Congress had no such power. Nature made navigable streams, and men are entitled to use them for navigation purposes; they are entitled to use them to pass up and down in rowboats or on rafts. Why, you could take a million tons of grain down the river to which I refer, in rafts, in competition with the railroads that lie on the banks of the river.

I know who is behind the proposition of establishing a rule by which we will be asked hereafter, having once yielded to it, at every session of Congress to declare some fact that does not exist—that a river is not navigable because some one wants to seize it. I implore Senators to think a little about this matter. You might destroy a very insignificant river, but you might also destroy the rights of a great many citizens who might some day array themselves against your rights.

Now, Mr. President, if the Senator in charge of the bill wants to withdraw the amendment—I sought to have it withdrawn at the time when, in my judgment, it should have been done according to parliamentary rules, and that is when we were considering the amendment as in Committee of the Whole—but if he wants to withdraw it now, I shall raise no objection.

Mr. NELSON. I offered to withdraw it about three minutes ago, but the Senator insisted on a vote.

Mr. HEYBURN. Well, I am like the Senator; I change my mind occasionally.

Mr. NELSON. You may have it either way.

Mr. HEYBURN. If the Senator now desires to withdraw it——

Mr. NELSON. The Senator can have it either way; he can have a vote or I will withdraw the amendment.

Mr. HEYBURN. It is obvious that we should require some further parliamentary proceedings if we were going to vote. I will not make the suggestion at all as to what those proceedings should be, but if the Senator will withdraw the amendment I shall be content.

Mr. NELSON. Mr. President, I suggest that the amendment be disagreed to.

The PRESIDING OFFICER. The Chair calls the attention of the Senator to the fact that disagreeing to the amendment would restore the words already stricken out.

Mr. NELSON. No; those words stricken out should remain out, and the words in italics should also be stricken out.

The PRESIDING OFFICER. Then the parliamentary procedure would be to concur in the amendment to strike out and to disagree to the part in italics.

Mr. NELSON. Yes; that is it.

The PRESIDING OFFICER. The question is on concurring in the amendment striking out, after the word "Island," in line 10, down to and including the word "nonnavigable," in line 11.

The amendment was concurred in.

The PRESIDING OFFICER. The question now is on concurring in the amendment inserting the portion in italics in lines 11, 12, and 13, on page 36.

The amendment was nonconcurred in.

The PRESIDING OFFICER. In the absence of objection, all the other amendments made as in Committee of the Whole will be regarded as concurred in. The Chair hears no objection, and they are concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PRESIDENT PRO TEMPORE FOR FRIDAY.

Mr. WARREN. I ask unanimous consent that the Senator from Georgia [Mr. BACON] may be the President pro tempore of the Senate to-morrow, Friday, during the absence of the Vice President.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent that the senior Senator from Georgia [Mr. BACON] be designated as the President pro tempore for to-morrow. Is there objection? The Chair hears none, and it is so ordered.

Mr. WARREN. To carry out the effect of that order, I present several resolutions and ask for their consideration.

Mr. WARREN submitted the following resolution (S. Res. 307), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Friday, May 10, 1912.

Mr. WARREN submitted the following resolution (S. Res. 308), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Friday, May 10, 1912.

Mr. NELSON. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 10, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 9, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

Infinite and eternal Spirit, our God and our Father, so near to us, and yet so far away, open Thou our spiritual eyes, that we may behold the light of Thy countenance; our spiritual ears, that we may hear the music of Thy voice; our spiritual hearts, that we may feel the pulsations of Thy loving heart; that we may have life, and have it more abundantly in a closer walk with Thee; that Thy will may be done in us as it was done in Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2, Rule XXIX, Senate bills and a joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6658. An act to provide for emergency crops on overflowed lands in the Mississippi Valley; to the Committee on Appropriations.

S. 2356. An act for the relief of John W. Morse; to the Committee on Claims.

S. 5211. An act to require the registration of vital statistics in the Territory of Alaska, and for other purposes; to the Committee on the Territories.

S. 5362. An act to reimburse the enlisted men of the U. S. S. *Georgia* who suffered loss through the defalcation of Paymaster's Clerk Edward V. Lee; to the Committee on Claims.

S. J. Res. 75. Joint resolution to provide for the appointment of a commission to investigate the operations of cooperative land-mortgage banks and cooperative rural-credit unions in other countries; to the Committee on Agriculture.

S. J. Res. 100. Joint resolution authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming; to the Committee on the Public Lands.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution.

H. J. Res. 312. Joint resolution making appropriations for the relief of sufferers from floods in the Mississippi and Ohio Valleys.

WALL CHART ON HOOKWORM AND SOIL POLLUTION.

The SPEAKER laid before the House House concurrent resolution 46 with a Senate amendment.

The Senate amendment was read.

Mr. FINLEY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government.

Mr. AUSTIN. Mr. Speaker, I would like to ask unanimous consent to have a telegram to the New York Times of yesterday read to the House. It will show the reason why certain Members were absent day before yesterday.

Mr. UNDERWOOD. Mr. Speaker, I must object.

The SPEAKER. The gentleman from Alabama objects. The gentleman from South Carolina [Mr. JOHNSON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24023, the legislative appropriation bill, with Mr. UNDERWOOD in the chair.

The CHAIRMAN. The House has resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the legislative appropriation bill, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the provision on page 32, commencing with line 11, down to and including line 4, on page 33, be considered in connection with the other two provisions that follow, and which were passed over, when we recur to them.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent in reference to the consideration of this bill. The gentleman from New York will please restate his request.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that when we return to the provisions on page 33, line 5 to line 23, which were passed over, we shall also consider the provisions on page 32, commencing on line 11 and running down to and including line 4, on page 33. They are all interrelated.

Mr. MANN. With the right to amend.

Mr. BURLESON. Yes; with the right to amend.

The CHAIRMAN. The gentleman from New York asks unanimous consent that that part of the bill on page 33, lines 5 to 23, be considered in connection with that part of the bill

on page 32, from line 11 to and including line 4, on page 33. Is there objection?

Mr. CANNON. One moment, Mr. Chairman. As I understand, the unanimous consent goes to the provisions touching the transfer of the Bureau of Statistics to the Census Office and the Bureau of Manufactures to the State Department, with full privilege to amend and consider all the items together.

Mr. JOHNSON of South Carolina. That is what we hope to do.

Mr. CANNON. Does the gentleman hope to do that during the day?

Mr. JOHNSON of South Carolina. During the afternoon.

Mr. CANNON. I am interested in the matter, and have views about it, and I am satisfied also that the gentleman from South Carolina [Mr. JOHNSON] wants to do apt things about it. I feel that really there is no contest when we come down to what is for the best interests of the public service; and, being interested in it, and having to leave the city at 6.45 this evening, to be absent for two or three days, I think the request ought to be granted.

Mr. JOHNSON of South Carolina. Those provisions will all be considered.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will read.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that the reading of the bill be concluded, and that the committee amendments be offered as we read. I ask unanimous consent that we now complete the reading of the bill, permitting the committee amendments to be offered as the sections are read, and then return to the sections and take them up for debate and amendment in the Committee of the Whole.

Mr. BURLESON. With the right to have them considered in the Committee of the Whole.

Mr. GILLETT. And to be amended?

Mr. BURLESON. Yes; to be amended.

Mr. MANN. Mr. Chairman, unfortunately I did not hear the request of the gentleman from South Carolina.

Mr. JOHNSON of South Carolina. The request now is to conclude the reading of the bill and allow the committee amendments to be offered as the bill is read, and then that we have permission to return to each section and debate it——

Mr. BURLESON. And ameud it——

Mr. JOHNSON of South Carolina. In Committee of the Whole the amendments to be offered by the committee will not be debated. They will be merely formal. Then we will go back and debate the sections.

Mr. MANN. Do I understand that the committee amendments are to be voted upon at the time they are read? We do not want to have an understanding that the committee is to consider amendments and vote on them without debate.

Mr. JOHNSON of South Carolina. We do not want to prevent debate.

Mr. MANN. I do not care, so far as I am concerned, as to the order in which they will be taken up, except that my colleague from Illinois [Mr. CANNON] wants to dispose of those propositions relating to the Bureau of Statistics and the Bureau of Manufactures this afternoon, fairly early.

Mr. JOHNSON of South Carolina. I am making the request in order to expedite the very matter that the gentleman from Illinois is interested in. After we read the bill we will return to some of the sections which will require considerable debate, and while that debate is going on the matter that the gentleman from Illinois is interested in will be adjusted.

Mr. MANN. Let us understand. I may be wrong about it, but, as I understand, the gentlemen desire probably a little time in which to formulate some amendments relating to the Bureau of Statistics and the Bureau of Manufactures?

Mr. BURLESON. And trade relations.

Mr. MANN. Yes; and trade relations. It is a proper request, but I do not desire to have the House get into a discussion of the clerical force here, which would cut off my colleague.

Mr. JOHNSON of South Carolina. We are very anxious that the gentleman's colleague shall be accommodated, and there will be no delay if it can be avoided.

Mr. CANNON. I think it is entirely likely in connection with the Bureau of Statistics and the Bureau of Trade Relations and the Bureau of Manufactures in connection with its transfer to the Census Office that it can be accommodated. Because, I will say again, I am satisfied that the gentleman from South Carolina, the gentleman from Texas, and others on the committee are really desirous of doing that which is for the best interests of the public service, and when the gentlemen complete the amendments touching the three bureaus, there will be opportunities to debate the subject.

Mr. BURLESON. That is right.

Mr. MANN. Mr. Chairman, I shall not object to the request if the gentleman will add to it the right on his part to call up at any time the paragraphs that were passed over on page 33, and those relating thereto.

Mr. BURLESON. That is right.

Mr. JOHNSON of South Carolina. I should like very well to include that proposition.

The CHAIRMAN. Does the Chair understand the gentleman from Illinois [Mr. MANN] to object?

Mr. MANN. No. I am asking the gentleman to make a modification of his request.

The CHAIRMAN. The Chair will ask the gentleman to state his request again.

Mr. JOHNSON of South Carolina. I ask that the reading of the bill be now concluded, with the privilege to the committee to offer its amendments as the sections are read; that thereafter we return to the sections for debate and amendments from the Committee of the Whole, with the further privilege that if the matter in which the gentleman from Illinois [Mr. MANN] is interested shall be perfected and adjusted we can return to that at any time.

Mr. MANN. Reserving the right on your part at any time to call it up.

Mr. JOHNSON of South Carolina. Reserving the right on my part to call it up at any time.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read as follows:

SEC. 4. That during the fiscal year 1913 no vacancy occurring in the classified service of any executive department or other Government establishment within the District of Columbia shall be filled except by promotion or demotion from among persons employed within the District of Columbia in such department or establishment: *Provided*, That if in the judgment of the President the exigencies of the service require, and he shall so order, transfers may be made during the fiscal year 1913 from among persons employed within the District of Columbia in one executive department or other Government establishment to fill vacancies that may occur in the classified service of another executive department or other Government establishment.

Mr. GILLETT. I do not understand whether under the agreement that was made this is the proper time to move to strike out this paragraph. I wish now or at some other time to move to strike it out.

Mr. JOHNSON of South Carolina. We can return to it under that agreement, and the gentleman can then make that motion.

Mr. GILLETT. I have permission to make that motion to strike it out then?

Mr. JOHNSON of South Carolina. Yes.

Mr. FINLEY. I call the attention of the gentleman from South Carolina [Mr. JOHNSON] in charge of the bill to line 6, section 4, and ask him does he not think that after the words "within the District of Columbia" the bill should be amended by the insertion of the words "except the Weather Bureau"?

Mr. FITZGERALD. No.

Mr. JOHNSON of South Carolina. I do not know of any reason why we should make that exception.

Mr. FINLEY. Mr. Chairman, I move to insert those words.

Mr. JOHNSON of South Carolina. If my colleague desires to offer an amendment, he will have that privilege when we return to this section, under the agreement.

Mr. FINLEY. Very well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That on and after July 1, 1913, all appointments to positions in the classified service of the executive departments within the District of Columbia provided for at annual rates of compensation shall be made, after the probationary period of six months shall have expired, for terms of five years each; at the expiration of each such appointment the employment of each person so appointed shall cease and determine; and the employment of all persons in the classified service of the executive departments within the District of Columbia at annual rates of compensation, who were appointed prior to July 1, 1912, shall cease and determine, unless previously separated from the service, on the 30th day of June, 1914: *Provided*, That all persons separated hereunder from the classified service shall, if not more than 65 years of age, be eligible for and may, in the discretion of the head of the executive department, be reappointed without examination for additional periods of five years if at the time of such reappointment they shall be up to a fair standard of efficiency and capable of rendering a full measure of service in return for the salary of the place to which they may be appointed: *Provided further*, That nothing herein shall be construed to prevent the head of any department from removing any time for good and sufficient cause any employee of his department: *And provided further*, That no person separated from the classified service under this provision shall directly or indirectly solicit indorsement for reappointment through any member of the legislative department, and any person violating this provision shall be denied reappointment: *And provided further*, That no head of an executive department shall receive or consider from any member of the legislative department any request for the reappointment of any person seeking employment in the classified service, and it shall be considered a violation of law for any member of the legislative department to submit to any executive officer a request for the reappointment of any person in said classified service.

Mr. JOHNSON of South Carolina. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 139, in line 5, strike out the word "fourteen" and insert in lieu thereof the word "seventeen," and in lines 6 and 7 strike out the words "if not more than 65 years of age."

The question being taken, the amendment was agreed to.

Mr. CULLOP. Mr. Chairman, as I understand the order that has just been made, we have a right to return to this section at any time after the reading of the bill has been concluded. Is that correct?

The CHAIRMAN. The Chair so understood the gentleman from South Carolina. The Chair is not sure that he understood the agreement correctly.

Mr. JOHNSON of South Carolina. We will return to these sections later, in order that any member of the committee may offer amendments.

Mr. FINLEY. I will ask the gentleman if anyone else may offer amendments to the sections when they are recurred to?

Mr. JOHNSON of South Carolina. Certainly. Anybody can offer amendments when we return to them.

Mr. CANNON. Mr. Chairman, we have not yet left section 5, I believe. We are to return to section 5, are we?

Mr. JOHNSON of South Carolina. Yes. If I may be recognized for one moment, the amendment that has just been adopted is the amendment that I gave notice of when the rule was adopted last week, that the committee would offer. We strike out the 65-year limitation, and make all persons in the classified service eligible for reappointment without regard to age. The other provision is that nobody shall come up for reappointment until 1917.

Mr. CANNON. Are we to return to section 5?

Mr. JOHNSON of South Carolina. Yes. That motion will be made later.

The CHAIRMAN. The Clerk will resume the reading of the bill.

The Clerk read as follows:

SEC. 6. That any person violating section 4 of the legislative, executive, and judicial appropriation act approved August 5, 1882 (Stat. L., vol. 22, p. 255), shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not less than $100 or by imprisonment for not less than one month.

Mr. MANN. Mr. Chairman, at the proper time I shall want to move to amend this section, or strike it out.

Mr. CANNON. If I can have the attention of the gentleman, I should like to suggest an amendment to be pending.

Mr. JOHNSON of South Carolina. Yes.

Mr. CANNON. In section 6, it seems to me that the word "knowingly" should be inserted, so that it will read that any person knowingly violating section 4 of the act referred to shall be removed from office and subjected to the penalty prescribed.

Mr. JOHNSON of South Carolina. We will return to that.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 9. That no money appropriated by this or any other act shall be used after the 1st day of October, 1912, for services in any executive department or other Government establishment at Washington, D. C., in the work of addressing, wrapping, mailing, or otherwise dispatching any publication issued by an executive department or other Government establishment at Washington, D. C., or for the purchase of material or supplies to be used in such work; and on and after October 1, 1912, it shall be the duty of the Public Printer to perform such work at the Government Printing Office. Prior to October 1, 1912, each executive department and other Government establishment at Washington, D. C., shall transfer to the Public Printer such machines, equipment, and material as are used in addressing, wrapping, mailing, or otherwise dispatching publications; and each head of such executive department and other Government establishment at Washington, D. C., shall furnish from time to time to the Public Printer mailing lists, in convenient form, and changes therein, for use in the distribution of publications issued by such department or establishment; and the Public Printer shall furnish copies of any publication only in accordance with the provisions of law or the instruction of the head of the department or establishment issuing the publication. The employment of all persons in the several executive departments and other Government establishments at Washington, D. C., wholly in connection with the duties herein transferred to the Public Printer, or whose services can be dispensed with or devolved upon another because of such transfer, shall cease and determine on or before the 1st day of October, 1912, and their salaries or compensation shall lapse for the remainder of the fiscal year 1913 and be covered into the Treasury. A detailed statement of all machines, equipment, and material transferred to the Government Printing Office by operation of this provision and of all employments discontinued shall be submitted to Congress at its next session by the head of each executive department and other Government establishments at Washington, D. C., in the annual estimates of appropriations.

Mr. JOHNSON of South Carolina. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 141, in line 15, after the word "publication," insert the words "except maps."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from South Carolina.

Mr. FINLEY. Mr. Chairman, I would like to ask the gentleman in charge of the bill a question. Does the amendment which the gentleman offered cover everything that is necessary in the Weather Bureau?

Mr. JOHNSON of South Carolina. We think so.

Mr. FINLEY. What does the Secretary of Agriculture say about it, does the gentleman know?

Mr. JOHNSON of South Carolina. The Secretary of Agriculture wrote me a letter asking me to except the maps, because he gets the telegrams at 8 o'clock and prints the maps and sends them out. I think the word "maps" covers everything that the Geological Survey and the Hydrographic Office and the Weather Bureau use.

Mr. FINLEY. What would remain that is now mailed by the Weather Bureau that would not be included within the exception?

Mr. JOHNSON of South Carolina. I do not know of anything they make except little charts or maps; they would pass under the title of "maps," I think.

Mr. FINLEY. Does the gentleman think the cards they issue would come under the definition of maps?

Mr. JOHNSON of South Carolina. I think so. I think everything that they issue would pass under the word "maps"; it is so intended, anyway.

Mr. FINLEY. What would be the objection to excepting the Weather Bureau? We know definitely what they do. It requires two or three clerks to do the work that would be transferred if this provision in relation to Government printing passes. It is 2 or 3 miles from the Weather Bureau to the Government Printing Office, and it would require one or two messengers to carry the work of the Weather Bureau to the Government Printing Office in order to be mailed. Now, what is the objection to excepting the Weather Bureau?

Mr. JOHNSON of South Carolina. I will say to my friend that we are going to recur to this section later, and in the meantime I will be glad to confer with the gentleman about any amendment he desires to offer if this language is not sufficiently broad.

Mr. FINLEY. That will be satisfactory.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from South Carolina a question. Of course the effect of the section depends upon what the words "publication issued by the executive department of the Government" mean. Would they include an order of the War Department; would they include the circular letter of the Treasury Department that goes out with checks?

Mr. JOHNSON of South Carolina. No, sir; it means the things that are printed and sent out as publications.

Mr. MANN. Here is a circular letter from the Treasury Department, which they send out with checks in payment of interest coupons; that is a publication issued by the Treasury Department. Is an order issued by the War Department included in this? There ought to be some apt language in here to cover questions of that sort.

Mr. FITZGERALD. I think the term "publication" is well understood.

Mr. MANN. I think it would cover these cases, because they are publications issued by an executive department. The gentleman might put in "publications issued by an executive department for general distribution," or something of that sort.

Mr. FITZGERALD. I think the expression is well understood. The word "publication" is so significant that I did not know of any other word to use. These refer to publications issued and distributed from the department. It does not cover the issuance of blanks or general orders or special orders.

Mr. MANN. But they are publications issued by the department.

Mr. FITZGERALD. Not in the sense that we use it here.

Mr. MANN. That is a question. That is what it says. The Treasury Department occasionally sends out publications in connection with refunding bonds.

Mr. FITZGERALD. That is a notice.

Mr. MANN. It is a publication issued by the department, and so described, and is listed in the bulletins or publications issued by the Government; and, then, there are publications issued and used to go with interest checks.

Mr. FITZGERALD. I do not think this language could be construed to cover that.

Mr. JOHNSON of South Carolina. Let me make this suggestion: This provision was inserted after consultation with the Public Printer and in accordance with the recommendation made by the President to Congress in his message. If there is

any doubt about the aptness of the words we have used, a little later in the day the gentleman can offer an amendment.

Mr. MANN. I am calling it to the attention of the gentleman now, so that he may be considering the matter with a view of correcting any improper language in it. Let me ask the gentleman further. In connection with the distribution of the Farmers' Bulletin—which, of course, is a publication more widely issued than any other publication of the Government—as it now is, Members of Congress transmit their frank-addressed slips to the Department of Agriculture, and they are there pasted on the bulletins and mailed. Is it the intention to have that done in the Government Printing Office?

Mr. JOHNSON of South Carolina. It is intended that all Government publications, after the 1st of October, 1912, shall be mailed at the Government Printing Office rather than at the department.

Mr. MANN. I am inclined to think that the result will be, instead of saving money and time, that the Farmers' Bulletins will have to be sent to Members of Congress at their offices, there be addressed and the slips pasted on by them, instead of its being done at the Public Printing Office.

Mr. JOHNSON of South Carolina. I think the only difference is this: That they will be sent out as public documents and not under the Congressman's frank.

Mr. MANN. They have to be sent out under Members' franks.

Mr. JOHNSON of South Carolina. No; not if they can be sent as public documents.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The amendment was considered and agreed to.

Mr. CULLOP. I understand that the same rule applies to this section, that we may return to it hereafter, because we want to return to it in regard to the matter of Farmers' Bulletins.

Mr. JOHNSON of South Carolina. Yes.

The Clerk read as follows:

SEC. 10. That the Commerce Court is abolished on and after July 1, 1912, and all laws in so far as they provide for the establishment of said Commerce Court are repealed. The jurisdiction now vested in the Commerce Court is hereby transferred to, and vested in, the district courts of the United States. All cases pending in the Commerce Court at the date of the passage of this act shall be transferred forthwith to said district courts. Each of said cases shall be transferred to the district court wherein it might have been filed at the time it was filed in the Commerce Court if this act had then been in effect, and if it might have been filed in any one of two or more district courts it shall be transferred to that one of said district courts which may be designated by the petitioner or petitioners in said case, or, upon failure of said petitioners to act in the premises within 10 days after the passage of this act, to such one of said district courts as may be designated by the judges of the Commerce Court. The judges of the Commerce Court shall have authority, and are hereby directed, to make any and all orders and to take any other action necessary to transfer as aforesaid the cases then pending in the Commerce Court to said district courts.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I wish to offer an amendment here and have it pending, and that is that section 10 be stricken out, and also section 11, which has not yet been read——

Mr. JOHNSON of South Carolina. Mr. Chairman, will the gentleman wait one minute until we finish some formal amendments?

The CHAIRMAN. The understanding was that the committee first was to have leave to offer amendments.

Mr. MICHAEL E. DRISCOLL. Very well.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent to return to page 122 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from South Carolina will suspend for a moment. The Chair understood the gentleman to wish to offer an amendment to a section, and the Chair will state to the gentleman that section 11 of the bill has not been finished, and the Clerk will read.

The Clerk read as follows:

SEC. 11. That all laws or parts of laws inconsistent with this act are repealed.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent to return to page 122, the Bureau of Lighthouses, for the purpose of offering an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to return to page 122 for the purpose of offering an amendment. Is there objection?

Mr. GILLETT. Mr. Chairman, reserving the right to object, I would like to hear the amendment read first.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 122, line 4, strike out "deputy commissioner, $4,000"; in line 10, strike out "one, at $3,000" and insert in lieu thereof "two, at $3,000 each"; and in line 12, strike out the sum "$64,630" and insert in lieu thereof "$63,630"; and after line 12, insert "the office of deputy commissioner of lighthouses is hereby abolished."

The CHAIRMAN. Is there objection to the consideration of the amendment?

Mr. GILLETT. Mr. Chairman, reserving the right to object, I desire to state this is all new matter, and I know of no reason for doing this, and for the present I object. I will reserve the right to object.

Mr. BARTLETT. I reserve the right to object, too.

Mr. JOHNSON of South Carolina. May I state why the request is made?

Mr. GILLETT. I will be very glad to hear it.

The CHAIRMAN. The Chair did not understand the gentleman.

Mr. GILLETT. I said this is new to me. I know of no reason, and therefore I wish to reserve the right to object until an explanation can be made.

The CHAIRMAN. The gentleman from Massachusetts reserves the right to object.

Mr. BARTLETT. May I make an inquiry of the gentleman from South Carolina?

Mr. JOHNSON of South Carolina. Certainly.

Mr. BARTLETT. As I caught the proposition, it is to abolish the Deputy Commissioner of Lighthouses.

Mr. JOHNSON of South Carolina. Yes; and to create the position of assistant engineer.

Mr. PAYNE. Mr. Chairman, I wish we could have less of these private conversations, as we would like to hear on this side of the House. We are still Members of the House.

Mr. BARTLETT. There is no private conversation here. I was talking loud enough to be heard if the gentleman was listening. Mr. Chairman, I desire to know what the proposition is—to return to some section for the purpose of offering an amendment?

The CHAIRMAN. The question pending before the committee is a request for unanimous consent on the part of the gentleman from South Carolina to return to page 122 to offer an amendment to the Bureau of Lighthouses, which has been reported by the Clerk.

Mr. BARTLETT. I understand it.

Mr. JOHNSON of South Carolina. Mr. Chairman, the present deputy commissioner on the 1st day of July is to be appointed lighthouse inspector. That leaves a vacancy in this office. The Secretary of Commerce and Labor desires that the office of deputy commissioner be abolished and an additional assistant engineer be provided for. The amendment is made at the request of the Commissioner of Lighthouses at the request of the Secretary of Commerce and Labor, and after such investigation as the committee has been able to make we believe that the request is a proper one, and for that reason we have asked unanimous consent to offer the amendment.

Mr. BARTLETT. May I inquire of the gentleman from South Carolina?

Mr. GILLETT. Mr. Chairman——

The CHAIRMAN. To whom does the gentleman from South Carolina yield?

Mr. JOHNSON of South Carolina. I yield to the gentleman from Massachusetts.

Mr. GILLETT. I supposed I was a member of the committee. The gentleman says after such investigation as the committee has been able to make they approved it. This is the first I have heard of it, but upon the statement of the gentleman——

Mr. JOHNSON of South Carolina. Of course there was no formal meeting of the committee.

Mr. GILLETT (continuing). Upon the statement of the gentleman I withdraw my objection.

The CHAIRMAN. The Chair will put the request——

Mr. BORLAND. Before the Chair puts the request, reserving the right to object, I would like to ask the gentleman——

The CHAIRMAN. The gentleman from Missouri reserves the right to object.

Mr. BORLAND. I understood the gentleman from South Carolina to say that the present deputy commissioner would become inspector of lighthouses on the 1st of July. By virtue of what provision is that? Is there a provision of law now for that purpose?

Mr. JOHNSON of South Carolina. These positions are now being held by naval officers, I believe, and on the 1st of July they must be filled by civilians. Is that correct?

Mr. MANN. If the gentleman will permit me, there are a number of lighthouse districts, and the third district, which is the New York district, is the general distributing district. The inspector of that district receives a salary of $3,000 a year and the inspectors of most of the districts receive a salary of

$2,400 a year, but owing to the fact that that district is the district where the supplies come from and where the central depot is the salary was made $3,600 a year. The man who is now commissioner of lighthouses, by his own consent and in the interest of the service, is to be transferred and made inspector of the third lighthouse district from the 1st of July, at a salary of $3,600, the salary fixed by law. Now, then, when we reorganized the Lighthouse Service a few years ago we provided a commissioner and deputy commissioner of lighthouses, so there would be somebody to sign papers in the absence of the commissioner. We have recently provided in a bill—I do not know whether it has become a law or not, but it will—that the Secretary may designate anyone else to act as acting commissioner in the absence of the commissioner and deputy commissioner.

When we passed the reorganization bill we provided, I believe, for one assistant engineer to take the place of the many engineers then in the Army and Navy. Now they find they have more need of an additional assistant engineer than they have for a deputy commissioner, because in the absence of a commissioner under this new proposition they can designate somebody else to act for him. And as the deputy commissioner receives a salary of $4,000 and the present deputy desires to take the place which pays only $3,000, and as the service needs an assistant engineer in place of the deputy commissioner, the commissioner and Secretary have asked Congress to abolish the place of deputy at $4,000 and allow an assistant engineer at $3,000.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. JOHNSON] has expired.

Mr. BORLAND. Mr. Chairman, I ask that the gentleman's time be extended for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BORLAND. I have no objection to the change of an officer from a deputy commissioner to an inspector if his duties are just as broad as inspector as they would be as deputy commissioner, but if his duties as inspector are confined to a particular department, then the lighthouses will suffer from the loss of one man. It so happens the lighthouse business lately has been confined to putting lights on navigable streams. They have not found that their equipment was any too great to carry on that work.

Mr. MANN. If the gentleman will permit, that is one of the very reasons why they wish to make this change, because they want an assistant engineer who can act on those matters and have charge of them where the deputy commissioner can not do it.

Mr. BORLAND. Has that provision been made by law so that this change will have that effect?

Mr. MANN. But the gentleman's proposition is to strike out the deputy commissioner and insert an additional assistant engineer at $3,000 in place of the deputy commissioner at $4,000.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. JOHNSON] has again expired.

Mr. BURLESON. Mr. Chairman, I think it is due the committee that an additional statement should be made. This suggestion embodied in the pending amendment was not made at the time the bill was being prepared. It came subsequently in a letter addressed to the Speaker of the House, a copy of which I hold in my hand. It is from the Secretary of Commerce and Labor. This letter shows that the amendment is in the interest of efficient and economical administration. There can be no question about that, as was so clearly shown by the gentleman from Illinois [Mr. MANN]. With the permission of the committee I will read the letter, which is addressed to the Speaker, as follows:

THE SPEAKER HOUSE OF REPRESENTATIVES.

DEAR SIR: It is recommended that in the appropriations for the Bureau of Lighthouses for the coming fiscal year the item "deputy commissioner, $4,000," be omitted, and that there be inserted in lieu thereof an additional assistant engineer, at $3,000, making the item read "two assistant engineers, $6,000," in place of "assistant engineer, $3,000."

The act of June 17, 1910, reorganizing the Lighthouse Service, provides for a deputy commissioner and a chief constructing engineer, each at a salary of $4,000. The position of deputy commissioner was not included in the bill as originally reported, but was provided for before the final passage of the act. In the extensive work of reorganization the position was necessary and valuable. This reorganization having now been carried through, further experience in operation under this law indicates that in future a more effective organization for the Lighthouse Service will be obtained by substituting a position of assistant engineer for that of deputy commissioner. The organization would then include, under the Commissioner of Lighthouses, a chief constructing engineer, at $4,000, a superintendent of naval construction, at $3,000, two assistant engineers, at $3,000, and a chief clerk, at $2,400.

There is a saving of $1,000 per annum in the change proposed.

Very truly, yours,

——— ———, *Secretary.*

That explains the whole situation, and tells why it was necessary to offer the amendment at this time, and why it was not carried in the bill when it was originally reported to the House.

Mr. BARTLETT. Mr. Chairman——

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] is recognized.

Mr. BARTLETT. As the gentleman from Illinois [Mr. MANN] has stated, he and I are familiar with the organization of the present Lighthouse Board. By the act passed in 1910 the place of Deputy Commissioner of Lighthouses came as a result of compromise in a conference between the two Houses. I was a member of that conference committee, and after a long hearing and discussion of the matter the bill finally came out of conference with an agreement to establish this Deputy Commissioner of Lighthouses, and the Government was exceedingly fortunate in securing the service of the present deputy commissioner.

I have no personal interest in him; he does not come from my State. I never saw him or heard of him until after his appointment as Deputy Commissioner of Lighthouses; but I do know if reforms have been made in this bureau, if savings of the public moneys have been made, as they have been, it is due mainly and chiefly to the efficiency and devotion to duty of the present deputy commissioner, Mr. Conover.

Mr. MANN. The gentleman understands that this proposition is more than agreeable to Mr. Conover?

Mr. BARTLETT. I do not know whether it is or not. I have no information from him on the subject; but I do not think the Government, for the sake of saving a thousand or even a few hundred dollars, should dispense with the services of as efficient a man as Mr. Conover is and put him back to the position from whence he was taken to become deputy commissioner. He was the inspector of the third lighthouse district, and was selected because of his information, knowledge, and efficiency.

Mr. MANN. Mr. Conover desires to go back as inspector of the new third district. He now receives a salary of $4,000. There he is to receive a salary of $3,600 and a house. And that district is so important——

Mr. BARTLETT. I understand the importance of it.

Mr. MANN (continuing). He could save as much to the Government there as anyone else. He will probably go there, anyhow.

Mr. BARTLETT. I am not a member of the subcommittee that considered this bill. I was present at some of the hearings. I am a member, however, of the Appropriations Committee, and it has never been suggested to me, although that is immaterial, that this amendment was to be offered. There is no reason why it should be adopted if it is not a good amendment. If it had been offered in committee, I certainly would have insisted that it should not be adopted.

The suggestion made by the Commissioner of Lighthouses was, not that any position be abolished, but that his own salary should be increased $1,000, if I recollect the testimony correctly. I have nothing to offer in the way of criticism of the Commissioner of Lighthouses. I have participated with my friend the gentleman from Illinois [Mr. MANN] on the Committee on Interstate and Foreign Commerce in framing and reporting and passing the bill to reorganize the Lighthouse Board, which met with serious opposition at the other end of the Capitol, and I was placed on the committee of conference, having worked on this reformation in that service. For that reason I have had occasion to inquire into the workings of this bureau and the discharge of the duties of the officers of that bureau, having gone there frequently, and I had occasion in 1910, I believe, or in 1911, to call the attention of the House to the savings that had been, by reason of the reorganization, made by Mr. Conover, originated by him, and carried out by him through his devotion to the duties of that office. I do not think that the public service will be benefited by the abolition of this office and the change of the service of this man to a lighthouse inspector in the third district, a place which he filled for a number of years, after which, because of his efficiency in the discharge of duties there, he was made deputy commissioner.

I would like to have two minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] asks for two minutes more. Is there objection?

There was no objection.

Mr. BARTLETT. I am in favor of economy, Mr. Chairman, but I do not believe there is any economy in changing this office and simply making it an assistant engineer. They have already a chief constructing engineer and a superintendent of naval construction in that office, and this simply adds another assistant engineer and abolishes the office of the deputy. I

think this Government, instead of abolishing the office and dispensing with the services of the deputy commissioner, could well afford to increase his salary $1,000. It could well afford to do that instead of dispensing with his services and substituting in his place a man at a salary of $3,000. I repeat, Mr. Conover, as I recollect, is a native and resident of New York. I never saw him until after he was appointed, and I have no particular interest in his personal welfare except to indorse, as I said here, the efficiency, the ability, and the honest administration of a service which was demoralized when he took charge of his present office. And if from a disorganized administration that service has become one of better organization and more efficient service and more economical administration, effecting a saving of hundreds of thousands of dollars to the Government as compared with the old plan of administering the Lighthouse Board, if is due more to the service, to the intelligence, the experience, and the devotion to duty of this man, whom you propose now to get rid of, than to any other man in that service. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent for the present consideration of the amendment which he sends to the Clerk's desk. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 122, in line 4, strike out "deputy commissioner, $4,000"; in line 10, strike out "one at $3,000" and insert in lieu thereof "two at $3,000 each"; in line 12 strike out the sum "$64,630" and insert in lieu thereof "$63,630"; and after line 12 insert "the office of Deputy Commissioner of Lighthouses is hereby abolished."

Mr. BARTLETT. Mr. Chairman, I reserve a point of order on establishing an assistant engineer.

The CHAIRMAN. The point of order of the gentleman from Georgia is what?

Mr. BARTLETT. On the establishment of a new office, another assistant engineer, an office not now provided for by law. I do not make the point of order on abolishing the deputy commissioner. I understand under the rule we can do that, because that dispenses with an office and reduces expenses. But I do make the point of order on the amendment which establishes a new office and pays a salary of $3,000, and if my point of order is good the entire amendment is out of order.

The CHAIRMAN. Does the gentleman from South Carolina [Mr. JOHNSON] controvert the fact that this amendment is without warrant of law?

Mr. JOHNSON of South Carolina. This is simply to abolish one office at $4,000 and substitute one at $3,000. I do not care to argue it. If we can not get it through, it is all right.

The CHAIRMAN. That may be the case, but if it establishes a new office it controverts Rule XXI.

Mr. FITZGERALD. It does, Mr. Chairman. It creates a new office.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I am not prepared to call the attention of the Chair to the statute, because I do not have it here; but my impression is that under the reorganization act the employment of such help as may be necessary is authorized, and the employment of one assistant engineer is not provided.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that when an amendment is proposed the burden is on the gentleman offering the amendment to show that there is law for the amendment.

Mr. MANN. I quite agree with that; but the act—which I have not here at this time, I am free to admit—the act which created the reorganization did not provide specifically for one assistant engineer. That being before the House it would certainly be subject to amendment providing for two assistant engineers.

The CHAIRMAN. Without the information showing that there is warrant of law for this amendment, the Chair will be compelled to sustain the point of order.

Mr. BARTLETT. There is no law for it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BARTLETT. That sustains the point as to the salary?

The CHAIRMAN. Yes. Does the gentleman from South Carolina [Mr. JOHNSON] desire to renew his amendment in order?

Mr. FITZGERALD. It is all one amendment. The point of order, I understand, applies to all.

The CHAIRMAN. The point of order is sustained. The bill is finished. What section does the gentleman from South Carolina desire to call up?

Mr. JOHNSON of South Carolina. Mr. Chairman, if I can get the attention of the gentleman from Massachusetts——

Mr. GILLETT. The gentleman has it——

Mr. JOHNSON of South Carolina (continuing). I would suggest that we first consider section 10, dealing with the Commerce Court.

Mr. GILLETT. That is agreeable to me.

Mr. JOHNSON of South Carolina. Would the gentleman indicate how much time he desires to have?

Mr. MANN. Why do you commence at that section first? Why do you commence at the last? I suggest to the gentleman that probably the liveliest fight will be over the matter of mints and assay offices. Why not take that up?

Mr. JOHNSON of South Carolina. We wanted to take up some matter that would not require the presence of the committee for a little while.

Mr. BURLESON. I will state to the gentleman from Illinois that I want to be present when mints and assay offices are considered.

Mr. JOHNSON of South Carolina. The gentleman will understand why we want to take up some other section immediately.

Mr. GILLETT. Gentlemen think about half an hour would be needed on this side.

Mr. JOHNSON of South Carolina. That is perfectly satisfactory—a half hour on each side. We may want an hour on this side, however.

Mr. GILLETT. We want an hour on this side, too.

Mr. MANN. Can we not reach an agreement as to debate, and during that time all pending amendments shall be offered during the pending debate?

Mr. JOHNSON of South Carolina. I will make that request. Mr. Chairman, I request unanimous consent that debate upon section 10 be limited to two hours, one hour on each side; that during that time any Member may be permitted to offer amendments, and that those amendments be pending, and at the close of the time fixed for debate a vote shall be taken on all pending amendments.

Mr. CANNON. That is on the Commerce Court?

Mr. JOHNSON of South Carolina. Yes.

The CHAIRMAN. The Chair will ask the gentleman from South Carolina who is to control the time?

Mr. JOHNSON of South Carolina. I ask further, Mr. Chairman, that the gentleman frm Minnesota [Mr. STEVENS] control the time on that side of the House and the gentleman from Tennessee [Mr. SIMS] on this side of the House.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that there may be one hour for general debate on each side on section 10, one hour to be controlled by the gentleman from Tennessee [Mr. SIMS] and one hour by the gentleman from Minnesota [Mr. STEVENS]; that during the two hours' debate amendments may be offered, which shall be pending until the debate closes, and that the vote shall then be taken on all pending amendments and on the section. Is there objection?

Mr. DYER. Mr. Chairman, reserving the right to object, I should like to ask the chairman of the subcommittee a question as to when we shall probably vote upon the legislative bill. The reason I ask that is because it is necessary for me to be absent from the city after to-day.

Mr. FITZGERALD. We expect to conclude this bill to-day.

Mr. DYER. I understand, then, that we will finish the consideration of the bill before the end of to-day's session?

Mr. FITZGERALD. We hope to do that.

Mr. DYER. That we will go on with a night session and finish it up?

Mr. FITZGERALD. If necessary.

Mr. DYER. Unless there is some understanding to that extent, I shall feel like objecting to spending so much time on one section.

The CHAIRMAN. Does the gentleman from Missouri object?

Mr. DYER. I do not object.

Mr. FITZGERALD. We can not make any definite statement as to when this bill will be voted on, but we desire to finish the bill to-day.

Mr. MANN. That is the desire on both sides.

Mr. FITZGERALD. The disposition on both sides is to finish this bill to-day, and we hope to stay here long enough to do it.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] is recognized for one hour.

Mr. SIMS. Mr. Chairman, inasmuch as there was no general debate on this section while the bill was being considered in

general debate, and inasmuch as every Member of the House who may be present will have to vote on it, I hope I may have your attention while I explain the reasons why I favor the retention of section 10 of this bill.

There has been so much political agitation in the last year or so about the questions of initiative, referendum, and recall of judicial as well as other officers that it is possible there may be some prejudice or some feeling engendered by present political conditions, and so I want to say that there ought to be no such prejudices or feelings in connection with the consideration of this proposition. It ought to be considered on its merits, without any reference whatever to any political or partisan effect it may have one way or the other.

In order to understand this matter clearly, to view it from the standpoint from which I view it, you must remember that this court began its sessions a little over a year ago, in February, 1911. The bill creating the court became a law June 18, 1910. That was commonly called the Townsend bill, because the gentleman from Michigan [Mr. TOWNSEND] introduced the bill out of which the law was constructed.

That bill was, in substance, recommended by the message of the President of the United States. It created a new and special court. The argument in its favor was that there should be a court of experts, specially fitted by reason of expert knowledge, to pass upon questions arising out of suits brought either to enforce, annul, or suspend the orders of the Interstate Commerce Commission. That bill as recommended in the message and as introduced contained a number of provisions outside of those creating the Commerce Court. Among others was what was called the merger provision, by which railroads might make certain agreements along the lines of a merger, by way of consolidation or absorption, which agreements, it was provided in the bill as introduced, might be submitted in the form of a moot case—the word "moot" is my own—to be passed upon by the Commerce Court, which should determine the questions involved before the merger actually took place. Be it sufficient to say that the bill was amended in every section, as I now remember, except the first six, which created the Commerce Court; that is, I mean it was amended substantially. The bill, which became a law, in my opinion, would have been a splendid piece of legislation if the Commerce Court had been left out. No doubt many Members voted for the bill on account of the good legislation it contained who would not have voted for it at all if it had contained no provisions except those for the creation of this Commerce Court.

Mr. Chairman, this is not a political or party question, and ought not to be so considered; but I am simply stating the history of the creation of this court when I say that it was very nearly a party question, because, after the bill was reported to the House, and while it was being considered in Committee of the Whole, a motion was made to strike out the sections creating the Commerce Court, and upon a vote in the committee it took the negative vote of the gentleman from New York, Mr. Bennet, who was presiding as Chairman of the Committee of the Whole House on the state of the Union, in order to defeat the motion by a tie. Of course there is no record to show who voted for or against that motion, but when the bill was finally brought into the House, the present chairman of the Committee on Interstate and Foreign Commerce [Mr. ADAMSON] made a motion to recommit the bill with instructions to strike out the six sections creating the Commerce Court. On that motion there was a yea-and-nay vote. The vote was taken on May 10, 1910, in the second session of the Sixty-first Congress, and there were—yeas 157, nays 176, the motion to strike out being defeated by 19 majority.

Mr. NYE. On what page of the RECORD is that vote found?

Mr. SIMS. On page 6032 of the RECORD. Now, an examination of that vote will show that every Democrat in the House who voted at all voted in favor of the motion to recommit and strike out, and a number of Republicans voted for that motion.

The proposition contained in this appropriation bill is in effect and in fact just what that motion was, no more and no less. It is simply to repeal so much of the act as created the court, but repealing no other part or portion of the act.

I say that was a partisan vote, in this sense, that all the Democrats were opposed to it, although several Republicans, as shown by the RECORD, were also opposed to the creation of the court. I think I state a fact which is known to every Member, that that court never would have been created had it not been for the insistence of the President and the Attorney General. I opposed the creation of the court. I devoted my entire time in general debate in opposition to the creation of a special court.

Why did we need this special court, and why do we need to have it continued now? Before the Hepburn Act passed in 1906 the orders of the Interstate Commerce Commission did not go into effect of their own force. If the carriers refused to comply with those orders, it required a suit brought by the commission in a court to have the order enforced.

Therefore, prior to the Hepburn Act it was necessary to have a suit in order to have an order executed. In that way delay was very injurious to the shippers or to the parties, whoever they might be, in the execution of the order. But after the Hepburn Act, and especially since the act of 1910, the order goes into effect as a matter of law unless it is enjoined by a suit brought for that purpose.

Now, who brings these suits? Only parties in opposition to the orders. I call your attention to the fact that this Commerce Court has no jurisdiction whatever of any kind or class of cases except suits brought in opposition to and, so to speak, destructive of the orders of the commission. Why should we create a special antagonistic court to stand in terrorem over a body created by Congress? Why, if we have a special court, should it not be open to all suits growing out of the fourteenth as well as the fifth amendment? The entire jurisdiction is negative, and I do not care how high the character of the judges may be, how unbiased they may be when assigned to this court, is it reasonable to suppose that they can hear day in and day out, year in and year out, a continual onslaught of denunciation of the commission without becoming biased against that commisssion?

We might as well face the situation. This country is going to thoroughly, efficiently, and justly control transportation rates and common carriers or own the railroads. Which do you prefer, my friends? I prefer just, honest, and thorough regulation and control.

Now, as I say, the cry was to expedite the action before the Hepburn Act. Then one of the chief arguments of constituting this court was to expedite cases; the complaints were that the cases in the lower courts, the circuit courts then, were delayed; that they were not tried promptly. Now, the order is not enjoined, the rate goes into effect of its own force. Now, who is interested in enjoining the order of the Interstate Commerce Commission relative to rates? The railroads only. When we are expediting the trial of cases now in antagonism of the orders of the Interstate Commerce Commission, it is altogether a railroad benefit. It is expediting a trial whereby the order of the commission is intended to be destroyed and annihilated.

Having created a body of great rate experts with a special examination provided for, and after a full hearing as to the rate complained of, or on their own motion, ought the orders of that commission under all these circumstances to be lightly enjoined? Remember that when an order of the commission is made and its effective date fixed that that order begins to run from the date fixed in it; that it can live only two years; that the commission on the next day of its own motion can modify and change it. Now, I appeal to you, what equity and justice is there in permitting the carrier to enjoin by a preliminary injunction that order until a great portion of the two years has expired without the time so enjoined being deducted from the period of the life of the order? That is the law to-day. I introduced a bill which the Committee on Interstate and Foreign Commerce favorably reported, limiting the life of a preliminary injunction to 90 days. That will be the greatest expediting act that was ever passed if it becomes a law, but it is not being considered in this bill.

There is no need of a long time in the court to prepare a case for its hearing that has been thoroughly gone over before the commission when the order was being considered.

I know it has been said by some—even by the Attorney General of the United States—in effect that these judges, or some of them, can go out and take testimony and hear witnesses. Who, among the great lawyers of this body, ever heard a plea of that sort put forth to justify new conditions in equity suits? As a rule the evidence in all equity suits is taken before a commissioner or special officer, and rarely, if ever, before the judge who tries the cause.

The Commerce Court is authorized to issue temporary injunctions without any time limit whatever, and after the cause is tried it may be appealed to the Supreme Court if it amounts to anything, either in the amount involved or the questions raised. While we have expediting laws for the Commerce Court, the district court, and the Supreme Court, as to these cases, as to the hearing, there is not and can not be an expediting act that will cause or force the judges of the courts after they have heard the case to determine the case until they see proper.

Now, a case was heard by the Commerce Court affecting the New Orleans and Montgomery rates a year ago last April. The court held it under advisement until the 29th day of Feb-

ruary, 1912. I do not question the right they had to do it. It may have been the proper thing to have done. But if you will look at the record of the highest court of the land, under the present law in appeals from orders granting preliminary injunctions by the Commerce Court, you will find that in the early part of January the Supreme Court heard two of these cases involving the issuance of preliminary injunctions and these cases have been undecided to this hour by the highest court of the land.

I am not complaining of the action of the court, but how can we force a judge or a court to render a decision until it has thoroughly considered the case?

Mr. CAMPBELL. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. CAMPBELL. Is it not a fact that on motion of the Attorney General of the United States in a case of the character involving the enforcement of the antitrust laws the orders of the Interstate Commerce Commission are not advanced in the Supreme Court as soon as filed?

Mr. SIMS. I have stated that, as far as we can go, we have passed expediting acts that apply to the hearings of these cases.

Mr. CAMPBELL. Is it not the practice of the court to advance the causes on motion of the Attorney General?

Mr. SIMS. On a certificate of importance that is true, but what I am trying to get gentlemen to see is that the court has a right to take its own time to decide a case, so there is no effective way by which Congress can do more than to expedite a hearing or trial. But, Mr. Chairman, how many cases do you suppose have been brought in all courts affecting the orders of the commission pro and con since the passage of the Hepburn Act? That act was passed June 29, 1906. There are to this day, including the cases before the circuit courts and the Commerce Court, only 85 all told. How many were brought by the commission to enforce its orders? One only. Now, then, a large number of those 85 cases were never tried. Take the position that every one was tried, and it does not amount to exceeding 14 cases a year. With ninety-odd district courts it is foolishness, according to my judgment, for anybody to say that 14 cases a year can not be tried in the district courts when the expediting act applies to those courts. No suit can arise under the order of the commission except upon one of two questions. The first is, Did the commission have the power to make the order? That is a question of law which must be determined by the courts. It is not an unusual question. There is nothing in the nature of expert knowledge required to construe the statutes. What is the next? Is the order confiscatory and violates the fifth amendment of the Constitution of the United States—which is a question of fact. Why does not the great State of New York, with its ten or eleven thousand miles of railroads, with its hundreds of questions arising by the State laws as to the common carriers, why do not they have an expert court? It, to me, is a most unreasonable contention that we must have an expert trial court when we must have a nonexpert court of last resort. Besides what I have just stated, an extra expense is incurred.

One of the strangest things I have ever known was in the bill as originally introduced. It provided that the circuit judges, having $7,000 salaries, like other circuit judges, should have in addition thereto $3,000 per annum for "living in Washington." The bill as passed reduced it to $1,500. Do we give the judges of the Supreme Court anything above their salaries for living in Washington? Do we give the judges of the courts in the District anything above their salaries for living in Washington? Do we give the Court of Claims judges anything extra to their salaries for living in Washington? Do we give the judges of the Customs Court anything above their salaries for living in Washington? Why is it that this should be made a pet and favored court by Congress?

Mr. MICHAEL E. DRISCOLL. Will the gentleman permit a question?

Mr. SIMS. Yes.

Mr. MICHAEL E. DRISCOLL. I have never stood in this House for increasing the salaries of judges, and I do not stand for this, and if I had a chance to vote I would be willing to vote it down to the salaries of the circuit judges throughout the country, but if the salaries are cut down to the same as the circuit judges throughout the country will the gentleman be satisfied with that and not ask to strike down this court?

Mr. SIMS. No; no expense would stand in my way if this court was necessary to have justice done between the shippers and the common carriers. I never had a lawsuit against a railroad or had one for a railroad. I have no feeling or prejudice in this matter whatever.

Mr. MICHAEL E. DRISCOLL. You mean as an attorney?

Mr. SIMS. I never had a lawsuit against a railroad and never represented a railroad in my life. Can the gentleman say as much?

Mr. MICHAEL E. DRISCOLL. I have had a great many against railroads, but never had one for them.

Mr. SIMS. That is not a question, or ought not to be. Now, the amount appropriated for this court the first year was $94,500. They brought in estimates for $74,500 for the next year. Every cent of that amount will be saved by the abolishment of this court, because it does not include the salaries of the judges.

We do not abolish the judges; they will remain circuit judges and can be and will be assigned to duty in the respective circuits. And why does my friend want to have a pet court, with extra allowances for living in the finest city on earth, in order to try 14 cases a year upon the average, and which will grow fewer each year as time goes on? We do not need this court——

Mr. BARTLETT. Will the gentleman allow me to interrupt him?

Mr. SIMS (continuing). And if there is no other reason why it should be abolished, why, that is a good one. I yield to the gentleman.

Mr. BARTLETT. Does the gentleman propose to put in the number of cases that have been filed in this court since its organization?

Mr. SIMS. Yes, sir.

Mr. BARTLETT. I am not speaking about the district courts, but since 1910——

Mr. SIMS. I have all cases separated.

Mr. BARTLETT. Up to December 11 there were only 57 cases that have been filed.

Mr. SIMS. Including those transferred.

Mr. BARTLETT. All.

Mr. SIMS. All.

Mr. BARTLETT. And of that number only 12 are pending.

Mr. SIMS. Yes.

Mr. BARTLETT. And most of them are dismissed, according to the report of the commissioner, by the petitioners or went out of court upon a preliminary order, and there are only 12 remaining undisposed of.

Mr. SIMS. I wrote to the Interstate Commerce Commission the following letter, which I will here insert:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAR CLAIMS,
Washington, D. C., May 8, 1912.

Hon. SECRETARY OF THE INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

MY DEAR SIR: Will you kindly furnish me the following information concerning cases instituted in court since the passage of the Hepburn Act, June 29, 1906, for the purpose of enforcing and annulling orders made by the Interstate Commerce Commission:

Total number of cases.
Number instituted in the circuit courts.
Number instituted in the Commerce Court.
Number transferred from circuit courts to Commerce Court.
Preliminary injunctions granted and refused by circuit courts.
Preliminary injunctions granted and refused by the Commerce Court.
Final decrees in favor of and against the commission in the circuit courts.
Final decrees in favor of or against the commission in the Commerce Court.
Number of cases finally disposed of by the Supreme Court of the United States upon appeal.
Number in which the commission was upheld or otherwise.

I also wish to obtain information concerning the present condition of the docket of the Commerce Court; that is, the total number of cases now on that docket and the number of cases dismissed from that docket without hearing either by reason of action taken by the Supreme Court or otherwise.

Number of cases appealed to the Supreme Court from the Commerce Court in which preliminary injunctions were granted.

Number of such cases disposed of by Supreme Court and manner of disposition.

Very truly, yours, T. W. SIMS.

And I have a reply as follows:

INTERSTATE COMMERCE COMMISSION,
OFFICE OF THE SECRETARY,
Washington, May 6, 1912.

Hon. T. W. SIMS,
House of Representatives, Washington, D. C.

DEAR SIR: In reply to your inquiry of the 3d instant, I report as follows concerning cases instituted in court since the passage of the Hepburn Act, June 29, 1906, for the purpose of enforcing and annulling orders made by the Interstate Commerce Commission:

Total number of cases, 85.
Number instituted in the circuit courts, 57.
Number instituted in the Commerce Court, 28.
Number transferred from circuit courts to Commerce Court, 33.
Number in which preliminary injunctions were granted by circuit courts, 11.
Number in which preliminary injunctions were refused by circuit courts, 15.
Number in which preliminary injunctions were granted by Commerce Court, 9.
Number in which preliminary injunctions were refused by Commerce Court, 7.

Number in which permanent injunctions were issued by circuit courts, 8.
Number in which orders of the commission were upheld on final hearing by circuit courts, 8.
Number in which permanent injunctions were issued by Commerce Court, 11.
Number in which orders of the commission were upheld on final hearing by Commerce Court, 8.
Of the 85 cases, 20 have been finally disposed of, upon appeal, by the Supreme Court, as follows:
In 14, the orders of the commission were upheld; in 4, the orders of the commission were held to be invalid; and in 2, known as the Peavey and Diffenbaugh Elevator cases, the orders of the commission were upheld in part and condemned in part.
Of the cases passed upon by the Commerce Court, 16 have been appealed to the Supreme Court, but only 4 of these have been decided by the latter court. In these 4, known as the Water Carrier cases, the Supreme Court upheld the orders of the commission and reversed the decrees of the Commerce Court.
Of the cases docketed in the Commerce Court, 21 were dismissed by the carriers.
Of the 85 cases, only 1 was instituted to enforce an order of the commission, but that was afterwards dismissed because the carrier against whom the order was directed had complied with the terms of the order.
In only 4 cases have appeals been taken to the Supreme Court from decrees of the Commerce Court granting preliminary injunctions, but no decision has been rendered by the Supreme Court in any of these cases.
There are 24 cases now on the Commerce Court docket, 4 of which are also pending in the Supreme Court upon appeals from decrees granting preliminary injunctions as aforesaid.

Very respectfully,

JOHN H. MARBLE, *Secretary.*

Mr. BARTLETT. Those are all the cases—I mean in reference to the Commerce Court?

Mr. SIMS. It states all of that. Now, as to preliminary injunctions. There were 26 applications to circuit courts under the Hepburn law before this court was created. Of applications for preliminary injunctions, the circuit courts issued 11 and refused 15. There has been in the Commerce Court 16 applications for preliminary injunctions, and the Commerce Court issued 9 and refused 7. So you see that the commission is getting the worst of it compared with the circuit courts. I have other information furnished me in printed form by a gentleman from New York, Mr. Schurz, which I will put in the RECORD.

39 CORTLANDT STREET,
New York, April 30, 1912.

DEAR SIR: The review of court opinions affecting interstate-commerce cases, inclosed herewith, is compiled to show what has been the ultimate result to shippers or the man who pays the freight.
From January 1, 1904, to December 31, 1911, a period of eight years, 59 actions have been before the courts and 8 additional suits have been filed to date, making a total of 67.
Thirty-eight of these have reached final conclusion; of this number only two have been lost:
No. 7, terminal charges of $2 per car on live stock at Chicago.
No. 12, relations of rates between packing-house product and live stock.
Leaving 10 on appeal to the Supreme Court, 14 in the Commerce Court, 2 on rehearing by the commission, and 3 held up awaiting appeal.
On the 17 decisions of the Commerce Court unfavorable to shippears, 15 have been appealed to the Supreme Court; 4 of these have been decided by this court to date, in which the Commerce Court was reversed in the 4 cases and the commission contention upheld. Of the cases appealed by carriers to the courts the Harriman line, the Atchison, Topeka & Santa Fe Railway and the Louisville & Nashville Railroad Cos., exceed by far in the number of contested cases.
In the decisions of the commission up to December 31, 1910, it is significant to note that the former chairman upheld the carrier in 34 out of the 42 cases, having a division of the commission in the seven years reviewed. In a great number of these cases the controversy involved far-reaching results and big reductions or reparation claims were involved. In all of these cases that have been reviewed by the Supreme Court the contentions of the complainants have been sustained. The most important were the famous—
Page 13, No. 3. Yellow-pine lumber advances condemned by the commission and reparation of over $4,000,000 involved.
Page 13, Nos. 2-12. Two cattle-rate cases, one involving a reduction of rates of over $1,000,000 per year.
Page 14, Nos. 14, 15, 16, 17. Four western lumber-rate cases involving upward of $1,000,000 per year.
Page 15, No. 20. Consolidated carload cases.
Page 15, No. 22. Lighterage allowances, New York Harbor discrimination as to shippers.
Page 15, No. 23. Alaska carriers.
Page 16, No. 34. Reduction in Pullman fares.
Page 16, No. 36. Terminal charges Los Angeles and San Francisco.
Page 16, No. 37. Refusal of claim for greater reduction to southern points from Cincinnati.
Page 17, No. 39. Reduction in rates on hay.
In every one of these cases Chairman Knapp wrote vigorous opinions upholding the carriers. These opinions, coupled with the opinions of the Commerce Court rendered against the shippers, show the strong leaning of the former chairman to the carriers' welfare and go to show the cause for the present agitation for the abolishment of this court. The results show that it has placed itself in a position of a second or higher commission.
The opinions in the California switching, lemon rate reduction, New Orleans class rates, water carriers, and the infamous "back-haul" cases demonstrate the correct opinions of the many Congressmen and Senators against the establishment of this court, and shows the utter uselessness of this court of special jurisdiction supposed to have special training in the technicalities of the interstate-commerce law.
President Taft must have encountered considerable objection from the leading members of the circuit courts, particularly those that have handled commission cases, to accept appointments to this court.

Yours,

JAMES R. SCHURZ.

Final results to shippers of interstate-commerce cases in the courts, Jan. 1, 1904, to Apr. 30, 1912.

Review case No.	Subject.	Lower courts.	Supreme Court.
1	Rates on grain	Won[1]	
2	Rates on lumber	do	Won.
3	Terminal charges	do	Do.
4	Elevator allowances	do	Do.
5	Terminal facilities	do[1]	
6	Passenger accommodations	do[1]	
7	Chicago terminal charges (cattle)	Lost	Lost.
8	Rates on grain and flour	Won[1]	
9	Rates on beer	do[1]	
10	Rates on coal	do[1]	
11	Distribution of coal cars	Won part	Won.
12	Rates on packing-house product	Lost	Lost.
12A	Rates on cattle	Won[1]	
16	Rates on lumber	Lost	Won.
17	Distribution of coal cars	do	Do.
18	Rates on consolidated carloads	do	Do.
19	do	do	Do.
20	Switch connection lateral lines	do	Law amended.
21	Terminal charges	Won	Won.
22	Rates between Mississippi and Missouri Rivers.	Lost	Do.
23	Rates on grain and flour	Won[1]	
24	Rates on iron products	do[1]	
25	Rates on flaxseed	do[1]	
26	Elevator allowances	do	Do.
27	Misrouting damages	do[1]	
28	Rates between Mississippi and Missouri Rivers.	Lost	Do.
29	Through passenger route	do	Law amended.
30	Rates on coal	Won[1]	
31	Class rates Des Moines	do[1]	
39	Pullman fares	do[1]	
43	Alaska carriers	do	Won.
44	Intermountain class rates	do[1]	
45	Class rates	do[1]	
47	Rates on cottonseed oil	do[1]	
50	Precooling California fruit	do[1]	
53	Rates on anthracite coal	do[1]	
	Accounts of water-line carriers	Lost	Do.
	Furnishing of coal cars	Won[1]	

[1] Final.

Of these 38 cases only 2 were lost: Rates on packing-house product and Chicago terminal stockyard charges.

Cases awaiting argument and decision of the Supreme Court.

Review case No.	Subject.	Commerce Court.
32	New Orleans class rates	Shippers lost.
33	Street car fares	Won.
37	Cincinnati Southern rates	Lost.
38	Distribution of coal cars	Won.
40	California terminal switching	Lost.
48	Private car demurrage	Do.
49	Lighterage allowances	Do.
51	Restricted rates	Do.
56	Long and short haul clause, intermountain rates	Do.
57	do	Do.
	Jurisdiction as to Chicago Junction Railway Co.	Won part.

Active cases still before the Commerce Court awaiting decision.

CASES ARGUED AND SUBMITTED.

15. Willamette Valley Lumber Rates.
36. Tap Line Allowance Crane Railroad Co.
52. Reparation Claim Coke Shipment.
54. Milling in Transit, temporary injunction issued.

AWAITING TESTIMONY AND ARGUMENT.

13-14. Reparation Claim Lumber Shipments.
34. Rates on Boots and Shoes to Atlanta, Ga.
42. Lumber Rates to Omaha.
46. Rates on California Lemons.
58. Rates on Vegetables from Florida, temporary injunction issued.
11-16-11. Classification of Accounts.
2-24-12. Advance in Illinois Coal Rates.
3-7-12. Reparation Claim Cattle Shipments.
4-11-12. Rates on Bituminous Coal, Augusta, Ga.

CASES ON REHEARING BEFORE THE COMMISSION.

55. Reparation Claim Coke Shipments.
3-15-12. Elevator Allowances.

CASES HELD UP FOR APPEAL.

35. Tap Line Allowances.
41. Reparation Claims, due to dates of payments of freight charges.
1-22-12. Connections with lateral lines.

RESULTS TO SHIPPERS TO DATE FROM COMMERCE COURT.

Twenty-two final decisions—won 7, lost 15.
Nine preliminary decisions—won 3, lost 6.
Of the 65 cases before the Commerce Court, 10 were hours of service cases (all dismissed); 5 were accounting rules; 17 were actions started by shippers and the commission—leaving 32 rate cases contested by carriers—5 by the Harriman lines; 7 by the Atchison, Topeka & Santa Fe Railway Co.; 4 by Louisville & Nashville Railroad Co.; the 16 representing one-half of the rate cases.

It costs, or will cost in the future, at least $5,000 a case more to the Government to try it in the Commerce Court than it will cost in the district court or than it did cost in the circuit courts before the Commerce Court was created. Why should we have

this extraordinary expense, wholly unnecessary in the administration of justice?

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] has occupied 30 minutes.

Mr. SIMS. Mr. Chairman, I reserve the balance of my time.

Mr. STEVENS of Minnesota. Mr. Chairman, how much time has the gentleman used?

The CHAIRMAN. Thirty minutes.

Mr. STEVENS of Minnesota. Mr. Chairman, I request to be notified at the end of 15 minutes. I confess that I have some hesitation in addressing the committee on this measure. When the bill was first before the Interstate Commerce Committee a few years ago, I then had some objection to the creation of a Commerce Court. At that time I had some doubt as to whether it was necessary. When the gentleman from Tennessee presented his bill for the abolition of the Commerce Court at this session some testimony was taken and some examination was given to the subject, and I frankly admit that my point of view has somewhat changed; so together with those of the Interstate Commerce Committee who believed there were good reasons for the continuance of a Commerce Court I joined in a minority report as to the bill of the gentleman from Tennessee, which is a part of the files of this House. Now, the reasons why we believe that a Commerce Court or some similar tribunal having such duties should be continued are practically these:

First. Because the class of cases which would come before the court is a peculiar class, affecting the general public in a broad and peculiar way, entering into nearly every detail of the industrial and productive life of our people, much different than do other classes of litigation.

Second. That the establishment of the Commerce Court will greatly expedite a final determination of that important class of cases so vitally affecting such general public interests.

Third. Because it conduces to uniformity of decision, which is necessary for the good administration of the interstate-commerce law, and for a right understanding of the shippers and the carriers in the carrying out in good faith of the provisions of that law.

Fourth. Because it is a matter of economy to the litigants, especially the poorer shippers, who have occasion to contest the orders of the commission with the carrier. It is not only a matter of economy as to actual exepnditures incurred in the course of the case, but also a matter of celerity of determination, which is also an economy with them.

Fifth. That the continuance of the Commerce Court insures the continuance of the extremely serviceable work of Judge Knapp for the mediation and conciliation of industrial labor disputes under the Erdman Act.

This amendment in the bill, section 10, would abolish the use of one of the most important members of that board of conciliation and mediation. The reason why a special court is necessary, is because under the interstate-commerce law the fixing of future rates is a legislative act; and so the commission itself is an arm of Congress for the purpose of administering in a broad and fair way the beneficent provisions of interstate-commerce law; and especially the regulation of the many varieties of conduct of carriers and the fixing of rates for future service. That especially is a legislative act. It very largely affects public interests in nearly every line of production and distribution in this country. It may happen that a single carrier or a single shipper may be the only person who appears before the commission or the court in actual litigation concerning a contested rate. But as a matter of fact, the litigation itself may particularly affect whole sections of the country, and for that reason we ought to have a court which can consider these matters in the broadest sort of a way, a court of experience, a court of learning, a court which is accustomed to that sort of work, instead of having that class of litigation, almost along the line of legislation, mixed up with a lot of private causes affecting only the personal affairs of the litigants. These two classes of litigation are entirely different and, from the reason of things affecting public interests, they should be separated. It seems to me now, for that reason, we ought to have some special tribunal for the same reason, only more important, that we have a special tribunal in the administration of the customs law. With a special tribunal accustomed to this class of cases, with a constant and varied experience along this class of work we ought to have the utmost speed and certainty in the determination of these cases. Under the law before the enactment of a Commerce Court, and after the passage of the Hepburn bill, as shown by the reports of the Interstate Commerce Commission in 1909 and 1910, the commission itself was objecting very strongly to the way the courts were then conducting the litigation of the commission. Some of you have doubtless read in the last report of the Interstate Commerce Commission its criticism of the Commerce Court. It is rather amusing in view of that rather unusual procedure in an important official report to read the language of the commission in its previous report of 1910, as found on page 20 of that report, because it shows clearly the difficulties which will in the future arise in the ordinary district courts hereafter and the circuit courts which before conducted the interstate-commerce litigation. The commission, on page 20, stated there were two very important classes of cases, one affecting the cattle raisers in the Southwest; the other affecting the lumber interests of the Northwest.

Here the commission states:

> Both these cases were of very great importance, involving large amounts of money and vast commercial considerations. Both cases received most careful attention at the hands of the commission. In both the decision of the commission was reviewed by a single master in chancery. The court did not hear the testimony and could not have examined the record before rendering its decision.

Now, mark carefully the final paragraph:

> The existence of the new Commerce Court will provide a tribunal for the hearing of these questions which will avoid at least the absurdity involved in the above proceedings.

Now, that was the language of the commission at the time of the establishment of the court, and it discloses the very weakness of having the important orders of this commission properly considered before the ordinary circuit or district court which is bound to arise hereafter if the committee shall be supported. Consider a moment. There are about 30 circuit judges provided for in this bill and about 93 district judges, if I have the number aright. These judges are good men; they are men of broad experience in most lines of law and litigation. But as a rule they are not thoroughly acquainted with this very important class of litigation. The records of the Interstate Commerce Commission of very many of the cases contested in the courts are voluminous. Some of them probably contain 10 or 15 volumes of testimony. These cases are of great importance usually, and such testimony ought to be examined with great care by the court, because the case probably involves the welfare of communities, industries, and possibly thousands of people. It is one of the criticisms as to the commission to-day that this very important testimony is generally taken by the commission, even in very important matters, not by the commissioners themselves but by examiners sent out by the commission, while the commissioners can know nothing about the testimony in these very important matters involving whole sections of the country until the matter is brought before the commission in argument. The commission has made exactly that same complaint about the district judges in the past, and that complaint will be worse as time goes on, because the great volume of interstate-commerce investigations will be necessarily concentrated in comparatively few courts in the country—very few. An examination of the records of the Interstate Commerce Commission for 1908, 1909, and 1910, after the passage of the Hepburn bill, will show that not more than a dozen different circuit courts in the country had the trial and determination of probably 90 per cent of all the cases involving the interstate-commerce law.

Now, those courts were the very ones which also had a very large volume of general civil and criminal business. At San Francisco, at Kansas City, at St. Louis, and especially at Chicago and New York, St. Paul, Baltimore, and Philadelphia, those courts have the great bulk of the litigation concerning interstate commerce of the country. And more than that, under the old method, and the method that would be in existence if this amendment abolishing the court were adopted, the carriers would not be compelled to bring their litigation in any one place which would suit the shippers or the commission, but they could bring it anywhere they chose along the line of their railway. This gives them the choice of a favorable forum, suited either for delay, in case that be desired, or where the judge who would try the case had already indicated his view as to the law. The report of the Attorney General and the previous reports of the Interstate Commerce Commission show that, as to cases on the Pacific coast, notably the Los Angeles Lemon case and the San Francisco Switching case, were not brought in California, where the litigation arose, but were brought in Kansas, because it was on the same line of railway. Some cases in the South, involving the rate from New Orleans to Mobile, were not brought in Alabama or in Louisiana, but were brought in Kentucky. The Cattle cases in the Southwest were decided in St. Paul and the Lumber cases of the Northwest were also decided in St. Paul. Under the amendment proposed in the bill, if it be adopted, this litigation would then be brought in the forum which would best suit the carrier instead of the forum especially created for that pur-

pose and directly responsible to the country for that particular class of cases.

Now, the testimony in these important cases before the commission would be taken by an examiner. The testimony for the circuit and in the future the district court would be taken by a master. The judges themselves would not be able to take any testimony at all. So now about the only place in which testimony as to important litigation would be taken before the judges who have the actual decision of the question would be in the Commerce Court itself, and that is one reason why such a tribunal ought to be maintained in some sort of a way.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Georgia?

Mr. STEVENS of Minnesota. Certainly.

Mr. BARTLETT. Can the gentleman give me any statements as to how many places other than in the District of Columbia in which these judges have held court since the court was organized, or have they done it at all?

Mr. STEVENS of Minnesota. Yes. The judges have taken testimony outside. Of course I have not sought to obtain information as to how long they have been at work in various parts of the United States where they have taken testimony. Of course I have not pretended to find out in detail that information.

Mr. BARTLETT. At last, however, the cases must be tried here?

Mr. STEVENS of Minnesota. Yes; exactly. But the point that the gentleman tries to make and the point that ought to be made is that the Commerce Court would try its cases here; but under the old method cases involving litigation in one part of the country, say in California, might be tried in Kansas, and cases involving matters in Louisiana have been brought in Kentucky, and cattle cases in Oklahoma would be tried in St. Paul, and lumber cases involving matters in Seattle would be tried at St. Paul, so that it saves no trouble or expense to the litigant whether the district court or the Commerce Court tries the litigation. But it does make a difference in the matter of taking of testimony, as I have shown, and in the time that is taken to conduct the litigation. The records of the Commerce Court show that only about one-half of the time has been necessary to conduct the litigation that was necessary before to conduct similar litigation in the circuit courts. There is a saving of from six months to a year on the average on the part of the various classes of cases on account of the establishment of the Commerce Court; and that saving of time, very large in the aggregate, does help litigants, and does help to settle the law, and does help to inform the carriers and the shippers what their rights are under the law and what they should do to obey the law.

The gentleman from Tennessee [Mr. SIMS] very severely criticizes the court for apparently favoring the railroad companies. The records that were sent to us from the court and the office of the Attorney General show this situation as to the orders of the Commerce Court: There had been 13 injunctions applied for up to the time that those records were sent to the committee. Six applications for preliminary injunctions were granted and seven were denied.

Mr. BARTLETT. Up to what time—December 1, 1911?

Mr. STEVENS of Minnesota. The information as contained in the reports must have been, I think, up to the time of the annual report of the Attorney General.

Mr. BARTLETT. December 1, 1911?

Mr. STEVENS of Minnesota. Yes. If the committee will recall, the reports of the Interstate Commerce Commission show that about 600 orders are made each year; about that. In some years more are made, and in some years less, but on the average 600 orders are made each year. Out of that number the Commerce Court granted 6 orders for preliminary injunctions. As I stated, there were 600 orders made. Out of that 600 the court granted injunctions in 6, or about 1 per cent of all the orders made by the commission have been enjoined by the Commerce Court.

Mr. SIMS. The gentleman does not mean 600 applications?

Mr. STEVENS of Minnesota. I did not say so. I say that of the 600 orders, 6 have been enjoined, and 7 applications have been denied.

Mr. SIMS. That is only 13 applications.

Mr. STEVENS of Minnesota. I stated that. I said that there were 13 applications, 6 of which had been granted and 7 had been denied.

Now, these reports show the following record as to decisions by the circuit courts, by the Supreme Court, and by the Commerce Court sustaining or reversing the orders of the Interstate Commerce Commission: The commission was reversed by the old circuit courts under the Hepburn Act in 56 per cent of its cases, by the Commerce Court in 41 per cent of its cases, and the Supreme Court reversed the commission in 45 per cent of its cases, so that the Commerce Court reversed the commission in a smaller proportion of the cases than did either of the other two different classes of courts. The commission was upheld by the circuit courts in 44 per cent, by the Commerce Court in 59 per cent, and by the Supreme Court in 55 per cent of its cases decided by them, so that the Commerce Court had a better record for sustaining the work and the orders of the Interstate Commerce Commission than did either of the two other classes of courts which have reviewed the various orders of the commission.

Now, Mr. Chairman, in the limited time that I have I desire to say one word about uniformity. When the old methods of the courts having jurisdiction under the Hepburn Act were enforced, when the lumber cases were brought before the courts, I think there were three different kinds of orders made; one in Seattle, one in Montana, and the other in St. Paul. They were all different in scope and basis for determination. The railroads, the carriers, and the shippers could not know clearly what to do, and this uncertainty always operated to the disadvantage of the poor litigant and to the advantage of the railroad company.

Under the new method, by which all the litigation goes entirely to one court, this court can inform the public speedily and exactly what is its construction of the law, and what the shippers should be expected to know, and what the railroads should be expected to do. It informs the public at once exactly what their rights are under the law, and enables the Supreme Court to finally determine the matter many months ahead of what could be done in any other way. Under the old method nobody could tell until at the end of two or three years, after a prolonged litigation through the Supreme Court, what the situation was; and I do not believe that such delays and such uncertainties and such confusion and such opportunities for the strong to delay and thwart the course of justice is for the public interest.

Now, again, the gentleman has stated that the members of the Commerce Court do take testimony in the field. They can do it, and they have done it. I do not know to what extent it can be done. But the Commerce Court can do it, and the Commerce Court can send its members anywhere in the United States to take testimony, at the expense of the public and not at the expense of the poor shipper; and those judges can then sit upon such testimony at the final determination of the case. This very important duty could not be done by the old circuit courts, and can not be done by the district courts in case this bill shall pass.

Again, the commission under the law has the right to send their original records from the offices of the commission to the Commerce Court for a hearing on a review of its orders. They could not do it if the court in California or in Washington or in Maine should attempt to review the orders of the commission, because the commission can not afford to let its records go out from Washington. But the very opportunity to transmit the original records to the reviewing court may be the means of greatly expediting the action of the court itself, which may mean very much sometimes; but it may also be the means of saving a large expense, possibly prohibitive, to a poor and worthy litigant. Yet the committee did not seem to consider this important feature to help the poorer shipper who is contesting an important matter with a powerful corporation. Yet that provision for such relief to the shipper would be nugatory in case this amendment to the law be adopted.

Now, one matter more.

Mr. SIMS. The gentleman refers to the poor shippers. Does the gentleman have any idea how few suits are brought by shippers in the Commerce Court?

Mr. STEVENS of Minnesota. Yes, I have; and I will state that about one-fifth of the contested orders have been brought by the shippers, as I am informed, and about four-fifths are brought by the carriers. The reports of the Interstate Commerce Commission will show that many applications for relief are made by shippers and that the number of the shippers seeking such relief from the orders of the commission in the Commerce Court has steadily increased, and probably will so increase in the future. The record further shows that in a number of cases the shippers themselves have been denied relief by the commission and have later obtained relief from the Commerce Court, and as they learn the facility and cheapness with which they can have their complaints tested, undoubtedly such number will continue to increase. The same

jurisdiction might exist in the district courts, but when shippers know the policy of a court they are able to form some idea of about what redress they will get.

Under an act of March 4, 1911, the President had the authority to appoint one of the judges of the Commerce Court to be a member of the board of mediation and conciliation, under the terms of the Erdman Act, to mediate between the railroads and their employees in cases of controversy concerning labor conditions. The President designated Mr. Justice Knapp, of the Commerce Court, for such position. Judge Knapp has acted for many years as such a mediator between employers and employees in labor disputes in interstate traffic, and Judge Knapp and Commissioner of Labor Neill have been extremely fortunate in their dealings with these most important, delicate, and complicated questions. These two high-minded and patriotic officials deserve great commendation for their extremely capable and patriotic efforts during many past years in averting industrial strikes. During the last few weeks Members of this House, no doubt, and the country as well, have noted with much interest and with much concern the able, disinterested, and successful efforts of these two men in averting the catastrophe of a strike which was threatened as the result of a controversy between the locomotive engineers and their railroad companies in the Eastern States. Now, this bill abolishes the Commerce Court and takes away the power of Judge Knapp to act as one of these mediators.

Mr. SIMS. How will that affect Judge Knapp? He remains a circuit judge, just as he is now.

Mr. STEVENS of Minnesota. Yes; but the law provides for the appointment of a justice of the Commerce Court, and this abolishes the Commerce Court, and consequently he would then have no official status under any law to act as such an important mediator. If this measure had been the law, it is possible the awful strike, almost under way, could not have been averted. It seems to me folly for us to take any chance of losing the valuable services of an able official in such an emergency.

Mr. SIMS. We can take care of that by an amendment, and if you want it I will put that in.

Mr. STEVENS of Minnesota. You have not done it; and I am speaking of the law just as it is. That provision ought not to be overlooked, in the interest of industrial peace in this country. [Applause.]

Mr. Chairman, I reserve the remainder of my time. Does the gentleman from Tennessee desire to use any more of his time?

Mr. SIMS. I have used 30 minutes. How much time has the gentleman used?

The CHAIRMAN. The gentleman from Minnesota has used 23 minutes.

Mr. SIMS. We want to close on this side, and there are some gentlemen who want to speak. Will the gentleman from Minnesota use some more of his time?

Mr. STEVENS of Minnesota. I yield as much time as he desires to the gentleman from New York [Mr. MICHAEL E. DRISCOLL].

Mr. MICHAEL E. DRISCOLL. Mr. Chairman and gentlemen, I am aware that this is a very dry subject and that it is not easy to interest Members in it in a short debate of this kind. I am aware also that there was pretty strong opposition to the law creating this court two years ago, and that there has been much agitation against it ever since, and that the court has never had a fair chance before the bar of public opinion. My hope is that each of you has before this time given the question some consideration and study, because I believe that every fair-minded Member on either side of the middle aisle who has given thorough study to this question and is familiar with its work and its record will agree that it would be a mistake to abolish the Commerce Court at this time, a mistake which would work great injury not only to the interests of the carriers, but to the shippers and to the commerce of the country.

The gentleman from Minnesota [Mr. STEVENS] in his very able and comprehensive speech has touched upon practically every point in favor of the retention of the court. Therefore I must travel over some of the same ground covered by him, and to some extent elaborate the arguments which he made.

As I recollect, when this court was created by the law of June 18, 1910, the promise was made by its advocates that it would accomplish three good results: First, that it would expedite business; second, that it would tend toward uniformity in the law as established by cases decided; and, third, that it would tend toward economy in the saving of time, trouble, and expense to the litigants.

The circuit courts before which actions and proceedings were brought for reviewing the orders of the Interstate Commerce Commission prior to the creation of the Commerce Court were congested, especially in those parts of the country and in circuits in which this class of cases arose and in which, naturally, they were brought. On account of other cases and business pending before them, they were not able to give the prompt attention to the interstate-commerce cases which their importance and interest to the whole country demanded; and many cases were pending in those courts for long periods of time before they were tried and determined. It was therefore believed wise and quite necessary to create the Commerce Court, in order that all cases could be promptly disposed of and pushed along to the Supreme Court for final decision in case any of the parties who felt aggrieved concluded to appeal to that court.

We submit that the promise of expedition in the dispatch of business made for that court has been made good; that it has tried and decided all cases before it, during its existence, more promptly than they were ever tried before its creation, and more promptly than they will be tried in the future in the district courts of the country in case the Commerce Court is abolished.

When the Commerce Court was organized there were about 30 cases pending in the various circuit courts of the country which had not been tried, and they were transferred to the Commerce Court and speedily disposed of. No one can question the fact that by this court cases were actually hastened along more rapidly than could be realized under any expediting act. A notable instance in proof of this is the "intermountain cases," which were of very general interest and attracted wide attention. They were begun in October, 1911, heard and decided by the Commerce Court in December, 1911, and finally argued and submitted to the Supreme Court in February, 1912, only about four months after they were commenced.

Again, those who favored the creation of the Commerce Court promised that a fair degree of uniformity of decisions would follow the trial of those cases and the review of all the orders of the Interstate Commerce Commission by that court.

My friend from Tennessee [Mr. SIMS] does not seem to want uniformity, because he objects to an expert court. Mr. Chairman, I believe in experts. If I had a difficult case involving large interests, I would prefer to employ a lawyer who made the particular phase or department of the law involved in that litigation a specialty. If I had a patent case, I would want to employ an expert patent lawyer; if I had a complicated lawsuit growing out of commercial transactions, I would prefer to employ an expert commercial lawyer. The Commerce Court is made up of experts on the law which applies to interstate commerce, or they will be experts if they are allowed to continue long enough in this particular kind of work, provided they are men of good ability and hard workers. The Commissioner of Patents is supposed to be an expert. The Commerce Court is supposed to be made up of experts, and the more familiar they are with the questions arising in that court the more efficient judges they are. The members of the Interstate Commerce Commission are experts or become so. If men who devote all of their time to one particular class of cases do not become experts then, it seems to me, they are men of inferior ability or they are not employing their time faithfully and usefully.

Mr. JACKSON. Why is it necessary, then, to have another body of experts to pass on the decisions of the Interstate Commerce Commission, who are said to be the best experts in the world on the subject?

Mr. MICHAEL E. DRISCOLL. The orders of the Interstate Commerce Commission were reviewed prior to the creation of the Commerce Court, and will, if this court is abolished, continue to be reviewed by some court. Would you rather have them reviewed by an expert court which has given much time and study and attention to that particular kind of questions and to that field or department of law, or submit them to a district judge, perhaps down in New Orleans, or in Maine, or out in Seattle, or somewhere else, who perhaps has never had a case of that character before, and might spend the whole year on one case and then not know as much about it as the Commerce Court does to start with?

By this amendment you admit that you are to have some sort of a court to review the decisions and orders of the Interstate Commerce Commission. Would you rather have them reviewed by an expert court or a nonexpert court? Would you have them reviewed by men who know much about the law and are especially acquainted with that particular branch of the law, or by a man who knows little or nothing about it to start with?

On the question of uniformity, if the carrier or shipper has the option of bringing his case before one of several district

judges he is apt to select the one whose views or opinions he thinks are more favorable to his contention. Hence it is quite certain that there would be conflicting decisions of the many district courts in the United States until settled by a uniform decision in the Supreme Court. That is not so now, when all the cases are concentrated in one court under uniform decisions, which stand as the law of the land, as a guide to all litigants, unless they are reversed or modified by the Supreme Court.

Mr. GOOD. Will the gentleman yield?

Mr. MICHAEL E. DRISCOLL. Certainly.

Mr. GOOD. Is the gentleman aware of the fact that every case that has been decided by the Interstate Commerce Commission has been appealed to the Supreme Court?

Mr. MICHAEL E. DRISCOLL. No; I am not. The gentleman from Minnesota [Mr. STEVENS] said that only about 13 out of 600——

Mr. STEVENS of Minnesota. I said applications for injunction.

Mr. GOOD. And that all decisions of the Commerce Court have been appealed to the Supreme Court of the United States. Now, why not provide for a simple and speedy remedy by appeal directly to the Supreme Court of the United States?

Mr. MICHAEL E. DRISCOLL. Why does not the Sims bill and this amendment provide that? Instead of that they provide that the cases now before the Commerce Court shall be sent to the district courts throughout the United States for trial, and then they provide procedure for appeal from those courts to the Supreme Court of the United States for review.

Mr. ADAMSON. Will the gentleman permit a question?

Mr. MICHAEL E. DRISCOLL. With pleasure.

Mr. ADAMSON. The gentleman is a distinguished lawyer himself, and justly so, and I ask him if he does not think as a lawyer that the judge of a court of justice ought to be an expert in the law and depend on railroad experts and other experts and witnesses to furnish the facts?

Mr. MICHAEL E. DRISCOLL. Does the gentleman ask that question seriously or as a joke?

Mr. ADAMSON. Seriously.

Mr. MICHAEL E. DRISCOLL. I know the gentleman has quite a sense of humor and sometimes jokes.

Mr. ADAMSON. If the gentleman from New York argues that every judge in a court of law must be an expert in every line of business, I think that would be a joke.

Mr. MICHAEL E. DRISCOLL. I do not claim that every judge can be an expert in every line of business. He must be familiar with the law, and if he is familiar with the kind of business which is involved in the case before him, he can decide it with more wisdom and be apt to get nearer right in his decision than if he does not know anything about it. Just as a lawyer who goes and sees the place where an accident occurs is for that reason better able to try the action successfully. Just as a lawyer who is personally familiar with some special kind of work or some special line of business can try a case which involves that kind of work or that line of business with more ability and more success than one who is not familiar with it and does not know anything about it. He can not be as readily fooled or deceived by witnesses or counsel. He must know the law and apply it to the facts; but he must also decide the facts, and in doing so the more apt he is to arrive at the truth and at the real merits of the case if he is familiar with the kind of work or business out of which the lawsuit arises.

Mr. ADAMSON. Then the gentleman, I suppose, in order to be consistent, would revolutionize the system of jurisprudence, and instead of having courts of law would have a particular or specific court for every line of business?

Mr. MICHAEL E. DRISCOLL. Not by any means. But I say I would rather have a man who is familiar with the line of business involved under all the circumstances to try my case, provided I had a good one and felt that I ought to win on the merits. If I had a bad one and my success depended on my being able to fool the judge by skillful witnesses or adroit or able attorneys, I would prefer to try it before a judge who could be the more easily deceived. A judge can not know too much, not only in the law but of business affairs, when called upon to decide a case involving business questions.

Mr. SIMS. Will the gentleman yield?

Mr. MICHAEL E. DRISCOLL. Yes.

Mr. SIMS. The gentleman does not contend that the Commerce Court or any other court undertakes to substitute its judgment for that of the Interstate Commerce Commission, does he, on the question of rates?

Mr. MICHAEL E. DRISCOLL. On the law it does.

Mr. SIMS. But the question before the court is, Did the commission act within their authority, and, second, was the rate confiscatory? Is not that true?

Mr. MICHAEL E. DRISCOLL. Those are substantially the rules.

Mr. SIMS. Then, if it requires an expert court in the first instance, why would it not be much more important that we should have a court of last resort of experts?

Mr. MICHAEL E. DRISCOLL. The court of last resort is made up of the ablest lawyers and jurists that can be found in the country, and the more experienced and expert they are the better qualified they are to do their work. For that very reason I insist that Judge Knapp is better qualified to serve as presiding judge of the Commerce Court by reason of his 20 years' service on the Interstate Commerce Commission than if he had had no former experience, except as a general practicing attorney.

He and I were both raised on farms in the west end of Onondaga County. I have known him intimately for many years, and esteem and respect him very highly. All of his general practice was in Syracuse. He was honored many times by his fellow citizens by being elected and appointed to many offices of responsibility and trust, among them corporation counsel of Syracuse, and in all respects was looked upon as one of our foremost citizens. He was also one of the leaders of the great bar of the State of New York when he was appointed associate member of the Interstate Commerce Commission, about 21 years ago. He served on that commission about 20 years, during 13 of which he was chairman. His whole career has been marked by industry, hard work, and thoroughness. In his practice he mastered every proposition of law which came to him as an attorney before he left it, and the same habits of thoroughness and concentration, as well as uniform courtesy, continued during his whole service as Interstate Commerce Commissioner. By reason of his 20 years' service in that body there is no doubt he is better acquainted with interstate-commerce business, the industrial conditions of the country, so far as they pertain to interstate commerce and trade, and the law which applies to that very important and complicated subject, than any other man in the country.

One more word about Judge Knapp, since I have referred to him. I have been in this House for 13 years, and during that time have observed that gentlemen, especially on the other side of the aisle, whose business it was to criticize and find fault, have been exceedingly industrious in reading reports, examining records, and nosing around Washington in order that they might find fault with somebody in official life, from the President down. They have offered many resolutions on a variety of subjects and in criticism of many men in public life, and have attacked every man, especially in a responsible position, against whom they could find a shadow of complaint or any excuse for criticism.

Judge Knapp, as I observed, was chairman of the Interstate Commerce Commission during all that time, discharging the duties of that very arduous and responsible office and deciding cases of unusual interest to shippers and carriers throughout the country, and if any fault were found with him during that period, or if he were open to attack from any quarter, he would not have been spared. Yet from first to last I never heard one of you criticize, or attempt to criticize, him in the slightest degree; nor did any one of you ever offer a resolution to investigate him or the commission, nor did you find one word of fault with the decisions which he rendered or participated in. During those 20 years he was in the spot light, and at the conclusion of his service he stood before the Congress and before the whole country as an able, upright, honest judge and administrator, above reproach and above suspicion. Because of his most excellent record and the valuable service he rendered he was selected by the President as the fittest man in the whole country to serve as presiding judge of the Commerce Court.

We all know that the President was very much interested in the creation, as he is now in the maintenance, of that court; and because he was interested in it and wanted it to render righteous judgments and make a good impression on the country on account of the opposition to it when the law was enacted he picked out the best man he could find, and that man was Judge Knapp.

By your action here to-day you propose to abolish the court which has done good and faithful work and decided all questions which came before it to the best of its judgment; and you further propose, indirectly at least, to censure and humiliate one of the most distinguished, worthy, and honorable jurists in the land. He deserves better treatment at your hands.

Mr. LENROOT. Will the gentleman yield?

Mr. MICHAEL E. DRISCOLL. I will.

Mr. LENROOT. The gentleman thinks that judges should be experts. I ask him is it not a fact that the subject of the

interstate-commerce law is and should be railway transportation, and if it is not simpler and freer from difficulty than any other branch of the law to-day?

Mr. MICHAEL E. DRISCOLL. Then why do you gentlemen who want to abolish the Commerce Court provide that the cases now before the court shall be sent back throughout the country to be tried by district judges of district courts? Why not provide that they shall be appealed directly to the Supreme Court? Instead of that you are sending them back to go through the intermediate courts instead of sending them directly to the Supreme Court.

We submit, Mr. Speaker, that it is better for all parties, the carriers, shippers, and citizens generally, to have one court in which all those cases are tried and decided than to have a case tried in Louisiana and decided one way, and a case involving substantially the same questions of law tried and decided in another way in Minnesota, another way yet in California, and still another way in Massachusetts. Thus you would have four different kinds of law on substantially the same proposition, and they would all continue as precedents until reviewed by the Supreme Court and the law pertaining to them finally determined.

What is the point, and about the only one, which the gentleman from Tennessee [Mr. SIMS] makes against the Commerce Court? He says it is an antagonistic court. I do not, on my life, comprehend just what he means by an antagonistic court, or on what facts or information he bases that allegation. In my practice I always understood that a court that decided a case against me was antagonistic to me, and I always understood that I had the inalienable right to go down to the tavern and swear at the judge; and that is what brother SIMS is now doing under rather more dignified circumstances. He is not satisfied with the decision in some particular case which was tried before the Commerce Court, and therefore he says that court is antagonistic. It probably was antagonistic to his view in that particular case, and if it had been decided the other way it would have been antagonistic to the view of the parties interested on the other side. Let him exercise his prerogative and swear at the court until he is black in the face, but let him not undertake to abolish the court because according to his view of the law it is wrong in one, or even in several, cases.

Mr. SIMS. I took the same position that I am now taking when legislation creating the court was pending.

Mr. MICHAEL E. DRISCOLL. Why, of course the court can not decide cases in favor of both sides. When a man goes into a lawsuit he must expect that either he or the other fellow will lose, and he has to take his chances. Every lawyer realizes that. If he does not when he enters the profession, he will learn it very promptly if he gets into litigated cases.

Mr. McGUIRE of Oklahoma. That is half antagonistic.

Mr. MICHAEL E. DRISCOLL. My friend from Oklahoma says it is half antagonistic, and according to my experience every court is half antagonistic.

The records and the facts submitted show that the Commerce Court has upheld the orders of the Interstate Commerce Commission in a larger proportion of cases than it reversed or overruled them. Right here I will submit and have printed as a part of my remarks a list of 62 different cases, which are all that have been passed upon by the Commerce Court. It should be remembered that although it was created by the law of the 18th of June, 1910, it was not organized and ready for business until the 8th of January, 1911, and has been in existence only a little over one year.

The following is a list of cases showing the number, title, date when filed, by whom—carriers, shippers, or Interstate Commerce Commission—time when submitted to the Commerce Court, and, finally, the disposition of each case:

List of cases, the number, title, date and by whom filed, date when submitted to Commerce Court, and final disposition.

Suit No.	Title.	Date filed.	By whom.	Submitted to court.	Disposition.
1	Southern Pacific Co. et al. v. Interstate Commerce Commission.	June 1, 1910, circuit court	Carriers	Apr. 11, 1911	Order of Interstate Commerce Commission temporarily suspended. (Opinion dated July 20, 1911.)
2	Atchison, Topeka & Santa Fe Ry. Co. et al. v. Interstate Commerce Commission.	do	do	do	Do.
3	Atlantic Coast Line et al. v. Interstate Commerce Commission.	Mar. 31, 1910, circuit court	do	Oct. 4, 1911	Demurrer overruled in part and sustained in part; motion to dismiss denied. (Opinion dated Dec. 5, 1911.)
4	Louisville & Nashville v. Interstate Commerce Commission.	Jan. 26, 1910, circuit court	do	Apr. 5, 1911	Order of Interstate Commerce Commission permanently suspended. (Opinion dated Feb. 28, 1912.)
5	James J. Hooker et al. v. Interstate Commerce Commission.	July 14, 1910, circuit court	Shippers	May 20, 1911	Petition dismissed with costs. (Opinion dated July 20, 1911.)
6	Eagle White Lead Co. et al. v. Interstate Commerce Commission.	Oct. 24, 1910, circuit court	do	do	Do.
7	Atchison, Topeka & Santa Fe et al. v. Interstate Commerce Commission.	Sept. 7, 1910, circuit court	Carriers	Apr. 7, 1911	Order of Interstate Commerce Commission as to rate on lemons permanently suspended without prejudice to a reconsideration by the Interstate Commerce Commission. (Opinion dated Oct. 5, 1911.)
8	Interstate Commerce Commission v. Nashville, Chattanooga & St. Louis.	May 23, 1908, circuit court	Interstate Commerce Commission.		Dismissed by stipulation.
9	Procter & Gamble Co. v. United States et al	Feb. 22, 1911, Commerce Court	Shipper	May 19, 1911	Dismissed with costs. (Opinion dated July 20, 1911.)
10	Delaware, Lackawanna & Western Ry. Co. v. Interstate Commerce Commission.	June 15, 1907, circuit court	Carrier		Dismissed by stipulation.
11	New York, Ontario & Western Ry. Co. v. Interstate Commerce Commission.	July 25, 1908, circuit court	do		Do.
12	Central R. R. Co. of New Jersey v. Interstate Commerce Commission.	July 27, 1908, circuit court	do		Do.
13	Delaware, Lackawanna & Western Ry. Co. v. Interstate Commerce Commission.	do	do		Do.
14	New York Central & Hudson River R. R. Co. v. Interstate Commerce Commission.	July 21, 1908, circuit court	do		Do.
15	United States of America ex rel. v. Union Stockyard & Transit Co. et al.	June 13, 1910, circuit court	Interstate Commerce Commission.	May 23, 1911	Dismissed as to some; mandatory writ as to others. (Opinion dated Nov. 14, 1911.) Affirmed on rehearing. (Opinion dated Feb. 13, 1912.)
16	Chicago, Milwaukee & St. Paul Ry. Co. v. Interstate Commerce Commission.	Apr. 29, 1909, circuit court	Carriers		Dismissed by stipulation.
17	Chicago, Milwaukee & St. Paul v. Interstate Commerce Commission.	Mar. 30, 1909, circuit court	do		Do.
18	Russe & Burgess et al. v. Interstate Commerce Commission et al.	Sept. 22, 1909, circuit court	Shippers	Oct. 27, 1911	Demurrer overruled (opinion dated Feb. 13, 1912).
19	J. W. Thompson Lumber Co. et al. v. Interstate Commerce Commission.	do	do	do	Do.
20	Chicago, Rock Island & Pacific v. Interstate Commerce Commission.	Oct. 14, 1909, circuit court	Carrier		Continued.
21	Goodrich Transit Co. v. Interstate Commerce Commission.	Dec. 29, 1910, circuit court	do	Apr. 19, 1911	Order of Interstate Commerce Commission permanently suspended (opinion dated Oct. 5, 1911).
22	do	do	do	do	Do.
23	White Star Line v. United States	Mar. 6, 1911, Commerce Court	do	do	Do.
24	do	do	do	do	Do.
25	Omaha & Council Bluffs Street Railway Co. et al. v. Interstate Commerce Commission.	Feb. 7, 1910, circuit court	do	May 20, 1911	Petition dismissed (opinion dated Oct. 5, 1911).
26	United States, ex rel., v. Long Island Railway Co.	Nov. 28, 1896, circuit court	Interstate Commerce Commission.		Dismissed by stipulation.
27	New York Central & Hudson River Railroad Co. et al. v. Interstate Commerce Commission.	Aug. 22, 1908, circuit court	Carrier		Do.

List of cases, the number, title, date and by whom filed, date when submitted to Commerce Court, and final disposition—Continued.

Suit No.	Title.	Date filed.	By whom.	Submitted to court.	Disposition.
28	Delaware, Lackawanna & Western Railroad Co. v. Interstate Commerce Commission.	Aug. 7, 1908, circuit court	Carrier		Decree entered setting aside order of Interstate Commerce Commission in accordance with mandate of United States Supreme Court.
29	Pennsylvania Railroad Co. v. Interstate Commerce Commission.	July 25, 1908, circuit court	do		Dismissed by stipulation.
30	Lehigh Valley Railroad Co. v. Interstate Commerce Commission.	do	do		Do.
31	Pennsylvania Railroad Co. v. Interstate Commerce Commission.	Oct. 4, 1910, circuit court	do	Oct. 11, 1911	Demurrer sustained; petition dismissed with costs (opinion dated Dec. 5, 1911).
32	Southern Pacific Co. v. Interstate Commerce Commission	Nov. 15, 1910, circuit court	do		Continued.
33	Southern Pacific Co. et al. v. Interstate Commerce Commission.	Nov. 15, 1910, circuit court	do		Continued.
34	Atchison, Topeka & Santa Fe Ry. Co. et al. v. Interstate Commerce Commission.	do	do		Do.
35	Denver & Rio Grande R. R. Co. v. Interstate Commerce Commission.	Dec. 24, 1909, circuit court	do		Under advisement.
36	Atchison, Topeka & Santa Fe Ry. Co. et al. v. United States.	Mar. 30, 1911, Commerce Court	do	Apr. 15, 1911	Temporary injunction denied.
37	Philadelphia & Reading Ry. Co. v. Interstate Commerce Commission.	July 27, 1908, circuit court	do		Dismissed by stipulation.
38	Baltimore & Ohio R. R. Co. et al. v. United States.	Apr. 12, 1911, Commerce Court	Carriers	May 18, 1911	Order of Interstate Commerce Commission temporarily suspended.
39	Do	Apr. 27, 1911, Commerce Court	do	May 24, 1911	Do.
40	Norfolk & Western Ry. Co. et al. v. United States.	May 1, 1911, Commerce Court	do	May 25, 1911	Temporary injunction denied.
41	Atchison, Topeka & Santa Fe v. United States	May 4, 1911, Commerce Court	Carrier	May 26, 1911	Do.
42	Arkansas Fertilizer Co. v. United States	May 22, 1911, Commerce Court	Shipper	Oct. 5, 1911	Petition dismissed with costs. (Opinion dated Dec. 5, 1911.)
43	Boston & Maine R. R. Co. v. Interstate Commerce Commission.	Aug. 14, 1908, circuit court	Carrier		Dismissed by stipulation.
44	Southern Ry. Co. et al. v. United States	Aug. 14, 1911, Commerce Court	Carriers	Oct. 5, 1911	Motion to dismiss denied. (Opinion dated Dec. 5, 1911.) Dismissed by stipulation.
45	New York, New Haven & Hartford R. R. Co. v. Interstate Commerce Commission.	July 27, 1908, circuit court	Carrier		Dismissed by stipulation.
46	Nashville Grain Exchange et al. v. United States	Aug. 24, 1911, Commerce Court	Shippers	Oct. 19, 1911	Consolidated with No. 47.
47	Louisville & Nashville R. R. Co. et al. v. United States.	do	Carriers	do	Order of Interstate Commerce Commission temporarily suspended. (Opinion dated Oct. 24, 1911.)
48	Erie R. R. Co. v. Interstate Commerce Commission.	July 28, 1908, circuit court	Carrier		Dismissed by stipulation.
49	Lehigh Valley R. R. Co. v. United States	Sept. 29, 1911, Commerce Court	do	Oct. 11, 1911	Temporary injunction denied. (Opinion dated Oct. 12, 1911.)
50	Atchison, Topeka & Santa Fe Ry. Co. et al. v. United States.	Oct. 4, 1911, Commerce Court	Carriers	Oct. 25, 1911	Order of Interstate Commerce Commission temporarily suspended. (Opinion dated Nov. 14, 1911.) Order of Interstate Commerce Commission permanently suspended.
51	Union Pacific R. R. Co. et al. v. United States	do	do	do	Do.
52	D. & R. G. R. R. Co. et al. v. United States	do	do	Oct. 26, 1911	Temporary injunction denied.
53	United States ex rel. v. Lehigh Valley R. R. Co.	Oct. 20, 1911, Commerce Court	Shippers	Oct. 25, 1911	Dismissed by stipulation.
54	Anaconda Copper Mining Co. et al. v. United States.	Oct. 23, 1911, Commerce Court	do		Not yet argued.
55	Crane Iron Works v. United States	Nov. 11, 1911, Commerce Court	do		Do.
56	Kansas City Southern Ry. Co. v. United States	Nov. 16, 1911, Commerce Court	Carrier		Motion to dismiss denied.
57	United States ex rel. v. Louisville & Nashville R. R. Co. et al.	Nov. 25, 1911, Commerce Court	Shippers	Feb. 16, 1912	Motion to dismiss denied; under advisement on petition for mandamus. Peremptory writ of mandamus granted.
58	Florida East Coast Railway Co. v. United States	Dec. 26, 1911, Commerce Court	Carrier	Feb. 10, 1912	Order of Interstate Commerce Commission temporarily suspended.
59	Southern Pacific Co. et al. v. United States	Jan. 16, 1912, Commerce Court	do	Feb. 8, 1912	Motion to strike out of Interstate Commerce Commission granted.
60	B. & O. Southwestern Railroad Co. et al. v. United States et al.	Jan. 22, 1912, Commerce Court	do	Feb. 10, 1912	Order of Interstate Commerce Commission temporarily suspended.
61	Atchison, Topeka & Santa Fe et al. v. United States.	Feb. 2, 1912, Commerce Court	do	Feb. 9, 1912	Temporary injunction denied.
62	O'Gara Coal Co. et al. v. United States et al	Feb. 24, 1912, Commerce Court	Shippers	Feb. 28, 1912	Under advisement.

The friends of the Commerce Court claim that on this record that court merits commendation and approval rather than criticism and abolishment.

The gentleman from Tennessee [Mr. SIMS] suggests that it is becoming biased, and I assume that he means biased against the shippers. Again, may not the gentleman's judgment be a little askew in this matter? He was against the creation of this court and he has been against it ever since. Is it not possible that he is a little biased and prejudiced?

Mr. SIMS. May I state right there that there have been only four cases appealed from the Commerce Court to the Supreme Court that have been determined by the Supreme Court, and every one has been reversed—all four of them.

Mr. MICHAEL E. DRISCOLL. I do not think that is so. However if that statement is correct it means nothing. It does not establish the fact that the court is either biased or antagonistic. An attorney may be beaten four times in succession and then he may win four times in succession before the same court. That does not raise any presumption that the court is biased or partial. Every case must be decided on its merits. I once knew an old county judge of whom it was said that in appeals to him from justices' courts on questions of law he strictly followed the rule of affirming and reversing them in regular order. If he happened to affirm the judgment in the first case, then all the odd numbers down through the calendar were affirmed and all even numbers were reversed. At all events it could not be truthfully said of him that he was biased and that his antagonism was not equally divided.

When the Sims bill for the abolishment of the Commerce Court was under consideration by the Committee on Interstate and Foreign Commerce, Attorney General Wickersham appeared before that committee and made a full and comprehensive statement showing the important work of the court and the real need of its existence and continuance. At the close of his statement Mr. COVINGTON requested him to put in his corrected testimony a statement regarding the cases which the Commerce Court had finally disposed of. The Attorney General promised to do so, and the following is the statement so far as it applies to the charge of bias or antagonism.

SUMMARY OF GENERAL CONCLUSIONS BASED UPON THE DATA SUBMITTED.

1. The Commerce Court has upheld the commission in a larger proportion of cases than either the circuit or Supreme Court.
2. Under the old plan the circuit court was reversed by the Supreme Court in 7 out of 11 cases arising since the Hepburn Act.
3. The Commerce Court has not granted temporary injunctions with any more freedom than the circuit court did.
4. The 17 temporary injunctions which were granted were none of them in cases where the question was a question of fact.
5. The new plan has been very much more expeditious than the old plan.

Comparative statement, circuit court, Commerce Court, and Supreme Court.

[This statement includes all suits instituted since the Hepburn Act of 1906.]

	Circuit court.	Commerce Court.	Supreme Court.
Total number cases (as per attached memoranda)	43	[1]63	11
Number cases withdrawn	[1]31	19	
Number cases finally decided by the court	17	11	11
Commission reversed	9½	4½	5
Commission upheld	7½	6½	6
Temporary injunctions granted	11	7	
Temporary injunctions denied	12	7	

[1] Includes the cases transferred from circuit court to Commerce Court.

The following shows the proportion of instances in which the Interstate Commerce Commission was finally reversed or upheld by the circuit court, the Commerce Court, and the Supreme Court:

	Circuit court.		Commerce Court.		Supreme Court.	
	Number of cases.	Per cent.	Number of cases.	Per cent.	Number of cases.	Per cent.
Commission reversed	9½	56	4½	41	5	45
Commission upheld	7½	44	6½	59	6	55

In some quarters it seems to be believed that the Commerce Court possesses or exercises jurisdiction not previously belonging to the Federal courts, but there is not the slightest foundation for such a belief. It is beyond dispute that the Commerce Court has exerted no authority whatever which the circuit courts did not freely assume and exert before the Commerce Court was created.

Nor has its creation operated to invite suits of this character or increase their number. I feel justified in saying that no suit has been brought in the Commerce Court which would not have been brought in the circuit courts under the former law, and the circuit courts would have had precisely the same power that the Commerce Court possesses. Of course what decisions would have been rendered by the various circuit courts in cases heard by the Commerce Court is only a matter of conjecture. The record of results seems to indicate that the Commerce Court has more generally sustained the commission than did the circuit courts, although it is obvious that there is no reliable basis of comparison. The charge or suggestion that the Commerce Court has assumed to review questions of disputed fact and so attempted to make itself a sort of superior commission is entirely unfounded. I believe that a thorough investigation will establish the fact that it decided no case except upon questions of law which were clearly involved. The general question in every case, broadly speaking, is the power of the commission to make the order sought to be set aside. That is the law as settled by the Supreme Court and as the Commerce Court has frequently declared. Indeed, the constant effort of the Commerce Court is to apply to the cases before it the principles which have been announced by the Supreme Court, and it is believed that the two courts are completely in accord in their general views upon the fundamental questions litigated. This will be determined when the Supreme Court decides some of the cases which have been recently argued and submitted.

Those who criticize the Commerce Court have not read its decisions and know little or nothing about the questions involved. The experience of its first year demonstrates to the informed and candid mind that the court has amply justified its creation. The cases within its present jurisdiction are cases of national import, of great importance to the public, and ought to be decided by judges of experience who have acquired special familiarity with litigation of this kind. So far as I have heard on this floor no charge of extravagance has been made against this court. The court and chambers are appropriately but not extravagantly furnished. Not much more than half the appropriation for that purpose was used, and the balance covered back into the Treasury. Only four statutory salaries, amounting in all to $12,000, will be saved by the abolishment of the court. The members of the court will continue as circuit judges even if you succeed in putting the court out of existence; and they will have to be provided with chambers, clerks, supplies, and traveling expenses, which will amount to about the same as required by them at the present time. On all the facts and on the substantial merits there is no good reason why the court should not be permitted to continue.

The gentleman from Tennessee [Mr. SIMS] in his opening remarks suggested that since there is much political agitation relative to the recall of judges and judicial decisions, he hoped no prejudice or feeling of that character would influence the judgment of any Member in the consideration of this question. I earnestly join in that wish and hope, and yet I fear I will be disappointed. The extraordinary way in which this piece of legislation is brought before the House leads me to suspect that the gentlemen back of it are not disposed to be fair. Why should it be tacked on to a large appropriation bill if you are not afraid to consider it and let it take its chances in the regular and orderly way? You made it a part of this bill in order to force its enactment into law or cut off the supplies necessary for the maintenance of the Government. Does not this method of legislation indicate clearly your bias and prejudice and determined antagonism toward this court which you propose to strike down? Are you big enough and broad enough and magnaminous enough to divest yourselves of that prejudice and bias and all influence of political agitation and political agitators and decide this important question fairly and dispassionately on its merits? The vote will determine whether you measure up to that standard. [Applause.]

Mr. SIMS. Mr. Chairman, I ask how much time has been used?

The CHAIRMAN. Eighteen minutes.

Mr. SIMS. I mean by the gentleman from Minnesota [Mr. STEVENS], all told.

The CHAIRMAN. Forty-one minutes.

Mr. SIMS. Then he has 19 minutes remaining. I yield 10 minutes to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, I had not intended to appear in this debate, but in default of the appearance of other gentlemen who were billed for discourses I propose to stand by my friend Judge SIMS, who reported this bill. I had occasion two years ago for three months to study this proposition pretty thoroughly. I then opposed the creation of this court on a great many grounds. I want to say that I have seen no subsequent reason manifested by the organization and conduct of the Commerce Court to withdraw any objection that I have ever made to it or abandon the ground of opposition on which I opposed it through those three months. I think we could have easily defeated the creation of the court then if it had not been for unpaired absentees opposed to the court.

The House then really was opposed to the court and is now. Twice we had a tie vote on it with a number of gentlemen absent unpaired whom I knew to be against the court. I still believe the House is against the court. I believe the country is against the court and that it ought to be abolished. The court is an anomaly, it is an incongruity. A court of commerce in name is an insult to the profession of law and a travesty on our judicial system. Law and courts of law are the only universal solvent of human wrongs and injuries and human differences in this and every other civilized country, the mainstay of civilization. Distinguished gentlemen who talk about it being necessary to have expert courts have wandered far afield from the doctrine of the old masters, the doctrine of law—human law supposed to be modeled after the doctrine of the divine law. A judge ought to be expert in the law. If he is learned otherwise, it will do no harm, but he is not required to be expert in all other lines of business, not in all details, not an expert in all the particular scientific or technical facts that may be used in all lines of business. And I am sorry to say, Mr. Chairman, that when people get to talking about the necessity for expert boards and expert courts and get to talking about commerce or finance they innocently—inadvertently, no doubt—fall into the error, unconsciously, I believe, or at least act on the suggestion——

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield to a question?

Mr. ADAMSON. If you will let me finish the sentence. I do not like to break a beautiful sentence like that right in the middle. I might spoil it or I might break the other half.

Growing into an assumption that in order to be expert on commerce matters he must be trained as a corporation lawyer; that in order to be expert in financial matters he must be trained as a banker; that all the true expertness relates, and only can relate, to the people who have been trained on one side of a question, and they do not have to be dishonest in heart and intent to be prejudiced in favor of privilege and special interest. Not at all. The most honest man may be the most prejudiced man who, by his training and environment, has gotten his mind warped, just as my brother DRISCOLL may take a twig and tie it down at the top by a piece of twine, holding it there until when it matured it would be a bent tree, and yet the tree would be innocent though crooked.

Mr. MICHAEL E. DRISCOLL. Suppose the gentleman, who has practiced alone the lines from the justice court up, had a case for a plaintiff against a defendant for trespass by reason of the defendant's breachy cattle breaking into his client's land and destroying the crops or injuring them, would he not rather have a judge who had been raised on a farm as a boy and knew something about cattle and something about line fences, than to have a judge that was never out of the city in his life? That is, if he had a good case. If he had a poor one he would not want such a judge.

Mr. ADAMSON. That is easy. I would like to have a judge who is learned in the law, and if I did not have sense enough to know what the facts were, I would like to have a lawyer who had sense enough to get up the witnesses and find out what they knew, adduce the facts to the court and jury, and present to the judge the law bearing on those questions. That is the way to practice law. These automatic, machine-made, politi-

cally created and manufactured, artificial, anomalous, incongruous, outlandish courts do not suit my iden of dispensing human justice.

I believe in the practice of law in order to secure justice. I believe a client has a right to select his lawyer and bring his case and prosecute it to the highest court or defend it to the highest court according to the judgment of his own lawyer and not that of a Federal official placed in charge of all that litigation, with power and authority and disposition, I am sorry to say, to turn down the wishes of the client and the views of his lawyers, and tell the appellate court that the lawyer's judgment is wrong and the action of the lower tribunal erroneous and allow it to be set aside, with the party's lawyer insisting that the judgment ought to be sustained. That is the situation with this court. I do not criticize the particular opinions of the court—that is, I do not base my opposition on them. A good judge may render a very bad decision; a mean judge may render a good decision. I object to the existence of the court itself. It was unnecessary; it was an injury to all litigants interested in interstate-commerce law. It was intended to prevent the Interstate Commerce Commission from regulating carriers and is serving that purpose most signally. It was an accommodation to the corporations in order to enable them to concentrate their attention at one place, reduce the number and cost of their lawyers, cheapen their expenses, and lessen their trouble by letting one or two lawyers attend to all the business, just like trying to pour the Atlantic Ocean through one little funnel, which would be congested and clogged. It would not work. I prefer to allow people to have justice at home in their own communities, in the vicinage where the trouble arises. And if, as my friend from Minnesota [Mr. STEVENS] says, it would be possible to take them thousands of miles from home before the district judges, let us amend that. Let us fix it so a man can law at home and obtain justice.

I hope this court will be abolished. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia [Mr. ADAMSON] has expired.

Mr. SIMS. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. COVINGTON].

Mr. COVINGTON. Mr. Chairman, I am opposed to the continuance of the Commerce Court and in favor of retaining section 10 in the pending bill. In the first place, we have drifted too far away from the constitutional landmarks in the creation of special courts in this country. The best jurisprudence of America and the greatest legal history in the country were created at a time when the strong legal characters were judges, who had to have a legal learning and general knowledge broad enough to determine rightly all the varied questions which came before the courts. The era of specialists in the law is being pushed to such an extreme that the judgments obtained from special courts are often warped rather than well rounded. The special interests which have caused the establishment of the special courts are too often the beneficiaries of the judgments. We created a few years ago a Court of Customs Appeals. There has been recently an agitation for a court of patent appeals; and if we push the idea to its conclusion we will soon have no general jurisdiction left for our Federal district courts.

The great argument advanced on the floor of this House in 1910 for the creation of the Commerce Court was that it would facilitate the disposition of the cases in which orders of the Interstate Commerce Commission affecting railroad freight rates are appealed from, and would be in the interest of the shippers of the United States. Now, the passage of the interstate-commerce law and its various amendments has always been supposed to have been primarily for the benefit of the shippers of America and in order to curb the aggression of the railroads in the matter of excessive rates, and yet the result of the creation of the Commerce Court is that the shippers have not been the beneficiaries, but that the railroads have. Every court must be judged, without criticizing the personnel of the court, by the character of its decisions in the interest of justice to the litigants appearing before it. The net result of one year and a half of existence of the Commerce Court is that three-fourths of the decisions of the Interstate Commerce Commission in favor of the shippers and against the railroads have been overruled by the Commerce Court, while up to that time a considerable majority of such orders of the Interstate Commerce Commission which were appealed from were sustained by the courts to which they were carried, including the Supreme Court of the United States.

The Interstate Commerce Commission has never been unjust to the railroads of America, and when the interstate-commerce act of 1910 was passed it was seriously urged that the final decision of rate cases would be facilitated and shippers would have speedier determination of their rights by the creation of the Commerce Court. The railroads were not considered, for they are well able to take care of themselves.

In point of fact there has been some little expedition of business by the creation of the court, but not much. Having regard for the mental bias which judges must have who believe they have been selected as a curb on the Interstate Commerce Commission, it can not be said that any benefit has come to the people of the United States from the existence of the court. Upon the whole, and with cost of the court's maintenance from $75,000 to $100,000 a year, what reason is there for not abolishing it? The district courts of the United States have in the past exercised the jurisdiction of the Commerce Court, with at least equal benefit to shippers, and the pending section of this bill simply proposes to restore that jurisdiction to those courts. In this connection it is significant that no shippers in the United States, so far as I have heard, are objecting to letting the Commerce Court pass into a mere memory.

I am frank to state that one of the reasons why the Commerce Court has entirely failed of its purpose has been a fundamental misconception of the rights of the United States in suits between the shippers and the railroads as defined in the act creating the court. The Attorney General, when this matter was thoroughly inquired into by the Committee on Interstate and Foreign Commerce, urged that it is proper to consider the right of the Government and the right of the railroads as coextensive rights, while the right of the particular shipper who is the litigant in any case is subordinate. Prior to the act of 1910 the United States was not a party to suits affecting orders relating to rates issued by the Interstate Commerce Commission. It was a straight contest between carrier and shipper. The act of 1910 proposed that all proceedings with respect to orders of the commission should be brought against the United States, or by the United States if seeking to enforce them, and that the United States should be represented by the Department of Justice precisely as in any other proceeding for or against the United States. The shippers have, of course, the right to intervene, but where they are not the real litigants they are at a decided disadvantage.

The shippers of the country are therefore absolutely left in a position to-day where they must submit to appeals from orders in their favor made by the Interstate Commerce Commission, have those appeals heard in a special court which must necessarily regard itself as a check upon the commission in the interest of the carriers, and if in any given appeal the Department of Justice believes that the railroad company's contention is the correct one the shipper is practically remediless, and the Attorney General or his assistant in charge of the case acting for the Department of Justice can in reality confess judgment for the railroad company and have reversed the order of the commission favoring the shipper. That sort of a situation has been an inseparable incident of the creation of the Commerce Court, and as to the proposed abolition of this court by the section now under discussion I want to say frankly to gentlemen on the other side that I hope it is merely the entering wedge and that we may go further and restore the law to what it was prior to 1910, where in all these questions of railroad rates affecting the right of the public to be protected from exorbitant charges by mail carriers, the people shall stand in the courts of the United States on an absolute equality with the railroads.

So, Mr. Chairman, the Commerce Court, having signally failed of its proper purpose, having produced absolutely no benefit to the shippers of the United States beyond that formerly enjoyed through the regular courts, and costing the Government, as it does, a large sum of money, I say we should have the courage to abolish it and return to the full-rounded and time-honored courts contemplated by the Constitution. [Applause.]

Mr. STEVENS of Minnesota. Does the gentleman propose to use it all in one speech?

Mr. SIMS. Not all. I wish the gentleman would use some of his time now.

Mr. STEVENS of Minnesota. Mr. Chairman, I dislike to address myself a second time to this committee, and I would not if my colleagues desired to say anything upon this important measure. However, I shall take only seven minutes of the time, and will ask that the Chair inform me at the end of that time.

First, there ought not to be a misapprehension such as seems to exist as to reason for the existence of this court, and as to the reason why the shippers are in apparent subordination to the authority of the Department of Justice, because the reasons for the two are almost identical. As I stated in my remarks before, the enforcement and the administration of the interstate-commerce law is a matter of great public importance,

affecting the public interests of large numbers of people and large sections of the country, of many shippers; involving millions of dollars and the welfare of communities, and it is of the utmost importance to the public that the administration of the law upon such important questions be made speedy, be made uniform, and that the interests of the public be protected.

Now, the difficulty with my good friend from Maryland [Mr. COVINGTON] was that he addressed himself to a matter that is not before this committee at all. It is contained in the bill which was reported by the Committee on Interstate Commerce and is now on the calendar of the House, but his remarks did not pertain to anything on which this committee will vote to-day. The Interstate Commerce Commission was created to enforce the interstate-commerce law. The great railroad systems of the United States, since the enactment of the Hepburn bill, have established legal bureaus for the study and protection of their rights under the interstate-commerce law. Nearly all the railroads have such a bureau, and they have engaged the best legal talent in the country to do the work for them.

Mr. COVINGTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Maryland?

Mr. STEVENS of Minnesota. Yes.

Mr. COVINGTON. When the Attorney General of the United States was before the Committee on Interstate and Foreign Commerce, as indicating whether or not the shippers of America have been benefited by the creation of the Commerce Court, did he not testify and submit a statement which showed that the result of the creation of that court had been vastly to increase the number of overruled decisions of the Interstate Commerce Commission, when the orders had been in favor of the shipper, and vastly to decrease the instances where the shippers had in that court obtained affirmation of the decree made in their favor by the commission itself?

Mr. STEVENS of Minnesota. Mr. Chairman, just the contrary. On page 24 of the report of the Interstate Commerce Committee on the Sims bill, there is submitted a statement from the record of the court and from the Department of Justice stating the record of the court, showing that there had been more orders of the commission sustained, a larger percentage sustained, by the Commerce Court than by either the circuit court or by the Supreme Court, and also that there had been a larger proportion of the orders of the commission overruled by the old circuit courts than by the Commerce Court, and a larger proportion overruled by the Supreme Court than by the Commerce Court. Those are the records that were sent to the committee by the courts and Department of Justice and are a part of the records and files of this House.

Mr. COVINGTON. But did not that include the orders on which the Interstate Commerce Commission had ruled against the shippers and in favor of the railroads?

Mr. STEVENS of Minnesota. It so happens, Mr. Chairman, that in some of those cases the railroads are nominal parties, and the gentleman no doubt has in mind those cases where the railroads are nominal parties. For example, one of the orders contained a decision as to grain rates between Nashville and Atlanta. Now, nominally the railroads were one of the parties litigant, but actually the railroads did not care about the final result of the case. It was a contest between two important commercial centers. Now, if the commission and the court decided in favor of the railroad, which was a nominal party, the gentleman could and doubtless would contend that on that account the commission and the court would decide in favor of the railroad, and that is the basis of his argument.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Kentucky?

Mr. STEVENS of Minnesota. Certainly.

Mr. SHERLEY. Have there been more appeals from the orders of the commission since the creation of the Commerce Court than there were prior to that time?

Mr. STEVENS of Minnesota. I think possibly a few, but not many more. The last docket I have here, the April docket, has 64 cases. That embraces 31 cases that were transferred. I think there is not very much difference; not a great difference.

Mr. SHERLEY. There is another question that I want to ask. The gentleman indicated that he did not think the argument of the gentleman from Maryland [Mr. COVINGTON] was applicable at this time to the matters that we are to vote on. I may have misunderstood the application of that remark. As I understood the gentleman from Maryland, one of his chief objections was the power that was given to the Attorney General in the creation of the Commerce Court to have control over the litigation in that court rather than the Interstate Commerce Commission and the individual shippers. Now, why is not that question involved when we are here voting as to whether we will continue this court or not?

Mr. STEVENS of Minnesota. Because, Mr. Chairman, under the act creating the Commerce Court, which is now in existence and which will not be disturbed by this section 10 from the gentleman's committee, the Department of Justice has control of litigation concerning the review of orders of the commission in the Supreme Court and in all courts; and if section 10 of this appropriation bill be passed in its present form the Department of Justice will continue to have control of the interstate commerce litigation in the district courts and in the Supreme Court of the United States. This provision, as it stands, would not change the jurisdiction and authority of the Department of Justice at all. That is my contention, and that is why there is no change in that respect and why the remarks of the gentleman from Maryland do not affect the proposition upon which we vote. The Department of Justice would conduct litigation in the Supreme Court of the United States just the same after this bill passed, and it would conduct the litigation in the district courts just the same as it now conducts and has charge of the litgation in the Commerce Court.

Mr. SHERLEY. Do I understand that the abolition of the Commerce Court would not give to the shipper or the Interstate Commerce Commission any more initiative as to the suits brought in the district courts than they now have, as to suits brought in the Commerce Court.

Mr. STEVENS of Minnesota. As I read section 10 of this legislative appropriation bill, I do not think it changes at all the powers or the authority of the Department of Justice with reference to interstate-commerce litigation. It only changes the court machinery for review, and does not at all affect the powers or authority of the executive officials who are to have charge of the cases before and in the machinery so changed.

Mr. COVINGTON. Will the gentleman permit me for one moment?

Mr. STEVENS of Minnesota. Yes.

Mr. COVINGTON. The gentleman of course recognizes that there is now upon the calendar of the House of Representatives, reported from the Committee on Interstate and Foreign Commerce, a bill which, if the Commerce Court is abolished, may be more easily passed, and which will very seriously affect the conduct of the Department of Justice in cases appealed from the Interstate Commerce Commission, and will very materially benefit the shipper, does he not?

Mr. STEVENS of Minnesota. Mr. Chairman, that is an entirely different proposition from the one which we are called upon to vote upon to-day, and when the time comes we will address ourselves to that proposition.

Mr. COVINGTON. Regarding the attitude of the Commerce Court toward the Interstate Commerce Commission, will the gentleman permit me to read from the report of the Interstate Commerce Commission?

Mr. STEVENS of Minnesota. I think the gentleman ought not to take my time for that.

Mr. COVINGTON. Only one paragraph.

Mr. STEVENS of Minnesota. Very well, then. I hope the gentleman will not trespass.

Mr. COVINGTON. I will not. On page 60 of the report of the Interstate Commerce Commission I find this language:

> In but three cases of any consequence where the commission and the shippers have been opposed by the railroads have the orders of the commission been sustained, even temporarily, by the refusal to grant a temporary restraining order.

Mr. STEVENS of Minnesota. Now, Mr. Chairman, as to that I cite the gentleman to the report of the Interstate Commerce Commission for the previous year, which I read to this committee before he came into the Chamber, in which the same Interstate Commerce Commission one year before criticized the circuit courts for not giving competent attention to the orders of the commission and to the litigation from the commission, stating that the commission expected there would be relief from such absurd consequences by the establishment of the Commerce Court. And that is what I desire to call to the attention of this committee. It is one of the unfortunate things in connection with this whole subject. There is apparent friction, unfortunately, between the two tribunals, but that ought not to influence our action to-day in considering whether or not such a forum ought to be continued for the prosecution of this important public business. In 1910 the Commission demanded that there should be a Commerce Court, and stated it was necessary to properly protect its work in the enforcement of the law. In 1911 they criticized the action of the court, in that they were unfairly enforcing the law. Of course, I think the difficulty is largely personal and transient, and will in due time pass away if we can only give it a chance, and then the real merits of this tribunal can be appreciated. The matter for

us to consider to-day in voting is whether or not, from a broad public standpoint, there is need for a tribunal like the Commerce Court, having that kind of jurisdiction, to consider the broad public questions involved in litigation concerning interstate commerce. That is the question for us to decide in voting to-day.

Mr. SHERLEY. I want to ask the gentleman whether he approves of that provision in the law creating the Commerce Court which gives to the Attorney General his present power over litigation.

Mr. STEVENS of Minnesota. That question is not involved here, but——

Mr. SHERLEY. I think it is very much involved here. That is the reason why I should like the gentleman's opinion about it.

Mr. STEVENS of Minnesota. There is this to say about it: The interstate-commerce law affects large bodies of people. If the shipper is allowed to decide for himself his policy of conducting the litigation, he may sacrifice in the conduct of his particular matter the interests of large sections of the country a thousand times more important than his own. Since this is a matter of large public interest and importance, Congress deemed that it was a wise thing to give the public interests a right to be heard and a right to be protected in such litigation.

Mr. SHERLEY. But if the gentleman——

Mr. STEVENS of Minnesota. Just a moment, and I will try to answer the question. For that reason the Department of Justice was given authority to take part in the litigation concerning the public interest and to represent the broad public interest apart from the individual case of one man who might be willing to sacrifice the public to help himself, just the same as the Department of Justice is given authority in all other matters involving the larger public interests. It is to protect the public interest and to see that the shipper does not sacrifice it, and that the proper construction and policy is adopted for the benefit of all of the people, that the Attorney General is given the right to participate in the litigation. It seemed to be better to trust a public official of high station and experience to care for the public interest and welfare than to take any chances as to how litigation might result when tried as the litigants might desire for their own personal benefit.

Mr. SHERLEY. Is there not a distinction between the right to participate for the purpose of protecting the public interest as such and the right to dominate and to prevent the private litigant from continuing the conduct of a controversy if he happens to have an opinion different from that of the Attorney General?

Mr. STEVENS of Minnesota. There is alwhys this to say: The Attorney General of the United States represents the people of the United States.

Mr. SHERLEY. He may or he may not.

Mr. STEVENS of Minnesota. This is my time and it is very limited, and I desire to yield to the gentleman from New York. The Attorney General under his oath is obliged to protect the general interests of the public and of the United States. That is what he is there for, and I assume he does his duty in enforcing this law and all the other laws of the United States, and that he will protect the interests of the shipper the same as he would protect the interests of all the other shippers; but the interests of all the other shippers ought also to be protected, and it is not just to the public to allow one shipper to subvert the interests of the general public in order to protect himself.

Gentlemen have urged that the passage of this provision will expedite causes under the expedition act. In the report of the minority there are given seven different classes of statutes also providing for the expedition of different kinds of public litigation. The antitrust act, the Elkins rebate act, the navigation laws, contempt before referees in bankruptcy, interlocutory injunctions, suspending State statutes, and so forth. I will insert the extract from the report.

BY STATUTORY REQUIREMENT.

The antitrust act. (32 Stat. L., 823.)
The Elkins Act. (32 Stat. L., 840.)
The navigation laws. (R. S., sec. 4300; 30 Stat. L., 1153; 31 Stat. L., 682; 25 Stat. L., 151; 25 Stat. L., 210; 27 Stat. L., 431; 28 Stat. L., 361.)
Contempts before referees in bankruptcy. (30 Stat. L., 556.)
Habeas corpus. (R. S., secs. 754 to 766, inclusive.)
Interference with submarine cables. (25 Stat. L., 42.)
Interlocutory injunction suspending State statutes (three judges to be called together at once, Judicial Code, sec. 266).

UNDER PRACTICE OR COURT RULES.

Criminal cases.
Ordinary interlocutory injunctions.
Cases arising for a second trial.
Cases brought by receivers.
Cases brought by the United States.
Jury cases (generally given precedence over equity cases).

You will note that there are seven acts of Congress all providing for expediting the various cases under each one of these respective acts. The litigation concerning interstate commerce is no more important under the law as it stands, or will stand if this bill passes, than any other class of cases, and the result would be that there would be no expedition at all and litigation would be delayed, public interests would suffer, the litigants would suffer, and the shippers would suffer as before. And in addition to that, if the cases be tried in courts already congested with private business, that will also suffer and in some cases amount to a denial of justice.

Mr. NYE. Will the gentleman yield?

Mr. STEVENS of Minnesota. I will yield to my colleague.

Mr. NYE. I want to know if the committee has any information from the shippers throughout the country as to their sentiment on this subject, as to whether they want the Commerce Court continued.

Mr. STEVENS of Minnesota. There has no sentiment of that kind been received by the committee. I will insert, Mr. Chairman, in the RECORD as a part of my remarks an extract from the Washington Post from a large shipper in the Southwest urging the retention of this court, and other matters affecting the position of shippers to the Commerce Court. The Commerce Court has been criticized for apparently attempting to review the facts contained in the decisions of the commission. That is unfair criticism, whether made here or elsewhere. The court has only performed its function of reviewing questions of law alone. There are cases where the question is of mixed law and fact, and, of course, equally subject to review. If this court be abolished, the district courts will have exactly the same power as now does the Commerce Court and as before did the circuit courts. To show this power, I will insert here a citation from one of the latest cases of the Supreme Court, setting forth and defining the power of the courts to review the orders of the Interstate Commerce Commission. This should set at rest the criticism that the courts have usurped the powers of the commission, as has been so erroneously stated here.

In the case of Interstate Commerce Commission *v.* Union Pacific Railroad Co. (32 Sup. Ct. Rep. No. 6, p. 110) Mr. Justice Lamar stated:

The appeals raise the single question as to whether, in making the 45-cent rate, the commission acted within or beyond its power. As the statute makes its finding prima facie correct (C., H. & D. Ry. Co. *v.* Interstate Commerce Commission, 206 U. S., 154; L. Ed., 1000; 27 Sup. Ct. Rep., 648), it will be more convenient to consider the case from the standpoint of the carriers, who first insist that the order was void because made without evidence or finding that the 50-cent rate was unreasonable.

There has been no attempt to make an exhaustive statement of the principle involved, but in cases thus far decided it has been settled that the orders of the commission are final unless (1) beyond the power which it could constitutionally exercise; or (2) beyond its statutory power; or (3) based upon a mistake of law. But questions of fact may be involved in the determination of questions of law, so that an order, regular on its face, may be set aside if it appears that (4) the rate is so low as to be confiscatory and in violation of the constitutional prohibition against taking property without due process of the law; or (5) if the commission acted so arbitrarily and unjustly as to fix rates contrary to evidence, or without evidence to support it; or (6) if the authority therein involved has been exercised in such an unreasonable manner as to cause it to be within the elementary rule that the substance and not the shadow determines the validity of the exercise of the power. (Cases cited.)

In determining the mixed questions of law and fact, the court confines itself to the ultimate question as to whether the commission acted within its power. It will not consider the expediency or wisdom of the order, or whether, on like testimony, it would have made a similar ruling. "The findings of the commission are made by law prima facie true, and this court has ascribed to them the strength due to the judgments of a tribunal appointed by law and informed by experience." (I. C. R. R. Co. *v.* Interstate Commerce Commission, 206 U. S., 441; 51 L. Ed., 1128; 27 Sup. Ct. Rep., 700.) Its conclusion, of course, is subject to review, but when supported by evidence is accepted as final; not that its decision, involving as it does so many and such vast public interests, can be supported by a mere scintilla of proof, but the courts will not examine the facts further than to determine whether there was substantial evidence to sustain the order.

Mr. SIMS. Mr. Chairman, I will yield to the gentleman from Indiana [Mr. CULLOP] five minutes.

Mr. CULLOP. Mr. Chairman, at the time of the passage of the act instituting the Commerce Court I was opposed to the measure then, and stated my objections to it. I am now in favor of the provision in this bill repealing or, in other words, suspending the court from existence. It means its abolishment, and very properly so.

The truth is that it was enacted and its purpose was to assist the Interstate Commerce Commission. It has been, since it was instituted, practically an instrument to nullify the orders and decisions of the Interstate Commerce Commission. This seems to have been its particular functions, very much to the injury of the country.

I want to call the attention of the committee to what is said in the report of the commission on that subject. Referring to pages 59 and 60 of the report I find this statement:

That out of 27 cases passed upon by the Commerce Court preliminary restraining orders or final decrees have been issued in favor of the railroads in all but 7 cases, and of these only 3 are of any magnitude.

This is a revelation, doubtless, to those who favored its organization, but the statement is true.

Now, one of the objections to this court is that it is acting in a nisi prius capacity; it is performing the functions for which the Interstate Commerce Commission was constituted to perform. In other words, that after the Interstate Commerce Commission has found the facts in a case and reported them, when application is made to the Commerce Court for an injunction or a review of the case it has again investigated the facts and not passed upon the facts as found and reported by the Interstate Commerce Commission. What it ought to do, if it was attempting to assist the people, if it was undertaking to relieve the people from the exactions of the railroad companies, the court should take the findings of fact made by the Interstate Commerce Commission as final, as any other appellate court is required to do, and render its decision upon those facts. Any other method produces necessarily conflict between these two bodies which results in confusion. But instead of that, after the Interstate Commerce Commission has taken the evidence and has made a finding upon the evidence taken and reported the facts upon which its findings are made it has only served notice under the operation of the Commerce Court for the other side to go out into the broad domain of the country and hunt up new facts in order to nullify the order of the Interstate Commerce Commission.

It simply gives it the power, serves notice, to appear before the Interstate Commerce Commission and find out the case that the Government relies upon, then go to this other court and then undertake to find the evidence to meet the case. This practice merits condemnation. It has overruled time and again the Interstate Commerce Commission, and the Supreme Court has overruled it in such cases.

Now, can any man give a reason why the circuit courts as now constituted can not perform the work of the Commerce Court? It is said that this is for the relief of the shippers. Upon the contrary, so long as it has existed it has been a machine to prevent the relief to the shippers. And it has been so administered since it was first instituted. Its work has delayed rather than accelerated the relief of the people from the greed of the great transportation companies.

Of course, we are not very much surprised at that, but the very objections that some gentlemen have made to the abolition of this court, in my mind, constitute the best reason that could be given for its abolition. Instead of having two courts—the Interstate Commerce Commission and the Supreme Court of the United States—we have three courts now by which parties can delay the proceedings, and the party who has the advantage can have, as the matter now stands, much longer time to employ his advantage and exploit the people. In my judgment, it should be abolished, and by doing so the best interests of the public will be served. [Applause.]

Mr. SIMS. I yield two minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, I was opposed to the creation of a Commerce Court, and since it has been created I have seen nothing in that court that would warrant Congress continuing it. Three reasons are advanced to-day for the creation and continuance of that court. First, it is said that the Commerce Court provides an expert court that will decide questions of commerce; second, that the questions coming before that court are such as require experts to rightly decide them, and will provide for uniformity in decisions; and, third, that it will expedite legislation.

Since the creation of the Commerce Court 66 cases have been docketed in it; in 30 cases injunctions have been asked by railroad companies, and in 22 cases injunctions have been granted, and in only 9 cases have injunctions been refused. Orders of dismissals have been entered in 20 cases.

The principal argument is that we should have a court of experts, a court of men trained in railroad law to pass upon questions decided by the Interstate Commerce Commission. Where does a lawyer become versed in railroad law? Where does he become an expert in this class of legislation? He becomes versed in railroad law and in those principles of law relating to commerce by employment as an attorney for a railroad. I know of no other way by which a lawyer, as a general rule, can become such an expert as is contemplated by those who favor the retention of this court. But is it possible that the gentleman from New York [Mr. MICHAEL E. DRISCOLL] or any other gentleman would argue that we should pack this court by selecting only those judges from the Federal courts who have had years of training with and employment by railroad corporations? But why stop here? Why appoint only judges to this court who in practice had been employed by railroad corporations? Why not provide for the appointment of real experts? Presidents of railroad corporations obviously have a more technical knowledge of this subject than their attorneys. If this court is to be what its defenders argue for, a real expert court, then why not have it presided over by real experts or railroad presidents? How the shippers of the country would welcome such a court! It certainly must occur to the defenders of this court that they must find some more substantial reason than this for the continuance of this court. A court so constituted might be satisfactory to those who urged the creation of this court and who now demand that it be retained, but it will not be satisfactory to the shippers and to the consumers of the country.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. GOOD. I have only two minutes.

Mr. MICHAEL E. DRISCOLL. Did not Judge Knapp get acquainted with railroad law as a member of the Interstate Commerce Commission, and was not that a good education?

Mr. GOOD. Yes; but the gentleman knows that the judges of the Commerce Court in the future can not be appointed from the Interstate Commerce Commission. They must be appointed from the Federal courts.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SIMS. I yield the gentleman three minutes more.

Mr. GOOD. Now, Mr. Chairman, as to the question of the uniformity of decisions. Every single decision that has been rendered by the Commerce Court has been appealed from to the Supreme Court of the United States. Neither the railroad company nor the shipper seems to have taken the decisions of the court as final. There is absolutely nothing to this question of uniformity of decisions, if all of the decisions of that court are to be reviewed by the Supreme Court of the United States. It matters little, therefore, whether this court is a court of experts or how it is constituted or conducted, if every decision it renders is to be reviewed by a higher court. The uniformity of decisions amounts to nothing under such circumstances.

The same argument applies with equal force to the other reason given for the continuation of this court, namely, that it will expedite business. Again, if all the decisions of the Commerce Court are to be reviewed by the Supreme Court of the United States, instead of expediting business that court, as now constituted, delays business. The final decision of every decision coming before this court is simply delayed during the time that it takes to carry the case through the Commerce Court.

I realize that the Interstate Commerce Commission is primarily a legislative body, but in actual practice its functions are judicial. It not only prescribes rates, but it passes upon the reasonableness of rates. Its judicial functions can be given, and in my opinion ought to be given, all the power and standing of a court, so that appeals could be taken from the Interstate Commerce Commission to the Supreme Court of the United States. Especially is this desirable when we consider that the Supreme Court refuses to disturb the findings of the Interstate Commerce Commission on a pure question of fact. Not so with the Commerce Court, however. In creating the Commerce Court it was the intention of Congress that the power of the Interstate Commerce Commission should not be circumscribed or curtailed by the creation of the Commerce Court and that the Commerce Court should have no greater power to review questions of fact than had the Supreme Court of the United States. But no sooner had the Commerce Court been created than it assumed powers which Congress never intended to give it, to review questions of fact which had been decided by the Interstate Commerce Commission.

Instead of retaining this court simply to expedite business, we could easily amend the law so that cases appealed from the Commerce Court will come within that class of cases provided for in the expedition act, or we could provide for appeals to the Supreme Court directly from the Interstate Commerce Commission.

Now, Mr. Chairman, my main objection to the Commerce Court is that it will destroy the usefulness of the Interstate Commerce Commission itself. [Applause.] It is admitted on all sides that jealousies have crept in between these two great bodies. Constituted as these two tribunals are such jealousies can not be prevented, but they will increase. The Commerce Court is admirably created and constituted to involve jealousies between it and the Interstate Commerce Commission. Next to the Supreme Court of the United States, I believe that the people of the United States have faith in the decisions, in the honesty and purpose, and in the intelligence and fairness of the Interstate Commerce Commission. [Applause.]

Mr. MICHAEL E. DRISCOLL. I would like to ask the gentleman, was not that largely due to the fact that Judge Knapp was chairman of the Interstate Commerce Commission for 13 years and because of his ability and honesty?

Mr. GOOD. Oh, no; I would not say that it is because of Judge Knapp alone, but it is because of the ability, the fairness, and honesty of all the commissioners.

Mr. MICHAEL E. DRISCOLL. And is not he just as honest now?

Mr. GOOD. Undoubtedly; but I am not willing to vote to continue a court here that will sit and decide only cases that are decided by the Interstate Commerce Commission. These jealousies can not be removed by continuing this court. These jealousies will increase, and in the end will undermine and destroy the great Interstate Commerce Commission, in which the shippers of the United States have implicit confidence and to which they have gone in so many cases and uniformly have had the relief to which they were entitled. For these reasons I am opposed to a further retention of this court and shall vote to abolish it. [Applause.]

Mr. STEVENS of Minnesota. I yield to the gentleman from New York [Mr. LEVY] the remainder of my time.

Mr. LEVY. Mr. Chairman, in my opinion, it would be a great mistake to abolish this court, and I challenge the gentleman from Iowa [Mr. GOOD] in his statement, and state that the Interstate Commerce Commission has been very unfair and unjust to the railroads of this country. We need 100,000 miles more of railroads. How do we propose to build them? The Interstate Commerce Commission holds up its decisions from six to nine months. No other courts in the land withhold their decisions for such a length of time. The freight rates are continually reduced by the commission, although our freight rates are 33 per cent lower than foreign rates. If the Commerce Court is abolished, it will take months and months to obtain final judicial decisions. The Interstate Commerce Commission is not alone a detriment to this country as at present constituted, but it also injures labor, retards business, and restricts railroad construction, which we so much need. When the President of the United States suggested to the Interstate Commerce Commission to remain in this country and decide the question of increase and equalization of freight rates, the commission stated that they had already made arrangements to go abroad.

Mr. DICKINSON. May I ask the gentleman a question?

Mr. LEVY. Yes.

Mr. DICKINSON. Would you be in favor of abolishing the Interstate Commerce Commission?

Mr. LEVY. No, sir; but I would be in favor of appointing a fair commission, not one that would be unjust and unfair to the railroads, shippers, laboring classes, and business interests of this country.

Mr. ALEXANDER. Will the gentleman please give one specific instance where they have been unfair to the railroads or to the people?

Mr. LEVY. Yes, sir.

Mr. ALEXANDER. I would like to hear the gentleman do it.

Mr. LEVY. I am going to do so. At the time of the conference between the President of the United States, the railroad representatives, and the Interstate Commerce Commission, when the question of withdrawing the injunction against the railroads restraining them from increasing rates was discussed, the President suggested to the Interstate Commerce Commission that they promptly take up the question of freight rates. The commission stated that they had already arranged to go to Europe. A part of the membership of the Interstate Commerce Commission started for Europe and left the investigation of freight rates to inspectors, who reported to the commission, thereby holding up the commission's decision for months. In the meantime the railroads increased the wages of their employees 10 per cent, with the expectancy of an early decision from the commission. The Interstate Commerce Commission has the whole country overrun with inspectors interfering with the railroad traffic of the country. The commission is the most extravagant branch of the Government, expending during the fiscal year ending June 30, 1911, $1,296,670.74, and for the enlightenment of the public I submit the following:

Detailed statement of expenditures of the Interstate Commerce Commission for fiscal year ending June 30, 1911.

Salaries of commissioners and secretary		$73,750.00
Employees:		
1 statistician, 10 months, at $5,000 per annum	$4,160.67	
1 Chief of Bureau of Tariffs, 1 year, at $4,500 per annum	4,500.00	
1 solicitor, 1 year, at $4,500 per annum	4,500.00	
1 attorney, 11½ months 4 days, at $4,500 per annum	4,362.50	
1 attorney, 3½ months, at $3,000 per annum, 2½ months, at $3,600 per annum, and 6 months, at $3,900 per annum	3,575.00	
1 attorney, 1 year, at $3,600 per annum	3,600.00	
1 attorney, 6 months, at $3,600 per annum	1,800.00	
5 attorneys, 1 year, at $3,000 per annum	$15,000.00	
1 attorney, 8½ months 12 days, at $3,000 per annum	2,225.00	
1 attorney, 7½ months 1 day, at $3,000 per annum	1,883.33	
1 attorney, 5½ months 2 days, at $3,000 per annum	1,391.67	
1 attorney, 3 months, at $3,000 per annum	750.00	
1 attorney, 1½ months 13 days, at $3,000 per annum	483.33	
1 disbursing clerk, 6 months, at $2,760 per annum, and 6 months, at $3,000 per annum	2,880.00	
1 associate statistician, 1 month, at $3,000 per annum	250.00	
1 chief clerk, 1 year, at $2,880 per annum	2,880.00	
1 assistant statistician, 1 year, at $2,760 per annum	2,760.00	
2 attorneys, 1 year, at $2,640 per annum	5,280.00	
1 confidential clerk, 3½ months, at $2,400 per annum, and attorney, 8½ months, at $2,640 per annum	2,570.00	
1 clerk, 3½ months, at $1,500 per annum, and attorney, 8½ months, at $2,640 per annum	2,307.50	
1 attorney, 8 months 10 days, at $2,640 per annum	1,833.33	
1 attorney, 5½ months, at $2,640 per annum	1,210.00	
1 attorney, 4½ months ½ day, at $2,640 per annum	993.66	
1 assistant auditor, 1 year, at $2,520 per annum	2,520.00	
1 special agent, 1 year, at $2,520 per annum	2,520.00	
1 chief of division, 1 year, at $2,520 per annum	2,520.00	
1 attorney, 8 months, at $2,520 per annum	1,680.00	
1 chief of division, 1 year, at $2,400 per annum	2,400.00	
1 confidential clerk, 6 months, and attorney, 6 months, at $2,400 per annum	2,400.00	
2 confidential clerks, 1 year, at $2,400 per annum	4,800.00	
1 confidential clerk, 9 months, at $2,400 per annum	1,800.00	
1 confidential clerk, 8½ months, at $2,400 per annum	1,700.00	
1 confidential clerk, 5½ months, at $2,400 per annum	1,100.00	
2 law clerks, 1 year, at $2,400 per annum	4,800.00	
1 special agent, 7 months, at $2,400 per annum	1,400.00	
1 assistant to director, 4½ months, at $2,400 per annum	900.00	
2 chiefs of divisions, 1 year, at $2,220 per annum	4,440.00	
2 senior clerks, 1 year, at $2,100 per annum	4,200.00	
1 chief of division, 1 year, at $2,100 per annum	2,100.00	
1 law clerk, 1 year, at $2,100 per annum	2,100.00	
1 official stenographer, 1 year, at $2,100 per annum	2,100.00	
1 special agent, 1 year, at $2,100 per annum	2,100.00	
1 cashier, 1 year, at $2,100 per annum	2,100.00	
2 senior clerks, 1 year, at $1,980 per annum	3,960.00	
1 law clerk, 1 year, at $1,980 per annum	1,980.00	
1 chief of division, 1 year, at $1,980 per annum	1,980.00	
1 special agent, 11½ months 4 days, at $1,980 per annum	1,919.50	
1 chief inspector, 6 months, at $1,860 per annum, and 5 months 10 days, at $1,980 per annum	1,810.00	
6 senior clerks, 1 year, at $1,860 per annum	11,160.00	
1 clerk, 6 months, at $1,620 per annum, and senior clerk, 6 months, at $1,860 per annum	1,740.00	
1 clerk, 10½ months, at $1,620 per annum, and senior clerk, 1½ months, at $1,860 per annum	1,650.00	
1 clerk, 5 months 6 days, at $1,620 per annum, and senior clerk, 6 months, at $1,860 per annum	1,632.00	
1 senior clerk, 9½ months, at $1,860 per annum	1,472.50	
1 senior clerk, 8 months 12 days, at $1,860 per annum	1,302.00	
1 senior clerk, 7 months 10 days, at $1,860 per annum	1,136.67	
1 senior clerk, 1½ months 9½ days, at $1,860 per annum	281.58	
3 special agents, 1 year, at $1,860 per annum	5,580.00	
1 special agent, 5½ months 8 days, at $1,860 per annum	888.66	
1 printing clerk, 11½ months 2 days, at $1,860 per annum	1,792.83	
3 clerks, 1 year, at $1,740 per annum	5,220.00	

Employees—Continued.

1 clerk, 6 months, at $1,620 per annum, and 6 months, at $1,740 per annum	$1,680.00
1 confidential clerk, 1½ months, at $2,400 per annum, and attorney, 5½ months, at $1,740 per annum	1,097.50
19 clerks, 1 year, at $1,620 per annum	30,780.00
1 clerk, 11 months 5 days, at $1,620 per annum	1,507.50
1 junior clerk, 10½ months, at $1,400 per annum, and clerk, 1½ months, at $1,620 per annum	1,427.50
1 clerk, 8½ months 1 day, at $1,620 per annum	1,152.00
29 clerks, 1 year, at $1,500 per annum	43,500.00
1 junior clerk, ½ month, at $1,320 per annum, and clerk, 11½ months, at $1,500 per annum	1,492.50
1 clerk, 11½ months 9 days, at $1,500 per annum	1,475.00
1 junior clerk, 9 months, at $1,380 per annum, and clerk, 3 months, at $1,500 per annum	1,410.00
2 clerks, 6 months 9 days, at $1,500 per annum	1,575.00
1 special agent, 1 year, at $1,500 per annum	1,500.00
1 special agent, 7½ months, and clerk, 4½ months, at $1,500 per annum	1,500.00
8 junior clerks, 1 year, at $1,400 per annum	11,200.00
1 junior clerk, 9½ months, at $1,400 per annum	1,108.34
1 junior clerk, 7½ months 3 days, at $1,400 per annum	886.66
7 junior clerks, 1 year, at $1,380 per annum	9,660.00
1 junior clerk, 5 months, at $1,320 per annum, and 7 months, at $1,380 per annum	1,355.00
1 junior clerk, 10½ months, at $1,320 per annum, and 1½ months, at $1,380 per annum	1,327.50
1 junior clerk, 6 months, at $1,200 per annum, and 6 months, at $1,380 per annum	1,290.00
1 junior clerk, 10 months 6 days, at $1,380 per annum	1,173.00
1 junior clerk, 7 months 6 days, at $1,380 per annum	828.00
1 inspector, 2½ months 4½ days, at $1,380 per annum	304.74
1 special agent, 2 months, at $1,500 per annum, and junior clerk, 10 months, at $1,320 per annum	1,350.00
38 junior clerks, 1 year, at $1,320 per annum	50,160.00
1 junior clerk, 1 month, at $1,200 per annum, and 11 months, at $1,320 per annum	1,310.00
1 junior clerk, 11½ months 11½ days, at $1,320 per annum	1,307.17
1 junior clerk, 5 months, at $1,260 per annum, and 7 months, at $1,320 per annum	1,295.00
1 junior clerk, 6 months, at $1,200 per annum, and 6 months, at $1,320 per annum	1,260.00
1 junior clerk, 7½ months, at $1,200 per annum, and 4½ months, at $1,320 per annum	1,245.00
1 junior clerk, 8 months, at $1,200 per annum, and 4 months, at $1,320 per annum	1,240.00
1 junior clerk, 9 months, at $1,200 per annum, and 3 months, at $1,320 per annum	1,230.00
2 junior clerks, 10½ months, at $1,200 per annum, and 1½ months, at $1,320 per annum	2,430.00
1 junior clerk, 11 months, at $1,320 per annum	1,210.00
1 under clerk, 3 months, at $1,020 per annum, and junior clerk, 7½ months, at $1,200 per annum, and 1½ months, at $1,320 per annum	1,170.00
1 junior clerk, 10½ months ½ day, at $1,320 per annum	1,156.83
1 junior clerk, 10 months 13½ days, at $1,320 per annum	1,149.50
1 junior clerk, 10 months 7 days, at $1,320 per annum	1,125.66
1 junior clerk, 9 months 12 days, at $1,320 per annum	1,083.99
1 junior clerk, 8½ months 7 days, at $1,320 per annum	960.67
1 junior clerk, 2½ months, at $1,320 per annum	275.00
1 inspector, 8 months 5 days, at $1,320 per annum	898.33
1 inspector, 3 months, at $1,320 per annum	330.00
9 junior clerks, 1 year, at $1,260 per annum	11,340.00
1 junior clerk, 5 months, at $1,200 per annum, and 7 months, at $1,260 per annum	1,235.00
61 junior clerks, 1 year, at $1,200 per annum	73,200.00
1 junior clerk, 11½ months 14½ days, at $1,200 per annum	1,197.50
1 junior clerk, 11½ months, 14 days, at $1,200 per annum	1,196.67

Employees—Continued.

1 junior clerk, 11½ months, 10 days, at $1,200 per annum	$1,183.34
1 junior clerk, 8 month, 11½ days, at $1,320 per annum, and 2½ months, at $1,200 per annum	1,172.16
2 under clerks, 3 months, at $1,020 per annum, and junior clerks, 9 months, at $1,200 per annum	2,310.00
1 under clerk, 4½ months, at $1,080 per annum, and junior clerk, 7½ months, at $1,200 per annum	1,155.00
2 under clerks, 6 months, at $1,080 per annum, and junior clerks, 6 months, at $1,200 per annum	2,280.00
1 junior clerk, 11 months, 7 days, at $1,200 per annum	1,123.33
1 junior clerk, 11 months, 4½ days, at $1,200 per annum	1,115.00
1 under clerk, 9 months, at $1,020 per annum, and junior clerk, 3 months, at $1,200 per annum	1,065.00
1 under clerk, 10½ months, at $1,020 per annum, and junior clerk, 1½ months, at $1,200 per annum	1,042.50
3 junior clerks, 10 months, at $1,200 per annum	3,000.00
1 junior clerk, 7 months, 8 days, at $1,200 per annum	726.67
1 under clerk, 6 months, at $1,020 per annum, and junior clerk, 2 months, at $1,200 per annum	710.00
1 junior clerk, 6½ months, 8 days, at $1,200 per annum	676.67
1 junior clerk, 6½ months, 4 days, at $1,200 per annum	663.33
1 junior clerk, 6½ months, at $1,200 per annum	650.00
1 junior clerk, 6 months, 9 days, at $1,200 per annum	630.00
3 junior clerks, 5½ months, 13 days, at $1,200 per annum	1,779.99
5 junior clerks, 5 months, at $1,200 per annum	2,500.00
1 junior clerk, 4½ months, 1 day, at $1,200 per annum	453.33
1 junior clerk, 3 months, at $1,200 per annum	300.00
1 junior clerk, 2½ months, 3 days, at $1,200 per annum	260.00
6 under clerks, 1 year, at $1,080 per annum	6,480.00
2 under clerks, 4 months, at $1,020 per annum, and 8 months, at $1,080 per annum	2,120.00
1 under clerk, 4½ months, at $1,020 per annum, and 7½ months, at $1,080 per annum	1,057.50
1 under clerk, 9 months, at $1,020 per annum, and 3 months, at $1,080 per annum	1,035.00
2 under clerks, 10½ months, at $1,020 per annum, and 1½ months, at $1,080 per annum	2,055.00
1 under clerk, 6 months, at $900 per annum, and 3 months, at $1,080 per annum	945.00
1 under clerk, 7½ months, 9 days, at $1,080 per annum	702.00
1 under clerk, 6½ months, 3 days, at $1,080 per annum	594.00
16 under clerks, 1 year, at $1,020 per annum	16,320.00
1 under clerk, 11½ months, 14 days, at $1,020 per annum	1,017.17
1 under clerk, 5½ months, at $960 per annum, and 6½ months, at $1,020 per annum	992.50
1 under clerk, 4 months, at $900 per annum, and 8 months, at $1,020 per annum	980.00
1 under clerk, 11½ months, at $1,020 per annum	977.49
1 under clerk, 5 months, 5 days, at $900 per annum, and 6½ months, at $1,020 per annum	940.00
1 under clerk, 11 months, at $1,020 per annum	935.00
2 under clerks, 9 months, at $900 per annum, and 3 months, at $1,020 per annum	1,860.00
1 under clerk, 10½ months, 7 days, at at $1,020 per annum	912.33
2 under clerks, 10½ months, at $1,020 per annum	1,785.00
1 under clerk, 10 months, 9 days, at $1,020 per annum	875.50
1 under clerk, 10 months, at $1,020 per annum	850.00
1 under clerk, 9 months, 6 days, at $1,020 per annum	782.00
2 under clerks, 8 months, at $1,020 per annum	1,530.00
1 under clerk, 7½ months, 9 days, at $1,020 per annum	663.00
1 under clerk, 7½ months, 7 days, at $1,020 per annum	657.33
1 under clerk, 7½ months, at $1,020 per annum	637.50
1 under clerk, 6 months, 9 days, at $900 per annum, and 1½ months, at $1,020 per annum	600.00

Employees—Continued.

1 under clerk, 6½ months, 3½ days, at $900 per annum, and 1 month, 4 days at $1,020 per annum	$592.58	
1 under clerk, 6½ months, 11 days, at $1,020 per annum	583.67	
1 under clerk, 5½ months, 7 days, at $1,020 per annum	487.33	
1 under clerk, 5 months, at $1,020 per annum	425.00	
1 under clerk, 4½ months, 2 days, at $1,020 per annum	388.17	
1 under clerk, 4 months, 6 days, at $1,020 per annum	357.00	
1 under clerk, 3½ months, at $1,020 per annum	297.50	
1 under clerk, 3 months, at $900 per annum, and ½ month, at $1,020 per annum	267.50	
1 under clerk, 3 months, 3 days, at $1,020 per annum	263.50	
1 under clerk, 3 months, at $1,020 per annum	255.00	
1 under clerk, 2½ months, 1 day, at $1,020 per annum	215.33	
1 under clerk, 2 months, at $1,020 per annum	170.00	
1 under clerk, 1½ months, 8 days, at $1,020 per annum	150.17	
1 under clerk, 1 month, 7 days, at $1,020 per annum	104.83	
2 under clerks, ½ month, 3 days, at $1,020 per annum	102.00	
1 under clerk, 8 days, at $1,020 per annum	22.67	
2 skilled laborers, 1 year, at $1,020 per annum	2,040.00	
1 under clerk, 11 months, 3 days, at $900 per annum	832.50	
1 messenger, 4 months, at $660 per annum, and under clerk, 8 months, at $900 per annum	820.00	
1 messenger, 3 months, at $660 per annum, and under clerk, 8½ months, 4 days, at $900 per annum	812.50	
1 messenger, 5½ months, at $660 per annum, and under clerk, at 6½ months, at $900 per annum	790.00	
1 messenger boy, 6½ months, 14 days, at $480 per annum, and under clerk, 5 months, at $900 per annum	653.67	
1 under clerk, 8½ months, at $900 per annum	637.50	
1 under clerk, 8 months, at $900 per annum	600.00	
1 under clerk, 7½ months, 13 days, at $900 per annum	595.00	
1 under clerk, 7½ months, at $900 per annum	562.50	
1 under clerk, 4 months, 11 days, at $900 per annum	327.50	
1 under clerk, 4 months, 7 days, at $900 per annum	317.50	
1 under clerk, 3 months, at $900 per annum	225.00	
1 under clerk, 2½ months, 6 days, at $900 per annum	202.50	
1 under clerk, 2 months, at $900 per annum	150.00	
1 under clerk, ½ month, 11 days, at $900 per annum	65.00	
1 under clerk, ½ month, at $900 per annum	37.50	
1 under clerk, 7 days, at $900 per annum	17.50	
1 telephone operator, 1 year, at $900 per annum	900.00	
1 skilled laborer, 1 year, at $840 per annum	840.00	
2 messengers, 1 year, at $720 per annum	1,440.00	
1 messenger boy, 11 months, at $480 per annum, and messenger, 1 month, at $720 per annum	500.00	
1 classified laborer, 1 year, at $720 per annum	720.00	
1 classified laborer, 6 months, at $600 per annum, and 6 months, at $720 per annum	660.00	
1 skilled laborer, 10½ months, at $600 per annum, and 1½ months, at $720 per annum	667.50	
4 watchmen, 1 year, at $720 per annum	2,880.00	
1 watchman, 6 months, at $720 per annum	360.00	
1 watchman, 3½ months, at $720 per annum	210.00	
1 elevator conductor, 5 months, at $720 per annum	300.00	
1 elevator conductor, 4½ months, 7 days, at $720 per annum	284.00	
1 elevator conductor, ½ month, 10 days, at $720 per annum	50.00	
1 elevator conductor, 5 days, at $720 per annum	10.00	
8 messengers, 1 year, at $660 per annum	5,280.00	
1 messenger, 7½ months, 11 days, at $660 per annum	432.67	
1 foreman laborer, 1 year, at $600 per annum	600.00	
12 unskilled laborers, 1 year, at $600 per annum	7,200.00	

Employees—Continued.

1 unskilled laborer, 11 months, 8 days, at $600 per annum	$563.33	
1 unskilled laborer, 7½ months, at $600 per annum	375.00	
1 unskilled laborer, 4 months, 7 days, at $600 per annum	211.67	
13 messenger boys, 1 year, at $480 per annum	6,240.00	
3 messenger boys, 6 months, at $420 per annum, and 6 months, at $480 per annum	1,350.00	
1 messenger boy, 9 months, at $420 per annum, and 3 months, at $480 per annum	435.00	
1 messenger boy, 10½ months, at $420 per annum, and 1½ months, at $480 per annum	427.50	
1 messenger boy, 7 months, 2 days, at $480 per annum	282.67	
7 messenger boys, 1 year, at $420 per annum	2,940.00	
1 messenger boy, 11½ months, 9 days, at $420 per annum	413.00	
1 messenger boy, 9 months, at $420 per annum	315.00	
1 messenger boy, 8 months, 13 days, at $420 per annum	295.17	
1 messenger boy, 8 months, at $420 per annum	280.00	
1 messenger boy, 7 months, 8 days, at $420 per annum	254.33	
1 messenger boy, 6½ months, 11 days, at $420 per annum	240.33	
1 messenger boy, 6 months, 4 days, at $420 per annum	214.67	
1 messenger boy, 5 months, at $420 per annum	175.00	
1 messenger boy, 4 months, at $420 per annum	140.00	
1 messenger boy, 3 months, 9 days, at $420 per annum	115.50	
1 messenger boy, 2½ months, 2 days, at $420 per annum	89.83	
1 messenger boy, ½ month, 6 days, at $420 per annum	24.50	
11 unskilled laborers, 1 year, at $240 per annum	2,640.00	
2 unskilled laborers, 11½ months, 14 days, at $240 per annum	478.66	
1 unskilled laborer, 11½ months, 11½ days, at $240 per annum	237.66	
1 unskilled laborer, 9 months, 12 days, at $240 per annum	188.00	
2 unskilled laborers, 1 month, 14 days, at $240 per annum	58.68	
2 unskilled laborers, 1 month, at $240 per annum	40.00	
1 temporary inspector, 1½ months, at $1,380 per annum	172.50	
1 temporary under clerk, 1½ months, 11 days, at $1,020 per annum	158.67	
1 temporary under clerk, ½ month, 4 days, at $1,020 per annum	53.83	
1 temporary under clerk, ½ month, 2½ days, at $1,020 per annum	49.58	
2 temporary under clerks, 5½ months, 14 days, at $900 per annum	895.00	
1 temporary under clerk, 4½ months, 4 days, at $900 per annum	347.50	
1 temporary under clerk, 3 months, 4 days, at $900 per annum	235.00	
1 temporary under clerk, ½ month, 3 days, at $900 per annum	45.00	
1 temporary watchman, 6 months, at $720 per annum	360.00	
1 temporary watchman, 3½ months, at $720 per annum	210.00	
1 temporary watchman, 1½ months, 14 days, at $720 per annum	118.00	
1 temporary watchman, 1 month, 10 days, at $720 per annum	80.00	
1 temporary watchman, ½ month, 2 days, at $720 per annum	34.00	
1 temporary elevator conductor, ½ month, 8 days, at $720 per annum	46.00	
1 temporary elevator conductor, ½ month, 3 days, at $720 per annum	36.00	
2 temporary skilled laborers, ½ month, 14 days, at $660 per annum	106.34	
1 temporary unskilled laborer, 3 months, at $600 per annum	150.00	
1 temporary employee, 2 months, 6 days, at $50 per month	110.00	
		$578,959.44
Stenography and typewriting:		
421¾ hours, at 40 cents per hour	168.70	
70,733½ pages, at 60 cents per page	42,440.10	
22,150 pages, at 50 cents per page	11,075.00	
30 pages, at 35 cents per page	10.50	
1,870 pages, at 25 cents per page	467.50	
12,699 pages, at 12½ cents per page	1,587.35	
Stenography and typewriting—Continued.		
288 pages, at 10 cents per page	28.80	
234 folios, at 16 cents per folio	37.44	
690 folios, at 15 cents per folio	103.50	
		55,918.89
Traveling expenses		58,555.00
Rent of offices, second, third, fourth, fifth, sixth, seventh, eighth, and ninth floors, one room on first floor, and basement of American Bank Building, 1317 F Street		

NW.; second, third, fourth, fifth, and sixth floors of building 1307–1309 G Street NW.; second, third, and fourth floors, and basement of Epiphany Building, 1311 G Street NW.; one room on eighth floor of Westory Building, Fourteenth and F Streets NW.; second, third, fourth, and fifth floors, and one room on sixth floor of Glover Building, 1419 F Street NW.; basement under premises 1334 F Street NW.; brick building in rear of premises 1338 G Street NW. (this charge includes heating, lighting, elevator, and water service); and two rooms on first floor of 802 South University Avenue, Ann Arbor, Mich		$44,830.22
Desks, chairs, tables, bookcases, and filing cases, typewriters, etc	$10,643.59	
Stationery	8,692.34	
Printing	67.50	
Books and periodicals	2,734.07	
Counsel	2,756.75	
Special services	15,587.40	
Witness fees	371.15	
Telegrams	1,994.13	
Incidental expenses	10,244.18	
		789,354.66

Examination of accounts:

Employees—

1 chief examiner, 1 year, at $5,000 per annum	$5,000.00
2 examiners, 1 year, at $3,000 per annum	6,000.00
1 examiner, 2 months, at $2,700 per annum, and 10 months, at $3,000 per annum	2,950.00
1 examiner, 3 months, at $2,700 per annum, and 4½ months 5 days, at $3,000 per annum	1,841.67
1 examiner, 2 months, at $3,000 per annum	500.00
1 examiner, 1 month, at $3,000 per annum	250.00
1 examiner, 3 months, at $2,400 per annum, and 9 months, at $2,700 per annum	2,625.00
1 examiner, 8 months, at $2,520 per annum, and 4 months, at $2,700 per annum	2,580.00
1 examiner, 3 months 8 days, at $2,700 per annum	735.00
3 examiners, 1 year, at $2,520 per annum	7,560.00
1 examiner, 2 months, at $2,400 per annum, and 10 months, at $2,520 per annum	2,440.00
9 examiners, 1 year, at $2,400 per annum	21,600.00
2 examiners, 8 months, at $2,220 per annum, and 4 months, at $2,400 per annum	4,560.00
2 examiners, 4 months, at $2,100 per annum, and 4 months, at $2,220 per annum, and 4 months, at $2,400 per annum	4,480.00
1 examiner, 5 months, at $2,400 per annum	1,000.00
1 examiner, 3 months, 12 days, at $2,400 per annum	680.00
1 examiner, 2½ months, 12 days, at $2,400 per annum	580.00
1 examiner, 8 months, at $2,100 per annum, and 4 months, at $2,200 per annum	2,140.00
1 examiner, 8 months, at $1,980 per annum, and 4 months, at $2,220 per annum	2,060.00
4 examiners, 1 year, at $2,100 per annum	8,400.00
2 examiners, 4 months, at $1,980 per annum, and 8 months, at $2,100 per annum	4,120.00

Examination of accounts—Con.

Employees—Continued.

1 examiner, 2 months, 14 days, at $2,100 per annum	$431.67
14 examiners, 1 year, at $1,980 per annum	27,720.00
2 examiners, 4 months, at $1,860 per annum, and 8 months, at $1,980 per annum	3,880.00
1 examiner, 8 months, at $1,860 per annum, and 4 months, at $1,980 per annum	1,900.00
1 examiner, 9 months, 8 days, at $1,980 per annum	1,529.00
1 examiner, 1 month, at $1,980 per annum	165.00
24 examiners, 1 year, at $1,860 per annum	44,640.00
1 examiner, 7½ months, 2 days, at $1,860 per annum	1,172.83
1 examiner, ⅓ month, 4 days, at $1,860 per annum	98.17
2 junior clerks, 4 months, at $1,380 per annum, and clerks, 8 months, at $1,620 per annum	3,080.00
1 junior clerk, 8 months, at $1,380 per annum, and clerk, 4 months, at $1,620 per annum	1,460.00
1 clerk, 1 year, at $1,500 per annum	1,500.00
1 clerk, 7½ months, 12 days, at $1,500 per annum	987.50
1 clerk, 7½ months, 9 days, at $1,500 per annum	975.00
1 clerk, 7 months, 10 days, at $1,500 per annum	916.67
1 clerk, 7 months, at $1,500 per annum	875.00
1 clerk, 5½ months, 9 days, at $1,500 per annum	725.00
4 junior clerks, 7 months, at $1,380 per annum	3,220.00
1 junior clerk, 6 months, 11 days, at $1,380 per annum	732.17
1 junior clerk, 1 year, at $1,200 per annum	1,200.00
1 junior clerk, 11½ months, 8 days, at $1,200 per annum	1,176.67
1 under clerk, 1 year, at $1,080 per annum	1,080.00
3 under clerks, 1 year, at $1,020 per annum	3,060.00
1 under clerk, 11½ months, at $1,020 per annum	977.50
1 under clerk, 8½ months, at $1,020 per annum	722.50
1 under clerk, 8 months, 11 days, at $1,020 per annum	711.16
1 under clerk, 8 months, at $1,020 per annum	680.00
1 under clerk, 7 months, 2 days, at $1,020 per annum	600.67
1 under clerk, 3½ months, at $1,020 per annum	297.50
1 under clerk, 3 months, 12 days, at $1,020 per annum	289.00
1 under clerk, 2 months, 9 days, at $1,020 per annum	195.50
1 under clerk, 1¼ months, 1 day, at $1,020 per annum	130.33
1 under clerk, ⅓ month, 10 days, at $1,029 per annum	70.33
1 messenger boy, 1 year, at $480 per annum	480.00
1 messenger boy, 10 months, 12 days, at $420 per annum	364.00

Examination of accounts—Con.			
Employees—Continued.			
1 temporary comptometer operator, 1½ months, 8 days, at $75 per month	$132.50		
1 temporary comptometer operator, ½ month, 3½ days, at $75 per month	46.87		
1 temporary comptometer operator, 1 month, 8 days, at $60 per month	76.00		
2 temporary comptometer operators, 1 month, 12 days, at $50 per month	140.00		
1 temporary comptometer operator, 1 month, 9 days, at $50 per month	65.00		
		$190,605.71	
Traveling expenses		99,919.27	
Incidental expenses		4,411.10	
			$294,936.08
Safety appliance:			
Employees—			
1 attorney, 11 months, 26½ days, at $2,640 per annum	2,616.17		
2 attorneys, 1 year, at $1,740 per annum	3,480.00		
1 attorney, 6 months, at $1,620 per annum, and 6 months, at $1,740 per annum	1,680.00		
1 attorney, 5 months, at $1,740 per annum	725.00		
1 clerk, 5½ months, 20 days, at $1,620 per annum, and 6 months, at $1,740 per annum	1,635.00		
21 inspectors, 1 year, at $1,620 per annum	34,020.00		
1 inspector, 11½ months, 12 days, at $1,620 per annum	1,606.50		
1 inspector, 11 months, 12 days, at $1,620 per annum	1,539.00		
2 inspectors, 8½ months, 9 days, at $1,620 per annum	2,376.00		
1 inspector, 2½ months, 1 day, at $1,620 per annum	342.00		
1 inspector, ½ month, 11 days, at $1,620 per annum	117.00		
1 junior clerk, 1 year, at $1,200 per annum	1,200.00		
1 under clerk, 6 months, at $1,080 per annum, and junior clerk, 6 months, at $1,200 per annum	1,140.00		
1 under clerk, 6 months, 12 days, at $1,020 per annum	544.00		
1 under clerk, 2½ months, 6 days, at $900 per annum	202.50		
1 temporary under clerk, 3½ months, at $900 per annum	262.50		
		53,485.67	
Traveling expenses		53,485.91	
Incidental expenses		1,202.62	
			108,174.20
Locomotive-boiler inspection:			
Employees—			
1 chief inspector, 3 months, 6 days, at $4,000 per annum	1,066.67		
2 assistant chief inspectors, 3 months, 6 days, at $3,000 per annum	1,600.00		
1 junior clerk, 1 month, at $1,320 per annum	110.00		
2 under clerks, 1 month, at $1,020 per annum	170.00		
1 messenger boy, 1 month, at $420 per annum	35.00		
		2,981.67	
Traveling expenses		570.19	
Incidental expenses		2,140.28	
			5,692.14
Block signal and train control			24,763.66
Total amount of expenditures from July 1, 1910, to June 30, 1911			1,296,670.74

The Commerce Court is the only restraining influence upon the Interstate Commerce Commission, and it would be a great mistake to abolish this court. I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 143 strike out all of section 10 and insert in lieu thereof the following, to be known as section 10:

"United States Commerce Court: Expense allowance for judges at rate of $1,500 per annum each, $7,500; clerk, $4,000; deputy clerk, $2,500; marshal, $3,000; deputy marshal, $2,500; for rent of necessary quarters in Washington, D. C., and elsewhere, and furnishing same for the United States Commerce Court; for necessary traveling expenses of the court, its officials and employees; for books, periodicals, stationery, printing, and binding; for pay of bailiffs and all other necessary employees at the seat of government and elsewhere, not otherwise specifically provided for, and for such other miscellaneous expenses as may be approved by the presiding judge, $75,000; in all, $94,500.

"A detailed statement of the expenditure of the appropriations for the United States Commerce Court shall be submitted to Congress at the beginning of each regular session thereof."

Mr. SIMS. Mr. Chairman, I rise to close the debate, and I hope to have the attention of the committee for a few moments. I may not use the six minutes to which I am entitled. I want to call attention to the very frank admission of the distinguished gentleman from New York, who comes here and says that he is in favor of the abolition of the Interstate Commerce Commission.

Mr. LEVY. I did not. I am in favor of the Interstate Commerce Commission.

Mr. SIMS. Then, to abolish its powers and usefulness.

Mr. LEVY. No, sir; but I am not in favor of the gentlemen who are there.

Mr. SIMS. Then the gentleman wants to remove the present commissioners. Now, the gentleman used this language:

I am in favor of the Commerce Court as a restraining influence over the Interstate Commerce Commission.

Mr. LEVY. The present commission.

Mr. SIMS. Then the gentleman's fight is on the distinguished gentlemen who at present compose that commission?

Mr. LEVY. Mostly that; yes.

Mr. SIMS. You want the recall.

Mr. LEVY. Well, I want disinterested and capable commissioners. [Applause.]

Mr. SIMS. Mr. Chairman, I asked that we consider this measure without reference to the much-mooted question of the recall, but I could not prevent the gentleman from New York from injecting it. Now, I want to call attention to the official statement—these are not my words—as to what will be the effect on the orders of the Interstate Commerce Commission if the construction of the law as held by the Commerce Court is sustained. The commission says in its annual report—the last one:

If the Commerce Court is correct in stating that where the facts are admitted it is for that court to determine whether the rate is unreasonable or the discrimination undue, then ninety-nine one hundredths of the orders of this commission can be reviewed upon the question of fact by the court.

If ninety-nine out of every one hundred orders of the commission can be reviewed upon the facts, it is an absolute substitution of the judgment of the court for that of the commission—the judgment and discretion of a judicial body for that of an expert rate-making body.

Mr. MICHAEL E. DRISCOLL. Do not you do the same thing when you send a case back to the district judges throughout the country? Do not you review the questions the same way?

Mr. SIMS. If the district judges should make such a decision as that, as a matter of course it would be the same in effect; but I am telling you, whenever you claim that this court is acting more favorably on the commission's orders than the circuit courts did before it was established, in refutation of that statement I am giving you the language of the commission itself, which is better qualified to judge of the effect of the court's decisions on its orders than anybody else. Now, what has this court done? I did not discuss this phase when I had the floor before, because I am opposed to creating a special expert court, all special courts, especially a special expert court of first instance, when in the very nature of things there can not be a special expert court of last resort. Here is what the commission says as to the decisions of the Commerce Court since its existence, or up to the date the report was filed:

As shown by the last annual report of the Interstate Commerce Commission, out of 27 cases passed on by the Commerce Court since its creation, February 15, 1911, to December 4, the date of said

report, preliminary restraining orders or final decrees have been issued in favor of the railroads in all but 7 cases, and only 3 of the 7 were of any magnitude; and in but 3 cases of any consequence where the commission and the shippers have been opposed to the railroads have the orders of the commission been sustained, even temporarily, by the refusal to grant a temporary restraining order.

Now, the gentleman from Minnesota [Mr. STEVENS] talks about this being a good thing for the poor shippers, and then admits that not more than five cases out of every hundred are brought by shippers, rich or poor. I want to know where the poor shippers can get less comfort than out of the record of the decisions by this court in the first year of its existence?

Mr. MICHAEL E. DRISCOLL. If the Commerce Court had sustained nearly all of the orders of the commission, would the gentleman be here to-day trying to abolish that court?

Mr. SIMS. Yes; because it is a one-sided court, and can only be invoked by those who are in antagonism to the commission.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. SIMS] has expired. All time has expired.

Mr. STEVENS of Minnesota. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting some certain views.

The CHAIRMAN. The gentleman from Minnesota [Mr. STEVENS] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Without objection, leave is granted to the gentleman from Wisconsin [Mr. LENROOT], the gentleman from Iowa [Mr. GOOD], the gentleman from Maryland [Mr. COVINGTON], the gentleman from Illinois [Mr. MANN], and the gentleman from New York [Mr. MICHAEL E. DRISCOLL], and the other gentleman from New York [Mr. LEVY] to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. LA FOLLETTE. Mr. Chairman, the gentleman from Tennessee promised me five minutes of time, which I did not get. I would like to ask unanimous consent to extend my remarks in the RECORD.

Mr. SIMS. I beg the gentleman's pardon. I did promise him five minutes, and I forgot it.

The CHAIRMAN. The gentleman from Washington [Mr. LA FOLLETTE] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The question now is on the adoption of the amendment offered by the gentleman from New York [Mr. LEVY] in the nature of a substitute.

The question was taken, and the substitute was rejected.

Mr. STEVENS of Minnesota. The gentleman from New York [Mr. MICHAEL E. DRISCOLL] moved to strike out a section.

The CHAIRMAN. It is not here at the desk. The Chair will recognize the gentleman from New York [Mr. MICHAEL E. DRISCOLL].

Mr. MICHAEL E. DRISCOLL. I move to strike out section 10.

The CHAIRMAN. The gentleman from New York moves that section 10 be stricken out of the bill.

The question is on the amendment of the gentleman from New York.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MICHAEL E. DRISCOLL. Division, Mr. Chairman.

The committee divided; and there were—ayes 49, noes 120.

So the amendment was rejected.

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] is not present, and the Chair will recognize the gentleman from California [Mr. RAKER] to offer an amendment.

Mr. RAKER. Mr. Chairman, could we not have an agreement upon this amendment relating to the mints and assay offices, the same as upon the matter which has just been disposed of?

Mr. BARTLETT. Mr. Chairman——

The CHAIRMAN. Does the gentleman from California [Mr. RAKER] yield to the gentleman from Georgia?

Mr. RAKER. I do.

Mr. BARTLETT. I desire to know what is before the committee.

The CHAIRMAN. The gentleman from California [Mr. RAKER] is recognized to offer an amendment.

Mr. BARTLETT. Mr. Chairman, let us have the amendment before we can make any agreement.

The CHAIRMAN. The point of order made by the gentleman from Georgia [Mr. BARTLETT] is correct. The gentleman from California will send his amendment to the desk and have it read.

Mr. MANN. Mr. Chairman, will it not be necessary, by unanimous consent, to pass over matters that are undisposed of on pages 32 and 33?

Mr. BARTLETT. What is the suggestion made by the gentleman?

The CHAIRMAN. The Chair will state to the gentleman from Illinois [Mr. MANN] that these sections of the bill were passed. The gentleman in charge of the bill did not see proper to take up one of the sections passed, and therefore the Chair recognized the gentleman who had an amendment.

Mr. MANN. Naturally, I take it we went back in the beginning and took up those that were passed in order. However, I made the inquiry in order to hold the committee for a moment until the gentleman from South Carolina [Mr. JOHNSON] came in.

The CHAIRMAN. The Chair will state that it was in order to take up any of these sections that were passed, and as no other motion was made, the Chair recognizes the gentleman from California [Mr. RAKER] to offer an amendment. The Clerk will report the amendment.

Mr. MANN. I suggest we go back to the beginning and take the paragraphs up in the regular order.

Mr. RAKER. This matter is up now, and I ask that we go ahead.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from California.

The Clerk read as follows:

Strike out, on page 62 of the bill, all of lines 13 to 21, inclusive.

Mr. JOHNSON of South Carolina. I would like to have the amendment stated again.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. JOHNSON of South Carolina. Mr. Chairman, before we have the debate on that amendment, I would like to know if we can agree upon some time.

Mr. RAKER. I was going to make this suggestion: Could we not agree upon some time and discuss the entire matter, commencing at page 62, down to and including the bottom of page 64, and permit amendments to be made by the Members as they are recognized, and then at the end of that time vote upon all the amendments that have been submitted? I have a general amendment covering the whole subject, but prefer to give these other gentlemen a chance to offer amendments relating to their States. This has been understood among us who are interested.

Mr. JOHNSON of South Carolina. Oh, no. I think we had better dispose of this paragraph, because this is an important paragraph in the bill.

Mr. RAKER. I think there are five or six gentlemen who would like to be heard. They want to make amendments or a substitute, and we could then dispose of it all at once. I think we ought to have an hour. Could not we agree to an hour on each side, or to give us an hour and you take 30 minutes?

Mr. FITZGERALD. The time has to be equally divided.

Mr. RAKER. Do you not think we could get through with this proposition in an hour and a half?

Mr. JOHNSON of South Carolina. Yes; I think so.

Mr. RAKER. That would run us until 4 o'clock, and there are other items in the bill which must be discussed.

Mr. JOHNSON of South Carolina. I think we could agree to an hour and a half.

Mr. GILLETT. I would like to know what right the two gentlemen have to decide.

Mr. JOHNSON of South Carolina. We are not deciding anything. We are trying to find something on which we can agree.

Mr. GILLETT. I understood that the various persons interested in this had agreed upon a person who should represent them, and that person was not the gentleman from California.

Mr. RAKER. You are entirely mistaken in that. My district, my people, and my State are vitally interested, and no man in this House is more interested than I. The gentlemen have agreed that I should make this motion for all the Members interested in this matter. The Chairman has recognized me to make the first motion, and that right will be used by me. I permit no man to do my duty. This is more than a local matter. The great mining interests and the miner are interested, and I shall stand for them. I am a Representative from California, and her interests I will protect.

Mr. GILLETT. I was told differently.

Mr. RAKER. You are laboring under a misunderstanding. Your informant is not talking within the facts. I have been giving this my personal attention and know. Who told you?

Mr. MANN. I have no objection to voting to close debate on all amendments at a certain time, but I shall object to a division of time in reference to it.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] objects to the request of the gentleman from California [Mr. RAKER]. This debate will proceed by unanimous consent, and the gentleman from California [Mr. RAKER] will be recognized.

Mr. BARTLETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. Is a motion to have an hour and a half of debate in order?

The CHAIRMAN. After there has been debate on the paragraph it will be in order.

Mr. BARTLETT. It has been somewhat discussed already, Mr. Chairman.

The CHAIRMAN. The Chairman does not recognize this as a discussion on the paragraph.

Mr. BARTLETT. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. JOHNSON], if he wants to make a motion.

Mr. JOHNSON of South Carolina. I desire, Mr. Chairman, to ask unanimous consent that all debate on this paragraph close in one hour.

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that all debate on this paragraph close in one hour. Is there objection?

Mr. HUMPHREY of Washington. Reserving the right to object——

Mr. MANN. I would like to ask whether that covers amendments or not?

The CHAIRMAN. Does the gentleman from South Carolina desire that his request shall cover amendments to the paragraph?

Mr. JOHNSON of South Carolina. That all debate upon this paragraph and amendments thereto shall close in one hour.

The CHAIRMAN. The gentleman modifies his request. It is that all debate on this paragraph and amendments thereto close in one hour. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Chairman, there are a number of gentlemen here who will want to offer amendments to this paragraph, and some of them have indicated that they want to have something to say in regard to their amendments. It may be that we can not all have a fair chance to be heard in one hour. I have no objection if I can offer my amendment and speak five minutes.

Mr. FITZGERALD. Is the gentleman's amendment to this paragraph?

Mr. MOORE of Pennsylvania. It relates to coinage.

Mr. FITZGERALD. That is not this paragraph at all.

Mr. GARNER. Regular order, Mr. Chairman!

The CHAIRMAN. The regular order is demanded. Without objection, the gentleman from California [Mr. RAKER] is recognized and will proceed with the debate.

Mr. FITZGERALD. Who objected?

The CHAIRMAN. A gentleman demanded the regular order.

Mr. FITZGERALD. Who was he? I do not think anybody demanded the regular order.

The CHAIRMAN. The gentleman from Texas [Mr. GARNER] demanded the regular order.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. I desire to know if the amendment now pending relates to the mints and assay offices only?

Mr. GARNER. Mr. Chairman, I withdraw my demand for the regular order.

The CHAIRMAN. The gentleman from Texas [Mr. GARNER] withdraws his demand for the regular order.

Mr. MANN. Mr. Chairman, may I make an inquiry touching the unanimous consent, whether the amendments which the gentlemen desire to offer—in the main, at least—are to this paragraph, or whether they depend upon this paragraph going out and the amendments being offered subsequently in the bill?

Mr. MOORE of Pennsylvania. My amendment applies when we reach page 64.

Mr. RAKER. Mr. Chairman, I would like to make a statement before the motion is made. This paragraph on page 62, extending from line 13 to line 21, both inclusive, amends by repealing the law relating to mints and assay offices. There are eight assay offices and three mints affected. Could we not have an hour or two hours in which the proposed abolition of these mints and assay offices may be discussed in its main features? Can we not limit debate to two hours, say, and then let amendments come up upon the other matter?

Mr. GARNER. One hour is enough.

Mr. MANN. I suggest to the gentleman from California [Mr. RAKER] to make it 1 hour and 15 minutes.

Mr. RAKER. An hour and a half. I will consent to that. Mr. Chairman, I ask unanimous consent that this paragraph may be discussed for an hour and a half.

The CHAIRMAN. Does the gentleman mean on this paragraph, or the subject matter relating to mints and assay offices?

Mr. RAKER. On the subject matter of the amendment made by me, and which is now pending, to strike out lines 13 to 21, both inclusive, page 62 of the bill.

Mr. FITZGERALD. Mr. Chairman, we can not consent to an hour on this paragraph.

The CHAIRMAN. Objection is made.

Mr. RAKER. Make it 1 hour and 15 minutes on this subject matter.

Mr. FITZGERALD. All right. Let it be 1 hour and 15 minutes.

Mr. CANNON. Mr. Chairman, it seems to me we could proceed under the rules of the House touching five-minute debate and close the debate in less time than would be taken by an hour and a half of debate on this single paragraph.

Mr. GARNER. Regular order, Mr. Chairman.

The CHAIRMAN. The regular order is demanded. The gentleman from California [Mr. RAKER] is recognized.

Mr. RAKER. Mr. Chairman and gentlemen, I have not heretofore taken up any of your time upon this mint question, nor upon any other matters in this bill, so that I think I might at least have the opportunity to put the matter fairly before you. I will ask unanimous consent, Mr. Chairman, that I may proceed for 15 minutes.

SEVERAL MEMBERS. Regular order!

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for 15 minutes. Is there objection?

Mr. MANN. I will be compelled to object to anybody taking more than five minutes.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. RAKER. Mr. Chairman and gentlemen, the proposed amendment strikes out of the bill, page 62, lines 13 to 21, both inclusive, which read as follows:

All laws or parts of laws authorizing the establishment of coinage mints at San Francisco, Cal.; New Orleans, La.; and Carson, Nev.; and assay offices at Boise, Idaho; Charlotte, N. C.; Deadwood, S. Dak.; Helena, Mont.; Seattle, Wash.; and Salt Lake, Utah, are repealed, to take effect July 1, 1912; but nothing herein shall be construed as abolishing or prohibiting the maintenance of an assay office at San Francisco, Cal.

My first intention was to make the amendment by striking out lines 13 to 21, page 62, and inserting the provisions of the bill introduced by me on April 25, 1912, but this amendment now made will dispose of the entire question and likewise permit of amendment by including the appropriations. That bill is as follows:

Strike out all of lines 13 to 21, both inclusive, on page 62, and substitute the following:

"Mint at San Francisco, Cal.; Superintendent, $4,500; assayer, melter and refiner, and coiner, at $3,000 each; chief clerk and cashier, at $2,500 each; bookkeeper, $2,000; assistant assayer, $2,200; assistant smelter and refiner and assistant coiner, at $2,000 each; assistant cashier, $1,800; assistant bookkeeper, $1,800; assayer's assistant, $2,000; deposit weigh clerk, $2,000; 1 clerk, $2,000; 1 clerk, $1,800; 6 clerks, at $1,600 each; private secretary, $1,400; 2 clerks, at $1,400 each; 2 clerks, at $1,200 each; in all, $54,300.

"For wages of workmen and other employees, $155,000.

"For incidental and contingent expenses, including new machinery and repairs, exclusive of that required by the refinery, melter and refiner's wastage, and loss on sale of sweeps arising from the manufacture of ingots for coinage, and for wastage and loss on sale of coiners' sweeps, $40,000; in all, $249,300."

The mint at San Francisco, Cal., which this bill is seeking to abolish, was established by act of July 3, 1852. This provision in the bill amounts to a repeal of the law relating to these mints and assay offices, and in particular the San Francisco Mint.

I simply call your attention to one fact: That the mint at San Francisco cost the Government in the neighborhood of $3,130,512.15, a statement found in the Overland Monthly, bound volume 36, pages 559–578. You will find the history of it there. The corner stone was laid May 25, 1870. The building was completed in 1874. It has been running from that time to the present time, and in the last 10 years this mint has been a source of profit to the Government to the extent of $5,000,000, or in that neighborhood, according to the abstract which I present, clean-cut, above all expenses. This table I wish to insert in the RECORD.

Mint of the United States at San Francisco.
EARNINGS AND EXPENDITURES, 1902–1911.

Fiscal year.	Seigniorage on standard silver dollars.	Seigniorage on subsidiary coinage.	Seigniorage on minor coinage.	Charges for foreign coinage.	Charges for Philippine coinage.
1902	$130,887.30	$580,504.15			
1903	609,402.64	220,726.94			$47,000.00
1904	914,103.05	12,891.50			105,805.61
1905		427,543.95		$4,000.00	128,010.36
1906		279,523.84			15,945.93
1907		918,388.82		91,550.03	77,503.37
1908		1,020,075.39			203,187.68
1909		304,530.65	$12,777.43	6,931.70	174,510.39
1910		742,580.66	39,242.50		60,836.81
1911		452,658.26	58,881.67	5,111.08	20,962.40
Total	1,654,392.80	4,959,424.16	110,901.60	107,592.81	833,762.55

Mint of the United States at San Francisco—Continued.
EARNINGS AND EXPENDITURES, 1902–1911—continued.

Fiscal year.	Other charges.	Total receipts.	Total receipts less seigniorage.	Expenditures.
1902	$90,478.00	$801,869.35	$90,478.00	$326,825.50
1903	86,954.33	964,083.91	133,954.33	335,532.73
1904	102,888.28	1,135,688.44	208,693.89	435,177.28
1905	87,524.24	647,078.55	219,534.60	423,284.97
1906	52,482.65	347,952.42	68,428.58	284,673.36
1907	80,392.84	1,167,835.06	249,446.24	395,237.63
1908	99,319.47	1,322,582.54	302,507.15	564,923.69
1909	67,177.29	565,927.46	248,619.38	481,687.94
1910	74,854.30	917,514.27	135,691.11	364,660.73
1911	72,389.97	610,003.38	98,463.45	288,944.04
Total	814,461.37	8,480,535.38	1,755,816.73	3,900,997.92

I also call your attention to the statement made in regard to the cost, which I desire to insert in the RECORD.

Statement in regard to cost.

Branch mint, San Francisco, Cal.	Date of act making the appropriation.	Reference to the Statutes at Large. Volume.	Page.	Section.	Amount of annual appropriation.	Year of expenditure.	Expenditure by warrants.	Repayments.	Amount carried to the surplus fund.	Net expenditures.
For establishing a branch mint at San Francisco	Aug. 31, 1852	10	96	1	$300,000.00	1853	$1,000.02			$1,040.02
	May 31, 1854	10	292	1	40,000.00	1854	333,528.69	$10,000.00		323,528.69
						1855	15,431.29			5,431.29
	Aug. 18, 1856	11	83	1	45,000.00	1857		10,000.00	$10,000.00	
For purchase of a site and erection of a building for the branch mint	July 2, 1856	13	375	1	300,000.00	1866	28.40			28.40
						1867	100,631.40			100,631.40
						1868	11,320.00			11,320.00
						1869	67,962.71			67,962.71
For continuing the erection and for granite and freestone work	Mar. 3, 1869	15	306	1	150,000.00					
	Apr. 12, 1870	16	85	1	150,000.00	1870	315,689.36	27,601.97	45,000.00	288,087.39
For continuing the work on the branch mint	July 15, 1870	16	296	1	500,000.00	1871	392,533.46			392,533.46
	Mar. 3, 1871	16	509	1	500,000.00	1872	177,818.42			177,818.42
	June 10, 1872	17	353	1	160,000.00	1873	450,499.24	67,840.89		382,658.35
	Mar. 3, 1873	17	524	1	238,349.55	1874	589,105.77	11,796.35		577,309.42
	June 23, 1874	18	228	1	235,842.82	1875	176,705.68	35,000.00		141,705.68
For machinery and apparatus for the branch mint						1876	96,869.14	8,000.00		88,869.14
						1877	1,826.92	75.48		1,475.91
						1878		163.66		
						1880		111.87	3,792.09	
For construction of vault for branch mint	Mar. 6, 1882	22	8	1	10,000.00	1882	10,000.00			10,000.00
Total					2,629,192.37		2,740,990.50	170,590.22	58,792.09	2,570,400.28

As to the condition of the mint and the condition of its machinery at the present time, I have a telegram from Mr. Edward Sweeney, the superintendent of the mint, stating that the machinery is in splendid up-to-date condition and of the very best. I desire to insert that telegram in the RECORD.

The telegram is as follows:

SAN FRANCISCO, CAL., *May 4, 1912.*

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.:

Statement that San Francisco Mint is out of date and has not up-to-date machinery and facilities is absolutely untrue. Machinery for coinage, including rolls, presses, cutting machines, automatic weighing machines, reducing machine, annealing furnaces, brightening apparatus, and balances same as in other mints. Automatic weighing machines, reducing machine, brightening apparatus, and additional presses were recently installed. We have during past year made improvements on the rolls, bringing them to a standard of efficiency which it is doubtful any other rolls in the service equal. Report of the work in the coinage department last month on run of gold shows better record than made by this or any other mint of which I have knowledge. This report was forwarded to Mint Bureau May 1. New machinery has been installed as required. We have received this year brightening apparatus of latest design. Equipment here is complete; each machine electrically driven and capable of doing efficient work. As to necessity for maintaining mint, refer you to letter of Director Roberts to Assistant Secretary Andrew, dated February 21, replying to Mr. BURLESON'S inquiry at hearing upon estimates. This states necessity clearly and forcibly.

EDWARD SWEENEY,
Superintendent United States Mint.

The Director of the Mint, Mr. Roberts, makes in substance to me the same statement. This certainly should settle the question as to the conditions of the machinery, and so forth, and the present condition of this mint.

I also have the statement of the Director of the Mint of date February 21, 1911, which shows the necessity for the mint and shows its earnings in the preceding years to have been in the neighborhood of $360,000. I call your attention to the fact that this mint is located in the center of a great mining district—Alaska on the north and the great mining States along the coast—as well as in the direct line of importations from foreign countries. The Director of the Mint in his report says it is important that this mint should be maintained there on account of the importance of imports and exports, so as to equalize money values, and that it would be a detriment to the Government to do away with this mint. While my time is short, I desire to insert this letter in the RECORD, so that it may be read.

The letter is as follows:

FEBRUARY 21, 1911.

DEAR MR. ANDREW: Replying to Mr. BURLESON'S inquiry at your hearings upon the estimates for information as to what changes would have to be made in the estimates to provide for a discontinuance of coinage operations at the San Francisco Mint and for supplying the territory heretofore tributary to that mint from the Denver Mint, I beg to say:

I assume that the inquiry relates only to the possible discontinuance of coinage operations and that Congress will favor keeping the mint open to receive, assay, buy, and refine gold bullion, and to convert the same into bars suitable for the issue of gold certificates under the terms of the act of Congress approved March 2, 1911. The San Francisco Mint is one of the most important gold-receiving offices of the mint service, ranking second last year, with deposits of $60,596,665, while the New York assay office was first with deposits of $73,960,079.81. Both of these offices receive considerable amounts of foreign bullion and coin and are intimately related with our foreign trade. Among the receipts at San Francisco last year was over $5,000,000 in Japanese gold coin, which signifies a movement in settlement of trade balances. The cost at which gold can be moved from foreign countries to an office of the Treasury and converted into money of the United States sets a limit upon the price of exchange, and thus affects indirectly a much larger volume of trade than is affected directly. When the future possibilities of trade upon the Pacific coast is considered, it seems evident that there should always be an office of the Treasury on the Pacific coast where foreign gold can be received at its assay value.

In this connection it should be remembered that all of the cost of refining or in any way preparing gold bullion for coinage or bars is deducted from the value of the bullion when it is purchased, and that the estimates for the support of the mints for the next fiscal year take no account of the mint charges for refining bullion, which will be turned into the general fund of the Treasury as a miscellaneous receipt. The income from bullion deposited at the San Francisco Mint in 1911 was $65,003.30.

The estimates for the San Francisco Mint for the fiscal year 1913 provide for the maintenance of all departments, but with gold coinage on a reduced scale, as contemplated by the act of March 2, 1911. The total amount estimated for the coining department in "Wages of workmen" is $26,000, all of which may be eliminated if no coinage is to be done. An amount estimated by the bureau at $7,000 may also be taken from "Wages of workmen" on account of other departments, making a total reduction of $33,000 in this fund. In the salary list the superintendent of the coining department, at $2,500, and one clerk, at $1,600, may be dropped. The appropriation for contingent expenses may be reduced by $5,000. In all, the estimates for the San Francisco Mint may be reduced $42,000 by suspending coinage operations at that institution.

If, however, the Denver Mint is to supply the silver, nickel, and bronze coinage which in the estimates were allotted to the San Francisco Mint it will be necessary to considerably increase the estimates for the former institution. It is now working with a well-balanced force up to the limit of its capacity for the number of employees, and can not handle more coinage than has already been allotted to it without increasing its force and its expenditures for supplies. It will be observed that of the reductions which may be made at San Francisco only the superintendent of the coining department, a clerk, and possibly one or two foremen belong to the overhead expenditures. All of the rest is for wages of workmen and supplies and can not be reduced without reducing the total coinage of all the mints in a corresponding degree. In other words, there is little to be saved in merely shifting the coinage from San Francisco to Denver, so long as the main organization at San Francisco must be maintained. We must keep the superintendent and the entire force for receiving, melting, assaying, refining, and safeguarding the bullion, including the bookkeeping and clerical force and the care of the building.

The amount of silver, nickel, and bronze coinage contemplated for the San Francisco Mint would not, however, fully occupy the coining department, and possibly would not take more than half its time. It was planned to reduce the force in this department to the lowest effective basis and have it do as much gold coinage as possible, in addition to the small coins. In this connection I think the committee's attention should be directed to the fact that the act of March 2, 1911, does not contemplate a complete suspension of gold coinage. It merely authorizes the Secretary of the Treasury, in his discretion, to issue gold certificates against deposits of gold bullion and foreign gold coin, expressly providing that the amount of gold bullion and foreign gold coin so held "shall not at any time exceed one-third of the total amount of gold certificates at such time outstanding."

On the first day of the current month the total amount of gold certificates outstanding was $1,035,612,369, of which, under the terms of the act, $345,204,123 might be in bullion and foreign gold coin, while all of the rest must be in United States gold coin. The reserve at that date consisted of $935,173,533 in United States coin and $100,438,836 in bullion. It is therefore possible and also desirable to increase the stock of bullion, but as the deposits of gold bullion at all offices of the service during the last fiscal year amounted to $175,383,090.44, it evidently will not be possible to completely suspend the coinage of gold for many years unless a further change in the statutes is made. This is the vital fact to be considered in connection with the proposal to close the coining department of the San Francisco Mint. If the coinage of gold is to be resumed within a comparatively short time, there is no advantage in temporarily closing the coining department of that institution. It may as well continue to do a moderate amount of gold coinage from year to year.

If, however, Congress should decide upon this policy, it is estimated that $18,000 should be added to the "wages of workmen" fund of the Denver Mint, one clerk, at $1,600 a year, to the salary list, and that $2,500 be added to the contingent fund. The difference between these additions to the Denver estimates and the subtraction from the San Francisco estimates would represent the expenditures upon gold coinage if operations were continued at San Francisco.

There are still other features of the case to be considered, to wit:

First. The San Francisco Mint does a considerable amount of coinage for the Philippine Islands. It is now a diminishing quantity, but for the last fiscal year the charges collected amounted to $20,962.40. At the existing express rate on coin from Denver to San Francisco the charges on these coins, if shipped by express from Denver to San Francisco, would have been $7,977.25. While this additional expense would not come out of the United States Treasury, it is entitled to consideration. The Philippine Government would probably find it advantageous to have its coinage done at a foreign mint rather than pay the high inland transportation charges.

The San Francisco Mint was also in receipt last year of $5,111.08 for coinage done for Salvador, which might not have been done in this country if inland transportation charges were added to the cost. The total earnings of the San Francisco Mint last year for coinage done for other countries were $26,073.48.

Second. The average annual coinage of the San Francisco Mint in subsidiary silver coin for the last 10 years has been a little above $1,000,000, all of which has gone into circulation upon the Pacific coast and indicates about the absorption of that region. The cost of transporting $1,000,000 in subsidiary silver coin from the Denver Mint to the San Francisco Subtreasury at the existing express rate would be $9,000. These charges are paid from the appropriation for contingent expenses of the Independent Treasury, and as the estimates for that appropriation were made without contemplating this item, they should be correspondingly increased if the expenditure is to be incurred.

The amount of nickels and bronze cents used on the Pacific coast has in former years been small, but is rapidly increasing. For the last fiscal year the amount of these coins which was delivered at the San Francisco Subtreasury for distribution on the coast if shipped from Denver would have involved express charges aggregating $5,583.50. Altogether the express charges from Denver to San Francisco on last year's coinage for the Philippines and for small coins for the Pacific coast would have amounted to $22,560.75. These computations are made at existing rates. It is probable that some reduction could be obtained upon them if the Treasury was ready to enter into a contract for the carriage of considerable sums over a period of time. It is also to be considered, on the other hand, that the absorption of the small coins on the Pacific coast is likely within a few years to largely exceed the average for the last 10 years.

Finally, it is to be considered that if the coining department is shut down the machinery is likely to deteriorate, and of course the organization of skilled workmen must go. With a full desire to cooperate with the committee in all efforts to eliminate unnecessary expenditures, I am moved to urge that no action be taken in haste that will impose great hardship upon a force of trustworthy and deserving employees. Most of these men have spent years in acquiring skill which makes them valuable to the Government, but the trade is not one in which they can find employment elsewhere, and even if no consideration be given to employees who have handled billions of dollars' worth of treasure with scrupulous fidelity, it will not pay as a matter of common business policy to close the coining department temporarily and scatter a force of men whose integrity and skill have been tested only to reopen it in a short time. Men are not trained for this work anywhere but in the mint service.

The policy of the service has been planned with a view to economy on a permanent basis. The discontinuance of assay offices has been recommended on the ground that there is no longer the occasion for them that originally existed. Changes have been recommended in the mint organizations simplifying them and effecting greater flexibility in the working force. The number of mints has been reduced to three—two of which are conveniently located to receive bullion direct from producers. The Philadelphia Mint, although not directly related to any bullion-producing district, is well located for the manufacture and distribution of the subsidiary and minor coins. The New York Assay Office will receive the gold bullion coming into the country on the Atlantic coast and convert it into bars. It is the policy of the Treasury to fill orders for coin from whichever mint they can be shipped at the lowest transportation charge, whether the charge is paid by the Treasury or consignee. This gives the bulk of the small coinage to the Philadelphia Mint, but an important share goes to the Denver Mint. The San Francisco Mint has a much smaller tributary population, but it is so important an institution in gold receipts and in probable relation to foreign trade with that coast that the bureau has never contemplated closing it and can see no economy in closing one department. With continually increasing demands tributary to it we might expect that there would be constant agitation to resume coinage operations, and that this would eventually be done. In that case nothing would have been gained by the suspension and grave and unnecessary injury would have been done to the employees.

This letter has gone into details in order that the committee may be fully informed as to all the facts which have influenced the policy of the department in making up the estimates.

Respectfully,

GEORGE E. ROBERTS,
Director of the Mint.

I want to call your attention to page 15 of the report of the Director of the Mint, showing that there was coined in San Francisco in 1911 $59,797,120. The entire coinage in the San Francisco Mint since it was established in 1854 has been $1,834,172,558.65. From 1793 down to the present time the mint at Philadelphia has only coined $1,893,825,275.64, an excess of only $59,652,716.99 over the San Francisco Mint, although it has been in existence 61 years longer. The mint at New Orleans from 1838 to 1909 has coined $298,660,707.60. The mint at Denver since its organization in February, 1906, to December 31, 1910, has coined $151,408,500.

Now, with a coinage of over $1,800,000,000 since it was started, with a profit of nearly $5,000,000 to this country in 10 years—1902–1911—with the magnificent building in proper condition, with the machinery latest improved and up to date, I say this mint should be retained. This is the largest mint in the world, as well as being ideally located on the Bay of San Francisco, accessible to all the great mining country. This building stood the earthquake and fire at San Francisco when all the other buildings within the fire limits were either injured or destroyed. This House should not do what the great earthquake and fire of 1906 could and did not do. It would be a legislative crime. This building alone stood the ravages of the fire and the earthquake.

In view of all these facts I ask you, Is it not right and proper that this mint should be retained at this place?

In regard to the necessity for the mint, I desire to call attention to a few statements. First, it is in the center of the great mining district of the Pacific coast; second, it is available to the Alaskan gold fields; third, it is in direct communication with the Orient; fourth, for many other reasons it should not be abolished; fifth, the employees who are faithful and true should not be thrown out after many years of service. It is an historic building. Massive and grand. Built of granite and sandstone. The native sons and daughters implore you not to destroy it. The entire mining population of the Pacific slope join in this request by letters, telegrams, resolutions, as well as personally. In fact there is a universal demand for the retention of this "landmark." The largest mint in the world. Up to date in all respects, and absolutely necessary from every point of view. It is not in the line of economy, but would be extravagance and destruction of property and a material loss to this Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. I ask unanimous consent for five minutes more.

Mr. MANN. Mr. Chairman, reserving the right to object, I will say to the gentleman that we have been notified that the House will stay in session until this bill is passed to-day, and there are a lot of other controverted items in the bill which I think ought to have some hearing. For that reason, I give notice now that I shall object to extensions of time, and I do object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer as a substitute for the pending motion the following amendment.

The CHAIRMAN. The gentleman from Washington offers as a substitute for the amendment offered by the gentleman from California the following, which the Clerk will report.

The Clerk read as follows:

Page 62, commencing at line 13, insert:

"Mint at Carson, Nev.: Assayer in charge, who shall also perform the duties of melter, $2,250; assistant assayer, $1,500; chief clerk, $1,600; clerk, $1,000; in all, $6,350.

"For wages of workmen and other employees, $6,200.

"For incidental and contingent expenses, $3,000.

"Mint at New Orleans, La.: Assayer, who shall have general charge of the institution as under section 3560, Revised Statutes, and who shall be a practical assayer, $2,500; assistant assayer, $1,500; chief clerk, who shall perform the duties of cashier, $1,500; 3 clerks, $1,200 each; assayer's assistant, $1,200; in all, $10,300.

"For wages of workmen and other employees, $7,500.

"For incidental and contingent expenses, $3,500.

"Mint at San Francisco, Cal.: Superintendent, $4,500; assayer, melter and refiner, and coiner, at $3,000 each; chief clerk, and cashier, at $2,500 each; bookkeeper, $2,000; assistant assayer, $2,200; assistant melter and refiner, and assistant coiner, at $2,000 each; assistant cashier, $1,800; assistant bookkeeper, $1,800; assayer's assistant, $2,000; deposit weigh clerk, $2,000; 1 clerk, $2,000; 1 clerk, $1,800; 6 clerks, at $1,600 each; private secretary, $1,400; 2 clerks, at $1,400 each; 2 clerks, at $1,200 each; in all, $54,300.

"For wages of workmen and other employees, $155,000.

"For incidental and contingent expenses, including new machinery and repairs, exclusive of that required for the refinery, melter and refiners' wastage, and loss on sale of sweeps, arising from the manufacture of ingots for coinage, and for wastage and loss on sale of coiners' sweeps, $40,000.

"Assay office at Boise, Idaho: Assayer in charge, who shall also perform the duties of melter, $2,250; assistant assayer, $1,600; chief clerk, who shall also perform the duties of cashier, $1,500; assayer's assistant, $1,500; 1 clerk, $1,200; in all, $8,050.

"For wages of workmen and other employees, $3,540.

"For incidental and contingent expenses, $2,500.

"Assay office at Charlotte, N. C.: Assayer and melter, $1,400.

"For wages of workmen and other clerks and employees, $750.

"For incidental and contingent expenses, $400.

"Assay office at Deadwood, S. Dak.: Assayer in charge, who shall also perform the duties of melter, $2,000; clerk, $1,200; assistant assayer, $1,600; assayer's assistant, $1,400; in all, $6,200.

"For wages of workmen and other employees, $2,300.

"For incidental and contingent expenses, new machinery, etc., $1,500.

"Assay office at Helena, Mont.: Assayer in charge, $2,500; chief clerk, who shall also perform the duties of cashier, $1,800; clerk, $1,600; clerk, $1,400; assistant assayer, $1,700; assayer's assistant, $1,400; in all, $10,400.

"For wages of workmen and other employees, $6,500.

"For incidental and contingent expenses, $3,250.

"Assay office at Seattle, Wash.: Assayer in charge, who shall also perform the duties of melter, $2,750; assistant assayer, $2,000; chief clerk, who shall also perform the duties of cashier, $2,000; 1 clerk, $1,700; 2 clerks, at $1,600 each; clerk, $1,400; in all, $13,050.

"For wages for workmen and other employees, $22,000.

"For incidental and contingent expenses, including rent of building, $6,500.

"Assay office at Salt Lake City, Utah: Assayer in charge, who shall also perform the duties of melter, $2,500; assistant assayer, $1,600; chief clerk, who shall also perform the duties of cashier, $1,600: *Provided*, That the chief clerk shall perform the duties of assayer in charge in his absence; clerk, $1,400; in all, $7,100.

"For wages of workmen and other employees, $4,500.

"For incidental and contingent expenses, $3,500."

Mr. HUMPHREY of Washington. Mr. Chairman, the purpose of offering this amendment is so that the whole matter may be brought before the House at one time. It includes the existing law in reference to these assay offices and mints that have not been appropriated for in the pending bill. The adoption of this amendment will restore all these and give each the appropriation it has in the present law.

I understand that the committee in refusing to make appropriations for these offices have done so upon the ground of economy. I want to call the attention of the committee first to this fact, that these seven assay offices that it is proposed to abolish cost about $100,000 a year, while it costs over $610,000 a year to maintain the mints that are left in the bill. The mint at Philadelphia alone last year cost over $400,000 more than it repaid to the Government. If the committee wants economy, there is the place to go, and not to these assay offices. Under the law passed at the last session of Congress we no longer have to coin all our gold, and the necessity for the mints has largely disappeared, for now gold certificates are issued upon gold bullion. Why not abolish the costly, unnecessary mint and keep the cheap and necessary assay office?

I will speak of the assay office at Seattle and leave other gentleman to speak of other offices. It cost the Government $19,000 last year over and above expenses to conduct the assay of about $12,000,000 worth of gold. It costs $1.25 per thousand to refine this gold at Seattle. It is proposed to take this gold to San Francisco and refine it for nothing, thereby bringing about a great saving to the Government. Just how the committee and the Director of the Mint can figure out how they can save money by doing for nothing at San Francisco what they charge for doing at Seattle is beyond the comprehension of the ordinary mind. There may be reasons for making this change, but economy is not one of them. The office at Seattle was established for the people of Alaska. It was found that this was a more convenient location for the gold of Alaska than if the office was placed in that Territory. If you abolish that office all the gold that comes out of Alaska is compelled to go a thousand miles farther to San Francisco. It must be remembered that all Alaskan gold passes through Seattle. There are no regular lines of steamships running to Alaska from this country except from Puget Sound. Why, then, should not this gold be refined in Seattle, where all of it must come before it can go elsewhere? A new assay office has been established at Vancouver, British Columbia, and if the office at Seattle is abolished it will send much of the gold of Alaska into that country. Since the office at Seattle was established it has received over $200,000,000 in gold. If you abolish that office, within the next 10 years we will probably turn $200,000,000 of Alaskan gold into British Columbia. Can we for the paltry sum of $19,000 per year afford to do this? The Director of the Mint, Mr. Roberts, meets that statement, as I understand, with the assertion that it does not matter, that the money will get to New York anyway.

In this statement he reveals the real reason for wanting to abolish these western offices. He wants to concentrate the gold of this country in New York. If this is a good thing for the country, why does not the director say so, and not pretend that it is economy that influences him in asking the destruction of these offices? Who is benefited by sending Alaska gold to the assay office at San Francisco? The Wells, Fargo Co. carries the gold from Alaska to San Francisco, and the Selby Smelting Co. refines the most of it after it gets there. Then the Wells, Fargo Co. carries it back to Seattle or to Denver. The express company and the refining company are all one and the same company. They are all included in what is known as the Guggenheim interests, and I do not say that in a prejudiced or antagonistic spirit. I simply state the fact. And these interests are the only ones on the Pacific coast that will benefit by the abolition of the assay office at Seattle.

Its destruction will not decrease the expenditures of the Government. It will injure the gold producer of Alaska. It will tend to send the money to Vancouver. It will injure the business interests of the great Northwest. This Nation ought not to throw its influence against the Northwest States in this manner and in favor of British Columbia, and I do not believe that Congress will do it.

I trust that the motion I have submitted as a substitute will prevail, because it will be a futile thing for the House to refuse to appropriate for these offices. We may strike it out here. It will go to the other end of the Capitol and there be reinserted. Some Members here may be able to make a little political capital for themselves, but it will be at the expense of some of the other Members of the House. I do not think that anyone doubts that as the bill is finally passed these offices will be restored. Then why not do it here instead of in the Senate?

All this supposed showing that abolishing these offices is in the interest of economy is simply one of bookkeeping and not of fact. This Government can not save money by doing at the mints for nothing what it compels the gold producer to pay for having done at the assay offices. The object in abolishing the assay offices is not one of economy, but to concentrate the gold of this country at certain points in favor of certain interests. This may be a good thing, but if so, the department has not shown it. Let the Director of the Mint give to us his real reason instead of coming here with his pretense of economy.

As it is impossible in five minutes to go thoroughly into the discussion of this matter, I will insert some editorials, resolutions, and other communications I have received that will show the attitude of the commercial bodies, the press, and the people upon the subject.

The matter referred to is as follows:

[Editorial from the Seattle Post-Intelligencer of Apr. 25 last.]

SAVE THE ASSAY OFFICE.

Seattle should awake to the importance of holding the assay office here. It is of importance not alone to Seattle, but to the Pacific coast and the intermountain section. A majority of the House Appropriations Committee favors the abolition of the office, and if money for its support be not forthcoming it will cease to exist at the close of the fiscal year, June 30.

Canada supports an assay office at Vancouver, and the twenty-odd millions of gold now coming here for refining purposes would be diverted to that port and into private channels.

A pending proposition to abolish the San Francisco Mint indicates a disposition at Washington to remove every agency on this coast for the deposit of bullion.

Seattle was chosen as the site of an assay office in 1898 because of its situation as the supply point of the Alaskan gold fields, and the logic prevailing then is all the stronger now. But a Democratic Congress, practicing much short-sighted economy as the campaign approaches, is not likely to see the folly of the action affecting this territory unless Seattle and the entire coast enter a prompt and emphatic protest, based upon the facts and demands of the situation.

The chamber of commerce presents the case convincingly in a statement printed to-day, and the advice of President Lowman should be acted upon promptly and vigorously.

[Editorial from the Seattle Daily Times, May 3, 1912.]

"PENNY WISDOM" AND THE ASSAY OFFICE.

Congress, in its wave of economy, has shown itself to be decidedly penny-wise. The Committee on Appropriations seeks at one fell swoop to abolish the mints at San Francisco, Carson, and New Orleans, like-

wise to destroy the assay offices at Seattle, Boise, Helena, Deadwood, Salt Lake, and Charlotte, N. C.; to disable permanently the newly created Commerce Court; to reduce the salary of the Secretary of the President from $7,500 to $6,000 a year; and to discontinue the Bureau of Manufactures in the Department of Commerce and Labor.

If there could be the slightest excuse for killing the Seattle assay office, the committee has failed to give it. Instead it has admitted the need for retaining this most useful and valuable adjunct of the Government service.

The admission comes about in a peculiar way. It will be noted that the committee has leveled one of its deadly shafts at the San Francisco mint, and it would seem that by way of reimbursement to the Golden Gate for that injury the committee would have an assay office established there.

So! Then there is necessity for an assay office on the Pacific coast. Every coast man familiar in the least degree with the never-ceasing influx of gold from the mines of the North recognizes that need, and, further, everybody knows that Seattle, the point of arrival and departure of ships in the Alaska trade, is the place where the gold comes.

Hence it is incontestable that Seattle is the logical location for the assay office. Why destroy the institution here in order to establish another in San Francisco? The entire suggestion smacks of a rank political deal in which Seattle is to be plundered in order partially to appease San Francisco for the loss of the mint.

The warfare on the Seattle assay office has continued for months. At first it took the form of prohibitive charges, and now the mask has been torn aside and the true character of the assault disclosed. Seattle is to be robbed in order that San Francisco may be pacified—that is, if Seattle will sit idly by and permit it.

But Seattle will do nothing of the kind. Congress has admitted that an assay office is a necessity. Then why plunder this city? Why rob Peter to pay Paul?

In rebuking the stupid "economy" that would do this thing, and also let the Commerce Court die from lack of funds, Seattle ought also to take notice of the clear intent to embarrass and cripple the Department of Commerce and Labor by withholding the appropriation for the Bureau of Manufactures.

This is the bureau under which Mr. Lovett M. Wood, of Seattle, has done remarkably good work in his tour of the Orient. Other commissioners have been laboring in other parts of the world, all of them intent on an intelligent expansion of American trade. To destroy this branch of the service is worse than idiotic, it is a form of commercial suicide.

There are strange things in Washington, D. C. Two instances are those just cited—the bare-faced attempt to remove the Seattle assay office to San Francisco and the indifference to the needs of a growing commerce. In each case the follies of Congress are striking a hard blow at Seattle.

Prompt work is necessary. Congress ought to be brought to its senses at once.

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[From the Seattle Post-Intelligencer, May 3, 1912.]

KILLING THE ASSAY OFFICE.

The people of this State of Washington, and more particularly the people of Seattle, can arrive at a fair understanding of what Democratic success in the national election next fall would mean to them by considering the action of the Democratic House in seeking to deprive Seattle of its assay office through the expedient of omitting all appropriations for that office from the bill as it passed the House. There is a bare chance that the provision may be restored in the Senate. But it must be remembered that in the Senate there are a considerable number of the so-called progressives who act usually with the Democrats. If the Senate were safely Republican, the provision might be restored. There is only a chance for it now. That chance, of course, can be improved if every friend of Seattle exerts all of the influence which he can command to secure a retention of the provision.

The Democrats are playing politics. They are trying to make a record for economy. They will not follow the pathway pointed out by President Taft through which there could be a permanent reduction of some $12,000,000 a year in the expenditures of the departments at Washington. They prefer such economies as cutting off the appropriation for the support of the efficiency commission which has shown the way through which millions could be saved.

They prefer also such "economies" as cutting off the appropriations for the Seattle assay office through which some thousands of dollars can be saved to the Federal Treasury to the damage of Seattle in hundreds of thousands of dollars and to the laying of heavy additional costs upon the miners of Alaska in selling their gold.

And if the Democrats should control both Houses of Congress and the Presidency more "economies" may be expected such as this one and the further economy of cutting down the appropriations for the protection of the Government forests in this State from fire which has been put into effect.

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MINING MEN'S CLUB,
Spokane, Wash., May 4, 1912.

Hon. W. E. HUMPHREY,
House of Representatives, Washington, D. C.

DEAR SIR: Herewith please find certified copy of resolution which was unanimously adopted at meeting of the Mining Men's Club, protesting against the closing of western mints and assay offices. Your assistance in defeating such a measure will be highly appreciated by the Spokane Mining Men's Club and all western mining sections.

Yours, very truly,
W. W. GIFFORD, *Secretary.*

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Attention of the Spokane Mining Men's Club being called to the recommendation of the Congressional House Committee on Appropriations as reported by the Associated Press May 1–2, 1912, in which it was recommended to abolish the mints at San Francisco, New Orleans, and Carson City, and the assay offices at Boise, Charlotte, Deadwood, Helena, Seattle, and Salt Lake City, the following resolution was unanimously adopted:

Whereas the closing of the mints and assay offices as recommended by the Congressional House Committee on Appropriations of the present Congress will drive the products of the mines to the East for refining and manufacture, will reduce the margin of profit to the producer, discourage manufacture in the West, curtail the use of silver as money, prevent the operation of mines where the margin of profit is already small, discourage the prospector and miner, reduce the mineral production thereby and prevent the extraction of much of the low-grade ore which will become a total loss to the Nation, demoralize western industry and activity, and unfairly discriminate against the West:

Resolved, That the members of this club are opposed to the suggested legislation as to mints and assay offices, and hereby urge the Members of both Houses of Congress to carefully analyze the proposed measure and oppose it in fairness to those sections of the country to be affected and upon the broader principle that it will prove harmful to the Nation.

Adopted by the Mining Men's Club at Spokane, Wash., May 2, 1912.

L. K. ARMSTRONG, *President.*
W. W. GIFFORD, *Secretary.*

—

JUNE 27, 1911.

Hon. FRANKLIN MACVEAGH,
Secretary of the Treasury, Washington, D. C.

MY DEAR MR. SECRETARY: I have been informed that you have directed that the charges at the assay office over and above the mint charges be increased from one-eighth to one-fourth of 1 per cent. It is my understanding that this is done under the authority conferred by section 3524 of the act of June 22, 1874. It appears that this doubling of the charges was made so as to compel Seattle to comply with the provisions of the statute as you interpret it. But it is significant that no attempt is made to compel the other offices to comply with your interpretation of the law. In other words, you propose to compel the Seattle office to bear the expense made necessary by such office, but you intend that the Government shall bear a portion of the expenses made by the other offices in the country.

It seems to me that you penalize the Seattle office because it has done well. You reverse the rule of Holy Writ, and say substantially to the good and faithful servant that "I will take from you the 10 talents and give them to the wicked and slothful servant that has the 1 talent." Seattle is the only office that has ever paid its own expenses, at least of recent years, and now, because it has fallen below this amount, you propose to increase the cost; but why did you not apply this rule to other offices heretofore? A glance at your report will show that it costs less now, and has always cost less, at the assay office in Seattle than at any other in the United States. You either have or have not some discretion in the fixing of these charges. If you have any discretion, why should you place an additional burden upon the Seattle office, when it has always come nearer paying its expenses than any other?

This additional burden means in reality an additional hardship upon the Alaska miner, who will now be compelled after reaching the United States to travel a thousand miles, pay this additional penalty, or sell his gold in a foreign country.

Your attitude, I suggest in all courtesy, is not just, nor do I believe that it is legal. If you feel that the statute must be complied with, then I insist that it shall be enforced against each of the offices and not against Seattle alone. The wording of the statute is "The actual average cost of each mint and assay office" shall be charged against such office and not the average cost of all the offices combined. For illustration, why should the Government pay nine-tenths of the cost of maintaining the office at Charlotte, N. C., and then insist that it would pay no part of the cost of conducting the office at Seattle? I again insist that such discrimination is entirely unwarranted either by the facts or by the law. It does seem to me that it is especially inopportune that this action should be taken just at this time when the people of Alaska, by the stupidity of Congress, the neglect and failure of the departments, and the attitude of the Executive, have already sufficient reason to feel that they have been most grievously treated and neglected.

This order should be vacated; but if you insist on enforcing the law, then I insist that it be enforced without favor and that each office be compelled to bear its own expenses. The ruling that you have made is so unfair to the Seattle office and, in my judgment, so unwarranted under the law that if it is adhered to, much as I should regret it, especially in this time of general distrust and hysteria, I shall feel compelled to introduce in Congress a resolution of inquiry asking as to the reasons for such ruling.

Sincerely, yours,
W. E. HUMPHREY,
Member of Congress.

—

SEATTLE CHAMBER OF COMMERCE,
Seattle, Wash., July 7, 1911.

Hon. WILL E. HUMPHREY,
House of Representatives, Washington, D. C.

MY DEAR MR. HUMPHREY: Referring to telegraphic correspondence regarding the increased charges at the Seattle assay office, I am attaching herewith for your information memorandum that was presented by the officers of the chamber before the conference committee of various organizations called to consider the situation. This probably will contain some exact data and details which you may not have already in your posession.

Yours, very truly,
C. B. YANDELL, *Secretary.*

—

The increase of the minor assay charge from one-eighth to one-fourth of 1 per cent will put the Seattle assay office out of existence. Seattle has found it hard to compete with San Francisco at the differential charge of one-eighth of 1 per cent, which, with changing conditions, such as shipments of bullion by registered mail from Alaska at same rate to either Seattle or San Francisco has gradually diverted more and more of Alaska gold from Seattle to San Francisco. The express rate from Fairbanks to Seattle is $5 per thousand and $5.50 to San Francisco, 50 cents difference, which leaves $2 in favor of San Francisco on express shipments from Fairbanks. The local express rate, Seattle to San Francisco, is $1.50 per thousand; even the local bullion can be sent to San Francisco at a profit to the owner.

It is the desire of the Director of the Mint that all minor assay offices be made self-sustaining, if possible, and for that reason the assay office charge is increased to one-fourth of 1 per cent. If the office could retain its present share of the Alaska output of gold it would be just about self-supporting, and would return to the Government Treasury in charges collected an amount about the same as appropriated yearly by Congress for its maintenance; but as shown above, the increase in charges will not increase the earnings, but will decrease the receipts; in fact, the increased differential charge will prove so great a handicap that there will remain no occasion for the maintenance of an office in Seattle.

The effect on Seattle, if the assay office closed and the Alaska gold goes to San Francisco, will be that the northern trade and banking business will go with it, or the Alaska miner pays an added tax to

get the proceeds of his gold from San Francisco to Seattle, a charge on San Francisco exchange.

The position of the Seattle office is different from the other assay offices; they afford the miner the means of disposing of his gold only; while it also performs the same duty, it also gives him credit where he needs it, where he purchases his supplies.

San Francisco can fulfill the same duties for the Alaska miner, but it is burdening him with an additional 800 miles of transportation on supplies.

If it is the intention to view the operations of minor assay offices not from the standpoint of convenience or stimulus to an industry such as postal service which treats all sections of the country alike regardless of differences in cost of operations in the various localities, nor in the nature of a tariff imposed on the people at large to protect and foster some particular industry, but from a strictly business standpoint of self-support, then it should be extended throughout the whole mint service.

Reviewing the report for the fiscal year, 1910, issued by the Director of the Mint, I notice that neither the New York assay office nor any of the mints are self-supporting, and all operated at a loss, and find that during the year the New York office received fifty-eight and a half millions in bullion its expenditures were $139,000, earnings $49,000, net cost to Government to operate $90,000; the Philadelphia Mint received twenty-four millions in bullion, including twenty millions from Government assay offices; its expenditures were $594,000, earnings $3,756,000; included in these earnings are $3,575,000 seigniorage on subsidiary and minor coins, leaving an actual operating earning of $281,000; a loss to the Government of $313,000 exclusive of profits by seigniorage.

The San Francisco Mint received forty-two and one-half millions in bullion, seven and one-half millions of same coming from Government assay offices; its expenditures were $364,000, and earnings, including $781,000 seigniorage on subsidiary and minor coins, was $917,000; exclusive of the seigniorage the actual operating earnings were $136,000, showing a loss to the Government in operations of $228,000, exclusive of gains on seigniorage.

The Denver Mint received twenty-two million in bullion during the year, including seven and one-half million from Government assay offices; the expenditures were $181,000; the earnings, including $25,000 seigniorage on subsidiary coins, was $99,000; exclusive of seigniorage the actual operating earnings were $74,000, showing a loss to the Government in operations of $107,000 exclusive of gains by seigniorage.

The Seattle office during the year received $12,000,000 in bullion; expended $42,000 and earned $19,000, showing a loss in operations of $23,000. The assay office charge of one-eighth of 1 per cent imposed at Seattle, in addition to the regular mint charges, has always been regarded as a transportation charge to offset the cost of subsequent transportation of bullion from the assay office to the mint for coinage.

At the last session of Congress an act was passed removing the necessity to coin all bullion and foreign gold coin purchased at the various mints and assay offices. The removal of the necessity to coin bullion consequently removes the necessity of sending bullion from the assay office at Seattle to the mint at Denver or San Francisco for coinage, at least for a long time to come, as per the director's report it is shown that there are one and one-half billions of gold coin in the country now—nine hundred and forty millions in the United States Treasury, two hundred and twenty-two millions in national banks, and balance in other banks and in circulation. The gold might just as well be stored in Seattle as San Francisco, Seattle being nearer to its source, and the present differential charge removed.

The retention of the bullion at Seattle and New York assay offices, instead of shipping to the mints as heretofore, as was necessary to be coined in accordance with coinage laws, would effect both a saving in transportation charges to the Government and also reduce the expenses of operations at mints to which same has heretofore been sent. You will notice that, included in receipts of mints mentioned in the foregoing, thirty-five millions was bullion sent to them after being operated on by an assay office; the bulk of this amount came from New York and Seattle—about twenty-eight millions of it.

In event of future transfers of gold by the Government from one institution to another, it can be done as cheaply from Seattle as from San Francisco. In view of the recent act of Congress referred to above, which permits of curtailment in gold coinage, and for the reasons already stated, the Seattle office should be raised to the same classification as that at New York by removing the minor assay-office charge of one-eighth of 1 per cent or one-fourth of 1 per cent, and, if the Government desires the bullion stored at Seattle to be in the shape of fine bars as a medium of exchange rather than in unparted bars, as at present, this can be accomplished by adding a refinery to the present plant.

Charges imposed at mints and assay offices are fixed from time to time by the Director of the Mint, with the concurrence of the Secretary of the Treasury, as provided by section 3524 of the Revised Statutes.

This agitation for a mint should be stopped at once, as it only weakens our position and jeopardizes our chances of getting anything at all. If anything is to be asked for in addition to present plant, ask for a refinery; that would give Seattle an institution similar to New York. An additional mint is unnecessary, for the following reasons: The country already has enough mints to coin all the bullion that will be presented for purchase; the recent act of Congress, already referred to, permits of coinage only when necessary. As above stated, there is one and one-half billions of gold coin in the country; above one billion of this is in Government Treasury, a quarter billion in national banks, and the balance in other banks and in circulation. Comparing the amount in circulation with that in national banks and United States Treasury, it will be seen that further coinage of gold coin will not be necessary for a long time. Then the demand for paper money is increasing, which means less coin for circulation. It would seem that eventually the Government will become the depository of the Nation's metallic wealth, using gold certificates against it instead of gold coin. All this tends to curtail operations at Government institutions as to gold coin; subsidiary and minor coin, medals, etc., will continue to be made, but fine gold bars will take the place of gold coin as a medium of exchange. Fine gold bars are manufactured in a refinery, as at New York, and it is not necessary to have the full mint equipment to make same.

Assay office at Carson	$15,550
Assay office at Salt Lake	15,100
Assay office at Boise	14,090
Assay office at Deadwood	10,000
Assay office at Charlotte, N. C	2,900
Total for mints and assay offices	1,093,840
Bureau of the Mint	34,280
Transportation charges on bullion and coin between mints and assay offices	50,000
Total for mint service	1,178,120

It does not cost the Government the full amount appropriated to maintain the mint service, as there is a material refund to the Treasury by the earnings of the various institutions.

Reference to the following table will show that the institution maintained at the greatest net cost to the Government is the mint at Philadelphia.

Operations for the fiscal year ended June 30, 1910 (last report received).

PHILADELPHIA MINT.

Received twenty-four millions of gold bullion; twenty millions of this amount came from United States assay offices.

Expenditures		$594,000
Earnings	$3,756,000	
Seignorage, included in above	3,575,000	
Actual earnings	181,000	
Net cost to Government		$413,000

SAN FRANCISCO MINT.

Received forty-two and one-half millions in bullion, seven and one-half millions of this coming from United States assay offices.

Expenditures		$364,000
Earnings	$917,000	
Seignorage, included in above	781,000	
Actual earnings	136,000	
Net cost to Government		228,000

DENVER MINT.

Received twenty-two millions in bullion, seven and one-half millions of this coming from United States assay offices.

Expenditures		$181,000
Earnings	$99,000	
Seignorage, included in above	25,000	
Net earnings	74,000	
Net cost to Government		107,000

NEW YORK ASSAY OFFICE.

Received fifty-eight and one-half millions of bullion.

Expenditures		$139,000
Earnings	49,000	
Net cost to Government		90,000

SEATTLE ASSAY OFFICE.

Received twelve millions in bullion.

Expenditures		$42,000
Earnings	19,000	
Net cost to Government		23,000
Actual cost for maintenance		861,000

The mint at San Francisco is located in a mining district, and during the fiscal year 1910 received $35,000,000 in gold bullion from producers, as already shown. The mint at Denver is also located in a mining district, and during the year 1910 received $14,500,000 in gold bullion from producers. The mint at Philadelphia is not located in a mining district, and during the same period received only $4,000,000 in gold bullion in original deposits. The mints at San Francisco and Denver afford producers a means of disposing of their product and receiving quick returns, a very necessary thing when proceeds are required for pay rolls, etc.

The Philadelphia Mint does not help the mining industry, is only eighty-odd miles from New York Assay Office, which meets the eastern needs, and the cost for its maintenance, $400,000 annually, equals the combined cost of maintaining the mints at San Francisco and Denver and the assay office at New York. The eight assay offices that it is proposed to discontinue afford the same privileges and meet the needs of the mining industry in their respective zones, as do the mints at San Francisco and Denver. The net cost to the Government to maintain these eight assay offices, which it is desired to discontinue, is slightly in excess of $100,000 per annum, one-fourth the cost to maintain the Philadelphia Mint.

The principal gold-producing districts in this country are California, Colorado, Alaska, and Nevada. The first three produce about $20,000,000 each annually in gold and Nevada about $15,000,000. The other gold-producing sections of importance are South Dakota, Utah, Montana, Arizona, and Idaho, in the order named, varying from one and a half to six million dollars in gold annually. These, at present, are all provided with Government institutions for the purchase of their gold output except Arizona. The product of Arizona is of a character such as requires custom smelter and refinery treatment for extraction before it is suitable for purchase by the Government, so that an assay office is not necessary.

California has a purchasing institution in the mint at San Francisco; Colorado a mint at Denver; Nevada an assay office at Carson; South Dakota, assay office at Deadwood; Utah, assay office at Salt Lake City; Montana, assay office at Helena; Idaho, assay office at Boise; and Alaska, assay office at Seattle. Owing to the widely separated mining districts in Alaska it was impossible to locate a Government assay office for the purchase of gold in Alaska, and as Seattle is the natural supply point for Alaska and therefore the place where the credits for proceeds of bullion shipments are required for payment for its supplies, that point was naturally selected for an assay office site as the most advantageous for Alaska needs. Even with the assay office at Seattle, the Alaska gold has not been marketed as cheaply as elsewhere, for ever since the installation of the Seattle office the Government has imposed there an extra charge of $1.25 per thousand dollars on bullion purchases, which is not imposed at any United States mint, nor at the New York Assay Office. This, with large express charges on bullion from Alaska, varying from $4 to $10 per thousand dollars, entails a heavy burden on Alaska mining operations. It would seem in view of the high express rates from Alaska the Government should remove the extra charge of $1.25 per thousand dollars now imposed at the Seattle office, and thus, as much as possible, relieve the Alaska miner of part of the expense of disposing of his product; this would be granting only the same privilege to the Alaska producer as is now afforded the producers in California and Colorado, where the extra charge is not imposed. It is true this extra charge is imposed at all the other assay

offices except New York, but they are all located near their respective mining districts and the cost of transportation to the producer is small as compared to that on the Alaska gold. From the viewpoint of economy in the mint service, solely, it would appear more reasonable to discontinue or curtail the coining operations at the various mints in the service, for which there is little need, rather than discontinue the various assay offices for which there is a decided use.

As already shown, it costs the Government $400,000 annually—about one-half the total expenditure for mints and assay offices—to maintain the Philadelphia institution, whose sole use is for coinage; about the same amount to maintain the New York Assay Office and the mints at San Francisco and Denver, and about one-fourth the amount to maintain all the assay offices it is now desired to discontinue and which serve the various mining districts not taken care of by the San Francisco and Denver institutions.

There is at present $1,500,000,000 gold coin in this country, of which $1,000,000,000 is in the United States Treasury, $250,000,000 in national banks, and $250,000,000 in other banks and in circulation. This vast amount will meet all demands for a long time to come. Further, an act passed by Congress last March removed the necessity for coining all bullion and foreign gold coin purchased at Government institutions, permitting the issuance of gold certificates instead of gold coin for the payments of such purchases. This greatly decreased the need of mints for coinage purposes solely. Prior to the amendment to the coinage law it was necessary to coin all gold bullion and gold coin purchased at Government institutions, whether coin was needed or not, which created work for coinage mints that was not only an unnecessary expense, but at times undesirable, as bars and not coin were wanted for business transactions. This amendment really limits the present necessary coining operations in the Government institutions to silver and minor coins; and as there are three fully equipped coinage mints in this country—San Francisco, Denver, and Philadelphia—there are more than enough. As already stated, the San Francisco and Denver institutions are located in mining districts and are useful for purposes other than coinage.

It is stated that the Secretary of the Treasury contemplates discontinuing refining operations in the mint service. If this is for the sake of curtailing Government expenditures, it is a mistaken idea of economy, and the Government is unwittingly playing into the hands of custom smelters and refineries. By conducting refinery plants in connection with the various gold-purchasing institutions, the Government has afforded the producer opportunity to dispose of his product at reasonable refining rates. The discontinuance of refinery operations at Government institutions would limit the purchases at these institutions to refined bullion only, which would mean that every ounce of gold mined in this country would have to go first to a private refinery for treatment before it was suitable for purchase by the Government, and the producer would have to pay the private refinery whatever charge it might see fit to impose.

Mr. ESTOPINAL. Mr. Chairman, operations of the mint at New Orleans were suspended from June 1, 1910, two years ago; but it was definitely provided that it should be continued as an assay office in the following language:

> The New Orleans Mint will henceforth be conducted as an assay office, with an estimated expenditure for the next fiscal year of $18,300, which is a reduction of $120,000 from the appropriation for the fiscal year 1910.

The proposition to close this office at this time is an injustice to the city of New Orleans and will be a handicap to the business interests in their efforts to secure their share of the trade with Latin-American countries.

As is well known, efforts are being made to reorganize the finances of various South American Republics on a gold basis, and New Orleans business men are making efforts to attract even a larger share of gold shipments to that port than they are now receiving; and this consequently should appeal to Congress to not disturb conditions that look favorable by closing the assay office now.

The maintenance of this office will not benefit New Orleans only, but the whole South. The bullion received at the New Orleans Mint comes principally from South and Central America; is melted, assayed, and paid for there, saving the depositors much time and the cost of transportation to either Philadelphia, Denver, or New York, and it would be economical to install a plant for the purpose of refining gold bullion there and storing the fine bars, thus saving the expense of transportation to the eastern mints.

The receipts of gold and silver bullion at the New Orleans assay office during the last 12 months amounted to $1,600,000, or about $500,000 in excess of the preceding 12 months, and there is every reason to expect that a proportionate increase at least will be kept up.

Mr. GILLETT. Mr. Chairman, if the House does not wish to follow the views of the committee, its obvious duty is to adopt the amendment offered by the gentleman from Washington [Mr. HUMPHREY] and not the amendment of the gentleman from California, because the amendment of the gentleman from California simply strikes out the provision of the committee and leaves nothing in its place, while the amendment of the gentleman from Washington substitutes the existing law.

This question of the mint and assay offices is not a new question. The Treasury Department for many years has urged upon Congress that they were unnecessary and extravagant. It has been brought into this House several times. The committee may remember that last year the House struck out one assay office, reduced it by one. All we ventured to do was to attack the problem of the superfluous offices one by one and reduce them in that way. I admire the courage of the present majority of the Appropriations Committee in daring to strike at the whole problem at once and follow the recommendations of the Treasury Department, striking out all of these superfluous offices.

Mr. KNOWLAND. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. KNOWLAND. In speaking of the recommendation of the Treasury Department the gentleman does not refer to any recommendation to abolish the San Francisco Mint?

Mr. GILLETT. Yes; the Assistant Secretary of the Treasury recommended that this ought to go out.

Mr. KNOWLAND. The San Francisco Mint?

Mr. GILLETT. I think so; I think he did. If I personally had to arrange this provision I should have arranged it a little different as to the mints and left San Francisco and dropped Denver. At the same time, I think this step is so desirable, I think the courage of the committee is so commendable, and the economy which is produced is so advantageous to the Government, that I shall vote for this proposition, even if it is not exactly as I would have framed it.

There is no time in five minutes, of course, to discuss the details in it, but the Treasury Department is on record as in favor of this provision by the committee. They say that these offices are superfluous, and it seems to me that if this House really desires economy, if it does not wish to keep them for the sake of local advantage of Members here and there, who of course all dislike to see any Government place taken away from their district—but if this House proposes to do what good administration desires, it will vote for this proposition.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. MARTIN of South Dakota. The gentleman speaks of the courage of the committee in striking out the various assay offices. Is there any reason in particular why, if it is good policy to strike them out, it should not be extended to the New York assay office?

Mr. GILLETT. Yes; and the Treasury Department tells why.

Mr. MARTIN of South Dakota. I would like some reason given more than that "the schoolmarm says so."

Mr. GILLETT. They tell us that the New York office is a great receiver of gold from abroad, which comes directly there.

Mr. MARTIN of South Dakota. Can not that be received at the Philadelphia Mint?

Mr. GILLETT. Yes; but New York is the great port, the gold is landed there, and I see no reason why it should not be assayed there.

But when you speak of a mint, the most of us think of it as meaning the minting of gold. The minting of gold is a very small proportion of the work of a mint at present. The coinage of the copper cent is the greatest part of the work that a mint has to do.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of South Dakota. Mr. Chairman, it is obviously impossible to do justice to an important proposition like this, which proposes in one brief paragraph to repeal numerous laws, in the limited debate which is in order upon this appropriation bill; but I say with entire confidence, if the individual membership of this House would understand thoroughly the proposition involved, in my judgment it would be impossible to adopt this section. The amendment proposed by the gentleman from Washington [Mr. HUMPHREY] is the one that should be adopted, and I judge the gentleman from California [Mr. RAKER], of course, would think the same.

Mr. RAKER. Will the gentleman yield for a question?

Mr. MARTIN of South Dakota. Certainly.

Mr. RAKER. The motion made by myself struck out the lines repealing the law, and the motion of the gentleman from Washington was to strike out the same and place back the assay office as it is to-day.

Mr. MARTIN of South Dakota. Yes; the purpose is practically the same. The motion of the gentleman from California would be simply preliminary to the other. I would like for the committee to bear with me for a few moments, because I live in the gold country, and I think I know something about this question. The fact is, 20 years ago the gold production of the United States was $33,000,000. To-day it has increased three times that, and it is practically $100,000,000 a year. The Peerless Leader, in 1896, made the best run he has ever made for the Presidency, and, I think, a better one than he will make next time, upon the free-silver coinage proposition or the gold and silver double standard as a basis for the American monetary system. At that time there was some reason for his argument, but the increased production of gold in the United States has made a firm foundation for the monetary system of the United States, and all the Government has had to do with that proposition has been to place half a dozen assay offices

right out in the States where this gold is produced to furnish immediate market for the sale of the product—for the bullion—in the very locality where it is produced. All it has cost the Government per year is one hundred and three thousand and some odd dollars to maintain and operate these assay offices out in the gold States.

We are expending upward of $15,000,000 per year to encourage the development of agriculture, and the only encouragement the Government has given the gold-mining industry at all has been in placing these assay offices at home where this gold is produced, thus providing a ready market and quick returns for the gold product to the prospector and miner. These gentlemen are spasmodic in their determination to strike down these assay offices and center the entire gold purchasing of this country in the city of New York. I am aware that the Treasury Department has favored this scheme, but I do not agree with their position. I can not understand upon what theory it could be based unless it be a part of a great financial scheme in this country that seems to demand in some quarters a centralization not only of all the money we have, but of all the bullion and other things of value into one locality on the Atlantic seaboard in the city of New York, and that centralization means in Wall Street in the city of New York. [Applause.]

The law, section 3528, provides exactly the same charges shall be made for assaying and running gold into bars in the assay offices as in the mints, and yet it has been for years the practice of the Treasury Department to make charges for the assaying and making of these bars at the assay offices, but make no charge for the same service at the mints. The only exception is in the assay office in New York. You take a bar or piece of gold and sell it to the United States at the assay office in my town of Deadwood, S. Dak., and they charge $1.25 a thousand for assaying and making into bars.

Mr. HAYES. If the gentleman will allow me, I have an interest in gold mines myself, and I know we are charged just the same in San Francisco as you are.

Mr. MARTIN of South Dakota. The gentleman is incorrect, and if he will consult Mr. Roberts, Director of the Mint, he will find I am absolutely right. Now, I want to state to the committee that this system of charging for the assaying and melting into bars at the assay offices and not at the mints is not the only instance of discrimination between those places.

As I have said, they make no charge for assaying and making bars at the New York office, but do this service free, as they do at the mints. This operates against the local assay offices in the mining regions, the evident purpose being to draw the bullion to the New York assay office and to the mints. There is no justification for this practice in the law. Under the law all of these offices and the mints should be treated alike.

If the department would make the same assaying and stamping charges for bullion taken to the New York assay office and the mints that they make for the same service at the other assay offices there would be a large saving to the Government. For the fiscal year 1911 these savings would be as follows: New York office $97,907, and at the three mints $162,986, or a total saving of $260,893 for the year.

The Appropriations Committee propose to abolish these local assay offices upon the plea that they are not run at a profit. Neither are the mints run at a profit. The agricultural experiment stations are not run at a profit, but that argument is never advanced as a reason for closing them up. The Government assay offices in gold regions encourage prospecting and encourage new mining enterprises. The Government owes the same fostering care to the mining industry that it owes to agriculture, and in both instances the Government realizes great indirect returns in the stimulation and development of these primary and necessary industries upon which the prosperity of the country depends.

The Assistant Secretary of the Treasury has furnished the Appropriations Committee with a table purporting to set forth the earnings and expenditures of the mints and assay offices. The table is misleading, unless the items entering into it are examined and understood. The table would indicate that the earnings at the mints are much larger than the expenses.

But the seigniorage on the coinage of metal into money is included in the so-called "earnings." This is in no sense an earning of the mints, but is simply a prerogative of sovereignty in the issuance of money. As well might we credit the Bureau of Engraving and Printing with the face value of the paper money printed at the bureau. Eliminating the seigniorage, and the mints are operated at a loss. The loss for the fiscal year 1911 at Philadelphia was $244,310; at San Francisco, $190,480; and at Denver, $73,681.

The assay office at Deadwood is the only institution in the entire system that is operated at a profit. During the calendar year 1911 the Deadwood assay office purchased bullion to the amount of $7,297,107.08. The earnings of the office were $9,961.71 and the expenditures $9,131.60, leaving a net profit of $830.11. The department would charge against the office, also, some $3,000 for express on bullion from Deadwood to the Denver Mint. This should not properly be done, for if the bullion had been sent by the producers to the mint instead of selling it to the Deadwood office the mint would have made no charge for assaying and stamping, for which the Deadwood office collected more than $9,000.

It is worthy of notice that while the Committee on Appropriations would strike down five Western assay offices, they have in this bill increased the appropriations for the New York assay office in the amount of $94,600. This is practically as much as it is proposed to save by abolishing the other offices.

Mr. Chairman, this is a narrow and indefensible policy. These assay offices should be retained in the mining States where the gold is produced. It is a very small expenditure for the Government to make to encourage the prospector and miner and to stimulate the production of gold. This gold should be purchased where it is produced, and should be coined and stored in the mints nearest to the base of supply. There are already too many forces conspiring to centralize the wealth of the country into Wall Street to form the basis of abnormal and extravagant speculation. It is difficult enough to check this tendency at best. It would be folly to increase it artificially by congressional legislation.

May I ask for five minutes' more time?

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

Mr. FOWLER. Mr. Chairman, I object.

The CHAIRMAN. The question is on the adoption of the motion made by the gentleman from North Carolina.

Mr. WEBB. Mr. Chairman, this is not the first time an attempt has been made to abolish the assay office at Charlotte, N. C. I realize that the recommendation of the Appropriation Committee, supplemented by the recommendation of the Director of the Mint, that this office be abolished, will have weighty influence with Members; but, sir, I have been directed by the legislature of my sovereign State to defend the existence of this assay office, and that direction from the lawmaking body of North Carolina, supplemented by the wishes of the people whom I have the honor to represent, make me bold to call upon my friends in this House to hearken to the wishes of my people and help me preserve this historic office.

By a unanimous vote on the 14th of February, 1911, the following resolution was unanimously adopted by the Legislature of North Carolina:

Whereas a movement is on foot before the National Congress to abolish the United States assay office at Charlotte; and
Whereas this assay office is a great convenience to the mining in the two Carolinas and Georgia: Therefore be it
Resolved by the house of representatives (the senate concurring), That our Senators and Representatives be requested to use their influence and best efforts to prevent such actions and to secure the continuance and maintenance of this office as heretofore.
Resolved further, That this resolution shall be forwarded at once to both Senators and the 10 Representatives in Congress from the State.

The amendment which is offered carries an appropriation of only $2,550, and under present arrangements, with the assay office earning more than $1,200 a year, it will only cost the Government $700 to keep open this office for the convenience of nearly 300 depositors and patrons. You will therefore see that it will cost less to maintain this office than it does to maintain one rural route, and it looks to me like cheeseparing to deprive the people of Virginia, North Carolina, South Carolina, and Georgia of the benefits and conveniences of this office just to save $700.

Charlotte now is the only assay office between Philadelphia and New Orleans. If you adopt the recommendation of the committee and abolish all the assay offices except San Francisco and New York, then our people will be compelled to pay the express companies high transportation on their metals sent to Philadelphia. Of course, it would be a good thing for the express companies if you would abolish the assay offices. The Director of the Mint says in his report that this office accommodates in a small way a limited number of patrons, but in his opinion the service is not important enough to justify the cost of maintenance. If you would adopt such theory in your legislation you would abolish every branch of this Government except the Patent Office, for every one of them except the Patent Office is run at a dead loss to the Government; but we are giving the people a public service to which they are entitled, just as the maintenance of this assay office does. For the sake of saving $700 you are called upon to abolish the oldest and most historic institution in our State. I say such an act would

be false economy. This institution was established by the Government about 1830, and the people of Charlotte love and revere the old Mint Building. If you abolish the office, you close the institution and leave it for the bats to infest, and deprive many citizens of four States of its great benefits.

You say that I am asking the retention of this assay office on account of sentiment. No; I am not; but the sentiment which clusters around this historic institution should not be disregarded. Sentiment moves the world, and he who does not regard it reminds me of the lines of Holmes:

You think they are crusaders, sent
From some infernal clime
To pluck the eyes of sentiment
And dock the tail of rhyme,
To crack the voice of melody
And break the legs of time.

Mr. TILSON. Is it not a fact that there has been recent developments in the eastern Appalachians showing that there is more gold in that region than had been supposed, and that the gold field there is really a rich and extensive one?

Mr. WEBB. That is very true. Several new companies have been formed recently, and new machinery has been bought in that region for the purpose of mining gold. The gold production is increasing every year, and North Carolina is the largest gold-producing State east of the Rockies; and yet you ask us to put this little office, which costs the Government but a mite, out of business. I say again it is poor economy and false economy to attempt such a thing, and I call upon this House to protect North Carolina from this act.

A year ago the same effort was made to abolish this office, but the House came to its rescue and saved it by a very large majority. I now call upon my friends to repeat that act and save this office again, and I believe you will do it.

Do not destroy all the little assay offices for the sake of two big ones. Do not pinch off the little rosebuds in order to make two gorgeous roses. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, there is no gentleman in the House whom I esteem more than I do the gentleman from North Carolina [Mr. WEBB]. There is no gentleman who more ably, zealously, and efficiently represents his constituency on the floor of this House or whom personally I would rather favor. But I want to call the attention of the House to the fact that this is not a matter that merely involves $700, as the gentleman seems to think, down in Charlotte, N. C., but the recommendation of the committee involves, and if adopted will result in saving, over $175,000 to the people of this country. In other words, if the assay offices are abolished, as the committee recommends, the people of this country will be saved about $175,000 every year. The assay offices cost, as the report shows, $185,105.38 each year and they earn only $45,127.08, and to that expense must be added the cost of transporting the bullion from the various assay offices to the mints where it is to be minted, involving more than $34,000. In addition to that must be added the cost of transporting the gold from the mint to the assay offices for the purpose of purchasing the bullion.

Mr. WEBB. I would like to ask the gentleman from Tennessee how much the Government would save if we would abolish all the rural routes in the country?

Mr. BYRNS of Tennessee. That is quite a different proposition, I will say to the gentleman, because in this case the money is spent not in the interest of the people, but it is spent in the interest of the great gold-mining corporations of this country. Mr. Chairman, when these assay offices were first established there were few railroad facilities; there were but little, if any, express facilities. Gold was mined by individual miners largely, by the hand process, and it was necessary to establish these assay offices in order to afford to these individual miners an opportunity to sell their gold to the Government without being forced to sell it to a local assayer. Now the proposition is a different one. We have railroads going into every mining region in this country. As I stated a moment ago, gold is mined now not by individuals, but by great mining corporations, and it simply results under the present law in this Government going to these assay offices and undertaking to buy their bullion there and then transporting it to the mint at the expense of the people. Now, if this provision of the bill is adopted and these assay offices are abolished, these corporations will have to take their bullion to the mint, pay the expense necessary to carry the bullion there, and there sell it to the Government, and the people will be saved the amount I have stated.

Mr. HUMPHREY of Washington. I would like to ask the gentleman a question. I wanted to ask the gentleman if under the law that was passed at the last session of Congress, wherever you issue gold certificates upon the bullion what is the necessity of taking the gold to the mint? Why not leave that gold at Seattle as well as to take it down to San Francisco or anywhere else.

Mr. BYRNS of Tennessee. The gentleman knows it is the policy of the Government, and always has been, to carry this bullion to the mints, and there it is stored. I am talking about the laws as they now exist.

Mr. HUMPHREY of Washington. I am talking about it as it now exists.

Mr. BYRNS of Tennessee. My time is limited, and I want to read the recommendation of the Secretary of the Treasury. I am sorry I can not further yield to the gentleman.

This has been recommended before. The Secretary of the Treasury has for years recommended this very proposition. In November, 1910, in the hearings had before the Committee on Appropriations on the legislative bill for 1912, Mr. Andrew, Assistant Secretary of the Treasury, speaking for the Treasury Department, said:

> The assay offices, in the first place, were established at a time when there were not railroads or express facilities and when gold mining was largely carried on by hand processes, and when the gold miner who had accumulated a certain amount of gold had no way of disposing of it except to a local assayer, who would assay it for what he would, and the miner suffered. Nowadays the railroads go into every mining region, and mining is mostly conducted by large corporations. If we had our way in the Treasury, we would do away with all of the assay offices, as it only means that the Government buys the gold on the spot from the large mining corporations and then transports it at its own expense to the nearest mint. We have to send gold coin at our expense to Seattle to buy gold there, and then we send the gold at our expense to Denver or San Francisco.

I want to say in conclusion that if the House wants to adopt a measure of true economy then it should adopt the recommendations of the Secretary of the Treasury and do away with all these assay offices. [Applause.]

Mr. KAHN. Mr. Chairman, the pending item in the bill proposes to abolish the mint at San Francisco. That mint up to the time of the completion of the present one at Philadelphia was the largest mint in the world, and during the last 60 years it has probably turned out more gold coin than any other similar institution in the world.

The money, the circulating medium, of the Pacific coast is coin. We do not use paper money to any great extent on the Pacific coast. Gold and silver are the mediums of exchange there. During the days of the Civil War, when greenbacks were being used in all the rest of this country, the people of California were always on a gold basis.

Now, for years that mint at San Francisco has furnished practically all of the coin used by the people of the Pacific coast. The profit that has been made in the coinage of gold and silver coins in the nature of seigniorage has averaged over $450,000 a year for the last 10 years. That institution has been paying for itself right straight along. There has been no loss to the Government of any kind in maintaining it. It has been self-supporting. It has not alone been turning out coin for the use of the people of the Pacific coast, but it has also been coining money for the Philippine Islands, and has been making a profit for our Government on that. It has also coined money for foreign Governments. Last year it coined money for the Republic of Salvador, and it earned a profit for the people of the United States on that.

The gentleman from Tennessee [Mr. BYRNS] has made the statement that the Treasury Department recommends the abolishment of this mint. I do not agree with the gentleman. I hold in my hand a copy of a letter from Mr. Roberts, the Director of the Mint, dated February 21, 1912, in which he strongly urges the continuation of the mint at San Francisco. He points out the fact that every year considerable amounts of foreign bullion and coin come to this country from the Orient. This foreign gold is ultimately converted into United States gold coin; and the reception of this foreign gold at San Francisco is intimately related to the trade between foreign countries and our country. Five million dollars in Japanese gold coin was received at that port last year, which indicates a movement in settlement of trade balances.

With the completion of the Panama Canal the amounts of foreign bullion and coin arriving at San Francisco will increase considerably. If this bullion and coin should have to be sent to the Denver Mint to be converted into American money, the express charges for transporting it about 1,500 miles across the continent and then returning it to the Pacific coast as American coin would help to wipe out almost entirely the expected savings indicated by the Committee on Appropriations if the San Francisco Mint were to be discontinued. There is work for the mint at Denver, and there is also work for the mint at San Francisco, and under the proposed legislation the express companies would prove the principal beneficiaries—not the Government of the United States nor its taxpayers.

In his letter to Assistant Secretary of the Treasury Andrew the Director of the Mint also refers to the fact that if this

mint be closed at this time the organization of skilled workmen must go, and if an attempt is ever made to resume operations there it will be practically impossible to get them together again.

And I want to say one word in regard to these employees. When San Francisco was burning six years ago many of the employees of the San Francisco mint went to that institution and remained within its walls continuously for 36 hours. They constantly put out the fire as it caught the roof of the building. Many of them lost their own household effects. They were burned out of their own homes, but they remained at their post in the mint in order to protect the property of the Government of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD by printing the letter from Hon. George E. Roberts to Assistant Secretary of the Treasury, Mr. Andrew.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. Roberts's letter is as follows:

FEBRUARY 21, 1912.

DEAR MR. ANDREW: Replying to Mr. BURLESON'S inquiry at your hearings upon the estimates for information as to what changes would have to be made in the estimates to provide for a discontinuance of coinage operations at the San Francisco Mint and for supplying the territory heretofore tributary to that mint from the Denver Mint, I beg to say:

I assume that the inquiry relates only to the possible discontinuance of coinage operations and that Congress will favor keeping the mint open to receive, assay, buy, and refine gold bullion, and to convert the same into bars suitable for the issue of gold certificates under the terms of the act of Congress approved March 2, 1911. The San Francisco Mint is one of the most important gold-receiving offices of the mint service, ranking second last year, with deposits of $60,596,665, while the New York assay office was first, with deposits of $73,960,079.81. Both of these offices receive considerable amounts of foreign bullion and coin, and are intimately related with our foreign trade. Among the receipts at San Francisco last year was over $5,000,000 in Japanese gold coin, which signifies a movement in settlement of trade balances. The cost at which gold can be moved from foreign countries to an office of the Treasury and converted into money of the United States sets a limit upon the price of exchange and thus affects indirectly a much larger volume of trade than is affected directly. When the future possibility of trade upon the Pacific Ocean is considered it seems evident that there should always be an office of the Treasury on the Pacific coast, where foreign gold can be received at its assay value.

In this connection it should be remembered that all of the cost of refining or in any way preparing gold bullion for coinage or bars is deducted from the value of the bullion when it is purchased, and that the estimates for the support of the mints for the next fiscal year takes no account of the mint charges for refining bullion, which will be turned into the general fund of the Treasury as a miscellaneous receipt. The income from bullion deposited at the San Francisco Mint in 1911 was $65,003.30.

The estimates for the San Francisco Mint for the fiscal year 1913 provide for the maintenance of all departments, but with gold coinage on a reduced scale, as contemplated by the act of March 2, 1911. The total amount estimated for the coinage department in "Wages of workmen" is $26,000, all of which may be eliminated if no coinage is to be done. An amount estimated by the bureau at $7,000 may also be taken from "Wages of workmen" on account of other departments, making a total reduction of $33,000 in this fund. In the salary list the superintendent of the coinage department, at $2,500, and one clerk, at $1,600, may be dropped. The appropriation for contingent expenses may be reduced by $5,000. In all, the estimates for the San Francisco Mint may be reduced $42,000 by suspending coinage operations at that institution.

If, however, the Denver Mint is to supply the silver, nickel, and bronze coinage which in the estimates were allotted to the San Francisco Mint it will be necessary to considerably increase the estimates for the former institution. It is now working with a well-balanced force up to the limit of its capacity for the number of employees, and can not handle more coinage than has already been allotted to it without increasing its force and its expenditures for supplies. It will be observed that of the reductions which may be made at San Francisco only the superintendent of the coining department, a clerk, and possibly one or two foremen belong to the overhead expenditures. All of the rest is for wages of workmen and supplies, and can not be reduced without reducing the total coinage of all the mints in a corresponding degree. In other words, there is little to be saved in merely shifting the coinage from San Francisco to Denver so long as the main organization at San Francisco must be maintained. We must keep the superintendent and the entire force for receiving, melting, assaying, refining, and safeguarding the bullion, including the bookkeeping and clerical force and the care of the building.

The amount of silver, nickel, and bronze coinage contemplated for the San Francisco Mint would not, however, fully occupy the coining department, and possibly would not take more than half its time. It was planned to reduce the force in this department to the lowest effective basis and have it do as much gold coinage as possible in addition to the small coins. In this connection I think the committee's attention should be directed to the fact that the act of March 2, 1911, does not contemplate a complete suspension of gold coinage. It merely authorizes the Secretary of the Treasury, in his discretion, to issue gold certificates against deposits of gold bullion and foreign coin, expressly providing that the amount of gold bullion and foreign gold coin so held "shall not at any time exceed one-third of the total amount of gold certificates at such time outstanding." On the first day of the current month the total amount of gold certificates outstanding was $1,035,613,369, of which, under the terms of the act, $345,204,123 might be in bullion and foreign gold coin, while all of the rest must be in United States gold coin. The reserve at that date consisted of $935,173,533 in United States coin and $100,438,836 in bullion. It is therefore possible and also desirable to increase the stock of bullion, but as the deposit of gold bullion at all offices of the service during the last fiscal year amounted to $175,383,090.44 it evidently will not be possible to completely suspend the coinage of gold for many years unless a further change in the statute is made. This is the vital fact to be considered in connection with the proposal to close the coining department of the San Francisco Mint. If the coinage of gold is to be resumed within a comparatively short time there is no advantage in temporarily closing the coining department of that institution. It may as well continue to do a moderate amount of gold coinage from year to year.

If, however, Congress should decide upon this policy, it is estimated that $18,000 should be added to the "wages of workman" fund of the Denver Mint, one clerk at $1,600 a year to the salary list, and that $2,500 be added to the contingent fund. The difference between these additions to the Denver estimates and the subtraction from the San Francisco estimates would represent the expenditures upon gold coinage if operations were continued at San Francisco.

There are still other features of the case to be considered, to wit:

First. The San Francisco Mint does a considerable amount of coinage for the Philippine Islands. It is now a diminishing quantity, but for the last fiscal year the charges collected amounted to $20,962.40. At the existing express rates on coin from Denver to San Francisco the charges on these coins, if shipped from Denver to San Francisco by express would have been $7,977.25. While this additional expense would not come out of the United States Treasury, it is entitled to consideration. The Philippine Government would probably find it advantageous to have its coinage done at a foreign mint rather than pay the high inland charges.

The San Francisco Mint was also in receipt last year of $5,111.06 for coinage done for Salvador, which might not have been done in this country if inland transportation were added to the cost. The total earnings of the San Francisco Mint last year for coinage done for other countries were $26,073.48.

Second. The average annual coinage of the San Francisco Mint in subsidiary silver coin for the last 10 years has been a little over $1,000,000, all of which has gone into circulation upon the Pacific coast and indicates about the absorption of that region. The cost of transporting $1,000,000 in subsidiary silver coin from the Denver Mint to the San Francisco Subtreasury at the existing express rate would be $9,000. These charges are paid from the appropriation for contingent expenses of the Independent Treasury, and as the estimates for that appropriation were made without contemplating this item they should be correspondingly increased if the expenditure is to be incurred.

The amount of nickels and bronze cents used on the Pacific coast has in former years been small, but is rapidly increasing. For the last fiscal year the amount of these coins which was delivered at the San Francisco Subtreasury for distribution on the coast, if shipped from Denver, would have involved express charges aggregating $5,583.50. Altogether the express charges from Denver to San Francisco on last year's coinage for the Philippines and for small coins for the Pacific coast would have amounted to $22,560.75. These computations are made at existing rates. It is probable that some reduction could be obtained upon them if the Treasury was ready to enter into a contract for the carriage of considerable sums over a period of time. It is also to be considered, on the other hand, that the absorption of the small coins on the Pacific coast is likely within a few years to largely exceed the average for the last 10 years.

Finally, it is to be considered that if the coining department is shut down the machinery is likely to deteriorate, and, of course, the organization of skilled workmen must go. With a full desire to cooperate with the committee in all respects to eliminate unnecessary expenditures, I am moved to urge that no action be taken in haste that will impose great hardship upon a force of worthy and deserving employees. Most of these men have spent years in acquiring skill which makes them valuable to the Government, but the trade is not one in which they can find employment elsewhere, and even if no consideration be given to employees who have handled billions of dollars' worth of treasure with scrupulous fidelity it will not pay as a matter of common business policy to close the coining department temporarily and scatter a force of men whose integrity and skill have been tested only to reopen it in a short time. Men are not trained for this work anywhere but in the mint service.

The policy of the service has been planned with a view to economy on a permanent basis. The discontinuance of assay offices has been recommended on the ground that there is no longer the occasion for them that originally existed. Changes have been recommended in the mint organizations, simplifying them and effecting greater flexibility in the working forces. The number of mints has been reduced to three, two of which are conveniently located to receive bullion direct from producers. The Philadelphia Mint, although not directly related to any bullion-producing district, is well located for the manufacture and distribution of the subsidiary and minor coins. The New York assay office will receive the gold bullion coming into the country on the Atlantic coast and convert it into bars. It is the policy of the Treasury to fill orders for coin from whichever mint they can be shipped at the lowest transportation charges, whether the charge is paid by the Treasury or the consignee. This gives the bulk of the small coinage to the Philadelphia Mint, but an important share goes to the Denver Mint. The San Francisco Mint has a much smaller tributary population, but it is so important an institution in gold receipts and in probable relations to foreign trade with that coast that the bureau has never contemplated closing it and can see no economy in closing one department. With continually increasing demands tributary to it, we might expect that there would be constant agitation to resume coinage operations, and that this would eventually be done. In that case nothing would have been gained by the suspension, and grave and unnecessary injury would have been done to the employees.

This letter has gone into details in order that the committee may be fully informed as to all the facts which have influenced the policy of the department in making up the estimates.

Respectfully,

GEO. E. ROBERTS,
Director of the Mint.

Mr. DUPRÉ. Mr. Chairman, the bill as reported from the committee proposes a change in the San Francisco Mint so as to make it an assay office. I want to say, from experience, that that is the beginning of the end. We used to have a mint at New Orleans, and by the action of the Director of the Mint it was degraded into an assay office, and the present bill proposes to abolish that assay office. So San Francisco and California may well profit by our example.

I have here in my hand a protest from the Clearing House Association of New Orleans, composed of 13 leading banks of

that city, which I shall ask leave to insert in the RECORD. That protest shows that in 1910 the gold assayed at New Orleans was $950,000, while in 1911 the gold assayed was $1,600,000, showing the increased usefulness of that assay office, as a result of the enlarging gold importation that is coming in from Central American ports.

As my colleague has said, there is no better way of cementing trade relations between the United States and the Central American Republics than by maintaining on the Gulf coast an assay office where gold from these countries may be refined.

I want to call attention further to this fact, that as shown in the hearing, at page 180, the New Orleans Mint is now used to store $22,000,000 in silver, which can not be deposited in the Subtreasury at New Orleans, because there are no vaults in it that are fit for that purpose.

This is the protest from the Clearing House Association of New Orleans:

NEW ORLEANS, *March 2, 1912.*

To the Hon. FRANKLIN MACVEAGH,
Secretary of the Treasury, Washington, D. C.

SIR: The banks of this association have had under consideration at several of their recent meetings the suggestions emanating with your department and reflected in your annual report, recommending the abolition of various assay offices in the United States, including the assay office operating in this city.

The records of the assay office in New Orleans show gold assayed in 1910, $950,000. The amount for 1911 is $1,650,000, and is steadily increasing on account of the large shipments now being directed to this port from Central America.

The appropriation for the fiscal year ending June 30, 1912, for this assay office, and for the storage and care of standard silver dollars aggregating $23,000,000, is only $21,300. It is advised that less than $18,000 of this amount will be expended during the present fiscal year; the cost of operating the assay office would be decreased year by year, owing to the proportionate large imports of gold from Central America.

The growing importance of certain Central American Republics where gold is produced, the efforts being made to reorganize the finances of these countries and place them on a gold basis, through the instrumentality of financial institutions and merchants in New Orleans, would indicate the importance of maintaining the assay office in New Orleans instead of compelling shippers of gold to transmit it to Philadelphia or New York, thus incurring heavier expenses and loss of interest, etc. These remarks also apply to countries south of the Equator, who can be expected after the opening of the Panama Canal to make a free use of this port for their importations of gold.

If the department in Washington would permit the operation of the refinery in the New Orleans Mint, which could be done at a very small cost, the expense of transporting the bullion to the New York Assay Office would be saved. It would provide fine bars to be stamped and stored here as well as in New York.

As the policy of the Government seems to have been to foster and aid these Central American Republics, the closing of the assay office in the city of New Orleans would almost act as a discrimination against these Republics, our local financial institutions, and commercial bodies, etc.

The banks of this association have been stimulating the import of gold to this port, and they feel that the cutting off of the very small appropriation by the Treasury Department, necessary to continue the operation of the assay office in this city, would be reckoned as false economy, and would interfere with international relations which have been successfully established after considerable effort and a large expenditure of money.

All the banks of this association who are voicing their views through the medium of this letter to your department desire to enter their protest to the closing of the assay office, and they ask your considerate attention to their suggestions.

Respectfully submitted.

Bank of Orleans, Canal-Louisiana Bank & Trust Co., Citizens' Bank & Trust Co. of Louisiana, Commercial National Bank, Commercial-Germania Trust & Savings Bank, Cosmopolitan Bank & Trust Co., German-American National Bank, Hibernia Bank & Trust Co., Interstate Trust & Banking Co., Metropolitan Bank, New Orleans National Bank, Whitney-Central National Bank.

You gentlemen, in abolishing the assay office, will do what? You will find it necessary to make provision for the care and custody of this $22,000,000 in silver, which will cost an amount almost equal to that which it now takes to run the New Orleans assay office, some $18,000. I hope the substitute proposed by the gentleman from Washington [Mr. HUMPHREY] will prevail.

Mr. BURLESON. Mr. Chairman, at this time we have authorized by law 5 mints and 10 assay offices. The Treasury Department tell us that we need only 2 mints and 2 assay offices, and that all other mints and all other assay offices are absolutely superfluous, unneeded, and an extravagance. The only question that presents itself to the committee at this time is whether you will do with the money of the Government as you would do with your own money. I submit now to each individual Member this issue: If you had a confidential agent in whom you placed confidence and he told you that certain expenditures you were making were wholly unnecessary and brought you no benefit, what would you do? There can be but one answer; you would cut off that expenditure. There is not a man here who is honest and intelligent but knows that he would cut off that expenditure. Here we have trusted agents of the Government, officials of the Treasury Department, telling us year after year that these offices we seek to eliminate are absolutely unnecessary. Now, will you cut them off?

Gentlemen say that there is a question whether the recommendation has been made. Year after year it has been made. Just two years ago the assay office at St. Louis was stricken down against the earnest protest of as popular a man as there is in this House. [Applause.] There was just as many reasons for the continuance of the St. Louis assay office as there is for the continuance of the office at Charlotte, or the office at Seattle, or the office at any other place save New York and San Francisco. Here is what the Secretary of the Treasury says:

We ought to have a mint in the east and a mint in the west, and we ought to have an assay office at the refineries in New York and San Francisco, the great entrepôts for gold.

That and nothing else. Now, Mr. Chairman, there is no sectionalism in this proposition, no partisanship in it. The Secretary of the Treasury says that we need a mint at Philadelphia, an assay office at New York; that we need a mint either at San Francisco or Denver, as you will read in the hearings, and an assay office at San Francisco. We leave the two assay offices, and we strike down, or attempt to strike down, the mint at San Francisco because it is old, antiquated, obsolete. We continue the mint at Denver because it is new, modern, up to date. The gentleman from Washington [Mr. HUMPHREY] speaks of political influence or advantage. Mr. Chairman, during the preparation of this bill and since I have received scores of telegrams with reference to this matter, some from my own State, many from California. I hold in my hand a letter and a telegram from two of the most prominent Democrats in California. I will read from each just one line. I am not going to call their names, but the letter and telegram are here for anybody to see. I read from the telegram:

SAN FRANCISCO, CAL., *April 27, 1912.*

Public sentiment is flowing strongly toward Democracy on the Pacific coast. No appropriation [meaning for the mint] means a powerful club placed in the hands of our opponents.

I now read from the letter:

Adverse action means certain loss of the Pacific States in November.

[Applause on the Republican side.]

Gentlemen, this is not a question of partisan politics, and, speaking for myself, I will not be controlled by such considerations. It is a question whether you propose to economize in the expenditure of public money when the opportunity is fairly and squarely presented. The gentleman from Massachusetts adverts to the fact that we attempt to cut off all these at one time. We attempt it because we know it is right. We attempt it because we confidently believed that there was a sense of public duty high enough on this side of the House, with the assistance of those on the other side of this Chamber who desire to do the right thing, to conserve the public funds.

Mr. RAKER. Will the gentleman yield for a question?

Mr. BURLESON. What sort of a question?

Mr. RAKER. The gentleman made the statement that the machinery in the San Francisco Mint is not up to date.

Mr. BURLESON. When was it constructed? More than 60 years ago——

Mr. RAKER. I want to say to the gentleman——

Mr. BURLESON. I have no time to yield further. The gentleman himself stated that it was constructed in 1852. Every Member here knows that the Denver Mint is comparatively new. Treasury officials say we need one mint on the western coast, and the Secretary of the Treasury declined to state whether it should be the one at Denver or the one at San Francisco. We sought to ascertain the real facts, the whole truth, and we learned that the mint at San Francisco was old and obsolete. I do not care whether it is in the printed hearing or not. That is the statement that was made, and everybody knows that it is true. These offices should be abolished; it is a solemn duty we owe ourselves and our country.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CULLOP. Mr. Chairman, the proposition made by the gentleman from Texas is that these mints are proposed to be abolished in the interest of economy. By what mathematical process he arrives at that conclusion I am entirely unable to understand. But I do understand that the committee has recommended the retention of a mint which has been a large expense to the people of the United States, and if there is any economy in that I am unable to see it. From the hearings before the committee it appears that the earnings of the Philadelphia Mint last year were $4,510,884 and the expenditures $553,100. That mint is a profit earner. The earnings of the mint at San Francisco were $610,003 and the expenditures $288,944, which shows that the San Francisco Mint is a money-maker to the United States to the amount of nearly $400,000 a year.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. CULLOP. I have not time now. Wait until I get through. The committee have recommended leaving the New York office in a territory where no gold is mined and where it is operated at a great loss every year. Last year that mint earned $95,940 and cost the Government $159,000. What kind of a process of economy is that? [Applause.] It does not come up to the standard which accumulates wealth.

I now read from page 179 of the hearings. Mr. Andrew, who appeared before the committee, testified that they ought to have two mints, one in San Francisco and one in New York. This was wisdom on his part and comported with good business methods. In the name of common sense, why should he advise shipping the bullion across the entire country to be minted? [Applause.] Did anyone expect him, as a practical business man, to advise the abolition of the mint at San Francisco?

Mr. BYRNS of Tennessee. The gentleman is mistaken in regard to what Mr. Andrew stated on that proposition.

Mr. CULLOP. I will read it.

Mr. BYRNS of Tennessee. Mr. Andrew stated that if it was an original proposition that ought to be done.

Mr. CULLOP. I will read what he said, and you may make your defense in your own time. I read from page 161 of the hearings. Speaking of assay offices, Mr. Andrew said:

> The department would be very much pleased, Mr. BURLESON. We should like to see them all abolished except the one in New York. The assay office in New York is very important, as that is the natural entry port for gold.
>
> Mr. BURLESON. I agree with you thoroughly about that.
>
> Mr. ANDREW. And probably if we were starting over again we would have our mint in New York. We really ought to have two mints, one on the eastern seaboard and one on the western seaboard, and if we had a mint and assay office in New York and one in San Francisco we would be ideally situated. As it is, however, the mint is established in Philadelphia and ought to be continued.

What good business man acting on a safe business plan would advise the abolishment of the mint nearest the raw material and then advise the transportation of the raw material a long distance for manufacture? If any such there be, I hope they are few and far between, and there ought to be none. If any exist now, I hope they will soon fade away.

Why, there is no reason for it except it is farther away from the production, and the express companies in carrying the articles to the mint would be a litte better able to collect money from the pockets of the people and swell their already overflowing coffers. Of such legislation they would be the chief beneficiaries.

Mr. HAMLIN. Will the gentleman yield?

Mr. CULLOP. No; I have not the time. Why should not the gold be minted where it is produced and then send it across the country already manufactured? It will find its way East soon enough. [Applause.]

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAYES. Mr. Chairman, I want to say in reply to the gentleman from Texas that the present mint in California was not built in 1852. That old mint was long ago abandoned, and the present mint is a comparatively modern institution; not only that, but the machinery of the mint within the last three or four years has been practically all rebuilt. Last year Congress appropriated $40,000 for the purpose. Whatever the motives for the abandonment of the mint at San Francisco may be, it can not be economy, as I can demonstrate in a very few moments. If the mint in San Francisco is abandoned, we must abandon the coining of money for the Philippine Islands. If not, we must pay the express charges from the coast to Denver and back again, and these express charges would be exorbitant, amounting to practically $8,000 on the basis of last year's coinage; but if we lost the coinage the loss would amount to more. Last year this coinage brought to the mint at San Francisco $20,000. We coined $5,000,000 for the Republic of San Salvador, for which we received something like $7,000. Besides all this, we have to coin for use on the Pacific coast, which, as has already been stated, uses only gold and silver coin, more than a million dollars in silver every year. That is to supply the normal yearly demand. The express on that silver to Denver and back again would be $9,000. The express on the nickel and copper coins which last year were coined at the San Francisco mint to Denver and return would amount to $5,500. These figures are given us by the Director of the Mint. The total actual expenditure would be $22,500, and the loss of the foreign coinage would be $26,000 more, or $48,500 in all, and all the net saving the committee has pretended they would make by the abandonment of the San Francisco Mint is $30,000. So that we should be actually out on the proposition proposed by the committee somewhere from $10,000 to $20,000.

Now, in this statement I have not taken into consideration the increase of $94,000 for the assay office in New York City, which is made necessary by this absolute change in regard to the policy of the Government as to the mints and assay offices.

So there can be no argument that has any foundation that this is a matter of economy. As has been said, the San Francisco Mint is not only a self-supporting proposition but it has brought millions of dollars into the Treasury of the United States. For the last 10 years the San Francisco Mint has earned $8,500,000, and the total expense has been only $3,900,000, leaving $4,500,000 as the profit that has come into the Treasury of the United States from the operation of the San Francisco Mint.

Now, gentlemen, it seems to me that if we are to have any change of policy at least that policy which has been advocated by every Secretary of the Treasury since it has been agitated should be followed—that there should be a mint on the Pacific coast and one on the Atlantic coast. The mint at San Francisco is the natural place for a mint on the Pacific coast; it is the place to which the gold of Alaska comes and to which the gold from across the Pacific comes. Five million dollars was received last year from Japan alone to be melted into bars or recoined. The foreign coinage would naturally come to San Francisco and would not go to a mint in the interior.

I have no fight to make against the mint in Denver. I am only saying that I believe it is not economy to abolish the mint at San Francisco, and the facts demonstrate beyond all peradventure that it would be a positive loss to the Government and a great inconvenience to the people who are producing the great bulk of the gold produced in this country.

Mr. HILL. Mr. Chairman, I ask the special attention of gentlemen on this side of the House. I had the honor to serve five or six years on the Committee on Coinage, Weights, and Measures. A thorough study of this whole question at that time convinced me that many of these institutions now in the United States were not only absolutely worthless, not only great sources of expenditure to the Government, but they were hurtful to a free and easy flow of the coinage of the United States.

There are two questions to be taken into consideration. I know that it is almost impossible for the gentleman who is sitting near me now and other gentlemen into whose faces I am looking to oppose this measure because it will take away from their locality institutions which they have obtained by much trouble and anxious thought. But it would be better for the United States of America, which we are representing on this floor, that this project which the committee has brought forward, and which I will gladly vote for, should be carried in its entirety and in its simplicity and that every amendment should be voted down, and I will tell you why.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. HILL. I can not; I have only five minutes. The first thing in reference to the coinage in this country is the perfection of the work and the consequent prevention of easy counterfeiting, and that can be better done with only one mint—as it is in every other country in the world—rather than in half a dozen different ones. The second proposition is ease and economy of distribution of the money after it is coined.

There is no trouble about the bullion getting to the mint. The question is, what is most convenient for the distribution of the money in small sums to the people, to the banks, to the stores, and the mercantile institutions that want it. That is the other question which should control the location of the mint in Denver or some other central point in the country.

Mr. ROBERTS of Nevada. Will the gentleman yield?

Mr. HILL. I have but five minutes. Now, with the mint on the seacoast to take care of the Eastern States, with the mint at Denver providing for the great central west and the Pacific coast, you have got a model plan for distribution as good as you can get it in this great country of ours. With an assay office in New York and one at the seaport on the Pacific coast you have got your receiving points, and you can not get, in my judgment—I may be mistaken—a better system than that which this committee has recommended, and I congratulate them on the courage which they have shown in bringing it in here.

Mr. JOHNSON of South Carolina. I desire, Mr. Chairman, to move that all debate on this paragraph and amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from South Carolina moves that all debate on the paragraph and all amendments thereto close in 15 minutes.

Mr. MARTIN of South Dakota. Mr. Chairman, reserving the right to object, does the gentleman propose to apply that re-

quest to amendments? I have an amendment I desire to offer, and would like to have five minutes' time to discuss it.

The CHAIRMAN. The gentleman from South Carolina moves that all debate on the paragraph and pending amendments close in 15 minutes.

The question was taken, and the motion was agreed to.

Mr. KNOWLAND. Mr. Chairman, in reply to the gentleman from Texas, I hold in my hand a letter from the Treasury Department in regard to the condition of the machinery in the San Francisco Mint. It says:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 3, 1912.

Hon. J. R. KNOWLAND,
House of Representatives, Washington, D. C.

SIR: Replying to your inquiry of the 3d instant, I beg to say that the machinery in the San Francisco Mint is in good condition and ample for present requirements and that no important expenditures for equipment are likely to be needed for some years to come.

Respectfully,
J. F. CURTIS,
Acting Secretary.

Mr. Chairman, I believe it is but fair to the members of the subcommittee who framed this bill to credit them with a desire to do justice to every locality and to act in the best interests of the Government. In considering the innumerable items which the bill contains it was but natural that some mistakes should be made, for the committee is but human.

All efforts toward economy are commendable, but in attempting to legislate the San Francisco Mint out of existence the committee has overshot the mark, for instead of effecting a saving the legislation, if passed, will result in a loss to the Government. The figures which I give are furnished by the Director of the Mint, an official who has never hesitated to make recommendations that would result in any real saving to the Government.

Let us analyze the San Francisco situation. This mint is advantageously located at the gateway of the Pacific, which will always be a trade center and entrepôt for gold. Owing to its location on the coast this institution secured coinage last year from other countries—the Philippines and Salvador—which resulted in earnings of $26,073.48, which coinage, according to the director, would probably have been done outside of the United States had it been necessary to pay express charges to an interior mint. Here is over $26,000 of revenue lost as a first item with coinage discontinued at San Francisco, a bad beginning for economy.

The total annual coinage of subsidary silver coin at this mint has been over $1,000,000, all of which has gone into circulation on the coast, and if shipped from Denver would have called for an expenditure of $9,000 for express charges. The nickels and bronze cent pieces, for which there is an increasing demand on the coast, if shipped from Denver would have entailed an expense of $5,583.50 for express charges, a total of $14,583.50. What the Government loses by this deal the express companies gain. So far the total reaches over $40,000 on the wrong side of the economy ledger.

In case all the coinage of San Francisco went to Denver—and I want to say that I have nothing against the Denver Mint, for we in the far West are compelled to fight for whatever we get, and I would not in any way injure that institution—an additional appropriation of $22,100 would be required for that mint, making a grand total additional expense of over $62,000, which no reduction of force at San Francisco could offset. Let us recapitulate, showing by figures furnished by the Director of the Mint that to discontinue coinage at San Francisco is not in the interest of economy.

Revenue from foreign coinage that would in all probability be lost if express charges were necessary to be paid	$26,073.48
Express charges on silver	9,000.00
Express charges on nickels and cent pieces	5,583.50
Additional appropriation for Denver	22,100.00
Grand total	62,756.98

There is another matter that should be taken into consideration in discussing this question. There appears to be an erroneous impression in some quarters that gold coinage has ceased as a result of the act of March 2, 1911. This act, which I have before me, does not contemplate a complete suspension of gold coinage, for it expressly provides that the amount of gold bullion and foreign gold coin held shall not at any time exceed one-third of the total amount of gold certificates at such time outstanding. This means that in a short time bullion held in San Francisco, where one-third of the gold is received annually, last year's total receipts amounting to $60,596,665.11, will have to be shipped to Denver to be coined, with express rates at $1.50 per thousand. This will mean the payment in express charges, according to the department, of an amount that will of itself exceed any possible saving, even if all the other items already enumerated were eliminated.

We have not spoken of the deterioration of machinery; we have not given consideration to those faithful employees who have devoted the best part of their lives to the service, handling millions of dollars without loss to the Government, and who will be compelled to seek employment elsewhere, breaking up their homes, and all without reason.

This mint, established in 1854, is in the center of the greatest gold-producing region in the world, extending from Alaska to Mexico and from the Rocky Mountains to the Orient. Gold and silver is our circulating medium on the Coast, and nowhere is a mint more necessary. It has been self-supporting.

The legislation is unnecessary, uncalled for, and inexcusable, and I hope the House will vote against the unwarranted action contemplated by the committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KNOWLAND. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, would it be in order for me to offer my amendment now?

The CHAIRMAN. No; the Chair thinks the gentleman's amendment will be an amendment in the third degree, and after the amendments are disposed of it will still be in order for the gentleman to offer his amendment, although there will be no debate on it.

Mr. MOORE of Pennsylvania. By that time the time for debate would probably have expired?

The CHAIRMAN. It will have expired.

Mr. MOORE of Pennsylvania. I ask to offer my amendment now and have it pending——

The CHAIRMAN. The gentleman from Pennsylvania asks to have his amendment read in his own time. The Clerk will report the amendment.

The Clerk read as follows:

Page 64, strike out all after and including the word "mint," in line 1, down to and including the figures "$73,200," on line 13, and insert the following:

"At Philadelphia: Superintendent, $4,500; engraver, $4,000; assayer, melter and refiner, and coiner, at $3,000 each; chief clerk, $2,500; assistant assayer, $2,200; assistant coiner, $2,000, and $500 additional during present incumbency; assistant melter and refiner, $2,000; cashier and bookkeeper, at $2,500 each; clerk and deposit weigh clerk, at $2,000 each; assayer's assistant, $2,000; assistant cashier, $1,800; curator, $1,800; two clerks, at $1,700 each; eight clerks, at $1,600 each; one clerk, $1,500; six clerks, at $1,400 each; two clerks, at $1,300 each; two clerks, at $1,200 each; seven clerks, at $1,000 each; one clerk, $900; in all $80,300."

Mr. KENT. A point of order, Mr. Chairman. I understood that 15 minutes were allowed for this Pacific coast matter.

Mr. MOORE of Pennsylvania. And all amendments thereto.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] is having this amendment read in his own time.

Mr. MARTIN of South Dakota. I make a point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MARTIN of South Dakota. I make a point of order that the gentleman's amendment does not pertain to the paragraph under consideration, and the limitation of time was for debate on that paragraph.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] is offering an amendment, to be read in his own time for the information of the House.

Mr. MARTIN of South Dakota. A parliamentary inquiry. Does that come out of the time limited for debate?

The CHAIRMAN. It comes out of the time of the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, the purpose of this amendment is to restore the amount appropriated by existing law; that is to say, $80,300 in lieu of $73,200 provided for in this bill. It is intended to preserve the office of coiner, which is created by statute, and one or two other places which have been eliminated by the committee's process of economy. Mr. Chairman, it is so unusual——

Mr. BURLESON. I will say to the gentleman that the Treasury officials have recommended that that be eliminated.

Mr. MOORE of Pennsylvania. I understand that the department recommended the change, but I desire to make an effort in this House to restore the places made by statute, as well as other places, in the Philadelphia Mint. It is so unusual, I was about to say, to hear in this House that Philadelphia had gotten anything ahead of any other section of this country that I feel note should be made of the incident.

My friend from Indiana [Mr. CULLOP] a moment ago laid particular stress upon this fact, but it seems he took into account not at all the fact that the appropriation made for the operation of the mint in Philadelphia is almost entirely an ap-

propriation to pay for labor that toils at that mint. One of the objections I have to the policy of economy inaugurated by the committee is that it strikes out the employees of these establishments, and the reason I offer this amendment is to meet the condition which the committee presents of striking down those whose wages are involved.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. MOORE] has expired. The gentleman from California [Mr. KENT] is recognized.

Mr. KENT. Gentlemen, I have been in favor of the program of economy. I voted for it, and I have consistently voted to leave money in a man's pocket rather than to place a residue of it in another's pocket; and in the interest of economy I have advocated up to the present time an amendment that would nullify the paragraph that would do away with the San Francisco Mint. Figures have been shown which to my mind are conclusive to the effect that the San Francisco Mint pays the Government at least $10,000 more per annum in actual cash than would the proposed arrangement.

We in California use coin almost exclusively, and we wear it out by abrasion and it needs to be recoined there, because it is in circulation there. Otherwise long shipments would be required. It is the normal, natural place in which to have a mint, because it is situated where coin is more used than in any other part of the country.

I hope the Democratic Party will succeed in practicing the economy which it preaches, although I have serious doubts.

I was surprised with the statement of the gentleman from Connecticut when he paralleled the United States with the European countries that get along with one mint. Our distances are vastly greater, our situation different. There should be a mint on each seaboard of the United States, and San Francisco stands as a natural receiving point for precious metals from Alaska, Mexico, California, Nevada, and in many cases from Utah. On the other hand, there is a continued call for metallic money in oriental commerce. At the convergence of supply of precious metals and demand for precious metals there should be a Federal mint. The mint is established where it should be established, and that is at our greatest Pacific seaport. It is not the part of economy to destroy it.

Mr. JOHNSON of South Carolina. Mr. Chairman, the Committee on Appropriations appeals to both sides of the House to vote for the bill. The President of the United States, in a message to Congress, calls attention to the fact that money can be saved by abolishing useless mints and assay offices. The Secretary of the Treasury, in his annual report, on page 44, states that these offices are absolutely worthless. We have brought in a bill that abolishes them without regard to locality and without regard to politics. We abolish the office in Charlotte, N. C., we abolish the office in New Orleans, La., and we abolish the offices wherever they are located if not needed. The annual expense of running these assay offices is $118,000. The cost of shipping gold from the assay offices to the mint is $44,500. In addition to that, we must spend $45,000 or $50,000 more in sending money from the Treasury to the assay offices to pay for the bullion. The only difference between the abolition of the offices and the condition now will be that the owners of gold bullion must ship it to the mints instead of to the assay offices. We now pay the express not only upon the bullion of the gold miner from the assay office to the mint, but we pay the express on the gold to pay for the bullion from the Treasury of the United States to these assay offices. Talk about a profit? Why, if you are going to make that sort of imaginary profits—bookkeeping profits—we could go into the coinage of copper and silver and make millions of dollars. That is what the profit at the San Francisco Mint comes from. It is the profit upon the coinage, and whether you coin the copper and the subsidiary silver in the mint at Philadelphia or in the mint at San Francisco, the seigniorage is the same.

Mr. KNOWLAND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from California?

Mr. JOHNSON of South Carolina. I am sorry I can not. I have not the time.

If we coin the coppers at San Francisco we must pay the express on those coppers to the parts of the country where they are used; and whether you coin the coppers or the subsidiary silver in one mint or another, the Treasury bears the expense of transporting those coppers and that subsidiary coin out into the channels of commerce.

Are you willing to maintain a mint that earns, for instance, $2,400 a year? Outside of the express upon the bullion and the coin, it costs $13,500 to maintain it. Are my friends from North Carolina going to vote against saving $250,000 because the pitiful sum of $2,400 of that money is spent within their borders? Will our friends from Louisiana vote against saving $175,000 or $200,000 simply because $8,000 of the money is expended in their State? Will you men on this side of the House refuse to stand by the committee that has brought in a bill carrying out the recommendations of your President and of your Secretary of the Treasury for the abolition of useless and worthless Government institutions? Mr. Chairman, I ask for a vote. [Applause.]

The CHAIRMAN. The question is on the substitute offered by the gentleman from Washington [Mr. HUMPHREY] to the amendment offered by the gentleman from California [Mr. RAKER] to the paragraph in the bill.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. RAKER. A division, Mr. Chairman.

The committee divided; and there were—ayes 80, noes 65.

Mr. JOHNSON of South Carolina. I ask for tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. JOHNSON of South Carolina and Mr. HUMPHREY of Washington.

The committee again divided; and the tellers reported—ayes 92, noes 61.

So the substitute was agreed to.

The CHAIRMAN. The question now is on agreeing to the substitute as amended.

The question was taken, and the amendment as amended was agreed to.

Mr. MARTIN of South Dakota. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from South Dakota [Mr. MARTIN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. PRAY. Mr. Chairman, notwithstanding the recommendation of the Treasury Department, I am convinced that the discontinuance of the United States mints and assay offices at this time is a very great mistake, and it is to be regretted that the Committee on Appropriations has deemed it advisable to make the sweeping changes indicated in the bill now being considered by the committee. While I am chiefly interested in the assay office in Montana, located at the city of Helena, in the center of a great mining district, I am also decidedly opposed to the entire scheme contemplated in this paragraph of the bill. I have received hundreds of protests against the discontinuance of the Helena office. A great deal of interest has been manifested in this subject by persons engaged in mining in my State since it became known that a movement had been started to do away with this office, and from statements made to me by men on the ground, who are familiar with present conditions, there can be no doubt as to the necessity of maintaining this office. I am informed that there is at present a marked revival of gold mining in this section of the country. A great many small operators are in the field and many new properties will be developed during the season. The Helena office was established in 1874. The bullion produced annually amounts to over $2,000,000 and the depositors number from 500 to 1,000. This assay office has a large number of small customers, many of whom operate mines remote from railroads. It is often necessary to receive returns from the clean-up before these small companies or the individual miners can pay their operating expenses.

The product of the mines can now be deposited at the assay office and the miners can get their cash within two days. If you discontinue this office, their bullion will have to be disposed of at a discount to a dealer or else sent to the mints. If the latter course were adopted, an indefinite delay would ensue before the returns were received, operations would be retarded, and the expense of mining greatly increased. I am advised that if the Helena office is discontinued a great many small producers will be forced out of business. Whether the injury will go to that extent, of course, I am unable to state from my own personal knowledge, but I am satisfied that the closing of this assay office will result in great detriment to the mining industry. It is to be hoped that the recommendations of the Treasury Department and the Committee on Appropriations will not prevail.

I desire to submit for the consideration of the House samples of a great number of resolutions that have been adopted by various mining associations, commercial bodies, and individuals throughout Montana and the Western States in opposition to the changes here proposed by the Appropriations Committee relative to mints and assay offices; and I desire especially to call attention to the letter of the president of the Commercial

Club relative to the Helena office, substantiating my statement and showing the necessity for the retention of this office:

Resolution adopted at a meeting of the Montana Mining Association, Helena, Mont., Tuesday, March 12, 1912.

Whereas it has come to our notice that there is a movement on foot to discontinue the refineries connected with the United States mints and to abolish all United States assay offices; and

Whereas for five years the United States assay office at Helena has treated an average of $1,986,887.20 of bullion, and it is thereby shown that the United States assay office at Helena is being used by a great many operators in this State and its abolishment would be an injury to these people and to the mining interests of Montana; and

Whereas we feel that the United States assay office located at Helena is of great importance to the gold miners and prospectors, and if the office were removed bullion would have to be shipped to eastern points or disposed of to the pawnbrokers or custom smelters where charges would be exorbitant; and

Whereas it is well known that the small operator depends upon immediate returns from each clean-up to meet pay rolls and purchase supplies and if the United States assay office at Helena is discontinued small properties, now running on a close margin of profit, might be compelled to shut down; and

Whereas it is the aim of this organization to protect the mining interests of Montana and those engaged in its various branches: Therefore be it

Resolved, That we, the Montana Mining Association, respectfully protest against the abolishment of the United States assay office at Helena and urge upon you the claims hereinabove set forth as our reasons for taking this position.

—

Resolutions of Miles City Chamber of Commerce.

Whereas it has come to our notice that there is a movement on foot to curtail or discontinue entirely the refineries connected with United States mints and to abolish all United States assay offices; and

Whereas the United States assay office at Helena, Mont., is of vital importance to the gold miners and prospectors of this State, in that here they may dispose of their product and receive prompt payment for its value; and

Whereas it is particularly the individual miner or small operator who is thus benefited, since many of these depend upon immediate returns from each clean-up to meet their pay rolls and purchase needed supplies; and

Whereas to discontinue the assay offices and refineries would be to place these miners and prospectors at the mercy of pawnbrokers and custom smelters and refineries where the charges are so exorbitant that many small properties now running at a decent profit would be compelled to shut down; and

Whereas the Helena assay office especially is the center of a mining district so located that a large number of miners, prospectors, and other persons are directly and indirectly benefited thereby: Therefore be it

Resolved, That the Miles City Chamber of Commerce protests most earnestly against any curtailment of the operations of this office or with the refineries connected with the United States mints; and be it further

Resolved, That our delegation in Congress be urged to use their influence in carrying out our wishes as expressed above.

—

HELENA, MONT., *January 6, 1912.*

Hon. CHAS. N. PRAY,
Washington, D. C.

DEAR SIR: It has been brought to the attention of the Helena Commercial Club that the Secretary of the Treasury in his annual report recommended the discontinuance of several of the western assay offices, including the office at Helena. As, after most careful investigation, we are convinced that the assay office at Helena is of vital importance to the mining industry in this section of the country, we wish to protest against its abandonment, and we ask your assistance to this end.

At the present time there is a marked revival of gold mining in this territory, and a great many small properties are preparing to start operations within the next year. The Helena assay office now serves a large number of small customers, and in this respect differs from nearly all other assay offices in the West. Many of the mines are remote from the railroads, and the small operators would be most hurt by the abolition of the Helena office. The small concerns often can not meet their pay rolls or the individual miners their living expenses until they receive returns on their clean-up. At present they can deposit their product at Helena and receive cash within two days. Without this office they would be compelled to dispose of their bullion at heavy discount to some dealer or else ship it to the mints and wait an indefinite time for returns.

The Helena assay office was established in 1874, and the number of depositors has ranged from 500 to 1,000, and the bullion produced annually amounts to over $2,000,000. To produce this amount of gold requires a vast amount of labor, and a large number of persons in all parts of the State are accommodated and their operations made possible by procuring prompt returns for their product. We are confident that if this office is closed a great many small producers will be forced out of business, and especially those operating cyanide process, where the bullion is frequently impure and has to be refined before reaching the standard required by the mint. Under the present arrangement the assay office refines the bullion, making only a small charge therefor, and then assays and immediately pays for the refined bar.

We believe the public benefits derived from the maintenance of this office are so great in comparison with the small cost to the Government of maintaining the same that we strongly recommend that it be maintained, and we earnestly request and urge that you do everything possible to secure the necessary appropriations to this end.

Very respectfully,

HELENA COMMERCIAL CLUB,
By H. G. PICKETT, *President*.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The position of coiner, which has heretofore existed in each of the coinage mints, and the position of melter and refiner, which has heretofore existed in each of the coinage mints and in the United States assay office at New York, are hereby abolished, to take effect on and after July 1, 1912, and on and after that date the duties and responsibilities heretofore imposed by law on the officers holding said positions in each of said mints and the assay office shall devolve upon the superintendents of said institutions; and all assistants and employees of the mints and assay offices of the United States shall, from and after July 1, 1912, be appointed by the Secretary of the Treasury.

Mr. RAKER. Mr. Chairman, I move to strike out lines 21 to 25, page 62, and lines 1 to 9, on page 63. The amendment is already adopted to do away with this and change this condition.

Mr. JOHNSON of South Carolina. I beg the gentleman's pardon. It does not do anything of the kind.

The CHAIRMAN. The gentleman from California [Mr. RAKER] moves to strike out lines 21 to 25, page 62, and lines 1 to 9, on page 63. Does the gentleman from South Carolina desire recognition?

Mr. JOHNSON of South Carolina. Yes, Mr. Chairman. This legislation is asked for by the Secretary of the Treasury, who has attempted to readjust the force in these mints and subtreasuries, and he is asking for this legislation in order that the titles may conform to the duties.

Mr. HUMPHREY of Washington. What effect will that have on the amendment which has been adopted as a substitute?

Mr. JOHNSON of South Carolina. None at all. This is separate legislation.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from California [Mr. RAKER].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. RAKER. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from California asks for a division.

Mr. RAKER. No, Mr. Chairman; I withdraw my motion.

The CHAIRMAN. The gentleman from California withdraws his motion. The amendment is rejected. The Clerk will read.

Mr. JOHNSON of South Carolina. Mr. Chairman, that entire section has been read and stricken out, and the substitute offered.

The CHAIRMAN. The gentleman from South Carolina is mistaken. That portion of the bill was not considered.

Mr. JOHNSON of South Carolina. Yes; I beg the Chair's pardon. The Chair is correct.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Mint at Denver, Colo.: Superintendent, $4,500; assayer, $3,000; superintendent melting and refining department, $3,000; superintendent coining department, $2,500; chief clerk, and cashier, at $2,500 each; deposit weigh clerk, and bookkeeper, at $2,000 each; assistant assayer, $2,200; 2 clerks, at $2,000 each; assayer's assistant, $2,000; assistant cashier, $1,800; 2 clerks, at $1,800 each; 4 clerks, at $1,600 each; 2 clerks, at $1,400 each; 1 clerk, $1,200; private secretary, $1,200; in all, $47,200.

Mr. CULLOP. Mr. Chairman, I reserve a point of order, to ask the gentleman a question. Is this an increase of salary in this section just read?

Mr. JOHNSON of South Carolina. There is an increase in the appropriation.

Mr. CULLOP. Will you restore them to the old salaries, inasmuch as the new provision has been stricken out now? They ought to be restored as they were before.

Mr. JOHNSON of South Carolina. No.

Mr. CULLOP. I make the point of order, Mr. Chairman, that there is an increase of salary without warrant of law.

The CHAIRMAN. The gentleman from Indiana will please designate the point wherein the salary is increased.

Mr. CULLOP. In order to do that I will have to ask the gentleman what the old salaries were.

Mr. FITZGERALD. What is the gentleman's point of order?

Mr. CULLOP. That these are increases of salary from line 10 to line 19. I have just asked the gentleman from South Carolina [Mr. JOHNSON], in charge of the bill, and he says there is an increase.

Mr. FITZGERALD. There is no increase of salary.

Mr. CULLOP. The gentleman from New York says it is not an increase of salary, while the gentleman from South Carolina informed the committee that it was.

Mr. JOHNSON of South Carolina. "The gentleman from South Carolina" never said that. There was an increase in the total amount, which goes to the workingmen for wages.

Mr. CULLOP. If that is the only increase, then I will not insist on the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Mint at Philadelphia: Superintendent, $4,500; engraver, $4,000; assayer, $3,000; superintendent melting and refining department, $3,000; superintendent coining department, $2,500; chief clerk, $2,500; assistant assayer, $2,200; assistant superintendent of melting and refining department, $2,000; cashier, and bookkeeper, at $2,500 each; 1 clerk,

and deposit weigh clerk, at $2,000 each; assistant cashier, and curator, at $1,800 each; 2 clerks, at $1,700 each; 8 clerks, at $1,600 each; 1 clerk, $1,500; 6 clerks, at $1,400 each; 1 clerk, $1,300; 3 clerks, at $1,200 each (including one formerly paid from "parting and refining"); 5 clerks, at $1,000 each; 1 clerk, $900; in all, $73,200.

Mr. FOWLER. Mr. Chairman, I reserve a point of order on this paragraph, and desire to call the attention of the chairman of the committee to the assayer's salary.

Mr. JOHNSON of South Carolina. I suggest that the gentleman make his point of order, if he has any.

Mr. FOWLER. There is no provision for an engraver at the Denver mint, but there is one at the Philadelphia mint, at $4,000. I will be glad to have information from the chairman of the committee as to whether this engraver is a new office or not?

Mr. JOHNSON of South Carolina. It is not a new position. It is the current law.

Mr. FOWLER. I withdraw the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 64, strike out all after and including the figures $73,200, on line 13, and insert the following:

"At Philadelphia: Superintendent, $4,500; engraver, $4,000; assayer, melter and refiner, and coiner, at $3,000 each; chief clerk, $2,500; assistant assayer, $2,200; assistant coiner, $2,000, and $500 additional during present incumbency; assistant melter and refiner, $2,000; cashier, and bookkeeper, at $2,500 each; clerk, and deposit weigh clerk, at $2,000 each; assayer's assistant, $2,000; assistant cashier, $1,800; curator, $1,800; 2 clerks, at $1,700 each; 8 clerks, at $1,600 each; 1 clerk, $1,500; 6 clerks, at $1,400 each; 2 clerks, at $1,300 each; 2 clerks, at $1,200 each; 7 clerks, at $1,000 each; 1 clerk, $900; in all, $80,300."

Mr. MOORE of Pennsylvania. Mr. Chairman, is this amendment debatable?

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, a little while ago I endeavored to explain the purpose of this amendment. It was to restore a statutory office that was cut out of the bill by the committee——

Mr. JOHNSON of South Carolina. Mr. Chairman, I will say to the gentleman from Pennsylvania that by reason of the completion of the smelting plant and the enlargement of the assay office in New York the Secretary of the Treasury contemplates that there will be less assaying to do at the Philadelphia Mint. The force as provided in this bill and the salaries as provided in this bill are as recommended by the Secretary of the Treasury.

Mr. MOORE of Pennsylvania. Then it is true, notwithstanding all that has been said about the apparent preference for the Philadelphia Mint, that the refining department is to be taken away and to be included in the New York plant?

Mr. JOHNSON of South Carolina. Largely so. Most of the bullion is brought into the port of New York. It is brought in large quantities for commercial purposes, and if you send it to Philadelphia there must be express paid on it. So the Secretary of the Treasury thinks it is unnecessary to go to the expense of sending it over to Philadelphia and back to New York, and I think he is right.

Mr. MOORE of Pennsylvania. Mr. Chairman, I am aware that the committee is supported in the bill it has presented by the recommendations of the Treasury Department. I desire to have that fact clearly understood. Still it is my duty to present this amendment, with a view of enforcing the law as it was enacted in 1873. The committee abolishes the office of coiner, which was created by statute in that year, and in the process of consolidating branches of the work has appointed a superintendent at a different salary. I want to lay this matter before the House in justice to the Philadelphia Mint and to the necessities that there exist. In response to my friend from Indiana [Mr. CULLOP], to whom I made reference a little while ago, I should like to read just what it means to economize at the Philadelphia Mint, or at any other mint in this country.

The report of the Director of the Mint for 1911 contains this statement with regard to the work done at the mint at Philadelphia:

The fiscal year ended June 30, 1911, was remarkable in that there were made at this mint 176,076,529 pieces of 1 and 5 cent coins, amounting in value to $3,866,288.09, the largest amount of minor coin ever made in any fiscal year at the mint in Philadelphia. This coinage has increased in the number of pieces from 101,301,753, made in 1900, to 176,076,529, made in 1911.

That pertains only to minor coins. We produced at the Philadelphia Mint upward of $37,000,000 in gold, silver, and minor coins, and these coins have been made, as well as safeguarded, by labor that is there employed.

I do not like to see labor thrown out of employment, and that is the reason why I answer the gentleman from Indiana [Mr. CULLOP], who spoke a little while ago of the preference given to the Philadelphia Mint. I would rather keep labor employed than to stand here enacting legislation to throw labor out of employment. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. JOHNSON of South Carolina. Mr. Chairman, there is no labor thrown out of employment.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question being taken; on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 30, noes 53.

Accordingly the amendment was rejected.

The Clerk read as follows:

Assay office at San Francisco, Cal.: Superintendent, $4,500; assayer, $3,000; superintendent melting and refining department, $3,000; chief clerk and cashier, at $2,500 each; bookkeeper, $2,000; assistant assayer, $2,200; 2 clerks, at $2,000 each; assistant cashier and assistant bookkeeper, at $1,800 each; assayer's assistant and deposit weigh clerk, at $2,000 each; 2 clerks, at $1,800 each (including 1 formerly paid from "parting and refining"); 4 clerks, at $1,600 each; private secretary, $1,400; 2 clerks, at $1,400 each; 1 clerk, $1,200; in all, $46,700.

Mr. JOHNSON of South Carolina. Mr. Chairman, I desire now to return to page 31 of the bill, which we passed by unanimous consent.

Mr. RAKER. Mr. Chairman, I object.

Mr. JOHNSON of South Carolina. The gentleman can not object, because I have unanimous consent to go back at any time.

The CHAIRMAN. If the Chair may have the attention of the gentleman from South Carolina, his request is in order, but there are three other paragraphs on that page which have not been disposed of.

Mr. FITZGERALD. They may take considerable time.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent——

Mr. JOHNSON of South Carolina. No; we already have unanimous consent. We obtained that this morning—to return to this section at my pleasure.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. If we return to the other page now will we not lose the oportunity to move to strike out this paragraph?

The CHAIRMAN. The Chair will say to the gentleman from California that the three remaining paragraphs on page 65 have not been read, and therefore have not yet been passed upon. They will have to be read and passed upon before the bill is disposed of.

Mr. RAKER. Before we return to the other page, I move to strike out lines 20 to 25, on page 64, and lines 1 to 5, both inclusive, on page 65, the paragraph just read.

Mr. FITZGERALD. The gentleman from South Carolina has authority at any time to recur to these other paragraphs, and, having made the request, the gentleman from California can not take him off the floor for this purpose.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry, so there can be no misunderstanding. Will my motion be pending to strike this out when we return to this part of the bill?

The CHAIRMAN. The Chair will recognize the gentleman to make that motion when we recur to this part of the bill. Of course, the gentleman from South Carolina [Mr. JOHNSON] has the right, under the order made this morning, to return to the other part of the bill.

Mr. JOHNSON of South Carolina. Mr. Chairman, I send to the Clerk's desk an amendment to be read. I ask unanimous consent to make a statement before it is read.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to make a statement before the amendment is read. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. The amendment I have sent to the Clerk's desk covers the Bureau of Trade Relations, the Bureau of Manufactures, and the Bureau of Statistics. It is not perhaps one amendment, but I desire to have it read as a whole in order that Members may be in possession of what it is intended to offer.

The CHAIRMAN. Will the gentleman from South Carolina state if this is offered as one amendment or as separate amendments?

Mr. JOHNSON of South Carolina. We will offer it as one amendment.

Mr. GILLETT. Mr. Chairman, I prefer to have it considered separately. I am willing it should be read as a whole. I will ask, Mr. Chairman, if an amendment can be offered as one amendment that covers different pages of the bill?

The CHAIRMAN. The amendment may be read, and then, if a point of order is made, the Chair will determine the question.

The Clerk read as follows:

Page 31, in lines 17 and 18, strike out the words "Chief of Bureau of Manufactures and Trade Relations, $2,500."

Page 32, strike out lines 11 to 25, inclusive, and on page 33, lines 1 to 23, inclusive.

Page 125, strike out all of lines 3 to 20, inclusive, and insert on page 125, after line 2, the following:

"That hereafter the Bureau of Manufactures of the Department of Commerce and Labor shall be known as the Bureau of Foreign and Domestic Commerce.

"The Bureau of Statistics of the Department of Commerce and Labor is hereby consolidated with the Bureau of Foreign and Domestic Commerce, to take effect July 1, 1912, and the duties required by law to be performed by the Bureau of Statistics are transferred to and shall after that date be performed by the Bureau of Foreign and Domestic Commerce.

"Those certain duties of the Department of Labor, or Bureau of Labor, contained in section 7 of the act approved June 13, 1888, that established the same, which especially charged it 'to ascertain, at as early a date as possible, and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States, in leading countries where such articles are produced, by fully specified units of production and under a classification showing the different elements of cost, or approximate cost, of such articles of production, including the wages paid in such industries per day, week, month, or year, or by the piece, and hours employed per day, and the profits of manufacturers and producers of such articles, and the comparative cost of living and the kind of living, what articles are controlled by trusts or other combinations of capital, business operations, or labor, and what effect said trusts or other combinations of capital, business operations, or labor have on production and prices,' are hereby transferred to and shall hereafter be discharged by the Bureau of Foreign and Domestic Commerce, and it shall be also the duty of said Bureau of Foreign and Domestic Commerce to make such special investigation and report on particular subjects when required to do so by the President or either House of Congress.

"Bureau of Foreign and Domestic Commerce: Chief of bureau, $4,000; assistant chiefs of bureau, 1 at $3,000, 1 at $2,750; chief of division of consular reports, $2,500; stenographer to chief of the bureau, $1,600; clerks—7 of class 4, 5 of class 3, 1 at $1,500, 11 of class 2, 14 of class 1, 17 at $1,000 each, 11 at $900 each; messenger; 5 assistant messengers; 4 laborers; laborer, $480; in all, $102,610.

"To enable the Bureau of Foreign and Domestic Commerce to collate and publish the tariffs of foreign countries in the English language, with the equivalents in currency, weights, and measures of the United States of all such foreign terms used in said tariffs, and to furnish information to Congress and the Executive relative to customs laws and regulations of foreign countries, and the purchase of books and periodicals, $10,000."

Mr. PALMER. Mr. Chairman, I make the point of order against the amendment that it is new legislation and does not come within the terms of the special rule adopted for the consideration of this bill.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania.

Mr. PALMER. Mr. Chairman, as I understand the proposition contained in this amendment, which I first saw only about an hour ago, it wipes out of existence the present organization in two of the departments and consolidates them in one new bureau, and gives to this bureau exactly the powers that are now being employed by what is known as the Tariff Board.

The proposition as I understand it, although my information comes only from the public prints, is that the Committee on Appropriations proposes in the sundry civil bill to kill the present executive Tariff Board by refusing to make an appropriation for its continuance. That proposition I agree with. But this is simply an effort by amendment to this bill to establish a new executive tariff board to take the place of that which they propose to abolish, by refusing the appropriation in the sundry civil bill.

The amendment offered, Mr. Chairman, as I understand it, not only makes new appropriations for the several positions named, some of which are not now named in the law, but it fixes the duties of the new bureau under a new name, to be known as the bureau of foreign and domestic commerce. It provides that hereafter the Bureau of Manufactures in the Department of Commerce and Labor shall be known as the bureau of foreign and domestic commerce. It consolidates the Bureau of Statistics in the Department of Commerce and Labor with this newly created bureau, to take effect on July 1, 1912, and transfers the duties which are now required of that bureau to this new bureau.

But more than that, Mr. Chairman, while very cleverly repeating certain language contained in the law now on the statute books creating the Department of Labor, which gave to one bureau in that department certain powers, it adds to that language the following:

And it shall be also the duty of said bureau of foreign and domestic commerce to make such special investigation and report on particular subjects when required to do so by the President, or either House of Congress.

That, Mr. Chairman, is not in the act of 1888, but is a virtual transcript of the Tariff Board law which was turned down in this House in the recent past. It seems to me perfectly clear, Mr. Chairman, that this attempt to create an executive tariff board by the consolidation of two executive bureaus, under a new name, coupled with the revivifying of a certain law which has been obsolete for 25 years, and the addition thereto of new duties which do not appear in the law, makes the amendment clearly out of order as new legislation.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Is this amendment offered as a committee amendment, authorized by the Committee on Appropriations?

Mr. JOHNSON of South Carolina. No, sir; there has been no formal meeting of the committee. There was a meeting of the majority of the committee, but there was no formal meeting of the committee, and it is not offered as a committee amendment.

Mr. MANN. The rule provides for any committee amendment.

Mr. FITZGERALD. No; that was not adopted in the rule.

Mr. PALMER. The rule under which we are operating is found on page 5889 of the RECORD of May 4, and clearly does not provide for this sort of an amendment.

The CHAIRMAN. The Chair will ask the gentleman from Pennsylvania to address himself to the proposition as to whether or not this amendment as a whole operates as a reduction in the amount of money covered by the bill.

Mr. PALMER. Well, Mr. Chairman, I am not able to say about that. This amendment appropriates $102,100, I think.

The CHAIRMAN. The Chair will state to the gentleman from Pennsylvania that what he desired to call his attention to was the fact that the exception to legislation on appropriation bills, as provided by Rule XXI, clause 2, is that such legislation is germane; and then, also, such legislation as reduces the amount of money covered by the bill, so it seems to the Chair that is a pertinent question.

Mr. PALMER. Mr. Chairman, the amendment provides, however, for certain things to be done which doubtless will require very much more expenditure than the mere salaries of a few of these officers who are named in the bill. There is not anything on the face of the amendment which shows that it will be a reduction in the expenditure by appropriation, and unless that appears it seems to me that it is out of order.

The CHAIRMAN. That is the point on which the Chair would like to hear the gentleman.

Mr. PALMER. In addition to that, Mr. Chairman, I doubt very much if the proposition to create a tariff board—for that is what this proposition is—can be held to be germane to an appropriation bill or to the subject matter of this bill provided for the transfer of the Bureau of Statistics to another bureau.

Mr. FITZGERALD. Let me ask the gentleman, Does the gentleman contend there is anything in this provision so far as collating information is concerned that it is not now authorized by law?

Mr. PALMER. I think this language, "and it shall be also the duty of said bureau," and so forth, is new.

Mr. FITZGERALD. I think not; it is contained in the act of 1888 with the same provision——

Mr. PALMER. No; the act of 1888 is quoted in the amendment.

Mr. FITZGERALD. Only part of that provision is quoted in the amendment and only that part of the duties enumerated in the act of 1888 that would be particularly pertinent to this bill is taken out of the Bureau of Labor. There are other duties enumerated there that are left with the Bureau of Labor.

Mr. PALMER. That is very true, but the section of the act of 1888 which is quoted provides for the duties of the Bureau of Labor, and that is adopted by this committee now. It is, as I said awhile ago, a law which has been obsolete for 20 years or more, as the gentleman from New York is perfectly aware.

Mr. FITZGERALD. No; I think not; I think any law is a law. Law is law.

Mr. PALMER. Well, the duties of that bureau specified in the act of 1888 have never been performed and no appropriation, at least sufficient to perform them, has ever been made, and that fact of itself, Mr. Chairman, is pretty good evidence that this amendment will increase expenditures, because if these duties are to be performed, if this proposition is in good faith, it will cost the Government of the United States a great deal more than $102,000, which is the total sum appropriated for this specific office. But after quoting that language from the act of 1888, carrying the duties of this Bureau of Labor, the amendment adds language that is absolutely new and which was only, as I understand it, put in the amendment to-day after conference with some Members whose support of it was

secured by the addition of this new language, and that clearly makes it new legislation.

Mr. ADAMSON. Will the gentleman yield to me for a suggestion?

Mr. PALMER. Certainly.

Mr. ADAMSON. There is a very disorderly irregularity of language, Mr. Chairman, which I resent——

Mr. PALMER. By myself?

Mr. ADAMSON. No, sir; not by the gentleman from Pennsylvania. The gentleman from Pennsylvania is always perfectability in the use of language, as well as in ideas. [Applause.] Foreign and domestic—there is no such thing known to the Constitution as domestic business. It is interstate and foreign, and if we are going to name any such board as this we ought to name it according to the Constitution, "interstate and foreign"

Mr. GILLETT. Mr. Chairman, I wish to make a further point of order, inasmuch as it is impossible for me to assume how the Chair will rule on this point of order. The further point of order is that it is not legitimate to include in one amendment striking out, on page 32, lines 11 to 25, and then have the rest of the amendment applying to page 125; and it illustrates, it seems to me, clearly the impropriety of so joining amendments. Suppose, for instance, the committee or any gentleman on the floor wished to put in a bill an entirely new office. Could he put in an amendment saying there is hereby established a new office, and then couple with the amendment a provision striking out, for instance, all the mints, and then claim that although that applied to an entirely new subject, yet because the amendment as a whole produced an economy, therefore it was in order? It seems to me that would be entirely improper. We are reading this bill for amendment, and an attempt is made here to strike out provisions under the State Department and thereby produce an alleged economy, and then by weight of that economy to say that the amendment as a whole comes under the Holman rule, whereas I claim that the two provisions are entirely independent; that they are in different parts of the bill and can not be treated as one amendment.

The CHAIRMAN. The Chair would like to ask the gentleman, Does this amendment offered strike out a portion of the bill on pages 32 and 33 and also on page 125 specifically?

Mr. GILLETT. That is the amendment as I have it.

The CHAIRMAN. Let the Chair pass on one proposition at a time, without taking up the other. The request of the gentleman from New York this morning was:

I ask unanimous consent that when we return to the provisions on page 33, line 5 to line 23, which were passed over, that we shall also consider the provision on page 32, commencing with line 11 and running down to and including line 4 on page 33. They are all interrelated.

Unanimous consent was granted that that should be done. The Chair would hold, then, you could offer one amendment to this provision on pages 32 and 33, and that you could offer one amendment which might relate to those things on page 125; but you could not strike out page 125 until you reached it. The Chair will sustain the point of order, so far as that is concerned, and give the gentleman an opportunity to reoffer his amendment with the change.

Mr. JOHNSON of South Carolina. I offer as an amendment, on page 31, to strike out of lines 17 and 18——

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 31, lines 17 and 18, strike out the words "Chief of Bureau of Manufactures and Trade Relations, $2,500."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GILLETT. Mr. Chairman, I wish to debate the amendment.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. GILLETT. I want to ascertain what the purpose of the amendment is.

Mr. FITZGERALD. The gentleman submitted this very same amendment himself when this paragraph was read.

Mr. GILLETT. I want to ascertain. I have not even looked at it.

Mr. FITZGERALD. This strikes out "Chief of the Bureau of Manufactures in the Department of State," which was inserted because of the proposed abolition of the Bureau of Manufactures. I understood the gentleman was striking that out from the amendment he offered.

Mr. GILLETT. No. That is the amendment that is now offered.

Mr. MANN. Mr. Chairman, it seems to me we ought to have some understanding or agreement that would be effective. Here is an amendment which was offered as a whole, to which a point of order was made, and the point of order sustained to the amendment as a whole. Now it is offered in division.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the ground on which the Chair sustained the point of order was that you could not amend a paragraph at the time except by unanimous consent.

Mr. MANN. I am not complaining of the ruling. I think it was correct. But here is a proposition to strike out "the Chief of Manufactures and Trade Relations, $2,500." Of course that strikes out the head of the present Bureau of Trade Relations.

Mr. FITZGERALD. No; it does not. This was a position to be created if the Bureau of Manufactures was abolished and the work turned over to the State Department.

Mr. MANN. This is a new position entirely.

Mr. GILLETT. Mr. Chairman, I move to amend by striking out the words "Bureau of Manufactures"——

Mr. MANN. There is now the Chief of the Bureau of Trade Relations, and the only change the committee made was to change the title to the "Bureau of Manufactures and Trade Relations." Now, if we strike that office out with the expectation of providing for its duties in some other office, and then when the amendment is offered to that it is subject to a point of order, the committee will leave itself in a fairly ridiculous position. Is it not possible to have a vote on the whole proposition in some way first?

Mr. GILLETT. Mr. Chairman, I offer this amendment to the amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GILLETT] offers an amendment to the amendment.

Mr. GILLETT. The gentleman has moved to strike out the words "Chief of Bureau of Manufactures and Trade Relations." I move to strike out from his language the words "Chief of Manufactures." I want to leave the "Chief of Trade Relations" in there.

Mr. MANN. You want to perfect the original text first by striking out the words "of Manufactures and"?

Mr. GILLETT. Yes.

Mr. JOHNSON of South Carolina. I will say to the gentleman from Massachusetts [Mr. GILLETT] that the Bureau of Manufactures we transfer from the Department of Commerce and Labor to the Department of State.

Mr. GILLETT. Exactly. You put here in this section "Chief of Bureau of Manufactures and Trade Relations." There is no such position now, and I wish to leave it "Chief of Trade Relations."

Mr. JOHNSON of South Carolina. That is right.

Mr. GILLETT. Now, Mr. Chairman, I wish to comment on this amendment. I offer an amendment to perfect the original text by striking out the words "of Manufactures and."

The CHAIRMAN. There is one amendment pending before the committee to strike out the words "Bureau of Manufactures and Trade Relations." Now, the gentleman from Massachusetts desires to amend that amendment?

Mr. MANN. No; he desires to perfect the text.

Mr. GILLETT. To perfect the original text.

The CHAIRMAN. The amendment is not in order until the other is disposed of. The Chair will recognize the gentleman for an amendment to the amendment pending.

Mr. MANN. Where an amendment is offered to strike out a part of the text, it is in order to perfect the text of the amendment to see what the committee wants to strike out.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is correct, and the Clerk will report the amendment to correct the text.

The Clerk read as follows:

Page 31, line 18, strike out the words "of Manufactures and," so that it will read "Chief of Bureau of Trade Relations, $2,500."

Mr. GILLETT. Now, Mr. Chairman, I do not think the way this proposition is brought in is treating the House fairly. The first proposition reported by the committee was to practically strike out from the bill the Bureau of Manufactures and the Bureau of Statistics. That was what we supposed was the proposition of the majority when they came in here this morning.

That is what I supposed was the position until late this afternoon. The remark that the gentleman from New York [Mr. FITZGERALD] has made indicates that when he suggested this morning that these items should be considered together he probably then had in mind the proposition which he now makes, and very ingeniously caught us, unsuspecting, and we agreed to the proposition that these sections should be taken together.

If that is the way we are to be treated, we will not consent in the future to any such suggestion of unanimous-consent

agreements. Founded upon that, the gentleman now brings in this proposition, which entirely abolishes a large part of the organization of the State Department, that whole organization of trade relations, under which the State Department has been so successful of late years, without a word of notice, without a suggestion in the committee hearings, with no evidence at all; but apparently because popular opinion was against them in striking out the Bureau of Manufactures and Statistics, not daring to stand by their other propositions, they now are trying to cover it over and accomplish something—although a different result—to accomplish something that looks like economy. Apparently they think that the Department of Commerce and Labor is too popular with the country to allow two of its important bureaus to be taken away, and so they suddenly make a back track and allow this to come in, which abolishes part of the Department of State.

The one thing that they seem to be intent upon is to strike at some department. Now, I do not think it is fair to the minority or fair to the committee that a portion of a commitee should bring in such an important, essential, fundamental proposition as this on an amendment concocted at a late hour in the afternoon of the day when they said the bill was to go through, with no suggestion made of it in committee, and no suggestion made of it to any minority members of the committee until it was handed to us a few moments ago in typewriting. I do not think that is a fair way to treat the minority or the committee.

Now, as to the amendment which I have offered, I think the Bureau of Trade Relations ought to remain in the Department of State. I think it has proved to be of the greatest value to the country, and I think that any proposition to strike it out is most unfair, particularly if such a proposition is brought in in this way, without any evidence or without any previous suggestion. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I am not accustomed to treating Members unfairly, or of taking advantage of them, or of being charged with so doing. No unfair advantage was taken of the gentleman from Massachusetts [Mr. GILLETT]. I asked unanimous consent that the provision on page 32, commencing with line 11 and ending on line 4 of page 33, might be considered when we recurred to it.

Mr. GILLETT. Will the gentleman allow me a question right there?

Mr. FITZGERALD. In a moment. If the gentleman had objected, when the bill was reported to the House, it would have been in order to have made, and a motion could have been made, to have stricken that part of the bill from it. The gentleman could not have objected, and he would have had no knowledge that it would be done.

Mr. GILLETT. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. FITZGERALD. Yes.

Mr. GILLETT. Has there been any suggestion that the gentleman was going to do that?

Mr. FITZGERALD. I suppose the gentleman was posted by the representatives of his own party in the administration at least as much as members of the opposite party in this House.

The investigation made by the Committee on Appropriations disclosed that there was a certain unnecessary duplication of work. All the departments insisted in each instance that their particular bureaus were the necessary bureaus. The committee was determined to eliminate the duplication and to concentrate the services that were identical in one department. It determined, upon the information it then had, to put those services in the Department of State. Since that time representatives from the Department of Commerce and Labor have come to the committee insisting that a mistake had been made, stating that there was no real objection to certain consolidations, but that, on the contrary, some of them believed that they should have been made heretofore, but that the bureau that should be maintained is the Bureau of Manufactures. And no later than yesterday, although the gentleman from Massachusetts seems to be unaware of what happened, the head of the Department of Commerce and Labor was here in this House, setting forth his views to the Members of the majority, and pointing out where he thought, perhaps, mistakes had been made, and where the services should be protected.

The Bureau of Trade Relations in the State Department has no existence in law. It was built up by the Secretary of State under the provision in section 2 of the Payne-Aldrich tariff law by which authority was given to the President to secure information about foreign tariffs, whether discriminations were being made against American manufactures and American exports, and to enable him to enforce the maximum and minimum provisions of the tariff law. Since this bill was reported the committee has ascertained that the Secretary of State had made the statement that practically everything that was to have been done and which could have been done under section 2 of the Payne-Aldrich law has been done; and he has requested the Committee on Ways and Means to amend the law in certain particulars, insisting that the amendments were necessary if the Department of State was to act further under it. The committee believed that the work having been completed, not being in sympathy with the so-called "dollar diplomacy" of the administration, and information having been furnished that whatever remains to be done could properly be done by the Bureau of Manufactures, and that it was more advisable, perhaps, to put the Bureau of Statistics with the Bureau of Manufactures than with the Census Bureau, the committee remodeled its provisions, and so reported to the House.

I have no hesitation in saying—the gentlemen can indulge in criticisms if they wish—that I believe we have done the right thing. In view of the information we had before, we were justified in the previous recommendations. In view of the information we have now I believe that the committee made a mistake, and I am not afraid to say so. I believe that the readjustment of the service proposed in these amendments will make the service more efficient and will promote the interests of the commerce of the United States. That is all there is to it. The committee now propose to drop the entire force in the Department of State, built up under the pretext that there was a necessity for it by reason of certain provisions in the Payne law, and under an appropriation of $100,000 contained in a deficiency act passed two or three days after the Payne-Aldrich bill was approved, as a result of which there was organized the Bureau of Trade Relations in the State Department. Among other places there was created the position practically of diplomatic peace officer. The gentleman who held that position has recently departed this life. He was utilized by the Department of State to smooth out the difficulties among our Central and South American neighbors. A number of other positions were created for which I believe there is no authority, and which I believe it desirable to terminate.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. The gentleman from Pennsylvania [Mr. PALMER] speaks about the committee creating a new tariff board. I deny it. In 1888 a Democratic Congress passed the law relating to the Department of Labor. Among other things, it imposed upon the Department of Labor the particular duties which we now propose to transfer to the Bureau of Manufactures. At that time the Commissioner of Labor, although not a Democrat, was Democratic in his tariff views, and Republican administrations refused to permit him to engage upon any of the work authorized. There exists now a Bureau of Manufactures, and certain duties heretofore imposed upon a Bureau of Labor that have no real relation to the work of that bureau, but would be pertinent, if they were to be performed at all, to the Bureau of Manufactures and should be transferred to it. The committee deemed it desirable to transfer those duties to this bureau, so long as it was engaged in the work of consolidating and rearranging the duties of these different bureaus, into the bureau where the work properly belongs.

The gentleman is erroneous in his statement that new duties have been imposed upon the bureaus by the language to which he calls attention, authorizing investigation to be made in response to directions of either House of Congress. That language is also taken from the act of 1888, although it is not put in quotation marks in the provision as written, but it is in the act of 1888 nevertheless. The Bureau of Labor now exists, and it is within the authority of the President or of either House of Congress to direct the Commissioner of Labor to make such investigations, to make special reports on the particular subjects enumerated, whenever required to do so by the President or either House of Congress, or whenever the commissioner believes the subject in question requires investigation and report. It is to be presumed that the particular investigation to be made would be along the lines of the authority conferred upon the Commissioner of Labor by the act.

I have no hesitation in saying that I am opposed to the present Tariff Board, and I shall not vote to make appropriations for it. If there be some organization which from time to time can secure information under the direction of the

Congress, which information may be required in the work of preparing tariff or any other bills, I am perfectly willing to have it. I do not believe we are creating a tariff board in the sense in which I have antagonized and opposed one—a tariff board or instrumentality created by and subject to the Executive, and not under the control of the House of Representatives, where tariff legislation originates.

The Commissioner of Labor, under the act of 1888, has from time to time made special investigations in matters affecting labor, under the direction of both Houses of Congress, and the investigations have always been of a satisfactory character.

In preparing tariff legislation a great mass of information is now obtained, and called for by the Committee on Ways and Means, from various bureaus of the Government which have special facilities and capacity for obtaining the information. I have never known that committee, under any administration of the House, to refuse to ask for or to accept such information simply because it had been compiled by a bureau in one of the executive departments. The amendment proposed by the gentleman from South Carolina at this time is not, however, involved in that question. It involves only the question as to whether the bureau in the Department of State shall be continued, presumably performing duties created under the Payne-Aldrich Tariff Act, but which can not further be performed unless the request of the Secretary of State for further legislation be granted by amendment of the law. It makes no difference to me whether the amendment of the gentleman from Massachusetts be adopted so long as the committee goes further and strikes out the balance of the language in the clause.

Mr. PALMER. Mr. Chairman, I am one of those in the House who have confidence in the work of the great committee of the House, and I have been extremely loath at all times to oppose anything which is brought out after full and fair discussion and consideration by one of the committees. And especially would I hesitate to oppose any proposition which had received the full and careful consideration of the great committee presided over by the gentleman from New York [Mr. FITZGERALD]. But in presenting my opposition to this proposition I respectfully submit that I am following the Committee on Appropriations in their deliberate judgment and refusing to follow that committee in their hasty and eleventh-hour judgment. I am for the bill brought out by the Committee on Appropriations. I would transfer this Bureau of Statistics to the Census Department, and I would do all the other things which the distinguished gentleman's committee have reported to the House after full and fair hearing.

But here is a proposition which, so far as I can learn, was born this afternoon in a corridor of the Capitol, and I assert that its only purpose is to create an executive tariff board to take the place of a tariff board which the gentleman's committee have already given notice will be killed when the sundry civil bill is reported to the House.

Mr. FITZGERALD. Will the gentleman yield?

Mr. PALMER. Yes; I will yield.

Mr. FITZGERALD. I do not care to have pass unchallenged the gentleman's statement that this recommendation was born this afternoon in a corridor of the Capitol. That is not a fact.

Mr. GARNER. Will it create a tariff board, as suggested by the gentleman from Pennsylvania?

Mr. FITZGERALD. I do not believe it will.

Mr. PALMER. I think I can show that it will.

Mr. Chairman, the gentleman says it was not born to-day. I do not know when the idea originated in the gentleman's mind, but I do know that a large majority of the committee which would have charge of the legislation affecting the creation of a Tariff Board never heard of this proposition until after the House met to-day. It was never submitted to them.

I have gone along very willingly during this session in support of rules which have sustained the efforts of the Committee on Appropriations in writing new law on the statute books. I have gone along with them upon that, but I must say that I hesitate when, upon a great political question such as this, whether we shall have an executive Tariff Board in this country or not, I am asked to subscribe to the proposition that the Committee on Appropriations, in an unofficial meeting, as the gentleman himself admits, shall write law into the statute books and make a policy for the Democratic Party.

The gentleman says that it is not a Tariff Board. Why, Mr. Chairman, if you read these provisions of law which are incorporated in this amendment as the duties of this new bureau, you will see that every duty which the present executive Tariff Board has to perform, and does perform, is incorporated within the range of the duties of this new bureau.

The distinguished chairman of the Ways and Means Committee has said several times in the House and before the country—and no man, Mr. Chairman, can speak the mind of the Democratic Party of the country with greater precision than he [applause]—the gentleman from Alabama has said that the present Tariff Board is a body of clerks of the President. How much more true would it be, with these subalterns in this little bureau, charged with all these great and important duties of the Tariff Board, appointed by a subordinate officer of the President—by the administration—how much more true would it be that then we could consign to a body of clerks the duties which are now exercised by the Tariff Board?

The CHAIRMAN. The time of the gentleman has expired.

Mr. PALMER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. PALMER. Mr. Chairman, this amendment incorporates the duties of the Commissioner of Labor as prescribed by the act of 1888, into the duties of a new bureau. The gentleman from New York says that all of it is existing law. That may be true, but however the gentleman may refine about the technicalities of the situation—and the gentleman knows it as well as anybody—ever since that law was passed it has been a dead letter upon the statute books. If it were not so, there would not have been the slightest reason for the Republican Party in the last Congress to form a tariff board, because there was a bureau charged with all the duties which it was necessary for them to put into a new tariff board in order to show the country that they were in favor of such a proposition.

Mr. GARNER. Will the gentleman yield?

Mr. PALMER. I will yield to the gentleman.

Mr. GARNER. This provision, if I am correctly informed, only carries an appropriation of $100,000. Would that be sufficient to conduct a tariff board as now conducted under the present law?

Mr. PALMER. It probably would not, and neither would it be sufficient to perform the duties covered by this amendment. You will find, if this bureau gets to work and undertakes in good faith to do the things that the amendment calls for it to do, that it will be absolutely necessary for the Committee on Appropriations to come into the House with a deficiency bill asking for an additional appropriation to pay for the performance of all these duties.

Now, Mr. Chairman, I am not one of those who believe that we should undertake tariff legislation without the assistance of experts. On the contrary, I think I have shown during my course in this Congress that I believe in expert assistance. The Committee on Ways and Means in the preparation of its tariff legislation has had that kind of assistance and has employed it constantly; and no Committee on Ways and Means which would perform its duty with fidelity to the House and the country could proceed to revise the tariff without the assistance of such experts.

But, Mr. Chairman, the power to control is in the power of appointment; and my objection to this proposition is that whatever political bias can possibly enter into the report of such a bureau on tariff questions will be the bias of the appointing power, and I assert that if any prejudice should ever get into any of the reports of the tariff board, bureau, or commission, it should be in full sympathy, not with the executive, but with the legislative branch of the Government, because it is in this House that is lodged the exclusive power of originating all this kind of revenue legislation.

I am in favor of expert assistance. I do not care whether you call it a tariff board, a revenue board, a tariff commission, or a board of statisticians. I assert that the only safe and proper plan is to have that assistance controlled—that is to say, appointed—by the Ways and Means Committee of this House, which is the committee which since the foundation of the Government has been charged with the duty of preparing the legislation that under the Constitution must originate in this House.

But, Mr. Chairman, just as soon as we enter upon this proposition we bind the Ways and Means Committee of the House, hand and foot, to views and reports in the present state of the Government control by a partisan President entirely out of sympathy and against the judgment of a majority of the people of the country. Because here in this House is reflected the opinions of the people of the United States upon revenue questions, and whatever board is charged with the duty of presenting the facts for consideration by the Congress ought to be in full sympathy with the prevailing predominant sentiment of the country as reflected in this House.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. HILL. Mr. Chairman, I ask that the time of the gentleman from Pennsylvania be extended for five minutes.

The CHAIRMAN. The gentleman from Connecticut asks that the gentleman's time be extended five minutes. Is there objection?

There was no objection.

Mr. PALMER. I was only going to add that I wish that we could have a board of expert statiticians who would be absolutely devoid of any political prejudice upon this subject. But human nature is human nature the country over, and the time will never come when strong American men will not have decided views upon this tariff question. We can not find any experts in the land who will not have views—yea, who will not have convictions—upon this question of raising the revenue for the Government. We may find men who will subordinate these views and these convictions to the desire to collate the facts without bias and without prejudice. We may and we may not. But it seems to me that the safe thing to do, knowing that trait in human nature, is to make sure that, whatever prejudice or political opinion may influence, the findings of fact and investigations should be in absolute and hearty accord with the judgment of the majority of our people. The people send us here to legislate on this tariff question. They do not want some clerks, as the gentleman from Alabama has so often said, to operate as a tariff board for our guidance. They want us to do it, and until the time comes when we can eliminate this feature from human nature which brings political convictions into every action of life on this question we had better play safe and be absolutely certain that whatever expert assistance we have is that which is in consonance and sympathy with the judgment of our people.

I would not oppose a board which was appointed by the House of Representatives, because that necessarily—though I would want it to be unbiased and unprejudiced—could not be charged with being opposed to the predominating sentiment of the country. I would not oppose this provision if it were under the control of the Committee on Ways and Means. I would not oppose it if it could be so changed that it would consist of clerks who would work under the direction and subject to the order of the committee which since the Government began has been charged with the duty of preparing this kind of legislation. But so long as it will be composed of clerks who may be small politicians back in the country, appointed for the purpose of rewarding them for some political support, I shall oppose any effort on the part of the Committee on Appropriations or anybody else to put this tremendous power in the hands of such a board or bureau. [Applause.]

Mr. CANNON. Mr. Chairman, this amendment in part meets my aproval, in part it does not. It is a changing of front. It is an attempt to change a horse while the gentlemen in charge of the bill are crossing the stream. Now, I am entirely in harmony with one of the amendments, namely, that which consolidates the Bureau of Manufactures in the Department of Commerce and Labor and the Bureau of Statistics in the same department. I believe they can be profitably consolidated. There is a report of a very able commission recommending this, and it would have been done before this, but under the information of the Attorney General, while Mr. Straus was Secretary of the Department of Commerce and Labor, he held that the law would not permit it. This proposes to change the law and consolidate those two bureaus; but it goes further than that. It makes it impossible to expend the sum of $69,160 that is being expended for the current year by the Bureau of Trade Relations in the State Department. It omits that and transfers the duties that are being performed in the State Department, costing $69,160, to the Department of Commerce and Labor, but does not add the $69,160 or any part thereof. Further than that it provides or fails to provide for $60,000 worth of commercial agents that are now employed by law in the Department of Commerce and Labor. So we have thrown these duties upon this newly created bureau, consolidating Statistics and Manufactures, and in addition drop out the $60,000 for commercial agents under the Department of Commerce and Labor, if a total cost of $235,400 this current year, and the proposition is to appropriate $102,000—decrease the amount, notwithstanding the added duties. In addition to that it takes and repeals, as the amendment shows, the authority that the Department of Labor has and forces it upon the new bureau and directs that that bureau shall perform certain duties, or have the power to perform certain duties, and proposes this additional legislation:

And it shall also be the duty of said Bureau of Foreign and Domestic Commerce to make such special investigations and reports on prevailing subjects when required to do so by the President or either House of Congress.

That is new and no money given. Oh, it looks to me like saying do certain things, and when you require a horse and a wagon and a ship and employees and agencies we will not appropriate for them. Now, it seems to me that about covers all the ground. I am inclined to think, under the special rule that has been adopted and under the so-called Holman rule, that this is in order. You have the majority on that side, and a working majority. Work your will; you are responsible. Say to this newly created bureau with its new duties perform your duties, but you shall not have the money with which to perform, and I never yet knew what it meant by Pharaoh ordering the children of Israel to make bricks without straw if straw was required, but you are requiring the same thing to be done by this newly consolidated bureau with the new duties that it has to perform. I really expect that you would really like to have the power to escape criticism by saying we have provided for all these things, and then by withholding the wherewithal to peform the functions that duty shall not be performed. [Applause.]

Mr. BURLESON. Mr. Chairman, I can not but be impressed with the belief that the gentleman from Pennsylvania is laboring under a misapprehension as to what we are endeavoring to accomplish by the pending amendment. The effort is being made for the purpose of eliminating duplication of work by the consolidating into one bureau three existing bureaus, to wit, the Bureau of Statistics, the Bureau of Manufactures, and the so-called Bureau of Trade Relations in the State Department. These various bureaus deal with certain subject matters. The so-called Bureau of Trade Relations in the State Department is chargeable with the responsibility of gathering data and aiding and advising the President in the enforcement of the maximum and minimum clause of the Payne-Aldrich Tariff Act. The Bureau of Manufactures also has certain duties to perform in connection with our tariff law and the compilation and collection of foreign tariff laws, their translation for the information and benefit of those engaged in commerce in our own country. In the preparation of the item that is now offered as an amendment by the gentleman from South Carolina we had before us a report made by a board appointed by the Secretary of Commerce and Labor having for its purpose the consolidation of two of these bureaus. We have adopted in this amendment the recommendation contained in that report.

Mr. GILLETT. Will the gentleman yield?

Mr. BURLESON. I have only five minutes, but I will yield to the gentleman in a moment. As I have said, we followed the recommendations contained in that report. This bureau provided for in the amendment, the Bureau of Foreign and Domestic Commerce, they urged in lieu of Manufactures and Statistics. Mr. Chairman, another recommendation of the commission in their report was that there should be in this new bureau a division of tariffs, for the purpose of compiling or collecting the very information provided for in detail by this amendment, and against which the gentleman from Pennsylvania directs his criticism. Now, gentlemen, how can it be contended or claimed that we are attempting to create a tariff board by this amendment. In view of his record, who can charge the gentleman from New York [Mr. FITZGERALD] with being in favor of an Executive-controlled tariff board when it rests within the recollection of every man here that it was through his efforts that a Tariff Board sought to be fastened upon this country by the other side was defeated during the closing hours of the last Congress?

Mr. PALMER. Will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. PALMER. I suppose the gentleman from Texas agrees with the statement made that this is the law now as to the duties of the Department of Labor.

Mr. BURLESON. Yes.

Mr. PALMER. Then why in the world is it repeated in this bill that is now brought in advance of your proposition to kill the Tariff Board?

Mr. BURLESON. Because we were endeavoring to intelligently formulate a bureau to take the place of three other bureaus which now exist, two of which the Chief of the Bureau of Manufactures and the Secretary of State have said before the Committee on Appropriations were engaged in duplication of work. We are endeavoring to amalgamate the duties and responsibilities of these three bureaus into one and to add thereto the duty imposed on the Bureau of Labor in relation to the comparative cost of manufactured articles here and abroad. That is the reason. The gentleman from Massachusetts, during the preparation of the last appropriation bill, propounded the query to the Chief of the Bureau of Manufactures, "Do not you believe that this work could be better done under one department?"

meaning the work of the Bureaus of Trade Relations and Manufactures.

When this same matter was before the committee at the time the Secretary of State suggested that this consolidation was desirable, but of course he wanted the consolidation under his department. The Chief of the Bureau of Manufactures earnestly insisted it be done, admitting the work was a duplication, but he wanted the consolidation under the Department of Commerce and Labor. We knew then it was utterly impossible to get these heads of departments to agree, and now, when we have take a report, formulated by the chiefs of these bureaus and certain eminent experts whom they have called to their assistance, and make an effort to carry into effect the recommendations contained in that report, we are charged with attempting something entirely foreign to our purpose with an effort to create a tariff board. I insist that there is no additional duty imposed upon this proposed new bureau that is not imposed upon the various bureaus we are attempting to consolidate, and a fair reading of it will drive this conviction home to any man who will take the amendment and carefully read it.

Mr. MANN. Mr. Chairman, just a word. When we created the Department of Commerce and Labor we provided in that department a Bureau of Manufactures, and in the consideration of the question as to what bureaus should be transferred to the new Department of Commerce and Labor and what bureaus should be newly created in the Department of Commerce and Labor, to a certain extent this question came up for consideration. At that time it was thought desirable that the information which should go directly to the manufacturers of the country should go through and from the Department of Commerce and Labor, which is in close touch with the manufactures of the country, and not through the State Department as formerly had been the case by the issuance of monthly bulletins by the Bureau of Consular Service in the State Department.

On the other hand, it was not desirable to place the consuls of the United States under the control of the Department of Commerce and Labor and away from the control of the State Department, because, while the consuls of the United States are in the main mere commercial agents, yet there are times when they have diplomatic duties to perform, and their reports at times, if published in the way they are made, might lead to diplomatic difficulties. And we, therefore, left in the State Department the Consular Bureau and the Consular Service to obtain the information of consuls abroad and to strike out of that information, so far as publication was concerned, those matters which might lead to diplomatic troubles, and to turn the other information over to the Department of Commerce and Labor for that department to utilize for the benefit of the country and the manufactures of the country.

Now, the proposition is to abolish what is now called the Bureau of Trade Relations in the State Department, but which is the bureau in the State Department which deals directly with the consuls and which obtains the information. As at present constituted, that bureau in the State Department when it obtains information from the Consular Service crosses out that which ought not to be made public, because diplomatic only, and turns the balance of the information over to the Bureau of Manufactures in the Department of Commerce and Labor, and that bureau publishes the information daily for the benefit of those in the country who may be interested in the matters involved. It does not seem to me feasible to abolish the control of the State Department over the consuls or over the consular reports on the one hand, nor does it seem to me feasible to abolish the control of the Department of Commerce and Labor over the publications made for the benefit of those interested in manufactures and foreign exportations in our country who are in close touch with that department.

I do not see any objection to the consolidation of the Bureau of Statistics with the Bureau of Manufactures, although I had hoped that when the Bureau of Manufactures was created it would gradually expand and become to a certain extent an expert and scientific bureau of the Government, which might not only publish information obtained from abroad for the benefit of manufacturers and manufactures, but also obtain original information in our country for that purpose. Of course, this proposition involves abandoning the idea of the Government giving any benefit to the manufactures of the country through obtaining original information in our own country.

Now, Mr. Chairman, I do not myself think that this creates a tariff board, nor do I think the gentleman from Pennsylvania [Mr. PALMER] was quite correct in believing that there was added to the power now possessed by the Bureau of Labor the power to furnish and obtain information at the request of the President or of either House of Congress, because the act creating the Department of Labor, now called the Bureau of Labor, carried the express provision in it:

That the Commissioner of Labor is also authorized to make special reports on particular subjects whenever required to do so by the President or either House of Congress, or when he shall think the subject in his charge requires it.

And I do not see how the power that the Bureau of Labor now possesses is enlarged. I am not familiar with the information of the Attorney General, which was that these bureaus could not be consolidated. We carried a provision in the act creating the Department of Commerce and Labor intending to authorize the President to consolidate all statistical bureaus, with the exception, I believe, possibly of the Department of Agriculture and possibly the War and Navy Departments. It was then the expectation that these various statistical bureaus, dealing in the gathering and compiling and publishing of information, should be consolidated as far as possible and practicable. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I do not believe that anyone in this House will accuse me of favoring the creation of a tariff board. Anyone who was in the last House will at least give me the credit of having prevented the creation of one. The provision that will be proposed in a little while is not intended to create a tariff board. If, as the gentleman from Pennsylvania [Mr. PALMER] states, the gentleman from Alabama [Mr. UNDERWOOD] is best fitted to express the opinion of his party upon what should be done in this matter, it is but fair to say that he was present in all the conferences during which this provision was framed, and that it meets his hearty approval. There is no attempt on the part of the Committee on Appropriations to go afield in creating tariff boards. It was confronted with this situation. There was a power existing in one bureau of the Department of Commerce and Labor; a consolidation was being proposed of two bureaus—the Bureau of Statistics and the Bureau of Manufactures; the authority now resting with the Bureau of Labor in the Department of Commerce and Labor more properly belonged to such a bureau as is now being created, or enlarged, and the committee has proposed to place that power in this bureau.

There will not be a lot of political hacks placed in the places provided. There is no authority for appointments outside of the chiefs of the bureaus and of certain men who are now in the service, except of persons in the classified service. Any work that will be done will be the mere gathering of facts, and if the work be done the objection to the work of a tariff board will be eliminated, because whatever will be obtained will be facts and not conclusions of the men constituting a so-called board resulting from the facts. Under this provision investigation can be made at the direction of either House of Congress, and information be transmitted to Congress pursuant to any direction to make investigations; and this bureau will not be able to do what the tariff board did to the gentleman's committee this year, namely, decline to furnish facts upon which their conclusions were based.

This does no more than is now authorized. This House can never do any legislative work connected with the tariff without relying upon statistics and information furnished from some of the bureaus of the Government. The reports of the gentleman's committee are filled with statistics compiled by the Census Bureau, upon which the conclusions of the committee were reached. If such information can be obtained through some sort of a force under the same sort of management and control as is the information upon which the gentleman's committee is willing to act, I can not see any justification for the charge that an attempt is being made in a shrewd, ingenious way to create a tariff board. I have no sympathy with such a board, and I would not support a proposition for such a board. I believe my own conduct in the past is sufficient justification for the statement that I do not propose or desire or intend to create any such board.

Mr. PALMER. Mr. Chairman, is the gentleman also opposed to a board of statisticians that would be appointed by the House or by the Committee on Ways and Means to furnish information to the House?

Mr. FITZGERALD. Well, Mr. Chairman, I will say very frankly that I have read several bills that have been introduced on that subject. I made a suggestion myself that was not adopted. I suggested that the chairman of the Committee on Ways and Means ask this House for such experts as he thought the Committee on Ways and Means should have; that they be authorized by the Committee on Accounts; and that the Committee on Appropriations would then carry them in this bill. He informed me that he still had left a balance of the money given by Congress to enable his committee to obtain the infor-

mation it desired, and that at the present time it would not be possible for his committee to use additional funds if granted in that way.

Mr. PALMER. Mr. Chairman, the gentleman has not yet answered my question.

Mr. FITZGERALD. Well, I am not in favor of such a board as is proposed in the bill of the gentleman from Pennsylvania.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCALL. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. FITZGERALD. Yes.

Mr. PALMER. Has the commission anything to do with bringing in this amendment?

Mr. FITZGERALD. No. It had nothing to do with it. My action was entirely impersonal.

Mr. Chairman, I was about to state, so that the House would know, what the gentleman's bill proposed to do. It was to create a board, and at the beginning of each Congress should proceed to elect three members of the board, two by the majority and one by the minority. I examined the gentleman's bill, and do not think it is a scheme that would work or would be practicable.

Mr. McCALL. I understood the gentleman to say that the chairman of the Committee on Ways and Means had informed him that the committee had not expended all of this money that had been put at their service to get information. Now, what I wished to ask was, What evidence is there that the committee got any information whatever?

Mr. FITZGERALD. Oh, if the gentleman had taken the trouble to read the reports of his own committee instead of the ridiculous reports submitted by the so-called Tariff Board, he would not have asked any such question. The committee reports are full of valuable information. They have analyzed a number of reports and a great amount of statistics obtained from many sources. I am informed that the majority of that committee are very content with the character of the information obtained. I do not suppose it would have been possible to have satisfied the gentleman from Massachusetts [Mr. McCALL] and his associates, no matter what information would have been obtained. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Massachusetts [Mr. GILLETT].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. GILLETT. A division, Mr. Chairman.

The committee divided; and there were—ayes 47, noes 84.

So the amendment was rejected.

The CHAIRMAN. The question now is upon the amendment offered by the gentleman from South Carolina [Mr. JOHNSON].

Mr. PALMER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PALMER. Is this the amendment covering the duties of this new bureau?

Mr. JOHNSON of South Carolina. Oh, no.

Mr. GILLETT. Mr. Chairman, this is simply, as I understand it, the amendment striking out the Chief of the Bureau of Manufactures.

Mr. JOHNSON of South Carolina. That is right.

The CHAIRMAN. The Chair will state that this amendment strikes out the Chief of the Bureau of Manufactures and Trade Relations. The question is on agreeing to the amendment offered by the gentleman from South Carolina [Mr. JOHNSON].

The question was taken, and the amendment was agreed to.

Mr. JOHNSON of South Carolina. Mr. Chairman, on page 32 I move to strike out lines 11 to 25, inclusive, and on page 33, lines from 1 to 23, both inclusive.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Carolina [Mr. JOHNSON].

The Clerk read as follows:

On page 32 strike out lines 11 to 25, inclusive, and on page 33 strike out lines 1 to 23, inclusive.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. PALMER. Mr. Chairman, if there is nobody to be heard in favor of the amendment, I desire recognition against it.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. PALMER] is recognized.

Mr. PALMER. Mr. Chairman, this amendment strikes out of the bill as reported by the committee the appropriations for the Bureaus of Manufactures and Trade Relations. I understand this amendment strikes out page 32, from line 11 down to and including line 23, on page 33, and of course the amendment is made necessary by the subsequent amendment which the gentleman proposes to offer as soon as this is voted upon, the next amendment being the amendment to define the duties of a new bureau, which is a consolidation of two of the bureaus now in existence.

As I said a little while ago, I am in favor of transferring the Bureau of Statistics. I support the committee's bill as they brought it into the House; and therefore, being opposed particularly to the amendment which will be offered after this is voted upon, I am of course also opposed to this amendment, which strikes certain sections out of the bill.

Now, Mr. Chairman, I want to say that if anybody here had offered to me any good reason why the powers of a Tariff Board were written into this amendment, unless they expected to give those powers to this new bureau, I would not so strongly oppose this proposition. The gentleman from New York [Mr. FITZGERALD] says it is law to-day, and the gentleman from Illinois [Mr. MANN] quotes the law to-day, giving the Department of Commerce and Labor all of these powers. Then this amendment offered by the committee comes in and creates a bureau in that department and gives them the powers which they now have. What is the purpose of it? If it is in the law now, why should the Committee on Appropriations——

Mr. SHERLEY. Will the gentleman yield?

Mr. PALMER. No; I have not time.

Mr. SHERLEY. I will tell the gentleman the purpose if he will yield?

Mr. PALMER. I should like to hear it.

Mr. SHERLEY. The purpose is simply this: That having created a bureau with certain functions, we gather into that bureau all the functions that properly belong to it, among which are those now in the Bureau of Labor.

Mr. PALMER. The gentleman from New York [Mr. FITZGERALD] and the gentleman from Illinois [Mr. MANN] say the department already has full charge of it under the law. If that is the law now, why should we be asked to legislate upon it? I will tell you what I think about this thing. I know the gentleman from New York [Mr. FITZGERALD] is absolutely honest and sincere in his opposition to a Tariff Board, but he is the chairman of a great committee, which proposes to wipe out the Tariff Board, and he knows that there will be in many sections of the country criticisms of that action. He is leaving a lifeboat for somebody to get into, and he can still say that he is opposed to the Tariff Board. The gentleman from Illinois [Mr. MANN] favors this proposition.

Mr. MANN. I do not know whether I do or not.

Mr. PALMER. I have great respect for the learning and ability of the gentleman from Illinois, but very little for his political judgment. His decision does not affect my action on political questions of this character. Certainly his decision will never move me to favor his proposition. When the gentleman from Illinois [Mr. MANN], the minority floor leader in this House, comes forward in favor of a political proposition, submitted and supported by Democrats—I do not care what committee it comes from—I feel like quoting Virgil:

Timeo Danaos et dona ferentes.

[Applause.]

I am afraid to follow, and I will not follow upon this floor, the minority leader upon a great political question like this.

Now, Mr. Chairman, I simply submit that whatever may be the purpose of this amendment, the effect of it is going to be this, that the gentleman from Illinois [Mr. MANN] and the gentleman from Connecticut [Mr. HILL] and the gentleman from Massachusetts [Mr. McCALL] and others of these high-tariff Republicans, long devotees of an executive tariff board, will go out to the country in this fall's campaign after we have passed this amendment, and say that the Democratic Party have approved of their stand in creating a Tariff Board. [Applause.] I do not care if it does receive the approval of the distinguished gentleman from New York [Mr. FITZGERALD] or of the gentleman from Alabama [Mr. UNDERWOOD]. They are mistaken in the proposition, if for no other reason, because from the political standpoint it would be extremely unwise. If we are opposed to a Tariff Board, let us have no Tariff Board. And if, as the gentleman from Alabama [Mr. UNDERWOOD] says, we are opposed to a Tariff Board now, which is composed of clerks appointed by the President, let us not approve of a Tariff Board appointed by a political appointee of the President, subalterns in one of the departments of the Government.

Mr. MANN. You must be afraid you will not have the next President.

Mr. HILL. The gentleman from Connecticut will not go to the country this fall and make any such statement. He will make a statement of this kind, that the Tariff Board, which is

now designated as a board of clerks, was approved; that the proposition to make it what it was intended to be was approved by the gentlemen who now denounce it as a board of clerks. When the Republican Party was in the majority these gentlemen approved it, and they denounced it as a board of clerks after the Democratic Party was in the majority. Not only that, but the Speaker of this House and every Democratic member of the Ways and Means Committee voted for that proposition cheerfully and heartily in the committee on this floor, and defended it by their presence and by their voice while they were in the minority.

Mr. PALMER. Mr. Chairman, the gentleman should state the fact about it.

Mr. HILL. Just one minute. When they came into the majority and were responsible for legislation here, then they opposed the very proposition which they were in favor of before.

Mr. PALMER. That was in the Sixty-first Congress, and one Democratic member of the committee voted against the bill on the floor, and a large majority of the party on this side voted against the bill, and it was finally killed on this side; and none of the additional Democratic members of the committee now sitting in the Sixty-second Congress supported that proposition. And yet that was better than this.

Mr. HILL. Mr. Chairman, knowing the character of the men who supported the Tariff Board bill when they were in the minority, and knowing the character of the one man to whom the gentleman refers, I have not the slightest question but if he had then been associated with the Democratic leader on this floor and the present Speaker of the House he would have stood solid with them under those circumstances. It was only after they were in the majority that a different attitude was taken in regard to it. Now the gentleman says they have no use for it. We have had the Tariff Board report, and it was only a few weeks ago that the gentleman stood on this floor and said that they had had private, confidential communications and interviews with hundreds and thousands of men—he used the word thousands—interested in the then pending tariff bill, never a public hearing, not a word made public, but in private repudiating the action of the Tariff Board and holding secret conclaves with interested manufacturers in making up your iron and steel schedule. [Applause on the Republican side.] I shall tell the country that when I get into the campaign this fall.

Mr. PALMER. Well, you are welcome.

Mr. HILL. I shall tell the country another thing, that the gentleman who made that statement said that he was opposed to a nonpartisan Tariff Board, an independent bureau, but that he wanted a subattachment to the Ways and Means Committee which he himself said should be in political accord with the committee, Republican when they were Republicans, and Democratic when they were Democrats, when the country wants a fair nonpartisan presentation of the case.

I shall tell the country another thing, that he wanted when the Democratic Party was in the majority a Democratic Tariff Board in the House, and when the Republican Senate was in the majority that his plan would compel them to have a Republican Tariff Board in the Senate, for the Senate in these United States legislates on tariff questions as much as the House does. These are the things I shall tell the people, and I have not the slightest doubt that this country, which has already by the State platforms of 28 States in this Union indorsed the proposition of a Tariff Board, will indorse it again next fall and send back a Republican majority to the House. [Applause on the Republican side.]

Mr. CLARK of Missouri. Mr. Chairman, I simply want to set right the history which has entered into this matter. As everybody knows, when the Tariff Board was proposed I fought it, and fought it with all the might and power that I had. So did the gentleman from Alabama [Mr. UNDERWOOD], who occupies the chair at this moment. I am willing to stand on the declarations made then. I could not improve them if I had unlimited time now.

The main assertion on the part of the Democrats in the minority of that Congress was that we did not object to receiving information from any source whatsoever on the tariff. We fought the Tariff Board, originally, largely on the proposition that it was to be appointed by the President and under the control of the President of the United States, responsive to him, and that we could not get the information unless he graciously permitted us so to do. I am as much against that proposition now as I was then. [Applause on the Democratic side.]

Afterwards the distinguished gentleman now occupying the chair, Mr. UNDERWOOD, and myself very largely induced the change to make the Tariff Board responsive, in the first place, to the House of Representatives and, in the second place, to the Committee on Ways and Means, where it ought to be, because tariff bills must, under the Constitution, originate in the House. We never did indorse that proposition which the gentleman from Connecticut [Mr. HILL] asserts we did. He has asserted it before, but reiteration does not make it correct history. [Applause on the Democratic side.]

We, you and I, Mr. Chairman, more than anybody else, induced the Ways and Means Committee to change that machinery of the Tariff Board and make it responsive to the House of Representatives and the Committee on Ways and Means. Every member of the Ways and Means Committee voted for it in the committee. Afterwards one gentleman changed his opinion, as he had a perfect right to do. I am not complaining about that. But I do not propose that the gentleman from Connecticut [Mr. HILL] or the gentleman from anywhere else shall misstate the facts of history, especially the facts that I helped to make. [Applause on the Democratic side.]

Now, I will tell you how we lost out, for it is an open secret. The gentleman from Alabama [Mr. UNDERWOOD] and myself and the rest of us that had to do with that thought it was such a clear question of being right about making the tariff experts—and the thing that knocked it in the head at last was because the word "board" was used in it—we thought it was such a plain case that if tariff experts that every man recognizes can help if they are real and not bogus experts—we thought it was such a clear case of pulling Congress out of the hole that it had fallen into that we took it for granted—and it was the only time I ever took anything for granted when I was minority leader of the House, and if I was to be the minority leader for 75 years more I never would take anything else for granted again—as I say, we took it for granted that the proposition was so plain that we were rendering a public service and getting rid of an expensive incubus that we never took any pains to explain it to the Democrats or line them up, and the first thing we knew certain active propagandists on our side of the House lined up two-thirds of the Democrats against Mr. UNDERWOOD and myself and the rest of us and rolled us to a "fare you well." [Laughter and applause.]

That is the truth about that. Now, I am willing to go to the country any day on two propositions: The first one is that we do not object to getting information from any source whatsoever. Every sensible man wants it. In the second place, if the United States is going to spend money for tariff experts, they ought to get tariff experts and not a lot of politicians, great or small. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, I had a little something to do about the Tariff Board myself. [Laughter.] Before we had the experience of the hearings before the committee in 1909 I opposed the tariff commission or a tariff board. I opposed it a year or two before in a speech I made to some people who waited on the late Speaker of the House and myself. We went through 8 or 10 months of pretty hard labor in the tariff hearings. I heard the gentleman from Missouri, Speaker of the House now, say that it was the hardest labor he ever did in his life, and he thought that was so with every member of the committee. He said it took from the lifetime of each member a certain amount because of the heavy work that was done in that committee; that it shortened the life of each of us.

Mr. CLARK of Missouri. And I say so now.

Mr. PAYNE. We did our best to get out the facts, Mr. Chairman; but we were not able to cover the whole tariff schedule. We were not able to cover the whole of it in a manner satisfactory to the men who made the bill. But we made a bill and brought it into the House, and all the Republican Members of the House voted for it with the exception of a single Member. He objected because he said the revision downward was too great. After my experience with our bill I changed my views with reference to a board of tariff experts who would have more time than the brief life of one Congress to get at the facts in the matter. And I announced it. I never took back anything I had said. I simply said I had changed my mind on the subject. Various bills were introduced here in the Sixty-first Congress. They were before the Ways and Means Committee. I went to work quietly by myself at first comparing those bills and studying them. Then I submitted the results of my labors to various gentlemen who had introduced bills, and we got a concurrence on the part of the majority on a single bill which was introduced and brought before the Ways and Means Committee. The gentleman from Missouri [Mr. CLARK] was there. The gentleman from Alabama [Mr. UNDERWOOD] was there. The bill was read through carefully twice in the committee so that every man might understand it, and every man had a printed copy of the bill before him when he considered it in the committee.

I asked the minority what objections they had to it, and they made but one single objection, any one of them, and that was made by the gentleman from Alabama [Mr. UNDERWOOD], and he wanted some provision in it that the results of the Tariff Board investigations be reported to the House or to Congress. When that amendment was suggested we said we would readily agree to it. The gentleman from Connecticut [Mr. HILL] offered such an amendment. The minority members of the committee asked for a little time. They went out into another room, they took the amendment and bill with them, and when they came back they said they were satisfied with the bill, with the amendment which was proposed by the gentleman from Connecticut. [Applause on the Republican side.] No one will deny that who was present at the time. Then we agreed unanimously to report that bill with the amendment.

Mr. CLARK of Missouri. If the gentleman will permit, that is exactly what I said a while ago.

Mr. PAYNE. Oh, no; not exactly.

Mr. CLARK of Missouri. There is no difference in the statement——

Mr. PAYNE. The trouble with the gentleman from Missouri is he can not make a historical statement without coloring it a little with his imagination. There is no need to do so, but he can not help it.

Mr. CLARK of Missouri. The RECORD will show my statement is correct.

Mr. PAYNE. Everything the gentleman suggests in the matter of making history is colored a little by his magnificent imagination.

Mr. HILL. The gentleman will remember the gentleman then offered to consider it by unanimous consent the very next day, and there was no objection.

Mr. PAYNE. I said there was no objection. The bill was reported the next day, and it came up very soon afterwards by unanimous consent in the House, and one gentleman of the minority, my colleague from New York, over night got cold feet and he withdrew his assent to the bill.

A MEMBER. Who was that?

Mr. PAYNE. I refer to my colleague from New York [Mr. HARRISON], who made a speech in the House against it. At any rate, we passed the bill, and passed it by a large majority in the House and sent it over to the Senate, and the Senate held it for two or three months and finally sent it back with half a dozen inconsiderable amendments. We brought it up the first opportunity we had on the last day of the session, and in order to consider it before the gavel should finally fall we had a rule brought in the House so as to vote upon those amendments——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PAYNE. I ask for five minutes additional.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Then a filibuster commenced by gentlemen on that side of the aisle, striving to beat the bill by the lapse of time and before the gavel finally fell. We did our best to pass it. They called for the yeas and nays, and they had a sufficient number to order the yeas and nays. We passed it through from stage to stage until we got to the final vote, and then a conference report on an appropriation bill came in and carried it to the very limit of time, and no time was left to make that Tariff Board bill a law; otherwise it would be on the statute books to-day. But in the sundry civil bill another amendment was put in providing for a Tariff Board after a fashion, not as full as the Tariff Board we had proposed in our bill and not as well guarded; yet under that provision the President appointed five gentlemen on the Tariff Board, three of whom were supposed to be Republicans, although I believe one of them is a free trader in principle, and the other two Democrats of high standing. Those gentlemen went to work. They had the authority to make examinations upon various questions of the tariff. They went diligently to work. They spent $300,000 or $400,000, employed clerks and experts, and they made a tariff report to this Congress on the wool question. Why, the gentleman from Missouri [Mr. CLARK] says, "We welcome information from every source." No; he did not say that. He said, "We do not object to information from any source."

Do not object to it, but they do not receive it; they do not read it; they do not study it; they are not governed by it; and when they come to make a bill they sit around a table—the majority members—with the minority excluded from all the hearings they are supposed to have. Why, Mr. Chairman, they have declaimed against the Senate because the Senate had hearings which were not public, and yet in this Congress the Ways and Means Committee have not had a single hearing on the tariff question but what was in a star chamber and no Republican member even was permitted to be present. They brought in their series of bills, made up by sitting around a table with the chairman or some one else reading the draft of a bill, with a supposed expert (drawing $1,500 or $2,000 a year)—who made up the greatest schedule in the whole customs law—they sit around the table, one member suggesting one thing and one another, and without information, apparently, on the subject they fix up their bill and bring it in the House. They submit it first to the caucus, and, on a false assumption of the amount of revenue duties and a grave blunder made by the chairman of that committee in stating to the caucus that there was a deficit when there was a surplus of about $50,000,000, they got the bill through the caucus.

And then they bring it in here. Is there time for consideration and debate? No. They bring it in almost surreptitiously, and, without having time even to examine the details of it, they force it through and they force it through by sheer brute force, as they have every tariff bill they have brought in here from the beginning of the session. Was it an honest effort? Did they wait for information? No; nothing of the kind. It was not for an actual reduction. It was so that they could go out into the highways and say to the people of the United States that they had revised the tariff downward. It made no matter whether they put one item or a dozen items or a hundred items in the bill with a greater duty than there is in the present law or whether they cut so that importations would come in freely and take our market. They jammed it through the House and called it a downward revision of the tariff. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from New York [Mr. PAYNE] has expired.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to close all debate on this amendment and any amendments thereto in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] moves to close debate on this amendment and amendments thereto in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLETT. Mr. Chairman, we have had a very interesting experience meeting, but I think the committee is somewhat at sea as to what the amendment is that is before us. It is to strike out the section on page 32. Now, the gentleman from Texas carried the impression that that was simply the Bureau of Trade Relations. He is mistaken in that. That is not the Bureau of Trade Relations. It is far more than that. It strikes out the Director of the Consular Service at $4,500, the counselor for the Department of State at $7,500, the diplomatic offices at $7,500, and many others. It strikes out $69,000 of salary. What are those for? Those are not simply for the purpose that the Bureau of Manufactures are for. They are to carry on the business of the State Department. The gentleman from Texas [Mr. BURLESON] intimated that the Economy Commission had recommended its consolidation. He will not pretend that the Economy Commission recommended this.

Mr. BURLESON. Not the Economy Commission.

Mr. GILLETT. The gentleman said that the Economy Commission had recommended that this should be stricken out. They recommended that the Bureau of Trade Relations should be stricken out. This is far more than that, and this takes out the life of the State Department.

Mr. Chairman, the gentleman from New York said that they had started on one theory and changed their minds on new evidence. I would like to know where the new evidence came from. He said the Secretary of the Department of Commerce and Labor had been here, but I venture to say that the Secretary of that department did not suggest that this Bureau of Trade Relations should be thrown out. I venture to say that he simply insisted that his bureau should be continued, and if there is new evidence it has not been given to our side of the committee. If there is new evidence on which a change of the bill should be made, the whole committee is entitled to hear and know of that evidence. Mr. Knox, the Secretary of State, was asked, when he was before the committee, what this new organization, covered in this paragraph, did, and he said:

> This enables us to deal in the light instead of dealing in the dark. It is a system that is followed in all the foreign offices of the world—that is, in all the important countries of the world—and, from my observation of the system that was heretofore followed in this country and this system, I do not see how we could get along without it. It would be breaking the back of the department to break down the existing organization.

And it is that organization which this paragraph endeavors to cover, and it is that organization which this amendment attempts to strike out. It is a new organization which has been built up within three years, which has made a splendid record

in the State Department, which has developed our trade, and of which I think every American ought to be proud; and the Secretary says if we abolish that we are breaking down the system of the department; and yet the committee, or a majority of the committee, in the late hours of the afternoon, without any discussion or consultation with the minority, bring in this amendment striking out this part of the State Department. I believe it is shortsighted and dangerous policy. There must be some compensation, they think, if they are going to give us back the Bureau of Statistics and the Bureau of Manufactures, which they originally struck out.

And so now, apparently, they grope around and they find this section in the State Department, and they strike that out. They have no evidence to justify them in doing so; only secret conferences, which the gentleman from New York [Mr. FITZGERALD] referred to, and yet which he did not give us any facts concerning. He did not state what they were. That is the only basis, apparently, for this change. I claim it is unjustifiable and preposterous, and the House ought to vote it down. [Applause.]

Mr. SHERLEY. Mr. Chairman, I did not have anything to do with preparing the bill that proposed to create the Tariff Commission. You have heard some of its history. I did have something to do with the drafting and the presentation, through the Committee on Appropriations, to this House of the proposition that is now before it. That proposition is simply to consolidate the work in one bureau that is now being done, more or less, in three or four.

There is nothing new created in the way of powers. There is not a line of what the gentleman from Pennsylvania [Mr. PALMER] says constitutes a tariff board in disguise that is not now the existing law of the land and a law with a most distinguished Democratic parentage. It was when Mills was in charge of tariff matters in a Democratic House and a Democratic President was in the White House that that law was put on the statute books, and it has been Republican administrations that have permitted it in effect to remain a dead letter. When we were creating the bureau that should deal with foreign and domestic commerce and found that these duties were imposed on the Department of Labor, we felt that logically such duties should go to this new bureau; and therefore we lifted the law exactly as it appears to-day and put it in this proposed amendment, making it part of the duties of this new bureau.

Now, the gentleman from Massachusetts [Mr. GILLETT] complains very greatly because we propose to dispense with a bureau in the State Department, a bureau, by the way, that never was created for or intended to be a bureau for the general purposes that the gentleman seems to indicate. It was created for the purpose of taking care of the maximum and minimum clause of the tariff law; and so far as it had duties to perform under that clause, those duties have been performed, as testified to by the Secretary of State himself. There is no reason for a longer continuation of it.

We bring simply to this House a proposition looking to economy, looking to the prevention of duplication of work, looking to the revival of a proper law existing now, a law that was put on the statute books by Democrats. The gentleman from Pennsylvania says that he does not want to follow the lead of the gentleman from Illinois [Mr. MANN], the minority leader. He is not asked to do it, but he is asked to follow the lead of the majority leader on this side. [Applause on the Democratic side.] And I ask that instead of undertaking to do his duty by choice of personnel he undertake to point out what is wrong in the proposition. I submit the proposition not because it comes from the Committee on Appropriations. It is not necessarily good because it came from there and it is not necessarily bad because it did not come from the Committee on Ways and Means. Let it stand for what it purports to be. It is easily understood by the membership of this House.

There is much talk indulged here from time to time about consideration by committees. I believe in committee consideration; but never in my service here have I asked that a thing should be supported simply because it came from a committee. This has been considered heretofore by a committee, and it is now being considered by the greatest of all committees—the Committee of the Whole House on the state of the Union—and I appeal to those Democrats whose protestations of economy mean something to support the committee in an honest effort to reorganize these departments. [Applause and cries of "Vote!" "Vote!"]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask for a division of the question and a separate vote on the paragraph, commencing with line 11 on page 32 and continuing down to line 4 on page 33.

The CHAIRMAN. The question is divisible.

Mr. MANN. Without objection, Mr. Chairman, I ask to have the language read, so that the House will understand.

The CHAIRMAN. The Chair will submit the proposition in two amendments, they being divisible. Without objection, the Clerk will read from line 11 on page 32 to line 4 on page 33. That will be the first one to be put before the House.

The Clerk read as follows:

Advancement of commercial and other interests as provided in the act approved August 5, 1909, and March 4, 1911; Director of the Consular Service, $4,500; counselor for the Department of State and resident diplomatic officer, each at $7,500, and to be appointed by the Secretary of State in accordance with the provisions of the act approved August 5, 1909; eight officers to aid in important drafting work, four at $4,500 each and four at $3,000 each, to be appointed by the Secretary of State in accordance with the act approved August 5, 1909, and to be employed upon tariff, treaty, and trade relations and negotiations, any one of whom may be employed as chief of division of far eastern, Latin, American, near eastern, or European affairs, or upon other work in connection with foreign relations; assistant solicitor, $3,000; law clerk, $2,500; clerks—one of class 4, three of class 3, two of class 1, three at $1,000 each; three assistant messengers; in all, $69,160.

The CHAIRMAN. The question is on striking out the language that has been read by the Clerk.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. MANN. Mr. Chairman, I ask a division.

The commitee divided; and there were—ayes 74, noes 52.

So the motion to strike out the language read, beginning on page 32, line 11, down to and including line 4 on page 33, was agreed to.

The CHAIRMAN. The amendment now before the committee is to strike out all that portion of the bill from page 33, line 5 down to and including line 23. The question is on agreeing to that amendment.

The question was taken, and the amendment was agreed to.

Mr. JOHNSON of South Carolina. Mr. Chairman, I offer an amendment to page 125, to strike out all from line 3 to line 20, both inclusive, and to insert a new provision.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

Page 125, strike out all of lines 3 to 20, inclusive, and insert, after line 2, the following

"That hereafter the Bureau of Manufactures of the Department of Commerce and Labor shall be known as the Bureau of Foreign and Domestic Commerce.

"The Bureau of Statistics of the Department of Commerce and Labor is hereby consolidated with the Bureau of Foreign and Domestic Commerce, to take effect July 1, 1912, and the duties required by law to be performed by the Bureau of Statistics are transferred to and shall after that date be performed by the Bureau of Foreign and Domestic Commerce.

"Those certain duties of the Department of Labor, or Bureau of Labor, contained in section 7 of the act approved June 13, 1888, that established the same, which especially charged it 'to ascertain, at as early a date as possible, and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States, in leading countries where such articles are produced, by fully specified units of production and under a classification showing the different elements of cost, or approximate cost, of such articles of production, including the wages paid in such industries per day, week, month, or year, or by the piece; and hours employed per day; and the profits of manufacturers and producers of such articles; and the comparative cost of living and the kind of living, what articles are controlled by trusts or other combinations of capital, business operations, or labor, and what effect said trusts or other combinations of capital, business operations, or labor have on production and prices' are hereby transferred to and shall hereafter be discharged by the Bureau of Foreign and Domestic Commerce, and it shall be also the duty of said Bureau of Foreign and Domestic Commerce to make such special investigation and report on particular subjects when required to do so by the President or either House of Congress.

"Bureau of Foreign and Domestic Commerce: Chief of bureau, $4,000; assistant chiefs of bureau, 1 at $3,000, 1 at $2,750; chief of Division of Consular Reports, $2,500; stenographer to chief of the bureau, $1,600; clerks, 7 of class four, 5 of class three, 1 at $1,500, 11 of class two, 14 of class one, 17 at $1,000 each; 11 at $900 each; messenger; 5 assistant messengers; 4 laborers; laborer, $480; in all, $102,610.

"To enable the Bureau of Foreign and Domestic Commerce to collate and publish the tariffs of foreign countries in the English language, with the equivalents in currency, weights, and measures of the United States of all such foreign terms used in said tariffs, and to furnish information to Congress and the Executive relative to customs laws and regulations of foreign countries, and the purchase of books and periodicals, $10,000."

Mr. GILLETT. Mr. Chairman, I make the point of order that this establishes a bureau not authorized by existing law, and that it does not reduce expenses. Of course, as originally offered, when combined with the consular bureaus, striking them out, it did reduce expenses, but now there is a new department here, and the only saving is the consolidation of the Bureau of Statistics. This appropriation is much larger than the appropriation for the Bureau of Statistics.

The CHAIRMAN. The Chair would like to hear the gentleman on the question of fact as to the saving of expense. The Chair is not informed on that proposition.

Mr. GILLETT. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The question is on the adoption of the amendment offered by the gentleman from South Carolina [Mr. JOHNSON].

The question being taken, the amendment was agreed to.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask to recur now to page 64.

Mr. MANN. Mr. Chairman, will the gentleman yield for a moment?

Mr. JOHNSON of South Carolina. Yes.

Mr. MANN. In the amendment that was just agreed to it was provided that hereafter the Bureau of Manufactures shall be known as the Bureau of Foreign and Domestic Commerce. Would it not be better to make that "after the 1st day of July, 1912"?

Mr. JOHNSON of South Carolina. I ask unanimous consent that that amendment be agreed to.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to amend the amendment that has just been agreed to by striking out the word "hereafter" and inserting the words "from and after the 1st day of July, 1912." Is there objection?

There was no objection.

Mr. GILLETT. Mr. Chairman, I have another amendment relative to the Department of Commerce and Labor, and I wish to ask the gentleman from South Carolina whether he would prefer that I offer it now?

Mr. JOHNSON of South Carolina. Oh, certainly; offer it now.

Mr. GILLETT. Then, Mr. Chairman, I offer the following amendment, on page 120, line 22.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 120, after line 22, insert a new paragraph, as follows:

"To further promote and develop the foreign and domestic commerce of the United States, $60,000, to be expended under the direction of the Secretary of Commerce and Labor."

Mr. JOHNSON of South Carolina. Mr. Chairman, I make the point of order against that amendment, that it is not authorized by law.

The CHAIRMAN. The gentleman makes the point of order that the amendment is not authorized by law. The Chair will hear the gentleman from Massachusetts.

Mr. GILLETT. Mr. Chairman, that is in the very language of the statute under which the Department of Commerce and Labor was organized. It is found on page 827 of volume 32 of the Statutes at Large.

Mr. JOHNSON of South Carolina. Mr. Chairman, I call the attention of the Chair to the fact that that same amendment was offered the other day by the gentleman from North Carolina [Mr. SMALL], and the point of order was made against it and sustained.

Mr. GILLETT. This is quite different, Mr. Chairman. I will admit that it is intended to accomplish the same purpose, but the language of the amendment is quite different.

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts [Mr. GILLETT] as to whether there is existing law for this provision.

Mr. GILLETT. Mr. Chairman, in section 3 of the law which provided for the Department of Commerce and Labor it says:

It shall be the province and duty of said department to foster, promote, and develop * * * the foreign and domestic commerce of the United States.

I think that is the language I used there.

The CHAIRMAN. It reads:

To further promote and develop the foreign and domestic commerce of the United States.

Mr. GILLETT. That is the language in this section here. Of course when the Chair ruled the other day on the amendment offered by the gentleman from North Carolina [Mr. SMALL] that amendment provided that certain offices should be created. I simply follow the words of the law.

Mr. BURLESON. And give them a lump sum, to be expended as the Secretary sees fit. He can pay it all to one man if he wants to.

The CHAIRMAN. Does the gentleman from South Carolina desire to be heard on the point of order?

Mr. JOHNSON of South Carolina. I do not.

The CHAIRMAN. The Chair overrules the point of order.

Mr. GILLETT. Mr. Chairman, this amendment is simply to provide what the law now provides, and I have no doubt it will be expended in the same way that the present appropriations are expended, for the maintenance of commercial agents to study trade conditions abroad and report and advance our commerce. I think the whole commercial United States is deeply interested in the work that is done by these commercial agents. I think they have shown themselves to be of great value. I think it is one of the instrumentalities by which our export trade has been largely increased, and I think that the business of the United States is going to be more and more dependent upon and helped by the reports of these commercial agents. It is simply to continue this work, which was commenced about a half a dozen years ago by a small appropriation, which, under the influence of the value of its work, has been increased year by year. It started, I think, with $20,000, and it has now become $60,000 a year. It is of great value. The business world wants it. Our consular officers can not be expected to be experts in different branches of business, and this is intended to supplement them. The present committee left it out, and I hope the Committee of the Whole House on the state of the Union will reinsert it in this form.

Mr. BURLESON. Mr. Chairman, this service was provided for a few years ago because one section of our country was practically without consular representation in the service. Today we have the most efficient consular service in the world. It is thoroughly equipped and well qualified to promote the commercial interests of our country. This item was stricken out of the bill because the consular service has since that time been reorganized, and now every section of the country is fairly represented in that service, and consequently there is no real need of a continuance of these agents sought to be provided by the amendment of the gentleman from Massachusetts.

Mr. McKELLAR. Mr. Chairman, I want to say that, in my judgment, this amendment should be adopted. The reason I say that is that I happen to know something about the working of this particular department of the Government. Quite an interest has been taken in the cottonseed industry by this department, an industry in which we of the southern parts of our country are vitally interested. It is only lately that our cottonseed products have become such important factors in modern life, and they are destined to become vastly more important. Only a few years ago cotton seed were allowed to rot in the field and were considered good only for fertilizers. Now the annual crop is worth more than $100,000,000. Of course, with greater and more numerous markets for them, their value and importance will correspondingly increase.

We have agents in nearly all European countries, some in the Asiatic and some in the African countries. They have been studying these things, and have added to our commerce and trade in our southern products. These southern products—and especially cottonseed products—are being sent, my Democratic friends, to foreign countries where they were never known to go before, because of the efforts of these agents of the Government; and I hope you will vote with me to continue these agencies, which are increasing and extending our trade in foreign lands. One of these agents, Mr. Julien L. Brode, happens to be from my State. I know him personally, and I have seen his reports, and I know of the good work that is being done. This is a comparatively small appropriation for this service, only $60,000, and I hope that the House will agree to the amendment offered by my friend, the gentleman from Massachusetts [Mr. GILLETT]. [Applause.]

Mr. MANN. Mr. Chairman, the House has already stricken out of the bill a provision for agents under the State Department for the promotion of trade relations. We have carried heretofore in the law a provision for commercial agents in the Department of Commerce and Labor, and also provision for agents under the State Department. The State Department agents have just gone out of the bill.

These commercial agents which will be covered by the amendment offered by the gentleman from Massachusetts were inserted in the bill some years ago; in the first place, I think four were provided for. I think there are probably eight altogether. They were added to from time to time at the request of the southern Members of Congress, who properly desired that cotton goods, cottonseed oil, and other products of the South should be brought to the special attention of some parts of the world, including the Orient and South America.

The trade of the United States has leaped in wonderful jumps and bounds since these commercial agents were authorized; and there has been no other one thing of equal importance in increasing our trade as the work done by these commercial agents in the Department of Commerce and Labor. They have added immensely to the foreign exports of cotton goods by bringing the attention of people abroad to the goods that we manufacture here, and by bringing to the attention of the manufacturers here the possibilities of trade abroad.

They have called attention to the use of corn meal in foreign countries, and have added largely to the price of corn in this country by reason of the use of that commodity. In various directions they have brought the attention of foreigners to products that we could furnish them, and have brought the attention of our own people to the possibilities abroad. If this

paragraph is not agreed to the Philadelphia Museum, a private institution, is practically the only institution left in the country engaged in furnishing practical information to the people generally upon which trade may be based and increased; and if the gentlemen on that side of the aisle, through mistaken apprehension of the work of these agents, dismisses them they will make, in my judgment, a grave mistake for their own good.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. GILLETT) there were—ayes 59, noes 29.

Mr. JOHNSON of South Carolina. I demand tellers, Mr. Chairman.

The question of ordering tellers was taken.

The CHAIRMAN. Thirteen Members have arisen, not a sufficient number, and tellers are refused. The amendment is agreed to.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that beginning with line 20, on page 64, down to and including line 10, on page 65, be stricken out. It provides for an assay office in San Francisco, and we have already provided for a mint there.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that on page 64, beginning with line 20, down to and including line 10, on page 65, be stricken out. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FINLEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6658. An act to provide for emergency crops on overflowed lands in the Mississippi Valley;

S. 2356. An act for the relief of John W. Morse;

S. 5211. An act to require the registration of vital statistics in the Territory of Alaska, and for other purposes;

S. 5362. An act to reimburse the enlisted men of the U. S. S. *Georgia* who suffered loss through the defalcation of Paymaster's Clerk Edward V. Lee; and

S. J. Res. 75. Joint resolution to provide for the appointment of a commission to investigate the operations of cooperative land-mortgage banks and cooperative rural credit unions in other countries.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 6167) to authorize the Williamson & Pond Creek Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, Mingo County, W. Va.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Assay office at New York: Superintendent, $5,000; assayer, $3,000; superintendent of melting and refining department, $3,000; chief clerk, cashier, deposit weigh clerk, and assistant assayer, at $2,500 each; two clerks and assayer's assistant, at $2,000 each; bookkeeper, $2,350; assistant cashier and four clerks, at $1,800 each; one clerk (formerly paid from "parting and refining"), $1,600; one clerk, $1,500; private secretary, $1,400; one clerk, $1,250; seven clerks, at $1,000 each; in all, $51,100.

For wages of workmen and other employees, $80,000.

For incidental and contingent expenses, including new machinery and repairs, wastage in the melting department, and loss on sale of sweeps arising from the treatment of bullion, $60,000.

Mr. RAKER. Mr. Chairman, I want to call the attention of the chairman of the committee to the fact that this item is raised $50,000 from the appropriation of last year on account of the intended legislation, and the next item is also raised $50,000, and another item $4,600, which makes in all $104,600 put in by virtue of an attempt to do away with the assay offices and mint. Is that not correct?

Mr. JOHNSON of South Carolina. It is not correct at all; there is no foundation for any such assumption. The fact is that under the law the mints and assay offices make certain charges for assaying bullion. They have been allowed to use that appropriation in employing workmen and running the assay office. The law now provides that that money shall be covered into the Treasury, and we are simply increasing the appropriation so as to provide for the force that they already have.

Mr. RAKER. One other question. This was not intended for that purpose, but was intended as an increase of appropriation necessitated by the New York office?

Mr. JOHNSON of South Carolina. It had nothing to do with the other assay offices or the mint.

I now ask that the Clerk return to page 85, the Naval Observatory, the item passed over by unanimous consent.

The Clerk read the items under the head of Naval Observatory.

Mr. JOHNSON of South Carolina. I now ask to return to section 4, page 138, for the purpose of offering an amendment. The section has already been read.

Mr. GILLETT. It has been read, and I reserve the right to move to strike out the paragraph, and I now move to strike out that paragraph.

Mr. FINLEY. Mr. Chairman, I have a preferential motion.

The CHAIRMAN. The gentleman will send it to the desk.

The Clerk read as follows:

On page 138, line 6, after the word "Columbia," insert the words "except the forecasters in the Weather Bureau."

Mr. JOHNSON of South Carolina. We do not object to that amendment.

The CHAIRMAN. The amendment offered by the gentleman from South Carolina is the question before the committee.

Mr. MANN. Mr. Chairman, the amendment offered by the gentleman from South Carolina [Mr. JOHNSON] ought to be agreed to, but it illustrates what the proposition of the bill is. Here is a proposition in the bill which provides that no vacancy in the District in any office in the classified service can be filled by original appointment. No one can be appointed to a vacancy unless it is somebody already in the service. Here is the office that Dr. Wiley filled. If this provision goes into the law, that office can not be filled except by somebody now in the classified service in the District of Columbia. You can not call in anyone from the outside, although they may be in the service enforcing the pure-food law. You could not appoint anybody from the civil-service register. Take the Bureau of Standards, where they have a large number of scientists, some called physicists. If one of those gentlemen dies or resigns, there is no way of filling the place except by appointment of some other person now in that service, and in the end no way of filling the final vacancy, because there is no one qualified to fill it in the Government service, and you can not make an original appointment.

Now, do gentlemen mean that these scientific places in the Government can not be filled at all during the next fiscal year, because that is what section 4 provides, unless you propose to name janitors now in the service as scientific experts to fill some vacancies in place of somebody who dies or resigns or goes out of the service; and if the gentleman from South Carolina had not offered the amendment which he has on the Weather Bureau, if some forecaster here should leave the service you could not fill the place by appointing a forecaster who is now outside of the District of Columbia. How absolutely ridiculous such a proposition is.

Mr. JOHNSON of South Carolina. Mr. Chairman, I shall not detain the committee but a moment. We believe that in practically every bureau, in every division of the Government, the force is excessive, but the Committee on Appropriations has not sufficient information to know just where that force can be cut without impairing the public service. In order, therefore, that the force might be reduced and at the same time nobody be turned out of office, we have provided in this bill that during the next fiscal year no vacancy shall be filled except by promotion, and that would then enable the department, wherever the chief clerk or a clerk of class 4 should resign or die, to promote men all along the line. We contemplate that the vacancies would be left in the lowest grades of office. We further provide, in order that there may be no difficulty in carrying on the affairs of the Government, that the President shall have ample power, if it is found that the force is short in any particular bureau or division, to transfer men from any other bureau or any other division in the service of the Government.

Now, gentlemen, there is no trouble about it. It is intended to carry on the work of the Government in an efficient way. It is intended at the same time, by not filling vacancies by original appointment for a period of one year, to reduce the excessive force now in the departments. Oh, but the gentleman from Illinois [Mr. MANN] says that Dr. Wiley's position can not be filled. The President has until the 1st day of July to fill Dr. Wiley's place. I apprehend that there are few bureaus or divisions of the Government where, if a man were to die or resign, his place could not be filled by some man already in the work. We did except the forecasters in the Agricultural Department, because it is the custom with that department to bring in forecasters from the country to fill vacancies. With that exception, the committee sees no reason why we should not adopt this section as it is written into the bill.

Mr. BURLESON. Mr. Chairman, just one word. During the last three fiscal years the officials of the Treasury Department,

on their own initiative, reduced the clerical force of that department by 506 employees. This fact impressed your committee with the belief, and it was concurred in by those with whom we consulted, that similar reductions can be made in other departments. In fact Gen. Wood, speaking for the War Department, came before the committee and said that the clerical force of the War Department could safely be reduced 25 per cent. Your committee did not want to take any radical action. Your committee wanted to give the heads of the departments an opportunity to exercise their discretion in bringing about reductions. We desired that these officials should adjust the clerical forces of the various divisions and bureaus of the various departments so as to bring about reductions without any injury to the service. This item practically liquefies the classified service throughout all the departments for the next fiscal year and gives the opportunity of reducing the force in these various departments to the extent that vacancies will occur during the year. That is all there is of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Massachusetts to strike out the paragraph.

Mr. GILLETT. Mr. Chairman, just one word on my amendment. The gentleman from Illinois has expressed better than I could the reason why I think this paragraph ought to be stricken out, but in answer to what my colleagues on the subcommittee have said, the very fact that the Treasury Department has cut down the force of clerks within the last three years shows that they are doing the best they can; that the force is down to a bedrock basis, and that we ought not to go any further. The department has been able to do that, not simply because they had too many clerks, but they did it by introducing new labor-saving devices, which largely enabled them to make this reduction. But this provision assumes that in all the departments there are too many clerks and that in the course of a year not more will die or resign than will leave enough to do the work. That is an assumption for which there is absolutely no basis. See in what a condition it leaves the Treasury. See the power the clerks have. A dozen clerks or three clerks or one clerk in a little bureau may be doing work where he knows he is indispensable. He knows that they can not get along with less clerks and he knows if he goes out that they can not fill his place. He can be as insubordinate or lazy as he pleases and yet the department can not hold over him the authority of bringing in somebody else, because the law forbids that any new clerk shall be appointed.

I think it is a preposterous provision. If the committee wants to effect economy and have the right number of clerks, the way is to decide how many clerks there should be and appropriate for them, but not by such guesswork as this to say that in this year no more clerks will die or resign than can be spared.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts [Mr. GILLETT], to strike out the paragraph.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. GILLETT. Division, Mr. Chairman.

The committee divided; and there were—ayes 43, noes 61.

So the amendment was rejected.

Mr. JOHNSON of South Carolina. Mr. Chairman, let us take up section 5.

Mr. LAMB. Mr. Chairman, I desire to offer an amendment to section 9.

Mr. MANN. What becomes of the sections? Do we not take them up in regular order?

Mr. JOHNSON of South Carolina. I called up section 5.

The CHAIRMAN. The Chair did not understand the gentleman from South Carolina.

Mr. JOHNSON of South Carolina. I called up section 5.

The CHAIRMAN. The Chair did not hear. The Chair will recognize the gentleman from Virginia [Mr. LAMB] later.

Mr. AUSTIN. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. AUSTIN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 139, line 13, after the word "appointed," insert the following:

"*And provided further*, That in reducing the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] is recognized.

Mr. MANN. Do not the sections come in regular order?

Mr. GILLETT. I wish to offer an amendment to this section.

The CHAIRMAN. The Chair will state that all these sections have been read. Unanimous consent was granted that they could be called up again for amendment.

Mr. MANN. Would it not be more convenient to take them up in the regular order?

The CHAIRMAN. The Chair is not informed which sections the gentlemen wish to move amendments to.

Mr. GILLETT. I want to move to strike out the paragraph.

The CHAIRMAN. The Chair will recognize the gentleman from Virginia and then come back to it. The Clerk will report the amendment of the gentleman from Virginia [Mr. LAMB].

The Clerk read as follows:

Page 142, line 23, after the word "appropriations," insert the following:

"*Provided*, That the Department of Agriculture shall be exempted from the provisions of this section."

Mr. JOHNSON of South Carolina. Mr. Chairman, we have not reached that section yet. Let us first dispose of section 5.

The CHAIRMAN. The Chair will state to the gentleman that these sections have been read and the committee amendments agreed to, and that unanimous consent was granted that individual Members could go back and offer amendments. The gentleman in charge of the bill stated that he had no further amendments to offer. The Chair is not a mind reader. It is impossible for the Chair to know until a gentleman takes the floor to what section of the bill he desires to offer an amendment, and the gentleman from Virginia [Mr. LAMB] having the floor, and having the right under unanimous consent——

Mr. FITZGERALD. I call the attention of the Chair to this fact: At the time the gentleman from Virginia took the floor section 5 was before the committee. One amendment had been adopted, and the gentleman from Massachusetts [Mr. GILLETT] had announced that he moved to strike out. Of course, any amendment to amend that would have the preference.

The CHAIRMAN. The Chair will say to the gentleman from New York that the gentleman from Massachusetts [Mr. GILLETT] did not announce it until the Chair had recognized the gentleman from Virginia [Mr. LAMB].

Mr. FITZGERALD. I submit that the orderly manner is to dispose of each of these paragraphs before we pass to another.

The CHAIRMAN. The Chair agrees with the gentleman from New York. But, as the Chair has stated, he is not a mind reader, and when a gentleman takes the floor it is impossible for the Chair to know what his motion is.

Mr. FITZGERALD. The point I make is that section 5 being undisposed of, it is not in order to make amendments to some other parts that have not yet been reached.

Mr. LAMB. Mr. Chairman, I withdraw my amendment for the present.

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] withdraws his amendment. The Chair will recognize the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Chairman, I move to strike out the section. At this hour I do not want to detain the committee. At the same time this is such an important matter that I do wish very briefly to state my opinion upon it. I think one of the most important questions before the House to-day is the question intended to be dealt with by this section—the question of superannuation. And while I do not at all agree with this section as reported by the committee, yet I think it but fair to the majority to say that I do think something ought to be done and that I think the committee was actuated by an earnest desire to find some remedy.

While I think their remedy was a crude one, yet something certainly ought to be done to check the disease. It is a disease that must be remedied or else it will grow until we are obliged to take a very much worse cure, I fear, than what is now suggested by the commitee.

Now, I have an individual opinion as to what is the proper remedy. I may be wrong, but I have studied the question a great deal, and it seems to me there are only three ways of meeting it. One is this way, suggested by the committee, to give a fixed tenure of office to everybody in the service and thereby all need of pensions is done away with. Another is a straight pension; that is, to give to everybody when he retires or reaches a certain age a pension. And the third, which I think is the best way and the way which would cure it permanently, is a contributory pension bill; in other words, a compulsory saving system.

I have in the past expressed my views on that subject at length. A bill was reported from the committee last session

on the subject, which, although it does not entirely meet my views, is yet the best proposition that has been suggested. The pending provision, in which it is proposed that everybody shall go out of the service after five years, is a very crude way to remove the difficulty. I had proposed to discuss it somewhat exhaustively, but it is now so late that I shall not take further time. But I think it is a serious question that must be seriously confronted soon and almost any remedy is better than the present unsettled conditions, for now while the law absolutely forbids a pension yet in many departments and bureaus a practical pension system does exist. It differs in literality according to the caprice of the head of the bureau. As it is unlawful it has to be furtive and unacknowledged. No employee can depend upon it, and it is the most expensive, demoralizing, unequal, and unfair kind of a pension system. I think the committee in charge of such legislation ought to report a bill and the whole subject should be considered and finally settled by Congress, but this proposition is a halfway measure which has not been prepared with the care and study the subject deserves and ought not to be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. GILLETT].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. GILLETT. A division, Mr. Chairman.

Mr. O'SHAUNESSY. What is the amendment, Mr. Chairman?

The CHAIRMAN. The amendment is to strike out the paragraph. A division is demanded.

The committee divided; and there were—ayes 40, noes 56.

So the amendment was rejected.

Mr. FINLEY. Mr. Chairman——

Mr. JOHNSON of South Carolina. To section 6, page 140, Mr. Chairman, we have no amendments.

The CHAIRMAN. The gentleman from South Carolina [Mr. FINLEY] is recognized.

Mr. FINLEY. Mr. Chairman, on page 139, after the word "department," beginning on line 16, I move to strike out the remainder of the paragraph.

Mr. FITZGERALD. Mr. Chairman, I wish to reserve a point of order on the amendment. The amendment should have been offered to perfect the text before the motion to strike out the section had been voted upon.

The CHAIRMAN. It is customary and proper to allow a gentleman to perfect before he moves to strike out, but it is not out of order for the gentleman from South Carolina to move to strike out a portion of the paragraph now, the paragraph not having been passed, unless some gentleman wants to perfect that portion of the paragraph.

Mr. FINLEY. Mr. Chairman, I want to call the attention of the Committee of the Whole to one thing, and that is that the part that I moved to strike out provides—

> That no person separated from the classified service under this provision shall directly or indirectly solicit indorsement for reappointment through any member of the legislative department, and any person violating this provision shall be denied reappointment: *And provided further*, That no head of an executive department shall receive or consider from any member of the legislative department any request for the reappointment of any person seeking employment in the classified service, and it shall be considered a violation of law for any member of the legislative department to submit to any executive officer a request for the reappointment of any person in said classified service.

Now, I want to ask the membership of the House a question. I was in favor of the first part of the proposition; that is, limiting the length of service, the tenure. But here is a Representative in Congress who has constituents. They have appealed to him and claim that they have been unfairly treated, that they have been wrongfully dealt with, in being discharged from the Government service, and if he makes a request he, the Congressman, violates the law. I do not believe Congress is ready to inaugurate any such legislation, and so I hope that this part of the provision will be stricken out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. FINLEY] to strike out the paragraph on page 139, beginning on line 16 and continuing on down to and including line 8 on page 140.

Mr. JOHNSON of South Carolina. Mr. Chairman, if we do not want to return to the spoils system—and I do not think Congressmen ought to have any patronage—I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. FINLEY].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. FINLEY. A division, Mr. Chairman.

The committee divided; and there were—ayes 52, noes 38.

Mr. JOHNSON of South Carolina. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. FINLEY and Mr. JOHNSON of South Carolina.

The committee again divided; and the tellers reported—ayes 50, noes 45.

So the amendment was agreed to.

The CHAIRMAN. The next section is section 6, and the next after that is section 7.

Mr. MANN. Mr. Chairman, I move to strike out section 6.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves that section 6 be stricken out. Does the gentleman from Illinois desire recognition?

Mr. MANN. I do.

The CHAIRMAN. The gentleman is recognized.

Mr. MANN. Mr. Chairman, the act of 1882 forbids any appropriation to be used for the employment of personal services in the District of Columbia unless such employment is authorized by the act making the appropriation.

This section provides that anyone violating that act shall be dismissed from office and subject to both fine and imprisonment.

Now, Mr. Chairman, here is the situation: We make an appropriation of, say, $50,000 for a certain purpose in one of the departments, and it is up to the department to decide whether they shall carry out the purpose of the act, if they are required to have personal services in the District of Columbia thereby, or not carry out the appropriation. We make the appropriation of $50,000, which requires some personal services in the District of Columbia. The law says that they shall not employ personal services in the District of Columbia out of the appropriation unless specifically warranted; but the appropriation says nothing about it. You can not carry out the purpose of the appropriation without employing personal service in the District of Columbia, and the department must determine whether they will use the money for personal services within the District of Columbia or not.

There have been some cases which have gone to the Comptroller of the Treasury to determine whether the appropriation authorized the use of personal services in the District of Columbia out of the appropriation, and the comptroller has been in doubt. In some cases, resolving the doubt in favor of carrying out the purpose of the appropriation, he has said that it would authorize personal services in the District of Columbia, and in other cases he has said that it would not. Now, this bill proposes that an official of the department shall determine, at his peril—first, that he shall be summarily dismissed if he decides wrong, and, second, that he may be fined and imprisoned. That is not a fair burden to cast upon anybody for construing a law which is in doubt.

Mr. SHERLEY. Has the gentleman the decisions to which he refers?

Mr. MANN. I have the cases. I have the decisions of the comptroller, but I have not the time to read them now. The other day we made an appropriation on the agricultural appropriation bill in a lump sum. You could not carry out the purposes of that appropriation without employing personal services in the District of Columbia, in my opinion. I heard a gentleman on the floor say that, in his opinion, you could. Now, is the department officer who expends the money to be imprisoned because he exercises his best judgment? Sometimes he can get the Comptroller of the Treasury to tell him and sometimes he must act before the comptroller can pass upon the question. It seems to me altogether too harsh a remedy. I have no objection to a proper remedy, but to say that if a man, not intentionally, not purposely, violates the law, but if he makes a mistake of judgment, not knowing which way to turn, Congress, on the one hand, telling him to do a certain thing and giving him the money with which to do it, and, on the other hand, telling him that under certain conditions he must not employ personal services in the District of Columbia, it is up to him. He has to follow the act of Congress and employ personal services if he carries out the purposes of the appropriation, and if he does not carry out the purposes of the appropriation, then we scold him for that. If he does carry it out and employs personal services, then we propose to fine and imprison him for that. It is too harsh a remedy.

Mr. JOHNSON of South Carolina. Mr. Chairman, just a word. In 1882 Congress enacted the law referred to in this section, which prohibits the heads of any of the departments here in Washington from employing personal service in the District of Columbia unless the personal service is specifically appropriated for. For 30 years the law has been upon the books, and it has been violated constantly, and there was no penalty for its violation. We are simply trying to have good administration. We want the departments to use the force we give them in the appropriation bills.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois to strike out section 6.

The question being taken, on a division (demanded by Mr. MANN) there were—ayes 50, noes 78.

Accordingly the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GARNER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 100. Joint resolution authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming.

The message also announced that the Senate had passed the following resolution (S. Res. 308):

Resolved, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Friday, May 10, 1912.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. SHERLEY. Mr. Chairman, I offer an amendment to section 6, as follows:

In lieu of the words "less than $100 or by imprisonment for not less than one month" I move to insert "more than $1,000 or by imprisonment for not more than one year."

The CHAIRMAN. If there be no objection, the amendment offered by the gentleman from Kentucky will be agreed to.

There was no objection.

Mr. MANN. Mr. Chairman, I move to insert, in line 4, after the word "person," the word "willfully."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 140, line 4, after the word "person," insert the word "willfully."

Mr. MANN. Mr. Chairman, this would simply provide that the penalty should ensue where the person willfully violated the section.

Mr. JOHNSON of South Carolina. It just simply nullifies the law. A man is presumed to know what he is doing.

Mr. MANN. It is a common expression in the criminal statutes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question being taken, on a division (demanded by Mr. MANN), there were—ayes 47, noes 73.

Accordingly the amendment was rejected.

The CHAIRMAN. The next paragraph is section 7. If there is no amendment offered, the next paragraph is section 8. If no amendment is offered to that, the next paragraph is section 9.

Mr. LAMB. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 142, line 25, after the word "appropriations," insert the following:

"*Provided*, That the Department of Agriculture shall be exempted from the provisions of this section."

Mr. LAMB. Mr. Chairman, this amendment only keeps the Division of Publications in the Agricultural Department, just where it is now. It does not transfer the duties of that division over to the Government Printing Office.

Mr. HUGHES of New Jersey. I should like to ask the gentleman just where his amendment comes in. I could not catch it.

Mr. LAMB. At the bottom of page 142, after word "appropriations," in line 25.

Mr. RAKER. Will my distinguished friend from Virginia submit to a question?

Mr. LAMB. Certainly.

Mr. RAKER. Who has charge of that division in the Agricultural Department?

Mr. LAMB. A gentleman by the name of Arnold.

Mr. RAKER. Joseph A. Arnold?

Mr. LAMB. Yes.

Mr. RAKER. One of the most competent men in the service, is he not?

Mr. LAMB. He is very competent. Now, Mr. Chairman, just a word.

The provision for centralizing the distribution of all Government publications in the Government Printing Office is in line with the recommendation of the President's Commission on Economy and Efficiency, which estimated that a great saving would result therefrom. So far as the Department of Agriculture is concerned the actual saving would be very small, and the inconvenience and interruption to its work would be very great, if not disastrous. It is undoubtedly true that the cost of hauling publications from the Printing Office to the department and back to the Union Station would be eliminated, the expenditure for which service is only about $2,000 a year, which is more than offset by the convenience and advantage of the immediate personal supervision of the distribution by the department. The total appropriation for salaries, rent, materials, and so forth, of the Division of Publications of the Department of Agriculture for the year ended June 30, 1911, was $202,730, with which it edited, illustrated, indexed, and read the proof of 1,253 publications, and received, stored, wrapped, addressed, and mailed 27,500,000 copies of publications. The appropriation of the office of the superintendent of documents, Government Printing Office, in whose office it is proposed to centralize the distribution of all publications, for the same year was $255,884, with which he distributed only 3,644,600 publications.

It will be seen by comparison that with an expenditure of about $32,000 less than that of the office of the superintendent of documents the Division of Publications distributed more than eight times as many publications. In justification of the distribution of documents by the Government Printing Office an ideal theory of handling the documents has been evolved, which long and intimate experience with the actual conditions under which publications are distributed seems impracticable. The proposed plan assumes that automatically and without delay the publications will be passed from the Printing Office to the mailing room of the superintendent of documents; then passed through wrapping, sealing, and addressing machines; and thence at once to the Union Station, scarcely halting on the way and requiring no storing or handling. Were the publications of the Government, or at least of the Department of Agriculture, distributed at once upon issue to persons whose addresses were maintained by permanent lists, is it probable that machinery could be installed which would do the work; but the bulk of the distribution by the department is to miscellaneous applicants for which no mailing lists are maintained. It is absolutely necessary, therefore, for the department to keep a supply of publications of all kinds and send out copies upon request, which it is prepared to do with promptness and accuracy. It is very doubtful if the Government Printing Office is prepared or could equip itself to take over the distribution of publications of this department. It is doubtful, without alteration of the law, whether the distribution of publications could be separated from the department, as it is a function enjoined upon the department by the act creating it. It is believed that the distribution can be more efficiently, intelligently, and more promptly done by the department than by the Public Printer.

Once the distribution of documents is turned over to the Public Printer, the correspondence will gradually be diverted to that official. Now, the publications are not like supplies, to be sent out in quantities as requested, but in their distribution expert judgment and knowledge is required which the Government Printing Office does not possess. There is a specific provision of law for the distribution of Farmers' Bulletins by the Department of Agriculture. If the distribution by the department has been satisfactory to Senators, Representatives, and Delegates it would seem that no change in the method should be made. Even if the distribution were taken away from the department, it would still be obliged to maintain a considerable force of clerks to make orders and handle the correspondence, and would still require the building which it now occupies. As a matter of fact, the entire cost of labor in handling that part of the department's work which it is proposed to transfer to the superintendent of documents was, for the fiscal year 1911, $48,333.20. Nor can the superintendent of documents avoid using large storage space, as the printing of large editions is cheaper than when many small editions are ordered, and the delay in securing new editions is ofttimes from four to six weeks. Even if the order for the mailing of the bulletin were on hand when the edition was issued, many of the addresses would be of only casual applicants, which it would not pay to cut on stencils, and they would have to be addressed by hand, and the filling of the envelopes done by hand the same way. Therefore the statement of the committee that the new plan will effect an important economy by saving rent is unfounded, and as his storage space is now crowded he would require another building.

Mr. JOHNSON of South Carolina. Mr. Chairman, the President has an Economy Commission which has been investigating various matters in order to bring about economy in expenditures. This commission has investigated the matter of public documents. Any Member can see almost any day in the year great loads of documents being hauled from the Government Printing Office to other departments of the Government. These documents are wrapped in the Government Printing Office before they are sent to the departments. After they are sent to the Departments they are unwrapped and before they are sent

out they are wrapped again, and then the wagons take them to the post office or to the Union Station.

This committee reports that if public documents were mailed out from the Government Printing Office instead of from the departments, as they are now, it will save $200,000 a year. The President has sent a message to Congress to that effect.

Mr. LEVER. Can the gentleman state how much would be saved in the Agricultural Department?

Mr. JOHNSON of South Carolina. I can not say how much would be saved in any one particular department; but if we are going to stop the Government from hauling documents to the departments and then from the departments back to the Union Station, why should we except one department and not all of them? [Applause.]

So we put this item in the bill, because it is good legislation. It is in the interest of economy. There is no place in Washington where they are so equipped for mailing documents as they are at the Government Printing Office.

Mr. LAMB. All I am asking is that you exempt the Agricultural Department.

Mr. JOHNSON of South Carolina. Yes; and then the other fellows will want us to exempt them. What you people believe in is economy, but you want the other fellow to economize. [Laughter.]

Mr. LAMB. No; the gentleman is mistaken.

Mr. COOPER. Will the gentleman from South Carolina yield for a question?

Mr. JOHNSON of South Carolina. Certainly.

Mr. COOPER. Is there room enough in the Government Printing Office to do all this work?

Mr. JOHNSON of South Carolina. The Public Printer has a large space that he is not now occupying. He has all the machines; he has an organized force for mailing out public documents, and he said that he could do a very large amount of the work in addition to what he is now doing without increasing his force or without increasing the expense, because these overhead charges, this equipment he has, must be kept up, whether he has documents enough to keep it busy two hours of the day or eight hours of the day.

Mr. FITZGERALD. Mr. Chairman, this is not a matter of recent recommendation. As early as 1882 a commission was appointed under a resolution of the House of Representatives, consisting of Mr. Spofford, Librarian of Congress; Mr. Baird, Secretary of the Smithsonian Institution; and Mr. John G. Ames, superintendent of documents in the Department of the Interior, a man who was recognized as the foremost document expert of his time. They pointed out the gross extravagance that came from the system of distributing public documents from the various departments of the Government. This reform has been recommended on many occasions by the Public Printer, the superintendent of public documents, and lately by the Economy Commission.

At present these documents are printed in the Government Printing Office. It is necessary to wrap and tie and ship them to the departments for which they are intended. They are then handled two or three and sometimes four times before being handled for issue. Under the system of distribution here proposed the departments for which the documents are printed will have complete control over those to whom the documents are to be sent. The handling of the documents three, four, and five times unnecessarily will be eliminated.

In the report upon this matter by the Economy Commission it was pointed out that a saving of $242,000 a year would be effected by this consolidation. The commission points out that the Department of Agriculture, particularly, has its publications located in offices far away from those who have charge of the issuance of the publications.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. FITZGERALD. Yes.

Mr. COOPER. Suppose a constituent asked for a publication by the Agricultural Department, how would that be ordered from the Public Printing Office?

Mr. FITZGERALD. Through the Department of Agriculture. And I wish to say that the new post-office building is to be located within a short distance—directly across the street—from the Government Printing Office, and it is proposed that a system of pneumatic tubes will be installed, so that when a publication is called for by the department it will be shipped out at once, and time will be saved, as well as money.

Mr. COOPER. One other question. Suppose a Representative sent a request there for mailing one of the Farmers' Bulletins or the Yearbook, under whose frank would it go out?

Mr. FITZGERALD. It would go as at present—under the gentleman's frank. The number of documents, the disposition of documents, the control of documents by the departments, the records of them will not be affected, but it is desired to concentrate right where the documents are printed all the publications issued, so that they will be taken from the press and distributed from where they are printed. The records will be kept in the various departments. By the installation and concentration of the distribution of publications of all departments at this one place a great economy will be effected.

Mr. Chairman, if we are to except one department of Government we might as well except them all.

Mr. COOPER. Will the gentleman yield for another question?

Mr. FITZGERALD. Yes.

Mr. COOPER. I find on the top of page 142 this language:

> And each head of such executive department and other Government establishment at Washington, D. C., shall furnish from time to time to the Public Printer mailing lists, in convenient form, and changes therein, for use in the distribution of publications issued by such department or establishment.

Mr. FITZGERALD. That is the permanent mailing list of the departments, and the Division of Distribution is to be furnished with a list up to date so that there will be no delay.

Mr. COOPER. Might I ask the gentleman from New York one other question? A number of gentlemen talking here have thought that if this were to pass in the form in which it is now being discussed it would result in publications going out from the Printing Office under a frank of the department as a Government publication.

Mr. FITZGERALD. Not at all. There is no intention and no desire to change the present method in that respect; but by a concentration of the distribution of the documents right at the place where they are printed, where the space is available and where the force could be so organized as to do the most efficient work, great economy and efficiency would be effected.

There was held in this city last year an exhibit of labor-saving office devices. A great number of machines were exhibited here by which documents and all kinds of publications can be so handled as to be wrapped and addressed and ready to go from the machine into the post office. With the location of the new post office the documents as they come out of the machine could go into a pneumatic tube and go directly to the trains which are to transport them out of the city.

Mr. COOPER. One more question. On page 142, line 6, it says:

> And the Public Printer shall furnish copies of any publication only in accordance with the provisions of law or the instruction of the head of a department or establishment issuing the publication.

Mr. FITZGERALD. That is to prevent any misunderstanding that the Public Printer has control of the distribution of these documents. That is to continue the rights of everybody as they are at present over the distribution of documents.

Mr. COOPER. Then I would like to ask the gentleman from New York——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. COOPER. I ask unanimous consent that the gentleman from New York may have five minutes more.

The CHAIRMAN. Unanimous consent is asked that the gentleman from New York may proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER. I desire to ask the gentleman from New York this question: It could not be interpreted, from line 6 down to the end of line 9, as meaning that the head of the department or establishment issuing the publication could or would direct or order that the publication should go out under the frank of the department?

Mr. FITZGERALD. Not at all.

Mr. PALMER. Will the gentleman yield?

Mr. FITZGERALD. I do.

Mr. PALMER. Is this correct, that as to the distribution of documents by Members who make a request of a department that the only difference from the present system would be that the Member's frank would be sent from the department up to the Printing Office, whereas now the document itself is sent from the Printing Office back to the department and from the department to the station?

Mr. FITZGERALD. Yes.

Mr. FOSTER. More than that. It goes from the Printing Office to the department, back to the post office, and then goes to the station, thousands of tons of it.

Mr. PALMER. That makes it all the worse.

Mr. LEVER. Mr. Chairman, I am not against the general proposition, but I would like the gentleman to answer this question. On line 8, after the word "law," I read:

> Or the instruction of the head of the department or establishment issuing the publication.

Referring back to the proposition that these documents are issued under the provisions of the law or at the discretion of a

head of these departments. Now, then, take the agricultural bulletins issued by the Department of Agriculture. I do not remember the law on the subject, but assuming that there is no law, would the Public Printer or the Secretary of Agriculture have the right to say that I as a Member of Congress shall not have or shall have the right to issue our bulletins printed by the department?

Mr. FITZGERALD. No; there is no intention of changing in any respect the present law. The provision in the agriculture bill controls the distribution of the bulletins by Members. Now there are in addition a number of bulletins printed by the Department of Agriculture over which it has complete control, and this is to prevent any construction that the Public Printer would have control of the distribution of them.

Mr. LEVER. This language that I have referred to relates entirely to publications not controlled by law and are issued by the heads of departments entirely. Is that true?

Mr. LAMB. This is transferring all the equipment and everything over there.

Mr. FITZGERALD. It does; it turns over all the distribution.

Mr. LAMB. And that is what I object to.

Mr. FITZGERALD. It concentrates it; it abolishes a number of distributing agencies. If this provision is not feasible, not desirable, not good for the Department of Agriculture, it should not be adopted for any of the departments. Mr. Chairman, in order not to treat any department as a favorite, if the Department of Agriculture or any other department be excepted from the operation of this provision, I shall move to strike the entire provision from the bill. This provision is designed to effect an important reform and an important economy, and I do not propose that gentlemen in a department of the Government, in violation of the instructions of the President, shall circulate proposed substitutes, prepare proposed amendments, and endeavor to build up an opposition here to a committee simply because some gentleman may believe or some bureau or a department may imagine that they can return favors for favors received.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LAMB. Mr. Chairman, I offered this amendment, and if my colleague will hear me one minute——

Mr. ALLEN. Will the gentleman yield?

Mr. LAMB. Mr. Chairman, I desire to offer an amendment. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] has been recognized once and is not entitled to recognition now.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from New York first whether there would be any objection to inserting into this section the words "or franked slips"?

Mr. FITZGERALD. Not at all.

Mr. MANN. So that when that part of it is reached it will say that the department shall furnish from time to time to the Public Printer mailing lists in convenient form, or changes therein, or franked slips, for use in the distribution of publications.

Mr. FITZGERALD. There would be no objection to that, except I do not wish to be understood that there will be no objection to the furnishing of addressed frank slips. The addressing should be done at the place where the distribution is to be made.

Mr. MANN. That depends. You might want to send blank franked slips to be pasted on, in order to have the publications sent in bulk to your office.

Mr. FITZGERALD. There will be no objection to that.

Mr. MANN. There will be nothing in that to require them to address the franked slip. Now, may I ask the gentleman further: Suppose a Member of the House gets a letter asking for publications of a certain character. He very often, probably constantly, sends such a letter to the Department of Agriculture, and in course of time gets back a reply stating that certain bulletins or circulars have been sent to the correspondent. What will be the process now?

Mr. FITZGERALD. He would send his communication to the Department of Agriculture, which has the record of the quota of the gentleman, and they would arrange for the sending of the blanks to the distribution office and would notify the gentleman the same as at present.

Mr. MANN. Now, what they do is to notify us that they have sent the bulletins. Under this provision I suppose they would notify us that they would send them if the Public Printer would send them out.

Mr. FITZGERALD. I do not think there would be any trouble about that. If the bulletins were to the credit of the Member, they would be sent out, and the Department of Agriculture would keep that record.

Mr. MANN. If the gentleman sends out as many bulletins as I do, he doubtless has discovered a long time ago that he frequently asks for bulletins that are not in print and are not sent.

Mr. FITZGERALD. But the bulletins would be in print and available if the department had ordered them. The Public Printer would have no discretion as to the particular bulletins to be sent. But the department itself would have the record.

Mr. MANN. Exactly. How would you know whether they would be sent out? The department might not know they had sent them.

Mr. FITZGERALD. I assume this organization, when it received an order from the department, would promptly send the bulletin out.

Mr. MANN. The Department of Agriculture is the only department that uses franked slips to send out documents; but most of the franked slips we send out, outside of the Farmers' Bulletins, are sent to the folding room of the House. But if it is advisable, as I am inclined to think it is, to avoid the transshipment across the city between the Printing Office and the Agricultural Department, why is it not equally advisable to avoid the expense of transportation between the Printing Office and the folding room of the House of Representatives? Why could we not just as well send our franked slips to the superintendent of the folding room and have him transmit them to the Public Printer, so that they can be sent out of stock in the Public Printing Office?

Mr. FITZGERALD. I will say to the gentleman from Illinois [Mr. MANN] that, personally, I think that would be performing a great economy.

Mr. MANN. But it would interfere with Democratic patronage.

Mr. FITZGERALD. A bill has now passed the Senate that provides for some such arrangement. I am not concerned with the persons who may be affected. I do not know them, and I am not particularly interested. I desire to see this adopted because it will be the beginning of a movement that would compel both Houses of Congress to abolish the folding rooms and concentrate all of that work.

Mr. MANN. Mr. Chairman, I have no employees in the Department of Agriculture and none in the folding room of the House.

Mr. FITZGERALD. Neither have I.

Mr. CLAYTON. Mr. Chairman, I have the floor, and I wish you would stop the gentleman from New York [Mr. FITZGERALD] and the gentleman from Illinois [Mr. MANN] while I have it. I had been recognized some moments before.

Mr. Chairman, I come from a great agricultural district—the greatest in the United States—[cries of "Oh!"]—and I am going to follow the advice of the leading farmer of the House of Representatives—JOHN LAMB, of Virginia. [Applause.]

Mr. SHERLEY. Of Richmond, Va.

Mr. CLAYTON. He is right on this proposition. This city farmer from the city of Chicago [Mr. MANN] and this city farmer from the city of Brooklyn [Mr. FITZGERALD] are both dead wrong. [Laughter.]

Mr. SHERLEY. They know less than the city farmer from Richmond. [Laughter.]

Mr. CLAYTON. They know less than the city farmer from Virginia. [Laughter.] He is right in this matter as to the distribution of these farmers' bulletins, and I intend to support his proposition. [Applause and cries of "Vote!"] Now, some gentlemen say "Vote!" You do not know what a good speech you are going to miss by calling for a vote. [Laughter.]

Mr. Chairman, the most valuable publication in behalf of the greatest industry of the United States, to wit, the farming industry, although you city farmers may not have found that out, is the bulletin issued by the Department of Agriculture. [Applause.] And we ought to follow the suggestions of the gentleman from Virginia, the Chairman of the Committee on Agriculture. I shall support most heartily the amendment offered by the gentleman. [Applause and cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. LAMB].

The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. JOHNSON of South Carolina. Let us have a division, Mr. Chairman.

The committee divided; and there were—ayes 105, noes 49.

So the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the balance of the section. [Cries of "No!" "No!"] I move to strike out section 9, and I wish to be heard on it.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

On pages 141 and 142 strike out all of section 9.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] is recognized.

Mr. FITZGERALD. Mr. Chairman, I had occasion the other day to refer to the efforts of some gentlemen upon this side of the House to assist the Committee on Appropriations in carrying out the pledges of the Democratic Party to effect reforms and to retrench public expenditures. If the Democratic Members of this House imagine for a moment that, to use the vernacular, I may be made the "goat" of this House, that they are to beg me to save the party by keeping down the appropriations and then every time they are affected by any proposition that may be proposed in the interests of economy they will vote against it and then have me meekly shoulder the responsibility for the failure of the party to meet its obligations, they are very much mistaken. [Applause.]

I noticed to-day certain distinguished gentlemen upon this side of the House who have been making campaign speeches in the interest of economy voting against the Committee on Appropriations on certain matters on which they could have had no interest whatever except a political interest. I am compelled, regardless of the interests of my constituency, regardless of the wishes that may be entertained by those upon whose support I depend for my place in this House——

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I can not yield.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from California?

Mr. FITZGERALD. I can not yield. I did not refer to the gentleman from California.

The CHAIRMAN. The gentleman declines to yield.

Mr. RAKER. It is not proper, it seems to me, for the gentleman to lecture the Members of this House. I will vote as I please.

Mr. FITZGERALD. The gentleman from California makes a mistake. I did not have him in mind. I referred to certain distinguished Democrats in the House. [Laughter and applause.]

I am compelled, Mr. Chairman, in carrying out the work imposed upon me by the Democratic Party to ignore the wishes of my constituency, to ignore the demands that they make because of purely local and selfish interests, and to put myself out where I will be a mark for every political guerrilla, in an honest attempt to make it possible for the Democratic Party to succeed in the next campaign. I do not propose to go through this House during the balance of the session and let every other gentleman run to cover, and let everybody else take care of himself, and then at the end of the session place the blame upon me for the failure of the party to live up to its pledges.

The committee over which I preside, regardless of the effect upon themselves, regardless of the effect upon their districts, regardless of the effect upon those in the departments who may have favored them or withheld favors from them, have honestly recommended reforms upon which there could be no division of opinion, in order to do that which the country expects from the party; and if gentlemen upon this side of the House wish to join those upon the other side in making futile the work of this committee, they might just as well understand now as later in the session that the responsibility will be fixed upon them.

The President of the United States, the Secretary of the Treasury, the Economy Commission, and everybody who has ever looked into the matter and had no local interests or political interests to advance recommended the abolition of the mints and assay offices as proposed by the committee.

There was no political division in the Committee on Appropriations upon the question. It is immaterial to me whether those mints and assay offices continue to exist or are abolished. I have no desire to antagonize the Members by recommending things that may be unpopular or distasteful to them; but during this session I shall continue to insist upon presenting to this House recommendations that will carry out the pledges of the Democratic Party. [Applause.] If the Democratic Party fails to reduce the appropriations made by a Republican Congress—and they are very likely to fail if they continue as they have been doing—they must shoulder the responsibility; I shall not do so. If they bring defeat upon the party by their action, it is what they have a right to expect will come. Since the House has indicated a disposition not to have a thorough reform I ask, rather than to favor a sham reform, that this paragraph be stricken from the bill.

Mr. HEFLIN rose.

Mr. LAMB. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Alabama [Mr. HEFLIN] is recognized.

Mr. HEFLIN. Mr. Chairman, I sympathize with the distinguished chairman of the Appropriations Committee [Mr. FITZGERALD] in his efforts along various lines to economize. He has labored earnestly to bring about legislation to accomplish this end. But we have many districts in the United States, represented by gentlemen who are looking out or should look out for the best interests of their constituents and for the welfare of the entire country, and who can not, in every instance, see things as the gentleman from New York sees them. These gentlemen feel it their duty to express their views, to vote in accordance with their convictions, and to represent the wishes of their people. [Applause.]

Mr. Chairman, I do not want my good friend from New York to be in the least worried or irritated because once or twice to-day we have seen fit to advocate one or two amendments that we thought should be adopted. Everything will come out all right.

The high priest of protection from Connecticut [Mr. HILL] said to-day, but said it feebly, "We will elect another Republican House." Where will you get the votes? Your old stand-pat party is torn wide open, and thousands of honest Republicans are coming into the Democratic Party. While the door is still open I bid you come and we will baptize you into the faith of the Democratic fathers. [Applause on the Democratic side.]

I want to say to my good friend from New York [Mr. FITZGERALD] that this committee bill has covered in its provisions three great departments. It contains more than 100 pages, and I think, gentlemen, that you have done remarkably well to get through with only a few changes made in it. I congratulate you and the party for good work accomplished for the people in this House. We are harmonious and militant; we have kept the faith, and the people everywhere are indorsing our work. [Applause on the Democratic side.]

Now, Mr. Chairman, in conclusion I want to say to the gentlemen on the other side that, in spite of their efforts to create division over here, under the splendid leadership of the Speaker of this House, and the majority leader, OSCAR W. UNDERWOOD, we have been united and harmonious throughout the session. [Applause on the Democratic side.] There has been no serious friction anywhere. We have not and we will not permit anybody to divide us now. You gentlemen on the other side devoted some time to condemning the Democratic caucus. You held caucuses yourselves until you became so divided and broken that you could not have a caucus. [Applause on the Democratic side.] We will continue to hold caucuses in our efforts to carry out the principles for which Thomas Jefferson stood. [Applause on Democratic side.] The people will indorse what we do. From one end of the country to the other they are indorsing it now, and we rejoice that the day is near at hand for a general sweeping Democratic victory. [Applause on the Democratic side.]

[Mr. FOSTER addressed the committee. See Appendix.]

Mr. CLAYTON. Mr. Chairman, I do not wish to detain the House, but my explanation of the position I have assumed to-night is predicated upon the belief that the amendment offered by the gentleman from Virginia [Mr. LAMB] seeks to perpetuate to the largest extent the usefulness of the Agricultural Department. [Applause.] I think it is a false economy to begin to practice cutting down the expenditures of the Government in the Agricultural Department. [Applause.]

Let us keep the service of the Agricultural Department up to the highest state of efficiency; and because I think it promotes the great agricultural interests of this country in the highest degree, following the leadership of the chairman of the great Committee on Agriculture, is the reason why I favor his amendment. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to close all debate on this paragraph and pending amendments in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina moves to close all debate on the paragraph and all amendments thereto in 10 minutes.

The question was taken, and the motion was agreed to.

Mr. PAGE. Mr. Chairman, I had not intended to have anything to say about this provision or the vote that had been taken upon the amendment offered by the gentleman from Virginia [Mr. LAMB], but I am satisfied that three-fourths of those who

voted for his amendment voted under a misapprehension. I am not going to lecture anybody on this side or undertake to lecture, but I know gentlemen walked in on the floor of this House and voted for the amendment of the gentleman from Virginia without knowing what the original proposition was, because they came in after gentlemen on the floor had made an explanation of the provision in the bill. Now, my friend from Alabama has made a very vigorous speech. He has heralded the farmer and the Agricultural Department, in which we are all interested and in which I am interested as greatly as he, and he has succeeded in making an impression upon his own mind and upon the minds of the other gentlemen here that there is something in this bill that hinders or prevents the sending out of the bulletins of the Agricultural Department. He did not state what it was, because he did not know, and nobody else knows.

If he will read the provisions of the bill, he will find it simply means if this provision in the bill is adopted that the Government could save the amount of money it costs to haul across this city and back the voluminous publications for the Agricultural Department and other departments, and that they will be sent out more expeditiously under this provision than they are under the present condition of things. Gentlemen have voted under a misapprehension, because I do not believe that my Democratic colleagues, or my Republican colleagues either, have any desire to put a tax upon the people of this country to perform a service worse than it can be performed for a less appropriation, and that is what the provision in this appropriation bill means, and gentlemen who have voted otherwise are misinformed and did not understand it.

Mr. BOWMAN. Will the gentleman permit a question?

Mr. PAGE. Yes.

Mr. BOWMAN. I desire to ask the gentleman if this provision should prevail would not there be less danger of loss in the mails than by the present circumlocution method?

Mr. PAGE. Yes; and they would be expedited in the time of their dispatch from here to the gentleman's constituents and my constituents, because they would be sent earlier than otherwise. I do not care to use any more time. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Chairman, I want to be notified when I have one minute remaining. If I may have the attention of the committee, I want to state that nobody on the Committee on Appropriations is unfriendly to the Agriculture Department. This provision is in the bill because every man who has investigated the question has reported that public documents ought to be mailed from the Printing Office and not from the various departments.

Mr. MANN. Will the gentleman yield——

Mr. JOHNSON of South Carolina. It can make no possible difference to the farmer in Alabama or Mississippi or anywhere else whether a bulletin was mailed from the Public Printing Office or it was mailed from the Department of Agriculture. It would not seek in any way to control the publications of the Agriculture Department. The Committee on Agriculture makes the appropriations for that great department. They determine how much money they will give the department to spend. We simply ask this Committee of the Whole to vote this method of mailing public documents because the Government Printing Office is better equipped for that kind of work than any other place in this city. No business man would out of his own pocket go to all this unnecessary expense. As I said the other day, and I repeat now, we are dealing with public money. We are trustees of a public trust, and a trustee who uses improperly the money of his ward is held by courts of equity pecuniarily and personally responsible.

While there is no court before which we can be called upon to account for the improper expenditure, we ought to be honest enough with ourselves and honest enough with the American people to put in our own bosom a court of conscience before which we could try these questions.

The CHAIRMAN. The gentleman has used all but one minute of his time.

Mr. MANN. How much time is there remaining?

The CHAIRMAN. Six minutes.

Mr. MANN. I do not want more than two minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. I hope the amendment of the gentleman from New York [Mr. FITZGERALD] will not be agreed to. It is true the committee has adopted an amendment excepting the Department of Agriculture from the provisions of the section, but that is no reason why, if the original proposition was a good one, it ought not to be applied to the other departments of the Government. What excuse can be given for striking out the section applicable to eight departments of the Government because the Agricultural Department has been excepted from its provisions, if the provision had any validity or propriety in the first place? I hope the committee will not agree to the amendment and strike out the entire section.

Mr. SHERLEY. Mr. Chairman, it was for the purpose of saying somewhat in substance what the gentleman from Illinois [Mr. MANN] has just said that I wanted a moment's time. I appreciate and sympathize with the gentleman from New York [Mr. FITZGERALD]. I realize the provocation that brought about his speech. It was a speech that ought to have been made, and I think it served his purpose. I think that so thoroughly that I agree with the gentleman from South Carolina [Mr. JOHNSON] that there was much evidence of a misapprehension as to the facts. And, realizing that we will have a record vote on the amendment that has been adopted in the committee, and not desiring to confuse that vote by any further provision such as the carrying of the motion of the gentleman from New York to now strike out the entire paragraph, I hope the gentleman from New York will withdraw his motion.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to withdraw the motion.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to withdraw his motion. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, to strike out the paragraph and insert.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out section 9 and insert in lieu thereof the following:

"SEC. 9. That no money appropriated by this or any other act shall be used after the 1st day of October, 1912, for services in any executive department or other Government establishment at Washington, D. C., in the work of addressing, wrapping, mailing, or otherwise dispatching any publication, except maps, weather reports, and weather cards, issued by an executive department or other Government establishment at Washington, D. C., or for the purchase of material or supplies to be used in such work; and on and after October 1, 1912, it shall be the duty of the Public Printer to perform such work at the Government Printing Office. Prior to October 1, 1912, each executive department and other Government establishment at Washington, D. C., shall transfer to the Public Printer such machines, equipment, and material as are used in addressing, wrapping, mailing, or otherwise dispatching publications; and each head of such executive department and other Government establishment at Washington, D. C., shall furnish from time to time to the Public Printer mailing lists, in convenient form, and changes therein, or franked slips, for use in the distribution of publications issued by such department or establishment; and the Public Printer shall furnish copies of any publication only in accordance with the provisions of law or the instruction of the head of the department or establishment issuing the publication. The employment of all persons in the several executive departments and other Government establishments at Washington, D. C., wholly in connection with the duties herein transferred to the Public Printer, or whose services can be dispensed with or devolved upon another because of such transfer, shall cease and determine on or before the 1st day of October, 1912, and their salaries or compensation shall lapse for the remainder of the fiscal year 1913 and be covered into the Treasury. A detailed statement of all machines, equipment, and material transferred to the Government Printing Office by operation of this provision and of all employments discontinued shall be submitted to Congress at its next session by the head of each executive department and other Government establishments at Washington, D. C., in the annual estimates of appropriations."

The CHAIRMAN. All debate has closed on this paragraph.

Mr. MANN. Mr. Chairman, I wish to offer a preferential motion.

Mr. FITZGERALD. I wish to make one modification. In line 4, second page, after the word "lists," insert "franked slips."

Mr. MANN. I think that ought not to come in after the word "lists" but after the word "therein."

Mr. FITZGERALD. After the word "therein."

The CHAIRMAN. Is there any objection to the gentleman from New York [Mr. FITZGERALD] amending his amendment? [After a pause.] The Chair hears none.

Mr. FITZGERALD. I wish to state to the committee that this is——

The CHAIRMAN. The Chair will have to rule that the gentleman is not in order.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent for two minutes.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that he may address the House for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, this is the provision as it originally appeared in the bill, with the addition of the words "franked slips," as suggested by the gentleman from Illinois [Mr. MANN]. If gentlemen will look at page 141, line 15, after the word "publication" there is inserted "and except maps, weather reports, and weather cards." The Hydrographic Office, the Geological Survey, the Weather Bureau, the Coast and

Geodetic Survey print maps in their own establishments and issue them from there, and for the same reason that it is desired to distribute publications from the place where printed these maps should be distributed from the place where they are printed.

The weather reports and weather cards are printed daily by the Weather Bureau and sent out daily, and they should be retained for distribution at the place where they are printed. In view of the statements made by certain gentlemen that they did not understand the effect of this provision at the outset, and in view of the fact that they were inclined to believe it would affect the efficiency of the Department of Agriculture, and that they are now convinced it would not, I have submitted the provision in this form, in the hope that it will be agreed to.

Mr. COOPER. By inserting the words "franked slips," would that include the franked slips of the Members as well as of the Government?

Mr. FITZGERALD. That was the intention.

Mr. MANN. The department does not have franked slips.

The CHAIRMAN. The time of the gentleman from New York [Mr. FITZGERALD] has expired.

Mr. MANN. Mr. Chairman, I wish to offer a preferential motion to insert, on page 142, in line 5, after the word "therein," the words "or franked slips."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 142, line 5, after the word "therein," insert the words "or franked slips."

Mr. FITZGERALD. That was the modification that I asked.

The CHAIRMAN. All debate on this amendment has ceased by order of the committee.

Mr. MANN. That is not the gentleman's amendment.

Mr. LAMB. Mr. Chairman, I move that the Department of Agriculture be exempted from the operation of the amendment.

The CHAIRMAN. The gentleman's amendment is not in order now. An amendment is pending. The gentleman from New York [Mr. FITZGERALD] offered a substitute; the gentleman from New York offers an amendment to the original paragraph, which is in order first. The question is now on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Now, does the gentleman from Virginia desire to perfect the original amendment?

Mr. LAMB. Yes. I desire now to move an amendment to the effect that the Department of Agriculture be exempt from the operation of this provision.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia [Mr. LAMB].

The Clerk read as follows:

At the end of the substitute add the following: "*Provided*, That the Department of Agriculture shall be exempted from the provisions of this section."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia to the substitute offered by the gentleman from New York.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. LAMB. A division, Mr. Chairman.

The committee divided; and there were—ayes 66, noes 104.

Mr. LAMB. Tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] demands tellers. The Chair will count. [After counting.] Fourteen gentlemen only have risen. Tellers are refused.

So the amendment was rejected.

The CHAIRMAN. The question is on the substitute offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the substitute was agreed to.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that the Clerk be permitted to make any changes in totals that may be necessary by reason of amendments that have been adopted in the Committee of the Whole.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the Clerk may correct the totals in the bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent to perfect an amendment that has already been adopted. I do not think anybody will object to it.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] moves that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. UNDERWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24023 and had instructed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move the previous question on the amendments and the bill to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. JOHNSON of South Carolina. I move, Mr. Speaker, that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Friday, May 10, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Kennebec River, Me. (H. Doc. No. 746); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of the Interior, submitting estimate of deficiency appropriation to credit accounts of certain officers of the Interior Department (H. Doc. No. 748); to the Committee on Appropriations and ordered to be printed.

3. A letter from the assistant clerk of the Court of Claims, transmitting findings of the court in the case of trustees of Roanoke Island Baptist Church (H. Doc. No. 747); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 11933) authorizing the quitclaiming of the interest of the United States in certain land situated in Hampden County, Mass., reported the same without amendment, accompanied by a report (No. 679), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LEE of Georgia, from the Committee on Agriculture, to which was referred the bill (H. R. 36) to protect migratory game birds of the United States, reported the same with amendment, accompanied by a report (No. 680), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RUBEY, from the Committee on Agriculture, to which was referred the bill (H. R. 18323) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations, reported the same without amendment, accompanied by a report (No. 681), which said bill and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 23001) to amend section 4472 of the Revised Statutes of the United States, relating to the carrying of dangerous articles on passenger steamers, reported the same with amendment, accompanied by a report (No. 683), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred sundry bills, reported in lieu thereof the bill (S. 6084) granting pensions and increase of pensions to

certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with amendment, accompanied by a report (No. 674), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred sundry bills, reported in lieu thereof the bill (S. 6369) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, without amendment, accompanied by a report (No. 675), which said bill and report were referred to the Private Calendar.

Mr. REES, from the Committee on Pensions, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 24322) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, accompanied by a report (No. 677), which said bill and report were referred to the Private Calendar.

Mr. AINEY, from the Committee on Claims, to which was referred the bill (S. 1508) for the relief of the estate of Eliza B. Hause, reported the same without amendment, accompanied by a report (No. 676), which said bill and report were referred to the Private Calendar.

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill (H. R. 7434) for the relief of Patrick Howe, reported the same without amendment, accompanied by a report (No. 678), which said bill and report were referred to the Private Calendar.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill (H. R. 20613) for the proper recognition of services rendered by Herman Haupt during the Civil War, reported the same without amendment, accompanied by a report (No. 682), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14906) granting a pension to Mathew Cook; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23788) granting a pension to Albert Ross; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 884) granting a pension to Jane Henry; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19460) granting a pension to Jesse Blair; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15574) granting a pension to Robert Strong; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5876) granting a pension to Russella J. York; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21914) granting an increase of pension to Peter S. Hess, guardian of John E. Hess; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5707) granting an increase of pension to William Cunningham; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22675) granting an increase of pension to George Baldey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22410) granting an increase of pension to Annie King; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McCALL: A bill (H. R. 24320) providing for the purchase of a portrait of Samuel Blodget, jr.; to the Committee on the Library.

By Mr. WICKLIFFE: A bill (H. R. 24321) authorizing and directing the Mississippi River Commission to make an examination and survey of all the lands subject to overflow from the Mississippi River situate in the parish of West Feliciana, La.; to the Committee on Rivers and Harbors.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 24323) authorizing the Secretary of the Interior to permit exchanges of lands of Osage allottees, and for other purposes; to the Committee on Indian Affairs.

By Mr. BROUSSARD: A bill (H. R. 24324) to import wild and domestic animals into the United States; to the Committee on Agriculture.

By Mr. MANN: A bill (H. R. 24325) providing for rates of postage on fourth-class mail matter, for the appointment of the parcel transportation commission, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of Texas: A bill (H. R. 24326) for the relief of the Apache Indians held as prisoners of war on the Fort Sill Military Reservation, in Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. TAGGART: Resolution (H. Res. 531) to investigate the affairs, business, and transactions of the Western Newspaper Union; to the Committee on the Judiciary.

By Mr. TAYLOR of Colorado: Resolution (H. Res. 532) to print 16,000 copies of hearings before the Committee on the Judiciary, Sixty-second Congress, second session, entitled "Woman Suffrage," serial No. 2; to the Committee on Printing.

By Mr. HUMPHREYS of Mississippi: Joint resolution (H. J. Res. 314) to name the House Office Building Jefferson Hall; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. REES: A bill (H. R. 24322) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ANDERSON of Ohio: A bill (H. R. 24327) for the relief of John G. Dorn; to the Committee on Claims.

Also, a bill (H. R. 24328) for the relief of Charles R. Van Houten; to the Committee on Military Affairs.

By Mr. ASHBROOK: A bill (H. R. 24329) granting an increase of pension to Alexander B. Henderson; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 24330) granting a pension to Henrietta Becker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24331) granting a pension to Annie F. Winkler; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 24332) granting an increase of pension to James T. Kennedy; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 24333) granting an increase of pension to John H. Slatton; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 24334) for the relief of Manuel and Celestino Luz; to the Committee on Claims.

By Mr. CURRIER: A bill (H. R. 24335) restoring to the pension roll the name of Roxanna Dutton Gilbert; to the Committee on Invalid Pensions.

By Mr. DICKSON of Mississippi: A bill (H. R. 24336) granting a pension to Eva A. Trager; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 24337) granting an increase of pension to Eleazar Spyres; to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 24338) granting a pension to Anna Call; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 24339) granting a pension to Emma Freer; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 24340) granting an increase of pension to Frank E. St. Jacques; to the Committee on Pensions.

By Mr. HAMLIN: A bill (H. R. 24341) granting a pension to Lemuel T. Smedley; to the Committee on Pensions.

By Mr. HOWELL: A bill (H. R. 24342) providing for the military status of John Gray; to the Committee on Military Affairs.

By Mr. HUBBARD: A bill (H. R. 24343) granting an increase of pension to William Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24344) granting a pension to Jane Heath; to the Committee on Pensions.

Also, a bill (H. R. 24345) granting an increase of pension to David R. Edmonds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24346) granting an increase of pension to Lucian G. Winey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24347) granting an increase of pension to Donal McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24348) granting an increase of pension to Jesse J. Dennis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24349) granting an increase of pension to David Morrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24350) granting an increase of pension to William M. Buchanan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24351) granting an increase of pension to William H. Gilmore; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 24352) for the relief of the legal representatives of Isaac Stanley, deceased; to the Committee on War Claims.

By Mr. MALBY: A bill (H. R. 24353) granting an increase of pension to Henry W. Stevens; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 24354) granting a pension to Mary A. Missner; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 24355) granting an increase of pension to Benjamin Notley James; to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 24356) granting an increase of pension to Edmond Witherspoon; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 24357) granting an increase of pension to Telighman A. Howard; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 24358) granting an increase of pension to Elijah Whitten; to the Committee on Invalid Pensions.

By Mr. SPEER: A bill (H. R. 24359) granting an increase of pension to David Campman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24360) granting an increase of pension to Clay L. Sherman; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 24361) granting a pension to Elizabeth Simonson; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 24362) granting an increase of pension to Elizabeth Brown; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 24363) granting an increase of pension to Doctor C. Butler; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANTHONY: Petition of Frank L. McVey, president University of North Dakota, and other residents of Grand Forks, N. Dak., favoring passage of House bill 4428, to protect migratory wild fowl in the United States; to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of Jackson Grange, No. 1816, Coshocton County, Ohio, asking for the discontinuance of the distribution of free seed; to the Committee on Agriculture.

Also, petition of George W. Hughes and 8 other citizens of Newark, Ohio, protesting against passage of interstate commerce legislation; to the Committee on the Judiciary.

Also, petition of the Lagonda Manufacturing Co., Springfield, Ohio, favoring passage of House bill 17736, for 1-cent letter rate; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Memorial of the National Association of Cotton Manufacturers, against legislation affecting exchanges; to the Committee on Agriculture.

By Mr. BARTHOLDT: Petition of the Political Refugee Defense League of America, of New York City, protesting against the Root amendment to the immigration bill; to the Committee on Immigration and Naturalization.

By Mr. CARY: Petition of Lodge No. 30, Independent Order B'rith Abraham, Milwaukee, Wis., protesting against the proposed restriction on immigration; to the Committee on Immigration and Naturalization.

By Mr. COPLEY: Petition of members of Lodge No. 124, International Association of Machinists, of Joliet, Ill., urging the passage of the anti-Taylor system bills; to the Committee on Labor.

By Mr. DICKSON of Mississippi: Papers to accompany bill granting a pension to Eva A. Trager; to the Committee on Invalid Pensions.

By Mr. MICHAEL E. DRISCOLL: Petitions of Lodge No. 636 and Lodge No. 60, Independent Order B'rith Abraham, Syracuse, N. Y., opposing the passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of the National Association of Cotton Manufacturers, Boston, Mass., protesting against passage of various bills relating to the sale and purchase of cotton to be delivered on contract on the cotton exchanges of the country; to the Committee on Agriculture.

Also, petition of John J. Pfeiffer, general secretary Local No. 504, Kansas City, Mo., favoring passage of House bill 22339, for prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

By Mr. FOSS: Resolution of United Hebrew Trades of New York, against passage of the Dillingham bill, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. FORNES: Resolution of the Allied Committee of the Political Refugee Defense League of America and the United Hebrew Trades of New York, against passage of the Dillingham bill and Root amendment, containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Wisner Manufacturing Co., of New York City, N. Y., favoring lower postage; to the Committee on the Post Office and Post Roads.

Also, petitions of the Garvin Machine Co., of New York, against passage of the Clayton anti-injunction bill; and of Sol Bloom, of New York, against any bills to prevent the fixing of prices by the manufacturers; to the Committee on the Judiciary.

By Mr. FULLER: Petition of the United Hebrew Trades Union of New York, protesting against the passage of the Dillingham bill for the literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Rockford Brass Works, Rockford, Ill., protesting against passage of House bills 23192 and 23193, relating to certain proposed change in the patent laws; to the Committee on Patents.

Also, petition of M. W. Paul, secretary Local No. 80, Rockford, Ill., favoring the passage of the Pepper bill (H. R. 22339), to regulate the method of directing the work of Government employees; to the Committee on Labor.

By Mr. HAYES: Petitions of L. Schuman, Oakland, Cal., and of Conradi & Goldberg, San Francisco, Cal., favoring passage of House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petitions of the Board of Trade of San Francisco, Cal.; Coffin Redington Co., San Francisco, Cal.; and Swayne & Hoyt, San Francisco, Cal., protesting against the passage of the anti-injunction bills; to the Committee on Labor.

Also, petition of Arthur Letts, Los Angeles, Cal., favoring continuation of Tariff Board; to the Committee on Appropriations.

Also, petition of the Los Angeles Chamber of Commerce, Los Angeles, Cal., relative to constructing a flood-water canal from the San Joaquin River; to the Committee on Appropriations.

Also, petitions of Morton, Ash & Co., Oakland, Cal.; George W. Walker, Los Angeles, Cal.; and H. & S. C. Bucorich, Oakland, Cal., favoring passage of House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of San Francisco, Cal., protesting against abolishment of Bureau of Manufactures; to the Committee on Interstate and Foreign Commerce.

Also, petition of Division No. 111, Railway Conductors, Los Angeles, Cal., favoring passage of House bill 20487; to the Committee on the Judiciary.

Also, petition of the South Park Mothers' Club, San Francisco, Cal., favoring the passage of House bill 11372, for improving the merchant marine; to the Committee on the Merchant Marine and Fisheries.

By Mr. HOWELL: Petitions of the Consolidated Music Co., Salt Lake City, Utah, and of the Strevell Patterson Hardware Co., Salt Lake City, Utah, protesting against the passage of House bills 23192 and 23193; to the Committee on Patents.

Also, petition of the Wessler Cigar Co., Ogden, Utah, favoring passage of House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of the Workmen's Circle, New York, protesting against the passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

Also, petitions of the Uintah County Medical Society, Vernal, Utah, and of the people of Uintah County, favoring the passage of the Owen bill, for the creation of Cabinet office of health; to the Committee on Interstate and Foreign Commerce.

By Mr. HUBBARD: Papers to accompany bill for the relief of J. J. Dennis, Company G, Fifty-third Regiment Kentucky Volunteer Infantry; to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of David R. Edmonds, Thirty-fifth Regiment Kentucky Mounted Infantry; to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of L. G. Winey, Company C, Second Regiment Iowa Volunteer Cavalry; to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Jane Heath, widow of Velloras Heath, Company K, Thirty-third Regiment

Wisconsin Volunteer Infantry; to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of William H. Gilmore, Company C, One hundred and forty-fifth Regiment, and Battery H, Pennsylvania Light Artillery; to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of William M. Buchanan, Company C, One hundred and fifty-third Regiment Illinois Infantry; to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of David Morrison, Company B, One hundred and twenty-ninth Illinois Infantry; to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: Petitions of the United Hebrew Trade of New York and of New Paterson Lodge, No. 405, United States Grand Lodge, Order B'rith Abraham, Paterson, N. J., opposing the passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petitions of the Sunset Publishing House and of Sevaine & Hoyt, San Francisco, Cal., against passage of anti-injunction bills now before the House and Senate; to the Committee on the Judiciary.

Also, petition of California Wine Association, San Francisco, Cal., favoring appropriation for rebuilding broken levees along Mississippi River; to the Committee on Rivers and Harbors.

Also, petitions of Cahn, Nickelsburg & Co. (Inc.), and of the Schmidt Lithograph Co., of San Francisco, Cal., against anti-injunction bills; to the Committee on the Judiciary.

Also, petition of Frederick Birdsall, of San Francisco, Cal., favoring passage of House bill 12827, for increasing the efficiency of the Army; to the Committee on Military Affairs.

Also, petition of the South Park Mothers' Club, of San Francisco, Cal., favoring passage of House bill 11372, for improvement of safety conditions at sea; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the San Joaquin and Sacramento River Improvement Association, favoring passage of proposed plan for navigability of Sacramento River; to the Committee on Rivers and Harbors.

Also, petition of the American Brotherhood of Cement Workers of San Francisco, Cal., favoring passage of House bill 13500; to the Committee on Immigration and Naturalization.

Also, petition of A. Muller, of San Francisco, Cal., against passage of Prouty and Oldfield bills, which prohibit the patentee from maintaining a fixed price on his patented articles; to the Committee on Patents.

By Mr. KENNEDY: Petition of W. T. Dow and others, of Stockport, Iowa, favoring parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Frank W. Schick and others, of Burlington, Iowa, requesting the enactment of the old-age pension bill into law; to the Committee on Pensions.

By Mr. KOPP: Petition of citizens of Arena, Wis., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Sol Bloom (Inc.), protesting against any legislation preventing the manufacturers from fixing prices on patent goods; to the Committee on Patents.

Also, petition of J. A. Piccard, of Brooklyn, N. Y., protesting against removing the right to establish retail prices; to the Committee on Interstate and Foreign Commerce.

Also, petition of Kingburg Lodge, No. 36, United States Grand Lodge, Order of B'rith Abraham, Brooklyn, N. Y., opposing the passage of the literacy test; to the Committee on Immigration and Naturalization.

Also, petition of the National Association of Cotton Manufacturers, Boston, Mass., in opposition to the passage of various bills relating to the purchase and sale of cotton to be delivered on contract on the cotton exchanges of this country; to the Committee on Agriculture.

Also, petition of R. M. Fish, of Philadelphia, Pa., favoring passage of invalid pension bill (H. R. 1339); to the Committee on Invalid Pensions.

Also, petition of the ninth artillery district of New York, favoring passage of the Crago bill (H. R. 17470); to the Committee on Invalid Pensions.

By Mr. MANN: Petitions of United Hebrew Trades, of New York, and of Garden City Lodge, No. 163, Order B'rith Abraham, Chicago, Ill., protesting against passage of Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

Also, petition of the Stenographers and Typists' Association, of Chicago, Ill., protesting against passage of certain clause in the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. McGILLICUDDY: Petition of Turner Grange (Maine), No. 23, Patrons of Husbandry, favoring passage of Senate bill 5474, for postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Petitions of Don Abarbanel Lodge, No. 137; Dr. Krauskopf Lodge, No. 400; and Joseph Minsky Lodge, No. 635, Independent Order B'rith Abraham, Philadelphia; and of United Hebrew Trades of New York, protesting against passage of the Dillingham and Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of Jacob Gordon Lodge, No. 169, and Kamenitzer Lodge, No. 77, Independent Order Ahawas Israel; and of William Penn Lodge, No. 76; Freedom Lodge, No. 84; and John Hay Lodge, No. 14, Independent Order B'rith Sholom, all of Philadelphia, Pa., protesting against passage of the Dillingham and Burnett immigration bills; to the Committee on Immigration and Naturalization.

By Mr. MORGAN: Petition of citizens of the second congressional district of Oklahoma, favoring the old-age pension bill; to the Committee on Pensions.

By Mr. MOTT: Petition of the National Association of Cotton Manufacturers, protesting against legislation on the sale of cotton on contract; to the Committee on Agriculture.

By Mr. NYE: Petition of citizens of Worcester, Mass., favoring passage of Kenyon-Sheppard interstate liquor law; to the Committee on the Judiciary.

Also, petition of the Saturday Lunch Club, of Minneapolis, Minn., favoring Government ownership of the express companies and express business of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of Minnesota Lodge, No. 428, of Minneapolis, Minn., against passage of the Dillingham bill and other bills containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of 101 citizens of the United States, favoring the removal of the prohibition upon the American registration of foreign-built ships for foreign trade; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of the Socialist Party of America, New Haven, Conn., and the allied committee of the Political Refugee Defense League of America, both protesting against the passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

Also, petition of the Cigar Makers' International Union of America, Middletown, Conn., favoring the passage of House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

By Mr. RUCKER of Colorado: Petition of F. W. Evans and others, of Park County, Colo., favoring the enactment of a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petition of the Hotel Woodstock Co., of New York City, N. Y., favoring the passage of the Stevens-Gould net-weight bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of ninth artillery district of New York, favoring passage of the Crago bill (H. R. 17470) for pensions for widows and minor children of veterans of the War with Spain; to the Committee on Pensions.

Also, petition of the Committee of Wholesale Grocers of New York City, N. Y., favoring reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Sol Bloom, of New York City, N. Y., against legislation to prevent the fixing of prices by manufacturers; to the Committee on the Judiciary.

Also, petition of the National Association of Cotton Manufacturers of Boston, Mass., against any bills relating to the sale and purchase of cotton to be delivered on contract on the cotton exchanges of the country; to the Committee on Agriculture.

Also, petition of the United States Grand Lodge, Order of B'rith Abraham, of New York City, N. Y., against passage of the Dillingham bill containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SMITH of New York: Petition of Erie County Lodge, No. 300, Independent Order B'rith Abraham, of Buffalo, N. Y., against passage of the Dillingham and Burnett bills containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. TAYLOR of Ohio: Petition of John C. Burns, of La Crosse, Wis., favoring the passage of the Sulzer bill (H. R. 17936); to the Committee on Coinage, Weights, and Measures.

By Mr. TILSON: Petitions of the United Hebrew Trades of New York and of Gladstone Lodge, No. 241, United States Grand Lodge, Order B'rith Abraham, Waterbury, Conn., in opposition to the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

Also, petition of the National Association of Cotton Manufacturers, Boston, Mass., in opposition to the passage of various bills relating to the sale and purchase of cotton to be delivered on contract on the cotton exchanges of this country; to the Committee on Agriculture.

By Mr. UNDERHILL: Petition of Berger Lodge, No. 88, and Elmira Max Nordau Lodge, No. 281, Independent Order B'rith Abraham, Elmira, N. Y., and of the United Hebrew Trades of New York, protesting against passage of Dillingham and Burnett immigration bills; to the Committee on Immigration and Naturalization.

By Mr. UTTER: Petition of the United Hebrew Trades of New York, N. Y., opposing the passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. VARE: Petition of John Hay Lodge, No. 14; D. Theodore Herzel Lodge, No. 183; Joseph Minsky Lodge, No. 635; Freedom Lodge, No. 84; and William Penn Lodge, No. 76, Independent Order B'rith Sholom, Philadelphia, Pa., protesting against legislation restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WEDEMEYER: Petition of sundry citizens of Lenawee County, Mich., favoring the passage of the Sheppard bill; to the Committee on the Judiciary.

By Mr. WILDER (by request): Petition of Joseph Mason and 42 other citizens of Massachusetts, favoring the passage of the anti-Taylor system bills (H. R. 22339 and S. 6172); to the Committee on the Judiciary.

By Mr. WOOD of New Jersey: Papers to accompany House bill 24221, granting an increase of pension to William Long; to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *May 10, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore, under the previous order of the Senate.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 5060. An act to provide for the disposal of the unallotted land on the Omaha Indian Reservation, in the State of Nebraska; and

S. 6167. An act to authorize the Williamson & Pond Creek Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, Mingo County, W. Va.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the Brotherhood of Railway Trainmen of Pine Bluff, Ark., remonstrating against the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

He also presented a petition of members of the Society of the Sons of the Revolution of the State of New York, praying that an appropriation be made to cover the expense of editing and publishing certain records relating to the Revolutionary War, which was ordered to lie on the table.

He also presented petitions of the congregations of sundry churches and of members of sundry religious societies and other organizations of Philadelphia and Reading, in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. GRONNA. I present a number of telegrams in the nature of memorials remonstrating against the Bourne parcel-post bill. I ask that the telegrams be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the telegrams were referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

CHURCH AND FERRY, N. DAK., *May 9, 1912.*

Hon. A. J. GRONNA,
Washington, D. C.:

Am opposed to Bourne parcel-post bill. No demand for such measure here.

H. A. MOE.

—

WESTHOPE, N. DAK., *May 8, 1912.*

Senator A. J. GRONNA,
Senate Chamber, Washington, D. C.:

Fight Bourne and similar bills. Demand justice and impartial investigation.

W. A. MEDDAUGH.

CROSBY, N. DAK., *May 8, 1912.*

Hon. A. J. GRONNA,
Washington, D. C.:

Very much opposed to Bourne general parcel-post bill just introduced in Senate.

JOHN KNOPP.

—

CARRINGTON, N. DAK., *May 8, 1912.*

Hon. A. J. GRONNA,
Washington, D. C.:

Commercial Club opposes Bourne parcel bill, and we ask your influence against it.

C. S. HOLIDAY,
Vice President Commercial Club.

—

ROLETTE, N. DAK., *May 8, 1912.*

Hon. A. J. GRONNA,
United States Senator, Washington, D. C.:

We urge your strongest opposition to the Bourne general parcel-post bill now in the Senate. Ninety-nine per cent of our people are absolutely ignorant of its provisions, and they have a right to fair consideration of all such legislation.

I. M. INGEBRETSON.

—

HENSEL, N. DAK., *May 8, 1912.*

Hon. A. J. GRONNA,
Washington, D. C.

DEAR SIR: We ask that you use all your influence in trying to defeat the Bourne general parcel-post bill now before the Senate, as it will, in our judgment, cause a great deficit and will be a detriment to the small towns and villages. Use your influence.

Yours, respectfully,

HARTJE & CONLAN BROS.

—

CARRINGTON, N. DAK., *May 8, 1912.*

Hon. A. J. GRONNA,
Washington, D. C.:

North Dakota hardware dealers oppose Bourne parcel-post bill and solicit your influence to defeat same.

A. J. SMITH,
President North Dakota Hardware Dealers' Association.

—

HUNTER, N. DAK., *May 8, 1912.*

Hon. A. J. GRONNA,
Washington, D. C.:

We are emphatically opposed to the Bourne general parcel-post bill. We believe it is not based on thorough investigation. Will create a horde of additional Government employees and an enormous deficit. Hope you will do your utmost to knock it out.

GALE, CARR & CO.
ARTHUR MERCANTILE CO.,
Arthur, N. Dak.
BLANCHARD MERCANTILE CO.,
Blanchard, N. Dak.

—

NAPOLEON, N. DAK., *May 8, 1912.*

Hon. A. J. GRONNA,
Washington, D. C.:

Do all that you can to prevent Bourne parcel-post bill passing.

M. SAVAGE.

—

EDMORE, N. DAK., *May 7, 1912.*

Senator A. J. GRONNA,
Washington, D. C.:

The Bourne general parcel-post bill will be a greater hardship on business in our North Dakota towns than several total crop failures. We implore you to stop the passage of this bill if possible.

A. E. TOOMEY.
JOHN BERG.
OLE STENDELL.
J. BRAUND.
H. ASLAKSON.
J. HAMRE.
ROBERT COX.

—

GACKLE, N. DAK., *May 9, 1912.*

Hon. A. J. GRONNA,
Washington, D. C.:

Pardon us for again calling to your attention the parcel-post question, since we in the past have asked you both by petitions and letters to oppose same in any form and manner; and at this particular time wish to call to your attention the Bourne general parcel-post bill. To oppose same, if you will, according to our belief, is best for our country. Thanking you in advance for giving this matter your earnest consideration.

HAUT & MARCKEL.

Mr. GRONNA presented a memorial of sundry citizens of Churchs Ferry, N. Dak., remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. CULLOM presented resolutions adopted by the St. Clair County Medical Society, of Illinois, favoring the establishment of a department of public health, which were ordered to lie on the table.

Mr. SMITH of South Carolina presented a petition of sundry citizens of Eastover, S. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of Sergeant Fred Thomas Camp, No. 48, United Spanish War Veterans, Department of Massachusetts, of Haverhill, Mass., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented resolutions adopted by the National Association of Cotton Manufacturers, in convention at Boston, Mass., remonstrating against the enactment of legislation relating to the sale and purchase of cotton to be delivered on contract on the cotton exchanges, which were ordered to lie on the table.

Mr. GARDNER presented petitions of Excelsior Grange, of Poland; of Silver Lake Grange, of Wells Mills; and of Mount Etna Grange, of North Baldwin, all of the Patrons of Husbandry; of Carpenters' Local Union No. 457, of Bar Harbor; and of sundry citizens of Industry, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

Mr. BROWN presented sundry affidavits in support of the bill (S. 6390) granting a pension to Rachael Ann Bovee, which were referred to the Committee on Pensions.

Mr. SMITH of Arizona. I present resolutions adopted by the Yuma County Water Users' Association, of Arizona. The resolutions are very short. I ask that they be printed in the RECORD, as I wish them for future reference, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the resolutions were referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

OFFICE OF YUMA COUNTY WATER USERS' ASSOCIATION,
COOPERATING WITH UNITED STATES RECLAMATION SERVICE,
Yuma, Ariz., April 30, 1912.

Hon. MARK A. SMITH,
United States Senate, Washington, D. C.

DEAR SIR: The board of governors of the Yuma County Water Users' Association, after thorough consideration, unanimously passed the following resolutions:

Resolved, That we emphatically disapprove of the essential features of the amendments to the reclamation law, as proposed by the Secretary of the Interior, known as H. R. 20490.

Resolved, That we deem it absolutely necessary in order to enable homesteaders under reclamation projects to obtain basis of commercial credit that they be given patent at expiration of the period of legal residence.

Yours, truly, EARL B. SMITH, *President.*

Mr. SMITH of Arizona presented a petition of members of the Pima County Medical Association, of Arizona, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. PENROSE presented a petition of the Christian Endeavor Society of the First Presbyterian Church of Carbondale, Pa., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the Westmoreland County Medical Society, of Pennsylvania, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. O'GORMAN presented a petition of sundry citizens of Brooklyn, N. Y., praying for the passage of the so-called eight-hour bill, which was ordered to lie on the table.

He also presented a memorial of Local Grange No. 1149, Patrons of Husbandry, of Morrisville, N. Y., remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Machinists' Local Union No. 434, of New York, N. Y., and a petition of sundry citizens of Brooklyn, N. Y., praying for the enactment of legislation to regulate the method of directing the work of Government employees, which were referred to the Committee on Education and Labor.

He also presented resolutions adopted by the National Association of Cotton Manufacturers, in convention at Boston, Mass., remonstrating against the enactment of legislation relating to the sale and purchase of cotton to be delivered on contract on the cotton exchanges, which were ordered to lie on the table.

Mr. WETMORE presented a petition of the Watchemoket Woman's Christian Temperance Union, of Providence, R. I., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

EIGHT-HOUR LAW.

Mr. FLETCHER. I present a letter which I should like to have read.

There being no objection, the letter was read and ordered to lie on the table, as follows:

MERRILL-STEVENS CO.,
Jacksonville, Fla., April 12, 1912.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SIR: We note that the Senate committee is reported to be favorably considering a bill passed by the House limiting all Government work by contractors, etc., to eight hours per day. We do not fully understand the exact scope of this bill, but if its intent is that no work can be done for the Government in furnishing supplies, contracting for or making repairs except under the provisions of the 8-hour law, it will bar the majority of contractors and builders, such as ourselves, from doing this class of work, inasmuch as it is manifestly impossible to work on one class of work under the 8-hour law and keep the balance of our force under the 9 and 10 hour rule which prevails in practically every establishment of our kind. As to ourselves, we have a 10-hour day, and the majority of shipyards on the Atlantic coast work under the same conditions.

The particular class of work that we are interested in is work for dredges and similar vessels used by the Engineer Department on river and harbor improvements. All work heretofore done by us of this class has not been considered under the provisions of the 8-hour law as now prevailing, but if this new bill enlarges this scope so as to apply to such work of ours it will not only prevent our doing the large amount of this work which we now do, and which is of great convenience to the Government, inasmuch as our plant is the only one on the Atlantic coast south of Newport News capable of doing the class of work required, but it will also greatly increase the cost to the Government wherever such work is done. It is not a question of wages, as we pay by the hour and bid on the same basis, but of demoralization of shop arrangements if it was attempted to carry on one piece of work under the 8-hour rule while working the balance of the force its customary hours.

For these reasons we would earnestly request that you give this bill your careful consideration, and we trust you will, after such consideration, feel as we do that it is an unwise measure and ought not to pass, and use your best endeavors to prevent such action.

Yours, truly,

MERRILL-STEVENS CO.,
By A. D. STEVENS, *President.*

Mr. FLETCHER. I have another letter on the same subject, which I will ask to have printed in the RECORD. It is rather long and I will not ask to have it read.

There being no objection, the letter was ordered to lie on the table, and to be printed in the RECORD, as follows:

THE ALGER-SULLIVAN LUMBER CO.,
Century, Fla.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

SIR: Our attention has been called to the 8-hour labor bill, H. R. 9061, recently reported out of the Senate Committee on Education and Labor by a vote of 6 to 4.

We take this means of expressing to you our protest against the passage of this bill in its present form, as we believe that it should be made less ambiguous and amended as follows:

First. By striking out the words "or permitted," wherever they occur after the words "shall be required," thus withdrawing the prohibition against overtime work for overtime pay where employees desire or voluntarily accept it without duress or fear of discharge. This, we believe, would be desired by every intelligent employee having consideration for his employer's best interests and his own.

Second. We would suggest establishing a weekly instead of a daily standard of hours, limiting the employment on Government contracts to 48 hours in one week, instead of 8 hours in one calendar day. This arrangement would make less confusion in shop organization in the handling of Government work.

Third. We believe the following proviso of section 2 should be stricken out entirely, as it is not clear and would render ambiguous practically every contract made with the Government:

"That all classes of work which have been, are now, or may hereafter be performed by the Government shall, when done by contract, by individuals, firms, or corporations for or on behalf of the United States or any of the Territories or the District of Columbia, be performed in accordance with the terms and provisions of this act."

Fourth. Emergencies due to train wrecks or other delays in the transportation of materials, injury to plant or accidents in manufacturing process otherwise than by the means stipulated in the bill as drawn, should receive consideration and relieve the unfortunate contractor of penalty due to necessary overtime work to complete contracts on time.

Fifth. It must be conceded by you, as it is by others who have given the matter consideration, that this act must very greatly increase the cost of materials and supplies contracted for under its terms.

Sixth. We believe if the bill is passed in any form it should not become effective before January 1, 1913, as all parties interested should have a reasonable time in which to conform to the radically economic change proposed.

It is very evident that by this bill Congress undertakes to exercise its policing power in a radical manner and thereby trespasses upon the police authority of the various States, to the detriment of both the employer and employee.

Trusting that you will give this matter every consideration it deserves from our point of view, and that in justice to all concerned you will make earnest effort to have the bill amended to a just and reasonable basis, and that we may hear from you as to your attitude in the matter at an early date, we are,

Yours, very truly,

THE ALGER-SULLIVAN LUMBER CO.,
EDWARD A. HAUSS, *Vice President.*

REPORTS OF COMMITTEES.

Mr. POINDEXTER, from the Committee on Naval Affairs, to which was referred the bill (S. 4331) for the relief of William E. Farrell, reported it without amendment. (S. Rept. 735.)

He also, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6283) increasing the cost of

erecting a public building at Olympia, Wash., reported it with an amendment and submitted a report (No. 731) thereon.

Mr. JONES. From the Committee on the District of Columbia I submit three adverse reports on bills which have been covered by a measure heretofore favorably reported and passed by the Senate. The bills may be postponed indefinitely.

The bills were postponed indefinitely, as follows:

S. 2309. A bill to limit the number of saloons in the District of Columbia and to confine them to business streets, and for other purposes (Rept. No. 732);

S. 6037. A bill to further regulate the sale of intoxicating liquors in the District of Columbia (Rept. No. 734); and

S. 2046. A bill to better regulate the traffic in intoxicating liquors in the District of Columbia (Rept. No. 733).

Mr. CUMMINS. On behalf of the Committee on Civil Service and Retrenchment, I report back the bill (S. 5863) for the retirement of employees in the civil service, and for other purposes, with amendments, and I submit a report (No. 726) thereon. I ask that the bill with the amendments and accompanying report be printed.

The PRESIDENT pro tempore. The bill will be placed on the calendar, and the bill and report will be printed under the rule.

Mr. JOHNSON of Maine, from the Committee on Naval Affairs, to which was referred the bill (S. 5806) to correct the naval record of Franklin Pierce, submitted an adverse report (No. 727) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. BROWN subsequently said: A bill to correct the naval record of Franklin Pierce was just indefinitely postponed. I ask that it may go to the calendar. I want to have an opportunity to examine the bill.

The PRESIDENT pro tempore. Without objection, the order indefinitely postponing the bill will be reconsidered, and, on the request of the Senator from Nebraska, the bill will be placed on the calendar.

Mr. WATSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5906) to provide for the erection of a public building at Keyser, W. Va., reported it with an amendment. (S. Rept. 730.)

RETRIAL OF CADETS.

Mr. DU PONT. Having submitted yesterday the report, I should like to ask for the present consideration of the joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them.

The PRESIDENT pro tempore. The joint resolution is on the calendar.

Mr. DU PONT. The joint resolution is on the calendar, and I suppose it can not be called up until we reach the calendar. It can not be considered now.

The PRESIDENT pro tempore. The Senator then withholds his request for present consideration, the Chair understands.

Mr. DU PONT. Yes, sir; I do.

BILLS OF LADING.

Mr. CLAPP. I am directed by the Committee on Interstate Commerce, to which was referred the bill (S. 957) relating to bills of lading, to report it with an amendment, in the nature of a substitute, and I submit a report (No. 728) thereon.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. POMERENE. On January 22 I introduced a bill (S. 4713) relating to bills of lading in commerce with foreign nations and among the several States. The bill which I introduced was one which had been prepared by the Commission on Uniform Legislation and has been adopted in nine of the leading commercial States of the Union. The bill was modified so as to contain the same provisions as applied to interstate and foreign commerce.

This matter has been somewhat considered in the committee, and in view of certain suggestions which have been made the bill has been redrafted. I will, within a day or two, present the bill as redrafted as a substitute for the bill which has been reported by the chairman of the committee, the Senator from Minnesota, and at that time or later, with the permission of the Senate, I shall submit some remarks on the subject.

Mr. TOWNSEND. Mr. President, a parliamentary inquiry. I have just come into the Chamber. I understand that the Committee on Interstate Commerce reported Senate bill 957, relating to bills of lading. I had thought that I should like to prepare and present a minority report on that bill. Will it be in order to do that?

The PRESIDENT pro tempore. It will be in order to present minority views.

Mr. TOWNSEND. Within a few days?

The PRESIDENT pro tempore. The Chair sees no objection to it, unless the Senate should otherwise order. It is usual to have such liberty taken.

DISTRICT POLICEMEN'S AND FIREMEN'S PENSION FUND.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia to report favorably, with an amendment in the nature of a substitute, the bill (H. R. 20840) to provide for deficiencies in the fund for the police and firemen's pensions and relief in the District of Columbia, and I submit a report (No. 729) thereon.

The matter is in very bad shape at the present time. The House has passed a bill, of which the Senate committee does not approve, and the committee has substituted therefor a bill which I presented to the Senate some little time ago. I should be very much gratified if the Senate would grant permission for the immediate consideration of the bill, as it is really urgent and it is very desirable to get it into conference. I present the report and ask for the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent for the present consideration of the bill reported by him. Is there objection?

Mr. HEYBURN. Let the bill be read for information.

The PRESIDENT pro tempore. The Secretary will read the bill for the information of the Senate before the order is entered to proceed to its consideration.

The Secretary read the bill, which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That from and after the passage of this act the funds designated by law as the "policemen's fund," the "police fund," and the "firemen's relief fund" shall be designated as the "police and firemen's relief fund, District of Columbia," and the said fund shall consist of all fines imposed by the Commissioners of the District of Columbia upon members of the police and fire departments by way of discipline; all rewards, proceeds of gifts, and emoluments that may be received by any member of said departments for extraordinary services, except such as may be allowed to be retained by such member or members on the approval of the said commissioners; all net receipts and moneys arising from the sale of unclaimed property in the custody of the property clerk of the police department; a deduction of 1½ per cent of the monthly salary of each member of the police and fire departments; and fines and forfeitures paid into the police court of the District of Columbia, except those allowed by law to the use of the Humane Society, all of which shall be collected by the collector of taxes of the District of Columbia and be by him deposited in the Treasury of the United States, in the manner provided by law, to the credit of the trust fund denominated "police and firemen's relief fund, District of Columbia," and be held subject to the drafts of the Commissioners of the District of Columbia for the purposes hereinafter set forth; all expenditures to be made according to law and to be accounted for in the manner provided by law: *Provided*, That should the police and firemen's relief fund at any time be insufficient to defray the expenditures hereinafter mentioned, then, and in that event, the Commissioners of the District of Columbia are authorized to, and they shall, direct the collector of taxes of said District to deposit, and said collector shall thereupon deposit, in the Treasury of the United States, to the credit of said fund, out of receipts from all licenses other than liquor licenses, a sufficient amount to meet any deficiency in said fund.

SEC. 2. That whenever any officer or member of the police or fire department of the District of Columbia shall become disabled by injury received or disease contracted in the line of duty he shall, in addition to his regular salary, receive his necessary expenses during the time of such disability, to be ascertained and certified by the retiring board hereinafter provided for, whose certificate shall state an account of said expenses and the manner, cause, and condition of the injury or disease, and such necessary expenses shall, when approved by the said commissioners, be paid out of the said police and firemen's relief fund, District of Columbia.

SEC. 3. That should any officer or member of the police or fire department become so permanently disabled through injury or disease contracted in the line of duty, or, having served not less than 15 years, shall, for any cause, become so permanently disabled as to be discharged from the service therefor, he shall be entitled to relief from the said fund in an amount, in the case of an officer or member of the fire department, as follows: Chief engineer, a sum not to exceed $150 per month; deputy chief engineer, a sum not to exceed $125 per month; battalion chief, fire marshal, and superintendent of machinery, a sum not to exceed $100 per month; deputy fire marshals and captains, a sum not to exceed $90 per month; lieutenants, a sum not to exceed $75 per month; assistant superintendent of machinery, a sum not to exceed $60 per month; engineers and drivers, a sum not to exceed $55 per month; assistant engineers and assistant drivers, a sum not to exceed $52.50 per month; inspectors and privates, a sum not to exceed $50 per month.

And in the case of an officer or member of the police department as follows: Major and superintendent, a sum not to exceed $150 per month; inspector and assistant superintendent, a sum not to exceed $125 per month; inspector, a sum not to exceed $100 per month; captain, a sum not to exceed $90 per month; lieutenant, a sum not to exceed $75 per month; sergeant, a sum not to exceed $60 per month; private, a sum not to exceed $50 per month, as may be justified, in any case of the police and fire departments, by the length of service and the nature of the injury or disease, as such disability may be determined by the retiring board hereinafter provided for; that in case of the death of any officer or member of the police or fire department before or after retirement from injury or disease contracted in the line of duty, leaving a widow, or children under 16 years of age, or a dependent father or mother, or both, such widow or such relative shall be entitled to a pension to be paid from the said relief fund, the amount thereof to be

determined by the retiring board hereinafter provided for: *Provided*, That in no case shall the amount paid to any one family exceed the sum of $50 per month, and that upon the remarriage of any widow her pension under this act shall immediately cease, and that any pension to or for her children under 16 years of age shall cease upon their attaining such age.

SEC. 4. That any officer or member of the police or fire department of the District of Columbia who may have performed police or fire service therein for a period of 25 years shall be entitled to retirement from such department and to an allowance to be paid from the said police and firemen's relief fund in an amount equal to the maximum allowance as provided in section 3 of this act, for the respective officers and members of said departments.

SEC. 5. That a sum not to exceed $75 may be allowed by the Commissioners of the District of Columbia, to be paid from the said police and firemen's relief fund, to defray the funeral expenses of any member of the police or fire department who may die while in the service of such department.

SEC. 6. That a retiring board, to be composed of the surgeons of the police and fire departments and two officers of the police department and two officers of the fire department, not surgeons, such officers to be appointed by and to serve during the pleasure of the Commissioners of said District, shall be appointed to consider all cases for relief or for retirement or for pensions of officers and members of the police and fire departments, and all applications for pensions for widows, children, and dependent fathers or mothers; and the police and fire surgeons shall certify in writing to the said retiring board the physical condition of the officers or members of the force, if living, for whom a pension is sought for any reason provided for in this act, and whether or not said condition or death is due to injury or disease contracted in the line of duty, or that said officer or member has become so permanently disabled as to entitle him to discharge from the service therefor. The said retiring board shall give notice to any applicant for relief or pension or retirement to be present before it and give any evidence that he may desire, and the proceedings of the said board shall be reduced to writing and shall show the date of appointment of the officer or member under inquiry, his age, his record in the service, and any other information that may be pertinent to the matter of relief, pension, or retirement, and shall show what amount, if any, is awarded the applicant by way of relief or pension. The said board shall make a report of its finding to the commissioners, who shall have the power to take further testimony, if they so desire, and may approve, disapprove, or modify the findings of the said board, or remand any case for such further proceedings as may be necessary, and the decision of the said commissioners shall be final. The said commissioners are also hereby authorized and empowered to make, modify, and amend from time to time rules of procedure for the conduct of such board.

SEC. 7. That within 60 days following the 1st day of July, 1912, and every two years thereafter, the commissioners shall cause every policeman and fireman receiving a pension allowance from the police and firemen's relief fund to undergo such examination as in the judgment of the commissioners may be necessary to enable them to determine whether the pension in such case or cases shall be increased or reduced; and the commissioners are hereby authorized and directed to increase or reduce the allowance of pensioners as the result of such examination: *Provided, however*, That should a pensioner fail or refuse to undergo the examination prescribed by the commissioners, the allowance of such pensioner may be reduced or entirely discontinued by the commissioners: *Provided, however*, That the commissioners may discontinue any pension or retirement allowance upon duly certified information from a court of record that any person so pensioned or retired has been guilty of any crime involving moral turpitude or where any such person is found by the retiring board, after notice and trial, to be an habitual drunkard or guilty of lewd or lascivious conduct: *Provided further*, That nothing in this section shall be construed to give the widow of any officer or member of the police or fire department any right to a pension upon her remarriage, or to give any child or children of any officer or member of said police or fire department the right to a pension after becoming 16 years of age.

SEC. 8. That any such pensioned or retired officer or member of the police or fire department in time of flood, riot, great fires, during extraordinary assemblages or unusual emergencies, may be called by the head of the respective department into the service of the District police or fire force for such duty as his disabilities will permit of his performing, as ascertained and certified by the retiring board, without compensation therefor.

SEC. 9. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. HEYBURN. I will not object, but its consideration will take some time.

Mr. BRISTOW. Mr. President, from hearing the bill read, it seems that the retired pay for some of these officers is $150 a month. What is their salary?

Mr. GALLINGER. Those are the higher officials.

The PRESIDENT pro tempore. The question now before the Senate is, Will the Senate give unanimous consent for the present consideration of the bill? The Chair hears no objection.

Mr. BRISTOW. Has the bill been printed?

Mr. GALLINGER. It has been printed for a good while. The House has passed a bill on this subject, and the Senate has substituted therefor a bill which I introduced a few days ago.

Mr. McCUMBER. Is that the substitute which was read?

Mr. GALLINGER. Yes.

Mr. BRISTOW. How is the fund created to pay these retired officers and men?

Mr. GALLINGER. The fund is created from fines and penalties of various kinds and by a contribution of 1½ per cent from the salaries of these men.

Mr. BRISTOW. So that it is not derived from taxation in any way?

Mr. GALLINGER. Not directly. The fines hereafter collected, according to my bill, are to be put into the Treasury and then paid out to meet these conditions. The present system is to have certain fines go to this fund, but those fines have been so insufficient that to-day there is absolute wretchedness in this District on the part of widows and orphans because the fund is not sufficient. This bill provides that those moneys shall be put into the Treasury and that 1½ per cent of the salaries of the firemen and policemen shall also be put into the Treasury, and then, when the pensions become due, the money is drawn out, and the obligation is met in that way.

Mr. BRISTOW. Is this fund segregated so that only the money so put in is paid out?

Mr. GALLINGER. Absolutely so.

Mr. HEYBURN. I call attention——

The PRESIDENT pro tempore. The Chair assumes that unanimous consent has been given for the consideration of the bill.

Mr. HEYBURN. I call attention, in reply to the inquiry of the Senator from Kansas, to the fact that it is provided that where there is a deficiency, it may be made up out of the general moneys. He will find that at the bottom of page 2.

Mr. BRISTOW. Well, Mr. President, I want an opportunity to be heard against any proposition to take money out of the Public Treasury for pensions to any civil employees. If it is purely a fund that is created from assessments on the salaries of the employees and becomes a mutual insurance fund, it is entirely different from taxing the general public to pay these retired officers.

Mr. BORAH. Mr. President, is this bill before the Senate?

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. Yes, Mr. President; I yield to the Senator.

Mr. BORAH. I merely ask if the bill is yet before the Senate.

The PRESIDENT pro tempore. The Chair submitted the question whether unanimous consent should be given for the present consideration of the bill, and, without any objection having been interposed, the debate proceeded, and the Chair assumed that unanimous consent had been given.

Mr. GALLINGER. Mr. President, notwithstanding that, I am going to be generous enough, inasmuch as certain Senators desire to look at the bill more carefully, to ask that it go to the calendar.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FOSTER:

A bill (S. 6772) authorizing the Secretary of War to return to the governor of Louisiana certain bonds of the State of Louisiana and city of New Orleans; to the Committee on Military Affairs.

By Mr. FALL:

A bill (S. 6773) directing the Secretary of the Interior to turn over to the treasurer of New Mexico certain sums of money; to the Committee on Appropriations.

By Mr. KERN:

A bill (S. 6774) granting an increase of pension to Mahala E. Warmoth (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6775) to grant an honorable discharge to David Steers; to the Committee on Military Affairs.

By Mr. GORE:

A bill (S. 6776) for the relief of the Apache Indians held as prisoners of war on the Fort Sill Military Reservation in Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. SMITH of South Carolina:

A bill (S. 6777) to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake at Conway, S. C.; to the Committee on Commerce.

By Mr. BRADLEY:

A bill (S. 6778) granting an increase of pension to Edward Brown (with accompanying papers); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 6779) making appropriation for the resurvey of certain lands in the State of Colorado; to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CRAWFORD submitted an amendment proposing to increase the salary of the messenger to the Committee on Com-

merce from $900 per annum to $1,440 per annum, intended to be proposed to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MARTINE of New Jersey submitted an amendment proposing to change one clerk in the Division of Publications, Agriculture Department, from class 2 to class 3, intended to be proposed by him to the Agricultural appropriation bill (H. R. 18960), which was ordered to lie on the table and to be printed.

Mr. GORE (by request) submitted an amendment authorizing the removal to and establishment on the Mescalero Apache Reservation, in New Mexico, all persons now held as Apache prisoners of war on the Fort Sill Military Reservation in Oklahoma who may desire to go to the Mescalero Apache Indian Reservation, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

THE METAL SCHEDULE.

Mr. GUGGENHEIM submitted an amendment intended to be proposed by him to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS—JAMES YOUNG.

On motion of Mr. GORE, it was

Ordered, That James Young, a private in Company K, Twenty-fourth Regiment United States Infantry, Civil War, be allowed to withdraw from the Senate Committee on Pensions the papers accompanying S. 4925, Sixty-first Congress, submitted to said committee in regard to his bill for pension, no adverse report having been made on said bill.

THE NAVY.

Mr. GORE. I submit a resolution, for which I ask present consideration.

The resolution (S. Res. 309) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Navy is hereby directed to inform the Senate as follows:

First. The maximum capacity of the United States Academy for the accommodation of Navy cadets.

Second. The number of cadets in attendance during each of the last five scholastic years.

Third. The number of cadets examined at each examination preparatory to the admission of cadets to the academy during the last five years.

Fourth. The number of cadets passing and the number failing to pass at each of such entrance examinations.

Fifth. The number of cadets failing to pass examinations subsequent to admission to the academy and the number of cadets so failing that are reinstated.

Sixth. The number of officers on the active list of the United States Navy at the present time and the number allowed under existing law on the Navy list. Also the number of active officers that the maximum efficiency of the Navy would require.

Seventh. The Secretary of the Navy is further directed to report as to whether, in his opinion, the minimum and maximum ages for the admission of cadets to the academy should be increased or whether the standard of the examinations should be materially reduced, and to recommend such changes in the present method of examinations as will tend to keep the number of cadets in attendance more nearly up to the maximum capacity of the institution.

Eighth. The Secretary of the Navy is also directed to submit with his report a copy of the questions used in the last three examinations for admission to the academy.

Mr. GORE. I ask that a clipping from the Washington Post of May 3 relating to this subject be printed in the RECORD.

There being no objection, the clipping was ordered to be printed in the RECORD, as follows:

SLUMP AT ANNAPOLIS.

[From the Washington Post, May 3, 1912.]

The mentality of the highest average of American youth is too low to give the Navy anything like a full quota of competent officers. If the requirements for admission to the Annapolis Academy are not unduly severe, the results of the recent mental examinations are disheartening. That only 43 out of every 100 candidates were successful indicates that the 300 or 400 vacancies caused by graduation next month will only be half filled by newcomers, which is about the poorest showing the corps has yet made.

The announcement of the poor results of the examinations is not accompanied by any explanatory statements, nor is anything vouchsafed as to any special effort to fill the gaps in the ranks. With a shortage now of 2,000 officers in the Navy and four new *Dreadnoughts* to be manned in the near future, the poor prospect of the academy meeting the demand behooves Congress to devote its close attention to a solution of the difficulty. Either the militant element among our youth is fast deteriorating or the ordeal they must face is too much for their years.

In either case the alternative is the same. The mental test must comport with the material, else the object of the school at Annapolis comes to naught. As reports coming from other military schools, West Point excepted, fail to show such a deplorable lack of mentality as the naval school examiners encounter, perhaps better results would be had by basing examinations on the normal capacity of boyhood rather than on the tables got up by the stop-watch theorists.

NAVAL SITUATION OF FOREIGN POWERS (S. DOC. NO. 656).

Mr. LODGE. I ask unanimous consent to have printed as a Senate document an article from the London Times of March 11, 1912, giving an analysis of the naval situation of the various foreign powers. It is a very valuable article and a very brief one.

The PRESIDENT pro tempore. Without objection, the paper will be printed as a Senate document. It is so ordered.

UNALLOTTED INDIAN LANDS.

Mr. CLAPP submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 405) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment to the Senate bill.

MOSES E. CLAPP,
P. J. MCCUMBER,
Managers on the part of the Senate.

JNO. H. STEPHENS,
SCOTT FERRIS,
C. H. BURKE,
Managers on the part of the House.

The report was agreed to.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, and 6, and agree to the same.

GEO. C. PERKINS,
REED SMOOT,
LEE S. OVERMAN,
Managers on the part of the Senate.

SWAGAR SHERLEY,
GEORGE RAUCH,
JAMES W. GOOD,
Managers on the part of the House.

The report was agreed to.

STATISTICS RELATIVE TO CORPORATIONS (S. DOC. NO. 655).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and on motion of Mr. HEYBURN was, with the accompanying papers, ordered to lie on the table and to be printed:

To the Senate:

In response to the resolution of the Senate of April 30, 1912, requesting the President, "if not incompatible with public interest, to transmit to the Senate any information in possession of the Government relating to the number, name, and business of all corporations heretofore organized by the authority of or under the laws of the United States," I transmit herewith letters from the Secretary of the Treasury and the Attorney General, together with the accompanying papers on the subject.

WM. H. TAFT.

THE WHITE HOUSE, *May 10, 1912.*

LAWS RELATING TO PATENTS (H. DOC. NO. 749).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on Patents, and ordered to be printed:

To the Senate and House of Representatives:

The present patent laws of the United States were enacted in practically their present condition in 1870, before the development of the industrial conditions which obtain to-day. The wisdom of the framers of the Constitution in providing that Congress shall have the power to promote the progress of science and the useful arts by securing for limited time to authors and inventors the exclusive right to their respective writings and discoveries has been demonstrated by the fact that the industrial progress and development of the United States has been due largely to the stimulus to invention given by the protection afforded by the patent laws.

In recent years, however, combinations based upon patents have been formed which have succeeded in controlling very largely the output of particular industries, and this control has been extended by contracts based upon the patents, requiring the users of patented machines to buy from the corporations owning the patents or from firms under their control supplies or other articles to be used in connection with the patented machines. Some of the circuit courts of appeal have held that such contracts, based upon patents, were valid, and that those who violated the terms of such contracts were liable as contributory infringers. The correctness of such decisions has recently received the approval of the Supreme Court of the United States in the case of Sidney Henry et al. *v.* A. B. Dick Co., by the vote of four justices of the seven who heard the case. An application for a rehearing of that case by the full bench was made and denied, so that the construction put upon the existing law in that case must be regarded as conclusive. Several bills have been introduced into Congress, as I am informed, to obviate the effect of this decision so as to prevent a patentee from extending by contract the monopoly secured to him under the patent law. This question calls for careful consideration.

Again, large corporations, by absorbing patents relating to particular arts, have succeeded in dominating entire industries, and the only market to which an inventor of improvements upon such machines may offer his patents for sale is to such corporations. In many instances it is charged corporations buy patents for improvements, and, although the inventions covered thereby constitute a distinct improvement in the art, their manufacture is suppressed and the public never receives the benefit of such inventions during the life of the patent.

Some other countries have discouraged the shelving of inventions in this manner by laws requiring that the owner of a patent shall manufacture the invention covered by his patent within a certain period or that his patent shall be declared forfeited. Other countries provide that the owner of a patent who does not manufacture the invention in the country granting it within a reasonable time may be compelled to grant a license to anyone who may apply to manufacture and sell the invention upon such terms as may be determined to be reasonable by a public officer or by a court of competent authority. It is worthy of careful consideration whether or not legislation on some such lines should be enacted to prevent our patent laws from being made the basis of unjust monopoly, extending beyond the legitimate protection to inventors required to promote science and the useful arts or the means of stifling improvement and progress of the arts.

It is also claimed by some that legislation is necessary to enable an applicant to more speedily obtain his patent and also to prevent the holding of applications for patent in the United States Patent Office for a long period of time until the particular art to which the patent relates has grown up.

Certain amendments to the patent laws are required to make effective the provisions of the Convention of the International Union for the Protection of Industrial Property held at Washington and signed June 2, 1911.

Much complaint has been made that patents granted by the United States are not deemed prima facie valid by the courts and that preliminary injunctions are granted only upon patents which have been adjudicated to be valid by the courts or those whose validity has been prima facie established by public acquiescence for a considerable period of time. It is urged that the laws should be revised in such a manner that the issuance of a patent by the United States will carry with it the prima facie force and effect of a valid patent, and the burden placed upon him who would infringe that patent to establish its invalidity, rather than, as at the present time, to require the patentee to establish the validity of his patent before obtaining a preliminary injunction or securing an award of damages for the intentional infringement of his patented invention.

Great care should be taken in any revision of the statutes relating to patents and patent rights not unduly to interfere with vested interests which have been properly created under the existing laws, or to impair the efficiency of a system from which so much benefit has been derived by the country. I am of the opinion that a careful study of the patent laws should be made by a commission of qualified persons appointed for that purpose with instructions to report such revision of those laws as may be necessary to harmonize them with the best thought and needs of our time; and I therefore recommend the enactment of a statute authorizing the President to appoint a commission to investigate the present state of the patent law and to report what, if any, changes or amendments should be made to conform that law with modern conditions and acquirements.

WM. H. TAFT.

THE WHITE HOUSE, *May 10, 1912.*

RIVER AND HARBOR APPROPRIATION BILL (H. R. 21477).

Mr. PERCY. I ask permission of the Senate to insert in my remarks of yesterday on the river and harbor bill a statement made by me before the Commerce Committee of the Senate in 1904 and a message of President Arthur, on the Mississippi River, in 1882, both of which have just been called to my attention.

The PRESIDENT pro tempore. Without objection, the request will be granted.

Mr. SMOOT. I could not hear the Senator from Mississippi, and I inquire what was the request?

Mr. PERCY. The request was to insert in my remarks of yesterday a statement I made in 1904 before the Senate Commerce Committee and a message of President Arthur.

Mr. SMOOT. I have no objection to that.

The PRESIDENT pro tempore. Permission will be granted, without objection.

THE CALENDAR.

Mr. SMOOT. I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar under Rule VIII, beginning with calendar No. 590.

The PRESIDENT pro tempore. Does the Senator move that the Senate proceed to the consideration of bills on the calendar?

Mr. SMOOT. No; I ask unanimous consent.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar under Rule VIII, beginning with the number indicated by him.

Mr. SMOOT. No. 590.

The PRESIDENT pro tempore. Is there objection?

Mr. LEA. Mr. President, I ask for the regular order.

The PRESIDENT pro tempore. The regular order is the calendar under Rule VIII. The Secretary will state the first bill on the calendar.

BILLS PASSED OVER.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as first in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order.

Mr. BRISTOW. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 2151) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Mr. HEYBURN. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

PUBLIC INDEBTEDNESS OF PHILIPPINE GOVERNMENT.

The bill (S. 4762) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes," was announced as next in order.

Mr. HEYBURN. I hope the Senate will take up this matter for consideration. The bill has been read.

Mr. OVERMAN. I think we had better have the bill read again.

Mr. HEYBURN. I have no objection to the bill being read, but I simply wanted it understood that it had been read.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, as it had been heretofore amended, as follows:

Be it enacted, etc., That section 2 of the act of Congress approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled

'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes," is hereby amended to read as follows:

"SEC. 2. That for the purpose of providing funds to construct port and harbor works, bridges, roads, buildings for provincial and municipal schools, courthouses, penal institutions, and other public improvements for the development of the Philippine Islands by the general Government thereof, the said Government is authorized from time to time to incur indebtedness, borrow money, and to issue and sell therefor (at not less than par value in gold coin of the United States) registered or coupon bonds of such denominations and payable at such time or times, not later than 40 years after the approval of this act, as may be determined by said Government, with interest thereon not to exceed 4½ per cent per annum: *Provided*, That the entire indebtedness of said Government created by the authority conferred by this section shall not exceed at any one time the sum of $10,000,000 in addition to such indebtedness as may have been heretofore authorized for the purposes enumerated in this section; nor shall a greater amount of indebtedness under this act than $1,500,000 be incurred in any single year: *And provided further*, That the law of said Government creating the indebtedness and authorizing the issue of the bonds under this section shall be approved by the President of the United States."

The PRESIDENT pro tempore. The bill is in the Senate as in Committee of the Whole and open to amendment.

Mr. WILLIAMS. Has unanimous consent been given for the consideration of the bill?

The PRESIDENT pro tempore. The bill was called in its order on the calendar, and no unanimous consent was necessary. It is now in the Senate as in Committee of the Whole and open to amendment.

Mr. WILLIAMS. Would an objection carry it over?

The PRESIDENT pro tempore. It would.

Mr. WILLIAMS. I should like to have an opportunity to look into the bill before we consider it, and I ask that it be carried over.

Mr. HEYBURN. This bill has been read twice, and has gone over once because of the absence of a Senator who is now present and on another occasion by objection on the part of a Senator who has since withdrawn his objection.

It deals with the affairs of the Philippine Islands under their own authorized management. The delay in passing it delays public work under construction and contemplated, and a very strong request comes from the executive and administrative branch of the Government that this measure shall receive consideration as promptly as is possible, in order that the work may go on.

Mr. WILLIAMS. I should like to ask the Senator in charge of the bill whether its passage will not result in a public indebtedness in the Philippine Islands upon the Government there?

Mr. HEYBURN. It would be an indebtedness of the Philippine Government for the purpose of carrying on the public works of the Philippine Government.

Mr. WILLIAMS. That is what I understand.

Mr. HEYBURN. It can not possibly incur any indebtedness for which the Government of the United States is responsible.

Mr. WILLIAMS. Oh, I know that.

Mr. HEYBURN. And it provides that the work can be done by the Philippine Government only with the approval of the President of the United States.

Mr. WILLIAMS. I understand that; but it would result in the establishment of a rather large public debt—a Philippine public debt, I mean—to be paid after a while by the Filipino people.

Mr. HEYBURN. The Philippine Government has no considerable public debt.

Mr. WILLIAMS. But I say, will not this bill result in a considerable public debt?

Mr. HEYBURN. This authorizes the expenditure of so much a year, a limited sum. It is just like a continuing appropriation for work already under contract in our own domestic affairs.

Mr. WILLIAMS. I am trying right now to arrive at the details of the bill as well as I can. How much per annum is authorized?

Mr. HEYBURN. The limitation under existing law is $5,000,000. Of course that was great at a time when the affairs of the Philippine Government were on a less extensive scale than now, and when they had less revenue than now. This bill merely provides for a limit of $10,000,000, with a limitation within that limit of the expenditure of $1,500,000 per year. They could not construct or carry out the existing plans for the construction of public works in those islands with this general limitation, and there is no reason for not giving them the increased limitation, because their present prosperity justifies it.

Mr. WILLIAMS. What is the increased limitation?

Mr. HEYBURN. I do not hear the Senator from Mississippi.

Mr. WILLIAMS. I asked the amount of the limitation as increased by this bill.

Mr. HEYBURN. Ten million dollars, but not in a lump sum.

Mr. WILLIAMS. I understand; so much per annum.

Mr. OVERMAN. I think the amendment which has been agreed to limits it to $1,500,000 a year.

Mr. WILLIAMS. Is this the unanimous report of the committee?

Mr. HEYBURN. Yes.

Mr. WILLIAMS. I withdraw the objection.

Mr. HEYBURN. The Senator will find a very thorough report accompanying the bill, which I think will answer any inquiry which might arise in his mind.

Mr. HITCHCOCK. I think the Senator from Idaho inadvertently stated the figures of the total debt erroneously. The present limit for public works is $5,000,000. The bill proposes to increase it to $15,000,000.

Mr. HEYBURN. We reported it at $10,000,000.

Mr. HITCHCOCK. So that the total will be $15,000,000.

Mr. LODGE. The Senator from Nebraska is quite right. After this additional money is available the total debt limit will be $15,000,000.

Mr. HEYBURN. That is the cumulative debt.

Mr. LODGE. Under the bill as originally drawn it would have been $20,000,000. We have reduced it to $15,000,000. So the total amount they can incur in the next five or six years will not go beyond $15,000,000.

Mr. HEYBURN. It did not occur to me that my language was susceptible of that construction. I merely intended to say that in addition to the $5,000,000 now authorized we authorize ten million.

Mr. HITCHCOCK. Yes.

Mr. HEYBURN. I was not speaking of the aggregates, but of the details.

Mr. HITCHCOCK. But the question of the Senator from Mississippi was as to what the total would be after this authorization.

Mr. HEYBURN. The Senator from Mississippi was speaking in an undertone, and I did not catch his question, perhaps. But I thought I made myself plain.

The PRESIDENT pro tempore. The bill is in Committee of the Whole and open to amendment. It is proper that the Chair should state that this bill has previously been before the Senate, when an amendment was adopted; and the bill as read by the Secretary was read as it had been amended.

Mr. HITCHCOCK. I should like to ask the Senator from Idaho whether there should not be a correction in the last line or two. The concluding sentence of the bill is as follows:

That the law of said Government creating the indebtedness and authorizing the issue of bonds under this section shall be approved by the President of the United States.

Should not that be "shall be subject to the approval of the President of the United States?"

Mr. HEYBURN. If there is any difference, it is merely a transposition of words. I think the meaning would be the same.

Mr. HITCHCOCK. If there is no objection, then I move that the words "shall be approved" be changed to read "shall be subject to the approval of."

Mr. HEYBURN. There is no objection to that. I think it makes no difference in meaning.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

The amendment was agreed to.

Mr. WATSON. On page 2, line 25, I move to strike out "approval of this act" and insert "date of issue."

Mr. BRISTOW. I should like to inquire how far this amendment extends the indebtedness. It seems to me like a radical change in the bill.

Mr. LODGE. It would enable the Philippine Government to make the bonds mature 40 years from the date of issue of the bonds. It does not seem to me that there is any objection to the amendment.

Mr. HEYBURN. The only objection was that the point was made that it might make the bonds more difficult to sell with the amendment proposed adopted.

Mr. WATSON. I think a bond with a uniform period would be the more readily salable. Possibly seven years from now bonds might be issued, and they would run only 33 years. I think it is better to make all the bonds of a uniform period.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from West Virginia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. SMITH of Georgia. Is the bill still open to objection to its further consideration?

The PRESIDENT pro tempore. It is.

Mr. SMITH of Georgia. I object.

Mr. HEYBURN. Not to its further consideration? It was taken up in its order on the calendar. If its further considera-

tion is open to objection, I move that the Senate proceed to its consideration notwithstanding the objection.

The PRESIDENT pro tempore. The rule is that the bill is open to objection at any time.

Mr. HEYBURN. Did the Senator from Georgia object?

Mr. SMITH of Georgia. I did.

Mr. HEYBURN. Then I move that the Senate further proceed with the consideration of the bill notwithstanding the objection of the Senator from Georgia.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Idaho that the Senate proceed with the further consideration of the bill notwithstanding the objection.

The motion was agreed to.

Mr. SMITH of Georgia. Mr. President, I am opposed to this indebtedness. It ties us up that much more with the Philippines. While we are not directly responsible for the debt, indirectly the Government becomes responsible, and I do not think we ought to authorize the indebtedness. I had not supposed that the bill would be brought up at this time, not having been pressed during the past few weeks during which it has been upon the calendar. I merely desire to express that objection to the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. SMITH of Georgia. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. CULLOM]. I do not know how he would vote if present, and therefore I withhold my vote.

Mr. CLAPP (when his name was called). In the absence of my general pair, the Senator from North Carolina [Mr. SIMMONS], I withhold my vote. If he were present, I would vote "yea."

Mr. DU PONT (when his name was called). I announce my general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not in the Chamber, I withhold my vote. If he were present, I should vote "yea."

Mr. HEYBURN (when his name was called). I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. NIXON (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. SWANSON] and therefore withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is detained from the Senate on important business. I understand that he has a general pair with the junior Senator from Missouri [Mr. REED].

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the junior Senator from Arkansas [Mr. DAVIS] and vote. I vote "nay."

Mr. WATSON (when his name was called). In the absence of my general pair, the Senator from New Jersey [Mr. BRIGGS], I withhold my vote. If I were at liberty to vote, I would vote "yea."

The roll call was concluded.

Mr. DU PONT. As already stated, I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I will transfer that pair to the junior Senator from Kentucky [Mr. BRADLEY] and vote. I vote "yea."

Mr. GUGGENHEIM (after having voted in the affirmative). I desire to withdraw my vote, as I observe that the Senator from Kentucky [Mr. PAYNTER], with whom I have a general pair, is not in the Chamber.

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence, I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. DILLINGHAM. I should like to be informed whether the senior Senator from South Carolina [Mr. TILLMAN] has voted.

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. DILLINGHAM. I then withhold my vote, being paired with that Senator.

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. If he were here, I would vote "yea."

Mr. MYERS. I have a pair for this week with the Senator from Connecticut [Mr. MCLEAN]. I transfer that pair to the Senator from Nevada [Mr. NEWLANDS] and vote. I vote "nay."

Mr. MCCUMBER (after having voted in the affirmative). I should like to ask if the senior Senator from Mississippi [Mr. PERCY] has voted.

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. MCCUMBER. I have a general pair with the senior Senator from Mississippi. I withdraw my vote.

Mr. SMOOT. I desire to announce that the Senator from Wisconsin [Mr. STEPHENSON] is detained from the Senate. He has a general pair with the senior Senator from Virginia [Mr. MARTIN].

The result was announced—yeas 45, nays 10, as follows:

YEAS—45.

Borah	du Pont	Lea	Sanders
Bourne	Fall	Lippitt	Smoot
Brandegee	Fletcher	Lodge	Stone
Bristow	Gallinger	Martine, N. J.	Sutherland
Brown	Gardner	Nelson	Thornton
Burton	Gronna	O'Gorman	Townsend
Catron	Heyburn	Page	Warren
Clark, Wyo.	Hitchcock	Penrose	Wetmore
Crane	Johnson, Me.	Perkins	Works
Crawford	Johnston, Ala.	Poindexter	
Cummins	Jones	Pomerene	
Curtis	Kern	Root	

NAYS—10.

Ashurst	Myers	Smith, Ariz.	Williams.
Bryan	Overman	Smith, Ga.	
Clarke, Ark.	Shively	Smith, S. C.	

NOT VOTING—40.

Bacon	Cullom	Lorimer	Rayner
Bailey	Davis	McCumber	Reed
Bankhead	Dillingham	McLean	Richardson
Bradley	Dixon	Martin, Va.	Simmons
Briggs	Foster	Newlands	Smith, Md.
Burnham	Gamble	Nixon	Smith, Mich.
Chamberlain	Gore	Oliver	Stephenson
Chilton	Guggenheim	Owen	Swanson
Clapp	Kenyon	Paynter	Tillman
Culberson	La Follette	Percy	Watson

So the bill was passed.

CLAIMS OF SHAWNEE INDIANS.

The bill (S. 459) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians was announced as next in order on the calendar, and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDENT pro tempore. The bill was reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert other words in lieu thereof. That amendment has been twice read heretofore. The question is upon agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades and industries, and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure was announced as next in order.

Mr. LODGE. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 5076) to promote instruction in forestry in States and Territories which contain national forests was announced as next in order.

Mr. GRONNA. I ask that the bill may go over.

The PRESIDENT pro tempore. It will go over.

PRESIDENTIAL PRIMARIES IN THE DISTRICT OF COLUMBIA.

The bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen was announced as next in order on the calendar.

Mr. SMOOT. I ask that the bill may go over.

Mr. STONE. Mr. President——

The PRESIDENT pro tempore. It will go over.

Mr. BRISTOW. I move that the Senate proceed to the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Kansas moves that the Senate proceed to the consideration of the bill notwithstanding the objection which has been interposed. Does the Senator from Missouri rise to the motion?

Mr. LODGE. It is not debatable.

Mr. STONE. I did not mean to object, but——

The PRESIDENT pro tempore. The Senator from Utah made the objection. The Senator from Kansas moves that the Senate proceed to the consideration of the bill notwithstanding the objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The bill will be read.

The Secretary proceeded to read the bill and read to line 18, on page 4.

Mr. WILLIAMS. I desire to offer an amendment there, to which I will call the attention of the Senator from Kansas.

Mr. BRISTOW. Just where?

Mr. WILLIAMS. After the words "District of Columbia," in line 14, page 4. I offer as an amendment these words:

And who can read and write and shall have paid all taxes due by them to the city of Washington or District of Columbia on or before the first Monday of February of the year preceding the primary election, and who have not been convicted of any felony or misdemeanor involving moral turpitude.

The PRESIDENT pro tempore. Does the Senator from Mississippi desire to have the amendment acted on now or does he give notice of the amendment?

Mr. WILLIAMS. I desire to have it pending.

Mr. HEYBURN. The bill has not been read.

Mr. WILLIAMS. I will give notice of the amendment that the amendment may be pending, to be voted upon at the proper time. If it is not out of order I should like to say a few words that the Senate may know the character of the amendment.

Mr. LODGE. Is it not proper that the bill should be read first?

Mr. BRISTOW. The bill has been read.

The PRESIDENT pro tempore. The Chair suggests that the bill must be read first for the information of the Senate before any action is taken on it.

Mr. BRISTOW. The bill has been read. It is being read now for amendment.

Mr. WILLIAMS. Have I the floor?

The PRESIDENT pro tempore. The Senator from Mississippi has the floor.

Mr. LODGE. Any Senator can call for the reading of the bill as in Committee of the Whole at any time. This is not one of the three readings. This is the reading in committee.

Mr. BRISTOW. The formal reading of the bill was dispensed with.

The PRESIDENT pro tempore. In the opinion of the Chair the amendment is not in order for consideration until the formal reading has been completed.

Mr. WILLIAMS. Then I merely give notice——

Mr. BRISTOW. Mr. President, a parliamentary inquiry. The formal reading of the bill was dispensed with when it was before the Senate on a former occasion.

Mr. HEYBURN. On what day?

Mr. BRISTOW. The RECORD will show.

The PRESIDENT pro tempore. The Chair will state, however, that in the opinion of the Chair when the bill was laid aside without any action, that that not having been in the nature of a formal unanimous-consent agreement, the bill is before the Senate in its original presentation, and if it is desired that the formal reading of the bill shall be dispensed with present action of the Senate in that respect is required. It is a question of convenience simply whether the bill shall be first read, or whether amendments shall be offered pending the reading of the bill.

Mr. BRISTOW. Do I understand that every time a bill is taken up the formal reading of the bill must be dispensed with? The bill was once before the Senate, and the formal reading was dispensed with. Now, does that action have to be repeated every time the bill is brought before the Senate?

The PRESIDENT pro tempore. The Chair does not understand that the Senate considered the bill.

Mr. WILLIAMS. This bill has never been read for amendment, as I understand it.

Mr. BRISTOW. It is now being read for amendment.

Mr. WILLIAMS. If it is now being read for amendment, then I am in order.

The PRESIDENT pro tempore. In the opinion of the Chair, the Senate is entitled to have the bill read if it is so desired.

Mr. GALLINGER. I think that all the Senate did before was to vote to proceed to the consideration of the bill.

Mr. BRISTOW. No.

Mr. GALLINGER. I think that is right.

Mr. BRISTOW. No. The Senator from New Hampshire will remember that he himself consented to the consideration of the bill upon a statement made by myself that I would only ask that the bill be taken up. The formal reading was then dispensed with, and the bill was afterwards laid aside. The RECORD will show that I am right.

Mr. GALLINGER. It would have to be done by a vote.

Mr. BRISTOW. No; not by a vote. The Senator is mistaken, because I remember distinctly what occurred, and the RECORD will bear out my statement.

The PRESIDENT pro tempore. The Chair will state that the indorsement upon the bill is that on April 20, 1912, the formal reading of the bill was dispensed with, the bill to be read for amendment; but the indorsement does not show that the bill was then read for any purpose.

Mr. LODGE. What was the date of that indorsement?

The PRESIDENT pro tempore. April 20.

Mr. BRISTOW. Do I understand the ruling of the Chair is that when the formal reading of a bill is dispensed with upon its consideration on one day that is a nullity and that the next day that action does not stand as to dispensing with the formal reading of the bill?

The PRESIDENT pro tempore. The Chair is of the opinion that if the RECORD showed that the Senate had proceeded with the execution of that order, that order would stand; but the RECORD does not show that the Senate did proceed with the consideration of the bill for amendment or that anything was done under that order. The matter is altogether in the disposition of the Senate. If they desire the bill read for amendment, it may now be easily ordered.

Mr. GALLINGER. I shall object to that, Mr. President.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. The Chair is of the further opinion that even if that had been done it would be competent for the Senate now to order the bill to be read, if it saw fit to do so, the reading not having been dispensed with by formal unanimous consent. The informal dispensing with the formal reading of a bill does not amount to unanimous consent.

Mr. BRISTOW. I do not question the authority of the Senate to order the bill to be read; but when the Senate has once dispensed with the formal reading and ordered the bill to be read for amendment, and then it is laid aside——

The PRESIDENT pro tempore. The Chair will submit the question to the Senate. Shall the formal reading of the bill be dispensed with and the bill be read for amendment? [Putting the question.] The ayes appear to have it.

Mr. WILLIAMS. I call for the yeas and nays, Mr. President.

Mr. HEYBURN. I rise to a parliamentary inquiry.

Mr. WILLIAMS. Surely the Senator from Kansas does not want this bill put through without an opportunity to amend it.

Mr. BRISTOW. Certainly not.

Mr. HEYBURN. I rise to a parliamentary inquiry, Mr. President, and that is, Does it not require unanimous consent to dispense with the performance of an act required by the Constitution? It requires unanimous consent.

The PRESIDENT pro tempore. It does not require unanimous consent to dispense with the formal reading of a bill in the form that the Senate binds itself by unanimous consent, but it is within the control of the Senate.

Mr. WILLIAMS. Mr. President, there seems to be a little misunderstanding as to what is the motion before the Senate.

The PRESIDENT pro tempore. The Senate will please be in order.

Mr. WILLIAMS. There seems to be a little misunderstanding as to what is the motion actually before the Senate. I understood it to be a motion to dispense with the formal reading of the bill.

The PRESIDENT pro tempore. The Chair will again state the motion. In view of the discussion which was had, in order to bring the matter to a conclusion, the Chair submitted the question to the Senate, whether the formal reading of the bill should be dispensed with.

Mr. WILLIAMS. That is what I thought; and a vote "yea" would be a vote to dispense with the formal reading of the bill?

The PRESIDENT pro tempore. It would be.

Mr. WILLIAMS. And a vote "nay" would force the bill to be read for amendment?

The PRESIDENT pro tempore. The Senator is correct.

Mr. SMOOT. The Senators around me misunderstood the question.

Mr. HEYBURN. Now, I rise to a parliamentary inquiry. Is that a matter——

The PRESIDENT pro tempore. The Senator from Mississippi [Mr. WILLIAMS] has the floor.

Mr. WILLIAMS. In order to clear up the situation, I move that the bill be now read for amendment.

Mr. HEYBURN. But, Mr. President, I rise to a parliamentary inquiry, which is in order, I presume. Can a question of that kind be submitted by the Chair to the Senate? It is not a question of order. It requires unanimous consent to dispense with the formal reading of a bill. It can not be done by a vote.

Mr. POINDEXTER. Mr. President, I should like to call attention very briefly to what the RECORD shows as to the proceedings on this particular bill on April 20. The question was debated, and the Senator from New Hampshire [Mr. GALLINGER] said:

> I think if the Senator—
>
> Referring to the Senator from Kansas [Mr. BRISTOW]—
>
> would get an order to dispense with the formal reading of the bill, and then let it go over——
>
> Mr. BRISTOW. I am perfectly willing to do that.
>
> Mr. GALLINGER. I suggest to the Senator to make that request.
>
> Mr. BRISTOW. If the bill is before the Senate, I would be glad to make that request. I ask that the formal reading of the bill be dispensed with.
>
> The PRESIDING OFFICER. The Chair will state to the Senator from Kansas that the bill is not yet before the Senate.
>
> Mr. BRISTOW. I ask that it be laid before the Senate.
>
> The PRESIDING OFFICER. If there is no objection, the bill will be laid before the Senate.
>
> There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.
>
> Mr. BRISTOW. I ask that the formal reading of the bill be dispensed with and that the bill be read for amendment.
>
> The PRESIDING OFFICER. Without objection, the formal reading of the bill will be dispensed with. The Chair hears no objection.
>
> Mr. BRISTOW. I ask now that the further consideration of the bill be laid aside, and I give notice that after the passage of the bill which is the special order for Monday, I shall ask the Senate to take up this bill for its consideration.
>
> The PRESIDING OFFICER. Without objection, the request of the Senator from Kansas is agreed to.
>
> Mr. BACON. What request of the Senator from Kansas is agreed to?
>
> The PRESIDING OFFICER. That the bill be temporarily laid aside.
>
> Mr. BACON. How can it be temporarily laid aside if it is not a special order nor the unfinished business?
>
> Mr. GALLINGER. The Senator from Kansas did not quite put it in that form. He simply gave notice that on Monday, after the special order is disposed of, he will ask the Senate to consider this bill.
>
> Mr. BACON. That is all right. It is perfectly in order to give such a notice.

Mr. LODGE. Mr. President, I think the continuation of the history of that bill on the following Monday has a decided bearing on the question. On the following Monday the Senator from Kansas [Mr. BRISTOW] moved to proceed to the consideration of that bill, and the Senate declined to consider it by a vote of 31 to 25. That I consider vacates the original order, because the Senate refused to consider the bill.

Mr. SMOOT. Absolutely.

Mr. POINDEXTER. That only amounted, Mr. President, I should think, to a refusal to consider the bill at that particular time.

Mr. BRISTOW. Does the Senator from Massachusetts claim that that vacates the order of the Senate dispensing with the formal reading of the bill?

Mr. LODGE. I do; most certainly.

Mr. BRISTOW. Then, if the Senate should decline to take up a bill because of some other pressing business, it vacates the previous proceeding had on that bill, does it?

Mr. LODGE. Oh, no; not if the Senate have taken a bill up and begun to consider it and to amend it; but all that was done with this bill was to consent to dispensing with its formal reading and to open the bill to amendment. Then, under that order, the Senate was asked to take up the bill and declined its consideration.

Mr. BRISTOW. Now the bill is before the Senate to be read for amendment because the Senate has now voted to take it up.

Mr. LODGE. I do not think so, for a refusal to consider it has intervened. I think that puts it back where it was before the consideration.

Mr. HEYBURN. It goes to the calendar.

Mr. LODGE. I do not think it is possible to dispense with the reading without unanimous consent.

The PRESIDENT pro tempore. The Chair would prefer that the Senate should decide the question; and the Chair will state that the suggestion of the Senator from New Hampshire [Mr. GALLINGER] that that particular direction be given to it with a view to its being the rule in the future action of the Senate would change somewhat the view the Chair had in regard to it. There was a distinct proposition made by the Senator from New Hampshire that the bill be taken up; and the order was entered for dispensing with the formal reading of the bill, with a view to its then going over, evidently contemplating future action. The Chair will so submit it to the Senate; and it is better that the Senate should decide for itself what it desires. Of course, the Chair recognizes that the matter is within the complete control of the Senate; and the Senator from Mississippi, as the Chair understands, makes the motion that the bill be now taken up and read for amendment.

Mr. HEYBURN. I would ask a ruling upon my parliamentary inquiry, Mr. President.

Mr. LODGE. The motion that the Senate proceed with the consideration of the bill has been agreed to. The bill is now before the Senate. The formal reading of the bill is called for; and the point is made that it had been dispensed with on a previous day.

Mr. SMOOT. By a vote of the Senate.

Mr. LODGE. Then consideration was refused under that order by a vote of the Senate, and the question now is whether the formal reading can be dispensed with.

Mr. HEYBURN. Except by unanimous consent.

Mr. LODGE. Except by unanimous consent.

Mr. FLETCHER. Mr. President——

Mr. POINDEXTER. The formal reading——

The PRESIDENT pro tempore. The Senator from Idaho has the floor. Does he yield to the Senator from Florida?

Mr. HEYBURN. I yield to the Senator from Florida.

Mr. FLETCHER. I merely want to call the attention of the Senate to Rule XIV, subdivision 2, which provides that—

> Every bill and joint resolution shall receive three readings previous to its passage, which readings shall be on three different days, unless the Senate unanimously direct otherwise; and the presiding officer shall give notice at each reading whether it be the first, second, or third.

Mr. LODGE. I will call the attention of the Senator from Florida to the fact that those three readings do not include the reading of the bill in Committee of the Whole. Those are the three readings necessary to the passage of every bill. Two of them occur before the bill is referred. By unanimous consent and long practice those readings are not insisted on, and a bill is considered as read twice when referred to a committee. The third reading of a bill takes place after it has come out of committee and has gone into the Senate. The reading of a bill in Committee of the Whole for the information of the Senate can be called for by any Senator; it can not be dispensed with except by unanimous consent; but it is not one of the readings essential to the passage of a bill.

The PRESIDENT pro tempore. The Chair will state that two readings of the bill have already been had.

Mr. LODGE. They have already been had, and the third reading can not take place until the bill has passed out of the Committee of the Whole.

Mr. POINDEXTER. I should like to ask the Senator from Massachusetts for information: If the Senate by unanimous consent dispenses with the formal reading of a bill in Committee of the Whole it does not require, then, unanimous consent to vacate that action; or, if it can be done even by unanimous consent?

Mr. LODGE. If the bill is formally read, it does not have to be read for amendment. Amendments may be offered at any point at any time. When a bill has once been formally read the only thing gained by the reading for amendment is that amendments can be offered during the reading of the bill, whereas during the formal reading they can not be offered, and that is the reason the formal reading is dispensed with, but to dispense with the formal reading does not dispense with the reading of the bill. If the bill has to be read for amendment, that is a reading of the bill.

Mr. BRISTOW. I do not object to the reading of the bill.

Mr. POINDEXTER. That is not the question, Mr. President——

Mr. HEYBURN. Just a moment, if you please, and then I will yield the floor and the Senator can have his opportunity. My parliamentary inquiry is whether or not the Chair can submit to the Senate any question that requires unanimous consent, because one Senator balances all the others in a question of unanimous consent.

The PRESIDENT pro tempore. The Chair will say, in reply to the inquiry of the Senator, that the reading of the bill, as stated by the Senator from Massachusetts, is something that must be had. The only question is whether, in the prosecution of the reading, an amendment can be offered or whether it must wait until the reading is concluded. That is the sole question, and that is not a constitutional question.

Mr. HEYBURN. I am not raising one.

Mr. GALLINGER. I suggest to the Senator from Kansas that he will lose nothing by having the bill read, because, if it is read in the usual course, the amendments will be offered from the floor and no time will be lost.

The PRESIDENT pro tempore. The bill must be read, in any event.

Mr. BRISTOW. I have no objection at all to the reading of the bill for amendment, and if any Senator does not desire to offer amendments at the time the bill is being read, I am per-

fectly willing that it shall be first read, and that then the amendments be offered.

Mr. GALLINGER. That is right. The Senator will lose nothing by that course.

Mr. BRISTOW. I am not trying to prevent the reading of the bill.

The PRESIDENT pro tempore. The bill must be read. The sole question is whether the amendments shall be offered during the reading or after the reading.

Mr. LODGE. That is the sole question involved.

Mr. HEYBURN. Just a moment. I do not propose to have the question raised by me undisposed of. I have suggested a parliamentary inquiry to the Chair, as to whether or not it is proper for the Chair to submit to a vote of the Senate a question that is decided under the unanimous-consent rule.

The PRESIDENT pro tempore. The Chair does not understand that it requires unanimous consent in order that an amendment may be offered pending the reading of a bill.

Mr. HEYBURN. That is not the question to which I direct my remarks—neither that nor a constitutional question. The question now is, Shall the reading of the bill that is called for be dispensed with?

The PRESIDENT pro tempore. No; the Senator does not understand the Chair. The Chair has not submitted the proposition to dispense with the reading of the bill at all. The only question that the Chair submitted was whether the bill should be read formally through before an amendment was offered, or whether, pending the reading of the bill, an amendment could be offered. That is the sole question.

Mr. HEYBURN. Well, it may be the question now, but it was not the question at the time I made the parliamentary inquiry. The Chair was about to put the question as to whether or not the formal reading of the bill as in Committee of the Whole should be dispensed with.

The PRESIDENT pro tempore. The Chair will state to the Senator that if he understood the Chair to mean that the bill should not be read, the Chair did not express himself felicitously.

Mr. HEYBURN. I took the position that a single objection would prevent the dispensing with the reading of the bill.

Mr. GALLINGER. Unquestionably.

Mr. HEYBURN. There is no question about that.

The PRESIDENT pro tempore. Without objection, the Secretary will proceed with the reading of the bill.

Mr. WILLIAMS. A parliamentary inquiry, Mr. President. Is the amendment which I have offered considered now pending, to be brought up later, or shall it be voted upon now?

The PRESIDENT pro tempore. Under the direction given by the Chair, the amendment will not be in order until the bill has been read. The Senate can order otherwise if it desires to do so.

Mr. WILLIAMS. I then ask that it be considered as pending.

The PRESIDENT pro tempore. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill, and read to the end of section 27.

THE METAL SCHEDULE.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 18642.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. CUMMINS rose.

Mr. SIMMONS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Lea	Sanders
Bacon	Cummins	Lippitt	Simmons
Borah	Curtis	Lodge	Smith, Ariz.
Bourne	Dillingham	McCumber	Smith, Ga.
Bradley	du Pont	Myers	Smoot
Brandegee	Fall	Newlands	Sutherland
Bristow	Fletcher	Nixon	Swanson
Brown	Gallinger	O'Gorman	Tillman
Catron	Gronna	Page	Townsend
Chamberlain	Guggenheim	Percy	Warren
Clapp	Heyburn	Perkins	Watson
Clark, Wyo.	Johnson, Me.	Rayner	Williams
Clarke, Ark.	Johnston, Ala.	Reed	Works
Crawford	Jones	Root	

Mr. JONES. My colleague [Mr. POINDEXTER] has been called from the Chamber on important business.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. A quorum is present.

Mr. CUMMINS. I can understand, Mr. President, why so few of my Democratic friends are present at this moment. The question that I am discussing is not material to them, inasmuch as they do not propose tariff duties with reference to the cost of production here and abroad or with reference to the protection of our own industries. It is a little difficult for me to understand, however, why more of my Republican associates are not willing to hear the truth with regard to this subject. I would be glad to assume that they knew what the cost of production here and abroad is, but I am bound to believe that most of them do not know, and I think they ought to embrace every reasonable opportunity to be informed upon that subject. They have promised the people of the United States that they will reduce the duties of our schedules to the point of difference between the cost here and abroad. That promise is a continuing one, and it was never more imperative, I think, than now.

I am sorry for the party of which I am a member because so few of its representatives are willing to study this most important, if not interesting, matter. However, I will go forward, hoping that at some time or other the Senators will be willing to discover for themselves in some way what the difference is between the cost of producing the various forms of iron and steel in our country and abroad, for I can not conceive that a single one of them will be willing to vote upon the amendment that I have proposed without informing himself upon the subject.

A few days ago I discussed at very considerable length——

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. LEA in the chair). Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I do.

Mr. GALLINGER. Before the Senator passes to another proposition, as the Senator's speech will doubtless have wide circulation, is it not proper, I will ask the Senator, to somewhat modify his statement as to what the Republican platform has promised? Will not the Senator add, "and a fair profit to the domestic producer"?

Mr. CUMMINS. I will be very glad to do that. I read the Republican platform a day or two ago at length, and of course in using the paraphrase that I did this afternoon, I intended it to be understood that it embraces the whole of the declaration made in Chicago in 1908.

Mr. GALLINGER. That is all right, then. I thank the Senator from Iowa for permitting me to say what I did.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Will the Senator from Iowa yield to the Senator from Wyoming?

Mr. CUMMINS. Certainly.

Mr. WARREN. I regret with the Senator that not more of our Republican Senators are present at all times during the discussion of the subject which the Senator handles so ably. I think I ought to state, and it ought to go into the RECORD with other statements, that at this time in the session, with the differences that have naturally arisen between the House and the Senate on legislation, especially on the appropriation bills, which have to be constructed and reconstructed, matters of conference are going on, and so a great many Senators are necessarily absent who would be very glad to be here all the time. I do not say that this applies to all the Senators, but it is one of the palliating circumstances, I think, that ought to be noted as we go along.

Mr. CUMMINS. I do not know, Mr. President, how many of the Senators are compelled to be absent in committee work, but I do know that somewhere before a vote is taken upon this subject Senators who have not examined the matter carefully ought to do it. I fear that they will not do it. I do not think their failure to do it is attributable to the reason suggested by the Senator from Wyoming.

Mark you, I am not complaining of any personal discourtesy in the matter; not in the least. I am complaining of a disposition upon the part of the Republican Members of the Senate to do nothing upon the tariff, especially upon this schedule. I do not impute that indifference to any Senator here, because their mere presence indicates that they are interested in it; but we have, unfortunately, fallen into the belief that we ought not to attempt to revise this schedule at the present session. I am complaining of that disposition, a disposition which, in my opinion, works great harm to the country and even greater harm to the party of which we are members.

I want, if I can, to impress Senators with the gravity of the matter. I know there will be differences of opinion with regard to the cost here and abroad and profit here and profit abroad.

I look for that. It nearly always happens with free and independent men. But if we sit here assuming in advance as a party that we intend to vote down every proposition that is made with respect to the amendment of this schedule simply because we have had no report of a Tariff Board upon it, or for some other reason that does not relate to its merits, I think we will fail in the duty that we owe both the country and our party. I want, if possible, to stimulate a sentiment that will bring us to the consideration of this schedule with fair minds.

If my brother Senators will point out specifically wherein I have erred in collecting this information and applying it to the subject, I will be the first to confess the error. I do not want a single duty imposed here or reduced here that will imperil a single fairly and efficiently conducted industry in the United States. But I deplore the fact that Senators seem to accept in advance that whatever is proposed and whatever evidence is brought forward to sustain what is proposed we are to vote down the amendment simply because it has not received the approval either of the President of the United States or the Tariff Board he has appointed.

Mr. McCUMBER rose.

Mr. CUMMINS. I yield to the Senator from North Dakota.

Mr. McCUMBER. I think the Senator will remember the very long and arduous debate we had on the steel schedule and every other schedule three years ago. I think he will also remember that there was a great divergence of opinion as expressed in the arguments in the Senate at that time as to what really constituted the difference between the cost of production at home and abroad. It was because of that and because of the inability to get Senators themselves to agree upon what was the actual cost of production in this country and in the foreign country that we create this board with the idea that the board would get before us certain data that we could all rely upon.

I for one, as a member of the Committee on Finance, stand ready to amend every schedule in accordance with the facts that we can agree upon that will constitute the difference between the cost of production at home and abroad.

I simply want to call the Senator's attention now to this fact. We have taken testimony before the Committee on Finance. We have got our data from that source. I am perfectly willing to go to work to-day and formulate a tariff bill based upon the evidence that we have taken and the evidence which is before us, most of which was before us three years ago. But the Senator will find that there will be a disagreement. Therefore we preferred, I for one agreeing with the others—and I ask the Senator just to yield to me for that expression—we preferred to take up the schedules that had been passed upon by the Tariff Board, and then, taking the record that is given us by the committee on investigation, conform our tariff to it upon the protective principle. But if we are bound to have this measure before us, then it is simply a question as to whether we shall act upon the testimony that is printed and conform our tariffs as to what evidence we have or wait until we can get evidence that the Senate and the American people will have confidence in.

Mr. CUMMINS. Mr. President, I do not remember the controversy of 1909 as the Senator from North Dakota remembers it. I think that a large part of the Republican membership of the Senate at that time was opposed to any Tariff Board and was opposed to the creation of any body of men as experts to examine the matter. The Finance Committee finally brought in a report, or put in the report an expression authorizing the President to appoint members of a board to help apply the maximum and minimum provisions of the tariff law. No man can take what was there reported and give it any other construction than the construction that the then Senator from Maine gave it when he was inquired of in the Senate.

After we had failed in our effort, I grant you that the Senate, progressive in that instance as I hope it always will be, came to the conclusion that such a board would be valuable, and therefore enlarged its authority as well as increased its appropriation. But there was never a time when those who wanted really to make our tariff duties correspond to the difference in conditions here and abroad expected to wait indefinitely until we could have the report of such a board.

I said the other day that I agree with the proposition that if we could have done it it would have been far better to have brought in the wool bill first, and we could have passed upon it; but we have not the wool bill before us. We have the metal bill before us, and we must now either vote it up or vote it down. If we vote it down the opportunity for any amendment of the metal schedule will pass, and I do not think it will open again for a long time, because, in my judgment, there will be no appropriation for the work of the present Tariff Board.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. I do.

Mr. WORKS. What the Senator from Iowa has been saying about the tendency to delay may be in a sense a criticism of my unexpressed views upon that subject, because I am thoroughly in favor of the establishment of a permanent Tariff Board. I think, just as far as possible, the question of the settlement of the tariff should be taken out of politics and it should be submitted to an impartial board, as far as that kind of a board can be established. I am in favor of fixing the tariff in some such way as that.

Now, if I believed that we could have a Tariff Board of that sort within a reasonable time, I should be opposed to passing upon this schedule at present; but I see no prospect of any such result as that, and therefore I am ready to receive such information as I can get, and I am glad to receive it from the Senator from Iowa or anyone else, in order to inform my mind on that subject, so that I may act as intelligently as possible.

Mr. CUMMINS. The Senator from California holds exactly, as it seems to me, the right position with respect to this subject.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Kansas?

Mr. CUMMINS. Certainly.

Mr. CURTIS. I want to ask the Senator upon what he bases his opinion that there will be no further appropriation for the Tariff Board?

Mr. CUMMINS. I think not——

Mr. CURTIS. My recollection is that we have appropriated $475,000 up to date, but I do not know that the Committee on Appropriations has refused to make any recommendation.

Mr. CUMMINS. If I may be allowed in answering the Senator from Kansas to refer to the other branch of Congress, my understanding is that those who constitute its majority do not believe that a Tariff Board is necessary; they believe that it can accomplish no good purpose in framing a tariff for revenue only, and I understand that they have announced as a policy that they will not continue to support a Tariff Board. I may be in error about that, but I think the Senator from Kansas will discover the sentiment in the House, if he inquires.

Mr. CURTIS. Mr. President, there is nothing to prevent the Senate from amending the bill so as to provide an appropriation, and the Senate can insist upon the House agreeing to it. In that way——

Mr. CUMMINS. They may insist forever, but the Tariff Board would have no appropriation with which to do its work. Aside from that, as I said the other day, with regard to the greater part of the metal schedule at least, we do not need the report of the Tariff Board, whether a board belonging to the President or whether a board belonging to Congress. The information with regard to the subject is accessible to every Senator. The subject has been explored to its utmost depth and greatest breadth. No Senator need to go astray with regard to the cost of producing the heavier forms of iron and steel in this country and the cost of producing them abroad.

I do not impugn the sincerity or the good faith of any Senator who makes a suggestion of delay, but I believe that it will come only from those who do not want to reduce the duties upon the metal schedule. They may have good reason for not wanting to do it; I do not question the honesty of a man's judgment at all; but when we have the information, and Senators refuse to use it and say we must wait until it comes from another particular source, no matter what they are intending to do, the effect of what they do will be to postpone indefinitely the revision of the metal schedule.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. I recognize the fact that the information has been gathered as to the cost of producing iron and steel products in this country, but I have studied and gathered all the information I can possibly get to find out what it would cost to produce these articles in foreign countries.

I have failed to get a report that anyone has made showing from the books of the concerns what these articles cost abroad. The reports are made up on prices that are quoted, statements that are made public by men interested in the manufacture of those articles, but there is no man that I know of in all of the United States that has made a report where he has stated that he has gone into the cost of producing those

articles from the books of the companies themselves. If the Senator knows of such a report, I should like to have him refer me to it.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I do.

Mr. POMERENE. If my memory serves me rightly, in 1909 a special session of Congress was called for the express purpose of legislating upon the tariff question. There was then no Tariff Board, and the President and the majority Members of Congress at that time had wisdom enough to deal with this subject; otherwise they would not have dealt with it. Now, will our friends on the other side explain how it is that they have lost so much of that wisdom that they now need the advice of a Tariff Board before they can legislate?

Again, the Tariff Board has been in existence studying this question for more than two years, and still no report upon this particular schedule has been made. How much longer are we to wait when there is this constant complaint as to the character and extent of these tariff duties?

Mr. CUMMINS. Mr. President, what the Senator from Ohio has just said is in a way what I said a few days ago. We have all the information that we ever had, we have all the knowledge that we had when we put these duties upon these articles, and the people are bearing the burdens, whatever they may be. If that same knowledge, supplemented with what we have since discovered, leads us to believe that the duties are too high, we ought to reduce them, even though at some future time we may have better and more accurate information from a tariff board.

I am as heartily in favor of a tariff commission—not the sort of board that we now have, but a tariff commission—as I ever was; but I repeat that we have all the knowledge on this subject that a tariff commission could get.

Answering the suggestion of the Senator from Utah [Mr. SMOOT], I say that we have more information and a better report with regard to the foreign cost of producing the heavy forms of iron and steel than the Tariff Board was able to give us with regard to the foreign cost of producing wool. It is not possible, of course, for an American board to inquire into the hidden secrets of foreign manufacture, and it could no more be accomplished with a board than it was accomplished by Mr. Pepper, who went there armed with all the authority which the United States could give him.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I yield to the Senator from Missouri.

Mr. REED. Does not the Senator from Iowa recognize the principle which at least is applicable to stand-pat Republicans, that it takes a great deal more information to reduce a tax than it does to increase one?

Mr. CUMMINS. Mr. President, I did not intend to enter into any discussion of the relative merits of the standpatter and the progressive. I am appealing to the Republicans as a whole to stand by their doctrine, and when they see that it has been misapplied, to join in the effort to correct the error.

I want to say, however, that, as we go through this schedule, if anyone here can show that in my amendment I have either unwittingly or wittingly placed too low a duty upon any article, that I shall be the first to consider everything that is to be put before the Senate with regard to it, and I shall be the first to raise it to the proper point.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Dakota?

Mr. CUMMINS. I do.

Mr. McCUMBER. The question, of course, as to whether or not the Senator from Iowa has placed too great or too low a duty upon an article depends entirely upon the cost of the foreign product. The Committee on Finance has had only a few weeks that it could give to the consideration of the metal schedule. The Senator from Iowa will agree with me that, in all probability, the committee would not be as likely to get all the accurate information upon that schedule in the few weeks that it was investigating it that a commission might get in a year or 18 months.

The whole question between us comes right down to the one proposition of what is the foreign cost of production. We had certain evidence before the committee. The Senator from Iowa does not agree with the testimony that was taken before the committee. For instance, we will take the testimony of Mr. Butler, of Youngstown, Ohio. He agrees with the Senator from Iowa upon the cost of production of pig iron at $14.01 in the United States on an average, but he claims that, for instance, in the Cleveland district, in England, the cost is only $9.48, and in the Luxemburg and Lorraine districts, in Germany, it is but $8.71 per ton. If that is correct as to the foreign cost of production, then it goes without a great deal of calculation that the rate which is fixed by the Senator is necessarily too low, and will in no possible way measure the difference of cost. If the Senator has different figures, then there is a question of discussion between us. I do not know that the public will be satisfied with either proposition that we take, but I believe that it will be satisfied with the report of a commission upon the subject.

Mr. CUMMINS. Mr. President, we have the report of the best commission that ever was organized under the laws of the United States, so far as our own production is concerned, and we have a commission appointed by the United States to examine into the subject abroad. Mr. Butler is an interested witness.

Mr. McCUMBER. Yes.

Mr. CUMMINS. Mr. Butler, not intentionally I think, deceived the committee; at least, he did not make the discrimination before the committee that he ought to have made.

Mr. McCUMBER. The Senator will assume that he is interested——

Mr. CUMMINS. Just a moment. There is a quality of pig iron abroad which costs substantially what Mr. Butler says pig iron costs, but it is the same quality of pig iron that in our country costs only $8.50 to $9.50 a ton. It is not the kind of pig iron that in our country costs $14 a ton. That sort of material costs abroad $14 a ton, or substantially that, as everybody knows. I have but to turn to the prices of pig iron abroad. The quality of pig iron that is represented by the total of $14.01 has for years commanded abroad a price of about $16 a ton. Nobody disputes that. Anyone who looks into the subject understands it. Mr. Butler has simply compared the low-priced pig iron, or, rather, the low-cost pig iron abroad with the high-cost pig iron at home. Therefore he reaches a conclusion which no man, and least of all the Senator from North Dakota, will accept.

Mr. McCUMBER. The Senator, of course, agrees with me that, in order to get expert testimony upon this subject, ordinarily the Finance Committee must get that testimony from those who are interested. As a rule it is only those who are interested who can give the expert testimony upon a subject. That is one reason that I may accept this testimony with some suspicion, because it is given by persons who are interested in retaining high protective duties. For that reason I should like to have the testimony of a board composed of those who will make such an investigation that they will give us something which both the Senator from Iowa and I will say is approximately correct and that we shall both agree upon. When we do that I think we shall agree what would be adequate protection.

After all, it gets back to that proposition. I say we have not yet got the foreign cost clearly before us. We have in this same testimony a statement that the same foreign product is put into our own markets, delivered at Philadelphia and New York, for only about $14 per ton.

Mr. CUMMINS. So it is; even less than that. The low-cost pig iron made at Birmingham has a freight rate in reaching New York and Philadelphia of something like $4.20 a ton. If it costs $8.50 or $9.50 in Birmingham, by the time the pig iron reaches Philadelphia it costs $13.50 to $14 a ton.

The pig iron manufactured in England can reach Philadelphia at a freight rate of about $2 a ton; and, of course, the foreign manufacturer can get some of that pig iron into the United States; and he always will be able to get it in unless we are willing to extend the doctrine of protection so that it will cover these great disparities in the cost of transportation; and I do not think the Senator from North Dakota will be willing to so extend it.

Now, let me answer another point that the Senator made, for I see that we are drawing closer together all the while. If we were to wait until this commission, for which we have stood so long and so heartily, and the commission were about to ascertain the cost abroad——

Mr. McCUMBER. Will the Senator from Iowa include me in "we"?

Mr. CUMMINS. Very well; I accept the suggestion—that commission would be compelled to employ an expert; it would not go abroad itself, or at least more than one of its members would not; it would employ some expert, some man in whom it had confidence, to go to England, to Germany, and to France in order to examine into the costs.

That is precisely what I said a few moments ago was the best commission we have ever created, and by that I meant the Department of Commerce and Labor. I think it has given to the people of this country more valuable information, more

helpful information, than any other department we have ever organized. The Department of Commerce and Labor selected a man who is in the highest degree competent—just such a man as a tariff commission, if it were in existence, would select—and he was sent abroad for the purpose of getting this knowledge and bringing it home to the American Congress. He did get it and he did bring it home. The trouble is that the Finance Committee, in its tremendous pressure of business, did not regard Mr. Pepper's report, but accepted the statements of men like Mr. Butler, who were speaking not only in their own behalf—and I do not criticise that attitude—but who did not, as it seems to me, quite understand the case nor lay it fairly before the committee.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. As a member of the Finance Committee, I will state that I have studied, very carefully, Mr. Charles M. Pepper's report on the iron and steel industry in England and Germany. I do not want to take the time of the Senator now to do it, but I am going to call the attention of the Senate to that report. I am going to use it in my speech, and I am going to call the attention of the Senate to the fact that, while I will assume that the figures he gives upon the cost of producing iron and steel in England are correct, yet I can not for the life of me arrive at the same conclusion which the Senator has reached. I think it is due to the Senate, while we are considering this report, to call attention to the system they have in Germany in relation to bounties.

Mr. CUMMINS. The Senator will not do that just now, I hope.

Mr. SMOOT. No; but I am going to do so later. I am simply mentioning the fact that when I speak on the subject I am going to show what Germany pays her manufacturers in the way of bounties and will take the facts from the report of Mr. Pepper.

Mr. CUMMINS. Precisely; and we will then come to the question of whether we are going to levy a protective duty to cover bounties that may be bestowed by foreign nations. At some time you will reach a point where the protective doctrine will break down if you endeavor to cover bounties as well as the disparities in transportation.

Mr. SMOOT. Mr. President——

Mr. CUMMINS. Now, I hope the Senator from Utah will allow me to proceed. I am very glad he has made the statement that he has. It has given me more reassurance than anything that has happened since I began this debate. All that I want is consideration; all that I want is that the Senator from Utah and the Senator from North Dakota shall debate this matter; and all that I want is that they shall take the information that is before us, that lies about on every hand, bring it here and debate it, and let us all pass upon the facts and reach a just conclusion. When that is done, everything that a reasonable man can ask will have been done. The thing that I protest against is a sullen silence and an indifference to the subject which refuses to recognize the facts that are everywhere about us. That has seemed to me to indicate that my Republican friends were determined to vote against any reduction in this schedule simply because it was a reduction and because there has been no report of the Tariff Board upon it.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I do.

Mr. REED. In regard to the subject the Senator was discussing, the Tariff Board has been in existence for something like two years and it has not yet given the benefit of its information or conclusions to the Senate. In the meantime we are informed that the cost of production has so fluctuated in this country—we were so informed by the Senator from Utah the other day—that the cost of production in this country has so fluctuated that there was a difference now of several dollars per ton in certain classes of steel and iron from the cost at the time the testimony was taken two years ago.

Mr. SMOOT. Mr. President, I do not want that statement to go into the RECORD without some denial, because I have never claimed that to be a fact. I have stated here that Mr. Schwab's testimony in 1909 showed that pig iron cost $14 a ton instead of $14.01, as shown by the Commissioner of the Bureau of Corporations.

Mr. REED. The Senator is correct. My attention is called to the fact that it was the Senator from Pennsylvania [Mr. OLIVER] who made the statement instead of the Senator from Utah.

Mr. SMOOT. The statement could not have been made by the Senator from Utah.

Mr. REED. The statement was made by the Senator from Pennsylvania, who ought to be as well informed as the Senator from Utah upon the cost of iron and steel, because he comes from one of the great iron and steel producing States of the country. The statement was to the effect that the testimony two years ago was now utterly unreliable, because the cost has changed in the two years so greatly that the testimony of two years ago could no longer be used as a basis for determining to-day the difference between the cost of production abroad and the cost of production at home. Now, what I am asking is this: If the cost of production here and abroad fluctuates so rapidly that in two years' time facts that were valuable two years ago have ceased to be valuable, how will we ever get any information from a board that is two years behind the times with its reports? If this board has taken two years to investigate and has not yet given us a report, and if the prices so fluctuate within two years' time that the evidence of two years ago is valueless, is it not a fact that prices are very much more rapid in their fluctuation than this board in making its reports, and that it will always be so far behind the facts that the reports will be of no value to us?

Mr. CUMMINS. Mr. President, I think the Tariff Board has been very diligent in the work that it has attempted. It was especially directed to investigate the wool schedule, and it has done so; it has investigated the cotton schedule; and, as I said a few days ago, I believe that the board has worked not only faithfully but intelligently; and I have no doubt that, if it is supported, it will ultimately reach the metal schedule. But we ought not to wait until the board reaches the metal schedule to reduce duties which are obviously too high.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Dakota?

Mr. CUMMINS. I do.

Mr. McCUMBER. I am exceedingly glad to hear the Senator come to the defense of the commission. That was the purpose for which I primarily rose. As the Senator has so well said, the board has not only given us good information, but it has worked diligently; it has worked first, in accordance with the request of the President, upon the schedules against which the greatest assault was made. Now, can the Senator tell us, in view of the fact that this board was created by the votes of both Democrats and Republicans, that it has proceeded with its work, and that it has given us a report upon both the woolen and the cotton schedules, how it is that those schedules upon which we have had the information furnished by the board are to be the last schedules to come before the Senate?

Mr. CUMMINS. Mr. President, I do not know; I am not authorized to speak for the Democrats; but I can imagine a Democrat saying this: "I propose to levy a duty for revenue alone, a duty which is determined by a consideration of the least burden and the most revenue." If I were attempting to reach a conclusion of that sort, the cost at home and abroad would be of but little concern with me. I would want to study markets and prices rather than costs if I were endeavoring to ascertain what volume of commerce would flow to the United States under a particular duty.

Mr. TOWNSEND. Why should such a Democrat vote for the Tariff Board?

Mr. CUMMINS. I have no sympathy with that proposition, but I can imagine the Democratic Party assuming that position, and therefore being unwilling to pay any attention whatever to the report of this board.

Mr. McCUMBER. Can not the Senator go a little further in his imagination and imagine that after receiving the testimony and the facts from that commission they were so at variance with what the Democrats claimed before the commission found the facts that they did not care about continuing any further investigation?

Mr. CUMMINS. Oh Mr. President, I will not impute any such thing as that to the Democrats. I do not know how they feel about the report of the Tariff Board.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I do.

Mr. WILLIAMS. If the Senator from Iowa will pardon me, while he is imagining things and putting himself in our place in order that he may imagine them, which he has done very fairly, can he also imagine that in the mind of a Democrat and from a Democratic point of view the greater the difference in the cost of production the less justification for a duty?

Mr. CUMMINS. I can easily imagine that, Mr. President. If I were a Democrat and were adhering to the doctrine of

tariff for revenue only, I would consider it to be my duty to levy taxes only upon those things which we do not produce in our own country. That I believe to be the essence of the doctrine of a tariff for revenue only, as it is the best statement of the doctrine of free trade.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me one moment, as an abstract proposition applied to all countries, what the Senator has just said is true; but when you come to apply it to the United States of America, it is such a vast country, stretching from so far north to so far south and so far east and west, and has such an immense diversity of production that it would be impossible to raise a revenue by levying duties solely upon noncompetitive articles, because there is nothing that I know of that America does not raise except a few—and we even raise them in our possessions—a few tropical fruits and certain furs of Arctic fur-bearing animals. There is absolutely nothing else. So that in selecting articles we can not select noncompeting articles, but are compelled to levy duties upon a great many competing articles, and are compelled to some extent ourselves to bring about this disagreeable condition of things that exists in protection countries where you can not either raise or lower taxes without disturbing business. To a certain extent that is the misfortune of the American situation in dealing with the tariff from our standpoint.

Mr. GORE. Mr. President——

Mr. CUMMINS. Mr. President, I yield to the Senator from Oklahoma, who was on his feet a moment ago.

Mr. GORE. I want to ask the Senator from North Dakota [Mr. MCCUMBER] where the wool bill is now?

Mr. CUMMINS. I am not a member of the Finance Committee, Mr. President, but I suppose that it is before the Finance Committee of the Senate.

Mr. GORE. I was propounding the question to the Senator from North Dakota.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. I will inform the Senator from Oklahoma that the wool bill will be reported to the Senate just as soon as there is any likelihood of its being considered. We have now on the calendar the metal bill; we also have the chemical bill; and the other tariff bills will be reported from the Finance Committee just as soon as there is any possibility of their being considered by the Senate.

Mr. GORE. Mr. President, I propounded the question because of the Senator's suggestion that the Democrats were insisting upon considering the steel bill first. That is a matter for which they are not entirely responsible.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I do.

Mr. SIMMONS. I wish to state to the Senator from Oklahoma that the reason, and the only reason, so far as I know, why the metal schedule is here before the wool schedule is because the House sent to the Senate the metal schedule first.

The Finance Committee naturally took up that schedule first and acted upon it, and within a very short time after their report was made the bill was made the unfinished business of the Senate.

If the Senator will indulge me a minute further, I will say that the Finance Committee expects—so I am advised by the Members of the majority, and I know that is in accordance with the wish of the minority—to act upon the wool schedule within a very short time. My understanding is there will be no demand for hearings on that schedule and probably it will be reported out at the next executive meeting of the committee.

Mr. GALLINGER. I think there has been a demand, but the probabilities are that no hearings will be had.

Mr. SIMMONS. When I used the word "demand" I meant in the sense that there would not be any demand from the majority of the committee for hearings upon the wool schedule. I have every assurance that the committee will be ready to report the wool bill to the Senate before the bill which is now the unfinished business is out of the way. The same statement is true as to the House bill with reference to the duties on sugar and the income-tax bill.

Mr. WILLIAMS rose.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I yield to the Senator from Mississippi. I am anxious to go forward, not with the speech, but with the demonstration that I expect to make, and I therefore hope that this general exchange of views on general subjects may be as brief as possible.

Mr. WILLIAMS. I am almost as anxious that the Senator from Iowa should not be interrupted as he is, and for that reason I have been listening very intently and not interrupting him.

But upon this particular point, as to how the metal schedule appeared first instead of the wool schedule I think gentlemen upon the other side should know. The Senator from North Carolina has stated that it was because it came from the House first, but back of that the interrogation might arise as to how it happened to come from the House first. Everybody ought to know why.

It was because the chairman of the House Ways and Means Committee has a personal interest in steel and iron products, and because men were trying to tear his character down and accuse him of not wanting to bring out a bill on the metal schedule that he purposely postponed the wool schedule, whereupon he used all his influence with the committee to bring in this bill and get it out of the way, so that there might be no question of his own purpose and motives. I think everybody knows that.

Mr. CUMMINS. At any rate, the steel schedule is here, and it is surrounded with all the information that any reasonable man can desire to reach a just conclusion upon it.

I recur now to the point at which I suspended two or three days ago. I had demonstrated, I think, that the general cost of producing pig iron in this country is not only not greater than in foreign countries but that it is less than in foreign countries. I believe that the evidence which I produced would satisfy any jury empaneled in this country, even thought it was subjected to the tests of the criminal law. I have proved it beyond a reasonable doubt, and I intend to begin this afternoon with the assumption that so far as pig iron is concerned the manufacturers of iron and steel are not at a disadvantage as compared with their rivals abroad.

But I omitted one thing. I omitted to state that since the proof which I gathered together and submitted here was prepared, since these examinations were made, since the investigations took place, there has been a very material reduction in the freight rates from the mining regions of Lake Superior to the blast furnaces of Pennsylvania, of Illinois, and of Ohio. As I remember it, when Mr. Smith, or his Bureau of Corporations, made these investigations the rate on iron ore from the mines to the Lake Superior embarking ports was 80 cents per ton. Either voluntarily or through the order of the Interstate Commerce Commission—and I do not remember which—the ore-carrying railroad owned by the United States Steel Corporation reduced its rate from 80 cents to 60 cents per ton. It is probably still 20 cents higher than it ought to be, but it has been reduced 20 cents per ton. There are a little more than 2 tons of iron ore in a ton of pig iron, and therefore the reduction which I have suggested reduces the cost of pig iron in the United States 40 cents per ton.

I am going to ask the Senator from West Virginia [Mr. WATSON], who is very familiar with this whole subject, to state whether there has been any other reduction in the rate of transportation upon iron ore recently.

Mr. WATSON. Mr. President, the water rate on ore this year is 25 cents against 60 cents in the previous year, and that would make a difference of 50 per cent more or a dollar a ton at the mill.

Mr. CUMMINS. Precisely. So if you will add the 40 cents saved by the cheapening of transportation north of the lake to the mines or from the lake to the mine, and a dollar a ton on the subsequent transportation, iron ore is now being converted into pig iron for about $1.25 a ton, less than when these tables and these investigations were made.

Therefore, my whole argument has increased proof behind it, and my conclusion is beyond any controversy whatsoever. I do not believe my friend the Senator from Utah or my friend the Senator from Pennsylvania, both of whom are skilled in this subject, will be able to show to the Senate that it costs more now to manufacture pig iron in our country than it does abroad.

Mr. SMOOT. Of course, if I caught the figures aright, it might make a difference of a dollar to the Senator from West Virginia, but it certainly does not make a difference of a dollar a ton.

Mr. WATSON. It makes a difference of 70 cents.

Mr. SMOOT. I have noticed statements that 30 cents a ton does not cut any figure at all. That may do to talk about, but you take it out of the profits of the business. I know, what the Senator from West Virginia should know, what it means. Thirty cents a ton is a great deal.

Mr. CUMMINS. That is what I am saying—that it is a great deal. I am trying to emphasize that.

Mr. WATSON. Seventy cents a ton. That ought to be plain enough even for the Senator from Utah to understand.

In addition to that the mill owners have a case before the Interstate Commerce Commission asking for a reduction of the rail rate to the mill, a lower rate than the railroads now give.

Mr. CUMMINS. I do not include that in my calculation, but I have no doubt the rate which the Senator from Pennsylvania said was indefensibly high should be reduced; but the reduction of 35 cents on lake transportation and a reduction of 20 cents from the ore bed to the lake means a difference in the cost of producing pig iron in this country of $1.10. Therefore, had I the opportunity, I should expect to prove to any tribunal appointed for the purpose of trying a fact that we produce pig iron at from $1 to $2 per ton less than the average cost abroad.

I have trespassed upon the time of the Senate at length to prove this one thing, which I have regarded as the beginning of the whole inquiry, because in passing along in order to know what duty we should put upon the merchantable products of our steel mills I have shown that pig iron, the basic material, is cheaper; and now I ask you to come with me as I take the next step in steel production.

I disregard for the present that line of industry which is concerned with castings made directly from pig iron and turn my thought to the rolled steel, which is the great bulk of the iron and steel production in this country.

The next form after the pig is the ingot. Now, an ingot——

Mr. SIMMONS. Before the Senator leaves that part of his speech—he was discussing the cost of pig iron in this country as compared with other countries—I should like to call his attention to an editorial in a North Carolina newspaper, published in the city of Wilmington, stating that there is a large foreign steamer now at that port being loaded with pig iron for shipment to Chile and to Peru, and that this pig iron is being hauled across four States from Birmingham to the city of Wilmington on its way to Chile and Peru.

Mr. CUMMINS. I am much obliged to the Senator from North Carolina. What he instances is proof of what I have already said. We export pig iron, of course, but not in large quantities.

But I now come to the ingot. Of course an ingot may be of any size. "Ingot" simply means a mold or cast into which any metal may be poured, but the ingot of commerce is a very large body of steel. It is substantially incapable of transportation. We do not import ingots nor is the ingot often bought. It is nearly always produced by the company or the concern that rolls it into some other form. I take it up, however, because it is a necessary step in the process, and I want to show you by the next table I have here just what the ingot is composed of.

This is the result of the investigation of the Commissioner of Corporations made at the same time that he investigated the pig-iron product. It is called the "cost of steel ingots," and I want you all to observe that it includes all the intermediate profits—all the profits of the ore company, of the transportation company, of the coal company and the coke companies, and all the wages that were paid out in the production of these various things. You will notice the extent of the investigation. Of Bessemer rail ingots the investigation covers 19,486,978 tons. Of Bessemer billet ingots, 29,099,783 tons; and may I pause here to explain, what I assume everyone knows, that with the heavy steel rails the process is continuous from the ingot into the rail? The ingot is not rolled into the billet, but is rolled directly into the steel rail.

The second column, headed "Bessemer billet ingots," means those rolled into billets, with the operation stopping at that point until taken up for another purpose.

The third column includes 24,731,706 tons of basic open-hearth ingots. There is no difference between the two, except that one is made in the open-hearth furnace and the other in the Bessemer converter. Here [indicating on table] is the pig iron and scrap; that is, scrap iron and steel. Pig iron and scrap for the Bessemer rail ingot cost $14.84. You will remember what that item includes. As I said before, it includes all the profits charged up for transferring these materials from one company and one process to another, and, as I showed a day or two ago, it includes nearly $2 of profit without including the transportation charges—to be exact, $1.79, which must be deducted, but I am not deducting it at this time.

The next item is material—manganese, ferromanganese—and there I must say to my Democratic friends that I think they have made a very serious mistake in the composition of their bill. Ferromanganese is in a sense pig iron and is worth in this country about $38 or $40 a ton. There is at present a duty on it of $2.50 a ton. It bears the same duty as does pig iron. In the House bill there is an ad valorem duty put upon ferromanganese of 15 per cent, and that raises the duty on ferromanganese from $2.50 a ton to $6 or thereabouts per ton.

Now, as a revenue proposition that might be defensible, but it must be remembered that we make no ferromanganese in this country for sale. There is no mangenese made, except that which is made by the United States Steel Corporation, and it is made by that corporation solely for its own use. Therefore I have put in the amendment I have proposed a duty on ferromanganese of $1 a ton, just the same as upon pig iron.

But the value of the manganese in this ton of ingots that I am pursuing now is 82 cents. Now, at the very most that manganese did not cost more in this country than abroad in excess of 6 or 7 cents. So if you want a duty to measure the additional cost of manganese in the United States as compared with abroad, you could not assume that it was more than 6 or 7 or 8 cents.

The next item is labor. Mark that, my Republican friends, whose political faith requires that there shall be a duty placed upon products that will protect the labor of the United States. The labor connected with turning a ton of pig iron or whatever amount more than a ton is required into a ton of ingots is 61 cents in the United States.

Mr. SMOOT rose.

Mr. CUMMINS. Let me pass through this, and then I will stop and allow the Senator from Utah to make the inquiry he now wants to make.

The labor connected with the conversion amounts to 61 cents for turning the pig iron into a ton of ingots. The fuel is 18 cents, which is less in this country than abroad. Everybody understands and agrees that the fuel costs less in America than in England or Germany, either for that matter. The other operating expenses, and by that is meant the whole overhead charges attributable to the making of the ingots, is 70 cents per ton.

Now you will observe that with the Bessemer rail ingots the total of these various items is $17.15. There is added to that what is known in the same report of Mr. Herbert Knox Smith as additional cost, which I explained the other day, and which means the general expenses of the whole company and the depreciation of the works themselves. But the entire cost is $18.20 for the ingot. For the billet of course there is a little less cost, because there are a little less manganese, a little less labor, a little less operating expenses, and substantially the same additional cost, and so the total is $17.56 for the billet ingots and $18.20 for the open-hearth ingots.

Now, before I analyze this table any further I want to compare it with the table submitted by Mr. Pepper upon his return after the examination abroad with regard to steel ingots. He says in the table I have before me that the cost of steel ingots is $18.49. That cost is higher in England than either of the kinds of steel ingots that I have put before you and that are embraced in Mr. Smith's report.

Now, will you tell me what basis is presented there for a duty that is intended to cover the difference between the cost of production at home and abroad? We will come to profits shortly, and I will consider that subject, but the truth is that the ingot in the United States costs nearly $2 a ton less than abroad. First because we carry on our operations with greater magnitude than abroad, and second because our converters are equipped with better facilities than they are abroad. The only item in all that table concerning which there could be the least doubt is the item of 61 cents per ton.

Mr. REED. For labor.

Mr. CUMMINS. Sixty-one cents per ton, the labor item. I am willing in the consideration of this subject always to assume that labor at home has no greater efficiency than labor abroad. I am willing to assume that the wages abroad are one-half the wages here. Now, suppose we make that assumption. Upon that hypothesis the steel factory abroad would use only 31 cents of labor in converting its pig iron into a ton of ingots; and the difference between the labor cost there and the labor cost here is, therefore, 31 cents per ton.

Only one other item which can by any possibility be greater here than abroad is the general operating expense—70 cents a ton. We have already seen by reference to the table with regard to pig iron that that item is as great in the English factory as in the American factory, but I am willing to double that.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. Certainly.

Mr. HEYBURN. The Senator doubtless understands that the ferromanganese that is manufactured by the Steel Trust, to use that term, is confined to their use, and they refuse to supply it to any other furnaces. It is made from imported pig iron. The Steel Trust rely upon foreign ore or iron in whatever shape it comes, as the basis of their ferromanganese. Those outside—the independents—can not buy from the Steel Trust. They must buy in the foreign market.

Mr. CUMMINS. I understand that. I stated that practically before the Senator came into the Chamber.

Mr. HEYBURN. I was merely directing attention to the fact that they had the iron and a monopoly of the ferromanganese that they manufacture, and there is no other establishment in the United States, because they could not afford to import the ore to build an establishment with sufficient capacity and manufacture it in this country. Therefore they are entirely at the mercy of the importation of ferromanganese.

Mr. CUMMINS. Precisely. I made the same remark before the Senator came into the Chamber, and the further remark that the duty on ferromanganese under the Payne-Aldrich law is $2.50 a ton.

Mr. HEYBURN. Does the Senator propose that ferromanganese shall come in free?

Mr. CUMMINS. I should like to have it come in free, but I have not proposed that it shall come in free. My proposition is that it shall be classified precisely as it is in the Payne-Aldrich tariff law with pig iron and pay the same duty as pig iron.

Mr. HEYBURN. Then the trust has the advantage of free iron ore, if iron ore is to be free, as a basis from which to manufacture their ferromanganese, and the independents have not.

Mr. CUMMINS. The independents must import the manganese, and therefore it ought to be free.

Mr. HEYBURN. Ought iron to be free?

Mr. CUMMINS. But I hope the Senator will not magnify the importance of it, because in the tons of ingots that I have been illustrating here the domestic value of the manganese is but 82 cents in the ton of ingots, and at the present time, as I said, the duty is $2.50 a ton upon it. Therefore, if it is increased in value by the amount of the duty, the ferromanganese being worth from $38 to $40 a ton in the United States, the increased cost of manganese in this country that enters into a ton of ingots is not more than 6 or 7 cents.

Mr. HEYBURN. My objection was directed to free iron ore, from which the trust makes the ferromanganese, while the independents must pay a duty on the ferromanganese imported from abroad. So I object to free iron ore.

Mr. CUMMINS. I know the Senator does, and if there were no other thing involved in free iron ore except the manganese, I think there would be much force in the suggestion of the Senator from Idaho. But I do not believe that it is fair to the independent manufacturers along the coast of the United States to impose a duty on iron ore when if they are excluded from the foreign ore they would be compelled to pay transportation from the Lake regions to the coast upon the domestic ore.

Mr. WILLIAMS. I wish to suggest to the Senator from Iowa, if he will pardon me. I think there is one point that he has pretermitted. If I understand the table and if I understand the Pepper table giving the cost abroad, this table gives as a part of its sum total the cost of depreciation and the Pepper tables do not. So there is a difference which the Senator has not thus far explained.

Mr. CUMMINS. I have not reached that yet. This table, as I showed the other day, includes all the intermediate or inter-company profits, and they are at least $1.79 a ton. This table includes the depreciation and the Pepper table does not.

But I should like to know now, Senators, on that showing, if that table is true, how much more does it cost to produce steel ingots in the United States than abroad? I do not believe it costs as much, but nevertheless, for the same purpose that I indicated the other day, I have in my amendment attached a duty of $1.60 a ton upon ingots. Of course there never will be in the whole history of the United States a single ton of ingots imported from anywhere, and there would not be if there was no duty on ingots, because if they could import at all they would rather import in some other form.

Mr. President, the table to which I have just referred I ask may be inserted as a part of my remarks.

The PRESIDENT pro tempore. It will be so ordered, without objection.

The table referred to is as follows:

Average book cost per gross ton of specified kinds of steel ingots, showing works cost, as given in the cost sheets (including intermediate profits), together with additional costs (derived from the profit and loss accounts), 1902–1906.

Items.	Bessemer rail ingots.	Bessemer billet ingots	Basic open hearth ingots.
Tons produced	19,486,978	29,099,783	24,731,706
Pig iron and scrap	$14.84	$14.88	$14.13
Manganese	.82	.31	.34
Labor	.61	.57	.92
Fuel	.18	.24	.70
Other operating	.70	.64	1.10
Rebuilding fund			.22
Works cost	17.15	16.64	17.41
Additional cost	1.05	.92	.79
Total cost	18.20	17.56	18.20

Mr. CUMMINS. I pass now from the ingots to some other forms of iron and steel, and again I am using the investigation of the Commissioner of Corporations and a table taken from his report. I will first call your attention to the steel rails mentioned in the first line, called Bessemer heavy rails, from ingots. The number of tons examined was 14,000,000. The raw material, and that was the ingot for the ton of steel rails, is put down as costing $18.29. The labor of converting a ton of ingots into a ton of steel rails is $1.25. That is all; and that is the basis upon which I remarked the other day, when the Senator from North Carolina [Mr. SIMMONS] was speaking, that we have 61 cents on labor from the pig iron into the ingot, and $1.25 on labor from the ingot into the steel rail, making, in all, $1.86 per ton.

Now, suppose again that it costs twice as much here per man as it costs there, half of $1.86 is 93 cents. Therefore, upon that assumption the labor abroad costs 93 cents a ton less than the labor at home; and that is all the possible protection that can be demanded by the facts and by our platform.

Of course, that is neutralized by the fact that there is in this raw material a great volume of profits. There is in the raw material costing less and a deduction for depreciation, which is not in the comparative table abroad. But yet I am willing for the time being to disregard these items and assume that it costs twice as much in labor here, although I know it does not cost any more, and we reach the conclusion that the duty on steel rails ought to be 93 cents a ton. What is it per ton under the Payne-Aldrich tariff law? It is $3.92 per ton. I would like to know how we can defend upon this information a duty of $3.92 upon steel rails.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from North Dakota?

Mr. CUMMINS. I do.

Mr. McCUMBER. What does the Senator give as the foreign cost of the production of steel rails?

Mr. CUMMINS. The foreign cost of production in steel rails is $23.35. I have not come to that yet.

Mr. McCUMBER. I wanted to call the Senator's attention to this point. I notice that his estimate of the cost of production agrees substantially with the estimate given by Mr. Schwab, so far as the cost of production in this country is concerned. The cost of production given by Mr. Schwab was that it cost in this country to manufacture steel rails from $22 to $23 per ton; but he also states in the same testimony that it costs in Germany from $18 to $19 per ton, and he follows it on and gives the items making the cost, showing a difference of $4 per ton.

Mr. CUMMINS. Precisely. I know what Mr. Schwab said before your committee. I simply do not believe, in the first place, that he knows what it costs in Germany. He has never examined the cost in Germany. Mr. Schwab has not been making steel rails for several years. I agree that he is one of the greatest experts in steel in the world, and one of the ablest men in the industry. I was not present before the Finance Committee, and therefore I do not know how thoroughly he was cross-examined and how fully the truth was developed; but I know that when the United States sends a man abroad it expects him to examine all sides of the subject.

Mr. McCUMBER. He makes this clear statement that I quote from the testimony. It agrees so well with the Senator's statement as to the matter of the cost of production, I assume

that possibly it may be accurate with reference to the foreign cost. I just want to quote——

Mr. CUMMINS. Of course it is perfectly clear even from contemporaneous history that Mr. Schwab is not right in his statement. Steel rails are worth $28 a ton, or at least that is the market value of them in America. Steel rails are worth $28 a ton in Europe. The United States meets Germany and France and England in all the neutral markets of the world, and it sells in those neutral markets more steel rails than any other country on earth, and almost as many steel rails as all other countries on earth combined.

Mr. McCUMBER. That would be subject to an explanation, and I want to call the Senator's attention——

Mr. CUMMINS. I merely mention that as indicating that his cost was not right.

Mr. McCUMBER. But on this one proposition he says:

Mr. SCHWAB. The cheapest pig iron made in Germany is made at Luxemburg. They make pig iron there at, I know—

Stating his own personal knowledge—

$8.50 and $9 a ton, and I know that can be converted into rails at $10 more. That is the way I arrive at what the cost is there.

Mr. CUMMINS. Precisely; and there is a sense in which Mr. Schwab may be right. I can take that testimony and produce the same results. You must remember that in the cost of $22.23 for Bessemer heavy rails there is about $3.90 of what is known here as intercompany profits. Steel rails cost only about $18 in the United States, as I shall presently show you.

Mr. SMOOT. Mr. President——

Mr. CUMMINS. I was taking the table itself, and I will analyze it later.

Mr. SMOOT. I do not know whether the Senator has examined the testimony which was taken before the Ways and Means Committee of the House in 1909. He will find a statement of what it costs in a foreign country to make a ton of steel rails and it shows——

Mr. CUMMINS. From whom? I have read a good deal of the testimony.

Mr. SMOOT. Mr. Schwab testifies, and also other manufacturers of this country testify. I see that my friend, the Senator from Mississippi [Mr. WILLIAMS], smiles because of the fact that Mr. Schwab is a manufacturer, and——

Mr. WILLIAMS. No; not because he is a manufacturer, but——

Mr. SMOOT. He accepts the testimony of a foreign manufacturer, but——

Mr. WILLIAMS. I will explain why I smiled, if the Senator will permit me. I was smiling at the credibility of this man Schwab, because I happened to remember, while the Senator was talking, that he is the same man who testified before the Committee on Finance of the Senate that the cost of producing steel had increased from 1899 down to now. That was rather to his credibility.

Mr. CUMMINS. That was to explain why he changed his view in regard to the cost of producing steel rails, which he said then could be produced at $12 a ton.

Mr. WILLIAMS. At $12 a ton. I myself asked him the question, thinking that maybe he would make some explanation. I said, "This is what you uttered then. Was it true?" He said, "Oh, yes; it was true then, Mr. WILLIAMS, but not now."

Mr. SMOOT. Mr. President——

Mr. WILLIAMS. Wait one second. Then I said, "Of course I did not mean to ask you to admit that you had made this statement this year, but you made it in 1899." He answered, "Yes." "It was true then, was it?" I asked. He said it was. Then I said, "Does it cost any more or any less to make steel now?" He said it costs more.

Mr. SMOOT. Mr. President, I have no brief to defend Mr. Schwab, but I ask Senators here to read the testimony and to read the explanation of Mr. Schwab when speaking of $12 a ton. It was a letter written to Mr. Frick, giving simply the cost of the labor, with no interest added to the price.

Mr. CUMMINS. I agree that he could not make steel rails then for $12 a ton.

Mr. SMOOT. It was with no overhead charges, with no depreciation. The letter was written simply to show that the mere manual labor connected with the mill and the cost of the material that goes into a ton of rails amounted to $12.

Mr. WILLIAMS. Oh.

Mr. SMOOT. That is exactly what he said and what he testified to, and that is what the letter will show.

Mr. WILLIAMS. Does not the Senator from Utah remember that Mr. Schwab expressly said, in answer to my question, that it costs more to produce steel in America now than it did it 1899?

Mr. SMOOT. He said that the labor cost was higher than it was in 1899.

Mr. WILLIAMS. No. Does not the Senator remember that, in direct answer to that question, he made that direct reply?

Now, I do not want to interfere with the Senator from Iowa, but if the Senator does not remember that we will look it up later and see who is right. I remember it, because I asked the question and he answered it.

Mr. SMOOT. I remember that he said all the labor, speaking of $12 per ton, was higher to-day than it was then, and so it is. There is no question about it.

Mr. WILLIAMS. What is higher?

Mr. SMOOT. Labor.

Mr. WILLIAMS. It was not a question about labor. I was asking only about the cost of making a ton of steel rails. I was cross-examining him on his letter of 1899, and that was his reply.

Mr. SMOOT. Taking everything relating to mere cost into consideration, I do not think it costs any more now in this country than it did then; but the cost that Mr. Schwab was speaking of—$12 a ton—was the mere work, without any overhead charges, without any depreciation, without anything at all in connection with it outside of the mere labor. I think that part of it costs more to-day than it did at that time, and I think the Senator from Iowa will admit that.

Mr. CUMMINS. Mr. President, I feel rather embarrassed to stand here between my friends on the left and my friends on the right. I am in sympathy with my friends on the left with respect to reducing these duties, but at the same time I am deeply interested in maintaining the integrity of the protective doctrine. Therefore, I believe that I can be more just and impartial than either my brother from Utah or my brother from Mississippi. The real truth is, that when Mr. Schwab wrote this letter, back a few years ago, he was interested in making people believe we could produce iron and steel in this country cheaper than in any other country on earth. When he delivered his testimony later, and especially the other day, he was interested in making people believe that it costs us more than any other people on earth. Being an advocate in both cases he omitted some things that he ought to have put in in 1899, and he included some things that he ought to have left out in 1912. Therefore, the truth lies somewhere between the statement that he made then and now.

Mr. SMOOT. Mr. President, the Senator certainly will admit that the testimony of Mr. Schwab to-day, as far as the cost of pig iron and as far as the cost of steel rails are concerned, corresponds closely with the testimony of Herbert Knox Smith.

Mr. CUMMINS. On the contrary, Mr. President, if the Senator from Utah will pause for a moment, he will see that they do not agree at all. Herbert Knox Smith, after presenting the table which I have exhibited, and which shows upon its face that it includes a great amount of profits which ought not to be included in the cost, explains these profits and subsequently deducts them from this tabular cost, as I have shown repeatedly here. Therefore, it is not true that he arrives at the same result as does Mr. Schwab in his testimony before the Finance Committee, because Mr. Schwab at no time deducts those things.

Mr. SMOOT. Mr. President, I take the exact figures here of Herbert Knox Smith and I take the detailed statement here of Mr. Schwab as to what the cost is of producing steel rails and every item, and Herbert Knox Smith's price is higher than Mr. Schwab's.

Now, in relation to the question of steel rails being worth $28 here and steel rails being worth $28 in Germany, that is the local price in Germany. That is not the export price of Germany.

Mr. CUMMINS. It is not the export price in Germany.

Mr. SMOOT. I want to say that——

Mr. CUMMINS. That is the trouble. It is the domestic price here and there. Both the manufacturers of Germany and of the United States seem to be willing to sacrifice their own people for the advantage of foreign people.

Mr. SMOOT. I will ask this question of the Senator and see if he agrees with me upon the proposition: Supposing that the American manufacturers of steel rails did not ship a pound to a foreign country of steel rails or manufactures of iron and steel of any kind, does the Senator believe that it could be made as cheaply in this country as it is made to-day?

Mr. CUMMINS. I do, assuming that the volume of production would be the same.

Mr. SMOOT. That is impossible to be——

Mr. CUMMINS. I am not complaining about shipping abroad. I am glad the United States Steel Corporation ships 20 per cent of all its product abroad. If it can have the influence to maintain a tariff upon those same products in the United States that

will enable it to get a higher price here than it can get abroad I feel its power—that is, I admire that sort of power—but I do not think the Senator from Utah ought to be willing to allow it to hold that power.

Mr. SMOOT. I know that if the Steel Trust or any great manufacturer can get cost out of goods by exporting them the balance of the goods can be made in this country for less money, and not only that but the money that is saved by so doing goes to the laboring men of this country. I know the Senator agrees with that.

Mr. CUMMINS. I do not object to it at all. All that I want is that there shall be a fair and even rivalry. If the United States Steel Corporation after being dethroned, after destroying its monopolistic power and after subjecting it to the competition of Europe upon a fair basis, can in the natural way and according to the usual laws of trade and commerce make the people of the United States pay more than it sells its products abroad for, or if it can supplement its works by adding capacity in order to supply the foreign market, I say well and good; I am not criticising it; but we in the United States Senate have no right to interpose our power and prevent the natural laws of trade from governing and controlling such a corporation as the United States Steel Corporation.

Mr. SMOOT. No one is intending to do that, as I understand. It is certainly far from my thought. I have no intention whatever of doing it. The United States Steel Corporation can exist where independent manufacturers can not.

Mr. CUMMINS. So far as I am concerned, I do not believe that. I know the Senator from Utah believes it. It may here and there be true, but I do not believe that the United States Steel Corporation can, if it be shorn of its extraordinary extrinsic power, manufacture products from iron ore into pig iron and pig iron into steel rails more cheaply than other large companies. But when we give it the power—and this, of course, compels me to digress from the tariff—when we permit it to take a billion and a half of capital and draw to itself a series of great powerful banks that can terrorize every other industry in the country, that can grant credit or withhold credit from everyone who desires to enter into competition with it—when you give it all these powers, then, of course, it can produce cheaper than some of its competitors. But I know that if the Senator from Utah were in a free field with sufficient capital to utilize the economies of the trade he could meet all the efficiency of the United States Steel Corporation.

Mr. HITCHCOCK. Mr. President——

Mr. CUMMINS. But that has nothing to do with the tariff. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I notice the Senator from Iowa made no response to the statement made by the Senator from Utah that by exporting 20 per cent of its products the Steel Trust was able to give so much more to labor. I should like to call his attention to the fact that in the same report which he quoted from, Herbert Knox Smith states that the Steel Trust is requiring 50,000 of its men to work 12 hours a day and 7 days a week; and the figures, as given by the Senator from Iowa, show that only about one-twentieth part of the amount represented in the cost of a ton of steel ingots is paid to labor.

Mr. SMOOT. Mr. President, the question of 12 hours a day was thrashed out here the other day. That applies only to men who are working in the furnaces and upon a manufacture that requires a continuous process of——

Mr. HITCHCOCK. Let me ask the Senator——

Mr. SMOOT. Wait until I get through.

Mr. HITCHCOCK. The Senator is not correct, according to the report.

Mr. CUMMINS. I can not allow this discussion to pass to other ground.

The PRESIDENT pro tempore. The Senator from Iowa declines to yield further.

Mr. CUMMINS. I want to confine it to the tariff.

Mr. HITCHCOCK. Will the Senator permit me to read an extract from the report to show that the Senator from Utah is in error where he says that it is confined to those cases where the metallurgical necessity requires them to work 12 hours a day?

Mr. SMOOT. That is true, and it was so testified before the committee.

Mr. HITCHCOCK. The Department of Commerce and Labor says specifically that that is not true.

Mr. SMOOT. Every manufacturer says it is true. Not only that, but we had the laboring men before the committee, who testified to the same thing; they testified that it was upon their request that they work 12 hours a day, and that out of the 12 hours many times they did not have to work over 3 hours and would be watching the other 9.

Mr. HITCHCOCK. Let me read what Mr. Herbert Knox Smith, who has just been quoted by the Senator from Utah, says:

> The evil of seven-day work was particularly accentuated by the fact developed in the investigation that the seven-day working week was not confined to the blast-furnace department, where there is a metallurgical necessity for continuous operation, and in which department 88 per cent of the employees worked seven days a week, but it was also found that, to a considerable extent, in other departments, where no such metallurgical necessity can be claimed, productive work was carried on on Sunday just as on other days of the week. For example, in some establishments the Bessemer converters, the open-hearth furnaces, and blooming, rail, and structural mills were found operating seven days a week for commercial reasons only.

Mr. CUMMINS. Now, Mr. President, I am very glad to yield, but what the Senator from Nebraska has just read and what the Senator from Utah has just said have nothing whatever to do with the point I am discussing. I have shown what amount is paid. It does not make any difference whether it is paid for men who work 7 days a week 12 hours a day or 1 day a week 1 hour per day. I ought to say, however, that what is true of the United States Steel Corporation is true also of every other large producer of iron and steel with regard to the length of the day's work; and it is entirely inhumane and ought not to be permitted, no matter if the men are willing to work that length of time.

But before I resume this table I think I ought, in justice to the Senator from Mississippi [Mr. WILLIAMS], to read what was referred to a few moments ago from the testimony of Mr. Schwab before the Finance Committee:

> Senator WILLIAMS. Has the price of manufacturing rails increased or decreased, then?
> Mr. SCHWAB. Very greatly increased.
> Senator WILLIAMS. The price of manufacturing rails has increased?
> Mr. SCHWAB. Very much increased.

Mr. SMOOT. Mr. President, just a moment——

Mr. CUMMINS. Now, Mr. President, will the Senator from Utah merely allow me to take one step——

Mr. SMOOT. Yes; but in explanation of that statement I want to say that that follows the statement which was made by Mr. Schwab giving an explanation of his letter wherein it was stated that the cost was $12. It is right at the close of his testimony.

Mr. CUMMINS. I know that.

Mr. SMOOT. Therefore it is just as I said. It referred to the $12 a ton, and there is no question about it; I do not deny it; it is exactly what I said to the Senate.

Mr. CUMMINS. If the Senator from Utah does not deny it, it is all agreed upon.

Mr. WILLIAMS. I produced it merely as going to the credibility of the witness, that is all.

Mr. CUMMINS. I recur, after this excursion into what I think a somewhat irrelevant field, but nevertheless an instructive one, to my proposition that even upon the table unanalyzed, with the cost of steel rails at $22.23, it is not greater than the cost abroad, and the labor cost, from the pig iron at $14 a ton to the steel rails with a market price of $28 a ton—the wages of the men who work with their hands—first, at the furnace, and, next, at the converter and the rolling mill, amount to $1.86 per ton. The material has increased in value from $14 a ton to $28 a ton, and labor, in the proper sense of that term, receives of that great advance the munificent reward of $1.86.

Now, Senators, we can not any longer deceive ourselves or deceive the people with respect to the cost that is to be protected by the import duty. I have shown that nothing is required for the raw material; on the contrary, we must take away at least $2 a ton from the raw material in order to denude it of the profits that are there and that ought not to be considered when we are considering cost. Then comes the labor, then come the other operating expenses, with the mill cost of $20.87 and the total cost of $22.23.

I believe that I have now made a case with respect to steel rails. I have, in my amendment, put a duty of $2.50 per ton upon steel rails. That is more than is required, because with respect to one thing, at least, the Senator from Utah will agree with me, and that is, if there were no duty at all there could never be a ton of foreign rails get as far east as 50 miles from our seashore. I do not believe that there could ever be a ton of steel rails loaded upon a car upon our eastern seacoast if there were no duty at all, for it would cost $2 a ton at least to bring them to the shore; then they must be loaded into cars and sent west; and you all agree with me that there could not be any steel rails imported into the United States as against the barricade of the transportation alone. I have, however, put a duty upon steel rails of $2.50 a ton, in order to cover these vicissitudes of the markets as well as to cover what I know ought to be covered, and that is the additional profit that American manufacturers should have as compared with

their rivals across the sea. That profit is just as much entitled to protection at our hands as are the wages of the laboring men; but there is not a Senator here who will suggest that more than 50 cents a ton, taking our products generally, would be required for that purpose.

Now, I pass to the next item, and I shall be very brief with regard to that.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I do.

Mr. SIMMONS. Before the Senator from Iowa passes to his next subject, I wish to say that I do not feel that the statement of the Senator from North Dakota [Mr. MCCUMBER], in which he read the testimony of Mr. Schwab, ought to be left where he left it. The Senator from Iowa had just stated that the cost of producing steel rails in this country was about $22. The Senator from North Dakota read from Mr. Schwab's testimony to show his estimate of the cost in Germany at $18. As I recall, that statement was made before the Finance Committee; but clearly it was made by Mr. Schwab without knowledge on his part as to the cost in Germany. His statement bears evidence of the fact that he was giving his estimate of the foreign cost not from his own knowledge. Let me read, if the Senator will permit me for just one moment, what Mr. Schwab said about that matter:

> The cheapest pig iron made in Germany is made at Luxemburg. They make pig iron there at, I know, $8.50 and $9 a ton, and I know that can be converted into rails at $10 more.

So his estimate of $18 was based upon his assumption that pig iron could be made in the Luxemburg district of Germany for $8.50 and $9 a ton. Now, I want to call the Senator's attention to the fact that Mr. Pepper, in the report from which he has read, gives an estimate of the cost of making pig iron in the Luxemburg district of Germany, and he states as follows:

> Luxemburg: One ton basic pig iron with 1½ per cent of manganese, 52–53 marks, equal $12.38–$12.61.

Which, added to the $10 which Mr. Schwab says is the necessary expense of conversion, would make the cost in that country the same, or substantially the same, as the Senator said the cost in this country was. The radical infirmity in Mr. Schwab's statement is in the assumption that pig iron could be made at Luxemburg at $8.50 or $9 a ton, when, as a matter of fact, according to the report of Mr. Pepper, it costs from $12.38 up to $12.61.

Mr. CUMMINS. Again, Mr. President, I think the confusion arose because sufficient attention was not given to the different kinds of pig iron. The Bessemer pig iron or the basic pig iron, that is fit for making steel rails, can not be made for $8 a ton or for $8.50 a ton anywhere on earth; and the pig iron that can be converted economically into steel rails costs—well, I do not know, but I have never seen a lower cost than $11.50 or $12 or $13, somewhere along in that locality. However, I will not return to that subject.

Mr. SIMMONS. Mr. Pepper's statement is based upon the cost of basic pig iron, not Bessemer.

Mr. CUMMINS. It seems to me, Senators, that I have submitted enough proof to show that it is an offense against our principle and against the welfare of the people to retain $3.92 a ton upon steel rails. If there is a Senator here who at some subsequent time can show that we need, to answer our doctrine, $3.92 a ton upon this product, then I will be the first to yield; but there will be no Senator make any such attempt. It is known everywhere that it can not be done.

I will pass the question of billets. I shall introduce this table into my remarks, and it is not very necessary for me to discuss every one of these processes. When once you know what the cost of the material is and the general place which the article has in the processes of manufacture you can not go very far wrong with regard to the duty that is required. Steel rails, as we have shown, with its profits, cost about $22 a ton in this country. Any other product that only costs $22 a ton ought not to have any more duty than should steel rails. If it costs $26 a ton, that shows that some additional labor has been put upon it, and so on, and so on. Therefore, I pass the question of billets, because billets are only sold as between manufacturers; no one ever buys a billet for the purpose of using it.

I will come down to Bessemer sheet bars. That also is a manufacturer's article. As a usual thing, it is not sold. It will be noticed that the raw material in it costs $16.45; the labor in it, taking it from the ingot into the sheet bar, is 57 cents; and the other operating expenses are $1.12.

I pass from the sheet bars to what is known as black sheets—the black, common sheet iron. This iron is rerolled from what is known as the sheet bars. Now, you will observe there is only 57 cents of labor added from the ingot to the sheet bar.

In order to roll it into black sheets—ordinary iron sheets—the labor involved is $10.39. I use that now for the purpose of emphasizing the fact that we come finally to a product in which there is considerable labor.

Assuming that it costs twice as much abroad to go through these processes as it does here, tell me what should be the duty on an article in which there is first 57 cents of labor from the ingot into the bar, and $10.39 labor from the bar into the sheet. How can you defend a law which, in some instances, puts $15 or $20 or $30 a ton upon that product? I can not imagine why such a fact does not make you pause and think about the subject.

Now, upon the black sheets, which do constitute a great article of commerce, adding the 57 cents to the $10.39 we have $10.96. That is the labor cost. There is not anything else connected with it that costs or could cost anything more in this country than it costs abroad. Assuming that the labor here is paid twice as much—and I hope we shall always be willing to levy duties upon the hypothesis of giving our labor twice as much as similar labor receives abroad—what ought the duty to be? If I am correct in my hypothesis, the cost of doing those same things abroad would be $5.48 and the difference would be $5.48. Then, tell me why you insist on a duty of $10 to $20 a ton. I can not understand it; I have never been able to understand it; and I do not believe there is anyone here who will ever be able to explain it.

I pass now to structural steel. Structural steel has become one of the greatest products of the country. It is rapidly rising to the same position that has long been held by steel rails, and its growth, I think, has just begun. Structural steel is either rolled from ingots or from billets, usually from ingots, for structural steel is of a heavy character. Now, let us see what it costs from ingots. The material cost is $20.21; the labor cost, $2.15. From billets the material cost is $20.88 and the labor cost $2.54. Mark you, we have seen that the ingot cost of labor is, according to my recollection, 61 cents; so that all the labor there is in turning the pig iron into structural iron and steel is 61 cents plus $2.15. Two dollars and seventy-six cents is all that is paid to labor in that process, and yet what are we doing in the case of structural iron and steel? We are levying a duty on it under the Payne-Aldrich law which begins with $8 a ton and ends with about $20 a ton.

I do not believe, Senators, that you will be willing to perpetuate duties of that character. There ought not under any circumstances to be a duty on plain structural iron and steel that is neither punched nor fitted nor assembled of more than $4 a ton. It is utterly impossible even for the highest protectionist to defend more than that; and all that I ask in my amendment is that it be reduced to $4 a ton upon the character of iron and steel which I have just described and to $6 a ton upon that which is punched, fitted, or assembled.

Let us now pass hurriedly to merchant bars. That is another great item of merchantable steel. In the case of merchant bars the material costs $21.41; the labor cost from the billet into the merchant bar is $3.06 a ton. If you will add to that the cost from the pig iron into the ingot, 61 cents, the ingot into the billet, 66 cents, you will find that the maximum difference upon the hypothesis already made is $2.17. I have put a duty upon merchant bars of $3.50 a ton to $4.50. This duty not only covers the difference between the cost of production here and abroad, but it is double the difference.

I will not pursue this analysis further at this time, because if I have established the premises with regard to these basic forms of iron and steel, then you have but to examine the prices which these forms hold in the market compared with other forms in order to tell what additional duties ought to be laid so as to cover the additional labor that is expended upon them.

Before we close the debate I will take up other paragraphs of the proposed amendment. Just now I will do no more than to suggest that the table, which I have been using, covers also plate steel, wire rods, coarse wire, black plate, and tin plate, and gives the same information with respect to them that I have commented upon with respect to rails, structural steel, and bars. The table will be printed so that the information will be more readily accessible than it now is. I have also used in the course of my remarks a table showing the duties of the existing law and the duties of the proposed amendment upon the commodities I have discussed. It will also be printed for more ready reference.

I have now finished, Mr. President, my general review of the heavy forms of iron and steel, and I challenge successful contradiction of a single material fact which I have stated. If the facts be admitted or established, the conclusion inevitably follows. At some other time, if the debate shall continue long, I shall take up some of the other and more finely organized forms of steel and give the Senate such information as I may

have with respect to them; but it seems to me, Senators—and I am now speaking to this side of the Chamber—that as to this part of the metal schedule I have made at least a prima facie case, and the burden of maintaining the present duties is upon those who believe that I have not correctly recited the facts respecting this industry. I court inquiry, and I hope the Senators who believe in holding the duties as they are will unfold to the country as well as to the Senate the reasons for the faith that is in them.

Mr. President, I ask leave to insert as part of my remarks the two tables to which I have recently referred and the table showing the cost in England of various steel products.

The PRESIDENT pro tempore. Without objection, permission is granted.

The tables referred to are as follows:

In connection with the estimate of the cost of production of pig iron, Mr. Jeans furnished the following as the elements of ultimate cost of British steel in Bessemer works having auxiliary blast furnaces:

Cost of pig iron	$13.50
Cost of steel ingots	18.49
Cost of steel rails	23.35
Difference between pig and ingots	4.36
Difference between ingots and rails	4.74
Wages per ton of pig iron	1.06
Wages per ton of ingots	.69
Wages per ton of rails	1.66
Fixed charges per ton of pig	.36
Fixed charges per ton of rails	.36
Stores and sundries per ton of pig	1.46
Stores and sundries per ton of ingots	1.46
Stores and sundries per ton of rails	.69

Average book costs per gross ton[1] of specified products, showing mill costs as given in cost sheets (without deduction of intermediate profits), together with additional costs (derived from the profit and loss accounts), 1902–1906.

Products.	Tons produced.	Raw material.	Labor.	Other operating.	Total.	Mill cost.	Additional cost.	Total cost.
Bessemer heavy rails (from ingots)	14,020,303	$18.29	$1.25	$1.43	$2.68	$20.97	$1.26	$22.23
Large Bessemer billets (from ingots)	17,908,033	17.72	.55	.82	1.37	19.09	1.09	20.18
Large basic open-hearth billets (from ingots)	13,422,740	18.45	.55	.97	1.52	19.97	.90	20.87
Small Bessemer billets (from ingots)	2,686,706	16.88	.66	1.16	1.82	18.70	.98	19.68
Bessemer sheet bars (from ingots)	4,808,673	16.45	.57	1.12	1.69	18.14	.84	18.98
Sheared plates (from slabs)	3,317,232	21.55	2.36	2.19	4.55	26.10	1.39	27.49
Universal plates (from ingots)	1,032,588	17.70	1.24	1.89	3.13	20.83	.99	21.82
Universal plates (from slabs)	2,007,344	21.78	1.83	1.94	3.77	25.55	.85	26.40
Structural (from ingots)	1,724,641	20.21	2.15	2.74	4.89	25.10	1.42	26.52
Structural (from billets)	2,693,231	21.88	2.54	2.11	4.65	26.53	1.23	27.76
Merchant bars (from large billets)	4,379,780	21.41	3.06	2.28	5.34	26.75	1.37	28.12
Wire rods (from billets)	6,867,310	21.42	1.53	2.28	3.81	25.23	1.98	27.21
Bright coarse wire (from rods)	6,510,368	23.50	1.62	1.87	3.49	26.99	2.13	29.12
Black sheets (from sheet bars)	2,418,214	22.99	10.39	4.12	14.51	37.50	1.87	39.37
Black plate (from sheet bars)	2,091,615	25.25	14.19	7.41	21.60	46.85	2.14	48.99
Tin and terne plate (from black plate)	38,404,002	[2]2.67	.19	.18	.37	3.04	.14	3.18

[1] Except for bright coarse wire and black sheets, which are for net tons, and for tin and terne plate, which are for base boxes of 100 pounds.
[2] Includes $2.04 for black plate and $0.63 for tin.

Table showing rates of duty in Payne-Aldrich Act and in Cummins amendment upon the forms of iron and steel discussed in the foregoing debate.

Article.	Rate of duty Payne-Aldrich Act	Rate of duty Cummins amendment.
Iron ore	15 cents per ton	Free.
Pig iron	$2.50 per ton	$1 per ton.
Scrap iron	$1 per ton	$0.50 per ton.
Ingots	$6 per ton and upwards	$1.60 per ton.
Steel rails	$3.92 per ton	$2.50 per ton.

Table showing rates of duty in Payne-Aldrich Act and in Cummins amendment upon the forms of iron and steel, etc.—Continued.

Article.	Rate of duty Payne-Aldrich Act.	Rate of duty Cummins amendment.
Structural steel	$8 per ton and upwards	$3 and $5 per ton.
Bar iron	$6 per ton	$3.50 per ton.
Plates	$6 to $12 per ton	$4 per ton.
Sheets	$10 to $18 per ton	$10 to $12 per ton.
Rods	$6 per ton and upwards	$3.75 per ton and upwards.

APPENDIX.

Rates to and from various points on iron and steel articles.

From—	To—	Commodities.	Distance	Rate, 2,240 pounds.	Weight.	Earnings per car.	Earnings per car, per mile.
		IMPORTS.	*Miles.*				*Cents.*
Jersey City	Harrisburg, Pa.	Ore, iron	193	$1.80	25 tons	$45.00	22.77
Philadelphia	do	do	105	.70	do	17.50	16.66
Baltimore	do	do	85	.70	do	17.50	20.58
Boston	do	Ore, iron (class)	425	3.00	do	75.00	17.65
Philadelphia	do	Pig iron	105	1.20	do	30.00	28.57
Baltimore	do	do	85	1.60	do	40.00	47.06
New York	do	Pig iron (class)	195	2.40	do	60.00	30.77
Boston	do	Pig iron	425	2.10	do	52.50	12.35
New York	do	Articles classified fifth class in the official classification (which includes billets, blooms, ingots, muck or puddle bars, borings, chain iron, crop ends, scale, sheet, etc.) (class).	195	3.00	do	75.00	38.46
Philadelphia	do	do	105	2.30	do	57.50	54.76
Baltimore	do	do	85	2.30	do	57.50	67.64
Boston	do	Articles classified fifth class in the official classification (which includes billets, blooms, ingots, muck or puddle bars, borings, chain iron, crop ends, scale, sheet, etc.).	425	2.30	do	57.50	13.53
New York	do	Articles classified fifth class in the official classification (angle, arches, floor, arms or brackets, bands, arch bars, beams, n. o. s., shafting, nails, etc.), rate in cents per 100 pounds (class).	195	.15	36,000 pounds.	54.00	20.82
Philadelphia	do	do	105	.11½	do	41.40	39.42
Baltimore	do	do	85	.11½	do	41.40	48.70
Boston	do	Articles classified fifth class in the official classification (angle, arches, floor, arms or brackets, bands, arch bars, beams, n. o. s., shafting, nails, etc.), rate in cents per 100 pounds.	425	.13½	do	48.60	11.43
Harrisburg	New York	New iron and steel rails	195	1.75	20 tons	35.00	17.95
Do	Philadelphia	do	105	1.10	do	22.00	20.95
Do	Baltimore	do	85	1.10	do	22.00	25.88
New York	Pittsburgh, Pa.	Ore, iron	444	2.16	do	54.00	12.16
Philadelphia	do	do	353	1.56	do	39.00	11.04
Baltimore	do	do	334	1.56	do	39.00	11.67
Boston	do	Ore, iron (class)	674	3.40	do	85.00	12.61
New York	do	Pig iron (class)	444	3.00	do	75.00	16.89
Philadelphia	do	do	353	2.40	do	60.00	16.99
Baltimore	do	do	334	2.40	do	60.00	17.96
Boston	do	do	674	3.40	do	85.00	12.46
New York	do	Bar and band iron, cents per 100 pounds	444	.16	36,000 pounds.	57.60	12.97
Philadelphia	do	do	353	.14½	do	52.20	14.75
Baltimore	do	do	334	.14½	do	52.20	15.27
Boston	do	do	674	.18	do	64.80	9.61

Rates to and from various points on iron and steel articles—Continued.

From—	To—	Commodities.	Distance.	Rate, 2,240 pounds.	Weight.	Earnings per car.	Earnings per car, per mile.
		IMPORTS—continued.					
			Miles.				*Cents.*
New York	Pittsburgh, Pa	Articles classified fifth class in the official classification (which includes billets, blooms, ingots, muck or puddle bars, borings, chain iron, crop ends, scale, sheet, etc.) (class).	444	$3.60	25 tons	$90.00	20.27
Philadelphia	do	do	353	3.20	do	80.00	22.63
Baltimore	do	do	334	3.00	do	75.00	22.45
Boston	do	Articles classified fifth class in the official classification (which includes billets, blooms, ingots, muck or puddle bars, borings, chain iron, crop ends, scale, sheet, etc.).	674	3.60	do	90.00	13.35
New York	do	Articles classified fifth class in the official classification (which includes angle, arches, floor, arms or brackets, bands, hay in bundles, arch bars, beams n. o. s., shaftings, nails, etc.), in cents per 100 pounds (class).	444	.18	36,000 pounds	64.80	14.59
Philadelphia	do	do	353	.16	do	57.60	16.31
Baltimore	do	do	334	.15	do	54.00	15.74
Boston	do	Articles classified fifth class in the official classification (which includes angle, arches, floor, arms or brackets, bands, hay in bundles, arch bars, beams n. o. s., shaftings, nails, etc.), in cents per 100 pounds.	674	.18	do	64.80	9.61
Pittsburgh	New York	New iron or steel rails	444	2.60	20 tons	52.00	11.71
Do	Philadelphia	do	353	2.40	do	48.00	13.59
Do	Baltimore	do	334	2.30	do	46.00	13.77
Do	New York	New iron or steel rails (for export)	444	1.75	do	35.00	7.88
Do	Philadelphia	do	353	1.55	do	31.00	8.78
Do	Baltimore	do	334	1.45	do	29.00	8.68
New York	Cleveland, Ohio	Ore iron	584	2.56	25 tons	64.00	10.95
Philadelphia	do	do	493	1.96	do	49.00	9.93
Baltimore	do	do	474	1.96	do	49.00	10.33
Boston	do	do	682	1.96	do	49.00	7.18
New York	do	Band iron	584	.17½	36,000 pounds	63.00	10.78
Philadelphia	do	do	493	.17½	do	63.00	12.77
Baltimore	do	do	474	.17½	do	63.00	13.29
Boston	do	do	682	.18	do	64.80	9.50
New York	do	Bar iron	584	.21	do	75.60	12.94
Philadelphia	do	do	493	.18	do	64.80	13.14
Baltimore	do	do	474	.18	do	64.80	13.67
Boston	do	do	682	.18	do	64.80	9.50
New York	do	Wire in bundles or coils (not copper covered or insulated), wire rope (iron or steel) on reels or in coils.	584	.17½	do	63.00	10.78
Philadelphia	do	do	493	.17½	do	63.00	12.77
Baltimore	do	do	474	.17½	do	63.00	13.29
Boston	do	do	682	.18	do	64.80	9.50
		DOMESTIC.					
New York	Cleveland, Ohio	Muck and puddle bars, billets, blooms, borings, crop ends ingots, rails, old, scrap iron or steel slabs, turnings.	584	3.55	25 tons	88.75	15.19
Philadelphia	do	do	493	3.15	do	78.75	15.97
Baltimore	do	do	474	2.95	do	73.75	15.34
Boston	do	do	682	3.55	do	88.75	13.01
New York	do	Cinder mill, drippings steel, iron pig, scale mill, skulls ladle, spillings steel.	584	3.37	do	84.25	14.42
Philadelphia	do	do	493	2.97	do	74.25	15.06
Baltimore	do	do	474	2.77	do	69.25	14.61
Boston	do	do	682	3.37	do	84.25	12.35
New York	do	Official classification	584	.21	36,000 pounds	75.60	12.94
Philadelphia	do	Fifth class	493	.19	do	68.40	13.87
Baltimore	do	do	474	.18	do	64.80	13.67
Boston	do	do	682	.21	do	75.60	11.08
		IMPORTS.					
New York	Cincinnati, Ohio	Ore, iron	757	3.13	25 tons	78.25	10.33
Philadelphia	do	do	666	2.53	do	63.25	9.49
Baltimore	do	do	593	2.53	do	63.25	10.66
Boston	do	do	926	2.53	do	63.25	6.83
New York	do	Band, iron	757	.20½	36,000 pounds	73.80	9.74
Philadelphia	do	do	666	.18	do	64.80	9.73
Baltimore	do	do	593	.18	do	64.80	10.92
Boston	do	do	926	.18	do	64.80	6.99
New York	do	Bar iron	757	.21	do	75.60	9.98
Philadelphia	do	do	666	.18	do	64.80	9.73
Baltimore	do	do	593	.18	do	64.80	10.92
Boston	do	do	926	.18	do	64.80	6.99
New York	do	Wire in bundles or coils (not copper, covered, or insulated), wire rope (iron or steel) on reels or in coils.	757	.20½	do	73.80	9.74
Philadelphia	do	do	666	.18	do	64.80	9.73
Baltimore	do	do	593	.18	do	64.80	10.92
Boston	do	do	926	.18	do	64.80	6.99
		DOMESTIC.					
New York	Cincinnati, Ohio	Muck and puddle bars, billets, blooms, borings, crop ends, ingots, rails, old, scrap, iron or steel slabs, turnings, etc.	757	4.35	25 tons	108.75	14.36
Philadelphia	do	do	666	3.95	do	98.75	14.82
Baltimore	do	do	593	3.75	do	93.75	15.80
Boston	do	do	926	4.35	do	108.75	11.73
New York	do	Cinder, mill, drippings, steel, iron, pig, scale, mill, skulls, ladle, spillings, steel.	757	4.13	do	103.25	13.63
Philadelphia	do	do	666	3.73	do	93.25	14.00
Baltimore	do	do	593	3.53	do	88.25	14.88
Boston	do	do	926	4.13	do	103.25	11.15
New York	do	Official classification	757	.26	36,000 pounds	93.60	12.36
Philadelphia	do	Fifth class	666	.24	do	86.40	12.97
Baltimore	do	do	593	.23	do	82.80	13.96
Boston	do	do	926	.26	do	93.60	10.10
		IMPORTS.					
New York	Toledo, Ohio	Ore, iron	705	2.81	25 tons	70.25	9.96
Philadelphia	do	do	614	2.21	do	55.25	8.99
Baltimore	do	do	595	2.21	do	55.25	9.28
Boston	do	do	795	2.21	do	55.25	6.94
New York	do	Band, iron	705	.18½	36,000 pounds	66.60	9.44
Philadelphia	do	do	614	.18	do	64.80	10.55
Baltimore	do	do	595	.18	do	64.80	10.89
Boston	do	do	795	.18	do	64.80	8.14

Rates to and from various points on iron and steel articles—Continued.

From—	To—	Commodities.	Distance.	Rate, 2,240 pounds.	Weight.	Earnings per car.	Earnings per car, per mile.
		IMPORTS—continued.					
			Miles.				*Cents.*
New York	Toledo, Ohio	Bar, iron	705	$0.21	36,000 pounds	$75.60	10.72
Philadelphia	do	do	614	.18	do	64.80	10.55
Baltimore	do	do	595	.18	do	64.80	10.89
Boston	do	do	795	.18	do	64.80	8.14
New York	do	Wire in bundles or coils (not copper covered or insulated), wire rope (iron or steel) on reels or in coils.	705	.18½	do	66.60	9.44
Philadelphia	do	do	614	.18	do	64.80	10.55
Baltimore	do	do	595	.18	do	64.80	10.89
Boston	do	do	795	.18	do	64.80	8.14
		DOMESTIC.					
New York	Toledo, Ohio	Muck and puddle bars, billets, blooms, borings, crop ends, ingots, rails (old), scrap iron or steel, slabs, turnings, etc.	705	3.90	25 tons	97.50	13.82
Philadelphia	do	do	614	3.50	do	87.50	14.25
Baltimore	do	do	595	3.30	do	82.50	13.86
Boston	do	do	795	3.90	do	97.50	12.26
New York	do	Cinder, mill; drippings, steel; iron, pig; scale, mill; skull, ladle; spillings, steel.	705	3.71	do	92.75	13.15
Philadelphia	do	do	614	3.31	do	82.75	13.47
Baltimore	do	do	595	3.11	do	77.75	12.98
Boston	do	do	795	3.71	do	92.75	11.66
New York	do	Official classification	705	.23	36,000 pounds	82.80	11.74
Philadelphia	do	Fifth class	614	.21	do	75.60	12.31
Baltimore	do	do	595	.20	do	72.00	12.10
Boston	do	do	795	.23	do	82.80	10.41
		IMPORTS.					
New York	Indianapolis, Ind	Ore, iron	825	3.35	25 tons	81.25	9.84
Philadelphia	do	do	734	2.75	do	68.75	9.36
Baltimore	do	do	704	2.75	do	68.75	9.76
Boston	do	do	965	2.75	do	68.75	7.12
New York	do	Band, iron	825	.21	36,000 pounds	75.60	9.16
Philadelphia	do	do	734	.18	do	64.80	8.82
Baltimore	do	do	704	.18	do	64.80	9.20
Boston	do	do	965	.18	do	64.80	6.71
New York	do	Bar iron	825	.21	do	75.60	9.16
Philadelphia	do	do	734	.18	do	64.80	8.82
Baltimore	do	do	704	.18	do	64.80	9.20
Boston	do	do	965	.18	do	64.80	6.71
New York	do	Wire in bundles or coils (not copper-covered or insulated), wire rope (iron or steel) on reels or in coils.	825	.21	do	75.60	9.16
Philadelphia	do	do	734	.18	do	64.80	8.82
Baltimore	do	do	704	.18	do	64.80	9.20
Boston	do	do	965	.18	do	64.80	6.71
		DOMESTIC.					
New York	Indianapolis, Ind	Muck and puddle bars, billets, blooms, borings, crop ends, ingots, rails (old), scrap iron or steel, slabs, turnings, etc.	825	4.60	25 tons	115.00	13.93
Philadelphia	do	do	734	4.20	do	105.00	14.30
Baltimore	do	do	704	4.00	do	100.00	14.20
Boston	do	do	965	4.65	do	116.25	12.04
New York	do	Cinder (mill), drippings (steel), iron (pig), scale (mill), skull ladle, spillings (steel), etc.	825	4.42	do	110.50	13.92
Philadelphia	do	do	734	4.02	do	100.50	13.65
Baltimore	do	do	704	3.82	do	95.50	13.56
Boston	do	do	965	4.42	do	110.50	11.45
New York	do	Official classification	825	.28	36,000 pounds	100.80	12.21
Philadelphia	do	Fifth class	734	.26	do	93.60	12.75
Baltimore	do	do	704	.25	do	90.00	12.78
Boston	do	do	965	.28	do	100.80	10.34
		IMPORTS.					
New York	Chicago, Ill	Ore, iron	912	3.60	25 tons	90.00	9.85
Philadelphia	do	do	821	3.80	do	75.00	9.13
Baltimore	do	do	802	3.00	do	75.00	9.35
Boston	do	do	1,006	3.00	do	75.00	7.45
New York	do	Band iron	912	21.00	36,000 pounds	75.80	8.31
Philadelphia	do	do	821	18.00	do	64.80	7.89
Baltimore	do	do	802	18.00	do	64.80	8.08
Boston	do	do	1,006	18.00	do	64.80	6.44
New York	do	Bar iron	912	21.00	do	75.80	8.31
Philadelphia	do	do	821	18.00	do	64.80	7.89
Baltimore	do	do	802	18.00	do	64.80	8.08
Boston	do	do	1,006	18.00	do	64.80	6.44
New York	do	Wire in bundles or coils (not copper covered or insulated), wire rope (iron or steel) on reels or in coils.	912	21.00	do	75.80	8.31
Philadelphia	do	do	821	18.00	do	64.80	7.89
Baltimore	do	do	802	18.00	do	64.80	8.08
Boston	do	do	1,006	18.00	do	64.80	6.44
		DOMESTIC.					
New York	Chicago Ill	Muck and puddle bars, billets, blooms, borings, crop ends, ingots, rails (old), scrap iron or steel, slabs, turnings, etc.	912	5.00	25 tons	125.00	13.70
Philadelphia	do	do	821	4.60	do	115.00	14.00
Baltimore	do	do	802	4.40	do	110.00	13.71
Boston	do	do	1,006	5.00	do	125.00	12.42
New York	do	Cinder, mill; drippings, steel; iron, pig; scale, mill; skull, ladle; spillings, steel, etc.	912	4.75	do	118.75	13.02
Philadelphia	do	do	821	4.35	do	108.75	13.24
Baltimore	do	do	802	4.15	do	103.75	12.93
Boston	do	do	1,006	4.75	do	118.75	11.80
New York	do	Official classification	912	30.00	36,000 pounds	108.00	11.84
Philadelphia	do	Fifth class	821	28.00	do	100.80	12.27
Baltimore	do	do	802	27.00	do	97.20	12.11
Boston	do	do	1,006	30.00	do	108.00	10.73
		IMPORTS.					
New York	St. Louis	Ore, iron	1,065	4.21	25 tons	105.25	9.88
Philadelphia	do	do	974	3.61	do	90.25	9.25
Baltimore	do	do	934	3.61	do	90.25	9.66
Boston	do	do	1,216	3.61	do	90.25	7.42

Rates to and from various points on iron and steel articles—Continued.

From—	To—	Commodities.	Distance.	Rate, 2,240 pounds.	Weight.	Earnings per car.	Earnings per car, per mile.
		IMPORTS—continued.					
			Miles.				*Cents.*
New York	St Louis	Band, iron	1,065	$0.25	36,000 pounds.	$90.00	8.45
Philadelphia	do	do	974	.22	do	79.20	8.13
Baltimore	do	do	934	.22	do	79.20	8.48
Boston	do	do	1,216	.22	do	79.20	6.51
New York	do	Bar, iron	1,065	.25	do	90.00	8.45
Philadelphia	do	do	974	.22	do	79.20	8.13
Baltimore	do	do	934	.22	do	79.20	8.48
Boston	do	do	1,216	.22	do	79.20	6.51
New York	do	Wire in bundles or coils (not copper covered or insulated) wire rope (iron or steel on reels or in coils).	1,065	.25	do	90.00	8.45
Philadelphia	do	do	974	.22	do	79.20	8.13
Baltimore	do	do	934	.22	do	79.20	8.48
Boston	do	do	1,216	.22	do	79.20	6.51
		DOMESTIC.					
New York	St. Louis	Muck and puddle bars, billets, blooms, borings, crap ends, ingots, rails (old), scrap iron or steel, slabs, turnings, etc.	1,065	5.80	25 tons	145.00	13.61
Philadelphia	do	do	974	5.40	do	135.00	13.86
Baltimore	do	do	934	5.20	do	130.00	13.91
Boston	do	do	1,216	5.85	do	146.25	12.02
New York	do	Cinder mill, drippings steel, iron pig, scale mill, skull ladle, spillings steel, etc.	1,065	5.56	do	139.00	13.05
Philadelphia	do	do	974	5.16	do	129.00	13.24
Baltimore	do	do	934	4.96	do	124.00	13.27
Boston	do	do	1,216	5.56	do	139.00	11.41
New York	do	Official classification	1,065	.35	36,000 pounds.	126.00	11.83
Philadelphia	do	Fifth class	974	.33	do	118.80	12.30
Baltimore	do	do	934	.32	do	115.20	12.33
Boston	do	do	1,216	.35	do	126.00	10.36
		IMPORTS.					
New York	Minneapolis or St. Paul	Ore, iron	1,332	6.20	25 tons	155.00	11.17
Philadelphia	do	do	1,241	5.60	do	140.00	11.28
Baltimore	do	do	1,222	5.60	do	140.00	11.45
Boston	do	do	1,423	5.60	do	140.00	9.81
New York	do	Band, iron	1,332	7.50	16 tons	120.00	9.01
Philadelphia	do	do	1,241	6.90	do	110.40	8.89
Baltimore	do	do	1,222	6.90	do	110.40	9.03
Boston	do	do	1,423	6.90	do	110.40	7.73
New York	do	Bar, iron	1,332	7.50	do	120.00	9.01
Philadelphia	do	do	1,241	6.90	do	110.40	8.89
Baltimore	do	do	1,222	6.90	do	110.40	9.03
Boston	do	do	1,423	6.90	do	110.40	7.73
New York	do	Wire, n. o. s	1,332	7.50	do	120.00	9.01
Philadelphia	do	do	1,241	6.90	do	110.40	8.89
Baltimore	do	do	1,222	6.90	do	110.40	9.03
Boston	do	do	1,423	7.20	do	115.20	8.07
New York	do	Pig iron	1,332	6.75	25 tons	168.75	12.66
Philadelphia	do	do	1,241	6.15	do	153.75	12.39
Baltimore	do	do	1,222	6.15	do	153.75	12.58
Boston	do	do	1,423	6.15	do	153.75	10.77
		DOMESTIC.					
New York	Minneapolis or St. Paul	Billets, blooms, bars, muck or puddle, cropends, ingots	1,332	7.60	25 tons	190.00	14.27
Philadelphia	do	do	1,241	7.20	do	180.00	14.50
Baltimore	do	do	1,222	7.00	do	175.00	14.32
Boston	do	do	1,426	7.60	do	190.00	13.32
New York	do	Iron pig, skulls ladle, steel spillings or drippings	1,332	6.75	do	168.75	12.66
Philadelphia	do	do	1,241	6.35	do	158.75	12.79
Baltimore	do	do	1,222	6.15	do	153.75	12.58
Boston	do	do	1,426	6.75	do	168.75	11.83
New York	do	Official classification	1,332	.46	36,000 pounds.	165.60	12.43
Philadelphia	do	Fifth class	1,241	.44	do	158.40	12.76
Baltimore	do	do	1,222	.43	do	154.80	12.66
Boston	do	do	1,426	.46	do	165.60	11.61
		IMPORTS.					
New York	Omaha, Nebr	Ore iron	1,405	6.90	25 tons	172.50	12.27
Philadelphia	do	do	1,314	6.30	do	157.50	11.98
Baltimore	do	do	1,295	6.30	do	157.50	12.16
Boston	do	do	1,499	6.30	do	157.50	10.57
New York	do	Billets, blooms, and pig iron	1,405	7.25	do	181.25	12.90
Philadelphia	do	do	1,314	6.65	do	166.25	12.65
Baltimore	do	do	1,295	6.65	do	166.25	12.90
Boston	do	do	1,499	6.65	do	166.25	11.09
		DOMESTIC.					
New York	Omaha, Nebr	Billets, blooms, etc	1,405	8.80	25 tons	220.00	15.58
Philadelphia	do	do	1,314	8.40	do	210.00	15.22
Baltimore	do	do	1,295	8.20	do	205.00	15.82
Boston	do	do	1,499	8.85	do	221.25	14.76
New York	do	Angle, bar, boiler, bolts, nuts, rivets, sheets, etc	1,405	.57	36,000 pounds.	205.20	14.60
Philadelphia	do	do	1,314	.55	do	198.00	15.06
Baltimore	do	do	1,295	.54	do	194.40	15.01
Boston	do	do	1,499	.57	do	205.20	13.02
New York	do	Fifth class	1,405	.55	do	198.00	14.09
Philadelphia	do	do	1,314	.53	do	190.80	14.44
Baltimore	do	do	1,295	.52	do	187.20	14.45
Boston	do	do	1,499	.55	do	198.00	13.21
		IMPORTS.					
New York	Kansas City	Ore iron	1,342	6.58	25 tons	164.50	12.25
Philadelphia	do	do	1,251	5.98	do	149.50	11.95
Baltimore	do	do	1,211	5.98	do	149.50	12.34
Boston	do	do	1,448	5.98	do	149.50	10.32
New York	do	Billets, blooms, and pig iron	1,342	6.58	do	164.50	12.25
Philadelphia	do	do	1,251	5.98	do	149.50	11.95
Baltimore	do	do	1,211	5.98	do	149.50	12.34
Boston	do	do	1,448	5.98	do	149.50	10.32

Rates to and from various points on iron and steel articles—Continued.

From—	To—	Commodities.	Distance.	Rate, 2,240 pounds.	Weight.	Earnings per car.	Earnings per car, per mile.
		DOMESTIC.	*Miles.*				*Cents.*
New York	Kansas City	Billets, blooms, etc.	1,342	$8.30	25 tons	$207.50	15.46
Philadelphia	do	do	1,251	7.90	do	197.50	15.78
Baltimore	do	do	1,211	7.70	do	192.50	15.89
Boston	do	do	1,448	8.35	do	208.75	14.41
New York	do	Angle, bar, boiler, bolts, nuts, rivets, sheets, etc.	1,342	.57	36,000 pounds	205.20	15.23
Philadelphia	do	do	1,251	.55	do	198.00	15.98
Baltimore	do	do	1,211	.54	do	194.00	16.01
Boston	do	do	1,448	.57	do	205.20	14.17
New York	do	Fifth class	1,342	.55	do	198.00	14.75
Philadelphia	do	do	1,251	.53	do	190.80	15.25
Baltimore	do	do	1,211	.52	do	187.20	15.45
Boston	do	do	1,448	.55	do	198.00	13.67
		SALT LAKE, BASED UPON MISSISSIPPI RIVER COMBINATION.					
New York	St. Louis	Billets, blooms, ingots, muck bars, etc		$5.80	25 tons	$493.00	$18.40
Do	St. Louis to Salt Lake	do	2,679	.58	60,000 pounds		
Philadelphia	St. Louis	do		5.40	25 tons	483.00	18.66
Do	St. Louis to Salt Lake	do	2,588	.58	60,000 tons		
Baltimore	St. Louis	do		5.20	25 tons	478.00	18.44
Do	St. Louis to Salt Lake	do	2,592	.58	60,000 pounds		
Boston	St. Louis	do		5.85	25 tons	494.25	17.82
Do	St. Louis to Salt Lake	do	2,773	.58	60,000 pounds		
New York	St. Louis	Bar, rod, hoop, or band		.35	36,000 pounds	434.00	16.20
Do	St. Louis to Salt Lake	do	2,679	.77	40,000 pounds		
Philadelphia	St. Louis	do		.33	36,000 pounds	426.80	16.49
Do	St. Louis to Salt Lake	do	2,588	.77	40,000 pounds		
Baltimore	St. Louis	do		.32	36,000 pounds	423.20	16.32
Do	St. Louis to Salt Lake	do	2,592	.77	40,000 pounds		
Boston	St. Louis	do		.35	36,000 pounds	434.00	15.75
Do	St. Louis to Salt Lake	do	2,773	.77	40,000 pounds		
New York	Salt Lake	Fifth class	2,679	1.45	36,000 pounds	525.60	19.61
Philadelphia	do	do	2,588	1.44	do	518.40	20.03
Baltimore	do	do	2,592	1.43	do	514.80	19.85
Boston	do	do	2,773	1.40	do	525.60	18.95
		[Fifth-class rate of 63 cents per 100 pounds Mississippi River to Denver applies on above commodities.]					
		DENVER, BASED UPON MISSISSIPPI RIVER COMBINATION.					
New York	Denver Colo	Fifth class	1,937	$0.93	36,000 pounds	$352.80	$18.21
Philadelphia	do	do	1,846	.93	do	345.60	18.72
Baltimore	do	do	1,850	.93	do	342.00	18.48
Boston	do	do	2,031	.98	do	352.80	17.37
New York	Spokane, Wash	Angle, channel, bars, beams, columns, trusses, etc. Also bolts, nuts, washers, lag bolts, and screws.	2,797	1.28	30,000 pounds	384.00	13.72
Philadelphia	do	do	2,706	1.28	do	384.00	14.19
Baltimore	do	do	2,687	1.28	do	384.00	14.29
Boston	do	do	2,891	1.28	do	384.00	13.28
		[No class rates between above points.]					
New York	San Francisco	Angle, channel, bars, beams, columns, trusses, etc. Also bolts, nuts, washers, lag bolts, and screws.	3,240	.80	do	240.00	7.41
Philadelphia	do	do	3,140	.80	do	240.00	7.62
Baltimore	do	do	3,130	.80	do	240.00	7.66
Boston	do	do	3,334	.80	do	240.00	7.19
		[No fifth-class rates between above points.]					
New York	Portland, Oreg	Angle, channel, bars, beams, columns, trusses, bolts, nuts, washers, lag bolts, screws, etc.	3,204	.80	do	240.00	7.80
Philadelphia	do	do	3,113	.80	do	240.00	7.71
Baltimore	do	do	3,094	.80	do	240.00	7.75
Boston	do	do	3,238	.80	do	240.00	7.23
New York	Seattle	do	3,136	.80	do	240.00	7.65
Philadelphia	do	do	3,045	.80	do	240.00	7.88
Baltimore	do	do	3,026	.80	do	240.00	7.19
Boston	do	do	3,230	.80	do	240.00	7.43
		[No fifth-class rates between above points.]					

Portion of iron and steel articles that take fifth-class official classification.

Commodities.	Minimum weight.	Commodities.	Minimum weight.
Anchors:		Belting, chain	36,000 pounds.
Building, mast, or pole	36,000 pounds.	Billets, blooms, and ingots	25 gross tons.
N. o. s	Do.	Boiler	36,000 pounds.
Angle	Do.	Boiler parts:	
Anvil blocks for steam or trip hammers	Do.	Arch bars or arches	Do.
Arches, floor, corrugated, in sections, nested	Do.	Flues or tubes	Do.
Arms or brackets, mast or pole	Do.	Fronts	Do.
Axes:		Heads and plates	Do.
Tobacco, boxed	Do.	Bolts:	
N. o. s	Do.	Bridge or barge	Do.
Axles:		Lag	Do.
Car, new	Do.	N. o. s	Do.
Car, old	25 gross tons.	Nuts, n. o. s	Do.
Locomotive	36,000 pounds.	Plate:	
Bands:		N. o. s	Do.
Hay, in bundles	Do.	Architectural	Do.
Shingle	Do.	Floor	Do.
Bar	Do.	Rope, wire	Do.
Bars:		Shoes, horse, mule, or ox	Do.
Arch, n. o. s	Do.	Spikes, n. o. s	Do.
Grate	Do.	Springs, n. o. s	Do.
Muck or puddle	25 gross tons.	Staples, n. o. s	Do.
Sheet	Do.	Ties:	
Tin-plate	Do.	Binding	Do.
Beams:		Cotton	Do.
Brake	36,000 pounds.	Tires, car or locomotive	Do.
N. o. s	Do.	Wheels, car	Do.
Bearings:		Wire, n. o. s	Do.
Car bolster, ball, or roller	Do.		
Car bolster, n. o. s	Do.		
Shafting	Do.		

PRESIDENTIAL PRIMARIES IN THE DISTRICT OF COLUMBIA.

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the Senate bill 2234, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. WILLIAMS to the bill (S. 2234) to provide for a primary nominating election in the District of Columbia, etc., on page 4, line 15, after the word "Columbia," insert the following words:

"And who can read and write and shall have paid all taxes due by them to the city of Washington or District of Columbia on or before the first Monday of February of the year preceding the primary election, and who have not been convicted of any felony or misdemeanor involving moral turpitude."

WASHINGTON IMPROVEMENT & DEVELOPMENT CO.

Mr. CULLOM obtained the floor.

Mr. JONES. Mr. President——

Mr. CULLOM. Mr. President, I desire to have a brief executive session, but will yield to the Senator from Washington.

Mr. JONES. I ask unanimous consent for the present consideration of House joint resolution 142. It is local in character and is rather an urgent matter.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent for the present consideration of a joint resolution, the title of which will be stated.

The SECRETARY. A joint resolution (H. J. Res. 142) to declare and make certain the authority of the Attorney General to begin and maintain and of any court of competent jurisdiction to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert a substitute.

Mr. JONES. Mr. President, the matter recommended by the committee as a substitute was not entirely satisfactory to all parties interested, and the Senator from North Dakota [Mr. MCCUMBER], who reported the joint resolution, myself, and the parties interested have agreed upon another substitute, which I desire to offer as an amendment to the committee amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

That the Great Northern Railway Co., whose right of way in the San Poil River Valley, Colville Indian Reservation, State of Washington, as filed and located by the Washington Improvement & Development Co. and approved under the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898, and thereafter acquired by the Great Northern Railway Co.; and the Spokane & British Columbia Railway Co., whose right of way along said San Poil River Valley, said Colville Indian Reservation, as filed and located by the said company, and approved under the act entitled "An act granting to railways a right of way through the public lands of the United States," approved March 3, 1875, and under the act entitled "An act to provide for the acquiring of rights of way by a railway company through Indian reservations, Indian lands, and Indian allotments, and for other purposes," approved March 2, 1899, and which rights of way are overlapping in and in conflict for a considerable distance, shall proceed, within three months after the passage and approval of this resolution, to ascertain and determine the points of overlapping and conflict of their said respective locations, and shall proceed to readjust the same at all points of overlapping and conflict in such a way as to allow both companies an equal right of way through said valley with as little added expense or loss to either of them as possible, and in such manner that equal justice will be done to each, and each to bear whatever additional expense it may be put to by reason of any relocation or readjustment of its line in pursuance of this act, but the relocation or readjustment herein provided for shall be so made that the expense incurred thereby to either shall be as nearly equal as practicable; and when such relocation or readjustment has been completed the same shall be filed with and shall be approved by the Secretary of the Interior, whereupon either of said companies may proceed with the building of its respective road through the said valley and on the lines as readjusted, and the pending suit of the Government be dismissed. The rights of way so adjusted shall be in lieu of the rights of way heretofore granted and approved to the said companies respectively under the aforesaid acts of Congress: *Provided*, That if the said companies shall fail to agree and file such readjustment of said rights of way with the Secretary of the Interior within the time as herein provided, the said companies shall on or before 60 days from and after the expiration of the aforesaid time for filing the said readjustment present their matters of difference to the Secretary of the Interior, and thereupon it shall be the duty of the Secretary to give said companies a hearing, and the Secretary shall thereupon readjust the said rights of way at all points of overlapping and conflict in such a way as to allow both companies an equal right of way through said valley with as little added expense or loss to either of them as possible, and in such manner that equal justice will be done to each, and each to bear whatever additional expense it may be put to by reason of the readjustment of its line by the Secretary in pursuance of this act, such readjustment to be so made that the expense incurred by either company shall be as nearly equal as practicable. And when such readjustment has been completed by the Secretary of the Interior and the said companies notified thereof by the Secretary either of said companies may proceed with the building of its respective road through the said valley and on the line as readjusted by the Secretary and upon the completion of such readjustment by the Secretary the pending suit of the Government shall be dismissed. The rights of way so adjusted by the Secretary shall be in lieu of the rights of way heretofore granted and approved to the said companies respectively under the aforesaid acts of Congress.

Mr. HEYBURN. I desire to ask, Does that include the right of way of the Northern Pacific Railroad Co.?

Mr. JONES. No.

Mr. HEYBURN. Is it in any way connected with the grant——

Mr. JONES. No; it is entirely separate and distinct.

Mr. HEYBURN. Of the Northern Pacific Railroad Co. or the Northern Pacific Railway Co. Is neither interested in this adjustment?

Mr. JONES. Not at all.

Mr. HEYBURN. Where does this case differ from Railway Co. *v.* Alling, leaving it to be settled in the courts? Does it involve any different principle from that? That is the Rio Grande Canyon suit.

Mr. JONES. I do not think so.

Mr. HEYBURN. The reason I asked is that I desire that any measure of legislation that is passed by the Congress touching in any way the old Northern Pacific Railroad grant shall contain this proviso:

Provided, That nothing herein contained shall be taken as a recognition by Congress of the Northern Pacific Railway Co. as the successor of the Northern Pacific Railroad Co.

Mr. JONES. This does not affect that at all.

Mr. HEYBURN. I merely wanted to know the fact. I was not here when the reading of the bill was commenced.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Washington to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A joint resolution to authorize and direct the Great Northern Railway Co. and the Spokane & British Columbia Railway Co. in the matter of their conflicting claims or rights of way across the Colville Indian Reservation, in the State of Washington, in the San Poil River Valley, to readjust their respective locations of rights of way at points of conflict in such manner as to allow each company an equal right of way through said valley; and in case of their failure so to do to authorize and direct the Secretary of the Interior to readjust said rights of way."

The committee reported an amendment, to strike out the preamble, which was agreed to.

SUPPLEMENTAL CHOCTAW TREATY OF 1830.

Mr. WILLIAMS. Will the Senator from Illinois yield to me for a moment?

Mr. CULLOM. I will.

Mr. WILLIAMS. I ask unanimous consent to have put upon its passage now the bill (S. 5141) to correct an error in the record of the supplemental treaty of September 28, 1830, made with the Choctaw Indians, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 3, to strike out the word "said," so as to make the bill read:

Be it enacted, etc., That the reservation of section 8 and the west half of section 9, in township 19 north, range 16 east, Choctaw meridian, Mississippi, to Thomas Wall, and the sale thereof by him to Anthony Winston, made on December 11, 1833, be, and the same are hereby, approved, and the title thereto confirmed in the said Thomas Wall and his vendee, the said Anthony Winston; and the Commissioner of the General Land Office is hereby authorized and directed to cause the proper entries to be made upon the land records of the land office at Jackson, Miss., and of the General Land Office, showing that said land was reserved to the said Thomas Wall.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The committee recommended an amendment to strike out the preamble, which was agreed to.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened.

PRESIDENTIAL PRIMARIES IN THE DISTRICT OF COLUMBIA.

Mr. BRISTOW. I ask that the Senate resume the consideration of the bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The Secretary will resume the reading of the bill at the point at which he left off.

The Secretary resumed and concluded the reading of the bill.

Mr. WILLIAMS. Mr. President, the reading of the bill having been finished, I have an amendment pending. I think possibly it may be accepted. It is rather late, and, after our intense attention to the exhaustive reading of the bill in detail, of course I shall not go into any oratorical achievements this evening. But I want to say this in behalf of the amendment I have introduced: Like ancient Gaul, it is divided into three parts. The first part of it disfranchises the illiterates, the ignorant, and I know the Senator from Kansas does not want ignorant people to rule his primaries or mine.

Mr. GALLINGER. I will say to the Senator that there is a provision in the bill now doing that very thing.

Mr. WILLIAMS. Wait a minute. Then it will not hurt it to put it in here, where a description is given of the qualifications of the electors.

The second part of the amendment, Mr. President, and I ask the attention of the Senator from Kansas because it is to his conscience and judgment that I am now appealing—the second part of the amendment cuts out the tax-dodging class. It provides that those shall not vote who have not paid taxes due by them to the city of Washington on or before the first Monday of the February preceding the election. I know that the Senator from Kansas does not desire his party or mine to be ruled in its primaries by tax dodgers, a very reprehensible class.

Then, the third proposition disfranchises those who have been convicted of felony or of misdemeanor involving moral turpitude. Notwithstanding some recent rather reckless accusations by Republicans against one another, I do not believe that the Senator from Kansas wants his party primary, and I know I do not want ours, controlled by the criminal classes.

In other words, the amendment just cuts off ignorance, tax dodging, and criminality, and I hope it will be accepted by the Senator from Kansas and will become a part of the bill.

Mr. BRISTOW. I am satisfied we can not conclude the bill to-night and if the Senator from Mississippi will have his amendment printed and let it be the pending amendment, I will be glad to consider it.

Mr. WILLIAMS. That has been ordered done. We have finished the reading of the bill and the amendment has to be brought before the Senate in some way. This is all that is left to be done with the bill now. I believe everybody else has found it perfect except me. I am the only one who has offered an amendment.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 4 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 11, 1912, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 10, 1912.

COLLECTOR OF CUSTOMS.

Robert Smalls, of South Carolina, to be collector of customs for the district of Beaufort, in the State of South Carolina. (Reappointment.)

APPOINTMENTS IN THE ARMY.

CAVALRY ARM.

To be second lieutenant with rank from April 23, 1912.

Daniel Edward Murphy, of the District of Columbia.

To be second lieutenants with rank from April 24, 1912.

Kenna Granville Eastham, of Virginia.
James Powers Yancey, of Virginia.
George Elmer Arnemann, of Wisconsin.
Raymond Eugene McQuillin, of Minnesota.
De Forest Willard Morton, of Pennsylvania.
Francis Clinton Vincent Crowley, of Massachusetts, now serving as squadron sergeant major, Fifth Cavalry.
George Everett Adams Reinburg, of Illinois.
George Herbert Timmins, of Massachusetts.
Daniel Allman Connor, of the District of Columbia.
Clarence Donald Lang, of Minnesota.
Philip Coldwell, of Texas.

FIELD ARTILLERY ARM.

To be second lieutenants with rank from April 24, 1912.

Percy Deshon, of Massachusetts.
Julian Francis Barnes, of the District of Columbia.
Harold Cornelius Vanderveer, of New York.
Clift Andrus, of New York.

INFANTRY ARM.

To be second lieutenant with rank from April 23, 1912.

Matthew John Gunner, of Texas.

To be second lieutenants with rank from April 24, 1912.

James Ripley Jacobs, of Texas.
Robert Scott Lytle, of the District of Columbia.
Henry Terrell, jr., of Texas.
Thomas James Camp, of Connecticut.
Frank Cadle Mahin, of New York, now serving as corporal, Company F, Fourteenth Infantry.
Lawrence Sprague Churchill, of New York.
Dale Francis McDonald, of Nebraska.
Paul Kimball Johnson, of New York.
Edward Hiltner Bertram, of Minnesota.
Hayes Adlai Kroner, of Georgia.
Allen Stuart Boyd, jr., of New York.
Bruce Wedgwood, of Utah.
Harry Lewis Twaddle, of Ohio.
John Henry Harrison, of Texas.
Clarence Leonard Tinker, of Oklahoma.
William Robert White, of Virginia.
Donald Bridgman Sanger, of Massachusetts.
Martin Francis Scanlon, of Pennsylvania.
William Hanson Gill, of Virginia.
Lee Hayne Stewart, of Illinois.
Harry Gantz, of South Dakota.
Herbert Edward Pace, at large, now serving as second lieutenant in the Philippine Scouts.

PROMOTION IN THE ARMY.

INFANTRY ARM.

Capt. William P. Jackson, Third Infantry, to be major from April 23, 1912, vice Maj. Evan M. Johnson, jr., Sixth Infantry, detached from his proper command.

PROMOTIONS IN THE NAVY.

Lieut. Commander Robert K. Crank to be a commander in the Navy from the 25th day of January, 1912, to fill a vacancy.

Lieut. Commander Stanford E. Moses to be a commander in the Navy from the 27th day of April, 1912, to fill a vacancy.

Asst. Surg. Glenmore F. Clark to be a passed assistant surgeon in the Navy from the 14th day of April, 1912, upon the completion of three years' service as an assistant surgeon.

The following-named citizens to be assistant surgeons in the Navy from the 4th day of May, 1912, to fill vacancies:

Chester C. Wood, and
Cline H. Dragoo.

POSTMASTERS.

ALABAMA.

W. E. Bosworth to be postmaster at Lafayette, Ala., in place of James L. Davis, deceased.

Robert L. Wilson to be postmaster at Stevenson, Ala., in place of Robert L. Wilson. Incumbent's commission expires May 22, 1912.

CALIFORNIA.

E. E. Brown to be postmaster at Maricopa, Cal., in place of Charles W. Beatty, resigned.

Minnie E. Chalmers to be postmaster at Niles, Cal., in place of Minnie E. Chalmers. Incumbent's commission expired March 12, 1912.

Franklin L. Glass to be postmaster at Martinez, Cal., in place of Franklin L. Glass. Incumbent's commission expired May 1, 1912.

GEORGIA.

Fred Feltham to be postmaster at Boston, Ga., in place of Fred Feltham. Incumbent's commission expired February 27, 1912.

George L. Liverman to be postmaster at Bainbridge, Ga., in place of George L. Liverman. Incumbent's commission expired February 27, 1912.

Gordon G. Ridgway to be postmaster at Royston, Ga., in place of Gordon G. Ridgway. Incumbent's commission expired February 27, 1912.

Henry G. Roberds to be postmaster at Villa Rica, Ga., in place of Leonora R. Allen, deceased.

IDAHO.

H. H. Hamilton to be postmaster at New Plymouth, Idaho, in place of Frank S. Stevens, resigned.

ILLINOIS.

Archibald W. Fletcher to be postmaster at Highland Park, Ill., in place of Archibald W. Fletcher. Incumbent's commission expires May 11, 1912.

William Hawley to be postmaster at Dundee, Ill., in place of William Hawley. Incumbent's commission expired January 9, 1912.

Daniel McArthur to be postmaster at Glencoe, Ill., in place of Daniel McArthur. Incumbent's commission expired March 20, 1912.

Paul Spitzer to be postmaster at Techny, Ill., in place of Paul Spitzer. Incumbent's commission expired March 31, 1912.

Don A. Spurr to be postmaster at Wilmington, Ill., in place of Jerome B. Stewart, resigned.

INDIANA.

Charles T. Benton to be postmaster at Brownstown, Ind., in place of Charles T. Benton. Incumbent's commission expired April 22, 1912.

Addison M. Catterson to be postmaster at Shoals, Ind., in place of Samuel P. Yenne. Incumbent's commission expired April 24, 1912.

William R. Elrod, to be postmaster at Orleans, Ind., in place of William R. Elrod. Incumbent's commission expired May 6, 1912.

IOWA.

Thomas J. Ochiltree to be postmaster at Morning Sun, Iowa, in place of Thomas J. Ochiltree. Incumbent's commission expired January 31, 1912.

William G. Ross to be postmaster at Fairfield, Iowa, in place of William G. Ross. Incumbent's commission expired March 31, 1912.

KENTUCKY.

Marvin W. Barnes to be postmaster at Elizabethtown, Ky., in place of Colmore L. Barnes. Incumbent's commission expires May 15, 1912.

Terry T. Hanberry to be postmaster at Eddyville, Ky., in place of Terry T. Hanberry. Incumbent's commission expires May 15, 1912.

Joseph Insko to be postmaster at Augusta, Ky., in place of Joseph Insko. Incumbent's commission expires May 14, 1912.

D. U. Poole to be postmaster at Greenville, Ky., in place of John S. Miller. Incumbent's commission expires May 15, 1912.

Llewellyn F. Sinclair to be postmaster at Georgetown, Ky., in place of Llewellyn F. Sinclair. Incumbent's commission expired April 22, 1912.

John B. Weller to be postmaster at Bardstown, Ky., in place of John B. Weller. Incumbent's commission expires May 15, 1912.

Wallace R. Wood to be postmaster at Elkton, Ky., in place of Wallace R. Wood. Incumbent's commission expires May 15, 1912.

MAINE.

Vesta P. Carle to be postmaster at Woodland, Me. Office became presidential April 1, 1912.

MASSACHUSETTS.

Charles E. Wallace to be postmaster at Fitchburg, Mass., in place of Charles E. Wallace. Incumbent's commission expired January 20, 1912.

MICHIGAN.

David L. Powers to be postmaster at Jonesville, Mich., in place of Edgar B. Gregory. Incumbent's commission expired January 20, 1912.

MISSISSIPPI.

Wade H. Phyfer to be postmaster at New Albany, Miss., in place of Wade H. Phyfer. Incumbent's commission expired April 28, 1912.

James M. Tyler to be postmaster at Bogue Chitto, Miss., in place of James M. Tyler. Incumbent's commission expired April 28, 1912.

MISSOURI.

Wilbur J. Clark to be postmaster at Hamilton, Mo., in place of Wilbur J. Clark. Incumbent's commission expires May 26, 1912.

Louis Haeffner to be postmaster at Valley Park, Mo., in place of Louis Haeffner. Incumbent's commission expired April 22, 1912.

Thomas B. Milton to be postmaster at Carl Junction, Mo., in place of Thomas B. Milton. Incumbent's commission expires May 15, 1912.

MONTANA.

Lawrence Hauck to be postmaster at Philipsburg, Mont., in place of Lawrence Hauck. Incumbent's commission expired March 31, 1912.

NEBRASKA.

Gust Abrahamson to be postmaster at Holdrege, Nebr., in place of William P. Hall. Incumbent's commission expired June 28, 1910.

Loree V. Styles to be postmaster at St. Edward, Nebr., in place of Loree V. Styles. Incumbent's commission expired May 6, 1912.

NEW HAMPSHIRE.

Leander Patterson to be postmaster at Antrim, N. H., in place of William B. Gove, deceased.

NEW YORK.

George S. Fordyce to be postmaster at Union Springs, N. Y., in place of George S. Fordyce. Incumbent's commission expired April 28, 1912.

James H. Hopkins to be postmaster at Au Sable Forks, N. Y., in place of James H. Hopkins. Incumbent's commission expired April 29, 1912.

Hattie A. Pettit to be postmaster at Fairground, N. Y. Office became presidential January 1, 1912.

Elkanah S. Robinson to be postmaster at Center Moriches, N. Y., in place of Edwin A. Clark, deceased.

William D. Smith to be postmaster at Northville, N. Y., in place of William D. Smith. Incumbent's commission expires May 23, 1912.

OHIO.

William C. Hughes to be postmaster at New Straitsville, Ohio, in place of William C. Hughes. Incumbent's commission expires May 16, 1912.

Lewis Nikolaus to be postmaster at New Matamoras, Ohio, in place of Lewis Nikolaus. Incumbent's commission expires May 16, 1912.

OKLAHOMA.

John W. Randall to be postmaster at Blackwell, Okla., in place of John W. Randall. Incumbent's commission expired February 28, 1912.

George Stowell to be postmaster at McLoud, Okla., in place of George Stowell. Incumbent's commission expires May 14, 1912.

OREGON.

William E. Tate to be postmaster at Wasco, Oreg., in place of William E. Tate. Incumbent's commission expired February 12, 1912.

PENNSYLVANIA.

William H. Fulton to be postmaster at Stewartstown, Pa., in place of William H. Fulton. Incumbent's commission expired April 28, 1912.

Ida M. Kaye to be postmaster at Monaca, Pa., in place of Ida M. Kaye. Incumbent's commission expired April 29, 1912.

Wesley B. McAlpine to be postmaster at South Brownsville, Pa., in place of Wesley B. McAlpine. Incumbent's commission expired April 9, 1912.

Dewitt C. Parkinson to be postmaster at Monongahela, Pa., in place of Dewitt C. Parkinson. Incumbent's commission expires May 14, 1912.

John Roland to be postmaster at New Holland, Pa., in place of John Roland. Incumbent's commission expired April 24, 1912.

Thomas Stephens to be postmaster at Coopersburg, Pa. Office became presidential April 1, 1912.

Charles A. Suesserott to be postmaster at Chambersburg, Pa., in place of Charles A. Suesserott. Incumbent's commission expired April 28, 1912.

Bert L. Venen to be postmaster at Springboro, Pa., in place of Bert L. Venen. Incumbent's commission expired April 28, 1912.

SOUTH CAROLINA.

Lawrence O. Harper to be postmaster at Honea Path, S. C., in place of Lawrence O. Harper. Incumbent's commission expires May 28, 1912.

SOUTH DAKOTA.

L. A. Wilson to be postmaster at Isabel, S. Dak. Office became presidential January 1, 1912.

TENNESSEE.

W. A. Hill to be postmaster at McKenzie, Tenn., in place of William Spellings, deceased.

WEST VIRGINIA.

Chesley S. Harper to be postmaster at Webster Springs, W. Va. Office became presidential October 1, 1907.

John E. Houston to be postmaster at Davis, W. Va., in place of John E. Houston. Incumbent's commission expired April 2, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 10, 1912.

COLLECTOR OF CUSTOMS.

David M. Little, of Massachusetts, to be collector of customs for the district of Salem and Beverly, in the State of Massachusetts. (Reappointment.)

PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Dr. Howard Andrew Knox to be asssistant surgeon.
Dr. Charles Laval Williams to be assistant surgeon.
Asst. Surg. Harry Jackson Warner to be passed assistant surgeon.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

First Lieut. Fulton Q. C. Gardner to be captain.
Second Lieut. Edward P. Noyes, jr., to be first lieutenant.
Second Lieut. Charles E. Ide to be first lieutenant.
Second Lieut. William D. Frazer to be first lieutenant.

CAVALRY ARM.

First Lieut. Leonard L. Deitrick to be captain.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Harrie Sheridan Baketel.
William Morgan Case Bryan.
Harry Silsby Finney.
Joseph Ralston Hollowbush.
Raymond Barnett McLaws.
Jerome Morley Lynch.
Charles Evart Paddock.
William Robertson Watson.

MEDICAL CORPS.

To be first lieutenant.

Thomas James Leary.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade):
Emil A. Lichtenstein,
Charles W. Crosse,
Bruce R. Ware, jr., and
Harry J. Abbett.
The following-named midshipmen to be ensigns:
Roy C. Smith, jr.,
Francis S. Craven,
Edward B. Lapham,
Carlos A. Bailey, and
Robert P. Mohle.
Boatswain John C. Lindberg to be a chief boatswain.
Ensign Ralph D. Weyerbacher to be an assistant naval constructor.

POSTMASTERS.

ALABAMA.

Jethro D. Dennis, Marion.

ARKANSAS.

Samuel P. Beck, Cabot.
James H. Cook, Ola.
Charles B. Eaton, Cotter.
Addison M. Hall, Marmaduke.
William H. Trimble, Nettleton.
George W. Wells, Imboden.

ILLINOIS.

Alfred Schuler, Mound City.

INDIANA.

Melville B. Carter, Newport.
Hugh S. Espey, Rising Sun.
Charles C. Fesler, Clay City.
William O. Goecker, Crothersville.
George H. Griffith, Fremont.
Charles F. Keck, North Liberty.
Francis H. Manring, Greentown.
Horace H. Mosier, Bristol.
Will K. Penrod, Loogootee.
Frank M. Pickerl, Argos.
Preston B. Settlemyre, Roanoke.
Charles Smith, Westfield.

KANSAS.

David D. Wickins, Sabetha.

LOUISIANA.

Robert B. Johnson, Lake Arthur.
Leo Vandegaer, Many.

MINNESOTA.

A. L. Hamilton, Aitkin.
Burton J. Robertson, Lyle.

MISSISSIPPI.

Effie R. Du Berry, Baldwyn.

MISSOURI.

W. C. Plains, Fayette.

MONTANA.

William R. Crockett, Red Lodge.

OHIO.

Thomas G. Moore, Barnesville.

PENNSYLVANIA.

Arthur A. Benkert, Morton.
Harvey E. Brinley, Birdsboro.
John J. Mather, Benton.

WISCONSIN.

James H. Elmore, Green Bay.
Charles Marriner, Cadott.
Benjamin T. Prideaux, Mineral Point.
George Watson, Fond du Lac.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 10, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, without whom nothing is pure, nothing is strong, nothing enduring, be with us that we may think right and do right as it is thus given us to see the right, in all that pertains to the duties of this day that we may honor ourselves, our country, and our God; in Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE ADJUTANT GENERAL OF THE ARMY.

Mr. PRINCE. Mr. Speaker, I ask unanimous consent to file the views of the minority of the Committee on Military Affairs to accompany House Document No. 619, relative to the relief of The Adjutant General of the Army from the duties of his office. (H. Rept. 508, pt. 2.)

The SPEAKER. The gentleman from Illinois asks unanimous consent to file the views of the minority on the document named. Is there objection?

There was no objection.

DAM ACROSS CLINCH RIVER, TENN.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent that the Committee on Rivers and Harbors be discharged from the further consideration of the bill (H. R. 23571) authorizing and permitting Clinch River Power Co., its successors and assigns, to build and maintain a dam and a water-power development in and across Clinch River, in Anderson County, State of Tennessee, and that the same be referred to the Committee on Interstate and Foreign Commerce.

The SPEAKER. If there be no objection, the change of reference will be made.

The was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The SPEAKER. The unfinished business is the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, and the previous question has been ordered on the bill and the amendments to the final passage. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

Mr. JOHNSON of South Carolina. Mr. Speaker, I demand a separate vote—

On the amendment, on page 20, line 2, increasing the pay of Members' clerks from $1,500 to $2,000 per annum.

On the amendment, on page 62, lines 13 to 21, inclusive, abolishing certain mints and assay offices, and inserting appropriations for such mints and assay offices.

On the amendment, on page 139, striking out the last two provisos to section 5.

Mr. GILLETT. Mr. Speaker, I demand a separate vote on the amendment, on page 31, lines 17 and 18, striking out the appropriation for the Chief of the Bureau of Manufactures and Trade Relations, and on the amendment, on page 32, striking out the paragraph headed "Advancement of commercial and other interests as provided in the act approved August 5, 1909, and March 4, 1911." As I have no desire to occupy the time of the House unnecessarily, and as these two amendments are practically united, I ask unanimous consent that they be considered together.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. RODDENBERY. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. I could not hear whether a separate vote was demanded on the amendment providing for an increase of compensation of clerks to Members.

The SPEAKER. Yes; a separate vote was asked upon that. Is a separate vote demanded on any other amendment?

Mr. AUSTIN. Mr. Speaker, I ask for a separate vote on the amendment striking out the item on page 16, line 19, "department messenger, $2,000."

The SPEAKER. The vote will first be taken on the other amendments on which a separate vote is not demanded.

The question being taken, the other amendments were agreed to.

The SPEAKER. The Clerk will first report the amendment on which the gentleman from Tennessee [Mr. AUSTIN] demanded a separate vote.

The Clerk read as follows:

On page 16, lines 19 and 20, strike out the words:
"Department messenger, to be appointed by the chairman of the conference minority, $2,000."

Mr. FITZGERALD. Mr. Speaker, I wish to call attention to the fact—I did it several times before in the committee—that the words "to be appointed by the chairman of the conference minority" were taken out on a point of order, and are not in the amendment at all. The amendment should be correctly stated at the desk. It is to strike out the words "department messenger, $2,000."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 16, line 19, strike out the words "department messenger, $2,000."

The question being taken, on a division (demanded by Mr. LEVER) there were—ayes 64, noes 97.

Accordingly the amendment was rejected.

The SPEAKER. The Clerk will report the next amendment on which a separate vote is demanded.

The Clerk read as follows:

Page 20, line 2, strike out "fifteen hundred" and insert "two thousand."

The question being taken, on a division (demanded by Mr. AUSTIN) there were—ayes 110, noes 19.

Accordingly the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment on which a separate vote is demanded.

The Clerk read as follows:

Page 31, lines 17 and 18, strike out the words "Chief of Bureau of Manufactures and Trade Relations, $2,500."

Mr. GILLETT. Mr. Speaker, I ask unanimous consent that this and the next amendment be voted on together.

Mr. SHERLEY. As I understand, these are the two amendments relating to the new department.

Mr. BURLESON. We have no objection.

The SPEAKER. The Clerk will report the next amendment on which a separate vote is demanded.

The Clerk read as follows:

Page 32, strike out all of lines 11 to 25, inclusive, and on page 33, lines 1 to 23, inclusive.

Mr. MANN. Mr. Speaker, in the committee there was a separate vote asked for and given on the proposition to strike out on page 32 from line 11 down to the bottom of the page and to line 4 on page 33. I think the gentleman from Massachusetts desires to have that connected with the former amendment and does not desire to have the balance included.

I ask for a division of the amendment, so that we may vote on the amendment, on page 31, in reference to the Chief of the Bureau of Manufactures and Trade Relations, and striking out the matter on page 32, line 11, to the bottom of the page, and to line 4, on page 33. No one opposes the balance of that amendment.

Mr. FITZGERALD. Mr. Speaker, let us first adopt the balance of the amendment, on page 33, commencing at line 5 and ending on line 23. There is no opposition to that.

The SPEAKER. The Clerk will report the balance of the amendment referred to by the gentleman from New York.

The Clerk read as follows:

Page 33, strike out all from line 5 to line 23, inclusive.

Mr. MANN. There is no objection to that.

The amendment was considered and agreed to.

Mr. FITZGERALD. The vote should now be taken on the two amendments referred to by the gentleman from Massachusetts, on page 31, and the balance of the amendment that has not been adopted, on pages 32 and 33.

The SPEAKER. The vote will be taken on the amendment offered by the gentleman from Massachusetts, on page 31, and also on pages 32 and 33, barring the part which has just been agreed to.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. GILLETT demanded the yeas and nays.

The yeas and nays were ordered.

Mr. COOPER rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. COOPER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. There are Members in this vicinity who do not understand what is the amendment to be voted upon.

Mr. MANN. Mr. Speaker, I ask to have the language which is proposed to be stricken out read by the Clerk.

The Clerk read as follows:

Amend, page 31, line 17, by striking out the words "Chief of Bureau of Manufactures and Trade Relations, $2,500."

And strike out, on pages 32 and 33, the following language:

Advancement of commercial and other interests as provided in the act approved August 5, 1909, and March 4, 1911: Director of the Consular Service, $4,500; counselor for the Department of State, and resident diplomatic officer, each at $7,500, and to be appointed by the Secretary of State in accordance with the provisions of the act approved August 5, 1909; 8 officers to aid in important drafting work, 4 at $4,500 each and 4 at $3,000 each, to be appointed by the Secretary of State in accordance with the act approved August 5, 1909, and to be employed upon tariff, treaty, and trade relations and negotiations, any one of whom may be employed as chief of division of far eastern, Latin, American, near eastern, or European affairs, or upon other work in connection with foreign relations; assistant solicitor, $3,000; law clerk, $2,500; clerks—1 of class 4, 3 of class 3, 2 of class 1, 3 at $1,000 each; 3 assistant messengers; in all, $69,160."

The question was taken; and there were—yeas, 172, nays 121, answered "present" 7, not voting 92, as follows:

YEAS—172.

Adair	Driscoll, D. A.	Hull	Robinson
Adamson	Dupré	Humphreys, Miss.	Roddenbery
Aiken, S. C.	Edwards	Jacoway	Rothermel
Akin, N. Y.	Ellerbe	James	Rouse
Alexander	Estopinal	Johnson, Ky.	Rubey
Anderson, Ohio	Evans	Johnson, S. C.	Rucker, Colo.
Ansberry	Faison	Jones	Rucker, Mo.
Ashbrook	Fergusson	Kinkead, N. J.	Russell
Ayres	Ferris	Kitchin	Sabath
Barnhart	Finley	Korbly	Saunders
Bartlett	Fitzgerald	Lamb	Sherley
Bell, Ga.	Floyd, Ark.	Lee, Ga.	Sherwood
Blackmon	Foster	Lee, Pa.	Sims
Boehne	Fowler	Lever	Sisson
Booher	Francis	Levy	Slayden
Borland	Gallagher	Linthicum	Smith, Tex.
Brantley	Garner	Lloyd	Sparkman
Broussard	Garrett	Lobeck	Stedman
Brown	George	McCoy	Stephens, Miss.
Buchanan	Glass	McDermott	Stephens, Nebr.
Bulkley	Godwin, N. C.	McGillicuddy	Stephens, Tex.
Burleson	Goldfogle	McKellar	Stone
Burnett	Goodwin, Ark.	Macon	Sulzer
Byrnes, S. C.	Gould	Maguire, Nebr.	Sweet
Byrns, Tenn.	Graham	Maher	Taggart
Candler	Gray	Martin, Colo.	Talbott, Md.
Carlin	Gregg, Pa.	Moon, Tenn.	Talcott, N. Y.
Carter	Gregg, Tex.	Moore, Tex.	Taylor, Ala.
Clayton	Hamilton, W. Va.	Morrison	Taylor, Colo.
Collier	Hamlin	Moss, Ind.	Thayer
Connell	Hammond	Neeley	Thomas
Conry	Hardwick	Oldfield	Townsend
Covington	Hardy	O'Shaunessy	Tribble
Cullop	Harrison, Miss.	Padgett	Turnbull
Daugherty	Hay	Page	Underhill
Davis, W. Va.	Hayden	Pepper	Underwood
Dent	Heflin	Post	Watkins
Denver	Helm	Rainey	Webb
Dickinson	Henry, Tex.	Raker	Whitacre
Dickson, Miss.	Hensley	Ransdell, La.	Wickliffe
Dixon, Ind.	Howard	Rauch	Wilson, N. Y.
Doremus	Hughes, Ga.	Redfield	Witherspoon
Doughton	Hughes, N. J.	Reilly	Young, Tex.

NAYS—121.

Ainey	Currier	Fuller	Helgesen
Anderson, Minn.	Curry	Gardner, N. J.	Henry, Conn.
Anthony	Dalzell	Gillett	Higgins
Austin	Danforth	Good	Hill
Bartholdt	Davidson	Green, Iowa	Howell
Bowman	Davis, Minn.	Greene, Mass.	Humphrey, Wash.
Browning	De Forest	Griest	Jackson
Burke, Wis.	Dodds	Guernsey	Kahn
Butler	Donohoe	Hamilton, Mich.	Kendall
Calder	Driscoll, M. E.	Hanna	Kennedy
Campbell	Esch	Harris	Kent
Cary	Farr	Hartman	Kinkaid, Nebr.
Catlin	Focht	Haugen	Knowland
Cooper	Foss	Hayes	Kopp
Crumpacker	French	Heald	Lafean

Lafferty	Martin, S. Dak.	Powers	Thistlewood
La Follette	Miller	Pray	Tilson
Langham	Mondell	Prince	Towner
Lawrence	Moore, Pa.	Prouty	Utter
Lenroot	Morgan	Rees	Vare
Lindbergh	Morse, Wis.	Roberts, Mass.	Volstead
Loud	Mott	Rodenberg	Warburton
McCall	Murdock	Simmons	Wedemeyer
McCreary	Murray	Slemp	Wilder
McGuire, Okla.	Needham	Sloan	Willis
McKenzie	Nelson	Smith, J. M. C.	Wood, N. J.
McKinney	Norris	Speer	Young, Kans.
McLaughlin	Nye	Steenerson	Young, Mich.
Madden	Parran	Stephens, Cal.	
Maiby	Payne	Sterling	
Mann	Pickett	Stevens, Minn.	

ANSWERED "PRESENT"—7.

Allen	Beall, Tex.	Pou	Weeks
Bates	Fornes	Riordan	

NOT VOTING—92.

Ames	Difenderfer	Konop	Reyburn
Andrus	Draper	Langley	Richardson
Barchfeld	Dwight	Legare	Roberts, Nev.
Bathrick	Dyer	Lewis	Scully
Berger	Fairchild	Lindsay	Sells
Bradley	Fields	Littlepage	Shackleford
Burgess	Flood, Va.	Littleton	Sharp
Burke, Pa.	Fordney	Longworth	Sheppard
Burke, S. Dak.	Gardner, Mass.	McHenry	Small
Callaway	Goeke	McKinley	Smith, Saml. W.
Cannon	Gudger	McMorran	Smith, Cal.
Cantrill	Hamill	Matthews	Smith, N. Y.
Clark, Fla.	Harrison, N. Y.	Mays	Stack
Claypool	Hawley	Moon, Pa.	Stanley
Cline	Hinds	Olmsted	Sulloway
Copley	Hobson	Palmer	Switzer
Cox, Ind.	Holland	Patten, N. Y.	Taylor, Ohio
Cox, Ohio	Houston	Patton, Pa.	Tuttle
Crago	Howland	Peters	Vreeland
Cravens	Hubbard	Plumley	White
Curley	Hughes, W. Va.	Porter	Wilson, Ill.
Davenport	Kindred	Pujo	Wilson, Pa.
Dies	Konig	Randell, Tex.	Woods, Iowa

So the amendment was adopted.

The Clerk announced the following pairs:

Commencing May 9 and ending Monday, May 13:

Mr. SHARP with Mr. CANNON.

Commencing May 4 and ending May 13:

Mr. DIFENDERFER with Mr. PLUMLEY.

Commencing May 7 and ending in 10 days:

Mr. KONOP with Mr. SULLOWAY.

Commencing May 3 and ending in two weeks:

Mr. SHACKLEFORD with Mr. DRAPER.

Commencing April 17 and ending May 21:

Mr. BURGESS with Mr. WEEKS.

Until further notice:

Mr. FIELDS with Mr. LANGLEY.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. LEGARE with Mr. WOODS of Iowa.

Mr. CALLAWAY with Mr. BURKE of Pennsylvania.

Mr. BEALL of Texas with Mr. HAWLEY.

Mr. KINDRED with Mr. PORTER.

Mr. RANDELL of Texas with Mr. SELLS.

Mr. COX of Ohio with Mr. TAYLOR of Ohio.

Mr. BATHRICK with Mr. SAMUEL W. SMITH.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. COX of Indiana with Mr. REYBURN.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Mr. SHEPPARD with Mr. BATES.

Mr. PUJO with Mr. MCMORRAN.

Mr. HARRISON of New York with Mr. HINDS.

Mr. LITTLETON with Mr. DWIGHT.

Mr. ALLEN with Mr. LONGWORTH.

Mr. POU with Mr. SMITH of California.

Mr. CLARK of Florida with Mr. AMES.

Mr. CANTRILL with Mr. BARCHFELD.

Mr. CLAYPOOL with Mr. COPLEY.

Mr. DIES with Mr. CRAGO.

Mr. HOLLAND with Mr. DYER.

Mr. PALMER with Mr. FORDNEY.

Mr. PATTEN of New York with Mr. HOWLAND.

Mr. PETERS with Mr. HUBBARD.

Mr. RICHARDSON with Mr. HUGHES of West Virginia.

Mr. SMALL with Mr. MCKINLEY.

Mr. SMITH of New York with Mr. MATTHEWS.

Mr. STANLEY with Mr. OLMSTED.

Mr. TUTTLE with Mr. PATTON of Pennsylvania.

Mr. WILSON of New York with Mr. ROBERTS of Nevada.

Mr. GUDGER with Mr. SWITZER.

Mr. KONIG with Mr. VREELAND.

Mr. CURLEY with Mr. WILSON of Illinois.

For the session:

Mr. GLASS with Mr. SLEMP.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. RIORDAN with Mr. ANDRUS.

Mr. FORNES with Mr. BRADLEY.

Mr. BATES. Mr. Speaker, I voted "no" on the roll call. I am still paired with the gentleman from Texas, Mr. SHEPPARD, and I desire, therefore, to change my vote and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. BATES was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

Page 62, strike out lines 13 to 21, inclusive, as follows:

"All laws or parts of laws authorizing the establishment of coinage mints at San Francisco, Cal.; New Orleans, La.; and Carson, Nev.; and assay offices at Boise, Idaho; Charlotte, N. C.; Deadwood, S. Dak.; Helena, Mont.; Seattle, Wash.; and Salt Lake City, Utah, are repealed, to take effect July 1, 1912; but nothing herein shall be construed as abolishing or prohibiting the maintenance of an assay office at San Francisco, Cal."

And insert:

Mint at Carson, Nev.: Assayer in charge, who shall also perform the duties of melter, $2,250; assistant assayer, $1,500; chief clerk, $1,600; clerk, $1,000; in all, $6,350.

For wages of workmen and other employees, $6,200.

For incidental and contingent expenses, $3,000.

Mint at New Orleans, La.: Assayer, who shall have general charge of the institution as under section 3560, Revised Statutes, and who shall be a practical assayer, $2,500; assistant assayer, $1,500; chief clerk, who shall perform the duties of cashier, $1,500; 3 clerks, $1,200 each; assayer's assistant, $1,200; in all, $10,300.

For wages of workmen and other employees, $7,500.

For incidental and contingent expenses, $3,500.

Mint at San Francisco, Cal.: Superintendent, $4,500; assayer, melter and refiner, and coiner, at $3,000 each; chief clerk and cashier, at $2,500 each; bookkeeper, $2,000; assistant assayer, $2,200; assistant melter and refiner, and assistant coiner, at $2,000 each; assistant cashier, $1,800; assistant bookkeeper, $1,800; assayer's assistant, $2,000; deposit weigh clerk, $2,000; 1 clerk, $2,000; 1 clerk, $1,800; 6 clerks, at $1,600 each; private secretary, $1,400; 2 clerks, at $1,400 each; 2 clerks, at $1,200 each; in all, $54,300.

For wages of workmen and other employees, $155,000.

For incidental and contingent expenses, including new machinery and repairs, exclusive of that required for the refinery, melter and refiners' wastage, and loss on sale of sweeps arising from the manufacture of ingots for coinage, and for wastage and loss on sale of coiners' sweeps, $40,000.

Assay office at Boise, Idaho: Assayer in charge, who shall also perform the duties of melter, $2,250; assistant assayer, $1,600; chief clerk, who shall also perform the duties of cashier, $1,500; assayer's assistant, $1,500; 1 clerk, $1,200; in all, $8,050.

For wages of workmen and other employees, $3,540.

For incidental and contingent expenses, $2,500.

Assay office at Charlotte, N. C.: Assayer and melter, $1,400.

For wages of workmen and other clerks and employees, $750.

For incidental and contingent expenses, $400.

Assay office at Deadwood, S. Dak.: Assayer in charge, who shall also perform the duties of melter, $2,000; clerk, $1,200; assistant assayer, $1,600; assayer's assistant, $1,400; in all, $6,200.

For wages of workmen and other employees, $2,300.

For incidental and contingent expenses, new machinery, etc., $1,500.

Assay office at Helena, Mont.: Assayer in charge, $2,500; chief clerk, who shall also perform the duties of cashier, $1,800; clerk, $1,600; clerk, $1,400; assistant assayer, $1,700; assayer's assistant, $1,400; in all, $10,400.

For wages of workmen and other employees, $6,500.

For incidental and contingent expenses, $3,250.

Assay office at Seattle, Wash.: Assayer in charge, who shall also perform the duties of melter, $2,750; assistant assayer, $2,000; chief clerk, who shall also perform the duties of cashier, $2,000; 1 clerk, $1,700; 2 clerks, at $1,600 each; clerk, $1,400; in all, $13,050.

For wages for workmen and other employees, $22,000.

For incidental and contingent expenses, including rent of building, $6,500.

Assay office at Salt Lake City, Utah: Assayer in charge, who shall also perform the duties of melter, $2,500; assistant assayer, $1,600; chief clerk, who shall also perform the duties of cashier, $1,600: *Provided*, That the chief clerk shall perform the duties of assayer in charge in his absence; clerk, $1,400; in all, $7,100.

For wages of workmen and other employees, $4,500.

For incidental and contingent expenses, $3,500.

Mr. FITZGERALD. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. KAHN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. KAHN. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KAHN. To vote "aye" means a vote for the amendment of the gentleman from Washington [Mr. HUMPHREY]?

The SPEAKER. Yes.

Mr. BURLESON. A vote of "no" sustains the committee.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 177, nays 115, answered "present" 9, not voting 91, as follow:

YEAS—177.

Adair	Barnhart	Brown	Carter
Aiken, S. C.	Bartlett	Browning	Cary
Ainey	Bell, Ga.	Butler	Collier
Anderson, Minn.	Blackmon	Byrnes, S. C.	Cooper
Anthony	Booher	Calder	Cullop
Austin	Bowman	Campbell	Currier
Ayres	Brantley	Candler	Curry
Barchfeld	Broussard	Carlin	Dalzell

Danforth	Hayden	McDermott	Simmons
Davidson	Hayes	McGuire, Okla.	Slemp
Davis, Minn.	Heald	McKenzie	Sloan
De Forest	Heflin	McKinley	Smith, J. M. C.
Dent	Helgesen	McKinney	Speer
Denver	Henry, Tex.	McLaughlin	Stedman
Dodds	Higgins	Madden	Steenerson
Donohoe	Holland	Malby	Stephens, Cal.
Doughton	Howard	Martin, S. Dak.	Stephens, Miss.
Dupré	Howell	Miller	Stephens, Nebr.
Ellerbe	Humphrey, Wash.	Mondell	Sterling
Esch	Humphreys, Miss.	Moore, Pa.	Stevens, Minn.
Estopinal	Jackson	Morgan	Stone
Faison	James	Morrison	Sulzer
Farr	Johnson, Ky.	Morse, Wis.	Taggart
Ferris	Kahn	Mott	Thayer
Finley	Kendall	Murdock	Thistlewood
Focht	Kennedy	Murray	Thomas
Fowler	Kent	Needham	Towner
Francis	Kinkaid, Nebr.	Neeley	Utter
French	Knowland	Nelson	Vare
Fuller	Kopp	Nye	Volstead
Gallagher	Lafean	Payne	Warburton
Gardner, N. J.	Lafferty	Pepper	Watkins
Godwin, N. C.	La Follette	Pickett	Webb
Good	Lamb	Pou	Wedemeyer
Green, Iowa	Langham	Powers	Wickliffe
Greene, Mass.	Langley	Pray	Wilder
Gregg, Pa.	Lawrence	Prince	Willis
Guernsey	Lee, Ga.	Prouty	Wilson, Ill.
Hamilton, Mich.	Lee, Pa.	Raker	Witherspoon
Hanna	Lenroot	Ransdell, La.	Wood, N. J.
Hardwick	Lever	Rees	Young, Kans.
Harris	Levy	Roberts, Mass.	Young, Mich.
Harrison, Miss.	Lindbergh	Rodenberg	
Hartman	Lobeck	Rothermel	
Haugen	Loud	Rucker, Colo.	

NAYS—115.

Adamson	Floyd, Ark.	Kinkead, N. J.	Rouse
Akin, N. Y.	Fornes	Kitchin	Rubey
Alexander	Foss	Konig	Rucker, Mo.
Allen	Foster	Korbly	Russell
Anderson, Ohio	Garner	Linthicum	Saunders
Ansberry	Garrett	McCall	Sherley
Ashbrook	George	McCoy	Sherwood
Bartholdt	Gillett	McGillicuddy	Sims
Boehne	Goldfogle	McKellar	Sisson
Borland	Goodwin, Ark.	Macon	Slayden
Bulkley	Graham	Maguire, Nebr.	Smith, Tex.
Burke, Wis.	Gray	Maher	Sparkman
Burleson	Gregg, Tex.	Mann	Stanley
Burnett	Griest	Martin, Colo.	Stephens, Tex.
Byrns, Tenn.	Hamilton, W. Va.	Moon, Tenn.	Sweet
Clayton	Hamlin	Moore, Tex.	Talbott, Md.
Cline	Hammond	Moss, Ind.	Talcott, N. Y.
Connell	Hardy	Norris	Taylor, Colo.
Conry	Hay	Oldfield	Tilson
Covington	Helm	O'Shaunessy	Townsend
Daugherty	Henry, Conn.	Padgett	Tribble
Dickinson	Hensley	Page	Turnbull
Dixon, Ind.	Hill	Palmer	Underhill
Doremus	Hughes, Ga.	Post	Underwood
Driscoll, D. A.	Hughes, N. J.	Rainey	Whitacre
Edwards	Hull	Rauch	Wilson, N. Y.
Evans	Jacoway	Redfield	Wilson, Pa.
Fergusson	Johnson, S. C.	Reilly	Young, Tex.
Fitzgerald	Jones	Roddenbery	

ANSWERED "PRESENT"—9.

Beall, Tex.	Glass	McCreary	Sabath
Davis, W. Va.	Houston	Riordan	Weeks
Driscoll, M. E.			

NOT VOTING—91.

Ames	Davenport	Kindred	Reyburn
Andrus	Dickson, Miss.	Konop	Richardson
Bates	Dies	Legare	Roberts, Nev.
Bathrick	Difenderfer	Lewis	Robinson
Berger	Draper	Lindsay	Scully
Bradley	Dwight	Littlepage	Sells
Buchanan	Dyer	Littleton	Shackleford
Burgess	Fairchild	Lloyd	Sharp
Burke, Pa.	Fields	Longworth	Sheppard
Burke, S. Dak.	Flood, Va.	McHenry	Small
Callaway	Fordney	McMorran	Smith, Saml. W.
Cannon	Gardner, Mass.	Matthews	Smith, Cal.
Cantrill	Goeke	Mays	Smith, N. Y.
Catlin	Gould	Moon, Pa.	Stack
Clark, Fla.	Gudger	Olmsted	Sulloway
Claypool	Hamill	Parran	Switzer
Copley	Harrison, N. Y.	Patten, N. Y.	Taylor, Ala.
Cox, Ind.	Hawley	Patton, Pa.	Taylor, Ohio
Cox, Ohio	Hinds	Peters	Tuttle
Crago	Hobson	Plumley	Vreeland
Cravens	Howland	Porter	White
Crumpacker	Hubbard	Pujo	Woods, Iowa
Curley	Hughes, W. Va.	Randell, Tex.	

So the amendment was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. CLARK of Florida with Mr. LONGWORTH.

Mr. CRAVENS with Mr. MICHAEL E. DRISCOLL.

Mr. CANTRILL with Mr. AMES.

Mr. BUCHANAN with Mr. CATLIN.

Mr. DICKSON of Mississippi with Mr. CRUMPACKER.

Mr. FLOOD of Virginia with Mr. DYER.

Mr. LLOYD with Mr. FORDNEY.

Mr. GOEKE with Mr. VREELAND.

Mr. GOULD with Mr. PARRAN.

Mr. SMALL with Mr. OLMSTED.

Mr. ROBINSON with Mr. ROBERTS of Nevada.

Mr. TAYLOR of Alabama with Mr. SMITH of California.

For the vote:

Mr. CURLEY with Mr. MCCREARY.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 139, strike out the provisos beginning in line 16, as follows: "*And provided further*, That no person separated from the classified service under this provision shall directly or indirectly solicit indorsement for reappointment through any member of the legislative department, and any person violating this provision shall be denied reappointment: *And provided further*, That no head of an executive department shall receive or consider from any member of the legislative department any request for the reappointment of any person seeking employment in the classified service, and it shall be considered a violation of law for any member of the legislative department to submit to any executive officer a request for the reappointment of any person in said classified service."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. FINLEY. A division, Mr. Speaker.

The House divided; and there were—ayes 41, noes 61.

Mr. FINLEY. Tellers, Mr. Speaker.

The SPEAKER. The gentleman from South Carolina [Mr. FINLEY] demands tellers. The Chair will count. [After counting.] Thirty-seven gentlemen have arisen—not a sufficient number.

Mr. FINLEY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. FINLEY. Mr. Speaker, I ask unanimous consent that the amendment be again reported.

The SPEAKER. Is there objection?

Mr. JOHNSON of South Carolina. I object. I demand the regular order.

Mr. BUTLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUTLER. A vote in the affirmative, I understand, will be in favor of striking that provision from the bill. Is that correct, sir?

Mr. SHERLEY. That was not a parliamentary inquiry.

The SPEAKER. The gentleman from Pennsylvania knows as much about the amendment at present as the Chair does.

Mr. BUTLER. The "gentleman from Pennsylvania" would not assume to know as much.

The SPEAKER. The Chair can not inform the gentleman at present.

Mr. BUTLER. We ought to know.

The SPEAKER. The Chair will inform the gentleman that the motion is to strike out.

Mr. BUTLER. Thank you. We were some time in getting the information, but it is all right when it comes.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the amendment be again reported.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the amendment be again reported. Is there objection?

Mr. JOHNSON of South Carolina. I withdraw the objection which I made.

Mr. HELM. I object.

The SPEAKER. The gentleman from Kentucky [Mr. HELM] objects.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. RAKER. I rise to ask what is before the House. Back here we could not tell.

The SPEAKER The question is not debatable. Those who are in favor of the amendment will, as their names are called, answer "aye," those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 239, nays 35, answered "present" 7, not voting 111, as follows:

YEAS—239.

Adair	Bates	Candler	Davidson
Adamson	Bell, Ga.	Cantrill	Davis, Minn.
Aiken, S. C.	Blackmon	Carlin	Davis, W. Va.
Ainey	Boehne	Carter	De Forest
Akin, N. Y.	Bowman	Cary	Dent
Alexander	Brantley	Catlin	Denver
Allen	Broussard	Clayton	Dickinson
Anderson, Minn.	Browning	Cline	Dixon, Ind.
Anderson, Ohio	Buchanan	Collier	Dodds
Ansberry	Bulkley	Cooper	Donohoe
Ashbrook	Burke, Wis.	Crago	Doremus
Austin	Burnett	Crumpacker	Doughton
Ayres	Butler	Cullop	Driscoll, D. A.
Barchfeld	Byrnes, S. C.	Currier	Dupré
Barnhart	Calder	Curry	Edwards
Bartholdt	Campbell	Daugherty	Esch

Estopinal	Howard	Madden	Slemp
Farr	Howell	Maguire, Nebr.	Sloan
Ferris	Hughes, Ga.	Malby	Smith, J. M. C.
Finley	Hull	Martin, Colo.	Smith, Tex.
Floyd, Ark.	Humphreys, Miss.	Martin, S. Dak.	Sparkman
Focht	Jackson	Mondell	Speer
Foss	Jacoway	Moon, Tenn.	Stedman
Foster	James	Moore, Pa.	Steenerson
Fowler	Johnson, Ky.	Morgan	Stephens, Cal.
Francis	Jones	Morrison	Stephens, Miss.
French	Kahn	Morse, Wis.	Stephens, Nebr.
Fuller	Kendall	Moss, Ind.	Stephens, Tex.
Gallagher	Kennedy	Murdock	Sterling
Gardner, N. J.	Kent	Murray	Stevens, Minn.
Garrett	Kinkead, N. J.	Needham	Stone
Glass	Kitchin	Neeley	Sulzer
Godwin, N. C.	Knowland	Nelson	Sweet
Good	Konig	Norris	Taylor, Colo.
Goodwin, Ark.	Kopp	Nye	Thayer
Graham	Korbly	Oldfield	Thistlewood
Gray	Lafferty	O'Shaunessy	Thomas
Green, Iowa	La Follette	Padgett	Tilson
Greene, Mass.	Lamb	Payne	Towner
Gregg, Pa.	Langham	Pickett	Townsend
Griest	Lawrence	Post	Tribble
Guernsey	Lee, Ga.	Powers	Turnbull
Hamilton, W. Va.	Lee, Pa.	Pray	Underhill
Hamlin	Lenroot	Prince	Utter
Hanna	Lever	Prouty	Vare
Hardy	Levy	Raker	Volstead
Harris	Lindbergh	Ransdell, La.	Warburton
Harrison, Miss.	Linthicum	Rees	Watkins
Haugen	Lloyd	Reilly	Wedemeyer
Hay	Lobeck	Roberts, Mass.	Wickliffe
Hayden	Loud	Roddenbery	Wilder
Hayes	McCreary	Rodenberg	Willis
Heald	McDermott	Rothermel	Wilson, Ill.
Heflin	McGillicuddy	Rouse	Wilson, N. Y.
Helgesen	McGuire, Okla.	Rubey	Witherspoon
Henry, Tex.	McKenzie	Russell	Wood, N. J.
Hensley	McKinley	Sabath	Young, Kans.
Higgins	McKinney	Sherwood	Young, Mich.
Hill	McLaughlin	Simmons	Young, Tex.
Holland	Macon	Sims	

NAYS—35.

Anthony	Fergusson	Hughes, N. J.	Rainey
Bartlett	Fitzgerald	Johnson, S. C.	Redfield
Booher	Garner	McCall	Sherley
Borland	Gillett	McCoy	Sisson
Burleson	Gregg, Tex.	Maher	Slayden
Byrns, Tenn.	Hammond	Mann	Talcott, N. Y.
Connell	Hardwick	Moore, Tex.	Underwood
Conry	Helm	Page	Whitacre
Danforth	Henry, Conn.	Palmer	

ANSWERED "PRESENT"—7.

Beall, Tex.	Fornes	Riordan	Weeks
Driscoll, M. E.	Houston	Talbott, Md.	

NOT VOTING—111.

Ames	Evans	Legare	Roberts, Nev.
Andrus	Fairchild	Lewis	Robinson
Bathrick	Faison	Lindsay	Rucker, Colo.
Berger	Fields	Littlepage	Rucker, Mo.
Bradley	Flood, Va.	Littleton	Saunders
Brown	Fordney	Longworth	Scully
Burgess	Gardner, Mass.	McHenry	Sells
Burke, Pa.	George	McKellar	Shackleford
Burke, S. Dak.	Goeke	McMorran	Sharp
Callaway	Goldfogle	Matthews	Sheppard
Cannon	Gould	Mays	Small
Clark, Fla.	Gudger	Miller	Smith, Saml. W.
Claypool	Hamill	Moon, Pa.	Smith, Cal.
Copley	Hamilton, Mich.	Mott	Smith, N. Y.
Covington	Harrison, N. Y.	Olmsted	Stack
Cox, Ind.	Hartman	Parran	Stanley
Cox, Ohio	Hawley	Patten, N. Y.	Sulloway
Cravens	Hinds	Patton, Pa.	Switzer
Curley	Hobson	Pepper	Taggart
Dalzell	Howland	Peters	Taylor, Ala.
Davenport	Hubbard	Plumley	Taylor, Ohio
Dickson, Miss.	Hughes, W. Va.	Porter	Tuttle
Dies	Humphrey, Wash.	Pou	Vreeland
Difenderfer	Kindred	Pujo	Webb
Draper	Kinkaid, Nebr.	Randell, Tex.	White
Dwight	Konop	Rauch	Wilson, Pa.
Dyer	Lafean	Reyburn	Woods, Iowa
Elierbe	Langley	Richardson	

So the amendment was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. FAISON with Mr. HUBBARD.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. RUCKER of Colorado with Mr. FORDNEY.

Mr. MCKELLAR with Mr. MOTT.

Mr. RUCKER of Missouri with Mr. LAFEAN.

Mr. WEBB with Mr. MILLER.

Mr. GOLDFOGLE with Mr. KINKAID of Nebraska.

Mr. ELLERBE with Mr. HARTMAN.

Mr. CURLEY with Mr. HUMPHREY of Washington.

Mr. COVINGTON with Mr. HAMILTON of Michigan.

Mr. BROWN with Mr. DALZELL.

Mr. SHEPPARD with Mr. LONGWORTH.

Mr. TALBOTT of Maryland. Mr. Speaker, is the gentleman from Maryland, Mr. PARRAN, recorded?

The SPEAKER. He is not recorded.

Mr. TALBOTT of Maryland. I am paired with the gentleman from Maryland. I voted "yea." I wish to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. TALBOTT of Maryland, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of South Carolina, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PATENTS (H. DOC. NO. 749).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Patents and ordered to be printed:

To the Senate and House of Representatives:

The present patent laws of the United States were enacted in practically their present condition in 1870, before the development of the industrial conditions which obtain to-day. The wisdom of the framers of the Constitution in providing that Congress shall have the power to promote the progress of science and the useful arts by securing for limited time to authors and inventors the exclusive right to their respective writings and discoveries has been demonstrated by the fact that the industrial progress and development of the United States has been due largely to the stimulus to invention given by the protection afforded by the patent laws.

In recent years, however, combinations based upon patents have been formed which have succeeded in controlling very largely the output of particular industries, and this control has been extended by contracts based upon the patents, requiring the users of patented machines to buy from the corporations owning the patents or from firms under their control supplies or other articles to be used in connection with the patented machines. Some of the circuit courts of appeal have held that such contracts, based upon patents, were valid, and that those who violated the terms of such contracts were liable as contributory infringers. The correctness of such decisions has recently received the approval of the Supreme Court of the United States in the case of Sidney Henry et al. *v.* A. B. Dick Co., by the vote of four justices of the seven who heard the case. An application for a rehearing of that case by the full bench was made and denied, so that the construction put upon the existing law in that case must be regarded as conclusive. Several bills have been introduced into Congress, as I am informed, to obviate the effect of this decision so as to prevent a patentee from extending by contract the monopoly secured to him under the patent law. This question calls for careful consideration.

Again, large corporations, by absorbing patents relating to particular arts, have succeeded in dominating entire industries, and the only market to which an inventor of improvements upon such machines may offer his patents for sale is to such corporations. In many instances it is charged corporations buy patents for improvements, and, although the inventions covered thereby constitute a distinct improvement in the art, their manufacture is suppressed and the public never receives the benefit of such inventions during the life of the patent.

Some other countries have discouraged the shelving of inventions in this manner by laws requiring that the owner of a patent shall manufacture the invention covered by his patent within a certain period or that his patent shall be declared forfeited. Other countries provide that the owner of a patent who does not manufacture the invention in the country granting it within a reasonable time may be compelled to grant a license to anyone who may apply to manufacture and sell the invention upon such terms as may be determined to be reasonable by a public officer or by a court of competent authority. It is worthy of careful consideration whether or not legislation on some such lines should be enacted to prevent our patent laws from being made the basis of unjust monopoly, extending beyond the legitimate protection to inventors required to promote science and the useful arts or the means of stifling improvement and progress of the arts.

It is also claimed by some that legislation is necessary to enable an applicant to more speedily obtain his patent and also to prevent the holding of applications for patent in the United States Patent Office for a long period of time until the particular art to which the patent relates has grown up.

Certain amendments to the patent laws are required to make effective the provisions of the Convention of the International Union for the Protection of Industrial Property held at Washington and signed June 2, 1911.

Much complaint has been made that patents granted by the United States are not deemed prima facie valid by the courts

and that preliminary injunctions are granted only upon patents which have been adjudicated to be valid by the courts or those whose validity has been prima facie established by public acquiescence for a considerable period of time. It is urged that the laws should be revised in such a manner that the issuance of a patent by the United States will carry with it the prima facie force and effect of a valid patent, and the burden placed upon him who would infringe that patent to establish its invalidity, rather than, as at the present time, to require the patentee to establish the validity of his patent before obtaining a preliminary injuncion or securing an award of damages for the intentional infringement of his patented invention.

Great care should be taken in any revision of the statutes relating to patents and patent rights not unduly to interfere with vested interests which have been properly created under the existing laws, or to impair the efficiency of a system from which so much benefit has been derived by the country. I am of the opinion that a careful study of the patent laws should be made by a commission of qualified persons, appointed for that purpose, with instructions to report such revision of those laws as may be necessary to harmonize them with the best thought and needs of our time; and I therefore recommend the enactment of a statute authorizing the President to appoint a commission to investigate the present state of the patent law and to report what, if any, changes or amendments should be made to conform that law with modern conditions and acquirements.

WM. H. TAFT.

THE WHITE HOUSE, *May 10, 1912.*

MISSISSIPPI FLOODS.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent to insert in the RECORD certain remarks on the flood in the Mississippi River.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks on the subject of the Mississippi River floods. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, the experts in the Department of Agriculture have very kindly furnished me with some data which they think will be of interest to the farmers in the sections of the Mississippi Valley which have been overflowed by the recent flood, and I would like to have permission to print them in the RECORD so that I may circulate it among my constituents. The department, through Mr. Knapp's office, has made very careful inquiry into the subjects mentioned, and the suggestions contained in the data which I offer are based upon the experience of very many planters who have tried the experiments and have been successful in growing the crops indicated after previous floods.

The department, through its agents, has been busily engaged for the past few weeks both in ascertaining the best methods of growing crops after an overflow and also in locating the firms and individuals who are able to furnish the seed required, and a list of these has also been furnished, which will be found at the end of the manuscript which I ask leave to print.

The data referred to are as follows:

COTTON.

Cotton may be planted on overflowed land up to June 15 with the expectation of producing a fair crop with a normal season. Plant only quick-maturing varieties, such as King's, Toole's, Simpkins's, Money Maker, Bank Account, or some similar type. No more cotton should be planted than can be worked intensively and picked over once a week for weevil and punctured squares, if necessary. Cotton should be planted, if possible, on land that had been bedded before the overflow, taking the first land from which the water recedes. Follow up the water closely each day, planting as fast as the land is uncovered so that the cotton may have time to come up before the surface bakes. Seed for each day's planting should be wet and rolled in dirt or ashes the evening previous and put in piles over night to swell. Plant the next day by throwing the seed in the mud on top of the bed. Throw hard so the seed will be buried in the mud. In planting walk by the side of the bed. Do not trample the top of the bed or press in the seed with the foot, a hoe, or in any other manner. Prepared and planted in this way the seed should germinate and cotton be up in two or three days. Cultivate as soon as the surface is dry enough to permit with harrows or cultivators to break the crust and kill the weeds and grass. Thin to a stand as quickly as possible, then continue the usual cultivation.

BOLL WEEVIL.

If the boll weevil appear on the cotton in the flooded area, a prompt and persistent fight must be made to exterminate them. The infestation will probably be light, but must not on that account be overlooked. If there are any weevil they will appear on the young cotton almost as soon as it is up. They must be carefully picked by hand from the bud of the young cotton, and later on punctured squares must be picked and destroyed weekly. The weevil first appearing are old weevil that will soon die, and if they and the squares punctured by them are all destroyed the overflowed territory may be kept practically free of the weevil until late in the season. Wherever there was land above the overflow on which cotton was planted at about the usual time extra care must be used to locate such tracts and to see that all weevil and punctured squares are destroyed thereon. If this is neglected, such isolated fields may breed enough weevil to seriously threaten the crop on the overflowed land. Upland farmers everywhere should also make a close, persistent fight on the weevil by picking the adult weevil and infected squares. This will minimize possible damage to their own crop and reduce the number of weevil to migrate in the fall.

CORN.

If the water recedes in time to permit it, at least 10 days or two weeks should be allowed to intervene before planting corn and the ground should first be thoroughly prepared. Experience in overflowed districts has shown that this is necessary to prevent insect damage. It will also make subsequent cultivation easier and increase the chances of a good crop. Early maturing varieties of corn may be planted as late as June 10, and Mexican June corn possibly as late as July 25. Where the land was bedded before the overflow, sufficient preparation can be made by running cultivators over the beds twice. If the land was not bedded before the overflow, break shallow and harrow thoroughly before planting. Dwarf varieties of the Mexican June corn are usually the safest crop for late planting. If it can not be obtained, plant other early varieties such as Improved Leaming, Iowa Silver Mine, or other reliable seed of similar type. Cultivation should begin as soon as the corn is up and continue once a week until laid by.

SOY BEANS.

Soy beans can be planted as late as July 20 and mature seed. They make excellent food for man and stock and will grow on wetter soils and stand more cold than cowpeas and are also a surer crop for producing grain. For these reasons a more general use of them should be encouraged.

Where the land was plowed before the overflow the beds can be put in condition by harrows or cultivators. Where the land has not been broken plow shallow and harrow thoroughly before planting, as a good seed bed is very essential in securing a stand.

Drill the seed 1 to 2 inches deep, at the rate of one-third to one-half a bushel per acre. Mammoth yellow or Hollybrook are the two best varieties for southern conditions. With normal conditions and good cultivation the yield should be from 10 to 15 bushels of grain and a ton of straw per acre, if planted before July 5.

COWPEAS FOR SEED.

Cowpeas grown for seed can be planted as late as July 20, when such early maturing varieties as Whippoorwill and New Era are used. They should be planted in rows and cultivated to insure crop seed. Seed bed should be prepared before planting. When the land was plowed before the overflow, use harrow or cultivator. When not plowed break shallow and harrow thoroughly.

Plant in drill at the rate of one-third or one-half bushel per acre. Three or four cultivations with cultivators should be sufficient to keep down weeds and promote rapid growth.

A yield of from 8 to 15 bushels of grain and one-half to 1 ton of hay per acre may be expected under normal conditions.

The following parties have Mexican June corn for sale:

Name.	Address.	Seed.	Price.
		Bushels.	
W. Virden	Cynthia, Miss.	20	$2.50
D. B. Easterling	Jackson, Miss., No. 2.	100	2.00
J. W. Owen	Canton, Miss.	50	2.00
D. C. Pettoet & Bros.	Greenwood, Miss.	90	3.00
D. W. Weeks	Ridgeland, Miss.	20	.....
Delta Seed Co.	Greenwood, Miss.	100	2.75
David Hardie Seed Co.	Dallas, Tex.	100	2.25
J. Steckler Seed Co.	New Orleans, La.	500	3.00
H. G. Hastings	Atlanta, Ga.	300	2.75

The following parties have Whippoorwill peas for sale:

Name.	Address.	Seed.	Price.
		Bushels.	
Plant Seed Co.	St. Louis, Mo.	7,000	$2.50
T. W. Wood & Sons	Richmond, Va.	1,000	2.45
H. G. Hastings & Co.	Atlanta, Ga.	1,000	2.50
W. D. Hannah	Jackson, Miss.	600	.....
Dr. L. S. Rogers	West, Miss.	25	1.75
J. A. Spann & Co.	Pelahatchee, Miss.	100	.....
Amzi Godden Co.	Birmingham, Ala.	.....	2.40

T. W. Wood & Son, Richmond, Va., also have 1,000 bushels of New Era peas for sale, at $2.45 per bushel.

PENSIONS.

Mr. ADAIR. Mr. Speaker, I call up the conference report on House bill No. 1, granting service pensions to certain defined veterans of the Civil War and War with Mexico.

The SPEAKER. The gentleman from Indiana [Mr. ADAIR] calls up the conference report on House bill No. 1. The Clerk will read the conference report.

Mr. ADAIR. I ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. MANN. Mr. Speaker, it is not very long. I think we had better have the report read.

The SPEAKER. The gentleman from Illinois objects.

The Clerk read the conference report and statement as follows:

CONFERENCE REPORT (NO. 647).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1) granting a service pension to certain defined veterans of

the Civil War and the War with Mexico, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of 62 years and served 90 days, $13 per month; 6 months, $13.50 per month; 1 year, $14 per month; 1½ years, $14.50 per month; 2 years, $15 per month; 2½ years, $15.50 per month; 3 years or over, $16 per month. In case such person has reached the age of 66 years and served 90 days, $15 per month; 6 months, $15.50 per month; 1 year, $16 per month; 1½ years, $16.50 per month; 2 years, $17 per month; 2½ years, $18 per month; 3 years or over, $19 per month. In case such person has reached the age of 70 years and served 90 days, $18 per month; 6 months, $19 per month; 1 year, $20 per month; 1½ years, $21.50 per month; 2 years, $23 per month; 2½ years, $24 per month; 3 years or over, $25 per month. In case such person has reached the age of 75 years and served 90 days, $21 per month; 6 months, $22.50 per month; 1 year, $24 per month; 1½ years, $27 per month; 2 years or over, $30 per month. That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor by reason thereof, or who from disease or other causes incurred in line of duty resulting in his disability is now unable to perform manual labor, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to length of service or age.

"That any person who has served 60 days or more in the military or naval service of the United States in the War with Mexico and has been honorably discharged therefrom, shall, upon making like proof of such service, be entitled to receive a pension of $30 per month.

"All of the aforesaid pensions shall commence from the date of filing of the applications in the Bureau of Pensions after the passage and approval of this act: *Provided*, That pensioners who are 62 years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *Provided further*, That no person who is now receiving or shall hereafter receive a greater pension, under any other general or special law, than he would be entitled to receive under the provisions herein shall be pensionable under this act.

"SEC. 2. That rank in the service shall not be considered in applications filed hereunder.

"SEC. 3. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this act, except in applications for original pension by persons who have not heretofore received a pension.

"SEC. 4. That the benefits of this act shall include any person who served during the late Civil War, or in the War with Mexico, and who is now or may hereafter become entitled to pension under the acts of June 27, 1890, February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906, or the acts of January 29, 1887, March 3, 1891, and February 7, 1897.

"SEC. 5. That it shall be the duty of the Commissioner of Pensions, as each application for pension under this act is adjudicated, to cause to be kept a record showing the name and length of service of each claimant, the monthly rate of payment granted to or received by him, and the county and State of his residence; and shall at the end of the fiscal year 1914 tabulate the record so obtained by States and counties, and shall furnish certified copies thereof upon demand and the payment of such fee therefor as is provided by law for certified copies of records in the executive departments."

And the Senate agree to the same.

Amend the title so as to read: "An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico."

ISAAC R. SHERWOOD,
JOHN A. M. ADAIR,
Managers on the part of the House.

P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

STATEMENT.

The bill as it passed the House proposed to grant pensions for 90 days' or more service in the Civil War or 60 days' in the War with Mexico and less than 6 months, $15 per month; for 6 months' service and less than 9 months, $20; for 9 months and less than 1 year, $25 per month; and for 1 year or more, $30 per month.

The bill was amended by the Senate by striking out all after the enacting clause and inserting a provision to amend the existing law, known as the act of February 6, 1907, so that pensions allowed under that law would be granted at the following rates and under the following conditions: When a man had reached the age of 62 years and had served 90 days in the Civil War he should receive $13 per month; 6 months, $13.50; 1 year, $14; 1½ years, $14.50; 2 years, $15; 2½ years, $15.50; 3 years and over, $16 per month. When such person had reached the age of 66 years and served 90 days, $15 per month; 6 months, $15.50; 1 year, $16; 1½ years, $16.50; 2 years, $17; 2½ years, $17.50; 3 years and over, $18. When such person had reached the age of 70 years and had served 90 days, $18; 6 months, $19; 1 year, $20; 1½ years, $21; 2 years, $22; 2½ years, $23; 3 years or over, $24 per month. When such person had reached the age of 75 years and served 90 days he should receive $21 per month; 6 months, $22.50; 1 year, $24; 1½ years, $25.50; 2 years, $27; 2½ years, $28.50; and 3 years and over, $30 per month.

It also provided that the Commissioner of Pensions should make a separate report for each county, State, Territory, or district, showing names and lengths of service, rates of payment, and residences of all pensioners in the United States.

It also provided that any person who was in receipt of an income of $2,400 per year should not be eligible to pension under this act.

Your conferees, after a full conference, reported an agreement to the effect that the House recede from its disagreement to the amendments of the Senate and agree to the same with an amendment.

This amendment does not amend the existing law, but makes this a new act.

It provides rates differing from the rates in the Senate amendment as follows: When a person has served in the Civil War or War with Mexico and reached the age of 66 years and had a service of two and a half years he should receive $18 instead of $17 per month; three years' service, $19 instead of $18 per month. In case such person had reached the age of 70 years and served one and a half years, $21.50 per month instead of $21; two years, $23 per month instead of $22; two and a half years, $24 instead of $23 per month; three years and over, $25 per month instead of $24. And in case such person had reached the age of 75 years and served one and a half years, $27 instead of $25.50; two years, $30 per month instead of $27; two and a half years, $30 per month instead of $28.50; and three years, $30, as provided in the Senate amendment.

Your committee also recommended another amendment which provides that certain classes who are provided for in certain acts and joint resolutions of Congress and are now receiving pensions under existing laws should be entitled to the benefits of this act.

It also changes the provision in the matter of the Commissioner of Pensions publishing the names of the pensioners. It provides that he shall keep a record of the pensions which are allowed under this act, and at the end of the fiscal year 1914 should tabulate the same and give them to those who desire them upon the payment of fees for certified copies.

It also eliminates that feature of the Senate amendment providing that those who have an income of $2,400 should not be pensionable under this act.

Your committee also found it necessary to amend the title because of the fact that in view of the combination of age and service it could not be construed to be a service act. They therefore amended the title in accordance with the amendment adopted by your conference.

The amendment recommended by your conferees increases the amount as carried by the Senate amendment about $1,685,000.

Respectfully submitted.

ISAAC R. SHERWOOD,
JOHN A. M. ADAIR,
Conferees on the part of the House.

Mr. ADAIR. Mr. Speaker, on the 8th day of December, 1911, this House took up the Sherwood dollar-a-day pension bill, and after four days of debate passed it by an overwhelming majority. The bill as it passed the House would have increased the pension roll about $52,000,000, and would have placed practically all soldiers on the rolls at one dollar per day, and the few remaining ones would have received large increases. The bill as it passed the House was indorsed by thousands of Grand Army posts all over the country, and it was universally agreed that it was not only the most liberal, but that it was the most equitable bill ever passed in the history of the country. I had a special pride in the Sherwood bill, as I was placed in charge of it on the floor of the House, and after its passage I felt that I had really accomplished much for the benefit of those who sacrificed home, health, and everything for the preservation of the Union. I was gratified, too, because of the fact that it passed a Democratic House, after the charge had been made that should a Democratic House be elected no pension legislation could be expected. The bill went over to the Senate on the 12th of December, and while the old soldiers were dying at the rate of over 3,000 each month, no action was taken by the Senate until March 28, at which time it voted down the Sherwood dollar-a-day bill, and passed the Smoot 50-cent bill, cutting the rates carried in the Sherwood bill more than twice in two. Against this action, protests came from all over the country, denouncing the action of the Senate, and insisting that a Republican Senate should be as liberal with the old soldiers as was this Democratic House. When the Senate bill came over to the House, I moved that the House disagree to the Senate amendments and ask for a conference. My motion prevailed, and the Speaker appointed Messrs. SHERWOOD, ADAIR, and SULLOWAY as conferees on the part of the House, and the Senate named Messrs. MCCUMBER, BURNHAM, and GORE as conferees on the part of the Senate.

Mr. Speaker, the conference committee met time and time again during the past five weeks, and your conferees, representing the House, held out for more than a month, insisting on the House bill, but the conferees representing the Senate declined and refused to agree to the dollar-a-day bill, but finally agreed to an increase of $1,685,000 over the Smoot substitute. While the bill agreed upon was not satisfactory to the House conferees, it was the best we could get from the Senate, and we were compelled to accept it or get nothing. Section 1 of the bill agreed upon provides rates as follows:

SECTION 1. That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of 62 years and served 90 days, $13 per month; 6 months, $13.50 per month; 1 year, $14 per month; 1½ years, $14.50 per month; 2 years, $15 per month; 2½ years, $15.50 per month; 3 years or over, $16 per month. In case such person has reached the age of 66 years and served 90 days, $15 per month; 6 months, $15.50 per month; 1 year, $16 per month; 1½ years, $16.50 per month; 2 years, $17 per month; 2½ years, $18 per month; 3 years or over, $19 per month. In case such person has reached the age of 70 years and served 90 days, $18 per month; 6 months, $19 per month; 1 year, $20 per month; 1½ years, $21.50 per month; 2 years, $23 per month; 2½ years, $24 per month; 3 years or over, $25 per month. In case such person has reached the age of 75 years and served 90 days, $21 per month; 6 months, $22.50 per month; 1 year, $24 per month; 1½ years, $27 per month; 2 years or over, $30 per month. That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor by reason thereof, or who from disease or other causes incurred in line of duty resulting in his disability is now unable to perform manual labor, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to length of service or age.

It is believed a large number of soldiers who rendered short service will receive $30 per month under the provision fixing that rate for those who were wounded in battle or who incurred disabilities in service and as a result of such wounds or disabilities are now incapacitated from the performance of manual labor. The following table shows the increases under this bill and the number of soldiers benefited:

Age.	Length of service.	Number of pensioners.	Present rate.	Proposed rate.	Annual increase per pensioner.	Total increase per annum.
62	90 days	9,573	$12.00	$13.00	$12.00	$114,876.00
62	6 months	23,135	12.00	13.50	18.00	416,430.00
62	1 year	15,043	12.00	14.00	24.00	361,032.00
62	1½ years	12,764	12.00	14.50	30.00	382,920.00
62	2 years	7,294	12.00	15.00	36.00	262,584.00
62	2½ years	17,802	12.00	15.50	42.00	751,464.00
62	3 years and over	27,921	12.00	16.00	48.00	1,340,208.00
66	90 days	10,819	12.00	15.00	36.00	389,484.00
66	6 months	26,146	12.00	15.50	42.00	1,098,132.00
66	1 year	17,002	12.00	16.00	48.00	816,096.00
66	1½ years	14,426	12.00	16.50	54.00	779,004.00
66	2 years	8,243	12.00	17.00	60.00	494,580.00
66	2½ years	20,222	12.00	18.00	72.00	1,455,984.00
66	3 years and over	31,556	12.00	19.00	84.00	2,650,704.00
70	90 days	9,271	15.00	18.00	36.00	333,756.00
70	6 months	22,405	15.00	19.00	48.00	1,075,440.00
70	1 year	14,569	15.00	20.00	60.00	874,140.00
70	1½ years	12,361	15.00	21.50	78.00	964,158.00
70	2 years	7,064	15.00	23.00	96.00	678,144.00
70	2½ years	17,328	15.00	24.00	108.00	1,871,424.00
70	3 years and over	27,041	15.00	25.00	120.00	3,244,920.00
75	90 days	5,804	20.00	21.00	12.00	69,648.00
75	6 months	14,027	20.00	22.50	30.00	420,810.00
75	1 year	9,121	20.00	24.00	48.00	437,808.00
75	1½ years	7,339	20.00	27.00	84.00	642,876.00
75	2 years	4,422	20.00	30.00	120.00	530,640.00
75	2½ years	10,848	20.00	30.00	120.00	1,301,760.00
75	3 years and over	16,929	20.00	30.00	120.00	2,031,480.00
	Total	420,905				25,797,502.00

Now, Mr. Speaker, while I regret very much the refusal of the Senate to agree to the Sherwood dollar-a-day bill, I am nevertheless pleased over the fact that the House has, at least, forced that body to pass a bill which will distribute about $26,000,000 annually among needy and deserving soldiers in addition to what they are now drawing. For five years a few of us have led the fight in the House for a dollar-a-day pension bill, and while we have not succeeded in getting all we wanted, the passage of this bill shows our work has not been in vain. During the first four years of my service I was not a member of the Invalid Pension Committee, but at the beginning of the Sixty-second Congress, because of my continuous and persistent effort on behalf of the old soldiers, I was placed on that committee, since which time I have been in a position to render them more valuable service than ever before.

Mr. Speaker, the passage of this bill does not end pension legislation. While I know further legislation is impossible with the present membership of the Senate, I believe the election in November will retire to private life a number of Senators, whose services the country can well get along without, and place in their seats men who appreciate the services rendered by those who fought the battles of the Union, and who are willing to show their appreciation by voting adequate pensions to needy and deserving soldiers. I ask that this conference report be adopted, and serve notice now that I am going to be reelected in November, and during the Sixty-third Congress will continue the fight for more liberal pensions until all soldiers are placed on the rolls at $1 a day.

Mr. ADAIR. Mr. Speaker, I now yield 10 minutes to the gentleman from Ohio [Gen. SHERWOOD] [Applause.]

Mr. SHERWOOD. Mr. Speaker, I shall occupy only a few moments, because I am very anxious to get this bill to the White House this afternoon, so that the President can sign it before he goes to Ohio to enter that titanic combat with the ferocious lion tamer of the African jungles. [Laughter and applause.]

The bill has already been read. I want to say here and now and repeat what I have said heretofore, that I am opposed to an age-pension bill. I believe that all pensions should be for service, and that the pension roll should be a roll of honor. Since this bill went into conference I have heard from about 30,000 soldiers of the Civil War. I have had over 7,000 letters, besides resolutions from Grand Army posts, and about two to one say "take what you can get from the Senate conferees." The balance say that rather than have this substitute they would rather have nothing. That is the situation.

To show you that it is simply impossible to prepare a pension bill based upon both age and service, let me read you from this bill. Under this bill a soldier 75 years old who served 90 days gets $21 per month—a soldier called out in 1864, who received from $500 to $800 bounty and was probably never in battle. A soldier 69 years old who served two and a half years and was probably in 20 or 30 battles gets $18 a month.

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. SHERWOOD. I will.

Mr. HUGHES of New Jersey. Can the gentleman tell the House about how many soldiers there are now on the pension rolls who were never at the front and never left their own State?

Mr. SHERWOOD. I never have looked that up, and it would involve great labor to look it up. But Fox in his Regimental Losses, a book that you will find in the Congressional Library, says that there were 300 regiments that never sustained any fatalities. These were troops called out in 1864 and were not mustered in and equipped until the autumn of that year.

There is one feature of this bill that I want to call attention to. It is a service and age pension bill combined. This is the first time in the history of pension legislation that service has been recognized. This bill recognizes service. Now, my colleague, Mr. ADAIR, stated that under the estimates made by the Pension Office this bill is supposed to take about $25,000,000. That is a mistake. Not Mr. ADAIR's mistake, but a mistake in the Pension Bureau. It will not take any such sum. I have here in my hand an estimate made in the Pension Office, certified to by the Department of the Interior, under date of February 2, 1912, and this was an estimate made upon the Smoot substitute, which passed the Senate, and there are only a few increases, which are marked in red letters, increasing the Smoot substitute, which increases the amount to about $1,675,000.

Mr. ANDERSON of Ohio. Will the gentleman yield?

Mr. SHERWOOD. I will.

Mr. ANDERSON of Ohio. Has the gentleman any assurance that the President will sign this bill?

Mr. SHERWOOD. I think I have. I said in a public statement that the President would sign a bill carrying not over $18,000,000, and I am going to make that good.

Mr. BARTLETT. Will the gentleman yield?

Mr. SHERWOOD. Certainly.

Mr. BARTLETT. Does the gentleman think it is in accord with the proprieties for the President to say what bill he will sign or what bill he will veto? I trust that President Taft, who always observes the proprieties of his office, has not done that.

Mr. SHERWOOD. I did not say I was speaking for the President. I said I had promised that he would do it.

Mr. BARTLETT. I am glad I asked the gentleman the question, for I would not like to have the impression go out that the President would be guilty of that.

Mr. SHERWOOD. Now, to show you how utterly valueless the estimates of the Pension Office are, I am going to give you the facts. I am sorry the gentleman from New York [Mr. FITZGERALD] is not in his seat, because when the bill passed the House, on December 12, 1911, he used the figures of the Secretary of the Interior that my dollar a day bill would cost $75,000,000.

And that statement was wired by the Associated Press, and all the soldier-hating newspapers and magazines used this false and dishonest estimate in order to defeat the bill. I have the documents now in my possession that that bill as it passed the House would take approximately $41,000,000 and no more; I went through the records of the War Office, and I have the official roster of the War Office of every call made by Abraham Lincoln, the muster in and muster out of every regiment that went to the front from 1861 to 1865. I went over the estimates with Gen. Ainsworth, under whose auspices this roster was prepared in 1905, and the bill as reported by the Invalid Pensions Committee to this House would only take $34,000,000, as I stated at the time the bill was under consideration. It will be remembered that the House added some seven millions to the cost of the bill by amendments. Now, let me show you something that is absolutely convincing. Here is a table, including 30 different propositions, certified to by the Secretary of the Interior, Walter L. Fisher, making an estimate of about $25,000,000 on the bill under consideration.

Here is a very elaborate table giving length of service and the number of soldiers who served three years or over who are now 62 years old. The estimate is 27,921. This is certified by the Secretary of the Interior as accurate. Only 26 per cent of the soldiers enlisted in 1861 to 1865 are alive to-day. That would indicate that there were 100,000 of those soldiers enlisted during the war. Let me call your attention to another fact conceded in the War Office. Of the 600,000 soldiers called out by President Lincoln in 1862 not a single regiment served the full three years. It took nearly three months to recruit, muster in, and equip a regiment and send it to the front. The first muster under the calls of 1862 was in August, and the war closed on the 26th of April, 1865. My regiment, the One hundred and eleventh Ohio, was one of the last mustered out, because we were ordered to Salisbury, N. C., pending the establishment of law and order in that State. It was mustered out the 15th of July, 1865. The longest that any of these regiments served was about 2 years and 11 months, so that there was not a soldier who enlisted in 1862 who served three years or over. The official roster of the War Office justifies this statement.

There was not a single soldier, then, who served three years and over except those enlisting in 1861. How old must a soldier have been when he enlisted in 1861 to be only 62 years of age now? Eleven years old. There are only two men that have been heard from—one Josiah Williams, of Indiana, and a drummer boy in Colorado—who were 11 years old when they went into the service and who are alive to-day. Here you have a table from the Pension Office, certified to by the Secretary of the Interior, that there are alive to-day 27,921 soldiers who served over three years in the Civil War. This shows conclusively that this table is absolutely false and fraudulent.

The SPEAKER. The time of the gentleman has expired.

Mr. ADAIR. Mr. Speaker, I yield 10 minutes additional to the gentleman from Ohio.

Mr HAMILTON of West Virginia. Mr. Speaker, I want to call the attention of the gentleman from Ohio to the fact that Mr. Julius W. Pell, of Grantsville, W. Va., is alive, who enlisted at the age of 11 years, or perhaps a few weeks younger.

Mr. SHERWOOD. That is another. That makes three.

Mr. HAMILTON of West Virginia. He was the youngest soldier of the Civil War and resides in my town, and is one of its best citizens.

Mr. SHERWOOD. Here is this statement certified to by the Secretary of the Interior of the soldiers now 62 years old who are alive to-day, and he estimates the number, not 3 but 27,921. And the Secretary of the Interior certifies to the estimate of the Pension Bureau that it will cost $1,340,280 to pay these soldiers who enlisted in 1861 and who are now only 62 years old. I have some other documents here to show you——

Mr. STERLING. Will the gentleman yield?

Mr. SHERWOOD. If they will give me a little more time I will answer all questions, but I can not do it in the short time I have.

Mr. STERLING. Has the gentleman the figures here showing the number of soldiers now drawing pensions who served more than two years? How many served more than two years who are now drawing a pension?

Mr. SHERWOOD. I have not the statistics with me for over two years. I estimate the number of survivors who served one year and over at 255,000.

I want to call attention to this statement which I hold in my hand, from the Pension Office, made on the 23d of April, 1912—a regular report from the Pension Office, certified to by the Secretary of the Interior. How came that report to be made? The conferees on the part of the House submitted a bill, of which this table I hold in my hand is a synopsis. I prepared it myself and made an estimate. I spent three days and part of three nights in making the estimate, and the conferees made a motion that it be submitted to the Pension Office for a report. They made this report, I think, in about four days, and it is a very elaborate report and I want to call attention to it, especially on the first and third pages. It says:

> This is based upon a careful estimate made by the Commissioner of Pensions on every item, age, length of service, of the whole 400,000 soldiers now on the pension roll.

Here is another statement:

> In each case the reports of the War Department were accepted as showing the date of enlistment and the date of discharge and the length of service, so it was entirely upon the official reports of that department in the cases examined.

It is a very elaborate report. Now, I turn to the last page, and I call attention to it. It was a very important document:

> It is confidently believed that the data used by the Bureau of Pensions in making the various estimates is accurate, absolutely trustworthy, and beyond successful contradiction. The compilation of the War Department in regard to the troops furnished by the different States, etc., does not in any way conflict with the average length of service compiled by the Bureau of Pensions.

That is dated on the 23d of April, 1912.

Mr. BARTHOLDT. I wish the gentleman would put this statement in the RECORD.

Mr. SHERWOOD. All right. Here is another report from the department reported by the Secretary of the Interior, an estimate made by the same officers and experts of the Pension Office. How came this to be made? This is evidently not a public document. It was made in order to help the conferees to eliminate the provisions of the Senate bill which required the Commissioner of Pensions to prepare a list of all the soldiers with lengths of service, and so forth, and print it in his annual report. Now, there are only 11 days' difference in these two reports. I want to read, for your information, some vital extracts from this report. I quote:

> I have the honor to acknowledge, etc., a request containing statement or table, giving names and length of service of all the pensioners of the United States. The Commissioner of Pensions advises me that it is probable that more than 400,000 claims will be filed under this bill should it become a law, etc.

The commissioner further advises me that to furnish the list of pensioners with the data asked for in this section at the time of submitting his next annual report would require the services of nearly the entire available force of the Bureau of Pensions for two or three months in its preparation. What does that mean? It means that the Pension Bureau has no reliable data, just as I said on the floor of the House before, and as I said before the Senate Committee on Pensions in a

hearing they gave me on the 22d of January. They have not the data at all from which to make any reliable estimate. The commissioner states it will be necessary to withdraw from the files of the bureau the papers of 400,000 individual pension cases and make a careful examination of the reports of the War and Navy Departments in order to determine the length of service, and so forth.

Here is another statement:

However, if the requirements of the length of service be omitted, all the other data might be obtained from the records of the Pension Office.

Again I quote from this remarkable document:

Omitting the length of service, it is believed the other data could be obtained from the pension agencies.

This report also came from the Pension Bureau through the Secretary of the Interior.

I need not repeat here, what I have claimed from the start, that the hand-me-down estimates of the Pension Office are mere guesses and the estimates of $75,000,000 as the cost of the original House bill No. 1 were padded to the amount of over $28,000,000. They were deliberately padded and the fraudulent figures telegraphed to the country in order to defeat a just and liberal pension law. These two reports, both from the same bureau and made only 11 days apart, one claiming their estimates are absolutely correct and from official records and the other admitting that they have no data upon which to estimate the length of service of the surviving soldiers, are sufficient evidence to condemn the methods of this bureau without further comment. One report was made to discredit a fairly liberal pension bill, and the second report was made to help eliminate the provisions in the Senate pension bill requiring the publication of names and length of service of all the pensioners. In one report they claimed they had all the records necessary to estimate the cost of a pension bill; in the other report they say it would require the services of the entire available force of the Pension Bureau for two months to secure the records of age, length of service, and so forth, of the surviving soldiers.

My good friends, I am not in temper to talk about this matter. In order to fittingly criticize this fraud upon the old soldiers of the country I should have to use some unparliamentary language, which I have never yet used on the floor of this House. [Applause.]. I have no complaint to make of the Secretary of the Interior. He signed these two conflicting reports only 11 days apart. He signed whatever was sent from the Pension Office. I do claim, however, that he ought to know what he is signing when he approves an official paper of such vital import; but he is young and new in the queerish business of modern statecraft. He was born in 1862, the second year of the war. No doubt he was a very sweet and promising baby, and he probably knew as much about pensions in 1862 as he does to-day. [Applause.]

I am for this bill, not because it provides an equitable distribution of benefits to the most worthy and meritorious, but because it will alleviate distress in tens of thousands of soldier homes. I am for this bill, not that it is the best we should have, but because it is the best we could get. I am for this bill, not because it does ample justice to the bronzed and grizzled veterans, staggering to a nearby grave, but because it will alleviate the urgent needs of tens of thousands of my comrades, and will inspire a sense of gratitude in many a lonesome soldier's heart that this great Government, in the hour of its strength and prosperity has not been unmindful of the heroic men who saved it in the hour of its desperation and despair. [Applause.]

Mr. MORGAN. Mr. Speaker, I do not want this conference report to be adopted and this bill to become a law without indicating my approval of the measure and my willingness to vote therefor.

I do not mean by this that I prefer this bill to the so-called Sulloway bill passed by this House during the Sixty-first Congress, or to the Sherwood bill—H. R. 1—as it passed this House last December. Personally I would have preferred that Congress should have passed a bill similar to the Sulloway bill. But if such a measure could not have become a law, then I would have preferred the Sherwood bill as it passed the House rather than the bill that is presented in the conference report and as we have it before us now. But as I can not get such a measure as I want, I will gladly vote for what I can get. I will vote for this bill, not because it is what it should be, but because it is better than the present law. I will vote for it, not because it gives the ex-Union soldiers all they deserve, but because the bill gives them, in part, that to which they are justly entitled. I will vote for this bill, not because I believe the measure does full justice to the old veterans, but because it is in the direction of justice. I will vote for this bill, not because in enacting this law we give complete recognition to these men, these old soldiers, for the service they rendered this country, but because the bill goes one step farther toward such recognition. I will vote for this bill, not because the Nation by enacting this law shows a just appreciation of what these men did in the interests of humanity and for human liberty, but because it shows we have some appreciation thereof. I will vote for this bill, not because I think the pensions therein granted measure the debt of gratitude we owe the soldiers of 1861 to 1865, but because the pensions herein granted, inadequate as they are, still show that we honor these brave men who endured all the hardships, privations, and dangers of war that the Union might be preserved. I vote for this bill, not because I think the provisions entirely equitable, just, and right, but because, on the whole, hundreds of thousands of old soldiers, constituting a grand army of our most worthy and patriotic citizens, will receive substantial material aid thereunder.

Finally, I vote for this bill because many hundreds of my own constituents and their families under its provisions will be largely benefited.

Of all the many duties which I have had to perform as a Representative in Congress I have responded to no call so cheerfully as I have to every request from an old soldier for assistance. I have done nothing that afforded me more pleasure than the aid and assistance which I have rendered the old soldiers, their widows, and orphans, in securing proper adjustment of their pension matters. And nothing has given me so much mental anguish as my inability to secure the enactment of special acts of Congress for the relief of worthy and needy old soldiers. It is therefore to me a real joy and delight to cast a vote for a single law, which will help thousands within my own district and hundreds of thousands throughout the Nation.

When this bill shall have become a law we will be a stronger and greater Nation. The recognition we give to the men who saved this Nation is an act of the National Government that will inspire our citizenship with greater patriotism. Any nation that neglects the men who have fought its battles thereby exhibits an ingratitude unworthy a great, generous, patriotic people.

We know not what the future may bring forth. May peace ever reign in this beloved country. May war clouds never again rise above our national horizon. May civil strife never again be the unhappy lot of this Republic. But, whatever may come, our pension laws should reflect the highest gratitude a great and free people can show to the men who risked all for the life of the Nation and the honor of the flag. Let the pension laws enacted by the people's Representatives in the Congress of the United States teach the boys of to-day and the boys of to-morrow that the highest service a citizen can render his country is to fight its battles in the dark hour of danger and distress. May the people of this great Nation never become so engrossed and absorbed in other matters that they shall begrudge the pensions paid to the soldiers of the Republic. May the spirit of patriotism among the people never diminish to such an extent that we shall cease to appreciate in the highest degree the everlasting debt of gratitude which all the world owes to the men who saved the Government "of the people, by the people, for the people" from dissolution and death.

The committee estimates that this bill will add an average of $22,000,000 a year, for the next five years, to the amount the National Government will pay in pensions to the veterans of the Civil War. This will make the amount we pay annually for pensions something near $175,000,000. The total annual payment seems large. But the amount is insignificant compared with the great service these men rendered. Besides, the Nation is rich. Our national wealth exceeds $130,000,000,000. At the outbreak of the Civil War our national wealth was but $16,000,000,000. The value of the products of our farms in 1860 was one and a half billions of dollars. Last year the products of our farms were worth $9,000,000,000. At the time these soldiers were fighting the battles of the Union the annual products of all our manufacturing establishments were worth less than $2,000,000,000. Last year our mills and factories and manufacturing establishments produced merchandise worth $20,000,000,000. At the time our Civil War was in progress we had a population of 31,000,000. Our population now exceeds 92,000,000. We are the richest Nation on earth. Our people are the best clothed, best housed, and best fed Nation on earth. We have poverty in this country it is true. But with all of our poverty we are nevertheless a great, rich, prosperous people. In the amount of our wealth we lead all other nations. Our people have an abundance of all things that will contribute to their health and happiness. Our people enjoy greater freedom and have within their reach more to contribute to their welfare and happiness than have the people of any other country in the world.

So we behold our country to-day. With all its wealth and all its prestige among nations, with all its power for good in the world, with all its hundred millions of happy, contented, and

prosperous people, and we wonder what it would have been had it not been for the service rendered by the soldiers of the Union Army. We realize, then, that the amount we have paid and will pay as pensions to these old soldiers is insignificant compared to the wealth that has been made possible through the sacrifices they made and the deeds they performed.

This is not all. The influence of their deeds will not end to-day, to-morrow, next week, or next year. These men are rapidly passing away. Every year scores of thousands of the Boys in Blue answer the last roll call on earth. Their ranks are swiftly depleting. All the soldiers of the Republic who fought the battles of the great Civil War will soon have gone from us, but the influence of their work will go on and on. The benefits of their deeds will be enjoyed by generations to come. The country which they saved will remain—the home of millions of the happiest people on earth. The flag for which they fought will continue to be the emblem of liberty and freedom, and millions from every nation on earth will continue to seek refuge under the protection of its beneficent folds. The beneficiaries of the act which we are passing to-day will soon pass away, but the Union will live, our free institutions will endure, the Stars and Stripes will still wave, and the good which these brave men did will abide with our people until our institutions shall crumble and the Republic shall be no more. [Applause.]

Mr. ADAIR. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, I shall vote for this conference report, whether I am allowed to speak or not. I voted against the bill before the House for reasons that I stated then, and also against the Sulloway bill. I thought it was too great a drain upon the Treasury of the United States. But this bill does not call for the amount of money that either of those bills did, but for only a small portion—less than a third—of the amount. I think that this more nearly covers the ideas which I expressed upon the Sulloway bill, about the proper legislation in reference to pensions, than if I had drawn a bill myself. I very cheerfully join with the friends of this measure in voting to sustain this conference report. [Applause.]

Mr. ADAIR. I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, I wish to compliment the chairman of the Committee on Invalid Pensions, Gen. SHERWOOD, for succeeding at last in being able to write upon the statute books another general pension bill. While we have voted and will continue to vote large sums of money out of the National Treasury, no money will do so much good as the money carried in this bill. [Applause.] We could not, if we would, fully recompense in dollars and cents the men who saved the Union. We owe it to them, we owe it to ourselves, we owe it to our common country that no man who defended the flag and helped preserve the Union shall ever be compelled to find refuge in a poorhouse.

Had the gentleman from Ohio [Mr. SHERWOOD] had his way these pensions would have been larger. They could not be too large if we attempted to pay in full the great debt that we owe to the men who followed Grant, Sherman, Thomas, and Sheridan. And may that brave and gallant old soldier, Gen. SHERWOOD, continue to represent the Toledo (Ohio) district in this great body. [Applause.]. If I was commissioned to give that side of the House advice, I would say, "Gentlemen, you could not do a wiser thing than place him on your ticket as a running mate with the honored Speaker of this House." [Applause.]

For the grand old soldiers of the district I represent I wish to extend to Gen. SHERWOOD, for his unremitting and unceasing efforts in their behalf, their most grateful thanks and appreciation. [Applause.]

Mr. ADAIR. Mr. Speaker, I yield one minute to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL. Mr. Speaker, the gentleman from New Hampshire [Mr. SULLOWAY] is unavoidably absent, and at his request I want to ask unanimous consent that he may extend his remarks in the RECORD.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] asks unanimous consent that the gentleman from New Hampshire [Mr. SULLOWAY] may have unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ADAIR. Mr. Speaker, I yield one-half minute to the gentleman from Kansas [Mr. NEELEY].

Mr. NEELEY. Mr. Speaker, the conference agreement on this bill is a matter of considerable gratification to me, although it fails to entirely conform to my notions of justice. My father was a Confederate soldier. He served three years and nine months in the Confederate Army, and has two wounds received in service that he will carry with him to his grave. It gives me extreme pleasure at this time to know that a Democratic House has realized the responsibility and obligation our people owe to the men who helped make the existence of this Government possible, and has attempted to repay that obligation by compensating them, as far as we are able, for their sacrifices and sufferings.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Kansas [Mr. NEELEY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ADAIR. Mr. Speaker, I yield half a minute to the gentleman from Rhode Island [Mr. O'SHAUNESSY].

The SPEAKER. The gentleman from Rhode Island [Mr. O'SHAUNESSY] is recognized for half a minute.

Mr. O'SHAUNESSY. Mr. Speaker, I regret that the admirable service-pension bill introduced by Gen. SHERWOOD and passed by this Democratic House has been so amended in the Senate as to reduce the monetary recognition by this country of the patriotic services of its defenders. No recognition of those who suffered in defense of the Union can ever be too great by this Republic. Through their heroic actions and self-sacrifice treason was suppressed and the Union was maintained. It is the easiest thing in the world for men who never participated in that great conflict to poke fun and ridicule at the veterans for being identified with pension legislation; these critics represent the defenders of the Union as mendicants devoid of honor. Let us remember that no legislation can ever fully compensate these heroes for the great sacrifice they made and the hardships they endured. At every banquet board we hear unlimited praise for the greatness of our Nation; its magnificent attainments, and the unbounded future that lies before it are held up for our admiring approbation and applause; its united citizenship is extolled, and its marvelous industrial development is paraded as one of the wonders of the age. The conditions which we constantly praise would not exist were it not for the men who answered the summons of Lincoln. This Government should not retreat from its consideration of the claims of patriotic worth and endeavor. It would be the acme of cruelty to turn our backs upon these deserving men when most of them are within the pale of death itself. They are fast disappearing. The death roll of these veterans is 100 a day, or about 40,000 a year. If there ever was a time when gratitude should manifest itself, it is in the period of their old age. I have introduced many private pension bills, and I recognize full well that most of them can not pass, unless my term of service should be extended over many years, owing to the fact that but a limited number of bills are passed for a Member of this House during each session. Most of these cases I have examined personally. I have spoken to the bowed and bent veterans who have not many days to live. Many of the cases have been pathetic in the extreme, and all of them have been deserving of the kindliest consideration. Most of these men for whom I have introduced pensions must, as a matter of course, be denied the beneficent help which special legislation affords. This is unfair to the remainder, whose cases are as deserving, and for that reason, among many others, I voted for the Sherwood pension bill, in order that the same dispensation of justice might be given to all.

My colleague, Mr. ADAIR, in his speech in this House, succinctly stated a proposition which should be engraved in the minds of the American people when he said:

> I have heretofore stated on the floor of the House, and I will state it again, that the old soldier was never paid in money worth a hundred cents on the dollar, but the bondholder has been paid in full and in gold. By an act in 1869, known as "An act to strengthen the public credit," Congress made these same bonds payable in gold, and millions of dollars of money went into the pockets of men who loved their money more than they loved their country, while the men who sacrificed health, home, and everything, and who loved their country better than their money, and who were willing to give up all God had given them for the preservation of the States are still unpaid. We have therefore by national legislation declared that money is more sacred than manhood; that lucre is more valuable than patriotism; that greed shall be recognized in national legislation above and beyond the blood of martyrs shed in a sacred cause. If the Union soldiers had been paid in money worth a hundred cents on the dollar, they would have received in excess of what was paid them the sum of $51,061,222. In other words, this was the depreciation on their monthly pay, and has been withheld from them for a period of 48 years. The interest on this vast sum of money for 48 years, not compounded, but simple interest at 6 per cent, would be $145,056,319; now add to this the principal and you have the sum of $198,117,541 honestly due and, as a matter of justice and right, should be paid. This vast sum of money, together with what could be saved by discontinuing the 17 unnecessary pension agencies and what could be saved by making examinations unnecessary, as this bill will do, would go a long way toward paying pensions for some time to come.

I am glad to recognize in my reasoning upon the pension legislation this great argument of Mr. ADAIR, so capably expressed. It has also occurred to me that the great question of the high cost of living which agitates the public mind should

enter into the solution of this question. We all recognize that the purchasing power of the dollar has depreciated.

If this is so, and no one doubts it, why should not the Government advance the rate of pension to the most deserving class of all, namely, the men who made possible the perpetuation of the Union with its attendant blessings and liberties? Half of them have been receiving but $12 per month for many years. Those $12 will not buy to-day what they would have bought when originally granted to them. As a matter of simple justice they are entitled to be compensated now at a rate which will provide them with a sum of money equal in purchasing power to that which was originally given them. I will not enlarge at this time upon the reasons for the proper recognition of the honest claims of these men. I rose principally to say that there had been criticism in some quarters not only of the veterans, but of those who recognized the justice of their cause. For that reason I am particularly anxious to say that I have no apology to offer for my vote in favor of the Sherwood pension bill. [Applause.]

For the benefit of those who are interested in this legislation I will here incorporate the Sherwood bill as amended in the Senate and in conference and destined in a day or two to become law:

An act (H. R. 1) granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico.

Be it enacted, etc., That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of 62 years and served 90 days, $13 per month; 6 months, $13.50 per month; one year, $14 per month; one and a half years, $14.50 per month; two years, $15 per month; two and a half years, $15.50 per month; three years or over, $16 per month. In case such person has reached the age of 66 years and served 90 days, $15 per month; six months, $15.50 per month; one year, $16 per month; one and a half years, $16.50 per month; two years, $17 per month; two and a half years, $18 per month; three years or over, $19 per month. In case such person has reached the age of 70 years and served 90 days, $18 per month; six months, $19 per month; one year, $20 per month; one and a half years, $21.50 per month; two years, $23 per month; two and a half years, $24 per month; 3 years or over, $25 per month. In case such person has reached the age of 75 years and served 90 days, $21 per month; six months, $22.50 per month; one year, $24 per month; one and a half years, $27 per month; two years or over, $30 per month. That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor by reason thereof, or who from disease or other causes incurred in line of duty resulting in his disability is now unable to perform manual labor, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to length of service or age.

That any person who has served 60 days or more in the military or naval service of the United States in the War with Mexico and has been honorably discharged therefrom, shall, upon making like proof of such service, be entitled to receive a pension of $30 per month.

All of the aforesaid pensions shall commence from the date of filing of the applications in the Bureau of Pensions after the passage and approval of this act: *Provided*, That pensioners who are 62 years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *Provided further*, That no person who is now receiving or shall hereafter receive a greater pension, under any other general or special law, than he would be entitled to receive under the provisions herein shall be pensionable under this act.

SEC. 2. That rank in the service shall not be considered in applications filed hereunder.

SEC. 3. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this act, except in applications for original pension by persons who have not heretofore received a pension.

SEC. 4. That the benefits of this act shall include any person who served during the late Civil War, or in the War with Mexico, and who is now or may hereafter become entitled to pension under the acts of June 27, 1890, February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906, or the acts of January 29, 1887, March 3, 1891, and February 17, 1897.

SEC. 5. That it shall be the duty of the Commissioner of Pensions, as each application for pension under this act is adjudicated, to cause to be kept a record showing the name and length of service of each claimant, the monthly rate of payment granted to or received by him, and the county and State of his residence; and shall at the end of the fiscal year 1914 tabulate the record so obtained by States and counties, and shall furnish certified copies thereof upon demand and the payment of such fee therefor as is provided by law for certified copies of records in the executive departments.

Mr. ADAIR. Mr. Speaker, I yield one minute to the gentleman from Missouri [Mr. THISTLEWOOD].

Mr. THISTLEWOOD. From Illinois. [Laughter.]

The SPEAKER. The gentleman from Illinois [Mr. THISTLEWOOD] is recognized for one minute.

Mr. THISTLEWOOD. Mr. Speaker, it would be no discredit to me if I were a citizen of Missouri [laughter and applause], but coming from the great State of Illinois, I could not allow a slip of that kind to pass without correction. [Applause.] And before I proceed, Mr. Speaker, I want to get it before your minds where I actually reside. The gentleman from Indiana locates me in Missouri, and the Speaker locates me in Illinois, where I actually reside. I think, however, I am the only Member of this House who can justly lay claim to represent a part of two States. I feel that I belong in Illinois—am a thorough Illinoisian—yet it is a fact that a portion of my district lies in the State of Missouri. Within my district is the old town of Kaskaskia. It was the first capital of the State of Illinois, the first metropolis of all the great western country—the largest city west of the Allegheny Mountains 150 years ago, and the first settlement made on the soil of Illinois was at Kaskaskia; and yet the forces of nature—the Mississippi River—have placed this town on the west bank of that stream. A few years ago that mighty stream proceeded to cut for itself a new channel and left Kaskaskia in Missouri, yet the people of the island, though attached to Missouri, do their voting in Illinois, pay their taxes—except on the part of the town that was washed away—in Illinois. The grant of the French Government of the land upon which Kaskaskia was built was made to the people in common and held by them jointly, but within the past two years the governor of Illinois has caused the land to be platted and sold, making satisfactory arrangements with the squatters or residents who were living on the land. It was here that Gen. George Roger Clarke, in 1778, made his famous march across southern Illinois from Fort Massac, captured Fort Gage and its garrison, with Kaskaskia and all that great country extending north and west of the Ohio River, and then marched in the wintertime across Illinois and captured Vincennes. Thus, through the foresight and courage of Gen. Clarke, this country became a part of Virginia, and was forever afterwards held as American territory. There is one entire precinct of Illinois that lies on Kaskaskia Island and on Missouri soil, yet to all intents and purposes they are citizens of Illinois. I take great pride in representing in this Congress perhaps the oldest settled part of Illinois. It was held by the French up to 1765, captured by England, and held until Gen. Clarke captured it in 1778.

I do not rise to make any extended argument in behalf of this bill, Mr. Speaker, because I think every Member of this House knows what I favor. I am very glad to see the pension bill where I believe it will ultimately pass and become a law. I know people are inclined to complain about pensions, but I know that this pension legislation has been promised by both the great political parties in every national convention for 10 years, and in many of the State conventions as well, and this money paid out for pensions is the most evenly distributed money, perhaps, that goes from the National Treasury. To show that it is no burden on the Nation, I want to quote from a distinguished son of Tennessee, from a speech delivered by him, or in a colloquy between himself and Congressman RODENBERY, of Georgia. I refer to Representative MOON. He said:

I want to ask this question: Is the gentleman aware of the fact that under the policy of the Federal Government internal revenue is raised for the purpose of defraying the expenses of war and pensions? Is the gentleman further advised of the fact that all the States that participated in the Confederacy in the last fiscal year paid of internal revenue into the Government of the United States less than $28,000,000, and that the States that stood for the Union paid of internal revenue about $293,000,000? [Applause.] Let me continue my question. Is the gentleman further aware that the Southern States are getting back in pensions distributed in its borders in the aggregate more money than goes out from those States in payment of pensions?

Is the gentleman not further aware that the late Confederate States are drawing from the United States Treasury in benefits by way of river and harbor and other internal improvements and by way of pensions and other sources nearly $2, if not more, where it pays into the Federal Treasury $1 from all ascertained sources of revenue? [Applause.] I want to say as a Democrat and as a southern man I am tired of this contemptible sectional rot. [Loud applause.]

I want to thank each and all. I want to thank the Democratic majority, and I want to thank each and every Member who is going to support this bill for their influence and their support in its passage. [Applause and cries of "Vote!" "Vote!"]

Mr. ADAIR. Mr. Speaker, I yield one minute to the gentleman from Ohio [Mr. ANDERSON].

The SPEAKER. The gentleman from Ohio [Mr. ANDERSON] is recognized for one minute.

Mr. ANDERSON of Ohio. Mr. Speaker, I want an opportunity to vote for the adoption of this report, and ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Ohio [Mr. ANDERSON] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ADAIR. Mr. Speaker, I yield half a minute to the gentleman from Colorado [Mr. TAYLOR].

The SPEAKER. The gentleman from Colorado [Mr. TAYLOR] is recognized for half a minute.

Mr. TAYLOR of Colorado. Mr. Speaker, I extended some of my remarks in the RECORD before; that is, I got leave and prepared some remarks, but never put them in. I now want to ask leave to renew my attempt, and extend my remarks in the RECORD. [Applause.]

Mr. THISTLEWOOD. Mr. Speaker, I make a similar request.

The SPEAKER. The gentleman from Illinois [Mr. THISTLEWOOD] and the gentleman from Colorado [Mr. TAYLOR] ask unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. ADAIR. Mr. Speaker, I move the previous question on the adoption of the conference report.

The SPEAKER. The gentleman from Indiana [Mr. ADAIR] moves the previous question on the adoption of the conference report.

Mr. RODDENBERY rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. RODDENBERY. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. Is it in order, Mr. Speaker, when a bill and conference report is called up, and one Member obtains the floor and parcels out the time to the friends of the bill, that no Member opposed to the bill shall have an opportunity to be heard?

The SPEAKER. The Chair will state to the gentleman what the rule is. The gentleman from Indiana [Mr. ADAIR] had an hour to do what he pleased with. He could have used it all himself in making a speech or parceled it out to others to suit himself. If he had not moved the previous question, the next gentleman who addressed the Chair would have had an hour, and so on ad infinitum. He moves the previous question.

Mr. RODDENBERY. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. The point of order is that it is not in order for the Speaker to entertain the motion for the previous question made by the gentleman from Indiana [Mr. ADAIR] when the gentleman from Indiana had been recognized for the purpose of general debate, and that the gentleman from Indiana, while still so recognized and within his time, makes a motion for the previous question, denying to a Member opposed to the bill the right or opportunity to address the Chair and be heard in opposition to the passage of the bill. Being opposed to this legislation, I desire to oppose the measure.

The SPEAKER. The Chair will explain that part of the situation. The gentleman from Indiana [Mr. ADAIR] had an absolute right to do what he pleased with his hour, provided he observed the rules of the House. He could make any motion that he pleased. He could make it at the beginning of his hour, or he could make it in the middle of his hour, or he could make it at the end of his hour. The question is on agreeing to the motion for the previous question.

Mr. ADAIR. Mr. Speaker, I desire to state, in justice to myself, that I yielded time to every Member of the House who asked for it.

The SPEAKER. The gentleman does not need to make any explanation of his conduct. The question is on agreeing to the motion for the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and eighty-six gentlemen are present—not a quorum. The doors will be closed, and the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of agreeing to the conference report will, when their names are called, answer "yea"; those opposed, "nay."

The question was taken; and there were—yeas 176, nays 57, answered "present" 9, not voting 150, as follows:

YEAS—176.

Adair	Brown	Crumpacker	Dodds
Ainey	Buchanan	Cullop	Doremus
Akin, N. Y.	Bulkley	Currier	Driscoll, D. A.
Allen	Burke, Wis.	Curry	Esch
Anderson, Minn.	Butler	Dalzell	Evans
Anderson, Ohio	Campbell	Danforth	Farr
Ansberry	Cantrill	Daugherty	Fergusson
Anthony	Cary	Davis, Minn.	Floyd, Ark.
Austin	Catlin	Davis, W. Va.	Focht
Barnhart	Cline	De Forest	Foss
Bartholdt	Connell	Denver	Foster
Boehne	Cooper	Dickinson	Fowler
Bowman	Crago	Dixon, Ind.	Francis
French	Kinkead, N. J.	Murdock	Sloan
Fuller	Knowland	Needham	Smith, J. M. C.
Gardner, N. J.	Korbly	Neeley	Speer
Good	Lafferty	Nelson	Steenerson
Gould	La Follette	Norris	Stephens, Cal.
Graham	Langham	Nye	Stephens, Nebr.
Gray	Lawrence	O'Shaunessy	Sterling
Green, Iowa	Lenroot	Palmer	Stevens, Minn.
Greene, Mass.	Levy	Parran	Stone
Gregg, Pa.	Lindbergh	Payne	Sulzer
Guernsey	Linthicum	Pepper	Sweet
Hamilton, Mich.	Lloyd	Post	Taggart
Hamilton, W. Va.	Lobeck	Pray	Talbott, Md.
Hamlin	McCoy	Prince	Talcott, N. Y.
Hammond	McGillicuddy	Prouty	Taylor, Colo.
Harris	McKenzie	Rainey	Thayer
Hartman	McKinley	Raker	Thistlewood
Haugen	McKinney	Rauch	Thomas
Hayden	McLaughlin	Redfield	Tilson
Hayes	Madden	Rees	Towner
Heald	Maguire, Nebr.	Roberts, Nev.	Underhill
Helgesen	Malby	Rodenberg	Utter
Henry, Conn.	Mann	Rothermel	Volstead
Higgins	Martin, Colo.	Rouse	Warburton
Hill	Martin, S. Dak.	Rubey	Wedemeyer
Howell	Mondell	Rucker, Colo.	Whitacre
Jackson	Moon, Tenn.	Rucker, Mo.	Wilder
Kahn	Morgan	Russell	Willis
Kendall	Morrison	Sabath	Wilson, Ill.
Kennedy	Morse, Wis.	Sherwood	Young, Kans.
Kinkaid, Nebr.	Moss, Ind.	Simmons	Young, Mich.

NAYS—57.

Adamson	Dickson, Miss.	Holland	Saunders
Aiken, S. C.	Doughton	Howard	Sherley
Bartlett	Dupré	Hughes, Ga.	Sims
Bell, Ga.	Edwards	Hughes, N. J.	Smith, Tex.
Blackmon	Falson	Jacoway	Stedman
Brantley	Finley	Jones	Stephens, Miss.
Burleson	Fitzgerald	Kent	Stephens, Tex.
Burnett	Garner	Kitchin	Tribble
Byrnes, S. C.	Garrett	Lever	Underwood
Byrns, Tenn.	George	Macon	Webb
Candler	Godwin, N. C.	Oldfield	Wickliffe
Carlin	Goodwin, Ark.	Page	Young, Tex.
Clayton	Hardwick	Pou	
Collier	Heflin	Robinson	
Dent	Helm	Roddenbery	

ANSWERED "PRESENT"—9.

Beall, Tex.	Fornes	Konig	Slemp
Borland	Houston	McGuire, Okla.	Weeks
Carter			

NOT VOTING—150.

Alexander	Estopinal	Lafean	Ransdell, La.
Ames	Fairchild	Lamb	Reilly
Andrus	Ferris	Langley	Reyburn
Ashbrook	Fields	Lee, Ga.	Richardson
Ayres	Flood, Va.	Lee, Pa.	Riordan
Barchfeld	Fordney	Legare	Roberts, Mass.
Bates	Gallagher	Lewis	Scully
Bathrick	Gardner, Mass	Lindsay	Selis
Berger	Gillett	Littlepage	Shackleford
Booher	Glass	Littleton	Sharp
Bradley	Goeke	Longworth	Sheppard
Broussard	Goldfogle	Loud	Sisson
Browning	Gregg, Tex.	McCall	Slayden
Burgess	Griest	McCreary	Small
Burke, Pa.	Gudger	McDermott	Smith, Saml. W.
Burke, S. Dak.	Hamill	McHenry	Smith, Cal.
Calder	Hanna	McKellar	Smith, N. Y.
Callaway	Hardy	McMorran	Sparkman
Cannon	Harrison, Miss.	Maher	Stack
Clark, Fla.	Harrison, N. Y.	Matthews	Stanley
Claypool	Hawley	Mays	Sulloway
Conry	Hay	Miller	Switzer
Copley	Henry, Tex.	Moon, Pa.	Taylor, Ala.
Covington	Hensley	Moore, Pa.	Taylor, Ohio
Cox, Ind.	Hinds	Moore, Tex.	Townsend
Cox, Ohio	Hobson	Mott	Turnbull
Cravens	Howland	Murray	Tuttle
Curley	Hubbard	Olmsted	Vare
Davenport	Hughes, W. Va.	Padgett	Vreeland
Davidson	Hull	Patten, N. Y.	Watkins
Dies	Humphrey, Wash.	Patton, Pa.	White
Difenderfer	Humphreys, Miss.	Peters	Wilson, N. Y.
Donohoe	James	Pickett	Wilson, Pa.
Draper	Johnson, Ky.	Plumley	Witherspoon
Driscoll, M. E.	Johnson, S. C.	Porter	Wood, N. J.
Dwight	Kindred	Powers	Woods, Iowa
Dyer	Konop	Pujo	
Ellerbe	Kopp	Randell, Tex.	

So the conference report was agreed to.

The Clerk announced the following additional pairs:

For the session:

Mr. GLASS with Mr. SLEMP.

Until further notice:

Mr. AYRES with Mr. SAMUEL W. SMITH.

Mr. WILSON of Pennsylvania with Mr. WOOD of New Jersey.

Mr. WILSON of New York with Mr. MILLER.

Mr. TURNBULL with Mr. POWERS.

Mr. REILLY with Mr. PORTER.

Mr. MCDERMOTT with Mr. MOTT.

Mr. LITTLEPAGE with Mr. FORDNEY.

Mr. LEE of Pennsylvania with Mr. LAFEAN.

Mr. LEE of Georgia with Mr. HOWLAND.

Mr. HENRY of Texas with Mr. HANNA.

Mr. HAY with Mr. GRIEST.

Mr. FERRIS with Mr. BROWNING.
Mr. MURRAY with Mr. AMES.
Mr. GALLAGHER with Mr. BARCHFELD.
Mr. SHEPPARD with Mr. BATES.
Mr. HULL with Mr. LONGWORTH.
Mr. ALEXANDER (in favor) with Mr. BORLAND (against).
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. JAMES with Mr. MCCALL.
Mr. SMALL (against) with Mr. MATTHEWS (in favor).
Mr. ELLERBE (against) with Mr. PICKETT (in favor).
On the vote:
Mr. BATHRICK (in favor) with Mr. SISSON (against).
Mr. LANGLEY (in favor) with Mr. CALLAWAY (against).
Commencing May 10:
Mr. JOHNSON of South Carolina with Mr. GILLETT.
From May 10, 3 p. m., until Monday, May 13, inclusive:
Mr. BOOHER with Mr. MCCREARY.
Mr. PADGETT with Mr. LOUD.
Mr. HARDY with Mr. HUMPHREY of Washington.
Mr. HARRISON of Mississippi with Mr. KOPP.
For May 10:
Mr. CARTER (against) with Mr. MCGUIRE of Oklahoma (in favor).
Until Monday, May 13:
Mr. SLAYDEN with Mr. MOORE of Pennsylvania.
Mr. DONOHOE with Mr. FOSS.
Mr. GREGG of Texas with Mr. ROBERTS of Massachusetts.
Until Tuesday next:
Mr. ASHBROOK with Mr. CALDER.
From May 3 to May 17:
Mr. GUDGER (against) with Mr. SELLS (in favor).
From May 10 until May 29:
Mr. HOWARD (against) with Mr. SWITZER (in favor).

The SPEAKER. On this vote the yeas are 175, nays 57, answering present 9. A quorum is present. Further proceedings under the call will be dispensed with. The Doorkeeper will open the doors. The conference report is agreed to. [Applause.]

PRINTING COPIES OF HOUSE BILL NO. 1.

Mr. ANDERSON of Ohio. Mr. Speaker, I ask unanimous consent that there be 30,000 copies of the law print of this bill which has just passed. (Public, No. 155.)

The SPEAKER. The gentleman from Ohio [Mr. ANDERSON] asks unanimous consent that there be 30,000 copies of the law print of this bill.

Mr. MANN. It is called the public-act print.

The SPEAKER. Is there objection?

Mr. SHERLEY. Reserving the right to object, how does the gentleman propose to have the copies distributed?

Mr. ANDERSON of Ohio. Through the document room, as usual.

Mr. MANN. I think, undoubtedly, more copies will be required. It costs very little to have them printed. Thirty thousand copies will be enough to go to the document room, and then more can be printed later.

Mr. RODDENBERY. As I understand, the request is that 30,000 copies of the law be printed?

The SPEAKER. Yes.

Mr. RODDENBERY. The custom heretofore has been that the President occasionally signs these bills before they become laws. I do not know what engagements may prevent that now, and until he does sign it I shall object. I have no objection to printing the law, but to ask unanimous consent for the printing of 30,000 copies of a law before it has gone to the President and received Executive approval is a little premature.

Mr. MANN. It will not be printed unless it becomes a law.

The SPEAKER. The Chair will state that he learned aliunde that the President signed the bill shortly after it passed. The Chair does not know whether that is true or not.

Mr. BARTLETT. Mr. Speaker, the suggestion made by the gentleman from Illinois is that the request be modified to so many copies to be published of the act.

Mr. ANDERSON of Ohio. That is the request I made.

The SPEAKER. The request of the gentleman from Ohio is that if the bill is signed by the President, 30,000 copies be printed. Is there objection?

Mr. FINLEY. Reserving the right to object, Mr. Speaker, how many pages are there of the bill?

Mr. MANN. There will not be more than two sides of one sheet.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

PENSIONS.

Mr. HAMILTON of West Virginia. Mr. Speaker, I call up the bill (H. R. 24016) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

A bill (H. R. 24016) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldier and sailors of said war.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Benjamin Shuttlesworth, late of Company B, Fourth Regiment West Virginia Volunteer Cavalry, and Company I, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Job Trenholm, late of Company L, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ephraim A. Adams, late of Company D, Twelfth Regiment Ohio Volunteer Infantry, and Company H, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Caleb A. Lott, late of Company B, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen Vaught, late of Company D, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Moses R. Myers, late of Company F, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Christopher C. Kelly, late of Company C, Eighty-fifth Regiment, and Company I, Eighty-seventh Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Seraphim T. Thery, late of Company B, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oliver E. Tillotson, late of Company H, Second Regiment, and Company A, Nineteenth Regiment, Wisconsin Volunteer Infantry, and Company C, Ninth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David R. Shockey, late of Company G, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James W. Mullins, late of Company K, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 dollars per month in lieu of that he is now receiving.

The name of Florence Meader, widow of Ogden Meader, late of Company A, One hundred and thirty-seventh Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Coffman, late of Company E, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William T. Bowden, late of Company C, Tenth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard M. Springer, late of Company K, Twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Oliver P. Black, late of Company B, Eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Fulks, late of Company D, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of David W. Dalrymple, late of Company H, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Seborn J. Mullins, late of Company B, First Regiment Georgia Volunteers, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Eliza Crall, widow of William Crall, late of Company F, Sixteenth Regiment Iowa Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William B. Whitney, late of Company G, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Hastings, late of Company H, Sixth Regiment Massachusetts Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard J. Burges, late of Company A, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Ingraham, late of Company B, Nineteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Maurice Hennessy, late of Company I, One hundred and eighty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Anthony, late of Company D, Eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joshua M. Moore, late of Company A, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Flack, late of Company D, Sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John G. Price, late of Company A, One hundred and fifty-second Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi J. Sliver, late of Company E, Thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jacob Lutz, late of Company F, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elliott A. Clarke, late of Company A, One hundred and sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Shiverdecker, late of Company E, Seventy-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Clark, late of Battery B, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Godfrey Ferber, late of Company C, Fourth Regiment Missouri Volunteer Infantry, and Battery C, Second Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel R. Holder, late of Company C, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ruth A. Richardson, widow of John W. Richardson, late of Company C, Fortieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George A. Carpenter, late deck hand, U. S. gunboat Diana, Mississippi River Fleet, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Small, late of Company K, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William McGowin, late of Company E, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theodore Kiefer, late of Company A, Sixtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lester J. Dack, late of Company L, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Rebecca M. Clark, widow of John M. Clark, late of Company C, Ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel P. Parker, late of Company H, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Noah Dujardin, late of Company E, One hundred and thirtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Denham, late of Company E, Fifth Regiment Tennessee Volunteer Infantry, and Company I, Sixty-sixth Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of David C. Marshall, late of Companies M and A, Sixth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Andrew Row, late of Company A, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph W. Long, late of Company E, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William M. Lamere, late of Company A, One hundred and sixty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Dryburgh, late landsman on U. S. S. Ohio, Mississippi, and North Carolina, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah B. Scott, widow of William G. Scott, late of First Battalion Sixteenth Regiment United States Infantry and hospital steward United States Army, and pay her a pension at the rate of $12 per month.

The name of Thomas N. Smith, late of Company L, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Olga H. Updegraff, widow of James C. Updegraff, late of Third Battery Indiana Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of John T. Stansbury, late of Alexander's Baltimore Battery Maryland Volunteer Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John G. Sprague, late of Company E, Twenty-second and Forty-second Regiments Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William V. Doan, late of Company C, Seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles M. Pond, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, and Company D, Nineteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas B. Galbraith, late of Company F, First Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Atlas P. Hammond, late of Companies F and C, One hundred and tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Strang, alias John W. Strang, late of Company A, Fiftieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hugh Valentine, late of Companies E and D, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles Janz, alias Charles Johnson, late of Company I, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac M. Krise, late of Company E, Seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ivan E. Dye, late of Company A, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Kubicek, late of Company M, Eleventh Regiment and Company C, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah A. Lane, widow of Charles G. Lane, late of Company A, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Otho W. Thompson, late of Company H, Thirteenth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Thomas Knowles, late of Company E, Third Regiment and Company L, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adam E. Shannon, late of Company I, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Annie Oleson, widow of Ole Oleson, 2d, late of Company H, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William Henry Jaques, late of Fourth Regiment New Jersey Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph H. George, late of Company I, Forty-ninth Regiment Illinois Volunteer Infantry, and Company I, Fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph Cooper, late of Company C, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Asa C. Ottarson, late of Company A, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Faloon, late of Company H, Twelfth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas Roberts, late of Company C, Seventeenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Francis J. Donnelly, late of Company L, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jonathan Bondy, late of Company H, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Lucretia Tauner, former widow of Elijah Kelsey, late of Company G, Fifty-eighth Regiment New York State Militia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Irwin, late of Company B, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dora Emmons, widow of James Emmons, late of Company F, Tenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Minnie Points, helpless and dependent daughter of Abraham Points, late of Company C, Forty-second Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John F. Trulock, late of Company H, Ninety-first Regiment Indiana Volunteer Infantry, and Company D, Seventh Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Sutton, late of Company A, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abbie J. Genthner, helpless and dependent child of Isaiah Genthner, late of Third Battery Maine Volunteer Light Artillery, and Company G, Second Maine Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of James C. Nies, late of Company G, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oliver H. P. Bailey, late lieutenant-colonel Seventy-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Tucker, widow of Frederick H. Tucker, late of Company D, Second Regiment United States Volunteer Sharpshooters, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas Butler, late of Company F, First Regiment Wisconsin Volunteer Cavalry, and Company C, Thirty-seventh United States Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William J. Gorline, late of Company A, Ninety-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anson B. Carney, late of Company B, Eightieth Regiment New York Volunteer Infantry, and Company G, Fifth United States Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary W. Smith, former widow of James S. Magee, late of Company E, Thirteenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Henry Huffine, late of Company D, Eighty-seventh Regiment, and Company G, Eighteenth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Hart, late of Company B, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexis M. Huff, late of Company C, Twenty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Moses G. Lewis, late of Company K, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John P. Hearn, late of Company K, Eighty-third Regiment Ohio Volunteer Infantry, and One hundred and fifth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Kreighbeaum, late of Company K, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Crider, late of Companies N and I, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick W. Houghton, late of Company D, Twenty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Baccus, late of Company E, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Milton Z. Sims, late quartermaster sergeant, One hundred and sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Theron E. Foster, late of Company H, Fifteenth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alice Carleton, helpless and dependent child of Daniel W. Carleton, late of Company A, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William H. Zimmerman, late of Company C, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry L. Pitcher, late of Company F, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Wells, late of Company D, Second Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Chesley Goldsby, late of Companies A and B, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry W. Eno, late of Company K, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Potts, late of Company D, Eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Howard, late of Company C, Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anna Smith, widow of Francis B. Smith, late of Company L, Fifth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Andrew G. Friend, late of Companies I and B, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William F. McLean, late of Company I, Nineteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Thomas Tigue, alias Thomas Tobin, late of Company C, Twenty-second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Wilt Rippey, late of Company F, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Whitson, late of Company K, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Mary Mullen, former widow of James Ellis, late of Company B, Ninetieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Charles Lakin, late of Company F, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Crow, late of Company I, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Chisholm, late of Company K, One hundred and sixteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ernest Buse, late of Company G, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucy Roser, widow of John F. Roser, late sergeant, Company B, One hundred and tenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jeremiah Creamer, late of Company G, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Simon Schweigert, late of Fourth Independent Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Washington W. Edgington, late of Company B, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John W. Towner, late of Companies I and C, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William J. Hammond, late of Company B, Eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George B. Griffin, late of Company C, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John P. Schoeni, late of Company B, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Hampton, late of Company E, One hundred and twenty-fourth Regiment, and Company D, Two hundred and third Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Kennedy, late of Company E, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Meikle, late seaman U. S. S. Claradolson, Avenger, and Great Western, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ezra Salter, late of Company C, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Barney L. Starin, late of Ninth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Othello A. Sherman, late of Company F, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Susan E. Bruman, widow of Albert H. Bruman, late of Company H, Fifteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Merida Wilson, late of Company G, Thirty-seventh Regiment Kentucky Mounted Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William E. McKee, late of Company F, Thirteenth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Simpson Robinson, late of Company F, Thirteenth Regiment, and Company E, Eighty-sixth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert S. Tracy, late of Company B, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Clinton Black, late of Company D, Eighty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Franklin B. Detwiler, late of Company A, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James R. Hewlett, late of the U. S. S. Rattler and Great Western, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis M. Ryder, late of Company H, Fifty-fourth Regiment Kentucky Mounted Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Clara W. Morgan, widow of Charles H. Morgan, late of Company H, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Joseph R. Patton, late of band, One hundred and sixth Regiment Pennsylvania Volunteer Infantry, and band, First Brigade Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Howard Forster, late of Company E, One hundred and twenty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adelaide E. Ruton, helpless and dependent child of George N. Ruton, late of Company G, One hundred and thirty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William H. Estep, late of Company H, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eugene Partridge, late of Company C, Forty-fourth Regiment New York Volunteer Infantry, and Company F, Seventy-eighth United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Snider, widow of John Snider, late of Company K, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Franklin Peters, late of Company G, Eighth Regiment New York State Militia Infantry, and pay him a pension at the rate of $12 per month.

The name of Mary Evans, widow of Tallesen Evans, late of Company D, One hundred and seventeenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Caroline L. Loftus, widow of Frederick Loftus, late hospital steward, United States Army, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Chester F. Cole, late of Company E, Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph F. Dixon, late of Company K, Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas Blackburn, late of Company E, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. Lee, late of Company B, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Gormley, late of Company F, Forty-seventh Regiment New York State Militia Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Enoch Jones, late private United States Marine Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James McClary, late of Company H, Eighth Regiment New Jersey Volunteer Infantry, and Seventy-second Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George E. Knowlton, late of Company G, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Myron L. Spear, late of Company C, Twelfth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George E. Hatfield, late of Company E, Eighty-ninth Regiment Ohio Volunteer Infantry, and Company G, Fifteenth Regiment, Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Grady, late of Company E, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucy A. Pratt, widow of Eugene H. Pratt, late musician, Ninth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Lovens, late of Company G, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary McCaskey, widow of George McCaskey, late of Company F, Tenth Regiment Pennsylvania Reserves Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ezra Craft, late of Company G, Twenty-seventh Regiment Michigan Volunteer Infantry, and Company A, Twentieth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Tiamsa, late of Company K, Twenty-eighth and One hundred and ninety-second Regiments Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lee Manlove, late of Company H, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Winifred W. Strippy, widow of Simon D. Strippy, late of Company A, First Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Melvin Howe, late of Company K, Second Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. King, late of Company F, Eighteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Felix Warren, late of Company M, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abraham W. Spradling, late of Company D, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Scott, late of Company B, Fourteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hiram D. Beckett, late of Company D, Twenty-fourth Regiment, and Company A, Ninth Regiment, New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Kelly, late of Company G, Thirty-second Regiment, and unassigned Fifty-fourth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Sewards, late of Company B, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William T. Lambdin, late of Company B, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Sowards, late of Company H, Fourteenth Regiment, and Company E, Thirty-ninth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Callison, late of Company M, Second Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary Newell, widow of Samuel Newell, late of Company I, One hundred and thirty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Richard McCarron, late of Second Battery Massachusetts Volunteer Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William S. De Hart, late of Companies B and A, First Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles M. Wyvell, late of Company C, Third Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Theresa A. Kurtz, former widow of Thompson L. Hughey, late of Young's Independent Battery G, Pennsylvania Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of Augustine Babcock, late of Company F, Nineteenth Regiment Maine Volunteer Infantry, and Company F, First Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sara Wolford, widow of Frederick Wolford, late of Company I, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Isaac Williams, late of Company H, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 dollars per month in lieu of that he is now receiving.

The name of Charles M. Hart, late of Company I, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew J. Adamson, late of Company H, Ninety-eighth and Sixty-first Regiments Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Rhoads, late of Company H, Fifth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Parkerson Perrego, late of Company G, One hundred and seventy-seventh Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Patrick Carey, late of Company A, One hundred and thirty-ninth Regiment New York Volunteer Infantry, and Company E, Fourteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Hanrey, late of Company G, Thirty-ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John F. Dumont, late of Company I, First Regiment Missouri Volunteer Cavalry, and Company D, Seventh Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George F. Rebman, late of Company B, One hundred and nineteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Quinn, helpless and dependent child of Joseph Quinn, late of Company A, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The above bill is a substitute for the following House bills referred to said committee:

H. R. 182. Benjamin F. Shuttlesworth.
H. R. 238. Job Trenholm.
H. R. 274. Ephraim A. Adams.
H. R. 443. Caleb A. Lott.
H. R. 444. Stephen Vaught.
H. R. 1022. Moses R. Myers.
H. R. 2186. Christopher C. Kelly.
H. R. 2521. Seraphim T. Thery.
H. R. 2677. Oliver E. Tillotson.
H. R. 2679. David R. Shockey.
H. R. 2780. James W. Mullins.
H. R. 2781. Florence Meader.
H. R. 4354. James Coffman.
H. R. 4899. William T. Bowden.
H. R. 5786. Richard M. Springer.
H. R. 6142. Oliver P. Black.
H. R. 6517. Samuel Fulks.
H. R. 6945. David W. Dalrymple.
H. R. 7473. Seborn J. Mullins.
H. R. 8049. Eliza Crail.
H. R. 8116. William B. Whitney.
H. R. 8194. Alexander Hastings.
H. R. 8375. Richard J. Burges.
H. R. 8848. William H. Ingraham.
H. R. 9266. Maurice Hennessy.
H. R. 9778. Edward Anthony.
H. R. 10307. Joshua M. Moore.
H. R. 10385. George W. Flack.
H. R. 10560. John G. Price.
H. R. 10577. Levi J. Sliver.
H. R. 10610. Jacob Lutz.
H. R. 10741. Elliott A. Clarke.
H. R. 10946. Michael Shiverdecker.
H. R. 11050. William H. Clark.
H. R. 11232. Godfrey Ferber.
H. R. 11335. Samuel R. Holder.
H. R. 11436. Ruth A. Richardson.
H. R. 11886. George A. Carpenter.
H. R. 12489. John Small.
H. R. 12674. William McGowin.
H. R. 12746. Theodore Kiefer.
H. R. 12844. Lester J. Dack.
H. R. 13160. Rebecca M. Clark.
H. R. 13166. Samuel P. Parker.
H. R. 13623. Noah Dujardin.
H. R. 13632. William Denham.
H. R. 14298. David C. Marshall.
H. R. 14735. Andrew Row.
H. R. 15056. Joseph W. Long.
H. R. 15088. William M. Lamere.
H. R. 15160. David Dryburgh.
H. R. 15174. Sarah B. Scott.
H. R. 15308. Thomas N. Smith.
H. R. 15605. Olga H. Updegraff.
H. R. 15753. John T. Stansbury.
H. R. 15795. John G. Sprague.
H. R. 15806. William V. Doan.
H. R. 15819. Charles M. Pond.
H. R. 15850. Thomas B. Galbraith.
H. R. 15869. Atlas P. Hammond.
H. R. 15870. William Strang, alias John W. Strang.
H. R. 15885. Hugh Valentine.
H. R. 16109. Charles Janz, alias Charles Johnson.
H. R. 16230. Isaac M. Krise.
H. R. 16245. Ivan E. Dye.
H. R. 16250. James Kubicek.
H. R. 16470. Sarah A. Lane.
H. R. 16544. Otho W. Thompson.
H. R. 16607. Thomas Knowles.
H. R. 16640. Adam E. Shannon.
H. R. 16708. Annie Oleson.
H. R. 16709. William Henry Jaques.
H. R. 16752. Joseph H. George.
H. R. 16784. Joseph Cooper.
H. R. 16967. Asa C. Ottarson.
H. R. 17081. Joseph Faloon.
H. R. 17269. Thomas Roberts.
H. R. 17275. Francis J. Donnelly.
H. R. 17294. Jonathan Bondy.
H. R. 17467. Lucretia Tanner.
H. R. 17514. John Irwin.
H. R. 17519. Dora Emmons.
H. R. 17538. Minnie Points.
H. R. 17563. John F. Trulock.
H. R. 17603. John W. Sutton.
H. R. 17633. Abbie J. Genthner.
H. R. 17712. James C. Nies.
H. R. 17806. Oliver H. P. Bailey.
H. R. 17886. Mary E. Tucker.
H. R. 17891. Thomas Butler.
H. R. 17968. William J. Gorline.
H. R. 18052. Anson B. Carney.
H. R. 18289. Mary W. Smith.
H. R. 18353. Henry Huffine.
H. R. 18509. Thomas Hart.
H. R. 18522. Alexis M. Huff.
H. R. 18694. Moses G. Lewis.
H. R. 18799. John P. Hearn.
H. R. 18987. William Kreighbeaum.
H. R. 19020. George Crider.
H. R. 19396. Frederick W. Houghton.
H. R. 19443. James Baccus.
H. R. 19447. Milton Z. Sims.
H. R. 19449. Theron E. Foster.
H. R. 19506. Alice Carleton.
H. R. 19584. William H. Zimmerman.
H. R. 19585. Henry L. Pitcher.
H. R. 19628. Samuel Wells.
H. R. 19696. Chesley Goldsby.
H. R. 19943. Henry W. Eno.
H. R. 20022. John M. Potts.
H. R. 20038. John Howard.
H. R. 20068. Anna Smith.
H. R. 20244. Andrew G. Friends.
H. R. 20848. William F. McLean.
H. R. 20853. Thomas Tigue, alias Thomas Tobin.
H. R. 20882. Wilt Rippey.
H. R. 20914. William H. Whitson.
H. R. 20915. Mary Mullen.
H. R. 20958. Charles Lakin.
H. R. 21009. Robert Crow.
H. R. 21015. Alexander Chisholm.
H. R. 21022. Ernest Buse.
H. R. 21035. Lucy Roser.
H. R. 21163. Jeremiah Creamer.
H. R. 21176. Simon Schweigert.
H. R. 21265. Washington W. Edgington.
H. R. 21459. John W. Towner.
H. R. 21462. William J. Hammond.
H. R. 21467. George B. Griffin.
H. R. 21468. John P. Schoeni.
H. R. 21513. Joseph Hampton.
H. R. 21566. Michael Kennedy.
H. R. 21568. James Meikle.
H. R. 21584. Ezra Salter.
H. R. 21607. Barney L. Starin.
H. R. 21686. Othello A. Sherman.
H. R. 21780. Susan E. Bruman.
H. R. 21810. Merida Wilson.
H. R. 21833. William E. McKee.
H. R. 21865. Simpson Robinson.
H. R. 21879. Albert S. Tracy.
H. R. 21944. Clinton Black.
H. R. 21973. John Quinn.
H. R. 21982. Franklin B. Detwiler.
H. R. 21985. James R. Hewlett.
H. R. 21994. Francis M. Ryder.
H. R. 22003. Clara W. Morgan.
H. R. 22034. Joseph R. Patton.
H. R. 22077. Howard Forster.
H. R. 22093. Adelaide E. Ruton.
H. R. 22116. William H. Estep.
H. R. 22162. Eugene Partridge.
H. R. 22212. Mary E. Snider.
H. R. 22231. Franklin Peters.
H. R. 22269. Mary Evans.
H. R. 22270. Caroline L. Loftus.
H. R. 22277. Chester F. Cole.
H. R. 22280. Joseph F. Dixon.
H. R. 22325. Thomas Blackburn.
H. R. 22386. John A. Lee.
H. R. 22408. John S. Gormley.
H. R. 22420. Enoch Jones.
H. R. 22461. James McClary.
H. R. 22496. George E. Knowlton.
H. R. 22552. Myron L. Spear.
H. R. 22560. George E. Hatfield.
H. R. 22698. Joseph Grady.
H. R. 22706. Lucy A. Pratt.
H. R. 22754. James Lovens.
H. R. 22788. Mary McCaskey.
H. R. 22790. Ezra Craft.
H. R. 22834. Joseph Tiamsa.
H. R. 22838. Lee Manlove.
H. R. 22891. Winifred W. Strippy.
H. R. 22916. Melvin Howe.
H. R. 22967. Charles W. King.
H. R. 22968. Felix Warren.
H. R. 22969. Abraham W. Spradling.
H. R. 23053. Thomas Scott.
H. R. 23075. Hiram D. Beckett.
H. R. 23091. John Kelly.
H. R. 23097. William Sewards.
H. R. 23210. William T. Lambdin.
H. R. 23212. Henry C. Sowards.
H. R. 23221. Charles Callison.
H. R. 23223. Mary Newell.
H. R. 23224. Richard McCarron.
H. R. 23272. William S. De Hart.
H. R. 23274. Charles M. Wyvell.
H. R. 23307. Theresa A. Kurtz.
H. R. 23388. Augustine Babcock.
H. R. 23389. Sarah Wolford.
H. R. 23401. Isaac Williams.
H. R. 23405. Charles M. Hart.
H. R. 23423. Andrew J. Adamson.
H. R. 23445. John M. Rhoads.
H. R. 23475. Parkerson Perrego.
H. R. 23498. Patrick Carey.
H. R. 23530. John Hanrey.
H. R. 23564. John F. Dumont.
H. R. 23704. George F. Rebman.

Mr. RODDENBERY. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add at the bottom of page 36 the following:

"*Provided*, That after July 1, 1912, no pension under this act or under any other act, general or special, shall be paid to a pensioner of African descent until such time as all inmates of national soldiers' homes of African descent are consolidated, removed, and domiciled in a national soldiers' home at a place separate and apart from any other such home occupied by any other soldiers and veterans of the Civil War or other wars.

"*Provided further*, That after July 1, 1912, all inmates of national soldiers' homes of African descent shall be domiciled at a distinctly separate home maintained exclusively for such inmates."

Mr. HAMILTON of West Virginia. Mr. Speaker, to that I reserve a point of order.

Mr. RODDENBERY. Mr. Speaker, I merely desire to submit a few remarks, and I understand that under the rule I have but five minutes. On a former occasion—April 15 I think it was—I made some brief and moderate observations on the Negro race, its relation to society and politics, the great mistake that our Government has made in undertaking by constitutional amendment and other legislation to put the African in this country on a political and social equality with the superior or Caucasian race.

At that time I did not have in mind, and can not conceive now, of all the excesses and evils that result from that abortive and unfortunate effort of artificially establishing and maintaining racial equality on the part of our Government. It is no less detrimental to us than it is to the negro himself.

A few days after that speech was made I received the following letter, which letter primarily gave rise to the amendment providing for placing whites and negroes in separate homes, which I have just offered. The letter is from the inmate of a national soldiers' home—an old soldier of the Civil War, a pensioner, poverty stricken, but at the same time one of the remaining sentinels, one of the remaining marks of that great type of American citizenship, the American soldier, and when he submits a letter touching upon this question and making complaint I think his petition should be presented to the Congress, although he is humble and although he is a pensioner on the affectionate charge of the Government.

I have stricken out such parts of the letter as were overcommendatory of the person to whom it was addressed, and still left the sense remain intact. The letter was addressed to me. It is as follows:

NATIONAL MILITARY HOME,
———, *April 2½, 1912.*

Hon. S. A. RODDENBERY,
Washington, D. C.

DEAR SIR: I write to thank you for your * * * speech printed in the RECORD of April 15. It did surely hit the nail on the head—one of the best I ever read on the subject. If it had included the national home it would have been perfect. Here the niggers have one of the most prominent barracks and tables in the home. They are in the first row of seats on the camp grounds, the first to be seen on entering the gates, and the last on going out. * * * I am informed it is worse in other homes—they even sit side by side at tables—not even a table by themselves. Oh, the nigger. And when the old veterans are laid away they are laid side by side by a nigger. They do not even then have a place of their own to meet their Maker. It surely is what Gen. Sherman said of war—in the national homes.

* * * * * * *

I hope to live long enough to take you by the hand and personally thank you again for what you said, and what you think of the nigger.

I will have to ask that my name be not mentioned * * *; it might make trouble for me.

Again thanking you, I am,
Truly, yours,

———— ————,
Late of New York Volunteers.

That man, an old soldier, is in a national home in a State west of the Mississippi River. I submit to you that these old men are entitled to the same separate domicile in these homes as we are entitled to in our own homes, and no greater duty of decency or respect for the veterans in this country can rest upon the Government than to apportion the African a separate home for his domicile and give to the heroes who fought the battles of the sixties a separate home. In answer to this old veteran's appeal, no doubt concurred in by thousands of his venerable comrades, I hope that you will adopt this amendment; I am for it.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. MADDEN. Mr. Speaker, the gentleman from Georgia [Mr. RODDENBERY] rises in his place to-day for the first time to defend the white veteran soldier of the Civil War. His defense comes in the form of the following amendment:

Provided, That after July 1, 1912, no pension under this act or under any other act, general or special, shall be paid to a pensioner of African descent until such time as all inmates of National Soldiers' Homes of African descent are consolidated, removed, and domiciled in a National Soldiers' Home at a place separate and apart from any other such home occupied by any other soldiers and veterans of the Civil War or other wars.

Provided further, That after July 1, 1912, all inmates of National Soldiers' Homes of African descent shall be domiciled at a distinctly separate home maintained exclusively for such inmates.

It will be remembered that it is the gentleman from Georgia who has fought every pension bill offered on the floor of this House ever since he became a Member of Congress. He has taken the pains to express his opposition to every bill for the relief of the men who fought to preserve the Union. It will not do for him to come now in the guise of the Civil War veteran's friend in order that he may the better express his hatred for the negro. No; the white soldier of the Civil War needs no defense at the gentleman's hands, and his denunciation of the negro will fall far short of accomplishing its purpose. His professed interest in the white man who fought to preserve the Union is well understood here. The gentleman deceives no one but himself by what he says. The hearts of the American people beat with gratitude for the men who fought to save the flag. They look to their Representatives here to pass such laws as will provide the means to keep them from want for the few remaining years they are to be with us. The country owes them a debt of gratitude which it can never repay. Mere money in the form of pensions is no payment. Every other comfort the country can possibly give should be theirs. Some seem to think that pensions are granted in the nature of a charity. Not at all. The country is great because it is covered by a single flag, under the protecting folds of which every citizen is free. The people from Georgia no less than every citizen of the North have reason to thank God that the Union arms prevailed in the great civil conflict. The people of Georgia and of every Southern State are to-day enjoying the blessings of liberty and prosperity which could not have come to them but for the success of the Northern armies.

Yes; the gentleman from Georgia should to-day be proclaiming his appreciation of the sacrifices made by the Union soldiers, black and white, instead of pouring out his denunciation on their heads. He the friend of the Union soldier? No, no; not he. He reads what purports to be a letter from a white man against the negro. Here it is:

NATIONAL MILITARY HOME,
———, *April 2½, 1912.*

Hon. S. A. RODDENBERY,
Washington, D. C.

DEAR SIR: I write to thank you for your * * * speech printed in the RECORD of April 15. It did surely hit the nail on the head—one of the best I ever read on the subject. If it had included the national home it would have been perfect. Here the niggers have one of the most prominent barracks and tables in the home. They are in the first row of seats on the camp grounds, the first to be seen on entering the gates, and the last on going out. * * * I am informed it is worse in other homes—they even sit side by side at tables—not even a table by themselves. Oh, the nigger. And when the old veterans are laid away they are laid side by side by a nigger. They do not even then have a place of their own to meet their Maker. It surely is what Gen. Sherman said of war—in the national homes.

* * * * * * *

I hope to live long enough to take you by the hand and personally thank you again for what you said, and what you think of the nigger.

I will have to ask that my name be not mentioned. * * * It might make trouble for me.

Again thanking you, I am,
Truly, yours,

———— ————,
Late of New York Volunteers.

He omits the name. Why does he not give that? Who knows who this man is? We are refused his name.

Mr. Speaker, I think the man who wrote that letter the gentleman from Georgia has just read is a coward or he would have signed his name to it.

Mr. RODDENBERY. The gentleman might not be willing to make that remark to the face of the old man. This is the first time I ever heard aspersions cast on the old soldiers here.

The SPEAKER. The gentleman from Georgia is out of order; the gentleman from Illinois has the floor.

Mr. RODDENBERY. The soldier's name is signed to it.

Mr. MADDEN. Then the gentleman from Georgia ought to have read the name. The men against whom this amendment is leveled fought to preserve the Union no less than the men they are associated with in the soldiers' homes. The black man fought for the preservation of the Union—as valiantly as the white man fought—and every consideration that is due the white man for services rendered to the Union at the time of its direst need ought to be given to the black man who rendered like service.

I am astonished that any man on this floor would introduce such an amendment as this to a bill seeking to pay pensions to soldiers who served their country. I can not sit here without saying a word in opposition to such an amendment. It ought not to be considered by the House for a moment. I hope with all my heart that every vote in the House will be cast against it. No men fought more bravely than the black men. They are entitled to their full share of credit for preserving the Nation. You say their liberties were at stake? Yes; and so was the liberty of every other person in the land. Thank God the close of the war brought liberty alike to the North and to the South, to the whites and to the blacks, and that to-day we live in a

land where slavery is no more, where every citizen is a sovereign. I grieve to see the gentleman from Georgia express such bitterness toward the negro. He should be one of the negroes' ablest defenders. He should be advocating measures to help the negro to help himself. The negro has made wonderful progress considering his lack of opportunity. He is a good citizen, a gallant soldier. He should be encouraged, not reviled.

Who led the successful charge at El Caney at San Juan Hill? Was it not the negro? Who questioned his color then? Did anyone revile him? Not at all. All praised his valor, all applauded his intrepidity. He is brave, he is fearless, he is easily led, he makes a good soldier, he is entitled to be honored no less than his white brother. The black veteran soldier should receive the same tender care in his declining years that we are proud to accord to the white men who rendered equal service to the Nation. We should know no color in ministering to the wants of those who gave their all in defense of the country. Who made the Nation great? Who made us one people, inseparable now and forever? Who questioned the color of the soldier's skin when he enlisted to fight for the preservation of the Union? [Applause.] No man cared whether he was black or white. The question then was, Was he a patriot, was he willing to give his life to the service of his country? He offered all he had when he offered his life. The country owes him a debt of gratitude for the work he did in the dark days of trouble.

Gentlemen, strike down the color line. Defeat the amendment offered by the gentleman from Georgia, and let the news spread into every home in this broad land of the free that Congress will tolerate no discrimination in the treatment of the country's veteran soldiers on account of the color of their skin. [Applause.]

Mr. MADDEN. I ask, Mr. Speaker, an opportunity to extend my remarks upon this subject.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the Speaker announced the noes seemed to have it.

On a division (demanded by Mr. RODDENBERY) there were—ayes 13, noes 50.

So the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. Is a motion in order now to recommit with instructions?

The SPEAKER. Not until the third reading takes place.

Mr. RODDENBERY. I desire to make such a motion.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; was read the third time.

Mr. RODDENBERY. Mr. Speaker, I desire to move to recommit the bill to the Committee on Invalid Pensions, with instructions to report the same back to the House forthwith with the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add at the bottom of page 36 of the bill the following:

"*Provided*, That after July 1, 1912, no pension under this act or under any other act, general or special, shall be paid to a pensioner of African descent until such time as all inmates of national soldiers' homes of African descent are consolidated, removed, and domiciled in a national soldiers' home at a place separate and apart from any other such home occupied by any other soldiers and veterans of the Civil War or other wars.

"*Provided further*, That after July 1, 1912, all inmates of national soldiers' homes of African descent shall be domiciled at a distinctly separate home maintained exclusively for such inmates."

The SPEAKER. The question is on the motion to recommit with instructions.

The question was taken.

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order there is no quorum present. The Chair will count. [After counting.] Eighty-two gentlemen are present.

Mr. PAGE. Mr. Speaker, I move a call of the House.

Mr. RODDENBERY. Mr. Speaker, I make the point of order the motion is out of order; there is an automatic call of the House.

The SPEAKER. There is an automatic call of the House. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. CARLIN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Virginia [Mr. CARLIN] moves that the House do now adjourn.

Mr. CARLIN. Mr. Speaker, I withdraw the motion.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 42, nays, 140, answered "present" 20, not voting 190, as follows:

YEAS—42.

Adamson	Clayton	Helm	Roddenbery
Aiken, S. C.	Collier	Holland	Stedman
Bartlett	Doughton	Hull	Stephens, Miss.
Bell, Ga.	Edwards	Jacoway	Stephens, Tex.
Blackmon	Faison	Jones	Tribble
Broussard	Finley	Lee, Ga.	Underwood
Burleson	Floyd, Ark.	Lever	Webb
Burnett	Garner	Macon	Wickliffe
Byrnes, S. C.	Garrett	Moore, Tex.	Young, Tex.
Candler	Goodwin, Ark.	Page	
Carlin	Heflin	Pou	

NAYS—140.

Adair	French	Levy	Rothermel
Ainey	Fuller	Lindbergh	Rubey
Akin, N. Y.	Gardner, N. J.	Lloyd	Rucker, Colo.
Anderson, Minn.	Good	Lobeck	Rucker, Mo.
Anderson, Ohio	Gould	McCoy	Russell
Austin	Graham	McGillicuddy	Sabath
Barnhart	Gray	McKinney	Sherley
Bowman	Green, Iowa	Madden	Sherwood
Bulkley	Greene, Mass.	Maguire, Nebr.	Sloan
Burke, Wis.	Gregg, Pa.	Mann	Smith, J. M. C.
Butler	Guernsey	Martin, Colo.	Speer
Cantrill	Hamilton, Mich.	Martin, S. Dak.	Stanley
Cary	Hamilton, W. Va.	Mondell	Steenerson
Catlin	Hamlin	Morgan	Stephens, Cal.
Cline	Hammond	Morrison	Stephens, Nebr.
Connell	Hanna	Moss, Ind.	Sterling
Cooper	Hartman	Mott	Stevens, Minn.
Crago	Haugen	Murdock	Stone
Cullop	Hayden	Needham	Sweet
Currier	Hayes	Neeley	Taggart
Curry	Heald	Nelson	Talcott, N. Y.
Daugherty	Helgesen	Norris	Taylor, Colo.
Davis, Minn.	Henry, Conn.	Nye	Thayer
De Forest	Higgins	Palmer	Thistlewood
Denver	Howell	Parran	Thomas
Dickinson	Kahn	Payne	Tilson
Dixon, Ind.	Kendall	Pepper	Towner
Dodds	Kennedy	Post	Underhill
Doremus	Kent	Pray	Utter
Esch	Kinkaid, Nebr.	Prince	Volstead
Farr	Knowland	Raker	Warburton
Fergusson	Korbly	Rauch	Wedemeyer
Fornes	Lafferty	Redfield	Wilder
Foster	La Follette	Rees	Willis
Francis	Langham	Robinson	Young, Kans.

ANSWERED "PRESENT"—20.

Allen	Driscoll, M. E.	McKellar	Saunders
Brantley	Fowler	Pickett	Sims
Brown	Glass	Rainey	Sparkman
Byrns, Tenn.	Hardwick	Roberts, Nev.	Sulzer
Davis, W. Va.	Linthicum	Rouse	Watkins

NOT VOTING—190.

Alexander	Difenderfer	Hughes, Ga.	Moore, Pa.
Ames	Donohoe	Hughes, N. J.	Morse, Wis.
Andrus	Draper	Hughes, W. Va.	Murray
Ansberry	Driscoll, D. A.	Humphrey, Wash.	Oldfield
Anthony	Dupré	Humphreys, Miss.	Olmsted
Ashbrook	Dwight	Jackson	O'Shaunnessy
Ayres	Dyer	James	Padgett
Barchfeld	Ellerbe	Johnson, Ky.	Patten, N. Y.
Bartholdt	Estopinal	Johnson, S. C.	Patton, Pa.
Bates	Evans	Kindred	Peters
Bathrick	Fairchild	Kinkead, N. J.	Plumley
Beall, Tex.	Ferris	Kitchin	Porter
Berger	Fields	Konig	Powers
Boehne	Fitzgerald	Konop	Prouty
Booher	Flood, Va.	Kopp	Pujo
Borland	Focht	Lafean	Randell, Tex.
Bradley	Fordney	Lamb	Ransdell, La.
Browning	Foss	Langley	Reilly
Buchanan	Gallagher	Lawrence	Reyburn
Burgess	Gardner, Mass.	Lee, Pa.	Richardson
Burke, Pa.	George	Legare	Riordan
Burke, S. Dak.	Gillett	Lenroot	Roberts, Mass.
Calder	Godwin, N. C.	Lewis	Rodenberg
Callaway	Goeke	Lindsay	Scully
Campbell	Goldfogle	Littlepage	Sells
Cannon	Gregg, Tex.	Littleton	Shackleford
Carter	Griest	Longworth	Sharp
Clark, Fla.	Gudger	Loud	Sheppard
Claypool	Hamill	McCall	Simmons
Conry	Hardy	McCreary	Sisson
Copley	Harris	McDermott	Slayden
Covington	Harrison, Miss.	McGuire, Okla.	Slemp
Cox, Ind.	Harrison, N. Y.	McHenry	Small
Cox, Ohio	Hawley	McKenzie	Smith, Saml. W.
Cravens	Hay	McKinley	Smith, Cal.
Crumpacker	Henry, Tex.	McLaughlin	Smith, N. Y.
Curley	Hensley	McMorran	Smith, Tex.
Dalzell	Hill	Maher	Stack
Danforth	Hinds	Malby	Sulloway
Davenport	Hobson	Matthews	Switzer
Davidson	Houston	Mays	Talbott, Md.
Dent	Howard	Miller	Taylor, Ala.
Dickson, Miss.	Howland	Moon, Pa.	Taylor, Ohio
Dies	Hubbard	Moon, Tenn.	Townsend

Turnbull	Weeks	Wilson, N. Y.	Woods, Iowa
Tuttle	Whitacre	Wilson, Pa.	Young, Mich.
Vare	White	Witherspoon	
Vreeland	Wilson, Ill.	Wood, N. J.	

The Clerk announced the following additional pairs:

Mr. ALLEN with Mr. LONGWORTH.
Mr. HARDWICK with Mr. CAMPBELL.
Mr. FOWLER with Mr. LEVER.
Mr. ELLERBE with Mr. PICKETT.
Mr. BRANTLEY with Mr. MOTT.
Mr. ROUSE with Mr. MCKINLEY.
Mr. ANSBERRY with Mr. ANTHONY.
Mr. AYRES with Mr. BARTHOLDT.
Mr. BOEHNE with Mr. CRUMPACKER.
Mr. WATKINS with Mr. FOCHT.
Mr. TALBOTT of Maryland with Mr. FOSS.
Mr. CONRY with Mr. HARRIS.
Mr. DAVIS of West Virginia with Mr. HILL.
Mr. HOWARD with Mr. SWITZER.
Mr. DANIEL A. DRISCOLL with Mr. JACKSON.
Mr. FITZGERALD with Mr. LAWRENCE.
Mr. HENRY of Texas with Mr. MCKENZIE.
Mr. HUGHES of Georgia with Mr. MCLAUGHLIN.
Mr. HUGHES of New Jersey with Mr. MALBY.
Mr. KINKEAD of New Jersey with Mr. PROUTY.
Mr. KITCHIN with Mr. RODENBERG.
Mr. MOON of Tennessee with Mr. SIMMONS.
Mr. MURRAY with Mr. WILSON of Illinois.
Mr. SIMS with Mr. YOUNG of Michigan.

Mr. FOWLER. Mr. Speaker, I desire to inquire how the gentleman from South Carolina, Mr. LEVER, voted.

The SPEAKER. He is not recorded.

Mr. FOWLER. I am paired with the gentleman from South Carolina, and I desire to answer "present." If the gentleman from South Carolina were here, I would vote "no."

Mr. MANN. Mr. Speaker, is the gentleman from Alabama, Mr. UNDERWOOD, recorded?

The SPEAKER. He is not recorded.

Mr. MANN. I voted "nay," and I am paired with him.

The SPEAKER. The Clerk will call the gentleman's name.

The name of the gentleman from Illinois [Mr. MANN] was called, and he voted "present."

After the roll had been called and before the presence of a quorum had been ascertained the following occurred:

Mr. CARLIN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. That motion will have to be seconded by a majority of those present.

Mr. PALMER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PALMER. Does the same apply to a motion to take a recess until to-morrow at 11 o'clock?

The SPEAKER. A recess can not be taken without a quorum.

Mr. RODDENBERY. I make the point of order on the motion of the gentleman from Pennsylvania [Mr. PALMER].

Mr. PALMER. Well, I have not made the motion.

The SPEAKER. Those in favor of the motion to adjourn will rise and stand until counted. [After counting.] Twenty gentlemen have risen in the affirmative. It is clear that 20 is not a majority of those present. One can tell that without further counting. [Applause.] The Chair will explain to the House that the peculiarity of the form in which this motion to adjourn is put is on account of the fact that a call of the House is pending.

Mr. MANN. Mr. Speaker, I desire to change my vote.

The SPEAKER. The Clerk will call the name of the gentleman from Illinois [Mr. MANN].

The name of the gentleman from Illinois was called, and he voted "nay."

Mr. RODDENBERY. A parliamentary inquiry. If the gentleman from Illinois votes "present" at one time and then votes "nay" at another time, which he had a right to do automatically, does the RECORD show the change or will he be counted twice, once as having voted "present" and once as having voted "nay."

Mr. MANN. As having voted twice. [Laughter.]

The SPEAKER pro tempore (Mr. Moss of Indiana). That is not a parliamentary inquiry.

After the call,

The SPEAKER. On this motion to recommit the yeas are 42, the nays are 140, voting "present" 20—a quorum. The Doorkeeper will open the doors, and further proceedings under the call will be dispensed with. The motion to recommit is rejected. The question is, Shall the bill pass?

Mr. HAMILTON of West Virginia. Mr. Speaker, I ask unanimous consent to change the spelling of a name on page 15. As it appears in the bill it is spelled wrong.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to change the spelling of a name.

Mr. HAMILTON of West Virginia. The name is in line 9, page 15. In the bill it is spelled "Tauner," but should be spelled "Tanner."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. RODDENBERY. Division, Mr. Speaker.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] demands a division.

The House divided; and there were—ayes 86, noes 2.

Mr. RODDENBERY. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. FOSTER. Mr. Speaker, I make the point of order that the motion is dilatory.

The SPEAKER. The motion is dilatory. [Applause.] The ayes have it, and the bill is passed.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I move to take up the bill (S. 6084) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 21477. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5060. An act to provide for the disposal of the unallotted land on the Omaha Indian Reservation, in the State of Nebraska; and

S. 6167. An act to authorize the Williamson & Pond Creek Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, Mingo County, W. Va.

PUBLIC BUILDING AT HURON, S. DAK.

Mr. MARTIN of South Dakota. Mr. Speaker, will the gentleman from Missouri [Mr. RUSSELL] withhold his request for a moment, in order to allow me to present a formal matter?

Mr. RUSSELL. I will.

Mr. MARTIN of South Dakota. Mr. Speaker, I ask unanimous consent for the immediate consideration of the following resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from South Dakota asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 534.

Resolved, That the Senate be requested to furnish the House with a duplicate certified copy of Senate bill 6009, an act to increase the limit of cost to the United States post-office building at Huron, S. Dak., the same having been lost or misplaced.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

PENSIONS.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] asks unanimous consent to consider in the House as in Committee of the Whole Senate bill 6084. Is there objection?

Mr. RODDENBERY. Mr. Speaker, I would like to inquire if unanimous consent is granted to consider the bill in the

House as in Committee of the Whole, would it be ruled that a second could or could not be demanded?

The SPEAKER. It takes unanimous consent to do this thing.

Mr. RODDENBERY. I understand; but if it is done by unanimous consent, at what stage would the right to demand a second arise?

The SPEAKER. It never does. This is not a suspension of the rules.

Mr. RODDENBERY. I understand it is not a suspension of the rules; but if consent is had, would a Member be recognized in his own right for five minutes, or would we be operating under one-hour rule, as in general debate?

The SPEAKER. He would have five minutes.

Mr. RODDENBERY. Reserving the right to object, before objecting, I would state that I do not desire to consume an hour, yet I do not wish to be limited to five minutes for the discussion of the bill, but should like to address the House, subject to the rules of general debate, for 10 or 15 minutes. If that can be accomplished without objection I shall not object; otherwise I shall object.

The SPEAKER. There is not anybody authorized to promise that nobody will object to an extension of time.

Mr. RODDENBERY. Then I object.

The SPEAKER. The Chair might possibly help the gentleman out by a suggestion that he could offer an amendment, and get five minutes on that.

Mr. RUSSELL. Mr. Speaker, I yield to the gentleman from Florida.

RIVER AND HARBOR BILL.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 21477, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. Is that the river and harbor bill?

Mr. SPARKMAN. Yes.

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN] asks unanimous consent to take from the Speaker's table the bill H. R. 21477, with Senate amendments, to disagree to the Senate amendments, and ask for a conference. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The SPEAKER appointed the following conferees on the part of the House: Mr. SPARKMAN, Mr. RANSDELL of Louisiana, and Mr. LAWRENCE.

ADJOURNMENT.

Mr. RUSSELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned until to-morrow, Saturday, May 11, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 18719) to authorize the State of Tennessee to sell school lands for educational purposes, reported the same with amendment, accompanied by a report (No. 684), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. POST, from the Committee on Indian Affairs, to which was referred the bill (S. 5776) authorizing the Secretary of the Interior to adjust and settle the claims of the attorney of record involving certain Indian allotments, and for other purposes, reported the same without amendment, accompanied by a report (No. 685), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 2414) granting a pension to Albert I. Merrill, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BURKE of Wisconsin: A bill (H. R. 24364) to amend an act approved April 19, 1908, entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War"; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H R. 24365) providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark.; to the Committee on Military Affairs.

By Mr. CLAYTON: A bill (H. R. 24366) authorizing A. R. Killebrew to erect a dam across the Choctawhatchee River in the State of Alabama; to the Committee on Interstate and Foreign Commerce.

By Mr. FARR: A bill (H. R. 24367) providing for the erection of a statue of Col. E. E. Ellsworth in the District of Columbia; to the Committee on the Library.

By Mr. GARNER: Resolution (H. Res. 533) increasing the salary of the night telephone operator from $720 to $900 per annum; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 24368) granting an increase of pension to Henry Heisserman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24369) granting an increase of pension to Mary E. Riddle; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 24370) granting an increase of pension to Nathaniel Perry; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 24371) granting an increase of pension to Simon Werts; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 24372) granting a pension to Thomas F. Haywood; to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 24373) granting an increase of pension to Charles P. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24374) granting an increase of pension to Thomas S. Granger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24375) granting an increase of pension to John Kelsner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24376) granting an increase of pension to Vesta Shoemaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24377) granting an increase of pension to Jesse Zimmerman; to the Committee on Pensions.

Also, a bill (H. R. 24378) granting an increase of pension to John M. Allender; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24379) granting an increase of pension to John Logan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24380) granting an increase of pension to Christian H. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24381) granting an increase of pension to William H. Warner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24382) granting an increase of pension to John R. Burtnett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24383) granting an increase of pension to James W. Gerhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24384) granting an increase of pension to Joseph Frazier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24385) granting an increase of pension to John Muir; to the Committee on Pensions.

Also, a bill (H. R. 24386) granting an increase of pension to J. V. Lambertson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24387) granting an increase of pension to Benjamin F. Kemp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24388) granting an increase of pension to Rachael B. Woodmansee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24389) granting an increase of pension to Cincinnatus East; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24390) granting an increase of pension to Elizabeth A. Hamel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24391) granting an increase of pension to James C. Ricker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24392) for the relief of George Sloughman; to the Committee on Military Affairs.

Also, a bill (H. R. 24393) for the relief of Jeremiah Rader; to the Committee on Military Affairs.

Also, a bill (H. R. 24394) to remove the charge of desertion against James Green; to the Committee on Naval Affairs.

Also, a bill (H. R. 24395) granting a pension to P. J. Carrier; to the Committee on Pensions.

Also, a bill (H. R. 24396) granting a pension to John R. Callahan; to the Committee on Pensions.

Also, a bill (H. R. 24397) granting a pension to Anthony H. Wallich; to the Committee on Pensions.

Also, a bill (H. R. 24398) granting a pension to William Shoemaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24399) granting a pension to William W. Moore; to the Committee on Pensions.

Also, a bill (H. R. 24400) granting a pension to John J. Holbrock; to the Committee on Pensions.

Also, a bill (H. R. 24401) granting a pension to Benjamin F. Dunkley; to the Committee on Pensions.

Also, a bill (H. R. 24402) granting a pension to Angeline Shade; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24403) granting a pension to James Skelton; to the Committee on Pensions.

Also, a bill (H. R. 24404) granting a pension to Myrtle Harter; to the Committee on Pensions.

Also, a bill (H. R. 24405) granting a pension to Joseph Bryant; to the Committee on Pensions.

Also, a bill (H. R. 24406) granting a pension to Robert B. Denny; to the Committee on Pensions.

Also, a bill (H. R. 24407) granting a pension to Alphonso A. Ruckman; to the Committee on Pensions.

Also, a bill (H. R. 24408) granting a pension to John C. Wheaton; to the Committee on Pensions.

Also, a bill (H. R. 24409) granting a pension to Lucinda St. John; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24410) granting a pension to William R. Hendricks; to the Committee on Pensions.

Also, a bill (H. R. 24411) granting a pension to James Stillman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24412) granting a pension to Elizabeth M. Zeek; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24413) granting a pension to William McC. Poffenberger; to the Committee on Pensions.

By Mr. CAMPBELL: A bill (H. R. 24414) granting an increase of pension to Oxley Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24415) granting an increase of pension to Augustus W. Beswick; to the Committee on Invalid Pensions.

By Mr. CATLIN: A bill (H. R. 24416) granting a pension to Margaret Tayes, née Ellis; to the Committee on Pensions.

By Mr. CURRY: A bill (H. R. 24417) to correct the military record of Anastacio Sandoval; to the Committee on Military Affairs.

By Mr. DAUGHERTY: A bill (H. R. 24418) granting a pension to Nicey A. Laderach; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 24419) granting an increase of pension to Ella Scott; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 24420) granting a pension to Albert Ramey; to the Committee on Pensions.

Also, a bill (H. R. 24421) for the relief of John A. Gribble; to the Committee on Military Affairs.

Also, a bill (H. R. 24422) granting a pension to Charles A. Ward; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 24423) granting an increase of pension to Martin Kimble; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 24424) for the relief of Archibald McElroy; to the Committee on Military Affairs.

By Mr. GOULD: A bill (H. R. 24425) granting an increase of pension to Henry S. Moulton; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 24426) for the relief of Edward Johnston; to the Committee on Military Affairs.

Also, a bill (H. R. 24427) for the relief of Catherine Kenealy; to the Committee on Military Affairs.

By Mr. KONIG: A bill (H. R. 24428) granting a pension to Robert K. Lowry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24429) granting a pension to Walter Howard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24430) granting a pension to Jonathan N. Havens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24431) granting a pension to Mary R. Dorrittee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24432) granting a pension to Isabella C. Waddell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24433) granting a pension to Mrs. Thomas D. Parks; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 24434) granting an increase of pension to William R. McCord; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 24435) granting a pension to Orlena Francis; to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 24436) granting a pension to Ada Hess; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 24437) granting a pension to Phoebe A. Ludwick; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 24438) for the relief of William H. Hudson; to the Committee on War Claims.

Also, a bill (H. R. 24439) for the relief of John S. Spurlock; to the Committee on War Claims.

Also, a bill (H. R. 24440) granting a pension to Tyra B. Turpin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24441) granting an increase of pension to William B. Philpott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24442) granting an increase of pension to David Britton; to the Committee on Pensions.

Also, a bill (H. R. 24443) for the relief of the heirs of Job Glidewell, deceased; to the Committee on War Claims.

Also, a bill (H. R. 24444) for the relief of the heirs of George W. Saunders, deceased; to the Committee on War Claims.

Also, a bill (H. R. 24445) to remove the charge of desertion from the military record of Canada Peck; to the Committee on Military Affairs.

Also, a bill (H. R. 24446) to remove the charge of desertion from the military record of Bertin Kleusman; to the Committee on Military Affairs.

By Mr. SHERLEY: A bill (H. R. 24447) for the relief of the estate of Emily Oldham, deceased; to the Committee on War Claims.

Mr. TALCOTT of New York: A bill (H. R. 24448) granting an increase of pension to James D. Lockwood; to the Committee on Invalid Pensions.

By Mr. VILLIS: A bill (H. R. 24449) granting an increase of pension to Wilson S. Van Horn; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AKIN of New York: Petition of Sons of the Revolution, State of New York, favoring passage of Senate bill 271, relative to printing all records and archives of the United States Government relating to the War of the Revolution; to the Committee on Military Affairs.

Also, petition of the Allied Committees, Political Refugee Defensive League of America, protesting against the Dillingham bill (S. 3175) for literacy test of immigrants; to the Committee on Immigration and Naturalization.

By Mr. ANTHONY: Petition of the Presbyterian Church, Corning, Kans., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Petition of J. Johnson & Co., St. Louis, Mo.; the Callender-Vanderhoof Co. and Grunnell Collins & Co., of Minneapolis, Minn.; Weil, Brockman & Co., of Cincinnati, and Sanford-Herron Co., of Columbus, Ohio, favoring passage of House bill 17936, providing for the standardization of packages and grades of barreled apples; to the Committee on Interstate and Foreign Commerce.

Also, petition of C. H. Cole and 14 other citizens, of Newark, Ohio, against passage of interstate-commerce liquor law; to the Committee on the Judiciary.

By Mr. BARNHART: Petitions of Local No. 330 and Local No. 150, of South Bend, Ind., protesting against the use of the stop-watch system on Government employees; to the Committee on Labor.

By Mr. BOWMAN: Petition of the National Association of Cotton Manufacturers, of Boston, Mass., against bills relating to the sale and purchase of cotton to be delivered on contract on the cotton exchanges of this country; to the Committee on Agriculture.

Also, petition of the Landis Machine Co., of Waynesboro, Pa., against passage of House bill 23417, to change present patent laws; to the Committee on Patents.

By Mr. BULKLEY: Petition of the Ohio Municipal League, favoring an appropriation of funds to continue the work of the President's Economy and Efficiency Commission; to the Committee on Appropriations.

By Mr. BURKE of Wisconsin: Petition of John P. Hess and 12 other merchants, of Fond du Lac, Wis., against passage of bills to prevent protective price agreements and restrictions; to the Committee on the Judiciary.

By Mr. CALDER: Petition of the Mebius & Drescher Co., of Sacramento, Cal., favoring passage of Senate bill 4727 and

House bill 4667, known as the Stevens net weight and measure bill; to the Committee on Interstate and Foreign Commerce.

By Mr. CAMPBELL: Petition of the First Baptist Church of Arkansas City, Kans., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CARY: Petition of Local No. 54, United Brotherhood of Leather Workers on Horse Goods, favoring passage of House bill 22339, for prohibiting the use of the stop watch on Government employees; to the Committee on Labor.

By Mr. DANIEL A. DRISCOLL: Petition of church societies at Lackawana City, N. Y., and of Independent Order B'rith Abraham, of New York City, N. Y., against passage of the Dillingham bill and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Sons of the Revolution, of New York City, N. Y., favoring passage of Senate bill 271, for appropriation to cover expense of collecting unpublished archives relating to War of the Revolution; to the Committee on War Claims.

By Mr. ESCH: Petition of citizens of Philadelphia, protesting against the literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, papers to accompany bill for an increase of pension to Ella Scott, widow of James P. Scott, late adjutant Second Wisconsin Volunteer Cavalry; to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of the Sons of the Revolution in the State of New York, favoring appropriation for the publishing of all records and archives relating to the Revolutionary War; to the Committee on Military Affairs.

Also, petition of citizens of Philadelphia, protesting against the Dillingham bill (S. 3175), for literacy test of immigrants; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of the Union League Club, of Chicago, Ill., against passage of the Dillingham bill (S. 3175), relating to the literacy test for immigrants, etc.; to the Committee on Immigration and Naturalization.

Also, petition of the Silverton Commercial Club, of Silverton, Colo., favoring passage of the Taylor bill (H. R. 23081), to establish a mining experiment station at Silverton, Colo., etc.; to the Committee on Mines and Mining.

Also, petition of the Mills Novelty Co., of Chicago, Ill., against passage of House bill 23417, concerning proposed amendments to the patent laws; to the Committee on Patents.

By Mr. GOULD: Petition of Carpenters' Union, Bar Harbor, Me., favoring passage of House bill 19133, for the operation of a postal-express service by the Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. GOLDFOGLE: Petition of the Sons of the Revolution in the State of New York, favoring appropriation relative to printing and publishing record and archives of the Revolutionary War; to the Committee on Military Affairs.

Also, petition of Henry B. Worthington, of St. Louis, Mo., against passage of House bill 21969 and against amendment to section 11, denying use of Panama Canal to any steamship company in which any railroad is interested; to the Committee on Interstate and Foreign Commerce.

Also, petition of C. W. Snow & Co., of Syracuse, N. Y., and Wahler & Gibson, wholesale druggists, of Albany, N. Y., against passage of House bill 14060—the Richardson bill—regulating the sale of drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. HARDWICK: Petition of Lodge No. 717, Irvin Division of the Brotherhood of Locomotive Engineers, of Augusta, Ga., opposing the passage of bill known as the employees' compensation act; to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany House bill 24341, to pension Samuel L. Smedley; to the Committee on Invalid Pensions.

By Mr. HANNA: Petition of R. Clendening, Wimbledon, N. Dak., against passage of the Lever antifuture trading bill, relative to restricting the marketing of grain; to the Committee on Agriculture.

Also, petition of citizens of North Dakota, favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of citizens of Barnes County, N. Dak., against passage of a parcel-post system, and citizens of Adams County, N. Dak., favoring passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Petition of the Grand Lodge, Independent Order of King Solomon, Newark, N. J.; and of Passaic City Lodge, No. 193, Passaic, N. J., in opposition to the literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petition of Sussman, Wormesu & Co., San Francisco, Cal., favoring passage of Stevens bill to show net weights and numerical count of packages and containers; to the Committee on Interstate and Foreign Commerce.

Also, petition of Dalziel, Moller Co., San Francisco, Cal., opposing passage of the Davis anti-injunction bill, exempting labor organizations from operation of the Sherman Act; to the Committee on the Judiciary.

Also, petition of Shipowners' Association of the Pacific Coast, San Francisco, Cal., in opposition to the anti-injunction bills exempting labor organizations from operation of the Sherman Act; to the Committee on the Judiciary.

Also, petition of the California Board of Charities and Corrections, of San Francisco, Cal., relative to creation of a Federal commission on industrial relations; to the Committee on Labor.

By Mr. LINDBERGH: Petition of G. B. Adams Post, No. 151, of Minnesota, Grand Army of the Republic, favoring passage of the Sherwood bill (H. R. 14070), for the relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

By Mr. MANN: Resolution of the German-American Alliance of Philadelphia, Pa., against passage of Burnett bill and all bills containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. McCOY: Petitions of Chovare Zion Lodge, No. 422, and Mamachber Lodge, No. 617, Independent Order B'rith Abraham, Newark, N. J., protesting against the literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petitions of the German-American Alliance of Philadelphia, Pa.; of Baron Rothschild Lodge, No. 105; of Newark Young Men Lodge, No. 154, of the Grand Lodge of Newark, N. J.; of the National Liberal Immigration League; of the Workmen's Circle and Allied Committee of the Political Refugee Defense League of America; and of the United Hebrew Trades of New York, against passage of the Dillingham bill and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Chase National Bank, of New York City, N. Y., favoring passage of Mississippi River emergency bill; to the Committee on Rivers and Harbors.

Also, petition of the United Brotherhood of Leather Workers, Newark, N. J., favoring passage of House bill 22339, prohibiting use of the stop watch for Government employees; to the Committee on the Judiciary.

By Mr. McHENRY: Resolution of the Independent Order of B'rith Sholom, Lodge No. 133, Shamokin, Pa., against passage of Senate bill 3175 and House bill 22527, for literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. MOORE of Pennsylvania: Petition of R. Stewart and others, of Philadelphia, Pa., and vicinity, favoring passage of House bill 22339, prohibiting the use of the stop-watch system; to the Committee on Labor.

Also, petition of citizens of Philadelphia, Pa., opposing the literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Philadelphia Board of Trade, Philadelphia, Pa., favoring passage of House joint resolution 304, relative to a discussion for the establishment of aids to navigation at sea; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Jewish Community of New York City, protesting against Burnett bill, for literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. MOTT: Petition of the Sons of the Revolution in the State of New York, favoring passage of Senate bill 271, relating to unpublished archives of the War of the Revolution; to the Committee on Military Affairs.

Also, resolution of the German-American Alliance at Philadelphia, Pa., against passage of the Dillingham bill and all bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. PATTEN of New York: Petition of the Sons of the Revolution of New York City, N. Y., favoring passage of Senate bill 271, relative to unpublished archives of United States Government relating to War of the Revolution; to the Committee on Military Affairs.

By Mr. RAKER: Resolution of the German Alliance of Philadelphia, Pa.; the Allied Committee of the Political Refugee Defense League of America; and the United Hebrew Trades of the State of New York; to the Committee on Immigration and Naturalization.

Also, resolutions of the San Joaquin and Sacramento River Improvement Association, of San Francisco, Cal., favoring the

War Department plan as embodied in House Document No. 81; to the Committee on Rivers and Harbors.

Also, declaration and affidavit of Herschel W. Howland, of Yreka, Cal., to accompany House bill 23656; to the Committee on Invalid Pensions.

Also, resolutions of the Chamber of Commerce of Greenville, Cal., to accompany House resolution 522, relative to Japanese activities against United States Government; to the Committee on Rules.

Also, petition of citizens of the United States, relative to the American flag on American steam vessels; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY: Petition of citizens of Connecticut, relative to land now occupied by the New York general post office; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Philadelphia, in opposition to the literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petitions of allied committee of the Political Refugee Defense League of America, New York, and the Grand Lodge, Independent Order of King Solomon, of New Jersey, protesting against the Dillingham bill (S. 3175) relative to restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of John J. Morrison, mayor of New Brunswick, N. J., favoring passage of Senate bill 6496, for the protection of passengers on ocean vessels; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the American Thread Co., New York, favoring passage of House bill 309, relative to appropriation for the raising of the levees of the Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of the Chamber of Commerce of New York State, protesting against passage of a bill prohibiting the use of the Panama Canal by steamship companies in which a railroad has an interest; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan: Petition of citizens of Michigan, favoring legislation that will give the Interstate Commerce Commission further power toward regulating express rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Michigan, protesting against passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petition of Aaron Weiss Lodge, No. 244; Wanderer Lodge, No. 278, Order B'rith Abraham, of New York City, N. Y.; and Coza Makers' Progressive Salem Alliance, No. 90, of New York, against passage of Senate bill 3175, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of W. O. Hart, of New Orleans, La., favoring passage of Burton-Littleton bill creating a national commission for the purpose of arranging for the celebration of 1914 and 1915; to the Committee on Industrial Arts and Expositions.

Also, petition of Sorens T. Johnston, of New York City, N. Y., favoring passage of House bill 4667, known as the Stevens-Gould net-weight bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the International Association of Machinists, West Side Lodge, No. 320, favoring passage of House bill No. 22339, against use of stop watch in Government shops; to the Committee on the Judiciary.

Also, petition of the Silverton Commercial Club, of Silverton, Colo., favoring passage of House bill 22081, to establish a mining experiment station at Silverton, Colo.; to the Committee on Mines and Mining.

Also, petition of the Sons of the Revolution of New York City, N. Y., favoring passage of Senate bill 271, an appropriation to cover expense of collecting and printing, etc., unpublished archives of United States Government relating to War of the Revolution; to the Committee on Military Affairs.

Also, petition of Herbert L. Griggs, of New York City., N. Y., favoring passage of a bill appropriating $200,000 for the efficiency bureau in connection with the bureau of municipal research; to the Committee on Appropriations.

By Mr. TALCOTT of New York: Petition of the Sons of the Revolution in the State of New York, favoring appropriation for publishment of all records and archives relative to the Revolutionary War; to the Committee on Military Affairs.

Also, petition of the allied committees, Political Refugee Defense League of America, New York, protesting against passage of the Dillingham bill (S. 3175) for literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. UTTER: Petition of the Walchemohet Woman's Christian Temperance Union, of East Providence, R. I., favoring passage of House bill 16214, to withdraw from interstate-commerce protection liquors imported into dry territory for illegal use; to the Committee on Interstate and Foreign Commerce.

Also, petition of Providence Lodge, No. 214, and Sons of Jacob Lodge, No. 175, Independent Order B'rith Abraham, Providence, R. I., protesting against the literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of the Sons of Revolution in the State of New York, favoring an appropriation relative to printing and publishing of records and archives of the Revolutionary War; to the Committee on Military Affairs.

Also, petition of the National Association of Talking Machine Jobbers, Pittsburgh, Pa., protesting against any change in the patent laws that may affect price maintenance; to the Committee on Patents.

Also, petition of citizens of Philadelphia, protesting against the passage of the literacy test for immigrants; to the Committee on Immigration and Naturalization.

SENATE.

SATURDAY, *May 11, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The VICE PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved.

FIFTIETH ANNIVERSARY OF THE BATTLE OF GETTYSBURG (S. DOC. NO. 663).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to Senate concurrent resolution 19, certain information relative to the observance of the fiftieth anniversary of the Battle of Gettysburg and the proper representation of the Government thereat, which, with the accompanying papers and illustrations, was referred to the Special Committee on the Fiftieth Anniversary of the Battle of Gettysburg and ordered to be printed.

LAWRENCE (MASS.) STRIKE (S. DOC. NO. 662).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to a resolution of the 7th instant, certain information relative to the wages and conditions of living of the mill operatives in Lawrence, Mass., which was ordered to lie on the table and to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Henrietta B. Hawes, administratrix of the estate of David C. Houston, deceased, *v.* United States (S. Doc. No. 661);

Francis H. Hardie, Joseph C. Hardie, Caroline H. Neal, Catherine M. Hardie, and Isabelle H. Hardie, children and sole heirs at law of James Allen Hardie, deceased, *v.* United States (S. Doc. No. 664);

Seneca H. Norton *v.* United States (S. Doc. No. 660);

Isabella H. Adams, administratrix of the estate of Arthur Hubert Burnham, deceased, *v.* United States (S. Doc. No. 659);

Mary O. H. Stoneman, administratrix of George Stoneman, deceased, *v.* United States (S. Doc. No. 658); and

D. M. Carman *v.* United States (S. Doc. No. 657).

The foregoing findings were, with accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. It asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPARKMAN, Mr. RANSDELL of Louisiana, and Mr. LAWRENCE managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

The message further requested the Senate to furnish the House with a duplicate engrossed copy of the bill (S. 6009) to

increase the limit of cost of the United States post-office building at Huron, S. Dak., the original having been lost or mislaid.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the bill (H. R. 1) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. CUMMINS. I present the memorial of Rev. James Mulligan, of Waverly, Iowa, relative to the Owen medical bill. I ask that the memorial lie on the table and be printed in the RECORD without reading.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

WAVERLY, IOWA, *May 2, 1912.*

Hon. A. B. CUMMINS,
Washington, D. C.:

I have your kind letter with amended Owen bill inclosed, and I thank you for the same no less than for the invitation to state my objections to the bill in some detail.

I have examined carefully the modifications that have been made in committee, but they do not, in my humble estimation, make it any less objectionable than it was before.

I can readily agree, as is being argued, that the text of the bill carries no suggestion of tyranny or oppression, but if you will examine the statutes of the States where, for the aggrandizement of orthodox medicine and in the name of the public health, the gravest outrages against the rights of the individual are of frequent occurrence, I am sure you will find that they in their text suggest purposes no more sinister than are found in the language of the Owen bill.

In none of these statutes will you find it written that citizens may be legally persecuted for believing that God reigns supreme on earth as in heaven, provided they have the temerity to put their faith to practical test in time of illness. Rarely will you find it stated in express terms that men and women may be legally branded as unclean and deprived of the privileges of organized society because, forsooth, they decline to subscribe to the medical dogma that the health of their offspring can be preserved by defiling their blood with the festering corruption of the beasts of the field. And never in any statute, I venture to say, will you find it written that perfectly healthy citizens may be imprisoned for a term of months and even years without any process of judicial procedure on the mere embryonic theory that they are carriers of disease. And yet, as you must be aware, such outrages are of common and growing frequency in a number of our States. And how is this possible? Not because legislators have sanctioned them in the written law, but because health boards, once established, quite invariably assume the right to formulate rules that have all the force of law and to act as prosecutor, judge, jury, and appellate court in compelling their enforcement.

While the people could be persuaded that such stringencies were for the common good, there was no general protest, but as they have gradually grown to suspect that the interest of a predatory organization was the chief end being served, there has come an unrest that is foreboding a limitation to the powers of the State medical oligarchies; and this is met with the present effort to buttress themselves behind the power and influence of the Federal Government.

I believe it but fair to assume that the authority which would be merged into this proposed new health establishment is at least equal to that wielded by any State health board, and that, with no restraining hand over it save that of the President's, assumption of power through the formulation of rules could be carried to almost any extreme. And it goes without saying that power would be thus assumed and that it would be exerted for the advantage of the medical sect in control.

I know it is argued with much unction that there would be no attempt to exercise power within a State except upon the express invitation of its governor "or other proper authority." Indeed, the bill expressly provides this alleged safeguard, but it is apparent to me that in practice it would be as meaningless as that other provision which assumes to safeguard from discrimination the weaker sects of medicine and healing. Let no one be deceived as to these points. If the proposed health service could not extend its authority into the States except in rare emergencies, there would issue from the States no clamor for it. And this clamor would not come exclusively from the physicians of one school of medicine, it is fair to say, save that they saw in the project something for their own advantage.

I know that there can be shown to us provisions of our Constitution which should seem to be ample to quiet all the fears we may have as to assaults upon our liberties in the administration of the Owen bill, but in the light of a condition and the text of the bill itself these safeguards become frail indeed. The condition of which I speak is found in the fact that the American Medical Association, chief proponent and sponsor for the bill, would provide not only the medium by which the officers operating under it could be converted into State officers, but also the medium by which Federal authority could be converted into or guised as State authority. Lest you might regard this as an unreasonable assumption, let me invite your attention to the fact that the personnel of the public-health boards of the States no less than of the medical functionaries of the Federal Government is identical with the personnel of the organization so persistently urging this legislation; and let me remind you, also, that the "other proper authority of a State" upon whose invitation the Federal health officers may invade a State, according to section 3 of the bill, almost necessarily describes the health board of a State. Consider all of these things together, my dear Senator, and I think you must conclude, as I have done, that the administration of the proposed law would be quite as completely in the hands of the American Medical Association as if Congress so designed it.

If you have pursued my letter thus far, you will doubtless perceive that I regard the Owen bill as objectionable in its entirety, and that it would be beyond my power to suggest any changes that would make it acceptable. And that, in truth, sums up my attitude with complete exactness. In taking this position, however, I should wish you to understand that I am not less solicitous for the welfare of my fellow creatures than the most disinterested of those who are petitioning you to undertake to check the ravages of disease by legal enactment. My calling brings me in contact with sorrow and suffering caused by disease and its consequences, and I hope you will believe me when I say that if I could be convinced the adoption of the Owen bill would relieve this distress even in a small degree I would welcome it gladly, despite the sinister purpose I see lurking behind it. It is deplorable, if true, that 600,000 of our people come to an untimely end each year through disease, but in the distribution of these fatalities it is found that the States maintaining the most elaborate health departments quite uniformly bear a larger share of the number than do the States that maintain small and inconsequential ones. In the light of such an anomoly, therefore, it requires more credulity than I possess to concede that the establishment provided for by the Owen bill would be capable of reducing the ravages of disease in the smallest degree. Quite the contrary, I should fear that the adoption of this measure would have the effect of increasing illness, especially if it is contemplated, as I believe it is, that the bureau of publications provided for therein shall engage in the popular distribution of health (disease) bulletins. I am firmly of the belief that thoughts freighted with the fear of illness are more potent of evil as disease carriers than the types of God's humble creatures that we are persistently urged to "swat." Science has long recognized the value of suggestion as a curative agency, and our most advanced thinkers recognize that the same agency can produce, if not disease itself, at least the morbid condition of mind and body that invites it.

I am not a scientific man in any sense, but in the course of a busy life I have had under my observation a number of cases of illness produced by suggestion, and at the risk of wearying you I will refer to one of them. One morning, a few years ago, I boarded a train at West Union, Iowa, where I was then established, en route for Turkey River. It was a route I frequently traveled, and I was acquainted with the trainmen. When the conductor approached, he told me confidentially that they were having some sport with Jimmie, the new brakeman, by persuading him that he looked very ill, and he asked me to aid in carrying the joke along. I declined to do so, but other passengers were more accommodating, and Jimmie was not only persuaded that he looked ill, but he actually became ill, and at Turkey River I saw him carried from the train on a stretcher as sick a lad as I ever looked upon that made a subsequent recovery.

Authentic cases such as I have here cited could, I believe, be multiplied almost without number, but if we recognize that influences on the mind are even small factors in the causation of disease, should we not hesitate ere we sanction the popular distribution of bulletins under the seal of the Government that deal with the subject of disease?

I do not believe that many of our people are lacking in knowledge of the conditions that make for bad health. Not of their own choice are many of them ill housed, ill nourished, or subjected to excessive fatigue or pestilential environment. Man's very struggle for existence is an effort to attain for himself and family a plane of living making for the best possible health conditions, and that more and more are reaching this plane with the passing years is shown by the vanishing scourges and the lowering death rate. That those who make our laws can help in this conquest of disease which is being wrought by advancing civilization will not be gainsaid, but the help must be in the way of improving economic conditions by lightening the burdens of taxation rather than by devising expensive establishments such as you now have under consideration, to sap from the people the substance upon which their health and well-being so largely depend.

I again thank you for this opportunity to place before you my views on this subject, and, should you regard them worthy of consideration, I would be pleased if you will do me the honor of placing them, in the form of a memorial, before your distinguished associates.

Assuring you of my profound respect, I remain,

Your obedient servant,

REV. JAMES MULLIGAN,
Priest of St. Mary's Catholic Church.

Mr. FLETCHER presented a petition of sundry citizens of Tampa, Fla., praying that an appropriation be made for the relief of the sufferers from the Mississippi River floods, which was ordered to lie on the table.

Mr. JOHNSON of Maine presented a petition of members of Solid Rock Grange, Patrons of Husbandry, of Maine, praying for the establishment of a governmental system of postal express, which was referred to the Committee on Post Offices and Post Roads.

Mr. GARDNER presented petitions of Local Union No. 517, United Brotherhood of Carpenters and Joiners of America, of Portland; of Weavers' Union No. 599, of Lisbon; and of Local Union No. 69, International Brotherhood of Stationary Firemen, of Millinocket, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Board of Trade of Portland, Me., remontrating against the abolishment of the Bureau of Manufactures, which was referred to the Committee on Appropriations.

Mr. BRISTOW presented petitions of the congregations of the Central Christian Church and the First Baptist Church, of Arkansas City, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of Wicwas Lake Grange, No. 292, Patrons of Husbandry, of Meredith Center, N. H., praying for the establishment of a parcel-post system and remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

He also presented a memorial of the Citizens' Northwest Suburban Association, of the District of Columbia, remonstrating

against the enactment of legislation to provide for deficiencies in the police and firemen's relief fund, and also against the enactment of legislation to provide for the appointment of a director for the public schools of the District, which was ordered to lie on the table.

Mr. NELSON presented a petition of sundry citizens of Stillwater, Minn., praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Education and Labor.

He also presented a petition of members of the Saturday Lunch Club, of Minneapolis, Minn., praying for the establishment of a governmental system of postal express, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Eastern Minnesota Dairymen and Buttermakers' Association, praying for the enactment of legislation to regulate the excess moisture in butter, which was referred to the Committee on Agriculture and Forestry.

Mr. TOWNSEND presented petitions of sundry citizens of Howard City and Adrian, in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. SMITH of Arizona presented a telegram in the nature of a petition from W. Warner Watkins, secretary of the Arizona Medical Association, of Phoenix, Ariz., praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. CULLOM presented a petition of the Church Fraternal, of Monmouth, Ill., praying for the enactment of legislation granting the privileges of second-class mail matter to publications of fraternal societies, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry officers of building and loan associations of East St. Louis, Ill., remonstrating against the enactment of legislation levying a special excise tax on building and loan associations, which was referred to the Committee on Finance.

Mr. ROOT presented a resolution adopted by members of the board of aldermen of New York City, N. Y., favoring an appropriation of $5,000,000 for the erection of a new post office in that city, which was referred to the Committee on Public Buildings and Grounds.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

Mr. DAVIS. Mr. President, it is rather late, but I have a couple of remonstrances against the so-called employers' liability act, which was passed by the Senate. I ask that they be printed in the RECORD without reading.

There being no objection, the memorials were ordered to lie on the table and to be printed in the RECORD, as follows:

PINE BLUFF, ARK., *May 9, 10, 1912.*

HON. JEFF DAVIS,
Care United States Senate, Washington, D. C.:

Please have this message printed, front page, morning and evening papers, Washington. Reference, Cotton Belt Savings Bank, Pine Bluff. Mail me copy of papers.

Hon. James S. Sherman, President United States Senate, and Senators assembled:

The members of the Brotherhood of Railway Trainmen, Lodge 305, earnestly request your assistance and pray that you may see your duties to the railroad employees and defer action on workmen's compensation bill at this session of Congress, thereby giving them an opportunity to study and better understand the vital principles involved. As we now see it this pending bill is very detrimental to all classes of labor. We believe this to be a measure fostered by corporate interests, aiming at the elimination of our liability laws. We would have stated our objections sooner and at more length, but were handicapped on account of the interpretation placed upon laws governing our organization.

W. S. BAUM, *President Lodge 305.*

STATE LEGISLATIVE COMMITTEE,
Clinton, Ill., May 7, 1912.

Hon. JEFF DAVIS, *Washington, D. C.*

DEAR SIR: In your fight against the compensation bill, I would like to advise that the rank and file of men engaged in train service do not want that kind of law, and the leaders of the organizations have not consulted the men regarding the matter. I am sending you under separate cover several copies of a resolution adopted by the four organizations in union meeting held at Springfield, Ill., February 26–29, 1912. We consider that the compensation measure will not compensate; that it is merely a will-o'-the-wisp and a scheme to place our welfare in the hands of the insurance companies. The railroads will then inaugurate relief propositions and force the men to pay for each others' injuries and death. We are willing to take our chances in the courts, but can not do so with the bill as drawn up by the twenty or more railway attorneys. Give us a law eliminating assumption of risk, contributory negligence, and the fellow-servant rule and I can assure you that the railroad men will be very thankful. We can then go into court as American citizens, even though the lawyers do get part of the judgment. The railroads are trying to force men in train service down to the level of the lowest, and should the compensation act become a law every railroad in this country would at once discontinue their claim departments. If you can avoid using my name in this matter will be glad to have you do so, as our president would surely have me expelled from the organization for taking this stand. As I have a wife and nine children I can ill afford to lose my insurance.

Nearly every State in the Union was represented in the union meeting.

With best wishes, I beg to remain,
Yours, truly ——— ———.

LOSS OF STEAMER "TITANIC."

Mr. DAVIS. Mr. President, it is not exactly in the shape of a memorial, but I noticed in the New York American in the issue of Tuesday, the 7th, a commendation of the committee making the *Titanic* investigation. I wish to say, Mr. President, that that is one investigation which has met my entire approval, and this article expresses my views so admirably that I ask the indulgence of the Senate for a moment while it is read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The matter was read and referred to the Committee on Commerce, as follows:

[From the New York American of Tuesday, May 7.]

CHAIRMAN SMITH AND THE "TITANIC" INVESTIGATION.

Now that the *Titanic* investigation is ended, the country should take note of the fact that it was well done. The work of the Senate committee was worthy of the best traditions of the Senate—the old-fashioned traditions, free from all empty formalism and the taint of favor and privilege.

Senator SMITH deserves the strongest commendation. It was mainly due to his energetic initiative, to his searching, indefatigable patience and thoroughness, to his keen insight and strong common sense that the work was done and finished in a manner that leaves nothing to be desired.

There were powerful financial interests opposed to this inquest, and there was a powerful inertia of senatorial habit that had to be overcome. But under the driving hand of the sturdy Senator from Michigan the committee took to its task without the loss of a day or an hour, and kept at it steadily, passing back and forth between New York and Washington, until the last scrap of material testimony had been wrung from the most unwilling witnesses.

Americans are not greatly concerned with the criticisms that have been passed upon this investigation by inspired organs of corporate influence and political red tape in Great Britain. On this side of the water it seems that the jests about Senator SMITH'S lack of nautical language are frivolous and senseless, since the information to be elicited was not for the use of sailors, but for legislators, who understand best the language of landsmen.

Nor does it seem to Americans that the eagerness of some Englishmen to make light of this serious matter does any credit to English sensibility and good taste. That the greatest of ships, built and manned by Englishmen, should have foundered in midocean with such fearful loss of life and under circumstances so gravely discreditable to English commercial methods and English seamanship is hardly a fit subject for English jokes.

In the trial of this capital case of Modern Civilization *v.* The *Titanic* Homicide, the British Board of Trade is the chief prisoner in the dock.

It is unlikely that the investigation now going on in England, under rules imposed by this same British Board of Trade, will yield results half so satisfactory to civilization as the findings of Senator SMITH and his colleagues.

BUREAU OF PUBLIC HEALTH.

Mr. WORKS. Mr. President, in some remarks I made a few days ago in opposition to Senate bill No. 1, generally known as the Owen medical bill, I said, in substance, that there was no demand for the passage of the bill except by the American Medical Association or any sentiment in its favor except such as has been manufactured by that association, or words to that effect. I have here a copy of a letter sent out by the American Medical Association. It is quite short, and I desire to have it read and printed in the RECORD, including the names of the physicians appearing at the head of the letter.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The letter was read and ordered to lie on the table, as follows:

[Council on Health and Public Instruction: Henry B. Favill, chairman, Chicago; Joseph N. McCormack, Bowling Green, Ky.; Henry M. Bracken, St. Paul, Minn.; Walter B. Cannon, Boston, Mass.; Frederick R. Green, secretary, Chicago.]

AMERICAN MEDICAL ASSOCIATION,
535 Dearborn Avenue, Chicago.

To the Members of the National Auxiliary Legislative Committee.

DEAR DOCTOR: The Owen bill (No. 1) has been reported on favorably by the committee and is now before the Senate. The time has come to impress on Members of the Senate the importance of this bill to the public health. If Senators are convinced that this measure is desired by their constituents there will be little difficulty in securing its passage. Will you, as a member of the national auxiliary legislative committee, kindly take the following steps at once:

1. Telegraph to the Senators from your State, asking them to support Senate bill No. 1 for the sake of the public health.

2. Have as many physicians as possible in your county do the same thing.

3. Have a resolution indorsing the bill, and asking your Senators to support it, passed at once by your county society and a certified copy sent to both of your Senators. Have a special meeting of your county society called, if necessary.

4. Get as many prominent citizens in your county as possible to wire or write the Senators from your State, asking them to vote for the Owen bill. The support of judges, lawyers, ministers, school superintendents and teachers, prominent club women, business men, and others is particularly desirable.

5. Secure action on this measure by women's clubs, local health organizations, civic or commercial organizations, or any other influential bodies in your county, having copies of the resolution adopted in each case sent to your Senators.

6. Get the indorsement of any newspapers in your county and secure favorable editorial comments, if possible.

While the indorsement of physicians is of value, telegrams, letters, and resolutions from nonmedical individuals and organizations are particularly desired as evidence of public sentiment. I am inclosing a copy of the report of the Senate committee, also some extracts from the Journal of April 27.

The bill has not yet been introduced in the House of Representatives. Present efforts should be concentrated on Senators. Prompt action on the above suggestions will greatly increase the effectiveness of any work which you may be able to do.

Very truly, yours, FREDERICK R. GREEN, *Secretary.*

REPORTS OF COMMITTEES.

Mr. WETMORE. I am directed by the Committee on Naval Affairs, to which was referred the bill (S. 3035) to grant an honorable discharge to William T. Haskins, alias William Thomas, to report it back with the recommendation that it be indefinitely postponed, the beneficiary thereof having died. (S. Rept. 736).

The VICE PRESIDENT. The bill will be postponed indefinitely.

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 2047) for the creation of the police and firemen's relief and retirement fund, to provide for the relief and retirement of members of the police and fire departments, to establish a method of procedure for such relief and retirement, and for other purposes, submitted an adverse report (No. 737) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the bill (S. 4148) to provide for the acquiring of title to public lands classified as and carrying phosphate deposits, reported it with amendments and submitted a report (No. 738) thereon.

Mr. HEYBURN. From the Committee on Public Buildings and Grounds I desire to report favorably Senate bill 139, providing for the purchase by the Government of lands south of Pennsylvania Avenue, with an amendment, and I submit a report (No. 739) thereon.

The VICE PRESIDENT. The bill will be read by title.

The SECRETARY. A bill (S. 139) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TOWNSEND:

A bill (S. 6780) granting a pension to Dewitt C. Bush (with accompanying paper); to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 6781) in reference to the issuance of patents and copies of surveys of private land claims; to the Committee on Private Land Claims.

By Mr. SMOOT:

A bill (S. 6782) to establish a public-health service, and for other purposes; to the Committee on Public Health and National Quarantine.

By Mr. CHAMBERLAIN:

A bill (S. 6783) granting a pension to Thomas B. Rand; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6784) for the relief of the Garden City (Kans.) Water Users' Association, and for other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. CULLOM:

A bill (S. 6785) granting a pension to Gertrude M. Snedeker (with accompanying paper); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 6787) granting an increase of pension to William Harrison; and

A bill (S. 6788) granting an increase of pension to Joseph Johnson; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 6789) granting an increase of pension to William T. Hutton (with accompanying papers);

A bill (S. 6790) granting a pension to Arbell Skaggs (with accompanying papers); and

A bill (S. 6791) granting an increase of pension to Sarah E. Johnson (with accompanying papers); to the Committee on Pensions.

SCHOOL LANDS IN ARIZONA.

Mr. ASHURST. I introduce a bill to further assure title to sections 16 and 36, heretofore reserved to several States in aid of the public schools. I ask to have it read at the desk. It is a short bill.

The bill (S. 6786) to further assure title to sections 16 and 36, heretofore reserved to several States in aid of the public schools, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That all lands heretofore reserved by any act of Congress for the purpose of being applied in aid of public schools in the Territories, and States and Territories erected out of the same, which were public lands and were free from any valid adverse claim initiated prior to the date of the approval of any act of Congress, so reserving such lands in aid of public schools, shall belong to the particular State in which such lands are situated and shall be applied in aid of the public schools within such State, and all such lands, whether surveyed or unsurveyed, so reserved, within national forests now existing or proclaimed shall be administered as a part of the said national forests; but at the close of each fiscal year there shall be paid by the Secretary of the Treasury of the United States to such State, as income for its common-school fund, such proportion of the gross proceeds of all the national forests within such State as the area of such lands heretofore reserved within such State for school purposes may bear to the total area of said national forest.

Mr. ASHURST. Mr. President, I desire to make a brief explanation as to the purpose of the bill which I have just introduced.

In the year 1878 the Congress of the United States—section 1946, Revised Statutes of the United States—reserved in Arizona and all the other Territories all of sections 16 and 36 of the public lands, with the view that when the Territories were erected into States such sections 16 and 36 should be applied for the benefit of the public schools.

Some years ago the then Secretary of the Interior, in my judgment without warrant of law, began to dispose of and administer the unsurveyed sections 16 and 36 that were lying within forest reserves or national forests as part and parcel of the forest reserves or national forests instead of treating them as school lands, thus depriving the State of Arizona, or rather the common-school system of the State of Arizona, of the income, issues, rents, profit, and use of these particular school sections. At that time I happened to be the district attorney of Coconino County, one of the counties of Arizona within which are situated a large number of these unsurveyed sections 16 and 36, and I prepared an opinion wherein, after careful investigation of the law upon the subject, I held that sections 16 and 36, whether surveyed or unsurveyed, could not legally be used or treated by the Forest Service or by the Department of the Interior for any purpose, because they were reserved by Congress for the common schools.

I am exceedingly anxious to see to it that the identical sections 16 and 36 as were reserved in 1878 shall not be lost to the common schools in Arizona, for at this time nearly one-half of all Arizona is included within some kind of a reserve, and if these sections 16 and 36, or any of them, be lost, selections of land equally as valuable as lands that were granted in 1878 will be difficult.

I ask permission that I may, without reading the same, incorporate into the RECORD with this bill the opinion which I wrote in support of my position.

The VICE PRESIDENT. Without objection, permission to do so is granted.

The brief referred to is as follows:

OPINION RENDERED BY HENRY F. ASHURST, DISTRICT ATTORNEY OF COCONINO COUNTY, ARIZ.

FLAGSTAFF, ARIZ., *February 21, 1907.*

To the honorable the Board of Supervisors of Coconino County, Ariz.

GENTLEMEN: Referring to yours of recent date, in which you request from me a written opinion as to whether your body has the power and authority to lease sections numbered 16 and 36, within Coconino County, where such sections 16 and 36 lie within the exterior boundaries of a forest reserve and were unsurveyed at the time of the establishment of such forest reserve, you are advised that your body has the power and authority, under title 65 of the revised statutes of Arizona, 1901, to lease sections 16 and 36, notwithstanding they were unsurveyed at the time such sections were included within the exterior limits of a forest reserve. For the purposes of this opinion all references to "lands embraced within the exterior limits of a forest reserve" shall be construed to refer to lands that lie within the exterior boundaries or outside limits of a forest reserve but which are not an integral part of the forest reserve.

You are further advised that any attempt on the part of the President of the United States or on the part of the forest-reserve officials to include sections 16 and 36 (whether surveyed or unsurveyed) within a forest reserve, and thus make such sections 16 and 36, or any of them, an integral part of any forest reserve, is an act which is ultra vires and void; and any strained construction placed upon section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes" (the same being the act of Congress which gives the President the power to establish forest reserves), by the President of the United States or the Interior Department of the United States or the Forestry Department, which attempts to treat sections 16 and 36 (whether surveyed or unsurveyed at the time of the creation of the forest reserve) as an integral part

of any forest reserve, is an assumption of power by the executive branch of the Government that has never been delegated to it either expressly or by implication.

The executive branch of the Government derives its power and authority to create forest reserves under and by virtue of section 24 of the act of Congress, approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," which section reads as follows:

"SEC. 24. That the President of the United States may from time to time set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall by public proclamation declare the establishment of such reservations and the limits thereof." (Mar. 3, 1891.)

Even a cursory examination of the above section 24 readily discloses that the power of the President of the United States in the matter of creating forest reserves is limited to the extent that he may create forest reserves out of the public lands only.

Congress, in describing the character of lands out of which the President may create forest reserves, used the term "public lands" and no other descriptive term, and the repeated use of the term "public lands" in the said section 24 by Congress indicates an obvious intention on the part of Congress that the President shall not create forest reserves out of any character of lands other than public lands. Applying to the said section 24 the maxim "expressio unus est exclusio alterius"—the expression of one thing is the exclusion of others—the executive branch of the Government in creating forest reserves is limited to the lands that have never lost their character as public lands.

Certainly no one would seriously contend that under the act of Congress approved March 3, 1891, supra, the President can create forest reserves out of lands that have lost their character as public lands; and if the power be not found in the said act of March 3, 1891, supra, it does not exist at all. Now, observing that the President may not create forest reserves out of lands that have lost their character as public lands, we proceed to ascertain what are "public lands."

In the case of Newhall *v.* Sanger (see 92 U. S., 769; 2 Otto, 761) the Supreme Court of the United States held that the words "public lands" are habitually used in our legislation to describe such as are subject to sale or other disposal under the general laws. Also see the case of de La Fayette Wilcox *v.* John Jackson on the demise of Murray McConnel, reported in the Thirteenth Peters, page 498. In that case the Supreme Court of the United States held: "But we go further and say that whensoever a tract of land shall have once been legally appropriated to any purpose, from that moment the land thus appropriated becomes severed from the mass of public lands, and that no subsequent law or proclamation or sale would be construed to embrace it or to operate upon it, although no reservation were made of it."

On this point also, see United States *v.* Fitzgerald (15 Peters, 417) and the case of Easton *v.* Salisbury (21 Howard, 428); and see, especially, Burfenning *v.* Chicago, St. Paul, Indianapolis & Omaha Railway Co. (163 U. S., 319; also reported in 41 L. Ed., 175). "But it is also equally true that when by act of Congress a tract of land has been reserved for homestead and preemption, or dedicated to any special purpose, proceedings in the Land Department, in defiance of such reservation or dedication, although culminating in a patent, transfer no title, and may be challenged in an action at law. In other words, the action of the Land Department can not override the expressed will of Congress or convey away public lands in disregard or defiance thereof. (St. Louis Smelting & Refining Co. *v.* Kemp, 104 U. S., 636–646, 26: 875–879; Wright *v.* Roseberry, 121 U. S., 488–519, 30: 1039–1048; Doolan *v.* Carr, 125 U. S., 618, 31: 844; Davis *v.* Wiebold, 139 U. S., 507–529, 35: 238–246; Knight *v.* United Land Association, 142 U. S., 161, 35: 974) * * *."

"* * * It has been repeatedly decided by this court that patents for lands which have been previously granted, reserved from sale, or appropriated, are void. The executive officers have no authority to issue a patent for the lands in controversy, because they were not subject to entry, having previously been reserved, and this want of power may be proved by a defendant in an action at law."

There is no statutory definition of the words "public lands," and the meaning of these words, of course, varies somewhat in different statutes passed for different purposes. To say that sections 16 and 36 are public lands would be to defeat the very operation of the law which reserved and saved and pledged the said sections 16 and 36 as a common heritage of the children of this Territory.

It now remains to be discovered whether the said sections 16 and 36 in Arizona were legally appropriated to any purpose by Congress prior to the creation of the forest reserves in which the Forestry Department is attempting to include such sections as an integral part.

Paragraph 1946 of the Revised Statutes of the United States (1878), which paragraph was enacted over 20 years before the creation of any forest reserve in Coconino County, reads as follows:

"Sections Nos. 16 and 36 in each township of the Territories of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming shall be reserved for the purpose of being applied to schools in the several Territories herein named and in the States and Territories hereafter to be erected out of the same." Section 1946, Revised Statutes of the United States, 1878.

Upon a reading of the section 1946, supra, we see that sections 16 and 36, in Arizona, lost their character as public lands years before any forest reserves were created in Coconino County, and that the said sections 16 and 36 are therefore lands of a character not susceptible of being constituted into the integral part of any forest reserve.

It is a canon of statutory construction that Congress is always familiar with its own previous enactments, and it can not be said to be reasonably arguable that, although Congress had pledged itself to reserve all the sections 16 and 36 in Arizona for the purpose of applying them to the schools in Arizona, that it would subsequently (in 1891, by the act of Congress, supra), give to the President the power to make such sections 16 and 36 integral parts of a forest reserve and thus violate the pledge and revoke the reservation it formerly made to the Territories and forever deprive the schools in the Territories of the benefit of the revenue derived from such sections 16 and 36. Such an argument would be tantamount to a charge of bad faith on the part of the Congress.

I am not unaware that the Supreme Court of the United States, in the case of Heydenfelt *v.* Daisy Mining Co., held that until the identical sections 16 and 36 were surveyed, Congress reserved the right to make any disposition of the lands that it saw fit, i. e., to constitute the lands (secs. 16 and 36) into a reserve of any kind. (See Heydenfelt *v.* Daisy Mining Co., 93 U. S., 634.)

The Heydenfelt case arose out of a dispute as to the title of a part of a section No. 16 in the State of Nevada, which section 16 was referred to in section 7 of the Nevada enabling act, which reads as follows:

"That sections Nos. 16 and 36 in every township, and where such sections have been sold or otherwise disposed of by any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be, shall be and are hereby granted to said State for the support of common schools."

No one will fail to observe, in the above section 7 of the said enabling act, that, whilst the words are words of present grant, there is a defeasance clause in the very section of the act granting the lands; that is to say, there are words in the said section 7 which indicate that upon the happening of certain contingencies the State's title to sections 16 and 36 may be defeated and the State required to select other lands in lieu of such sections 16 and 36 as may have been sold or otherwise disposed of by Congress.

In paragraph or section 1946 of the Revised Statutes of the United States (the law passing the title to sections 16 and 36 to Arizona), the closest scrutiny defies the discovery of any defeasance clause therein, that is to say, there does not appear in the law passing the title to sections 16 and 36 to Arizona, any contingency the happening of which will operate to defeat the right of the Territory to the unsufruct and the rents, issues, and profits of the identical sections 16 and 36 that were reserved, and it is elementary that if a defeasance clause is to be made operative to defeat a title or a grant, the defeasance clause must appear in the act granting the lands or in the conveyance passing the title, and if the defeasance clause does not appear in the grant or in the conveyance passing the title or purporting to pass the title, it will be absolutely inoperative and will not defeat the title. This principle is so well established that to cite authorities to sustain it would be a work of supererogation. But, it may be argued, that by paragraph 1946, supra, no title passed from the United States to the Territory, and that the words "shall be reserved" as used in the said section 1946 do not import a grant either in presenti or in futuro. Admitting, for the sake of argument only, that the legal title to the said sections 16 and 36 may not have passed to Arizona by the use of the words "shall be reserved," candor compels the acknowledgment that Congress by the use of the words "shall be reserved" absolutely and unequivocally pledged the Territory of Arizona, that Arizona should have reserved to it the said sections 16 and 36, and after such pledge and reservation by Congress, the President could not appropriate sections 16 and 36 to any other purpose without violating the pledge and reservation made to the Territory under paragraph 1946, Revised Statues of the United States, and when the pledge and reservation were made, Congress passed the equitable title to the sections 16 and 36 and holds the legal title in trust for the Territory, and Congress, by the use of the words "shall be reserved" (words which are the equivalent of "are hereby reserved"), eo instanti passed the equitable title to the said lands from the Government of the United States to Arizona.

It was held by the honorable Secretary of the Interior that, in relation to the disposition of the public lands: "It is the settled law, first, that when a party has complied with all the terms and conditions necessary to the securing of title to a particular tract of land he acquires a vested interest therein, is regarded as equitable owner thereof, and thereafter the Government holds the legal title in trust for him. Second, that the right to a patent once vested is * * * equivalent to a patent issued, and when in fact issued, patent relates back to the time when the right to it became fixed." (Kern River Oil Co. *v.* Clark, 30 L. D., 556.)

This rule has been repeatedly announced by the Supreme Court of the United States.

It will not be denied that Congress possesses plenary power to repeal the said section 1946 (the law reserving the said sections 16 and 36), but for the purposes of this paper, it is sufficient to say that Congress has not repealed the same, and until it be repealed, the Government of the United States will hold the legal title to sections 16 and 36 in trust for this Territory, and the legal title will doubtless pass to the State of Arizona when such a sovereignty is formed, but the executive branch of this Government possesses no such power of repeal, and if the President, in executing the laws, places such strained constructions on them as to deprive Arizona of the rents, issues, and profits of the said sections 16 and 36, then the President is treading on forbidden ground and is making laws, which is at utter variance with the imperishable distinction of the legislative, judicial, and executive functions which support the genius of our Government.

Respectfully, yours,

HENRY F. ASHURST, *District Attorney.*

The VICE PRESIDENT. The bill will be referred to the Committee on Public Lands.

EIGHT-HOUR LAW.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, and for other purposes, which was ordered to lie on the table and to be printed.

WITHDRAWAL OF PAPERS—CLEORA E. MASONHEIMNER.

On motion of Mr. SMOOT, it was

Ordered, That the papers in the case of Cleora E. Masonheimner, S. 159, Sixty-second Congress, first session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On May 9, 1912:

S. 4314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 4623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5045. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5193. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 5415. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5493. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 5670. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

On May 10, 1912:

S. 275. An act to make the special examiner of drugs, medicines, and chemicals an assistant appraiser at the port of Boston;

S. 3160. An act to establish Holeb, Me., a subport of entry in the customs collection district of Bangor, Me., and for other purposes; and

S. 4245. An act to increase the limit of cost of the additions to the public building at Salt Lake City, Utah.

PUBLIC BUILDING AT HURON, S. DAK.

The VICE PRESIDENT laid before the Senate the request of the House of Representatives to be furnished with a duplicate engrossed copy of the bill (S. 6009) to increase the limit of cost of the United States post-office building in Huron, S. Dak., the original having been lost or mislaid; and by unanimous consent the request was ordered to be complied with.

RIVER AND HARBOR APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NELSON. I move that the Senate insist upon its amendments, and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. NELSON, Mr. BOURNE, and Mr. SIMMONS, conferees on the part of the Senate.

PEND OREILLE RIVER DAM, WASH.

Mr. JONES. I ask unanimous consent for the present consideration of the bill (H. R. 22731) to extend the time for the construction of a dam across the Pend Oreille River, Wash. It is a local bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT POLICEMEN AND FIREMEN'S PENSION FUND.

Mr. GALLINGER. On yesterday at my request House bill 20840, relating to police and firemen's pensions was under consideration, and for the purpose of having it further examined it went over. I think that I shall offer two amendments to the bill that will cover every objection which has been made to it. I now ask unanimous consent that the Senate resume the consideration of the bill, the bill having been read.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia.

Mr. GALLINGER. On pages 5 and 6 I move to amend the amendment by striking out the proviso.

The VICE PRESIDENT. The amendment proposed by the Senator from New Hampshire to the amendment will be stated.

The SECRETARY. In section 1, page 5, line 24, after the word "law," it is proposed to amend the amendment by striking out the following proviso:

Provided, That should the police and firemen's relief fund at any time be insufficient to defray the expenditures hereinafter mentioned, then, and in that event, the Commissioners of the District of Columbia are authorized to, and they shall, direct the collector of taxes of said District to deposit, and said collector shall thereupon deposit, in the Treasury of the United States, to the credit of said fund, out of receipts from all licenses other than liquor licenses, a sufficient amount to meet any deficiency in said fund.

The amendment to the amendment was agreed to.

Mr. GALLINGER. In section 6, page 9, line 10, after the word "surgeons," I move to amend the amendment by adding the words "and the health officer of the District of Columbia."

The VICE PRESIDENT. The amendment proposed by the Senator from New Hampshire to the amendment will be stated.

The SECRETARY. In section 6, page 9, line 10, after the word "surgeons," it is proposed to amend the amendment by inserting "and the health officer of the District of Columbia," so as to read:

SEC. 6. That a retiring board, to be composed of the surgeons of the police and fire departments and two officers of the police department and two officers of the fire department, not surgeons, and the health officer of the District of Columbia, such officers to be appointed by and to serve during the pleasure of the Commissioners of said District, shall be appointed to consider all cases for relief or for retirement or for pensions of officers and members of the police and fire departments, and all applications for pensions for widows, children, and dependent fathers or mothers.

The amendment to the amendment was agreed to.

Mr. McCUMBER. Mr. President, I want to ask the Senator in charge of the bill whether, under its provisions, the Treasury of the United States must respond to this pension system, either directly or indirectly?

Mr. GALLINGER. There is no provision in the bill that requires any payment whatever from the Treasury of the United States.

Mr. McCUMBER. I understand, for instance, that half of the running expenses of the government of the District is contributed by the United States, is it not?

Mr. GALLINGER. That is true; but the sources for meeting the pensions of these people under this bill will consist of fines imposed upon members of the police and fire departments, rewards and gifts received by members, receipts from the sales of unclaimed property in the police department, and the deduction of 1½ per cent from the monthly salaries of each member of the police force, and fines and forfeitures paid into the police court of the District of Columbia, except those allowed by law to the use of the Humane Society.

Mr. McCUMBER. Well, outside of the proportion that is to be deducted from those salaries, and so forth, would it not take a fund that otherwise would go to the general expenses of the District government and compel the United States Government to pay a greater proportion, or a greater amount at least, of the running expenses of the local government because of the fact that these fines and other matters must now be taken out of the general fund and paid specifically for this purpose?

Mr. GALLINGER. Mr. President, it is quite the contrary. Exactly the opposite result will be reached. The fines going into the District treasury would make a larger revenue from the District, and under the organic act the Government would have to put up an equal amount. Taking the fines to pay these pensions, the principle being recognized, there would be a less revenue for the District of Columbia. Hence the Government would have to put up a less amount to meet the amount of the District revenues. So the bill does not take anything from the Public Treasury, but on the contrary, if it does anything, it saves something to the Public Treasury.

Mr. McCUMBER. The Senator from New Hampshire understands that I believe that the District from its own property should not be prevented, if it sees fit, from paying its own firemen and its own policemen such pensions as would be appropriate. I believe that should be done here the same as in any other city. I want to say at this time that I do believe our police in this city are the poorest paid of any class of officers that I know of, and that they certainly ought to be paid a much larger salary, considering what salaries are paid to clerks and other officials of the Government. The thing that I do object to is any system under which the United States would enter into granting pensions on account of old age or otherwise, unless the proposition shall apply to every American citizen.

Mr. GALLINGER. As I have explained, that is exactly what this bill does. It does not impose any tax whatever upon the General Government.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as it has been amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the creation of the police and firemen's relief and retirement fund, to provide for the relief and retirement of members of the police and fire departments, to establish a method of procedure for such relief and retirement, and for other purposes."

Mr. GALLINGER. I ask unanimous consent that the report of the Committee on the District of Columbia on the police and firemen's pension bill just passed be printed in the RECORD in connection with the action taken on the bill.

The VICE PRESIDENT. In the absence of objection, that order will be made.

The report referred to is as follows:

[Senate Report No. 729, Sixty-second Congress, second session.]

POLICE AND FIREMEN'S PENSIONS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER, from the Committee on the District of Columbia, submitted the following report, to accompany H. R. 20840:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia, having considered the same, report thereon with a recommendation that it pass when amended as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That from and after the passage of this act the funds designated by law as the 'policemen's fund,' the 'police fund,' and the 'firemen's relief fund,' shall be designated as the 'police and firemen's relief fund, District of Columbia,' and the said fund shall consist of all fines imposed by the Commissioners of the District of Columbia upon members of the police and fire departments by way of discipline; all rewards, proceeds of gifts, and emoluments that may be received by any member of said departments for extraordinary services, except such as may be allowed to be retained by such member or members on the approval of the said commissioners; all net receipts and moneys arising from the sale of unclaimed property in the custody of the property clerk of the police department; a deduction of 1½ per cent of the monthly salary of each member of the police and fire departments; and fines and forfeitures paid into the police court of the District of Columbia, except those allowed by law to the use of the Humane Society, all of which shall be collected by the collector of taxes of the District of Columbia and be by him deposited in the Treasury of the United States, in the manner provided by law, to the credit of the trust fund denominated 'police and firemen's relief fund, District of Columbia,' and be held subject to the drafts of the Commissioners of the District of Columbia for the purposes hereinafter set forth; all expenditures to be made according to law and to be accounted for in the manner provided by law: *Provided*, That should the police and firemen's relief fund at any time be insufficient to defray the expenditures hereinafter mentioned, then, and in that event, the Commissioners of the District of Columbia are authorized to, and they shall, direct the collector of taxes of said District to deposit, and said collector shall thereupon deposit, in the Treasury of the United States, to the credit of said fund, out of receipts from all licenses other than liquor licenses, a sufficient amount to meet any deficiency in said fund.

"SEC. 2. That whenever any officer or member of the police or fire department of the District of Columbia shall become disabled by injury received or disease contracted in the line of duty he shall, in addition to his regular salary, receive his necessary expenses during the time of such disability, to be ascertained and certified by the retiring board hereinafter provided for, whose certificate shall state an account of said expenses and the manner, cause, and condition of the injury or disease, and such necessary expenses shall, when approved by the said commissioners, be paid out of the said police and firemen's relief fund, District of Columbia.

"SEC. 3. That should any officer or member of the police or fire department become so permanently disabled through injury or disease contracted in the line of duty, or, having served not less than 15 years, shall, for any cause, become so permanently disabled as to be discharged from the service therefor, he shall be entitled to relief from the said fund in an amount, in the case of an officer or member of the fire department, as follows: Chief engineer, a sum not to exceed $150 per month; deputy chief engineer, a sum not to exceed $125 per month; battalion chief, fire marshal, and superintendent of machinery, a sum not to exceed $100 per month; deputy fire marshals and captains, a sum not to exceed $90 per month; lieutenants, a sum not to exceed $75 per month; assistant superintendent of machinery, a sum not to exceed $60 per month; engineers and drivers, a sum not to exceed $55 per month; assistant engineers and assistant drivers, a sum not to exceed $52.50 per month; inspectors and privates, a sum not to exceed $50 per month.

"And in the case of an officer or member of the police department as follows: Major and superintendent, a sum not to exceed $150 per month; inspector and assistant superintendent, a sum not to exceed $125 per month; inspector, a sum not to exceed $100 per month; captain, a sum not to exceed $90 per month; lieutenant, a sum not to exceed $75 per month; sergeant, a sum not to exceed $60 per month; private, a sum not to exceed $50 per month, as may be justified, in any case of the police and fire departments, by the length of service and the nature of the injury or disease, as such disability may be determined by the retiring board hereinafter provided for; that in case of the death of any officer or member of the police or fire department before or after retirement from injury or disease contracted in the line of duty, leaving a widow, or children under 16 years of age, or a dependent father or mother, or both, such widow or such relative shall be entitled to a pension to be paid from the said relief fund, the amount thereof to be determined by the retiring board hereinafter provided for: *Provided*, That in no case shall the amount paid to any one family exceed the sum of $50 per month, and that upon the remarriage of any widow her pension under this act shall immediately cease, and that any pension to or for her children under 16 years of age shall cease upon their attaining such age.

"SEC. 4. That any officer or member of the police or fire department of the District of Columbia who may have performed police or fire service therein for a period of 25 years shall be entitled to retirement from such department and to an allowance to be paid from the said police and firemen's relief fund in an amount equal to the maximum allowance as provided in section 3 of this act, for the respective officers and members of said departments.

"SEC. 5. That a sum not to exceed $75 may be allowed by the Commissioners of the District of Columbia, to be paid from the said police and firemen's relief fund, to defray the funeral expenses of any member of the police or fire department who may die while in the service of such department.

"SEC. 6. That a retiring board, to be composed of the surgeons of the police and fire departments and two officers of the police department and two officers of the fire department, not surgeons, such officers to be appointed by and to serve during the pleasure of the Commissioners of said District, shall be appointed to consider all cases for relief or for retirement or for pensions of officers and members of the police and fire departments, and all applications for pensions for widows, children, and dependent fathers and mothers; and the police and fire surgeons shall certify in writing to the said retiring board the physical condition of the officers or members of the force, if living, for whom a pension is sought for any reason provided for in this act, and whether or not said condition, or death, is due to injury or disease contracted in the line of duty, or that said officer or member has become so permanently disabled as to entitle him to discharge from the service therefor. The said retiring board shall give notice to any applicant for relief or pension or retirement to be present before it and give any evidence that he may desire, and the proceedings of the said board shall be reduced to writing and shall show the date of appointment of the officer or member under inquiry, his age, his record in the service, and any other information that may be pertinent to the matter of relief, pension, or retirement, and shall show what amount, if any, is awarded the applicant by way of relief or pension. The said board shall make a report of its finding to the commissioners, who shall have the power to take further testimony, if they so desire, and may approve, disapprove, or modify the findings of the said board, or remand any case for such further proceedings as may be necessary, and the decision of the said commissioners shall be final. The said commissioners are also hereby authorized and empowered to make, modify, and amend from time to time rules of procedure for the conduct of such board.

"SEC. 7. That within 60 days following the 1st day of July, 1912, and every two years thereafter, the commissioners shall cause every policeman and fireman receiving a pension allowance from the police and firemen's relief fund to undergo such examination as in the judgment of the commissioners may be necessary to enable them to determine whether the pension in such case or cases shall be increased or reduced; and the commissioners are hereby authorized and directed to increase or reduce the allowance of pensioners as the result of such examination: *Provided, however*, That should a pensioner fail or refuse to undergo the examination prescribed by the commissioners, the allowance of such pensioner may be reduced or entirely discontinued by the commissioners: *Provided, however*, That the commissioners may discontinue any pension or retirement allowance upon duly certified information from a court of record that any person so pensioned or retired has been guilty of any crime involving moral turpitude or where any such person is found by the retiring board, after notice and trial, to be an habitual drunkard or guilty of lewd or lascivious conduct: *Provided further*, That nothing in this section shall be construed to give the widow of any officer or member of the police or fire department any right to a pension upon her remarriage, or to give any child or children of any officer or member of said police or fire department the right to a pension after becoming 16 years of age.

"SEC. 8. That any such pensioned or retired officer or member of the police or fire department in time of flood, riot, great fires, during extraordinary assemblages or unusual emergencies may be called by the head of the respective department into the service of the District police or fire force for such duty as his disabilities will permit of his performing, as ascertained and certified by the retiring board, without compensation therefor.

"SEC. 9. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed."

Amend the title of the bill so as to read as follows:

"A bill for the creation of the police and firemen's relief and retirement fund, to provide for the relief and retirement of members of the police and fire departments, to establish a method of procedure for such relief and retirement, and for other purposes."

The bill as amended has the approval of the Commissioners of the District of Columbia, as will appear by the following letter, in which the reasons for the proposed legislation are clearly set forth:

APRIL 25, 1911.

Hon. J. H. GALLINGER,
Chairman Committee on District of Columbia,
United States Senate.

SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a draft of a bill entitled "A bill for the creation of the police and firemen's relief and retirement fund, to provide for the relief and retirement of members of the police and fire departments, to establish a method of procedure for such relief and retirement, and for other purposes," and to recommend its early enactment.

The main objects of the proposed legislation are to harmonize the rates of pensions and retirements of the police and fire departments so that the allowances for the corresponding class of the members of each department shall be alike; and to provide sources of revenue for the fund for the relief of the members of the police and fire departments, so that receipts from licenses—except those received under the excise law—shall be available as far as necessary for the purpose.

The first proposed modification in the bill is that instead of the payment of $1 per month by each member of the police and fire department to the relief fund as at present, 1½ per cent of the monthly salary of each member shall be applicable to that purpose. The equity of this proposed change is apparent. The beneficiaries to the fund should contribute to it in proportion to their salaries and to the rate of allowance they are to be entitled to receive.

The bill also proposes, in section 6, to make the action of the retiring board subject to the approval, disapproval, or modification by the Commissioners of the District of Columbia, which will enable the commissioners to regulate the amount of pension by the equities of each case, as they may appear.

It is also proposed, in section 7, to specifically invest the commissioners with power to discontinue any relief or pension where the beneficiary is found to be guilty of improper practices or conduct and to make more definite the present provision for a biennial examination to determine the advisability of increasing or reducing the allowance of pension. As a number of retired and pensioned officers and members of the police and fire departments will at all times be capable of rendering a limited service on occasions of emergency, the commissioners are authorized by section 8 to avail themselves of such assistance.

The maximum rate proposed in this bill is no greater than the rates established in other municipalities in the United States corresponding to and exceeding in population the District of Columbia, and it is materially less for the class of police and fire department officers re-

ceiving the higher salaries. If the maximum should be allowed in each case, the increase in the expenditures over the present outlay on that account would be very little; but the commissioners believe that in view of the discretion vested in them to regulate the pension allowance the annual increase would be immaterial.

At the present time, a critical condition confronts the commissioners in consequence of the inadequacy of the police and firemen's relief funds to meet the present demands upon them. At the close of the month of December, 1910, when the pay rolls for the police and firemen's pensions were submitted to the auditor for payment, it was found that the revenue collected during that month and the balance remaining on the 1st of the month after the payment of the November pensions was insufficient for the purpose of liquidating in full the several allowances for December. Consequently it became necessary to delay the payments of the December allowances until the 9th day of January, 1911, in order that sufficient collections from police-court fines might be made to meet the deficiency. This deficiency for both the police and firemen's pensions on account of the month of December amounted to about $1,500. The extra demand on the income from the police court of the District for the $1,500 deficiency to enable the December allowances to be paid resulted in a corresponding failure to be able to pay the January pensions until some time in February through the shortage in funds, the discrepancy on account of the January payments being $2,857.73, or 60 per cent of the total amount due for that month. In February 60 per cent of the liabilities was paid, the deficiency being $2,825.40; and for the month of March just passed, 75 per cent of the allowances was paid, leaving a deficiency of $1,777.75 for that month.

This condition will continue during the remainder of the fiscal year, with a probability that before the close of the year it will be necessary to further reduce the payments on these allowances in both the police and fire departments payments below the amounts paid for the months above mentioned. The pension rolls of the police and fire departments amount to about $11,000 a month, and a little over $1,300 is collected each month through a deduction of $1 per month from the salary of each officer and member of these two departments. The balance of about $10,000 required to meet the monthly payments of pensions is made up entirely from police-court fines and forfeitures, except in the months of July and August, when about $20,000 is derived from dog licenses. It is obvious, therefore, that the payment of police and firemen's pensions are dependent nearly absolutely upon the collections of fines and forfeitures in the police court.

During the month of December the money received on this account amounted to $3,000 less than the average for preceding months, and it was because of this falling off in the police-court receipts that the December allowances were delayed in settlement until a sufficient amount could be received from the collections in January from the same sources. Averaging the total payments for pensions on account of both the police and fire departments, it requires about $11,000 per month or about $133,000 for a full year, and of this about $13,000 is supplied by the deduction of $1 per month from each officer and member of the police and fire departments and about $20,000 received from dog taxes. The balance of about $100,000 necessary to be collected in order to pay the present pensions in full is therefore dependent entirely on the fines and forfeitures from the police court of the District of Columbia.

The total collections made from the latter source during the fiscal year ended June 30, 1910, were $89,490.92. During the fiscal year, in the month of February, it was necessary to reduce the payments of pensions of police and firemen to a pro rata basis, but this deficiency was made up after the 1st of the succeeding July, when sufficient revenue was obtained from the collections on account of dog taxes.

The bill under consideration would, if enacted, provide a new source of revenue for the payment of police and firemen's allowances which would, for many years to come, more than supply all the revenue needed for this purpose, and leave a surplus to be deposited in the Treasury to the credit of the general revenues of the District.

A great many of the beneficiaries of both departments who gave the best years of their lives to the service, are now incapacitated for other work; and those dependent upon members of these departments who have children to take care of and provide for are dependent for living expenses on the regular payment of the allowance the law provides. It seems an unjust hardship to deprive these people of any part of their small monthly stipend. The proposed measure provides ample means for the payment of all allowances in full every month.

Any increase of the relief fund which this bill may involve will not entail any additional charge upon the Treasury of the United States, as it is not proposed that the United States shall bear any part of the expenses. On the contrary, as the entire expenditure will be made from the revenues of the District, the enactment of the bill as proposed would result in a saving to the Federal Government through the reduction of the District revenues which would be available for appropriation for those expenses of the District which are payable in equal parts by the United States and by the District of Columbia.

Further, it might be stated that the operation of the proposed law would be in line with economy in this, that it would result in the retirement of the older and superannuated members of the police and fire departments at the higher rates of compensation and in the infusion of new blood in the force by the appointment of younger men at a much lower compensation.

The police force is divided into three classes, numbered one, two, and three. Those of class one received $900 per annum, those of class two receive $1,080 per annum, and those of class three receive $1,200 per annum. The promotions work automatically. Those of class one, after a service of three years, are advanced under the law, and those of class two, after a service of five years in that class, are promoted to class three under the law.

A member of class three receiving $1,200 per annum, if retired, would provide a vacancy for the appointment of a new man at $900 per annum, which would result in the saving to the appropriation of $300 per annum.

Very respectfully,

BOARD OF COMMISSIONERS DISTRICT OF COLUMBIA.
By CUNO H. RUDOLPH, *President.*

The following letter from the Commissioners of the District of Columbia calls attention to one of the many distressing cases which this legislation is designed to relieve:

OFFICE COMMISSIONERS DISTRICT OF COLUMBIA,
Washington, April 30, 1912.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia,
United States Senate.

DEAR SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a copy of a communication dated the 25th instant from Mrs. Florence Crippen relative to her distress because of the insufficiency of the police and firemen's relief fund.

November 5, 1889, Private Americus N. Crippen, after being on the force for a few months, was killed by a man named George Bush, who had murdered a man. He was so closely pursued by the officer that he could not escape. He therefore shot Crippen, who died almost immediately, not, however, until he had shot Bush and inflicted a fatal wound.

The case of Crippen is only one of a number of the tragic and heroic circumstances under which pensioners of this fund become entitled to its bounty.

The commissioners earnestly hope that timely relief may be provided by the early enactment of the pending legislation in Senate 2047, entitled "A bill for the creation of the police and firemen's relief and retirement fund, to provide for the relief and retirement of members of the police and fire departments, to establish a method of procedure for such relief and retirement, and for other purposes."

Very respectfully,

BOARD OF COMMISSIONERS DISTRICT OF COLUMBIA,
By CUNO H. RUDOLPH, *President.*

To the Commissioners of the District of Columbia:

MY DEAR SIRS: When the heart is breaking the lips must speak. I am desolate and in absolute want; no means for food and am sinking. Won't you please present my case to the District Committee and urgently ask for the payment of my back pension, amounting to a good sum now, and please, dear gentlemen, ask that immediate relief be given; I need it. Why is it that Congress seems to ignore the legal rights of these people and will not do justly by them? If they could know my condition, I am sure they would do something to relieve the stringency. Oh, please do something for my relief. I have no source to look to and am in the poorest health, as Dr. Hemler can testify.

Please, dear commissioners, help me. I would not thus trouble you but for dire necessity. Let me beg that you urge the matter before the committee at their next meeting, and oblige,

Yours, respectfully, in distress, grief, and want,

Mrs. FLORENCE CRIPPEN.

The following is a brief analysis of the House bill and the substitute proposed in this report:

POLICE AND FIREMEN'S RELIEF FUND—HOUSE BILL.

All present and future deficiencies in fund to be met by a tax upon all taxable property in the District. Upon certification by the commissioners to the Secretary of the Treasury of the existence of a deficiency he shall cause to be paid from the Treasury an amount sufficient to meet it.

Tax to be in addition to that now provided for by law, and shall be collected at the same time as other taxes. Before first tax is available commissioners shall, on the 1st of every month, draw a requisition on the Secretary of the Treasury for an amount sufficient to meet the deficiency for that month. Requisition to be paid from any District funds which, in the opinion of the commissioners, can be spared. Such funds to be reimbursed from first moneys received from tax herein provided for.

This act not to take effect until a majority of the persons, more than 21 years of age, owning property in the District, have voted in favor of the tax. Commissioners to make all arrangements for holding such election. Expenses to be paid out of the contingent fund of the District to be reimbursed out of the first moneys received from taxes.

POLICE AND FIREMEN'S RELIEF FUND—PROPOSED SUBSTITUTE.

Receipts to consist of: Fines imposed upon members of the police and fire departments; rewards and gifts received by members except such as are allowed to be retained; receipts from sale of unclaimed property in the police department; a deduction of 1½ per cent in monthly salary of each member; police-court fines, except those allowed by law to be paid to the humane society.

Deficiencies to be made up from receipts for licenses other than liquor licenses.

Members injured in line of duty to receive expenses in addition to regular salary.

Permanent disability incurred in line of duty, or from any cause after 15 years' service, brings a pension of not exceeding $50 to $150 per month, according to rank.

In case of death after retirement, dependent relatives to be paid not exceeding $50 per month. Widow's pension to cease upon remarriage. Pension to her children to cease after attaining age of 16.

Member may be retired after 25 years' service and receive maximum pension allowed for injury in line of duty.

Funeral expenses of member dying while in service may be allowed to the extent of $75.

Retiring board, consisting of police and fire surgeons and two officers each from the police and fire departments, shall pass on all cases for relief.

Commissioners shall require biennial examinations of all policemen and firemen now receiving pensions to ascertain whether they should be increased or reduced. Pensions may be discontinued if pensioner is shown to be guilty of crime.

Pensioners may be called on for duty without compensation in times of great emergency.

OLD POST-OFFICE PROPERTY, PROVIDENCE, R. I.

Mr. WETMORE. I ask unanimous consent for the present consideration of the bill (H. R. 13774) providing for the sale of the old post-office property at Providence, R. I., by public auction.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SENATOR FROM ILLINOIS.

Mr. LEA. I ask unanimous consent to make a statement in regard to the report of the committee which has been investigating the Lorimer case.

The VICE PRESIDENT. Without objection, the Senator from Tennessee will be permitted to make a statement.

Mr. LEA. Mr. President, on behalf of the Lorimer committee I desire to state that the majority and minority members of that committee have made an agreement to file the majority

report and the views of the minority on Monday, May 20, and they have further agreed that the minority and majority will endeavor to get a unanimous-consent agreement to have a day set for a vote on the question during this session of Congress.

Mr. BRISTOW. Mr. President, I did not understand the first part of the Senator's statement.

The VICE PRESIDENT. The Senator from Tennessee stated that the majority and minority members of the Lorimer committee have agreed to file the majority report and the views of the minority on May 20.

Mr. BRISTOW That is a week from next Monday.

Mr. LEA. A week from next Monday.

Mr. JONES. Mr. President, I desire to say that, notwithstanding the suggestions and statements that have been made to the contrary, no member of the Lorimer committee has thought or had any idea of attempting to delay a report in this case or postponing the consideration of it over this session.

RETRIAL OF CADETS.

Mr. DU PONT. Mr. President, I ask unanimous consent for the present consideration of Senate joint resolution 99.

Mr. SMOOT. Mr. President, I do not know what the joint resolution is, and I shall not object to it at this time, but I shall ask for the regular order after it is concluded.

The VICE PRESIDENT. The Senator from Delaware asks unanimous consent for the present consideration of a joint resolution, the title of which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. DU PONT. I ask that the report of the committee may be read.

Mr. HEYBURN. Mr. President, I will have to object to the present consideration of the joint resolution.

The VICE PRESIDENT. The Senator from Idaho objects.

Mr. DU PONT. I move that the joint resolution be considered notwithstanding the objection of the Senator from Idaho.

The VICE PRESIDENT. That motion can not now be made.

Mr. GUGGENHEIM. I ask unanimous consent for the present consideration of——

Mr. SMOOT. I ask for the regular order, Mr. President.

The VICE PRESIDENT. The regular order is demanded, which is the consideration of the calendar under Rule VIII. The Secretary will report the first bill on the calendar.

THE CALENDAR.

Mr. BORAH. I ask unanimous consent that the Senate consider bills on the calendar under Rule VIII, beginning with Calendar No. 596, unobjected bills alone to be considered, and that after the unobjected bills have been taken care of it shall be in order to move to take up any bill to which objection has been made.

Mr. SWANSON. I object, unless we commence at the beginning of the calendar and go through with the unobjected bills. I have no objection to the request if that is done.

The VICE PRESIDENT. Objection is made to the request as presented.

Mr. SMOOT. I ask for the regular order.

The VICE PRESIDENT. The Secretary will state the first bill on the calendar.

Mr. BORAH. I will modify the request, then, to commence at the beginning of the calendar for the consideration of unobjected bills.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that, in considering the calendar under Rule VIII until the calendar is completed, only such bills shall be considered as are unobjected to. Is there objection? The Chair hears none. The Secretary will state the first bill on the calendar.

BILLS PASSED OVER.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as first in order.

Mr. JONES. At the request of the senior Senator from Ohio [Mr. BURTON] I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order.

Mr. GALLINGER. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2151) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Mr. HEYBURN. I object to the present consideration of that bill.

The VICE PRESIDENT. The bill will go over.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades and industries, and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure, was announced as next in order.

Mr. LODGE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 5076) to promote instruction in forestry in States and Territories which contain national forests was announced as next in order.

Mr. HEYBURN. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen, was announced as next in order.

Mr. GALLINGER. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2051) to promote the efficiency of the Life-Saving Service was announced as next in order.

Mr. BRISTOW. I ask that the bill be passed over.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 17029) authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post was announced as next in order.

Mr. WARREN. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

EASEMENT OF FLATHEAD LAKE LANDS, MONTANA.

The bill (S. 5206) to amend that portion of the act of Congress approved March 3, 1911 (36 Stat. L., p. 1066), relating to the reservation of an easement in lands bordering Flathead Lake, Mont., was announced as next in order.

The VICE PRESIDENT. The bill has been read heretofore.

Mr. MYERS. On behalf of my colleague, I desire to ask——

The VICE PRESIDENT. Does the Senator object to the present consideration of the bill?

Mr. MYERS. No; I wish to ask that it be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend so much of the act of Congress approved March 3, 1911 (36 Stat. L., p. 1066), which provides for the reservation of an easement over tracts of land bordering Flathead Lake, Mont., so as to read as follows:

That an easement in, to, and over all lands bordering on or adjacent to Flathead Lake, Mont., which lie below an elevation of 9 feet above the high-water mark of said lake for the year 1909, is hereby reserved for uses and purposes connected with storage for irrigation or development of water power, and all patents hereafter issued for any such lands shall recite such reservation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 5728) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage Nation of Indians against the United States was announced as next in order.

Mr. GALLINGER. Let it go over, and let the next bill go over.

The next order of business, being Senate Resolution 242, directing the Committee on Post Offices and Post Roads to inquire into and report to the Senate whether post-office inspectors are being sent through the country to influence postmasters to aid in the election of delegates for or against any candidate for the Presidency, and so forth, was passed over.

The bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north

Pacific Ocean, concluded at Washington July 7, 1911, was announced as next in order.

Mr. LODGE. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 4204) to provide for the final settlement with the Tillamook Tribe of Indians of Oregon for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 7, 1851, was announced as next in order.

Mr. CHAMBERLAIN. I ask that this bill and the next six orders of business be passed over.

The VICE PRESIDENT. It will be so ordered.

The bill (S. 4205) to provide for the final settlement with the Clatsop Tribe of Indians of Oregon for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 5, 1851; the bill (S. 4533) to provide for a final settlement with the Kathlamet Band of Chinook Indians, of Oregon, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 9, 1851; the bill (S. 4534) to provide for a final settlement with the Wheelappa Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851; the bill (S. 4535) to provide for a final settlement with the Lower Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851; the bill (S. 4536) to provide for a final settlement with the Waukinum Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 8, 1851; and the bill (S. 4537) to provide for a final settlement with the Nuc-quee-clah-we-muck Tribe of Indians, of Oregon, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 7, 1851, were passed over.

The bill (S. 3316) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the Island of Hawaii, Territory of Hawaii, was announced as the next bill in order on the Calendar.

Mr. BRISTOW. Let the bill go over.

The VICE PRESIDENT. It will go over.

The bill (S. 284) for the relief of Andrew H. Russell and William R. Livermore was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 4840) to carry into effect the judgment of the Court of Claims in favor of the contractors for building the U. S. battleship *Indiana* was announced as next in order.

Mr. CRAWFORD. Let the bill go over. It is being considered in connection with the omnibus claims bill.

The VICE PRESIDENT. The bill will go over.

The bill (S. 4159) for the relief of F. M. Lyman, jr., was announced as next in order.

Mr. CRAWFORD. I think this bill and the next two should go over, because they are adversely reported and will involve discussion.

Mr. GALLINGER. Let them go over under Rule IX.

Mr. CRAWFORD. No; I do not ask that.

The bill (S. 4230) for the relief of Robert F. Scott and the bill (S. 364) for the relief of Ranney Y. Lyman were passed over.

The bill (S. 111) to authorize the sale and disposition of the surplus and unallotted lands in Washabaugh County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect was announced as next in order.

Mr. LODGE. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

MEMORIAL AMPHITHEATER AT ARLINGTON CEMETERY.

The bill (S. 4780) for the erection of a memorial amphitheater at Arlington Cemetery was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration.

The bill had been reported from the Committee on Public Buildings and Grounds with amendments.

The VICE PRESIDENT. The bill has heretofore been read. The Secretary will state the amendments.

The amendments of the committee were, on page 1, line 5, to strike out "toward" and insert "for"; in line 7, after the words "Secretary of War," to insert "the Secretary of the Navy"; and on page 2, line 7, after the word "dollars," to insert "and to include all necessary approaches," so as to read:

That there be, and hereby is, appropriated the sum of $750,000, to be immediately available, and to remain so until expended, for the construction, under the direction of a commission consisting of the Secretary of War, the Secretary of the Navy, the Superintendent of the United States Capitol Building and Grounds, and Ivory G. Kimball, representing the Grand Army of the Republic, of a memorial amphitheater at the national cemetery at Arlington, Va., and in accordance with the plans of Carrere & Hastings, architects, of New York City, adopted by the commission appointed by section 16 of the act of May 30, 1908, and by said commission reported to Congress February 15, 1909, to cost not more than $750,000, and to include all necessary approaches.

The amendments were agreed to.

Mr. LODGE. When the bill was up the other day there was an amendment which, I think, it was generally agreed should be adopted, and I think it was adopted.

The VICE PRESIDENT. The Secretary will report the suggestion that the Senator from New York [Mr. ROOT] made. It was not in the form of an amendment.

The SECRETARY. On page 1, line 10, after the word "amphitheater," insert "including a chapel."

Mr. LODGE. I suggested that.

The VICE PRESIDENT. Does the Senator from Massachusetts now offer it as an amendment?

Mr. LODGE. Yes.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

Mr. GALLINGER. I should like to have the Secretary read who will now constitute the commission. I think that part of the bill has been amended. Has it been amended?

Mr. WARREN. By adding "the Secretary of the Navy."

Mr. GALLINGER. Has it been amended by simply adding "the Secretary of the Navy"?

The VICE PRESIDENT. Yes.

Mr. GALLINGER. I think that is very proper. I had intended to move such an amendment.

The VICE PRESIDENT. The board will consist of the Secretary of War, the Secretary of the Navy, the Superintendent of the United States Capitol, and Ivory G. Kimball.

Mr. GALLINGER. Mr. Kimball represents the Grand Army of the Republic. That is satisfactory.

Mr. HITCHCOCK. I was not giving attention at the time the bill was read the other day, and I shall object to it now if it is not too late.

The VICE PRESIDENT. It is not too late. Objection being made, the bill goes over.

REPORTS RELATING TO COTTON.

The bill (H. R. 14052) authorizing the Secretary of Agriculture to issue certain reports relating to cotton, was considered as in Committee of the Whole.

The VICE PRESIDENT. The bill has been read in full.

Mr. SMOOT. I do not care to have the bill go over, providing it is amended in such a way that it is possible for the department to carry out the instructions.

Mr. SMITH of South Carolina. The Senator is under a misapprehension. I have just come from the department, and they agree heartily to the amendment now in the bill.

The VICE PRESIDENT. There are certain amendments, and they will be considered, and an objection hereafter will be in order.

Mr. SMITH of South Carolina. The bill as now amended is the one the department recommends.

It changes the date of taking the acreage report from June 1 to July 1, largely, first, to obviate the expense that would be incurred by making a preliminary report and then sending out agents and getting the corrected reports, which occurs every year, whereas if you wait until July 1 you will get but one report and the actual acreage covered That is all there is in the bill.

Mr. SMOOT. Perhaps I do not understand it. The bill, in section 3—which is hereafter to be known as section 2—says:

That the Secretary of Agriculture shall cause the Bureau of Statistics of the Department of Agriculture to issue each year, immediately following the publication of the ginning report of the Census Bureau of December 1, an estimate of the total production of cotton in the United States for the current crop year.

Mr. SMITH of South Carolina. That is a different bill. The Senator has the wrong bill.

Mr. SMOOT. That is the bill on the calendar now—No. 500—and section 2, according to the bill, is to be stricken out and section 3 is to be known as section 2; and the section is just exactly as I read it.

Mr. SMITH of South Carolina. Yes; that is correct That is the present law. We did not change that at all. This is not the amended form. I shall have to ask the Secretary to read the copy he has. There must be some misunderstanding as to the form in which the bill comes.

Mr. SMOOT. I ask that the bill go over, so that the Senator can examine it.

The VICE PRESIDENT. The bill will go over.

Mr. SMITH of South Carolina. It is not necessary to go over. It is the present law.

Mr. SMOOT. If it is the present law there is no necessity for reenacting it.

Mr. SMITH of South Carolina. Section 1 of the proposed legislation, which changes it from June to July 1, is the only change. Just let me read it. [After a pause.] There is no objection to it from the department.

Mr. SMOOT. There is no report from the department here, and I was looking for it.

Mr. SMITH of South Carolina. That [indicating] was the part they objected to. This [indicating] is the new legislation.

Mr. BRISOW. I ask, Can not the business of the Senate proceed while the Senators settle it among themselves?

The VICE PRESIDENT. The Senator from Kansas asks that the bill go over. It will go over.

BILLS PASSED OVER.

The bill (S. 5294) to establish in the Bureau of Statistics, in the Department of Agriculture, a division of markets, was announced as next in order.

Mr. HEYBURN. I ask that the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 5186) to incorporate the Brotherhood of North American Indians was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 461) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States, was announced as next in order.

Mr. NELSON. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

PROCEDURE IN UNITED STATES COURTS.

The bill (S. 5917) relating to procedure in United States courts was considered as in Committee of the Whole.

The VICE PRESIDENT. The bill has been read in full and the committee amendments agreed to.

Mr. HEYBURN. I should like to have it read for information.

The VICE PRESIDENT. The Secretary will again read the bill.

The Secretary proceeded to read the bill.

Mr. OVERMAN. I think the Senator from Maryland [Mr. RAYNER] requested me to have the bill go over until he could be present.

The VICE PRESIDENT. The bill will go over.

T. M. MOLLOY AND J. H. CROZIER.

The bill (S. 5956) to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service, was announced as next in order and was read.

Mr. SMOOT. I should like to ask the Senator reporting the bill to explain the details of it; what effect it has, not only on these officers, but on men in the service generally.

Mr. PERKINS. The report of the Secretary of the Treasury gives the information. I ask that the Secretary read the report.

Mr. SMOOT. I have read a part of the report, and I call the attention of the Senator to the last part of it.

The VICE PRESIDENT. Does the Senator ask that the bill go over?

Mr. SMOOT. I do not. Secretary MacVeagh in his report says:

> While it is the intention and practice of the department to suspend the promotion for one year of any officer failing to pass in his professional examination, it appears that Lieuts. Molloy and Crozier have suffered excessively in the loss of so many numbers through their failure to pass the professional examination for promotion.
>
> The bill therefore has my approval, and I recommend its passage.

Is the bill intended to give them credits that they have not earned?

Mr. PERKINS. The preceding paragraph explains that.

Mr. SMOOT. I should like to have it go over. I will read the whole report and see.

The VICE PRESIDENT. The bill will go over.

BILLS PASSED OVER.

The bill (S. 2605) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, was announced as next in order.

Mr. LODGE. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

ANNIE G. HAWKINS—HARRIET P. PORTER.

The bill (S. 117) granting an increase of pension to Annie G. Hawkins was considered as in Committee of the Whole.

Mr. McCUMBER. I shall oppose the passage of this bill and the ensuing one, but I do not object to their being taken up at this time if the Senator from Delaware [Mr. DU PONT], who reported them, is present. He is anxious to have them considered, but I wish to state my objection.

Mr. CURTIS. I suggest that they go over, as the Senator from Delaware is not present.

The VICE PRESIDENT. The bill will go over, as will the next bill.

The bill (S. 118) granting an increase of pension to Harriet Pierson Porter was passed over.

BILLS PASSED OVER.

The bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes, was announced as next in order.

Mr. LODGE. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 5860) to provide for agricultural entries on coal lands in Alaska was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 5719) to increase the efficiency of the Medical Department of the United States Army was read.

Mr. WORKS. I ask that the bill may go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1) to establish a Department of Health, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 5169) authorizing the Ponca Tribe of Indians to intervene in the suit of the Omaha Indians in the Court of Claims, and for other purposes, was announced as next in order.

The VICE PRESIDENT. The bill has been read.

Mr. BRISTOW. I ask that it may go over.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 20182) to amend "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

RETRIAL OF CADETS.

The joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them was considered as in Committee of the Whole.

The VICE PRESIDENT. The joint resolution has been read.

Mr. GALLINGER. As I understand since the joint resolution was under consideration before, the Senator from Delaware [Mr. DU PONT], in behalf of the Committee on Military Affairs, has filed a report. I think it proper that that report should now be read.

The VICE PRESIDENT. The Secretary will read the report.

The Secretary read the report submitted by Mr. DU PONT on the 9th instant, as follows:

> The Committee on Military Affairs, which has had under consideration Senate joint resolution 99, submits a favorable report thereon and recommends that it do pass amended as follows:
>
> In line 3 of the title, strike out the word "Simpkins" and insert in lieu thereof the word "Simkins."
>
> On page 1, in line 8, strike out the word "Simpkins" and insert in lieu thereof the word "Simkins."
>
> On page 1, in lines 10 and 11, strike out the words "for violations of regulation No. 132 of the said academy" and insert in lieu thereof the words "for having violated, on August 4, 1911, paragraph No. 132 of the former regulations of the said academy."
>
> On page 2, in line 4, strike out the word "regulation" and insert in lieu thereof the word "paragraph."
>
> On page 2, in line 6, strike out the word "regulation" and insert in lieu thereof the word "paragraph."

On page 2, in line 6, strike out the word "forty-five" and insert in lieu thereof the word "forty-two."

On page 2, in line 7, after the word "regulations," insert the words "approved June 15, 1911."

This resolution authorizes the President:

First. To reassemble the court-martial, or as many members thereof as practicable, not less than the minimum prescribed by law, which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simkins, and James D. Christian, of the United States Military Academy at West Point, for having violated on August 4, 1911, paragraph No. 132 of the former regulations of the said academy and sentenced to be dismissed from the service; and,

Second. To resubmit the case of any one or more of said cadets upon his or their applications to said court for reconsideration of the sentence; and

Third. Authorizes the court upon such reconsideration to construe said regulation as not necessarily requiring a sentence of dismissal, but as permitting a lesser punishment, as provided in paragraph 142 of the current regulations, and to modify the sentence accordingly; and

Fourth. Authorizes the President to carry such modified sentence or sentences into effect, notwithstanding the prior dismissal of said cadets, by reinstating them in accordance with such terms and conditions of the modified sentence as approved by the President.

Paragraph 132 of the Regulations of the Military Academy, approved December 1, 1902, provided:

"No cadet shall drink any spirituous or intoxicating liquor or bring or cause the same to be brought within the cadet limits or have the same in his room, tent, or otherwise in his possession upon pain of being dismissed the service."

This regulation has been always construed to make it mandatory for a general court-martial, if the charge was proved, to impose a sentence of dismissal.

On the 15th of June, 1911, the prior regulations of the Military Academy, approved December 1, 1902, were superseded by new regulations, now current, paragraph 142 of which provides as follows:

"Cadets who shall drink or be found under the influence of intoxicating liquor or bring or cause the same to be brought within the cadet limits or have the same in their rooms, tents, or otherwise in their possession shall be dismissed the service or otherwise less severely punished."

It will be observed that this new regulation can not be construed to make a sentence of dismissal mandatory in case the charge be proved, but gives latitude to award a less severe sentence, in the discretion of the court. These new regulations, though approved on the 15th of June, 1911, were only forwarded from the Public Printer at Washington to the Superintendent of the Military Academy at West Point on the 29th of August, and consequently they could not have been put into effect until brought to the knowledge of those concerned. The strong presumption was, therefore, that the court-martial for the trial of Cadets Freeland, Sasse, Simkins, and Christian could not have been aware of their discretionary powers in the matter of the sentence so imposed. This strong presumption has now become a certainty, inasmuch as the Secretary of War, by direction of the President, has corresponded with the members of the court-martial and satisfied himself that they had not been informed of any change in the regulations by Gen. Barry, who was the officer who convened the court, and were, therefore, ignorant of the fact that they had discretionary powers in the matter of awarding a lesser punishment.

While it is true that on the 4th day of August, 1911, the cadets in question violated a regulation of the academy in having partaken of, or having in their possession, very small quantities of intoxicating liquor, it is also true that they were not in the slightest degree under the influence of intoxicating drink, or guilty of any impropriety whatever so far as their personal demeanor was concerned; nor were there any charges of such character made against them.

In this connection it may be stated that the evidence of the violations of the regulations by the above-named cadets was based upon their own admissions, made under duress and against their protest; and it may also be added (though this is not very material) that the Corps of Cadets was not at the Military Academy at the time, but encamped in the open country.

Attention is called to the accompanying letter of the Secretary of War to the chairman of the Senate Military Committee:

WAR DEPARTMENT,
Washington, May 9, 1912.

Hon. HENRY A. DU PONT,
United States Senate.

MY DEAR SENATOR: By direction of the President I made an investigation of the cases of Cadets Ralph E. Sasse, Ellicott H. Freeland, and Tattnall D. Simkins, third classmen, and James D. Christian, fourth classman, United States Military Academy, dismissed by sentences of a general court-martial, which sentences were carried into execution October 6, 1911.

I came to the conclusion that the court, in sentencing these cadets, was probably influenced by the mistaken construction that under article 132 of the Regulations of the Military Academy, under which these cadets were tried, a penalty of dismissal was mandatory instead of discretionary with the court. I therefore gave my assent to a draft of joint resolution authorizing the President to reassemble the court-martial, or as many members thereof as practicable, not less than the minimum prescribed by law, and resubmit these cases for a reconsideration of the sentences imposed, authorizing the court to construe said regulation as not necessarily requiring sentences of dismissal.

Very respectfully,

HENRY L. STIMSON,
Secretary of War.

Mr. WARREN. Mr. President, the joint resolution is of such a nature that if there is a disposition to pass it at all it ought to be passed at an early day. The object of it is, of course, to obtain a new trial of these men, which if it results as the first one did will leave them as they now are; but if there should be a lesser punishment found sufficient, it would be possible for them to enter West Point again after losing one year. If it is not soon decided, they, of course, would have to lose two years and would perhaps pass the age limit. Of that I am not certain.

I am myself very much averse, on general principles, to taking up matters of individual cadets and overturning the discipline of the institutions at West Point and Annapolis. In a sort of hysteria some years ago—I speak respectfully, of course—Congress enacted legislation which provided that any cadet found guilty of hazing in any degree should be dismissed. It left no discretion whatever. There were one or two cases which soon arose. I assume, perhaps, that the boys who were caught at it had never read the law. In one case, it was said, a boy had simply snubbed another one's nose in a playful manner with his hands. He was asked if he had hazed the other boy, and he said he had; and upon that he was dismissed from the academy. Those matters were brought to the attention of Congress—perhaps a few cases of the kind—and the cadets were, from time to time, reinstated.

That situation, of course, became intolerable. So the matter was thoroughly discussed by the Committees on Military Affairs and new legislation was provided which gave liberty to a court-martial to administer any punishment which it might see fit, up to and including dismissal from the institution, for hazing.

I know nothing of the particular merits of the case regarding these young men, but, as I look at it, this is a closure of the entire matter. We have now the legislation, we have now the orders and regulations duly signed and promulgated, and it seems to me that when these cases are disposed of it closes the chance of further complications of this kind.

Therefore I hope the joint resolution may be passed.

Mr. JONES. Mr. President, as one of the members on the Committee on Military Affairs who did not sign this report, I simply desire to say that I will not object to the consideration of the joint resolution, but I shall not vote for it. I do not believe that Congress ought to review any of the decisions with reference to disciplinary matters at Annapolis or West Point. Notwithstanding the fact that the report is filed here, I have not a doubt but that this legislation, if passed, will be appealed to as a precedent hereafter, and Congress will be asked to pass legislation for the relief of other persons who think they may have been aggrieved for violating some of the orders at Annapolis or West Point.

I believe that we ought to enforce discipline there, and I think it would do much to destroy discipline for Congress to come in and relieve in cases of this character.

Mr. CUMMINS. Mr. President, I believe the joint resolution ought to pass. I do not think Congress ought to attempt to review the judgment of the properly constituted authorities of these institutions; but these boys did not receive a fair trial. They have not had a fair chance, and they ought to have it. The reason why they did not receive a fair trial was that the members of the court who tried them did not know that under the law as it was at that time they had the discretion to impose a sentence or a punishment less severe than dismissal. We ought not, I think, to permit a judgment to stand rendered under that misapprehension.

If the men who tried the cadets had known that it was within their power to administer the penalty of dismissal or a lesser penalty, I would not stand for a review of their discretion. But we ought to give a chance to the board to determine that matter.

There is no dispute about the facts of the case. The facts were admitted by the young men themselves. The only question which was or could be left to the members of the court-martial was, What shall be the penalty? If the members proceeded to answer that question in ignorance of the change that had been made in the regulations of the academy, it seems to me that, in all fairness, we ought to give them—not the young men but the court itself—the opportunity to decide the case with a full knowledge of the law.

Mr. FLETCHER. Mr. President, it is unnecessary to enter into any lengthy discussion of this matter, and I will not take up the time of the Senate with reviewing it at all. I wish to express the hope that the Senate will agree to the joint resolution, simply stating further, in corroboration of what the Senator from Iowa [Mr. CUMMINS] has said, that there was a mistake of law made in the case. The cadets were tried under the regulations of 1902. They were tried in August, 1911. In June, 1911, the regulations had been modified and the modification had been agreed upon, but the modification was not known to the members of the court-martial.

The cadets were sentenced under the regulations of 1902, and the court-martial believed at the time, as the letter from the Secretary of War shows, that they were compelled to sentence them to dismissal from the service. Subsequently this new regulation was brought to their attention, which gives discretion in the court-martial to either dismiss or punish to some lesser extent. That is the whole situation.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. CLARK of Wyoming in the chair). Does the Senator from Florida yield to the Senator from Idaho?

Mr. FLETCHER. Certainly.

Mr. BORAH. May I ask the Senator the date of the trial at which the young men were tried? What was the date of the hearing?

Mr. FLETCHER. August 4.

Mr. WARREN. The trial was, I think, August 16, and the offense was committed August 4.

Mr. FLETCHER. That is correct. The trial was on the 16th of August. The offense was committed on the 4th of August. This change in the regulations had been agreed upon on the 15th of June, 1911, but the regulations as modified had not been printed and sent down to West Point, although the superintendent there knew of them, because he had first to submit them to the Secretary of War.

Mr. BORAH. It seems clear from the statement which has been made that these boys ought to have an opportunity to have another hearing, but it would also seem as though there ought to be an appropriation made to start a kindergarten school for those who were trying them.

Mr. FLETCHER. I do not mean to criticize the court-martial, because the new regulations had not been printed and sent down to West Point until after the trial, I understand.

Mr. BORAH. The Senator says the superintendent was familiar with them.

Mr. FLETCHER. The superintendent knew of them. They had been submitted to the Secretary of War on his recommendation.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. FLETCHER. I do.

Mr. GALLINGER. I am not going to oppose the joint resolution in its present form, in view of what has been divulged, and yet it strikes me as almost incredible that Gen. Barry should not have informed that court-martial sitting at West Point that the regulations had been changed. Those regulations had been changed almost two months before this court-martial was convened. If a court-martial was conducted in that way, I think it is about time, perhaps, not that we should have a kindergarten but that there should be some suggestion from some source made to officers high in command that a court-martial should at least have all the evidence before it that was needed to enable it to give a just verdict; and the officers constituting such courts ought to know, as has been suggested to me sotto voce in the neighborhood of where I stand, their own powers and their own privileges.

While the Secretary of War does suggest, in rather a modified way, that these cadets were improperly sentenced, yet if I vote for this joint resolution, as I probably shall, I shall always feel that it ought not to be looked upon as a precedent, and that it is involved, even now, in some doubt as to whether or not these young men were improperly convicted. They did disobey the regulations; they knew what the regulations were; they were ignorant, of course, of this change; they deliberately violated the regulations of the academy, and they ought to have been punished; but I am quite willing, for one, that the court-martial shall be reconvened and give them another trial.

Mr. WARREN. Will the Senator permit me to make a suggestion?

Mr. GALLINGER. Yes.

Mr. WARREN. Mr. President, I think I ought to say, in view of what the Senator from New Hampshire has said—and I agree with much that he has said—that there is no positive evidence, of course, that Gen. Barry and this court-martial did not know that the new regulation was in force. If that is true, the second trial of these cadets will doubtless terminate as did the first one. In going into this matter and passing this joint resolution, we simply put the matter back before the court. It will be easy for members of that court to say that they had all of the matter before them in the first trial, and that they do not wish to change their finding; and that would settle it.

I am one of those who believe that four young men just starting out in life, who have been disgraced in this manner and turned back upon the world, will not be harmed further, and if the lesson was a good one in the first place it will certainly be a better one if it be emphasized. On the other hand, if there has been a wrong done, it may make the difference between entirely successful lives and failures for four young men.

So, I am inclined to take the merciful side, but I do it with the expectation that there is a probability of the first trial being duplicated by a second one, the result of which may possibly be the same finding. I do not want to put myself in the position of saying that we are going to override the discipline of West Point. That is a matter that I have always been disinclined to do. I have invariably in committee voted against taking up these subjects. I think my fellow members of the committee understand that. But with this doubt and with this letter of the Secretary of War, while it is to some extent vague, and without questioning what the court or Gen. Barry may have done with or without knowledge, as this must necessarily be a closure of the entire matter, I should like to see the joint resolution passed as proposed.

Mr. GALLINGER. Mr. President, I will say, so far as Gen. Barry is concerned, that he probably takes the position that the regulations were not promulgated until the 29th of August at the time they were sent down from the Public Printer. They were agreed to on the 15th of June, and then printed. So he probably holds that they did not go into effect until they were received in printed form at West Point and there promulgated; which was after the trial.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from New York?

Mr. GALLINGER. Certainly.

Mr. ROOT. Can any member of the committee inform us when the new regulation was promulgated? The report seems to be——

Mr. GALLINGER. It was sent down on the 29th of August.

Mr. ROOT. That is quite a different thing. Regulations are not promulgated by having the package of papers put into the express office by the printer. There is a formal proceeding under which a general order is published promulgating a regulation, and thereupon it becomes a law. I can see nothing here to indicate when that event occurred. When did the new regulation become law? I see no answer to that. It may well be that Gen. Barry knew these new regulations were in fieri, and that they had not been promulgated so as to become a law at the time of the trial.

I observe, Mr. President, that these young men were charged and tried for a violation of regulation No. 132, which is the regulation containing the penalty of dismissal. That is, the old regulation is the regulation for the violation of which they were charged and tried. They were not being tried under any other regulation. It is true that that regulation under which they were charged and tried was at some time or other superseded by another and a different regulation, which is regulation No. 142, a different statute.

The situation is as if a man were indicted, tried, convicted, and sentenced under a particular statute, and that evidence were produced that at some time or other that statute was repealed by another law which has now gone into effect, but we are not informed when that repeal took place.

Mr. McCUMBER. May I ask a question right there of the Senator? Does not the letter of the Secretary of War show that the construction put upon the last regulation by the department was a modification of the first, and that that modification took effect before the offense was committed?

Mr. FLETCHER. Before the trial was had or the offense committed.

Mr. McCUMBER. And also before the offense was committed.

Mr. FLETCHER. I was going to call the Senator's attention to that.

Mr. McCUMBER. There was certainly a recommendation that they go back and have a new trial.

Mr. FLETCHER. The Secretary of War does not explain that, as the Senator suggests.

Mr. ROOT. What the Secretary of War says is:

> I came to the conclusion that the court, in sentencing these cadets, was probably influenced by the mistaken construction that under article 132 of the Regulations of the Military Academy—

That is the old one, which is said to have been repealed by the later one. It is a mistaken construction of the old law under which they were charged and tried.

Mr. McCUMBER. The mistake was that the old law was in existence, while the Secretary holds that it was not in existence.

Mr. ROOT. He does not appear to hold that it was not in existence. He says that the court—

> was probably influenced by the mistaken construction that under article 132 of the Regulations of the Military Academy, under which these cadets were tried, a penalty of dismissal was mandatory instead of discretionary with the court.

That is to say, he puts himself upon the ground not that the court was ignorant of the repealing statute, not that it was

ignorant of the new statute, but that it is chargeable with a misconstruction of the old statute.

Mr. BRISTOW. Probably.

Mr. ROOT. Probably influenced by a misconstruction of the old statute, so that the effect of this joint resolution would be to order a new trial because of a probable error in construction by the court.

Mr. BRISTOW. That is all there is to it.

Mr. ROOT. Yes; that is all there is to it.

Mr. BRISTOW. I think the joint resolution had better go over. It will lead to a great deal of discussion.

Mr. FLETCHER. Mr. President, I believe I have the floor, and I have been yielding, as I supposed, for questions. I did not expect to get into any argument or discussion on the subject.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. FLETCHER. I want to call attention to the fact that the Secretary of War believed that under the old regulation there was discretion in the court-martial, but the court-martial itself has been inquired of evidently, and the court-martial has informed the Secretary of War that it felt that under the old regulation it was mandatory to dismiss these cadets, and that the court had no discretion. The Secretary of War believes they had. This joint resolution simply provides, not that there be a retrial of these cadets, but that they go back before the same court-martial, and that that court-martial be authorized to impose the same or such other sentence as it may see fit. The cadets are not asking for a new trial——

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Kansas?

Mr. FLETCHER. I simply want to get through with this sentence. They are not asking for a new trial, but they are simply asking to go before the same court-martial, and that the same court-martial pass sentence upon them.

Mr. BRISTOW. This joint resolution will evidently lead to considerable discussion, and I ask that it go over.

Mr. FLETCHER. I hope the Senator will not do that. If you are going to do anything at all about this matter, if you are going to correct the injustice that has been done, and do the right thing by these young men, do it now; and if you are not going to do it now, do not do it at all. That is the way I feel about it.

Mr. ROOT. I feel bound to say that, in the absence of any information upon the vitally important fact as to when the new regulation was promulgated and became law, I should ask that the joint resolution go over.

Mr. BRISTOW. I ask that the joint resolution go over.

The PRESIDING OFFICER. The Senator from Kansas objects, and the joint resolution goes over.

Mr. CUMMINS. Before the order is made putting the joint resolution over, I want to suggest to the Senator from New York that the report shows that the new order was made on the 15th day of June, 1911, and that it was communicated to the Military Academy at West Point on the 24th day of August, 1911. The record, I think, is quite sufficient with respect to those points.

REWARDS TO EMPLOYEES OF ORDNANCE DEPARTMENT.

The bill (H. R. 17937) authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvement or economy in manufacturing processes or plant was announced as next in order.

Mr. HEYBURN. I ask that the bill go over.

The PRESIDING OFFICER. The bill goes over on the objection of the Senator from Idaho.

HAROLD L. JACKSON.

The bill (S. 6244) to restore Capt. Harold L. Jackson, retired, to the active list of the Army, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs, with an amendment on page 1, line 9, after the word "Infantry," to insert:

Provided further, That prior to his restoration to the active list this officer shall have passed an examination for promotion to the grade of major of Infantry, as prescribed by regulations of the War Department under the terms of the act of Congress approved October 1, 1890.

So as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized to restore Capt. Harold L. Jackson, retired, to the active list of the Army of the United States with the same rank and relative position he would hold if he had not been retired: *Provided*, That such restoration shall be in temporary excess of the number authorized only until such time as a vacancy shall occur in the grade of major of Infantry: *Provided further*, That prior to his restoration to the active list this officer shall have passed an examination for promotion to the grade of major of Infantry, as prescribed by regulations of the War Department under the terms of the act of Congress approved October 1, 1890.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VASHON ISLAND MILITARY RESERVATION, WASH.

The bill (S. 5608) providing for the abandonment of the Vashon Island Military Reservation, in the State of Washington, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs, with an amendment in section 3, page 3, line 8, after the words "eighteen hundred and eighty-four," to insert:

Provided, That the total proceeds of the sale and the amount thereof turned in to the Treasury shall be reported to the Secretary of War by the Secretary of the Interior.

So as to make the section read:

SEC. 3. That if any one of the lands described in section 1 hereof be not duly purchased by the lessee, as provided in section 2 of this act, within 90 days after the same becomes subject to purchase under the provisions of this act, then, in that event, the Secretary of the Interior is hereby authorized to dispose of such remaining lands under the provisions of the act of Congress of July 5, 1884, entitled "An act to provide for the disposal of abandoned and useless military reservations"; and the said lessees in occupancy of their lawfully leased tracts at the time of the passage of this bill, and who do not purchase such tracts, shall have the privilege of removing from their tracts any and all improvements made thereon; and the Secretary of the Interior is authorized to reappraise any unsold tracts from time to time before offering the same for sale under said act of July 5, 1884: *Provided*, That the total proceeds of the sale and the amount thereof turned into the Treasury shall be reported to the Secretary of War by the Secretary of the Interior.

The amendment was agreed to.

Mr. JONES. In section 3, on page 2, line 17, I think the word "one" should be stricken out and the word "part" inserted. I move that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 3, on page 2, line 17, after the word "any," it is proposed to strike out "one" and insert "part," so as to read:

That if any part of the lands described in section 1 hereof be not duly purchased by the lessee, as provided in section 2 of this act, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSION BILLS ON THE CALENDAR.

Mr. McCUMBER. Mr. President, I ask that calendar Nos. 622, 623, and 624, being House bill 18712, House bill 20586, and Senate bill 6646, may be passed over for the day. My reason for making the request is that I assume the new general-pension law will be in effect in a very short time, and I do not wish to cover any case by special pension where the same pension will be granted under the new law. So until I can reexamine these cases I ask that the bills go over.

The PRESIDING OFFICER. The bills will be passed over.

Mr. GALLINGER. Mr. President, in that connection I should like to ask the Senator from North Dakota, the chairman of the Committee on Pensions, if there is a probability that the enactment of the general law to which the Senator has referred will lessen the number of private pension bills. They have been very numerous in the past; I doubt not they have been meritorious bills; but I should like the Senator's opinion as to that matter, because I have already received one letter making inquiry on that point.

Mr. McCUMBER. Mr. President, I answered that question once or twice during the debate upon the general pension bill. My opinion is that it will not lessen the number of private pension bills introduced. There seems to be a habit on the part of some Senators of introducing any number of such bills.

Mr. WARREN. Ought it not to reduce the number of such bills?

Mr. McCUMBER. Just a moment, until I finish my sentence. At the same time, Mr. President, I believe it will have the effect of there being a smaller number passed, because those who under the new bill receive the same amount that they would have granted to them by special acts, as pensions have heretofore been graded, at least, would not be considered in a new special pension bill if it were introduced, unless there should be some change in the sentiment of the two committees.

ERSKINE R. K. HAYES.

The bill (S. 3459) for the relief of Erskine R. K. Hayes was announced as next in order, and was read.

Mr. GALLINGER. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PUBLIC BUILDING AT TWIN FALLS, IDAHO.

The bill (S. 247) to provide for the erection of a public building at Twin Falls, Idaho, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with amendments, on page 2, line 1, before the word "thousand," to strike out "two hundred" and insert "ninety," and in line 3, before the word "thousand," to strike out "two hundred" and insert "ninety," so as to read:

The cost of said building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed $90,000. For the purposes aforesaid the sum of $90,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT IDAHO FALLS, IDAHO.

The bill (S. 250) to provide for the erection of a public building at Idaho Falls, Idaho, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with amendments, on page 1, line 11, to strike out "150" and insert "85"; and on page 2, line 2, to strike out "150" and insert "85," so as to read:

The cost of said building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed $85,000. For the purposes aforesaid the sum of $85,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITION TO POST-OFFICE BUILDING, DETROIT, MICH.

The bill (S. 5851) to increase the appropriation for the addition to the post-office building at Detroit, Mich., was considered as in Committee of the Whole. It proposes that the limit of cost of the addition to the post-office building at Detroit, Mich., be increased $70,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNUAL REPORTS OF STEAMBOAT-INSPECTION SERVICE.

The bill (H. R. 22343) to require supervising inspectors, Steamboat-Inspection Service, to submit their annual reports at the end of each fiscal year was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 6497) to protect migratory game and insectivorous birds in the United States was announced as next in order.

The PRESIDING OFFICER. Let the bill go over.

Mr. GALLINGER. Was the bill objected to?

The PRESIDING OFFICER. It was.

The bill (S. 3463) to establish a bureau of national parks, and for other purposes, was announced as next in order.

Mr. CLARKE of Arkansas. Let the bill go over.

Mr. HEYBURN. I was unable to hear what disposition was made of orders of business 606 and 607.

The PRESIDING OFFICER. Both bills went over.

Mr. HEYBURN. I heard no request. Did some Senator request that they go over?

The PRESIDING OFFICER. The Senator from Wyoming [Mr. CLARK] requested that order of business No. 606 should be passed over.

Mr. HEYBURN. I was not able to hear it.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. CLARKE] objected to order of business No. 607.

UVALDE, TEX.

The bill (H. R. 22301) authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORSICANA, TEX.

The bill (H. R. 12013) to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain land for alley purposes was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT BUCKHANNON, W. VA.

The bill (S. 6342) to provide for the erection of a public building at Buckhannon, W. Va., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 9, before the word "thousand," to strike out "one hundred" and insert "sixty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected on the property already acquired for that purpose a suitable building, including fireproof vaults and heating and ventilating apparatus, for the use and accommodation of the United States post office in the city of Buckhannon, W. Va., the cost of the same not to exceed $60,000.

The amendment was agreed to.

Mr. SMOOT. I notice there is no report on the calendar. Has there been one made?

Mr. WATSON. I have a report from the Secretary of the Treasury, which I thought had been submitted with the bill.

Mr. SMOOT. I do not believe it has been published. Will the Senator state the facts?

Mr. WATSON. The postal receipts for the last fiscal year were $12,318.35. The site has already been acquired.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAWSON RENO.

The bill (S. 4166) for the relief of Lawson Reno, collector second district of Kentucky, was considered as in Committee of the Whole. It proposes that the Secretary of the Treasury be directed to credit Lawson Reno, collector of internal revenue for the second district of Kentucky, and his accounts with the sum of $96, being the value of stamps totally destroyed by fire in the office of Stamp Deputy George R. Mayo.

Mr. MARTINE of New Jersey. Mr. President, this is a matter of a minor claim, amounting to something less than a hundred dollars. The case is that of an internal-revenue collector. The building burned, destroying the stamps he had paid for. The matter was before the Committee on Claims, and the revenue department reports that the facts are as stated. I trust the measure may be passed. I believe it is a matter of simple justice to a poor man.

Mr. SMOOT. A telegram in the report from the Reno collector states:

Fire at Bowling Green this morning destroyed bank. Stamps of deputy collector are in vault. Don't know condition.

I ask whether they were destroyed or not. They were in the vault.

Mr. MARTINE of New Jersey. We have the verification from the internal-revenue department, as well as from the chief of police of Reno, that the iron box which was in the office was destroyed, and they have every reason to believe that the stamps were destroyed. It is recommended as a matter of justice that he be paid this amount. He paid for the stamps, and they were tantamount to so much cash to him.

Mr. SMOOT. I only ask if the information came after the telegram I have read.

Mr. MARTINE of New Jersey. That is all right. I am quite satisfied it is just.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CERTAIN ENLARGED HOMESTEADS.

The bill (S. 6551) to amend section 3 of an act entitled "An act to provide for an enlarged homestead" was announced as next in order.

Mr. HEYBURN. I ask that the bill go over.

The VICE PRESIDENT. It will go over.

A. W. CLELAND, JR.

The bill (S. 5507) for the relief of A. W. Cleland, jr., was considered as in Committee of the Whole.

Mr. HEYBURN. I ask that the report be read.

The VICE PRESIDENT. Without objection, the Secretary will read the report, at the request of the Senator from Idaho.

The Secretary read the report submitted by Mr. BRISTOW on the 1st instant, as follows:

The Committee on Claims, to whom was referred the bill (S. 5507) for the relief of A. W. Cleland, jr., having carefully considered the same, report thereon with the recommendation that the bill do pass.

This bill directs the payment to A. W. Cleland, jr., of Denver, Colo., of $62.83, for potatoes furnished the United States Indian school at Albuquerque, N. Mex., in the month of May, 1889. From the evidence submitted, and from the records of the Indian Office, it appears that Mr. Cleland furnished the above Indian school 2,513 pounds of potatoes on May 23, 1889, but failed to receive payment for the same because of delay in presenting his claim in proper form. On April 2, 1892, his claim for $62.83 was allowed by the Assistant Commissioner of Indian Affairs, the claim having reached the Indian Office on March 15, 1892. To be payable from the proper appropriation, however, it should have been on file prior to July 1, 1891. At that date the unexpended part of the appropriation passed to the surplus fund, and therefore funds were not, and are not, available from which Mr. Cleland's claim could be paid.

Mr. Cleland's appeal to Congress appears first to have been made in the Fifty-ninth Congress, he having failed to seek congressional relief sooner, presumably because he was not in urgent need of the money

The correctness of this claim for payment for supplies furnished to the Government is unquestioned, and your committee recommends the passage of the bill.

The bill was reported to the Senate without amendment; ordered to be engrossed for a third reading, read the third time, and passed.

DRENZY A. JONES AND JOHN G. HOPPER.

The bill (S. 3452) for the relief of Drenzy A. Jones and John G. Hopper, joint contractors for surveying Yosemite Park boundary, and for damages for illegal arrest while making said survey, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, on page 1, line 5, after the word "of," to strike out "$4,840.89" and insert "$2,649.37"; in line 10, after the word "changed," to strike out the remainder of the bill in the following words: "And the additional sum of $2,000 for damages for the illegal arrest and detention of Jones by the military authorities while lawfully engaged upon said survey," so as to make the bill read:

Be it enacted, etc., That there be paid to Drenzy A. Jones and John G. Hopper, joint contractors, out of any money in the Treasury not otherwise appropriated, the sum of $2,649.37, for the surveys and resurveys of the Yosemite Park boundary, under contract 184, California, the boundaries of the park having been changed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. JONES the title was amended so as to read: "A bill for the relief of Drenzy A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary."

THE METAL SCHEDULE.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. Mr. President, at the time of the adjournment yesterday evening it was understood that the Committee on Agriculture and Forestry would be ready to go on with the agricultural appropriation bill to-day. However, there seems to have been some misunderstanding on that point, and I find that no Senator is ready to go on with the discussion of the unfinished business to-day. For that reason I ask unanimous consent that it be temporarily laid aside.

The VICE PRESIDENT. Without objection, on the request of the Senator from North Carolina, the unfinished business will be temporarily laid aside.

ORDER OF BUSINESS.

Mr. SWANSON. I move to take up for consideration Senate joint resolution No. 99.

Mr. SMOOT. We have a unanimous-consent agreement to take up the calendar under Rule VIII and go through with it, considering unobjected bills. As soon as we get through with bills unobjected to, then the motion of the Senator from Virginia would be in order.

The VICE PRESIDENT. The Chair thinks it proper, the unfinished business having been laid aside, to proceed with the calendar under the unanimous-consent agreement.

Mr. SWANSON. Did the unanimous-consent agreement extend further than 2 o'clock?

The VICE PRESIDENT. The unanimous-consent agreement extended to the end of the calendar unless interrupted by the unfinished business. The unfinished business has been laid aside. The Chair understands, therefore, that the unanimous-consent agreement is to continue to the end of the calendar for unobjected bills, and then to go back to the beginning and start in to act on those that have been objected to, provided the Senate desires to do so, in spite of the objection.

Mr. SWANSON. I was under the impression that we were to proceed with the calendar of unobjected bills until 2 o'clock. At 2 o'clock the unfinished business came up, and after that was laid aside it seemed to me to be in order to move the consideration of a bill on the calendar, as I understood that the unanimous-consent agreement extended only until 2 o'clock.

The VICE PRESIDENT. The Chair did not so understand it, but the reporter's minutes will show.

Mr. SMOOT. The unanimous-consent agreement did not include a request that the calendar be continued until 2 o'clock.

The VICE PRESIDENT. That is as the Chair remembered it, but the Chair was not positive.

Mr. SWANSON. I would understand that unless it included that the consideration of the calendar should extend further than 2 o'clock the unanimous-consent agreement was simply to proceed under Rule VIII until 2 o'clock.

The VICE PRESIDENT. The unfinished business then came in. There is no question but that that would interrupt the calendar, but the unfinished business has been temporarily laid aside.

Mr. SWANSON. I did not hear any unanimous consent for the consideration of the calendar to continue any further than it would be continued under the rule, which was until 2 o'clock under Rule VIII.

Mr. HEYBURN. May I suggest to the Senator that it is more than probable an objection would have been interposed against laying aside the unfinished business had it not been understood that we should proceed with the calendar.

Mr. SWANSON. I withdraw the motion at this time.

The VICE PRESIDENT. The Secretary will continue with the calendar and announce the next bill.

LANDS IN NEZ PERCE COUNTY, IDAHO.

The bill (S. 4791) authorizing the patenting of certain lands to rural high school district No. 1, of Nez Perce County, Idaho, was announced as next in order on the calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with an amendment, on page 2, after line 10, to insert the following additional proviso:

Provided further, That in the event the proposed school building is not completed within two years after the title has passed to the rural high school district No. 1 the land shall revert to the United States: *Provided further*.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cause patent to issue to rural high school district No. 1, of Nez Perce County, Idaho, for the use and benefit of said district, for the following-described tract of land within said county, to wit: Commencing at the southeast corner of lot No. 27, on the north boundary of Fort Lapwai Military Reservation, in section 2, township 35 north, range 4 west, Boise meridian; thence south along the west line of the Presbyterian mission reserve 300 feet; thence south 85 degrees west 726 feet; thence north 300 feet to the north boundary of the Fort Lapwai Military Reservation; thence north 85 degrees east along said military reservation boundary 726 feet, to the place of beginning, containing 5 acres, more or less: *Provided*, That Indian pupils residing within said district shall at all times be admitted to such schools as may be established on the lands granted herein on terms of equality with the white pupils: *Provided further*, That in the event the proposed school building is not completed within two years after the title has passed to the rural high school district No. 1 the land shall revert to the United States: *Provided further*, That in the event said lands are ever abandoned and not used for educational purposes all right, title, and interest therein conveyed to the said district by this act shall be forfeited and the same shall revert to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed

RESTRAINT OF TAX COLLECTION.

The bill (S. 2371) to amend section 3224 of the United States Compiled Statutes so as to prevent the restraining of the assessment or collection of any tax—State, county, municipal, district, or Federal—was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over.

The VICE PRESIDENT. The bill will go over.

ENLARGED HOMESTEAD ENTRY IN ARIZONA.

The bill (S. 6245) to provide for an enlarged homestead entry in Arizona where sufficient water suitable for domestic purposes is not obtainable upon the lands was considered as in Committee of the Whole. It provides that whenever the Secretary of the Interior shall find that any tracts of land in the State of Arizona subject to entry under the act to provide for an enlarged homestead, approved February 19, 1909, do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, not to exceed in the aggregate 1,000,000 acres, and thereafter they shall be subject to entry under this act without the necessity of residence; but in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS AT OKANOGAN, WASH.

The bill (S. 338) authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public park purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments. The first amendment was, in section 1, page 1, line 7, after the word "lot," to strike out the following words:

seven in section 16 which lies east of the easterly side line of the right of way of the Great Northern Railway as the same is now located and existing, said portion of said lot comprising approximately 18½ acres, also all that portion of the north one-half of the northwest quarter of the northeast quarter of section 16 which lies east of the easterly side line of said right of way of said Great Northern Railway, excepting that part of said tract which lies east of a line drawn diagonally in a southwesterly direction from the northeast corner of said northwest quarter of said northeast quarter to a point exactly in the center of said northwest quarter of said northeast quarter, the area thereof being approximately 14½ acres, making an entire area of 33 acres, and all situated in township 33 north, range 26 east of the Willamette meridian, in the county of Okanogan, State of Washington—

And to insert—

eight of section 17, township 23 north, range 26 east of the Willamette meridian, containing 47.35 acres.

So as to make the section read:

That there is hereby granted and conveyed, for public park purposes, to the town of Okanogan, county of Okanogan, State of Washington, a municipal corporation, the following-described lands, or so much thereof as said town may desire, to wit: All that portion of lot 8 of section 17, township 23 north, range 26 east of the Willamette meridian, containing 47.35 acres.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 16, after the words "United States," to insert the following proviso:

And provided further, That the lands conveyed to the town of Okanogan, as authorized herein, shall be subject for a period of 25 years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

So as to make the section read:

SEC. 2. That the said conveyance shall be made of the said lands to the said town by the Secretary of the Interior upon the payment by the said town for the said lands, or such portion thereof as it may select, of such sum as may be fixed by the appraisement hereafter to be made under the act entitled "An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes," approved March 22, 1906, and patent issued to the said town for the said lands selected, to have and to hold for public park purposes, subject to the existing laws and regulations concerning public parks, and that the grant hereby made shall not include any lands which at the date of the issuance of patent shall be covered by a valid, existing, bona fide right or claim initiated under the laws of the United States: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted, and all necessary use of the lands for extracting the same: *And provided further*, That the said town shall not have the right to sell or convey the lands herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described, and that if the said lands shall not be used as public parks the same, or such parts thereof not so used, shall revert to the United States: *And provided further*, That the lands conveyed to the town of Okanogan, as authorized herein, shall be subject for a period of 25 years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ST. FRANCIS RIVER (MO.) LEVEE.

Mr. REED. Out of order, I should like to submit a report from the Committee on Commerce.

The VICE PRESIDENT. Without objection, out of order the Senator from Missouri submits a report.

Mr. REED. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 21590) to authorize levee and drainage district No. 25 of Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River, and to construct and maintain a levee across the mouth of the Varney River, in the State of Missouri, and submit a report (No. 740) thereon. I ask unanimous consent for the present consideration of the bill. It is a local measure.

Mr. HEYBURN. We are proceeding under one unanimous consent, I will say to the Senator. We can not have two unanimous-consent orders existing at the same time.

Mr. REED. I was not aware of that. It is a mere local bill.

The VICE PRESIDENT. The Senator can wait until the calendar is finished.

Mr. SMOOT. I think we shall soon be through with the calendar.

Mr. REED. Very well.

The VICE PRESIDENT. The Senator from Missouri withdraws his request for the present.

PENSION BILLS PASSED OVER.

The VICE PRESIDENT. House bill 18712, House bill 20586, and Senate bill 6646, the next three bills on the calendar, will be passed over on request of the Senator from North Dakota [Mr. MCCUMBER].

ENLARGED HOMESTEAD ENTRY IN NEVADA.

The bill (S. 5952) to provide for an enlarged homestead entry in Nevada where sufficient water suitable for domestic purposes is not obtainable upon the lands was considered as in Committee of the Whole. It provides that whenever the Secretary of the Interior shall find that any tracts of land in the State of Nevada subject to entry under the act "To provide for an enlarged homestead," approved February 19, 1909, do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, not to exceed in the aggregate 2,000,000 acres, and thereafter they shall be subject to entry under this act without the necessity of residence. But in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL APPROPRIATION BILL.

The bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, was announced as next in order.

Mr. WARREN. Let that go over.

The VICE PRESIDENT. The bill will go over.

ENLARGED HOMESTEAD.

The bill (S. 6383) to amend an act approved February 19, 1909, entitled "An act to provide for an enlarged homestead," was announced as next in order.

Mr. HEYBURN. I understand that bill is confined to those lands in Wyoming, or it is not of general application.

Mr. WARREN. It is not confined to Wyoming, but it is confined to those arid lands which are under the law provided for an enlarged homestead. Of course it can apply only to them.

Mr. BORAH. Mr. President——

Mr. HEYBURN. It was not intended to apply to the State of Idaho. When the Senator was presenting the matter I made that suggestion, and I understood the Senator to say that it was to obviate embarrassment or difficulty in those lands in the northwestern portion of Wyoming. It is true they lie next to Idaho, but I would not like to have it extend to Idaho.

Mr. BORAH. I was going to say to my colleague that I desire to offer an amendment to extend it to the State of Idaho.

Mr. HEYBURN. My objection to the measure now is that it is in general terms. It was allowed to come out of committee on condition that it did not extend to Idaho.

Mr. BORAH. The bill at present does not extend to the State of Idaho for the reason that it amends an act which act does not extend to the State of Idaho.

Mr. HEYBURN. That is what I have in mind.

Mr. BORAH. Thereafter, on the 17th of June, 1910, we passed the same act applying to the State of Idaho.

Mr. HEYBURN. Then it did not contain this provision.

Mr. BORAH. It contains this precise provision.

Mr. HEYBURN. Reducing the amount of cultivation?

Mr. BORAH. It contains the precise provision covering the same amount of cultivation that the law did.

Mr. HEYBURN. But not as it would be if this was enacted.

Mr. BORAH. No; but my purpose was——

Mr. HEYBURN. I will ask that the bill go over under the circumstances.

Mr. WARREN. I hope the Senator will not cut me off until I explain.

Mr. HEYBURN. I will not cut off the Senator at all.

Mr. WARREN. In presenting the bill as I did before the committee I did not attempt to mislead the committee. I was content, so far as I was concerned, that it might apply only to Wyoming; but in preparing and introducing the bill it seemed rather selfish to confine it that way, and so I introduced it in general terms for the committee to act on it in the manner it might deem best.

Mr. HEYBURN. I am sure the Senator will acquit me of any suggestion that he did so act.

Mr. WARREN. This is the condition in my State—not so particularly in the northwestern part as in exactly the opposite corners, the northeast and the southeast. We have hundreds of families, I might perhaps say thousands, who during the last five years have settled there. They have come from the Eastern States, attracted by the dry-farming proposition of deep plowing and allowing the land to lie fallow every other year. In fact, they have been there until now the time is approaching for proving up on their homesteads. We have had two years of excessive drought and it is utterly impossible for many of those people to go on and prove up unless they have relief. I assume that the condition must be the same in Montana and some other States. I do not know how it is in Idaho. It does seem to me that we ought as early as possible to allow those people to present their proof and get their patents and become settled in the country rather than to have them lose their all.

This matter comes up to me not alone from settlers, but the appeal also comes from the land offices in the different districts in which this matter had been brought before them through the entries, as well as from the homesteaders, and the manner in which the first settlers had undertaken to prove up shows how practically impossible it will be for these deserving settlers to cultivate for the first few years the one-fourth as demanded under the present law.

Mr. HEYBURN. I am perfectly willing to accede to the wisdom of the Senator from Wyoming, so far as the conditions in that State are concerned, but I do not desire them extended to the State of Idaho.

It is my intention, Mr. President, to take up this question of pressing any further what is called the enlarged homestead at an early date or a convenient opportunity. I am chafing under the constant aggression that is exhibited in the way of enlarging the enlarged homestead.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. The Senator from Idaho asks that the bill go over?

Mr. HEYBURN. Yes.

The VICE PRESIDENT. The bill will go over.

BRIDGE ACROSS THE DELAWARE RIVER.

The bill (S. 5458) to extend the time for the completion of a bridge across the Delaware River south of Trenton, N. J., by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, in section 1, page 2, line 7, after the word "act," to insert the following proviso:

Provided, That the said bridge shall be built and completed in accordance with such plans as the Secretary of War and Chief of Engineers may hereafter approve, and until such approval has been given no further work of construction shall be done by the said companies.

So as to make the bill read:

That section 6 of the act approved March 16, 1906, authorizing the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. or their successors to construct, maintain, and operate a bridge across the Delaware River between a point south of and within 1 mile of the southern boundary line of the city of Trenton, in the State of New Jersey, and a point south of and within 1 mile of the southern boundary line of the borough of Morrisville, in the county of Bucks and State of Pennsylvania, be, and the same is hereby, so amended that the time within which the said bridge shall be required to be completed shall be within five years from the date of the approval of this act: *Provided*, That the said bridge shall be built and completed in accordance with such plans as the Secretary of War and Chief of Engineers may hereafter approve, and until such approval has been given no further work of construction shall be done by the said companies.

SEC. 2. That said act as thus amended be, and the same is hereby, revived and reenacted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE ACROSS RED RIVER OF THE NORTH.

The bill (S. 6614) to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn., was read.

Mr. HEYBURN. I do not see the Senator in charge of the bill present, but I should like to know under what law or condition it is necessary to have the consent of Congress to build a pontoon bridge. Pontoon bridges have been builded since the first settlement of this country without any special authority. A pontoon bridge is made up of boats and is tied to the bank with ropes. There has never been any requirement that you should have consent to make them. They can be swung around in a few minutes as fast as the tide will carry them and swung back again as soon as men can push them back.

This is entering upon a new field of legislation. I should like, before we do it, to have some information from the distinguished Senator who seems to have reported the bill. I ask that it go over.

The VICE PRESIDENT. The Senator from Idaho asks that the bill go over, pending the return of the Senator from Minnesota [Mr. NELSON].

Mr. HEYBURN. Yes.

The VICE PRESIDENT. The bill will go over.

WIRELESS TELEGRAPHY IN THE PHILIPPINE ISLANDS.

The bill (S. 5455) to establish a system of wireless telegraphy in the Philippine Islands was announced as next in order.

Mr. BRISTOW. I want to make some inquiries about the bill. I see the Senator who reported it is not here, so I will have to ask that it go over.

The VICE PRESIDENT. The bill will go over.

HEIRS OF JOHN W. WEST.

The bill (S. 1231) for the relief of the heirs of John W. West, deceased, was announced as next in order.

Mr. WARREN. Let that go over.

The VICE PRESIDENT. The bill will go over.

RETIRED OFFICERS OF NAVY AND MARINE CORPS.

The bill (S. 5955) for the relief of certain retired officers of the Navy and Marine Corps was announced as next in order.

Mr. CLARKE of Arkansas. Let that go over.

The VICE PRESIDENT. The bill will go over.

PHARMACISTS IN THE NAVY.

The bill (S. 2795) to promote pharmacists to the grade of chief pharmacist in the Navy was announced as next in order.

Mr. CLARKE of Arkansas. Let that go over.

The VICE PRESIDENT. The bill will go over.

NAVY RETIREMENTS.

The bill (S. 473) relating to Navy retirements was announced as next in order.

Mr. CLARKE of Arkansas. I ask that the same order be made.

The VICE PRESIDENT. The bill will go over.

HYDROGRAPHIC STATION AT LOS ANGELES, CAL.

The bill (S. 2949) to establish a hydrographic station at Los Angeles, Cal., was considered as in Committee of the Whole. It authorizes the Secretary of the Navy to establish a branch hydrographic office at Los Angeles, in the State of California, the same to be conducted under the provisions of an act entitled "An act to establish a hydrographic office in the Navy Department," approved June 21, 1866.

Section 2 authorizes the Secretary of the Navy to secure sufficient accommodations in the city of Los Angeles for the hydrographic office, and to provide the same with the necessary furniture, apparatus, supplies, and services allowed existing branch hydrographic offices, at a cost not exceeding $9,000, which sum is hereby appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAYMASTERS IN THE NAVY.

The bill (S. 5214) to increase the number of paymasters and passed assistant and assistant paymasters in the United States Navy was announced as next in order.

Mr. SHIVELY. Let that go over.

The VICE PRESIDENT. The bill will go over.

BRIDGE ACROSS SNAKE RIVER, IN JACKSON HOLE, WYO.

The bill (S. 3947) to provide for a bridge across Snake River, in Jackson Hole, Wyo., was considered as in Committee of the Whole.

The bill was reported from the Committee on Irrigation and Reclamation of Arid Lands with amendments.

The first amendment was, on page 2, line 3, before the word "thousand," to strike out "ten" and insert "twenty-five," making it read:

That the sum of $25,000 is hereby appropriated.

And so forth.

The amendment was agreed to.

The next amendment was, on page 2, line 4, after the words "out of," to strike out "the reclamation fund" and insert:

Any moneys in the Treasury of the United States not otherwise appropriated, to be expended under the direction of the Secretary of War, through the engineer officer in charge of road and bridge construction and maintenance in the Yellowstone National Park.

Mr. OVERMAN. I object to that amendment, which proposes to pay it out of a general fund. I think, as we have a reclamation fund and this is a reclamation project, it should be paid out of that fund.

Mr. WARREN. I will explain that to the Senator. The reclamation fund, as far as it applies to that locality, has all been apportioned, and in order to pay it out of that fund it would be to put a higher price per acre upon the land in Idaho, where this water is used, and in Wyoming. It would be a hardship upon the settler to appropriate it in any other manner.

This is for the general public. It is in the timber reserve. The Jackson Hole country is surrounded by vast timber reserves. The people are cut off from the world, except as they go out at the Idaho side and north of the Yellowstone Park. On this stream the rise of the water, of course, renders them isolated, sometimes 90 days or more at a time, even from getting food from the outer world.

Mr. OVERMAN. We have the irrigation projects, and we have guaranteed $30,000,000 of bonds for aiding in this work. It should be paid out of the reclamation fund.

Mr. WARREN. Not a dollar of that loan has been taken, and we are paying for a great many things for the general good out of reclamation funds. We are not niggardly about having them come out of that fund; therefore I hope the Senator will not object to this small amount being taken from the general fund for the general good of the country. It is too late to take it out of the reclamation fund, I will say to the Senator.

Mr. SHIVELY. What is the necessity for a bridge in that isolated place?

Mr. WARREN. Many people live there, and furthermore, along this bridge would be one of the great thoroughfares of the Nation into the Yellowstone Park country. It is a part of a new county, which, as I said, is within large timber reserves.

This Jackson Hole settlement, while within forest and game reserves, has fine meadows and fine farms, and all that. They are totally unable to overcome this difficulty of high water forced upon them through the Government's use of the Snake River as a canal for Jackson Lake reservoirs. They have had temporary bridges, also ferries, but these have been washed away by high water. Most of the year, before the building of Government reservoirs, they could ford the stream, but now they can not. They are cut off.

This bill compels the local authorities to build the approaches, probably a mile or so on each side, which will have to be built. The bridge, when built, will not only be conducive to the convenience and use of the people in the Reclamation Service, but it will form a great public highway. A new railroad is approaching on the west side, and brings, with a short drive, the tourists of the country who come to look at the Yellowstone Park and other resorts, especially the great game preserves. So far as advertising is concerned, if I may so term it, the United States gets one of its greatest advertisements by the people going through that vast scenic country to get to the several parks and reserves.

Mr. HEYBURN. I should like to ask the Senator, is it not true that the Government came in and in process of carrying out its own plans destroyed the bridge?

Mr. WARREN. The Government not only destroyed the bridges but the ferries also. It swept them all away. They have been replaced two or three times, and again they have been swept away.

Mr. HEYBURN. It was on a county road; it was an asset of the State, and it destroyed the use of that road; that is to say, it made the road useless. The Government raised the water over the approaches. So I do not think the people in the surrounding country or the organized government of the State should be compelled even to pay for those approaches, because they had a satisfactory road, a satisfactory bridge, and satisfactory approaches.

Mr. OVERMAN. Is this in the Yellowstone Park?

Mr. WARREN. The Senator from North Carolina asks if this is in the Yellowstone Park. It is not; it is south of there, but between the Yellowstone Park and this place it is all a timber reserve. Not only that, but by legislation it has been made a great game preserve—the greatest in this country, in fact.

Mr. GALLINGER. Mr. President, I notice in the letter from the Secretary of the Interior he says that Uinta County itself ought to pay one-half of the expense of this bridge. I will ask the Senator from Wyoming why the opinion of the Secretary of the Interior on that point has been waived and another expense placed upon the Government?

Mr. WARREN. There are three answers to that: The first is that it is not in Uinta County itself, but in a new county—the county of Lincoln; the second is that nearly all of that country the Government has in reserve for timber, game, and public parks, and therefore there is little property upon which to levy the taxes; and the third is that the expense, as it seemed to me, had better be divided by providing that the bridge itself, which will naturally be a steel bridge, shall be put in by the engineers of the Government, and that the local authorities, as the bill provides, shall first agree to build the approaches and roads and then assume the expense of subsequent maintenance.

Mr. GALLINGER. Of course, that ought to be done. It is not on a Government reservation, is it?

Mr. WARREN. It is not; but it is surrounded on all sides by Government reserves. This locality is a long narrow strip of fertile country; it is settled up, hence not itself a part of a timber reserve, but it is surrounded by miles upon miles of Government reservations.

Mr. GALLINGER. And this is intended to provide a better access to the national park from one direction, from the south, is it?

Mr. WARREN. Not only to the national park, but in going from the forest reservation upon one side over to the forest reservation upon the other side. In case of a great forest fire, for instance, they would be prevented from crossing unless this bridge is constructed. It is more for the use of the United States than it is for the people of that section of the country.

Mr. GALLINGER. Mr. President, I observe nowadays a tendency to load onto the Government expenditures for pretty nearly everything. I do really think that it is rather an extraordinary provision that the Government of the United States should build a bridge on private property without the inhabitants making at least a contribution to the expenditure. The Senator from Wyoming says it is a sparsely settled country, but a moment ago the Senator said there were a thousand people there.

Mr. WARREN. Well, I call that sparsely settled when there may be 50 or 75 miles between settlements.

But let me say to the Senator that it is not proposed to build the bridge on strictly private property. In one sense it is Government property, for the river is full of Government water, put into that river and taken out of it by the Government in transporting the water from a Government dam for its own purposes, rendering the river impassable to the people of that community, where they formerly had no trouble in that respect; and it is the duty of the Government to provide the bridge.

Mr. GALLINGER. What was the dam built for, I will ask the Senator?

Mr. WARREN. The dam was built to raise Jackson Lake so as to take in all the surplus water, the water from the winter snows in the Teton Range, and conduct those waters to the Government lands far below; and the Government is selling to settlers water and land below, largely in Idaho.

Mr. GALLINGER. Well, Mr. President, I will not object to the consideration of this bill; yet I do think we shall be driven sooner or later to draw a line between the obligations of the Government and the obligations of the citizens of the Government in reference to appropriations from the Treasury. I have said all I care to say about the matter.

Mr. WARREN. Mr. President, I want to say, in reply to the Senator's suggestion, that I feel sure that if the Senator from

New Hampshire could realize the conditions in that portion of the country he would raise no objection to the passage of the bill. During the last winter for more than 90 days the people there were not able, because of the high water, to get a particle of food or clothing or anything else into the country except on snowshoes over the mountains. The ferryboats and the bridge they had provided for in the summer were washed away. It is one of those cases that can not be duplicated in this country, and if it be a precedent it is very unlikely that it will ever be followed.

Mr. SHIVELY. Mr. President, there must have been some change in the situation, it seems to me, since the Senator introduced the bill. As introduced the bill proposed to appropriate $10,000 for the construction of this bridge, and I observe that the appropriation was to be made out of the reclamation fund. Now the amount is changed to $25,000, and it is to be paid out of the general fund in the Treasury. What transpired in the meantime to cause the Senator to change his mind in that respect?

Mr. WARREN. I will say to the Senator that I was in that portion of the country last summer, as I have been there before. Of course it was a time of drought, and, wishing to be as economical as possible, I was of the opinion that perhaps $10,000 would do the work; but later, and especially upon sending to the Secretary of the Interior for information, when it was learned that a steel bridge alone would cost at least $25,000, according to the estimate of engineers who knew the stream and who have been engaged for the last year in work on the dam above, the amount was increased to $25,000.

Mr. POMERENE. I notice that the Secretary of the Interior recommends that one-half of this expenditure shall be paid by the local authorities.

Mr. WARREN. I think the Senator from Ohio was perhaps not in when I explained that.

Mr. POMERENE. I was not in. I just came into the Chamber.

Mr. WARREN. The Senator from Ohio will notice that an amendment to the bill provides that before the Government shall expend the money it shall obtain an agreement with the local authorities, first, to put in the approaches, and second, to maintain the bridge. That, while not fulfilling the letter of the Secretary's recommendation, really fulfills its spirit, because the locality will be doing its full part in first building the long line of approaches to the bridge, and second, in the maintenance of the bridge hereafter.

Mr. POMERENE. Mr. President, I object to the further consideration of the bill.

The VICE PRESIDENT. Objection is made, and the bill will go over.

BRIDGE ACROSS RED RIVER OF THE NORTH.

Mr. McCUMBER. I ask the Senate to return to bill (S. 6614) to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn.

The VICE PRESIDENT. The understanding was that the bill was simply to be passed over temporarily until some Senator who understood the bill should return and explain it.

Mr. McCUMBER. I think I understand the situation, and I am certain I can explain the bill.

Mr. HEYBURN. The bill went over on my suggestion until the Senator from Minnesota [Mr. NELSON] should be present. I have no objection to the bill now being taken up.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 6614) to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn.

Mr. McCUMBER. I can explain the bill to the Senator very briefly. We already have provision for a bridge across the Red River of the North from a little town called Drayton to the Minnesota side. There is no bridge now between Pembina, which is, I think, somewhere about 30 or 40 miles north of Drayton, and the town or village of St. Vincent, on the Minnesota side of the Red River of the North. It is proposed to allow the authorities of those two little towns of about 1,000 inhabitants each to construct a pontoon bridge across this navigable water, the same as has heretofore been constructed at Drayton. It is to be constructed under the general law relating to bridges across navigable rivers, and hence must conform to the requirements of the department so far as providing openings for the navigation of small boats is concerned. I think that explains the matter sufficiently.

Mr. HEYBURN. Mr. President, I do not object to the appropriation or the authorization for the building of the bridge; but I was somewhat surprised at the introduction of a bill authorizing the building of a pontoon bridge. A pontoon bridge is not permanently located with regard to the banks of a stream. It is simply a bridge made of boats. It may be made up in one hour, opened in the next, and closed in the next. I do not believe there is a precedent for the authorization of the building of a pontoon bridge by legislation.

Mr. McCUMBER. I will say to the Senator that an act has been passed similar to this providing for a bridge at Drayton, as I have already stated. I will also say to the Senator that those are both little towns, and the expense of erecting a bridge across the Red River of the North there would be very large. In the winter time the people there can cross on the ice, but when the ice chokes up it would wash away almost any ordinary bridge unless it was built quite expensively; but they can remove the boats, take care of them, and have a means of intercommunication between these little towns in the summertime over this temporary bridge and in the winter time over the ice.

Mr. HEYBURN. I doubt the necessity for legislation to authorize the building of boats upon a navigable river, and that is all this amounts to. The pontoon consists of a bridge of boats tied together end to end, and tied to either shore in the same way. I doubt the necessity for legislation to authorize such occupation of a navigable stream. I asked that the consideration of the bill be suspended more in order to have some little explanation of it than for any other purpose. I have no objection to the bridge. I would vote, perhaps, for a bridge that would rest upon piers and be fastened to the banks in the ordinary way, but when new legislation or new items come up my curiosity, if nothing else, prompts me to pause long enough to understand them.

Mr. McCUMBER. The Senator, of course, understands that a pontoon bridge across there would be an obstruction to navigation—that is, if the boats were tied together—unless provision was made for opening certain sections of them. Under the general law no bridge can be built, whether pontoon or otherwise, which would obstruct the navigation of a river, without a law authorizing it.

Mr. HEYBURN. I do not think the law applies to pontoons. We have used pontoons frequently in the larger rivers, and opened them and closed them quickly and frequently. It is entirely practicable to build them across the Potomac River, and then if a vessel comes along and wants to pass through it is not at all a difficult undertaking to open a pontoon bridge. You untie the rope or unhitch the chains, as the case may be, and open it or close it.

Mr. McCUMBER. I think, however, it would be necessary to get permission to build a pontoon bridge across the Potomac or any other navigable stream.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO JUDICIAL CODE.

The bill (S. 4838) to amend section 96 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, on page 2, line 9, after the word "attendance," to strike out "or" and insert "of," so as to make the bill read:

Be it enacted, etc., That section 96 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and hereby is, amended so as to read as follows:

"SEC. 96. The State of New Jersey shall constitute one judicial district, to be known as the district of New Jersey. Terms of the district court shall be held at Trenton on the third Tuesdays in January, April, and September. At each term of the district court it shall be lawful for the judge holding such term, on consent of both parties or on application therefor and good cause shown by either party to any civil cause set for trial or hearing at said term, to order such cause to be held or tried at the city of Newark, in said district, upon the day set for that purpose by said judge: *Provided*, That such application shall be made to said judge, either in vacation or term time, at least one week before the date set for trial of said cause and on at least five days' notice to the opposite party or his or her attorney; and writs of subpœna to compel the attendance of witnesses at said city of Newark may issue, and jurors summoned to attend said term may be ordered by said judge to be in attendance upon said court in the city of Newark."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MONHEGAN ISLAND LIGHTSHIP.

The bill (S. 5387) to construct and place a lightship near Monhegan Island, entrance to Penobscot Bay, Me., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 5, after the word "Island," to insert "off the," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to have constructed and placed near Monhegan Island, off the entrance to Penobscot Bay, Me., a lightship, to cost not exceeding $175,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to construct and place a lightship near Monhegan Island, off the entrance to Penobscot Bay, Me."

BIG SANDY RIVER BRIDGE, PIKE COUNTY, KY.

The bill (H. R. 23407) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Levisa Fork of the Big Sandy River was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 1322) regulating Indian allotments disposed of by will was announced as next in order.

Mr. HEYBURN. Mr. President, I inquire what became of Calendar No. 642, being House bill 22731, which appears on the calendar?

The PRESIDING OFFICER (Mr. CURTIS). The bill was passed this morning.

Mr. HEYBURN. Very well. I ask that Calendar No. 643, being House bill 1322, be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4947) providing for the equalization of Creek allotments was announced as next in order.

Mr. SMOOT. I ask that the bill be placed on the calendar under Rule IX.

The PRESIDING OFFICER. In the absence of objection, it is so ordered.

The bill (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes, was announced as next in order.

Mr. GALLINGER. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CONGRESSIONAL MEDALS OF HONOR.

The bill (S. 2001) to provide for the award of congressional medals of honor to officers of the naval service, and officers and enlisted men of the Revenue Marine, and for other purposes, was announced as next in order.

Mr. HEYBURN. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

PORT DISCOVERY BAY, UNITED STATES MILITARY RESERVATION.

The bill (S. 5808) granting right of way across Port Discovery Bay, United States Military Reservation, to the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments. The first amendment was, in section 1, page 2, line 3, after the word "meridian," to strike out "upon such line as may be determined and approved by the Secretary of War," so as to read:

That the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington, a corporation created under and by virtue of the laws of the State of Washington, its successors and assigns, be, and the same is hereby, empowered to survey, locate, and maintain a railway, telegraph, and telephone line through the Port Discovery Bay, United States Military Reservation, in the State of Washington, across section 1, township 29 north, range 2 west of the Willamette meridian, and across sections 35 and 36, township 30 north, range 2 west of the Willamette meridian.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 7, after the word "way," to strike out "two," and insert "not to exceed one"; in line 9, after the words "right to," to strike out "take and use a strip of land in said reservation 200 feet in width, with a length of 3,000 feet, in addition to said right of way for stations, station grounds, and stock yards, with the right to"; in line 15, after the word "roadbed," to insert "or for the location of station houses"; in line 16, after the word "exceeding," to strike out "one hundred" and insert "fifty"; in line 18, after the word "fill," to insert "or necessary for such station houses"; in line 22, after the word "operation," to insert "including any necessary station houses"; on page 3, line 5, after the word "crossings," to insert "the construction of the fences and crossings to be in accordance with such requirements as may be made by the Secretary of War"; and in line 16, after the word "War," to insert:

Provided further, That said corporation shall pay to the United States such annual compensation for the use of the land hereby granted as may be determined by Secretary of War to be just and reasonable: *Provided further*, That the United States reserves the right to occupy the land covered by this grant, or any portion thereof, whenever, in the judgment of the Secretary of War, such occupation may be necessary for military purposes: *Provided further*, That the right of way and other privileges granted by this act shall be subject to the regulation and control of the Secretary of War, and shall be inoperative, null, and void unless the said railway company shall complete the construction of and have in use its tracks within three years from the date of the passage of this act.

So as to make the section read:

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, telegraph, and telephone line, and for no other purposes, a right of way not to exceed 100 feet in width through said Port Discovery Military Reservation, as aforesaid, and a right to use other additional ground when cuts and fills may be necessary for the construction and maintenance of said roadbed, or for the location of station houses, not exceeding 50 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill or necessary for such station houses: *Provided*, That no part of the lands herein authorized to be taken shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation, including any necessary station houses, of said railway, telegraph, and telephone lines, and the use and enjoyment of the rights and privileges herein granted, and when any portion thereof shall cease to be so used such portion shall revert to the United States, from which same shall be taken: *Provided further*, That the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington, will fence its right of way and will provide and maintain necessary and suitable crossings, the construction of the fences and crossings to be in accordance with such requirements as may be made by the Secretary of War: *Provided further*, That any corporation having a franchise for a railway, telegraph, or telephone line in the vicinity of the proposed line of said railway may, upon securing a license from the Secretary of War, use the track and other construction herein authorized to be placed upon the reservation upon the payment of just compensation; and if the parties concerned can not agree upon the amount of such compensation, the sum or sums to be paid for said use shall be fixed by the Secretary of War: *Provided further*, That said corporation shall pay to the United States such annual compensation for the use of the land hereby granted as may be determined by the Secretary of War to be just and reasonable: *Provided further*, That the United States reserves the right to occupy the land covered by this grant or any portion thereof whenever, in the judgment of the Secretary of War, such occupation may be necessary for military purposes: *Provided further*, That the right of way and other privileges granted by this act shall be subject to the regulation and control of the Secretary of War, and shall be inoperative, null, and void unless the said railway company shall complete the construction of and have in use its tracks within three years from the date of the passage of this act: *And provided further*, That the said Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington, shall comply with such other regulations or conditions as may from time to time be prescribed by the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 4, after line 8, to insert a new section, as follows:

SEC. 3. That the location and width of the right of way and of the additional areas granted shall be subject to the approval of the Secretary of War prior to the commencement of work under the grant hereby made.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONGRESSIONAL MEDALS OF HONOR.

Mr. LODGE. Mr. President, I ask that the Senate return to Calendar No. 646, being the bill (S. 2001) to provide for the award of congressional medals of honor to officers of the naval service, and officers and enlisted men of the Revenue Marine, and for other purposes. I think objection was made to the bill because of a misunderstanding.

Mr. HEYBURN. Mr. President, if there was a misunderstanding, it will have to appear why only officers are included in the provisions of the bill.

Mr. LODGE. We have amended it so as to include the enlisted men.

Mr. HEYBURN. I could not tell that, because neither the bill nor the report is on the calendar of bills which are at my desk.

Mr. LODGE. They are both on the calendar which I have.

Mr. HEYBURN. Well, they are not on my calendar.

Mr. LODGE. They are on mine.

Mr. HEYBURN. I have just received them from the document room.

Mr. LODGE. They are here in my book. Let me say that the bill is simply to extend the general law for the conferring of medals of honor for distinguished gallantry in the service, which now applies to the officers and men of the Army, to the officers and men of the Navy, the Marine Corps, and the Revenue-Cutter Service.

Mr. HEYBURN. Now, unless the amendment includes the enlisted men——

Mr. LODGE. The Senator will observe that on page 2 the committee have recommended an amendment so as to include enlisted men in each instance, and I shall offer another amendment to make the bill conform to the committee amendment by making it apply to commissioned, warrant, appointed, and petty officers, and enlisted men. That was the intent of the committee.

Mr. HEYBURN. It is because that information was not accessible to me that I heretofore raised the objection to the consideration of the bill. For some reason neither the bill nor the report is in the calendar of bills on my desk. I sent for them and have just received them. With the proposed amendments the bill is entirely satisfactory, and I withdraw any objection to it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, in section 2, page 2, line 14, after the word "officers," to insert "and enlisted men," and in line 15, after the word "officers," to insert "and enlisted men," so as to make the section read:

SEC. 2. That the "joint resolution relative to the medals of honor authorized by the acts of December 21, 1861, and July 16, 1862," approved May 4, 1898, be hereby amended to extend and include the commissioned, warrant, or appointed petty officers and enlisted men of the Regular or Volunteer Navy. The commissioned officers and enlisted men of the Marine Corps and the commissioned, warrant, and petty officers and enlisted men of the Revenue-Cutter Service, cooperating with the Navy, and in instances where the revenue cruisers have been acting independently of the Navy, the Secretary of the Treasury shall have the same authority which has been conferred upon the Navy Department in pursuance of the joint resolution of May 4, 1898, in relation to the commissioned, warrant, and petty officers and enlisted men of the Revenue Marine.

The amendment was agreed to.

Mr. LODGE. I desire to offer several amendments on the first page, in order to make the bill conform to the amendments just adopted. In line 7, after the word "warrant," I move to strike out the word "or"; in line 8, after the word "officer," where it first occurs, to strike out the word "or"; in line 8, after the words "petty officer," to insert "or enlisted man"; and, then, after the words "commissioned officer," in line 9, I move to insert the words "or enlisted man."

The PRESIDING OFFICER. The amendments will be stated.

The SECRETARY. On page 1, line 7, before the word "appointed," it is proposed to strike out the word "or"; in line 8, before the words "petty officer," to strike out the word "or"; in the same line, after the words "petty officer," to insert the words "or enlisted man"; and in line 9, after the words "commissioned officer," it is proposed to insert "or enlisted man," so as to make the section read:

That the President of the United States is hereby authorized to cause medals of honor to be struck, from dies to be prepared at the United States Mint for the purposes of this act, and to present or cause the same to be presented, in the name of Congress, to any commissioned, warrant, appointed officer, petty officer, or enlisted man of the Regular or Volunteer Navy, or commissioned officer or enlisted man of the Marine Corps, and the commissioned, warrant, and petty officers and enlisted men of the Revenue-Cutter Service, cooperating with and under the control of the Navy, in conformity with section 2757 of the Revised Statutes, and the officers and enlisted men of the revenue cruisers, acting independently thereof, who have distinguished themselves in battle, or who shall distinguish themselves in battle, or display extraordinary heroism in the line of their profession.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Massachusetts to the fact that the title should probably be amended.

Mr. LODGE. I suggest that the title be amended so as to read, "Officers and enlisted men of the naval service," and so forth.

The PRESIDING OFFICER. Without objection, the title will be so amended.

Mr. GALLINGER. Let the title be read from the desk as amended.

The SECRETARY. It is proposed to amend the title so as to read: "A bill to provide for the award of congressional medals of honor to officers and enlisted men of the naval service and officers and enlisted men of the revenue marine, and for other purposes."

The PRESIDING OFFICER. The title will be so amended, in the absence of objection.

Mr. WARREN. Mr. President, I desire to ask the Senator, does not the present law provide for medals of honor to naval officers, although not perhaps to officers of the Revenue-Cutter Service?

Mr. LODGE. It does provide for naval officers, but——

Mr. WARREN. And enlisted men, does it not?

Mr. LODGE. No.

Mr. WARREN. I want to ask the Senator whether a separate medal is to be struck for this purpose, or is it to extend the provisions of the act originally providing for medals of honor?

In the first place, the act provided for medals of honor to enlisted men. Years afterwards it was made to apply to enlisted men and officers of the Army——

Mr. LODGE. These medals are to be struck from dies already made.

Mr. WARREN. Now it is proposed to make it apply to the officers and men of the Navy?

Mr. LODGE. And Marine Corps.

Mr. HEYBURN. I should like to inquire—I have not the act referred to before me—who determines as to the recipients of the medals?

Mr. WARREN. A board.

Mr. LODGE. A board recommends them and the President gives them.

Mr. HEYBURN. That is in the act?

Mr. LODGE. That is in the act.

Mr. WARREN. I observe one sentence of the law, if the Senator will turn to it, that I should like to have him explain somewhat. It provides for a gratuity and a medal of honor to seamen distinguishing themselves in battle or by extraordinary heroism in the line of their profession.

Mr. LODGE. That is proposed to cover cases such as frequently occur at sea where a man at great risk of his life rescues another man who has gone overboard. That is a thing that constantly happens in the line of their profession, but not in battle.

Mr. WARREN. That is what I wanted to know, whether that applies alone to the naval service, because in the case of the Army the original purpose, because of an amendment, miscarried, so that a good many medals were distributed on what afterwards were not considered to be proper grounds, and there was a new law passed which bestowed such medals only for distinguished gallantry in battle.

I think it is no more than right to have it apply to distinguished service in the Life-Saving Service, and so forth, if it is not too broad.

Mr. LODGE. I do not think it will be found too broad. The board is very careful about granting these medals.

BILLS PASSED OVER.

The bill (S. 4331) for the relief of William E. Farrell was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 5863) for the retirement of employees in the civil service, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 5806) to correct the naval record of Franklin Pierce was announced as next in order.

The PRESIDING OFFICER. The Chair desires to announce that this bill was adversely reported from the committee and was called back and is now on the calendar.

Mr. GALLINGER. Let it go over for the present.

The PRESIDING OFFICER. The bill will go over.

BILLS OF LADING.

The bill (S. 957) relating to bills of lading, was announced as next in order.

Mr. CLAPP. Under an arrangement with the junior Senator from the State of Ohio [Mr. POMERENE], who desires to offer a substitute, but which substitute is not ready for presentation at this time, I will ask that the bill go over for the present.

The PRESIDING OFFICER. It will go over.

PUBLIC BUILDING AT KEYSER, W. VA.

The bill (S. 5906) to provide for the erection of a public building at Keyser, W. Va., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment in line 10, before the word "thousand," to strike out "seventy-five" and insert "fifty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults and heating and ventilating apparatus, for the use and accommodation of the United States post office in the town of Keyser, W. Va., the cost of the same not to exceed $50,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT OLYMPIA, WASH.

The bill (S. 6283) increasing the cost of erecting a public building at Olympia, Wash., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds, with an amendment in line 6, before the word "dollars" to strike out "three hundred," and insert "one hundred and fifty thousand"; so as to make the bill read:

Be it enacted, etc., That the limit of cost heretofore fixed for the erection of a public building at Olympia, Wash., be, and the same is hereby, increased to $150,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois, that the Senate proceed to the consideration of executive business. [Putting the question.] The ayes appear to have it.

Mr. SWANSON. A division.

The motion was rejected; there being on a division—ayes 6, noes 14.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (H. R. 24016) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14083) to create a new division of the southern judicial district of Texas and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes.

HOUSE BILL REFERRED.

H. R. 24016. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was read twice by its title and referred to the Committee on Pensions.

MEMORIAL AMPHITHEATER AT ARLINGTON CEMETERY.

Mr. LODGE. I move that the Senate proceed to the consideration of the bill (S. 4780) for the erection of a memorial amphitheater at Arlington Cemetery.

Mr. BORAH. Will the Senator from Massachusetts withhold his motion until I can see if I can get unanimous consent to consider a bill? If there is any objection to my bill I will not ask to delay the Senator.

Mr. LODGE. I made the motion because under the agreement made, when the calendar had been concluded, it was in order to make a motion to take up a bill notwithstanding the objection. But the Senator from Nebraska, who objected to that bill, is not here, and I therefore withdraw my motion to take it up.

PUBLIC LANDS CARRYING PHOSPHATE DEPOSITS.

Mr. BORAH. I ask unanimous consent that the Senate consider the bill (S. 4148) to provide for the acquiring of title to public lands classified as and carrying phosphate deposits.

Mr. HEYBURN. Let it be read for information.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Public Lands with amendments.

The amendments were, on line 13, page 1, to strike out the words "first form"; on line 7, page 2, after the word "disposal," to insert the following: "as placer or lode claims as may be appropriate"; on line 14, page 2, after the word "hearing," to insert "before said court," so as to make the bill read:

Be it enacted, etc., That any person who has in good faith located, selected, or entered, or any person who shall hereafter locate, select, or enter, under the nonmineral land laws of the United States any lands which are subsequently classified, claimed, or reported as being valuable for phosphate may, if he shall so elect, and upon making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which shall contain a reservation to the United States of all phosphate deposits in said lands and the right to prospect for, mine, and remove the same; and all unappropriated public lands now embraced within phosphate withdrawals shall, after the passage and approval of this act, be subject to location, selection, and entry under the provisions of the agricultural public land laws, subject to the provisions of this act. The phosphate deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the mining laws applicable to the acquisition of phosphate lands in force at the time of such disposal as placer or lode claims as may be appropriate, but no such person shall enter upon such lands to prospect for or mine and remove phosphate therefrom without previous consent of the owner under such patent, except upon such conditions as to security for the payment of all damages to such owner caused thereby as may be determined by a court of competent jurisdiction: *Provided*, That nothing herein contained shall be held to affect or abridge the right of any locator, selector, or entryman to a hearing before said court for the purpose of determining the character of the land located, selected, or entered by him: *Provided further*, That such hearing shall be had upon the written application of the locator, selector, or entryman at any time after location, selection, or entry and prior to the issuance of patent for the lands so located, selected, or entered.

The amendments were agreed to.

Mr. WARREN. I should like a brief explanation of the bill from the Senator from Idaho. I did not quite catch the bill as it was read. Will the Senator state the purpose of the bill?

Mr. BORAH. The purpose and object are to provide for agricultural entries upon lands which have been withdrawn for phosphate, without interfering with the agricultural locations. That is to say, reserving the phosphates, but permitting agricultural entries on those lands. It is built upon the same principle as surface entries on coal lands, reserving all phosphates and at the same time giving those who wish to hereafter explore and to go upon the land an opportunity to do so, giving bond to the holder of the agricultural lands.

Mr. WARREN. Does it give the State the same privilege of accepting, if they wish the surface rights?

Mr. BORAH. The State?

Mr. WARREN. Yes.

Mr. BORAH. I do not think it covers the State, as we drew it, and I do not think there is any amendment which covers it.

Mr. WARREN. Would the Senator have any objection to so amending it?

Mr. HEYBURN. I may be able to lend some assistance if the Senator from Wyoming will again state his inquiry.

Mr. WARREN. Some cases have come up where land has been selected as lieu land by the State, and after renting it and passing it over so far as they are concerned, the Government labels it oil land or phosphate land, and it is therefore hung up, and some of the States have asked that in these reservations whatever we do for the settler we give the State the privilege of doing.

Mr. BORAH. I do not think it would be safe to enter upon that proposition in this bill, because it opens up other branches that will undoubtedly lead to discussion.

Mr. HEYBURN. This only applies where the title is in the United States.

Mr. BORAH. Yes.

Mr. HEYBURN. It does not apply in cases where the title is undetermined and unsettled.

Mr. WARREN. So it is in the lieu lands, until the finality.

Mr. HEYBURN. This applies to public lands of the United States.

Mr. WARREN. I do not want to interfere with the bill, but I should like to have the States taken in. Perhaps that can be done in another way.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESERVATION OF FUR SEALS.

Mr. LODGE. I desire to give notice that on Monday, immediately after the routine business, I shall ask the Senate to take up the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington July 7, 1911.

RETRIAL OF CADETS.

Mr. SWANSON. I move that the Senate proceed to the consideration of the joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. WARREN. There are several amendments, mostly in changes of language. I will send to the desk a copy of the bill with the amendments indicated.

The PRESIDING OFFICER. The amendments will be stated.

The SECRETARY. On page 1, line 8, strike out the name "Simpkins" and insert "Simkins"; in line 10 strike out "for violations of regulation numbered 132" and insert "for having violated on August 4, 1911, paragraph numbered 132 of former regulations"; on page 2, line 6, strike out "regulation" and insert "paragraph"; in line 8 strike out "regulation" and insert paragraph"; in the same line strike out "forty-five" and insert "forty-two"; and in line 9, after the word "regulations," to insert "approved June 15, 1911." It is also proposed to amend the title so as to read: "A joint resolution authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them."

The joint resolution if thus amended would read as follows:

Joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them.

Resolved etc., That the President be, and he is hereby, authorized to reassemble the court-martial, or as many members thereof as practicable, not less than the minimum prescribed by law, which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy at West Point, N. Y., for having violated on August 4, 1911, paragraph No. 132 of former regulations of the said academy, and sentenced them to be dismissed from the service, and to resubmit the case of any one or more of said cadets upon his or their applications to said court for reconsideration of the sentence; and upon such consideration the court is authorized to construe said paragraph as not necessarily requiring a sentence of dismissal, but as permitting a lesser punishment, as provided in paragraph No. 142 of the current regulations, approved June 15, 1911, and to modify the sentence accordingly; and that the President be, and he is hereby, authorized to carry such modified sentence or sentences into effect, notwithstanding the prior dismissal of said cadets, by reinstating them in accordance with the terms and conditions of the modified sentence as approved by the President.

Mr. CULLOM. I make the point of order that there is no quorum present.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clarke, Ark.	Heyburn	Root
Bacon	Crawford	Johnston, Ala.	Shively
Borah	Cullom	Lea	Simmons
Bourne	Cummins	Lodge	Smith, Ga.
Bristow	Curtis	Martine, N. J.	Smith, S. C.
Burton	Fall	Myers	Swanson
Catron	Fletcher	Overman	Warren
Chilton	Gallinger	Page	Watson
Clapp	Gardner	Perkins	
Clark, Wyo.	Gronna	Pomerene	

The PRESIDING OFFICER. Thirty-eight Senators have responded to their names; not a quorum.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to, and (at 3 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, May 13, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 11, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee from our heart of hearts that the people of this country have with one accord set apart a day called by the sweetest and most endearing of all names—mother. To-morrow we shall wear in sacred memory the white carnation, the white rose, the lily of the valley. To her the world owes a debt of gratitude which can never be canceled. It was mother who went down to the very gates of death that we might live. From her we drew the strength of life. It was mother who cradled us in her dear arms and comforted our childish sorrows. It was Thy love reflected in her which watched over us by day and by night and inspired in us the purest, the noblest thoughts of life. At her knee we learned to lisp the inspiring and uplifting words, "Our Father who art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done in earth as it is in heaven."

So long as we revere her name will our homes be pure and the genius of our Republic be sacred.

Mother is in heaven for most of us. There she waits our coming, for heaven will not be heaven for mother until the pearly gates have opened for her children. Blessed be her memory forever, O God, our Father. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4762. An act to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes";

S. 459. An act to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribes of Indians; and

S. 5141. An act to correct an error in the record of the supplemental treaty of September 28, 1830.

The message also announced that the Senate had passed with amendments joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

H. J. Res. 142. Joint resolution to declare and make certain the authority of the Attorney General to begin and maintain and of any court of competent jurisdiction to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4762. An act to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes"; to the Committee on Ways and Means.

S. 459. An act to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribes of Indians; to the Committee on Indian Affairs.

S. 5141. An act to correct an error in the record of the supplemental treaty of September 28, 1830; to the Committee on Indian Affairs.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 1. An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico.

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

Mr. GARNER. Mr. Speaker, I call up the conference report on the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes.

The SPEAKER. The gentleman from Texas calls up a conference report, which will be read by the Clerk.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT (NO. 652).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 14083

having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

H. D. CLAYTON,
E. Y. WEBB,
Managers on the part of the House.

C. D. CLARK,
KNUTE NELSON,
C. A. CULBERSON,
Managers on the part of the Senate.

STATEMENT.

The conferees on the part of the House agreed to the Senate amendments Nos. 1 and 2, which strike out sections 3 and 4 of the bill, for the reason that, in our opinion, the matters mentioned in those sections are provided for by general law, and therefore said sections 3 and 4 are unnecessary.

H. D. CLAYTON,
E. Y. WEBB,
Managers on the part of the House.

Mr. MANN. Is the original bill at the Clerk's desk?

The SPEAKER. Yes; the original bill is on the Clerk's desk.

Mr. GARNER. Mr. Speaker, I move to agree to the conference report.

The question being taken, the conference report was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HAY, from the Committee on Military Affairs, reported the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 690), ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves points of order on the bill.

PERSONAL PRIVILEGE.

Mr. HEFLIN. Mr. Speaker, I rise to a question of personal privilege.

The Washington Herald of this morning contains a report written by some reporter for that paper who has the privilege of the press gallery about the amendment offered by the gentleman from Georgia [Mr. RODDENBERY] on yesterday regarding the separation in the soldiers' homes of white and negro Federal soldiers. In that report he used the following language:

The House was at once thrown into a state of excitement. Representative ELLERBE, of South Carolina, the leading soloist, tuned up, while TOM HEFLIN, of Alabama, who believes the Civil War is still in progress, got ready for action.

Mr. Speaker, I ask unanimous consent to address the House for 15 minutes.

The SPEAKER. The gentleman from Alabama asks leave to address the House for 15 minutes. Is there objection?

There was no objection.

The SPEAKER. The gentleman is recognized for 15 minutes.

Mr. HEFLIN. Mr. Speaker, I did not see the gentleman from South Carolina [Mr. ELLERBE] at the time this amendment was pending yesterday. I am informed that he was in Philadelphia with the Rivers and Harbors Committee. The House was not thrown into excitement; nobody was excited. As for myself, I took no part in the debate.

The gentleman from Georgia [Mr. RODDENBERY] had read to this House a letter from a Federal soldier from New York, a white man, asking that the white and negro Federal soldiers be separated and congratulating him upon his efforts along this line. I voted for the amendment of the gentleman from Georgia [Mr. RODDENBERY]. I would favor separating the old Confederate soldier from the negro soldier, and I would grant the wish of these old Federal soldiers. If you should poll the Federal soldiers to-day, the brave men who followed Grant through that struggle for four long years, every one of them without a single exception would vote for separation of the races in these soldiers' homes. [Applause.]

I do not know by what authority this agent of the Washington Herald, who has the privilege of the press gallery, says that I believe "the Civil War is still in progress." There is not a man in this House who has said more, for the brief time that I have been in Congress, in the House and on the hustings, in the effort to bind more closely these sections than I have. [Applause.] I stood here in this hall in the Democratic caucus and cast my vote to make a blind Federal soldier, who had been Chaplain of a Republican Congress, Chaplain of a Democratic House. [Applause.] I stood here in that same Democratic caucus and cast my vote to make Gen. SHERWOOD, a Federal general from Ohio, chairman of the Committee on Invalid Pensions. [Applause.] I have, by the invitation of Federal soldiers in the North, addressed them on Lincoln's birthday on two or three occasions, and I have recently been invited to address the sons of Federal soldiers on Memorial Day at Sunbury, Pa. These people know me better than does the reporter of the Washington Herald.

Mr. Speaker, the efforts of the reporter of the Washington Herald to put me in a false attitude before the country will fail to accomplish that purpose. [Applause.]

In reply to the gentleman from Illinois [Mr. CANNON] a year ago, when he was speaking about the war of the sixties and criticizing the South, I stated that it was a southern boy, Worth Bagley, of North Carolina, who spilled the first blood in the War with Spain, and I referred to the fact that Gen. Joe Wheeler, of Alabama, and Gen. Grant, the son of Gen. Grant, the old war general, and Fitzhugh Lee, and Gen. Shafter stood side by side beneath the Stars and Stripes in that War with Spain, and I said on the floor then "Thank God, the war is over." [Applause.]

When I was in Kentucky in the campaign last fall a scene I shall never forget greeted my eyes, one that impressed me deeply. It was in the district represented by the gentleman from Kentucky [Mr. THOMAS]. I was to make a speech at 12 o'clock. The old Federal soldiers were having a reunion, and when I arrived they hastened to close their deliberations and give me the hall in which to speak. There were Confederate soldiers in that audience, and the reunion closed with Federal and Confederate soldiers shaking hands with each other, while tears were streaming down their faces and their voices mingled together as they sang "God be with you until we meet again." [Applause.]

Mr. Speaker, I have voted to grant pensions to Federal soldiers during the eight years that I have been here. I do not believe that the old soldier, Federal or Confederate, who is rich in this world's goods ought to be on the pension roll of the United States or the State. I would give the money that these wealthy soldiers receive to the poor and needy soldiers. [Applause.]

In the State of Alabama we pension Confederate soldiers, but no rich soldier can draw a pension. Those who need help are the ones the Government should help, whether it be State or Federal Government.

I have been renominated to Congress without opposition [applause], and I want to say to the old soldier who followed the flag under Grant that I will vote to grant him a pension whenever he becomes needy and presents the proof to this House. [Applause.]

Mr. Speaker, I have always had the greatest respect for newspaper men. They are clever gentlemen, as a rule. A majority of those that I know are my friends. Sometimes newspaper men criticize me, and I do not object to open, honest, and fair criticism; but when one of these men sitting here in the press gallery undertakes to misrepresent me, as did this reporter of the Washington Herald, I resent it. So far as I know, the other members of the press gallery are fair.

Mr. Speaker, I trust that this reporter will not mistreat and misrepresent anyone else in this House as he has me. I take the Washington Herald and read it every morning, and it would be well for the management to look into this matter and see that its reporters in this House are fair and just to Members of Congress.

The report in that paper this morning regarding me is false, and no Republican in this House believes that I have such feelings as that reporter has stated in the Washington Herald to-day. [Prolonged applause.]

BILLS ON THE PRIVATE CALENDAR.

Mr. POU. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, and upon that motion I ask unanimous consent that bills from the Committee on Claims be considered first, and that of the bills reported from the Committee on Claims the bill H. R. 23451 be considered first by the Committee of the Whole.

The SPEAKER. The gentleman from North Carolina [Mr. POU] moves that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. TILSON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if there could be any opportunity for other bills on the Private Calendar to be considered?

Mr. POU. I do not think this bill will take up the entire day or anything like it.

Mr. TILSON. There are some bills on the Private Calendar that will take only a few minutes, and it seems to me we ought to have a chance at as early a date as possible to pass those bills.

Mr. FOSTER. Mr. Speaker, I think the special order giving the Claims Committee this day does not include other private bills.

The SPEAKER. The Chair will say to the gentleman from Illinois [Mr. FOSTER] that this day was simply substituted for the other day, and whatever rights the chairman of the Committee on Claims had on the day that was taken away from him he has to-day.

Mr. FOSTER. That is correct. I have read the order.

The SPEAKER. And pending the motion to go into the Committee of the Whole House the gentleman from North Carolina asks unanimous consent that bills reported from the Committee on Claims have preference, and that bill 23451 be first considered. Is there objection?

Mr. GOOD. Mr. Speaker, reserving the right to object, I desire to ask the gentleman what are the bills reported from the Claims Committee which the gentleman desires to bring up?

Mr. POU. There are two bills here providing for the payment largely for personal injuries. There are a few other items in them, but I will state to the gentleman both of those bills come in as a unanimous report from the Committee on Claims.

Mr. GOOD. Mr. Speaker, there are a number of bills, some very meritorious bills, on the Private Calendar. There has been no opportunity to present them at this session of Congress, and I understand that the two bills referred to will occupy a large portion, if not all, of this legislative day, and therefore I object.

The SPEAKER. The gentleman from Iowa objects. The question is on the motion of the gentleman from North Carolina that the House resolve itself into the Committee of the Whole House to consider bills on the Private Calendar.

The question was taken, and the motion was agreed to.

CLAIMS FOR PERSONAL INJURY AND DAMAGE TO PRIVATE PROPERTY.

Accordingly the House resolved itself into the Committee of the Whole House to consider bills on the Private Calendar, and Mr. HAMLIN took the chair amid general applause.

The CHAIRMAN. The House is in the Committee of the Whole House for the consideration of bills on the Private Calendar, and the Clerk will report the first bill——

Mr. POU. Mr. Chairman, I call up the bill H. R. 23451.

The CHAIRMAN. The Chair will state to the gentleman from North Carolina that bills must be called in the order in which they appear on the calendar.

Mr. POU. Mr. Chairman, I move that the bill H. R. 23451 be taken up.

The CHAIRMAN. The Chair thinks that motion will not be in order at this time.

Mr. GARRETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT. Has not the gentleman first recognized the right to move that it be taken up out of order?

Mr. MANN. Mr. Chairman, as I understand, the rule is that these bills to-day from the Committee on Claims and other committees, other than War Claims, are to be considered in regular order, but it has been held by Chairmen that it was in order to move to take a bill up out of order. That has been the practice.

The CHAIRMAN. Can the gentleman from Illinois cite any authority on that proposition?

Mr. MANN. I can not cite any authority, because I do not know whether there is any authority, but I know that has been the ruling in the past and is occasionally done. That leaves to the Committee of the Whole the authority to determine the order in which they will consider the bills; without that order they come up in regular order.

The CHAIRMAN. Will the gentleman from North Carolina state his motion again?

Mr. POU. My motion is that the committee proceed to consider the bill H. R. 23451 out of its regular order.

The CHAIRMAN. The Chair will entertain the motion.

The question was put, and the motion was agreed to.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 23451) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property.

Mr. POU. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. POU. Mr. Chairman, there is just a word I desire to say about this bill. The bill carries an appropriation of $39,603 and comes as a unanimous report from the Committee on Claims. There may appear some inconsistencies in the amounts that we have allowed for these unfortunate persons who have been injured in the service of the Government. I want to say that I do not believe it will be found that in any case the committee has allowed too much. It may be that in numerous cases we have allowed too little. It will be found that a great majority of the items of this bill provide for the payment of various sums to persons injured in the service of the Government, who could not be allowed anything under the act of May 30, 1908. The committee has followed, as far as possible, the rule laid down in the law, to wit, that wherever a person was totally disabled or wherever he lost his life, the committee has allowed to his heirs or legal representatives approximately one year's pay. There are some cases in which the committee has departed from the rule. I simply say to the committee here that we have done the best we could. I do not believe that the items providing for compensation for death and personal injuries in these two bills—House bill 23451 and House bill 24121—will exceed $80,000. During the entire time that the Members of this House will serve here, I believe they will not vote any sum of money that will do more good or will be more beneficently bestowed than the sum these two bills carry for these unfortunate people.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. POU. I will.

Mr. MONDELL. The gentleman stated that these claims could not be paid under the act of Congress to which he referred providing for the payment of claims for personal injuries and damage to property. Why could not the claims be paid under that act; because they accrued prior to the passage of the act?

Mr. POU. Yes.

Mr. MONDELL. Is that the only reason why these claims could not be paid under the act to which the gentleman referred?

Mr. POU. In the personal-injury cases, yes. There are a number of these injuries that occurred just a week or so before this act went into effect.

Mr. MONDELL. I understand; but what I wanted to know was whether or no these were all cases that would come under the provisions of the act of Congress had the injuries been received or damage to property occurred before the passage of the act?

Mr. POU. I believe that is so in almost every case.

Mr. MONDELL. It is in practically every case?

Mr. POU. In practically all of them. There may have been one or two instances, perhaps half a dozen, in which persons in the service of the Government were injured, who would not have come within the provisions of the act of 1908.

Mr. MONDELL. Have all the cases contained in this bill been transmitted to Congress in the form of an estimate by the War Department?

Mr. POU. The report shows, I think, in every case the department has recommended a payment. I will say to the gentleman that I had a conference with the Secretary of War and he is very deeply interested in this matter, and is firmly convinced of the justice of these claims.

Mr. MONDELL. One more question, if I may. The Book of Estimates contains—I am not able to turn to it now—certain estimates submitted by the Secretary of War for personal-injury claims and for damage to private property. Does this bill and the other bill referred to contain all the cases in those estimates or only a part of them?

Mr. POU. Not all. There are a few bills still pending before the committee, but a very few.

Mr. MONDELL. How does it happen the committee does not take up those estimates as presented by the War Department and pass on all of them rather than to take up cases that might be presented by a Member and consider those and not consider other worthy claims presented by the department?

Mr. POU. Now, I will say to the gentleman this——

Mr. MONDELL (continuing). But with regard to which no Member of Congress was sufficiently interested to bring them to the attention of the committee.

Mr. POU. I will say to the gentleman this: The committee has considered, I believe, every bill that has been recommended by the War Department. But the gentleman is well aware, I imagine, that there are bills pending before the committee which are not based upon estimates of the War Department; and the gentleman is, no doubt, well aware of the fact also that under the rules of the committee in force for some years

past no action is taken upon a bill until the Member introducing it asks for it.

Mr. MONDELL. The gentleman says there are some cases in this bill in regard to which the War Department did not voluntarily present an estimate, but that the committee passed them because a Member had introduced the bill and asked them to consider it. But at the same time is it not true that there are a considerable number of cases where the War Department did make a specific estimate and did present the case to the attention of Congress, but owing to the fact that no Member of Congress has been sufficiently interested to introduce a special bill, the committee has paid no attention to them?

Mr. POU. No. I will say to the gentleman that in all those cases where the War Department voluntarily sent estimates to the committee, I undertook to look after the bills myself.

Mr. MONDELL. If the gentleman will allow me——

Mr. POU. And I will say to the gentleman I introduced a bill carrying probably half a dozen items which were recommended by the War Department. Upon investigation I ascertained that there was no Member pushing those claims, and because of that fact I introduced this bill myself, and the committee considered the items, and they are a part of either one or the other of these bills.

Mr. MONDELL. My attention was called to a number of claims at the beginning of the session. The claimants are not constituents of mine, but it happened that the damage to property occurred in my State, and so my attention was called to the matter, not by the claimants themselves, but by others, and I looked the matter up, and I found their cases were included with a number of other cases that the War Department had submitted to Congress for its consideration. And I said to those who called these cases to my attention, "I assume the Committee on Claims will take up the recommendations of the War Department with regard to these and other cases and consider all of them." I did not feel it was incumbent upon me to introduce a bill or bills for those parties. Up to a few days ago no action had been taken with regard to those cases, although they are based upon the same recommendation that these other cases are.

Mr. HAY. If the gentleman from North Carolina [Mr. POU] will permit, I will say to the gentleman from Wyoming [Mr. MONDELL] that the claims to which the gentleman referred were estimated for by the War Department under the head of "Military establishment."

Mr. MONDELL. Yes.

Mr. HAY. And the committee of the House refused to consider the claims, because they thought the Committee on Military Affairs had no jurisdiction over them.

Mr. MONDELL. That is, the Military Committee refused to do so.

Mr. HAY. When the bill went to the Senate, the Senate put those claims on the bill, and the matter is in conference. I do not think the Military Committee has any jurisdiction over these claims, I will say to the gentleman.

Mr. MONDELL. Is it not true that some of the cases placed on the military bill in the Senate are the same as the cases included in these two bills reported by the Committee on Claims of the House?

Mr. HAY. There is a case of that sort of a man named Ingraham, I think.

Mr. MONDELL. Are there not a number of such cases?

Mr. HAY. I do not know how many of them. I know the case of Ingraham, which is a $5,000 claim and the largest claim in the bill, and the War Department has insisted we should take jurisdiction of these claims, because they said the Committee on Claims would not report them. My information is that the Committee on Claims would report them if anybody would take the trouble to go to them and show them they were just claims.

Mr. MONDELL. Now, this is my understanding of the situation: I am not criticizing the gentleman's committee for not taking up those claims and presenting them to the House. I presume they are correct in their view that they had no jurisdiction over them. But the Military Committee of the Senate apparently took a different view of it, and have added all the claims that have been submitted to them by the War Department to the military bill. Am I correct?

Mr. HAY. You are.

Mr. MONDELL. That same estimate came before the Committee on Claims. Members who were interested in some particular claims—30 or 40; I do not know how many there are—introduced bills, and thereupon the committee considered those claims that individual Members are interested in, but paid no attention to the other claims in the item submitted by the War Department and in which no Member had any particular interest.

It occurs to me, and I might suggest it to the Committee on Claims, that when the War Department or any department of the Government submits claims and suggests the payment of them, they all being based on the same examination and having had the same investigation, Members of Congress ought not to be compelled to introduce bills, 30 or 40 of them, covering those cases, but that they should be reported by the committee after consideration and investigation in gross, or at least as many of them as appeal to the committee on their merits, and not because somebody is pressing them.

Mr. HAY. The gentleman does not mean to say that the committees of this House would report any estimate without investigation, does he?

Mr. MONDELL. I said "after investigation." My suggestion is that when these estimates are made to Congress by the War Department, all resting on the same basis, it is the province of some committee to take them up and examine them, one and all, rather than to wait for some one to introduce a bill with regard to some one of the items and press it before the committee and have it reported when it has no more virtue than all the other items that are not acted upon.

Mr. POU. Will the gentleman permit a question?

Mr. MONDELL. I have not the floor. I am simply speaking through somebody's courtesy.

Mr. POU. Would not the gentleman recognize the fact that there is nothing before the committee in case there is no bill introduced? This committee does not operate automatically.

Mr. MONDELL. I understand; but without presuming to tell the committee how it should operate, it occurs to me that it would be a very proper thing for the chairman or some member of the committee to introduce a bill covering all the cases presented by the departments of the Government for the consideration of Congress.

Mr. FRANCIS. That would be simply a matter of practice, but not according to the rule. The gentleman might look at our rules. I think we have pretty good rules.

Mr. POU. If I can have the attention of the gentleman from Virginia [Mr. HAY], I would like to say that, as I understand it, the Committee on Military Affairs refuses to consider these claims.

Mr. HAY. Yes; on the ground that they have no jurisdiction.

Mr. POU. There has been a controversy, I will say to the gentleman, with respect to jurisdiction. The Committee on Claims has included a few of these items in this bill. At this very moment the committee is proceeding to consider the remainder of those claims, and I will say to the gentleman that if nobody else introduces such a bill, I will do in that case what I did in respect to these unfortunate laborers who had nobody here pushing their interests—I will introduce a bill myself; and I promise the gentleman that the matter shall have full and fair consideration by the Committee on Claims.

The committee is still at work. All of these items have been referred to one subcommittee, and that subcommittee at this very time is working diligently, sifting this large number of claims. We will give everybody an opportunity to have their claims paid in cases like that which the gentleman cites, where an estimate has been made by one department of the Government.

Mr. MONDELL. The gentleman understands that all the cases I have reference to are cases where the claims would be paid automatically were it not for the fact that the damage or the injury incurred was prior to the passage of the act of Congress providing for such payment——

Mr. POU. I understand that perfectly——

Mr. MONDELL. And the department submitted a statement to the effect that they had been examined and that they come under the law. But under the circumstances they must be considered by some committee, because of the fact that they occurred prior to the passage of the act.

Now, there are some of these cases that no Member of Congress is particularly interested in, to the extent that he is disposed to give his time and attention to them as an individual case. There are two of those cases that were brought to my attention.

The people concerned do not live in my district. I did not feel called upon to introduce bills in their behalf. I assumed that inasmuch as their cases have been presented in due and proper form by the department all of their cases would be brought before the committee in the form of an omnibus bill, the committee reporting such cases as they felt should be reported after an examination.

It seems to me that is the proper and orderly way to do it, rather than have individual Members of Congress introduce separate bills, as they do in cases where they are particularly interested.

Mr. POU. I have attempted to explain to the gentleman the reason why part of these cases were included in this bill and part of them were not so included. It is partly on account of the question of jurisdiction, which has just been settled; and I have promised Members here—and I am sure the members of the committee are with me—that we will give these claims consideration.

Mr. MONDELL. I can not understand how there can be a conflict of jurisdiction. The Committee on Military Affairs refused to accept jurisdiction. I am not certain but that they are right.

Mr. RUCKER of Colorado. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RUCKER of Colorado. My point of order is, Mr. Chairman, that this discussion has nothing to do with what is in this bill. It has to do with what is not in the bill.

The CHAIRMAN. The point of order is overruled.

Mr. MONDELL. Mr. Chairman, I do not want to detain the House, but I do think that we ought to have this matter cleaned up and clearly understood.

Mr. POU. I will say to the gentleman——

Mr. MONDELL. I want to say that I have no extra time to chase around after claims that are absolutely good and that ought to be paid on their merits, but in which my constituents have no immediate interest.

Mr. POU. I can not see how the matter can be cleared up in any other way than in the way I have explained. I assure the gentleman that all the claims that have not been included in this bill will be considered, and if necessary I will myself introduce a bill covering them.

Mr. MONDELL. Well, it has taken a long time to get that assurance, I will say to the gentleman, but I am glad we have it now.

Mr. POU. The gentleman got it immediately when he suggested the situation.

Mr. MONDELL. I have had this matter under consideration for some months, touching the propriety of what I now suggest that some one connected with the committee ought to introduce an omnibus bill and take these cases up, and not compel Members in cases of this kind, where there is no question about the propriety of the payment being made, to introduce separate bills and bring the matters before the committee and go through all the tedious routine of reporting all these separate bills when the cases all rest upon the same class of evidence and are all presented to the committee by a department with the assurance that they have been investigated and would come within the law but for the fact that the injury or damage occurred prior to the passage of the act.

I do not want to criticize the committee, and yet it does seem to me that the committee is subject to some criticism for not having taken up all these cases. If any were considered all should have been considered.

Mr. BARTLETT. If the gentleman will allow me, I merely want to suggest to him that he certainly does not expect the committee to do his work as well as their own. It occurs to me to say that if the gentleman has a claim against the Government on behalf of anybody in his district he ought not only to introduce a bill, but be glad to have the opportunity to do it.

Mr. MONDELL. If the gentleman will allow me, I will say that while I realize that it may help a man politically to get a claim of a few dollars through for John Smith, most of us have enough to do without working unnecessarily on that sort of thing, and while no constituent of mine has so small a claim but what I will give it and always have given it proper consideration, yet in the particular cases to which I refer the claimants were not constituents of mine at all. The only reason why the matter was brought to my attention at all was because the damage occurred in the State which I represent. I assumed, as a matter of course, that when the War Department says the property of John Jones and Bill Smith and Tom Brown has been damaged in a certain way and should be paid for and reports these cases to Congress and recommends payment, the committee should take the cases up and pass on them rather than wait for some one to introduce a bill, I hope not for the purpose of getting a little credit at home, because, after all, what we want is not credit for attention to one of these small claims, but the payment of the claim. It is not credit for the payment of the claims that I am seeking, but that the claims shall be paid.

Mr. BARTLETT. Mr. Chairman, just a word.

Mr. AUSTIN. Mr. Chairman——

The CHAIRMAN. To whom does the gentleman from North Carolina [Mr. POU] yield?

Mr. POU. I yield to the gentleman from Georgia to ask a question of the gentleman from Wyoming.

Mr. BARTLETT. I am not going to ask the gentleman from Wyoming any more questions. He seems to be wound up perpetually on this question. I do not desire to ask any question, but I do not wish to assent to the proposition that all the duty devolves upon members of the committee to prepare bills and to give entire attention to them; but I say that a Member ought to give some little attention to the business of his district.

Mr. MONDELL. My friend from Georgia evidently does not understand the question at issue. No claim of any constituent of mine has been neglected. But the War Department submitted to Congress, in the form of an estimate, certain claims they had examined and the payment of which they recommended. In my opinion the committee should have examined and passed upon all such cases instead of examining and passing upon only such as some Member was particularly interested in.

Mr. POU. Mr. Chairman, I simply want to say in conclusion that I do not admit at all that the members of this committee are properly subject to the criticism made by the gentleman from Wyoming [Mr. MONDELL]. The committee have been diligently at work doing their best to sift out this large number of claims. I assure the gentleman that the claims which have not already been considered will be considered hereafter.

I yield 10 minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, when we had similar legislation before this House in the Sixty-first Congress I opposed the omnibus claims bill as reported from the Committee on Claims, and as a result of the opposition that developed in this House the bill was amended in many respects, and what we considered small and insignificant sums carried in the bill were in about 20 cases increased to $5,000 each.

We all understand perfectly that this Committee on Claims is simply carrying out the law under what is known as the Government liability act. I had no hand or voice in the construction of that legislation, and in the Sixty-first Congress I fought, and will continue to fight to the limit as long as I am in Congress, such a bill as is now before us for consideration. This bill is unfair. It is unjust. It is a reflection upon the Government of the United States and it will be a discredit to any Congress that would pass it. In this bill, on page 4, we propose—

To pay $420 to Annie T. Jackson, widow of Frank W. Jackson, who lost his life in the employ of the United States Government on board the steam tug *Cynthia*.

Is there a man in this House who believes in plain, simple, ordinary justice, who thinks he is rendering his district or country a service or doing himself credit, who will place that value upon a human life? Why, in this bill we propose to pay a church $448.05 on account of damage to it growing out of target practice. And here is a widow, perhaps the mother of children, whose husband lost his life through no fault of his own, in the discharge of his duty as a Government employee, and we propose to compensate her for the loss of her only support by voting to her $420. I would consider myself dishonored to vote such a sum of money to a widow.

Mr. POU. May I ask the gentleman a question?

Mr. AUSTIN. Yes.

Mr. POU. I will state to the gentleman that his criticism should properly be directed at a bill passed by his own party.

Mr. AUSTIN. I do not care who is responsible. I repudiate it and denounce it here and now. Justice is above politics, and fair play should appeal to the manhood of every Member of this House, regardless of his political affiliations.

On page 7 it is proposed—

To pay $500 to Amanda Honert for loss of wearing apparel and other personal property by fire at the Cheyenne and Arapahoe school, at Caddo Springs, Okla.

Why, we pay an American citizen in this bill $135 for the loss of a horse, on account of an accident growing out of target practice; and we pay the widow of a Government employee $420 for the loss of a husband and father.

Mr. McKENZIE. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. McKENZIE. Upon what facts does the gentleman base his charge against the committee.

Mr. AUSTIN. In 10 minutes I can not go into full details. In the Sixty-first Congress I read the report that accompanies the omnibus claims bill, and it made my heart weary and sick at the sad stories told there in connection with numbers of these cases.

Mr. McKENZIE. Why does not the gentleman fix the earning capacity——

Mr. AUSTIN. Oh, it is not a question of earning capacity in settling the claim for a loss—the claim for the death of a Government employee who leaves a widow behind him.

Mr. BARTLETT. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. BARTLETT. Upon what basis would the gentleman fix the compensation?

Mr. AUSTIN. I would do justice like any 12 honest American jurors do when they go out of the court room to consider a similar case.

Mr. BARTLETT. Well, if the gentleman was on the jury, on what basis would he fix the compensation?

Mr. AUSTIN. If the gentleman from Georgia and I were on a Georgia jury and brought in $420 for the loss of a husband and a father, the citizens of his district and my district would make it so hot for us that we would have to leave.

Mr. BARTLETT. But that does not answer my question. Upon what sort of a basis would the gentleman make his calculation?

Mr. AUSTIN. I would put in the bill at least $5,000.

Mr. BARTLETT. But I am trying to get the gentleman's basis that he would make the estimate on.

Mr. AUSTIN. Would the gentleman from Georgia make one basis for a laboring man and a different basis for a lawyer?

Mr. BARTLETT. No. But all you have got to do in any case for the recovery for a death is to find out what a man's life is worth, what is his earning capacity.

Mr. AUSTIN. Does the gentleman think that $420 is a sufficient compensation for the loss of a human life?

Mr. BARTLETT. I do not.

Mr. AUSTIN. Then vote against this bill.

Mr. BARTLETT. But this is made up in accordance with the law, to pay only his wages——

Mr. AUSTIN. Then shame and disgrace on such a law.

Mr. BARTLETT. But the gentleman voted for it.

Mr. AUSTIN. I did not, and I repudiate it. I will not vote to settle any of these bills, notwithstanding any law for any such sum, for it is an outrage and an injustice.

Mr. CANTRILL. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. CANTRILL. Let me make a suggestion. Will the gentleman state to the House some facts to bear out his extravagant charges against the committee, that they have acted with injustice and unfairness?

Mr. AUSTIN. I am not making any charges against the committee.

Mr. CANTRILL. Well, will the gentleman state some facts before he makes these charges or upon which he makes the charges, and perhaps the committee would be willing to overlook the serious criticism that he has made against members of the committee. Until the gentleman can state some salient facts, it seems to me that it is unfair and unjust to the membership of this committee to charge them with injustice and unfairness.

Mr. AUSTIN. Is the gentleman through with his question or his speech, whatever he calls it?

Mr. FRANCIS. Will the gentleman yield to me?

Mr. AUSTIN. I will.

Mr. FRANCIS. These amounts are allowed by virtue of the statute, are they not?

Mr. AUSTIN. I have referred to that.

Mr. FRANCIS. The gentleman knew that that was a basis for amounts allowed in the last Congress, and the gentleman has introduced no bill to change the law. Why did not the gentleman introduce a bill to change that law?

Mr. AUSTIN. Is the gentleman a member of the Committee on Claims?

Mr. FRANCIS. I am.

Mr. AUSTIN. What does the gentleman believe is a fair sum for the loss of a human life?

Mr. FRANCIS. I am talking about the present law as it is.

Mr. AUSTIN. But I want the gentleman's opinion on it. The gentleman declines to answer my question. Now, Mr. Chairman, take page 3 of this bill:

> To pay $1,500 to Charles T. Hanson for the loss of his right foot while in the employ of the War Department in the quartermaster's department at Boston, Mass.

Now, I have been interrupted a number of times by Members. Suppose one of these gentlemen who interrupted me lost his right foot through no fault of his while in the Government service, would he be willing to accept $1,500 in payment? Would he believe that Congress had done the right and fair thing in the adjustment along such lines?

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. MICHAEL E. DRISCOLL. Is not $1,500 just $1,500 better than nothing?

Mr. AUSTIN. Oh, it is just as easy, and certainly more creditable to the gentleman from New York, to vote $5,000 as it is $1,500 in a case of this kind.

Mr. MICHAEL E. DRISCOLL. I know it is easy to be liberal with other people's money. It is easy to direct the Treasurer of the United States to pay $5,000.

Mr. AUSTIN. Does the gentleman from New York tremble for fear of bankrupting the Treasury in order to increase the amount to be allowed a widow from $420 to $5,000?

Mr. MICHAEL E. DRISCOLL. Let me answer the gentleman's question. If Congress were composed of gentlemen as big hearted and as soft-hearted and as generous with other people's money as is the gentleman from Tennessee, in two years the Treasury would be wrecked and in five years there would not be a shred left of the Constitution. [Laughter.]

Mr. AUSTIN. I want to say to the gentleman from New York that I will be just as long as I am here. I am as liberal with my own money as I am with that of the National Treasury.

Mr. MICHAEL E. DRISCOLL. Then go and pay the claim. Make a donation to this poor widow [Laughter.]

Mr. AUSTIN. The gentleman from New York will vote four or five million dollars for a battleship, and yet he trembles for the safety of the National Treasury when it comes to increasing an appropriation from $1,500 to $5,000 for the loss of an American citizen who leaves a widow and children.

Mr. GREEN of Iowa rose.

Mr. AUSTIN. I will yield to the gentleman.

Mr. MICHAEL E. DRISCOLL. I have heard the gentleman make that speech three or four times. He examines a bill, finds something of this kind, and then he swells out and talks to the people to make them believe that he is a generous man; and that may go with his constituents down in Tennessee, but when he talks about being just, this is $1,500 better than justice—it is a gift of the Government. The Government was not required to pay it. If there was a valid claim, the party would have a right to go before the Court of Claims and get it there. The truth is, this is a donation. I used to settle cases in the New York Central Railroad many years ago. When I knew I could not get anything I would go to the chief counsel and he would say: "Well, DRISCOLL, what do you want in this case as a donation?"

Mr. GREEN of Iowa. Mr. Chairman, I make the point of order that the gentleman from Tennessee had yielded to me, and that I have the floor.

Mr. MICHAEL E. DRISCOLL. I did not know that the gentleman from Tennessee had yielded to the gentleman from Iowa.

Mr. AUSTIN. I did yield. A little later I will yield to the gentleman from New York.

Mr. GREEN of Iowa. I would like, if we may get right down to earth and not so far in the air, to ask the opinion of the gentleman from Tennessee if heretofore they have not amended these provisions for personal injuries entirely out of the bill, and the trouble has been to get anything whatever from the United States for these poor claimants? And did not the last Congress, when a similar claim was introduced here, pare it down to merely one year's wages? And did not the gentlemen argue at that time that they were very fortunate to get that, because most of these cases were entirely disallowed?

Mr. AUSTIN. Is that a question the gentleman is asking me or a speech the gentleman intends to make?

Mr. GREEN of Iowa. No; I will make my speech later in answer to the gentleman.

Mr. AUSTIN. This occurred in the last Congress. The Committee on Claims, in line with the Government liability act, brought in a bill almost identical with this bill. We made a fight on the floor. We had it amended and the amounts increased. It was sent to the Senate and the Senate cut out the amendment increasing these items and sent it back to the House of Representatives. The House of Representatives could not act upon it without unanimous consent, and in the closing hours, 3 o'clock in the morning, the chairman of the Committee on Claims asked unanimous consent to take that bill from the Speaker's table and have it acted upon, and I objected. The bill failed to pass the Congress, and many of the very items in that bill are carried in this bill and other omnibus bills now on the calendar. That is the history of it. And I am sure the gentleman from Connecticut [Mr. TILSON], who was a member of the Committee on Claims, will verify the statement I have just made in reference to the matter.

Mr. TILSON. I thought the gentleman was making a mistake at that time, and I think so yet. They got nothing as it was.

Mr. AUSTIN. No; but they have a chance now for this House to right that attempted wrong.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. AUSTIN. I could not say no to the gentleman from the Blue Grass State of Kentucky.

Mr. SHERLEY. Will the gentleman again exercise the prerogative of preventing the bill becoming a law and these people receiving something if they are not given what the gentleman thinks they ought to get?

Mr. AUSTIN. I will cross that bridge when I get to it, but in the meantime I will appeal to the fair sense of justice that is in the breast of every son of Kentucky to right this matter now; so I am appealing to the gentleman [Mr. SHERLEY] now that we pass a bill through the Congress that will not be a reflection upon our sense of justice and fairness.

Mr. SHERLEY. Does the gentleman want an answer?

Mr. AUSTIN. I am not asking it yet; I am still working on you. [Laughter.]

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. AUSTIN. My friend from Illinois and myself are such great admirers of the minority leader that I must yield to him. [Laughter.]

Mr. FOWLER. If the gentleman was on a jury and the plaintiff had sued for $500 only, would the gentleman render a verdict to pay him more than the amount for which he sued?

Mr. AUSTIN. Do you think these people would not be glad to accept $5,000 instead of $420, and does not the gentleman know the reason that these claims that they have filed are in these small sums is because they know that the amount is fixed under the Government liability act at one year's wages?

Mr. FOWLER. I am in accord with the gentleman on this matter, but I want to ask the gentleman a plain question, if the gentleman would render a verdict larger than the amount claimed?

Mr. AUSTIN. Certainly I would, if the amount to which I thought the man was justly entitled was put at too low a figure.

Mr. BARTLETT. The court would not let you do that.

Mr. FOWLER. You could not do that; the verdict would be set aside. The gentleman is too good a lawyer to talk that way.

Mr. AUSTIN. I am more of a statesman than a lawyer, my friend. [Laughter and applause.]

Mr. FOWLER. Mr. Chairman, I want to say that the gentleman, in my opinion, is both a statesman and a lawyer.

Mr. AUSTIN. Well, after that compliment the gentleman can interrupt me the balance of the afternoon.

Mr. FOWLER. Now, if the gentleman were on the Committee on Claims and a bill was filed for a certain amount, would the gentleman go to the trouble of raising the amount stated in the bill for the relief of the claimant?

Mr. AUSTIN. What I want to do is to either recommit this bill to the Committee on Claims and let them bring in an increased amount or amend the bill on the floor of this House.

Mr. FOWLER. I suppose it will be open for amendment.

Mr. AUSTIN. Now let me call attention to a few more items in this bill.

Mr. BARTLETT. The gentleman has an hour; will he submit to an interruption?

Mr. AUSTIN. If I have been recognized in my own right; I have been very generous with my time.

Mr. BARTLETT. The gentleman certainly, if he entertains the views he does about this Government compensation for injured employees, is not going to vote for this employees' compensation bill at the rates they fixed in it, I hope.

Mr. AUSTIN. I have not had an opportunity to examine that bill, and never saw this bill until a few moments ago.

Mr. BARTLETT. I merely wanted to suggest how the gentleman stood upon that proposition.

Mr. AUSTIN. I will state to the gentleman——

Mr. BARTLETT. I do not doubt from the gentleman's views that the gentleman will never vote for that bill as it came from the Senate.

Mr. AUSTIN. And the gentleman and I know that juries all over the country are bringing in verdicts daily in the courthouses against private enterprises, manufacturing plants, and railroads, and does the gentleman know a single instance where a jury has fixed an insignificant sum of money for the loss of a limb or the loss of life?

Mr. SHERLEY. Will the gentleman from Georgia permit me to answer that question?

Mr. BARTLETT. The gentleman asked me the question, but I have no objection whatever to the gentleman from Kentucky answering it.

Mr. SHERLEY. I just suggest to the gentleman that I know of cases in which the jury have brought in a verdict not awarding anything.

Mr. AUSTIN. Yes; and that was where the proof was against the plaintiff.

Mr. SHERLEY. And now, if the gentleman will tell us something about facts in these cases instead of dealing with a lot of rhetoric, then possibly we can agree with him.

Mr. AUSTIN. Just take the facts contained in the committee's report.

Mr. SHERLEY. It is evident the gentleman has not had time to read them.

Mr. AUSTIN. I can not read them on the floor of this House with the constant interruptions which are taking my time.

Mr. SHERLEY. The gentleman said to this committee that he had not seen the bill until half an hour ago, and yet he undertakes to instruct the House concerning it.

Mr. AUSTIN. I will tell you what it is if you will keep quiet.

Mr. SHERLEY. I will if you will state the facts. I have heard nothing so far that has led me to think that I will hear them.

Mr. BARTLETT. Will the gentleman yield so I can answer him?

Mr. AUSTIN. Mr. Chairman, I am generous and kind-hearted and always like to yield to my friend from Georgia [Mr. BARTLETT], but he asks me for a part of my time to answer my speech.

Mr. BARTLETT. But the gentleman asked me a question. The gentleman has not made any speech yet. [Laughter.]

Mr. AUSTIN. Now, Mr. Chairman, when one of the critics of the gentleman from Georgia [Mr. BARTLETT] told me the other day that he was one of the most unappreciative Members of this House I denied it for him, and now the gentleman makes a confession of it on the floor of this House.

On page 3 we pay $1,500 to the heirs of Charles E. Stump, who lost his life from injuries received while in the discharge of his duties on the Isthmus of Panama. That is another case.

On page 4 we pay $438 to E. J. Older for injuries received to his left leg in the discharge of his duty in the improvement of the Mississippi River under the War Department. Now, there is an omnibus claims bill here, not under consideration, but similar to this, that I had a chance to look into yesterday. It is the bill H. R. 24121. They actually carry in that bill $325 on page 4 to pay Patrick Feeny, the dependent father of James J. Feeny, of Brooklyn, N. Y., who died as a result of injuries received in the discharge of his duties at the Brooklyn Navy Yard, May 24, 1910.

Mr. POU. Will the gentleman permit me to interrupt him right there? I will say to the gentleman that I had intended to introduce an amendment myself increasing that amount. He was a water boy, and he has died since the introduction of this bill.

Mr. AUSTIN. So the report shows, and his father, I believe, made an affidavit that he had paid out for medicines and doctors' bills, and so forth, an amount of more than $300.

Now, the gentleman from Kentucky [Mr. CANTRILL] said something of my harsh criticism of the Committee on Claims. I want to arouse in this House on both sides a sentiment against the provisions of this existing Government liability law, which I think is unjust and unfair. And I ask this House to amend this bill.

It is no party question. I say it will be a credit to every man in this committee to reread this bill and change it and amend it. There is not a man here that, if assailed at home on this record, and it was understood clearly and fully by the voters of his district, I care not how strong and useful and influential he may be—there is not a man in the American Congress could fight that out as an issue before his people and win. You can not do it, gentlemen. The great majority of the people believe in justice. A great majority of the American people have kindly feelings and sympathies. It would not do to go into your district and say that you gave the widow of a laboring man $420. It would not do; it would not be fair; it would not be just; it would not be equal and exact justice to all men. How great is our country and how boundless its resources and its wealth! It is not a little capitalized corporation. It is a world power. Our great progress and growth and development are the marvel and admiration of all mankind. Have you any man who is a taxpayer in your district that would object if you voted to increase this allowance to the widow? The gentleman has read me a lecture about economy in the great, prosperous city of Utica——

Mr. MICHAEL E. DRISCOLL. Not on your life—not in "pent-up Utica." I said Syracuse.

Mr. AUSTIN. Are there any of his constituents that would complain of him if he voted to increase an allowance for a widow with a whole lot of children?

Mr. MICHAEL E. DRISCOLL. Certainly not.

Mr. AUSTIN. As to that man who handled a shovel and a pick in building that great waterway that is going to be a monument to the greatness and grandeur of the Republic, his life was as dear to that wife and mother as the husband who is a skilled mechanic or a high-priced Government official in one of the departments. We owe it to ourselves and to the constituency that we represent to write justice on every page of this bill. These people are practically poor working people. When a workingman goes into a court and has 12 of his peers to administer justice under the laws, why can he not look with confident hope to the American Congress, made up of 400 men chosen from 90,000,000 people who believe in justice, to do right by the widow and right by the children. Is there not some place in the hearts of my colleagues for the suffering and for the tears of the widow and the children? God save the Republic if we have got to be cruel and unkind and unjust to these.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. AUSTIN. I will.

Mr. MICHAEL E. DRISCOLL. Does the gentleman say that he has always gotten a verdict before a jury for a plaintiff when he was the plaintiff's attorney?

Mr. AUSTIN. I do not know. I am appealing to you as a Member of this American Congress to forget to be stingy and miserly, and, for God's sake, stand for justice.

Mr. MICHAEL E. DRISCOLL. That kind of a speech ought to get a big verdict in any case.

Mr. MANN. Mr. Chairman, this bill is an omnibus claims bill, which was introduced by the gentleman from North Carolina, the chairman of the Committee on Claims, to carry out various recommendations which had been made or agreed to by the committee—made by subcommittees, I think, in the first instance—and carries a variety of claims.

It carries a lot of personal-injury claims, a lot of claims growing out of damages by gunfire and Army maneuvers, and a lot of claims of other classes. It never has been the practice in this House, at least not for many years, during the lifetime, I think, of any Member of Congress, and probably since long before that, to bring in omnibus log-rolling private-claim bills. I do not think it ought to become the practice of Congress.

Mr. POU. Mr. Chairman, will the gentleman permit an interruption?

Mr. MANN. If the gentleman will allow me, I would prefer to go ahead for a few minutes.

Mr. POU. I wanted to explain.

Mr. MANN. Let me explain first, and I do not think the gentleman will object. I do not believe that there is any objection to putting in a number of claims of the same class in the one bill as a matter of timesaving. I can see no reason why the Committee on claims should not, after it has agreed upon claims relating to personal injuries, direct the chairman to introduce a bill covering the claims of that class which the committee had agreed upon; nor why the committee should not have introduced an omnibus bill covering the class of claims covered by Army maneuvers, or target practice, or any other single class of claims, such as those arising out of damages caused by Government vessels. We have eliminated by general legislation many claims which used to come before the House. We have provided by different laws that cases arising out of damages by vessels, or admiralty cases, involving less than $500, may be adjusted by the Department of Commerce and Labor as to lighthouse vessels, and by the War Department and the Navy Department in relation to war and Navy vessels.

The gentleman from Tennessee [Mr. AUSTIN] has called attention to several claims in this bill for personal injuries causing death. The Committee on Claims of the House, as now constituted, composes a membership which in the main has not been on that committee for many years, and I hope they will not consider that I am criticizing the committee members or the action of the committee itself in making a few suggestions, such as I have already made and such as I propose to make now.

Up to the last Congress it has been by common consent the policy of Congress not to pay for damages caused by personal injuries. You can trace the claims which have been allowed by Congress for generations past, and you will find very few claims which have been authorized to be paid by Congress growing out of torts of any kind, especially out of personal injuries.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Iowa?

Mr. MANN. Yes.

Mr. GREEN of Iowa. Did not Congress authorize the payment of $300,000 on account of the collapse of Ford's Theater?

Mr. MANN. It did. I was just going to refer to that. That is an exceptional case. Congress has occasionally authorized the payment of these claims. That was a very exceptional case. Congress authorized the payment. But Congress has constantly and consistently refused to pay claims of that kind growing out of personal injuries.

Mr. GREEN of Iowa. Will the gentleman again yield?

Mr. MANN. Yes.

Mr. GREEN of Iowa. I will ask the gentleman if Congress did not make another exception and pay a man from Kansas $10,000? I will give the gentleman the man's name if he desires it.

Mr. MANN. Oh, there have been a few cases, very few, that have slipped through in some way; but it has been the purpose and the policy of the Government not to pay such claims. Claims were not allowed. When I first came down here I had a case that would have torn the heart out of almost any man, and would have left no insides whatever in the gentleman from Tennessee [Mr. AUSTIN]. I introduced a bill on the subject and made inquiry and learned that the bill did not have as much chance as a snowflake in the lower regions. The case still stands. It is years old, though not so old as one of the claims which has been reported by the Committee on Claims, because they have reported one claim that is 30 or 40 years old, I believe; a personal injury case, but perhaps not included in this particular bill.

Now, that was the policy of Congress. It was not quite fair for Congress to take that position. I have always believed, and believe now, that Congress by law, by general legislation, not as a method of general favoritism, but applicable to all alike, ought to make some provision for those who are injured in the Government service. We did finally pass the Government compensation act, which provided for a limited liability in a limited class of cases, not to exceed a year's pay in hazardous occupations, naming the occupations.

Mr. MADDEN. Mr. Chairman, will my colleague yield for a question?

Mr. MANN. Certainly.

Mr. MADDEN. Did not the last Committee on Claims recommend some such policy as to that in relation to claims for personal injuries or deaths that might have occurred?

Mr. MANN. I will reach that in a moment. That general law we have recently extended, either by legislation already enacted or legislation agreed to, which is in conference, to cover the Forestry Service, to cover the Bureau of Mines and Mining, and some other branches of the Government. I introduced a bill in the House, and it was passed by the last House on the Panama Canal bill, and as a separate measure I introduced it in this House, authorizing the President to make rules and regulations for the payment of damages caused by personal injuries in connection with the work on the Canal Zone in the construction of the Panama Canal, because I believe that where the Government was undertaking work as a private individual or contractor it ought to assume the same liability. That has not yet become a law, and is not included in the present Panama Canal bill, but I hope it will be when that bill becomes a law.

Now, after we passed the first act, which was in 1908, providing for limited liability for certain hazardous employments under the Government, gentlemen on all sides in the House commenced to say, "Why, we have a case which occurred just before the law was passed. Now, you have provided a law under which from a certain date if a man is injured a man may receive this limited amount of damages, not to exceed a year's pay; but if he was injured 10 days before, he does not come within the provisions of the law, and we think it is fair to make the law apply to his case."

The Committee on Claims in the last House first brought in a number of private special bills in individual cases, and after they had given consideration to the subject they determined that cases of recent date, which would have been covered by the general law if they had occurred since the passage of the general law, would be taken care of by the Committee on Claims by a special bill.

Then they came in with an omnibus bill, containing a large number of these claims, and that bill came up for consideration in Committee of the Whole. The gentleman from Tennessee [Mr. AUSTIN] has a heart bigger than the Treasury of the United States, because if the Treasury were as large as the gentleman's heart it would not make any difference how much money you paid out of it, there would always be plenty left. The gentleman from Tennessee [Mr. AUSTIN] made his speech on the subject, and in a moment of temporary aberration of mind

the committee agreed to an amendment increasing one item from what the year's pay was to $5,000, and in a period of some disorder in the Committee of the Whole the Chairman put, and there was agreed to, a request for unanimous consent to increase all of those items to $5,000. I am usually fairly observing of what takes place in the House, but that got by me. The unanimous-consent agreement was made before I had time to object.

Mr. BUTLER. It was done pretty quickly, then.

Mr. MANN. A gentleman on the floor at that time had another bill coming up for a private claim for a personal injury, and he asked to have it inserted in the omnibus bill. I said to him, "You had better let it stay by itself, because your bill may become a law, while this omnibus bill will never become a law."

That omnibus bill went to the Senate as this bill will go. Those increases were all stricken out in the Senate, and a number of items were added in the Senate which, coming back to the House, required the reference of the bill to the Committee on Claims and its reconsideration in Committee of the Whole unless it was sent to conference by unanimous consent. My distinguished friend from Tennessee [Mr. AUSTIN] stood here and objected to sending it to conference by unanimous consent, because he wanted those people to have $5,000 each, whereas in the bill they were only given from $1,200 to $1,500 each. It is true they have never yet gotten anything. It is true that most of them probably never will get anything; but my distinguished friend from Tennessee [Mr. AUSTIN] compliments himself because he has secured justice for those people in not allowing them to have anything. He took the position that unless he could give each one of them $5,000 they should have nothing, and he secured his contention. They have got nothing and they probably never will get anything. Many of them have not been considered by the Committee on Claims at this session of Congress. Some of the claims will probably never be brought before Congress again.

Now, Mr. Chairman, this bill is not consistent. The gentleman from Tennessee [Mr. AUSTIN] has called attention to a case where $420 is allowed to Annie T. Jackson, widow of Frank W. Jackson, who lost his life on board the steam tug *Cynthia*.

If this man had lost his life while working for a private corporation, his widow would have secured nothing. There is no pretense that there was any negligence on the part of the Government. The man lost his life by a boiler explosion. His pay was $420 a year. There was no negligence on his part and no negligence on the part of the Government. His widow could not have secured a dollar, even if she had been permitted to bring a suit for personal injuries in the Court of Claims, because a suit of that sort must rest upon the negligence of the defendant.

The committee have reported in that case in favor of paying the widow one year's pay of the man. Of course, the amount is small; but we are met with the question, when we undertake to pay for these personal injuries, whether we will do it on a general rule applicable to all alike or whether we will do it through the impatient speech of some Member on the floor of the House.

Mr. KENDALL. Does the gentleman think any flat provision can be made in cases of that character? If the Government is to acknowledge its liability and make compensation to the estates of the deceased, ought not the age of the man, his earning capacity, his expectancy of life to be taken into account, as would be done by a jury in a civil case?

Mr. MANN. It is impossible to do that by bills passed here. The rule of the committee in the last Congress was that they would allow in these cases one year's pay; but, mind you, they have not limited this rule to those who might have secured compensation under the compensation act, because that is limited to hazardous occupations. This bill is replete with cases which would not have been covered by the general law, even if they had occurred since the general law was passed. Now, the gentleman from Tennessee [Mr. AUSTIN] having called attention to one case where the committee allow $420 because that was the man's salary for one year, I shall call attention to a case where the committee allow $5,000 for the death of a husband, although his salary was not to exceed $900 a year.

Mr. KENDALL. Is that the Armour case?

Mr. MANN. Yes.

Mr. KENDALL. I was going to ask you about the inequalities in this bill.

Mr. MANN. Absolutely.

Mr. KENDALL. Has the committee, in recommending the amounts that should be paid in these individual cases, been restrained by any previous statute?

Mr. MANN. It has not. Of course, we have the power to pay a million dollars to one of these people if we choose to exercise the power.

Mr. KENDALL. I have been interested in the case of Charles E. Stump, who lost his life in the Panama Railway service.

Mr. MANN. Yes; and to whom they allow one year's pay.

Mr. KENDALL. He was a conductor?

Mr. MANN. Yes.

Mr. KENDALL. A rather high-grade employee.

Mr. MANN. That is a hazardous occupation.

Mr. KENDALL. He was engaged in a hazardous occupation.

Mr. MANN. That is covered by the general compensation act, but this injury occurred before that act was passed.

Mr. KENDALL. His heirs could not have secured anything under that act?

Mr. MANN. No; but the committee allow to his heirs what they would have secured if he had been killed after the compensation act went into force.

Mr. KENDALL. If he had been killed in 1910?

Mr. MANN. Yes.

Mr. WEEKS. From such knowledge as I have of the working of the Claims Committee, I think they have devoted a great deal of time to the investigation of individual claims. Does not the gentleman think consideration should be given to individual claims in this way—as to the number of children which were left by a man who was killed, as to the condition of the widow, whether she is able to earn a livelihood for herself and children, and all the other circumstances that would go with such a case?

Mr. MANN. I do not think those things should be given consideration, because when you come to legislate for special cases, personal injuries, it means that you depend upon the activity of the claimant, perhaps the beauty of the claimant, perhaps the activity of the Member of the House, and perhaps his susceptibility to beauty. [Laughter.]

Mr. WEEKS. My judgment is that the committee pays no attention to the activity of the Member of the House, but tries to pass on the merits of the case.

Mr. MANN. The gentleman from Massachusetts has been here long enough to know that the Committee on Claims does not take up all claims, as I shall show in a few moments, although they are on the same plane.

Mr. KENDALL. Will the gentleman yield?

Mr. MANN. Yes.

Mr. KENDALL. Ought not the committee in endeavoring to arrive at a just compensation to take into account the earning capacity of the deceased and his expectancy of life?

Mr. MANN. I do not think so.

Mr. KENDALL. I want to say that I do not quite agree with the gentleman from Masachusetts.

Mr. MANN. I say frankly to the House that I discussed this matter with some of the members of the Committee on Claims in the last Congress when the payment of the personal-injury claims first commenced. I have been more or less active in connection with claims in the House for a number of years. I said to the members of that committee that if they desired to examine and report in favor of personal-injury claims which would have been covered by the general law, or which perhaps were not in a hazardous occupation, but where the work itself happened to be hazardous, so that they ought to be covered by the general law, and would limit the compensation to the amount to be paid under the general law, I would endeavor to aid them in passing the bills in the House; but unless they adopted that rule I would endeavor to prevent these bills becoming a law.

I do not believe that a body like the House of Representatives or any other legislative body is fairly competent to determine upon the amount to be paid in special and individual cases. I am not willing to leave it to the chairman of some subcommittee, however honest, intelligent, and faithful he may be, and that is the practice followed. The Committee on Claims does not pass upon the merits of each claim by any means. We all know that it is referred to a subcommittee, and usually one member as a subcommittee, who examines the claim and does faithful service. The Committee on Claims has been doing good work; I have no complaint to make of that or of the committee. It is the system that I am talking about.

Now, I do not believe that the committee ought to pay $5,000 to one widow for the loss of her husband's life; $1,500 to the heirs of another one for the loss of the life of the man; $1,248 for the loss of the life of another man payable to his widow; and $420 payable to the widow for the loss of the life of her husband in another case, because the committee can not draw

the distinction; and I know it can not, and has not drawn the distinction.

The $5,000 case is a particularly hard case, it may seem. We pay now by general law to the widow of the life-savers in the Life-Saving Service two years' pay. I think that law ought to be extended to the Lighthouse Service, but the life-saver who gets out in the boat on a dark and stormy night and loses his life, his widow gets two years' pay. Now, why should we pay $5,000 to a lighthouse keeper's widow when he loses his life? There is no reason for making the distinction.

Mr. AUSTIN. What did we pay the widows of the postal clerks who lost their lives on the *Titanic*?

Mr. MANN. Two thousand dollars apiece. We pay in the Railway Mail Service $2,000. A few years ago it was $1,000, and it was on my motion in the House that it was increased.

Mr. AUSTIN. We voted the widows of the men who lost their lives on the steamship *Titanic* $2,000 by unanimous vote.

Mr. MANN. It was put in by unanimous consent; there was no objection to it.

Mr. KENDALL. If the gentleman will allow me, it seems from the disparity of the sums allowed here that in these cases the committee has considered some special instances.

Mr. MANN. I beg the gentleman's pardon, that is because they came from different subcommittees.

Mr. LEVY. The gentleman states that the widows of lighthouse keepers get $2,000. I want to say that the subcommittee that examined these matters reported it to the whole Claims Committee and they had something to say on it and changed it in some particulars.

Mr. MANN. I said that the life-savers receive two years' pay; not the lighthouse keepers.

Mr. KENDALL. Is it not a fact, I ask the gentleman from Illinois, that some compensation ought to be made in cases of this character, irrespective of the age of the deceased or the amount of money he was able to earn in his lifetime?

Mr. MANN. It is my view that we ought to follow the provisions of the general compensation act as long as that act is what it is, to allow one year's pay regardless of age.

Mr. KENDALL. And the earning capacity?

Mr. MANN. That takes into account the earning capacity; that is what it is based upon.

Now, Mr. Chairman, there are two claims in this bill to which I shall call attention for a moment. One is on page 4, to pay $5,000 to C. H. Ingraham for damages to his property at Fort Baldwin, Me., by heavy gun firing.

The other is:

To pay $448.05 to the Methodist Episcopal Church at Hull, Mass., for damage to its church building and parsonage by heavy gun firing at Fort Revere, Mass.

I think both of these claims ought to be paid. That matter came up in the House some years ago, after some maneuvers had been held in Kentucky, and there had been a lot of small damages accrued by breaking down crops, tearing down fences, and in other ways, and we inserted on the floor of the House, either on a claims bill or on the Army appropriation bill, the payment to cover those cases. I think we have recently provided by general law for the allowance of claims of that sort. Now here are two claims put in this bill.

They are based upon a report from the War Department. The report of the War Department is found on page 45 of the report and again on page 94 of the report. The War Department made an estimate as follows:

For settlement of claims for damages to and loss of private property belonging to citizens of the United States, Hawaii, and the Philippine Islands that have arisen previous to August 1, 1910 (act of May 30, 1908, vol. 35, p. 280, sec. 1), $22,802.40.

NOTE.—The stated amount of $22,802.40 is asked for in order to render practicable the settlement of 183 claims now on file in this office and presented previous to August 1, 1910.

These claims embrace damages due to heavy-gun firing, and during target practice, damages to fences and growing crops and to trees by troops while engaged in maneuvers, etc. Of the amount now estimated for, more than one-half is attributable to heavy-gun firing at Forts Hamilton, N. Y.; Heath, Mass.; Levett, Me.; Banks, Mass.; Wadsworth, N. Y.; Revere, Mass.; Moultrie, S. C.; Winthrop, Mass.; and Miley, Cal. Estimates of appropriation covering 153 of these claims and aggregating $19,053.14 were submitted to Congress at its last session, as shown by House Documents Nos. 177, 519, 689, and 897, Sixty-first Congress, second session, but they failed to receive favorable consideration.

Then there is another estimate:

For payment of claims for damages to and loss of private property incident to the training, practice, and operations of the Army that may accrue from time to time, to be immediately available and to remain available until expended: *Provided*, That settlement of such claims shall be made by the Auditor for the War Department, upon the approval and recommendation of the Secretary of War, where the amount of damages has been ascertained by the War Department, and payment thereof will be accepted by the owners of the property in full satisfaction of such damages (submitted), $5,000.

Mr. AUSTIN. How does the department reach a conclusion as to the value of the property?

Mr. MANN. The department in all of these cases appointed a board.

Mr. AUSTIN. Why did not they give the losers of this property one year's rent like it is proposed to give these other people one year's salary?

Mr. POU. Will the gentleman permit me to interrupt him?

Mr. MANN. Certainly.

Mr. POU. I will say to the gentleman that there are now 221 of these cases carrying $32,000, and that the committee have just been able to get the complete list of them within the last week.

Mr. MANN. Well, Mr. Chairman, when the gentleman says the committee has not been able to get a complete list until within the last week I will say that some of these claims were submitted to Congress more than a year ago and anyone could get a complete list any day by inquiry.

I understand the claim of the Committee on Claims is—I am not criticizing the committee, yet I think that where claims come in and are all included in a class, all of equal merit, all found in the same way to be good claims, that that committee, instead of paying a claim which some Member of Congress is exceedingly active about and it has its attention called to two claims, ought to have reported in a bill covering all the claims. Does anyone deny that? Here are 2 claims out of more than 200, all standing upon the same footing. It is preposterous to suppose that a man who has been damaged in his crops to the extent of $5 or $500 shall be required first to make proof of his claim to the War Department and have his claim allowed by the War Department and then be required to chase up a Member of Congress, who in turn shall chase up and hang upon the heels of the Committee on Claims in order to have his claim allowed. Now, I am not saying this for the purpose of criticizing the Committee on Claims. I hope the gentlemen now on that committee will not misunderstand me about that. I am only suggesting a revision of the practice which has been followed for years in this class of cases.

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. FOWLER. On the same principle the gentleman would not have the Invalid Pensions Committee pass at this session on every bill for the old soldier who was in need of assistance?

Mr. MANN. On the same principle that I have enunciated we passed yesterday a conference report for a general increase of pensions, and not one specially applicable to each case. We provided for a general increase of pensions.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. FOWLER. One other question.

The CHAIRMAN. To whom does the gentleman yield?

Mr. MANN. To my colleague.

Mr. FOWLER. Are not there thousands of private pension bills now pending before the Committee on Invalid Pensions which have not been acted upon and can not be acted upon because of the great amount of work that would be required in order to get at the bottom of them and determine the merits of each?

Mr. MANN. Well, I had not supposed that was the case. I supposed the Committee on Invalid Pensions was equipped with sufficient force to examine all the claims that were presented to it.

Mr. GREEN of Iowa. I would like to inquire—while the gentleman has insisted all the time he is not criticizing the work of the Committee on Claims, still it seems to me he has criticized every step the committee has taken—why the gentleman has not at some time here introduced some general bill that would cover this class of cases to which he has referred, the same as a general pension bill? Why has not the gentleman introduced such a bill?

Mr. MANN. I say we have enacted legislation for the purpose of covering these cases—not past cases, but future cases.

Mr. GREEN of Iowa. Not this class——

Mr. MANN. I was not aware of that; I suppose it will cover them in the future.

Mr. GREEN of Iowa. Not the class covered by this bill.

Mr. MANN. Personal-injury cases in the future? We passed a law covering those, but there is no law we can pass that will cover all the cases that might appeal to my friend from Iowa that I know of.

Mr. GREEN of Iowa. Personal-injury cases arising in the future will be covered by the law on the statute books.

Mr. MANN. It would in most cases, although we have one case in this bill that has occurred since this law went into effect.

Mr. GREEN of Iowa. Not those that are within the provisions of that bill.

Mr. MANN. That was within the provisions of the bill.

Mr. GREEN of Iowa. It occurred prior to the enactment of the law.

Mr. MANN. No; it occurred since.

Mr. GARNER. Is this a good bill?

Mr. MANN. I apprehend what will happen to this bill will be that my distinguished friend from Tennessee [Mr. AUSTIN] will after a while move to increase an amount over the year's compensation, which will either be defeated or carried. If it is defeated, he will make a point of no quorum, and if it carries, I probably will.

Mr. BUTLER. That is a nice way to do justice.

Mr. POU. I wish to say just a word in explanation of certain things about which the gentleman from Illinois [Mr. MANN] has spoken.

Mr. GARNER. Will the gentleman yield just for a question of a general nature?

Mr. POU. Yes.

Mr. GARNER. In view of the statement of the gentleman from Illinois [Mr. MANN] that most likely a certain amendment would be offered to the bill by the gentleman from Tennessee [Mr. AUSTIN], and if he failed to carry his amendment he would make the point of no quorum, but if he succeeded in carrying the amendment in the Committee of the Whole the gentleman from Illinois [Mr. MANN] would make a point of no quorum, does the gentleman think there will be much business this afternoon?

Mr. POU. So far as I can, I am going to exercise our best efforts to put this bill through, because I think it is a just one.

Mr. GARNER. It is evident to the gentleman that there is not a quorum here or will not be a quorum here at the time he will ask for the passage of the bill. My inquiry is if you are going to insist that a quorum be brought in on Saturday afternoon? The baseball game has not yet started. It is now 20 minutes after 2 o'clock.

Mr. MADDEN. I wish to suggest that if the point of no quorum is going to be made, it be made before the baseball game begins.

Mr. POU. I hope no gentleman will object. Both sides are interested in this bill. I want to state the rule the committee followed in including items in this bill. There is no item included where there was any objection to it by any Member.

Mr. AUSTIN. I will say to the gentleman from North Carolina [Mr. POU] that if he will agree to $5,000 for every loss of life I will not raise the point of no quorum.

Mr. BUTLER. Well, the gentleman from Illinois [Mr. MANN] will raise it then.

Mr. POU. Mr. Chairman, I want to state to the committee how it was that these personal-injury claims were called to the attention of the Committee on Claims. It was first upon the initiative of the Secretary of War. He sent for me, and I had a consultation with him. He presented quite a number of claims of persons who were injured in the digging of the Panama Canal, some of them injured two or three weeks before this act of 1908 went into effect. The Secretary was most emphatic in his opinion that those claims ought to be paid. The committee had not even considered the matter up to that time. In pursuance of my conference with him I called the attention of the committee to these claims. We can not pay claims for persons engaged in the digging of the Panama Canal and refuse to pay claims to persons injured in the Government service somewhere else. And so it was we tried to treat everybody as fairly as we could under all the difficulties that surrounded us. There is nobody who knows better than the lawyers on this committee that it was almost impossible to follow any ironclad rule in the payment of these claims.

Let me give an illustration. There is a man whose claim is included in this bill, or in the second bill, who was receiving $1.04 a day in a shell factory. A shell exploded without any negligence on his part whatever. The man was some distance away, attending to his duties. What happened to him? Both eyes were put out, his spine injured, and the man's hearing in both ears is almost gone. Moreover, he is badly disfigured. Does anybody think that man, if you pay him anything at all, ought to receive $1.04 a day for 365 days?

Mr. AUSTIN. That is all he would be entitled to under the——

Mr. POU. Of course, that is all he would be entitled to if we had not departed from the rule set forth in the act of May 30, 1908. So we decided to pay this man $5,000.

Mr. AUSTIN. You ought to pay it to him.

Mr. POU. We felt that, sitting for the remainder of his days in darkness, maimed for life, helpless, and poor, the committee ought not to be forced to follow the rule laid down in this act and pay this man only $365. Why, his doctors' bills amounted to more than that. And I am here to-day to take the position that the Government ought to pay every one of these men that were injured without any fault on his part. [Applause.] We are passing personal liability acts; we are passing all sorts of acts making the public-service corporations in this country liable in case of injury; and I stand with President Roosevelt when he took the position that everybody who was injured, even if it was an accident only, ought to be allowed some compensation. I do not approve of the doctrine that the workingman ought only to be paid in cases where there is negligence on the part of the defendant. In the case of a pure accident, I say the workingman ought to be paid. So it was the committee in its efforts to do justice by these people decided in all these cases where it appeared there was no negligence on the part of the employee, that we would allow him remuneration. In many cases it is but a pittance. And there are not many more of these claims, so far as I can ascertain. We have taken about $75,000 and distributed it among some 40 or 50 people. I firmly believe that no Member who votes for the appropriation of this money will ever feel any regret for his action hereafter, because all these cases are meritorious—every one of them. I think in almost every case every member of the committee voted for them. I am glad to say there is no politics in our committee room. We leave politics on the outside. Every member of the committee has done his utmost. I pay tribute to the gentlemen of the minority of the committee when I say they have been very diligent in their efforts to sift these claims and do what is just and right.

Now, just one other matter, and then I shall conclude. The gentleman from Illinois [Mr. MANN] has had something to say with respect to these claims for heavy-gun fire. Now, I will state to the committee that we knew nothing about these claims when we first took up this work. We found some five or six bills of that character. This estimate had been submitted to the Committee on Appropriations or the Committee on Military Affairs, and the Secretary of the Treasury wrote to the Speaker of the House some two weeks ago and requested that these claims be taken from the Committee on Military Affairs and sent to the Committee on Claims. Now, just about that time, after this bill was already made up, we had knowledge that there were two hundred and twenty and odd of these claims.

Mr. MANN. Does the gentleman yield for a question?

Mr. POU. Yes.

Mr. MANN. Did the gentleman not have knowledge at the time when he printed it twice in the report on this bill? Did he not have knowledge then of those claims?

Mr. POU. In the report on this bill?

Mr. MANN. The report on this bill. That estimate is printed twice in the report on this bill, on pages 45 and following.

Mr. POU. About the time of the printing of the report we got information that these two hundred and twenty and odd claims had been referred to our committee.

Mr. MANN. Yes; but whoever had charge of these claims got that statement from the department. They must have had knowledge of it.

Mr. POU. I stated that we got notice from the War Department about April 18, about two weeks ago. Now, as I said before——

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield for a question?

Mr. POU. Yes.

Mr. GREEN of Iowa. The other bills were not before our committee at that time. I understand they were not.

Mr. POU. Which bills?

Mr. GREEN of Iowa. These bills for the two or three.

Mr. POU. No; they were not before our committee at all.

Mr. MANN. There is no bill on the subject. There is an estimate and statement from the War Department.

Mr. POU. That is true.

Mr. MANN. It is printed in this report twice.

Mr. POU. I say, if we had been put in full possession of all the facts as we are now we would not have inserted these two or three items in this bill. We have referred the entire matter to one of the subcommittees, and that subcommittee is hard at work upon the subject now. I can not undertake to say what that subcommittee is going to do, but I imagine that a bill will be reported out, and that all these items will be included in it, and that the House will have an opportunity to pass it if we get another day.

Now, Mr. Chairman, with this explanation, I have nothing more to say.

Mr. GREEN of Iowa. Mr. Chairman, I wish to say just a few words in the hope of being able to make clear how unjusti-

fiable some of the criticisms are upon this bill. Even the gentleman from Illinois [Mr. MANN], unless he has at some time served upon the Committee on Claims, has no conception of the difficulties under which the Committee on Claims labors, notwithstanding all of his knowledge of the affairs of this House, and I wish now to pay him the tribute of saying that I believe no one else has so full and complete knowledge of the workings of the Government and of matters before the House as he has. The committee is compelled, Mr. Chairman, literally to make bricks without straw. The committee is supposed to undertake, and does undertake and endeavor to the best of its ability, to render compensation to parties who have just claims against this Government; and yet in nearly every case it is without adequate and complete information, in order that we might do justice to the cases.

Mr. AUSTIN. What does the gentleman think about a proposition to send all these cases to the Court of Claims?

Mr. GREEN of Iowa. I would welcome some kind of a proposition, I will say to the gentleman from Tennessee—some kind of a bill whereby there can be a proper hearing upon these matters and these parties accorded adequate compensation. But, inevitably, when this committee comes to the House it is charged, as now by the gentleman from Tennessee, with being hard-hearted. The committee is convinced that in many cases we have come far short of doing full justice and giving these claimants what they ought to have. In fact that is probably true in almost every case. And then we are met with a charge from the gentleman from Illinois [Mr. MANN] that we have not imposed a hard-and-fast rule, a rule which, as stated by him, and which I wish to state to this House, would do injustice in nearly every case.

The rule that the gentleman from Illinois [Mr. MANN] wants to have this committee enforce is this, that if a man is injured in his big toe and can not work for a year he shall receive a year's salary. If he receives some injury by which he lies languishing in bed for months and months, racked with pain in every part of his body, he would receive a year's salary.

Mr. MANN. If the man's brains were in his big toe, that might be true; but that is not considered in my proposition.

Mr. GREEN of Iowa. The gentleman's remark is more sarcastic than accurate.

Mr. MANN. That is in conformity with the gentleman's remark.

Mr. GREEN of Iowa. I have stated to the House just what the gentleman from Illinois was contending for. The statute passed by the House, to which the gentleman wishes the committee to conform, makes exactly that kind of a provision—that if a man is injured so that he can not work for a year through the loss of a finger or a toe, or whatever it may be, he gets a year's salary. If he is injured so as to lose a leg or an arm or both eyes, he gets a year's salary. If his death is caused, his heirs get a year's salary.

That is just exactly what the law is at present with reference to the parties injured in hazardous employment under the Panama Canal Commission, and it is the rule for which the gentleman from Illinois contends.

Mr. KENDALL. That is not the rule that this committee observed, though, is it?

Mr. GREEN of Iowa. The committee have not observed that entirely. The committee have thought they ought not to observe any rule that was so reeking with injustice as this rule is; and I hope the gentleman from Tennessee [Mr. AUSTIN], with his large heart, will stand by the committee in this respect.

Mr. AUSTIN. I believe in this bill you allow $1,900 to a Missouri man who lost his right hand.

Mr. GREEN of Iowa. No; I think not.

Mr. BORLAND. That is not the same bill. Now, I want to say to the gentleman about that that Mr. Cole had his hand taken off down there at work on the Panama Canal. We asked for $5,000 for that. He was a skillful workman and lost his hand. Yet I agree with the gentleman from Illinois [Mr. MANN] that it is better to give these people immediate relief if we can, because that man is suffering for his money, and I am not here to ask $5,000 for him and refuse to take $2,000, when I know by a telegram from him to-day that he needs the $2,000.

Mr. AUSTIN. Does not the gentleman think he ought to join with me now and try to get $5,000 for him?

Mr. BORLAND. But the man is in need of immediate relief, and because of that fact I am willing to take the amount which they have recommended.

Mr. AUSTIN. I ask the gentleman not to surrender when the fight has just commenced.

Mr. GREEN of Iowa. The committee have sought, in some very exceptional cases, to make a deviation from this rule.

Mr. BORLAND. As the gentleman from Iowa [Mr. GREEN] suggests, if this man had been hurt after the law relating to the Panama Canal was passed, he would have received a year's pay, and it is proposed now to give him what the law would have given him, and he is willing to take that.

Mr. KENDALL. That ought not to control the committee in awarding a larger measure of damages in these other cases.

Mr. BORLAND. Oh, no. He did not come under the general law, because his case happened before that, and for the sake of getting immediate relief I am willing to see him get what the committee have reported.

Mr. GREEN of Iowa. I want to call attention to the Armour case, which has been criticized by the gentleman from Illinois [Mr. MANN] as showing inconsistency in this report. Here are the circumstances in that case. Mr. Armour was keeper of a lighthouse. Some person was detained at the lighthouse during a storm, and he thought it necessary to take that man to the shore. He took the man to the shore, and after he got there he discovered that the storm had increased. The waves were rolling mountain high, and yet he believed that it was his duty to get back to that lighthouse. He feared that his wife, who was alone there, would not be able to keep the light going, and that the mariners at sea who were relying on that light in their endeavors to make the port would eventually find their way upon the rocks instead of into the harbor. So this man took his life in his hands in the performance of his duty, with a bravery equal to that of a soldier leading to the charge a forlorn hope, and started back in the attempt to return to that lighthouse. He failed to reach the lighthouse and lost his life.

At one time when this bill was before our committee I objected, but I have since thought that this furnishes an exceptional case, and I will say, also, that widow to whom this money will go kept that light going. I will ask the gentleman from New York [Mr. LEVY] to state how long.

Mr. LEVY. She herself kept it going all night—attended to the light all night herself.

Mr. GREEN of Iowa. It was for a longer time than that.

Mr. LEVY. Until they came to her relief.

Mr. BUTLER. Has not she a claim pending somewhere?

Mr. LEVY. Oh, no.

Mr. KENDALL. The gentleman does not claim that the fact which he has stated ought to increase the amount of her claim?

Mr. LEVY. It was most difficult to keep the light burning.

Mr. POU. With the gentleman's permission, I will state that this lady was there for several nights absolutely alone. That fact can only be taken into consideration by way of showing that she is worthy to receive this money.

Mr. AUSTIN. Was she made her husband's successor?

Mr. GREEN of Iowa. No; I think not. I do not think she could properly attend to the light.

Mr. AUSTIN. I think the committee did the proper thing in that case. Does the gentleman think the committee did the just thing in the case of Annie T. Jackson, whose husband was fireman on a Government tug? On account of a defect in the boiler there was an explosion, and he lost his life. She made a claim for $15,000, and the committee report $420. That will be found on page 41 of the report. Is it fair and just to give $5,000 to the lighthouse keeper's widow and only $420 to the fireman's wife?

Mr. GREEN of Iowa. This amount of $5,000 was awarded as a reward for the heroism and example displayed by that lighthouse keeper in his endeavor to do his duty. It was something more than a mere claim for damages that the committee were passing on at that time.

Mr. RUCKER of Colorado. The gentleman will not overlook the fact that the lighthouse keeper went ashore to take one of the employees who had gone to fix the light while on an inspection tour and was returning to the shore in the performance of his duty.

Mr. GREEN of Iowa. I am glad the gentleman spoke of that. Now, it is true that there are probably very few of these cases in which we have awarded as much as the claimants ought to have.

Mr. AUSTIN. This fireman was in danger every day. He was doing a hazardous work in firing the boiler where he was.

Mr. KENDALL. Do I understand my colleague to say that in one case—the lighthouse keeper who lost his life—the committee made an award of $5,000, and in another case, as appears on page 4, where the keeper lost his life in an arduous occupation, the committee only recommends $420?

Mr. GREEN of Iowa. That is a statement entirely disconnected with the facts surrounding the claims.

Mr. KENDALL. I want to say that if the Committee on Claims is recommending propositions like this that I have sug-

gested, where they make such vast discriminations and discrepancies in reimbursement, they are doing more to establish a flat rate, as claimed by the gentleman from Illinois, than anything I can think of.

Mr. GREEN of Iowa. In answer to what the gentleman says, if the House thinks acts of heroism that set a worthy example to every American ought to be passed over, I have nothing to say. I anticipated the argument made by my colleague and the argument that is made by the gentleman from Illinois. Let them make them if they see fit; I do not think it ought to be the rule. I confess it appealed to me when the matter was discussed before the full committee.

Mr. KENDALL. I want the gentleman to understand that I am not complaining of the amount that has been allowed the lighthouse keeper's widow. It is not excessive. My complaint is of the amount allowed to the employee of the tug—that it is grossly inadequate.

Mr. GREEN of Iowa. I will say this in regard to that particular item: I happened to be absent when the Annie Jackson case was taken up. I think it is one of the few cases that was considered when I was absent. I did not go into that particular claim, and I can not explain it. I presume that some member of the committee can tell exactly why that was put at that amount.

Mr. DICKINSON. Mr. Chairman, if the gentleman from Iowa will allow me, I will say that in the case of Annie Jackson that was one of the early cases reported by the committee. At that time, as I recollect, the committee was endeavoring to follow the rule as laid down in the Government compensation act, which provided for one year's pay, and the report was made in favor of Annie Jackson in pursuance of that rule.

Afterwards, later on, the case of the lighthouse keeper came up, and then the amount recommended, if I am correct, was increased by the action of the committee, thereby making a clear departure from the conduct of the committee as it started out, endeavoring to allow only one year's pay in accordance with the Government's compensation act.

I will say further in regard to that that after this large amount was allowed I stated myself to the author of the bill—the Annie Jackson case having been reported—that if he would, when it came into the House, offer an amendment, the committee would be glad to respond to an increase in the amount. But several of the cases that were reported in the first instance were by reason of the fact that they started in to allow one year's pay in accordance with the Government's compensation act. That is how the Annie Jackson case came to be reported for a much lower sum.

Mr. GREEN of Iowa. The gentleman is aware that the committee never intended in any case to award anything more than that except in exceptional cases.

Mr. DICKINSON. I will say that in the lighthouse keeper's case it was acted upon subsequently and was deemed an exceptional case, and the report of the subcommittee was increased by the action of the general committee and demurred to in part by some of the individual members of the committee.

As far as I recall, in starting out the committee was practically a unit in pursuing the rule of allowing only one year's pay, following the law in the compensation act, and they afterwards departed from it when extreme cases came up. Very quickly after that the discrepancy between the lighthouse keeper's case and the Annie Jackson case was seen and noticed, but the Annie Jackson case had already been reported and was not changed, and so it is here before the House.

As far as I am concerned, I have been very much interested in the criticism by the gentleman from Tennessee, criticism going to the acts of this committee no more than it goes to the action of the committee two years ago, when the omnibus bill was first reported; when in the House, as I understand from the history of it, the amounts were increased and then the bill failed.

The bill comes from the committee in the same condition that the bill did two years ago, and it is here subject to amendment by the House if it sees fit to amend it; but it is a question for its consideration whether the present committee should have in the consideration of these bills responded to the thought of the gentleman from Tennessee and reported large sums instead of the amounts that they have reported.

Now, responding to the suggestion made by the gentleman from Iowa, I will not now interrupt the gentleman longer, but will continue my remarks in my own time.

Mr. GREEN of Iowa. Mr. Chairman, a few words as to the difficulties under which the committee labors. We had our choice to accept the ironclad rule which the gentleman from Illinois thinks ought to be followed by the committee, and we were confronted on the other side by the fact that a large number of persons injured since the passage of the bill would only get a certain amount in any event, and we did not wish to award parties more in cases occurring before the passage of the act than they would receive under the passage of the act.

And then, beyond and above all that, we had no facilities for taking evidence and making complete hearings in order that we could ascertain as to what amount we thought ought to be paid to the respective claimants.

Mr. COOPER. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. COOPER. Does the Committee on Claims intend to report any other bill at the present session?

Mr. GREEN of Iowa. Perhaps the Chairman can better answer that than I.

Mr. DICKINSON. If the gentleman will allow, the committee is still at work. It has reported a second omnibus bill, and it will have a meeting on next Monday, and it is the intention of the committee to continue to report bills.

Mr. GREEN of Iowa. Mr. Chairman, what we ought to have, and what these gentlemen who criticize the committee ought to do, is to have a bill brought forward that would enable proper hearings to be had on these cases in order that persons who are injured might be compensated in the proper manner.

Mr. BUTLER. Will the gentleman permit me to suggest that he ought not to be sensitive? There are two things in this country I would not do—one is to work for my Government and the other is to serve on that committee. I had an experience once on it, and that leads me to suggest to the gentleman that he ought not to be too sensitive. It is the hardest place to serve in I ever occupied. [Applause.] I never was able to please anybody after two years of hard labor, and I suggest to the gentleman that he ought not to be sensitive. I think the committee have done their work the best they could.

Mr. GREEN of Iowa. I am very much obliged to the gentleman for his statement of the situation, but I believe I have carried a smile here as much as most gentlemen have during this discussion.

Mr. AUSTIN. May I ask the gentleman a question before he takes his seat? On page 4 of this bill——

Mr. GREEN of Iowa. Which bill?

Mr. AUSTIN. Twenty-three thousand four hundred and fifty-one, top of page 4, the committee recommends $1,500 to Hartman for the loss of his left arm, $438 to Older for injury to his left leg, $420 to Annie Jackson for the loss of her husband, and the next item is to pay $5,000 to Ingraham for damages to his property at Fort Baldwin, Me., by heavy-gun firing. Take these three items right along the line of fairness and justice, $1,500 for the loss of an arm, $438 for an injury to a leg, and $420 for the loss of a life.

Mr. GREEN of Iowa. I will refer my genial friend from Tennessee to the gentleman from Illinois [Mr. MANN], who has laid down the rule which justifies these allowances and has contended for it here.

Mr. KENDALL. I will ask the gentleman if the allowance to which the gentleman from Tennessee has referred represents one year's salary for the claimant?

Mr. GREEN of Iowa. They do, as I now remember.

Mr. AUSTIN. Then you give a man who has lost a finger in the way of a year's salary what you do to a widow who lost a husband's life. One is killed and the other injured, and the pay is the same.

Mr. KENDALL. You might put it as an extreme illustration that the committee recommended $1,500 for the loss of an arm and only $420 for the loss of a life.

Mr. ESCH. If the gentleman will permit me, I simply wish to suggest in regard to the Older claim that his injury occurred in April, 1907, and the claimant is still incapable of doing work.

Mr. GREEN of Iowa. Mr. Chairman, there is just one other matter I wish to mention before I am through. There are a large number of circumstances connected with these different claims, which we took into consideration, which have not been and can not be set forth to the House in detail, which influenced the committee in their findings.

Mr. MANN. They ought to be in the report.

Mr. DICKINSON. Mr. Chairman, just a word so as to state my views about this question. I want to say I am inclined to be largely in accord with the views as expressed by the gentleman from Illinois, and while I feel that the committee is not subject to any special criticism, as far as I am concerned I am not objecting. These are amounts to be paid by the Government for claims against the Government, and I think, in any consideration of these claims, that the committee was justified in following the rule laid down in the compensation act and that I was opposed, as a rule, to granting large sums of money. But while we take up one claim at a time, the committee would

not be absolutely consistent and no two claims bearing comparatively the same merit would be reported for the same amount, as a rule. Some peculiar circumstances might come up that would tend to enlarge the claim at one time, or it might come from a different committee. What has been said in this general debate here on this omnibus bill has not been lost upon the House and, as I am informed, it is the same kind of a debate which took place two years ago, and the criticism does not go so much to the action of that committee, whether it be this committee or the committee two years ago, as it does go against the law; and upon that question Members of this House may have different views. We had the deliberate judgment of the House that passed the act of 1908 that they should be allowed one year's pay if presented within one year after the injury. If they did not present it within that time, the limitation had run; then those whose claims came up afterwards stood in a much better attitude toward the laws than the claims of those who came within the limitations held by the law. But I think the committee was more justified in following that rule than they were in following the idea of allowing large amounts, such amounts as would be obtained in similar cases in a court for damages against a corporation.

Mr. AUSTIN. Will the gentleman allow me to ask him a question? Can the gentleman tell the committee whether by this workmen's compensation bill that has passed the Senate if we are not fixing the amount there in excess of the amount that is in the law governing the Government's liability?

Mr. DICKINSON. The gentleman means the recent bill?

Mr. AUSTIN. The recent bill which passed the Senate and is now here in the House. Now, Congress is attempting by legislation to force the railroad companies and all other corporations to pay their employees a larger sum of money for the loss of a limb or life than is fixed in what is known as the Government liability act?

Mr. DICKINSON. I want to say that is my understanding, but I have not examined the bill as it passed the Senate yet. I may be in accord with the gentleman from Tennessee with the idea the Government ought to pass a more liberal law, but it has not done it up to this time, and the committee in supporting and passing upon these claims was simply following the law as laid down and the rule as laid down in the law.

Mr. KENDALL. I was about to suggest to the gentleman the committee has not always observed that rule in the preparation of this bill.

Mr. DICKINSON. That is what I said.

Mr. KENDALL. I will say to the gentleman from Missouri, who, I am sure, is familiar with all the facts in regard to the items of this bill, that they are not all presented under that rule, and I suppose the Armour item, on page 2, line 13, is one of them, the $5,000 allowance.

Mr. DICKINSON. I think the committee very shortly got away from that rule and, examining the particular facts in each case, they often responded to the peculiar facts in each case, and made reports in larger amounts.

Mr. KENDALL. But presentments appear in the same bill from the committee.

Mr. DICKINSON. I understand; but they all came in separate bills in the first instance, and then in separate reports from the subcommittees, and this is a grouping of the bills passed upon by the general committee after they had been reported by the several committees. And they were not reported by any one committee, nor were all of them considered at any one time.

Mr. TILSON. Is it not a fact that these cases that have been placed in this bill at a higher rate than the others are particularly hard cases?

Mr. KENDALL. That is, in the judgment of the subcommittee.

Mr. DICKINSON. That was the thought of the committee, and further than that, after having allowed large amounts in cases that subsequently came before the committee, it was the judgment, at least, of some of the committee that some of the cases that had been reported for small amounts ought to be raised. And I am in accord to-day and now with the suggestion made that in the case of Annie T. Jackson the amount ought to be raised. True, the facts in that case have not been fully brought before this Committee of the Whole. It is the case, I believe, in which a laborer had been temporarily employed for a day or two, but the suggestion was made, as I stated, to the author of the bill that when it came up for consideration on the floor of the House—and I so stated to him, because it was reported by me—the committee would agree to the amendment enlarging the amount of it.

But this criticism of the bill is valuable. It is valuable because it is a criticism of the law; it is a criticism of the bill two years ago; it is a criticism of the action of the committee two years ago. And I am disposed to be friendly to a more liberal law to be passed by Congress than the present law. So far as the members of the committee are concerned, I am not at all sensitive. I am glad to hear the criticism made of the law or of the bill by reason of the law, or any part of it, either from the gentleman from Tennessee [Mr. AUSTIN] or the gentleman from Illinois [Mr. MANN], but the committee itself is not subject to criticism.

I yield to the gentleman from Illinois [Mr. FOSTER] five minutes.

Mr. FOSTER. Mr. Chairman——

Mr. COOPER. Mr. Chairman, I want to ask the gentleman a question. Take this item of Annie T. Jackson, $420; it reveals the fact, does it not, that on the United States tugs the Government pays firemen the munificent salary of $35 a month?

Mr. FOSTER. I am not on the committee.

Mr. COOPER. And is this amount one year's salary?

Mr. FOSTER. I would say to the gentleman from Wisconsin that I am not a member of the committee.

Mr. DICKINSON. If the gentleman will permit me to answer, that is one year's salary—the same amount that would have been allowed if it had been paid within the time prescribed under the Government compensation act.

Mr. COOPER. I only wish to say here by way of a parenthetical remark, that for the Government of the United States to pay the widow of a fireman, killed while in the employ of the United States Government, $420, is an insult to the widow.

Mr. FOSTER. I fully agree with the gentleman from Wisconsin that $420 is an unusually small amount to pay for the death of any person who works for the Government. I am a firm believer in the proper compensation by the Government for injury or death incurred while in the employ of the Government when not due to their own gross negligence.

Mr. MANN. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. MANN. If this fireman had been killed prior to the law of 1908, this widow would have $420 without question. Is there any reason for paying an amount larger because the death happened to occur before 1908?

Mr. FOSTER. I think my colleague from Illinois [Mr. MANN] is correct, so far as his statement of the case is concerned. But I think, regardless of the law that was passed in 1908, it is entirely too low a compensation for men who lose their lives or who are injured while in the service of the Government, and we ought to change that law. And if the gentleman will call to mind, when that law was passed in 1908 it was passed under suspension of the rules, when there was no opportunity given to anyone to amend the law, and it was taken as the best that could be had at that particular time. And, if he will recall, the gentleman from Kentucky [Mr. SHERLEY] made some remarks upon that bill under the 20-minute debate allotted to each side and called attention to the fact that that bill was not in the proper form in which to pass, but that the bill ought to be taken up and considered section by section, so that we might have an opportunity to amend it and put it in proper shape so that it would give ample compensation for Government employees.

Mr. MANN. The gentleman will also call to mind that the only way to pass the bill at all was under suspension, and that we reversed a former policy of the Government that had existed for more than a hundred years, to pay nothing.

Mr. FOSTER. If the gentleman from Illinois is correct about it, that this would give employees in hazardous occupations something which they formerly did not get except through a bill in Congress, and you see how hard it is to get claim bills through the House——

Mr. COOPER. Will the gentleman permit an interruption?

Mr. FOSTER. Yes, sir.

Mr. COOPER. I understand the gentleman from Illinois [Mr MANN] to say, and the other gentleman [Mr. FOSTER] to acquiesce in the statement, that prior to the statute of 1908 it had been the uniform policy of the United States Government not to pay anything.

Mr. FOSTER. The gentleman from Illinois [Mr. MANN], my colleague, did not say that, and I did not mean the gentleman to infer such was the case; but I said they did not provide anything only by presenting a claim to Congress and getting it through here, and many times they were unable to secure any compensation at all. I think the gentleman from Wisconsin, from his long service, will recall that that is true.

Mr. COOPER. I will say to the gentleman that I recall very distinctly that a certain Senator from west of the Mississippi River succeeded in getting through a claim, if I remember the amount, of $8,000.

Mr. MANN. I think it was $10,000. It was so exceptional that everybody remembers it.

Mr. FOSTER. There may have been a few cases gotten through, but cases that were obscure never received anything.

Mr. COOPER. What I think has been considered is: Whether the Government of the United States was negligent or the person injured guilty of contributory negligence. This particular law of 1908 limits compensation for injury to the yearly wages only.

Mr. FOSTER. What I wanted to say was that prior to the law of 1908 there was nothing on the statute books that gave an employee anything whatever.

Mr. AUSTIN. When the Ford disaster occurred here and a number of men were killed, the Government reimbursed their families, I think, by giving them $5,000.

Mr. MANN. That caused as much hysteria as the loss of the *Titanic*.

Mr. FOSTER. I want to say to the gentleman from Tennessee [Mr. AUSTIN] that I believe as much as he does in the proper compensation for the employees of the Government who lose their lives or get injured in the service. I want to say this, further, to the gentleman from Tennessee [Mr. AUSTIN], that I fully believe that I would agree with him that this Government ought to pass a proper compensation act. I do not believe that it is right for a corporation to cut a man's leg or arm off and then leave him crippled and unable to earn a living, and to go upon the charity of the world. Neither do I believe that a man engaged in hazardous occupations for the Government should lose his leg or his arm, or be injured in some way, and he and his family be turned out upon the charity of the world. And if he loses his life I believe it is as right for the Government to pay the sum as it is for any corporation, and I am in favor of such legislation and would be glad to help pass it. [Applause.]

There was one thing that struck me as peculiar in this report, and that was the case referred to on page 34, the claim of D. M. Rowland, father of Robert Blaine Rowland, a seaman of the United States Navy, who was killed while in the performance of his duty on January 31, 1906, by being struck by a bullet from one of the Morris tube rifles on the U. S. S. *Cincinnati* while engaged in target practice in Manila Harbor.

I want to call the attention of the committee to this report—not the report of the committee, but the report to the Navy Department—which is a very peculiar thing to me. Here was an officer who had neglected to take the proper precaution of putting a bullet catcher in front of the Morris tube in target practice, and the man lost his life as a result. Then a court-martial was had in the Navy, which decided that the officer should be reprimanded for neglecting his duty in such a way as to cause the loss of the life of a man in the Navy. Then it seemed as though the reprimand was not administered, because there was going to be another court-martial. They held another court-martial and finally considered that the punishment should be administered, or that was all they proposed to do, and the officer received his reprimand.

It occurs now that in cases where United States Navy officers in the discharge of their duty fail to take proper precautions and an enlisted man loses his life in consequence, the Government is called upon to pay $1,000 damages. This accident did not result in consequence of any fault of the man himself, but through the negligence of his commanding officer, the man in charge of the vessel, whose duty it was to take these precautions; and it seems strange that that officer should be permitted to go with merely a reprimand.

Mr. AUSTIN. What page of the bill is that case on?

Mr. FOSTER. On page 34.

Mr. AUSTIN. I mean the page of the bill. That is page 34 in the report.

Mr. MANN. Page 3 of the bill

Mr. KENDALL. Mr. Chairman, I would like to make a statement.

Mr. FOSTER. I will yield to the gentleman from Iowa.

Mr. KENDALL. Mr. Chairman, the case to which the gentleman from Illinois [Mr. FOSTER] is referring is one that ought peculiarly to have addressed itself to the sympathies and the sensibilities of the Committee on Claims. I am somewhat familiar with the facts. Young Rowland was a lad living in the second district of Iowa. He entered the naval service, as stated in the report, and at the time he was killed was engaged in convoying his superior officer to the ship *Cincinnati*, in the discharge of his duty, under the command of those having supervision over his movements. Through what must be termed the inexcusable negligence of the officer in charge of those engaged in target practice, and without the remotest negligence on his own part, he was killed.

Now, here is what I submit ought to have appealed to the sympathies and the sensibilities of the committee: If these awards are to be made for sentimental reasons, as in the case of the lighthouse keeper, which has been discussed——

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOSTER] has expired.

Mr. KENDALL. Will the gentleman from Illinois [Mr. MANN] yield me five minutes?

Mr. MANN. Let the gentleman take the floor in his own right.

Mr. KENDALL. Mr. Chairman, I desire to be recognized.

The CHAIRMAN. The gentleman from Iowa [Mr. KENDALL] will be recognized for five minutes.

Mr. KENDALL. This young man was killed on the 31st day of January. His parents live in Iowa. His old father was a veteran of the Civil War and his mother is a most estimable woman. The boy was in the habit of writing to his mother every Sunday while he was in the Philippine service, and his letters required about five weeks to come from the Far East to his home at Marengo, Iowa. He was killed, as I say, on the 31st of January. On the 2d day of February a cablegram was delivered to his parents informing them of the tragedy, and for five weeks thereafter the letters that had been written by the boy during his lifetime kept coming to the bereaved mother. Now, no one can exaggerate the anguish that must have overwhelmed that poor old lady as each message reached her, and yet the compensation proposed by the committee here is only $1,000.

Mr. MANN. Would not the same thing have occurred if the young man had been killed in battle?

Mr. KENDALL. Yes; certainly. That is why I suggest that it is dangerous for the committee to surrender to considerations of sentiment in one case unless they are to control in all cases. A death is a death, and the estate of a man who dies, as in the case of the lighthouse keeper, is not entitled to one cent more than the estate of a man who is killed as was young Rowland.

Mr. AUSTIN. If the sailor had been killed in battle his wife or his dependent mother would have had a pension, would she not?

Mr. KENDALL. Yes.

Mr. MANN. Would there have been any distinction between a young man being killed in battle and killed in the way in which young Rowland was killed?

Mr. KENDALL. I think not. This young man was killed while in the faithful discharge of his duty without any negligence whatever of his own.

Mr. MANN. That is the same thing. As a matter of fact, does any one here know whether his dependent parents are entitled to a pension?

Mr. KENDALL. I am inclined to think that they are not dependent, in the strict interpretation of the word. I do not think they were wholly dependent.

Mr. PEPPER. Mr. Chairman——

Mr. KENDALL. I did not observe that my colleague was here. He can no doubt furnish more specific information. I yield to him.

Mr. PEPPER. I am familiar with the facts of the case, although the facts were originally brought to the attention of the House by my predecessor, Mr. Dawson, who had the claim pending before Congress for some years. The parents of this young man are at the present time in needy circumstances. The father at one time was rather well to do, but in the last few years, as I understand, he has become reduced in circumstances. In my judgment, this $1,000 is a very inadequate compensation, based upon any ordinary rule of compensation.

Mr. MANN. Is not the father entitled to a pension?

Mr. PEPPER. I do not think so, under the present pension laws.

Mr. MANN. He would be if he was a dependent parent, and I would infer that he was a dependent parent, because the boy was sending home to him $15 each month.

Mr. PEPPER. The proof of dependency under the pension laws is so strict that I do not believe this man could bring himself within the strict terms of the law.

Mr. MANN. I guess the reason why a pension has not been granted is that the mother is not a dependent mother.

Mr. PEPPER. Under the provisions of the pension law, as I understand, the dependent parent has to be practically helpless and have no income of any kind. Of course, that is not the case with respect to the parents of this young man; but as my colleague [Mr. KENDALL] has stated, this is a case that certainly appeals to every man who believes that the Government ought to make some adequate compensation on account of the willful and almost criminal negligence, as you might say, of one of its officers.

Mr. MANN. I do not agree with the gentleman as to the criminal negligence of one of the officers. The report is here.

Mr. PEPPER. That is what it says.

Mr. MANN. The report speaks for itself. If the boy had been killed after May 14, 1908, the father and mother might have received, if he had designated them, six months' salary. He did not so designate them, and now the gentleman proposes that because he did not designate them we should pay several times the amount.

Mr. PEPPER. If there is any way of doing that, I am in favor of it.

Mr. MANN. In this particular case the gentleman is in favor of it.

Mr. PEPPER. I am in favor of paying the honest obligations of the Government.

Mr. MANN. Everybody is in favor of paying the honest obligations of the Government, but that is not the question here.

Mr. PEPPER. If we have enacted a law that does not take care of those obligations, to my mind that is no excuse for our failing to do our duty in a case of this kind. [Applause.]

Mr. KENDALL. I directed attention to that case, not in the hope of inducing the committee to allow an amendment increasing the amount of recovery, but to illustrate how inequitable it is to make fish of one and flesh of another. There ought to be some intelligent method of determining the amounts to be awarded in these respective cases.

I do not agree with the gentleman from Illinois [Mr. MANN] that a fixed provision ought to be made above which the committee might not go or below which the committee might not go, but I believe each case ought to be accorded careful consideration and then determined upon its own individual merits. I suppose it is the theory of the committee that the liability of the Government in some amount is assumed, otherwise there would be no recovery permitted at all. Now, that being true, what ought the allowance recovery to be in each particular case? Here is a man 25 years of age, with an expectancy of 30 years, in robust health and of good earning capacity. Here is another man working by his side, perhaps 60 years of age, infirm in health, with no expectancy as compared with that of the first man to whom I have referred. I think it would be an absurdity to say that where each of these men loses his life without negligence on his part, but as a result of the negligence of the Government, the families should be compensated in identical amounts. That, it seems to me, violates every principle of equity and justice.

Mr. DICKINSON. If the claim is presented under the law within one year after the accident, then the amount is fixed and is paid without coming to Congress, is it not?

Mr. KENDALL. Yes.

Mr. DICKINSON. If it is presented more than a year after the accident, then it comes before Congress, and in that class of cases, where the claim is withheld for more than one year, they would get a larger amount. In view of that fact, what ought the committee to do—ought it to establish some rule?

Mr. KENDALL. I am indulging in no criticism of the practice of the committee in following this law of 1908 to the extent that it can be followed, if that is to be the settled policy in the adjudication of these claims. I do not believe the provisions of that law of 1908 are at all adequate, and I think they ought to be enlarged to respond to the finer sense of justice which is coming to prevail in this country in the compensation of families for the loss of their supporters. [Applause.]

We are growing away from the old, rigid rules which have governed these questions in our country, and the day is not distant when there will not be a Commonwealth in this Republic which will recognize the old doctrines of contributory negligence or assumption of risk. I believe we are coming to a time when every injury will be compensated, whether it be the result of the negligence of the employer or not; even those inevitable accidents which constantly occur. All industrial injuries will some time be redressed, and the expense will be charged against the industry in which the injury was sustained.

Mr. RAKER. How much does the gentleman think this man's family ought to get?

Mr. KENDALL. Mr. Rowland's family?

Mr. RAKER. Yes.

Mr. KENDALL. I do not think $1,000 is adequate compensation at all in that case.

Mr. RAKER. What is the gentleman's idea of proper compensation in that case?

Mr. KENDALL. I do not know; but I say that, in my opinion, it is a reproach to this Government to go to a widow like Mrs. Jackson here, whose husband died in the discharge of his duty as a result of the negligence of the Government, and tender to her the paltry sum of $420 in full satisfaction of that injury.

Mr. MANN. There is no negligence shown in that case.

Mr. KENDALL. That was the case of an explosion, I believe?

Mr. MANN. Yes.

Mr. KENDALL. I know it has been a principle of law that the mere occurrence of an accident is not evidence of negligence; but here was a Government steam boiler that exploded and killed a man.

Mr. AUSTIN. And the Government had inspectors to examine those boilers.

Mr. KENDALL. The Government had inspectors to examine those boilers, I assume. And I venture to say that if the exact facts could be uncovered somebody was negligent in the performance of his duty, because it rarely occurs that a boiler explodes when it has been carefully and properly inspected.

Mr. GREEN of Iowa. Will the gentleman yield right there?

Mr. KENDALL. I will.

Mr. GREEN of Iowa. That, again, just illustrates one of the difficulties under which the committee labored. There was nothing really to show the committee but what this man himself might have had something to do with that explosion.

Mr. KENDALL. If the committee entertained any doubt about the negligence of the deceased, I suppose that doubt is removed by the fact that this provision is reported for his family. So we may assume that the committee conceded that the Government was liable to his estate. Otherwise it would not have made any recommendation for the benefit of the family.

Mr. AUSTIN. Read what the Judge Advocate General says about it.

Mr. KENDALL. The Judge Advocate General says, as supplied by our friend from Tennessee, that the injury was not due to any misconduct or negligence on the part of the deceased.

That is the conclusion of the Judge Advocate General after a careful survey of all the facts and a scrutinous examination of all the evidence.

Mr. BUTLER. What does he say about the negligence of the Government—anything?

Mr. RUSSELL. He is silent.

Mr. KENDALL. I have read all he said on the subject of negligence—

It appears from the report of the Judge Advocate General that the injury was not due to any misconduct or negligence on the part of the deceased.

It goes on further to say that if it had occurred prior to May 30, 1908, his widow would have received $420.

Mr. MANN. The gentleman ought to read on—what they say that he said.

Mr. KENDALL. I omitted to read that because I knew that the gentleman from Illinois was entirely familiar with the case.

Mr. MANN. But the gentleman ought to put it in the RECORD.

Mr. KENDALL. I will.

Mr. BUTLER. Let me ask the gentleman how are you going to get these men paid?

Mr. KENDALL. If the gentleman from Pennsylvania will assist, we will do something toward paying some of them this afternoon.

Now, Mr. Chairman, the report says:

It appears from the report of the Judge Advocate General that the injury was not due to any misconduct or negligence on the part of the deceased, and that had the act of May 30, 1908, providing compensation for injuries received by certain employees been in force at the time of the above accident, his widow would have been entitled to one year's pay, amounting to $420, and your committee deems the claim meritorious and recommends that the bill for $420 be approved.

What I am complaining about now is that this committee having charge of this important legislation is not justified in reporting the meager amount of $420 to one family, whose support has been taken from it, and $5,000 to another family, which has suffered a similar injury.

Mr. LEVY. I want to say to the gentleman from Iowa that there is no law for this other widow at all.

Mr. KENDALL. Under what law is this $420 allowance made?

Mr. LEVY. There is no law covering her case, but that is what she would have received under the general compensation act.

Mr. MANN. If the Annie Jackson case had occurred after May 30, 1908, the law would have provided a payment to her of $420, whereas the law would not have provided anything in the other case. Therefore they give $5,000 in a case where the law provided nothing and $420 in a case where the law would have paid $420 except for the date of the injury.

Mr. LEVY. You have to follow the law.

Mr. KENDALL. What law did the committee follow in making the award of $5,000?

Mr. LEVY. The law that we are making to-day; there is no other law for it.

Mr. GREEN of Iowa. There is no law for either case.

Mr. MANN. But there would have been a law if the Jackson case had occurred a few days later.

Mr. KENDALL. We all agree that the compensation act is not liberal enough. Was the gentleman from New York on the subcommittee that considered these cases?

Mr. LEVY. I was on the $5,000 case.

Mr. KENDALL. I wish the gentleman had been on the other one. What reason does the gentleman give for allowing $5,000 in one case and $420 in the other?

Mr. LEVY. They were different cases. This one came before me and was an extraordinary case. I thought she was entitled to fair compensation. She was a poor widow and she kept the lights going all through that long dark night just as her husband had always done.

Mr. KENDALL. But this is a poor widow in the Jackson case, also.

Mr. LEVY. But I am speaking of this particular case, where this woman rendered unusual service.

Mr. KENDALL. The gentleman is not making compensation to the widow in addition to compensating her for the loss of her husband.

Mr. LEVY. For her bravery and keeping the light burning all through the night, we thought that deserved special consideration.

Mr. KENDALL. I do not think the gentleman can be serious about that.

Mr. BUTLER. Let me ask, did not somebody put in a claim for the burning of the lights that night? I thought I saw something in the report in connection with that.

Mr. POU. Mr. Chairman, I ask unanimous consent that at the conclusion of the remarks of the gentleman from Illinois [Mr. FOWLER], a member of the committee who desires to address the committee briefly, that general debate be closed and that we proceed with the reading of the bill.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that at the conclusion of the remarks of the gentleman from Illinois [Mr. FOWLER], a member of the committee, that general debate be closed and that we proceed with the reading of the bill.

Mr. MANN. Mr. Chairman, I think the gentleman had better make the request after the gentleman from Illinois concludes, and for the present I object.

Mr. FOWLER. Mr. Chairman, the Committee on Claims has labored under some of the most adverse circumstances that I was ever placed in in all the born days of my life. [Laughter.] I thought that my little personal-injury experience which I had acquired down in my home district would somewhat equip me for this arduous duty, but I found myself as helpless as a child when confronted with such a great variety of circumstances surrounding the many claims that we were called upon to consider, with the importunities of learned gentlemen of long experience in this House, I found myself so bewildered that I was confirmed in the belief that the only sensible rule to be adopted and be governed by in the consideration of all of these cases was that of equity and justice. [Applause.]

It was thought by a number of gentlemen on the committee that the law which was passed in 1908 ought to govern the action of the committee in the consideration of all of these personal-injury cases. We divided ourselves into subcommittees, to each of which an allotment of claims was assigned by the chairman of the committee. I understand that some of these subcommittees adopted the provisions of the law of 1908 as their rule in making allowances for personal injuries to employees while working in hazardous employments in the service of the Government. Guided by this rule, a few cases were reported to the committee, with allowance fixed at one year's salary at the rate of wages received by the claimant at the time of his injury, and the committee ratified the recommendations of the subcommittee.

As a member of that committee I did not agree to that standard of measurement, because of the fact, Mr. Chairman, that I did not regard the law as it now stands as an equitable measure. [Applause.] I deny the proposition that the gentleman from New York [Mr. MICHAEL E. DRISCOLL] enunciated a little while ago when he said that whatever sums we allow to these poor unfortunate cripples, and widows whose husbands lost their lives while engaged in hazardous employments, was a gift from the United States. Again, Mr. Chairman, I say that I deny the proposition, because the men who have been injured are laboring men who stood on the firing line of hazardous employment in order that the wheels of this Government might roll on forever in the interest and for the good of the American people and for mankind. When the Government has an important piece of machinery to become impaired or to break, the cost of mending or replacing it is borne by the Government, whatever the sum may be. Men get out of repair and break the same as machinery, and whenever any part of the governmental agencies are impaired, whether machinery or men, it ought to be the duty and the province of this Government to give to it that kind of relief that the circumstances surrounding the individual case demands, and that is the rule which I adopted in considering these claims. Mr. Chairman, after the committee had proceeded for some time upon the line of allowing an individual who had been injured in the line of a hazardous employment a year's salary as compensation in full satisfaction of his claim, we then departed from that rule and formed ourselves into a jury for the purpose of determining the facts in each case and making an equitable allowance for the injury.

Now, we have been criticized here for our action, and, Mr. Chairman, justly so, from the standpoint of measuring every case with the same yardstick. No one would think of measuring all men's clothes with the same yardstick. It would look funny to see a 6-foot man dressed in a 5-foot man's trousers. It would be no less ridiculous to see a man with the loss of a leg or an arm dressed in the judgment of the man with a bruised heel or a sore toe. One yardstick is not enough for the measurement of the various cases. It takes a yardstick for each individual case, and that is what we adopted. Mr. Chairman, there is a discrepancy between the amounts allowed. For instance, the $400 in the Jackson case and $5,000 in the lighthouse case, both allowances to widows for the death of their husbands, but one of these cases was measured by the yardstick of the law of 1908, while we were working with but one yardstick. I am perfectly willing to concede that Mrs. Jackson ought to have more than $400, and the other was measured by the yardstick of equity and justice, which demanded a fair consideration of the woman's rights, and that she should be cared for by the Government because her husband lost his life in a most hazardous undertaking. As I recall, that was the case of the keeper of a lighthouse who in the discharge of his duty was attempting to return to the lighthouse through a storm, out across the billows, and lost his life. His wife, a woman like Barbara Frietchie, waving the Stars and Stripes from her attic window as Stonewall Jackson entered Frederick town, stood bravely at her post and did her duty nobly. You may call it sentiment, or whatever you please, but there is in the makeup of men and in the milk of human kindness in the souls of men a disposition to measure a case according to its merits. [Applause.]

And that is what we did in this case. You may criticize all you please, but I wish we could put one of these critics in there as a member of that Committee on Claims and let him stand the test, the crucial test, of going through the evidence and the besieging of Congressmen on behalf of cripples and weeping widows, orphan children, and aged, helpless parents. Letters and petitions in each case piled up in stacks, and finally confronted with a report from the department of government recommending the allowance of a sum often fixed by it. I would like to see what kind of a man he is when he gets through with that ordeal. I am sure he would be anything else but a critic. My distinguished friend and colleague from Illinois [Mr. MANN] is one of the strongest critics in this case. He wants every man to be perfect. Talmage once said the man who never committed a big blunder has not yet been born; if he had it would have killed him. Now, I never saw a perfect man in my life, and I have had my doubts about any man who pretends to be perfect. Why, he is not a perfect man by any means. [Laughter.] At the close of the last session of Congress he accredited Æsop with the authorship of the Woodcutter. Æsop died centuries before the Woodcutter was written. Now, let him criticize all he pleases because we have refused to be governed in our actions by an unfair law which he had a hand in passing—an inequitable law, one which gives the poor $300-a-year laborer only $300 if he loses a leg, and gives $5,000 for the loss of a toe to a standing-collared, red-necktied fellow who receives a $5,000 salary for strutting around twisting his mustache. I would not be guilty of voting for a law of that character, and if I ever get an opportunity to cast a vote to change its terms I would that my vote were a legion so that I might see a majority piled mountain high to destroy its unequal and unjust terms, which are now imposed upon the extreme, needy laboring men of this country. [Applause.]

Now, Mr. Chairman, I listened with a great deal of interest to the distinguished gentleman from Tennessee [Mr. AUSTIN].

They may say he did not make a speech, but I say, Mr. Chairman, his remarks went to the very essence of this question and kissed justice, whereas other men, the critics, went wild of the mark. My distinguished friend from Illinois [Mr. MANN] is one of the wildest shooting men on the floor of the House in his criticism of this bill. [Applause.] Now, Mr. Chairman, I do not care to consume the time of the committee, but I could not, Mr. Chairman, preserve my respect for the laboring men of my district and of this country—laboring men who go down into the bowels of the earth to dig coal in dark and dangerous caverns to furnish heat for dwellings and motor power for machinery; for the farmers who are toiling during the long summer days, in the sweat of their faces, to satisfy the hunger of man and beast alike; for the common laborer of this country, whose long hours of toil furnishes more than 90,000,000 people with food, raiment, and shelter, if I did not stand here in the defense of their rights [applause]; and for that reason, Mr. Chairman, I have begged of this committee to give me a short time that I might speak a few stammering sentences in their behalf. And I hope, Mr. Chairman, that the time will come when every man who is injured on the public works of the United States will not only get one year's salary, but that the United States in its greatness and in its wisdom will rise to a high plane of equity and justice, and through and at the hands of a righteous Congress give to these employees a fair consideration for the injuries which they have sustained in trying to do our work and the work of this Nation. [Applause.]

Mr. POU. Mr. Chairman, I ask unanimous consent that general debate now close, and we proceed with the reading of the bill.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that general debate now close, and proceed with the reading of the bill. Is there objection?

Mr. MANN. Just a moment. Mr. Chairman, the Government compensation act became a law May 30, 1908, and those Members in this House who are serving their first term in this House of course have no responsibility for the passage of that act. This was the first distinct step which the Government ever undertook by legislation to acknowledge liability for injury of its employees. But at this session of Congress we have passed through the House a bill extending that compensation act, with its limited liability, to the Forest Service, and another bill extending it to the Bureau of Mines and Mining, and no gentleman on the floor, be he new or old in Congress, can escape the responsibility for the unanimous consent of the passage of those two amendatory acts without a word proposing to increase the liability of the Government or a word in condemnation of the act as it stood. My distinguished colleague from Illinois [Mr. FOWLER] was a member of the State Legislature of Illinois for many years and I blush to say that that State does not have upon its statute books any law like our compensation act providing any liability whatever for State employees injured in the State service.

Mr. FOWLER. Mr. Chairman, I do not desire to take up the time of the gentleman [Mr. MANN], but I desire to call his attention to the fact that two years ago, in a special session, as I recall, the legislature of Illinois, did pass a general compensatory act, and that act is now on the statute books of the State of Illinois. While I was a member of that legislature I want to say, Mr. Chairman, that we helped to perfect one of the best mining laws of any State in the Union. Until a set or gang of designing fellows got hold of it during last session of the legislature it stood among the best of any of this country, but they modified it so that the miners of the State of Illinois lost more than they had gained in 20 years. I was not a party to that law, but I added my influence as a humble citizen down in the southern part of Illinois, aye, down in Egypt, if you please, for the purpose of trying to get a wholesome law which would protect the miners and the laboring people of the State of Illinois. Can the gentleman who has just taken his seat say that much for himself?

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina [Mr. POU] that general debate on this bill be closed? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That $39,603.98 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to pay certain employees of the United States Government for personal injuries received while in discharge of their duties, without any fault on their part, and to pay certain other claims for damages to, and loss of private property by the various departments of the Government, as hereinafter stated, the same being in full, and the receipt of the same being taken in each case as full and final release and discharge of the respective claims, namely:

Mr. AUSTIN. Mr. Chairman, I ask the chairman of the Committee on Claims if we may have an understanding about the total amount carried in this bill. We will return to it in the event that there are any changes made in the bill.

Mr. MANN. I object to any understanding about it.

Mr. POU. So far as I have any power to agree, I am willing to do it.

Mr. AUSTIN. Suppose there should be any change, we should want to return to this item.

Mr. MANN. I am not willing to consent to any unanimous-consent agreement.

Mr. AUSTIN. I can get along probably without the gentleman.

Mr. MANN. I can tell the gentleman, but the gentleman knows how, without being told how, to do it.

Mr. AUSTIN. Mr. Chairman, I would like to ask the chairman of the committee what amount he is willing to insert in here as an amendment—that he will accept or agree to?

Mr. POU. I will state to the gentleman that I can not agree to any increase.

Mr. AUSTIN. This was a case of a post-office employee in the New York City office who lost his life there on account of a defective elevator, as I understand it, and died five days after the accident occurred.

Mr. MANN. He died from delirium tremens. The report says:

Ruptured kidney, interior hemorrhage, and delirium tremens.

Mr. AUSTIN. Does that account for the elevator being out of order?

Mr. MANN. I do not think that accounts for the amount.

Mr. POU. The report shows that he lost his life without any negligence on his part, but I do not think it is a case in which there ought to be an increase.

Mr. BOWMAN. I call attention to the report, on page 14. It says that he did not at the time seem to have sustained any serious injury, and declined assistance to his home. Several days after a person who represented himself to be a friend of Clerk Riley reported that Clerk Riley had died in the Fordham Hospital at 11.45 o'clock that morning. There does not seem to be enough evidence to connect the accident with his death.

Mr. FOSTER. While delirium tremens might have been a contributing cause of his death, yet he did have, according to this report, a ruptured kidney, which in itself would be sufficient to produce his death.

Mr. MADDEN. Will the gentleman from Illinois [Mr. FOSTER] permit me to ask him a question as an expert medical practitioner?

Mr. FOSTER. With that understanding, I could not answer.

Mr. MADDEN. Is not delirium tremens always the result of drinking whisky, or can it come from other causes?

Mr. FOSTER. We get a condition similar to that from drugs, such as morphine. But whisky is the usual cause of it. The report shows that this man says here that he had a ruptured kidney, or internal hemorrhage, and I will say that was a pretty serious condition without any delirium tremens.

Mr. POU. I call the attention of the committee to the recommendation of the Postmaster General on page 13. He says:

The department believes that this claim is a meritorious one.

That report of the Postmaster General has really much to do with the making of this report.

Mr. GREEN of Iowa. Mr. Chairman, I suggest there is nothing before the committee calling for this discussion.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To pay $1,500 to Elizabeth Riley, widow of Edward M. Riley, who was killed while in the discharge of his duties in the United States post office in the city of New York.

Mr. AUSTIN. Mr. Chairman, I move to strike out "one thousand dollars" and insert "five thousand dollars," so that it will read:

To pay $5,000 to Elizabeth Riley, widow of Edward M. Riley, who was killed while in the discharge of his duties in the United States post office in the city of New York.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 10, strike out the words "one thousand five hundred dollars" and insert in lieu thereof the words "five thousand dollars."

Mr. AUSTIN. Mr. Chairman, now I would like to ask the chairman of the committee, the gentleman from North Carolina [Mr. POU], what there is in the testimony of this case to justify the gentleman from Illinois [Mr. MANN] in stating that this man came to his death owing to delirium tremens or excessive drinking?

Mr. POU. On page 14 the postmaster of the city of New York makes this statement, that he had a ruptured kidney, with interior hemorrhage and delirium tremens. Now, it is just possible that the man, after he was injured, had taken to

drink and got himself into this condition, though, of course, this is not probable. There was no evidence before the committee that he was an habitual drinker. He was in the service of the Government, and the Postmaster General over his signature says this is a meritorious case. Now, upon those facts the committee acted.

Mr. MANN. Just to be perfectly fair about it, this man was injured on the 6th day of February and went home not knowing that he was seriously injured. On the 8th day of February he went to the hospital and was received in the hospital, and on the 11th day of February he died. When they concluded what was the trouble that statement was made, that he had an injured or ruptured kidney and internal hemorrhage and delirium tremens.

Now, while the report does not contain fully the evidence connecting the illness or injury with the accident, still I think, with the report of the Post Office Department and everything that is published here, that it is quite evident that his injury was in fact caused by the accident. Whether the accident was caused by the man's being under the influence of liquor or not is another proposition. But the man died and he left a lot of children.

Mr. POU. I take it that if this man was drunk at the time he was injured that fact would have been disclosed, and the Postmaster General never would have made the recommendation he did make under the circumstances.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

Mr. POU. Yes.

Mr. RAKER. Is it not fair to presume that under the circumstances the man's injury was so great that he was perfectly dazed at the time and did not know his condition, just like the case of the little girl that was shot over here in Virginia when they killed the judge. They asked her whether she was injured or not, and she said "No," and she went on home and within an hour they found her shot through the body. And yet she did not know she was injured. It might be a case of that kind. It seems from the facts that have been produced that the man was dazed and did not know he was injured.

Mr. AUSTIN. According to the report, this is the case in which Edwin M. Riley received injuries in the discharge of his duties which caused his death five days after the receipt of the injuries. This accident occurred, or his death occurred, "from no negligence on the part of the said Riley." Now, in view of that statement in the report, are we justified in bringing into this case at all the idea that this man's accident or death was the result of excessive drinking?

Mr. POU. I did not say that at all. I say there was no evidence to show that he was drinking at the time. The presumption is that he was not.

Mr. AUSTIN. And he came to his death through no fault of his own. He left a wife and seven children, and they are all under 16 years of age. And we are going to pay to that widow and seven children $1,500.

Mr. CULLOP. Where do you find any proof of the statement in this report that his kidney was injured in this accident, or that it was because of the internal hemorrhage that he had, except the report from the hospital, which shows that he had a ruptured kidney, with internal hemorrhage, and delirium tremens? Now, there is not a thing to show that the first of these two injuries named was brought about at all in the accident that he had in the elevator. He went home and declined assistance, and died four days and one hour after the accident. Now, upon what do you predicate that he lost his life through the accident?

Mr. AUSTIN. Here is what I do predicate it on: On the statement of the gentleman having this bill in charge, and the statement of the Postmaster General, who says that Edwin M. Riley, formerly a clerk at $1,000 in the post office at New York, died February 11, 1908, as the result of injuries received while in the performance of duty on February 6, 1908. There is the statement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. Mr. Chairman, I take it that there is no evidence at all in this report or this record to show that this death was produced by, or was the result of, that accident in the elevator. You have just as much right to assume, from anything that appears from this report, that this death was the result of delirium tremens, and that he received some other shock which produced the other two injuries named in the report furnished from the hospital It nowhere shows it was the result of the accident in the elevator.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Iowa?

Mr. CULLOP. In a moment. Nor does it further appear that in the investigation of this claim there was any inquiry made at all about his temperate or intemperate habits. It nowhere appears in this report or anything that I have seen or had pointed out that any inquiry upon that subject was made at all during the investigation, but it was taken for granted it seems from the proof that was furnished, although ex parte, as it was, that this injury in all probability produced that result.

Now, while we are legislating and appropriating money to pay for these injuries we should act justly and fairly

Mr. HAMILTON of Michigan. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Michigan?

Mr. CULLOP. In one moment. Is it proper and right to the other people of the United States that we should jump at conclusions and let sentiment or sympathy determine the result of our action? I take it that it is not. And for one I assure the committee I shall not do so, and I should regret to know that others would be willing to do so. The entire country is interested in these proceedings, and we should not permit sympathy, fear, or prejudice to control our deliberation. Whatever is done in this case or in any of the cases reported here should be done from the standpoint of administering justice, and not to reward or punish any person.

Mr. GREEN of Iowa. The gentleman says there is nothing in the report that shows that the death of this man was the result of the accident. If the gentleman had looked a little further, on page 14, he would have seen the report of the postmaster, made to the Secretary of Commerce and Labor after an investigation of the accident. Item 7 of this report shows that he was—

Injured in accident, as reported, on February 8, 1908.

And in item 9—

Died as the result of such injury on February 11, 1908, at Fordham Hospital.

Mr. CULLOP. That is merely a conclusion. No facts are reported upon which that conclusion of the postmaster could be based. It is the mere statement of a conclusion on his part, doubtless an inference drawn from the report made to him from the hospital, which, in my judgment, is a very violent inference. But, on the contrary, the report of the authorities in charge of the hospital clearly contradicts this conclusion, and they are the only facts shown to have been reported to him.

How he could arrive at such a conclusion in the face of the facts, I am at a loss to understand.

Mr. RAKER. Will the gentleman yield for a question?

Mr. CULLOP. Certainly.

Mr. RAKER. The committee have made a report upon this bill, and I presume they have heard the evidence and based their conclusion on that evidence. I want to read a sentence from the report of the committee on this matter.

This is a case in which Edward M. Riley, an employee of the United States post office in the city of New York, received injuries in the discharge of his duties which caused his death five days after the injuries were received.

Mr. CULLOP. What is the question of the gentleman?

Mr. RAKER. Is not that the conclusion of the committee that they drew from the evidence presented?

Mr. CULLOP. I do not know that it is. Let me call your attention to this part of this report:

To obtain the exact cause of Mr. Riley's death I communicated with the Fordham Hospital, and in reply they informed me that he "was admitted to this hospital on February 8, 1908, and died on February 11, 1908. He had a ruptured kidney, with interior hemorrhage, and delirium tremens."

Where is there any other syllable of proof furnished? That is signed by the postmaster. Now who could draw the inference, from that statement of the postmaster, that this man died from the injuries that he received in this elevator? This is the statement of the postmaster, from which the conclusion that the gentleman refers to was drawn, and the facts upon which that conclusion was based do not sustain the conclusion, but on the contrary refutes it. Why ignore the best evidence, which was the report made by the hospital, and assume in the face of it the contrary? This one single circumstance standing alone clearly disproves the conclusion of the postmaster in this matter, and shows how unreliable it is. There was warrant to conclude he died from causes other than the elevator injury, but there is no proof that that injury was the cause of his death.

Mr. HAMILTON of Michigan. I just wanted to ask the gentleman what he thinks would probably be the effect upon a man of a ruptured kidney and internal hemorrhage resulting therefrom?

Mr. CULLOP. That would depend on how serious it was. That does not prove that he sustained such injuries on the top

of the lift in the elevator. Nothing connects those injuries with the accident.

Mr. HAMILTON of Michigan. The proof shows that he was carried up on the lift and that he fell.

Mr. CULLOP. Yes; and there is no proof that he received serious injury from it or the injuries described.

Mr. BUTLER. Let us have the opinion of the committee on that.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. RAKER. I ask unanimous consent that the time of the gentleman from Indiana be extended two minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent that the time of the gentleman from Indiana [Mr. CULLOP] be extended two minutes. Is there objection?

There was no objection.

Mr. RAKER. Is it not to be presumed that the committee had other evidence than that, when they state in their report that the man died from these injuries?

Mr. CULLOP. But do they not show that they got the information upon which they based their report through the report from the hospital to the postmaster, and does not that report fail to show that he died from injuries received in the elevator?

That is the fact, and no one connects either of these injuries with the accident in the elevator. If they did, it would be different, but they do not connect either the ruptured kidney or the internal hemorrhage with the elevator accident or as having any connection whatever with it. Certainly if that accident did not produce it, it would not create liability on the part of the Government. They do not connect the delirium tremens with the accident. Other causes produced that condition.

Mr. BUTLER. It is not likely that the accident contributed to the delirium tremens.

Mr. CULLOP. Certainly not, and it is just as likely that the use of intoxicants aggravated the other two injuries as much as his fall in the elevator. The violence of the fall is not shown to have been sufficient to produce either, and it may have been something else that did it; some other injury that he may have received. I am opposed to the amendment of the gentleman from Tennessee, for the reason it is not shown that either the fall of the elevator produced or was the proximate cause of the death of the party, and for this reason it does not appear to my mind that the Government in this case should respond in damages.

Mr. FOSTER. I want to take a minute to state what I believe to be the facts in this case. Here was a man who was injured by this elevator.

Mr. BOWMAN. It does not say that he was injured seriously.

Mr. FOSTER. He was injured.

Mr. BOWMAN. What evidence is there of that?

Mr. FOSTER. I take it that the statement here of the postmaster is evidence of that, and the statement of his wife, which is printed in the report of this case two years ago.

Mr. BOWMAN. I do not think there is any evidence to show that he was injured.

Mr. HAMILTON of Michigan. When the evidence shows that the man was carried up to the ceiling of the lobby, from which point he fell, and then he was found to have a ruptured kidney, is there not a presumption that such a fall was sufficient to produce the ruptured kidney?

Mr. FOSTER. This man seems to have been injured, but, as stated, not sufficiently so that he required any assistance in going to his home; but the facts seem to be that after going to his home he became worse, and two days later he was taken to Fordham Hospital. Then, after being there from the 8th until the 11th, he died. I assume that in accordance with the best judgment of the surgeon an operation was performed and the ruptured kidney found to exist. It is likely, too, after his death a post-mortem was had and another examination of him was made. Now, it is more than likely that this injury produced the rupture of his kidney. There was some hemorrhage, but not sufficient to cause death within a short time.

Mr. BUTLER. The excessive use of alcohol would not produce that hemorrhage?

Mr. FOSTER. No; it would not.

Mr. MANN. One drop led to another, perhaps.

Mr. FOSTER. The condition of alcoholism might retard his recovery and was an element to be considered in this case, but the report shows that the man had a ruptured kidney, and I suppose the hospital authorities did not know of their own knowledge how he got it. They simply stated those facts, and their judgment was that the trouble of the kidney was caused by violence of some kind. The previous history of the man being injured would lead them to infer that the injury had caused it.

Mr. RAKER. If the gentleman will allow me, would not the fact of the ruptured kidney cause a good deal of pain and suffering?

Mr. FOSTER. He probably had some, and probably inflammation began there, but of course I do not know how extensive it was.

Mr. RAKER. Suppose he was injured so that he was dazed, might he not have got to his home without any assistance?

Mr. FOSTER. Oh, yes; that is not an unusual thing. People are injured in a way that appears at the time to be not of much consequence, and yet in the course of a few days they are dead. Every Member can call to mind a case of that kind which he has seen or of which he has heard.

Mr. CARTER. That was the case of the young man that was struck with a baseball a few days ago.

Mr. RAKER. Do not some physicians—I do not refer to my distinguished friend from Illinois—prescribe liquor, and if it was used extensively in the room when no nurse was present, might he not get delirium tremens in two days?

Mr. FOSTER. No; that is not correct. Delirium tremens does not come in that way.

Mr. CULLOP. Delirium tremens comes from a long and continued use of intoxicating liquors.

Mr. FOSTER. I will say in reference to this case that the facts reported show that he must have been a drinker. He might not have been drunk at the time he was injured. A man can have delirium tremens and not be drunk all the time, but he would have to be a chronic drinker to have such a trouble. The fact that he used liquor would be an element in the case, but in my judgment there was sufficient evidence here to show that the man was injured seriously enough to cause his death whether he was addicted to the drink habit or not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

Mr. AUSTIN. Mr. Chairman, I move to strike out the words "fifteen hundred" and insert the words "two thousand," so that it will read, "$2,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 10, strike out the words "fifteen hundred" and insert in lieu thereof the words "two thousand."

Mr. AUSTIN. Mr. Chairman, I wish to say that this is the amount fixed by law for employees in the postal service. This man, while not a postal clerk, was in the postal service in connection with his duties in that post office.

Mr. MANN. Will the gentleman yield?

Mr. AUSTIN. Certainly.

Mr. MANN. The gentleman does not mean to say that the law fixes $2,000 compensation for the loss of life in the postal service outside of railway mail clerks?

Mr. AUSTIN. That is what I understand the Postmaster General says or recommends.

Mr. RAKER. That is what he wants; that is a recommendation.

Mr. AUSTIN. Well, that is what we voted the other day.

Mr. MANN. That is in the Railway Mail Service.

Mr. AUSTIN. What did we carry in the Post Office appropriation bill the other day?

Mr. MANN For the three sea postal clerks who lost their lives on the *Titanic*, $2,000.

We had an item in the Post Office bill for postal clerks, under the provision of railway mail clerks, $2,000, and we went back and applied that to the three sea postal class clerks who lost their lives on the *Titanic*.

Mr. CULLOP. It did not apply to the sea service, and so we put in that provision to make it equal with the Railway Mail Service.

Mr. AUSTIN. Well, I ask that the same amount be fixed in this case that was fixed for the sea postal clerks. In this case the widow was left with seven children, the youngest 4 years of age and all under 16 years of age.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. AUSTIN] there were 2 ayes and 36 noes.

So the amendment was lost.

Mr. AUSTIN. Mr. Chairman, I do not raise the point of order of no quorum in this case for the reason that a member of the committee stated that they had some doubt as to how this man lost his life.

The Clerk read as follows:

To pay $698.99 to Richard W. Clifford for permanent injuries to his leg, received at the United States Arsenal at Springfield, Mass.

Mr. MANN. Mr. Chairman, I move to strike out, in lines 14 and 15, the words "six hundred and ninety-eight dollars and

ninety-nine cents" and insert in lieu thereof the words "one hundred and eighty-five dollars."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, lines 14 and 15, strike out the words "six hundred and ninety-eight dollars and ninety-nine cents" and insert in lieu thereof the words "one hundred and eighty-five dollars."

Mr. MANN. Mr. Chairman, the amount carried in the bill of $698 I think is one year's pay. I believe that is the way they arrive at it—$2.23 a day. The department, in reporting on this bill, says that this man had through his injury lost 45 days' pay, amounting to $100, and the hospital and medical expenses amounted to $85, and the entire loss was about $185.

The report would seem to indicate that the man was injured so that he could not work thereafter very satisfactorily, and the department also said that during the year following the injury he was absent from the armory less than six days on account of illness, which does not seem to indicate that he had any great loss on account of it.

The department further says that in the judgment of the Judge Advocate General this case is a meritorious one to the extent of the loss sustained by the complainant, amounting as above stated to $185.

Here is a man who incurs a slight injury which causes his absence from work 45 days with a loss of $100, and they pay him that and his hospital and medical expenses, which is not usual, of $85 more.

Mr. POU. Let me say to the gentleman from Illinois that the committee accepts his amendment.

Mr. AUSTIN. I would like to ask the gentleman how he arrives at the amount that they strike out of the bill.

Mr. RAKER. One year's services.

Mr. FOWLER. Mr. Chairman, I would like to read a little of that report. I am not in favor of allowing an injured man to be cut down entirely as this amendment does. The report says:

Physicians and an ambulance were called and he was taken to the Mercy Hospital, his name being checked off the pay roll as the ambulance passed out of the gates of the armory grounds. The commandant, Col. S. E. Blunt, subsequently gave $10 of his own funds for the payment of the physicians and the ambulance called.

The wound gave much trouble, and a number of bone splinters had to be removed, and for several weeks Clifford was in the hospital. He returned to work on December 23. He has had trouble with his leg continually since then and has been much reduced in earning capacity. He has lost some time by illness, especially one long period of typhoid fever, which was partially ascribed to his weakened constitution.

Now, Mr. Chairman, if this man was injured——

Mr. HAMILTON of Michigan. The gentleman ought to read the next paragraph referring to the hospital bill. Put that in, too.

Mr. FOWLER. I supposed the gentleman from Illinois read that. I so understood that he did, but I am calling the attention of the committee to an injured leg from which pieces of bone were taken out and a leg which has continually given this man trouble, and to allow him simply for the time he lost——

Mr. HAMILTON of Michigan. I simply suggested to the gentleman, and he did not catch the force of my suggestion, that he add $64 hospital bill and $26 medical attendance, which almost amounts to what the gentleman from Illinois proposes to give him by this amendment, and in addition to that he had typhoid fever and a splintered bone, making a permanent injury.

Mr. FOWLER. I included that.

I am not, Mr. Chairman, talking about giving him compensation for what outlay he was compelled to make in and about his recovery, but I am talking about the permanency of his injury. The man who never had a permanent injury does not know how to sympathize with a man who has. That man who has never gone through life dragging a lame leg from his work to his home does not know the hardships which are entailed upon that poor man. Here is a laborer, a man dependent upon his labor for the support of himself and his family, with a broken leg, with bones taken out and that leg continually causing him trouble ever since. Now, Mr. Chairman, of course this amount is nothing to me personally, but I do say, Mr. Chairman, that it is unfair to the injured man to cut the compensation, as the gentleman from Michigan well says, to an amount at or about that which he has expended in endeavoring to be cured of his injury. I hope, Mr. Chairman, that the gentleman from Illinois will withdraw his amendment to this bill.

Mr. RAKER. Will the gentleman yield? I want to call his attention——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. Mr. Chairman, the gentleman from Illinois who last spoke referred to this as a permanent disability and the report shows it was not. This is one of the few items upon which the full committee disagreed at the time. I voted in favor of the amount, in accordance with that now advocated by the minority leader, and propose to support it at this time.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the Chairman announced the ayes seemed to have it.

On a division (demanded by Mr. FOWLER) there were—ayes 30, noes 8.

So the amendment was agreed to.

The Clerk read as follows:

To pay $5,000 to Rose B. Armour, widow of Samuel A. Armour, who lost his life in the discharge of his duty at Sperry Light, in the harbor of New Haven, Conn.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

Mr. POU. Mr. Chairman, before the gentleman makes that motion I ask unanimous consent to go back to section 4 and strike out the word "permanent."

Mr. MANN. That is in line 8.

Mr. POU. In line 15, so as to strike out the word "permanent," page 2, line 15.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to return to page 2, line 15, and strike out the word "permanent." Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, this is an item to pay the widow of a lighthouse keeper $5,000. Five thousand dollars to this woman will undoubtedly be some help to her, but after all very little compensation for the loss of her husband. This man was in the Lighthouse Service, not so dangerous a service as the Life-Saving Service. If he had been in the Life-Saving Service at the time this accident occurred and lost his life his widow would have received one year's pay. Since that time we have amended the law as to the Life-Saving Service and provided for two years' pay in case of loss of life. Those men are compelled to do their work in time of danger. Now, here is a lighthouse keeper who, believing that he should go from the shore to the lighthouse station, lost his life in that attempt, and there will be no compensation under the general compensation act because the lighthouse keepers were not included in that as hazardous employment. Upon what basis can the committee defend an appropriation of $5,000 to a widow of a lighthouse keeper who lost his life in a special case when for a more hazardous service under the general law we make provision for a smaller amount? It is impossible to fairly and justly legislate in Congress as a matter of special favoritism. I shall not move to amend the amount, because with all kindness to the gentlemen who are here this afternoon I appreciate the fact through years of experience with claims that most, if not all, of the gentlemen here—nine-tenths of them, at least—have claims on the Claims Calendar, and they stick together. But let me warn the Committee on Claims and the House that when they attempt to legislate in special cases as a mere matter of favoritism their bills have a rocky road to travel before they are signed by the President and become the law.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn and——

Mr. RAKER. Mr. Chairman, I think this special case deserves to go in the RECORD as part of my remarks and I desire to insert in the RECORD the report of the committee in regard to this item in the bill.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

This is a case in which Samuel A. Armour, keeper of the Sperry Lighthouse, off the port of New Haven, Conn., in the discharge of his duties, on January 8, 1907, in a small boat, had carried ashore one Walter Gill, who had been at the station repairing the fog-signal engines. The said Samuel A. Armour in attempting to return to his post through a howling wind and raging sea was drowned, and his body was not recovered until several weeks after. According to the evidence submitted, Capt. Armour realized that the trip back to his post would be a perilous one, but did not regard his own safety, as his duty required him to be back in charge of his lights, which were especially needed in such a storm. He lost his life in public service, but all through the long, dark night Mrs. Rose B. Armour, his wife and the claimant under H. R. 7224, kept the lights burning just as her husband had always done. She was alone in the lighthouse and did her duty. The Hon. Oscar S. Straus, Secretary of the Department of Commerce and Labor, under date of February 4, 1908, heartily indorsed the bill for $10,000. Your committee, recognizing the peril of official duty performed in time of peace, believe that the dependent family should receive governmental assistance in the same degree as is based on our present pension laws, and we therefore heartily recommend that a bill carrying the sum of $5,000 for the relief of Rose B. Armour do pass.

Mr. RODDENBERY. Mr. Chairman, I desire to offer an amendment; page 2, line 18, strike out the word "five" where it occurs and substitute therefor the word "two."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 18, strike out the word "five" and insert in lieu thereof the word "two."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. RODDENBERY) there were—ayes 16, noes 21.

Mr. RODDENBERY. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Sixty Members are present——

Mr. RODDENBERY. Mr. Chairman, I withdraw the point of no quorum.

The CHAIRMAN. The gentleman from Georgia withdraws the point of no quorum.

Mr. BARTLETT. Mr. Chairman, I move to amend by striking out the word "five" and inserting the word "three."

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 18, strike out the word "five" and insert in lieu thereof the word "three."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To pay $52.50 to Albert W. Phelps for permanent loss of time and injuries received in the United States armory at Springfield, Mass.

Also the following committee amendment was read:

Page 3, line 23, insert after the word "permanent" the words "loss of time and."

Mr. AUSTIN. What was the character of the injuries that the committee valued at $52.50?

Mr. POU. I will say to the gentleman that is all that is asked for.

Mr. AUSTIN. I would like to know what it was. If you are valuing a human life at $420, that was probably the loss of a leg.

Mr. MANN. He was knocked down by a belt and his head cut in two places.

Mr. LEVY. I think he was away only one day.

Mr. POU. He was knocked down and as a consequence was out from May 13, 1908, to June 24, 1908.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken and the committee amendment was agreed to.

The Clerk read as follows:

To pay $500 to Raymond R. Ridenour for injury to his hand while in the discharge of his duty on the Isthmus of Panama.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This man lost his thumb and forefinger, which are not very nice things to lose.

Mr. BUTLER. They are pretty useful, especially when you have got to wind your watch at night.

Mr. MANN. Well, most people have another thumb and forefinger. What is the basis on which you pay him $500? This man had no serious injury He lost no serious amount of time.

Mr. WILLIS. Perhaps I can give the gentleman some information It is not my bill, I will say. It was introduced by my colleague from Ohio [Mr. TAYLOR], but he is necessarily absent.

Mr. MANN. Though he may be absent he is still present, because he has three items in this bill.

Mr. WILLIS. I know he has. He is very active in behalf of his constituents.

Mr. MANN. That is as many probably as any three here together have.

Mr. BUTLER. I wonder how he gets them reported.

Mr. WILLIS. I have here a statement from Mr. Ridenour, the beneficiary under this bill, that may throw a little light on the subject. He was hurt in the shops at Gorgona, and in a letter he makes this statement concerning the injury, somewhat similar to the statement that appears in the committee report:

I was hurt in Gorgona shops on the 17th day of November, 1906. It happened one Saturday while I was cleaning my machine. The oiler neglected to oil the loose pulley on the countershaft, causing it to stick and start up without warning, catching my thumb and forefinger in gears, mashing them entirely off.

Here is a part of the statement which, to some extent, will answer the inquiry of the gentleman from Illinois:

Although I worked several months on the Isthmus after my injury I have not been able to secure work at my trade and have been forced to seek other employment at less wages. Also, I am unable to pass any physical examinations for railroad or other work where an examination is necessary.

In other words, this man is a machinist, and the injury which he has received, the loss of the thumb and forefinger of the left hand, incapacitates him for that work, and he finds he is unable to pass an examination for railroad work. And while I am not a member of the committee, I presume the committee took that into consideration, namely, that it was a permanent injury to this man and incapacitated him for the performance of the duties of his trade.

Mr. MANN. And yet if he had received this injury after May 30, 1908, he would have received and taken without question one month's pay. But because he did not receive his injury until after May 30, 1908, but received it in the latter part of 1906, it is proposed to give him several months' pay. Now, upon what claim of justice can that be based?

Mr. WILLIS. Does the gentleman think an allowance of $500 for the loss of thumb and forefinger for a man whose trade is that of machinist an unreasonable allowance?

Mr. MANN. There is no compensation sufficient for a man who loses one of his members, if that is what the gentleman asks. But there is a provision of general law, which now remains in the statute books, for compensation to employees on the Panama Canal, fixing the rate of compensation. I have tried to have that enlarged. It has not yet been done. But so long as it remains there, no one can bring any bills for amounts larger for people who have suffered since May 30, 1908. Now you propose, as a matter of comity, to extend the provisions of that act back to May 30, 1908, and to double or treble the compensation because it occurred prior to May, 1908, whereas if it had occurred after that there would be no question about the compensation.

Mr. WILLIS. The gentleman evidently has not listened to his colleague, because his colleague from Illinois stated a number of times that in the deliberations of the committee, reference was had not only to the law, but to the equity in the case. Now, here is a man who is permanently disabled that can not do the work he has learned to do. He is a machinist, and if he earns a living he has got to learn some other trade. He is incapacitated, and, as I recall the statement of my colleague [Mr. TAYLOR], it was to this effect, that he had personal knowledge that this man had sought to get employment in railroad work and had failed because of his injury. So that this is an illustration of the application of well-recognized principles of justice and equity—not the letter of the law but the spirit of the law shall rule.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. The gentleman knows it is not possible for this House to go on this sort of basis of equity in these cases.

Mr. WILLIS. I was following the statement of the gentleman's colleague, a member of the committee.

Mr. MANN. Well, that is a matter of opinion. The gentleman here would propose to take a similar case to those that have occurred since May 30, 1908, and there are plenty of them, and increase the compensation.

There have been many people injured on the Panama Canal work since May 30, 1908, who have taken the compensation allowed by the compensation act. Has anyone introduced a bill to enlarge that amount in any particular case? I guess not; but you propose to treat cases happening before 1908 on a different basis from those that have happened later and to pay a larger amount. I do not believe anybody can justify it.

Mr. WILLIS. How does the gentleman make his estimate? He made a statement of what would be received under the present law.

Mr. MANN. I said the man would receive one month's pay, at the rate of 65 cents an hour, but I did not estimate the amount.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. I would like to have one minute more.

The CHAIRMAN. The gentleman from Ohio [Mr. WILLIS] asks unanimous consent to proceed one minute longer. Is there objection?

There was no objection.

Mr. WILLIS. It seems to me, Mr. Chairman, that while recognizing the fact that no doubt the gentleman from Illinois has stated technically the letter of the law, here is a case that ought to appeal to the humanity of this House. Here is a man who is a machinist, a hard-working laboring man, and without any fault of his own, while at his post of duty, he received this permanent injury. It is not just a little disability that can be cured, but he has lost the thumb and forefinger of his left hand.

Now, then, as a machinist, obviously, he can not work at his trade. He is disqualified for that, and as a railroad man, although he has had experience in that work, he is also disqualified for that. It seems to me this allowance of $500 is not unreasonable; in fact, it ought to be much larger.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Yes.

Mr. RAKER. I have been reading the report on this matter—the report of the committee—and seeking the statement that this man was unable to do any work in the line that he followed for years, and there is nothing in it to that effect.

Mr. WILLIS. The gentleman did not understand me correctly. I have read from the man's letter addressed to my colleague [Mr. TAYLOR]; and also my colleague, as I recollect it, had a personal interview with this man, in which he stated that he had endeavored to get work, and because of this accident he was unable to do so.

Mr. RAKER. What was his business? Does the gentleman know?

Mr. WILLIS. He was a machinist and was permanently injured while working in the great railroad shops at Gorgona.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn.

Mr. RODDENBERY. Mr. Chairman, I desire to offer an amendment:

On page 3, line 5, strike out the words "five hundred" and insert the words "one hundred."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia [Mr. RODDENBERY].

The Clerk read as follows:

On page 3, line 5, strike out the words "five hundred" and insert the words "one hundred."

Mr. AUSTIN. Mr. Chairman, what has become of the motion of the gentleman from Illinois on the preceding claim? That has not been acted upon, as I understand it.

The CHAIRMAN. That was a pro forma amendment. That was withdrawn.

Mr. WILLIS. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. WILLIS. Mr. Chairman, I would do anything——

Mr. RODDENBERY. Mr. Chairman, before the gentleman begins, I want to ask unanimous consent to withdraw that amendment and offer the following amendment.

The CHAIRMAN. The gentleman from Georgia [Mr. RODDENBERY] asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. RODDENBERY. On page 3, line 5, strike out the words "five hundred" and insert in lieu thereof the words "one hundred and seventy-five."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia [Mr. RODDENBERY].

The Clerk read as follows:

On page 3, line 5, strike out the words "five hundred" and insert in lieu thereof the words "one hundred and seventy-five."

Mr. WILLIS. Mr. Chairman, I have sought to be reasonable and conservative in these various amendments that have been offered here in the committee, but it seems to me, Mr. Chairman, that that amendment is utterly unfair and in its terms ridiculous. Here is a laboring man, a man that works not simply with his head, but works with his hands; and, at his post of duty, without any fault of his own whatsoever, but because somebody else neglected his duty, because another employee had neglected the performance of his duty, and neglected properly to oil the shafting, the pulley sticks, and the man loses his thumb and forefinger on his left hand.

Now, Mr. Chairman, it seems to me that it is perfectly absurd to say to this American laboring man who was injured, and permanently injured—not temporarily injured, but, I repeat, permanently injured—and so injured as to disqualify him for the performance of the work at his trade, namely, that of a skilled machinist; I say it seems to me, Mr. Chairman, it is almost ridiculous for this Congress to say to this man that he is to receive for such a loss as that—for dismemberment, for an injury that disqualifies him for his work—the pitiful, paltry sum of $175. This man is asking for help simply because he has been disqualified for work. He is a hard-working man, and wants to work; and yet by the amendment of the gentleman from Georgia you say to this man, who has lost his thumb and forefinger of his left hand, so that he can not work as a machinist any longer—you propose, if you adopt the amendment offered by the gentleman from Georgia, that he shall have only $175. Mr. Chairman, it seems to me that that is parsimonious, unfair, and unpatriotic. I do not believe that this House intends to do such an unfair and unreasonable thing as that. Are you willing to say that the hand of an American workingman is worth only $175? I am not.

Now I yield to the gentleman from New York [Mr. REDFIELD].

Mr. REDFIELD. I happen to have employed a great many men of this kind myself, and I want to say that $175 would not more than represent what this man would lose every four months as long as he lives by the difference in wages for which he would have to work all his life long on account of his injury.

Mr. BARTLETT. Mr. Chairman, I believe that I have as much sympathy in my nature as the average Member of Congress or as the average man, and misfortune and suffering always appeal to my sympathies. But the United States Government is not liable, and never has been liable, to pay its employees anything on account of injuries received in its service. The rule of respondeat superior never was intended to apply to the Government of the United States. But Congress, in reference to those engaged in dangerous work in the Government service, has modified that universal rule of law so as to compensate in a certain degree those who are injured while engaged in such employment. It has discarded the rule against liability applied to all governments, city, State, county, and national, on that subject, and has said it will pay a certain amount, in some cases one year's wages or two years' wages, or the wages lost during the time the employee is disabled from work. So that it does not do, nor is it the proper spirit, I think, to undertake to charge up a liability against the United States as you would against the ordinary employer under the law of master and servant. Whatever is paid is a pure bounty that the United States confers upon those engaged in its service, because it was the right of the Government to say whether it would pay anything or not. It is a pure gratuity which we are giving to these people. I think it is proper that we should give it to them. But there is no legal obligation resting upon the Government of the United States to pay for injuries. It is a mere gift.

Mr. AUSTIN. May I ask the gentleman a question? I think he asked me a few when I was on the floor.

Mr. BARTLETT. Yes; and the gentleman declined to answer.

Mr. AUSTIN. Oh, no.

Mr. BARTLETT. Go ahead.

Mr. AUSTIN. Do you believe in passing a law by Congress which will force the corporations of this country to pay their employees for the loss of life or limb by accident during such employment?

Mr. BARTLETT. I believe every sovereignty that has the duty to enact laws should do away with the old, brutal, common-law rule of fellow servant and inaugurate a law that wherever an employee is injured and has not contributed to that injury the employer should be made to pay for it. My State has for nearly a hundred years had such a law on its statute books. I voted for the employers' liability law, which fixed a liability upon railroads engaged in interstate commerce, but I do not propose to vote for the bill which the Senate has passed and sent to this House, known as the employees' compensation law, which destroys the right of railroad employees to obtain compensation under the present employers' liability act and fixes compensation at very inadequate rates.

Mr. AUSTIN. If it is right and just to compel corporations to pay their employees for injuries which result from accident, why should not the Government apply the same kind of a rule to its own service?

Mr. BARTLETT. Because the Government is engaged in a different kind of business. The Government of the United States is not the same kind of employer as a railroad.

Mr. AUSTIN. It is operating a railroad on the Isthmus of Panama.

Mr. BARTLETT. Temporarily, yes; and I hope it will soon go out of the buisness of operating a railroad on the Isthmus of Panama, or in any other portion of the country. I do not think it is the business of the Government to operate railroads.

Mr. AUSTIN. But there are a number of places, in arsenals and in other places where machinery is employed, where the liability of the employee to injury is as great as it is in the service of any private corporation.

Mr. BARTLETT. We have provided a law for the compensation of employees so injured, and if there is any particular case that appeals to the generosity of the Government Congress can take care of such a case; but here in this bill we are undertaking to pay people according to a certain well-defined policy of the Government, now established, and if the gentleman wants

to change the law let him introduce a bill and ask to have it passed.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BARTLETT. I would like two minutes more to call attention to this particular case.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BARTLETT. Now, the $175 proposed in the amendment will not compensate the man for the loss of his finger and thumb, nor will $500, the amount reported by the committee, because when a man sues in court he has a right to recover for the pain and suffering and for the mutilation of his person. That compensation is exacted of the employer on account of the negligence of himself or his agent.

This man was absent from his work 23½ days. It does not appear that he is unable to do work now. He has simply suffered the mutilation—the loss of his finger and his thumb. In my judgment it is not proper to put upon the Government of the United States the same rule of compensation, in the way of compensating for pain and suffering and for mutilation of the person, that you put upon the private employer, like a railroad or manufacturing corporation. I think this amendment ought to pass.

Mr. TAGGART. Mr. Chairman, it is beneath the dignity of the United States to offer $175 to a man who has lost one of his hands. [Applause.] If we are going to give him anything at all, we ought not to insult the intelligence of a mechanic. We ought not to say to him that we will offer him $175 for one-half of his capacity. For that reason I propose to vote against this amendment. We are not setting precedents now. There will be very few of these cases coming up, because the statute of 1908 covers most of them. I shall never vote for an amendment that will offer only $175 to a mechanic whose hand has lost its cunning as the result of an accident. Therefore I am opposed to the amendment and in favor of the bill as it stands, giving him at least $500.

Mr. RAKER. Mr. Chairman, I do not want to take the time of the committee, but I do want to say one word. If we recognize any liability and place this amount at $175, we have not considered the injury or the damage done to this man. If you give him anything, you ought to at least put it somewhere near the amount that he is entitled to. Just stop and think, gentlemen; there is no question of precedent here. The man has lost his thumb and the forefinger of his left hand. He is a mechanic, and you say to him that the loss of that part of his hand is worth $175 to his future capability of earning a livelihood. You are acting as jurors in this case for this man. In any court of the land, would you think of bringing in a verdict of $175 for the loss of a man's earning capacity?

Mr. CULLOP. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. CULLOP. If you were sitting as a juror, there would have to be some cause for the liability before you would render a verdict, would there not?

Mr. RAKER. Clearly.

Mr. CULLOP. In the report, if the gentleman has read it, he will see that this man was sent to the hospital for treatment immediately after the accident occurred, and made no statement. "Was accident due to negligence of injured person, or whom? No one."

Now, if you sat on a jury with that as the evidence, you would not return a verdict for the plaintiff. If you did, you would do it in violation of law and the instructions of any court that would instruct a jury upon that question.

Mr. RAKER. But when you vote to give this man $175 you vote that he was not negligent. You fix the price of the loss of a thumb and a finger at $175, conceding that there was no negligence on his part when the injury was done. You must concede that before you can pay him a cent.

Why, I saw a jury in the city of San Francisco render a verdict of $1,000 for a man that had the third finger of his right hand bent back. He was an Italian and claimed that he was unable to do the work in the future. I thought the verdict was just. He was reaching up to oil the machine and the belt slipped and brought his hand back in this way, and the jury gave him, as I say, $1,000.

Conceding that there was no negligence on the part of this man, the point I want to present to the House is that if you give him a cent you must necessarily find that there was no negligence on his part when you award him any amount of damages.

Mr. FOWLER. Mr. Chairman, on that point a Chicago jury rendered a verdict of $5,000 for the loss of a little finger.

Mr. RAKER. And I want to say, in addition to that, here is a mechanic who must necessarily use his forefinger and thumb of the left hand if he becomes efficient. You are taking from that man the very thing that is necessary for him to earn a competency thereafter. It seems to me that it is trifling. It seems to me that it is saying to the laboring man, a man that is a mechanic, "we concede that you were not negligent. We have conceded that you are not in the wrong. We say to you that the loss of a thumb and a finger of the left hand of a mechanic is only worth $175."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was lost.

The Clerk read as follows:

To pay $1,500 to the heirs of Charles E. Stump, who lost his life from injuries received while in discharge of his duties on the Isthmus of Panama.

Mr. AUSTIN. Mr. Chairman, I would like to ask the chairman if this is a year's pay, and what business he was engaged in at the time of the injury?

Mr. MANN. He was a railroad conductor, and this is a year's pay.

Mr. POU. Under the act of May 30, 1908, a year's compensation would be given him. We based the report on that fact.

Mr. AUSTIN. How much of a family did he leave?

Mr. MANN. He was married and left a widow.

Mr. POU. He left a widow.

Mr. AUSTIN. Mr. Chairman, I move to strike out the words "one thousand five hundred" and insert the words "five thousand."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 8, strike out the words "one thousand five hundred" and insert in lieu thereof the words "five thousand."

The question was taken, and the amendment was lost.

Mr. AUSTIN. Mr. Chairman, I move to strike out the words "one thousand five hundred" and insert the words "three thousand," the amount that the committee voted for the widow of the lighthouse keeper.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the words "one thousand five hundred" and insert in lieu thereof the words "three thousand."

The question was taken, and the amendment was lost.

The Clerk read as follows:

To pay $1,500 to Charles T. Hanson for injuries to his right foot while in the employ of the War Department in the Quartermaster's Department, at Boston, Mass.

The CHAIRMAN. The question is on the committee amendment, which the Clerk will report.

The Clerk read as follows:

On page 3, line 16, strike out the words "injuries to" and insert in lieu thereof the words "loss of," so that it will read: "loss of his right foot."

The committee amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word. In this case the claimant, Charles T. Hanson, was a deck hand on one of the boats of the Quartermaster's Department at Boston. He is said to have received injuries which necessitated the amputation of his right foot. The bill carries $1,500 for him. That, of course, is not based on the compensation of a year's salary. The very next case carries $1,500, although in the report it is printed $730. I do not know whose error that is; whether the amount is increased or not.

Mr. REDFIELD. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. REDFIELD. The error is my own. The bill was introduced in ignorance of the man's financial losses, and it was introduced only on the basis of one year's pay. I have received a statement of Attorney General Bonaparte, which I have here, although it is not a part of the record, from which it appears that the man suffered actually the loss of $322 in addition to a reduction of his rating for one year and eight months. In consideration of those facts, in addition to his having lost his foot, the committee saw fit to put him on a level with the other man.

Mr. MANN. In the case before the committee a deck hand is to be paid $1,500 for the loss of a right foot. He was employed at the rate of $45 a month, and since the loss of his foot he has been placed in the classified service and his pay increased to $60 a month. Now, upon what basis does the committee arrive at its conclusion? If the law had been applicable he would have received one year's pay, at $45 a month. He lost his foot, not through the negligence of the Government, and then the committee proposes to pay him $1,500, although the loss of his right foot has given him a Government job at $60,

an increase of $15 a month more than he was getting before, and a permanent place in the classified service. In the next case, referred to by the gentleman from New York, a bill was introduced for $730, one year's pay, and the bill reported to the House now carries $1,500. Why, they have gone crazy on the subject of compensation. Gentlemen want to pay two or three times as much compensation in special cases, because Members of Congress introduce bills and chase after the committee, than the law would allow, and if the law allowed it in these cases no one would introduce a bill. The committee has not endeavored to report cases that are covered by the general law, yet they propose to pay two or three times as much to men whose accidents occurred before the law took place, one of whom obtained a better job and a permanent life job from the Government because of his accident.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn.

Mr. RODDENBERY. Mr. Chairman, I desire to offer an amendment. On page 3, line 15, strike out the words "one thousand."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 15, strike out the words "one thousand."

Mr. RODDENBERY. Mr. Chairman, just a moment. So far as $1,500 being a compensation for the loss of a limb, as measured by the standard usually obtaining in our courts, it is wholly inadequate. The same statement would apply to all of these cases. Distinguished gentlemen oppose amendments to reduce these claims, as stated by them, on the idea that the Government can not afford to be niggardly. Gentlemen can not insist on the Government paying the same measure of damage as corporations and then ask us to pass this bill. What the Government should pay and the corporation should pay is measured by different standards. I offer this amendment, which proposes to give to this man $500 on account of the loss of his leg. It is not full compensation, neither is $1,500, by the standard of measuring damages by courts and juries. It is to be observed that this claimant was getting about $45 a month at the time of his injury and he is now getting from the Government $60 a month, with a permanent job.

Mr. POU. If the gentleman will permit, does the gentleman think a man ought to be made subject to a penalty because in his maimed condition he has equipped himself to do good service and work?

Mr. RODDENBERY. Not at all.

Mr. POU. That seems to be the contention of the gentleman.

Mr. RODDENBERY. He is now drawing $60 a month. The matter was reported on by the War Department, and you will find on page 32 of the report a full statement of the case. The Judge Advocate General writes:

The claim is believed to be meritorious for a proper measure of relief, but it is believed the amount paid should be adjusted to the requirements of the permanent law.

Now, if this claim were adjudicated upon under the act of 1908, which is the permanent law, he would get about $500.

Mr. BARTLETT. Five hundred and forty dollars.

Mr. RODDENBERY. And under general law that would be all he would get, even if he had lost the leg and had no artificial limb and had no employment. Other injured employees of the Government are compensated under the general law. There is no reason why favoritism should be shown in this or any case by special legislation. Now, to the justice of this case. This man has employment. He received his injury prior to 1908, and under present law he is entitled to nothing at all, nor was he at the date of injury. I can not perceive the justice or the equity in incorporating in an omnibus bill a special act for one man, giving him $1,500 for the loss of a limb, when if injury had happened in 1909 or any year afterwards under existing law he would be entitled to but $540.

This claimant received his injury in 1905, and at that time there was no legal recognition of such claims for payment. In view of both the law and facts, neither sound reason nor wise policy justifies the committee to antedate the enactment of the general law and specialize by giving this individual $1,500, while others similarly situated, except as to time, are allowed but $500. To me such action appears wholly without defense on the basis of justice, on the basis of common sense, on the basis of fairness, or any basis or any standard, legal or moral, that can be set up. The gentleman from California, I believe, stated that to offer a man $175 for loss of a thumb was beneath the dignity of the United States. Measured by that standard, $420 which was voted for in the bill a few moments ago to a widow for the loss of her husband is beneath the dignity of the United States, yet it is in accord with the existing law that the Congress has passed for such cases and by which we are bound.

This claimant has no general legal status whatever entitling him to any sum. The amendment I propose gives him the same compensation as the law gives all others. It is the amount persons with like injury can lawfully claim, although such persons may be wholly disabled and without employment. Why, then, should this claimant have more than other unfortunates, especially in view of the admitted facts in the record showing that this claimant is now and for more than five years has been continually drawing a salary from the Government of $60 per month? Others for loss of leg are allowed one-third as much and are not so fortunate as to have permanent Government employment at fair monthly salary. I submit the amendment to the wisdom of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. RODDENBERY. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 9, noes 20.

Mr. MANN. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Sixty-two gentlemen are present, not a quorum. The Clerk will call the roll.

The roll was called, and the following-named Members failed to answer to their names:

Adair	Ellerbe	Korbly	Reilly
Akin, N. Y.	Estopinal	Lafean	Reyburn
Alexander	Fairchild	Lafferty	Richardson
Ames	Farr	Lamb	Riordan
Anderson, Minn.	Ferris	Langham	Roberts, Mass.
Anderson, Ohio	Fields	Langley	Roberts, Nev.
Andrus	Fitzgerald	Lawrence	Robinson
Ansberry	Flood, Va.	Lee, Pa.	Rodenberg
Anthony	Focht	Legare	Rothermel
Ashbrook	Fordney	Lever	Sabath
Ayres	Foss	Lindsay	Saunders
Barchfeld	Fuller	Linthicum	Scully
Barnhart	Gallagher	Littlepage	Sells
Bates	Gardner, Mass.	Littleton	Shackleford
Bathrick	Gardner, N. J.	Longworth	Sharp
Beall, Tex.	George	Loud	Sheppard
Berger	Gillett	McCall	Sherley
Blackmon	Glass	McCoy	Sherwood
Boehne	Goeke	McCreary	Simmons
Booher	Goldfogle	McDermott	Sims
Bradley	Gould	McGillicuddy	Sisson
Brantley	Greene, Mass.	McGuire, Okla.	Slayden
Brown	Gregg, Tex.	McHenry	Slemp
Browning	Griest	McKellar	Small
Buchanan	Gudger	McKenzie	Smith, Saml. W.
Bulkley	Guernsey	McKinley	Smith, Cal.
Burgess	Hamill	McMorran	Smith, N. Y.
Burke, Pa.	Hanna	Maher	Smith, Tex.
Burke, S. Dak.	Hardwick	Malby	Sparkman
Burleson	Hardy	Martin, Colo.	Speer
Calder	Harris	Martin, S. Dak.	Stack
Callaway	Harrison, Miss.	Matthews	Stedman
Campbell	Harrison, N. Y.	Mays	Stephens, Nebr.
Cannon	Hawley	Miller	Sulloway
Carlin	Hay	Mondell	Sulzer
Cary	Hayden	Moon, Pa.	Switzer
Catlin	Helgesen	Moore, Pa.	Taggart
Clark, Fla.	Helm	Moore, Tex.	Talbott, Md.
Claypool	Henry, Conn.	Morrison	Talcott, N. Y.
Clayton	Henry, Tex.	Morse	Taylor, Ala.
Conry	Hensley	Mott	Taylor, Colo.
Copley	Higgins	Murray	Taylor, Ohio
Covington	Hill	Needham	Thistlewood
Cox, Ind.	Hinds	Nelson	Towner
Cox, Ohio	Hobson	Olmsted	Townsend
Crago	Holland	O'Shaunessy	Tribble
Cravens	Houston	Padgett	Turnbull
Crumpacker	Howard	Palmer	Tuttle
Curley	Howland	Parran	Underwood
Currier	Hubbard	Patten, N. Y.	Utter
Curry	Hughes, Ga.	Patton, Pa.	Vare
Dalzell	Hughes, N. J.	Payne	Vreeland
Danforth	Hughes, W. Va.	Peters	Weeks
Davenport	Humphrey, Wash.	Pickett	Whitacre
Davidson	Humphreys, Miss.	Plumley	White
Dent	James	Porter	Wickliffe
Difenderfer	Johnson, S. C.	Post	Wilson, Ill.
Donohoe	Kahn	Powers	Wilson, N. Y.
Doughton	Kent	Pray	Wilson, Pa.
Draper	Kindred	Prince	Witherspoon
Driscoll, D. A.	Kinkead, N. J.	Prouty	Wood, N. J.
Driscoll, M. E.	Kitchin	Pujo	Woods, Iowa
Dupré	Konig	Randell, Tex.	Young, Mich.
Dwight	Konop	Ransdell, La.	Young, Tex.
Dyer	Kopp	Rauch	

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the bill (H. R. 23451) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property, and had found itself without a quorum, where-

upon he ordered the roll to be called, and reported the list of absentees to the House.

The SPEAKER. One hundred and thirty-one Members are present—a quorum.

During the roll call the following occurred:

Mr. GREEN of Iowa. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GREEN of Iowa. Is the call on a vote on this amendment?

Mr. BARTLETT. Mr. Chairman, I make a point of order that the roll call can not be interrupted.

The CHAIRMAN. The point is well taken.

After the roll call:

SPEAKER PRO TEMPORE FOR TO-MORROW.

The SPEAKER. The Chair designates as Speaker pro tempore for to-morrow the gentleman from Tennessee [Mr. SIMS].

BILLS ON PRIVATE CALENDAR.

The SPEAKER. The House resolves itself automatically into the Committee of the Whole House for the purpose of considering bills on the Private Calendar, and the gentleman from Missouri [Mr. HAMLIN] will take the chair.

Mr. POU. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. HAMILTON of West Virginia having taken the chair as Speaker pro tempore, Mr. HAMLIN, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the bill (H. R. 23451) to pay certain employees of the Government for injuries received while in discharge of their duties, and other claims for damages to and loss of private property, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. BOURNE, and Mr. SIMMONS as the conferees on the part of the Senate.

The message also announced that the Senate had passed, without amendment, bills of the following titles:

H. R. 12013. An act to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain land for alley purposes;

H. R. 13774. An act providing for the sale of the old post-office property at Providence, R. I., by public auction;

H. R. 22301. An act authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land;

H. R. 22343. An act to require supervising inspectors, Steamboat-Inspection Service, to submit their annual reports at the end of each fiscal year; and

H. R. 22731. An act to extend the time for the construction of a dam across the Pend Oreille River, Wash.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish the House of Representatives, in compliance with its request, a duplicate engrossed copy of the bill (S. 6009) to increase the limit of cost of the United States post-office building at Huron, S. Dak.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 1. An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROWN, for six days, on account of illness in his family.

To Mr. HELM, for two weeks, on account of important business.

ADJOURNMENT.

Mr. POU. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Sunday, May 12, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Elizabeth River, N. J. (H. Doc. No. 750); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting an appropriation claim of Arnott's Docks for damages by collision with U. S. steel dredge *Navesink* on February 2, 1912 (H. Doc. No. 751); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 20684) providing for the sale of the Lemhi School and Agency plant and lands on the former Lemhi Reservation, in the State of Idaho, reported the same with amendment, accompanied by a report (No. 691), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PATTEN of New York, from the Committee on Military Affairs, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc., accompanied by a report (No. 692), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNER, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 20501) to authorize the Secretary of Commerce and Labor to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange, or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof, reported the same with amendment, accompanied by a report (No. 694), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 24227) to amend section 11 of an act entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public-building acts, and for other purposes," approved March 4, 1909, reported the same without amendment, accompanied by a report (No. 695), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ASHBROOK, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6009) to increase the limit of cost of the United States post-office building at Huron, S. Dak., reported the same without amendment, accompanied by a report (No. 693), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 22756) granting an increase of pension to Charles G. Scott, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAY: A bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. BURKE of Wisconsin: A bill (H. R. 24451) to provide an appropriation of $400 for the paving of certain alleys adjoining the United States post-office site at Watertown, Wis.; to the Committee on Appropriations.

Also, a bill (H. R. 24452) granting restoration of pensions to certain remarried widows; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 24453) providing for a commission to settle certain claims between the United States Government and the Sisseton and Wahpeton Indians and the Sioux of the Medawakanton and Wahpakoota Bands; to the Committee on Indian Affairs.

Also, a bill (H. R. 24454) to authorize the allotments of land within the limits of the Fort Berthold Indian Reservation in the State of North Dakota; to the Committee on Indian Affairs.

Also, a bill (H. R. 24455) providing for the erection of a suitable memorial in memory of Maj. Gen. George A. Custer at Mandan, N. Dak.; to the Committee on the Library.

By Mr. TAYLOR of Colorado: A bill (H. R. 24456) to make the second Sunday in May of each year a public holiday, to be called "Mothers' Day"; to the Committee on the Judiciary.

By Mr. McKELLAR: A bill (H. R. 24457) appropriating $250,000 for levee work on the Mississippi River; to the Committee on Rivers and Harbors.

By Mr. PATTEN of New York: A bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc.; to the Committee of the Whole House on the state of the Union.

By Mr. HOUSTON: A bill (H. R. 24459) providing for the registry of officers, clerks, and employees in the Federal service, and for other purposes; to the Committee on the Census.

By Mr. ANDERSON of Ohio: Joint resolution (H. J. Res. 315) remitting taxes on Oldroyd collection of Lincoln relics; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 24460) granting an increase of pension to Tarlington B. Carson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24461) granting an increase of pension to Wellington Mills; to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 24462) for the relief of Frederick J. Ernst; to the Committee on Claims.

Also, a bill (H. R. 24463) for the relief of the heirs or legal representatives of Valentine Brasch and others; to the Committee on Claims.

By Mr. BROWN: A bill (H. R. 24464) granting an increase of pension to John B. Sandy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24465) for the relief of L. D. Corrick, administrator of the estate of William Corrick, deceased; to the Committee on War Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 24466) for the relief of the estate of D. T. Hatch; to the Commtitee on War Claims.

Also, a bill (H. R. 24467) for the relief of the estate of James P. Kennelly; to the Committee on War Claims.

By Mr. CANDLER: A bill (H. R. 24468) granting a pension to George W. Crider; to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 24469) granting an increase of pension to William S. Nutting; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 24470) granting an increase of pension to John H. Stone; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 24471) granting a pension to John C. Raymer; to the Committee on Pensions.

Also, a bill (H. R. 24472) granting a pension to Thomas E. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 24473) granting a pension to Frances J. Hays; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 24474) granting an increase of pension to Fannie J. Raiford; to the Committee on Pensions.

Also, a bill (H. R. 24475) granting an increase of pension to Lydia A. Smiley; to the Committee on Pensions.

By Mr. FERGUSSON: A bill (H. R. 24476) for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex.; to the Committee on Claims.

By Mr. FOSTER: A bill (H. R. 24477) granting a pension to Sarah A. Allen; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 24478) granting a pension to Hanna Matilda Baity; to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 24479) granting an increase of pension to Mrs. H. V. Holdsworth; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 24480) granting an increase of pension to Pernell S. Ingram; to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 24481) granting an increase of pension to Henry H. Welty; to the Committee on Invalid Pensions.

By Mr. PATTEN of New York: A bill (H. R. 24482) to correct the military record of Chester H. Southworth; to the Committee on Military Affairs.

By Mr. PLUMLEY: A bill (H. R. 24483) granting a pension to Rosa A. Abbott; to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 24484) for the relief of James M. Allen, administrator of the estate of William H. Allen, deceased; to the Committee on War Claims.

By Mr. POWERS: A bill (H. R. 24485) for the relief of Josiah E. Spurlock; to the Committee on War Claims.

Also, a bill (H. R. 24486) granting a pension to Jacob C. Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24487) granting an increase of pension to James L. Sandusky; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24488) granting an increase of pension to Pinckney D. Compton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24489) granting an increase of pension to William F. Martin; to the Committee on Pensions.

Also, a bill (H. R. 24490) for the relief of the heirs of John Ray, deceased; to the Committee on War Claims.

By Mr. SMITH of New York: A bill (H. R. 24491) granting an increase of pension to Chauncy C. Robinson; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 24492) granting an increase of pension to James L. Kale; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Italian Business Men's Association of Buffalo, N. Y., against passage of the Dillingham bill and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. ALLEN: Petition of the William H. Lythe Relief Corps, of Cincinnati, Ohio, requesting increase of pensions of widows of Civil War veterans; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of A. O. Kern and 5 other citizens of Newark, Ohio, protesting against enactment of interstate-commerce liquor legislation; to the Committee on Interstate and Foreign Commerce.

Also, petitions of G. W. Butterworth, of Philadelphia, Pa.; G. M. H. Wagner & Sons, of Chicago; William M. Royland Co., of Provo, Utah; and of the John R. Williams Brokerage Co., of Denver, Colo., favoring the passage of House bill 17936, for standardization of packages and grades of barreled apples; to the Committee on Coinage, Weights, and Measures.

By Mr. BOWMAN: Petition of W. N. Gregory & Son, of Nanticoke, Pa., against change in the patent laws; to the Committee on Patents.

Also, petition of the German-American Alliance of Philadelphia, Pa., against passage of the Dillingham and Burnett bills, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of the estate of D. T. Hatch, of Sumner County, Tenn.; to the Committee on War Claims.

By Mr. CALDER: Petitions of citizens of Brooklyn, favoring passage of bills containing literacy test for immigrants, and of the allied committee of the Political Refugee Defense League of America, of New York, and of the German-American Alliance of Philadelphia, Pa., against passage of Dillingham and other bills, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the National Association of Cotton Manufacturers, of Boston, Mass., against passage of bills relating to the sale and purchase of cotton to be delivered on contract on the cotton exchanges of this country; to the Committee on Agriculture.

Also, petitions of Robert Avery, of Brooklyn, N. Y., favoring passage of House bill 6302, and of the Sons of the American Revolution in the State of New York, favoring passage of Senate bill 271, relative to unpublished archives of the United States Government relating to the War of the Revolution; to the Committee on Military Affairs.

Also, petitions of J. M. Collins, P. W. Taylor, and the American Talking Machine Co., of Brooklyn, and of Sol. Bloom, of New York City, N. Y., against passage of the Oldfield bill to amend the patent laws; to the Committee on Patents.

Also, petitions of the Citizens' Wholesale Supply Co., of Columbus, Ohio, and of McMonagle & Rogers, of Middletown, N. Y.,

against passage of House bill 14060, relative to the national food and drugs act; of John M. Cooper, of Boston, Mass., favoring passage of House bill 17222; and of Henry R. Worthington, of St. Louis, Mo., against passage of House bill 21969 and amendment, prohibiting use of the Panama Canal to any steamship company in which any railroad is interested; to the Committee on Interstate and Foreign Commerce.

By Mr. CANDLER: Papers to accompanyn bill granting pension to George W. Crider, of Lee County, Miss., a private in Company F, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, in the Civil War; to the Committee on Invalid Pensions.

By Mr. CARY: Petitions of Local District No. 10, International Association of Machinists, and Local No. 10, Metal Polishers and Buffers, Platers, and Brass Workers' Union of North America, of Milwaukee, favoring passage of House bill 22239, prohibiting use of the stop watch in Government shops; to the Committee on the Judiciary.

Also, petition of the Wisconsin Jewelers' Association, against change in patent laws; to the Committee on Patents.

By Mr. DICKINSON: Papers to accompany House bill 22886, granting an increase of pension to Samuel M. Baker; to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of the Philadelphia Drug Exchange, Philadelphia, Pa., against passage of the Richardson bill (H. R. 14060) and other bills to amend national food and drug acts; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petition of William H. Enhaus and M. Rathstein, of New York City, N. Y., against passage of the Oldfield bill to amend the patent law; to the Committee on Patents.

Also, petition of the National Association of Cotton Manufacturers, of Boston, Mass., against passage of bills relating to sale of cotton, etc., on the cotton exchanges of this country; to the Committee on Agriculture.

Also, petition of T. G. Hawkes & Co., of Corning, N. Y., favoring passage of bill for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of the Thread Agency, of Chicago, Ill., favoring passage of House bill 309, relating to cotton, etc.; to the Committee on Agriculture.

Also, petition of the German-American Alliance, of Philadelphia, Pa., against passage of the Dillingham bill for educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of R. M. Fish, of Philadelphia, Pa., favoring passage of House bill 1339, to pension soldiers of Civil War who lost an arm or leg, etc.; to the Committee on Invalid Pensions.

By Mr. GOULD: Petition of the Barbers' Union of Augusta, Me., favoring passage of House bill 19133, for postal express; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM: Petition of citizens of Springfield, Ill., favoring passage of House bill 22339 and Senate bill 6172, the anti-Taylor-system bills; to the Committee on the Judiciary.

By Mr. HARDWICK: Memorial of railway employees of Macon, Ga., against passage of the workingmen's compensation bill; to the Committee on the Judiciary.

By Mr. HANNA: Petition of citizens of the United States, against passage of House bill 17485; to the Committee on the Public Lands.

Also, petition of citizens of North Dakota, against extension of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Dakota, favoring reduction in duty upon raw and refined sugars; to the Committee on Ways and Means.

Also, petition of W. G. Williams, of Arvilla, N. Dak., against passage of the Lever antifuture-trading bill restricting free and open marketing of grain; to the Committee on Agriculture.

By Mr. HENRY of Connecticut: Petition of the Daughters of Liberty, of Warehouse Point, Conn., favoring passage of the Gardner bill for educational test of immigrants, and of Charter Oak Lodge, No. 610, Independent Order B'rith Abraham, of Hartford, Conn., against passage of House bill 22527, for educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Resolutions of the Workmen's Circle of New York and the German-American Alliance of Philadelphia, Pa., against passage of the Dillingham bill and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Board of Trade of Paterson, N. J., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: Petition of Leopold Allenberg and 10 others, of San Francisco, Cal., favoring passage of Senate bill 291 and House bill 1235, for a graded retirement law; to the Committee on Military Affairs.

By Mr. KINKEAD of New Jersey: Resolutions of the Grand Lodge, I. O. K. S., of Newark, N. J., against passage of the Dillingham bill and other bills containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. LEVY: Petitions of the Allied Committee of the Political Refugee Defense League of America, New York; of citizens of Philadelphia; of the United Polish Societies of Brooklyn, N. Y.; of the Jewish community, New York; of the United Hebrew Trades, New York, in opposition to the passage of the Dillingham bill (S. 3175) for the literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Central Federated Union, New York, favoring passage of the Hughes eight-hour bill (H. R. 9061); to the Committee on Labor.

Also, petition of the Rochester Chamber of Commerce, favoring the passage of the 1-cent letter rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Sons of the Revolution in the State of New York, favoring appropriation for the gathering and publishing of all records and archives relative to the War of the Revolution; to the Committee on Military Affairs.

Also, petition of the New York Board of Trade and Transportation, New York, favoring passage of Senate bill 2117, for placing the salaries of the officers of the Public Health and Marine-Hospital Service on a parity with other services; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of Lithuanian Workers, Brooklyn, N. Y., protesting against passage of Dillingham bill (S. 3175) for literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of S. Bometstein, Brooklyn, N. Y., protesting against any change in the patent laws; to the Committee on Patents.

Also, petition of T. G. Hawkes & Co., Corning, N. Y., favoring passage of the 1-cent postage rate for letters; to the Committee on the Post Office and Post Roads.

Also, petition of the American Talking Machine Co., Brooklyn, N. Y., and the National Association of Talking Machine Jobbers, Pittsburgh, Pa., protesting against proposed change in the patent laws; to the Committee on Patents.

Also, petition of the Silverton Commercial Club, of Silverton, Colo., favoring passage of bill to establish a mining experiment station at Silverton, Colo.; to the Committee on Mines and Mining.

Also, petition of the Sons of the Revolution in the State of New York, favoring passage of Senate bill 271, relative to unpublished archives of the United States Government relating to the War of the Revolution; to the Committee on Military Affairs.

Also, petition of William P. Doran, of Springfield, Mo., favoring passage of House bill 17167, to grant pensions to members of Capt. W. L. Fenix's Company M, Seventy-third Regiment Enrolled Missouri Militia; to the Committee on Invalid Pensions.

Also, petition of Walter R. Shewman, of Rochester, N. Y., favoring passage of House bill 1339, for pensions for veterans who lost limbs in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the Stark Distillery Co., of St. Louis, Mo., against passage of Webb bill (H. R. 17595)—interstate liquor law; to the Committee on the Judiciary.

Also, petition of the Fifteenth Assembly District Socialist Party, Brooklyn, N. Y., and the German-American Alliance of Philadelphia, Pa., against passage of the Dillingham bill and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Bernard Magoonaugh, favoring passage of House bill 1339, for pensions of Civil War veterans; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Resolutions of Benj. Franklin Lodge, No. 58; Hebrew Beneficial Lodge, No. 138; Spolier Lodge, No. 40; Henry Sherman Lodge, No. 81; King Solomon Lodge, No. 101; Sol Widrewitz Lodge, No. 96; Louis Singer Lodge, No. 18; Star Beneficial Lodge, No. 112; Ellis Lodge, No. 592, of Philadelphia, Pa.; and Second Praislower Lodge, No. 245, Independent Order B'rith Solomon, of Brooklyn, N. Y., against passage of the Burnett and Dillingham bills, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. MURRAY: Petitions of Hebrew Progressive Lodge, Independent Order B'rith Abraham; Commonwealth Lodge, of Boston, Mass.; Political Refuge Defense League of America; Ansky Dowig Lodge, of Boston, Mass; Knights of Liberty Lodge; East Boston Lodge; Polish-American organizations; Unity Lodge; Young Men's Lodge; Historic Lodge; Pride of

New England Lodge; and Lord Beaconsfield Lodge, Independent Order B'rith Abraham, of Boston, Mass.; and United Hebrew Trades of New York, against passage of the Dillingham bill containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of Y. M. Silver City Lodge, No. 152, Independent Order B'rith Abraham, Meriden, Conn., against passage of the Dillingham bill containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SMITH of Texas: Papers to accompany bill granting an increase of pension to James L. Kale, of Altura, El Paso County, Tex., private, Troop E, Sixth United States Cavalry; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: Petition of the United Trades and Labor Council of Buffalo, N. Y., favoring passage of House bills 11372 and 23675, relative to sufficient lifeboats, etc., on ocean steamers; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of the State of New York, favoring passage of House bill 22339 and Senate bill 6172, against stopwatch system in Government shops; to the Committee on the Judiciary.

Also, petition of the Italian-American Business Men's Association of Buffalo, N. Y., and New Live, No. 175, Polish-Americans, against passage of the Dillingham bill containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. TALCOTT of New York: Resolution of the Workmen's Circle of New York and Roscoe Conkling Lodge, No. 364, Independent Order B'rith Abraham, of Utica, N. Y., against passage of the Dillingham bill and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, resolutions of the American Cotton Manufacturers' Association, against all bills relating to the sale and purchase of cotton to be delivered on contract on the cotton exchanges of this country; to the Committee on Agriculture.

By Mr. TILSON: Petition of the Daughters of Liberty of New Haven, Conn., favoring passage of bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. WARBURTON: Petition of the Woman's Christian Temperance Union of Waitsburg, Wash., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

SUNDAY, *May 12, 1912.*

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore [Mr. SIMS].

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Love! O Life! our faith and sight
Thy presence maketh one;
As through transfigured clouds of white
We trace the noonday sun.

So, to our mortal eyes subdued,
Flesh-veiled, but not concealed,
We know in Thee the fatherhood
And heart of God revealed.

Blessed faith, hope, and love which Thou hast woven into the tissues of our being, which holds us close to Thee in joys or sorrows, in life or death. We know that the body dies but the spirit which animated it lives in some higher realm where its longings, hopes, and aspirations will be fulfilled. "For none of us liveth to himself, and no man dieth to himself. For whether we live, we live unto the Lord; and whether we die, we die unto the Lord; whether we live therefore, or die, we are the Lord's. For to this end Christ both died, and rose, and revived, that He might be Lord both of the dead and living." We thank Thee for the strong, pure, noble, brave character possessed by the Member in whose memory we are assembled. Quick to perceive, strong in action, whether on the field of battle or in the quiet, peaceful pursuits of life, he fulfilled to a conspicuous degree the expectations of those who called him to service in State or Nation.

His work well done, the angel of death bore him to a higher service. The work of a true man lives after him, for nothing pure, nothing sublime can perish. Comfort, we beseech Thee, his colleagues and friends and the dear wife who kept close to his side and shared his joys and sorrows, victories and defeats; and bring her in Thine own time to dwell with him in love forever. And Thine be the praise through Jesus Christ our Lord. Amen.

The SPEAKER pro tempore. The Clerk will read the Journal of the proceedings of yesterday.

Mr. McKELLAR. Mr. Speaker, I ask unanimous consent that the reading of the Journal be dispensed with.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that the reading of the Journal be dispensed with. Is there objection?

There was no objection.

The Journal was approved.

THE LATE REPRESENTATIVE GORDON.

Mr. McKELLAR. Mr. Speaker, I offer the following resolution.

The Clerk read as follows:

House resolution 535.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. GEORGE WASHINGTON GORDON, late a Member of this House from the State of Tennessee.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was unanimously agreed to.

Mr. SHERWOOD. Mr. Speaker, I knew Gen. GORDON well. We both came into the Sixtieth Congress, having been elected in 1906. I boarded with him at the same hotel and sat with him and his good wife at the same table during the first session of that Congress. I was associated with him for four years in the Committee on Military Affairs, and perhaps knew him as well and as intimately as any Member outside of his own State.

As a preliminary, allow me to say that the war in which Gen. GORDON was engaged was the most remarkable war in all history. There is nothing to compare with it in intensity and desperation. It was the longest enduring war of modern times, and the fiercest and bloodiest battles in all history were fought during the four years of its continuance. During the war of the American Revolution, which lasted for 7 years, only 7 battles were fought per year. But 49 battles were fought during the entire war. In the Civil War over 2,000 battles were fought, and in 882 battles more men were killed and wounded than in the bloodiest battle of the American Revolution—the Battle of the Brandywine.

There is another peculiarity about the Civil War that attaches to no other war: It was the only war in all history where the soldiers on both sides sang patriotic and heroic songs on the march and around the bivouac fires at night. During the whole of the war of the American Revolution, lasting seven years, there was not a patriotic song written. The nearest they came to it was Yankee Doodle, the words of which are silly and without patriotic import, but the music was well adapted to the fife and drum.

In the War of 1812 there was not a patriotic song written or sung by our soldiers. The Star Spangled Banner, by Francis Scott Key, in 1814, was written near the close of the war. He was on a British man-of-war and saw the bombardment of Fort Henry at night and saw through the night that "our flag was still there." This grand national anthem was set to music and first sung by a Scotch actor, Ferdinand Durand, in a Baltimore theater. The music of the Star Spangled Banner was from "Anacreon in Heaven," a melody written by John Stafford Smith, of London, England, in 1773. But in our Civil War, on both sides of the battle line, over 100 war songs were inspired that were sung by our soldiers. One of the grandest lyrics of the war on the southern side was written by James R. Randall, of Maryland. He was but a stripling boy, almost, when he wrote it, although he had graduated in a Maryland college and was at the time a professor of a Louisiana college. He wrote that poetic gem to induce his State to secede from the Union. I first heard that song down on the Holstein River, in east Tennessee, about 20 miles south of Knoxville. It was our first day in from over the Cumberland Mountains and I was ordered to place a picket line around our camp from right to left, resting on the river.

Just as I was placing the picket line upon the left, by the road that ran along the river, I heard a sweet voice singing:

The despot's heel is on thy shore, Maryland!
His touch is at thy temple door, Maryland!
Avenge the patriotic gore
That flecked the streets of Baltimore,
And be the battle queen of yore,
Oh, Maryland, my Maryland!

I had not heard a woman's voice in song for over a year. I looked down into the thicket and caught a glimpse of a cottage by the river side and saw a girl at a piano. Just then there was a picket shot on the line, and I heard the clang of a saber, followed by the rattling of hoofs. The captain of a small force of Confederate scouts galloped out into the darkness. The song stopped at a semicolon, and I never heard the

last of it until our camp was at Salisbury, N. C., after the war was over, and I never knew who wrote it until then.

Another song, one of the most thrilling dramatic poems of the entire war, was by Father Ryan, of Mobile, Ala., who was the chaplain of an Alabama regiment. He wrote that poem the day after Lee's surrender. He was upon a bed of sickness and racked with fever, but he wrote that saddest of all the war lyrics in a single hour. I saw it first in a newspaper printed at Salisbury on old brown paper, the only paper the Confederates had, at the close of the war. It was claimed by half a dozen song writers of the South. I never knew who wrote it until I purchased a copy of Father Ryan's poems, published in Baltimore 20 years after the war. I quote from memory a stanza from that song:

Furl that banner, for its weary;
Round its staff 'tis drooping dreary.
Furl it, fold it, it is best,
For there's not a man to wave it,
And there's no one left to lave it
In the blood which heroes gave it.
Furl it, hide it, let it rest!

Gen. GEORGE W. GORDON was the peer of any officer who ever drew a sword along a battle line. He was in the midst of the fray at Missionary Ridge and the two days' terrible combat at Chickamauga. He was in all that 110 days' campaign of constant skirmish and battle from Rocky Pace Mountain to Atlanta, including 20 desperate battles.

Franklin was Gen. GORDON'S last battle, and Franklin was the fiercest, the bloodiest, and the most signal battle of the entire war. The war histories tell us more of Nashville, a 2 days' battle 15 days later, but Nashville was a dress parade compared with Franklin. I was at the front in both battles. Gen. GORDON was a brigadier general in command of a brigade at Franklin, and he was abreast of the front line of bayonets in that mad, wild, desperate charge. He was wounded and captured on the Federal breastworks. In the books of war the place for a brigadier general is in the center and rear of his brigade, but Gen. GORDON was a chivalric knight with flaming sword leading that line of gleaming bayonets.

In Col. Wilson J. Vance's war history I find the following paragraph on the Battle of Franklin:

There was greater loss, greater sacrifice, and more bloody fighting on the part of old Frank Cheatham's men on that beautiful Wednesday eve, November 30, 1864, than took place on any field of the Crimean War. While 37 per cent of Lord Cardigan's 673 men were killed or wounded in the memorable charge of the 600 at Balaklava, more than half of Gen. Cleburn's and Brown's divisions were left dead or wounded in the fields and gardens of that little Tennessee town.

That brilliant Tennessee journalist and poet and historian, John Trotwood Moore, in his new book, entitled "The Bishop of Cotton Town," gives a chapter on the Battle of Franklin. John Trotwood Moore was there. He was too young a half century ago for a soldier, but from a hill overlooking the lovely valley where the cold steel of the Blue and the Gray clashed for six terrible hours he saw this historic conflict, the most desperate of all the centuries.

And of all the descriptions of that contest from the Confederate side his depiction is the most realistic and dramatic. Let me quote from John Trotwood Moore on the opening of the battle:

There stands to-day, as it stood then, in front of the town of Franklin, on the highest point of the ridge, a large linden tree, now showing the effects of age. It was half past 3 in the afternoon of November 30, 1864, when Gen. Hood rode unattended to that tree, threw the stump of the leg that was shot off at Chickamauga over the pommel of his saddle, drew out his field glass, and sat looking across the valley at the position of the enemy. It was the silence that always precedes a great battle. Presently the silence was broken by the soft strains of music which floated up from the town below. It was the Federal band playing "Just before the battle, mother." The men in gray on the hill and the men in blue in the valley below listened. There were tears in many eyes, as the pathetic words were well remembered—

"Just before the battle, mother,
I am thinking most of you."

I was at Franklin, on the Union side, and I saw and heard it all from an advanced position near the center of the Federal line. I saw and heard it all—all that a soldier can see and hear amid the glare, the thunderous roar, the stifling battle smoke, the yells of the victors, the agonizing groans of the wounded and dying. I remember the scene just before the battle, as described by John Trotwood Moore; I see it now as I saw it then—a lovely valley basking in the mellow glory of November sunshine. I see the little town of Franklin, quiet yet restless, just inside the circle of the Federal lines. These lines extended from river to river. There were orchards and meadows and gardens and meandering brooks that shone in the sunlight like threads of silver. There were patches of woodland in the rich foliage of the autumn leaves, in scarlet, gold, and green, tinged with the early frosts to gladden and glorify their fall.

What a pathetic picture to soothe the homesick heart of the tired soldier, sick of war and its ghastly carnage. Here was Gen. Pat. Cleburne, the soldier whose brigade of stalwart veterans had, in the retreat from Chickamauga, checked the whole Federal Army at Ringgold Gap. Gen. Cleburne expressed a wish that should he die in battle it should be in this lovely valley. It was a prophetic wish, for only five hours later he and 13 other general field officers yielded up their lives around the bloody battle lines of Franklin. I shall not attempt to tell of the awful struggle at Franklin, only to give some battle memories that came into my life on that terrible afternoon.

I was speaking of Gen. Hood, the commanding general, who sat on his horse under the linden tree taking a survey of the Federal lines. Suddenly he closed his field glasses, wheeled his horse, and rode back to Gen. Stewart, with the command, "General, we will charge the Federal line of battle in front." Stewart formed his corps on the right. Gen. Cheatham formed his corps on the left. A cannon on the ridge sounded the signal for the charge. With bayonets fixed, the heavy columns, all veterans, marched with a steady and even tread down the slope. The fiercest and bloodiest battle of the centuries was on. Gen. Forrest's cavalry on the extreme right rested on the Harpeth River.

In 1874 a southern soldier, who was in that battle line with Gen. Cleburne, wrote a valuable article on this marvelous charge in the Southern Magazine, then edited by Gen. Basil Duke, of Louisville. I quote a paragraph:

The hottest part of the line was a black-locust thicket just at the right of the Columbia Pike.

This is correct; I was at that part of the line. I have a distinct recollection of that locust thicket, and I can see now, as I saw then, that waving line of shining bayonets as it rushed to the works with that defiant rebel yell, and the mad and murderous conflict that followed. On the left of my command the Federal lines gave way. Gen. Cleburne was abreast of that charging line. He fell just at the left of my regiment. John Trotwood Moore, in depicting this furious charge, says:

As they rushed on the Federal line of battle a gray figure on a chestnut horse rode diagonally across the front of the charging column. The horse went down within 50 yards of the breastworks. The rider arose, waved his sword and led his men on foot to the ramparts, then his brave form staggered and fell against the Federal line, pierced with minie balls. His corps was swept back under a terrific fire of musketry, nearly one-half either killed or wounded.

A few yards on the Confederate right Gen. GORDON, who was also abreast of the charging line, fell, just under the fresh earth of the breastworks. He was wounded and captured, as he refused to fall back. Near this spot Gen. Adams also fell. He stood upon the parapet and was fatally shot, his horse falling across the breastworks. My old friend, Gen. Jack Casement, of Ohio, was commanding a Union brigade where Gen. Adams fell. Deeply touched with his splendid courage, Gen. Casement had cotton brought from the old ginhouse and placed under the dying soldier's head. "You are too brave a man to die," said Casement, "and I wish I could save you." Gen. Carter fell mortally wounded before reaching the Federal battle line. Gen. Stahl reached the ditch; he stood on the bodies of the dead and gave commands and rallied his men.

Not a hundred yards away lay Gen. Granbury, dead. He died leading the brave Texans to the works. A minute more and Gen. Carter and Gen. Stahl fell, both mortally wounded. Twelve Confederate generals were either dead or wounded; colonels were commanding divisions, captains were commanding brigades. More generals were killed in that six hours' struggle in front of that little Tennessee town than were killed in the two days' fight at Chickamauga, or the three days' fight at Gettysburg, where three times as many soldiers were in the hell of battle.

The struggle closed at midnight—

Wrote Gen. Hood—

when the enemy, under orders, fell back on Nashville.

There were 47 Union dead, beside the wounded, in the little front yard of the Carter House alone, and they lay around the breastworks from river to river. Outside the breastworks in a wider line from river to river—a wider and thicker line—lay the Confederate dead. Amid the smoke and grime of battle, and under the dun clouds of battle smoke almost hiding the stars, the Blue and the Gray lines looked the same. I stood upon the parapet just before midnight and saw all that could be seen. I saw and heard all that my eyes could see, or my rent soul could contemplate in such an awful environment.

It was a spectacle to appall the stoutest heart. A Nashville poet wrote:

Ten thousand men, when the warfare was o'er,
Lay on the battlefield crimsoned in gore.

The wounded, shivering in the chilled November air; the heart-rending cries of the desperately wounded, and the prayers of the dying, filled me with an anguish that no language can describe. From that hour to this I have hated war. I was colonel, commanding the One hundred and eleventh Ohio, just to the right of the old cotton gin, and just in front of that grove of black locusts, described by John Trotwood Moore. Early

in the fight Col. Lowrey, of the One hundred and seventh Illinois, was killed, which left me the ranking officer of the battle line of the brigade, which I commanded to the end of the struggle.

The well-known war correspondent Loomis, "writing" of this battle field, said:

I have seen many battle fields, but never saw evidences of so terrible a conflict as I saw in front of the position of the One hundred and eleventh Ohio Infantry. I counted 12 locust trees in one cluster that were almost shot off with musket balls. How men could be prevailed upon to charge and recharge against such a wall of fire, I can not understand.

The Nashville Times of December 3, three days after the battle, printed the following editorial:

The One hundred and eleventh Ohio Infantry, Col. SHERWOOD commanding, was exposed to the shock of the fierce charges at Franklin, and stood firm with signal valor. Its losses were very severe. Of its officers, Lieuts. Bennett and Curtis were killed, Maj. McCord was severely wounded, Capts. Southworth and Dowling were very severely wounded, also Lieuts. Baker, Beery, and Kintigh.

In officers and men my regiment suffered more fatalities than any regiment in the Union Army. Franklin was Gen. GEORGE W. GORDON'S last battle. It was his last of over 30 battles, and in every one he was always at the front.

As a soldier Gen. GORDON was the peer of any officer who wore the gray or who ever drew a sword along a battle line.

As a bronzed and grizzled old soldier who fought on the other side, I esteem it an honor to be called upon to-day to pay my humble tribute to Gen. GEORGE W. GORDON, of heroic memory. None knew him well but to love him; none knew his record of civic achievements but to praise. In the beautiful cemetery at Memphis all that is mortal of our honored friend sleeps well. Every recurring year, with the birth of the glowing May, gentle hands will scatter the choicest flowers over his grave in grateful recognition of his wholesome Christian life and in honor of his name and fame. And above the green sod where our hero sleeps the snowy magnolia will diffuse a sweeter balm, and the wild passion flower, winding its sweet tendrils above the waving grasses, will gather tears beneath the stars and shed them in the sunlight.

On Memorial Day in 1867 a patriotic group of splendid southern women, at Columbus, Miss., scattered flowers upon the graves of Confederate and Union soldiers alike. This was the inspiration for one of the finest poetic gems in the literature of patriotism. It is entitled "The Blue and the Gray," by Francis Miles Finch. I quote the last stanza:

No more shall the war cry sever
Or the winding rivers be red.
They banish our anger forever,
When they laurel the graves of our dead.
Under the sod and the dew,
Waiting the judgment day—
Under the roses the Blue,
Under the lilies the Gray.

Mr. BYRNS of Tennessee. Mr. Speaker, it was my privilege to have known Gen. GEORGE W. GORDON personally but a little more than two years prior to his death, in August, 1911. I first met him when I entered Congress, in March, 1909, at which time he was just beginning his second term as the Representative from the tenth congressional district of Tennessee, but, while I had known him for so short a time, it is a source of peculiar pride and great gratification to me that we became warm personal friends. He was my good friend, a fact which he demonstrated in more than one instance, and I loved him dearly for his many noble qualities of mind and soul.

Others have spoken and will speak, Mr. Speaker, of his activities and his accomplishments in life, of his long and highly honorable career in varied fields of endeavor and of usefulness to the community in which he lived, to his State, his beloved Southland, and his country. It is not my purpose, therefore, to do more than to briefly refer to the record of his life and his achievements. Its history shows that he was always gentle and kind, loyal and brave, faithful and true, whether as a private citizen, the superintendent of schools, charged with the responsible task of educating the youth of his splendid home city, the soldier and the general leading his troops in the very thickest of the fray on the field of battle, or as a national lawmaker commissioned by his people to represent them in the Halls of Congress.

Gen. GORDON lived a long and useful life. He held at various times many important positions of honor and responsibility. He filled all of them with credit and distinction to himself and with entire satisfaction to those whom he served. He was very fond of referring to his service as superintendent of the city schools of Memphis, and was particularly proud of the friendship shown him by his former pupils, many of whom had reached the age of manhood and womanhood when he was first elected to Congress. The daily association and intimate relationship existing between schoolmaster and pupil affords the very best opportunity for forming a just and accurate estimate of each other's character. The young mind is not swayed by motives of jealousy, prejudice, or personal interest, and while it is swift to detect a weakness it is equally quick to observe and give proper credit to the firm and strong character, and the impressions thus formed last throughout a lifetime. The pupils of the city schools of Memphis during Gen. GORDON'S service as superintendent had every opportunity to know Gen. GORDON, and they loved him for his kindly and generous nature, his fidelity of purpose, his lofty character, and his sterling worth. I have heard him say, with evident pride, that his election to this body was due, in a large measure, to their personal friendship and devotion.

But, Mr. Speaker, of all the positions held by him, he was by far most proud of the position of commander in chief of the United Confederate Veterans, a position to which he had been twice elected by his old comrades in arms, and which he held at the time of his death. He had enlisted in the Confederate Army as a private; he had endured the privations and shared all of the dangers of the Confederate soldier; step by step he had risen in rank until, by reason of his courage and gallantry on many a battle field, he was made a brigadier general in the service; and it would have been strange indeed if he had not considered his election as commander in chief of the Confederate Veterans by his old comrades the crowning honor and glory of his life. And, Mr. Speaker, his election was a just tribute to the man and the soldier. It was an honor well deserved, for he had shared the perils of the Confederate soldier and bared his breast to the storm of bullets in nearly every battle of the Georgia and Tennessee campaigns, including Murfreesboro, Chickamauga, Missionary Ridge, Resaca, New Hope Church, Kenesaw Mountain, Peachtree Creek, Atlanta, and at Franklin, where he led his men charging across the parapets of the Federal troops and into the very jaws of death.

Gen. GORDON was fond of talking about the events of the Civil War, but the modesty of the man was such that he rarely referred to his own personal experiences, unless specifically asked to do so. Some time before his death I was present at a dinner at the home of Secretary of War Dickinson, when our host asked him to relate the part which he played in the fierce conflict at Franklin, the bloodiest battle of the Civil War. I recall how embarrassed he seemed and how loath he was to speak of himself. I remember that he passed over his own heroic conduct in a few words, but dwelt at length on the heroism shown by his men, not forgetting to pay a generous tribute to the courage and gallantry of their antagonists.

He firmly believed in the righteousness of the cause for which he and his brave brethren of the South fought. He never surrendered his convictions that he and they were right. But there was no bitterness in his heart, nor did any feeling of disappointment linger in his breast. He cheerfully accepted the arbitrament of arms as the decree of God and loved the flag which is at once the protection and the hope of our reunited and common country. He believed that the South was misunderstood. He felt that history, as written, does not fully and faithfully record the events leading up to and the causes which brought about the War between the States, and he feared that future generations might misinterpret the true motives and purposes of the southern people and their leaders in withdrawing from the Union. In speaking of this to me, a short while before his death, he told me that he had for some time been gathering data and materials, and that he was contemplating retiring from Congress at the end of his term, in order to devote the last years of his life to writing a school history which would treat of the events that brought about the war from the standpoint of the South and would place before the young southern generations of the future the true motives which actuated their forefathers.

But, Mr. Speaker, it is truly said that "man proposes but God disposes." Gen. GORDON was not to be permitted to do this work in behalf of his beloved Southland as he had planned. Even as he talked of it the shadow of death was hovering over him, and it was but a few short months until he passed over the river, where he "rests under the shade" with Stonewall Jackson and the long line of heroes on both sides of that great war.

One of the most striking characteristics of Gen. GORDON'S life was his intense devotion to duty. I will always believe that this high sense of duty hastened his end. For nearly a year prior to his death his health was poor, and at times he was barely able to attend to his official duties. Representing a district having a combined city and country population, his work was always heavy, and notwithstanding his failing health and enfeebled condition, night after night found him at his desk attending to his correspondence and the other manifold duties which his position devolved upon him. It was this sense of duty, as well as the pleasure of renewing associations with his old comrades, which carried him, in his enfeebled state of health, to the Confederate reunion at Little Rock in May, 1911.

He became critically ill while there, but as soon as he was able to travel he journeyed back to Washington, where during the sweltering days of June and July he remained at his post of duty, despite the entreaties of friends that he go to some health resort and try to recuperate his fast-failing strength. But he remained until sheer weakness forced him to leave, and it was but a few days thereafter when his colleagues learned that he had quietly passed away in his home at Memphis in the arms of his gentle and grief-stricken wife and surrounded by the friends he loved. On the occasion of his funeral many thousands of men, women, and children lined the streets along which passed the funeral cortege, in which the chief place of honor was given to the beloved survivors of those who wore the gray. Thousands followed the remains to Elmwood Cemetery, and there amid the luxuriant foliage and under nature's green covering the statesman, the soldier, and the citizen was laid away to rest until the final summons on resurrection morn.

Who will deny, Mr. Speaker, that a life such as Gen. GORDON lived has its recompense, not only in this world but also in the great beyond? To those who were privileged to know him his life will serve as a shining example of all that is true and noble. The immortelles of memory, which fade not in a day like the flower culled from the garden, will cluster around his kind deeds and noble life until memory itself is no more. The growing plants, the budding trees, the blossoming flowers, and all creation tell us that the knightly soul of our departed friend and colleague is somewhere and somehow reaping the rich rewards of a well-spent life.

Mr. KAHN. Mr. Speaker, I shall not attempt to detail the life work of our lamented colleague, Gen. GEORGE WASHINGTON GORDON. Those who knew him longer and better are qualified to perform that service in a much abler manner than I. My acquaintanceship with him began after his election to a seat in the House of Representatives in the Sixtieth Congress. He became a member of the Committee on Military Affairs, and it was as a member of that committee that I learned to know and recognize his splendid abilities as a legislator and to respect and esteem him highly as a man.

He had been a soldier himself and had earned distinguished honors in the Confederate Army. Like all truly brave and generous men, he never bore malice toward a valiant foe. As a member of the Committee on Military Affairs of this House he was frequently called upon to pass upon questions affecting men who had fought against him in the giant struggle between the States. In passing upon those questions he was always fair, just, broad-minded. There was nothing that savored of partisanship in his entire make-up. He was on all occasions and at all times the courtly, courteous gentleman; one of that dignified, polished type whom we love to designate as a gentleman of the old school. He was ever ready and willing to perform his whole duty with unswerving devotion to his immediate constituency, his State, and his country. The even-poised balance of justice was constantly his standard of righteousness in all his dealings with his fellow men.

The world is always better for the lives of such men as Gen. GORDON, for the force of good example at all times has a beneficial effect on all mankind. That his friends and neighbors loved, honored, and esteemed him in his lifetime and revered his memory in death was made abundantly manifest on the day of his interment. Thousands of his fellow citizens followed the funeral cortege to the beautiful Elmwood Cemetery in Memphis, where all that was mortal of him sleeps the sleep everlasting. Still other thousands lined the streets through which the solemn procession wended its way. Northern veterans vied with southern veterans in paying their last sad tribute of affection to this quiet, kindly friend and neighbor—this modest yet steadfast tribune of the people. The grief was universal. There was scarcely a dry eye in all that multitude, and as though the heavens themselves had become affected by the genuine sorrow of those who knew and loved him best the gentle raindrops fell upon his grave as the casket in which he was laid to rest was forever covered up from mortal ken.

Mr. Speaker, our lamented colleague has solved the great mystery of life and death. Himself a grand commander of men on this terrestial globe, he has gone before the Celestial Grand Commander of the Universe and all is well with him, while to his bereaved family we say, "Be comforted, for surely ye will meet him again in the great hereafter."

Mr. STEPHENS of Mississippi. Mr. Speaker, I desire to pay a brief tribute to the memory of Gen. GORDON, for whom I entertained great respect and esteem.

At an early age he enlisted in the Confederate Army and made a record of gallantry on a dozen bloody battlefields of the Army of Tennessee. Entering the army as a private, he was promoted several times, and at the end of the war he was brigadier general. He fought at Chickamauga, Murfreesboro, Missionary Ridge, Resaca, New Hope Church, Kenesaw Mountain, Peachtree Creek, Atlanta, and Franklin. He was captured at Franklin, where his men were the first of the Confederate Army to reach the parapet of the Federal works and pierce the enemy's line, and he was within those lines when made a prisoner.

He took a very prominent part in that great battle. In describing it afterwards he said: "The booming of cannon, the bursting of bombs, the rattle of musketry, the shrieking of shells, the whizzing of bullets, the shouting of hosts, and the falling of men in their struggle for victory, all made a scene of surpassing terror and awful grandeur."

The war ended, he returned home to take up the duties of life. He bowed to the decree of war, probably feeling—

> So be it then! We may not say
> Whether this thing be worst or best,
> But God knows, let it rest.
> Yea, let it rest, and in our place
> Let each do well some worthy deed
> Whereof the sickly world has some need.
> So much, no more, our hands can do.
> So much, then, let us do, and wait,
> Though bitter be the heart's debate.

I doubt not that his life has been an inspiration, a benediction, to many a youth who knew him and came in contact with him.

He was of the class who concern themselves with benefiting rather than condemning.

He was one of those who do right with compelling insistence and are not even afraid that they may do wrong—a malady none too seldom found among those who are not sure of their approaches, who distrust themselves and stand with reluctant feet, holding action in subjection, on the very threshold of duty.

He was a success because he followed principle through light and darkness.

He had an intense "love for justice and hatred of iniquity."

He was a disciple of wisdom, and loved humanity, his country, and his God.

He was not a mere moralizing moralist, who dreams or deals in abstractions and mourns because the world is not better, but he was an acting, potential moralist who improved and purified the concrete activities of life.

He was human and probably made mistakes, but, if so—

> He erred, and was sorry; but never drew
> A trusting heart from the pure and true.
> When friends look back from the years to be,
> God grant they may say such things of me.

He maintained at all times that dignity that is indicative of the trained soldier.

He always bore himself as becomes the high-minded, courteous southern gentleman of the old school. Kindness was the fruit, courtesy the flower of his character. From these cordial sentiments "spring blossoms and flowers of spiritual beauty that are captivating ornaments to the person and exhale an atmosphere of refinement and tenderness wherein the harsher self is soothed into disinterestedness and devotion."

He has passed from us; but he had done a large labor and it was done in full manhood and good faith. May we profit by his life and emulate his example.

Mr. THISTLEWOOD. Mr. Speaker, when I entered the first session of the Sixtieth Congress in February, 1908, I found Gen. GEORGE W. GORDON representing the tenth district of Tennessee. He had entered Congress at the beginning of the session while I came in to fill a vacancy in February.

Boarding at the same hotel, I soon became acquainted with him. He was a reserved man, very quiet, but of a social disposition. He was a very hard worker and much devoted to the interests of the people of his district and of the Southland. He was faithful in attendance on the sessions of the House, and then worked late at night attending to his correspondence and in the preparation of his work for the next day. He was very popular in his home town. I attended his funeral at Memphis, and I think I never saw such universal respect as was paid to him by all classes of people. Business was almost universally suspended and silence seemed to pervade the city, which bespoke the genuine feeling of sorrow as evidenced by his friends and neighbors.

At the time of Gen. GORDON's death he was the commander in chief of the United Confederate Veterans, an organization of veteran soldiers. He had been many times reelected. His comrades evinced such loyalty to his memory, such respect for his many virtues as belonged only to the brave and courageous.

Gen. GORDON attained the rank of major general, I think, in the Confederate Army; was wounded in battle; taken prisoner at Franklin; and was not released until after the close of the war in 1865. But unmindful of the misfortunes of war, he set the example and went to work manfully to build up the waste places. How well he and his comrades succeeded in doing this

is evidenced by the prosperity of the South to-day. No section of the country, notwithstanding the fearful destruction of war, has builded up more rapidly than the South.

Gen. GORDON will be missed. His family will miss him at the fireside when the shades of evening gather around. His colleagues in Congress will miss his quiet, gentle influence on the passage of bills for the benefit of his section and for the benefit of the country.

When a good man dies,
Whose nobleness succeeds
To bless the many needs
And cheer the heart that bleeds
With high, unselfish deeds;
We can not count the cost,
Nor reckon what we've lost,
When a good man dies.

Mr. SLAYDEN. Mr. Speaker, peculiar interest attaches to the memory of our departed friend, for the last of the Confederate brigadiers left Congress when GEORGE W. GORDON joined his comrades who wore the gray in the great struggle of 50 years ago. His death ends an epoch.

The coming of the Confederate brigadier to the Congress of the United States in 1873 made a political sensation. It was the beginning of a new chapter in the history of our country and was the first outward and visible sign of the restoration of the Union, to accomplish which the most prodigal expenditure of blood and treasure known to the annals of government had been made. The war was over, and the readmission of the Southern States to a share in government was actually begun.

The restoration of government in the South to those best qualified to administer it brought the ex-Confederate forward. It was the most natural and reasonable thing in the world that men who had been leaders in war would, because they possessed the quality of leadership, be also the captains of a political movement that demanded the same sort of wisdom, patience, and courage.

No man from the South has ever had cause to blush for their appearance in this Hall or for their conduct while here.

This is hardly an appropriate occasion for historical review; but just to show the reason for the appearance in Congress of such men as Gen. GORDON, I will mention one or two things in connection with the affairs of the South. Promptly after the close of the War between the States came reconstruction, a horror that we would like to forget; then reenfranchisement, for which we were and are grateful; and then, the way being opened by the restoration of citizenship to the whites of the South, the Confederate brigadier made his appearance in this or the other Chamber.

Why should they not have come? They had been gallant and loyal men in arms; they were honest and frank in politics. Their worth had been proven in the crucible of war, and of course their people trusted them. The protest against their appearance as Senators and Representatives, made as part of the play of partisan politics, went unheeded, at least in the South, and their records have justified the confidence that was given them.

If one will look over the directories of the Thirty-seventh, Thirty-eighth, Thirty-ninth, and Fortieth Congresses, he will find after the names of certain States the word "vacant." In the Fortieth Congress, in some instances, the word "vacant" had been replaced with the names of strangers. I forbear to say more than that one will look in vain in the list of southern Representatives and Senators of that period for the names of citizens of the Commonwealths that they claimed to represent who were in any way associated with their history in purer and happier days.

Not until the Forty-first Congress had convened was there even nominally a full representation in Congress from those States that were the Southern Confederacy. It was in the Forty-third Congress, elected in 1872, the real people of the South being again in possession of their local and State governments, that the man who had risked his life for and with them made his appearance in Washington as Representative in one house or the other. Their names are nearly all found on the South's roll of honor. Their lives make the proudest chapters in our history of the last 50 years.

There were, among others, Alexander H. Stephens, of Georgia, a great statesman; John B. Gordon, the soldier whose natural ability supplied the lack of training and made him an eminent commander; and Norwood and Ransom. These were soon followed by Reagan, Mills, Maxey, Culberson, and other distinguished figures of the Southern Confederacy from Texas. Virginia and Alabama, so rich in those jewels that made Cornelia a boaster, sent their best, as everyone will admit who had the privilege of knowing Morgan, Pettus, and Daniel. There was Lamar, of Mississippi, who was a great figure in the actual shock of battle and who also won proud eminence as legislator, academician, and jurist. There was Cockrell, whose dash and gallantry as a soldier was hardly suspected by his colleagues, who only knew him as a persistent, painstaking Senator. Then there were Vance, of North Carolina, of cheerful and blessed memory; Butler, of South Carolina; Harris, of Tennessee, in whom high character and perfect courtesy were so well combined; Walthall—the knightly Walthall—of Mississippi; and Bate, of Tennessee, the hero of two wars. An estimate of their characters may be confidently left to the impartial writer of history. The whispers of slander did not disturb them. There was no suspicion of dishonesty, no taint of graft, attaching to them. They may not all have been great statesmen, but they were never excelled in the essential traits of manliness. They were brave, honest, truthful, courteous, and gentle. What more can one ask or expect?

My own career in Congress is not a very long one, but it takes me back to a personal acquaintance with a few of the Confederate brigadiers who were then in service. When I came I found here Morgan and Pettus, of Alabama, both of whom wrote their names so large in the affairs of the country that many generations will come and go before they are effaced; McEnery, of Louisiana, major general in the Confederacy and later so signally honored by his State; Walthall, Catchings, and Hooker, of Mississippi; Mills, of Texas; Daniel, of Virginia; and Bate, of Tennessee. It was indeed a privilege and pleasure to know these heroes of a great war who did not whine in adversity or declaim against fate.

Our dear friend whose memory we are now honoring was a worthy successor to the great men that I have just referred to. The high standard they made he measured up to. The traditions they left were not dimmed or dishonored in his person and service. As a soldier his career was without blemish; as a citizen he was repeatedly and persistently honored by his people, and when he died his neighbors at home and here were sincere mourners.

He put nothing into his brief and modest biography for the Directory that was not essential, and one can only get a hint of his exciting and picturesque life by reading it.

It appears that he had military training; that when the War between the States came he was made drillmaster of the Eleventh Tennessee Infantry, and that with that organization he went into the service of the Confederacy. He was gradually promoted from the grade of captain up to and including that of brigadier general. This we learn from the brief biographical sketch in the Directory, but we do not learn there that each promotion was earned by gallant and meritorious service on the field of battle, nor that he had the star of a general officer on his shoulder before his beard had fully grown. He missed no engagements in which his regiment had a part unless in hospital with wounds or in prison.

I remember that on one occasion the Committee on Military Affairs was hearing some citizens of Tennessee who wanted a park made of the Franklin battle field. They knew of the fight there only by tradition, and the account they gave of it, while interesting, as the story of one of the bloodiest engagements of the whole Civil War must be, differed little from the written descriptions accessible to every committeeman.

It was suggested by some one that Gen. GORDON had been in that battle, and he was asked to tell the story. He did so. With modesty and with scant reference to his own part in it he told us of the Battle of Franklin. His story was simple and graphic. He did not exaggerate the courage of his own side or disparage that of the enemy. But no member of the committee who heard his description of that great fight between their countrymen will ever forget it or him. Few of them knew that the modest—almost shrinkingly modest—gentleman who sat with them from day to day, engaged in the discharge of commonplace duties, was one of the heroes of a great war. They knew him as a man of extreme courtesy and winning gentleness of manner. They knew he was no swashbuckler; they did not know he was a paladin.

One had only to meet GEORGE W. GORDON to respect him. To know him was to love him.

Gen. GORDON was an earnest supporter of the movement for world-wide peace through arbitration. I have heard him plead eloquently for arbitration. He knew from hard experience the unreason of war. As a statesman and Christian he appreciated the advantages of peace. He was invariably found on the side of right and justice, and he leant toward mercy always.

It is not likely that ever again will a Confederate brigadier be seen or heard in the American Congress. It is gratifying to every southern man to know that the last Confederate GORDON was a credit to the first; that the standard of honesty and honor, if they be distinguishable, set up by his comrades who preceded him was maintained to the end. Peace to his ashes.

Mr. TILSON. Mr. Speaker, my acquaintance with Gen. GEORGE WASHINGTON GORDON was limited to less than three years, and yet so deep was the impression this strong, brave, gentle character made upon me during this brief period that I am unwilling to let this occasion pass without bringing here just a few words of affectionate regard for him.

Though I was born in the same State where he lived and did his life's work, it was not my good fortune to meet or know him until the beginning of the Sixty-first Congress. The fact of my birthplace being in Tennessee soon brought me to know all the Representatives of that State, and as Gen. GORDON and myself were assigned to membership on the same great committee of this House the opportunity for closer acquaintance and friendship was presented. It is cause for genuine satisfaction to me that the opportunity was improved.

Naturally much of our conversation turned upon the stirring times of the Civil War. It was my lot to be born after that unhappy strife had ended, but in a region whose people had suffered much loss of life and property and whose lands had been devastated by the armies of both sides to the conflict impartially. Hence from my earliest youth I had been thrilled by much of the story from my parents and other older friends who had lived through that period. Gen. GORDON had not only lived through those times but had been a prominent and potent participant. It was, therefore, a rare treat for me to hear him on this subject. His well-known and unusual modesty made it somewhat difficult to draw him out, especially as to the part he played in the struggle. Once in a while, however, when only a few members of the committee happened to be together informally, he could be induced to unbosom himself. I shall never forget his vivid description of the Battle of Franklin, to which the gentleman from Texas [Mr. SLAYDEN] has just referred. As he described that awful scene of carnage and death the intervening years seemed to fade out, and it was as if we were actually living through it. We could see the brigade commanded by Gen. GORDON as it charged the Federal breastworks, the bullets hailing and the onrushing lines of his brave men thinning until the survivors reached the very ditch in front of the earthworks. They had literally fought to the last ditch, and there he and a few of his men, within a rifle's length of the enemy, were overwhelmed and captured.

Knowing his extreme gentleness of manner and sweetness of character, it was sometimes difficult to think of him as a valiant warrior, but those of us who were fortunate enough to hear his description of the Battle of Franklin will never doubt his presence on that bloody field nor the gallant part he played there.

Just one other point in Gen. GORDON'S character, quite in accord with what has already been said, was his magnanimity toward Union soldiers. The Committee on Military Affairs has to consider an endless number of bills for the relief of soldiers from the consequences of actual or technical violations of military law, orders, and regulations. Whenever there was reasonable doubt as to whether actual blame rested upon a soldier, Gen. GORDON'S voice was always for leniency, and more especially so if the record of the soldier for long service and brave conduct proved to be good. Such generosity to a one-time foe, while not unusual among those who really fought the battles of that great war, is as beautiful as it is inspiring.

Mr. HOUSTON. Mr. Speaker, I shall not on this occasion attempt to outline the life and career of Gen. GORDON or to call attention even to notable and heroic events connected with his life, although there were so many. The annals of the times furnish a history of his career. I come only to pay my tribute of love and respect to his memory and to voice my sorrow that he is no more. My acquaintance with him began with the assembling of the Sixtieth Congress, and I was in close contact with him from that period until the end came to him. As my knowledge of the man became more and more intimate from day to day my admiration and reverence for him grew step by step. With steady purpose and an unfaltering adherence to his convictions he pursued the even tenor of his way without hesitation. He was inspired always with a sublime faith and intense conviction, and his course never wavered in his adherence to his faith and conviction of right. With ready will and determined purpose he met every duty, and no influence was strong enough, and no fear of effect upon his personal and political fortune strong enough, to cause him to falter. With a courage that was sublime, he met every issue and discharged every duty. His record as a soldier is one of which a nation can be proud. His spirit was as gentle and as kind as the dove, and his courage in war was strong as that of the lion. In the discharge of his duties as a civilian and as a public official he possessed the same high courage and indomitable will to stand for and to advocate the righteous cause. He was an aggressive foe to political corruption in every form, and he did not hesitate to take upon himself the responsibility of antagonizing evil practices of every kind and to openly and steadfastly fight to suppress every effort to corrupt or demoralize the political practices of his day and time. I have seen him cast votes as a Member of this House that required great courage, and he always had that courage to cast his vote according to his conviction of the right.

It might be said that he was a type of the old school, but in no sense did he linger amid the ruins of the past or did he pine for departed institutions. At the end of the Civil War, when the South—

> Dropped from her nerveless grasp the shattered spear,
> Closed her bright eye and curbed her high career—

he accepted the decree of battle and met living issues with his face set toward the future, determined in every condition to work and to labor for the interest of his people and the success of the right. He kept abreast of the times and with a willing hand was ready to do his part in every struggle that involved the interest of his country and the elevation of his people.

The honors conferred upon him by the survivors of that cause to which he devoted his service and his life in his younger days attest how much his comrades honored and loved him. The positions of honor and trust to which he was assigned by his people in his latter years bespeak the trust they placed in him. Those who knew him believed in him and loved him, and his public record bears high evidence that their trust and affection was not misplaced. As a Member of this House he commanded the absolute confidence of all, and his death is mourned in affectionate remembrance.

I was a member of the funeral party that conducted his remains to his beloved State and home, and as the funeral procession passed along the streets of Memphis the streets were filled for miles with mourning and weeping friends and constituents. It was a tribute that spoke unmistakably of the love his people bore him.

In his case "the hand of the Reaper took the ear that was hoary," still the harvest might have been delayed but for his indefatigable energy and perseverance in laboring for his constituents. Few Members of the House devoted so many hours each day to the service of their people, and, no doubt, he would have been spared longer but for his unremitting toil. But his life was complete, his work well done, and the harvest was ready. It has been said that "He lives longest who does most good deeds," and, measured by this standard, his career reached a limit among the longest. It is a priceless treasure to have known such a man, and a blessing to a country to have the service of such a one, and a jewel in Tennessee's crown of glory that he was one of her sons.

Mr. AUSTIN. Mr. Speaker, during the past four years Tennessee has lost three of its great public men who were Members of Congress, namely, Hon. Walter P. Brownlow, of Jonesboro, who died July 8, 1910; Gen. GEORGE W. GORDON, of Memphis, who died the 9th day of August, 1911; and Senator Robert L. Taylor, of Nashville, who died March 31, 1912. The people of the State, regardless of political affiliations, loved, trusted, and honored these three men. This was not only proven by their long and continuous public service, but there was still stronger evidence of it when the people paid their last loving tribute to them. These three men rendered great and invaluable service to the people of Tennessee, who will ever love and cherish their memories. They were very much alike in make-up and in disposition. They were kind, generous, tender, and genial. They were devoted to the interests of the "Volunteer State." They were unceasing in their efforts to advance and promote the interests of its people. I doubt if any man or woman ever appealed in vain to a single one of these men for a kindness or a favor. They made the world better by having lived in it. They marked out and led careers of goodness and usefulness that it would be well for those of their colleagues left behind to endeavor to follow and to imitate. In Tennessee there were many tear-dimmed eyes, many aching hearts in every county, every city, every hamlet, and away out in the country upon the farms when these three men passed into the great beyond. I met Gen. GORDON, to whose memory we are to-day paying a just and deserving tribute, for the first time upon the organization of the Sixty-first Congress, and our last parting was at the White House on the occasion of President Taft's twenty-fifth wedding anniversary, where he was accompanied by his devoted wife. He had only a short time before returned from the encampment of the Confederate veterans at Little Rock. That long, hot, and tedious journey to far away Arkansas to once more meet and mingle with his old comrades—those who had fought and suffered with him through that long, tragic Civil War; those whom he dearly loved—seemed to completely exhaust his strength and vitality. I recall how tired and weary he looked, and in a few days he was away in the mountains

of east Tennessee engaged in his last great fight—the fight for renewed health and life. But the waiting messenger would brook no delay, and he journeyed o'er the pleasant pathway that God had blazed for him to the stars. Gen. GORDON was a true son of Tennessee. He was an honest, just, and good man; a modest, generous, and brave soldier; a kind, loving, and thoughtful husband; and a worthy, industrious, faithful, and efficient public servant.

As the Representative of the southern district which contained more Union people and furnished the largest number of soldiers to the Union or Federal Army than any district south of Mason and Dixon line, I profoundly and sorrowfully regret Gen. GORDON's going.

Mr. GARRETT. Mr. Speaker, when the soul of Gen. GEORGE W. GORDON weighed anchor and sailed serenely out through the mists and shadows into the vast unknown, it was the passing of as brave and chivalrous a spirit as the generations in this Republic have produced. He was mourned and praised throughout the land, and more particularly in those great and gallant Commonwealths to which in the heyday of his life he dedicated himself and for which in battle after battle he struggled with well-nigh reckless abandon. The story of his life is one of decency, of dignity, and of eminent success.

He was born in Giles County, Tenn., October 5, 1836, and was reared chiefly in Mississippi and Texas. In 1859 he graduated from the Western Military Institute, at Nashville, Tenn., an institution at whose head was Bushrod Johnson, a graduate of West Point Military Academy. He had previously received a collegiate education of a high character, but his military training was that which he was first to need, for within less than two years from the time of his graduation the great War of Secession was on. His services were promptly offered to his native State, and he was assigned as drillmaster to the Eleventh Tennessee Infantry Regiment, which had just been organized and was in a camp of instruction at Camp Cheatham, in Robertson County, Tenn. After several weeks of assiduous drill at this point the regiment was transferred to eastern Tennessee. Here Capt. Woodward, of Company I—an Humphreys County, Tenn., company—having resigned, GORDON was elected as captain, in which capacity he served from August 1, 1861, until May 27, 1862, when he was promoted to be lieutenant colonel of the regiment. In November, 1862, he was promoted to be colonel, and August, 1864, he was appointed brigadier general. He assumed command of Vaughn's brigade, Cheatham's corps, Army of Tennessee, and served as such until he was captured, November 30, 1864, at the bloody battle of Franklin, Tenn.

After his capture there he was held as a prisoner of war, most of the time at Fort Warren, Mass., from which place he was released July 24, 1865.

Such is a brief outline of his military record. To fill in this outline and give in detail the record of his services, his struggles, and privations, his bold and magnificent deportment, would be a story as thrilling as that of the knights of old around whom so much of romance and tragedy has been woven. He was in the battles of Murfreesboro, Chickamauga, Missionary Ridge, Kenesaw Mountain, all save one of Hood and Sherman's battles around Atlanta and at Jonesboro, Ga., and that at Franklin, as well as innumerable skirmishes. He was thrice wounded, once dangerously, and thrice captured, being twice exchanged. His various promotions were the result not of political influence, but of distinct merit proven in the battle line. He was modest and brave and generous, a knightly man of a knightly land.

Those of us who were privileged to hear him tell his war reminiscences will recall his vividness of style and force of utterance and will also remember with what modesty he referred to his own part in the strife. Gentleness and modesty are characteristics of the brave. It was particularly interesting to hear him tell the story of the awful Battle of Franklin, where there was sustained a percentage of loss on the Confederate side, if I remember correctly, as great as if not greater than in any battle of the war, not excluding Gettysburg.

Gen. GORDON was a true soldier; military tactics and problems appealed to his mind, and his courageous spirit made the conflict a splendid concept to him, though he deplored with all his great heart its awful horrors.

After his release from prison he perfected himself as a lawyer and entered upon the practice in the city of Memphis. I do not know much of him as a lawyer, but it is my impression from what I have heard him say that, while the intellectual side of the law appealed to his mind, the practice was in some respects distasteful.

In 1883 the Legislature of Tennessee passed an act creating a railroad commission, and Gen. GORDON was appointed by Gov. Bate as one of the commissioners. His service upon this was in line with his high and honest character. The powers of the commission were not very great, but within the limit of those powers he rendered honest and efficient service.

In 1885 he was appointed to a position in the Interior Department of the Federal Government and served for four years with honor.

He then returned to Memphis and reengaged in the practice of law until 1892, when he was chosen superintendent of the city schools of Memphis. This was a congenial and delightful work. He brought to it a rich equipment of learning and executive ability, and for 15 years he administered this position with fidelity and to the eminent satisfaction of the people of that great city.

He acquired a plantation of considerable dimensions in the State of Mississippi and took great interest in agriculture, giving it a great deal of personal attention.

In 1906 he was elected as Representative in Congress from the tenth district of Tennessee; was reelected in 1908 and in 1910. He died at Memphis August 9, 1911, in the seventy-sixth year of his life. His service in this body was of the highest character. He was assigned at the beginning of his first term to the great and important Committee on Military Affairs and continued there until the end. His experience as a soldier gave him a practical equipment for this great work, and his industrious habits made him one of its most valuable members.

He was a man of the very highest civic ideals. He made one great speech upon this floor which it is a pity that every child in the Republic can not read. It dealt with the duties of the citizen in his relation to the Government; the duty of good men to participate in governmental affairs. It was saturated with the very highest quality of patriotism and was a most powerful plea and warning.

At the annual reunion of the United Confederate Veterans in 1910 Gen. GORDON was elected as their commander in chief, an honor which he prized perhaps more highly than any of the many that were paid him. He succeeded Gen. Clement A. Evans in that position. Gen. Evans died in July, 1911, and I remember that on the 4th of July I visited Gen. GORDON at his room in his hotel in this city when he was confined by the illness which led to his death, and found him sitting up in his bed preparing the order to be sent out announcing the death of his distinguished predecessor. It was one of Gen. GORDON's peculiarities that he never dictated to a stenographer. All letters he wrote himself in long hand and then turned them over to his secretary to copy on the typewriter. He said his mind would not work right dictating.

The order which he prepared on the death of Gen. Evans was a model of beautiful English, in the use of which Gen. GORDON was so very excellently gifted.

On the 5th of July he arose from his sick bed, over the protest of his physician, and went to the White House to see the President about the appointment of a young gentleman from his district to the Naval Academy, a young Jewish lad in whom he was especially interested.

This was, I think, probably his last official act. He left that evening or the next for Tate Springs, Tenn., where he remained until about three days before his death, when, realizing that the end was near, he asked to be carried to his beloved city to die. Arriving there on the 7th or 8th he grew gradually weaker and lapsed into unconsciousness. Late in the afternoon of the 9th he opened his eyes for an instant, and murmured, "Send other couriers, those may be killed," closed his eyes once more, and passed over to join Lee and Jackson and Forrest and all the long line of the Southland's distinguished and beloved dead.

He was a victim of fidelity to duty. He insisted upon attending the reunion of his comrades at Little Rock in May, 1911, when he was reelected as their commander in chief. He was then stricken and for several weeks was confined to his room. As soon as he felt at all able to make the trip he insisted upon returning to Washington, saying that his duties lay here. The intense heat of the city soon broke down his strength, which he could never recover.

I propose, Mr. Speaker, to insert here the tribute which was paid him when the news of his death reached this city, by another great and beloved Tennesseean, who has himself since passed into the mysterious land of shadows, the late Senator Robert L. Taylor. He said:

I have known Gen. GORDON ever since I was a boy, but I only became acquainted with him when I entered the Senate. Before then I only knew him as one of the South's bravest and knightliest soldiers of the Civil War. He never knew fear, either in battle or in peace. He never knew how to be false to his principles or to his people. He was as noble a man as ever lived or died. His death is a calamity to his State and to the South, but we can not bring him back to life again, for he has crossed over the river to rest with Stonewall Jackson "under the shade of the trees."

I loved him for his courage, for his honor, and for his loyalty to his people. He was one of the most industrious men in the Congress of the United States, and was always conscientious in the discharge of every

duty. My heart goes out to his sweet wife, who graced Washington with her splendid accomplishments and her beautiful life. Peace to his ashes.

He was, sir, a great, good, clean-souled gentleman. He sought his country's honors that he might serve his country's good. As soldier, lawyer, administrator, educator, legislator he wrought well in this world of men. I shall close with the quotation with which he closed his tribute to Gen. Evans. I know of none better or more apropos:

Though his feet were in the dust, his eyes were on the stars.

[Mr. HULL addressed the House. See Appendix.]

Mr. McKELLAR. Mr. Speaker, Gen. GEORGE W. GORDON was for many years my warm personal friend, and it gives me a melancholy but sincere pleasure to bear testimony on this occasion to his splendid worth as a man, his fine character as a citizen, his bearing as a soldier, and his conspicuous ability as a public servant.

He was born in Giles County, in the middle division of Tennessee, and spent his early life there in part and part in Texas. He was educated in the Western Military Academy in Nashville, from which institution he graduated in 1859. This institution gave a military training similar to that received at the National Military Academy at West Point. After graduation young GORDON took up civil engineering and was thus engaged when the Civil War broke out in 1861. In June, 1861, he enlisted in the service of the State of Tennessee and was drillmaster of the Eleventh Tennessee Infantry Regiment, but was soon transferred with other Tennessee troops to the military service of the Confederacy. He won promotion rapidly, becoming successively captain, lieutenant colonel, colonel, of this regiment, and in 1864 was made brigadier general, and served with that rank until the close of the war. Though captured three times and once dangerously wounded, Gen. GORDON participated in every engagement fought by his command except those at Nashville, Tenn., and at Bentonville, N. C., at which times he was a prisoner at Fort Warren, Mass., where he was held until August, 1865, several months after the war had closed. After his release from prison he studied law, was admitted to the bar, and practiced his profession until 1383, when he was appointed one of the railroad commissioners of Tennessee. In 1885 he was appointed to a position in the Interior Department under President Cleveland, and served during Cleveland's first term. He then returned to Memphis and practiced law until 1892, when he was elected superintendent of public schools of Memphis, which position he held until March 4, 1907, when he became a Member of this House.

He was first made a major general of United Confederate Veterans, and afterwards commander in chief of that organization, and remained in that position until he died.

He was elected to Congress three times by overwhelming majorities, and died during the extra session of 1911, on August 9 of that year.

Gen. GORDON was the last brigadier general of the Confederate States to serve in either branch of Congress. He was, in his service in this House, a connecting link between the old South and the new. In appearance, in manner, in personality, in demeanor he was essentially a Southern gentleman of the old school. In his devotion to his reunited country, in his zeal for its welfare, in his faith in its future, he represented the most progressive southern view and sentiment of to-day.

The most distinguished characteristics of Gen. GORDON's life were his devotion to duty and his great moral and physical courage.

He enlisted into the service of his State because he believed in State sovereignty. He fought for the Confederacy, of which his State became a part, because he believed its cause was just. His record in the war was the most distinguished. At the Battle of Franklin, Tenn., it is stated that he actually rode his horse over the breastworks, wildly cheering his command to follow, in his efforts to annihilate the enemy. He was a soldier all during the war. He never shirked, never faltered, and came out afterwards with a record no one could attack, and with a reputation that no one would think of attacking who had any views of his personal safety.

For in times of peace as well as in war the general was a fighter whenever he believed his cause was just. I recall an incident that shows both his physical and moral courage that happened at the close of his race for the primary nomination for Congress the first time he ran. His district was composed of the county of Shelby, in which the city of Memphis is, and the so-called country counties of Fayette, Tipton, and Hardeman. It was well understood that the country counties were largely for Gen. GORDON, but that Memphis was against him. There were four candidates in the first primary, and Gen. GORDON led by a slight plurality. I was at the time chairman of the committee, and the election was conceded by all the candidates to have been fair.

Under the rules of the primary, the two candidates receiving the largest number of votes were entitled to a run-off, to be held 10 days later. On the day of the first election, I was taken ill and was not allowed to read the papers and did not get out until the day before the election. I found, upon reading the papers, that Gen. GORDON had been beguiled into agreeing to a change in the election officers in the first 10 uptown wards. The plan was that the officers who had been appointed by me had been induced not to serve, and the general's opponents submitted the proposition to him to alternate the officers in these first 10 wards. As soon as I saw the list of these substituted officers I knew that it had been arranged to count the general out. I sent for him and so informed him, though up to that time I had not expected to vote for him, and being absolutely helpless in politics, he at first would not believe it. But soon he became alarmed and agreed to aid me in every way in having his friends on hand and seeing that the election was fair in the wards in which his opponents had chosen the officers. We secured perfect fairness in three of the wards, but in two of them the Gordon men were forcibly ejected from the wards, and between 500 and a thousand votes stolen. These fraudulent votes were not sufficient to change the result, as the general had won by a larger majority than this. Immediately all kinds of persuasion was begun to prevent an investigation and prosecution of those who had committed these election frauds, but the general stood his ground on this question of right, just precisely like he stood his ground in war. He was told by hundreds of politicians that if he undertook to prosecute the "ballot-box stuffers" that it would arouse opposition and probably encompass his defeat. He said that he would rather be defeated and prosecute those who had wronged the ballot box than to win by winking at the crime. He went with me before the grand jury and afterwards before the criminal court, and the men were convicted and duly sentenced and punished in jail. Since that time I do not believe it has ever been seriously charged that we have had an unfair election in the city of Memphis. Before that time charges of unfairness were rife at all elections. Thus he aided in accomplishing what I consider one of the greatest reforms that could have been accomplished for our people, namely, a belief in the purity of the ballot box and a practice in accordance therewith.

It was in this same election that some young fellow in one of the uptown wards said something disrespectful to the general as he came by, and before the young fellow knew what had happened to him the old general had landed him on his face and put him out of business. He did not carry that ward, but he had the respect of the man that he knocked down and all of his friends so long as he lived. Excited politicians were very careful in Memphis after that about the way they spoke of the general.

He was formerly connected with our public schools and accomplished a great work in connection therewith. He was an indefatigable worker. He was a highly educated and well-read man. He took a great pride in the schools, and he was in great demand on the lecture platform on all subjects pertaining to education.

But Gen. GORDON was essentially a product of the Civil War. The themes of that great struggle were the dominant themes of his life. Educational matters had a great interest for him; business affairs took up much of his time, for he was a man not slothful in business and accumulated quite a competency. Political affairs were also of great interest to him, and especially when he was a candidate for office, as was perfectly natural. Social affairs had a great attraction for him and he was popular in all matters of a social nature. Personal friendship was strong with him and he had many warm personal friends; but all of these things were even of a secondary consideration with him. The great strife between the States had for him ever a vital, strong, and passionate interest. He would postpone any educational matter, he would break any social engagement, he would stop any business transaction, he would even lay aside political endeavor in order to make a speech to any gathering of comrades at arms upon any question pertaining to the war. Yet, notwithstanding his great interest in that great struggle, he was not embittered by it. He believed in it and believed in it strong. I think he kept that belief until he died. Yet the belief and his devotion to it did not make for him unkind feelings toward those whom he had fought in that struggle. Quite the contrary. He had the highest admiration for the men who really did fight on the other side. When he came to Congress he sought out those on the other side that he knew had taken a noble part in the fight. He liked to be with them, he liked to recount experiences, and, I believe, next to his own family and comrades at arms, he loved those who had fought against him more than any other body or class of men in the world.

Gen. GORDON was the last brigadier general of the Confederate Army to serve in this House, and he served here with conspicuous ability and fidelity. He was never a timeserver, he was never a politician, but, rather, a straightforward, honest, sincere gentleman. And men on both sides knew always exactly where to place him. He knew no way that was not honorable. He knew no motive that was not honest. He knew no politics that were not straightforward politics. He knew no rule of conduct that was not honorable and just. It indeed may be said that he belonged to an age and generation that had passed away—to an era of our national life that is no more. It may be said that he belonged to a school of gentlemen with ideas and views that are now out of date. But, in my judgment, no man who knew him and knew his kind but must say that the world is the loser if it is progressed beyond the kind of man that Gen. GORDON was.

The great esteem in which Gen. GORDON was held was shown by the vast concourse that attended his funeral in Memphis. The entire city lined the streets along which the funeral procession passed. Flags were at half-mast; the schools turned out in a body; Confederate and Federal veterans came from many States; and he was buried beneath a pyramid of flowers, shrouded in a Confederate flag. It was a great tribute to a great man.

I want to say it gives me great pleasure and it will give my people great pleasure to know that among those who have taken part in the exercises to-day, are not only those who were his comrades in this period of his life which meant most to him and to them, not only those of his own political faith, but that we have here many of those who fought against him in that memorable contest and those who opposed him politically. It is a great tribute to him and one which his family, his friends, and his State will greatly appreciate.

Mr. PADGETT. Mr. Speaker, those who have preceded me have so tenderly and so eloquently portrayed the noble attributes of the character of our late distinguished colleague, Gen. GEORGE W. GORDON, that I shall not detain the House long to add to what has been said. So beautifully have those who have preceded me spoken that I could not add materially to their tributes to his memory.

As the cycle of the years turn, one by one we drop out, one by one we lay down our labors and cease our toil. Time and time again we repeat in this Hall the sad service we are performing here to-day to pay a just tribute of respect and homage to the memory and to the faithful service of a colleague who has gone before. Gen. GORDON was a magnificent man, a man of splendid character. When I say magnificent, I do not mean dazzling, but I mean magnificent and splendid in the possession of those robust qualities and attributes of character that constitute and make up the real, genuine, substantial man, the man whose life work adds to the sum total of service in life, the man whose labors contribute to the happiness of the people, whose life is such that he draws himself to others and draws others to him, so that they can get together in those close relations; that as they touch elbows they can feel the touch of human sympathy, and as they clasp hands they can feel the throb of human kindness and human love that pulsates in the heart and makes the generous soul.

Gen. GORDON was a reticent man, a man of modest reserve. He did not thrust himself immodestly into affairs. He did not seek to advertise himself. He did not boast of his accomplishments. But with that becoming modesty, that reserve, that reticence that mark always the demeanor of the life of a true gentleman—a gentle man—Gen. GORDON moved with a quiet, dignified reserve that commanded the respect and the reverence of every man who loved nobility of character and admired high-mindedness of purpose.

Gen. GORDON was a brave man. He was brave morally, and that is the highest type of bravery—that courage that reenforces conduct, that courage that maintains convictions, that courage which supports character, that courage which marks the real, genuine man—the moral courage of belief and of conviction.

Gen. GORDON was a positive man. With all of his modesty, with all of his reserve, with all of his reticence, I do not think I ever knew a man of more positive convictions, a man who believed what he did believe with more firmness and with more substance. He was not afraid of his convictions. He did not seek to hide them. No bushel could conceal his beliefs or his convictions. Frank, open, positive in all the attributes of his character, he despised every element of cowardice and hypocrisy.

He was a man of great physical courage. I shall not attempt to recite or to rehearse the many honorable incidents in his career on the field of battle, both in facing physical danger and in bearing uncomplainingly the hardships of war. Others have told them far more eloquently, far more impressively, than I can hope or expect to do. But I dare say that in the annals of the Civil War there was no man who participated in it who gave a higher, a stronger, a nobler evidence and illustration of physical courage and undaunted bravery in the face of danger and death than Gen. GEORGE W. GORDON.

He was a lovable man in his quiet demeanor, in his unassuming character, in his gentleness. When you approached him, when you got near to him, when there was fellowship between you, I never knew a man who was more lovable in his character, more tender in his sympathies. He was a man of great compassion, because he had in him a genuine heart. His sympathies were as broad as humanity. He was not pent up and contracted and narrow in his views. His great heart was not prejudiced in ignorance, or in superstition, or in narrowness of conception. He was generous in his feelings toward individuals. He was generous in his conceptions and in his sympathies for humanity. Wherever there was a human being, Gen. GORDON was prepared to say, "He is a part of the brotherhood of man, under the fatherhood of God." Such was the concept of his human sympathy—broad, generous, liberal.

Gen. GORDON was a polite man, a courteous man. Mr. Speaker, I digress a moment to speak a word for politeness, one of the richest attributes of our character. I sometimes think that in these later days of stir and strife and struggle after business affairs, in the turmoil and tumult of the congestion of population, as our industries and businesses have multiplied and increased, individuals have ceased to have that care and attention and, I am almost tempted to say, that reverence and respect for this beautiful attribute of character which we call politeness, the dignified, courteous demeanor of deportment that so characterized and distinguished our ancestors. It marks the difference between the cultured gentleman and the unconcerned, careless individual. May I illustrate it by saying that an individual without politeness, without that courteousness of demeanor, may be a rough, uncouth diamond, but the polite man is the polished diamond. Gen. GORDON was a polished diamond. The attributes of his character were real gems.

Gen. GORDON was a patriotic man. He loved his country. On the field of battle, in the roar of musketry and the thunder of cannon, he proved his devotion to his country and his love of his people and his fidelity to duty as God gave him the power to see it and to know it. A man of his character could not be otherwise than a patriotic man, a man so broad in his concept of patriotism that no part of his country should be subject to bias or prejudice. He loved every section and every portion of this common land of ours. The flag that floated over this country was his flag and the patriotism that it symbolized was his patriotism.

Mr. Speaker, we often say that it is a good thing to be a great man. Just at this point I want to reverse that saying and to emphasize that it is a great thing to be a good man; a man whose life, whose character, whose heart, whose love, whose sympathies are such that they touch humanity, that they mix and mingle in the affairs of men, that they make lives happier, that add something to the betterment and the uplift of our civilization; such a man is a good man.

While it may be a good thing to be a great man, it is certainly true that it is a great thing to be a good man, and such can be said of Gen. GORDON. He was a man of a delicate and refined sense of honor.

But at last he laid off his armor. He ceased to march, he ceased to respond to the bugle call to duty in this life. Life's fitful fever over, he sleeps well. He has passed from among us, and I ask myself the question, Where shall we find him? We followed him to the open grave and deposited the mortal remains and covered them—earth to earth, dust to dust, ashes to ashes. Where is he? I may not be able to mark it on a chart, but I know that wherever the great Creator shall gather together the good, the pure, the noble, the brave, there we shall see and there we shall find Gen. GEORGE WASHINGTON GORDON.

LEAVE TO PRINT.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent that leave be granted to all who may desire to print remarks in the RECORD upon the life, character, and services of Gen. GORDON.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that Members who desire may extend remarks in the RECORD on the life, character, and services of Gen. GORDON. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

And then, in accordance with the resolution heretofore adopted, the House (at 2 o'clock and 15 minutes p. m.) adjourned until to-morrow, Monday, May 13, 1912, at 12 o'clock noon.

UNIV. OF MICHIGAN,

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